



**Lake Forest Park Planning Commission  
Special Meeting  
Wednesday, August 17, 2022  
PROPOSED AGENDA**

**Meeting to be Held Virtually and at City Hall (17425 Ballinger Way NE)**  
**See second page for information about how to participate virtually**

1. **Call Meeting to Order—7:00 p.m.** (confirm recording start)
2. **Land Acknowledgement**
3. **Approval of Agenda**
4. **Approval of Meeting Minutes – July 12, 2022**
5. **Meeting Dates**
  - Next regular meeting is scheduled for September 13, 2022
6. **Citizen Comments** (Each speaker has three minutes to comment)

The Planning Commission accepts oral and written citizen comments during its regular meetings. Written comments are no longer being read during the meeting. Instructions for how to make oral Citizen Comments are available here: <https://www.cityofflp.com/617/Virtual-Planning-Commission-Meetings>
7. **Report from City Council Liaison**
8. **Old Business:**
  - Sign Code Update - Review of draft memorandum to Council to accompany recommended code amendments
  - Reasonable Use Exception Code Update – Review draft code amendment revised in response to Commission discussion at last meeting
9. **New Business**
10. **Reports and Announcements**
11. **Additional Citizen Comments**
12. **Agenda for Next Meeting**
13. **Adjournment**

## *Planning Commission's Land Acknowledgement*

*We'd like to acknowledge we are on the traditional land of a rich and diverse group of Native Peoples who have called this area home for more than 10,000 years. We honor, with gratitude, the land itself and the descendants of these Native Peoples who are still here today. In doing this we aim to illuminate the longer history of this land we call home, our relationship to this history, and the heritage of those peoples whose ancestors lived here before the European-American immigration that began in the 1800s.*

### **Instructions for participating in this meeting virtually:**

**Please click the link below to join the webinar:**

**<https://us06web.zoom.us/j/84735061045>**

**Or One tap mobile :**

**US: +12532158782,,84735061045# or +16699006833,,84735061045#**

**Or Telephone:**

**Dial(for higher quality, dial a number based on your current location):**

**US: +1 253 215 8782 or +1 669 900 6833 or +1 346 248 7799 or +1 408 638 0968  
or +1 669 444 9171 or +1 646 931 3860 or +1 301 715 8592 or +1 312 626 6799 or +1  
386 347 5053 or +1 564 217 2000 or +1 646 876 9923**

**Webinar ID: 847 3506 1045**

**International numbers available: <https://us06web.zoom.us/j/kpzAScTvR>**



## Memorandum

**To:** Planning Commission  
**From:** Steve Bennett, Planning Director  
**Date:** August 5, 2022 (*Updated August 8, 2022*)  
**Re:** August 9, 2022 Meeting Agenda Materials  
**Attachment:** 1. Draft memorandum to Council to accompany Commission-recommended amendments to LFPMC Chapter 18.52 (Signage)  
2. Revised draft amendments to LFPMC Chapter 16.16.250 (Reasonable Use Exception) reflecting July 12<sup>th</sup> Commission discussion

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## Sign Code Update

Attachment 1 is a draft of a memorandum from the Commission to Council intended to accompany the Commission's recommended amendments to Ch. 18.52, Signage. Additions and clarifications from Commissioners are welcome if there is a consensus that the changes would improve Council's understanding of the outstanding issues.

## Reasonable Use Exceptions (RUE) Code Update (LFPMC Ch. 16.16.250)

At the July 12 meeting, the Commission reviewed an initial draft of possible changes to Ch. 16.16.250. Attachment 2 is a revised draft with two substantive changes. A new provision was added to subsection C to preclude the hearing examiner from approving an RUE that was made necessary because of actions by the property owner. The second change was the removal of one of the proposed additions (Subsection G – owner-occupation provision) which the City Attorney had advised could be overly restrictive.

Chair Larson has requested that Planning staff provide responses at the meeting to the following questions related to reasonable use exceptions (*potentially relevant code excerpts add with the 8/8 update to this memo – **bold format added for emphasis***):

1. Can the city hire their own experts to generate a Sensitive Areas Report using fees paid directly to the city? Or, could we require they use city approved providers/experts that we identify using some type of transparent selection process? Seems like a conflict of interest having the property owner select and hire the firm of their choosing.

*The applicant is required to submit a report by a “qualified professional” as described in LFPMC 16.16.040(Q):*

*Q. “Qualified professional” means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject according to WAC 365-195-905(4). A qualified*

*professional must also have obtained a Bachelor of Science or Bachelor of Arts or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, with at least three years' experience in the related profession, such as botany, wetlands, fisheries, wildlife, soils, ecology, and similar areas of specialization; provided, that a qualified professional for:*

*1. Habitat must have a degree from an accredited college or university in biology and professional experience related to the subject species.*

*2. Wetlands must be a certified professional wetlands scientist or have, at a minimum: (a) a bachelor's degree in hydrology, soil science, biology, botany, ecology, or related field; and (b) at least two years of full-time work experience as a wetlands professional, including experience in delineating wetlands using the state or federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.*

*16.16.100 Critical area – Special study requirement.*

***A. An applicant for a development proposal on a site determined by the planning director to be subject to the requirements of this chapter shall submit a critical area study that in the judgment of the planning director adequately evaluates the proposal and all probable impacts to the satisfaction of the planning director.***

*B. The planning director may require information from the applicant in addition to the critical area study as necessary to ensure compliance with this chapter. (Ord. 1150 § 1, 2017; Ord. 930 § 2, 2005)*

*16.16.090 Applications – Approval – Criteria – Revocation. Share*

*A. The planning director shall make final critical area determinations and issue critical area permits according to the requirements of this chapter, best available science, and critical area studies prepared by qualified professionals.*

***B. The planning director is authorized to conduct review of the critical area study submitted by the applicant using a qualified professional to verify the study's findings, conclusions and recommendations. Before initiating a professional review, the city shall inform the applicant of the review and anticipated expense.***

*C. When reviewing an application, the planning director may consider any recommended development practices that may be used in conjunction with the adopted critical areas map and study including those referenced in LFPMC 16.16.050. Recommended development practices may serve as a guideline for interpretation of both the study and critical areas map.*

*D. A permit issued on the basis of false information provided by the applicant is void and the holder of such permit shall have no rights thereunder. (Ord. 1150 § 1, 2017; Ord. 930 § 2, 2005)*

2. Can we ask folks securing REUs to sign a paper agreeing they will be fined to the full extent of what is legally allowed to underscore they must follow the rules of the REU? Those fines, in

some part, could help the Planning Department fund the necessary resources to provide proper oversight and enforcement of the REUs.

*1.25.100 Voluntary correction.*

***A. General. When the city determines that a violation has occurred, a code enforcement officer shall make an attempt to secure the voluntary correction of a violation by attempting to contact the person responsible for the violation, explaining the violation, and requesting correction. This may be done orally and/or in writing. The city may also enter into a written voluntary correction agreement with any person causing, allowing, or participating in the violation, including the property owner. A voluntary correction agreement may be instead of, in lieu of, or in conjunction with a notice of violation. Voluntary correction efforts need not be made where the nature of the violation creates a risk of imminent harm to public health or safety or where it is a repeat violation.***

3. As part of a deterrent, can we prohibit a builder/property owner from pulling permits in the city if they break the rules or, at least, until all fines are paid and all remediation is complete?

***E. Failure to Comply with Voluntary Correction Agreement.***

***1. Abatement by the City. In addition to any other remedy provided for in this chapter, the city may abate the violation in accordance with LFPMC 1.25.210, if the terms of the voluntary correction agreement are not met.***

***2. Penalties and Costs. If the terms of the voluntary correction agreement are not met, the person responsible for the violation may be issued a notice of civil violation and assessed a monetary penalty in accordance with LFPMC 1.25.120, plus all costs and expenses of abatement. Alternatively, the city may file a civil infraction or criminal charges. (Ord. 1130 § 2 (Exh. A), 2016)***

4. Can we require longer monitoring and compliance periods? Or, can the clock reset upon any violation (not weeding, not replacing plant material, using chemicals, etc.)?

*16.16.120 Mitigation and monitoring.*

***A. The planning director may require such mitigation as may be indicated as beneficial by the critical area study.***

***B. Mitigation of critical area impacts shall be conducted according to an approved mitigation plan that shall describe the existing functions and values of the affected critical areas, the nature and extent of impacts to those areas, and proposed mitigation measures to offset those impacts. The mitigation plan shall also contain a drawing that illustrates the compensatory mitigation elements. The plan and/or drawing shall list plant materials and other habitat features to be installed.***

***C. The applicant shall submit a monitoring and maintenance program prepared by a qualified professional that shall, at a minimum, include the following:***

***1. The goals and objectives for the mitigation plan;***

2. *The criteria for assessing the mitigation;*

3. *A monitoring plan that includes annual site visits by a qualified professional, with annual progress reports submitted to the planning director and that lasts for a period sufficient to establish that performance standards have been met as determined by the planning director, but no less than five years;*

4. *A contingency plan; and*

5. *A signed copy of the written contract with a qualified professional who will perform the monitoring program. The contract shall incorporate the terms of the required monitoring program.*

***D. Whenever the planning director determines that monitoring has established a significant adverse deviation from predicted impacts, or that mitigation or maintenance measures have failed, the applicant or the property owner shall be required to institute correction action, which shall also be subject to further monitoring as provided in this section.***

*E. All costs associated with the mitigation/monitoring and planning therefor, including city expenses, shall be the responsibility of the applicant. (Ord. 1150 § 1, 2017; Ord. 930 § 2, 2005)*

5. Can soil and water testing be part of the monitoring plan? Ideally a baseline would be provided before any construction happened, during construction, at the end of construction and during every annual report?

*16.16.110 Contents of critical areas study.*

*A. Critical area studies shall be in writing and:*

*1. Identify and characterize critical area(s) as a part of a larger development proposal site;*

***2. Assess all hazards posed by the development proposal to any critical areas or critical area buffers on or adjacent to the proposed site;***

***3. Propose adequate mitigation, maintenance, monitoring and contingency plans and bonding measures, if necessary;***

*4. Provide a scale map of the development proposal site;*

*5. Provide detailed studies, as required.*

*B. Critical area studies shall incorporate the best available science.*

*C. The planning director may permit a critical area study to incorporate studies required by other laws and regulations or other critical area studies performed under this chapter. (Ord. 1150 § 1, 2017; Ord. 930 § 2, 2005)*

6. Can we require more signage that is visible from the street noting the critical areas on the site?

*16.16.170 Critical areas – Markers and signs.*

*...*

*D. The boundary between a critical area and adjoining land may be required to be identified with permanent signs.*

***1. Signage must be located along the outer boundary of a critical area buffer in order to protect the critical area.***

***2. Signs must be made of an enamel-coated metal face and attached to a metal post or other material of equal durability. Signs must be posted at an interval of 50 feet and must be maintained by the property owner in perpetuity. The sign may be required to follow the city's adopted signage standard, be worded as follows, or have alternative language as approved by the city:***

*Protected Critical Area*

*Do Not Disturb*

*Contact City of Lake Forest Park*

7. Can we make bonds mandatory for every REU?

*The Commission's current draft RUE code update would create such a requirement:*

*H. All exceptions shall be conditioned on the property owner providing a financial security guarantee, in a form approved by the City, for the required critical area mitigation performance and maintenance. The amount of the financial guarantee shall be subject to approval of the City and based on a qualified professional's cost estimate of the current market value of labor and materials for the approved mitigation plan as well as a thirty percent contingency.*

**City of Lake Forest Park - Planning Commission**  
**Draft Regular Meeting Minutes: July 12, 2022**

**Planning Commissioners present:** Chair Maddy Larson, Ashton Alvarez, David Kleweno, Melissa Cranmer, Meredith LaBonte, Walter Hicks (joined at 7:20pm)

**Staff and others present:** Nick Holland, Senior Planner; Cameron Tuck, Assistant Planner; Councilmember Lorri Bodi; Councilmember Tracy Furutani

**Members of the Public:** Randi Sibonga

**Planning Commissioners absent:** Lois Lee, Ira Gross, TJ Fudge

**Call to order:** Chair Maddy Larson called the meeting to order at 7:03 pm.

**Land Acknowledgement:** Commissioner Alvarez read the land acknowledgement.

**Approval of Agenda**

Cmr. Alvarez made a motion to approve the agenda, Cmr. Kleweno seconded, and the motion to approve the agenda carried unanimously.

**Presentation from Sarah Phillips, Lake Forest Park Climate Action Committee**

Chair of the Climate Action Committee (CAC), Sarah Phillips, introduced the committee and discussed their goals and work plan. She indicated that the CAC wants to be aggressive in their approach and are looking for ways for the CAC and Planning Commission to collaborate. She highlighted a proposed amendment in state legislation that would include provisions on climate and provide defined emissions caps. She mentioned it as an opportunity for the Planning Commission and Climate Action committee to develop policies to recommend to City Council to move away from fossil fuels. CAC is encouraging that the city to transition its fleet from gas-powered to electric vehicles to reduce emissions. CAC Chair Phillips asked the Planning Commission to consider recommending implementation of more bike paths and other modes to encourage getting people out of their cars. CAC Chair Phillips indicated that she would provide an update on the committee in a few months.

Councilmember Bodi thanked CAC Chair Phillips for her presentation. She described that Council's main concern is securing funding for climate initiatives and stated that the legislative agenda should include funding for cities with limited resources to implement these changes, such as infrastructure for electric vehicles. She indicated that since there is no funding proposed for jurisdictions to engage in this change, cities won't be able to make those changes unless they have the resources to. Chair Larson asked CAC Chair Phillips if funding is a focus for the committee. CAC Chair Phillips confirmed that it is a focus for the committee and that they have determined there are few available resources and grants for cities to address climate issues. Cmr. Alvarez stated that she would like to gain a better understanding of climate issues within the City and appreciated CAC Chair Phillips' willingness to provide updates. Chair Larson thanked CAC Chair Phillips for taking the time to initiate this introduction of the committee. She asked about structure of the committee, and the youth involvement. CAC Chair Phillips stated that there are 10 positions on the committee, with two of those seats reserved for students.

**Approval of Meeting Minutes**

Cmr. Hicks made a motion to approve the June 14, 2022 meeting minutes. Cmr. Kleweno seconded.

Cmr. Hicks indicated that he was not present at the meeting and requested that be corrected.



1  
2 All voted to approve the minutes as amended, and the motion carried unanimously.  
3

4 **Meeting Dates:**

5 Chair Larson noted that the next regular meeting is scheduled for August 9, 2022.  
6

7 **Citizen Comments:**

8 None.  
9

10 **Report from City Council Liaison**

11 Councilmember Bodi highlighted some of the current items that the City Council is focusing on. She  
12 indicated that the Council is embarking on a new budget. She stated that the Council is unsure of how the  
13 budget will look like due to the current economy. She said that the budget will be completed by November,  
14 and that the first meeting on the future budget will focus on the mayor's proposed budget. She stated that  
15 there will be many opportunities for public input, and that she will inform the Planning Commission if there will  
16 be any involvement. She stated that the Council has looked at purchasing electric vehicles, but the city does  
17 not have the resources to purchase new cars and that most of the City vehicles have been purchased from  
18 other municipalities. She stated that the tree ordinance is up for modification with the changes largely being  
19 routine housekeeping, and that the initial presentation from staff for ordinance language will be on Thursday,  
20 July 14th. She expressed the Council's skepticism about Tree Board's recommended changes to define  
21 exceptional trees. She noted adoption of updated building codes and asked Senior Planner Holland about the  
22 changes. He stated that the changes will be updates to the fee schedule and incorporation of any state  
23 amendments that have happened since the building code was last updated.  
24

25 Councilmember Bodi stated that walkways and sidewalks can be installed during the annual street overlays,  
26 which are funded through transportation funds, and that the Council is looking into incorporating this as part  
27 of that project. With regards to the sign code amendments, Councilmember Bodi stated that she is waiting for  
28 Director Bennett to finish preparing a recommendation package to present the amendments to the City  
29 Council. She also provided update on other initiatives that the Council is taking on, such as the strategic plan,  
30 master planning for the new city park, and updates to the stormwater code. She also indicated that there is  
31 discussion on reducing speed limits within the city, as well as two proposed traffic circles along Ballinger Way.  
32

33 Chair Larson inquired about the tree ordinance changes and asked if the Planning Commission will have a  
34 role in reviewing them. Councilmember Bodi stated that they will go directly to Council. She indicated that  
35 the changes would help the program to run more efficiently and provided an example of a change in the  
36 requirements for tree removals in steep slope hazard areas. Cmr. Alvarez asked about the timeline code  
37 implementation. Councilmember Bodi noted that tree code recommendations were submitted prior to the  
38 COVID-19 Pandemic, and that the Tree Board recently resubmitted their recommendations.  
39

40 **Old Business**

- 41
  - *Reasonable Use Exception – Review draft code amendment developed in*  

42 *response to Commission discussion at last meeting.*

43 Chair Larson introduced the topic.

44 Senior Planner Nick Holland provided an update on the sign code amendments. He indicated that  
45 they are moving along with recommendations to code supplemented with a memorandum for topics  
46 discussed at the public hearing. He noted that Director Bennett is working on preparing the draft and  
47 will have it ready for the next Planning Commission meeting.

48 Senior Planner Holland discussed the proposed drafts to the existing Reasonable Use Exception  
49 code. He noted that the proposed changes to the code are holistic, and includes changes based on  
50 work done by other cities and the changes made to their RUE code. He noted that the owner

1 occupancy requirement, "G". came out of that research and that there was discussion with City  
2 Attorney Pratt to determine how long the requirement may be. He stated that the idea of financial  
3 securities is common and can be a good tool to get someone invested in mitigation. He added that  
4 the city can pull the bond if mitigation fails to abate issues, and that bonding will reduce the need to  
5 pursue enforcement action on work that is not done. He highlighted that new property owners don't  
6 usually know that they bought an RUE property, and that the proposal to require a Notice on Title  
7 would bring that status of the property into anyone's attention. Chair Larson expressed uncertainty  
8 about item (G) and City Attorney Pratt's interpretation. Senior Planner Holland noted that City  
9 Attorney Pratt was uncomfortable with the owner occupancy requirement. Cmr. Kleweno noted that  
10 he thought it would be too restrictive. Cmr. Alvarez asked if our proposals are comparable to other  
11 cities. Cmr. LaBonte stated that this is typical of what is seen in other cities with same size and  
12 population and noted that no other cities have an owner occupancy requirement. She suggested that  
13 it would be restrictive for builders but stated that 5-year mitigation and monitoring is common  
14 language in other cities codes. Chair Larson asked about requirements for adding impervious  
15 surfaces and changes to a lot. Senior Planner Holland responded and said that section "I" will  
16 prevent the site from being changed beyond what has been approved by hearing examiner. Cmr.  
17 Kleweno wanted to discuss item "H" and asked if there is any responsibility on developers and asked  
18 how the responsibility works. Senior Planner Holland noted that the city does not care who owns the  
19 property so long as the work is completed. Cmr. Hicks stated that it would be a civil matter between  
20 previous owner and new owner to settle a conflict between private parties. Senior Planner Holland  
21 said that if the mitigation does not meet the required performance standards established by the  
22 critical area study, the City will have access to bonding funds to address those issues, if the owner  
23 cannot. Cmr. Hicks noted that funds protected by mitigation plan protect it for 5 years, but long-  
24 term impacts are covered under ECA codes. Cmr. Cranmer asked if a 5-year occupancy requirement  
25 could be shortened. Senior Planner Holland said City Attorney Pratt stated it would be too intrusive  
26 to require occupancy in any timeframe. Chair Larson asked Cmr. Hicks if he is suggesting a what-if  
27 situation, such that if she is proposing to build near wetland or stream, what recourse does  
28 community have if property owner does not maintain their property to ensure water quality and  
29 safety. She is also curious if he's seen anything to guarantee water quality. Cmr. Hicks responded and  
30 said that after 15 years the homeowner would have the same responsibilities as their neighbors that  
31 did not need to go through RUE process. He noted that RUE process is for development of lots that  
32 cannot be developed under the critical areas code, and that the critical areas code governs the long-  
33 term use of the property. He clarified that the RUE is mainly for the development portion. He  
34 provided an example of his property being encumbered by ECAs, and that any changes he'd like to  
35 make would need to be done under auspice of critical areas code. Chair Larson stated that she  
36 doesn't believe 5 years is enough. Senior Planner Holland noted that 5 years is timeline needed for  
37 wetland mitigation plantings to mature. Cmr. Kleweno gave an example of mitigation near streams  
38 impacting their neighbors yard and asked who would be responsible for any repercussions. Senior  
39 Planner Holland responded and said that the reports must discuss impacts, but that Cmr. Kleweno's  
40 issue would be a civil matter. Chair Larson said that not every property that is encumbered has the  
41 same restrictions, such that the issues facing one site may not be present at another. Cmr. LaBonte  
42 noted that overall mitigation will be determined by the hearing examiner, and that they will be the  
43 ones to weed through the nitty gritty of individual cases. Chair Larson noted that hearing examiner  
44 may not consider a longer monitoring period if not required by code. Councilmember Bodi asked if  
45 we do have critical areas that we want to protect, could we require that a critical area conservation  
46 easement be placed. Senior Planner Holland noted that requirement is already in our codes (ie.  
47 Subdivisions), but not present in the RUE code. Councilmember Bodi responded to Cmr.  
48 Kleweno's question that current owner would be liable for any damages to adjacent properties and  
49 stated that liability would be on the owner for something that originates at their property that  
50 migrates to another. Cmr. LaBonte stated that there is language in other cities codes about code for  
51 subdivision and that a subdivision is not possible if the lot is encumbered by critical areas. Senior  
52 Planner Holland said that code exists but is not as comprehensive as what Cmr. LaBonte discussed.

1 Cmr. Hicks stated that conservation easements tend to come into play during subdivisions and not  
2 the RUE process because you are looking to just build the reasonable minimal economic use that is  
3 possible and after that the property is not allowed any further development. Chair Larson responded  
4 and said proposing that conservation easements at large may ensure that code changes in the future  
5 could prevent further development. Cmr. Hicks stated that conservation easements are more of a  
6 “horse trading” practice to ensure that developers get privileges to build at higher density, that  
7 conservation easements could come in to allow for developers to build in higher density, and that  
8 they are tied to subdivisions of lots to allow for development to happen in critical areas to preserve  
9 density and environment. Senior Planner Holland clarified that Lake Forest Park does not have many  
10 large parcels encumbered by ECAs and that the city does not see a lot of subdivisions like other cities  
11 (i.e. Bothell). Chair Larson asked Councilmember Bodi if conservation easements are difficult to  
12 secure. Councilmember Bodi stated that it’s not difficult to obtain, but that the regulations currently  
13 limit the extent of expansion allowed under critical areas codes.

14 Chair Larson asked what the parameters are for defining or recommending measures for what  
15 “reasonable” and “use” are and what is sufficient form a mitigation standpoint. Cmr. Kleweno said  
16 he is interested in seeing what other cities done. Cmr. LaBonte stated that the hearing examiner is the  
17 one that is making those calls, not the cities themselves within their codes. She said that the hearing  
18 examiner is the one gathering the information and making that determination, and that the code is  
19 just outlining the process. Chair Larson asked if hearing examiners are experts. Senior Planner  
20 Holland stated that the hearing examiner receives our analysis and recommendation with conditions,  
21 but the examiner will often eliminate conditions and make new ones. He said that John Galt is the  
22 current hearing examiner for the city and has been one for 50 years. Senior Planner Holland stated  
23 that the examiner is very familiar with development in area and can make sound judgement of the  
24 site.

25 Chair Larson said that she would like to see Cmr. LaBonte and Planning provide information on how  
26 the RUE criteria is being applied, so that the community can understand what reasonable means.  
27 Councilmember Bodi states that she wants to see what is allowable and noted that Hearing Examiner  
28 Galt is experienced but there are lots of unexperienced hearing examiners in the area. She stated that  
29 she has questions on how RUE project’s size and configuration is determined and how reasonable is  
30 determined. Senior Planner Holland states that Hearing Examiner LaGalt will typically approve up to  
31 1200 sq. ft. footprint for a residence with an RUE proposal, and that staff recommends that they  
32 keep within the 1200 sq. ft. footprint when reviewing an application for compliance. Chair Larson  
33 indicated that she wants to know what the limits are and would like to challenge assumptions of what  
34 is reasonable. She sees this as an opportunity to increase inventory of smaller homes within the area.  
35 Cmr. Kleweno expressed a desire to address publics confusion on requirements and noted that  
36 Jolene Jang is an example of someone that did extensive research to figure out those requirements.  
37 Cmr. Hicks noted that he wanted to discuss what size is reasonable and indicated any restriction  
38 beyond the current allowance could overburden the process for someone to build the home as an  
39 RUE. He stated that the RUE process cost can cost a tremendous amount and by making codes too  
40 restrictive it could reduce the number of potential RUEs. Chair Larson doesn’t think the Planning  
41 Commission wants to create barriers to build on encumbered properties. Chair Larson wants to  
42 determine balance of environmental responsibility and reasonable area. Cmr. Cranmer commented  
43 that there are differing opinions on the size of footprints, and that a reasonable size of house is  
44 dependent on who is looking for a home. Chair Larson sees the RUE as different and indicated that  
45 she believes we have a responsibility as to act as good stewards and reduce the potential impact to  
46 critical areas.

47 Chair Larson stated that it is a good time to discuss the items proposed for change. Chair Larson  
48 commented on “F” and stated that it may be good to provide some information sheets on  
49 responsibilities to provide builders at time of application (i.e. building within environmentally  
50 sensitive areas best practices). Cmr. Kleweno stated that one may question its purpose. Under item

1 “G”, Cmr. Hicks stated that he thinks we should bolster what we have in H, and that it will take care  
2 of the issues on “G” and “H.” Cmr. Alvarez said that it addresses what they’ve been talking about  
3 and that it will have more teeth. Cmr. LaBonte stated that she would hate to penalize owners that  
4 haven’t broken any rules, but most cities have imposed these restrictions already. She said that other  
5 cities have a 50% contingency. Cmr. Hicks agrees that having the financial security ensures that  
6 there’s a good faith effort and that the mitigation will be successful. Cmr. Cramner agreed and said at  
7 the last meeting she does not remember if there was talk about something that can be put on the title  
8 of the parcel to prevent the sale. Chair Larson asked if the builder puts money into escrow and then  
9 sells it, does the city know that the builder has sold it? Senior Planner Holland stated that the city  
10 would not be involved, but would have access to any funds set aside for the purpose of RUE  
11 compliance. He said that mitigation would be dependent on specific impacts of property. He  
12 indicated that the mitigation plan included in the provided critical areas study and the security  
13 determination will be part of that as well, usually in the form of cost estimates provided. Cmr. Hicks  
14 said that the mitigation plan is more about maintenance, and the security would be for the city to be  
15 able to pull funds to step in and provide for mitigation if owner is not following the plan. Chair  
16 Larson initiated discussion of fines and stated that she would like to know why there aren’t automatic  
17 fines that kick in to ensure compliance. She says that there aren’t real consequences to people that  
18 willfully violate. Senior Planner Holland stated that the city has a code enforcement ordinance, and  
19 that we can assess fines once a violation has been determined. Chair Larson indicated that she would  
20 like to establish fines specifically for RUEs. Cmr. Kleweno noted that in his experience with the Tree  
21 Board there are established fines in the code for illegal tree removals. Senior Planner Holland  
22 indicated that fining people is resource intensive. Cmr. Hicks agreed with Chair Larson and said that  
23 we are not providing adequate repercussion, but that it is outside of the scope of the RUE code. He  
24 noted that under current tree code, a douglas fir can be removed and replaced with an apple tree.  
25 Cmr. Cramner commented on tree removal process and stated the process is not simple in her  
26 experience. Cmr. LaBonte noted that the security could be used for fines. Senior Planner Holland  
27 stated that some of the mitigation is time sensitive based on the type of plantings and mitigation  
28 work necessary. Chair Larson asked for everyone to prepare some ideas for what they would like to  
29 talk about that wasn’t discussed tonight and expressed a desire to refine the language.

### 30 **New Business**

31 None.

### 32 **Reports and Announcements**

33 None from staff.

### 34 **Additional Citizen Comments:**

35 None.

### 36 **Agenda for Next Meeting:**

37 Similar to this agenda.

### 38 **Adjournment:**

39 Cmr. Alvarez made a motion to adjourn the meeting, Cmr. LaBonte seconded, and the motion carried  
40 unanimously. The meeting was adjourned at 8:57 pm.

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46 APPROVED:

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\_\_\_\_\_  
Maddy Larson, Chair



## Memorandum

**To:** City Council  
**From:** Planning Commission  
**Date:** August 9, 2022  
**Re:** Recommended updates to the Sign Code (LFPMC 18.52)  
**Attachment:** Draft Code Revisions for LFPMC 18.52 for Recommendation to City Council

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On June 14<sup>th</sup>, the Commission approved the attached draft of recommended changes to the City's sign regulations for transmittal to the City Council. During the Commission's public hearing on the recommended updates, there was testimony that generated some questions that the Council may wish to further investigate.

Owners of one of the Town Center businesses testified that some of the proposed changes could be overly restrictive on how businesses display temporary signage. Specifically, there were concerns size limitations would not allow the use of banner-type signs. There was also discussion on how the definition for animated signs would be applied to a sign that is essentially a flag.

The Commission would be happy to send a representative to assist staff and the City Attorney in providing addition background on these issues and to address any questions that Councilmembers have about the other recommendations.

**DRAFT AMENDMENTS**  
**CHAPTER 16.16.250, REASONABLE USE EXCEPTION, LFPMC**  
**(August 9, 2022 Meeting Draft)**

Section 1. AMEND. The City Council of the City of Lake Forest Park hereby amends section 16.16.250 LFPMC, Reasonable Use Exceptions, as follows:

A. If the application of this chapter will prevent any reasonable economic use of the owner's property, then the applicant may apply to the planning department for an exception from the requirements of this chapter and the application shall be processed pursuant to: ~~may be applied for in accordance with~~ the provisions of Chapter 16.26 LFPMC.

B. The planning director shall forward the application, along with the record submitted to the city and the director's recommendation, to the hearing examiner for decision.

C. The hearing examiner shall grant an exception only if:

1. Application of the requirements of this chapter will deny all reasonable economic use of the property; and
2. There is no other reasonable economic use with less impact on the critical area; and
3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site, and is consistent with the general purposes of this chapter and the comprehensive plan; and
4. Any alteration is the minimum necessary to allow for reasonable economic use of the property.

~~5. Any land use action taken by an owner that creates the need for an RUE on any parcel shall not be approved for RUE development.~~

**Commented [NH1]:** This was a suggested addition by Cmr. LaBonte at the July 12 meeting. We wanted to confirm that the Commission wanted to include this in the draft.

D. The hearing examiner shall grant an exemption from the requirements of this chapter only to the minimum necessary extent to allow for reasonable economic use of the applicant's property.

E. The hearing examiner shall condition any exception from the requirements of this chapter upon conditions ~~recommended by the city and~~ upon compliance with any mitigation plan necessary to satisfy the criteria in this section. above~~approved by the city.~~

F. For any in-water or wetland work it is the applicant's responsibility to obtain all state and federal approvals before beginning work.

~~G. Any property owner that is granted an exception shall reside in the structure constructed on the property for a minimum of five years, or, until the mitigation required by the exception reaches full maturity as determined by a qualified professional and verified by the City.~~

**Commented [SB2]:** This proposed provision was deleted in response to Commission discussion at the July 12 meeting

H. All exceptions shall be conditioned on the property owner providing a financial security guarantee, in a form approved by the City, for the required critical area mitigation performance and maintenance. The amount of the financial guarantee shall be subject to approval of the City and based on a qualified professional's cost estimate of the current market value of labor and materials for the approved mitigation plan as well as a thirty percent contingency.

I. The hearing examiner's decision granting an exception shall be recorded against the real property the subject of the decision with the King County Recorder's Office.

Section 2. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

**APPROVED BY A MAJORITY** of the Lake Forest Park City Council this [click here to enter day of month.](#) **day of** [Click here to enter month.](#), 2022.

APPROVED:

\_\_\_\_\_  
Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Matthew McLean  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kim Adams Pratt  
City Attorney

Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_