



CITY OF LAKE FOREST PARK CITY COUNCIL REGULAR MEETING

Thursday, May 26, 2022 at 7:00 PM

Meeting Location: Virtual / Zoom

17425 Ballinger Way NE Lake Forest Park, WA 98155

INSTRUCTIONS FOR PARTICIPATING IN THIS MEETING VIRTUALLY:

**Join Zoom Webinar: <https://us06web.zoom.us/j/83427488107>
Call into Webinar: 253-215-8782 | Webinar ID: 834 2748 8107**

The City Council is providing opportunities for public comment by submitting a written comment or by joining the meeting webinar (via computer or phone) to provide oral public comment.

HOW TO PARTICIPATE WITH ORAL COMMENTS:

Sign up here <https://app.waitwhile.com/welcome/comment-sign-up> between 12:00 and 5:00 p.m. on the day of the meeting to provide Oral Comments during the meeting.

In order to address the Council during the Public Comment section of the agenda, please use the “raise hand” feature and the bottom of the screen. Oral comments are limited to 3:00 minutes per speaker. Individuals wishing to speak to agenda items will be called to speak first in the order they have signed up. The City Clerk will call your name and allow you to speak. Please state your name and whether you are a resident of Lake Forest Park. The meeting is being recorded.

HOW TO SUBMIT WRITTEN COMMENTS:

<https://www.cityofflp.com/615/Virtual-Meetings-during-COVID-19> (use CTRL+CLICK to open this link)

Written comments for public hearings will be submitted to Council if received by 5:00 p.m. on the date of the meeting; otherwise, they will be provided to the City Council the next day. Because the City has implemented oral comments, written comments are no longer being read under Citizen Comments.

As allowed by law, the Council may add and take action on items not listed on the agenda. For up-to-date information on agendas, please visit the City’s website at www.cityofflp.com

Meetings are shown on the city’s website and on Comcast channel 21 for subscribers within the Lake Forest Park city limits.

AGENDA

- 1. CALL TO ORDER: 7:00 PM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA**
- 4. PUBLIC HEARINGS**

A. Parks and Recreation Advisory Board Work Plan for 2022

- 5. CITIZEN COMMENTS**

*This portion of the agenda is set aside for the public to address the Council on agenda items or any other topic. The City Council may not discuss or engage with the public regarding items brought up to the Council. The Council may direct staff to follow up on items brought up by the public. **Comments are limited to a three (3) minute time limit.***

- 6. CONSENT CALENDAR**

The following items are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Calendar in its normal sequence on the agenda.

A. May 12, 2022 City Council Work Session Minutes

B. May 12, 2022 Regular Meeting Minutes.

- 7. FINAL CONFIRMATION**

A. Tree Board

Amanda Parker - Position 7, 3-year term to expire 2/28/2025

- 8. ORDINANCES AND RESOLUTIONS FOR INTRODUCTION / REFERRAL**

A. Ordinance 1241 - Code Amendments for NPDES Source Control Program Creation and Stormwater Design Manual Updates.

- 9. COUNCIL DISCUSSION AND ACTION**

A. Discuss a Potential Merger of the Kirkland Community Responder and RADAR Navigator Programs & Introduction of a Potential Regional Crisis Stabilization Unit to serve North King County

- 10. OTHER BUSINESS**

- 11. COUNCIL COMMITTEE REPORTS**

- A. Councilmember Reports
- B. Mayor's Report
- C. City Administrator's Report - May 26, 2022

12. ADJOURN

FUTURE SCHEDULE

Monday, May 30, 2022 - City Offices closed in observance of Memorial Day

Thursday, June 9, 2022 - City Council Work Session Meeting 6:00 p.m. - hybrid meeting (City Hall and Zoom)

Thursday, June 9, 2022 - City Council Regular Meeting 7:00 p.m. - hybrid meeting (City Hall and Zoom)

Thursday, June 16, 2022 - City Council Budget & Finance Committee Meeting 6:00 p.m. - virtual meeting

Monday, June 20, 2022 - City Council Committee of the Whole Meeting 6:00 p.m. - hybrid meeting (City Hall and Zoom)

Thursday, June 23, 2022 - City Council Regular Meeting 7:00 p.m. - hybrid meeting (City Hall and Zoom)

As allowed by law, the Council may add and take action on items not listed on the agenda

Any person requiring a disability accommodation should contact city hall at 206-368-5440 by 4:00 p.m. on the day of the meeting for more information.



Parks and Recreation Advisory Board

2022 Work Plan

Top Priority Projects:

Project Summary	Requests Outside Normal Meeting Hours or Funding
<u>Lake Front Property</u> – Vision and Planning	May include meetings outside the normal PRAB Meetings and Staff Hours plus time for project review/presentations
<u>Parks Webpage Updates</u> - Update and Revamp Parks Webpage, Add Missing Parks, Accessible Maintenance Request	No extra meetings outside of normal PRAB Meetings and Staff Hours
<u>Parks Social Media Presence</u> – Increase Park Use/Recreation use via the City’s Social Media. Ideas: Park spotlight, virtual Scavenger Hunt	No extra meetings outside of normal PRAB Meetings and Staff Hours
<u>Increase Recreation Opportunities</u> - Discuss and make recommendations to City administration and Council, improvements to existing recreation, as well as opportunities for new recreation within Lake Forest Park city parks	May include meetings outside the normal PRAB Meetings and Staff Hours plus time for event activities, work/participation will also be decided along current covid-19 environment/regulations

Potential Projects:

Project Summary	Requests Outside Normal Meeting Hours or Funding
<u>PRAB Community Participation</u> – Join an established community event to host an activity that embraces community vitality, recreation, or provide information on parks/opportunities	May include meetings outside the normal PRAB Meetings and Staff Hours plus time for event activities, work/participation will also be decided along current covid-19 environment/regulations

.....

Staff Liaison Review: Cory Roche Approval Date: November 17, 2021

CITY OF LAKE FOREST PARK
CITY COUNCIL WORK SESSION MEETING MINUTES
May 12, 2022

It is noted this meeting was held in person in the City Council Chambers and virtually via Zoom.

Councilmembers present: Tom French, Deputy Mayor; Phillippa Kassover, Council Vice-Chair; Tracy Furutani, Larry Goldman, Jon Lebo, Semra Riddle (attended via Zoom)

Councilmembers absent: Cmbr. Lori Bodi

Staff present virtually: Phillip Hill, City Administrator; Mike Harden, Police Chief; Lindsey Vaughn, Finance Director; Jeff Perrigo, Public Works Director; Lee Aalund, Human Resources Director; Matt McLean, City Clerk

Others present: 2 visitors

CALL TO ORDER

Mayor Johnson called the May 12, 2022, City Council work session meeting to order at 6:00 p.m.

FLAG SALUTE

Mayor Johnson held the flag salute at the regular meeting.

ADOPTION OF AGENDA

Deputy Mayor French moved to approve the agenda as presented. **Cmbr. Kassover seconded. The motion to approve the agenda as presented carried unanimously.**

Continued Discussion of Council Goals and Priorities

The Council continued the discussion of the Council Goals and Priorities that were discussed previously at the Council Retreat.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 6:50 p.m.

Jeff Johnson, Mayor

- 1
- 2
- 3
- 4

Matt McLean, City Clerk

**CITY OF LAKE FOREST PARK
CITY COUNCIL REGULAR MEETING MINUTES
May 12, 2022**

It is noted this meeting was held in person in the City Council Chambers and remotely via Zoom.

Councilmembers present: Tom French, Deputy Mayor; Phillippa Kassover, Tracy Furutani, Larry Goldman, Jon Lebo (attended via Zoom), and Semra Riddle

Councilmembers absent: Cmbr. Lori Bodi (excused)

Staff present virtually: Jeff Johnson, Mayor; Phillip Hill, City Administrator; Kim Adams Pratt, City Attorney; Mike Harden, Police Chief; Lindsey Vaughn, Finance Director; Steve Bennett, Planning Director; Jeff Perrigo, Public Works Director; Lee Aalund, Human Resources Director; Matt McLean, City Clerk

Others present: 3 visitors

CALL TO ORDER

Mayor Johnson called the May 12, 2022 City Council regular meeting to order at 7:00 p.m.

FLAG SALUTE

Mayor Johnson gave the Pledge of Allegiance.

ADOPTION OF AGENDA

Deputy Mayor French moved to approve the agenda with an amendment to add a proclamation for National Nurses Week. **Cmbr. Kassover seconded. The motion to adopt the agenda as amended carried unanimously.**

PROCLAMATION – National Police Week and Peace Officer Memorial Day

Mayor Johnson read a proclamation for May 15-21, 2022 as National Police Week and May 15, 2022 as Peace Officer Memorial Day.

PROCLAMATION – National Public Works Week

Mayor Johnson read a proclamation for May 15-21, 2022 as National Public Works Week.

PROCLAMATION – National Safe Boating and Paddling Week

Deputy Mayor French read a proclamation for May 22-28, 2022 as National Safe Boating and Paddling Week.

PROCLAMATION – National Nurses Week

Cmbr. Kassover read a proclamation for May 6-12, 2022 as National Nurses Week.

CITIZEN COMMENTS

There were no comments from the public.

CONFIRMATION REVIEW – Tree Board

Council interviewed Sandra LeVar for a position on the Tree Board.

Cmbr. Kassover moved to confirm the Mayor’s appointment to the Tree Board as follows:

- Sandra LeVar, Position 1, 3-year term to expire 2/28/2025

Deputy Mayor French seconded. The motion to confirm the Mayor’s appointment to the Tree Board carried unanimously.

CONSENT CALENDAR

Deputy Mayor French moved to approve the consent calendar as presented. **Cmbr. Riddle seconded. The motion to approve the consent calendar as presented carried unanimously.**

1. April 25, 2022 City Council Committee of the Whole Meeting Notes
2. April 28, 2022 City Council Regular Meeting Minutes
3. Approval of City Expenditures for the Period Ending May 12, 2022, covering Claims Fund Check Nos. 83542 through 83604, in the amount of \$335,172.13, and Payroll Fund ACH transactions in the amount of \$310,727.13 are approved; additional ACH transactions are Invoice Cloud, \$1,373.00; US Bank, \$52,581.99; Washington State Excise Tax, \$2,372.84; total approved Claims Fund transactions, \$702,227.09

Closed Session – Collective Bargaining per RCW 42.130.140(4)(b)

The City Council went into Closed Session at xxx p.m., for approximately 35 minutes, for collective bargaining, per RCW 42.130.140(4)(b). It was noted that action may be taken following the Closed Session.

The City Council returned from Closed Session at 8:00 p.m.

RESOLUTION 1846/Authorizing the Mayor to Sign a Collective Bargaining Agreement between the City and the Lake Forest Park Police Guild

Mr. Hill reviewed the terms of the agreement with the Council and responded to questions. The agreement covers January 1, 2022, to December 31, 2024, and is retroactive to the first of this year.

Cmbr. Kassover moved to approve as presented Resolution 1846/Authorizing the Mayor to Sign a Collective Bargaining Agreement between the City and the Lake Forest Park Police Guild from January 1, 2022 to December 31, 2024. **Deputy Mayor French seconded. The motion to approve Resolution 1846 carried unanimously.**

COUNCIL COMMITTEE REPORTS/COUNCIL/MAYOR/CITY ADMINISTRATOR REPORTS

Councilmembers reported on meetings they attended.

Cmbr. Riddle moved to excuse Cmbr. Bodi’s absence from the meeting. **Deputy Mayor French seconded. The motion to excuse Cmbr. Bodi’s absence carried, with Cmbr. Riddle opposed.**

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:21 p.m.

Jeff Johnson, Mayor

Matthew McLean, City Clerk

Lake Forest Park Tree Board Application

Section 7, Item A.



Prospective members should fill out the form as completely as possible. Please contact Jake Tracy at jtracy@cityofflp.com if you have any questions or concerns about the application. Completed applications may be submitted to the front desk of LFP City Hall, 17425 Ballinger Way NE, or online to jtracy@cityofflp.com.

Prospective Board Member Information

Amanda (Mandee) Kulaga Parker

First Name	Last Name	Phone Number	Email
	Lake Forest Park	WA 98155	

Home Address	City	State	Zip Code
"	"	"	"

Mailing Address (if different from above)	City	State	Zip Code

Are you a Lake Forest Park resident? Yes ☐ No ☐

Do you own property in Lake Forest Park? Yes ☐ No ☐

Do you have experience in one of the following:
environmental sciences, forestry, horticulture,
arboriculture, landscaping, landscape architecture,
urban planning, or urban design? Yes ☐ No ☐



If you answered yes to the question above, please explain your experience in detail.

I have experience as a volunteer at a rare plant nursery as well as with Trees for Seattle. I am a

recreational tree climber and member of Tree Climbers International, trained in single rope technique (SRT). I have some light

professional experience in floral design and with backyard water feature installation and design. Previous experience with

fundraising and education with the conservation program, Wildlife Australia Fund, Inc..

If appointed to the board, you will be required to attend monthly meetings, typically held from 7-9 p.m. Are you able to attend meetings at this time? Yes ☐ No ☐

In addition to monthly meetings, the Tree Board may have additional time commitments on evenings and weekends. Do you anticipate this being a problem? Yes ☐ No ☐

Have you attended the Tree Board Informational Session? Yes ☐ No ☐

Lake Forest Park Tree Board Application

Section 7, Item A.



Prospective members should fill out the form as completely as possible. Please contact Jake Tracy at jtracy@cityofflp.com if you have any questions or concerns about the application. Completed applications may be submitted to the front desk of LFP City Hall, 17425 Ballinger Way NE, or online to jtracy@cityofflp.com.

If you answered no to the question above, would you like to be contacted for the next meeting opportunity?

Yes

☐

No

☐



Lake Forest Park Tree Board Application

Prospective members should fill out the form as completely as possible. Please contact Jake Tracy at jtracy@cityofflp.com if you have any questions or concerns about the application. Completed applications may be submitted to the front desk of LFP City Hall, 17425 Ballinger Way NE, or online to jtracy@cityofflp.com.

Prospective Board Member Information (cont.)

Why do you want to join the Lake Forest Park Tree Board?

Trees bring a sense of majesty and wonder to Lake Forest Park. When friends and family come to visit, the first thing they remark upon is the magnificence of the trees. I have such a sense of pride living in a place that treasures this natural splendor.

The fact that honoring the trees is a key tenet of the LFP was a major factor for my family when we chose where to live.

It would be a delight to have a hand in doing right by the trees in my community.

What do you hope to accomplish as a board member?

As a board member, I would promote in outreach and education to the community to continue and grow in an appreciation for our trees. In particular, developing youth programs and dedicated education sites is of interest to me. This may include facets such as invigoration of social media presence, booths at the farmer's market and / or a presence at other community events. I would also love to continue to grow my own knowledge about our native trees and environmental conservation efforts in the area.

Do you have any additional information or comments?

In my work as a speech-language pathologist, I have experience with planning and implementing programs such as summer camps and community events, education, and fundraising within my field. I believe I could transfer these skills to the needs of Tree Board. I consider myself a lifelong learner and defender of the natural world. I love living in Lake Forest Park, and it is important to me to connect to the entire community and foster that connection not only among people but also with the natural resources that make our city so spectacular.



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	May 26, 2022
Originating Department	Public Works
Contact Person	Andrew Silvia
Title	Ordinance – Code Amendments for NPDES Source Control Program Creation and Stormwater Design Manual Updates.

Legislative History

- First Presentation – May 26, 2022
 - Second Presentation –
 - Action –
-

Attachments:

1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTER 16.25 OF THE LAKE FOREST PARK MUNICIPAL CODE, WATER QUALITY, AND AMENDING THE FOLLOWING RELATED SECTIONS OF THE LFPMC 16.08.030, 16.08.070, 16.16.330, 16.24.010, 16.24.631, 16.24.632, 18.48.030, and 18.58.090; PROVIDING FOR SERVERABILITY AND PROVIDING AN EFFECTIVE DATE.**
-

Executive Summary

The attached ordinance amending six chapters of the Lake Forest Park Municipal Code will update the code’s numerous references to the King County’s Surface Water Design Manual (Design Manual) to reflect the current 2019 version and all future amendments of the Design Manual. The ordinance will also establish a requirement for owners of pollutant generating sites to apply source control best management practices. The Western Washington 2019-2024 National Pollutant Discharge Elimination System (NPDES) Phase 2 Municipal Stormwater Permit (“Permit”) requires adoption of the source control best management practices and that the City adopt a current surface water design manual equivalent to the manual issued the State of Washington Department of Ecology.

Background

The Permit (Section S5.C.8) requires the implementation of a source control program for existing development and defines specific elements that must be included in the program. The first step (S5.C.8.b.i) required of permittees in implementing the source control program is to enact an ordinance establishing stormwater pollution prevention requirements for a limited number of existing public and private sites. The sites to be regulated under this new program are those that host the pollutant generating activities defined in Appendix 8 of the Permit. These include Heavy Construction, Chemical and Equipment Manufacturing, Printing and Support Activities, and other commercial and industrial activities. The source control measures that these site owners will be required to implement are defined in the King County Stormwater Pollution Prevention Manual. These include good housekeeping measures such as proper waste disposal, sweeping, labelling chemical containers appropriately, and other measures. The Department of Public Works (DPW), through its consultant Parametrix, Inc., is currently developing an inventory of regulated sites and will be required to inspect 20% of these sites annually starting in 2023.

Separately, the Permit (Section S5.C.6.a) requires that the City enact an ordinance adopting the Permit’s updated stormwater management performance standards for regulated types of development. This is a routine Permit requirement that ensures the City’s standards for drainage plan review and stormwater pollution prevention during construction are updated for consistency with the state’s standards. Permittees satisfy this requirement by adopting the current version of the state’s stormwater management design manual, or an approved equivalent. The City has adopted and used the King County Surface Water Design Manual as its chosen resource to satisfy this requirement since it was first required in 2007, and must now update the code’s references to the current version of the manual. The proposed ordinance would adopt King County’s current Design Manual dated 2019 and thereafter all future amendments adopted by King County.

Fiscal & Policy Implications

There is no impact to the City budget that will result directly from this action. Starting in 2023, DPW will be required to undertake inspections of regulated sites, maintain its site inventory, manage inspection-related resources, and conduct other programmatic work. DPW’s consultant is currently developing an array of resourcing strategies and associated costs applicable to the new regulatory program, which DPW anticipates sharing with Council during development of the City’s next biennial operating budget.

Alternatives

Options	Results
Enact Ordinance ###	The City will remain in compliance with the Permit. DPW will continue working to develop the new source control program and assign resources to implement it. Additionally, future regulated land development and construction activities will be held to the stormwater management performance standards in the current version of the King County Surface Water Design Manual.
Do Not Enact Ordinance ###	The City will fail to comply with Sections S5.C.6.a and S5.C8.b.i. of the Permit. This could potentially lead to monetary penalties assessed by the Department of Ecology.

Staff Recommendation

Move to enact Ordinance ###.

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTER 16.25 OF THE LAKE FOREST PARK MUNICIPAL CODE (LFPMC), WATER QUALITY; AND AMENDING THE FOLLOWING RELATED SECTIONS OF THE LFPMC 16.08.030, 16.08.070, 16.16.330, 16.24.010, 16.24.631, 16.24.632, 18.48.030, and 18.58.090; PROVIDING FOR SERVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Forest Park is required to comply with the Western Washington Phase II Municipal Stormwater Permit, National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for discharges from Small Municipal Separate Storm Sewers in Western Washington (NPDES Phase II Permit), issued on July 1, 2019; and

WHEREAS, Section S5.C.8 of the NPDES Phase II Permit requires the implementation of a source control program for existing development and sets out specific elements that must be included in the program and dates by which they must be implemented; and

WHEREAS, the City of Lake Forest Park currently regulates source control through Chapter 16.25 of the Lake Forest Park Municipal Code (LFPMC), which includes some, but not all, of the elements of the program required by the NPDES Phase II Permit; and

WHEREAS, the NPDES Phase II Permit provides that the requirements of Section S5.C.8 of the Permit may be met by using the source control BMPs in a Phase I Program approved by the State of Washington Department of Ecology (Ecology), which includes the King County Stormwater Pollution Prevention Manual and King County Surface Water Design Manual (KCSWDM); and

WHEREAS, Section S5.C.6 of the NPDES Phase II Permit requires either the adoption of minimum requirements, thresholds, and definitions for new development, redevelopment, and construction activity in Appendix 1 of the Permit or adoption of a Phase 1 Program approved by Ecology, which includes the KCSWDM; and

WHEREAS, several sections of the LFPMC include references to an outdated version of the KCSWDM that must be updated to satisfy the requirements of NPDES Phase II Permit Section S5.C.6; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance (“DNS”) was issued on _____, 2022; and

WHEREAS, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce (Commerce) notice of the City’s intent to adopt the proposed amendments on _____, and received notice that Commerce had granted expedited review on _____; and

WHEREAS, the City Council held public meetings to review amendments to Chapter 16.25 LFPMC and other related sections of the LFPMC during regular meetings on May 26, 2022; _____; and

WHEREAS, the City Council held a public hearing on _____, 2022, regarding the proposed amendments; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.08.030 LFPMC, Definitions, as follows:

...

8. “Design Manual” shall mean the current King County Washington Surface Water Design Manual, as now existing and as may be amended in the future, which is adopted by reference in Chapter 16.24 LFPMC.

...

Section 2. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.08.070 LFPMC, Definitions, as follows:

...

FF. Rockeries. Rockeries may be used for erosion protection of cut or fill slopes. The primary function of a rockery is to protect the slope face from soil erosion and sloughing.

1. Rockeries used to protect uncontrolled fill slopes may be no higher than four feet, as measured from the bottom of the base rock.

2. Rockeries used to protect cut slopes or reinforced or engineered fill slopes may be up to a maximum height of 12 feet, as measured from the bottom of the base rock, with the approval of the building and planning department. Any rockery that is over four feet high as measured from the bottom of the base rock (cut slopes and reinforced or engineered fill slopes only) shall be designed by a geotechnical engineer.
3. A wall drain must be provided for all rockeries greater than four feet in height as measured from the bottom of the base rock. The drains shall be installed in accordance with applicable standards from the current King County Surface Water Design Manual.
4. The geotechnical engineer must provide construction monitoring and/or testing as required by the permit conditions, and submit construction inspection reports to the department for all rockeries that require design by a geotechnical engineer. For each project, or phase of a project, the geotechnical engineer must provide a final letter or report summarizing the results of the construction monitoring for each rockery, verifying that the rockery construction meets the geotechnical recommendations and design guidelines. The final letter or report must be submitted to the city of Lake Forest Park prior to the final clearing and grading inspection.

...

Section 3. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.16.330 LFPMC, Wetlands – Permitted alterations, as follows:

...

B. Alterations to wetlands and their buffers may only be allowed for the following activities, in addition to any established in LFPMC 16.16.220 and 16.16.230, if the city determines that there is no practical alternative location for the proposed activity with less adverse impacts on the wetlands or its buffer, subject to mitigation requirements set forth in this chapter:

...

5. Stormwater Management Facilities. A wetland or its buffer may be physically or hydrologically altered to meet the requirements of an LID, runoff treatment, or flow control BMPs if all of the criteria below are met. Stormwater LID BMPs required as part of new and redevelopment projects may be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization by a qualified professional is required to determine if and demonstrate that an LID BMP is feasible at the project site.

- a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of three to four points; and

- b. There will be “no net loss” of functions and values of the wetland; and
- c. There is no adverse effect on existing wetland plant communities by increasing the duration and magnitude of water level fluctuations; and
- d. The wetland does not contain a breeding population of any native amphibian species; and
- e. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, and 5 of Chart 4 and questions 2, 3, and 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach”; or the wetland is part of a priority restoration plan that achieves restoration goals identified in a shoreline master program or other local or regional watershed plan; and
- f. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and
- g. All regulations regarding stormwater and wetland management are followed, including but not limited to current King County Surface Water Design Manual and/or other local and state wetland and stormwater codes, manuals, and permits; and
- h. The structure of a wetland or its soils is not altered, or if they are altered, modification will require permits and mitigation according to LFPMC 16.16.340 so that existing functions and values are not lost.

...

Section 4. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.24.010 LFPMC, Purpose, as follows:

A. The city council finds that this chapter is necessary to promote sound development policies and construction procedures which respect and preserve the city’s watercourses; to minimize water quality degradation and control of sedimentation of creeks, streams, ponds, lakes, and other water bodies; to protect the life, health, and property of the general public; to preserve and enhance the suitability of waters for contact recreation and fish habitat; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable groundwater quantities, locations, and flow patterns; to ensure the safety of city roads and rights-of-way; and to decrease drainage-related damages to public and private property.

B. Surface Water Design Manual Adopted. The current King County Washington Surface Water Design Manual, as now existing and as may be amended in

the future, is hereby adopted by reference and is hereinafter referred to as the Design Manual.

Section 5. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.24.631 LFPMC, Property owner responsible for stormwater system maintenance, as follows:

A. Any person or persons holding title to a property for which stormwater facilities and BMPs have been required by the city of Lake Forest Park shall be responsible for the continual operation, maintenance and repair of the stormwater facilities and BMPs in accordance with the provisions of this chapter.

B. For privately maintained stormwater facilities, the maintenance requirements specified in the current King County Surface Water Design Manual's Appendix A, Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities, shall be enforced against the owner(s) of the subject property served by the stormwater facility.

Section 6. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.24.632 LFPMC, Maintenance covenant required for privately maintained drainage facilities, as follows:

Prior to the beneficial use of a project constructed under a city building permit or a stormwater discharge permit, the owner shall record a maintenance covenant which guarantees the city of Lake Forest Park that the stormwater facilities shall be properly operated, maintained and inspected. The restrictions set forth in such covenant shall be approved by the city, included in any instrument of conveyance of the subject property, and shall be recorded with the King County recorder's office.

A. Maintenance covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by the city of Lake Forest Park.

B. Maintenance covenants shall include the maintenance standards specified by the current King County Surface Water Design Manual's Appendix A, Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities, a list of maintenance activities and proposed inspection intervals for each element of the private stormwater system, and a guarantee that any maintenance necessary for any element of the stormwater system will be performed to the standards specified by the King County Surface Water Design Manual's Appendix A, Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities, and within the following schedule:

1. Within one year for wet pool facilities and retention/detention ponds;
2. Within six months for typical maintenance;

3. Within nine months for maintenance requiring revegetation;
4. Within two years for maintenance that requires capital construction of less than \$25,000.

Section 7. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.25.020 LFPMC, Definitions, as follows

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. “AKART” means “all known, available and reasonable methods of prevention, control and treatment.” “AKART” represents the most current methodology that can be reasonably required for preventing, controlling or abating the pollutants associated with a discharge. “AKART” applies to both point and nonpoint sources of pollution.

B. “Best management practices” or “BMPs” mean the best available and reasonable physical, structural, managerial or behavioral activities, that, when used singly or in combination, eliminate or reduce the contamination of both surface and groundwaters.

C. “Chapter” means this chapter and any administrative rules and regulations adopted to implement this chapter.

D. “Clean Water Act” means 33 U.S.C. 1251 et seq., and any subsequent amendments thereto.

E. “Director” means the Lake Forest Park city public works director, other department directors specified in enforcement procedures established in accordance with this chapter, or any of their designees.

F. “Discharge” means throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

G. “Drainage facility” means a constructed or engineered feature that collects, conveys, stores or treats surface and stormwater runoff. “Drainage facility” includes, but is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility, erosion and sediment control facility and other structure and appurtenance that provides for drainage.

H. “Groundwater” means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves

I. “Hazardous material” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

J. “Illicit discharge” means any direct or indirect non-stormwater discharge to the city’s storm drain system, except as expressly allowed by this chapter.

K. “Illicit connection” means any manmade conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

L. “Municipal separate storm sewer system” (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by the city of Lake Forest Park;
2. Designed or used for collecting or conveying stormwater;
3. Which is not part of a publicly owned treatment works (POTW). “POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and
4. Which is not a combined sewer. “Combined sewer” means a system that collects sanitary sewage and stormwater in a single sewer system.

M. “Non-stormwater discharge” means any discharge to the storm drain system that is not composed entirely of stormwater.

N. “National Pollutant Discharge Elimination System” or “NPDES” means the national program for controlling pollutants from point source discharges directly into waters of the United States under the Clean Water Act.

O. “National Pollutant Discharge Elimination System (NPDES) permit” means an authorization, license or equivalent control document issued by the Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.

P. “Person” means an individual and his or her agent or assign, municipality, political subdivision, government agency, partnership, corporation, business or any other entity.

Q. “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

R. “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

S. “Source control BMP” means a BMP intended to prevent contaminants from entering surface and stormwater or groundwater including the modification of processes to eliminate the production or use of contaminants. “Source control BMPs” can be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site, or other type of physical modification to a site. An example of a structural source control BMP is building a covered storage area. A nonstructural source control BMP involves the modification or addition of managerial or behavioral practices. An example of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots.

T. “Source control inventory” means an inventory that identifies publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4 and shall include: (a) Businesses and/or sites identified based on the presence of activities that are pollutant generating, and (b) Other pollutant generating sources, based on complaint response, such as: home-based businesses and multi-family sites.

U. “State waste discharge permit” means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 WAC.

V. “Storm drainage system” means publicly owned facilities, including the city’s municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and humanmade or altered drainage channels, reservoirs, and other drainage structures.

W. “Stormwater” or “surface water” means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands, and shallow groundwater.

X. “Stormwater pollution prevention plan” means a document which describes the best management practices and activities to be implemented by a person to identify sources

of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Y. “Stormwater Pollution Prevention Manual” means the manual adopted in LFPMC 16.25.035, and supporting documentation referenced or incorporated in the manual, describing best management practices and procedures for existing facilities and existing and new activities not covered by the Surface Water Design Manual.

Z. “Treatment BMP” means a BMP intended to remove contaminants once they are already contained in stormwater. Examples of treatment BMPs include oil/water separators, biofiltration swales and wetponds.

Section 8. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.25.025 LFPMC, Illicit discharge into Lake Forest Park waters, as follows

A. Illicit Discharges and Connections.

1. It is unlawful for any person to discharge any contaminants into surface and stormwater, the storm drainage system, groundwater or Lake Washington. Contaminants that, if discharged, would constitute an illicit discharge include, but are not limited to, the following:

- a. Trash or debris;
- b. Construction materials;
- c. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;
- d. Antifreeze and other automotive products;
- e. Metals in either particulate or dissolved form;
- f. Flammable or explosive materials;
- g. Radioactive material;
- h. Batteries;
- i. Acids, alkalis, or bases;
- j. Paints, stains, resins, lacquers or varnishes;

- k. Degreasers and solvents;
- l. Drain cleaners;
- m. Pesticides, herbicides or fertilizers;
- n. Steam cleaning wastes;
- o. Soaps, detergents or ammonia;
- p. Swimming pool backwash;
- q. Chlorine, bromine and other disinfectants;
- r. Heated water;
- s. Domestic animal wastes;
- t. Sewage;
- u. Recreational vehicle waste;
- v. Animal carcasses;
- w. Food wastes;
- x. Bark and other fibrous materials;
- y. Collected lawn clippings, leaves or branches;
- z. Silt, sediment or gravel;
- aa. Dyes, except as stated in subsection (D) of this section;
- bb. Chemicals not normally found in uncontaminated water;
- cc. Any other process-associated discharge except as otherwise allowed in this section;
- dd. Any hazardous material or waste not listed above;
- ee. Spa and hot tub discharges that are not thermally controlled.

2. Illicit Connections. Any connection identified by the director that could convey anything not composed entirely of surface and stormwater directly to surface and

stormwater or groundwater is considered an illicit connection and is prohibited with the following exceptions:

- a. Connections conveying allowable discharges;
- b. Connections conveying discharges pursuant to an NPDES permit, other than an NPDES stormwater permit, or a state waste discharge permit; and
- c. Connections conveying effluent from on-site sewage disposal systems to subsurface soils.

B. BMPs shall be applied to any business or residential activity that might result in prohibited discharges as specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director. Activities that might result in prohibited discharges include but are not limited to following:

- 1. Potable water line flushing;
- 2. Lawn watering with potable water;
- 3. Dust control with potable water;
- 4. Automobile and boat washing;
- 5. Pavement and building washing;
- 6. Swimming pool and hot tub maintenance;
- 7. Auto repair and maintenance;
- 8. Building repair and maintenance;
- 9. Landscape maintenance;
- 10. Hazardous waste handling;
- 11. Solid and food waste handling; and
- 12. Application of pesticides.

C. BMPs shall be applied to business or residential activity that might result in prohibited discharges or to sites where those activities occur, as specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director, including any business or site identified in Lake Forest Park's source control inventory. The inventory includes businesses and activities associated with the NAICS Code Major Groups

1152xx, 236-238, 311, 312, 321, 3221xx, 3222xx, 323, 325, 3241xx, 326, 316, 327, 331-336, 482, 484, 485, 493, 4881xx, 4882xx, 4884xx, 4889xx, 2211xx, 423140, 423930, 423110, 4233xx, 4237xx, 4238xx, 424930, 4244xx, 4246xx, 4247xx, 4248xx, 444, 445, 441, 447, 722, 5321xx, 5324xx, 811192, 8111xx, 8112xx, 8113xx, 8114xx, 621910, 6111xx, 6112xx, 6113xx, 6115xx, and 712. Those businesses and activities include, but are not limited to, the following, consistent with Appendix 8 to the Western Washington Phase II Municipal Stormwater Permit:

1. Support activities for animal production;

2. Construction of buildings;

3. Heavy and civil engineering construction;

4. Specialty trade contractors;

5. Beverage, food, and tobacco; wood product; and paper manufacturing;

6. Printing and related support activities;

7. Chemical; petroleum and coal; plastics and rubber; leather; nonmetallic mineral; primary and fabricated metal; machinery, computer and electronics; electrical equipment, appliance and component, and transportation equipment manufacturing;

8. Rail, transit and truck, transportation and support activities, including automobile dealers and gasoline service stations;

9. Utilities;

10. Wholesale trade of durable and nondurable goods;

11. Food and beverage stores, food services, and drinking places;

12. Rental and leasing services;

13. Repair and maintenance;

14. Ambulatory health care services and hospitals; and

15. Educational services, museums, historical sites, and similar institutions.

D. The following types of discharges shall not be considered illicit discharges for the purpose of this chapter unless the director determines that the type of discharge,

whether singly or in combination with other discharges, is causing significant contamination of surface and stormwater or groundwater:

1. Spring water;
2. Diverted stream flows;
3. Uncontaminated water from crawl space pumps, foundation drains or footing drains;
4. Lawn watering with potable water or collected rainwater;
5. Pumped groundwater flows that are uncontaminated;
6. Materials placed as part of an approved habitat restoration or bank stabilization project;
7. Natural uncontaminated surface water or groundwater;
8. Flows from riparian habitats and wetlands;
9. The following discharges from boats: engine exhaust; cooling waters; effluent from sinks; showers and laundry facilities; and treated sewage from Type I and Type II marine sanitation devices;
10. Collected rainwater that is uncontaminated;
11. Uncontaminated groundwater that seeps into or otherwise enters stormwater conveyance systems;
12. Air conditioning condensation;
13. Irrigation water from agricultural sources that is commingled with stormwater runoff; and
14. Other types of discharges as determined by the director.

E. Dye testing is allowable but requires verbal notification to the director at least one day prior to the date of test. The King County department of public health is exempt from this requirement.

F. A person does not violate subsection A of this section if:

1. That person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and stormwater or groundwater; or
2. That person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.
3. A person who, under subsection (E)(1) of this section, is not in violation of subsection A of this section is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs or other discharges that allow contaminants to enter surface and stormwater or groundwater.
4. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety, shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in city procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence.

G. The public works department shall initiate an investigation within 21 days, or refer to the appropriate agency within seven days, of any reported or discovery of a suspected illicit connection. The public works department shall respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare or the environment. All known illicit connections to a system of conveyance owned by the city or state shall be eliminated.

Section 9. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.25.035 LFPMC, Stormwater Pollution Prevention Manual, as follows:

- A. Stormwater Pollution Prevention Manual Adopted. The current King County Stormwater Pollution Prevention Manual, as now existing and as may be amended in the future, is hereby adopted by reference.
- B. Compliance with this chapter shall be achieved through the use of best management practices described in the Stormwater Pollution Prevention Manual by the owner/operator of pollutant generating sources. In applying the Stormwater Pollution Prevention Manual, the director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and stormwater or groundwater, the director may require implementation of treatment BMPs as set forth in AKART. The Lake Forest Park public works department may provide, upon reasonable request, available technical assistance materials and information, and

information on outside financial assistance options to persons required to comply with this chapter.

C. Where no guidance is provided in the Stormwater Pollution Prevention Manual for a specific source of pollutants, the director may authorize owner/operator to implement or adapt BMPs based on the best professional judgment of the director.

D. BMP requirements may be met by persons implementing BMPs through another federal, state or local program if the director determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make the plan available to Lake Forest Park upon request. Persons who qualify for exemptions from the Stormwater Pollution Prevention Manual include, but are not limited to, persons:

1. Required to obtain a general or individual NPDES permit from the Washington State Department of Ecology;
2. Implementing BMPs in compliance with the management program of the city's municipal NPDES permit; or
3. Identified by the director as being exempt from this section.

E. Wherever the Stormwater Pollution Prevention Manual uses the phrase: "the County," "Department of Development and Environmental Services" (DDES) or "Water and Land Resources Division" (WLRD), it shall be deemed to refer to city of Lake Forest Park public works department or their designee. Wherever the manual uses the phrase "King County," it shall be deemed to refer to Lake Forest Park.

.F. Failure to implement source control BMPs consistent with the Stormwater Pollution Prevention Manual shall constitute a violation of this chapter and shall be subject to enforcement as provided in this chapter.

Section 10. ADDITION. A new Section 16.25.047 LFPMC is added as follows:

16.25.047. Inspections of Source Control Inventory Sites

The Lake Forest Park public works department, or its designee, shall:

A. Annually, inspect at least 20 percent of the businesses/sites identified on the current source control inventory to assess BMP effectiveness and compliance with source control.

B. Provide information about activities that may generate pollutants and the source control requirements applicable to those activities to all identified sites with a business

address, by mail, telephone, electronic communications, or in person, as well as distributing such information during site inspections.

C. Inspect all sites on the source control inventory identified through a credible complaint.

D. Determine whether each site that is inspected adequately implements required BMPs and take enforcement action as established through Section 16.25.050.

Section 11. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.25.050 LFPMC, Enforcement, as follows:

A. The director is authorized to carry out enforcement and/or abatement actions pursuant to applicable provisions of Lake Forest Park Municipal Code, including but not limited to Chapters 1.16, 1.25 and 8.12 LFPMC, LFPMC 16.25.080, and such other provisions as may be adopted by the Lake Forest Park city council.

B. The director shall gain compliance with this chapter by requiring the implementation of BMPs and, when necessary, AKART.

C. The director, in consultation with other departments of the city of Lake Forest Park, shall develop and implement additional enforcement procedures. These procedures shall indicate how the city will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.

D. The director is authorized to make such inspections, including the inspection of source control inventory sites as required by Section 16.25.047 LFPMC and take such actions as may be required to enforce the provisions of this chapter.

1. The director may observe best management practices or examine or sample surface and stormwater or groundwater as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be documented and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection findings. The director must document each site visit, inspection report, warning letter, notice of violation or other enforcement record demonstrating an effort to bring a site into compliance, as well as a record of sites that are not inspected because the property owner denies entry.

2. When the director has made a determination that any person is violating this chapter, the director may require the violator to sample and analyze any discharge, surface and stormwater, groundwater, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the

director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the director.

3. If a site has failed to adequately implement BMPs, the director must:

- a. Encourage compliance through follow-up action including phone calls, letters, emails, of follow-up inspections to encourage compliance.
- b. If compliance is still not achieved after appropriate follow-up action, take any enforcement action available under this chapter, which, at a minimum, includes documenting inspections and sending warning letters or notices of violation.

4. The director may refer non-emergency violations to the State of Washington Department of Ecology.

E. In addition to any other penalty or method of enforcement, the City Attorney may bring actions for injunctive or other relief to enforce this chapter.

Section 12. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 18.48.030 LFPMC, Applicability, as follows:

A. An application for commercial site development permit shall be submitted for commercial development proposed on sites consisting of one or more contiguous lots legally created and zoned to permit the proposed uses.

...

D. If any of the following scenarios apply to a mixed use, multifamily, commercial and/or office proposal, then the applicant must apply for and obtain a CSDP first, prior to issuance of any other permit. In the event of any question, the code administrator or his/her designee shall be responsible for determining the applicability of CSDP requirements.

1. If three residential units or more will be located on an individual parcel. This includes three individual single-family dwelling units, townhouse units, apartment units or a combination of dwelling types. Note: Accessory dwelling units are not counted as a residential unit for purposes of this calculation.
2. Any mixed use, new office, multifamily, commercial or office building. Note: New government and institutional buildings are also included in this definition.
3. Any mixed use, office, multifamily, commercial, institutional expansion, tenant improvement or change of use that results in an increase in the number of dwelling units; an increase in impervious surface which triggers a new level of surface water review; a change in the number of ingress or egress points

from the site (whether at the applicant’s request or expansion in any of the following areas: building square footage, parking space requirements or peak p.m. traffic trips).

- 4. Any mixed use, office, multifamily, commercial, institutional expansion, tenant improvement or change of use that will impact sensitive areas, shorelines or buffers.
- 5. Any mixed use, office, multifamily, commercial or institutional expansion that will require drainage review in accordance with the current King County Surface Water Design Manual as now existing and as may be amended in the future.

Section 13. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 18.58.090 LFPMC, Drainage, as follows:

Drainage shall be in conformance with the city of Lake Forest Park standards and the current King County Surface Water Design Manual as now existing and as may be amended in the future.

Section 14. 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 15. 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 16. 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 ____ day of June, 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:



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	05.26.2022
Originating Department	Executive
Contact Person	Phillip Hill, City Administrator
Title	Discuss a Potential Merger of the Kirkland Community Responder and RADAR Navigator Programs & Introduction of a Potential Regional Crisis Stabilization Unit to serve North King County

Legislative History

- First Presentation 05.26.2022
- Second Presentation
- Action

Attachments:

1. 2019 RADAR Interlocal Agreement

Executive Summary

In February of this year, the City Managers/City Administrators from the RADAR cities began meeting to discuss the ongoing success of the RADAR program. The RADAR Navigator Program proposed the member cities, move beyond a grant-funded pilot and consider contributing General Fund dollars on a per capita basis to further expand the program.

During this time, the member cities have also begun to explore ways in which a Regional Crisis Stabilization Unit could be sited in North King County. The member cities in conjunction with King County have been working to identify the need, possible provider(s), location, and governance structure.

Background

The City of Lake Forest Park has been part of the North Sound RADAR Navigator Program since its inception. At that time, the program received grant funding from both the Washington Association of Sheriffs and Police Chiefs (WASPC) and King County’s Mental Illness Drug Dependency (MIDD) Levy

and was formalized as a regional pilot program. The program deploys Mental Health Professional (MHP) Navigators in co-response with law enforcement to provide crisis de-escalation, support, and resource referral for community members with behavioral health issues, substance abuse and/or developmental disabilities. The program goals are to decrease use of force, reduce crisis events, and provide resource navigation and referral. There are three central elements of this program:

- MHP co-response with law enforcement to in-progress calls,
- Information sharing among participating jurisdictions through the creation and distribution of “Response Plans” for individuals with behavioral health or developmental disabilities that puts them at an elevated risk for use of force, and
- Law enforcement refers individuals to Navigators for resource navigation and referral to services to meet their basic, or behavioral health, needs.

The City of Bothell serves as the fiduciary and administrative agent for the program. In 2020, City of Bothell hired a 1.0 FTE RADAR Navigator Program Manager to focus on formalizing and growing the program. Currently, the program employs four part-time contractors and is in the process of shifting its staffing structure from contractors to full-time employees. In addition to the Program Manager, 2022 grant and City of Bothell funding supports two part-time contracted MHPs and three FTE MHP Navigators, which the City of Bothell is currently recruiting for. The contracted Navigators are available 2-3 days per week for partial shifts shared among the five member cities, typically during peak calls for service. As noted in the ILA, the Agreement “assumes funding for the Program Manager and other RADAR Navigator mental health professionals will come from outside agency grant funding and not from the Parties.”

The police chiefs of the five participating cities currently provide governance oversight of the RADAR program. The program has a 2022 budget of \$863,171 and is funded with grants from the King County MIDD levy, the Washington Association of Sheriffs, and Police Chiefs (WASPC), Department of Justice, and the City of Bothell’s Public Safety Levy.

Proposal to Form a Regional Entity to Provide Regional Mobile Crisis Response

Two key considerations for the City of Lake Forest Park in forming a regional entity to provide mobile crisis response are:

1. On February 16 of this year, the City Managers/City Administrators from the RADAR cities met to discuss the ongoing success of the RADAR program. The RADAR Navigator Program proposed the member cities, move beyond a grant-funded pilot and consider contributing General Fund dollars on a per capita basis to further expand the program. The member cities all indicated a willingness to invest new general fund dollars to expand the program. The proposal for “Full Implementation” would increase the program’s staffing structure from the 1.0 Program Manager and 3.0 FTE Navigators (once the shift from contractors to FTEs is complete) to a total staff of 1.0 Program Manager, 1.0 FTE Lead Navigator, 7.0 FTE Navigators, and a 0.5 Administrative Assistant. With “Full Implementation”, RADAR anticipates Navigators could spend an estimated five shifts per week in Kirkland. Depending on call data and shift structures, shifts could range from 8 to 12 hours, with the ultimate goal to have 10am – 10 pm coverage seven days per week. Lake Forest Parks share of the annual costs is estimated at \$57,000.
2. The goal is to establish 24/7 crisis response coverage. Preliminary discussions have explore merging the RADAR program and Kirkland’s Community Responder program as a regional entity along the lines of other regional bodies such as ARCH, NORCOM, and the eCity Gov Alliance. A regional crisis response program offers a number of opportunities to strengthen the partner cities’ abilities to serve those struggling with behavioral health crises:

- **Enhanced governance:** Oversight for the RADAR program currently rests with the police chiefs of the partner cities. Merging the RADAR program and the Community Responder program into a regional crisis response entity provides an opportunity to elevate the oversight of the new entity to the city managers (or their designees) and/or elected officials of the partner cities, underscoring that not all 911 calls require a police response.
- **No wrong door:** Individuals struggling with behavioral health challenges often struggle to access services. Further, those struggling with behavioral health crises often know no municipal boundaries and may have encounters with law enforcement and/or fire departments in multiple cities. Regionalizing crisis response services would allow participating cities to better coordinate how they respond to individuals in need of service regardless of the city from which the 911 call is placed. The concept “no wrong door” is often discussed as a best practice for serving those with behavioral health crises. A regional crisis response program would allow partner cities to create a “no wrong door” infrastructure.
- **Collaboration and Economies of scale:** Mobile crisis response is a relatively new field. Many cities are looking to add mobile crisis response services, resulting in jurisdictions competing for a limited pool of qualified applicants. This is evidenced by Kirkland’s challenges in filling its Community Responder program manager position and RADAR’s challenges in filling some of its positions. Merging the two programs would allow partner cities to pool program management resources. In addition, combining the resources Kirkland is currently allocating for its Community Responder program with expanded financial commitments from the other partner cities would create a larger pool of MHPs who are available to respond. This could be most notable during the overnight hours.
- **Complements work to site a crisis stabilization clinic in north King County:** The cities that would form the partnership to create a regional crisis response program are the same cities that are partnering to site a crisis stabilization clinic in north King County. A regional crisis response program would create a more seamless partnership with a future clinic, also supporting the “no wrong door” concept described above. In addition, regionalizing crisis response services may provide tangible benefits that can scale over time to incorporate other member cities, the upcoming 988 infrastructure, and a potential regional crisis stabilization facility.

Parameters of an Interlocal Agreement

Merging the two programs would involve negotiating an interlocal agreement between the five RADAR Navigator cities, similar to the agreements creating A Regional Coalition for Housing (ARCH) or the Northeast King County Regional Public Safety Communications Agency (NORCOM). Staff recommends that the ILA create a new governance structure with a board made up of representatives from each member city, set forth a formal budgeting and weighted voting structure, outline the process for additional cities to join, and provide a methodology for determining the annual financial contributions for participating cities.

The ILA would also state the objectives of the entity, describe the services provided, and address other operational matters such as parameters for shared dispatch protocols, insurance and staff qualifications, and how this entity may interact with a potential north King County crisis stabilization clinic. Suggested parameters include:

- **Governance:** Several models for regional governance can be considered, including an oversight board of City managers/administrators, local elected officials, or some combination.

- **24/7 Hours of Operation:** The goal of this entity would ultimately be to provide 24/7 crisis response coverage, rather than just hours of peak calls for service.
- **Weighted Voting Structure:** The entity's voting structure would recognize that partner cities are contributing different levels of financial support based on population size (or similar proportional criteria such as calls for service) and would have a voting structure that would acknowledge this (e.g., weighted voting and/or veto powers) similar to other regional entities such as ARCH and NORCOM.
- **Fiscal and Administrative Agent:** Bothell is the current fiscal agent for RADAR. Another city could offer to serve as the fiscal and administrative agent for the program if Bothell is not interested in providing this function if the regional entity is created.
- **Integrated PSAP 911 and 988 Dispatch:** RADAR cities currently belong to several 911 PSAP dispatch centers. In addition, the state will be implementing a 988 hotline for mental and behavioral health crises statewide in 2022. The regional crisis response entity needs to partner with the dispatch centers to develop and implement a seamless integration between dispatch centers and 911 and 988 for the program to be successful.

Fiscal & Policy Implications

The potential fiscal implication of expanding the RADAR program is the estimated pro-rata cost share of \$57,000 per year.

Policy implications would be discussed and negotiated through the Interlocal Agreement (ILA) process.

Alternatives

<i>Options</i>	<i>Results</i>
• N/A	N/A
•	

Staff Recommendation

Presentation only

Interlocal Agreement for North Sound RADAR Navigator Program

Bothell Contract No. 19-078
 Lake Forest Park Contract No. AG ~~19-030~~
 Kenmore Contract No. 19-02075
 Kirkland Contract No. _____
 Shoreline Contract No. 9405

ORIGINAL
 AGREEMENT
 MUNI SVCS DEPT
 Multiple Cities
 North Sound RADAR
 Program
 City of LFP
 AG-19-030

This interlocal agreement for regional Mental Health Professional (MHP) services ("Agreement") is made pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW, by and between the following parties:

- The City of Bothell, a Washington State municipal corporation, ("Bothell")
- The City of Lake Forest Park, a Washington State municipal corporation, ("LFP")
- The City of Kenmore, a Washington State municipal corporation, ("Kenmore")
- The City of Kirkland, a Washington State municipal corporation, ("Kirkland")
- The City of Shoreline, a Washington State municipal corporation, ("Shoreline")

Bothell, LFP, Kenmore, Kirkland, and Shoreline, are also referred to collectively as "Parties" and individually as "Party."

RECITALS

- The Parties are cities in close proximity to each other located in the north part of King County.
- Each Party has responsibilities and obligations to respond to emergent situations involving individuals and associated persons experiencing behavioral health crises.
- The Parties agree that it is in the best interest of their local communities to administer and coordinate a standardized set of protocols for assisting those experiencing a behavioral health crisis.
- The Parties further agree that it is in their best interests to share resources for behavioral health professionals to partner with law enforcement to connect at-risk individuals to the proper services.

AGREEMENT

To that end, the Parties agree as follows:

1. Purpose. The purpose and intent of this Agreement is to create the North Sound RADAR Navigator Program ("Program"): a group of municipalities partnering to provide its members with an economical mechanism for the efficient administration and coordination of a program for Response Awareness, De-escalation and Referral ("RADAR") to be used in the event of behavioral health crises. The goals of the Program are to strengthen community/police partnerships, to increase the connection of at-risk individuals with effective behavioral health services and treatments, and to enhance community and first responder safety by reducing the potential for police use of physical force. The Program endeavors to provide shared resources for mental health professionals to partner with law enforcement to connect at-risk individuals to the proper services. The Program will provide law enforcement officers with response plans designed to assist in the field with de-escalation and crisis intervention response.

The Program seeks to protect the public peace, health, and safety; to preserve the lives and property of the people served by the Parties; and to ensure the safety of the residents in each community.

2. Effective Date and Duration. This Agreement shall take effect retroactively from January 1, 2019, and shall remain in effect for a period of 36 months (the "Initial Term"), although the term of the agreement will also be subject to available grant funding.
3. Term Extension and Early Termination. Following the Initial Term, this Agreement shall extend automatically between all parties for additional twelve-month periods until terminated by a Party, in which case the agreement will still remain in effect between the remaining Parties until terminated. A Party may terminate participation in the Program by giving notice to all other Parties at least six (6) months prior to the end of the then-current term or as provided in Section 6 below. A Party terminating its participation remains liable for any residual liabilities, obligations, or costs incurred prior to its termination of participation in this Agreement.
4. No Separate Entity. No separate legal or administrative entity is created by this Agreement. Rather, this Agreement establishes a joint operation of the Parties. The joint operation will be called the "North Sound RADAR Navigator Program" or "RADAR."
5. No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture, or other enterprise between the Parties.
6. Administration.
 - a. Subject to the directives of the North Sound RADAR Navigator Program Executive Board ("Board") established in Section 7 below, Bothell shall serve as the Lead Agency ("Lead Agency") for the Program. As Lead Agency, and with the approval of the Committee, Bothell shall select and hire the program manager for the Program ("Program Manager"). As the Program Manager's employer, Bothell is responsible for assigning and directing the Program Manager's job duties. The Lead Agency shall share all reports, documents, and written work products created for the Program with all Parties.
 - b. The Program Manager shall possess a Master's degree in social work, psychology, counseling, or a related field; possess a valid Washington State Department of Health license (LICSW, LASW, LICSWA, LMHC, LMHCA, LCPC, LCP, or other related license); and have at least two years' post-graduate experience working directly with individuals experiencing mental illness, homelessness, and/or substance use disorder. The Program Manager shall administer and coordinate the Program operations, and serve as the point of contact for all Parties. Additional duties of the Program Manager are described in Exhibit A, attached and incorporated by this reference.
7. Governance. A joint decision-making body, the North Sound RADAR Navigator Program Executive Board, shall govern and administer this Agreement and direct the Lead Agency's actions, functions, and duties, consistent with the terms and conditions of this Agreement and consistent with the policies outlined in the Program's Standard Operating Procedures to be created and adopted by the Board. Each Party shall appoint one representative to the Board. The Board shall meet at least quarterly and at such other times as is determined by the Board. At the request of one Party for a special or

emergency meeting, the Board shall meet within a reasonable time after the request. The Board shall strive to make decisions by consensus. In the event consensus cannot be reached, a decision can be made by a majority vote. Voting shall be on a "one party, one vote" basis. The Board shall comply with all provisions of Washington's Open Public Meetings Act and Public Records Act. Bothell is entitled to make employer-related decisions regarding the Program Manager without Board input.

8. Operating Budget. The operating budget will be set annually. The Board shall meet as soon as possible in the first quarter of 2019 to set the budget for 2019. The Program's operating budget for 2019 will consist of funds received from King County Mental Illness and Drug Dependency (MIDD) Grant. The 2019 budget may include any other costs incurred by the Lead Agency or any Party for or on behalf of the Program but must be approved in advance by the Board in writing. Beyond the 2019 budget, the Board shall meet in the second calendar quarter of each calendar year to approve and finalize the operating budget for the following calendar year.
9. Costs. Each Party shall be responsible for its own internal costs of participating in the Program, such as costs for staff time and facilities used for planning, training, and meetings. This Agreement assumes funding for the Program Manager and other RADAR Navigator mental health professionals will come from outside agency grant funding and not from the Parties.
10. Finance and Accounting Services. The Lead Agency will provide finance and accounting services for the Program and will maintain a separate fund in its accounting system for this purpose. Lead Agency accounting services shall be compensated by program funding per the Lead Agency's City budget rules.
11. Ownership of Property. Except as agreed otherwise by the Parties in writing, title to property owned by a Party and used for the Program shall not be transferred to the Program or any other Party. All Parties must agree in advance to the acquisition or lease of property for the Program, and such property shall be jointly owned by all Parties unless agreed otherwise by the Parties in writing.
12. Regular Agency Operations: Each Party shall continue to fulfill its respective municipal functions and duties without reimbursement from any other Party to this Agreement. Although the Parties are administering and coordinating their Program response plans and programs under this Agreement, each Party shall retain sole discretion and full control over its own plans, programs, and resources.
13. Notices: Each Party is responsible for promptly notifying all other Parties of any personnel change or change in contact email or mailing address listed here. All Program-related email notices shall be sent to the Parties at the following addresses:

Bothell	Carol Cummings	Carol.cummings@bothellwa.gov
Bothell	Mike Johnson	Mike.Johnson@bothellwa.gov
Bothell	Jennifer Phillips	Jennifer.phillips@bothellwa.gov
LFP	Phil Hill	phill@ci.lake-forest-park.wa.us
LFP	Steve Sutton	ssutton@ci.lake-forest-park.wa.us
LFP	Paul Armbrust	parmbrust@ci.lake-forest-park.wa.us
Kenmore	Pete Horvath	peter.Horvath@kingcounty.gov

Kenmore	Rob Karlinsey	rKarlinsey@kenmorewa.gov
Kirkland	Cherie Harris	CHarris@kirklandwa.gov
Kirkland	Mike Ursino	MUrsino@kirklandwa.gov
Kirkland	Tracey Dunlap	tdunlap@kirklandwa.gov
Shoreline	Debbie Tarry	dtarry@shorelinewa.gov
Shoreline	Shawn Ledford	Shawn.Ledford@kingcounty.gov

All Program-related written notices shall be sent by mail or hand-delivered to:

Phil Hill, City Administrator
City of Lake Forest Park
 17425 Ballinger Way NE
 Lake Forest Park, WA 98155

Rob Karlinsey, City Manager
City of Kenmore
 18120 68th Ave NE
 Kenmore, WA 98028

Jennifer Phillips, City Manager
City of Bothell
 18415 101st Avenue NE
 Bothell, WA 98011

Tracey Dunlap, Deputy City Manager
City of Kirkland
 123 Fifth Avenue
 Kirkland, Washington 98033

Debbie Tarry, City Manager
City of Shoreline
 17500 Midvale Ave N
 Shoreline, WA 98133-4905

14. Indemnification: To the extent permitted by state law, and for the limited purposes set forth in this Agreement, each Party shall defend, hold harmless, and indemnify each other Party, its officers, elected officials, agents, and employees, while acting within the scope of their employment as such, from and against any and all claims (including demands, suits, penalties, liabilities, damages, costs, expenses, or losses of any kind or nature whatsoever including attorney's fees) arising out of or in any way resulting from such Party's own negligent acts, errors, or omissions or willful misconduct related to such Party's participation and obligations under this Agreement, but only to the extent of each such Party's negligence. Each Party agrees that its obligations under this section extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees or agents. For this purpose, each Party, by mutual negotiation, hereby waives, with respect to the other Parties only, any immunity that would otherwise be available against such claims under the industrial insurance act provisions of Title 51 RCW.
15. No Third-Party Beneficiaries: This Agreement is for the sole benefit of the Parties. No other persons shall be deemed to have any rights in, under, or to this Agreement.

The Parties have executed this Agreement on the dates written below:

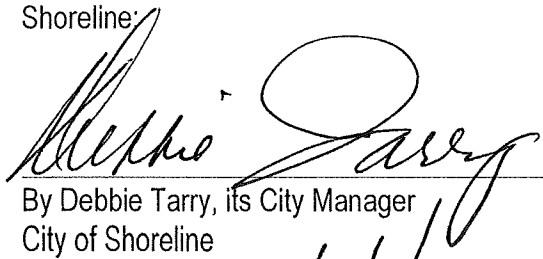
Lake Forest Park:

By Phil Hill, its City Administrator
City of Lake Forest Park

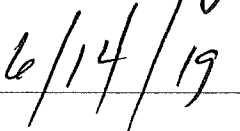
Date Signed: _____

The Parties have executed this Agreement on the dates written below:

Shoreline:


By Debbie Tarry, its City Manager
City of Shoreline

Date Signed:



The Parties have executed this Agreement on the dates written below:

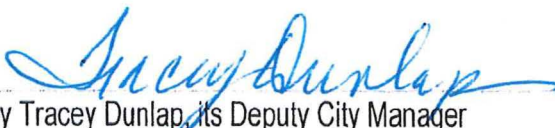
Kenmore:


By Rob Karlinsey, its City Manager
City of Kenmore

Date Signed: 5-23-19

The Parties have executed this Agreement on the dates written below:

Kirkland:


By Tracey Dunlap, its Deputy City Manager
City of Kirkland

Date Signed: 5/8/19

The Parties have executed this Agreement on the dates written below:

City of Bothell:

A handwritten signature in blue ink, appearing to read "Jennifer Phillips", is written over a horizontal line.

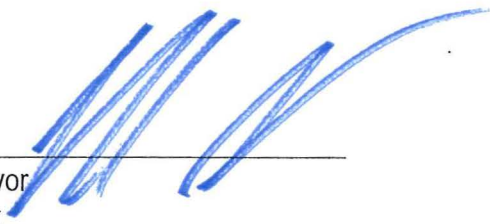
By Jennifer Phillips, City Manager

City of Bothell

Date Signed: 5/16/19

The Parties have executed this Agreement on the dates written below:

Lake Forest Park:



By Jeff Johnson, its Mayor
City of Lake Forest Park

Date Signed: 4/25/19

City Administrator Report City of Lake Forest Park

Date: May 26, 2022

TO: Honorable Deputy Mayor and Councilmembers

FR: Phillip Hill, City Administrator

CC: Honorable Mayor Jeff Johnson
Leadership Team

The City Administrator Report is meant to provide the council, staff, and community an update on the activities of the City and on issues that concern the City. This memo will be provided in each Council packet and is divided into key sections.

Please let me know if you have any questions or need additional information about any of the following items and please feel free to contact any of the department heads for additional information.

I. Intergovernmental and local issues update.

Police Department



Notable Calls/Incidents:

Burglary at Local 104 – The burglar broke rear window door and rummaged through the offices; however, nothing was reported missing at that time. An object used to break the glass was taken for latent print processing.

Road Rage with a traffic collision – A hit and run suspect threw a glass bottle at a vehicle then brandished a hammer threatening to damage vehicle further. The suspect vehicle fled the scene prior to police arrival.

Gas main break – A resident working on his property used a bulldozer, hitting a gas line affecting their residence. Officers provided traffic control assistance with the fire department and public works, until PSE arrived to shut off gas line.

Shots Fired/Malicious Mischief – In the earlier morning hours, officers responded to a report of gunshots heard. After officers arrived nothing else was heard. Later in the morning, a bullet hole was discovered in a window by a resident near the original call. A bullet was recovered and sent in for processing.

Tree Cutting – Officers responded to tree cutting complaint and it was determined the property owner had valid permit but had some issues appeals. Planning and Building Code Enforcement are investigating.

Theft of Services – Officers responded to a theft report at Déjà Vu. The suspect refused to pay a \$640.00 bill for 16 dances. The suspect was given a criminal citation for theft.

Juveniles Incident – Three juveniles were contacted in Lyon Creek Park drinking alcohol and using marijuana in the middle of the afternoon. One juvenile was arrested, and all were released to their parents.



Welfare Checks – There were several incidents involving homeless subjects. Officers continue to provide help and resources, but in all of these incidents, the individuals refused. One subject was attempting to live in his vehicle in the mall parking lot after being contact on two different days. Officers responded to other individual that was in a mental health crisis, in which she was transported to the hospital for help.

Stolen and recovered vehicles continue to be an issue in our state, region and in LFP.



Going “Green” with paperless in the Police Department!

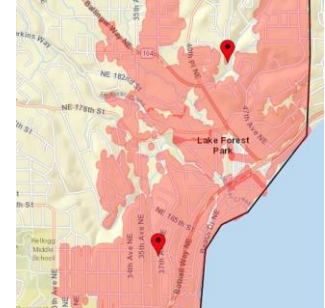
The Police Department has begun the transition from being a hardcopy paper-driven department to a more paperless strategy. This transition has many benefits including, being environmentally friendly by reducing paper consumption, cutting costs for printing, and storing documents.

Space - This is huge benefit. Like most of the City Hall building, the police department is out of storage space, and we have outgrown the building. One solution is decreasing the paper storage space, which has taken up a lot of square footage throughout City Hall. Filing cabinets, printers, and extra office storage take up valuable space. One of the advantages of paperless offices is cutting the need for these items, meaning more space.

The police department processes and efficiencies are coming from the way officers complete reports and investigations. Virtually all of our cases are being filed electronically with the King County prosecutor's office. With the paperless office, we are also ensuring documents are available to everyone who needs them – internally and externally. With Office 365, our staff can work on the same documents simultaneously, streamlining content collaboration. As you can see in the photograph, those are case files. In about 6 years (due to retention rules) these files should be a thing of the past!

Power outage!

City Hall experienced a power outage on May 18 as did a large portion of our city (see map). The City Hall generator immediately turned on and our staff had limited power in the building. Seattle City Light restored power early evening for the city residents. Unfortunately, this lasted into the next day with partially restored power in City Hall as an aging building comes with issues that public works needed to troubleshoot with Seattle City Light.



II. Internal City Information

III. Council Information

IV. Response to Citizen and Council Comments

V. Contract Reporting

Nothing to report for this period.

VI. Legislative Update

VII. Community Events

VIII. Upcoming City Sponsored Events

IX. Meetings Calendar

[City Hall Closed \(Memorial Day Holiday\)](#)

May 30, 2022, 9:00 AM - 5:00 PM

[Tree Board Meeting \(virtual meeting\)](#)

June 1, 2022, 7:00 PM - 9:00 PM

[More Details](#)

Climate Action Committee Meeting (virtual meeting)

June 7, 2022, 7:00 PM

[More Details](#)

North King County Coalition on Homelessness

June 9, 2022, 1:00 PM - 3:00 PM

This meeting will be held virtually.

[More Details](#)

City Council Work Session Meeting

June 9, 2022, 6:00 PM - 7:00 PM

Hybrid meeting @ City Hall and via Zoom

[More Details](#)

City Council Regular Business Meeting

June 9, 2022, 7:00 PM - 9:00 PM

Hybrid meeting @ City Hall and via Zoom

[More Details](#)