



# CITY OF LAKE FOREST PARK CITY COUNCIL REGULAR MEETING

**Thursday, July 27, 2023 at 7:00 PM**

**Meeting Location: In Person and Virtual / Zoom**  
**17425 Ballinger Way NE Lake Forest Park, WA 98155**

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## **INSTRUCTIONS FOR PARTICIPATING IN THIS MEETING VIRTUALLY:**

**Join Zoom Webinar: <https://us06web.zoom.us/j/81818729914>**

**Call into Webinar: 253-215-8782 | Webinar ID: 818 1872 9914**

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

### **HOW TO PARTICIPATE WITH ORAL COMMENTS:**

Sign up here <https://app.waitwhile.com/welcome/comment-sign-up> between 9:00 a.m. and 5:00 p.m. on the day of the meeting to provide Oral Comments during the meeting.

If you are in person at the meeting, there is a sign in sheet located near the entrance to the Council Chambers. Simply fill the form out and the Mayor will call your name at the appropriate time. Oral comments are limited to 3:00 minutes per speaker.

If you are attending the meeting via Zoom, in order to address the Council during the Public Comment section of the agenda, please use the “raise hand” feature at 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.gov/615/Hybrid-City-Council-Meetings> (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.gov](http://www.cityofflp.gov)

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. PROCLAMATIONS

- A. Recognition of Service - Planning Director Steve Bennett

### 5. PUBLIC HEARINGS

- A. Public Hearing Resolution 23-1906/Considering whether to take a position on Veterans, Seniors, and Human Services Levy

- Presentations from other agencies in support or opposition to the levy
- Questions from Council
- Open the public hearing for comments (3 minutes per speaker)

- B. Resolution 23-1906/Considering whether to take a position on Veterans, Seniors, and Human Services Levy

- C. Public Hearing Ordinance 23-1272/Interim Development Regulations As Authorized By The Growth Management Act Relating To Retaining Walls

- Staff presentation
- Questions from Council
- Open the public hearing for comments (3 minutes per speaker)
- Staff address questions that may have been presented during public comments and from Council.

- D. For consideration, discussion and/or action on Ordinance 23-1273/creating Chapter 12.50 of the Lake Forest Park Municipal Code, Retaining Walls

### 6. 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 Council may direct staff to follow up on items brought up by the public. **Comments are limited to a three (3) minute time limit.***

### 7. 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.](#) July 13, 2023 City Council Special Work Session Minutes
- [B.](#) July 13, 2023 City Council Regular Meeting Minutes
- [C.](#) City Expenditures for the Period Ending July 27, 2023

## **8. COUNCIL DISCUSSION AND ACTION**

- [A.](#) Possible purchase of rifles for the Police Department

## **9. OTHER BUSINESS**

## **10. COUNCIL COMMITTEE REPORTS**

- A.** Councilmember Reports
- B.** Mayor's Report
- [C.](#) City Administrator's Report

## **11. ADJOURN**

## **FUTURE SCHEDULE**

--Thursday, August 10, 2023 City Council Work Session Meeting 6 pm – *hybrid meeting (Zoom and City Hall)*

--Thursday, August 10, 2023 City Council Regular Meeting 7 pm – *hybrid meeting (Zoom and City Hall)*

*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.*



## PROCLAMATION

### **Honoring and Thanking Stephen Bennett City of Lake Forest Park Planning Director**

**WHEREAS**, on August 4, 2023, after spending more than 19 years serving the Citizens of Lake Forest Park, Planning Director Stephen Bennett will retire; and

**WHEREAS**, Director Bennett has worked at Lake Forest Park with three mayors, four city administrators, two interim city administrators, numerous council members, planning commissioners, and tree board members; and

**WHEREAS**, Director Bennett has been involved in numerous large scale planning efforts, including, but not limited to; Legacy 100-Year Vision, Tree Ordinance, Southern Gateway, Big Five, Cottage Housing, Town Center, Shoreline Master Program Updates, Comprehensive Plan Updates, ADU/DADU Code, and Stride BRT; and

**WHEREAS**, Director Bennett has witnessed the city-wide tree canopy increase from 43% in 2008 to 49% in 2018; and

**WHEREAS**, Director Bennett was a yearly participant in Bike Everywhere month and a competitive member of the LFP team "The Wheel Thing"; and

**WHEREAS**, during his tenure with the City, Director Bennett was known for being knowledgeable, competent, professional, conscientious, and dependable; and

**WHEREAS**, throughout his career, Director Bennett constantly demonstrated that his priority was always the success of our organization.

**NOW, THEREFORE**, the Mayor and City Council of the City of Lake Forest Park, do hereby thank and congratulate,

### **Stephen Bennett City of Lake Forest Park Planning Director on his Retirement from Public Service**

And wish him all the best for a very happy retirement.

Signed this 27th day of July, 2023.

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Jeff Johnson, Mayor  
City of Lake Forest Park





CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	July 27, 2023
Originating Department	Administration
Contact Person	Phillip Hill, City Administrator
Title	Resolution 23-1906/Considering whether to take a position on Veterans, Seniors, and Human Services Levy

Legislative History

- First PresentationJuly 13, 2023 Regular Meeting
- Second Presentation/Public HearingJuly 27, 2023 Regular Meeting

Attachments:

- Resolution 23-1906
- Prop 1 Question and Explanation
- Ballot Measure Statements
- King County Ordinance 19604
- Presentation from July 13, 2023

Executive Summary

This is a noticed public meeting that enables the City Council to take public testimony pertaining to King County Proposition No. 1, discuss whether to take a position, and determine whether to pass a resolution favoring, opposing, or not taking a position.

Background

At the July 13, 2023, Regular Meeting, the City Council received a presentation from King County Councilmember Rod Dembowski regarding the renewal of the Veterans, Seniors & Human Services Levy for a fourth time. On May 2, 2023, the King County Council approved placing the measure on the ballot. It would authorize an additional six-year property tax levy for collection beginning in 2024 at

\$0.10 per \$1,000 of assessed valuation, with the 2024 levy amount being the base for calculating annual increases by 3.5% in 2025-2029. After receiving the presentation, the City Council asked to hold a public meeting consistent with the requirements of RCW 42.17A.555 to take public testimony and to decide further whether to approve a resolution in favor or against Proposition No. 1.

The ability for a City Council to take a position on a ballot measure comes by way of exception in RCW 42.17A.555. This requires the posting of an open public meeting for the purpose of taking input on a ballot measure during which persons with supporting and opposing views are given approximately equal opportunities to speak to the measure. The following has occurred prior to Council consideration of this agenda item:

- The public hearing has been duly posted and advertised in the newspaper of record;
- The notice included the number and ballot title of the measure;
- The King County Elections office provided the names of one group writing in the Voter’s Pamphlet in favor of the measure. They were contacted at the e-mail address or telephone number provided and invited to testify at the public meeting. There were no written oppositions to the proposition in the Voter’s Pamphlet.
- Additionally, staff invited representatives from North Urban Human Services Alliance, Northshore Senior Center, and Shoreline Lake Forest Park Senior Center to testify at the public hearing.

The Council meeting agenda has two entries for Proposition No. 1: first for the public hearing and second for consideration of Resolution 23-XXXX taking a position. During the public hearing, the City Council will listen to the testimony and ask questions if needed for clarity. During the second agenda item, Council members may make statements in favor or against, deliberate and discuss the matter, and vote on Resolution 23-XXXX.

Fiscal & Policy Implications

The levy would have a duration of six years beginning in 2024. The rate in the first year would be limited at \$0.10 per one thousand dollars (\$1,000) of the prior year’s assessed valuation. The dollar amount of the levy collected in the first year would be the base for calculating annual increases of up to 3.5% in years 2025 – 2029 and would be limited by chapter 84.55 RCW. Qualifying seniors, veterans, and disabled persons would be eligible for exemption from the levy under RCW 84.36.381.

Alternatives

Options	Results
• Support	Notice to that effect will be posted on the City’s website.
• Oppose	Notice to that effect will be posted on the City’s website.
• Take no Action	Notice to that effect will be posted on the City’s website.

Staff Recommendation

Hold the public hearing, deliberate, and determine whether to take a position.

**RESOLUTION NO. 23-1906**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAKE FOREST PARK, WASHINGTON, IN  
(SUPPORT/OPPOSITION) TO KING COUNTY  
PROPOSITION NO. 1, THE VETERANS, SENIORS AND  
HUMAN SERVICES LEVY**

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**WHEREAS**, the King County Council approved Ordinance 19604, placing the Veterans, Seniors and Human Services Levy on the August 1, 2023 election ballot; and

**WHEREAS**, the concept of the levy is to fund services for each vulnerable group in a generally equivalent manner in a single levy; and

**WHEREAS**, the Lake Forest Park City Council held a duly noticed public meeting in which all viewpoints including support and opposition were given an opportunity to speak; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Lake Forest Park, as follows:

Section 1. (SUPPORT/OPPOSTION) TO PROPOSITION NO. 1 ..The City Council has determined to (support/oppose) King County Proposition No. 1, a property tax lid lift for veterans, seniors and human services levy.

Section 2. 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.

**PASSED BY A MAJORITY VOTE** of the members of the Lake Forest Park City Council this 27th day of July, 2023.

APPROVED:

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Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Matt McLean  
City Clerk

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.:

**Proposition No. 1**

## Veterans, Seniors and Human Services Levy

The King County Council passed Ordinance 19604 concerning replacement of an expiring veterans, seniors and human services levy. If approved, this proposition would fund capital facilities and services for veterans, servicemembers, and their families; seniors and caregivers; and resilient communities susceptible to reduced health, housing, financial, or social stability outcomes. It would authorize an additional six-year property tax levy for collection beginning in 2024 at \$0.10 per \$1,000 of assessed valuation, with the 2024 levy amount being the base for calculating annual increases by 3.5% in 2025-2029; and exempt eligible seniors, veterans and disabled persons under RCW 84.36.381.

Should this proposition be:

Approved

Rejected

*The complete text of this measure is available beginning on page 90.*



You will be voting to  
**Approve or Reject**  
Proposition No.1

*Requirement passage: simple majority (RCW 84.55.050)*

## Explanatory statement

Proposition 1 would authorize renewal of an additional property tax levy to fund regional health and human services and capital facilities for veterans and military servicemembers and their families; seniors and their caregivers; and resilient communities. Funding would promote veterans', seniors', and resilient communities' housing stability, healthy living, financial stability, social engagement, and health and human services system improvements and system access. The levy defines resilient communities as persons or communities susceptible to reduced health, housing, financial, or social stability outcomes due to systemic and historical exposure to trauma, violence, poverty, isolation, bias, racism, stigma, discrimination, disability, or chronic illness.

The levy would have a duration of six years beginning in 2024. The rate in the first year would be limited at \$0.10 per one thousand dollars (\$1,000) of the prior year's assessed valuation. The dollar amount of the levy collected in the first year would be the base for calculating annual increases of up to 3.5% in years 2025 – 2029 and would be limited by chapter 84.55 RCW. Qualifying seniors, veterans, and disabled persons would be eligible for exemption from the levy under RCW 84.36.381.

Proposition 1 would require an implementation plan and an advisory board.

**For questions about this measure, contact:**

**Leon Richardson**

Div Dir of Adult Services and  
VSHSL lead in DCHS

(206) 263-3332

lrichardson@kingcounty.gov

## Statement in favor

Dow Constantine, Girmay Zahilay, Nancy Backus  
[www.yeskcprop1.com](http://www.yeskcprop1.com)

Please renew this levy to maintain vital King County services for veterans, seniors, and vulnerable populations. Voter-approved in 2005, 2011 and 2017, your vote will build on levy success by preserving housing, employment, counseling and other services:

*Veterans* will keep one-stop service centers, job training, financial assistance, housing, and supportive services. *Since 2018, the levy has contributed to a 40% reduction in veteran homelessness.*

*Seniors* will keep expanded countywide services at 39 senior centers, as well as housing, tax relief support, food assistance, and programs for healthy aging in place. *Each year, 28,000 seniors use levy-funded senior centers.*

*Neighbors Facing Barriers* will keep mobile and 24/hr assistance for gender-based violence survivors, legal assistance, shelter, mobile-medical vans assisting people experiencing homelessness, and supports for individuals with disabilities. *Since 2021, more than 8,000 domestic violence or sexual assault survivors have received levy-funded services.*

Since 2017, the levy has helped over 185,000 veterans, seniors, and vulnerable people. Programs are independently audited for efficiency. The rate is identical to 2017, and the median-valued home will pay \$17 more per year.

Endorsed by veterans advocates, housing and health providers, unions, senior organizations, Executive Constantine, County Council; more!

## Statement in opposition

No statement submitted.

Statements in favor of and in opposition to a ballot measure are submitted by committees appointed by the jurisdiction. No persons came forward to serve on the committee and to write a statement in opposition. If you would like to be involved with a committee in the future please contact the jurisdiction.

**KING COUNTY**1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

Section 5, ItemB.

**Signature Report****Ordinance 19604****Proposed No. 2023-0095.2****Sponsors Zahilay and Kohl-Welles**

1 AN ORDINANCE providing for the submission to the  
2 qualified electors of King County at a special election to be  
3 held in King County on August 1, 2023, a proposition  
4 authorizing a property tax levy in excess of the levy  
5 limitations contained in chapter 84.55 RCW for a  
6 consecutive six-year period at a rate of not more than ten  
7 cents per one thousand dollars of assessed valuation in the  
8 first year, and limiting annual levy increases to three and  
9 one-half percent in the five succeeding years, all for the  
10 purpose of supporting veterans and military  
11 servicemembers and their respective families; seniors and  
12 their caregivers; and resilient communities in King County  
13 by funding regional health and human services and capital  
14 facilities to promote housing stability, healthy living,  
15 financial stability, social engagement and health and human  
16 services system improvements and system access;  
17 providing for a resident advisory board; and directing  
18 proposal of an implementation plan for the veterans,  
19 seniors and human services levy, contingent upon voter  
20 approval of the levy.



STATEMENT OF FACTS:

1. After approving the first six-year veterans and human services levy in 2005, King County voters have since voted twice to maintain levy-supported services for veterans and human services in King County, including adding seniors and their caregivers as a population explicitly served by the levy in 2017. Ordinance 15279, which created the initial levy for 2006 through 2011 and placed the levy on the ballot for King County voter consideration, was approved by fifty-eight percent of voters. Ordinance 17072, which placed the second levy on the ballot for King County voters, was approved by sixty-nine percent of voters, renewed the levy for 2012 through 2017. Ordinance 18555, which placed the third levy on the ballot for King County voters, was approved by sixty-eight percent of voters, renewed and expanded the levy for 2018 through 2023. This ordinance is the fourth time King County will ask voters to consider the veterans, seniors and human services levy.

2. Since its inception as the veterans and human services levy in 2006 and through its renewals in 2011 and 2017, the veterans, seniors and human services levy has served hundreds of thousands of veterans, military servicemembers and their families, as well as seniors, individuals, and families in need. The 2018-2023 veterans, seniors and human services levy has served more than one hundred and eighty-five thousand people, including more than twenty-seven thousand veterans, servicemembers or their families, and more than one hundred thousand seniors.

44 3. The 2018-2023 veterans, seniors and human services levy has  
45 supported more than three hundred programs led by more than one  
46 hundred fifty community-based organizations, of which more than a third  
47 are small organizations. More than seventy-five percent of levy-supported  
48 programs offer services countywide, with physical service sites available  
49 throughout the county and some programs specifically provide mobile  
50 services.

51 4. The 2018-2023 veterans, seniors and human services levy supports  
52 programs that contribute to outcomes in the following five result areas:  
53 housing stability, healthy living, financial stability, social engagement, and  
54 service system access and improvement.

55 5. The 2018-2023 veterans, seniors and human service levy contributed to  
56 the creation of more than one thousand two hundred units of affordable  
57 housing and one hundred ninety-eight new shelter beds for individuals and  
58 families experiencing homelessness in King County through its housing  
59 stability strategies to help prevent and reduce homelessness and to address  
60 the shortage of affordable housing.

61 6. In 2021, King County partnered with the U.S. Department of Veterans  
62 Affairs and King County Housing Authority to increase the use of federal  
63 housing vouchers to help house low-income veterans in King County  
64 experiencing homelessness. The partnership is a first in the nation pilot  
65 program using King County veterans program social services staff to  
66 support veterans finding and maintaining housing using federal housing

67 vouchers. From its launch in April 2021 through September 30, 2022, the  
68 levy-supported collaborative case management program helped one  
69 hundred sixty-four veteran households obtain vouchers, with one hundred  
70 households moving into permanent housing.

71 7. King County tracks the number of veteran households experiencing  
72 homelessness through the Homeless Management Information System. On  
73 March 31, 2017, one thousand two hundred fifty-two veteran households  
74 were active in the homeless system. As of November 30, 2022, the system  
75 showed an estimated seven hundred forty-four veteran households actively  
76 experiencing homelessness in King County, a reduction of more than forty  
77 percent since the peak in March 2017.

78 8. King County is home to one in five veterans living in Washington state  
79 according to estimates from the U.S. Census Bureau. More than two-  
80 thirds of the veterans residing in King County are fifty-five or older.

81 9. King County veterans program uses levy proceeds to create veteran  
82 service hubs that connect more than two thousand veterans and their  
83 families each year to the services supported through the levy's financial  
84 stability strategies that support King County residents in gaining and  
85 maintaining self-sufficiency. These service hubs coordinate with other  
86 veteran service providers to provide access and connection to an array of  
87 services at the King County veterans program sites.

88 10. In 2019, veterans accounted for six thousand two hundred sixty-one  
89 suicides in the United States, or more than thirteen percent of the total

number of people dying by suicide nationwide, according to a 2021 report on veteran suicide by the United States Department of Veterans Affairs. Veteran suicide-related deaths are increasing at a greater rate than that of the general United States population. According to the Centers for Disease Control and Prevention, suicide risk factors include mental health conditions and substance use disorders, as well as economic insecurity, housing insecurity, isolation and stress.

11. More than two hundred thirty veterans and thirty military family members receive counseling each year supported through the levy's healthy living strategies to help them manage the effects of trauma in healthy ways. Those counseling services add relief to an already stressed mental health care system by providing an additional thirty-two licensed mental health counselors who focus on the impact of military service.

12. Overall, more adults report feeling anxious or depressed since the start of the COVID-19 pandemic according to public health - Seattle & King County data. According to a 2020 Washington state Department of Health community recovery-oriented needs assessment survey for King County, twenty-five percent of respondents reported that they had experienced poor mental health on at least fourteen days in the previous month. A Kaiser Family Foundation study on older adults in August 2020 showed rates of depression and anxiety are higher among adults ages sixty-five and older relative to rates in 2018. A Kaiser Family Foundation report on the impact of the COVID-19 pandemic on lesbian, gay, bisexual and

113 transgender people reveals a disproportionate impact on their mental  
114 health.

115 13. Since the start of the COVID-19 pandemic, thirteen percent of  
116 Americans report having started or increased substance use as a way of  
117 coping with stress or emotions related to COVID-19, according to the  
118 Centers for Disease Control and Prevention. In King County, overdose  
119 deaths across all substance types reached an all-time high during and after  
120 the pandemic, with data from the King County medical examiner's office  
121 showing a 137 percent increase in overdose fatalities between 2019 and  
122 2022 and a 551 percent increase in overdose fatalities caused by fentanyl.

123 14. The Washington state Office of Financial Management estimates  
124 twenty-five percent of King County residents were aged fifty-five or older  
125 in 2020 and estimates that proportion to increase to thirty percent by 2040.  
126 As the population of older adults increases statewide, so does the  
127 population of older adults from racially and ethnically diverse  
128 communities or backgrounds.

129 15. The responsibility to care for vulnerable seniors impacts all  
130 generations according to a research report conducted in 2020 by the  
131 American Association of Retired Persons. According to the United States  
132 Department of Health and Human Services, adults ages sixty-five and  
133 older have a seventy percent chance of needing some type of long-term  
134 care service. That work will in many cases require assistance from unpaid  
135 caregivers, including spouses, adult children and acquaintances.

136 16. Eighty-five percent of persons sixty-five or older nationwide have one  
137 or more chronic health conditions, such as diabetes, cardiovascular  
138 disease, chronic obstructive pulmonary disease, asthma, cancer or arthritis,  
139 according to the Centers for Disease Control and Prevention behavioral  
140 risk factor surveillance system. Racial, ethnic and place-based  
141 disproportionalities unevenly distribute these conditions and risk factors  
142 across King County.

143 17. Actual and perceived social isolation are both associated with  
144 increased risk for premature death, according to the National Academies  
145 of Sciences, Engineering and Medicine study on social isolation and  
146 loneliness in older adults. The influence of social isolation on the risk of  
147 death is comparable with risk factors for mortality such as smoking. Older  
148 adults who are immigrants or a part of the lesbian, gay, bisexual,  
149 transgender, questioning, queer, intersex and asexual plus community may  
150 be at higher risk for social isolation and loneliness due to factors like  
151 discrimination and barriers to care. Social isolation is also associated with  
152 a fifty percent increased risk of dementia. Poor social relationships are  
153 associated with a twenty-nine percent increased risk of heart disease, and a  
154 thirty-two percent increased risk of stroke.

155 18. The 2018-2023 veterans, seniors and human services levy supports  
156 thirty-nine senior centers to form twenty-two senior hubs as part of the  
157 levy's social engagement strategies to improve King County's senior  
158 residents' feelings of engagement in community. More than twenty-eight

159 thousand seniors each year receive nutritious meals and connections to  
160 critical services to combat social isolation since the senior hubs program  
161 launched in 2020.

162 19. The 2018-2023 veterans, seniors and human services levy also  
163 supports the geriatric regional assessment team to deliver home-visiting  
164 behavioral health and human services intervention to more than three  
165 hundred fifty seniors total since the levy supported the assessment team's  
166 relaunch in 2020.

167 20. Ordinance 18555 and the veterans, seniors and human services levy  
168 implementation plan adopted by Ordinance 18768 dedicate support for  
169 vulnerable populations through the 2018-2023 veterans, seniors and  
170 human services levy. The department of community and human services  
171 reframed the population served by that levy's proceeds as resilient  
172 communities to emphasize community strength in the midst of  
173 vulnerability.

174 21. Of the twenty-one million people trafficked worldwide,  
175 approximately eighty percent are labor trafficking survivors and victims of  
176 forced labor, bonded labor and domestic servitude.

177 22. More than eighteen percent of King County adults have one or more  
178 physical, intellectual or developmental disabilities. According to the  
179 Centers for Disease Control and Prevention and the United Nations  
180 Convention on the Rights of Persons with Disabilities, persons living with  
181 one or more disabilities may have reduced social participation, experience



182 difficulties in mobility, lack of assistive technology and face barriers in  
183 access to care to include communication, policy and programmatic  
184 barriers, all of which contribute to poor health and decreased quality of  
185 life.

186 23. According to data from the National Domestic Violence Hotline, there  
187 was a thirteen percent increase in domestic violence calls between January  
188 2020 and July 2021 in King County. Homicides resulting from domestic  
189 violence in King County increased by nearly four times during 2021  
190 compared to 2019, according to the King County prosecuting attorney's  
191 office. A statewide survey commissioned by the Washington state  
192 Supreme Court in 2015 found that low-income survivors of domestic  
193 violence experience the highest number of civil legal needs per capita  
194 relative to any other group surveyed.

195 24. The 2018-2023 veterans, seniors and human services levy supported  
196 mobile advocacy services through the levy's service system access and  
197 improvement strategy for more than one thousand two hundred survivors  
198 of gender-based violence from January 2020 to September 2022. Eighty-  
199 four percent of these survivors were connected to an advocate within one  
200 day of reaching out for assistance.

201 25. The 2018-2023 veterans, seniors and human services levy supported a  
202 service system access and improvement strategy to streamline how  
203 domestic violence survivors access services, designed to meet their  
204 individual needs. The resulting creation of a twenty-four-hour,

205 multilingual and multimodal domestic violence hotline is now a single-  
206 line access to domestic violence services available in King County. Since  
207 the hotline's launch in July 2021 through the end of September 2022, it  
208 received more than sixteen thousand calls or texts to assist those in crisis  
209 and referred nearly seven thousand of those contacts to additional support.

210 26. The 2018-2023 veterans, seniors and human services levy introduced  
211 new investments for gender-based violence, legal aid and senior center  
212 services, nearly tripling the County's annual investment in these areas.

213 27. In 2021, the veterans, seniors and human services levy supported a  
214 contract with 501 Commons to survey more than two hundred thirty  
215 nonprofits based in and serving King County, employing more than  
216 twenty thousand people, to better understand the array of influences that  
217 contribute to employee recruitment, retention, and satisfaction in the  
218 nonprofit sector. Survey findings show that many nonprofit employees  
219 delivering critical human services earn wages at levels that make it  
220 difficult to live in the communities they serve, doing community-based  
221 work in King County.

222 28. According to the 2021 King County nonprofit employee engagement  
223 survey conducted by 501 Commons, sixty percent of surveyed staff would  
224 consider leaving the nonprofit sector to get better pay and fifty-four  
225 percent would consider leaving the nonprofit sector because of burnout or  
226 other fatigue. Nationally, turnover in nonprofits is nineteen percent,  
227 compared to twelve percent for all industries.

29. In Motion 16129, the King County council requested the executive to produce an assessment report providing information, analysis, and recommendations to inform deliberations about a possible renewal of the voter-approved veterans, seniors, and human services levy. The assessment report drew upon program performance measurement data, feedback from levy providers and community input from fifty-two community engagement meetings. The executive transmitted the report to the King County council on September 6, 2022.

30. In addition to describing the impact to veterans, seniors and resilient communities served by the levy, the assessment report recommended continuing the 2018-2023 levy's five result areas and commitment to the three service populations, increasing levy resources to better address the scale of community needs and creating a regional impact initiatives fund within the levy to address regional human services priorities whose effects span the levy's priority populations.

31. In 2010, Ordinance 16897 established the King County Strategic Plan. In 2015, the King County council passed Motion 14317 updating and revising King County's vision, mission, guiding principles and goals. Included within the county's goals are improving the health and well-being of all people in King County, increasing access to quality housing that is affordable to all, implementing alternatives to divert people from the criminal justice system and ensuring that county government operates efficiently and effectively and is accountable to the public. The guiding

principles set out by the county's strategic plan provide a framework to guide the county's actions: "address the root causes of inequities to provide equal access for all; engage with partners, community and public and private organizations to achieve goals; align support, policy and operational goals of King County government; and provide effective, efficient local governance and services to unincorporated areas."

32. In 2010, the county adopted Ordinance 16948 establishing definitions and implementation steps for the county's work related to equity and social justice to achieve the "fair and just" principle. King County applies the principles of equity and social justice to eliminate racially and ethnically disparate health and human services outcomes in King County. The 2018-2023 veterans, seniors and human services levy supports community-led and community-informed organizations that are reflective of and embedded in the communities they serve, advances equitable access to levy resources for community providers and communities, and ensures that investments are focused on communities that have been impacted by historic and ongoing inequity, discrimination, isolation and lack of resources. Equity and social justice shall continue to guide the council and the executive in the process of designing, administering, and evaluating the policies and programs related to the renewed veterans, seniors and human services levy, if it is approved by voters.

33. It is the intent of the county that over the course of the six-year levy the majority of levy proceeds expended to build capital facilities under

authority of this ordinance shall be for low-income households. Specific low-income threshold levels are defined by the U.S. Department of Housing and Urban Development or its successor agency and vary according to household size.

34. It is the intent of the county to continue to strengthen the human services network to ensure that services supported by a renewed veterans, seniors and human services levy are integrated and working together as a complete system that is responsive to communities seeking access or support in navigating resources.

35. It is the intent of the county to continue, without interruption, critical regional health and human services to veterans, military servicemembers and their families, seniors and other persons in King County from the 2018-2023 levy; to provide substantial investments in housing stability; and to engage in planning activities until the new implementation plan is adopted in accordance with section 7 of this ordinance.

36. The 2018-2023 veterans, seniors and human services levy will expire at the end of 2023.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Definitions.** The definitions in this section apply throughout this ordinance unless the context clearly requires otherwise.

A. "Caregiver" means a person who cares for or supervises another person who requires care or supervision due to disability, chronic illness or a need for support in activities of daily living. "Caregiver" includes individuals providing care for a family

297 member or someone with whom they have an ongoing personal relationship independent  
298 of their caregiver roles.

299 B. "Levy" means the levy of regular property taxes for the specific purposes and  
300 term provided in this ordinance and authorized by the electorate in accordance with state  
301 law.

302 C. "Levy proceeds" means the principal amount of moneys raised by the levy and  
303 any interest earnings on the moneys and the proceeds of any interim or other financing  
304 following authorization of the levy.

305 D. "Limit factor" for purposes of calculating the levy limitations in RCW  
306 84.55.010, means one hundred three and one-half percent.

307 E. "Military servicemember" means a person who is serving as either an active  
308 duty, national guard member or a reservist member of the United States armed forces.

309 F. "Priority populations" means veterans and military servicemembers and their  
310 respective families, seniors and their caregivers, and resilient communities.

311 G. "Regional health and human services" means a wide range of those services,  
312 programs, operations and capital facilities that promote outcomes relating to healthy  
313 living, housing stability, financial stability, social engagement, service system  
314 improvement and service system access to meet basic human needs and promote healthy  
315 living and healthy communities including, but not limited to:

316 1. Those services, programs, operations and capital facilities that promote  
317 housing stability or that contribute to making homelessness rare, brief and one-time by  
318 creating housing, preserving or modifying existing housing, or supporting persons in

gaining or maintaining housing, including an assistance program to support persons who qualify to apply for a property tax exemption under RCW 84.36.381;

2. Those health care and health promotion services, programs and operations that encourage healthy lifestyles and wellness, support food security, promote healthy aging, support recovery, reduce unintentional injury, support survivors of gender-based violence, promote suicide prevention efforts, and improve physical and behavioral health for individuals and families including, but not limited to, substance use disorder initiatives such as public awareness campaigns, substance use disorder professional workforce resilience, or peer navigators and upstream mental health care such as counseling and other therapeutic services;

3. Those services, programs and operations that address and support efforts to address firearm violence intervention and injury prevention to promote safe and thriving communities;

4. Those services, programs, operations and capital facilities that promote social engagement and community building, such as senior centers for individuals and groups in culturally, geographically, economically or linguistically isolated communities, and for others, such as seniors experiencing or at risk of social isolation and its health-harming effects;

5. Those services and programs that promote financial stability or financial mobility, including access to, preparation for, and assistance in, gaining or maintaining employment, income, education and financial literacy, including an assistance program to support persons who qualify to apply for a property tax exemption under RCW 84.36.381;



342           6. Those services, programs, operations and capital facilities that promote and  
343 support diversion away from the criminal legal system and its impacts, and services and  
344 programs that assist individuals recovering from the effects of their involvement with the  
345 criminal legal system, including services that promote restorative justice or returning to  
346 community after incarceration or detention, such as services aimed at supporting criminal  
347 legal system-involved individuals to attain or retain housing;

348           7. Those services, programs, operations and capital facilities that improve or  
349 expand the delivery of health and human services, improve health and human services  
350 system access and navigability, reduce or prevent the disparate or traumatic effects of  
351 systems upon resilient communities, build the capacity of communities to partner with  
352 King County and build the capacity and support the operations of health and human  
353 services providers to serve their clients and communities, including strategies to promote  
354 retention, recruitment and pay of high quality service providers;

355           8. Those services, programs, operations and capital facilities that improve or  
356 expand the delivery of civil legal aid to veterans, seniors and resilient communities;

357           9. Those services and programs that promote, encourage and support  
358 employment opportunities for veterans and military servicemembers, including  
359 employment opportunities in King County government such as the veterans internship  
360 program, a version of which has also been known as the Vets 4 HIRE program  
361 established by Ordinance 17450;

362           10. Those services and programs for veterans and military servicemembers  
363 involved with the criminal legal system, including assessment and referral to behavioral  
364 health services, housing resources, and other social service supports;

11. Those services, programs, operations and capital facilities that further a goal of allowing seniors to age in place and enjoy a high quality of life in their own homes or where they reside;

12. Those services, programs, operations and capital facilities that provide education and workforce development and training for resilient communities; and

13. Those services, programs, operations and capital facilities that mitigate and offset the impacts of gentrification, including geographic displacement, on resilient communities.

H. "Regional impact initiatives" means those regional health and human services that provide or support responses to issues that affect all three of this levy's priority populations and which regional health and human services can help address such as, but not limited to, nonprofit health and human services workforce stability, language access, responding to the regional homelessness crisis or addressing community safety.

I. "Resilient communities" means persons or communities susceptible to reduced health, housing, financial or social stability outcomes due to systemic and historical exposure to trauma, violence, poverty, isolation, bias, racism, stigma, discrimination, disability or chronic illness. Examples of resilient communities include, but are not limited to: communities of color; immigrant and refugee communities; persons with disabilities; survivors of domestic violence and other gender-based violence; persons who identify as lesbian, gay, bisexual, transgender, queer, questioning, intersex or asexual; and survivors of human trafficking.

J. "Senior" means a person who is at least fifty-five years old.

387 K. "Substance use disorder initiative" means those regional health and human  
388 services that provide or support responses to issues relating to substance use disorders  
389 and recovery from substance use disorders.

390 L. "Technical assistance and capacity building" means assistance for providers of  
391 regional health and human services responding to requests for proposals or assistance to  
392 implement, improve, or expand their delivery of regional health and human services in  
393 King County.

394 M. "Veteran" means a person who has served as either an active duty, national  
395 guard member or a reservist member of the United States armed forces.

396 **SECTION 2. Levy submittal.** To provide necessary moneys to fund, finance or  
397 refinance the purposes identified in section 4 of this ordinance, the King County council  
398 shall submit to the qualified electors of the county a proposition authorizing a regular  
399 property tax levy in excess of the levy limitation contained in chapter 84.55 RCW for six  
400 consecutive years, with collection commencing in 2024, at a rate not to exceed \$0.10 per  
401 one thousand dollars of assessed value in the first year of the levy period. The dollar  
402 amount of the levy in the first year shall be the base upon which the maximum allowable  
403 levy amounts in years two through six (2025 – 2029) shall be calculated. In accordance  
404 with RCW 84.55.050, the levy shall be a regular property tax levy subject to the limit  
405 factor as defined in section 1 of this ordinance.

406 **SECTION 3. Deposit of levy proceeds.** The levy proceeds shall be deposited  
407 into a dedicated subfund of the veterans, seniors and human services levy fund, or its  
408 successor.

409 **SECTION 4. Eligible expenditures.**

410           A. If approved by the qualified electors of the county, the sums from the first  
411   year's levy proceeds as are necessary may be used to provide for the costs and charges  
412   incurred by the county that are attributable to the election.

413           B. After the amount authorized in subsection A. of this section, the remaining  
414   levy proceeds shall be divided in the following proportions and used for the following  
415   purposes:

416           1. Thirty percent of levy proceeds shall be used to plan, provide, administer and  
417   evaluate regional health and human services for veterans and military servicemembers  
418   and their respective families;

419           2. Thirty percent of levy proceeds shall be used to plan, provide, administer and  
420   evaluate regional health and human services for seniors and their caregivers and to  
421   promote healthy aging in King County;

422           3. Thirty percent of levy proceeds shall be used to plan, provide, administer and  
423   evaluate regional health and human services for resilient communities;

424           4. Ten percent of levy proceeds shall be used to plan, provide, administer and  
425   evaluate regional impact initiatives and technical assistance and capacity building, of  
426   which at least ten percent of the levy proceeds identified in this subsection B.4. shall be used  
427   to support technical assistance and capacity building;

428           5. At least twenty-five percent of the levy proceeds described in this subsection  
429   B., including a portion from the thirty percent of levy proceeds to support each of the  
430   three priority populations identified in subsection B.1. through 3. of this section and a  
431   portion from the ten percent of levy proceeds to support regional impact initiatives

identified in subsection B.4. of this section, shall be used to support those regional health and human services that promote housing stability; and

6. Levy proceeds may be used to mitigate the levy's impact on metropolitan park districts, fire districts or public hospital districts in King County to the extent their levies may be prorated, as mandated by RCW 84.52.010 and to the extent the levy was a demonstrable cause of the prorationing and only if the county council has authorized the expenditure by ordinance. Metropolitan park districts, fire districts or public hospital districts receiving levy proceeds shall use the proceeds for the purposes stated in subsection B.1. through 4. of this section.

**SECTION 5. Call for special election.** In accordance with RCW 29A.04.321, the King County council hereby calls for a special election to be held in conjunction with the primary election on August 1, 2023, to consider a proposition authorizing a regular property tax levy for the purposes described in this ordinance. The King County director of elections shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the qualified electors of the county, at the said special county election, the proposition hereinafter set forth. The clerk of the council shall certify that proposition to the director of elections in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney:

PROPOSITION\_\_\_: The King County Council passed Ordinance \_\_\_\_\_ concerning replacement of an expiring veterans, seniors and human services levy. If approved, this proposition would fund capital facilities and services for veterans, servicemembers, and their families; seniors and

455 caregivers; and resilient communities susceptible to reduced health,  
456 housing, financial, or social stability outcomes. It would authorize an  
457 additional six-year property tax levy for collection beginning in 2024 at  
458 \$0.10 per \$1,000 of assessed valuation, with the 2024 levy amount being  
459 the base for calculating annual increases by 3.5% in 2025-2029; and  
460 exempt eligible seniors, veterans and disabled persons under RCW  
461 84.36.381. Should this proposition be:

462 Approved? \_\_\_\_\_

463 Rejected? \_\_\_\_\_

464 **SECTION 6. Governance.**

465 A. If the levy is approved by the qualified electors of the county, the King  
466 County veterans, seniors and human services levy advisory board shall continue to serve  
467 in its capacity in accordance with K.C.C. 2A.300.540 now existing or hereafter amended.

468 B. Beginning in 2025, the executive shall provide an online annual report to the  
469 council and community which shall include, but not be limited to:

470 1. The levy's fiscal and performance management and accomplishments during  
471 the previous calendar year;

472 2. The expenditure of levy proceeds by result area by ZIP Code in King County;  
473 and

474 3. The number of individuals receiving levy-supported services by result area by  
475 ZIP Code in King County of where the individuals reside at the time of service.

476 **SECTION 7. Implementation planning.**

477           A. Contingent upon voter approval of the ballot proposition described in section  
478 5 of this ordinance, and by no later than October 31, 2023, the executive shall transmit  
479 for council review and adoption by ordinance an implementation plan for the veterans,  
480 seniors and human services levy. The implementation plan shall:

481           1. Describe the forecasted expenditure of levy proceeds to achieve results  
482 related to the levy's five result areas of housing stability, healthy living, financial  
483 stability, social engagement, service system improvement and service system access for  
484 veterans and military servicemembers and their respective families, seniors and their  
485 caregivers, resilient communities, and regional impact initiatives, consistent with the  
486 eligible expenditures described in section 4 of this ordinance;

487           2. Describe the planned portion of levy proceeds for veterans and military  
488 servicemembers and their respective families, seniors and their caregivers, resilient  
489 communities and regional impact initiatives to fund those regional health and human  
490 services that promote housing stability as required in section 4.B.5. of this ordinance;

491           3. Identify and describe the levy strategies to stabilize the nonprofit regional  
492 health and human services workforce;

493           4. Identify and describe the levy strategies to expand access to counseling or  
494 other behavioral health services, including for veterans and military servicemembers and  
495 their respective families and seniors and their caregivers who are not otherwise  
496 sufficiently served through community behavioral health providers;

497           5. Identify and describe measurable results expected across each of the levy's  
498 five result areas for veterans and military servicemembers and their respective families,



seniors and their caregivers, resilient communities and regional impact initiatives due to the expenditure of levy proceeds;

6. Identify and describe a regular performance monitoring framework that will be used to assess and report on how well the veterans, seniors and human services levy is achieving those results identified and described in section 7.A.5. of this ordinance, including how the results will be evaluated for geographic distribution;

7. Describe how the veterans, seniors and human services levy program-specific performance monitoring and reporting will be coordinated with performance monitoring and reporting on other dedicated human services funds such as the best starts for kids fund and the mental illness and drug dependency fund;

8. Make recommendations for any refinements to the levy's governance described in section 6.A. of this ordinance and transmit separately for council review and adoption any applicable ordinances that would accomplish the recommended changes upon the effective date of those ordinances; and

9. Describe how the executive shall make each online annual report described in section 6.B. of this ordinance digitally available to all councilmembers, to all members and alternate members of the regional policy committee, or its successor, and to the public.

B. Until the council adopts by ordinance the implementation plan referenced in subsection A. of this section, subject to appropriation, levy proceeds may only be expended to continue existing levy-supported services into 2024 and consistent with the veterans, seniors and human services levy implementation plan adopted by Ordinance 18768.

522            **SECTION 8. Exemption.** The additional regular property taxes authorized by  
523            this ordinance shall be included in any real property tax exemption authorized by RCW  
524            84.36.381.

525            **SECTION 9. Ratification and confirmation.** Certification of the proposition by  
526            the clerk of the county council to the director of elections in accordance with law before  
527            the primary election on August 1, 2023, and any other act consistent with the authority  
528            and before the effective date of this ordinance are hereby ratified and confirmed.

529            **SECTION 10. Severability.** If any provision of this ordinance or its  
530            application to any person or circumstance is held invalid, the remainder of the

Ordinance 19604

Section 5, ItemB.

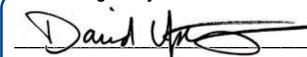
- 531 ordinance or the application of the provision to other persons or circumstances is
- 532 not affected.

Ordinance 19604 was introduced on 2/21/2023 and passed by the Metropolitan King County Council on 5/2/2023, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry,  
McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:

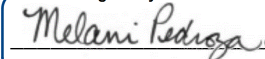


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Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

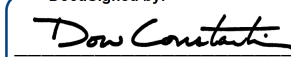


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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_\_ day of 5/2/2023, \_\_\_\_\_.

DocuSigned by:



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Dow Constantine, County Executive

**Attachments:** None



**King County**

**Veterans, Seniors & Human Services Levy**

# **Renewal Overview**

**July 13<sup>th</sup>, 2023**

**Rod Dembowski, King County Councilmember  
&  
Kelly Rider, Deputy Director of the King County  
Department of Community & Human Services**



# Veterans, Seniors, and Human Services Levy (VSHSL)

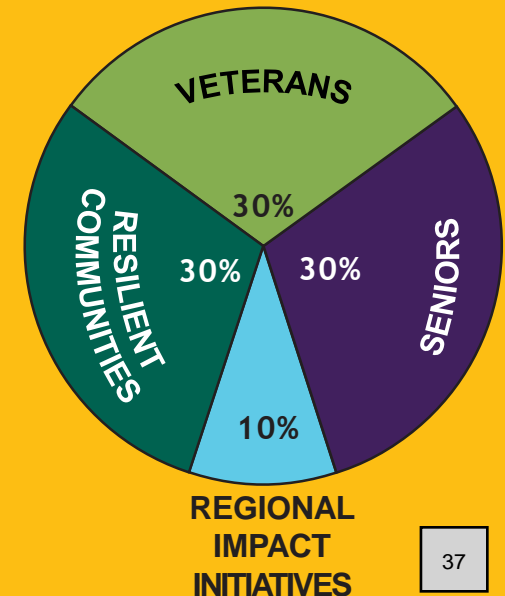
Voter approved x3 since 2005.  
Added Seniors in 2017.  
Current VSHSL expires at end of 2023.  
King County voters will consider  
renewing the levy for 2024-2029 on  
the August 2023 ballot.

10¢  
+ 1.9¢  
per \$1,000 of  
assessed value

\$83/yr  
+ \$17/yr

for the County's median  
home value

\$564  
million  
over six years  
(2024-2029)



# About the VSHSL

Six-year property tax levy lid lift

## Four funding areas

1. Veterans, servicemembers and their families
  2. Older adults and their caregivers
  3. Other resilient communities
- NEW** Regional impact initiatives that affect all three populations

## Five result areas:





**185,000+** since 2018,  
*including*  
**27,000+** veterans,  
and **100,000+** seniors



**300+** programs  
led by **150+**  
community-based  
organizations

Broad impact for tens of thousands of our neighbors  
every year since last renewed



- Built 1200 units of affordable housing and 198 shelter beds
- Contributed to a 40% reduction in veteran homelessness



Funded 39 senior centers across the county



Partners used the VSHSL to pivot and adapt services and programming throughout the COVID-19 pandemic



- Helped more than 260 veterans, servicemembers, and family members access more than 15,000 mental health counseling sessions



- **DVHopeline**, a countywide, 24-hour, multi-lingual, multi-modal domestic violence hotline, launches.

- First-in-the-nation pilot program houses homeless veterans. **Collaborative Case Management** blends rental assistance with supportive services to help veterans secure stable housing.



- Funded 55 agencies with 675 bonuses to hire and retain critical human services staff at a time of high turnover and vacancies
- Funded mobile advocacy services for more than 1,200 survivors of gender-based violence



# Measuring VSHSL Impact



Housing  
Stability

80% of VSHSL Housing Stability program outcomes showed positive housing results (such as remaining housed or finding permanent housing).



Financial  
Stability

66% of VSHSL Financial Stability program outcomes showed increases in financial security through employment obtainment, education enrollment, public benefit/veteran assistance, or other progress on financial goals.



Healthy  
Living

76% of VSHSL Healthy Living program outcomes showed improved health and well-being.

# Measuring VSHSL Impact



57% of VSHSL Social Engagement program outcomes showed reduced isolation through increased feelings of connection or increased engagement in community.



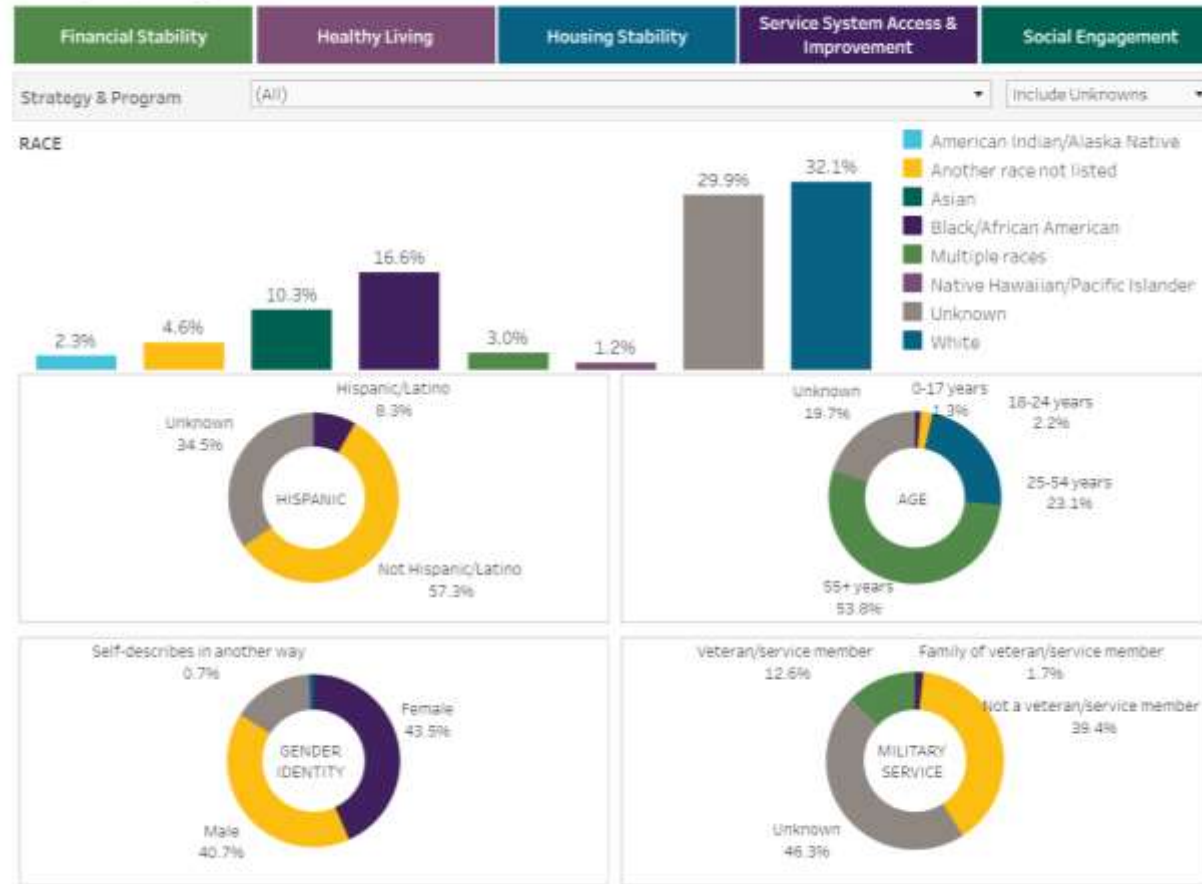
78% of VSHSL Service System Access and Improvement program outcomes showed connection to services through referral or direct service and 66% of VSHSL Gender-Based Violence program outcomes showed survivors made progress or met their self-defined goals each year.

# Interactive Financial Data and Performance Reporting

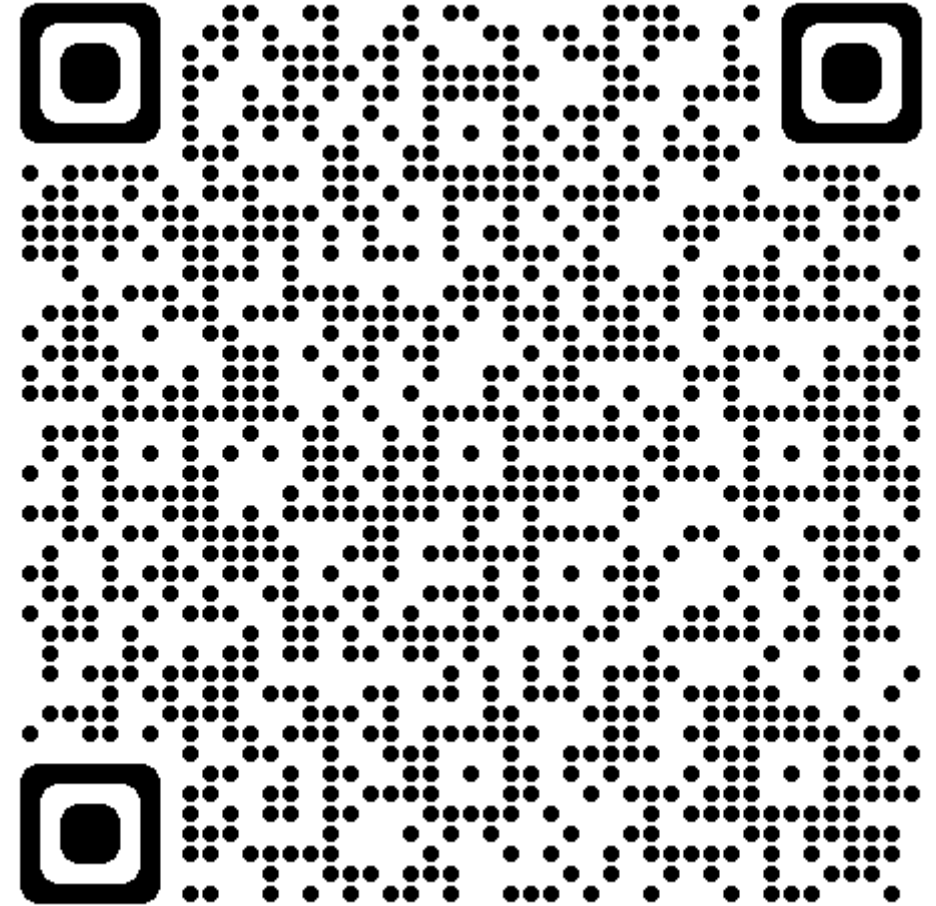
## are Publicly Available Online

Section 5, Item B.

Use the buttons below to view demographic results for a specific VSHSL Result Area. Use the dropdown lists to filter by VSHSL Strategy and Program, and toggle between Unknowns. To reset the filter double click on the result area button.



-Data reflects demographic information for participants receiving services any time between January 1 - December 31, 2021.



# VSHSL Impact in North King County

---

- ▶ Contributed to **130 units** new affordable and supportive housing
- ▶ Created a new service access point for north-end residents by moving King County Veteran Program to Northgate
- ▶ Expanded reach of senior services through innovative senior center partnerships
  - Kenmore Senior Center, Northshore Senior Center, and Peter Kirk Community Center hub partnership
  - Indian American Community Services hosts pop-up community centers



# VSHSL Renewal

## Community Engagement

March 2022 – June 2023



- **20** community conversations
- **20** focus groups/  
listening sessions
- **15+** informational presentations
- **10** open houses
- **2** Summits

# If renewed, the VSHSL would:

Section 5, ItemB.



- Fund permanent supportive housing, including veteran-specific housing
- Keep reducing veteran homelessness (40% reduction since 2018)



- Expand investments in the human services workforce



- Double current funding for senior centers

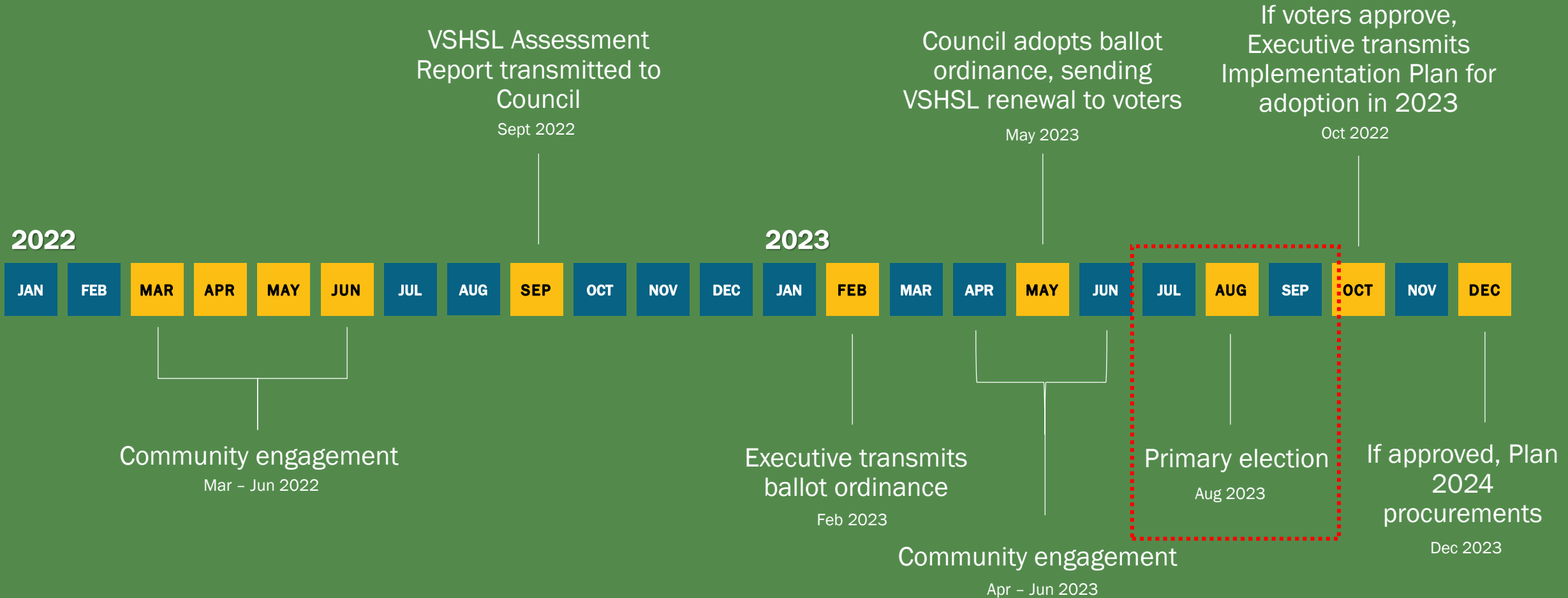


- Maintain access to counseling and mental health supports for veterans and seniors



- Deepen community-centered programming for survivors of gender-based violence

# VSHSL Renewal Timeline





# *Questions?*

Learn more at: [bit.ly/VSHSLonepager](https://bit.ly/VSHSLonepager)

# Stay Connected!

- Subscribe to our blog: [DCHSblog.com](https://DCHSblog.com)
- Visit our website:  
[www.kingcounty.gov/VSHSL](https://www.kingcounty.gov/VSHSL)
- Follow us on social media:

  @KingCountyVetsProgram

 @KingCountyDCHS



**King County**

Veterans, Seniors & Human Services Levy

Section 5, Item B.





# CITY OF LAKE FOREST PARK

## CITY COUNCIL

### AGENDA COVER SHEET

<b>Meeting Date</b>	July 27, 2023
<b>Originating Department</b>	Planning
<b>Contact Person</b>	Steve Bennett, Planning Director and Kim Adams Pratt, City Attorney
<b>Title</b>	Public Hearing Ordinance 23-1272/Interim Development Regulations As Authorized By The Growth Management Act Relating To Retaining Walls

#### Legislative History

- First Presentation - January 26, 2023, regular City Council meeting
- Second Presentation – February 6, 2023, City Council special Committee of the Whole meeting
- Third Presentation – February 23, 2023, regular City Council meeting
- Fourth Presentation – April 13, 2023, regular City Council meeting
- Fifth Presentation – May 11, 2023, regular City Council meeting
- Sixth Presentation – May 18, 2023, special City Council meeting
- Seventh Presentation – June 5, 2023, special City Council meeting
- Eighth Presentation – June 8, 2023, regular City Council meeting
- Ninth Presentation – June 22, 2023, regular City Council meeting
- Tenth Presentation – July 13, 2023, City Council work session
- Eleventh Presentation – July 27, 2023, regular City Council meeting

#### Attachments:

1. ATT 1 - Ordinance 23-1272/Interim Development Regulations as authorized by the Growth Management Act relating to retaining walls (including Retaining Wall Design Standards)
2. ATT 2 - PACE Engineering, Inc. Memorandum dated July 7, 2023
3. ATT 3 – WSDOT Noise Modeling requiring the use of FHWA traffic noise modeling
4. ATT 4 - Federal Regulations: 23 CFR Part 772 Procedures for abatement of highway traffic noise

5. ATT 5 – Public hearing notice

Executive Summary

A public hearing is scheduled for July 27, 2023, to hear public testimony regarding Ordinance No. 23-1272 and possible edits to same as described in the public hearing notice. After the public hearing the City Council will consider whether to adopt permanent regulations or keep the interim regulations in place while providing City staff with direction on next steps.

Background

On June 8, the City Council adopted Ordinance No. 23-1270, interim development regulations for retaining walls. After a public hearing on June 22, 2023, the City Council amended the interim regulations under Ordinance No. 23-1272. Section 7 of both ordinances direct City staff to investigate and obtain outside consulting services if necessary to research the WSDOT traffic noise policy and procedures and provide such information with a recommendation to the City Council for its adoption of permanent retaining wall regulations. The Council held a work session on July 13, 2023, for discussion of the Ordinance No. 23-1272, the PACE Memorandum, WSDOT noise modeling, and the applicable Federal Regulations.

Under the Growth Management Act (GMA), interim regulations may be in effect for six months and may be renewed for one or more six-month periods. Ordinance No. 23-1272 expires December 8, 2023, unless extended or terminated sooner by the City Council.

Fiscal & Policy Implications

There are no known fiscal implications at this time.

Alternatives

Options	Results
<ul style="list-style-type: none"><li>Approve permanent regulations</li></ul>	Council adopts permanent regulations as adopted in Ordinance No. 23-1272 or as amended after holding the public hearing
<ul style="list-style-type: none"><li>Do not approve permanent regulations</li></ul>	The interim regulations will remain in place as Council considers additional amendments to the retaining wall regulations

Staff Recommendation

Hold the public hearing on interim regulations and consider whether to adopt permanent regulations or provide direction to staff regarding next steps.

**ORDINANCE NO. 23-1272****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING ADOPTED INTERIM DEVELOPMENT REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT RELATING TO RETAINING WALLS; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100 and RCW 36.70A.040; and

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

**WHEREAS**, large scale retaining walls in or adjacent to publicly owned rights-of-way can result in visual and physical blight, tree and vegetation removal, and become de facto landmarks identifying the City of Lake Forest Park (the "City")

**WHEREAS**, it is imperative that negative impacts of these retaining walls be mitigated with structural and aesthetic design, planting, and other mitigation measures; and

**WHEREAS**, it is imperative that these retaining walls that become significant, recognizable features in the City be integrated with and support the community identity; and

**WHEREAS**, chapter 12.50 of the Lake Forest Park Municipal Code ("LFPMC") would establish regulations for retaining walls in or adjacent to publicly owned right-of-way;

**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 April 12, 2023; and

**WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's

intent to adopt the proposed amendments on April 6, 2023, and received notice that the Department had granted expedited review on April 20, 2023; and

**WHEREAS**, the City Council held public meetings to review the proposed regulations during meetings on January 26, 2023; February 6, 2023, February 23, 2023, April 13, 2023, May 11, 2023, June 5, 2023, June 8, 2023, and June 22, 2023; and

**WHEREAS**, the City Council held a public hearing on May 11, 2023, and June 22, 2022 regarding the proposed regulations; and

**WHEREAS**, the City Council adopted interim retaining wall regulations in Ordinance No. 23-1270 on June 8, 2023, and after the public hearing on June 22, 2023, adopted an amendment to Ordinance No. 23-1270, Section 2, LFPMC 12.50.020(C)(6).

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

Section 1. PRELIMINARY FINDINGS. The recitals and findings set forth above are hereby adopted as the City Council's preliminary findings in support of the interim development regulations imposed by this ordinance.

Section 2. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted creating Chapter 12.50 of the Lake Forest Park Municipal Code (LFPMC) as follows:

**12.50.010 Purpose and intent.**

The purpose and intent of this chapter is to:

A. Recognize that while at the basic level, a retaining wall is a structure that holds or retains soil behind it, retaining walls can also result in visual and physical blight, tree and vegetation removal, impairment of gateway areas, and other impacts that require visual design, planting, and topographic, and aesthetic mitigation.

B. Recognize that retaining walls can be built from different materials to achieve the strength required and achieve aesthetic goals;

C. Require aesthetic design features that reflect the character of the community as adopted in Retaining Wall Design Standards;

D. Recognize that retaining walls are frequently adjacent to noise sensitive areas such as residential dwelling units and other land uses that are noise sensitive and subject to inequitable noise impacts, which can be intensified by removal of vegetation and trees and/or by the reflected noise from retaining wall surfaces;

E. Require proof of compliance with state regulations for noise attenuation, absorption, and transmission; recognize that compliance may be achieved through a variety of

techniques and materials such as the use of tilted retaining walls to direct noise upward, large and small variations of façade to break up low to high frequencies, and sound reflection mitigation;

F. Require landscaping to avoid visual dominance of the retaining wall, potentially discourage graffiti, and add visual quality;

G. Encourage building material choices that ensure aesthetics, durability, maintenance, and cost; and

H. Promote cooperation between the State of Washington Department of Transportation ("WSDOT"), the City, and the project proponent.

#### **12.50.020 Retaining wall construction and design.**

A. Public benefit. Retaining walls located within the right-of-way shall be installed to benefit the general public by supporting or protecting public transportation infrastructure and shall not be for private development gain.

B. Application type.

1. An application for retaining wall construction and design approval shall be processed pursuant to the requirements in chapter 16.26 LFPMP for a Type III permit, administrative decision made by the code administrator. The Public Works director shall be the "code administrator" for the Type III permit decision.

2. For proposed retaining walls 25 feet or more in length and that propose removal of 10 or more trees that are either exceptional, landmark, or significant trees as defined in Chapter 16.14 LFPMP, a Neighborhood meeting shall be held pursuant to the requirements in LFPMP 16.26.050, provided however, that the Neighborhood meeting is not required to be held prior submittal of the application for the retaining wall.

3. For purposes of sending notice of the Neighborhood meeting under LFPMP 16.26.050(B), notice shall be mailed to owners of real property within 500 feet of either side of the right-of-way for the entire length of the retaining wall project. For purposes of sending the notice of application under LFPMP 16.26.040(D)(1)(b), notice shall be mailed to owners of real property within 500 feet of either side of the right-of-way for the entire length of the retaining wall project.

C. Transportation design manuals and regulations. Retaining walls located on private property or right-of-way that support or protect public transportation infrastructure shall, at a minimum, meet the requirements set forth in the latest edition of the Washington State Department of Transportation (WSDOT) Design Manual, Bridge Design Manual, and the International Building Code. These manuals and codes provide policies, procedures, and methods for developing and documenting design improvements to the transportation network.

1. The retaining wall construction type shall be the same from the highest to the lowest portion of each independent wall segment. Where walls are terraced or tiered, all tiers/terraces shall consist of the same wall construction type for the length of each independent segment.

2. Concrete retaining walls shall be coated with a moisture barrier and anti-graffiti paint.

3. Total structural isolation is required for public and private retaining walls adjacent to each other.

4. The Public Works director may take into account long term maintenance requirements, constructability, and recommendations on same from the applicant's engineers and independent third-party engineers.

5. Easements may be required for the maintenance, operation, and replacement of the wall.

6. The applicant shall provide documentation of how the retaining wall design satisfies, or exceeds, applicable WSDOT traffic noise policy and procedures. The documentation should include an assessment of noise impacts from the proposed design, including consideration of tree and vegetation removal, reflected noise, and proximity to residences, as well as proposed reflection and absorption techniques such as the use of tilted retaining walls to direct noise upward and variations in the facade to break up low to high frequencies.

7. Prior to issuing a decision on the retaining wall, the Public Works Director shall obtain, at the applicant's expense, a written structural review and recommendation from an independent third party with professional expertise and no affiliation with the applicant.

#### D. Aesthetic design.

1. An architectural finish or engineered block shall be used that integrates with and supports the community identity of the City showing a strong relationship to the surrounding natural environment including native trees, flora, and fauna of the region. The architectural finishes included in Provision 1 of the Retaining Wall Design Standards dated June 8, 2023, are examples that satisfy this requirement. The Public Works Director will review and issue a decision on the architectural finish and engineered block consistent with this section after obtaining, at the applicant's expense, a written review and recommendation from an independent third party with professional expertise and no affiliation with the applicant.

2. Landscaping treatments shall be used on retaining walls that reduce the harshness of these walls. The landscaping standards included in Provision 2 of the Retaining Wall Design Standards dated June 8, 2023, are examples that satisfy this



requirement. The Public Works Director will review and issue a decision on landscaping treatments consistent with this section after obtaining, at the applicant's expense, a written review and recommendation from an independent third party with professional expertise and no affiliation with the applicant.

3. As a condition of permit approval, the Public Works Director shall require as needed, based on the impacts and circumstances related to a particular retaining wall, installation of a temporary irrigation systems, and the funding for or implementation of a 3-year tree and plant monitoring and maintenance plan, including the replacement of failed trees and plants.

**Section 3. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS.** Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted to amend LFPMC 16.26.010, as follows:

**16.26.010 Purpose and application.**

A. This chapter establishes standard procedures for land use and related decisions made by the city of Lake Forest Park. They provide for an integrated and consolidated permit review process to promote timely and informed public participation and to eliminate redundancy and thereby minimize delay and expense.

B. This chapter applies to all applications for land use and related decisions made under [chapter 12.50 LFPMC](#), and ~~LFPMC~~ Titles 15, 16, 17 and 18 [LFPMC](#).

**Section 4. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS.** Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted to amend LFPMC 16.26.030, as follows:

**16.26.030 Classification of decisions.**

...

C. Type III – Administrative Decisions Made by a Code Administrator.

1. Threshold determinations under the State Environmental Policy Act (SEPA);
2. Administrative variances;
3. Shoreline exemption permits;
4. Sensitive area permits issued pursuant to Chapter 16.16 LFPMC, with the exception of requests for exemption under LFPMC 16.16.250 and the exception of minor sensitive area permits as described under LFPMC 16.16.080(A)(2); ~~and~~

5. Short subdivisions; [and](#)

[6. Retaining wall permits pursuant to chapter 12.50 LFPMP.](#)

...

**Section 5. EFFECTIVE DURATION OF INTERIM DEVELOPMENT REGULATIONS.** These interim development regulations set forth in this ordinance shall be in effect for a period of six (6) months from the date of Ordinance No. 23-1270 and shall automatically expire on December 8, 2023, unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

**Section 6. SET A PUBLIC HEARING.** A public hearing shall be held by the City Council regarding interim development regulations for retaining walls within sixty days of passage as required by RCW 36.70A.390.

**Section 7. REFERRAL TO STAFF.** The Planning Director, or designees (the "Director") is hereby authorized and directed to investigate and obtain outside consulting services if necessary to research the WSDOT traffic noise policy and procedures, provide such information to the City Council, and make a recommendation regarding permanent retaining wall development regulations.

**Section 8. 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 9. 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 10. EFFECTIVE DATE.** The City Council hereby finds and declares that pending retaining wall projects and their potential negative impacts in the City cause an emergency which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

**APPROVED BY A MAJORITY PLUS ONE** of the Lake Forest Park City Council this 22<sup>nd</sup> day of June, 2023.

APPROVED:

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

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_

Matthew McLean  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_

Kim Adams Pratt  
City Attorney

Introduced:	June 22, 2023
Adopted:	June 22, 2023
Posted:	June 27, 2023
Published:	June 27, 2023
Effective:	June 22, 2023



## Retaining Wall Design Standards

June 8, 2023

### INTENT

These provisions are intended to mitigate the impact of large, monotonous retaining walls in the right-of-way by requiring architectural and landscaping treatments that reduce the harshness of such walls and reflect the community identity.

### INTERPRETATION

The terms used in these standards indicate whether provisions are required or whether they are discretionary, but highly recommended and desirable.

**SHALL**—The use of the term “shall” (or “shall not” in the negative) represents a requirement of the design to meet the intent of the guideline. This provision must be followed as part of planning, design, and implementation of the project.

**SHOULD**—The use of the term “should” (or “should not” in the negative) indicates a provision that is strongly encouraged, but that is not an absolute requirement. Compliance with this provision is voluntary, but highly desirable to the community.

### PROVISIONS

1. The architectural finish of retaining walls shall depict artistic images having a strong relationship to the Pacific Northwest and the surrounding natural environment including native trees, flora, and fauna of the region. (see examples in Figures A and B)

FIGURE A



FIGURE B

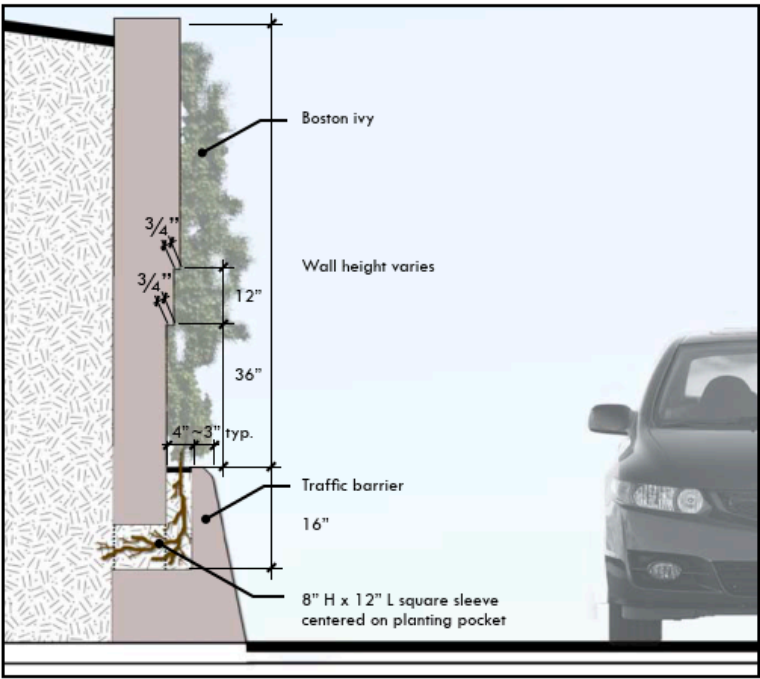


2. In addition to the architectural finish requirements of Provision 1, landscaping and vegetation such as that found in Figures C and D below shall be installed. Trees, shrubs and ground cover planted adjacent to a wall should incorporate plant species native the pacific northwest where possible.
  - a. In situations where the retaining wall is behind a sidewalk, the plantings shall be drought tolerant species that do not require permanent irrigation and shall be spaced in a manner similar to the spacing of the plantings shown in Figure C below.
  - b. In situations where the retaining wall is directly adjacent to a vehicular travel land or shoulder, wall vegetation shall be installed in a manner similar to Figure D (vine pocket) below. The City's preference is that a permanent irrigation system be installed for the vine pockets. When vine pockets are supported by an irrigation system, they can be spaced up to 10 feet apart on average for the length of the wall segment. If no permanent irrigation system is installed, vine pockets shall be spaced no farther than 6 feet apart on average for the length of the wall segment. Vine pockets should be spaced so that the vines do not substantially obscure the artistic images depicted on the walls.

FIGURE C



FIGURE D



Vine Pocket – Example Section

3. The wall construction type for an independent wall segment may deviate from the requirements of Provisions 1 and 2 if it can be demonstrated to the Public Works Director’s satisfaction that vegetation will grow directly from the wall face as shown in Figures E and F and will reach a



coverage of 80% of the wall front surface within 36 months. The plantings should be native and a permanent irrigation system shall be incorporated.

FIGURE E

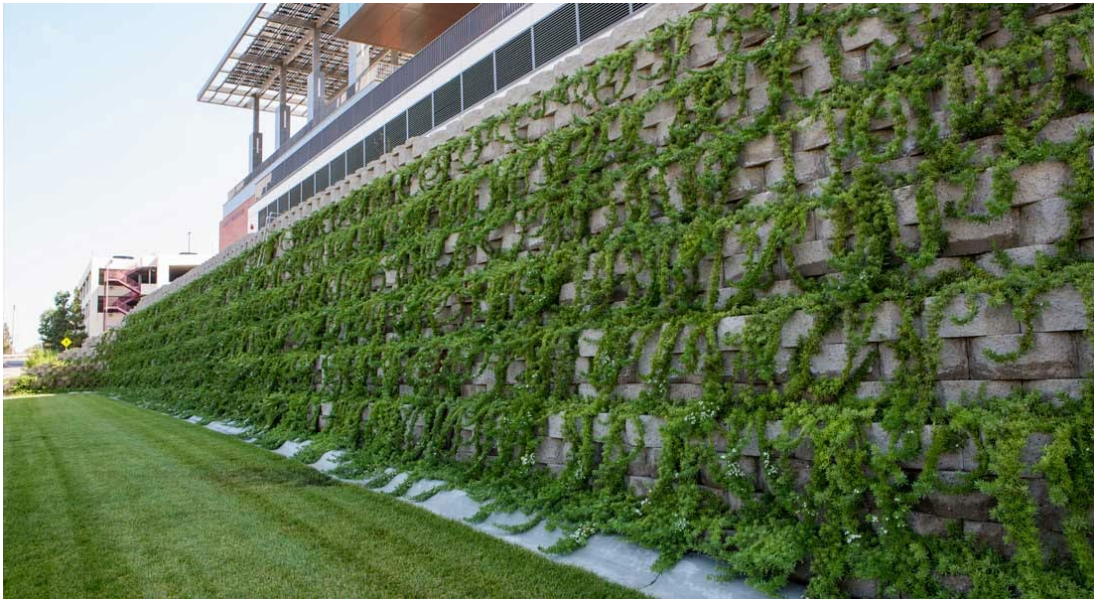
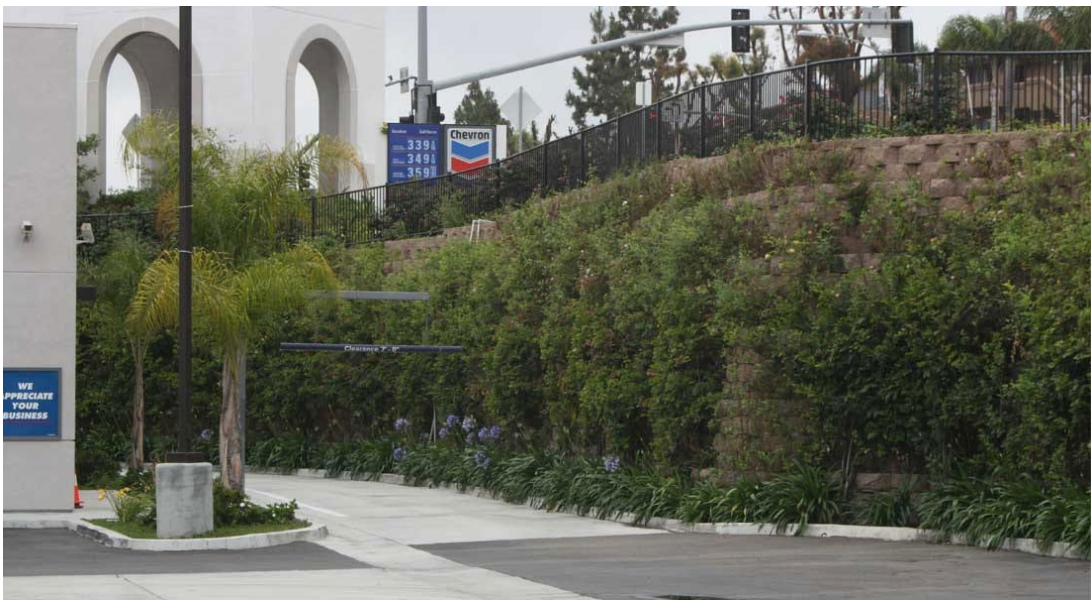


FIGURE F



## MEMORANDUM

**DATE:** July 7, 2023  
**TO:** Jeffrey Perrigo, PE  
**FROM:** Christian Nichols, PE  
**SUBJECT:** SR 522 BRT – Noise Impact Regulations

The intent of this memo is to provide context regarding the WSDOT Noise Policy and its implementation in the Sound Transit 522 project through Lake Forest Park.

### Regulations and Standards

The following sections identify the regulations and standards applicable for this type of project from the SR 522 Bus Rapid Transit (BRT) SEPA Environmental Checklist – Appendix E Noise and Vibration Technical Memo:

#### Section 4

*The assessment of potential noise and vibration impacts from the project was based on the current Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment (September 2018), which this report refers to as the FTA Manual (2018). Other regulatory information and ordinances reviewed and applicable to the project include the Washington Administrative Code (WAC) and codes and ordinances from the cities of Seattle, Shoreline, Lake Forest Park, Kenmore and Bothell.*

*The FTA criteria recommend the use of the Federal Highway Administration (FHWA) regulations for traffic noise analysis on roadways directly affected by the project. In Washington state this would be the WSDOT regulations. However, traffic noise is only considered if the project includes certain specific elements. Section 4.1.5 discusses in more detail the FHWA and WSDOT regulations and criteria with respect to traffic noise.*

#### Section 4.1

*Based on FTA's guidance and a review of the design specifics of the project, the project study team followed the General Assessment as defined in the FTA Manual (2018) for the noise analysis.*



#### Section 4.1.5

WSDOT is responsible for implementing the FHWA regulations in Washington state. Under FHQA and WSDOT regulations, traffic noise studies are performed only for projects meeting one or more of the following criteria, <sup>1</sup>as noted in the 2020 WSDOT Noise Policy below.

## 2020 WSDOT Noise Policy

Below is the introduction from the WSDOT Noise Policy document further explaining the requirements of the FHWA and how the WSDOT Noise Policy and its implementation complies with those requirements:

*The Federal Highway Administration (FHWA) requires state departments of transportation to develop noise policies that will apply to projects within that state. FHWA considers the procedures outlined in the WSDOT Environmental Procedures Manual (EPM) and on the WSDOT Air Quality, Noise, and Energy Program webpage to be an extension and refinement of the requirements set out in 23 CFR 772 for roadway related traffic noise when applied to projects that require FHWA approval in Washington State, including projects administered by local agencies. Fulfillment of the procedures set out in the document assures that the federal noise standard for roadway traffic noise is met.*

Project traffic noise is assessed for the criterion below:

#### Type 1 Project – Qualifying Highway Projects

Type 1 activity criteria apply equally to roadways, bus lanes, re-striping for new lanes...and auxiliary lanes.

A traffic noise analysis is required by law for federally funded projects and required by state policy and procedures for roadway project that incorporate any one of the following elements:

1. Construction of a highway in a new location
2. Physical changes to the horizontal or vertical alignment of an existing highway where there is either:
  - a. Moving the existing highway horizontally which halves the distance between the nearest edge of the travelled lane and the closest receptor's outdoor use area, or
  - b. Significantly altering the vertical alignment of an existing highway that exposes a new line-of-sight between the receptor and the traffic noise source.
3. Increases the number of through traffic lanes on an existing highway which can include High-Occupancy Vehicle (HOV) lane, High Occupancy Toll (HOT) lane, bus lane, truck

---

<sup>1</sup> SR 522 (BRT) SEPA Environmental Checklist – App E Noise and Vibration Technical Report

climbing lane or addition of an auxiliary lane of 2,500 feet in length or more except when the auxiliary lane is a turn lane.

4. The addition of a new or substantial alteration of an existing weigh station, rest stop, ride-share lot or toll plaza.

The following discussion from SR 522 Bus Rapid Transit (BRT) SEPA Environmental Checklist – Appendix E Noise and Vibration Technical Report summarizes the determination for the portion of the project within Lake Forest Park based on the criterion identified above.

## SEPA – App E Noise and Vibration Technical Report

Within the Noise and Vibration Technical Report, the Lake Forest Park portion of the project was delineated as Segment 2 of the four project segments.

*In Segment 2, the proposed widening of SR 522 near NE 165<sup>th</sup> Street was evaluated to determine whether it would meet FHWA Type 1 requirements for a detailed noise analysis (as described in Section 4.1.4). Five analysis locations were evaluated to determine whether the project's roadway realignment would move the nearest travel lane at least half the distance closer to the exterior use at each of the properties and, therefore, would meet the FHWA and WSDOT criterion requiring a Type 1 noise analysis. As shown in Table 7-6, the proposed widening would not reduce the distance between any noise-sensitive properties and the proposed roadway by at least half the distance between the existing properties and the existing roadway, and the resulting changes in traffic noise would not result in a perceptible change in traffic noise levels. Therefore, because the project fails to meet the Type 1 criterion for modifications to the horizontal alignment in Segment 2, a detailed noise analysis is not required.<sup>2</sup>*

**Table 7-6 Segment 2: FHWA Type 1 traffic noise analysis**

Receiver <sup>1</sup>	Current Distance <sup>2</sup> (ft)	Distance with Project <sup>3</sup> (ft)	Change in Distance <sup>4</sup> (ft)	dB Change	Half Current Distance <sup>5</sup> (ft)	Current Distance Reduced by Half or More
M-1	59	57	2	0.1	29.5	No
M-2	59	55	4	0.3	29.5	No
M-3	55	52	3	0.2	27.5	No
M-4	71	66	5	0.3	35.5	No
M-5	66	62	4	0.3	33	No

<sup>1</sup>Analysis sites are shown in Figure 7-1.

<sup>2</sup>Current Distance = Distance between the noise-sensitive property and the existing nearest travel lane.

<sup>3</sup>Distance with Project = Distance between the noise-sensitive property and the proposed nearest travel lane.

<sup>4</sup>Change in Distance = Difference (in feet) between the current distance and the proposed distance with the project.

<sup>5</sup>Half Current Distance = The minimum distance that the proposed nearest travel lane would have to be realigned to meet the FHWA criteria requiring a Type 1 noise analysis.

<sup>2</sup> SR 522 (BRT) SEPA Environmental Checklist – App E Noise and Vibration Technical Report

As the project was determined not to meet the Type 1 criterion and not requiring a noise analysis, there is no additional documentation regarding the noise impacts other than what was included in the SEPA Environmental Checklist. As such no study was conducted regarding the sound reflections from proposed barriers or walls along the project corridor.

## Federal Transit Administration (FTA) Evaluation of Reflected Noise from a Single Noise Barrier

The following is from the FTA Field Evaluation of Reflected Noise from a Single Noise Barrier. These sections are intended to offer some context for the change in noise after barrier construction.

*Conventional thinking is that an increase less than 3 dB should be just barely perceptible... One hypothesis tested in this research is that the noticeability and annoyance caused by the reflections might be due to other factors... In particular, the higher frequencies are more likely to be reflected (as opposed to diffusely reflected) back across the road. These higher frequencies may stand out more in the total received sound, changing the character of the sound. Given possible existing negative feelings about the highway among residents who did not qualify for a sound wall, a change in the sound character could be sufficient for those residents to experience increased annoyance from the traffic noise.*

*Another aspect of this phenomenon may be a factor that was noted in a study of a Caltrans project where sound absorption was added to a previously reflective far-side noise barrier along U.S. 101 in San Rafael, California (Menge and Barrett 2011). A resident observed, "It's a significant change. . . . The white noise that you hear is gone. What's missing is the 'shhhhh.'" This comment supports the concept that higher frequency spectral content is enhanced by the barrier reflections, or at least is attenuated less than low-frequency content. The comment also suggests the potential effect of the reflected sound on the overall time history or time signature of the total received sound. When a single vehicle passes by in the absence of a far-wall barrier, the sound that is perceived originates from the vehicle's location. When a reflective far wall is introduced, however, a receptor perceives not only the sound coming directly from the vehicle, but also the sound reflected off the far wall, which comes from a different point along the road. The relationship between the actual (direct) source and the reflected source changes as the vehicle proceeds through the area in front of the barrier. As a result, the time signature of the pass-by is lengthened. When multiple vehicles are present, the character of the normal rise and fall of the sound level of the vehicle pass-by also changes, affecting receptors' ability to pinpoint the direction of the sound. For curved barriers this effect can be further heightened due to multiple reflections.*

## City of Lake Forest Park Municipal Code

The following language was recently adopted by City Council on June 20, 2023:

The applicant shall provide documentation of how the retaining wall design satisfies, or exceeds, applicable WSDOT traffic noise policy and procedures. The documentation should include an assessment of noise impacts from the proposed design, including consideration of tree and vegetation removal, reflected noise, and proximity to residences, as well as proposed reflection and absorption techniques such as the use of tilted retaining walls to direct noise upward and variations in the facade to break up low to high frequencies.

## Summary

As shown in Appendix E Noise and Vibration Technical Report of the SEPA Environmental Checklist for this SR 522 BRT project a noise analysis was not required because the project did not meet the Type 1 project criterion.

Given a noise analysis was not conducted, there was no analysis or discussion regarding reflective noise for the proposed installation of a retaining wall along SR 522 within Lake Forest Park. The information and assessment included in the SEPA Environmental Checklist appears to comply with the regulations and standards for this project, though there is no discussion of reflective noise impacts.

# Guidance for Noise Modeling Using FHWA's Traffic Noise Model (TNM) 2.5 For Projects in Washington State



*September 1,  
2020*

Available online: [Traffic Noise Model \(TNM\) Guidance](#)

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## 1.0 Introduction

### 1.1 Background

The Washington State Department of Transportation (WSDOT) *Traffic Noise Policies and Procedures* require use of the most current Federal Highway Administration (FHWA) Traffic Noise Model (TNM) for traffic noise analysis. TNM modeling requires numerous inputs and modeling assumptions so WSDOT developed “*TNM Modeling Guidance*” to promote consistency and facilitate comparisons of modeling results between projects and project alternatives. WSDOT guidance is based on TNM modeling guidelines developed for the Tennessee Department of Transportation and modified to address WSDOT’s TNM noise modeling experiences for projects in Washington State as well as the NCHRP 25-34 Supplemental Guidance (2014) and FHWA Best Practices (2015).

The WSDOT guidance shall apply to all projects that must comply with the 2020 WSDOT Noise Policies and Procedures. Deviation from the guidance may be appropriate in some situations. Deviations must be approved by the WSDOT Noise Program and documented by the noise analyst in the noise study report or through supplemental information.

### 1.2 Audience

The guidance provides supplementary information to analysts with existing TNM modeling experience. It is not intended to serve as a training tool or supersede analyst qualification requirements listed in the WSDOT *Traffic Noise Policies and Procedures*.

Guidance is not provided for all of the TNM input items. The document focuses on areas where WSDOT feels that additional guidance is needed to ensure modeling consistency for projects in Washington State.

### 1.3 Guidance Updates

WSDOT guidance will be updated periodically to address changes in best practices. Traffic noise modeling guidance provided by FHWA (2015) or NCHRP (2014) may supersede this guidance document. Consult with the WSDOT Noise Program on questions regarding the WSDOT guidance.

*\*Check WSDOT [Noise webpage](#) to confirm that you are using the most current version of the modeling guidance.*

### 1.4 Additional Resources

Analysts are encouraged to frequently check the TNM modeling guidelines developed by the United States Department of Transportation’s Volpe Center that are provided online:

- [Highway Traffic and Construction Noise - Regulation and Guidance](#)

Additional noise modeling best practices are clarified in the National Cooperative Highway Research Program (NCHRP 25-34) report on [Supplemental Guidance on the Application of FHWA's Traffic Noise Model \(TNM\)](#) (2014).

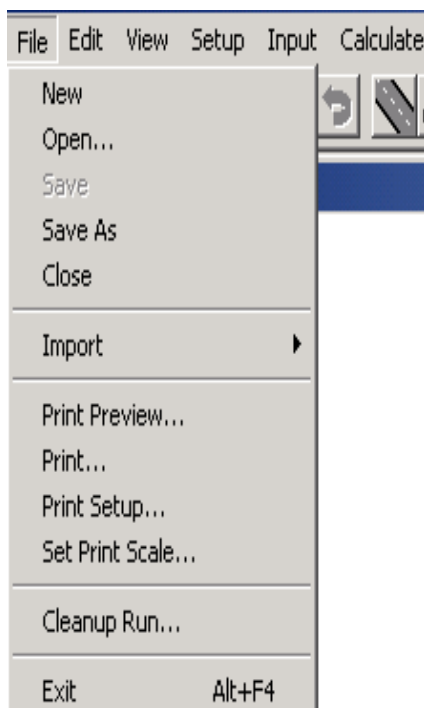
## 1.5 Organization

The guidance provided in this report follows the TNM 2.5 input toolbar (shown below) from left to right.



Information is provided by way of either “**tips**” in blue type or “**guidance**” in red type. Tips are intended to help analysts navigate TNM more efficiently. Guidance provides information regarding how WSDOT expects the TNM modeling to be conducted.

## 2.0 File



### 2.1 Open

**Tip:** TNM will not open a run if the combined path and run name exceed 87 characters in length.

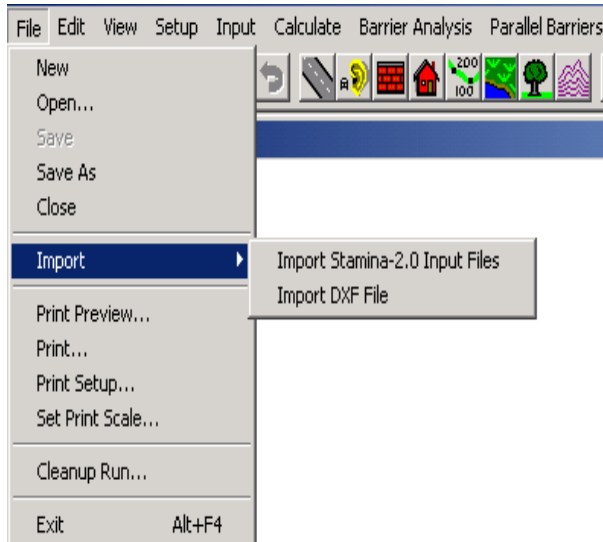
### 2.2 Import

#### 2.2.1 Import DXF File

#### 2.2.2 DXF Import as Background

TNM DXF Import has some limitations. TNM has an internal CAD package based on AutoCAD 2000. Arcs are brought into TNM as straight lines, sometimes with chords that are too long. TNM does not bring in DXF point objects, and TNM does not have any kind of raster display capability. TNM often has trouble with complex DXF files, newer DXF file formats or DXF files that are larger than about 6,000 KB in size.

Tip: Before importing a DXF file as a background, remove the following: all unneeded layers/levels, references. Separate contours and divide into separate DXF files. If necessary, divide DXF files into separate project quadrants or areas. Try to keep the DXF file size <6,000 KB. Also, DXF files should comply with AutoCAD 2000 or earlier. When using MicroStation to convert a .dgn file to a .dxf file format save the .dxf file as the oldest file format available.



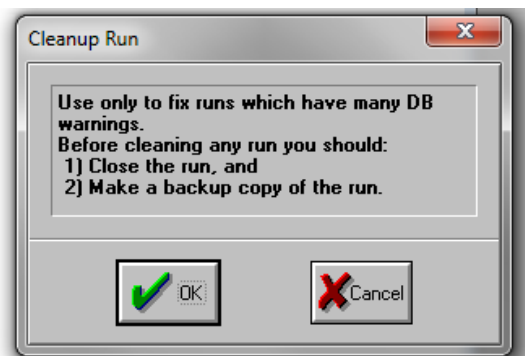
### 2.2.1.2 DXF Import as Objects

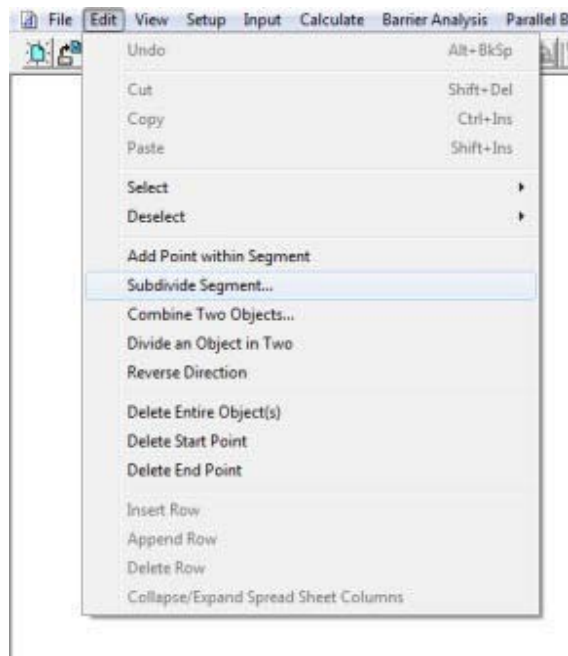
Tip: With the "Import as Objects" method, DXF lines are objects that can be selected, snapped to and converted into TNM objects, such as roadways. TNM may crash, leave out lines, or need the user to take action after every zoom or pan to redraw all of the imported objects. TNM functions more efficiently with smaller DXF files that only use the levels/layers needed.

## 2.3 Set Print Scale

Tip: "1 inch" (or "1 cm") is the distance between tick marks on the plot axes, not 1-inch (or 1-cm) on the paper. Also, note that Printer Margins do not affect the location of the axes, which are fixed, just the size of the plotted objects.

## 2.4 Cleanup Run





## 3.0 Edit

### 3.1 Subdivide Segment

**Tip:** TNM allows you to subdivide segments of TNM objects. This can be useful when you need to create smaller noise barrier segments which could allow for fine tuning the optimization of a noise barrier. This feature also shows you the exact length of a specific segment prior to subdivision which can be useful when reviewing final noise wall plan sheets to see how the modeled panels relate to the panels on the plan sheets.

### 3.2 Divide an Object in Two

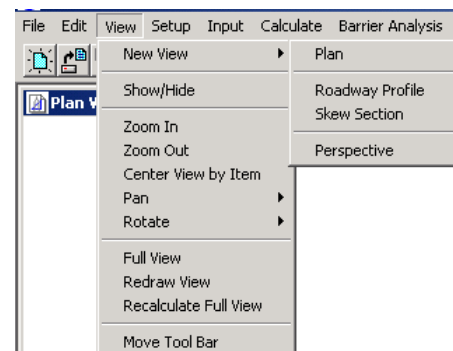
**Tip:** TNM allows you to divide a TNM object into two separate objects. This can be useful when you need to create a roadway object that has different traffic volumes on each roadway object or dividing a noise barrier into smaller panel segments that can help to optimize the noise wall height/length.

## 4.0 View

**Guidance:** Use the Skew and Perspective Views to check your model before calculating results or conducting a barrier analyses. Look for anomalous elevations, receiver/source relationships, etc.

### 4.1 New View, Roadway Profile

**Tip:** TNM 2.5 has a bug that draws the arrows as double-headed and shows the name of the last point, which the Plan View does not do.



### 4.2 New View, Skew Section

**Tip:** TNM 2.5 will not draw a Skew Section (cross section) or partial cross section if the Plan View is zoomed in too close to the project. Try zooming out from the Plan View and redrawing the cross section.

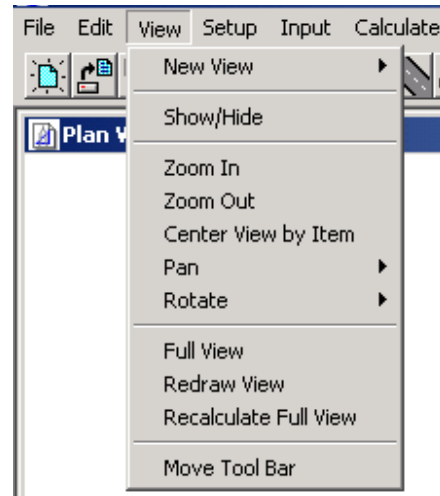
### 4.3 New View, Perspective

**Tip:** TNM 2.5 Perspective View will allow you to rotate and view the plan view from

different angles. This can be very helpful in reviewing TNM models to see if any TNM objects have missing or incorrect elevations or if elevations are inconsistent with other objects nearby.

#### 4.4 View, Show/Hide

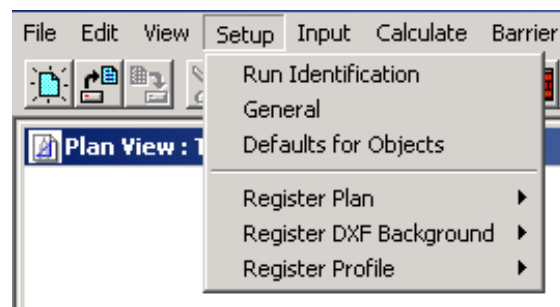
**Tip:** Uncheck the DXF background under “Show Objects” for quicker screen navigation. Re-check DXF background after locating the desired section of the model. Checking receivers under “Show Text” turns on receiver names in “Plan View,” “Perspective,” or “Barrier Analysis,” which helps to identify specific receivers to troubleshoot issues or verify results.



## 5.0 Setup

### 5.1 Run Identification

**Guidance:** Include the title, organization, project/contract and analysis for each run using terms that clearly indicate what the results represent.



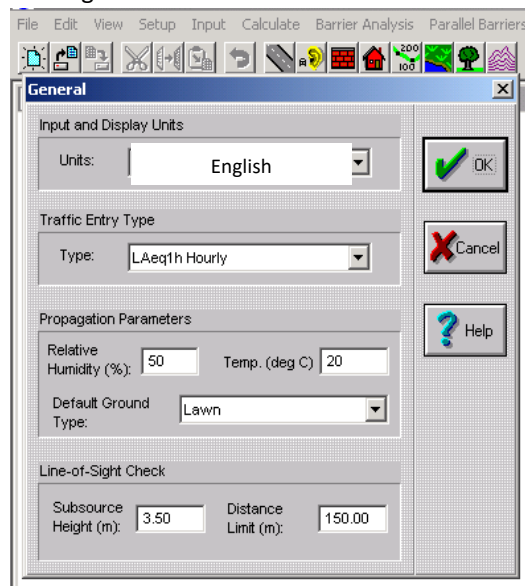
### 5.2 General

**Guidance:**

- Make sure to make the following changes prior to creating any objects
- Use English modeling units
- Use LAeq(1h) for traffic entry type
- Do not modify default values for Relative Humidity, Temperature or Line-of-Sight Check unless you feel your project will be challenged in court.
- Otherwise consult with WSDOT. These inputs have

minimal effect on outputs.

- Consult WSDOT if using a default ground type other than lawn.
- Ground zones can be used to simulate site-specific conditions instead.



### 5.3 Defaults for Objects

TNM has built-in default values for every parameter of every input type. The user may set up custom defaults using the “Defaults for Objects” menu command.

For newly created TNM 2.5 runs, the defaults for receivers are 1 for Dwelling Units and 4.92 feet (1.5 meter) for Height Above Ground. The four Levels/Criteria parameters’ defaults are 0 (existing sound level), 8 (noise reduction goal), 66 (noise impact criterion), and 10 dB (substantial impact criterion).

**Guidance:** Model receivers at a height of 4.92 feet above ground. Set the noise reduction goal to 7 dB for noise barrier analyses (reasonableness design goal).

### 5.4 Register Plan Sheet

**Tip:** While registering plan sheets, TNM computes the expected coordinates of the third point and shows them in the computed cells of the verification box. If you decide that computed and target coordinates are close enough, click “OK.” You will then receive a registration accuracy warning if the computed coordinates are off by more than 0.05 % (5 feet in 10,000 feet). The warning is only a guide and you may feel that a larger difference is acceptable.

### 5.5 Register Profile

**Tip:** TNM was intended to allow Z coordinates to be digitized from paper highway profile sheets after using the “register profile” function. However, TNM profile registration currently requires a 1:1 horizontal to vertical scale for profiles. All highway profiles have exaggerated vertical scales and, thus cannot be used for digitizing Z coordinates by TNM.

## 6.0 Input

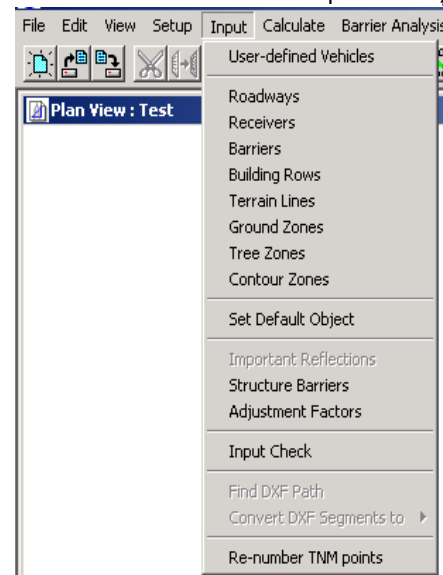
## 6.1 User-Defined Vehicles

**Guidance:** User-defined vehicles should not be modeled without consultation with and approval from WSDOT.

## 6.2 Roadways

### 6.2.1 Roadway Length

**Guidance:** Extend roadways beyond all first row receivers by a distance of at least four times the distance from the receiver to the roadway centerline. For example, the TNM roadway would extend 400 feet beyond the last first row receiver located 100 feet from the road centerline.



### 6.2.2 Number of TNM Roadways

**Guidance:** Model each direction of traffic for a roadway and model each roadway lane individually when:

- Eight lane or greater facilities, or
- Receptors are located below the elevation of the roadway, or
- There are intervening objects in the sound propagation path that block the line of sight between the roadway and the receiver, or
- It is necessary to consider the super-elevation of the highway,

Provide an overlap of 0.1 to 1.0 feet between travel lanes and between travel lanes and the shoulder. Use a “dummy lane” to model the shoulder of a roadway.

If the roadway is a 4 lane facility or less or if it is a minor arterial with low volumes and low speeds lanes can be grouped into a single road object for each direction of travel. Model additional roadways within the project area that affect noise levels or validation at receivers within the project, including interchange ramps and local roads.

**Tip:** Your model may not validate using minor roads without using significant terrain features, particularly for elevated receivers or elevated roadways.

### 6.2.3 Roadway Horizontal Coordinates

**Guidance:** Locate modeled roadways within  $\pm 3$  feet of the actual horizontal alignment of the road/lane.

**Tip:** Using X, Y and Z coordinates from the design profiles in the TNM roadway input provides a more accurate roadway alignment.

## 6.2.4 Roadway Elevations

**Guidance:** When modeling roadways on fill, always include a terrain line along the toe of slope of the roadway fill. When modeling roadways on structure, always include a terrain line at ground level just off the edge of structure. Failure to do this can result in a 2 to 5 dB under prediction by TNM with increased under prediction at receivers at increasing distances.

When available, use current roadway profiles and cross sections to determine roadway elevations. Elevations along the roadway should be less than  $\pm 1$ -2 feet from the actual roadway elevation. See also section 6.6 for use of terrain lines with roadways.

For projects on new alignment where roadway profiles and cross-sections are not available, use and document reasonable assumptions about the future roadway profile.

## 6.2.5 Roadway Width

**Guidance:** For highways that are greater than 4 lane facilities model each lane individually using the actual width of each lane and include the outside and inside shoulders in the outside and inside lane widths or use a “dummy lane” for the shoulders (Section 6.2.2). There should be 0.1 to 1.0 foot of overlap of the individual modeled roadway lanes.

For highway facilities with low speeds and /or facilities with 4 lanes or less or local arterials you can group two lanes together into one modeled lane in each direction but must include the total roadway widths including travel lanes and shoulders. There should be overlap of 0.1 to 1.0 feet of modeled roadway lanes unless there is an unpaved median.

For example, in the 4 lane divided highway shown below, the upper roadway has two 12-foot travel lanes and a 2-foot outside and 2-foot inside shoulder. The lower road has two 12-foot travel lanes, a 12-foot outside shoulder and a 2-foot inside shoulder for a total pavement width of 28 feet and 38 feet, respectively. Therefore, a minimum grouped pavement width of 28 ft. should be modeled for the upper roadway and 38 feet should be modeled for the lower. The median separation between the two roadways should also be modeled.





### 6.2.6 Pavement Type

FHWA Policy states:

*"TNM defaults to "AVERAGE" for pavement type. The use of any other pavement type must be substantiated and approved by the FHWA...." It is very difficult to forecast pavement surface condition into the future. Therefore, unless definite knowledge is available on the pavement type and condition and its noise generating characteristics, no adjustments should be made for pavement type in the prediction of highway traffic noise levels.*

Guidance: Use "Average" pavement type for all TNM runs, unless otherwise justified and approved by WSDOT and FHWA.

### 6.2.7 Traffic Volumes

Guidance:

- For existing and design year conditions, use peak hour volumes, unless otherwise directed by WSDOT. If forecasted traffic volumes are not available, develop future peak hour volumes based on existing traffic volumes (e.g., 10% of existing AADT) and using a reasonable growth factor provided by the WSDOT Traffic Office.
- For NEPA noise studies, it is not necessary to model non-uniform traffic distributions for multiple-lane highways up to 12 lanes wide.
- Non-uniform traffic distributions can be considered for final noise abatement design studies if all of the following conditions are met:
  - The facility is 8 general-purpose lanes or more;
  - Sound propagation occurs over soft ground;
  - There is a high percentage of heavy trucks (20% or more); and
  - The freeway is either elevated or depressed, such that intervening terrain blocks the line of sight between any number of lanes and receivers of interest.
- 10% of AADT is an acceptable surrogate for peak hour traffic volumes, when peak hour traffic is not available.

- Include buses in the medium truck category. Do not include motorcycles unless they are a significant percent of total volumes.

### 6.2.8 Traffic Speeds

Guidance: Use existing posted speeds for existing models. For future conditions, use design year posted speeds with the design peak hour volumes, unless otherwise directed by WSDOT.

Tip: The analyst should be aware sound levels change with speed and that propagation, barrier attenuation, ground attenuation and tree zone attenuation are sensitive to speed.

### 6.2.9 Roadway Flow Control

For TNM roadways with a traffic control device, TNM puts the flow control at the beginning of the roadway and computes accelerating speeds along the roadway's length as a function of vehicle type and roadway grade until the final speeds are attained or the end of the roadway is reached. For the next roadway, TNM begins anew with that roadway's input speeds. In other words, while TNM tracks speeds from one roadway segment to the next, it does not link speeds from one roadway to the next.

At a traffic-control device, TNM reduces vehicle speeds to your "speed constraint," for your "percentage of vehicles affected," and then accelerates this percentage of vehicles away from the device.

Acceleration continues until the vehicles come back up to your input speed, or until they reach the end of that TNM roadway. As vehicles accelerate, their noise emissions increase as compared to cruising vehicles at the same speed. The speed constraint is generally zero for all devices except on-ramp start points, where vehicles sometimes enter the on-ramp without completely stopping first.

Guidance: A reasonable start speed (speed constraint) for such on- ramps is 16 km/hr (10 mph).

If vehicles will continue to accelerate past the endpoint of the TNM traffic control roadway, the road must be extended to allow the vehicles to continue accelerating. For example, if heavy truck acceleration will continue past the physical merge point of an on-ramp with the mainline, the on-ramp should be extended past this physical merge point, parallel to the mainline, so that heavy trucks will approach the input speed before the end of the on-ramp roadway. Use Figure 45 from Appendix B of the [TNM Technical Manual](#) to compute this length.

The need to extend a ramp roadway to its full acceleration length depends on the number of trucks on the ramp compared to the mainline and the proximity of receivers.

Guidance: Model on-ramps and traffic control devices, including signals, stop signs and toll booths, and roundabouts using appropriate flow control as necessary. Extend the traffic-control roadway where heavy

truck acceleration is anticipated beyond the merge point with the mainline. If no flow control is used for on-/off-ramps these should be modeled with a speed of 45 mph or the posted advisory speed limit along their entire length.

### 6.2.10 Roundabouts

The key elements of modeling a roundabout are entry, circulation and exit speeds. Roundabouts are designed using yield signs instead of traffic signals for entry into the roundabout. Roundabouts are designed to move vehicles smoothly into and through or around before exiting and then accelerating away. Thus, in the TNM model the acceleration roadway should start after the vehicles have exited the roundabout.

#### Approach leg

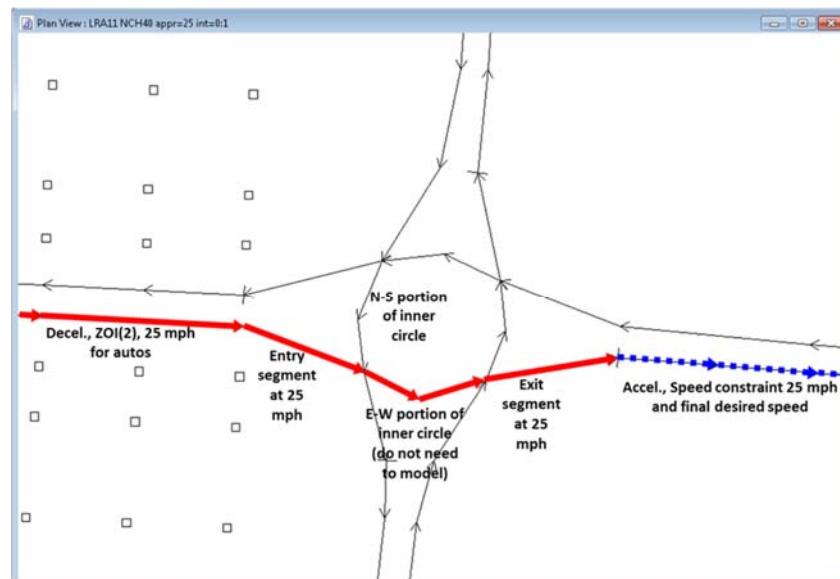
For a one lane inner circulatory road the approach to the roundabout may be modeled by a constant speed equal to the posted speed up to the beginning of the splitter island/crosswalk. Then, one 25-mph segment would be used to represent the entry leg, ending at the entry point to the circulatory road.

#### Inner circulatory road

The traffic on the inner circulatory road does not need to be modeled. The noise from the accelerating traffic departing the roundabout will dominate the overall sound levels.

#### Departure leg

For the departure leg, a one-segment constant-speed roadway would be modeled at a speed of 25 mph. It would start at the exit point from the inner circulatory road and end at the end of the reverse curve typically at the end of the splitter island/crosswalk. Then, a flow control acceleration roadway would be modeled from the point downstream to the end of the modeled site. The roadway would have a Speed Constraint of 25 mph and 100% Vehicles Affected with the posted or operating speed as final desired speed.



A roundabout with a two-lane inner circulatory road may be modeled essentially the same way as described for the one-lane inner circulatory road.

Because of the slightly higher speed typical of the two-lane case – on the order of 20-25 mph instead of 15-20 mph on the smaller diameter one-lane road and the greater circumference – there might be a desire to model the inner circulatory road, especially if receivers are immediately adjacent. However, if the inner roads' entry and approach legs are modeled for each leg, then it is unlikely that the inner road itself needs to be modeled, especially because of the noise of vehicles accelerating away from the roundabout

### 6.2.11 Additional Roadway Modeling Guidance

Guidance: Use stationing to name roadway points if possible. Alternatively you could name all roadway points so the direction and milepost or stationing are clear. For example, a point on eastbound I-90 at STA 335+00 could be named I90EB335.

If the project does not yet have stationing, roadway point names should reflect the direction of travel, differentiate one roadway point from another, and give some indication of where along the project the roadway point is located.

Tip: Exercise caution when modeling super-elevated roadways, since super-elevation can significantly affect predicted sound levels and the design of noise barriers. One method might be to model each lane separately with each lane having a slightly different elevation to represent the superelevation.

## 6.3 Receivers

Model receivers according to WSDOT's 2020 Noise Policies and Procedures available online: ([WSDOT Noise Policy \(2020\)](#))

Guidance: Include all impacted receivers within the traffic noise study area. The traffic noise study area will extend beyond the project limits the same distance as it extends out from the edge of the nearest travelled lane when the project limit ends within a residential community. If the project limits end within a commercial zone the noise study area will terminate at the project limit.

### 6.3.1 Dwelling Units and Sound Level Criteria

Guidance: The number of Dwelling Units/Residential Equivalents in the models must be consistent with the number of Dwelling Units/Residential Equivalents within the final discipline report.

Tip: Changing receiver Dwelling Units or any of the Sound Level Criteria values in TNM 2.5 after calculation incorrectly invalidates calculated results.

### 6.3.2 Adjustment Factors

Adjustment factors were originally designed to convert shielding

factors (such as building rows, terrain features and ground zones) in Stamina into adjustment factors in TNM. However, TNM 2.5 can include elements such as building rows, terrain lines and ground zones.

Guidance: Do not use adjustment factors, unless approved by WSDOT. Use shielding elements such as building rows, terrain lines and ground zones in TNM instead.

## 6.4 Barriers

Two types of proposed barriers can be modeled in TNM: Barrier and Berm. Barrier attenuation is *not* in the “no barrier” LAeq1h, so the “no barrier” and “with barrier” LAeq1h are different.

- 1. Perturb-able height barrier:** Set “# Up,” “# Down,” and “Increment” to non-zero values except for private or existing walls with fixed heights. For existing noise barriers with impacts in the future build scenario set the height at the existing height and the number of down perturbations to zero. Set the increment to two feet and the number of up perturbations to 10 or less. This will allow the analyst to evaluate whether raising the height of the existing barrier can reduce noise levels behind the wall to below impact and then determine if that extended height barrier is feasible and reasonable to build.

Simbar:2

Barrier:  Pert. Increment (ft): 2.00 # Pert. Up: 2 # Pert. Dn: 5

Height (ft): 16.00 Min. Height (ft): 0.00 Max. Height (ft): 100.00

Pnt.Name	Pnt.No	X (ft)	Y (ft)	Z(bottom) (ft)	Height (ft)	Increment (ft)	#Up	#Dn
	12	0.0	180.0	80.00	16.00	2.00	0	0
	1	100.0	180.0	80.00	16.00	2.00	0	0
	2	200.0	180.0	80.00	16.00	2.00	0	0
	3	300.0	180.0	80.00	16.00	2.00	0	0
	4	400.0	180.0	80.00	16.00	2.00	0	0
	5	500.0	180.0	80.00	16.00	2.00	0	0
	6	600.0	180.0	80.00	16.00	2.00	0	0
	7	700.0	180.0	80.00	16.00	2.00	0	0
	8	800.0	180.0	80.00	16.00	2.00	0	0
	9	900.0	180.0	80.00	16.00	2.00	0	0
	10	1,000.0	180.0	80.00	16.00	2.00	0	0

File Structure Reflections Notes

2. **Fixed height barrier** (noise barrier with a single height or existing/planned safety-barrier next to roadway): Leave “# Up,” “# Down” at zero, but make “Increment” size non-zero.

Simbar:2

Barrier:  Pert. Increment (ft): 2 # Pert. Up: 2 # Pert. Dn: 5

Height (ft): 16.00 Min. Height (ft): 0.00 Max. Height (ft): 100.00

Pnt.Name	Pnt.No	X (ft)	Y (ft)	Z(bottom) (ft)	Height (ft)	Increment (ft)	#Up	#Dn
	12	0.0	180.0	80.00	16.00	2.00	2	5
	1	100.0	180.0	80.00	16.00	2.00	2	5
	2	200.0	180.0	80.00	16.00	2.00	2	5
	3	300.0	180.0	80.00	16.00	2.00	2	5
	4	400.0	180.0	80.00	16.00	2.00	2	5

File Structure Reflections Notes

Guidance: Follow WSDOT standard specs for stepping the modeled noise barrier (no more than 2 feet increment steps, sections 6-12.3(5) and 6-12.3(6)) and/or the Urban Design Criteria, where appropriate.

Avoid the ‘saw toothed’ effect of the top of wall during barrier optimization caused by using too few modeled receivers behind the noise wall which tends to result in higher noise wall panels at the modeled receivers and shorter panels in-between modeled receivers

The wall should remain a relatively constant height between receivers except during substantial changes in terrain and modeling receivers at every home or at a minimum every other home can minimize this effect. Be sure to evaluate if receivers can see over the top of the wall in front of them and to the left/right and recommend using the line-of-sight check feature in TNM if the top of wall elevation is close to the line of sight from receiver to traffic.

Tip: For modeled barriers with long panel widths over steeply changing grade, it may be advantageous to divide the panels into smaller panel lengths (e.g., approximately 12 foot lengths) and step them according to standard specs or to the Urban Design Criteria for stepping requirements in a particular corridor.

According to FHWA Supplemental TNM Guidance TNM has a large  $L_{eq}$  sensitivity whenever sound paths just graze across diffracting edges such as terrain lines and the outer edge of roadways.

Guidance: When conducting a Barrier Analysis in TNM do not include other noise walls or terrain lines in the barrier analysis unless the second noise wall is an adjacent existing noise barrier or is being analyzed as part of a noise barrier 'system'.

Types of barriers that exist or will be constructed as part of the project but not as noise barriers might include:

- Median or shoulder safety barriers
- Masonry block walls/fences
- Large buildings
- Parapet walls
- Crash barriers

Model these objects as fixed height barriers for validation and "no-build" conditions, where appropriate. Existing barrier attenuation is included in the "no barrier"  $L_{Aeq}(1h)$  column. If no other barriers are present, Noise Reduction would be zero in the Results table. Set all perturbation values to zero for these fixed height barrier types.

#### 6.4.1 Optimizing Noise Barriers

Consider using the FHWA Noise Barrier Optimization Tool (NBOT). Otherwise, noise barriers should be evaluated to determine if they are highly cost effective according to our 2020 Noise Policies and Procedures and/or to determine which wall height will benefit the most noise sensitive receivers while still meeting the reasonableness criteria. If the noise wall cost and reasonableness allowance are relatively close optimization can sometimes help to meet the reasonableness criteria.

#### 6.4.2 Median Barriers

**Guidance:** For receptors within 500 feet of the center of the nearest travel lane and below the elevation of the highway, model the median barrier. For receptors beyond 500 feet and below the elevation of the highway model the median barrier and use the appropriate reflected barrier technique in the TNM Supplemental Guidance (2014, Appendix D). For receptors that are between 50 and 500 feet of the highway and less than 6 feet above the highway elevation model the median barrier and if more than 6 feet consider reflections



Distance From Middle of Near Travel Lane	Height of Receptor With Respect to Roadway	
	Receptor Below to 6 Feet Above Roadway	Receptor More Than 6 Feet Above Roadway
50	Model Median Barrier and Ignore Reflections	Model Median Barrier and Consider Reflections
100		
200		
500		
1000	Model Median Barrier and Consider Reflections	

### 6.4.3 Building Shielding

**Guidance:** If the building is large (e.g., warehouses, large retail buildings and multifamily buildings), located between a receiver and a roadway and is not incorporated into a building row (Section 6.5), model the building as a fixed height barrier with a minimum of three sides which are facing the source and zero perturbations.

### 6.4.4 Parapet Walls

**Guidance:** If a roadway on an overpass is shielded by an existing parapet wall, model the parapet wall to include shielding in the validation model if it is required to validate the model. If it is included in the validation model also include the parapet wall in the existing and no-build models. Include in the build model unless it is removed as part of the project. Model the parapet wall as a fixed height wall with zero perturbations.

### 6.4.5 Crash Barriers

**Guidance:** If a roadway, or roadway on an overpass, includes an existing crash barrier include it in the validation model if it is required to validate the model. If included in the validation model also include the crash barrier in the existing and no-build model and the build alternative if it is not removed by the project. If a crash barrier is planned to be an element of the project design, model the crash barrier in the “build” alternative model. Model the crash barrier as a fixed height wall with zero perturbations.

### 6.4.6 Noise Barrier Points

**Guidance:** Noise barrier points should generally be located near the right-of-way line and line up with nearby modeled roadway points on the adjacent roadway to ensure consistency of vertical geometry between the roadway and barrier.

Barrier points should be modeled at least every 200 feet for situations where the barrier will be located near the edge of pavement (EOP) and/or where the roadway is at-grade or on fill. Where the barrier will be located near the top of cut, model barrier points at least every 100 feet and at smaller intervals, where appropriate, such as where there are significant changes in bottom of wall elevations.

For barrier point names, indicate the direction and station of the adjacent roadway. For example, a barrier point at the EOP of eastbound I-90 at STA



335+00 could be called EB335. If barrier points are not located at a whole station, then expand the barrier point name to identify the location of the barrier point. For example, a barrier point at the EOP of eastbound I-90 at STA 335+30 could be called EB335.3.

If project stationing has not yet been developed, then develop a generic barrier point labeling system.

#### 6.4.7 Berms

To create a berm within the TNM model using terrain lines the toe of the berm (bottom of slope) cannot overlap a roadway or receiver or you will cause an “invalid results” modeling error, instead of sound levels, in the Sound Level Results table after calculations. The top width of the berm must be entered into the program as zero.

Guidance: To simplify modeling, model berms as noise walls with the noise wall aligned along the centerline of the berm and with the assumption that there is sufficient right-of-way for the berm. If a berm is modeled using terrain lines only place one terrain line representing the top of the berm and one representing each toe of slope of the berm and insure that the distance between terrain lines is more than four feet in all areas.

The wall-on-berm feature in TNM does not work properly. Only use a wall to model a wall-on-berm for proposed abatement. If modeling an existing wall-on-berm combination, use the base of the wall to define the top of the berm and terrain lines to define the toes of the berm.

Guidance: The feasibility of berms highly depends on available right-of-way, current and proposed slopes, and drainage issues. Consult with WSDOT before modeling berms as noise abatement.

#### 6.4.8 Barrier Unit Costs

Guidance: WSDOT provides unit costs for all noise barrier analyses in the WSDOT Noise Policies and Procedures, (2020), Exhibit 11, available online: [WSDOT Noise Policy \(2020\)](#)

Tip: Barrier unit costs on the “More” tab of the “Barrier” input dialog box apply to all segments of the barrier. If barrier costs vary on different sections of the barrier (e.g., barrier on a bridge), these costs can be computed outside of TNM.

#### 6.4.9 Barrier Segments on Structure

WSDOT does not typically model noise barriers on structure because it is understood that the cost to construct a noise barrier on an existing structure can be very expensive and the noise barrier will not be reasonable. However, if a noise wall on structure is required for the project, follow the following procedure.

Structure barrier segments may shield both *structure* roadway segments and *non-structure* roadway segments.

**Guidance:** All roadways on structure that are potentially shielded by the barrier should be included in the shielded list.

**Tip:** The graphical method of assigning shielded roadway segments to a structure barrier segment is the most straightforward input method.

Modifying roadway segments in the shielded list for structure barriers can corrupt the entire shielded list. WSDOT recommends developing the shielded lists late in the TNM run process and checking it thoroughly before running TNM.

## 6.5 Building Rows

Attenuation from a building row is much less than from a noise barrier of the same height and length. In the case of multiple building rows, TNM first calculates the most effective building row attenuation at a frequency of 630 Hz. Exact values are calculated only for the building row with the highest attenuation at 630 Hz. For all remaining rows that block the line-of-sight, attenuation of 1.5 dB is assigned to each 1/3 octave band, regardless of building height and gap. As a result, TNM may over-predict sound levels back into a community, particularly where there is a high density of intervening structures. Building rows also define terrain. Therefore, validation of receivers back into a community to the point where noise impacts no longer occur is important.

**Guidance:** Model all intervening building rows between a source and a receiver, but recognize that TNM may over-predict sound levels at locations two or more rows back into a community. Validate the noise model with noise measurements two or more rows back into a community to reduce potential for over-prediction.

### 6.5.1 Average Building Height

**Guidance:**  $\pm 2$  m (6 feet) is precise enough for average height when buildings are within a single story of one another and the road is not on fill, where the building height is critical.

### 6.5.2 Building Percentage

It is not necessary that building spacing be highly regular. The analyst does not have to be overly precise in this parameter.

**Guidance:** Model all intervening building rows with a building percentage between 20% and 80% to an accuracy of  $\pm 10\%$ . Generally, older neighborhoods should use a building percentage of 20% and newer neighborhoods/condos should use a building percentage of 80%. Model the building row as a fixed-height barrier when building percentage exceeds 80%.

## 6.6 Terrain Lines

### 6.6.1 General Modeling

The TNM web site FAQ notes: “TNM has shown some weaknesses in the diffraction algorithms, which would be invoked when computing the effects of terrain lines; thus, it is recommended that terrain lines only be used to locate substantial changes ( $\pm 3$  feet) in terrain elevation.” Terrain lines

*should be used on elevated roadways at the toe of slope adjacent to the roadway and for roadways on structure placed at the ground just off the edge of the structure and never be located less than four (4) feet apart. Otherwise, terrain lines should only be used when necessary to validate the noise model.*

The August 2002 TNM Validation Report, in referring to a particular study site, states that: "...undulations of this size (+5 to -20 feet) should not be ignored."

Then in the Conclusions, it states that you should model undulations of " $\pm 5$  feet or more."

*Guidance: Any terrain lines used during validation shall be included in all modeled conditions/alternatives unless altered in the Build alternative. Do not model terrain lines closer than 4 feet apart and only use terrain lines when necessary for validation. Study ground contours to determine where terrain changes break the line-of-sight between a source and a receiver and model terrain lines that break line-of-sight.*

*Tip: Receivers do not define the terrain, except for themselves.*

*Use caution when placing terrain lines close to noise barriers as the diffraction caused by the combination of the barrier and terrain line could lead to erroneous results.*

*Guidance: Do not place terrain lines closer than 4 feet from a noise barrier.*

## 6.7 Ground Zones

### 6.7.1 General Ground Zone Modeling

The effective flow resistivity values are similar for loose soil, lawn, and field grass.

*Guidance: Only model pavement, water, or hard soil ground zones, not tree zones. Do not use custom effective flow resistivity values*

TNM can have problems handling multiple diffraction points when a grassy median is modeled between roadways. In cases where the grass median is < 10 feet (3 m) wide, increase pavement widths so the pavements overlap slightly.

*Guidance: When a grass median is less than 10 feet wide, increase the modeled widths of the adjacent roadways to slightly overlap.*

*Use a ground zone to model the median if a median is  $\geq 10$  feet and the median is a ground type other than the default. For ground zone medians, avoid overlapping or matching edges with the adjacent roadways.*

## 6.8 Tree Zones

Per FHWA guidance, only use tree zones when vegetation meets the following condition:

*"...sufficiently dense to completely block the view along the propagation path; i.e., it is*

*impossible to see a short distance through the foliage.”*

Tree zones use the default ground type. To define a new ground type for the tree zone, you must create a ground zone. FHWA recommends the following for ground zones within tree zones:

*“If you want a ground type other than the default, you must use a ground zone to define the type of ground inside tree zones. If you are using a tree zone, surround the tree zone with a ground zone of loose soil to account for the ground effects of that tree zone.”*

*Guidance: Only model tree zones where trees are coniferous and density is sufficient to block the view from the receiver to the source. Do not model tree zones with depths less than 66 feet and predominantly deciduous trees.*

## 6.9 Contour Zones

TNM has difficulties modeling noise contours and FHWA policy states the following on contours: *“TNM allows the user to model contour zones. However, calculating noise contours with TNM greatly increases run time. It is strongly recommended that this feature of TNM only be utilized for land-use planning activities and/or performing screening analyses to determine the number of impacted receivers in an area.”*

*Guidance: Do not produce TNM generated contours on WSDOT projects, unless authorized by WSDOT.*

## 6.11 Input Check

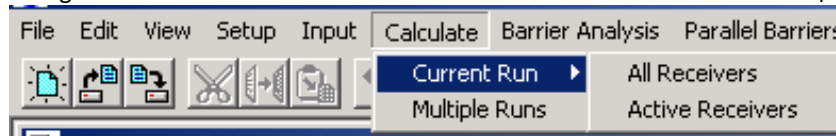
Input Check finds some, but not all, input errors in TNM. For example, Input Check will not find incorrect elevations for receivers, barriers, building rows, terrain lines, or tree zones and will only find incorrect roadway elevations when they cause the road to have a grade above a pre-defined limit. Errors not found in the input check are sometimes easily detected in the various TNM views or input tables during the normal review process.

*Guidance: Review input tables and views before calculating.*

TNM will give Input Check errors for vehicle types with speed but no volume, or volume but no speed. However, if none of the roadways in a TNM 2.5 run have traffic volumes or speeds, TNM 2.5 may give a "log10: argument singularity error" during the calculation phase, and not calculate further. This error only occurs when all TNM roadways are without traffic. If just one TNM roadway segment contains a single vehicle, and the remaining roadways have no traffic, TNM 2.5 will calculate results for this single vehicle. If some roadways have traffic and some roadways have no traffic, sound level results may look plausible but will be incorrect.

*Guidance: Review traffic table before calculating.*

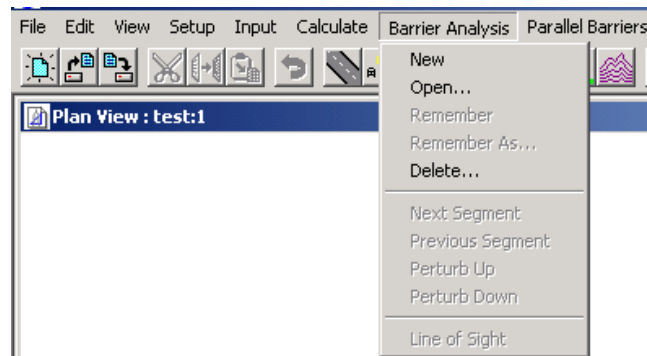
## 7.0 Calculate



TNM indicates the progress of the calculations in a Calculate Sound Levels window. The time “to go” feature is not particularly accurate.

## 7.1 Current Run, Active Receivers

*Tip: Calculating newly “active” receivers invalidates previous active receiver results. If you run TNM with some receivers “active”, then add more as “active”, TNM will invalidate results for previously calculated receivers when you try to calculate for newly activated receivers. Exception: if you calculate “All” receivers using the “Calculate,” “Current Run,” “All Receivers” command after calculating only some receivers using the “Calculate,” “Current Run,” “Active Receivers” command. In this case, TNM will generate a message box asking if you want to re-calculate 1) already-calculated receivers or if 2) you want to skip re-calculating those receivers with results.*



## 8.0 Barrier Analysis

### 8.1 New

*Tip: At least one barrier and one receiver must be selected to create a Barrier Analysis design. A Barrier Analysis design may also contain roadways and building rows. Include any adjacent existing noise barriers in your new barrier analysis but do not include other noise walls in your barrier analysis unless you are analyzing them as a ‘system’.*

### 8.2 Remember and Remember As...

“Remember” saves a barrier design to its current name specified in the last Remember As command. (If no current design name, Remember saves design as “unsaved.”)

“Remember As” means “create a new design name for upcoming changes.” That is, Remember Next Design As.

“Remember As” also saves the current design under the current name while creating a new name for an upcoming design. Unlike “Save As” in word processors and spreadsheets, “Remember As” does not save any edits just completed under the name about to be entered.

*Tip: When starting a Barrier Analysis, use “Remember As” and provide a design name.*

*After the first design, use Remember to save the design to that name. Then, use "Remember As" to create a new design name for upcoming changes. Use "Remember As" conservatively so as not to create too many different barrier design names which can become confusing. Name barrier designs clearly and delete any barrier designs that will not move forward.*

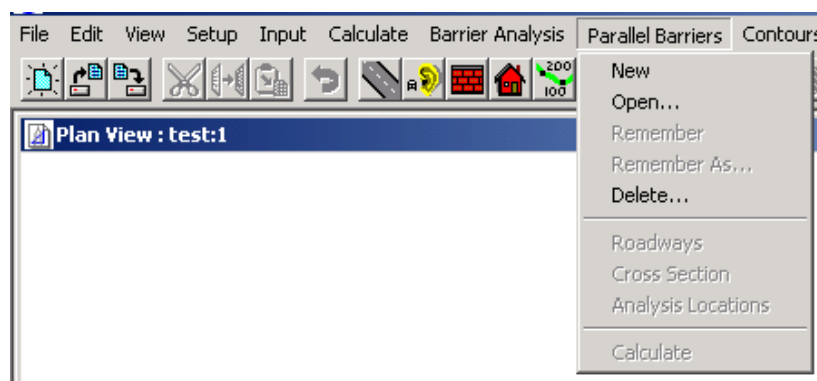
### 8.3 Line of Sight Check

When a barrier is present, the TNM "Line-of-Sight" function checks for a line-of-sight between a receiver and a source. Sources can include the pavement (tire noise), engine and elevated truck stacks. Check the source height and the distance from the receiver to the farthest point on the roadway and specify in the "Setup," "General" dialog box. These terms, sub-source height and distance limit, default to 11.48 feet and 492.13 feet, respectively, and should not be adjusted. The source height of 11.5 feet is based on a Caltrans study of 1,000 trucks in 1979.

The 50<sup>th</sup> percentile of the stack height data was 11.5 feet. A recent NCHRP study on the contribution of heavy truck stacks indicates that TNM may be over predicting the contribution of the stack noise (NCHRP, 2017).

*Guidance: Perform a line-of-sight check on noise barriers. This is especially important to prevent construction of barrier panels that are too low for barriers with varying panel heights and/or with receivers on elevated slopes behind a barrier. Additionally, even when noise levels are below impact, residents may perceive a barrier as being less effective when there is a line-of-sight from receivers to truck stacks. However, taller walls to block the truck stacks may not meet the reasonableness criteria so a balance must be found.*

## 9.0 Parallel Barriers



### 9.1 FHWA Policy on Parallel Barriers

FHWA policy on parallel barriers states the following: "TNM allows the user to model parallel barriers. Studies have suggested that to avoid a reduction in the performance of parallel reflective noise barriers, the width-to-height ratio of the roadway section to the barriers should be at least 10:1. The width is the distance between the barriers, and the height is the average height of the barriers above the roadway. This means, that two parallel barriers 3 meters tall should be at least 30 meters apart. Accordingly, it is recommended that parallel plane surfaces not be modeled with TNM unless the width-to-height ratio of the surfaces is less than 10:1 (note that modeling parallel plane surfaces greatly increases TNM run time)."

The actual increase in sound level due to reflections varies with receiver horizontal and vertical position, intervening shielding, and source location. Reflection problems due to parallel barriers can occur in cross-sections with a width-to-height ratio greater than 10:1.

Additionally, the effect of reflections can vary significantly from location to location in the same area. The site geometry should be reviewed to ensure that all potentially affected areas are identified and assessed. This may require modeling additional TNM receivers.

*Guidance: Use the TNM parallel barrier module to assess potential noise barrier degradation from reflections. Model in the TNM parallel barrier module and verify results in the field.*

## 9.2 General Parallel Barrier Modeling

“Open,” “Remember,” “Remember As,” and “Delete” work the same for “Parallel Barrier” designs and “Barrier Analysis” designs.

This module cannot be used for single wall reflections, and each wall must be at least 6 feet tall.

When a parallel barrier section contains two separate vertical surfaces offset on the same side of a road (e.g., a retaining wall near the edge-of-pavement and a barrier at the right-of-way), TNM completely ignores the lower inside surface (e.g., retaining wall), leading to erroneous results.

Changes to “Parallel Barrier” input data after calculations do not invalidate parallel barrier results. Instead, the program states that the current data is valid after you have made a change to the parallel barrier input data and try to recalculate the parallel barrier results.

The TNM User’s Guide suggests the use the calculated increases as “Adjustment Factors” in the main part of TNM for those receivers represented by the “Analysis Locations.”

*Guidance: Do not enter the parallel barrier increases as adjustment factors. Instead, use the Parallel Barriers module as a design module, where you may do one of the following:*

- 1. Analyze the effects of sound absorbing materials on barrier faces by changing the NRC of the Parallel Cross Section input dialog box*
- 2. Analyze tilting the walls outward by adjusting the horizontal values for the wall tops (either graphically or in the “Parallel Cross Section” input dialog box).*

## 9.3 Roadways

If more than half of the lowest sub-source circle is below the road line, the lower source will not be computed properly.

*Guidance: Make sure that the position of new Parallel Barrier roadways are slightly above the road surface.*

## 9.4 Cross Section

The initial “cut” heights of parallel barriers are based on Input Heights entered into the Barrier input dialog box. If a parallel barrier analysis is completed for other heights, then adjust input heights graphically or in the Parallel Cross Section input dialog box. It is incorrect to assume that the calculated multiple reflections sound level increase will be the same for two different sets of barrier heights.

## 9.5 Analysis Locations

After the Parallel Barriers calculations are completed, the Parallel Analysis Locations table is automatically updated to show the computed increases in  $L_{Aeq}(1h)$ . For TNM receivers being represented by Parallel Barrier Analysis Locations, these values are increases to the “With Barrier”  $L_{Aeq}(1h)$  values shown in the main Sound Level Results table. However, TNM does not automatically add these increases to those “With Barrier” levels.

*Tip: Analysis location Z values are for the ear height, not the ground height.*

*Guidance: Beware of computed increases in  $L_{Aeq}1h$  of 0.0; sometimes, when the receiver Z is below the roadway Z, the result may be incorrectly calculated as zero.*

# 10.0 Tables

## 10.1 Input Tables

*Tip: The default ground type is not shown on any of the input tables. Future versions of TNM will have default ground type on the ground zone input table.*

## 10.2 Barrier Design

The following tables may be helpful in the barrier design process:

1. “Sound Level Results” table
2. “Diagnosis by Barrier Segment” table
3. “Barrier Descriptions” table tracks total barrier cost
4. “Barrier Segment Descriptions” table helps track segment heights

Setting up windows to easily view these tables can be tricky. It helps to first check the “Barrier Design” lines to ensure the tables link to the intended design case, then “Hide” header rows of the tables.

The following issues need to be fixed in TNM 2.5 for the new Barrier Design Table:

1. The table takes up the full screen width with “Receiver” name and “Partial  $L_{Aeq}1h$ ” on opposite sides; and “Calculated  $L_{Aeq}1h$ ” and “Noise Reduction” in middle.
2. The full width of the table is not visible when the vertical scroll bar is on.
3. It is cumbersome to switch versions of the table back and forth to show/hide the “Important Segments” during barrier design.

## 10.3 Hide Rows

*Tip: The “Tables,” “Hide Rows” command works in TNM 2.5. However, all rows become unhidden when a table is printed.*



## 10.4 Print Tables

*Tip: In TNM 2.5, when using the “Tables,” “Print Tables” dialog box, the results tables are only printed for the “INPUT HEIGHTS” case, not the currently active barrier design. Open the table you want to print, select the window containing the table, click on “File,” then “Print.”*

This content is from the eCFR and is authoritative but unofficial.

## Title 23 —Highways

### Chapter I —Federal Highway Administration, Department of Transportation

#### Subchapter H —Right-of-Way and Environment

#### Part 772 Procedures for Abatement of Highway Traffic Noise and Construction Noise

- § 772.1 Purpose.
- § 772.3 Noise standards.
- § 772.5 Definitions.
- § 772.7 Applicability.
- § 772.9 Traffic noise prediction.
- § 772.11 Analysis of traffic noise impacts.
- § 772.13 Analysis of noise abatement.
- § 772.15 Federal participation.
- § 772.17 Information for local officials.
- § 772.19 Construction noise.

#### Table 1 to Part 772

##### Noise Abatement Criteria

## PART 772—PROCEDURES FOR ABATEMENT OF HIGHWAY TRAFFIC NOISE AND CONSTRUCTION NOISE

**Authority:** 23 U.S.C. 109(h) and (i); 42 U.S.C. 4331, 4332; sec. 339(b), Pub. L. 104–59, 109 Stat. 568, 605; 49 CFR 1.48(b).

**Source:** 75 FR 39834, July 13, 2010, unless otherwise noted.

### § 772.1 Purpose.

To provide procedures for noise studies and noise abatement measures to help protect the public's health, welfare and livability, to supply noise abatement criteria, and to establish requirements for information to be given to local officials for use in the planning and design of highways approved pursuant to title 23 U.S.C.

### § 772.3 Noise standards.

The highway traffic noise prediction requirements, noise analyses, noise abatement criteria, and requirements for informing local officials in this regulation constitute the noise standards mandated by 23 U.S.C. 109(1). All highway projects which are developed in conformance with this regulation shall be deemed to be in accordance with the FHWA noise standards.

## § 772.5 Definitions.

**Benefited receptor.** The recipient of an abatement measure that receives a noise reduction at or above the minimum threshold of 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

**Common Noise Environment.** A group of receptors within the same Activity Category in Table 1 that are exposed to similar noise sources and levels; traffic volumes, traffic mix, and speed; and topographic features. Generally, common noise environments occur between two secondary noise sources, such as interchanges, intersections, cross-roads.

**Date of public knowledge.** The date of approval of the Categorical Exclusion (CE), the Finding of No Significant Impact (FONSI), or the Record of Decision (ROD), as defined in 23 CFR part 771.

**Design year.** The future year used to estimate the probable traffic volume for which a highway is designed.

**Existing noise levels.** The worst noise hour resulting from the combination of natural and mechanical sources and human activity usually present in a particular area.

**Feasibility.** The combination of acoustical and engineering factors considered in the evaluation of a noise abatement measure.

**Impacted Receptor.** The recipient that has a traffic noise impact.

**L10.** The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration, with L10(h) being the hourly value of L10.

**Leq.** The equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period, with Leq(h) being the hourly value of Leq.

**Multifamily dwelling.** A residential structure containing more than one residence. Each residence in a multifamily dwelling shall be counted as one receptor when determining impacted and benefited receptors.

**Noise barrier.** A physical obstruction that is constructed between the highway noise source and the noise sensitive receptor(s) that lowers the noise level, including stand alone noise walls, noise berms (earth or other material), and combination berm/wall systems.

**Noise reduction design goal.** The optimum desired dB(A) noise reduction determined from calculating the difference between future build noise levels with abatement, to future build noise levels without abatement. The noise reduction design goal shall be at least 7 dB(A), but not more than 10 dB(A).

**Permitted.** A definite commitment to develop land with an approved specific design of land use activities as evidenced by the issuance of a building permit.

**Property owner.** An individual or group of individuals that holds a title, deed, or other legal documentation of ownership of a property or a residence.

**Reasonableness.** The combination of social, economic, and environmental factors considered in the evaluation of a noise abatement measure.

**Receptor.** A discrete or representative location of a noise sensitive area(s), for any of the land uses listed in Table 1.

**Residence.** A dwelling unit. Either a single family residence or each dwelling unit in a multifamily dwelling.

**Statement of likelihood.** A statement provided in the environmental clearance document based on the feasibility and reasonableness analysis completed at the time the environmental document is being approved.

**Substantial construction.** The granting of a building permit, prior to right-of-way acquisition or construction approval for the highway.

**Substantial noise increase.** One of two types of highway traffic noise impacts. For a Type I project, an increase in noise levels of 5 to 15 dB(A) in the design year over the existing noise level.

**Traffic noise impacts.** Design year build condition noise levels that approach or exceed the NAC listed in Table 1 for the future build condition; or design year build condition noise levels that create a substantial noise increase over existing noise levels.

**Type I project.**

- (1) The construction of a highway on new location; or,
- (2) The physical alteration of an existing highway where there is either:
  - (i) Substantial Horizontal Alteration. A project that halves the distance between the traffic noise source and the closest receptor between the existing condition to the future build condition; or,
  - (ii) Substantial Vertical Alteration. A project that removes shielding therefore exposing the line-of-sight between the receptor and the traffic noise source. This is done by either altering the vertical alignment of the highway or by altering the topography between the highway traffic noise source and the receptor; or,
- (3) The addition of a through-traffic lane(s). This includes the addition of a through-traffic lane that functions as a HOV lane, High-Occupancy Toll (HOT) lane, bus lane, or truck climbing lane; or,
- (4) The addition of an auxiliary lane, except for when the auxiliary lane is a turn lane; or,
- (5) The addition or relocation of interchange lanes or ramps added to a quadrant to complete an existing partial interchange; or,
- (6) Restriping existing pavement for the purpose of adding a through-traffic lane or an auxiliary lane; or,
- (7) The addition of a new or substantial alteration of a weigh station, rest stop, ride-share lot or toll plaza.
- (8) If a project is determined to be a Type I project under this definition then the entire project area as defined in the environmental document is a Type I project.

**Type II project.** A Federal or Federal-aid highway project for noise abatement on an existing highway. For a Type II project to be eligible for Federal-aid funding, the highway agency must develop and implement a Type II program in accordance with section 772.7(e).

**Type III project.** A Federal or Federal-aid highway project that does not meet the classifications of a Type I or Type II project. Type III projects do not require a noise analysis.

## § 772.7 Applicability.

- (a) This regulation applies to all Federal or Federal-aid Highway Projects authorized under title 23, United States Code. Therefore, this regulation applies to any highway project or multimodal project that:
  - (1) Requires FHWA approval regardless of funding sources, or

- (2) Is funded with Federal-aid highway funds.
- (b) In order to obtain FHWA approval, the highway agency shall develop noise policies in conformance with this regulation and shall apply these policies uniformly and consistently statewide.
- (c) This regulation applies to all Type I projects unless the regulation specifically indicates that a section only applies to Type II or Type III projects.
- (d) The development and implementation of Type II projects are not mandatory requirements of section 109(i) of title 23, United States Code.
- (e) If a highway agency chooses to participate in a Type II program, the highway agency shall develop a priority system, based on a variety of factors, to rank the projects in the program. This priority system shall be submitted to and approved by FHWA before the highway agency is allowed to use Federal-aid funds for a project in the program. The highway agency shall re-analyze the priority system on a regular interval, not to exceed 5 years.
- (f) For a Type III project, a highway agency is not required to complete a noise analysis or consider abatement measures.

### § 772.9 Traffic noise prediction.

- (a) Any analysis required by this subpart must use the FHWA Traffic Noise Model (TNM), which is described in "FHWA Traffic Noise Model" Report No. FHWA-PD-96-010, including Revision No. 1, dated April 14, 2004, or any other model determined by the FHWA to be consistent with the methodology of the FHWA TNM. These publications are incorporated by reference in accordance with section 552(a) of title 5, U.S.C. and part 51 of title 1, CFR, and are on file at the National Archives and Record Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030 or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). These documents are available for copying and inspection at the Federal Highway Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, as provided in part 7 of title 49, CFR. These documents are also available on the FHWA's Traffic Noise Model Web site at the following URL: <http://www.fhwa.dot.gov/environment/noise/index.htm>.
- (b) Average pavement type shall be used in the FHWA TNM for future noise level prediction unless a highway agency substantiates the use of a different pavement type for approval by the FHWA.
- (c) Noise contour lines may be used for project alternative screening or for land use planning to comply with § 772.17 of this part, but shall not be used for determining highway traffic noise impacts.
- (d) In predicting noise levels and assessing noise impacts, traffic characteristics that would yield the worst traffic noise impact for the design year shall be used.

### § 772.11 Analysis of traffic noise impacts.

- (a) The highway agency shall determine and analyze expected traffic noise impacts.
  - (1) For projects on new alignments, determine traffic noise impacts by field measurements.
  - (2) For projects on existing alignments, predict existing and design year traffic noise impacts.
- (b) In determining traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.
- (c) A traffic noise analysis shall be completed for:

- (1) Each alternative under detailed study;
- (2) Each Activity Category of the NAC listed in Table 1 that is present in the study area;
  - (i) **Activity Category A.** This activity category includes the exterior impact criteria for lands on which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential for the area to continue to serve its intended purpose. Highway agencies shall submit justifications to the FHWA on a case-by-case basis for approval of an Activity Category A designation.
  - (ii) **Activity Category B.** This activity category includes the exterior impact criteria for single-family and multifamily residences.
  - (iii) **Activity Category C.** This activity category includes the exterior impact criteria for a variety of land use facilities. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.
  - (iv) **Activity Category D.** This activity category includes the interior impact criteria for certain land use facilities listed in Activity Category C that may have interior uses. A highway agency shall conduct an indoor analysis after a determination is made that exterior abatement measures will not be feasible and reasonable. An indoor analysis shall only be done after exhausting all outdoor analysis options. In situations where no exterior activities are to be affected by the traffic noise, or where the exterior activities are far from or physically shielded from the roadway in a manner that prevents an impact on exterior activities, the highway agency shall use Activity Category D as the basis of determining noise impacts. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.
  - (v) **Activity Category E.** This activity category includes the exterior impact criteria for developed lands that are less sensitive to highway noise. Each highway agency shall adopt a standard practice for analyzing these land use facilities that is consistent and uniformly applied statewide.
  - (vi) **Activity Category F.** This activity category includes developed lands that are not sensitive to highway traffic noise. There is no impact criteria for the land use facilities in this activity category and no analysis of noise impacts is required.
  - (vii) **Activity Category G.** This activity includes undeveloped lands.
    - (A) A highway agency shall determine if undeveloped land is permitted for development. The milestone and its associated date for acknowledging when undeveloped land is considered permitted shall be the date of issuance of a building permit by the local jurisdiction or by the appropriate governing entity.
    - (B) If undeveloped land is determined to be permitted, then the highway agency shall assign the land to the appropriate Activity Category and analyze it in the same manner as developed lands in that Activity Category.
    - (C) If undeveloped land is not permitted for development by the date of public knowledge, the highway agency shall determine noise levels in accordance with 772.17(a) and document the results in the project's environmental clearance documents and noise analysis documents. Federal participation in noise abatement measures will not be considered for lands that are not permitted by the date of public knowledge.

- (d) The analysis of traffic noise impacts shall include:
  - (1) Identification of existing activities, developed lands, and undeveloped lands, which may be affected by noise from the highway;
  - (2) For projects on new or existing alignments, validate predicted noise level through comparison between measured and predicted levels;
  - (3) Measurement of noise levels. Use an ANSI Type I or Type II integrating sound level meter;
  - (4) Identification of project limits to determine all traffic noise impacts for the design year for the build alternative. For Type II projects, traffic noise impacts shall be determined from current year conditions;
- (e) Highway agencies shall establish an approach level to be used when determining a traffic noise impact. The approach level shall be at least 1 dB(A) less than the Noise Abatement Criteria for Activity Categories A to E listed in Table 1 to part 772;
- (f) Highway agencies shall define substantial noise increase between 5 dB(A) to 15 dB(A) over existing noise levels. The substantial noise increase criterion is independent of the absolute noise level.
- (g) A highway agency proposing to use Federal-aid highway funds for a Type II project shall perform a noise analysis in accordance with § 772.11 of this part in order to provide information needed to make the determination required by § 772.13(a) of this part.

### § 772.13 Analysis of noise abatement.

- (a) When traffic noise impacts are identified, noise abatement shall be considered and evaluated for feasibility and reasonableness. The highway agency shall determine and analyze alternative noise abatement measures to abate identified impacts by giving weight to the benefits and costs of abatement and the overall social, economic, and environmental effects by using feasible and reasonable noise abatement measures for decision-making.
- (b) In abating traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs.
- (c) If a noise impact is identified, a highway agency shall consider abatement measures. The abatement measures listed in § 772.15(c) of this part are eligible for Federal funding.
  - (1) At a minimum, the highway agency shall consider noise abatement in the form of a noise barrier.
  - (2) If a highway agency chooses to use absorptive treatments as a functional enhancement, the highway agency shall adopt a standard practice for using absorptive treatment that is consistent and uniformly applied statewide.
- (d) ***Examination and evaluation of feasible and reasonable noise abatement measures for reducing the traffic noise impacts.*** Each highway agency, with FHWA approval, shall develop feasibility and reasonableness factors.
  - (1) ***Feasibility :***
    - (i) Achievement of at least a 5 dB(A) highway traffic noise reduction at impacted receptors. The highway agency shall define, and receive FHWA approval for, the number of receptors that must achieve this reduction for the noise abatement measure to be acoustically feasible and explain the basis for this determination; and

- (ii) Determination that it is possible to design and construct the noise abatement measure. Factors to consider are safety, barrier height, topography, drainage, utilities, and maintenance of the abatement measure, maintenance access to adjacent properties, and access to adjacent properties (i.e. arterial widening projects).

(2) **Reasonableness** :—

- (i) **Consideration of the viewpoints of the property owners and residents of the benefited receptors.** The highway agency shall solicit the viewpoints of all of the benefited receptors and obtain enough responses to document a decision on either desiring or not desiring the noise abatement measure. The highway agency shall define, and receive FHWA approval for, the number of receptors that are needed to constitute a decision and explain the basis for this determination.
- (ii) **Cost effectiveness of the highway traffic noise abatement measures.** Each highway agency shall determine, and receive FHWA approval for, the allowable cost of abatement by determining a baseline cost reasonableness value. This determination may include the actual construction cost of noise abatement, cost per square foot of abatement, the maximum square footage of abatement/benefited receptor and either the cost/benefited receptor or cost/benefited receptor/dB(A) reduction. The highway agency shall re-analyze the allowable cost for abatement on a regular interval, not to exceed 5 years. A highway agency has the option of justifying, for FHWA approval, different cost allowances for a particular geographic area(s) within the State, however, the highway agency must use the same cost reasonableness/construction cost ratio statewide.
- (iii) **Noise reduction design goals for highway traffic noise abatement measures.** When noise abatement measure(s) are being considered, a highway agency shall achieve a noise reduction design goal. The highway agency shall define, and receive FHWA approval for, the design goal of at least 7 dB(A) but not more than 10 dB(A), and shall define the number of benefited receptors that must achieve this design goal and explain the basis for this determination.
- (iv) The reasonableness factors listed in § 772.13(d)(5)(i), (ii) and (iii), must collectively be achieved in order for a noise abatement measure to be deemed reasonable. Failure to achieve § 772.13(d)(5)(i), (ii) or (iii), will result in the noise abatement measure being deemed not reasonable.
- (v) In addition to the required reasonableness factors listed in § 772.13(d)(5)(i), (ii), and (iii), a highway agency has the option to also include the following reasonableness factors: Date of development, length of time receivers have been exposed to highway traffic noise impacts, exposure to higher absolute highway traffic noise levels, changes between existing and future build conditions, percentage of mixed zoning development, and use of noise compatible planning concepts by the local government. No single optional reasonableness factor can be used to determine reasonableness.

- (e) **Assessment of Benefited Receptors.** Each highway agency shall define the threshold for the noise reduction which determines a benefited receptor as at or above the 5 dB(A), but not to exceed the highway agency's reasonableness design goal.

- (f) **Abatement measure reporting** : Each highway agency shall maintain an inventory of all constructed noise abatement measures. The inventory shall include the following parameters: type of abatement; cost (overall cost, unit cost per/sq. ft.); average height; length; area; location (State, county, city, route); year of construction; average insertion loss/noise reduction as reported by the model in the noise analysis; NAC



category(s) protected; material(s) used (precast concrete, berm, block, cast in place concrete, brick, metal, wood, fiberglass, combination, plastic (transparent, opaque, other); features (absorptive, reflective, surface texture); foundation (ground mounted, on structure); project type (Type I, Type II, and optional project types such as State funded, county funded, tollway/turnpike funded, other, unknown). The FHWA will collect this information, in accordance with OMB's Information Collection requirements.

- (g) Before adoption of a CE, FONSI, or ROD, the highway agency shall identify:
  - (1) Noise abatement measures which are feasible and reasonable, and which are likely to be incorporated in the project; and
  - (2) Noise impacts for which no noise abatement measures are feasible and reasonable.
  - (3) **Documentation of highway traffic noise abatement** : The environmental document shall identify locations where noise impacts are predicted to occur, where noise abatement is feasible and reasonable, and locations with impacts that have no feasible or reasonable noise abatement alternative. For environmental clearance, this analysis shall be completed to the extent that design information on the alternative(s) under study in the environmental document is available at the time the environmental clearance document is completed. A statement of likelihood shall be included in the environmental document since feasibility and reasonableness determinations may change due to changes in project design after approval of the environmental document. The statement of likelihood shall include the preliminary location and physical description of noise abatement measures determined feasible and reasonable in the preliminary analysis. The statement of likelihood shall also indicate that final recommendations on the construction of an abatement measure(s) is determined during the completion of the project's final design and the public involvement processes.
- (h) The FHWA will not approve project plans and specifications unless feasible and reasonable noise abatement measures are incorporated into the plans and specifications to reduce the noise impact on existing activities, developed lands, or undeveloped lands for which development is permitted.
- (i) For design-build projects, the preliminary technical noise study shall document all considered and proposed noise abatement measures for inclusion in the NEPA document. Final design of design-build noise abatement measures shall be based on the preliminary noise abatement design developed in the technical noise analysis. Noise abatement measures shall be considered, developed, and constructed in accordance with this standard and in conformance with the provisions of 40 CFR 1506.5(c) and 23 CFR 636.109.
- (j) Third party funding is not allowed on a Federal or Federal-aid Type I or Type II project if the noise abatement measure would require the additional funding from the third party to be considered feasible and/or reasonable. Third party funding is acceptable on a Federal or Federal-aid highway Type I or Type II project to make functional enhancements, such as absorptive treatment and access doors or aesthetic enhancements, to a noise abatement measure already determined feasible and reasonable.
- (k) On a Type I or Type II projects, a highway agency has the option to cost average noise abatement among benefited receptors within common noise environments if no single common noise environment exceeds two times the highway agency's cost reasonableness criteria and collectively all common noise environments being averaged do not exceed the highway agency's cost reasonableness criteria.

### § 772.15 Federal participation.

- (a) **Type I and Type II projects.** Federal funds may be used for noise abatement measures when:

- (1) Traffic noise impacts have been identified; and
- (2) Abatement measures have been determined to be feasible and reasonable pursuant to § 772.13(d) of this chapter.

(b) **For Type II projects.**

- (1) No funds made available out of the Highway Trust Fund may be used to construct Type II noise barriers, as defined by this regulation, if such noise barriers were not part of a project approved by the FHWA before the November 28, 1995.
- (2) Federal funds are available for Type II noise barriers along lands that were developed or were under substantial construction before approval of the acquisition of the rights-of-ways for, or construction of, the existing highway.
- (3) FHWA will not approve noise abatement measures for locations where such measures were previously determined not to be feasible and reasonable for a Type I project.

(c) **Noise abatement measures.** The following noise abatement measures may be considered for incorporation into a Type I or Type II project to reduce traffic noise impacts. The costs of such measures may be included in Federal-aid participating project costs with the Federal share being the same as that for the system on which the project is located.

- (1) Construction of noise barriers, including acquisition of property rights, either within or outside the highway right-of-way. Landscaping is not a viable noise abatement measure.
- (2) Traffic management measures including, but not limited to, traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, modified speed limits, and exclusive lane designations.
- (3) Alteration of horizontal and vertical alignments.
- (4) Acquisition of real property or interests therein (predominantly unimproved property) to serve as a buffer zone to preempt development which would be adversely impacted by traffic noise. This measure may be included in Type I projects only.
- (5) Noise insulation of Activity Category D land use facilities listed in Table 1. Post-installation maintenance and operational costs for noise insulation are not eligible for Federal-aid funding.

## § 772.17 Information for local officials.

- (a) To minimize future traffic noise impacts on currently undeveloped lands of Type I projects, a highway agency shall inform local officials within whose jurisdiction the highway project is located of:
  - (1) Noise compatible planning concepts;
  - (2) The best estimation of the future design year noise levels at various distances from the edge of the nearest travel lane of the highway improvement where the future noise levels meet the highway agency's definition of "approach" for undeveloped lands or properties within the project limits. At a minimum, identify the distance to the exterior noise abatement criteria in Table 1;
  - (3) Non-eligibility for Federal-aid participation for a Type II project as described in § 772.15(b).

- (b) If a highway agency chooses to participate in a Type II noise program or to use the date of development as one of the factors in determining the reasonableness of a Type I noise abatement measure, the highway agency shall have a statewide outreach program to inform local officials and the public of the items in § 772.17(a)(1) through (3).

### § 772.19 Construction noise.

For all Type I and II projects, a highway agency shall:

- (a) Identify land uses or activities that may be affected by noise from construction of the project. The identification is to be performed during the project development studies.
- (b) Determine the measures that are needed in the plans and specifications to minimize or eliminate adverse construction noise impacts to the community. This determination shall include a weighing of the benefits achieved and the overall adverse social, economic, and environmental effects and costs of the abatement measures.
- (c) Incorporate the needed abatement measures in the plans and specifications.

**Table 1 to Part 772—Noise Abatement Criteria**[Hourly A-Weighted Sound Level \_\_ decibels (dB(A))<sup>1</sup>]

Activity category	Activity Leq(h)	Criteria <sup>2</sup> L10(h)	Evaluation location	Activity description
A	57	60	Exterior	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B <sup>3</sup>	67	70	Exterior	Residential.
C <sup>3</sup>	67	70	Exterior	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
D	52	55	Interior	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, schools, and television studios.
E <sup>3</sup>	72	75	Exterior	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A–D or F.
F				Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing.
G				Undeveloped lands that are not permitted.

<sup>1</sup> Either Leq(h) or L10(h) (but not both) may be used on a project.<sup>2</sup> The Leq(h) and L10(h) Activity Criteria values are for impact determination only, and are not design standards for noise abatement measures.<sup>3</sup> Includes undeveloped lands permitted for this activity category.

## City of Lake Forest Park

PUBLIC NOTICE

## NOTICE OF PUBLIC HEARING

THURSDAY, JULY 27, 2023 – 7:00 P.M.

## Proposed Code Amendments regarding Retaining Walls

The City of Lake Forest Park City Council has been reviewing proposed amendments to the Lake Forest Park Municipal Code (LFPMC) regarding Retaining Walls. Interim development regulations were adopted on June 22, 2023, by Ordinance No. 23-1272 (“Interim Regulations”). A public hearing will be held to accept public comments on the following:

- The Interim Regulations as adopted.
- Possible revision to Interim Regulation section 12.050.010(B) and (C) similar to the following language: B. Recognize that retaining walls can be built from different materials to achieve the strength required and achieve mitigation and aesthetic goals; C. Require aesthetic and other design features that mitigate these wall impacts and reflect the ~~character of the~~ community environment, as adopted in Retaining Wall Design Standards and this Chapter 12.50.
- Possible revisions to Interim Regulation section 12.050.020(B)(3) similar to the following language: “For purposes of sending notice of the Neighborhood meeting under LFPMC 16.26.050(B), notice shall be mailed to owners of real property within 500 feet of either side of the right-of-way for the entire length of the retaining wall project. For projects involving more than one lot, notice of the Neighborhood Meeting shall also be sent to the Planning Commission and Tree Board. For purposes of sending the notice of application under LFPMC 16.26.040(D)(1)(b), notice shall be mailed to owners of real property within 500 feet of either side of the right-of-way for the entire length of the retaining wall project.
- Possible revision to Interim Regulation section 12.050.020(C)(4) that provides language similar to “The Public Works director shall may take into account long term maintenance requirements, constructability, and recommendations on same from the applicant’s engineers, and independent third-party engineers.
- Possible revision to Interim Regulation section 12.050.020(C)(6) that provides language similar to “The applicant shall provide documentation of how the retaining wall design satisfies, or exceeds, applicable WSDOT traffic noise policy and procedures including noise abatement. ~~The documentation should include an assessment of noise impacts from the proposed design, including consideration of tree and vegetation removal, reflected noise, and proximity to residences, as well as proposed reflection and absorption techniques such as the use of tilted retaining walls to direct noise upward and variations in the facade to break up low to high frequencies.~~

The public hearing will be conducted during the City Council’s regular meeting on **July 27, 2023**. The meeting will begin at **7:00 P.M.** and the public hearing will commence thereafter. The public hearing will be held in person at the City Council Chambers and virtually. Instructions for how to participate in the virtual public hearing may be found on the agenda for the meeting. Written testimony will be accepted prior to the meeting and distributed to the City Council and verbal testimony will be accepted during the public hearing.

Written comments should be submitted to City Clerk Matt McLean at [mmclean@cityofflp.com](mailto:mmclean@cityofflp.com) no later than 5:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing is encouraged to register via the Remote Public Comment Sign-in Form on the City's *Hybrid City Council Meetings* webpage (<https://www.cityofflp.com/615/Hybrid-City-Council-Meetings>) by 5:00 p.m. on the date of the meeting. Persons who have not signed up on the online public hearing sign-in sheet will be called upon to raise their hand through the Zoom meeting webinar feature and will be added to the speakers' queue by the City Clerk, to be called upon by the Meeting Chair or designee. A request to speak can also be made by phone directly to the City Clerk at (206) 368-5540 prior to 5:00 pm on the date of the meeting.

Matt McLean  
City Clerk  
July 19, 2023

**ORDINANCE NO. 23-1273****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, CREATING CHAPTER 12.50 OF THE LAKE FOREST PARK MUNICIPAL CODE (LFPMC), RETAINING WALLS; AND AMENDING CHAPTER 16.26 LFPMC REGARDING TYPE III PERMITS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100 and RCW 36.70A.040; and

**WHEREAS**, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

**WHEREAS**, large scale retaining walls in or adjacent to publicly owned rights-of-way can result in visual and physical blight, tree and vegetation removal, and become de facto landmarks identifying the City of Lake Forest Park (the "City")

**WHEREAS**, it is imperative that negative impacts of these retaining walls be mitigated with structural and aesthetic design, planting, and other mitigation measures; and

**WHEREAS**, it is imperative that these retaining walls that become significant, recognizable features in the City be integrated with and support the community identity; and

**WHEREAS**, chapter 12.50 of the Lake Forest Park Municipal Code ("LFPMC") would establish regulations for retaining walls in or adjacent to publicly owned right-of-way;

**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 April 12, 2023; and

**WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's

intent to adopt the proposed amendments on April 6, 2023, and received notice that the Department had granted expedited review on April 20, 2023; and

**WHEREAS**, the City Council held open public meetings to review the proposed regulations during meetings on January 26, 2023; February 6, 2023, February 23, 2023, April 13, 2023, May 11, 2023, May 18, 2023, June 5, 2023, June 8, 2023, June 22, 2023, July 13, 2023, and July 27, 2023; and

**WHEREAS**, the City Council held public hearings on May 11, 2023, June 22, 2023, and July 27, 2023 regarding the proposed regulations for retaining walls; and

**WHEREAS**, the City Council adopted interim retaining wall regulations in Ordinance No. 23-1270 on June 8, 2023, and after the public hearing on June 22, 2023, adopted an amendment to the interim regulations in Ordinance No. 23-1272.

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

Section 1. ADOPTION. The City Council of the City of Lake Forest Park hereby creates chapter 12.50 LFPMC, Retaining Walls as follows:

**12.50.010 Purpose and intent.**

The purpose and intent of this chapter is to:

- A. Recognize that while at the basic level, a retaining wall is a structure that holds or retains soil behind it, retaining walls can also result in visual and physical blight, tree and vegetation removal, impairment of gateway areas, and other impacts that require visual design, planting, and topographic, and aesthetic mitigation;
- B. Recognize that retaining walls can be built from different materials to achieve the strength required and achieve mitigation and aesthetic goals;
- C. Require aesthetic and other design features that mitigate these wall impacts and reflect the community environment, as adopted in Retaining Wall Design Standards and this Chapter 12.50;
- D. Recognize that retaining walls are frequently adjacent to noise sensitive areas such as residential dwelling units and other land uses that are noise sensitive and subject to inequitable noise impacts, which can be intensified by removal of vegetation and trees and/or by the reflected noise from retaining wall surfaces;
- E. Require proof of compliance with state regulations for noise attenuation, absorption, and transmission; recognize that compliance may be achieved through a variety of techniques and materials such as the use of tilted retaining walls to direct noise upward, large and small variations of façade to break up low to high frequencies, and sound reflection mitigation;



F. Require landscaping to avoid visual dominance of the retaining wall, potentially discourage graffiti, and add visual quality;

G. Encourage building material choices that ensure aesthetics, durability, maintenance, and cost;

H. Promote cooperation between the State of Washington Department of Transportation (“WSDOT”), the City, and the project proponent; and

I. The intent in this Chapter 12.50 is that the term “shall” (or “shall not” in the negative) represents a requirement to satisfy the regulation. The intent in this Chapter 12.50 the term “should” (or “should not” in the negative) indicates a provision that is strongly encouraged, but that is not an absolute requirement. Compliance with a “should” provision is voluntary, but highly desirable to the community.

#### **12.50.020 Retaining wall construction and design.**

A. Public benefit. Retaining walls located within the right-of-way shall be installed to benefit the general public by supporting or protecting public transportation infrastructure and shall not be for private development gain.

B. Application type.

1. An application for retaining wall construction and design approval shall be processed pursuant to the requirements in chapter 16.26 LFPMC for a Type III permit, administrative decision made by the code administrator. The Public Works director shall be the “code administrator” for the Type III permit decision.

2. For proposed retaining walls 25 feet or more in length and that propose removal of 10 or more trees that are either exceptional, landmark, or significant trees as defined in Chapter 16.14 LFPMC, a Neighborhood meeting shall be held pursuant to the requirements in LFPMC 16.26.050, provided however, that the Neighborhood meeting is not required to be held prior submittal of the application for the retaining wall.

3. For purposes of sending notice of the Neighborhood meeting under LFPMC 16.26.050(B), notice shall be mailed to owners of real property within 500 feet of either side of the right-of-way for the entire length of the retaining wall project. For projects involving more than one lot, notice of the Neighborhood Meeting shall also be sent to the Planning Commission and Tree Board. For purposes of sending the notice of application under LFPMC 16.26.040(D)(1)(b), notice shall be mailed to owners of real property within 500 feet of either side of the right-of-way for the entire length of the retaining wall project.

C. Transportation design manuals and regulations. Retaining walls located on private property or right-of-way that support or protect public transportation infrastructure shall,

at a minimum, meet the requirements set forth in the latest edition of the Washington State Department of Transportation (WSDOT) Design Manual, Bridge Design Manual, and the International Building Code. These manuals and codes provide policies, procedures, and methods for developing and documenting design improvements to the transportation network.

1. The retaining wall construction type shall be the same from the highest to the lowest portion of each independent wall segment. Where walls are terraced or tiered, all tiers/terraces shall consist of the same wall construction type for the length of each independent segment.

2. Concrete retaining walls shall be coated with a moisture barrier and anti-graffiti paint.

3. Total structural isolation is required for public and private retaining walls adjacent to each other.

4. The Public Works director shall take into account long term maintenance requirements, constructability, and recommendations on same from the applicant's engineers, and independent third-party engineers.

5. Easements may be required for the maintenance, operation, and replacement of the wall.

6. The applicant shall provide documentation of how the retaining wall design satisfies, or exceeds, applicable WSDOT traffic noise policy and procedures. The documentation should include an assessment of noise impacts from the proposed design, including consideration of tree and vegetation removal, reflected noise, and proximity to residences, as well as proposed reflection and absorption techniques such as the use of tilted retaining walls to direct noise upward and variations in the facade to break up low to high frequencies.

7. Prior to issuing a decision on the retaining wall, the Public Works Director shall obtain, at the applicant's expense, a written structural review and recommendation from an independent third party with professional expertise and no affiliation with the applicant.

#### D. Retaining Wall design.

1. An architectural finish or engineered block shall be used that integrates with and supports the community identity of the City showing a strong relationship to the surrounding natural environment including native trees, flora, and fauna of the region. The architectural finishes included in Provision 1 of the Retaining Wall Design Standards dated July 27, 2023, are examples that satisfy this requirement. The Public Works Director will review and issue a decision on the architectural finish and engineered block consistent with this section after obtaining, at the applicant's expense,

a written review and recommendation from an independent third party with professional expertise and no affiliation with the applicant.

2. Landscaping treatments shall be used on retaining walls that reduce the harshness of these walls. The landscaping standards included in Provision 2 of the Retaining Wall Design Standards dated July 27, 2023, are examples that satisfy this requirement. The Public Works Director will review and issue a decision on landscaping treatments consistent with this section after obtaining, at the applicant's expense, a written review and recommendation from an independent third party with professional expertise and no affiliation with the applicant.

3. As a condition of permit approval, the Public Works Director shall require as needed, based on the impacts and circumstances related to a particular retaining wall, installation of a temporary irrigation systems, and the funding for or implementation of a 3-year tree and plant monitoring and maintenance plan, including the replacement of failed trees and plants.

Section 3. AMENDMENT. The City Council of the City of Lake Forest Park hereby amends section LFPMC 16.26.010, as follows:

**16.26.010 Purpose and application.**

A. This chapter establishes standard procedures for land use and related decisions made by the city of Lake Forest Park. They provide for an integrated and consolidated permit review process to promote timely and informed public participation and to eliminate redundancy and thereby minimize delay and expense.

B. This chapter applies to all applications for land use and related decisions made under chapter 12.50 LFPMC, and ~~LFPMC~~ Titles 15, 16, 17 and 18 ~~LFPMC~~.

Section 4. AMENDMENT. The City Council of the City of Lake Forest Park hereby amends section LFPMC 16.26.030, as follows:

**16.26.030 Classification of decisions.**

...

C. Type III – Administrative Decisions Made by a Code Administrator.

- 1. Threshold determinations under the State Environmental Policy Act (SEPA);
- 2. Administrative variances;
- 3. Shoreline exemption permits;

4. Sensitive area permits issued pursuant to Chapter 16.16 LFPMC, with the exception of requests for exemption under LFPMC 16.16.250 and the exception of minor sensitive area permits as described under LFPMC 16.16.080(A)(2); **and**

5. Short subdivisions; **and**

**6. Retaining wall permits pursuant to chapter 12.50 LFPMC.**

...

**Section 5. EXPIRATION OF INTERIM REGULATIONS.** The interim development regulations adopted in Ordinance 23-1270 and Ordinance No. 23-1272 shall expire upon the effected date of this ordinance.

**Section 6. 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 7. 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 8. 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 27<sup>nd</sup> day of July, 2023.

APPROVED:

\_\_\_\_\_

Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_

Matthew McLean  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Kim Adams Pratt  
City Attorney

Introduced:  
Adopted:  
Posted:  
Published:  
Effective:

## Retaining Wall Design Standards

July 27, 2023

### INTENT

These provisions are intended to mitigate the impact of large, monotonous retaining walls in the right-of-way by requiring architectural and landscaping treatments that reduce the harshness of such walls and reflect the community identity.

### INTERPRETATION

The terms used in these standards indicate whether provisions are required or whether they are discretionary, but highly recommended and desirable.

**SHALL**—The use of the term “shall” (or “shall not” in the negative) represents a requirement of the design to meet the intent of the guideline. This provision must be followed as part of planning, design, and implementation of the project.

**SHOULD**—The use of the term “should” (or “should not” in the negative) indicates a provision that is strongly encouraged, but that is not an absolute requirement. Compliance with this provision is voluntary, but highly desirable to the community.

### PROVISIONS

1. The architectural finish of retaining walls shall depict artistic images having a strong relationship to the Pacific Northwest and the surrounding natural environment including native trees, flora, and fauna of the region. (see examples in Figures A and B)

FIGURE A



FIGURE B



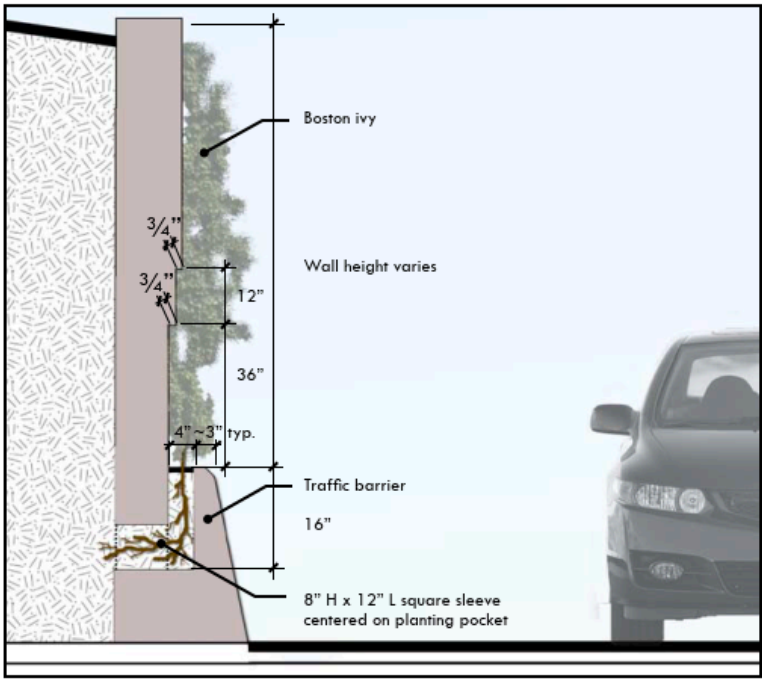
2. In addition to the architectural finish requirements of Provision 1, landscaping and vegetation such as that found in Figures C and D below shall be installed. Trees, shrubs and ground cover planted adjacent to a wall should incorporate plant species native the pacific northwest where possible.
  - a. In situations where the retaining wall is behind a sidewalk, the plantings shall be drought tolerant species that do not require permanent irrigation and shall be spaced in a manner similar to the spacing of the plantings shown in Figure C below.
  - b. In situations where the retaining wall is directly adjacent to a vehicular travel lane or shoulder, wall vegetation shall be installed in a manner similar to that described below.
    - i. The City's preference is that a permanent irrigation system be installed for vine pockets as shown in Figure D. When vine pockets are supported by an irrigation system, they can be spaced up to 10 feet apart on average for the length of the wall segment.
    - ii. If no permanent irrigation system is installed, vine pockets as shown in Figure D shall be spaced every 6 to 8 feet apart on average for the length of the wall segment unless structurally infeasible as demonstrated by a qualified structural engineer and verified by the City's structural engineering consultant. Vine pockets should be spaced so that the vines do not substantially obscure the artistic images depicted on the walls.
    - iii. Where landscaping is planted in front of the retaining wall, vines should be densely planted in front of the wall in a way that does not substantially obscure the artistic images depicted on the walls.



FIGURE C



FIGURE D



Vine Pocket – Example Section

3. The wall construction type for an independent wall segment may deviate from the requirements of Provisions 1 and 2 if it can be demonstrated to the Public Works Director’s satisfaction that vegetation will grow directly from the wall face as shown in Figures E and F and will reach a



coverage of 80% of the wall front surface within 36 months. The plantings should be native and a permanent irrigation system shall be incorporated.

FIGURE E

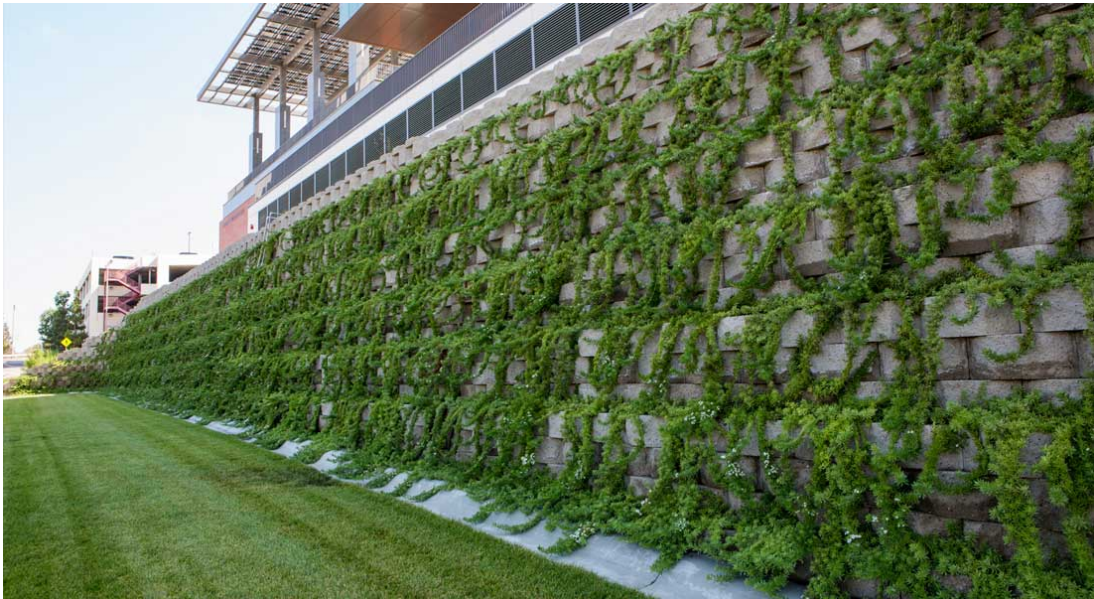
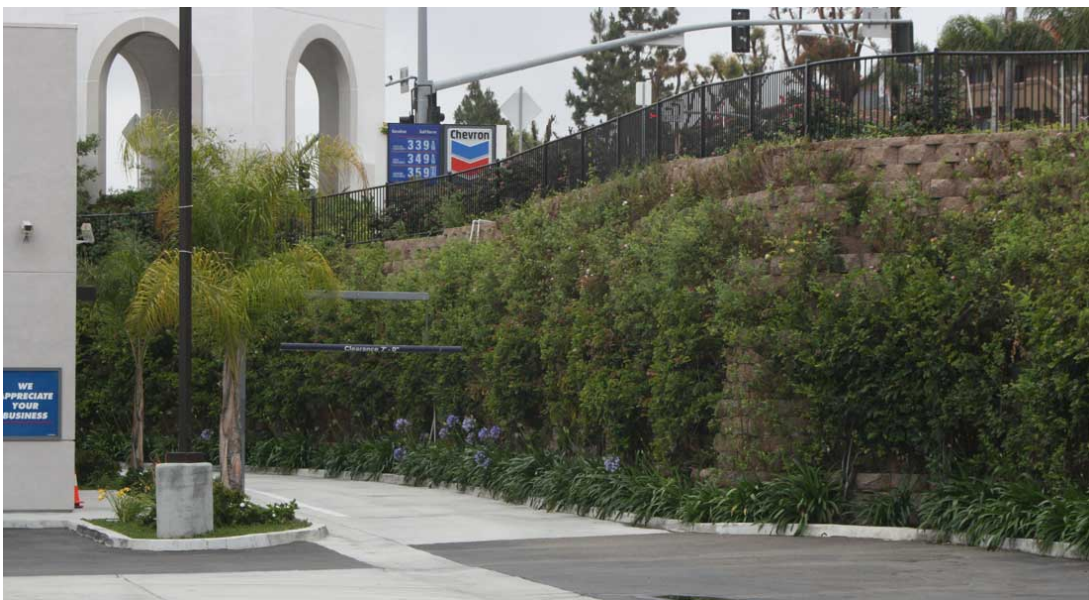


FIGURE F



**CITY OF LAKE FOREST PARK  
CITY COUNCIL SPECIAL WORK SESSION MEETING MINUTES  
July 13, 2023**

**It is noted this meeting was held in person in the Emergency Operations Center at City Hall and virtually via Zoom.**

**Councilmembers present:** Tom French, Deputy Mayor; Phillippa Kassover, Council Vice-Chair; Lorri Bodi, Tracy Furutani, Larry Goldman, Jon Lebo, Semra Riddle

**Councilmembers absent:** None

**Staff present:** Jeff Johnson, Mayor; Phillip Hill, City Administrator; Kim Adams Pratt, City Attorney; Mike Harden, Police Chief; Jeff Perrigo, Public Works Director; Scott Walker, Public Works Superintendent; Sgt. Rob Gross, Sgt. Morris Parrish, Officer Jayson Benson; Matt McLean, City Clerk

**Others present:** 3 visitors

**CALL TO ORDER**

Mayor Johnson called the July 13, 2023 City Council work session meeting to order at 5:30 p.m.

**ADOPTION OF AGENDA**

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

**Possible Purchase of Rifles for the Police Department**

Chief Harden, assisted by Sgt. Rob Gross, Sgt. Morris Parris, and Office Jayson Benson, gave a short presentation regarding the possible purchase of Patrol Rifles for the department and handguns for the department. Chief Harden presented several options to the Council and requested direction on purchasing the rifles.

The consensus of the Council was to proceed with the purchase of the rifles.

**Review of Capital Improvement Plan Pavement Resurfacing Plan**

Director Perrigo presented the item and responded to questions.

**Ordinance 23-1272/Adopting Interim Development Regulations as Authorized by the Growth Management Act Relating to Retaining Walls**

City Attorney Pratt and Council discussed the item.

**ADJOURNMENT**

There being no further business, Mayor Johnson adjourned the meeting at 6:51 p.m.

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

\_\_\_\_\_  
Matt McLean, City Clerk

**CITY OF LAKE FOREST PARK  
CITY COUNCIL REGULAR MEETING MINUTES  
July 13, 2023**

**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, Lorri Bodi, Tracy Furutani, Larry Goldman, Jon Lebo, Semra Riddle

**Councilmembers absent:** None

**Staff present:** Jeff Johnson, Mayor; Phillip Hill, City Administrator; Kim Adams Pratt, City Attorney; Mike Harden, Police Chief; Jeff Perrigo, Public Works Director; Matt McLean, City Clerk

**Others present:** 200 visitors

**CALL TO ORDER**

Mayor Johnson called the July 13, 2023 City Council regular meeting to order at 7:00 p.m.

**FLAG SALUTE**

Mayor Johnson led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

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

**PRESENTATION – Possible Support for the King County Veterans, Seniors, and Human Services Levy**

King County Councilmember Rod Dembowski gave a PowerPoint presentation regarding the levy renewal on the primary ballot for August 1 and responded to questions from the Council.

The consensus of the Council was to hold a public hearing on the next meeting.

**PRESENTATION – Sound Transit CEO Julie Timm**

Sound Transit CEO Julie Timm gave a PowerPoint presentation and addressed concerns from the City Council.

Mayor Johnson recessed the meeting at 8:13 p.m. and reconvened at 8:17 p.m.

## CITIZEN COMMENTS

Mayor Johnson invited comments from the audience:

- Kathy Comeau, LFP resident (Sound Transit)
- Grace Crowley, LFP resident (Sound Transit)
- Jeff Snedden, LFP resident (Sound Transit)
- Bud Homsey, LFP resident (Sound Transit)
- Vicki Scuri, LFP resident (Sound Transit)
- Don Fiene, LFP resident (Sound Transit)
- Paula Goode, LFP resident (Sound Transit)
- Jan Nimlas, LFP resident (Sound Transit)
- Julie Turnell, LFP resident (Sound Transit)
- Dick Harris, LFP resident (Sound Transit)
- Barb Sharkey, LFP resident (Sound Transit)
- Albert Lirhus, LFP resident (Sound Transit)
- Alexia Bailey, LFP resident (Sound Transit)
- Nancy Herzog, LFP resident (Sound Transit)
- Kerri Hallgrimson, LFP resident (Sound Transit)
- Don Koontz, LFP resident (Sound Transit)
- Louie Labrador, LFP resident (Sound Transit)
- Dick Harris for Yanling Yu, LFP resident (Sound Transit)
- Maddy Larson, LFP resident (Sound Transit)
- Heidi Shepherd, NHUSA (King County Veterans, Seniors, and Human Services levy)
- Theresa LaCroix, Director of Shoreline-Lake Forest Park Senior Center (support for King County levy)

Mayor Johnson recessed the meeting at 9:38 p.m. Deputy Mayor French reconvened the meeting at 9:43 p.m., noting Mayor Johnson excused himself from the meeting during the recess.

## CONSENT CALENDAR

Cmbr. Lebo noted a correction to the regular minutes of June 22, 2023 to reflect he was recused from the vote, not that he abstained from the vote on Ordinance 23-1270.

**Cmbr. Riddle moved** to approve the consent calendar presented. **Cmbr. Furutani seconded. The motion to approve the consent calendar with the revision to the City**

**Council regular meeting minutes on June 22, 2023, as noted by Cmbr. Lebo, carried unanimously.**

1. June 22, 2023 City Council Budget and Finance Committee Special Meeting Minutes
2. June 22, 2023 City Council Regular Meeting Minutes
3. Approval of City Expenditures for the Period Ending July 13, 2023, covering Claims Fund Check Nos. 85075 through 85122, in the amount of \$384,925.54; Payroll Fund ACH transactions in the amount of \$165,702.30; and direct deposit transactions in the amount of \$191,436.67; additional approved transactions are Elavon, \$891.90; invoice Cloud, \$1,339.95; Washington State Excise Tax, \$9,343.73; total approved Claims Fund transactions \$562,203.42

**COUNCIL COMMITTEE REPORTS/COUNCIL/MAYOR/CITY ADMINISTRATOR REPORTS**

Deputy Mayor French noted the Budget and Finance Committee meeting on July 20, 2023 is canceled.

Councilmembers reported on meetings they attended.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:13 p.m.

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

\_\_\_\_\_  
Matt McLean, City Clerk

City of Lake Forest Park  
SORTED TRANSACTION CHECK REGISTER  
7/27/2023

VOUCHER CERTIFICATION AND APPROVAL

We, the undersigned members of the Finance Committee of the City of Lake Forest Park, Washington, do hereby certify that the merchandise or services hereinafter specified have been received, and that CLAIM FUND Check Nos. 85123 through 85189 in the amount of \$267,380.12, PAYROLL FUND ACH transactions in the amount of \$171,577.79 and DIRECT DEPOSIT transactions in the amount of \$172,802.94 are approved for payment this 27th day of July, 2023.

- Additional approved transactions are:**  
ACH transaction Elavon in the amount of \$995.75  
ACH transaction Lexis Nexis in the amount of \$132.60  
ACH transaction US Bank in the amount of \$31,977.21  
ACH transaction Wells Fargo in the amount of \$15,378.53  
ACH transaction Wex Bank in the amount of \$66.49

Total approved claim fund transactions: \$487,508.49

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Committee

# Accounts Payable

## Voucher Approval Document

User: dmeagher  
Printed: 07/21/2023 - 1:52PM  
Batch: 00027.07.2023



Section 7, Item C.

### CLAIM VOUCHER

CITY OF LAKE FOREST PARK  
17425 BALLINGER WAY NE  
LAKE FOREST PARK, WASHINGTON 98155

### CERTIFICATION

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Lake Forest Park, and that I am authorized to authenticate and certify to said claim.

SIGNED - CITY ADMINISTRATOR OR DESIGNEE

Fund	Description	Amount
001	General Fund	227,038.40
101	Street Fund	2,546.14
302	Transportation Capital Fund	7,736.27
401	Sewer Utility Fund	3,591.46
403	Surface Water Fund	16,212.12
501	Vehicle Equip Replacement Fund	13,020.06
502	PW Contract Fund	145.46
631	Treasurer's Clearing Fund	9,399.90
635	Northshore Emergency Mgmt	176.59
Report Total:		279,866.40



# Accounts Payable

## Voucher Approval Document

User: dmeagher  
Printed: 07/18/2023 - 1:05PM  
Batch: 00018.07.2023



Section 7, Item C.

CLAIM VOUCHER  
CITY OF LAKE FOREST PARK  
17425 BALLINGER WAY NE  
LAKE FOREST PARK, WASHINGTON 98155

### CERTIFICATION

I, the undersigned, do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Lake Forest Park, and that I am authorized to authenticate and certify to said claim.

SIGNED - CITY ADMINISTRATOR OR DESIGNEE

Fund	Description	Amount
501	Vehicle Equip Replacement Fund	4,087.09
Report Total:		4,087.09

# Bank Reconciliation

Section 7, Item C.

## Checks by Date

User: dmeagher  
Printed: 07/21/2023 - 2:14PM  
Cleared and Not Cleared Checks



Check No	Check Date	Name	Comment	Module	Clear Date	Amount
0	7/27/2023	Elavon		AP		995.75
0	7/27/2023	LexisNexis Risk Data Mgmt. Inc.		AP		132.60
0	7/27/2023	Wells Fargo Equipment Finance, Inc		AP		15,378.53
0	7/27/2023	Wex Bank - Chevron		AP		66.49
85124	7/27/2023	All Battery Sales & Service Inc.		AP		97.69
85125	7/27/2023	American Traffic Solutions Inc.		AP		66,500.00
85126	7/27/2023	Brown Bear Car Wash		AP		12.00
85127	7/27/2023	Calportland Company		AP		135.08
85128	7/27/2023	Center for Human Services		AP		6,750.00
85129	7/27/2023	Century Link		AP		108.05
85130	7/27/2023	Cintas First Aid & Safety		AP		98.20
85131	7/27/2023	James Santerelli Enterprises		AP		80.00
85132	7/27/2023	Correct Equipment, Inc		AP		2,661.63
85133	7/27/2023	Curtis Blue Line / LN Curtis & Sons		AP		358.52
85134	7/27/2023	Washington State Department of Licens		AP		183.00
85135	7/27/2023	ZW USA, Inc.		AP		611.61
85136	7/27/2023	Eastside Public Safety Comm.		AP		2,129.16
85137	7/27/2023	Evermark, LLC		AP		61.67
85138	7/27/2023	Friends of Third Place Commons		AP		21,250.00
85139	7/27/2023	Galls, LLC		AP		1,287.28
85140	7/27/2023	Guardian Alliance Technologies, Inc		AP		50.00
85141	7/27/2023	Department 32 - 2501271310 Home De		AP		267.81
85142	7/27/2023	Cassandra Howard		AP		118.03
85143	7/27/2023	International Association of Chiefs of P		AP		500.00
85144	7/27/2023	Jet City Printing, Inc.		AP		578.55
85145	7/27/2023	Kaiser Foundation Health Plan of Wash		AP		346.08
85146	7/27/2023	King County Finance		AP		4,130.94
85147	7/27/2023	King County Finance		AP		1,263.00
85148	7/27/2023	King County Pet License		AP		105.00
85149	7/27/2023	King County Finance		AP		1,149.82
85150	7/27/2023	KDH Consulting, Inc		AP		145.46
85151	7/27/2023	Lake Forest Park Water Dist		AP		1,733.94
85152	7/27/2023	Loomis		AP		206.58
85153	7/27/2023	Brennan Heating & Air Conditioning		AP		80.00
85154	7/27/2023	Madrona Law Group, PLLC		AP		15,926.00
85155	7/27/2023	Moon Security Service Inc.		AP		1,193.17
85156	7/27/2023	Navia Benefit Solutions		AP		182.00
85157	7/27/2023	Northshore Utility District		AP		20,691.36
85158	7/27/2023	Office Depot, Inc.		AP		6.92
85159	7/27/2023	Olympic Environmental Resources, Inc.		AP		2,750.00
85160	7/27/2023	Outcomes By Levy, LLC		AP		220.00
85161	7/27/2023	Pacific Office Automation		AP		687.02
85162	7/27/2023	The Part Works Inc.		AP		273.31
85163	7/27/2023	Pat's Trees & Landscape Inc.		AP		2,851.43
85164	7/27/2023	Progressive Animal Welfare Society		AP		681.00
85165	7/27/2023	Peerless Network, Inc		AP		1,036.30

Check No	Check Date	Name	Comment	Module	Clear Date	Section 7, ItemC.
85166	7/27/2023	Pitney Bowes-Reserve Acct.		AP		6,000.00
85167	7/27/2023	Plywood Supply, Inc.		AP		307.43
85168	7/27/2023	Puget Sound Energy		AP		371.51
85169	7/27/2023	PST Investigations Inc		AP		250.00
85170	7/27/2023	Public Safety Testing, Inc.		AP		370.00
85171	7/27/2023	Red Carpet Building Maint. Inc.		AP		3,631.15
85172	7/27/2023	Rotary Club of Lake Forest Park		AP		110.00
85173	7/27/2023	City of Shoreline		AP		9,338.25
85174	7/27/2023	Shoreline Senior Center		AP		6,250.00
85175	7/27/2023	Snohomish Co Sheriff's Office		AP		43,451.67
85176	7/27/2023	Staples Advantage		AP		773.65
85177	7/27/2023	State Treasurer's Office		AP		8,919.65
85178	7/27/2023	Suburban Propane		AP		324.75
85179	7/27/2023	Territorial Seed Co.		AP		517.15
85180	7/27/2023	Caroline Thompson		AP		66.12
85181	7/27/2023	TK Elevator Corporation		AP		1,649.06
85182	7/27/2023	Transpo Group USA Inc		AP		932.50
85183	7/27/2023	Transportation Solutions Inc		AP		6,799.00
85184	7/27/2023	Tam Boy Triton Group EHM		AP		210.00
85185	7/27/2023	Utilities Underground Location Ctr.		AP		100.62
85186	7/27/2023	Washington Association of Sheriffs & P		AP		375.00
85187	7/27/2023	The Watershed Company		AP		12,230.66
85188	7/27/2023	Washington State Patrol		AP		192.25
85189	7/27/2023	Zipline Communications, Inc.		AP		625.00
Total Check Count:						70
Total Check Amount:						279,866.40

# Bank Reconciliation

Section 7, Item C.

## Checks by Date

User: dmeagher  
 Printed: 07/21/2023 - 2:14PM  
 Cleared and Not Cleared Checks



Check No	Check Date	Name	Comment	Module	Clear Date	Amount
62303791	7/27/2023	Amazon		AP		110.18
62305431	7/27/2023	Amazon		AP		799.74
62305432	7/27/2023	The Results Group, Ltd.		AP		425.00
62305433	7/27/2023	Curtis Blue Line / LN Curtis & Sons		AP		1,976.50
62305434	7/27/2023	Click For Savings, LLC		AP		478.90
62305435	7/27/2023	Therabody, Inc.		AP		274.40
62306311	7/27/2023	The Seattle Times		AP		650.00
62306312	7/27/2023	GovernmentJobs.com, Inc		AP		199.46
62306313	7/27/2023	Amazon		AP		33.14
62306314	7/27/2023	Amazon		AP		47.85
62306315	7/27/2023	Amazon		AP		6.69
62306316	7/27/2023	Albertsons		AP		36.62
62309641	7/27/2023	Print Fusion		AP		126.79
62310101	7/27/2023	Courtyard by Marriott		AP		800.55
62327511	7/27/2023	Adobe Inc.		AP		331.59
62327512	7/27/2023	Microsoft Corporation		AP		397.08
62327513	7/27/2023	B&H Photo, Video, Pro Audio		AP		209.37
62327514	7/27/2023	Best Buy		AP		429.75
62327515	7/27/2023	Wasabi Technologies, Inc		AP		13.42
62327516	7/27/2023	Adobe Inc.		AP		331.59
62327881	7/27/2023	North City Water District		AP		69.90
62327882	7/27/2023	North City Water District		AP		130.58
62327883	7/27/2023	North City Water District		AP		68.77
62327884	7/27/2023	North City Water District		AP		69.66
62327885	7/27/2023	Puget Sound Energy		AP		127.10
62327886	7/27/2023	Puget Sound Energy		AP		11.01
62327887	7/27/2023	Seattle City Light		AP		13.07
62327888	7/27/2023	Seattle City Light		AP		355.11
62327889	7/27/2023	Seattle City Light		AP		13.05
62328501	7/27/2023	Washington Finance Officers Associatic		AP		495.00
62329901	7/27/2023	Washington Association of Sheriffs & P		AP		728.11
62329902	7/27/2023	Michael's Stores, Inc.		AP		23.19
62329903	7/27/2023	Office Depot, Inc.		AP		18.79
62382751	7/27/2023	Department 32 - 2501271310 Home De		AP		213.68
62382753	7/27/2023	Alexander Gow Fire Equipment Co.		AP		385.58
62382754	7/27/2023	Jet City Printing, Inc.		AP		389.75
62389531	7/27/2023	Amazon		AP		87.61
62395771	7/27/2023	C&H Precision Weapons		AP		60.55
62395772	7/27/2023	Amazon		AP		85.94
62395773	7/27/2023	North American Rescue, LLC		AP		182.61
62396351	7/27/2023	Visual Analytics, LLC		AP		79.00
623278810	7/27/2023	Seattle City Light		AP		2,670.52
623278811	7/27/2023	Integra Telecom, Inc.		AP		533.84
623278812	7/27/2023	Northwest Cascade, Inc.		AP		526.11
623278813	7/27/2023	Northwest Cascade, Inc.		AP		439.07
623278814	7/27/2023	Good To Go		AP		4.70

Check No	Check Date	Name	Comment	Module	Clear Date	Section 7, ItemC.
623278815	7/27/2023	The Seattle Times		AP		544.12
623278816	7/27/2023	Seattle City Light		AP		26.10
623278817	7/27/2023	Northwest Cascade, Inc.		AP		185.05
623278818	7/27/2023	Johnson Controls		AP		3,172.66
623278819	7/27/2023	Sound Security Inc. (Sonitrol)		AP		1,741.10
623278820	7/27/2023	Pacific Topsoils, Inc.		AP		197.60
623278821	7/27/2023	Smarsh		AP		2,058.41
623278822	7/27/2023	Pacific Topsoils, Inc.		AP		37.05
623278823	7/27/2023	Northwest Cascade, Inc.		AP		201.55
623278824	7/27/2023	Pacific Topsoils, Inc.		AP		49.40
623278825	7/27/2023	Pacific Topsoils, Inc.		AP		49.40
623278826	7/27/2023	Pacific Topsoils, Inc.		AP		49.40
623278827	7/27/2023	Pacific Topsoils, Inc.		AP		24.70
623278828	7/27/2023	Pacific Topsoils, Inc.		AP		37.05
623278829	7/27/2023	Verizon Wireless		AP		2,796.15
623278830	7/27/2023	Summit Law Group PLLC		AP		2,153.50
623278831	7/27/2023	Innovac Services LLC		AP		3,193.05
						=====
Total Check Count:						63
						=====
						=====
Total Check Amount:						31,977.21
						=====

# Bank Reconciliation

## Checks by Date

User: dmeagher  
Printed: 07/21/2023 - 2:20PM  
Cleared and Not Cleared Checks



Section 7, Item C.

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
85123	7/18/2023	Juanita Collision Center LLC		AP		4,087.09
Total Check Count:						1
Total Check Amount:						4,087.09



# Accounts Payable

## Checks by Date - Summary by Check Date

User: tandrus@cityoflfp.gov  
 Printed: 7/12/2023 12:27 PM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	LEOFFTR	LEOFF TRUST	07/07/2023	1,530.58
ACH	NAVIA	Navia Benefit Solutions, Inc.	07/07/2023	272.62
ACH	NAVIAFSA	Navia - FSA	07/07/2023	326.27
ACH	PFLTRUST	LFP PFL Trust Account	07/07/2023	1,997.37
ACH	TEAMDR	National D.R.I.V.E.	07/07/2023	4.45
ACH	TXSDU	Texas State Disbursement Unit (SDU)	07/07/2023	1,015.76
ACH	WASUPREG	Washington State Support Registry	07/07/2023	180.00
ACH	Z457	Vantagepoint Transfer Agents-304508 ICM	07/07/2023	7,373.03
ACH	ZAWC	AWC	07/07/2023	43,093.86
ACH	ZEMPSEC	Employment Security Dept.	07/07/2023	1,291.87
ACH	ZGUILD	LFP Employee Guild	07/07/2023	875.00
ACH	ZICMA	Vantagepoint Transfer Agents-107084 ICM	07/07/2023	30,732.88
ACH	ZL&I	Washington State Department of Labor & I	07/07/2023	5,290.80
ACH	ZLEOFF	Law Enforcement Retirement	07/07/2023	13,027.08
ACH	ZLFPIRS	Lake Forest Park/IRS	07/07/2023	32,727.04
ACH	ZPERS	Public Employees Retirement	07/07/2023	24,208.80
ACH	ZTEAM	Teamsters Local Union #117	07/07/2023	222.93
ACH	ZWATWT	Washington Teamsters Welfare Trust	07/07/2023	7,407.45
Total for 7/7/2023:				171,577.79
Report Total (18 checks):				171,577.79

# Bank Reconciliation

## Checks by Date

User: dmeagher  
Printed: 07/21/2023 - 2:12PM  
Cleared and Not Cleared Checks



Section 7, Item C.

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
0	7/7/2023		DD 00507.07.2023	PR		172,802.94
Total Check Count:						1
Total Check Amount:						172,802.94





specific exemptions allowing licensed firearms manufacturers to produce, import, distribute, and sell assault weapons to the United States or Washington armed forces, law enforcement agencies for official purposes, or non-residents of Washington.

As a consequence of SHB 1240, police officers have pulled their personally owned patrol rifles out of service. The terms of SHB 1240 provide such that if an officer's personal patrol rifle malfunctions or requires parts, they can no longer make individual purchases for their firearms; only law enforcement agencies are allowed to do so. Moreover, in the event of an officer-involved shooting, SHB 1240 could be interpreted such that when the personally owned rifle is seized for investigation, there is potential for legal complications during the transfer process of returning the firearm to the officer.

Currently, the police department possesses six department-owned patrol rifles that have been in service for over 20 years. While these rifles have undergone periodic upgrades throughout the last decade, they have mainly been utilized for training purposes. Since the approval of personally owned rifles in 2014, officers have primarily relied on their own equipment for training, especially those without a personal patrol rifle. While this practice has helped save costs and provided officers with higher quality, personalized equipment, it has its downsides, such as increased demand and decreased accountability for equipment maintenance.

Rifles and handguns are essential tools in law enforcement, and individualizing each weapon to match an officer's specific needs and preferences is crucial for optimal accuracy, a process known as "zeroing in."

At present, the police department comprises 15 patrol officers and six administrative units (Chief, Lieutenants, Detectives, Support) with three open officer positions. The department seeks approval to purchase 21 patrol rifles. An alternative approach could involve purchasing 13 rifles for the current deployed officers, assigning the older six rifles to Support, and obtaining additional rifles for new officers after completing field training. As officers retire or leave the department, the remaining eight rifles could be obtained through attrition, facilitating a replacement plan for rifles nearing the 10-year mark, depending on wear and tear. Each rifle comes at an approximate cost of \$4,505, fully outfitted with the required equipment. Exploring law enforcement-only distributors and bulk purchases can lead to additional cost savings. This approach ensures that our officers are equipped with the necessary equipment while optimizing the allocation of resources.

### **Fiscal & Policy Implications**

Choosing not to acquire this essential equipment puts both our officers and the community at risk. It is also crucial to move away from pooled or personally owned equipment to ensure accountability and proper maintenance.

Assigning individual patrol rifles to officers can have several benefits, which are primarily aimed at ensuring the safety and effectiveness of law enforcement personnel.

**Familiarity and Training:** When officers are assigned their own patrol rifles (or handguns), they have the opportunity to become intimately familiar with their weapon. Consistent training with the same firearm allows officers to develop muscle memory, improve accuracy, and become more proficient in their use. This can be crucial in high-stress situations where split-second decisions are required.

**Consistency in Handling:** Patrol rifles or handgun models may have variations in design, weight, trigger pull, and other features. Officers who carry the same assigned patrol rifles or handgun can maintain a consistent experience, reducing the chance of fumbling or misusing the weapon during critical moments.

**Accountability:** Assigned patrol rifles or handguns are registered to individual officers, creating a chain of custody and accountability. If a firearm is lost or stolen, it can be traced back to the officer responsible, encouraging them to take greater care of their weapon.

**Maintenance and Customization:** Officers can take better care of their personally assigned patrol rifles and handguns, ensuring they are well-maintained and regularly serviced.

**Comfort and Confidence:** Carrying an assigned patrol rifle that an officer is familiar with, and trusts can contribute to their overall comfort and confidence while on duty. This can positively impact their performance and decision-making in the field.

**Reduced Disputes:** In shared weapon systems, disputes may arise over issues like weapon malfunctions or preferential treatment in weapon distribution. Assigned patrol rifles help mitigate such disputes since each officer is responsible for their own firearm.

**Health and Safety:** Personalized patrol rifles or handguns can be ergonomically tailored to fit an officer's hand size, reducing the risk of injury or fatigue during prolonged use.

**Psychological Factor:** Knowing that they have their own assigned patrol rifles can provide officers with a sense of ownership and responsibility, potentially leading to increased care and attentiveness in handling their firearm.

**Options for purchase:**

- Requesting a budget adjustment and allow full purchase (\$94,605)
- Purchase 15 rifles (\$67,574) – Current 6 rifles assigned to Chief, Admin, Detectives.
- Purchase current staff levels (13) on patrol (\$58,565), and purchase future rifles as new officers are solo in the field (likely in future years/budget)

Staff would lower the initial cost of the proposed outfitted patrol rifle system (find the same equipment at lower negotiated prices) and buy in bulk for increased savings.

**Alternatives**

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"><li>• Purchase 21 patrol rifles outfitted</li></ul>	All commissioned officers would have required equipment.
<ul style="list-style-type: none"><li>• Purchase 15 patrol rifles outfitted</li></ul>	Remaining staff would have older, worn equipment that would need replacement in near future.

**Staff Recommendation**

Purchase 21 patrol rifles outfitted.

# SENATE BILL REPORT

## SHB 1240

As Reported by Senate Committee On:  
Law & Justice, March 28, 2023

**Title:** An act relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies and for purposes of sale or transfer outside the state, and to inheritors.

**Brief Description:** Establishing firearms-related safety measures to increase public safety.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson and Santos; by request of Office of the Governor, Attorney General).

**Brief History:** Passed House: 3/8/23, 55-42.

**Committee Activity:** Law & Justice: 3/23/23, 3/28/23 [DPA, DNP].

### Brief Summary of Amended Bill

- Prohibits the manufacture, importation, distribution, sale, or offer for sale of any assault weapon, subject to various exceptions for licensed firearm manufacturers and dealers, and for individuals who inherit an assault weapon.
- Provides a violation of these restrictions constitutes a gross misdemeanor and is actionable under the Consumer Protection Act.

### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended.

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Kuderer, Pedersen, Salomon and Valdez.

**Minority Report:** Do not pass.

Signed by Senators Padden, Ranking Member; McCune, Torres, Wagoner and Wilson, L..

**Staff:** Tim Ford (786-7423)

**Background:** Firearms Regulations. Firearms and other weapons are regulated under Washington law. Among other restrictions, the state prohibits all persons from manufacturing, owning, buying, selling, loaning, furnishing, transporting, possessing, or controlling any machine gun, bump-fire stock, undetectable firearm, large capacity magazines, and certain other weapons, subject to various exceptions.

Washington does not specifically define and regulate a general class of weapons designated as assault weapons, but the state has established various restrictions on a group of weapons classified as semiautomatic assault rifles. State law defines a semiautomatic assault rifle as any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge, but this definition excludes antique firearms, any firearm that has been made permanently inoperable, and any firearm that is manually operated by bolt, pump, lever, or slide action.

Restrictions on semiautomatic assault rifles include:

- no dealer may deliver a semiautomatic assault rifle to the purchaser until:
  1. the purchaser provides proof they have completed a recognized firearm safety training program within the last five years;
  2. the dealer is notified by the chief of police or sheriff that the purchaser is eligible to possess a firearm and the purchase is approved; and
  3. ten business days have elapsed since the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check was initiated;
- the purchaser of a semiautomatic assault rifle must be personally known to the dealer or present clear evidence of their identity; and
- subject to various exceptions, a person under 21 years of age may not purchase a semiautomatic assault rifle, and no person may sell or transfer a semiautomatic assault rifle to a person under 21 years of age.

Federal law previously restricted certain semiautomatic assault weapons, subject to various exceptions and a sunset provision. These federal restrictions expired in 2004. Nine other states and the District of Columbia have enacted laws imposing various restrictions on assault weapons.

The Consumer Protection Act. The Consumer Protection Act (CPA) prohibits unfair methods of competition, and unfair or deceptive acts or practices in trade or commerce. If a person is injured in their business or property by a violation of the CPA, the person may bring a civil action to enjoin further violations and recover actual damages, costs, and reasonable attorney's fees. Whenever the attorney general believes any person may have material or information relevant to an investigation into a violation of the CPA, the attorney general may issue a civil investigative demand requiring the person to produce the materials, answer interrogatories, or testify. The Attorney General may bring a legal action to enjoin violations of the CPA, obtain restitution, and seek civil penalties.

**Summary of Amended Bill:** The manufacture, importation, distribution, sale, or offer for sale of any assault weapon is prohibited. The term "assault weapon" is defined to include various kinds of firearms, including:

- specific firearm models identified in the bill;
- semiautomatic rifles with an overall length of less than 30 inches;
- semiautomatic centerfire rifles that have the capacity to accept a detachable magazine and have one or more additional features listed in the bill;
- semiautomatic centerfire rifles with a fixed magazine with the capacity to accept more than ten rounds;
- semiautomatic pistols that have the capacity to accept a detachable magazine and have one or more additional features listed in the bill;
- semiautomatic shotguns that have one or more additional features listed in the bill; and
- conversion kits and parts that can be used to assemble an assault weapon or convert a firearm into an assault weapon, if the parts are in the possession of or under the control of the same person.

The term assault weapon excludes antique firearms, firearms that have been made permanently inoperable, and firearms that are manually operated by bolt, pump, lever, or slide action.

The restrictions on assault weapons are subject to several exceptions:

- licensed firearms manufacturers are authorized to manufacture, import, distribute, offer for sale, and sell assault weapons for the purpose of sale to the armed forces of the United States or Washington, or to any law enforcement agencies for law enforcement purposes, or to a person who does not reside in Washington;
- licensed firearms dealers are authorized to import, distribute, offer for sale, and sell assault weapons for the purpose of sale to the armed forces of the United States or Washington, or to law enforcement agencies in Washington for law enforcement purposes;
- licensed firearms dealers are authorized to distribute, offer for sale, and sell assault weapons that were acquired from an individual legally authorized to possess or transfer the weapon, for the purpose of selling or transferring the weapon to a person who does not reside in Washington;

- the purpose of this exception is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and the exception is not intended to allow Washington dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents; and
- any person may acquire possession of an assault weapon by operation of law upon the death of the weapon's former owner, if that former owner was in legal possession of the weapon and the person who acquires possession can establish such provenance.

A violation of these restrictions is classified as a gross misdemeanor.

A violation is classified as a matter vitally affecting the public interest, not reasonable in relation to the development and preservation of business, and an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the CPA.

If the Attorney General issues a civil investigative demand regarding a potential violation of these restrictions, the recipient of the demand may file in Superior Court a petition to extend the time to respond, or modify or set aside the demand for good cause. The Attorney General is prohibited from sharing any materials or information obtained through a civil investigative demand with any law enforcement agency conducting a criminal investigation, unless required to do so pursuant to a search warrant.

#### **EFFECT OF LAW & JUSTICE COMMITTEE AMENDMENT(S):**

- Modifies the definition of "import" to exclude situations where an individual possesses an assault weapon when departing and returning to Washington State with the same assault weapon.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony on Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill has been introduced in some form for the last 7 years since there was a shooting and a young man who purchased an assault weapon killed three people and wounded others. We want to stop the next mass shooting. The list of assault weapons is very specific but we are also addressing general features so that if new weapons come out they will also be covered. This will save lives. Assault weapons are designed for the sole purpose of maximizing killing. Assault weapons are 11 times more likely to be used in mass shootings and seven

times more likely to be used to kill a law enforcement officer.

This bill is on sound constitutional footing and similar laws have been upheld across the country. The Supreme Court has reiterated that firearm rights are not unlimited and the Second Amendment does not protect a right to keep and bear any weapon whatsoever.

CON: This bill bans the most commonly owned and lawfully possessed firearms, including some pistols and shotguns. "Assault weapon" is a manufactured term and fear mongering. The weapons targeted by this bill are the most popular self-defense weapons in America, contrary to the Legislature's finding that they are not suitable for self defense. It is beyond dispute that a statistically significant number of citizens possess semiautomatic rifles for self-defense. Similar bans have not been upheld under the Bruen test and there are 20 active court cases challenging similar bans across the country. This law will be found unconstitutional, but it could take the courts years to resolve.

**Persons Testifying:** PRO: Representative Strom Peterson, Prime Sponsor; Barbara Serrano, Office of the Governor; William McGinty, Attorney General's Office; Margaret Heldring, Grandmothers Against Gun Violence; April Schentrup; Ann-Marie Parsons; Trudi Inslee.

CON: Donald Parker, Business owners of central Washington; Austin Harlan, The Range, LLC; Michael Findlay, National Shooting Sports Foundation; Knox Williams, American Suppressor Association; Aoibheann Cline, National Rifle Association; Don Nguyen; Daniel Mitchell, Sporting Systems.

**Persons Signed In To Testify But Not Testifying:** PRO: Gwen Loosmore; Steve Albrecht; Tanya Aggar, WSPTA; Andrew Villeneuve, Northwest Progressive Institute; Jerry Eichner, Washington Chapter of the American Academy of Pediatrics; Paula Barnes; Jane Weiss; Emily Cantrell; Dr. Jerrold Eichner, WA Chapter of the American Academy of Pediatrics; Niko Battle; Dr. Gwen Loosmore, WA State PTA; Chetan Soni, Seattle Student Union; Karyn Brownson, King County Public Health; Justine Stromberg, Moms Demand Action; Ian Taylor; Diane Studley; Leanne Kennedy; Judy McGinty; Henry Tanz; Linda Tanz; Winona Hollins Hauge, member of grandmothers against gun violence and supporter of the Alliance.

CON: Jeffrey Slotnick, Setracon Inc.; Eric pratt, I, America; C Davis, Washingtonians to Recall Inslee; Laurie Layne; Julie Barrett, Conservative Ladies of Washington; Matt Page; Teo Morca; Benjamin Gallon; Matthew Sharp; CHRISTORFER HOOVER; James Fisher; Clayton Bray; Houston King; Zacarey Keith; Christopher Leritz; David George; Joe Swanson; Steven Larsen; Michael McKinley; Scott Witherow; Brett Edinger; Chris Chappell; Bob Beasley; Alex Dorr, The American Firearms, on behalf of our instate affiliate, Washington Gun Rights; Calvin Burris; Noah Young; Shawn Smith; KASEN BURRIS; Marvin Bean; james taasevigen; Scott Myers; Dale Johnson; Jacob Evans; Edward Traverso; Robert Moore, Sasquatch Tactical; Amory Gengler; Kevin Bridges; Paul Scherling; Isaac Holyk; John Ecker, No; Riley Holloway; Nicholas Spacone; BILL



ELDRIDGE; Mary Gitts; Scott Spletstoesser; Elizabeth VanSteertegem; Richard Olsen, Killer Innovations; Jeffrey Watson; Paul Edwards; John McElfresh, Self; Amanda McKinney, Yakima County; Yevgen Kozhushko; Taylor McDermid; Daniel Martinson; Chelsea Ostrom; Raymond Yates; Jonathan Nelson; Allen Ernst; Zachary Bigger; Curtis Harris; Justin Whitaker; Alex Willess; Brendan Clement; Adam Milewski; William Finstad; William Parr; Josiah Close; Kevin Morris; Mitchell Cheney; Kenneth Andreason; Corey Bunch; Tyler Budwey; Joseph Maxwell; Joseph Kralovic; Justin Ostrom; Austin Fitterer; Paul Hacker; Chance Wold; Jason Harrison; Kevin Cucchiara; Carlos Allison; Dan Hudson; Dennis Bohanon; Marcus Carter, Kitsap Rifle & Revolver Club; David Ghezzi, No; Braxton Lake; Sean Wilson; Gabriel Jacobs; Veniamin Gerasimov; Kevin Fitzgerald; Elliette Barker; Trevor Best, Libertarian Party of Washington; Alex Leung, none; Dedotated Wam, Asian-Americans for Gun Rights Preservation; Kevin Carmona; Chris James; Chad Towne; Luke Mccandless; Nickalas Zylstra; thomas young.

OTHER: eric cortez; Zane Bray, n/a; Rhaymond Dela cruz.

## City Administrator Report

### City of Lake Forest Park

Date: July 27, 2023

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 Incidents**

On the morning of July 15, Bothell PD had a possible DUI vehicle elude them. The vehicle was spotted by Bothell officers westbound on SR522, and LFP officers responded to assist should the incident enter Lake Forest Park. As the slow speed (40 MPH and under) event entered Kenmore, officers deployed spike strips at the request of Bothell. Officers then followed the vehicle into Lake Forest Park.



The suspect's vehicle was significantly damaged at this point but continued on the roadways at slow speeds. The suspect vehicle turned south onto 41st Ave NE from SR522. As it continued, the suspect driver made an intentional 90 degree turn in the 16500 blk of 41st Ave NE and steered down the steep embankment towards the Burke Gilman Trail. The vehicle got hung up in heavy blackberry bushes about 15 feet down the embankment, and the two occupants refused

to exit the vehicle.



Due to excessive heat generated by the suspect vehicle's damaged wheels, the vehicle and vegetation began to catch fire. The suspects were still uncooperative, but as the smoke worsened the female passenger exited and was eventually detained after she climbed the hill using a rope. She was wanted on outstanding arrest warrants. The male driver was less cooperative and was also injured. After a prolonged negotiation, and significant smoke/heat exposure, we were able to get a rope to him and drag him up the hill. He was

taken into custody by Bothell PD without further incident and treated for his injuries. He was a many times convicted felon.

This event involved a large response by Police and Fire personnel and lasted a few hours. Shoreline Fire personnel were on scene. This was a tense and rapidly unfolding event, involving barricaded subjects in a burning vehicle on a steep embankment. The Fire Department personnel acted swiftly to mitigate the flames and smoke while officers worked to not only arrest the suspects in this event, but to also save their lives. The Fire Department personnel were willing to put themselves close to this dangerous and unpredictable event so the officers and suspects could survive this incident. Officers believed that the male and female occupants of the suspect vehicle would have perished tonight had it not been for the bravery and teamwork by the Fire personnel that responded.

Police officers responded to a suicide call. The caller stated that his father hung himself in a tree, in a grassy field, behind a residence. When the officers arrived, it was evident that the subject was already deceased. LFPPD Investigation Unit and the King County Medical Examiner took over the investigation.

Officers responded to a sex offense that had occurred at a local gym. A male subject exposed himself to a female victim who was exercising. Officers obtained video evidence and a statement from the victim. Unfortunately, the victim was afraid of retaliation, and she was not sure that she wanted to assist with prosecution. The officer in charge of the case is actively working with the victim, the LFPPD victim advocate, and the Prosecuting Attorney's Office.

Officers located an unoccupied stolen vehicle parked in the Ross parking lot. They placed two tire deflation devices in front of the front tires and waited for a few minutes. After approximately 10 minutes, a male subject exited Ross, got in the driver's seat, and quickly took off towards Bothell. Patrol attempted a traffic stop but the suspect refused to pull over (despite both front tires being completely flat). The suspect started to drive erratically—going into the oncoming traffic—and our patrol officers decided to turn the emergency lights off but maintained visual contact. The suspect struck another vehicle in Kenmore, turned around, started to drive towards Seattle, and eventually took I-5 Northbound driving on his rims. The suspect then pulled over and surrendered. A high-risk traffic stop was initiated with the

assistance of deputies from Snohomish County Sheriff's Office. The suspect was detained without any use of force and charged with possession of a stolen vehicle, eluding, possession of burglary tools, and several traffic violations. He also had multiple outstanding warrants.

Officers responded to a welfare check call. A male subject—who was walking in the bus lane—had suddenly decided to lay down in the middle of the bus lane and take a nap. Officers contacted the subject, who was probably under the influence of drugs, and identified him. A police inquiry revealed that the subject had an outstanding felony warrant. The subject was detained and booked in jail.

Officers responded to a hit & run incident where the victim was able to take pictures of the suspect and the suspect's vehicle. The officers were able to locate and charge the juvenile driver.



Officers responded to two separate graffiti calls on two utility boxes. Public works was notified. No suspects.

Officers responded to a theft in progress where four juveniles were stealing sodas from a store. The thieves were able to leave before the officers' arrival, but one of them was eventually located and trespassed from the premises.

Officers responded to an online fraud where the suspect was able to convince the victim to send money to a fake software company. Approximate loss \$1,800. No suspect at this time.

Officers responded to a domestic disturbance where one subject—who could not care for herself and had expressed suicidal ideations—needed to be transported to the Hospital for evaluation and treatment. Officers worked with medical personnel and with our RCR navigator in order to provide adequate services.

Officers responded to missing person incident where a 65-year-old female, with dementia, had left the residence and was now missing. As the officers were conducting the search, a citizen advised the police that the subject was sitting on the porch of a neighbor. The subject was reunited with the family.

Officers responded to the Ross store for a shoplifting incident in progress. Two subjects were concealing clothing items in a cooler. When the two subjects saw the officers, they decided to discard some of the merchandise and pay for some of the concealed items.

During Thursday's City Council meeting, an officer observed a theft call coming in from Ross stores and then noticed a Ford Focus without license plates speeding through the city hall parking lot, endangering pedestrians. The vehicle drove to a dead end in the parking lot, then jumped the curb and continued on SR522. The officer managed to locate the vehicle and witnessed the driver engaging in reckless behavior, constantly changing lanes without signaling, and driving at approximately 70 mph in a 40-mph zone, nearly causing accidents with other vehicles on the road. Eventually, the suspect's vehicle collided with a curb and a street sign in Seattle at our border.

Despite an extensive search of the area, including employing a K-9 unit, the officers were unable to locate the suspect. However, they seized the vehicle and obtained a search warrant. During the search, drug paraphernalia used for smoking methamphetamine was discovered in the center console, along with a crystal-like substance consistent with methamphetamine. To gather more evidence, officers processed the vehicle for fingerprints, collecting a total of 8 samples which were subsequently sent to the AFIS Lab.

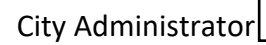
### **NEMCo**

NEMCo is continuing to build and implement its community outreach and education programs, hosting several recent events. On Tuesday and Thursday day evenings for the past couple of weeks, classes for the new NEMCo Drone program have been hosted to train volunteers on drone operations within disaster areas. This training incorporates the FAA required education and testing as well as NEMCo specific emergency radio procedures.

In addition to these volunteer in-service trainings, NEMCo hosted a Community Preparedness Workshop on Saturday July 22. During this workshop, community members completed both classroom training and hands-on exercises covering the ACT To Save a Life curriculum, as well as home preparedness and fire safety modules. They learned and practiced how to shut off utilities and the proper use of a fire extinguisher.

### **Public Works**

CIP Paving Program - The 2023 Paving Program is planned for this fall including the following streets in the map below: 187<sup>th</sup> Street and 35<sup>th</sup> Avenue will see Pedestrian access improvements.



City Administrator [

City Administrator [





McAleer Bypass





Personnel Update – We have recently hired two seasonal maintenance workers with the intent to hire two additional seasonal maintenance workers. One of our long-time, full time maintenance workers retired earlier this month.

## **II. Internal City Information**

## **III. Council Information**

## **IV. Response to Citizen and Council Comments**

## **V. Contract Reporting**

### **Lakefront Property Phase 1 Improvements Update:**

The first Project Manager Coordination meeting took place that included working out the timeline and scope of work, future project website, and putting together the stakeholder kickoff meeting that will take place in September.



Two contracts were administratively approved during the reporting period: AG-23-037, Transpo Group USA, Inc., Professional Services Agreement for the Safe Speed Study; and AG-23-038, Amendment to the LGBS agreement for Municipal Court collections services, extending term by two years.

**VI. Legislative Update**

**VII. Community Events**



The first of three Go Electric! workshop series took place July 18 at Third Place Commons! Attendees learned how to have cleaner air and cook faster by switching from gas to an induction stovetop with a demonstration! The next Go Electric! workshop, Keep Calm & Solar On! Will take place, August 17, 6:00 p.m. at the Hangar (6728 NE 181<sup>st</sup> St, Kenmore 98028) in Kenmore! Learn from local contractors and neighbors on how installing solar panels can save you money, add value to your home, and reduce your carbon emissions.

# GO ELECTRIC!

Events to help you save money, improve comfort, and reduce emissions



## COOKIN' HOT, HOT, HOT!

**July 18 at 7 p.m. | Third Place Commons**  
17171 Bothell Way NE, Lake Forest Park 98155

Learn the benefits of switching from gas to induction stovetops - cleaner air, faster cooking, and less mess! A local chef will give an induction cooking demo and share why they choose induction over gas.



## KEEP CALM & SOLAR ON

**August 17 at 6 p.m. | The Hangar**  
6728 NE 181st St, Kenmore 98028

Learn from local contractors and neighbors how installing solar panels can save you money, add value to your home, and reduce your carbon emissions. We'll review the upfront costs, discounts, and rebates available to you!



## ACs THAT BRING THE HEAT

**September 19 at 7 p.m. | Shoreline City Hall**  
17500 Midvale Ave N, Shoreline 98133

Did you know? Heat pumps are the best way to heat and COOL your home! Learn how they can save you money and make life more comfortable. We'll review upfront discounts and tax credits and offer a Q&A with community members who have installed heat pumps at their homes.

Series sponsored by the cities of Lake Forest Park, Shoreline, and Kenmore.



Join with neighbors and friends to celebrate summer, for a weekly Yoga in the Park, Summer Stretch Series at Pfingst Animal Acres Park! Saturday mornings through August 12, 9:00 – 10:00 a.m.

Each week will feature a different local instructor teaching a different style of yoga! All classes are open to all community members at any level.

Never done yoga? No problem. Come try something new while meeting new friends! Bring a yoga mat, a friend, your own hydration, and have some fun!



Don't miss out on Battle of the Bands with the ShoreLake Arts and City of Lake Forest Park! Three evenings of fun at Pfingst Animal Acres Park! [Tickets](#) are on sale through ShoreLake Arts. Battle of the Bands supports emerging and developing musicians in Washington State and encourages appreciation for the art of music in our community.

All shows begin at 6:30 p.m. at Pfingst Animal Acres Park, and gates open at 5:30 p.m. A beer garden and food trucks will be on hand!

Semi-final Pool #1 | Thursday, August 3

Semi-final Pool #2 | Friday, August 4

Finals | Saturday, August 5

For more information on the event or to purchase tickets, head to:

<https://www.shorelakearts.org/battle-of-the-bands-information>





## VIII. Upcoming City Sponsored Events

### IX. Meetings Calendar

#### [Climate Action Committee Meeting \(hybrid meeting\)](#)

August 1, 2023, 7:00 PM @ City Hall and via Zoom

#### [Tree Board Meeting \(Hybrid\)](#)

August 2, 2023, 7:00 PM - 9:00 PM @ City Hall and via Zoom

#### [Planning Commission Regular Meeting \(hybrid meeting\)](#)

August 8, 2023, 7:00 PM - 9:00 PM @ City Hall and via Zoom

#### [North King County Coalition on Homelessness](#)

August 10, 2023, 1:00 PM - 2:30 PM

#### [City Council Work Session \(hybrid meeting\)](#)

August 10, 2023, 6:00 PM - 7:00 PM @ City Hall and via Zoom

#### [City Council Regular Business Meeting \(hybrid meeting\)](#)

August 10, 2023, 7:00 PM - 9:00 PM @ City Hall and via Zoom