

City of Lake Forest Park - Planning Commission
Draft Regular Meeting Minutes: December 14, 2021
Virtual/Zoom Meeting

Planning Commissioners present: Chair Maddy Larson, Richard Saunders, T.J. Fudge, Ira Gross, Lois Lee

Staff and others present: Steve Bennett, Planning Director; Nick Holland, Senior Planner, Councilmember Lorri Bodi (Planning Commission Liaison); Kim Adams-Pratt, City Attorney

Members of the Public: Mike Dee, Jolene Jang, Walter Hicks, Jim Bourey

Planning Commissioners absent: David Kleweno, Melissa Cranmer

Call to order: Chair Larson called the meeting to order at 7:01 pm.

Land Acknowledgement:

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Cmr. Saunders read the land acknowledgement.

Approval of Agenda

Cmr. Saunders made a motion to approve the agenda, Cmr. Fudge seconded. All voted and the motion to approve the agenda was approved as amended.

Approval of Meeting Minutes from October 12, 2021

Cmr. Gross made a motion to approve the October 12, 2021, meeting minutes as drafted and Cmr. Fudge seconded. Cmr. Saunders thanked staff for the detailed content and structure of the minutes.

Chair Larson suggested a change to page 3 line 1 to reflect a discussion about the definition of the word family.

All voted and the motion to approve the October 12th, 2021 minutes as amended was passed.

Meeting Dates:

Next regular meeting is scheduled for January 11, 2022.

Citizen Comments:

Chair Larson welcomed Jim Bourey and Walter Hicks who have applied for the open Planning Commission positions.

Jim Bourey said he would be delighted to work as a Planning Commissioner. He said he was a former city planner and has lived in LFP for 2 years.

Walter Hicks said he is an engineer for the City of Redmond. He said he is interested in working with the Planning Commission and has lived in LFP for three years.

Chair Larson summarized the process for appointing new Planning Commissioners.

Jolene Jang said she would like to bring the Commission's attention to a development application from builder Garey. She said the property has been vacant for many years and it is located adjacent to her property. She said the development threatens public welfare. She summarized the content of the application materials and described the topography of the parcel. She spoke of potential flooding that occurs in the area and said that the floodplain exists in the same location of the potential build. She invited the Commission to visit the site. She asked the Commission to think about the development.

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2 Chair Larson asked for an address and Ms. Jang provided the address of the property. Jolene Jang spoke
3 about an email she forwarded to the Planning Director and requested it be forwarded to the Commission.
4

5 **Report from City Council Liaison**
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7 Councilmember Bodi said are three new Councilmembers slated to start at the first of the year. She said the
8 Council has been in discussions regarding the Commission's recommendations for code amendments to the
9 ADU regulations and the accessory building regulations. She said that a vote on code amendments won't
10 occur until the new Council members start. Councilmember Bodi asked Director Bennett if he had a
11 timetable for adoption. Director Bennett responded and said that the regulations will need to be put into
12 ordinance form prior to voting for adoption. Councilmember Bodi said that a standard plan system is being
13 investigated for citizens to use when applying for ADU permits. Councilmember Bodi asked Director
14 Bennett about the process of standard ADU plans and Director Bennett responded and said that they are
15 researching the issues.
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17 Councilmember Bodi said that the Council plans to initiate a climate action committee. She said that there
18 could be some overlap with the Planning Commission.
19

20 Councilmember Bodi said that at a recent sound cities meeting they discussed tribal treaty rights and how
21 drainage of the Lake Washington watershed has been conducted over the years. She said they discussed the
22 details of tribal rights and fisheries that belong to certain tribes. She went on to describe some of the other
23 details of the tribal rights discussion. She offered to share the power point slides for the meeting. Chair
24 Larson provided her perspective on the tribes in the area and how the land acknowledgement aimed to
25 recognize all involved.
26

27 Commissioner Fudge asked what the Council's plan is for the future of parks and sidewalks. Councilmember
28 Bodi provided her personal view and said that she supported proposition 1. She said the Council is not
29 taking the issue up at this time. She said that proposition 1 was an example of people not wanting to pay
30 more taxes. She went on to explain how levies are passed and how they can affect a citizen's tax rate. She
31 talked about how the property tax formula is complicated and provided examples of some household tax
32 bills. She said that the Council hopes to find dollars to research a master plan for parks that could involve
33 some consultant assistance. Commissioner Fudge asked about the sidewalks throughout the city and
34 specifically capital projects for sidewalks to area schools. Councilmember Bodi said that they plan on
35 pursuing grants for sidewalks.
36

37 Chair Larson said that the Planning Commission would want to help in the climate action committee. She
38 said that the community's youth should be involved. Councilmember Bodi provided some detail about how
39 the committee could be formed over the next few years.
40

41 **Old Business**
42

43 • *Review of 2021 PC work plan*
44

45 Chair Larson suggested reviewing the past year's work plan. Director Bennett summarized the content of the
46 work plan. He said that the Planning Commission decided to focus on the ADU regulations, and that
47 updating the Comprehensive Plan can accommodate the missing middle conversation. He said that the
48 Comprehensive Plan update should start in the middle of 2022. Chair Larson asked if the review of the work
49 plan could start from the top of the established list. Director Bennett responded and said that he understood
50 the Council wanted to look at the tree regulations and the Shoreline Master Program updates given the rather
51 technical nature of the document. Chair Larson said that she is Ok with the Commission not being involved
52 in SMP updates. She said that some Commissioners had questions on the SMP updates.

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2 Cmr. Fudge said that the SMP was something that he was able to get familiar with when he moved into LFP,
3 because of a project he had done. He said that there may be an opportunity for the city to influence the
4 content of the updates to the document. He said that dredging performed by the civic club should be
5 regulated by the SMP and potentially improved by updates to the SMP. He said that the SMP has a six- or
6 seven-year cycle so he thinks it should be reviewed in detail by the city, given the rather lengthy time between
7 updates. He said he favors exploring the types of changes the Planning Commission can make. Chair Larson
8 asked Councilmember Bodi to direct the Commission on this matter. Councilmember Bodi said the Council
9 hasn't had a substantive discussion on the issue of the SMP updates, but that the Planning Commission could
10 explore the issue.

11
12 Chair Larson asked if the wireless code could be worked on by the Commission, and Director Bennett
13 responded and indicated the Commission could help with aesthetic regulations but that most changes will be
14 federally mandated.

15
16 Chair Larson asked about reviewing the tree regulations and Director Bennett responded and said that the
17 Council will use its ability to dive into revisions directly, but that wouldn't prevent the Commission from
18 exploring those issues if there a majority of Commissioners who want to work on that topic.

19
20 Chair Larson asked about reviewing pedestrian access standards for 522 and Director Bennett responded and
21 said that Councilmember French was interested in those topics, but that negotiations with Sound Transit are
22 ongoing. He said that there are no applications to develop the BAT lane at this time, but it would be difficult
23 to get changes to standards through the Planning Commission and onto Council in time for it to affect the
24 Sound Transit development. Councilmember Bodi provided her understanding of the Sound Transit project
25 scope and indicated that most of the improvements are to occur on the lake side of the highway. She said
26 that ridership service could occur in 2024. Chair Larson asked about the process to adopt standards for
27 sidewalks and retaining walls and Director Bennett responded with detailed information and process for how
28 those regulations are adopted and indicated that if Sound Transit realized that new standards were being
29 developed, they could file a development application to vest to current regulations. Cmr. Lee asked if there is
30 coordination between the Comprehensive Plan update and the sidewalk plan that Sound Transit is
31 developing. Director Bennett responded and said that a good sidewalk policy should be within the
32 Comprehensive Plan, so that we can use that authority to regulate the Sound Transit project. Councilmember
33 Bodi said she agreed with Director Bennett about the possibility of Sound Transit applying for a development
34 permit if they realize we are adopting new sidewalk standards. She asked Director Bennett if sidewalks will be
35 located on both sides of the highway and Director Bennett responded and said that some of the stretch
36 should have them on both sides.

37
38 Cmr. Saunders asked Director Bennett about the public hearing held in 2019 on the SMP updates. Director
39 Bennett responded and summarized how the hearing occurred and said that public comments were received
40 along with comments from State Ecology, which will need to be incorporated into the next SMP draft.

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43 **New Business**

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45 • *Overview of current LFP sign code and legal issues surrounding sign regulation*

46 Chair Larson introduced the topic. Director Bennett introduced the City Attorney and said that the sign code
47 is from 1999 when the city consolidated a few zoning ordinances during the period when annexations
48 occurred. He said that updates to the sign code really haven't occurred since 1999, with exception of a few
49 minor updates for town center. He said the code needs updates because it doesn't meet federal law, or the
50 new zoning ordinances in the southern gateway. He summarized some of the areas of the code that could be
51 amended.

1 City Attorney Pratt spoke about the plan for the sign code and said at this meeting she will provide a big
2 picture and framework for how signs are regulated in the country and give ideas about how LFP can
3 approach amendments to their sign code. She said that signage triggers a constitutional first amendment free
4 speech issue. She described the types of signage that are common in cities. City Attorney Pratt talked about
5 non-commercial signs and commercial signs. She said that sign content cannot be regulated and provided
6 background on court decisions in recent years. She provided examples of what can be regulated on signs,
7 other than content such as location and size. She cited aesthetics and safety as the main compelling
8 government interest in regulating sign content through strict scrutiny. She went on to talk about legal
9 precedents and burdens of proof for governments when trying to regulate signage. City Attorney Pratt
10 spoke about examples of regulations from different jurisdictions and provided examples of how regulations
11 were challenged as well as the outcome of the litigation.

12 City Attorney Pratt described a case in Washington involving the Mattress Outlet and commercial type signs
13 where off-site signage was regulated. She said that the government couldn't proof that they had a compelling
14 government interest and therefore didn't meet the some of the criteria for the intermediate scrutiny test.

15 City Attorney Pratt said she can entertain any questions. Cmr. Saunders asked about the last example of
16 commercial sign regulations and asked if size could be a component of regulation. City Attorney Pratt said
17 that size can be a regulation and provided the example where if you can regulate the sign without reading it, it
18 could be defended.

19 Cmr. Saunders asked about the current sign code for town center. Director Bennett responded and indicated
20 the regulations within the emergency order allowing for more signage area for internal businesses executed by
21 the mayor could be a good update for the sign code. Cmr. Saunders said that he read some of the other sign
22 ordinances and asked if an entire new ordinance could be developed. Director Bennett responded and said
23 he agreed with that approach. General discussion occurred on an approach and suggested structure for the
24 new sign code. Chair Larson suggested developing a spreadsheet that illustrated the various needs for the
25 new sign code. Cmr. Fudge said he's not entirely clear about the community's perception of the city's sign
26 regulations. He asked if there is a record of the community's perception. Director Bennett replied and said
27 that political signs have generated some complaints and that the Déjà vu sign has generated complaints.
28 Chair Larson said that an LFP family feud version should be conducted to determine public opinion.
29 Director Bennett said that another community survey could be helpful to determine the public's interest.

30 • *Discussion of 2022 Commission Work Plan*
31 Chair Larson introduced the topic of next year's work plan and said that she would like to have an idea about
32 the 2022 work plan by the next meeting. She suggested having realistic goals for next year's work plan. She
33 asked for input from the other Commissioners.

35 Cmr. Fudge asked what the Commission's priorities would be. Chair Larson described her perspective on
36 what can occur. Director Bennett provided his perspective and said that a schedule for the Comprehensive
37 Plan update and scope should be forwarded to Council to approve in 2022, at which point a Request for
38 Proposal for a consultant can be executed so that compliance with the GMA can be achieved. He reiterated
39 that the scope and timeline for substantive amendments should be developed in 2022 so that the appropriate
40 individuals and agencies can be put on public notice. He said that the finalized amendments should be
41 forwarded to the Council at least 6 months prior to the deadline of June 2024. Director Bennett went on to
42 describe the specific details in the Comprehensive Plan update process and timeline. Cmr. Gross said that
43 community input should be sought for any changes to the regulations. Discussion continued about which
44 topics take priority for the 2022 work plan. Chair Larson suggested working on the sign code update in the
45 first quarter and the Comprehensive Plan update within the last three quarters of 2022. Cmr. Lee asked why
46 the sign code is a priority and that there should be changes coming down the pipeline. Director Bennett
47 replied and said that the sign code is a priority because the City can be put into legal scrutiny with the current

1 sign code which makes it a priority. Cmr. Lee asked about the Comprehensive Plan update and how the
2 process should work. Cmr. Saunders replied and summarized his experience from the last update. Director
3 Bennett suggested putting some Comprehensive Plan material on all 2022 agendas, just to ensure progress.
4

5 Chair Larson suggested looking at the SMP and entertaining updates in 2022. Chair Larsson asked about the
6 current land use policy on Reasonable Use Exceptions (RUE). Director Bennett replied and provided the
7 background on reasonable use exception policy and indicated that the State has mandated that all property
8 owners should have reasonable use of their property, which has traditionally been one single family residence.
9 Chair Larson asked why and how the applications for reasonable use exceptions make the environment
10 suffer. Cmr. Fudge asked if RUEs go to the Hearing Examiner and Director Bennett replied and said that
11 the Examiner issues the decision on RUEs. Director Bennett described the permitting process for RUEs. He
12 indicated that the Commission could investigate the critical area regulations to potentially look at changing
13 RUE regulations, but that it could not take the form of a review of a specific development application. Chair
14 Larson asked if the City has enough staff to support enforcement of the regulations. Director Bennett replied
15 and said that most properties in LFP are difficult to develop and that we often use third party peer review to
16 determine the accuracy of technical reports.
17

18 Councilmember Bodi summarized the different ways that the community can become involved in a particular
19 development application. She indicated that the City will generally be careful when a type of taking on a
20 property could occur. She said that the Commission should feel free to investigate if additional provisions can
21 be added to RUE regulations as long as it is within the framework of the law.
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24 **Reports and Announcements**

25 None from staff.
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27 **Citizen Comments:**

28 None.
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31 **Agenda for Next Meeting:**

32 Similar to this agenda.
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35 **Adjournment:**

36 Cmr. Lee made a motion to adjourn the meeting, Cmr. Saunders seconded, and the motion carried
37 unanimously. The meeting was adjourned at 9:05 pm.
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39 APPROVED:
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Madlyn Larson

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43 Maddy Larson, Chair

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