

**City of Lake Forest Park - Planning Commission
Draft Regular Meeting Minutes: February 8, 2022
Virtual/Zoom Meeting**

Planning Commissioners present: Chair Maddy Larson, Richard Saunders, T.J. Fudge, Ira Gross, Lois Lee, David Kleweno, Melissa Cranmer, Jim Bourey, Walter Hicks

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: Stephanie Shenk, Mike Dee, Kent Shuey, Jolene Jang

Planning Commissioners absent: n/a

Call to order: Chair Larson called the meeting to order at 7:00 pm.

Approval of Agenda

Cmr. Gross made a motion to approve the agenda, Cmr. Cranmer seconded. All voted in favor of the motion to approve the agenda.

Land Acknowledgement:

Cmr. Saunders read the land acknowledgement.

Approval of Meeting Minutes from January 11, 2022

Cmr. Gross made a motion to approve the January 11, 2022 meeting minutes as drafted and Cmr. Saunders seconded.

Chair Larson thanked staff for their effort and the content of the minutes.

All voted in favor of the motion to approve the January 11, 2022, minutes as drafted.

Meeting Dates:

Next regular meeting is scheduled for March 8, 2022.

Citizen Comments:

Stephanie Shenk said she resides at 18749 23 AVE NE. She talked about the new rules for ADUs and said she would like to construct an ADU on her property. She asked when the rules would be adopted. Chair Larson indicated that questions were not usually addressed during citizen comment period, but added that the City Council has the Commission's recommendation on the topic and that progress can be tracked through the Council. Councilmember Bodi asked Director Bennett when the Council's hearing on the topic would be held. Director Bennett said that the public hearing on the proposed ADU regulations will be later this month.

Jolene Jang provided her address and talked about a recent meeting where Chair Larson indicated that the citizens surrounding a reasonable use exception (RUE) proposal often seem to have the burden of proving that RUE proposals do not meet the approval criteria. Ms. Jang said that the LFP Stewardship Foundation has assisted her with her public comments on the RUE project adjacent to her property. She went on to describe how she has navigated the regulatory framework for RUEs and said that the citizens and city staff alike have pressure from the master builders association to approve such proposals. She noted the opinions of other individuals regarding environmental stewardship and how a precedent may be set with approval of the project adjacent to her home.

1
2 **Report from City Council Liaison**

3 Councilmember Bodi welcomed the new Commission members. She thanked Cmr. Saunders for his service.
4 She informed the Commission of the recently elected leadership positions on the Council. She said that the
5 mayor is gathering members for the climate action committee and the parks board. She went on to describe
6 the function of the parks board and how the public engagement process might work for the new waterfront
7 park.
8

9 Councilmember Bodi said that the city is monitoring state legislation for zoning and density requirements and
10 that LFP has an environmental interest as well as a city service interest in what occurs. She said that the next
11 Council work session will include a presentation from King County Conservation District regarding riparian
12 area management.
13

14 Cmr. Cranmer asked about the emergency shelter regulations and requested an update. Councilmember Bodi
15 responded and said that the deadline was met, and the City developed some regulations for locations of
16 emergency shelters as well as some supporting regulations. Attorney Pratt clarified that the current
17 regulations are interim.
18

19 Cmr. Saunders asked about Sound Transit. Councilmember Bodi said that they are moving ahead on the
20 BRT work, which is supposed to conclude in 2024. Councilmember Bodi asked Director Bennett to provide
21 his input. Director Bennett responded that Sound Transit would like to have agreements for permitting
22 timelines and that the agency is close to submitting some critical area permit applications.
23

24 Cmr. Gross asked if the 2024 timeline is for design or complete construction, and Councilmember Bodi said
25 it was for completion of construction.
26

27 Chair Larson asked about the composition of the climate action committee. Councilmember Bodi responded
28 with her understanding of the makeup of the committee and noted that the Council will provide guidance.
29

30 **Old Business**

31
32 Chair Larson welcomed the new Commission members. She thanked staff for their work on the sign code
33 updates.
34

- 35
 - *Sign code update- review City Attorney draft amendments*
36

37 Director Bennett suggested a format for the discussion and indicated that this amount of code to be reviewed
38 is significant. He mentioned the table that staff created for tracking the changes to the code. He asked
39 Attorney Pratt to introduce the proposed changes.
40

41 City Attorney Pratt said that she went through the existing code to identify what areas should be changed
42 based on her knowledge of the relevant case law and her understanding of content regulation. Director
43 Bennett shared a screen with the proposed changes highlighted with strikeouts and underlines. City Attorney
44 Pratt said that instead of content regulations, which the current code was full of, a set of regulations for
45 temporary signs may provide way of avoiding content regulation. She said that she added several new
46 definitions that describe different types of signs. She went on to describe some of the new definitions she
47 added and described why she eliminated some of the existing definitions, which in most cases involved
48 content regulation. She emphasized that all content-based definitions are proposed to be eliminated within
49 the current draft.
50

51 Director Bennett asked if there were any questions. Cmr Bourey asked if signs in the right of way were
52 allowed, and City Attorney Pratt responded that they were allowed. Cmr. Saunders asked where the new

1 definitions came from. City Attorney Pratt responded and said that she pulled a lot of them from other city
2 codes. Cmr. Saunders asked about the significance of term mono-chromatic. Director Bennett responded
3 and said that the basis of the term surrounds the Déjà vu site and that company's animated signage. City
4 Attorney Pratt continued with her presentation on the code amendments. Cmr. Hicks asked how danger can
5 be determined by color and/or wording and City Attorney Pratt responded and said that the term 'wording'
6 would probably have to be eliminated. Cmr. Fudge said that he believes wording could fit in certain sections,
7 when used in a limited context. City Attorney Pratt said that the Commission could keep the term within the
8 described section if it were to meet the higher constitutional standard where the city has an interest in
9 regulating it. Chair Larson asked about item 6; line 8. She said that it sounds like it could be limiting what is
10 on public property and City Attorney Pratt responded affirmatively. A general discussion about allowed
11 signage within the right of way occurred.
12

13 City Attorney Pratt continued with her presentation on the recommended code amendments. She talked
14 about the permitting thresholds for some types of temporary signs. Cmr. Bourey asked if an off-premises
15 sign contains content, how can it be regulated. City Attorney Pratt said that the regulation would have to
16 meet the higher constitutional standards. Cmr. Bourey talked about the use of signage in the right of way.
17 City Attorney Pratt suggested regulating the amount of time the sign could be posted. Cmr. Bourey said that
18 regulating signage in the right of way is a difficult item to regulate. Cmr. Fudge asked about the political sign
19 regulations which are proposed to be deleted and asked how the timeline for signage gets regulated. City
20 Attorney Pratt said that a permit could be issued for signs that need to stay up more than the allowed time.
21 Chair Larson asked if a "black lives matter" sign would require a permit if it were to be up more than seven
22 days, under the proposed draft. City Attorney Pratt responded that a sign of that type would require a permit
23 as currently proposed. Director Bennett suggested regulating temporary signs for politics and social
24 statements in a manner does not become a cumbersome enforcement issue. Chair Larson indicated that these
25 types of social statement signs should be allowed within the community. City Attorney Pratt provided her
26 perspective on how to regulate this type of sign. She said she had worked with another code where an
27 exemption for a 3'x4' sign was adopted for this type of sign. She said that real estate signs also fall into this
28 category. A general discussion on how to regulate temporary signs occurred.
29

30 Cmr. Kleweno suggested that the City Attorney be allowed to finish her presentation before any additional
31 questions, given the amount of material that needs to be presented. Chair Larson agreed. City Attorney Pratt
32 continued her presentation. She presented the proposed regulations for temporary signs. She said that 6
33 square feet and no higher than 4 feet is suggested for temporary signs in all districts but suggested that larger
34 temporary signs may be allowed in commercial districts. She also talked about a cap of four temporary signs
35 in commercial districts, and eight in the town center zone.
36

37 Cmr. Cranmer asked about the number of temporary signs in residential zones, which is proposed to be two.
38 She asked if a public notice sign would count against the total amount of temporary signs. City Attorney
39 Pratt responded that a public notice sign is an exempt sign as proposed in the new regulations. City Attorney
40 Pratt emphasized that she only changed items in the existing code that dealt with content and that she tried
41 not to change too much. She described the various types of revisions she is proposing, such as changing
42 message signs as a part of permanent signage in commercial zones. City Attorney Pratt said that limiting
43 home occupation signage in residential zones is a content-based regulation and that the City will need to
44 determine if it has an interest in regulating such signage. City Attorney Pratt introduced new sections
45 regulating southern gateway signs as well as signs within the right of way. Cmr. Fudge asked if the city has to
46 permit signs within the right of way. City Attorney Pratt responded and said that the free speech rights could
47 come into play, for example if an individual were to wear a sign in the right of way. She also introduced a
48 new section clarifying the content of permit applications for signage.
49

50 City Attorney Pratt reviewed a chart that tracks the sign code changes. She emphasized that the chart shows
51 that most changes are for new temporary signage. Chair Larson thanked City Attorney Pratt for the
52 presentation and asked about the next steps. Director Bennett responded that the questions the Commission

1 has posed to date would generate some policy options. He encouraged Commissioners to continue review of
2 the new content and think about any changes in policy direction that the City should consider related to
3 signage. He said he hoped that the Commission might be able to make a recommendation after a couple
4 more reviews of the proposed changes. Cmr. Bourey said that the case that is before the US Supreme Court
5 on off-premises sign could provide some insight to what we are regulating.

6
7 • *Adoption of 2022 PC work plan*
8

9 Chair Larson asked if all had reviewed the work plan. Cmr. Saunders said that the draft reflects the previous
10 discussions. Cmr. Kleweno said that the amount of code we just reviewed on the sign issue, could bump the
11 group over a 20% commitment on the topic. He wanted to ensure that the group devotes enough time to the
12 issue. Chair Larson asked for input from Director Bennett. He responded that the percentages reflect intent,
13 but they are not binding.

14
15 Cmr. Lee made a motion to adopt the 2022 Planning Commission work plan, and Cmr. Bourey seconded the
16 motion. All voted and the motion carried unanimously.

17
18 **New Business**
19

20 *2021 annual report*
21

22 Chair Larson asked if all had a chance to review the content of the report. She asked for discussion or
23 questions. Councilmember Bodi suggested that the Commission present the report to the Council at a future
24 meeting. Chair Larson asked if that had been done in the past and Director Bennett responded and said that
25 it had not been done in the past. Director Bennett noted that Cmr. Saunders was the creator of annual
26 reports with this format which has been in use for several years. Chair Larson asked the Commission if they
27 would like to present the report to the Council. Cmr. Fudge said that it could be valuable if the Commission
28 has additional input for the ADU code. Cmr. Gross agreed with Cmr. Fudge. Cmr. Hicks said that he agreed
29 with Chair Larson on the issue. Cmr. Kleweno said that the tree board presented the annual reports to the
30 Council during his time on that board. Cmr. Saunders said that it would be a good idea to present the annual
31 report to Council. Cmr. Bourey said that the new Council members could benefit from a report or
32 presentation. Cmr. Lee said that she could be available if a request was made to present it. Chair Larson
33 asked how to get on the Council's agenda. Councilmember Bodi responded and said that she will inform the
34 Council that the Commission would like to make a presentation on the 2021 Planning Commission annual
35 report as it pertains to adoption of the recommended ADU regulations. Chair Larson asked when John Lebo
36 resigned. Director Bennett responded that he wasn't sure and said that he would double check on the terms.

37
38 Cmr. Gross made a motion to accept the draft of the 2021 Planning Commission annual report, Cmr.
39 Cranmer seconded the motion. All voted and the motion carried unanimously.
40

41
42 *Election of Officers*

43 Chair Larson asked Director Bennett to lead the discussion on the election of officers. Director Bennett
44 responded and explained the nomination and voting process for both Chair and Vice Chair.
45

46 Director Bennett called for chair nominations.
47

48 Cmr. Cranmer nominated Chair Larson. Chair Larson asked if anyone was interested in chairing the
49 committee. Discussion occurred. Chair Larson indicated that she has served for two years and asked if a
50 commissioner can serve more than two years in a single office. Director Bennett responded that the
51 Commission could work under the assumption that a chair can serve more than two years in a row and then
52 elect a new one at the next meeting if it turns out not to be allowed. Director Bennett asked if there were any

1 more nominations. Hearing none, Cmr. Gross moved to close nominations and Cmr. Lee seconded. All
2 voted and the motion to close nominations carried unanimously. Director Bennett asked for a vote on Chair
3 Larson's nomination. All voted in favor of Chair Larson continuing to chair the Planning Commission.

4
5 Director Bennett opened the floor for nominations for vice chair. Cmr. Gross nominated Cmr. Lee for vice
6 chair. Cmr. Lee asked about the duties. Cmr. Saunders offered to read the duties and Chair Larson described
7 her impression of what is expected of a vice chair. Director Bennett asked if there were any more
8 nominations. There were none and Cmr. Gross made a motion to close nominations, Cmr. Kleweno
9 seconded. All voted to close nominations and the motion carried unanimously.

10
11 Director Bennett asked for a vote on Cmr. Lee's nomination for vice chair. All voted in favor of Cmr. Lee for
12 vice chair.

13 **Reports and Announcements**

14 **Citizen Comments:**

15
16 Mike Dee said that Larry Goldman is the council liaison for the tree board. He talked about resolution 1836
17 the climate committee and described several individuals who are interested. He talked about the King County
18 collation for homelessness and described how there isn't any public notice or involvement with the meeting
19 and therefore it looks like a closed meeting. He encouraged the Planning Commission to act in the
20 community's interests. He encouraged the commission to present their annual report to the Council. He
21 thanked Jolene Jang and Cmr. Saunders for their comments and service.

22 **Agenda for Next Meeting:**

23
24 Similar to this agenda.

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26
27 Chair Larson thanked Cmr. Saunders for his years of service on the Planning Commission. It was suggested
28 that a social gathering occur in honor of Cmr. Saunders' service.

29
30 Director Bennett said that Cmr. Saunders contributed to shaping the city with his work on the southern
31 gateway design guidelines and thanked Cmr. Saunders for his work.

32
33 Cmr. Saunders said that he has learned a lot about the city and he thanked staff for assisting him and
34 contributing to his success as a commissioner. He said that LFP is a special place, and that the community is
35 connected in many ways. He said that planning is about more than land use and the environment, but also
36 about social justice. He suggested keeping that idea in mind when working on the comp plan.

37 **Adjournment:**

38
39 Cmr. Saunders made a motion to adjourn the meeting, Cmr. Cranmer seconded, and the motion carried
40 unanimously. The meeting was adjourned at 8:59 pm.

41
42 APPROVED:

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46 _____
47 Maddy Larson, Chair