



**Lake Forest Park Planning Commission
Regular Meeting
Tuesday, July 12, 2022
PROPOSED AGENDA**

Meeting to be Held Virtually and in Person at City Hall
See second page for information about how to participate virtually

1. Call Meeting to Order—7:00 p.m. (confirm recording start)
2. Land Acknowledgement
3. Approval of Agenda
4. Presentation from Sarah Phillips, Lake Forest Park Climate Action Committee
5. Approval of Meeting Minutes – June 14, 2022
6. Meeting Dates
 - Next regular meeting is scheduled for August 9, 2022
7. Citizen Comments (Each speaker has three minutes to comment)
The Planning Commission accepts oral citizen comments during its regular meetings.
8. Report from City Council Liaison
9. Old Business:
 - Reasonable Use Exceptions - Review draft code amendment developed in response to Commission discussion at last meeting.
10. New Business:
11. Reports and Announcements
12. Additional Citizen Comments
13. Agenda for Next Meeting
14. Adjournment

Planning Commission's Land Acknowledgement

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

Instructions for participating in this meeting virtually:

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83403479441>

Or One tap mobile :

US: +12532158782,,83403479441# or +16699006833,,83403479441#

Or Telephone:

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

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

Webinar ID: 834 0347 9441

International numbers available: <https://us06web.zoom.us/j/83403479441>



Memorandum

To: Planning Commission
From: Nick Holland, Senior Planner
Date: July 8, 2022
Re: July 12, 2022 Meeting Agenda Materials
Attachment: 1. Draft Code Revisions for LFPMC 16.16.250 for Recommendation to City Council

Sign Code Updates

During the June meeting and because of comments made at the sign code public hearing, it was decided that a memorandum to the City Council would be drafted to supplement the recommended sign code updates. The memorandum will work to clarify some of the last-minute items of concern that were discussed at the June public hearing. Planning Staff is currently drafting this memo with plans to include it with the Planning Commission's recommended code changes to the City Council.

Reasonable Use Exceptions

At June's Planning Commission meeting the Commission was provided an overview of the Reasonable Use Exception (RUE) review process and examples of correspondence between staff and the applicant. Staff also presented some examples of specific projects that best illustrated the RUE process and desired outcomes. The discussion generated ideas on how to improve the RUE process as well as identified a need to clarify conditions that accompany an RUE approval. Two specific elements were discussed that could potentially bring an immediate impact to the RUE system. The idea of an owner occupancy requirement and the requirement for financial securities were discussed specifically as items that could prove to solidify the RUE process. The Commission directed staff to draft some changes to the RUE code to incorporate these two elements. Attached is the initial draft of those changes, based on what was discussed at June's meeting. The City Attorney has reviewed the draft code amendments and agrees with most of the changes. She has suggested discussing section (G) for possible alternative language. She indicated that as drafted, the language could be seen as an intrusive measure to obtain compliance with RUE approvals.

City of Lake Forest Park - Planning Commission
Draft Regular Meeting Minutes: June 14, 2022
Virtual/Zoom Meeting

Planning Commissioners present: Ira Gross, Vice Chair Lois Lee, David Kleweno, Walter Hicks, Melissa Cranmer; Meridith LaBonte, Ashton Alvarez

Staff and others present: Steve Bennett, Planning Director; Nick Holland, Senior Planner, Kim Adams-Pratt, City Attorney

Members of the Public: Lake Forest Park Citizen's Commission, Julian Anderson, Janice Carl, and Douglas Carl

Planning Commissioners absent: Chair Maddy Larson; T.J. Fudge

Call to order: Vice Chair Lee called the meeting to order at 7:03 pm.

Land Acknowledgement: Cmr. Cranmer read the land acknowledgement.

Welcome New Planning Commission Members

Vice Chair Lee asked the new Planning Commission members to introduce themselves.

Cmr. Alvarez talked about her past and said that she is glad to be a Commissioner hopes to bring a new perspective.

Cmr. LaBonte talked about her past and said that she is glad to be a Commissioner and to contribute to the group.

Vice Chair Lee suggested that the current Commissioners introduce themselves. Commissioners and City Staff introduced themselves and provided comments on their background.

Approval of Agenda

Cmr. Gross made a motion to approve the agenda, Cmr. Alvarez seconded, and the motion to approve the agenda passed unanimously.

Public Hearing on Sign Code Amendments

Director Bennett introduced the material for the sign code amendment and public hearing. Director Bennett suggested that City Attorney Pratt provide a presentation.

City Attorney Pratt said that the US Supreme Court case Reed vs. Gilbert prompted the draft sign code amendments. She stated all signs are free speech which is a constitutionally protected right. She said that there are two types of signs, non-commercial and commercial. She further explained that non-commercial signs deal with directional issues and items that do not advertise. She said that commercial signs typically advertise something. City Attorney Pratt said that regulating signs on the basis of content would be a violation of the first amendment and free speech. She provided background on the city's approach in drafting the new sign code. She said that the code must apply the strict scrutiny test to regulate commercial signs. She provided examples of the signs in the Reed/Gilbert case and talked about the background, facts, and conclusions of the case. City Attorney Pratt said that for commercial signs the city can regulate them using the intermediate scrutiny test. She provided the criteria for the intermediate scrutiny test. City Attorney Pratt discussed how the Commission approached the amendments and turned the discussion over to Director Bennett.

1
2 Director Bennett provided a summary of the proposed changes. He talked about how the Commission spent
3 a lot of time trying to provide code language for temporary signage. He said that most temporary signs will
4 be regulated by size and length of time for display and that they will be organized by zoning district. Director
5 Bennett further provided a table with specific amendments organized by zoning district. He talked about
6 how the proposed code language would regulate signs within the right of way. He provided an example of
7 how the city could regulate political signs. Director Bennett then talked about how the proposed code
8 amendments would regulate commercial signage for interior businesses at the Town Center.
9

10 Director Bennett concluded his presentation and suggested that the Commission take public comment at that
11 point.
12

13 Douglas and Janice Carl testified as the owners of the salon in the town center mall. Mr. Carl thanked the
14 Commission for accomplishing the sign code recommendations because it helps their business. He said he is
15 happy that the Commission is doing some work to help his business get a sign outside, which is something
16 they have been pursuing for several years. He said that patrons have a hard time finding their business. He
17 asked for clarification on what the meaning of "permitted" is and how signage is regulated. Director Bennett
18 responded and said that they would need to apply for a sign permit to install signage for their business. Mr.
19 Carl said that he dimensional restrictions of temporary signs could be limiting and said that the draft could
20 restrict a banner sign. Director Bennett responded and said that the purpose of the hearing is to inform the
21 Commission of the any concerns and then they can take action to amend the proposed code.
22

23 Janice Carl provided public comments and said that her lease allows for exterior signage. Councilmember
24 Bodi said that she was having trouble hearing the comments. Ms. Carl continued her testimony. She said
25 that her landlord said that there is a cap on square footage for signage in town center. She asked if that is the
26 case. Director Bennett said that he would need to have to research the issue.
27

28 Vice Chair Lee said that the Commission appreciates the comments. She called for any additional comments
29 and, hearing none, asked for a motion to close the public hearing. Cmr. Kleweno asked about the square
30 footage cap for signage in town center. Director Bennett responded that each business should be allowed a
31 sign. He said that the recommended changes would allow for each business a sign. Cmr. Gross moved to
32 close the public hearing and Cmr. Alvarez seconded. All voted and the motion passed unanimously.
33

34 **Approval of Meeting Minutes**

35 Cmr. Gross indicated a typo for a statement he made.
36

37 Cmr. Kleweno said page 3, line 44; Cmr. Kleweno said that he would like that statement removed from the
38 meeting minutes.
39

40 Cmr. Cranmer made a motion to approve to approve the May 10, 2022, meeting minutes, as amended. Cmr.
41 Gross seconded.
42

43 All voted to accept the minutes as amended. The motion carried unanimously.
44

45 **Meeting Dates:**

46 Vice Chair Lee noted that the next regular meeting is scheduled for July 12, 2022. Cmr Gross and Vice Chair
47 Lee indicated they will not be attending.
48

49 **Citizen Comments:**

50
51 None.
52

1 **Report from City Council Liaison**

2 Councilmember Bodi thanked the new members of the Planning Commission. She said that it is good to
3 bring diverse perspectives to the Planning Commission. She talked about new appointments to other boards
4 and Commissions in the city. Councilmember Bodi described the current direction of the Council and
5 mentioned several of the priority items for the Council and described their current workload. She said that
6 the Council has started planning for a new five-year strategic plan. She said that traffic, walkways and
7 sidewalks, waterfront park, and listening to the community are some of the goals of the planning process.
8 Councilmember Bodi said that a written plan will be shared with the community. She said that the budget for
9 the next biennium is being created through the Budget and Finance Committee. Councilmember Bodi said
10 that spending will likely be conservative. She said that the public can attend the budget meetings. She said
11 that there has been a new Climate Action Committee created and coordination with the Planning
12 Commission may be needed on issues.

13
14 **Old Business**

- 15 • *Sign Code Update - Review revised draft language in response to*
16 *Commission discussion at last meeting, discuss public comments, and*
17 *consider making a recommendation to City Council*

18 Cmr. Gross asked if a flag sign would be considered an animated sign. City Attorney Pratt
19 responded and said that a flag is not considered an animated sign. Director Bennett also responded
20 and provided the definition for an animated sign. Vice Chair Lee suggested providing clarity on the
21 definition of a flag. City Attorney Pratt responded and said that flags are not signs. Discussion
22 continued on how flags can be used as signs. City Attorney Pratt suggested changing the definition of
23 animated sign to account for the issue. Director Bennett suggested providing a memorandum to the
24 Council to let them know an issue came up during the public hearing to make the Council aware of
25 the Commission's concerns. Cmr. LaBonte noted some formatting errors that she could send an
26 email to clarify. Cmr. LaBonte said that on page seven, number seven, seems to contradict with
27 another portion of the code that exempts signs on vehicles. City Attorney Pratt responded and
28 provided background on signs on vehicles. Vice Chair Lee suggested a potential amendment to
29 clarify the inconsistency. Cmr. LaBonte responded and said she understands the direction. Director
30 Bennett suggested some additional work to provide clarity for vehicular signs. Cmr. LaBonte said
31 that the regulations for multi-family under "D" could be changed to provide clarity. City Attorney
32 Pratt responded and provided the background on why the regulations were drafted in that particular
33 manner. Vice Chair Lee summarized the progress to that point and Director Bennett summarized
34 his suggestion for drafting a memorandum to accompany the draft amendments which would explain
35 some of the issues that arose during the public hearing and this resulting discussion. He said that it
36 could be a good idea to make progress on this issue, instead of drafting new regulations for
37 discussion. He asked for any other comments prior to a recommendation to Council.

38
39 Vice Chair Lee asked for a motion. Cmr. Alvarez moved to recommend the draft with an
40 accompanying memorandum to Council and Cmr. Gross seconded. All voted and the motion
41 carried unanimously.

- 42
43 • *Reasonable Use Exception – Discussion of review process and post-*
44 *construction compliance*

45 Vice Chair Lee introduced the topic. Director Bennett provided some information via power point
46 on the reasonable use issue and described the process for review of an RUE. Director Bennett
47 described the way staff can employ the peer review process, or third-party review to provide an
48 unbiased perspective on a impacts and mitigation. Senior Planner Holland provided information on
49 the review process and presented step-by-step information on how the city reviews RUE

1 applications. Cmr. Gross asked how the staff assists. Senior Planner Holland responded and
2 explained how the staff assists the applicant. Cmr. Kleweno asked how many applications get
3 approved and Director Bennett responded and referenced a table provide at the last meeting which
4 contained the information Cmr. Kleweno was seeking. Vice Chair Lee provided some background
5 on the issue for the benefit of the new Commissioners. Cmr. LaBonte asked how regulatory taking
6 occurs. City Attorney Pratt responded and provided an example of a property taking where a
7 developer was denied a permit on the basis of already having minimum economic use of the site.
8 Senior Planer Holland continued with the presentation. Councilmember Bodi asked what type of
9 hearing is conducted and City Attorney Pratt responded and provide information on how the hearing
10 process takes place and what type of information the Examiner uses to make his decision. Director
11 Bennett talked about several post-construction challenges where staff is required to track progress of
12 required mitigation and the conditions of the Examiner's decision. He described some of the
13 challenges staff has when RUE properties do not comply with the Examiner's conditions of
14 approval. He described some of the potential changes that can be made to implement the RUE
15 process more efficiently. He opened the discussion for questions and ideas.

16
17 Cmr. Alvarez asked about the enforcement process and if they can be fined. Director Bennett
18 responded and said that the code enforcement regulations allow for fines. He described the priority
19 placed on the voluntary correction agreement process as well as areas of escalation of the
20 enforcement process. Cmr. Gross asked how the city charges and gets financially reimbursed for
21 tracking. Senior Planner Holland provided explanation of application fee structures and described
22 how bonds are used to secure a site. Cmr. Kleweno said he appreciates that staff has provided
23 potential ways to change the RUE process. He described an RUE near his home. He asked how the
24 city confirms the developer's information in the application. Director Bennett responded and said
25 that it is a public process where the public can become involved to provide staff and experts with
26 information to supplement the review process. City Attorney Pratt said that the city can hire a peer
27 reviewer to determine site conditions. Cmr. Kleweno said that as a community member he didn't
28 understand the RUE process. He asked how the Commission can educate the public on this topic.
29 Cmr. Cranmer asked if the Johnson house was sold, Senior Planner Holland responded and said that
30 County records indicate a different owner. Cmr. Cranmer asked if there are fines that can be
31 imposed, and Director Bennett responded and said that LFPMC 1.25 provides the ability to fine.
32 Cmr. Cranmer asked if input from the community can be used to provide information on the
33 location of critical areas. Director Bennett responded and said that critical area maps are available on
34 the website, but they do not provide detail at the parcel level. He said that updates to the map occur
35 when critical area delineations are performed.

36 Vice Chair Lee said that the Commission are leaders and that they should engage the public to
37 educate their neighbors on the topic. She asked if subdivision regulations exist on properties located
38 within critical areas. Senior Planner Holland responded and indicated that lots cannot be subdivided
39 when entirely encumbered by critical areas. Cmr. LaBonte asked if you can regulate when a property
40 is sold. Director Bennett responded that type of regulation needs to be explored and that input from
41 the Commission on this topic is needed. He suggested researching what other cities are doing with
42 RUEs and drafting a code amendment for this issue, but that the City Attorney should be consulted
43 on what can be done legally. City Attorney Pratt referenced a state statute that exists with regard to
44 sale of property and said when differences arise it is considered civil matter between buyer and seller.
45 Vice Chair Lee asked the Commission if they would like to come up with code language. The
46 Commission agreed to put it on the agenda for a future meeting.

47 Councilmember Bodi asked if the conditions show up on the title for the property. City Attorney
48 Pratt responded and indicated that the code requires that all restrictions be recorded on the title of
49 the property with King County.

1 Cmr. LaBonte asked how the RUE code amendments process would proceed. Director Bennett
2 responded and said that staff can provide some suggestions on what to amend and provided some
3 suggestions on how to proceed. He mentioned the possibility of an owner occupancy requirement
4 for RUE approvals.

5 **New Business**

- 6
7
 - *Discussion of preferences for virtual or in-person attendance at future meetings*

8
9 Vice Chair Lee opened the discussion on whether Commission meetings should go to being more in person
10 or remain mainly virtual. Director Bennett framed the issue and said that the city's policy is to continue to
11 have hybrid meetings. Cmr. Gross said he's good either way. All of the Commissioners provided their
12 perspective. Vice Chair Lee said that some Commissioners expressed the desire to have internet access
13 available at the Commission meetings.

14
15 **Reports and Announcements**

16
17 None from staff.

18
19 **Additional Citizen Comments:**

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21
22 **Agenda for Next Meeting:**

23 Similar to this.

24
25 **Adjournment:**

26 Cmr. Gross made a motion to adjourn the meeting,, Cmr. Alvarez seconded, and the motion carried
27 unanimously. The meeting was adjourned at 9:00 pm.

28
29 APPROVED:

30
31
32 _____
33 Lois Lee, Vice Chair

DRAFT AMENDMENTS
CHAPTER 16.16.250, REASONABLE USE EXCEPTION, LFPMC
(July 12, 2022 Meeting Draft)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced: _____
Adopted: _____
Posted: _____
Published: _____
Effective: _____