

1  
2  
3 **City of Lake Forest Park - Planning Commission**  
4 **Approved Regular Meeting Minutes: July 12, 2022**  
5 **Virtual/Zoom Meeting**

6 **Planning Commissioners present:** Chair Maddy Larson, Ashton Alvarez, David Kleweno, Melissa  
7 Cranmer, Meridith LaBonte, Walter Hicks (joined at 7:20pm)

8  
9 **Staff and others present:** Nick Holland, Senior Planner; Cameron Tuck, Assistant Planner; Councilmember  
10 Lorri Bodi; Councilmember Tracy Furutani; Sarah Phillips- Climate Action Committee Chair

11  
12 **Members of the Public:** Randi Sibonga

13  
14 **Planning Commissioners absent:** Vice Chair Lois Lee, Ira Gross, TJ Fudge

15  
16 **Call to order:** Chair Maddy Larson called the meeting to order at 7:03 pm.

17  
18 **Land Acknowledgement:** Commissioner Alvarez read the land acknowledgement.

19  
20 **Approval of Agenda**

21 Cmr. Alvarez made a motion to approve the agenda, Cmr. Kleweno seconded, and the motion to approve the  
22 agenda carried unanimously.

23  
24 **Presentation from Sarah Phillips, Lake Forest Park Climate Action Committee**

25 Chair of the Climate Action Committee (CAC), Sarah Phillips, introduced the committee and discussed their  
26 goals and work plan. She indicated that the CAC wants to be aggressive in their approach and are looking for  
27 ways for the CAC and Planning Commission to collaborate. She highlighted a proposed amendment in state  
28 legislation that would include provisions on climate and provide defined emissions caps. She mentioned it as  
29 an opportunity for the Planning Commission and Climate Action committee to develop policies to  
30 recommend to City Council to move away from fossil fuels. CAC is encouraging the city to transition its fleet  
31 from gas-powered to electric vehicles to reduce emissions. CAC Chair Phillips asked the Planning  
32 Commission to consider recommending implementation of more bike paths and other modes to encourage  
33 getting people out of their cars. CAC Chair Phillips indicated that she would provide an update on the  
34 committee in a few months.

35  
36 Councilmember Bodi thanked CAC Chair Phillips for her presentation. She described that Council's main  
37 concern is securing funding for climate initiatives and stated that the legislative agenda should include funding  
38 for cities with limited resources to implement these changes, such as infrastructure for electric vehicles. She  
39 indicated that since there is no funding proposed for jurisdictions to engage in this change, cities won't be  
40 able to make those changes unless they have the resources to. Chair Larson asked CAC Chair Phillips if  
41 funding is a focus for the committee. CAC Chair Phillips confirmed that it is a focus for the committee and  
42 that they have determined there are few available resources and grants for cities to address climate issues.  
43 Cmr. Alvarez stated that she would like to gain a better understanding of climate issues within the City and  
44 appreciated CAC Chair Phillips' willingness to provide updates. Chair Larson thanked CAC Chair Phillips for  
45 taking the time to initiate this introduction of the committee. She asked about structure of the committee, and  
46 the youth involvement. CAC Chair Phillips stated that there are 10 positions on the committee, with two of  
47 those seats reserved for students.

48  
49 **Approval of Meeting Minutes**

50 Cmr. Hicks made a motion to approve the June 14, 2022 meeting minutes. Cmr. Kleweno seconded.

51  
52 Cmr. Hicks indicated that he was not present at the meeting and requested that be corrected.

1  
2 All voted to approve the minutes as amended, and the motion carried unanimously.  
3

4 **Meeting Dates:**

5 Chair Larson noted that the next regular meeting is scheduled for August 9, 2022.  
6

7 **Citizen Comments:**

8 None.  
9

10 **Report from City Council Liaison**

11 Councilmember Bodi highlighted some of the current items that the City Council is focusing on. She  
12 indicated that the Council is embarking on a new budget. She stated that the Council is unsure of how the  
13 budget will look like due to the current economy. She said that the budget will be completed by November,  
14 and that the first meeting on the future budget will focus on the mayor's proposed budget. She stated that  
15 there will many opportunities for public input, and that she will inform the Planning Commission if there will  
16 be any involvement. She stated that the Council has looked at purchasing electric vehicles, but the city does  
17 not have the resources to purchase new cars and that most of the City vehicles have been purchased from  
18 other municipalities. She stated that the tree ordinance is up for modification with the changes largely being  
19 routine housekeeping, and that the initial presentation from staff for ordinance language will be on Thursday,  
20 July 14th. She expressed the Council's skepticism about Tree Board's recommended changes to define  
21 exceptional trees. She noted adoption of updated building codes and asked Senior Planner Holland about the  
22 changes. He stated that the changes will be updates to the fee schedule and incorporation of any state  
23 amendments that have happened since the building code was last updated.  
24

25 Councilmember Bodi stated that walkways and sidewalks can be installed during the annual street overlays,  
26 which are funded through transportation funds, and that the Council is looking into incorporating this as part  
27 of that project. With regards to the sign code amendments, Councilmember Bodi stated that she is waiting for  
28 Director Bennett to finish preparing a recommendation package to present the amendments to the City  
29 Council. She also provided update on other initiatives that the Council is taking on, such as the strategic plan,  
30 master planning for the new city park, and updates to the stormwater code. She also indicated that there is  
31 discussion on reducing speed limits within the city, as well as two proposed traffic circles along Ballinger Way.  
32

33 Chair Larson inquired about the tree ordinance changes and asked if the Planning Commission will have a  
34 role in reviewing them. Councilmember Bodi stated that they will go directly to Council. She indicated that  
35 the changes would help the program to run more efficiently and provided an example of a change in the  
36 requirements for tree removals in steep slope hazard areas. Cmr. Alvarez asked about the timeline code  
37 implementation. Councilmember Bodi noted that tree code recommendations were submitted prior to the  
38 COVID-19 Pandemic, and that the Tree Board recently resubmitted their recommendations.  
39

40 **Old Business**

- 41
  - *Reasonable Use Exception – Review draft code amendment developed in*  
42 *response to Commission discussion at last meeting.*

43 Chair Larson introduced the topic.

44 Senior Planner Nick Holland provided an update on the sign code amendments. He indicated that  
45 they are moving along with recommendations to code supplemented with a memorandum for topics  
46 discussed at the public hearing. He noted that Director Bennett is working on preparing the draft and  
47 will have it ready for the next Planning Commission meeting.

48 Senior Planner Holland discussed the proposed drafts to the existing Reasonable Use Exception  
49 code. He noted that the proposed changes to the code are holistic, and includes changes based on  
50 work done by other cities and the changes made to their RUE code. He noted that the owner

1 occupancy requirement, “G” came out of that research and that there was discussion with City  
2 Attorney Pratt to determine how long the requirement may be. He stated that the idea of financial  
3 securities is common and can be a good tool to get someone invested in mitigation. He added that  
4 the city can pull the bond if mitigation fails to abate issues, and that bonding will reduce the need to  
5 pursue enforcement action on work that is not done. He highlighted that new property owners don’t  
6 usually know that they bought an RUE property, and that the proposal to require a Notice on Title  
7 would bring that status of the property into anyone’s attention. Chair Larson expressed uncertainty  
8 about item (G) and City Attorney Pratt’s interpretation. Senior Planner Holland noted that City  
9 Attorney Pratt was uncomfortable with the owner occupancy requirement. Cmr. Kleweno noted that  
10 he thought it would be too restrictive. Cmr. Alvarez asked if our proposals are comparable to other  
11 cities. Cmr. LaBonte stated that this is typical of what is seen in other cities with same size and  
12 population and noted that no other cities have an owner occupancy requirement. She suggested that  
13 it would be restrictive for builders but stated that 5-year mitigation and monitoring is common  
14 language in other city’s codes. Chair Larson asked about requirements for adding impervious  
15 surfaces and changes to a lot. Senior Planner Holland responded and said that section “I” will  
16 prevent the site from being changed beyond what has been approved by hearing examiner. Cmr.  
17 Kleweno wanted to discuss item “H” and asked if there is any responsibility on developers and asked  
18 how the responsibility works. Senior Planner Holland noted that the city does not care who owns the  
19 property so long as the work is completed. Cmr. Hicks stated that it would be a civil matter between  
20 previous owner and new owner to settle a conflict between private parties. Senior Planner Holland  
21 said that if the mitigation does not meet the required performance standards established by the  
22 critical area study, the City will have access to bonding funds to address those issues, if the owner  
23 cannot. Cmr. Hicks noted that funds protected by mitigation plan protect it for 5 years, but long-  
24 term impacts are covered under ECA codes. Cmr. Cranmer asked if a 5-year occupancy requirement  
25 could be shortened. Senior Planner Holland said City Attorney Pratt stated it would be too intrusive  
26 to require occupancy in any timeframe. Chair Larson asked Cmr. Hicks if he is suggesting a what-if  
27 situation, such that if she is proposing to build near wetland or stream, what recourse does  
28 community have if property owner does not maintain their property to ensure water quality and  
29 safety. She is also curious if he’s seen anything to guarantee water quality. Cmr. Hicks responded and  
30 said that after 15 years the homeowner would have the same responsibilities as their neighbors that  
31 did not need to go through RUE process. He noted that RUE process is for development of lots that  
32 cannot be developed under the critical areas code, and that the critical areas code governs the long-  
33 term use of the property. He clarified that the RUE is mainly for the development portion. He  
34 provided an example of his property being encumbered by critical areas, and that any changes he’d  
35 like to make would need to be done under auspice of critical areas code. Chair Larson stated that she  
36 doesn’t believe 5 years is enough. Senior Planner Holland noted that 5 years is timeline needed for  
37 wetland mitigation plantings to mature. Cmr. Kleweno gave an example of mitigation near streams  
38 impacting their neighbors yard and asked who would be responsible for any repercussions. Senior  
39 Planner Holland responded and said that the reports must discuss impacts, but that Cmr. Kleweno’s  
40 issue would be a civil matter. Chair Larson said that not every property that is encumbered has the  
41 same restrictions, such that the issues facing one site may not be present at another. Cmr. LaBonte  
42 noted that overall mitigation will be determined by the hearing examiner, and that they will be the  
43 ones to weed through the nitty gritty of individual cases. Chair Larson noted that hearing examiner  
44 may not consider a longer monitoring period if not required by code. Councilmember Bodi asked if  
45 we do have critical areas that we want to protect, could we require that a critical area conservation  
46 easement be placed. Senior Planner Holland noted that requirement is already in our codes (ie.  
47 Subdivisions), but not present in the RUE code. Councilmember Bodi responded to Cmr. Kleweno’s  
48 question that current owner would be liable for any damages to adjacent properties and stated that  
49 liability would be on the owner for something that originates at their property that migrates to  
50 another. Cmr. LaBonte stated that there is language in other cities codes about code for subdivision  
51 and that a subdivision is not possible if the lot is encumbered by critical areas. Senior Planner  
52 Holland said that code exists but is not as comprehensive as what Cmr. LaBonte discussed. Cmr.

1 Hicks stated that conservation easements tend to come into play during subdivisions and not the  
2 RUE process because you are looking to just build the reasonable minimal economic use that is  
3 possible and after that the property is not allowed any further development. Chair Larson responded  
4 and said proposing conservation easements at large may ensure that code changes in the future could  
5 prevent further development. Cmr. Hicks stated that conservation easements are more of a “horse  
6 trading” practice to ensure that developers get privileges to build at higher density, that conservation  
7 easements could come in to allow for developers to build in higher density, and that they are tied to  
8 subdivisions of lots to allow for development to happen in critical areas to preserve density and  
9 environment. Senior Planner Holland clarified that Lake Forest Park does not have many large  
10 parcels encumbered by ECAs and that the city does not see a lot of subdivisions like other cities (i.e.  
11 Bothell). Chair Larson asked Councilmember Bodi if conservation easements are difficult to secure.  
12 Councilmember Bodi stated that it’s not difficult to obtain, but that the regulations currently limit the  
13 extent of expansion allowed under critical areas codes.

14 Chair Larson asked what the parameters are for defining or recommending measures for what  
15 “reasonable” and “use” are and what is sufficient form a mitigation standpoint. Cmr. Kleweno said  
16 he is interested in seeing what other cities have done. Cmr. LaBonte stated that the hearing examiner  
17 is the one that is making those calls, not the cities themselves within their codes. She said that the  
18 hearing examiner is the one gathering the information and making that determination, and that the  
19 code is just outlining the process. Chair Larson asked if hearing examiners are experts. Senior Planner  
20 Holland stated that the hearing examiner receives our analysis and recommendation with conditions,  
21 but the examiner will often eliminate conditions and make new ones. He said that John Galt is the  
22 current hearing examiner for the city and has been one for 50 years. Senior Planner Holland stated  
23 that the examiner is very familiar with development in the area and can make sound judgement of the  
24 site.

25 Chair Larson said that she would like to see Cmr. LaBonte and the Planning Department provide  
26 information on how the RUE criteria is being applied, so that the community can understand what  
27 reasonable means. Councilmember Bodi states that she wants to see what is allowable and noted that  
28 Hearing Examiner Galt is experienced but there are lots of unexperienced hearing examiners in the  
29 area. She stated that she has questions on how RUE project’s size and configuration is determined  
30 and how reasonable is determined. Senior Planner Holland states that Hearing Exmainer Galt will  
31 typically approve up to 1200 sq. ft. footprint for a residence with an RUE proposal, and that staff  
32 recommends that they keep within the 1200 sq. ft. footprint when reviewing an application for  
33 compliance. Chair Larson indicated that she wants to know what the limits are and would like to  
34 challenge assumptions of what is reasonable. She sees this as an opportunity to increase inventory of  
35 smaller homes within the area. Cmr. Kleweno expressed a desire to address public confusion on  
36 requirements and noted that Jolene Jang is an example of someone that did extensive research to  
37 figure out those requirements. Cmr. Hicks noted that he wanted to discuss what size is reasonable  
38 and indicated any restriction beyond the current allowance could overburden the process for  
39 someone to build the home as an RUE. He stated that the RUE process cost can cost a tremendous  
40 amount and by making codes too restrictive it could reduce the number of potential RUEs. Chair  
41 Larson doesn’t think the Planning Commission wants to create barriers to build on encumbered  
42 properties. Chair Larson wants to determine balance of environmental responsibility and reasonable  
43 area. Cmr. Cranmer commented that there are differing opinions on the size of footprints, and that a  
44 reasonable size of house is dependent on who is looking for a home. Chair Larson sees the RUE as  
45 different and indicated that she believes we have a responsibility as to act as good stewards and  
46 reduce the potential impact to critical areas.

47

48 Cmr. Larson stated that it is a good time to discuss the items proposed for change. Cmr. Kleweno  
49 commented on “F” and stated that it may be good to provide some information sheets on  
50 responsibilities to provide builders at time of application (i.e. building within environmentally

1 sensitive areas best practices). Cmr. Kleweno stated that one may question its purpose. Under item  
2 “G”, Cmr. Hicks stated that he thinks we should bolster what we have in H, and that it will take care  
3 of the issues on “G” and “H.” Cmr. Alvarez said that it addresses what they’ve been talking about  
4 and that it will have more teeth. Cmr. LaBonte stated that she would hate to penalize owners that  
5 haven’t broken any rules, but most cities have imposed these restrictions already. She said that other  
6 cities have a 50% contingency. Cmr. Hicks agrees that having the financial security ensures that  
7 there’s a good faith effort and that the mitigation will be successful.. Cmr. Cramner agrees, and said  
8 at the last meeting she does not remember if there was talk about something that can be put on the  
9 title of the parcel to prevent the sale. Chair Larson asked if the builder puts money into escrow and  
10 then sells it, does the city know that the builder has sold it? Senior Planner Holland stated that the  
11 city would not be involved, but would have access to any funds set aside for the purpose of RUE  
12 compliance. He said that mitigation would be dependent on specific impacts of property. He  
13 indicated that the mitigation plan included in the provided critical areas study and the security  
14 determination will be part of that as well, usually in the form of cost estimates provided. Cmr. Hicks  
15 said that the mitigation plan is more about maintenance, and the security would be for the city to be  
16 able to pull funds to step in and provide for mitigation if owner is not following the plan. Chair  
17 Larson initiated discussion of fines and stated that she would like to know why there aren’t automatic  
18 fines that kick in to ensure compliance. She says that there aren’t real consequences to people that  
19 willfully violate. Senior Planner Holland stated that the city has a code enforcement ordinance, and  
20 that we can assess fines once a violation has been determined. Chair Larson indicated that she would  
21 like to establish fines specifically for RUEs. Cmr. Kleweno noted that in his experience with the Tree  
22 Board there are established fines in the code for illegal tree removals. Senior Planner Holland  
23 indicated that fining people is resource intensive. Cmr. Hicks agreed with Chair Larons and said that  
24 we are not providing adequate repercussion, but that it is outside of the scope of the RUE code. He  
25 noted that under current tree code, a douglas fir can be removed and replaced with an apple tree.  
26 Cmr. Cramner commented on tree removal process and stated the process is not simple in her  
27 experience. Cmr. LaBonte noted that the security could be used for fines. Senior Planner Holland  
28 stated that some of the mitigation is time sensitive based on the type of plantings and mitigation  
29 work necessary. Chair Larson asked for everyone to prepare some ideas for what they would like to  
30 talk about that wasn’t discussed tonight and expressed a desire to refine the language.

31

32 **New Business**

33 None.

34

35 **Reports and Announcements**

36

37 None from staff.

38

39 **Additional Citizen Comments:**

40 None.

41

42 **Agenda for Next Meeting:**

43 Similar to this.

44

45 **Adjournment:**

46 Cmr. Alvarez made a motion to adjourn the meeting, Cmr. LaBonte seconded, and the motion carried  
47 unanimously. The meeting was adjourned at 8:57 pm.

48

49

50

51

1  
2  
3

APPROVED:

*Madlyn Larson*

4  
5

---

Maddy Larson, Chair