

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTERS 16.08, 16.24, 18.42, AND 18.58 OF THE LAKE FOREST PARK MUNICIPAL CODE RELATING TO LOW IMPACT DEVELOPMENT AND PROTECTING WATER QUALITY; AMENDING SECTIONS 16.25.025 AND 18.48.030 OF THE LAKE FOREST PARK MUNICIPAL CODE RELATING TO LOW IMPACT DEVELOPMENT AND PROTECTING WATER QUALITY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

---

**WHEREAS,**

**WHEREAS,**

**WHEREAS,** adoption of new code necessitates amendments to other sections of the LFPMC so that such regulations are consistent with the new regulations;

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

Section 1. Chapter 16.08 LFPMC (Clearing and Grading) Amended. Chapter 16.08 of the LFPMC, entitled "Clearing and Grading," is hereby amended to read as follows:

**Chapter 16.08  
CLEARING AND GRADING**

Sections:

- 16.08.010 Title of ordinance.
- 16.08.020 Purpose – Permit criteria.
- 16.08.030 Definitions.**
- 16.08.040 Exemptions.
- 16.08.050 Permit required.
- 16.08.060 Application for permit.
- 16.08.070 Performance standards.**
- 16.08.080 Expiration of permit.
- 16.08.090 Bond.
- 16.08.100 Posting permit.
- 16.08.110 Building permit or subdivision approval.
- 16.08.120 Conformance to other standards.
- 16.08.130 Violation – Penalty.

...

### **16.08.030 Definitions.**

As used in this chapter:

1. "Administrator" means the planning and building director or a person designated by the mayor.

...

8. "Design Manual" shall mean the 2009 King County Washington Surface Water Design Manual (most current version), as now existing and as may be updated in the future, which is adopted by reference in Chapter 16.24 LFPMC.

...

### **16.08.070 Performance standards.**

Erosion and sediment controls shall be applied as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the Design Manual adopted in Chapter 16.24 LFPMC. A stormwater pollution prevention plan (SWPPP) shall be required for any development meeting the threshold for a major clearing and grading permit. All of the performance standards in this section are required unless an exemption from a particular standard is clearly justified in the narrative of the construction SWPPP.

A. Minimize Potential Impacts. All grading and clearing activities shall be conducted so as to minimize potential adverse effects of these activities on forested lands, significant trees, surface water quality and quantity, groundwater recharge, fish and wildlife habitat, adjacent properties, and downstream drainage channels. The applicant shall attempt to prevent impacts and minimize the clearing of naturally occurring vegetation, retain existing soils, and maintain the existing natural hydrological functions of the site.

...

M. Native Soil Protection and Amendment.

1. The duff layer and native topsoil should be retained in an undisturbed state to the maximum extent practicable. Any soils disturbed in the site development process that are in areas to be counted toward native vegetation requirements must be amended to meet the Native Vegetated Landscape Specifications in Appendix C of the Design Manual adopted in Chapter 16.24 LFPMC.

2. All areas subject to clearing and grading that have not been covered by impervious surface, incorporated into a drainage facility or engineered as

structural fill or slope shall, at project completion, shall demonstrate compliance with the Native Vegetated Landscape Specifications in Appendix C of Design Manual adopted in Chapter 16.24 LFP MC.

...

DD. Protection During Construction. Tree protection measures shall be employed as required by LFP MC 16.14.090, tree protection and design measures 16.14.120, tree protection during development activity. (Ord. 1010 § 1, 2010)

**EE. Protect LID BMPs During Construction.**

1. All Bioretention and Rain Garden BMP's, shall be protected from sedimentation by installing and maintaining an appropriate combination of erosion and sediment control BMPs on portions of the site that drain into the Bioretention and/or Rain Garden BMPs. Should any sedimentation occur during construction, the BMP shall be restored to its full functioning condition by removing the sediment and any sediment-laden bioretention/rain garden soils, and replacing the removed soils with soils meeting the same specification.

2. Strictly control erosion and prevent introduction of sediment from surrounding land uses onto permeable pavements. Muddy construction equipment shall not be allowed on the base material or pavement. Sediment laden runoff shall not be allowed onto permeable pavements.

FF. Rockeries. Rockeries may be used for erosion protection of cut or fill slopes. The primary function of a rockery is to protect the slope face from soil erosion and sloughing.

1. Rockeries used to protect uncontrolled fill slopes may be no higher than four (4) feet, as measured from the bottom of the base rock.

2. Rockeries used to protect cut slopes or reinforced or engineered fill slopes may be up to a maximum height of twelve (12) feet, as measured from the bottom of the base rock, with the approval of the Building and Planning Department. Any rockery that is over four (4) feet high, as measured from the bottom of the base rock (cut slopes and reinforced or engineered fill slopes only) shall be designed by a geotechnical engineer.

3. A wall drain must be provided for all rockeries greater than four (4) feet in height as measured from the bottom of the base rock. The drains shall be installed in accordance with applicable standards from the latest edition of the King County Surface Water Design Manual.

4. The geotechnical engineer must provide construction monitoring and/or testing as required by the permit conditions, and submit construction inspection reports to the department for all rockeries that require design by a geotechnical engineer.

For each project, or phase of a project, the geotechnical engineer must provide a final letter or report summarizing the results of the construction monitoring for each rockery, verifying that the rockery construction meets the geotechnical recommendations and design guidelines. The final letter or report must be submitted to the City of Lake Forest Park prior to the final clearing and grading inspection.

Section 2. Chapter 16.24 LFPMC (Drainage Plans) Amended. Chapter 16.24 of the LFPMC, entitled “Drainage Plans,” is hereby amended to read as follows:

**Chapter 16.24  
DRAINAGE PLANS**

Sections:

Article I. General Provisions

- 16.24.010 Purpose.
- 16.24.020 Definitions.
- 16.24.030 Interpretation of provisions.
- 16.24.040 Applicability – Generally.
- 16.24.050 Applicability – Government entities.
- 16.24.060 Administration.
- 16.24.070 Trunk drainage system – Designated.
- 16.24.080 Map adoption.

...

Article IX. Inspections and Maintenance

- 16.24.620 Requirements.
- 16.24.630 City maintenance agreement.
- 16.24.631 Property Owner Responsible for Stormwater System Maintenance
- 16.24.632 Maintenance Covenant Required for Privately Maintained Drainage Facilities
- 16.24.633 City Inspections of Privately Maintained Stormwater Facilities

16.24.640 Repair and restoration – Nuisance abatement.

...

Article IX. Inspections and Maintenance

**16.24.620 Requirements.**

After issuance of the initial drainage permit, the city shall be notified at the time any construction or alteration affecting drainage on the site shall begin and shall make regular inspections during the construction or alteration to ensure that the requirements stated in the permit and elsewhere in this chapter are met. The property owner or developer must notify the city prior to the filling or cover of any subsurface drainage control facilities so that a proper inspection can be made. At the completion of the facilities, an inspection and test will be conducted at which time the property owner must illustrate to the city engineer's satisfaction that the drainage control facilities, which have been provided, function in accordance with the plans, specifications and hydraulic computations as submitted with the permit applications and that all erosion control measures are operating efficiently. If all inspections and tests indicate that the projects and facilities have been completed in accordance with the requirements of the permit and this chapter, a final approval shall be given. Without this approval, or in the event of any deficiencies not being corrected, no occupancy permit for the use of the property or any structures associated therewith will be granted by the city until such time as the deficiencies are corrected. In the event the owner shall not make such corrections, within 30 days, the city reserves the right to take such corrective measures as may be necessary to make the system perform as required by the permit. All costs for corrective measures and enforcement actions shall be borne by the property owner and must be paid in full prior to granting an occupancy permit. (Ord. 427 § 20, 1989)

...

**16.24.631 Property Owner Responsible for Stormwater System Maintenance**

A. Any person or persons holding title to a property for which stormwater facilities and BMPs have been required by the City of Lake Forest Park shall be responsible for the continual operation, maintenance and repair of the stormwater facilities and BMPs in accordance with the provisions of this chapter.

B. For privately maintained stormwater facilities, the maintenance requirements specified in the King County Surface Water Design Manual's (most current version) Appendix A – Maintenance Requirements for Flow Control, Conveyance and Water

Quality Facilities, shall be enforced against the owner(s) of the subject property served by the stormwater facility.

#### **16.24.632 Maintenance Covenant Required for Privately Maintained Drainage Facilities**

Prior to the beneficial use of a project constructed under a City Building Permit or a Stormwater Discharge Permit, the owner shall record a maintenance covenant which guarantees the City of Lake Forest Park that the stormwater facilities shall be properly operated, maintained and inspected. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the King County Auditor.

A. Maintenance covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by the City of Lake Forest Park.

B. Maintenance covenants shall include the maintenance standards specified by the King County Surface Water Design Manual's (most current version) Appendix A – Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities, a list of maintenance activities and proposed inspection intervals for each element of the private stormwater system, and a guarantee that any maintenance necessary for any element of the stormwater system will be performed to the standards specified by the King County Surface Water Design Manual's (most current version) Appendix A – Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities and within the following schedule:

1. Within 1 year for wet pool facilities and retention/detention ponds;
2. Within 6 months for typical maintenance;
3. Within 9 months for maintenance requiring re-vegetation;
4. Within two years for maintenance that requires capital construction of less than \$25,000.

#### **16.24.633 City Inspections of Privately Maintained Stormwater Facilities**

The City is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of operating or maintaining the storm and surface water facilities, or to inspect or investigate any condition relating to the stormwater utility; provided, that the City shall first obtain permission to enter from the owner or person responsible for such premises. If entry is refused, the City shall have recourse to every remedy provided by law to secure entry. Notwithstanding the foregoing, whenever it appears to the City that conditions exist requiring immediate action to protect the public health or safety, the City is authorized to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting, investigating or correcting such emergency condition.

...

Section 3. Section 16.25.025 LFPMC (Illicit discharges into Lake Forest Park waters) Amended. Section 16.25.025 of the LFPMC, entitled “Illicit discharges into Lake Forest Park waters,” is hereby amended to read as follows:

### **16.25.025 Illicit discharges into Lake Forest Park waters.**

#### **A. Illicit Discharges and Connections**

1. It is unlawful for any person to discharge any contaminants into surface and stormwater, the storm drainage system, groundwater or Lake Washington. Contaminants that, if discharged, would constitute an illicit discharge include, but are not limited to, the following:

a. Trash or debris;

...

**ee. Spa and hot tub discharges that are not thermally controlled.**

2. Illicit Connections. Any connection identified by the director that could convey anything not composed entirely of surface and stormwater directly to surface and stormwater or groundwater is considered an illicit connection and is prohibited with the following exceptions:

a. Connections conveying allowable discharges;

b. Connections conveying discharges pursuant to an NPDES permit, other than an NPDES stormwater permit, or a state waste discharge permit; and

c. Connections conveying effluent from on-site sewage disposal systems to subsurface soils.

...

E. A person does not violate subsection A of this section if:

1. That person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and stormwater or groundwater; or

2. That person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.

3. A person who, under subsection (E)(1) of this section, is not in violation of subsection A of this section, is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs or other discharges that allow contaminants to enter surface and stormwater or groundwater.

4. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety, shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in city procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence. (Ord. 1000 § 1, 2009)

F. The Public Works Department shall initiate an investigation within 21 days of any reported or discovery of a suspected illicit connection. The Public Works Department shall respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare or the environment. The Public Works Department shall investigate (or refer to the appropriate agency within 7 days). All known illicit connections to MS4 shall be eliminated.

Section 4. Section 18.48.030 LFPMC (Applicability) Amended. Section 18.48.030 of the LFPMC, entitled "Applicability" is hereby amended to read as follows:

#### **18.48.030 Applicability.**

A. An application for commercial site development permit shall be submitted for commercial development proposed on sites consisting of one or more contiguous lots legally created and zoned to permit the proposed uses.

B. A commercial site development permit is separate from and does not replace other required land use permits such as conditional use permits or shoreline substantial development permits. A commercial site development permit may be combined and reviewed concurrently with other permits.

C. Prior to the issuance of a building permit, all applications for apartment, townhouse, commercial, or office projects must apply for and receive a commercial site development permit. In the event of any question, the code administrator or his/her designee shall be responsible for determining the applicability of commercial site development permit requirements, and how the commercial site development permit shall be processed in conjunction with other applicable permits.

D. If any of the following scenarios apply to a mixed use, multifamily, commercial and/or office proposal, then the applicant must apply for and obtain a CSDP first, prior to

issuance of any other permit. In the event of any question, the code administrator or his/her designee shall be responsible for determining the applicability of CSDP requirements.

1. If three residential units or more will be located on an individual parcel. This includes three individual single-family dwelling units, townhouse units, apartment units or a combination of dwelling types. Note: Accessory dwelling units are not counted as a residential unit for purposes of this calculation.
2. Any mixed use, new office, multifamily, commercial or office building. Note: New government and institutional buildings are also included in this definition.
3. Any mixed use, office, multifamily, commercial, institutional expansion, tenant improvement or change of use that results in an increase in the number of dwelling units; an increase in impervious surface which triggers a new level of surface water review; a change in the number of ingress or egress points from the site (whether at the applicant's request or expansion in any of the following areas: building square footage, parking space requirements or peak p.m. traffic trips).
4. Any mixed use, office, multifamily, commercial, institutional expansion, tenant improvement or change of use that will impact sensitive areas, shorelines or buffers.
5. Any mixed use, office, multifamily, commercial or institutional expansion that will require drainage review in accordance with the 2009 King County Surface Water Design Manual (most current version). (Ord. 1057 § 4, 2013)

Section 5. Chapter 18.54 LFPMC (Conditional Uses) Amended. Chapter 18.54 of the LFPMC, entitled "Conditional Uses," is hereby amended to read as follows:

## **Chapter 18.54 CONDITIONAL USES**

Sections:

- 18.54.010 Application.
- 18.54.020 Fee.
- 18.54.021 Site plan required.
- 18.54.030 Conditional uses in general.
- 18.54.042 Conservation Cluster Housing
- 18.54.043 Day care/adult day care – Type II.
- 18.54.045 Off-site parking facilities.
- 18.54.047 Multi-use or multipurpose trails.

- 18.54.048 Public and private community facilities.
- 18.54.049 Kennels.
- 18.54.050 Building height.
- 18.54.060 Land coverage.
- 18.54.070 Screening and landscaping.
- 18.54.080 Lighting.
- 18.54.090 Parking.

**18.54.010 Application.**

It will be necessary to obtain the approval of the hearing examiner for each conditional use. Application for each conditional use, together with a complete plot plan showing the location, height of a building, parking facilities, signage and screening will be made to the hearing examiner. The hearing examiner’s decision will be based on a consideration of the guidance provided by this chapter and special circumstances pertinent to the petition and the results of a public hearing held by the hearing examiner. (Ord. 924 § 6, 2005; Ord. 773 § 3, 1999)

...

**18.54.042 Conservation Cluster Housing**

Conservation Cluster Housing is intended to be alternative housing that respects and maintains the character of the surrounding neighborhood. All buildings are to be designed with the character and scale of a single family neighborhood. When 50% or more of a property is encumbered by sensitive areas or sensitive area buffers and the subject property is in a single family zone classification, two or more attached or detached single family dwelling units may be built and occupied on a single family property subject to the following provisions:

- A. Minimum site area shall be three (3) acres.
- B. Each dwelling unit shall not exceed 950 square feet. No buildings shall exceed (4) units or 3800 square feet in area.
- C. The maximum number of dwelling units shall be restricted to one half (1/2) the number of units (rounded up to the nearest whole number) that the site could contain if it had no sensitive areas and was subdivided into lots with the minimum lot area for the zoning classification.
- D. All buildings within the development are subject to compliance with the development standards of the zoning classification, unless there is a conflict with this section. In such cases of conflict, the standards of this section shall apply.

- 1. Minimum spacing between buildings within the development shall be 10 feet.

2. There shall be a minimum setback for all buildings from the property lines shared with adjacent properties that is equal to the rear yard setback of the underlying zoning classification.

3. Maximum building height shall be the same as the single family zoning classification in which the development would occur.

4. Landscaping on the perimeter of the development shall meet the landscaping requirements of 18.45.090.A (Design Guidelines for Southern Gateway Single Family Residential Zone).

5. All buildings shall respect and maintain the character of the neighborhood, unless the context is poorly defined and/or undesirable and a different character and scale has been identified and adopted;

6. All buildings shall respect and preserve the privacy and solar access of adjacent single-family development and minimize windows, decks and balconies overlooking neighboring single-family yards.

7. Heating, cooling, kitchen and other mechanical equipment, conduits, service panels, meters and other electrical equipment and refuse collection facilities shall be located and/or screened so as not to be visible or audible above ambient noise levels from adjacent single-family development or the street.

8. The number of parking stalls required may be reduced by one half (1/2) of the number of stalls defined by the zoning classification and rounded up to the nearest whole number, provided the community is within a one-half mile walking distance of a retail center that can provide the necessary items for the community or adjacent to a street with bus service. If the distance is greater than one-half mile, the number of stalls specified by the zoning classification shall be provided. Visitor parking shall be provided at a level of one shared stall per four dwellings. The stalls should not be more than 200 feet from the residence it serves. On-street parking spaces may be used to meet this requirement. Visitor parking must meet ADA standards in terms of number and location of accessible parking stalls.

E. Common recreation space shall be provided at a ratio of a minimum of 100 square feet per dwelling unit and can be provided outdoors or indoors or as a combination of both.

F. The proposal must comply with all other applicable LFPMC regulations including Ch. 16.16 Environmentally Sensitive Areas.

G. Prior to issuance of building permit(s) for the development of a property that has approval for Conservation Cluster Housing, such property(ies) will be consolidated into one parcel.

H. The approval of the Conditional Use will not expire unless some portion of the approved parcel is subdivided. Any part of the parcel that is subdivided automatically returns to underlying zoning classification and any structures on the new parcels must meet all standards of the underlying zoning classification.

...

Section 6. Chapter 18.58 LFPMC (Off-Street Parking) Amended. Chapter 8.12 of the LFPMC, entitled "Off-Street Parking," is hereby amended to read as follows:

### **Chapter 18.58 OFF-STREET PARKING**

Sections:

- 18.58.010 Required off-street parking.
- 18.58.020 Parking plan.
- 18.58.030 Parking spaces required.
- 18.58.040 Parking requirements for common facilities.
- 18.58.050 General requirements on size of parking spaces.
- 18.58.060 Surfacing.
- 18.58.070 Access.
- 18.58.080 Screening.
- 18.58.090 Drainage.

#### **18.58.010 Required off-street parking.**

---

Every building or use hereafter developed shall be provided with parking spaces as required in this chapter, and such parking space shall be made permanently available and be permanently maintained for parking purposes and, except for parking areas used for playground purposes in connection with schools, shall be used only for the parking of automobiles or trucks. Any areas used to provide required off-street parking shall be of such size and shape and so designed that the area will accommodate the number of cars to be provided for. Where structural alterations or additions to a building provide additional floor space, or additional seats or additional beds, as the case may be, the parking requirements shall only apply to the additional floor space, seats or beds. Wherever feasible, impervious parking surface shall be reduced through parking

reduction mechanisms and design criteria including the use of permeable surfacing.

### **18.58.090 Drainage.**

Drainage shall be in conformance with the city of Lake Forest Park standards. Low Impact Development (LID) stormwater management facilities may be incorporated into required landscaping (i.e., bioretention swales), provided that site and soil conditions make LID feasible and that the purpose and intent of required landscaping is not compromised.

A. An LID measure will be considered “feasible” if it meets all of the following criteria:

1. The action or measure can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose;
3. The action does not physically preclude achieving the project's primary intended use (e.g.: residential development); and
4. The measure does not cost more than 110% of alternate measures that meet LFPMC provisions and all local, state and federal water quality and environmental regulations, including the King County Surface Water Design Manual (most current version). (Ord. 773 § 3, 1999)

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. Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 9. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2016, and signed into authentication this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Evelyn Jahed  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kim Adams Pratt  
City Attorney

Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_