

**ORDINANCE NO. 24-1303**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTER 16.26 OF THE LAKE FOREST PARK MUNICIPAL CODE IN ACCORDANCE WITH AMENDMENTS TO STATE LAW ADOPTED IN SENATE BILL 5290 AND EFFECTIVE ON JANUARY 1, 2025, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

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**WHEREAS**, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

**WHEREAS**, local project review processes are governed by Chapter 36.70B RCW; and

**WHEREAS**, Senate Bill (SB) 5290 concerning consolidating local permit review processes was passed into law during the 2023-2024 legislative session, which amends Chapter 36.70B RCW to set new requirements for the processing of project permit applications; and

**WHEREAS**, SB 5290 Section 7, codified in RCW 36.70B.080, relating to maximum permit review times is effective on January 1, 2025; and

**WHEREAS**, the City must amend portions of Chapter 16.26 of the Lake Forest Park Municipal Code (LFPMC) to comply with RCW 36.70B.080; and

**WHEREAS**, RCW 36.70B.080, provides for partial refunds (10 to 20 percent) of permit fees collected if the deadlines for permit review are not met; except refunds are not required if a city has adopted at least three (3) of the mitigating measures listed in RCW 36.70B.160.

**WHEREAS**, consistent with RCW 36.70B.160, the City's current permit processing procedures include the following to provide prompt, coordinated review and ensure accountability to applicants and the public:

1. Impose reasonable fees to cover the cost to the city, of processing applications, inspecting and reviewing plans, or preparing detailed statements required by the State Environmental Policy Act RCW (RCW 36.70B.160(1)(b));
2. Maintain and budget for on-call permitting assistance for when permit volumes or staffing levels change rapidly (RCW 36.70B.160(1)(d));

3. Include development regulations that make preapplication meetings optional rather than a requirement of permit application submittal (RCW 36.70B.160(1)(g)); and
4. Include development regulations that make housing types an outright permitted use in all zones where the housing type is permitted (RCW 36.70B.160(1)(h)).

**WHEREAS**, the adoption of these amendments to the City's review process is exempt from review under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to WAC 197-11-800(19); and

**WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed amendments on October 18, 2024, and received notice that the Department had granted expedited review on \_\_\_\_\_, 2024; and

**WHEREAS**, the City Council held a public hearing regarding the amendments on \_\_\_\_\_, 2024; and

**WHEREAS**, the City Council considered this Ordinance during its regular City Council meetings of \_\_\_\_\_, and \_\_\_\_\_ 2024;

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

**Section 1. FINDINGS ADOPTED.** The "Whereas Clauses" set forth in the recitals of this Ordinance are hereby adopted as the findings and conclusions of the City Council for adopting this Ordinance.

**Section 2. AMEND.** LFPMC Section 16.26.020, Definitions, is hereby amended as shown in Exhibit A attached and incorporated by this reference.

**Section 3. AMEND.** LFPMC Section 16.26.040, Applications, is hereby amended as shown in Exhibit A attached and incorporated by this reference.

**Section 4. REPORT AND POSTING.** An annual performance report shall be prepared, posted on the City's website, and sent to Department of Commerce by March 1<sup>st</sup> of each year that includes the following regarding permit applications and processing:

- (a) Permit time periods for permit processes in the City in relation to those established under RCW 36.70B.080, as amended, including whether the City established shorter time periods than those provided in the RCW;

- (b) The total number of decisions issued during the year for the following permit types: Preliminary subdivisions, final subdivisions, binding site plans, permit processes associated with the approval of multifamily housing, and construction plan review for each of these permit types when submitted separately;
- (c) The total number of decisions for each permit type which included consolidated project permit review, such as concurrent review of a rezone or construction plans;
- (d) The average number of days from a submittal to a decision being issued for the project permit types listed in (b) of this section;
- (e) The total number of days each project permit application in (b) of this section was in review with the city;
- (f) The total number of days that were excluded from the time period calculation under LFPMC 16.26.040(F), as amended, for each project permit application of a type listed in (b) of this section.

**Section 5. SEVERABILITY.** If any section, sentence, clause, or phrase of this Ordinance or any municipal code section amended hereby should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance or the amended municipal code section.

**Section 6. 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 7. EFFECTIVE DATE.** This ordinance shall take effect five (5) days after passage and publication.

**APPROVED BY A MAJORITY** the Lake Forest Park City Council this XXX day of XXX, 2024.

APPROVED:

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Thomas French  
Mayor

ATTEST/AUTHENTICATED:

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Matthew McLean  
City Clerk

APPROVED AS TO FORM:

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Kim Adams Pratt  
City Attorney

Introduced:  
Adopted:  
Posted:  
Published:  
Effective:

DRAFT