

Draft: February 23, 2023 City Council Regular Meeting

ORDINANCE NO. 23-1263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, CREATING CHAPTER 12.50 OF THE LAKE FOREST PARK MUNICIPAL CODE, RETAINING WALLS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, large scale retaining walls in or adjacent to publicly owned rights-of-way become de facto landmarks identifying the City of Lake Forest Park (the "City"); and

WHEREAS, it is imperative that such significant, recognizable features integrate with and support the community identity in the City; and

WHEREAS, chapter 12.50 of the Lake Forest Park Municipal Code ("LFPMC") would establish regulations for retaining walls in or adjacent to publicly owned right-of-way;

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance ("DNS") was issued on _____, 2023; 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 _____, and received notice that the Department had granted expedited review on _____; and

WHEREAS, the City Council held public meetings to review the creation of Chapter 12.50 LFPMC during meetings on January 26, 2023; February 6, 2023, February 23, 2023, and March _____; and

WHEREAS, the City Council held a public hearing on March _____, 2023, regarding the proposed ordinance; _____

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

Commented [SB1]: Standard 'Whereas' statements added to this draft. Blanks will be filled in as these milestones are completed.

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

Section 1. ADOPTION. The City Council of the City of Lake Forest Park hereby creates chapter 12.50 LFPMC, Retaining Walls, as follows:

LFPMC 12.50.010 Retaining Walls

A. Retaining walls located within the right-of-way shall be installed to benefit the general public, by supporting or protecting public transportation infrastructure and shall not be for private development gain.

B. Walls located on private property or right-of-way that support or protect public transportation infrastructure shall meet the minimum requirements set forth in the latest edition of the WSDOT Design Manual, Bridge Design Manual, and the International Building Code. The Public Works Director may require a third-party structural review prior to approval of the wall. Easements may be required for the maintenance, operation, and replacement of the wall.

C. The wall type shall be approved by the Public Works Director, who may take into account long term maintenance requirements, constructability, and recommendations from the applicants' or third-party engineers.

1. Rockeries and timber or concrete laggings are not acceptable retaining types of wall construction. The wall construction type shall be the same from the highest to the lowest portion of each independent wall segment. Where walls are terraced or tiered, all tiers/terraces shall consist of the same wall construction type for the length of each independent segment.

2. Concrete walls that are prone to graffiti shall be coated with a moisture barrier and anti-graffiti paint.

3. An architectural finish or engineered block shall be used that integrates with and supports the community identity of the City namely Pacific Northwest showing a strong relationship to the surrounding natural environment including native trees, flora, and fauna of the region. The architectural finishes included in the Retaining Wall Design Guidelines dated _____, are deemed to satisfy this requirement. The Public Works Director will review and approve the architectural finish and engineered block consistent with this section.

4. Landscaping treatments shall be used that reduce the harshness of these walls. The landscaping standards are provided in the Retaining Wall Design Guidelines dated _____, are deemed to satisfy this requirement. The Public Works Director will review and approve landscaping treatments consistent with this section,

Commented [SB2]: Changes from 1/26 discussion have been accepted in this section. New highlighted changes are intended to address 2/6 Council comments.

5. If required by the impacts or circumstances related to a particular retaining wall, the Public Works Director may require conditions of approval that include but are not limited to the installation of a temporary irrigation systems and the funding or implementation of a 3-year plant monitoring and maintenance plan. A 5-year monitoring and maintenance plan shall be required for trees that are part of the landscaping plan.

Commented [SB3]: Changes from 1/26 discussion have been accepted in this section. New highlighted changes are intended to address 2/6 Council comments.

D. Total structural isolation is required for public and private retaining walls adjacent to each other.

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 the Lake Forest Park City Council this XXX day of XXX, 2023.

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced:
Adopted:
Posted:
Published:
Effective:

DRAFT