



CITY OF LAKE FOREST PARK

CITY COUNCIL

AGENDA COVER SHEET

Meeting Date	October 26, 2023
Originating Department	Community Development Department
Contact Person	Phillip Hill, City Administrator; and Kim Adams Pratt, City Attorney
Title	Ordinance 23-1278/Amending Chapter 16.16.250 of the Lake Forest Park Municipal Code, Reasonable use exception to allow for reasonable economic use

Legislative History

- First Presentation March 9, 2023, Work Session
 - Second Presentation March 23, 2023, Regular Meeting
 - Third Presentation August 14, 2023, Committee of the Whole
 - Third Presentation October 26, 2023, Regular Meeting
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Attachments:

1. Ordinance 23-1278/Amending Chapter 16.16.250 of the Lake Forest Park Municipal Code, Reasonable use exception to allow for reasonable economic use
 2. September 13, 2022, Memorandum from Planning Commission with recommended amendments
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Executive Summary

In response to input from the community and a review of the history of Reasonable Use Exception (RUE) projects, the Planning Commission began reviewing the relevant provisions in Chapter 16.16.250 LFPMC to determine if there were amendments that could enhance City staff's ability to ensure mitigation and monitoring plans are adhered to. The Commission developed recommended amendments and provided those to the City Council.

In addition to the Planning Commission recommendations, proposed Ordinance 23-1277 includes policy, purpose, and intent sections. The policy section discusses that RUEs should approve the bare minimum amount of use and disturbance to critical areas and recognizes the City's obligation to not

unconstitutionally take private property. The purpose and intent section provides a list of purposes and guidelines for consideration when the Hearing Examiner is applying the criteria to an application requesting an RUE. The guidelines include footprint square footage, gross floor area square footage, and minimizing the area of critical area disturbance on the application site. City Council is holding a public hearing and then considering adoption of the final ordinance.

Background

Section 16.16.250 of the Lake Forest Park Municipal Code (LFPMC) provides a process by which an applicant may apply for a reasonable use exception from Chapter 16.16 LFPMC, Environmentally Critical Areas when the application of regulations in the Chapter prevents all reasonable economic use of the property.

After receiving community input early last year, the Planning Commission began the formal discussion of the issue at its May 2022 meeting. Public meetings were held on July 12, August 17, and September 13 of 2022, to consider possible amendments to LFPMC 16.16.250.

Fiscal & Policy Implications

Adoption of this ordinance would not add significantly to staff review time. The City’s hearing examiner may charge the City for additional time to ensure new criteria are addressed by applicants.

Alternatives

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"> • Adopt ordinance 	City Staff and the Hearing Examiner are given policies and guidelines for use with criteria pertaining to the review and approval of Reasonable Use Exceptions, and additional requirements have been added to enhance future compliance and enforcement.
<ul style="list-style-type: none"> • No action 	Amendments will not be adopted, and staff will continue review as guided by Council.

Staff Recommendation

Review the draft ordinance, consider any public testimony during the public hearing, and adopt the proposed ordinance or provide guidance to the Administration on any changes needed prior to adoption.