

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

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, with the above procedures in place, RCW 36.70B.080 does not require the City to refund any portion of an applicant's permit fee when the time period for processing the permit is not met; therefore, the City is not adopting refund provisions in these amendments to Chapter 16.26 LFPMC; and

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 November 4, 2024 and that no comments were being provided on the proposed amendments to Chapter 16.26 LFPMC; and

WHEREAS, the City Council held a public hearing regarding the proposed amendments on November 7, 2024; and

WHEREAS, the City Council considered this Ordinance during its City Council meetings of November 7, 2024, December 2, 2024, and December 12, 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. Staff is encouraged to collect, as practically feasible given the City's size and staffing levels, the annual reporting information required of larger cities and counties in RCW 36.70B.080(2).

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 12th day of December, 2024.

APPROVED:

Thomas French
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced:
Adopted:
Posted:
Published:
Effective:

DRAFT