

1
2
3
4
5
6
7
8
9
10
11
12

ORDINANCE NO. 1174

13
14
15
16
17
18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING SECTION 18.54.042 OF THE LAKE FOREST PARK MUNICIPAL CODE RELATING TO CONSERVATION CLUSTER HOUSING, AND ESTABLISHING AN EFFECTIVE DATE.

19
20
21
22

WHEREAS, section 18.54.042, conservation cluster housing, of the Lake Forest Park Municipal Code (“LFPMC”) was adopted in January 2017, as a part of the City’s commitment to single family cluster and cottage housing as a low impact development strategy to reduce native vegetation loss and minimize encroachment of critical area buffers; and

23
24
25
26

WHEREAS, the housing product being submitted and proposed pursuant to section 18.54.042 LFPMC, is not meeting the intent and outcome desired when the City Council adopted conservation cluster housing development regulations; and

27
28
29
30

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

31
32
33
34

WHEREAS, the City adopted Ordinance 1173 imposing a moratorium upon conservation cluster housing applications for a period of ninety (90) days to complete its review of development regulations for the same; and

35
36
37
38

WHEREAS, the City Council held a public hearing on February 22, 2018, within sixty (60) days of the adoption of Ordinance 1173; and

39
40
41
42

WHEREAS, a another public hearing was held on ____ to receive public input regarding this proposed ordinance relating to amendments to section 18.54.042 LFPMC; and

43
44
45
46

WHEREAS, the City Council considered the amendments to section 18.54.042 LFPMC at regular meetings on March 8, 2018 and _____; 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 regulations on ____ and received notice that the Department’s review was complete on _____.

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

1
2
3 Section 1. REPEAL AND REPLACE LFPMC 18.54.042. Lake Forest Park
4 Municipal Code subsection 18.54.042, Conservation cluster housing, is repealed and
5 replaced by the following:
6

7 **18.54.042 Conservation cluster housing.**
8

9 Conservation cluster housing (“CCH”) is intended to be alternative housing that respects
10 and maintains the character of the surrounding neighborhood while decreasing the
11 environmental impact of the housing. A larger number of small family dwelling units may
12 be built and occupied subject to the following provisions:
13

- 14 A. The subject property must be in a single-family zone.
15 B. The property must be one acre or more in size.
16 C. Fifty percent or more of a property must be encumbered by a conservation
17 easement, critical areas, or critical area buffers (“CCH Encumbrance”)
18 D. For purposes of CCH, a conservation easement shall mean an easement recorded
19 against the title of the property that is consistent with LFPMC 16.16.190 and
20 irrevocable so long as the conservation cluster housing on the property is permitted
21 for occupancy. The easement must be comprised of a single contiguous area. The
22 easement boundaries should create a compactly-shaped easement area unless it
23 can be demonstrated that a less compact shape would provide a better buffer for
24 surrounding single family homes than the minimum setbacks. An illustration of a
25 compactly-shaped easement area is provided below. The conservation easement is
26 subject to the following:
27 1. Structures, impervious surfaces, and development of any kind are
28 prohibited;
29 2. Signage and fencing shall be installed on the perimeter of the easement
30 area and shall be maintained in a manner that meets the requirements of
31 LFPMC 16.16.170.
32 3. No trees shall be removed in the easement area unless the requirements
33 of chapter 16.14.080 (tree removal environmentally critical areas) are
34 satisfied.
35 4. Only plants native to the Western Washington region shall be planted in
36 the easement area.
37 5. Activities in the easement area are restricted to low impact, passive-use
38 recreation, which means that athletic activities and social gatherings that
39 damage vegetation are not allowed.
40 6. The highest canopy coverage goal identified in LFPMC 16.14.070 Table 2
41 shall apply to the easement area and a tree replacement and/or planting
42 plan for the easement area shall be submitted that achieves the
43 aforementioned canopy coverage goal.
44 7. Work in the easement area is subject to permit requirements and
45 limitations in LFPMC 16.16.230 and this section. In the case of a conflict
46 between this section and 16.16.230, the more restrictive shall apply.

- 1 E. The area remaining on the property that is not included in the CCH Encumbrance
2 shall be known as the CCH Development Area. Up to three dwelling units are
3 allowed for each dwelling unit allowed by the underlying zoning classification, as
4 applied to the CCH Development Area.
- 5 1. The Development Area must accommodate a minimum of three
6 dwelling units and can have no more than 10 dwelling units.
 - 7 2. The area of the CCH Encumbrance is not eligible for determining the
8 maximum density in the CCH Development Area.
 - 9 3. The number of lots allowed by the underlying zoning in the CCH
10 Development Area shall be determined by submittal of a scaled, base
11 site plan which verifies the how many lots would meet the minimum lot
12 size while also complying with the dimensional requirement for
13 vehicular access (Ch. 15.10 LFPMC).
 - 14 4. Units can be single-family detached or duplex dwelling units. A duplex
15 dwelling building counts as two units.
 - 16 5. Buildings shall be setback a minimum of 15 feet from lot lines, streets,
17 and the CCH Encumbrance.
 - 18 6. Spacing between the dwelling units shall be a minimum of six feet.
19 Additional fire protection may be required if spacing is under 10 feet
20 between dwelling units.
 - 21 7. Minimum street frontage requirements of the underlying zoning
22 classification shall not apply to conservation cluster housing.
 - 23 8. Dwelling units shall be only single or two-story and be a maximum of
24 950 square feet, with a main floor of no more than 750 square feet.
 - 25 9. The site shall contain an outdoor common area of at least 200 square
26 feet per dwelling unit on the site. Neither the CCH Encumbrance,
27 setbacks, nor parking areas are eligible for meeting this requirement.
 - 28 10. The site shall contain at least one parking space per dwelling unit.
 - 29 11. Parking and the perimeter of CCH Development Area shall be
30 screened from the street and adjacent properties with landscaping that
31 meets the requirements of LFPMC 18.45.090(A) (design guidelines for
32 Southern Gateway Single-Family Residential zone – Type IV
33 landscaping).
 - 34 12. The highest canopy coverage goal identified in LFPMC 16.14.070
35 Table 2 shall apply to the Development Area and a tree replacement
36 and/or planting plan shall be submitted that achieves the
37 aforementioned canopy coverage goal. Conservation area canopy
38 coverage area does not satisfy the requirement for Development Area
39 coverage.
 - 40 13. All buildings within the development are subject to compliance with the
41 development standards of the zoning classification. In the case of a
42 conflict between the development standards and this section, this
43 section shall take precedence over and supersede any conflicting
44 provision of LFPMC Title 18, including provisions incorporated by
45 reference into this title.

1 F. Prior to submittal of an application for this conditional use, a neighborhood
2 meeting must be conducted in accordance with LFPMC 16.26.050.
3

4 Section 2. CORRECTIONS. The City Clerk is authorized to make necessary
5 corrections to this ordinance including, but not limited to, the correction of
6 scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers
7 and any references thereto.
8

9 Section 3. SEVERABILITY. If any one or more section, subsection, or sentence
10 of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the
11 validity of the remaining portion of this ordinance and the same shall remain in full force
12 and effect.
13

14 Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after
15 passage and publication.
16

17 **APPROVED BY A MAJORITY** of the Lake Forest Park City Council this
18 _____ day of _____, 2018.
19

20 APPROVED:
21

22 _____
23 Jeff Johnson
24 Mayor
25

26 ATTEST/AUTHENTICATED:
27

28 _____
29 Evelyn Jahed
30 City Clerk
31

32 APPROVED AS TO FORM:
33
34 _____
35