

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 April 12, 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 April 6, 2023, and received notice that the Department had granted expedited review on April 20, 2023; 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, April 13, 2023, and May 11, 2023, and

WHEREAS, the City Council held a public hearing on May 11, 2023, regarding the proposed ordinance.

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 Washington State Department of Transportation (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. 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 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 May 11, 2023, 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 May 11, 2023, and are deemed to satisfy this requirement. The Public Works Director will review and approve landscaping treatments consistent with this section.

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 3-year monitoring and maintenance plan shall be required for trees that are part of the landscaping plan.

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

E. The applicant shall document that the retaining wall design satisfies WSDOT current criteria for noise attenuation as applicable.

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:

Retaining Wall Design Guidelines - May 11, 2023

INTENT

These provisions are intended to mitigate the impact of large, monotonous retaining walls in the right-of-way by requiring architectural and landscaping treatments that reduce the harshness of such walls and reflect the community identity.

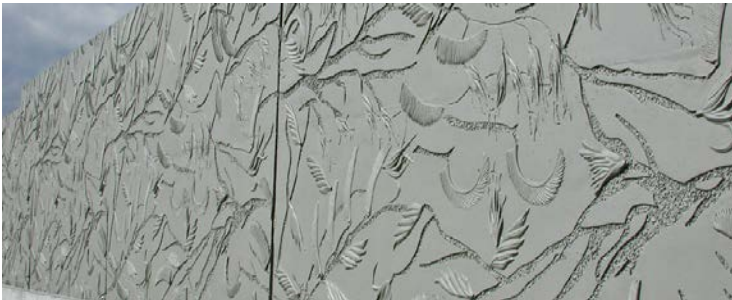
PROVISIONS

1. The architectural finish of retaining walls shall depict artistic images having a strong relationship to the Pacific Northwest and the surrounding natural environment including native trees, flora, and fauna of the region. (see examples in Figures A and B)

FIGURE A



FIGURE B



Commented [SB1]: Council may wish to consider adding the something similar to the language below to these guidelines to clarify the meaning of 'shall' and 'should'. This is taken from the Town Center Design Guidelines:

The terms used in the guidelines indicate whether provisions are required or whether they are discretionary, but highly recommended and desirable.

SHALL—The use of the term “shall” (or “shall not” in the negative) represents a requirement of the design to meet the intent of the guideline. This provision must be followed as part of planning, design, and implementation of the project.

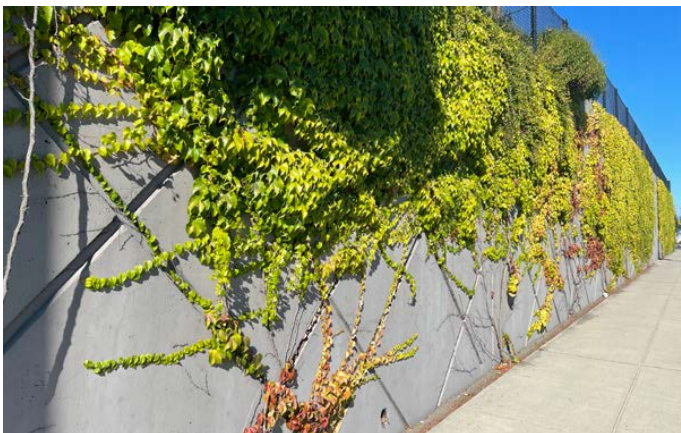
SHOULD—The use of the term “should” (or “should not” in the negative) indicates a provision that is strongly encouraged, but that is not an absolute requirement. Compliance with this provision is voluntary, but highly desirable to the community.

2. In addition to the architectural finish requirements of Provision 1, landscaping and vegetation such as that found in Figures C and D below shall be installed. The plantings shall be native, drought tolerant species that do not require permanent irrigation and should reach coverage of 30% of the wall front surface within 36 months. If there is not a shoulder or sidewalk adjacent to the wall, landscaping that requires regular maintenance shall be minimized.

FIGURE C



FIGURE D



3. The wall construction type for an independent wall segment can deviate from the requirements of Provisions 1 and 2 if it can be demonstrated to the Public Works Director's satisfaction that

Commented [SB2]: Sound Transit has indicated that the only species of vines capable of climbing vertical surfaces without a trellis are not native. See comments in Attachment 3. Deleting 'native' is an action that could be taken to address this issue

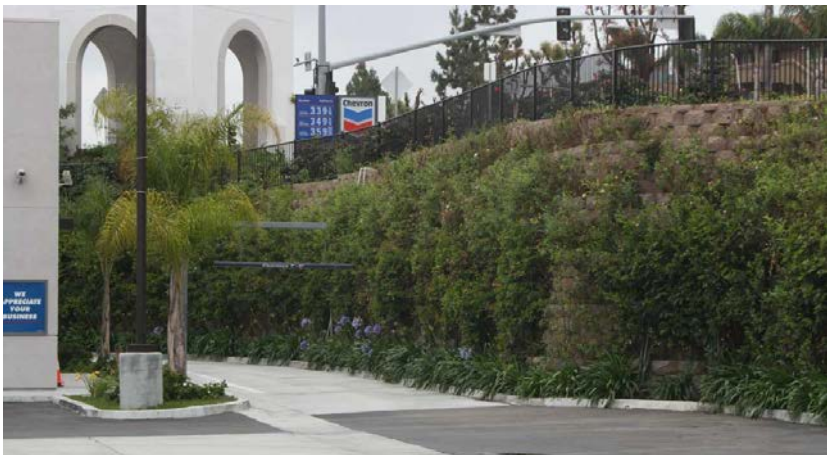
Commented [SB3]: Sound Transit notes that maintenance will be required to achieve coverage. See comments in Attachment 3. Changing 'shall' to 'should' is an action that could be taken to address this issue.

vegetation will grow directly from the wall face as shown in Figures E and F and will reach a coverage of 80% of the wall front surface within 36 months. The plantings shall be native, drought tolerant species that do not require permanent irrigation.

FIGURE E



FIGURE F



Attachment 3 - Emailed Comments from Sound Transit

From: Leotta, Kathy <kathy.leotta@soundtransit.org>

Sent: Thursday, April 13, 2023 3:30 PM

To: Jeffrey Perrigo <jperrigo@cityofflp.gov>; Stephen Bennett <SBennett@cityofflp.gov>

Cc: Jeffrey Perrigo <jperrigo@cityofflp.gov>; Capka, Rick <rick.capka@soundtransit.org>; Avadutha, Padmaja <padmaja.avadutha@jacobs.com>; LiamOlsen <liam.olsen@jacobs.com>

Subject: Initial comments on draft ordinance 23-1263 on Retaining Walls and Design Guidelines

Jeff and Steve, we have a few initial comments on the City's proposed Retaining Wall Design Guidelines being considered as part of the Retaining Wall Code Update:

- There is no PNW native vine species that we are aware of that can survive in this type of urban application. The only species that we are aware of that would climb up vertical surfaces without the help of trellis and is drought-tolerant in this region is Boston Ivy or Carolina Creeper.
- There may be nuances between guidelines and requirements, but we note that there are no vine performance code requirements in other jurisdictions in Western WA that we are aware of. WSDOT often incorporates vine in their design, but there isn't a performance standard or requirement. The City of Seattle has a Green Factor landscape guidance that would include vine as a greening credit, but it only requires plant survival for 12 months.
- We are curious if the vine performance guidelines have been peer reviewed by other landscape or horticultural professionals? Does the City have a similar case study to prove the validity?
- We recommend the 30% in 36 months as a project target but not a requirement.

Project specific considerations:

- Unlike two of the wall greening examples shown in the draft Retaining Wall Design Guidelines, there is no open growing space between the transition of the retaining wall currently in design, traffic barrier, and edge of the roadway.
- Our current design relies on a 14"x 6.5" block out opening from the retaining wall to provide the growing space. Within this opening, there will be (2) 6" diameter PCV pipes filled with topsoil contains moisture for the plant roots. As we have learned from a similar application at SR-520, the success of vine establishment and coverage varies across the corridor, depending on the rain and solar exposure of each vine pocket.
- This vegetation will require routine maintenance to survive and achieve coverage.

Our team would be happy to further discuss this at one of our regular meetings, or we can schedule a separate meeting just on this topic.

Regards,

Kathy Leotta

HCT Development Manager - Stride BRT

Design, Engineering, and Construction Management

Sound Transit

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