



August 24, 2021

City of Lake Forest Park  
17425 Ballinger Way NE  
Lake Forest Park, WA 98155

**RE: Revised Review Letter Responses  
19734 35th Avenue Northeast  
Lake Forest Park, Washington  
RGI Project No. 2018-186**

Reference: Urban Forestry Services, Spitzenberg Tree Mitigation Plan, 19734 35th Ave NE, Lake Forest Park, Washington dated May 21, 2021

The Riley Group, Inc. Geotechnical Engineering Report, Spitzenberg Property, 19734 35th Avenue Northeast, Lake Forest Park, Washington, dated September 12, 2018 and Critical Area Modification letter dated May 25, 2021

Dear Reviewer,

As requested, The Riley Group, Inc. (RGI) is providing this letter to respond to the Critical Area Review Letter dated June 4, 2021.

**Comment 1.** Please properly classify all critical areas on-site which were present prior to the violation. The critical area report dated May 25, 2021 does indicate the presence of regulated landslide hazard areas, and steep slopes, but does not provide the proper classifications pursuant to the definitions in LFPMC 16.16.040 (J) (describes the different types of regulated landslide hazard areas in LFP) and LFPMC 16.16.040 (W) (1) (definition of regulated steep slope areas in LFP). Please also delineate all types of critical areas (which were present prior to the violation) on the site plan and provide a graphic representation of any regulated buffer areas and required building setbacks (see LFPMC 16.16.310 (A) (2) which references the required building setback from a regulated slope buffer) relative to critical areas and existing property features. It will be necessary for City Staff to understand how the violation relates to areas regulated by LFPMC 16.16.

**RGI Response:** The steep slope critical areas are shown on the attached plan prepared by CG Engineering. The designation of the steep slope areas are in accordance with LFPMC 16.16-040 (W). The steep slopes are all less than 20 feet in height. The steep slope areas are also considered landslide hazard areas in accordance with LFPMC 16.16.040 (J). The site area greater than 15 percent is also an erosion hazard area in accordance with LFPMC 16.16.040 (G).

**Comment 2.** LFPMC 16.16.220 lists the exemptions from the City's critical areas regulations and LFPMC 16.16.230 lists the allowed and permissible activities. Alterations to regulated critical areas can occur without a permit if it is consistent with the exemption criteria. The City can only issue permits for work that is consistent with the listed allowable activities (see LFPMC 16.16.230). Property owners are encouraged to allow critical areas and buffers to become naturalized whenever possible. If your application and submittals cannot demonstrate compliance with the allowable activities or the exemption criteria, then it should be revised to focus on the restoration of the project area to pre-violation conditions (or another form of restoration consistent with LFPMC 16.16).

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**RGI Response:** It is not feasible to restore the site to its previous condition and provide adequate factors of safety for the fill slope. The glacially consolidated materials have been modified and filling the slope back to the previous grades would not be stable and the continued erosion and surface water conditions from the steep slope areas would be difficult for the homeowners to maintain.

In accordance with LFPMC 16.16.290, the landslide hazard areas and the buffers would prevent the modifications of the slope including the existing home on the lot. However, in accordance with LFPMC 16.16.290 (D) 2 and 16.16.310 (C.1) alterations of landslide and steep slope hazard areas are allowed provided the steep slope is less than 20 feet in height and a soils report prepared by a qualified professional satisfies the planning director that no adverse impact will result from the exception. Based on the plan, the slopes that exceed 40 percent are less than 20 feet in height, therefore; the alterations to this slope is allowed in accordance with LFPMC 16.16.310 (C.1) per the following conditions.

LFPMC 16.16-290 (D) 2 and 16.16.310 both state the same conditions. When landslide hazard or steep slope alterations are allowed by this section, the proposal shall:

1. Not decrease slope stability on the site or on adjoining properties; and
2. Be subject to certification by a qualified professional that the landslide hazard area can be modified safely or that the development proposal eliminates or mitigates the landslide hazard risk to the property or adjacent property; and
3. Not adversely impact other critical areas, such as streams; and
4. Not result in an increase in peak surface water flows or sedimentation to adjacent properties.

After the improvements to the existing wall and the installation of the planting proposed, the proposal meets all of the 4 criteria above and adequately mitigates and essentially eliminates the landslide and erosion hazard to the property and adjacent property.

**Comment 3.** Alterations to landslide hazard areas located on slopes less than 40% may be permitted, but a response addressing the alteration criteria in LFPMC 16.16.290 (D) (2) (a) through (d) is required (this section describes how landslide hazard areas below 40% grade can be altered). An analysis demonstrating compliance with each criterion is necessary for the City to allow the unpermitted structures to remain in areas with these types of characteristics.

**RGI Response:** These four items were addressed in our referenced letter and included a stability analysis for the terraced walls. The terracing of the slope created by the walls, the addition of drainage and the overall reduction of the sloped areas will improve the erosion and surface drainage issues that have been a problem over time on the slope. The installation of plantings and drainage should reduce the amount of peak surface water flows and sedimentation to adjacent properties.

**Comment 4.** The arborist report provided by the applicant dated May 21, 2021 states that the violation and removal of vegetation from sloped areas has resulted in a substantial loss of ecological function creating conditions with a greater potential for erosion and landslide. Please provide a new report from a professional engineer that recommends mitigation measures that will re-establish all lost ecological function and eliminates the potential for erosion and landslide. See LFPMC 16.16.310 (D) which describes the development standards for regulated sloped areas and discusses the standards for required mitigation and permitted alterations.

**RGI Response:** The proposed terraced retaining walls and replacing the topsoil in the disturbed areas between the walls will improve the erosion and landslide as outlined above. The slope area that is undisturbed will be replaced as part of the mitigation plan for the removal of the trees. The restored area will have better function and will be able to be maintained versus the sloped area that was weed infested including evasive species. The arborist report includes monitoring of the plantings proposed. The proposed revegetation will have significantly better ecological function and significantly reduces the potential for erosion and landslide.

Respectfully submitted,

THE RILEY GROUP, INC.



08/24/21

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