



## **PLANNING DEPARTMENT TYPE III DIRECTOR'S DECISION**

**FILE NUMBER:** 2022-CAMJ-0001

**APPLICANT:** Brian Highberger  
18827 53 AVE NE  
Lake Forest Park, WA 98155

**PROPERTY OWNER** Sadru Boga  
3211 NE 185 ST  
Lake Forest Park, WA 98155

**PROJECT DESCRIPTION:** Minor critical area permit to reduce a class II landslide hazard area buffer from 50-feet wide to 25-feet wide. Associated with construction of a new residential driveway.

**DIRECTOR DECISION:** ISSUE subject to conditions

**ENVIRONMENTAL DETERMINATION:** Determination of Non-Significance (DNS)

**DATE OF DECISION:** July 5, 2022

**SITE ADDRESS** 3211 NE 185 ST

### **FINDINGS OF FACT**

The property owner's agent applied for a critical area permit to construct a new access driveway and rockery and requires a slope buffer reduction from 50-feet wide to 25-feet wide consistent with LFPMC 16.16.290 (A).

The owner's geo-technical engineer has verified that a class II landslide hazard area is present at the site and that the locations of these regulated areas occupy the area adjacent to the proposed excavation and retaining walls.

The proposed driveway is located on a property with an active application for a Boundary Line Adjustment (BLA), which, if recorded, would change the configuration of lot lines. If the lot line

DIRECTOR'S DECISION

RE: 2022-CAMI-0001 (Boga Minor Critical Area Permit)

July 5, 2022

Page 2 of 3

configuration shown in Exhibit 1 is recorded, the proposed driveway would be located on both parcels created by the BLA.

The proposed project will not encroach on the reduced 25-foot wide class II landslide hazard area buffer.

The proposed project involves construction of a driveway for a residential site which proposes 520 cubic yards of excavation and 140 cubic yards of fill which does not qualify for a minor construction exemption from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800 (1) (b) (v). A (DNS) was issued on June 30, 2022. A condition of this decision will be to obtain the necessary construction permits prior to any groundbreaking.

This decision is being issued under the authority of LFPMC 16.26.030 (C) where critical area permit decisions are classified as a type III decision. This decision will be noticed pursuant to LFPMC 16.26.180 (B).

## **PUBLIC NOTICING AND COMMENT**

The City posted a notice of decision pursuant to LFPMC 16.26.180 on July 5, 2022.

## **CONCLUSIONS**

The Applicant's submittals, including written material and plans referenced in the above findings, demonstrate that the proposal complies with the criteria for minor critical area permits of this type, and specifically the criteria for a reduction of a class II landslide hazard area buffer. The lot line configuration shown on Exhibit 1 is not relevant to this approval. The information provided demonstrates to the Planning Director's satisfaction that the alterations meet the criteria in LFPMC 16.16.290 (A).

## **ATTACHMENTS**

The following documents are attached to or referenced as exhibits, and made a part of this decision:

Attached:

Exhibit 1: Site Plan prepared by Omega Engineering, Sheet 1 of 1, date stamped April 20, 2022 by the City of Lake Forest Park.

Exhibit 2: Critical area/geo-technical memorandum prepared by Geotech Consultants dated March 9, 2022. Geo-technical report prepared by Geotech Consultants dated September 21, 2021.

**DIRECTOR'S DECISION**

RE: 2022-CAMI-0001 (Boga Minor Critical Area Permit)

July 5, 2022

Page 3 of 3

**DECISION**

The Minor Critical Area Work Permit 2022-CAMJ-0001 allowing a reduction of a class II landslide hazard area buffer from 50-feet wide to 25-feet wide is approved. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

Decision issued July 5, 2022

**CONDITIONS**

1. This approval is limited to the buffer reduction only. Lot line configuration, as shown in Exhibit 1, has not been approved or recorded.
2. The permittee shall obtain all necessary construction permits from the building department prior to any construction.



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Nick Holland  
Senior Planner

**APPEALS**

This decision may be appealed by the applicant or any party of record under the provisions of LFPMC Section 16.26.190. Appeals must be submitted in writing.