



---

## **ADMINISTRATIVE DECISION FOR MAJOR CRITICAL AREA WORK PERMIT**

**CASE:** File # 2022-CAMJ-0005

**APPLICANT:** Marie and Phil Smith  
3524 NE 197 ST  
Lake Forest Park, WA 98155

**REQUEST:** Alter steep slope to install retaining wall.

**SITE ADDRESS:** **3524 NE 197 ST**  
Lake Forest Park, WA 98155  
Parcel #4029400100

**APPLICATION DATES:** Application Submitted: 6/7/2022  
Date of Complete Application: 7/5/2022  
Posted for 14-day Notice of Decision: October  
October 21, 2022  
Decision Issued: October 21, 2022

**ZONING:** R-7.2

**APPLICABLE CODES:** Chapter 16.16- Critical Areas Code

**ENVIRONMENTAL DETERMINATION:** EXEMPT

**ASSIGNED STAFF:** Nick Holland  
Senior Planner

**DECISION:** Approved with conditions

---

## **I. APPLICATION TIMELINES AND BACKGROUND**

- On September 21, 2021, the property owner was cited with a violation of the critical areas code for the installation of gabion basket style retaining walls on a regulated slope;
- On October 9, 2021, the property owner signed the voluntary correction agreement which indicated that they would apply for a permit to construct the project that had already been installed;
- Through the permit application process and resulting design options, the owner indicated they were not prepared to move forward with applying for a permit. As a result, they removed the illegally installed retaining walls and the site was returned to pre-violation conditions. The violation case for construction within a critical area was closed.
- On June 7, 2022, the applicant applied for a major critical area work permit to install retaining walls in a regulated slope;
- The city deemed the application complete by default on July 5, 2022 and the notice of decision was posted on October 21, 2022.
- This decision is being issued on October 21, 2022.

Overall, the application was in review for 108 days.

## **II. SITE DESCRIPTION and CHARACTERISTICS**

### Site location & access

The site is developed with an existing single-family residence and is accessed via NE 197<sup>nd</sup> St. through a typical residential driveway.

### Existing site conditions

The area containing the single-family home is relatively flat. Directly north of the existing home exists a semi-forested and moderately sloped area approximately 15,000 square feet. According to the owner's survey of the property and the geo-tech report provided, most of the site is sloped with a grade of less than 40%, except an area fifty feet north of the northwest corner of the site where an area of 40% or steeper slope exists with an elevation change of ten feet. The area where the gabion basket walls were installed has disturbed soil and altered grades because of the previous violation.

## **III. PROJECT DESCRIPTION**

The property owner proposes to install four gabion basket retaining walls measuring four feet in height or less and range from forty to seventy-five feet in length. The walls are proposed to be staggered in an east/west direction and contain north/south alignments approximately twelve feet apart. The walls will be installed within the regulated sloped areas. All work is proposed to be constructed using hand tools.

#### **IV. CRITICAL AREA CODE REQUIREMENTS.**

The criteria for approval are specified in LFPMC Section 16.16, and the Applicant is required to demonstrate compliance with those elements that are applicable. Those requirements, along with staff's findings and conclusions for each requirement, are as follows:

##### **LFPMC 16.16.310 (C) Steep slope hazard areas – Development standards – Permitted alterations.**

- 1. Alteration of slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet; provided, that a soils report prepared by a qualified professional satisfies the planning director that no adverse impact will result from the exception;*

Findings: According to the geo-technical report (exhibit 2) provided by the owner and the topographic survey (exhibit 1) provided, most of the site has areas that are moderately sloped at a grade of less than 40 percent. There are some areas of the site (specifically the area fifty feet north of the northwest corner of the site) where slopes exceed 40 percent, but those areas do not have a vertical elevation change of more than 20 feet, according to the application materials. The geo-tech report classifies the site as containing steep slope hazard areas as defined in LFPMC 16.16.040 (W) (1).

Pursuant to LFPMC 16.16.310 (C), alterations to slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet are permitted; provided, that a soils report prepared by a qualified professional satisfies the planning director that no adverse impact will result from the exception. LFPMC 16.16.310 (D) also requires that when alterations to steep slope hazard areas under LFPMC 16.16.310 (C) are allowed, the alteration criteria within LFPMC 16.16.310 (D) shall be confirmed.

The permittee has provided such a report (see exhibit 2) which has satisfied the planning director and states, alterations to steep slope hazard areas shall not decrease slope stability on the site or on adjoining properties; and be subject to certification by a qualified professional that the area can be modified safely, and that the development proposal eliminates or mitigates the hazard risk to the property or adjacent property. The report also states that the installation of walls will not adversely impact other critical areas, such as streams; and that the installation will not result in an increase in peak surface water flows or sedimentation to adjacent properties (see LFPMC 16.16.310 (D)).

The permittee has also applied for a major tree permit to remove two significant trees critical sloped areas near the construction of the walls. This permit has yet to be approved by the city arborist consultant. A condition of this approval will

be for the permittee to obtain approval and be issued a major tree permit prior to starting work on the wall construction.

**Conclusion:** The applicant's submittals, including written material, plans and the geotechnical report referenced in the above findings, demonstrate that the proposal complies with the criterion set forth in LFPMC 16.16.310. Tree removal work regulated under LFPMC 16.14 will need to be approved prior to the start of retaining wall construction because the trees cannot be in the same location as the retaining walls.

## **V. PUBLIC NOTIFICATION**

This decision is being issued as a type III administrative decision per LFPMC 16.26.030 (C), and pursuant to LFPMC 16.26.180 notice of this decision was posted and published on October 21, 2022.

## **VI. SUMMARY CONCLUSIONS**

Staff has reviewed the proposal for general conformance with city codes and ordinances and the requirements set forth herein and has provided findings in response to each requirement. Based upon said findings, staff concludes that the Critical Area Work Permit application conforms to the criteria as defined in LFPMC 16.16.310.

## **VII. DECISION**

In consideration of the above findings of fact and conclusions, the proposed major critical area work permit is hereby granted approval subject to conditions.

## **VIII. EXHIBITS**

1. Site plan, boundary and topographic survey date stamped June 22, 2022 by the City of Lake Forest Park
2. Geo-tech report dated September 16, 2022 authored by Nelson Geotechnical Associates.

## **IX. CONDITIONS**

1. The permittee shall obtain approval and be issued the major tree permit they have applied for (case number 2022-TREE-0108) on September 7, 2022.

### **Staff Signatures:**



**Name & Title:** Nick Holland  
Senior Planner

**Issued Date:** October 21, 2022

**X. 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.