



**DECISION OF THE
CITY OF LAKE FOREST PARK
COMMUNITY DEVELOPMENT DIRECTOR
REGARDING APPLICATION FOR
MAJOR CRITICAL AREA PERMIT
FILE NOs: 2023-CAMJ-0002 and -0003**

FINDINGS

On February 27, 2023, the applicant, Dangelei Fox, on behalf of Sound Transit (the “Applicant”) applied for a major critical area permit to bore for geo-technical investigation at multiple locations within the right-of-way and on private parcels. These locations are also located within regulated critical areas. The purpose of the borings will be to provide data for further studies associated with land use submittals for a future SR 522 Bus Rapid Transit project. The scope of each excavation does not meet the threshold for a SEPA determination, although Sound Transit has claimed lead agency status for this project. The equipment to be used to bore for investigation does not meet the definition of light equipment and therefore a major permit type is required.

The Applicant’s application materials, plans, and supporting reports describe and characterize the location, extent, and classification of each critical area and/or buffer being impacted by the proposed boring excavations. The geotechnical test boring project, as submitted, proposed to temporarily impact several locations along the SR 522 corridor and regulated critical areas. Originally proposed bore hole locations #BH-32, BH-33, BH-34, BH-44, and BH-78 are variously located within stream buffer, landslide, and erosion hazard areas (see Exhibit 1- Site plans). Subsequently, the application was revised to only pursue approval for bore hole locations #BH-44 and BH-78. Bore hole sites #BH-32, BH-33, and BH-34 located in the Bsche’tla Creek ravine are no longer requested.

Work activities will involve borehole drilling for geotechnical investigations to inform project design. A drill rig using hollow stem auger (4-8 inches width) will be used and soil sampling will occur to the depth explored. The drilling contractor will be under the supervision of a geotechnical engineer or geologist.

The proposed **BH-44** boring work is within a mapped Erosion Control Area for steep slopes on an unimproved portion of street right-of-way adjacent to and west of Bothell Way (SR 522), near the existing stairs at 3821 NE 160th Street (**at the eastern terminus of 160th Street, east of the intersection with 38th Ave NE**). The drill rig and workers will access the work area from the existing stairs and the site returned to existing conditions upon completion.

The proposed **BH-78** boring work is within a mapped Erosion Control Area for erosion soil hazards on a privately owned residential parcel (**16294 39th Ave NE, Parcel No. 7740100075**) located adjacent to and west of Bothell Way (SR 522) at the intersection of

39th Ave NE and NE 165th Street. Access will be through the parcel from 39th Ave NE and the disturbed areas will be restored to the condition prior to work.

According to the applicant's critical area study (see Exhibit 2), and supplemental correspondence to verify excavation amounts, no more than 2 to 3 cubic yards (75 cubic feet) of excavation is to occur for each of the two boring sites. Lake Forest Park Municipal Code (LFPMC) Section 16.16.230 allows the Director to issue a critical area permit for work in critical areas or critical area buffers for (A) work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new access roads or excavation activities that involve the removal of more than 10 cubic yards of material. According to the application materials, excavation for each/all site(s) will be under 10 cubic yards and no new access roads are proposed. The applicant and associated application materials state that, in every case, impacts to critical areas and buffers shall be minimized and disturbed areas shall be immediately restored to pre-existing condition.

This major critical area decision/action by the Community Development Director (Code Administrator) is a Type III decision according to LFPMC 16.16.030(B) and can be appealed to the City's Hearing Examiner per LFPMC 16.26.190, Type III - Appeal.

CONCLUSIONS

To the satisfaction of the Community Development Director, the application submittals, including written materials, reports, and plans attached as Exhibits, demonstrate that the proposal meets the relevant requirements of Chapter 16.16 LFPMC, specifically:

16.16.230, Authorized work in critical areas.

The planning director may issue a critical area permit for work in critical areas or critical area buffers as follows:

- A. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new access roads or excavation activities that involve the removal of more than 10 cubic yards of material. In every case, impacts to critical areas and buffers shall be minimized and disturbed areas shall be immediately restored.*

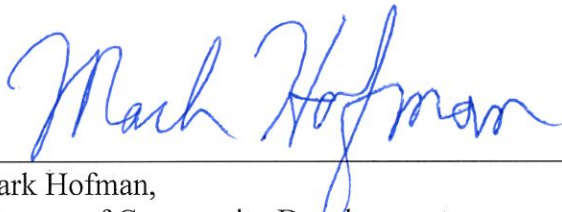
EXHIBITS

1. Site Plans prepared by Sound Transit date stamped February 13, 2023 for Bore Hole #44 and August 22, 2023 for Bore Hole #78 by the City of Lake Forest Park.
2. Critical area report prepared by Jacobs date stamped April 17, 2023 by the City of Lake Forest Park.

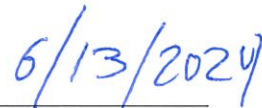
DECISION

The major critical area permit for 2023-CAMJ-0002 (Bore Hole location #78) and -0003 (Bore Hole location #44) is hereby **approved**, with the following conditions:

1. Follow all recommendations in the geotechnical and critical area report (Exhibit 2) including immediate restoration to pre-existing conditions of each site and staging areas after boring has been completed.
2. The total amount of material removed under this permit shall not exceed 10 cubic yards.
3. All excavations adjacent to SR 522 shall be within WSDOT right-of-way (BH-44) or the identified residential private parcel (BH-78). A right-of-way permit from the city will be required for any work within the dedicated right-of-way of the city outside the WSDOT right-of-way.
4. A cultural biologist shall be on site to determine if any native artifacts are on the boring sites.
5. Coordination with North City Water District is required and shall occur prior to work at 16294 39th Ave NE (Parcel No. 7740100075) to identify and protect the existing adjacent utilities.
6. Tree protection fencing shall be placed around all retained tree's critical root zone areas.



Mark Hofman,
Director of Community Development
City of Lake Forest Park, WA



Date

