



**DECISION OF THE
CITY OF LAKE FOREST PARK
COMMUNITY DEVELOPMENT DIRECTOR
REGARDING APPLICATION FOR
MAJOR CRITICAL AREA PERMIT
FILE NO: 2024-CAMJ-0006**

FINDINGS

On June 3, 2024, the applicant, Max Woody, Director of Operations and Engineering for the North City Water District (the “Applicant”), applied for a major critical area permit to to bore a replacement water line under the stream and buffer of McAleer Creek. The project replaces approximately seven hundred (700) linear feet of existing six-inch cast iron water main located under the roadway along a segment of Beach Dr. NE from approximately 45th Ave NE intersection to 700 feet south along Beach Dr. The proposed water main will be bored in its current horizontal alignment and all work will occur within the road prism and right-of-way. The site does not lie within the shoreline jurisdiction of the city of Lake Forest Park.

The water line replacement project is required to fill a missing link in the existing water main distribution system at McAleer Creek and the improvements will provide system redundancy, reliability, and improved fire flow in the Sheraton Beach area. Currently, the existing watermain dead ends on either side of the creek.

The Applicant’s application materials, plans, and supporting reports describe and characterize the location, extent, and classification of the critical area and/or buffer being impacted by the proposed boring work. The boring location for the replacement line crosses under the stream and buffer for McAleer Creek, a regulated critical area. The equipment to be used to bore does not meet the definition of light equipment and therefore a major permit type is required.

This trenchless installation portion of the watermain replacement will extend up to 30 feet below the existing ground and McAleer Creek bridge. Open cut trenching will only be required for the horizontal directional drill (HDD) access pits, water service installations and connections to the existing watermain, all outside the stream buffer. All excavation work will take place within the developed and paved roadway prism, with only extremely minor ground disturbance in unpaved portions of the project area which are limited to grass planter strips, gravel roadway shoulders, and paved driveways.

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 (E) utility projects that have minor or short duration impacts to critical areas, and do not significantly impact the function or values of a critical area, as determined by the planning director (Community Development Director).

Environmental Review: After review of the proposal, a submitted environmental Checklist, and the State Environmental Policy Act (SEPA), the City of Lake Forest Park's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) under WAC 197-11-340. The lead agency has determined that this proposal, as designed and conditioned, will not have a probable significant adverse impact on the environment. The threshold determination included a noticed appeal period and public/agency comment period. No appeal of the determination was filed and no comments specific to the issued DNS were received.

Appeal: A 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. Any must be filed within 14 calendar days following issuance of a notice of decision for the project action.

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:

E. Utility projects that have minor or short-duration impacts to critical areas, and do not significantly impact the function or values of a critical area(s), as determined by the planning director according to the following criteria:

- 1. There is no practical alternative to the proposed activity with less impact on critical areas;*
- 2. All unavoidable impacts to critical areas and associated buffers are fully mitigated;*
- 3. The activity involves the placement of a utility pole, street signs, anchor, or vault or other small component of a utility facility;*
- 4. The activity involves disturbance of an area less than 75 square feet;*
- 5. The project does not result in the permanent transportation of sediment or increased stormwater flow.*

The boring activity under the critical area/buffer is the least impactful alternative, compared to open trenching in the buffer area or an above grade connection to the existing bridge infrastructure. The applicant and associated application materials state that, in every case, impacts to critical areas and buffers shall be prevented/minimized and disturbed areas outside the buffer shall be immediately restored to pre-existing condition.

The only city-regulated critical area within the project area consists of McAleer Creek and its associated buffer. The proposed water main (utility) replacement project will not affect either of these critical areas, due to the project location in an existing, paved City Street, with only extremely minor temporary disturbance outside the pavement, in landscaped yards. No in-water work or site disturbance, nor activity waterward of the Ordinary High Water line, is proposed or required. All disturbance will be restored to pre-existing conditions.

The project will not affect the bed or bank of McAleer Creek and will not result in stream fill, stream excavation, sedimentation, stream flow, or alteration of existing stream habitat features. The project was specifically designed to install the new water main using horizontal directional drill (HDD), more than 30 feet below the stream bed, to avoid all impacts to the stream. The project has acquired a Hydraulic Permit Approval (HPA) from WDFW and will follow all terms and conditions as required by the HPA.

EXHIBITS

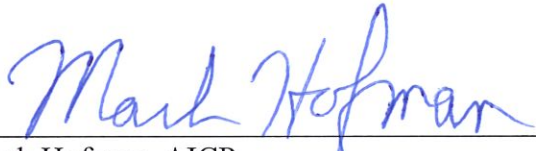
1. Project drawings for the North City Water District Beach Drive NE Water Main Creek Crossing, prepared by KPG Psomas and dated June 7, 2023, consisting of twelve (12) sheets.
2. Critical Areas Memorandum: North City Water District- Beach Drive NE Water Main Creek Crossing, dated March 12, 2024.
3. Bore vs. Standard Water Main Exhibit by KPG Psomas, consisting of three (3) sheets dated April 5, 2024.
4. Existing Tree Plan and Critical Root Zone- Beach Drive NE Exhibit by KPG Psomas, consisting of one (1) sheet dated April 5, 2024.
5. Technical Memorandum dated July 11, 2024, and prepared by Cascade Trenchless Consulting, and titled Trenchless Analysis & Design Report, North City Water District, Beach Drive NE Water Main Creek Crossing, Lake Forest Park, Washington.

DECISION

The major critical area permit for 2024-CAMJ-0006 for a water line replacement project is hereby **approved**, with the following conditions:

1. Follow all recommendations in the Technical Memorandum (Exhibit 5) and the Critical Areas Memorandum (Exhibit 2) including immediate restoration to pre-existing conditions of each site and staging areas after boring has been completed.

2. Appropriate sediment and erosion control BMPs shall be to ensure no materials associated with boring or repaving activities will enter the waters of McAleer Creek.
3. The project will require a Lake Forest Park Right of Way permit and Traffic Control approval.
4. The applicant shall follow the rules, regulations, and procedures in WA State for inadvertent discovery of cultural resources with established protocols to be followed if potentially important archaeological materials of human remains are unearthed during the project activities.
5. Tree protection fencing shall be placed around all retained trees and the tree's critical root zone areas where applicable.



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

12/6/2024
Date