

Community Development Director
Mark Hofman

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PUBLIC NOTICE OF DECISION

DECISION FOR A MAJOR CRITICAL AREA PERMIT

File Number: 2024-CAMJ-0002

Applicant/Agent: Washington Department of Transportation (WSDOT), Brandon Stevens

Location of Proposal: WSDOT SR 104 public right-of-way at Mile Post 31.23 (Lyon Creek crossing) and adjoining private properties, immediately northwest of the SR 104 / 35th Ave NE and NE 85th St. intersection, Lake Forest Park, WA 98155. Adjoining private properties include: 18512 Ballinger Way NE (APN 6152900392), Vacant lands (APN 6152900390 and APN 6152900393), 18535 35th Ave NE (APN 6152900424), 18529 Ballinger Way NE (APN 6152900395), 18515 Ballinger Way NE (APN 61852900397), 18503 Ballinger Way (APN 6152900391), 18541 35th Ave NE (APN 6152900422), and 3312 NE 185th St (APN 615290039).

Current Approved Project: SR 104 Lyon Creek Fish Enhancement Project – Critical Area Permit (Major) to replace the existing 6-foot by 4-foot, 114-foot long concrete box culvert and remnant private culvert structure at the SR 104 Lyon Creek crossing with a 100% fish-passable 21-foot-wide minimum stream simulation structure. The current design is a 24-foot-wide, 10-foot-tall, and approximately 150-foot long buried culvert based on the current alignment, which will result in an approximate 1,836 sf increase in over-water structural footprint due to the proposed widening and lengthening of the structure. The in-water structural footprint will decrease with the widening of the new structure to accommodate the new widened stream channel.

Other Approvals Needed: Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval; City Clearing and Grading, Demolition, and Right of Way Permits

Environmental Review: The project is sponsored by WDFW under the Fish Habitat Enhancement Process (FHEP) in accordance with RCW 77.55.181 and qualifies for a SEPA exemption. Environmental review has been conducted by WDFW as an element of project sponsorship and the project is subject to all conditions of approval of the Hydraulic Project Approval dated December 12, 2024.

Findings: The project is located within a FEMA mapped special flood hazard area of Lyon Creek (Zone AE). In accordance with LFPMC 16.20.465, the project must not increase water surface elevations of the base flood by more than one foot at any point within the community. WSDOT has submitted a No Rise Flood Study and Certification (March 26, 2023). The floodplain modeling study certifies that the proposed project will not create a rise in the one-percent annual exceedance probability (100-year) floodplain water surface elevations.

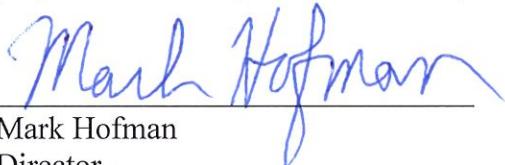
Conclusions and Decision: The proposal is being processed under the Fish Habitat Enhancement Process in accordance with RCW 77.55.181 and is generally exempt from local permitting with the exception of standards for development within special flood hazard areas.

The proposal has demonstrated compliance with applicable “no rise” special flood hazard area standards at FPMC 16.20.465 and the application is **approved**.

Conditions of Approval:

In accordance with LFPMC 16.16.080(B), all work authorized by the critical area permit shall be conducted using the best management practices that result in the least amount of impact to the critical areas, including for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The city may observe the use of best management practices as necessary to ensure that the activity does not result in degradation to the critical area. Any damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced as determined by the planning director at the responsible party’s expense.

Appeals: This Type-III decision by the Community Development Director (Code Administrator) may be appealed to the City’s Hearing Examiner per LFPMC 16.26.190, Type III - Appeal. To do so, submit a written appeal statement to the City Clerk, Matthew McLean, at 17425 Ballinger Way NE, Lake Forest Park, WA 98155, along with a \$500 filing fee no later than the fourteenth day following the date of publication of this decision. You should be prepared to make specific factual objections in your written appeal.

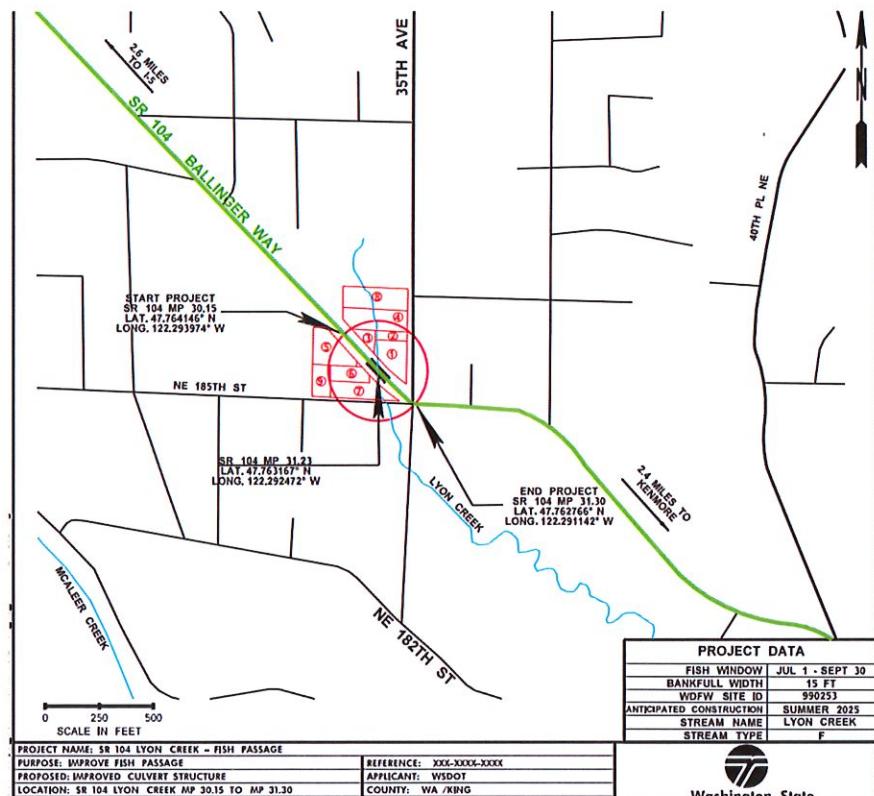


Mark Hofman
Director

December 12, 2024

Date

VICINITY MAP



Notice Date: December 16, 2024