



**DECISION OF THE  
CITY OF LAKE FOREST PARK  
COMMUNITY DEVELOPMENT DIRECTOR  
REGARDING APPLICATIONS FOR  
MAJOR CRITICAL AREA PERMITS  
FILE NOS: 2024-CAMJ-0014 and -0015**

**FINDINGS**

On September 25, 2024, the applicant, Dangelei Fox, on behalf of Sound Transit (the “Applicant”) applied for a major critical area permits to bore for geo-technical/testing investigation at two (2) adjacent locations within the public street right of way of 41<sup>st</sup> Ave NE. The proposed bore hole (BH) #91 and #94 locations are in the improved public street right of way on 41<sup>st</sup> Ave NE, near the intersection with Bothell Way (SR 522), adjacent to Parcel No. 7738500090 (16747 41<sup>st</sup> Ave NE) and the southern end of Parcel 7738500005, in the City of Lake Forest Park.

These locations are also located within regulated critical areas and/or buffers. 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 locations do not lie within the shoreline jurisdiction of the city.

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. These two locations are within a mapped erosion hazard area- regulated critical areas/buffers. 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 drill rig and workers will access the adjacent work areas from the existing paved street and right of way and the site areas will be returned to existing conditions upon completion.

According to the applicant’s critical area study (see Exhibit 2), and supplemental materials 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 location 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 Plan for Bore Hole #91 and Bore Hole #94 prepared by Sound Transit, date stamped received September 25, 2024 by the City of Lake Forest Park.
2. Critical area report, August 2024, prepared by Jacobs and date stamped received September 25, 2024 by the City of Lake Forest Park.

## DECISION

The major critical area permits for 2024-CAMJ-0014 (Bore Hole location #91) and -0015 (Bore Hole location #94) are hereby **approved**, with the following conditions:

1. Follow all recommendations in the geotechnical and critical area reports, including immediate restoration to pre-existing conditions of each location and staging areas after boring has been completed.
2. The total amount of material removed under these permits shall not exceed 10 cubic yards.

3. All excavations shall be within the public street right-of-way and be performed as consistent with the Temporary Erosion and Sediment Control Plan submitted and on file with the city.
4. A right-of-way permit from the city is required prior to project activity and shall include a traffic safety and management plan.
5. A cultural biologist shall be on site to determine if any native artifacts are on the boring sites.
6. Coordination with utility providers in the vicinity shall occur to avoid impacts to identify and protect any existing adjacent utilities. Utilities/locates shall be marked prior to any digging activity.
7. Tree protection fencing shall be placed around all retained tree's critical root zone areas as may be applicable.



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

January 8, 2025

Date

