



## CITY OF LAKE FOREST PARK MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) WAC 197-11-350

**Description of proposal:** Environmental determination for a reasonable use exception proposal to construct a new single-family home on a vacant site covered with a stream (Lyon Creek), steep slopes, and associated buffers.

**File number:** 2024-SEPA-0001

**Proponent:** Mark Garey, pinematrix@outlook.com; 206-446-9090

**Location of proposal, including street address, if any:** Address not assigned, corner of NE 205 ST and 37 AVE NE; parcel number: 4022900497.

**Lead Agency:** City of Lake Forest Park, 17425 Ballinger Way NE, Lake Forest Park, WA 98155

The lead agency has determined that this proposal, as designed, revised, and conditioned, will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030. The necessary mitigation measures are listed below. This decision was made after reviewing a completed environmental checklist (attached) and other information on file with the lead agency. Information related to this decision is available to the public upon request (contact Mark Hofman, AICP, Community Development Director at mhofman@cityoflfp.com) and is available online at <https://www.cityoflfp.com/313/Notices-and-Announcements>.

**Public Comment:** This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal until the comment period has expired. Comments on this determination must be submitted by: **Tuesday, August 6, 2024 at 5pm**. In addition to this period for sending comments, the city's Hearing Examiner will hold a public hearing for this project application, which will be separately noticed. Written public comment will be allowed prior to that hearing and testimony will be allowed at the hearing.

**Mitigating Conditions:** This determination is based on findings and conclusions that the project design minimizes impacts within the stream buffer with a greatly reduced footprint and conditions, including that critical areas left unencumbered by project impacts shall be protected in perpetuity via a critical area easement. The proposal shall also include stream buffer mitigation at a ratio of greater than 1:1 to ensure an increase in buffer function (3,728 square feet of buffer enhancement to compensate for 2,619 square feet of permanent buffer impacts per the Revised Critical Areas Report dated September 23, 2022, by The Watershed Company). The mitigation compensates for significant tree removal and buffer intrusion and is conditioned to comply with the Arborist Report dated revised August 18, 2022, from the Watershed Company. Mitigation is required to be monitored for a period of ten years to ensure successful establishment of native species. Enhancement areas and remaining unencumbered buffer areas will be disclosed as a notice to title, preserving these areas from future development. Degraded stream channels and corridors shall be rehabilitated to maintain water quality, reestablish habitat and prevent erosion. A restoration plan is required and shall be prepared by a qualified fisheries biologist and shall be

approved by the Washington Department of Fisheries and Game. Parameters considered by the rehabilitation plan should include: salmonid habitat enhancement, erosion control, channel integrity preservation, aesthetics and hydraulics. Stream improvements shall not create problems elsewhere in the stream system. Additionally, the project shall follow all conditions imposed by the city's Hearing Examiner.

**Responsible Official:** Mark Hofman    **Position/Title:** Community Development Director

**Address:** 17425 Ballinger Way NE, Lake Forest Park, and WA 98155

**Date Issued:** July 19, 2024

**Signature:**



You may file an appeal of this determination with Matthew McLean, City Clerk, at 17425 Ballinger Way NE, Lake Forest Park, WA 98155, within 14 days of the determination. A \$500 filing fee must be submitted at the same time. You should be prepared to make specific factual objections. Contact Mark Hofman at [mhofman@cityoflfp.com](mailto:mhofman@cityoflfp.com) to ask about the procedures for SEPA appeals.

**Notice date:** July 22, 2024

**Comments due:** Tuesday, August 6, 2024 at 5pm.