

Exhibit 23

Garey RUE SEPA Comments

Volume 1 of 3

Proposed Construction at 36xx NE 205th St.

Julia Bent <jbent@avvanta.com>

Sun 7/21/2024 5:31 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Cc: Bent Julia <jbent@avvanta.com>

Dear Mr. Hofman:



As a neighbor who passes the corner of NE 205th St. and 35th Ave. NE on a regular basis, my assessment of the advisability of building at this location is that it would be deleterious in many ways. As a past member of the Tree Board, I will enumerate them for you below:

1. Several landmark trees will be affected, either by their removal or the impact on their root zones.
2. Slope erosion during and following construction will be difficult to mitigate. This includes the possibility/probability of a major associated landslide.
3. Flooding of Lyons Creek in this general area has been common historically. This is why Mountlake Terrace built a dam upstream, but this dam does not fully mitigate the flood risk.
4. The culverts below the proposed construction are aged and so may be unable to accommodate flooding secondary to the certain increase in impermeable surfaces created by the new home.
5. The effect on fish, both Coho Salmon and trout, has not been adequately addressed.
6. Invertebrates in the Creek will be impacted by the silt and sand attendant upon construction.

The City must take their own, well researched, and long standing requirements for building near streams and apply them to this proposal. Granting numerous variances to these requirements obviates even having them. Doing so will create a precedent for working around the City's ordinances in future proposals. Lake Forest Park is a unique community with a strong investment in environmental quality. This project flies in the face of all the City stands for.

There are many other well documented risks and concerns associated with this proposal that you have been made aware of through extensive citizen participation. Please make the correct assessment of this situation and reject the required variances for the project.

Sincerely yours,

Dr. Julia Bent

2024-SPEA-0001 Lake Forest Park - Duwamish Tribe Comments

Preservation Department <preservationdept@duwamishtribe.org>

Wed 7/31/2024 11:25 AM

To: Mark Hofman <mhofman@cityofflp.gov>

📎 1 attachments (123 KB)

7_31_2024 2024-SEPA-0001 Lake Forest Park, WA Duwamish Tribe Comments.pdf;

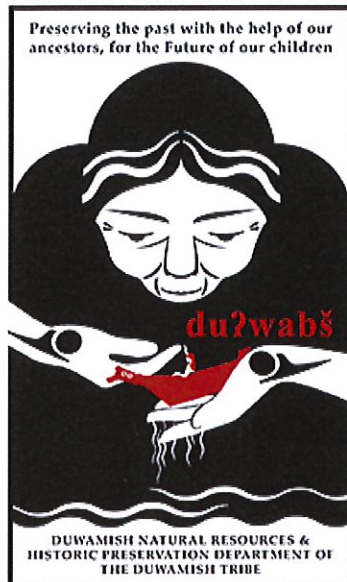


Hi Mark,

Attached are the Duwamish Tribe Comments for the 2024-SEPA-0001 project located at the corner of NE 205 ST and 37 AVE NE in Lake Forest Park. Thanks so much and have a great day!

-Kara

Kara Johnson
Cultural Preservation Intern
206-431-1582 ext 106 Longhouse





DUWAMISH TRIBE

dx^wdəwʔabš

07/31/2024

City of Lake Forest Park
2024-SEPA-0001

Dear Mark Hofman,

Thank you for the opportunity to comment on the project at the corner of NE 205 ST and 37 AVE NE in Lake forest Park. The Duwamish Tribe understands that there has been an environmental determination for reasonable use exception recommendation to construct a new single-family home on a vacant site covered with a stream (Lyon Creek), steep slopes, and associated buffers. Based on the information provided and our understanding of the project and its APE, the Duwamish Tribe would recommend an inadvertent discovery plan, especially if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil. This is an area that the Duwamish Tribe considers culturally significant and has a moderate probability to have unknown archaeological deposits. We note that there are 5 historical and ancestral Duwamish place names within less than 2 miles of the project location. The DAHP WISAARD predictive model indicates that an archaeological survey is recommended with a moderate to high risk for encountering cultural resources.

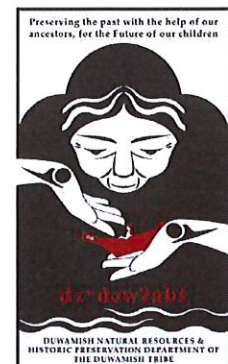
We request that in the unlikely event any archaeological work or monitoring is performed, we would like notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist is on site.

In addition, the Tribe strongly recommends only native vegetation be used for any proposed landscaping to enhance habitat for fish and wildlife, and native avian life and native pollinators. The Tribe supports observing critical area tracts and stream buffers to preserve any remaining wetlands and stream buffers. Loss of wetland habitat is known to affect the viability of fish, water quality and increase the effects of seasonal urban flooding.

We also strongly recommend that mature native trees in the APE are preserved. Mature trees can be of profound cultural significance to the Duwamish Tribe and provide innumerable benefits for people, climate, and wildlife. If a tree is suspected to be culturally modified, the Duwamish Tribe would like to be notified and would like the opportunity to come to the site to ensure its protection.

Thank you,

Kara Johnson
Cultural Preservation Intern
Duwamish Tribe
preservationdept@duwamishtribe.org
Mobile - 206.856.2564



Re: Urge the City to Uphold City Code: Protect our Lands

Tom French <tfrench@cityofflp.gov>

Fri 8/2/2024 11:08 AM

To: jolene@jolenejang.com <jolene@jolenejang.com>

Hi Jolene,



Thank you for your note. As your neighbor and elected official, I do care very much about your safety.

I certainly am willing to meet with you if it is a topic outside of the quasi-judicial proceedings surrounding the neighboring property.

If it is a matter of personal safety and security, it is essential and my responsibility that we bring in Chief Harden into the mix.

Please clarify and we can determine the best course of action.

With appreciation,
Tom

Tom French
Mayor, City of Lake Forest Park

From: jolene@jolenejang.com <jolene@jolenejang.com>

Sent: Friday, August 2, 2024 9:23 AM

To: Tom French <tfrench@cityofflp.gov>

Subject: Urge the City to Uphold City Code: Protect our Lands

Mayor Tom,

I know you are not allowed to meet me on the property. Are you allowed to talk to an LFP citizen about their concerns for their safety?

I assume that is true. I wrote an article about the latest update from Hofman. If we are allowed to talk, can we schedule a time to talk for 15-20 minutes? Thanks.

- **See GreenVoicesOfLakeForestPark.com for visuals, maps, comments**
- **[Listen to podcast Green Voices of Lake Forest Park](#) to get updates and listen to public comments.**
- **[Audio version of this article](#)**

Urge the City to Uphold City Code: Protect our Lands

Our beloved Lake Forest Park is facing a critical threat. The city is on the verge of allowing developers to exploit historically protected sensitive areas, risking the destruction of our precious natural habitats and increasing the dangers of flooding and landslides. Recently, a developer purchased a wetland for \$144k, received a Reasonable Use Exception (RUE), built a house, and sold it for \$1.7 million—only to flood the neighboring property. This sets a dangerous precedent that could impact us all. [See information](#)

The Threat of Unchecked Development

In Lake Forest Park, certain parcels are unbuildable for a reason: city code protects these lands and the safety of our community. The current case involves a pristine property with Lyon Creek running through it. This area has been safeguarded for years, with a required 115-foot buffer zone to preserve the creek's

natural state. Despite this, the city has approved an RUE for an external developer, potentially allowing construction just 15 feet from Lyon Creek, in direct violation of multiple city codes. [See scenario and diagram](#)

The Consequences of Ignoring City Codes

The developer's initial report inaccurately listed only [13 trees on the property](#), failing to account for many more. What happens if they cut down additional trees? It's not documented, so there's no official record—except that we have photographic evidence.

The Dangers of Incomplete and Inaccurate Reporting

On the SEPA application for the RUE, the developer [claimed there were no evergreen trees](#), contradicting their own report. Out of the 105 questions on the SEPA Checklist, 50/105 are "No" with no explanation or data, blank or "Not applicable". If this were a test 52% is failing or an incomplete.

Despite the tree discrepancy, and incompleteness of the checklist the city moved forward with the approval process. [This property already suffers from flooding](#), and with recent tree falls due to floods, further tree removal and construction will only worsen the situation. The increased water displacement from removing trees will elevate the creek's water level, eroding the steep bank on which my house sits. This is not only an environmental issue but a significant safety concern for me and my neighbors.

Why This Matters: Flooding and Erosion Risks

The SEPA Checklist should be required to be filled out completely, thoroughly with explanations and accurately. This RUE should not be approved due to its incomplete and inaccurate information. Why have a checklist if it's not enforced?

The Importance of Accurate Environmental Assessments

If this RUE is approved, we might as well rename our city to "Lake Park" as we lose our treasured trees. We need to act now to protect our environment and our neighbors.

Take Action Now: Before August 5, 2024

Contact the city and let them know that you oppose granting this RUE without concrete, accurate, thorough experts submitting comprehensive studies showing the neighbors and environment won't be harmed. We must protect our trees, our environment, and the safety of our community.

- [See GreenVoicesOfLakeForestPark.com](#) for visuals, maps, comments
- [Listen to podcast Green Voices of Lake Forest Park](#) to get updates and listen to public comments.
- [Audio version of this article](#)

[Play 1 Minute Intro Video](#) | [Play 8 Minute Video about Main Topic](#) | [Schedule Meeting](#).



Listen to Podcast: [Aren't Asians All Alike](#)

Jolene Jang (she/her) – Asian American Ambassador

- Culture Explorer | Show Host | Speaker
- Helping employees learn about Asian American Cultures and why it matters
- 206.659.7183 | Jolene@JoleneJang.com | JoleneJang.com
- Connect on LinkedIn [JoleneJang](#)
- Subscribe to youtube and turn on bell: [JoleneJang](#)
- Follow at [JoleneJang](#) | To be an [Asian Ally](#) | To be an [Empowered Asian](#)
- Add socials to your [phone click here](#)

From: Tom French <tfrench@cityofflp.gov>

Sent: Monday, April 15, 2024 9:50 AM

To: Jolene Jang <jolene@jolenejang.com>

Subject: Meeting tomorrow

Good morning Jolene,

I hope you had a pleasant weekend.

With regret, I need to inform you that I have been advised by senior staff that I should not meet with you regarding the pending RUE.

It goes without saying that it would be inappropriate for me to meet with any party in this circumstance.

As this now a quasi-judicial matter and in the hands of the Hearing Examiner, it is essential that I do not give the impression of bias in this matter. Any such biases could be construed negatively by the courts should this matter ever be appealed.

My sincerest apologies.

All the best.

With appreciation,
Tom

Tom French

Mayor, City of Lake Forest Park

Re: RUE Mark Garey Proposal

Mark Hofman <mhofman@cityoflfp.gov>

Fri 8/2/2024 11:54 AM

To: Kevin Henry LLC <kphmediallc@gmail.com>

📎 1 attachments (5 MB)

Garey MDNS and Checklist 07192024.pdf;

Thank you,

The comment period to August 6, 2024 is the completely renoticed effort for SEPA comment. Please further see the attached.

thank you



Mark Hofman, AICP | Community Development Director
City of Lake Forest Park
17425 Ballinger Way NE | 206-957-2824
www.cityoflfp.gov

RECEIVED

AUG 2 2024

City of Lake Forest Park

From: Kevin Henry LLC <kphmediallc@gmail.com>

Sent: Friday, August 2, 2024 9:23 AM

To: Mark Hofman <mhofman@cityoflfp.gov>

Subject: RUE Mark Garey Proposal

Subject: RUE Mark Garey Proposal

Mark,

I was not notified about the MDNS issued to the Mark Garey Proposal. I thought it was required to update us all who have previously commented. Please send out the letter and the update and extend the public comments to those who were not informed. We would like to to have a fair opportunity to participate.

Thanks,

Kevin Henry

Re: Reasonable Use Exception regarding the Mark Garey property

Mark Hofman <mhofman@cityoflfp.gov>

Fri 8/2/2024 5:15 PM

To: Veronica Beck <vwaters@gmail.com>

📎 1 attachments (5 MB)

Garey MDNS and Checklist 07192024.pdf;



Thank you,

Your additional comment email is received today and will be added to the record of SEPA comments to be included with the materials forwarded to the Hearing Examiner with any MDNS prior to the noticed public hearing, along with the accompanying report with a recommendation on the Reasonable Use Exception by the Community Development Director, as you point out below. You are a party of record and will receive a public notice for the comment period and public hearing portion of the review. That hearing date and notice period has not been set.

Please submit any additional comment re: the SEPA MDNS by August 6 as stated in the again attached MDNS. I see you are aware of the SEPA notice and comment period and encourage you to respond as you see fit by August 6. If you have any questions, please consider calling me at the number below and the prior email.

Thank you; much appreciated



Mark Hofman, AICP | Community Development Director
City of Lake Forest Park
17425 Ballinger Way NE | 206-957-2824
www.cityoflfp.gov

From: Veronica Beck <vwaters@gmail.com>

Sent: Friday, August 2, 2024 4:44 PM

To: Mark Hofman <mhofman@cityoflfp.gov>

Subject: Re: Reasonable Use Exception regarding the Mark Garey property

Thanks Mark. I've come across this Lake Forest Park policy, which looks like I should have gotten written notice about the SEPA MDNS:

16.26.090 Type I – Notice of code administrator's recommendation.

A. Notice of the recommendation, the determination under the State Environmental Policy Act, and of the date of the hearing examiner's hearing shall be included in the notice of hearing.

B. In addition, written notice shall be provided to each person who submitted comments during the comment period or at any time prior to the publication of the notice of recommendation. (Ord. 924 § 4, 2005; Ord. 768 § 1, 1999)

Since I didn't receive written notice at the time of the update, I'm requesting 12 days to submit comments, which would be Aug 14th.

Thanks so much.

Best,
Veronica Beck

On Fri, Aug 2, 2024 at 1:50 PM Mark Hofman <mhofman@cityofflp.gov> wrote:

Good afternoon,

Thank you for your comment.

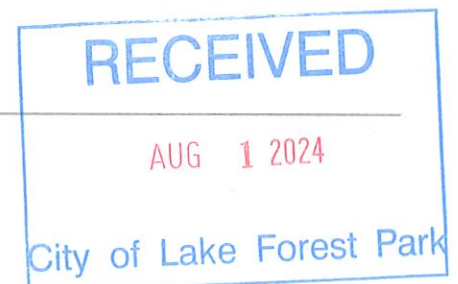
The SEPA MDNS was completely renoticed; please see the attached. Comments on the SEPA MDNS are due August 6, 2024. There will be a separate noticed public comment period on the Reasonable Use Exception application in the future for the required public hearing with the city's Hearing Examiner. The Hearing Examiner is the decision making authority on this land use matter for the city.

If you have comments on the SEPA MDNS please forward them by close of business Tuesday, August 6. If you have any questions please give me a call or email.

Much appreciated



Mark Hofman, AICP | Community Development Director
City of Lake Forest Park
17425 Ballinger Way NE | 206-957-2824
www.cityofflp.gov



From: Veronica Beck <vwaters@gmail.com>
Sent: Thursday, August 1, 2024 9:37 PM
To: Mark Hofman <mhofman@cityofflp.gov>
Subject: Reasonable Use Exception regarding the Mark Garey property

Hi there, I wrote a public comment regarding the Reasonable Use Exception for the Mark Garey property. However, I heard through the grapevine that there was an update from the city. I believe I should have been notified about the update. Can you please share it with me?

Also, just confirming that city policy allows me 12 days from receipt of notification of the update to write a public comment.

Thanks.

Best,
Veronica Beck
vwaters@gmail.com

Public Comment Submission

File Number: 2021-RUE-0001

Permit Type: Reasonable Use Exception - Mark Garey

**Background and Credentials**

My name is David Haddock. I live at 17012 35th Ave. NE in Lake Forest Park. I hold a bachelor's degree in geology and a master's degree in environmental geology. My master's degree research focused on a field called fluvial geomorphology which is at the intersection of the fields of hydrology and geology. I recently retired but previously held a Washington State license as a geologist as well as a specialty license in engineering geology. I have worked in the fields of geology, engineering geology, and hydrology, from 1978 until my recent retirement. I have more than 40 years of experience in these fields.

Local Development Concerns

I recently became aware of a property in Lake Forest Park proposed for development on the southwest corner of 37th Ave. northeast and NE 205th St. After reading what is available on the Lake Forest Park website regarding the development of this site, I decided to look at the site to determine whether I thought a Reasonable Use Exemption (RUE) made sense for it.

Geomorphological Analysis

From a large-scale perspective, the proposed site lies in the floodplain of Lyons Creek, but also much of 37th Ave. NE from NE 205th St. to NE 202nd St. was built in the natural floodplain of Lyons Creek. Because the road was built in the floodplain, Lyons Creek goes back and forth in culverts underneath 37th Ave. NE in that area. Residents have informed me that the creek has flooded twice in the last twenty years, leaving the channel and flowing in the floodplain. The only reason that 37th Ave. NE has not flooded more in recent times is that it was built at a grade several feet above where the highest flood stages have reached in the recent past.

Slope Stability and Other Related Potential Hazards

The proposed RUE site (site) lies slightly downhill and west of 37th Ave. NE where the construction of the embankment of 37th Ave. NE has already limited the natural width of the floodplain. In that reach, Lyons Creek is further constricted and flows solely between the embankment of 37th Ave. NE and a very steep slope to the west. The site lies in this constricted zone. This steep slope is currently being undercut by the flow of Lyons Creek as can be witnessed in the form of small slope failures at the base of the slope into the creek and the loss of at least one large tree and some bushes on the steep western slope. The undercutting and bank erosion on the steep west slope caused the tree and adjacent soil to slump and fall or lean to the east. See below, Exhibit 1, Photo of Lyons Creek, Steep Slope, and Evidence of Slope Failure. When creeks or rivers flood, they tend to leave their banks and flow across the floodplain. The floodplains are often wide and with their wide cross-sectional area they can carry a great deal of flood water without increasing their flow velocity or stage (the height or top surface of the flood water). A home built between Lyons Creek and 37th Ave. NE at their proposed location will likely have a foundation that is 2 or 3 feet above the current ground level. Anything like this built above the current ground level will further constrict the natural floodplain and further limit the cross-sectional area. As a result, flood waters will need to move faster and/or increase their stage to move the same amount of water through this reach. Either and/or both conditions will likely exacerbate the existing undercutting of the steep slope on the west. Additional undercutting will, in turn, reduce the stability of the slope. Therefore, even a home built away from the steep slope on this parcel can increase the likelihood of slope undercutting by Lyons Creek and, in time, eventually a slope failure.

Potential For Larger Slope Failure

This brings into question the existing stability of this slope. It also brings into question whether a large failure of this steep slope into Lyons Creek could even block a portion of the creek and cause localized flooding or, as a worst-case scenario, create a temporary dam across the creek for a period. Whether the slide/dam was upstream or downstream from the proposed home, a slope release or the sudden release of the impounded water would cause damage to the proposed structure by rock, soil, and debris or cause severe flooding. In addition to damaging the new house, neighbors' homes that sit on top of the steep slope could shift and slide.

Concerns of Massive Flooding

The uncontrolled release of the water held behind such a temporary mud or debris flow dam would also cause catastrophic damage to downstream, low-lying properties along the creek affecting the safety of the neighbors. It could also result in extensive damage to Lake Forest Park infrastructure including 37th Ave. NE itself and the utilities that lie beneath it. In addition to the financial loss to the as-built environment, there is no doubt that such a release has a high potential to result in injury or even death to persons residing or even driving through the area at a bad time.

Lack of Existing Geotechnical Data on Steep Slope

After talking to residents of the site who live nearby, it is my understanding that this steep slope on the west side of Lyons Creek has not been formally investigated to determine its structural integrity. I will venture that the proponent never thought much about the steep slope on his/her property because it was on the other side of the creek from their proposed building site. Any slope failure from that slope would just stop at the creek and be washed away, right? This is not necessarily the case. A study performed by Cobalt Geosciences (Cobalt) for the proponent also focused on the building site itself and not on the steep slope. They stated, "site slopes are stable at this time with no evidence of historic or recent landslide activity". This statement seems to ignore the western portion of the site because residents reported a soil slump and tree fall on the steep slope in late December 2021. The observation of tilted trees and plants can indeed indicate past movement or sliding of the slope, and further suggests active erosion or instability. Today, you can still see this bank, the dead tree, and the tree root ball. Cobalt utilized shallow hand borings and one deeper boring to determine site conditions. These borings were all in the area where the structure may be built, not on the steep slope on the western side of the property and are not adequate to understand the nature of this steep slope. Therefore, Cobalt's slope stability analyses do not consider the actual conditions within the steep slope, and I consider the analyses to be inadequate to address site-wide slope stability and the potential for increasing flood risk. Because the report does not address the steep slope it does not fully address the potential impacts of the development.

The Lessons Learned at Oso

We have learned that many slope failures in the Northwest occur during a period after prolonged rainfall when the soil becomes supersaturated and cannot hold any more moisture. This often coincides with near flooding or flooding conditions in nearby rivers and streams. When a slope releases under these conditions the landslide can become even more dangerous. With this high concentration of water these landslides often become slurry-like mud flows or debris flows and have the potential to cross rivers or creeks and even continue onto the other side of the river or creek creating a temporary dam. This was a lesson learned ten years ago along

the Stillaguamish River, where the Oso Landslide, originating on the north side of the river, crossed the nearly 200-foot-wide river and entered the Steelhead Haven neighborhood, destroying dozens of homes and leaving 43 fatalities. Because of the tremendous elevation difference between the crest of the landslide and the river at the Oso site, its kinetic energy carried it through the neighborhood and across SR 530. A slope failure at this site would not leave this level of devastation. However, on a much, much smaller scale, this is the same situation, a steep slope, a river or creek, a development or planned development, and a public road. The scale is obviously different, but the general setting and dynamics are the same.

Critical Area and RUE Compliance

A Reasonable Use Exemption for this site is being attempted because the site is in a designated Critical Area, in this case caused by both the steep slopes and the presence of Lyons Creek. It is my understanding that to meet this exemption burden, the proponent must ensure that no geologic hazards are present on the proposed property, especially hazards that may be increased by the proposal. Typically, demonstrating no geologic hazards related to a steep slope requires an investigation by an Engineering Geologist or Geotechnical Engineer. As stated previously, this investigation was performed by Cobalt and presented in early 2023. However, at this site, the current observation of the bank sloughing and existing slope failure by the undercutting action of Lyons Creek on the slope should require a more intensive investigation that specifically addresses the steep slope. The Cobalt report shows no borings penetrated the steep slope on the west side of the property. Looking at the entire site, a more reasonable study would have included soil borings along the steep slope on the west side of the property. These borings on the steep slope would need to be deep enough to determine the properties of the soil to a depth equivalent to the elevation of Lyons Creek. These soil samples taken from these borings could then be tested to determine their geotechnical properties and to determine the potential for a landslide/slope failure to be caused by the current cross section, and even perhaps, to a future scenario where the slope is steeper than it currently stands due to continued undercutting by Lyons Creek.

My Opinion

My opinion, based on information I have seen online posted by the city and based on my visits to the site on April 10 and 11, 2024, is that the burden to demonstrate that there are no geologic hazards present, especially hazards that could be triggered by their development, has still not been met. The existing Geologic and Geotechnical Investigation was deficient because it seemed focused only on the eastern side of the parcel. With their data it is not possible to adequately model the steep slope on the west side of the parcel to determine whether it is safe. Furthermore, a home built on this site, because it could increase the velocity or stage of floodwaters, will increase undercutting of the slope by Lyons Creek and increase the probability of slope failure. Additionally, a slope failure at this site would not only cause a localized issue but could have more widespread impact due to the narrow floodplain and the presence of Lyons Creek. I believe it is imperative to correctly understand this steep slope and whether it may be subject to failure, before an RUE is granted.



Head Scarp of
Slope Failure

Approximate
Location of
Fallen Tree & Root
Ball (hidden by
brush)

Lyons Creek

Exhibit 1

Public Comment - RUE 2021_RUE-0001 Garey,

AD <heiseya@gmail.com>

Sat 8/3/2024 9:20 AM

To: Mark Hofman <mhofman@cityoflfp.gov>

Dear City of Lake Forest Park:

The subject application should be denied based on the City code for development within the watershed of Lyon Creek. Any proposed construction in the critical habitat of Lyon Creek that involves increasing erosion, reducing water quality, removing habitat for species that live there, including salmon habitat, will impede on the rights of residents within the watershed, irreparably. This land is protected under city code and is not negotiable to destroy because it cannot be replaced or mitigated. Garey's application materials have misinformation with the direct purpose of misleading the compound effects the development will have on our City.

I oppose granting a use exception without comprehensive and accurate environmental studies. I live and work in Lake Forest Park. I have 20 years of SEPA, permitting, and natural resource management experience. It is clear from reviewing this application that several key determining factors are missing and/or inaccurate.

All too often, smaller cities are taken advantage of because resources are stretched thin. Developers dealing with complex ecosystem balance issues should have comprehensive plans to explain how they are complying with the intent of the laws where they do are trying to do work. The citizens of Lake Forest Park should not be relinquishing our life support systems for development of critical areas without thorough and comprehensive understanding of how it will impact the watersheds and habitats, now and into the future.

Thank you,
Audrey Day
2929 NE 182nd Street
LFP
206.503.1562

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AUG 3 2024

City of Lake Forest Park

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AUG 3 2024

City of Lake Forest Park

RE: Revised and renoticed MDNS for the Garey RUE

Janne Kaje <jkaje@comcast.net>

Sat 8/3/2024 1:27 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Cc: Ashton McCartney <Ashton.alvarez@comcast.net>

Mark – I have added additional detail to my prior comment. Please use this one.

XXXXX

Mark - I have significant concerns about this, but not simply the specific issues pertaining to the Reasonable Use Exemption. Based on the history of this property and affirmative actions taken by the previous owner, this property should not fall under the RUE framework. If it is deemed eligible for RUE, then the current owner should be liable for nearly thirty years of back taxes with penalties and interest.

Property assessment history: Based on the King County Assessor's tax records, a previous owner appealed the property value in 1995, almost certainly because the lot was deemed unbuildable even under those environmental regulations and practical site constraints. The assessor agreed and reduced the taxable value from \$48,500 to \$20,000 and that value has hardly changed since then despite escalation in land and housing values. In fact, for the tax year 2024, the property is valued at just \$18,000. That is normal with the value of lots deemed unbuildable open space – I know because I own one as well. If the Garey parcel had gone up in parallel with surrounding properties, the land value alone would be around \$300,000. Two adjacent lots of a similar size currently have assessed land values of more than \$330,000. The King County Assessor or the Board of Equalization should have records of the proceedings that may shed light on the specific reasoning for the appeal decision. Importantly, the appeal happened at the affirmative initiative of the property owner and that decision should stay with the property despite a change in ownership. The city had annexed that neighborhood in early 1995 and the hearing for the property value appeal occurred in October 1995. This means that the city was likely engaged in the proceeding as is typical for appeals within incorporated areas. The current owner purchased the property in 2015 for \$40,000, with a taxable value that year of \$24,000. In that same year, the land value of a neighboring parcel of similar size was valued at \$126,000. Due diligence by the buyer would have revealed the history of the assessed value and the reasons behind it.

Tax implication: When property values are reduced through appeals or through enrollment in programs like the Public Benefit Rating System or Open Space Taxation, the tax obligation is borne by the remaining taxpayers in each taxing district (e.g., city, county, state, school district, etc.). Thus, if the city were to now reverse course and allow an RUE, the public would have been subsidizing the Garey parcel's tax obligations for nearly 30 years. For example, the Garey tax bill for 2024 is about \$175, while the tax bill for the land only on the neighboring parcel is more than \$3,300. It is fairly straightforward to estimate the tax benefit enjoyed by the property owner(s) since 1995 by comparing the assessed land value of similarly sized parcels. Before adjusting for inflation, I estimate that the owners have avoided tax payments on roughly \$3,700,000 in property value. When adjusted for inflation using the Consumer Price Index for the Seattle area, the avoided taxable value climbs to more than \$5,200,000 in 2023 dollars. At the 2024 property tax rate, that amounts to a bill of more than \$51,000 before interest and potential penalties.

Considering the legal and tax implications, the city should engage the Assessor's office before approving the RUE. The appeal decision was precipitated by the owner 28 years ago – a reversal would not only be harmful to the environment, but also unjust to all residents who have carried the tax burden, and to the former owner who would not have received fair market value for the property when selling to the current owner in 2015. This property is not the only vacant one in the city to have undergone a property

value appeal for environmental reasons. Ruling here in favor of the landowner will open a giant can of worms.

Janne Kaje
Lake Forest Park

RECEIVED

AUG 3 2024

City of Lake Forest Park

Garey Parcel RUE: 2021-RUE-001 or 0001

David Haddock <chevydave@gmail.com>

Sat 8/3/2024 5:57 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Mr Hofman- I contacted you on April 14 to share my concern about the proposed development of this parcel. I was indeed surprised to find out recently that the city renoticed this RUE without contacting me to let me know that the process was moving forward. Perhaps there has been a clerical error by the city showing this parcel as both RUE-001 then and now RUE-0001.

Whatever the reason, in April I shared my concerns relative to flooding, slope stability, and ramifications of slope failure with you about this parcel. I practiced engineering and environmental consulting as a Washington licensed Geologist, Engineering Geologist and Hydrogeologist for more than 40 years. Engineering Geologists and Geotechnical Engineers are the professionals who deal with slope stability issues. I am now in partial retirement and live in LFP at 17012 35th Ave NE.

My biggest concern relative to this property is the entire lack of any geotechnical data suitable for predicting the stability of the steep slope on the west side of the parcel. While the applicant's geotechnical consultant did a slope stability analysis and submitted it in their report, it is useless because they assumed that soil conditions on that slope would be the same as under the proposed building envelope. Their report provides no relevant data to support their conclusions. There were no borings drilled along the top of the steep slope to determine the actual conditions beneath it. The consultant's slope stability analysis is total conjecture or a guess, without actual relevant data to back it up. Furthermore, from a geologic perspective there is no good reason for anyone to assume that soil conditions would be the same under both the steep slope and the building envelope. Are you and the city willing to bet someone's life that this inapplicable and unsupported analysis is accurate? I would certainly hope not.

This slope is currently being undercut by Lyons Creek. In the city's Mitigated Determination of Non-Significance it is stated that "critical areas left encumbered by project impacts will be protected in perpetuity via a critical area easement." No easement will have the ability to protect a steep slope, on the brink of failure, from failing. Whether the next flood event on Lyons Creek steepens that slope by undercutting which, in turn, causes its failure, will be unaffected by an easement. When that slope fails, dams Lyons Creek, washes out and causes extensive flooding,

and drowns individuals in the new home or other folks living downstream, someone will want to know why the city allowed this development.

Whether or not the property owner seeking the RUE was so ignorant or so greedy that they didn't care about a proper geotechnical analysis of the steep slope, does not protect the city from culpability if this development is allowed to be built. No amount of "critical area easements" can protect anyone from false or misleading representations. If the consultant did not use data collected onsite from the steep slope, it has not been properly analyzed, period.

If you don't believe me, look at the map in their report. Does it show soil borings anywhere but in the vicinity of the proposed residence? Or, even better, call the consultants who did the report and ask them if they have actual data collected from borings along the top of the steep slope. Ask them if they have data from borings from along the top, or any part, of that steep slope from the borings that they drilled. If they say they have it and stand by the analysis, get their opinion in writing, because the city may need it at a later date.

Please feel free to call or email me if you require further information or clarification regarding anything presented by me here or earlier in April.

David Haddock

BS Geology 1975, MS Environmental Geology 1978.

17012 35th Ave NE, LFP

Variances proposals to build close to stream

Debbie Lezon <dlezon@comcast.net>

Sat 8/3/2024 7:52 PM

To: Mark Hofman <mhofman@cityofflp.gov>



Dear Mr. Hofman,

I am writing to let you know my thoughts on the builder proposal requesting zoning variances on the lot located on 37th Ave. NE and 40th PI NE.

This matter may have already been decided, but if not, I would like to include my voice in saying "No" to the zoning variance requests.

I have lived in Lake Forest Park for over 35 years, and frequently drive by the property in question.

It is a beautiful lot, and since there must be sound reasons for zoning laws in Lake Forest Park, I do not see why anyone would waive them for this project.

The environmental impact of the proposed house would be negative in so many ways. These laws are in place for the protection of our natural resources.

Perhaps the City of Lake Forest Park could acquire this property and leave it in it's natural state.

If not, I do not condone building a large house so close to the stream not to mention cutting down the trees and sending heavy equipment to facilitate this building.

Thank you for your consideration,
Deborah Lezon

2024-SEPA-0001, RUE Mark Garey application

SnoKing WatershedCouncil <snokingwatershedcouncil@gmail.com>

Sun 8/4/2024 12:50 PM

To:Mark Hofman <mhofman@cityofflp.gov>

Dear Mr. Hofman -



I am writing to oppose the MDNS finding and approval of the RUE for this parcel and proposal, for the following reasons:

1. I believe the SEPA application is incomplete. In particular, Section D, questions 1, 2, and 4 are especially pertinent to this proposal to build a structure very close to Lyon Creek. Lyon Creek is a functioning wildlife corridor. Construction in this corridor will increase stormwater impacts to Lyon Creek and affect plants and animals using this wildlife corridor.
2. The project as a whole is proposed to take place in an environmentally sensitive Critical Area, the buffer of Lyon Creek, with steep slopes and saturated soils. More detailed, careful analysis of the proposed project than was provided is needed to correctly determine the impact of this project on the site and on Lyon Creek.
3. The MDNS relies, among other things, on a 10-year stewardship and monitoring plan for buffer mitigation, in a critical area easement, AKA a Native Growth Protection Area or NGPA. While that looks good on paper, the reality is that ongoing stewardship of NGPA's is non-existent, and there is no enforcement effort by jurisdictions. It may sound nice but it will not happen, and the disturbance will result in a rapid overtaking of the NGPA by invasive, non-native plants, negatively impacting the site.
4. Development of this site is not advisable based on its steep slopes and proximity to an important creek. Unfortunately the City seemingly finds itself in the position with its RUE of having to approve some development on any parcel purchased by a developer, whether it makes sense or not. But, the City does have the opportunity via SEPA review to determine that development on this site is not "reasonable".

Thank you for considering my comments.

--

Eric Adman

Sno-King Watershed Council

www.snokingwatershedcouncil.org

425-780-9731

Person of Interest re Garey proposed deveopment

Julian Andersen <julian@andermac.org>

Sun 8/4/2024 3:50 PM

To: Mark Hofman <mhofman@cityofflp.gov>

8/4/24



Director Hofman,

Please add me to the list of people interested in the Garey project at 205th and 37th.

I desire to receive all notices, reports of City action, and access to all owner applications and submissions.

Thanks,
— Julian

email to: julian@andermac.org

USPS to : PO Box 55969, Seattle WA 98155

-- Julian Andersen
-- Lake Forest Park, WA

RUE 2021_RUE-0001

Kenneth Doutt <kldoutt@gmail.com>

Sun 8/4/2024 4:11 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Community Development Director Mark Hoffman,



I am writing to you today as a resident of Shoreline and a member of our broader community to voice my concerns about the proposed development on parcel 4022900497.

In an era that is threatened by the realities of a changing climate and its effects, we must be all the more diligent in preserving our environments and the proposed development on this parcel threatens this priority. Especially considering the historic and contemporary importance of the waterways that exist in Lake Forest Park, every effort should be made to protect this ecosystem.

I hope that the members of the Lake Forest Park government will reevaluate granting developers a RUE and prioritize protecting this significant stream and surrounding ecosystem.

Thank you for your time,

--

Kenneth Leimo Parhiala Doutt
he/him/his

Back 1 Construction along Lyon Creek

Brian Schuessler <bfschuess@comcast.net>

Sun 8/4/2024 9:54 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Mr. Hoffman:



My name is Brian Schuessler; address: 15623 36th Ave NE, Lake Forest Park.

I am writing to communicate my concern over the incomplete review of the SEPA checklist on the Garey property. As a resident of Lake Forest Park I expect the city officials to be thorough as well as committed to preserving our delicate environment. Allowing construction so close to Lyon Creek and on such a steep slope will endanger flora and fauna.

I urge you to take seriously the Checklist which is intended to protect the environment and the beautiful City of Lake Forest Park.

Thanks for considering my concern,

Brian Schuessler

