

Exhibit 25

Garey RUE

SEPA Comments Volume 3 of 3

Garey Project MDNS comments

kim.josund@gmail.com <kim.josund@gmail.com>

Tue 8/6/2024 10:51 AM

To: Mark Hofman <mhofman@cityoflfp.gov>

Hi, Mark

I plan to send Stewardship comments on the MDNS later today.

In the introduction to the MDNS (bottom pg 1/top pg2) it states:

"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.**"

Just a heads up, no such department exists. It should read "Washington Department of Fish and Wildlife."

Kim Josund

Lake Forest Park Stewardship Foundation

www.lfpsf.org



comments on the Garey MDNS

kim.josund@gmail.com <kim.josund@gmail.com>

Tue 8/6/2024 2:45 PM

To: Mark Hofman <mhofman@cityofflp.gov>

📎 1 attachments (207 KB)

LFPSF Comments on Garey MDNS Aug 6_24.pdf;

Hi, Mark

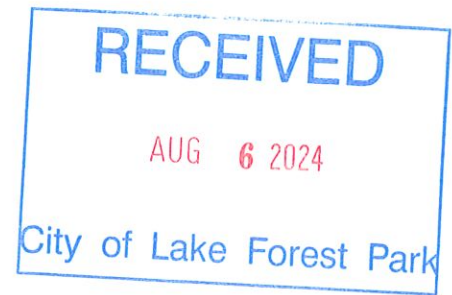
Please acknowledge receipt of the attached comments.

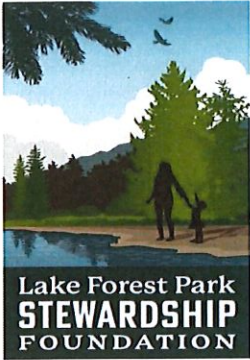
Thank you,

Kim Josund

Lake Forest Park Stewardship Foundation

www.lfpsf.org





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Mark Hofman
Community Development Director
City of Lake Forest Park
17425 Ballinger Way NE,
Lake Forest Park, WA 98155

RE: MDNS File number: 2024-SEPA-0001
Proponent Mark Garey

August 6, 2024

We disagree with the determination that this proposal, as designed, revised, and conditioned, will not have a probable significant adverse impact on the environment. The proposed project is fully encumbered via the 115-foot standard buffer of Lyon Creek and there is not adequate area on-site for buffer averaging, or even siting a structure outside the maximum buffer reduction allowable.

The fundamental purpose of the Critical Areas Ordinance (LFP 16.16.010) is to protect the public health and safety and to protect the natural environment, in particular the Lyon and McAleer creek basins, but also all critical areas of the city, including their structures, functions and values.

Certainly the highest and best use of the property to be to leave it as is in a natural state, or to improve the ecosystem functions of the stream through restoration. It is a tall order to argue that placing a home so near to a known salmon bearing stream is reasonable. When critical stream functions are so threatened, we disagree that *"the needs of the applicant"* or "median size" of nearby homes (Watershed Co. report August 2021) should be relevant considerations. Absent the ability to deny this application outright due to the 5th Amendment rights of the property owner – the next question is, "can the damage be mitigated?"

The proposed construction and mitigation might be suitable on a more "normal" lot (in size and shape and location of critical areas), perhaps if a small footprint house was proposed in the buffer *90-feet back* from the stream channel of a small stream.

However, this lot is *super critical* in several ways, and the proposal is to build a house within 18-feet of the stream high flow channel, permanently eliminating buffer functions close to the stream. Thus, at the least, the proposal deserves more mitigation than presently planned.

The lot is super critical because:

1. This stream is the mainstem of Lyon Creek, with a channel 15- to 25-feet wide on site. Coho spawning is documented in this stream segment, and there is modeled presence of fall chinook salmon, sockeye salmon, and winter steelhead. This is one of the two most important streams in Lake Forest Park. It should not be regulated as if it was a small tributary of this stream, as this proposal intends to do. Additionally, there seems to be no recognition of potential wetland functions of the property. Have wetland soils or plants been surveyed? Given the topography of the site, below the road grade, it wouldn't be surprising for this site to function as a wetland with saturated soils at times.
2. This large stream flows through the middle of this ¼ acre lot, and on the streambank opposite the proposed house site there is a steep slope that is apparently unstable. Any alteration or increase in runoff or stormwater on site could cause the slope to fail catastrophically, temporarily damming up Lyon Creek during

a storm. After impounding a large amount of water that dam could catastrophically fail, releasing a large wave of flood water, a threat to public health, safety and water quality downstream.

2. Two culverts conveying stormwater from two arterial roads discharge directly into the stream buffer of this lot, almost straight into Lyon Creek. This building proposal would limit the existing possibilities of constructing stormwater detention and treatment facilities for the runoff of these roads. This runoff almost surely conveys substantial pollution into Lyon Creek, and makes the creek flow more violently during storms, problems which will need to be rectified in the future.

The proposed building design is inadequate in the following ways:

1. The small amount of buffer impact mitigation proposed may be adequate for a house 90-feet from a small tributary of Lyon Creek. But major mitigation is needed for the proposed impacts on this uncommonly important lot, and for a house proposed to be within 18-feet of the high-water channel.
2. The Arborist Report and the mitigation plan ignore trees on the property to the south. The proposed building is only 5-feet from that property line. No consideration has been given to the likelihood that the proposed construction will cause trees on the neighboring parcel to become hazard trees which could require removal from the buffer in the future. Also, apparently no thought has been given to the possibility that trees at first left on site will need to be removed in the future from having become hazard trees (due to impacts of construction and/or changes in soil saturation).

The requirement of the MDNS to have a fisheries expert design channel enhancements for this project is a good start on the exceptional mitigation needed for this proposal, as is the requirement for 10-year planting monitoring rather than 5-years of monitoring. But these requirements are not the exceptional mitigation needed for this unusually sensitive "building site".

The Critical Areas Report comparison of this proposal with neighboring houses failed to determine how many (if any) of those houses are within 18-feet of the channel, or receive storm flow from road culverts and pass it straight into the creek. Thus, we think the "neighboring land analysis" is highly misleading, and this proposal will do much more damage to the stream than the neighboring houses.

The recommendations we made in our comments previously on the Garey application (November 18, 2021) are still pertinent, and should be taken into account during a reconsideration of this MDNS.

Sincerely,



Kim Josund, President
on behalf of the Stewardship Foundation Board

Garrey RUE

Jean Reid <jeanreid2015@gmail.com>

Tue 8/6/2024 4:01 PM

To: Mark Hofman <mhofman@cityofflp.gov>

 1 attachments (53 KB)

REid- Gary RUE.pdf;



Jean Reid
18551 28th Ave NE
Lake Forest Park resident

File number: 2024-SEPA-0001

Proponent: Mark Garey

The City of Lake Forest Park has determined that this proposal, as designed, revised, and conditioned, will not have a probable significant adverse impact on the environment.

because:

the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts.

and goes on to say that this:

determination is based on findings and conclusions that the project design minimizes impacts within the stream buffer with a greatly reduced footprint

"Greatly reduced" from what? A previous proposal? The applicant's original desires are not relevant to the discussion of whether this is the minimum necessary damage to critical areas to grant reasonable use. A school child could assess that the footprint on this exceptional lot would need to be smaller than others, with the sloughing steep slope and the wide deep stream channels, sitting as it does below the roadway.

Indeed, the table that purports to justify the footprint and ultimate square footage of this new home is at best biased. A quick survey of the surrounding homes via King County Parcel Viewer shows the five surrounding homes, all on 12,000 to 15,000 sq ft lots, to be 2430 sq ft, 1970 sq ft, 780 sq ft, 1710 sq ft, and 1840 sq ft, or an average of 1746 sq ft. (Throwing out the highest and lowest would still be 1840 sq ft.) The house is allowed 30ft in height, or 3 stories (a restriction that might appropriately be waived to, for example, preserve say, 100 sq ft of functioning wetland in the buffer of a salmonid stream.)

A three story 1,000 sq ft footprint could accommodate a 500 sq ft garage, plus up to 2500 sq ft of living space- far exceeding the surrounding properties. Is a 1,100 sq ft footprint truly the minimum required for reasonable use of this property? It may meet precedent, but it is not exceptional, a win for the critical areas, or currency to merit more damage in other aspects of the proposal.

The documents note that:

critical areas left unencumbered by project impacts shall be protected in perpetuity via a critical area easement.

Indeed, this is wonderful. But, of course, no one in their right mind would suffer the expense to build on these "unbuildable" portions. Again, it is not really brownie points to spend later in allowed damage that is not the minimum required for reasonable use.

The MDNS states that the:

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

But the SEPA checklist says only that:

the mitigation as designed will increase stream buffer function.

Extra planting in a 1 to 1.4 ratio is better than only doing those plantings in a 1:1 area, but is it demonstrated to be such a substantive improvement that the new smaller buffer will maintain function that exceeds the existing buffer? I see no justification for this optimistic assessment in the materials I could find. I don't feel this plan ensures an increase in buffer function, and

Jean Reid
18551 28th Ave NE
Lake Forest Park resident

am wondering why the city is taking this stand in defence of this proposal.

In what may be a petty criticism, why is the accepted SEPA checklist from Mar 2, 2024 simply the applicant's previously submitted checklist, with notes written in red by the staff? Why was the applicant not required to change answers that seem erroneous based on the added comments?

For example, SEPA checklist section B. 1. d.) are there surface indications of unstable soils? is answered: "No / **Frequently flooded Areas**. Indeed, the frequently flooded areas highlight just how important the functioning wetlands onsite are for stormwater management. The evidence of flooded areas IS pertinent when flooding can happen so close to steep slopes that could slough into a salmon stream channel. So is the answer to this question still "No"?

Why are the types of soils found on the site still "unknown"? Is this accurate?

How could animals be "n/a"? There are no applicable animals here? Coho spawning is documented in this stream segment. Are the salmon addressed in other documents? There are no birds or salamanders here? None of the small mammals that grace most of our backyards? Isn't the purpose of the SEPA checklist to show consideration for each of key aspects (earth, water, air, plants and animals)? How has this application been given a pass on addressing all animals but humans?

Given the nature of the site, I am sceptical that not a single wetland indicator plant is found on the site. And I believe there is at least one fir. These details may be inconsequential, but they just look sloppy.

Given that "potential for erosion exists," are basic BMPs adequate for monitoring during construction? This is a salmonid stream. But perhaps DFW will address this. Will there be any restrictions on when building takes place? An inadvertent turbidity event, even recognized, acknowledged and mitigated could be catastrophic to the salmonids known to be in this stream and areas downstream.

The SEPA checklist has other clear deficits. When stream buffer and wetlands co-exist, often the buffer restrictions are more significant and more primarily addressed. In this case, the salmonid stream is indeed very important, but wetland also exists and are an essential feature of this lot. The lot sits below the roadway. It receives significant runoff- at seemingly ever-increasing peak flows (as more impervious surface and development occur above this drainage area. How has an entire SEPA been completed and approved without mentioning the wetlands? This property IS the stormwater management plan for homes downstream. It does not seem that stormwater management has been adequately looked at in this proposal. Any contributing function of existing wetlands does not seem to be given even cursory lip service in the documents I was able to review. As a taxpayer who will be paying for any downstream flooding caused or exacerbated by this proposal, I feel the city should have done a better job protecting the citizenry in this regard. If the applicant is required to monitor whether the new plantings survive for 10 years, might it not be even more pertinent and appropriate for this proposal to monitor storm runoff from the property for at least some period? If in fact the plan, as stated, will completely address storm and surface water management, then documented success would do much to reassure all of us downstream.

Given that the stormwater system proposed is relying on infiltration, and "Will be installed per stormwater standards," isn't a wetland assessment pertinent here? How will it infiltrate if it is

Jean Reid
18551 28th Ave NE
Lake Forest Park resident

inundated? The superficial treatment of this issue in the documents I could find is not appropriate.

Why is the percent impervious surface, "Approximately 1,500 Sf"? Isn't the relevant information a percent? The answer is less important than the apparent lack of diligence and respect for the process.

Pervious concrete is "Planned." Given the critical storm water functions here, can't pervious concrete or pervious pavers be "Required"?

This proposal has not addressed the question of the potential CUMULATIVE water quality and storm water impacts that would occur if similar development was allowed on other undeveloped lots.

The applicant states that:

There would be no detriment to the public health, safety or welfare, on or off the parcel, as a result of the proposed development.

The documents submitted leave me unconvinced.

Sincerely,

Jean Reid

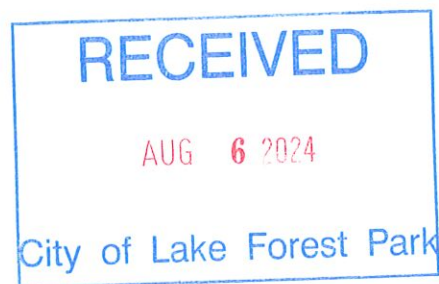
Garey RUE

Nancy Jang <jangnt@gmail.com>

Tue 8/6/2024 5:01 PM

To: Mark Hofman <mhofman@cityofflp.gov>

August 5, 2024



Subject: Public Comment - RUE 2021_RUE-0001 Garey
MHofman@cityofflp.gov;

Mr. Hofman,

I hope you are recovering from your Covid infection. Your assistant Elizabeth said that you are working from home during the isolation period.

I am shocked to read that you have accepted the SEPA Checklist as complete. Mr. Garey provided inadequate explanations on many of his responses. He failed to address the importance of the western portion of his property on the other side of Lyon Creek. The Arborist identified the western portion of the property as a "severe slope angle of 80-100%". The hillside has been eroded by Lyon Creek as is evidenced by a fallen tree which fell on Christmas Eve or morning a few years ago when the creek was very full.

You have received comments from experts or specialists i.e., Lake Forest Park Stewardship Foundation and Fluvial Morphologist, David Haddock among others who have serious questions about the creek and its impacts on the adjacent property and all downstream properties along the creek as well. When experts question the suitability of the Garey property for development the City needs to listen. The City may be liable for damages to downstream properties since they were warned.

It seems outrageous that you can approve this property for development using RUE ruling. This parcel is very small but the impacts are great. For a city that has a reputation for protecting the environment, this RUE is totally inappropriate use as it violates so many of the principles on which the city prides itself.

Elizabeth said that only residents who live within 300 feet of the Garey parcel were notified of the current comment deadline. So, no "persons of record" were notified unless they lived within 300 feet? When do the rest of us get notified? It only makes sense that any residents within 300 feet downstream of Lyon Creek should be notified since their properties will be impacted by the Garey project.

I only realized that the Garey project was open for comment because I happened to drive by and noticed a small green sign on the perimeter of the project. The notice which is intended to notify passersby that there is an impending project was hardly noticeable. We lived in Snohomish County before moving to Shoreline. The signs there were stated as "Land Use Action" on a large sturdy, wooden sign. The actual description was only on 8 1/2" x 11" paper like LFP, but the sign board was very visible. The sign posted on the Garey property was only slightly larger than 8 1/2" x 11" paper, but mounted on flimsy wire stakes used on some campaign posters. The wires were bent so that anyone interested had to go right up to the sign and bend it upright. I tried to straighten it, but it didn't want to stand up. Effectively, it was just not noticeable.

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

Concerned citizens,
Nancy & Gary Jang

Addendum

Nancy Jang <jangnt@gmail.com>

Tue 8/6/2024 5:08 PM

To: Mark Hofman <mhofman@cityofflp.gov>



Dear Mr. Hofman,

I just realized that I failed to put in the photo of the Notice of Land Use sign for the Garey Property..

I only realized that the Garey project was open for comment because I happened to drive by and noticed a small green sign on the perimeter of the project. The notice which is intended to notify passersby that there is an impending project was hardly noticeable. We lived in Snohomish County before moving to Shoreline. The signs there were stated as "Land Use Action" on a large sturdy, wooden sign. The actual description was only on 8 1/2" x 11" paper like LFP, but the sign board was very visible. The sign posted on the Garey property was only slightly larger than 8 1/2" x 11" paper but mounted on flimsy wire stakes used on some campaign posters. The wires were bent so that anyone interested in seeing the sign had to go right up it and bend it upright to read it. I tried to straighten it, but it didn't want to stand up. Effectively, it was just not noticeable and not serving its purpose.



Thank you,
Nancy

Proposed RUE for Parcel# 402290004497

janiece@abetterdaysalon.com <janiece@abetterdaysalon.com>

Tue 8/6/2024 5:12 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Cc: Jolene@jolenejang.com <Jolene@jolenejang.com>

Attention: Mark Hoffman, City of Lake Forest Park



I'm writing today because it has come to my attention that hearings, recommendations and a decision are being made regarding King County Parcel# 402290049 which is under consideration for a "Reasonable Use Permit".

I would challenge any idea that this property qualifies for said permit usage:

This property has been protected by a 115-foot setback (for streams & creeks) requirement for a reason:

This property has a history of embankment degradation from excessive rainfall which the application ignores and failed to include the actual truth that the property has a steep grade which if built on impacts:

The spawning grounds and degradation of the land from tree removal plus erosion and the impact on neighboring properties

This property's new owner failed to acknowledge in the application, trees on the property which help prevent erosion

This property has salmon spawning grounds currently protected by a 115-foot setback, which the builder would like you to ignore so he can illegally build within 15-feet of the water

This property was assessed by the King County Assessor's office at only \$18,000 for a reason, the county assessor has judged it to be UNBUILDABLE. Currently Lake Forest Park lots sell for an average of \$249,000 and up. The builder only paid \$40,000 which indicates that he knew that the property was unbuildable - unless he can trick you into being complicit with non-compliance.

In acquiring a copy of the building application one can easily discover an application which is only about 50% complete and has inconsistent and inaccurate answers when it is filled in. These untruths did NOT give you an opportunity to make a good decision regarding this permit.

When, not if, the neighboring properties, the fish spawning grounds, and the other habitat become damaged by this permit,

the City of Lake Forest Park, their insurance company, the builder, and perhaps you personally could be held liable for knowingly allowing this permit to be issued.

I appreciate the opportunity to provide input and expect this permit will be dis-allowed. Perhaps it could be purchased for the \$40,000 by the city, or the neighbors, or the wildlife conservancy, or a partnership in perpetuity.

Janiece Hoggatt, Limited license to practice law, specializing in real estate

RE: RUE Garey - fluvial morphologist public comment

Janne Kaje <jkaje@comcast.net>

Tue 8/6/2024 10:14 PM

To: Mark Hofman <mhofman@cityofflp.gov>

📎 2 attachments (6 MB)

image002.emz; image006.emz;



Hi Mark – I noticed that this last comment with the Geotech opinion came from Jolene Jang, the neighbor adjacent to the south, which got me looking further. If you look at the Jang property record on iMap, scroll down to the photo:

<https://blue.kingcounty.com/Assessor/eRealProperty/Detail.aspx?ParcelNbr=4022900499>



That driveway access is from NE 205th and comes directly across the subject Garey property's west end according to iMap. Presumably the Jang owners (or prior) bought an easement from the Garey owners (or prior) for that driveway. So, Garey sold an easement that also took away the most buildable part of their own property. Jang was built in 1989, while the Garey appeal was in 1995. So, my take on the timeline is:

- (1) Garey's predecessor sold off a driveway easement to Jang before 1989,
- (2) then successfully appealed the taxes on what was left in 1995, which was now unbuildable as a result of his own action,
- (3) sold the property to Garey, who now wants to build basically on top of the creek.

Since the owner willfully sold that easement, that equates to having made economic use of the property, even if that use foreclosed an option to build a house there later. So, there are no grounds to say that the Garey parcel has been denied a reasonable economic use – it just happened to be by the previous owner in the form of an easement sold to a neighbor.



From: Mark Hofman <mhofman@cityofflp.gov>

Sent: Monday, August 5, 2024 6:57 PM

To: City Council <citycouncil@ci.lake-forest-park.wa.us>; Tom French <tfrench@cityofflp.gov>; Kim Adams Pratt <kim@madronalaw.com>; Phillip Hill <phill@cityofflp.gov>; Planning Commission <PlanningCommission@ci.lake-forest-park.wa.us>; jolene@jolenejang.com

Subject: Re: RUE Garey - fluvial morphologist public comment

Thank you,

those were separately received directly and already added to the public record for this quasi-judicial land use matter.

Thank you

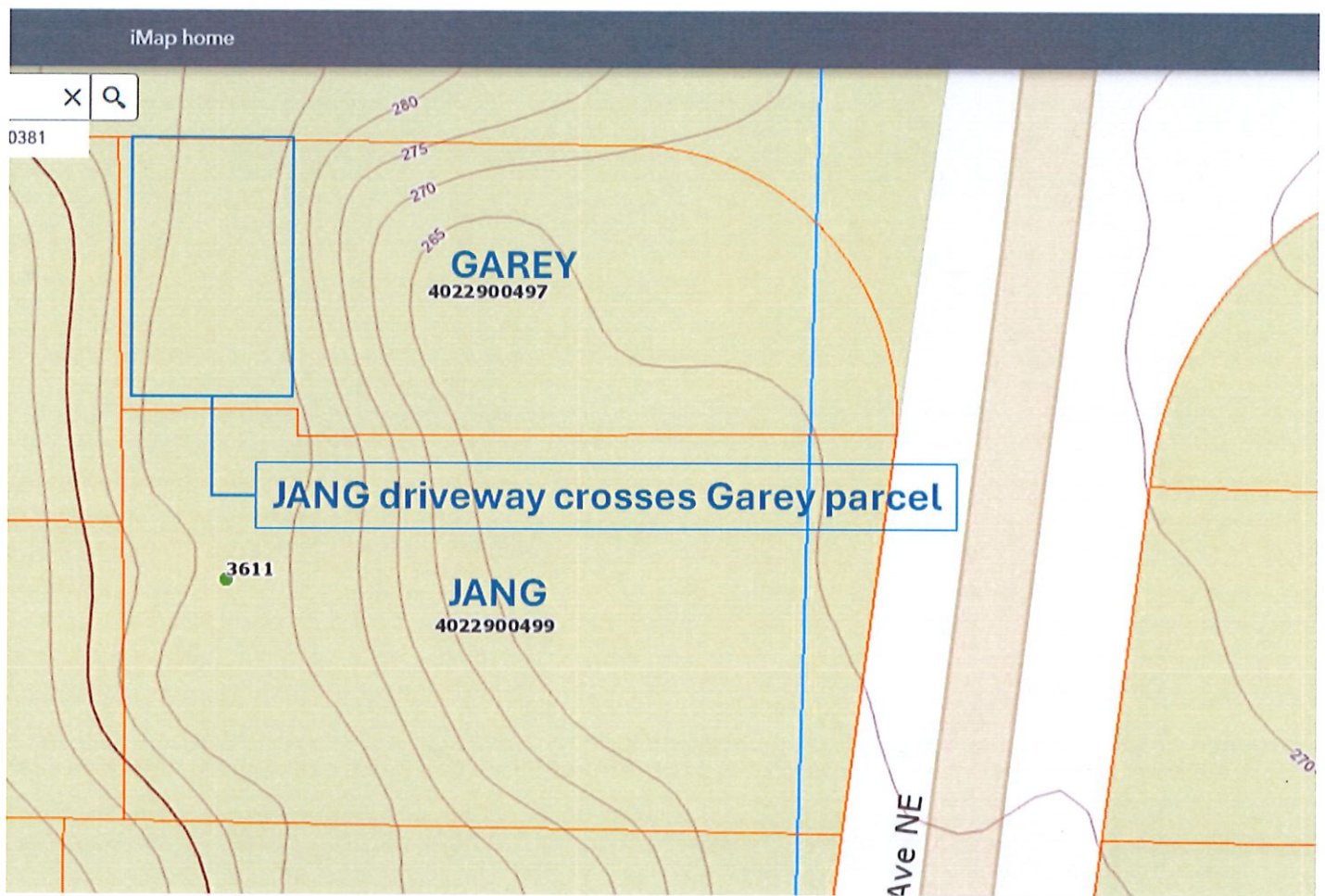


Mark Hofman, AICP | Community Development Director

City of Lake Forest Park

17425 Ballinger Way NE | 206-957-2824

www.cityoflfp.gov



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

Sent: Monday, August 5, 2024 6:54 PM

To: City Council <citycouncil@ci.lake-forest-park.wa.us>; Tom French <tfrench@cityofflp.gov>; Kim Adams Pratt

<kim@madronalaw.com>; Phillip Hill <phill@cityoflfp.gov>; Mark Hofman <mhofman@cityoflfp.gov>; Planning Commission <PlanningCommission@ci.lake-forest-park.wa.us>

Subject: RUE Garey - fluvial morphologist public comment

This is public comment from resident and fluvial morphologist, both this public comment attached and this additional note regarding the Garey RUE.

You can also listen to this public comment on the Green Voices Lake Forest Park Podcast

<https://open.spotify.com/episode/5TcOkIVWRM5kW0K8ieC6Kd?si=bc53fc80204f4893>

Jolene Jang (she/her)

From: David Haddock <chevydave@gmail.com>

Sent: Saturday, August 3, 2024 5:57 PM

To: Mark Hofman <mhofman@cityoflfp.gov>

Subject: Garey Parcel RUE: 2021-RUE-001 or 0001

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

MDNS File number: 2024-SEPA-0001 August 6, 2024 Proponent Mark Garey

vicki vickiscuri.com <vicki@vickiscuri.com>

Thu 8/8/2024 2:28 PM

To: Jeff Johnson <jjohnson@cityofflp.gov>; City Council <citycouncil@ci.lake-forest-park.wa.us>; Mark Hofman
<mhofman@cityofflp.gov>

📎 1 attachments (201 KB)

LFPSF Comments on Garey MDNS Aug 6_24.pdf;

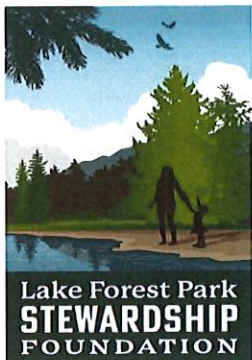


To Mayor Tom French, The City Council and Mark Hofman:

Myself and the citizens of Lake Forest Park value their community and their environment. I am in full concurrence with the excellent letter written by the Stewardship Foundation, concerning MDNS File number: 2024-SEPA-0001 Proponent Mark Garey. Please see attached letter and act responsibly.

Thank you,
Vicki Scuri

Vicki Scuri
Vicki Scuri Siteworks
206-930-1769 cell
vicki@vickiscuri.com
www.vickiscuri.com



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Mark Hofman
Community Development Director
City of Lake Forest Park
17425 Ballinger Way NE,
Lake Forest Park, WA 98155

RE: MDNS File number: 2024-SEPA-0001
Proponent Mark Garey

August 6, 2024

We disagree with the determination that this proposal, as designed, revised, and conditioned, will not have a probable significant adverse impact on the environment. The proposed project is fully encumbered via the 115-foot standard buffer of Lyon Creek and there is not adequate area on-site for buffer averaging, or even siting a structure outside the maximum buffer reduction allowable.

The fundamental purpose of the Critical Areas Ordinance (LFP 16.16.010) is to protect the public health and safety and to protect the natural environment, in particular the Lyon and McAleer creek basins, but also all critical areas of the city, including their structures, functions and values.

Certainly the highest and best use of the property to be to leave it as is in a natural state, or to improve the ecosystem functions of the stream through restoration. It is a tall order to argue that placing a home so near to a known salmon bearing stream is reasonable. When critical stream functions are so threatened, we disagree that *"the needs of the applicant"* or "median size" of nearby homes (Watershed Co. report August 2021) should be relevant considerations. Absent the ability to deny this application outright due to the 5th Amendment rights of the property owner – the next question is, "can the damage be mitigated?"

The proposed construction and mitigation might be suitable on a more "normal" lot (in size and shape and location of critical areas), perhaps if a small footprint house was proposed in the buffer *90-feet back* from the stream channel of a small stream.

However, this lot is *super critical* in several ways, and the proposal is to build a house within 18-feet of the stream high flow channel, permanently eliminating buffer functions close to the stream. Thus, at the least, the proposal deserves more mitigation than presently planned.

The lot is super critical because:

1. This stream is the mainstem of Lyon Creek, with a channel 15- to 25-feet wide on site. Coho spawning is documented in this stream segment, and there is modeled presence of fall chinook salmon, sockeye salmon, and winter steelhead. This is one of the two most important streams in Lake Forest Park. It should not be regulated as if it was a small tributary of this stream, as this proposal intends to do. Additionally, there seems to be no recognition of potential wetland functions of the property. Have wetland soils or plants been surveyed? Given the topography of the site, below the road grade, it wouldn't be surprising for this site to function as a wetland with saturated soils at times.
2. This large stream flows through the middle of this ¼ acre lot, and on the streambank opposite the proposed house site there is a steep slope that is apparently unstable. Any alteration or increase in runoff or stormwater on site could cause the slope to fail catastrophically, temporarily damming up Lyon Creek during

a storm. After impounding a large amount of water that dam could catastrophically fail, releasing a large wave of flood water, a threat to public health, safety and water quality downstream.

2. Two culverts conveying stormwater from two arterial roads discharge directly into the stream buffer of this lot, almost straight into Lyon Creek. This building proposal would limit the existing possibilities of constructing stormwater detention and treatment facilities for the runoff of these roads. This runoff almost surely conveys substantial pollution into Lyon Creek, and makes the creek flow more violently during storms, problems which will need to be rectified in the future.

The proposed building design is inadequate in the following ways:

1. The small amount of buffer impact mitigation proposed may be adequate for a house 90-feet from a small tributary of Lyon Creek. But major mitigation is needed for the proposed impacts on this uncommonly important lot, and for a house proposed to be within 18-feet of the high-water channel.
2. The Arborist Report and the mitigation plan ignore trees on the property to the south. The proposed building is only 5-feet from that property line. No consideration has been given to the likelihood that the proposed construction will cause trees on the neighboring parcel to become hazard trees which could require removal from the buffer in the future. Also, apparently no thought has been given to the possibility that trees at first left on site will need to be removed in the future from having become hazard trees (due to impacts of construction and/or changes in soil saturation).

The requirement of the MDNS to have a fisheries expert design channel enhancements for this project is a good start on the exceptional mitigation needed for this proposal, as is the requirement for 10-year planting monitoring rather than 5-years of monitoring. But these requirements are not the exceptional mitigation needed for this unusually sensitive "building site".

The Critical Areas Report comparison of this proposal with neighboring houses failed to determine how many (if any) of those houses are within 18-feet of the channel, or receive storm flow from road culverts and pass it straight into the creek. Thus, we think the "neighboring land analysis" is highly misleading, and this proposal will do much more damage to the stream than the neighboring houses.

The recommendations we made in our comments previously on the Garey application (November 18, 2021) are still pertinent, and should be taken into account during a reconsideration of this MDNS.

Sincerely,



Kim Josund, President
on behalf of the Stewardship Foundation Board

RECEIVED

Garey RUE - Request for Clarification on Code Compliance - City Council Meeting

AUG 12 2024

City of Lake Forest Park

jolene@jolenejang.com <jolene@jolenejang.com>

Mon 8/12/2024 2:22 PM

To: City Council <citycouncil@ci.lake-forest-park.wa.us>; Tom French <tfrench@cityoflfp.gov>; Kim Adams Pratt <kim@madronalaw.com>; Phillip Hill <phill@cityoflfp.gov>; Mark Hofman <mhofman@cityoflfp.gov>; Planning Commission <PlanningCommission@ci.lake-forest-park.wa.us>

📎 2 attachments (1 MB)

081224_JoleneJangCityCouncil_ProtestRequest.pdf; SEPA Checklist_GareyRUE_JoleneComments_sm.pdf;

Please send the council for tonight's meeting at a public comment. Thanks.

See attachments, thanks.

I am writing to formally protest the Mitigated Determination of Non-Significance (MDNS) issued on July 19th, 2024, concerning the Reasonable Use Exception (RUE) for the Garey property. My protest is based on several significant concerns regarding the application process and the compliance with city codes.

Request for Clarification on Code Compliance

I would like to better understand how the city planning department has engaged with and applied the relevant city codes, both generally and specifically in relation to this case. There are specific provisions within the Lake Forest Park Municipal Code that guide the approval process for Reasonable Use Exceptions, and I am requesting a detailed explanation of how these codes were followed.

[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](#)

Date: August 12, 2024

To : City officials and Staff

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1. Request for Clarification on Code Compliance

I would like to better understand how the city planning department has engaged with and applied the relevant city codes, both generally and specifically in relation to this case. There are specific provisions within the Lake Forest Park Municipal Code that guide the approval process for Reasonable Use Exceptions, and I am requesting a detailed explanation of how these codes were followed.

2. Incompleteness of the SEPA Checklist

The MDNS appears to be based on a State Environmental Policy Act (SEPA) checklist that was incomplete at the time of submission. I request a detailed explanation of why each incomplete or inconsistent answer on the SEPA form was accepted by the city. My attached notes and questions (see attached documents) provide specific instances where inconsistencies and inaccuracies were noted without adequate explanation or supporting reports. Please address each of these points specifically.

3. Inconsistencies in the RUE Application

There are inconsistencies between the Builder's RUE application and the SEPA checklist. Despite these inconsistencies, the application was processed without sufficient justification. I request an explanation of how these inconsistencies were addressed and why they were deemed acceptable by the planning department. The application process, as outlined in the city's Reasonable Use Exception Checklist, requires strict adherence to accuracy and detail, yet this standard was not met.

4. Notification Issues Regarding the July 19th MDNS

When the July 19th, 2024 MDNS was noticed, it is my understanding that all parties of record (those who have made comments regarding this Garey RUE) were required to be notified under the city code. However, it appears that not all parties were properly notified about this MDNS update.

Request for Action:

- I request that all parties of record be properly noticed regarding this MDNS update.
- Please ensure that this includes a thorough review of all public comments and correspondence, particularly those sent to Nick Hollands, to confirm that everyone who commented has been included.
- The comment period should be re-opened for the required 12-day time frame, starting from the date all parties have been properly notified.

5. Follow-Up on Previous Notification Issues

On April 11, 2024, at 12:00 PM, I spoke to Mark Hofman on my property (with Doug Hennick and David Haddock present) to express that I and others were not properly notified in April 2024. I requested that

the correct list of parties be compiled and that proper notice be given moving forward. Mr. Hofman indicated he would look into it, but as of August 12, 2024, this issue remains unresolved. The July 19th notification didn't notify all the parties of record.

I request immediate action to ensure compliance with notification requirements and that the process is corrected to prevent further procedural errors.

Thank you for your attention. I look forward to your prompt response and resolution.

To help you understand the impact on citizens, please read.

I am calling for moratorium on RUEs -Why?

Because when word gets out the LFP doesn't hold up their city code, how many developers are going snap all the empty parcels abusing the system and killing the trees and salmon because LFP allows them to do so. Mark Hofman issued the MDNS which is based on false information provided by the applicant by law the application is supposed to be voided. **16.16.090 Applications – Approval – Criteria – Revocation.**

Fish and Wildlife has confirmed that the builder's answers are incorrect. I would think that the city allowing a dozen potential code violations to go unquestioned could make it liable and vulnerable to scrutiny from regulatory bodies.

You as the Mayor, administrator, council have power, step into it, and protect your community and environment.

Implementing this moratorium will allow you time to evaluate the RUE process and diagnose where it breaking down. The planning commission tried to fix the RUE process after learning about this Garey RUE, but its not fixed.

The implementation of the RUE permitting process is a problem.

One person holds all the power and that's Hofman. Now its your turn. Invoke your powers.

The current staff does not have the bandwidth, or expertise to implement the proper protocols required by city code, so stop evaluate and figure out how to create a process that can work with the limited resources you do have. Create a sustainable solution.

There is no one with history with this RUE.

- There is no senior engineer
- The asst engineer is new
- M Hofman is from CA, not from LFP, he is in charge of the planning, building, code enforcement, and elements of economic development
- No one has any history with LFP

- Caroline, records management retired and the new person self-identified that she is learning. Which is evident. August 1 -12th

This is what's happening and one person has all the authority.

Invoke your powers. Do your part, call a moratorium and create a process that is sustainable that

- Respects the citizens
- and our environment
- while honoring RUEs and
- following code.

Let's make it easier for you.

We know you are all busy and working on budgets and don't have time to invest in all learning about all projects. Let me highlight a few expert testimonials that are in the public comments.

Many of them on are the dedicated website to address this Gare RUE on GreenVoicesOfLakeForestPark.com and you can listen to updates and public comments on the spotify podcast made to the address this RUE.

Engineer Alan Coburn regarding the Project

*.. Flood Factor is forecasting VIRTUALLY ALL streamside properties adjacent and downstream of the Garey property will be exposed to increased **major to severe flooding risk** from a 100 year event even without the federally mandated changes to the upstream culvert.*

A developer with the knowledge would be ethically bound to disclose this information.

Fish and Wildlife, Habit Biologist, Miles Penk says

If this development were to go ahead as planned, I am concerned that it's location will remove any tolerance for large woody material. What would benefit the system as a whole for floodplain storage, sediment storage, habitat creation for fish, would represent a flood hazard and/or bank stabilization issue for whomever lived in that house.

Future measures to protect the house from flood risk would come at the expense of the fish resource. It should be unacceptable to maintain a process of compromising habitat while the once thriving salmon runs of Lyon Creek continue to dwindle away to nothing.

Already many homes in the Lyon Creek basin have been built within the historic floodplain, and the Creek has been continually degraded in order to ensure the safety of those residents. The first step in restoring the Creek should be a commitment by the City of Lake Forest Park to protect the remaining untouched parcels within the riparian corridor.

Arborist, Daniel Collins

Further tree failures will likely cause more slope instability and potentially impact driveways above the site development. The developer's arborist offered no mitigation or recommendations for these trees. It is my professional opinion, that there was inadequate analysis and information contained in the Report to advance the development proposal of owner - Mark Garey into a design-development phase.

Please read the streamkeepers, lake forest park steward foundation and the newest Fish and Wildlife discoveries. All the pictures of the 7 trees falling, slope failure and flooding can be seen on GreenVoicesOfLakeForestPark.com

WHO SHOULD the burden be on?

With RUE permit applications, we must ask ourselves: Who should bear the burden? Should it be the neighbor who is threatened by the development plan, or the developer applicant?

Currently, and in the past, the burden has been on the neighbor and environmentalists. The applicant can submit inaccurate answers and omit comprehensive reports. When the city approves these applications, it falls on the neighbors to prove the law has been violated.

I have spent over 1000 hours researching hydrology, fluvial morphology, and has consulted with numerous engineers, scientists and agencies. All of this effort is to defend her home from the **threat of a landslide** caused by the development plan.

Do you expect citizens to dedicate 1000 hours to defend their safety due to a builder applicant filling out misinformation, and city authorities approving these applications because they are scared of being sued by the builders? This is **unreasonable** but also **unjust**.

When will the laws be followed and when will the citizens safety be prioritized?

The responsibility should lie with the developer to provide accurate, comprehensive information and for the city to rigorously review these applications. Our citizens **should not have to bear this burden**.

Are there any consequences for when the city does not follow code?
Specifically these 2 city codes

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

And

Applications – Approval – Criteria – Revocation.

It seems that despite all the expert comments, organizations, and authorities weighing in, their voices just aren't making a difference.

- Dept of Fish and Wildlife
- SnoKing WaterShed
- Lake Forest Park Stewardship Foundation
- Lake Forest Park Streamkeepers

- PugetSoundKeepers Alliance
- Salmon Fisheries
- Hydrologist and Fluvial Morphologist discussing the slope erosion hazards
- Aquatic Ecology background - MLT Dam add pics
- Alan Flood Factor discussing the flooding risk
- Arborist - sharing the tree failure causing slope failure
- Jim Halliday
- Jack Tonkin
- Paula Goode
- Tracy Furatani

This leaves citizens with like me with limited options.

Feeling like we're not being heard, my next step is reaching out to the media.

I have a proven track record of getting attention on important issues—having successfully passed a law in Washington state protecting women and children after hundreds of interviews with national media. My efforts influenced laws in 42 other states and at the federal level.

I have been interviewed Diane Sawyer on Good Morning America, The Today Show, and even Oprah. Spotlighting how green cities are deteriorating, which could be a good way to finally get the community's voices heard and make sure the city of LFP steps up to protect its residents and environment.

Should neighbors have to go through all of this just to motivate the city to hold up their code?

Thanks for your support. I am glad to give resources.

Jolene Jang

Because you are busy, I am putting many of the public comments online and on a podcast

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

SEPA Checklist

Permit # SEPA-2024-0001



LAKE FOREST PARK

Washington

17425 Ballinger Way NE
Lake Forest Park, WA 98155
206-368-5440

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

~~STAFF REDLINES~~

Owner of Record:	Mark Garey		
Property Address:	not assigned; parcel: 4022900497		
Property Owner Phone:	206-446-9090	Email:	pinematrix@outlook.com
Property Owner Mailing Address (if different than project address):			
Tax Parcel No:	4022900497		

Owner's Authorized Agent:	Same as applicant		
Authorized Agent Phone:	n/a	Email:	pinematrix@outlook.com

PERMIT APPLICATION FEES

Fees must be paid at time of application

Application Fee	\$ 700
Signage Fee	\$ 200
Additional Signage (if required) ----- \$25 each	
SUBTOTAL	
Technology Fee (10% of Subtotal)	
TOTAL FEES	

**Please complete the attached checklist
& submit to:**

City of Lake Forest Park, City Hall
17425 Ballinger Way NE
Lake Forest Park, WA 98155
Attn: Planning and Building Department

Questions?

For more information, please contact the Planning Department
aplanner@cityoflfp.com
206-957-2837

Access to Information

Electronic versions of all forms, permits, applications, and codes
are available on the Lake Forest Park website:

<http://www.cityoflfp.com/>

Paper copies of all of the above are available at City Hall:
17425 Ballinger Way Northeast, Lake forest Park, WA 98155
206-368-5440

Instructions for application:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

A. Background

1. Proposed Project:
2. Date checklist prepared: March 19, 2024
3. Agency requesting checklist: City of Lake Forest Park
4. Proposed timing or schedule (including phasing, if applicable): Summer 2024
5. Do you have any plans for future additions, expansion or further activity related to or connected with proposal? If yes, please explain. No — APPLIED FOR RUE

6. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

The site has steep slopes, a stream and associated stream and slope buffers / THEY ENCUMBER THE ENTIRE PROPERTY

7. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain: No

8. List any government approvals or permits that will be needed or your proposal, if known:

RUE, building permit, grading permit, ROW PERMIT

9. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

Construction of a new SFR with an 1,100 sf footprint; associated access/utility improvement

CRITICAL AREA MITIGATION, STORMWATER SYSTEM

10. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map and topographic map. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

parcel number: 4022900497; just off of NE 205 ST at the northern city line

B. Environmental Elements

1. Earth

- a.) General description of the site (circle one)
Flat Rolling Hilly Steep Slopes Mountainous Other slopes

- b.) What is the steepest slope on the site, and its approximate percent slope?

roughly 70% (WESTERN PORTION OF SITE)

- c.) What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils

unknown

- d.) Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe

No ☒ FREQUENTLY FLOODED AREAS

- e.) Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill

excavation to construct footprint and driveway and storm improvements

- f.) Could erosion occur as a result of clearing, construction, or use? If so, generally describe

Yes

potential for erosion exists; BMPs will be during construction / BMPs FOR EROSION CONTROL

- g.) About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

approximately 1,500 sf

- h.) Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

general BMPs

2. Air

a.) What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known

exhaust from construction equipment;

b.) Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. No

c.) Proposed measures to reduce or control emissions or other impacts to air, if any:

minimize to the extent feasible the use of heavy equipment

3. Water

a.) Surface water

i. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Yes, LYON CREEK IS PIPED AND FLOWS THROUGH THIS SITE.
yes, storm drains and a stream exist

ii. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Yes

yes, work will occur in the stream's buffer

iii. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material

the eastern portion of the site will be graded; fill not yet known. THE RIVER
SEPA SUPPORT A PROPOSED SITE LAYOUT.

iv. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. No

the least amount of impact is planned for surface waters

v. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No

vi. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No

b.) Ground water

- i. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No

- ii. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing chemicals, agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve

N/A

c.) Water Runoff (including stormwater)

- i. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe

THE PROJECT HAS PERFORMED A DRAINAGE ANALYSIS AND THE SYSTEM HAS BEEN DESIGNED TO COMPLY W/ THE KING COUNTY STORM WATER MANUAL.

A stormwater system that complies with the standards will be installed

- ii. Could waste materials enter ground or surface waters? If so, generally describe
No

- iii. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe
No

none anticipated with the storm system installed

d.) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

A stormwater system using infiltration will be installed per stormwater standards

4. Plants

a) Check the types of vegetation found on the site:

- ☒ Deciduous tree: alder, maple, aspen, other
- ☒ Evergreen tree: fir, cedar, pine, other
- ☒ Shrubs
- ☐ Grass
- ☐ Pasture
- ☐ Crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ Water plants: water lily, eelgrass, milfoil, other
- ☐ Other types of vegetation

b) What kind and amount of vegetation will be removed or altered?

only tree removal necessary to construct the residence and access

TREES ARE GENERALLY IN POOR HEALTH; QUANTITY OF SIGNIFICANT TREES IS LOW.

c) List threatened and endangered species known to be on or near the site.

n/a

d) Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

A significant amount of buffer mitigation is proposed for the site; THE MITIGATION AS DESIGNED WILL INCREASE STREAM BUFFER FUNCTION.

e) List all noxious weeds and invasive species known to be on or near the site.

n/a

5. Animals

a) List any birds and other animals which have been observed on or near the site or are known to be on or near the site. (I.e. any birds, fish, mammals, specifics if possible)

n/a

b) List any threatened and endangered species known to be on or near the site.

n/a

c) Is the site part of a migration route? If so, explain.

n/a

d) Proposed measures to preserve or enhance wildlife, if any

n/a

e) List any invasive animal species known to be on or near the site.

n/a

6. Energy & Natural Resources

- a) What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

it is anticipated that natural gas will be used with electricity as well

- b) Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. No

- c) What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

energy code requirements will be used / *STRUCTURE WILL BE REQ'D TO COMPLY W/ ENERGY CODE STANDARDS.*

7. Environmental Health

- a) Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe

n/a

- b) Describe any known or possible contamination at the site from present or past uses

n/a

- c) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity

n/a

- d) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project

n/a

- e) Describe special emergency services that might be required

general emergency services from fire/police etc...

- f) Proposed measures to reduce or control environmental health hazards, if any:

n/a

8. Noise

- a) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Traffic noise is present, but not thought to affect the project

- b) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

short-term; non-permanent noises shall occur as a result of construction **EQUIPMENT**

- c) Proposed measures to reduce or control noise impacts, if any:

observing hours for construction in LFP city limits

9. Land & Shoreline Use

- a) What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe

the site is vacant and adjacent to single family uses; the proposed use is similar

- b) Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

no.

- c) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No

- d) Describe any structures on the site.

n/a

- e) Will any structures be demolished? If so, what?

n/a

- f) What is the current zoning classification of the site?

RS 9.6

- g) What is the current comprehensive plan designation of the site?

Residential Mod/High

- h) If applicable, what is the current shoreline master program designation of the site?

n/a

- i) Has any part of the site been classified as a critical area by the city or county? If so, specify

Yes

steep slopes and a stream/buffer is present

- j) Approximately how many people would reside or work in the completed project?

a single family

- k) Approximately how many people would the completed project displace?

n/a

- l) Proposed measures to avoid or reduce displacement impacts, if any:

n/a

- m) Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The new home will be designed to fit in with the existing neighborhood

- n) Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

n/a

10. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing

one

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing

n/a

- c. Proposed measures to reduce or control housing impacts, if any:

mitigation for impacts to critical areas are planned

11. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

30-feet is the height limit in this zone, although a home design has not been finalized

- b. What views in the immediate vicinity would be altered or obstructed?

n/a

- c. Proposed measures to reduce or control aesthetic impacts, if any:

n/a

12. Light & Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

lighting for typical residential unit

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

no

- c. What existing off-site sources of light or glare may affect your proposal?

street lighting, but not thought to affect proposal

- d. Proposed measures to reduce or control light and glare impacts, if any:

attempts to keep light produced on the property will be made

13. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

parks

- b. Would the proposed project displace any existing recreational uses? If so, describe

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

n/a

14. Historic & Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources

No

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

If any evidence is found, construction will stop to assess the conditions

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

APPROPRIATE AGENCIES AND TRIBES WILL BE NOTIFIED.
ONLY AREA REQ'D TO CONSTRUCT THE RESIDENCE & ACCESS WILL BE DISTURBED.

Only the minimum amount of area will be disturbed for the construction process

15. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any

the site is served by public streets; NE 205 ST and 37 AVE NE

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? No

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Two additional for the garage; none displaced

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private)

No

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe Yes

new water service is anticipated; certificates of water availability have been secured

FROM THE LOCAL WATER PROVIDER

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

Unknown, but it is not anticipated to be more than a typical new SFR

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe No

- h. Proposed measures to reduce or control transportation impacts, if any:

we proposed to use concrete that will absorb water in the driveway - PERVIOUS
CONCRETE DRIVEWAY IS PLANNED.

16. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe

Yes

it is anticipated that fire and police services will be utilized

- b. Proposed measures to reduce or control direct impacts on public services, if any:

n/a

17. Utilities

a. Circle utilities currently available at the site:

electricity - natural gas - water - refuse service - telephone - sanitary sewer - septic system - other all

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to mal

Signature: Mark J. Garey

Name of sign: Mark Garey

Position and Agency/Organization: Property Owner

Date Submitted: 3/20/2024

D. Supplemental Sheet for Non Project Actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented.

Respond briefly and in general terms

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life? Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources? Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities? Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

RUE on 205th and Cedar Way/37th NE

Eicholtz, Kayla B (ECY) <KEIC461@ECY.WA.GOV>

Thu 8/15/2024 5:04 PM

To: Mark Hofman <mhofman@cityofflp.gov>; Jeffrey Perrigo <jperrigo@cityofflp.gov>

Cc: Richardson, Amanda (ECY) <amri461@ECY.WA.GOV>

Hi Mark and Jeffrey,



My name is Kayla Eicholtz, and I am the regional floodplain planner for Ecology's Northwest Region. We were recently contacted by a concerned citizen of Lake Forest Park regarding the RUE on 205th and Cedar Way/37th NE, and we wanted to reach out to keep you informed.

The information we were presented with had us looking a little deeper into the mapping in the area, and trying to better understand how the channel in the area works. After speaking internally and reading the documents provided to us, we did not see any issue with the conclusion the city came to, and will be informing the citizen of this. If there is any support we can provide the city, please let us know and we'd be happy to help.

Thanks,
Kayla

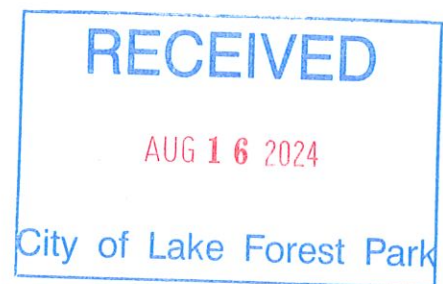
Kayla Eicholtz (she/her)
Regional Floodplain Planner, Northwest Region
WA Department of Ecology
Cell: (425) 429-4545 | Email: kayla.eicholtz@ecy.wa.gov

Reasonable Use Exceptions that you continue to deny

kathynielson1942@gmail.com <kathynielson1942@gmail.com>

Fri 8/16/2024 2:13 PM

To: Mark Hofman <mhofman@cityofflp.gov>



Sent from my iPhone. I may no longer live in Lake Forest Park, but I purchased my home in 1975 when it was unincorporated Seattle (my address was 20200 37th Ave NE). It was a beautiful piece of property on 2.5 acres with Lyon Creek running through my front yard and the house was built above it. I bought it mainly for the garden which I loved , the house I remodeled and the 1.5 acres in the back was kept natural. After living on the property for nearly fifty years (I had to sell it April, 2022) and about 1994 or 1995 it was annexed into Lake Forest Park, so I was part of that city for almost thirty years. There was some rules and regulations that made which I didn't agree with, however when it came to protecting the salmon in the creek (which were quite plentiful in the early years of me living there) and the trees all over the property I was very respectful of the policy that was in play by the city I cannot understand how you could have the power that you apparently have over what goes on now. I realize this email falls on deaf ears but I wanted you to know that I still care about what's happening to LFP and that you need to get your head out of where ever it is and try to protect the community. Sincerely, Yours In Good Heath, Kathleen Nielson (206) 365-2350

RE: RUE on 205th and Cedar Way/37th NE

Eicholtz, Kayla B (ECY) <KEIC461@ECY.WA.GOV>

Tue 8/20/2024 7:53 AM

To: Mark Hofman <mhofman@cityofflp.gov>

Cc: Richardson, Amanda (ECY) <amri461@ECY.WA.GOV>

Hi Mark,



I'd be happy to meet. I'm free after 11 on Wednesday or anytime on Thursday. Does Teams work for you?

The response we sent is below:

After reviewing the documentation that you provided us and discussing internally, we've concluded that the area in question is not within the 100-year floodplain as designated by FEMA. The data provided by FEMA states that the 100-year flood discharge from Lyon Creek is contained in a channel, and has been contained in such a way for decades. Therefore, it is not mapped within the 100-year floodplain.

Lake Forest Park's flood code, Title 16.20, only applies to areas designated within a FEMA Flood Insurance Study (FIS) or FEMA Flood Insurance Rate Map (FIRM). As well, within the city's Critical Areas Ordinance (CAO) for Frequently Flooded Areas, Title 16.20 is referenced as the requirement for those areas. Speaking only from a flooding perspective, we do not find issue with the results Lake Forest Park has come to and support that they are following local regulations.

It is likely that what you are seeing and have described in the area is urban and/or stormwater flooding. Under FEMA's current mapping standards, these areas are not studied and mapped, and there is no requirement for them to be regulated like 100-year floodplains. We understand that can be frustrating, particularly as you see the effect of this in real-time as more impervious surfaces are put in. These impervious surfaces can create an increase in low-level urban and/or stormwater flooding.

The only tool a community is required to use, and is considered the standard for use, is the data FEMA has provided through the FIS and FIRM. Other tools (sea level rise predictions, floodfactor.com, and others) can be helpful for better understanding what might be happening in an area, educating about it, or assessing insurance requirements. But communities are not required to take them into account for regulatory decisions.

I hope these insights have provided some clarity on the situation you've outlined to us. Thank you for contacting us, and if you have further follow-up questions I would be happy to continue emailing with you about this.

Thanks,
Kayla

Kayla Eicholtz (she/her)
Regional Floodplain Planner, Northwest Region
WA Department of Ecology
Cell: (425) 429-4545 | Email: kayla.eicholtz@ecy.wa.gov

From: Mark Hofman <mhofman@cityofflp.gov>
Sent: Thursday, August 15, 2024 5:16 PM
To: Eicholtz, Kayla B (ECY) <KEIC461@ECY.WA.GOV>
Cc: Richardson, Amanda (ECY) <amri461@ECY.WA.GOV>
Subject: Re: RUE on 205th and Cedar Way/37th NE

External Email

Thank you for the update.

If you are available next week, is there a date and time we can talk or Teams/Zoom briefly on this? and also separately receive the response to the inquirer?

Thank you for reviewing the site and issues.



Mark Hofman, AICP | Community Development Director

City of Lake Forest Park

17425 Ballinger Way NE | 206-957-2824

www.cityofflp.gov

From: Eicholtz, Kayla B (ECY) <KEIC461@ECY.WA.GOV>
Sent: Thursday, August 15, 2024 5:02 PM
To: Mark Hofman <mhofman@cityofflp.gov>; Jeffrey Perrigo <jperrigo@cityofflp.gov>
Cc: Richardson, Amanda (ECY) <amri461@ECY.WA.GOV>
Subject: RUE on 205th and Cedar Way/37th NE

Hi Mark and Jeffrey,

RECEIVED

AUG 15 2024

City of Lake Forest Park

My name is Kayla Eicholtz, and I am the regional floodplain planner for Ecology's Northwest Region. We were recently contacted by a concerned citizen of Lake Forest Park regarding the RUE on 205th and Cedar Way/37th NE, and we wanted to reach out to keep you informed.

The information we were presented with had us looking a little deeper into the mapping in the area, and trying to better understand how the channel in the area works. After speaking internally and reading the documents provided to us, we did not see any issue with the conclusion the city came to, and will be informing the citizen of this. If there is any support we can provide the city, please let us know and we'd be happy to help.

Thanks,
Kayla

Kayla Eicholtz (she/her)
Regional Floodplain Planner, Northwest Region
WA Department of Ecology
Cell: (425) 429-4545 | Email: kayla.eicholtz@ecy.wa.gov

RECEIVED

AUG 26 2024

City of Lake Forest Park

Re: Lot in Lake Forest Park

Lorri Bodi <lbodi@cityofflp.gov>

Mon 8/26/2024 10:13 AM

To: Debbie Lezon <dlezon@comcast.net>

Cc: Mark Hofman <mhofman@cityofflp.gov>

Hello Ms. Lezon. I've copied our Community Development Director who should be able to answer your question.

From: Debbie Lezon <dlezon@comcast.net>

Sent: Monday, August 12, 2024 4:12 PM

To: Lorri Bodi <lbodi@cityofflp.gov>

Subject: Lot in Lake Forest Park

Hello Mrs. Bodi,

I am writing to ask if there has been any decision as to the variances requested for building on the lot located on 37th Ave. N.E. and N.E. 195th St.?

I am very interested in the fate of this property. It is a beautiful lot, and it would be a shame to have it destroyed, to say nothing of the impact of building so close to the creek as well as the disruption of the creek due to the heavy equipment and earth moving needed to build. It is a shame that the city can't purchase this property and just leave it in it's natural state.

Either way, I would like to find out if any decisions have been made.

Also, can you tell me if there are any plans to pave SR104 near the LFP shopping center? It seems as if that stretch is getting worse and worse and I would think that the state could manage to repave.

Thank you,
Debbie Lezon
LFP resident
206-361-5018

