

## Exhibit 3.0

### MEMORANDUM

**DATE:** January 17, 2023  
**TO:** Nick Holland  
**FROM:** Robert Knable, PWS, Eilean Davis, PWS  
**SUBJECT:** Garey RUE, 2<sup>nd</sup> Consistency Review

The information below is provided following review of materials submitted to Lake Forest Park for a Reasonable Use Exception (RUE) for the subject property.

The following documents were reviewed:

- Critical Areas Report Revised, Garey Reasonable Use Development, The Watershed Company, September 23, 2022.
- Stream Delineation Study, Revised, The Watershed Company, May 13, 2022
- Garey Residence Arborist Report, Revised, The Watershed Company, August 18, 2022
- LFP Garey RUE Mitigation Plan, The Watershed Company
- Reasonable Use Exception 2021-RUE-0001 Public Comments

The proposed Garey single family home project is located within the critical area buffer of Lyon Creek. The Lyon Creek watershed is approximately 2,600 acres. Land use within the basin is predominantly developed, much of the developed area is low and medium intensity. Currently approximately 86 percent, which is 2,236 acres of the basin is developed, with the remaining 364 acres in forest (13%) and wetlands (1%). A segment of Lyon Creek flows through the property resulting in all of the undeveloped lot, 0.25 acres, being incumbered within the Critical Areas Buffers required for the stream.

The project is proposing the construction of a 1,100 square foot residence, associated driveway, water and sewer utility connections. The total project impact area is 2,619 sq feet of buffer impact which is an overall 0.0027 percent change in the developed area within the watershed.

A critical areas reasonable use exception (RUE) is sought because a reasonably sized, single-family house with associated access and utilities is not possible under buffer requirements prescribed by LFPMC 16.16.355.

In addition, the proposed development has made every effort to meet the mitigation requirements in LFPMC 16.16.130, which requires the following:

#### **Mitigation Sequencing (LFPMC 16.16.130)**

**A. Avoiding impacts to environmentally sensitive areas by avoiding actions or parts of actions:** The project avoids direct impacts to Lyon Creek. As mentioned above, the stream buffer encumbers the entire parcel; therefore, avoidance of buffer impacts is not feasible.

**B. Minimizing impacts by limiting the degree or magnitude of the action by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts:** The residence was designed to minimize

impacts within the stream buffer. The house will have no yard, except for a 5-foot-wide perimeter surrounding the house for maintenance and emergency ingress/egress purposes. The house footprint is greatly reduced when compared to neighboring properties. The house size is 25 percent smaller, and the total associated impact area is 40 percent smaller than the median of neighboring properties, as identified in The Watershed Company Report.

**C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment:** Stream buffer mitigation will be provided at a ratio of greater than 1:1 to ensure an increase in buffer function. 3,728 square feet of stream buffer enhancement is proposed to compensate for 2,619 square feet of permanent buffer impacts. Mitigation will be monitored for a period of five years to ensure successful establishment. Further, enhancement areas and remaining unencumbered buffer areas will be disclosed as a notice to title, preserving these areas from future development.

**D. Reducing impact or eliminating the impact over time through preservation and/or maintenance operations:** Critical areas left unencumbered by project impacts will be protected in perpetuity via a critical area easement. All enhancement areas within stream buffers will be monitored for a minimum of five years and achieve performance standards outlined within sheet W6 of the mitigation plan. Maintenance protocol includes capturing as-built conditions once invasives are removed and mitigation areas are fully implemented.

**E. Compensating for the impact by replacing, enhancing, or providing substitute critical areas and/or buffers;** Significant tree removal and buffer intrusion will be compensated by enhancing nearshore areas adjacent to Lyon Creek with overhanging vegetation interspersed with trees. The proposed plantings will enhance habitat along the riparian corridor.

After reviewing the comments received for the proposed project, we have the following comments:

1. The applicant has demonstrated that the proposed single-family home meets the criteria for a RUE per LFPMC 16.16.250. Approval of the RUE would allow the applicant *reasonable economic use of the property*, as discussed in the stream analysis prepared by The Watershed Company.
2. We concur with The Watershed Company's findings related to the proposed mitigation. However, based on comments received and the removal of non-native species and replacement with native plant species, we would suggest a 10-year monitoring plan and signage of the protected critical area on site.
3. Construction impacts would be temporary and could be minimized or prevented through the proper implementation of the proposed mitigation as discussed in the mitigation section of The Watershed Company's Report. Temporary impacts can also be avoided by properly monitoring Temporary Erosion and Sediment Control (TESC) BMPs and modifying these BMPs during construction as necessary depending on site conditions.
4. Comments were received concerning the arborist report – we recommend the city arborist or third-party arborist address these issues as they are outside of our expertise.
5. While all the comments were reviewed, most provided general concerns related to development with no scientific data. This project is requesting a Reasonable Use Exception to the code which is allowed under the existing circumstance at the site. We concur that the applicant has demonstrated that the project is minimizing impacts on the critical area to the extent practical while exercising his right to reasonable economic use of his property.

**Conclusion:** Upon review of the document provided and the public comments, we find that the applicant has conformed with the application development code. Other than addressing the comment regarding the onsite tree count, we saw no other issues.