Cameron Tuck

From: Hillarie Windish <hpwindish@gmail.com>
Sent: Friday, November 19, 2021 5:09 PM
To: APlanner
Subject: 2021-RUE-0001

Dear Planning Department,

I am concerned with the 2021-RUE-0001 development.

The LFP city's reasonable use exception 16.16.250 states that an exception will be granted only if "the proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site ..." I believe the building plans do indeed pose a threat to our public health. What will happen to the water quality? Where will the runoff and groundwater go?

Please maintain the integrity of our environment and deny this building exception.

I live in the area and I want to maintain our environment.

Sincerely

Hillarie Windish, PhD

Exhibit 5.1

--

Luanne Brown

Cameron Tuck

From: Ross Baarslag-Benson <rossbb@comcast.net>
Sent: Saturday, November 20, 2021 11:12 AM
To: APlanner
Subject: 2022-RUE-0001

Subject: File Number: 2021-RUE-0001
Planning Department,
As a LFP resident who cares about the environment, I question this proposal for a house on Parcel # 4022900497.
It seems to break basic code such as building so close to the creek. I want to protect our creeks and disrupting it and removing vegetation and adding impervious surfaces is not congruent with protecting our creeks.
Please don't approve this File Number: 2021-RUE-0001 reasonable exception.

Thanks.

Ross

Cameron Tuck

From: Dan Benson <benson.dan@gmail.com>
Sent: Monday, November 22, 2021 10:12 PM
To: APlanner
Subject: Comment on File 2021-RUE-0001

This parcel appears to currently be 'greenspace' and with Lyon's Creek going right through the middle of it so I would essentially consider it be 'un-developable' given the high restrictions around a salmon creek.

The application looks at the potential impact to the surrounding parcels but they don't consider the hundreds of parcels all along Lyon's Creek that will also be impacted. The setbacks and restrictions were well thought-out and put in place to protect the creek and environs and every time exceptions are made it chips away at those protections.

While the proposed house is not huge (~1100 SF), whoever bought this parcel wanting to put a house on it should come up with a Plan B that adheres to the setback requirements, such as building a much smaller house, as I hope the City does not allow the exceptions.

Thank you,

Dan Benson
17868 40th Ave NE, Lake Forest Park, Wa 98155

--
Dan

Cameron Tuck

From: Leah Darrow <darrowls@yahoo.com>
Sent: Monday, November 22, 2021 4:45 PM
To: APlanner
Subject: File #: 2021-RUE-0001

Hi,

I am writing in response to the Notice of Application for RUE. I live in this part of LFP, within 2 blocks of this piece of property. I am concerned that the city is considering allowing an RUE on this parcel so that it can be developed since it cannot be done within existing city rules.

According to the Arborist Report, this parcel is 90% tree. And it also has a portion of Lyon Creek running through it that contains multiple species of fish. As someone who lives in this neighborhood, I can also confirm that deer live in this area, in addition to other animal species.

I am concerned about the short and long term environmental impact on the creek, the wildlife that already exists there, and the existing tree canopy if this parcel is developed. Even though a plan was submitted on how to potentially reduce the impact of this development process, the fact that developing this parcel cannot be done without asking the city for a significant exception is concerning.

One of the reasons I chose to live in LFP (and continue to live here) is the city's commitment to preserving our natural resources. To me, this includes refusing to allow land developers to overdevelop and not allowing them exceptions to rules that protect our environment. We should instead be prioritizing protecting our waterways (and the wildlife that inhabits them) and trees from unnecessary pollution, disruption, and damage.

Thank you for consideration of my concerns,

Leah Darrow

Cameron Tuck

From: Bolinas Frank <bo@bofrank.com>
Sent: Friday, November 19, 2021 3:51 PM
To: APlanner
Subject: File Number: 2021-RUE-0001

Dear Planning Department,
I'm writing about the proposed development by Mark Garey on Parcel # 4022900497.

The LFP city's reasonable use exception 16.16.250 states that an exception will be granted only if "the proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site ..." I believe his building plans do indeed pose a threat to our public health. What will happen to the water quality? Where will the runoff and groundwater go?

Please maintain the integrity of our environment and deny this building exception.

I would also like to follow what happens with this property.

Cameron Tuck

From: Leonard Goodisman <leonardgoodisman@gmail.com>
Sent: Monday, November 22, 2021 9:32 AM
To: APlanner
Subject: Comment on File Number: 2021-RUE-0001 application for reasonable exception

Regarding Mark Carey's request for reasonable exception, any request to cut down significant trees in this global warming crisis is unreasonable. Each tree may seem to be a small matter but we are either part of the solution and keep the trees alive and well or we are the problem Of course the environment of Lake Forest Parak is cherished evem for people who don't live there and another reason not to allow exce[tion. At this critical moment in development of the northwest, it is hard to imagine a reasonable exception, but this seems not to be one.

I don't live in Lake Forest Park and apologize for the trashing of the environment Snohomish County is allowing, which we can't stop, bu wet hope that Lake Forest Park will stand as a resistant example of better government.
Thank you
Leonard Goodisman
23415 Locust Way
Bothell WA 98021

Cameron Tuck

From: Nancy Jang <jangnt@gmail.com>
Sent: Monday, November 22, 2021 5:01 PM
To: APlanner
Subject: F.N.2021-RUE-0001, Propoent: Mark Garey
Attachments: Garey application for reasonable use exception.docx

Dear Planner:

We are concerned citizens and are attaching our comment to this proposal

Nancy & Gary Jang

Cameron Tuck

From: Kelly Namba <kan65@msn.com>
Sent: Monday, November 22, 2021 3:42 PM
To: APlanner
Subject: File # 2021-RUE -0001

Please reject Mark Garey's petition to build. Keep the existing setbacks along Lyon creek for the sake of the fish wildlife. We need to learn from the mistakes of other cities and do better her i our small community. These exceptions that the city keeps giving to developers is killing our community and quite frankly makes it LESS desirable to live here. Please keep us green and forested, let's keep our commitment to the environment.

Thank you,
Kelly Namba, LFP homeowner

Get Outlook for iOS

Cameron Tuck

From: Robin Kelley <execdir@issaquahfish.org>
Sent: Monday, November 22, 2021 4:33 PM
To: APlanner
Subject: File # 2021-RUE-0001

Dear Planner,

As the Salmon Days Festival Director for 26 years, and now the Executive Director for Friends of the Issaquah Salmon Hatchery, salmon are very important to me, our communities and the northwest.

I am distressed and disappointed to learn that a known salmon and fish habitat would not only - not be protected - but be compromised. At a time when salmon are at extreme risk, we need to do everything possible to support their survival. In the northwest we are known for our salmon. Let's advocate for, and protect them by (1) holding new construction to required buffer zones, (2) retaining the tree canopy and (3) keeping native plants thriving along streambeds to avoid excess runoff that will hurt the very habitat salmon need to survive.

Please do not allow this exemption to build on critical area and harm our protected habitats and species. **File Number:** 2021-RUE-0001

Thank you for your consideration.

Robin H. Kelley, CFEE

Non Profit Leader. Salmon Education, Advocacy and Outreach
Executive Director, Friends of the Issaquah Salmon Hatchery
Salmon Days Director, Issaquah Chamber of Commerce Festival Office

ROBIN HAILSTONE KELLEY (she/her)| **Executive Director | FRIENDS OF THE ISSAQUAH SALMON HATCHERY (FISH)** | 125 W Sunset Way, Issaquah WA 98027 | 425.392.1118 | execdir@issaquahfish.org | www.issaquahfish.org

Swim with us on social media

"Keep The Salmon Coming Home"><((((º>`·. .· `·. .· `·... ><((((º>`·.· `·.. . . .· `·... ><((((º> . . · `·..· `·. . . . ..><((((º>`·. .· `·. .· `·... ><((((º>`·... ><((..><((((º>`·. .· `·. .· `·... ><((((º>`·...

FRIENDS OF THE ISSAQUAH SALMON HATCHERY

Cameron Tuck

From: Pam Clough <pamela8clough@gmail.com>
Sent: Monday, November 29, 2021 2:08 PM
To: APlanner
Subject: Parcel # 4022900497 Public Comment on Reasonable Use Exception request

It has come to my attention that a builder plans to build a single family house along Lyon Creek and is requesting a reasonable use exception, but they have minimal mitigation plans.

Priority habitats and species are on the proposed land. It is my understanding that the "mitigation plans" include removing invasive species like blackberries and knotweed and planting some other native plants. Given that trees will need to be removed, the land cleared and graded, and impermeable surfaces will be added to the land, I'm concerned about the negative impacts this plan will have on the creek and the land and that this mitigation plan is insufficient. This is a fully encumbered critical area and is supposed to have a 115’ buffer plus a 15’ setback. This plan does not appear to meet the criteria needed to protect critical salmon populations that spawn in this creek.

Salmon are struggling enough in the northwest. Washington state and the federal government are spending trillions of dollars on salmon recovery. Don't be part of the problem- be part of the solution. I encourage you to leave this creekside property undeveloped so as to protect this treasure- a suburban creek with active salmon runs.

Pam Clough
516 1st St, Steilacoom WA 98388
215-431-7104

Cameron Tuck

From: bandesaunders <bandesaunders@comcast.net>
Sent: Sunday, November 21, 2021 8:41 PM
To: APlanner
Subject: Parcel # 4022900497
Attachments: Untitled attachment 00004.txt

I wanted to write a concern regarding the development of Parcel # 4022900497. As a Biologist who has taught at Shoreline Community College over the past 25 years, I have been a strong advocate for restoration of urban streams and watersheds. Currently I have been working with the local chapter of Streamkeepers testing and monitoring McAleer and Lyon Creek. Recent biomonitoring analysis has found these waterways in "Fair" to "Poor" condition.

https://pugetsoundstreambenthos.org/Biotic-Integrity-Scores.aspx?Agency-Project=Lake%20Forest%20Park%3A%20Benthic%20Invertebrates&Stream-Area=All%20Puget%20Sound%20Streams

I understand that development is part of city growth and I understand that people want to be able to use their land to their greatest potential. But with our new findings of how tire dust is the primary cause of pre-spawning mortality in Coho salmon (Tire dust killing coho salmon returning to Puget Sound, new research shows | The Seattle Times), along with the results of our biomonitoring, it is imperative for cities to also recognize there is going to be a greater need to protect urban streams and creeks from direct runoff form impervious roads. Having visited the site of the proposed development plan for Parcel # 4022900497, I am very concerned that given the proximity of the parcel to Lyon Creek, the steepness of the bank above the parcel and the direct contact with 37th Ave NE, development of this parcel would support actions that negatively effect the watershed health. I implore city officials to assure that environmental effects on our streams and creeks be a priority for future planning and growth. Thank you.

Brian Saunders
3520 NE 182nd St
LFP, WA 98155
(206) 972-3465

Sent from my Galaxy

Cameron Tuck

From: Kevin Henry <kevinphenry21@gmail.com>
Sent: Sunday, November 21, 2021 12:04 PM
To: APlanner
Subject: File Number: 2021-RUE-0001 , Parcel # 4022900497

Re: Subject: File Number: 2021-RUE-0001 , Parcel # 4022900497.

Hello Planners,

It has come to my attention that a specific housing proposal would diminish and negatively affect an area in Lake Forest Park, a community that values its natural habitat of streams, creeks, lush trees, vegetation, and other forms of unmistakable beauty. It's that natural beauty that underscores Lake Forest Park's appeal and comfort. I do not understand the reasoning for building on this land so close to the water. This proposal seems unreasonable, illogical and would alter the verdant landscape and appearance while simultaneously affecting the creek, salmon, and vegetation.

Please rethink making this exception. Here is the File Number: 2021-RUE-0001

Thank you

Kevin P. Henry

Here is the proposal

https://www.cityoflfp.com/313/Notices-and-Announcements

Exhibit 5.13

Cameron Tuck

From: Tracy Banaszynski <tlbanaszynski@yahoo.com>
Sent: Monday, November 22, 2021 11:57 AM
To: APlanner
Subject: File Number: 2021-RUE-0001

Subject: File Number: 2021-RUE-0001

Dear Planning Department,
I oppose granting a reasonable exception to File Number: 2021-RUE-0001. This is critical wildlife habitat and important to the health of our watershed and for salmon. This development would harm Lyon's Creek and threaten the environment for salmon. It should not be allowed.

Please don't approve this File Number: 2021-RUE-0001 for a reasonable exception.

Thank you.

Sincerely,
Tracy Banaszynski

Exhibit 5.14

Cameron Tuck

From: Amy Estes <amy_estes@yahoo.com>
Sent: Saturday, November 20, 2021 12:27 PM
To: APlanner
Subject: File Number: 2021-RUE-0001

Dear member of the development planning board,

With respect to: File Number: 2021-RUE-0001 and Mark Garey's proposed development associated with Parcel# 4022900497, this area has been officially designated as a "critical area" where habitat needs to be unhindered, and Mr. Garey's proposed mitigation and construction plans will disrupt the water quality and the wildlife of that critical area habitat.

Please, do not permit the development of this parcel, and keep me updated about the proceedings surrounding this proposal.

All the best,

Amy Spicka

Sent from Yahoo Mail on Android$

Exhibit 5.15

Cameron Tuck

From: Joey Krikorian <joey.krikorian@icloud.com>
Sent: Friday, November 19, 2021 4:37 PM
To: APlanner
Subject: File Number: 2021-RUE-0001

Hello Planners,
With regards to Parcel 4022900497, I recommend that Mr. Garey NOT be granted an exception to build. Granting an exemption to build and create additional impervious surfaces within the Lyons Creek buffer zone, and in close proximity to the Creek itself, has the potential to cause increased erosion, increased sediment load, and damage to the ecology of the system, both in the long term and in the short term due to disturbances during construction and other activities planned for the site.
Additionally, if it is determined that damage to the stream or ecosystem has occurred within the designated 5-year post-construction monitoring timeframe, it will be too late.

Finally, just because there is precedent does not mean that business should continue as usual if it has the potential to harm the environment. Priority needs to be placed on the ecosystem, the Creek, and the integrity of Lake Forest Park.

Please do not grant this exemption.

Thank you for your consideration,
Joseph Krikorian

Cameron Tuck

From: Veronica Beck <vwaters@gmail.com>
Sent: Sunday, November 21, 2021 7:33 PM
To: APlanner
Subject: File Number: 2021-RUE-0001, Proponent: Mark Garey

To the planning department:

Hi there, I'm concerned about the proposed development of a house very close to Lyons Creek for many reasons, but in particular for the salmon. Didn't LFP Council declare they wanted to bring salmon back to Lyons creek? Granting an exception for this building goes against that declaration.

Please don't grant the exception. Please don't allow the building to proceed.

Thank you.

Best,
Veronica Beck

Cameron Tuck

From: janet matsumoto <jnemats@gmail.com>
Sent: Monday, November 22, 2021 3:58 PM
To: APlanner
Subject: File Number: 2021-RUE-0001, Proponent: Mark Garey

I have lived in the area for the last 44 years. I love my garden and appreciate our green environment. I'm writing about the proposed development by Mark Garey on Parcel # 4022900497. This proposal does not protect our land. What will happen to the water quality? Where will the runoff and groundwater go?

The LFP city's reasonable use exception 16.16.250 states that an exception will be granted only if "the proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site ..." I believe his building plans do indeed pose a threat to our public health.

Please maintain the integrity of our environment and deny this building exception.

Thanks, Janet Matsumoto

6645 NE 198th St

Kenmore, WA 98028

Cameron Tuck

From: Cameron Tuck
Sent: Monday, November 22, 2021 4:37 PM
To: APlanner
Subject: FW: NOTICE OF APPLICATION FOR USE EXCEPTION File Number: 2021-RUE-0001

FYI

From: Nicole Dunscomb <nicole.dunscomb@gmail.com>
Sent: Monday, November 22, 2021 4:32 PM
To: Cameron Tuck <ctuck@ci.lake-forest-park.wa.us>
Subject: NOTICE OF APPLICATION FOR USE EXCEPTION File Number: 2021-RUE-0001

Planner,

I understand a builder is requesting an exception to avoid holding up the LFP code of a 115' buffer. Isn't that code set up to protect our environment? What is the impact on the fish and other animals by building a new house? Muddy and disrupted waterways caused by such construction projects is unhealthy for fish and wildlife.

Can you request more proof of the impact the development of this land will have? Perhaps the city should even modify the codes to be more protective of the ecosystem and wildlife so important to the well-being of everyone in our area. At minimum, can we hold true to code?

Please reject this request.

Cameron Tuck

From: Cristin Mattione <cristin888@gmail.com>
Sent: Tuesday, November 23, 2021 11:38 PM
To: APlanner
Subject: Please reject 2021 RUE-0001

Hi,

I just found out that there is an active application for a reasonable use exception for a builder near Lyon Creek. I think by now we all know how important creeks and riparian zones are to the health of salmon. It's all of our responsibility to be stewards of this land. While we can't undo all the destruction that has already been done, we can at the very least protect what we have left.

I beg you to reject this proposal and hold steady to the rules in place. The buffer code is there for a reason and needs to be honored.

Thank you so much for your time, and I hope you can see how important this is.

-Cristin Mattione

Exhibit 5.20

Cameron Tuck

From: Corrie Evans <corrieann2@yahoo.com>
Sent: Sunday, November 21, 2021 9:35 AM
To: APlanner
Subject: REASONABLE USE EXCEPTION, File Number: 2021-RUE-0001, Parcel # 4022900497

Hello Planning Department,

We are very concerned about this project File Number: 2021-RUE-0001.

We live at 20405 37th Ave NE, Lake Forest Park, WA 98155, one house over, on 37th Ave NE, from the proposed plans. We are doing what we can do protect Lyons Creek and the environment, working with Ashley Allen at the King Conservation District do what is best for the creek we live on by removing invasive species and planting the appropriate native plants. The neighbor whose address is on 205th, but owns the property between mine and the property in question is also scheduled to work with Ashley Allen to remove the invasive species and replace with native plants.

Squeezing a house on to the corner lot and disregarding the critical area is not in line with being environmentally friendly. Adding another house to this area would negate our efforts to restore Lyons Creek with hope that the salmon can return to run the creek again.

We hope you will reconsider and disallow the house to be built on critical area.

Thanks for your consideration and please add me on the notification list for this file.

Corrie Evans
(206) 335-9621

Cameron Tuck

From: PATRICIA MCGUIRE <pmcguire@prodigy.net>
Sent: Friday, November 19, 2021 6:02 PM
To: APlanner
Subject: Subject: File Number: 2021-RUE-0001

11/18/2021

Dear Planning Department,

Greetings,

I'm writing regarding the proposed development by Mark Garey on Parcel # 4022900497.

I'm concerned that even with Mr. Garey's mitigation plan, the construction will disrupt the water quality and the wildlife habitat.

This area has been officially designated as a "critical area".

Please, don't let this parcel be developed.

Add me to be notified regarding this development.

Dr. Pat McGuire

Exhibit 5.22

Cameron Tuck

From: Deresse Almamaw <deressealmamaw@yahoo.com>
Sent: Monday, November 22, 2021 3:42 PM
To: APlanner
Subject: Subject: File Number: 2021-RUE-0001, Proponent: Mark Garey

Subject: File Number: 2021-RUE-0001, Proponent: Mark Garey

Hello, I'm writing regarding the proposed development by Mark Garey on Parcel # 4022900497. This area has been officially designated as a "critical area". I'm concerned that even with Mr. Garey's mitigation plan, the construction will disrupt the water quality and the wildlife habitat. We should hold up code and protect our environment.

Please, don't let this parcel be developed.

With Regards

Deresse

Exhibit 5.23

Cameron Tuck

From: kim.josund@gmail.com
Sent: Friday, November 19, 2021 11:43 AM
To: APlanner
Cc: Stephen Bennett
Subject: LFPSF Comments on Garey 2021-RUE-001
Attachments: Garey 2021-RUE-0001 Letter to City Nov_18_ 2021.pdf

Please find attached our comments on the building application proposal 2021-RUE-001.
Thank you,

Kim Josund

Lake Forest Park Stewardship Foundation
www.lfpsf.org

Exhibit 5.24

Lake Forest Park Stewardship Foundation

November 18, 2021

Comments by the Lake Forest Park Stewardship Foundation (LFPSF)
File Number: 2021-RUE-0001
Proponent: Mark Garey

To the City of Lake Forest Park:

This proposal for building a house on a lot that is 100% within the critical area stream buffer of Lyon Creek will not accomplish the "no net loss" of stream functions required by code, will not minimize harm to the resource, and will not adequately mitigate for unavoidable impacts.

The Best Available Science (BAS) on ecological functions of stream buffers is Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications, Washington Department of Fish and Wildlife, 2020. It is available for downloading at https://wdfw.wa.gov/publications/01987. We request this BAS be considered when making decisions about this building proposal. This BAS is organized into chapters dealing with the processes that influence stream health; the pertinent chapters are discussed individually below, with suggested mitigation for the unavoidable impacts this proposal will cause on each of the processes.

We request that City officials keep in mind that the lot in question is at the very top of Lyon Creek at the border of Lake Forest Park, so impacts to the stream on this site will have wide effects downstream. These impacts are cumulative, meaning that if other property owners caused similar impacts the stream would be very severely damaged. Potential damage includes becoming more of a drainage ditch, which would get overly heated and nearly go dry during rainless spells, and flow very violently and out of its banks during storms. The stream on this site is a known Coho spawning reach and it is also probably habitat for Chinook, sockeye, steelhead, and cutthroat trout. It has potential to become habitat for the kokanee population that UWB and LFPSF are working to establish in Lyon Creek. Persons that would be impacted by buffer degradations on this site include not only the lower streamside property owners in LFP, but also: all people who are working to recover ecological health of the stream whenever possible by slowly restoring buffer functions on developed sites; all residents enjoy stream views; all who want salmon and trout populations to recover; all who want the streams of our area to contribute to Lake Washington in a healthy manner; all who are working to restore kokanee and other salmon populations to the creeks of our city; and all desire to know that the natural resources of our city are being protected and restored for the present and future enjoyment of our residents. Cumulative impacts allowed to occur on this site will harm all those people, not to mention fish and wildlife.

Lake Forest Park Municipal Code Chapter 16.16 ENVIRONMENTALLY CRITICAL AREAS, in 16.16.370 Streams—Mitigation Requirements states *"Replacement or enhancement will be required when a stream or buffer is altered pursuant to an approved development proposal.*

***There will be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations**."* Stream functions pertinent to Lyon Creek described in the BAS are listed immediately below by chapter number of the BAS, with hydrology concerns added by LFPSF. We request that the code requirements for "no net loss" and "no impact" be evaluated for each of these. Our evaluations and recommendations for mitigation are discussed for each of these in separate paragraphs below, following the heading "Buffer Functions".

CHAPTER 2. STREAM MORPHOLOGY
CHAPTER 3. WOOD
CHAPTER 4. STREAM TEMPERATURE
CHAPTER 5. POLLUTANT REMOVAL
CHAPTER 6. NUTRIENT DYNAMICS IN RIPARIAN ECOSYSTEMS
CHAPTER 9. SCIENCE SYNTHESIS TO MANAGEMENT IMPLICATIONS
HYDROLOGY [a paragraph we add because LFP has so much experience with flooding]

We spoke to Nick Holland, LFP Senior Planner, on October 28, 2021, asking about mitigation required by the City for impacts not specifically mentioned in the code, and how the City enforces the code requirement for "no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations". He said it is up to the applicant to demonstrate no net loss and no impact. We think it will be very difficult for the proponent of this project to assure no net loss and no impact, so proposals for satisfying the "replacement or enhancement" requirements of City code should be supported by reports of licensed professionals submitted by the applicant for each category of the possible impacts. If there remains a lack of submission of convincing reports, we request the City require very strong mitigation for impacts to each buffer function to ensure any errors in computing impacts are fully compensated.

Buffer Functions
CHAPTER 2. STREAM MORPHOLOGY.
The BAS says *"…channel morphology and the processes that shape it can be impacted by human[s] … usually resulting in loss of habitats, reduced habitat diversity, and diminished habitat functions for aquatic species. Management actions such as … riparian vegetation removal tend to reduce natural variability of geomorphic processes, often amounting to stream habitat degradation greater than the sum of its parts."*

The impacts of the proposal include removing mature buffer trees and permanently preventing tree regrowth in the area of development and creating the likelihood of hazard tree removal in the future from areas quite distant from the house. These impacts will be to an area that is presently functioning quite well with 90% canopy closure. This will harm stream morphology by limiting contribution of wood to the stream, and by limiting the benefits of root strength in areas where the stream may need to meander. The proposal for mitigation of tree removal is to plant young trees under the canopy on site outside the development's footprint. However, replacement trees will not develop the full function of removed mature trees for several decades, and this impact is not addressed by the proposal. Nor is the impact of permanently removing the area of the development from the ability to re-grow tree functions. To mitigate for the impacts to stream morphology the applicant should be required to add pieces of conifer trees to the stream that are large enough to remain in place during high flows, in a quantity sufficient to cause the channel on site to develop 50% pools and 50% riffles. Placing big stumps in the wetted low flow channel should be sufficient for this mitigation, if they are placed so there is only one-low flow channel width between them; logs anchored into the streambank probably are not needed in the channel on site, but an adequate job will make it look like the channel is very full of stumps.

CHAPTER 3. WOOD
The BAS says *"Wood plays critical roles in the composition, structure, and function of riparian and aquatic ecosystems…wood is an important determinant of channel form and dynamics, especially in small streams… Large wood causes widening and narrowing, deepening and shallowing, stabilization and destabilization at*

different points along a stream or river channel… The many effects of large wood create a variety of channel morphologies—dam pools, plunge pools, riffles, glides, undercut banks, and side channels— which provide a diversity of aquatic habitats." Mitigation for the impact of permanently decreasing the ability of the buffer to provide wood to the stream is the same as for the impacts on stream morphology discussed in the paragraph above. Addition of the stumps described for mitigation for the impacts on stream morphology will also satisfy the need for mitigation for the impact on wood supply.

CHAPTER 4. STREAM TEMPERATURE

The BAS says *"…the types of riparian vegetation and their condition … play important roles in determining the amount of solar radiation that reaches a stream's surface. Through management of riparian ecosystem conditions, especially vegetation, the spatiotemporal distribution of stream temperatures (i.e., thermal regime) … can be affected, which in turn, directly and indirectly affect the survival and productivity of aquatic species … including salmon."* The proposal calls for mitigation of the total removal of buffer trees in the area of the house, the 10-foot-wide perimeter area surrounding the house, and the driveway by underplanting the 90% canopy elsewhere on the Garey site. This seems inadequate because the impacted area will remain totally non-productive of trees, whereas the proposed mitigation site is already functioning well with 90% canopy coverage. A much greater area than the totally cleared area must be enhanced if the enhancement is to be done in places that are already functioning well. Increasing the functions of well-functioning areas sufficiently to compensate for full removal of functions elsewhere on site would be so difficult that we do not think the proponent could do it. In addition, the Arborist Report states, "Tree assessment related to occupant safety and safeguarding new structures or other targets must be done separately [from this report] and after building has been completed." This implies the arborist anticipates the development of hazard trees from existing buffer trees which will require removal, further diminishing the buffer functions caused by the original clearing. Thus, we think the partial mitigation that can be provided by removal of invasive shrubs and underplanting the canopy with juvenile trees is necessary but not sufficient. The unmitigable portion of this impact must be compensated with alternate types of mitigation. We think part of the mitigation discussed below for pollutant removal could be applied to compensate for the only partially mitigated temperature impacts.

CHAPTER 5. POLLUTANT REMOVAL

The BAS says *"Riparian areas exert a significant influence on water quality due to their position between terrestrial and aquatic ecosystems…while passing through riparian areas contaminated water undergoes a variety of physical, chemical, and biological processes that reduce pollutant concentrations... Riparian areas slow surface runoff and increase infiltration of water into the soil, thereby enhancing both deposition of solids and filtration of water-borne pollutants. Riparian areas also intercept and act on contaminants in subsurface flow through dilution, sorption, physical transformation, chemical degradation, or volatilization by various biogeochemical processes and through uptake and assimilation by plants, fungi, and microbes. There is overwhelming evidence in the scientific literature that riparian buffers reduce nonpoint source water pollution for a variety of pollutants— including sediments, excess nutrients, metals, organic compounds such as pesticides, and pathogens."* The proposal will decrease the ability of the buffer to process pollutants by eliminating natural soil processes in the area disturbed by the house, driveway, and 10-foot-wide perimeter area surrounding the house. There is no way this impact can be eliminated, so enhancement of buffer functions elsewhere must be accomplished for compensation. Presently a pipe on the western part of the lot discharges drainage water onto this lot a few feet from the stream channel. Also, in the street right-of-way near the edge of this lot a catch basin at the southwest corner of 205th Street NE and NE 37th Avenue apparently discharges street runoff from 205th Street directly into Lyon Creek. Building vaults to detain and treat stormwater presently discharging from these pipes into Lyon Creek on or near this site would be an excellent improvement to stream function, probably more than compensating for diminishment of pollutant removal functions caused by eliminating natural soil processes in the area disturbed by the development. Thus, some of the benefits of these two suggested vaults and filters could also be used to compensate for impacts discussed in the preceding and following paragraphs.

CHAPTER 6. NUTRIENT DYNAMICS IN RIPARIAN ECOSYSTEMS

The BAS says *"Organic matter from riparian areas, an important source of energy and nutrients, makes its way into streams via plant litterfall, or through transport by water, wind, or animals. Organic matter in streams provides habitat and food for microbes, insects, fish, amphibians, birds, and other organisms, and decomposes to release plant-available inorganic nutrients like ammonium, nitrate, and phosphate. Riparian areas also store energy and nutrients from organic matter coming from upland and instream sources through biotic uptake, sorption and exchange, and slowing or trapping particles… Nutrients and the hydrological and biogeochemical processes that dictate their transport and fate are …of …critical importance for growth and maintenance of life in the riparian ecosystem and the subsequent effects on stream biota and water quality."* The decrease in the ability of the buffer to process nutrients by eliminating natural soil processes in the area disturbed by the development would be compensated by the two road runoff vaults and filters suggested in the paragraph above dealing with pollutant removal. More direct techniques for mitigating this impact are hard to envision.

CHAPTER 9. SCIENCE SYNTHESIS TO MANAGEMENT IMPLICATIONS

The BAS says *"The current state of the science, as reviewed in chapters 1 through 8, clearly demonstrates the importance of an intact riparian ecosystem to the proper functioning of aquatic habitats…Riparian ecosystems are a priority habitat because their composition, structure, and functions dramatically affect a multitude of fish, amphibian, reptile, bird, mammal, and invertebrate species … Although riparian ecosystems are a small portion of the landscape, approximately 85% of Washington's wildlife species use them…Protecting or restoring high function to this relatively small portion of the landscape can disproportionally benefit many species and other important ecosystem goods and services (e.g., clean water, fisheries, and flood control)".* This BAS supports our view that strong mitigation is needed for the impacts the proposal would cause on the Lyon Creek buffer.

HYDROLOGY

In addition to the functions discussed in the BAS, we request careful consideration of the impacts the proposal will have on hydrology, including making floods worse and low flows more stressful on the stream ecosystem. We expect three changes to the plans should be required to minimize these impacts.

1. Stormwater from the developed areas should not be disposed in the proposed dispersion trenches. The proposal intends to infiltrate stormwater with level spreaders within one-half foot of elevation from the Ordinary High-Water Mark, and eight horizontal feet from the Ordinary High-Water Mark. We do not think this could function well during storm flows because the soil in this place would already be fully saturated. The applicant should be required either to submit a report from a civil engineer with hydrology expertise documenting that the infiltration proposed will indeed function fully during all stream flow, flooding, and soil saturation conditions, or the applicant should be required to redesign the stormwater control aspects of the proposal. We think an adequate redesign could be accomplished by building the house on pilings and infiltrating all the runoff from the house and 10-foot-wide perimeter area surrounding the house into the soil beneath the house.

2. The proposed level spreaders should not be built, and all the area of the lot outside the 10-foot-wide perimeter area surrounding the house should be fenced and given natural area protection by the city, to avoid compaction of the soil or destruction of plants that influence runoff. If building the house on pilings is impractical, then a vault should be built under the house to detain all runoff for dispersal into the highest elevation buffer area possible, at the rate of runoff from mature forest.

3. The driveway must be made of permeable pavement installed under the directions of a soil scientist. This is because we are concerned that soil this close to the elevation of the stream might not behave in the manner familiar to builders of permeable pavement elsewhere. Alternately a vault should be built under the driveway that will store all stormwater runoff from the driveway for release into the buffer at the rate of mature forest runoff. A bond to ensure periodic professional maintenance of the vaults should be required.

The City should take special care of this exceptionally important type of habitat, and it is entirely reasonable that the applicant be required to completely demonstrate accomplishment of the code requirement for **"no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations."**

We think it will be very difficult for the proponent to assure no net loss and no impact, so if those claims are made the applicant should be required to submit reports by professionals specializing in evaluating impacts on stream morphology, wood, stream temperature, pollutant removal, and nutrient dynamics in riparian ecosystems, as discussed in the BAS, plus on hydrology because LFP has so much experience with flooding. We think the "replacement or enhancement" requirements of City code will be found to demand very strong and thorough mitigation for this project, and the City should err on the side of extra protection of the resource if there is question about how much mitigation is needed.

Sincerely,

Kim Josund
President
Lake Forest Park Stewardship Foundation

Cameron Tuck

From: Jim Mattila <waterite@uw.edu>
Sent: Tuesday, November 30, 2021 1:03 PM
To: APlanner; michelleg18@frontier.com
Subject: Re reasonable use comments for 2021-RUE-0001
Attachments: Jim Mattila Lyon Creek letter.pdf

Attached is a pdf containing comments in regards to the development project on Lyon Creek under File Number: 2021-RUE-0001, Reasonable Use Exception

Please respond with an acknowledgement that the file was received and opened for the record.

Thank you,
Jim Mattila

Cameron Tuck, Assistant Planner

Lake Forest Park Planning Department

City of Lake Forest Park

17425 Bothell Way NE

Lake Forest Park, Washington 98155

RE: File Number: 2021-RUE-0001, Reasonable Use Exception

Dear Mr. Tuck

A friend who is an environmental advocate and knows my work well, asked me if I was familiar with the lot applied for in the above file. She is concerned that building on this site will degrade the local environment, and spawning habitat in particular, and wanted my opinion as to whether or not the City of Lake Forest Park should grant a reasonable exception for this building lot.

As time to comment is short, here is my hastily generated answer:

I grew up in Kenmore and as an adult lived just a couple of blocks upstream of the site in question. More important is that I have spent my entire life studying local natural history, and that of the fish of this area especially. I have worked at/with both the state and county gathering data on aquatic resources of the very reach in question, and have a degree in Aquatic Ecology from the University of Washington School of Fisheries, where also I was employed for a decade in a research unit conducting various projects involving fish, many of which involved those of the Lake Washington Basin.

However outside of work and going back to the 60s even when I was young, I have been consulted informally by various parties, agencies, non-profits and firms as to the attributes of local streams and fish, and have provided data freely which are the result of my personal efforts alone. Most of my expertize in the history and ecology of the area under consideration (and its fish and habitat specifically) was gleaned from my personal observation and research which is extensive and goes back decades and to childhood with devout attention absolutely.

So I know the site well, and not just because it was a block or so away from where I used to live. Rather because it's one of the locations on Lyon Creek that I could easily access and count upon seeing fish spawn, Cutthroat Trout (a Pacific Salmon mind you) in particular, along with Coho juveniles when the state was still planting the stream with fry in abundance.

In fact I could sometimes determine the presence of spawning fish just by driving by and noting Herons stalking the riffles. And beyond the Herons I have observed Eagles prowling that specific portion of stream corridor, as it offers riparian seclusion that is all but missing along the entire length of Lyon Creek throughout its run in Lake forest Park.

For an urban stream, the site is environmentally sensitive as it gets, and its ecological value hinges almost wholly on the riparian cover across the entire parcel period. Given that the stream divides just upstream into two small branches at the Cedar Way Detention Facility, and all gravels there are smothered in fine sediments, moreover that fish passage at the dam is problematic, in my professional opinion the development site in question constitutes the finest spawning habitat yet remaining in the Lyon Creek Watershed. I cannot imagine that granting a permit there would be anything but a mockery of environment law and indeed the need for buffers.

Frankly am astounded that such a proposal is even being considered in the first place.

The simple fact is that the site is ecologically unique in its aquatic nature, and while small, it is yet forested, something rarely found in Lake Forest Park obviously.

It has attributes that indeed are seen just upstream in Mountlake Terrace, but there natural meanders are absent as the stream is confined to essentially a straight run along Cedar/44th/35th, and then runs through an artificial pond at the stormwater detention facility.

Thus for good logical cause, and with over a lifetime of research on local streams (and annually through say 1980 to 2010 absolutely) I have noted Herons at the site of proposed development many many times stalking spawning fish, and on a couple of occasions have seen eagles there absolutely.

The fish and birds are there because the site has explicit qualities that are nowhere else to be found along that fork of the stream. And while above the detention facility and 240th, similar appearing habitat does exist; it is greatly diminished in volume as the stream divides at the pond.

These are environmental observations that unless someone knew the site intimately might not be obvious I must say. So that is one thing, the site has unique habitat that draws in a host of important and desirable species. However beyond that the other environmental concern is that the detention facility just upstream poses a GRAVE risk to all homes along that corridor of Lyon Creek, and that site perhaps above all.

Everyone needs to be aware that the detention facility's planning documents say loss of life is already at risk should the dam ever fail during a storm event.

Exhibit 5.32

Page 197 of the North King and South Snohomish Counties Section Ⅲ – Multi-Jurisdictional Breakouts Regional Mitigation Plan Ⅲ – 197 Mountlake Terrace June 2004 is says the following:

"A 1999 report by the Washington State Department of Ecology indicates that if the fuse plug erodes, the dam will release four to five times the water expected during a 100-year storm flow. A water release of this scale would travel for 2.4 miles down Lyons Creek to Lake Washington, potentially causing loss of life and damage to private property as well as damage to a state highway, several arterial streets, and a shopping center and office complex. The Department of Ecology, in 1999, confirmed a classification of Hazard Class 1B, High downstream hazard potential."

This document was made before society was as aware of the risks faced with global warming which will increase these hazard potentials. There is no way to secure the requested building site from the catastrophic flood hazard there to be found.

There is a LOT of water impounded at the detention facility when it is full, and it backs up BOTH forks well upstream of the pond itself at great depth. And so naturally the floodplain a the development parcel needs to be defined with THAT in mind and NOT just the stream's normal high flow such as seen when the dam is routinely over topped.

The dam is an undisclosed environmental risk, and one that can't be mitigated, and sadly one far greater than the public downstream currently has been made aware.

The danger posed by the flood facility is far more severe than presently understood (or acknowledged) being that while the dam itself is well engineered (and to date has withstood the rather common overflowing such as I have noted, but which planners never expected unfortunately) with the vastly increased runoff instituted through the high density development of Downtown Mountlake Terrace, the danger to the proposed development site is annually being increased no question.

But beyond that and even MORE troubling, is that while the dam is well engineered, on its east side it abuts a steep hill slope that is obviously unstable.

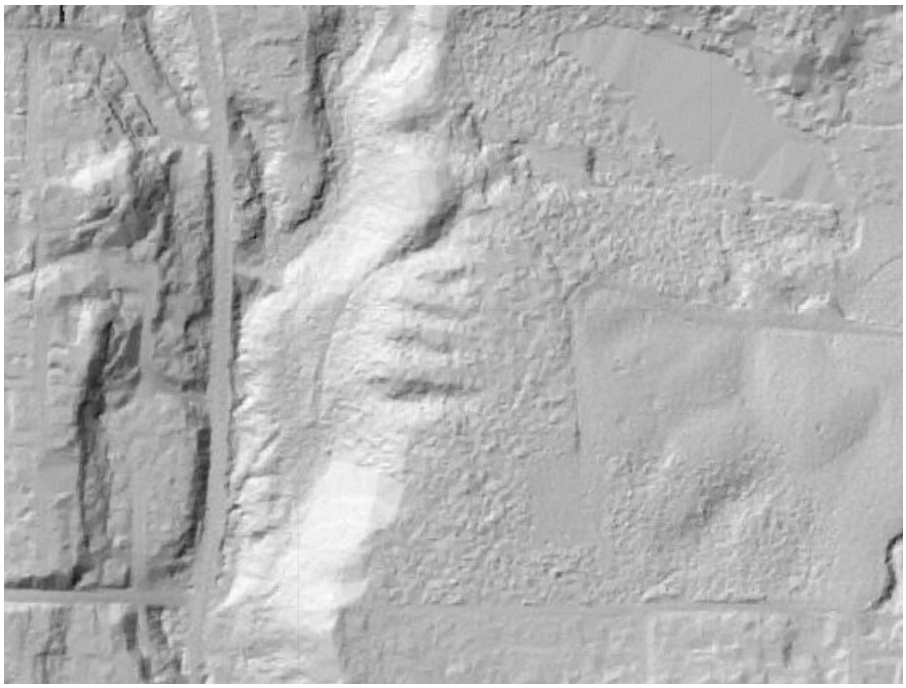
With the constant flooding of the base of that hill (leading up into Brier) there is every reason to expect it will fail at some point. The routine impounding of water at the detention facility in fact undermines the toe of that slope annually. Most relevant however is that should the dam spillway ever get clogged with woody debris at its outfall, resulting in flows diverted to its eastern end, the moving waters there will surely carve a path around the dam in the loose soils there, already wet and so emptying the dam in rapid fashion with water, mud and debris violently pounding its way downstream all the way to Lake Washington no question.

And what happens should a landslide occur anywhere along the pond regardless?

Well the water so displaced would flood the site in question dangerously also. And again, raising the water table on and off by a dozen feet via the water being impounded by the dam a few hundred meters along the base of an unstable hill, is honestly asking for a geological disaster to begin with.

And bear in mind there is a lake at Abbey View literally at the top of the hill in Brier providing hydraulic ground water pressure from above, and so the conditions there bode for catastrophe all the way around.

In fact as an aquatic ecologist I find the lack of old growth stumps on certain portions of the hill slope thereabouts as clear evidence it is prone to fail absolutely. Even a cursory view of LIDAR imagery reveals the hill there is not sharply defined, and indeed it has the soft appearance of sluffing from probably having failed repeatedly in the past in several places.



LIDAR imaging with the development site at the lower left and Abbey View Lake in the upper right. Note the bright jumbled appearance of the slope along the eastern border of Mountlake Terrace leading up into Brier.

And while these undisclosed disastrous flood dangers threaten the entire stream in Lake Forest Park, their worst effects will be seen on its upstream length in your city and so at the very site in question to be developed wherein no risk to life currently exists.

It matters not what I or anyone else may claim or say, the facts on the ground there speak for themselves with absolute, and perhaps fatal clarity, no question.

So for deep biological and human concerns alike I implore the city to not grant the requested "Reasonable Use Exception" or issue development permits of any sort at the site in question, under file number 2021-RUE-0001, as the economic desire in no way outweighs the risks and losses to people and the environment that development there would surely entail.

Cordially,
Jim Mattila
waterite@uw.edu

Cameron Tuck

From: jolene@jolenejang.com
Sent: Wednesday, December 1, 2021 12:51 PM
To: APlanner
Subject: File Number: 2021-RUE-0001, Proponent: Mark Garey, Permit Type: Reasonable Use Exception
Attachments: JoleneJangComment_RUEGarey.pdf

Hello Planning Team,

This my comment for the RUE Garey proposal.

Please confirm you got this 6 meg file. I also corrected a few typos from my last version.

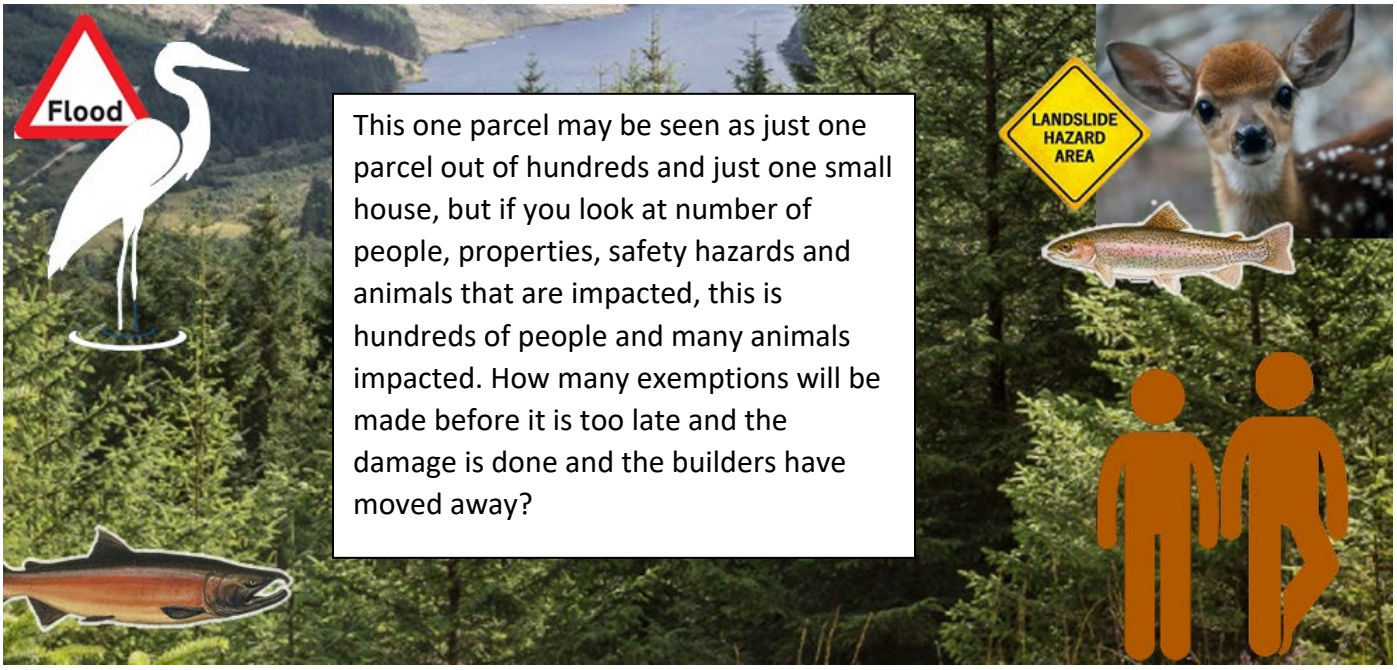
I also have pics and videos you can reference here.
https://drive.google.com/drive/folders/1V8gY96Q43vE6whQCDJGrVCYPA9K69C7w?usp=sharing

Thanks

Jolene Jang

Jolene Jang
Adjacent Neighbor and living above the creek and slope
November 30, 2021

Planner Bennett, Asst Planner Tuck and Team,



Although, I am not a trained wetland ecologist, fluvial geomorphologist, geotech, hydrologist, habitat engineer or fish biologist, I have read through and understand the documents. I believe these types of experts should be required to be in the process to make valid decisions based on data. This data should be transparent and shown to us.

With climate change now on center stage, more people are tuning into the human effects on our precious eroding environment. In our local politics, environmental concerns are more popular as seen with the electing of LFP Council Person Tracy Furatani, Climate Educator. From reaching out to lots of salmon lovers, friends of creeks, protector of streams, and environmentalists, alone there is a lot of interest to protect this land. Many people who didn't pay attention to politics like me are now paying close attention and getting involved in many causes. Times are different and people are speaking up.

From written documents on the LFP City website it sounds like LFP is committed to be environmental and to be transparent. Here is the LFP Strategic Plan, page 8, "What is Important": Collaboration, Equity, Accountability, Stewardship, Integrity and Service Ethic and page 9 Healthy Environment that has this blurb on protecting the environment.

Page 14 and 15 are also dedicated to a healthy environment specifically calling out streams, ravines, canopies and wetlands, and wildlife habitats. The Current Ongoing Services #3 talks about responsive code enforcement. I would like to make sure that code is enforced as stated in the document.

What is important to us:

Collaboration	We achieve greater results through collaborative engagement of each other and the communities around us.
Equity	Our actions provide all people with real access to a good quality of life.
Accountability	We are committed to addressing the concerns and priorities of Lake Forest Park through transparent community engagement, decision and actions, through continuous improvement.
Stewardship	We are effective, efficient, financially prudent and innovative stewards of the public's resources, and strive to achieve sustainable results.
Integrity	We resolve to do what is right for our citizens individually and our community as a whole, despite any political, social, or economic pressures to do otherwise. We will strive to be deliberate and transparent in our leadership actions and avoid reactionary responses to issues or events.
Service Ethic	We deliver our programs and services in a manner that respects the customer and community while seeking positive and efficient solutions in the delivery of City business. We uphold the high standards, skills, competencies, and integrity of our professions in doing the work of City government.

In the Service and Policy Growth section, it specifically states the importance of Lyon Creek. LFP seems to be highly committed to the environment.

II. HEALTHY ENVIRONMENT

From its very beginning, our City's natural environment has been its defining characteristic. Named for its location on the shore of Lake Washington and the abundance of streams, ravines, wetlands and robust tree canopy, our city has been committed to protecting this valuable ecosystem and green infrastructure to create economic and health benefits for our citizens. Effective environmental protection requires strategy that acknowledges the critical interdependence of the various contributing local, regional and global ecosystems, as well as their relationship to the built environment. What we build, where we build, and how we build it has a lasting effect on the health of our citizens, community, region and planet.

The city has strived to maintain a healthy tree canopy through urban forestry planning and an adopted tree ordinance, as well as public education. The city's land use policies and permitting functions are designed to protect environmentally sensitive areas and to preserve natural areas in response to

WE DELIVER A HEALTHY ENVIRONMENT THROUGH...

Ensuring the community and environmental health of Lake Forest Park through the effective policies that protect lands, waters, trees, and wildlife, and promotinge human health while managing the effects of climate change on a local level.

HEALTHY ENVIRONMENT

Ensuring the community and environmental health of Lake Forest Park through the effective policies that protect lands, waters, trees, and wildlife, promoting human health while managing the effects of climate change on a local level.

community objectives, including protecting wildlife habitat and providing our citizens with outdoor gathering spaces and walking trails.

The city has established land use policies for housing and commercial growth through its Comprehensive Plan. The city also works to restore stream habitat, and replace and repair culverts to promote stream health. We also maintain a sanitary sewer system that protects human health and the environment, and engages with local water districts to ensure safe water quality for citizens.

Current (On-Going) Services:

1. Maintain and enhance water and sewer infrastructure through fiscally sustainable plans and franchise agreements that provide for effective, safe and environmentally sound utilities for the city.
2. Systematically implement National Pollutant Discharge Elimination System (NPDES) permit requirements in order to achieve compliance by 2018, including evaluation of strategies for water quality testing and fish counts in Lyon and McAleer creeks.
3. Manage an inspection and permitting system wherein growth pays for its associated costs, while protecting environmental health of the City through the policies of the Comprehensive Plan and responsive code enforcement.
4. Educate and engage the community regarding the value of a healthy environment.

Service & Policy Growth Initiatives for the 2015-2016 Biennium:

1. Develop a Healthy Creeks Plan for the strategic and systematic investment in the restoration of Lyon Creek and McAleer Creek in order to improve water quality, provide for regular native fish spawning while also reducing the impact of water on roads and roadbeds.
2. Review policies and programs supporting the maintenance of the City's tree canopy.
3. Identify opportunities for environmentally sound infrastructure improvements.

LFP state values and environmental codes sound appropriate and **strongly committed to the environment.** I am proud of the LFPs commitment.

My concern is that Garey's proposal is **contrary to Lake Forest Parks** stated values and concerns, as indicated in the previous documents including a healthy environment. The request for a Reasonable Use Exception breaks many LFP codes.

> 16.16.250 Reasonable use exception to allow for reasonable economic use.
> 2. There is no other reasonable economic use with less impact on the critical area; and
> 3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site, and is consistent with the general purposes of this chapter and the comprehensive plan;

From reading the sparse application, lacking specific scientific reports to address each issue, it doesn't seem like any proof was delivered. The science is missing, and the limited documents appear to contain minimum information. There is not enough information to prove that there will not be a devastating impact on this critical area.

Another red flag besides the lack of studies and assessments to prove there will be no unreasonable threats on the site is the **tree report.** The tree inventory report is inaccurate and misleading. Anyone walking past the parcel can count the trees and see a large discrepancy. I counted 35 trees. The application says there 13 trees.

Many potential problems are not discussed in Garey's proposal like flooding, potential landslide hazards and the impacts of erosion. The PSH Protected Species Habitat is not even mentioned. I wonder if Garey's past permits were given green lights in other cities, without him having to submit thorough plans and documents? Perhaps he thought the LFP wouldn't read the report?

From all of the voices I have heard from concerning this application, both citizens of LFP and those with titles, it appears that you and your team will take this proposal seriously. If this RUE proposal is accepted as submitted, it will go against stated LFP commitments and values. It will set precedent for ignoring environmental degradation. Not being accountable, not enforcing code and not protecting other non-builder residents will tarnish LFPs reputation and degrade our pristine environment.

Who is the customer to serve? Are the residents of LFP a priority? Or is it builders? Whomever it is, to be transparent, it should be stated who takes priority and why.

Introduction

My name is Jolene Jang and I have lived in this 3611 NE 205th St, Parcel 4022900499 house starting in 2002. I am the adjacent neighbor to Mark Garey's parcel.

The current RUE proposal if approved will have a significant adverse environmental impact, on the stream health of Lyon Creek, which runs through the property. This adverse impact includes the riparian zone, downstream stream bed, in creek gravel for salmon redds and the steep hillside adjacent to the stream. It will also negatively impact the neighbors downstream, which includes me.

Must the LFP team be certain there is proper science and proper specialists stating there will be no impact, including the resident in the parcel and all of the downstream community is not negatively impacted and protected threatened species are **not harmed?**

Building on this critically sensitive area **will threaten** trees, riparian zone, wildlife habitat, Protected Species Habitat, water quality, and downstream neighbor's safety.

> 16.16.110 Contents of critical areas study.
> 2. Assess all hazards posed by the development proposal to any critical areas or critical area buffers on or adjacent to the proposed site;

The Garey's proposal says **"Avoidance: The project avoids direct impacts to Lyon Creek** (P6 3.2 Mitigation sequencing)."

I will show how this statement is false.

> 16.16.250 Reasonable use exception to allow for reasonable economic use.
> 2. There is no other reasonable economic use with less impact on the critical area; and
> 3. The proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site, and is consistent with the general purposes of this chapter and the comprehensive plan;

In order to make qualified decision on this RUE, I encourage requiring specific assessments, modeling and reports on each impacted area.

- Trees health of existing and future trees, survival - impact of removing plants
- Flooding/Erosion/Slope/Landslide
- Lyon creek stream banks
- Downstream and the Cedar way roadway
- Impact on Stream Water Quality
- Aquatic animals
- Land animals

Arborist Report is incomplete and misleading

Imagine this. You are a manager of a computer store and one of your employees was in charge of hiring a temporary worker to do inventory. The paperwork for the inventory is completed and says 13k items. Do you do ask any questions about who was hired and are they reputable? Would you take a moment to go the warehouse and glance and eyeball to see if that inventory number seems correct? Do you feel responsibility to your store and company and other employees to make sure this inventory is correct?

What if you saw there was a large discrepancy? Would you question it or let it go? What if you decided to hire another inventory person to count from a known reputable company and found out there was 35k items, that's 63% of the inventory that was missing? What would you think? Might you ask the employee about the person they hired? Might you inquire to the person about how they did they inventory and how they missed 22,000 items? What would be the sound thing to do?

From the enclosed watershed report, it states there are 13 trees inventoried. What about the other trees? What are the standards for tree inventory reports? Who decides which trees will be documented and which ones will be left out? Will the city go out to verify? A person can easily eyeball and count the trees from the road.

I would like to **invite the tree board** to this conversation, so they can see if there are challenges with accountability to current tree code moving forward.

Red Flag Problems

- Only 13 out of 35 trees are documented
- For the conifer on the east edge stated as 20". It needs to be remeasured. It looks bigger than 20" diameter at 53" height.
- These 2 conifer trees are noted on the map, but are not in the chart report. They are outside of the parcel line, but they may be impacted and their roots should be protected too.
- The position of the house and driveway and trees required CRZ and IRZ to be protected doesn't calculate. How can LFP code be followed and position the house in the current position? If you look at the house plan overlaid on the tree plan, it doesn't work. Using the LFP code of Tree Protection for CRZ the 6ft tall chainlink fences protecting the roots encompass over 70% of the stated house and driveway foot print. How could you protect the trees and build in the same area?
- The plan says they will **only remove one tree #11**. The other trees are in the footprint of the house and driveway, how is it explained that these trees will not be removed when they are inside of that area and their CRZ zone is beyond?

- What will happen with all the other trees on the property?

- What about the trees on my property bordering his property. Doesn't the code state these trees should have their critical root zones

- In the report, should there be an in-depth assessment of the individual trees to assess the survival rate and mitigation strategies to insure their survival. Here is an example of what I request to make an accurate decision of the impact of the construction on the land.

How do you make sense of this house footprint map overlayed on his other map of the trees? The purple circle denotes the CRZ zone.

Tree Protection Measures To ensure the survival of the significant trees that will be marked for retention prior to construction, these industry standard best management practices should be followed:

• Tree protection barriers: A temporary enclosure erected around a tree to be protected at the critical root zone (CRZ). The City defines the CRZ as an area equal to one-foot radius from the base of the tree's trunk for each one inch of the tree's diameter at 4.5 feet above grade). Tree protection barriers should consist of 6-foot-high chain link fence with a sign that states: "Tree Protection Area" on all sides of the fence. Protection barriers are to remain on-site until the director authorizes their removal.

What will happen if trees go missing? Will anyone know? Are there any consequences for saying "only one tree will be removed" but somehow 4 other trees disappear?

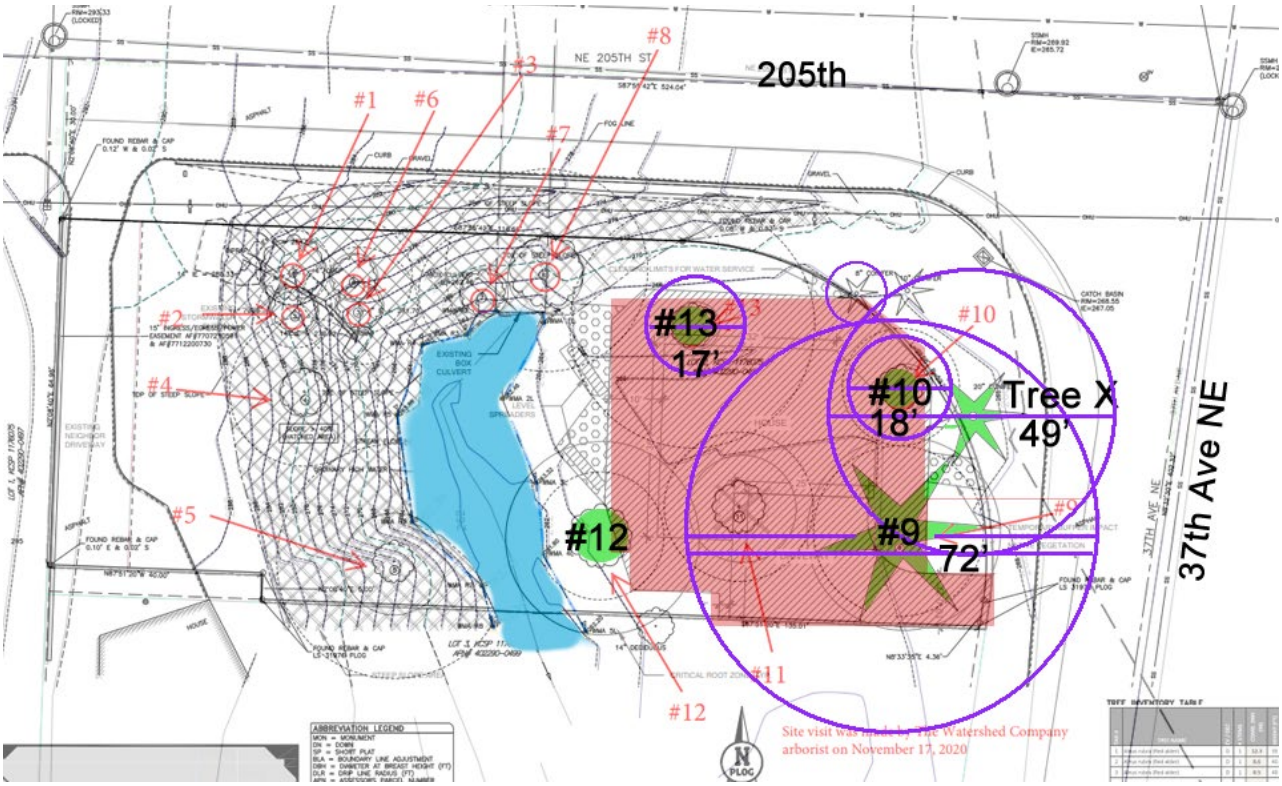


Figure 1 Full size provided as an attachment

Here is the list of inventoried trees on from the document. The ones I am questioning are the significant trees outlined in red and the evergreen that is nameless on the east border on 37th ave. Plus why aren't the other 22 trees on this map.

Tag ID	Scientific Name / Common Name	Trunk DBH (inches)	Significant (Y/N)	Landmark (Y/N)
1	*Alnus rubra* (Red alder)	12.3	Y	N
2	*Alnus rubra* (Red alder)	8.6	Y	N
3	*Alnus rubra* (Red alder)	8.5	Y	N
4	*Populus trichocarpa* (Black cottonwood)	18.0	N	N
5	*Alnus rubra* (Red alder)	19.0	Y	N
6	*Alnus rubra* (Red alder)	8.6	Y	N
7	*Alnus rubra* (Red alder)	8.5	Y	N
8	*Alnus rubra* (Red alder)	14.0	Y	N
9	*Thuja plicata* (Western red cedar)	36.3	Y	Y
10	*Prunus sp.* (Cherry sp.)	9.0	Y	N
11	*Populus trichocarpa* (Black cottonwood)	20.0	Y	N
12	*Populus trichocarpa* (Black cottonwood)	36.0	N	N
13	*Alnus rubra* (Red alder)	8.5	Y	N

Figure 2 Parcel from 37th eastside

Figure 3 Parcel from north side 205th

I am concerned about the trees on my property? Shouldn't the trees that border his property be noted with CRZ zones? Doesn't this code state that offsite trees that may be impacted be protected?

16.14.040 Tree removal
2. Major tree permits and proactive forest management permit applications shall include the following:
a. A site map (to scale) with a north arrow depicting accurate location of site features including buildings, driveways, environmentally critical areas and buffers, forest stands or open-grown single or clusters of significant trees; the CRZ of the stand, cluster, or individual tree, along with any off-site trees that may be impacted by tree removal, excavation, grading, or other development activity proposed; and

In the tree report "A total of 13 trees were inventoried and assessed within the study area. Of these 13 trees, two were dead and therefore are not significant, per LFPMC 16.14.030, and not subject to Lake Forest Park regulations.

Shouldn't the trees be evaluated to see if they are a "Wildlife habitat tree? " A Wildlife habitat tree means the remaining trunk of a dead, dying, diseased, or hazard tree that is reduced in height and stripped of all live branches. To be considered as a wildlife habitat tree, the tree must be at least 12 inches DBH and 20 feet tall. The actual wildlife habitat tree height must consider the surrounding targets.

From what I have learned these trees are important to health of the stream and provide bird and other small animal habitat.

Where is the in-depth report and assessments on the trees to be sure they won't be impacted by the disruption?

I also question the Site canopy assessment and Tree protection measures. From reading Tree Solutions http://www.treesolutions.net/ with 40 years of experience as an arborist, his reporting is thorough. I believe a complete report like shown on Page 3-13 on the public comments of the **LFP Crane RUE involving 2 trees**. Scott Baker, arborist, showed the inaccuracies and mistruths about the tree report submitted by the builder. I suggest hiring a professional like Scott Baker to do a complete job.

I made a few red highlights showing that it is possible for builders to hire arborists to buy their authority and to mislead the city planners. By reading this full comment, you may see some similarities of omissions, as well as Tree Solutions, Scott Baker makes validate points in order to do legitimate tree assessments. It is possible that vendors hired by the builder are not withholding, omitting or not being truthful. I believe a second opinion is required and should be reviewed by your LFP Arborist.

EXHIBIT # 19.4

I used binoculars to inspect the upper parts of the two large trees. Tree #10 shows good adaptive anatomy at the unions of the regrown tops. The trees are both in good condition and growing at a normal rate. Tree #10 has some large (>6 inch diameter) branches present.

The arborist report recommends that most of the trees on the ROW and the large Douglas-fir (#10) tree on the parcel be removed to accommodate the house. He states that the two large Douglas-firs are both hazards, having used the TRAQ risk assessment form to show that tree #6 is high risk and tree #10 moderate risk.

Although it is stated in the methods section that a complete and close inspection was made of every tree, when I visited the site tree #6 and tree #7 were both mostly covered by ivy vines that obscured the bases of the trees. A close inspection would require the removal of these vines.

The arborist says that the failure of tree #6 at the union of the two trunks is probable within two years. He states that the failure of one of the tops of the tree is possible within two years due to decay. No data from an aerial inspection, or advanced testing confirming the presence decay is included.

The report also states that to develop the site as shown on the plan, tree removal is necessary to allow utilities to be installed and to construct a driveway.

The tree canopy coverage uses tree canopy from trees on the adjacent ROW property. It is not clear if this is acceptable.

I noted that the lot to the south of the parcel has a large group of tall native conifers present and only one tree is shown on the plan. I noted an elm (*Ulmus* sp.) tree (shown on the plan) near the south west corner of the parcel on the adjacent property overhangs the rear of the parcel.

Discussion

Both the risk assessment forms for trees #6 & #10 contain errors or omissions that are significant. For tree #6, the choice of probable for the likelihood of failure is not backed up with any supporting data. This tree has stood for a very long time. It shows significant reaction growth around the two trunks which are close together and evenly proportioned over the portion of the basal trunk beneath them. No indication of failure is present in the anatomy at the union of the trunks. Several significant wind events have occurred in recent years. The tree withstood these and the tree currently shows no worrisome signs of failure at the union.

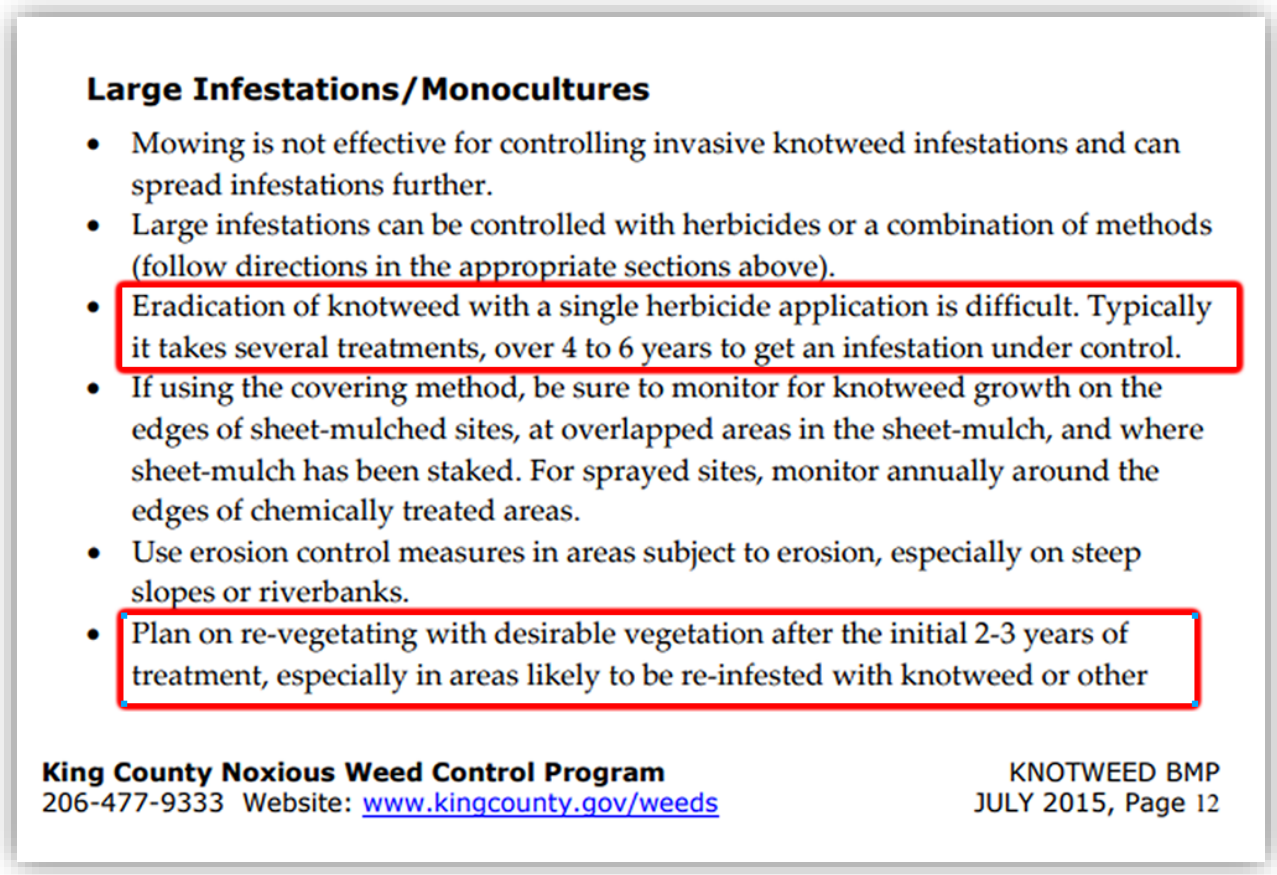
For tree #10, the assessor appears to assume from a ground based inspection that the tree has significant decay near the area where it was topped long ago. My visual assessment using binoculars revealed no signs of significant decay and the tree appears to have a well-adapted canopy.

Both risk assessments give one option to mitigate risks from the trees: removal of both trees. This is a significant omission as both trees can be managed using acceptable management practices like pruning and cabling according to ANSI A-300 Standards to reduce risk to a low level while preserving the trees. The species is tolerant of pruning and can be managed for a long time with reasonable risk.

If there are inaccuracies and omissions in one report, do you question other areas related to this proposal?

I am not an arborist, but regarding planting new growth, where are the survival rates for the specific plants? What happens is most of them do not survive? What will the impact be? How long will it take to replace the canopy with new growth.

Regarding removing the evasive weeds like himalayan blackberry and knotweed, they don't just go away, they grow back and our persistent. From the King County Noxious Weed Control Program, this information on how to remove knotweed. Notice that it takes 4-6 years and several treatments. Plus it says after 2-3 years, try to re-vegetate with desirable vegetation. It appears that the main mitigation plan is to remove evasive species. As shared by the facts below, it is not instant. How will the newly plaintive native species survive and do their job? I understand riparian zones are crucial to the health of the stream.



Large Infestations/Monocultures

- Mowing is not effective for controlling invasive knotweed infestations and can spread infestations further.
- Large infestations can be controlled with herbicides or a combination of methods (follow directions in the appropriate sections above).
- Eradication of knotweed with a single herbicide application is difficult. Typically it takes several treatments, over 4 to 6 years to get an infestation under control.
- If using the covering method, be sure to monitor for knotweed growth on the edges of sheet-mulched sites, at overlapped areas in the sheet-mulch, and where sheet-mulch has been staked. For sprayed sites, monitor annually around the edges of chemically treated areas.
- Use erosion control measures in areas subject to erosion, especially on steep slopes or riverbanks.
- Plan on re-vegetating with desirable vegetation after the initial 2-3 years of treatment, especially in areas likely to be re-infested with knotweed or other

King County Noxious Weed Control Program
206-477-9333 Website: www.kingcounty.gov/weeds

KNOTWEED BMP
JULY 2015, Page 12

https://your.kingcounty.gov/dnrp/library/water-and-land/weeds/BMPs/Knotweed-Control.pdf

Where is the timeline of the evasive plant removal and replanting and the modeling of the survival rates? Who is responsible for monitoring this? What happens if the plans to remove evasive plants and installing of new plants doesn't happen? In addition, knotweed must be

removed by those certified if using the injection method. This method works best, takes 3 to 4 years, needs to be documented and monitored.

https://your.kingcounty.gov/dnrp/library/water-and-land/weeds/BMPs/Knotweed-Control.pdf

Flooding/Erosion/Slope/Landslides

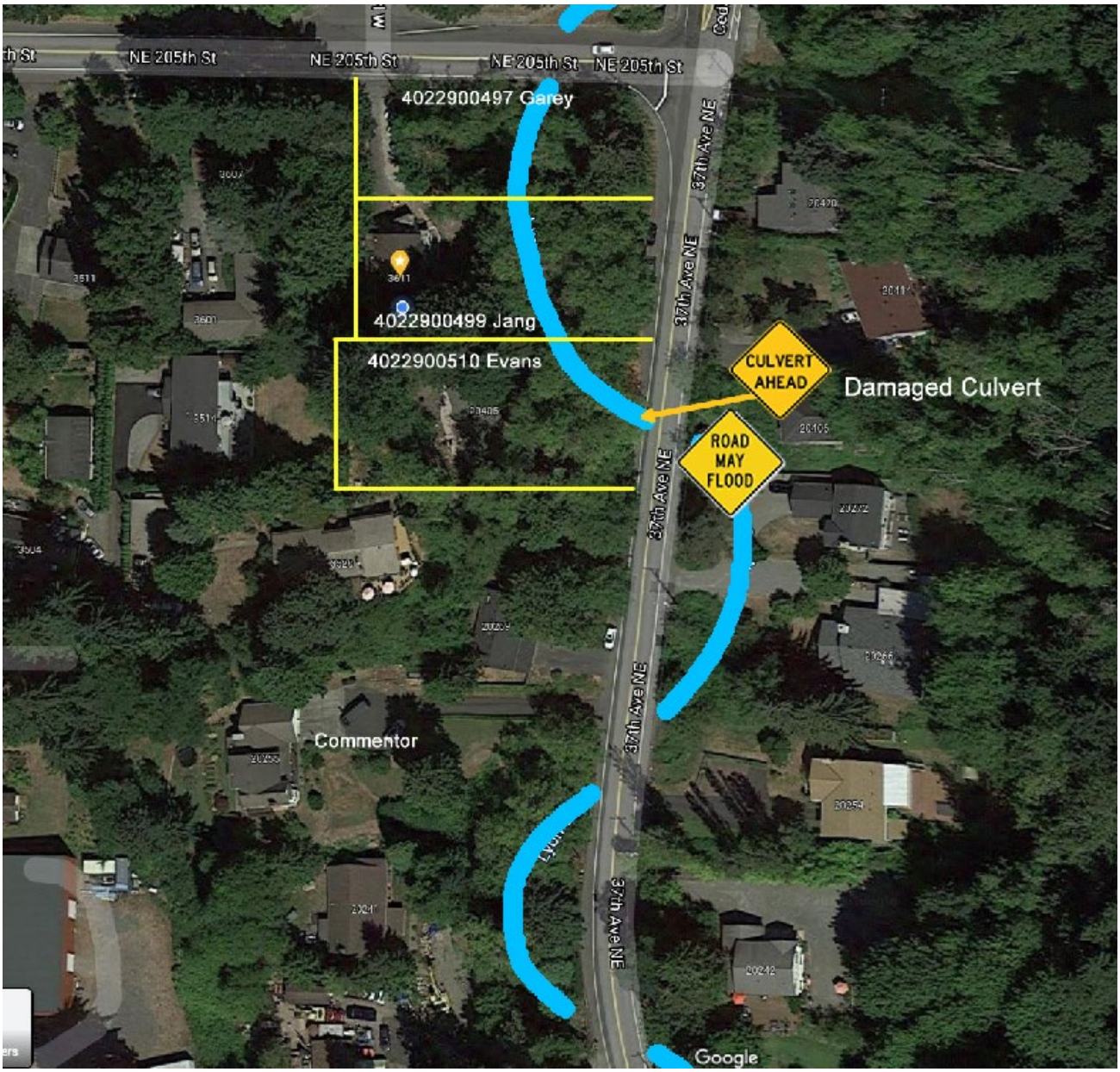


Figure 4 Parcel and adjacent parcels

Garey's proposal says "Avoidance: The project avoids direct impacts to Lyon Creek and there will be no less impact that can be done." If you believe it is true, **where is the evidence?**

In the aerial map you will see 3 parcels Gareys, mine and Evans and we are downstream. Lyon Creek winds through our property. Another neighbor a couple houses also is concerned about this proposal.

Culvert Damaged – see pictures

If flooding already occurs, wouldn't the new construction and addition of impervious surfaces, exacerbate the flooding? In front of the driveway on the 3rd parcel "Evans" there was flooding about 5 years ago. When the county came to look at it they said when the road had been expanded, they only did an addition to the metal culvert tubing and that additional section is coming apart from the original piece of the culvert and **therefore collapsing due to flooding that keeps occurring a few times a year.** They said it probably would be several years before they could get around to fixing it. But that our section of the culvert is on the list to be corrected. These neighbors are concerned their driveway on the slope adjacent to the creek may erode away.

Erosion

Do you see evidence of flooding and erosion? The land the concrete road divider is sitting on is eroding. This culvert is on the 3rd parcel in the map, Evans.

This creek is about 8 feet lower than the road and flooded 5 or 6 years ago.

If it already floods, what will the impact of more water be? How many people and habitats will it effect?

Here the original culvert made of cement/ and a thickness of 1 inch or so. Below is the metal tubing.

Culvert is damaged

When the county came to look at it they said when the road had been expanded, they only did an addition to the metal culvert tubing and that additional section is coming apart from the original piece of the culvert and therefore collapsing due to flooding that keeps occurring a few times a year.

This picture was taken 11/30/21 with no rain, yet is flowing aggressively rather dep compared to the top of the metal tubing.

My neighbor, Evans, is working with the King Conservation District and Ashley Allan to improve the habitat of the creek and environment, removing invasive species and planting native plants. I also have a plan drafted to work with them to improve water quality, assist in the salmon population restoration, and improve the overall health of Lyon Creek. Both Evans, King Conservation District and my efforts will be nullified with the disruption of the new construction. We are concerned about slope stability. Both Evans and my houses are on top of the slope. When the water level rises, there will be more erosion to our slopes threatening are houses. Our safety should be considered too.

Upon the King Conservation District suggestion, I spent time last winter following the guidelines to dig up knotweed and dispose correctly so as to not send seeds down stream. I also manually stunted my evasive blackberries. My neighbor Evans and I are on the same page of taking care of Lyons creek. From the proposal, **Garey will be negating our efforts**.

The slope is steep. All of three properties are at risk. The code states all hazards be examined.

16.16.110 Contents of critical areas study.

2. Assess all hazards

I suggest that a geotec slope report for the 3 properties is necessary to make a proper decision if there is impact and threatens downstream neighbors. Attached is thorough example of a desired slope assessment from the local WA State Fish and Wildlife Fish biologist.

- Subsurface soil conditions
- Ground water conditions
- Landslide Hazard areas
- Seismic areas

- Where is the geotechnical analysis of the current slopes and the impact of the removal hearty evasive weeds? What will happen when the slope is bare and or waiting for the new native plants to establish and survive?

- What is the soil composition of both his parcel and as well and the neighboring downstream parcels that will be affected by a water level rise in the creek?

- Is there a report that considers the slope, which is layman terms is 45-60 degrees. Logging around streams and building around slopes usually has stipulations depending on the steepness of the slope.

- What are the erosion rates with the dependent on 2022 forecasts currently and with the addition of the new construction and potentially more rain and more impervious surfaces increasing the width, and pace of the flow? The slopes on the 3 parcels in a row are different and should be considered since his development will impact us.

- The slope leading down the stream is very steep. How will the builders get to the slope side of the creek? Will they put up a bridge over the creek or walk through it? Or will they disrupt the steep

slope while walking up and down it? Is it approved to build in and around the stream or is a Fish Enhancement Hydraulic Permit Applications (HPA) required by the Washington State Department of Fish and Wildlife

Work that crosses over a waterbody or includes in-water work may require coverage under a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife (WDFW).

There are many unknowns.

Stream and water quality

Where is a through qualified hydrologist report addressing:

- Surface water
- Groundwater
- Stormwater impacts
- Stormwater sampling, the Dept of Ecology has a robust document that should be required to follow.
- Where is a comprehensive flow control assessment?

As you look at the current report submitted on water, where is all of the data to arrive at the conclusions? Which tests were used? In red marking are questions about the report. The report looks insufficient. It also states there is **no downstream or upstream issues**. When there is **proof to the contrary** from neighbor Evans, and likely the people who maintain the roads and culvert. Plus there are also pictures of the **flooding upstream from the MLT detention pond**. These contradict this report. Please see the report by environmental biologist, Jim Mattila that addresses dire downstream and upstream issues.

Section 2 – Conditions and Requirements Summary

The following summary describes how this project will meet the eight "Core Requirements" and the "Special Requirements" that apply:

Core Requirements

1. **Discharge at the natural location:** This site currently discharges to the creek on the property. The natural discharge location will be maintained.
2. **Off–site Analysis:** A Level 1 off–site analysis was completed for this project and is included in Section 3 of this report.
3. **Flow control:** This site is exempt from flow control based on the basic exemption in Section 1.2.3.
4. **Conveyance system:** Dispersion will be utilized; no conveyance system.
5. **Erosion and sedimentation control:** An erosion and sediment control plan has been provided with the submittal.
6. **Maintenance and Operations:** The stormwater facilities for this project shall be maintained in accordance with the requirements of Appendix A of the 2016 KCSWDM.
7. **Financial guarantees and liability:** Financial guarantees and liability will be provided as required by the City of Lake Forest Park.
8. **Water Quality:** This project is exempt from Water Quality requirements.
9. **Flow Control BMP's:** These will be implemented in accordance with KCSWDM Section 1.2.9.3. Specifically, a level spreader is provided.

Special Requirements

1. **Other adopted area–specific requirements:** None
2. **Floodplain/Floodway delineation:** None
3. **Flood protection facilities:** None
4. **Source controls:** None
5. **Oil Control:** None

Where is all the data to back up the claims? Tests, modeling, history, predictions?

Section 3 – Off–site Analysis

This Level 1 Downstream Analysis is submitted as required by Core Requirement #2, of the 20016 KCSWDM. Core Requirement #2 requires a qualitative analysis of upstream and downstream drainage conditions with an initial project submittal.

Task 1: Study Area Definition and Maps:

See Section–1 Project Overview of this report for a detailed Study Area Definition.

Task 2: Resource Review:

The King County Sensitive Area Maps, along with the Critical Areas Report from The Watershed Company, show that there is an unclassified creek on the property.

There were no recent drainage complaints on parcels within ¼ mile directly downstream of the proposed project parcel.

What about the Evans property and the road flooding?

Task 3: Field Inspection:

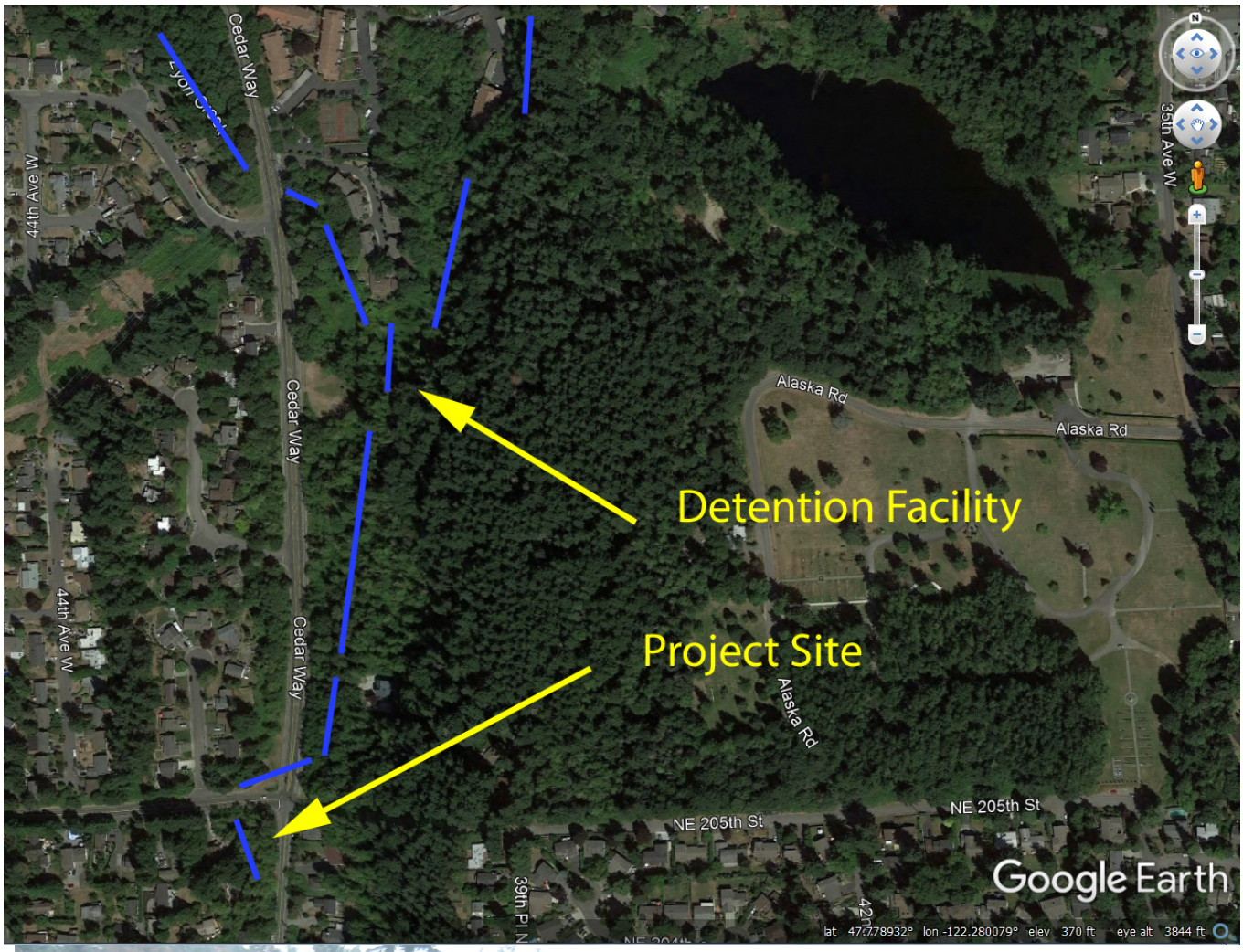
A field observation of the site, upstream drainage area, and ¼ mile downstream drainage path conditions was performed in June, 2018.

What about the upstream detention pond flooding?

Task 4: Drainage System Description and Problem Descriptions:

Upstream: There is not any significant upstream drainage area contributing to the site.

The proposal report says the there are no up or downstream issues. That is untrue.



. **Wrong. Here is proof.**

- Where are the reports on current water quality and compared with future impact of house construction with chemicals, debris, more sunlight, less plants filter the water?
- If the builder clears trees lying across and or near the stream, how will that disrupt the contents and nutrients in the water, which also affects the salmon?
- Stormwater Monitoring reports, Discharge monitoring DMRs
- Evaluate the water odors, water surface oils, turbidity, temperative, conductivity, dissolved oxygen and Ph levels
- Sediment and substrate
- Will tests be done along the way if the proposal is accepted to prove there is "no less impact" that could be done?
- Is there an approved 3rd party vendor to do this?
- How often should these tests be done to assure this result?
- Who will check these documents to assure the legitimacy and monitor the results?
- If the results show a negative impact for the water quality, then what will happen?
- Where is the future modeling of the impacts?
- Shouldn't a thorough analysis be required to meet the criteria of a reasonable exception?

Protected Species Habitat

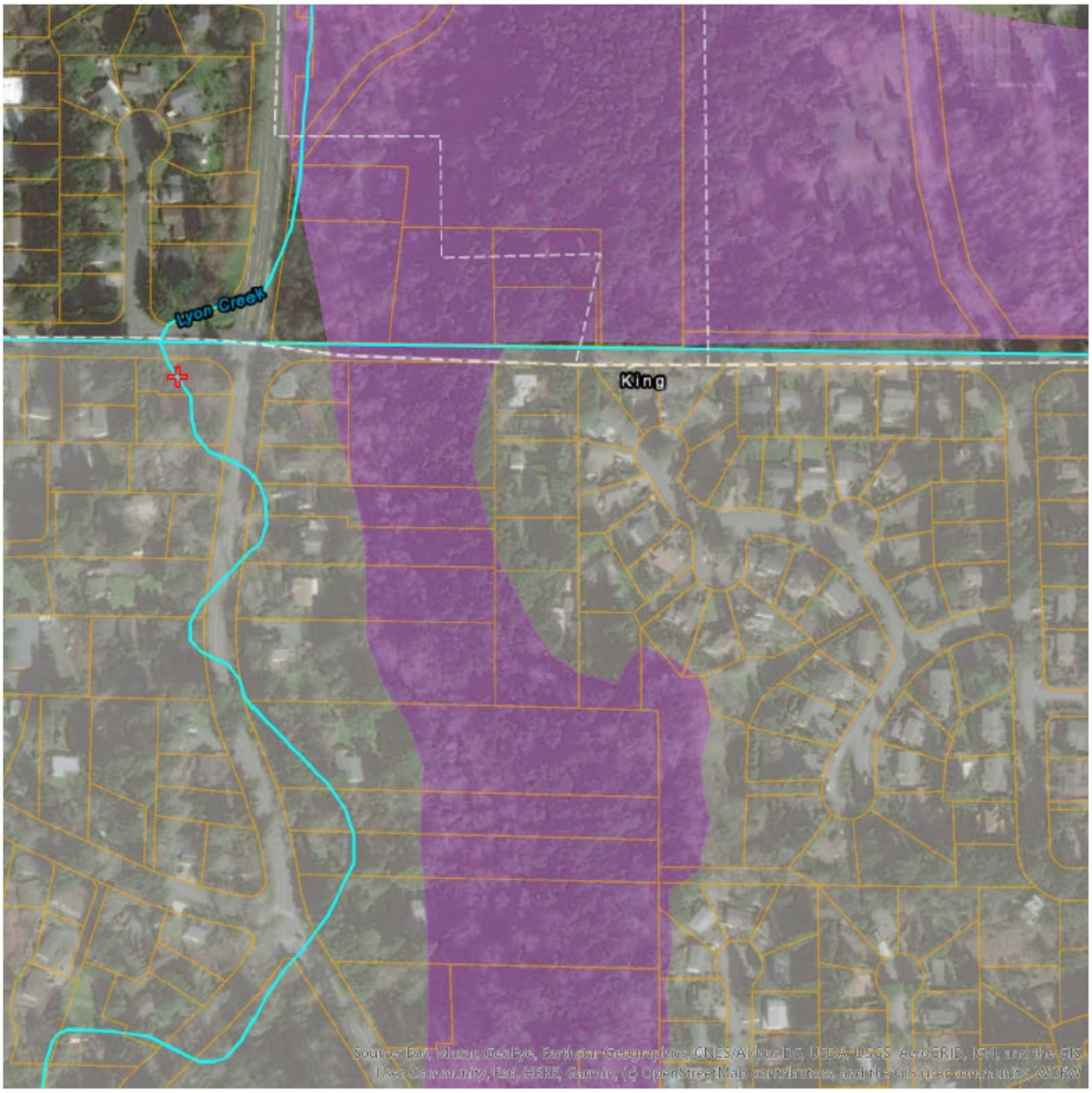
There is no mention of any fish in this proposal, yet this Parcel # 4022900497 is a k**nown PHS (Priority habitat and species) designated by** Washington Department of Fish and Wildlife, the full document is attached. There are 3 protected animals, yet none of them were mentioned. The disturbance of the construction is going impact their lives. I suggest that it be required to get a submit the PHS report.

Report Date: 11/22/2021

PHS Species/Habitats Overview:

Occurence Name	Federa
Coho	N/A
Coho	Candidate
Resident Coastal Cutthroat	N/A
Little Brown Bat	N/A

Priority Habitats and Species on the Web



Report Date: 11/22/2021

PHS Species/Habitats Overview:

Occurence Name	Federal Status	State Status	Sensitive Location
Coho	N/A	N/A	No
Coho	Candidate	N/A	No
Resident Coastal Cutthroat	N/A	N/A	No
Little Brown Bat	N/A	N/A	Yes

Exhibit 5.58

PHS Species/Habitats Details:

Coho	
Scientific Name	*Oncorhynchus kisutch*
Priority Area	Breeding Area
Site Name	Lyon Creek
Accuracy	NA
Notes	LLID: 1222800477542, Fish Name: Coho Salmon, Run Time: Unknown or not Applicable, Life History: Anadromous
Source Record	39584
Source Dataset	SWIFD
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
More Info	http://wdfw.wa.gov/wlm/diversty/soc/soc.htm
Geometry Type	Lines

Coho	
Scientific Name	*Oncorhynchus kisutch*
Priority Area	Occurrence
Site Name	Lyon Creek
Accuracy	NA
Notes	LLID: 1222800477542, Stock Name: Lake Washington/Sammamish Tribs Coho, Run: Unspecified, Status: Depressed
Source Record	3120
Source Dataset	SASI
Source Name	Not Given
Source Entity	WDFW Fish Program
Federal Status	Candidate
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
More Info	http://wdfw.wa.gov/wlm/diversty/soc/soc.htm
Geometry Type	Lines

Resident Coastal Cutthroat	
Scientific Name	*Oncorhynchus clarki*
Priority Area	Occurrence/Migration
Site Name	Lyon Creek
Accuracy	NA
Notes	LLID: 1222800477542, Fish Name: Cutthroat Trout, Run Time: Unknown or not Applicable, Life History: Unknown
Source Record	39581
Source Dataset	SWIFD
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
More Info	http://wdfw.wa.gov/wlm/diversty/soc/soc.htm
Geometry Type	Lines

Little Brown Bat	
Scientific Name	*Myotis lucifugus*
Notes	This polygon mask represents one or more records of the above species or habitat occurrence. Contact PHS Data Release (360-902-2543) for obtaining information about masked sensitive species and habitats.
Federal Status	N/A
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	Y
SGCN	N
Display Resolution	TOWNSHIP
ManagementRecommendations	http://wdfw.wa.gov/publications/pub.php?id=00605

When making a decision on critical area, shouldn't be required to do a Scientific Analysis & Habitat Assessment? The Stream Keepers have a description of the process to of assessing.

- Fish Barrier Assessment
- Salmonid Habitat Assessment
- Benthic Macro Invertebrate Analysis
- Vegetation Monitoring
- Salmon Spawning Surveys
- Federal Biological Assessments and Evaluations (BA's and BE's)required by the US Corps of Engineers, Environmental Protection Agency, and Fish and Wildlife Service
- Ecoregional assessments

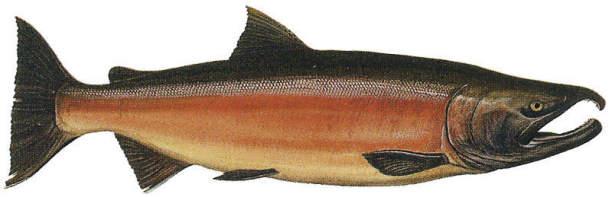
"Habitat Assessment Scores, calculated using the EPA's Rapid Bio-assessment protocol, reflect the condition of fish habitat along the creek. Example to the right: Red sections are classified as degraded as a result of stream channelization, bank hardening, and narrow riparian buffers populated by invasive plant species."

Here is more information about the Puget Sound Coastal Streamkeeper's info.

Because the property will impact the salmon, have you consulted with the Tulalip Tribal Council on this topic? Do they have a say in this regarding their treaty rights and access to salmon? Here is the CEO's info.

https://www.tulaliptribes-nsn.gov/Dept/TreatyRightsAndGovernmentAffairs

I haven't spent much time on sharing salmon habitat education because, there are so many stream and habitat protectors, and LFP states they are committed to protecting salmon.



Property Value

Why did this property sell for 40K? Because it would be too hard to obey the law and build a house there. The property is assessed at 27k. If Garey bought the property for $200k, that is would be more reasonable to think that you could do build a house, but at 40k. Perhaps he was gambling and hoping no city planners were paying attention.

SALES HISTORY

Excise Number	Recording Number	Document Date	Sale Price	Seller Name	Buyer Name	Instrument	Sale Reason
3131043		3/5/2021	$0.00	GAREY LISA F	GAREY MARK J	Quit Claim Deed	Other
2745989	20150728001394	7/27/2015	$40,000.00	MCKIMMY JAMES	GAREY MARK J+LISA F	Statutory Warranty Deed	None
1099566	198911221550	11/20/1989	$25,000.00	EXCEL ENTERPRISES INC	MCKIMMY JAMES	Warranty Deed	None

REVIEW HISTORY

Tax Year	Review Number	Review Type	Appealed Value	Hearing Date	Settlement Value	Decision	Status
1995	9408778	Local Appeal	$48,500	1/1/1900	$20,000	REVISE, ASSESSOR RECOMMENDED	Completed

Valued Year	Tax Year	Appraised Lan Value ($)
2021	2022	32,000
2020	2021	27,000
2019	2020	27,000
2018	2019	25,000
2017	2018	23,000
2016	2017	21,000
2015	2016	25,000
2014	2015	24,000
2013	2014	20,000

It is remarkable that this proposal in critical area is being considered with all efforts LFP and the neighboring citizens have done to create healthy environments for the salmon and our environment. It concerns me that his proposal does not prove anything.

I don't see any documentation about the condition of the stream with regard to salmonoid habitat. There needs to be documentation that proves that disturbing the land so close to a salmoniod stream will not harm the habitat. At this point I do not see anything that proves that damage won't happen. That is because we know that building a structure so close to the stream when the buffer should be at least 115 feet, will damage the stream forever. There is no way that having a home so close to the stream with all the human refuse and run off that will occur because of home chemical use, fertilizer, domestic animal waste, chemicals from automobiles, to name a few, will not harm the stream. Not to mention what will happen to the stream if the when so much canopy is removed. If this small lot is developed it will for certain, destroy any natural habitat that now exists.

Do we have ample healthy salmon habitat in LFP that we can afford to destroy this small one of the few remaining rich sites. Are there any rich salmon habitat sites left? For further information on this site with regard to stream health, please see the report form Ecological Biologist, Jim Mattila.

It would be best for salmon, heron, eagles and riparian animals and our citizens if LFP purchased this property or traded with the applicant for a site that would not destroy so much of what is valued in LFP. We cannot afford to keep destroying our earth, lot by lot.

And we haven't even begun to talk about how much the trees on this lot contribute to healthy air, and carbon sequestration.

What happens if this RUE is accepted as is?
Will there be consequences for a plan not implemented fully? Does LFP have dedicated enforcement staff who are trained in a variety of disciplines to do site visits and produce update reports on the plant and tree management, drainage management, erosion control, make sure the measurements and positioning was executed accurately? What are the consequences if a builder says he will cut one tree, but somehow 6 trees disappear? What if a builder gets the green light to build and lives in the house for a few years and then the house floods because of drainage and erosion issues, that are no longer his problem. He just turned a profit and gifted a nightmare to the new home owners. What happens then? If there are no consequences or monitoring, I hope the planning commission board can talk about solutions that will be sustainable.

LFP is on the right track with its goals and plans, let us please stay true to it. Many people want to save our environment. I am concerned that if this approved as is, this may send a rift triggering distrust with the city. Please consider that many hundreds of people will be impacted by this decision, and I hope that my safety is important too. Thanks for hearing me out.

Concerned LFP-er, Jolene Jang Attached is slope report example, storm water protocol and pictures of the damaged culvert and of flow of the creek. Click here.