

LIST OF PRE-FILED HEARING EXHIBITS FOR GAREY REASONABLE USE EXCEPTION (2021-RUE-0001)

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COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT
TO CITY OF LAKE FOREST PARK HEARING EXAMINER

The following review by the City of Lake Forest Park Community Development Department is based on information contained in the application and supplemental correspondence, information in the file, comments and letters received on-site investigation, applicable scientific reports, applicable codes, development standards, adopted plans, and other information on file with the city.

SUMMARY INFORMATION

City File Number: 2021-RUE-0001

Staff Report Date: March 6, 2025

Hearing Date: March 19, 2025; 6pm

Requested Action: Approval of Reasonable Use Exception (RUE) from critical area regulations to construct a single-family residence and attached garage with a footprint of 1,100 square feet. The proposal also includes construction of access and utility improvements, and installation of critical area mitigation.

Permittee: Mark Garey

Environmental Determination: Mitigated Determination of Non-Significance (MDNS) (Exhibit 22)

Site Location: Southwest corner of intersection of NE 205 ST / 37th Ave NE
Lake Forest Park, WA 98155
Parcels # 4022900497

Comprehensive Plan Designation: Single Family Residential, High (Exhibit 14)

Zoning Classification: RS – 9.6, Single-Family Residential, Moderate/High (Exhibit 15)

APPLICABLE CODES AND REGULATIONS FOR THE REASONABLE USE EXCEPTION (This list is not exhaustive)

Lake Forest Park Municipal Code Sections Directly Applicable to the Proposal:

- LFPMC Title 16.16 Environmentally Critical Areas
- LFPMC Section 16.16.250 – Establishes application procedures, policies, purpose and intent, and criteria for a reasonable use exception to allow for reasonable economic use.
- LFPMC Chapter 16.14- Lake Forest Park Tree regulations.

- LFPMC Section 16.26.030 – Establishes the authority of the Hearing Examiner to issue quasi-judicial decisions variance applications (Type I application).
- LFPMC Section 16.26.110 (D) – Establishes the decision of the Hearing Examiner on a Type I application as the final decision of the city.
- LFPMC Section 16.26.040 (D), .090, and .110 (C) – Establishes the public notification requirements associated with Type I applications.
- LFPMC Chapter 18.21- RS-9.6 – Standards for Single-Family Residential, Moderate/High zone designation

BACKGROUND INFORMATION AND PROJECT DESCRIPTION

Description of the Proposal and Background Information:

The applicant proposes to construct a single-family residence and attached garage with a 1,100 square foot footprint along with access and utility improvements on a legal lot of record encumbered entirely by regulated critical areas.

The proposed single-family home will be accessed via a driveway that meets the requirements of the King County Roadway Standards (KCRS). The project is proposing to utilize permeable pavement with a layer of sand below the pavement to meet groundwater protection requirements in the King County Surface Water Design Manual.

While the project is not subject to water quality or flow control requirements due to the relatively small amount of impervious area proposed, the project will utilize sheet flow dispersion for the roofs to meet Core Requirement #9 in the King County Surface Water Design Manual (KCSWDM). The project is not altering the current flow path and will discharge at the natural location. Temporary Erosion and Sediment control measures will be installed prior to construction activity to protect downstream properties as well as the onsite stream (Exhibit 9).

Site Characteristics/Critical Areas:

The subject parcel is an undeveloped lot, 0.25 acres in size, with an existing driveway on the west end of the property which is contained in an established access easement and serves the adjacent property to the south. A segment of Lyon Creek flows through the subject property. West of Lyon Creek, the property slopes steeply up to the access easement on the west edge of the property. East of Lyon Creek the property slopes up moderately toward the adjacent roads. The riparian buffer is vegetated by forest and shrub communities. Forest canopy is characterized by paper birch, western red cedar, Douglas-fir, red alder, and white poplar. The understory includes smooth sumac, salmonberry, osoberry, and knotweed. Ground covers include Cooley's hedge nettle, lady fern, sword fern, and giant horsetail. Invasive knotweed, Himalayan blackberry, jewelweed, English holly, ivy, climbing nightshade, and reed canary grass form locally dominant patches.

Lyon Creek flows through the subject property and divides the property roughly in half. It enters the site via a box culvert and meanders southeasterly. The channel is approximately 15 to 25 feet wide and is comprised of gravel and silt. Large woody debris, pool, and riffle features are present. According to WDFW mapping and the permittee's critical area report, coho

salmon spawning has been documented in this stream segment. This portion of the stream is classified as a Type F stream (LFPMC 16.16.350). Type F streams in the City of Lake Forest Park require a standard 115-foot buffer (LFPMC 16.16.355).

The parcel has a significant amount of tree canopy, as most of the parcel is currently undeveloped.

Adjacent Land Use Characteristics:

The site is surrounded by single-family development, and some lots within the vicinity also have portions of Lyon creek flowing through them. Most of the surrounding parcels have a significant amount of tree canopy.

Project Review Timeline:

The permittee applied for the reasonable use exception on May 20, 2021, and received a determination of complete application on October 25, 2021.

Notice of Application was issued on November 8, 2021 (Exhibit 20), generating the first of several groups of public comments on the proposal (Exhibit 5).

The city requested additional information from the initial code consistency review identifying several non-compliant design items such as conflicts with the city's drainage and access standards, on January 4, 2022. The permittee responded with additional information on October 21, 2022. The city again requested additional clarifying information regarding the adjacent property access as well as information regarding hearing exhibits needed on November 22, 2022. The permittee responded with additional information on November 23, 2022. During this period, the city hired a new arborist and the arborist's review of the most recent application materials resulted in some questions. During this period as well, the city chose to have a third-party environmental specialist peer review the application for compliance with city environmental regulations. The results of the peer review and their recommendations are contained in exhibit 3. The city requested additional information on February 7, 2023. The permittee responded and provided additional information on February 16, 2023.

The city requested the final version of the draft conservation easement on March 9, 2023. The permittee responded with the information on March 24, 2023.

A public hearing was originally scheduled for March 2024, but was subsequently cancelled to allow for additional review including completion of the SEPA process.

A SEPA Mitigated Determination of Nonsignificance (MDNS) was issued on July 19, 2024 (Exhibit 22). The SEPA determination was followed by a 14-day public comment period. No appeals were received; however, many public and agency comments were received (Exhibits 23-25).

The processing time requirements of LFPMC 16.26.040 (F) (2) (a) exclude periods when the city has requested additional information and periods where the applicant is correcting plans and providing additional information and up to 14 days after they provide the information. Overall,

the project has been in process for approximately 880 days. The permittee has provided authorization to exceed the 120-day statutory processing deadline (Exhibit 4).

STATE ENVIRONMENTAL POLICY ACT (SEPA)

A MDNS was issued in accordance with WAC 197-11-350 on July 19, 2024 (Exhibit 22). The SEPA mitigating conditions are included in the MDNS excerpt below:

1. This determination is based on findings and conclusions that the project design minimizes impacts within the stream buffer with a greatly reduced footprint and conditions, including that critical areas left unencumbered by project impacts shall be protected in perpetuity via a critical area easement. The proposal shall also include stream buffer mitigation at a ratio of greater than 1:1 to ensure an increase in buffer function (3,728 square feet of buffer enhancement to compensate for 2,619 square feet of permanent buffer impacts per the Revised Critical Areas Report dated September 23, 2022, by The Watershed Company). The mitigation compensates for significant tree removal and buffer intrusion and is conditioned to comply with the Arborist Report dated revised August 18, 2022, from the Watershed Company. Mitigation is required to be monitored for a period of ten years to ensure successful establishment of native species. Enhancement areas and remaining unencumbered buffer areas will be disclosed as a notice to title, preserving these areas from future development. Degraded stream channels and corridors shall be rehabilitated to maintain water quality, reestablish habitat and prevent erosion. A restoration plan is required and shall be prepared by a qualified fisheries biologist and shall be approved by the Washington Department of Fish and Wildlife. Parameters considered by the rehabilitation plan should include: salmonid habitat enhancement, erosion control, channel integrity preservation, aesthetics and hydraulics. Stream improvements shall not create problems elsewhere in the stream system. Additionally, the project shall follow all conditions imposed by the city's Hearing Examiner.

PUBLIC COMMENT

The city received public and tribal comments during and following the Notice of Application comment period for this project (Exhibits 5, 6). Generally, the public comments summarized the commenters' concern with the project's impact on critical areas as well as downstream stormwater impacts. Comments also focused on how the proposal did not protect the city's natural environment and how the project could have an impact on salmon habitat and existing vegetation. The permittee was provided with a copy of comments received.

A significant number of additional comments were received during the subsequent SEPA comment period (Exhibits 23-25). SEPA comments both reiterated and expanded upon the concerns from the NOA comment period, including additional concerns about both on and offsite impacts resulting from encroachment into the Lyon Creek stream buffer.

The Washington Department of Fish and Wildlife (WDFW) submitted comments raising significant questions about the proposed development. A general summary of WDFW questions, concerns and comments follows (see exhibit 24, PDF pp. 32-33 for full comment letter):

- Concerns regarding the ability to ensure no net loss of habitat and avoidance of long-term impacts to Lyon Creek.
- The inability to adequately mitigate project impacts due to on-site stream morphology.
- How the project will handle future issues such as floods, bank failure and sediment storage, and potential removal of on-site floodplain storage.
- Whether the developed site can allow for ample room for future replacement of the box culvert for improved fish passage.
- Whether the proposal to add large woody material to the stream as mitigation is practical without creating flood risks to the home. Future removal, if needed, would require significant mitigation.
- The possibilities for flood protection and habitat mitigation are not practical at the subject site - protections for the house will likely result in damage to the stream, while protection for the stream will likely result in damage to the house.
- WDFW recommends that development be focused on other areas, and the area be allowed to remain natural to allow the Lyon Creek space to run freely.

REASONABLE USE CODE AND CRITERIA ANALYSIS

The following is excerpted from the Lake Forest Park Municipal Code. The Permittee has the burden of meeting all the criteria (represented in both **bold** and *italics*) for an approval of reasonable use exception.

Lake Forest Park Municipal Code 16.16.250

16.16.250 Reasonable use exception to allow for reasonable economic use.

A. Policy. The policy behind this reasonable use exception is to provide a mechanism that protects critical areas and approves the bare minimum amount of use and disturbance when strict application of this chapter would deny all reasonable economic use of a property. This policy recognizes that the city's comprehensive plan and the Washington State Growth Management Act mandate the adoption of policies and development regulations that protect the functions and values of critical areas, and the use of best available science when developing such policies and regulations. These mandates are at times juxtaposed with the obligation to not unconstitutionally take private property, especially when avoiding conflicts between new development and protecting critical areas is becoming increasingly difficult in urban areas like Lake Forest Park.

The city starts from the premise that alteration or work in, or development of, critical areas and their buffers is prohibited. Critical areas in Lake Forest Park include a variety of environmental

features important to the community and beyond. For example, there are approximately 50 acres of wetlands that range from large and complex wetland systems to small pockets of wetlands. Streams range from large, containing a variety of fish species, to small, intermittent creeks. Steep slopes are also prevalent in areas of the city and vary from stable to prone to landslides. The city recognizes that some critical areas may constitute an ecosystem or part of ecosystems that transcend the boundaries of individual lots and the city. The city also respects and recognizes that private property owners should not be required to bear the entire economic burden of the benefits afforded to the community at large by protecting critical areas.

B. Purpose and Intent. The purpose and intent of this section is to:

- 1. Protect critical areas;*
- 2. Preserve the existing functions and values of critical areas;*
- 3. Limit and minimize disturbance to critical areas;*
- 4. Protect public and private property from damage due to landslides, seismic hazards, flooding, sedimentation, or erosion;*
- 5. Safeguard the public from hazards to health and safety;*
- 6. Prevent the unconstitutional taking of private property rights;*
- 7. Require use of innovative construction techniques, products and design that minimize to the greatest extent possible net loss of critical area functions and values while also supporting reasonable economic use of a lot;*
- 8. Require compensatory mitigation for unavoidable harm done to critical areas;*
- 9. Require and implement conditions that ensure, for the life of the project, that the minimal disturbance and mitigation authorized by this section are strictly maintained;*
and
- 10. Provide the following guidelines for consideration when applying the criteria in subsection D of this section, with the understanding that the specific conditions of each lot must be taken into consideration:*
 - a. Advances have been made in the design and market acceptance of single-family dwellings with smaller footprints and square footage. The reasonable economic use guidelines for footprint and gross floor areas are single-family dwellings with a footprint no greater than 750 square feet and a maximum gross floor area of 1,500 square feet, including cantilevered areas, and an attached garage not to exceed a footprint and gross floor area of 250 square feet. Under this guideline, if no garage is provided, the square footage of the garage would not be allocated to the square footage allowance of the primary residence.*
 - b. To minimize the area of critical area disturbance, consider limiting the maximum amount of disturbance to the dwelling's footprint, minimum walkways and driveways needed to access the lot, associated utilities, and a 10-foot buffer around the dwelling footprint necessary for repair and maintenance.*

C. If the application of this chapter will prevent any reasonable economic use of the owner's property, then the applicant may apply to the planning department for an exception from the

requirements of this chapter and the application shall be processed pursuant to the provisions of Chapter 16.26 LFPMC. The planning director shall forward the application, along with the record submitted to the city and the director's recommendation, to the hearing examiner for decision.

D. The hearing examiner shall grant an exception only if:

- 1. Application of the requirements of this chapter will deny all reasonable economic use of the property; and***
- 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; and***
- 4. Any alteration is the minimum necessary to allow for reasonable economic use of the property; and***
- 5. The inability to derive reasonable use is not the result of an action or actions taken by the applicant's actions or that of a previous property owner, such as by altering lot lines that result in an undevelopable condition.***

E. The hearing examiner shall condition any exception from the requirements of this chapter upon conditions and upon compliance with any mitigation plan necessary to satisfy the criteria in this section.

F. For any in-water or wetland work it is the applicant's responsibility to obtain all state and federal approvals before beginning work.

G. All exceptions shall be conditioned on the property owner providing a financial security guarantee, in a form approved by the city, for the required critical area mitigation performance and maintenance. The amount of the financial guarantee shall be subject to approval of the city and based on a qualified professional's cost estimate of the current market value of labor and materials for the approved mitigation and monitoring plan as well as a 30 percent contingency.

H. The hearing examiner's decision granting an exception and all other mitigation documents shall be recorded against the real property in question with the King County Recorder's Office. (Ord. 1278 § 1, 2023; Ord. 1150 § 1, 2017; Ord. 930 § 2, 2005)

CRITERIA ANALYSIS

Staff's analysis with findings and conclusions for the RUE criteria are listed below:

RUE CRITERION D.1: *Application of the requirements of this chapter will deny all reasonable economic use of the property;*

FINDINGS: According to the permittee's critical areas report (exhibit 10), the project is currently fully encumbered by the 115-foot standard buffer requirement for Lyon Creek. Application of buffer averaging or a 25% buffer reduction allowed under LFPMC 16.16.355.B.1 does not yield adequate area for reasonable use. The maximum reduced buffer (86.25 feet) still encumbers the entire parcel, preventing the placement of a building footprint and associated driveway for a single-family residence outside the buffer.

CONCLUSIONS: Strict application of these requirements would deny all reasonable economic use of the property because the parcel is entirely encumbered by stream, stream buffer, and the required 15-foot-wide building setback from the edge of the stream buffer. This criterion is met.

RUE CRITERION D.2: *There is no other reasonable economic use with less impact on the critical area;*

FINDINGS: According to the permittee's application materials, there is no other reasonable use consistent with the residential zoning of the property and compatible with the surrounding neighborhood that would result in less impact. The site is currently undeveloped. The site is zoned for one single-family residence. There are no other permitted uses for the site given the zoning classification. Thus, there are no other possible economic uses that would have less impact on critical areas. The range of possible uses within a single-family zoned property and associated conditional uses are limited. The alternative uses allowed as conditional under the zoning code presume the existence of a single-family structure and would imply a greater intensity of use than that of a residence intended for a single family.

CONCLUSIONS: No reasonable, allowable use would have less impact on the critical area than a single family residence. This criterion is met.

RUE CRITERION D.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;*

FINDINGS: Comments received via the various public notification processes (i.e. NOA, SEPA) have raised a number of issues indicating that the proposed development may pose an unreasonable threat to the public health, safety, or welfare on or off the proposed site. Comments received from the public and various conservation groups identify potential impacts to the public welfare as it relates to salmon habitat protection and restoration via impacts to Lyon Creek through loss of stream buffer. WDFW has provided comments identifying impacts related to urban flooding, habitat loss, and future fish habitat restoration efforts (exhibit 24, PDF p. 32-33). WDFW has indicated that the application of in-stream habitat mitigation and flood protection for the proposed residence would conflict with each other and are not practical on the subject site. This is significant due to the fact that the SEPA conditions require the applicant to create a stream restoration plan to be approved by WDFW (MDNS, Exhibit 22). Streams are regulated by WDFW as waters of the state, and the hydrologic connectivity to downgradient stream areas between the project site and Lake

Washington raises the potential for an unreasonable threat to public health, safety, or welfare resulting from direct impacts to the Lyon Creek stream system.

CONCLUSIONS: The applicant has not demonstrated that the proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site. This criterion is not met.

RUE CRITERION D.4: *Any alteration is the minimum necessary to allow for reasonable economic use of the property.*

FINDINGS: A single-family site that is entirely encumbered by stream restrictions and associated buffer area may not allow for reasonable economic use. Staff also acknowledge the applicant's neighboring property analysis demonstrating that the proposed footprint of 1,100 square feet is 25% smaller than the median structure footprint in the study area (see exhibit 10, Revised Critical Areas Report, Section 3.3). However, the subject site is uniquely encumbered relative to surrounding lots due to the on-site location and morphology of Lyon Creek (Exhibits 2, 10), resulting in a proposal to significantly reduce the standard stream buffer. The "minimum necessary" could be achieved via a reduced footprint design, still allowing for two floors but with less buffer intrusion.

CONCLUSIONS: The applicant has not demonstrated that the proposed alteration is the minimum necessary to allow for reasonable economic use. The proposed 1,100 square foot building footprint does not reflect the "minimum necessary" in accordance with this criterion. Reasonable economic use may be achieved via a reduced scale building design that would balance reasonable use with a "minimum necessary" building footprint, and the "bare minimum amount of use and disturbance" in accordance with the RUE policy statement at LFPMC 16.16.250.A. This criterion is not met.

RUE CRITERION D.5 *The inability to derive reasonable use is not the result of an action or actions taken by the applicant's actions or that of a previous property owner, such as by altering lot lines that result in an undevelopable condition.*

FINDINGS: Based on the information provided in the application, this lot is vacant and encumbered entirely by regulated critical areas. The property's title report and information contained within it does not contain any indication that previous land use actions have been executed on the site. A search of King County recorded documents revealed no previously recorded land use actions that would result in any ability to derive reasonable use of the site.

CONCLUSIONS: This criterion is met.

SUMMARY CONCLUSIONS

Pursuant to LFPMC 16.26.100.C, the applicant must demonstrate by a preponderance of the evidence that a Type I application merits approval or approval with modifications. Based on the analysis above, the Department concludes that the current proposal does not meet all five of the

criteria required to approve a reasonable use exception at LPMC 16.16.250.D and therefore has not demonstrated by a preponderance of the evidence that the application merits approval.

Based on the site constraints identified in various public comments and the revised critical areas report (Exhibit 10), and site-specific issues and limitations identified by the Washington Department of Fish and Wildlife, it is staff's position that the current proposal for a 1,100 square foot building footprint does not adhere to a "bare minimum amount of use and disturbance" in accordance with the reasonable use exception policy statement at LFMPC 16.26.250.A, and that the proposed alteration does not meet "...the minimum necessary to allow for reasonable economic use of the property" standard at LFMPC 16.16.250.D(4).

Staff concludes that site-specific conditions and limitations dictate that a "bare minimum" or "minimum necessary" should include a reduced structure footprint, with allowance for a small attached single-car garage or carport.

RECOMMENDATION

The Community Development Department recommends **DENIAL** of the request for a reasonable use exception.

The following conditions are offered for consideration should the Hearing Examiner approve the request for a reasonable use exception:

Conditions (Note: Nos 1-5 are SEPA conditions):

1. The critical areas left unencumbered by project impacts shall be protected in perpetuity via a critical area easement.
2. The proposal shall include stream buffer mitigation at a ratio of greater than 1:1 to ensure an increase in buffer function (3,728 square feet of buffer enhancement to compensate for 2,619 square feet of permanent buffer impacts per the Revised Critical Areas Report dated September 23, 2022, by The Watershed Company). The mitigation compensates for significant tree removal and buffer intrusion and is conditioned to comply with the Arborist Report dated revised August 18, 2022, from the Watershed Company.
3. Mitigation is required to be monitored for a period of ten years to ensure successful establishment of native species.
4. Enhancement areas and remaining unencumbered buffer areas will be disclosed as a notice to title, preserving these areas from future development.
5. Degraded stream channels and corridors shall be rehabilitated to maintain water quality, reestablish habitat and prevent erosion. A restoration plan is required and shall be prepared by a qualified fisheries biologist and shall be approved by the Washington Department of Fish and Wildlife (WDFW). Parameters considered by the rehabilitation plan should include: salmonid habitat enhancement, erosion control, channel integrity preservation, aesthetics and hydraulics. Stream improvements shall not create problems elsewhere in the stream system.
6. Prior to building permit issuance, the site plan (Exhibit 2) shall be revised for consistency with these conditions of approval.

7. The permittee must apply for and receive all required permits from the planning and building department.
8. All work must comply with the city's adopted standards for development and construction including stormwater mitigation, erosion control, zoning and building.
9. A maximum 10-foot building setback shall be established from the outer edge of the critical area buffer to allow for building repair and maintenance.
10. Split-rail wood fencing and approved signage are required to delineate between the critical area boundary and the construction impact area. The split-rail fencing and signage shall be installed after completion of construction. Standard protective construction fencing shall be installed and maintained during construction to delineate the outer boundary of the construction impact area. Only work associated with the buffer impact mitigation plan and, if required, drainage control may occur outside of the construction impact area.
11. Inadvertent Discovery: If the applicant or contractor believes they have discovered cultural resources or human skeletal remains the applicant shall follow the "stop-protect-notify" protocols for inadvertent discovery in accordance with Department of Ecology Publication 070-560 (rev. 06/21). This shall include notification to the City, The Department of Archaeological and Historic Preservation (DAHP), and affected local tribes including The Duwamish Tribe.
12. Prior to final inspection of the residence, the critical area and buffer mitigation plan (Exhibit 7) shall be revised for consistency with these conditions of approval, including any resultant increase in buffer area, and implemented by the Permittee/property owner and be found to be correctly installed by City staff and/or City Arborist.
13. The mitigation area shall be subject to the annual monitoring and reporting to verify if the performance standards in the critical area report are being met. Monitoring is required for ten consecutive years after the final inspection of the residence. If any of the mitigation plans are not successful, the Permittee/property owner shall address the issue as described in the contingency plan of the critical area report.
14. Prior to occupancy, the permittee shall provide a signed copy of the contract from the professional to perform the mitigation monitoring program with bond amounts reflective of the current pricing.
15. All recommendations of the revised critical area report (Exhibit 10), as may be modified by these conditions, shall be strictly adhered to throughout the project and monitoring period.
16. The Permittee shall record a notice and disclosure on the property's title which indicates the property is subject to critical area mitigation and monitoring, as described in the critical area report. The Permittee shall also record each protected area as a surveyed tract.
17. A financial security guarantee, in a form approved by the City, is required for critical area mitigation performance and maintenance. The amount of the financial guarantee shall be subject to approval of the City and based on a qualified professional's cost estimate of the current market value of labor and materials for the approved mitigation plan including a thirty percent contingency.
18. The Permittee is responsible for obtaining any necessary state and federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on these or other state or federal permits or approvals, and for submitting

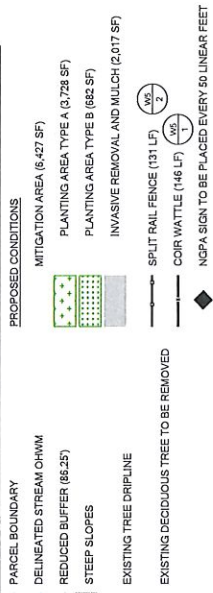
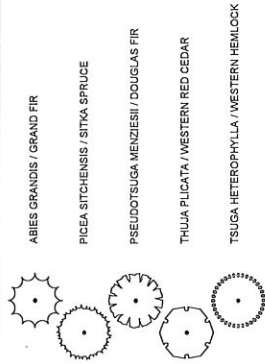
revised drawings to the City for its review and approval, if necessary, to reflect these state or federal conditions of approval

19. Trees may be removed within the construction impact area as required for safe and effective construction of the residence. Trees dangerously overhanging the driveway may also be removed if any diseased or hazardous trees are located within a reasonable distance of the residence. Any additional tree removal is subject to the requirements of Chapter 16.14 LFPMC. Trees planted as part of the buffer impact mitigation plan may also count towards required tree canopy coverage if they are of a species and size to qualify for that purpose.
20. If the planning director determines a significant adverse deviation from predicted impacts has occurred, or that mitigation or maintenance measures have failed, the permittee or the property owner shall be required to institute corrective action, which may be subject to further monitoring.
21. All costs associated with the mitigation/monitoring and planning therefore, including city expenses, shall be the responsibility of the permittee.
22. Prior to issuance of occupancy by the City, the property owner shall provide documentation indicating that the critical areas preservation tract has been recorded with King County as required by LFPMC 16.16. 180.
23. The hearing examiner's decision granting an exception and all other mitigation documents shall be recorded against the real property in question with the King County Recorder's Office.

Submitted: Mark Hofman Date: 3/6/2025
Mark Hofman
Director, Community Development Department

Exhibit 2.0

LEGEND



NOTES

1. COIR WATTLE IS SHOWN OFFSET FOR CLARITY PURPOSES; WATTLE SHALL BE PLACED ALONG DELINEATED BOUNDARY OF STREAM AND DELINEATED LINE WHERE STREAM BOUNDARY IS OFF-SITE. LINE WHERE STREAM BOUNDARY IS OFF-SITE. SEE INVASIVE PLANT REMOVAL AND SITE PREPARATION DETAILS ON SHEET W6. SEE PLANT SCHEDULES FOR PLANTING AREAS ON SHEET W4.
2. PLANTING AREA TYPE A (3,728 SF)
3. PLANTING AREA TYPE B (882 SF)
4. INVASIVE REMOVAL AND MULCH (2,017 SF)



MITIGATION AND PLANTING PLAN
SCALE 1" = 10'



2021-PLE-0001
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Science & Design

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LAKE FOREST PARK, WA
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SUBMITTALS & REVISIONS		NO.	DATE	DESCRIPTION
RF	1	1/10/20	1/10/20	1/10/20
RF	2	1/10/20	1/10/20	1/10/20
RF	3	1/10/20	1/10/20	1/10/20
RF	4	1/10/20	1/10/20	1/10/20
RF	5	1/10/20	1/10/20	1/10/20
RF	6	1/10/20	1/10/20	1/10/20
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RF	22	1/10/20	1/10/20	1/10/20
RF	23	1/10/20	1/10/20	1/10/20
RF	24	1/10/20	1/10/20	1/10/20
RF	25	1/10/20	1/10/20	1/10/20
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RF	30	1/10/20	1/10/20	1/10/20
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RF	100	1/10/20	1/10/20	1/10/20

W3 OF 6
SHEET NUMBER: 190405
JOB NUMBER: 190405

Exhibit 3.0

MEMORANDUM

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

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

The following documents were reviewed:

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

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

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

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

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

Mitigation Sequencing (LFPMC 16.16.130)

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

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

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

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

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

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

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

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

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

Nick Holland

From: Mark Garey <pinematrix@outlook.com>
Sent: Friday, May 12, 2023 9:15 AM
To: Nick Holland
Cc: Garey, Mark
Subject: RE: Permittee authorization to exceed 120-day clock

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Hello Nick.

I understand due to resource constraints within the city, I APPROVE an extension in application and processing time since the original 120-day requirements has not been meet. Please let me know if you require a signed letter or this email suffices. Cheers.

Mark J Garey
206.446.9090
pinematrix@outlook.com

From: [Nick Holland](#)
Sent: Thursday, May 11, 2023 3:06 PM
To: [Mark Garey](#)
Subject: Permittee authorization to exceed 120-day clock

Hi Mark,
I'm hard at work preparing for our pending hearing, although it seems everytime I make headway, something gets thrown my way. I'm working on the recommendation, for which I am almost ready to submit the initial draft to our Director for review. When the content is finalized from our end, I'll send it your way for any comments.

One thing I do need from you, as a part of this process, is your authorization to exceed the 120-day clock statute. Since your application has been in processing for a period that exceeds 120-days, an exhibit providing your authorization to do so is needed when we go to hearing. If you could reply to this email, and indicate your approval for such, I can include this as an exhibit in the timeline for the hearing. Thanks.

Nick Holland
Senior Planner
City of Lake Forest Park
Planning Department
17425 Ballinger Way NE
Lake Forest Park, WA 98155
Direct: 206-957-2832
www.cityofflp.com



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

--

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 Park is cherished even for people who don't live there and another reason not to allow exception. 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, but we 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 here in 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: 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 from 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 <kevinhenry21@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.cityofflp.com/313/Notices-and-Announcements>

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

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](#)\$

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

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

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

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

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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 disproportionately 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 expertise 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.

Exhibit 5.31

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.

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.

Exhibit 5.33

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.

Exhibit 5.34

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.

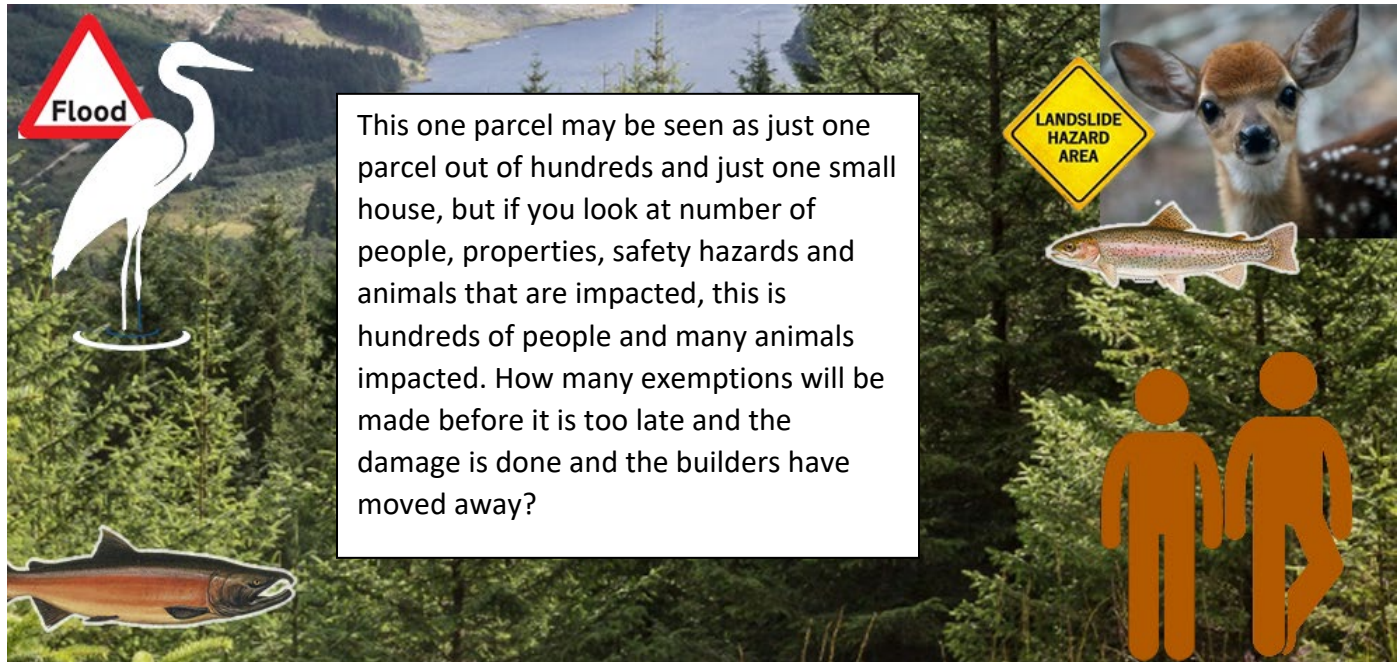
<https://drive.google.com/drive/folders/1V8gY96Q43vE6whQCDJGrVCYPA9K69C7w?usp=sharing>

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 promoting 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 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 the 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?

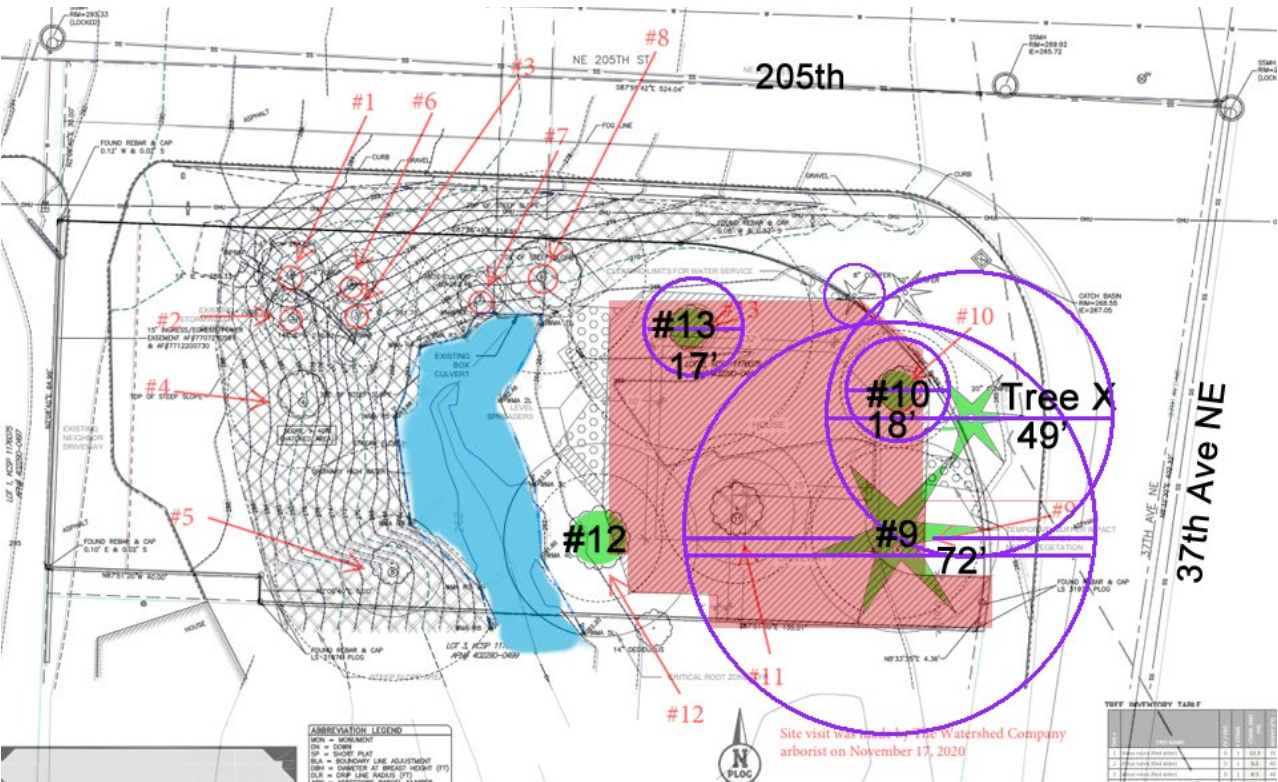


Figure 1 Full size provided as an attachment

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	<i>Alnus rubra</i> (Red alder)	12.3	Y	N
2	<i>Alnus rubra</i> (Red alder)	8.6	Y	N
3	<i>Alnus rubra</i> (Red alder)	8.5	Y	N
4	<i>Populus trichocarpa</i> (Black cottonwood)	18.0	N	N
5	<i>Alnus rubra</i> (Red alder)	19.0	Y	N
6	<i>Alnus rubra</i> (Red alder)	8.6	Y	N
7	<i>Alnus rubra</i> (Red alder)	8.5	Y	N
8	<i>Alnus rubra</i> (Red alder)	14.0	Y	N
9	<i>Thuja plicata</i> (Western red cedar)	36.3	Y	Y
10	<i>Prunus</i> sp. (Cherry sp.)	9.0	Y	N
11	<i>Populus trichocarpa</i> (Black cottonwood)	20.0	Y	N
12	<i>Populus trichocarpa</i> (Black cottonwood)	36.0	N	N
13	<i>Alnus rubra</i> (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

Arborist Memo: Lake Forest Park Stewardship Foundation
Date: February 8, 2018

pg. 2 of 7

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 are 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

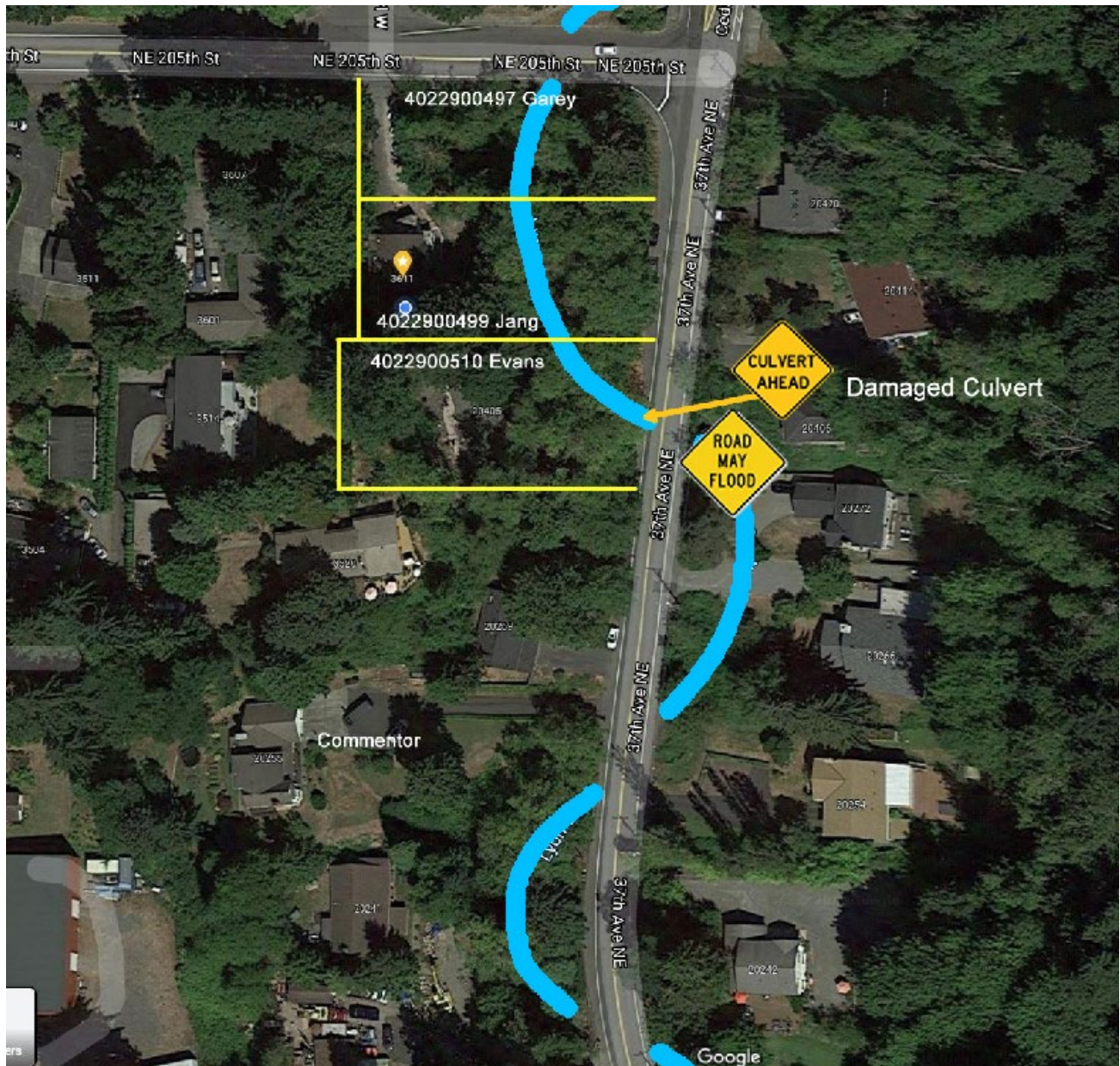


Figure 4 Parcel and adjacent parcels

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.

Task 3: Field Inspection:

What about the Evans property and the road flooding?

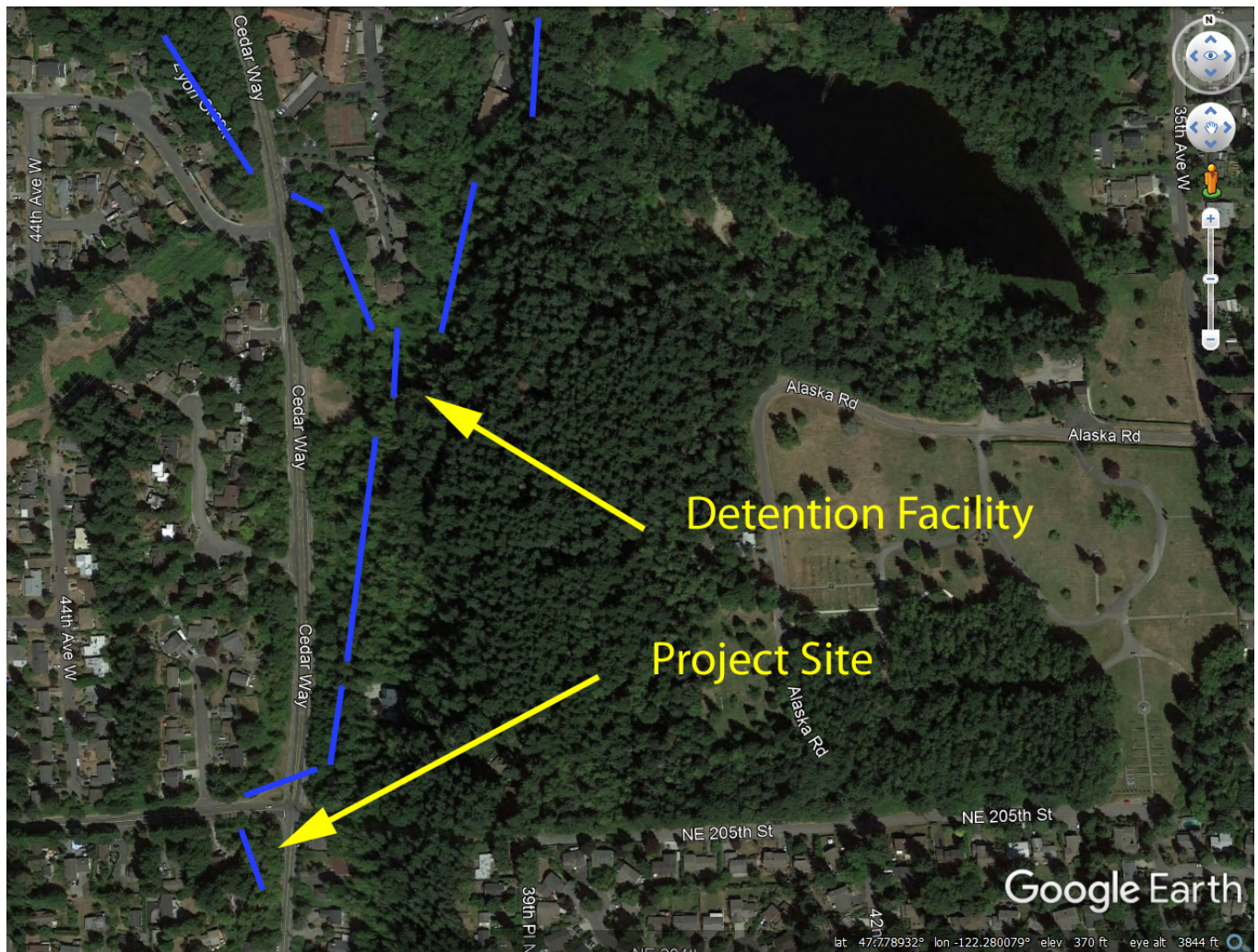
A field observation of the site, upstream drainage area, and ¼ mile downstream drainage path conditions was performed in June, 2018.

Task 4: Drainage System Description and Problem Descriptions:

What about the upstream detention pond flooding?

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

The proposal report says 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 **known 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:

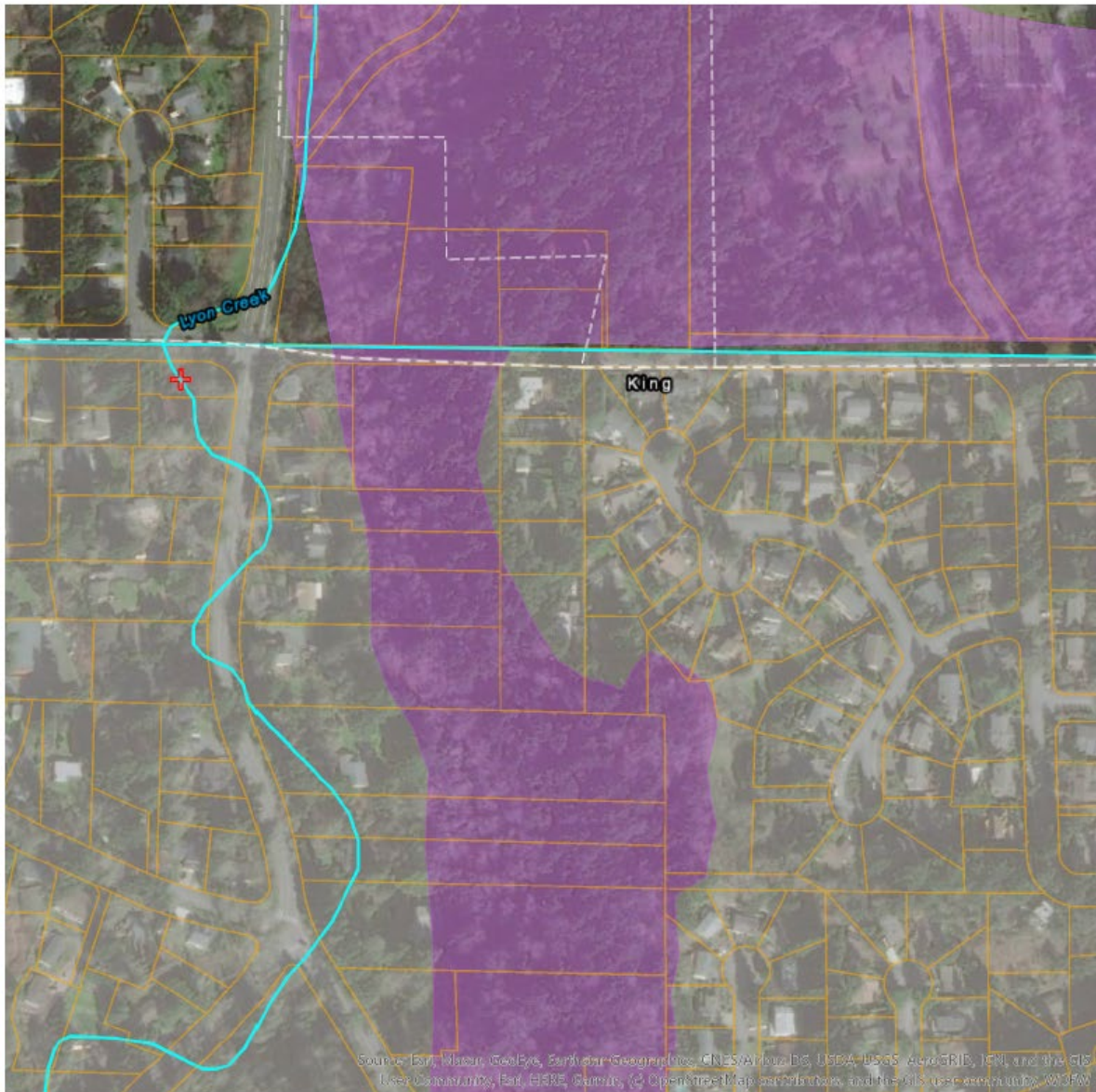
Occurence Name	Federa
Coho	N/A
Coho	Candidate
Resident Coastal Cutthroat	N/A
Little Brown Bat	N/A

11/22/21, 10:05 AM

PHS Report



Priority Habitats and Species on the Web



Report Date: 11/22/2021

PHS Species/Habitats Overview:

Occurrence 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

11/22/21, 10:05 AM

PHS Report

PHS Species/Habitats Details:

Coho	
Scientific Name	<i>Oncorhynchus kisutch</i>
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/diversity/soc/soc.htm
Geometry Type	Lines

Coho	
Scientific Name	<i>Oncorhynchus kisutch</i>
Priority Area	Occurrence
Site Name	Lyon Creek
Accuracy	NA
Notes	LLID: 1222800477542, Stock Name: Lake Washington/Sammamish Tribes 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/diversity/soc/soc.htm
Geometry Type	Lines

11/22/21, 10:05 AM

PHS Report

Resident Coastal Cutthroat	
Scientific Name	<i>Oncorhynchus clarki</i>
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	<i>Myotis lucifugus</i>
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

DISCLAIMER. This report includes information that the Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. It is not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and it is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site specific surveys are frequently necessary to rule out the presence of priority resources. Locations of fish and wildlife resources are subject to variation caused by disturbance, changes in season and weather, and other factors. WDFW does not recommend using reports more than six months old.

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
<u>3131043</u>		3/5/2021	\$0.00	GAREY LISA F	GAREY MARK J	Quit Claim Deed	Other
<u>2745989</u>	<u>20150728001394</u>	7/27/2015	\$40,000.00	MCKIMMY JAMES	GAREY MARK J+LISA F	Statutory Warranty Deed	None
1099566	<u>198911221550</u>	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 Land 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 salmonoid 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.](#)

Exhibit 6.0

From: Kelly Namba <kan65@msn.com>
Sent: Wednesday, March 30, 2022 8:24 AM
To: APlanner <APlanner@ci.lake-forest-park.wa.us>
Subject: Stop RUE 2021_RUE-0001

Please follow the code, that you have set forth. This is no place to build a house, there is plenty of documentation of flooding and erosion. I would think that the homeowner up top and ot

Caution! This message was sent from outside your organization.

Allow sender | Block sender

sophospsmartbannerend

Please follow the code, that you have set forth. This is no place to build a house, there is plenty of documentation of flooding and erosion. I would think that the homeowner up top and other residents would have cause to ask for the city for compensation if and when damage is done to their properties. LFP residents care about the environment, the trees and the tree canopy, this homestead will be detrimental to all of those.

Please add me as a party of record.

Thank you,

Kelly Namba

LFP resident

e as a party of record."

Sent from Mail for Windows

February 6, 2021

Comments on proposed development, Parcel #4022900497
File 2021-RUE-0001
Proponent Mark Garey

To the City of Lake Forest Park:

It has come to my attention that a development plan for Parcel #4022900497 has been submitted to the City of Lake Forest. Lyon Creek (08.0052), a recognized fish bearing stream, runs through the middle of this parcel. Coho salmon and cutthroat trout are known to use this stream (Kerwin 2001)¹.

The west side of the parcel is a steep slope, and at the time of my visit 5 February 2022, there had been several active landslides down the slope (Photo 1). The east side of the parcel extends to 37 Ave NE. Much of this area appears to be part of the active floodplain of Lyon Creek. Fine soils suggest continuous sediment deposition throughout much of the area. I would strongly recommend that a wetlands specialist evaluates much of the area, and a geologist evaluates the suitability of this area for construction. The environmental functions provided by this floodplain: sediment retention and attenuation of storm events (high flows) are important to the health of Lyon Creek downstream. Loss of channel complexity and connectivity was cited by Kerwin (2001) as factor of decline, and this property represents one of the few areas where natural stream processes are still evident. The eastern portion of the parcel also provides a biological buffer for road run-off from 37th Ave NE.

The stream reach in this area contained several patches of gravel, which appear to be suitable for spawning. It was also noted that there were several pieces of large wood in the stream (Photo 2). These are important in influencing stream processes, including pool formation and providing refuges for fish and other aquatic organisms.

Development of this parcel would remove any meaningful buffer at this location for Lyon Creek and would further degrade the environmental services that the parcels in this reach provide. I observed that the culvert downstream of the property was showing the effects of recent storms, a process that will only be hastened by development of this property (Photo 3).

While I am a resident of Kenmore, I have been involved in a number of efforts to protect and restore the stream and wetland habitat in the north Lake Washington watersheds. If we are to stop the ongoing decline in our salmon populations, we need to first preserve our remaining habitats while ongoing restoration efforts begin to have their effect.

Sincerely,

James M Myers, PhD (Fisheries, UW 1990)
5934 NE 201st St
Kenmore, WA
98028

¹ Kerwin, J. 2001. Salmon and steelhead habitat limiting factors report for the Ceda-Sammamish Basin (Water Resource Inventory Area 8). Washington Conservation Commission.



Photo 1. February 5, 2022. West side of property showing steep slope and recent slide



Photo 2. Looking downstream, Lyon Creek, note large log on right side and gravel in foreground



Photo 3. Culvert downstream of property showing storm damage.

FM: Daniel Collins, Consulting Arborist ISA Certified Arborist PN-8028A,
for Jolene Jang, 3611 37th Ave NE, Lake Forest Park

TO: Lake Forest Park Planning Director, Steve Bennett

Date: Feb.18, 2022

RE: Arborist Report- Mark Garey property NE 205 Street and 37th Avenue NE, P#4022900497

MEMO

I reviewed the materials in the Critical Areas Report, and specifically the Garey Residence Arborist Report provided by The Watershed Company Reference Number: 190405; below referred to as: the Report

Site Review:

I was asked to evaluate the thoroughness, quality, and the trees inventoried of the Report: observing from site boundaries and adjacent properties and using my knowledge of conditions associated with tree risk/hazards.

The project site located at the southwest corner of NE 205th Street and 37th Avenue NE in Lake Forest Park contains an early serial woodland of red alder (*Alnus rubra*), black cottonwood (*Populus trichocarpa/balsamifera*) and Cherry (*Prunus* sp.) according to the Report; forming a relatively low canopy.

Black cottonwood trees on the subject property are either dead or in a state of severe condition according to the Report; this is compounded by adverse biotic conditions: severe slopes which may strain water uptake, stem fungal rot-observed on several trees, and failing root plates raise failure risk to targets in future construction and living zones. On this parcel and the adjacent parcel, many black cottonwood trees show poor health. I recommend a thorough evaluation of these trees in poor health to mitigate future problems and damage to structures. It is not sufficient to claim in the Report that, "Tree assessment related to occupant safety and safeguarding new structures or other targets **must be done separately and after building has been completed.**" Level I Assessments are conducted to anticipate risk and provide mitigation or recommendation options to manage that risk.

Red alder species on this and adjacent sites tend to be in a healthier condition than the black cottonwood species notably on the eastern half and left creek bank. However, several of the red alder on the subject north property margins near the NE 205th Street Right of Way have poor architecture, with misshapen crowns; this is due in part to entanglement with power lines, stem failures, and pruning cuts; these trees are generally on steep slopes and in fair to poor condition(**see photo 3**); these are identified as #1,2,3,6,7, and 8 and are located on steep slopes near storm water outfall or box culverts. These trees, in the context of a site development will need careful monitoring to avoid further damage. This observation was not made in the Report. Client has indicated that up to five red alder trees on her adjacent property have failed at their roots in the past year.

The ISA Level I Assessment process used to inventory the black cottonwoods and red alders requires "the submittal of a report indicating risk level(s) and mitigation options and/or recommendations" Dunster, J. Tree Risk Assessment Manual 2nd Ed. 2017, p. 17. This Report did not give mitigation options or recommendations for any of the trees inventoried. This is an important omission, in my opinion because the Report is linked to a development proposal with

Daniel Collins-Consultant 360.531.0447

Nicoterra Trails: *Arboriculture, Ecological Restoration, Trail Design*
nicoterratrails.com 2802-21st Ave South Seattle, WA. 98144

major site impacts. Native tree preservation should be a strong objective for trees in any Critical Areas.

Tree health/condition has many biotic and abiotic factors which, if ignored or unmanaged can result in tree failures and potential damage to property, or injury to people. The western half of the property has a severe slope angle of 80-100%; the Report minimizes this, indicating the slope angle is greater than 40%. Much of the slope is under light ground cover with no obvious slope shoring, or bedrock. This unstable slope condition should be made clear in the Report. At the base of the slope is Lyon Creek, which, during high flows could undermine the toe of slope, potentially causing slope failure from below; there is evidence of creek bank undermining, but this was not listed in the Report. The plans call for coir wattle to line the slope base. This material will collect surface silts but will not reduce slope failure. Without adequate woody vegetation including trees and rooting structures to resist soil shear, the slope will remain unstable for many years. Tree #5, red alder inventoried in November 2021 with observed root plate uplift and given a Poor condition on that severe slope has subsequently uprooted and slipped to the base of the slope during high creek flows in December 2021 causing a 30' lateral slope tear; **(see photo 1)**. Continued slope instability will impact creek waters between culverts, undermine uphill structures and complicate woody tree establishment in the proposed Mitigation and Planting Plan W3 of 6.

The construction of impervious surfaces is likely to increase impacts to the remaining trees on the eastern half of this Critical Area. The proposed development site has one tree in good condition; the western red cedar #9. Tree #9 would have 30% -35% of it's Critical Root Zone impacted by house and driveway. Tree #11 is shown to be removed for development. Tree #12 (dead) will likely be removed unless the recommendation is for a habitat tree. Tree #14 will have 40% of its roots impacted by the building footprint.

There are several trees on the widened arc of the Public Right of Way including Douglas firs, Sitka spruce and red alders **(see photo 2)**. The root zones of these trees forming a grouping would likely be impacted adversely by the clearing limits for water services as identified in Proposed Impacts Assessment W2 of 6. The Report mentions that development proposals shall place a strong emphasis on tree protection LFPMC 16.14.070D as *Tree retention plans shall prioritize i. Existing viable trees in groups or stands*. No mention was given in the Report about what recommendations would be made for these four trees in the Critical Areas Zone of the Public Right of Way.

In Summary

The parcel represents a limited residential development opportunity with large impacts to the native trees surrounding the design footprint. Many trees within the parcel have sustained defects or are in poor condition according to the Report. Further tree failures will likely cause more slope instability and potentially impact driveways above the site development. The arborist/assessor offered no mitigation or recommendations for these trees. No Level II assessments for trees #12 or #4 were recommended to resolve these questions, while tree #5 has failed since the assessor has visited the site. It is my professional opinion, that there was inadequate analysis and information contained in the Report to advance the development proposal of owner - Mark Garey into a design-development phase. Thank you for considering these important concerns; our riparian forests deserve careful review.

Please contact me if you have further questions.

Sincerely,

Daniel Collins-Consultant 360.531.0447

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nicoterratrails.com 2802-21st Ave South Seattle, WA. 98144

Daniel Collins

Daniel Collins' Background-Experience: arboriculture and related expertise includes

- Urban Forestry/Ecological Restoration- dual track SSCC, Masters Urban Planning and engaged in riparian restoration projects with the Green River Coalition during the last decade
- Olympic National Forest USFS Cost Share Agreements (2005-2012); forestry-related scopes of work
- King County Bridge and Structures Engineering Group-FHWA Certified Bridge Inspector
- Professional tree care 10 years ISA Certified Arborist PN-8028A, TRAQ Risk Assessor

Attachment: photographs 1-3



Photo 1

Daniel Collins-Consultant 360.531.0447

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Photo 2

Daniel Collins-Consultant 360.531.0447

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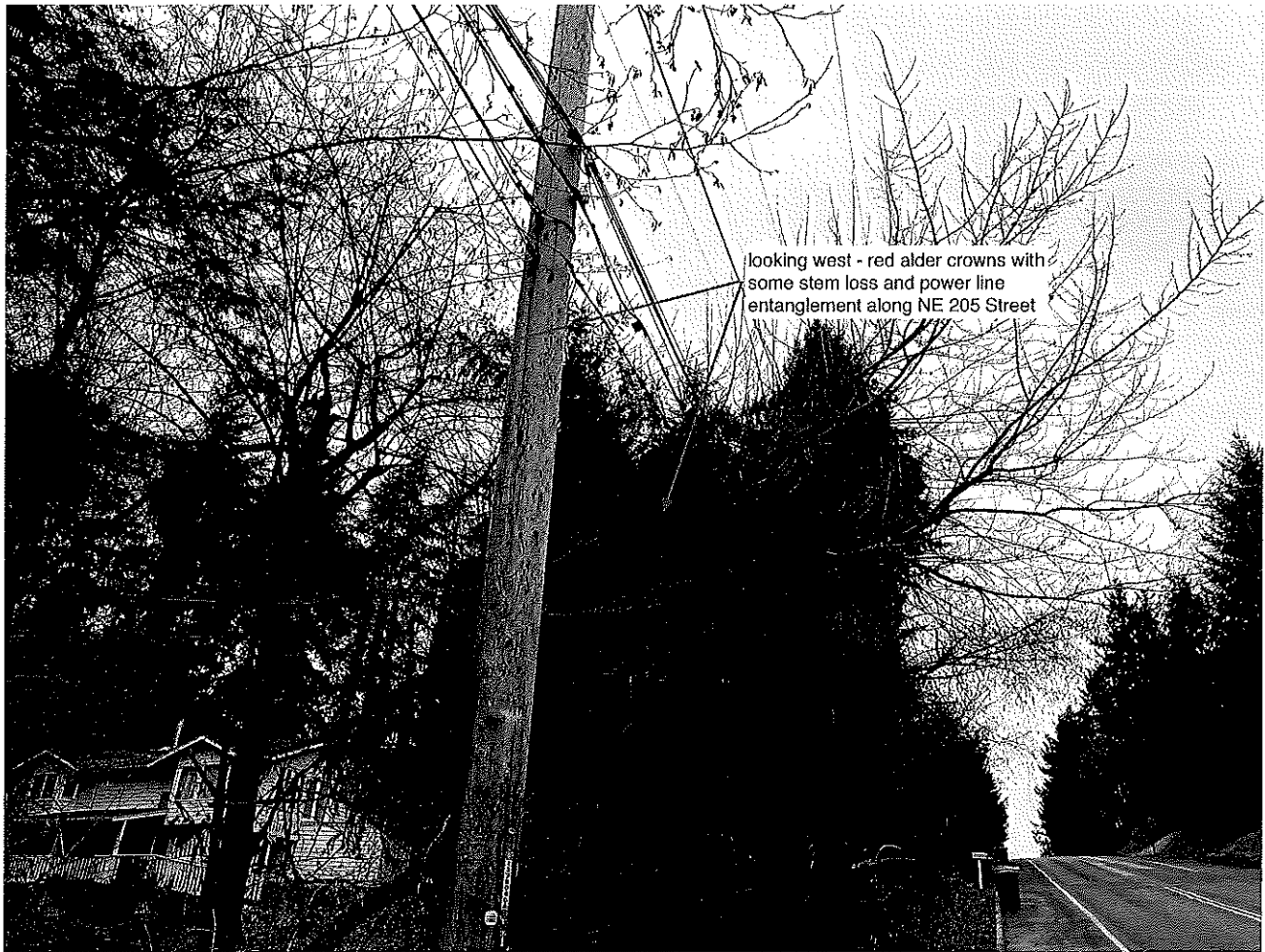


Photo 3

Daniel Collins-Consultant 360.531.0447

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nicoterratrails.com 2802-21st Ave South Seattle, WA. 98144

Fw: REASONABLE USE EXCEPTION, File Number: 2021-RUE-0001, Parcel # 4022900497

From Nick Holland <n holland@cityofflp.gov>
Date Thu 2/13/2025 10:18 AM
To Mark Hofman <m hofman@cityofflp.gov>



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

From: Corrie Ann Evans <corrieann2@yahoo.com>
Sent: Thursday, January 16, 2025 11:53 PM
To: Nick Holland <n holland@cityofflp.gov>
Subject: REASONABLE USE EXCEPTION, File Number: 2021-RUE-0001, Parcel # 4022900497

Dear Nick Holland,

I am writing to express my significant concerns regarding project File Number 2021-RUE-0001. As a resident at 20405 37th Ave NE, Lake Forest Park, WA 98155, directly adjacent to the proposed development site, I am deeply invested in the environmental well-being of Lyons Creek, which flows through my property.

For an extended period, I have actively collaborated with the King Conservation District to implement environmentally responsible practices along Lyons Creek, focusing on the removal of invasive species and the strategic planting of native vegetation. My efforts, along with those of my neighbor who is undertaking similar restoration work on their adjacent property with the King Conservation District, have yielded considerable progress in restoring a healthy native habitat.

The proposed construction of a house on this corner lot, in such close proximity to the creek and within the critical area, presents a serious risk to the ecological integrity of this delicate ecosystem and directly contradicts ongoing conservation efforts. I urge the Planning Department to thoroughly reassess the environmental impact of this project and reconsider granting approval for construction in this environmentally sensitive location.

I respectfully request that you add me to the notification list for File Number 2021-RUE-0001 to receive updates on the project's progress and any decisions made. My contact number is (206) 335-9621.

Sincerely,

Corrie Ann Evans

Fwd: Garey Parcel RUE: 2021-RUE-001

From David Haddock <chevydave@gmail.com>

Date Sun 4/14/2024 11:34 AM

To Mark Hofman <mhofman@cityofflp.gov>

 1 attachment (5 MB)

LFP RUE Exemption March 2024 w Exhibit 1 Final.pdf;

Good Day Mr. Hofman. Thanks again for meeting with us at the site last week. It is very much appreciated and we are glad to see that you are engaged in this project. I am attaching a document with my formal concerns relative to the granting of an RUE for the Garey parcel. Based on the information I provide in the attached document, I do not believe it is not reasonable to build a home on this parcel unless additional studies are completed. The bullets below summarize my concerns:

1. Floodplain: The proposed site lies in the floodplain of Lyons Creek, and the nearby road, 37th Ave. NE, was built in the natural floodplain of the creek. The creek has flooded twice in the last twenty years, and the road was built several feet above the highest flood stages. Building a home in this area would further constrict the floodplain, potentially increasing floodwaters' velocity and stage.
2. Slope Stability: The proposed site is located downhill and west of 37th Ave. NE, where the embankment of the road has already limited the natural width of the floodplain. Lyons Creek flows solely between the embankment and a steep slope to the west. The steep slope is currently being undercut by the flow of the creek, leading to small slope failures and the loss of trees and vegetation. Building a home in this constricted zone could exacerbate the undercutting and reduce the stability of the slope, increasing the likelihood of slope failure.
3. Potential for Larger Slope Failure: A large failure of the steep slope into Lyons Creek could block a portion of the creek and cause localized flooding. This could also create a temporary dam across the creek, leading to severe flooding and damage to the proposed structure and neighboring homes. The uncontrolled release of water held behind such a dam could cause catastrophic damage to downstream properties and Lake Forest Park infrastructure.
4. Lack of Geotechnical Data: The steep slope on the west side of Lyons Creek has not been formally investigated to determine its structural integrity. The existing geotechnical investigation focused only on the building site itself and did not adequately address the steep slope. The observations of soil slump, tree fall, and tilted trees indicate past movement or sliding of the slope, suggesting active erosion or instability. A more intensive investigation specifically addressing the steep slope is necessary to determine its safety.

5. Lessons Learned from Oso Landslide: I have made reference to the Oso Landslide, which occurred in a similar setting with a steep slope, a river, a development, and a public road. While the scale is much different, the general dynamics are the same. The Oso Landslide resulted in significant devastation and fatalities. Although a slope failure at this site may not cause the same level of devastation, it still poses a risk to the proposed development and the surrounding area.

Based on these factors, with the information currently available, I do not believe this RUE should be granted. Thank you for considering my comments.

VICINITY MAPS

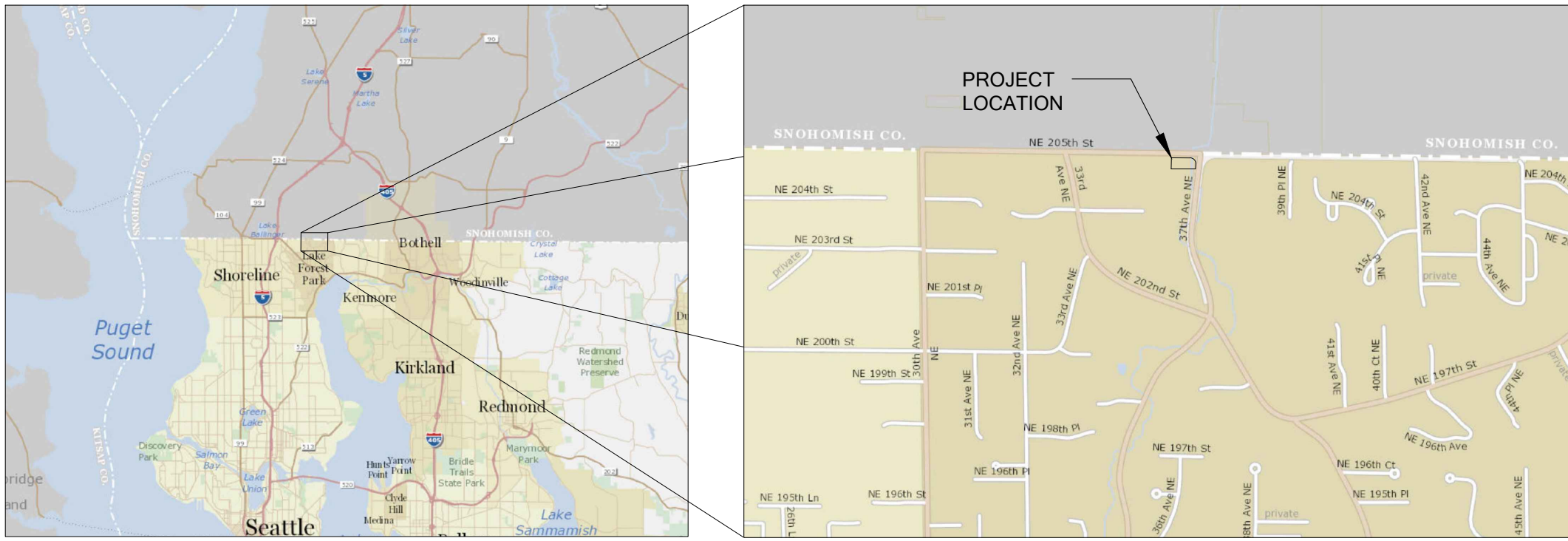


Exhibit 7.0

LEGEND

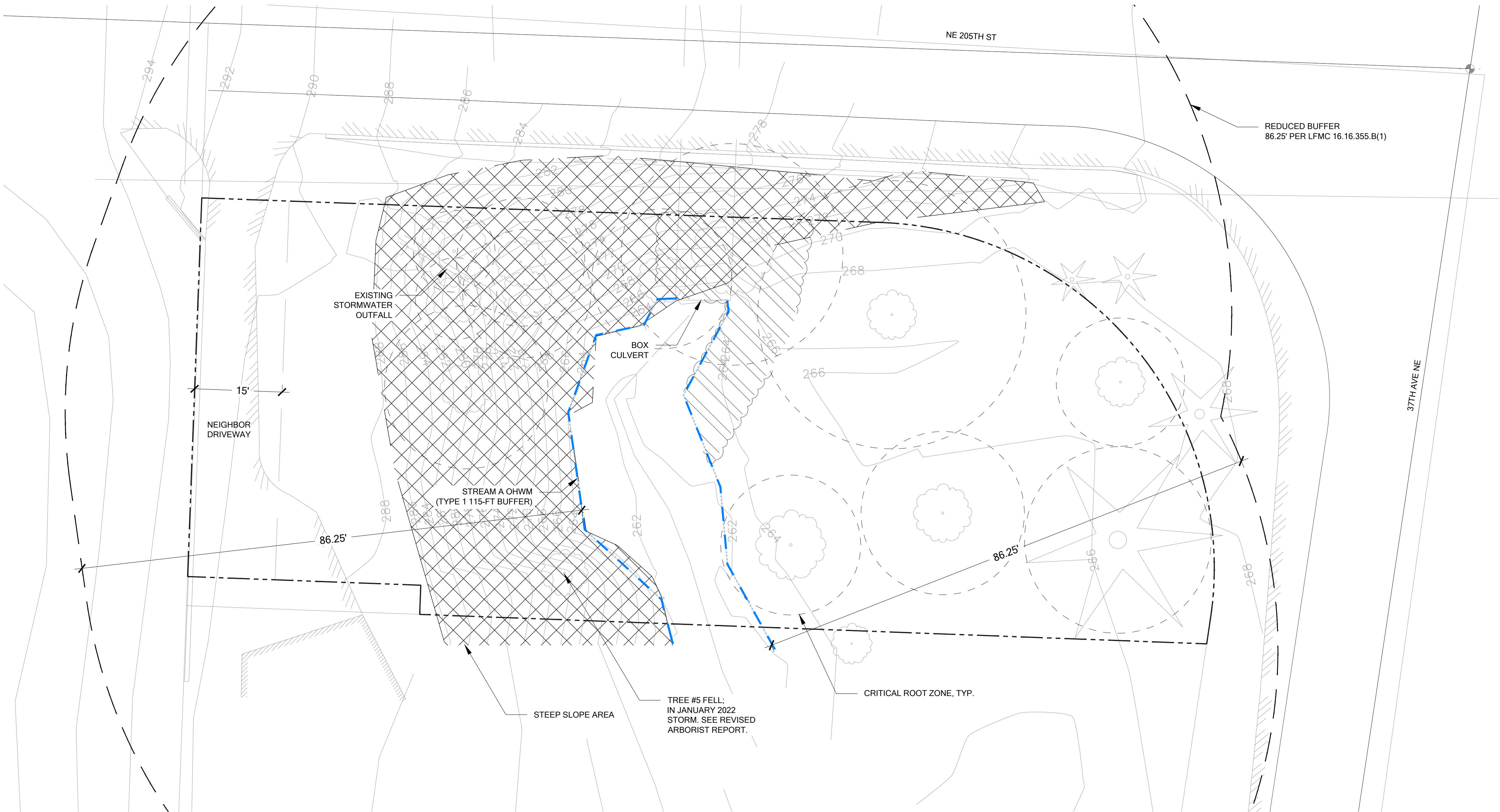
- PARCEL BOUNDARY
- DELINEATED STREAM OHWM
- REDUCED BUFFER (86.25')
- APPROXIMATE KNOTWEED PATCH (630 SF)
- STEEP SLOPES
- EXISTING TREE DRIPLINE

NOTES

- CRITICAL AREAS DELINEATED ON 6/18/2019 BY THE WATERSHED COMPANY; 750 6TH ST S, KIRKLAND WA, 98033; (425) 822-5242.
- SURVEY DATED 2/11/20; PROVIDED BY PLOG; 22525 SE 64TH PL, ISSAQUAH WA, 98027; (206) 420-7130.
- ENTIRE SUBJECT PARCEL LOCATED WITHIN 115-FT STREAM BUFFER; STANDARD BUFFER NOT SHOWN IN EXTENTS OF PLAN.

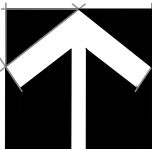
SHEET INDEX

- W1 EXISTING CONDITIONS
- W2 PROPOSED IMPACTS ASSESSMENT
- W3 MITIGATION AND PLANTING PLAN
- W4 PLANT SCHEDULES AND SITE PREPARATION
- W5 PLANT INSTALLATION DETAILS AND NOTES
- W6 MITIGATION PLAN NOTES



EXISTING CONDITIONS

SCALE 1" = 10'



2021-RUE-0001
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750 Sixth Street South
Kirkland WA 98033

p 425.822.5242
www.watershedco.com

Science & Design

LFP GAREY RUE

PREPARED FOR MARK GAREY
PARCEL #4022900497
36XX NE 205TH ST
LAKE FOREST PARK, WA

PERMIT SET - NOT FOR CONSTRUCTION

SUBMITTALS & REVISIONS			BY
NO.	DATE	DESCRIPTION	
1	11/24/20	MITIGATION PLAN	AK
2	7/3/22	RESPONSE TO COMMENTS	FH

SHEET SIZE:
ORIGINAL PLAN IS 22" x 34".
SCALE ACCORDINGLY.

PROJECT MANAGER: NL
DESIGNED: AK
DRAFTED: FH
CHECKED: MF

JOB NUMBER:
190405

SHEET NUMBER:
W1 OF 6

DATE PRINTED BY FILENAME

LEGEND

- PARCEL BOUNDARY
- DELINEATED STREAM OHWM
- REDUCED BUFFER (86.25')
- XXXX

 STEEP SLOPES
- EXISTING TREE DRIPLINE
- XXXX

 EXISTING TREE TO BE REMOVED

PROPOSED CONDITIONS

XXXX

 PERMANENT BUFFER IMPACTS (2,619 SF)

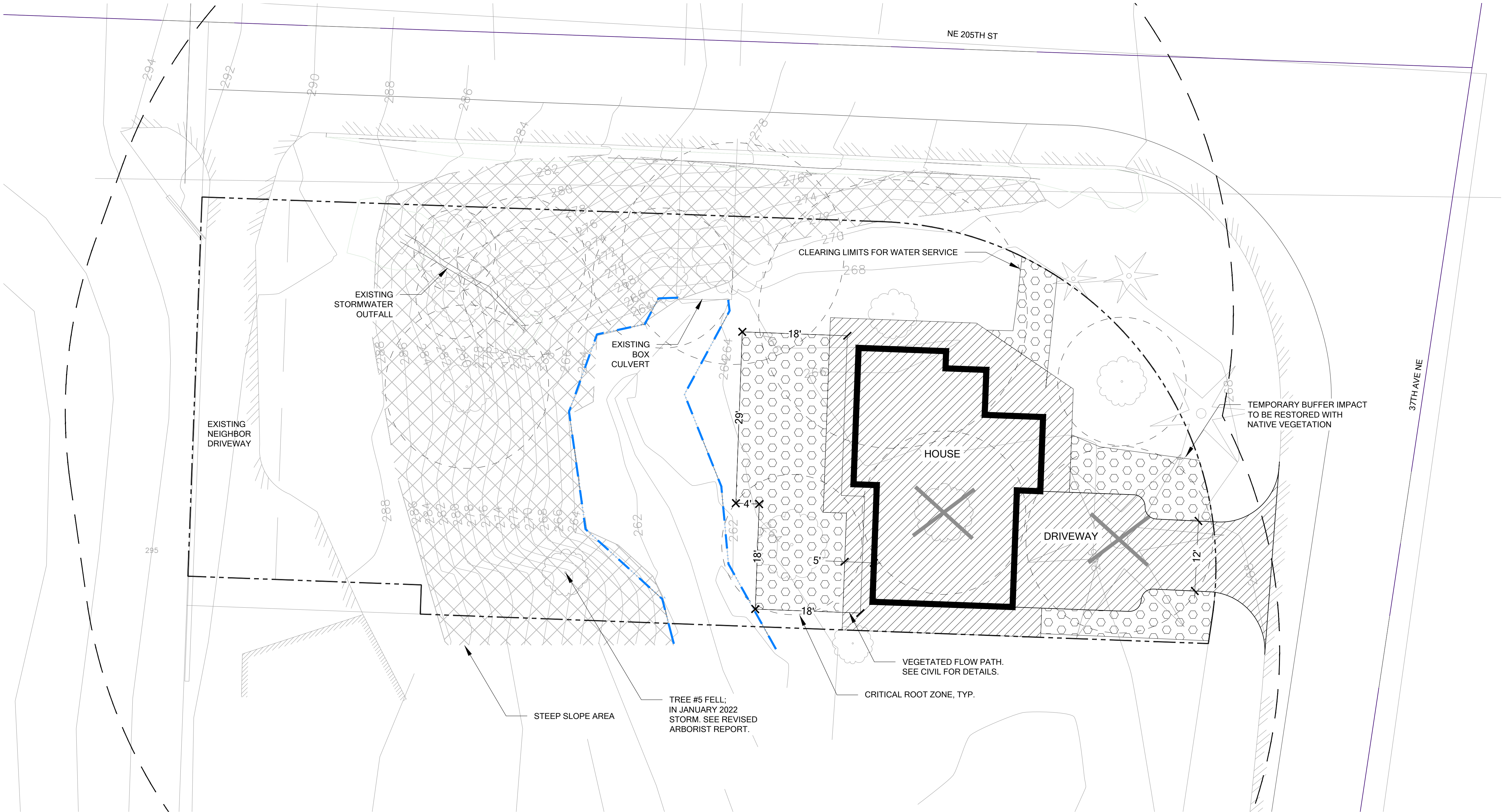
HOUSE (1,100 SF)

DRIVEWAY (748 SF)

5-FT MAINTENANCE PERIMETER (771 SF)

XXXX

 TEMPORARY BUFFER IMPACTS (1,205 SF)



PROPOSED IMPACTS ASSESSMENT

SCALE 1" = 10'



PERMIT SET - NOT FOR CONSTRUCTION

LFP GAREY RUE

PREPARED FOR MARK GAREY
PARCEL #4022900497
36XX NE 205TH ST
LAKE FOREST PARK, WA

SUBMITTALS & REVISIONS			BY
NO.	DATE	DESCRIPTION	
1	11/24/20	MITIGATION PLAN	AK
2	7/31/22	RESPONSE TO COMMENTS	FH

SHEET SIZE:
ORIGINAL PLAN IS 22" x 34".
SCALE ACCORDINGLY.

PROJECT MANAGER: NL
DESIGNED: AK
DRAFTED: FH
CHECKED: MF

JOB NUMBER:
190405

SHEET NUMBER:
W2 OF 6

DATE
PRINTED BY
FILENAME

LEGEND

- ABIES GRANDIS / GRAND FIR
- PICEA SITCHENSIS / SITKA SPRUCE
- PSEUDOTSUGA MENZIESII / DOUGLAS FIR
- THUJA PLICATA / WESTERN RED CEDAR
- TSUGA HETEROPHYLLA / WESTERN HEMLOCK

- PARCEL BOUNDARY
- DELINEATED STREAM OHWM
- REDUCED BUFFER (86.25')
- STEEP SLOPES
- EXISTING TREE DRIPLINE
- EXISTING DECIDUOUS TREE TO BE REMOVED

- PROPOSED CONDITIONS
- MITIGATION AREA (6,427 SF)
 - PLANTING AREA TYPE A (3,728 SF)
 - PLANTING AREA TYPE B (682 SF)
 - INVASIVE REMOVAL AND MULCH (2,017 SF)
 - SPLIT RAIL FENCE (131 LF)
 - COIR WATTLE (146 LF)
 - NGPA SIGN TO BE PLACED EVERY 50 LINEAR FEET

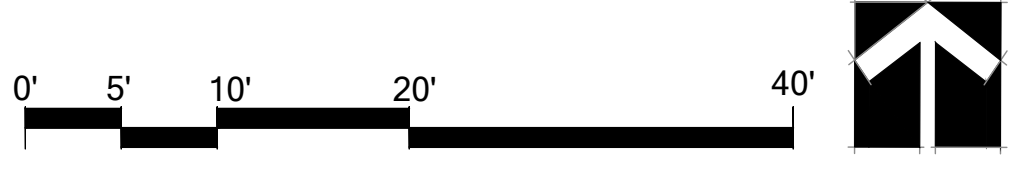
NOTES

- COIR WATTLE IS SHOWN OFFSET FOR CLARITY PURPOSES; WATTLE SHALL BE PLACED ALONG DELINEATED BOUNDARY OF STREAM OR PROPERTY LINE WHERE STREAM BOUNDARY IS OFF-SITE.
- SEE INVASIVE PLANT REMOVAL AND SITE PREPARATION DETAILS ON SHEET W5.
- SEE PLANT SCHEDULES FOR PLANTING AREAS ON SHEET W4.



MITIGATION AND PLANTING PLAN

SCALE 1" = 10'



PERMIT SET - NOT FOR CONSTRUCTION

LFP GAREY RUE

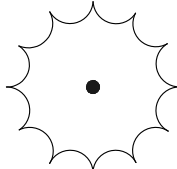
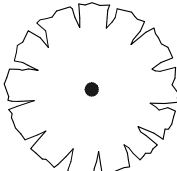
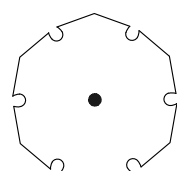
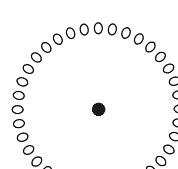
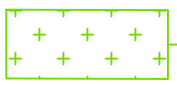
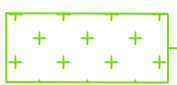
PREPARED FOR MARK GAREY
PARCEL #4022900497
36XX NE 205TH ST
LAKE FOREST PARK, WA

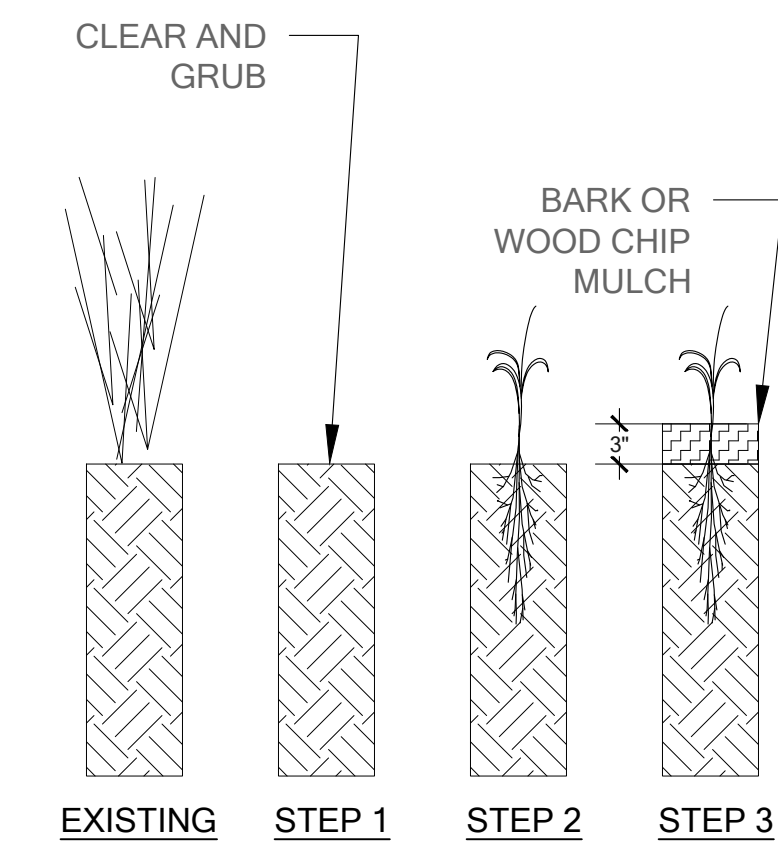
SUBMITTALS & REVISIONS	
NO.	DATE
1	11/24/20
2	7/31/22

DESIGNED: NL
DRAFTED: AK
CHECKED: FH
JOB NUMBER: 190405

SHEET NUMBER: W3 OF 6

PLANTING AREA TYPE A (3,728 SF)

TREES	BOTANICAL / COMMON NAME	SIZE	QTY	SPACING
	ABIES GRANDIS / GRAND FIR	2 GALLON	7	AS SHOWN
	PSEUDOTSUGA MENZIESII / DOUGLAS FIR	2 GALLON	7	AS SHOWN
	THUJA PLICATA / WESTERN RED CEDAR	2 GALLON	5	AS SHOWN
	TSUGA HETEROPHYLLA / WESTERN HEMLOCK	2 GALLON	8	AS SHOWN
TOTAL TREES			27	
SHRUBS	COMMON / BOTANICAL NAME	SIZE	QTY	SPACING
	ACER CIRCINATUM / VINE MAPLE	1 GALLON	29	5' O.C.
	OEMLERIA CERASIFORMIS / OSOBERY	1 GALLON	29	5' O.C.
	RIBES SANGUINEUM / RED-FLOWERING CURRANT	1 GALLON	29	5' O.C.
	RUBUS PARVIFLORUS / THIMBLEBERRY	1 GALLON	29	5' O.C.
	SAMBUCUS RACEMOSA / RED ELDERBERRY	1 GALLON	29	5' O.C.
	SYMPHORICARPOS ALBUS / SNOWBERRY	1 GALLON	29	5' O.C.
TOTAL SHRUBS			174	
GROUND COVERS	COMMON / BOTANICAL NAME	SIZE	QTY	SPACING
	GAULTHERIA SHALLON / SALAL	1 GALLON	230	30" O.C.
	MAHONIA NERVOSA / DULL OREGON GRAPE	1 GALLON	230	30" O.C.
	POLYSTICHUM MUNITUM / SWORD FERN	1 GALLON	230	30" O.C.
TOTAL GROUND COVERS			690	



PLANTING AREA PREPARATION
STEP 1
CLEAR AND GRUB UNDESIREABLE SPECIES PER STANDARD BMPS. REMOVE CLIPPINGS OFFSITE. WORK WITHIN EXISTING ROOT ZONES SHALL BE DONE BY HAND.

STEP 2
INSTALL PLANTS. (SEE PLANTING DETAIL.)

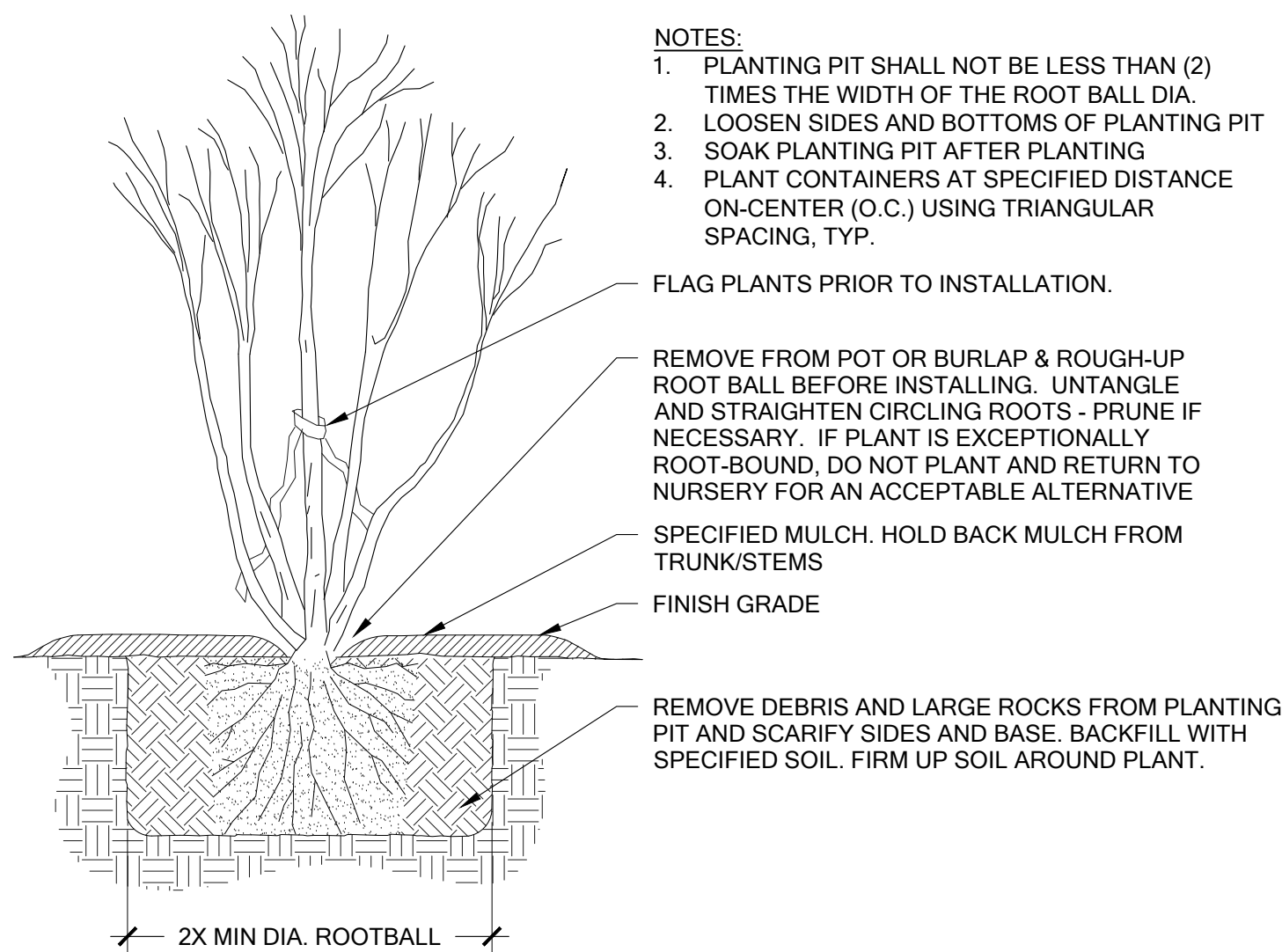
STEP 3
INSTALL MULCH LAYER THREE (3) INCHES DEEP. HOLD BACK MULCH FROM TRUNKS / STEMS.

1 SITE PREPARATION

Scale: NTS

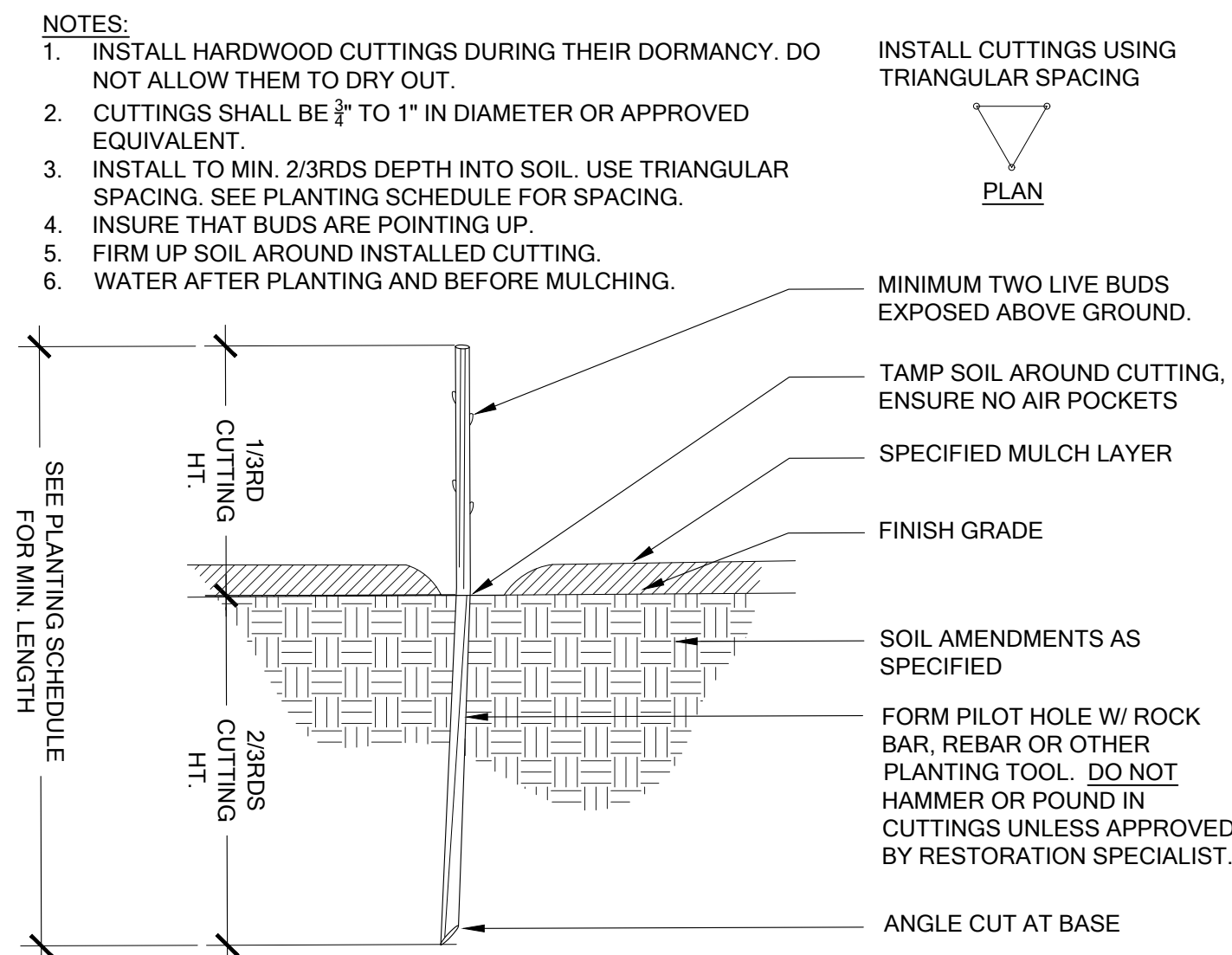
PLANTING AREA TYPE B (682 SF)

TREES	COMMON / BOTANICAL NAME	SIZE	QTY	SPACING
	PICEA SITCHENSIS / SITKA SPRUCE	2 GALLON	9	PER PLAN
	SALIX SITCHENSIS / SITKA WILLOW	LIVE STAKE	25	30" O.C.
	THUJA PLICATA / WESTERN RED CEDAR	2 GALLON	2	AS SHOWN
TOTAL TREES			36	
SHRUBS	COMMON / BOTANICAL NAME	SIZE	QTY	SPACING
	CORNUS SERICEA / RED-TWIG DOGWOOD	LIVE STAKE	25	30" O.C.
	LONICERA INVOLUCRATA / BLACK TWINBERRY	LIVE STAKE	25	30" O.C.
	PHYSOCARPUS CAPITATUS / PACIFIC NINEBACK	LIVE STAKE	25	30" O.C.
TOTAL SHRUBS			75	



2 CONTAINER PLANTING

Scale: NTS



3 LIVE STAKE PLANTING

Scale: NTS

PLANT SCHEDULES AND SITE PREPARATION

Exhibit 7.3



750 Sixth Street South
Kirkland WA 98033

p 425.822.5242
www.watershedco.com

Science & Design

LFP GAREY RUE

PREPARED FOR MARK GAREY
PARCEL #4022900497
36XX NE 205TH ST
LAKE FOREST PARK, WA

PERMIT SET - NOT FOR CONSTRUCTION

SUBMITTALS & REVISIONS				BY			
NO.	DATE	DESCRIPTION	MITIGATION PLAN	AK	FH		
1	11/24/20	MITIGATION PLAN					
2	7/3/22	RESPONSE TO COMMENTS					
SHEET SIZE:				NL			
ORIGINAL PLAN IS 22" x 34".				AK			
SCALE ACCORDINGLY.				FH			
PROJECT MANAGER:				MF			
DESIGNED:							
DRAFTED:							
CHECKED:							
JOB NUMBER:							
190405							
SHEET NUMBER:							
W4							
OF 6							

GENERAL NOTES

1. PLANTS SHALL MEET OR EXCEED THE SPECIFICATIONS OF FEDERAL, STATE, AND LOCAL LAWS REQUIRING INSPECTION FOR PLANT DISEASE AND INSECT CONTROL.
2. PLANTS SHALL BE HEALTHY, VIGOROUS, AND WELL-FORMED, WITH WELL DEVELOPED, FIBROUS ROOT SYSTEMS, FREE FROM DEAD BRANCHES OR ROOTS. PLANTS SHALL BE FREE FROM DAMAGE CAUSED BY TEMPERATURE EXTREMES, LACK OR EXCESS OF MOISTURE, INSECTS, DISEASE, AND MECHANICAL INJURY. PLANTS IN LEAF SHALL BE WELL FOLIATED AND OF GOOD COLOR. PLANTS SHALL BE HABITUATED TO THE OUTDOOR ENVIRONMENTAL CONDITIONS INTO WHICH THEY WILL BE PLANTED (HARDENED-OFF).
3. TREES WITH DAMAGED, CROOKED, MULTIPLE OR BROKEN LEADERS WILL BE REJECTED. WOODY PLANTS WITH ABRASIONS OF THE BARK OR SUN SCALD WILL BE REJECTED.
4. NOMENCLATURE: PLANT NAMES SHALL CONFORM TO FLORA OF THE PACIFIC NORTHWEST BY HITCHCOCK AND CRONQUIST, UNIVERSITY OF WASHINGTON PRESS, 2018 AND/OR TO A FIELD GUIDE TO THE COMMON WETLAND PLANTS OF WESTERN WASHINGTON & NORTHWESTERN OREGON, ED. SARAH SPEAR COOKE, SEATTLE AUDUBON SOCIETY, 1997.

1. PLANTS/PLANT MATERIALS. PLANTS AND PLANT MATERIALS SHALL INCLUDE ANY LIVE PLANT MATERIAL USED ON THE PROJECT. THIS INCLUDES BUT IS NOT LIMITED TO CONTAINER GROWN, B&B OR BAREROOT PLANTS; LIVE STAKES AND FASCINES (WATTLES); TUBERS, CORMS, BULBS, ETC.; SPRIGS, PLUGS, AND LINERS.
2. CONTAINER GROWN. CONTAINER GROWN PLANTS ARE THOSE WHOSE ROOTBALLS ARE ENCLOSED IN A POT OR BAG IN WHICH THAT PLANT GREW.

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN SPECIFIED MATERIALS IN ADVANCE IF SPECIAL GROWING, MARKETING OR OTHER ARRANGEMENTS MUST BE MADE IN ORDER TO SUPPLY SPECIFIED MATERIALS.
2. SUBSTITUTION OF PLANT MATERIALS NOT ON THE PROJECT LIST WILL NOT BE PERMITTED UNLESS AUTHORIZED IN WRITING BY THE RESTORATION CONSULTANT.
3. IF PROOF IS SUBMITTED THAT ANY PLANT MATERIAL SPECIFIED IS NOT OBTAINABLE A PROPOSAL WILL BE CONSIDERED FOR USE OF THE NEAREST EQUIVALENT SIZE OR ALTERNATIVE SPECIES, WITH CORRESPONDING ADJUSTMENT OF CONTRACT PRICE.
4. SUCH PROOF WILL BE SUBSTANTIATED AND SUBMITTED IN WRITING TO THE CONSULTANT AT LEAST 30 DAYS PRIOR TO START OF WORK UNDER THIS SECTION.

1. PLANTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE RESTORATION CONSULTANT FOR CONFORMANCE TO SPECIFICATIONS, EITHER AT TIME OF DELIVERY ON-SITE OR AT THE GROWER'S NURSERY. APPROVAL OF PLANT MATERIALS AT ANY TIME SHALL NOT IMPAIR THE SUBSEQUENT RIGHT OF INSPECTION AND REJECTION DURING PROGRESS OF THE WORK.
2. PLANTS INSPECTED ON SITE AND REJECTED FOR NOT MEETING SPECIFICATIONS MUST BE REMOVED IMMEDIATELY FROM SITE OR RED-TAGGED AND REMOVED AS SOON AS POSSIBLE.
3. THE RESTORATION CONSULTANT MAY ELECT TO INSPECT PLANT MATERIALS AT THE PLACE OF GROWTH. AFTER INSPECTION AND ACCEPTANCE, THE RESTORATION CONSULTANT MAY REQUIRE THE INSPECTED PLANTS BE LABELED AND RESERVED FOR PROJECT. SUBSTITUTION OF THESE PLANTS WITH OTHER INDIVIDUALS, EVEN OF THE SAME SPECIES AND SIZE, IS UNACCEPTABLE.

1. PLANTS SHALL CONFORM TO SIZES SPECIFIED UNLESS SUBSTITUTIONS ARE MADE AS OUTLINED IN THIS CONTRACT.
2. HEIGHT AND SPREAD DIMENSIONS SPECIFIED REFER TO MAIN BODY OF PLANT AND NOT BRANCH OR ROOT TIP TO TIP. PLANT DIMENSIONS SHALL BE MEASURED WHEN THEIR BRANCHES OR ROOTS ARE IN THEIR NORMAL POSITION.
3. WHERE A RANGE OF SIZE IS GIVEN, NO PLANT SHALL BE LESS THAN THE MINIMUM SIZE AND AT LEAST 50% OF THE PLANTS SHALL BE AS LARGE AS THE MEDIAN OF THE SIZE RANGE. (EXAMPLE: IF THE SIZE RANGE IS 12" TO 18", AT LEAST 50% OF PLANTS MUST BE 15" TALL.).

1. WITHIN 45 DAYS AFTER AWARD OF THE CONTRACT, SUBMIT A COMPLETE LIST OF PLANT MATERIALS PROPOSED TO BE PROVIDED DEMONSTRATING CONFORMANCE WITH THE REQUIREMENTS SPECIFIED. INCLUDE THE NAMES AND ADDRESSES OF ALL GROWERS AND NURSERIES.

1. PLANT MATERIALS LIST - SUBMIT DOCUMENTATION TO CONSULTANT AT LEAST 30 DAYS PRIOR TO START OF WORK UNDER THIS SECTION THAT PLANT MATERIALS HAVE BEEN ORDERED. ARRANGE PROCEDURE FOR INSPECTION OF PLANT MATERIAL WITH CONSULTANT AT TIME OF SUBMISSION.
2. HAVE COPIES OF VENDOR'S OR GROWERS' INVOICES OR PACKING SLIPS FOR ALL PLANTS ON SITE DURING INSTALLATION. INVOICE OR PACKING SLIP SHOULD LIST SPECIES BY SCIENTIFIC NAME, QUANTITY, AND DATE DELIVERED (AND GENETIC ORIGIN IF THAT INFORMATION WAS PREVIOUSLY REQUESTED).

CONTRACTOR MUST NOTIFY CONSULTANT 48 HOURS OR MORE IN ADVANCE OF DELIVERIES SO THAT CONSULTANT MAY ARRANGE FOR INSPECTION.

1. TRANSPORTATION - DURING SHIPPING, PLANTS SHALL BE PACKED TO PROVIDE PROTECTION AGAINST CLIMATE EXTREMES, BREAKAGE AND DRYING. PROPER VENTILATION AND PREVENTION OF DAMAGE TO BARK, BRANCHES, AND ROOT SYSTEMS MUST BE ENSURED.
2. SCHEDULING AND STORAGE - PLANTS SHALL BE DELIVERED AS CLOSE TO PLANTING AS POSSIBLE. PLANTS IN STORAGE MUST BE PROTECTED AGAINST ANY CONDITION THAT IS DETRIMENTAL TO THEIR CONTINUED HEALTH AND VIGOR.
3. HANDLING - PLANT MATERIALS SHALL NOT BE HANDLED BY THE TRUNK, LIMBS, OR FOLIAGE BUT ONLY BY THE CONTAINER, BALL, BOX, OR OTHER PROTECTIVE STRUCTURE, EXCEPT BAREROOT PLANTS SHALL BE KEPT IN BUNDLES UNTIL PLANTING AND THEN HANDLED CAREFULLY BY THE TRUNK OR STEM.
4. LABELS - PLANTS SHALL HAVE DURABLE, LEGIBLE LABELS STATING CORRECT SCIENTIFIC NAME AND SIZE. TEN PERCENT OF CONTAINER GROWN PLANTS IN INDIVIDUAL POTS SHALL BE LABELED. PLANTS SUPPLIED IN FLATS, RACKS, BOXES, BAGS, OR BUNDLES SHALL HAVE ONE LABEL PER GROUP.

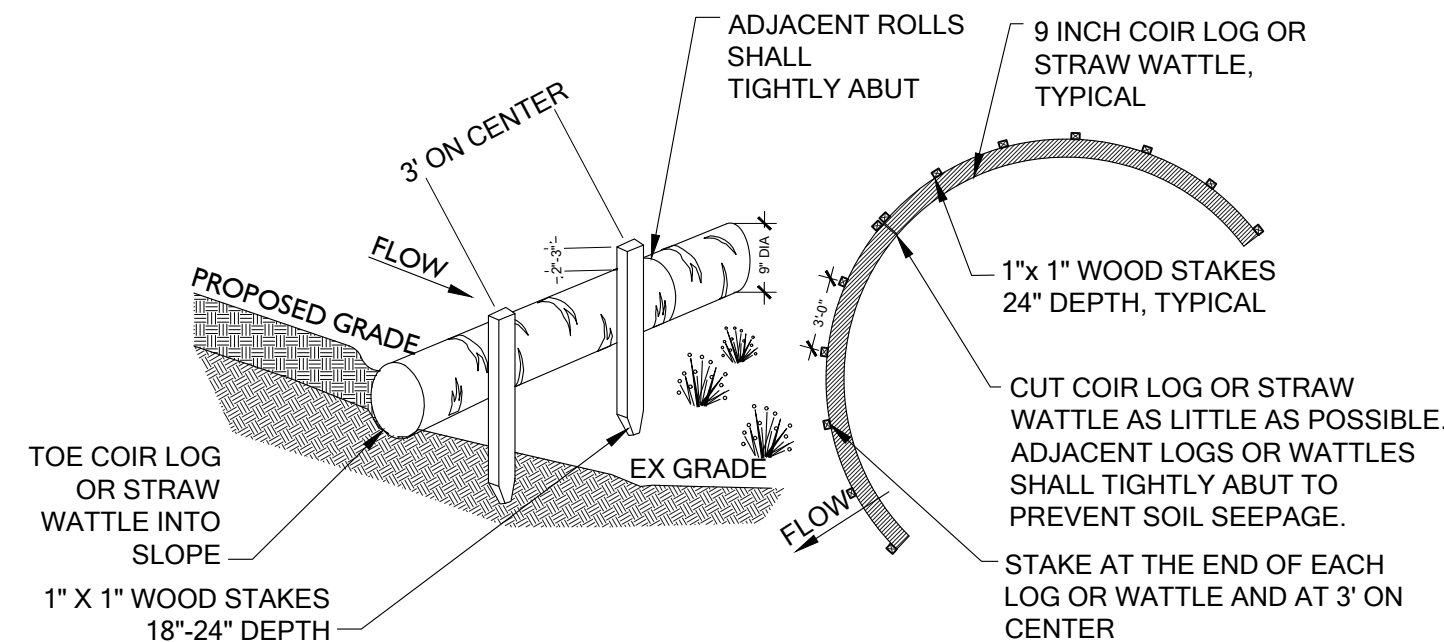
PLANTS MUST BE GUARANTEED TO BE TRUE TO SCIENTIFIC NAME AND SPECIFIED SIZE,
AND TO BE HEALTHY AND CAPABLE OF VIGOROUS GROWTH.

1. PLANTS NOT FOUND MEETING ALL OF THE REQUIRED CONDITIONS AT THE CONSULTANT'S DISCRETION MUST BE REMOVED FROM SITE AND REPLACED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE.
2. PLANTS NOT SURVIVING AFTER ONE YEAR TO BE REPLACED AT THE CONTRACTOR'S EXPENSE.

1. PLANTS SHALL BE NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES UNDER CLIMATIC CONDITIONS SIMILAR TO OR MORE SEVERE THAN THOSE OF THE PROJECT SITE.
2. PLANTS SHALL BE TRUE TO SPECIES AND VARIETY OR SUBSPECIES. NO CULTIVARS OR NAMED VARIETIES SHALL BE USED UNLESS SPECIFIED AS SUCH.

SEE PLANT LIST ON ACCOMPANYING PLANS AND PLANT SCHEDULES.

1. CONTAINER GROWN PLANTS (INCLUDES PLUGS): PLANT ROOT BALLS MUST HOLD TOGETHER WHEN THE PLANT IS REMOVED FROM THE POT, EXCEPT THAT A SMALL AMOUNT OF LOOSE SOIL MAY BE ON THE TOP OF THE ROOTBALL.
2. PLANTS MUST NOT BE ROOT-BOUND; THERE MUST BE NO CIRCLING ROOTS PRESENT IN ANY PLANT INSPECTED.
3. ROOTBALLS THAT HAVE CRACKED OR BROKEN WHEN REMOVED FROM THE CONTAINER SHALL BE REJECTED.

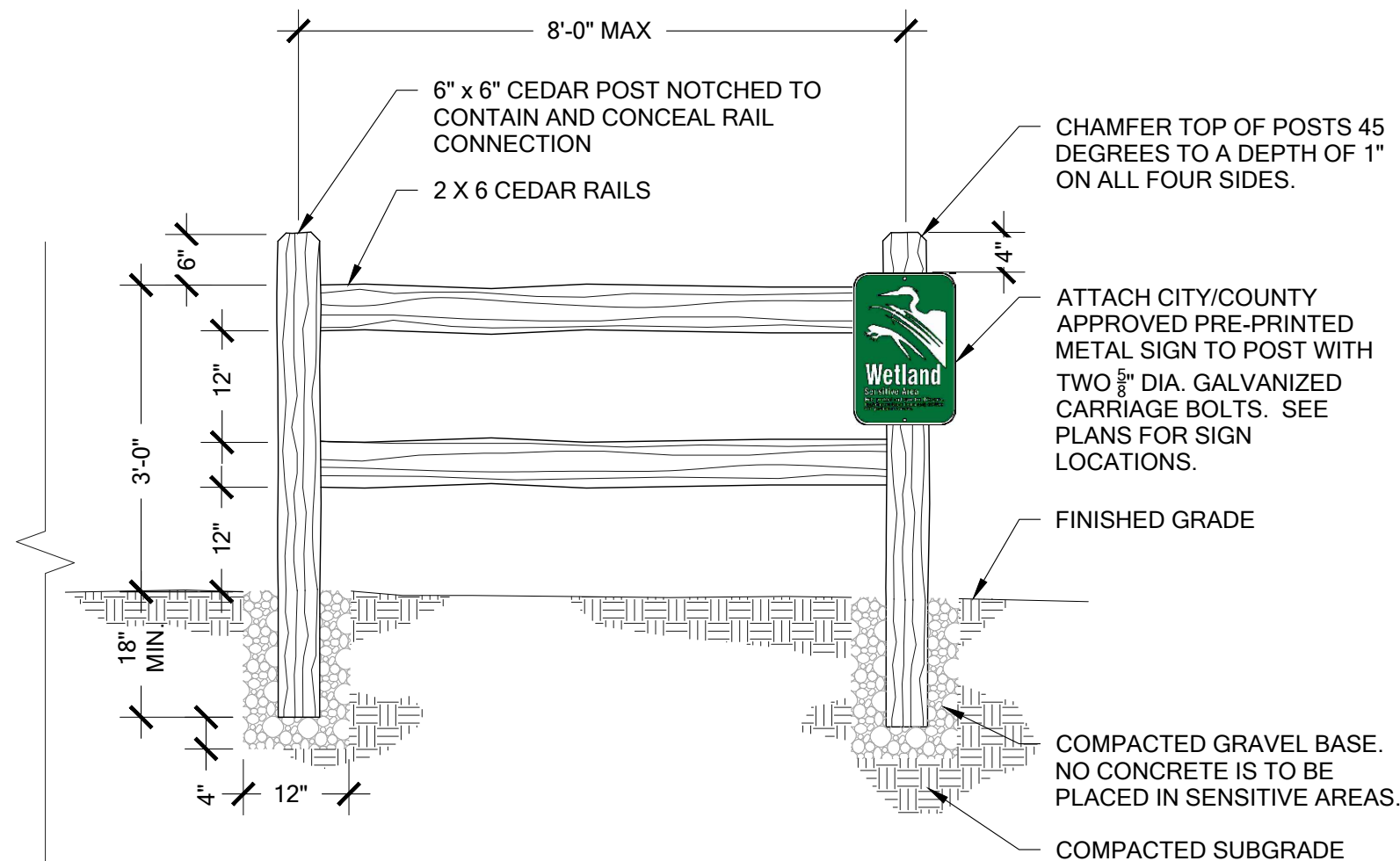


PLAN

1. COIR LOG OR STRAW WATTLE SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION RELATED ACTIVITIES
2. COIR LOG OR STRAW WATTLE SHALL BE 8-10" INCH IN DIAMETER AND INSTALLED PER SURFACE WATER DESIGN MANUAL - APPENDIX D (D.2.1.2.5)
3. STAKING: WOODEN STAKES ARE RECOMMENDED TO SECURE THE COIR LOG OR STRAW WATTLE. BE SURE TO USE A STAKE THAT IS LONG ENOUGH TO PROTRUDE SEVERAL INCHES ABOVE THE COIR LOG OR STRAW WATTLE: 18" IS A GOOD LENGTH FOR HARD, ROCKY SOIL; FOR SOFT LOAMY SOIL USE A 24" STAKE.
4. WHEN INSTALLING RUNNING LENGTHS OF COIR LOG OR STRAW WATTLE, BUTT THE SECOND LOG TIGHTLY AGAINST THE FIRST; DO NOT OVERLAP THE ENDS.
5. STAKE THE LOGS OR WATTLES AT EACH END AND THREE (3) FEET ON CENTER. STAKES SHOULD BE DRIVEN OUTSIDE THE COIR LOG OR STRAW WATTLE, BUT CLOSE ENOUGH TO HOLD IT IN PLACE. LEAVE 2 - 3 INCHES OF THE STAKE PROTRUDING ABOVE THE COIR LOG OR STRAW WATTLE. A HEAVY SEDIMENT LOAD WILL TEND TO PICK UP THE COIR LOG OR STRAW WATTLE AND COULD PULL IT OFF THE STAKES IF THEY ARE DRIVEN DOWN TOO LOW.
6. WHEN COIR LOG OR STRAW WATTLE ARE USED FOR FLAT GROUND APPLICATIONS, DRIVE THE STAKES STRAIGHT DOWN; WHEN INSTALLING COIR LOG OR STRAW WATTLE ON SLOPES, DRIVE THE STAKES PERPENDICULAR TO THE SLOPE. DRIVE THE FIRST END STAKE OF THE SECOND COIR LOG OR STRAW WATTLE AT AN ANGLE TOWARD THE FIRST COIR LOG OR STRAW WATTLE IN ORDER TO HELP ABUT THEM TIGHTLY TOGETHER.

Scale: NTS

1 COIR WATTLE Scale: NTS



NOTE

1. SIGN TO INCLUDE THE FOLLOWING LANGUAGE: "PROTECTED CRITICAL AREA. DO NOT DISTURB
CONTACT CITY OF LAKE FOREST PARK AT 206-368-5440 WITH ANY QUESTIONS."

2 SPLIT RAIL FENCE

Scale: NTS

PERMIT SET - NOT FOR CONSTRUCTION

LFP GAREY RUE

PREPARED FOR MARK GAREY
PARCEL #4022900497
36XX NE 205TH ST
LAKE FOREST PARK, WA

SUBMITTALS & REVISIONS				FILENAME
NO.	DATE	DESCRIPTION	BY	DATE
1	11/24/20	MITIGATION PLAN	AK	
2	7/31/22	RESPONSE TO COMMENTS	FH	

<p>SHEET SIZE: ORIGINAL PLAN IS 22" x 34". SCALE ACCORDINGLY.</p>		
<p>PROJECT MANAGER: DESIGNED: DRAFTED: CHECKED: JOB NUMBER:</p>	<p>NL AK FH MF</p>	
<p>190405</p>		
<p>SHEET NUMBER:</p>	<p>W5</p>	<p>OF 6</p>
	PRINTED BY	DATE

MITIGATION PLAN NOTES

Exhibit 7.5

OVERVIEW

THIS PLAN HAS BEEN PREPARED TO ENHANCE ON-SITE STREAM BUFFER FUNCTION AS COMPENSATION FOR STREAM BUFFER IMPACTS ASSOCIATED WITH THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE. THE EXISTING CONDITIONS SUBJECT TO THE PROVISIONS OF THIS MITIGATION PLAN ARE PARTIALLY DEGRADED AND CONTAIN A MIXTURE OF NATIVE AND NON-NATIVE INVASIVE VEGETATION SUCH AS HIMALAYAN BLACKBERRY, KNOTWEED AND ENGLISH IVY.

THE PLAN CALLS FOR ENHANCEMENT OF 6,427 SQUARE FEET OF STREAM BUFFER THROUGH THE REMOVAL OF INVASIVE SPECIES AND PLANTING OF NATIVE TREES, SHRUBS AND GROUNDCOVER.

MITIGATION AREA WORK SEQUENCE (SEE MATERIALS FOR ITEMS IN BOLD)

A RESTORATION SPECIALIST SHALL MAKE SITE VISITS TO VERIFY THE FOLLOWING PROJECT MILESTONES:

1. MARK THE CLEARING LIMITS WITH HIGH VISIBILITY FENCING OR SIMILAR MEANS.
2. INSTALL EROSION CONTROL MEASURES AS SHOWN ON THE SITE PREPARATION PLAN (SHEET W3).
3. PREPARE SITE SOILS PER THE SITE PREPARATION PLAN (SHEETS W4 AND W5)
4. INSTALL NATIVE PLANTS PER PLANTING DETAILS ON SHEET W4 AND W5.
 - A. NATIVE PLANT INSTALLATION SHALL OCCUR DURING THE DORMANT SEASON (OCTOBER 15TH THROUGH MARCH 1ST) IN FROST-FREE PERIODS ONLY.
 - B. LAYOUT PLANT MATERIAL PER PLAN FOR INSPECTION BY THE RESTORATION SPECIALIST. PLANT SUBSTITUTIONS WILL NOT BE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL OF THE RESTORATION SPECIALIST.
 - C. INSTALL PLANTS PER PLANTING DETAILS
5. WATER IN EACH PLANT THOROUGHLY TO REMOVE AIR POCKETS.
6. INSTALL A TEMPORARY IRRIGATION SYSTEM CAPABLE OF SUPPLYING AT LEAST 1-INCH OF WATER PER WEEK TO THE ENTIRE PLANTED AREA DURING THE DRY SEASON (JUNE 1ST THROUGH SEPTEMBER 30TH).
7. ONE YEAR AFTER INITIAL PLANTING, APPLY A SLOW-RELEASE, PHOSPHOROUS-FREE, GRANULAR FERTILIZER TO EACH INSTALLED PLANT.

MAINTENANCE AND MONITORING PLAN

THE SITE SHALL BE MAINTAINED AND MONITORED FOR FIVE YEARS FOLLOWING SUCCESSFUL INSTALLATION. COMPONENTS OF THE 5-YEAR MAINTENANCE AND MONITORING PLAN ARE DETAILED BELOW.

THE SITE SHALL BE MAINTAINED FOR FIVE YEARS FOLLOWING SUCCESSFUL INSTALLATION.

1. REPLACE EACH PLANT FOUND DEAD IN THE SUMMER MONITORING VISITS IN THE FOLLOWING DORMANT SEASON (OCTOBER 15 - MARCH 1). REPLACEMENT SHALL BE OF THE SAME SPECIES AND SIZE PER PLAN UNLESS OTHERWISE APPROVED BY THE RESTORATION SPECIALIST.
2. GENERAL WEEDING FOR ALL PLANTED AREAS
 - A. AT LEAST TWICE ANNUALLY, REMOVE COMPETING GRASSES AND WEEDS FROM AROUND THE BASE OF EACH INSTALLED PLANT TO A RADIUS OF 12 INCHES. WEEDING SHOULD OCCUR AT LEAST ONCE IN THE SPRING AND ONCE IN THE SUMMER. THOROUGH WEEDING WILL RESULT IN LOWER PLANT MORTALITY AND ASSOCIATED PLANT REPLACEMENT COSTS.
 - B. MORE FREQUENT WEEDING MAY BE NECESSARY DEPENDING ON WEED CONDITIONS THAT DEVELOP AFTER PLANT INSTALLATION.
 - C. NOXIOUS WEEDS MUST BE REMOVED FROM THE ENTIRE MITIGATION AREA, AT LEAST TWICE ANNUALLY.
 - D. DO NOT USE STRING TRIMMERS IN THE VICINITY OF INSTALLED PLANTS, AS THEY MAY DAMAGE OR KILL THE PLANTS.
3. MAINTAIN A FOUR-INCH-THICK LAYER OF WOODCHIP MULCH ACROSS THE ENTIRE PLANTING AREA. MULCH SHOULD BE PULLED BACK TWO INCHES FROM THE PLANT STEMS.
4. INSPECT AND REPAIR THE IRRIGATION SYSTEM AS NECESSARY EACH SPRING. DURING AT LEAST THE FIRST TWO GROWING SEASONS, MAKE SURE THAT THE ENTIRE PLANTING AREA RECEIVES A MINIMUM OF ONE INCH OF WATER PER WEEK FROM JUNE 1ST THROUGH SEPTEMBER 30TH.

GOALS

1. WITHIN THE PROPOSED ENHANCEMENT AREAS, ESTABLISH DENSE NATIVE VEGETATION THAT IS APPROPRIATE TO THE ECO-REGION AND SITE TO IMPROVE HABITAT, WATER QUALITY, AND HYDROLOGIC FUNCTION.
2. INCREASE HABITAT COVER AND REFUGE FOR AMPHIBIANS, SMALL MAMMALS, AND INVERTEBRATES. PROVIDE PERCHING, NESTING AND FORAGING HABITAT FOR NATIVE BIRDS.
3. REDUCE PREVALENCE OF INVASIVE PLANTS ON THE PROPERTY.

PERFORMANCE STANDARDS

THE STANDARDS LISTED BELOW WILL BE USED TO JUDGE THE SUCCESS OF THE INSTALLATION OVER TIME. IF PERFORMANCE STANDARDS ARE MET AT THE END OF YEAR 5, THE SITE WILL THEN BE DEEMED SUCCESSFUL.

1. SURVIVAL: ACHIEVE 100% SURVIVAL OF INSTALLED TREES AND SHRUBS BY THE END OF YEAR 1. ACHIEVE 80% SURVIVAL OF INSTALLED TREES AND SHRUBS FROM YEAR 2 THROUGH 3. THIS STANDARD CAN BE MET THROUGH PLANT ESTABLISHMENT OR THROUGH REPLANTING AS NECESSARY TO ACHIEVE THE REQUIRED NUMBERS. SURVIVAL WILL NOT BE MONITORED AFTER YEAR 3.
2. NATIVE WOODY PLANT COVER:
 - A. ACHIEVE A TOTAL OF 30% COVER OF NATIVE VEGETATION IN THE UNDERSTORY (MAY CONSIST OF WOODY OR HERBACEOUS SPECIES) WITH A MINIMUM 30% COVER OF NATIVE WOODY SPECIES (TREES/SHRUBS) BY YEAR 2. NATIVE COVER WILL INCLUDE ALL INSTALLED, EXISTING, OR VOLUNTEER PLANTS EXCEPT FOR THE EXISTING CANOPY COVER (TREE SPECIES OVER 20 FEET IN HEIGHT).
 - B. ACHIEVE A TOTAL OF 50% COVER OF NATIVE VEGETATION IN THE UNDERSTORY (MAY CONSIST OF WOODY OR HERBACEOUS SPECIES) WITH A MINIMUM 30% COVER OF NATIVE WOODY SPECIES (TREES/SHRUBS) BY YEAR 3. NATIVE COVER WILL INCLUDE ALL INSTALLED, EXISTING, OR VOLUNTEER PLANTS EXCEPT FOR THE EXISTING CANOPY COVER (TREE SPECIES OVER 20 FEET IN HEIGHT).
 - C. ACHIEVE A TOTAL OF 80% COVER OF NATIVE VEGETATION IN THE UNDERSTORY (MAY CONSIST OF WOODY OR HERBACEOUS SPECIES) WITH A MINIMUM 50% COVER OF NATIVE WOODY SPECIES (TREES/SHRUBS) BY YEAR 5. NATIVE COVER WILL INCLUDE ALL INSTALLED, EXISTING, OR VOLUNTEER PLANTS EXCEPT FOR THE EXISTING CANOPY COVER (TREE SPECIES OVER 20 FEET IN HEIGHT).
3. SPECIES DIVERSITY: ESTABLISH AT LEAST FOUR NATIVE TREE SPECIES, FIVE NATIVE SHRUB SPECIES, AND TWO NATIVE GROUNDCOVER SPECIES IN THE MITIGATION AREA AND MAINTAIN THIS DIVERSITY THROUGH YEAR 3. NATIVE VOLUNTEER SPECIES AND EXISTING VEGETATION MAY COUNT TOWARDS THESE STANDARDS.
4. INVASIVE COVER: AREA COVER FOR ALL NON-NATIVE, INVASIVE AND NOXIOUS WEEDS WILL NOT EXCEED 10% AT ANY YEAR DURING THE MONITORING PERIOD. INVASIVE PLANTS INCLUDE THOSE ON THE KING COUNTY OR WASHINGTON STATE NOXIOUS WEEDS LISTS.

MONITORING METHODS

THIS MONITORING PROGRAM IS DESIGNED TO TRACK THE SUCCESS OF THE MITIGATION SITE OVER TIME AND TO MEASURE THE DEGREE TO WHICH THE SITE IS MEETING THE PERFORMANCE STANDARDS OUTLINED IN THE PRECEDING SECTION.

AN AS-BUILT PLAN WILL BE PREPARED BY THE RESTORATION PROFESSIONAL PRIOR TO THE BEGINNING OF THE MONITORING PERIOD. THE AS-BUILT PLAN WILL BE A MARK-UP OF THE PLANTING PLANS INCLUDED IN THIS PLAN SET. THE AS-BUILT PLAN WILL DOCUMENT ANY DEPARTURES IN PLANT PLACEMENT OR OTHER COMPONENTS FROM THE PROPOSED PLAN.

MONITORING WILL TAKE PLACE ONCE ANNUALLY IN THE FALL FOR FIVE YEARS. YEAR-1 MONITORING WILL COMMENCE IN THE FIRST FALL SUBSEQUENT TO INSTALLATION.

THE FORMAL MONITORING VISIT SHALL RECORD AND REPORT THE FOLLOWING IN AN ANNUAL REPORT, AVAILABLE UPON REQUEST BY THE CITY OF LAKE FOREST PARK:

1. VISUAL ASSESSMENT OF THE OVERALL SITE.
2. YEAR-1 ASSESSMENT OF PLANT SURVIVAL. YEAR-2 THROUGH YEAR-3 COUNTS OF ESTABLISHED NATIVE TREES AND SHRUBS BY SPECIES, TO THE EXTENT FEASIBLE.
3. COUNTS OF DEAD PLANTS OR COMPLETE PLANT CENSUS WHERE MORTALITY IS SIGNIFICANT IN ANY MONITORING YEAR.
4. ESTIMATE OF NATIVE COVER IN THE MITIGATION AREA THROUGH LINE-INTERCEPT METHODOLOGY AT A MINIMUM OF TWO TRANSECTS.
5. ESTIMATE OF NATIVE WEED COVER IN THE MITIGATION AREA THROUGH LINE-INTERCEPT METHODOLOGY AT A MINIMUM OF TWO TRANSECTS.
6. PHOTOGRAPHIC DOCUMENTATION FROM AT LEAST THREE FIXED REFERENCE POINTS.
7. ANY INTRUSIONS INTO OR CLEARING OF THE PLANTING AREAS, VANDALISM, OR OTHER ACTIONS THAT IMPAIR THE INTENDED FUNCTIONS OF THE MITIGATION AREA.
8. RECOMMENDATIONS FOR MAINTENANCE OR REPAIR OF ANY PORTION OF THE MITIGATION AREA.

MAINTENANCE

THE SITE WILL BE MAINTAINED IN ACCORDANCE WITH THE FOLLOWING INSTRUCTIONS FOR AT LEAST FIVE YEARS FOLLOWING COMPLETION OF CONSTRUCTION:

1. FOLLOW THE RECOMMENDATIONS NOTED IN THE PREVIOUS MONITORING SITE VISIT.
2. GENERAL WEEDING FOR ALL PLANTED AREAS.
 - A. AT LEAST TWICE YEARLY, REMOVE ALL COMPETING WEEDS AND WEED ROOTS FROM BENEATH EACH INSTALLED PLANT AND ANY DESIRABLE VOLUNTEER VEGETATION TO A DISTANCE OF 18 INCHES FROM THE MAIN PLANT STEM. WEEDING SHOULD OCCUR AT LEAST TWICE DURING THE SPRING AND SUMMER. FREQUENT WEEDING WILL RESULT IN LOWER MORTALITY, LOWER PLANT REPLACEMENT COSTS, AND INCREASED LIKELIHOOD THAT THE PLAN MEETS PERFORMANCE STANDARDS BY YEAR 5.

- B. MORE FREQUENT WEEDING MAY BE NECESSARY DEPENDING ON WEED CONDITIONS THAT DEVELOP AFTER PLANT INSTALLATION.
 - C. DO NOT WEED THE AREA NEAR THE PLANT BASES WITH STRING TRIMMER (WEED WHACKER/WEED EATER). NATIVE PLANTS ARE EASILY DAMAGED OR KILLED, AND WEEDS EASILY RECOVER AFTER TRIMMING.
 - D. SELECTIVE APPLICATIONS OF HERBICIDE MAY BE NEEDED TO CONTROL INVASIVE WEEDS, ESPECIALLY WHEN INTERMIXED WITH NATIVE SPECIES. HERBICIDE APPLICATION, WHEN NECESSARY, SHALL BE CONDUCTED ONLY BY A STATE-LICENSED APPLICATOR.
3. APPLY SLOW-RELEASE AQUATIC SAFE PHOSPHOROUS-FREE, GRANULAR FERTILIZER TO EACH INSTALLED PLANT WITHIN THE WETLAND/STREAM BUFFER ANNUALLY IN THE SPRING (BY JUNE 1) OF YEARS 2 THROUGH 5. DO NOT APPLY FERTILIZER INTO WETLANDS OR STREAMS.
 4. REPLACE MULCH AS NECESSARY TO MAINTAIN A 4-INCH-THICK LAYER, RETAIN SOIL MOISTURE, AND LIMIT WEEDS.
 5. REPLACE EACH PLANT FOUND DEAD IN THE SUMMER MONITORING VISITS DURING THE UPCOMING DORMANT SEASON (OCTOBER 15 TO MARCH 1), FOR BEST SURVIVAL.
 6. THE PROPERTY OWNER WILL ENSURE THAT WATER IS PROVIDED FOR THE WETLAND/STREAM BUFFER PLANTING AREAS WITH A MINIMUM OF 1 INCH OF WATER PER WEEK FROM JUNE 1 THROUGH SEPTEMBER 30 FOR THE FIRST TWO YEARS FOLLOWING INSTALLATION, THROUGH THE OPERATION OF A TEMPORARY IRRIGATION SYSTEM AT MINIMUM. LESS WATER IS NEEDED DURING MARCH, APRIL, MAY AND OCTOBER.

CONSTRUCTION NOTES AND SPECIFICATIONS

THE RESTORATION PROFESSIONAL WILL MONITOR:

1. ALL SITE PREPARATION.
 - A. WEED REMOVAL.
 - B. SOIL PREPARATION.
 - C. MULCH PLACEMENT.
2. PLANT MATERIAL INSPECTION.
 - A. PLANT MATERIAL DELIVERY INSPECTION.
 - B. 100% PLANT INSTALLATION INSPECTION.

MITIGATION PLANTING AND IRRIGATION

1. INSTALL MITIGATION PLANTS DURING THE DORMANT SEASON (OCTOBER 15 - MARCH 1).
 - A. PREPARE SOIL PER DETAIL AND INSTALL PLANTS PER DETAIL.
2. INSTALL A TEMPORARY, ABOVE GROUND IRRIGATION SYSTEM TO PROVIDE FULL COVERAGE TO ALL INSTALLED PLANTS WITHIN THE WETLAND/STREAM BUFFERS.

MATERIAL SPECIFICATIONS AND DEFINITIONS

1. FERTILIZER: SLOW RELEASE, GRANULAR PHOSPHOROUS-FREE FERTILIZER. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR APPLICATION. KEEP FERTILIZER IN A WEATHER-TIGHT CONTAINER WHILE ON SITE. NOTE THAT FERTILIZER IS TO BE APPLIED ONLY IN YEARS 2 THROUGH 5 AND NOT IN THE FIRST YEAR.
2. FERTILIZER (FOR NEAR AQUATIC ENVIRONMENTS): SLOW-RELEASE, PHOSPHOROUS-FREE GRANULAR FERTILIZER. LABEL MUST INDICATE THAT PRODUCT IS SAFE FOR AQUATIC ENVIRONMENTS. FOLLOW MANUFACTURER'S INSTRUCTIONS FOR USE. KEEP FERTILIZER IN WEATHER-TIGHT CONTAINER WHILE ON-SITE. FERTILIZER IS ONLY TO BE APPLIED IN YEARS 2 AND 3, NOT IN YEAR ONE.
3. IRRIGATION SYSTEM: AUTOMATED SYSTEM CAPABLE OF DELIVERING AT LEAST ONE INCH OF WATER PER WEEK FROM JUNE 1 THROUGH SEPTEMBER 30 FOR AT LEAST THE FIRST THREE YEARS FOLLOWING INSTALLATION.
4. RESTORATION PROFESSIONAL: WATERSHED COMPANY [(425) 822-5242] PERSONNEL, OR OTHER PERSONS QUALIFIED TO EVALUATE ENVIRONMENTAL RESTORATION PROJECTS.
5. WOODCHIP MULCH: "ARBORIST CHIPS" (CHIPPED WOODY MATERIAL) APPROXIMATELY ONE TO THREE INCHES IN MAXIMUM DIMENSION (NOT SAWDUST). THIS MATERIAL IS COMMONLY AVAILABLE IN LARGE QUANTITIES FROM ARBORISTS OR TREE-PRUNING COMPANIES. MULCH SHALL NOT CONTAIN APPRECIABLE QUANTITIES OF GARBAGE, PLASTIC, METAL, SOIL, AND DIMENSIONAL LUMBER OR CONSTRUCTION/DEMOLITION DEBRIS.

CONTINGENCIES

IF THERE IS A SIGNIFICANT PROBLEM WITH THE RESTORATION AREAS MEETING PERFORMANCE STANDARDS, A CONTINGENCY PLAN WILL BE DEVELOPED AND IMPLEMENTED. CONTINGENCY PLANS CAN INCLUDE, BUT ARE NOT LIMITED TO: SOIL AMENDMENT, ADDITIONAL PLANT INSTALLATION, AND PLANT SUBSTITUTIONS OF TYPE, SIZE, QUANTITY, AND LOCATION.

MITIGATION PLAN NOTES



750 Sixth Street South
Kirkland WA 98033

p 425.822.5242
www.watershedco.com
Science & Design

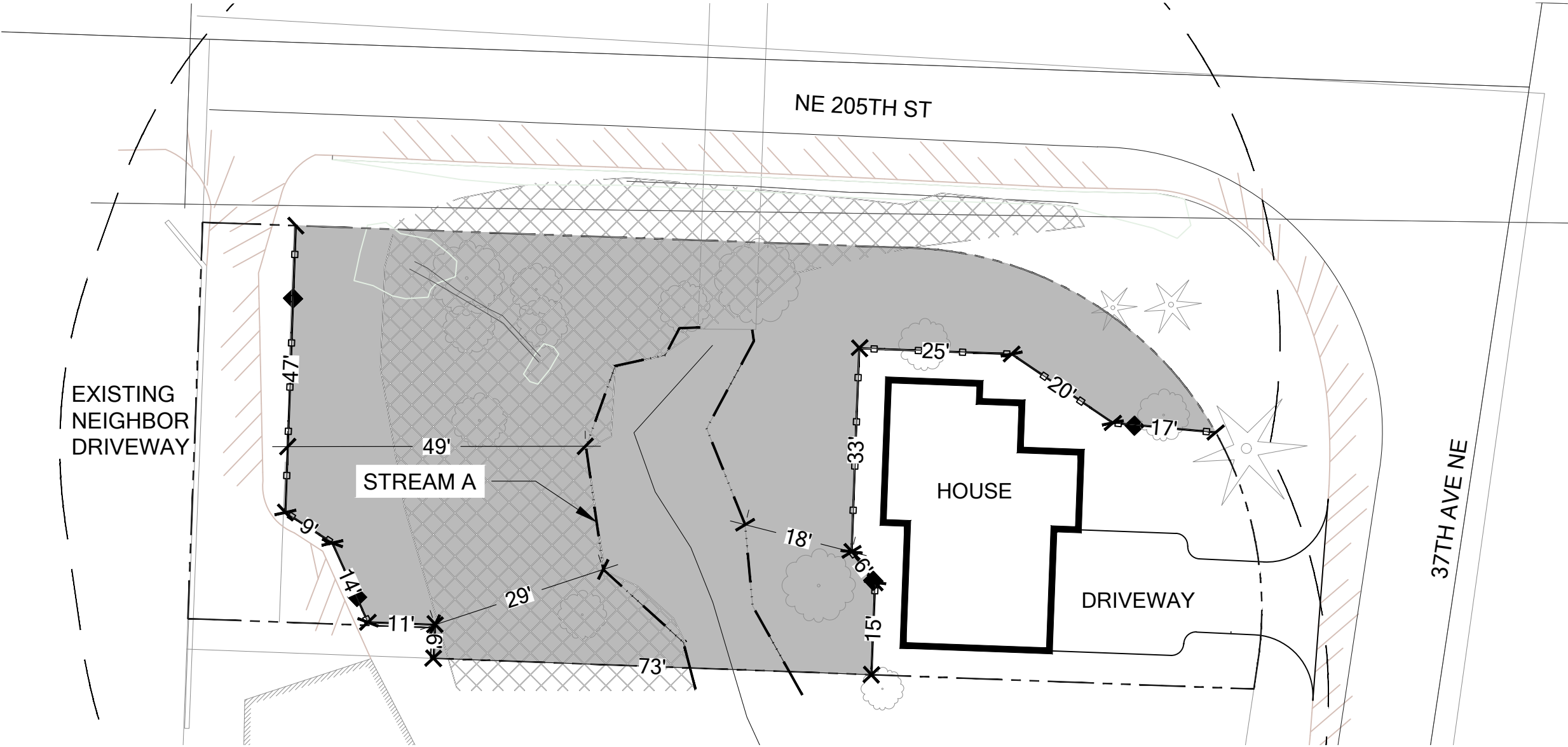
LFP GAREY RUE

PREPARED FOR MARK GAREY
PARCEL #4022900497
36XX NE 205TH ST
LAKE FOREST PARK, WA

PERMIT SET - NOT FOR CONSTRUCTION

SUBMITTALS & REVISIONS				DATE	PRINTED BY	FILENAME
NO.	DATE	DESCRIPTION	BY			
			AK			
			FH			
1	11/24/20	MITIGATION PLAN				
2	7/31/22	RESPONSE TO COMMENTS				

<p align="center">SHEET SIZE: ORIGINAL PLAN IS 22" x 34". SCALE ACCORDINGLY.</p>	
PROJECT MANAGER: DESIGNED: DRAFTED: CHECKED: JOB NUMBER:	NL AK FH MF 190405
SHEET NUMBER:	W6 OF 6



CONSERVATION EASEMENT

SCALE 1" = 20'

LEGEND

--- PARCEL BOUNDARY

--- DELINEATED STREAM OHWM

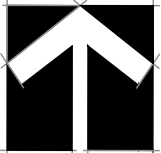
--- REDUCED BUFFER - 86.25'
(PER 2021-RUE-0001)

--- SPLIT RAIL FENCE

◆ NGPA SIGN TO BE PLACED EVERY 50 LINEAR FEET

STREAM, STEEP SLOPE, AND BUFFER AREAS
'CRITICAL AREAS TRACT'

STEEP SLOPE AREA



City of Lake Forest Park, King County, Washington
Technical Information Report
And Downstream Analysis

For:

Garey Reasonable Use Exception

36xx NE 205th St, Lake Forest Park, WA

APN 4022900497



Mark X. Plog, P.E.

Revisions:

Date	Description
8/8/2022	Revised

Table of Contents

Section 1 – Project Overview

Section 2 – Conditions and Requirements Summary

Section 3 – Off-site Analysis

Section 4 – Flow Control and Water Quality Facility Analysis and Design

Section 5 – Conveyance System Analysis and Design

Section 6 – Special Reports and Studies

Section 7 – Other Permits

Section 8 – ESC Analysis and Design

Section 9 – Bond Quantities, Facility Summaries, and Declaration of Covenant

Section 10 – Operations and Maintenance

Section 1 – Project Overview

The proposed project is to construct one single-family residential structure on an undeveloped lot north of 3611 NE 205th Street in the City of Lake Forest Park (parcel 4022900497). The lot is uncleared with no existing buildings on site. The project site is located in the NE Quarter of Section 33, Township 24N, Range 5 E, King County, Washington and is shown on the vicinity map below.

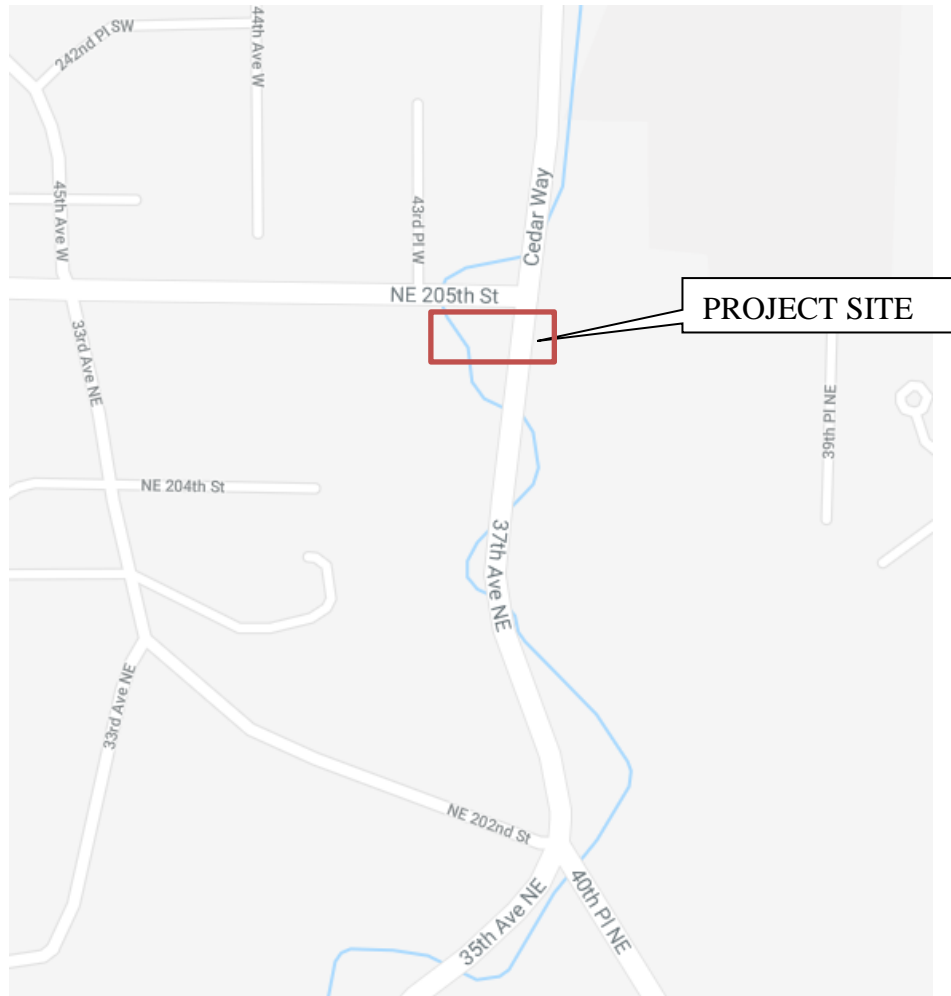


Figure 1 – Vicinity Map

A Reasonable Use Exception is being applied for in order to reduce buffer sizes to allow for a residential structure to be built on-site. There is currently a creek running through the property (see Figure 2).

The soils mapped at the site are Alderwood Complex, 5 to 35% slopes. These soils are moderately well drained and considered SCS Hydrologic Soil Group B soils. These are till soils that exhibit relatively slight surface runoff with significant interflow between the soil surface and underlying glacial till layers. See the soils map below for more information on the site soils.

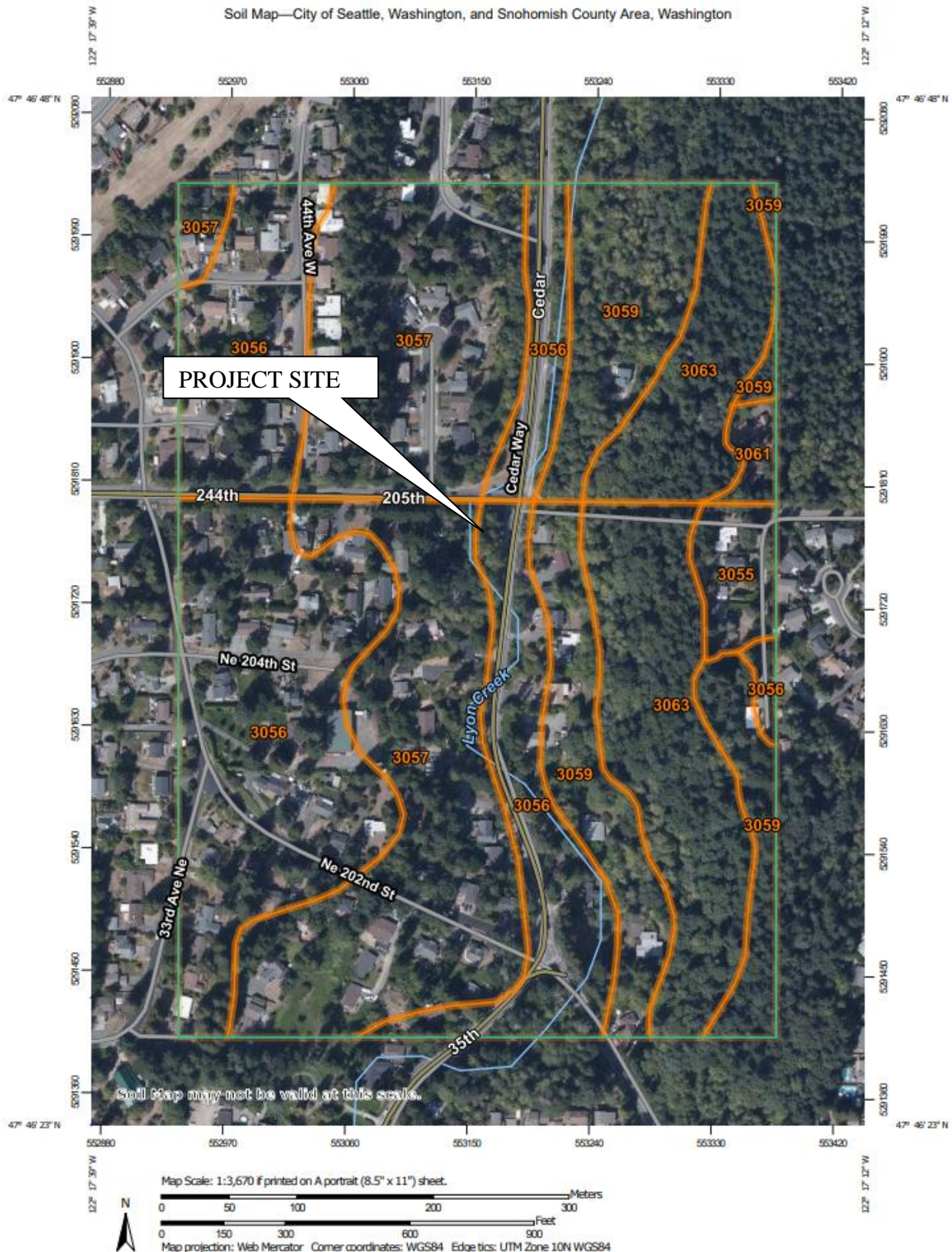


Figure 2 – USGS Soil Map

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 flat roof with unconcentrated flows to a gravel drip zone and flow dispersion

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

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.

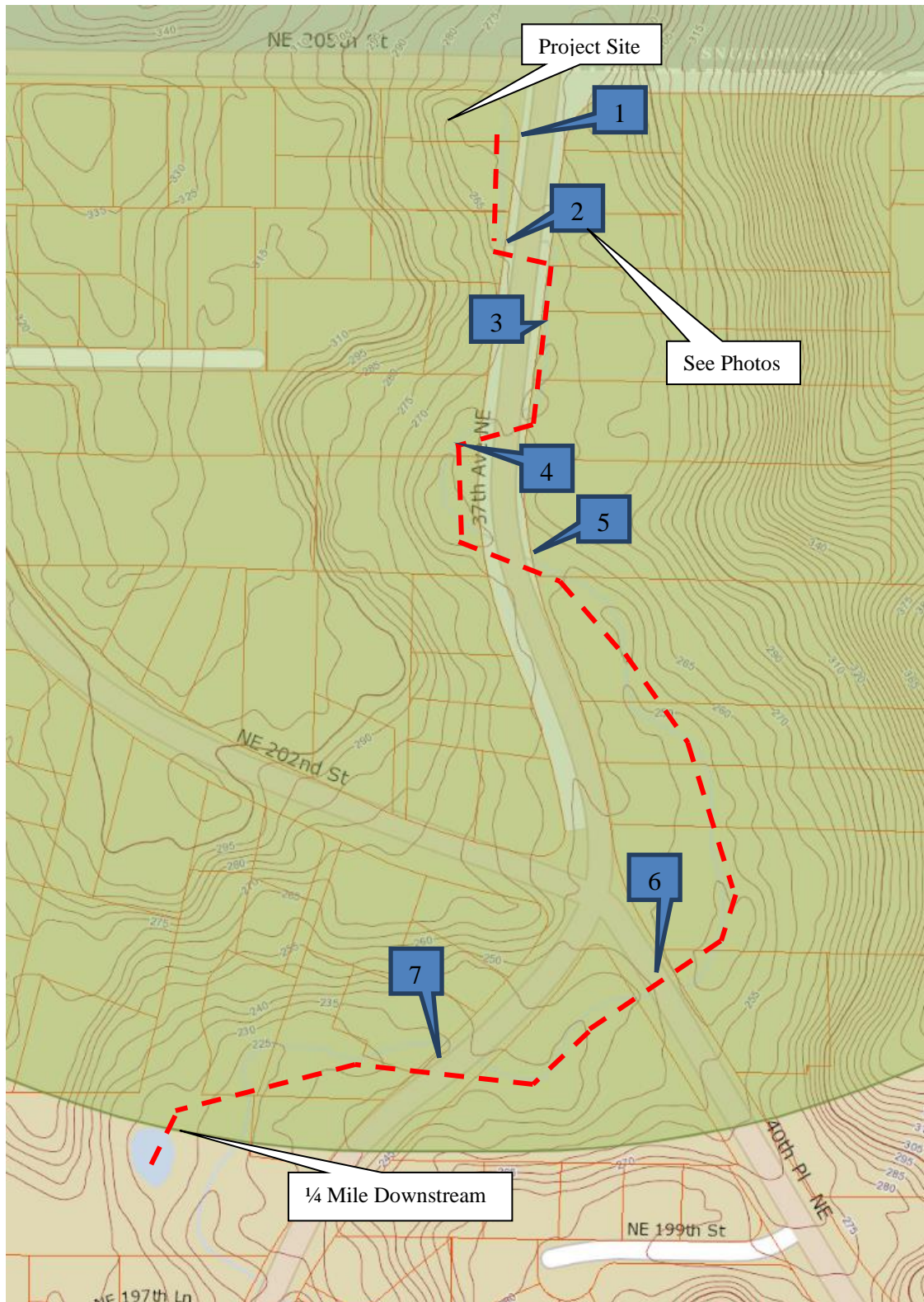
There were no recent drainage complaints on parcels within ¼ mile directly downstream of the proposed project parcel.




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.

Task 4: Drainage System Description and Problem Descriptions:

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



Gary RUE – Lake Forest Park		
Photo#	Description	Photo
1	<p>Sheet flow from property into ravine/stream that exits property on SE corner</p> <p>Potential for erosion due to steep slopes on property</p>	
2	<p>Stream flows under 37th via 2' corrugated metal pipe culvert; lined with rocks and sandbags</p>	
3	<p>Drainage ditch/stream</p> <p>Flows under 2 driveways; 2 2' corrugated metal pipe culverts</p>	

4	Stream crosses W under 37 th 2.5' corrugated metal pipe culvert	
5	Stream crosses E/SE across 37 th 2.5' corrugated metal pipe culvert	
6	Stream crosses under 40 th 2.5' corrugated metal pipe culvert Stream is joined by runoff from 40 th as well as residences uphill	

7	Stream crosses under 37 th 2.5' corrugated metal pipe culvert	
---	---	--

Task 5 – Mitigation of Existing or Potential Problems:

The downstream analysis showed no signs of potential problems. Development mitigation will be outlined in the critical area mitigation plan provided by Altmann Oliver Associates.

Section 4 – Flow Control and Water Quality Facility Analysis and Design

Flow Control

Per the 2016 KCSWDM, this site is exempt from flow control based on the basic exemption in Section 1.2.3. with an increase of less than 0.15 cfs for the 100–year storm. The following calculations were performed to demonstrate the exemption.

Existing undeveloped parcel

Forested area: 0.261 Acres

Proposed parcel

Proposed Home: 1,100 SF (0.025 Acres Impervious)

Asphalt: 738 SF (.017 Acres Impervious)

Lawn: 1,437 SF (0.033 Acres Till Grass)

Forested: 0.203 Acres

Total Impervious: 0.042 Ac

Total Till Grass: 0.033 Ac

Forested: 0.186 Ac

TOTAL: 0.261 Ac

The analysis was completed and attached. The results are as follows:

Existing Condition Analysis

Flow Frequency		
Flow (cfs)	0501	15m
2 Year	=	0.0050
5 Year	=	0.0084
10 Year	=	0.0103
25 Year	=	0.0124
50 Year	=	0.0136
100 Year	=	0.0146

Proposed Condition Analysis

Flow Frequency		
Flow (cfs)	0801	15m
2 Year	=	0.0158
5 Year	=	0.0212
10 Year	=	0.0252
25 Year	=	0.0305
50 Year	=	0.0348
100 Year	=	0.0394

The resulting net increase in the 100yr flow from the historical condition to the developed condition is 0.0394 cfs – 0.0146 cfs = 0.0248 cfs <<< 0.15 cfs. Therefore, this project is exempt from the requirements for flow control.

Water Quality

This project proposes less than 5,000 SF of PGIS and is exempt from Water Quality requirements.

Section 5 – Conveyance System Analysis and Design

None

Section 6 – Special Reports and Studies

A wetland and stream report and a mitigation plan has been provided by The Watershed Company. It has been provided as part of this preliminary submittal.

Section 7 – Other Permits

Not analyzed for this preliminary TIR.

Section 8 – ESC Analysis and Design

No analysis required. A TESC plan has been provided.

Section 9 – Bond Quantities, Facility Summaries, and Declaration of Covenant

None required

Section 10 – Operations and Maintenance Manual

None required

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

Part 1 PROJECT OWNER AND
PROJECT ENGINEER

Project Owner Mark Govey
 Phone 206 446 9090
 Address _____

Project Engineer Mark X. Plog, PE, PLS
 Company Plog Engineering
 Phone 206 420 7130

Part 2 PROJECT LOCATION AND
DESCRIPTION

Project Name Govey RUE
 DLS-Permitting
 Permit # 2021-RUE-0001
 Location Township 24
 Range 5
 Section 33
 Site Address 36XX NE 205th St
Lake Forest Park, WA

Part 3 TYPE OF PERMIT APPLICATION

- ☒ Land use (e.g., Subdivision / Short Subd. / UPD)
☐ Building (e.g., M/F / Commercial / SFR)
☐ Clearing and Grading
☐ Right-of-Way Use
☒ Other RUE

Part 4 OTHER REVIEWS AND PERMITS¹

- | | |
|--|---|
| <input type="checkbox"/> DFW HPA | <input type="checkbox"/> Shoreline Management |
| <input type="checkbox"/> COE CWA 404 | <input type="checkbox"/> Structural Rockery/Vault/_____ |
| <input type="checkbox"/> ECY Dam Safety | <input type="checkbox"/> ESA Section 7 |
| <input type="checkbox"/> FEMA Floodplain | |
| <input type="checkbox"/> COE Wetlands | |
| <input type="checkbox"/> Other _____ | |

Part 5 PLAN AND REPORT INFORMATION

Technical Information Report

Type of Drainage Review (check one):
☒ Full
☐ Targeted
☐ Simplified
☐ Large Project
☐ Directed
 Date (include revision dates): 3/16/22
 Date of Final: _____

Site Improvement Plan (Engr. Plans)

Plan Type (check one):
☒ Full
☐ Modified
☐ Simplified
 Date (include revision dates): 3/16/22
 Date of Final: _____

Part 6 SWDM ADJUSTMENT APPROVALS

Type (circle one): Standard / Experimental / Blanket

Description: (include conditions in TIR Section 2)

Approved Adjustment No. _____ Date of Approval: _____

¹ DFW: WA State Dept. of Fish and Wildlife. HPA: hydraulic project approval. COE: (Army) Corps of Engineers. CWA: Clean Water Act. ECY: WA State Dept. of Ecology. FEMA: Federal Emergency Management Agency. ESA: Endangered Species Act.

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

Part 7 MONITORING REQUIREMENTS

Monitoring Required: Yes ☒ No

Start Date: _____

Completion Date: _____

Describe: _____

Re: KCSWDM Adjustment No. _____

Part 8 SITE COMMUNITY AND DRAINAGE BASIN

Community Plan: _____

Special District Overlays: _____

Drainage Basin: Lynn Creek

Stormwater Requirements: _____

Part 9 ONSITE AND ADJACENT SENSITIVE AREAS

☒ River/Stream _____☐ Lake _____☐ Wetlands _____☐ Closed Depression _____☐ Floodplain _____☐ Other _____☒ Steep Slope _____☐ Erosion Hazard _____☐ Landslide Hazard _____☐ Coal Mine Hazard _____☐ Seismic Hazard _____☐ Habitat Protection _____☐ _____

Part 10 SOILS

Soil Type

Alderwood

Slopes

5-35%

Erosion Potential

moderate☒ High Groundwater Table (within 5 feet)☐ Other _____☐ Sole Source Aquifer☐ Seeps/Springs☐ Additional Sheets Attached

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

Part 11 DRAINAGE DESIGN LIMITATIONS

REFERENCE

LIMITATION / SITE CONSTRAINT

<input type="checkbox"/> Core 2 – Offsite Analysis	
<input checked="" type="checkbox"/> Sensitive/Critical Areas	<u>stream + buffer</u>
<input type="checkbox"/> SEPA	
<input type="checkbox"/> LID Infeasibility	
<input type="checkbox"/> Other	
<input type="checkbox"/>	

☐ Additional Sheets Attached

Part 12 TIR SUMMARY SHEET

(provide one TIR Summary Sheet per Threshold Discharge Area)

Threshold Discharge Area:
 (name or description)

Area east of stream

Core Requirements (all 8 apply):

Discharge at Natural Location	Number of Natural Discharge Locations: <u>1</u>
Offsite Analysis	Level: <u>1</u> / 2 / 3 dated: <u>10/7/2020</u>
Flow Control (include facility summary sheet)	Level: <u>1</u> / 2 / 3 or Exemption Number <u>1.2.3.</u> Flow Control BMPs <u>Rain Garden</u>
Conveyance System	Spill containment located at: <u>N/A</u>
Erosion and Sediment Control / Construction Stormwater Pollution Prevention	CSWPP/CESCL/ESC Site Supervisor: <u>Mark Garry</u> Contact Phone: <u>206-446-9090</u> After Hours Phone: <u>same</u>
Maintenance and Operation	Responsibility (circle one): <u>Private</u> / Public If Private, Maintenance Log Required: Yes <u>(No)</u>
Financial Guarantees and Liability	Provided: Yes <u>(No)</u>
Water Quality (include facility summary sheet)	Type (circle one): Basic / Sens. Lake / Enhanced Basic / Bog or Exemption No. <u>1.2.3 - 1</u> Landscape Management Plan: Yes <u>(No)</u>
For Entire Project:	Total Replaced Impervious surfaces on the site <u>0</u>
% of Target Impervious that had a feasible FCBMP implemented <u>100%</u>	Total New Pervious Surfaces on the site <u>1,838 SF</u>
	Repl. Imp. on site mitigated w/flow control facility <u>0</u>
	Repl. Imp. on site mitigated w/water quality facility <u>0</u>
	Repl. Imp. on site mitigated with FCBMP <u>0</u>

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

Part 12 TIR SUMMARY SHEET (provide one TIR Summary Sheet per Threshold Discharge Area)

Special Requirements (as applicable):

Area Specific Drainage Requirements Type: CDA / SDO / MDP / BP / LMP / Shared Fac. / None
Name: _____

Floodplain/Floodway Delineation Type (circle one): Major / Minor / Exemption / None
100-year Base Flood Elevation (or range): _____
Datum: _____

Flood Protection Facilities Describe: _____

Source Control Describe land use:
(commercial / industrial land use) Describe any structural controls: _____

Oil Control High-use Site: Yes / No
Treatment BMP: _____
Maintenance Agreement: Yes / No
with whom? _____

Other Drainage Structures

Describe: _____

Part 13 EROSION AND SEDIMENT CONTROL REQUIREMENTS

**MINIMUM ESC REQUIREMENTS
DURING CONSTRUCTION**

- ☒ Clearing Limits
- ☒ Cover Measures
- ☒ Perimeter Protection
- ☐ Traffic Area Stabilization
- ☐ Sediment Retention
- ☐ Surface Water Collection
- ☐ Dewatering Control
- ☐ Dust Control
- ☐ Flow Control
- ☒ Protection of Flow Control BMP Facilities
(existing and proposed)
- ☒ Maintain BMPs / Manage Project

**MINIMUM ESC REQUIREMENTS
AFTER CONSTRUCTION**

- ☒ Stabilize exposed surfaces
- ☒ Remove and restore Temporary ESC Facilities
- ☐ Clean and remove all silt and debris, ensure
operation of Permanent Facilities, restore
operation of Flow Control BMP Facilities as
necessary
- ☒ Flag limits of SAO and open space preservation
areas
- ☐ Other _____

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

Part 14 STORMWATER FACILITY DESCRIPTIONS (Note: Include Facility Summary and Sketch)			
Flow Control	Type/Description	Water Quality	Type/Description
<input type="checkbox"/> Detention	_____	<input type="checkbox"/> Vegetated Flowpath	_____
<input type="checkbox"/> Infiltration	_____	<input type="checkbox"/> Wetpool	_____
<input type="checkbox"/> Regional Facility	_____	<input type="checkbox"/> Filtration	_____
<input type="checkbox"/> Shared Facility	_____	<input type="checkbox"/> Oil Control	_____
<input type="checkbox"/> Flow Control BMPs	_____	<input type="checkbox"/> Spill Control	_____
<input type="checkbox"/> Other	_____	<input type="checkbox"/> Flow Control BMPs	_____
		<input type="checkbox"/> Other	_____

Part 15 EASEMENTS/TRACTS	Part 16 STRUCTURAL ANALYSIS
<input type="checkbox"/> Drainage Easement	<input type="checkbox"/> Cast in Place Vault
<input type="checkbox"/> Covenant	<input type="checkbox"/> Retaining Wall
<input type="checkbox"/> Native Growth Protection Covenant	<input type="checkbox"/> Rockery > 4' High
<input type="checkbox"/> Tract	<input type="checkbox"/> Structural on Steep Slope
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Part 17 SIGNATURE OF PROFESSIONAL ENGINEER
<p>I, or a civil engineer under my supervision, have visited the site. Actual site conditions as observed were incorporated into this worksheet and the attached Technical Information Report. To the best of my knowledge the information provided here is accurate.</p> <div style="display: flex; align-items: center; margin-top: 10px;"> <div style="text-align: center;"> <p>3/17/22</p> <p>Signed/Date</p> </div> </div>

WWHM2012
PROJECT REPORT

General Model Information

Project Name: default[0]
Site Name:
Site Address:
City:
Report Date: 3/16/2022
Gage: Seatac
Data Start: 1948/10/01
Data End: 2009/09/30
Timestep: 15 Minute
Precip Scale: 0.833
Version Date: 2019/09/13
Version: 4.2.17

POC Thresholds

Low Flow Threshold for POC1:	50 Percent of the 2 Year
High Flow Threshold for POC1:	50 Year

Landuse Basin Data

Predeveloped Land Use

Basin 1

Bypass:	No
GroundWater:	No
Pervious Land Use C, Forest, Mod	acre 0.261
Pervious Total	0.261
Impervious Land Use	acre
Impervious Total	0
Basin Total	0.261

Element Flows To:		
Surface	Interflow	Groundwater

*Mitigated Land Use***Basin 1**

Bypass:	No
---------	----

GroundWater:	No
--------------	----

Pervious Land Use	acre
C, Lawn, Flat	0.033
C, Forest, Mod	0.186

Pervious Total	0.219
----------------	-------

Impervious Land Use	acre
ROOF TOPS FLAT	0.025
DRIVEWAYS FLAT	0.017

Impervious Total	0.042
------------------	-------

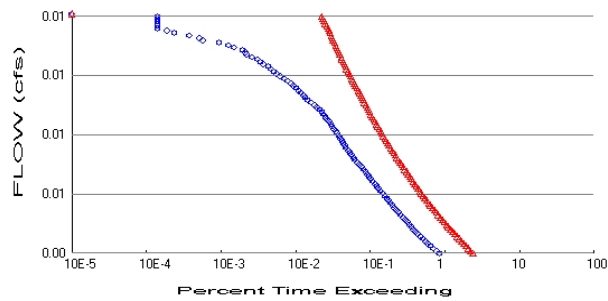
Basin Total	0.261
-------------	-------

Element Flows To:		
Surface	Interflow	Groundwater

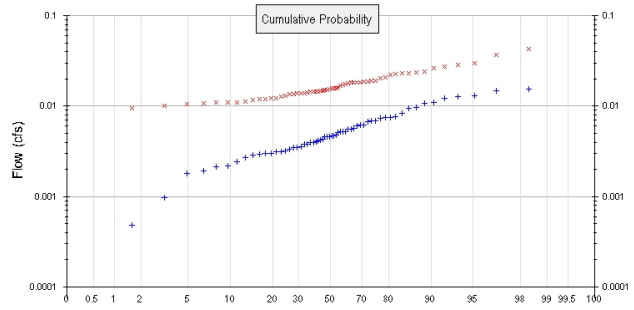
Routing Elements
Predeveloped Routing

Analysis Results

POC 1



+ Predeveloped x Mitigated



Predeveloped Landuse Totals for POC #1

Total Pervious Area: 0.261
Total Impervious Area: 0

Mitigated Landuse Totals for POC #1

Total Pervious Area: 0.219
Total Impervious Area: 0.042

Flow Frequency Method: Log Pearson Type III 17B

Flow Frequency Return Periods for Predeveloped. POC #1

Return Period	Flow(cfs)
2 year	0.005008
5 year	0.008397
10 year	0.010333
25 year	0.012359
50 year	0.013586
100 year	0.014609

Flow Frequency Return Periods for Mitigated. POC #1

Return Period	Flow(cfs)
2 year	0.01584
5 year	0.021235
10 year	0.025153
25 year	0.03051
50 year	0.034806
100 year	0.039372

Annual Peaks

Annual Peaks for Predeveloped and Mitigated. POC #1

Year	Predeveloped	Mitigated
1949	0.006	0.023
1950	0.007	0.022
1951	0.013	0.018
1952	0.004	0.011
1953	0.003	0.010
1954	0.005	0.014
1955	0.008	0.015
1956	0.006	0.015
1957	0.004	0.018
1958	0.005	0.012

1959	0.005	0.011
1960	0.007	0.017
1961	0.005	0.015
1962	0.002	0.010
1963	0.003	0.014
1964	0.005	0.013
1965	0.003	0.017
1966	0.003	0.012
1967	0.007	0.023
1968	0.005	0.019
1969	0.004	0.014
1970	0.003	0.015
1971	0.003	0.016
1972	0.010	0.021
1973	0.004	0.011
1974	0.004	0.015
1975	0.005	0.019
1976	0.004	0.014
1977	0.000	0.011
1978	0.003	0.014
1979	0.002	0.018
1980	0.006	0.023
1981	0.003	0.015
1982	0.004	0.024
1983	0.006	0.016
1984	0.003	0.012
1985	0.002	0.015
1986	0.010	0.018
1987	0.007	0.018
1988	0.003	0.011
1989	0.002	0.012
1990	0.015	0.043
1991	0.011	0.029
1992	0.004	0.012
1993	0.004	0.009
1994	0.001	0.009
1995	0.006	0.014
1996	0.013	0.024
1997	0.011	0.019
1998	0.002	0.013
1999	0.007	0.028
2000	0.004	0.016
2001	0.000	0.014
2002	0.005	0.019
2003	0.005	0.018
2004	0.006	0.026
2005	0.005	0.016
2006	0.007	0.015
2007	0.012	0.037
2008	0.016	0.030
2009	0.008	0.021

Ranked Annual Peaks

Ranked Annual Peaks for Predeveloped and Mitigated. POC #1

Rank	Predeveloped	Mitigated
1	0.0156	0.0425
2	0.0149	0.0370
3	0.0129	0.0296

4	0.0128	0.0289
5	0.0123	0.0277
6	0.0109	0.0263
7	0.0107	0.0242
8	0.0096	0.0238
9	0.0095	0.0234
10	0.0083	0.0229
11	0.0077	0.0228
12	0.0075	0.0223
13	0.0074	0.0206
14	0.0073	0.0206
15	0.0069	0.0191
16	0.0068	0.0190
17	0.0068	0.0188
18	0.0063	0.0187
19	0.0062	0.0184
20	0.0061	0.0183
21	0.0057	0.0182
22	0.0056	0.0182
23	0.0056	0.0179
24	0.0052	0.0175
25	0.0052	0.0174
26	0.0052	0.0169
27	0.0051	0.0162
28	0.0047	0.0159
29	0.0047	0.0159
30	0.0046	0.0158
31	0.0046	0.0155
32	0.0046	0.0151
33	0.0046	0.0151
34	0.0043	0.0149
35	0.0042	0.0148
36	0.0041	0.0146
37	0.0040	0.0145
38	0.0040	0.0145
39	0.0039	0.0144
40	0.0038	0.0142
41	0.0038	0.0139
42	0.0036	0.0139
43	0.0035	0.0138
44	0.0035	0.0135
45	0.0034	0.0135
46	0.0032	0.0131
47	0.0031	0.0128
48	0.0031	0.0122
49	0.0030	0.0121
50	0.0030	0.0120
51	0.0029	0.0119
52	0.0029	0.0117
53	0.0027	0.0113
54	0.0024	0.0111
55	0.0022	0.0110
56	0.0022	0.0109
57	0.0019	0.0107
58	0.0018	0.0104
59	0.0010	0.0102
60	0.0005	0.0094
61	0.0002	0.0091

Duration Flows

Flow(cfs)	Predev	Mit	Percentage	Pass/Fail
0.0025	17909	50670	282	Fail
0.0026	16335	47055	288	Fail
0.0027	14972	43761	292	Fail
0.0028	13719	40724	296	Fail
0.0030	12637	37922	300	Fail
0.0031	11668	35334	302	Fail
0.0032	10818	33110	306	Fail
0.0033	10014	30928	308	Fail
0.0034	9274	28960	312	Fail
0.0035	8639	27121	313	Fail
0.0036	8061	25410	315	Fail
0.0037	7569	23784	314	Fail
0.0038	7099	22309	314	Fail
0.0040	6665	20929	314	Fail
0.0041	6254	19667	314	Fail
0.0042	5861	18478	315	Fail
0.0043	5491	17404	316	Fail
0.0044	5116	16386	320	Fail
0.0045	4770	15443	323	Fail
0.0046	4487	14489	322	Fail
0.0047	4216	13650	323	Fail
0.0049	3995	12902	322	Fail
0.0050	3749	12179	324	Fail
0.0051	3531	11544	326	Fail
0.0052	3324	10878	327	Fail
0.0053	3140	10333	329	Fail
0.0054	2939	9781	332	Fail
0.0055	2766	9300	336	Fail
0.0056	2607	8823	338	Fail
0.0058	2464	8374	339	Fail
0.0059	2316	7967	343	Fail
0.0060	2171	7595	349	Fail
0.0061	2050	7217	352	Fail
0.0062	1942	6862	353	Fail
0.0063	1836	6521	355	Fail
0.0064	1751	6194	353	Fail
0.0065	1642	5888	358	Fail
0.0066	1525	5600	367	Fail
0.0068	1422	5345	375	Fail
0.0069	1333	5084	381	Fail
0.0070	1267	4830	381	Fail
0.0071	1197	4616	385	Fail
0.0072	1131	4406	389	Fail
0.0073	1068	4192	392	Fail
0.0074	1014	3980	392	Fail
0.0075	964	3797	393	Fail
0.0077	927	3636	392	Fail
0.0078	889	3478	391	Fail
0.0079	853	3354	393	Fail
0.0080	809	3213	397	Fail
0.0081	770	3071	398	Fail
0.0082	730	2945	403	Fail
0.0083	693	2815	406	Fail
0.0084	655	2697	411	Fail

0.0085	633	2579	407	Fail
0.0087	606	2464	406	Fail
0.0088	558	2361	423	Fail
0.0089	529	2250	425	Fail
0.0090	506	2156	426	Fail
0.0091	480	2090	435	Fail
0.0092	446	2022	453	Fail
0.0093	409	1948	476	Fail
0.0094	379	1861	491	Fail
0.0096	341	1782	522	Fail
0.0097	305	1714	561	Fail
0.0098	285	1656	581	Fail
0.0099	268	1597	595	Fail
0.0100	250	1532	612	Fail
0.0101	231	1462	632	Fail
0.0102	217	1413	651	Fail
0.0103	200	1356	678	Fail
0.0105	185	1302	703	Fail
0.0106	167	1247	746	Fail
0.0107	151	1197	792	Fail
0.0108	131	1159	884	Fail
0.0109	118	1120	949	Fail
0.0110	109	1073	984	Fail
0.0111	100	1028	1028	Fail
0.0112	91	995	1093	Fail
0.0113	78	964	1235	Fail
0.0115	72	932	1294	Fail
0.0116	65	895	1376	Fail
0.0117	55	867	1576	Fail
0.0118	47	836	1778	Fail
0.0119	45	812	1804	Fail
0.0120	41	785	1914	Fail
0.0121	32	761	2378	Fail
0.0122	27	731	2707	Fail
0.0124	20	707	3534	Fail
0.0125	12	677	5641	Fail
0.0126	11	662	6018	Fail
0.0127	8	640	8000	Fail
0.0128	5	616	12320	Fail
0.0129	4	600	15000	Fail
0.0130	3	584	19466	Fail
0.0131	3	555	18500	Fail
0.0133	3	534	17800	Fail
0.0134	3	511	17033	Fail
0.0135	3	489	16300	Fail
0.0136	3	472	15733	Fail

The development has an increase in flow durations from 1/2 Predeveloped 2 year flow to the 2 year flow or more than a 10% increase from the 2 year to the 50 year flow.

The development has an increase in flow durations for more than 50% of the flows for the range of the duration analysis.

Water Quality

Water Quality BMP Flow and Volume for POC #1

On-line facility volume: 0 acre-feet

On-line facility target flow: 0 cfs.

Adjusted for 15 min: 0 cfs.

Off-line facility target flow: 0 cfs.

Adjusted for 15 min: 0 cfs.

LID Report

LID Technique	Used for Treatment ?	Total Volume Needs Treatment (ac-ft)	Volume Through Facility (ac-ft)	Infiltration Volume (ac-ft)	Cumulative Volume Infiltration Credit	Percent Volume Infiltrated	Water Quality	Percent Water Quality Treated	Comment
Total Volume Infiltrated		0.00	0.00	0.00		0.00	0.00	0%	No Treat. Credit
Compliance with LID Standard 8% of 2-yr to 50% of 2-yr									Duration Analysis Result = Failed

Model Default Modifications

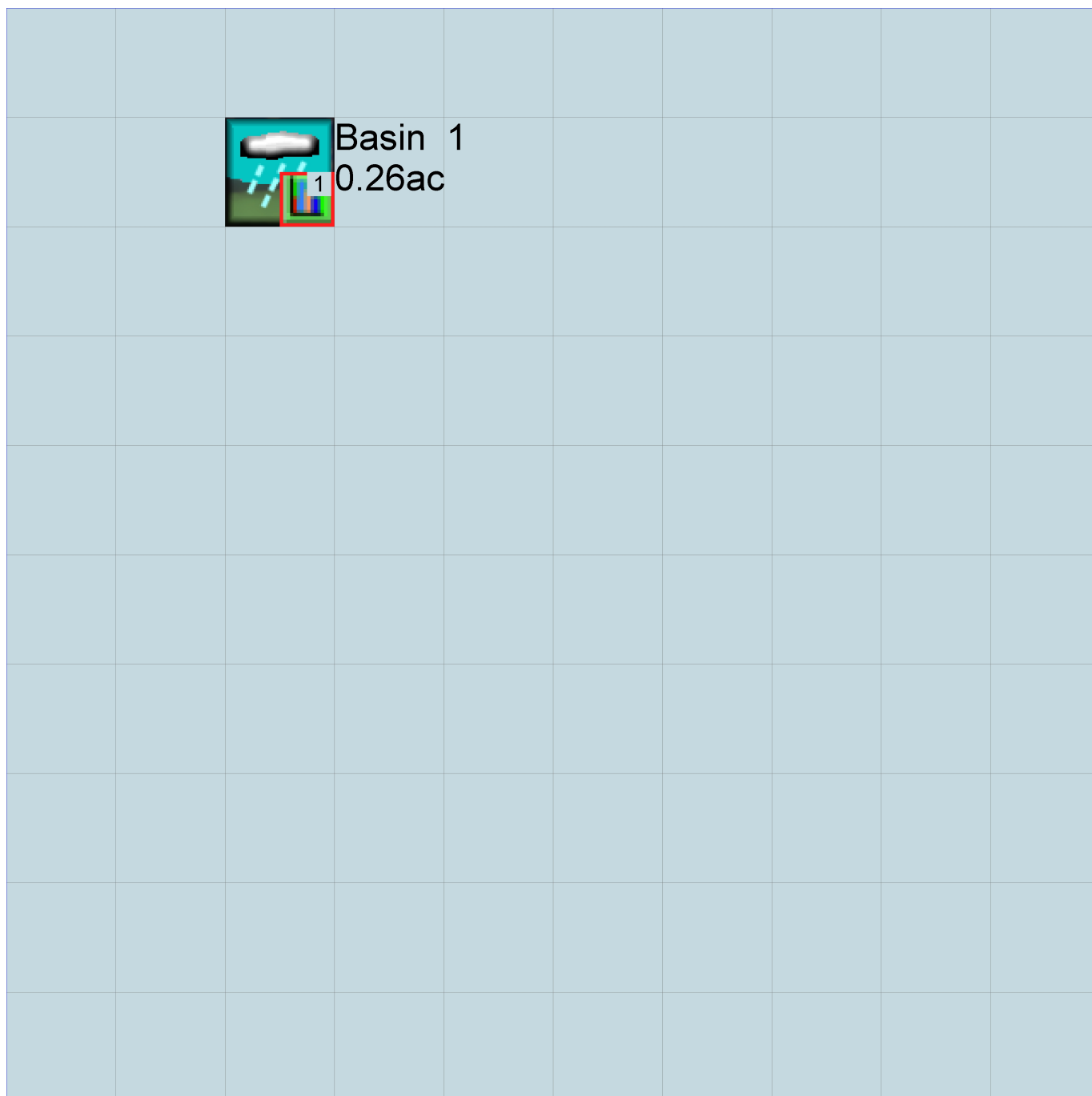
Total of 0 changes have been made.

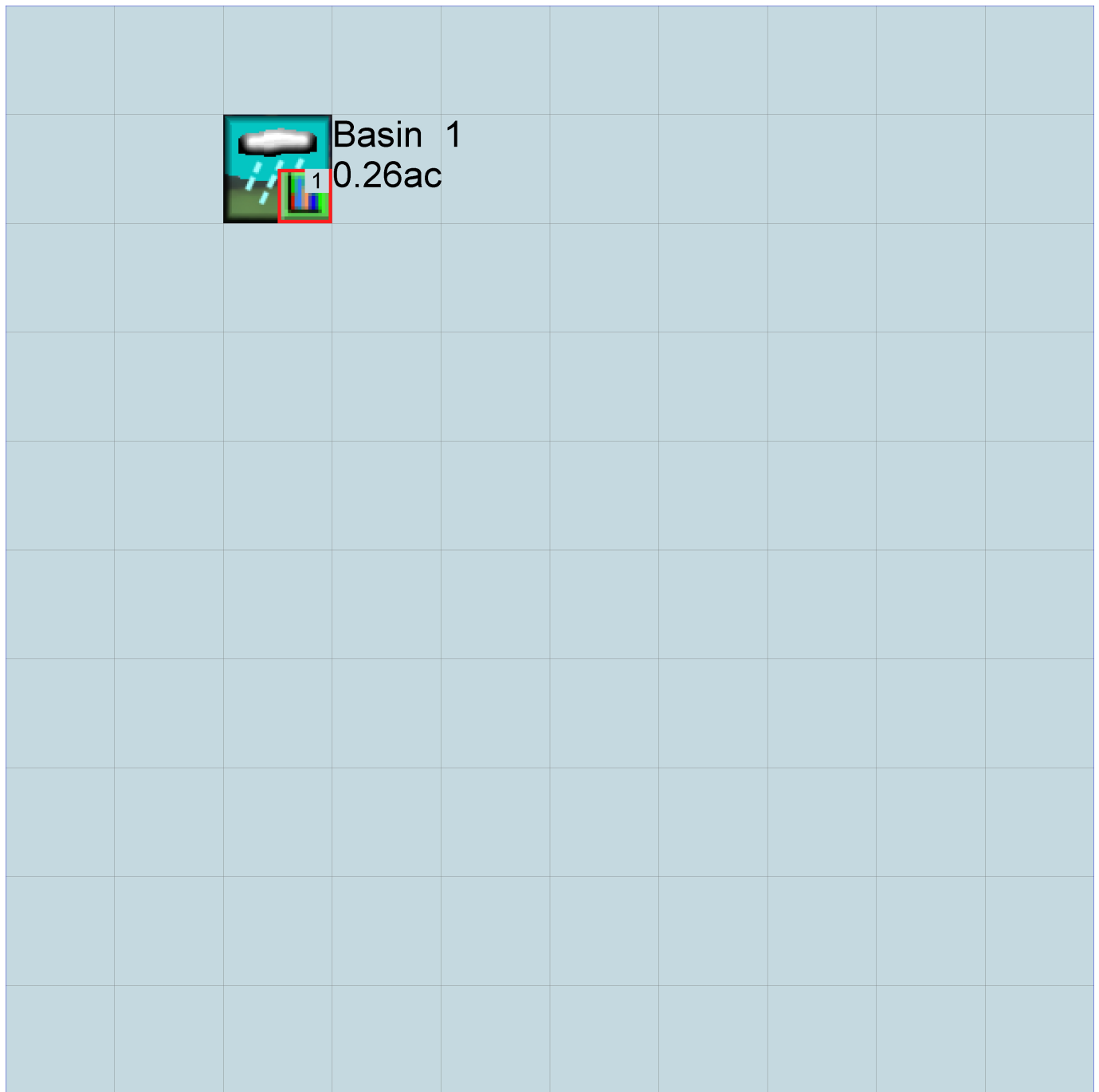
PERLND Changes

No PERLND changes have been made.

IMPLND Changes

No IMPLND changes have been made.





Predeveloped UCI File

RUN

GLOBAL

```

WWMH4 model simulation
START      1948 10 01      END      2009 09 30
RUN INTERP OUTPUT LEVEL    3      0
RESUME     0 RUN          1
UNIT SYSTEM      1
END GLOBAL

```

FILES

```

<File>  <Un#>  <-----File Name----->***
<-ID->                                     ***
WDM      26     default[0].wdm
MESSU    25     Predefault[0].MES
          27     Predefault[0].L61
          28     Predefault[0].L62
          30     POCdefault[0]1.dat
END FILES

```

OPN SEQUENCE

```

INGRP              INDELT 00:15
  PERLND           11
  COPY             501
  DISPLY           1
END INGRP
END OPN SEQUENCE
DISPLY

```

DISPLY-INFO1

```

# - #<-----Title----->***TRAN PIVL DIG1 FIL1  PYR DIG2 FIL2 YRND
1      Basin 1              MAX              1    2    30    9
END DISPLY-INFO1
END DISPLY
COPY

```

TIMESERIES

```

# - #  NPT  NMN ***
1      1    1
501    1    1
END TIMESERIES
END COPY

```

GENER

```

OPCODE
#      # OPCD ***
END OPCODE
PARM
#      #          K ***
END PARM
END GENER

```

PERLND

GEN-INFO

```

<PLS ><-----Name----->NBLKS    Unit-systems    Printer ***
# - #                      User    t-series Engl Metr ***
                              in    out
11      C, Forest, Mod      1      1      1      1      27      0
END GEN-INFO
*** Section PWATER***

```

ACTIVITY

```

<PLS > ***** Active Sections *****
# - # ATMP SNOW PWAT  SED  PST  PWG  PQAL MSTL PEST NITR PHOS TRAC ***
11      0      0      1      0      0      0      0      0      0      0      0
END ACTIVITY

```

PRINT-INFO

```

<PLS > ***** Print-flags ***** PIVL  PYR
# - # ATMP SNOW PWAT  SED  PST  PWG  PQAL MSTL PEST NITR PHOS TRAC *****
11      0      0      4      0      0      0      0      0      0      0      0      1      9
END PRINT-INFO

```

```

PWAT-PARM1
<PLS > PWATER variable monthly parameter value flags ***
# - # CSNO RTOP UZFG VCS VUZ VNN VIFW VIRC VLE INFC HWT ***
11      0      0      0      0      0      0      0      0      0      0      0
END PWAT-PARM1

PWAT-PARM2
<PLS > PWATER input info: Part 2 ***
# - # ***FOREST LZSN INFILT LSUR SLSUR KVARY AGWRC
11      0      4.5      0.08      400      0.1      0.5      0.996
END PWAT-PARM2

PWAT-PARM3
<PLS > PWATER input info: Part 3 ***
# - # ***PETMAX PETMIN INFEXP INFILD DEEPFR BASETP AGWETP
11      0      0      2      2      0      0      0
END PWAT-PARM3

PWAT-PARM4
<PLS > PWATER input info: Part 4 ***
# - # CEPSC UZSN NSUR INTFW IRC LZETP ***
11      0.2      0.5      0.35      6      0.5      0.7
END PWAT-PARM4

PWAT-STATE1
<PLS > *** Initial conditions at start of simulation
ran from 1990 to end of 1992 (pat 1-11-95) RUN 21 ***
# - # *** CEPS SURS UZS IFWS LZS AGWS GWVS
11      0      0      0      0      2.5      1      0
END PWAT-STATE1

END PERLND

IMPLND
GEN-INFO
<PLS ><-----Name-----> Unit-systems Printer ***
# - # User t-series Engl Metr ***
in out ***
END GEN-INFO
*** Section IWATER***

ACTIVITY
<PLS > ***** Active Sections *****
# - # ATMP SNOW IWAT SLD IWG IQAL ***
END ACTIVITY

PRINT-INFO
<ILS > ***** Print-flags ***** PIVL PYR
# - # ATMP SNOW IWAT SLD IWG IQAL *****
END PRINT-INFO

IWAT-PARM1
<PLS > IWATER variable monthly parameter value flags ***
# - # CSNO RTOP VRS VNN RTLI ***
END IWAT-PARM1

IWAT-PARM2
<PLS > IWATER input info: Part 2 ***
# - # *** LSUR SLSUR NSUR RETSC
END IWAT-PARM2

IWAT-PARM3
<PLS > IWATER input info: Part 3 ***
# - # ***PETMAX PETMIN
END IWAT-PARM3

IWAT-STATE1
<PLS > *** Initial conditions at start of simulation
# - # *** RETS SURS
END IWAT-STATE1

```

END IMPLND

SCHEMATIC

<-Source->	<Name>	#	<--Area-->	<-factor-->	<-Target->	<Name>	#	MBLK	Tbl#	***
Basin	1	***								
PERLND	11		0.261		COPY	501	12			
PERLND	11		0.261		COPY	501	13			

*****Routing*****

END SCHEMATIC

NETWORK

<-Volume->	<-Grp>	<-Member->	<--Mult-->	Tran	<-Target vols>	<-Grp>	<-Member->	***
<Name>	#	<Name>	#	#	<-factor-->strg	<Name>	#	#
COPY	501	OUTPUT	MEAN	1	1	48.4	DISPLY	1
							INPUT	TIMSER
								1

<-Volume->	<-Grp>	<-Member->	<--Mult-->	Tran	<-Target vols>	<-Grp>	<-Member->	***
<Name>	#	<Name>	#	#	<-factor-->strg	<Name>	#	#

END NETWORK

RCHRES

GEN-INFO

RCHRES	Name	Nexits	Unit Systems	Printer	***
# - #	<----->	<---->	User T-series	Engl Metr LKFG	***
			in out		***

END GEN-INFO

*** Section RCHRES***

ACTIVITY

<PLS >	*****	Active Sections	*****
# - #	HYFG	ADFG CNFG HTFG SDFG GQFG OXFG NUFG PKFG PHFG	***

END ACTIVITY

PRINT-INFO

<PLS >	*****	Print-flags	*****	PIVL	PYR
# - #	HYDR	ADCA CONS HEAT SED GQL OXRX NUTR PLNK PHCB PIVL	PYR	*****	

END PRINT-INFO

HYDR-PARM1

RCHRES	Flags for each HYDR Section	***
# - #	VC A1 A2 A3 ODFVFG for each	*** ODGTFG for each
	FG FG FG FG possible exit	*** possible exit
	* * * * *	* * * * *
		FUNCT for each
		possible exit

END HYDR-PARM1

HYDR-PARM2

# - #	FTABNO	LEN	DELTH	STCOR	KS	DB50	***
<----->	<----->	<----->	<----->	<----->	<----->	<----->	***

END HYDR-PARM2

HYDR-INIT

RCHRES	Initial conditions for each HYDR section	***
# - #	*** VOL Initial value of COLIND Initial value of OUTDGT	
	*** ac-ft for each possible exit for each possible exit	
	<-----><-----> <---><---><---><---><---> *** <---><---><---><---><--->	

END HYDR-INIT

END RCHRES

SPEC-ACTIONS

END SPEC-ACTIONS

FTABLES

END FTABLES

EXT SOURCES

<-Volume->	<Member>	SsysSgap	<--Mult-->	Tran	<-Target vols>	<-Grp>	<-Member->	***
<Name>	#	<Name>	#	tem strg	<-factor-->strg	<Name>	#	#
WDM	2	PREC	ENGL	0.833		PERLND	1	999
						EXTNL	PREC	
WDM	2	PREC	ENGL	0.833		IMPLND	1	999
						EXTNL	PREC	

```

WDM      1 EVAP      ENGL      0.76      PERLND    1 999 EXTNL  PETINP
WDM      1 EVAP      ENGL      0.76      IMPLND    1 999 EXTNL  PETINP

```

```
END EXT SOURCES
```

```
EXT TARGETS
```

```

<-Volume-> <-Grp> <-Member-><--Mult-->Tran <-Volume-> <Member> Tsys Tgap Amd ***
<Name>      #      <Name> # #<-factor->strg <Name>      # <Name>      tem strg strg***
COPY    501 OUTPUT MEAN    1 1      48.4      WDM      501 FLOW      ENGL      REPL
END EXT TARGETS

```

```
MASS-LINK
```

```

<Volume>    <-Grp> <-Member-><--Mult-->    <Target>    <-Grp> <-Member->***
<Name>      #      <Name> # #<-factor->    <Name>      <Name> # #***
  MASS-LINK      12
PERLND      PWATER SURO      0.083333      COPY      INPUT  MEAN
  END MASS-LINK      12

```

```

  MASS-LINK      13
PERLND      PWATER IFWO      0.083333      COPY      INPUT  MEAN
  END MASS-LINK      13

```

```
END MASS-LINK
```

```
END RUN
```


Mitigated UCI File

RUN

GLOBAL

```

WWM4 model simulation
START      1948 10 01      END      2009 09 30
RUN INTERP OUTPUT LEVEL    3      0
RESUME     0 RUN          1
UNIT SYSTEM                1
END GLOBAL

```

FILES

```

<File>  <Un#>  <-----File Name----->***
<-ID->                                     ***
WDM      26     default[0].wdm
MESSU    25     Mitdefault[0].MES
          27     Mitdefault[0].L61
          28     Mitdefault[0].L62
          30     POCdefault[0]1.dat
END FILES

```

OPN SEQUENCE

```

INGRP              INDELT 00:15
  PERLND           16
  PERLND           11
  IMPLND            4
  IMPLND            5
  COPY             501
  DISPLY            1
END INGRP

```

END OPN SEQUENCE

DISPLY

```

DISPLY-INFO1
# - #<-----Title----->***TRAN PIVL DIG1 FIL1  PYR DIG2 FIL2 YRND
1   Basin 1          MAX          1   2   30   9
END DISPLY-INFO1

```

END DISPLY

COPY

```

TIMESERIES
# - # NPT NMN ***
1   1   1
501 1   1
END TIMESERIES

```

END COPY

GENER

```

OPCODE
#   # OPCODE ***
END OPCODE
PARM
#   #           K ***
END PARM

```

END GENER

PERLND

```

GEN-INFO
<PLS ><-----Name----->NBLKS  Unit-systems  Printer ***
# - #      User  t-series  Engl Metr ***
          in  out
16      C, Lawn, Flat      1   1   1   1   27   0
11      C, Forest, Mod     1   1   1   1   27   0
END GEN-INFO
*** Section PWATER***

```

ACTIVITY

```

<PLS > ***** Active Sections *****
# - # ATMP SNOW PWAT  SED  PST  PWG  PQAL MSTL PEST NITR PHOS TRAC ***
16      0   0   1   0   0   0   0   0   0   0   0   0
11      0   0   1   0   0   0   0   0   0   0   0   0

```

END ACTIVITY

PRINT-INFO

```

<PLS > ***** Print-flags ***** PIVL  PYR
# - # ATMP SNOW PWAT  SED  PST  PWG  PQAL MSTL PEST NITR PHOS TRAC  *****
16      0      0      4      0      0      0      0      0      0      0      0      0      1      9
11      0      0      4      0      0      0      0      0      0      0      0      0      1      9
END PRINT-INFO

```

PWAT-PARM1

```

<PLS >  PWATER variable monthly parameter value flags  ***
# - # CSNO RTOP UZFG  VCS  VUZ  VNN VIFW VIRC  VLE INFC  HWT  ***
16      0      0      0      0      0      0      0      0      0      0      0
11      0      0      0      0      0      0      0      0      0      0      0
END PWAT-PARM1

```

PWAT-PARM2

```

<PLS >          PWATER input info: Part 2          ***
# - # ***FOREST      LZSN      INFILT      LSUR      SLSUR      KVARV      AGWRC
16      0      4.5      0.03      400      0.05      0.5      0.996
11      0      4.5      0.08      400      0.1      0.5      0.996
END PWAT-PARM2

```

PWAT-PARM3

```

<PLS >          PWATER input info: Part 3          ***
# - # ***PETMAX      PETMIN      INFEXP      INFILD      DEEPFR      BASETP      AGWETP
16      0      0      2      2      0      0      0
11      0      0      2      2      0      0      0
END PWAT-PARM3

```

PWAT-PARM4

```

<PLS >          PWATER input info: Part 4          ***
# - #      CEPSC      UZSN      NSUR      INTFW      IRC      LZETP  ***
16      0.1      0.25      0.25      6      0.5      0.25
11      0.2      0.5      0.35      6      0.5      0.7
END PWAT-PARM4

```

PWAT-STATE1

```

<PLS >  *** Initial conditions at start of simulation
          ran from 1990 to end of 1992 (pat 1-11-95) RUN 21 ***
# - # *** CEPS      SURS      UZS      IFWS      LZS      AGWS      GWVS
16      0      0      0      0      2.5      1      0
11      0      0      0      0      2.5      1      0
END PWAT-STATE1

```

END PERLND

IMPLND

GEN-INFO

```

<PLS ><-----Name----->  Unit-systems  Printer ***
# - #      User  t-series  Engr Metr ***
          in  out
4      ROOF TOPS/FLAT      1      1      1      27      0
5      DRIVEWAYS/FLAT      1      1      1      27      0
END GEN-INFO
*** Section IWATER***

```

ACTIVITY

```

<PLS >  ***** Active Sections *****
# - # ATMP SNOW IWAT  SLD  IWG IQAL  ***
4      0      0      1      0      0      0
5      0      0      1      0      0      0
END ACTIVITY

```

PRINT-INFO

```

<ILS >  ***** Print-flags ***** PIVL  PYR
# - # ATMP SNOW IWAT  SLD  IWG IQAL  *****
4      0      0      4      0      0      0      1      9
5      0      0      4      0      0      0      1      9
END PRINT-INFO

```

IWAT-PARM1

```

<PLS >  IWATER variable monthly parameter value flags  ***
# - # CSNO RTOP  VRS  VNN RTLI  ***

```

```

4      0      0      0      0      0
5      0      0      0      0      0
END IWAT-PARM1

IWAT-PARM2
<PLS >      IWATER input info: Part 2      ***
# - # ***   LSUR      SLSUR      NSUR      RETSC
4      400      0.01      0.1      0.1
5      400      0.01      0.1      0.1
END IWAT-PARM2

IWAT-PARM3
<PLS >      IWATER input info: Part 3      ***
# - # ***PETMAX      PETMIN
4      0      0
5      0      0
END IWAT-PARM3

IWAT-STATE1
<PLS > *** Initial conditions at start of simulation
# - # ***   RETS      SURS
4      0      0
5      0      0
END IWAT-STATE1

END IMPLND

SCHEMATIC
<-Source->      <--Area-->      <-Target->      MBLK      ***
<Name> #      <-factor->      <Name> #      Tbl#      ***
Basin 1***
PERLND 16      0.033      COPY 501      12
PERLND 16      0.033      COPY 501      13
PERLND 11      0.186      COPY 501      12
PERLND 11      0.186      COPY 501      13
IMPLND 4      0.025      COPY 501      15
IMPLND 5      0.017      COPY 501      15

*****Routing*****
END SCHEMATIC

NETWORK
<-Volume-> <-Grp> <-Member-><--Mult-->Tran <-Target vols> <-Grp> <-Member-> ***
<Name> #      <Name> # #<-factor->strg <Name> # #      <Name> # #      ***
COPY 501 OUTPUT MEAN 1 1 48.4      DISPLY 1      INPUT TIMSER 1

<-Volume-> <-Grp> <-Member-><--Mult-->Tran <-Target vols> <-Grp> <-Member-> ***
<Name> #      <Name> # #<-factor->strg <Name> # #      <Name> # #      ***
END NETWORK

RCHRES
GEN-INFO
RCHRES      Name      Nexits      Unit Systems      Printer      ***
# - #<-----><----> User T-series Engl Metr LKFG      ***
in out      ***
END GEN-INFO
*** Section RCHRES***

ACTIVITY
<PLS > ***** Active Sections *****
# - # HYFG ADFG CNFG HTFG SDFG GQFG OXFG NUFG PKFG PHFG ***
END ACTIVITY

PRINT-INFO
<PLS > ***** Print-flags ***** PIVL PYR
# - # HYDR ADCA CONS HEAT SED GQL OXRX NUTR PLNK PHCB PIVL PYR *****
END PRINT-INFO

```

```

HYDR-PARM1
  RCHRES  Flags for each HYDR Section ***
  # - #   VC A1 A2 A3  ODFVFG for each *** ODGTFG for each  FUNCT for each
          FG FG FG FG  possible exit *** possible exit    possible exit
          * * * *      * * * *      * * * *      ***
END HYDR-PARM1

HYDR-PARM2
  # - #   FTABNO      LEN      DELTH      STCOR      KS      DB50      ***
<-----><-----><-----><-----><-----><-----><----->      ***
END HYDR-PARM2

HYDR-INIT
  RCHRES  Initial conditions for each HYDR section ***
  # - #   *** VOL      Initial value of COLIND      Initial value of OUTDGT
          *** ac-ft      for each possible exit      for each possible exit
  <-----><----->      <---><---><---><---><---> *** <---><---><---><---><--->
END HYDR-INIT
END RCHRES

SPEC-ACTIONS
END SPEC-ACTIONS
FTABLES
END FTABLES

EXT SOURCES
<-Volume-> <Member> SsysSgap<--Mult-->Tran <-Target vols> <-Grp> <-Member-> ***
<Name> # <Name> # tem strg<-factor->strg <Name> # # <Name> # # ***
WDM      2 PREC      ENGL      0.833      PERLND  1 999 EXTNL PREC
WDM      2 PREC      ENGL      0.833      IMPLND  1 999 EXTNL PREC
WDM      1 EVAP      ENGL      0.76       PERLND  1 999 EXTNL PETINP
WDM      1 EVAP      ENGL      0.76       IMPLND  1 999 EXTNL PETINP

END EXT SOURCES

EXT TARGETS
<-Volume-> <-Grp> <-Member-><--Mult-->Tran <-Volume-> <Member> Tsys Tgap Amd ***
<Name> # <Name> # #<-factor->strg <Name> # <Name> tem strg strg***
COPY      1 OUTPUT MEAN  1 1      48.4      WDM      701 FLOW      ENGL      REPL
COPY      501 OUTPUT MEAN  1 1      48.4      WDM      801 FLOW      ENGL      REPL
END EXT TARGETS

MASS-LINK
<Volume> <-Grp> <-Member-><--Mult--> <Target> <-Grp> <-Member->***
<Name> <Name> # #<-factor-> <Name> <Name> # #***
MASS-LINK 12
PERLND PWATER SURO 0.083333 COPY INPUT MEAN
END MASS-LINK 12

MASS-LINK 13
PERLND PWATER IFWO 0.083333 COPY INPUT MEAN
END MASS-LINK 13

MASS-LINK 15
IMPLND IWATER SURO 0.083333 COPY INPUT MEAN
END MASS-LINK 15

END MASS-LINK

END RUN

```


Predeveloped HSPF Message File

Mitigated HSPF Message File

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Critical Areas Report - Revised

GAREY REASONABLE USE DEVELOPMENT LAKE FOREST PARK

September 23, 2022

Prepared for:

City of Lake Forest Park
Planning and Building
Department
17425 Ballinger Way Ne,
Lake Forest Park, WA 98155

Prepared on behalf of (applicant):

Mark J. Garey
14827 88th Ave Ne
Kenmore, WA 98028



Title-page image: Stream flowing through the subject property.

The information contained in this report is based on the application of technical guidelines currently accepted as the best available science and in conjunction with the manuals and criteria outlined in the methods section. All discussions, conclusions and recommendations reflect the best professional judgment of the author(s) and are based upon information available at the time the study was conducted. All work was completed within the constraints of budget, scope, and timing. The findings of this report are subject to verification and agreement by the appropriate local, state and federal regulatory authorities. No other warranty, expressed or implied, is made.



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Reference Number: 190405

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1 Introduction

The purpose of this report is to document compliance with the requirements of the City of Lake Forest Park Municipal Code (LFPMC) in the development of a single-family residence located at 36XX NE 205TH Street in the City of Lake Forest Park, WA (parcel no. 4022900497). Specifically, this report provides an analysis of the proposed work relative to the requirements of LFPMC Chapter 16.16 (Environmental Critical Areas), and an analysis evaluating the effects of the proposed project on wetland and stream functions. The site is highly encumbered by critical areas that would deny all reasonable use of the site, therefore, a reasonable use exception pursuant to LFPMC 16.16.250 is sought.

2 Existing Conditions

2.1 Location

The subject parcel, #4022900497, has no assigned address and is on the southwest corner of NE 205TH Street and 37th Avenue NE within City of Lake Forest Park jurisdiction (Figure 1). It is at the north end of City limits, in the northwest ¼ Section 3, Township 26 North, Range 4 East of the Public Land Survey System.

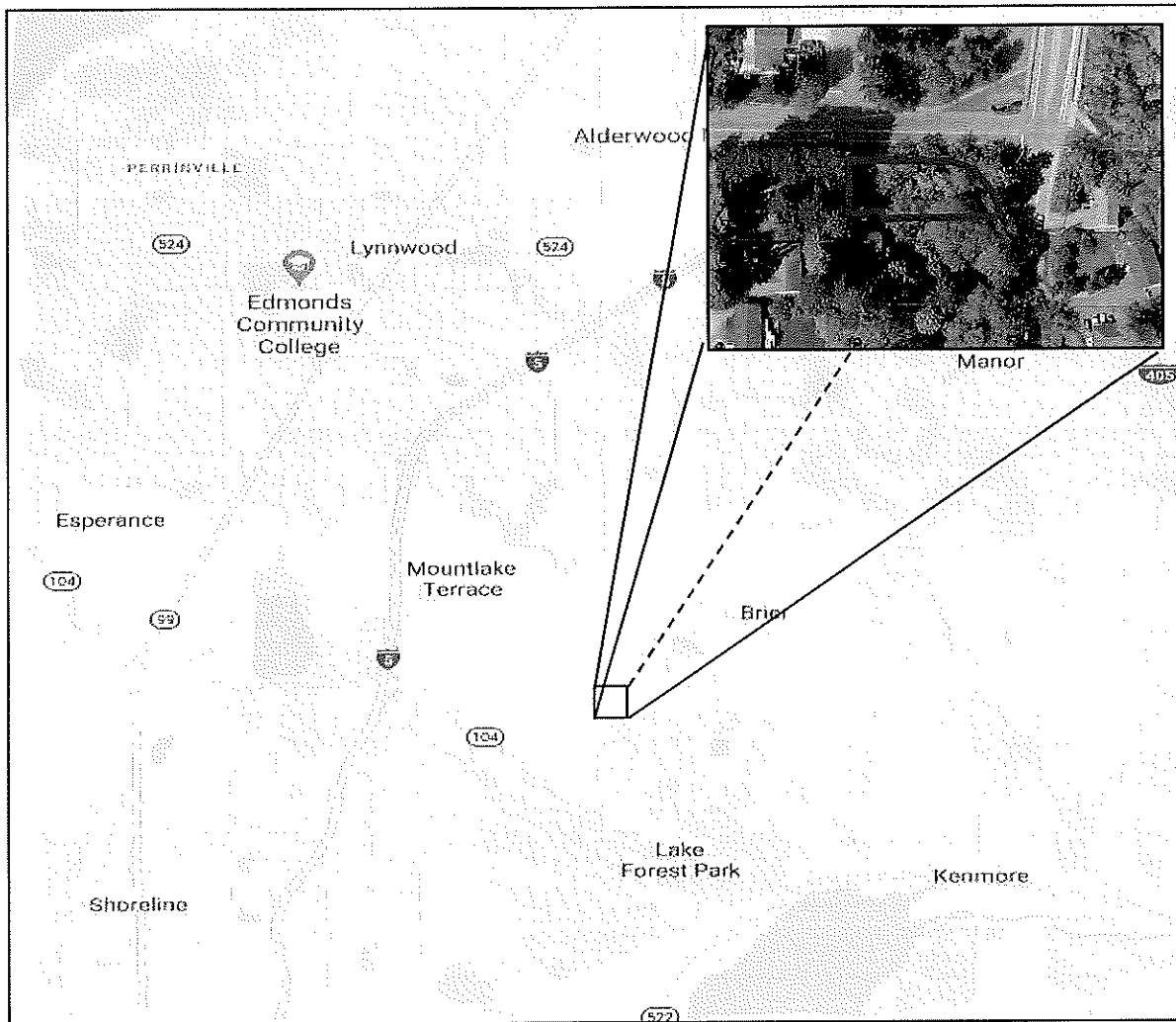


Figure 1. Vicinity and study area map, subject parcel in purple outline.

2.2 Site Description

The subject parcel is an undeveloped lot, 0.25 acres in size, with an existing driveway on the west end of the property. A segment of Lyon Creek flows through the subject property. West of Lyon Creek, the property slopes steeply up to the access easement on the west edge of the property. East of Lyon Creek the property slopes up moderately toward the adjacent roads. The riparian buffer is vegetated by forest and shrub communities. Forest canopy is characterized by paper birch, western red cedar, Douglas-fir, red alder, and white poplar. Understory includes smooth sumac, salmonberry, osoberry, and knotweed. Groundcovers include Cooley's hedge nettle, lady fern, sword fern, and giant horsetail. Invasive knotweed, Himalayan blackberry, jewelweed, English holly, ivy, climbing nightshade, and reed canary grass form locally dominant patches.

2.3 Environmental Setting

The subject parcel is located in the Lyon Creek basin of the Cedar-Sammamish Water Resource Inventory Area (WRIA 8). Surrounding land use west of the property is primarily single-family residential, and a greenbelt encompassing the left bank of Lyon Creek is located east of the property. At a landscape scale, the region is heavily developed and lacks habitat connectivity or corridors between wildlife areas and environmentally critical areas.

2.4 Critical Areas

Streams were delineated by The Watershed Company in the report *Re: Stream Delineation Study – 36XX NE 205th Street Wetland* (Appendix B). A summary of findings is provided below.

2.4.1 Streams

A segment of Lyon Creek flowing through the subject property was identified and delineated within the subject property. Lyon Creek divides the property roughly in half. It enters the site via a box culvert and meanders southeasterly. The channel is approximately 15 to 25 feet wide and is comprised of gravel and silt. Large woody debris, pool, and riffle features are present in the channel. Although recent sediment deposition occurred in and near the stream channel, a survey of our OHWM delineation indicates little if any change to the east bank of Lyon Creek.

The stream gradient is relatively flat, and no natural fish-passage barriers were observed. According to WDFW mapping (Salmonscape), coho salmon spawning is documented in this stream segment; there is also modeled presence of fall chinook salmon, sockeye salmon, and winter steelhead.

Streams are classified as Type S, F, Np, or Ns based on connectivity to Lake Washington, fish use, and seasonality of flow. Based on observed flows during the previous spring site visit (April 19, 2019), this segment of Lyon Creek is presumed to be perennial. As described above, this is documented as a salmon-bearing stream. Therefore, it is a Type F stream (LFPMC 16.16.350). Type F streams in the City of Lake Forest Park require a standard 115-foot buffer (LFPMC 16.16.355).

Table 1. Summary of wetlands, streams, and required buffers.

Stream Name	Type	Buffer (ft)
Lyon Creek	F	115

2.4.2 Stream Buffer

The standard 115-foot stream buffer encumbers the entire property. A 15-foot-setback, measured from the edge of the stream buffer, is also required. A 25% reduction in buffer, as permitted via LFPMC 16.16.355.B.1, still results in the buffer encumbering the entire property (see Appendix A – Mitigation Plan for details).

A reduction in setbacks to allow a reasonably-sized residence is allowed under LFPMC, so long as the mitigation provides equivalent or greater critical area functions and adheres to a comprehensive mitigation monitoring program. A mitigation sequencing narrative is provided below (see Section 3.2 Mitigation Sequencing).

3 Proposed Project

3.1 Overview

This project includes construction of a 1,100 square foot residence, associated driveway, water and sewer utility connections. A critical areas reasonable use exception is sought because a reasonably sized, single-family house with associated access and utilities is not possible under buffer requirements prescribed by LFPMC 16.16.355.

3.2 Mitigation Sequencing (LFPMC 16.16.130)

A. Avoiding impacts to environmentally sensitive areas by avoiding actions or parts of actions;

The project avoids direct impacts to Lyon Creek. As mentioned, stream buffer encumbers the entire parcel; therefore, avoidance of buffer impacts is not feasible.

B. Minimizing impacts by limiting the degree or magnitude of the action by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

The residence was designed to minimize impacts within the stream buffer. The house will have no yard, except for a 5-foot wide perimeter surrounding the house for maintenance and emergency ingress/egress purposes. The house footprint is greatly reduced when compared to neighboring properties, see Section 3.3, Neighboring Housing Analysis. The house size is 25% smaller and the total associated impact area is 40% smaller than the median of neighboring properties, as shown in Table 2.

C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

Stream buffer mitigation will be provided at a ratio of greater than 1:1 to ensure an increase in buffer function. 3,728 square feet of stream buffer enhancement is proposed to compensate for

2,619 square feet of permanent buffer impacts. Mitigation will be monitored for a period of five years to ensure successful establishment. Further, enhancement areas and remaining unencumbered buffer areas will be disclosed as a notice to title, preserving these areas from future development.

D. Reducing impact or eliminating the impact over time through preservation and/or maintenance operations;

Critical areas left unencumbered by project impacts will be protected in perpetuity via a critical areas easement. All enhancement areas within stream buffers will be monitored for a minimum of five years and achieve performance standards outlined within sheet W6 of the mitigation plan. Maintenance protocol includes capturing as-built conditions once invasives are removed and mitigation areas are fully implemented.

E. Compensating for the impact by replacing, enhancing, or providing substitute critical areas and/or buffers; and/or

Significant tree removal and buffer intrusion will be compensated by enhancing nearshore areas adjacent to Lyon Creek with overhanging vegetation interspersed with trees. A total of XX trees will be planted to help compensate for the removal of X significant trees. See arborist report for additional information.

3.3 Neighboring Property Analysis

The subject parcel is zoned R 9,600 with surrounding uses within the City on the east, west, and south consisting of single-family residences. For purposes of determining compatibility with authorized uses, single-family lots zoned R 9,600 located nearby were compared to the subject parcel. The surrounding lots are a mix of highly modified with many framed within existing tree canopies, though many have large driveways, parking areas, and homes. These results can be seen in Table 2 and the corresponding map in Figure 2.

A total of nine properties were analyzed within 300 feet of the subject parcel. The project proposes significantly less impact area than all but two properties and is 25% smaller than the median structure footprint within the study area.

Table 2. Neighboring Property Analysis

Address	Map Key	Parcel Number	Lot size (SF)	Impact Area* (SF)	Percent Impact Area	Approx. House Footprint (SF)
20414 37TH AVE NE	1	4022900447	13,074	3,700	28%	1,620
20420 37TH AVE NE	2	4022900448	10,570	1,900	18%	1,510

Address	Map Key	Parcel Number	Lot size (SF)	Impact Area* (SF)	Percent Impact Area	Approx. House Footprint (SF)
3511 NE 205TH ST	3	4022900491	11,059	5,500	50%	2,880
3607 NE 205TH ST	4	4022900496	12,449	3,300	27%	780
3611 NE 205TH ST	5	4022900499	15,982	3,000	19%	1,560
3601 NE 205TH ST	6	4022900501	9,573	4,400	46%	3,050
20405 37TH AVE NE	7	4022900510	16,135	3,600	22%	1,290
3514 NE 204TH ST	8	4022900516	13,901	5,200	37%	2,260
20406 37TH AVE NE	9	4022900446	11,961	1,430	12%	3,200
Subject Site			10,369	1,848^	18%	1,100
Median			12,449	3,600	27%	1,620

*Impact area includes all structures, driveways, and other improved surfaces, measured from the 2019 aerial on King County iMap

^ Includes project proposal area, but not the existing 1,570 SF driveway easement to neighboring property to the south (3611 NE 205th St)

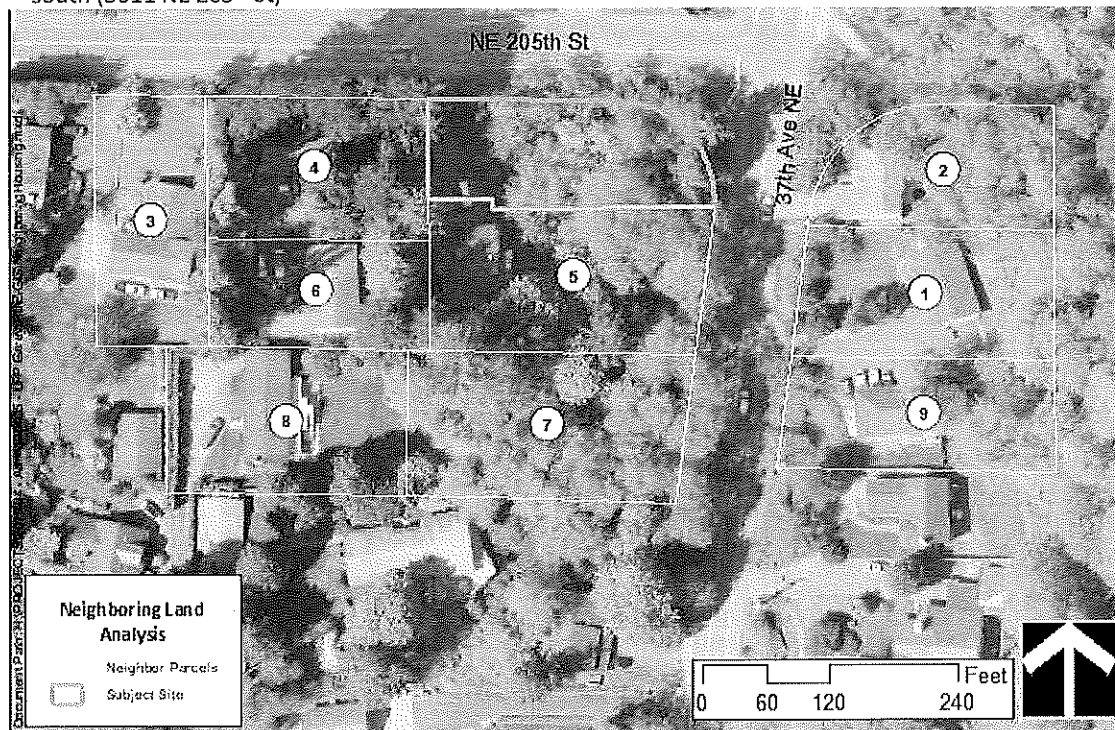


Figure 2. Housing Comparison Map

3.4 Mitigation Plan

Mitigation through the enhancement of stream buffers is proposed as compensation for impacts associated with project development. In total, 3,728 square feet of enhancement is proposed within the buffer of Lyon Creek between the proposed house and creek OHWM, a slightly larger than 1:1 ratio to permanent impacts. This involves the removal of invasive species and installation of a dense native forested plant assemblage.

A mitigation ratio of 1:1 is a typical industry standard for stream buffer impacts to ensure no net loss of ecological function. Removal of invasive species and establishment of a dense native plant community will improve forest structure and health, increase biodiversity, and increase screening vegetation throughout much of the remaining stream buffer. The high mitigation ratio is anticipated to increase wetland function in all categories of habitat, water quality, and hydrology.

Monitoring will be completed for a five-year period following installation of the mitigation site to ensure that goals and performance standards are achieved.

3.5 Functional Lift Analysis

Proposed mitigation is anticipated to provide a functional lift associated with three categories of critical area function including habitat, water quality, and hydrology. Well-functioning stream buffers provide many benefits that include shading, improved microclimate, introduction of dead wood, allochthonous input, stabilization of erosion, filtration of sediment and runoff, bio-attenuation of excess nutrients and pollutants, interception of rainfall, wildlife corridors, and habitat for riparian-associated species or other wildlife. The biotic and abiotic components of the buffer which provide these ecosystem services have the greatest potential when supported by native flora. Native plants improve habitat function compared to exotic species due to their influence on providing complex forest structure, diverse food resources, and the niche habitat that has historically coevolved with native wildlife.

Project impacts remove buffer area topographically and hydrologically down gradient of the creek within the property. Hydrologic and water quality function of downgradient streams are potentially affected. The project will follow stormwater manual requirements and will diffuse stormwater discharge within two separate dispersion trenches before it infiltrates towards the creek; therefore, water quality impacts are minimal.

As compensation, the mitigation area will improve forest health and forest structure, add screening vegetation, remove invasive species, and revegetate areas that do not contain native vegetation. Invasive species, which disrupt natural successional pathways and outcompete native species, will be removed throughout the entire site through use of hand labor and/or

light equipment. Native plants will be flagged to protect from removal as stormwater BMPs and tree protection fencing are installed. By successfully establishing dense understory vegetation, the creek will have greater visual screening from disturbed areas compared to preexisting conditions. Installed trees and shrubs are anticipated to provide habitat that can be utilized by native wildlife. As the site matures, a diversity of native vegetation will continue forest succession and regenerate in areas that are currently dominated by invasive species.

The ability of a buffer to remove nutrients is more effective where precipitation and runoff either infiltrates or moves through the rooting zone of a forested buffer. Deep roots associated with trees and shrubs have greater benefit in slope stability and reducing nutrients compared to areas composed of invasive species such as English ivy or Himalayan blackberry, or areas with little or sparse vegetation. As the enhanced buffer matures, surface roots, woody debris, and understory species will also aid in surface roughness and the physical filtering of sediments and particulate matter. Overall, a functional lift in buffer functions is expected to result from the proposed project.

4 Code Compliance

4.1 Reasonable Use Exception

The following is an analysis of consistency with the reasonable use exception criteria in LFPMC 16.16.250.

C. The hearing examiner shall grant an exception only if:

1. Application of the requirements of this chapter will deny all reasonable economic use of the property; and

Response: The project is currently fully encumbered via the 115-foot standard buffer of Lyon Creek. There is not adequate area on-site for buffer averaging or a 25% buffer reduction, as allowed under LFPMC 16.16.355.B.1. The maximum reduced buffer (86.25 feet) still encumbers the entire parcel, preventing the placement of a building footprint and associated driveway for a single family residence outside the buffer.

2. There is no other reasonable economic use with less impact on the critical area; and

Response: There is no other reasonable use consistent with the residential zoning of the property and compatible with the surrounding neighborhood that would result in less impact. The 5' setback from the house footprint is necessary to provide for maintenance of the house, as well as safe ingress-egress in an emergency situation. A reduced maintenance area nearest to Lyon Creek from our original submittal, combined with a reduced house

footprint from 1,178 square feet to 1,100 square feet allows for a 15-foot vegetated flow path, the minimum distance allowed for sheet flow dispersion from the flat roof, as authorized by the revised stormwater TIR prepared by Plog Engineering. The proposed residential development footprint for the parcel is the minimum necessary size to fulfill the needs of the applicant and has been determined to be smaller than comparable adjacent lots, as outlined in the comparable structure/housing study above in Section 3.3.

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; and

Response: There would be no detriment to the public health, safety or welfare, on or off the parcel, as a result of the proposed development. This development is supported by the following City Goals and Policies, as found within the City's 2015 Comprehensive Plan:

Housing Policy H-2.1 Continue to incorporate site standards, landscaping, and building design guidelines into land use regulations to ensure that infill development complements surrounding uses and the character of Lake Forest Park. Note, infill development is the process of developing vacant or underused parcels within a surrounding area that is already largely developed, per the City Comprehensive Plan Housing Element.

Policy Response: The proposed residence preserves the vast majority of pre-existing natural areas. Further, this site proposes to enhance at a greater than 1:1 ratio to offset project impacts. All remaining lots surrounding this residence within City limits are developed with single-family homes.

Housing Policy H-2.2 Promote site planning techniques that create quality outdoor spaces and are in harmony with neighboring properties.

Policy Response: See response to previous policy.

Parks, Trails, & Open Space Policy PT-4.5 Remove invasive species in parks, trails, and open spaces. As a pre-existing open space zoned for single-family development, invasives will be removed site-wide to preserve remaining open space.

Policy Response: All applicable front and side-yard setback standards, as well as all applicable building codes, will be met. Driveway access will be established from the existing public roadway and will provide for safe passage and emergency access. Of the one tree designated for removal, it will be replaced at a greater than 3:1 ratio.

4. Any alteration is the minimum necessary to allow for reasonable economic use of the property.

Response: The alteration is the minimum necessary for a single-family structure and appurtenances that will fulfill the needs of the applicant. As demonstrated, the size of the impact is less than the median of surrounding properties. Specifically, the nine neighboring properties (Table 2) indicate the proposal is below the median household size and significantly under the median impact area.

5 Summary

The applicant proposes construction of a single-family house, driveway access, and underground utilities. The parcel is entirely encumbered by Lyon Creek and its associated buffer. A reasonable use exception is sought to allow for deviations from stream buffers beyond the maximum allowed by code, in conjunction with a stream buffer enhancement plan. The size of the proposed development footprint is the minimum necessary and is less than other comparable developments in the vicinity, while the proposed critical area and buffer enhancement will result in a functional lift of ecological functions.

Appendix A

MITIGATION PLAN

Exhibit 10.15

Appendix B

STREAM DELINEATION REPORT



June 18, 2019

Revised: May 13, 2022

Mark Garey

14827 – 88th Ave. NE

Kenmore, WA 98028

Via email: cheektowaga@outlook.com

Re: Stream Delineation Study – 36XX NE 205th Street

The Watershed Company Reference Number: 190405

Dear Mark:

This report has been revised per City of Lake Forest Park municipal code updates that went into effect on November 22, 2021 which include revisions to Chapter 16.16. Environmentally Critical Areas.

On April 19, 2019 Ecologists Nell Lund and Roen Hohlfeld visited the undeveloped lot north of 3611 NE 205th Street in the City of Lake Forest Park (parcel 4022900497). The Watershed Company previously visited the site on July 17, 2015 to delineate wetlands and streams. The purpose of this study was to document how site conditions have changed since a water main broke and flooded a portion of the subject parcel. The property was screened for wetlands, and the OHWM of the stream previously delineated by The Watershed Company (July 17, 2015) was re-assessed.

This letter summarizes the findings of this study, provides a brief review of the site plan provided by PLOG Real Estate and Consulting (Garey Residence Reasonable Use Exception, 5/22/2019), and details applicable federal, state, and local regulations. The following attachments are included:

- Stream Delineation Sketch
- Wetland Determination Data Form
- Garey Residence Reasonable Use Exception (PLOG Real Estate and Consulting, 6/15/2018 submittal and 5/22/2019 update)

Methods

Public-domain information on the subject property was reviewed for this delineation study. These sources include USDA Natural Resources Conservation Service Soil maps, U.S. Fish and Wildlife Service National Wetland Inventory maps, Washington Department of Fish and Wildlife (WDFW) interactive mapping programs (PHS on the Web), King County's GIS mapping website (iMAP), and the Lake Forest Park Sensitive Areas Map.

The study area was evaluated for wetlands using methodology from the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0* (Regional Supplement) (US Army Corps of Engineers [Corps] May 2010). Presence or absence of wetland area was determined on the basis of an examination of vegetation, soils, and hydrology. Any areas meeting the criteria set forth in the Regional Supplement were determined to be wetland. Soil, vegetation, and hydrologic parameters were sampled at several locations along the site to determine presence or absence of wetland. One data point (DP-1A) was recorded and marked with a yellow- and black-striped flag.

The ordinary high water mark (OHWM) of Lyon Creek was determined based on the definition provided by the Washington Department of Fish and Wildlife and WAC 220-110-020(69). The OHWM is located by examining the bed and bank physical characteristics and vegetation to ascertain the water elevation for mean annual floods. Areas meeting the definition were determined to be the OHWM and flagged. Field observations were used to classify streams according to the City of Lake Forest Park Critical Areas Ordinance. The east bank of the stream was flagged by ecologists from The Watershed Company in July 2015.

The OHWM of the stream was reassessed after a water main break was repaired. For the updated April 2019 stream delineation study, the left (east) and right (west) banks of Lyon Creek were marked with five and eight blue- and white-striped flags, respectively.

Findings

The subject property is on the southwest corner of NE 205th Street and 37th Avenue NE. It is at the north end of City limits, in the northwest ¼ of Section 3, Township 26 North, Range 4 East. The property is in the Lyon Creek basin of the Cedar-Sammamish Water Resource Inventory Area (WRIA-8). A segment of Lyon Creek flows through the subject property. West of Lyon Creek, the property slopes steeply up to the access easement on the west edge of the property. East of Lyon Creek the property slopes up moderately toward the adjacent roads. No wetlands were identified onsite. Site conditions are described below.

In January 2019, a water main break along NE 205th Street north of the site impacted the subject property. As a result of the break, Lyon Creek was flooded and a layer of sand sediment up to eight-inches deep was deposited on the subject parcel. The water main was repaired ahead of our April 2019 fieldwork and curb was added to NE 205th Street.

Lyon Creek

Lyon Creek divides the property roughly in half. It enters the site via a box culvert and meanders southeasterly. The channel is approximately 15 to 25 feet wide and is comprised of gravel and silt. Large woody debris, pool and riffle features are present in the channel. Although recent sediment deposition occurred in and near the stream channel, a survey of our OHWM delineation indicates little if any change to the east bank of Lyon Creek (see enclosed June 2018 and May 2019 site surveys).

The stream gradient is relatively flat and no natural fish-passage barriers were observed. According to WDFW mapping (Salmonscape), coho salmon spawning is documented in this stream segment; there is also modeled presence of fall chinook salmon, sockeye salmon, and winter steelhead.

Riparian buffer

Except for the existing driveway on the west end of the property, the buffer is vegetated by forest and shrub communities. Forest canopy is characterized by paper birch, western red cedar, Douglas-fir, red alder, and white poplar. Understory includes smooth sumac, salmonberry, osoberry, and knotweed. Groundcovers include Cooley's hedge nettle, lady fern, sword fern, and giant horsetail. Invasive knotweed, Himalayan blackberry, jewelweed, English holly, ivy, climbing nightshade, and reed canarygrass form locally-dominant patches.

One data point was recorded in a low spot within the southeast property corner to re-confirm our previous determination (July 17, 2015) that this area is non-wetland. This area has been affected by the water main break, with flooding depositing a layer of sand sediment approximately 8-inches deep. Therefore, soil assessment began below that deposition layer (see DP-1A). Vegetation in the area is dominated by jewelweed, Cooley's hedge nettle, reed canarygrass, and giant horsetail, mixed with blackberry vines. This area, which is under red alder canopy, is also interspersed with smooth sumac and sword fern, both have a facultative upland plant indicator status. Wetland hydrology parameters and hydric soil indicators were not met. Wetland conditions are not present.

Local Regulations

Streams in the City of Lake Forest Park are regulated under municipal code Chapter 16.16 – Environmentally Sensitive Areas.

Lyon Creek

Streams in Lake Forest Park are currently classified as Type S, Type F, Type Np, or Type Ns. Based on observed flows during the summer site visit (July 17, 2015), this segment of Lyon Creek is presumed to be perennial. As described above, this is documented as a salmon-bearing stream. Lyon Creek contains fish habitat and is therefore classified as a Type F stream (LFPMC 16.16.350).

Prior to the November 22, 2021 Lake Forest Park municipal code update, it was determined that Lyon Creek met the definition of a Type 1 stream, which would require a standard 115 foot buffer. Per the revised code, Type F streams also require a standard 115 foot buffer. Prior to the 2021 code update a provision was included for reducing Type 1 stream buffers to a minimum width of 70 feet with enhancement; however, this provision has been revised with the latest code update so that buffers may be reduced by 25% of the standard buffer width when it can be demonstrated that a development proposal results in a net improvement of stream and buffer functions utilizing incentive-based mitigation options (LFPMC 16.16.355.B). The minimum buffer width allowable for Type F streams is therefore limited to 86.25 feet. As such, the standard and reduced stream buffers encumber the entire property. A 15-foot-setback, measured from the edge of the stream buffer, is also required.

Mitigation Sequencing

Pursuant to LFPMC 16.16.130, any plan to impact a critical area or critical area buffer must demonstrate that impacts were avoided where feasible, unavoidable impacts are minimized, and compensatory mitigation will occur.

Reasonable Use Exception (RUE)

Since the property is entirely encumbered by stream and stream buffer, any site development application would be eligible for a reasonable use exception to allow for reasonable economic use of the parcel (LFPMC 16.16.250). On residentially zoned parcels this translates to the ability to construct a reasonably sized residence. RUE permit applications are processed by City staff with approval required by the City's hearing examiner. The hearing examiner's decision criteria, as stated under LFPMC 16.16.250, are as follows (bold emphasis added):

C. The hearing examiner shall grant an exception only if:

- 1. Application of the requirements of this chapter will deny all reasonable economic use of the property; and*
- 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; and*
4. *Any alteration is the minimum necessary to allow for reasonable economic use of the property.*

D. The hearing examiner shall grant an exemption from the requirements of this chapter only to the minimum necessary extent to allow for reasonable economic use of the applicant's property.

E. The hearing examiner shall condition any exception from the requirements of this chapter upon conditions recommended by the city and upon compliance with any mitigation plan approved by the city.

F. For any in-water or wetland work it is the applicant's responsibility to obtain all state and federal approvals before beginning work.

To meet the 'minimum necessary' code requirements, projects permitted through an RUE typically involve a deviation from front and rear yard zoning setbacks. Setback exception decision criteria stated under LFPMC 16.16.240 is as follows:

- C. *The decision to grant a deviation shall be based on the following criteria:*
 1. *The aggregate setbacks for the zoning front, rear, and side yard setbacks total 50 feet or more;*
 2. *Front and rear zoning setbacks are no less than 10 feet;*
 3. *Side zoning setbacks are no less than five feet;*
 4. *Significant vegetation is preserved;*
 5. *The applicant demonstrates to the city through submittal of an application and supporting documentation that the use of aggregate zoning setbacks will not:*
 - a. *Be materially detrimental to the public welfare or injurious to adjacent property or development or alterations; and*
 - b. *Alter the neighborhood character or the appropriate use or development of adjacent property; and*

*c. Conflict with the general purposes and objectives of the comprehensive plan;
and*

d. Degrade critical areas and critical areas buffer functions.

RUE permitted developments commonly have a limited footprint, lack a yard beyond the 15-foot building setback, and require mitigation in the form of invasive plant removal followed by native plant restoration, likely on all areas of the lot not impacted by the home, yard, and driveway. Additionally, mitigation plantings require monitoring and maintenance at the applicant's expense for a minimum of five years (LFPMC 16.16.120) and a bond or other security mechanism to ensure successful establishment (LFPMC 16.16.150).

State and Federal Regulations

U.S. Army Corps of Engineers (Corps)/Washington Department of Ecology (Ecology)

The Corps, under section 404 of the Clean Water Act, and Ecology, under Section 401 of the Clean Water Act, are charged with reviewing, conditioning, and approving or denying certain permitted actions that result in discharges to streams. However, provided all site improvements remain above the stream's OHWM, no coordination with the Corps or Ecology will be necessary.

Washington Department of Fish and Wildlife (WDFW)

Chapter 77.55 of the RCW (the Hydraulic Code) gives WDFW the authority to review, condition, and approve or deny "any construction activity that will use, divert, obstruct, or change the bed or flow of state waters." This provision includes any in-water work, the crossing or bridging of any state waters and can also include stormwater discharge to state waters. Thus, the proposed rain garden overflow may require coordination with WDFW. If a project meets regulatory requirements, WDFW will issue a Hydraulic Project Approval (HPA).

Through issuance of an HPA, WDFW can also restrict activities to a particular timeframe. Work is typically restricted to late summer and early fall. However, WDFW has in the past allowed upland stormwater improvements to occur at any time during the year.

Stream Delineation Study
Garey, M.
Revised: May 13, 2022
Page 7

References

Hruby, T. 2014. *Washington State Wetland Rating System for Western Washington: 2014 Update*. (Publication #14-06-029). Olympia, WA: Washington Department of Ecology.

U.S. Army Corps of Engineers. 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*. ed. J. S. Wakely, R. W. Lichvar, and C. V. Noble. ERDC/EL TR-10-3. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). 2015. *National Engineering Handbook, Part 650 Engineering Field Handbook, Chapter 19 Hydrology*

Disclaimer

The information contained in this letter or report is based on the application of technical guidelines currently accepted as the best available science and in conjunction with the manuals and criteria outlined in the methods section. All discussions, conclusions and recommendations reflect the best professional judgment of the author(s) and are based upon information available to us at the time the study was conducted. All work was completed within the constraints of budget, scope, and timing. The findings of this report are subject to verification and agreement by the appropriate local, State and Federal regulatory authorities. No other warranty, expressed or implied, is made.

Please call if you have any questions or if we can provide you with any additional information.

Sincerely,



Nell Lund, PWS
Senior Ecologist



Roen Holfield
Ecologist



Kenny Booth, AICP
Senior Planner

Enclosures

Permits

SEPA Checklist

Permit # SEPA-2024-0001



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

~~STAFF REDLINES~~

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

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

PERMIT APPLICATION FEES

Fees must be paid at time of application

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

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

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

Questions?

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

Access to Information

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

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

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

Instructions for application:

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

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

A. Background

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

The site has steep slopes, a stream and associated stream and slope buffers / THEY ENCUMBER THE ENTIRE PROPERTY
7. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain: No
8. List any government approvals or permits that will be needed or your proposal, if known:
RUE, building permit, grading permit, ROW PERMIT
9. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.

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

CRITICAL AREA MITIGATION, STORMWATER SYSTEM

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

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

B. Environmental Elements

1. Earth

- a.) General description of the site (circle one)

Flat Rolling Hilly Steep Slopes Mountainous Other slopes

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

roughly 70% (WESTERN PORTION OF SITE)

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

unknown

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

No / FREQUENTLY FLOODED AREAS

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

excavation to construct footprint and driveway and storm improvements

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

Yes

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

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

approximately 1,500 sf

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

general BMPs

2. Air

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

exhaust from construction equipment;

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

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

minimize to the extent feasible the use of heavy equipment

3. Water

a.) Surface water

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

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

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

yes, work will occur in the stream's buffer

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

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

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

the least amount of impact is planned for surface waters

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

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

b.) Ground water

- i. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. No
- ii. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing chemicals, agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve N/A

c.) Water Runoff (including stormwater)

- i. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe THE PROJECT HAS PERFORMED A DRAINAGE ANALYSIS AND THE SYSTEM HAS BEEN DESIGNED TO COMPLY W/ THE KING COUNTY STORM WATER MANUAL.
A stormwater system that complies with the standards will be installed
- ii. Could waste materials enter ground or surface waters? If so, generally describe
No
- iii. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe
No

none anticipated with the storm system installed

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

A stormwater system using infiltration will be installed per stormwater standards

4. Plants

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

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

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

only tree removal necessary to construct the residence and access

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

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

n/a

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

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

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

n/a

5. Animals

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

6. Energy & Natural Resources

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

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

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

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

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

7. Environmental Health

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

n/a

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

n/a

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

n/a

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

n/a

e) Describe special emergency services that might be required

general emergency services from fire/police etc...

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

n/a

8. Noise

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

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

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

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

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

observing hours for construction in LFP city limits

9. Land & Shoreline Use

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

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

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

no.

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

No

d) Describe any structures on the site.

n/a

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

n/a

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

RS 9.6

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

Residential Mod/High

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

n/a

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

Yes

steep slopes and a stream/buffer is present

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

a single family

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

n/a

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

n/a

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

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

THE PROPOSED STRUCTURE HAS BEEN DESIGNED TO INTEGRATE INTO EXISTING NEIGHBORHOOD.

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

n/a

10. Housing

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

one

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

n/a

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

mitigation for impacts to critical areas are planned

11. Aesthetics

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

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

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

n/a

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

n/a

12. Light & Glare

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

lighting for typical residential unit

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

no

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

street lighting, but not thought to affect proposal

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

attempts to keep light produced on the property will be made

13. Recreation

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

parks

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

No

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

n/a

14. Historic & Cultural Preservation

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

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

No

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

- If any evidence is found, construction will stop to assess the conditions. **APPROPRIATE AGENCIES AND TRIBES WILL BE NOTIFIED.**
d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

ONLY AREA REQ'D TO CONSTRUCT THE RESIDENCE & ACCESS WILL BE DISTURBED.

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

15. Transportation

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

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

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

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

Two additional for the garage; none displaced

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

No

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

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

FROM THE LOCAL WATER PROVIDER

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

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

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

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

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

16. Public Services

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

Yes

it is anticipated that fire and police services will be utilized

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

n/a

17. Utilities

a. Circle utilities currently available at the site:

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

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

C. Signature

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

Signature: Mark J. Garey

Name of sign: Mark Garey

Position and Agency/Organization: Property Owner

Date Submitted: 3/20/2024

D. Supplemental Sheet for Non Project Actions

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

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

Respond briefly and in general terms

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

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

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

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

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

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

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

Reasonable Economic Use Application

Permit # **2021-RUE-0001**



LAKE FOREST PARK
Washington

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

Type of Project:	Single Family Home		
Property Owner:	Mark J Garey		
Owner Mailing Address:	14827 88th Ave NE, Kenmore WA 98028		
Phone:	206.446.9090	Email:	pinematrix@outlook.com
Property Address:	36XX NE 205th Street, Lake Forest Park, WA		
Tax Parcel No:	402290-0497-07		
Legal Description:	LAKE FOREST PARK 1ST ADD LOT 2 REV 102P 117675 REG 810420039 LESS 3.5 FT OF W-40 FT ED SP INF - P04 OF LOT 1 BLK 3 OF ED 2ND LYE OF UND PAWAT PAST TO SUI OF ED LOT 1 TRACT - ETD SUI - 265.51 FT W FRI SE COR OF ED LOT 1 LESS COR W-A LOT A OF 16.61A 19921021 APPROVED 9-23-09		
Owner's Authorized Agent:			
Authorized Agent Address:			
Authorized Agent Phone:		Email:	

PERMIT APPLICATION FEES

Fees must be paid at time of application

Reasonable Economic Use Request	\$ 4,000
Land Use Public Notice Signage Fee	\$ 200
Additional Signage Fee - ----- \$25/ea.	
SEPA - <i>Separate application & fee, if required</i>	-----
SUBTOTAL	4200.00
Technology Fee - ----- 5% of Total	210.00
TOTAL FEES	4410.00

Staff use

MAY 20 2021

The applicant may be responsible for additional fees related to engineering and legal expenses

Release / Hold Harmless Agreement

I, the undersigned, his/her heirs and assigns, in consideration for City processing the application agrees to release, indemnify, defend and hold the City of Lake Forest Park harmless from any and all damages and/or claims for damages, including reasonable attorney's fees, arising from any action or inaction as based in whole or in part upon false, misleading or incomplete information furnished by the applicant, his agents or employees.

The undersigned acknowledges that this application is for a permit from the City of Lake Forest Park; that any permit issued by the City as a result of this application establishes only that the applicant's project complies with City ordinances and regulations; and that other State and Federal laws and regulations, particularly the Endangered Species Act, U.S.C. 16.31, et. seq., may apply to this project. The undersigned further acknowledges and accepts responsibility for complying with such other laws and regulations and agrees to release the City of Lake Forest Park, indemnify and defend it from any claim, damages, injuries, or judgments, including reasonable attorney's fees, arising from or related to violations of such other laws or regulations.

Qualified Professional Requirements

For each section of this application that was required to be prepared by a professional, please include a Statement of Qualification along with this application.

Permission to Enter Subject Property

I, the undersigned, grant his/her or its permission for public officials and staff of the City of Lake Forest Park to enter the subject property for the purpose of inspection and posting attendant to this application.

Date: _____

5/20/2021

Signature of Applicant, Owner, or Representative: _____

Mark J. Harey

**Questions?**

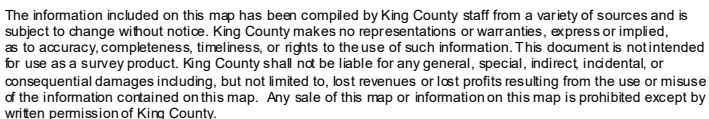
For more information, please contact the Planning Department
aplanner@cityoflfp.com
206-957-2837

Access to Information

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

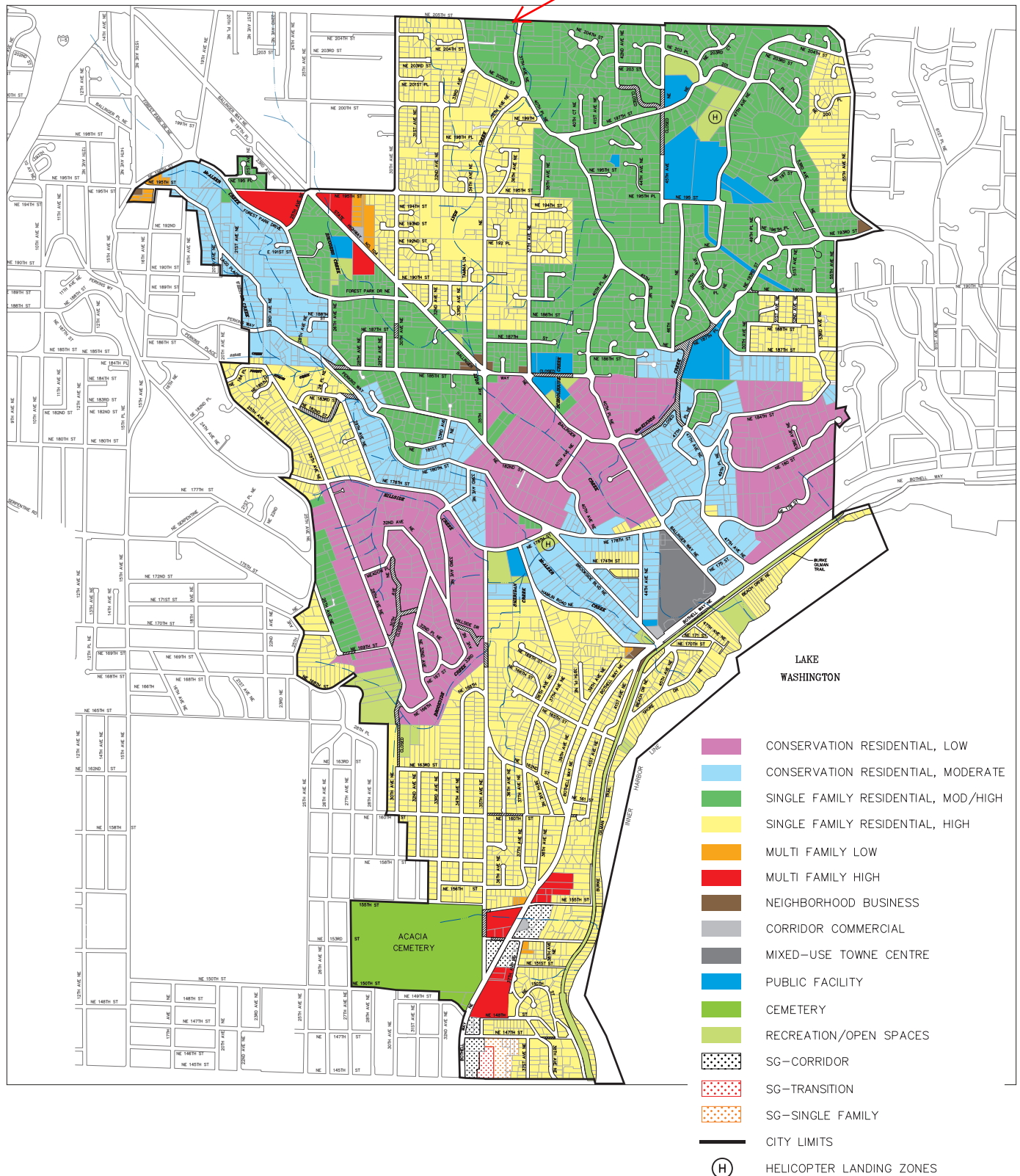
<http://www.cityoflfp.com/>

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



Project Location


Figure I.2 Comprehensive Plan Land Use Map



This map is designed for general information purposes only. It is not intended to provide an absolutely accurate and current depiction of addresses, property lines, or lot configurations. Contact city staff for additional verification of the information provided on this map.

Date: 12/3/2019 9:32 AM

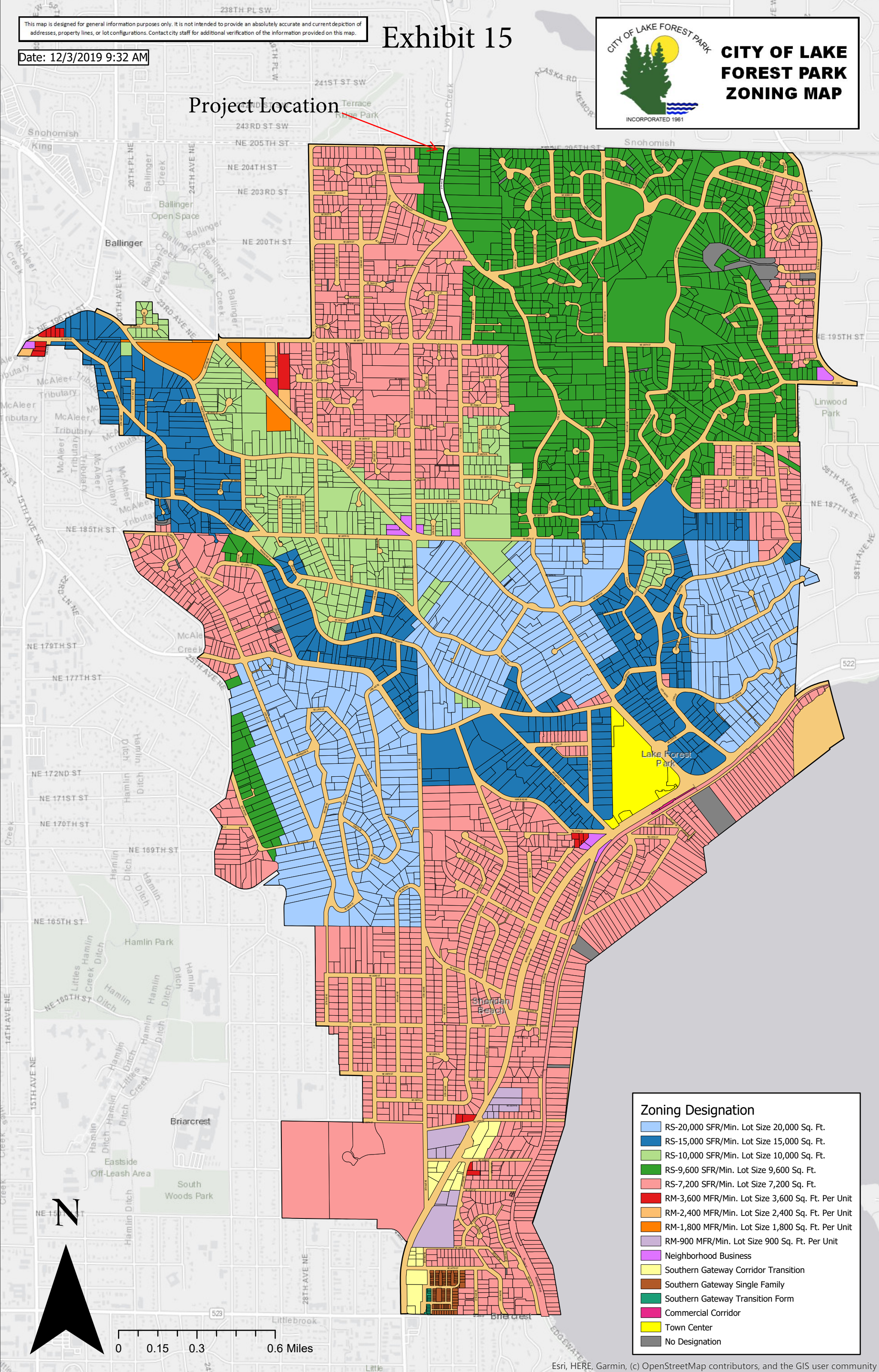
Exhibit 15



CITY OF LAKE FOREST PARK
INCORPORATED 1961

**CITY OF LAKE
FOREST PARK
ZONING MAP**

Project Location



Zoning Designation

- RS-20,000 SFR/Min. Lot Size 20,000 Sq. Ft.
- RS-15,000 SFR/Min. Lot Size 15,000 Sq. Ft.
- RS-10,000 SFR/Min. Lot Size 10,000 Sq. Ft.
- RS-9,600 SFR/Min. Lot Size 9,600 Sq. Ft.
- RS-7,200 SFR/Min. Lot Size 7,200 Sq. Ft.
- RM-3,600 MFR/Min. Lot Size 3,600 Sq. Ft. Per Unit
- RM-2,400 MFR/Min. Lot Size 2,400 Sq. Ft. Per Unit
- RM-1,800 MFR/Min. Lot Size 1,800 Sq. Ft. Per Unit
- RM-900 MFR/Min. Lot Size 900 Sq. Ft. Per Unit
- Neighborhood Business
- Southern Gateway Corridor Transition
- Southern Gateway Single Family
- Southern Gateway Transition Form
- Commercial Corridor
- Town Center
- No Designation

Garey Notice of March 19, 2025 Public Hearing

Emailed parties of record, commenters, and requestors of notice

Email sent by Mark Hofman, Community Development Director, at 5:03 pm, Tuesday, March 4, 2025 with the following email addresses BCC'd:

jolene@jolenejang.com
waterite@uw.edu
pamela8clough@gmail.com
cristin888@gmail.com
benson.dan@gmail.com
jangnt@gmail.com
darrows@gmail.com
nicole.dunscumb@gmail.com
execdir@issaquahfish.org
jnemats@gmail.com
deressealmamaw@yahoo.com
kan65@msn.com
elizabeth.mooney@comcast.net
tlbanaszynski@yahoo.com
leonardgoodisman@gmail.com
bandesaunders@comcast.net
vwaters@gmail.com
kevinphenry21@gmail.com
corrieann2@yahoo.com
amy_estes@yahoo.com
rossbb@comcast.net
kim.josund@gmail.com
bo@bofrank.com
joey.krikorian@icloud.com
hpwindish@gmail.com
pmcguire@prodigy.net
garyberch@aol.com
tammylianu@gmail.com
chris@chrisclasen.com
info@lfpsf.org
chevydave@gmail.com
kathynielson1942@gmail.com
preservationdept@duwamishtribe.org
thortoncreekalliance@gmail.com
sepa@parks.wa.gov
SPW-ExternalRFR@snoco.org

janiece@abetterdaysalon.com
lore.randall@ecy.wa.gov
madlynlarson@gmail.com
ashton@dimarinc.com
cecile@duwamishtribe.org
jkaje@comcast.net
doug.hennick@gmail.com
corrieann2@yahoo.com
vicki@vickiscuri.com
jeanreid2015@gmail.com
adelle_nolan@hotmail.com
mandymoo1973@yahoo.com
byron37@comcast.net
ckdoddlp@hotmail.com
cbbarnes@comcast.net
benson.dan@gmail.com
danalcampbell@hotmail.com
joleen@borgerding.info
laithr777@gmail.com
lsmccarthy@gmail.com
gevarre@gmail.com
salleygardens9@gmail.com
msphillips1@comcast.net
fletcherrgm@gmail.com
robiannelober@gmail.com
sally.yamasaki@gmail.com
paula.m.goode@gmail.com
emily@pugetsoundkeeper.org
julian@andermac.org
michelleg18@frontier.com
bfschuess@comcasr.net
kldoutt@gmail.com
dlezon@comcast.net
heiseya@gmail.com
kphmediallc@gmail.com
jbent@avvanta.com
tfurutani@cityoflfp.gov
R4Splanning@dfw.wa.gov
jesse.dykstra@dfw.wa.gov
cityplanner@ci.brier.wa.us
dan.stevens@ssd412.org
customercare@pse.com
dianep@northcitywater.org

info@saveshorelinetrees.com
cityhall@ci.mlt.wa.us
Daniel.Hawkins@dfw.wa.gov
Miles.Penk@dfw.wa.gov
glen.stamant@muckleshoot.nsn.us
fino@shorelinefire.com
amanda.davis@bothellwa.gov
sloyuk@kenmorewa.gov
snokingwatershedcouncil@gmail.com
KEIC461@ECY.WA.GOV

Appendix C

ARBORIST REPORT

November 23, 2020 (Revised August 18, 2022)

Mark J. Garey
Tel. 206-446-9090
Via email: cheektowaga@outlook.com

Re: Garey Residence Arborist Report

The Watershed Company Reference Number: 190405

Dear Mark:

We are pleased to present to you the findings of our tree inventory for your property in Lake Forest Park, WA (parcel #4022900497). ISA-Certified Arborist® Jake Robertson visited the property on November 17, 2020 to inventory and assess trees located on the subject parcel.

This report includes a summary of the site visit and regulatory implications related to tree retention and removal. This information will help the project team understand the implications of removal of inventoried trees. The following documents are appended:

- Tree Inventory Table
- Tree Inventory Map

Study Area

The subject property is 11,369 square feet in size and is currently undeveloped with an identified stream and corresponding buffer. A moderate slope is located on the northern and western portion of the parcel, but it has not been identified as an Erosion Hazard on King County iMap. See *Stream Delineation Study* dated June 18, 2019 by The Watershed Company for more information on environmentally critical areas. The subject property is a corner lot with single-family parcels to the south and west, NE 205th St forms the northern border, and 37th Ave NE forms the eastern border. The site is currently zoned for residential use (RS 9600).



Figure 1. Defined extent of parcel outlined in yellow. Images courtesy of King County iMap.

Methods

Trees within the study area were determined to be significant using the definition in the Lake Forest Park Municipal Code (LFPMC) Chapter 16.14. Lake Forest Park defines a significant tree as any evergreen or deciduous tree, six inches in diameter or greater, measured four feet above existing grade. Dead trees are not classified as significant per LFPMC 16.14.030. For this study,

the health of significant trees was depicted using a rating system of Excellent, Good, Fair, Poor, Severe, or Dead (Table 1).

In general, tree diameter was measured at four feet above the ground surface (diameter at breast height, or "DBH") using a graduated metal logger's DBH tape. Trees with multiple trunks arising from the ground were measured using methodology from The Guide for Plant Appraisal, 10th Edition (Council of Tree & Landscape Appraisers 2018). Briefly, the cross-sectional areas of stems contributing to the canopy were summed and used to generate a singular combined DBH for the tree. The singular DBH number allows for comparison to other single-stemmed trees and for more accurate permitting and tree retention calculations. Lake Forest Park does have additional protection for trees designated as Exceptional or Landmark. There are no Exceptional trees on-site but there is one Landmark tree that measured over 24 inches in diameter.

Trees were not tagged by The Watershed Company, but instead identified #1 - #13 on an annotated PDF (See Appendices). Canopy radius is the average branch length from the trunk as measured with a tape measure; tree height is a visual estimate. A basic Level 1 visual assessment was used to evaluate the health and condition of trees in the study area in accordance with the International Society of Arboriculture (ISA) standards.

Table 1. Assessment of plant condition considers health, structure, and form. Each may be described in rating categories that will be translated into a percent rating. (CTLA 2018)

Rating Category	Condition Components			Percent Rating
	Health	Structure	Form	
Excellent - 1	High vigor and nearly perfect health with little or no twig dieback, discoloration, or defoliation.	Nearly ideal and free of defects.	Nearly ideal for the species. Generally symmetric. Consistent with the intended use.	81% to 100%
Good - 2	Vigor is normal for species. No significant damage due to diseases or pests. Any twig dieback, defoliation, or discoloration is minor.	Well-developed structure. Defects are minor and can be corrected.	Minor asymmetries/deviations from species norm. Mostly consistent with the intended use. Function and aesthetics are not compromised.	61% to 80%
Fair - 3	Reduced vigor. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Twig dieback, defoliation, discoloration, and/or dead branches may compromise up to 50% of the crown.	A single defect of a significant nature or multiple moderate defect. Defects are not practical to correct or would require multiple treatments over several years.	Major asymmetries/deviations from species norm and/or intended use. Function and/or aesthetics are compromised.	41% to 60%
Poor - 4	Unhealthy and declining in appearance. Poor vigor. Low foliage density and poor foliage color are present. Potentially fatal pest infestation. Extensive twig and/or branch dieback.	A single serious defect or multiple significant defects. Recent change in tree orientation. Observed structural problems cannot be corrected. Failure may occur at any time.	Largely asymmetric/abnormal. Detracts from intended use and/or aesthetics to a significant degree.	21% to 40%
Severe - 5	Poor vigor. Appears dying and in the last stages of life. Little live foliage.	Single or multiple severe defects. Failure is probable or imminent.	Visually unappealing. Provides little or no function in the landscape.	6% to 20%
Dead - 6				0% to 5%

Tree Inventory Results

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 LFPMP 16.14.030, and not subject to Lake Forest Park regulations. Red alder (*Alnus rubra*) is the most abundant species with eight

individuals, followed by three black cottonwood (*Populus trichocarpa*) trees. The largest inventoried tree is a western red cedar (*Thuja plicata*, Tree #9) with a DBH of 36.3-inches followed by a black cottonwood (Tree #11) with a DBH of 20-inches. A cherry tree (*Prunus sp.*) was also inventoried and assessed on-site. Tree #12 is a black cottonwood with a measured DBH of 36-inches, however, it was found to be dead and therefore not classified as a significant or a landmark tree. A complete table of tree attribute data can be found in *Appendix A - Tree Inventory Table*.

Table 2. Summary of inventoried tree species within the study area.

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

*Tree #5 has fallen over as of January 2022 and will not be credited as part of this study.

Lake Forest Park Municipal Code Requirements

Lake Forest Park regulates tree activity under LFPMC 16.14 Tree Canopy Preservation and Enhancement. Retention of significant and landmark trees promotes a more diverse, healthier, and greater tree canopy coverage which benefits future generations of residents while protecting and respecting private property rights.

Tree Permit Approval Criteria and Conditions - LFPMC 16.14.070

LFPMC 16.14.070 includes regulations related to tree preservation and enhancement. Due to the inventoried trees being rooted within a critical area buffer, a major tree permit is required.

Development proposals associated with this tree permit must demonstrate prioritization of the requirements listed in LFPMC 16.14.070.D. Proposals shall place a strong emphasis on tree protection and incorporate trees as a site amenity. Per LFPMC, tree retention plans shall demonstrate prioritization of the following:

- i. Existing viable trees in groups or stands;*
- ii. Exceptional trees or other high quality open-grown, windfirm trees;*
- iii. Landmark trees;*
- iv. Trees in critical area buffers, or adjacent to critical area buffers;*
- v. Trees that are interdependent with and therefore critical to the integrity of stands of other protected trees;*
- vi. Other individual trees that will be windfirm, high quality trees if retained;*
- vii. Other trees that provide wildlife or riparian habitat, screening, buffering or other amenities;*
- viii. Trees that help to protect neighbors' trees from windthrow, or other trees within required yard setbacks or on the perimeter; and*
- ix. Trees next to parks or other open space areas.*

Environmentally Critical Areas and Buffers – LFPMC 16.14.080

Removal of trees within critical areas and their buffers is generally prohibited, with specific exceptions outlined under LFPMC 16.14.080.A. Pursuant to LFPMC 16.14.080.A.4, the removal of non-exceptional trees from within critical areas and buffers is allowed when the tree removal is part of an approved action under LFPMC 16.16. If allowed, tree removal is permissible between April 1st and September 30th and proposals must be accompanied by a temporary erosion control plan approved by the administrator.

Additionally, at the request of the administrator, LFPMC 16.14.080.C requires that a qualified professional determine whether or not the tree removal proposed within a critical area buffer is likely to cause damage to the critical area or buffer or reduce its ecological function.

Tree Replacement 16.14.090

The approval of a major tree permit is conditioned upon several factors as outlined in LFPMC 16.14.070.D. The applicant must submit a tree replacement plan demonstrating that replacement trees will, at a minimum, meet applicable canopy coverage goals (see Site Canopy Assessment, below). The City of Lake Forest Park has canopy coverage goals based upon lot size and land use as shown in Table 2: Canopy Coverage Goal in LFPMC 16.14.070.A.

If replacement trees are required, to be compliant with the canopy coverage goal of the city, then trees should be selected from the Approved General Tree List for the City of Lake Forest Park (<https://www.cityofflp.com/239/Tree-List>) and should be evergreen, native species. Invasive trees, as defined by the city in LFP MC 16.14.030 cannot be used as replacement trees. All replacement trees must meet the minimum standards for size and quality according to the current edition of the ANSI Z60.1 standard for nursery stock.

Site Canopy Assessment

Parcel #4022900497 is zoned single-family residential and has an area of 11,369 square feet per the Boundary & Topographic Survey by PLOG Engineering, dated May 22, 2019. Canopy coverage is measured by the percentage of canopy provided by existing trees, or the projected canopy coverage to be provided by newly planted or immature trees. The canopy coverage goal for lots between 10,000 to 15,000 square feet is 39 percent.

Using i-Tree Canopy analysis and taking 30 survey points of the project area, tree canopy cover dominates the site at approximately 90-percent of the total area while the remaining 10-percent is understory vegetation or the driveway for the home located at 3611 NE 205th St.

Impact Assessment

Per the designs provided by the client of the single-family home, two inventoried trees will need to be removed (Table 3). Of these two trees, one is of Landmark status, and one is significant.

Tree #9 is the Landmark tree identified for removal for this project. It has a diameter of 36.3 inches and was found to be in *Good* condition. Tree #11 has a diameter of 20 inches and is in *Severe* condition. This tree has fallen over but is still sprouting new growth.

Table 3. List of inventoried trees that will need to be removed.

Tag #	Scientific Name / Common Name	DBH (in)	Height (ft)	Condition	Exceptional	Landmark
9	<i>Thuja plicata</i> (Western red cedar)	36.3	100	Good	-	X
11	<i>Populus trichocarpa</i> (Black cottonwood)	20	50	Severe	-	-

Tree Protection fencing for retained trees within proximity to construction activities should be placed at a bare minimum around the Interior Critical Root Zone (ICRZ). The ICRZ is the area

encircling the tree, one-half the diameter of the Critical Root Zone (CRZ). Any impacts to the area within the ICRZ can cause significant or potentially life-threatening damage to the tree. A complete list of impacted trees can be found in Table 4 below along with the distance that Tree Protection Fencing should be placed at a minimum to protect the ICRZ.

Table 4. Projected impacted trees from the new single-family home.

Tag #	Scientific Name / Common Name	DBH (in)	Height (ft)	Condition	Tree Protection Fencing Min. (ft)
10	<i>Prunus sp. menziesii</i> (Douglas-fir)	9	60	Poor	4.5
13	<i>Alnus rubra</i> (Red alder)	8.5	55	Fair	4.25

Project Compliance

With the removal of the above-mentioned trees, the subject parcel will have a remaining canopy coverage of 63.2-percent, which exceeds the minimum requirements set forth in 16.14.070. No replacement trees or supplemental plantings are required.

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.
- **Minimize root zone compaction:** A 6-inch layer of coarse mulch or woodchips is to be placed beneath the dripline of the protected trees. Mulch is to be kept 12-inches from the trunk.
- **Hand dig:** All excavation done within the dripline, or when roots are encountered smaller than 2-inches, should be done by hand or by using an air spade.
- **Minimize injury:** When tree roots must be removed, cut roots cleanly using a sharp saw or pruners. Do not rip or cut tree roots with heavy equipment.

- **Monitor construction:** An ISA-certified arborist should be present on-site during construction activities within the CRZ of retained trees to monitor tree protection, assist with changes in the field, and document construction impacts.

Limitations of This Study

The findings of this report are based on the best available science and are limited to the scope, budget, and site conditions at the time of the assessment. Although the information in this report is based on sound methodology, internal structural flaws (such as cracking or root rot) or other conditions that are not visible cannot be detected with this limited basic visual screening. Trees are inherently unpredictable. Even vigorous and healthy trees can fail due to high winds, heavy snow, ice storms, or rain.

This report is based on the current observable conditions and may not represent future conditions of the trees. Any change in site condition, including clearing and grading, will alter the condition of remaining trees in a way that is not predictable. Remaining trees should be monitored for signs of stress, pathogens and structural defects after clearing and home construction.

The conclusions contained within this report have been made for permitting purposes only. They are not intended for use by the property owner or adjacent homeowner to evaluate tree risk. Tree assessment related to occupant safety and safeguarding new structures or other targets must be done separately and after building has been completed. Please call if you have any questions or if we can provide you with any additional information.

Sincerely,

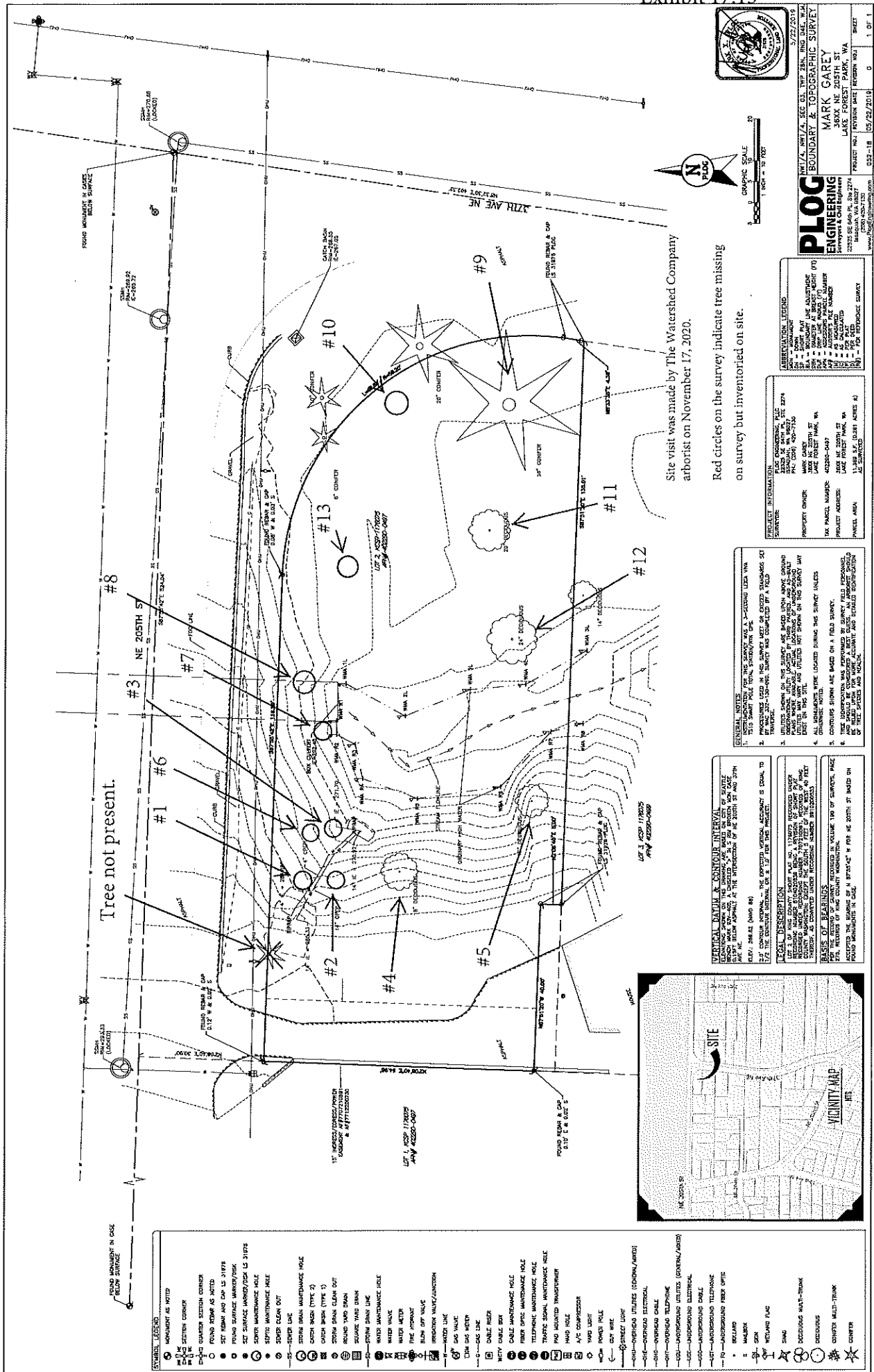


Jake Robertson
ISA Certified Arborist® PN-8934A

Appendix A: Tree Inventory Table

TAG #	TREE NAME	EV / DEC	# STEMS	COMB. DBH (IN)	HEIGHT (FT)	RADIUS (FT)	CONDITION	SIGNIFICANT (Y/N)	LANDMARK (Y/N)	NOTES
1	Alnus rubra (Red alder)	D	1	12.3	35	7	Fair	Y	N	Located on steep slope.
2	Alnus rubra (Red alder)	D	1	8.6	40	7	Fair	Y	N	Located on steep slope.
3	Alnus rubra (Red alder)	D	1	8.5	40	11	Fair	Y	N	Located on steep slope.
4	Populus trichocarpa (Black cottonwood)	D	1	18.0	45	14	Dead	N	N	
5	Alnus rubra (Red alder)	D	1	19.0	45	22	Poor	Y	N	Has an uncorrected lean to the East over the stream. Growing in sandy soil which is showing some signs of uplift.
6	Alnus rubra (Red alder)	D	1	8.6	25	11	Fair	Y	N	
7	Alnus rubra (Red alder)	D	1	8.5	25	12	Fair	Y	N	
8	Alnus rubra (Red alder)	D	1	14.0	25	19	Poor	Y	N	Branches intertwined with overhead utility lines.
9	Thuja plicata (Western red cedar)	E	1	36.3	100	16	Good	Y	Y	Co-dominant stems at 7 feet.
10	Prunus sp. (Cherry species)	D	1	9.0	60	11	Poor	Y	N	Ivy growing up stem.
11	Populus trichocarpa (Black cottonwood)	D	1	20.0	50	14	Severe	Y	N	Fallen over but still sprouting new growth. Root plate still intact and buried.
12	Populus trichocarpa (Black cottonwood)	D	1	36.0	30	12	Dead	N	N	
13	Alnus rubra (Red alder)	D	1	8.5	55	23	Fair	Y	N	

Appendix B: Tree Inventory Map



Commissioners:

Ron Ricker

Charlotte Haines

Patricia Hale

District Manager:

Diane Pottinger, P.E.

November 20, 2020

Mark J Garey
14827 88TH AVE NE
Kenmore, WA 98028

Re: Fire Flow Analysis Task Order No. 1740
36XX NE 205TH ST (parcel 4022900497)
Lake Forest Park, WA 98155

Dear Mr. Mark J Garey,

Attached is the Fire Flow Analysis requested for your project. Below are the requirements based on the District's design criteria.

Fire Flow Available per Attached	1400 gpm
Water System Improvements Required to Complete Project	NO
Water System Extension Required	NO
Analysis Expiration Date	11-20-2021
Please contact North City Water District for Water System Improvement details.	

Note: North City Water District requires the property owner to upgrade the existing water service to meet the current District Standards. Fire Service may be required.

Should you have any question concerning the above, please feel free to contact me at (206) 362-8100.

Sincerely,



Denny Clouse
Operations Manager



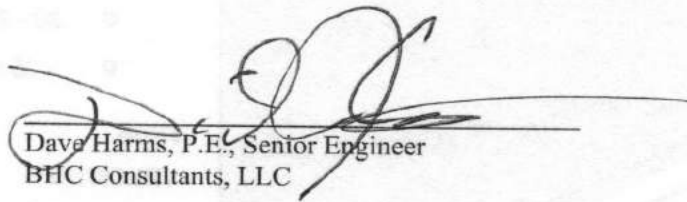
NORTH CITY WATER DISTRICT

FIRE FLOW ANALYSIS INFORMATION

Task Order No.: <u>1740</u>	Date: <u>November 20, 2020</u>
Applicant Name: <u>Mark J Garey</u>	Project Location: <u>36xx NE 205th St. LFP</u>
Proposed Use:	<u>Single Family Home</u>
Static Pressure Range at Project Location:	<u>95 psi (minimum); 99 psi (maximum)</u>
Available Fire Flow (@ 20 psi min or 10 fps max):	<u>1,400 GPM</u>
Distance from Property to Fire Flow Hydrant(s):	<u>220 feet</u>
Location of Fire Hydrant(s) (Refer to Attached Map):	<u>24312 NE 205th St (Hydrant E1-1, 502 Zone)</u>
Fire Flow Analysis Expiration Date:	<u>(one year from date of issuance)</u>

A hydraulic analysis of the District's water distribution system was performed to determine available fire flow at the above-referenced project location. The analysis was conducted in accordance with WAC 246-290-230. Specific analysis criteria and operational conditions are as follows:

- This analysis is based on the District's existing water distribution system configuration.
- Analysis results indicate the capacity of the distribution system (as opposed to a given fire hydrant) to produce the required fire flow with a minimum residual pressure of 20 psi at all points throughout the distribution system (not including transmission piping). Actual fire flows may vary due to distribution system changes, variations in system demand and operational conditions.
- Fire hydrant distance is measured from the project line fronting the right-of-way, to the hydrant. Results of this analysis do not include potential new project site piping or hydrants.
- Minimum static pressure is based on Peak Hour Demand and reservoirs at the bottom of their respective equalizing ranges.
- Maximum static pressure is based on minimum system demand and reservoirs full.
- Fire flow demand is superimposed over existing Maximum Day Demand (MDD).
- The amount of fire suppression storage volume is based on Zoning/Land-use type, as defined in the Comprehensive Plan and does not consider actual structures proposed by the applicant.
- Maximum allowed velocity in the distribution system is 10 feet per second for existing mains and 8 feet per second for new mains, during MDD plus fire flow conditions.
- The 590 to 502 zone PRV at the 3.7 tank site is offline for this analysis. Supply Stations 1 and 3 to the 502 zone are at their normal setpoints.
- All pressure reducing stations are operating at their normal setpoints.


 Dave Harms, P.E., Senior Engineer
 BHC Consultants, LLC



17711 Ballinger Way NE
Lake Forest Park, WA 98155
Telephone: (206) 364-7711



Lake Forest Park

CITY OF LAKE FOREST PARK CERTIFICATE OF WATER AVAILABILITY

Do not write in this box

Number

Name

☒ Building Permit

☐ Preliminary Plat or PUD

☐ Short Subdivision

☐ Rezone or Other

Applicant's Name Mark J Garey

Proposed Use Single Family Residence

Location Parcel 4022900497

(Attach map and legal description if necessary)

WATER PURVEYOR INFORMATION

1. a. ☒ **Domestic Service Only:** Water will be provided by service connection only to an existing 6 water main 20 feet from the site. size
- b. ☒ **Domestic, Fire and Other Service: (See back of form)** Water service will require an improvement to the water system of:
- ☐ (1) feet of water main to reach the site; and/or
- ☐ (2) the construction of a distribution system on the site; and/or
- ☒ (3) other (describe) improvement may be required, depending on fire flow requirement
2. a. ☒ The water system is in conformance with a County approved water comprehensive plan.
- OR b. ☐ The water system improvement will require a water comprehensive plan amendment.
3. a. ☒ The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board approval for extension of service outside the district or city, or is within the County approved service area of a private water purveyor.
- OR b. ☐ Annexation or BRB approval will be necessary to provide service.
4. a. ☒ Water is/~~or will be~~ available at the rate of flow and duration indicated below at no less than 20 psi measured at the fire hydrant 220' from the building/property (or as marked on the attached map):
- | Rate of Flow | Duration |
|--|--|
| <input type="checkbox"/> Less than 500 gpm (approx. _____ gpm) | <input type="checkbox"/> less than 1 hour |
| <input type="checkbox"/> 500 to 999 gpm _____ | <input type="checkbox"/> 1 hour to 2 hours |
| <input type="checkbox"/> 1,000 gpm or more | <input checked="" type="checkbox"/> 2 hours or more |
| <input type="checkbox"/> flow test of _____ gpm | <input type="checkbox"/> other |
| <input checked="" type="checkbox"/> calculation of <u>1400</u> gpm | (Commercial Building permits require flow test or calculation) |
- OR b. ☐ Water system is not capable of providing fire flow.

COMMENTS/CONDITIONS: (1) The fire flow requirement for the applicant's proposed project must be determined to identify if improvements to the District's system are necessary. (2) This is not an application for or approval of water service to the proposed site. A proper application must be filed with and accepted by the District before service will be provided. The District has a connection charge (also called general facilities charge) and meter installation charge for each new water service provided. It is recommended that the applicant consult with the District to obtain applicable fees, charges, and procedures which may change during the property development process.

I hereby certify that the above water purveyor information is true. This certification shall be valid for one year from date of signature.

NORTH CITY WATER DISTRICT

Agency Name

Operations Manager

Title

Denny Clouse

Signatory Name

Signature

Date

11/20/2020

ADDITIONAL INFORMATION FOR EACH NUMBERED ITEM ON FORM FRONT

- 1A. Domestic service only is referenced in this item, 1A. Domestic service is for in-house consumption only and excludes fire protection.
- 1B. Service for a combination of domestic, fire and other conditions is referenced in this item.
- 4A. A computer analysis of the District's water system was performed for the purpose of determining the available water supply to fight a fire at the project location described above. This analysis was based on the District's existing water system, without any development related improvements. The results of the analysis indicate the fire flow capacity of the District's existing system as shown on this form at a minimum residual pressure of 20 psi at all points throughout the distribution system. Actual fire flows may vary due to water system configuration changes, time of day, demands on system, and operational parameters.

A summary of the operational conditions used in the analysis follows:

- The District was experiencing buildout peak day demand conditions.
- Supply Stations 1 and 3, 660 Zone Booster Pump Station, and Booster Stations 1 and 2 were operating. Supply Station 3 connected to 492 Zone.
- The 3.7 MG Reservoir level was drawn down 34.5 feet, and the 2.0 MG 424 Zone Reservoir level was drawn down 19 feet.
- All pressure reducing stations were operating at their normal setpoints.
- WAC 246-290-230 (6) Distribution systems – If fire flow is to be provided, the distribution system shall also provide maximum day demand (MDD) plus the required fire flow at a pressure of at least 20 psi (140 kPa) at all points throughout the distribution system, and under the condition where the designed volume of fire suppression and equalizing storage has been depleted.
- Maximum allowed velocity in the distribution system is 10 feet per second during peak day demand and fire flow conditions.



17425 Ballinger Way NE
Lake Forest Park, WA 98155
Phone: (206) 368-5440 Fax:
(206) 364-8521
OCT 18 2019

City of Lake Forest Park

OFFICE USE ONLY

Application Date	10/18/19
Application Number	2019-SSA-0009
Fee Amount (\$100 per connection)	105.00
Receipt Number	

Certificate of Sewer Availability

Type of Project (Single Family Residents, Subdivision, etc.): Single Family Home

Number of New Connections: 1 Site Address: Corner of NE 205th St and 39th Ave NE

Parcel Number(s): 402290-0497

Owner of Record: Mark Garey

Contact Name: Mark Garey Contact Phone: 206-446-9090

OFFICE USE ONLY

Sewer Information (To Be Completed By Sewer District)

☒ Sewer service will be provided by connection to an existing unk. 12" ϕ size sewer 60 \pm feet from the property line and the sewer system has the capacity to serve the propose use.

Or sewer service will require an improvement of:

- ☐ _____ feet or sewer trunk or lateral to reach the property line.
- ☐ Other: _____
- ☐ Pump System: _____

Approval is subject to the following:

- ☐ Connection Charge: \$ _____ Permit Fee: \$ _____ Total: \$ _____
- ☐ Easement(s): _____ Date Received: _____
- ☐ As-builts: _____ Date Received: _____
- ☐ Other: _____ Date Received: _____

I, representative of the Lake Forest Park Sewer District, hereby certify that the above information is true.

This certification is valid for one year from date of signature.

Heif Jensen
Name

City Engineer
Title

11/19/19
Date

Mayor
Jeff R. Johnson

17425 Ballinger Way NE
Lake Forest Park, WA 98155-5556
Telephone: 206-368-5440
Fax: 206-364-6521
E-mail: cityhall@ci.lake-forest-park.wa.us
www.cityoflfp.com



Councilmembers
Tom French
Phillippa M. Kassover
Mark Phillips
E. John Resha III
Catherine Stanford
Semra Riddle
John A. E. Wright

PUBLIC NOTICE

NOTICE OF APPLICATION FOR REASONABLE USE EXCEPTION

File Number: 2021-RUE-0001

Proponent: Mark Garey

Permit Type: Reasonable Use Exception

Location of proposal: Address not yet officially assigned; Parcel # 4022900497

Zoning: RS-9.6

Proposal: The applicant is seeking a reasonable use exception from critical area regulations to construct a single-family residence on a single parcel. Access improvements, critical area mitigation, and stormwater facilities are also included and required in the proposal.

Date Submitted: May 20, 2021

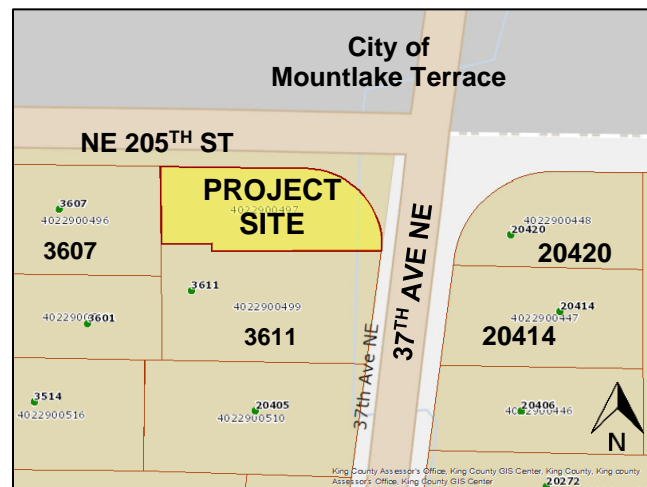
Date of Complete Application: October 25, 2021

Other Major Approvals Needed: Tree Removal Permit, Critical Area Work Permit, Building Permit, Clearing and Grading Permit. A public hearing is required for these applications and will be notice separately.

Environmental Review: After review of the proposal and the State Environmental Policy Act (SEPA), the City expects to issue an exemption for the proposal as it is typically categorically exempt under WAC 197-11-800 (6) (a).

Public Comment: Interested parties may comment on this application by submitting written comments to Lake Forest Park City Hall, 17425 Bothell Way NE, Lake Forest Park, WA 98155 or via email to aplanner@cityoflfp.com for fourteen days following the publication date of this notice.

Additional Information: Additional information may be obtained by contacting the Lake Forest Park Planning Department at (206) 957-2837 or at the City's Notices and Announcements webpage (www.cityoflfp.com/313/Notices-and-Announcements). Materials related to this proposal may be reviewed at City Hall on Monday through Friday at the hours of 9:00 am to 5:00 pm. Contact Cameron Tuck, Assistant Planner, at ctuck@cityoflfp.com if you prefer to make an appointment to review the materials with a planner's assistance.



File Number: 2021-RUE-0001

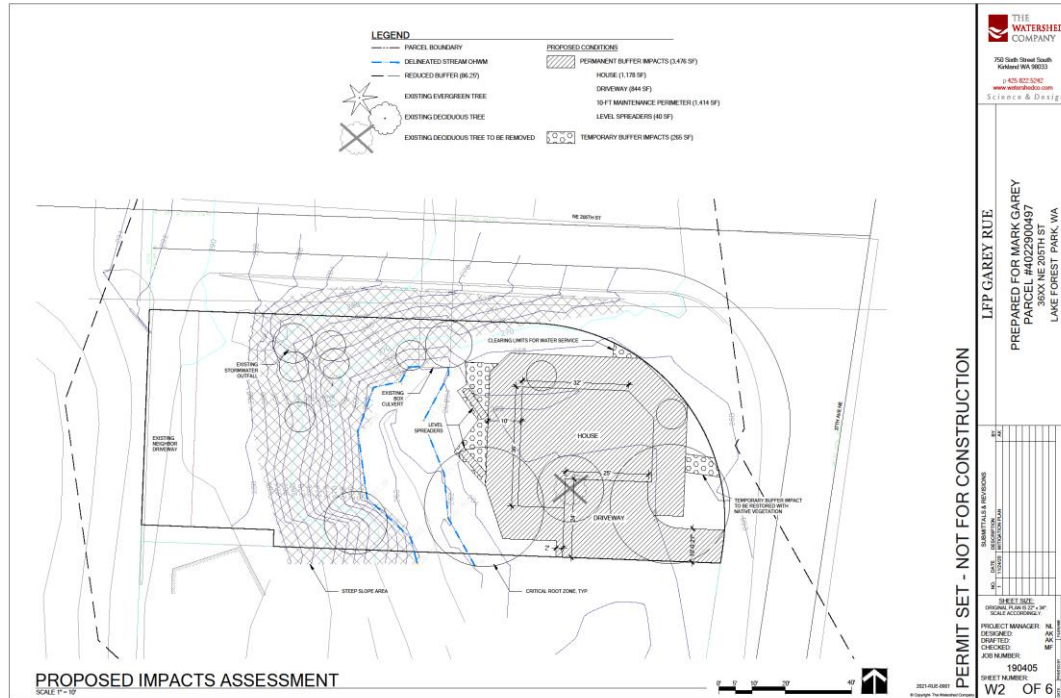
Proponent: Mark Garey

Location of proposal: Address not yet officially assigned; Parcel # 4022900497

Zoning: RS-9.6

Proposal: The applicant is seeking a reasonable use exception from critical area regulations to construct a single-family residence on a single parcel. Access improvements, critical area mitigation, and stormwater facilities are also included and required in the proposal.

Applicant-Submitted Proposal (not to scale):



Notice Date: November 8, 2021

Community Development Director
Mark Hofman

17425 Ballinger Way NE
Lake Forest Park, WA 98155-5556
Phone: 206-957-2824
Email: mhofman@cityoflfp.gov
www.cityoflfp.gov



NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT FOR A REASONABLE USE EXCEPTION (RUE) APPLICATION

File Number: 2021-RUE-0001

Proponent: Mark Garey

Permit Type: Reasonable Use Exception (Type I – Quasi-Judicial Decision of the Hearing Examiner, per LFPMC Section 16.26.030)

Location of proposal: Address not yet officially assigned; Parcel # 4022900497

Zoning: RS-9.6, Single-Family Residential, Moderate/High

Proposal: The applicant is seeking a reasonable use exception from critical area regulations to construct a single-family residence and attached garage with a 1,100 square foot footprint on an existing legal lot of record containing a fish-bearing stream, buffer, and associated steep slopes. Access improvements, critical area mitigation, and stormwater facilities are also included in the proposal.

Code Administrator's Recommendation: Denial, as currently proposed

Application Date: May 20, 2021

Date of Complete Application: October 25, 2021

Date and Format of Open Record Public Hearing: March 19, 2025 at 6pm. This hearing will be conducted virtually using Zoom Webinar and in person at Lake Forest Park City Hall, 17425 Ballinger Way NE, Lake Forest Park, WA 98155 in the Council Chambers. The following link can be used to participate in the hearing virtually: <https://us06web.zoom.us/j/87017153147>

Other Major Approvals Needed: Tree Permit, Critical Area Work Permit, Building Permit, Clearing and Grading Permit, Right of Way Permit.

Environmental Review: A mitigated determination of nonsignificance (MDNS) was issued under WAC 197-11-350 on July 19, 2024. No appeals were received on the determination.

Public Comment: Interested parties may comment on this application by submitting written comments to Lake Forest Park City Hall, 17425 Bothell Way NE, Lake Forest Park, WA 98155 or via dgreetham@cityoflfp.gov up to and including the hearing. Oral comment will be accepted at the hearing.

Additional Information: Additional information may be obtained by contacting the City of Lake Forest Park Community Development Department at (206) 957-2824 or at the City's Notices and Announcements webpage (www.cityoflfp.com/313/Notices-and-Announcements). Hearing exhibits and materials related to this proposal may be reviewed at <https://www.cityoflfp.gov/690/Garey-Reasonable-Use-Exception-RUE>, or at City Hall Monday through Friday at the hours of 9:00 am to Noon and 1pm to 3:00 pm. Contact David Greetham at dgreetham@cityoflfp.gov if you prefer to make an appointment to review the materials with a planner's assistance.

Notice Date: March 4, 2025

3607
4022900496

4022900497

3611
4022900499

3601
4022900498

3514
4022900516

20405
4022900510

37th Ave NE

20420
4022900448

20414
4022900447

20406
4022900446

20272

King County Assessor's Office, King County GIS Center, King County, King county Assessor's Office, King County GIS Center



Affidavit of Notification –

Notice of Hearing & Comment Period for Garey RUE

Permit #: 2021-RUE-0001 Hearing Date: Wednesday, March 19, 2025, 6pm

Owner of Record: Mark Garey

Property Address: Address not assigned, corner of NE 205th St. and 37th Ave NE; Parcel Number 4022900497

I affirm that notice of hearing and comment period was:

☒ Posted on-site Date: 3/4/25 Signature: Mark Hofman
Date Posted: 2x 3/4/2025 Print Name and Title: Mark Hofman, Community Development Director

☒ Posted at City Hall, Third Place, Library Date: 3/4/25 Signature: Mark Hofman
Date Posted: 3/4/25 Print Name and Title: Mark Hofman, Community Development Director

☒ Posted online/web Date: 3/4/25 Signature: Mark Hofman
Date Posted: 3/4/25 Print Name and Title: Mark Hofman, Community Development Director

☒ Published in Newspaper Date: 2/28/25 Signature: Mark Hofman
Date Posted: 3/4/25 Print Name and Title: Mark Hofman, Community Development Director

☒ Mailed to owners of properties w/in min. 300' Date: 3/3/25 Signature: Mark Hofman
Date Posted: 3/3/25 Print Name and Title: Mark Hofman, Community Development Director

☒ Emailed to Parties of Record Date: 3/4/25 Signature: Mark Hofman
Date Posted: 3/4/25 Print Name and Title: Mark Hofman, Community Development Director

☒ Emailed to Applicant Date: 3/5/25 Signature: Mark Hofman
Date Posted: 3/5/25 Print Name and Title: Mark Hofman, Community Development Director

(No subject)

From Mark Hofman <mhofman@cityofflp.gov>

Date Tue 3/4/2025 4:34 PM

To Mark Hofman <mhofman@cityofflp.gov>

Site Posting - 2 locations/side & front yard of project site.



Sent from my iPhone

Re: 93637 - Legal Ad

From Mark Hofman <mhofman@cityofflp.gov>

Date Fri 2/28/2025 2:51 PM

To Legals <legals@seattletimes.com>

Thank you, all good



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

From: Legals <legals@seattletimes.com>

Sent: Friday, February 28, 2025 2:42 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Subject: RE: 93637 - Legal Ad

Hi Mark,

This notice is scheduled to publish on March 4, the total is \$181.50.

**NOTICE OF PUBLIC HEARING AND
PUBLIC COMMENT
FOR A REASONABLE USE EXCEPTION
(RUE) APPLICATION**

File Number: 2021-RUE-0001

Proponent: Mark Garey

Permit Type: Reasonable Use Exception (Type
I - Quasi-Judicial Decision of the Hearing
Examiner, per LFP/MC Section 16.26.030)

Location of proposal: Address not yet officially
assigned; Parcel # 4022900497

Zoning: RS-9.6, Single-Family Residential,
Moderate/High

Proposal: The applicant is seeking a reason-
able use exception from critical area regula-
tions to construct a single-family residence and
attached garage with a 1,100 square foot foot-
print on an existing legal lot of record contain-
ing a fish-bearing stream, buffer, and associ-
ated steep slopes. Access improvements, criti-
cal area mitigation, and stormwater facilities
are also included in the proposal.

Code Administrator's Recommendation:

Denial, as currently proposed

Application Date: May 20, 2021

Date of Complete Application: October 25, 2021

**Date and Format of Open Record Public Hear-
ing:** March 19, 2025 at 6pm. This hearing will be
conducted virtually using Zoom Webinar and in
person at Lake Forest Park City Hall, 17425
Ballinger Way NE, Lake Forest Park, WA 98155
in the Council Chambers. The following link can
be used to participate in the hearing virtually:
<https://us06web.zoom.us/j/87017153147>

Other Major Approvals Needed: Tree Permit,
Critical Area Work Permit, Building Permit,
Clearing and Grading Permit, Right of Way
Permit.

Environmental Review: A mitigated determi-
nation of nonsignificance (MDNS) was issued
under WAC 197-11-350 on July 19, 2024. No
appeals were received on the determination.

Public Comment: Interested parties may com-
ment on this application by submitting written
comments to Lake Forest Park City Hall, 17425
Bothell Way NE, Lake Forest Park, WA 98155
or via dgreetham@cityoflfp.gov up to and
including the hearing. Oral comment will be
accepted at the hearing.

Additional Information: Additional information
may be obtained by contacting the Lake Forest
Park Community Development Department at
(206) 957-2824 or at the City's Notices and
Announcements webpage ([www.cityoflfp.com/
313/Notices-and-Announcements](http://www.cityoflfp.com/313/Notices-and-Announcements)). Hearing
exhibits and materials related to this proposal
may be reviewed at [https://www.cityoflfp.
gov/690/Garey-Reasonable-Use-Exception-
RUE](https://www.cityoflfp.gov/690/Garey-Reasonable-Use-Exception-RUE), or at City Hall Monday through Friday at
the hours of 9:00 am to Noon and 1pm to 3:00
pm. Contact David Greetham at
dgreetham@cityoflfp.gov if you prefer to make
an appointment to review the materials with a
planner's assistance.

Notice Date: March 4, 2025

Newspaper of Record: Seattle Times
March 4, 2025

Thank you,

Holly Botts (she/her)

Legal Advertising Representative

p: (206) 652-6018

e: legals@seattletimes.com

The Seattle Times

MEDIA SOLUTIONS

Smart marketing with local impact

Community Development Director
Mark Hofman

17425 Ballinger Way NE
Lake Forest Park, WA 98155-5556
Phone: 206-957-2824
Email: mhofman@cityoflfp.gov
www.cityofLFP.gov



* 28 Mailed
Mon. March 3, 2025

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT FOR A REASONABLE USE EXCEPTION (RUE) APPLICATION

File Number: 2021-RUE-0001

Proponent: Mark Garey

Permit Type: Reasonable Use Exception (Type I – Quasi-Judicial Decision of the Hearing Examiner, per LFPMC Section 16.26.030)

Location of proposal: Address not yet officially assigned; Parcel # 4022900497

Zoning: RS-9.6, Single-Family Residential, Moderate/High

Proposal: The applicant is seeking a reasonable use exception from critical area regulations to construct a single-family residence and attached garage with a 1,100 square foot footprint on an existing legal lot of record containing a fish-bearing stream, buffer, and associated steep slopes. Access improvements, critical area mitigation, and stormwater facilities are also included in the proposal.

Code Administrator's Recommendation: Denial, as currently proposed

Application Date: May 20, 2021

Date of Complete Application: October 25, 2021

Date and Format of Open Record Public Hearing: March 19, 2025 at 6pm. This hearing will be conducted virtually using Zoom Webinar and in person at Lake Forest Park City Hall, 17425 Ballinger Way NE, Lake Forest Park, WA 98155 in the Council Chambers. The following link can be used to participate in the hearing virtually: <https://us06web.zoom.us/j/87017153147>

Other Major Approvals Needed: Tree Permit, Critical Area Work Permit, Building Permit, Clearing and Grading Permit, Right of Way Permit.

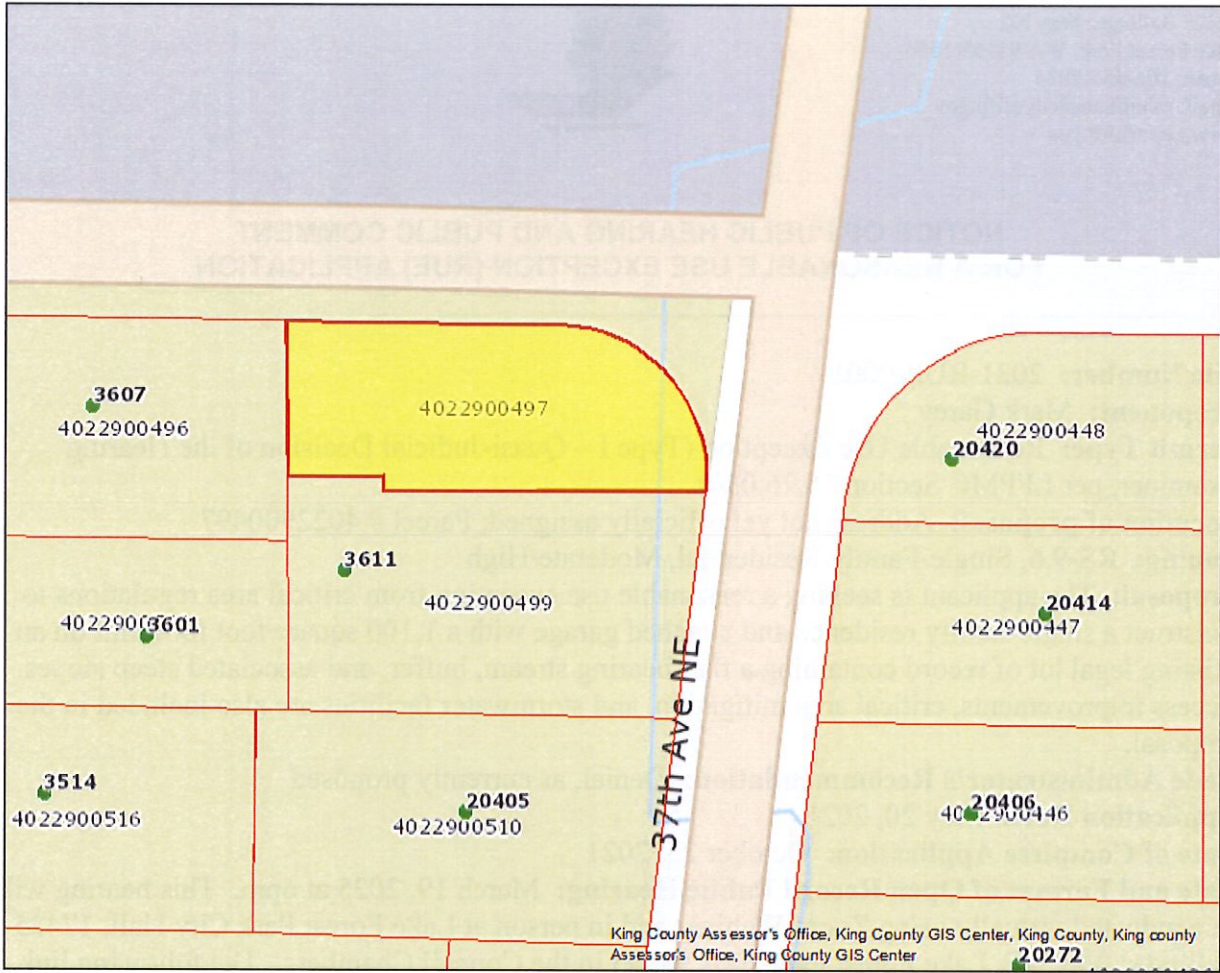
Environmental Review: A mitigated determination of nonsignificance (MDNS) was issued under WAC 197-11-350 on July 19, 2024. No appeals were received on the determination.

Public Comment: Interested parties may comment on this application by submitting written comments to Lake Forest Park City Hall, 17425 Bothell Way NE, Lake Forest Park, WA 98155 or via dgreetham@cityoflfp.gov up to and including the hearing. Oral comment will be accepted at the hearing.

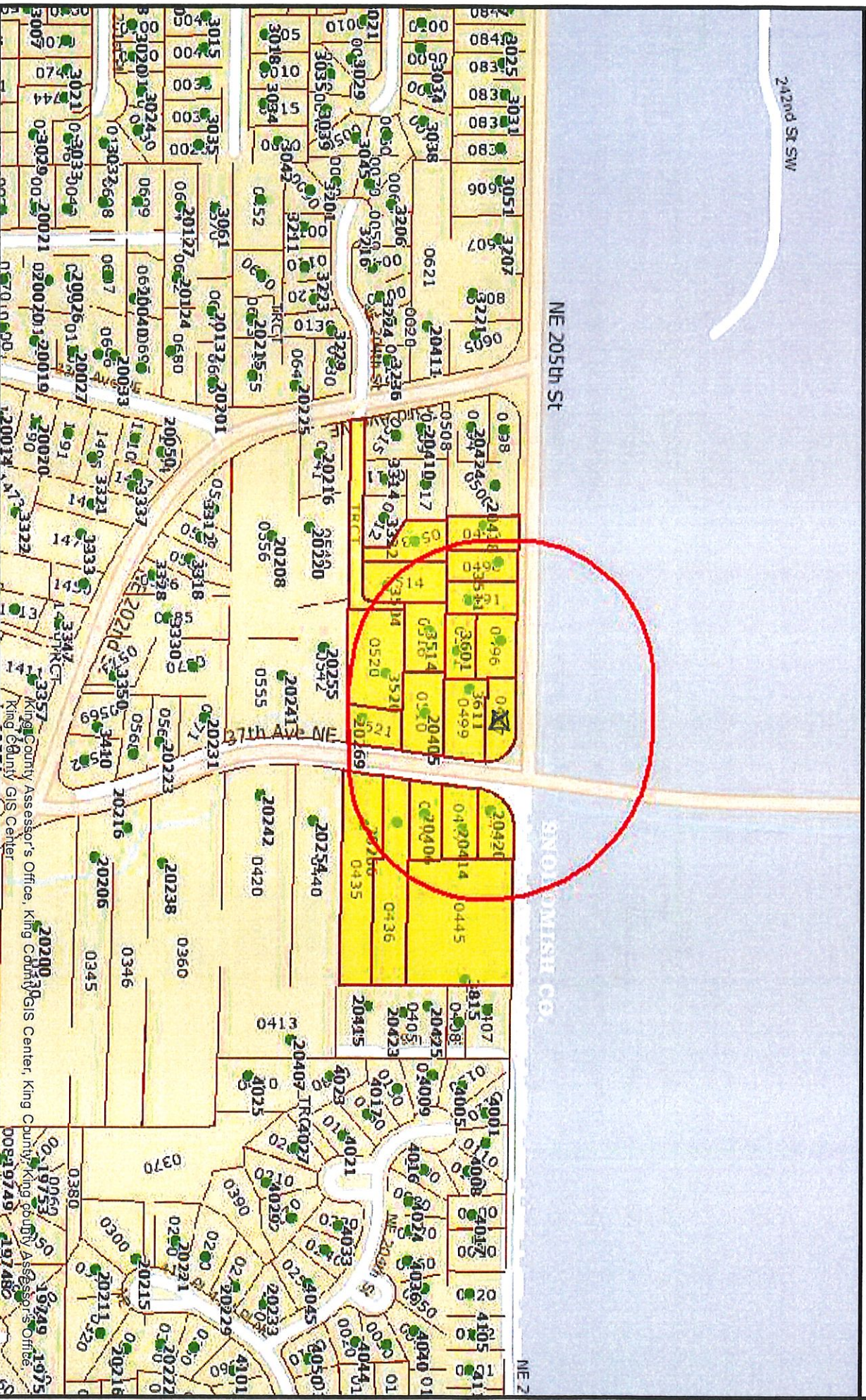
Additional Information: Additional information may be obtained by contacting the City of Lake Forest Park Community Development Department at (206) 957-2824 or at the City's Notices and Announcements webpage (www.cityoflfp.com/313/Notices-and-Announcements). Hearing exhibits and materials related to this proposal may be reviewed at <https://www.cityoflfp.gov/690/Garey-Reasonable-Use-Exception-RUE>, or at City Hall Monday through Friday at the hours of 9:00 am to Noon and 1pm to 3:00 pm. Contact David Greetham at dgreetham@cityoflfp.gov if you prefer to make an appointment to review the materials with a planner's assistance.

Notice Date: March 4, 2025

Vicinity Map & Project Site



King County



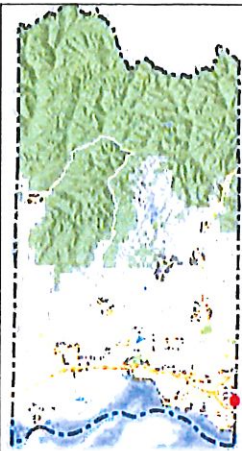
The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 2/28/2025

19 Minded - Mon. March 3, 2015

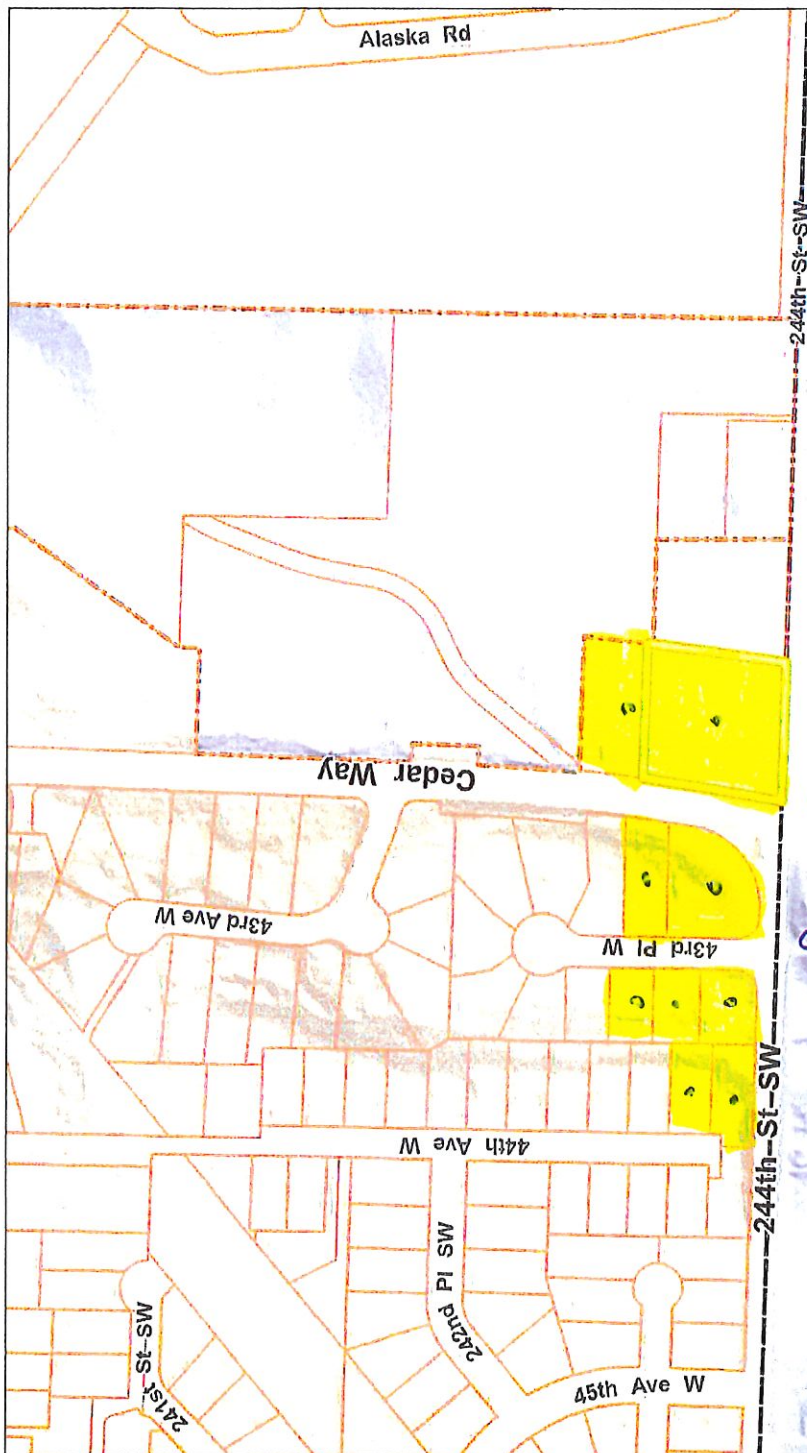
Parcel number	Taxpayer name	Parcel address	Jurisdiction	Zip code	Appraised value
4022900435	KWAN AMELIA+MENARD DARCY	20266 37TH AVE NE	LAKE FOREST PARK	98155	683000
4022900436	MENARD DARCY & KWAN AMELIA	20272 37TH AVE NE	LAKE FOREST PARK	98155	711000
4022900445	ANGUS BEVAN & JULIANNE ROSE	3815 NE 205TH ST	LAKE FOREST PARK	98155	871000
4022900446	SINGH SIDDHARTH _JUVEKAR P	20406 37TH AVE NE	LAKE FOREST PARK	98155	700000
4022900447	PAK KUM T	20414 37TH AVE NE	LAKE FOREST PARK	98155	731000
4022900448	BLAESING JARROD L	20420 37TH AVE NE	LAKE FOREST PARK	98155	827000
4022900490	WILLOX JOHN F+JILL TURNER	3505 NE 205TH ST	LAKE FOREST PARK	98155	612000
4022900491	ANDERSON LAWRENCE P+KATHLEEN	3511 NE 205TH ST	LAKE FOREST PARK	98155	803000
4022900495	TIBBETTS ANGELA & GLENN	20418 33RD AVE NE	LAKE FOREST PARK	98155	825000
4022900496	AUGER RICHARD	3607 NE 205TH ST	LAKE FOREST PARK	98155	476000
4022900497	GAREY MARK J	#Error	LAKE FOREST PARK		18000
4022900499	JANG JOLENE K	3611 NE 205TH ST	LAKE FOREST PARK	98155	739000
4022900501	AUGER RICHARD+STACEY A	3601 NE 205TH ST	LAKE FOREST PARK	98155	760000
4022900510	EVANS JASON RUSSELL+CORRIE	20405 37TH AVE NE	LAKE FOREST PARK	98155	638000
4022900513	WEBER CAROL J	3502 NE 204TH ST	LAKE FOREST PARK	98155	635000
4022900514	MEYER BENT	3504 NE 204TH ST	LAKE FOREST PARK	98155	616000
4022900516	ANDERSON JOHN C+JOYCE T	3514 NE 204TH ST	LAKE FOREST PARK	98155	729000
4022900520	DICENZO LINDA	3520 NE 204TH ST	LAKE FOREST PARK	98155	778000
4022900521	THIEL KATERINA L	20269 37TH AVE NE	LAKE FOREST PARK	98155	627000

02-28-2025



Legend

- Parcel
- Recent Sales 2025
- Recent Sales 2024
- Recent Sales 2023
- City Boundary
- County Park
- National Forest
- Water
- Street Types**
- Interstate
- State Route
- Local Road

[illegible]

9 mailed - Mon. March 3, 2025



2/28/2025

643 Feet

321

0

Garey Notice of March 19, 2025 Public Hearing

Emailed parties of record, commenters, and requestors of notice

Email sent by Mark Hofman, Community Development Director, at 5:03 pm, Tuesday, March 4, 2025 with the following email addresses BCC'd:

jolene@jolenejang.com
waterite@uw.edu
pamela8clough@gmail.com
cristin888@gmail.com
benson.dan@gmail.com
jangnt@gmail.com
darrows@gmail.com
nicole.dunscumb@gmail.com
execdir@issaquahfish.org
jnemats@gmail.com
deressealmamaw@yahoo.com
kan65@msn.com
elizabeth.mooney@comcast.net
tlbanaszynski@yahoo.com
leonardgoodisman@gmail.com
bandesaunders@comcast.net
vwaters@gmail.com
kevinphenry21@gmail.com
corrieann2@yahoo.com
amy_estes@yahoo.com
rossbb@comcast.net
kim.josund@gmail.com
bo@bofrank.com
joey.krikorian@icloud.com
hpwindish@gmail.com
pmcguire@prodigy.net
garyberch@aol.com
tammylianu@gmail.com
chris@chrisclasen.com
info@lfpsf.org
chevydave@gmail.com
kathynielson1942@gmail.com
preservationdept@duwamishtribe.org
thortoncreekalliance@gmail.com
sepa@parks.wa.gov
SPW-ExternalRFR@snoco.org

janiece@abetterdaysalon.com
lore.randall@ecy.wa.gov
madlynlarson@gmail.com
ashton@dimarinc.com
cecile@duwamishtribe.org
jkaje@comcast.net
doug.hennick@gmail.com
corrieann2@yahoo.com
vicki@vickiscuri.com
jeanreid2015@gmail.com
adelle_nolan@hotmail.com
mandymoo1973@yahoo.com
byron37@comcast.net
ckdoddlp@hotmail.com
cbbarnes@comcast.net
benson.dan@gmail.com
danalcampbell@hotmail.com
joleen@borgerding.info
laithr777@gmail.com
lsmccarthy@gmail.com
gevarre@gmail.com
salleygardens9@gmail.com
msphillips1@comcast.net
fletcherrgm@gmail.com
robiannelober@gmail.com
sally.yamasaki@gmail.com
paula.m.goode@gmail.com
emily@pugetsoundkeeper.org
julian@andermac.org
michelleg18@frontier.com
bfschuess@comcasr.net
kldoutt@gmail.com
dlezon@comcast.net
heiseya@gmail.com
kphmediallc@gmail.com
jbent@avvanta.com
tfurutani@cityoflfp.gov
R4Splanning@dfw.wa.gov
jesse.dykstra@dfw.wa.gov
cityplanner@ci.brier.wa.us
dan.stevens@ssd412.org
customercare@pse.com
dianep@northcitywater.org

info@saveshorelinetrees.com
cityhall@ci.mlt.wa.us
Daniel.Hawkins@dfw.wa.gov
Miles.Penk@dfw.wa.gov
glen.stamant@muckleshoot.nsn.us
fino@shorelinefire.com
amanda.davis@bothellwa.gov
sloyuk@kenmorewa.gov
snokingwatershedcouncil@gmail.com
KEIC461@ECY.WA.GOV



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

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

File number: 2024-SEPA-0001

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

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

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

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

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

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

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

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

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

Date Issued: July 19, 2024

Signature:



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

Notice date: July 22, 2024

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

Exhibit 23

Garey RUE SEPA Comments

Volume 1 of 3

Proposed Construction at 36xx NE 205th St.

Julia Bent <jbent@avvanta.com>

Sun 7/21/2024 5:31 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Cc: Bent Julia <jbent@avvanta.com>

Dear Mr. Hofman:



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

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

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

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

Sincerely yours,

Dr. Julia Bent

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

Preservation Department <preservationdept@duwamishtribe.org>

Wed 7/31/2024 11:25 AM

To: Mark Hofman <mhofman@cityofflp.gov>

📎 1 attachments (123 KB)

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

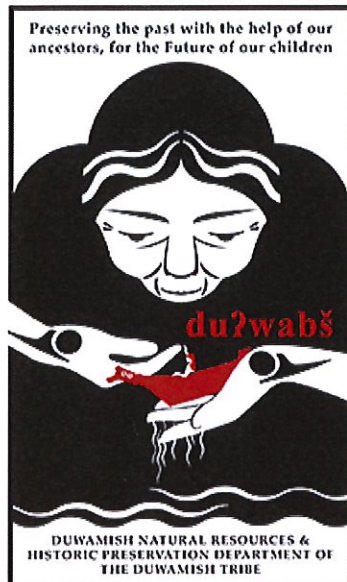


Hi Mark,

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

-Kara

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





DUWAMISH TRIBE

dx^wdəwʔabš

07/31/2024

City of Lake Forest Park
2024-SEPA-0001

Dear Mark Hofman,

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

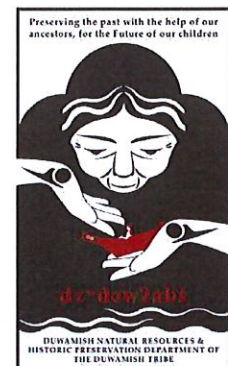
We request that in the unlikely event any archaeological work or monitoring is performed, we would like notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist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

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

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

Thank you,

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



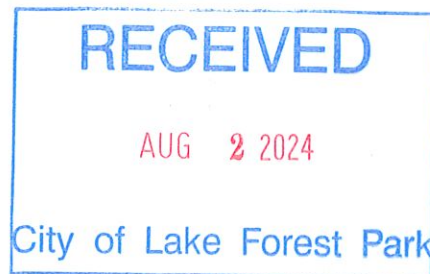
Re: Urge the City to Uphold City Code: Protect our Lands

Tom French <tfrench@cityofflp.gov>

Fri 8/2/2024 11:08 AM

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

Hi Jolene,



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

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

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

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

With appreciation,
Tom

Tom French
Mayor, City of Lake Forest Park

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

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

To: Tom French <tfrench@cityofflp.gov>

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

Mayor Tom,

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

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

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

Urge the City to Uphold City Code: Protect our Lands

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

The Threat of Unchecked Development

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

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

The Consequences of Ignoring City Codes

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

The Dangers of Incomplete and Inaccurate Reporting

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

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

Why This Matters: Flooding and Erosion Risks

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

The Importance of Accurate Environmental Assessments

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

Take Action Now: Before August 5, 2024

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

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

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



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

Jolene Jang (she/her) – Asian American Ambassador

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

From: Tom French <tfrench@cityofflp.gov>

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

To: Jolene Jang <jolene@jolenejang.com>

Subject: Meeting tomorrow

Good morning Jolene,

I hope you had a pleasant weekend.

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

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

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

My sincerest apologies.

All the best.

With appreciation,
Tom

Tom French

Mayor, City of Lake Forest Park

Re: RUE Mark Garey Proposal

Mark Hofman <mhofman@cityoflfp.gov>

Fri 8/2/2024 11:54 AM

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

📎 1 attachments (5 MB)

Garey MDNS and Checklist 07192024.pdf;

Thank you,

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

thank you



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

RECEIVED

AUG 2 2024

City of Lake Forest Park

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

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

To: Mark Hofman <mhofman@cityoflfp.gov>

Subject: RUE Mark Garey Proposal

Subject: RUE Mark Garey Proposal

Mark,

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

Thanks,

Kevin Henry

Re: Reasonable Use Exception regarding the Mark Garey property

Mark Hofman <mhofman@cityoflfp.gov>

Fri 8/2/2024 5:15 PM

To: Veronica Beck <vwaters@gmail.com>

📎 1 attachments (5 MB)

Garey MDNS and Checklist 07192024.pdf;



Thank you,

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

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

Thank you; much appreciated



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

From: Veronica Beck <vwaters@gmail.com>

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

To: Mark Hofman <mhofman@cityoflfp.gov>

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

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

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

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

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

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

Thanks so much.

Best,
Veronica Beck

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

Good afternoon,

Thank you for your comment.

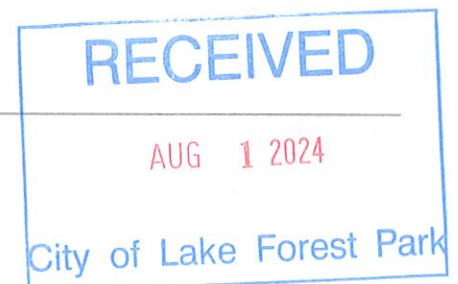
The SEPA MDNS was completely renoticed; please see the attached. Comments on the SEPA MDNS are due August 6, 2024. There will be a separate noticed public comment period on the Reasonable Use Exception application in the future for the required public hearing with the city's Hearing Examiner. The Hearing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

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

Much appreciated



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



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

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

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

Thanks.

Best,
Veronica Beck
vwaters@gmail.com

Public Comment Submission

File Number: 2021-RUE-0001

Permit Type: Reasonable Use Exception - Mark Garey

**Background and Credentials**

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

Local Development Concerns

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

Geomorphological Analysis

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

Slope Stability and Other Related Potential Hazards

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

Potential For Larger Slope Failure

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

Concerns of Massive Flooding

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

Lack of Existing Geotechnical Data on Steep Slope

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

The Lessons Learned at Oso

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

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

Critical Area and RUE Compliance

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

My Opinion

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



Head Scarp of
Slope Failure

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

Lyons Creek

Exhibit 1

Public Comment - RUE 2021_RUE-0001 Garey,

AD <heiseya@gmail.com>

Sat 8/3/2024 9:20 AM

To: Mark Hofman <mhofman@cityoflfp.gov>

Dear City of Lake Forest Park:

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

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

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

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

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AUG 3 2024

City of Lake Forest Park

RECEIVED

AUG 3 2024

City of Lake Forest Park

RE: Revised and renoticed MDNS for the Garey RUE

Janne Kaje <jkaje@comcast.net>

Sat 8/3/2024 1:27 PM

To: Mark Hofman <mhofman@cityofflp.gov>

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

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

XXXXX

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

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

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

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

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

Janne Kaje
Lake Forest Park

RECEIVED

AUG 3 2024

City of Lake Forest Park

Garey Parcel RUE: 2021-RUE-001 or 0001

David Haddock <chevydave@gmail.com>

Sat 8/3/2024 5:57 PM

To: Mark Hofman <mhofman@cityofflp.gov>

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

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

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

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

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

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

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

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

David Haddock

BS Geology 1975, MS Environmental Geology 1978.

17012 35th Ave NE, LFP

Variances proposals to build close to stream

Debbie Lezon <dlezon@comcast.net>

Sat 8/3/2024 7:52 PM

To: Mark Hofman <mhofman@cityofflp.gov>



Dear Mr. Hofman,

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

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

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

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

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

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

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

Thank you for your consideration,
Deborah Lezon

2024-SEPA-0001, RUE Mark Garey application

SnoKing WatershedCouncil <snokingwatershedcouncil@gmail.com>

Sun 8/4/2024 12:50 PM

To:Mark Hofman <mhofman@cityofflp.gov>

Dear Mr. Hofman -



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

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

Thank you for considering my comments.

--

Eric Adman

Sno-King Watershed Council

www.snokingwatershedcouncil.org

425-780-9731

Person of Interest re Garey proposed deveopment

Julian Andersen <julian@andermac.org>

Sun 8/4/2024 3:50 PM

To: Mark Hofman <mhofman@cityofflp.gov>

8/4/24



Director Hofman,

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

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

Thanks,
— Julian

email to: julian@andermac.org

USPS to : PO Box 55969, Seattle WA 98155

-- Julian Andersen
-- Lake Forest Park, WA

RUE 2021_RUE-0001

Kenneth Doutt <kldoutt@gmail.com>

Sun 8/4/2024 4:11 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Community Development Director Mark Hoffman,



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

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

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

Thank you for your time,

--

Kenneth Leimo Parhiala Doutt
he/him/his

Back 1 Construction along Lyon Creek

Brian Schuessler <bfschuess@comcast.net>

Sun 8/4/2024 9:54 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Mr. Hoffman:



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

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

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

Thanks for considering my concern,

Brian Schuessler

Exhibit 24

Garey RUE SEPA Comments

Volume 2 of 3

Re: Revised and renoticed MDNS for the Garey RUE

Tracy Furutani <tFurutani@cityofflp.gov>

Mon 8/5/2024 2:22 AM

To: Mark Hofman <mhofman@cityofflp.gov>

Hi, Mr. Hofman:



Please include this in the comments for this application.

Thanks, Tracy

To the hearing examiner:

As a resident of Lake Forest Park, I have a concern about the proposed Reasonable Use Exception for parcel tax number 4022900497.

On the SEPA checklist, section B 3 a (v), the applicant states that the proposal does not lie with a 100-year floodplain, yet in section B 1 (d), it is noted that this parcel has "frequently flooded areas". I realize that the county may not have MAPPED the parcel as being on the 100-year floodplain, but if it "frequently" floods, my concern is that there should be a more detailed study of the extent that the structure proposed for the parcel will be impacted.

Further, the SEPA checklist notes in section B 3 a (i) that Lyon Creek is piped in this area. Indeed, just beyond the southeastern corner of the property, Lyon Creek flows into what appears to be an 8-inch pipe under 37th Ave. NE. Upstream, there are box culverts under NE 205th St, and Cedar Way. In other words, there is no impedance to water flow in Lyon Creek upstream of the property, but there is an easily-blocked pipe just downstream - a set of conditions that would lead to flooding, as it did as recently as the winter of 2022. I believe further study is needed to determine the extent and frequency of flooding on the proposed footprint of the structure.

Thank you for considering my points.

Tracy Furutani
Lake Forest Park resident

From: Mark Hofman <mhofman@cityofflp.gov>

Sent: Tuesday, July 30, 2024 6:19 PM

To: Tracy Furutani <tFurutani@cityofflp.gov>

Subject: Re: Revised and renoticed MDNS for the Garey RUE

Thanks Tracy

That's correct; comments on the SEPA MDNS for the Garey RUE application will be collected and consolidated after the August 6 noticed deadline. (apologies for all the acronyms)

If you feel comfortable commenting as a resident and clarifying that in a comment I can include it in the comment set. The SEPA Responsible Official is my CD Director role, the city's Hearing Examiner (HE) is the decision maker on the RUE application, and the HE decision is the final decision for the city. There will be a separate public comment period with noticed public hearing in the future before any

decision/action by the HE on the application. There is no apparent appeal of an HE decision to the City Council for a Type I decision per LFPMP. Kim Pratt may be the person to seek advice on that with as a sitting councilmember.

Thanks



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

From: Tracy Furutani <tFurutani@cityofflp.gov>
Sent: Tuesday, July 30, 2024 5:01 PM
To: Mark Hofman <mhofman@cityofflp.gov>
Subject: Re: Revised and renoticed MDNS for the Garey RUE

Hi, Mark:

Thanks for sending this notice out. I can comment by the 6th, right? I didn't know if there were conflict of interest or other rules that prevented a sitting councilmember from commenting on these.

Thanks, Tracy

From: Mark Hofman <mhofman@cityofflp.gov>
Sent: Thursday, July 25, 2024 10:42 AM
To: City Council <citycouncil@ci.lake-forest-park.wa.us>
Cc: Planning Commission <PlanningCommission@ci.lake-forest-park.wa.us>; Kim Adams Pratt <kim@madronalaw.com>; Calvin Killman <ckillman@cityofflp.gov>; Elizabeth Talavera <etalavera@cityofflp.gov>; Desirae Bearden <dbearden@cityofflp.gov>; Drue Morris <dmorris@cityofflp.gov>; Leadership Team <LeadershipTeam@ci.lake-forest-park.wa.us>
Subject: Revised and renoticed MDNS for the Garey RUE

Good morning,

An update and fyi for you all:

A revised and re-noticed Mitigated Determination of Nonsignificance (MDNS) notice of comment period (through Tuesday, August 6) under SEPA for the Garey Reasonable Use Exception application was completed earlier this week through all required and additional notification methods of the city for agencies and the public. The comment period started Monday this week. Comments and questions can appear any time. The SEPA process and determination are largely informational, in support of a future decision/action on the application. In this case, the decision on the Reasonable Use Exception application will be the Hearing Examiner after a public hearing. This matter is a quasi-judicial land use matter. Please forward any comments or questions received on this to me. The hearing date, public notice, etc are undetermined at this time.

Thank you



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

RECEIVED

AUG 5 2024

City of Lake Forest Park

Garey 2021-RuE-0001

michelleg18@frontier.com <michelleg18@frontier.com>

Mon 8/5/2024 9:55 AM

To: Mark Hofman <mhofman@cityofflp.gov>

Cc: City Council <citycouncil@ci.lake-forest-park.wa.us>; Tom French <tfrench@cityofflp.gov>; Mark Hofman <mhofman@cityofflp.gov>; Kim Adams Pratt <kim@madronalaw.com>

📎 1 attachments (15 KB)

Dear Mr. Hoffman. Jolene 2.docx;

Attached please find a letter with regard to the Garey project.

Thank you,

Mickie Gundersen
President
Hilltop-Locust Community Group
1126 Lawton Road
Alderwood Manor, WA 98036-7122

1126 Lawton Road, Alderwood Manor, WA 98036-7122

RE: 2021-RUE-0001 Garey

Dear Mr. Hoffman,

My name is Mickie Gundersen, and I serve as the President of the Hilltop-Locust Community Group. I am also a founding member of the Sno-King Watershed Council, where I was a board member for ten years. I have been a staunch advocate for smart growth since 1997. I have resided on my property, north of Kenmore, in Snohomish County since 1962. Over the decades, I have witnessed numerous instances of developers and planners engaging in practices that harm streams and the communities they flow through. Our groups have invoked the court process many times and have been successful in changing developers plans for the betterment of the community and the environment. **The Garey property proposal is among the worst development request I have encountered and should not go forward.**

I have personally walked around the Garey property and on the adjacent property owned by Jolene Jang. I am appalled by the proposal to build a house so dangerously close to Lyon Creek and the inevitable damage this will cause to the Jang property and homes downstream. Lyon Creek is a salmon stream, protected by both the state of Washington and the Federal Government. The City of Lake Forest Park must afford it the same protection.

It is unconscionable to allow a builder to construct a home within 15 feet of Lyon Creek, blatantly disregarding the acceptable setback of 115 feet. Moreover, the SEPA checklist submitted by Mr. Garey is not credible. One glaring example is the omission of the true steepness of the slope on his property; while Mr. Garey noted the slope, he failed to indicate that it exceeds 45 degrees. He did not circle "steep slope" on the SEPA checklist. This critical omission alone is a good indicator of his intentions.

The risk of landslides, and the removal of trees on the opposite bank, poses a serious threat to the downstream neighbors' homes as well as the Jang property.

I have seen images of six trees that have fallen near the creek and one that has fallen on the steep slope. It is evident that it won't be long before any house built at the bottom of this slope and across the stream will experience flooding. It is staggering that the city would even consider allowing construction at such a precarious location previously deemed unbuildable.

The city's code is meant to protect the residents of Lake Forest Park and the streams and precious trees and habitats within. Prioritizing the interests of outside developers over the safety and well-being of the community is a gross misalignment with the city's mission.

I request that the city pause and reconsider their decision in this matter.

Sincerely,

Mickie Gundersen

President, Hilltop-Locust Community Group,

Re: Revised/Renoticed Mitigated Determination of Nonsignificance (MDNS) - Public Comment

Mark Hofman <mhofman@cityoflfp.gov>

Mon 8/5/2024 10:12 AM

To: Paula Goode <paula.m.goode@gmail.com>; Phillip Hill <phill@cityoflfp.gov>

Good morning,

Thank you for the comments; all are received by the city and will be included in the project record. Your time and concern is much appreciated.



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

RECEIVED

AUG 5 2024

City of Lake Forest Park

From: Paula Goode <paula.m.goode@gmail.com>

Sent: Monday, August 5, 2024 9:36 AM

To: Mark Hofman <mhofman@cityoflfp.gov>; Phillip Hill <phill@cityoflfp.gov>

Subject: Re: Revised/Renoticed Mitigated Determination of Nonsignificance (MDNS) - Public Comment

Mark,

I was contacted by Jolene Jang with her concerns regarding the Garey project, and she has provided important information regarding the SEPA application and site conditions. I compared the information and pictures from the site showing the delicate nature of the location. It concerns me even more, seeing the remediations she has to do to keep her stream bank from further eroding and just how close she is to the stream. If it floods, she is in trouble. That along with obvious discrepancies between what is on the lot (proven by pictures) and what was indicated on the SEPA application.

Of course, as a Planner, you must go by what people fill out, however, though she said that you visited the site when you first came on board, I can see how remembering the details later on could be difficult especially with your current workload.... did you visit the site recently?

I have updated my comments, and due to the document size and added 'movies' size, I have had to send it to you via a 'WeTransfer' link. Please check your trash folder, as it may be flagged by our LFP email. The link is also here: <https://we.tl/t-gK1d5yw6la>

You have to download it as it will only be available for 7 days. In conclusion, I think the decision on this should be rescinded for further modification due to the difference in the site conditions to the application, and the lack of a geotechnical study with site borings. To me, the only safe expansion of this is if the permit contained a Bond to protect the adjacent Jang property, else her place should be fitted with piers to ensure she does not slide into the stream.

I have also copied some information from the LFP website that I thought is related to this Garey-MDNS-Signed-07192024.

Per Help Topic 5.4 Reasonable Economic Use Exception PUBLIC HEARING PROCESS

C. 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: • The supplementary information contained within the application provides adequate evidence that the proposal will not be **detrimental to the site, critical area or surrounding areas**. The proposal takes into consideration the intent of the Comprehensive Plan for this area. **Applicant must list specific citations of the Comprehensive Plan.**

16.26.250 Hold harmless and indemnification.

A. The city administration is authorized to accept a hold harmless and indemnification agreement and to issue permits and approvals when:

1. The property for which the permit or approval is sought is located in an identified and mapped steep slope or slide hazard area;
2. *A geotechnical report concerning the property which was submitted as part of the application for such permit or approval contains a disclaimer of liability that would preclude granting the permit or approval;*
3. Except for the condition in subsections (A)(1) or (A)(2) of this section the requested permit or approval could be issued under city ordinances;
and
4. The official charged with issuing the permit or approval concludes **that the public health, safety and welfare would not be unreasonably placed at risk** by issuing the permit or approval and that the **city's interest can be protected** by acceptance of an indemnification and hold harmless agreement.

B. Permits issued and approvals given under subsection A of this section shall be in consideration of the agreements of the party seeking the permit or approval in the form authorized and approved by the mayor and the city attorney. (Ord. 782, 1999)

Regards,

Paula Goode

On Mon, Jul 29, 2024 at 2:02 PM Mark Hofman <mhofman@cityofflp.gov> wrote:

Thank you

Comment received and will be included in the record.

Many thanks and appreciation.



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

From: Paula Goode <paula.m.goode@gmail.com>

Sent: Monday, July 29, 2024 1:46 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Subject: Fwd: Revised/Renoticed Mitigated Determination of Nonsignificance (MDNS) - Public Comment

Mark,

This property shares similarities with the 3803 155th project. Both have steep slopes, history of flooding, and a request for a waiver of the setback. Granting a DNS on this property based on the actuality of the project environment is contrary to the safeguards that are supposed to be in place for properties of this type. No where do I see any future requirement of geo-technical studies, yet an EIS would, (if required) better outline the status of the environment in the affected area, provide a baseline for understanding the potential consequences of the proposed project, and identify positive and negative effects for the environment. It would also offer alternative actions, including inaction, in relation to the proposed project.

Lyon's Creek has long been flooding, there are articles back 100 years in the Seattle Times that speaks of this happening. In addition, there is a great deal of wildlife, yet there is no mention of impacting this cradle of land where wildlife is in abundance. As with the property next to me, any slip can cause severe flooding of downstream properties, yet this appears to be glossed over in the DNS.

Maybe the exact letter of the code can 'grant' an exception here, however I believe that at a minimum an EIS should be required on this property for protection of the delicate environment and adjoining properties. Blazing through on these construction projects without proper studies can endanger adjoining residences. I am not opposed per se to the addition of a home here, I am opposed to the lack of Good Engineering Practices and the lack of an EIS that could mitigate construction and negative environmental impacts AHEAD of the project, not during when it is much harder to correct.

Regards,

Paula Goode
As a resident

----- Forwarded message -----

From: **City of Lake Forest Park** <listserv@civicplus.com>

Date: Mon, Jul 22, 2024 at 9:56 AM

Subject: Revised/Renoticed Mitigated Determination of Nonsignificance (MDNS)

To: <paula.m.goode@gmail.com>



LAKE FOREST PARK WASHINGTON

Email Notification

REVISED/RENOTICED MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

WAC 197-11-350

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

File number: 2024-SEPA-0001

Proponent: Mark Garey

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

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

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

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

will be allowed at the hearing.

Mitigating Conditions: This determination is based on findings and conclusions that the project design minimizes impacts within the stream buffer with a greatly reduced footprint and conditions, including that critical areas left unencumbered by project impacts shall be protected in perpetuity via a critical area easement. The proposal shall also include stream buffer mitigation at a ratio of greater than 1:1 to ensure an increase in buffer function (3,728 square feet of buffer enhancement to compensate for 2,619 square feet of permanent buffer impacts per the Revised Critical Areas Report dated September 23, 2022, by The Watershed Company). The mitigation compensates for significant tree removal and buffer intrusion and is conditioned to comply with the Arborist Report dated revised August 18, 2022, from the Watershed Company. Mitigation is required to be monitored for a period of ten years to ensure successful establishment of native species. Enhancement areas and remaining unencumbered buffer areas will be disclosed as a notice to title, preserving these areas from future development. Degraded stream channels and corridors shall be rehabilitated to maintain water quality, reestablish habitat and prevent erosion. A restoration plan is required and shall be prepared by a qualified fisheries biologist and shall be approved by the Washington Department of Fisheries and Game. Parameters considered by the rehabilitation plan should include: salmonid habitat enhancement, erosion control, channel integrity preservation, aesthetics and hydraulics. Stream improvements shall not create problems elsewhere in the stream system. Additionally, the project shall follow all conditions imposed by the city's Hearing Examiner.

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

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

Date Issued: July 19, 2024

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

Notice date: July 22, 2024

Garey RUE Revised/Renoticed MDNS July 19, 2024

Garey MDNS and Checklist

You are receiving this message because you are subscribed to Planning Announcements on www.cityofflp.gov. To unsubscribe, click the following link:
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Comment re Garey MDNS

Julian Andersen <julian@andermac.org>

Mon 8/5/2024 11:41 AM

To: Mark Hofman <mhofman@cityofflp.gov>

 2 attachments (225 KB)

240805 MDNS cmnt Julian Andersen.docx; GareyRUE_1stConsRev_Final.pdf;

8/5/24

Hi Mark,

Attached are my comments on the MDNS, and an historical document to which I refer.

Best,

— Julian

-- Julian Andersen

-- Lake Forest Park, WA



Julian Andersen

Aug 5, 2024

Mark Hofman, Director of Community Planning
City of Lake Forest Park

Mark,

Three thoughts about the MDNS opinion you are about to issue.

1. I appreciate the visibility you have given to this step in evaluating a development proposal. Often, in the past, these opinions have been issued with very little public discussion, or even understanding. For my own benefit, and probably for others, I'd encourage some public education on this process, its purpose, processes, and standards for decisions.
Without some grounding in the regulatory framework I freely use my own definitions to pass judgement on City actions. Sometimes I can be befuddled by characterization of a proposed project, like Mr. Garey's, as having effects of "no significance."
2. I expected the notice of this action published on the City site to include more current information about the Mr. Garey project. There is much information and several reports in City files about this parcel and Mr. Garey's intentions. When none are presented in the notice, it is not possible to gain an appreciation of the MDNS opinion and why it is a correct opinion .
Specifying mitigating measures, and the mechanisms for assuring compliance with them, seems to me to be the province of the Hearing Examiner when the RUE process hearing is held and the Hearing Examiner opinion issued. So I'm reading the detail you have included to be essential components of the recommendation you will make to the Hearing Examiner.
If the MDNS relies on these mitigations is it not premature to issue an MDNS until after the RUE Hearing is complete and the actual mitigation requirements are known ?
3. The SEPA check list associated with this MDNS, received by the City on March 20, 2024, is remarkable to me.
 - a. No total fee is calculated, there is no record of a fee collected
 - b. As submitted (before red ink enhancements) it seems inadequate, so inadequate that it should have been rejected and the applicant encouraged or counseled to try again.
 - c. Red ink comments and enhancements, made by a staff member, improved Mr. Garey's application to the extent that you could rely on it for your MDNS opinion. But there is no indication that Mr. Garey has any opinion

PO Box 55969
Seattle WA 98155

julian@andermac.org
cell: 612-386-6853

regarding these additions which did bolster his SEPA checklist response. I'm sure the answer is no, but these circumstances compel me to ask if the staff member was employed by Mr. Garey at the time he made these additions to the SEPA checklist on which you relied?

- d. For comparison I attach memo sent to Mr. Mr. Garey on January 4, 2022, by Senior Planner Nick Holland. It is a critical review of the RUE application of that time. It's detail, it's scope, and it's clear expectation that the necessary improvements to the proposal were the applicant's responsibility are commendable, and completely different from the staff response to the SEPA check list that Mr. Garey recently presented to the City.

Best regards,

-- Julian

attached: GareyRUE_1stConsRev_Final.pdf

*PO Box 55969
Seattle WA 98155*

*julian@andermac.org
cell: 612-386-6853*

Mayor
Jeff R. Johnson

17425 Ballinger Way NE
Lake Forest Park, WA 98155-5556
Phone: 206-368-5440
Fax: 206-364-6521
Email: cityhall@ci.lake-forest-park.wa.us
www.cityofLFP.com



Councilmembers
Lorri Bodi
Tom French
Tracy Furutani
Larry Goldman
Phillippa M. Kassover
Jon Lebo
Semra Riddle

January 4, 2022

VIA EMAIL: pinematrix@outlook.com
Mark J Garey
14827 88th Ave NE,
Kenmore WA 98028

Re: Garey RUE @ parcel # 4022900497; Request for additional information; 1ST consistency review; File #2021-RUE-0001

Dear Mr. Garey:

The Planning Department has finished its initial compliance review of the application 2021-RUE-0001 for a Reasonable Use Exception at parcel # 4022900497. Below are specific review comments based on your submittal dated October 25, 2021. Please contact me or any of the other staff listed if you require any clarification of the following review comments.

Planning

1. Please update the information provided within the "Site Information" block located on Sheet 1 of the RUE plan set to the right of the "Project Information" block on the lower half of the sheet. The information in this block does not reflect the scope of this project and needs to either be removed or modified to accurately represent this project.
2. A signed application is missing. Please sign and return a completed RUE application.
3. Provide a current title report dated from the last 30 days per LFPMC 16.16.190.
4. Provide (2) sets of full size (18"x24" minimum) scaled (1"=20') site plans. The plans shall include all of the information on the reasonable use checklist. Please also provide a separate plan that details the locations of trees and their root zones (interior and critical).
5. Delineate all critical areas on the parcel. There are areas to the west that include critical slopes regulated by the city's critical areas code. These should be classified (according to the definitions in LFPMC 16.16.040) and delineated on the site plan, even if the project intends to avoid these areas. Show the conceptual locations of the required critical area signage for all critical areas on the site, per LFPMC 16.16.170.
6. Please provide a monitoring and maintenance program for the proposed critical area mitigation per LFPMC 16.16.120 (C). The critical area report indicates that buffer

- mitigation should be monitored for a period of five years, but it lacks performance standards and criteria from which to assess the success of the mitigation over the monitoring period. Also, the study lacks maintenance and/or contingency provisions in the event the performance standards aren't met.
7. The mitigation sequencing exercise lacks detail, because it does not include an analysis of the sequencing criteria in LFPMC 16.16.130. Please provide a mitigation sequencing exercise that analyzes all mitigation sequencing criteria in LFPMC 16.16.130.
 8. A conservation easement is required to be legally established for all critical areas. Please provide a draft of the conservation easement for this property which includes language for all critical areas and buffers per LFPMC 16.16.180.
 9. Please verify if any portion of the property is located within a flood hazard area per LFPMC 16.16.360 (B).
 10. At 1,180 square feet, the proposed single-family residence is larger in area than the 1,100 square feet that is typically approved through a reasonable use exception. In with LFPMC 16.16.250, please explain why the proposed size is the minimum necessary to allow for reasonable economic use of the property.
 11. See the attached public comments received during the notice of application comment period. The city typically accepts comments up until the public hearing date and in open testimony during the public hearing. The applicant should be prepared to address the applicable concerns of the public during open testimony at the public hearing if it is required.
 12. The proposed structure is located within the front yard setback area (see LFPMC 18.21.060 (A)). Please revise. If a setback exception (see LFPMC 16.16.240) is being sought in addition to a reasonable use exception, please provide an analysis of how the proposed project meets the criteria of approval for a setback exception.
 13. A public comment from Jolene Jang has been submitted and claims that this parcel is designated by the State Department of Fish and Wildlife (WSDFW) for priority habitat and species. Please explore this claim and determine if it is a fact through coordination with WSDFW. If this parcel is protected, LFPMC 16.16.380 could apply in which case further detail addressing this code section would be needed.
 14. Page 4 of the stream delineation report doesn't accurately classify the stream type on the property. Please revise this classification to meet the required stream classifications in LFPMC 16.16.350.

Please contact Nick Holland, Senior Planner at 206-957-2832 with any questions related to Planning comments.

Engineering-PACE Consultants

Drainage Report

1st Consistency Review
Garey RUE
January 4, 2022

1. Please provide a TIR worksheet per 2.3.1.1 of the KCSWDM.
2. Please provide additional information regarding the lack of drainage complaints in the Resource Review Task in the Off-Site Analysis Section. The stormwater modeling output from WWHM2012 needs to be provided in an appendix of the drainage report.
3. Please provide both an existing site hydrology map and a proposed site hydrology map in accordance with KCSWDM 2.3.1.1
4. Section 4 requires a discussion on Flow Control BMP's and how Core Requirement #9 shall be met. Please revise.
5. Per KCSWDM C.2.7 any proposed permeable pavement requires a soils report. Please see C.1.3 for guidance on report requirements.

Plan Set

6. The site information on the coversheet doesn't match the project information on the coversheet. Please revise for consistency.
7. Per the KCSWDM the minimum vegetated flow path for a dispersion trench is 25'. While it is understood that this is an RUE the project still needs to meet Core Requirement #9. Please provide additional information in the TIR on how this will be met.
8. Per KCSWDM C.2.7.1.5 permeable pavements that are pollution generating are only allowed where the underlying soils meet the groundwater protection standards found in 5.2.1. A proposed residential driveway that serves 2 households or less has the option to utilize a 6" sand layer instead. Please provide additional information on the underlying soils in regard to groundwater protection or show the 6" sand layer in the design.

Please contact Nick Holland, Senior Planner at 206-957-2832 with any questions related to Engineering comments. The city will facilitate all communication with PACE directly.

Once you have revised your design that address each review comment, please submit (3) collated, hard copy sets of revised plans, surveys, and reports, as well as (3) copies of a response letter indicating how you have revised the design to address each review comment. Please also provide one electronic copy of the materials. Complete responses to each comment are required for further processing. Per LFPMC 16.26.040 (B) (2), the City will have 14 days to determine if the information submitted is complete. You will be notified of this outcome per LFPMC [16.26.040](#) (B) (1).

Alternatively, if you wish to have your project decided upon, using the information submitted to this point, please indicate this in writing, so that we can draft our staff recommendation using the exhibits we've collected to this point. Note that due to the inconsistencies identified above, a recommendation to approve the application may not be provided.

Sincerely,

1st Consistency Review
Garey RUE
January 4, 2022

A handwritten signature in blue ink, appearing to read 'Nick Holland', with several loops and a trailing line.

Nick Holland
Senior Planner

Attachments: Combined public comments received via NOA.

Cc: Desirae Bearden, Permit Technician
Record File
28 Parties of Record (official list kept in record file)

RECEIVED

AUG 5 2024

City of Lake Forest Park

Public Comments on a Reasonable Use Exception - Parcel 4022900497

Emily Gonzalez <emily@pugetsoundkeeper.org>

Mon 8/5/2024 1:57 PM

To: Elizabeth Talavera <etalavera@cityofflp.gov>; Drue Morris <dmorris@cityofflp.gov>; Mark Hofman <mhofman@cityofflp.gov>

To Whom it May Concern:

These comments pertain to an application for a reasonable use exception for a single-family home construction on parcel 4022900497 in the City of Lake Forest Park.

Soundkeeper is a member-based nonprofit organization that has been working for forty years to enhance and protect surface waters and the communities that rely on them. Soundkeeper works across the Puget Sound region and at the state and federal level on water quality issues including but not limited to pollution and habitat degradation. Our work often includes addressing impacts to threatened, endangered, and other critical species in Washington's watersheds.

Soundkeeper recognizes the proposed mitigation measures to the project on a parcel where the required stream buffer would limit residential development. However, given Washington State's salmon recovery priorities, Soundkeeper has concerns about the impact to salmonids that rely on this section of Lyon Creek during vulnerable freshwater life phases. Before entertaining a reasonable use exception, the City of Lake Forest Park should coordinate with Washington's Department of Fish and Wildlife to review potential impacts to salmonids at the site, and the proposed mitigation efforts and impacts to salmon upstream of the site.

Thank you for the opportunity to provide comments on this proposal,

Emily Gonzalez (she/her)

Staff Attorney, Director of Law & Policy

Puget Soundkeeper Alliance

130 Nickerson Street, Suite 107

Seattle, WA 98109

(206) 297-7002 x114

emily@pugetsoundkeeper.org

www.pugetsoundkeeper.org

[Facebook](#) | [Instagram](#)



Re: Requesting Moratorium on all RUEs until an effective process can be created, implemented and enforced.

Mark Hofman <mhofman@cityoflfp.gov>

Mon 8/5/2024 3:18 PM

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

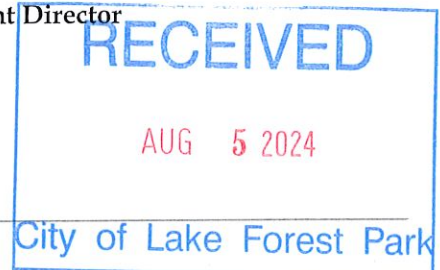
Thank you. Just eliminating any grey areas about the intent of the comment. Thanks for clarifying.

Comment received and will be made part of the administrative record for the application. Thank you for your time and concern.

Much appreciated



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



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

Sent: Monday, August 5, 2024 3:16 PM

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

Subject: RE: Requesting Moratorium on all RUEs until an effective process can be created, implemented and enforced.

Thanks for the message. Aren't all the emails dealing with 2021-RUE-0001_Garey during the public comment deemed as a public comment. Nick Holland had explained this to be the case. Yes, this is a public comment and request to the city.

Thanks.

From: Mark Hofman <mhofman@cityoflfp.gov>

Sent: Monday, August 5, 2024 3:09 PM

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

Subject: Re: Requesting Moratorium on all RUEs until an effective process can be created, implemented and enforced.

Thank you, Jolene.

Can you clarify if the email and attachment are intended by you as public comment on the noticed SEPA MDNS for the Garey RUE or separate? The comment period for the Garey SEPA MDNS ends tomorrow and I wish to keep the administrative record straight as to what is intended to be included and what is not.

Thanks



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

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

Sent: Monday, August 5, 2024 3:01 PM

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

Subject: Requesting Moratorium on all RUEs until an effective process can be created, implemented and enforced.

City of LFP,
See attachment for full letter and appendices.

I am calling for a moratorium on all Reasonable Use Exceptions (RUEs) particularly the current Garey application (2021-RUE-0001) for Parcel 4022900497.

I am making this request so that you, our City Council – our policy making body for LFP, can engage in a proper inquiry to ensure all current and future projects are being managed as you intended at all levels of the application, development and enforcement stages. Sadly there has been a consistent lack of thorough, accurate evaluation of RUE applications and subsequent monitoring and enforcement of mitigation measures. And, there is little to no transparency for these project to the public, at-large nor do violations result in the designed penalties or full enforcement of intended actions. I respectfully request that you take a close look at how these projects are playing out in our community.

As an example, a repeat LFP developer purchased a wetland for \$144,000 along 28th Street just down the road from Grace Cole Park in 2016. They obtained a Reasonable Use Exception (RUE) for a nearly 3,000 sf house with an ADU/guest suite with kitchen in 2019. They sold it for \$1.7 million in 2022! During construction their rerouting of surface springs resulted in flooding of a neighboring property. After construction, the builder, who lived in the house until they sold it, violated the mitigation plans on several instances. They clear cut their slope, put in additional impervious surfaces, and never submitted their required annual report for the state of the mitigation plans. **How many other properties are current on their reporting? And, how does the city verify the owner developed reports are accurate?** The city only responded to these items when the issues were brought forward by the community. Further, the property owner was never required to pay a dime in penalties and now continues to build houses in LFP. They extracted substantial economic gain off this mess of a project and now the city and the new property owners are stuck with the consequences including 28th street having metal plates in place for months due to the road becoming undermined as a result of the improper mitigation of water flow off this property. Without consequences for his actions and without sufficient oversight from the city, we are signaling were we stand on our own rules and are setting a dangerous precedent for future projects.

The current Garey RUE application is another concerning case. An outside developer purchased a vacant parcel, previously established as unbuildable parcel given it is completely encumbered by critical area, for \$40,000. Since his initial application for a RUE in 2021, at my request the planning commission took by working to the Planning Commission worked to improve the policies around RUEs in LFP which you adopted into law, however, significant problems still remain.

For example, this recent incomplete application for the Garey RUE (2021-RUE-0001) underscores the need for more rigorous oversight and clarity. Critical issues, such as missing documentation in the application and SEPA Checklist and a comprehensive project narrative explaining compliance with the criteria outlined in LFPMC 16.16.250(C), must be addressed.

These omissions alone should void Garey RUE. [See Appendix A for a list of issues with this application and the process in handling it. See Appendix B for public comments and more references, pictures, videos and diagrams.]

Implementing a moratorium on all RUE applications will allow you time to evaluate how your current policies are being managed and identify where stronger policies are needed. We need better oversight of these projects and we need a comprehensive review system that includes stringent evaluation criteria, enforces environmental regulations, and ensures transparency for the public. Our values and vision for our community dictate this.

Further, until our LFP staff can demonstrate the bandwidth and expertise to implement the proper protocols required by city code, the moratorium should continue until such capacity can be built.

Jolene Jang

Additional information can be found at these links:

- See [GreenVoicesOfLakeForestPark.com](https://www.greenvoicesoflakeforestpark.com) for visuals, maps, comments
- Podcast - [Listen to podcast Green Voices of Lake Forest Park](#) to get updates
- [Article in the Town Crier](#)
- Article in the Shoreline News

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

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

Jolene Jang (she/her) – Asian American Ambassador

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

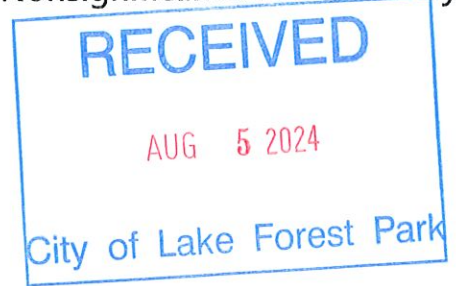
RE: Revised and renoticed Mitigated Determination of Nonsignificance for the Garey Reasonable Use Exception Application Review

DFW R4SPlanning <R4SPlanning@dfw.wa.gov>

Mon 8/5/2024 4:11 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Cc: Dykstra, Jesse F (DFW) <Jesse.Dykstra@dfw.wa.gov>



📎 1 attachments (109 KB)

Garey RUE WDFW Comment.pdf;

Hello Mark,

The Washington Department of Fish and Wildlife would like to submit the attached letter for comment on this project. Thank you for the opportunity to comment. If you have any questions, please contact your local habitat biologist, Jesse Dykstra (Jesse.Dykstra@dfw.wa.gov).

Thank you again for the opportunity to comment,

Ryan Shaw | Habitat Biologist
Washington Dept. of Fish and Wildlife
Region 4, North Bend Field Office
Ryan.Shaw@dfw.wa.gov

From: Mark Hofman <mhofman@cityofflp.gov>

Sent: Friday, July 19, 2024 6:04 PM

To: Mark Hofman <mhofman@cityofflp.gov>

Subject: Revised and renoticed Mitigated Determination of Nonsignificance for the Garey Reasonable Use Exception Application Review

External Email

Good evening,

The City of Lake Forest Park, as Lead Agency under SEPA, is circulating the attached notice of public and agency comment period for a revised and re-noticed Mitigated Determination of Nonsignificance (MDNS) under WAC 197-11-350. The MDNS is for the Garey Reasonable Use Exception application (2021-RUE-0001) filed with the City of Lake Forest Park for the proposed development of a new single family dwelling on a vacant legal lot of record covered with a perennial stream (Lyon Creek), steep slopes, and associated buffers.

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

Comments can be emailed to mhofman@cityofflp.gov or can be mailed to:

City of Lake Forest Park
Attn: SEPA Responsible Official, Mark Hofman

17425 Ballinger Way NE
Lake Forest Park, WA 98155

If you have any questions on the notice, public and agency comment period, MDNS or Checklist, please contact me at mhofman@cityoflfp.gov or (206) 957-2824.

Thank you



Mark Hofman, AICP | Community Development Director

City of Lake Forest Park

17425 Ballinger Way NE | 206-957-2824

www.cityoflfp.gov



State of Washington

Department of Fish and Wildlife, Region 4

Region 4 information: 16018 Mill Creek Blvd, Mill Creek, WA 98012 | phone: (425)-775-1311

August 5, 2024

Lake Forest Park
ATTN: Mark Hofman
17425 Ballinger Way NE
Lake Forest Park, WA, 98155

Dear Mr. Hofman:

Thank you for the opportunity to comment on the Garey RUE Project (2024-SEPA-0001) located at parcel 4022900497 as proposed by Mark Garey. The Washington Department of Fish and Wildlife (WDFW) is dedicated to preserving, protecting, and perpetuating the state's fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. In recognition of our responsibilities, we submit the following comments for the Garey RUE project. Other comments may be offered in the future.

Fish and Wildlife Questions and Recommendations:

- The Washington Department of Fish and Wildlife recommends applying for an HPA pre-application through our APPS system to determine whether the proposed development will require an HPA permit.
- Recent habitat surveys of Lyons creek indicate good spawning gravels and fish habitat. How will no-net-loss of habitat be ensured through the lifetime of the home within the stream buffers? It is important to consider the long-lasting effects of a project that can impact Lyons creek long after the initial construction is completed.
- How will this project address the removal of floodplain storage, large woody material input, and habitat creation? Additionally, how will it handle potential future issues such as floods, bank failure, and sediment storage?
- The current box culvert on-site is a fish passage barrier and will need to be updated in the future. How will the new construction of this structure ensure there is ample room for a culvert replacement project to occur in the future that allows fish passage?
- How will flood impacts be handled to protect the home?
- Installation of woody material in-stream and other mitigation is mentioned throughout the proposal. Will this be possible without creating flood risks to the home? Slowing the water down with woody material near the home can cause backwatering that could endanger the home. If woody material is added as mitigation, it will not be allowed to be removed without significant mitigation because of its removal.

- It appears that the possibilities for habitat mitigation and flood protections are not practical at this site. Construction on the creek here will likely create damages that are nearly impossible to mitigate. Protections for the house will likely result in damages to the stream, while protections for the stream will likely result in damages to the house. The local habitat biologist (Jesse Dykstra, Jesse.Dykstra@dfw.wa.gov) will be available to assist in determining proper mitigation for this site. However, to best protect the stream habitat and Lyons Creek salmon, development should be focused in other areas. Please allow this area to remain natural and allow the creek proper space to run freely.

The Washington Department of Fish and Wildlife provides our comments and recommendations in keeping with our legislative mandate to preserve, protect, and perpetuate fish and wildlife and their habitats - a mission we can only accomplish in partnership with local governments.

If you have any questions or concerns, please feel free to contact your local habitat biologist, Jesse Dykstra, at Jesse.Dykstra@dfw.wa.gov

Sincerely,

Ryan Shaw

Ryan Shaw | Habitat Biologist
Washington Dept. of Fish and Wildlife
Region 4, North Bend Field Office
Ryan.Shaw@dfw.wa.gov

Fw: paula.m.goode@gmail.com sent you New Garey Comments 8-5-24 via WeTransfer

X Mark Hofman <mhofman@cityofflp.gov>

Mon 8/5/2024 4:42 PM

To: Paula Goode <paula.m.goode@gmail.com>; Matthew McLean <mmclean@cityofflp.gov>

Cc: Aaron Emmons <aemmons@cityofflp.gov>; Jessica R. Halterman <jhalterman@cityofflp.gov>

Thanks for confirming the legitimacy of the large file/submittal, Paula.

I'm looking for a way to access and download the large file without signing up for the software. It appears that is required for access. I'll CC the Clerk's office and IT to see if there is another way to transmit and receive, given the time sensitivity. Tuesday (tomorrow) I'll see what we can do and keep you informed that we have it for the record.

much appreciated



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

RECEIVED

AUG 5 2024

City of Lake Forest Park

From: WeTransfer <noreply@wetransfer.com>

Sent: Monday, August 5, 2024 9:04 AM

To: Mark Hofman <mhofman@cityofflp.gov>

Subject: paula.m.goode@gmail.com sent you New Garey Comments 8-5-24 via WeTransfer



paula.m.goode@gmail.com
sent you New Garey Comments 8-5-
24

1 item, 181 MB in total • Expires on 8 August, 2024

New Garey Comments 8-5-24

These are new comments.

X MH/CD - 3 Video Clips
Downloaded from WeTransfer
to City folder & available
for the SEPA MDWS
comment/record.

Get your files

Download link

<https://wetransfer.com/downloads/448f0b5705973166f0e7169e426c9ff220240805160308/d033cbcd6548ad64fa4fc0fca283290020240805160342/822452>

1 item

Garey DNS Comments 8-5-24.zip
181 MB

To make sure our emails arrive, please add noreply@wetransfer.com to your contacts.

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Streamkeepers letter GAREY-RUE-0001, parcel 4022900497

bandesaunders@comcast.net <bandesaunders@comcast.net>

Mon 8/5/2024 6:38 PM

To: Mark Hofman <mhofman@cityofflp.gov>

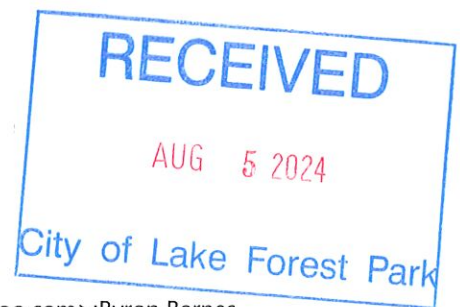
Cc: Adelle Nolan <adelle_nolan@hotmail.com>; Amanda Royal <mandymoo1973@yahoo.com>; Byron Barnes <byron37@comcast.net>; Chip Dodd <ckdodd1p@hotmail.com>; Connie Barnes <cbarnes@comcast.net>; Dan Benson <benson.dan@gmail.com>; Dana Campbell <danalcampbell@hotmail.com>; Joleen Borgerding <joleen@borgerding.info>; Jolene Jang <jolene@jolenejang.com>; Laith Rabaa <laithr777@gmail.com>; Laurie McCarthy <lsmcCarthy@gmail.com>; Lawrence Brown <gevarre@gmail.com>; Lee Rolfe <Salleygardens9@gmail.com>; Mark Phillips <msphillips1@comcast.net>; Regina Fletcher <fletcherrgm@gmail.com>; Robbi Lober <robiannelober@gmail.com>; Sally Yamasaki <sally.yamasaki@gmail.com>; Tracy Furutani <tracyfurutani@yahoo.com>

📎 1 attachments (223 KB)

Garey_RUE letter - LFP Streamkeepers.pdf;

Please find the attached letter for consideration in the decision to allow the permit for the GAREY (2021-RUE-0001), parcel 4022900497. Thanks

Brian





MEMBERS

BRIAN SAUNDERS, MS
Project Lead

BYRON BARNES

CONNIE BARNES

DAN BENSON, PHD

DANA CAMPBELL, PHD

LAURIE McCARTHY

LAWRENCE BROWN

LEE ROLFE

MARK PHILLIPS

SALLY YAMASAKI

ROBI LOBER

JOLEEN BORGERDING

CHARLES DODD, MS

August 5, 2024

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

Dear Director Hoffman,

I am writing on behalf of the Lake Forest Park Streamkeepers to express our deep concerns regarding the Garey Reasonable Use Exception (RUE) application (2021-RUE-0001), parcel 4022900497. I respectfully urge you to deny the permit for the following reasons:

- 1. Protection of Lyon Creek's Health:** Over the past 20 years, significant restoration efforts have improved the health of [Lyon Creek](#). Protecting the stream buffers and critical areas has been essential to these efforts. The article in the Shoreline Area News highlights the positive impacts of these restoration activities, supporting the need to continue these restrictions and prohibiting construction along urban watersheds. Historically, the overdevelopment of the headwaters of [Lyon Creek in the 1970s](#) and 1980s caused significant harm to the creek. Allowing this development would reverse the progress made and further degrade the creek's health. Indeed, strict ordinances on development are likely the reason [streams throughout King County are improving](#).
- 2. Inadequate Addressing of Flooding Hazards:** [Recent flooding on 37th Ave NE](#), underscores the inadequacy of the current culvert that Lyon Creek flows through under Cedar Way road just downstream from the Garey property. The [U.S. Geological Survey Fact Sheet 076-03](#) states, "Common consequences of urban development are increased peak discharge and frequency of floods. Typically, the annual maximum discharge in a stream will increase as urban development occurs." New developments in the critical areas of Lyon Creek's floodplain will exacerbate flooding risks and potentially damage downstream properties.
- 3. Impact on Salmon Populations:** Urban development has been linked to declines in salmon populations. As stated in Governor Inslee's 2022 State of Salmon in Watersheds report, "*Riparian zones and floodplains are critically important for aquatic species such as salmon and serve to buffer the effects of climate change. Well vegetated riparian areas shade and keep water cool, filter polluted water, and support trees with roots that help stabilize banks and provide hiding places for fish. Floodplains slow, filter, and store flood water; provide shelter and food for young fish; and buffer communities against flood.*" The restoration plans for Lyon Creek also include reintroducing native [Kokanee salmonids](#), vital for the health of the natural ecosystem. Continued development in stream critical areas jeopardizes these efforts and the overall biodiversity of the watershed.
- 4. Inadequate Stormwater Management:** The proposed development does not adequately address stormwater management to ensure that site

runoff will be self-contained during and after construction. The Lake Forest Park Municipal Code (LFPMC) outlines the requirements for protecting water quality and managing drainage in environmentally critical areas. The Receiving Water Assessment identifies several impairments in Lyon Creek, including increased instream temperatures, depleted levels of dissolved oxygen, and poor benthic index of biotic integrity (BIBI) scores. These factors contribute to habitat degradation for aquatic life. Ensuring zero impact on creek water quality from stormwater runoff is crucial, and the current plans do not meet this standard.

5. **Mandatory Due Diligence:** We understand that the Garey RUE permit does require regular monitoring so that the development does not cause environmental harm to the Lyon Creek watershed, but we find the lack of legal accountability very disturbing. It should not be the responsibility of citizens to research every potential development to make sure they are not unwittingly causing environmental destruction. The developers themselves are best placed to identify and tackle these risks and should therefore be required by law to prove that their construction activities are not causing harm of this kind. Publication of this data should be available to all citizens of LFP. If the permit is allowed, we would also ask that the *original* owner (not future owners) be held responsible for mitigating all future damage to the creek directly related to the property development.
6. **Legal Precedent and Best Available Science:** Allowing this RUE sets a dangerous precedent for future developments in critical habitats. The principle of "Stare Decisis" emphasizes the importance of adhering to previous decisions to ensure consistency and stability in the law. Approving this application could initiate further encroachments into critical areas, leading to cumulative negative impacts on urban streams. The Best Available Science (BAS) does not support the idea that continued development in these sensitive areas will have zero impact on stream health.

In conclusion, we urge you to consider the long-term environmental impact and the precedents set by approving the Garey Reasonable Use Exception (RUE) application (2021-RUE-0001). Denying this permit is essential to protecting the short-term and long-term health of Lyon Creek, mitigating flooding risks, preserving salmon populations, ensuring proper stormwater management, and adhering to legal principles and scientific evidence.

Thank you for your attention to this matter.

Sincerely,



Brian Saunders
Project Lead for LFP Streamkeepers
bandesaunders@comcast.net
(206) 972-3465

RECEIVED

AUG 5 2024

City of Lake Forest Park

RUE Garey - Fish and Wildlife

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

Mon 8/5/2024 6:54 PM

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

📎 1 attachments (225 KB)

DeptofFishWildlife.JPG;

This is an email for public comment and tonight was said the Council Meeting. Plus here is another public comment in the records from another Fish and Wildlife habitat who was at the property a couple of years ago. Tuesday, you will receive another public comment from them.

Dan Hawkins

(he/him)

Compliance Biologist

Washington Department of Fish and Wildlife

From: Hawkins, Daniel G (DFW) <Daniel.Hawkins@dfw.wa.gov>

Sent: Monday, August 5, 2024 5:09 PM

To: jolene@jolenejang.com

Subject: Comments on Environmental Impacts and RUE

Hi Jolene,

Thank you for reaching out and speaking with me about your concerns with this project. As I told you over the phone, a WDFW Biologist, Ryan Shaw is providing comments to City of Lake Forest Park regarding this project later tonight before the end of the review period. This will be public information once the city makes it available.

I understand that you'll be speaking with the city council tonight about the project, and asked me to provide "informal comments" regarding the biological impacts to the site, the stream, and to fish life. As a WDFW Habitat Biologist, I can provide some comments for you regarding what I believe are concerning/problematic with this proposal.

1. Overall, the general lack of explanations within the RUE is concerning. Some have no answers, many are 1 word answers, and many do not provide the minimum answers asked by the questions. In general, not enough information has been provided to approve the proposed project.
2. Lyons Creek floods frequently, and some addition of Large Woody Material in the stream
 - a. We normally like to see more large wood added to the system, but here it would likely add to the flooding problems that Lyons Creek experiences.
3. Question 3(v) asks if the proposal lies within a 100 year floodplain- The answer says NO
 - a. That is not correct and work does occur within the 100 year floodplain
4. The culvert that conveys Lyons Creek underneath NE 205th St and through the site is a partial barrier for fish passage, and the plans will have to provide enough space for a Fish Barrier Correction Project to occur in the future.
 - a. The fish barrier correction culvert will be much larger than the one currently there, and the plans are lacking adequate space for a Fish Passage Barrier Removal Project to take place
5. Under Plants, Evergreen trees were not checked

- a. I can see from arial photographs and Google Maps Street View that there is at least 2 cedar trees on site.
- 6. The plans propose to replace large trees in a 1:1 ratio with new plantings
 - a. A young, newly planted tree does not account for the removal of a large, mature tree.
- 7. Under the "Animals" section, all questions are answered with "n/a"
 - a. There are certainly animals using the site including birds, fish, and mammals
 - i. WDFW records show that Cutthroat Trout and Coho salmon have been documented in this reach of Lyons Creek
 - ii. The local biologist also told me that the reach on this site has High Quality Spawning Habitat, which is of high importance to the conservation and recovery of Coho Salmon populations
 - iii. If Coho salmon are present, then they will likely migrate upstream to spawn, and juveniles will likely migrate downstream on their way out to the Puget Sound and Pacific Ocean.
- 8. There appears to be little to no proposals for habitat enhancement
 - a. This will be necessary to mitigate the impacts that will occur while developing this site. WDFW's "No Net Loss" standard has not been met in the proposal

Those are my "informal" comments. I hope this provides more clarity for you until the Official comments from WDFW comments are sent to the city of Lake Forest Park (tomorrow).

Dan Hawkins

(he/him)

Compliance Biologist

Washington Department of Fish and Wildlife

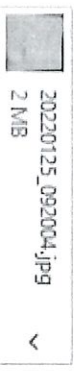
Daniel.hawkins@dfw.wa.gov

360.688.6432 (Mobile)



Penk, Miles A (DFW) <Miles.Penk@dfw.wa.gov>
To: jolene@jolenejang.com

1 Follow up.
You forwarded this message on 1/25/2022 10:28 AM.



Reply

Reply All

Forward



Tue 1/25/2022 10:25 AM

Hello,

Apologies for the delayed response. I wanted to follow-up on a topic that was discussed during our meeting on the 19th.

Based on how low and flat that parcel is on the far side of the creek, it does seem reasonable to question whether it is part of the historic floodplain (prior to human settlement) of the creek. I've attached a quick drawing showing how creek systems become disconnected from their historic floodplains, typically through channel incision. Stream channel incision is a common result seen in increasingly urbanized areas, where increased stormwater runoff, decreased channel roughness (through removal of large woody debris and riparian vegetation), and disruptions to sediment transport lead to channel downcutting. Over time, channel downcutting results in the stream now longer able to access floodplain. No longer able to access it's floodplain, the stream is less capable of dissipating the energy found in flood flows which can result in further downcutting of the channel. Channel incision also causes the groundwater table to drop, so may have converted vegetation on the proposed development property to change from wetland vegetation to non. I don't have any evidence to suggest that happened just sharing it as a possibility.

This stretch of creek, though somewhat incised, does appear capable of being having this condition at least partially reversed and reconnected to its previous floodplain. This could be accomplished through the strategic placement of large woody material (habitat logs). This would capture sediment (thus raising the channel bed), increase channel roughness (dispersing flood flow energy), and potentially influence lateral channel migration. Not only does wood help reconnect floodplains, it also creates dynamic habitat features for salmonids to use and thrive in.

If this development were to go ahead as planned, I am concerned that it's location will remove any tolerance for large woody material. What would benefit the system as a whole for floodplain storage, sediment storage, habitat creation for fish, would represent a flood hazard and/or bank stabilization issue for whomever lived in that house. Future measures to protect the house from flood risk would come at the expense of the fish resource. It should be unacceptable to maintain a process of compromising habitat while the once thriving salmon runs of Lyon Creek continue to dwindle away to nothing. Already many homes in the Lyon Creek basin have been built within the historic floodplain, and the Creek has been continually degraded in order to ensure the safety of those residents. The first step in restoring the Creek should be a commitment by the City of Lake Forest Park to protect the remaining untouched parcels within the riparian corridor.

Hopefully this email has given you some food for thought. Those reviewing this project should at least be looking at these issues. I encourage you to do a google search on "stream channel incision" to learn more. As always feel free to reach out if you wish to discuss any of this further.

Thanks,
Miles

Miles Penk | Habitat Biologist
Washington Department of Fish and Wildlife
Region 4, North Bend office
Cell: (425) 677-1297

Exhibit 25

Garey RUE

SEPA Comments Volume 3 of 3

Garey Project MDNS comments

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

Tue 8/6/2024 10:51 AM

To: Mark Hofman <mhofman@cityoflfp.gov>

Hi, Mark

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

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

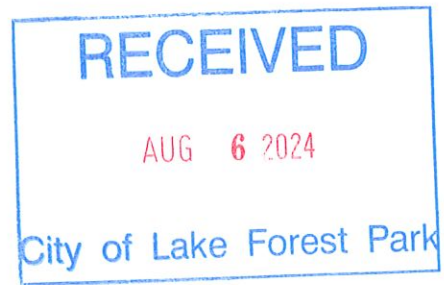
"A restoration plan is required and shall be prepared by a qualified fisheries biologist and shall be approved by the **Washington Department of Fisheries and Game.**"

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

Kim Josund

Lake Forest Park Stewardship Foundation

www.lfpsf.org



comments on the Garey MDNS

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

Tue 8/6/2024 2:45 PM

To: Mark Hofman <mhofman@cityofflp.gov>

📎 1 attachments (207 KB)

LFPSF Comments on Garey MDNS Aug 6_24.pdf;

Hi, Mark

Please acknowledge receipt of the attached comments.

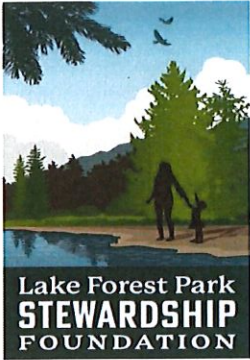
Thank you,

Kim Josund

Lake Forest Park Stewardship Foundation

www.lfpsf.org





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PO Box 82861
Kenmore, WA 98028
(206) 361-7076
info@lfpsf.org
LFPSF.ORG

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

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

August 6, 2024

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

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

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

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

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

The lot is super critical because:

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

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

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

The proposed building design is inadequate in the following ways:

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

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

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

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

Sincerely,



Kim Josund, President
on behalf of the Stewardship Foundation Board

Garrey RUE

Jean Reid <jeanreid2015@gmail.com>

Tue 8/6/2024 4:01 PM

To: Mark Hofman <mhofman@cityofflp.gov>

📎 1 attachments (53 KB)

REid- Gary RUE.pdf;



Jean Reid
18551 28th Ave NE
Lake Forest Park resident

File number: 2024-SEPA-0001

Proponent: Mark Garey

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

because:

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

and goes on to say that this:

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

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

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

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

The documents note that:

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

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

The MDNS states that the:

The proposal shall also include stream buffer mitigation at a ratio of greater than 1:1 to ensure an increase in buffer function (3,728 square feet of buffer enhancement to compensate for 2,619 square feet of permanent buffer impacts)

But the SEPA checklist says only that:

the mitigation as designed will increase stream buffer function.

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

Jean Reid
18551 28th Ave NE
Lake Forest Park resident

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

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

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

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

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

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

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

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

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

Jean Reid
18551 28th Ave NE
Lake Forest Park resident

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

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

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

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

The applicant states that:

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

The documents submitted leave me unconvinced.

Sincerely,

Jean Reid

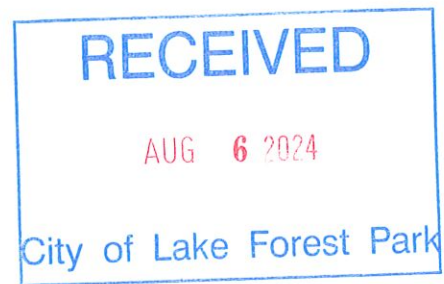
Garey RUE

Nancy Jang <jangnt@gmail.com>

Tue 8/6/2024 5:01 PM

To: Mark Hofman <mhofman@cityofflp.gov>

August 5, 2024



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

Mr. Hofman,

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

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

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

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

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

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

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

Concerned citizens,
Nancy & Gary Jang

Addendum

Nancy Jang <jangnt@gmail.com>

Tue 8/6/2024 5:08 PM

To: Mark Hofman <mhofman@cityofflp.gov>



Dear Mr. Hofman,

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

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



Thank you,
Nancy

Proposed RUE for Parcel# 402290004497

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

Tue 8/6/2024 5:12 PM

To: Mark Hofman <mhofman@cityofflp.gov>

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

Attention: Mark Hoffman, City of Lake Forest Park



I'm writing today because it has come to my attention that hearings, recommendations and a decision are being made

regarding King County Parcel# 402290049 which is under consideration for a "Reasonable Use Permit".

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

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

This property has a history of embankment degradation from excessive rainfall which the application ignores and

failed to include the actual truth that the property has a steep grade which if built on impacts:

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

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

This property has salmon spawning grounds currently protected by a 115-foot setback, which the builder would

like you to ignore so he can illegally build within 15-feet of the water

This property was assessed by the King County Assessor's office at only \$18,000 for a reason, the county assessor has judged it

to be UNBUILDABLE. Currently Lake Forest Park lots sell for an average of \$249,000 and up. The builder only paid \$40,000

which indicates that he knew that the property was unbuildable - unless he can trick you into being complicit with non-compliance.

In acquiring a copy of the building application one can easily discover an application which is only about 50% complete and has

inconsistent and inaccurate answers when it is filled in. These untruths did NOT give you an opportunity to make a good decision regarding this permit.

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

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

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

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

RE: RUE Garey - fluvial morphologist public comment

Janne Kaje <jkaje@comcast.net>

Tue 8/6/2024 10:14 PM

To: Mark Hofman <mhofman@cityofflp.gov>

📎 2 attachments (6 MB)

image002.emz; image006.emz;



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

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



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

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

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



From: Mark Hofman <mhofman@cityofflp.gov>

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

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

Subject: Re: RUE Garey - fluvial morphologist public comment

Thank you,

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

Thank you

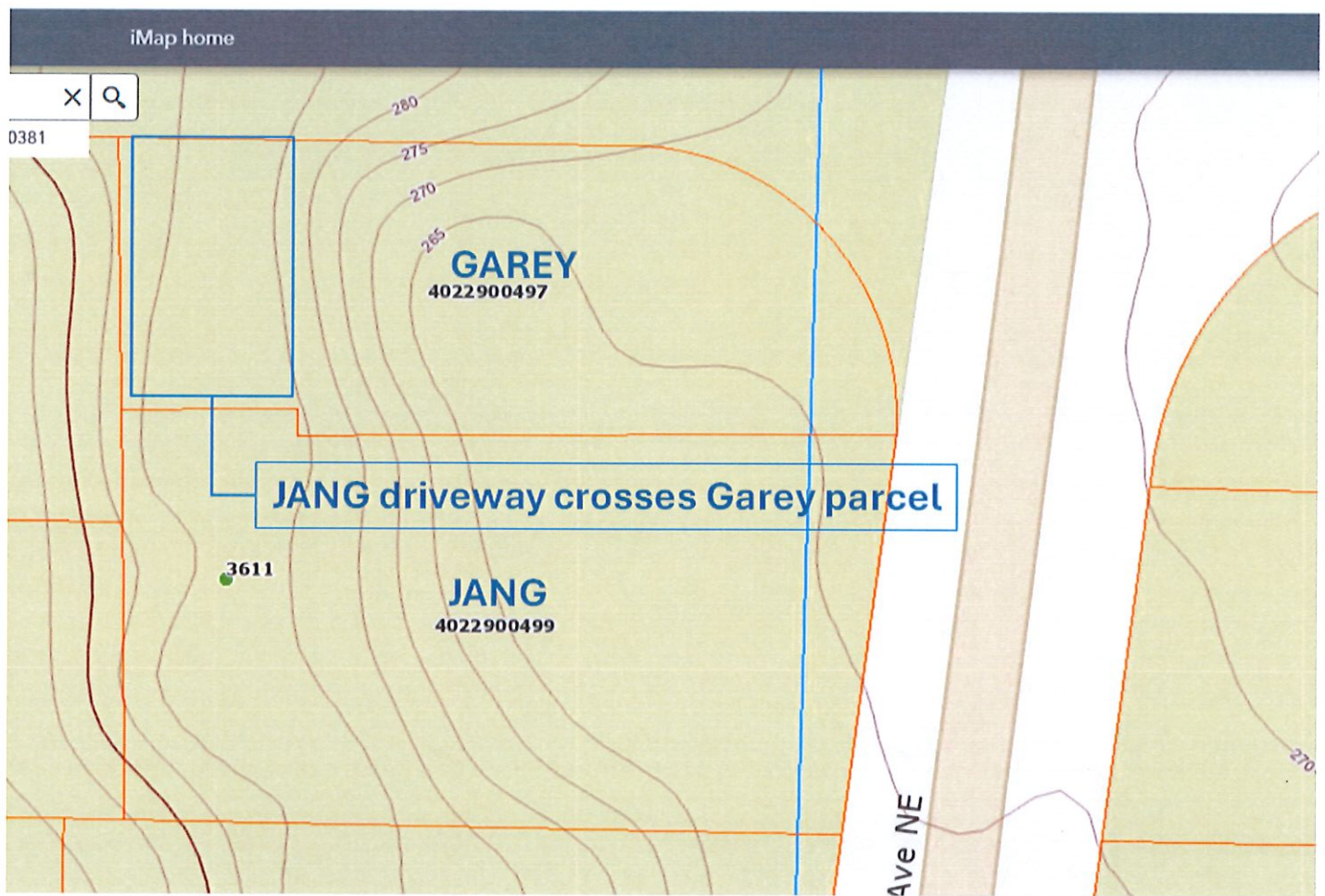


Mark Hofman, AICP | Community Development Director

City of Lake Forest Park

17425 Ballinger Way NE | 206-957-2824

www.cityoflfp.gov



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

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

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

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

Subject: RUE Garey - fluvial morphologist public comment

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

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

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

Jolene Jang (she/her)

From: David Haddock <chevydave@gmail.com>

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

To: Mark Hofman <mhofman@cityoflfp.gov>

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

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

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

My biggest concern relative to this property is the entire lack of any geotechnical data suitable for predicting the stability of the steep slope on the west side of the parcel. While the applicant's geotechnical consultant did a slope stability analysis and submitted it in their report, it is useless because they assumed that soil conditions on that slope would be the same as under the proposed building envelope. Their report provides no relevant data to support their conclusions. There were no borings drilled along the top of the steep slope to determine the actual conditions beneath it. The consultant's slope stability analysis is total conjecture or a guess, without actual relevant data to back it up. Furthermore, from a

geologic perspective there is no good reason for anyone to assume that soil conditions would be the same under both the steep slope and the building envelope. Are you and the city willing to bet someone's life that this inapplicable and unsupported analysis is accurate? I would certainly hope not.

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

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

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

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

David Haddock

BS Geology 1975, MS Environmental Geology 1978.

17012 35th Ave NE, LFP

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

vicki vickiscuri.com <vicki@vickiscuri.com>

Thu 8/8/2024 2:28 PM

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

📎 1 attachments (201 KB)

LFPSF Comments on Garey MDNS Aug 6_24.pdf;

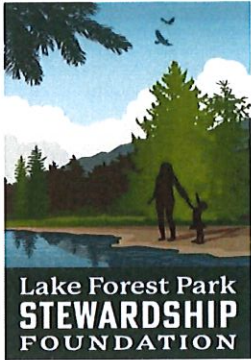
To Mayor Tom French, The City Council and Mark Hofman:

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

Thank you,
Vicki Scuri

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





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PO Box 82861
Kenmore, WA 98028
(206) 361-7076
info@lfpsf.org
LFPSF.ORG

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

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

August 6, 2024

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

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

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

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

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

The lot is super critical because:

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

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

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

The proposed building design is inadequate in the following ways:

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

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

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

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

Sincerely,



Kim Josund, President
on behalf of the Stewardship Foundation Board

RECEIVED

AUG 12 2024

City of Lake Forest Park

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

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

Mon 8/12/2024 2:22 PM

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

📎 2 attachments (1 MB)

081224_JoleneJangCityCouncil_ProtestRequest.pdf; SEPA Checklist_GareyRUE_JoleneComments_sm.pdf;

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

See attachments, thanks.

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

Request for Clarification on Code Compliance

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

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

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

Jolene Jang (she/her) – Asian American Ambassador

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

Date: August 12, 2024

To : City officials and Staff

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

1. Request for Clarification on Code Compliance

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

2. Incompleteness of the SEPA Checklist

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

3. Inconsistencies in the RUE Application

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

4. Notification Issues Regarding the July 19th MDNS

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

Request for Action:

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

5. Follow-Up on Previous Notification Issues

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

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

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

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

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

I am calling for moratorium on RUEs -Why?

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

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

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

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

The implementation of the RUE permitting process is a problem.

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

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

There is no one with history with this RUE.

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

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

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

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

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

Let's make it easier for you.

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

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

Engineer Alan Coburn regarding the Project

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

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

Fish and Wildlife, Habit Biologist, Miles Penk says

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

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

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

Arborist, Daniel Collins

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

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

WHO SHOULD the burden be on?

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

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

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

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

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

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

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

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

And

Applications – Approval – Criteria – Revocation.

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

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

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

This leaves citizens with like me with limited options.

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

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

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

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

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

Jolene Jang

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

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

Permits

SEPA Checklist

Permit # **SEPA-2024-0001**



LAKE FOREST PARK
Washington
 17425 Ballinger Way NE
 Lake Forest Park, WA 98155
 206-368-5440

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

~~STAFF REDLINES~~

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

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

PERMIT APPLICATION FEES

Fees must be paid at time of application

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

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

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

Questions?

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

Access to Information

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

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

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

Instructions for application:

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

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

A. Background

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

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

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

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

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

RUE, building permit, grading permit, ROW PERMIT

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

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

CRITICAL AREA MITIGATION, STORMWATER SYSTEM

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

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

B. Environmental Elements

1. Earth

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

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

roughly 70% (WESTERN PORTION OF SITE)

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

unknown

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

No ☒ FREQUENTLY FLOODED AREAS

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

excavation to construct footprint and driveway and storm improvements

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

Yes

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

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

approximately 1,500 sf

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

general BMPs

2. Air

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

exhaust from construction equipment;

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

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

minimize to the extent feasible the use of heavy equipment

3. Water

a.) Surface water

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

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

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

yes, work will occur in the stream's buffer

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

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

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

the least amount of impact is planned for surface waters

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

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

b.) Ground water

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

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

N/A

c.) Water Runoff (including stormwater)

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

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

A stormwater system that complies with the standards will be installed

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

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

none anticipated with the storm system installed

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

A stormwater system using infiltration will be installed per stormwater standards

4. Plants

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

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

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

only tree removal necessary to construct the residence and access

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

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

n/a

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

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

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

n/a

5. Animals

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

n/a

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

n/a

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

n/a

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

n/a

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

n/a

6. Energy & Natural Resources

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

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

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

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

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

7. Environmental Health

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

n/a

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

n/a

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

n/a

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

n/a

- e) Describe special emergency services that might be required

general emergency services from fire/police etc...

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

n/a

8. Noise

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

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

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

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

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

observing hours for construction in LFP city limits

9. Land & Shoreline Use

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

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

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

no.

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

No

- d) Describe any structures on the site.

n/a

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

n/a

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

RS 9.6

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

Residential Mod/High

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

n/a

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

steep slopes and a stream/buffer is present

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

a single family

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

n/a

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

n/a

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

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

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

n/a

10. Housing

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

one

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

n/a

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

mitigation for impacts to critical areas are planned

11. Aesthetics

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

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

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

n/a

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

n/a

12. Light & Glare

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

lighting for typical residential unit

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

no

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

street lighting, but not thought to affect proposal

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

attempts to keep light produced on the property will be made

13. Recreation

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

parks

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

No

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

n/a

14. Historic & Cultural Preservation

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

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

No

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

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

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

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

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

15. Transportation

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

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

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

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

Two additional for the garage; none displaced

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

No

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

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

FROM THE LOCAL WATER PROVIDER

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

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

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

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

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

16. Public Services

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

Yes

it is anticipated that fire and police services will be utilized

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

n/a

17. Utilities

a. Circle utilities currently available at the site:

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

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

C. Signature

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

Signature: Mark J. Garey

Name of sign: Mark Garey

Position and Agency/Organization: Property Owner

Date Submitted: 3/20/2024

D. Supplemental Sheet for Non Project Actions

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

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

Respond briefly and in general terms

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? Proposed measures to avoid or reduce such increases are:
2. How would the proposal be likely to affect plants, animals, fish, or marine life? Proposed measures to protect or conserve plants, animals, fish, or marine life are:
3. How would the proposal be likely to deplete energy or natural resources? Proposed measures to protect or conserve energy and natural resources are:
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? Proposed measures to protect such resources or to avoid or reduce impacts are:

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

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

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

RUE on 205th and Cedar Way/37th NE

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

Thu 8/15/2024 5:04 PM

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

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

Hi Mark and Jeffrey,



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

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

Thanks,
Kayla

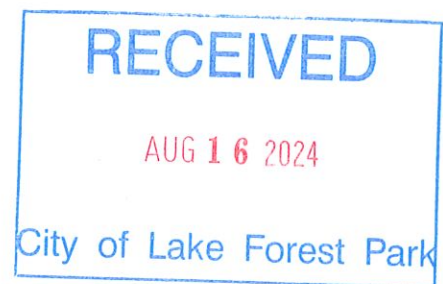
Kayla Eicholtz (she/her)
Regional Floodplain Planner, Northwest Region
WA Department of Ecology
Cell: (425) 429-4545 | Email: kayla.eicholtz@ecy.wa.gov

Reasonable Use Exceptions that you continue to deny

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

Fri 8/16/2024 2:13 PM

To: Mark Hofman <mhofman@cityofflp.gov>



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

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

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

Tue 8/20/2024 7:53 AM

To: Mark Hofman <mhofman@cityofflp.gov>

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

Hi Mark,



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

The response we sent is below:

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

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

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

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

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

Thanks,
Kayla

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

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

External Email

Thank you for the update.

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

Thank you for reviewing the site and issues.



Mark Hofman, AICP | Community Development Director

City of Lake Forest Park

17425 Ballinger Way NE | 206-957-2824

www.cityofflp.gov

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

Hi Mark and Jeffrey,

RECEIVED

AUG 15 2024

City of Lake Forest Park

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

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

Thanks,
Kayla

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

RECEIVED

AUG 26 2024

City of Lake Forest Park

Re: Lot in Lake Forest Park

Lorri Bodi <lbodi@cityofflp.gov>

Mon 8/26/2024 10:13 AM

To: Debbie Lezon <dlezon@comcast.net>

Cc: Mark Hofman <mhofman@cityofflp.gov>

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

From: Debbie Lezon <dlezon@comcast.net>

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

To: Lorri Bodi <lbodi@cityofflp.gov>

Subject: Lot in Lake Forest Park

Hello Mrs. Bodi,

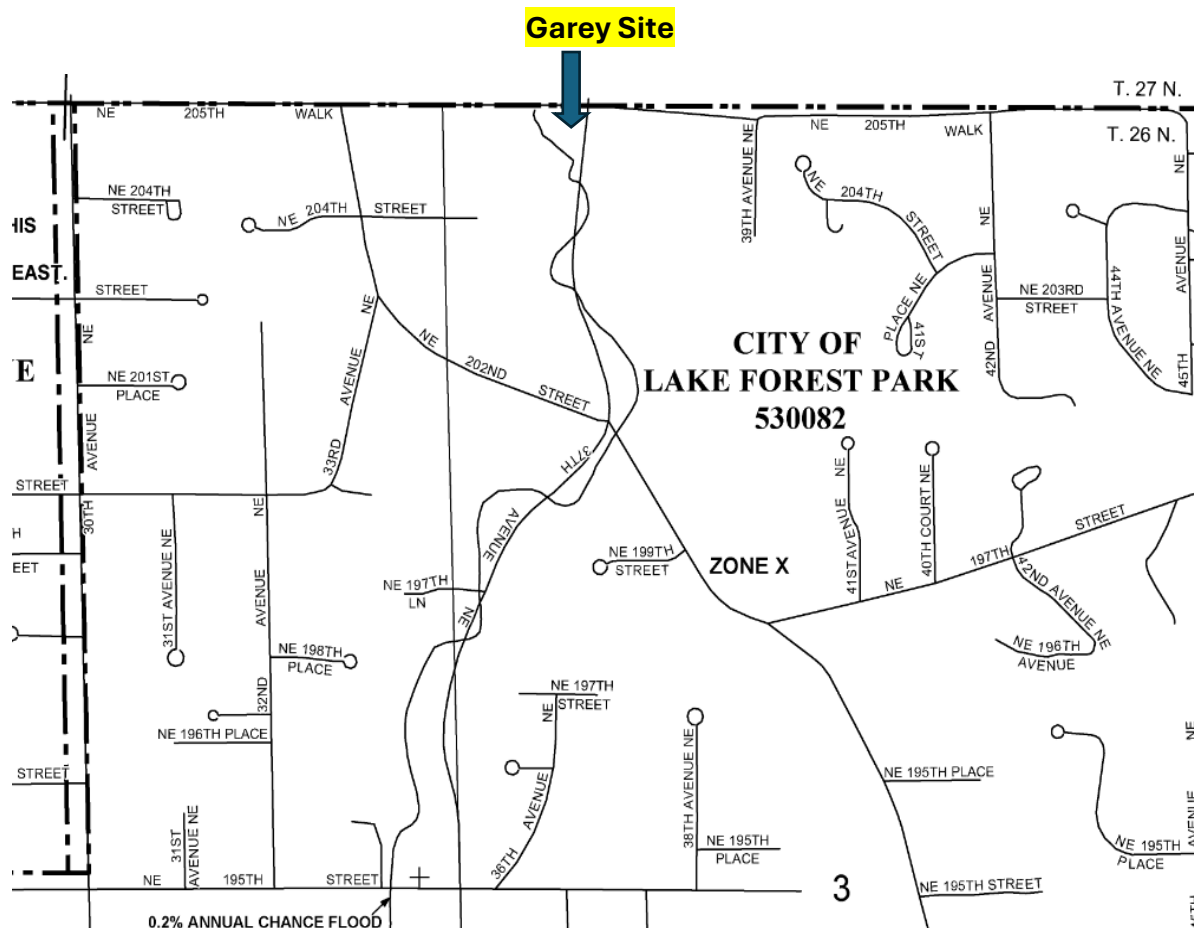
I am writing to ask if there has been any decision as to the variances requested for building on the lot located on 37th Ave. N.E. and N.E. 195th St.?

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

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

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

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



ORDER NO.:
5207185309

REF. NO.:
Garey

GUARANTEE NO.:
A46014-SGW-227766

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, AND THE GUARANTEE CONDITIONS ATTACHED
HERETO AND MADE A PART OF THIS GUARANTEE,



**OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY**

, herein called the Company,



GUARANTEES

the Assured named in Schedule A against actual monetary loss or damage not exceeding the liability stated in Schedule A, which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

Dated: August 16th, 2022 at 08:00 AM

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

A Corporation
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

Countersigned:

By 
Validating Officer

By  President

Attest  Secretary

SCHEDULE A

GUARANTEE NO.: A46014-SGW-227766
ORDER NO.: 5207185309
REF. NO.: Garey
LIABILITY: \$400.00
FEE: \$300.00
DATED: August 16th, 2022 at 08:00 AM

A. Name of Assured:

Mark J. Garey, as a separate estate

The assurances referred to on the face page are:

B. Title to the land described herein is vested in:

Mark J. Garey, as a separate estate

C. There are no easements, leases, options to purchase, mortgages, or deeds of trust which purport to affect said land, other than those shown as follows:

1. Rights of parties in possession and claims that may be asserted under unrecorded instruments, if any.

2. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955 of the Government Code, or ancestry, unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument

Recorded : [October 24, 1919 in Official Records under Recording Number 1357452](#)

3. A slope easement as follows:

Instrument : Easement for slopes
Recorded : [August 30, 1973 in Official Records under Recording Number 7308300439](#)

4. A slope easement as follows:

Instrument : Easement for slopes
Recorded : [December 20, 1973 in Official Records under Recording Number 7312200101](#)

5. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : City of Seattle
For : Electric transmission and/or distribution line, together with necessary appurtenances
Recorded : [November 22, 1977 in Official Records under Recording Number 7711220730](#)
Affects : West 15 feet

6. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

For : Side Sewer Easement
Recorded : [November 2, 1977 in Official Records under Recording Number 7711020750](#)
Affects : Width 6 feet an undisclosed portion of said Land along the line as constructed

Contains a provision for bearing equal costs of maintenance, repair or reconstruction of said Common Sewer by the users.

7. Terms and provisions as contained in an instrument,

Entitled : Short Plat No. 1176075
Recorded : [in Official Records under Recording Number 8104020639](#)

Being a Revision of Short Plat recorded [July 21, 1977 in Official Records under Recording Number 7707210591](#).

8. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

For : Side Sewer Easement
Recorded : [October 16, 1989 in Official Records under Recording Number 8910161152](#)
Affects : Width 6 feet an undisclosed portion of said Land along the line as constructed

Contains a provision for bearing equal costs of maintenance, repair or reconstruction of said Common Sewer by the users.

9. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : City of Seattle
For : Electric transmission and/or distribution line, together with necessary appurtenances
Recorded : [December 20, 1989 in Official Records under Recording Number 8912200646](#)
Affects : The Westerly 15 feet

10. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : Excel Enterprises, Inc.
For : ingress and egress
Recorded : [January 5, 1990 in Official Records under Recording Number 9001050364](#)
Affects : West 20 feet and the west 30 feet of the south 10 feet

Contains a provision for bearing equal costs of maintenance, repair or reconstruction of said Common Sewer by the users.

11. Unrecorded Boundary Line Adjustment No. 8901021 as disclosed by King County Tax Rolls.

12. Terms and provisions as contained in an instrument,

Entitled : Record of Survey
Recorded : [in Official Records under Recording Number 20050728900032](#)

13. Any prohibition or limitation on the use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or any portion thereof.

14. Rights of the State of Washington in and to that portion of said premises, if any, lying in the bed of Lyons Creek, if it is navigable.
15. Rights of the public to unrestricted use of a navigable body of water including, but not limited to navigation, recreational use, and fishing, whether or not the level of the water has been raised or lowered naturally or artificially to a maintained or fluctuating level.
16. Lien of Real Estate Excise Sale Tax upon any sale of said premises, as established by the Washington State Department of Revenue.

Confirm the current rate by contacting the following prior to closing:

17. GENERAL TAXES, PLUS INTEREST AND PENALTY AFTER DELINQUENT; 1ST HALF DELINQUENT ON MAY 1; 2ND HALF DELINQUENT ON NOVEMBER 1:

Year	:	2022
Amount Billed	:	\$343.01
Amount Paid	:	\$171.51
Tax Account No.	:	402290-0497-07
Levy Code	:	1245

Assessed Valuation

Land	:	\$32,000.00
Improvements	:	\$0.00

18. NOTE: The last recorded transfer or agreement to transfer the land described herein is as follows:

Instrument	
Entitled	: Quit Claim Deed
By/From	: Lisa F. Garey
To	: Mark J. Garey, as a separate estate
Dated	: June 12, 2021
Recorded	: July 9, 2021 in Official Records under Recording Number 20210709001122

- D. The land is situate in the County of King, City of Lake Forest Park, State of Washington, and is described as follows:

(See attached Exhibit 'A')

E. The abbreviated legal description is provided to enable the document preparer to conform with the requirements of RCW 65.04.045:

Portion Lot 2, Short Plat No. 1176075, Recording No. 7707210591

SCHEDULE OF EXCLUSIONS FROM COVERAGE

1. Except to the extent that specific assurances are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters against the title, whether or not shown by the public records.
 - (b) (1) Taxes or assessments of any taxing authority that levies taxes or assessments on real property; or, (2) Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not the matters excluded under (1) or (2) are shown by the records of the taxing authority or by the public records.
 - (c) (1) Unpatented mining claims; (2) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (3) water rights, claims or title to water, whether or not the matters excluded under (1), (2) or (3) are shown by the public records.
2. Notwithstanding any specific assurances which are provided in Schedule A of this Guarantee, the Company assumes no liability for loss or damage by reason of the following:
 - (a) Defects, liens, encumbrances, adverse claims or other matters affecting the title to any property beyond the lines of the land expressly described in the description set forth in Schedule (A), (C) or in Part 2 of this Guarantee, or title to streets, roads, avenues, lanes, ways or waterways to which such land abuts, or the right to maintain therein vaults, tunnels, ramps or any structure or improvements; or any rights or easements therein, unless such property, rights or easements are expressly and specifically set forth in said description.
 - (b) Defects, liens, encumbrances, adverse claims or other matters, whether or not shown by the public records; (1) which are created, suffered, assumed or agreed to by one or more of the Assureds; (2) which result in no loss to the Assured; or (3) which do not result in the invalidity or potential invalidity of any judicial or non-judicial proceeding which is within the scope and purpose of the assurances provided.
 - (c) The identity of any party shown or referred to in Schedule A.
 - (d) The validity, legal effect or priority of any matter shown or referred to in this Guarantee.

GUARANTEE CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in the Guarantee mean:

- (a) the "Assured": the party or parties named as the Assured in this Guarantee, or on a supplemental writing executed by the Company.
- (b) "land": the land described or referred to in Schedule (A) or in Part 2, and improvements affixed thereto which by law constitute real property. The term "land" does not include any property beyond the lines of the area described or referred to in Schedule (A) or in Part 2, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
- (c) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.
- (d) "public records": records established under state statutes at Date of Guarantee for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge.
- (e) "date": the effective date.

2. NOTICE OF CLAIM TO BE GIVEN BY ASSURED CLAIMANT

An Assured shall notify the Company promptly in writing in case knowledge shall come to an Assured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as stated herein, and which might cause loss or damage for which the Company may be liable by virtue of this Guarantee. If prompt notice shall not be given to the Company, then all liability of the Company shall terminate with regard to the matter or matters for which prompt notice is required; provided, however, that failure to notify the Company shall in no case prejudice the rights of any Assured under this Guarantee unless the Company shall be prejudiced by the failure and then only to the extent of the prejudice.

3. NO DUTY TO DEFEND OR PROSECUTE

The Company shall have no duty to defend or prosecute any action or proceeding to which the Assured is a party, notwithstanding the nature of any allegation in such action or proceeding.

4. COMPANY'S OPTION TO DEFEND OR PROSECUTE ACTIONS; DUTY OF ASSURED CLAIMANT TO COOPERATE

Even though the Company has no duty to defend or prosecute as set forth in Paragraph 3 above:

- (a) The Company shall have the right, at its sole option and cost, to institute and prosecute any action or proceeding, interpose a defense, as limited in (b), or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured, or to prevent or reduce loss or damage to the Assured. The Company may take any appropriate action under the terms of this Guarantee, whether or not it shall be liable hereunder, and shall not thereby concede liability or waive any provision of this Guarantee. If the Company shall exercise its rights under this paragraph, it shall do so diligently.
- (b) If the Company elects to exercise its options as stated in Paragraph 4(a) the Company shall have the right to select counsel of its choice (subject to the right of such Assured to object for reasonable cause) to represent the Assured and shall not be liable for and will not pay the fees of any other counsel, nor will the Company pay any fees, costs or expenses incurred by an Assured in the defense of those causes of action which allege matters not covered by this Guarantee.
- (c) Whenever the Company shall have brought an action or interposed a defense as permitted by the provisions of this Guarantee, the Company may pursue any litigation to final determination by a court of competent jurisdiction and expressly reserves the right, in its sole discretion, to appeal from an adverse judgment or order.
- (d) In all cases where this Guarantee permits the Company to prosecute or provide for the defense of

any action or proceeding, an Assured shall secure to the Company the right to so prosecute or provide for the defense of any action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such Assured for this purpose. Whenever requested by the Company, an Assured, at the Company's expense, shall give the Company all reasonable aid in any action or proceeding, securing evidence, obtaining witnesses, prosecuting or defending the action or lawful act which in the opinion of the Company may be necessary or desirable to establish the title to the estate or interest as stated herein, or to establish the lien rights of the Assured. If the Company is prejudiced by the failure of the Assured to furnish the required cooperation, the Company's obligations to the Assured under the Guarantee shall terminate.

5. PROOF OF LOSS OR DAMAGE

In addition to and after the notices required under Section 2 of these Conditions and Stipulations have been provided to the Company, a proof of loss or damage signed and sworn to by the Assured shall be furnished to the Company within ninety (90) days after the Assured shall ascertain the facts giving rise to the loss or damage. The proof of loss or damage shall describe the matters covered by this Guarantee which constitute the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage. If the Company is prejudiced by the failure of the Assured to provide the required proof of loss or damage, the Company's obligation to such assured under the Guarantee shall terminate. In addition, the Assured may reasonably be required to submit to examination under oath by any authorized representative of the Company and shall produce for examination, inspection and copying, at such reasonable times and places as may be designated by any authorized representative of the Company, all records, books, ledgers, checks, correspondence and memoranda, whether bearing a date before or after Date of Guarantee, which reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Assured shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect and copy all records, books, ledgers, checks, correspondence and memoranda in the custody or control of a third party, which reasonably pertain to the loss or damage. All information designated as confidential by the Assured provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Assured to submit for examination under oath, produce other reasonably requested information or grant permission to secure reasonably necessary information from third parties as required in the above paragraph, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this Guarantee to the Assured for that claim.

6. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS: TERMINATION OF LIABILITY

In case of a claim under this Guarantee, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Liability or to Purchase the Indebtedness.

The Company shall have the option to pay or settle or compromise for or in the name of the Assured any claim which could result in loss to the Assured within the coverage of this Guarantee, or to pay the full amount of this Guarantee or, if this Guarantee is issued for the benefit of a holder of a mortgage or a lienholder, the Company shall have the option to purchase the indebtedness secured by said mortgage or said lien for the amount owing thereon, together with any costs, reasonable attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of purchase.

Such purchase, payment or tender of payment of the full amount of the Guarantee shall terminate all liability of the Company hereunder. In the event after notice of claim has been given to the Company by the Assured the Company offers to purchase said indebtedness, the owner of such indebtedness shall transfer and assign said indebtedness, together with any collateral security, to the Company upon payment of the purchase price.

Upon the exercise by the Company of the option provided for in Paragraph (a) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4, and the Guarantee

shall be surrendered to the Company for cancellation.

(b) To Pay or Otherwise Settle With Parties Other Than the Assured or With the Assured Claimant.

To pay or otherwise settle with other parties for or in the name of an Assured claimant any claim assured against under this Guarantee, together with any costs, attorneys' fees and expenses incurred by the Assured claimant which were authorized by the Company up to the time of payment and which the Company is obligated to pay.

Upon the exercise by the Company of the option provided for in Paragraph (b) the Company's obligation to the Assured under this Guarantee for the claimed loss or damage, other than to make the payment required in that paragraph, shall terminate, including any obligation to continue the defense or prosecution of any litigation for which the Company has exercised its options under Paragraph 4.

7. DETERMINATION AND EXTENT OF LIABILITY

This Guarantee is a contract of Indemnity against actual monetary loss or damage sustained or incurred by the Assured claimant who has suffered loss or damage by reason of reliance upon the assurances set forth in this Guarantee and only to the extent herein described, and subject to the Exclusions From Coverage of This Guarantee.

The liability of the Company under this Guarantee to the Assured shall not exceed the least of:

- (a) the amount of liability stated in Schedule A or in Part 2;
- (b) the amount of the unpaid principal indebtedness secured by the mortgage of an Assured mortgagee, as limited or provided under Section 6 of these Conditions and Stipulations or as reduced under Section 9 of these Conditions and Stipulations, at the time the loss or damage assured against by this Guarantee occurs, together with interest thereon; or
- (c) the difference between the value of the estate or interest covered hereby as stated herein and the value of the estate or interest subject to any defect, lien or encumbrance assured against by this Guarantee.

8. LIMITATION OF LIABILITY

- (a) If the Company establishes the title, or removes the alleged defect, lien or encumbrance, or cures any other matter assured against by this Guarantee in a reasonably diligent manner by any method, including litigation and the completion of any appeals therefrom, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused thereby.
- (b) In the event of any litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as stated herein.
- (c) The Company shall not be liable for loss or damage to any Assured for liability voluntarily assumed by the Assured in settling any claim or suit without the prior written consent of the Company.

9. REDUCTION OF LIABILITY OR TERMINATION OF LIABILITY

All payments under this Guarantee, except payments made for costs, attorneys' fees and expenses pursuant to Paragraph 4 shall reduce the amount of liability pro tanto.

10. PAYMENT OF LOSS

- (a) No payment shall be made without producing this Guarantee for endorsement of the payment unless the Guarantee has been lost or destroyed, in which case proof of loss or destruction shall be furnished to the satisfaction of the Company.
- (b) When liability and the extent of loss or damage has been definitely fixed in accordance with these Conditions and Stipulations, the loss or damage shall be payable within thirty (30) days thereafter.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled and paid a claim under this Guarantee, all right of subrogation shall vest in the Company unaffected by any act of the Assured claimant.

The Company shall be subrogated to and be entitled to all rights and remedies which the Assured would have had against any person or property in respect to the claim had this Guarantee not been issued. If requested by the Company, the Assured shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect this right of subrogation. The Assured shall permit the Company to sue, compromise or settle in the name of the Assured and to use the name of the Assured in any transaction or litigation involving these rights or remedies.

If a payment on account of a claim does not fully cover the loss of the Assured the Company shall be subrogated to all rights and remedies of the Assured after the Assured shall have recovered its principal, interest, and costs of collection.

12. LIABILITY LIMITED TO THIS GUARANTEE; GUARANTEE ENTIRE CONTRACT

- (a) This Guarantee together with all endorsements, if any, attached hereto by the Company is the entire Guarantee and contract between the Assured and the Company. In interpreting any provision of this Guarantee, this Guarantee shall be construed as a whole.
- (b) Any claim of loss or damage, whether or not based on negligence, or any action asserting such claim, shall be restricted to this Guarantee.
- (c) No amendment of or endorsement to this Guarantee can be made except by a writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

13. NOTICES, WHERE SENT

All notices required to be given the Company and any statement in writing required to be furnished the Company shall include the number of this Guarantee and shall be addressed to the Company at the office which issued this Guarantee or to the Company at: 400 Second Avenue South, Minneapolis, Minnesota 55401, (612) 371-1111.

ORDER NO.:
5207185309

REF. NO.:
Garey

GUARANTEE NO.:
A46014-SGW-227766

EXHIBIT 'A'

The land referred to is situated in the County of King, City of Lake Forest Park, State of Washington, and is described as follows:

Lot 2 of King County Short Plat No. 1176075, Recorded under Recording No. [8104020639](#), being a Revision of Short Plat No. Recorded under Recording No. [7707210591](#), records of King County, Washington; Except the South 5 feet of The West 40 feet thereof, as conveyed under Recording No. [8910200533](#).

SITUATE in the County of King, State of Washington.