



CITY OF LAKE FOREST PARK

Notice of Mitigated Determination of Nonsignificance using Optional DNS Process

Description of proposal: Major Critical Area Permit to construct a single-family residence and associated improvements on a parcel constrained by two Np streams and a Category III wetland. The proposal includes stream crossings for the improved access drive and sewer line, and reduction of the wetland buffer with compensatory mitigation. A Reasonable Use Exception (RUE) was previously granted for site development following a public hearing in 2023 (file no. 2020-RUE-0002).

File number: 2024-CAMJ-0010

Proponent: Khoa Ha

Location of proposal, including street address, if any: Address unassigned; adjacent to 17715 and 17725 28th Ave NE, Lake Forest Park (parcel no. 4024100380)

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

Determination: This Mitigated DNS is issued under WAC 197-11-355 utilizing the optional DNS process. The SEPA comment period previously occurred concurrently with the Notice of Application dated August 6, 2025. The lead agency has determined that this proposal, as designed, revised, and conditioned, will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. This decision was made after reviewing a completed environmental checklist and other information on file with the lead agency.

Mitigation measures: The following mitigation measures are necessary to minimize adverse environmental impacts and ensure compliance with RUE conditions of approval including but not limited to site clearing limitations, establishment of critical area buffers in accordance with the approved site plan, wetland enhancement and monitoring, and establishment of a critical area protection tract:

1. Site development shall comply with the approved critical area permit site plan dated 5/14/2025 (prepared by PacLand, sheet C 1.0).
2. The applicant shall contact the Community Development Department (206-957-2824) to schedule a pre-construction meeting with the Community Development Director prior to conducting any site disturbance or clearing activities. Construction flagging or equivalent minor temporary material may be installed/put in place (with no site disturbance) to indicate the location of the future two-rail fence and the required tree and critical area mitigation areas for purposes of the pre-construction meeting and pre-disturbance delineation.
3. The construction impact zone shall be limited to the area surrounded by the line labeled “two rail fence” (aka split rail) on the approved site plan, and the area

delineated for disturbance necessary to install the side sewer service. The two rail fence shall be installed after the pre-construction meeting required in condition no. 2 above and prior to commencement of site clearing and construction activities.

4. 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. A copy of the Department of Fish and Wildlife Hydraulic Project Approval (HPA) for the proposed stream alteration shall be provided to the Community Development Department prior to issuance of the Clearing and Grading Permit.
5. All recommendations of the critical area report (*Environmentally Critical Areas Study and Buffer Mitigation Plan*, ACRE Environmental Consultants, LLC, March 29, 2019, Revised February 17, 2023) shall be strictly adhered to throughout the project and monitoring period.
6. All recommendations of the geotechnical report (Geotech Consultants Inc., September 5, 2019) shall be strictly adhered to throughout the project.
7. If cultural resources are unearthed during the development process, immediately cease and desist ALL operations and contact the City, the Washington State Department of Archeology and Historic Preservation Historic Preservation Officer, regional Native American Tribes (including the Duwamish Tribe), and King County concerning the appropriate treatment of archaeological and historic resources. Do not resume work until appropriate approvals are received and the City has authorized development to resume.
8. Prior to final building inspection, 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, and monitoring plan.
9. The mitigation area shall be subject to the annual monitoring plan specified in the critical area report. Monitoring is required for five 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.
10. If the Community Development 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.

11. All costs associated with the mitigation/monitoring and planning therefor, including city expenses, shall be the responsibility of the Permittee and/or Property Owner.
12. Prior to the final inspection and occupancy of the residence:
 - a. The critical area and buffer mitigation plan within the critical area report shall be implemented by the Permittee/Property Owner and be found to be correctly installed by City staff.
 - b. The Permittee shall provide a signed copy of the contract from the professional to perform the mitigation monitoring program specified in condition 8 above, which shall include the value of the monitoring plan and be reflective of current pricing.
 - c. 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 (ACRE Environmental Consultants, LLC, March 29, 2019, as revised). The Permittee shall provide the City with a confirmed copy of the notice and disclosure.
 - d. The Property Owner shall provide documentation indicating that the critical areas preservation tract has been recorded with King County.
13. Inadvertent Discovery: If an employee 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).

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>.

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

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

Date Issued: September 12, 2025 **Publication Date:** September 16, 2025

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, **no later than close of business September 30, 2025**. 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@cityofflp.com to ask about the procedures for SEPA appeals.