

Community Development Director  
Mark Hofman

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## **City of Lake Forest Park Notice of Decision for Major Critical Area Permit**

**File Number:** 2024-CAMJ-0010

**Applicant:** Khoa Ha

**Location of Proposal:** Address unassigned; adjacent to 17715 and 17725 28<sup>th</sup> Ave NE, Lake Forest Park (parcel no. 4024100380).

**Proposal:** Major Critical Area Permit to construct a single-family residence and associated improvements on a parcel constrained by stream and wetlands. A Reasonable Use Exception (RUE) was previously granted for site development by the Hearing Examiner on July 6, 2023 (2020-RUE-0002).

**Other Approvals Needed:** Washington Department of Fish and Wildlife (WDFW) Hydraulic Project Approval; City Building, Clearing and Grading, Right of Way, Sewer and Tree permits.

**Findings and Conclusions:** The subject site is constrained by wetlands, a Type N stream, and associated buffers. Extensive critical area review occurred via the RUE Type I land use process, including notice of application, a public hearing, and decision to approve the RUE by the City Hearing Examiner (July 6, 2023). The Hearing Examiner decision includes 21 findings of fact and 10 conclusions of law, herein incorporated by reference. The approved site plan prepared by PacLand dated 5/14/2025 conforms to the site layout previously approved through the RUE process. Additionally, the applicant has revised the Critical Area Permit site plan as required to demonstrate conformance with the plans previously approved through the RUE process.

**Decision:** The application for a Major Critical Area Permit (No. 2024-CAMJ-0010) is **approved**, subject to the following conditions:

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. Site development is subject to all conditions of the November 19, 2025 Department of Fish and Wildlife Hydraulic Project Approval (HPA).
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. The applicant shall follow the “stop-protect-notify” protocols for inadvertent discovery in accordance with Department of Ecology Publication 070-560 (rev. 06/21).
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.

**Appeals:** This Type-III decision by the Community Development Director (Code Administrator) may be appealed to the City's Hearing Examiner per LFP MC 16.26.190, Type III - Appeal. To do so, submit a written appeal statement to the City Clerk, Matthew McLean, at 17425 Ballinger Way NE, Lake Forest Park, WA 98155, along with a \$500 filing fee no later than the 14th day following the date of publication of this decision (appeals shall be submitted by close of business December 29, 2025). You should be prepared to make specific factual objections in your written appeal.

**Date of action:** December 9, 2025

**Date of publication:** December 15, 2025

**Signature:**   
Mark Hofman, Community Development Director

