

## LIST OF PRE-FILED EXHIBITS FOR GAREY REASONABLE USE EXCEPTION

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**PLANNING DEPARTMENT**  
**STAFF REPORT**  
**TO CITY OF LAKE FOREST PARK HEARING EXAMINER**

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The following review by the City of Lake Forest Park Planning 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 Numbers:** 2021-RUE-0001

**Hearing Date:** March 27, 2024; 6pm

**Requested Action:** Approval of reasonable economic use exception from critical area regulations, to construct one single family residence. The proposal also includes construction of utility and access improvements, as well as installation of critical area mitigation.

**Permittee:** Mark Garey

**Environmental Determination:** Exempt per WAC 197-11-800 (6) (a) (see Exhibit 8)

**Site Location:** 36xx NE 205 ST  
Lake Forest Park, WA 98155  
Parcels # 4022900497

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

**Zoning Classification:** RS – 9.6 (Exhibit 15)

**APPLICABLE CODES AND REGULATIONS FOR THE REASONABLE ECONOMIC USE EXCEPTION (This list may not be completely exhaustive.)**

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

- LFPMC 16.16.250 – Establishes the application procedures for a reasonable use exception to allow for reasonable economic use.
- LFPMC 16.14- Lake Forest Park Tree regulations.
- LFPMC 16.26.030 – Establishes the authority of the Hearing Examiner to issue quasi-judicial decisions variance applications (Type I application).
- LFPMC 16.26.110 (D) – Establishes the decision of the Hearing Examiner on a Type I application as the final decision of the city.

- LFPMC 16.26.040 (D), .090, and .110 (C) – Establishes the public notification requirements associated with Type I applications.
- LFPMC 18.16- RS-20 SINGLE-FAMILY RESIDENTIAL, LOW

### **BACKGROUND INFORMATION AND PROJECT DESCRIPTION:**

#### **Description of the Proposal and Background Information:**

The project proposal is to construct an 1,100 square foot single-family residence with associated access and utility improvements on a parcel encumbered entirely by regulated critical areas. The permittee has applied for a reasonable use exception and has provided the required information to demonstrate how the lot will be developed and how all critical areas will be impacted as well as how the impacts to critical areas will be mitigated.

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.

The proposed single-family home will be accessed via a driveway that meets the requirements found in 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 found in the King County Surface Water Design Manual.

#### **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 west. 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 hedgenettle, 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 undisturbed and vacant.

**Adjacent Land Use Characteristics:**

The site is surrounded by single family development within the same zoning classification. The single-family homes within the vicinity are similar in age and size and 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. 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 needed hearing exhibits 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 to include in the pre-filed exhibits for the hearing on March 9, 2023. The permittee responded with the information on March 24, 2023. The city then experienced the exit of several planning staff and as a result had to stall some applications in process.

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 506 days. The permittee has provided authorization to exceed the 120-day statutory processing deadline (see exhibit 4).

**REASONABLE USE CRITERIA REQUIREMENTS AND 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.

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***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)*

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**DISCUSSION OF PURPOSE AND INTENT LANGUAGE IN LFPMC 16.16.250 (B) (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.*

**FINDINGS:** After this application was submitted, the Planning Commission explored revisions to the reasonable use exception code. To preserve critical areas, and with an emphasis to minimize the impact of development on lots that are entirely encumbered by critical area regulations, the Commission recommended several revisions to the RUE code for the City Council to consider and possibly adopt. The City Council did ultimately adopt the Planning Commission's recommendations. Within the purpose and intent sections of the adopted RUE code, there are guidelines for consideration which pertain to project footprint size, gross floor area size, garage size, and overall impact. The Garey application is proposing an 1,100 square foot footprint impact, which is 100 square feet larger than the guidelines for footprint size in the purpose and intent sections. Building elevations have not been provided at this time, so overall size of the proposed structure cannot be determined consistent with the 1,500 square foot maximum gross floor area guideline. The proposed size of the structure's footprint at 1,100 square feet is also slightly less than the 1,200 square foot footprint impacts of past RUE approvals in LFP. This will be the first RUE case to be decided upon since the new RUE

regulations have been adopted. Because the changes were adopted during the application's review process and after this application was determined complete and noticed, revisions to the design were only altered enough to fall below previously approved footprint square footages.

**CONCLUSIONS:** The proposed footprint is 100 square feet larger than the recommended guidelines for footprint size stated in the purpose and intent section and 100 square feet smaller than any other previously approved RUE in LFP. This difference is thought to be a reasonable compromise given the guidance for consideration in the purpose and intent sections and does not relate to the criteria specific for approval, but only the project's size and impact. Staff recommends a condition which would align with the guidelines above, to limit the gross floor area of the structure to 1,500 square feet. Staff believes the application is consistent with the guidelines for associated infrastructure disturbance and recommends an additional condition that would impose a maximum 10-foot-wide buffer around the structure's footprint for the purpose of repairs and maintenance. As conditioned, the project is consistent with the purpose and intent sections above.

### **REASONABLE ECONOMIC USE EXCEPTION (RUE)**

Staff's analysis with findings and conclusions for these 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 application and site plan (see exhibit 2), 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 steam, stream buffer, and the required 15-foot-wide building setback from the edge of the stream buffer. The proposal also meets all area and dimensional requirements of zone. This criterion is met.

**RUE CRITERION D.2: There is no other reasonable economic use with less impact on the sensitive 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 10-foot setback from the house footprint is necessary to provide for maintenance of the house, as well as safe ingress-egress in an emergency. A reduced maintenance area nearest to Lyon Creek combined with a reduced building footprint of 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 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.

According to the permittee's critical area report, the critical area will receive direct enhancement as a part of the mitigation plan. In this case, the project only impacts adjacent stream buffers and mitigation for buffers are typically required at a 1:1 ratio. 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 sensitive area, other than what the permittee proposes. Enhancement and mitigation of the buffer areas are also recommended via the critical area report and conditioned as a part of this recommendation. The mitigation work is based on the design of qualified industry professionals and if placed within a protected area, can result in increased stream function. As conditioned, 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:** According to the permittee's application, 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.

**Permittee Policy Response:** The proposed residence preserves most 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.

**Permittee 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.

**Permittee 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.

**CONCLUSIONS:** The proposed development does not pose an unreasonable threat to the public health, safety, or welfare, on or off the proposed site if the proposed mitigation methods for construction suggested in the critical area study provided by the permittee are followed. The proposed development is also consistent with the general purposes of the environmental chapter and the comprehensive plan. This criterion is met.

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

**FINDINGS:** The alteration is the minimum necessary for a single-family structure and appurtenances that will fulfill the basic economic needs of the applicant. The proposed 1,100 square foot building footprint (a portion of which will be non-livable garage space on the ground level), and associated driveway and stormwater quality facilities have been designed to occupy the minimum amount of area necessary for this type of use and, as conditioned, are generally consistent with the guidelines established in the purpose and intent sections which consider project size. An area of approximately 752 square feet will be designated for the stormwater vegetative flow path, an area that has been designed for the least amount of impact relative to the size of the structure. Long term maintenance of the water quality system and impacts to the critical areas and buffers as a result of that maintenance has not been discussed in any of the application materials. Staff recommends that the permittee provide additional testimony and/or supporting exhibits to demonstrate how impacts to the critical areas and buffers will be mitigated during any maintenance performed to the stormwater system.

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. The city employed PACE engineering as a third-party peer reviewer, to review the permittee's proposed mitigation plan and provide comment. As a result of that review, the city's peer reviewer has determined that the proposed mitigation, as submitted, complies with all relevant code sections as they are applied to this reasonable use case. PACE has recommended that a ten-year monitoring period be imposed on this development and the recommended mitigation installed. The monitoring period has been recommended as a condition for this development.

**CONCLUSIONS:** Although specific elevations of the structures have not been provided, the size and layout of the proposed dwelling unit seem to provide enough information to determine the impacts. There are likely no other possible layouts that would provide a development that is consistent with the nature of the neighborhood with fewer impacts to the buffer of the stream. A single-family site that is entirely encumbered by stream restrictions and associated buffer area does not allow for reasonable economic use. The proposed alterations are the absolute minimum necessary to reasonably develop the parcels in accordance with zoning regulations and their applicable plat designations. As conditioned, this criterion is 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 has been met.

### **PUBLIC COMMENT**

The city received several public comments (see exhibit 5) during the Notice of Application (NOA) comment period for this project. The city also received some comments after the NOA comment period (see exhibit 6) Generally, the public comments summarized the commenters' concern with the project's impact to critical areas as well as downstream storm water impacts from an additional unit to be constructed. 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 a copy of all public comments received.

Staff recommends the permittee testify as to how the project will mitigate the public's concerns, or, how the project could be revised to account for the public's concerns.

### **CONCLUSIONS AND RECOMMENDATION**

**The Planning Department recommends the conditional approval of the request for reasonable economic use exception (file NO. 2021-RUE-0001), for the above-described reasons with the following conditions:**

1. Exhibit 2 shall be the approved site plan for this Reasonable Use Exception.
2. The structure shall not exceed 1,500 square feet of gross floor area.
3. A maximum 10-foot-wide buffer around the structure's footprint shall be established for the purpose of repairs and maintenance.
4. The site plan is valid for a period of three years from the date of approval.
5. The permittee must apply for and receive all required permits from the planning and building department.
6. All work must comply with the city's adopted standards for development and construction including stormwater mitigation, erosion control, zoning and building.
7. Split-rail wood fencing and approved signage is required to delineate between the critical area 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.

8. Prior to the final inspection of the residence, the critical area and buffer mitigation plan (exhibit 7) shall be implemented by the Permittee/property owner and be found to be correctly installed by City staff and/or City Arborist.
9. 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.
10. 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 then current pricing.
11. All recommendations in the critical area report shall be strictly adhered to throughout the project and monitoring period.
12. 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.
13. 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.
14. 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
15. 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.
16. 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.
17. All costs associated with the mitigation/monitoring and planning therefore, including city expenses, shall be the responsibility of the permittee.
18. 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.
19. 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:

  
**Nick Holland**  
Senior Planner

Date: March 13, 2024

### PARTIES OF RECORD

Jolene Jang	<a href="mailto:jolene@jolenejang.com">jolene@jolenejang.com</a>
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Exhibit 2.0

## Exhibit 3.0

# MEMORANDUM

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

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

The following documents were reviewed:

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

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

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

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

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

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

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

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

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

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

**D. Reducing impact or eliminating the impact over time through preservation and/or maintenance operations:** Critical areas left unencumbered by project impacts will be protected in perpetuity via a critical area easement. All enhancement areas within stream buffers will be monitored for a minimum of five years and achieve performance standards outlined within sheet W6 of the mitigation plan.

Maintenance protocol includes capturing as-built conditions once invasives are removed and mitigation areas are fully implemented.

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

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

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

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

**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

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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](http://www.cityofflp.com)



**Cameron Tuck**

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

Dear Planning Department,

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

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

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

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

Sincerely

Hillarie Windish, PhD

Exhibit 5.1

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Luanne Brown

**Cameron Tuck**

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**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

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**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

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Dan

## Cameron Tuck

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**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**

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**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**

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**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**

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**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

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**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 for 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

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## Cameron Tuck

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

Dear Planner,

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

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

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

Thank you for your consideration.

Robin H. Kelley, CFEE

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

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

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## Cameron Tuck

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**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**

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**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 37<sup>th</sup> 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 182<sup>nd</sup> St  
LFP, WA 98155  
(206) 972-3465

Sent from my Galaxy

**Cameron Tuck**

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**From:** Kevin Henry <kevinphenny21@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

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Here is the proposal

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

**Cameron Tuck**

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**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**

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**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**

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**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**

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**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**

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**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**

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**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**

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**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](http://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 205<sup>th</sup> Street NE and NE 37th Avenue apparently discharges street runoff from 205<sup>th</sup> 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**

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**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.

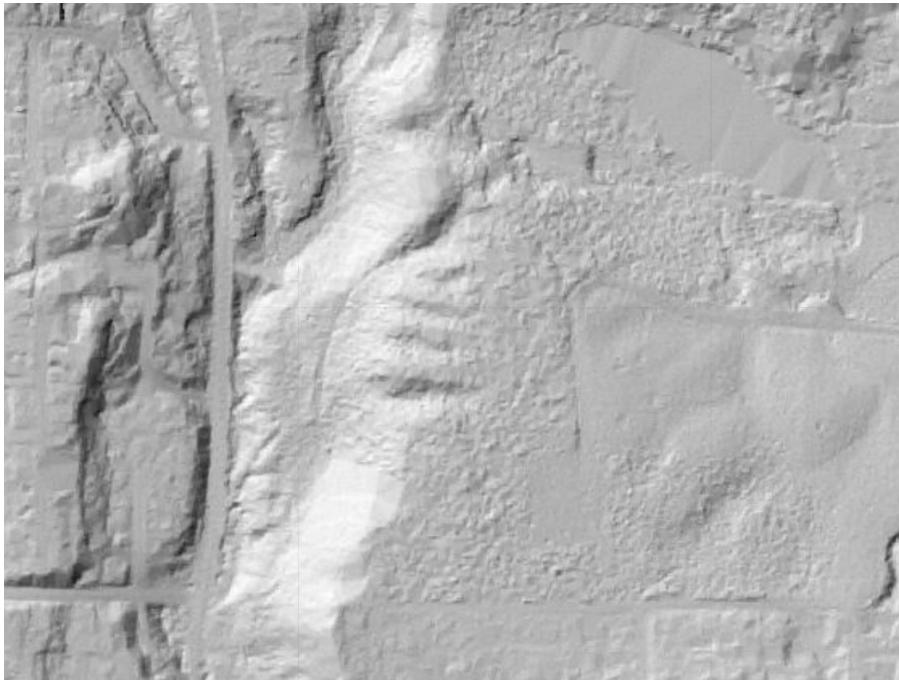
### Exhibit 5.33

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

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**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.

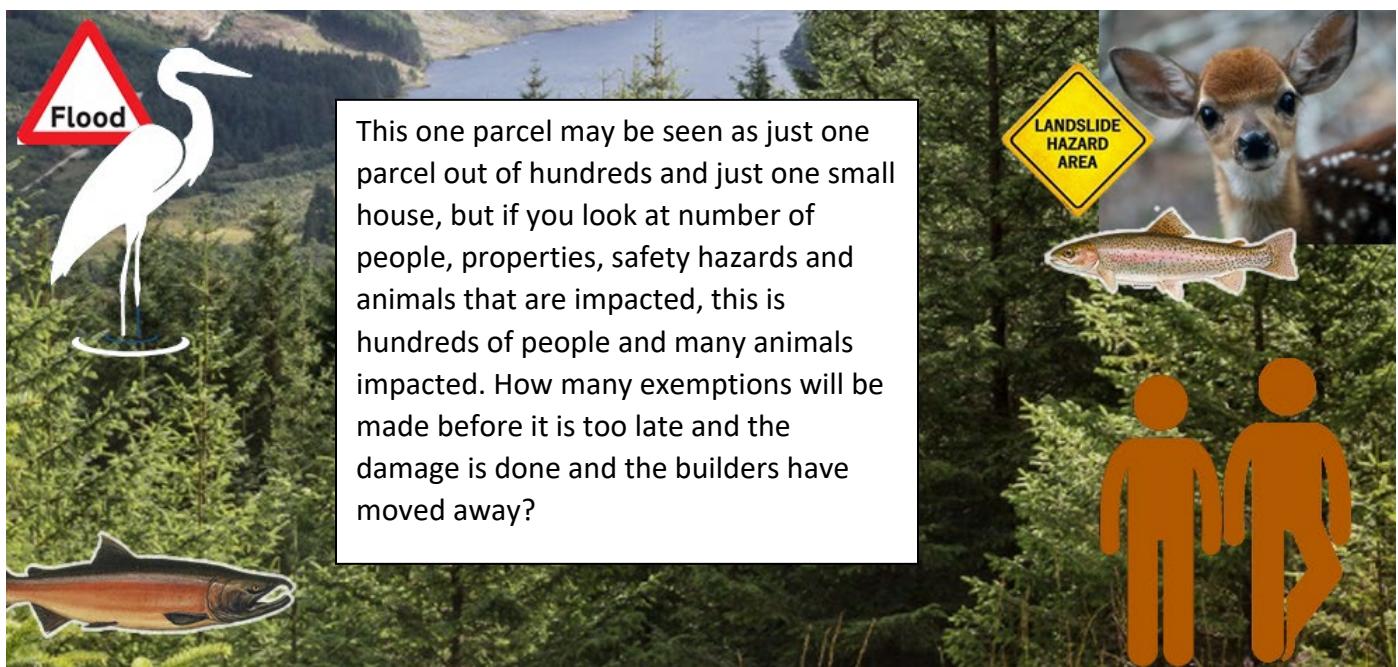
<https://drive.google.com/drive/folders/1V8gY96Q43vE6whQCDJGrVCYPA9K69C7w?usp=sharing>

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:***

<b>Collaboration</b>	We achieve greater results through collaborative engagement of each other and the communities around us.
<b>Equity</b>	Our actions provide all people with real access to a good quality of life.
<b>Accountability</b>	We are committed to addressing the concerns and priorities of Lake Forest Park through transparent community engagement, decision and actions, through continuous improvement.
<b>Stewardship</b>	We are effective, efficient, financially prudent and innovative stewards of the public's resources, and strive to achieve sustainable results.
<b>Integrity</b>	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.
<b>Service Ethic</b>	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.*



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

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

#### ***Current (On-Going) Services:***

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

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

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

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

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

16.16.250 Reasonable use exception to allow for reasonable economic use.

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

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

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



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

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

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

## Introduction

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

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

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

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

16.16.110 Contents of critical areas study.

2. **Assess all hazards** posed by the development proposal to any critical areas or critical area buffers on or adjacent to the proposed site;

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

I will show how this statement is false.

16.16.250 Reasonable use exception to allow for reasonable economic use.

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

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

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

### Arborist Report is incomplete and misleading

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

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

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

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

#### Red Flag Problems

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

- What will happen with all the other trees on the property?
- What about the trees on my property bordering his property. Doesn't the code state these trees should have their critical root zones
- In the report, should there be an in-depth assessment of the individual trees to assess the survival rate and mitigation strategies to insure their survival. **Here is an example** of what I request to make an accurate decision of the impact of the construction on the land.

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

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

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

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

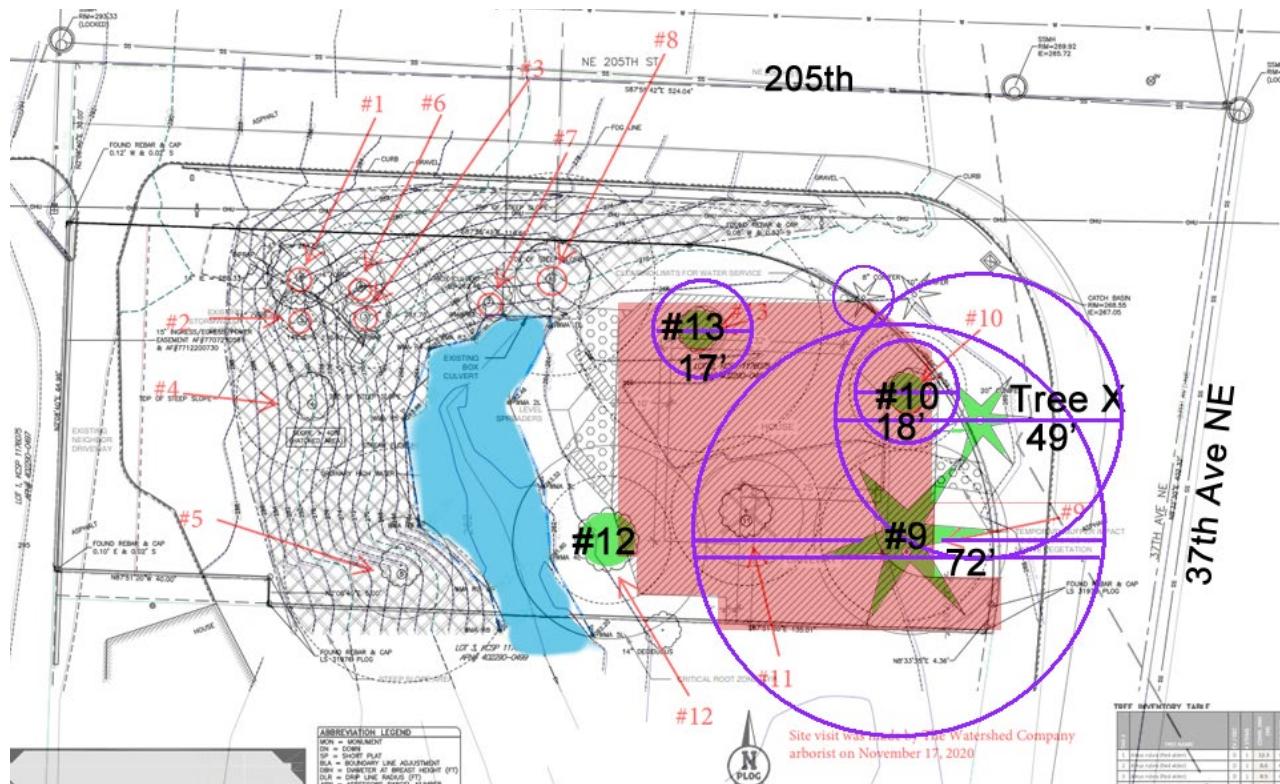


Figure 1 Full size provided as an attachment

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

Tag ID	Scientific Name / Common Name	Trunk DBH (inches)	Significant (Y/N)	Landmark (Y/N)
1	<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 # (9.4)**

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 if 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 planted 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

<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

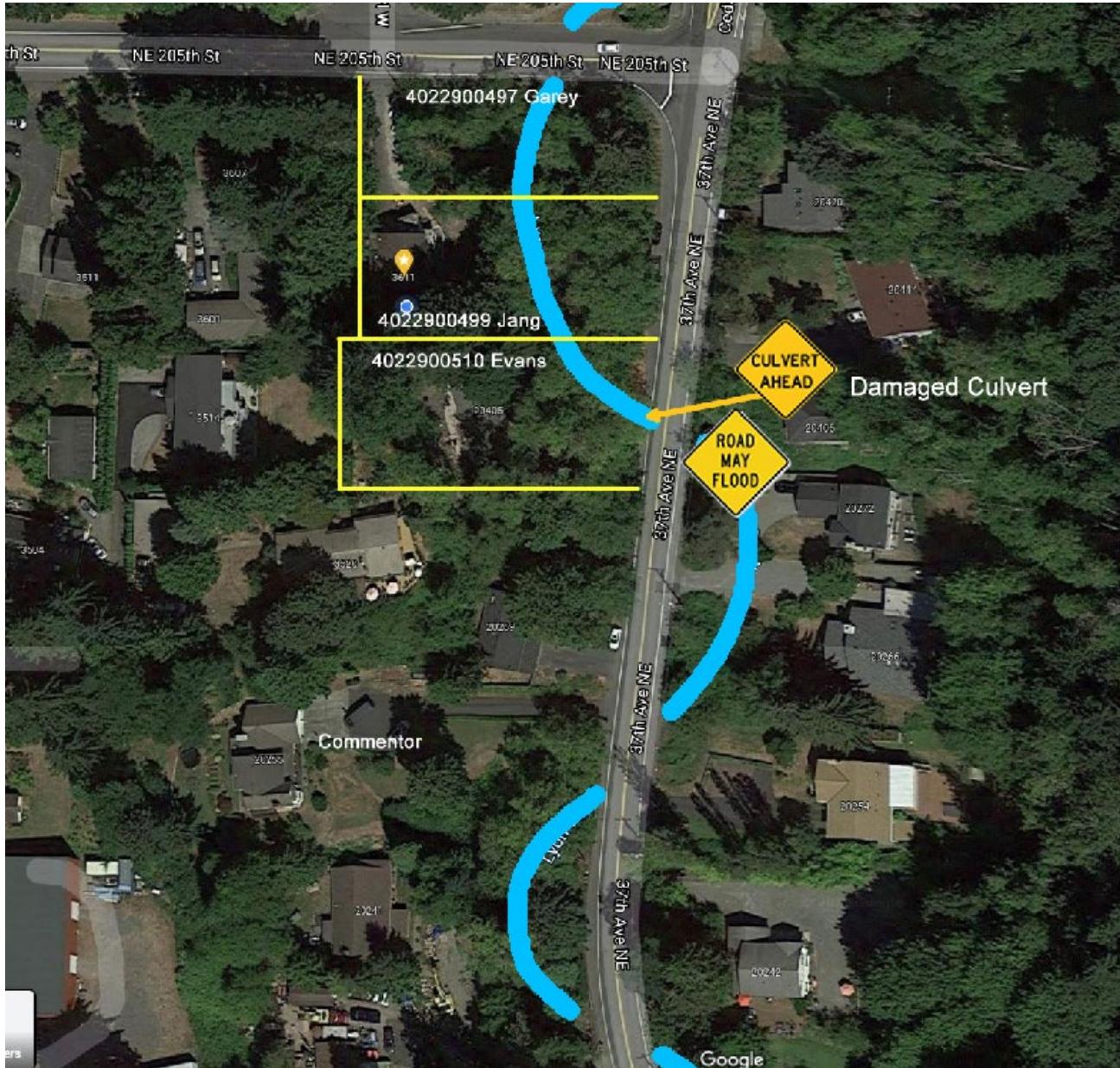


Figure 4 Parcel and adjacent parcels

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 3<sup>rd</sup> 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 1/4 mile directly downstream of the proposed project parcel.

**What about the Evans property and the road flooding?**

### Task 3: Field Inspection:

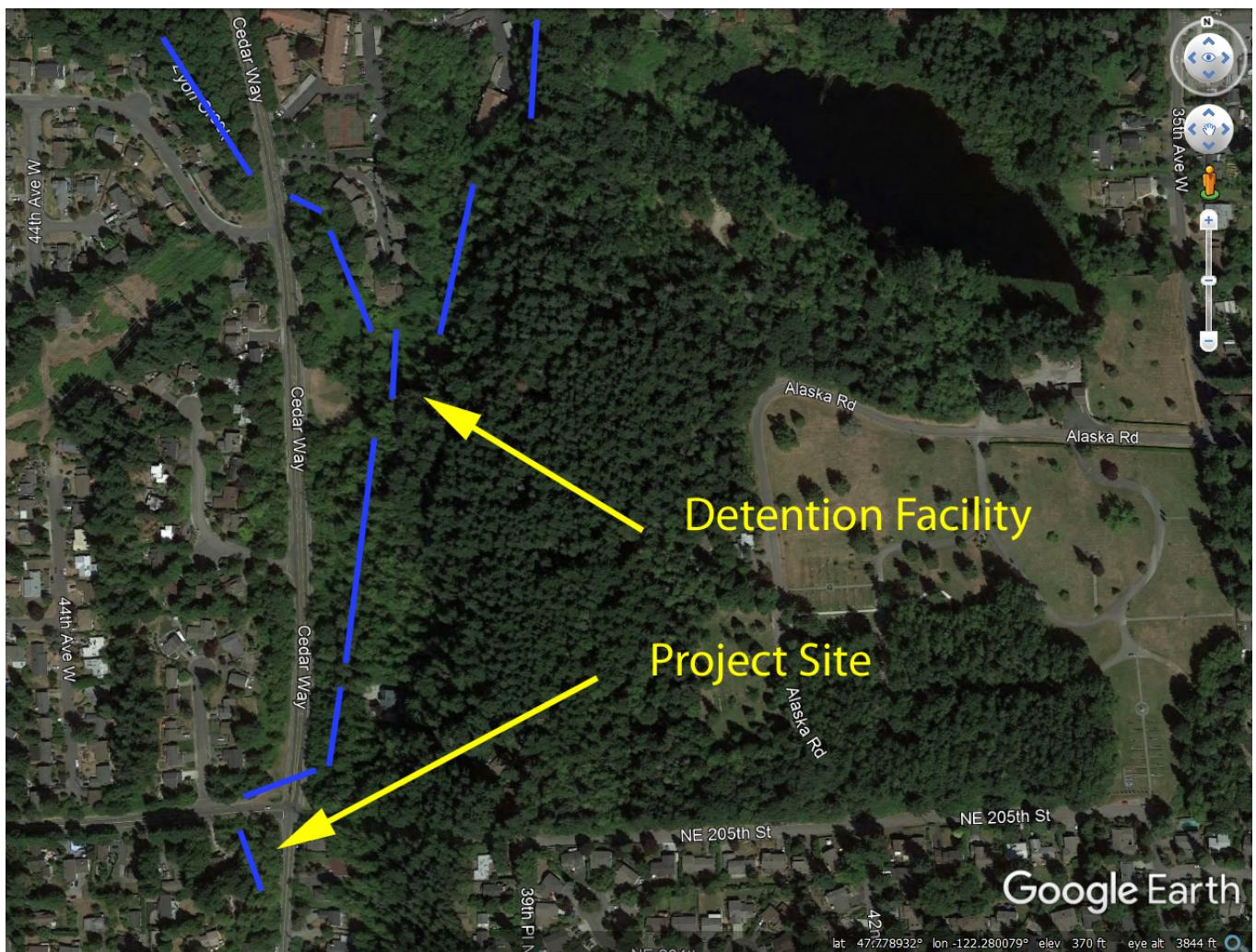
A field observation of the site, upstream drainage area, and 1/4 mile downstream drainage path conditions was performed in June, 2018.

**What about the upstream detention pond flooding?**

### Task 4: Drainage System Description and Problem Descriptions:

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

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



Wrong. Here is proof.

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

## Protected Species Habitat

There is no mention of any fish in this proposal, yet this Parcel # 4022900497 is a **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:**

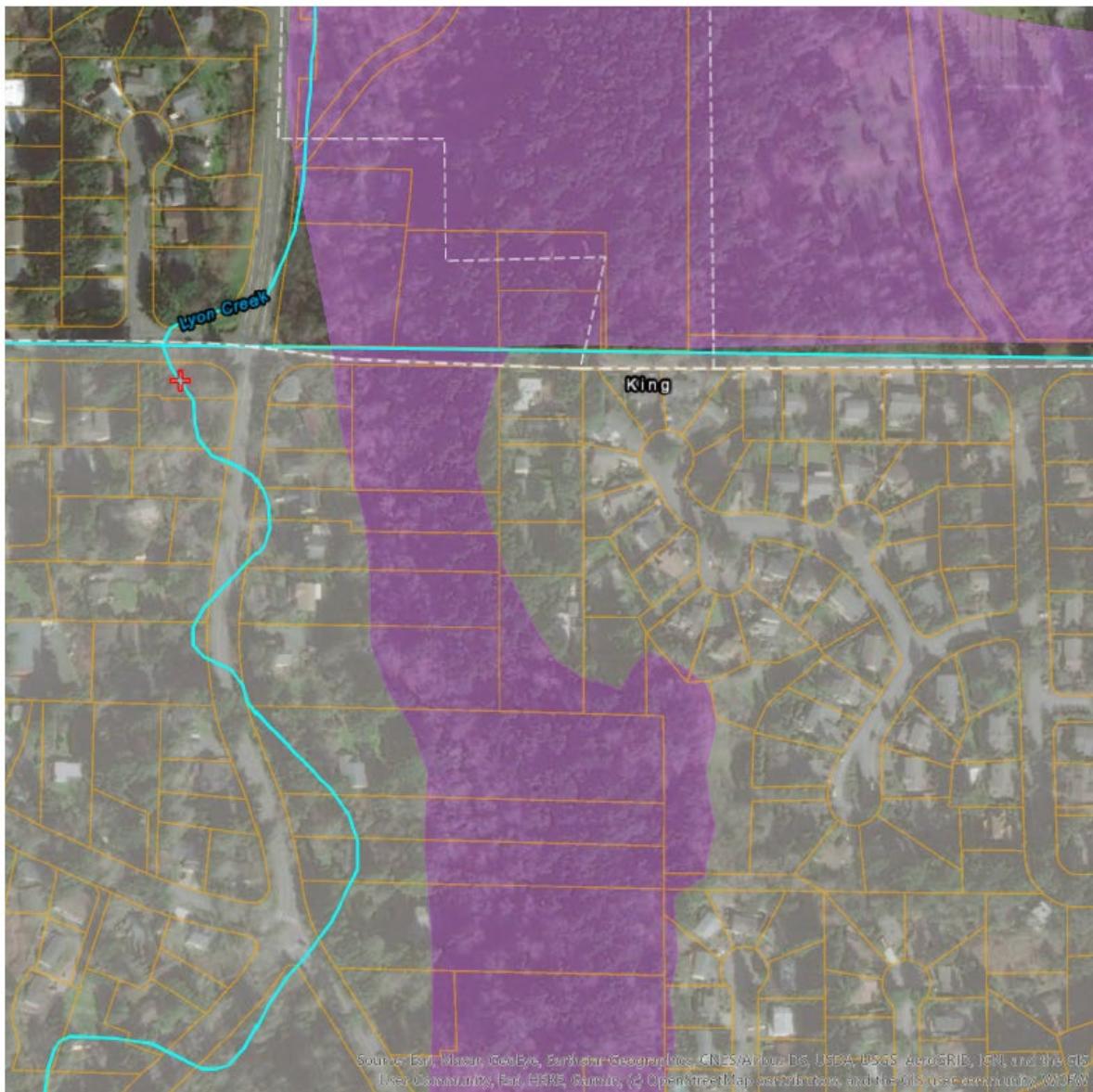
Occurrence Name	Federal Status
Coho	N/A
Coho	Candidate
Resident Coastal Cutthroat	N/A
Little Brown Bat	N/A

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	<a href="http://wdfw.wa.gov/wlm/diversty/soc/soc.htm">http://wdfw.wa.gov/wlm/diversty/soc/soc.htm</a>
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 Tribs Coho, Run: Unspecified, Status: Depressed
Source Record	3120
Source Dataset	SASI
Source Name	Not Given
Source Entity	WDFW Fish Program
Federal Status	Candidate
State Status	N/A
PHS Listing Status	PHS Listed Occurrence
Sensitive	N
SGCN	N
Display Resolution	AS MAPPED
More Info	<a href="http://wdfw.wa.gov/wlm/diversty/soc/soc.htm">http://wdfw.wa.gov/wlm/diversty/soc/soc.htm</a>
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	<a href="http://wdfw.wa.gov/wlm/diversity/soc/soc.htm">http://wdfw.wa.gov/wlm/diversity/soc/soc.htm</a>
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
Management Recommendations	<a href="http://wdfw.wa.gov/publications/pub.php?id=00605">http://wdfw.wa.gov/publications/pub.php?id=00605</a>

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
3131043		3/5/2021	\$0.00	GAREY LISA F	GAREY MARK J	Quit Claim Deed	Other
2745989	20150728001394	7/27/2015	\$40,000.00	MCKIMMY JAMES	GAREY MARK J+LISA F	Statutory Warranty Deed	None
1099566	198911221550	11/20/1989	\$25,000.00	EXCEL ENTERPRISES INC	MCKIMMY JAMES	Warranty Deed	None

### REVIEW HISTORY

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

Valued Year	Tax Year	Appraised 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 from 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.](#)

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 other residents

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)<sup>1</sup>.

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 37<sup>th</sup> 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 201<sup>st</sup> St  
Kenmore, WA  
98028

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<sup>1</sup> 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

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Daniel Collins-Consultant 360.531.0447

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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 its 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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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

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Daniel Collins-Consultant 360.531.0447

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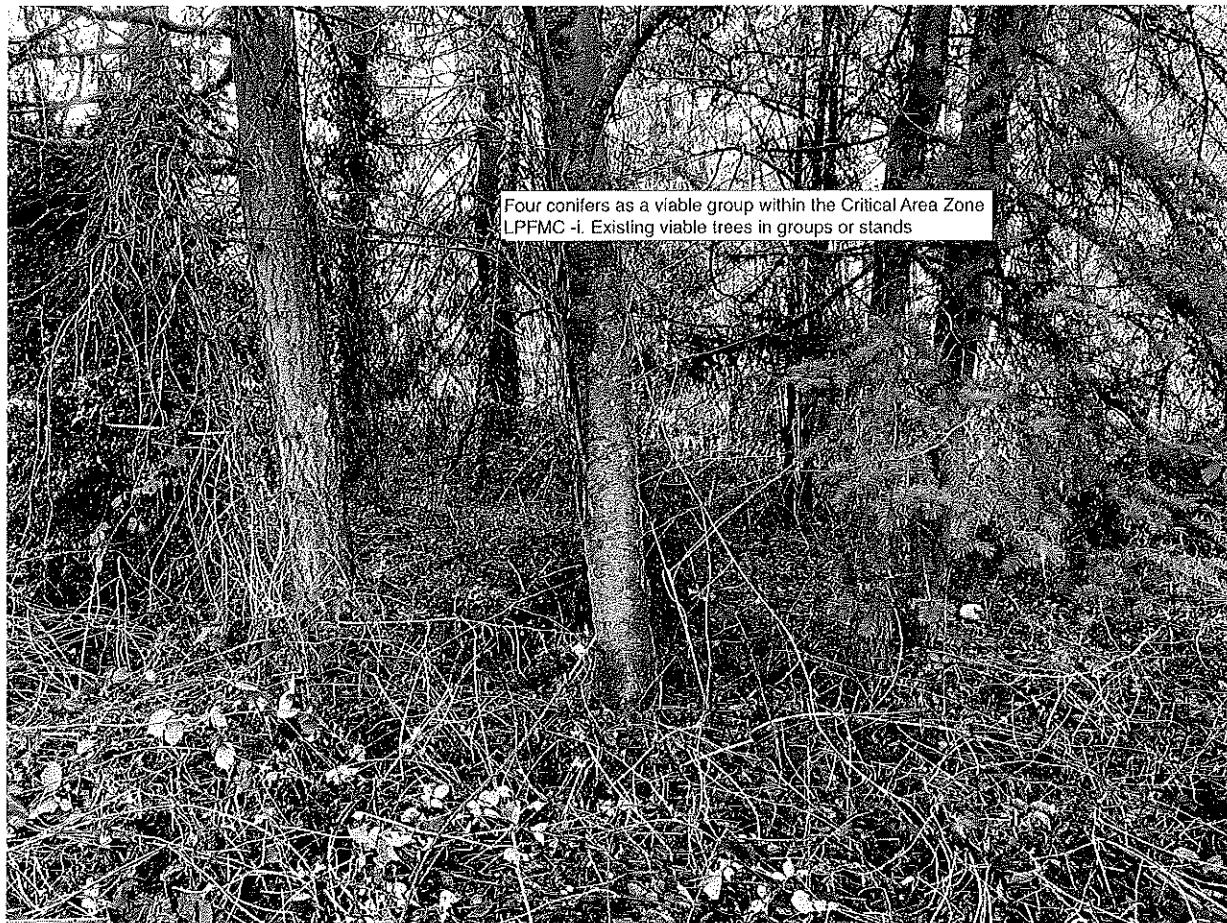


Photo 2

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Daniel Collins-Consultant 360.531.0447

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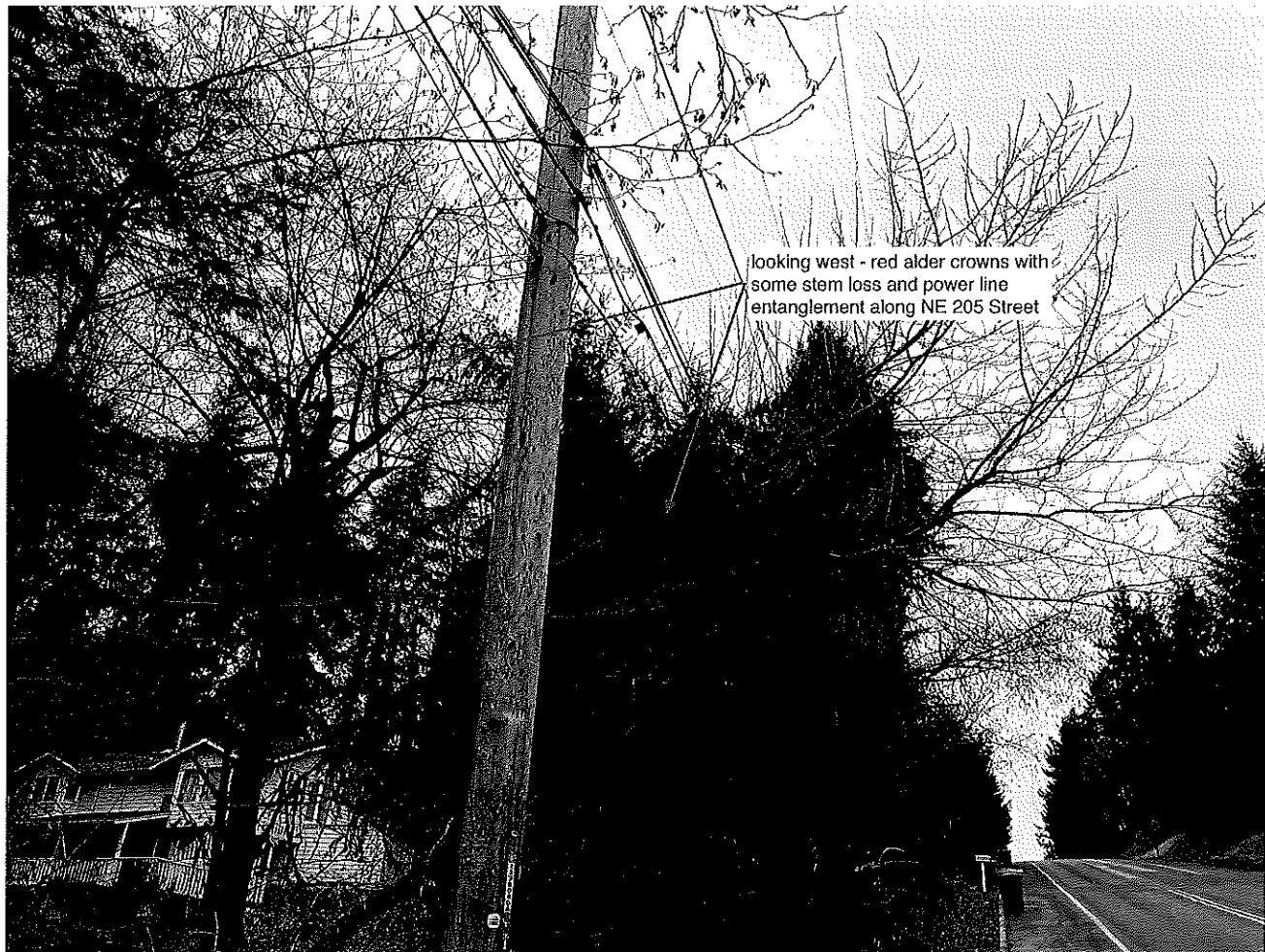


Photo 3

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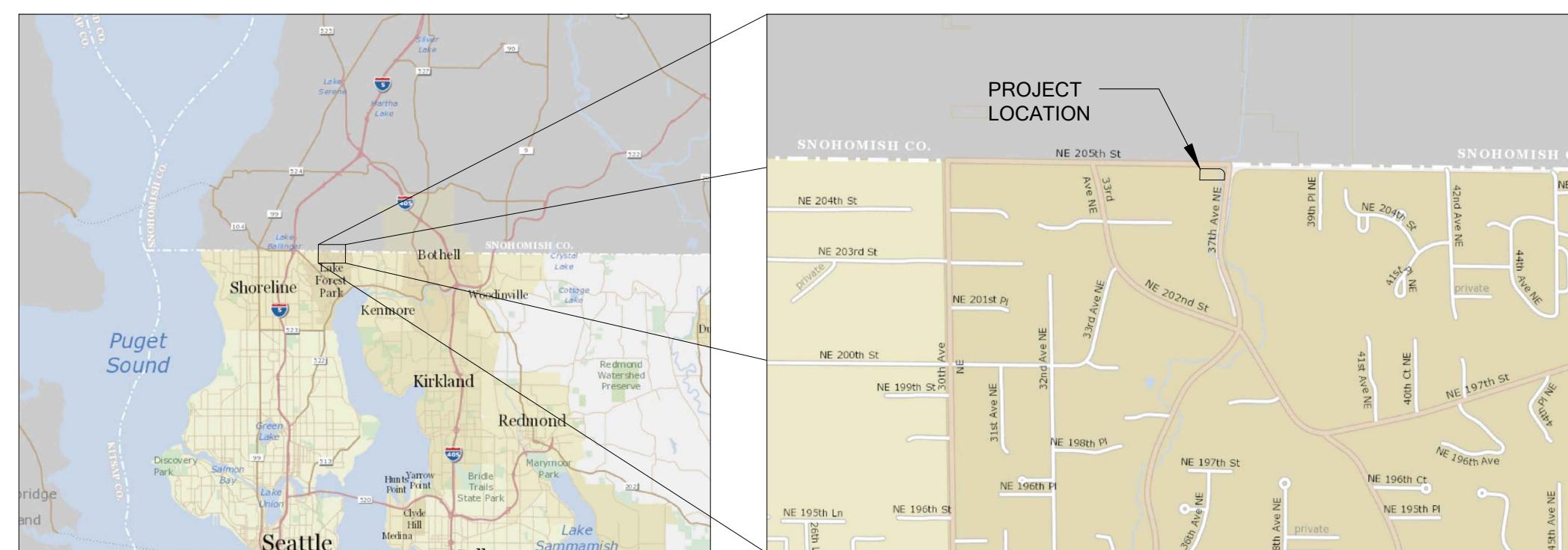
Daniel Collins-Consultant 360.531.0447

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## Exhibit 7.0



## VICINITY MAPS



## LEGEND

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

## NOTES

1. CRITICAL AREAS DELINEATED ON 6/18/2019 BY THE WATERSHED COMPANY; 750 6TH ST S, KIRKLAND WA, 98033; (425) 822-5242.
2. SURVEY DATED 2/11/20; PROVIDED BY PLOG; 22525 SE 64TH PL, ISSAQAH WA, 98027; (206) 420-7130.
3. 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

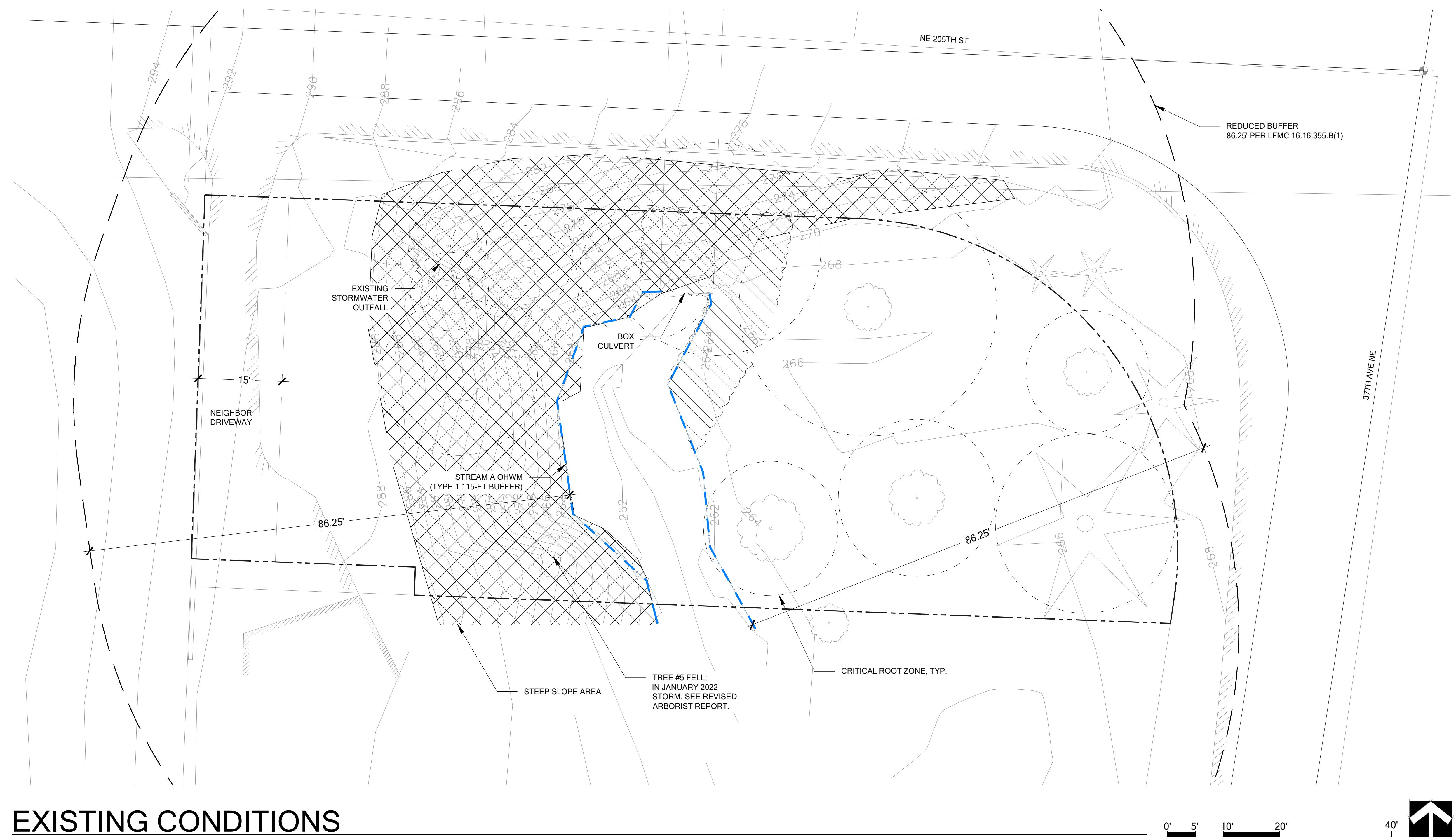
## PERMIT SET - NOT FOR CONSTRUCTION

## LFP GAREY RUE

 PREPARED FOR MARK GAREY  
PARCEL #4022900497

36XX NE 205TH ST

LAKE FOREST PARK, WA



190405

SHEET NUMBER: W1 OF 6

2021-RUE-0001

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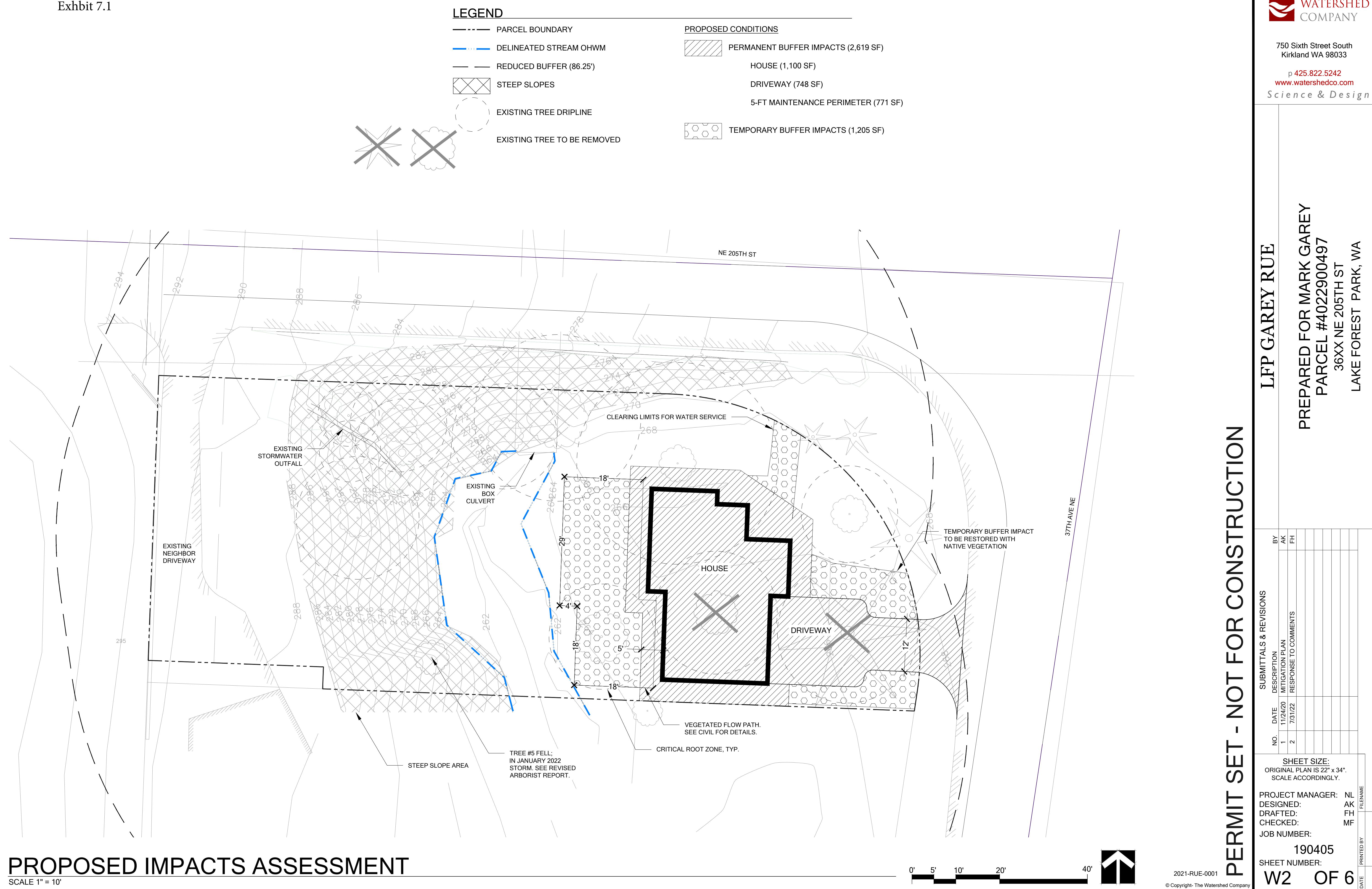
DATE PRINTED BY

FILENAME

 PROJECT MANAGER: NL  
DESIGNED: AK  
DRAFTED: FH  
CHECKED: MT  
JOB NUMBER: 190405

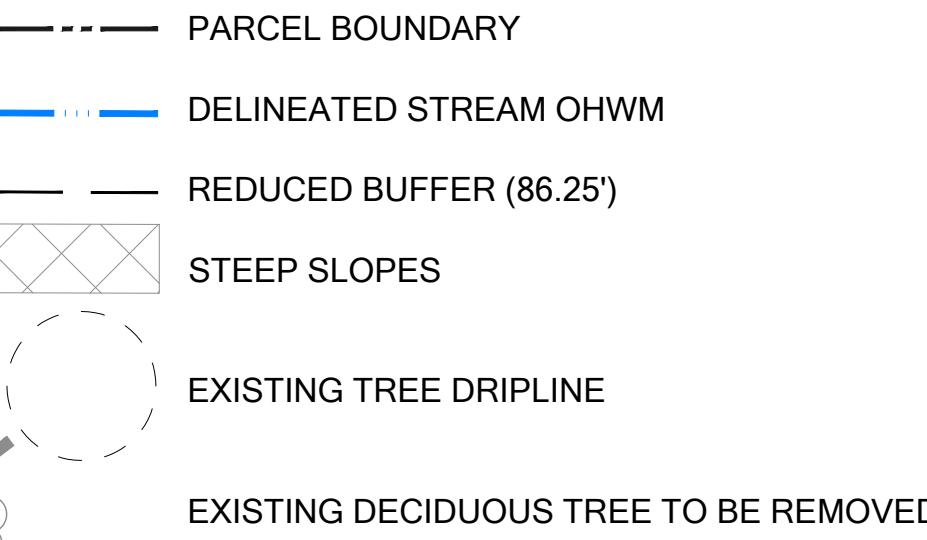
 SHEET SIZE:  
ORIGINAL PLAN IS 22" x 34".  
SCALE ACCORDINGLY.

Exhibit 7.1



## Exhibit 7.2

### LEGEND



### 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.

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

PERMIT SET - NOT FOR CONSTRUCTION

SUBMITTALS & REVISIONS			
NO.	DATE	DESCRIPTION	BY
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: MT  
JOB NUMBER: 190405

2021-RUE-0001  
SHEET NUMBER: W3 OF 6  
PRINTED BY:





## Exhibit 7.4

### PLANT INSTALLATION SPECIFICATIONS

#### GENERAL NOTES

##### QUALITY ASSURANCE

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.

#### DEFINITIONS

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 (WATTERLES); 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.

#### SUBSTITUTIONS

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.

#### INSPECTION

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.

#### MEASUREMENT OF PLANTS

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.).

#### SUBMITTALS

##### PROPOSED PLANT SOURCES

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.

##### PRODUCT CERTIFICATES

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).

#### DELIVERY, HANDLING, & STORAGE

##### NOTIFICATION

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

##### PLANT MATERIALS

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 DETERIMENTAL 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.

#### WARRANTY

##### PLANT WARRANTY

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

#### REPLACEMENT

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.

#### PLANT MATERIAL

##### GENERAL

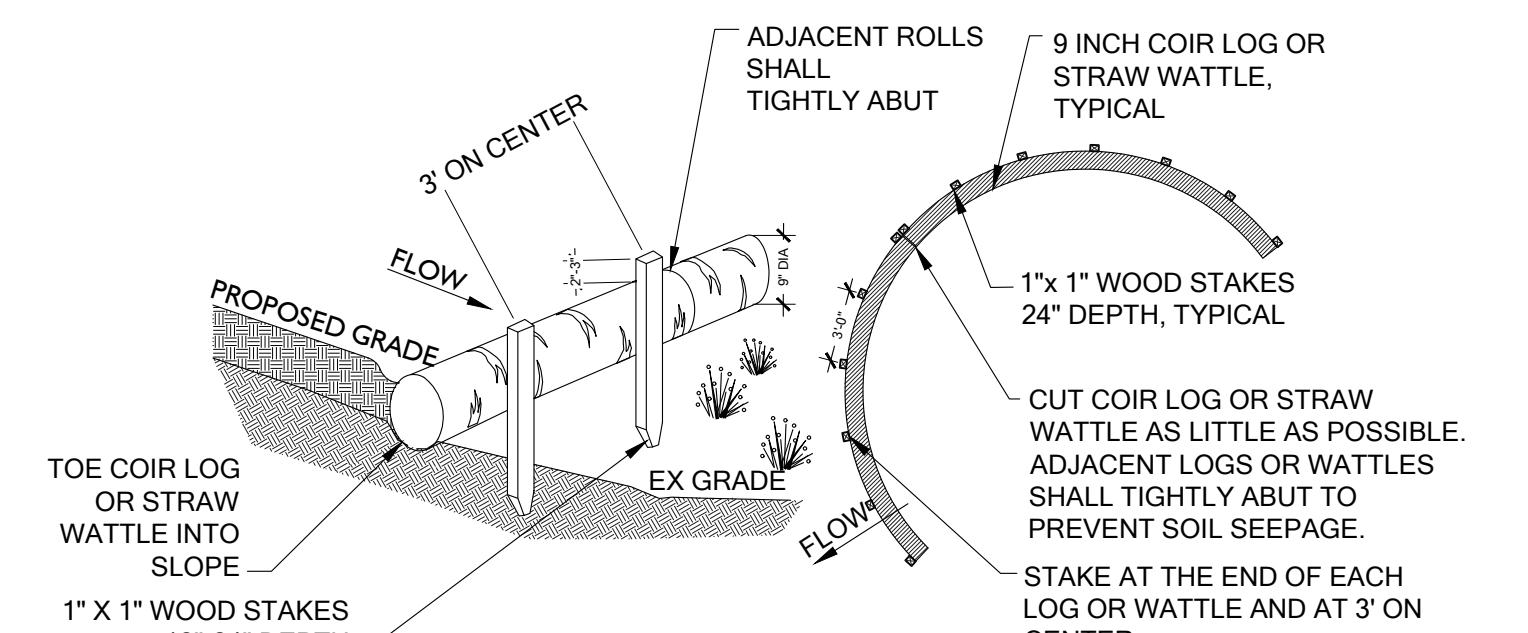
1. PLANTS SHALL BE NURSERY GROWN IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES UNDER CLIMATIC CONDITIONS SIMILAR TO OR MORE SEVERE THAN THOSE OF THE PROJECT SITE.
2. PLANTS SHALL BE TRUE TO SPECIES AND VARIETY OR SUBSPECIES. NO CULTIVARS OR NAMED VARIETIES SHALL BE USED UNLESS SPECIFIED AS SUCH.

##### QUANTITIES

SEE PLANT LIST ON ACCOMPANYING PLANS AND PLANT SCHEDULES.

##### ROOT TREATMENT

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 CIRLING ROOTS PRESENT IN ANY PLANT INSPECTED.
3. ROOTBALLS THAT HAVE CRACKED OR BROKEN WHEN REMOVED FROM THE CONTAINER SHALL BE REJECTED.

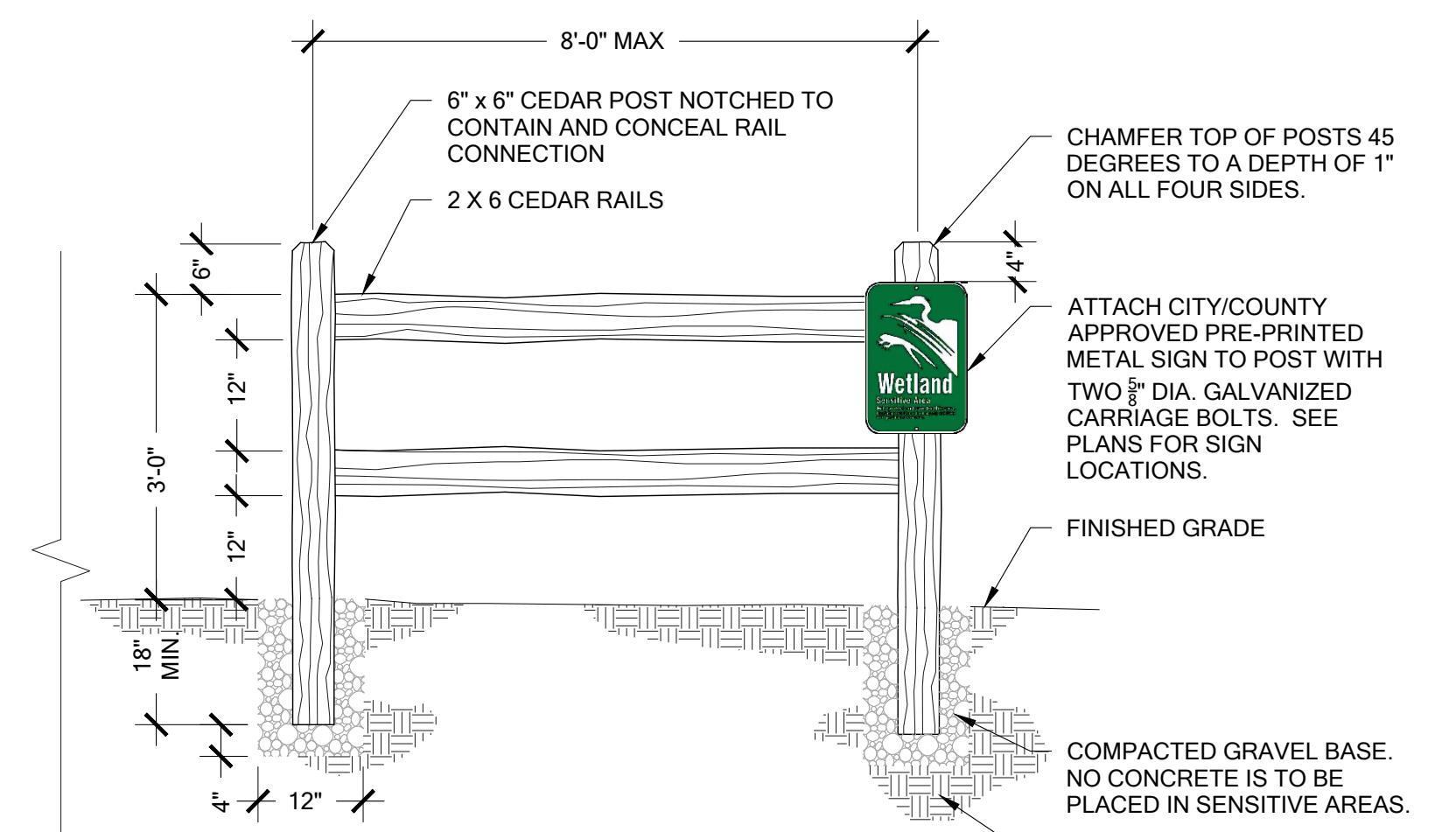


#### NOTES

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 WATTERLES 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.

### 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

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

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

PROJECT MANAGER: NL  
DESIGNED: AK  
DRAFTED: FH  
CHECKED: MF  
JOB NUMBER: 190405

2021-RUE-0001  
SHEET NUMBER: W5 OF 6  
PRINTED BY: DATE: FILENAME:

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### PLANT INSTALLATION DETAILS AND NOTES

PERMIT SET - NOT FOR CONSTRUCTION

LFP GAREY RUE

PREPARED FOR MARK GAREY  
PARCEL #4022900497  
36XX NE 205TH ST

LAKE FOREST PARK, WA

## 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 15<sup>TH</sup> THROUGH MARCH 1<sup>ST</sup>) 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 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>).
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 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>.

#### 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.

E. 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.

F. REPLACE MULCH AS NECESSARY TO MAINTAIN A 4-INCH-THICK LAYER, RETAIN SOIL MOISTURE, AND LIMIT WEEDS.

G. REPLACE EACH PLANT FOUND DEAD IN THE SUMMER MONITORING VISITS DURING THE UPCOMING DORMANT SEASON (OCTOBER 15 TO MARCH 1), FOR BEST SURVIVAL.

H. 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.

**PERMIT SET - NOT FOR CONSTRUCTION**

**SUBMITTALS & REVISIONS**

NO.	DATE	DESCRIPTION PLAN	RESPONSE TO COMMENTS
1	11/24/20		
2	7/31/22		

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

PROJECT MANAGER:	NL
DESIGNED:	AK
DRAFTED:	FH
CHECKED:	MF
JOB NUMBER:	190405

**SHEET NUMBER:**  
W6 OF 6

DATE	PRINTED BY

**THE WATERSHED COMPANY**  
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**



EXHIBIT # 8.0

**CITY OF LAKE FOREST PARK  
STATEMENT OF EXEMPTION FROM THE  
STATE ENVIRONMENTAL POLICY ACT (SEPA)**

**Mark Garey**

NAME OF APPLICANT: \_\_\_\_\_

LOCATION OF PROJECT: Address not assigned; Parcel: 4022900497, Lake Forest Park, WA

DESCRIPTION OF PROJECT: Reasonable Use exception (1 residential unit).

---

**DO ANY OF THE FOLLOWING APPLY?**

	Yes	No
Steep Slope/Landslide	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Area Streams	<input checked="" type="checkbox"/>	<input type="checkbox"/>
100 year Floodplain	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetlands/Streams	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lake Washington Shoreline	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land Development/Subdivision/Short plat	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**TYPE OF PROPOSAL: RUE**

	Yes	No
Single-Family Residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Multi-Family Residential	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Clearing, Grading, Excavation or Filling Project	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shoreline	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IS THIS PROJECT SEPA EXEMPT:  YES  NO

If yes, Identify Exemption Section: WAC 197-11-800 (6) (a)

Comments: Exemption for land use actions associated with exempt projects.

  
\_\_\_\_\_  
Mark Hofman, Community Development Director

  
\_\_\_\_\_  
Date

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

For:

**Garey Reasonable Use Exception**

36xx NE 205<sup>th</sup> St, Lake Forest Park, WA

APN 4022900497



10/3/2020

Mark X. Plog, P.E.

**Revisions:**

Date	Description
8/8/2022	Revised

## Table of Contents

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**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.

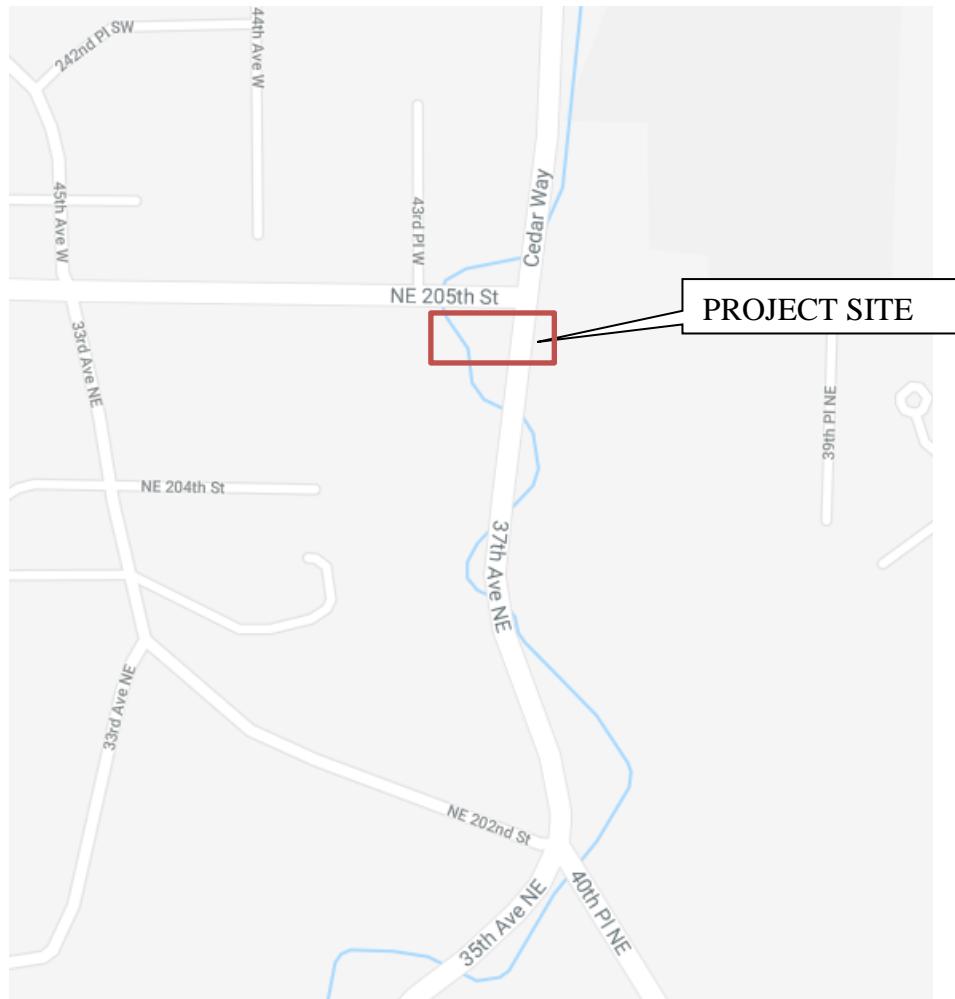


Figure 1 – Vicinity Map

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.

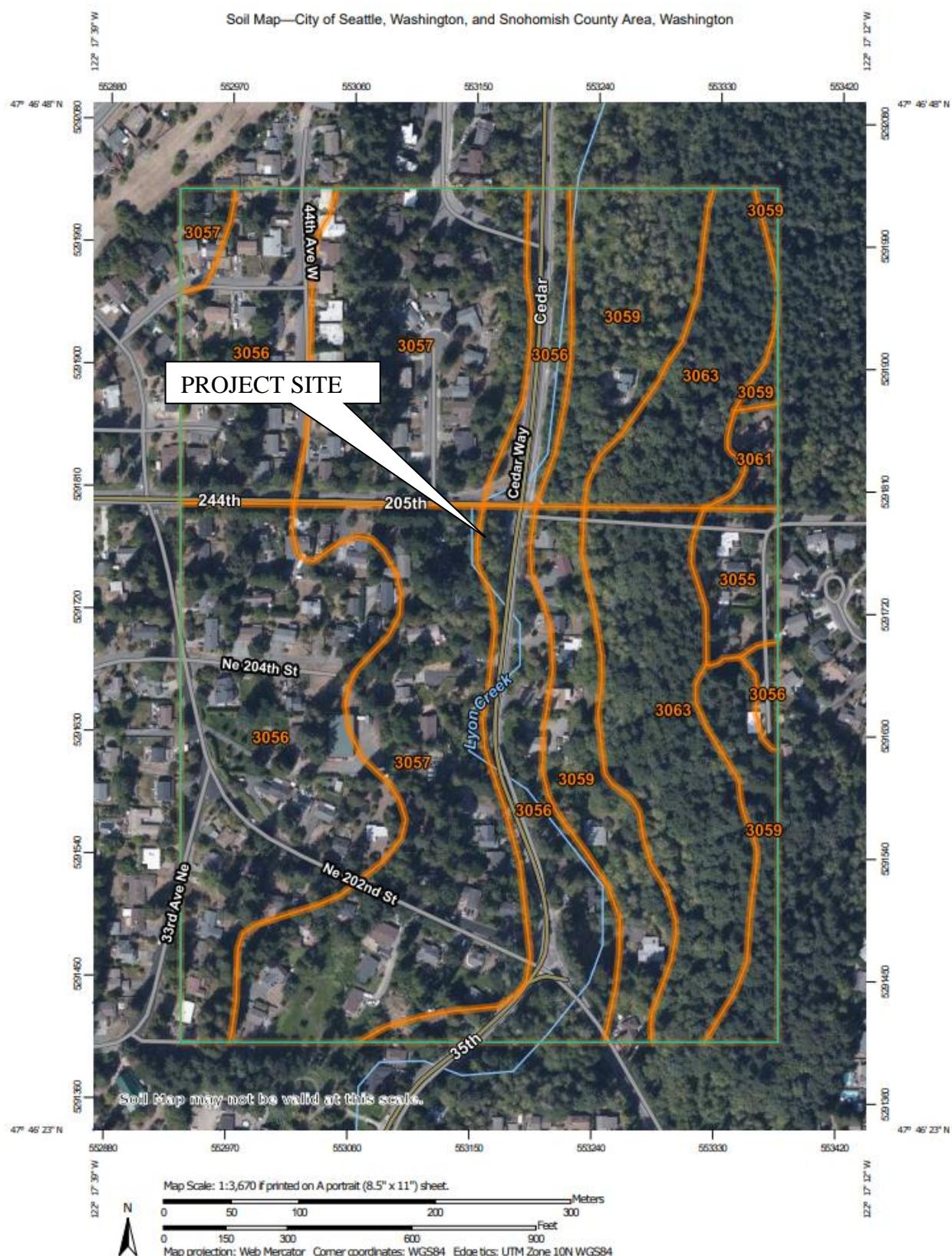


Figure 2 – USGS Soil Map

## 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.

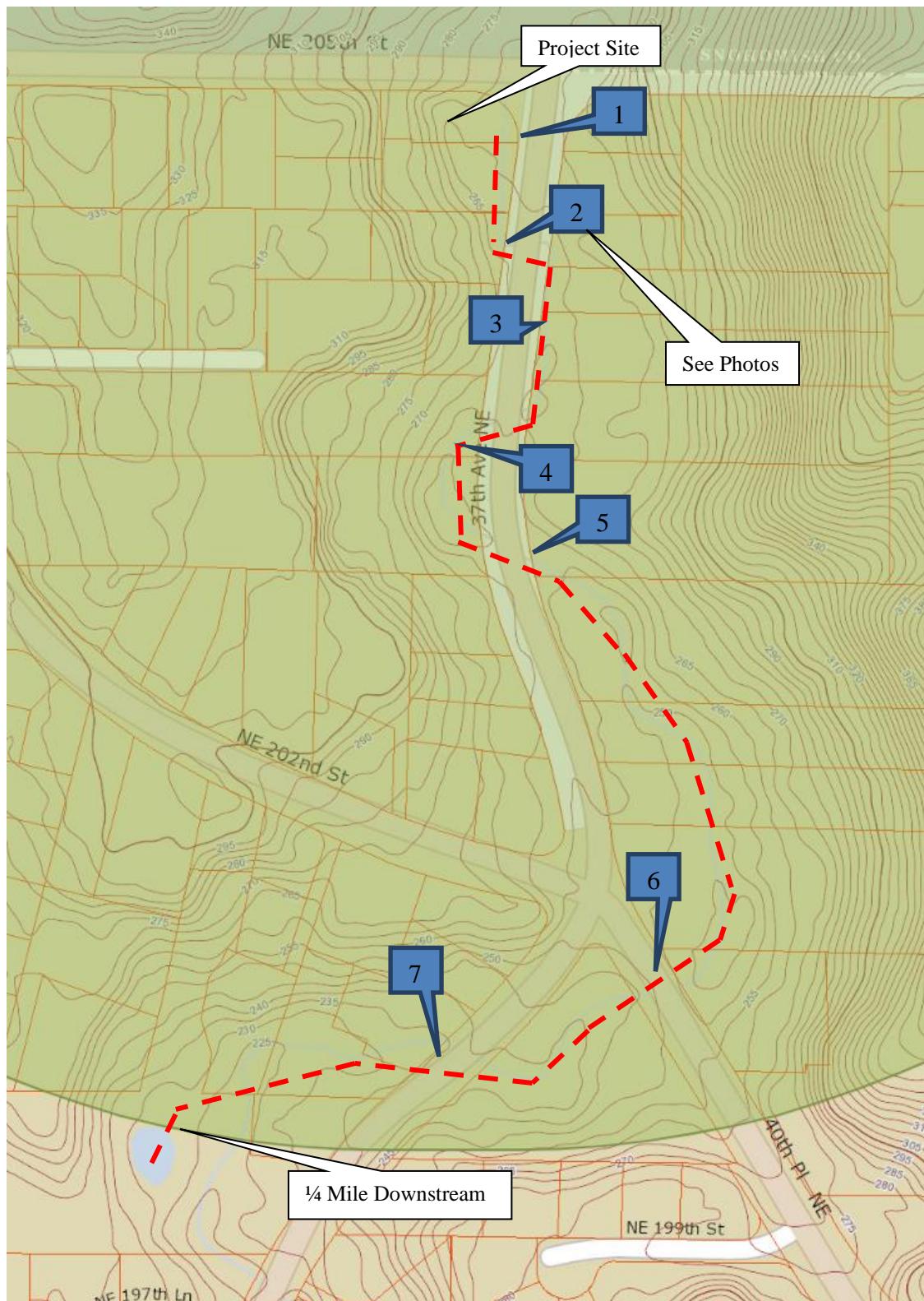
There were no recent drainage complaints on parcels within 1/4 mile directly downstream of the proposed project parcel.

### Task 3: Field Inspection:

A field observation of the site, upstream drainage area, and 1/4 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	Stream flows under 37 <sup>th</sup> via 2' corrugated metal pipe culvert; lined with rocks and sandbags	
3	<p>Drainage ditch/stream</p> <p>Flows under 2 driveways; 2 2' corrugated metal pipe culverts</p>	

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

7	Stream crosses under 37 <sup>th</sup> 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
<b>100 Year</b>	<b>=</b>	<b>0.0146</b>

#### 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
<b>100 Year</b>	<b>=</b>	<b>0.0394</b>

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

<b>Part 1 PROJECT OWNER AND PROJECT ENGINEER</b> <p>Project Owner <u>Mark Garey</u>        Phone <u>206 446 9090</u>        Address _____</p> <p>Project Engineer <u>Mark X. Plog PE, PLS</u>        Company <u>Plog Engineering</u>        Phone <u>206 420 7130</u></p>	<b>Part 2 PROJECT LOCATION AND DESCRIPTION</b> <p>Project Name <u>Garey RUE</u>        DLS-Permitting        Permit # <u>2021-RUE-0001</u>        Location Township <u>34</u>        Range <u>5</u>        Section <u>33</u>        Site Address <u>36XX NE 205th St. Lake Forest Park, WA</u></p>		
<b>Part 3 TYPE OF PERMIT APPLICATION</b> <p><input checked="" type="checkbox"/> Land use (e.g., Subdivision / Short Subd. / UPD)  <input type="checkbox"/> Building (e.g., M/F / Commercial / SFR)  <input type="checkbox"/> Clearing and Grading  <input type="checkbox"/> Right-of-Way Use  <input checked="" type="checkbox"/> Other <u>RUE</u></p>	<b>Part 4 OTHER REVIEWS AND PERMITS<sup>1</sup></b> <p><input type="checkbox"/> DFW HPA <input checked="" 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 _____</p>		
<b>Part 5 PLAN AND REPORT INFORMATION</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <b>Technical Information Report</b> <p><input checked="" type="checkbox"/> Full  <input type="checkbox"/> Targeted  <input type="checkbox"/> Simplified  <input type="checkbox"/> Large Project  <input type="checkbox"/> Directed        Type of Drainage Review (check one): _____        Date (include revision dates): <u>3/16/22</u>        Date of Final: _____</p> </td> <td style="width: 50%; padding: 5px;"> <b>Site Improvement Plan (Engr. Plans)</b> <p><input checked="" type="checkbox"/> Full  <input type="checkbox"/> Modified  <input type="checkbox"/> Simplified        Plan Type (check one): _____        Date (include revision dates): <u>3/16/22</u>        Date of Final: _____</p> </td> </tr> </table>		<b>Technical Information Report</b> <p><input checked="" type="checkbox"/> Full  <input type="checkbox"/> Targeted  <input type="checkbox"/> Simplified  <input type="checkbox"/> Large Project  <input type="checkbox"/> Directed        Type of Drainage Review (check one): _____        Date (include revision dates): <u>3/16/22</u>        Date of Final: _____</p>	<b>Site Improvement Plan (Engr. Plans)</b> <p><input checked="" type="checkbox"/> Full  <input type="checkbox"/> Modified  <input type="checkbox"/> Simplified        Plan Type (check one): _____        Date (include revision dates): <u>3/16/22</u>        Date of Final: _____</p>
<b>Technical Information Report</b> <p><input checked="" type="checkbox"/> Full  <input type="checkbox"/> Targeted  <input type="checkbox"/> Simplified  <input type="checkbox"/> Large Project  <input type="checkbox"/> Directed        Type of Drainage Review (check one): _____        Date (include revision dates): <u>3/16/22</u>        Date of Final: _____</p>	<b>Site Improvement Plan (Engr. Plans)</b> <p><input checked="" type="checkbox"/> Full  <input type="checkbox"/> Modified  <input type="checkbox"/> Simplified        Plan Type (check one): _____        Date (include revision dates): <u>3/16/22</u>        Date of Final: _____</p>		
<b>Part 6 SWDM ADJUSTMENT APPROVALS</b> <p>Type (circle one): Standard / Experimental / Blanket        Description: (include conditions in TIR Section 2)        _____        _____        _____        Approved Adjustment No. _____ Date of Approval: _____</p>			

<sup>1</sup> 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

Describe: \_\_\_\_\_

Start Date: \_\_\_\_\_

\_\_\_\_\_

Completion Date: \_\_\_\_\_

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

Aldecwood

Slopes

5-35%

Erosion Potential

moderate

High Groundwater Table (within 5 feet)

Sole Source Aquifer

Other \_\_\_\_\_

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	<i>stream + buffer</i>
<input type="checkbox"/> SEPA	
<input type="checkbox"/> LID Infeasibility	
<input type="checkbox"/> Other	
<input type="checkbox"/>	
<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 / 2 / 3</u> dated: <u>10/2020</u>
Flow Control (include facility summary sheet)	Level:	<u>1 / 2 / 3</u> 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 Garey</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>1.2.8-1</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	Total New Pervious Surfaces on the site	<u>1,838 SF</u>
<u>100%</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  
 (commercial / industrial land use)      Describe 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

- Drainage Easement
- Covenant
- Native Growth Protection Covenant
- Tract
- Other \_\_\_\_\_

## Part 16 STRUCTURAL ANALYSIS

- Cast in Place Vault
- Retaining Wall
- Rockery > 4' High
- Structural on Steep Slope
- Other \_\_\_\_\_

## Part 17 SIGNATURE OF PROFESSIONAL ENGINEER

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.

3/17/22

Signed/Date

**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
---------	-----------	-------------

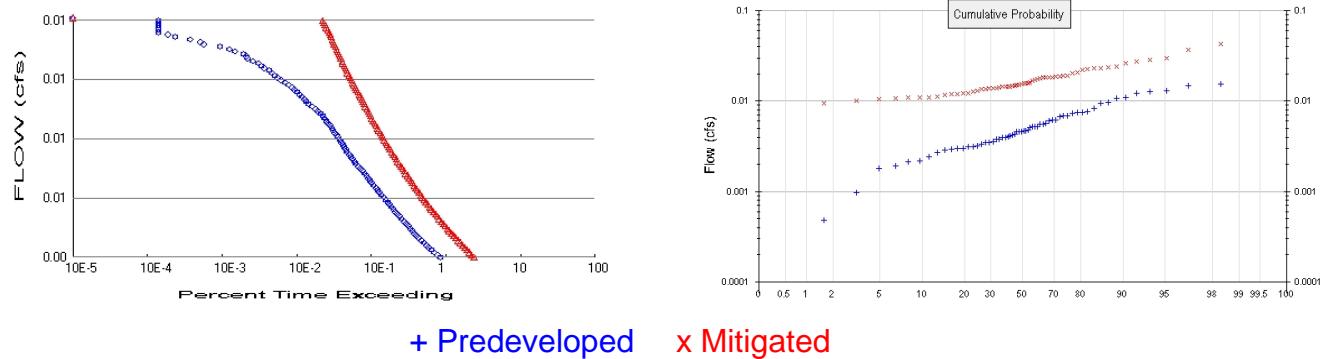
## *Routing Elements*

### *Predeveloped Routing*

*Mitigated Routing*

## Analysis Results

### POC 1



#### 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.

## Exhibit 9.28

## 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.

*Appendix*  
*Predeveloped Schematic*

Exhibit 9.30



*Mitigated Schematic*

Exhibit 9.31



## Predeveloped UCI File

```

RUN

GLOBAL
  WWHM4 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].dat
END FILES

OPN SEQUENCE
  INGRP          INDELT 00:15
    PERLND      11
    COPY        501
    DISPLAY     1
  END INGRP
END OPN SEQUENCE
DISPLAY
  DISPLAY-INFO1
    # - #-----Title----->***TRAN PIVL DIG1 FIL1 PYR DIG2 FIL2 YRND
    1           Basin 1           MAX           1   2   30   9
  END DISPLAY-INFO1
END DISPLAY
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   0   0
END ACTIVITY

PRINT-INFO
  <PLS > ***** Print-flags *****
  # - # ATMP SNOW PWAT SED PST PWG PQAL MSTL PEST NITR PHOS TRAC *****
  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 VIRG VLE INFC HWT ***
  11      0     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
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

```

### Exhibit 9.34

```

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

WWHM4 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  
 DISPLAY 1  
 END INGRP  
 END OPN SEQUENCE

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

END DISPLAY

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 \*\*\*  
 16 C, Lawn, Flat 1 1 1 27 0  
 11 C, Forest, Mod 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 0  
 11 0 0 1 0 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    0    1    9
11      0    0    4    0    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 VIRG VLE INF C HWT ***
16      0    0    0    0    0    0    0    0    0    0    0    0    0    0
11      0    0    0    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
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      0
11      0      0      2      2      0      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 Engl 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      DISPLAY  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      Nexit      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 *****
# - # HYDR ADCA CONS HEAT SED GQL OXRX NUTR PLNK PHCB PIVL PYR *****
END PRINT-INFO

```

### Exhibit 9.39

*Predeveloped HSPF Message File*

*Mitigated HSPF Message File*

## *Disclaimer*

### *Legal Notice*

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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 88<sup>th</sup> 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

Contact: Nell Lund – Senior Ecologist

Alex Capron – Land Use Planner

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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 205<sup>TH</sup> 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 205<sup>TH</sup> Street and 37<sup>th</sup> Avenue NE within City of Lake Forest Park jurisdiction (Figure 1). It is at the north end of City limits, in the northwest  $\frac{1}{4}$  Section 3, Township 26 North, Range 4 East of the Public Land Survey System.

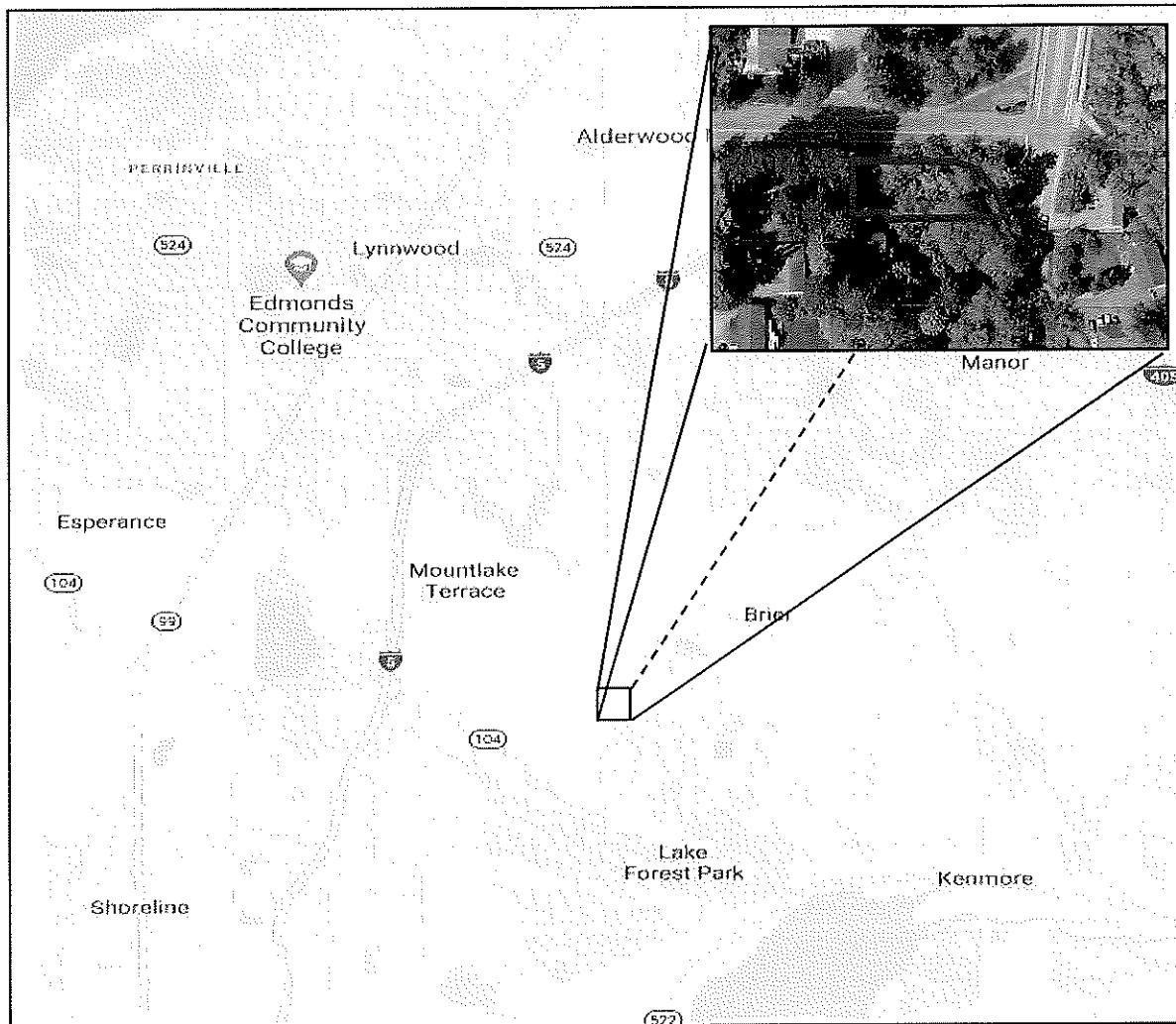


Figure 1. Vicinity and study area map, subject parcel in purple outline.

## 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 (WRRIA 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 205<sup>th</sup> 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
<b>Subject Site</b>			10,369	1,848 <sup>^</sup>	18%	1,100
<b>Median</b>			<b>12,449</b>	<b>3,600</b>	<b>27%</b>	<b>1,620</b>

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

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

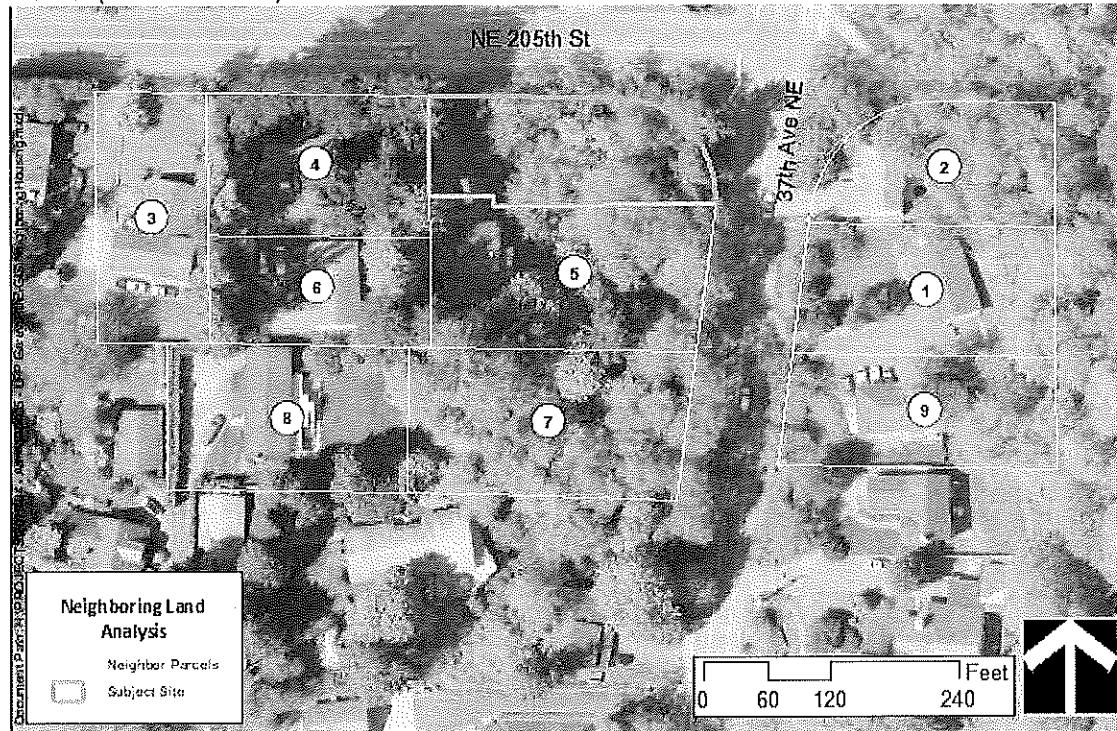


Figure 2. Housing Comparison Map

### 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 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

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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

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## **MITIGATION PLAN**

Exhibit 10.15

Appendix B

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## **STREAM DELINEATION REPORT**

June 18, 2019  
Revised: May 13, 2022

Mark Garey  
14827 – 88<sup>th</sup> Ave. NE  
Kenmore, WA 98028  
Via email: cheektowaga@outlook.com

**Re: Stream Delineation Study – 36XX NE 205<sup>th</sup> 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 205<sup>th</sup> 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 205<sup>th</sup> Street and 37<sup>th</sup> 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 205<sup>th</sup> 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 205<sup>th</sup> 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 (LFPCC 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

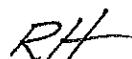
The information contained in this letter or report is based on the application of technical guidelines currently accepted as the best available science and in conjunction with the manuals and criteria outlined in the methods section. All discussions, conclusions and recommendations reflect the best professional 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



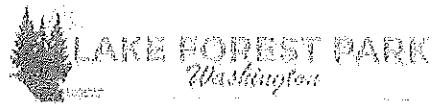
Kenny Booth, AICP  
Senior Planner

Enclosures

Exhibit 10.24

## Reasonable Economic Use Application

Permit # 2021-RUE-6001



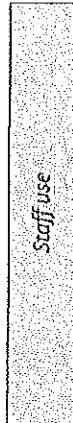
17425 Ballinger Way NE  
Lake Forest Park, WA 98158  
206-368-5440

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 RUE (KGP 117075) FROM 610 FT N LESS 0.6 FT OF W-40 FT SD SP BM - POH OF LOT 1 RUE 9 OF ED SUSD LIE OF (1) PAMAT PIAS TO SLO OF ED LOT 1 TRAP - FED BM - 60.60 FT FROM CCR OF ED LOT 1 LESS CORD W/ALOT AC 16.122011 AP# 9-2363	
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 &amp; fee, if required</i>	
<b>SUBTOTAL</b>	<b>4200.00</b>
Technology Fee ----- 5% of Total	210.00
<b>TOTAL FEES</b>	<b>4410.00</b>



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. Marcy

**Questions?**

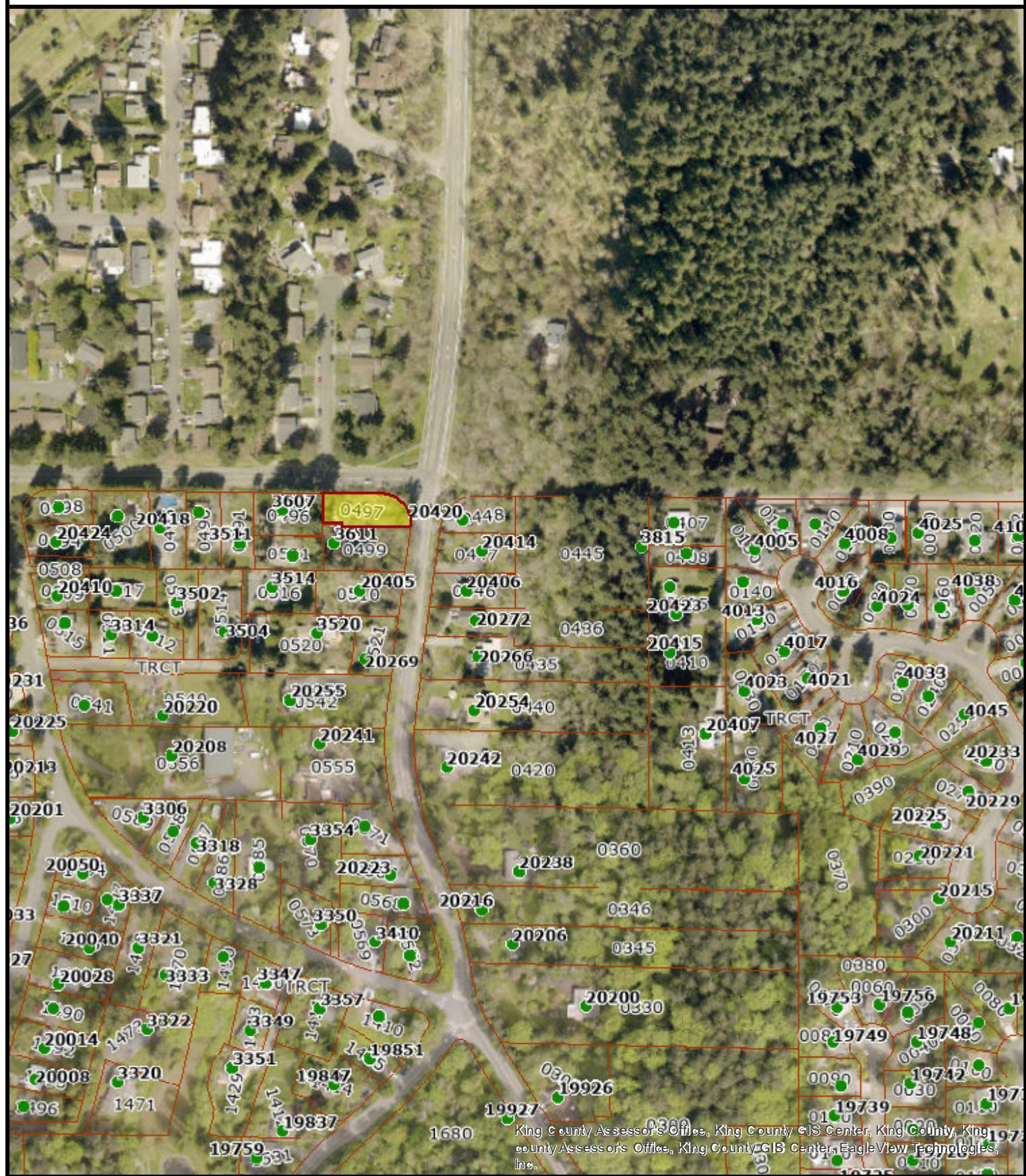
For more information, please contact the Planning Department  
[aplanner@cityofflp.com](mailto:aplanner@cityofflp.com)  
206-957-2837

**Access to Information**

Electronic versions of all forms, permits, applications, and codes are available on the Lake Forest Park website:  
<http://www.cityofflp.com/>  
Paper copies of all of the above are available at City Hall:  
17425 Ballinger Way Northeast, Lake Forest Park, WA 98155

## Exhibit 13.0

# 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: 3/12/2024

King County Assessor's Office, King County GIS Center, King County, King County Assessor's Office, King County GIS Center, EagleView Technologies, Inc.



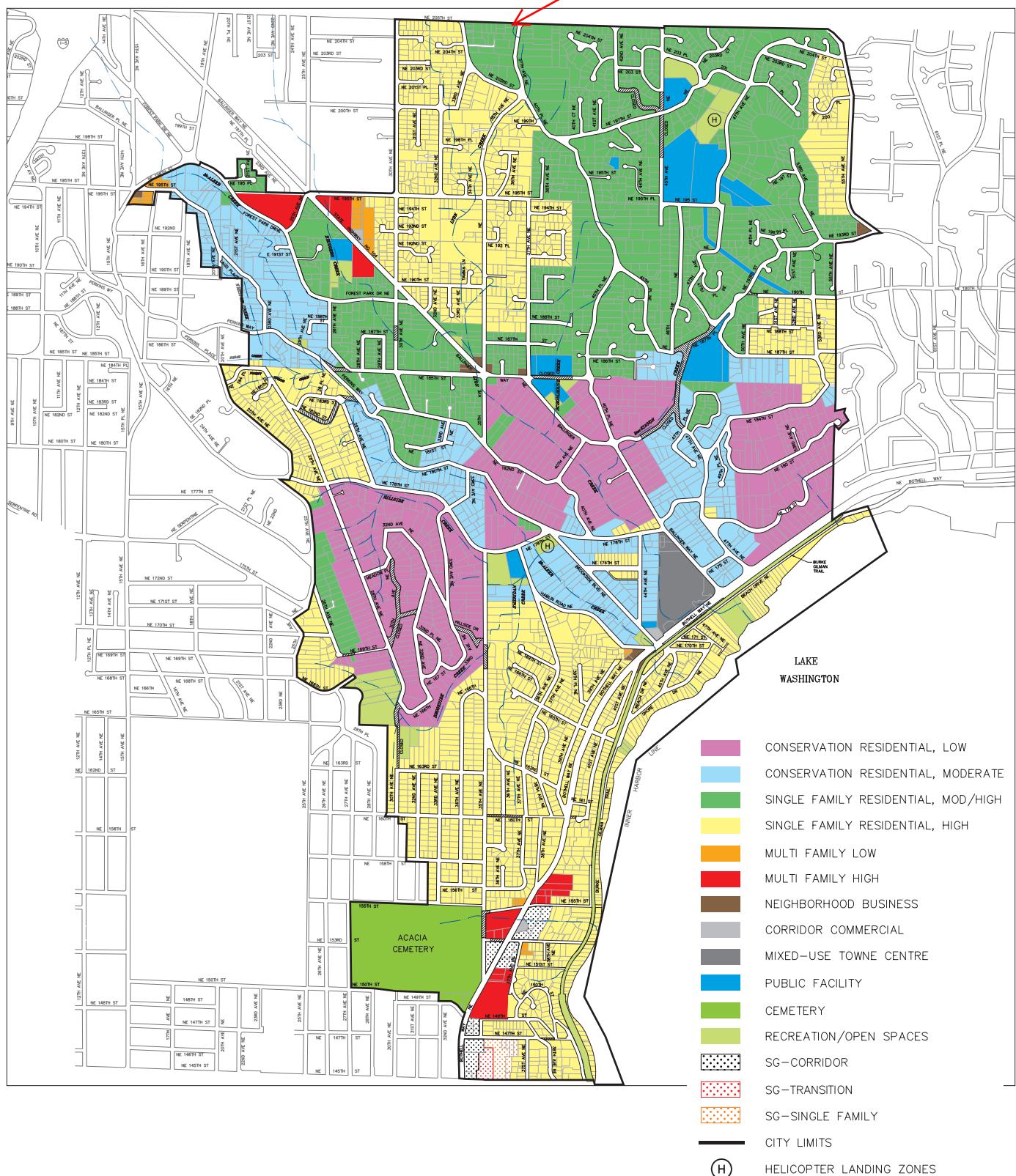
## **King County**

# Exhibit 14

Land Use

## 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.

# Exhibit 15

Date: 12/3/2019 9:32 AM



## CITY OF LAKE FOREST PARK ZONING MAP

Project Location

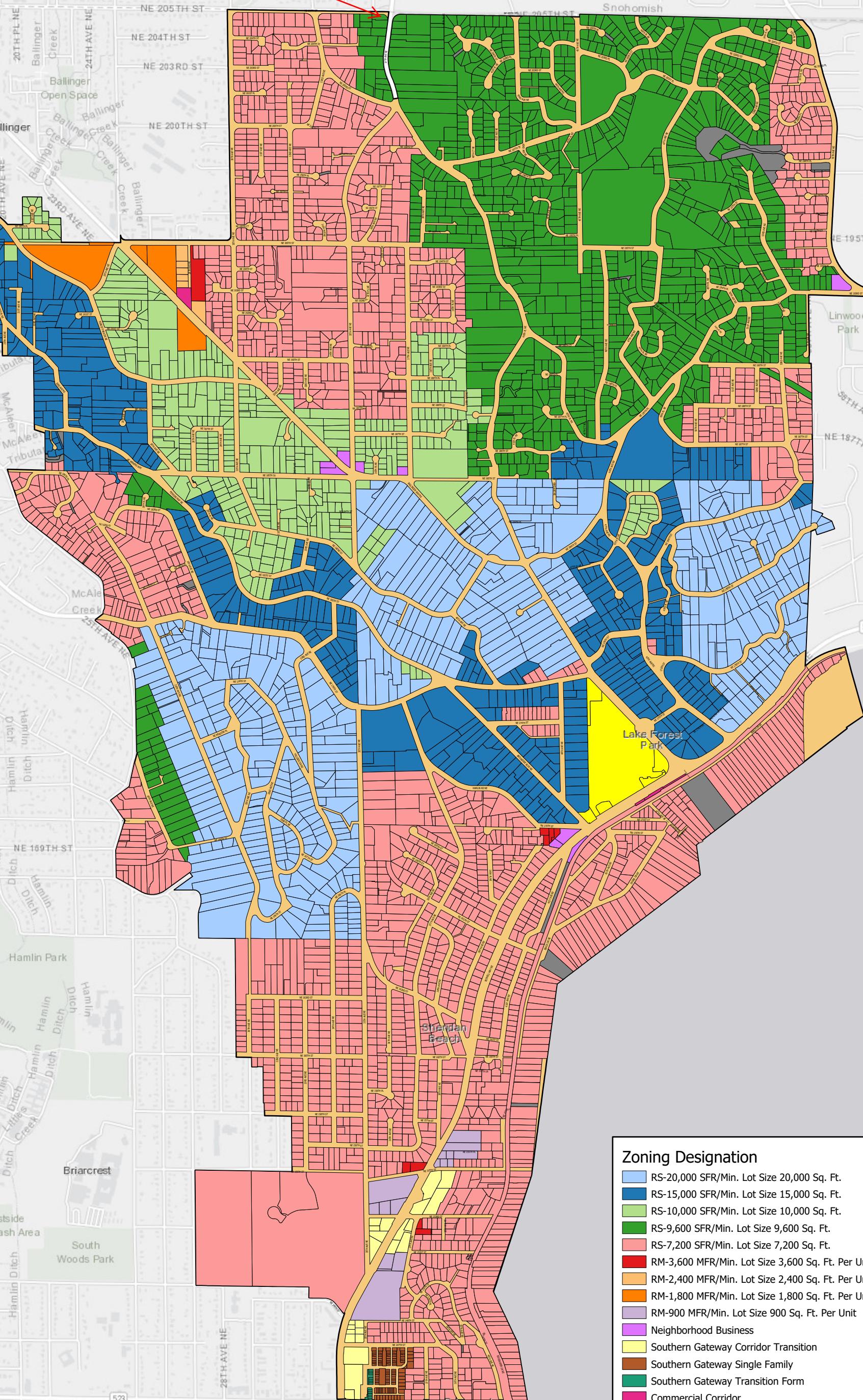


Exhibit 16.0- 2021-RUE-0001 Garey - Parties of Record

Name	Address	City
Jolene Jang	3611 NE 205th St	Lake Forest Park
Jim Mattila	N/A	N/A
Pam Clough	516 1st St.	Steliacoom
Cristin Mattione	N/A	N/A
Den Benson	17868 40th Ave NE	Lake Forest Park
Nancy & Gary Jang	2502 NE 195th Pl	Shoreline
Leah Darrow	N/A	Lake Forest Park
Nicole Dunscomb	N/A	N/A
Robin Kelley	N/A	N/A
Janet Matsumoto	6645 NE 198th St	Kenmore
Deresse Almamaw	N/A	N/A
Kelly Namba	N/A	Lake Forest Park
Elizabeth Mooney	N/A	N/A
Tracy Banaszynski	N/A	N/A
Leonard Goodisman	23415 Locust Way	Bothell
Brian Saunders	3520 NE 182nd St	Lake Forest Park
Veronica Beck	N/A	N/A
Kevin Henry	N/A	N/A
Corrie Evans	20405 37th Ave NE	Lake Forest Park
Amy Spicka	N/A	N/A
Ross Baarslag-Benson	N/A	Lake Forest Park
Kim Josund/LFP Stewardship Foundation		Lake Forest Park
Frank Bolinas	N/A	N/A
Joseph Krikorian	N/A	N/A
Hillarie Windish	N/A	N/A
Pat McGuire	N/A	N/A

Email
<a href="mailto:jolene@jolenejang.com">jolene@jolenejang.com</a>
<a href="mailto:waterite@uw.edu">waterite@uw.edu</a>
<a href="mailto:pamela8clough@gmail.com">pamela8clough@gmail.com</a>
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<a href="mailto:hpwindish@gmail.com">hpwindish@gmail.com</a>
<a href="mailto:pmcguire@prodigy.net">pmcguire@prodigy.net</a>

Appendix C

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## **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 205<sup>th</sup> St forms the northern border, and 37<sup>th</sup> 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	
<b>Excellent - 1</b>	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%
<b>Good - 2</b>	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%
<b>Fair - 3</b>	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%
<b>Poor - 4</b>	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%
<b>Severe - 5</b>	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%
<b>Dead - 6</b>				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 LFPMC 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 LPFMC, 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 1<sup>st</sup> and September 30<sup>th</sup> 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.cityoflfp.com/239/Tree-List>) and should be evergreen, native species.

Invasive trees, as defined by the city in LFPMC 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 205<sup>th</sup> 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



Mark J. Garey  
Lake Forest Park, WA (parcel #4022900497)

Exhibit 17.11

Tree Inventory Table

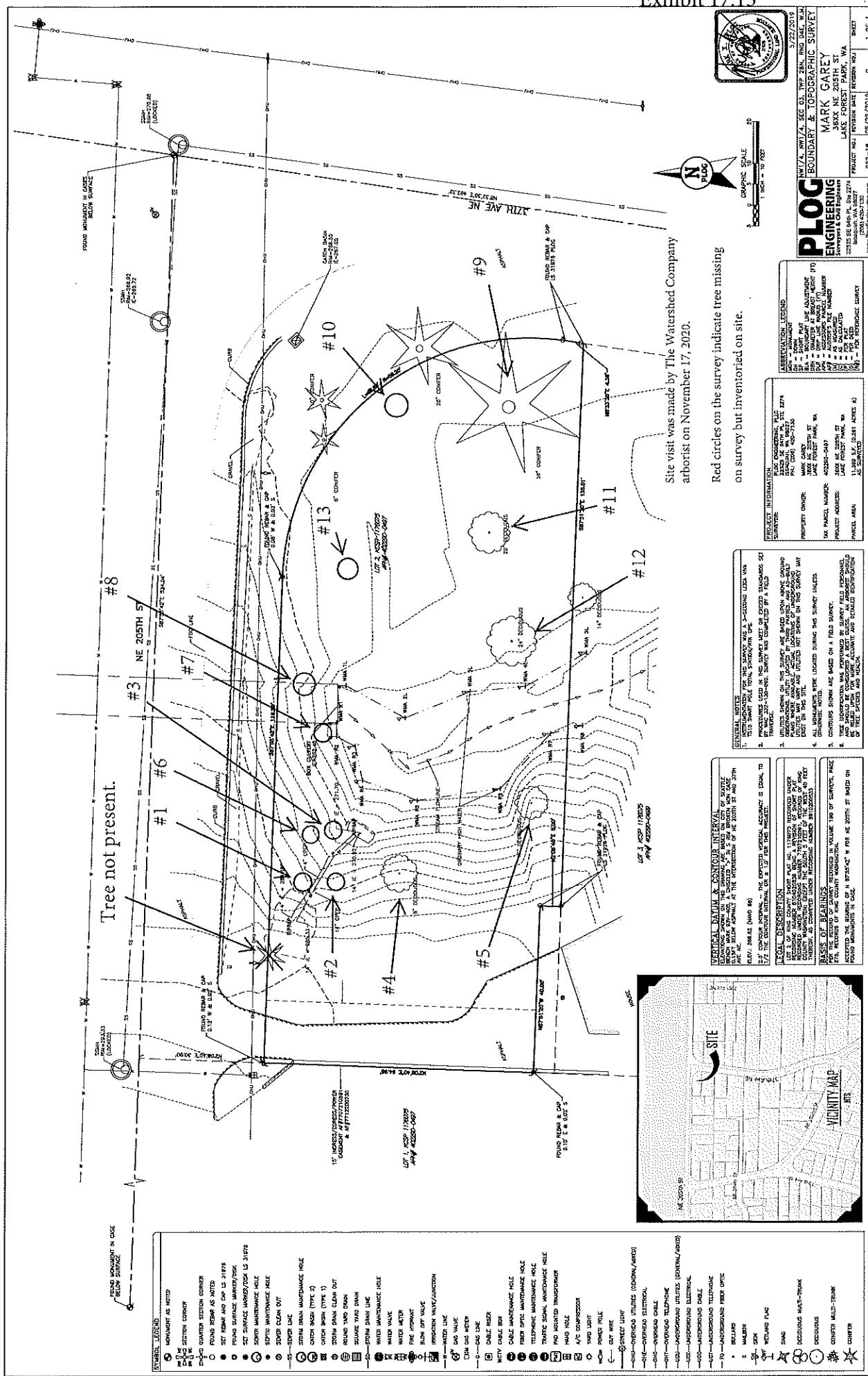
Table Issued: 11/23/2020

Site Visit: 11/17/2020

TAG#	TREE NAME	EV / DEC	# STEM'S	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

### Exhibit 17.13





1519 NE 177th St. • P.O. Box 55367 • Shoreline, WA 98155 • Phone: 206.362.8100 • Fax: 206.361.0629

**Commissioners:** November 20, 2020

Ron Ricker

Charlotte Haines

Patricia Hale

**District Manager:** Mark J Garey

Diane Pottinger, P.E.

14827 88<sup>TH</sup> AVE NE  
Kenmore, WA 98028

Re: Fire Flow Analysis Task Order No. 1740  
36XX NE 205<sup>TH</sup> 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.

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

**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,

A handwritten signature in cursive ink that reads "Denny Clouse".

Denny Clouse  
Operations Manager



## NORTH CITY WATER DISTRICT

### FIRE FLOW ANALYSIS INFORMATION

Task Order No.: 1740

Date: November 20, 2020

Applicant Name: Mark J Garey

Project Location: 36xx NE 205<sup>th</sup> St, LFP

Proposed Use:

Single Family Home

Static Pressure Range at Project Location:

95 psi (minimum); 99 psi (maximum)

Available Fire Flow (@ 20 psi min or 10 fps max):

1,400 GPM

Distance from Property to Fire Flow Hydrant(s):

220 feet

Location of Fire Hydrant(s) (Refer to Attached Map):

24312 NE 205<sup>th</sup> St (Hydrant E1-1, 502 Zone)

Fire Flow Analysis Expiration Date:

(one year from date of issuance)

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



11-20-20

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
--------	------

<input checked="" type="checkbox"/> Building Permit	<input type="checkbox"/> Preliminary Plat or PUD
<input type="checkbox"/> Short Subdivision	<input type="checkbox"/> 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

**Domestic Service Only:**

1. a.  Water will be provided by service connection only to an existing 6 water main size 20 feet from the site.

**Domestic, Fire and Other Service: (See back of form)**

b.  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**

- Less than 500 gpm (approx.                    gpm)
- 500 to 999 gpm
- 1,000 gpm or more
- flow test of                    gpm
- calculation of 1400 gpm

**Duration**

- less than 1 hour
- 1 hour to 2 hours
- 2 hours or more
- other

(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) 364-6521  
06/18/2019

## City of Lake Forest Park Certificate of Sewer Availability

Type of Project (Single Family Residence, 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<sup>1/2</sup> size sewer 60± feet from the property line and the sewer system has the capacity to serve the proposed 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.

Name

Heidi Jensen

Title

City Engineer

Date

11/19/19

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

*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](mailto:cityhall@ci.lake-forest-park.wa.us)  
[www.cityoflfp.com](http://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

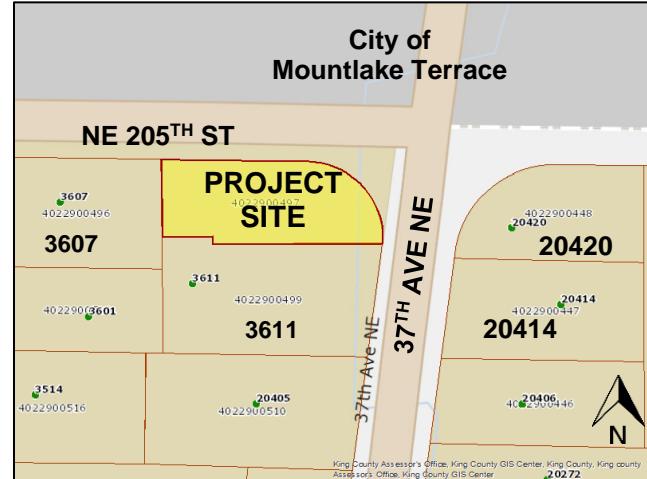
**Date of Complete Application:** October 25, 2021

**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](mailto: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](http://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](mailto:ctuck@cityoflfp.com) if you prefer to make an appointment to review the materials with a planner's assistance.



**File Number:** 2021-RUE-0001

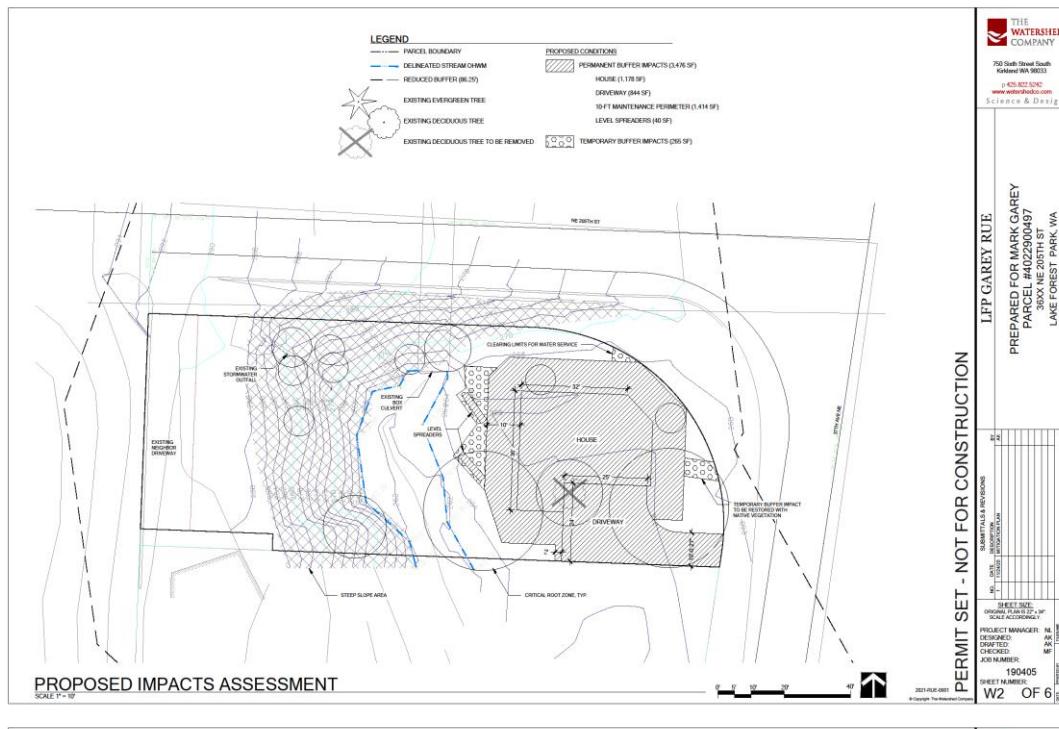
**Proponent:** Mark Garey

**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

**Mayor**  
Tom French

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](mailto:cityhall@ci.lake-forest-park.wa.us)  
[www.cityoflfp.com](http://www.cityoflfp.com)



**Councilmembers**  
Lorri Bodi  
Tracy Furutani  
Larry Goldman  
Paula Goode  
Jon Lebo  
Semra Riddle  
Ellyn Saunders

## **PUBLIC NOTICE**

### **NOTICE OF PUBLIC HEARING FOR REASONABLE USE EXCEPTION**

**File Number:** 2021-RUE-0001

**Proponent:** Mark Garey

**Permit Type:** Type I; 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.

**Application Date:** May 20, 2021

**Date of Complete Application:** October 25, 2021

**Date of Open Record Public Hearing:** March 27, 2024 at 6pm- In person at LFP City Hall

**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 has determined it is 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 [nholland@cityoflfp.gov](mailto:nholland@cityoflfp.gov) for fourteen days following the publication date of this notice. In person testimony at the public hearing is also welcome.

**Additional Information:** Additional information may be obtained by contacting the Lake Forest Park Planning Department at (206) 957-2832 or at the City's Notices and Announcements webpage ([www.cityoflfp.com/313/Notices-and-Announcements](http://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 Nick Holland at [nholland@cityoflfp.gov](mailto:nholland@cityoflfp.gov) if you prefer to make an appointment to review the materials with a planner's assistance. The public hearing will occur at the Lake Forest Park City Hall building located at 17425 Bothell Way NE, Lake Forest Park, WA 98155.

**Notice Date:** March 13, 2024

