

## Development and Alteration Rules in Critical Areas

### ENVIRONMENTALLY CRITICAL AREAS

Lake Forest Park Municipal Code [16.16](#) sets standards for developing in or near Environmentally Critical Areas

#### **CRITICAL AREA WORK PERMIT REQUIRED**

Any work done in a Critical Area OR Critical Area buffer requires a Critical Areas Work Permit in Lake Forest Park. Whether the work permit is considered Major or Minor depends primarily on whether earth-moving equipment is being used.

This includes pre-construction preparation for land use submittals, including but not limited to:

- Surveys
- Soil Logs
- Percolation Tests

#### **CLEARING PROHIBITED OCTOBER THROUGH MAY**

For all sites that include landslide hazard areas and steep slope areas, clearing is only allowed between April 1st and September 30th.

#### **ALTERATION OF EXISTING/LEGAL STRUCTURES**

Structures that were built before 2005 (the year that our first critical areas ordinance was passed) which are located within critical areas or buffers can be modified or replaced under certain conditions:

Following is specific code language:

Structural modification of, addition to, or replacement of an existing legally constructed structure, constructed on or before the effective date of the ordinance codified in this chapter as long as the structure is enlarged not more than the lesser of 10 percent or 250 square feet than its footprint as of the effective date of the ordinance codified in this chapter, and that no portion of the modification or replacement is located closer to the critical area. (LFPMC 16.16.230)

#### **SETBACK EXCEPTION**

Because the City prioritizes critical areas and their buffers, an option exists to have zoning setbacks reduced for front, rear, and side yards. (LFPMC 16.16.240)

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.

## **WETLAND AND STREAM CRITICAL AREA BUFFER INTERRUPTION WAIVER**

Establishment of a Critical Area buffer to a stream or wetland in tandem with a development proposal may be waived when an applicant's Qualified Professional can demonstrate the following:

- Where an existing legally established and improved public right-of-way or improved easement road interrupts a portion of the wetland OR stream buffer from the portion of the buffer adjacent to the wetland or stream.
- Where an existing legally established building, detached garage, accessory dwelling unit, driveway, commercial parking area or retaining wall over six feet in height divides a portion of the wetland OR stream buffer from the portion of the buffer adjacent to the wetland or stream.
- A waiver may not be requested for fences, sheds, patios, decks or other minor structures and impervious surfaces.

The waiver request must meet the following criteria:

- The existing legal improvement creates a substantial barrier to the buffer function;
- The interrupted buffer does not provide additional protection of the wetland OR stream from the proposed development; and
- The interrupted buffer does not provide significant hydrological, water quality and wildlife buffer functions relating to the portion of the buffer adjacent to the wetland.

### **Questions?**

For more information, please contact the Planning Department

[aplanner@cityofflp.com](mailto:aplanner@cityofflp.com)

### **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

**DISCLAIMER:** The information included herein is meant to provide general information and guidance related to Critical Areas regulations found in the Lake Forest Park Municipal Code and is not intended to be all inclusive. Interested parties should always verify current requirements with the City Planning & Building Department.