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SEP. 13 2018  
City of Lake Forest Park  
53425 Ballinger Way NE  
Lake Forest Park, WA 98155  
206-368-5440

**SITE COPY**

FOR STAFF USE ONLY	
Application Number:	<u>2018-PAUE-0001</u>
Amount Received:	_____
Receipt Number:	_____

THIS PLAN IS TO REMAIN ON SITE AND IS TO BE KEPT INTACT.  
**PUBLIC AGENCY AND UTILITY EXCEPTION APPLICATION**

Owner of Record: City of Lake Forest Park

Site Address: City of Lake Forest Park right-of-way on NE 178th Street at 44th Avenue NE

Contact Name: Neil Jensen, P.E. Contact Phone Number: (206) 957-2824

Representative's Name: Barry Baker, P.E.

Representative's Phone Number (360) 454-5490 Alternate: \_\_\_\_\_

Parcel Number(s): N/A. Right-of-way adjacent to 1154100010 and 4020500005

**FEES MUST BE PAID AT TIME OF APPLICATION**

<input type="checkbox"/> Public Agency And Utility Exception Request	\$ 4,000.00
<input type="checkbox"/> Drainage review fee (as needed)	\$ 600.00 per lot
<input type="checkbox"/> Land Use Public Notice Signage Fee	\$ 400.00 / \$25 if add'l posting
<input type="checkbox"/> Technology Fee (5% of fee total)	\$ <u>220</u>
<b>Total Due:</b>	<u>4620.00</u>

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

Zoning classification: Minor arterial street adjacent to RS-7,200 and RS-15,000.

Is the site near the shoreline (within 200 feet): No, Lyon Creek is less than 20 cfs mean annual average flow and greater than 200 feet from the shoreline of Lake Washington.

Comprehensive Plan designation: Conservation residential low, conservation residential moderate, and public facility.

Circle known utilities / services to the site: (gas electric water sewer cable garbage phone other)

**Please provide the requested information:**

(Attach additional sheets if necessary)

1. Can you demonstrate that there is no other practical alternative to the proposed development with less impact on the sensitive areas?

Briefly describe here: The existing culvert is structurally deficient and a partial fish barrier. The project and all site improvements are designed to meet all regulatory requirements with the least negative impact possible and will be a benefit to the stream and riparian habitat.

2. What are the known environmentally sensitive areas on or near the site, such as steep slopes, wetlands or streams?

A wetland is located adjacent to the project and will be protected during construction. Lyon Creek currently is conveyed under NE 178<sup>th</sup> Street through an undersized culvert.

3. Describe the nature of the public agency and utility use exception request. What is proposed? What is the extent of the reasonable economic use exception? Does the proposal impact the sensitive area(s) and/or the associated buffer(s)? Indicate as much specific information as possible.

The project includes work within Lyon Creek and the buffer for the adjacent wetland. The project will replace a structurally deficient and partial fish barrier culvert and improve approximately 150 feet of Lyon Creek upstream and downstream of the culvert while avoiding impacts to the adjacent wetland. No alternative with reduced sensitive area impact is possible without removing this section of road, which would negatively impact transportation, utilities, and public use. The project will not remove or restrict any access to utility services, and will improve fish passage, stream habitat, pedestrian access with ADA pedestrian sidewalks, and public safety with railing over the culvert.

4. What is the proposal's intended outcome?

The project outcome is improved stream habitat, fish passage, culvert structural integrity, hydraulic capacity, and pedestrian safety and access.

5. Describe the mitigation measures associated with this proposal.

The wetland will be avoided and protected during construction. The wetland buffer and stream will be improved within the new culvert and 150 feet upstream and downstream. Erosion and sediment control measures will be taken as part of the Stormwater Pollution Prevention Plan (SWPPP). Fish exclusion nets, defishing and a stream flow bypass will be completed prior to any work with the stream.

6. Identify and list any special studies that have been performed to evaluate your proposal, such as a wetland delineation, functional assessment, biological evaluations, soils studies, geotechnical reports, habitat assessments, vegetation and tree management/preservation plans, mitigation plans, etc. Provide the title of the study or plan, the author and the date prepared.

Lyon Creek L60 Culvert Replacement Preliminary Engineering Report, October 2017, which includes Geotechnical Report, prepared in October 2017 by PanGEO, Inc.; Cultural Resources Report, draft prepared in July 2017 by ICF; and Wetlands Delineation and Critical Area Report, draft prepared in September 2017 by ICF.

7. The applicant must provide the following submittal requirements. Two paper copies and one digital copy of all materials are required. **It is important to note: It is the responsibility of the applicant to prove that all criteria are met in order for the Hearing Examiner to consider approval of the application.**

A. A site-plan that must be accurate, legible and drawn to scale (a recent survey may be required) that provides the following:

1. The existing dimensions and lot size, proposed dimensions and lot size.
2. Identify adjacent streets, existing and proposed access.
3. Identify existing and proposed structures and distances to property lines.
4. Location of proposed alterations or improvements.
5. Location of any sensitive areas on or near the site.
6. Location of any open space or preservation areas.
7. Location of any significant trees (6" diameter or greater)
8. If possible, locate drainage channels, sewer and water lines.
9. Identify existing and proposed easements.
10. Elevation plans, if applicable.

B. Preliminary Drainage Plan (required for some proposals) prepared by a professional engineer licensed in the State of Washington. Drainage requirements, systems and techniques must comply with the King County Surface Water Design Manual, as adopted by the City of Lake Forest Park

C. When the application of the sensitive areas requirements would preclude an owner from making any reasonable economic use of the owner's property, then an exception may be applied for. The Hearing Examiner may grant an exception from the requirements of Chapter 16.16 of the Lake Forest Park Municipal Code only to the minimum necessary extent to allow for reasonable economic use of the applicant's property. **The Hearing Examiner may not exempt regional retention/detention surface water management facilities from stream buffer or wetland buffer requirements of Chapter 16.16 of the Lake Forest Park Municipal Code, whenever those buffers provide critical or outstanding habitat for herons, raptors or state, federal or locally designated endangered or threatened species, unless the applicant clearly establishes that the facility will protect the public health and safety and either will repair damaged natural resources or will not adversely affect such critical or outstanding**

habitat. All of the following criteria must be met before a reasonable use exception may be granted.

**Applications must include a thorough response to the following criteria:**

1. There is no other practical alternative to the proposed development with less impact on the sensitive areas;
2. The application of this chapter would unreasonably restrict the ability to provide utility services to the public;
3. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site;
4. The proposal attempts to protect and mitigate impacts to the sensitive area functions and values consistent with the best available science with the objective of no net loss of critical area functions and values; and
5. The proposal is consistent with other applicable regulations and standards.

**8. Release / Hold Harmless Agreement**

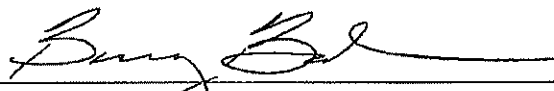
I, the undersigned, his/her heirs and assigns, in consideration for City processing the application agrees to release, indemnify, defend and hold the City of Lake Forest Park harmless from any and all damages and/or claims for damages, including reasonable attorneys fees, arising from any action or inaction 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.

**9. 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.

6 September 2018  
Date

  
Signature of applicant, owner or representative

Complete applications must be submitted to the City of Lake Forest Park Planning and Building Department, 17425 Ballinger Way NE, Lake Forest Park, WA 98155.