

**DECISION OF THE
CITY OF LAKE FOREST PARK PLANNING DIRECTOR
REGARDING APPLICATION FOR A
CRITICAL AREA WORK PERMIT
(Restoration of wetland and stream buffer for clearing violation)
Permit # 2020-CAMJ-0005**

FINDINGS

On May 14, 2020, the applicant, property owner, and violator, Jerimiah Johnson (the “Applicant”, and “Permittee”) was reported clearing within a wetland and stream buffer at 17735 28 AVE NE (“the property”). The City investigated the report and posted a stop work order at the site while instructing the owner to apply for the necessary critical area permits. The City also provided an option to enter into a voluntary correction agreement to correct the violation pursuant to LFPMC 1.25.100. On August 10, 2020, the applicant entered into the agreement by signing the drafted voluntary correction agreement. A provision of the voluntary correction agreement required the applicant to apply for the necessary permits (deadline June 15, 2020) to perform the restoration work. On June 11, 2020, the City provided an extension to the application deadline as the necessary reports were being drafted. On September 28, 2020 the applicant applied for a Critical Area Work Permit to restore the impacts to the wetland and stream buffer at the property. The application was determined complete on October 8, 2020. According to the applicant’s October 8th, 2020 critical area report, the location of the violation and restoration work will take place within a wetland and stream buffer, as defined in Lake Forest Park Municipal Code (LFPMC) 16.16.040. Since the project will need heavy equipment to be accomplished, and the property was regulated by a pervious reasonable use exception, a major critical area permit is required. The City requires approval for altering wetland and stream buffers pursuant to the guidelines of LFPMC 16.16.320-380.

On April 17, 2017 the applicant was granted a reasonable use exception to develop the subject property given the site was almost entirely encumbered by critical areas and/or buffer. This approval specifically detailed the limits for of disturbance on the property and instructed that no additional disturbance occur as a result of developing the site. The applicant has provided a critical area report discussing the violation’s impacts and restoration plan, authored by a qualified professional and included this with their application for a critical area permit (major). Pursuant to LFPMC 16.16.340 (D) (3) buffers are required to be restored at a ratio of 1:1. The applicant has proposed to restore the buffer area, pursuant to the recommendations in the critical area report and plan, which specify a 1:1 restoration ratio. The City has reviewed the content of the restoration report and plan and has determined that it meets the approval criteria specified in LFPMC 16.16.320-380, as well as the provisions of the previous reasonable use exception. The goal of the restoration plan and report will be to return the site to its condition, prior to the violation. All restoration plans have been reviewed and have determined to meet the applicable provisions of the Lake Forest Park municipal code.

CONCLUSIONS

The Applicant's submittals, including written material and plans referenced in the above findings, demonstrate that the proposal complies with the criteria for altering and restoring a wetland and stream buffer, as well as those conditions imposed by the previously approved reasonable use exception.

DECISION

The Critical Area Work Permit 2020-CAMJ-0005 allowing the restoration of the wetland and stream buffer is approved subject to the conditions below. If any Finding is deemed to be a Conclusion or vice-versa, the Director adopts it as such.

CONDITIONS

1. The mitigation area shall be subject to the annual monitoring to ensure the performance standards in the critical area report are met. Monitoring is required for five consecutive years subsequent to the final inspection of the residence. If any of the mitigation plan is not successful, the Permittee/property owner will address the issue immediately as recommended in the critical area report and restoration plan. The Permittee is permitted to include these monitoring reports as a supplement to the monitoring required by the previous reasonable use exception approval.
2. After final inspection of the restoration work, the Permittee must provide the City with a signed copy of the written contract with a qualified professional who will perform the monitoring program.
3. The Permittee shall provide the City with a cost estimate based on the current fair market value of labor and materials for the restoration work described in the critical area report and plan.
4. A financial performance security shall be posted for the restoration work, prior to the start of any construction, based on the cost estimate provided for the labor and materials for the restoration work.

EXHIBITS

Exhibit 1: Critical area report and restoration plan authored by Acre Environmental; date stamped October 8, 2020 by the City of Lake Forest Park



December 8, 2020

Nick Holland
Senior Planner

Date