



Application Number: 2015-SSD-0001
 Date: 1/12/2015

EXHIBIT # 2.01

**CITY OF LAKE FOREST PARK
 SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT APPLICATION**

PERMIT TYPE	FEE
<input type="checkbox"/> Shoreline Exemption	\$500.00
<input type="checkbox"/> Shoreline Conditional Use	\$3,500.00
<input checked="" type="checkbox"/> Shoreline Variance	\$3,500.00
<input type="checkbox"/> Substantial Shoreline Development	\$3,500.00
<input checked="" type="checkbox"/> Public Notice Signage	\$200.00
<input type="checkbox"/> Additional Public Notice Signage	\$25.00
<input type="checkbox"/> 5% Technology Fee (5% of fee total)	\$ 185.00

TOTAL FEES.....\$ 3885.00

FEES MUST BE PAID AT TIME OF APPLICATION

Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife under 75.20 RCW is required if your project includes construction or other work that:



- Will use, divert, obstruct or change the natural flow or bed of any fresh or salt water of the state. This includes all construction or other work waterward and over the ordinary high water line, including dry channels and may include projects landward of the ordinary high water line (e.g., at activities outside the ordinary high water line that will directly impact fish life and habitat, falling trees into streams or lakes, etc.)

Shoreline Substantial Development (SSD), Conditional Use, Variance Permit or Exemption from Local Government (under the Shoreline Management Act, 90.58 RCW) required for work or activity in the 100-year floodplain, or within 200 feet of the ordinary high water mark of Shorelines of the state and which includes any one of the following:

- Dumping, drilling, dredging, filling, placement or alteration of structures (whether temporary or permanent); or any activity which substantially interferes with normal public use of the waters regardless of cost

Washington Joint Aquatic Resource Permit (JARPA) is used to apply for aquatic-oriented permits from federal, state and local agencies and may apply to your project and can be used to apply for HPA approvals, Shore Management and Water Quality Certifications.

Please submit application on the same day to:

City of Lake Forest Park
 Planning Department
 17425 Ballinger Way
 Lake Forest Park, WA 98155

Washington Dept of Fish and Wildlife
 16018 Mill Creek Blvd
 Mill Creek, Washington, WA98012-1296

For further information, please contact: City of Lake Forest Park Planning Department (206) 368-5440

Property Owner: T.J. and Jessie Fudge

Property Owners Address: 17350 Beach Drive NE, Lake Forest Park, WA 98155

Property Owners Phone Number: 651-283-1755 Cell: _____

Site Address: 17350 Beach Drive NE, Lake Forest Park, WA 98155

Tax Parcel Number: 542730 0046

Owner's Authorized Agent: Alan Foltz, Waterfront Construction, Inc.

Authorized Agent's Address: 205 NE Northlake Way, Ste. 230, Seattle, WA 98105

Authorized Agent's Phone Number: 206-548-9800 Cell: --
foltz@waterfrontconstruction.com

FEES MUST BE PAID AT TIME OF APPLICATION

Please provide the requested information: (Attach additional sheets if necessary)

From what section of the zoning code are you requesting a variance?

Lake Forest Park Municipal Code Section(s) Policy 8.5.1, .3, .5. and Regulations (See separate Review)

§4655 586

1. Describe the nature of the variance request. What is proposed? What is the extent of the variance request? Indicate as much specific information as possible.

See separate response review.

2. What is the proposal's intended outcome?

Allowance of a minimum private residence pier for the unique shallowness of the private residence property's shoreline waters. To Include Boatlifts proposed.

3. Describe the character of the site. Is the site sloped or flat? Is the site wooded and vegetated, cleared or landscaped? Are there any known or potentially environmentally sensitive areas on or near the site, such as steep slopes, wetlands or streams?

Site is flat, landscaped, with upland residence. Refer to permit drawings and formal Biological Evaluation as prepared by Watershed Company.

4. What is the current use of the site? Describe the surrounding areas (undeveloped, residential, commercial).

Site is private residence of TJ and Jessie Fudge. Neighboring waterfront properties are private shoreline residences.

SEE VARIANCE APPLICATION ADDENDUM RESPONSES

*SEE SHEETS
7&8.*

5. The applicant must provide the following submittal requirements. **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). This should be prepared by 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. A variance is the means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property. A variance application shall be made on forms approved by the planning department and presented to the hearing examiner. The hearing examiner shall, after a public hearing, make a final decision. Variances shall be granted only in cases where the particular property, because of special circumstances applicable to the property, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and where the variance will remedy the disparity in privilege, or to accommodate a solar energy system. Before a variance shall be granted, the following requirements shall be met.

Applications must include a thorough response to the following criteria:

A) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located;

B) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

C) Granting of such a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;

SEE VARIANCE APPLICATION ADDENDUM RESPONSES

- D) There are special circumstances applicable to a particular lot or tract, such as size, shape, topography, surroundings, trees, groundcover or other physical conditions, installation of a solar energy system or the location or orientation of a building for purposes of gaining or providing solar access;
- E) The granting of the variance will not alter the character of the land, nor impair the appropriate use or development of adjacent property;
- F) Granting the variance will not conflict with the general purposes and objectives of the Comprehensive Plan and other requirements of this title;
- G) In determining whether to approve an application for a variance, the Hearing Examiner shall consider the applicant's record regarding meeting the terms, conditions and limitations of other permits previously issued including building permits, conditional uses or variances;
- H) All variances shall meet any other term, condition or limitation of the Lake Forest Park Municipal Code, if any, applicable to the specific action including Title 16, Environmental Protection; Title 17, Subdivisions; and Title 18, Zoning Requirements.

6. 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.

Permission to enter subject property

I, the undersigned, certify (or declare) under penalty under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I also 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.

1-12-2015

Date

Alan D. Joby, Agent

Signature of applicant, owner or representative

Official review of a proposal will not commence until the responsible official has determined that all materials necessary for a complete application have been received.

Lake Forest Park, VARIANCE APPLICATION Addendum

Property Owner:

T.J. and Jessie Fudge, 17350 Beach Drive NE

Parcel: 542730 0046

Agent: Alan Foltz, Waterfront Construction, Inc.

206-548-9800

Proposed: New private residence pier of Minimal sizing to achieve an
End of pier water depth of 5'-0" at OHW; 3'-0" at low lake level.

1. Nature of the variance request. What is proposed? What is the extent of the variance request? Indicate as much specific information as possible.

We propose and request permitted approval for installation of a private residence pier with one free standing boatlift and two jetski lifts positioned at the outer end of the pier in a water depth of 3'-0" at lake low water (minimum depth possible for lift installation. Pier structure and lifts permit able under Shoreline Regulations, Chapter 8.

Policies:

8.5.1: Overwater Structures: Proposed pier for landing or moorage place for recreational watercraft, built on fixed platform (fully grated), supported by 6" diameter piling of minimal requirement for support of the 18' maximum length pier sections. Design to maintain structural stability with minimally sized piling and minimal number of piles...alternating from two to one pile supports for minimal environmental impact.

8.5.2: There are no conflicts with recreational boaters and other recreational activities that would be created by the proposed pier construction.

8.5.3: Attempt to avoid single-purpose pier for private ownership was declined by both adjacent neighboring property owners. Letters from respective adjacent property owners declining consideration of a joint use pier are attached. See sheets 9 & 10.

8.5.6: The effect of the proposed pier on wildlife and aquatic life is thoroughly reviewed with Determination of "No Effect" of significance, as reviewed in a formal Biological Evaluation, prepared by the Watershed Company, as submitted to the City for review. A similar determination is sought and anticipated by the Corps of Engineers with their permit, as well as the HPA Permit to be sought at appropriate timing with WDFW.

8.5.10: The use of buoys for moorage were reviewed by the Fudge's, considered not to be acceptable for the narrow 50' wide property and extreme distance to achieve their considered 5' minimum water depth (where a 10 ft. depth could be sought if realistic and possible).

Regulations (Chapter 8):

A.1: The proposed pier and lifts are designed to meet State and Federal requirements, with receipt of their respective permits prior to construction, to be performed in allowable work windows.

B.1: **New pier** requested to be permitted as an accessory to residential development.

B.1.a: Letters from Neighbors Tod Charles Turner, and David Shneidman, attached, document a shared joint use pier arrangement was sought, with both neighbors declining such an arrangement. See sheets 9 & 10.

B.3.c,i: Variance Issue: The maximum waterward intrusion of and pier portion of 120 ft. is not possible. It is well documented that the shallow lake water depths for the proposed property area and those of adjacent properties has been impacted by the outflow of Lyon Creek, situated three properties to the southwest. A study of this situation is being conducted for the City presently by the Watershed Company, who has also prepared the formal Biological Evaluation for this proposed pier. A recent check with their Kenny Booth disclosed that they have no new depth information of the outflow build up, however it is clearly visible in the aerial photos of City records (Shoreline Modifications, Shoreline Master Program, Figure 7D, attached).

The site has the documented "unique circumstance", requiring the additional length. In fact, the variance targets a water depth achievement of 10 feet, where the Fudge's are accepting of the 5' depth at OHW. At 5' depth and an overwater pier length of 233', a minimum length with a less than 10' depth will meet the needs for the private residence pier usage. This length, obviously in excess of the regulation, defines the significant need for the requested variance.

B.3.d,i: The allowable maximum width of the pier is regulated at 4 feet. The proposed width of the Fudge's proposed pier is 3'-10.75". This is achieved using standard width grating sections. A reduction in piling also to be noted...the alternating of two support piles with one centered support pile as can be seen on proposal drawing sheet 4 of 12.

B.3.e,i: The overall sq footage of the proposed pier is 955 SF, required to achieve the end of pier depth of 5'-0" at OHW. Thus a condition required for the pier, with request for the variance with this project.

B.3.d,i: Minimal size piles at 6" dia. are used throughout the proposed pier structure, further minimized by the alternating pattern mentioned earlier. The near shore piling to be with 4" dia. Pin piles, as shown on the permit drawings.

B.3.d,h: Mitigation. Proposed drawing sheets 9 through 12 show the proposed mitigation planting plan as developed by the Watershed Company. In compliance with Lake Forest Park mitigation plant life and follow up reporting, the annual reporting for 5 years is to be followed, similar to the requirements of the Corps of Engineers' Federal Permit requirement.

5. The applicant must provide the following submittal requirements. It is important to

Note: It is responsibility of the applicant to prove that all criteria are met in order for the Hearing Examiner to consider approval of the application.

A. Site Plan, Including: (See Permit Drawings dated 12-4-14 (12-Pages).

1. Existing Dimensions, lot, and proposed dimensions.
2. Adjacent Street, existing access. None proposed.
3. Existing residence and proposed pier structures.
4. Location of proposed improvements.
5. Location of any sensitive areas (Lake Washington).
6. Location of open space or preservation areas (N/A).
7. Location of significant trees. (See planting plan and photos).
8. Location of drainage channels, sewer and water.(N/A).
9. Existing and proposed easements. (N/A).
10. Elevation Plans. See permit drawings.

B. Preliminary Drainage Plan. (N/A).

C. Variance is requested based on the special circumstances applicable to the property.

Privilege of a private residence pier is requested. Neighboring properties have their own private residence piers. Neighbors are not-wanting to entertain or accept a joint use arrangement, thus this request for variance to allow the property owner's pier. Attached King County photo dated 8-6-2014 depicts neighboring piers, documenting there would be no disparity in privilege with the Fudge private residence pier proposed.(See Sheets11&12)

Criteria Responses:

- A) The requested variance will not grant a special privilege with installation of the proposed private residence pier. King County map, proposal drawings, and the submitted Biological Evaluation document show neighboring piers established in the area...including the City's Lyon Creek and Civic Center Club property pier of the near western Lake Washington properties.
- B) Variance is necessary to establish the private residence pier, as privileged by neighboring private residence properties. Pier length is required to achieve an end of pier water depth of 5'-0" at Ordinary High Water. At low water, the depth will be only 3'-0". This minimum depth is acceptable to the property owners for their small boat moorage and pier usage for recreational boating. The length is required to overcome the extreme shallowness of the lake at the property site, exacerbated by the outflow of Lyons Creek. A well known concern for the City under city review and study presently.
- C) Granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements of the vicinity. It will afford private residence pier and moorage opportunity, as available presently for adjacent and numerous property owners along the shoreline. (See City of Lake Forest Park Shoreline Modifications Figure 7D documentation attached.
- D) Special Circumstances exist with the site. The 50' wide site is defined to the East by the Turner property, which the natural shape of Lake Washington generates a settling pocket for the outfall of Lyons Creek, clearly visible in the attached area photos. See comments

addressed in the Formal Biological Evaluation Document prepared by the Watershed Company, attached.

- E) Granting of the variance will not alter the character of the land, nor impair the appropriate use or development of adjacent properties. Properties already privileged with private residence piers.
- F) Granting the variance will not conflict with the general purpose and objectives of the Comprehensive Plan and other requirements of the title. It will afford the property owners the privilege of having their own private residence pier, as their neighbors and other waterfront property owners Lake Forest Park shorelines possess.
- G) It is recognized that the Hearing Examiner will consider the applicant's record regarding adherence to other permits issued by the City. Every attempt by the Fudge's was made to establish a joint use pier arrangement with the neighbors. Both of whom are not interested in such an arrangement. Brief though descript denials for a joint use arrangement are attached. (See sheets 9 & 10).
- H) It is understood that all variances shall meet any other term, condition or limitation of the Lake Forest Park Municipal Code, if any, applicable to the specific action including Title 16, Environmental Protection; Title 17, Subdivisions; and Title 18, Zoning Requirements. Please note that a formal Planting Plan mitigation has been proposed by the Watershed Company, included with this application submittal.

It is further understood that all State and Federal Permits are to be established, along with the Lake Forest Park Building Permit prior to any construction activity with the proposed.

Respectfully submitted,



Alan Foltz, Permit Coordinator
Waterfront Construction, Inc.
205 NE Northlake Way, Suite 230,
Seattle, WA 98105
205-548-9800
Foltz@waterfrontconstruction.com

December 20, 2014

Dear TJ & Jessie,

I am not interested in sharing a joint-use pier.
I wish you luck with your dock application.

Sincerely,

Tod C Turner
17345 Beach Drive N.E.
Lake Forest Park, WA 98155

NAME

AGE

DATE

SUBSEQUENT VISITS AND FINDINGS

Dec 15, 2014

To whom it may concern:

at the request of my neighbor TJ Fudge:

I am not interested in participating in a joint use plan.

Sincerely,

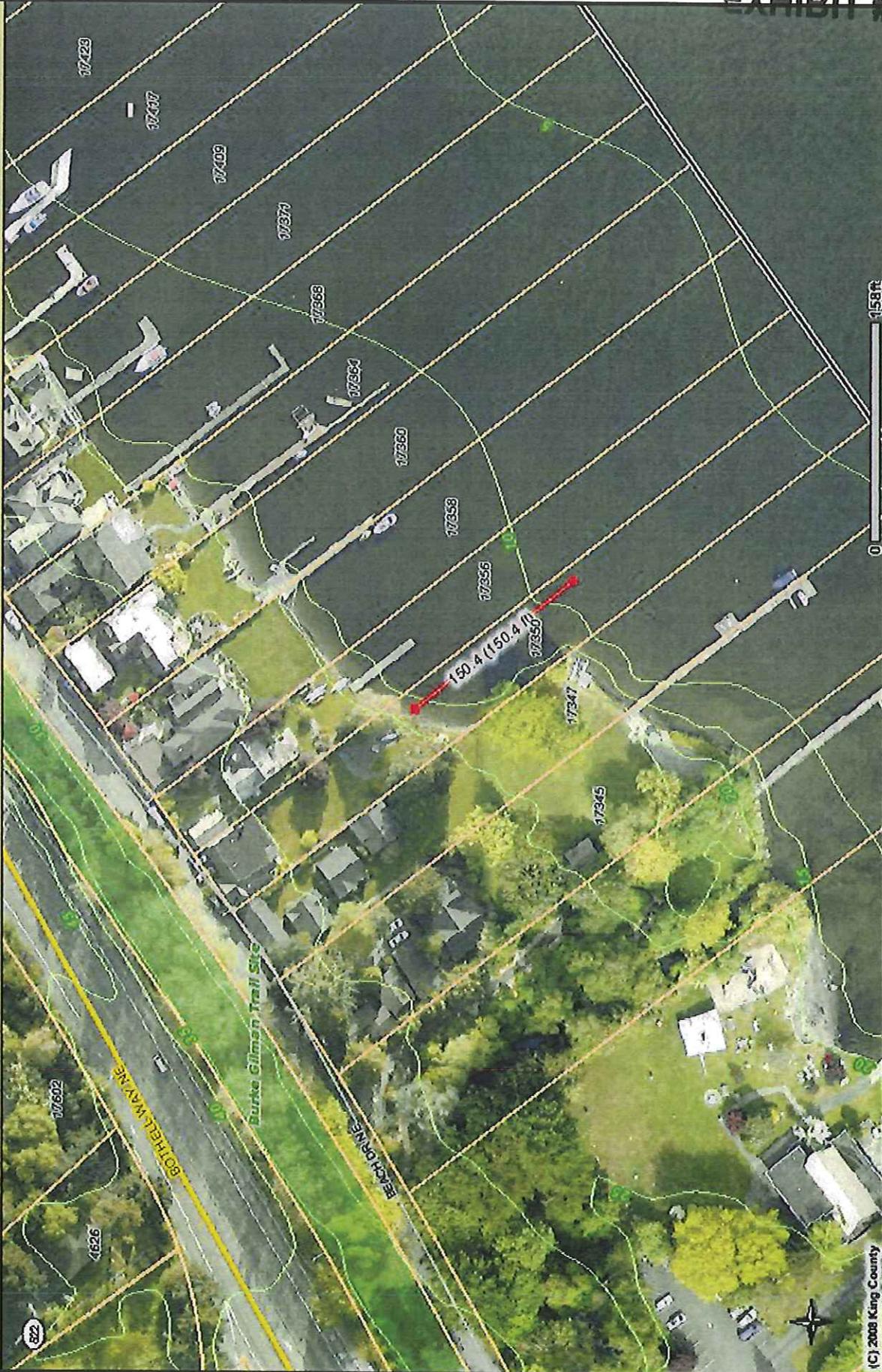
David Skremon

17356 Beach Dr NE

Lake Forest Park.

SHEET 10

Tyler Fudge 17350 Beach Drive



0 150ft

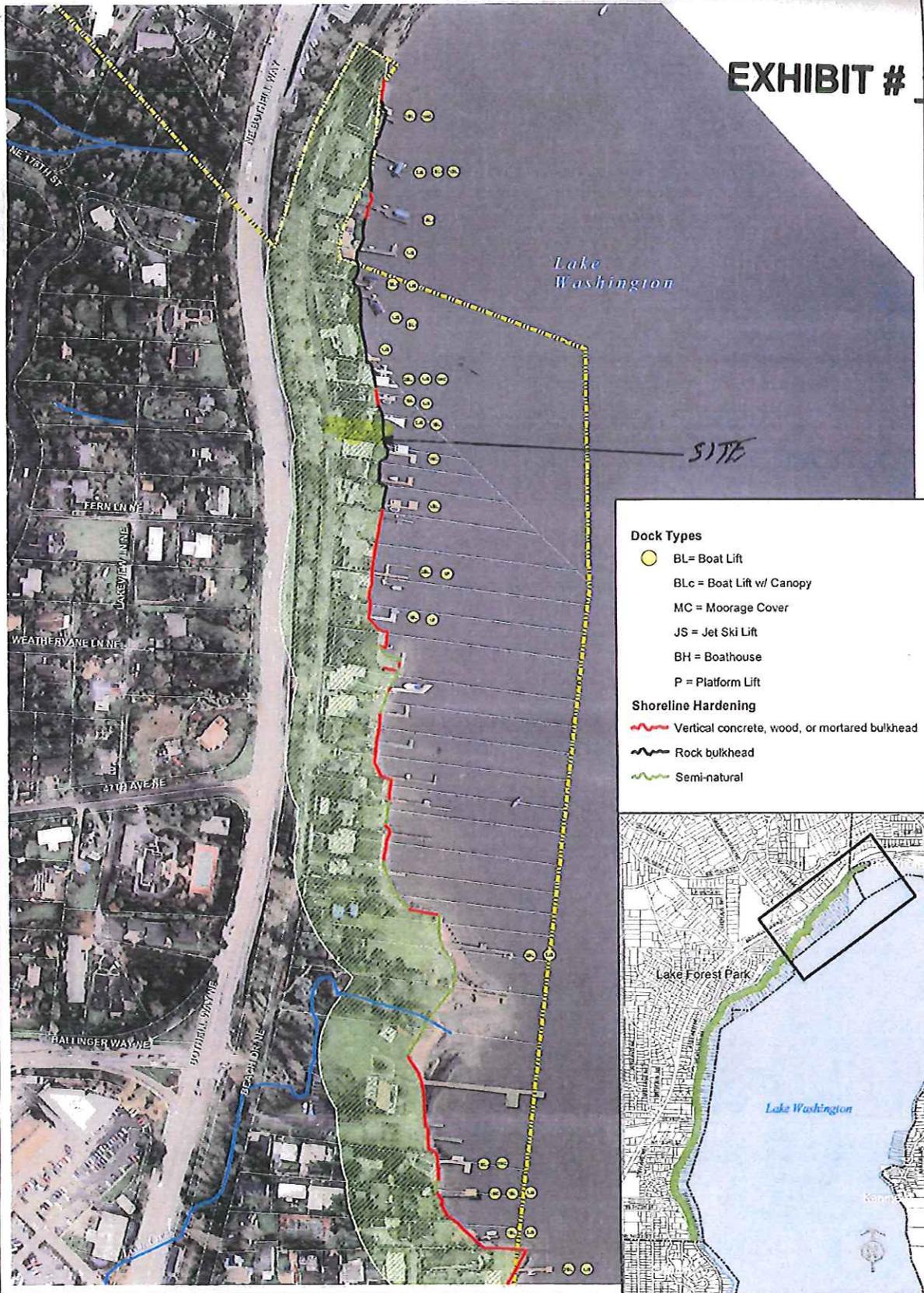
(C) 2008 King County

COMMENTS: Looking for an SSD Variance

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: 8/6/2014 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)





Dock Types

- BL = Boat Lift
- BLc = Boat Lift w/ Canopy
- MC = Moorage Cover
- JS = Jet Ski Lift
- BH = Boathouse
- P = Platform Lift

Shoreline Hardening

- Vertical concrete, wood, or mortared bulkhead
- Rock bulkhead
- Semi-natural



1 inch equals 200 feet
0 100 200 400 Feet

Shoreline Hardening Field Inventory - Winthrop Co. June 2006
Proposed Shoreline Management Area - Winthrop Co. July 2006
Aerial photo: City of Lake Forest Park, February 2004
Other data sources supplied by King County 2006, and may not reflect actual or current conditions. This map is a geographic representation based on information available. It does not represent liability data. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

MAP DATE: SEPT 5 2006



Legend

- City Boundary
- Proposed Shoreline Management Area
- Streams

SHORELINE MODIFICATIONS
Shoreline Master Program
- City of Lake Forest Park

Figure 7D

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