DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Eddie Huang

LOCATION OF PROPOSAL: 2028 West Lake Sammamish Parkway SE

DESCRIPTION OF PROPOSAL: Land Use Permit to add fill and retaining walls within a shoreline structure setback; remove and restore an illegally constructed block wall area within the shoreline buffer and floodplain; and add 25 cubic yards of beach gravel and 510 feet of native vegetation as proposed mitigation and enhancement.

FILE NUMBERS: 16-123615-LO **PLANNER:** Drew Folsom

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **10/13/2016**

☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project): or if the DNS was procured by misrepresentation or lack of material disclosure.

Environmental Coordinator

9/28/2016
Date

OTHERS TO RECEIVE THIS DOCUMENT:
☒ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
☒ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
☒ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
☒ Attorney General ecyolyef@atg.wa.gov
☒ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us

City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	**Huang Shoreline**
Proposal Address:	**2028 West Lake Sammamish Parkway SE**
Proposal Description:	Approval of a Critical Areas Land Use Permit to add fill and retaining walls within a shoreline structure setback; remove and restore an illegally constructed block wall area within the shoreline buffer and floodplain; and add 25 cubic yards of beach gravel and 510 feet of native vegetation as proposed mitigation and enhancement.
File Number:	**16-123615-LO**
Applicant:	**Eddie Huang**
Decisions Included:	Critical Areas Land Use Permit (Process II. LUC 20.30G & 20.30P)
Planner:	Drew Folsom, Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland, Environmental Coordinator Development Services Department
Director's Decision:	**Approval with Conditions** Michael A. Brennan, Director Development Services Department BY: _____ Carol V. Helland, Land Use Director Development Services Department

Critical Areas Application Date:	January 28, 2016
Notice of Application Publication Date:	June 2, 2016
Decision Publication Date:	September 29, 2016
Project Appeal Deadline:	October 13, 2016

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

CONTENTS

Attachments

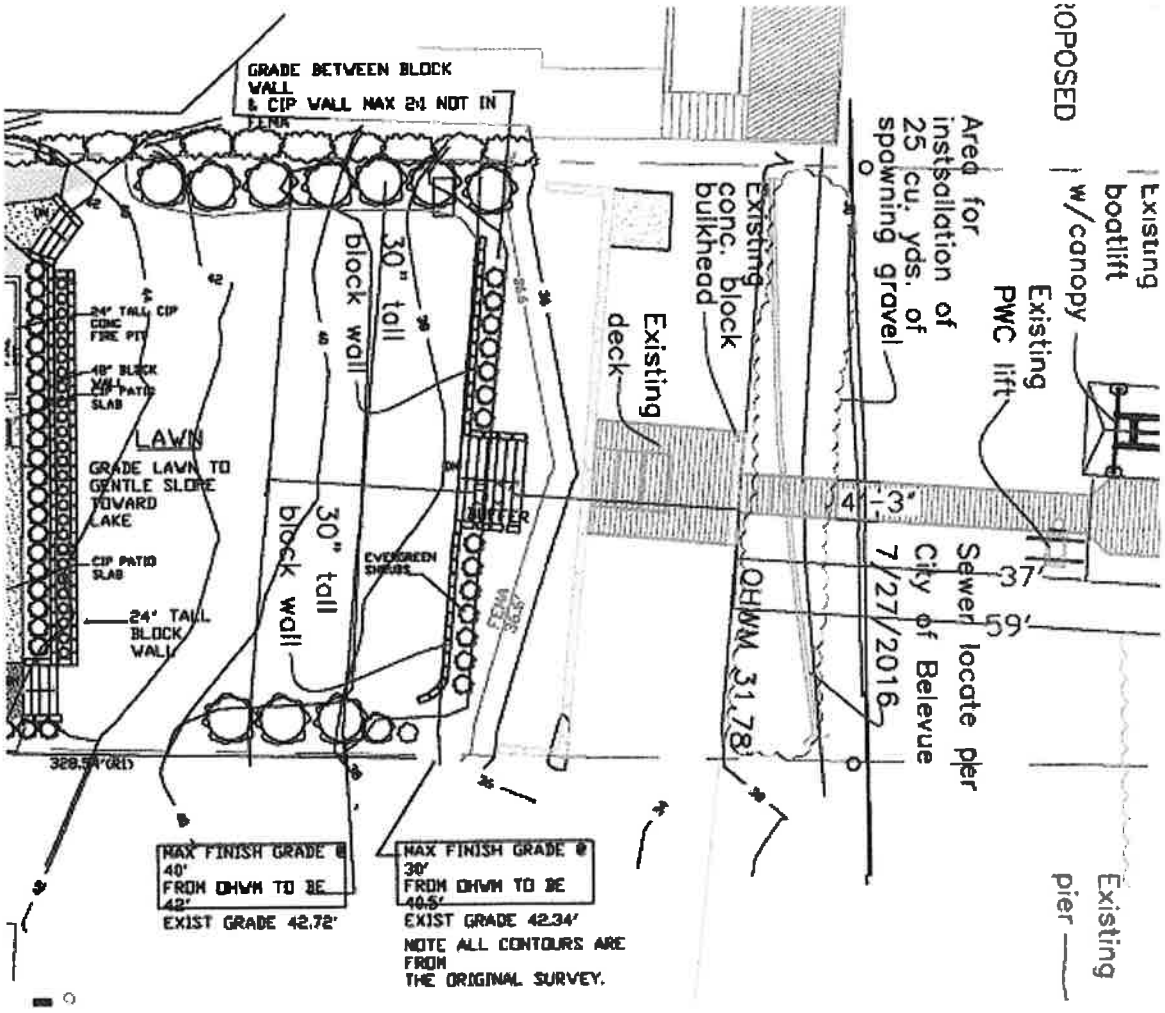
1. Development Plans
2. Critical Areas Report
3. Environmental Checklist

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit to remove fill and retaining walls constructed within the shoreline buffer and flood plain without permit approval; and proposes to add a maximum of 4 feet of fill and a 30 inch retaining wall within the shoreline structure setback. As mitigation to remedy the illegal construction and for the proposed disturbance associated with the retaining wall and fill within the structure setback, the applicant proposes to remove 51 feet (80%) of a shoreline block wall bulkhead located at the ordinary high water mark (OWHM) and within the flood plain. Approximately 25 cubic yards of beach spawning gravel will be installed at and below the ordinary high water mark.

The Land Use Code allows for modifications of critical areas structure setbacks if the performance standards for each critical area are addressed and the decision criteria in LUC 20.25H.255.A and LUC 20.30P are met. This application meets those requirements and the request is evaluated below.

Figure Proposed Site Plan



II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The property is located at 2028 West Lake Sammamish Parkway SE. The property is approximately 20,493 square feet and abuts Lake Sammamish to the east. Vehicle access is from West Lake Sammamish Parkway SE located to the west. Properties to the west, north and south of the property are developed with single-family residences.

The site contains several significant trees, predominately located in the eastern area of the property; the remaining area is developed with the single-family residence, driveway, ornamental landscaping, mowed lawn, and retaining walls. The majority of the site slopes moderately downward from west to east. The eastern boundary of the property is adjacent to Lake Sammamish. A flood plain is located in the eastern area of the property from elevation 36.1 to Lake Sammamish.

Figure 2 Existing (unpermitted) Site Conditions

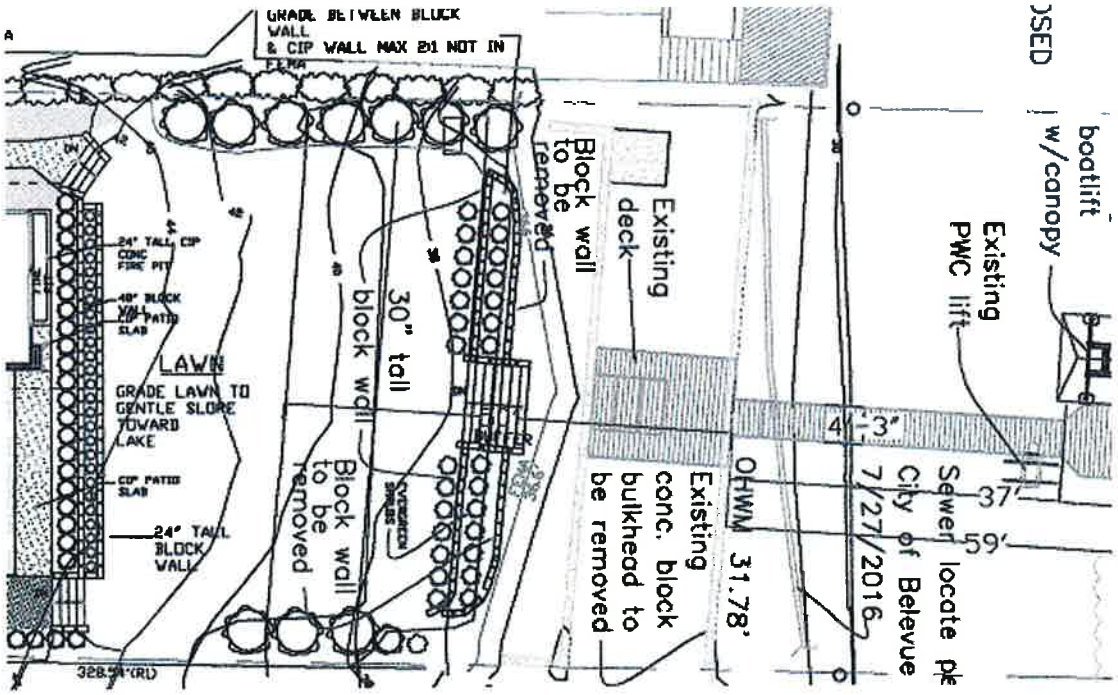


Figure 2: Site Aerial

B. Zoning

The property is zoned R-3.5, a single family zoning district. The property is also within the Critical Areas and Shoreline Overlay Districts.

C. Land Use Context

The property is located in the Southeast Bellevue Subarea of the City and has a Comprehensive Plan land use designation of SF-M (Single Family Medium Density).

D. Critical Areas Functions and Values

i. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al.1996).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

ii. Floodplains

The value of floodplains can be described in terms of both the hydrologic and ecological functions that they provide. Flooding of occurs when either runoff exceeds the capacity of rivers and streams to convey water within their banks, or when engineered stormwater systems become overwhelmed. Studies have linked urbanization with increased peak discharge and channel degradation (Dunne and Leopold 1978; Booth and Jackson 1997; Konrad 2000). Floodplains diminish the effects of urbanization by temporarily storing water and mediating flow to downstream reaches. The capacity of a floodplain to buffer upstream fluctuations in discharge may vary according to valley confinement, gradient, local relief, and flow resistance provided by vegetation. Development within the floodplain can dramatically affect the storage capacity of a floodplain, impact the hydrologic regime of a basin and present a risk to public health and safety and to property and infrastructure.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements (LUC 20.20.010):

The site is located in the R-3.5 zoning district. Structures less than 30 inches in height are permitted within a structure setback. The project as proposed meets this regulatory requirement.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The project area is within Lake Washington and is subject to the requirements of LUC 20.25E.080.

i. Consistency with Shoreline Overlay District LUC 20.25E.080.E:

20.25E.080

B. General Regulations Applicable to All Land Use Districts and Activities.

1. Where applicable, all federal and state water quality and effluent standards shall be met.
2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.
3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part 20.25H LUC, City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.
4. Special care shall be exercised to preserve vegetation in wetland, shoreline and stream corridor bank areas in order to prevent soil erosion. Removal of vegetation from or disturbance of shoreline critical areas and shoreline critical area buffers, and from other critical area and critical area buffers shall be prohibited, except in conformance with Part 20.25H LUC and the specific performance standards of this section.
5. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part 20.30H LUC.
6. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.
7. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.
8. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.
9. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."
10. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.

Finding: The proposal complies with the above performance standards. The project will comply with all state and federal standards as applicable. The entire project is within 200 feet from Lake Sammamish and therefore, is entirely within the Shoreline Overlay District. The project will disturb maintained lawn for the removal of fill, retaining walls, and bulkhead. A restoration plan is included in the application. No structures will exceed the maximum height limitations. The proposal is in conformance with the City's Master Program and applicable ordinances and policies. See decision criteria for further analysis. The proposal will be required to submit a revision to building permit 14-131105-BS where the final Construction Stormwater Pollution Prevention Plan will be reviewed for compliance with the clearing and grading regulations. Approval and permit issuance will be verification of compliance with applicable regulations. No dead storage of watercraft is proposed. No herbicides, pesticides and/or fertilizers are proposed for use and the applicant will be required to provide information to this affect as part of the building permit. No new development requiring storm or sewer drainage facilities is proposed.

G. Clearing and Grading Regulations.

1. All clearing, grading, excavating, and fill in the Shoreline Overlay District shall comply with the provisions of Chapter 23.76 BCC, now or as hereafter amended.
2. No clearing, grading, excavating, or fill shall be allowed within the shoreline critical area or shoreline critical area buffer except as permitted by this Part 20.25E, or in association with activities allowed under Part 20.25H LUC.
3. Wherever the City determines that the act or intended act of clearing, grading, excavation or fill has become or will constitute a hazard to life or limb, or endangers property, or adversely affects the safety, use of, or stability of a public way, drainage channel or natural stream corridor, including siltation and sedimentation therein, the owner of the property upon which the clearing, excavation or fill is located or other person or agent in the City shall, within the period specified therein, terminate such clearing, grading, excavation, embankment or fill, or eliminate the same from the development plan, or modify the plans, as may be required so as to eliminate the hazard and be in conformance with the requirements of this Code.

Finding: The proposal will be required to submit a revision to building permit 14-131105-BS. The proposal does not constitute a hazard as proposed. The removal of 51 feet of the existing bulkhead and replacement with 25 cubic yards of spawning gravel,.

The gravel beach and associated required native vegetation will provide the bulk of the soft stabilization elements in this proposal. In order to ensure that the gravel beach and native vegetation remain and function as designed the beach and vegetation are required to be monitored and maintained for 5 years per LUC 20.25H.220. A monitoring and revegetation plan shall be submitted as part of the building permit revision that addresses how the gravel beach will be monitored, anticipated maintenance actions, contingency measures and establishes some performance standards to evaluate the gravel beach. The goal of the monitoring is to ensure that the beach erosion reaches equilibrium so that the gravel will remain on the property to function as intended for anticipated life of the design. The monitoring and maintenance period can be completed after three years if the monitoring shows the beach has reached equilibrium and meets

the proposed performance standards. An assurance device will be required prior to issuance of the revised building permit that is based on a cost estimate for monitoring the gravel beach installation and planting of native vegetation. **See Section IX for related conditions of approval.**

C. Consistency with Critical Areas Report LUC 20.25.230.

The applicant supplied a complete critical areas report in support of the proposed fill and 30 inch retaining walls within the shoreline structure setback; and the removal of 51' feet of the existing bulkhead. In order to adequately restore the area disturbed by the removal of the bulkhead, approximately 510 feet of native vegetation planting is required as a condition of approval. The report and native vegetation requirement meet the minimum requirements in LUC 20.25H.250, and contain supporting information from Carl Hadley, a professional biologist. **See Section IX for related conditions of approval.**

IV. Public Notice and Comment

Application Date:	January 28, 2016
Public Notice (500 feet):	June 2, 2016
Minimum Comment Period:	June 16, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on June 2, 2016. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth, Air, and Water

Earth movement will result from removal of the existing bulkhead and any unpermitted fill or retaining walls within the floodplain. Gravel fill will replace the bulkhead and soften the shoreline and provide shallow habitat. Some disturbance of the lake bed will result. The site will be required to comply with the City's BMPs and sediment and erosion controls for clearing and grading as part of the clearing and grading permit. Erosion and sediment control best management practices include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the lake will be required. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section IX for a related condition of approval.

B. Animals

The property is adjacent to Lake Sammamish which does support salmonid species, some of which are listed as threatened under the Endangered Species Act. The work will be done during the allowed construction window period and the result will be the improvement of the shoreline by providing shallow habitat. No impacts are anticipated since no significant trees will be removed and an improvement of shoreline function will be provided through the removal of shoreline hardening.

C. Plants

The walls that were constructed without a permit impacted existing mature landscaping. The proposed area of disturbance consists of retaining walls and maintained lawn. In order to adequately stabilize the area after the wall and lawn are removed, approximately 510 square feet of native vegetation shall be planted within the shoreline buffer, or shoreline structure setback as mitigation. **See Section IX for related conditions of approval.**

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. **See Section IX for a related condition of approval.**

VII. Decision Criteria

A. Critical Areas Report Decision Criteria- General Criteria LUC 20.25H.255

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;

Finding: The proposed fill and 30 inch retaining wall within the shoreline structure back is proposed to be mitigated by the removal of 51 feet of bulkhead at OHWM, replacement with 25 cubic yards of spawning gravel. In addition to the wall removal and placement of gravel, the application shall also be required to plant of 510 square feet of native vegetation. The installation of both of these mitigation action will provide critical area function and value at least as protective as that provided by the application of the regulations and standards of the code. **See Section IX for related conditions of approval.**

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

Finding: The gravel beach and native vegetation is required to be monitored for at least for five years with an option to end monitoring after three years. The monitoring is required to be guaranteed by an assurance device. **See Section IX for a related condition of approval.**

3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

Finding: The modifications and performance measures in this proposal are not detrimental to the functions and values of the shoreline.

4. The resulting development is compatible with other uses and development in the same land use district.

Finding: The resulting development is compatible with the other single-family residential development in the neighborhood surrounding the subject property.

B. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The applicant must obtain submit a revision to the building permit.... The project must obtain any Federal and State Permits required and a copy of these approvals shall be submitted to the City to building permit revision issuance. If a Federal permit is not required the applicant must include a habitat assessment with the required revision to building permit 14-131105-BS. **See Conditions of Approval in Section IX of this report.**

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: The use of beach gravel and the planting of native vegetation is preferred over hard shoreline designs like retaining walls and armoring at the shoreline. With the use of these techniques, the project demonstrates that it uses the best available construction techniques and results in a reduction of the impact on critical areas and buffers.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: As discussed in Section III of this report, the performance standards of LUC 20.25E are being met. See Section IX for conditions of approval.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The property is currently served by adequate public facilities. Nothing in the proposal will increase the need for public facilities on the property.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: The project is required to monitor and maintain the gravel beach and native vegetation per a five year monitoring plan to be submitted prior to issuance of the revision to building permit 14-131105-BS.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section III and V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions the Critical Areas Land Use Permit** to add fill and retaining walls within a shoreline structure setback; remove and restore a block wall area within the shoreline buffer and floodplain; add 25 cubic yards of beach gravel, and plant 510 feet of native vegetation. Approval of the Critical Areas Land Use Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Single Family Addition Building Permit or other necessary development permits within one year of the effective date of the approval.

IX. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	Drew Folsom, 425-452-4441
Noise Control- BCC 9.18	Drew Folsom, 425-452-4441

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. **Building Permit Approval:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A revision to building permit 14-131105-BS is required to be approved and issued. This permit has a maximum life of three years which can allow for future gravel maintenance and monitoring of the beach and native vegetation. If monitoring determines that additional work is necessary in order to implement the mitigation the applicant shall be required to apply for a new clearing and grading permit to implement the monitoring recommendations. Plans submitted as part of subsequent permit applications shall be consistent with the activity permitted under this approval.

   Authority: Land Use Code 20.30P.140
   Reviewer: Drew Folsom, Development Services Department

2. **Planting Restoration Plan** As part of the required revision to the building permit, the applicant shall submit a final restoration plan including a planting plan. The restoration plan should be based on the Shoreline planting template for sunny sites as described in the City of Bellevue's Critical Areas Handbook.

   Authority: Land Use Code 20.25H.220
   Reviewer: Drew Folsom, Development Services Department

3. **Maintenance and Monitoring Plan:** The gravel beach and native vegetation are required to be maintained and monitored for five years. A revised plan is required to be submitted to building permit 14-131105-BS. The plan must include performance standards for the beach, anticipated maintenance, monitoring methods, contingencies. The plan must also include an annual report to Land Use staff regarding the status of the beach and vegetation and maintenance needed.

   The monitoring reports, shall be sent to Drew Folsom at dfolsom@bellevuewa.gov or to the address below:

Environmental Planning Manager, Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220
Reviewer: Drew Folsom, Development Services Department

4. **Cost Estimate:** A cost estimate for the monitoring and maintenance of the gravel beach and native vegetation is required to be submitted prior to issuance of a revision to building permit 14-131105-BS in order to provide a basis for the required assurance device.

   Authority: Land Use Code 20.25H.220
   Reviewer: Drew Folsom, Development Services Department

5. **Assurance Device:** A maintenance surety is required to be submitted prior to issuance of the revision to building permit 14-131105-BS. The amount of the surety will be based on the cost estimate for the monitoring and maintenance. The surety will be in the amount of 25 percent of the cost estimate.

   Authority: Land Use Code 20.25H.220
   Reviewer: Drew Folsom, Development Services Department

6. **Land Use Inspection Required:** Inspection of complete shoreline gravel installation and planting is required to be completed by the Land Use Planner as part of the building permit inspection process.

   Authority: Land Use Code 20.25H.220
   Reviewer: Drew Folsom, Development Services Department

7. **State and Federal Permits:** Any permits from the State or US Army Corps shall be obtained. All required permits and approvals must be received by the applicant and presented to the City prior issuance of the building permit. Potential permits under a JARPA include Hydraulic Permit Approval (HPA) and Section 401 Water Quality Certification from the State and Section 10 and Section 404 approvals from the US Army Corps of Engineers. If a Federal permit is not required the applicant must include a habitat assessment with the required revision to building permit 14-131105-BS.

   Authority: Land Use Code 20.25E.080
   Reviewer: Drew Folsom, Development Services Department

8. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code.

Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Drew Folsom, Development Services Department

DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 16-123615-LO

Project Name/Address: Huang Shoreline/2028 W. Lk. Sammamish Pkwy SE

Planner: Drew Folsom

Phone Number: (425) 452-4441

Minimum Comment Period: June 9, 1026

Materials included in this Notice:

☒ Blue Bulletin
☒ Checklist
☒ Vicinity Map
☒ ☐☐☐Plans
☒ ☐☐☐Other: Critical Areas Report

OTHERS TO RECEIVE THIS DOCUMENT:
☒ State Department of Fish and Wildlife / Sterwart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
☒ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
☒ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
☒ Attorney General ecyolyef@atg.wa.gov
☒ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us

ENVIRONMENTAL CHECKLIST

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4) Our TTY number is 425-452-4636.

Background Information

Property Owner: **Eddie Huang**

Proponent: **Gregory W. Ashley - Ashley Shoreline Design & Permitting**

Contact Person: **Gregory W. Ashley - Ashley Shoreline Design & Permitting**
(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **16412 NE 10th Pl.**
Bellevue, WA 98008-3707
Phone: **(425) 957-9381**

Proposal Title: **Huang yard & wall reconfiguration**

Proposed Location: **2028 W Lk. Samm. Pkwy. SE**
(Street address and nearest cross street or intersection) Provide a legal description if available.

Please attach an 8 ½" x 11" vicinity map that accurately locates the proposed site.

Give an accurate, brief description of the proposal's scope and nature.

General description: **Remove lower landscape wall, the corers of which are in the FEMA floodplain. Gently re-slope the yard, areas of which have up to six (6) feet of fill so that no area of the yard has more than four (4) feet of fill. All excess material will be relocated to the front yard. The remaining landscape wall will be lowered to 30" in height. Approximately twenty-two (22) cu. yds of material will be removed/relocated to bring yard into conformance with code. The existing 63 LF bulkhead will be removed (except for 12 LF under the existing deck) and twenty-five (25) cu. yds of WDFW approved spawning gravel installed along the shoreline as mitigation.**

1. Acreage of site: **20,493 SF**

2. Number of dwelling units/buildings to be demolished: **None, does not apply**

3. Number of dwelling units/buildings to be constructed: **None, does not apply**

4. Square footage of buildings to be demolished: **None, does not apply**

5. Square footage of buildings to be constructed: **None, does not apply**

6. Quantity of earth movement (in cubic yards): **None, does not apply**

7. Proposed land use: **Private single-family residence**

8. Design features, including building height, number of stories and proposed exterior materials: **Does not apply**

9. Other: **Does not apply**

Estimated date of completion of the proposed timing of phasing: **Construction to be carried out during the timing window of July 16 through Dec. 31**

Do you have any plans for future additions, expansions, or further activity related or connected with this proposal? If yes, explain. **No**

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **A Critical Areas Report prepared by Cedarock Consultants, Inc.**

Do you know whether applications are pending for government approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known? **No**

Please provide one or more of the following exhibits, if applicable to your proposal.
(Please check appropriate box(es) for exhibits submitted with your proposal)

☐ Land Use Reclassification (rezone) Map of existing and proposed zoning.

☐ Preliminary Plat or Planned Unit Development
Preliminary plat map

☐ Clearing & Grading Permit
Plan of existing and proposed grading
Development plans

☐ Building Permit (or Design Review)
Site Plan
Clearing & Grading Plan

☑ Shoreline Management Permit
Site Plan

A - ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): flat; rolling; hilly; steep slopes; mountainous; other:

_____

4/20/16
5/24/16

b. What is the steepest slope on the site (approximately percent slope)? **< 1%**

c. What general types of soils are found on the site (for example, clay, sand gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Sand & gravel along the shoreline

d. Are there surface indicators or history of unstable soils in the immediate vicinity? If so, describe.
No

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Approximately twenty-two (22) yards to be moved to the front yard

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
No, does not apply

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
None, does not apply

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
None, does not apply

EROSION FURTHER MITIGATED PER DCC 23.07.7 "EROSION CONTROL"

2. **AIR**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
None, does not apply

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
No, does not apply

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
None, does not apply

3. **WATER**

a. **Surface**

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
Yes, Lake Sammamish

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
Yes, remove existing bulkhead and install 25 yds of spawning gravel.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
None, does not apply

9/24/14

5/24/14

4) Will the proposal required surface water withdrawals or diversions? Give general description, purpose and approximate quantities if known.
No, does not apply

5) Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.
Yes

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
No, does not apply

b. **Ground**

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximately quantities if known.
No, does not apply

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals, agriculture; etc.).
None, does not apply

3) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
None, does not apply

c. **Water Runoff** (including storm water)

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow? Will this water flow into other waters? If so, describe.
None, does not apply

2) Could waste materials enter ground or surface waters? If so, generally describe.
No, does not apply

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
None, does not apply

4. **PLANTS**

a. **Check the types of vegetation found on the site:**

☐ **Deciduous tree:** Alder, Maple, Aspen, other

☑ **Evergreen tree:** Fir, Cedar, Pine, other

☐ Shrubs
☑ Grass
☐ Pasture
☐ Crop or grain

☐ **Wet soil plants:** Cattail, Buttercup, Bulrush, Skunk Cabbage, other

☐ **Water plants:** Water Lily, Eelgrass, Milfoil, other

D. [illegible] 9/20/16

D. [illegible] 5/24/16

☐ Other types of vegetation

b. What kind and amount of vegetation will be removed or altered?
None

c. List threatened or endangered species known to be on or near the site.
Salmon

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
None

5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

☑ **Birds:** Hawk, Heron, Eagle, Songbirds, other:

☐ **Mammals:** Deer, Bear, Elk, Beaver, other:

☑ **Fish:** Bass, Salmon, Trout, Herring, Shellfish, other:

b. List any threatened or endangered species known to be on or near the site.
Salmon

c. Is the site part of a migration route? If so, explain
Possibly a Salmon outmigration rout

d. Proposed measures to preserve or enhance wildlife, if any:
Adhere to all regulations and guidelines

6. ENERGY AND NATURAL RESOURCES

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
None, does not apply

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
No, does not apply

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
None, does not apply

7. ENVIRONMENTAL HEALTH

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
No

1) Describe special emergency services that might be required.
None, does not apply

5/24/16

2) Proposed measures to reduce or control environmental health hazards, if any:
None, does not apply

b. <u>Noise</u>

1) What type of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
None, does not apply

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
Removal of bulkhead and installation of spawning gravel, Monday through Friday, 8:00 A.M. to 4:30 P.M.

3) Proposed measures to reduce or control noise impacts, if any:
Limit time of assembly to M-F, 8:00 A.M to 4:30 P.M.

NOISE FURTHER MITIGATED PER BCC 9.18 "NOISE CONTROL"

8. <u>LAND USE AND SHORELINE USE</u>

a. What is the current use of the site and adjacent properties?
Private single-family residence

b. Has the site been used for agriculture? If so, describe.
No

c. Describe any structures on the site.
Private single-family residence

d. Will any structures be demolished? If so, what?
No

e. What is the current zoning designation of the site?
R-3.5

f. What is the current comprehensive plan designation of the site?
UM

g. If applicable, what is the current Shoreline Master Program designation of the site (check with City Planning staff)?

h. Has any part of the site been classified an "environmentally sensitive" area? If so, specify.
Yes, the shoreline

i. Approximately how many people would reside or work in the completed project?
None, does not apply

j. Approximately how many people would the completed project displace?
None, does not apply

k. Proposed measures to avoid or reduce displacement impacts, if any?
None, does not apply

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Adhere to all regulations and guidelines

9/20/16

5/24/16

9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
None, does not apply

b. Approximately how may units, if any, would be eliminated? Indicate whether high-, middle-, or low-income housing.
None, does not apply

c. Proposed measures to reduce or control housing impacts, if any:
None, does not apply

10. AESTHETICS

a. What is the tallest height of any proposed structures(s), not including antenna; what is the principal exterior building material(s) proposed?
Does not apply

b. What views in the immediate vicinity would be altered or obstructed?
None

c. Proposed measures to reduce or control aesthetic impacts, if any:
None

11. LIGHT AND GLARE

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
None, does not apply

b. Could light or glare from the finished project be a safety hazard or interfere with views?
No, does not apply

c. What existing off-site sources of light or glare may affect your proposal?
None, does not apply

d. Proposed measures to reduce or control light and glare impacts, if any:
None, does not apply

12. RECREATION

a. What designated and informal recreational opportunities are in the immediate vicinity?
Water sports

b. Would the proposed project displace any existing recreational uses? If so, describe.
No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project of applicant, if any:
None

9/20/16

9/20/16

13. HISTORICAL AND CULTURAL PRESERVATION

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
None known

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
None known

c. Proposed measures to reduce or control impacts, if any:
None

14. TRANSPORTATION

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.
Does not apply

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
Does not apply

c. How many parking spaces would the completed project have? How many would the project eliminate?
None, does not apply

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
No, does not apply

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
No, does not apply

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
None, does not apply

g. Proposed measures to reduce or control transportation impacts, if any:
None, does not apply

15. PUBLIC SERVICES

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
No, does not apply

b. Proposed measures to reduce or control direct impacts on public services, if any.
None, does not apply

16. UTILITIES

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
Does not apply

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.
None, does not apply

SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

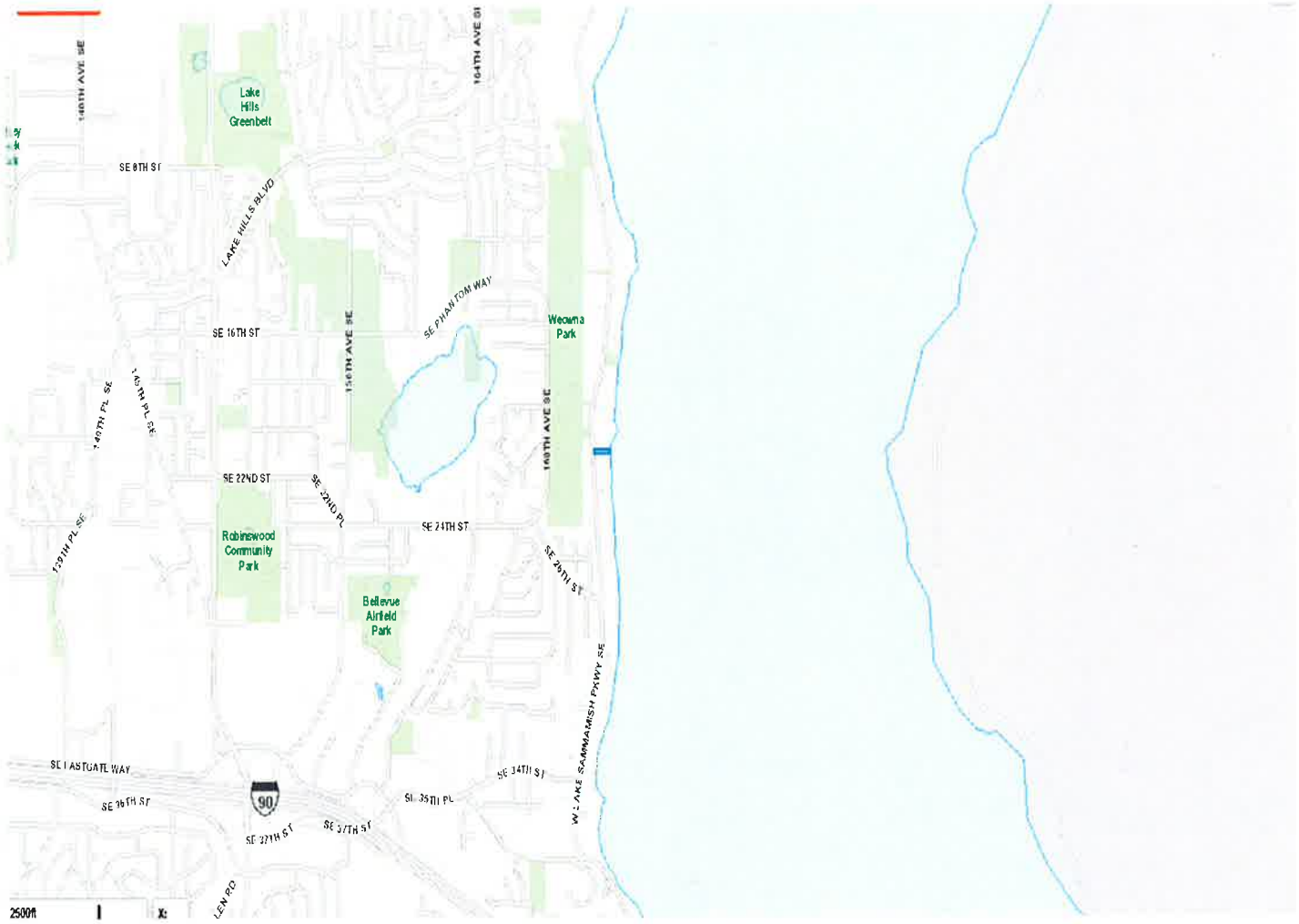
Signature: _____

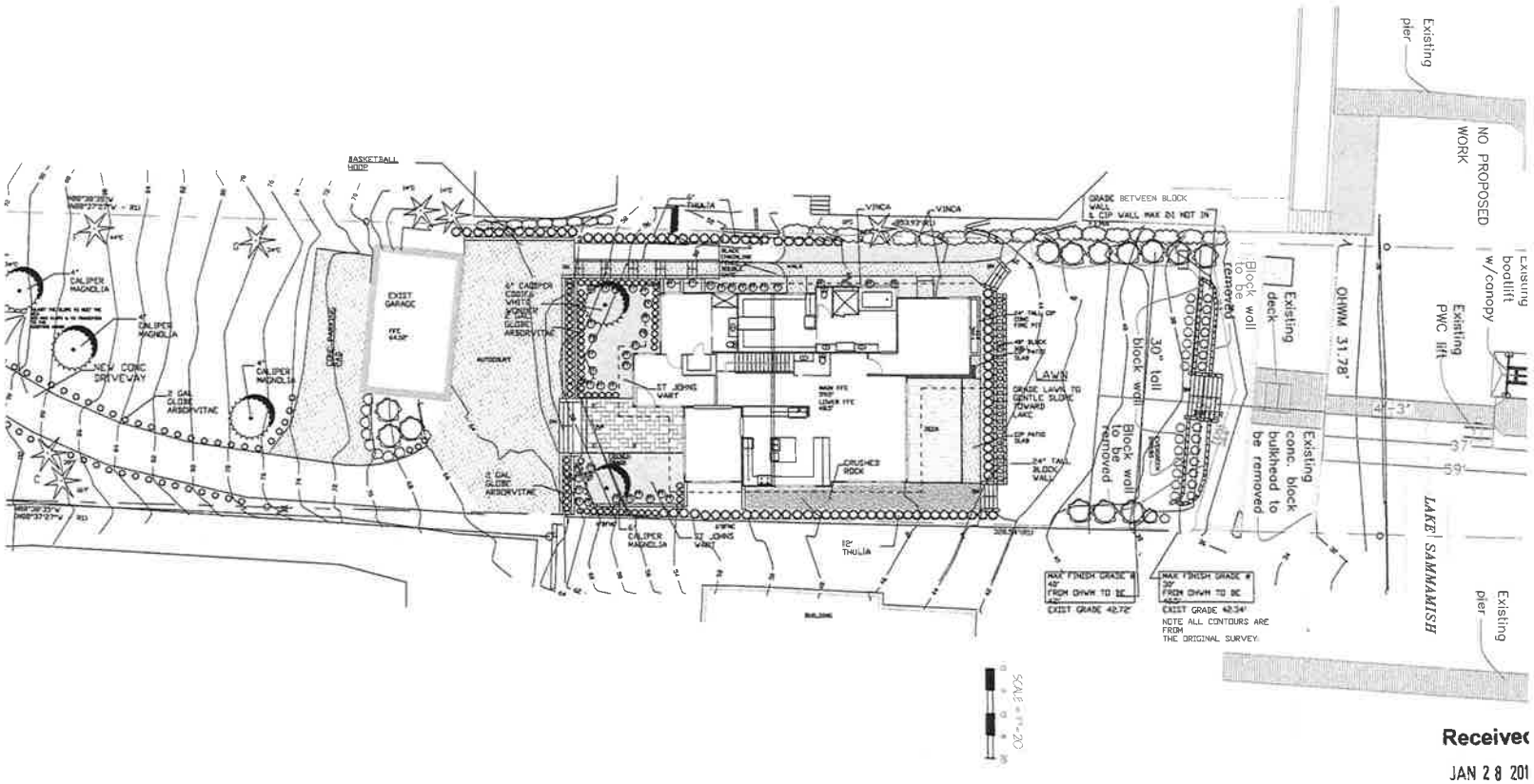
Date Submitted: 1/28/2016

9/20/16

5/20/16

2028 W. Lake Sammamish Parkway SE
Viciinty Map





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Permit Proces

ie Huang 3 W Lk. Samm. Pkwy. SE evue, WA 98008--5230	LOCATION: Lake Sammamish DATUM: NAVD 88 LAT: 47° 30' " North LONG: -122° 06' 38" West LENGTH FROM OHWM: N/A SQ. FT. : N/A	PROJECT DESCRIPTION: Remove lower landscape wall from Fl yard so that there is a maximum of 4' DATE: 2/1/2015 block bulkhead (except for 12 LF und

CRITICAL AREAS REPORT

HUANG RESIDENCE REDEVELOPMENT

2028 West Lake Sammamish Parkway SE
Bellevue Washington 98008
(Parcel #9253900345)

Prepared by:
Cedarock Consultants, Inc.
19609 244th Avenue NE
Woodinville, Washington 98077

Prepared for:
Eddie Huang
2028 West Lake Sammamish Parkway SE
Bellevue Washington 98008

January 20, 2016

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1.0 INTRODUCTION

1.1 Project Description

An existing home located at 2028 West Lake Sammamish Parkway SE was razed and is being replaced with an all new structure (Figure 1). The work is currently ongoing and will include grading within the shoreline Structure Setback Area as needed to produce a level and functional yard. No part of the structure will be located in the setback and no change is proposed within the shoreline Critical Area Buffer or FEMA floodplain. No clearing and only minimal vegetation removal (primarily turf grass and non-native shrubbery) is necessary to grade the yard. As mitigation, the applicant will remove most of an existing short concrete block wall in the floodplain that currently serves as a bulkhead. Twenty-five (25) cubic yards of WDFW approved beach gravel will be added to the shoreline as enhancement and to fill any inconsistencies in the grade after the wall is removed.

1.2 Purpose of this Report

This report was prepared to evaluate environmental effects of the proposed project action on critical areas as required for a Structure Setback Modification (LUC 20.25H.115.C.3.b). Mitigation is proposed to enhance critical area functions and values.

1.3 Report Author

This report was prepared by Carl Hadley, a professional biologist with over 25 years of experience in western Washington.

Figure 1. Huang property on Lake Sammamish pre-construction (2013) showing approximate shoreline critical area limits.

2.0 EXISTING CONDITIONS

This section provides a description of critical areas on and within 100-feet of the proposed redevelopment area under existing conditions. Critical areas within 100-feet of the work area include the Lake Sammamish Shoreline Management Area, landslide hazards, FEMA floodplain, and habitat associated with species of local, state, and federal importance. Adjoining properties include similar critical areas.

2.1 Lake Sammamish

Lake Sammamish is a shoreline of the state (classified as a Type S water under the Bellevue land use code LUC 20.25H.075.B.1). The Huang property abuts Lake Sammamish but the new house is approximately 80-feet from ordinary high water (OHW). No work below OHW is proposed, and no work other than compensatory mitigation is proposed within the regulatory buffer of Lake Sammamish.

2.2 Streams

No watercourses are mapped on any City of Bellevue[1], County, or state databases within more than 200-feet from the proposed work area. Phantom Creek is the nearest creek and is located approximately 225-feet to the north. Phantom Creek is a fish-bearing stream with known use by coho salmon and resident trout. Four properties are located between the proposed work area and Phantom Creek.

2.3 Wetlands

A cursory examination of the property and a review of public records found no evidence of wetlands on the site. No seeps or wetland plants were noted. No evidence of shallow groundwater has been observed at the site. The relatively permeable soils are unlikely to support surface water.

2.4 Geologic Hazard Areas

The property contains slopes of approximately 30 percent between the new house and West Lake Sammamish Parkway. The slopes have been mapped as a landslide hazard by the City of Bellevue. The project will not disturb area within the landslide hazard or buffer.

2.5 Species of Local Importance

The wildlife habitat review consisted of a site-specific survey and consultation with the Washington Department of Fish and Wildlife database[2]. The site and surrounding lands have been developed mostly as moderate-density single-unit residential housing (Figure 1). Some suitable wildlife habitat for terrestrial and avian species is found in the area, in particular a number of large (18 to 36-inch) maples, cedars and fir trees, and various small patches of

[1] City of Bellevue Critical Areas, South Sammamish Basin. July 2009.
[2] Washington Department of Fish and Wildlife. 2016. Priority habitat and species map.

shrubbery on the steeper slopes west of the house. However, overall wildlife habitat quality has been significantly modified by past clearing, fragmentation, and introduction of non-native landscaping species (e.g. English ivy, English holly, Himalayan blackberry, and turf grasses). Pre-development conditions in the area where work will occur within the shoreline setback is shown in Figure 2.

Figure 2. General habitat conditions in February 2015 looking west from near the center of the property. The black silt fence is located just outside of the 25-foot shoreline buffer at about the FEMA floodplain elevation. All grading took place upland of this line.

Species that may be expected to be found intermittently on this site are deer, coyote, Douglas and eastern grey squirrels, other assorted rodent species, raptors, woodpeckers, and song birds, including species of local importance listed by the City of Bellevue (LUC 20.25H.150.A). There are many moderate to large conifer and deciduous trees suitable for eagle, hawk, and owl perching on and near the site. No nesting activity by sensitive species is known to have occurred in the recent past (WDFW 2016). Larger trees in the area provide suitable perching sites for bald eagles, but none of these trees are reported to be critical nesting or roosting habitat sites.

Chinook and coho salmon are found in Lake Sammamish and Phantom Creek.

2.6 Flood Hazard Areas

Land subject to one-hundred-year flooding is present on the property and is located at and a few feet landward of the 25-foot shoreline buffer (Figure 1).

3.0 PROJECT EFFECTS ON CRITICAL AREAS

Critical areas are defined in the City of Bellevue under BCC LUC 20.25H.025. They include streams, wetlands, shorelines, geologic hazards, habitat and species of local importance, flood hazard areas, and buffers. Existing conditions of each critical area on or near the site are described in Section 2.0 of this report. This section describes any changes that have or will be

made to the critical areas, and any expected changes to the functions or values that will occur. Critical Area functions and values for fish and wildlife species are based on WDFW guidelines[3] and other best available science[4].

3.1 Streams and Lakes

No work other than compensatory mitigation is proposed within slightly more than 25-feet of Lake Sammamish, and within more than 200-feet of any stream. The work area does not drain via surface channels to any waterbody. Compensatory mitigation will remove a bulkhead located above OHW but within the FEMA floodplain. No riparian vegetation other than turf grass was or will be removed from the buffer. The project is not expected to have any adverse effect on the functions or values of streams or lakes.

3.2 Wetlands

No wetlands, seeps or springs were noted on the site or reported in sensitive areas portfolios. No groundwater was reported during geotechnical analysis of underlying soils. The project is not expected to have any adverse effect on wetlands.

3.3 Shorelines

Lake Sammamish is a shoreline of the state. The only proposed work within the buffer is removal of a short bulkhead located 5 to 10 feet landward of the OHW line, and placement of WDFW approved beach gravels. Both actions are part of the compensatory mitigation package designed to improve shoreline functions and values. Work within the shoreline setback area consists of regrading an existing lawn to a higher elevation. The area of setback to be disturbed has no direct or protective function or value as habitat. No riparian vegetation other than turf grass and landscaping shrubbery was, or will be removed from the shoreline area. Work within the larger Shoreline Management Area consists of replacement of an existing single family home. The new house was located for the most part over the previous house and lawn footprint. No large trees were removed. The proposed action will not adversely change the lake buffer in any way. The project is not expected to have any adverse effects on the Shoreline Management Area.

3.4 Geologic Hazard Areas

Under the proposed action no disturbance is proposed within the landslide hazard area or the buffer.

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[3] Ibid.

[4] For example, see Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas. 2002. Washington State Office of Community Development, Olympia, WA. and City of Bellevue's 2005 Best Available Science (BAS) Review (Herrera 2005).

3.5 Species of Local Importance

With the exception of turf grass and a few relatively young and moderate-sized shrubs, no vegetation was disturbed to redevelop the property and none of the large mature trees were eliminated. No new human activities will be introduced to the area. Overall, there will some short term disturbance during construction, but no significant long term adverse effects on upland wildlife habitat.

Sensitive fish species are found in Lake Sammamish and Phantom Creek. The project will not change the quantity or quality of water being delivered to either waterbody, will not affect physical condition below OHW, and will not affect the functions and values of riparian buffers near either waterbody. The project will have no effect on fisheries resources.

3.6 Flood Hazard Areas

No work is proposed within any flood hazard area other than compensatory mitigation to consist of removal of an existing small bulkhead and placement of WDFW approved beach gravels. No grading or other construction is proposed. The project will have no effect on flood storage volume.

3.7 Critical Areas Effects Summary

The proposed action will directly alter any critical area. Some grading and removal of turf grass is proposed within the shoreline buffer setback area but the overall habitat quality and functional value will not change. The work will take place within an area that contains large habitat trees, but will avoid the need to remove any of the significant habitat trees or clear areas of native vegetation. Geotech hazards are present but will not be disturbed. Short term disturbance will occur during construction. No significant long term adverse effects on upland wildlife habitat, and no adverse effects on any other critical areas are expected. Minor impacts are being mitigated by removing a bulkhead in the buffer and floodplain, and addition of beach gravels as required by WDFW.

4.0 MITIGATION

The primary means of mitigation for redevelopment of this lot has been avoidance of critical areas to the greatest extent possible. The mature vegetation, steep slope, floodplain, and shoreline buffer have and will be left in their pre-existing conditions. The shoreline setback was disturbed with several feet of grading; however, the graded area consisted only of lawn under pre-disturbance conditions. Compensatory mitigation in the form of shoreline habitat improvements is proposed to help offset any adverse impacts.

4.1 Impact Avoidance

The following actions are proposed to avoid impacts to critical areas:

- No disturbance is proposed within a geologic hazard area, stream, lake, wetland, or floodplain.
- No work is proposed within any critical area buffers.
- None of the dominant (18"-36") habitat trees on the site will be disturbed.

4.2 Impact Minimization

The following actions are proposed to minimize impacts:

- The pre-existing house, yard, walkway on the steep slope, and driveway footprint will be reused to avoid significant new disturbances to the property.
- Impacts to habitat associated with species of local, state, and federal importance will occur but will be minimized by avoidance of significant native plant removal and any disturbance of areas not previously disturbed.
- Work within the shoreline buffer setback area will be limited to grading in an area of pre-existing lawn, and replacement with like conditions.
- Stormwater will be managed to avoid impacts. The design meets all City of Bellevue requirements.

4.3 Compensatory Mitigation

Compensatory mitigation is proposed with the goal of providing on-site restoration and enhancement of critical area functions associated with the shoreline buffer and floodplain. The following actions are proposed to mitigate for impacts:

- Eighty percent (51 feet) of an existing bulkhead located in the floodplain just upland of the OHW elevation will be removed (Figure 3). Approximately 12-feet of the bulkhead will remain to provide support to the existing legally established deck. No grading will occur. The low (6 to 10-inch) bluff left behind will be pulled back by hand to eliminate the vertical rise and more closely match the property to the south, seeded with grass, and allowed to erode naturally. Based on similar conditions on the property to the south, the low energy beach will likely suffer very little erosion (Figure 4).
- Approximately 25-cy of beach WDFW-approved beach gravel will be added to the shoreline to fill any holes left by removal of the bulkhead and provide supplementation benefits.

Figure 3. Existing bulkhead to be removed.

Figure 4. Existing condition of bulkhead (foreground) and expected future conditions following removal of bulkhead (seen on property to the south in background).

5.0 SETBACK MODIFICATION REQUEST

The proposed work involves reconfiguration of a small area of shoreline setback area that consists of lawn. Decision criteria are described in LUC 20.25H.255.A and listed below with an analysis of how the project meets the criteria. Mitigation measures are described above in Section 4.

(1) The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;

Proposed modifications involve reconfiguration of a small area of the shoreline setback area that currently consists of lawn. The area to be modified contains minimal expected critical area functions and values. Under standard LUC rules, the setback would remain unmodified as lawn, and an existing bulkhead in the floodplain would remain. Under the proposed action, the setback area will be modified in elevation before being restored to the current condition. Compensatory mitigation will be provided. A net gain in shoreline functions and values is expected. The modification request with proposed mitigation will lead to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements.

(2) Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;

Costs to complete the proposed mitigation will be undertaken as part of the redevelopment action with no requirement for long term monitoring or maintenance.

(3) The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

Proposed modifications involve reconfiguration of a small area of existing lawn and removal of a bulkhead. Changes to the lawn will have no effect on off-site critical areas or buffers. Removal of the bulkhead will reduce reflected wave energy and restore natural gravel recruitment and transport across the site. This could have an effect on off-site shoreline areas. However, the effect will be to restore natural processes which would be beneficial.

(4) The resulting development is compatible with other uses and development in the same land use district.

The proposed house and landscaping will be similar in size, quality, and vegetation with other residences in the area. No conflicts are expected.

6.0 CRITICAL AREAS IMPACT CONCLUSION

The proposed action involves reconfiguration of a small area of the shoreline setback area that currently consists of lawn and contains none of the expected critical area functions and values due to degraded conditions. Under standard rules, the setback would remain unmodified as lawn, and an existing bulkhead in the floodplain would remain. Under the proposed action, the setback area will be modified slightly in elevation before being restored to its current condition as lawn. Fifty-one feet of an existing bulkhead located in the floodplain just upland of the OHW will be removed and beach gravel added. Removal of the bulkhead will remove reflected wave energy and restore the normal gravel recruitment and transport processes across most of the site. The modification request with proposed mitigation will lead to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements.