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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: David Bennett, Bennett Lavacot Architecture

LOCATION OF PROPOSAL: 2399 Killarney Way

DESCRIPTION OF PROPOSAL: Critical Areas Land Use Permit to modify a shoreline structure setback, steep slope area, and 75-foot toe-of-slope structure setback to construct an accessory structure with a footprint of 990 square feet. Approximately 280 square feet of the structure footprint is within the shoreline structure setback, and 145 square feet is within the steep slope critical area, the remaining portion of the structure is within the toe-of-slope structure setback.

FILE NUMBERS: 16-132374-LO **PLANNER:** Nicholas Whipple

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 **10/6/2016**

☐ 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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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

9/22/2016
Date

OTHERS TO RECEIVE THIS DOCUMENT:
☒ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.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:	Worzel Accessory Structure
Proposal Address:	2399 Killarney Way
Proposal Description:	This is an application for a Critical Areas Land Use Permit to modify the prescriptive standards for Critical Areas in Land Use Code Sections 20.25E and 20.25H in order to construct a detached accessory structure at the toe of a steep slope and within the shoreline structure setback.
File Number:	16-132374-LO
Applicant:	**David Bennett, Bennett Lavacot Architecture**
Decision Included:	Critical Areas Land Use Permit (Process II. LUC 20.30P)
Planner:	Nick Whipple, Associate 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** Mike Brennan, Director Development Services Department By: Carol V. Helland, Land Use Director

Application Date:	May 18, 2016
Notice of Application Publication Date:	June 23, 2016
Decision Publication Date:	September 22, 2016
Project/SEPA Appeal Deadline:	October 6, 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. Project Plans – Enclosed
2. Environmental Checklist – Enclosed
3. Environmental and Geotechnical Support Materials - In File

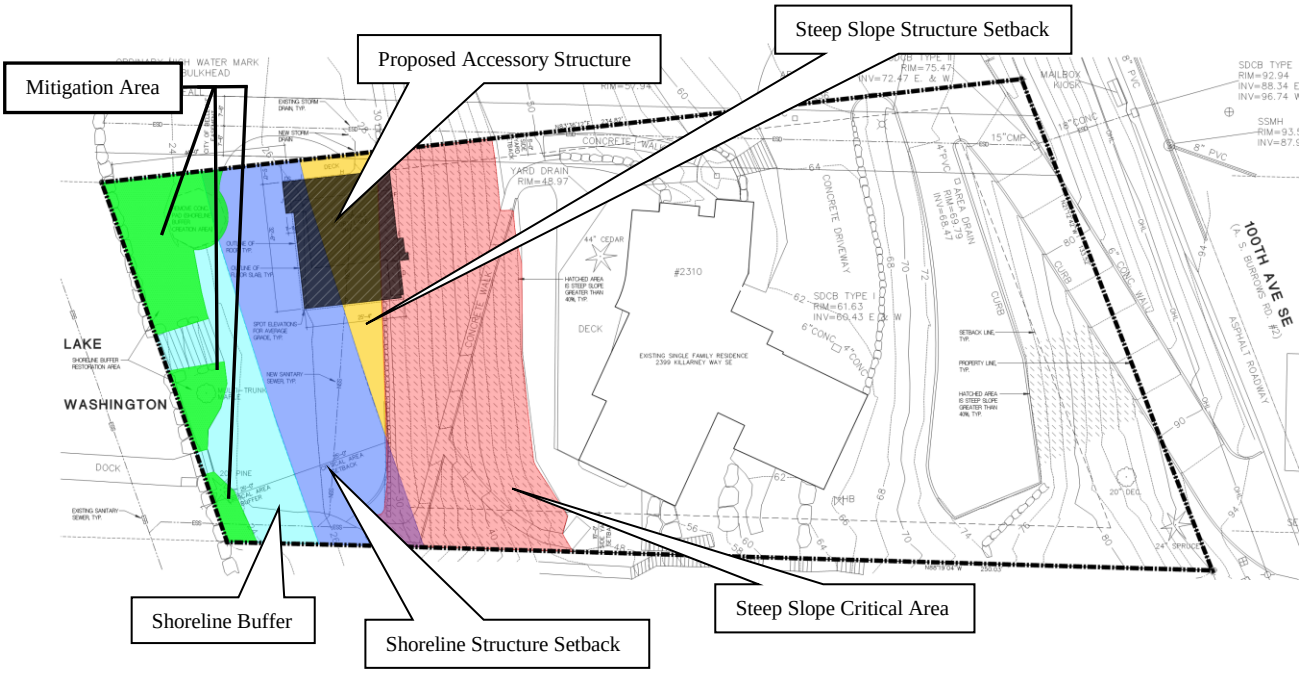
I. Proposal Description

The proposal is to construct a one-story detached accessory structure at the toe-of-slope and within the shoreline structure setback to Lake Washington. Due to the extent and location of the regulated critical areas on-site, the property owner has requested modifications to the 25-foot shoreline structure setback, the 75-foot toe-of-slope structure setback, and the steep slope critical area required in Land Use Code sections 20.25E and 20.25H.

The applicant is requesting the reduction of the shoreline structure setback to a distance of 15 feet and the reduction of the toe-of-slope structure setback to a distance of zero feet to construct an accessory structure with storage and bathroom facilities. Modifications to the shoreline structure setback, steep slope critical area, and toe-of-slope structure setback may be considered through a Critical Areas Land Use Permit and Critical Areas Report consistent with LUC 20.25H.230.

To mitigate impacts, the applicant is proposing to remove a 160 square foot concrete pad within the shoreline buffer and landscape the area along the bulkhead with native plantings. Mitigation efforts are anticipated to improve the site's conditions and will provide for a net increase in ecological function over existing conditions. A Critical Areas Land Use Permit with a Critical Areas Report is required when a project proposes to modify the prescriptive code standards. This permit establishes conditions and performance standards designed to avoid and minimize impact to the site's sensitive features which must be met in order to obtain subsequent permits for construction of the detached accessory structure on the property.

Figure 1 – Project Proposal and LUC Modifications



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

The project site is at 2399 Killarney Way SE, roughly 1 mile north of Interstate-90 and less than one-quarter mile north of the Town of Beaux Arts Village. The lot is approximately 26,640 square feet in size and is located on the shore of Lake Washington.

The topography of the site is relatively gradual from Killarney Way SE, with a relatively level bench in the eastern portion of the site with a paved parking area and home. The property becomes steeper to the west of the existing residence where the terrain's steep declension, roughly 20 feet, occurs from east to west before reaching the topographic bench along the lake approximately 60 feet wide. From the residence there is a concrete path which meanders down the steep slope to the flat portion of the lot near the shore. A 4 to 6-foot high rock bulkhead is located adjacent to the Ordinary High Water Mark (OHWM). A pier is located waterward of the OHWM.

The vegetation on the site is comprised of lawn in the flat area near the lakeshore, and ornamental landscaping along the bulkhead with large native trees near the north and south property line respectively. The slope is manicured and contains ivy and shrubs.

The underlying zoning of the property is R-1.8, and the Comprehensive Plan Land Use Designation is Single Family Residential Low Density (SF-L). The property is within the Southwest Bellevue comprehensive planning subarea.

Figure 2 – Aerial Photograph

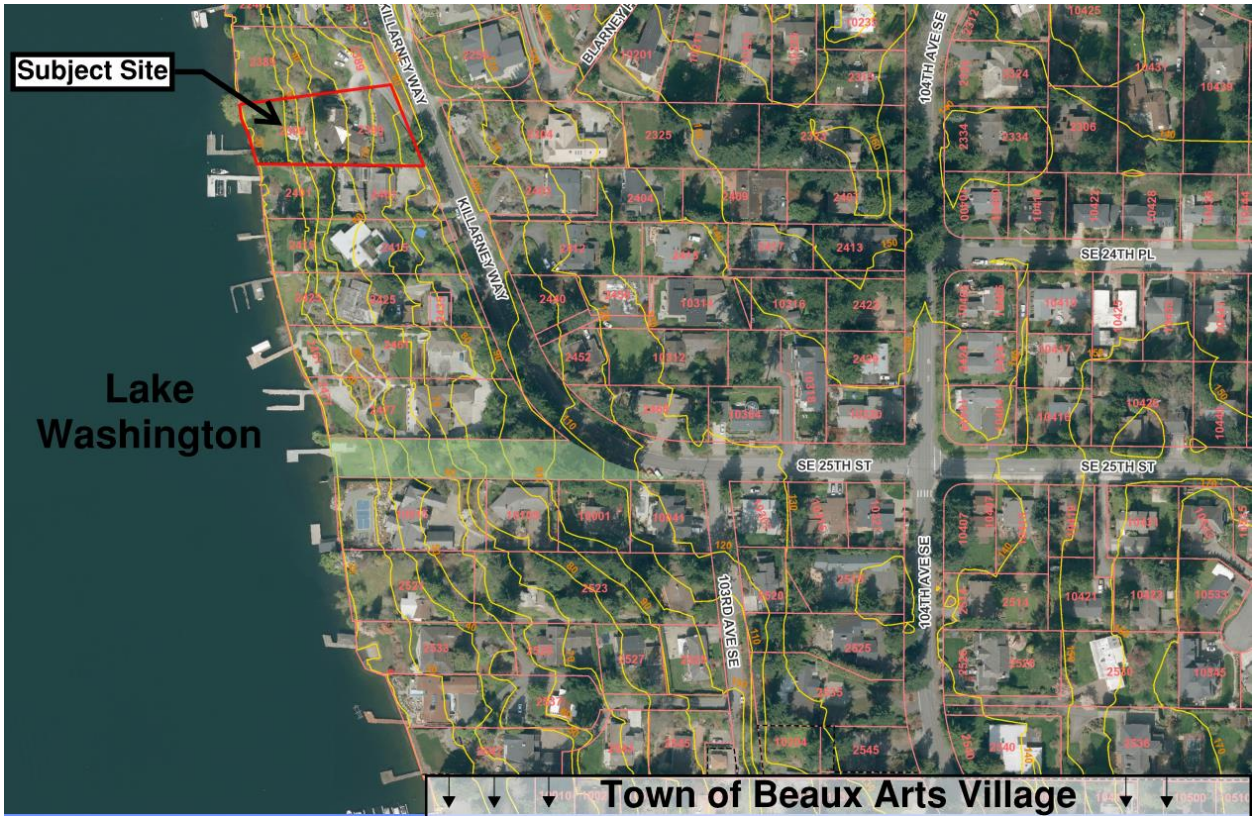


Figure 3 – Shoreline Photograph

III. Site Context

A. Critical Areas:

1. <u>Geologic Hazard Areas:</u> LUC 20.25H.120.A.2 defines steep slope areas as those areas that contain slopes of greater than 40%, have a rise of at least 10 feet, and exceed 1,000 sf in area. The applicant has submitted a topographical site survey and site map identifying a portion of the property meets the abovementioned criteria and is therefore regulated as a critical area. Additionally, under LUC 20.25H.120.B.1, regulated steep slopes are protected by a 50 foot top of slope buffer and a 75 foot toe of slope structure setback. The applicant has worked with a licensed surveyor to identify the steep slope areas on the project site plans and has labeled the associated buffers and setbacks.

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values

and buffering urban development.

2. 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, water quality, economic resources, and recreation. 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 of coupled aquatic and riparian habitats. Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

IV. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts as a result of the proposal based on compliance with the City's codes and standards. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. City codes and requirements, including the Clearing and Grading Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts.

A. Earth and Water

The site contains west facing slopes ranging from 30% to 55%. The soils are generally classified as fill over native soil.

A geotechnical investigation and engineering study was conducted to determine the impact-minimization measures for the project. The study concludes the proposed project is feasible if the guidelines outlined for design and construction of the proposed accessory structure are followed. The applicant provided a copy of the geotechnical study, prepared by Eric Woods, Licensed Geologist, and Ricky Wang, Professional Engineer, of The Riley Group, Inc. dated March 18, 2016 and June 9, 2016. Both reports are available in the project file.

A temporary erosion and sediment control plan will be included in the project plans for the underlying building permit for the construction of the accessory structure. It will address all requirements for restoring the site to the proposed condition, including erosion and sedimentation management practices. 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 adjacent slope and shoreline. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources.

All areas of temporary disturbance will be minimized, and when unavoidable restored and monitored pursuant to an approved restoration and monitoring plan. See Conditions of Approval in Section X of this report for conditions related to the restoration of areas of temporary disturbance.

B. Animals

The project site is part of a large shoreline environment that contains quality habitat for birds and mammals. The proposed removal of non-native plants within the shoreline buffer and replacement with native species as well as the installation of a bird-nesting box will result in a desirable condition for upland animals that would be expected to use the site. The mature trees on the site could provide potential habitat for bald eagles and pileated woodpeckers who are known to be in the vicinity.

Lake Washington does support populations of Puget Sound Chinook Salmon and Steelhead. Both are listed as threatened species under the Endangered Species Act. The proposed project is not anticipated to have any adverse impact on these species, as no work will occur waterward of the OHWM.

The applicant provided a conceptual mitigation plan for the project vicinity that includes the enhancement of the shoreline buffer area through removal of concrete and installation of native plantings (enhancing habitat structure and water quality improvement), and the restoration and monitoring of all areas of temporary disturbance. The applicant will be required to provide a complete mitigation and restoration plan that meets the requirements of LUC 20.25H.210-.225 at the time of building permit submittal, and will require a five-year monitoring plan. See Conditions of Approval in Section X of this report.

C. Plants

The conceptual mitigation and restoration plan has been submitted as part of the approved critical areas report. The final mitigation and restoration plan for temporary and permanent disturbance will be reviewed and approved prior to approval of the subsequent building permit for the accessory structure. See Conditions of Approval in Section X of this report.

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 Conditions of Approval in Section X of this report.

V. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The property is within the R-1.8 zoning district. Based on the materials submitted, the proposal is consistent with the underlying zoning district and consistent with the dimensional requirements in LUC 20.20.010.

B. Consistency with performance standards for landslide hazards and steep slopes – LUC 20.25H.125

1. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;

Finding: The accessory structure design was made after review of site resources and restrictions and a site planning exercise that located the proposed development in the area of least impact to the shoreline and steep slope.

2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

Finding: The structure will be located as depicted in the site plan approved under this Critical Areas Land Use Permit. The structure will be as distant from Lake Washington's Ordinary High Water Mark (OHWM) as possible given the site topography. See Conditions of Approval in Section X of this report.

3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

Finding: Due to the landscape characteristics of this site, the location of the proposed residence, the proposed foundation and building design, and the findings of the geotechnical report, the proposed structure will not increase the potential for slope failure on the adjacent properties if the geotechnical recommendations are incorporated in the development. See Conditions of Approval in Section X of this report.

4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;

Finding: A Geotechnical Report for this site has been prepared by a licensed Engineer. Within the report, recommendations are made for specific foundation and retaining wall design. To ensure that the impact to the surrounding landscape is minimized the applicant will be required to follow the design recommendations of the project geotechnical report. See Conditions of Approval in Section X of this report.

5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

Finding: The location of the development area has been designed to minimize impact to the Critical Areas. Approximately 145 square feet of the structure footprint is proposed within the Steep Slope and the remainder of the footprint (845 square feet) is within the toe-of-slope structure setback and shoreline structure setback. Through site evaluation and planning, the location of the proposed structure has been designed in a logical location, given the structure's purpose, and in the area of least impact to the resources that characterize the site. See Conditions of Approval in Section X of this report.

6. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;

Finding: No changes in grade outside the allowed developable area are proposed, other than what is absolutely necessary for the construction of the retaining wall for the foundation and the construction of the accessory structure itself. See Conditions of Approval in Section X of this report.

7. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;

Finding: Foundation walls will also serve as retaining walls and will be incorporated into the structure. See Conditions of Approval in Section X of this report.

8. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;

Finding: The accessory structure will be built in the approximate location of an existing rockery at the base of the slope. The foundation wall of the structure will encroach into the base of the slope up to 6.5 feet. A tiered approach would not be appropriate for this project as the distance that the structure extends within the 40 percent slope is too shallow. The use of a foundation retaining wall is necessary in order to efficiently use floor area within the structure. See Conditions of Approval in Section X of this report.

9. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and

Finding: There will be no deck structures that extend beyond the building footprint and foundation. See Conditions of Approval in Section X of this report.

10. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

Finding: All areas of temporary disturbance and permanent disturbance will be restored, mitigated, and monitored pursuant to the approved restoration, mitigation, and monitoring plan. See Conditions of Approval in Section X of this report.

C. Consistency with LUC 20.25E.080.B and Q – Shoreline performance standards – General – and Shoreline residential development regulations

The applicant's critical areas report and associated development proposal have incorporated the performance standards as applicable.

All federal and state water quality and effluent standards shall be met through reviewed and approved temporary erosion and sedimentation controls to be implemented by the applicant and inspected by the City of Bellevue.

The portion of the property that is covered under this proposal extends into the Shoreline Overlay District. The proposed development is consistent with the Shoreline Master Program Policies to favor residential development and recreational water uses in the shoreline overlay district.

The proposed development within the Shoreline Overlay District is accompanied by a plan to preserve desirable, native shoreline vegetation for control of erosion during and following construction and for habitat functions following construction. Care will be exercised to preserve desirable vegetation in the shoreline areas 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 buffer is in conformance with LUC 20.25H and 20.25E as demonstrated herein.

The maximum height of the proposed accessory structure is 12.5 feet, and shall not exceed 15 feet.

The proposed development within the Shoreline Overlay District is required to also obtain applicable building permits to ensure compliance with other applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Building Code, Fire Code and clearing and grading regulations.

The applicant has provided a critical areas report in order to modify the shoreline critical area structure setback and the toe of slope structure setback to accommodate the construction of the accessory structure. The proposed accessory structure will be located outside of the shoreline critical area.

VI. Summary of Technical Reviews

Clearing and Grading:
The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. A slope stability analysis was required based on the project proposal and the safety factors provided in the analysis demonstrate the slope is currently stable and will remain stable. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VII. Public Notice and Comment

Application Date:	May 18, 2016
Public Notice (500 feet):	June 23, 2016
Minimum Comment Period:	July 7, 2016

The project was publicly noticed in the City's Weekly Permit Bulletin and Seattle Times on June 23, 2016 with notice mailed to property owners within 500 feet of the project site.

One comment was received from Karen Walter of the Muckleshoot Indian Tribe Fisheries Division requesting a copy of the asbuilt mitigation plan once the mitigation has been implemented and requesting copies of all subsequent monitoring reports to verify that the plantings are successfully growing.

Response: The city will require a land use inspection prior to final building inspection to verify the mitigation is installed according to the approved mitigation plan. Also, the city will require annual monitoring of the mitigation for a period of 5 years. Copies of the monitoring plan may be requested through the City of Bellevue Records Office each year. See Conditions of Approval in Section X of this report for conditions related mitigation and monitoring.

VIII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit and Land Use Code Variance pursuant to LUC Sections 20.30P and 20.30G.

A. Critical Areas Land Use Permit Decision Criteria 20.30P

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

Finding: The applicant must obtain a Single-Family Building Permit before beginning any work. See Conditions of Approval in Section X 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 proposed slope modification and structure construction will follow the design guidelines and requirements identified in the project geotechnical report. All walls and foundations must be designed by a licensed engineer and are subject to review and approval as part of the building permit review. See Conditions of Approval in Section X of this report.

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

Finding: As discussed in Section V of this report, the proposal meets, or as conditioned will meet, the performance standards of LUC 20.25H.125 and LUC 20.25E.080. See Section X of this report for a list of conditions associated with the required performance standards.

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

Finding: The proposed accessory structure is consistent with surrounding land uses and is adequately served by public facilities. All necessary services and ancillary utilities are currently available on-site.

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

Finding: In the applicant's critical areas report, three key critical area functions were evaluated and compared to determine if the proposal would lead to a net gain in the overall critical area or critical area buffer functions. The functions include water quality, hydrology, and wildlife habitat. Based on the analysis performed by the applicant's professional the functions of all three areas would be maintained at existing levels with slight improvements. This would primarily be accomplished through the removal of non-native, invasive plants, and the installation of a diversity of both native and ornamental trees, shrubs, and groundcovers. The water quality and stormwater storage functions on the site will likely increase as a result of dense native plantings that will slow water flow and increase sediment capture and soil stabilization in the shoreline buffer. See Conditions of Approval in Section X of this report regarding the required restoration plan.

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

Finding: As discussed in Section IV & V of this report, the proposal complies with all other applicable requirements of the Land Use Code. The proposed development must also comply with the standards of LUC 20.20.010 for the R-1.8 zoning district that are not modified under this approval. See Conditions of Approval in Section X of this report.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Development Services does hereby **approve with conditions** this application for a Critical Areas Land Use Permit to reduce the shoreline structure setback to a distance of 15 feet, reduce the steep slope structure setback to a distance of zero feet, and allow 145 square feet of structure within the steep slope critical area in order to construct an accessory structure with storage and bathroom facilities.

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

X. Conditions of Approval

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

Applicable Codes or Ordinances	Contact Person
Clearing and Grading Code – BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code – LUC 20.25H	Nick Whipple, 425-452-4578
Noise Control – BCC 9.18	Nick Whipple, 425-452-4578
Construction Code – BCC 23	Building Division, 425-452-4121

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

1. **Building Permit Required:** Prior to the commencement of any development activity on this site, the applicant shall submit a single family building permit application and shall include with the application a copy of the proposed mitigation, restoration, maintenance, and monitoring plan. The proposed development must comply with the requirements of LUC 20.20.010.

   Authority: Land Use Code 20.30P.140
   Reviewer: Nick Whipple, Development Services Department

2. **Maintenance Surety:** In order to ensure the mitigation and restoration successfully establishes, a maintenance assurance device that is equal to 100% of the cost of plants, installation, and monitoring is required to be held for a period of five years from the date of successful installation. Five years of maintenance and monitoring is required. The maintenance assurance device will be released to the applicant upon receipt of documentation of reporting successful establishment in compliance with the performance standards described below.

   Authority: Land Use Code 20.30P.140
   Reviewer: Nick Whipple, Development Services Department

3. **Pesticides, Insecticides, and Fertilizers:** The applicant must submit as part of the required Building Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

   Authority: Land Use Code 20.25H.220
   Reviewer: Nick Whipple, Development Services Department

4. **Maintenance and Monitoring:** The planting area shall be maintained and monitored for 5 years as required by LUC 20.25H.220. Annual monitoring reports are to be submitted to Land Use each of the five years at the beginning (March 24th) and end of each growing season (October 31st). Photos from selected photo points will be included in the monitoring reports to document the planting. The following schedule and performance standards apply and are evaluated in the report for each year:

Year 1 (from date of plant installation)
- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- 10% coverage of invasive plants in planting area

Year 2 (from date of plant installation)
- At least 90% survival of all installed material
- Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3, 4, & 5 (from date of plant installation)
- At least 85% survival of all installed material
- Less than 10% coverage by invasive species or non-native/ornamental vegetation

Annual monitoring reports are to be submitted to Land Use each of the five years. The reports, along with a copy of the planting plan, can be sent to Nick Whipple at nwhipple@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 20.30P.140; 20.25H.220
Reviewer: Nick Whipple, Development Services Department

5. **Land Use Inspection Required:** Inspection of the mitigation planting shall be completed by the Land Use Planner as part of the building permit inspection process. A Land Use inspection will be added to the building permit.

   Authority: Land Use Code 20.25H.210
   Reviewer: Nick Whipple, Development Services Department

6. **Restoration for Temporary Disturbance Outside of Allowed Impact Area:** All temporary impacts outside of this allowed impact area must be identified on the approved site plans and shall only be allowed when no feasible alternative exists. All areas of temporary disturbance shall be photo documented before disturbance occurs and shall be restored to the original condition subject to the approved mitigation, restoration, maintenance and monitoring plan. All restored areas of temporary disturbance are subject to five years of maintenance and monitoring.

   Authority: Land Use Code 20.25H.220.H
   Reviewer: Nick Whipple, Development Services Department

7. **Rainy Season Restrictions:** Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and

sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Savina Uzunow, Clearing and Grading Division

8. **Geotechnical Recommendations:** All recommendations from the geotechnical engineering report, prepared by Eric Woods, Licensed Geologist, and Ricky Wang, Professional Engineer, of The Riley Group, Inc. dated March 18, 2016 and June 9, 2016, shall be incorporated into the project and followed as needed.

Authority: Land Use Code 20.30P.140
Reviewer: Nick Whipple, Development Services Department

9. **Noise Control:** The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to DSD, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

Authority: Bellevue City Code 9.18
Reviewer: Nick Whipple, Development Services Department

10. **Hold Harmless Agreement:** Prior to building permit or clearing and grading permit approval, the property owner or his/her agent shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the installation of slope stabilization measures. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170
Reviewer: Nick Whipple, Development Services Department

11. **Buffer and Setback Modification Limitations:** The approved modifications of the Steep Slope Critical Area, the Steep Slope Critical Area Structure Setback, and the Shoreline Critical Area Structure Setback approved by this report are for the intended use describe below only. There is no implied approval for future modifications or expansion of any sort within the prescribed critical areas. Routine repair and maintenance shall be in accordance with the performance standards set forth in LUC 20.25H.055.
    a. The reduction of the shoreline structure setback to a distance of 15 feet and the steep slope structure setback to a distance of 0 feet, and 145 square feet of impact to the steep slope area is for the construction of an accessory structure with storage and bathroom facilities;

Authority: Land Use Code 20.25H.230
Reviewer: Nick Whipple, Development Services Department