



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
 ENVIRONMENTAL COORDINATOR
 11511 MAIN ST., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Tom Chang, Property Owner

LOCATION OF PROPOSAL: 366 West Lake Sammamish Parkway NE

NAME & DESCRIPTION OF PROPOSAL:

Shoreline Substantial Development Permit to: Construct a new 440 SF fixed steel pile pier and install a free standing portable boatlift. Proposed pier to extend 65 feet from OHWM. Project scope includes the installation of 11 steel piles and a concrete bent. All decking to be surfaced with thru-flow grating. Proposal includes shoreline planting with native plants. Project is located within the Lake Sammamish FEMA floodplain and the Shoreline Overlay District.

FILE NUMBER: 06-133071-WB

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 Department of Planning & Community Development. 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 _____, 2006.
- 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 21-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 March 1, 2007.**
- 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 p.m. on _____.

Appeals of the environmental determination and/or Shoreline Substantial Development Permit can be made to the Shoreline Hearings Board. The Shoreline Hearings Board must receive written appeals within twenty-one (21) days of the date of filing of the permit with the State Department of Ecology. For information on how to appeal a proposal, contact the Shoreline Hearings Board at 360-459-6327, or visit the City of Bellevue Permit Center at City Hall or call 425-452-6864.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, 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.

Wendell St. Davis
 Environmental Coordinator

1-30-2007
 Date

- OTHERS TO RECEIVE THIS DOCUMENT:**
- State Department of Fish and Wildlife
 - State Department of Ecology
 - Army Corps of Engineers
 - Attorney General
 - Muckleshoot Indian Tribe
 - King County Wastewater Treatment Division

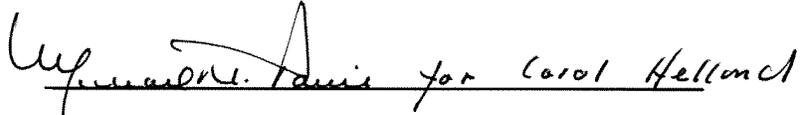


**City of Bellevue
Department of Planning & Community Development
Development Services Division
Land Use Staff Report, Environmental Review and
State Environmental Policy Act Threshold Determination**

Proposal Name: Chang Pier and Boatlift
Proposal Address: 366 W Lake Sammamish Parkway NE
Proposal Description: Construction of a new 438 square foot pier and installation of a freestanding portable boatlift on Lake Sammamish.
File Number: 06-133071-WB
Applicant: Tom Chang
Decisions Included: Shoreline Substantial Development Permit
Planner: David Pyle
Associate Land Use Planner

State Environmental Policy Act
Threshold Determination:

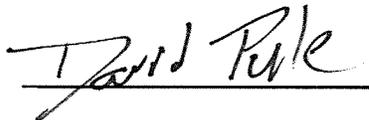
Mitigated Determination of Non-Significance (MDNS)



Carol V. Helland,
Environmental Coordinator

Director's Decision:

Approval with Conditions



David Pyle, Associate Planner
Department of Planning and Community Development

Bulletin Publication Date: February 8, 2007
Appeal Deadline: March 1, 2007 or 21 days from the date of filing with
Department of Ecology

For information on how to appeal a proposal, visit the Permit Center at City Hall or call 425-452-6864. 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 made by 5 p.m. on the date noted for appeal of the decision. Appeals must be made to the Washington State Shoreline Hearings Board.

Chinook and coho salmon utilize the shoreline of Lake Sammamish. Chinook and coho salmon have been listed as threatened and candidate species, respectively, by the National Marine Fisheries Service (NMFS) under the Endangered Species Act (ESA). Bull trout are also listed as threatened under ESA by the U.S. Fish and Wildlife Service (USFWS). However, although Lake Sammamish is within the historical range of bull trout, no bull trout have been found recently in Lake Sammamish. Additionally, both resident and migratory bald eagles are known to inhabit the shores of Lake Sammamish.

Impacts to endangered and threatened fish species can be considered significant. Mitigation proposed by the applicant and required by the City will reduce the impacts of the construction of the Bower pier and boatlift. These mitigating measures are discussed below and conditions of approval are listed in Section X. Therefore, issuance of a Mitigated Determination of Non-Significance (MDNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA).

A. EARTH AND WATER

Construction of the new pier will involve driving eleven 4 inch in diameter steel piles to refusal and capping them with ammoniacal copper zinc arsenate (ACZA) treated wood. The pile driving activity will increase the amount of suspended sediment in the water column. Water currents will carry the suspended sediment some distance from the project site, depending upon the wind patterns. Water quality in this area of Lake Sammamish will be impacted during construction and until the sediments settle. To mitigate the impacts of increased turbidity in the water, the installation of a silt curtain will be required to limit the migration of suspended sediment. Further, the construction barge will not be permitted to ground out. Refer to Section X for a related condition of approval requiring the installation of a silt curtain.

B. ANIMALS

The site abuts Lake Sammamish, which is used as a fisheries breeding and rearing resource for chinook and coho salmon, as well as other fish. The proposed development must ensure that there will be no take of chinook and coho salmon and bull trout as listed under the Endangered Species Act in order to receive development approval.

The City of Bellevue commissioned an analysis of the effects of bulkheads, piers and other artificial structures, and shoreline development on salmonids and other species listed as threatened, endangered, or as candidate species under the Endangered Species Act (ESA). The Watershed Company and the University of Washington's Washington Cooperative Fish and Wildlife Research Unit prepared the report entitled "A Summary of the Effects of Bulkheads, Piers and other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes". The report, dated July 13, 2000, is the product of a literature review initiated to determine the state of knowledge about the utilization of the regional lakes and streams as salmonid and bull trout habitat and the impacts of lakeshore development on salmonids. The report conclusions include: itemization of current research results on various

Both resident and migratory bald eagles are known to make use of the shores of Lake Sammamish and the surrounding upland areas. The Biological Assessment did not identify any known active bald eagle nests located within one mile of the subject property.

Adverse impacts to the fish and other aquatic organisms in the lake can be partially mitigated by complying with conditions imposed by the state and federal agencies that also regulate development in the lake. A Hydraulics Project Approval is required from the State Department of Fish and Wildlife, which will limit construction to periods identified as less impacting to the fisheries resources.

To mitigate the adverse impacts to the fisheries resources, in-water construction shall be limited to July 16th through December 31st. No wintering or nesting bald eagle activity has been recorded within the vicinity of this site. Due to this finding (see Biological Assessment prepared by EcoPacific Environmental Services) construction may occur at this site during the bald eagle exclusionary periods (generally October 31st through August 15th). If there is a conflict between the construction window imposed by this approval and that determined by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife, the more restrictive requirement must be met. Refer to Section X for related conditions of approval.

To prevent the suspension of sediments and impact o fish habitat by construction activities, a protective silt fence will be required in the water. The silt fence will remain in place during the duration of construction activities and for a period after construction when turbidity has returned to acceptable levels.

According to the bulkheads and pier report, shading from piers may reduce the amount of aquatic vegetation and produce artificial cover for predators of juvenile salmon. The applicant is proposing to fully grate the pier surface and also is proposing that the bottom of the pier be 18 inches above the Ordinary High Water Mark. Refer to Section X for a related condition of approval requiring implementation of the Biological Evaluation conservation measures. Any alteration to the proposal that may be required as a result of state or federal agency review must be submitted as a revision to this permit. Refer to Section X for a related condition of approval requiring the submittal of federal and state permit approvals prior to commencing work.

C. PLANTS

An assortment of native plants were noted on the beach above OHW and are identified in the Biological Assessment prepared by EcoPacific Environmental Services. The upland portion of the property has also been evaluated and was found to contain a wide variety of trees, shrubs, and groundcover. No upland vegetation removal is proposed with this application.

In order to reduce the cumulative impacts of numerous over water structures in the lake, the applicant will be required to remove non-native shoreline vegetation and plant 600 square feet of native vegetation along the shoreline. Within this replanting

VIII. Applicable Decision Criteria

The proposal, as conditioned below, meets the applicable moorage regulations listed in Land Use Code Section 20.25E.080.N.

1. New or Expanded Residential Moorage Facilities.

a. When Allowed. Construction of one noncommercial, residential moorage facility per upland residential waterfront lot or one joint-use moorage facility for two or more adjacent waterfront lots is allowed in accordance with this subsection N. Expansion of any legally established existing moorage facility is permitted only to the extent the expansion complies with the development standards of subsection N.1.b below, and does not cause the moorage facility to exceed, or further exceed, any of the limitations in subsection N.1.b.

Moorage shall only be permitted within:

- i. Lots created on or after the effective date of the ordinance codified in this section having water frontage meeting or exceeding the minimum lot width required in the applicable land use district;
- ii. Lots created prior to the effective date of the ordinance codified in this section;
or
- iii. Nonbuilding tracts platted for the purpose of providing common moorage for a group of contiguous properties.

For the purposes of meeting the requirements of subsection N.1.a.i above, adjoining property owners may combine their water frontage by mutual agreement recorded with the King County Records and Elections Division and the Bellevue City Clerk. Only one moorage facility is permitted pursuant to such a combined frontage agreement, which may connect with the property landward of the ordinary high water mark at only one location.

b. Development Standards.

- i. The only structures permitted in the first 30 feet waterward of the ordinary high water mark are piers and ramps. All floats and ells must be at least 30 feet waterward of the OHWM.
- ii. No skirting is allowed on any structure.
- iii. Surface coverage (includes all overwater portions of the moorage structure):
 - (1) Moorage facilities serving only one residential waterfront lot shall not exceed 480 square feet.
 - (2) Moorage facilities serving two residential waterfront lots shall not exceed

- (1) Existing Habitat Features. Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be retained and new or expanded moorage facilities placed to avoid disturbance of such features.
- (2) Invasive weeds (e.g., milfoil) may be removed with nonchemical means only.
- (3) Shoreline Planting. In order to mitigate the impacts of new or expanded moorage facilities, the applicant shall plant emergent vegetation (if site-appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species). Such planting shall be monitored for a period of five years consistent with a monitoring plan approved pursuant to LUC 20.25H.210. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical area.

vii. Setback. No private moorage or other structure waterward of the ordinary high water mark, including structures attached thereto, shall be closer than 12 feet to any adjacent property line except when a mutual agreement of adjoining property owners is recorded with the King County Records and Elections Division and the Bellevue City Clerk. Excepted from the requirements of this section are boat lifts or portions of boat lifts which do not exceed 30 inches in height measured from ordinary high water mark.

The proposal, as conditioned below, meets the applicable Shoreline Substantial Development Permit regulations listed in Land Use Code Section 20.30R.155.

1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and
2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and
3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.

IX. Decision of the Director

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **APPROVE WITH CONDITIONS** the subject proposal for a Shoreline Substantial Development Permit.

Authority: Bellevue City Code 9.18

6. To mitigate potential impacts to the fisheries resources, the shoreline area shall be re-vegetated according to the approved Planting Plan. The plantings must be planted within 30 days of completion of the pier and prior to project final inspection and signed off by the City unless prior City approval is granted to extend the planting deadline.

Authority: SEPA: Comprehensive Plan Policy EN-26 and Shoreline Master Program Policy SH-13

7. To mitigate any direct effects on the listed species caused by this project, all applicable conservation measures listed in the Biological Assessment prepared by EcoPacific Environmental Services, dated October 6, 2006, will be required. The conservation measures include the following:
 - 1) The proposed project will require the use of narrow (4 feet) walkways and 100% grating.
 - 2) Narrow four inch steel piles will be used.
 - 3) No piles will be installed within 20 feet waterward of the OHWM.
 - 4) The bottom of the pier will be a minimum of 1.5 feet above OHW.
 - 5) No finger ells or mooring piles will be installed.
 - 6) Construction and staging will take place from a barge. The construction barge will not ground out.
 - 7) Construction will take place within the allowable work windows for ESA listed fish species, expected to be July 16 to December 31, unless additional restrictions are placed on the project by WDFW as part of the HPA approval.
 - 8) Non-native shoreline vegetation will be removed and 600 square feet of native vegetation will be planted along the site's shoreline (see landscape planting plan). One hundred percent survival of all planted trees and shrubs is required during the first and second years after planting the plot(s). During the third through fifth years after planting, 80 percent survival is required. The permittee must protect the planting plot(s) against predation (e.g. beavers). Individual plants that die must be replaced with similar native shrubs and trees. Maintenance of the mitigation area includes removal and replacement of the dead or dying plants and removal of invasive and/or noxious weeds. Maintenance does not include string trimming or mowing of the plants. The plants must be allowed to develop naturally. During the 5 years of monitoring, the permittee must implement any Corps required contingency plans (e.g., additional plantings, planting different species) if the performance standards are not met.

Mitigation planting monitoring reports will be due annually for 5 years from the date the Corps accepts the as-built drawings. The mitigation monitoring report will include written and photographic documentation on tree and shrub mortality and replanting efforts. Photographs must be taken between June-August (the best time of years to show plant growth). Photographs must show a panoramic view of the entire mitigation planting area. A set point from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted on the monitoring report.



City of Bellevue
 Department of Planning & Community Development
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6864 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 06-133071-WB

Date Received 11/03/2006

Approved / Date 02/08/2007
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted/denied to: **Tom Chang**

to undertake the following development:

Construct a new 440 SF fixed steel pile pier and install a free standing portable boatlift. Proposed pier to extend 65 feet from OHWM. Project scope includes the installation of 11 steel piles and a concrete bent. All decking to be surfaced with thru-flow grating. Proposal includes shoreline planting with native plants. Project is located within the Lake Sammamish FEMA floodplain and the Shoreline Overlay District.

upon the following property: 366 West Lake Sammamish

within Lake Sammamish
 and/or its associated wetlands. The project will be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities:
- LUC Section 20.25E.080 (N) Moorage Regulations; LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-1

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

Conditions of Approval (Land Use Division)

The following conditions are imposed under authority referenced:

1. To mitigate adverse impacts to the fisheries resources, in-water construction shall occur during the period of July 16th through December 31st, unless otherwise determined by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife.

Authority: SEPA: Comprehensive Plan Policy EN-26 and Shoreline Master Program Policies SH-13

2. To mitigate adverse impacts to water quality from the migration or lateral spreading of re-suspended sediments, a silt curtain shall be placed underwater around the boundaries of the pier construction area. The silt curtain shall extend from the lake bottom to the water surface and shall be securely placed prior to construction of the pier. All materials used in the temporary containment shall be non-toxic. At project completion, the silt curtain shall be removed in such a manner to minimize sediment disturbance.

Authority: Shoreline Substantial Development Permit: Comprehensive Plan Policy EN-26, Shoreline Master Program Policy SH-13, Bellevue City Code 23.76.090

3. To mitigate adverse water quality conditions, federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved Section 10 permit issued by the Army Corps of Engineer

and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue prior to construction.

Authority: Bellevue City Code 20.25E.080.B.1

4. To mitigate potential water quality degradation if a sewer line were broken during construction activities, locate the existing sewer main along the shoreline prior to construction. Do not build on or within 5 feet of the sewer main unless otherwise approved by the City of Bellevue Utilities Department. The appropriate jurisdictions and departments shall be contacted at 1-800-424-5555.

Authority: SEPA: Comprehensive Plan Policy EN-34

5. To mitigate noise impact to adjacent residents and the natural environment, construction shall utilize electric tools when feasible and attenuate pile driving sound through the use of a wooden dampening block. Hours of construction are limited to 7:00 a.m. to 6:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on Saturdays which are not legal holidays.

Authority: Bellevue City Code 9.18

6. To mitigate potential impacts to the fisheries resources, the shoreline area shall be re-vegetated according to the approved Planting Plan. The plantings must be planted within 30 days of completion of the pier and prior to project final inspection and signed off by the City unless prior City approval is granted to extend the planting deadline.

Authority: SEPA: Comprehensive Plan Policy EN-26 and Shoreline Master Program Policy SH-13

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Mitigation planting monitoring reports will be due annually for 5 years from the date the Corps accepts the as-built drawings. The mitigation monitoring report will include written and photographic documentation on tree and shrub mortality and replanting efforts. Photographs must be taken between June-August (the best time of years to show plant growth). Photographs must show a panoramic view of the entire mitigation planting area. A set point from where photos are taken must be established and used repeatedly for each monitoring year. The date of the photos must be noted on the monitoring report.

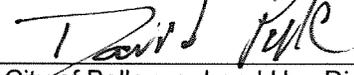
Authority: SEPA: Comprehensive Plan Policy EN-26 and Shoreline Master Program Policies SH-13

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

February 8, 2007



Date

City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
Dept. of Fish and Wildlife, c/o Dept. of Ecology, 3190 160th Ave SE, Bellevue, WA 98008-5452 attn: Stewart Rienbold
DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452