



**City of Bellevue  
Department of Planning & Community Development  
Land Use Division Staff Report**

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**Proposal Name:** Stanton Yard Revegetation

**Proposal Address:** 2668 W. Lake Sammamish Pkwy SE

**Proposal Description:** Critical Areas Land Use Permit to clear and revegetate approximately 1520 square feet within a shoreline critical area buffer on Lake Sammamish. Proposed restoration includes revegetation of the shoreline buffer with native vegetation.

**File Number:** 07-104582-LO

**Applicant:** Christopher R. M. Stanton

**Decisions Included:** Administrative Decision for a Critical Areas Land Use Permit (Process II LUC 20.30P)

**Planner:** Carol L. Orr, Assistant Planner

**State Environmental Policy Act  
Threshold Determination:** Exempt per BCC 22.02.045

**Director's Decision:** **Approval with Conditions**

  
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Matthew A. Terry, Director Planner  
Dept. of Planning and Community Development

Application Date: January 26, 2007  
Notice of Application Publication Date: February 22, 2007  
Decision Publication Date: April 5, 2007  
Project/SEPA Appeal Deadline: April 19, 2007

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For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

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## **I. DESCRIPTION OF PROPOSAL**

The applicant proposes to re-vegetate approximately 1520 square feet of critical area buffer that was cleared during the removal of a large patio, lawn, and for the installation of a lawn sprinkler system. The area was cleared without a permit, and associated with enforcement action 06-124230-EA. The proposal includes replanting with native species in the area immediately adjacent to Lake Sammamish to restore the area to a more natural condition.

Proposed mitigation provides a native plant restoration plan covering 1,520 square feet of the site. This plan includes three tiers of proposed vegetation including 3 new trees, and 5 varieties of shrubs covering this 1,520 square foot area. All the proposed vegetation, except for one ornamental tree are native species, and well suited for wet locations. The only non-native tree species is a Japanese maple, and it will be located approximately 20 feet landward of the bulkhead.

## **II. SITE DESCRIPTION AND CONTEXT**

The subject property is located at 2668 W. Lake Sammamish Pkwy SE, and contains approximately 60 feet of Lake Sammamish waterfront. It is accessed by an easement over the neighboring property to the east, 2670 W. Lake Sammamish Parkway SE. The lot is already developed with a single family residence and detached garage. The lot has been graded previously, presumably for the construction of the residence, and slope gradients range from approximately 13 to 17 percent in the front and rear yards. There is a single swath of 60 percent slope approximately at the midpoint of the lot trending from east to west. The rear yard has been stabilized from the waterfront by way of a bulkhead, with a small concrete patio at the Ordinary High Water Mark. The bulkhead and associated patio were pre-existing to this permit, and no work is being done to these features.

Properties to the north, south and west of this site are developed and contain single-family homes.

## **III. CONSISTENCY WITH LAND USE CODE/ZONING**

### **A. Special District Requirements (Critical Area Overlay District LUC. 20.25H)**

Bellevue's Land Use Code (LUC) Section 20.25H.115 designates the area immediately landward of Lake Sammamish as a critical area. The shoreline critical area buffer on Lake Sammamish shall be measured from elevation 31.8 NAVD 88. As this lot is currently developed with a single family residence, the critical area buffer is 25 feet. The existing single family residence is an allowed use and meets the required critical area buffer and structure setbacks per 20.25H.115.B.

#### **LUC Section 20.25H.055.C.3.h:**

Modification of vegetation in a critical area or critical area buffer that is not considered routine maintenance under subsection C.3.h of this section may be allowed if it meets the requirements of this section. The removal

of grass for re-seeding is not an approved activity, and is not considered to be routine maintenance. A Critical Areas Land Use Permit is required. A Clearing and Grading Permit may also be required, Chapter 23.76 BCC and/or SEPA review and must comply with all other Land Use Code provisions related to tree preservation and landscaping.

**Finding:**

The applicant has applied for a Critical Areas Land Use permit, and submitted a replanting plan showing a mix of deciduous and evergreen trees and shrubs. All work shall be consistent with City of Bellevue codes and standards.

**LUC Section 20.25H.055.C.3.i (vi):**

The Director may approve proposals for vegetation replacement in a critical area buffer, pursuant to a Vegetation Management Plan. The Vegetation Management Plan shall include management prescriptions, including characterization of trees and vegetation to be removed, and restoration of native species. Vegetation Management plans shall not significantly diminish the functions and values of the critical area over time.

**Finding:**

The applicant has submitted a revegetation plan, consisting of native species. The vegetation which was removed was a grass lawn. The revegetation plan will result in a more diverse environment providing superior habitat to what previously existed. The revegetation plan includes trees, shrubs and groundcover. The resulting landscaping will significantly improve the functions and values of the critical area over time.

**B. Consistency with Standard Land Use Code Requirements**

<b>BASIC INFORMATION</b>			
<b>Zoning District</b>	R-5		
<b>Gross Site Area</b>	12,600 square feet		
<b>Protected Area</b>	1,520 square feet (25 foot shoreline critical area buffer)		
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>EXISTING</b>	<b>COMMENT</b>
<b>Dwelling Units/Acre</b>	5	1	
<b>Minimum Lot Area</b>	7,200 (22,750)	12,600	
<b>Building Setbacks</b>			No modifications to the existing residence are proposed under this permit.
Front Yard	20 feet	37 feet	
Rear Yard	20 feet	48 feet	
Critical Area Buffer	25 feet from OHWM	25 feet	
Critical Area	25 feet from Critical Area Buffer	25 feet (Structure setback wraps around existing residence)	
Structure Setback		Approximately 5 feet	
Min. Side Yard	5 feet	Approximately 13 feet	
2 Side Yard	15 feet	35 feet	
Access Easement	10-feet		

<b>Minimum Lot Coverage</b>	40 percent	~ 22 percent	
<b>Impervious Surface Coverage</b>	55 percent	~ 57 percent	After removal of the rear yard patio: ~ 48 percent

**IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

A. Exempt per BCC 22.02.045

**V. SUMMARY OF TECHNICAL REVIEWS**

**A. Clearing & Grading Review**

The Clearing and Grading Division of the Planning and Community Development Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed revegetation plan.

**VI. PUBLIC NOTICE AND COMMUNITY INPUT**

*Application Date:* January 26, 2007  
*Public Notice (500 feet):* February 22, 2007  
*Minimum Comment Period:* March 8, 2007

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *Seattle Times* on February 22, 2007. It was mailed to property owners within 500 feet of the project site. No comments were received from the public as of the writing of this staff report.

**VII. DECISION CRITERIA**

**Land Use Code Decision Criteria LUC 20.30P.140**

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

**Finding: The applicant has already applied for necessary clearing and grading permit in conjunction with a dock restoration permit.**

b. 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 proposal meets the performance standards of LUC Section 20.25H.055.C.3 for vegetation management.**

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

**Finding: The applicant will be required to implement the Replanting Plan sheet stamped January 26, 2007, as a condition of approval of this permit.**

- d. The proposal complies with other applicable requirements of this code.

**Finding: As conditioned and discussed in this report, the proposal complies with all applicable code requirements including, but not limited to, performance standards for shoreline and critical area vegetation management, and Critical Areas Land Use Permit decision criteria.**

**VIII. CONCLUSION AND DECISION**

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions**, the proposed revegetation of the critical area buffer.

A Critical Areas Land Use Permit setback modification automatically expires and is void if the applicant fails to file for necessary development permits within one year of the effective date of the approval pursuant to LUC 20.30P.150.

**IX. CONDITIONS OF APPROVAL**

- A. The following conditions are imposed under authority referenced:

**Compliance with Bellevue City Codes and Ordinances.**

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC Title 20.25H	Carol Orr, 425-452-2729
Noise Control- BCC 9.18	Carol Orr, 425-452-2729

- B. **General Conditions:**

The following conditions are imposed under the Bellevue City Code Referenced:

- 1. **Rainy Season restrictions:** Due to the proximity to Lake Sammamish, 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 Department of Planning and Community Development. 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: Tom McFarlane, Planning and Community Development Department

2. **Restoration Plan:** The applicant shall implement the Site Restoration Plan, stamped January 26, 2007 that includes mitigation planting for impacts to the site associated with the clearing within the critical area buffer. Any modifications to this plan must be reviewed and approved by the Planning and Community Development Department.

Authority: Land Use Code Section 20.25H.210  
Reviewer: Carol Orr, Planning and Community Development Department

3. **Landscape Maintenance Security:** The applicant must submit a combined Landscape Installation and Maintenance Security in the amount of 100 percent of the costs of site restoration, including labor, and materials. The security may be released after the vegetation has successfully been installed and maintained for a period of three years.

Authority: Land Use Code Section 20.25H.125.J and 20.25H.220.D  
Reviewer: Carol Orr, Planning and Community Development Department

4. **Noise Control:** The proposal will be subject to normal construction 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. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met. Use of heavy equipment will be prohibited outside of normal construction hours.

Authority: Bellevue City Code 9.18  
Reviewer: Carol Orr, Planning and Community Development Department

**ATTACHMENTS**

- A. Zoning Map/Vicinity Map
- C. Revegetation Plan