



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Suhata Wayne Prayitno

LOCATION OF PROPOSAL: 10952 SE 64th Street

NAME & DESCRIPTION OF PROPOSAL: Prayitno Critical Areas - Application for Critical Areas Land Use Permit to reduce stream and wetland buffers through buffer reduction and enhancement on a 1.8 acre site that consists of two existing legally established tax parcels. A total of 3,487 sf of buffer impact (reduction) is proposed. Mitigation will be achieved through 3,551 sf of buffer addition (expansion) and 4,431 sf of buffer enhancement (restoration) with native plantings. Additional protection of the site's streams, wetlands, and forested slopes will be achieved through the completion of a boundary line adjustment and the preservation of 1.44 acres of protected areas as Native Growth Protection Easement (NGPE) within the boundaries of the two subject parcels.

FILE NUMBER: 07-104934-LO

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 March 16, 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 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 08/30/2007.
- 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 _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

Suhata Wayne Prayitno for C. Freeman
 Environmental Coordinator 08/16/2007
 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



City of Bellevue
Department of Planning and Community Development
Development Services Staff Report

Proposal Name: Prayitno Critical Areas

Proposal Address: 10952 SE 64th Street

Proposal Description: This is an application for Critical Areas Land Use Permit. The applicant is proposing to reduce stream and wetland buffers through buffer reduction and enhancement on a 1.8 acre site that consists of two existing legally established tax parcels within the R-3.5 zoning district. A total of 3,487 sf of buffer impact (reduction) is proposed. Mitigation will be achieved through 3,551 sf of buffer addition (expansion) and 4,431 sf of buffer enhancement (restoration) with native plantings. Additional protection of the site's streams, wetlands, and forested slopes will be achieved through the completion of a boundary line adjustment and the preservation of 1.44 acres of protected areas as Native Growth Protection Easement (NGPE) within the boundaries of the two subject parcels.

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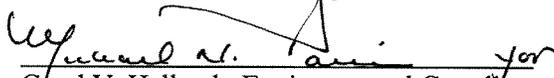
Applicant: Suhata Wayne Prayitno, Property Owner

Decisions Included: Critical Areas Land Use Permit
(Process II - LUC 20.30P)

Planner: David Pyle, Planner

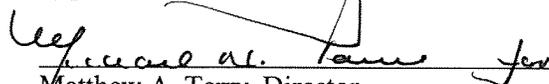
**State Environmental Policy Act
Threshold Determination:**

Determination of Non-Significance


Carol V. Helland, Environmental Coordinator
Department of Planning and Community Development

Director's Decision:

Approval with Conditions


Matthew A. Terry, Director
Department of Planning and Community Development

Application Date: 02/05/2007
Notice of Application Publication Date: 03/15/2007
Decision Publication Date: 08/16/2007
Project/SEPA Appeal Deadline: 08/30/2007

For information on how to appeal a proposal, visit Development Services 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.

I. Background

A. Project Description

This is a request for approval of a Critical Areas Land Use Permit to modify required structure setbacks, wetland buffer dimensions, and stream buffer dimensions to establish a reasonable building area on two legal tax parcels. The applicant is proposing to reduce stream and wetland buffers through buffer reduction /addition and buffer enhancement on a 1.8 acre site within the R-3.5 zoning district. A total of 3,487 sf of buffer impact (reduction) is proposed. Mitigation will be achieved through 3,551 sf of buffer addition (expansion) and 4,431 sf of buffer enhancement with native plantings. Additional protection of the site's streams, wetlands, and forested slopes will be achieved through the completion of a boundary line adjustment and the preservation of 1.44 acres as Native Growth Protection Easement (NGPE) within the boundaries of the two subject parcels.

The proposed underlying action involves building two single family homes on two already established adjacent lots. To accommodate the new developable area, the applicant has applied for a Boundary Line Adjustment (BLA) that will allow homes to be placed in the most reasonable building area on the two lots. The proposed BLA is being processed under a separate action. Two building sites are proposed in an approximately 11,176 square foot buildable area in the west central portion of the combined parcels. To achieve this a combination of buffer reduction /addition and mitigation enhancement is proposed so that there will be no net loss of buffer square footage or function.

B. Site Description

The Prayitno property is located at 10952 SE 64th Street in Bellevue, Washington. The site is generally located within Section 20, Township 24 North, Range 5 East and within the Lakehurst Drainage Basin of Newport Hills Subarea of the City's Comprehensive Plan. The combined property consists of two legally established tax parcels (#3343301464 and #3343301461 – Parcel A and Parcel B respectively) that together cover a total of 1.8 acres (78,408 sf) and are bounded by 108th Avenue SE to the west and SE 64th Street to the south. The property is zoned at 3.5 dwelling units per acre (R-3.5) and has a Comprehensive Plan Land Use Designation of Single Family – Medium Density (SF-M). There are no structures on the subject property and the neighboring properties are built out with single family residences, some which have been abandoned and are in a state of decline.

The property slopes down from east to west, is gently sloping on the western side and becomes a steep slope on the east side (regulated slope). The majority of the gently sloping area (toe of steep slope) is a monoculture of Himalayan blackberry (*Rubus armeniacus*) with other less dominant invasive species interspersed. As the property starts to slope uphill further east, the invasive species diminish and a forested canopy covers the steep slope area of the property. There are relatively few invasive species in the forested area due to the shading effect the canopy has on the understory vegetation population.

On the north property boundary there are two seasonal mapped Type N streams and a Category III wetland (Wetland 1). The Type N stream has been identified in the 2001 City of Bellevue Stream Typing Inventory as Segment ID #'s 86_12 and 86_13. Due to recent landscape modification, the stream has been diverted where it flows through Wetland 1. As a result this stream is broken into two segments that drain downstream of Wetland 1. One of the stream segments flows directly west and towards Lake Washington (Stream A). The second stream segment (Stream B) flows away from Wetland 1 in a northwest direction. Both stream segments are intercepted by a roadside ditch and diverted to a steep culvert that flows under Interstate 405 before draining into Lake Washington. Depending on environmental factors influencing stream channel morphology, flow leaving Wetland 1 may be diverted to either Stream A or Stream B. Flow is later consolidated in the culvert that flows under Interstate 405.

A second Category III wetland (Wetland 2) is centrally located within the property and is on a bench area at the toe of the steep slope. This wetland is not connected by surface water to either of the mapped streams or Wetland 1 and is likely fed by groundwater seepage from the adjacent slope. This wetland has been colonized by Himalayan blackberry (*Rubus armeniacus*) that is rooted on the adjacent upland banks. The site's wetlands and streams were delineated and categorized by ESA Adolfson Inc. in the early fall of 2006. The delineation reports can be found in the project file as a reference.

C. Need For Improvement

Under the standard application of the requirements and restrictions of the City of Bellevue Land Use Code, both parcel A and parcel B are restricted due to the presence of wetlands, streams, and steep slopes. Due to the presence of these resources, the opportunity for residential development on either of these properties is limited. Parcel A, currently 1.64 acres (71,438 sf), is more developable than parcel B due in part to the size of the lot. Parcel B, currently .26 acres (11,400 sf), contains less than 2,625 sf of developable area, making it eligible for reasonable use under the provisions of LUC 20.25H.200. To establish an area suited for the development of a single family residence that is greater than 2,625 sf, and to avoid development under the reasonable use provisions in the Land Use Code, the applicant has proposed a boundary line adjustment to enlarge the size of parcel B and decrease the size of parcel A, maximizing the use of the developable area on the site while adhering to the required City buffers, building setback lines, and mitigation standards (no net loss of buffer square footage or functions).

Approval of the proposed action would allow for the construction of two single family homes on adjacent lots in the most reasonable building area without requiring reasonable use, and limiting impact to the existing natural resources on the properties. To achieve this, the applicant has submitted a Critical Areas Report in support of the proposal that outlines the proposed action, the code provisions that allow for the action to proceed, and the proposed mitigation. Specifically, the applicant has proposed to modify a portion of the wetland and stream buffers on the south side of Parcel B to allow for a driveway and to create a more usable building area on Parcel A (current). A combination of buffer reduction /addition, enhancement, and conservation easements is proposed so that there

will be no net loss of buffer square footage or landscape function.

II. Regulatory Context:

A. Zoning and Land Use

This is a proposal to modify stream and wetland buffers and structure setbacks on two properties located at 10952 SE 64th Street within the Lakehurst Drainage Basin of the Newport Hills Subarea and within the R-3.5 district. The applicant has requested a modification of stream and wetland buffers under the provisions of LUC 20.25H.230 and has proposed a BLA to accommodate the construction of two single family residences on two existing single family lots. The proposed BLA is being processed under a separate action. Two building sites are proposed in an approximately 11,176 square foot buildable area in the west central portion of the combined parcels to allow for the construction on adjacent lots in the most reasonable building area without requiring reasonable use and limiting impact to the existing natural resources on the properties. To achieve this a combination of setback reduction, buffer reduction /addition , and mitigation enhancement is proposed so that there will be no net loss of buffer square footage or landscape function. The site is zoned for single family development and the applicant is proposing to develop this site with two single family homes, which is consistent with the zoning designation and surrounding land uses.

B. Comprehensive Plan Policies

LUC 20.40.401 requires that each decision or action of the City or its officials pursuant to the Land Use Code shall be made in compliance with the Comprehensive Plan. This application for Critical Areas Land Use Permit is a Process II (LUC 20.35.200) Administrative Action that is subject to compliance with the Comprehensive Plan. While many of the Goals and Policies within the City's Comprehensive Plan are broad and apply generally to the whole City, this project is specifically in compliance with (but not limited to) the following policies: LU-3, LU-4, LU-15, LU-16, HO-17, EN-10, EN-13, EN-14, EN-15, EN-19 , EN-20, EN-26, EN-32, EN-41, EN-44, EN-45, EN-50, EN-53, EN-59, EN-65, EN-66, EN-67, and EN-68.

C. Critical Areas

Streams- Two streams have been identified on the subject site; both are along the north property boundary. The City of Bellevue Stream Typing Inventory identifies only one stream along the northern boundary (Segment ID #'s 86_12 and 86_13). Past investigations have identified this stream as a seasonal stream with intermittent flow primarily associated with rain events. During field investigations ESA Adolphson determined that this stream braids into two channels (Stream A and B) separated by wetland A on a floodplain bench. The stream flows onto the site from the east and splits into Stream A flowing offsite to the northwest, with Stream B continuing downstream onsite to the west.

Both Streams A and B are eventually intercepted in a roadway drainage ditch that runs north-south along 108th Avenue SE before going into a culvert under Interstate 405 and

into Lake Washington. ESA Adolfson has classified these stream segments as Type N streams based on the City of Bellevue's designation of streams (LUC 20.25H.075.B). LUC 20.25H.075.C requires a 50-foot regulatory buffer and a 15-foot structure setback (as measured from the edge of the buffer).

Wetlands- Two wetlands (wetlands 1 and 2) occur on the subject site. Wetland 1 is situated centrally within Parcel A (current) on a bench at the toe of a 40 percent slope. This wetland is approximately 1,954 square feet in size. This wetland was delineated by ESA Adolfson (2006) and is classified as a slope wetland under the HGM classification system. In their Wetland and Stream Study, ESA Adolfson further characterized this wetland (Wetland 1) as a palustrine forested wetland using the Cowardin classification system. Finally, ESA Adolfson classified this wetland as a Category III wetland using the Western Washington Wetland Rating Form and assigned a 60 foot regulatory buffer supplemented by an additional 15 foot structure setback (LUC 20.25H.095.C).

Wetland 2 is located on the north property boundary of (current) Parcel A, situated at the fork between Streams A and B. This wetland is approximately 1,468 square feet in size. It is likely that this wetland was formed when disturbance in the area caused a portion of the stream to change course and disconnect from the main channel creating two stream channels draining Wetland 2. This wetland was delineated by ESA Adolfson (2006) and is classified as a Riverine wetland under the HGM classification system. In their Wetland and Stream Study, ESA Adolfson further characterized this wetland (Wetland 2) as a palustrine forested wetland using the Cowardin classification system. Finally, ESA Adolfson classified this wetland as a Category III wetland using the Western Washington Wetland Rating Form and assigned a 60 foot regulatory buffer supplemented by an additional 15 foot structure setback (LUC 20.25H.095.C).

Geologic Hazard Areas- Parcel A (current) is occupied in part by areas of regulated steep slopes along the eastern portion of the property. Parcel B (current) consists of gentle slopes that do not meet the definition of a regulated slope within the City of Bellevue. A map provided by the applicant's surveyor identifies areas of regulated slope within the subject properties that meet the City of Bellevue's definition of steep slope as identified in LUC 20.25H.120.A.2. In compliance with the requirements of LUC 20.25H.120.C.2, the applicant has identified and labeled the 75-foot toe of slope structure setback on the site plans. The applicant has provided a geotechnical assessment that was completed in 2005 by Geotech Consultants, Inc. , however this report only assessed Parcel B and was limited in scope. Due to the limits of this geologic study, the applicant is not proposing to modify the regulated steep slope structure setback.

Although LUC 20.25H.145 allows for the modification of the 75-foot steep slope building setback if the modification is supported by a geotechnical assessment, the applicant has not requested a reduction in the required structure setback. No further analysis of the regulated slope areas associated with his property will be completed. There is no proposal to modify either the slope or the required slope structure setbacks. No development activity will occur within the regulated slope area or the required structure setback.

III. 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 and Water

A temporary erosion and sedimentation control plan may be required for review with the underlying single family building permits and will be submitted with the project plans. This plan or general site BMP's address all requirements for restoring the site to its current condition as well as 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 wetland. 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 X for related conditions of approval.**

B. Animals

The project site is part of a larger natural area that contains quality habitat for birds and mammals. The proposed development area has been located in the portion of the site that has been modified through historic clearing activity and is currently colonized by Himalayan blackberry. The applicant is not proposing to remove any significant trees on this site. A riparian area restoration plan has been submitted with the goal of removing and suppressing invasive plants and replanting native vegetation in that portion of the site that has been identified with the most potential for restoration. The mature vegetation on the site could provide potential habitat to various wildlife known to be in the vicinity, however no impacts are anticipated since no significant trees will be removed and development will be limited to areas of past alteration that are already degraded and colonized by Himalayan blackberry.

C. Plants

Mitigation for temporary and permanent disturbance will be approved pursuant to an approved riparian area restoration and monitoring plan. **See Section X 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 X for a related conditions of approval.

IV. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements

The site is located in the R-3.5 zoning district. This zoning designation requires (LUC 20.20.010) that any single family development or proposed boundary line adjustment conforms to the dimensional standards identified in Table 1 below.

TABLE 1- LAND USE CODE DIMENSIONAL REQUIREMENTS

Category	LUC Requirement
Zoning District	R-3.5
Site Area per lot - Minimum lot size	10,000 square feet
Lot Coverage per Lot	35 percent maximum
Impervious Surface	50 percent maximum
Front Yard Setbacks	20 feet
Rear Yard Setbacks	25 feet
Side Yards Setbacks	5 feet
2 Side Yards Setbacks	15 feet
Parking Spaces	2.0 per single family unit

B. Allowed Deviation From Zoning District Dimensional Standards

To avoid and reduce impact to critical areas and associated buffers, and to utilize other buffer modification provisions in LUC 20.25H, the applicant must demonstrate that the non-critical area setbacks and dimensional standards of LUC 20.20.010 have been modified to the maximum extent possible in an attempt to limit any proposed development activity to areas outside of documented critical areas and their buffers. Modifications of the dimensional standards of LUC 20.20.010 are permitted by LUC 20.25H.040.B; provided, that the modification shall be the minimum necessary to allow avoidance of the critical area and critical area buffer.

This is an application for Critical Areas Land Use Permit to modify required critical area structure setbacks, wetland buffer dimensions, and stream buffer dimensions in an effort to establish a reasonable building area on two legal tax parcels. The applicant is proposing to reduce stream and wetland buffers through buffer reduction /addition and buffer enhancement on two single family lots within the R-3.5 zoning district. To achieve the desired buildable area, the applicant is proposing to utilize the front yard structure setback reduction allowed in LUC 20.25H.040.B. Table 2 is a summary of the proposed changes to the required dimensional standards. Reductions of other dimensional standards were considered by the applicant, however no advantage in protecting critical areas and their buffers was discovered over the standard dimensional requirements.

TABLE 2- PROPOSED DIMENSIONAL STANDARDS

Category	LUC Requirement	Proposal	Notes
Zoning District	R-3.5	No change	Complies
Site Area per lot - Minimum lot size	10,000 square feet	No change	Complies
Lot Coverage per Lot	35 percent maximum	No change	Complies
Impervious Surface	50 percent maximum	No change	Complies
Front Yard Setbacks	20 feet	10 feet	Allowed under LUC 20.25H.040.B
Rear Yard Setbacks	25 feet	No change	Complies
Side Yard Setbacks	Not less than 5 feet	No change	Complies
2 Side Yard Setbacks	15 feet	No change	Complies
Parking Spaces	2 per single family unit	No change	Complies

C. Critical Areas Requirements

Streams- Two Type N streams (Stream A and Stream B) have been identified and surveyed on the subject site; both are along the north property boundary of Lots A and B (current). These streams are described in more detail in section II of this report and in the Critical Areas Report that was submitted by the applicant in support of this proposal. LUC 20.25H.075.C requires a 50-foot regulatory buffer for Type N streams on undeveloped lots, and LUC 20.25H.075.D requires a 15-foot structure setback (as measured from the edge of the buffer). The applicant is proposing to reduce the required stream buffer width to a minimum of 30 feet (varies- 30 feet is the minimum) and reduce the stream buffer structure setback to 10 feet.

Stream buffers may be modified under the provisions of LUC 20.25H.075.C.2 which allows for a reduction of stream buffer width through the submittal of a Critical Areas Report when the proposal meets the requirements outlined in LUC 20.25H.230, compliance with the decision criteria for approval of a Critical Areas Report found in LUC 20.25H.255, consistency with the performance standards identified in LUC 20.25H.080, and compliance with the decision criteria for approval of Critical Areas Land Use Permit listed in LUC 20.30P.140. Stream buffer structure setbacks may be waived or modified pursuant to LUC 20.25H.075.C.2. These requirements are analyzed in further detail in section V below.

Wetlands- Two wetlands (Wetlands 1 and 2) have been identified and delineated within the boundaries of the subject property. These wetlands have been evaluated using the Washington State Department of Ecology Wetland Rating Forms and have been designated as Category III wetlands. Wetlands 1 and 2 are described in more detail in section II of this report and in the Critical Areas Report that was submitted by the applicant in support of this proposal. LUC 20.25H.095.C.1 requires a 60-foot regulatory buffer for Type III wetlands with a low habitat score. LUC 20.25H.095.D.2 requires a 15-foot structure setback (as measured from the edge of the buffer) for Category III wetlands.

The applicant is proposing to reduce the required wetland buffer to a minimum of 40 feet (varies- 40 feet is the minimum) and reduce the wetland buffer structure setback to a minimum of 5 feet.

Wetland buffers may be modified under the provisions of LUC 20.25H.095.C.2, which allows for the reduction of a wetland buffer width through the submittal of a Critical Areas Report that meets the submittal requirements outlined in LUC 20.25H.230, compliance with the decision criteria for approval of a Critical Areas Report listed in LUC 20.25H.255, consistency with the performance standards listed in LUC 20.25H.100, and compliance with the decision criteria for approval of a Critical Areas Land Use Permit identified in LUC 20.30P.140. Wetland buffer structure setbacks may be waived or modified pursuant to LUC 20.25H.095.D.3. The applicant has submitted a Critical Areas Report in support of the proposal for reduction of buffer widths. The information provided in the Critical Areas Report and the required decision criteria are analyzed in further detail in section V below.

V. Consistency With Critical Areas Development Review Standards:

A. Critical Areas Report Requirements - LUC 20.25H.230

The critical areas report is intended to provide flexibility for sites where the expected critical area functions and values are not present due to degraded conditions or other unique site characteristics, or for proposals providing unique design or protection of critical area functions and values not anticipated by this part. Generally, the critical areas report must demonstrate that the proposal with the requested modifications, and considering proposed mitigation, leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements. This is a proposal to reduce stream and wetland buffer and structure setback widths through buffer and setback reduction. A total of 3,487 sf of buffer impact (reduction) is proposed. Mitigation will be achieved through 3,551 sf of buffer addition (expansion) and 4,431 sf of buffer enhancement (restoration) with native plantings. Additional protection of the site's streams, wetlands, and forested slopes will be achieved through the completion of a boundary line adjustment and the preservation of 1.44 acres of protected areas as Native Growth Protection Easement (NGPE) within the boundaries of the two subject parcels. Consistency with the Critical Areas Report requirements is generally described below:

Mitigation- The applicant has proposed a mitigation plan that meets the requirements of LUC 20.25H.210. The mitigation approach is based on a hierarchy of avoiding and minimizing impacts through careful design, restoring temporary impacts, and compensating for unavoidable adverse impacts. The mitigation process began with efforts to avoid and minimize impacts to stream and wetland buffers through structure setback reductions as indicated in section IV above.

Impact Avoidance- The project does not have any direct impacts to either wetlands or streams. To allow for a reasonable buildable area for two structures and a driveway, the

homes will be situated in an area with the least amount of buffer impact. This layout will require the landowner to apply for a lot line adjustment with the City. The structure setbacks for front, back and side yards have been analyzed and reduced where possible to avoid additional impacts to critical area buffers (LUC 20.25H.040B).

Impact Minimization- Given the physical constraints of the properties, it is difficult to completely avoid buffer impacts while still allowing a reasonable building area for two homes. In addition to the buffer impacts for the homes, a 20-foot wide driveway is required by fire code (IFC 503.2.9 Section 3.03-2). Impacts to wetland and stream buffers were minimized by locating the driveway for Parcel B (proposed) adjacent to the fence of the neighboring property to the south. This design helps avoid buffer impacts. Other design options were considered but we proven to require additional buffer impact. The project design, as identified in the site plan, requires less than 3,487 sf of buffer impact out of the of the combined 1.8 acres of total site area.

Restoration of Temporary Construction Impacts- Construction of the proposed driveway and residence on Parcel B may cause temporary impacts to the buffer of Stream B. These temporary construction impacts will be restored by replanting the disturbed areas with native tree, shrub, and groundcover species. A complete restoration plan will be submitted by the applicant for review in conjunction with the underlying activity.

Compensatory Mitigation- To allow for two building pads and a driveway that have the least amount of buffer impact, the property owner will apply for a boundary line adjustment. To mitigate for the proposed buffer impacts, the property owner will be responsible for the enhancement/restoration of the buffer area adjacent to Stream B and Wetland 2, and the addition of a Native Growth Protection Easement on both Parcel A and B.

Buffer Reduction- The proposed combination of buffer reductions and buffer additions results in no net loss of buffer square footage onsite. The proposed buffer impacts total 3,487 square feet. To compensate, 3,551 square feet of currently non-buffer areas are being added as wetland and stream buffer. One of these added areas is a triangular area (2,006 square feet) between the two wetland buffers. This additional buffer area will fill the gap between the two wetland buffers to make them contiguous. An additional 1,545 square feet of predominantly forested buffer area will be added along the south side of Wetland 1 buffer.

Native Growth Protection Easement- To better protect the site's sensitive landscape, the applicant has proposed placing the non-buildable area of the property into a Native Growth Protection Easement in perpetuity. By doing so, the sensitive areas on the property shall be protected and continue to provide wildlife habitat. A total of 1.44 acres will be set aside as Native Growth Protection Easement.

Existing and Proposed Buffer Functions- This project will not intrude directly into the wetlands or streams, so most of the existing wetland functions will not be altered. The

project will intrude into the south edge of the buffers of Wetland 2 and Stream B. The buffer area that will be impacted by this project is a stand of invasive species, predominantly Himalayan blackberry and reed canary grass. As a result, the buffer functions that it currently provides are limited. This area of the buffer currently has low water quality improvement functions, limited wildlife habitat, and a limited range of plant species—predominantly Himalayan blackberry, reed canary grass, with a sparse canopy of red alder and black cottonwood.

This mitigation plan calls for the enhancement of approximately 4,431 square feet of buffer which is currently covered in invasive species. The plan will increase plant species diversity by removing and controlling non-native invasive species (primarily Himalayan blackberry) and by planting native trees and shrubs, while retaining desirable native vegetation such as the existing tree canopy. Dense clusters of native shrubs and trees will be planted along the edges of Wetland 2 and Stream B. Functions that will be improved by buffer plantings include improved habitat for wetland-neutral birds and mammals, and increased native plant richness. Once established, the installed trees and shrubs will increase structural complexity and vegetative diversity, and will provide improved wildlife habitat. Newly planted trees and shrubs will help provide screening between the proposed new homes, wetlands, and streams.

B. Critical Area Performance Standards for Streams - LUC 20.25H.080
Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

- 1. Lights shall be directed away from the stream.**

 - 2. Activity that generates noise such as parking lots, generators, and residential uses shall be located away from the stream or any noise shall be minimized through use of design and insulation techniques.**

 - 3. Toxic runoff from new impervious area shall be routed away from the stream.**

 - 4. Treated water may be allowed to enter the stream critical area buffer.**

 - 5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.**
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6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

Finding: The performance standards listed above shall be incorporated into the design of the single family homes to be constructed on Parcels A and B. See **Conditions of Approval** listed in section X of this report.

C. Critical Area Performance Standards for Wetlands - LUC 20.25H.100
Development on sites with a wetland or wetland critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

- 1. Lights shall be directed away from the wetland.**
- 2. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the wetland, or any noise shall be minimized through use of design and insulation techniques.**
- 3. Toxic runoff from new impervious area shall be routed away from the wetlands.**
- 4. Treated water may be allowed to enter the wetland critical area buffer.**
- 5. The outer edge of the wetland critical area buffer shall be planted with dense vegetation to limit pet or human use.**
- 6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.**

Finding: The performance standards listed above shall be incorporated into the design of the single family homes to be constructed on Parcels A and B. See **Conditions of Approval** in section X of this report.

D. Stream Buffer Structure Setback Modification Standards - LUC 20.25H.100:

On undeveloped sites with open Streams the Director may waive or modify the structure setback as part of the permit or approval for the underlying proposal if the applicant demonstrates that:

1. Water quality, or slope stability as documented in a geotechnical report, will not be adversely affected;

Finding: To avoid and reduce impact to critical areas and associated buffers, and to utilize other buffer modification provisions in LUC 20.25H, the applicant must demonstrate that the non-critical area setbacks and dimensional standards of LUC 20.20.010 have been modified to the maximum extent possible in an attempt to limit any proposed development activity to areas outside of documented critical areas and their buffers. Further modifications to the required buffer setbacks are required to accommodate reasonable development on this site. No change to the required steep slope critical area structure setback is proposed, and no additional discharge of surface waters to the adjacent stream and wetland is proposed or anticipated.

2. Encroachment into the structure setback will not disturb habitat of a species of local importance within a critical area or critical area buffer;

Finding: The buffer area that will be impacted by this project is a stand of invasive species, predominantly Himalayan blackberry and reed canary grass. As a result, the buffer functions that it currently provides are limited. This area of the buffer currently has low water quality improvement functions, limited wildlife habitat, and a limited range of plant species—predominantly Himalayan blackberry, reed canary grass, with a sparse canopy of red alder and black cottonwood.

3. Vegetation in the critical area and critical area buffer will not be disturbed by construction, development or maintenance activities and will be maintained in a healthy condition for the anticipated life of the development; and

Finding: Construction of the proposed driveway and residence on Parcel B may cause temporary impacts to the buffer of Stream B. These temporary construction impacts will be restored by replanting the disturbed areas with native tree, shrub, and groundcover species in compliance with an approved restoration plan. A complete restoration plan will be submitted by the applicant for review in conjunction with the underlying activity.

4. Enhancement planting on the boundary between the structure setback and the critical area buffer will reduce impacts of development within the structure setback.

Finding: The preliminary mitigation plan associated with this proposal calls for the enhancement of approximately 4,431 square feet of buffer which is currently covered in invasive species. The plan will increase plant species diversity by removing and controlling non-native invasive species (primarily Himalayan blackberry) and by

planting native trees and shrubs, while retaining desirable native vegetation such as the existing tree canopy. Dense clusters of native shrubs and trees will be planted along the edges of Wetland 2 and Stream B. Functions that will be improved by buffer plantings include improved habitat for wetland-neutral birds and mammals, and increased native plant richness. Once established, the installed trees and shrubs will increase structural complexity and vegetative diversity, and will provide improved wildlife habitat. Newly planted trees and shrubs will help provide screening between the proposed new homes, wetlands, and streams.

E. Stream Buffer Structure Setback Modification Standards - LUC 20.25H.095.D.3: On undeveloped sites with documented wetlands, the Director may waive or modify the structure setback as part of the permit or approval for the underlying proposal if the applicant demonstrates that:

1. Water quality, or slope stability as documented in a geotechnical report, will not be adversely affected;

Finding: To avoid and reduce impact to critical areas and associated buffers, and to utilize other buffer modification provisions in LUC 20.25H, the applicant must demonstrate that the non-critical area setbacks and dimensional standards of LUC 20.20.010 have been modified to the maximum extent possible in an attempt to limit any proposed development activity to areas outside of documented critical areas and their buffers. Further modifications to the required buffer setbacks are required to accommodate reasonable development on this site. No change to the required steep slope critical area structure setback is proposed, and no additional discharge of surface waters to the adjacent streams and wetlands is proposed or anticipated.

2. Encroachment into the structure setback will not disturb habitat of a species of local importance within a critical area or critical area buffer;

Finding: The buffer area that will be impacted by this project is a stand of invasive species, predominantly Himalayan blackberry and reed canary grass. As a result, the buffer functions that it currently provides are limited. This area of the buffer currently has low water quality improvement functions, limited wildlife habitat, and a limited range of plant species—predominantly Himalayan blackberry, reed canary grass, with a sparse canopy of red alder and black cottonwood.

3. Vegetation in the critical area and critical area buffer will not be disturbed by construction, development or maintenance activities and will be maintained in a healthy condition for the anticipated life of the development; and

Finding: Construction of the proposed driveway and residence on Parcel B may cause temporary impacts to the buffer of Stream B. These temporary construction impacts will be restored by replanting the disturbed areas with native tree, shrub, and groundcover species in compliance with an approved restoration plan. A complete restoration plan will be submitted by the applicant for review in conjunction with the

underlying activity.

4. Enhancement planting on the boundary between the structure setback and the critical area buffer will reduce impacts of development within the structure setback.

Finding: The preliminary mitigation plan associated with this proposal calls for the enhancement of approximately 4,431 square feet of buffer which is currently covered in invasive species. The plan will increase plant species diversity by removing and controlling non-native invasive species (primarily Himalayan blackberry) and by planting native trees and shrubs, while retaining desirable native vegetation such as the existing tree canopy. Dense clusters of native shrubs and trees will be planted along the edges of Wetland 2 and Stream B. Functions that will be improved by buffer plantings include improved habitat for wetland-neutral birds and mammals, and increased native plant richness. Once established, the installed trees and shrubs will increase structural complexity and vegetative diversity, and will provide improved wildlife habitat. Newly planted trees and shrubs will help provide screening between the proposed new homes, wetlands, and streams.

VI. Compliance With Land Use Code Critical Areas Report Approval Criteria –

A. Critical Areas Report Decision Criteria – LUC 20.25H.255

The Director may approve, or approve with modifications, a proposal to modify the standards of LUC 20.25H, where permissible, when 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: This project will not intrude directly into the wetlands or streams the existing wetland functions will not be altered. The project will intrude into the south edge of the buffers of Wetland 2 and Stream B. The buffer area that will be impacted by this project is a stand of invasive species, predominantly Himalayan blackberry and reed canary grass. As a result, the buffer functions currently provided are limited. This area of the buffer currently has low water quality improvement functions, limited wildlife habitat, and a limited range of plant species—predominantly Himalayan blackberry, reed canary grass, with a sparse canopy of red alder and black cottonwood. The proposed mitigation plan calls for the enhancement of approximately 4,431 square feet of buffer which is currently covered in invasive species. The plan will increase plant species diversity by removing and controlling non-native invasive species (primarily Himalayan blackberry) and by planting native trees and shrubs, while retaining desirable native vegetation such as the existing tree canopy. Dense clusters of native shrubs and trees will be planted along the edges of Wetland 2 and Stream B. Functions that will be improved by buffer plantings include improved habitat for wetland-neutral birds and mammals, and increased native plant richness.

Once established, the installed trees and shrubs will increase structural complexity and vegetative diversity, and will provide improved wildlife habitat. In addition, newly planted trees and shrubs will provide screening between the proposed homes, wetlands, and streams. A complete mitigation plan will be submitted for review with the proposed underlying activity (residential construction). **See conditions of approval in section X of this report.**

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

Finding: The applicant has included a wetland and stream buffer restoration plan as part of this proposal. A landscape (mitigation) installation financial security device equal to 120% of the value of the proposed mitigation and a five year landscape maintenance and monitoring assignment of savings financial security device based on 20% of the value of the approved plan will be required as part of this project approval. **See conditions of approval in section X of this report.**

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 proposed combination of buffer reductions and buffer additions results in no net loss of buffer square footage onsite. The proposed buffer impacts total 3,487 square feet. To compensate, 3,551 square feet of currently non-buffer areas are being added as wetland and stream buffer. One of these added areas is a triangular area (2,006 square feet) between the two wetland buffers. This additional buffer area will fill the gap between the two wetland buffers to make them contiguous. An additional 1,545 square feet of predominantly forested buffer area will be added along the south side of Wetland 1 buffer. To better protect the site's sensitive landscape, the applicant has also proposed placing the non-buildable area of the property into a Native Growth Protection Easement in perpetuity. By doing so, the sensitive areas on the property shall be protected and continue to provide wildlife habitat. A total of 1.44 acres will be set aside as Native Growth Protection Easement. **See conditions of approval in section X of this report.**

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

Finding: No change in use for either of the single family properties effected by this proposal is proposed. The resulting development is consistent with what is currently built on the adjacent property. The site is zoned single family, and the surrounding neighborhood is entirely single family. The proposal is compatible with other similar uses in the vicinity.

B. Decision Criteria – Proposals to Reduce Regulated Critical Area Buffer.

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;

Finding: The buffer area that surrounds the wetlands and streams located within this site consist of invasive species including Himalayan blackberry and reed canary grass. Due to the degraded condition, buffer functions currently provided are limited. The proposed mitigation plan calls for the enhancement of approximately 4,431 square feet of buffer which is currently covered in invasive species. The plan will increase plant species diversity by removing and controlling non-native invasive species (primarily Himalayan blackberry) and by planting native trees and shrubs, while retaining desirable native vegetation such as the existing tree canopy. Dense clusters of native shrubs and trees will be planted along the edges of Wetland 2 and Stream B. Functions that will be improved by buffer plantings include improved habitat for wetland-neutral birds and mammals, and increased native plant richness. Once established, the installed trees and shrubs will increase structural complexity and vegetative diversity, and will provide improved wildlife habitat. In addition, newly planted trees and shrubs will provide screening between the proposed homes, wetlands, and streams. A complete mitigation plan will be submitted for review with the proposed underlying activity (residential construction). **See conditions of approval in section X of this report.**

2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;

Finding: This site consists of two wetlands and two streams as described in section II.C of this report. Due to the topography of the area and the adjacent upslope development, the streams and wetlands on site are often impacted by high intensity stream flow associated with storm events and upstream imperious surfaces. Due to this condition, one of the most important critical areas functions on this site is that of water quality. Additionally, a portion of this site is characterized as a forested hillside where habitat function and value is high. This project will not intrude directly into the wetlands or streams the existing wetland functions will not be altered. The project will, however, intrude into the south edge of the buffers of Wetland 2 and Stream B. The buffer area that will be impacted by this project is a stand of invasive species, predominantly Himalayan blackberry and reed canary grass. As a result, the buffer functions currently provided are limited due to lack of plant diversity and structure. This area of the buffer currently has low water quality improvement functions (does not attenuate stormwater and does not dissipate energy associated with peak flows), limited wildlife habitat, and a limited range of plant species—predominantly

Himalayan blackberry, reed canary grass, with a sparse canopy of red alder and black cottonwood. The proposed mitigation plan calls for the enhancement of approximately 4,431 square feet of buffer. The plan will increase plant species diversity by removing and controlling non-native invasive species and by planting native trees and shrubs, while retaining desirable native vegetation such as the existing tree canopy. Dense clusters of native shrubs and trees will be planted along the edges of Wetland 2 and Stream B. Functions that will be improved by buffer plantings include improved habitat for wetland-neutral birds and mammals, and increased native plant richness. Once established, the installed trees and shrubs will increase structural complexity and vegetative diversity, provide improved wildlife habitat, and enhance the cross landscape connection within the forested portion of the site. In addition, newly planted trees and shrubs will provide screening between the proposed homes, wetlands, and streams. A complete mitigation plan will be submitted for review with the proposed underlying activity (residential construction). **See conditions of approval in section X of this report.**

3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;

Finding: Storm water quality functions typically consist of a reduction in erosion (through soil stabilization and cover), the dissipation of energy from fast moving water (through plant structure and woody debris), removal sediment load from the water column (by slowing the movement of water and filtering through plant structure), and through the uptake of toxins and heavy metals (generally only occurs with long period of impoundment where anoxic conditions develop). The proposed combination of buffer reductions and buffer additions results in no net loss of buffer square footage onsite and leads to enhanced buffer function through the restoration of 4,431 sf of stream riparian area buffer. Due to the site's position in the landscape and the extend of upstream in-basin development, the stream that crosses this site is subject to high peak flows during rain events. The replanting of the buffer along the edge of this stream will help stabilize the stream channel and will help reduce erosion associated with high intensity stormwater. **See conditions of approval in section X of this report.**

4. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;

Finding: The applicant has included a wetland and stream buffer restoration plan as part of this proposal. A landscape (mitigation) installation financial security device equal to 120% of the value of the proposed mitigation and a five year landscape maintenance and monitoring assignment of savings financial security device based on 20% of the value of the approved plan will be required as part of this project approval. **See conditions of approval in section X of this report.**

5. 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 proposed combination of buffer reductions and buffer additions results in no net loss of buffer square footage onsite. The proposed buffer impacts total 3,487 square feet. To compensate, 3,551 square feet of currently non-buffer areas are being added as wetland and stream buffer. One of these added areas is a triangular area (2,006 square feet) between the two wetland buffers. This additional buffer area will fill the gap between the two wetland buffers to make them contiguous. An additional 1,545 square feet of predominantly forested buffer area will be added along the south side of Wetland 1 buffer. To better protect the site's sensitive landscape, the applicant has also proposed placing the non-buildable area of the property into a Native Growth Protection Easement in perpetuity. By doing so, the sensitive areas on the property shall be protected and continue to provide wildlife habitat. A total of 1.44 acres will be set aside as Native Growth Protection Easement. **See conditions of approval in section X of this report.**

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

Finding: No change in use for the either of the single family properties effected by this proposal is proposed. The resulting development is consistent with what is currently built on the adjacent property. The site is zoned single family, and the surrounding neighborhood is entirely single family. The proposal is compatible with other similar uses in the vicinity.

VII. Public Notice and Comment

Application Date:	02/05/2007
Public Notice (500 feet):	03/01/2007
Minimum Comment Period:	03/15/2007

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin on March 1, 2007. It was mailed to property owners within 500 feet of the project site. One comment has been received from Karen Walter of the Muckleshoot Indian Tribe. Ms. Walter's comment was a request for additional information regarding the proposal. Specifically, Ms. Walter requested information on buffer reduction /addition and what will be constructed within 200 feet of the onsite wetland, and a request for information on other actions considered to avoid requiring buffer reduction. Information was provided regarding the proposed work and all concerns were addressed. A record of correspondence with the Muckleshoot Indian Tribe Fisheries Division can be found in the project file.

VIII. Critical Areas Land Use Permit Decision Criteria – LUC 20.30P

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

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

Finding: The applicant must complete a boundary line adjustment and obtain a building permit before beginning any work. **See Conditions of Approval in Section X of this report.**

B. 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: Given the physical constraints of the subject properties it is difficult to completely avoid buffer impacts while still allowing a reasonable building area for two homes. In addition to the buffer impacts for the homes, a 20-foot wide driveway is required by fire code (IFC 503.2.9 Section 3.03-2). Impacts to wetland and stream buffers were minimized by locating the driveway for Parcel B (proposed) adjacent to the fence of the neighboring property to the south. This design helps avoid buffer impacts. Other design options were considered but we proven to require additional buffer impact. The project design, as identified in the site plan, requires less than 3,487 sf of buffer impact out of the of the combined 1.8 acres of total site area. Mitigation will be achieved through 3,551 sf of buffer addition (expansion) and 4,431 sf of buffer enhancement (restoration) with native plantings. Additional protection of the site's streams, wetlands, and forested slopes will be achieved through the completion of a boundary line adjustment and the preservation of 1.44 acres of protected areas as Native Growth Protection Easement (NGPE) within the boundaries of the two subject parcels. **See conditions of approval in section X of this report.**

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

Finding: As discussed in Section V of this report, the applicant will be required to incorporate the performance standards of LUC 20.25H.080 and LUC 20.25H.100 into the design of the proposed single family residences. Compliance with the performance standards will be evaluated through review of the underlying development activity (single family building permits). Review of the proposal's compliance with required performance standards will be completed during review of the proposed underlying activity (residential construction). **See conditions of approval in section X of this report.**

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

Finding: This is a proposal to modify stream and wetland buffers to accommodate the development of two new single family residences on two existing lots. Review of this proposal for adequacy of infrastructure service will be done during review of the single family building permit application.

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

Finding: As identified in section V above, the proposal includes a mitigation / restoration plan consistent with the requirements of 20.25H.210. A complete mitigation plan will be submitted for review with the proposed underlying activity (residential construction). **See conditions of approval in section X of this report.**

F. 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.

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 Planning and Community Development does hereby **approve with conditions** the proposal to reduce stream and wetland buffers for two residential properties located at 10952 SE 64th Street. This action allows for a reduction of buffers limited to that indicated on the approved site plans and requires the execution of the approved mitigation plans.

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 Building Permit or other necessary development permits within one year of the effective date of this approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Land Use Code- BCC Title 20	David Pyle, 425-452-2973
Noise Control Code- BCC 9.18	David Pyle, 425-452-2973
Transportation Code- BCC Title 14	Transportation Review Desk, 425-452-4236
Utilities Code- BCC Title 24	Utilities Review Desk, 425-452-4187

Clearing and Grading Code- BCC 23.76	Clearing and Grading Review Desk, 425-452-2019
Fire Code- BCC 23.11	Fire Review Desk, 425-452-4122

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

- 1. Restoration for Areas of Temporary Disturbance:** A restoration plan for all areas of temporary disturbance is required to be submitted for review and approval in conjunction with the residential building permits. No permits shall be issued until the restoration plan has been approved by the City. The plan shall include documentation of existing site conditions and shall identify the restoration measures to return the site to existing or better conditions per LUC 20.25H.220.H.

Authority: Land Use Code 20.25H.220
Reviewer: David Pyle, Planning and Community Development Department

- 2. Mitigation/Restoration for Areas of New Permanent Disturbance:** A restoration plan for all areas of permanent new disturbance (buffer intrusion and reduction) shall be submitted for review and approval by the City of Bellevue Land Use Division in conjunction with the single family building permit applications prior to issuance of any construction Permits. The plan shall document the total area of permanent disturbance, the total area of new critical area buffer to be designated, include the 6' tall wood fence to be built around the established development area, include complete buffer enhancement plans that meet the requirements of LUC 20.25H.220, and include the recording of an NGPE easement to satisfy the mitigation plan presented in the Critical Areas Reports dated January 30, 2007, and June 21, 2007.

Authority: Land Use Code 20.25H..030.B, 20.25H.220
Reviewer: David Pyle, Planning and Community Development Department

- 3. Rainy Season restrictions:** Due to the proximity to documented streams, wetlands, and steep slopes, 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: David Pyle, Planning and Community Development Department

- 4. Pesticides, Insecticides, and Fertilizers:** As part of the single family permit application, the applicant shall submit 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.080, LUC 20.25H.100
Reviewer: David Pyle, Planning and Community Development Department

5. **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.

Authority: Bellevue City Code 9.18
Reviewer: David Pyle, Planning and Community Development Dept

6. **Boundary Line Adjustment:** Prior to the approval of single family building permits, the applicant shall apply for, receive approval of, and record with King County Records, a complete boundary line adjustment. The boundary line adjustment must take into account the requirements of LUC 20.20.010.

Authority: Bellevue City Code 20.20.010
Reviewer: David Pyle, Planning and Community Development Dept

7. **Assignment of Savings Financial Security Device:** As part of the building permit application the applicant shall submit restoration / replanting / maintenance plan cost estimates to be used in determining the amount of the assignment of savings financial security device that will be required prior to permit issuance. A complete assignment of savings financial security device in the amount determined by the project planner must be submitted prior to building permit issuance.

XI. Attachments

1. Critical Areas Study (Wetland, Stream, and Steep Slope Delineation)
 2. Critical Areas Report
 3. Environmental Checklist
 4. Site Plan
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