



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

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**Proposal Name:** Buckner Pool Resurfacing

**Proposal Address:** 226 130<sup>th</sup> Place NE

**Proposal Description:** This is an application for Critical Areas Land Use Permit to authorize the replacement of the concrete patio / decking surrounding a residential pool, resurfacing of the pool and pool coping, restoration / replanting of the riparian area along the West Tributary of Kelsey Creek (Type F Stream), and the repair of a failed portion of the retaining wall directly adjacent to the stream. This action is associated with Code Enforcement File No. 06-135903-EA that was issued for the unpermitted demolition of the pool decking within the regulatory buffer (riparian area) of Kelsey Creek. The applicant is proposing to restore / enhance the native vegetation along Kelsey Creek through the planting of native plants to mitigate for the continued residential use (pool, associated landscape features, and small retaining wall) that is located within the regulated stream buffer. The riparian restoration proposal includes a five year maintenance and monitoring plan.

**File Number:** 07-107222-LO

**Applicant:** Michael and Donna Buckner, Property Owners

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

**Planner:** David Pyle, Associate Land Use Planner

**State Environmental Policy Act  
Threshold Determination:** **Determination of Non-Significance**  
  
Carol V. Helland  
Carol V. Helland, Environmental Coordinator  
Department of Planning and Community Development

**Director's Decision:** **Approval with Conditions**  
Carol V. Helland for  
Matthew A. Terry, Director  
Department of Planning and Community Development

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Application Date:	<u>02/16/07</u>
Notice of Application Publication Date:	<u>03/01/07</u>
Decision Publication Date:	<u>05/03/07</u>
Project/SEPA Appeal Deadline:	<u>05/17/07</u>

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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.

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## **I. Background**

### **A. Project Description**

This is a proposal to replace the existing pool decking within its existing configuration surrounding (on three sides – north, west, and south) a residential pool located at 226 130<sup>th</sup> Place NE . The pool is located adjacent to the West Tributary of Kelsey Creek, which flows from north to south across the eastern portion of the property. The applicant is also proposing to repair an existing retaining wall and restore the riparian area along Kelsey Creek through the installation of native plants to mitigate for the continued use of the pool (a residential use). This proposed project is associated with Code Enforcement File No. 06-135903-EA that was issued on November 30, 2006 for the unpermitted removal of the existing pool deck within the buffer (riparian area) of Kelsey Creek, with the intention to expand the pool decking to include a paved area on the eastern boundary of the pool. Following the issuance of this citation, the applicant has reduced the scope of work and is now only planning to replace the pool deck within it's existing configuration (along the north, west, and south edges of the pool) and resurface the pool and pool coping. To comply with the requirements of the Land Use Code, and to resolve the citation, the property owner has applied for a Critical Areas Land Use Permit and a Clearing and Grading Permit.

### **B. Site Description**

The proposed work will take place in the rear yard of a residential lot that is located at 226 130<sup>th</sup> Place NE. The subject site is located within the Wilburton neighborhood in the central portion of Bellevue adjacent to the Glendale Country Club and within the West Tributary Watershed Basin (Kelsey Creek). The property is built out with one single family residence that includes a pool with a concrete deck (patio) as an appurtenance. The western central portion of the site is generally flat and is developed with the single family residence and pool. The eastern boundary of the site is occupied by a shallow (approximately four feet deep) ravine seemingly formed by the West Tributary to Kelsey Creek that flows from north to south. The proposed work to remove and replace the pool decking will occur on the north, west, and south of the existing pool and includes resurfacing the pool and pool coping. The bank of the ravine will be replanted with native vegetation and a portion of the block retaining wall that has failed will be repaired.

### **C. Need For Improvement**

The construction of the pool and associated decking was authorized by the City of Bellevue through the issuance of a building permit in 1970 (Permit No. 9364). The property owner has requested approval to resurface the pool deck to restore the surface to it's original condition so that they may continue to enjoy their yard, pool, and patio for years to come.

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## II. Site Description and Context

### A. Critical Areas:

- i. **West Tributary of Kelsey Creek-** This is a proposal to remove and replace the decking (patio) surrounding a pool that is located within the buffer (riparian area) of the West Tributary of Kelsey Creek. The West Tributary of Kelsey Creek flows across the eastern boundary of this site (Stream Segment ID # 80\_02) and is identified in the City of Bellevue Stream Typing Inventory as being fish bearing. The report identifies the potential presence of Cutthroat Trout, Coho and Sockeye Salmon, and the stream has been documented as a fish bearing stream (Type F). As a Type F stream, this reach is protected by a 50 foot buffer and 20 foot structure setback. The buffer (riparian area) is considered a protected area and is within the Critical Areas Overlay District, which is regulated by the City of Bellevue Land Use Code (LUC) section 20.25H. Any modification of the buffer area must comply with the requirements of the Land Use Code.
- ii. **FEMA 100 Year Floodplain-** This site also contains a mapped FEMA 100 Year Floodplain that extends across the eastern central portion of the property, and the pool and pool decking are located within the Floodplain. The FEMA 100 Year Floodplain is designated by the City of Bellevue Land Use Code as an Area of Special Flood Hazard (LUC 20.25H.175.A) and is regulated under the requirements of the Critical Areas Overlay District (LUC 20.25H).

## 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

This project proposal includes the removal and replacement of existing pool decking, the resurfacing of the pool and pool coping, restoring / replanting the riparian area along the upland banks of the West Tributary of Kelsey Creek, and the repair of a failed portion of the retaining wall adjacent to stream. No expansion or intensification of the legally established structures (house, deck, and pool) is proposed. No clearing and grading outside of the existing pool decking configuration is proposed. Disturbance of existing vegetation along the bank of the West Tributary will be required as part of the proposed riparian area restoration and primarily consists of the removal of blackberry, grass and

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ivy to allow for the planting of native vegetation that will enhance the potential for the riparian area to provide habitat function for various fish species. The proposed retaining wall repair will allow the property owner continued security during peak flows in the creek system and will help minimize turbidity and sedimentation associated with erosion.

Repairing the retaining wall will also allow the existing natural slope area to be left undisturbed as much as possible as compared to grading an artificial bank slope that would be subject to erosion and cutting by the adjacent stream. A replanting and temporary erosion sedimentation control plan is included in the project plans, and addresses all requirements for restoring the site to its current condition as well as erosion and sedimentation management practices. Erosion control techniques are subject to approval by the Clearing and Grading Department as part of the Clearing and Grading Permit review.

The proposed work is also within the FEMA 100 Year Floodplain. To eliminate the potential to adversely affect flooding, no expansion of the existing facilities (pool, pool decking, and retaining wall) will be allowed. All work will be limited to the repair and restoration of existing facilities.

#### **B. Animals**

The location of the proposed pool restoration, retaining wall repair, and replanting is within the riparian area of the West Tributary of Kelsey Creek. The presence of birds and mammals within the riparian areas is probable. To minimize impact to the riparian area, all work will be limited to repair and restoration of existing landscape improvements. No threatened or endangered terrestrial species are expected to be present in the project vicinity and the area is fully developed with residential uses. To mitigate for the potential impact to fish species that have been documented within the project vicinity, the riparian area adjacent to the stream will be restored / replanted with native vegetation. The replanted area will be maintained and monitored for a period of five years to ensure plant establishment and survival. See Conditions of Approval in Section IX of this report.

#### **C. Plants**

The stream buffer directly adjacent to the creek is currently degraded and native vegetation is limited to scattered salmonberry, alder, and Douglas-fir. A large portion of the riparian area is occupied with ivy and blackberry is common. The lack of native vegetation and the condition of the riparian area is currently impeding the ability of the stream buffer to provide functional value in the form of habitat that supports aquatic and terrestrial species. To improve the area's ability and potential to provide habitat function, the applicant has proposed restoring a portion of the riparian area along the stream through the installation of native vegetation. See Conditions of Approval in Section IX of this report.

#### **D. Noise**

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter

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9.18 BCC) which regulates construction hours and noise levels. See Conditions of Approval in Section IX of this report.

#### **IV. Consistency with Land Use Code Requirements:**

##### **A. Zoning District Dimensional Requirements:**

This project proposal includes the removal and replacement of existing pool decking, the resurfacing of the pool and pool coping, restoring / replanting the riparian area along the upland banks of the West Tributary of Kelsey Creek, and the repair of a failed portion of the retaining wall adjacent to stream. The construction of the pool, the associated decking, and the small retaining wall was permitted in 1970 through City of Bellevue building permit no. 9364. As legally established structures, appurtenances, and uses, the pool, pool decking, and retaining wall may remain, but are considered legally nonconforming. The City of Bellevue Land Use Code (section LUC 20.20.560) allows for the repair and remodeling of nonconforming structures for up to 100% of the replacement value. The pool decking and retaining wall are considered appurtenances to the pool, but are not considered essential to the structure. These landscape features (the pool decking and retaining wall) may be repaired within the originally established configuration. No expansion to the pool is proposed and work done to the pool will be limited to resurfacing (no structural work). These uses may be continued as legally nonconforming uses subject to the provisions of the Land Use Code.

##### **B. Critical Areas Requirements:**

**Streams:** Based on the definition of a stream, the City of Bellevue Land Use Code (section 20.25H.075) designates the watercourse located on the eastern extreme of this site as a “Type F Water” (stream). This watercourse is also identified as a stream in the 2001 City of Bellevue Stream Typing Inventory, where it has been identified as the West Tributary to Kelsey Creek. Specifically, this property is crossed by Segment ID # 80\_02. Type F streams are protected and regulated by the Land Use Code. As a developed site (property that contains a primary residence), the Type F stream is subject to a 50 foot buffer and an additional 50 foot structure setback. No development is allowed within the 50 foot stream regulatory buffer and no structures are allowed within the additional 50 foot structure setback.

**FEMA 100 Year Floodplain:** A portion of this property is mapped as a FEMA 100 Year Floodplain and as such is classified as an Area of Special Flood Hazard (LUC 20.25H.175.A). Activity in areas of Special Flood Hazard are subject to compliance with the Areas of Special Flood Hazard Performance Standard listed in LUC 20.25H.180.

**Allowed Uses:** The pool, pool decking, retaining wall, and proposed replanting have been identified as being located within critical areas and their buffers (Type F Stream and Floodplain). The pool and it’s appurtenances (decking and retaining wall) were approved through City of Bellevue Building Permit and are considered legally nonconforming uses. As existing legally nonconforming uses the pool, pool decking, and retaining wall may remain subject to the requirements of the City of Bellevue Land Use Code. No structural

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modification of the pool is proposed, and the pool decking and retaining wall will be repaired within their existing configuration.

- i.** **Pool Structure Repair:** Under LUC 20.25H.065.B, the existing pool is considered a legally nonconforming non-primary structure and repair of the pool is limited to minor, nonstructural repairs. No structural modification of the pool is proposed, and repair will be limited to the resurfacing of the pool lining and coping. Under the provisions of the Land Use Code, no permit is required to perform non-structural repairs or maintenance on the non-primary structure.
  - ii.** **Pool Decking and Retaining Wall Repair:** The pool decking (patio) that surrounds the pool and the retaining wall that supports the pool and protects the property from erosion typically associated with an urban stream are considered legally established landscape features associated with the pool. These landscape features were established prior to August 1, 2006 and may be continued under LUC 20.25H.055.B and LUC 20.25H.055.C.3.h. The maintenance of these features is an allowed activity within a Critical Area or a Critical Area Buffer, subject to compliance with the required performance standards. To repair the pool decking (patio) and retaining wall, the performance standards listed in LUC 20.25H.C.3.H, LUC 20.25H.080.A, and LUC 20.25H.180.C must be met. No Critical Areas Land Use Permit is required for the maintenance and repair of existing landscape features, however the activity must meet the requirements of the underlying activity, in this case a clearing and grading permit has been applied for and is currently under review by the City for these landscape maintenance activities. Compliance with the performance standards listed above is determined during review of the underlying permit activity and not administrative review of the proposal is required when exempt from Critical Areas Land Use Permit.
  - iii.** **Riparian Area Replanting and Habitat Improvement:** As part of the proposed action, the property owner has proposed restoring the upper bank of the stream located on the eastern portion of the property. Included in this proposal is the removal of invasive species, and the planting of native vegetation. The applicant has submitted a restoration plan and has identified how the proposed replanting will improve the area based on existing and desired conditions, and the site's ability and opportunity to provide functional value as a riparian area. Habitat improvement projects are allowed uses under LUC 20.25H.055.B, and when located within a Stream Riparian Area and Area of Special Flood Hazard must meet the performance standards listed in LUC 20.25H.055.C.3.j, LUC 20.25H.080.A, and LUC 20.25H.180.C. Please see section V of this report for an analysis of the Habitat improvement project and consistency with the required performance standards.
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**V. Consistency With Land Use Code Critical Areas Performance Standards:**

**A. Consistency With LUC 20.25H.055.C.3.j**

**j. Habitat Improvement Projects. Disturbance, clearing and grading are allowed in the critical area or critical area buffer for habitat improvement projects demonstrating an improvement to functions and values of a critical area or critical area buffer. Habitat improvement projects shall be:**

**i. Sponsored or cosponsored by a public agency or federally recognized tribe and whose primary function is habitat restoration; or**

**ii. Approved by the Director pursuant to LUC 20.25H.230.**

This is a proposal to restore the riparian area adjacent to the West Tributary of Kelsey Creek. This proposal is not being sponsored by a public agency and therefore the requirements of paragraph ii applies to this project. To be approved by the Director, the project must meet the requirements of LUC 20.25H.230 (Critical Areas Report). Critical areas reports are required for projects that propose to modify the critical area. The criteria for approval of a critical areas report are analyzed below.

**LUC 20.25H.255 Critical Areas Report – Decisions Criteria**

**A. General.**

**Except for the proposals described in subsection B of this section, the Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:**

(Note: This proposal does not include a request to reduce a regulated critical area buffer. Subsection B of the decision criteria does not apply.)

**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;**

This is a proposal to restore the riparian area adjacent to the West Tributary to Kelsey Creek, a mapped Type F stream. The applicant has submitted a preliminary planting / restoration plan and has analyzed the existing and proposed conditions of the site. A net improvement in riparian area functions is expected as a result of this planting. Currently, stream riparian area function is impeded by the relative lack of native vegetation in the buffer. The creek's riparian area is generally narrow and poorly vegetated. This proposal will improve the structure and composition of the bank vegetation and will provide

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an improved habitat for aquatic and terrestrial animal life.

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

The applicant has prepared and submitted a complete planting, maintenance, and monitoring plan. The proposed riparian restoration will be completed during the proper planting season and will require monitoring and maintenance. The scale of this riparian area restoration project will not require extensive resource, and will primarily consist of removal of foreign invasive plant species and the planting of native vegetation typical to a healthy riparian habitat.

**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**

There is no modification to the required performance standards proposed.

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

There is no proposed new development. All development activity will be limited to repair of existing landscape features, minor repair of existing structures, and the replanting and restoration of the stream riparian area.

**B. Consistency With LUC 20.25H.080.A**

**A. General.**

**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.**

Not applicable. This proposal does not include a request to install lighting. This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site to help improve the habitat provided in the riparian area and mitigate the impact associated with this continued residential use.

**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.**

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Not applicable. This proposal does not include a request to locate a parking lot, generator, or other noise generating use within proximity of the stream. This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site to help improve the habitat provided in the riparian area and mitigate the impact associated with this continued residential use.

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

Not applicable. This proposal does not include a request to create new pollution generating impervious surface within proximity of the stream. This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site to help improve the habitat provided in the riparian area and mitigate the impact associated with this continued residential use.

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

Not applicable. This proposal does not include a request to divert treated water into the stream from existing or new pollution generating impervious surface. This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site to help improve the habitat provided in the riparian area and mitigate the impact associated with this continued residential use.

**5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.**

This proposal includes a dense replanting plan that will reduce the potential for pet or human entry into the riparian area. A portion of the regulated buffer is currently developed with a legal nonconforming pool and associated landscape features.

**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.**

Not applicable. This proposal does not include the use of pesticides, insecticides, or fertilizers. This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site to help improve the habitat provided in the riparian area and mitigate the impact associated with this continued residential use.

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**C. Consistency With LUC 20.25H.180.C**

The performance standards listed in LUC 20.25H.180.C are intended to prevent the modification of flood hazard areas where the modification would lead to an increase in the potential for damage due to flooding. These performance standards address the modification of the topography, the construction of a structure within the flood water storage area (floodplain), and the modification of a stream channel or water source that is functionally connected to the floodplain. The purpose of applying these standards to a project is to ensure that the proposed development activity, if realized, will not lead to an increase in the Base Flood Elevation (BFE), will not increase the hazard of damage due to flooding within the projects watershed basin (the project will not cause a reduction in flood storage in one location that leads to an increase in BFE at another location), and that any modification to a stream channel or it's adjacent riparian area (buffer) will not lead to the blockage of the main channel or associated side channels. Under these standards, any proposal to modify the floodplain where the activity would lead to an intended or unintended decrease in flood storage capacity, increase in BFE, and blockage of flood water conveyance channels is unacceptable.

This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site to improve the habitat provided in the riparian area and mitigate the impact associated with this continued residential use. No expansion of the existing structure is proposed or allowed in conjunction with this proposal. No alteration of the flood hazard area is proposed. Flood storage capacity will not be altered as a result of this project's approval and the BFE of the stream channel and floodplain will not be increased as a result of this project. Repairing the small retaining wall adjacent to the stream will assist in preventing erosion during flood events and replanting the riparian area adjacent to the stream will enhance the site's ability to withstand high flow events.

The proposed project has been evaluated for consistency with the performance standards identified in LUC 20.25H.180.C. As a repair and maintenance project proposal, this project has been determined to be in compliance with the performance standards for activity within areas of special flood hazard.

**VI. Public Notice and Comment**

Application Date:	February 16, 2007
Public Notice (500 feet):	March 1, 2007
Minimum Comment Period:	March 15, 2007

The Notice of Application for this project was published in the Seattle Times 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 was received from an adjacent property owner. The commenter had no objection to the project, but she

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would like to see the stream bank rehabilitated. Information was provided regarding the proposed work and the planned restoration of the stream bank was discussed. The commenter also identified concerns over past tree cutting within the buffer of the stream. This proposal does not include any tree cutting, and no tree cutting will be allowed as part of the permit. A record of correspondence with the commenter can be found in the project file.

## **VII. Decision Criteria**

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 obtain a Clearing and Grading permit before beginning any work.

### **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:** This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site to improve the habitat provided in the riparian area and mitigate the impact associated with this continued residential use. No expansion or intensification of the existing pool, pool landscape features, and retaining wall is permitted through this permit. **See Conditions of Approval in Section IX 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 proposal meets the performance standards identified for habitat improvement projects, which are allowed uses under LUC 20.25H.055.B. When located within a Stream Riparian Area and Area of Special Flood Hazard the proposal must meet the performance standards listed in LUC 20.25H.055.C.3.j, LUC 20.25H.080.A, and LUC 20.25H.180.C.

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

**Finding:** This is a request to maintain and repair an existing non-primary structure and it's associated landscape features as well as replant and restore a portion of the riparian area on the eastern portion of this site. No expansion or intensification of

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the existing pool, pool landscape features, and retaining wall is permitted through this permit. Approval of this proposal will not require additional services.

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

**Finding:** This application includes a plan for habitat restoration to replant and restore a portion of the riparian area on the eastern portion of this site to improve the habitat provided in the stream riparian area and mitigate the impact associated with this continued residential use. **See Conditions of Approval in Section IX of this report regarding the required restoration plan.**

**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.

**VIII. 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 removal and replacement of existing pool decking, the resurfacing of the pool and pool coping, restoring / replanting of the riparian area along the upland banks of the West Tributary of Kelsey Creek, and the repair of a failed portion of the retaining wall adjacent to stream for the property located at 226 130th Place NE.

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

**IX. 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>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20.25H	David Pyle, 425-452-2973
Noise Control- BCC 9.18	David Pyle, 425-452-2973

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

1. **Habitat / Riparian Area Restoration Plan:** The restoration plan submitted and approved under this Critical Areas Land Use Permit shall be submitted with the application for Clearing and Grading Permit. No modification to the approved plans will be allowed without approval from the Planning and Community Development Department. Replanting shall be done in accordance with the standards identified in the approved restoration plan.

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

2. **Rainy Season restrictions:** Due to the proximity to a Type F stream, 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: Savina Uzunow, Planning and Community Development Department

3. **Monitoring Required:** The applicant must submit as part of the required Clearing and Grading Permit application a monitoring plan that identifies how all areas of the stream riparian area that have been restored will be monitored for a period of five years following the installation of restoration measures.

Authority: Land Use Code 20.25H.220.D  
Reviewer: David Pyle, 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 section 9.18.

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

**XI. Attachments:**

1. Site Context Map- In File
  2. Environmental Checklist- In File
  3. Site Plan- In File
  4. Habitat Restoration Plans- In File
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