



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Charles Jackson, Vista Land Development Corp.

LOCATION OF PROPOSAL: 1607 West Lake Sammamish Parkway SE

NAME & DESCRIPTION OF PROPOSAL: Jackson Residence Critical Areas Land Use Permit – Reasonable Use Exception

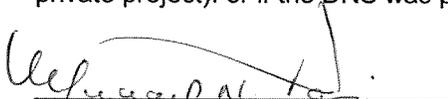
Land Use approval of Critical Areas Land Use Permit to obtain a reasonable use exception for the construction of a single-family residence and thereby permanently disturb 2,625 square feet of a 26,785 square foot lot entirely encumbered by critical areas and critical area buffers.

FILE NUMBER: 07-127112-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 September 13, 2007.
- 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 12/13/2007
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.



Environmental Coordinator

11/29/2007
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



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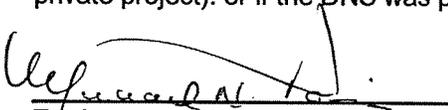
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 Army Corps of Engineers
 Attorney General
 Muckleshoot Indian Tribe



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

Proposal Name: Jackson Residence – Reasonable Use Exception

Proposal Address: 1607 W. Lake Sammamish Pkwy SE

Proposal Description: This is an application for a Critical Areas Land Use Permit to obtain a reasonable use exception for the construction of a single-family residence within a maximum allowed 2,625 square foot area on a 26,785 square foot lot. The site contains both steep slopes and a category II wetland and is adjacent to a parcel containing Type N stream. These critical areas and critical area buffers entirely encumber the subject property.

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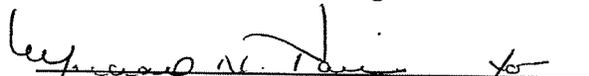
Applicant: Charles Jackson, Vista Land Development Corp.

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

Planner: Kevin LeClair, Senior Land Use Planner

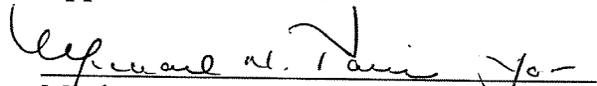
**State Environmental Policy Act
Threshold Determination:**

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: 07/16/07
Notice of Application Publication Date: 08/16/07
Decision Publication Date: 11/29/07
Project/SEPA Appeal Deadline: 12/13/07

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

The applicant is proposing to construct a single family residence on the property at 1607 West Lake Sammamish Parkway SE. The site is entirely encumbered by critical areas and critical area buffers and therefore qualifies for a reasonable use exception under LUC 20.25H.200. This critical areas land use permit establishes conditions and performance standards that must be met in order to obtain subsequent permits for the construction of the single family residence on the subject property.

B. Site Description

The subject property is identified by King County tax parcel number 9253900220. It is located at 1607 West Lake Sammamish Parkway SE, on the west side of West Lake Sammamish Parkway SE, roughly 2.4 miles north of Interstate-90. The lot is approximately 60' wide by 425' deep. The size of the lot is 26,785 square feet.

The underlying land use of the property is R-3.5. It lies within the Southeast Bellevue comprehensive planning subarea and within the Sammamish/East Lake Hills Neighborhood Enhancement Program (NEP) area.

The property is bordered on the south by an undeveloped, forested parcel and the north by two properties with existing single family residences. West Lake Sammamish Parkway borders on the east. It is bordered on the west by a 92-acre, undeveloped, natural area, Weowna Park. Weowna Park is owned and managed by the City of Bellevue.

The vegetation on the site is typical of native mixed conifer/deciduous forest in the Puget Sound. There are a number of significant native conifers and deciduous trees and a diversity of native and exotic understory species present on the site.

The slopes on the site generally face southeast and range from 20-60%.

II. Site Description and Context

A. Critical Areas:

1. **Steep Slopes:** The property has three areas of southeast-facing slopes that are 40% or greater, have a rise of greater than 10 feet in elevation and cover 1000 square feet or more in area. These areas of steep slopes meet the definition of steep slopes in LUC 20.25H. Steep slopes are required to have buffers of 50' measured from the top-of-slope and structure setbacks of 75' from the toe-of-slope.

2. **Wetlands:** There is a category II wetland on and adjacent to the subject property. The wetland is associated with the numerous seeps originating from the hillsides and a small, Type N stream flowing on the property to the south. The wetland is dominated by red alder (*Alnus rubra*), salmonberry (*Rubus spectabilis*), lady fern (*Athyrium filix-femina*) and skunk

cabbage (*Lysichiton americanum*). Category II wetlands on undeveloped sites, with a habitat score of 20 to 28, garner a critical area buffer of 110 feet from the edge of the wetland.

3. Streams: The stream affecting the subject property originates out of seep in the hillside on the property to the south. The stream is not fish-bearing because it is shallow, steep and outflows through a small culvert under West Lake Sammamish Parkway. It leaves the culvert for a short period and then enters another culvert where it travels to Lake Sammamish, fish bearing waters. The stream, because it is functionally connected to fish-bearing waters, is classified as a Type N stream. The lot is considered undeveloped, and therefore the critical area buffers are established at 50 from the top of bank.

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

The applicant is proposing to construct a single family residence on the property at 1607 West Lake Sammamish Parkway. The site contains southeast facing slopes ranging from 20 to 60%. The soils are generally classified as Everett gravelly sand loam (EvD), as mapped by the Soil Conservation Service. This soil type is described as being somewhat excessively drained and underlain by very gravelly sand at a depth of 18 to 36 inches. There is the presence of a Category II wetland on the site that contains the three components necessary to be classified as a wetland: hydric soils, wetland hydrology and wetland vegetation. The wetland is perpetuated by the presence of water seeping from the base of the slopes on the site and a drainage feature on the property to south.

Under this proposal the applicant is requesting a reasonable use exception to construct a single family residence on the subject property. The reasonable use statute allows the applicant a permanent disturbance on the site of no greater than 2,625 square feet in a location that avoids or minimizes disturbance to the site to the greatest extent possible. A geotechnical investigation and engineering study was conducted to determine the feasibility of and impact-minimization measures for such a project. The study presumes a two to three-story residence with wood-frame construction with a combination of slab-on-grade and wood joist floors. The proposed residence will be “benched” into the slopes on the east end of the lot with retaining walls on the north, south and west sides. To achieve the necessary wall heights of 30 feet, soldier piles walls with tiebacks will be used. The geotechnical study also prescribes drainage measures for the retaining walls that will help alleviate hydrostatic pressure on the wall.

The stream on the property to the south is classified as a Type N stream as it is functionally connected to fish bearing waters. It is a rather shallow, low gradient stream that originates from hillside seeps. It travels alternately in a defined and braided channels on the property to the south before draining into a culvert under West Lake Sammamish Parkway. No permanent disturbance is proposed to occur within the stream or the stream critical area. All areas of temporary disturbance will be restored and monitored pursuant to an approved restoration and monitoring plan. **See Conditions of Approval in Section X of this report.**

B. Animals

The subject property is adjacent to Weowna Park, a 92-acre forested, open space property owned and managed by the City of Bellevue Parks Department. The shoreline of Lake Sammamish is approximately 400 feet to the east of the subject property. The vegetation on the site and the adjacent properties is characterized by mixed, mature and semi-mature evergreen and deciduous trees typical of the Puget Sound lowlands. The surround land uses are primarily residential and urban open space.

A fish and wildlife habitat assessment study was conducted for the subject property and the proposed activity. The study describes and analyzes the plant and animal communities present on the site and establishes management recommendations to be followed. The following species, although they were not observed on-site, have a primary association with the habitat on-site: bald eagle (*Haliaeetus leucocephalus*), red-tailed hawk (*Buteo jamaicensis*), osprey (*Pandion haliaetus*), peregrine falcon (*Falco peregrinus*), merlin (*Falco columbiarius*), Vaux's swift (*Chaetura vauxi*), great blue heron (*Ardea herodias*), green heron (*Butorides striatus*), pileated woodpecker (*Dryocopus pileatus*), bats of the genus *Myotis* (*M. keenii*, *M. volans*, *M. evotis*), Western Townsend's big-eared bat (*Plecotus townsendii*) and western toad (*Bufo boreas*).

The stream on adjacent property to the south is too shallow to support fish but it flows into Lake Sammamish, which is known to support Chinook salmon (*Oncorhynchus tshawitscha*), Coho salmon (*Oncorhynchus kisutch*) and bull trout (*Salvelinus confluentus*).

The proposed development of the single family residence will permanently disturb only the maximum allowed 2,625 square feet allowed by the Land Use Code. Construction on the site would likely result in rapid and predictable reduction in numbers of animals and the loss of some species within selected habitats due to habitat destruction, fragmentation, acceleration of edge and distance effects, and human disturbance. Particularly damaging are edge effects because they tend to penetrate a constant distance, despite the size of the fragment, so that some habitat is lost even if construction and development do not affect it. These impacts, though adverse, are not environmentally significant and will be mitigated to some extent by the retention of the majority of the site as a Native Growth Protection Area. There is no indication that threatened or endangered plant or animal species inhabit the site. All areas of temporary disturbance will be restored and monitored pursuant to an approved restoration and monitoring plan. **See Conditions of Approval in Section X of this report.**

C. Plants

The vegetation on the site consists of a mixed conifer/deciduous forest. The predominant

overstory tree species are western red cedar (*Thuja plicata*), Douglas-fir (*Pseudotsuga menziesii*) and bigleaf maple (*Acer macrophyllum*). There is a wide range of sizes, but over 50% of the trees are greater than 21” in diameter at breast height. The understory is typical of the Puget Sound lowlands with a high occurrence of sword fern (*Polystichum munitum*), Oregon grape (*Mahonia nervosa*), hazelnut (*Corylus cornuta*) and red huckleberry (*Vaccinium ovatum*). There are also several invasive exotic species present on-site: Himalayan blackberry, reed Canary grass and English ivy. The wetland on the site is characterized by presence of red alder (*Alnus rubra*), salmonberry (*Rubus spectabilis*), lady fern (*Athyrium filix-femina*) and skunk cabbage (*Lysichiton americanum*).

The proposed development of the single family residence will permanently disturb only the maximum allowed 2,625 square feet allowed by the Land Use Code. All areas of temporary disturbance will be restored and monitored pursuant to an approved restoration and monitoring plan. **See Conditions of Approval in Section X of this report.**

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City’s Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. Construction noise impacts will also be regulated by the applicable performance standards for habitat of species of local importance. **See Conditions of Approval in Section X of this report.**

IV. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

This is a proposal to obtain a reasonable use exception for the construction of a single family residence. The property is zoned R-3.5. The property is entirely encumbered by critical areas and critical area buffers. The proposal is consistent with the underlying zoning district and applicable dimensional requirements based on the materials submitted.

B. Critical Areas Requirements:

The City of Bellevue Land Use Code 20.25H.025 designates streams, wetlands, geologic hazard areas and habitat associated with species of local importance. Permanent and temporary disturbance within the designated critical areas and critical area buffers are regulated. The subject property qualifies for reasonable use under applicability standards outlined in LUC 20.25H.200. The presence of the critical areas and critical areas mentioned above on a site that qualifies for a reasonable use exception requires that the applicable performance standards outlined in LUC 20.25H.080.A, LUC 20.25H.100, LUC 20.25H.125, LUC 20.25H.160 and LUC 20.25H.205 be met.

1. Consistency with LUC 20.25H.200

Reasonable Use Exception – Applicability

A reasonable use exception may be granted when no other reasonable use of property exists by the application of the regulations of LUC 20.25H.200. The site is entirely

encumbered by critical areas and critical area buffers. When the development density/intensity calculations outlined in LUC 20.25H.045 are applied to this situation the site does not have the potential for a single dwelling unit. As such, the site meets the definition of a small lot as defined in LUC 20.25H.200.A.2.a. Under this definition, a lot in the R-3.5 land use district with less than 2,625 square feet of development area on the site is considered to have no reasonable use and would qualify for a reasonable use exception.

Finding: The subject property is entirely encumbered by critical areas and critical area buffers and has zero (0) square feet of buildable area. The property qualifies for a reasonable use exception.

V. Consistency With Land Use Code Critical Areas Performance Standards:

A. Consistency with LUC 20.25H.080.A and LUC 20.25H.100

Streams and Wetlands – Performance Standards – General

1. The proposed development will have no exterior lighting directed toward the stream and wetland.
2. During construction, activities that generate noise will be the minimum necessary to construct and develop the site. After construction, noise from the residential use will be minimal. Noise levels will be typical for a single-family residence and will not be more than ambient noise from adjacent roadway. Preserved significant vegetation and restoration plantings will serve to buffer noise impacts.
3. Toxic runoff from the new impervious surface at the residence will be directed into the existing storm drainage system and will not be directed into the stream or wetland critical areas or critical area buffers.
4. No treated water sources will be created. Runoff into the stream or wetland critical areas or critical area buffers will be negligible.
5. At the outer edge of the stream and wetland buffer a post and rail fence and dense planting of native vegetation will be installed to limit human and pet traffic into the critical area and critical area buffer.
6. Pesticides, insecticides and fertilizers will not be used at the proposed development site. Invasive species and weed control in establishment of restoration areas will be done manually.

B. Consistency with LUC 20.25H.125

Landslide Hazards and Steep Slopes – Performance Standards

1. This is a reasonable use application. The preliminary, stated design of the proposed structure minimizes alteration of the natural contours of the site to the greatest extent possible within the allowance of the Land Use Code.
 2. The structure will be located as close to West Lake Sammamish Parkway as is possible given the necessary 10' front yard setback granted by LUC 20.25H.040.
 3. The proposed structure or development will be buffered from the residence on neighboring properties by dense, native vegetation. The tiered, stepped-back design will not increase the need for greater buffers on neighboring properties.
-

4. The structure has been design using 30' retaining walls to in order to set the structure into the hillside and minimize grading on slopes or the creation of artificial slopes.
5. The development will minimize increased impervious surface by utilizing a four-story design with the first floor being the garage. The dimensional requirements set for in LUC 20.20.010, or modified in 20.25H.040, must still be followed.
6. No changes in grade outside the building footprint will be necessary, other than absolutely necessary for the construction of the retaining walls for the foundation and the construction of the residence itself. The driveway access will be located at the front edge of the property, adjacent to West Lake Sammamish Parkway.
7. The western, southern and northern foundation walls will also be retaining walls incorporated into the structure of the residence.
8. In lieu of pole-type construction, the house will be built in a tiered fashion to conform to the existing topography and minimize topographic modification.
9. N/A – There will be no deck structures that extend beyond the building footprint.
10. The applicant has submitted a restoration and monitoring plan for the subject property to restore impacted areas disturbed during geotechnical analysis. The maintenance and establishment of this restoration will continue. Through the reasonable use exception, the applicant is granted an area of permanent disturbance not to exceed 2,625 square feet.

C. Consistency with LUC 20.25H.160

Habitat Associated with Species of Local Importance – Performance Standards

The proposal identifies a number of species that have a primary habitat association with the site. It also presents the Washington Department of Fish and Wildlife (WDFW) Management Plans for those species which management plans will be submitted. Furthermore, it presents specific management recommendations for species that no WDFW management plans have been prepared to guide the construction of the single-family residence on the site. **See Section X for Conditions of Approval.**

D. Consistency with LUC 20.25H.205

Reasonable Use Exception – Performance Standards

1. The structure is being located on the site at the eastern extreme of the property. It will conform to the minimum required 10' front yard setback. The permanent disturbance on the site will be at or below the maximum allowed per the reasonable use exception allowed for this site.
 2. The access points for the new structure will be from the east side of the structure from the driveway through the garage. Any other access points will be situated to minimize disturbance to the adjacent critical area buffer, but shall comply with International Building Code and International Fire Code requirements adopted by the City of Bellevue.
 3. The access drive will be on the east side of the structure, adjacent to West Lake Sammamish Parkway. This is the location furthest from the most sensitive areas of the property.
 4. All utilities serving the site will come across or under the access driveway on the east side of the structure, outside of the critical area buffer.
-

5. All utility installation, construction or staging will occur with the areas of permanent disturbance and will be covered by permanent structures or surfaces. No restoration of these areas will be possible.
6. There will be no areas of permanent disturbance outside of the 2,625 square foot area allowed under the reasonable use exception. No permanent disturbance will occur within any critical areas. The subject property is in a good condition and any on-site mitigation is not warranted.
7. Fencing and buffer plantings are planned for the boundaries of buffers surrounding the new residence on the southern, western and northern boundaries.

VI. Summary of Technical Reviews

A. Clearing and Grading:

The Clearing and Grading Division of the Planning and Community Development Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VII. Public Notice and Comment

Application Date:	July 16, 2007
Public Notice (500 feet):	August 16, 2007
Minimum Comment Period:	August 30, 2007

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on August 16, 2007. It was mailed to property owners within 500 feet of the project site. Comments were received from four (4) parties of record. They include: Rickard J. Carovano, James S. Kulinski, and Don and Karen Neustadt.

VIII. 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 Single-Family 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: The proposed slope modification and structure will utilize a soldier pile retaining wall with soil anchor tiebacks and includes only the minimum necessary grading outside of the wall footprint. **See Conditions of Approval in Section X of this report.**

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

Finding: As discussed in Section V of this report, the proposal meets the performance standards of LUC 20.25H.080.A, LUC 20.25H.100, LUC 20.25H.125, LUC 20.25H.160 and LUC 20.25H.205 for a reasonable use exception into a critical area or critical area buffer.

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

Finding: The proposed single-family residence is consistent with the surrounding land uses and is adequately served by public facilities. All necessary services and ancillary utilities are currently available on-site via West Lake Sammamish Parkway.

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

Finding: All areas of temporary disturbance associated with the construction and staging of the new single-family residence will be restored per an approved restoration and mitigation plan. The permanent disturbance will occur within the 2,625 square feet allowed under 20.25H.190. The location of the proposed residence is adjacent to West Lake Sammamish Parkway. The area of the site, outside of the area of allowed permanent disturbance will be recorded with King County as a Native Growth Protection Easement area. **See Conditions of Approval in Section X 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.

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 obtain a reasonable use exception for the construction of a single-family residence at 1607 West Lake Sammamish Parkway SE.

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.

X. Conditions of Approval

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

<u>Applicable Codes or Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code – BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code – BCC 20.25H	Kevin LeClair, 425-452-2928
Noise Control – BCC 9.18	Kevin LeClair, 425-452-2928
Construction Code – BCC 23	Building Division, 425-452-4121
Transportation Code – BCC 14.30	Jon Regalia, 425-452-4599

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

- 1. Retaining Wall Engineering Requirement:** An updated plan and engineering study showing the soldier pile retaining wall with tieback soil anchors system that has been identified and recommended in the Geotechnical Report is required and must be submitted for review and approval by the City of Bellevue Clearing and Grading Division prior to the issuance of the require single-family building permit.

Authority: Land Use Code 20.25H.125

Reviewer: Kevin LeClair, Planning and Community Development Department

- 2. Restoration and Monitoring for Areas of Temporary Disturbance:** A restoration plan for all areas of temporary disturbance outside of the designated permanent disturbance is required to be submitted for review and approval by the City of Bellevue as a component of the Single-Family Building Permit. The plan shall identify the full areas of temporary impacts expected by the soldier pile wall installation and the construction of the single-family residence. The restoration measures should, to the maximum extent feasible, attempt to mimic the existing desirable on-site conditions prior to any disturbance. The monitoring plan shall establish site-specific performance standards for the restoration efforts to ensure compliance with applicable performance standards set forth in LUC 20.25H. The area will be monitored for a period of not less than five (5) years.

Authority: Land Use Code 20.25H.220.H

Reviewer: Kevin LeClair, Planning and Community Development Department

- 3. Rainy Season Restrictions:** Due to the proximity to a steep slope and wetland buffers, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Department of Planning and Community Development. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available

technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Tom McFarlane, Planning and Community Development Department

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.

Furthermore, the proposal will be subject to the work windows identified by the Washington Department of Fish and Wildlife for Bald Eagles.

Authority: Bellevue City Code 9.18
Reviewer: Kevin LeClair, Planning and Community Development Department

6. **Right-of-Way Use:** The proposed construction of the single family residence will likely require the use of a portion of the right-of-way adjacent to the subject property. Any temporary use of the right-of-way requires a permit from the Transportation Department, and may require a traffic control plan if any lanes will be temporarily closed.

Authority: Bellevue City Code 14.30
Reviewer: Jon Regalia, Transportation Department

7. **Native Growth Protection Easement:** Record with King County a Native Growth Protection Easement that clearly delineates the area of permanent disturbance, the critical areas and critical area buffers. A copy of the recorded Native Growth Protection Area Easement must be submitted to the City of Bellevue prior to the approval of the single-family building permit.

Authority: Land Use Code 20.25H.030.B
Reviewer: Kevin LeClair, Planning and Community Development Department

8. **Clearing Limits and Temporary Erosion and Sedimentation Control:** Prior to the initiation of any clearing or grading activities, clearing limits and the location of all temporary erosion and sedimentation control measure shall be field staked for approval by the on-site clearing and grading inspector's approval.

Authority: Bellevue City Code 23.76.060 and 23.76.090
Reviewer: Tom McFarlane, Planning and Community Development

9. **Surface Water Quality:** Adjacent and downstream properties, storm drain inlets and the downstream natural and built drainage system shall be protected from sediment deposition using BMPs described in the clearing and grading development standards. If protection is
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inadequate and deposition occurs on adjoining property or public right-of-way or the drainage system, the permittee shall immediately remove the deposited sediment and restore the affected area to the original conditions.

Authority: Bellevue City Code 23.76.090
Reviewer: Tom McFarlane, Planning and Community Development

10. **Wildlife Habitat Protection and Management Plan:** Prior to approval of the single-family building permit, the applicant shall complete and submit the standard wildlife management plans developed by the Department of Fish and Wildlife for the following species: Vaux's Swift (*Chaetura vauxii*), Great Blue Heron (*Ardea Herodias*), and Pileated Woodpecker (*Dryocopus pileatus*).

Authority: Land Use Code 20.25H.160
Reviewer: Kevin LeClair, Planning and Community Development

XI. Attachments:

1. Site Vicinity map- In File
 2. Environmental Checklist- In File
 3. Environmental and Geotechnical Support Materials - In File
 4. Native Growth Protection Easement Agreement - in File
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