



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
 ENVIRONMENTAL COORDINATOR  
 450 100<sup>th</sup> Ave NE., P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

**DETERMINATION OF NON-SIGNIFICANCE**

**PROPONENT:** David Root, Cushing Terrell Architecture & Interiors

**LOCATION OF PROPOSAL:** 2215 Killarney Way, Bellevue, WA 98004

**NAME & DESCRIPTION OF PROPOSAL:**

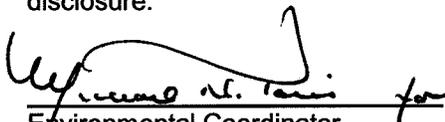
This is an application for Critical Areas Land Use Permit for a reduction of the 75-foot toe-of-slope structure setback to a minimum of 10 feet for the demolition of an existing single-family structure and detached garage and the construction of a new single-family residence and guest cottage.

**FILE NUMBER:** 07-139581-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 \_\_\_\_\_.
- 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 July 10, 2008.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

8/26/08  
 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**

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**Proposal Name:** Foreman Residence –  
Critical Areas Land Use Permit

**Proposal Address:** 2215 Killarney Way, Bellevue, WA 98004

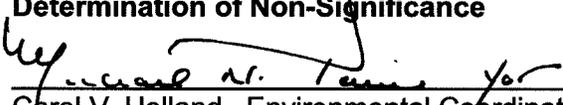
**Proposal Description:** The applicant is requesting a reduction of the 75-foot toe-of-slope structure setback to a minimum of 10 feet for the demolition of an existing single-family structure and detached garage and the construction of a new single-family residence and guest cottage.

**File Number:** 07-139581-LO

**Applicant:** David Root, Cushing Terrell Architects

**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 & Community Development

**Director's Decision:** **Approval with Conditions**  
  
Matthew A. Terry, Director  
Department of Planning & Community Development

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Application Date:	<u>11/02/2007</u>
Notice of Application Publication Date:	<u>11/29/2007</u>
Decision Publication Date:	<u>6/26/2008</u>
Project/SEPA Appeal Deadline:	<u>7/10/2008</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.

## I. Background

### A. Project Description:

The applicant is requesting a reduction of the toe-of-slope structure setback from 75 feet to 10 feet. The applicant then proposes to demolish an existing, 2,300 square foot single-family residence built in 1941 and a detached garage structure to construct a new 4,359 square foot single-family residence and a 1,153 square foot guest cottage.

The existing single-family residence and detached garage are non-conforming structures in relation to the structure setbacks established for a single-family residence in this property's land use zoning district and in the Shoreline Overlay District. The proposed single-family structure and guest cottage will be built to conform with applicable codes and regulations through modifications of the structure form or through variances to the applicable dimensional standards.

### B. Site Description:

The property, shown below in Figure 1, is located at 2215 Killarney Way SE (King County Parcel # 3859900035). The property is in the Southwest Bellevue Comprehensive Plan Subarea and the West Bellevue Neighborhood Enhancement Program area. The zoning of the property is R-1.8 and the Comprehensive Plan designation is single-family low density.

The property is accessed off of Killarney Way SE. Killarney Way slopes down to a short driveway that enters the detached garage structure on the property. The detached garage is situated in a landscaped island surrounded by a circular driveway that descends further to the front door of the existing, single-family primary structure. The circular driveway and detached garage are at the base of the steep slope that leads up to 100<sup>th</sup> Ave SE, also know as Erin Place (see attached vicinity map). The single-family residence is situated below the circular driveway. On the downhill side of the single-family residence there are several tiered deck structures leading down to a landscaped lawn area at the shoreline of Lake Washington.

The property is bounded on the west by the shoreline of Lake Washington and on the north and east by Killarney Way and 100<sup>th</sup> Ave SE, respectively. There is another single-family property abutting the property to the southeast.



Figure 1 – Foreman Property, 2215 Killarney Way SE

The existing house is approximately 65 feet west of the toe-of-slope of the geologic hazard area steep slope and 40 feet east of the shoreline of Lake Washington. The house is canted and sits at angles to the property lines. The northwestern corner of the house is 0.6 feet from the northern property line and the southwestern corner is 2.4 feet from the southern property line. These dimensions are non-conforming in terms of structure setbacks from the property lines.

The property contains non-conforming opaque, covered boat moorage on Lake Washington. Repair and remodeling of a nonconforming structure is limited to minor, non-structural repairs, and repairs of mechanical systems within or supporting the structure. If repair or remodeling exceeds these limits, the structure will need to be brought into compliance with the shoreline performance standards in LUC 20.25E.080.

## **II. Critical Areas and Critical Area Buffers**

### **A. Geologic Hazard Area - Steep Slopes:**

A submitted topographic survey showed a regulatory geologic hazard area –steep slope on the property. The total elevation difference of the slope is 20 feet. The steep slope area continues off of the property to the neighboring properties to the south and onto the public ROW to the north, exceeding 1,000 square feet in area. Geologic hazard – steep slope critical areas are afforded a 50-foot critical area buffer, measured from the top-of-slope, and a 75-foot structure, measured from the toe-of-slope.

The applicant is proposing to place a single-family primary structure and a guest cottage within the 75-foot structure setback from the toe-of-slope. This area currently contains the driveway and detached garage, as well as some portion of the existing single-family structure.

A geotechnical evaluation was prepared for the applicant by Geotech Consultants, Inc. Observations by the geotechnical engineer and engineering geologist indicate no evidence of soil instability. The geotechnical engineer noted the presence of typical cut and fill soils placed on the property, likely at the time of development.

Four test borings were completed to investigate the subsurface conditions on the site. A copy of the boring logs and noted observations by the geotechnical engineer can be found in the project file.

Geotech Consultants, Inc. recommended that the structure setback from the toe of slope could be from 75 feet to 10 feet. It was their opinion that a 10-foot structure setback would allow for a sufficient margin of safety.

### **B. Shorelines Overlay District:**

The submitted boundary and topographic survey illustrates that the western boundary of the property is adjacent to Lake Washington. Lake Washington is within the regulatory jurisdiction of the Shoreline Overlay District in LUC 20.25E. The Shoreline Overlay District applies to all lands extending landward for 200 feet in all directions as measured on the horizontal plane from the OHWM. The property is considered developed, and therefore the first 25 feet landward of the OHWM is afforded a critical area buffer and an additional 25-foot structure setback.

The applicant is proposing to construct a single-family residence and an accessory structure for the owner's family's use. This action is exempt from the requirement to obtain a Shoreline Substantial Development Permit, but still must adhere to the performance standards set forth in LUC 20.25E.080.B and 20.25E.080.Q.

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**C. Habitat Associated with Species of Local Importance:**

A habitat assessment (Assessment) was prepared by The Watershed Company for the site and project. A full copy of the assessment can be found in the project file. The assessment describes the site generally as moderate to high-density urban habitat. The habitat on the site was categorized into three types: a native forest patch, a mix of native and ornamental shrubs and lawn, and a gravel beach. The vegetation, topography and site context constitute habitat associated with species of local importance. The City of Bellevue designates habitat associated with species of local importance as a critical area (LUC 20.25H.150.B). Species of local importance (LUC 20.25H.150.A) for which suitable habitat exists on the study property are bald eagle, osprey, and red-tailed hawk. The habitat area is located on the steep slope on the east side of the property. There is potential fish use of Lake Washington including Chinook and coho salmon, bull trout, and river lamprey, although their presence in the nearshore environment adjacent the subject property is unlikely because it lacks high-quality shoreline rearing habitat. There is no specific critical area buffer or structure setbacks associated with habitat associated with species of local importance. Rather, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species.

**III. State Environmental Policy Act (SEPA)**

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposed modification of the 75-foot structure setback from the toe-of slope to a minimum of 10 feet. 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 grades on property range from 5% to in excess of 40% in grade. There is 52 vertical feet of elevation drop from the property line at 100<sup>th</sup> Ave SE to the shore of Lake Washington. The underlying soils are generally highly compacted glacial sediments, overlain by unconsolidated fill soils at a general depth of 2 feet. The geotechnical evaluation of the site found groundwater at an elevation slightly above the lake level, which is as expected.

The subsequent proposed project is to build a single-family residence in an area between 10 feet from the toe-of-slope of the 40% slope and the critical area buffer and critical area structure setback on the shoreline of Lake Washington. The proposal also

includes the modification of the driveway access and the construction of a guest cottage 10 feet from the toe of the steep slope. The proposed project avoids disturbance to the steep slopes and retains all of the significant trees on the steep slope.

The geotechnical report contains recommendations regarding the foundation construction of the new structures and grading of the site, the steepness of cuts, and the implementation of temporary and sedimentation control measures on the site. The implementation of these measures, along with the City's clearing and grading standards will prevent any significant environmental impact to the earth or water.

See Conditions of Approval in Section X.

**B. Animals:**

The property contains a variety of habitat types. The property is adjacent to Lake Washington and contains several large conifers. There are three bald eagle nests within one mile of the property. The property also contains habitat that is suitable for red-tailed hawks and osprey. Nearshore habitats of Lake Washington are primary rearing and residence areas for juvenile chinook, coho, sockeye and kokanee salmon. Puget Sound chinook are listed as threatened under the federal Endangered Species Act, while coho are candidates for listing.

Impacts from the proposed development will be minimized through the removal of as few significant trees as possible and the preservation of the significant conifer trees on the site for the species most likely to utilize them. Furthermore, those portion of the site that provide poor habitat will be enhanced through the removal invasive, non-native species and the installation of desirable native plantings. The applicant has submitted management recommendations that will further minimize any impacts.

See Conditions of Approval in Section X.

**C. Plants:**

The vegetation on the property consists of several Douglas-fir trees, a large oak, one Pacific madrone, a mix of native and non-native shrubs. There are some invasive species on the site in the form of English ivy and Scot's broom. There are some lawn areas to the west of the existing single-family structure, adjacent to a rockery in the lakeshore area.

Impacts from the proposed development will be minimized through the removal of as few significant trees as possible and the preservation of the most significant trees on the site. Furthermore, the site will be enhanced through the removal invasive, non-native species and the installation of desirable native plantings.

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See Conditions of Approval in Section X.

**C. Noise:**

The site is adjacent to single-family uses whose residents are most sensitive to noise impacts in the evening and on the weekends. Noise impacts will be minimized by limiting work hours as specified in the City of Bellevue Noise Control code, BCC 9.18.

See Conditions of Approval in Section X.

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

**A. Zoning District Dimensional Requirements:**

The property is located in the R-1.8 Land Use Zoning district. The general dimensional requirements for the property are as follows:

DIMENSIONAL STANDARD LUC 20.20.010	Minimum Required
Front Yard Setback	30'
Rear Yard Setback	25'
Side Yard (2 Side Yards)	5' (15')
Lot Coverage*	35%
Impervious Surface	50%

\* Lot coverage is calculated after subtracting all critical areas and critical area stream buffers. Habitat associated with species of local concern are not subtracted (LUC 20.20.010, footnote (13)).

The decision documented in this report to modify the 75-foot toe-of-slope structure setback to a minimum distance of 10 feet does not constitute an approval to modify or vary from the dimensional standards for the property as detailed in LUC 20.20.010. The subsequent development must conform to these dimensional standards or request a variance pursuant to LUC 20.30G.

**B. Critical Areas Requirements:**

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area or critical area buffer. The Critical Areas Overlay District is a mechanism by which the City recognizes the existence of natural conditions which affect the use and development of a property. Through this section of the Land Use Code, the city imposes regulations on the use and development of affected property to protect the functions and values of these areas and the public health, safety and welfare, and to allow reasonable use of private property.

The property under proposal contains several areas designated as critical areas and critical area buffers. Based on the proposed project elements and their intersection with the critical areas on the site, there are a set of specific performance standards. These performance standards are identified in the table below:

<b>Critical Area</b>	<b>Geologic Hazard - Steep Slope</b>	<b>Shoreline</b>	<b>Habitat Associated with Species of Local Importance</b>
<b>Performance Standards</b>	20.25H.125	20.25E.080.B 20.25E.080.Q	20.25H.160

**V. Consistency With Land Use Code Performance Standards:**

**A. Consistency With LUC 20.25H.125:**

Landslide Hazards and Steep Slopes – Performance Standards:

The structures and improvements are designed and sited to minimize any disturbance to the natural contours of the slopes. The foundation of the residence will be on the flattest portion of the site, avoiding the steep slope area. The structures and improvements are being sited to minimize the removal of significant desirable vegetation to the greatest extent possible. The submitted geotechnical analysis of the proposed development finds that there shall be no greater risk or need for increased buffers on neighboring properties. All of the natural and artificial slopes on the property will be maintained in their current configuration. The design of the structure and appurtenances minimizes the amount of impervious surface within the critical area and critical area buffer, to the greatest extent possible given the proposed footprint of the single-family residence. No grade changes outside of the building footprint are proposed. No rockeries or retaining structures are proposed in order to adjust grades for the building foundation. The building will be founded on the bearing substrate beneath the artificially placed fill soils on the site.

**B. Consistency with LUC 20.25E.080.B:**

Shorelines – General Regulations Applicable to All Land Use Districts and Activities:

The property is adjacent to Lake Washington and the proposed development area of the property is within the jurisdictional areas of the Shoreline Overlay District. The project is consider exempt from the requirement to obtain a Shoreline Substantial Development Permit pursuant to LUC 20.25E.050.G. The project is required to meet the general regulations applicable to all land use districts and activities in the Shoreline Overlay District.

All federal and state water quality and effluent standards will be met through monitoring of the turbidity of the lake periodically during construction. The subsequent development proposal will contain a plan that includes methods of preserving shoreline vegetation and for control of erosion. Special care will be taken to preserve desired

native vegetation in the shoreline and steep slope critical area and critical area buffers. The removal of vegetation from the critical area and critical area buffers will be mitigated and/or restored per a mitigation and restoration plan consistent with LUC 20.25H.210.

Among others, the following Bellevue Shoreline Master Program Comprehensive Plan policies are consistent and in support of the proposed development:

**POLICY SH-7.** Discourage expansion or redevelopment of existing shoreline uses or activities that are incompatible with the shoreline environment.

**POLICY SH-10.** Encourage development to keep the water's edge free of buildings.

**POLICY SH-12.** Designate and preserve environmentally sensitive areas. If necessary, control access and use for the protection of these areas.

Finally, the maximum height of the proposed structure will conform to the regulations pursuant to LUC 20.20.010 and 20.25E.080. The mitigation and restoration plan, will limit the need for herbicides, pesticides and/or fertilizers and will be compatible with the City's "Environmental Best Management Practices." Adequate storm drainage and sewer facilities will be operational prior to construction of the new single-family residence. Storm drainage facilities will be separated from the sewage disposal systems.

**C. Consistency With LUC 20.25E.080.Q:**

Shorelines – Residential Development Regulations:

The proposed single-family structure will be located outside of the shoreline critical area and shoreline critical area buffer. No fences are proposed. As stated above, the maximum height of the proposed single-family structure shall not exceed 35 feet from average existing grade pursuant to LUC 20.25E.080 and 20.25E.017.

The subsequent development proposal will contain a plan that includes methods of preserving shoreline vegetation and for control of erosion. Special care will be taken to preserve desired native vegetation in the shoreline critical area buffer and the steep slope critical areas. The removal of vegetation from the critical area and shoreline critical area buffer will be mitigated and/or restored per a mitigation and restoration plan consistent with LUC 20.25H.210

**D. Consistency with LUC 20.25H.160:**

Habitat Associated with Species of Local Importance – Performance Standards:

Habitat associated with species of local importance will be impacted by this proposal; as a consequence, the proposal shall implement the wildlife management recommendations developed by the applicants wildlife biologist. The applicant

prepared a Critical Areas Report, which included a habitat assessment and management recommendations to minimize and mitigate for impacts to the habitat. The applicant is proposing to preserve the key significant trees close to the lakeshore that are critical habitat.

## **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:	November 2, 2007
Public Notice (500 feet):	November 29, 2007
Minimum Comment Period:	December 13, 2007

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin. It was mailed to property owners within 500 feet of the project site. No comments were received.

## **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 20.30P and the decision criteria for a Critical Areas Report pursuant to LUC 20.25H.255.B.

### **A. Critical Areas Land Use Permit Decision Criteria (LUC 20.30P)**

#### **1. The proposal obtains all other permits required by the Land Use Code;**

**Finding:** The proposed project must apply for and receive the following City of Bellevue Permits prior to implementation of the project: a Single-Family Combo Building permit (BS), and possibly a Right of Way Use Permit (TD) and, potentially, a Variance (LS).

#### **2. 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 submitted Critical Areas Report describes the project's use of the best available construction design and development techniques to minimize both permanent and temporary impacts on critical areas and their buffers.

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

**Finding:** The proposed project incorporates all of the applicable performance standards specified in LUC 20.25H and 20.25E. They are addressed in detail in Section V above for the critical areas present within the project area.

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

**Finding:** The proposed single-family residence will be served by adequate public facilities.

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

**Finding:** The Critical Areas Report prepared by the applicant's consultant for the project are consistent with the requirements of LUC 20.25H.210, including the requirements for mitigation sequencing (LUC 20.25H.215) and project details, timing of work, and monitoring (LUC 20.25H.220.B)

**6. The proposal complies with other applicable requirements of this code.**

**Finding:** The applicant submitted a SEPA environmental checklist, a geotechnical engineering study, and a critical areas report, including a habitat assessment with their existing and proposed site plans. These documents demonstrate compliance with the performance standards detailed in the Critical Areas Overlay District (20.25H and 20.25E). The applicant will need to demonstrate compliance with other applicable sections of the code with the subsequent building permit submittals pursuant to this proposal.

**B. Critical Areas Report Decision Criteria (LUC 20.25H.255.A)**

**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:** The proposal calls for a reduction of the steep slope structure setback

from 75 feet to 10 feet. To mitigate for this reduction, the applicant submitted a Critical Areas Report that includes plans for restoration of degraded conditions in the form of removal of areas dominated by invasive species, installing native plant species and preservation of the most significant trees on the steep slope critical area. The submitted critical areas report demonstrates that the proposed development is at least as protective of the critical area functions and values as the application of the regulations and standards of this code.

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

**Finding:** No areas of critical area or critical area buffer will be permanently impacted. Only areas of critical area structure setback will be permanently disturbed. These areas of critical areas structure setback are currently dominated by low-quality, ornamental shrubs and ground covers. These permanent impacts will be mitigated through the planting of native shrubs and ground covers as landscaping around the new structure. A maintenance and monitoring assurance device will not be held by the City because these plantings do not constitute restoration associated with any required mitigation and monitoring.

**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 project is not requesting a modification of the performance standards, is consistent with the performance standards as discussed in section V and will not result in a detriment to critical areas and critical area buffer functions and values off-site.

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

**Finding:** The project area is within the R-1.8 land use zoning district. This is a residential land use zone and the proposed project is a single-family residence. The development of a single-family residence is compatible with the residential land use.

**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 request to reduce the 75-foot toe-of-slope structure setback to a

minimum distance of 10 feet from the toe-of-slope for the purpose of demolition of the existing single-family structure and detached garage on the property and the construction of new single-family structure and guest cottage.

**Note- Expiration of Approval:** In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit 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 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 Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H & 20.25E	Kevin LeClair, 425-452-2928
Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928

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

**A. Rainy Season Restrictions:** Due to the proximity to a steep slope, 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 & Community Development Department

**B. Restoration for Areas of Temporary Disturbance:** The applicant must submit a restoration plan for all areas of temporary disturbance for review and approval by the City of Bellevue prior to the issuance of the Building Permit. The implementation of this restoration plan will be subject to on-site inspection by a Land Use Planner.

Authority: Land Use Code 20.25H.220.H  
Reviewer: Kevin LeClair, Planning & Community Development Department

**C. 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 & Community Development Department

- D. Surface Water Quality:** Lake Washington shall be protected from sediment deposition using BMPs described in the clearing and grading development standards.

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

- E. 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: Kevin LeClair, Planning & Community Development Department

- F. Habitat Conservation Measures:** During the implementation of the subsequent development activity on the property, the applicant must abide by the recommended habitat conservation measures detailed in their submitted Critical Areas Report and Habitat Assessment. They include:

- Retain mature conifer trees 24-inch DBH or greater
- Retain cottonwoods 20-inch DBH or greater
- Install native plants as landscaping around the proposed primary structure and guest cottage
- Remove ivy from steep slope and replace with native understory plants

Authority: Bellevue City Code 20.25H.160  
Reviewer: Kevin LeClair, Planning and Community Development Department

**XI. Attachments:**

- A. Vicinity Map
  - B. Environmental Checklist- In File
  - C. Site Plan - In File
  - D. Critical Areas Report and Habitat Assessment - In File
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Attachment A

Vicinity Map - Critical Area Land Use Permit # 07-139581-LO

Foreman Residence - 2215 Killarney Way, Bellevue

