



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Donna and Riley Shirey

LOCATION OF PROPOSAL: 840 West Lake Sammamish Pkwy SE

NAME & DESCRIPTION OF PROPOSAL: Bass Cove

Construction of a single-family residence on a site 100% encumbered with steep slope critical area and critical area buffer. The subject property is located in the R-3.5 zoning district. Within the R-3.5 zoning district, the Director may allow disturbance in a critical area and critical area buffer to the extent required to create a consolidated area for development equal to a maximum of 2,625 square feet.

FILE NUMBER: 07-142731 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 7/3/08.
- 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 _____.

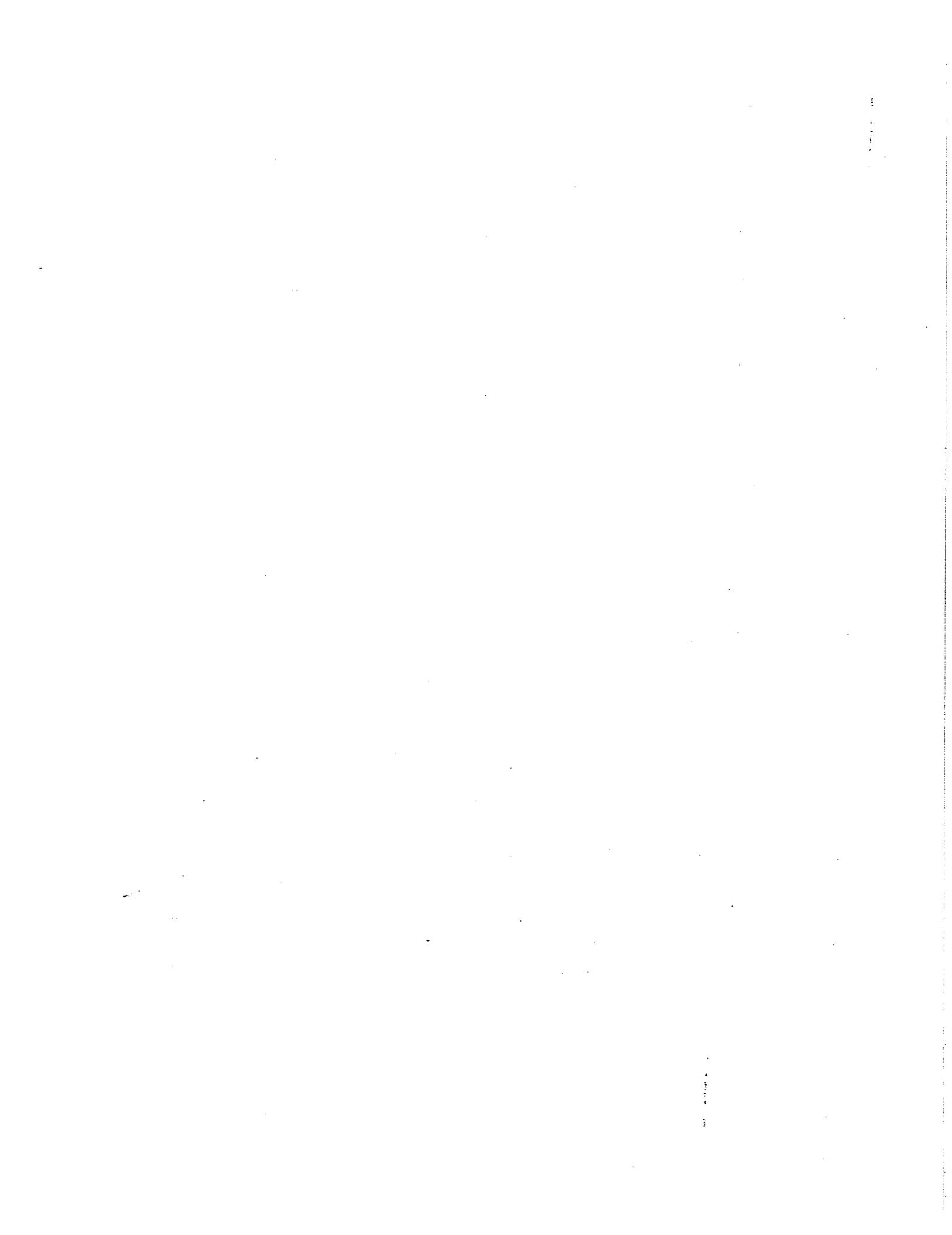
This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Carole V. Huland
Environmental Coordinator

June 19, 2008
Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe





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

Proposal Name: Bass Cove – Reasonable Use Exception

Proposal Address: 840 W. Lake Sammamish Pkwy SE

Proposal Description: This is an application for Critical Areas Land Use Permit to obtain a reasonable use exception under LUC 20.25H.200 for the construction of a single-family residence on a site 100% encumbered with steep slope critical area and critical area buffer. The subject property is located in the R-3.5 zoning district. Within the R-3.5 zoning district, the Director may allow disturbance in a critical area and critical area buffer to the extent required to create a consolidated area for development equal to a maximum of 2,625 square feet.

File Number: 07-142731 LO

Applicant: Donna and Riley Shirey

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

Planner: Matthews Jackson, Planning Manager

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

Application Date:	<u>11/16/07</u>
Notice of Application Publication Date:	<u>12/20/07</u>
Decision Publication Date:	<u>6/19/08</u>
Project/SEPA Appeal Deadline:	<u>7/3/08</u>

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 one single family residence on the property located at 840 West Lake Sammamish Parkway SE. This site is 100% encumbered by steep slope critical area and critical area buffer. Due to the extent of the regulated critical areas on this site, the property owner has requested consideration through application for Critical Areas Land Use Permit for a reasonable use exception identified in the City of Bellevue Land Use Code (LUC) section 20.25H.200. The reasonable use exception is a mechanism by which the City may approve limited use and disturbance of a critical area and critical area buffer when no other use of the property constitutes a reasonable alternative. A request for a reasonable use exception shall be processed as a Critical Areas Land Use Permit. This permit establishes conditions and performance standards designed to avoid and minimize impact to the site's environmentally sensitive features in order to obtain subsequent permits for the construction of the single family residence on the subject property.

The subject property is located in the R-3.5 zoning district. Within the R-3.5 zoning district, the Director may allow disturbance in a critical area and critical area buffer to the extent required to create a consolidated area for development equal to a maximum of 2,625 square feet. For the purposes of reasonable use, disturbance includes, but is not limited to all structures, grading, utility installation, landscaping and other necessary land alteration.

B. Site Description

The subject property is located at 840 West Lake Sammamish Parkway SE on the east side of the road. The site is vacant and an existing access road is located on the west edge of the site providing access to several lots located below the property on Lake Sammamish. The lot is approximately 77' wide by 121' deep, and is a total of 9,087 square feet in size. The site is located in the R-3.5 zoning district and the Comprehensive Plan Land Use Designation is Single Family Residential Medium Density (SF-M). The property is located within the Southeast Bellevue subarea of the Comprehensive Plan.

The property is bordered on the north by another vacant lot that is also under review for a single family residence using the reasonable use provisions. To the south and east, the site is bordered by existing single family residences that are located east of the access road. The band of steep slope critical area located on the subject property extends for more than 1,000 square feet and is located generally east of West Lake Sammamish Parkway SE and development along the shore of Lake Sammamish. The continuous slope is broken in areas where existing access roads and single family homes have been constructed.

Vegetation on the site is typical of native mixed conifer/deciduous forest in the Puget Sound, however, trees are modest in size. There are a few mature native conifers and deciduous trees and a diversity of native and invasive species in the understory. The overall site topography consists

of an easterly facing slope that ranges from approximately 40% to up to 90% on the eastern half of the property.

II. Site Description and Context

A. Critical Areas:

1. **Steep Slopes:** LUC 20.25H.120.A.2 defines steep slope areas as those areas that contain slopes of greater than 40%, have a rise of at least 10 feet, and exceed 1,000 square feet in area. Steep slopes are typically identified through site topographical survey and are delineated on a site map. The applicant has submitted a topographical site survey and site map and this verifies that 100% of the site is encumbered by steep slope critical area and critical area buffer.

Reasonable use proposals are considered an allowed activity under section LUC 20.25H.055. As an allowed activity, this proposal must meet the performance standards outlined in LUC 20.25H.125 and LUC 20.25H.205. These requirements are discussed in detail below.

2. **Habitat Associated with Species of Local Importance** - Several species of local importance are in the vicinity of the project area. As such, the project area is restricted by the City of Bellevue Land Use Code Critical Areas Overlay District requirements. Land uses consistent with the underlying land use district are allowed within habitats associated with species of local importance provided the activity complies with performance standards outlined in LUC 20.25H.160.

According to the Wildlife Habitat Study dated May 7, 2007 prepared by Susan Tomassi of the Watershed Company, potential wildlife use of the site includes birds and small mammals. The report states that habitat for species of local importance is limited to two potential perching sites (one big leaf maple and one western red cedar located just off-site) for osprey, red-tailed hawks, and bald eagles. Although many of the listed bird species select perching sites near the lake, the study states that the continuous stretch of development between the lake and the subject property is enough to deter these species from using the subject property. Although the study assumes little or no use by species of local importance, the site provides suitable refuge for wildlife and species of local importance have been observed on other sites with similar habitat and proximity to lakes in the area.

Under LUC 20.25H.155 the development of the site under the reasonable use exception (LUC 20.25H.200) is allowed, and is subject to compliance with the performance standards and management plans designed by Washington Department of Fish and Wildlife(WDFW) for species of local importance. The applicant has provided a copy of the habitat study which is available in the project file. Based on site observations, the preservation of most significant trees, including those identified as possible perching sites, and proposed

mitigation/restoration planting, the proposal is consistent with the management plans designed by WDFW for species that potentially may visit this site.

III. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal based on compliance with the City's codes and standards. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. City codes and requirements, including the Clearing and Grading Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Through review and compliance with these codes the issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

Under this proposal the applicant is requesting a reasonable use exception to construct a single family residence on the subject property. The reasonable use provisions 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 concludes that the proposed project is feasible if the guidelines outlined for design and construction of the proposed project are followed. The applicant has provided a copy of the geotechnical study which is available in the project file.

Soils on the site are mapped as Everett gravelly sandy loam which was formed in glacial outwash deposits (Soil Survey, King County Area, Washington, U.S. Dept. of Agriculture, Soil Conservation Service, Nov, 1973). These soils are somewhat excessively drained and underlain by sand and gravel, on terraces. In the Geotechnical Engineering Study prepared by Earth Solutions NW, LLC dated October 9, 2006 and revised March 7, 2008, the geotechnical engineer interprets the silty sand and silt soils on site to be Advance Sand deposits. According to the geotechnical report, slopes on the site range from 40% across the portion of the site to be developed to about 70 to 90 percent in the eastern one-half of the property. Groundwater seepage was not encountered during the geotechnical investigation. The geotechnical report that perched groundwater may be encountered in deeper site excavations. No surface water features were noted to be on the property. The environmental checklist indicates that approximately 6 cubic yards of soil will be excavated and approximately 111 cubic yards of fill will be placed during construction of the residence. No surrounding slope will be disturbed outside of that necessary for mitigation planting.

In the Geotechnical Engineering Study, the engineer states that it is his professional opinion that the proposed residence can be supported on conventional spread and continuous footings or on

drilled piers bearing on competent, undisturbed native soils. Competent, undisturbed native soils are anticipated to be encountered at proposed footing elevations for the daylight basement, and depths of approximately five to eight feet below existing grades elsewhere. The study goes on to note that site slopes are in a generally stable condition and the proposed development will not increase the potential for slope instability, provided the recommendations in the report are followed. As the approval to construct this structure within critical area and critical area buffer is largely based on the findings within the Geotechnical Engineering Study, the property owners will be required to sign and record a Hold Harmless Agreement prior to issuance of the building permit pursuant to LUC . See related condition of approval in Section X.

Erosion and sediment control best management practices will include the installation of silt fencing around the work area, covering exposed soils with erosion control blankets to prevent migration of soils to the adjacent waters, installation of straw wattles along the slope in re-vegetation areas to reduce surface flows, restrictions on rainy season construction, and re-vegetation of disturbed areas. See Section X for related conditions of approval.

B. Animals

According to the Wildlife Habitat Study discussed above, potential wildlife use of the site includes birds and small mammals. Construction on this site will be required to comply with the WDFW management guidelines for local species including pileated woodpecker, red tailed hawk, and bald eagles to ensure that any habitat associated with these species will be preserved.

The proposed development of the single family residence can permanently disturb only the maximum allowed 2,625 square feet allowed by the Land Use Code. As all properties in the immediate vicinity except the adjacent property to north have already been developed, cumulative impacts on animals is expected to be minimal. Taller trees on the site are not numerous enough to form a full canopy. A continuous stretch of development is present between the site and Lake Sammamish. The site does not provide good nesting sites for songbirds. West of the subject property, Weowna Park provides superior habitat for wildlife. Proximity to Lake Sammamish and Weowna Park may increase the likelihood that this site may occasionally be visited by species of local importance. Species that currently use the area will already be habituated to fragmentation and the presence of structures and people.

C. Plants

Existing vegetation on site includes western red cedar (*Thuja plicata*), Douglas-fir (*Pseudotsuga menziesii*), bigleaf maple (*Acer macrophyllum*), and red alder (*Alnus rubra*), with an understory of Indian plum (*Oemleria cerasiformis*), vine maple (*Acer circinatum*), Himalayan blackberry (*Rubus discolor*), Scot's Broom (*Cytisus scoparius*), English ivy (*Hedera helix*), and sword fern (*Polystichum munitu*). Most of the trees are modest in size ranging from 8 to 22 diameter inches. Many of the trees are infested with invasive English ivy.

According to the site plan submitted with this application one 22 inch twin leader western red

cedar will be removed to facilitate development of the proposed residential structure. All other significant trees are to remain. Additional understory will also be removed within the 2,481 square feet of permanent disturbance and 1,319 square feet of temporary disturbance. The applicant intends to mitigate for impacts of permanent and temporary disturbance by removing invasive species within an area of approximately 3,000 square feet, 2,300 square feet of supplemental planting of native species, and restoration of 1,008 square feet with additional native vegetation. Proposed species include vine maple (*Acer circinatum*), Douglas fir (*Pseudotsuga mensiesii*), smoke tree (*Cotinus coggygria*), serviceberry (*Amelanchier grandiflora*), royal purple (*Cotinus coggygria*), Kinnikinnick (*Arctostaphylos uva-ursi*), salal (*Gaultheria shallon*), sword fern (*Polystichum munitum*), and Japanese blood grass (*Imperata cylindrica*). Plant density and size will be required to be consistent with that described in the planting template for steep slopes in the City of Bellevue Critical Areas Handbook. See Section X for a related condition of approval.

D. Noise

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

IV. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The property is located within the R-3.5 zoning district. This proposal is consistent with the underlying zoning district and applicable dimensional requirements based on the materials submitted. Aside from the request for reasonable use exception from the critical areas standards of the Land Use Code, no variance from the height, setback, lot coverage, impervious surface, or other dimensional standards of the Land Use Code has been requested. Limited modification of dimensional requirements is allowed without a variance if the modification results in less impact on critical area and critical area buffers. In the R-3.5 zoning district, the following minimum structure setbacks are allowed without a variance pursuant to LUC 20.25H.040.

Front Yard	10 Feet
Rear Yard	15 Feet
Side Yard	5 Feet
2 Side Yard	10 Feet

The proposal will be required to maintain a minimum 10 foot setback from the existing access road in order to place the structure as close to the top of slope as possible as recommended by the geotechnical report and avoid the steepest part of the site located to the east. Review of the

proposed development for consistency with the dimensional standards identified in LUC 20.20.010, as modified by 20.25H.040 will be completed upon submittal of the application for single family building permit. See related condition of approval in Section X of this report.

B. Critical Areas Requirements:

The City of Bellevue Land Use Code 20.25H.025 and 20.25H.035 designates geologic hazard areas and geologic hazard area buffers as regulated critical areas. Permanent and temporary disturbance or development activity within the designated critical areas and critical area buffers is prohibited by LUC 20.25H.050.B unless it is considered an allowed activity under LUC 20.25H.055 or approved through the Critical Areas Report process identified in LUC 20.25H.230. Due to the extent of the regulated critical areas on this site the property qualifies for a reasonable use exception under LUC 20.25H.200. The reasonable use exception is considered an allowed activity under LUC 20.25H.055 and all development must meet the performance standards outlined in LUC 20.25H.125 (slopes), LUC 20.25H.160 (habitat), and LUC 20.25H.205 (reasonable use).

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. Based on the application of the required critical area and critical area buffer restrictions, this site is 100% encumbered by critical areas and critical area buffers. When the development density calculation identified in LUC 20.25H.045 is applied to this property, and considering the zoning district in which the property is located (R-3.5), the density that is allowed on this site only allows for a single dwelling unit, classifying this site as “small lot” as defined in LUC 20.25H.200.A.2.a. Under this definition, a lot in the R-3.5 zoning district with less than 2,625 square feet of development area on the site is considered to have no reasonable use and qualifies for a reasonable use exception. When eligible for the reasonable use exception, a lot in the R-3.5 district is granted up to 2,625 square feet of developable area (permanent disturbance) if the applicable performance standards listed in LUC 20.25H.055.B are met.

Finding: Due to the extent of the critical areas documented across the site, the property qualifies for a reasonable use exception subject to compliance with the applicable performance standards. Total proposed permanent disturbance of the site is 2,481 square feet.

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

The following is a list of the performance standards that apply to the reasonable use exception for the development of one single family residence on this site. Required performance standards must be integrated into the design of the proposed structure. When a performance standard is listed that pertains to the design and construction of the development, a condition of approval

requiring consistency with that standard will be referenced. No building permit will be issued for the construction of this proposed development unless all conditions of approval have been met.

**A. Consistency with LUC 20.25H.125
Landslide Hazards and Steep Slopes – Performance Standards**

1. Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;

Finding: This is an application for reasonable use exception. The 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. The proposed structure will consist of relatively lightly loaded wood framing supported on a conventional foundation and drilled piers.

2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

Finding: The structure will be located as far west of the steepest portion of the slope as allowed by the Land Use Code without requiring a variance. As this is a reasonable use application, avoidance of all critical areas and critical area buffers is not feasible.

3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

Finding: The registered professional engineer has determined that siting the new structure upslope as allowed by the code will provide adequate separation, and will not increase the potential for slope instability which would impact neighboring properties. This is based on the details recommended in the Geotechnical Engineering Study and best management practices consistent with LUC 20.25H.125, steep slope critical areas. See Section X for related conditions of approval.

4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;

Finding: The Geotechnical Study states that retaining walls should be designed per the following parameters:

Active Earth Pressure (yielding wall)	35 pcf (equivalent fluid)
At Rest Earth Pressure (restrained wall)	50 pcf (equivalent fluid)
Traffic Surcharge (passenger vehicle)	70 psf (rectangular distribution)
Passive Resistance	350 pcf (equivalent fluid)
Coefficient of Friction	0.40

To ensure that the impact to the surrounding landscape is minimized and is contained within the allowed permanent disturbance area, the applicant will be required to follow the design recommendations of the project geotechnical study, which includes the use of engineered retaining walls to minimize the extent of artificial grading. See conditions of approval in Section X of this report.

5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;

Finding: The location of the development area has been designed to minimize impact to the Critical Areas and associated buffers. The total area to be impacted will not exceed 2,625 square feet, or 29% of the total site area. Through site evaluation and planning, the location of the proposed development has been designed in the area of least impact to the resources that characterize the site.

6. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;

Finding: No changes in grade outside the allowed developable area is proposed, other than what is absolutely necessary for the construction of the driveway located at the front edge of the property, adjacent to West Lake Sammamish Parkway SE and the existing access road.

7. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;

Finding: Foundation walls will also serve as retaining walls and will be incorporated into the structure of the residence. Freestanding walls will only be allowed when no feasible alternative with less impact exists.

8. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;

Finding: The foundation system will be composed of conventional spread footing along the west building line in the area of least slope, and pile with pile cap along the east half of the building where slopes exceed 40%. Piles will be required to be 8 to 10 feet below grade based on the recommendations of the Geotechnical Engineering Study prepared by Earth Solutions NW.

9. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and

Finding: Vehicular access to the site will be provided from the ground level on the west side of the proposed structure and will not require fill-based construction for additional parking.

10. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

Finding: Approximately 2,481 square feet of permanent disturbance and 1,319 square feet of temporary disturbance will result from this proposal. The applicant intends to mitigate for impacts of permanent and temporary disturbance by removing invasive species within an area of approximately 3,000 square feet, 2,300 square feet of supplemental planting of native species, and 1,008 square feet of additional restoration planting with native vegetation on site. All areas of temporary disturbance will be restored and monitored pursuant to the approved restoration and monitoring plan. See conditions of approval in Section X of this report.

B. Consistency with LUC 20.25H.160

Habitat Associated with Species of Local Importance – Performance Standards

If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance.

Finding: Based on site observations, the preservation of most significant trees, including those identified as possible perching sites, and proposed mitigation/restoration planting, the

proposal is consistent with the management plans designed by WDFW for species that potentially may visit this site.

C. Consistency with LUC 20.25H.205

Reasonable Use Exception – Performance Standards

1. The structure shall be located on the site in order to minimize the impact on the critical area or critical area buffer, including modifying the non-critical area setbacks to the maximum extent allowed under LUC 20.25H.040;

Finding: The structure will be located as far west of the steepest portion of the slope as allowed by the Land Use Code without requiring a variance. In the R-3.5 zoning district, the front yard structure setback can be reduced from 20 feet to 10 feet without a variance pursuant to LUC 20.25H.040. The permanent disturbance on the site will be 2,481 square feet which is below the maximum 2,625 allowed under the reasonable use exception.

2. Ground floor access points on portions of the structure adjacent to undisturbed critical area or critical area buffer shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code, as adopted and amended by the City of Bellevue;

Finding: The access points for the new structure will be from the west side of the structure which provides access to West Lake Sammamish Parkway SE through the garage and driveway. No other access points will be allowed. Compliance with IBC and IFC requirements will be required as part of the review of the building permit.

3. Associated development, including access driveways and utility infrastructure shall be located outside of the critical area or critical area buffer to the maximum extent technically feasible;

Finding: The access drive is on the west side of the structure on the north end of the street frontage, adjacent to West Lake Sammamish Parkway SE. This is the location furthest from the most sensitive areas of the property. A six inch sewer connection will be required along the south property line extending to the east property boundary to connect to an existing sewer stub as required by the Utilities Department. The open trench will be restored as part of the mitigation plan for temporary disturbance that is a condition of approval of this application.

4. Areas of disturbance for associated development, including access and utility infrastructure shall be consolidated to the maximum extent technically feasible;

Finding: Approximately 240 square feet of temporary disturbance will be associated with open trenching to install a six inch sewer line connection to an existing sewer stub located on the southeast edge of the property. Approximately 577 square feet of permanent disturbance will occur to construct a driveway from the existing access road.

5. All areas of temporary disturbance associated with utility installation, construction staging and other development shall be determined by the Director and delineated in the field prior to construction and temporary disturbance shall be restored pursuant to a restoration plan meeting the requirements of LUC 20.25H.210;

Finding: Approximately 2,481 square feet of permanent disturbance and 1,319 square feet of temporary disturbance will result from this proposal. The applicant intends to mitigate for impacts of permanent and temporary disturbance by removing invasive species within an area of approximately 3,000 square feet, 2,300 square feet of supplemental planting of native species, and 1,008 square feet of additional restoration planting with native vegetation on site. All areas of temporary disturbance will be restored and monitored pursuant to the approved restoration and monitoring plan.

6. Areas of permanent disturbance shall be mitigated to the maximum extent feasible on-site pursuant to a mitigation plan meeting the requirements of LUC 20.25H.210; and

Finding: Approximately 2,481 square feet of permanent disturbance and 1,319 square feet of temporary disturbance will result from this proposal. The applicant intends to mitigate for impacts of permanent and temporary disturbance by removing invasive species within an area of approximately 3,000 square feet, 2,300 square feet of supplemental planting of native species, and 1,008 square feet of additional restoration planting with native vegetation on site. All areas of temporary disturbance will be restored and monitored pursuant to the approved restoration and monitoring plan.

7. Fencing, signage and/or additional buffer plantings should be incorporated into the site development in order to prevent long-term disturbance within the critical area or critical area buffer.

Finding: The mitigation/restoration plan includes supplemental planting and removal of invasive plant species intended to maintain native vegetation cover. Although located in a critical area, the project has been designed as a demonstration of building techniques that reduce energy consumption and impacts on the environment.

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.

B. Utilities

The Utilities Department has reviewed the proposal for compliance with Utilities codes and standards and offers the following technical comments.

The proposal shows a pumped storm system to W. Lake Sammamish Pkwy SE. This is not normally approved, as it conflicts with Utility Code, Section 24.06.130 C. Site Drainage; However, the owner states that a safe drainage outlet cannot be constructed without an easement on adjacent property, and that the adjacent property owner refuses to grant an easement. The pumped system will be allowed, as follows:

1. The pump system must be designed per Utilities Engineering Standard section D4-06.9, and approved under a Storm Connection Permit (UB).
2. All landscaping shall be installed with amended soils in accordance with City of Bellevue's Fact Sheet, or Seattle, King County or Puget Sound Action Team Technical manuals, in order to minimize stormwater runoff.
3. Roof gardens and Rain Recycling techniques are employed to minimize stormwater runoff.
4. Evidence of refusal to enter into an easement is provided in writing. An affidavit (signed letter) from the applicant would be the minimum accepted.

See Section X for a related condition of approval.

VII. Public Notice and Comment

Application Date:	November 16, 2007
Public Notice (500 feet):	December 20, 2007
Minimum Comment Period:	January 3, 2008
Public Meeting Date:	February 7, 2008

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on December 20, 2007. Notification of a public meeting was also published in the Seattle Times and City of Bellevue weekly permit bulletin on January 24, 2008. It was mailed to property owners within 500 feet of the project site.

Several property owners in the immediate vicinity of the subject property attended the public meeting expressing general concerns regarding the stability of the site and the feasibility of constructing a home on the property. Staff also received written correspondence regarding the proposal from several parties. A consolidated summary of public comments/concerns follows with a City response. The full text of submitted comments is available in the project file.

1. **Comment:** The core samples conducted by the geotechnical engineer were taken in August. Core samples should be required during the one of the wet months as there are dramatic differences in the water flow off the lot during the winter vs. summer months. There is a general concern that stormwater impacts below the slope will increase as a result of the proposal.

Response: According to the Geotechnical Engineering Study submitted by Earth Solutions NW, three soil borings were drilled at the site for the purposes of assessing soil and groundwater conditions in July 2006. No groundwater seepage was encountered to the maximum excavation depth of 21.5 feet in boring #1. Seasonal fluctuation in groundwater is expected, particularly in winter months. Although no groundwater seepage was found during testing, perched groundwater seepage could be encountered in deeper site excavations. The geotechnical engineer is recommending that temporary measures to control groundwater seepage and surface water runoff during construction should include interceptor trenches and sumps, as necessary. Perimeter drains should be installed at or below the invert of the building footings. A typical drain detail is provided in Plate 4 of the Geotechnical Engineering Study which is in the file on record.

The applicants have proposed to use a pumped stormwater system that will direct stormwater to the existing system in West Lake Sammamish Parkway SE. Water that currently migrates from the upper slope to the east will be picked up and directed away from the slope as a result of the proposal.

2. **Comment:** There is concern that a workable solution to the sewer has not been presented and that an evaluation of the condition of any existing infrastructure that may be used is thorough. There is also a concern that digging the trench for the sewer line will be hazardous.

Response: Approximately 240 square feet of temporary disturbance will be associated with open trenching to install a six inch sewer line connection to an existing sewer stub located on the southeast edge of the property. As part of the temporary erosion and sedimentation control plan, the applicant will be required to deploy best management practices tools to mitigate potential erosion issues. Utilities has indicated that a side sewer permit will be required to make this connection. Any connection to existing facilities will have to comply with Utilities Department standards.

In the Geotechnical Engineering Study, the geotechnical engineer states that soils are generally suitable for utilities. Utility trench backfill should be placed and compacted to the specifications for structural fill. Recommendations for structural fill state that soils placed in structural areas should be compacted to a relative compaction of 90%. In pavement areas, the upper 12 inches of structural fill should be compacted to a relative compaction of at least 95%. Fill placement elsewhere on the site is not recommended and will be limited to soil amendments for restoration planting.

3. **Comment:** There is a concern that the removal of non-native species from the site will disturb the whole hill side and take years for new plants to grow back.

Response: The applicant will be required to remove non-native species by hand to reduce disturbance of the site. The mitigation plan performance standards call for 60% ground cover by year three and 80% cover by native shrubs and trees by year five. All areas requiring restoration or receiving mitigation improvements will be monitored for a period of not less than five years.

4. **Comment:** The rock wall should be replaced across the entire east/lower side of the lot with a correctly built retaining wall.

Response: The rock wall in question is located on an adjacent property and not a part of this review. The adjacent property owner may independently discuss the rock wall with the proponents.

5. **Comment:** There is a concern that the pumped stormwater system may fail if there is a power outage during a severe storm.

Response: The pump system must be designed per Utilities Engineering Standard section D4-06.9. This standard requires that the pump system has dual, alternating pumps with emergency on-site, back-up power supply and an external alarm system for system failure and high water level indicator.

6. **Comment:** There is a concern that a significant failure of the slope may occur and debris will block access for those properties that use the Bass Cove Road. Evidence of similar slides and slope movement is present. There is particular concern that the slope may become unstable during construction.

Response: The geotechnical engineer stated during the public meeting that construction of the proposed home will help stabilize the upper portion of the slope. The potential for the slope to become unstable during construction is a valid concern that must be mitigated. Erosion and sediment control best management practices will include the installation of silt fencing around the work area, covering exposed soils with erosion control blankets to prevent migration of soils, installation of straw wattles along the slope in re-vegetation areas to reduce surface flows, restrictions on rainy season construction, and re-vegetation of disturbed areas. It should be anticipated that small releases of debris from the site will continue post construction as it is the natural process of slopes to have some movement. Maintenance of the Bass Cove road will continue to be handled per the terms of existing easements.

7. **Comment:** Concern was expressed regarding a need to modify the existing road to allow construction of the new home. Concern was also expressed that the structure would not maintain the minimum ten foot setback from an access easement.

Response: No modification of the existing road is proposed or required as a result of this proposal. Access for the residents who use this road must be maintained throughout construction. The new home will be located ten feet from the paved edge of the access road per Land Use Code requirements.

8. **Comment:** A concern was expressed that this project has already been approved by the City based on the number of newspaper articles written about the proposed house. Several residents stated that the City should require some type of insurance or bond to cover the value of adjacent properties if there is property damage or a lack of access to the existing road.

Response: No construction permits have been approved by the City for this proposal. A single family building permit has been submitted for review and approval. The building permit cannot be issued until this critical areas land use permit is complete and the conditions associated with it have been incorporated into the building permit plans. The property owners will be required to sign and record a hold harmless agreement to construct a home within critical areas and critical area buffer. This document releases the City from liability for any damage arising from the location of improvements as this their location is based on the professional

recommendations discussed in this report. The applicant will be required to provide financial securities for any improvements that are not complete at the time of building permit issuance and for maintenance of required mitigation planting.

9. **Comment:** Concern was expressed that all the green building techniques and zero net energy consumption goal cannot be met by the proposal. Approvals should not be given if these goals cannot be achieved.

Response: Based on information provided on the applicant's website, the term "zero energy" doesn't mean a house uses no energy – it means the house combines on-site power generation with efficiency measures so that it meets its own energy requirements. In the case of the Zero Energy Idea House, the home's electrical needs will be met by rooftop solar panels, and the home's domestic hot water will also be heated by the sun. Numerous other green building tools are intended to be used by this proposal. Approval of this critical areas land use permit is not based on the green building or energy conservation goals stated by the applicant. In order to gain approval of the pumped stormwater system, the applicant will be required to harvest rain water and use amended soils, which are considered low impact development techniques.

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 prior to commencing any work on the site.

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 construction will follow the design guidelines and requirements identified in the project geotechnical study. All walls and foundations must be designed by a licensed engineer and are subject to review and approval as part of the building permit application.

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, or as conditioned will meet, the performance standards outlined in LUC 20.25H.125 (slopes), LUC 20.25H.160 (habitat), and LUC 20.25H.205 (reasonable use). See Section X of this report for a list of conditions associated with the required performance standards.

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 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 SE and existing utility stubs to the east.

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

Finding: Finding: Approximately 2,481 square feet of permanent disturbance and 1,319 square feet of temporary disturbance will result from this proposal. The applicant intends to mitigate for impacts of permanent and temporary disturbance by removing invasive species within an area of approximately 3,000 square feet, 2,300 square feet of supplemental planting of native species, and 1,008 square feet of additional restoration planting with native vegetation on site. All areas of temporary disturbance will be restored and monitored pursuant to the approved restoration and monitoring plan.

The goals of the mitigation plan are to restore all temporarily disturbed areas to native vegetation, remove non-native invasive species, establish a native plant community within the enhancement area, and maintain and monitor the enhancement area for five years. A five year monitoring plan will be implemented on the property pursuant to LUC 20.25H.220.D according to the critical areas mitigation plan, sheet L5.0 prepared by Windrose Landscape Architecture. An as-built plan will be prepared prior to year one monitoring. The as-built plan will be a mark-up of the planting plan included in this approval. The mark-up will document any deviations in plant placement or other components from the proposed plan. Monitoring will take place four times, once each in years one, two, three, and five. See related condition of approval in Section X.

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. Additional review of the proposed development for consistency with the required conditions of this approval will be done

during review of the application for building permit. The proposed development must also comply with the standards of LUC 20.20.010 for the R-3.5 zoning district.

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 does hereby **approve with conditions** this application for reasonable use exception for **Bass Cove** to establish up to 2,625 square feet of developable area within the property located at 840 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 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 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	Matthews Jackson, 425-452-2729
Noise Control – BCC 9.18	Matthews Jackson, 425-452-2729
Construction Code – BCC 23	Building Division, 425-452-4121
Transportation Code – BCC 14.30	ROW Division, 425-452-6800
Utilities Codes – BCC 24	Joy Ramshur, 425-452-4855

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

- 1. Geotechnical Engineering Recommendations:** The geotechnical engineering recommendations including, but not limited to site preparation, structural fill, excavations, retaining walls, utility trenching, foundations, drainage, and any other necessary site alteration contained within the Geotechnical Engineering Study must be implemented with development on this site.

Authority: Land Use Code 20.25H.125

Reviewer: Matthews Jackson, Planning and Community Development Department

- 2. Mitigation, Restoration, and Monitoring Plan for Areas of Permanent and Temporary Disturbance:** A restoration plan for all areas of permanent and temporary disturbance that meets the requirements of LUC 20.25H.220 is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Single-Family Building Permit. The plan shall identify the full areas of permanent and temporary impacts expected during and after 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. Final inspection of the residence shall not be granted until an acceptable security device for the installation of site mitigation and restoration and five years of maintenance and monitoring has been submitted. All areas requiring restoration or receiving mitigation improvements shall be monitored for a period of not less than three (5) years.

Authority: Land Use Code 20.25H.220.H
Reviewer: Matthews Jackson, 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 from the City. 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

- 4. Noise Control:** The proposal will be subject to normal construction hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

Authority: Bellevue City Code 9.18
Reviewer: Matthews Jackson, Planning and Community Development Department

5. **Pumped Stormwater System:** Approval of the proposed pumped stormwater system must be reviewed and approved as follows:

- The pump system must be designed per Utilities Engineering Standard section D4-06.9, and approved under a Storm Connection Permit (UB).
- All landscaping shall be installed with amended soils in accordance with City of Bellevue's Fact Sheet, or Seattle, King County or Puget Sound Action Team Technical manuals, in order to minimize stormwater runoff.
- Roof gardens and Rain Recycling techniques are employed to minimize stormwater runoff.
- Evidence of refusal to enter into an easement is provided in writing. An affidavit (signed letter) from the applicant would be the minimum accepted.

Authority: Utilities Engineering Standard section D4-06.9

Reviewer: Joy Ramshur, Utilities Department

6. **Restoration for Temporary Disturbance Outside of Allowed Impact Area:** The reasonable use exception that has been granted to develop this site limits impact to 2,625 square feet. All temporary impact outside of this allowed impact area must be identified on the approved site plans and shall only be allowed when no feasible alternative exists. Final inspection of the residence shall be withheld until restoration of areas of temporary disturbance has been completed and an acceptable assignment of financial security device has been submitted. All restored areas of temporary disturbance are subject to five years of maintenance and monitoring.

Authority: Land Use Code 20.25H.220.H

Reviewer: Matthews Jackson, Planning and Community Development Department

7. **Building Permit Required:** Prior to the commencement of any development activity on this site, the applicant shall submit application for single family building permit and shall include with the application for City review a copy of the proposed mitigation, restoration, maintenance, and monitoring plan, as well as the engineered retaining wall and foundation shoring design.

Authority: Land Use Code 20.30P.140

Reviewer: Matthews Jackson, Planning and Community Development Department

8. **Compliance With Performance Standards – Design of Single Family Residence:** The proposed home design must comply to fullest extent possible with the performance standards outlined in Section V of this report. A full review of the proposed development will be completed at the time of submittal for single family building permit and compliance with these standards will be verified.

Authority: Land Use Code 20.25H.080.A, 20.25H.125, 20.25H.160, and 20.25H.205
Reviewer: Matthews Jackson, Planning and Community Development Department

9. **Hold Harmless:** The property owners requesting approval of disturbance in the critical area and critical area buffer shall execute a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within the critical area and critical area buffer.

Authority: Land Use Code 20.30P.170
Reviewer: Matthews Jackson, Planning and Community Development Department

10. **Native Growth Protection Easement:** The applicant shall prepare and record with King County a site plan and easement document that clearly delineates the area of permanent disturbance (up to 2,625), the location of the critical areas and critical area buffers on the property, and shall place that portion of the property not included in the area of permanent disturbance into “Native Growth Protection Easement.” The NGPE must be reviewed and approved by the City before recording with King County.

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

XI. Attachments:

1. Site context map
2. Environmental Checklist
3. Plans
4. Environmental and Geotechnical Support Materials - In File

ATTACHMENT 1



ATTACHMENT 2

City of Bellevue Submittal Requirements

27a

ENVIRONMENTAL CHECKLIST

11/14/07

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: **Donna and Riley Shirey**

Proponent: **Donna and Riley Shirey**

Contact Person: **Jerrit Jolma**

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **1375 NW Mall Street Suite 3, Issaquah, WA 98027**

Phone: **(425) 313-1078**

Proposal Title: **Bass Cove**

Proposal Location: **840 W Lk Sammamish Parkway SE (KC# 9253900046)**

(Street address and nearest cross street or intersection) Provide a legal description if available.

WEOWNA BEACH UNREC TR A KC SP 974035 REC AF # 7509220504 SD SP DAF ALL LOT 9 & N 25 FT OF LOT 10 LY ELY OF W LK SAMMAMISH PKWY SE TGW 2ND CL SHRLDS ADJ

Please attach an 8 ½" x 11" vicinity map that accurately locates the proposal site. **See Figure 1: Vicinity Map**

Give an accurate, brief description of the proposal's scope and nature:

1. General description: **The proposed project will be a new single family residence requiring reasonable use exception from the City of Bellevue Critical Areas Code.**
2. Acreage of site: **0.21 Acres**
3. Number of dwelling units/buildings to be demolished: **0**
4. Number of dwelling units/buildings to be constructed: **1 single family residence.**
5. Square footage of buildings to be demolished: **N/A**
6. Square footage of buildings to be constructed: **1,415 sf (house and garage footprint)**
7. Quantity of earth movement (in cubic yards): **Cut = 6 +/- CY, Fill = 111 +/- CY**
8. Proposed land use: **single family residential (R-3.5)**
9. Design features, including building height, number of stories and proposed exterior materials: **The three story home will aesthetically blend with the surrounding natural features and will employ energy-efficient and sustainable methods in both its construction and use to be a net zero energy project.**
10. Other

RECEIVED

NOV 16 2007

PERMIT PROCESSING

Estimated date of completion of the proposal or timing of phasing:

House construction is scheduled for completion in summer of 2008

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Wildlife Habitat Study prepared by The Watershed Company (May 2007)
Critical Areas Report and Mitigation Plan prepared by The Watershed Company (August 2007)
Geotechnical Report prepared by Earth Solutions, NW LLC (October 2006)

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

None known

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

Critical Areas Land Use Permit (Reasonable Use)
Building Permit
Utility Connection Permits

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development
Preliminary plat map
- Clearing & Grading Permit
Plan of existing and proposed grading
Development plans
- Building Permit (or Design Review)
Site plan
Clearing & grading plan
- Shoreline Management Permit
Site plan

A. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat Rolling Hilly Steep slopes Mountains Other
- b. What is the steepest slope on the site (approximate percent slope)? **> 40%**
- c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

According to the Geotechnical Report prepared by Earth Solutions NW (October 2006), the King County Soil Survey identifies Everett gravelly sandy loam (EvD) soils across the

site. The topsoil is overlain by loose to very dense, silty sand, silty sand with gravel, and silt deposits.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

None known.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Estimated earthwork quantities: 6 CY cut, 111 CY fill.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Yes, erosion is possible during construction due to the exposed soils associated with construction sites, erosion will be controlled through standard BMPs.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Approximately 4,004 sf; impervious surface will not exceed that allowed by City of Bellevue.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Re-vegetate exposed soils or cover with impervious surfaces. During construction - construction exit, plastic cover, catch basin inserts.

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Dust, auto emissions

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known.

- c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

None at this time.

3. WATER

- a. Surface

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Lake Sammamish is approximately 140 feet to the east of the property.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

Yes, clearing and construction associated with the new single family home (see attached Site Plan B). The property itself is approximately 140 feet west of Lake Sammamish. A road and a parcel developed with an existing single-family home separate the subject parcel from the lake.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No, according to King County iMap, this site does not lie within a 100 year floodplain.

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable.

c. Water Runoff (Including storm water)

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Stormwater generated by the developed site will be reduced by maintaining much of the existing vegetation and in-planting with additional vegetation on site. Due to the limited developed area, the proposed project will be exempt from detention. Low Impact Development techniques are proposed, which shall include water harvesting and eco-roofs. Minor connections for water and sewer will be made to the existing storm drainage system on West Lake Sammamish Parkway SE.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

Unknown

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

As mentioned above, stormwater generated by the developed site will be reduced by maintaining much of the existing vegetation and in-planting with additional vegetation on site. Low Impact Development techniques are proposed, which shall include water harvesting and eco-roofs.

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Grass, trees and dense brush

c. List threatened or endangered species known to be on or near the site.

None known.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Large amounts of native vegetation will remain onsite. Additional mitigation plantings throughout site to include native trees, shrubs, and groundcover.

5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- Birds: hawk, heron, eagle, songbirds, other
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None known.

- c. Is the site part of a migration route? If so, explain.

Not that is known.

- d. Proposed measures to preserve or enhance wildlife, if any:

Retention of native vegetation. Mitigation plantings to include native trees, shrubs, and groundcover.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

Solar, electricity and natural gas

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No, will not affect.

- c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

The home will aesthetically blend with the surrounding natural features and will employ energy-efficient and sustainable methods in both its construction and use to be a net zero energy project. Examples of conservation features include low impact development techniques such as water harvesting and eco-roofs (replicating existing habitat), minimizing surface water runoff and improving the performance of the structures thermal envelope.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No environmental hazards are expected.

- (1) Describe special emergency services that might be required

None beyond standard life safety services.

- (2) Proposed measures to reduce or control environmental health hazards, if any.

None at this time.

- b. Noise

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

No significant noise impacts.

- (2) What types and intensity of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Construction per City of Bellevue noise ordinance.

- (3) Proposed measures to reduce or control noise impacts, if any:

Observe City of Bellevue noise ordinance hours.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

The site is currently undeveloped. The site is bound by W Lk Samm Pkwy SE to the west. The property to the north is currently undeveloped. The properties to the east and south are single family residential.

- b. Has the site been used for agriculture? If so, describe.

No

- c. Describe any structures on the site.

The site is currently undeveloped.

- d. Will any structures be demolished? If so, what?

No.

- e. What is the current zoning classification of the site?

R-3.5

- f. What is the current comprehensive plan designation of the site?

Single-Family Low (SF-L)

- g. If applicable, what is the current shoreline master program designation of the site?

N/A

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

The site contains steep slopes.

- i. Approximately how many people would reside or work in the completed project?

1 residence/family

- j. Approximately how many people would the completed project displace?

0

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A

- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if

any:

Compliance and approval through reasonable use critical areas land use permit with the City of Bellevue.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

1 high income unit

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

0

- c. Proposed measures to reduce or control housing impacts, if any:

None at this time.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Building will not exceed the allowable maximum building height as defined by the City of Bellevue land use code.

- b. What views in the immediate vicinity would be altered or obstructed?

None known.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

The proposed residence will be designed and constructed to limit impacts as outlined by the reasonable use critical areas land use permit conditions and through efforts of the architect to blend the home with the surrounding environment through scale and design.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Porch, driveway and landscaping lights at night

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No significant impact expected.

- c. What existing off-site sources of light or glare may affect your proposal?

None known.

- d. Proposed measures to reduce or control light or glare impacts, if any:

None at this time.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Weowna Park

- b. Would the proposed project displace any existing recreational uses? If so, describe.

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

None at this time.

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Not that is known.

- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

N/A

- c. Proposed measures to reduce or control impacts, if any:

None

14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The proposed residence would be accessed from a driveway off of West Lk Samm Pkwy SE by an existing access easement that passes through the property.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Public transit is currently located along West Lake Sammamish Parkway SE.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

Completed project will provide 2-3 parking spaces.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not that is known.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

2-4 during peak morning and afternoon/evening hours

- g. Proposed measures to reduce or control transportation impacts, if any:

Not at this time.

15. Public Services

- a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

General public services to accommodate (1) single family residences.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Payment of property taxes and other support fees.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Storm water (connect to City of Bellevue drainage system) in addition to those listed above

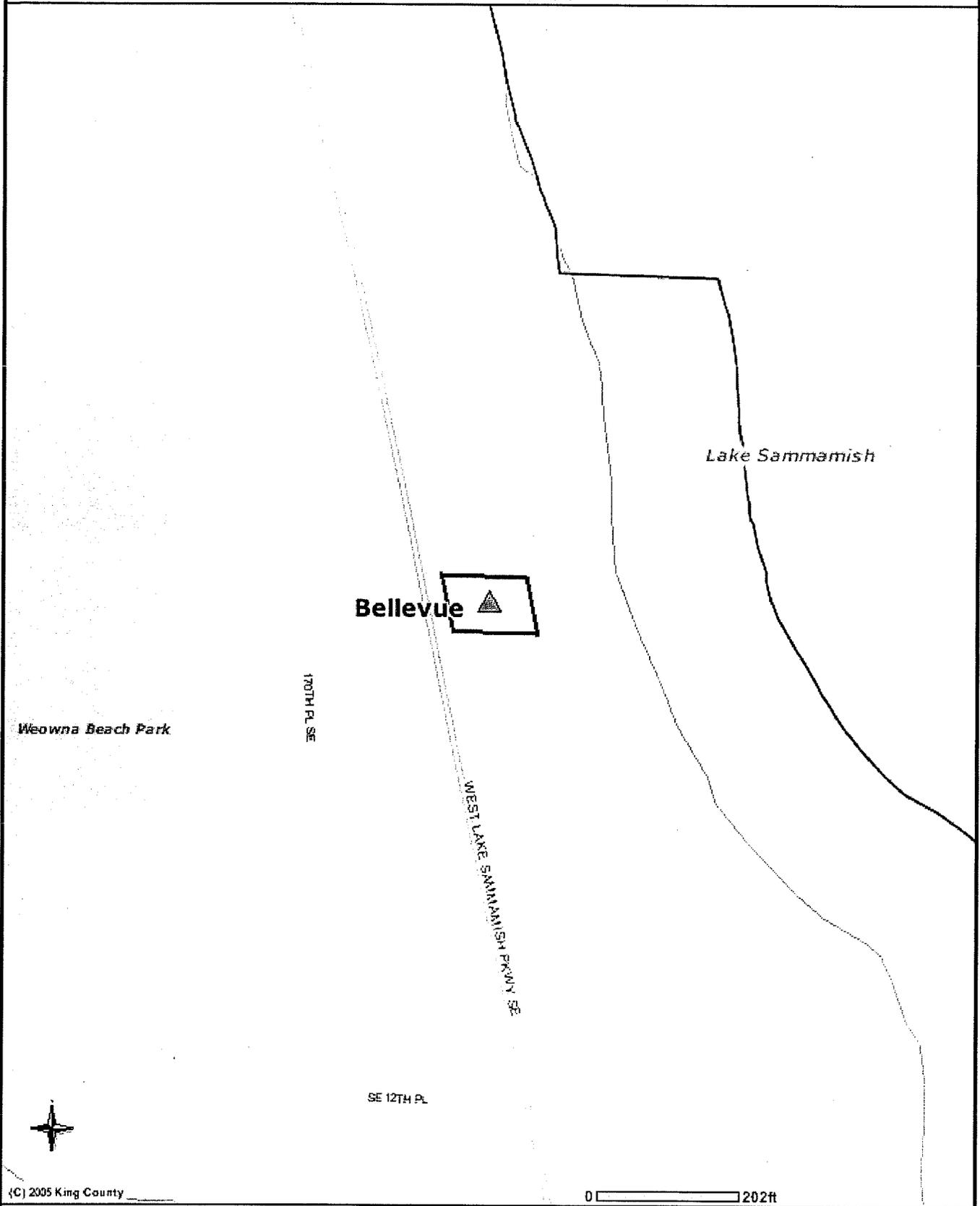
Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature *Morgan Nichols*

Date Submitted : *11/14/07*

Figure 1: Vicinity Map



© 2005 King County

0 202ft

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



Date: 11/13/2007 Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)

DESIGN GROUP
 PROJECT TEAM P.L.
 PROJECT MANAGER
 DESIGNER
 CHECKER
 DATE

WASHINGTON
 840 W. LAKE SAMMAMISH PKWY. SE
BASS COVE
 AREA DISTURBANCE EXHIBIT
 CITY OF BELLEVUE

STAMP NOT VALID
 UNLESS SIGNED AND DATED



J3ME
 13115 NW Mull Street, Suite 3
 Issaquah, WA 98027
 Tel: (206) 313-1177
 Fax: (206) 313-1177

JOB NUMBER: CBA-001
 SHEET NUMBER: 1 of 1

GRAPHIC SCALE
 1" = 10'
 CITY OF BELLEVUE, 16410 88

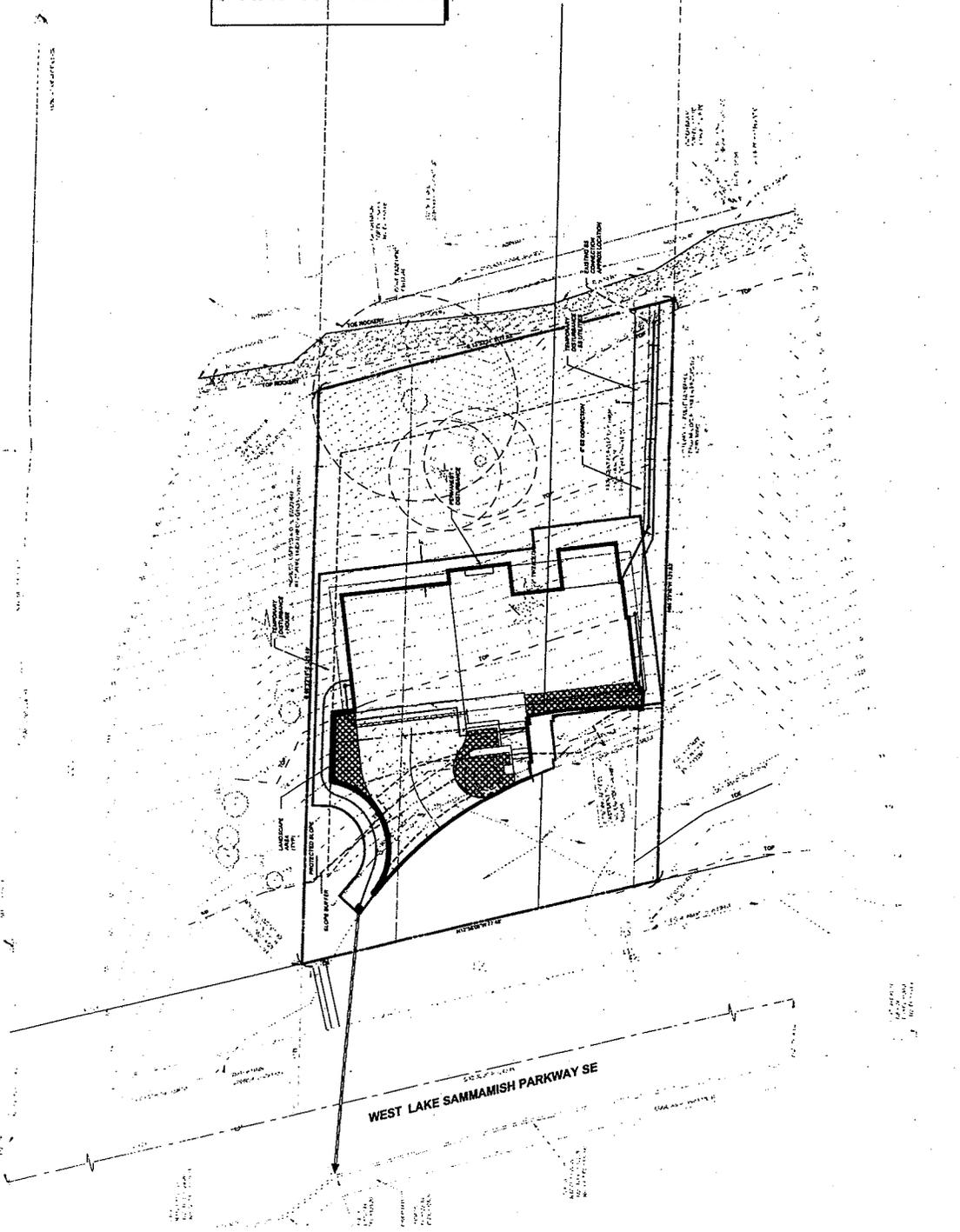


AREACOVERAGE

EXISTING AREA (PROPOSED)	14,512 S.F.
NEW CONSTRUCTION	2,217 S.F.
DEMOLITION	1,000 S.F.
TOTAL	15,729 S.F.

EXISTING AREA (PROPOSED)	14,512 S.F.
NEW CONSTRUCTION	2,217 S.F.
DEMOLITION	1,000 S.F.
TOTAL	15,729 S.F.

EXISTING AREA (PROPOSED)	14,512 S.F.
NEW CONSTRUCTION	2,217 S.F.
DEMOLITION	1,000 S.F.
TOTAL	15,729 S.F.



SHIREY
RESIDENCE
@ BASS COVE
840 W LAKE SAMMAMISH
SARAWAY SE
SAMMAMISH, WA
PARCEL #: 8253900646

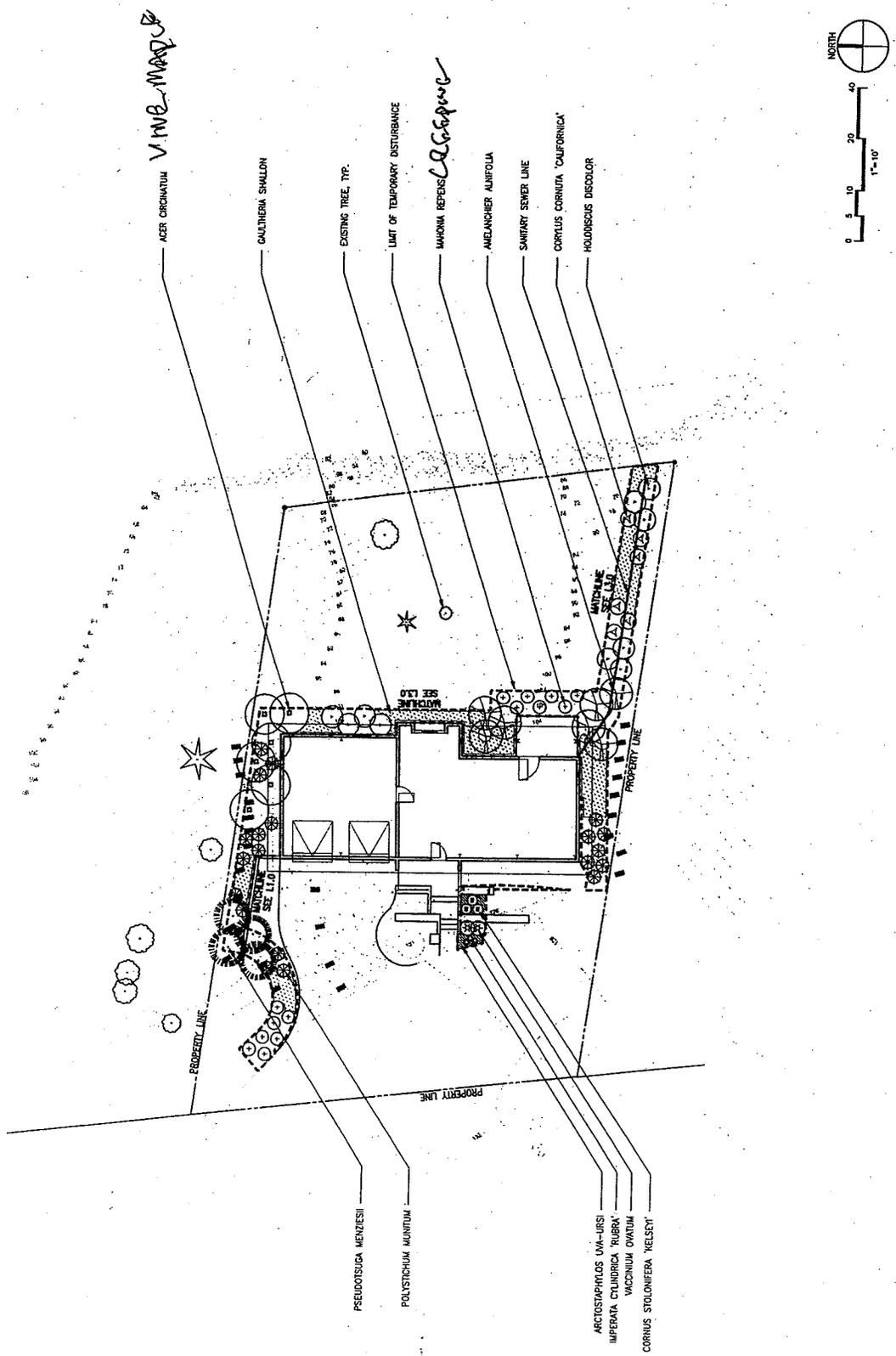


CRITICAL
AREAS
MITIGATION
PLAN

DATE: 8/27/07
DRAWN BY: J. WORTL
CHECKED BY: J. WORTL
DESIGNED BY: J. WORTL
DATE: 8/27/07

DESIGNED BY:
J. WORTL
DATE: 8/27/07

L2.0



Habitat Mitigation Plan

Executive Summary

This document addresses the property known as Bass Cove, located at 840 Sammamish Parkway SE (Parcel # 9233900046), in the City of Bellevue. Plans for the site include the construction of an eight-unit multi-family residential building. Because the site is fully developed by steep slopes and associated regulatory buffers, a mitigation plan has been created to meet the requirements of LUC 20.25H1.90-205.

Critical areas on the site are composed of upland shrub habitat. Permanent impacts will occur on 2,592 square feet of habitat. Temporary impacts will occur on 1,248 square feet. The mitigation plan, complete pursuant to LUC 20.25H1.220, includes removing all non-native and invasive species from the enhancement area, with native trees and shrubs, and restoring all temporarily disturbed areas (LUC 20.25H1.220H).

Mitigation Plan Goals

- 1) Restore all temporarily disturbed areas to native vegetation.
- 2) Remove non-native invasive species from the enhancement area.
- 3) Establish a native plant community within the enhancement area.
- 4) Maintain and monitor the enhancement area for five years.

Objectives

- 1) Remove all Himalayan blackberry from the property.
- 2) Remove all English ivy from the property.
- 3) Remove all other invasive species, particularly Scot's broom and holly.
- 4) Establish a native plant community using one native coniferous tree species, one native deciduous tree species, five native shrub species, and one native groundcover.
- 5) Maintain health and viability of plantings and continue to maintain enhancement area and restored area free of non-native, invasive species.

Performance Standards - Enhancement Area and Restored Areas

- 1) 100% survival by the end of Year One.
- 2) 80% survival by Year One.
- 3) 60% cover by Year Three.
- 4) 80% cover by native shrubs and trees by Year Five.
- 5) Less than 10% cover by invasive plant species in all years.
- 6) Establishment of a minimum of two native tree and five native shrub species by Year Five.

Monitoring Methods

A five-year monitoring plan will be implemented on the property (LUC 20.25H1.220D). An as-built plan will be prepared prior to Year-One monitoring. The as-built plan will be a mark-up of the planting plan included in this plan set (Sheets 2 and 3). The mark up will document any differences in plant placement or other components differing from the proposed plan.

Monitoring will take place four times, once each in Years One, Two, Three, and Five. First-year monitoring will take place in the first five summer or early fall, subsequent to plant installation (ideally before deciduous leaves begin to drop). The following will be recorded and reported in an annual monitoring report to be submitted to the City of Bellevue.

- 1) Counts of installed plants by species (Year One only).
- 2) Visual estimate of plant cover by species cover.
- 3) Percent of plant cover using the reference species.
- 4) Photographic documentation from fixed reference points.
- 5) Intrusions into the planting areas, vandalism, or other actions that impair the intended functions of the planted areas.
- 6) Recommendations for maintenance or repair of the planted areas.

Volunteer native trees and shrubs may count toward cover and survival estimates, provided that a single species does not make up more than 20 percent of either parameter. Locust may not count toward performance standard totals. If locust or other non-invasive ornamental species fell on the site, interfere with establishment of native plants, they will be removed by Year Three and replaced with native trees and shrubs.

Performance Bond

A performance bond of \$19,540 (see attached Bond Quantity Worksheet) will be submitted to the City in accordance with LUC 20.40.490.

Contingencies

If there is a significant problem with the revegetation areas meeting performance standards, the Bond-holder will work with the City of Bellevue to develop a Contingency Plan (LUC 20.25H1.220E). Contingency Plans can include, but are not limited to: soil amendment; additional plant installation; erosion control; and plant substitutions of type, size, quantity, and location.

Construction Notes

Work Sequence for Restoration and Enhancement Areas

Note: specifications for items in bold can be found below under "Material Specifications and Definitions."

- 1) All plant installation is to take place during the dormant season (October 15 - March 15). Invasive species removal should precede plant installation by no more than one month.
- 2) Invasive species removal methodology:
 - a. Remove Himalayan blackberry from all areas. This should consist of cutting and removing all stems and roots (see b.1).
 - b. Removal of blackberry roots to the maximum extent practical is also required for best success. Roots should be grubbed out by hand so as to avoid damage to existing native vegetation. Where roots cannot be removed, stems should be cut at the root and treated with swipe application of glyphosate or a comparable herbicide.
 - c. Remove ivy from the site wherever it occurs, including tree trunks. Remove ivy by hand and destroy each root from a depth of 12 inches. Treat all runners to the root.
 - d. Remove any other invasive species encountered, particularly holly and Scot's broom, including roots. Non-invasive ornamental species (largely limited to locust) may remain, provided they do not interfere with establishment of native plants.
- 3) Prepare a planting list for each plant per the planting details on Sheets 2 and 3.
- 4) Layout plants generally per plan, but adjusting for microsite conditions so as to avoid damage to existing native plants. Incorporate plants into existing vegetation so that trees are 9 feet on center (oc) (use Douglas-fir and vine maple to achieve tree density) and shrubs are 4 feet oc. See planting plan Sheet 2 for more specific layout notes.
- 5) Mutch each plant with a circular wood chip mulch ring, four inches thick and extending at least to the drip-line of the plant.
- 6) Install temporary irrigation system and comparable means of drip-irrigation using mulch. If the temporary irrigation system is not installed, the irrigation system is fully functional for the time period of June 1 through September 30.

Material Specifications and Definitions

- 1) Wood chip mulch: Coarse, chipped woody material approximately 1 to 3 inches in maximum dimension (not sawdust or hog fuel). This material is commonly available from arborists, tree-pruning companies or commercial nurseries, and is often labeled as "coarse wood chip mulch."
- 2) Fertilizer: Slow release, granular fertilizer such as Perfect Blend Organic 4-4-4, Osmocote™ or equal product. Follow manufacturer's instructions for application. Keep fertilizer in a weather-tight container while on site. Most retail nurseries carry these products. Note that fertilizer is to be applied only in Years Two through Five, and not in Year One.
- 3) Temporary Irrigation system: System capable of supplying a minimum of 2 inches of water per week from June 1 through September 30 for the first two years following installation. This system can be run off of hoses from the house water supply with enough sprinkler heads to cover the planted area.

Maintenance

The site will be maintained for five years following completion of the construction. The site may be owner-maintained or the work can be hired out to a private landscaping company that is familiar with restoration ecology. Note: specifications for items in bold can be found above under "Material Specifications and Definitions."

- 1) Replace each plant found dead in the summer monitoring visits during the first fall dormant season (October 15 to March 1) after initial installation.
- 2) Invasive weed maintenance plan:
 - a. Twice yearly, the site should be inspected for encroachment of blackberry and ivy from adjacent areas. Cues moving in from outside the enhancement area should be cut back to well beyond the enhancement area. All ivy should also be removed.
 - b. It is expected that blackberry root removal will not be 100% effective in eliminating all viable plant shoots and runners. Weeding visits will occur from the beginning of the growing season through the end of the growing season. Weeding should be done at least once per year throughout the five-year period, for until no longer sprouting), or more frequently if directed by the City. Application should be by wide-type application method and not by a spray-type method.
 - 3) Remove weeds and weed roots from beneath each installed plant to a distance of 18 inches from the main plant stem. Weeding should occur at least twice yearly. Frequent weeding will result in lower mortality and lower plant replacement costs.
 - 4) Operate the irrigation system to supply a minimum of 2 inches of water per week from June 1 through September 30 for the first two years following installation. More watering may be necessary during very hot and dry weather. Less watering may be warranted during unseasonable summer rainfall.
 - 5) Apply slow release granular fertilizer annually in the spring (by June 1) of Years Two through Five.
 - 6) Mutch the 4-inch-wide mulch ring and keep down weeds.
 - 7) Do not weed areas with string trimmer (weed whacker/edger). Native plants are easily damaged and killed, and weeds easily recover after trimming.

SHIREY
RESIDENCE
@ BASS COVE

840 W LAKE SAMMISH
PARKWAY SE
SAMMAMISH, WA

PARCEL # 9233900046



CRITICAL
AREAS
MITIGATION
PLAN

DATE: 07/27/07
DATE: 07/27/07
DATE: 07/27/07
DATE: 07/27/07

NOTES

L5.0

