



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:** Patrick McHugh

**LOCATION OF PROPOSAL:** 860 West Lake Sammamish Parkway NE

### NAME & DESCRIPTION OF PROPOSAL:

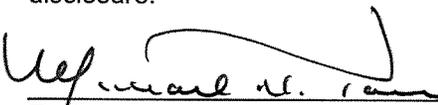
This is an application for Shoreline Substantial Development Permit on Lake Sammamish for the demolition and removal of two concrete dock structures, two gangway ramps, two dock structures on galvanized pipe piers and a concrete sidewalk adjacent to the ordinary high water mark, and new construction of a 448 square foot pier structure with a 100% grated surface and restoration of the removed concrete sidewalk and bulkhead area with shoreline gravel and native vegetation.

**FILE NUMBER:** 08-109931-WG

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 June 12, 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

5/22/08  
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:** McHugh Pier Redevelopment

**Proposal Address:** 860 West Lake Sammamish Parkway NE

**Proposal Description:** This is an application for Shoreline Substantial Development Permit on Lake Sammamish for the demolition and removal of two concrete dock structures, two gangway ramps, two dock structures on galvanized pipe piers and a concrete sidewalk adjacent to the ordinary high water mark, and new construction of a 448 square foot pier structure with a 100% grated surface and restoration of the removed concrete sidewalk and bulkhead area with shoreline gravel and native vegetation.

**File Number:** 08-109931-WG

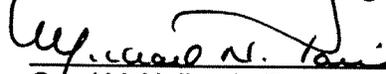
**Applicant:** Patrick McHugh

**Decisions Included:** Shoreline Substantial Development Permit  
(Process II. LUC 20.30C)

**Planner:** Kevin LeClair, Senior Land Use Planner

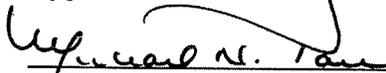
**State Environmental Policy Act  
Threshold Determination:**

**Determination of Non-Significance**

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

**Director's Decision:**

**Approval with Conditions**

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

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Application Date:	<u>2/19/2008</u>
Notice of Application Publication Date:	<u>3/20/2008</u>
Decision Publication Date:	<u>5/22/2008</u>
Project/SEPA Appeal Deadline:	<u>6/12/2008</u>

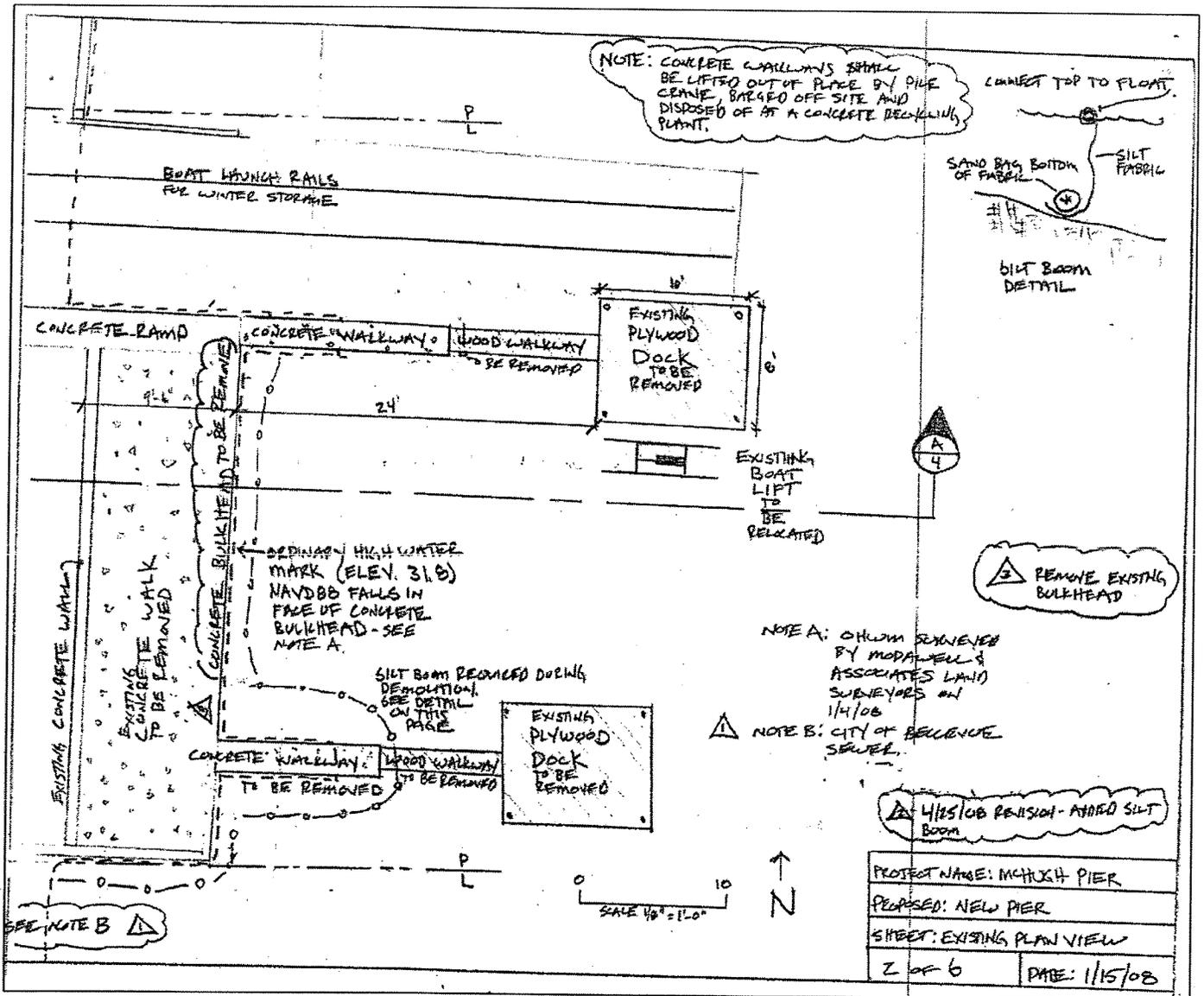
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For information on how to appeal a proposal, visit Service First at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period 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 the demolition and removal of two concrete dock structures, two gangway ramps, two dock structures on galvanized pipe piers and a concrete sidewalk adjacent to the ordinary high water mark (OHWM), and construction of a new 448 square foot pier structure with a 100% grated surface and restoration of the removed concrete sidewalk area and bulkhead with shoreline gravels and native vegetation.

The applicant is proposing to conduct the removal of the concrete structures from the shoreline area by "saw-cutting" and lifting the material out of the water and onto a



barge. The existing plywood dock is supported on 2-inch galvanized pipes with footings on the lake bed. These will also be lifted out of the water and placed on the same barge. The new moorage piles will be installed with a pile driver using a sound attenuation device to limit disturbance.

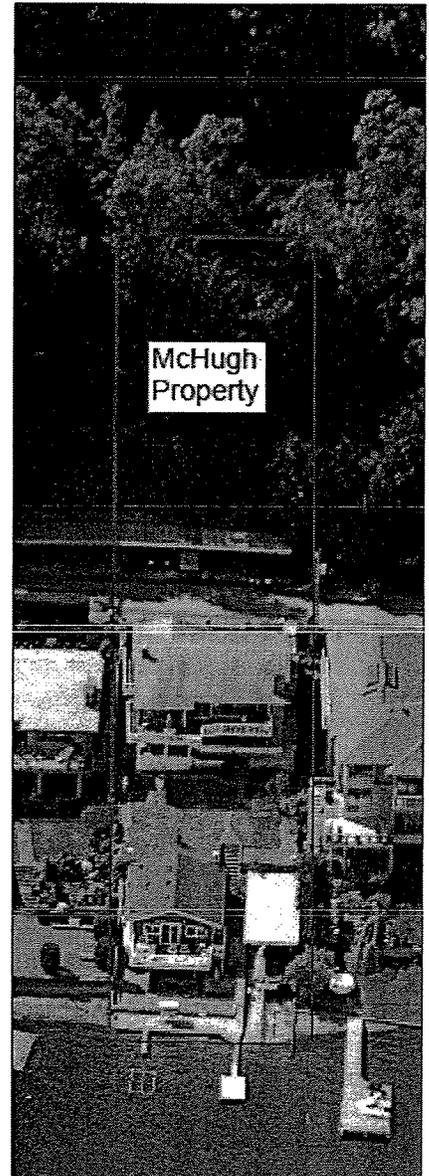
The property contains several non-conforming structures, such as a guest cottage, boat launch rails and a covered boat storage area either within 25 feet of the OHWM or below it. As non-conforming structures, these items are governed by the regulations pertaining to non-conforming development within the shoreline critical area and critical area buffer in LUC 20.25E.055. This project is not proposing to modify any of these non-conforming structures on the site. The concrete walkway areas, bulkhead and existing dock structures which will be removed are non-conforming as well and will be replaced by dock structure and shoreline gravels that conform to the development standards.

Project construction is anticipated to require one month or less to complete.

**B. Site Description:** The project is located at 860 West Lake Sammamish Parkway NE. (SW ¼ of the SW ¼ of Township 30 North, Range 25 E, Section 6, Willamette Meridian). The property is in the Northeast Bellevue Subarea and the Northeast Bellevue Neighborhood Area of Bellevue, Washington. The land use zoning district of the property and its neighboring properties is R-2.5. The properties to the north and south both contain single family structures.

The property is approximately 13,965 square feet in size, with a depth of 245 feet and width of 50 feet. The western frontage is along West Lake Sammamish Parkway, while its eastern frontage is on Lake Sammamish. The property contains one single-family residence and a non-conforming guest cottage. The property is considered developed.

The property slopes steeply down from West Lake



Sammamish Parkway to a driveway that serves all of the single-family properties in the neighbor. The driveway access divides the lower two-thirds of the property from the upper steep slopes. There is then the single-family primary structure residence, followed by a flat lawn area. Below the lawn area are concrete steps leading down to a guest cottage and a boat storage area, with launch rails leading into the lake. Below the guest cottage is small lawn area, which is retained on the lake side low concrete retaining wall. Below this wall is a 5-foot deep concrete walkway with two concrete walkways jutting into the water.

The upper slope of the property is covered in a forest canopy of deciduous trees. The lower portions containing the residences is typical residential landscaping with mown lawn areas and ornamental shrub groupings.

## II. Critical Areas in Project Area:

**A. Shorelines:** The property has 50 feet of shoreline on Lake Sammamish. The shoreline overlay district encompasses all lands lying 200 feet landward of the OHWM of Lake Sammamish, which is established at the elevation of 31.8 feet NAVD 88. Shoreline critical areas on developed sites are afforded a 25 feet shoreline critical area buffer and an additional 25 feet structure setback.

**B. Areas of Special Flood Hazard:** The property contains an area encompassed by the 100-year floodplain associated with Lake Sammamish. The City of Bellevue does not prescribe critical area buffer or structure setback for areas of special flood hazard. The project must meet the performance standards set forth in 20.25H.180.C.

**C. Habitat Associated with Species of Local Importance:** The City of Bellevue does not prescribe a critical area buffer for habitat associated with species of local importance. Rather, the project implementation shall seek to first avoid, then minimize and finally mitigate potential impacts to habitat associated with species of local importance.

**D. Geologic Hazard Area – Steep Slopes:** The property contains one distinct area of steep slope critical areas. It is located along the western property line and slopes down to the driveway/parking area. Steep slopes are afforded a critical area buffer of 50 feet from the top of slope and a structure setback of 75 feet from the toe of slope.

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

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

**A. Earth:** The property slopes steeply down from edge of West Lake Sammamish Parkway to a level area containing the driveway. The total elevation change across the property is approximately 82 feet. The western property line is at approximately 120 feet above sea level and the eastern property line is at the OHWM of Lake Sammamish. The King County Soil Survey reports the soils on site as Alderwood and Kitsap soils with slopes of 25 to 70 percent. The steep slopes on the property are not be affected by the proposed project.

Soil erosion potential exists through the demolition of the existing pier structures and installation of the new pile supports. Erosion will be controlled through implementation of temporary erosion and sedimentation controls and a turbidity monitoring plan required by the City of Bellevue Clearing and Grading code BCC 23.76.

See Conditions of Approval in Section IX of this report.

**B. Air:** Any air quality impacts from construction vehicle emissions and dust generation will be temporary and rapidly dissipated. Standard methods of reducing impacts to air quality will be utilized and include keeping all heavy equipment and hand tools in good operating condition and managing disturbed soils.

**C. Water:** The project is proposed to occur both above and below the OHWM of Lake Sammamish.

The project includes the demolition and removal of two gangway ramps, two dock structures on galvanized pipe piers and a concrete sidewalk adjacent to the ordinary high water mark (OHWM). The removal will be done by saw-cutting the concrete into

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pieces that can be hoisted out of the water and loaded onto a barge for disposal at an upland disposal site. The pipe piers and over-water dock structures will also be lifted out of the water with a crane and placed on this same barge.

The project then proposes to construct a new 448 square foot pier structure with a 100% grated surface. The new pier will extend 48 feet out from the OHWM at a width of 4 feet. At 27 feet from the OHWM a 4 foot wide ell will extend 20 feet to the south. A second ell will come off the pier at 41 feet from the OHWM and will extend 20 feet to the south and be 6 feet wide.

The first two piles supporting the new pier will be 4-inch steel piles and installed 18 feet from the OHWM. The other 12 piles will be 6-inch steel piles.

The project proposes to then install 12 cubic yards of shoreline gravels in place of the removed concrete structures to form a sloped shoreline area, waterward of a second concrete bulkhead at the back of the existing concrete walkway area.

Although the project proposes no intentional release of waste materials into any bodies of water, the project is required to install and maintain temporary in-water sedimentation controls and implement a Turbidity Monitoring Plan for the duration of the project.

See Conditions of Approval in Section IX of this report.

**D. Plants:** There are no known threatened or endangered plant species known to be on or near the site. The only vegetation type to be removed by the project is weedy lawn area.

A planting plan using native species has been prepared for the shoreline area to be restored to the restored gravel shoreline.

See Conditions of Approval in Section IX of this report.

**E. Animals:** The project area is within Lake Sammamish. Lake Sammamish is known to contain migrating adult and juvenile Chinook salmon (listed as Threatened under the Federal Endangered Species Act). Lake Sammamish also contains Coho salmon (listed as Species of Concern under the Federal Endangered Species Act). The Lake is also potential habitat for bull trout, a salmonid listed as Threatened under the Federal

#### Endangered Species Act.

The City of Bellevue commissioned a report entitled, "A Summary of the Effects of Bulkheads, Piers and other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes", to analyze the effects of bulkheads, piers and other artificial structures, and shoreline development on salmonids and other species listed as threatened, endangered, or as candidate species under the Endangered Species Act (ESA).

The report found that compliance with conditions imposed by the City of Bellevue, the state and other federal agencies can adequately mitigate for adverse impacts to the fish and other aquatic organisms in the lake can be partially mitigated by.

Hydraulics Project Approval is required from the State Department of Fish and Wildlife, which will limit the times of construction to periods which will be less impacting to the fisheries resources.

To prevent the suspension of sediments by construction activities, a protective silt fence will be required in the water. The silt fence will remain in place during the duration of construction activities and for a period after construction when turbidity has returned to acceptable levels.

Work on the project will occur during the prescribed work windows established by federal and state wildlife management agencies. No trees will be removed as part of the project and all plantings will be of native species.

See Conditions of Approval in Section IX of this report.

**F. 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.

In addition to the noise impacts to upland residents during demolition and construction, noise from pile driving translates to shock waves in the water that could potentially disrupt the foraging or migratory progress of juvenile salmon. Pile driving may also cause salmon to fail to hear the approach of a predator.

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A sound and vibration attenuating device will be used on the pile driver in the proposed project. This type of driver results in less sediment transfer and disturbance to the immediate environment than an impact driver. Because of the short duration of pile driving activities, this impact will be limited. Impacts are adequately mitigated by the City's Noise Ordinance (Chapter 9.18 BCC) which limits construction hours.

Short-term increases in noise will be limited to the construction period ( less than 1 month) and are expected to attenuate to ambient levels within approximately 1,676 feet from the construction.

Construction noise will be concentrated between 7 am to 5 pm, Monday through Friday.

See Conditions of Approval in Section IX of this report.

**G. Utilities:** A sewer line is located in the nearshore area. The line could be broken if struck during construction of the pier, resulting in infrastructure damage and water quality degradation. Field locating the utility lines prior to construction can mitigate impacts.

See Conditions of Approval in Section IX of this report.

#### **IV. Consistency with Land Use Code Requirements (BCC Title 20):**

##### **A. Zoning District Dimensional Requirements (LUC 20.20.010):**

This is a proposal for the demolition and removal of two concrete dock structures, two gangway ramps, two dock structures on galvanized pipe piers and a concrete sidewalk area adjacent to the ordinary high water mark (OHWM), and construction of a new 448 square foot pier structure with two ells, grated entirely with a light-passing surface. The project does not include the construction of any structures regulated by the City of Bellevue Land Use Code dimensional requirements described in LUC 20.20.010.

##### **B. Critical Areas Requirements (LUC 20.25E AND 20.25H):**

This project includes work in designated as critical areas per the City of Bellevue Land Use Code 20.25H.025 such as: shorelines, areas of special flood hazard, and habitat associated with species of local importance. The applicable performance standards and additional provisions for a moorage project within the shoreline jurisdiction have been addressed.

## V. 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 project.

**B. Utilities:** The Utilities Department has identified a sewer line in the vicinity of the proposed pier. This line must be located prior to any construction, and a minimum 5 foot setback of any structures must be maintained.

See Conditions of Approval in Section IX of this report.

## VI. Public Notice and Comment

Application Date:	February 19, 2008
Public Notice (500 feet):	March 20, 2008
Minimum Comment Period for Public Notice (30 days):	April 21, 2008

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on March 20, 2008. It was mailed to property owners within 500 feet of the project site. A comment regarding the species of plants in the restoration area was received from, Karen Walter of the Muckleshoot Indian Tribe Fisheries Division. The restoration plan was modified to incorporate comments. No further comments were received.



## **VII. Decision Criteria**

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Shoreline Substantial Development Permit pursuant to LUC Section 20.30R.

### **A. Shoreline Substantial Development Permit Decision Criteria (LUC 20.30R)**

- 1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and;**

**Finding:** The applicant has demonstrated that the use of the shoreline will be enhanced by the addition of shoreline gravels in place of the existing concrete walkway area for the purpose of protecting the habitat resources within the project area. The proposed project will cause no adverse effects to the shoreline environment designation in which it is located. The project is designed to enhance the function and value of the shoreline environment by increasing the habitat value for salmonids, as well as terrestrial species. The project is proposing to remove structures that are known to be detrimental to salmonids and will replace them with a structure that conforms to the development standards set forth in Bellevue's Shoreline Master Plan. The proposed project will ultimately benefit fish and wildlife species that inhabit the project area. The public interest is enhanced in this instance by demonstrating to sensitive development standards to mitigate environmental impacts to fish and other species in the nearshore environment. The public interest is also served by the removal of concrete structures from the water which current deflect wave energy to other lakeshore properties.

- 2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and**

**Finding:** The applicant submitted documentation consistent with the requirement to demonstrate compliance with the requirements of LUC 20.30P, 20.30C, 20.25H and 20.25E. The project is in accord with the Comprehensive Plan – Shoreline Management Program Element. It directly supports the goals stated in this section.

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3. **The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.**

**Finding:** The proposed project is consistent with the policies of the Shoreline Management Act of 1971, enunciated in RCW 90.58.020. The project complies with all of the requirement of the State Shoreline Management Act as moorage project that is performing a substantial habitat improvement by removing non-conforming structures and replacing them with conforming structures. Similarly, the proposed project is consistent with the policies of Bellevue's Shoreline Master Program adopted in 1992 and included in the City of Bellevue's Comprehensive Plan.

#### **VIII. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal to implement a pier redevelopment project at 860 West Lake Sammamish Parkway NE.

**Note- Expiration of Approval:** In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180.

**IX. 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	Savina Uzunow, 425-452-7860
Land Use Code – BCC 20.25H	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:

- 1. Turbidity Monitoring Plan:** Turbidity Monitoring Plan shall be approved by the Clearing and Grading Division prior to commencement of construction activities. The Turbidity Monitoring Plan shall be included with the underlying Clearing and Grading Permit.

Authority: Clearing and Grading Code BCC 23.76

Reviewer: Savina Uzunow, Planning and Community Development Department

- 2. Rainy Season Restrictions:** Due to the location of the project area, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Department of Planning and Community Development. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Savina Uzunow, Planning and Community Development Department

- 3. 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 and Community Development Department

4. **Temporary Erosion and Sedimentation Control Plan:** Prior to the initiation of any clearing or grading activities, a Temporary Erosion and Sedimentation Control Plan must be approved as part of a Clearing and Grading permit and all clearing limits and the location of temporary erosion and sedimentation control measures shall be field staked for approval by the on-site clearing and grading inspector's approval. To mitigate adverse impacts to water quality from the migration or lateral spreading of re-suspended sediments, a silt curtain shall be placed underwater around the boundaries of the pier construction area. The silt curtain shall extend from the lake bottom to the water surface and shall be securely placed prior to construction of the pier. All materials used in the temporary containment shall be non-toxic. At project completion, the silt curtain shall be removed in such a manner to minimize sediment disturbance.

Authority: Bellevue City Code 23.76.060 and 23.76.090

Reviewer: Savina Uzunow, Planning and Community Development Department

5. **Obtain All Other Applicable State and/or Federal Permits:** Before work can be allowed to proceed, All required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved Section 10 permit issued by the Army Corps of Engineer and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue, prior to construction.

Authority: Land Use Code 20.25E.080.B.1

Reviewer: Kevin LeClair, Planning and Community Development Department

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6. **In-Water Work Window** To mitigate adverse impacts to the fisheries resources, in-water construction shall occur during the period of July 16<sup>th</sup> through August 30<sup>th</sup>, unless otherwise determined by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife.

Authority: Land Use Code 20.25H.160, Comprehensive Plan Policy EN-26 and Shoreline Master Program Policies SH-13

Reviewer: Kevin LeClair, Planning and Community Development Department

7. **Land Use Inspection:** To ensure gravel and restoration work has been performed in accordance with approved plans the applicant must call for and obtain an inspection for a Land Use Planner from the City of Bellevue, following installation of said restoration measures.

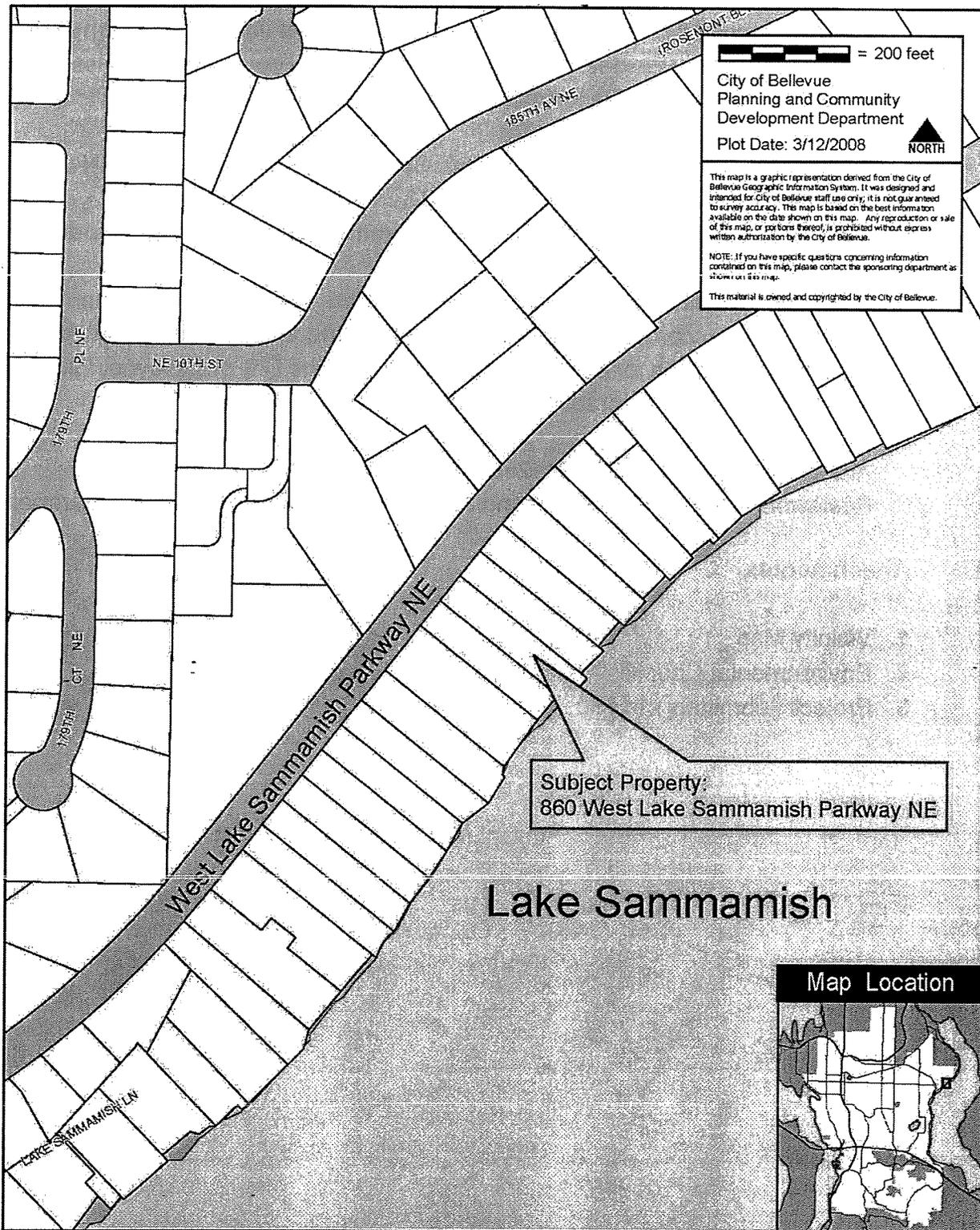
Authority: Land Use Code 20.25E.080.B

Reviewer: Kevin LeClair, Planning and Community Development Department

## **XI. Attachments:**

1. Vicinity Map
  2. Environmental Checklist- In File
  3. Project Submittals - In File
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# Vicinity Map - Permit # 08-109931-WG (860 West Lake Sammamish Pkwy NE) Shoreline Substantial Development Permit





City of Bellevue  
 Department of Planning & Community Development  
 P.O. Box 90012, Bellevue, WA 98009-9012  
 (425) 452-6864 Fax (425) 452-5225

**Shoreline Management Act of 1971**  
**Permit for Shoreline Management Substantial**  
**Development**  
**Conditional Use and/or Variance**

Application No. 08-109931-WG

Date Received 02/19/2008

Approved / Date 05/22/2008  
 Denied / Date \_\_\_\_\_

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: Patrick McHugh, 860 West Lake Sammamish Parkway NE

To undertake the following development:

The demolition and removal of two concrete dock structures, two gangway ramps, two dock structures on galvanized pipe piers and a concrete sidewalk adjacent to the ordinary high water mark, and new construction of a 448 square foot pier structure with a 100% grated surface and restoration of the removed concrete sidewalk and bulkhead area with shoreline gravel and native vegetation.

Upon the following property: 860 W. Lake Sammamish Parkway NE, Bellevue, WA 98008

adjacent to Lake Sammamish  
 and/or its associated wetlands. The project will be located adjacent to Shorelines of Statewide  
 Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District  
 designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities
- LUC Section 20.25E.080 (N) Moorage Regulations; LUC Section 20.30R Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program:Element, Policy SH-1

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

**Conditions of Approval:**

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

1. **Turbidity Monitoring Plan:** Turbidity Monitoring Plan shall be approved by the Clearing and Grading Division prior to commencement of construction activities The Turbidity Monitoring Plan shall be included with the underlying Clearing and Grading Permit.

Authority: Clearing and Grading Code BCC 23.76

Reviewer: Savina Uzunow, Planning and Community Development Department

2. **Rainy Season Restrictions:** Due to the location of the project area, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Department of Planning and Community Development. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Savina Uzunow, Planning and Community Development Department

3. **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 and Community Development Department

4. **Temporary Erosion and Sedimentation Control Plan:** Prior to the initiation of any clearing or grading activities, a Temporary Erosion and Sedimentation Control Plan must be approved as part of a Clearing and Grading permit and all clearing limits and the location of temporary erosion and sedimentation control measures shall be field staked for approval by the on-site clearing and grading inspector's approval. To mitigate adverse impacts to water quality from the migration or lateral spreading of re-suspended sediments, a silt curtain shall be placed underwater around the boundaries of the pier construction area. The silt curtain shall extend from the lake bottom to the water surface and shall be securely placed prior to construction of the pier. All materials used in the temporary containment shall be non-toxic. At project completion, the silt curtain shall be removed in such a manner to minimize sediment disturbance.

Authority: Bellevue City Code 23.76.060 and 23.76.090

Reviewer: Savina Uzunow, Planning and Community Development Department

5. **Obtain All Other Applicable State and/or Federal Permits:** Before work can be allowed to proceed, All required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved Section 10 permit issued by the Army Corps of Engineer and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue, prior to construction.

Authority: Land Use Code 20.25E.080.B.1

Reviewer: Kevin LeClair, Planning and Community Development Department

6. **In-Water Work Window** To mitigate adverse impacts to the fisheries resources, in-water construction shall occur during the period of July 16<sup>th</sup> through August 30<sup>th</sup>, unless otherwise determined by the Hydraulics Project Approval issued by the Washington State Department of Fish and Wildlife.

Authority: Land Use Code 20.25H.160, Comprehensive Plan Policy EN-26 and Shoreline Master Program Policies SH-13

Reviewer: Kevin LeClair, Planning and Community Development Department

7. **Land Use Inspection:** To ensure gravel and restoration work has been performed in accordance with approved plans the applicant must call for and obtain an inspection for a Land Use Planner from the City of Bellevue, following installation of said restoration measures.

Authority: Land Use Code 20.25E.080.B

Reviewer: Kevin LeClair, Planning and Community Development Department

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This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

March 27, 2008

Date

City of Bellevue, Land Use Division

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CC: Attorney General, Department of Ecology, Northwest Region

Dept. of Fish and Wildlife, Attn: Alisa Bieber, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452

Dept. of Ecology, Attn: Joe Burcar, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452

