



**City of Bellevue  
Development Services Department  
Land Use Staff Report**

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**Proposal Name:** Carmichael Shoreline Vegetation Management

**Proposal Address:** **1624 West Lake Sammamish Parkway NE**

**Proposal Description:** The applicant requests a Critical Areas Land Use Permit for a vegetation management plan for a 70 foot by 12 foot area between an existing bulkhead and single-family residence within the 25-foot critical area buffer of Lake Sammamish.

**File Number:** 08-115121-LO

**Applicant:** **Julia Carmichael**

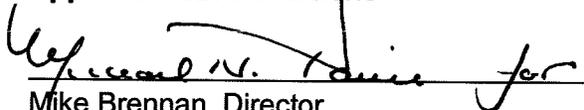
**Decisions Included:** Critical Areas Land Use Permit  
(Process II. 20.30P)

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

**State Environmental Policy Act  
Threshold Determination:** Proposed activity is SEPA Exempt per WAC 197-11-800 and is not identified as a Critical Area per BCC 22.02.045.

**Director's Decision:**

**Approval with Conditions**

  
Mike Brennan, Director  
Development Services Department

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Application Date: 5/02/2008  
Notice of Application Publication Date: 8/01/2008  
Decision Publication Date: 8/21/2008  
Project/SEPA Appeal Deadline: 9/04/2008

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For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

## I. Background

### A. Project Description

The applicant proposes a vegetation management plan for a degraded, sloped area in the 25-foot shoreline critical area buffer between their existing single family residence and an existing bulkhead 12 feet from the ordinary high water mark of Lake Sammamish. The area is approximately 70 feet wide by 12 feet deep. The project also includes the removal of a portion of the bulkhead to install a stairway to provide safe, non-motorized access to the gravel beach area below the bulkhead. The proposed vegetation management plan components are consistent with those elements described in the City of Bellevue Critical Areas Handbook.

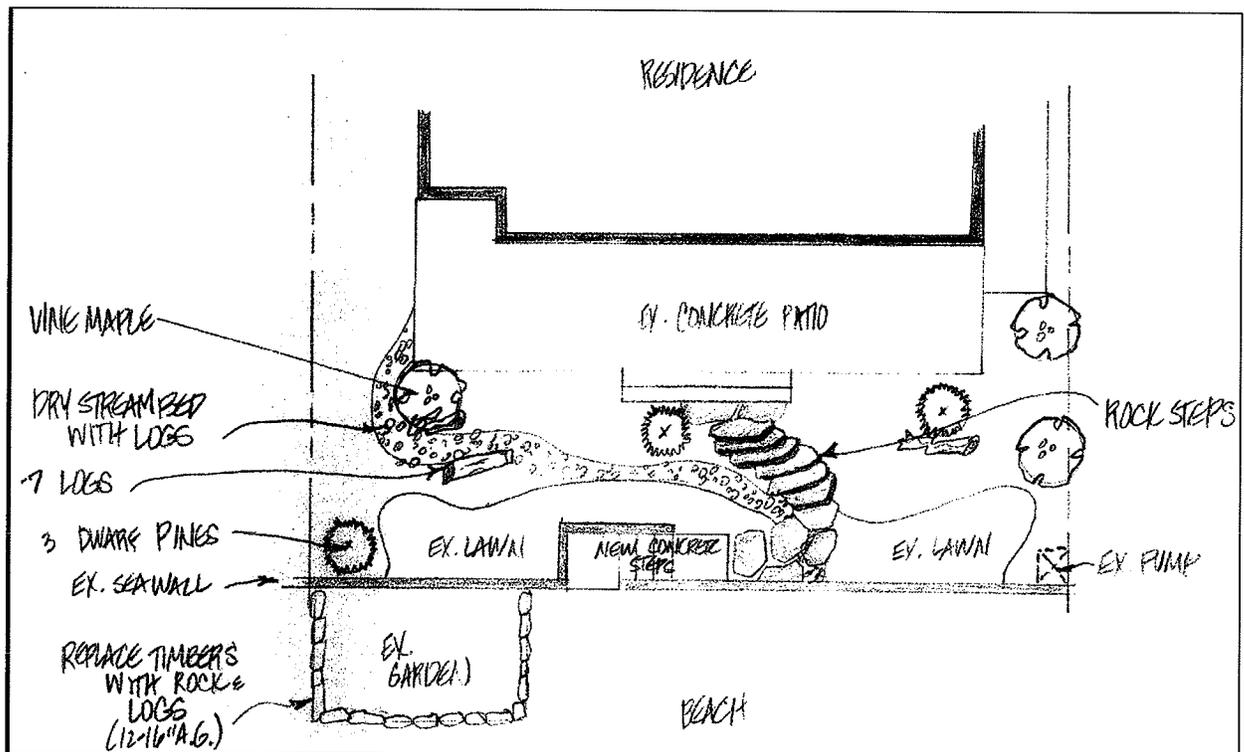


Figure 1 – Proposal (detail on shrubs and ground covers not shown)

### B. Site Description

The property, shown on the attached Vicinity Map, is located at 1624 West Lake Sammamish Parkway NE. (King County Parcel # 7430500112). The property is in the Northeast Bellevue Comprehensive Plan Subarea and the Northeast Bellevue Neighborhood Enhancement Program area. The property is in the R-2.5 land use zoning district.

The property encompasses approximately 17,290 square feet. The property is approximately 70 feet wide and 196 feet deep.

Access to the property is from Mallard Lane, east of West Lake Sammamish Parkway NE.

The existing primary structure is situated on the eastern third of the property, with a steep slope to the west of the existing primary structure. At the top of the steep slope is a guest cottage and the driveway connected to Mallard Lane.

The vegetation on the site is mixture of native and ornamental shrubs and large patches of exotic ground covers and grasses. The sloped area proposed for vegetation management between the house and the bulkhead removal of critical area status is dominated by bare soil and invasive species and debris.

### **C. Need for Improvement**

The area proposed for vegetation management shown below in Figure 2, is dominated by weeds, grass, and invasive exotic plants. Additionally, the property owners currently have no safe access to the shoreline, other than stepping off of the 3-foot high bulkhead wall.

The proposed project includes the installation of a mixture of primarily native plant species and rocks and logs to enhance the sloped area, as well as the construction of a non-motorized pathway from the house to the gravel shoreline.

The uses allowed within critical areas section of LUC 20.25H.055.B permits the management of vegetation within a critical area and critical area buffer provided the meets the requirements of subsection 20.25H.055.C.3.i and the performance standards for the critical area and critical area buffer in question.



Figure 2 – Existing Condition

## II. Critical Area on the Property

### A. Shoreline

The property is located adjacent to Lake Sammamish. Based on LUC 20.25H, Lake Sammamish is a critical area and the area 25 feet landward of the ordinary high water mark is designated critical area buffer. The critical area buffer on the property consists of a narrow gravel shoreline, an approximately 30-inch tall bulkhead wall and a 12-foot sloped area leading up to the covered patio attached to the existing primary structure.

There is no significant vegetation in the critical area buffer on the property.

### B. Geologic Hazard Area – Steep Slope

A submitted site plan shows a regulated geologic hazard area –steep slope on west side of the existing primary structure.

The applicant is proposing no changes to the steep slope critical area or critical area buffer.

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

The environmental review indicates that the proposed action is categorically exempt from SEPA review per WAC 197-11-800 because it does not include 100 cubic feet of excavation or landfilling and it is not within one of the designated critical areas per Bellevue City Code.

### **IV. Consistency with Land Use Code (LUC)**

#### **A. Zoning District Dimensional Requirements (LUC 20.20)**

The property is located in the R-2.5 Land Use Zoning district. The general dimensional requirements for the property do not apply as no new structures are proposed. Furthermore, the proposed vegetation management does not result in a change of use of the property.

#### **B. Critical Areas Overlay District (LUC 20.25H) and Shoreline Overlay District (LUC 20.25E)**

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

The portion of the property under proposal contains shoreline critical area buffer. Based on the proposed project and the critical area buffer on the site, there are a set of specific performance standards. The performance standards for vegetation management are enumerated in LUC 20.25H.055.C.3.i, LUC 20.25E.080.B and LUC 20.25B.080G, as applicable, for shoreline critical area buffers have been evaluated and are discussed briefly below. The proposal's consistency with the decision criteria for a Critical Areas Land Use Permit is discussed in detail in Section VII.

##### **1. Vegetation Management Plan (LUC 20.25H.055.C.3.i)**

A vegetation management plan may be approved by the Director for vegetation removal and replacement in a critical area buffer pursuant to LUC 20.25H.055.C.3.i. The requirements of this subsection provide for a systematic analysis of the area,

vegetation management goals and short and long-term management prescriptions that are intended to provide for certainty of plan success.

The applicant has provided an illustrated plan prepared by a qualified landscape designer. The plan describes the existing site conditions, along with a history of the formation of the project area. This history includes the construction of a single-family residence that was completed in 2007. The project area was impacted during the construction of the new residence and did not receive adequate restoration.

The plan objectives are to create and aesthetically attractive, functionally safe landscaped shoreline area that provides a non-motorized access to the gravel beach area below the bulkhead. The proposal has been designed in alignment with the Critical Areas Handbook in order to enhance the shoreline habitat by including elements consistent with a natural shoreline, such as native plants, large rocks and logs.

The sensitive features on the site include Lake Sammamish to the east of the project area. There is a steep slope critical area on the property, but it is to the west of the residence and is not going to be affected by the proposal.

The soils on the site are those typically found on developed lot adjacent to a structure. They have been heavily altered by construction and human activity. The Natural Resource Conservation Service soil maps indicate the soils on the property are generally Alderwood and Kitsap soil types and very steep. The runoff potential can be severe, but these effects can be mitigated through dense plantings of trees, shrubs and groundcovers.

The area shown above in Figure 1 is the area covered under approved vegetation management plan.

The short term management prescription for the proposal is to fully implement the plan shown above in Figure 1. The long-term management prescription is to continue to maintain native plants within the area covered under the vegetation management plan. It is the applicants intent to install a sprinkler system to ensure the plants are well watered. If any plants die they will be replaced. After three years, the goal is for 90% coverage, with no invasive species and the installed plants having established and looking healthier than at installation.

## **2. General Regulations for All Land Use Districts (LUC 20.25E.080.B)**

All relevant land use regulations have been reviewed. Many are not applicable to the proposed project. The applicable performance standards are discussed in greater detail below.

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No work is proposed below the ordinary high water mark and there is virtually no chance for adverse impacts on the quality of the water from the proposed project.

The property does extend into the Shoreline Overlay District and the proposal has been review for compliance with the policies of the Shoreline Master Program. Since this project is primarily a landscaping project for aesthetic enjoyment and recreation access it is compatible with the Shoreline Master Program. For example, Policy SH-6 states, "Consider and encourage aesthetic values when reviewing development of the shoreline."

The proposed vegetation management plan includes an almost complete renovation of the shoreline vegetation in the project area. The plan that is approved under the underlying clearing and grading permit will include temporary erosion and sedimentation control best management practices that will be implemented if deemed necessary by the on-site inspector.

The project will include the removal of vegetation within the critical area buffer. This removal is being approved through the land use approval and the underlying clearing and grading permit in compliance with LUC 20.25H.

The proposal is consistent with the existing land use regulations and the comprehensive plan policies.

### **3. Shoreline Clearing and Grading Regulations (LUC 20.25E.080.G)**

The proposed project, after receiving Land Use Approval will be required to obtain a clearing and grading permit (GJ) for the actual work on the ground. The clearing and grading permit will require on review of the proposal for compliance with the Clearing and Grading Code, BCC 23.76. The implementation of the clearing and grading permit will also require a field inspection by the clearing and grading inspector to ensure compliance with the applicable temporary erosion and sedimentation controls best management practices.

Due to the short anticipated duration of the proposed project implementation and the relatively limited scope of work within the critical area buffer, the City has determined that it is highly unlikely that the proposal will have any adverse impact on the safety, use of or stability of a public way, drainage channel or natural stream corridor. In addition, the implementation of the applicable on-site temporary erosion and sedimentation control best management practices will like prevent any possibility of such negative impacts.

## V. Summary of Technical Reviews

### A. Clearing and Grading:

The Clear and Grade Reviewer reviewed the plans and materials submitted for this project and determined that clearing and grading portion of this land use application can be approved. The future Clearing and Grading Permit application for this development must comply with City of Bellevue Clearing and Grading Code (BCC 23.76). See conditions of approval in Section IX.

## VI. Public Notice and Comment

Application Date:	May 20, 2008
Public Notice (500 feet):	August 1, 2008
Minimum Comment Period:	August 14, 2008

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on August 1, 2008. It was mailed to property owners within 500 feet of the project site. No comments were received.

## VII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for vegetation management in a critical area buffer pursuant to LUC 20.30P.

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

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

**Finding:** The proposed project has either applied for and will be applying for the following City of Bellevue Permits prior to implementation of the project: Clearing and Grading Permit (GJ).

#### 2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

**Finding:** The project's use of City's Critical Areas Handbook best management practices for restoration of a shoreline critical area buffer will result in the least impact to the critical area and critical areas buffer on the site and does not increase the risk or need for increased buffers on adjacent properties.

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

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

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

**Finding:** The property is already adequately served by public facilities. The proposal will not change the demand for public services on the property.

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

**Finding:** The Critical Areas Land Use Permit is for a vegetation management plan. The proposed plan meets the requirements for a vegetation management plan and a mitigation and restoration plan is not required in this instance.

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

**Finding:** The applicant submitted documentation consistent with the requirement to demonstrate compliance with the requirements of LUC 20.20, 20.25E, 20.25H and 20.30P. See discussion above.

## **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 does hereby **approve with conditions** the Critical Areas Land Use Permit for a vegetation management plan for a 70 foot by 12 foot area between an existing bulkhead and single-family residence within the 25-foot critical area buffer of Lake Sammamish. The proposal also includes the removal of a portion of the concrete bulkhead for the construction of a stairway provide non-motorized access to the gravel shoreline.

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

**IX. Conditions of Approval**

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928

**The following conditions are imposed under the Bellevue City Code:**

**A. Clearing and Grading Permit Required:** Prior to the initiation of any vegetation removal and clearing or grading activity, the applicant must obtain a Clearing and Grading Permit (GJ). The clearing and grading permit must contain a final restoration plan for review and approval in conjunction with a clearing and grading permit. The restoration plan must contain native shrubs and trees conforming to planting details, densities and performance standards of the approved vegetation management plan (see attached), except that shrub densities need to be adjusted to conform to densities outlined in the City of Bellevue Critical Area Handbook. Any modifications to this plan must be submitted for review and approval by the City prior to commencing any work.

Authority: Bellevue City Code 23.76.025  
Reviewer: Tom McFarlane, Clear and Grade

**B. Land Use Inspection Required:** Prior to permit closure of the clearing and grading permit required above, the applicant shall arrange for a site inspection by the Land Use Planner of the Critical Areas Land Use Permit to verify the restoration plan has been implemented in conformance with the vegetation management plan. If any activities that have been taken that are inconsistent with the management plan, the applicant will be required to resolve these items prior to closure of the open clearing and grading permit.

Authority: Land Use Code 20.30P.140  
Reviewer: Kevin LeClair, Land Use

**X. Attachments:**

1. Vicinity Map
2. Site Plan- In File
3. Restoration and Planting Plan- In File

Attachment 1 – Vicinity Map



City of Bellevue  
 Development Services  
 Department  
 Plot Date: 7/22/2008



**Vicinity Map**  
**Permit # 08-115121-LO**  
**Carmichael Vegetation Management**



**MAP LOCATION**  
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