



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 11511 MAIN ST., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Ralph H. Guditz

LOCATION OF PROPOSAL: 3929 179th Ln. SE

NAME & DESCRIPTION OF PROPOSAL: Guditz New Moorage Facility

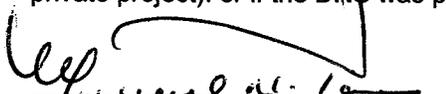
Application for a Shoreline Substantial Development permit for the construction of a new 480 square foot moorage facility valued at more than \$10,000. The new dock will serve a site with six unconstructed condominium dwelling units.

FILE NUMBER: 08-128485-WB

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 March 16, 2006.
- 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 11/20/08.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.


 Environmental Coordinator

10/30/2008
 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
 Development Services Department
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6800 Fax (425) 452-5225

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

Application No. 08-128485-WB

Date Received 7/29/2008

Approved / Date 10/30/2008
 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: **Ralph H. Guditz**

to undertake the following development:

The construction of a new moorage facility and shoreline planting reviewed and approved under permit 08-128485-WB.

upon the following property: 3929 179th Ln. SE

within Lake Sammamish

and/or its associated wetlands. The project will be located within 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.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-13 and SH-50

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

Conditions of Approval (Land Use Division)

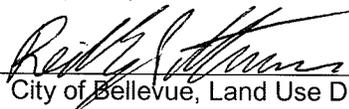
This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter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

October 30, 2008

Date


 City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
 Dept. of Fish and Wildlife, Alisa Bieber, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
 DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452



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

Proposal Name: Guditz New Moorage Facility

Proposal Address: 3929 179th Ln. SE

Proposal Description: Application for a Shoreline Substantial Development permit for the construction of a new 480 square foot moorage facility valued at more than \$10,000. The new dock will serve a site with six unconstructed condominium dwelling units.

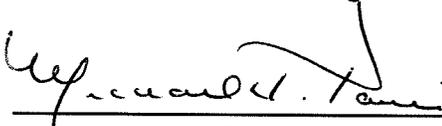
File Number: 08-128485-WB

Applicant: Ralph Guditz, Property Owner

Decisions Included: Shoreline Substantial Development Permit (Process II, LUC 20.30R)

Planner: Reilly Pittman, Associate Planner

State Environmental Policy Act Threshold Determination: **Determination of Non-Significance**


Michael Paine, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**


Mike Brennan, Director
Development Services Department

Application Date: 7/29/08
Notice of Application Publication Date: 8/28/08
Decision Publication Date: 10/30/08
Project/SEPA Appeal Deadline: 11/20/08

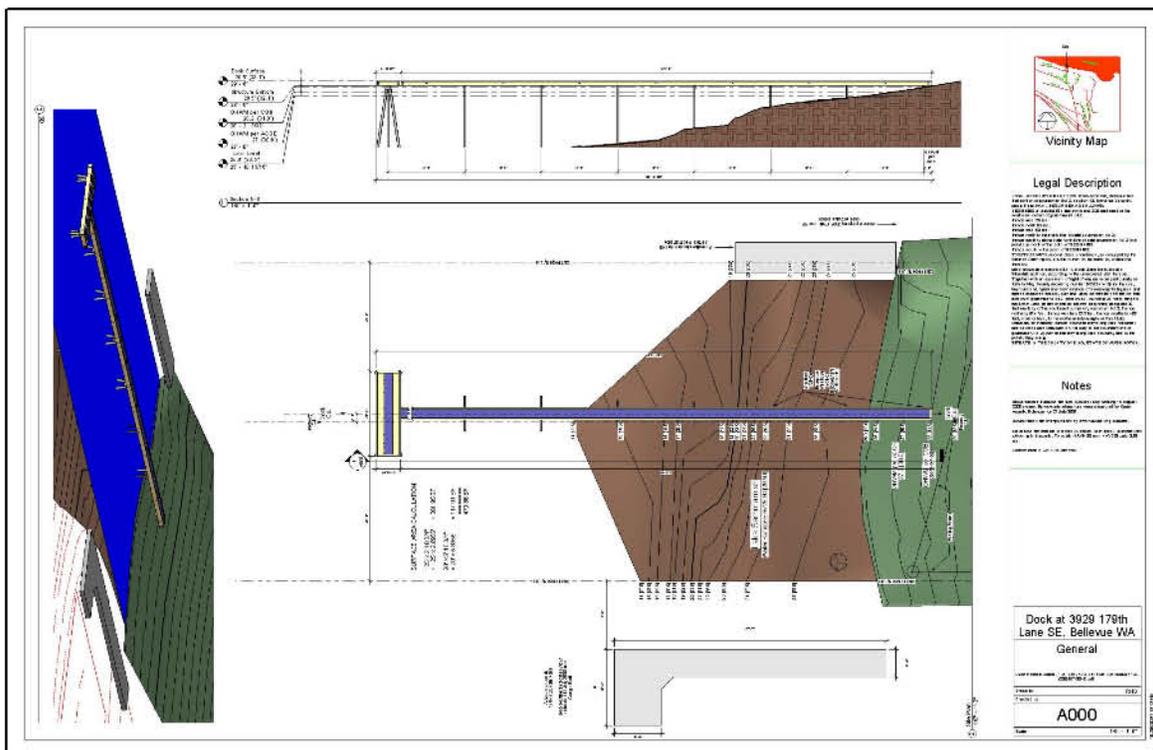
For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision 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 requests approval of a Shoreline Substantial Development Permit to allow the construction of a new moorage facility on Lake Sammamish. The proposed pier extends 130 feet out from the Ordinary High Water Mark of Lake Sammamish as established by the City of Bellevue. The proposed pier and ell create a combined over-water coverage of slightly less than 480 square feet; 300 square feet of the total coverage area consists of Thru-Flow grating. No watercraft lifts are currently proposed as part of this dock proposal, but may be proposed and reviewed under future permit applications. Shoreline planting is proposed as required under City of Bellevue regulations for new docks. See figure 1 below.

Figure 1



B. Site Description

The project site is located at 3929 179th Ln. SE and has shoreline frontage along Lake Sammamish. The site is located in the NE quadrant of Section 13, Township 24 North, Range 5 East and is zoned single-family residential, R-5. The current site is pictured below in figure 2. The proposed work is within the Shoreline Overlay District of Lake Sammamish and is subject to a Shoreline

Substantial Development Permit.

Figure 2



A single-family residence is currently located on the site which the new dock is proposed to serve. The site has previously been approved under separate permits to have six condo units constructed on the property. The dock is classified as a private moorage facility which can either serve the existing single-family residence or the currently unconstructed condo units. The regulations in LUC 20.25E for new docks are the same whether the dock serves one dwelling unit or six units.

II. Critical Areas in Project Area

A. Shorelines

The property has approximately 75 feet of shoreline on Lake Sammamish. The proposed work is waterward of the Ordinary High Water Mark, within the shoreline critical area. The Shoreline Overlay District encompasses Lake Sammamish and lands lying 200 feet landward of the OHWM of Lake Sammamish.

B. Stream

The outfall of a type-N, non-fish bearing closed stream segment is located 35 feet west of the proposed dock which delivers water to Lake Sammamish.

III. State Environmental Policy Act (SEPA)

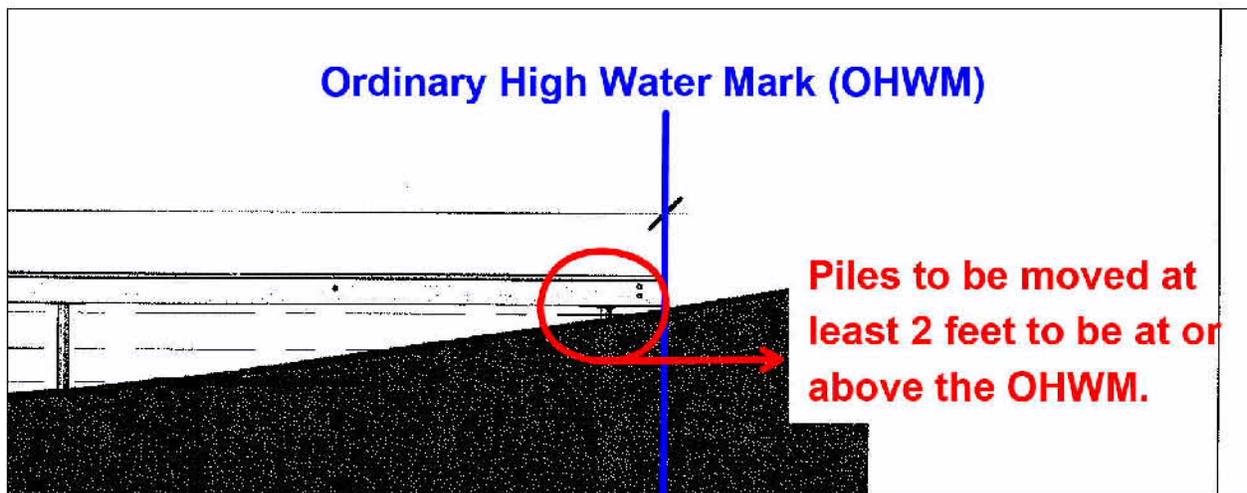
The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, 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

Lake bed will be disturbed by pile driving which is being done from a barge. Six 4-inch steel piles and fourteen 6-inch steel piles are proposed to be installed to support the new dock.

The first piles closest to the Ordinary High Water Mark (OHWM) are required to be 4-inch steel piles and cannot be any closer than 18 feet as required by LUC 20.25E.080.N.1.b.v. There are two proposed steel piles depicted on the plans that are 2 feet waterward of the OHWM as seen in figure 3 below. These 2 piles will be moved to the edge of the dock to be at least at or above the OHWM as a condition of approval. See Conditions of Approval in Section IX for a condition requiring the 2 piles closest to the OHWM to be moved at least 2 feet to be at or above the OHWM.

Figure 3



An in-water silt curtain will be used to contain sediment within the work area. Impacts are mitigated by the City's Clearing and Grading Ordinance (Chapter 23.76 BCC). See Conditions of Approval in Section IX for a condition requiring the installation of a silt curtain.

B. Air

Any air quality impacts will be temporary as a result of dock construction using a diesel powered crane on a barge. Standard methods of reducing impacts to air quality will be utilized and include keeping all heavy equipment and hand tools in good operating condition.

C. Water

The dock is being constructed within Lake Sammamish and is subject to the Shoreline Overlay District requirements in LUC 20.25E. The project is proposed to occur both above and below the OHWM of Lake Sammamish. There is also an outfall of a type-N stream in the vicinity but outside of the proposed project area.

D. Plants

The work is occurring on an existing dock within Lake Washington. No vegetation is impacted. Approximately 726 square feet of shoreline and near-shore will be planted with native species as part of a shoreline planting plan required for new dock construction. Monitoring and maintenance are part of the planting plan as well as a performance surety. See Conditions of Approval in Section IX for a condition requiring the implementation of the planting plan and monitoring period and requirement for a performance surety.

E. Animals

Lake Sammamish supports Chinook Salmon, Bull Trout, and Steelhead which are Threatened Species. As part of this proposal the entire dock is to be grated which will maintain the amount of light that reaches the water and limit shading impacts. The planting plan will also establish vegetation along the shoreline which will be beneficial to fish and which currently does not exist.

F. Noise

The project will create short-term increases in noise associated with

construction equipment. The standards in LUC 9.18 will control noise generated by the construction of the dock. See Conditions of Approval in Section IX of this report for restrictions on noise.

IV. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements

New docks are required to be 12 feet from adjacent property lines which the proposed dock maintains. 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.

V. Summary of Technical Reviews

A. Utilities: Utilities has reviewed the proposed site development for compliance with Utility codes and standards. The Utilities staff found no issues with the proposed project.

VI. Public Notice and Comment

Application Date:	July 29, 2008
Public Notice (500 feet):	August 28, 2008
Minimum Comment Period:	September 29, 2008

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on August 28, 2008. It was mailed to property owners within 500 feet of the project site. A comment was received from Karen Walter of the Muckleshoot Indian Tribe Fisheries Division requesting to review the project plans. The plans were provided and no further comments were received.

VII. Decision Criteria

A. LUC 20.30R.155.B Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications if:

- 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;**

The applicant's proposal meets the above criteria by complying with the policies and procedures of the Shoreline Management Act, provisions of Chapter 173-14 WAC and the Master Program. The proposal includes the requirement to plant shoreline vegetation. As conditioned below the plantings must be planted within 30 days of completion of the pier and prior to project final inspection and signed off by the City unless prior City approval is granted to extend the planting deadline. The applicant has demonstrated that the use of the shoreline will be enhanced by the addition of shoreline planting.

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

The proposal complies with all applicable decision criteria.

- 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.**

The proposal complies with the policies of the Shoreline Management Act and Chapter 173-14 WAC of the Master Program.

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 construct a new moorage facility located at 3929 179th Ln. SE. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. Building permits are required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

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 Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-4350
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

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

1. Obtain All Other Applicable State and/or Federal Permits

Before work can proceed, all required federal and state permits and approvals must be received by the applicant. 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 beginning construction.

Authority: Land Use Code 20.25H.080

Reviewer: Reilly Pittman, Development Services Department

2. Shoreline Planting Plan

The shoreline shall be planted as depicted in the Shoreline Planting Plan dated July 29, 2008 by Kvam Aquatic Sciences, LLC.

Monitoring reports of the plants will be submitted as described in the planting plan and as outlined below:

- Submittal of as-built monitoring survey with photo stations and documentation of the distribution of plantings;
- The early summer following the first growing season
- The early summer following the second growing season
- The early summer following the third growing season
- The early summer following the fourth growing season
- The early summer following the fifth growing season

3. Land Use Inspection

To ensure the plants have been installed in accordance with approved

planting plan the applicant must call for and obtain an inspection for a Land Use Planner from the City of Bellevue, following installation of said plants.

Authority: Land Use Code 20.25E.080.B
Reviewer: Reilly Pittman, Development Services Department

4. Performance Surety

As detailed in the planting plan, a performance surety assignment of savings shall be submitted in the amount of 150% of the cost of labor and material costs to install the plantings. A cost estimate of plants shall be provided to staff along with the assignment of savings prior to the required Land Use inspection. Release of the assignment of savings is contingent upon successful completion of the monitoring period.

Authority: Land Use Code 20.25H.220
Reviewer: Reilly Pittman, Development Services Department

5. Dock Pile Placement

As identified in Section III of this report the two closest piles to the Ordinary High Water Mark (OHWM) shall be moved south at least 2 feet to be at or above the OHWM in order for the dock to comply with LUC 20.25E.080.N.1.b.v.

Authority: Land Use Code 20.25E.080
Reviewer: Reilly Pittman, Development Services Department

6. Silt Curtain

To mitigate 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 the installation of the watercraft lifts. 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 23.76.090
Reviewer: Reilly Pittman, Development Services Department

7. Noise Control

Noise related to construction is exempt from the provisions of BCC 9.18

between the 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. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department

XI. Attachments:

1. Shoreline Planting Plan – In file
2. Dock Plans – In file
3. Environmental Checklist – In File
4. Planting Plan – Attached

Vicinity Map: Guditz New Moorage Facility (08-128485-WB)

