



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

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**Proposal Name:** Nyman Residence

**Proposal Address:** 4560 151<sup>st</sup> Avenue SE

**Proposal Description:** This is an application for a Critical Areas Land Use Permit to obtain a reasonable use exception for the construction of a single-family residence within a maximum allowed 2,625 square foot area. The site contains steep slopes which form a ravine containing Vasa Creek.

**File Number:** 15-129145-LO

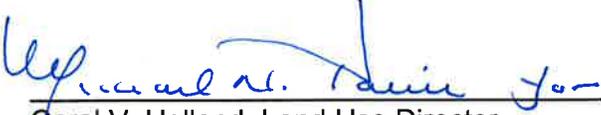
**Applicant:** Alan Ness, Ten Directions Design

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

**Planner:** Reilly Pittman, Land Use Planner

**State Environmental Policy Act  
Threshold Determination:** **Exempt**

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

  
Carol V. Helland, Land Use Director  
Development Services Department

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**Application Date:** December 12, 2015  
**Notice of Application Date:** January 14, 2016  
**Decision Publication Date:** April, 28, 2016  
**Project/SEPA Appeal Deadline:** May 12, 2016

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For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. 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.

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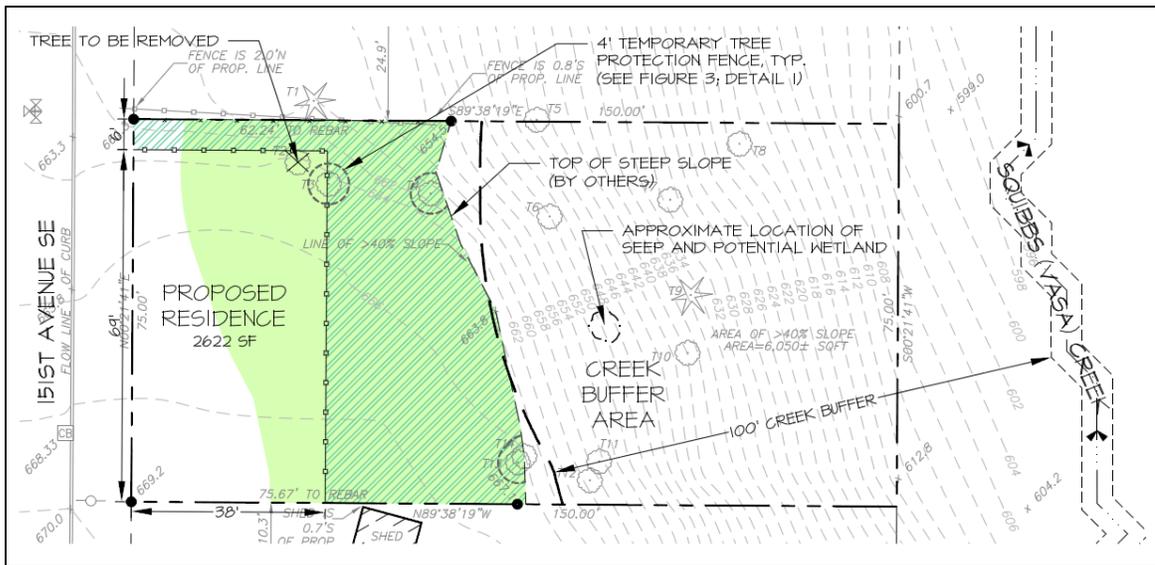
### **Attachments**

1. Site Plan and Planting Plan – Enclosed
2. Mitigation and Monitoring Plan – In File
3. Geotech Report – In File
4. Application Forms and Materials – In File

## I. Proposal Description

The applicant is proposing to construct a single family residence on a vacant property. The site is encumbered by a steep slope critical area and a 50-foot top-of-slope buffer. As a result, the site can only be developed under the Reasonable Use Exception provisions in LUC 20.25H.200. This critical areas land use permit establishes conditions and performance standards that must be met in order to obtain subsequent permits for the construction of the single family residence on the subject property. See Figure 1 below for proposed house placement.

Figure 1



## II. Site Description, Zoning, Land Use and Critical Areas

### A. Site Description

The subject property is located at 4560 151<sup>st</sup> Avenue SE, in the Newcastle Subarea. The lot is approximately 75 feet wide by 150 feet deep and is 11,250 square feet in area. The buildable portion of the lot is located on the west side of the property, adjacent to 151<sup>st</sup> Avenue SE. The majority of the property is encumbered by the steep slope buffer and steep slope critical area. Vasa Creek is off-site to the east and the stream buffer extends onto the project site, but is contained within the steep slope critical area.

### B. Zoning

The underlying land use of the property is R-3.5.

### C. Land Use Context

The property is bordered on the north, south, and west across 151<sup>st</sup> Avenue SE by existing single-family development. To the east is the Horizon Heights Open Space which contains the ravine and Vasa Creek.

## **D. Critical Areas Functions and Values**

### **i. Geologic Hazard Areas**

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

## **III. Consistency with Land Use Code Requirements:**

### **A. Zoning District Dimensional Requirements:**

This is a proposal to obtain a reasonable use exception for the construction of a single family residence. The property is zoned R-3.5. The proposal is consistent with the underlying zoning district and applicable dimensional requirements based on the plans submitted. In order to limit modification of the slope buffer to the maximum extent possible, the front setback is allowed to be reduced to 10 feet per LUC 20.25H.040.

### **B. Critical Areas Requirements LUC 20.25H:**

#### **i. 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. When the development density/intensity calculations outlined in LUC 20.25H.045 are applied to this situation the site does not have the potential for a single dwelling unit. As such, the site meets the definition of a small lot as defined in LUC 20.25H.200.A.2.a. Under this definition, a lot in the R-3.5 land use district with less than 2,625 square

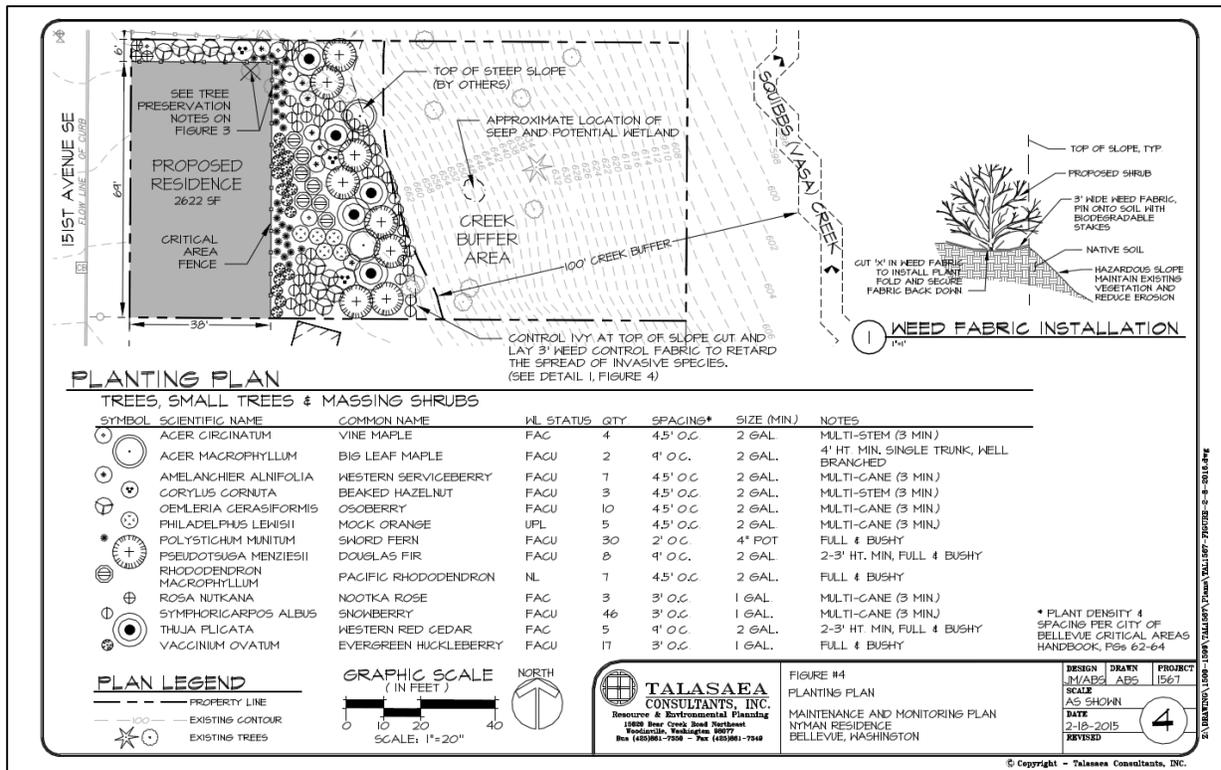
feet of development area on the site is considered to have no reasonable use and would qualify for a reasonable use exception.

Finding: The subject property is has less than 2,625 square feet of buildable area outside of the slope buffer and steep slope. As a result, the property qualifies for a reasonable use exception.

**ii. Consistency with LUC 20.25H.125 Performance standards for landslide hazards and steep slopes**

1. This is a reasonable use application. The preliminary, 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.
2. The structure will be located as close to the front property line as is possible given the necessary 10' front yard setback granted by LUC 20.25H.040. A larger setback is allowed for the garage in order to ensure a car can park full outside of the City's right-of-way.
3. The project is not built within a steep slope and the project Geotech does not anticipate increase risk or the need for greater buffers on neighboring properties.
4. No large retaining walls are proposed. A small wall less than two feet high, is proposed along the edge of the driveway and within the allowed buildable area.
5. The development will minimize impervious surface by having a shortened driveway and minimal surfaces exterior to the house.
6. No changes in grade outside the building footprint are noted, other than absolutely necessary for the construction of the retaining walls for the foundation and the construction of the residence itself. However the proposed plan has limited information regarding site grading. The plan submitted with the building permit is required to be built to minimize topographic change outside of the 2,625 of buildable area.
7. The house is located in a relatively flat area and the house foundation walls are not anticipated to be used for retention.
8. The house is not built within a steep slope and pole construction is not anticipated.
9. No parking structures are proposed.
10. The proposed developed area is located outside of the slope buffer as much as possible and impacts 1,342 square feet of the buffer, leaving 2,576 square feet outside of the area of permanent disturbance. Through the reasonable use exception, the applicant is granted an area of permanent disturbance not to exceed 2,625 square feet. The remaining buffer area, above the top-of-slope is proposed to be restored with native vegetation. Removal of one significant eight inch maple tree within the area allowed for permanent disturbance may be needed given the placement of the proposed house. All attempts to keep the tree are required but an arborist may find the tree to be a hazard. The restoration proposed assumes removal of the maple. See Figure 2 below for planting plan.

Figure 2



iii. Reasonable Use

20.25H.205 Performance standards for reasonable use

1. The structure is located on the site at the western extent of the property. It will conform to the minimum required 10' front yard setback. The permanent disturbance on the site will be at or below the maximum allowed per the reasonable use exception allowed for this site.
2. The access point for the new structure will be from the west side of the structure from 151<sup>st</sup> Avenue SE. Any other access points will be situated to minimize disturbance to the adjacent critical area buffer, but shall comply with International Building Code and International Fire Code requirements adopted by the City of Bellevue.
3. The access drive will be on the west side of the structure. This is the location furthest from the most sensitive areas of the property. Utilities and drainage will also access from 151<sup>st</sup> Avenue SE. Drainage will be directed away from the steep slope.
4. All utilities serving the site will come from the west of the site and avoid the steep slope critical area and buffer to the east of the proposed house. **See Conditions of Approval in Section VIII of this report.**
5. All utility installation, construction or staging will occur with the areas of permanent disturbance and will be covered by permanent structures or surfaces.
6. There will be no areas of permanent disturbance outside of the 2,625 square foot

area allowed under the reasonable use exception. No permanent disturbance will occur within any critical areas. **See Conditions of Approval in Section VIII of this report.**

7. Fencing and buffer plantings are planned for the boundaries of buffers surrounding the new residence, and above the top-of-slope.

#### **IV. Public Notice and Comment**

Application Date:	December 1, 2015
Public Notice (500 feet):	January 14, 2016
Minimum Comment Period:	January 28, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on January 14, 2016. It was mailed to property owners within 500 feet of the project site. No comments were received.

#### **V. Summary of Technical Reviews**

##### **Clearing and Grading:**

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

#### **VI. 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. Critical Areas Land Use Permit Decision Criteria 20.30P**

The Director may approve or approve with modifications an application for a critical areas land use permit if:

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

Finding: A building permit application and any other required permit shall be issued for construction to begin. **See Conditions of Approval in Section VIII of this report.**

- 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 proposal is consistent with required performance standards for projects in the shoreline overlay district. The resulting development will improve stormwater quality and provide vegetation in the shoreline buffer which is an improvement over the existing

condition.

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

Finding: As discussed in Section III of this report, the applicable performance standards are being met.

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

Finding: The impact of the proposed home is already assumed in the City's infrastructure plans.

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

Finding: All areas of temporary disturbance associated with the construction and staging of the new single-family residence will be restored per an approved restoration and mitigation plan. The permanent disturbance will occur within the 2,625 square feet allowed under 20.25H.190. The proposed restoration planting will be carried out as proposed on the submitted plans. Maintenance and monitoring is as proposed in the submitted monitoring plan. See Attachment 1 for planting plan and Attachment 2 for mitigation and monitoring plan.

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

Finding: As discussed in Section III of this report, the proposal complies with all other applicable requirements of the Land Use Code.

**VII. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby approve with conditions the proposal to construct a new house, under a reasonable use exception, for the property at 4560 151<sup>st</sup> Avenue SE.

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

**VIII. 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	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20.25H	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 authority referenced:**

- 1. Building Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A building permit and any other construction permit is required. Plans submitted as part of the permit application shall be consistent with the plans reviewed for this approval.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 2. Maintenance and Monitoring:** The submitted monitoring plan included in Attachment 2 is required to be implemented. Annual monitoring reports are required to be submitted to Land Use staff. Monitoring reports should be mailed to:

Environmental Planning Manager  
Development Services Department  
City of Bellevue  
PO Box 90012  
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220

Reviewer: Reilly Pittman, Development Services Department

- 3. Maintenance Surety:** A maintenance surety is required to be submitted based on 100 percent of the cost estimated for a qualified specialist to maintain and monitor the planting area. The maintenance surety is required prior to building permit issuance.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 4. Permanent Disturbance:** All permanent disturbance is limited to the area depicted on the approved plan. Temporary disturbance outside of the area of permanent disturbance may be allowed but none is proposed on the plans. Any future temporary disturbance may require additional restoration.

Authority: Land Use Code 20.25H.200

Reviewer: Reilly Pittman, Development Services Department

- 5. Land Use Inspection:** Following installation of planting the applicant shall contact Land Use staff to inspect the planting area. At the end of 3 years inspection by Land Use staff is required to release the maintenance surety. Staff will need to find that the plants are in a healthy and growing condition and the mitigation plan is successful per the established performance standards in the monitoring plan. Throughout the monitoring period Land Use staff has the right to enter the property to inspect the planting.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 6. 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

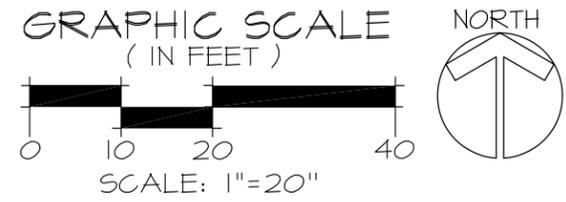


## EXISTING CONDITIONS

### PLAN LEGEND

- PROPERTY LINE
- 100' EXISTING CONTOUR
- EXISTING TREES
- CREEK CENTER LINE (TYPE F)\*
- APPROX. ORDINARY HIGH WATER MARK (OHWM)\*
- APPROX. CREEK BUFFER\*
- 50' STEEP SLOPE BUFFER

\* NOTE: APPROXIMATED OHWM BASED ON LIDAR. AVERAGE 6-8' WIDE OHWM VARIES IN WIDTH, NO SURVEY DATA. APPROXIMATED STREAM BUFFER. CREEK IS TYPE F PER BCC 20.25H.075(B)




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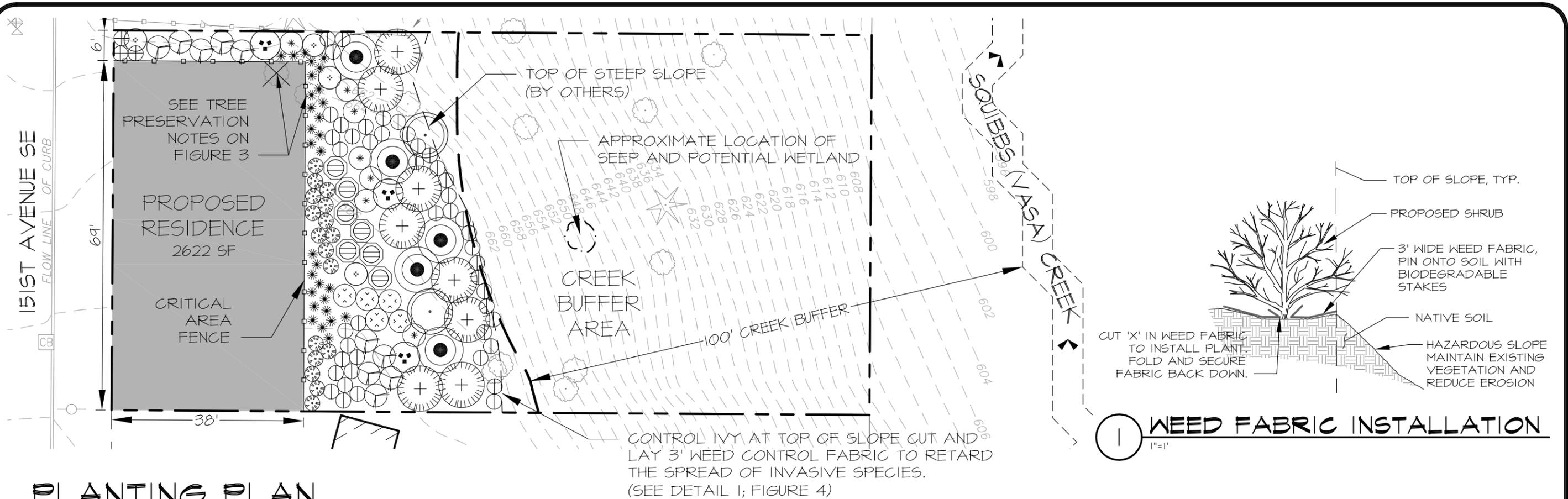
FIGURE #2  
 EXISTING CONDITIONS  
 MAINTENANCE AND MONITORING PLAN  
 NYMAN RESIDENCE  
 BELLEVUE, WASHINGTON

DESIGN JM/ABS	DRAWN ABS	PROJECT 1567
SCALE AS SHOWN		
DATE 2-18-2015		
REVISED		

2







## PLANTING PLAN

### TREES, SMALL TREES & MASSING SHRUBS

SYMBOL	SCIENTIFIC NAME	COMMON NAME	WL STATUS	QTY.	SPACING*	SIZE (MIN.)	NOTES
	ACER CIRCINATUM	VINE MAPLE	FAC	4	4.5' O.C.	2 GAL.	MULTI-STEM (3 MIN.)
	ACER MACROPHYLLUM	BIG LEAF MAPLE	FACU	2	9' O.C.	2 GAL.	4' HT. MIN. SINGLE TRUNK, WELL BRANCHED
	AMELANCHIER ALNIFOLIA	WESTERN SERVICEBERRY	FACU	7	4.5' O.C.	2 GAL.	MULTI-CANE (3 MIN.)
	CORYLUS CORNUTA	BEAKED HAZELNUT	FACU	3	4.5' O.C.	2 GAL.	MULTI-STEM (3 MIN.)
	OEMLERIA CERASIFORMIS	OSOBERRY	FACU	10	4.5' O.C.	2 GAL.	MULTI-CANE (3 MIN.)
	PHILADELPHUS LEWISII	MOCK ORANGE	UPL	5	4.5' O.C.	2 GAL.	MULTI-CANE (3 MIN.)
	POLYSTICHUM MUNITUM	SWORD FERN	FACU	30	2' O.C.	4" POT	FULL & BUSHY
	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	FACU	8	9' O.C.	2 GAL.	2-3' HT. MIN, FULL & BUSHY
	RHODODENDRON MACROPHYLLUM	PACIFIC RHODODENDRON	NL	7	4.5' O.C.	2 GAL.	FULL & BUSHY
	ROSA NUTKANA	NOOTKA ROSE	FAC	3	3' O.C.	1 GAL.	MULTI-CANE (3 MIN.)
	SYMPHORICARPOS ALBUS	SNOWBERRY	FACU	46	3' O.C.	1 GAL.	MULTI-CANE (3 MIN.)
	THUJA PLICATA	WESTERN RED CEDAR	FAC	5	9' O.C.	2 GAL.	2-3' HT. MIN, FULL & BUSHY
	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	FACU	17	3' O.C.	1 GAL.	FULL & BUSHY

\* PLANT DENSITY & SPACING PER CITY OF BELLEVUE CRITICAL AREAS HANDBOOK; PGS 62-64

### PLAN LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- EXISTING TREES

GRAPHIC SCALE  
( IN FEET )



**TALASAEA**  
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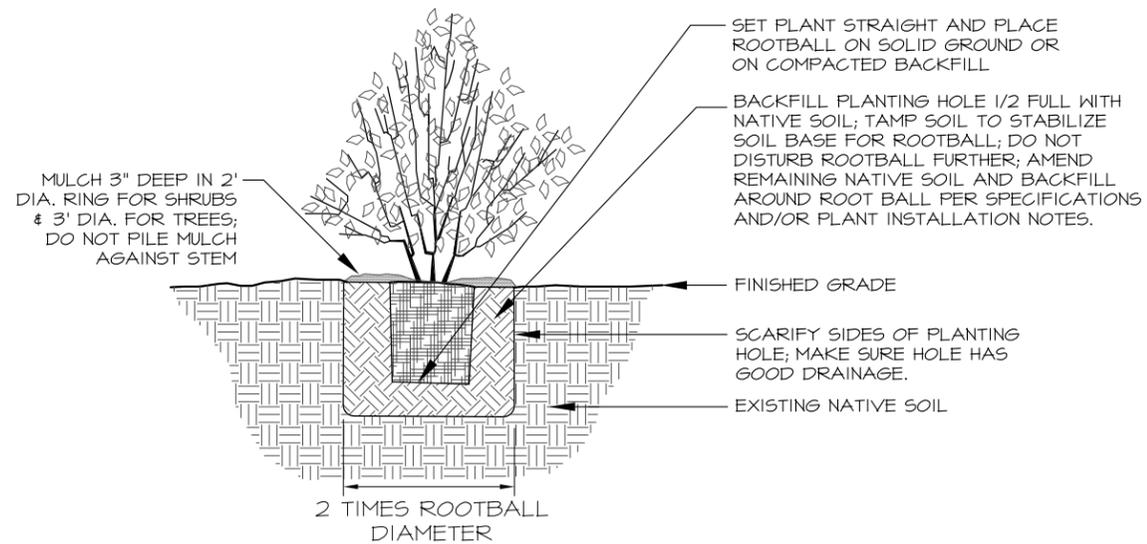
FIGURE #4

PLANTING PLAN

MAINTENANCE AND MONITORING PLAN  
NYMAN RESIDENCE  
BELLEVUE, WASHINGTON

DESIGN	DRAWN	PROJECT
JM/ABS	ABS	1567
SCALE AS SHOWN		
DATE 2-18-2015		
REVISED		

**4**

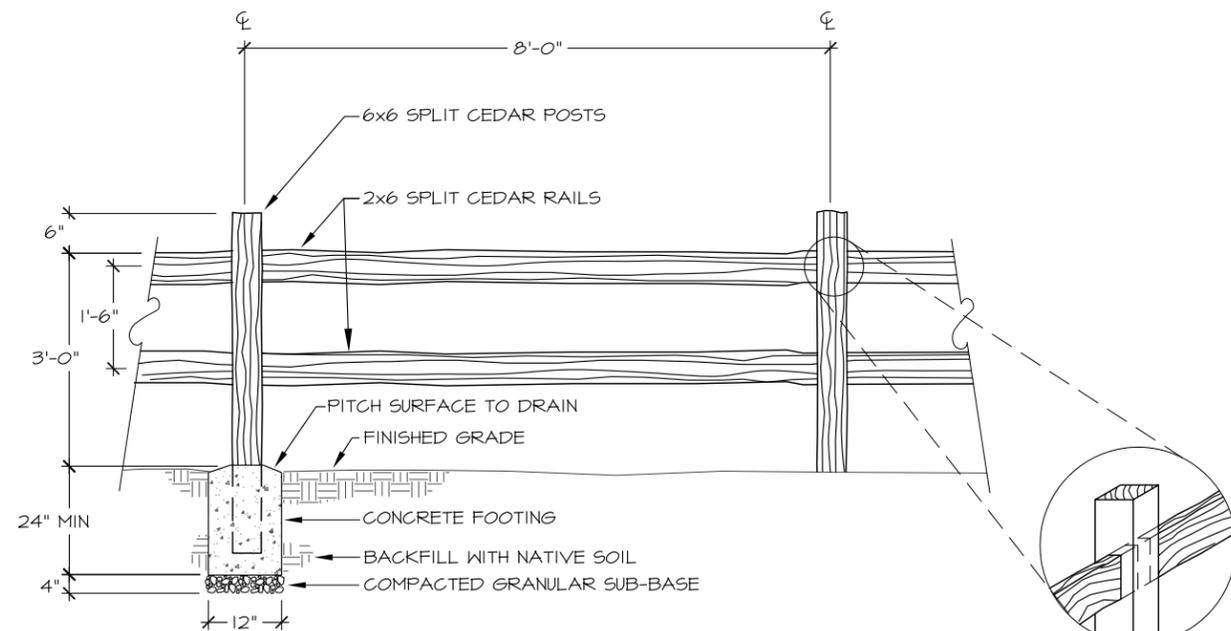


## GENERAL PLANT INSTALLATION NOTES

1. PLANT TREES AND/OR SHRUBS 1" HIGHER THAN EQUAL SOIL GROUND LEVEL.
2. FOR CONTAINER TREES AND/OR SHRUBS, SCORE FOUR SIDES OF ROOTBALL PRIOR TO PLANTING. BUTTERFLY ROOTBALL IF ROOT CIRCLING IS EVIDENT. REMOVE WIRE BASKETS WHERE APPLICABLE.
3. STAKE DECIDUOUS AND EVERGREEN TREES 4 FEET AND OVER IN HEIGHT WITH ONE (1) STAKE PER TREE. STAKE TREES IMMEDIATELY AFTER PLANTING. PLACE STAKE AT THE OUTER EDGE OF THE ROOTS OR ROOTBALL, IN LINE WITH THE PREVAILING WIND. STAKES SHALL BE LOOSELY ATTACHED USING CHAIN-LOCK TREE TIES TO ALLOW FOR SOME TRUNK MOVEMENT. STAKES TO BE VERTICAL, PARALLEL, EVEN-TOPPED, UNSCARRED AND DRIVEN INTO UNDISTURBED SUBGRADE. REMOVE AFTER ONE YEAR.
4. WATER PLANTS IMMEDIATELY UPON PLANTING, THEN PROVIDE MANUAL WATERING OR A TEMPORARY IRRIGATION SYSTEM, LIKE DRIP IRRIGATION, TO PREVENT PLANT MORTALITY AND ENSURE PROPER PLANT ESTABLISHMENT. PLANTS SHALL RECEIVE A MINIMUM OF APPROXIMATELY ONE INCH OF WATER EVERY WEEK DURING THE DRY SEASON (GENERALLY JUNE 15TH - OCTOBER 15TH, OR EARLIER OR LATER IF CONDITIONS WARRANT) FOR THE FIRST SEASON AFTER PLANTING. IRRIGATION AMOUNTS MAY NEED TO BE INCREASED DURING PROLONGED PERIODS OF HOT, DRY WEATHER.
5. FERTILIZE ALL TREES AND SHRUBS WITH A SLOW-RELEASE GENERAL PURPOSE OR STARTER GRANULAR FERTILIZER OR SLOW-RELEASE TABLETS AT MANUFACTURER'S SPECIFIED RATE.
6. ALL PLANTING AREAS SHALL HAVE A MINIMUM 6-INCH DEPTH OF TOPSOIL OR ORGANIC COMPOST (SEE DETAIL) IN EACH PLANTING HOLE. IF TOPSOIL IS INSUFFICIENT IN EITHER QUANTITY OR QUALITY WITHIN PLANTING AREAS, AS DETERMINED BY TALASAEA CONSULTANTS, TOPSOIL SHALL BE RESTORED BY EITHER RE-INSTALLING PREVIOUSLY STOCKPILED TOPSOIL, IMPORTING NEW TOPSOIL, OR AMENDING EXISTING SOILS IN PLACE WITH ORGANIC MATTER TO ACHIEVE A 9" MINIMUM DEPTH. ALL TOPSOIL SHALL HAVE A BULK ORGANIC CONTENT OF AT LEAST 10 PERCENT AND NOT GREATER THAN 20 PERCENT, AS DETERMINED BY AASHTO-T-194. TOPSOIL THAT HAS BEEN STOCKPILED ON-SITE FOR REUSE IN PROJECT AREA(S) OR IMPORTED FROM OFF-SITE SOURCES SHALL BE FERTILE, FRIABLE, SANDY LOAM SURFACE SOIL, FREE OF SUBSOIL, CLAY LUMPS, BRUSH, WEEDS, ROOTS, STUMPS, STONES LARGER THAN 1 INCH IN ANY DIMENSION, LITTER, OR ANY OTHER EXTRANEIOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH.
7. PROVIDE 3-INCH MINIMUM DEPTH OF MEDIUM BARK MULCH IN ALL PLANTING AREAS. NOTE: 3 INCHES IS THE MINIMUM DEPTH AFTER SETTLING. IF MULCH IS INSTALLED BY BLOWER TRUCK IT SHALL BE INSTALLED AT A 4-INCH DEPTH TO ENSURE A MINIMUM 3-INCH DEPTH AFTER SETTLING. MULCH SHALL BE DERIVED FROM FIR, PINE, OR HEMLOCK SPECIES AND SHALL NOT CONTAIN TRASH, ROCKS, OR OTHER DEBRIS OR MATERIALS DETRIMENTAL TO PLANT GROWTH. MULCH SHALL BE MEDIUM-COURSE GROUND WITH AN APPROXIMATELY 3-INCH MINUS PARTICLE SIZE. FINE PARTICLES SHALL BE MINIMIZED SO THAT NOT MORE THAN 30 PERCENT, BY LOOSE VOLUME, WILL PASS THROUGH A U.S. NO. 4 SIEVE.

## 1 CONTAINER STOCK PLANTING DETAIL

N.T.S.



NOTE: OR SIMILAR TO BE SELECTED BY OWNER

POST CONNECTION

## 2 SPLIT-RAIL CEDAR FENCE DETAIL

N.T.S.

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FIGURE #5

PLANTING DETAILS AND NOTES  
MAINTENANCE AND MONITORING PLAN  
NYMAN RESIDENCE  
BELLEVUE, WASHINGTON

DESIGN	DRAWN	PROJECT
JM/ABS	ABS	1567
SCALE AS SHOWN		
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