



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

Proposal Name: **Kaseburg Residence Critical Areas Land Use Permit and Land Use Code Variance**

Proposal Address: **5443 Pleasure Point Lane SE**

Proposal Description: Application for approval of Critical Areas Land Use Permit to modify the shoreline critical area buffer to allow for approximately eight square feet of deck to be built within the shoreline buffer and application for approval of a Land Use Code Variance to increase the total amount of structural lot coverage on the site from 38% to 43% to accommodate the new 230 square foot deck.

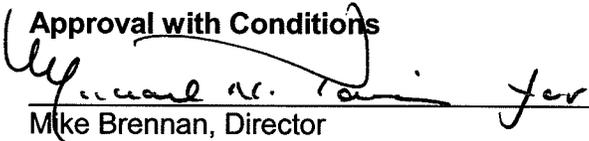
File Number: **08-114766-LO / 08-125711-LS**

Applicant: **Scott and Kathy Kaseburg**

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

Planner: **David Pyle, Land Use Planner**

**State Environmental Policy Act
Threshold Determination:** **SEPA Exempt per RCW 197-11-800**

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

Mike Brennan, Director
Development Services Department

Application Date: July 8, 2008
Notice of Application Publication Date: July 24, 2008
Decision Publication Date: October 16, 2008
Project Appeal Deadline: October 30, 2008

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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I. Proposal Description

The applicant is requesting approval of a critical areas land use permit and land use code variance to allow for the construction of a new second story uncovered unenclosed deck that will improve access to the second story of the existing residence. Construction of the deck requires a reduction of the prescribed 25-foot shoreline critical area buffer to allow for the intrusion of the proposed deck by eight square feet (see **Figure 1** below) and an increase in the allowed site structural lot coverage from the current 38% to 43% (see site survey in file) to accommodate the new deck. As a site improvement, the applicant is proposing to remove a portion of existing lawn area along the edge of Lake Washington (behind the existing bulkhead) and replant the area with native shrubs and groundcover consistent with the requirements of the city's critical areas handbook as allowed under LUC 20.25H.220.

Critical areas land use permit (LUC 20.30P): The project site is located adjacent to Lake Washington and is subject to the city's land use code critical areas requirements for shoreline critical areas and their buffers. The applicant is requesting a reduction of the required shoreline critical area buffer to allow for an intrusion of approximately eight square feet along the edge of the buffer (see **Figure 1** below) to allow for the construction of a second story deck, an action that requires approval through the critical areas land use permit Process. The critical areas land use permit action is discussed in greater detail in Section III below.

Land use code variance (LUC 20.30G): The applicant is seeking approval through the land use code variance process to add a pervious uncovered open 230 square foot deck at the second story level of the existing home as an add-on to an ongoing home remodel/expansion project that was permitted in the summer of 2008 under file number 08-115604-BR.

If approved, the deck addition would increase the total structural lot coverage on the site from 38 percent to 43 percent. The currently permitted remodel/expansion project includes the demolition and reconstruction of portions of the residence that were constructed between 1928 and 1970 along with the construction of an additional level. The footprint of the finished building will match the existing and includes a protrusion into the required 25-foot buffer as an exemption granted under LUC 20.25H.035.B.

The proposed deck (under review in this application) will protrude beyond the limits of the existing footprint and is not allowed under LUC 20.25H.035.B (see **Figure 1** below). The foundation, basement, and the main floor of a portion of the existing single-family dwelling (and within the existing footprint) are to be replaced under the current permit. The second story level that will be added under the current active permit will be at the same level as the street level, carport, and garage. This will move the entry from the current ground level, where it has historically been accessed by descending down one flight of outdoor stairs to the front door, to a new location being off of a small second story deck accessed through the existing carport at street level. Both the existing and proposed entries are on the south side of the house in

the southeast corner of the structure. This new deck area (for the entry) was permitted under building permit number 08-115604-BR and is designed to be non-impervious, 9 feet by 7.7 feet (68 square feet). A separate deck measuring 17.7 feet by 6.6 feet (117 square feet) has also been permitted under the same permit for construction on the west side of the home at the second story level and within the existing footprint where it will also take advantage of the Lake Washington view.

The variance request is intended to allow for the construction of a third piece of deck that will join these two decks together along the south west corner of the structure through the construction of 230 square feet of additional un-covered open pervious deck at the second story level. The variance is required due to an increase in structural lot coverage from 38% to 43%. Approval of the proposed variance will not impact the Marshall & Swift calculations performed under the recently issued building permit (08-115604-BR) as the proposed deck was already included in the value calculations reviewed under the building permit. If approved, the section of deck that must be permitted through the variance process would be added to 08-115604-BR as a revision after variance approval. The variance action is discussed in greater detail in Section III below.

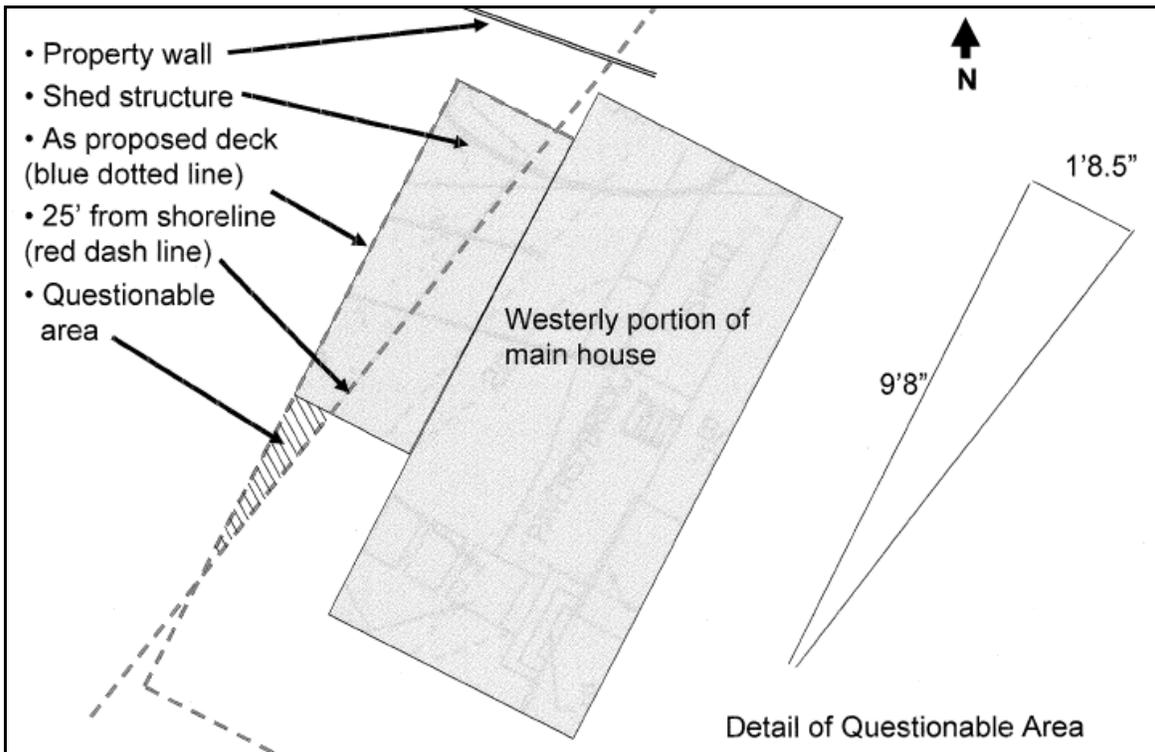


Figure 1: Site Map Identifying Proposed Encroachment

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

A. Site Description

The property is located at 5443 Pleasure Point Lane South East. It is bordered to the west by Lake Washington, the east by the Burlington Northern railroad right-of-way, and to the north and south by single family development. The property is awkwardly shaped (see **Figure 2** below) with an east-west axis of approximately 97 feet and a north-south axis of approximately 53 feet. The lot is 4,599 square feet (.11 acres) in size. The property is currently developed with one single family residence and includes an attached garage structure along the eastern edge of the property adjacent to the railroad right-of-way.

Access to the property is gained via an ingress/egress easement across the neighboring properties to the north and south and along the eastern edge of the property and adjacent to the railroad right-of-way. The site is effectively compressed between Lake Washington to the west and the Burlington Northern Right-of-Way/access easement to the east.



Figure 2: Property Aerial Photo

B. Recently Issued Building Permit

A building permit (08-115604-BR) was issued in the summer of 2008 to remodel and expand the existing residence that was built in stages between 1920 and 1970. The attached garage, built in 1975, will be retained. No expansion to into the front yard

square feet vs. 8,500 square feet) and lot coverage in excess of the 35% allowed is common along this section of Pleasure Point Lane SE. A majority of the properties along Pleasure Point Lane are also restricted in rights and privileges afforded to other properties in this part of Bellevue as they are confined due to the presence of the Lake Washington Shoreline and an access easement that occupies a large percentage of the lot. In this case the 4,599 square foot lot is limited to a small developable core. Additionally, because many of the structures in this area were developed in the 1920's they do not include architectural elements commonly associated with today's single family homes. In order to renovate these older structures to include common amenities many of the residences along Pleasure Point Lane and in the general vicinity have requested variances from lot coverage and setback standards.

D. Critical Areas Regulations and Functions and Values

1. Shorelines - The property is located along the shore of Lake Washington and is subject to the requirements of the critical areas overlay district found in LUC 20.25H. Lake Washington is considered a critical area and is protected along the shoreline by a 25 foot buffer and 25 foot structure setback.

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food. Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats.

No other critical areas were found on-site during field investigations. No additional critical areas are known to occur on properties immediately adjacent to the project site. A discussion of critical areas permitting is included in Section III below.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements

The following general dimensional requirements from LUC 20.20 for development in the R-4 district must be met by any single-family residential development on the property unless allowed as non-conforming development or permitted through the variance process:

Front yard setback:	20 feet
Rear yard setback:	25 feet
Side yard setback:	5 feet
Two side yards combined:	15 feet
Maximum lot coverage by structures:	35% (Site is currently 38% covered)
Maximum coverage by impervious surface:	50% (Site is currently 71% impervious)
Significant tree retention:	30% of diameter inches

The structure is currently non-conforming to setbacks (front yard and side yard on east side and north side respectively), lot coverage, and impervious surface. No change to the existing setbacks or impervious surface are proposed and the existing footprint will be maintained except where a modification is proposed through the variance process to allow for an increase in structural lot coverage and the construction of a new deck.

B. Critical Areas Permit Requirements

1. Consideration of administrative approval of structure and/or buffer setbacks required and allowed under LUC 20.25H.040.

As identified in LUC 20.25H.115, the shoreline regulatory buffer for developed sites is 25 feet and the structure setback is 25 feet. Under the guidance of LUC 20.25H.040, front and side yard setbacks should be administratively reduced to a minimum dimension to avoid impacting a critical area or critical area buffer. Due to the size of the property, the location of an access easement along the eastern boundary of the property, and the location of the shoreline, a reduction of the front and side structure setback is not feasible as the site is too constrained to benefit from this allowed reduction. The applicant has applied for a critical areas land use permit to reduce the shoreline buffer and allow for an intrusion of eight square feet of deck into the buffer.

2. Critical Areas Report Requirements - LUC 20.25H.230

As allowed under LUC 20.25H.115.B.2, the applicant has submitted application for critical areas land use permit in combination with the critical areas report process to achieve a reduction of shoreline buffer in the area where the proposed deck protrudes into the buffer. Critical areas land use permits with critical areas reports are governed by LUC 20.25H.230 and typically include an assessment of site conditions in relation to the proposed modification (reduction of buffer). Materials and concepts submitted through this process must include a proposal to restore or enhance degraded portions of the property with the objective of a net increase in functions as identified in Section II.D.1 above. In addition, the proposal must meet the requirements of LUC 20.25H.118, which requires any proposal to reduce the shoreline buffer beyond the minimum 25 feet required to mitigate impacted buffer through buffer replacement at a ratio of one-to-one and requires the enhancement of existing buffer to improve the site's ability to provide for specific ecological functions. In response to these requirements, the applicant is dedicating additional buffer beyond the eight square feet required, is restoring and enhancing a portion of the shoreline behind the bulkhead with native plantings that meet the requirements of the city's critical areas handbook, and is required as a condition of approval to establish and record a native growth protection easement agreement in compliance with LUC 20.25H.030.B. See related conditions of approval in Section VIII.

C. Land Use Code Variance Request

The applicant is requesting a variance from the requirements of LUC 20.20.010

which limits the total amount of structural lot coverage to 35 % for property in the R-4 zone. The site is restricted in development potential for the following reasons and a variance is warranted to afford the property owner a reasonable use of the site:

- The lot is abnormally small for the R-4 zone. At 4,599 square feet the site is limited in developable area and compliance with lot coverage, regulated at 35% for this zone, limits the size of the residence that can be built.
- The site is restricted by the location of an access easement along the eastern portion of the property and does not allow development in this area.
- The site is restricted along the western portion of the lot by the Lake Washington Shoreline Critical Area and associated buffer and structure setback (which total 50 feet) and development in this area is not allowed.

In this case, the variance being requested would allow for an increase in structural lot coverage from the current 38% (the site is currently non-conforming to lot coverage) to a proposed 43%. No modification to the impervious surface or setback requirements has been requested and the structure will remain non-conforming even through the approval of this variance. A discussion of variance approval criteria can be found in Section VI of this report. The variance must be recorded with the King County Department of Records and Elections within 60 days of the final approval of the variance action. See related condition of approval in Section VIII of this report.

IV. Public Notice and Comment

Application Date:	July 8, 2008
Public Notice (500 feet):	July 24, 2008
Minimum Comment Period:	August 7, 2008

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on July 24, 2008. It was mailed to property owners within 500 feet of the project site. No comments have been received to date.

V. State Environmental Policy Act (SEPA)

This is a proposal for the reduction of a shoreline critical area buffer and increase in structural lot coverage for the purposes of constructing a single-family deck on the property. The proposed work is entirely outside of the areas defined as "Critical Areas" by BCC 22.02.045. Furthermore, pursuant to BCC 22.02.032 and WAC 197-11-800, the construction or location of a one single-family primary structure is "categorically exempt" from SEPA environmental review.

VI. Decision Criteria

A. Land Use Code Variance Decision Criteria - Proposal to Increase Allowed Structural Lot Coverage From 35% to 43% - LUC 20.30G.140

The Director may approve or approve with modifications an application for a variance from the provisions of the Land Use Code if:

- 1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property; and**

Finding: This request does not constitute a grant of special privilege and is actually more restrictive than what is provided for in the existing built environment adjacent to the site. The lot size is abnormally small for the zone in which it is located and the property owner is unable to make minor functional changes to the site without violating the structural lot coverage limits.

- 2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property; and**

Finding: This property was developed in the 1920s and does not include many of the amenities commonly associated with a single family residence today. Due to the small lot size, the property is currently legally non-conforming. The applicant has proposed the addition of a deck to the residence that would increase the structural lot coverage beyond the current 38% to 43%. To accommodate the construction of a deck extension (an appurtenance common to today's single family residences) the applicant has requested a variance to lot coverage requirements. The combination of the abnormally small lot size, the extent of the access easement along the eastern portion of the site, and the shoreline buffer along the western portion of the site creates a unique situation and constitutes a special circumstance due to the size, shape, location, and surroundings of the subject property. Furthermore, decks are common throughout Bellevue and along the waterfront properties of Lake Washington where most lots are developed with structures that include view decks much larger than the deck proposed by the applicant. The deck proposed by the applicant is not out of proportion with the average residence in the R-4 zone in Bellevue and in the project vicinity.

- 3. The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property; and**

Finding: The increase in lot coverage requested by the applicant is modest and will not negatively affect the adjacent properties or development in the project vicinity. The deck proposed is proportional to adjacent development and will not impact the aesthetics of the community. The existing residence is small in size

as compared to the structures to the north and south and the lot size is small in comparison to other properties in the R-4 zone and project vicinity and is difficult to renovate due to the impact standard lot coverage and setback restrictions have on such a small lot. Furthermore, this variance will not allow for the addition of living area, but will rather facilitate the property owner's ability to access the residence at the second story level where it is currently not possible.

4. The variance is not inconsistent with the Comprehensive Plan; and

Finding: The variance is not inconsistent with the Comprehensive Plan. The site is developed with a single family residence that will remain on the site maintaining the stability of the neighborhood for adjacent residences as site changes are minor in scope. The variance will also provide the flexibility to allow for the renovation of the existing structure which is considered older housing stock, without requiring the demolition and reconstruction of the entire residence. Additionally, the variance will allow for an increase in lot coverage to construct a second story deck that facilitates entry to the residence, an appurtenance that is common on modern single family residences.

B. Critical Areas Report Decision Criteria - Proposal to Reduce Regulated Critical Area Buffer To Allow For Deck Intrusion - LUC 20.25H.255.B

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer through the critical areas report process on a site where the applicant demonstrates:

1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;

Finding: A conceptual shoreline buffer enhancement plan has been submitted by the applicant and is designed to comply with the requirements of the city's critical areas handbook. The enhancement plan will provide for substantially improved critical area and buffer functions and values relative to the existing condition. A monitoring and maintenance plan for the proposed mitigation area is also required. Dedication of a portion of the buffer as NGPE will also ensure native growth is preserved along the shoreline. See related conditions of approval in Section VIII of this report.

2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;

Finding: As allowed by LUC 20.25H.220, standard restoration requirements and templates will be used and this proposal does not require submission of an individual mitigation or restoration plan. The applicant is proposing the

enhancement of a portion of the shoreline buffer that will be placed into a native growth protection easement. See conditions of approval in Section VIII of this report.

3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;

Finding: This is a proposal to construct an extension of an unenclosed, uncovered, pervious deck on the southwest corner of an existing residence. No change in stormwater quality function is expected. The applicant is required to enhance the shoreline buffer in accordance with adopted restoration templates. The templates include soil amendment, planting with native shrubs, and project management bmps designed to minimize sediment and pollutant transport during and after construction.

4. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;

Finding: A three year maintenance and monitoring plan, including information on specific plant types and quantities is required. This plan will ensure that proposed enhancement plantings will be maintained, monitored and successfully established within the first three years following implementation. Furthermore, to ensure that the proposed plantings are installed and that the three year maintenance and monitoring plan is implemented, the applicant will post an Installation Assurance Device and a Maintenance Assurance Device prior to permit issuance. See conditions of approval in Section VIII of this report.

5. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and

Finding: The area located within the prescribed 25 foot buffer is currently degraded and of low ecological value due to past residential landscaping practices undertaken on the site. The eight square foot encroachment will not be detrimental to critical areas off-site as it is located in an already impacted landscaped area.

6. The resulting development is compatible with other uses and development in the same land use district.

Finding: The proposed buffer modification and resulting single-family development will be compatible with adjacent properties and surrounding development within the same land use district (R-4). Adjacent properties contain single-family land uses and include similar encroachments into the shoreline buffer. The proposed deck will not be located any closer to the shoreline than the existing foundation or other adjacent properties to the north and south.

C. Critical Areas Land Use Permit Decision Criteria - Proposal to Reduce

Regulated Critical Area Buffer To Allow For Deck Intrusion - 20.30P.140

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.

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

Finding: The property owner has applied for a Critical areas land use permit to reduce the shoreline buffer. No other City of Bellevue permits will be required of the project at this time. A clearing and grading permit and all applicable building permits will be applied for after approval of the proposed buffer reduction. 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 involves the construction of a second story uncovered unenclosed pervious deck of which eight square feet will intrude into the shoreline buffer. The applicant has used the best available design and development techniques to conceptually design the footprint of the proposed residence, along with all associated hardscapes. The design and layout took into consideration the location and condition of existing structure and property constraints coupled with the objective of providing a second story deck connection between external doorways. To compensate for this buffer reduction, the applicant has proposed buffer enhancement. See related conditions of approval in Section VIII of this report.

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

Finding: The proposal incorporates the applicable performance standards of Part 20.25H. To compensate for the buffer reduction the applicant has proposed buffer replacement and buffer enhancement consistent with LUC 20.25H.118. See related condition of approval in Section VIII of this report.

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

Finding: The proposed project will be served by adequate public facilities. No new streets will be needed to serve the site and the project site will utilize existing utilities found within 104th Avenue SE. Additionally, fire and police protection are currently available at the site.

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

Finding: A conceptual mitigation and restoration plan has been prepared in accordance with the requirements of LUC 20.25H.220. See related condition of approval in Section VIII of this report.

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, SEPA, City Code and Standard compliance reviews, the Development Services Director does hereby **approve with conditions** this application for Land use code variance and Critical areas land use permit to construct a deck extension in the southwest corner of the existing residence increasing the total structural lot coverage on the site to not more than 43% and allowing for an intrusion of not more than eight square feet into the prescribed shoreline buffer through the construction of a deck in the southwest corner of the existing structure.

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.

Note – Compliance With LUC 20.20.560 Required: Approval of this Land use code variance and Critical areas land use permit does not change the non-conforming status of the property. Any future improvements must be made in compliance with LUC 20.20.560. If the requirements of LUC 20.20.560 are not met, the property must be brought into compliance with the requirements of the Land Use Code.

Note – Recording of Variance Required: In accordance with LUC 20.40.500.B.1.a the variance must be recorded with King County Department of Records and Elections within 60 days of final City approval. The variance expires if not recoded within 60 days of final approval (expiration of appeal period).

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>
BCC Titles 20 and 23	David Pyle, 425-452-2973

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

1. Clearing Limits for Permanent and Temporary Disturbance: Prior to commencement of construction, clearing limits based on the area outside of the proposed critical area, critical area buffer and critical area structure setback are to be surveyed and marked in the field and steel construction fence erected to limit disturbance outside those limits. Proposed clearing limits must be delineated in preparation for preconstruction inspection by clearing and grading and land use staff and certified in the field to be in conformity with this approval.

Authority: Bellevue City Code 23.76.160
Reviewer: David Pyle, Development Services Department

2. Building Permit Required: Prior to commencement of construction of the proposed deck, the applicant must apply for and receive building permit approval.

Authority: Bellevue City Code 23.05.090
Reviewer: David Pyle, Development Services Department

3. Restoration Plan for Reduced Critical Area Buffer: To mitigate for the allowed permanent disturbance on the site and the reduction of the critical area buffer, a restoration plan that meets the requirements of the city's critical areas handbook shall be submitted for review and approval by the city prior to issuance of the building permit.

Authority: Land Use Code 20.25H.220
Reviewer: David Pyle, Development Services Department

4. Rainy Season Restrictions: Due to the proximity to two category III wetland critical areas, 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: David Pyle, Development Services Department

5. Pesticides, Insecticides, and Fertilizers: The applicant must submit as part of the required building permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer: David Pyle, Development Services Department

6. 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: David Pyle, Development Services Department

7. Shoreline Critical Area Performance Standards: The following performance standards will be reviewed for compliance at the subsequent single-family primary structure development phase. These performance must be met prior to approval of the subsequent building permit.

- Mitigation plans for shorelines and shoreline critical area buffers shall provide mitigation for impacts to critical area functions and values through on-site replacement of lost critical area buffer and on-site enhancement of the functions and values of remaining critical area buffer.
- Shoreline critical area buffer disturbed or impacted under this part shall be replaced at a ratio of one-to-one.

Authority: Land Use Code 20.25H.118
Reviewer: David Pyle, Development Services Department

8. Native Growth Protection Easement: Prior to approval of the subsequent building permit for the development of a single family primary structure on the property the critical area and critical buffer shall be placed in a Native Growth Protection Easement. The Easement shall contain, at a minimum, the following:

- An assurance that the NGPA or NGPE will be kept free from all development and disturbance except where allowed or required for habitat improvement projects, vegetation management, and new or expanded City parks pursuant to LUC 20.25H.055; and that native vegetation, existing topography, and other natural features will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat; and
- The right of the City of Bellevue to enter the property to investigate the condition of the NGPA or NGPE upon reasonable notice; and
- The right of the City of Bellevue to enforce the terms of the restriction; and
- A management plan for the NGPA or NGPE designating future management responsibility.

Authority: Land Use Code 20.25H.030
Reviewer: David Pyle, Development Services Department

9. Installation and Maintenance Assurance Devices: To ensure the proposed plantings are installed and that the three year maintenance and monitoring plan is implemented, the applicant shall post an Installation Assurance Device and a Maintenance Assurance Device prior to the Building Permit issuance. These devices will be released when the applicant demonstrates that the three year maintenance

and monitoring plan has been implemented and the restoration successfully established and at the end of three years following implementation.

Authority: Land Use Code 20.25H.255.B.4
Reviewer: David Pyle, Development Services Department

10. Recording of Variance Required: The variance must be recorded with King County Department of Records and Elections within 60 days of final City approval.

Authority: Land Use Code 20.40.500.B.1.a
Reviewer: David Pyle, Development Services Department

Attachments

1. Vicinity Map – In File
2. Site Survey – In File
3. Site Plans – In File