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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Cristian Strava

LOCATION OF PROPOSAL: 11644 SE 46th St.

NAME & DESCRIPTION OF PROPOSAL: Strava Residence Expansion

Critical Areas Land Use Permit approval to modify a 25ft buffer and 25ft structure setback from a Type-N stream and to modify an overlapping 50ft top-of-slope buffer from steep slope and landslide critical areas that form the stream bank to allow a 1,040 square foot expansion onto an existing single-family residence.

FILE NUMBER: 08-128860-LO

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 Development Services Department. This information is available to the public on request.

☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on 3/12/09

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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

Richard N. Tarr
Environmental Coordinator

2/26/2009
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
Land Use Staff Report

Proposal Name:	Strava Residence Expansion
Proposal Address:	11644 SE 46th Street
Proposal Description:	Critical Area Land Use Permit approval to modify a 25-foot buffer and 25-foot structure setback from a Type-N stream to allow a 1,040 square foot expansion of an existing single-family residence.
File Number:	08-128860-LO
Applicant:	Cristian Strava, Property Owner
Decisions Included:	Critical Areas Land Use Permit (Process II, LUC 20.30P)
Planner:	Reilly Pittman, Associate Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland, Environmental Coordinator Development Services Department
Director's Decision:	**Approval with Conditions** Michael A. Brennan, Director Development Services Department By: _____ Carol V. Helland, Land Use Director

Application Date:	August 8, 2008
Notice of Application Publication Date:	September 4, 2008
Decision Publication Date:	February 26, 2009
Project/SEPA Appeal Deadline:	March12,2009

For information on how to appeal a proposal, visit Development Services Center 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.

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I. Proposal Description

A Critical Area Land Use Permit (CALUP) to reduce the 25-foot buffer and 25-foot structure setback from a Type N stream on a developed site. The proposed modifications are to reduce the 25-foot stream buffer and 25-foot stream buffer structure setback to 10 feet each. The requested reductions will enable a 1,040 square foot addition to an existing single family residence. Mitigation is proposed, consisting of planting and invasive species removal on the steep slope critical area which is also the stream bank. The critical areas and remaining buffers will be placed into a Native Growth Protection Easement (NGPE). See figure 1 for the proposed activity.

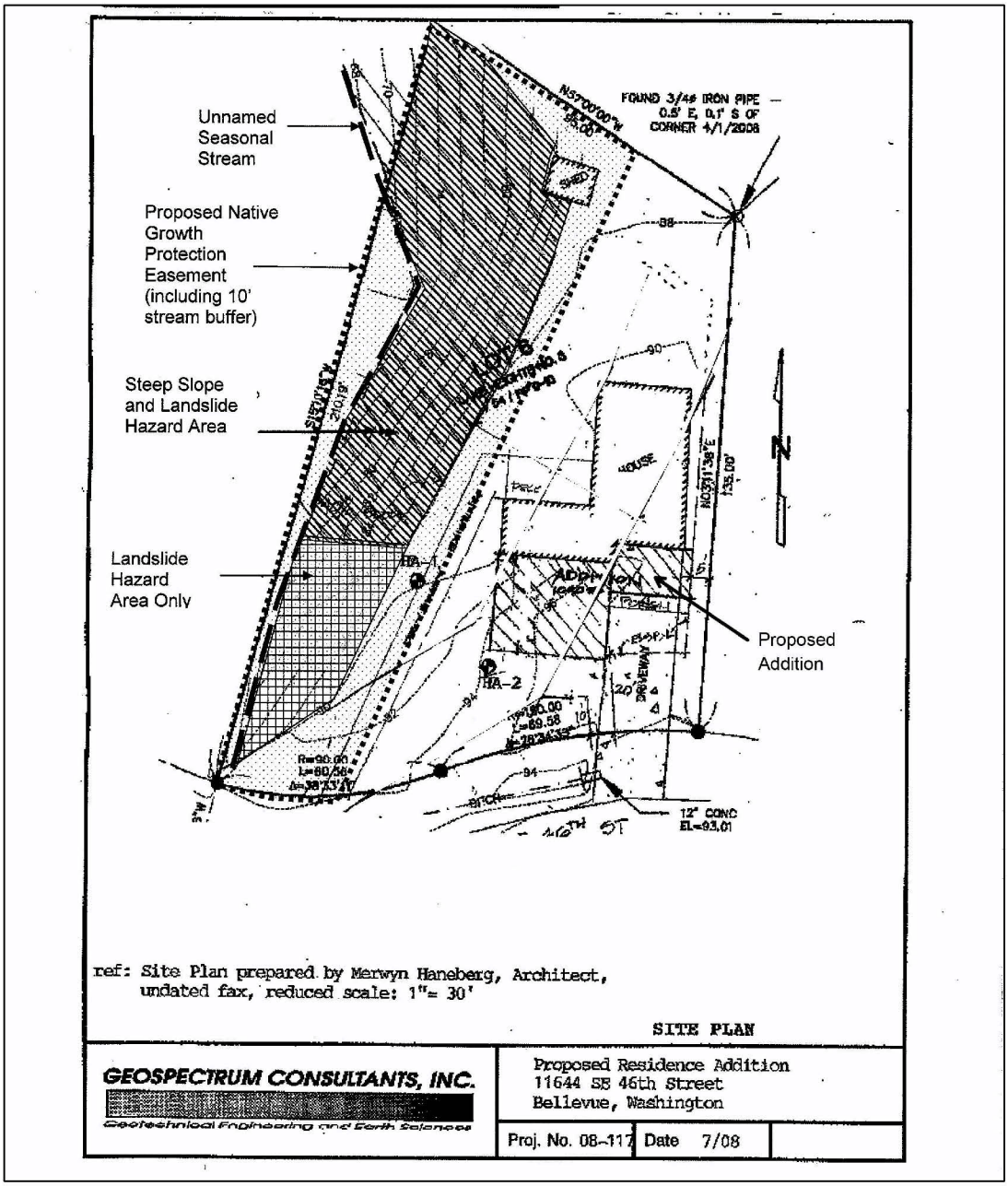


Figure 1

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

A. Site Description

The project site is located at 11644 SE 46th Street. The site is located in the SW quadrant of Section 16, Township 24 North, Range 5 East. The site fronts SE 46th Street along the south property line and is surrounded in all directions by other single-family residences. The property slopes down generally from the southeast corner to the west/northwest part of the site. The critical areas on-site are found along the vegetated western portion of the site and consist of steep slope critical areas which form the stream bank of a Type-N seasonal stream entering the site from a culvert under SE 46th St. The stream channel goes from south to north and leaves the site, eventually entering a culvert at SE 45th St. that does not end until connecting with Coal Creek after crossing under I-405. See figure 2 for existing site condition.

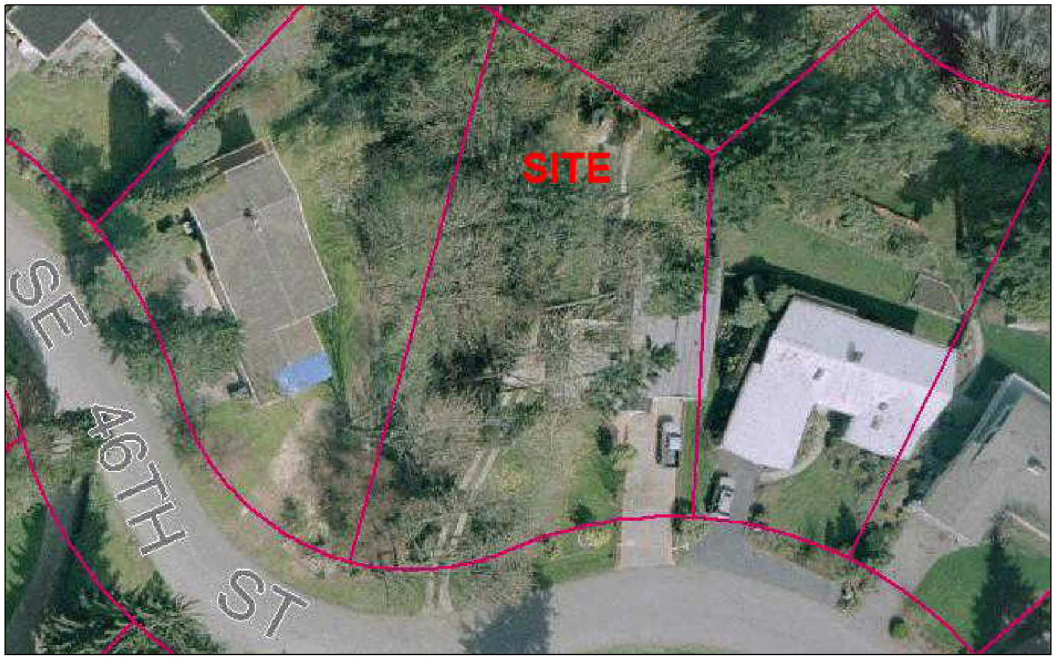


Figure 2

B. Zoning

The property is zoned R-5, single-family residential and is located in the Critical Areas Overlay District. The proposed activities are an addition to a single-family residence which is an allowed use in the R-5 zone.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-H (Single Family High Density). The proposed activity is consistent with single family development and is allowed in the single family comprehensive plan land use designation. The subject site is surrounded by single-family uses to the north, west, and east. The property obtains vehicular access from SE 46th St. adjacent to the south property line. The existing house located on the site is currently being used as an elder care facility regulated under RCW 70.128.

D. Critical Areas Function and Value, Regulations

i. Streams and Riparian Areas

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 *in* Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 *in* Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows in to riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

ii. 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:

The site is located in the R-5 zoning district and is subject to the dimensional requirements found in LUC 20.20.010.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) 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 site under proposal contains areas designated as Geologically Hazardous Areas (GHAs) which form the stream bank of a Type-N stream. The GHAs on-site are below the top-of-bank of the Type-N stream and are therefore contained within the stream critical area based on the definition of top-of-bank found in LUC 20.50.048. Per the geotechnical report prepared by Geospectrum Consultants Inc. dated July 15, 2008 the proposed home addition would not have any adverse impacts on the stability of the slope, provided the project is carried out in accordance with the recommendations of the geotechnical engineer and is constructed at least 20 feet away from the top-of-bank (top-of-slope). The proposed reduction of the 25-foot stream buffer and 25-foot structure setback to 10 feet wide each would make the home addition 20 feet away from the top-of-bank, which maintains the geotechnical requirements.

i. <u>Consistency With Land Use Code Stream Performance Standards LUC 20.25H.080:</u>

The performance standards in LUC 20.25H.080 only apply to streams rated as Type-S or Type-F. The stream on-site is a seasonal stream rated as Type-N. As a result, the performance standards in LUC 20.25H.080 do not apply.

Per the project critical area report the stream enters the site from a culvert located at

the southwest corner of the site and flows from south to north, exiting the site in the northwest portion of the site. The stream on this property is identified as part of a seasonal stream which crosses under I-405 via a culvert, joining with Coal Creek and Newport Creek. The critical area report identified that the stream channel at the time of study was dry and had a significant amount of vegetation and debris in and adjacent to the stream channel. A 25-foot stream buffer and 25-foot structure setback are required for Type N streams on developed sites. The buffer is measured from the top-of-bank defined in LUC 20.50.048; the structure setback is measured from the edge of the buffer. The resulting buffer and setback create a regulated area extending 50 feet out from the top-of-bank.

This project proposal will reduce the 25' stream structure setback and 25' stream buffer to 10' each. The applicant is proposing to place the remaining buffers and critical areas into a Native Growth Protection Easement (NGPE). The new NGPE will be replanted with native species as mitigation. See figure 3 below for a depiction of the buffer reduction and NGPE. <u>See Conditions of Approval in Section X of this report.</u>

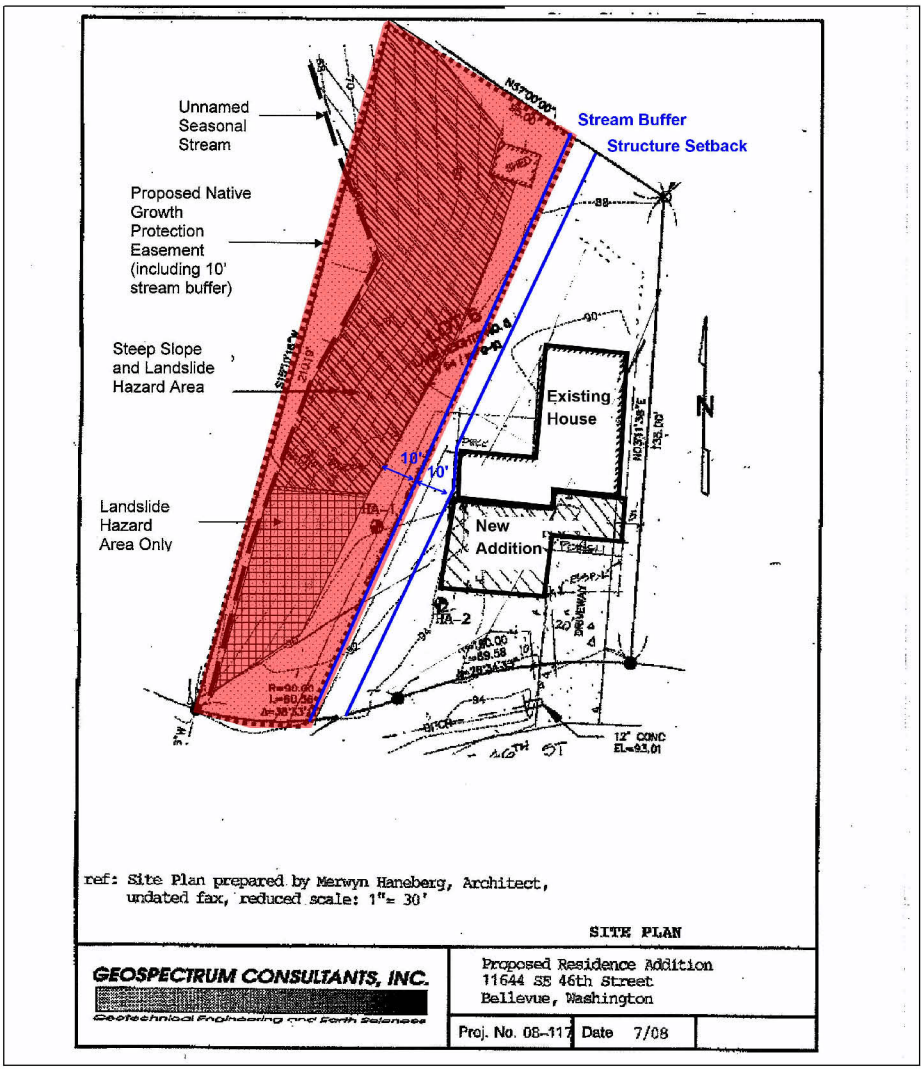


Figure 3

ii. Consistency With Land Use Code Habitat Performance Standards LUC 20.25H.160:

The western portion of the site which is comprised of the Type-N stream and GHAs which form the stream bank are heavily vegetated with at least 70 percent invasive species coverage and many mature trees. The habitat analysis found that the site provides minimal habitat value having no species of local importance due to the abundance of roads and high density of development in the neighborhood. The goal of the mitigation is to enhance the habitat value of the portion of the site which is to become the NGPE. Therefore the performance standards of LUC 20.25H.160 do not apply.

iii. Consistency with Critical Areas Report LUC 20.25.230.

This is a proposal to reduce the required 25' structure setback from a stream buffer, and 25' stream buffer. The applicant has obtained the services of a qualified geotechnical engineering company and a qualified environmental consultant to study the site and document the observed conditions. The critical areas report is intended to provide flexibility for sites where the expected critical area functions and values are not present due to degraded conditions or other unique site characteristics, or for proposals providing unique design or protection of critical area functions and values not anticipated by this part. Generally, the critical areas report must demonstrate that the proposal with the requested modifications leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements.

The applicant supplied the following critical areas reports:

- Geotechnical report dated July 15, 2008 prepared by Geospectrum Consultants, Inc.
- Critical Area Report and Habitat Analysis revised January 2009 prepared by PBS Engineering and Environmental

The geotech report indicates that a reduction in the required stream buffer and setback will not affect slope stability if constructed in accordance with the recommendations of the geotech (pg. 5 of geotech report). The geotech states that the proposed home addition should be constructed at least 20 feet from the top-of-bank which could also be considered a top-of-slope without any adverse impacts on the stability of the slope or proposed home addition. The proposed home addition is over 20 feet away from the top-of-bank.

The analysis done by PBS on the stream, buffers, and habitat potential states that due to the amount of development and road construction in the neighborhood disconnecting remaining areas of vegetation that habitat suitable for any wildlife species designated as Species of Local Importance is not present on the site. The vegetation identified in the critical area report to be impacted is within the buffers and setback for both the stream and steep slopes, but consists of ornamental landscaping such as grass and shrubs. The buffers and setback have been effectively reduced ever since the house was built as there is a very distinct line created by a fence and driveway separating the critical area and

landscaped/manicured yard. The proposal requests to reduce the stream buffer to the minimum 10 feet width and the stream buffer structure setback to 10 feet as well.

The impact of the requested reductions will be to formally recognize the already existing conditions that the expected functions and values of the buffers and setback are not present and have not been for some time. The steep slope critical areas forming the stream bank have significant vegetation including heavy invasive species coverage. There is also disturbance from yard rubbish and other man-made debris on the stream bank and in the stream channel. Based on review of the project there are no habitat functions and values provided within the portion of the buffers and setback that are currently disturbed with landscaping and development. The proposed addition to the single-family home is occurring entirely within these already disturbed areas and is oriented away from the critical areas. In exchange for the reduction of stream buffer and structure setback the remaining buffer, structure setback, and critical areas will be placed into a Native Growth Protection Easement (NGPE). This NGPE area will have all invasive species removed and will be replanted with native species. This mitigation will help restore and enhance any habitat value remaining on this site. See Conditions of Approval in Section X of this report.

Given that the proposed location of the development is not going to degrade functions or values and that the outcome of the mitigation work will make the functions and values of the riparian habitat no worse if not better, staff supports the proposed alteration of the 25-foot buffer and 25-foot structure setback from a Type N stream on this site. See Conditions of Approval in Section X of this report.

IV. Public Notice and Comment

Application Date:	August 8, 2008
Public Notice (500 feet):	September 4, 2008
Minimum Comment Period:	September 18, 2008

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin on September 4, 2008. It was mailed to property owners within 500 feet of the project site. No written comments on the project were received with the exception of one party of record request by Don Olson who was added as a party of record.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Planning and Community Development Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VI. State Environmental Policy Act (SEPA)

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

A. Earth

The site contains steep slopes which are in excess of 40 percent along the western portion of the site which form the stream bank that runs north to south. The soils on-site are top-soil and recessional outwash with fill deposits of woody debris.

The project does not propose any modification of soils within the steep slope critical areas other than work required for replanting. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department. <u>See Conditions of Approval in Section X of this report.</u>

B. Air

Any air quality impacts will be temporary as a result of construction machinery. 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 project is next to a seasonal Type-N stream which confluences off-site into Coal Creek. The stream was studied by both the applicant's consultant (PBS Engineering and Environment) and under an independent stream typing survey done by the City in 2001 which both found this stream to be dry at the time of study.

D. Plants

Table 1. Plant species present in the project vicinity

Layer	Common Name	Scientific Name	Developed Lawn	Ravine/Stream	Affected by Expansion
Tree	Big leaf maple	*Acer macrophyllum*		x	
	Ornamental dogwood	*Cornus sp.*	x		x
	Hazelnut	*Corylus cornuta*		x	
	English hawthorn	*Crataegus monogyna*		x	
	Apple tree	*Malus sp.*		x	
	Purple leaf plum	*Prunus cerasifera*		x	
	Douglas-fir	*Pseudotsuga menziesii*	x	x	
	Mountain ash	*Sorbus scopulina*	x		
	Western red cedar	*Thuja plicata*		x	
Shrub	Acuba	*Acuba japonica*	x		

	Camellia	*Camellia sp.*	x		
	Franchet's cotoneaster	*Cotoneaster franchetti*	x	x	
	Rockspray cotoneaster	*Cotoneaster horizontalis*	x	x	
	Oceanspray	*Holodiscus dicolor*		x	
	American holly	*Ilex opaca*	x	x	
	Ornamental juniper	*Juniperus sp.*	x		
	Indian plum	*Oemleria sarmentosa*		x	
	Cherry laurel	*Prunus laurocerasus*		x	
	Himalayan blackberry	*Rubus armeniacus*		x	
	Red elderberry	*Sambucus racemosa*		x	
	Common snowberry	*Symphoricarpos albus*	x		
	Lilac	*Syringa sp.*	x		
	Bamboo	*unknown*		x	
	Grape vine	*Vitis sp.*	x		
Forb	Clematis	*Clematis sp.*		x	
	Wild strawberry	*Fragaria virginiana*	x		x
	Common bedstraw	*Galium aparine*		x	
	Herb Robert	*Geranium robertianum*		x	
	English ivy	*Hedera sp.*		x	
	Nipplewort	*Lapsana communis*		x	
	Ornamental flax	*Linum sp.*	x		x
	Various lawn grasses	*Poa sp., others*	x		x
	Sword fern	*Polystichum munitum*	x	x	x
	Creeping buttercup	*Ranunculus repens*		x	
	Curled dock	*Rumex crispa*		x	
	Dandelion	*Taraxacum officinale*	x		x
	Clover	*Trifolium repens*	x		x
	Periwinkle	*Vinca minor*		x	
	Ornamental Yucca	*Yucca sp.*	x		x

The above table shows the plants which are found on-site and where they are found. The majority of plants on-site are found in the area which is to be created as an NGPE. The proposed addition is impacting vegetation other than lawn and ornamental landscaping. Removal of invasive species and replanting of native species is proposed in the NGPE area as mitigation for the proposed home addition and modification of the critical area buffers and structure setbacks. See Conditions of Approval in Section X of this report.

E. Animals

No species of local importance were found on-site. The area of vegetation along the stream bank is surrounded by residential development and is segmented by roadways which make this area unsuitable to use by large animals. The stream is a Type-N stream which is classified as a non-fish bearing stream, but is connected to a fish bearing stream. The NGPE area is proposed to be replanted with native species which will increase the potential of the NGPE to provide habitat value.

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. See Conditions of Approval in Section X of this report.

VII. Changes to Proposal Due to Staff Review

The applicant modified the site plan and critical area report per the Land Use per staff requests in an email dated September 7, 2008 to more accurately depict the critical area buffers on the site and to adjust the proposed NGPE boundary. The revisions slightly increased the NGPE and the amount of planting area proposed.

VIII. Decision Criteria

A. 20.25H.255.B Decision Criteria – Proposals to Reduce Regulated Critical Area Buffer.

Except for the proposals described in subsection B of this section, the Director may approve, or approve with modifications, the proposed modification 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;**

   As described within the Critical Areas Report prepared by PBS, the project proposes to restore the stream bank and steep slope critical areas. These areas are dominated by invasive weeds and debris. The area of buffer which is to be reduced already has existing development and disturbance; the modification of the buffer will recognize this already existing condition. As a result of the proposed planting the property will gain an increase in structural and biological diversity in the form of additional plantings which increase remaining wildlife habitat value and water quality functions. In addition, the proposed restoration area exceeds the buffer area reduced and will be placed into a Native Growth Protection Area Easement. As a result, the project will result in an increase in ecological value to the property over what is existing and over what would be required by applying the standard buffers. <u>See Conditions of Approval in Section X of this report.</u>

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;**

   Through invasive species removal and planting of the stream bank the water quality and habitat functions of the riparian corridor on this site will be improved. This will benefit not only the habitat value on site through weed removal, but potentially reduce risk of contaminating downstream areas with weeds, increasing the value to the greater ecosystem in which the property exists.

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;**

   Through enhancement of the entire stream bank, the proposal will result in a net gain in stormwater quality function as the mitigation planting will slow and retain stormwater more efficiently than the existing invasive species. The area proposed for development is already disturbed with impervious surfaces, structure, and landscaping. The project will be subject to the City's existing stormwater regulations.

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

   Per LUC 20.40.490 a maintenance assurance device is required to ensure completion of the five-year monitoring period of the mitigation plan submitted in the PBS report (section 6). See Conditions of Approval in Section X 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**

   As detailed in the Critical Areas Report the existing functions and value of the stream on-site are minimal due to its location being totally surrounded by development. With implementation of the restoration plan there will be no detrimental effect to the functions and values of the critical areas and no change to the disturbed condition of the buffer. An increase in value of the water quality, habitat, and functions of this seasonal riparian corridor are expected as a result of the proposed planting. The stream bank and buffers will be placed into a NGPA easement which will restrict all future activity on this portion of the property.

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

   The resulting development would an addition to an existing residence. This is compatible with the other uses in the land use district in which the property is located.

C. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria
The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

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

   The applicant must obtain a building permit permit before beginning any work to construct the home addition. The proposed home addition will need to demonstrate conformance with all applicable zoning dimensional standards. See Conditions of Approval in Section X 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;**

   The proposed mitigation planting will enhance the habitat potential of the riparian corridor and steep slopes by removing invasive plants and restoring the area with

native species. The proposed home addition is being constructed further away from critical areas on-site than the existing residence and is being built in an area of the property which is already disturbed with impervious surfaces, structures, and ornamental landscaping.

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

   As discussed in Section III of this report, the performance standards of LUC Section 20.25H.125, 20.25H.080.A, 20.25H.160, and 20.25H.230 are being met.

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

   The proposed home addition will not impact the level of public facilities or services available.

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

   The mitigation planting will be consistent with the City's Critical Area Handbook. A monitoring plan has been prepared and will be required for a minimum period of five years. An assignment of savings based on 50 percent of the cost of plants will also be required to ensure planting survival and completion of the monitoring period. A cost estimate shall be provided based on the plants to be installed. <u>See Conditions of Approval in Section X of this report.</u>

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

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

IX. 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 reduce the 25-foot stream buffer and 25-foot structure setback from the buffer to allow the expansion of an existing residence located at 11644 SE 46th St.. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

<u>Note- Expiration of Approval:</u> 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 Building Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

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

1. **Native Growth Protection Easement:** A Native Growth Protection Easement (NGPE) shall be recorded consistent with the standards in LUC 20.25H.030.B. The easement shall apply to the area of the site which is regulated critical area and critical area buffer as noted on the site plan. The NGPE shall be marked in the field with permanent boundary markers noting its status as a habitat reserve and set aside as an NGPE. One sign/marker (obtained from City) shall be posted every 50 feet.

   Authority: Land Use Code 20.25H.030
   Reviewer: Reilly Pittman, Development Services Department

2. **Existing Shed:** The existing shed located adjacent to the northern property line will be allowed to remain in its current location. The boundary of the NGPE shall be created to exclude the shed and access to it. However, the shed will still be located within the stream critical area, stream buffer, and structure setback. As a result no structural repair, alteration, expansion, or maintenance of the shed can occur. Over time it is expected the use of the shed will discontinue or it will be removed subject to City approval as it is located in a protected area.

   Authority: Land Use Code 20.25H.030
   Reviewer: Reilly Pittman, Development Services Department

3. **Building Permit Required:** Approval of this critical areas land use permit does not constitute an approval of a building permit for construction of the home addition. A building permit application must be submitted and approved prior to the commencement of construction. Plans submitted as part of the building permit application must be consistent with the activity permitted under this critical areas land use permit.

   Authority: Land Use Code 20.30P.140
   Reviewer: Reilly Pittman, Development Services Department

4. **Restoration/Mitigation Planting Plan:** The restoration/mitigation planting shall be

consistent with the proposed planting plan in the Critical Areas Report prepared by PBS revised January 2009 for planting occurring along the stream bank steep slope areas (see attachment 1). All mitigation planting shall be installed prior to approval of the building permit for the home addition.

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

5. **Mitigation Monitoring**
Monitoring of the mitigation planting is required for a minimum period of five years by LUC 20.25H.220.D. Monitoring shall be in keeping with the proposed monitoring plan in the Critical Areas Report prepared by PBS (attachment 2) .

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

6. **Restoration/Mitigation Plan Cost Estimate:** A cost estimate is required to be submitted which is in the amount of 50 percent of the cost of work and plants proposed under the restoration plan. The cost estimate shall be submitted with the building permit application. This cost estimate will determine the amount required for the Maintenance Assurance Device in condition 5 below.

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

7. **Maintenance Assurance Device:** To ensure the proposed plantings are installed and that the five year maintenance and monitoring plan is implemented, the applicant shall post a Maintenance Assurance Device (based on cost estimate in condition 4 above) prior to building permit issuance. This device will be released following an inspection from the Land Use Planner that finds that the five year maintenance and monitoring plan has been implemented and the plants successfully established in a healthy and growing condition.

8. **Special Inspection Required:** Special inspection of the restoration/mitigation planting following installation must be completed by the Land Use Planner prior to building permit approval of the home addition.

Authority: Land Use Code 20.25H.210
Reviewer: Reilly Pittman, Development Services Department

9. **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
Reviewer: Reilly Pittman, Development Services Department

10. **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

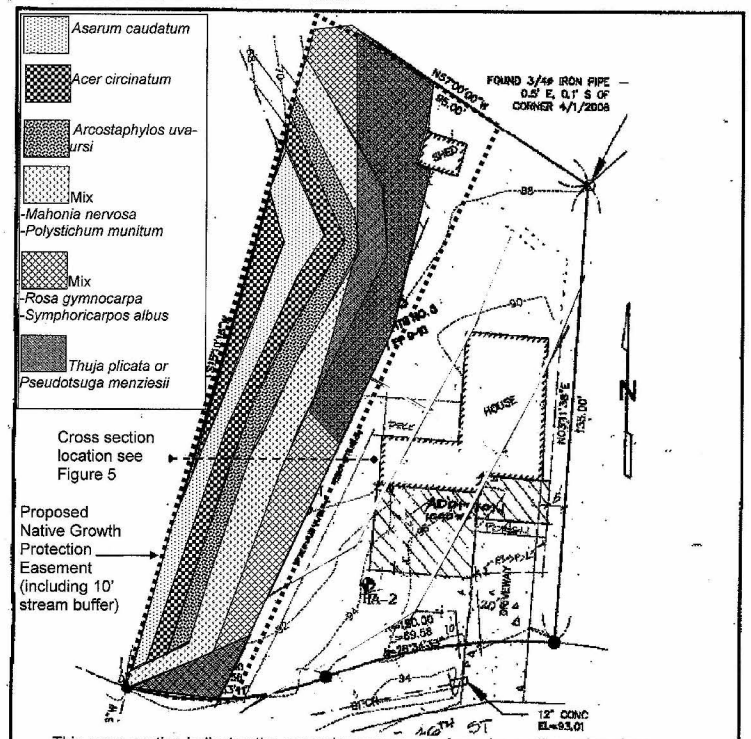
XI. Attachments:

1. Planting Plan - Enclosed
2. Critical Areas Report and Habitat Analysis - In File
3. Geotechnical Report – In File

City of Bellevue
Development Services Department
Land Use Staff Report

Attachment 1

Figure 4: Mitigation Overlay on Site Plan



This cross section indicates the general arrangement of species on the ravine slope based on their tolerance of shade. Plants will not be planted in a straight line but in grouped arrangements that mimic natural growth. New native plants planted as part of the mitigation plan will be planted around existing native plants. *Pseudotsuga menziesii* and *Thuja plicata* trees will be planted in areas lacking existing tree canopy coverage.

ref: Site Plan prepared by Merwyn Haneberg, Architect, undated fax, reduced scale: 1"= 30'

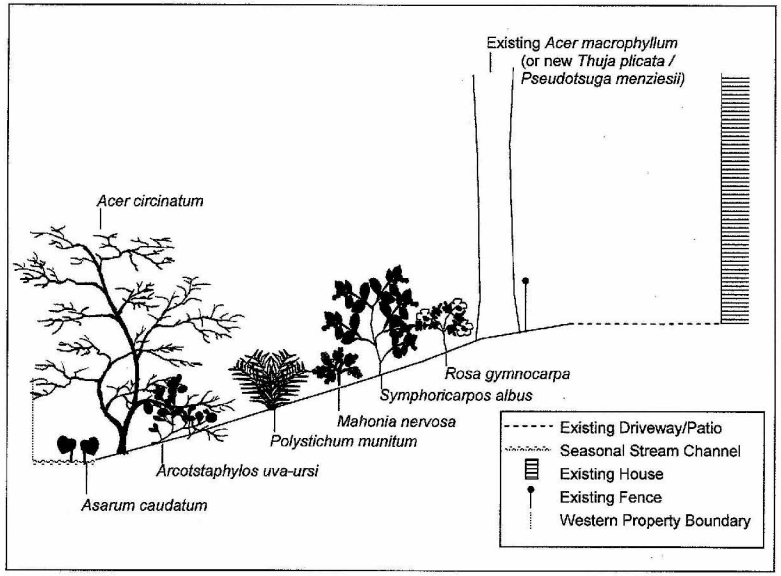
SITE PLAN

GEOSPECTRUM CONSULTANTS, INC.
Geotechnical Engineering and Earth Sciences

Proposed Residence Addition
11644 SE 46th Street
Bellevue, Washington

Proj. No. 08-117 | Date 7/08

Figure 5: Mitigation Cross Section
Scaled 1inch = 10 feet



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