



City of Bellevue  
 Development Services Department  
 P.O. Box 90012, Bellevue, WA 98009-9012  
 (425) 452-6800 Fax (425) 452-5225

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

Application No. 09-104397-WG

Date Received 01/23/2009

Approved / Date 05/07/2009  
 Denied / Date \_\_\_\_\_

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: James Cherberg, Property Owner of 3229 106th Ave SE

To undertake the following development:

Install restoration planting of the Lake Washington shoreline critical area buffer to resolve enforcement action file 08-134758-EA. The application includes 813 square feet of restoration area with emergents, shrubs, and trees as mitigation for the illegal removal of 3 trees along the edge of the properties bulkhead.

Upon the following property: 3229 106th Ave SE, Bellevue WA

adjacent to Lake Washington  
 and/or its associated wetlands. The project will be located adjacent to Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities
- Land Use Code(LUC) Section 20.25E.080(G) Clearing and Grading Regulations
- Land Use Code(LUC) Section 20.25E.080(S) Shoreline Critical Area and Critical Area Buffer Regulations
- LUC Section 20.30R Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-8, SH-13

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

**Conditions of Approval:**

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

1. Clearing and Grading Permit Required: Prior to the commencement of the restoration activity, a Clearing and Grading Permit is required and must comply with BCC 23.76. As part of this application, the applicant must submit the final draft restoration plan for all areas of the property to be restored. The plan shall include the documentation of existing site conditions and shall identify the restoration measures to return the site to its existing conditions and long term objectives consistent with LUC 20.25H.220. The proposed restoration plan must be consistent with the City's Critical Areas Handbook. All clearing and grading activity associated with this proposal is limited to those areas identified in the approved restoration plans included in this staff report as Attachment I.

Authority: Bellevue City Code 23.76.025.1  
 Reviewer: David Pyle, Development Services Land Use Division

2. Rainy Season restrictions: Due to the proximity to the Lake Washington Shoreline Critical Area, 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 Development Services Department. 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 Land Use Division

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

Authority: Bellevue City Code 23.76.100  
Reviewer: David Pyle, Development Services Land Use Division

4. 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 Land Use Division

5. Work Windows: Due to the location of this property and the proximity to salmon bearing waters, all in-water work must be completed between July 16 and April 30.

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

6. Erosion and Sediment Control: The site must be managed according to an approved erosion control plan to be evaluated during review of clearing and grading permit. Erosion and sediment control best management practices include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the adjacent shoreline. A silt curtain may be required for aquatic plantings. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources.

Authority: Bellevue City Code 23.76.090  
Reviewer: David Pyle, Development Services Land Use Division

7. Pre-Construction Meeting: Prior to the commencement of construction, a pre-construction meeting is required with the City's Clearing and Grading Inspector to review permit and construction requirements, including erosion control practices.

Authority: Bellevue City Code 23.76  
Reviewer: David Pyle, Development Services Land Use Division

8. Assignment of Savings Security Device – Landscape Installation: To ensure proper attention is given this restoration project by the applicant, an assignment of savings or bond financial security device for landscape installation equal to 150% of the value of the project must be submitted prior to clearing and grading permit issuance in accordance with LUC 20.40.490.

Authority: Land Use Code 20.40.490  
Reviewer: David Pyle, Development Services Land Use Division

9. Assignment of Savings Security Device – Landscape Maintenance: To ensure a proper maintenance schedule is followed, after the restoration plantings have been installed, an assignment of savings or bond financial security device for landscape maintenance equal to 20% of the value of the project must be submitted prior to release of the landscape installation device in accordance with LUC 20.40.490.

Authority: Land Use Code 20.40.490  
Reviewer: David Pyle, Development Services Land Use Division

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10. Performance Standards: A plant survival rate of 90% must be met at year five. Annual monitoring reports are required as identified in condition 11 below.

Authority: Land Use Code 20.20.220

Reviewer: David Pyle, Development Services Land Use Division

11. Maintenance and Monitoring Plan: A complete maintenance and monitoring plan outlining how the restored area will be maintained and monitored for a period of five years shall be submitted and approved prior to the issuance of any building permits for construction on this site. Restored areas shall be monitored for a period of not less than 5 years to establish that performance standards have been met. Monitoring reports must be submitted annually by the last day of the year and should include an assessment of growing season success.

Authority: Land Use Code 20.40.490

Reviewer: David Pyle, Development Services Land Use Division

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This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

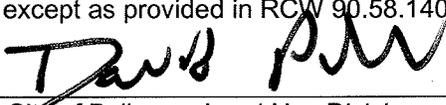
This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

May 7, 2009

Date

  
City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region  
Dept. of Fish and Wildlife, Attn: Alisa Bieber, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452  
Dept. of Ecology, Attn: Dave Radabaugh, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 450 100<sup>th</sup> Ave NE., P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** James Cherberg

**LOCATION OF PROPOSAL:** 3229 106<sup>th</sup> Ave SE

**NAME & DESCRIPTION OF PROPOSAL:**

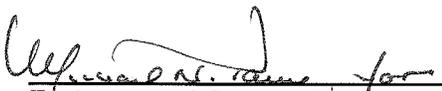
Land Use approval of Shoreline Substantial Development Permit and Critical Areas Land Use Permit to install restoration planting of the Lake Washington shoreline critical area buffer to resolve enforcement action file 08-134758-EA. The application includes 813 square feet of restoration area with emergents, shrubs, and trees as mitigation for the illegal removal of 3 trees along the edge of the properties bulkhead.

**FILE NUMBER:** 09-104397-WG

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Department of Planning & Community Development. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on \_\_\_\_\_.
- 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 May 28, 2009.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on \_\_\_\_\_. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

  
 Environmental Coordinator

May 7, 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

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**Proposal Name:** Cherberg Shoreline Restoration

**Proposal Address:** 3229 106<sup>th</sup> Ave SE

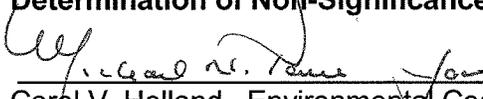
**Proposal Description:** Land Use approval of Shoreline Substantial Development Permit and Critical Areas Land Use Permit to install restoration planting of the Lake Washington shoreline critical area buffer to resolve enforcement action file 08-134758-EA. The application includes 813 square feet of restoration area with emergents, shrubs, and trees as mitigation for the illegal removal of 3 trees along the edge of the properties bulkhead.

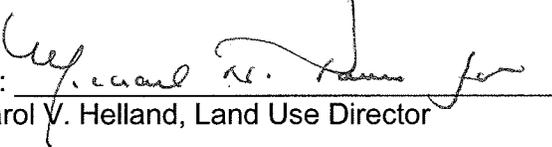
**File Number:** 09-104397-WG

**Applicant:** James Cherberg, Property Owner

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

**Planner:** David Pyle, Land Use 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

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**Application Date:** January 23, 2009  
**Notice of Application Publication Date:** March 12, 2009  
**Decision Publication Date:** May 7, 2009  
**Project/SEPA Appeal Deadline:** May 28, 2009

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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

The applicant is requesting approval of a Shoreline Substantial Development Permit and Critical Areas Land Use Permit to replant and restore a portion of the Lake Washington shoreline that was impacted by unpermitted tree removal within the shoreline buffer (see enforcement action file no. 08-134758-EA). The proposal includes the restoration of approximately 813 square feet of shoreline vegetation with native emergent, shrub, and tree plantings proposed through the Critical Areas Report process.

Three birch trees were removed from the property in 2008 to increase the safety of the use of the dock and to ease the personal anxiety created by the trees to the property owner. These three birch trees were planted in 1956 by a previous property owner. Each tree removed was less than 24 inches in diameter and all were located more than nine feet back from the bulkhead and ordinary high water mark (OHWM). The trees were surrounded by a maintained lawn and were not supported by any understory plantings. The remainder of the yard functions as a lawn and is maintained as such. Other significant vegetation in the backyard consists of a stand of bamboo located approximately 40 feet from the cut trees and almost 50 feet from the bulkhead. The trees removed were oriented away from the Ordinary High Water Mark and did not provide overwater shade, however, the trees did provide for a shaded area over the maintained lawn. The property owner has indicated that two of the trees were in a state of decline due to rot. The trees removed are shown in the aerial oblique photo included below as **Figure 1**.

No request for additional modification of the property aside from replanting of a portion of the shoreline buffer is included as part of this application. This application precedes a separate application for short subdivision to divide the property into two separate parcels. The proposal for short subdivision is being processed under file No. 08-132654-LN. It is important to note that the area that is proposed to be restored as part of this application is proposed to be dedicated as a Native Growth Protection Area tract as part of the short subdivision application and as required by LUC 20.45B.055.B.2. The dedication of the restored areas as native growth will help ensure the success of the plantings as future landscape modifications in this area will clearly be limited by the designation as a Native Growth Tract on recording of the proposed short plat.

**Figure 1- Unpermitted Tree Removal**



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

### **A. Site Description, Zoning, and Land Use Context**

The project site is approximately 0.75 acres, located in the R-3.5 zoning district at 3229 106th Avenue SE. The site is currently developed with one single-family residence. The home is accessed from 106th Avenue SE across a paved driveway. The site is bounded to the east by 106th Avenue SE, to the north by a community beach access, to the south by existing residential properties and to the west by Lake Washington. The site consists of a westerly-facing slope that descends to Lake Washington. The site is encumbered with a 25 foot critical area buffer and 25 foot critical area structure setback from the OHWM of the lake. Existing vegetation on the property is a mix of native and non-native species and there are several significant trees in the upland portion of the site.

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

The project site is located along the shoreline of Lake Washington and is in a position of opportunity to provide ecological functions specific to the shoreline environment. Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996). Shorelines also 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 (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

Since the trees were inland of the shoreline, the effect of their removal on the shoreline function is less than what would be experienced through removal of a tree that provides shaded water habitat. The trees provided a limited level of stormwater runoff control (erosion) that has been somewhat mitigated by retention of the stumps (roots mass). The lost water uptake and evapo-transpiration function of these trees is negligible and will not result in a measurable impact on the shoreline.

The bulkhead prevents erosion from wave action and the tree roots were retained in place, maintaining soil stability in the affected area. No erosion has occurred to the lawn and it remains well intact. The only area where grass lawn is not present is a shallow depression immediately behind the bulkhead. This has been caused by years of waves breaching the bulkhead and was present in its current condition prior to removing the trees.

To offset the function lost by the removal of these three trees, the property owner has prepared a replanting plan consistent with the City's Critical Area Handbook, and has submitted this application as a request for authorization to install the proposed plantings and maintain the restoration area. The proposed replanting plan is included as **Attachment I**.

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

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

The site is located in the R-3.5 zoning district. This scope of work included in this application is limited to the restoration planting of approximately 813 square feet of

shoreline buffer area, an activity that is not restricted by the R-3.5 zoning district standards.

**B. Critical Areas Requirements (LUC 20.25H):**

The property is located adjacent to Lake Washington. Lake Washington is regulated as a Critical Area by LUC 20.25H.115 and is protected by a 25 foot buffer and 25 foot structure setback (developed site). Under LUC 20.25H.015 no clearing activity is allowed in the buffer or structure setback without first obtaining a Critical Areas Land Use Permit. In the case of unpermitted clearing activity, restoration is required in accordance with LUC 20.25H.210 and is processed as a Critical Areas Report under LUC 20.25H.230. Any proposed restoration must demonstrate an improvement in ecological function within the restored area and must comply with performance standards applicable to the critical areas found on the project site. As described in Section I above, three significant trees were removed within the shoreline critical area buffer. This is an application for Critical Areas Land Use Permit with Critical Areas Report to restore a portion of the shoreline buffer in response to the unpermitted clearing activity (removal of three trees). The applicant has submitted restoration plans and a Critical Areas Report. A discussion on the projects consistency with the Critical Areas Report decision criteria and the Critical Areas Land Use Permit decision criteria can be found in Section VII below.

**C. Shoreline Overlay District Requirements (LUC 20.25E):**

The property is located within the Shoreline Overlay District. All development activity within this area (including Clearing and Grading) is subject to compliance with the applicable performance standards listed in LUC 20.25E.080 and requires a Shoreline Substantial Development Permit. The shoreline performance standards are listed below. A discussion of project consistency with the Shoreline Substantial Development Permit decision criteria can be found in Section VII below.

**i. Shoreline Overlay District Performance Standards - LUC 20.25E.080.B**

**General Regulations Applicable to All Land Use Districts and Activities**

**1. Where applicable, all federal and state water quality and effluent standards shall be met.**

No effluent discharge is expected. No degradation of surface water or Lake Washington is expected. The site will be managed according to an erosion control plan to be evaluated during review of clearing and grading permit. See related condition of approval in Section IX below.

**2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.**

The proposed restoration is within the Shoreline Overlay District. The restoration activity is consistent with the single family use that characterizes the property.

**3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part [20.25H](#) LUC, City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.**

This is a proposal for restoration. Activity permitted by this application will be limited to the installation of shoreline restoration plantings. The restoration plan must include a plan to preserve shoreline vegetation during construction in those portions of the site that are outside of the restoration area.

**4. Special care shall be exercised to preserve vegetation in wetland, shoreline and stream corridor bank areas in order to prevent soil erosion. Removal of vegetation from or disturbance of shoreline critical areas and shoreline critical area buffers, and from other critical area and critical area buffers shall be prohibited, except in conformance with Part [20.25H](#) LUC and the specific performance standards of this section.**

This is a proposal for restoration. Activity permitted by this application will be limited to the installation of shoreline restoration plantings. The restoration plan must include a plan to preserve shoreline vegetation during construction in those portions of the site that are outside of the restoration area. No vegetation is proposed to be removed except as identified in the restoration plan.

**5. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part [20.30H](#) LUC.**

No structures are proposed.

**6. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.**

No change in land use is proposed.

**7. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.**

No change in land use is proposed. No signs are proposed. A clearing and grading permit is required. The proposed restoration must meet clearing and grading standards.

**8. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.**

No watercraft are proposed to be stored as part of this application.

**9. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."**

As a condition of approval the applicant is required to submit information regarding the use of pesticides, insecticides, and fertilizers in accordance

with the City of Bellevue's "Environmental Best Management Practices" as part of future clearing and grading activity. See related condition of approval in Section IX below.

**10. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.**

No new development or facilities are proposed as part of this application.

**ii. Shoreline Overlay District Performance Standards - LUC  
20.25E.080.G**

**Clearing and Grading Regulations**

**1. All clearing, grading, excavating, and fill in the Shoreline Overlay District shall comply with the provisions of Chapter 23.76 BCC, now or as hereafter amended.**

As a condition of approval, a clearing and grading permit is required and must comply with BCC 23.76. See related condition of approval in Section IX below.

**2. No clearing, grading, excavating, or fill shall be allowed within the shoreline critical area or shoreline critical area buffer except as permitted by this Part 20.25E, or in association with activities allowed under Part [20.25H](#) LUC.**

All clearing and grading activity associated with this proposal is limited to those areas identified in the approved restoration plans. See related condition of approval in Section IX below.

**3. Wherever the City determines that the act or intended act of clearing, grading, excavation or fill has become or will constitute a hazard to life or limb, or endangers property, or adversely affects the safety, use of, or stability of a public way, drainage channel or natural stream corridor, including siltation and sedimentation therein, the owner of the property upon which the clearing, excavation or fill is located or other person or agent in the City shall, within the period specified therein, terminate such clearing, grading, excavation, embankment or fill, or eliminate the same from the development plan, or modify the plans, as may be required so as to eliminate the hazard and be in conformance with the requirements of this Code.**

A clearing and grading permit is required and may be revoked if the activity undertaken is not limited to that approved in the permit. See related condition of approval in Section IX below.

**IV. Public Notice and Comment**

Application Date:	January 23, 2009
Public Notice (500 feet):	March 12, 2009
Minimum Comment Period:	April 13, 2009

The Notice of Application for this project was published in the City of Bellevue weekly

permit bulletin on March 12, 2009. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public or from other agencies.

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

No technical review aside from Land Use Review was required for this permit application. Following approval of this application, a clearing and grading permit is required. See Section IX for related conditions of approval.

## **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 and Water**

A temporary erosion and sedimentation control plan is required as part of future Clearing and Grading Permit application submittals, and must address all requirements associated with the proposed restoration plans, including erosion and sedimentation management practices. Erosion and sediment control best management practices include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the adjacent shoreline. A silt curtain may be required for aquatic plantings. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section IX for a related condition of approval.

### **B. Animals**

The project site is adjacent to Lake Washington and is part of a larger shoreline area that does provide habitat for fish populations. It is expected that the plantings associated with the restoration plans will generally improve habitat along the shoreline through the installation and maintenance of native plantings along the shoreline edge. To avoid impact to fish populations, all in-water work is restricted to approved work windows. Due to the location of this property and the proximity to salmon bearing waters, all in-water work must be completed between July 16 and April 30. See Section IX for related conditions of approval.

The project site is also within proximity to a mapped Bald Eagle nest, although there is no expected impact to this nest and population as the three trees removed were not considered as perch trees for Bald Eagle by the Washington State Department of Fish and Wildlife (WDFW). The applicant has contacted WDFW and was not required to obtain a Bald Eagle Management Permit for this project.

### **C. Plants**

Mitigation for temporary and permanent disturbance will be approved pursuant to an approved vegetation management planting plan that includes long term maintenance and monitoring objectives. See Section IX for related conditions of approval.

### **D. Noise**

The site is adjacent to single-family residences whose residents are most sensitive to

disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section IX for a related condition of approval.

## **VII. Decision Criteria**

### **A. Critical Areas Report Decision Criteria – LUC 20.25H.255.A**

**1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code.**

**Finding:** This is an application for Critical Areas Land Use Permit to restore a section of shoreline buffer that has been degraded due to unpermitted clearing. The activity permitted by this proposal is limited to the replanting and maintenance of approximately 813 square feet of degraded area in accordance with the concepts identified in the City's Critical Areas Handbook. It is expected that the improvements will lead to an improvement of functions related to the Lake Washington Shoreline. The proposed activity will not lead to a reduction in the level of protection of this resource provided by existing regulations. See condition of approval regarding consistency with the City's Critical Areas Handbook in Section IX below.

**2. Adequate resources to ensure completion of any required mitigation and monitoring efforts.**

**Finding:** This is a restoration effort to resolve unpermitted clearing activity and is required to close the open code enforcement file related to the tree removal on this site in the shoreline buffer. The applicant must complete the required restoration or further code enforcement action will be taken. To ensure proper attention is given this restoration project by the applicant, and assignment of savings or bond financial security device must be submitted prior to clearing and grading permit issuance in accordance with LUC 20.40.490. See related condition of approval in Section IX below.

**3. 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.**

**Finding:** This is an application for restoration of a portion of the shoreline buffer. An improvement in the site's functions is anticipated. No negative effect to the functions of adjacent resources is expected.

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

**Finding:** No change is proposed as a result of this proposed restoration project.

### **B. Critical Areas Land Use Permit Decision Criteria – LUC 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:** A clearing and grading permit is required. See related condition of approval

in Section IX below.

**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:** This is an application for restoration of a portion of the shoreline where the objective is an enhancement of the critical area and critical area buffer.

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

**Finding:** The proposal incorporates the shoreline performance standards where applicable and as identified in Section III above.

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

**Finding:** This is an application for restoration of a portion of the shoreline. No impact to the surrounding public infrastructure is expected.

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

**Finding:** See Attachment I. Also see related conditions of approval in Section IX of this report.

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

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

### **C. Shoreline Substantial Development Permit Decision Criteria – LUC 20.30R.155.B**

**1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications.**

**Finding:** The applicant has provided a complete application with a complete replanting/restoration plan. The restoration plan provided has been evaluated and found to be consistent with the Critical Areas Handbook. See related conditions of approval in Section IX of this report.

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

**Finding:** This proposal has been found to meet the approval criteria of the Land Use Code and other Bellevue City Codes that apply. See related conditions of approval in Section IX of this report.

**3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the**

**provisions of Chapter 173-14 WAC and the Master Program.**

**Finding:** This application is consistent with the Shoreline Management Act in that it achieves restoration of the shoreline. The project has been reviewed in accordance with the policies and procedures listed in WAC 173-14 and WAC 173-27.

**VIII. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal to restore approximately 813 square feet of shoreline buffer with native vegetation.

**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- Expiration of Approval:** In accordance with LUC 20.30R.175 a Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within two years of the effective date of the approval.

**IX. Conditions of Approval**

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	David Pyle, 425-452-2973
Land Use Code- BCC 20.25H	David Pyle 425-452-2973
Noise Control- BCC 9.18	David Pyle, 425-452-2973

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

**1. Clearing and Grading Permit Required:** Prior to the commencement of the restoration activity, a Clearing and Grading Permit is required and must comply with BCC 23.76. As part of this application, the applicant must submit the final draft restoration plan for all areas of the property to be restored. The plan shall include the documentation of existing site conditions and shall identify the restoration measures to return the site to it's existing conditions and long term objectives consistent with LUC 20.25H.220. The proposed restoration plan must be consistent with the City's Critical Areas Handbook. All clearing and grading activity associated with this proposal is limited to those areas identified in the approved restoration plans included in this staff report as **Attachment I**.

Authority: Bellevue City Code 23.76.025.1  
Reviewer: David Pyle, Development Services Land Use Division

**2. Rainy Season restrictions:** Due to the proximity to the Lake Washington Shoreline Critical Area, 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 Development Services Department. 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 Land Use Division

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

Authority: Bellevue City Code 23.76.100  
Reviewer: David Pyle, Development Services Land Use Division

**4. 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 Land Use Division

**5. Work Windows:** Due to the location of this property and the proximity to salmon bearing waters, all in-water work must be completed between July 16 and April 30.

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

**6. Erosion and Sediment Control:** The site must be managed according to an approved erosion control plan to be evaluated during review of clearing and grading permit. Erosion and sediment control best management practices include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the adjacent shoreline. A silt curtain may be required for aquatic plantings. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources.

Authority: Bellevue City Code 23.76.090  
Reviewer: David Pyle, Development Services Land Use Division

**7. Pre-Construction Meeting:** Prior to the commencement of construction, a pre-construction meeting is required with the City's Clearing and Grading Inspector to review permit and construction requirements, including erosion control practices.

Authority: Bellevue City Code 23.76  
Reviewer: David Pyle, Development Services Land Use Division

**8. Assignment of Savings Security Device – Landscape Installation:** To ensure proper attention is given this restoration project by the applicant, an assignment of savings or bond financial security device for landscape installation equal to 150% of the value of the project must be submitted prior to clearing and grading permit issuance in accordance with LUC 20.40.490.

Authority: Land Use Code 20.40.490  
Reviewer: David Pyle, Development Services Land Use Division

**9. Assignment of Savings Security Device – Landscape Maintenance:** To ensure a proper maintenance schedule is followed, after the restoration plantings have been installed, an assignment of savings or bond financial security device for landscape maintenance equal to 20% of the value of the project must be submitted prior to release of the landscape installation device in accordance with LUC 20.40.490.

Authority: Land Use Code 20.40.490  
Reviewer: David Pyle, Development Services Land Use Division

**10. Performance Standards:** A plant survival rate of 90% must be met at year five. Annual monitoring reports are required as identified in condition 11 below.

Authority: Land Use Code 20.20.220  
Reviewer: David Pyle, Development Services Land Use Division

**11. Maintenance and Monitoring Plan:** A complete maintenance and monitoring plan outlining how the restored area will be maintained and monitored for a period of five years shall be submitted and approved prior to the issuance of any building permits for construction on this site. Restored areas shall be monitored for a period of not less than 5 years to establish that performance standards have been met. Monitoring reports must be submitted annually by the last day of the year and should include an assessment of growing season success.

Authority: Land Use Code 20.40.490  
Reviewer: David Pyle, Development Services Land Use Division

## **Attachments**

1. Critical Areas Report/Restoration Plans
2. Environmental Checklist
3. Site Plan



1375 NW Mall Street, Suite 3  
Issaquah, WA 98027  
425.313.1078 (Bus)  
425.313.1077 (Fax)

February 18, 2009

City of Bellevue PCD  
Attn: David Pyle  
PO BOX 90012  
Bellevue WA 98009-9012

RE: Cherberg Short Plat 09-104397 LO

Dear Mr. Pyle,

This letter is in response to your letter dated February 2, 2009. A copy of the letter is attached for your reference.

- 1-4) A narrative has been provided in lieu of the report.
- 5) The Restoration/Mitigation Plan has been revised as requested.
- 6) Monitoring details are included on the plan and in the narrative.
- 7) See narrative.
- 8) See narrative.
- 9) All references to the Cherberg Short Plat have been removed from the plans.

Additional information regarding the birch trees is available and should be considered when identifying the code enforcement resolution. The applicant agrees and understands that mitigation is required but feels that the following facts are relevant in determining the resolution:

1. The trees were labeled incorrectly by the Surveyor. The actual diameters of the birch trees, as measured at ground level (not at the standard DBH) are 18", 19" and 21" (See Exhibit A).
2. An arborist was consulted to determine the health of the trees and has determined that the trees were decaying and unsafe, (See Exhibit B).
3. The United States Department of Agriculture states in document NA-FR-02-97 that the life of a birch tree is 40-50 years which further supports the arborist determination. The trees were planted around 1956 per the Site Landscape Plans.
4. Photos taken of the birch trees at the subject property in the summer and winter are enclosed (Exhibit C). These photos show that the trees did not hang over the lake, providing shade and fish habitat.

Cherberg Property  
09-104397 LO  
February 18, 2009  
Page 2 of 2

If you have any questions, please contact me at (425) 313-1078 or [Nicole@j3me.net](mailto:Nicole@j3me.net).

Sincerely,

A handwritten signature in black ink that reads "Nicole E. Mecum". The signature is written in a cursive style with a large initial 'N'.

Nicole Mecum, PE

CC: Jim Cherberg

Enclosures

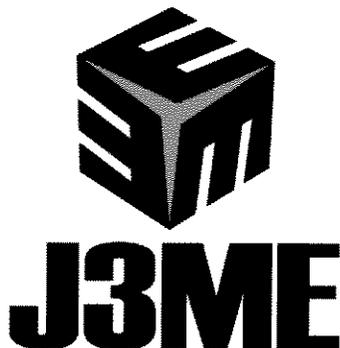
# Critical Areas Report

City of Bellevue Permit # 09-104397 LO

**Cherberg Property**  
**3229 106<sup>th</sup> Avenue SE**  
**Bellevue, WA**

**Prepared For**  
**Jim Cherberg**  
3229 106<sup>th</sup> Avenue SE  
Bellevue, WA 98004

February 18, 2009



Prepared By:  
Nicole E. Mecum, PE  
1375 NW Mall Street, Suite 3  
Issaquah, WA 98027  
425.313.1078 (Office)  
425.313.1077 (Fax)

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## Introduction

The Cherberg Property is located at 3229 106<sup>th</sup> Avenue SE in Bellevue, Washington. A critical areas narrative, in lieu of a Critical Areas Report, and mitigation plan are required resulting from an enforcement action (File number 08-134758) against the property by the City of Bellevue for alterations made to the critical area buffer without permits. In order to bring the site into compliance with city codes, the action and mitigation must be analyzed through a Critical Areas Permit as required in LUC 20.25H.210-.270.

The Critical Areas Report requirements will be fulfilled by this narrative. We have included a brief project overview as well as answered, at the request of David Pyle (City of Bellevue Land Use Planner), the following five questions:

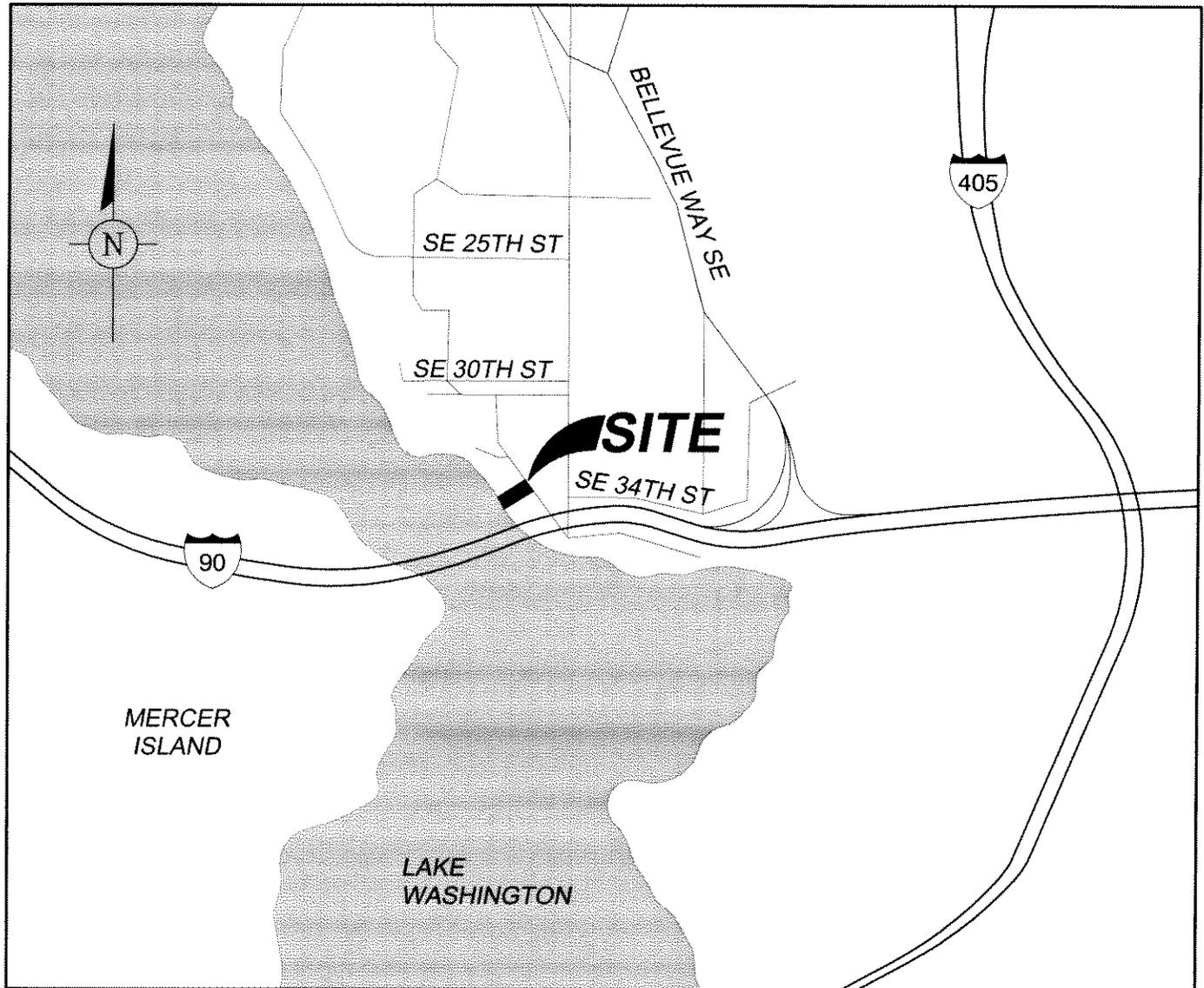
- 1) What the site looked like before the trees were cut, and what function existed on site.
- 2) What action was taken by the property owner?
- 3) What the result of the action was (in terms of changes to the landscape and shoreline function).
- 4) What is being done to restore those functions that were lost over time - what are the objectives of the proposed restoration (in terms of landscape improvements and shoreline function)?
- 5) How do you plan to ensure that the objectives will be met, and what do you plan to do if you do not meet them?

## Project Overview

### *Site Context*

The project site is approximately 0.75 acres, located in the R-3.5 zoning district at 3229 106<sup>th</sup> Avenue SE (**Figure 1 – Vicinity Map**). The site is currently developed with a single-family residence. The home is accessed from 106<sup>th</sup> Avenue SE via a paved driveway. The site is bounded to the east by 106<sup>th</sup> Avenue SE, to the north by a community beach access, the south by existing residential properties and to the west by Lake Washington.

The site consists of a westerly-facing slope that descends to Lake Washington. The site is encumbered with a 25' critical area buffer from the OHWM of the lake. Existing vegetation on the property is a mix of native and non-native species.



CHERBERG SHORT PLAT  
VICINITY MAP



1375 NW Mall Street, Suite 3  
Issaquah, WA 98027  
Tel (425) 313-1078  
Fax (425) 313-1077

DWN. BY: HDO	DATE: 2/17/09	JOB NO. MIS-015
CHKD. BY: N. MECUM	SCALE: NTS	FIGURE 1

## Narrative Questions

1) What the site looked like before the trees were cut, and what function existed on site see Figure 2.

The birch trees, *Betula Alba* variety, consisted of 3 trunks planted in 1956. Each trunk was less than 24 inches in diameter as noted on the survey. Trunk 1: 16-18 inches diameter and 9'4" from the bulkhead. Trunk 2: 18-20 inches diameter and 13'6" from the bulkhead. Trunk 3: 17-20.5 inches diameter and 16'6" from the bulkhead. The trunks were surrounded by grass lawn. The remainder of the yard is vegetated with grass as well. The only other significant vegetation in the back yard is a stand of bamboo approximately 40' from the cut trees. All trunks leaned away from the Ordinary High Water Mark, and did not cast shade over the water. The trees provided a shaded area over the grass lawn, and allowed small birds to perch. Trunk 1 had a hollow-rotten center core and the center core of trunk 2 was beginning to rot. The topography of the area is very flat, further limiting the influence of the trees on the lake.



Figure 2

2) What action was taken by the property owner?

The trees were removed to increase the safety of the use of the dock and to ease the personal anxiety created by the trees for Mr. Cherberg's wife, Nan. Nan fled her native country of Cambodia, witnessing dead bodies hanging from trees. Any type of tree with

a hanging or weeping aspect to its appearance evokes horrific memories for her. Removing this constant reminder from the site was necessary to ease her anxiety.

During the spring and summer months, the tree in full foliage blocked the view of the dock, so that Mr. Cherberg's children and other children could not be seen. After much consideration, the trees were removed in April 2008.

A certified arborist examined saved tree remnants and the remaining stumps and determined the trees exhibited a dangerous growth pattern, failing health, and increased susceptibility to damage in a windstorm. According to literature from the U.S. Department of Agriculture, the tree was more than likely in decline, as a tree of this type has a life expectancy of 40-50 years.

3) What the result of the action was (in terms of changes to the landscape and shoreline function).

The removal of the tree has provided a clear and safe view of the dock, and Nan is more comfortable emotionally. The view from water side is now open. No other changes to the landscape occurred during the tree removal and no changes to the grass lawn have developed subsequently.

Photographic evidence has shown that the tree limbs did not overhang the bulkhead or cast shade over the water. This has since been corroborated by the previous home owners, Mr. and Mrs. Stephen Anderson. Since the trees were inland of the shoreline, the effect of their removal on the shoreline function is less than what would be experienced through removal of a tree that provides shaded water habitat. The trees provided a level of stormwater runoff control that has been somewhat mitigated by retention of the stumps. The lost water uptake and evapo-transpiration function of these trees is negligible and will not result in a measurable impact on the shoreline.

The bulkhead prevents erosion from wave action and the tree roots were retained in place, maintaining soil stability in the affected area. No erosion has occurred to the lawn and it remains well intact. The only area where grass lawn is not present is a shallow depression immediately behind the bulkhead. This has been caused by years of waves breaching the bulkhead and was present in its current condition prior to removing the trees.

The Cherbergs have observed the usual amount of small fishes swimming about the dock and close to shore, subsequent to the tree removal. The Cherbergs have never observed an eagle landing in the trees. Jay Shepherd of WDFW explained that it was not the type of tree an eagle would perch in. The Cherbergs had not observed a kingfisher bird in the area until this summer and fall, after the tree had been removed. No impact has occurred to the usual migratory water fowl as flocks of buffle heads and other species have been photographed this winter in the water just feet off shore of the

bulkhead. As such, it appears fish and wildlife has experienced no adverse impacts due to the removal of the trees.

4) What is being done to restore those functions that were lost over time - what are the objectives of the proposed restoration (in terms of landscape improvements and shoreline function)?

The proposed restoration will remove non-native vegetation (e.g. bamboo and iris) and other non-native trees and plants upland of the bulkhead and replace them with an equivalent amount of vegetated space to replace and restore shoreline function of the trees. Vegetation will consist of native trees and plantings as prescribed in the City of Bellevue Critical Areas Handbook.

More trees can be planted to supplement those trees remaining and offset any reduction of storm water runoff control and deciduous leaf fall-off occurring as a result of the tree removal. Native trees planted where none currently exist will improve the overall appearance, and restore perching sites for smaller bird species (e.g. robins). The restoration/mitigation requirements have been included in this report.

5) How do you plan to ensure that the objectives will be met, and what do you plan to do if you do not meet them?

The trees and plants approved will be planted and maintained per the guidelines and recommendations contained in the Critical Areas Handbook. It is the full intention of the restoration plan to meet the objectives set forth and to successfully mitigate the code violation. Plants that do not survive the first three years will be replaced with identical species.

## **Mitigation Plan**

### ***Mitigation Plan Goals and Objectives***

- 1) Remove any non-native species, such as Himalayan blackberry, English ivy, Scot's broom, and holly, from the mitigation planting areas.
- 2) Establish an enhanced native plant community within the designated mitigation planting areas.
- 3) Maintain and monitor the mitigation planting areas for three years. Maintain the health and viability of plantings and ensure the mitigation planting areas remain free of non-native, invasive species.

### ***Performance Standards – Mitigation Planting Areas***

- 1) *Survival of planted vegetation*
  - 100% survival by the end of Year One.
  - 80% survival in Years Two and Three.
- 2) *Percent cover of planted vegetation*
  - Cover for woody vegetation (trees and shrubs) should be at least 60% by Year Two and 85% by Year Three.
- 3) *Diversity of planted vegetation*
  - Establishment of a minimum of two native shrub and three native groundcover species by Year Three.
- 4) *Percent cover of non-native/invasive weeds*
  - Less than 10% cover by invasive plant species in all years.

### ***Monitoring Methods***

A three-year monitoring plan will be implemented on the property per LUC 20.25H.220D. Monitoring will take place three times, once each at the end of Years One, Two and Three. First-year monitoring will take place in the first late summer or early fall, subsequent to plant installation. Monitoring in the following years will also take place at approximately the same time of year (i.e. before deciduous leaves drop) to ensure plants can be identified with associated survival and cover. If requested, the following information will be recorded and reported in an annual monitoring report to be submitted to the City of Bellevue.

- *Survival* - Survival counts of installed plants by species (Year One only). Years Two and Three do not need to differentiate by species.
- *Percent Cover* - Visual estimate quantifying native plant cover and non-native/invasive species in the mitigation planting areas.
- *Native Plant Diversity* – Identify how many different native plant types (species) are found in the mitigation planting areas.
- Photographic documentation of the mitigation planting areas as shown from fixed reference points.
- Recommendations for maintenance and/or repair of the mitigation planting areas.
- *Note: Volunteer native trees, shrubs, and groundcover may count toward survival, percent cover, and native plant diversity.*

## ***Contingencies***

The assurance device holder, or other approved property representative, will work with the City of Bellevue to develop a Contingency Plan (per LUC 20.252H.220E) in the event that additional steps need to be taken to meet the outlined performance standards and maintenance requirements. Examples of Contingency Plan components may include (but are not limited to) such items as soil amendments, plant substitutions, and additional plant installations.

## ***Maintenance***

The site will be maintained for three years (by the property owner or approved property representative) following completion of plant installations.

### *1) Survival and Diversity of Native Plants*

- Year One – Replace each dead plant (with the same species) in mitigation planting areas during the first fall dormant season (October 15 through March 1) following initial installation.
- Years Two and Three – Replace dead plants with appropriate native species (during the fall dormant season; October 15 through March 1) such that sufficient survival and percent cover requirements of the performance standards section are met.

### *2) Invasive Weed Maintenance*

- Weeding should occur at least twice per summer and once in the fall and winter. As soon as weeds start to emerge, the whole plant will be removed by hand, including the roots. Each installed plant will be kept free of weeds and grasses in a 24-inch diameter circle around the stem. No line trimmers or weed whackers are to be used near native plants. No weed killers should be used without first contacting the City of Bellevue's Land Use desk.

### *3) Watering*

- A temporary irrigation system will be installed for Year One only from June 1 through September 30, such that a minimum of two inches of water per week is applied to all mitigation planting areas. Watering may need to be adjusted due to extreme hot/dry weather or excessive rainfall. The temporary irrigation system may be run from hoses from the water supply for the home.

4) *Mulch*

- The wood chip mulch ring around each plant will be maintained to a depth of four-inches thick, extending to the drip line of each plant. Area immediately adjacent to the stem/trunk will be kept free from mulch.

5) *Fertilizer*

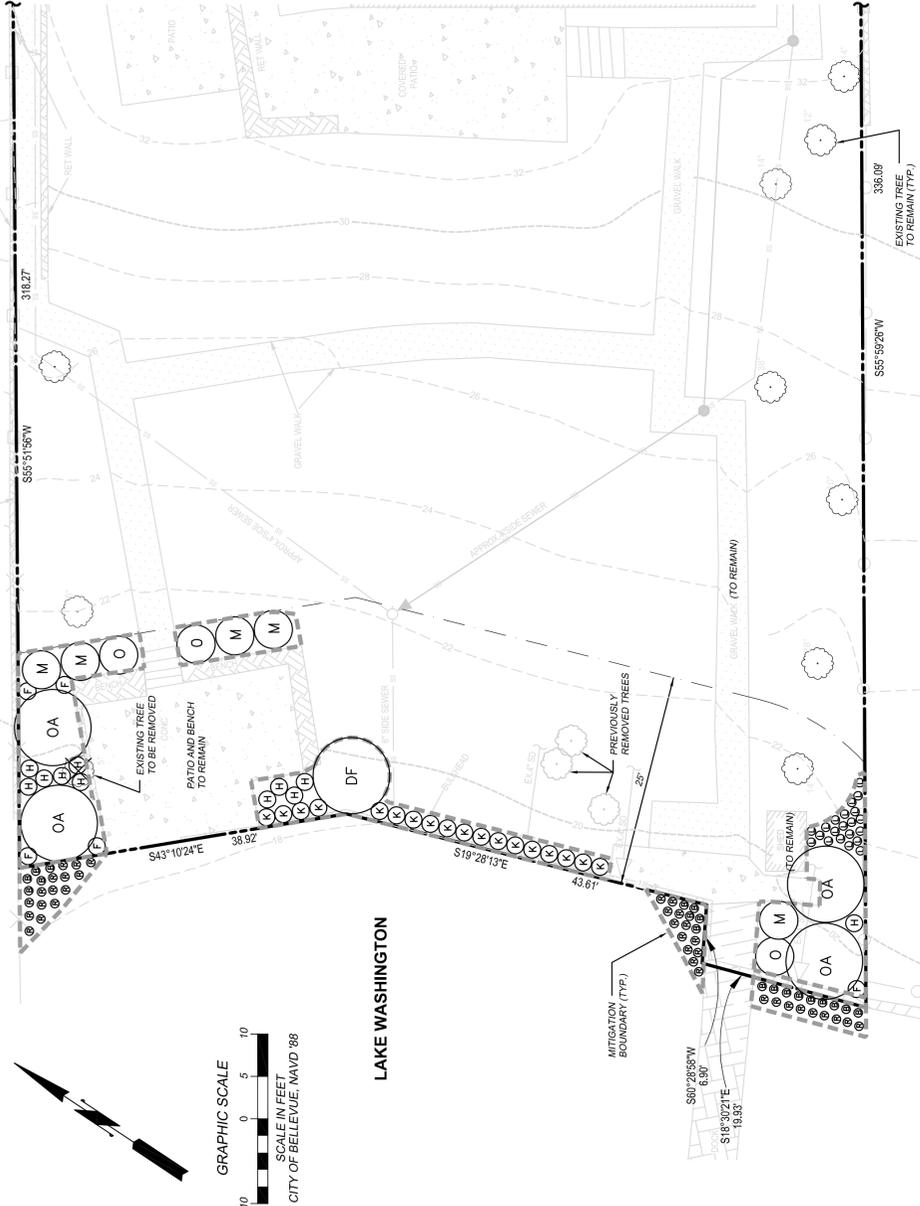
- A slow-release granular fertilizer shall be applied to each plant in Years Two and Three. No fertilizer is to be applied in Year One.

### ***Construction Notes***

- 1) All plant installation is to take place during the dormant season (October 15 through March 1). Non-native/invasive weed removal should occur no more than one month before plant installation.
- 2) As soon as non-native/invasive weeds start to emerge, the whole plant will be removed by hand, including the roots. Each installed plant will be kept free of weeds and grasses in a 24-inch diameter circle around the stem. No line trimmers or weed whackers are to be used near native plants. No weed killers should be used without first contacting the City of Bellevue's Land Use desk.
- 3) Prepare a planting pit for each plant per the planting details.
- 4) Plants should be laid out generally per the plan, but may be adjusted for onsite conditions to avoid damage to existing plants. Any modification to layout should be made to remain in keeping with the designated spacing for each plant, as listed on the planting plan.
- 5) Apply a circular wood chip mulch ring to each plant, four-inches thick and extending at least to the drip-line of the plant. The space adjacent to the base of the trunk/stem of each plant should be left mulch-free.
- 6) A temporary irrigation system should be installed to cover the entire planted area. The system may be run from hoses from the water supply for the home. The system will only be required for Year One, from June 1 through September 30.

### ***Assurance Device***

If requested, an assurance device will be submitted to the City in accordance with LUC 20.40.490 to ensure that elements of this plan are fully implemented.



**MITIGATION PLAN**

**PROJECT SUMMARY:**  
 THE CHERBERG PROPERTY IS LOCATED AT 3229 106TH AVENUE SE IN BELLEVUE. THE CITY OF BELLEVUE HAS REQUESTED A CONTINGENCY PLAN (PER LUC 20.252H(2)(B)) IN THE EVENT THAT ADDITIONAL STEPS NEED TO BE TAKEN TO MEET THE CRITICAL AREA BUFFER WITHOUT PERMITS. THE FOLLOWING INFORMATION APPLIES ONLY TO THE DESIGNATED MITIGATION PLANTING AREAS AND EXCLUDES EXISTING PLANTINGS.

- MITIGATION PLAN GOALS AND OBJECTIVES**
- 1) REMOVE ANY NONNATIVE SPECIES, SUCH AS HIMALAYAN BLACKBERRY, ENGLISH IVY, SCOTTS BROOM, AND HOLLY, FROM THE MITIGATION PLANTING AREAS.
  - 2) ESTABLISH AN ENHANCED NATIVE PLANT COMMUNITY WITHIN THE DESIGNATED MITIGATION PLANTING AREAS.
  - 3) MAINTAIN AND MONITOR THE MITIGATION PLANTING AREAS FOR THREE YEARS, MAINTAIN THE HEALTH AND VIABILITY OF PLANTINGS AND ENSURE THE MITIGATION PLANTING AREAS REMAIN FREE OF NONNATIVE, INVASIVE SPECIES.

**PERFORMANCE STANDARDS, MITIGATION PLANTING AREAS**

- 1) SURVIVAL OF PLANTED VEGETATION
  - 100% SURVIVAL BY THE END OF YEAR ONE
  - 80% SURVIVAL IN YEARS TWO AND THREE
- 2) PERCENT COVER OF PLANTED VEGETATION
  - COVER FOR WOODY VEGETATION (TREES AND SHRUBS) SHOULD BE AT LEAST 60% BY THE END OF YEAR ONE
  - COVER FOR HERBACEOUS VEGETATION SHOULD BE AT LEAST 80% BY THE END OF YEAR ONE
- 3) DIVERSITY OF PLANTED VEGETATION
  - ESTABLISHMENT OF A MINIMUM OF TWO NATIVE SHRUB AND THREE NATIVE GROUND COVER SPECIES BY YEAR THREE
  - PERCENT COVER OF NON-NATIVE/INVASIVE WEEDS LESS THAN 10% COVER BY INVASIVE PLANT SPECIES IN ALL YEARS

**MONITORING METHODS**

A THREE-YEAR MONITORING PLAN WILL BE IMPLEMENTED ON THE PROPERTY PER LUC 20.252H(2)(B). MONITORING WILL BE CONDUCTED BY THE CITY OF BELLEVUE IN YEARS ONE, TWO, AND THREE. FIRST-YEAR MONITORING WILL TAKE PLACE IN THE FIRST LATE SUMMER OR EARLY FALL, SUBSEQUENT TO PLANT INSTALLATION. MONITORING IN THE FOLLOWING YEARS WILL ALSO TAKE PLACE AT APPROXIMATELY THE SAME TIME OF YEAR (I.E. BEFORE DECIDUOUS LEAVES DROP) TO ENSURE PLANTS CAN BE IDENTIFIED. MONITORING DATA WILL BE RECORDED AND REPORTED IN AN ANNUAL MONITORING REPORT TO BE SUBMITTED TO THE CITY OF BELLEVUE.

- SURVIVAL - SURVIVAL COUNTS OF INSTALLED PLANTS BY SPECIES (YEAR ONE ONLY), PERCENT COVER, AND PERCENT COVER OF PLANTED VEGETATION BY SPECIES.
- PERCENT COVER - PERCENT COVER ESTIMATE OF PLANTED VEGETATION BY SPECIES AND NON-NATIVE/INVASIVE SPECIES IN THE MITIGATION PLANTING AREAS.
- NATIVE PLANT DIVERSITY - IDENTIFY HOW MANY DIFFERENT NATIVE PLANT TYPES (SPECIES) ARE FOUND IN THE MITIGATION PLANTING AREAS.
- PHOTOGRAPHIC DOCUMENTATION OF THE MITIGATION PLANTING AREAS AS SHOWN IN THE MITIGATION PLAN.
- RECOMMENDATIONS FOR MAINTENANCE AND/OR REPAIR OF THE MITIGATION PLANTING AREAS.
- NOTE: VOLUNTEER NATIVE TREES, SHRUBS, AND GROUND COVER MAY COUNT TOWARD SURVIVAL, PERCENT COVER, AND NATIVE PLANT DIVERSITY.

**CONTINGENCIES**

THE ASSURANCE DEVICE HOLDER, OR OTHER APPROVED PROPERTY REPRESENTATIVE, WILL WORK WITH THE CITY OF BELLEVUE TO DEVELOP A CONTINGENCY PLAN (PER LUC 20.252H(2)(B)) IN THE EVENT THAT ADDITIONAL STEPS NEED TO BE TAKEN TO MEET THE CRITICAL AREA BUFFER WITHOUT PERMITS. THE FOLLOWING INFORMATION APPLIES ONLY TO THE DESIGNATED MITIGATION PLANTING AREAS AND EXCLUDES EXISTING PLANTINGS.

**MAINTENANCE**

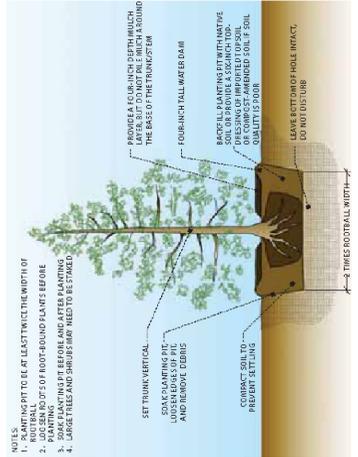
THE SITE WILL BE MAINTAINED FOR THREE YEARS (BY THE PROPERTY OWNER OR AN APPROVED PROPERTY REPRESENTATIVE) FOLLOWING COMPLETION OF PLANT INSTALLATIONS.

- 1) SURVIVAL AND DIVERSITY OF NATIVE PLANTS
  - YEAR ONE - REPLACE EACH DEAD PLANT (WITH THE SAME SPECIES) IN MITIGATION PLANTING AREAS BY THE END OF YEAR ONE.
  - THROUGH MARCH 15 OF THE NEXT CALENDAR YEAR, THE CITY OF BELLEVUE WILL CONDUCT VISUAL MONITORING OF THE MITIGATION PLANTING AREAS TO IDENTIFY AND REMOVE DEAD PLANTS.
  - YEARS TWO AND THREE - REPLACE DEAD PLANTS WITH APPROPRIATE NATIVE SPECIES DURING THE FALL DORMANT SEASON; OCTOBER 15 THROUGH MARCH 15 SUCH THAT SUFFICIENT SURVIVAL AND PERCENT COVER REQUIREMENTS OF THE PERFORMANCE STANDARDS SECTION ARE MET.
  - WEEDING SHOULD OCCUR AT LEAST TWICE PER YEAR AND ONCE IN THE FALL AND WINTER AS SOON AS WEEDS START TO EMERGE. THE WHOLE PLANT WILL BE REMOVED BY HAND, INCLUDING THE ROOTS. EACH INSTALLED PLANT WILL BE KEPT FREE OF WEEDS AND GRASSES IN A 24-INCH DIAMETER CIRCLE AROUND THE PLANT. WEEDS SHOULD BE REMOVED BY HAND, INCLUDING THE ROOTS. WEED KILLERS SHOULD BE USED WITHOUT FIRST CONTACTING THE CITY OF BELLEVUE'S LAND USE DESK.
- 2) WATERING
  - A TEMPORARY IRRIGATION SYSTEM WILL BE INSTALLED FOR YEAR ONE ONLY FROM WATER PER WEEK IS APPLIED TO ALL MITIGATION PLANTING AREAS. WATERING MAY NEED TO BE ADJUSTED DUE TO EXTREME HOT/DRY WEATHER OR EXCESSIVE RAINFALL. THE TEMPORARY IRRIGATION SYSTEM MAY BE RUN FROM HOSES FROM THE WATER SUPPLY FOR THE HOME.
  - MULCH THE WOOD CHIP MULCH RING AROUND EACH PLANT WILL BE MAINTAINED TO A DEPTH OF FOUR-INCHES THICK, EXTENDING TO THE DRIP LINE OF EACH PLANT. AREA IMMEDIATELY ADJACENT TO THE STEM/TRUNK WILL BE KEPT FREE FROM MULCH.
  - FERTILIZER RELEASE GRANULAR FERTILIZER SHALL BE APPLIED TO EACH PLANT IN YEARS TWO AND THREE. NO FERTILIZER IS TO BE APPLIED IN YEAR ONE.

**CONSTRUCTION NOTES**

- 1) ALL PLANT INSTALLATION IS TO TAKE PLACE DURING THE DORMANT SEASON (OCTOBER THROUGH MARCH 15) BEFORE THE ONSET OF WINTER. REMOVAL SHOULD OCCUR NO MORE THAN ONE MONTH BEFORE PLANT INSTALLATION.
- 2) AS SOON AS NON-NATIVE/INVASIVE WEEDS START TO EMERGE, THE WHOLE PLANT WILL BE REMOVED BY HAND, INCLUDING THE ROOTS. EACH INSTALLED PLANT WILL BE KEPT FREE OF WEEDS AND GRASSES IN A 24-INCH DIAMETER CIRCLE AROUND THE PLANT. WEED KILLERS SHOULD BE USED WITHOUT FIRST CONTACTING THE CITY OF BELLEVUE'S LAND USE DESK.
- 3) PREPARE A PLANTING PIT FOR EACH PLANT PER THE PLANTING DETAILS.
- 4) PLANTS SHOULD BE LAID OUT GENERALLY PER THE PLAN, BUT MAY BE ADJUSTED FOR ON-SITE CONDITIONS TO AVOID DAMAGE TO EXISTING PLANTS. ANY MODIFICATION TO LAYOUT SHOULD BE MADE TO REMAIN IN KEEPING WITH THE DESIGNATED SPACING FOR EACH PLANT, AS LISTED ON THE PLANTING PLAN.
- 5) APPLY A CIRCULAR WOOD CHIP MULCH RING TO EACH PLANT, FOUR-INCHES THICK AND EXTENDING AT LEAST TO THE DRIP-LINE OF THE PLANT. THE SPACE ADJACENT TO THE BASE OF THE TRUNK/STEM OF EACH PLANT SHOULD BE LEFT MULCH-FREE.
- 6) A TEMPORARY IRRIGATION SYSTEM SHOULD BE INSTALLED TO COVER THE ENTIRE PLANTED AREA. THE SYSTEM MAY BE RUN FROM HOSES FROM THE WATER SUPPLY FOR THE HOME. THE SYSTEM WILL ONLY BE REQUIRED FOR YEAR ONE, FROM JUNE 1 THROUGH SEPTEMBER 30.
- 7) ASSURANCE DEVICE HOLDER, OR OTHER APPROVED PROPERTY REPRESENTATIVE, WILL WORK WITH THE CITY OF BELLEVUE TO DEVELOP A CONTINGENCY PLAN (PER LUC 20.252H(2)(B)) IN THE EVENT THAT ADDITIONAL STEPS NEED TO BE TAKEN TO MEET THE CRITICAL AREA BUFFER WITHOUT PERMITS. THE FOLLOWING INFORMATION APPLIES ONLY TO THE DESIGNATED MITIGATION PLANTING AREAS AND EXCLUDES EXISTING PLANTINGS.

**TREE AND SHRUB PLANTING DETAIL**



**TREE AND SHRUB PLANTING SEQUENCE**

- 1) Evaluate the soil conditions. If the soil is too compacted to easily dig, consider options for decompacting and amending the soil with **compost**. Amend the entire restoration area when possible.
- 2) Lay out plants or use flags to mark the location of each plant.
- 3) Dig a pit for each plant to twice the size of the rootball or plant container.
- 4) Soak the pit with water by filling it at least half-way. Allow the water to drain before installing plant. Note that some pits may not fill if the soil is very sandy.
- 5) "Rough up" the roots of the plants, pruning or straightening circling roots that circle the bottom and sides of the rootball container guide the tree trunk attempts to grow outward.
- 6) Form a basin to hold water around the plant using remaining soil.
- 7) **Mulch** each plant with 4 inches of coarse wood chip mulch (preferred) or raked leaves. Do not bury the stem in mulch - mulch should be kept a few inches away from the stem.
- 8) Water the plant again, filling up the small basin formed in step 6.
- 9) Water the plant again, filling up the small basin formed in step 6.
- 10) Water the plant again, filling up the small basin formed in step 6.

**PLANTS LEGEND: (PROPOSED)**

TREES	SIZE	SPACING	QUANTITY
OA OREGON ASH (FRAXINUS LATIFOLIA)	4'-6" HT	9' O.C.	4
DF DOUGLAS FIR (PSEUDOTSUGA MENZIESII)	4'-6" HT	9' O.C.	1

SHRUBS	SIZE	SPACING	QUANTITY
O OCEANSPRAY (HOLODISCUS DISCOLOR)	1'-GAL	4.5' O.C.	3
M MOCK ORANGE (PHILADELPHUS LEWISII)	1'-GAL	4.5' O.C.	5

GROUND COVER	SIZE	SPACING	QUANTITY
H TUFTED HAIRGRASS (DESCHAMPSIA CAESPITOSA)	4" POT	2' O.C.	11
L IDAHO FESCUE (FESTUCA IDAHOENSIS)	4" POT	2' O.C.	5
K KINKIKIWI (ARCTOSTAPHYLOS UVA-URSI)	4" POT	2' O.C.	18
O LILY-OF-THE-VALLEY (MAIANTHEMUM DILATATUM)	4" POT	1' O.C.	21

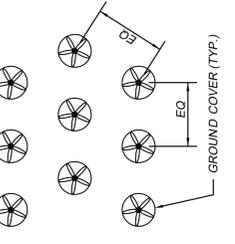
EMERGENTS	SIZE	SPACING	QUANTITY
⊗ HARDSTEM BULRUSH (SCIRPUS ACUTUS)	4" POT	1' O.C.	36
⊙ DAGGER-LEAF RUSH (JUNCUS ENSIFOLIUS)	4" POT	1' O.C.	19

**MITIGATION AREA**

EMERGENT AREA: 138 SF  
 BUFFER AREA: 675 SF  
 TOTAL: 813 SF

**NOTE:**

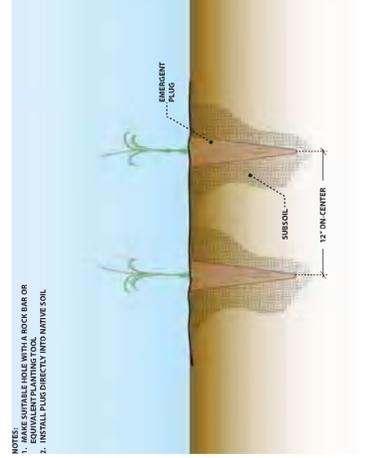
ALL GROUND COVER TO BE PLANTED AT SPACING (TRIANGULAR) PER O.C. SPACING ON PLANS



**TYPICAL GROUND COVER PLANTING**

(NOT TO SCALE)

**EMERGENT PLANTING DETAIL**





1375 NW Mall Street, Suite 3  
Issaquah, WA 98027  
425.313.1078 (Bus)  
425.313.1077 (Fax)

### Cherberg Property Exhibit A

Tree 1:



Tree 2:



Tree 3:



## Exhibit B

Date: Wed, 7 Jan 2009 22:05:13 -0800  
From: lumberjacks1964@yahoo.com  
Subject: Re: birch tree  
To: can-cherberg@q.com

Les Edwards, owner and operator of Lumberjacks Tree Service-This is my professional opinion in regards to the Cherbergs birch tree, by the waterfront-My opinion-is 25 five years of in the business of tree service-I found decay, which started in the root ball and worked its way up the stem, to about three ft. above the root ball-the wood samples indicated, a codominant top-which had included bark-a weak point, at the union of the where the stems join together-This tree in my opinion was on the decline-and was a candidate to be condemned-any questions please call Les E owner at 425-345-8733.



1375 NW Mall Street, Suite 3  
Issaquah, WA 98027  
425.313.1078 (Bus)  
425.313.1077 (Fax)

### Cherberg Property Exhibit C



03/12/2009

Cherberg Shoreline Restoration  
Project SEPA Checklist  
3229 106th Ave SE

City of Bellevue Submittal Requirements

**ENVIRONMENTAL**

SEPA Checklist Reviewed By:  
David Pyle, Land Use Planner  
425-452-2973 - dpyle@bellevuewa.gov

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

**BACKGROUND INFORMATION**

Property Owner: **James Cherberg**

Proponent: **James Cherberg**

Contact Person: **Nicole Mecum**

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **1375 NW Mall Street Suite 3, Issaquah, WA 98027**

Phone: **(425) 313-1078**

Proposal Title: **Cherberg Property**

Proposal Location: **3229 106<sup>th</sup> Ave SE**

(Street address and nearest cross street or intersection) Provide a legal description if available.

**ENATAI WATERFRONT ADD UNREC NWLY 10 FT OF 8 & 9**

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site. **See Figure 1: Vicinity Map**

Give an accurate, brief description of the proposal's scope and nature:

1. General description: **Shoreline restoration and mitigation for the removal of three trees located within the Lake Washington shoreline buffer.**

2. Acreage of site: **.75 Acres**

3. Number of dwelling units/buildings to be demolished: **N/A**

4. Number of dwelling units/buildings to be constructed: **0**

5. Square footage of buildings to be demolished: **N/A**

6. Square footage of buildings to be constructed: **N/A**

7. Quantity of earth movement (in cubic yards): **Cut / Fill = 10 +/- CY**

8. Proposed land use: **single family residential (R-3.5)**

9. Design features, including building height, number of stories and proposed exterior materials:  
**N/A**

10. Other

This is an application for Shoreline Substantial Development Permit and Critical Areas Land Use Permit to authorize the installation of shoreline restoration planting to resolve the illegal removal of three trees along the shoreline of Lake Washington.

Cut and fill will be limited to the installation of restoration plantings. Estimated to be less than 1 CY.

Estimated date of completion of the proposal or timing of phasing:

**Summer 2009**

Possibly Fall 2009 after plants are dormant.

Reviewed By: *D.P.*

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

The property owner has applied for a short subdivision. See file 08-132654-LN.

**Yes, proposed development will eventually include subdivision of the existing site into 2 single family lots with construction of a new single family residence.**

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Critical areas report and restoration plan have been provided. See file.

**A geotechnical report was prepared by Icicle Creek Engineers on January 7, 2008.**

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

**Yes, there is currently an application for a preliminary short plat under review with the City of Bellevue.**

The property owner has applied for a short subdivision. See file 08-132654-LN.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

Shoreline Substantial Development Permit is required.

**Critical Areas Land Use Permit  
Clearing & Grading in a Critical Area**

Please provide one or more of the following exhibits, if applicable to your proposal.  
(Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development  
Preliminary plat map
- Clearing & Grading Permit  
Plan of existing and proposed grading  
Development plans
- Building Permit (or Design Review)  
Site plan  
Clearing & grading plan
- Shoreline Management Permit  
Site plan

**A. ENVIRONMENTAL ELEMENTS**

**1. Earth**

The property does not contain areas that are classified as steep slope critical areas.

- a. General description of the site:  Flat  Rolling  Hilly  Steep slopes  Mountains  Other
- b. What is the steepest slope on the site (approximate percent slope)? **>50%**
- c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

**Everett Alderwood Gravelly Sandy Loam (EwC) per King Coutny SCS mapping. There is no prime farmland on the site.**

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

**None known.**

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

**Approximately 10+/- cy of minor earth disturbance associated with plantings and restoration.**

Cut and fill will be limited to the installation of restoration plantings. Estimated to be less than 1 CY.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

**Yes, some erosion will occur during construction, erosion will be controlled.**

Yes, erosion could occur during construction. Erosion control BMP's must be applied during construction.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

**The initial proposal does not include additional impervious surface. Future improvements will not exceed the impervious surface allowed by City of Bellevue Land Use Code.**

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No expansion of impervious surface is proposed or allowed as part of this project.

**Re-vegetate exposed soils.**

## 2. AIR

Erosion control BMP's must be applied during construction.

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

**Dust, auto emissions**

Vehicle and small equipment emissions are controlled by the State.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

**None known.**

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

**None at this time.**

## 3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

**Yes, the property is bound on the southwest by Lake Washington.**

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

See attached site plans.

**Yes, the proposal includes restoration and mitigation for the removal of 3 trees within the shoreline buffer.**

(3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

**N/A**

No fill is allowed and no fill is proposed.

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

**No.**

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

**No, according to King County iMap, this site does not lie within a 100 year floodplain.**

The subject site is not within a FEMA regulatory floodplain.

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**No**

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

**No**

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**Not applicable.**

c. Water Runoff (Including storm water)

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

**The proposal will not increase storm water runoff.**

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

**Unknown**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

**This system will be reviewed for compliance with BCC 24.06.130, Surface Water Engineering Standards.**

No storm drainage systems will be constructed in association with this permit.

#### 4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

**Three birch trees have already been removed. Proposed restoration and mitigation plans include removal of non-native vegetation (e.g. bamboo and iris) and other non-native trees and plants upland of the bulkhead.**

c. List threatened or endangered species known to be on or near the site.

**None known.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

**Removal of non-native vegetation will be replaced with an equivalent amount of vegetated space to replace and restore shoreline function of the trees. Vegetation will consist of native trees and plantings as prescribed in the City of Bellevue Critical Areas Handbook.**

#### 5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- Birds: hawk, heron, eagle, songbirds, other
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

**None known**

Review of the WDFW PHS Database indicates there are documented Bald Eagle nests within a mile of the subject property. Lake Washington provides habitat to numerous fish species including Chinook Salmon, Coho Salmon, and Bull Trout.

c. Is the site part of a migration route? If so, explain.

**Not that is known.**

- d. Proposed measures to preserve or enhance wildlife, if any:

**None at this time.**

See item 4.d above.

## 6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

**The proposal does not require any additional energy resources.**

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

**Not that is known.**

- c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

**None at this time.**

## 7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

**No environmental hazards are expected.**

- (1) Describe special emergency services that might be required

**The proposal will not require any special emergency services.**

- (2) Proposed measures to reduce or control environmental health hazards, if any.

**None at this time.**

- b. Noise

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

**No significant noise impacts are expected.**

Noise is regulated by City of  
Bellevue Code Section 9.18.

- (2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

**Construction per City of Bellevue noise ordinance.**

- (3) Proposed measures to reduce or control noise impacts, if any:

**Observe City of Bellevue noise ordinance hours.**

## 8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

**Single family residential. The adjacent properties are all existing residential properties. The site is bound on the northeast by 106<sup>th</sup> Ave SE and on the southwest by Lake Washington.**

No change in land use is proposed.

- b. Has the site been used for agriculture? If so, describe.

**No**

- c. Describe any structures on the site.

**One single family residence and garage.**

- d. Will any structures be demolished? If so, what?

**No.**

- e. What is the current zoning classification of the site?

**R-3.5, 10,000 sq ft per lot**

- f. What is the current comprehensive plan designation of the site?

**Single-Family Medium (SF-M)**

- g. If applicable, what is the current shoreline master program designation of the site?

**Lake Washington**

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

**The site is located adjacent to Lake Washington. A portion of the site is therefore designated as a critical area shoreline buffer.**

- i. Approximately how many people would reside or work in the completed project?

**1 existing residence/family**

- j. Approximately how many people would the completed project displace?

**The existing home and its residents will not be displaced.**

- k. Proposed measures to avoid or reduce displacement impacts, if any:

**N/A.**

- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

**Meets land use code and comprehensive plan designation.**

## 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

**No additional housing units are proposed under this proposal.**

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

**None**

- c. Proposed measures to reduce or control housing impacts, if any:

**None at this time.**

## 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

**N/A.**

- b. What views in the immediate vicinity would be altered or obstructed?

**None known.**

- c. Proposed measures to reduce or control aesthetic impacts, if any:

**N/A.**

## 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

**None.**

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

**No impact expected.**

- c. What existing off-site sources of light or glare may affect your proposal?

**None known.**

- d. Proposed measures to reduce or control light or glare impacts, if any:

**None at this time.**

## 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

**Enatai Beach Park, Mercer Slough Nature Park**

- b. Would the proposed project displace any existing recreational uses? If so, describe.

**No**

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**None at this time.**

### 13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

**Not that is known.**

- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

**N/A**

- c. Proposed measures to reduce or control impacts, if any:

**None**

### 14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

**The existing site is accessed off of 106<sup>th</sup> Ave SE. The proposal will not affect access.**

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

**Public transit is currently located along 106<sup>th</sup> Ave SE with a bus stop located approximately 0.01 mile from the projects site at SE 32<sup>nd</sup> St.**

- c. How many parking spaces would the completed project have? How many would the project eliminate?

**The proposal does not include parking modifications.**

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

**No.**

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

**Not that is known.**

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

**Vehicular trips will not be affected.**

- g. Proposed measures to reduce or control transportation impacts, if any:

**None**

**15. Public Services**

- a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

**No.**

- b. Proposed measures to reduce or control direct impacts on public services, if any.

**N/A**

**16. Utilities**

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**Storm water (connect to existing system) in addition to those listed above**

**Water: City of Bellevue**

**Sewer: City of Bellevue**

**Cable: Comcast**

**Phone: Qwest**

**Refuse: Allied Waste**

**Electricity/Gas: PSE**

**Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

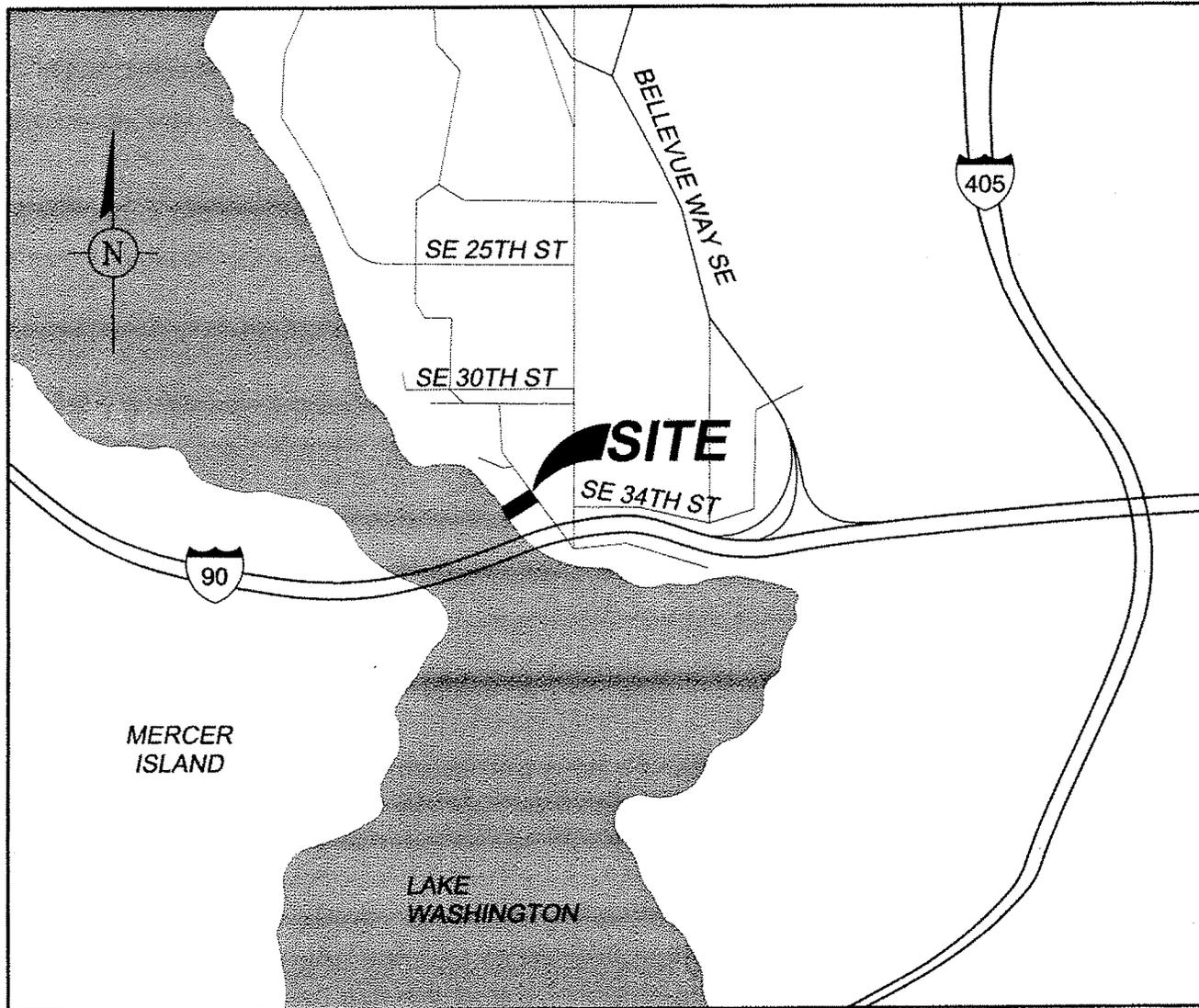
Signature

*Heidi Nelson*

Date Submitted

3-3-09

*D.R.*



CHERBERG SHORELINE RESTORATION  
VICINITY MAP



1375 NW Mall Street, Suite 3  
Issaquah, WA 98027  
Tel (425) 313-1078  
Fax (425) 313-1077

DWN. BY: HDO	DATE: 2/17/09	JOB NO. MIS-015
CHKD. BY: N. MECUM	SCALE: NTS	FIGURE 1

Reviewed By: DP

