



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. 09-110880-WG

Date Received 4/24/09

Approved / Date 8/6/09
 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: **David Douglass, Property Owner**

to undertake the following development:

Construction a new pier, watercraft lift, and shoreline restoration planting to serve an existing single-family residence on a site adjacent to Lake Sammamish.

upon the following property: 444 W Lake Sammamish Pkwy. SE

within Lake Sammamish

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

- Land Use Code(LUC) Section 20.25E.080(N) Moorage Regulations:
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-13 and SH-50

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

Conditions of Approval (Land Use Division)

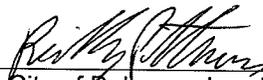
This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter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

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

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

August 6, 2009

Date


 City of Bellevue, Land Use Division

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



APPLICATION DATE <u>4/24/09</u>	TECH <u>CB</u>	CIP PROJ #	PROJECT FILE # <u>09-11080 WG</u>
<input type="checkbox"/> Administrative Conditional Use-LA <input type="checkbox"/> Boundary Line Adjustment-LW <input type="checkbox"/> Planned Unit Development-LK <input type="checkbox"/> Planned Unit Dev Combined w/Plat-LK <input type="checkbox"/> Conditional Use-LB <input type="checkbox"/> Conditional Use Shoreline Mgmt-WA/WG <input type="checkbox"/> Design Review-LD <input type="checkbox"/> Final Plat-LG	<input type="checkbox"/> Binding Site Plan-LF <input type="checkbox"/> Final Short Plat-LF <input type="checkbox"/> Land Use Approval Amendment-LI <input type="checkbox"/> Land Use Exemption-LJ <input type="checkbox"/> Critical Land Use Permit Admin-LO <input type="checkbox"/> Preliminary Plat-LL <input type="checkbox"/> Antenna no Building Permit w/SEPA-CA	<input type="checkbox"/> Preliminary Short Plat-LN <input type="checkbox"/> Preliminary SEPA Review-LM <input checked="" type="checkbox"/> Shoreline Development-WG <input type="checkbox"/> Shoreline Exemption w/o SEPA-WD <input type="checkbox"/> Shoreline Exemption w/SEPA-WE <input type="checkbox"/> Shoreline Variance-WF <input type="checkbox"/> Variance-LS	
NOTICE OF COMPLETENESS: Your application is considered complete 29 days after submittal, unless otherwise notified.			

1. Property Address 444 W.LK. Samm. Pkwy SE Zoning _____
 Project Name (if applicable) DOUGLASS PIER Tax Assessor # _____

2. Applicant DAVID DOUGLASS Phone (206) 612-0291
 Address 444 W.LK. Samm. Pkwy SE City, State, Zip Bellevue, WA 98008

3. Contact Person Evan Wehr Phone (206) 706-5276
 E-Mail Address evan@eccodesigninc.com FAX # (_____) _____
 Address 203 N 36th St #201 City, State, Zip Seattle, WA 98103

4. Engineer/Architect/Surveyor same as above Phone (_____) _____
 Address _____ City, State, Zip _____

5. Description of proposed project, use, exemption, or variance Construct New Pier
 Proposed Building Gross Square Footage 480 Proposed Structure Parking Gross Square Footage N/A

6. Nature of Project (if applicable)
 Current use of property and existing improvements N/A
 Identify any adjacent water area/wetlands or significant natural features (i.e., streams, wetlands, views, significant trees, water bodies, etc) on or within 200 feet of the property. LAKE SAMMAMISH

7. If **SHORT PLAT** or **SUBDIVISION** Application: Total Acreage _____ Number of Proposed Lots _____
 Has this property been previously subdivided? If yes, Date _____ Recording # _____
 If this is a Final Plat or Final Short Plat, what is the Preliminary project file # _____

8. If **SHORELINE MANAGEMENT**: Total cost or fair market value of the project (whichever is higher) \$ ~\$50,000
 If a single family residence or pier is proposed, is it intended for the owner's own personal use? Yes No

N/A If Shoreline Variance, the development will be located:
 Landward Waterward **AND/OR** Outside Inside areas designated as marshes, bogs or swamps by the Dept. of Ecology. (Chapter. 173.22. WAC)

BCC 23.10.033 - Agreement regarding vested rights: The filing of an application for any of these required approvals prior to the filing of a valid and complete application for a building permit shall not establish or create a vested right to proceed with construction of any proposed project.

I certify that I am the owner or owners authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decision, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW and the State Environmental Policy Act (SEPA) will be met.

Signature Date 4.23.09
 (Owner or Owners Agent)



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: David Douglass, Property Owner

LOCATION OF PROPOSAL: 444 W Lake Sammamish Pkwy. SE

NAME & DESCRIPTION OF PROPOSAL: Douglass Pier

Land Use review of a Shoreline Substantial Development Permit and Critical Area Land Use Permit to construct a new pier, watercraft lift, and shoreline restoration planting to serve an existing single-family residence on a site adjacent to Lake Sammamish.

FILE NUMBER: 09-110880-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 Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on 8/27/09.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

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

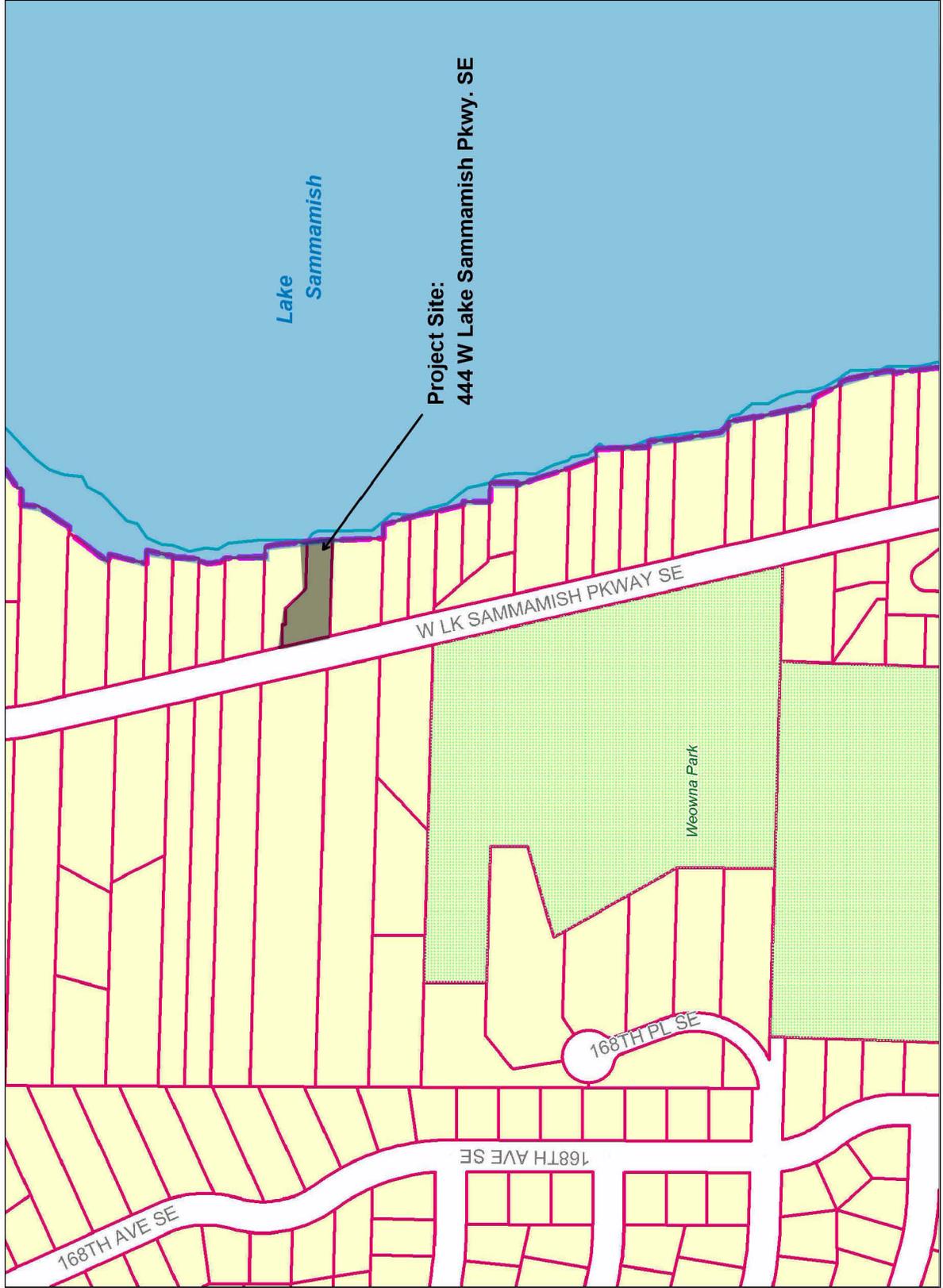
Environmental Coordinator

8/16/09
 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

Douglas Pier Vicinity Map



City of Bellevue Submittal Requirements

27a

ENVIRONMENTAL CHECKLIST

4/18/02

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: **DAVID DOUGLASS**

Proponent:

Contact Person:

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

Address: **444 W. LK. Samm. Pkwy SE, BVue, 98008-5211**

Phone: **206-612-0291**

Proposal Title: **DOUGLASS PIER**

Proposal Location: **above address**

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

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site.

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

1. General description: **Install New Pier**

2. Acreage of site: **N/A**

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

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

5. Square footage of buildings to be demolished:

6. Square footage of buildings to be constructed:

7. Quantity of earth movement (in cubic yards):

8. Proposed land use: **N/A**

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

N/A

10. Other

RECEIVED
APR 24 2009
PERMIT PROCESSING

Estimated date of completion of the proposal or timing of phasing: *Between 7/16/09 + 12/31/09.*

Construction must occur within USACE work windows. RP

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
No.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
None Known other than CAR

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.
None Known

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.
*LOP from Army Corps
HRA from W.D.F.W*

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 Shoreline Substantial Development Permit is required with a combined Critical Area Land Use Permit. A building permit is required to construct the pier. RP

A. ENVIRONMENTAL ELEMENTS

1. Earth

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)?
Unknown **Area of work is within Lake Sammamish. RP**

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.
sand, gravel

- 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.

N/A

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

N/A

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

N/A

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

None

2. AIR

- 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.

N/A

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

N/A

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

N/A

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

Lake Sammamish

appropriate, state what stream or river it flows into.

Lake Sammamish

- (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.

YES

- (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.

0

- (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.

Unknown

Work is occurring below elevation 36.6' and is within the floodplain of Lake Sammamish

- (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.

N/A

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.

N/A

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

N/A

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

N/A

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?

Native shoreline vegetation will be planted per planting plan.

No significant vegetation is being removed. Lawn and other ornamental plants will be removed.

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

Chinook Salmon

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

Native shoreline vegetation will be planted per planting plan.

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.

Chinook Salmon

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

Pacific Flyway. RP

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

Native Shoreline Plantings

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.

N/A

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

No

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:

N/A

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

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

N/A

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

None

b. Noise

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

N/A

- (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.

Short term: elevated noise levels from pile driving

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

Work only during appropriate hours.

Noise regulated by BCC 9.18. RP

8. Land and Shoreline Use

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

Residential

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

No

- c. Describe any structures on the site.

Single Family Residence

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

No

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

Residential

R-2.5

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

Unknown

SF-M

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

Unknown

Urban

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

Unknown

Property adjacent to Lake Sammamish

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

N/A

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

N/A

- 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:

None

9. Housing

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

N/A

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

N/A

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

N/A

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?

~ 2' Above O/M of Lake Sammamish

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

N/A

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

N/A None

11. Light and Glare

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

N/A

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

N/A

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

N/A

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

N/A

12. Recreation

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

Boating & fishing

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

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.

Unknown

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

None known

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.

W. Lake Samm Pkwy SE

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

Unknown

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

N/A

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).

N/A

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

Lake Sammamish

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

N/A

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.

None

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.

N/A

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.....*D. M. Douglas*.....

Date Submitted.....*4.23.09*.....



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

Proposal Name: Douglass Pier

Proposal Address: 444 W Lake Sammamish Pkwy. SE

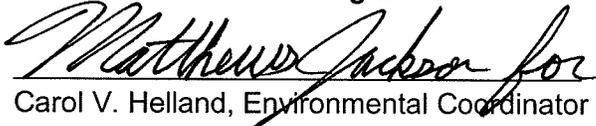
Proposal Description: Application for Land Use Approval of a Shoreline Substantial Development Permit for the construction of a new pier associated with a single-family residence. The Shoreline Permit is combined with a Critical Areas Land Use Permit to modify the allowed dimensions of the pier.

File Number: 09-110880-WG

Applicant: David Douglass, Property Owner

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

Planner: Reilly Pittman, 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

Application Date: April 24, 2009
Notice of Application Date: June 4, 2009
Decision Publication Date: August 6, 2009
Project/SEPA Appeal Deadline: August 27, 2009

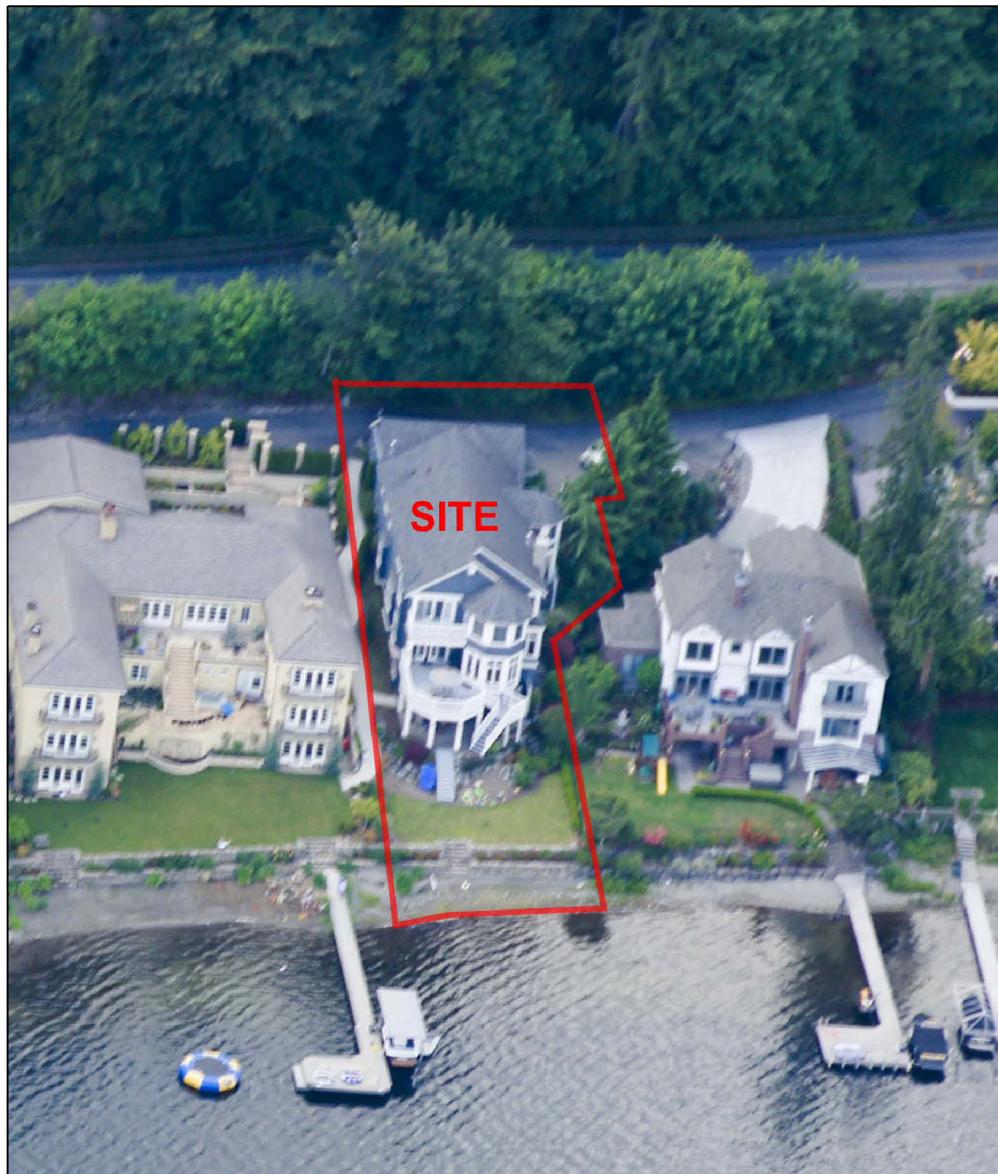
For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Water Mark. See Figure 2 for existing site condition.

Figure 2



B. Zoning

The property is zoned R-2.5, single-family residential and is located in the Critical Areas Overlay District and Shoreline Overlay District. The proposed construction of a pier is an allowed activity associated with a single-family use in the R-2.5 zone.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-M (Single Family

Medium Density). Construction of a pier is consistent with single-family land uses.

D. Critical Areas On-Site and Regulations

i. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values. The discussion presented herein emphasizes this ecosystem approach.

ii. Shoreline Overlay District/Shoreline Substantial Development Permit

The property has frontage along Lake Sammamish and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark (elevation 31.8). The Shoreline Overlay District regulations (LUC 20.25E) allow for the pier construction, provided the applicable performance standards in LUC 20.25E.080.N for new moorage facilities are met. A Shoreline Substantial Development Permit is required due to the value of the work exceeding \$10,000.

iii. Areas of Special Flood Hazard of Lake Sammamish

The value of floodplains can be described in terms of both the hydrologic and ecological functions that they provide. Flooding occurs when either runoff exceeds the capacity of rivers, streams, or lakes to convey and contain water within their banks, or when engineered stormwater systems become overwhelmed. Development within the floodplain can dramatically affect the storage capacity of a floodplain, impact the hydrologic regime of a basin and present a risk to public health and safety and to property and infrastructure. The proposed shoreline planting will be at or below the flood elevation of Lake Sammamish.

iv. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to

acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

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

The subject site has an area of steep slopes along the western property line adjacent to W Lake Sammamish Pkwy SE. The slopes slope down from the road onto the site. Vehicular access is obtained from a shared driveway which serves the site and surrounding properties as direct vehicular access is limited due to the steep slopes. No work is occurring in a steep slope or buffer as part of this proposal.

v. Critical Areas Overlay District/Critical Areas Land Use Permit

A Critical Areas Land Use Permit (CALUP) is required as the applicant is requesting to modify the standard dimensions of the pier's ell stated in LUC 20.25E.080.N which is 6 feet by 26 feet for new piers which have open grating over the entire surface area of the ell. The proposed dimensions of the ell are 10 feet by 12 feet attached to a 4-foot wide pier. The proposed increased width of the ell from 6 feet to 10 feet can only be approved through a critical areas report submitted under a CALUP. As a result of the modified ell dimensions some of the piles which support the ell have a separation of less than 18 feet apart as required in the performance standards for new docks which can also be modified through a critical area report.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-2.5 zoning dimensional requirements found in LUC 20.20.010 do not apply to this project as no structure on land is proposed to be constructed.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area or critical area buffer. In this instance the performance standards for the construction of new moorage facilities are found in LUC 20.25E for the Shoreline Overlay District.

The proposed construction of a pier is subject to the performance standards in LUC 20.25E.080.N which are being met with the following exceptions:

iv. Location, Width and Length Regulations. Docks with configurations that do not include any or all of the elements below shall be subject to the overall length and square footage limitations of this section. No portion of a dock shall exceed four feet in width, unless allowed in this subsection N.1.b.iv.

(3) Ells.

- (a) Ells are allowed only over water with depths of nine feet or greater at the landward end of the ell.**
- (b) Ells may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center; or**
- (c) Ells may be up to six feet wide by 26 feet long with grating over the entire ell.**

Response: The proposed pier is grated over the entire surface of the ell and per item (c) above is allowed to have a 6-foot by 26-foot ell. The applicant is proposing an ell which is 10 feet by 12 feet attached to a 4-foot wide pier and has a 12 square foot step into the water. The overwater coverage allowed by the code for an ell is 156 square feet which the proposed ell modifications will not exceed. The code allows new piers maximum overwater coverage of 480 square feet; the proposed coverage of the new pier is less measuring only 438 square feet. However, the width of the proposed ell is 10 feet which exceeds the 6-foot width allowance in the code.

Pursuant to this same code section (LUC 20.25E.080.N) any performance standard for new moorage facilities may be proposed for modification through a critical areas report under a Critical Area Land Use Permit. Through a critical areas report the applicant must demonstrate that the proposal will lead to equivalent or better protection of critical areas and a net increase in certain critical area functions and values. The proposed pier is allowed to be 4 feet wide however the applicant is proposing only a 3-foot wide grated pier over the first 54 feet of the approximately 80-foot long pier. After the first 54 feet the width of the pier increases to 4 feet wide. The section of 3-foot wide pier will limit the amount of shadows created by the pier as it crosses over the most sensitive fish habitat in the littoral zone. In addition the shoreline is proposed to be planted with native plants and invasive species will be removed. The design of the pier will reduce its impact as much as possible on the shoreline habitat within the first 30 feet of the Ordinary High Water Mark. The proposed shoreline planting will increase the functions provided by the shoreline on this site which is currently only planted with ornamental species and lawn.

v. Structural Piling Specifications. The first (nearest shore) piling shall be steel, four-inch piling and at least 18 feet waterward of the ordinary high water mark.

Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter. Piles shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ACZA pilings are proposed, the applicant will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers. Steel piles will be installed using approved sound attenuation measures.

Response: The required separation between piles is 18 feet per the above performance standard. The applicant proposes to have a few piling sets be less than the required 18 feet apart to allow construction of the proposed ell described above. While some piles will not have the standard separation width the applicant is proposing to have all steel piles, 4 inches and 6 inches in diameter which is smaller than is typically proposed. Given that the reduced pile separation is located in deeper water and that all piles are small in diameter and are steel, staff finds that the proposed reduced pile separation can be allowed.

IV. Public Notice and Comment

Application Date:	April 24, 2009
Public Notice (500 feet):	June 4, 2009
Minimum Comment Period:	July 6, 2009

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin on June 4, 2009. It was mailed to property owners within 500 feet of the project site.

Comments were received from Alisa Bieber with the Washington Department of Fish and Wildlife (WDFW). Ms. Bieber informed the applicant that WDFW would not approve the originally proposed modified ell dimensions of 12 feet wide by 12 feet long. Instead WDFW will allow the ell to be 10 feet wide by 12 feet long as seen below in Figure 3. If the ell is 10 feet wide a Critical Areas Land Use Permit is still required to approve the increased dimensions over the standard found in LUC 20.25E.080.N. Therefore staff will approve the pier depicted on the revised plans with a modified ell measuring 10 feet by 12 feet wide attached to a 4-foot wide pier. See Conditions of Approval in Section X of this report.

V. Summary of Technical Reviews

A. Clearing and Grading

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

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards. Utilities staff approved the proposed application with the condition that a Wastewater O/M representative be on site when pilings near the 8-inch sewer lake line are installed. Call 48 hours before work is to begin at (425) 452-4359 or (425) 452-7840. In addition, new pilings or columns must be 5' away from the sewer main and outside of the easement. See Conditions of Approval in Section X of this report.

VI. State Environmental Policy Act (SEPA)

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

A. Earth, Air, and Water

The project does not propose any modification of soils except within Lake Sammamish for pile driving and along the shoreline for planting. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department. Any air impacts will be temporary as a result of construction equipment and will be addressed by keeping all equipment in good operating condition.

B. Animals

The proposed planting will improve the shoreline habitat potential for juvenile salmon. No significant trees will be removed with this proposal. The only vegetation proposed to be removed is ornamental landscaping species or invasive species along the shoreline which provide little animal habitat.

C. Plants

The shoreline and buffer are to be planted with native plants as restoration pursuant to the submitted planting plan. The proposed species for planting are: Shore Pine, Sitka Willow, Red-Twig Dogwood, Red Flowering Currant, Oceanspray, Snowberry, Small Fruited Bulrush, and Beach Strawberry. See Section X 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 X for a related condition of approval.

VII. Changes to Proposal Due to Staff Review

The applicant modified the proposed pier to meet the dimension allowed by WDFW. The proposed shoreline planting plan was also modified to include emergent planting. See Conditions of Approval in Section X of this report.

VIII. Decision Criteria

A. 20.25H.255 Critical Areas Report – Decision Criteria – General

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

- 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;**

The proposed mitigation will provide shoreline planting including additional emergent planting above what already exists. Invasive species and ornamental landscaping is proposed to be removed. The entire pier is proposed to be grated, use small diameter steel piles, and be only 3 feet wide within the first 54 feet of the Ordinary High Water Mark. If the standards regulating new piers in the land use code were applied without modification a new pier could be constructed which follows the code but would have greater overwater coverage and shading impacts. By allowing the modified ell dimension the shoreline functions and values on this site will be improved above the functions and values the shoreline would have if the code were strictly applied.

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

The installation and monitoring of the planting will require a cost estimate of the plants and materials and an assignment of savings surety. A final land use inspection will be required on the building permit for the pier to ensure the planting is installed. See Conditions of Approval in Section X of this report.

- 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;**

The required performance standards for new piers are being met or surpassed. The entire pier is proposed to be grated, use small diameter steel piles, and be only 3 feet wide within the first 54 feet of the Ordinary High Water Mark. By allowing the modified ell dimensions the shoreline functions and values on this site will be improved above the functions and values the shoreline would have if the performance standards found in the code were not modified.

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

Residential properties along the Lake Sammamish shoreline typically have piers associated with the primary residential use.

B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

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

The applicant must obtain a building permit before beginning any work. See Conditions of Approval in Section X of this report.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

The proposed planting will enhance the habitat potential of the shoreline buffer of Lake Sammamish by removing ornamental plans and invasive species and restoring the area with native species. The design of the pier with the modified performance standards will limit impacts to the shoreline environment more than application of the default performance standards in LUC 20.25E.080.N.

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

As discussed in Section II and III of this report, the performance standards of LUC Section 20.25E.080.N are being met or exceeded.

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

The proposed activity will not affect public services or facilities. The Utility

Department has added a condition of approval due to the sewer lake line on-site and in the vicinity of the proposed pier construction. See Conditions of Approval in Section X of this report.

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

A restoration planting plan has been submitted which is consistent with the City's Critical Area Handbook. The proposed planting will restore the shoreline buffer with native plants. A maintenance surety will be required to ensure plant survival over the 5-year monitoring period. See Conditions of Approval in Section X of this report.

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

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

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

The Director may approve, or approve with modifications if:

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

The applicant has demonstrated that the proposed pier is in conformance with required performance standards for new moorage facilities in the Land Use Code. The proposed modifications to the pier are allowed through a critical area report under a Critical Area Land Use Permit provided the project demonstrates a benefit to the functions and values of the shoreline environment. The proposed pier will limit adverse effects to the littoral habitat of the shoreline environment as the pier is only 3 feet wide within the first 54 feet waterward of the Ordinary High Water Mark, exceeding the standard 4-foot width allowance in LUC 20.25E.080.N. The pier will be fully grated and have all steel pilings that will not exceed 6-inches in diameter which is also beyond the performance standards in LUC 20.25E.080.N. The planting along the shoreline includes trees, shrubs, ground cover, and emergent plants which will enhance the function and value of the shoreline environment by increasing the habitat value for salmonids, as well as terrestrial species. The public interest is enhanced in this instance by providing superior development standards to mitigate environmental impacts to fish and other species in the near-shore environment.

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

As discussed in this staff report, the proposal complies with all applicable decision criteria.

- 3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.**

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

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the construction of a new pier at 444 W Lake Sammamish Parkway SE. **Approval of this Shoreline Substantial Development Permit and Critical Areas Land Use Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180.

In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Utilities – BCC Title 24	Rob Hutchinson, 425-452-7903
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

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

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit and Critical Areas Land Use Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 2. Sewer Line On-site:** A Wastewater O/M representative will need to be on site when pilings near the 8" lake line are installed. Call 48 hours before work is to begin at (425) 452-4359 or (425) 452-7840. New pilings or columns must be 5' away from the sewer main and outside of the easement.

Authority: Bellevue City Code Title 24

Reviewer: Rob Hutchinson, Utilities Department

- 3. Federal And State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work. A copy of the RGP 1 permit issued by the Army Corps of Engineers (if required) and the Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife (if required) shall be submitted to the City of Bellevue prior to construction. All conditions of approval imposed by Federal and State Permits must be met before, during, and after construction. Any alterations resulting from state or federal agency review must be submitted as a revision to this permit, prior to commencement of work

Authority: Land Use Code 20.25E.080

Reviewer: Reilly Pittman, Development Services Department

- 4. Maintenance and Monitoring:** Maintenance shall be carried out as detailed in the maintenance sections of the critical area report created by Northwest Environmental Consulting, LLC dated April 2, 2009. Monitoring consisting of photo documentation of plants shall be submitted annually to Land Use staff for review over the five-year maintenance period.

Authority: Land Use Code 20.25H.255.B.4

Reviewer: Reilly Pittman, Development Services Department

- 5. Buffer Restoration and Maintenance Plan Cost Estimate:** A revised cost estimate is required to be submitted for plant installation and materials proposed under the planting plan which includes the small fruited bulrush depicted on the revised planting plan revised on July 15, 2009. The cost estimate shall be submitted with the building permit application. This cost estimate will determine the amount required for the Maintenance Assurance Device in condition 6 below.

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

- 6. Maintenance Assurance Device:** To ensure the five-year maintenance and monitoring plan is implemented, the applicant shall post a Maintenance Assurance Device based on 50 percent of the cost estimate in condition 5 above prior to building permit issuance. This device will be released following an inspection from the Land Use Planner that finds that the five-year maintenance and monitoring plan has been implemented and the shoreline planting is successfully established.

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

- 7. Special Land Use Inspection Required:** Special inspection of the restoration planting following installation must be completed by the Land Use Planner as part of the building permit inspection process.

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

- 8. In-Water Work Window:** The US Army Corps of Engineers regulates work windows for when work can occur in Lake Sammamish. The allowed work window where work can occur in water for this property is from July 16th to December 31st, subject to US Army Corps regulation.

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

- 9. Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Reilly Pittman, Development Services Department

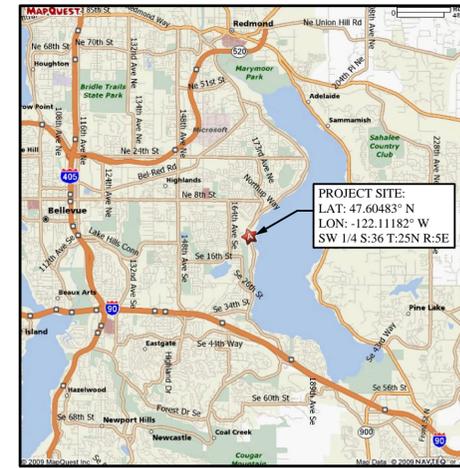
Attachments:

1. Revised Pier Construction and Planting Plan – Enclosed
2. Critical Areas Report – In File
3. Addendum to Critical Areas Report – In File
4. Planting Cost Estimate and other project info – In File

DOUGLASS

PIER

VICINITY MAP



PROJECT INFORMATION

OWNER:
DAVID DOUGLASS

SITE ADDRESS:
444 WEST LAKE SAMMAMISH PARKWAY SE
BELLEVUE, WA 98008

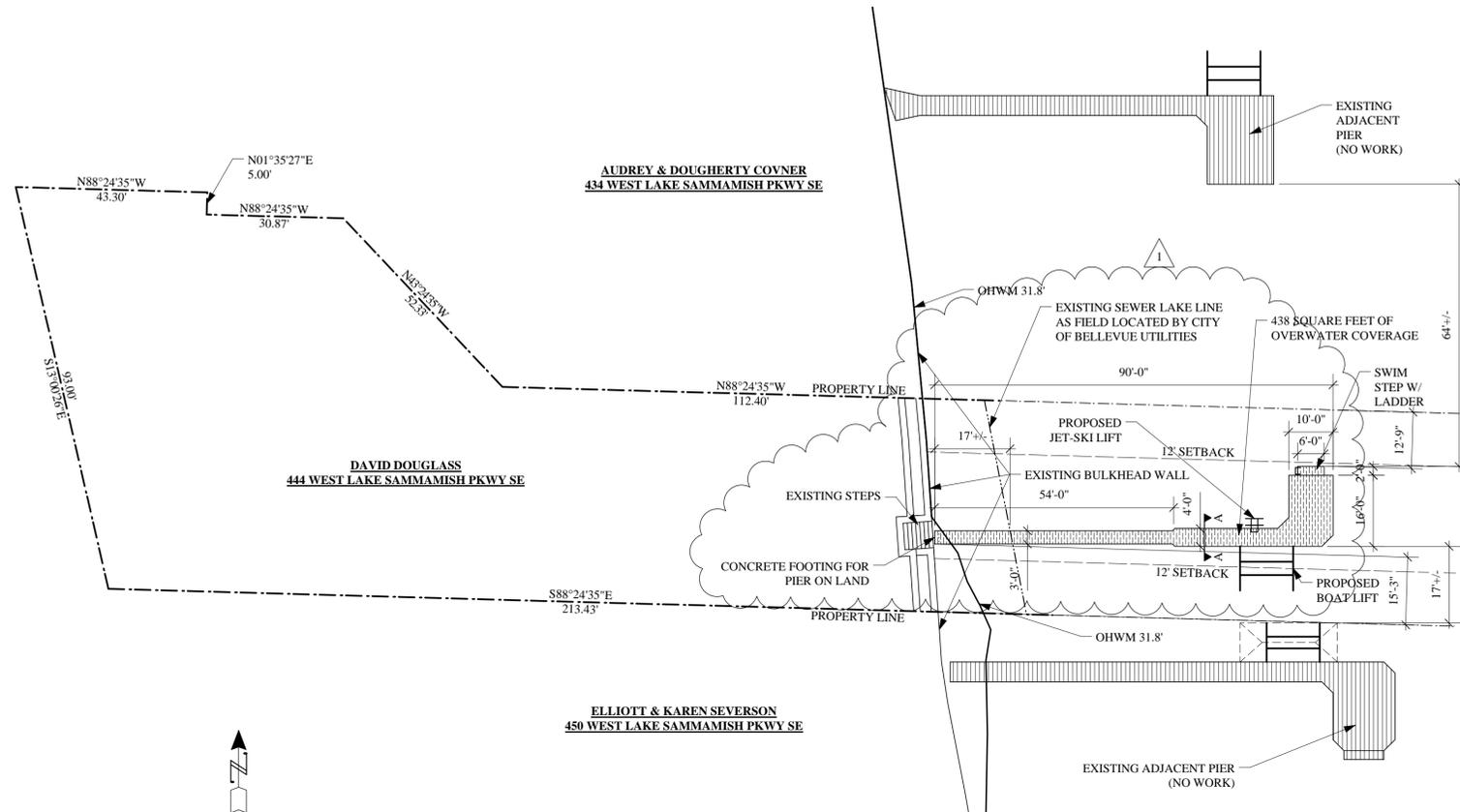
PARCEL NUMBER:
3625059174

LEGAL DESCRIPTION:
PORS LOTS 1-2 BELLE SP #FSP 88-2387 REC #8804219008 DAF
POR S 128 FT OF N 463.7 FT OF GL 4 SEC 36-25-5 LY ELY OF W
LK SAMM RD SE & SLY & WLY OF FOLG LN - BAAP ON E
MGN SD W LK SAMM RD AAP 38 FT S OF N LN OF S 128 FT OF
N 463.7 FT SD GL 4 TH PLW SD N LN S 88-24-35 E 43.30 FT TH S
1-35-25 E 5 FT TH S 88-24-35 E 30.86 FT TH S 43-24-35 E 52.33 FT
TH S 88-24-35 E 112.4 FT TO LN OF ORDINARY HIGH WATER &
TERM SD LN DESC TGW 2ND CL SH LIDS ADJ AKA LOT B
BELLE LLA #88-5836 REC #8808229012

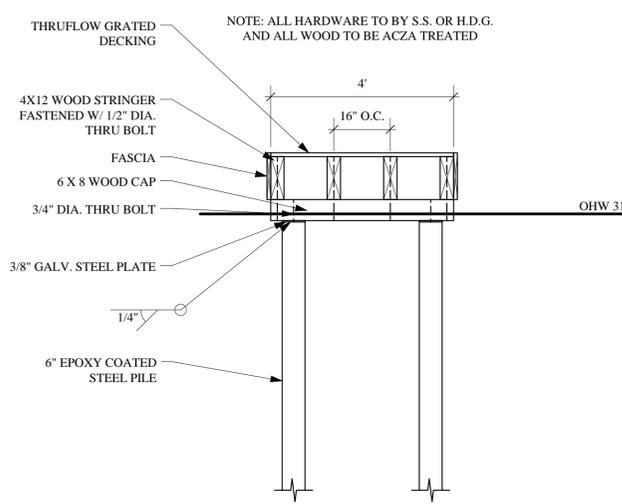
PROJECT DESCRIPTION:
INSTALL A NEW 438 SQUARE FOOT PIER. THE PROPOSED
PIER WILL BE DECKED WITH THRUFLOW GRATED DECKING
AND SUPPORTED BY TWO 4" STEEL PILES AND TWELVE 6"
STEEL PILES.

INSTALL A NEW BOAT LIFT AND JET-SKI LIFT AT THE
PROPOSED PIER.

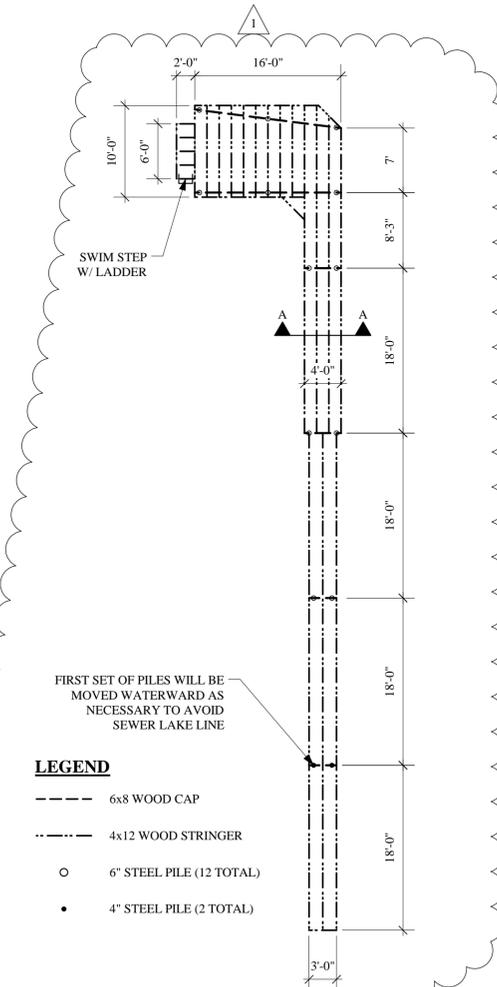
PLANT SHORELINE VEGETATION PER THE PLANTING PLAN.



SITE PLAN
SCALE 1" = 20'-0"



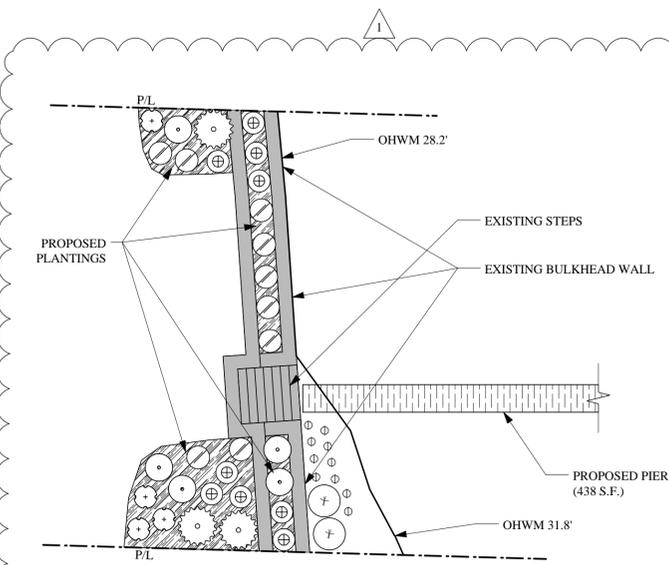
A-A SECTION DETAIL
SCALE 1/2" = 1'



LEGEND

- 6x8 WOOD CAP
- 4x12 WOOD STRINGER
- 6" STEEL PILE (12 TOTAL)
- 4" STEEL PILE (2 TOTAL)

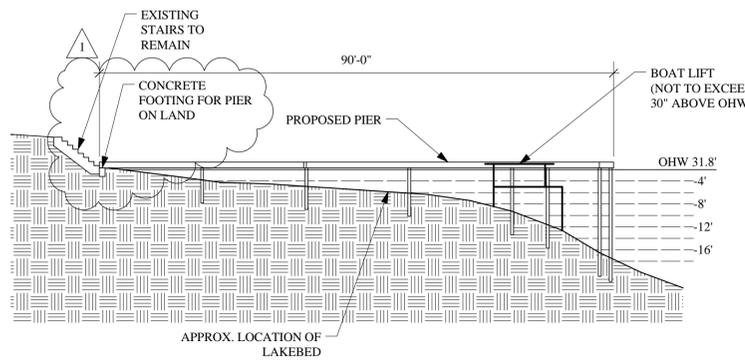
PIER FRAMING PLAN
SCALE 1" = 10'-0"



PLANTING SCHEDULE

SYMBOL	NAME	QUANTITY	NOTE
	PINUS CONTORTA SHORE PINE	3	2 GALLON
	SALIX SITCHENSIS SITKA WILLOW	2	2 GALLON 42" O.C.
	CORNUS STOLONIFERA RED-TWIG DOGWOOD	4	2 GALLON 42" O.C.
	RIBES SANGUINEUM RED FLOWERING CURRANT	9	2 GALLON 42" O.C.
	HOLODISCUS DISCOLOR OCEANSPRAY	5	2 GALLON 42" O.C.
	SYMPHORICARPOS ALBUS SNOWBERRY	9	2 GALLON 42" O.C.
	SCIRPUS MICROCARPUS SMALL FRUITED BULRUSH	10	PLUGS @ 2' O.C.
	FRAGARIA CHILOENSIS BEACH STRAWBERRY	N/A	4" POTS @ 18" O.C.

PLANTING PLAN
SCALE 1" = 10'-0"



PIER ELEVATION
SCALE 1/16" = 1'-0"

PROJECT INFORMATION, SITE PLAN,
ELEVATION, FRAMING PLAN,
PLANTING PLAN, SECTION DETAIL

e c c o
d e s i g n i n c .
Architecture

DAVID DOUGLASS
444 WEST LAKE SAMMAMISH PARKWAY SE
BELLEVUE, WA 98008

DATE: 4/16/2009
REVISIONS:
7/15/2009

A1