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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Steven Shivers

LOCATION OF PROPOSAL: 333 Shoreland Drive SE

NAME & DESCRIPTION OF PROPOSAL: Shivers Watercraft Lift

Land Use review of a Critical Area Land Use Permit and exemption to a Shoreline Substantial Development Permit proposing an additional watercraft lift and shoreline restoration planting on a site with an existing pier in Lake Washington. The existing pier is a joint-use pier shared between two properties.

FILE NUMBER: 09-114315-LO

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

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

☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on 8/6/09

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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

7/23/2009
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

SEPA Checklist Annotated by Reilly Pittman on 6/15/2009

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant: **Steve Shivers**
3. Address and phone number of applicant and contact person:
333 Shoreland Drive SE Bellevue, WA. 98004

Ted Burns - Seaborn Pile Driving Company
9311 SE 36th Street Suite 204
Bellevue, WA. 98040

RECEIVED
JUN 03 2009
PERMIT PROCESSING

4. Date checklist prepared: **April 28, 2008**
5. Agency requesting checklist: **City of Bellevue**
6. Proposed timing or schedule (including phasing, if applicable):

Upon receipt of all permits.

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

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

Critical Area Report

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **Unknown.**

10. List any government approvals or permits that will be needed for your proposal, if known.
City of Bellevue Shoreline Exemption permit.
City of Bellevue Building permit.
Wash State Dept of Fish and Wildlife Hydraulic Project Approval.

City of Bellevue Critical Area Land Use Permit

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Add a second watercraft lift at the shared pier.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

333 Shoreland Drive SE
Bellevue, WA. 98004
Section: **31** Township: **25** Range: **5**
Latitude: Longitude:

B. ENVIRONMENTAL ELEMENTS

1. **Earth**

a. General description of the site (circle one): Flat, rolling, hilly, **steep slopes**, mountainous, other . . . . . .

b. What is the steepest slope on the site (approximate percent slope)? **Less than 20%.**

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. **Clay, sand, and residential landscaping topsoil.**

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

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. **None.**

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)? **0%.**

No new impervious surface

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

a. **Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. **None.**

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

c. Proposed measures to reduce or control emissions or other impacts to air, if any: **None.**

TO BE COMPLETED BY APPLICANT

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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. **The site is adjacent to 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. **Add a second watercraft lift at a shared pier.**

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. **None.**

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.**

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, purpose, and approximate quantities if known. **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. **None as part of this project.**

c. Water runoff (including stormwater):

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. **No.**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Installation and maintenance of an erosion fence as applicable.**

4. **Plants**

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

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

b. What kind and amount of vegetation will be removed or altered? **None.**

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

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **A shoreline enhancement planting plan has been submitted as part of this project.**

5. **Animals**

a. 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:

Known birds and animals: hawk, eagle, songbirds, salmon, trout.

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

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

d. Proposed measures to preserve or enhance wildlife, if any: **N/A.**

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 needs? 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. **N/A.**

c. What kinds of energy conservation features are included in the plans of this 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: **N/A.**

b. **Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None.**

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **None.**

Noise regulated by BCC 9.18

3) Proposed measures to reduce or control noise impacts, if any: **None.**

8. **Land and shoreline use**

a. What is the current use of the site and adjacent properties? **Residential single family living and recreation.**

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

c. Describe any structures on the site. **Single family residence adjacent to the site.**

d. Will any structures be demolished? If so, what? **No.**

e. What is the current zoning classification of the site? **Residential.** ***R-4***

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

Single-Family High Density

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.**

Lake Washington

i. Approximately how many people would reside or work in the completed project? **None.**

j. Approximately how many people would the completed project displace? **None.**

k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A.**

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **This project is to install a second watercraft lift at a shared pier.**

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **None.**

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: **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? **The proposed watercraft lift will be located below the water, with the boat on the lift less than 5' above the high water line.**

b. What views in the immediate vicinity would be altered or obstructed? **None.**

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? **N/A.**

c. What existing off-site sources of light or glare may affect your proposal? **None.**

d. Proposed measures to reduce or control light and glare impacts, if any: **N/A.**

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity? **Residential waterfront recreation consisting of boating and swimming.**

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: **N/A.**

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, archaeological, scientific, or cultural importance known to be on or next to the site. **Unknown.**

c. Proposed measures to reduce or control impacts, if any: **N/A.**

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. **Shoreland Drive SE**

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

c. How many parking spaces would the completed project have? How many would the project eliminate? **None.**

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.**

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **No.**

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. **None.**

g. Proposed measures to reduce or control transportation impacts, if any: **N/A.**

15. **Public services**

a. Would the project result in an increased need for 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. **None.**

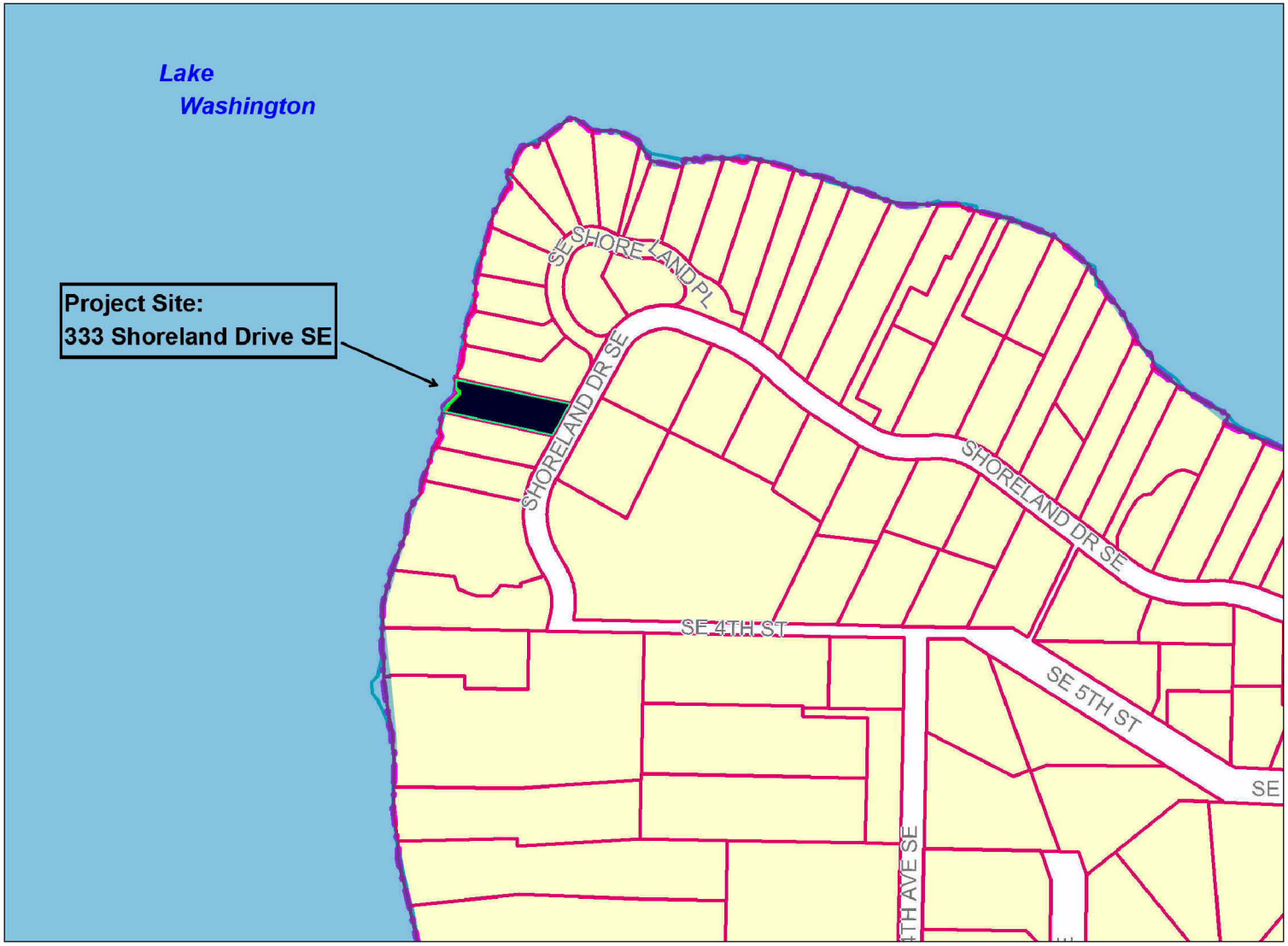
C. SIGNATURE

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: .....

Date Submitted: 5/1/09

Shivers Watercraft Lift Vicinity Map



City of Bellevue

Post Office Box 90012 ▪ Bellevue, Washington ▪ 98009 9012

Exemption from Shoreline Management Substantial Development Permit Requirement

Ted Burns
Seaborn Pile Driving Co.
9311 SE 36th St., Suite 204
Mercer Island, WA 98040

Re: 333 Shoreland Drive SE

File Number: 09-114315-LO

SEPA Determination: Determination of Non-Significance

☐ This proposal is exempt under WAC 197-11-800 3 *Repair, remodeling and maintenance activities*

☒ A DNS was issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. Appeal period ends on August 6, 2009.

☐ A DNS was issued under WAC 197-11-340(2) and is subject to a 14-day comment from _____.

The proposal to undertake the following development:

- **Installation of an additional watercraft lift onto a pier shared by two property owners. The total number of watercraft lifts associated with the pier will be increased to three watercraft lifts.**

Within **Lake Washington** and/or its associated wetlands;

Is exempt from the requirement of a substantial development permit because:

- **Development does not exceed $5,718.00 (LUC 20.25E.050A)**

Inconsistent	Consistent	
	X	Policies of the State Shoreline Management Act (RCW 90.58)
	X	The Bellevue Shoreline Master Program and Comprehensive Plan

Date: 7/23/09 Signed: [signature]

Note: This exemption does not authorize construction to begin. All other required local, state or federal permits must be obtained before construction can begin. All land use code, building code, City shoreline code and other City regulations must be complied with.

CC: DOE, Dave Radabaugh, 3190 160th Avenue SE, Bellevue, WA 98008-5452
Dept. of Fish and Wildlife, Attn: Alisa Bieber, 1775 12th Ave. NW Suite 201, Issaquah, WA 98027

City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Shivers Watercraft Lift
Proposal Address:	333 Shoreland Drive SE
Proposal Description:	Application for Land Use Approval of a Critical Area Land Use Permit and exemption to a Shoreline Substantial Development Permit proposing an additional watercraft lift and shoreline restoration planting on a site with an existing pier in Lake Washington. The existing pier is a joint-use pier shared between two properties.
File Number:	09-114315-LO
Applicant:	Steven Shivers, Property Owner
Decisions Included	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:	June 3, 2009
Notice of Application Date:	June 18, 2009
Decision Publication Date:	July 23, 2009
Project/SEPA Appeal Deadline:	August 6, 2009

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

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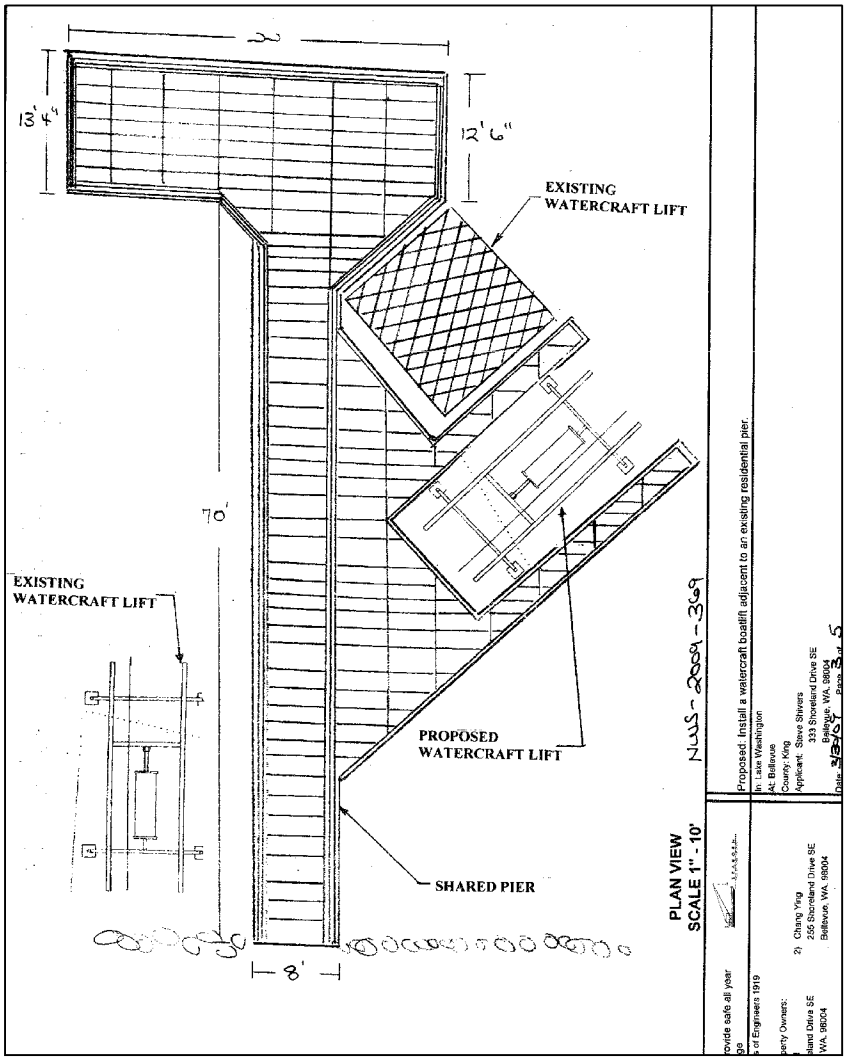
I. Proposal Description

The applicant proposes to install a second watercraft lift for their use to an existing shared or joint-use pier within Lake Washington. The existing pier is a shared pier that serves the applicant's property and the adjacent property to the south at 345 Shoreland Drive SE. Properties are allowed one watercraft lift per LUC 20.25E.080.N.5. A shared pier would allow two watercraft lifts, one for each property. The proposed watercraft is a second lift for the owners of the residence at 333 Shoreland Drive SE and will be the third watercraft lift total on this shared facility. Additional watercrafts lifts are only possible through a critical area report as part of a Critical Area Land Use Permit which the applicant has applied for. The proposal also includes an exemption under LUC 20.25E.050 from a Shoreline Substantial Development Permit. Planting along the shoreline is included as mitigation for installation of a second watercraft lift. See Figure 1 below for site plan of proposed pier.

Figure 1

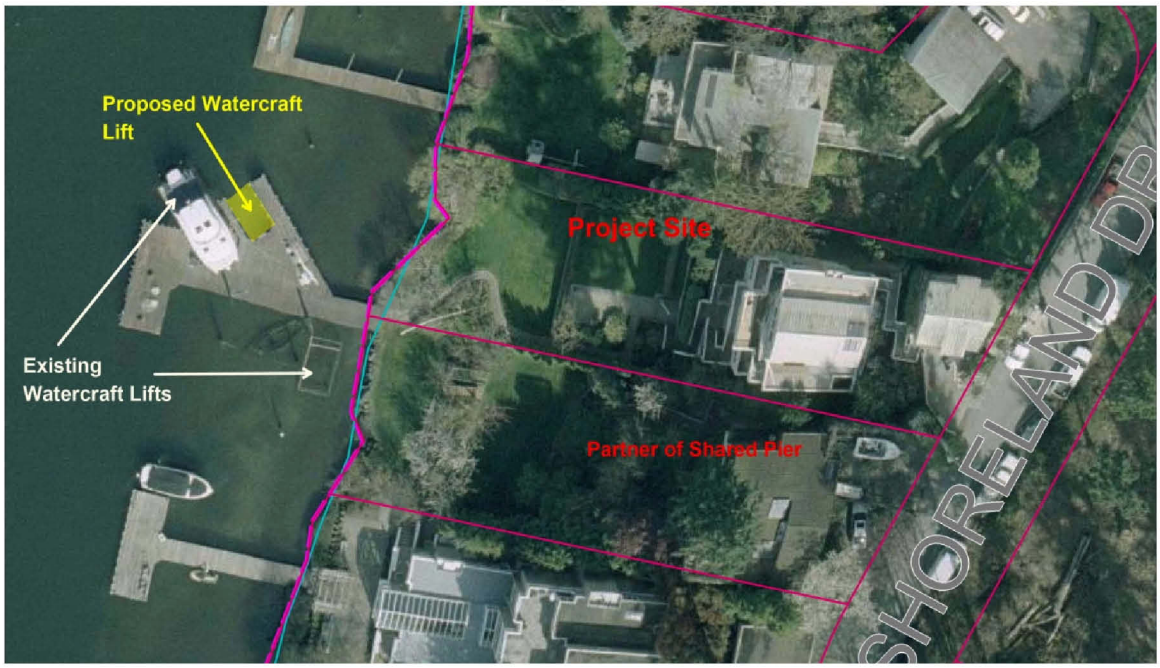


II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project site is located at 333 Shoreland Drive SE in the South West Subarea of the City. The site is located in the SE quadrant of Section 31, Township 25 North, Range 5 East. The site has shoreline frontage along Lake Washington to the west and is surrounded by other single-family zoned property to the north and south. The property is adjacent to Shoreland Drive SE to the east from where vehicle access is obtained. From Shoreland Drive SE the site slopes downward toward Lake Washington at degrees of slope of 40 percent or greater. The existing home is built on the steep slopes which level out to become a flat lawn area adjacent to the lake. The area between the shoreline and the existing residence is primarily lawn with ornamental landscaping. See figure 2 for existing site condition.

Figure 2



B. Zoning

The property is zoned R-4, single-family residential and is located in the Critical Areas Overlay District and Shoreline Overlay District. The properties to the east across Shoreland Drive SE are zoned R-3.5. Properties zoned R-1.8 exist a few lots away to the south of the site. The lower zoning in this area can be attributed primarily to the steep slopes which exist in this area. The proposed construction of a watercraft is an allowed activity associated with a single-family use.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-H (Single Family High Density). Construction of a watercraft lift 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 Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark. The Shoreline Overlay District regulations (LUC 20.25E) allow for the watercraft lift installation, provided the applicable performance standards in LUC 20.25E.080.N.5 are met. A Shoreline Substantial Development Permit is not required due as the value of the work does not exceed $5,718.

iii. Geologic Hazard Areas

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

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

The eastern portion of the site consists of steep slopes which the existing residence has been built into. No work is occurring in a steep slope or buffer as part of this proposal.

iv. Critical Areas Overlay District/Critical Area Land Use Permit

A Critical Area Land Use Permit (CALUP) is required as the applicant is requesting to have an additional watercraft lift in excess of the one lift allowed in LUC 20.25E.080.N.5. An additional watercraft lift can only be approved through a critical area report submitted

under a CALUP.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-4 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 and LUC 20.25E:

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. The project area is within Lake Washington which is designated a shoreline critical subject to the performance standards found in LUC 20.25E as specified in the table below

Critical Area	Shorelines
Performance Standards	20.25E.080.B 20.25H.080.N.5

The proposed watercraft lift requires no earthwork or use of fill and therefore is in compliance with the performance standards found in LUC 20.25E.080.B and LUC 20.25E.080.N.5. These performance standards limit the number of watercraft lifts to 1 lift per property. The applicant is proposing an additional watercraft lift on their side of the shared pier which is allowed only through a critical area report as part of a Critical Area Land Use Permit.

IV. Public Notice and Comment

Application Date:	June 3, 2009
Public Notice (500 feet):	June 18, 2009
Minimum Comment Period:	July 2, 2009

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin on June 18, 2009. It was mailed to property owners within 500 feet of the project site.

Comments were received from Karen Walter with the Muckleshoot Indian Tribe. Ms. Walter requested additional information and clarification on the minor amount of spawning gravel for habitat improvement proposed in addition to the shoreline planting. Ms. Walter also commented on the proposed plant species and stated that alternate species which overhang the water would provide more nutrient transfer and shading for juvenile salmon.

Staff replied with the location and quantity of gravel to be installed which is 2.5 cubic yards to be placed along the shoreline. The proposed plants were selected based on the City's Critical Areas Handbook planting templates for shoreline environments. However staff

concurs with Ms. Walter that alternative native plant species which overhang the water more than the species proposed would provide increased habit value. Therefore staff will add a condition of approval that some of the proposed Lady Fern and Kinnikinnick be swapped for Ocean spray or other species which will have more potential to overhang the water. 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.

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

Erosion and sediment control best management practices include the installation of silt fencing around the work area. The project does not propose any modification of soils within the steep slope critical areas. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department.

B. Animals

The proposed planting will improve the shoreline habitat potential for juvenile salmon. No significant trees will be removed with this proposal. Any mature vegetation on the site could provide potential habitat to species of local importance in the vicinity, however no impacts are anticipated since no significant trees will be removed.

C. Plants

The shoreline and buffer are to be planted with native plants as mitigation and restoration of the proposed work pursuant to the submitted planting plan. 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

Based on comments received staff has conditioned that Oceanspray or other species with potential to overhang the water be incorporated into the planting plan. Staff had no revision comments on the project. 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 and add a small amount of gravel appropriate for juvenile salmon habitat. If the standards regulating watercraft lifts in the land use code were applied without modification the shoreline would remain as it currently exists, with lawn and ornamental plants only. By allowing the additional watercraft lifts and associated shoreline planting the shoreline functions and values on this site will be improved at least beyond the current state.

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 Land Use final inspection will be required on the clear and grade permit for the watercraft lift 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 watercraft lifts are being surpassed as the watercraft lifts do not require any fill to install. In addition the mitigation planting will increase the habitat functions and values of the shoreline on this property.

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

Properties along the Lake Washington shoreline are allowed to have watercraft lifts.

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 clear and grade 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 Washington by removing ornamental plans and restoring the area with native species.

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

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

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.

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 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.

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 an additional watercraft lift at 333 Shoreland Drive SE. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A clear and grade 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 20.30P.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.

X. Conditions of Approval

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

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

1. **Clear and Grade Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a clear and grade permit. Application for a clear and grade permit must be submitted and approved. Plans submitted as part of the clear and grade 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. **Alternative Plant Selection:** Oceanspray or other native plant in the City's Critical Areas Handbook shall be incorporated into the proposed planting plan in order to increase vegetation overhanging the shoreline.

   Authority: Land Use Code 20.25H.255
   Reviewer: Reilly Pittman, Development Services 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. **Planting Plan Cost Estimate:** A cost estimate is required to be submitted for plant installation and materials proposed under the planting plan. The cost estimate shall be submitted with the clear and grade permit application. This cost estimate will determine the amount required for the Maintenance Assurance Device in condition 5 below.

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

5. **Maintenance Assurance Device:** To ensure the five-year maintenance and plan is implemented, the applicant shall post a maintenance assurance device based on 50 percent of the cost estimate in condition 4 above prior to clear and grade permit issuance. This device will be released following an inspection from the Land Use Planner that finds that the five-year maintenance 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

6. **Maintenance and Monitoring:** The planting area shall be maintained for a period of 5-years as described in critical area report created by Ted Burns dated May 5, 2009. Monitoring consisting of photo documentation of plants shall be submitted annually to Land Use staff for review over the five year maintenance period. Yearly documentation of the planting area and a final inspection by Land Use staff will be required for release of the maintenance assurance device.

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

7. **Special Inspection Required:** Special inspection of the restoration planting following installation must be completed by the Land Use Planner as part of the clear and grade 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 Washington. The allowed work window where work can

occur in water for this property is from July 16th to April 30th, subject to US Army Corps regulation.

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

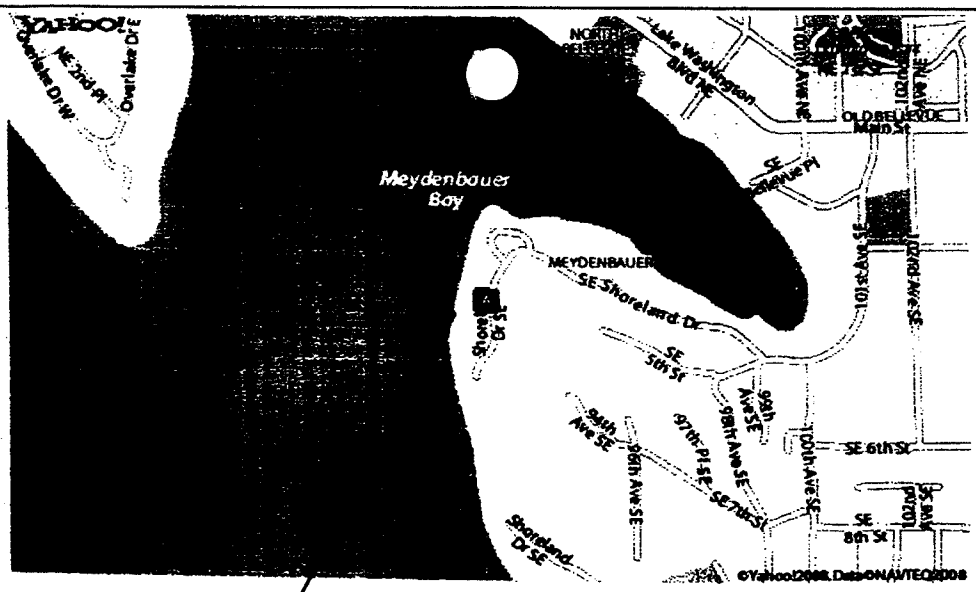
9. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited 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

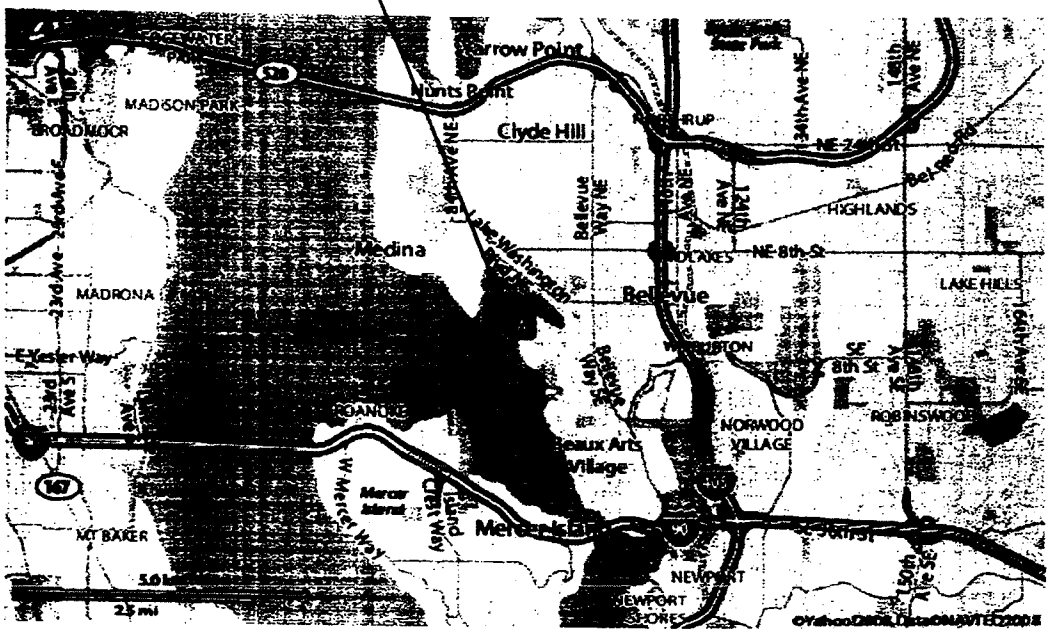
XI. Attachments:

1. Plans and Critical Area Report - Enclosed

Attachment 1



JOB SITE



Project Address: 333 Shoreland Drive SE Bellevue, WA. 98040 Lat: 46.36.26 Long: 122.12.56
Parcel Number: **5494400130**
Applicant: Ted Burns, Seaborn Pile Driving Company, 9311 SE 36th Street, Mercer Island, Wa. 98040 206.236.1700
Legal Description: **MEYDENBAUER POINT TGW 2ND CL SH LDS & TGW UND INT IN TR B (PRIVATE ROAD)**

Purpose: Provide safe all year boat moorage

SEABORN

Datum: Corps of Engineers 1919

Adjacent Property Owners:

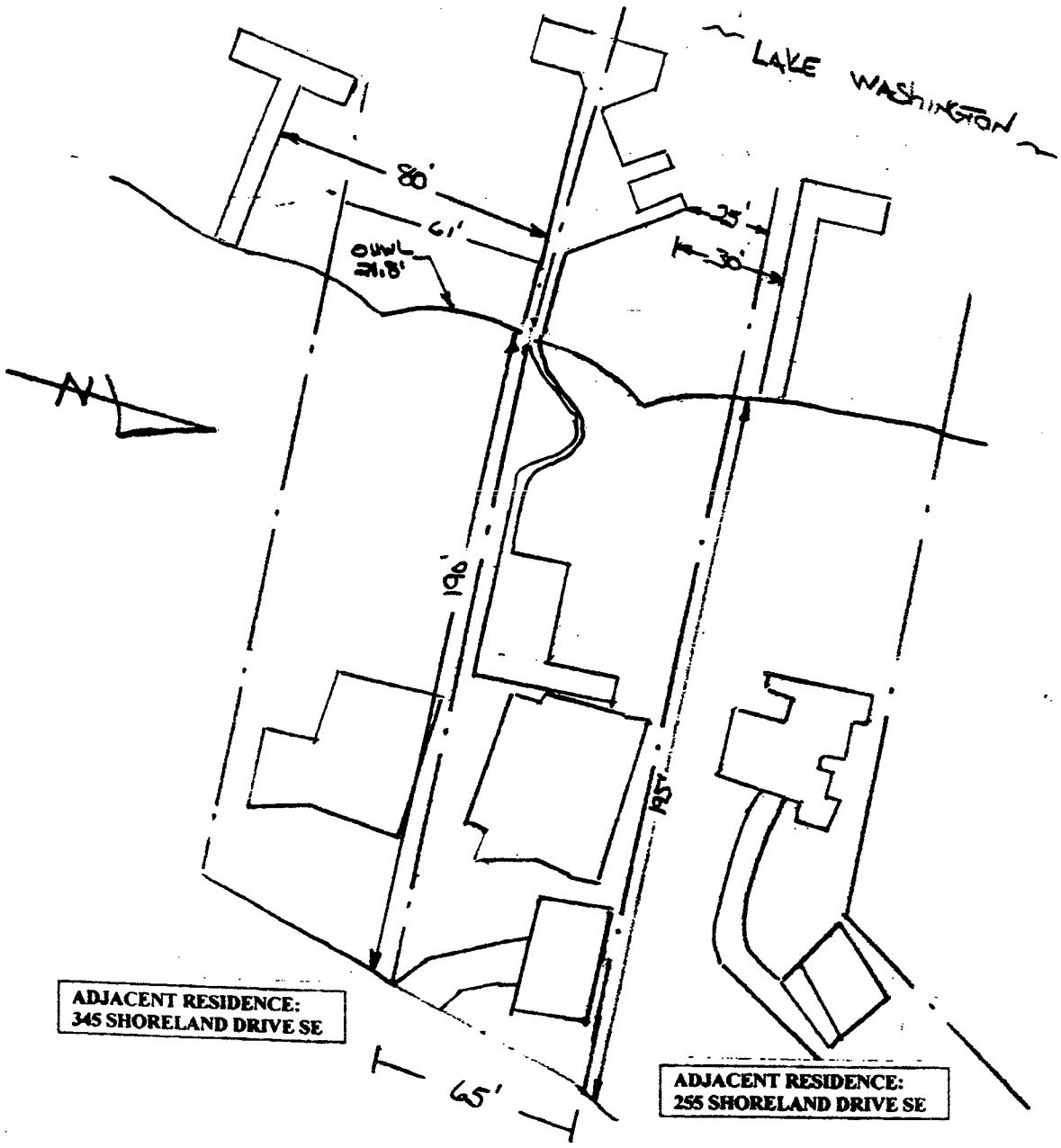
1) Brian Beal
345 Shoreland Drive SE
Bellevue, WA. 98004

2) Chang Ying
255 Shoreland Drive SE
Bellevue, WA. 98004

Proposed: Install a watercraft boatlift adjacent to an existing residential pier.

In: Lake Washington
At: Bellevue
County: King
Applicant: Steve Shivers
333 Shoreland Drive SE
Bellevue, WA. 98004
Date: 3/30/09 Page 1 of 5

RECEIVED
JUN 03 2009
PERMIT PROCESSING



SITE PLAN
SCALE 1" - 50'

NWS - 2009 - 369

Purpose: Provide safe all year boat moorage

Proposed: Install a watercraft boatlift adjacent to an existing residenti pier.

Datum: Corps of Engineers 1919

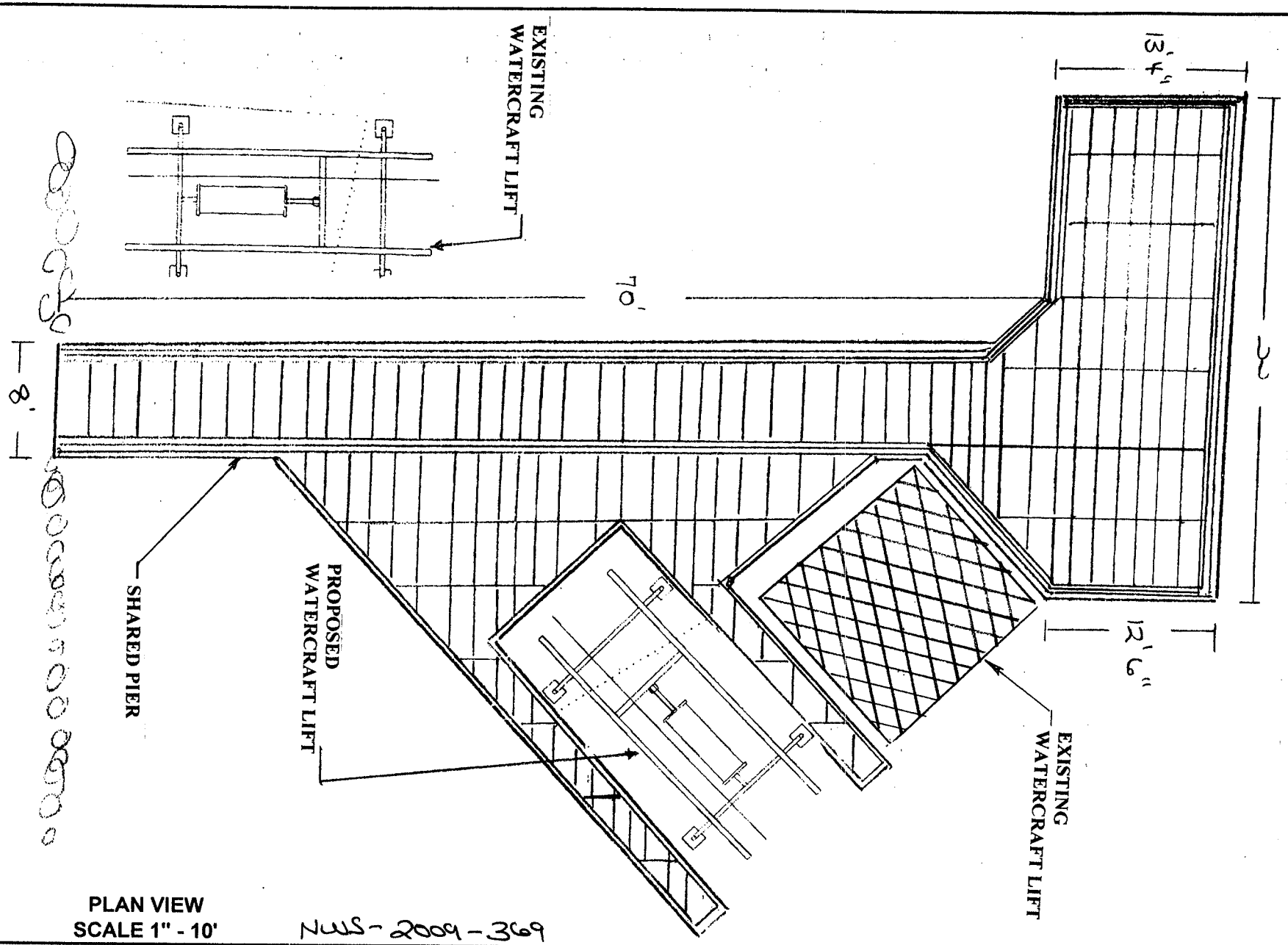
Adjacent Property Owners:

1) Brian Beal
345 Shoreland Drive SE
Bellevue, WA. 98004

2) Chang Ying
255 Shoreland Drive SE
Bellevue, WA. 98004

In: Lake Washington
At: Bellevue
County: King
Applicant: Steve Shivers
333 Shoreland Drive SE
Bellevue, WA. 98004

Date: 3/30/09 Page 2 of 5



PLAN VIEW
SCALE 1" - 10'

NWS-2009-369

Purpose: Provide safe all year boat moorage

Datum: Corps of Engineers 1919

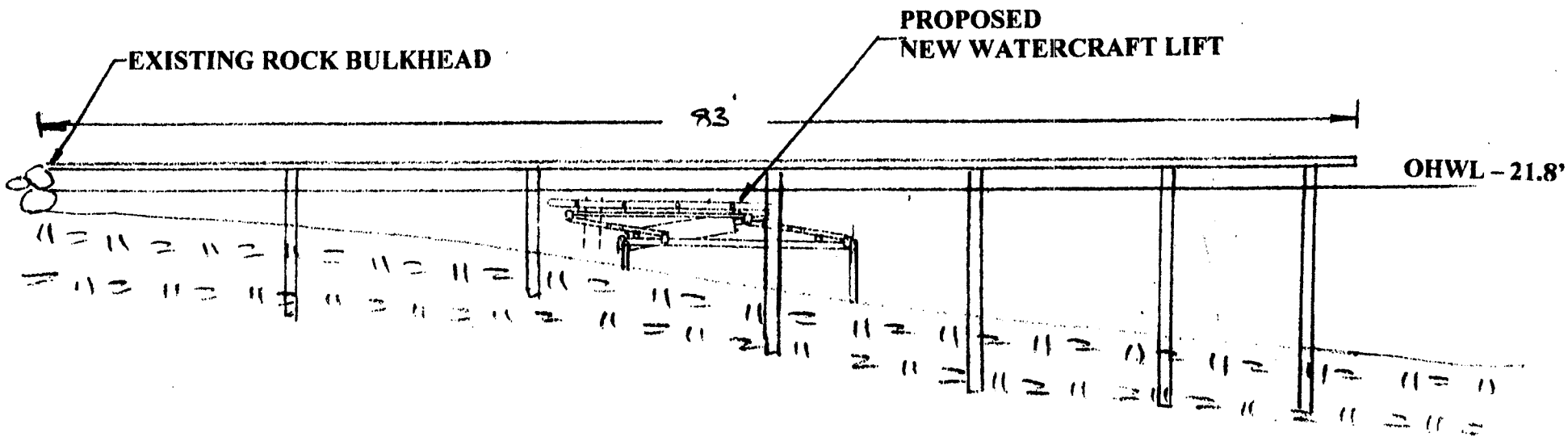
Adjacent Property Owners:

1) Brian Beal
345 Shoreland Drive SE
Bellevue, WA. 98004

2) Chang Ying
255 Shoreland Drive SE
Bellevue, WA. 98004

Proposed: Install a watercraft boatlift adjacent to an existing residential pier.

In: Lake Washington
At: Bellevue
County: King
Applicant: Steve Shivers
333 Shoreland Drive SE
Bellevue, WA. 98004
Date: 3/3/09 Page 3 of 5



ELEVATION VIEW
SCALE 1" - 10'

NWS - 2009 - 369

Purpose: Provide safe all year boat moorage

Proposed: Install a watercraft boatlift adjacent to an existing residential pier.

Datum: Corps of Engineers 1919

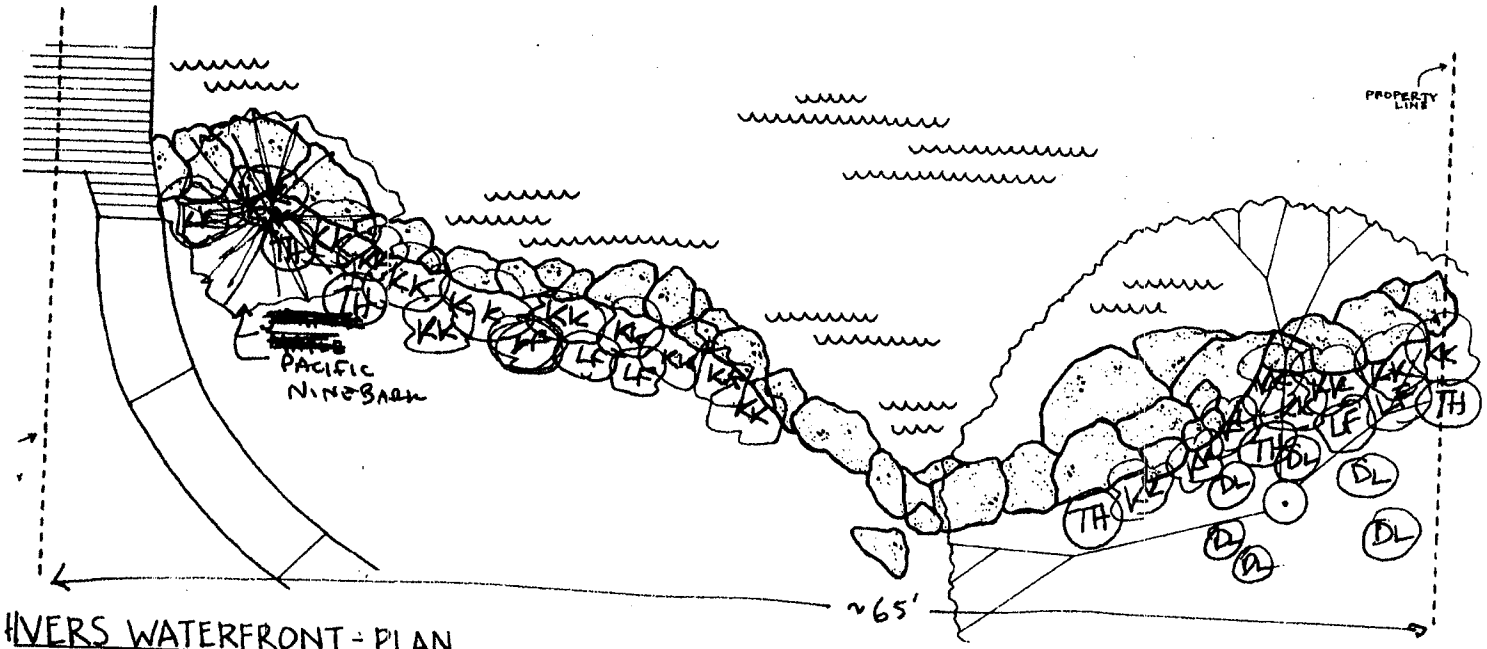
Adjacent Property Owners:

1) Brian Beal
345 Shoreland Drive SE
Bellevue, WA. 98004

2) Chang Ying
255 Shoreland Drive SE
Bellevue, WA. 98004

In: Lake Washington
At: Bellevue
County: King
Applicant: Steve Shivers
333 Shoreland Drive SE
Bellevue, WA. 98004

Date: 2/24/09 Page 4 of 5



IVERS WATERFRONT - PLAN

[redacted]

DARYN LEITHE

[redacted]

= PACIFIC NINEBARK [redacted] (1 ADDED)

KK = KINNIKINNICK (20 ADDED)

LF = LADY FERN (5 ADDED)

TH = TUFTED HAIRGRASS (5 ADDED)

DL = DAY LILLY (6 ADDED)

PLANTING PLAN

Purpose: Provide safe all year boat moorage	Proposed: Install a watercraft boatlift adjacent to an existing residential pier.
Datum: Corps of Engineers 1919	In: Lake Washington At: Bellevue County: King
Adjacent Property Owners: 1) Brian Beal 345 Shoreland Drive SE Bellevue, WA. 98004 2) Chang Ying 255 Shoreland Drive SE Bellevue, WA. 98004	Applicant: Steve Shivers 333 Shoreland Drive SE Bellevue, WA. 98004
	Date: 3/30/09 Page 5 of 5

SEABORN
PILE DRIVING COMPANY

ESTABLISHED 1947

9311 SE 36TH STREET, SUITE 204
MERCER ISLAND, WASHINGTON 98040
(206) 236-1700 – PHONE
(206) 236-2700 – FAX
CONTRACTOR LICENSE SEABOPD942CG
WEBSITE: WWW.SEABORNPILEDRIVING.COM

May 5, 2009

City of Bellevue
PO Box 90012
Bellevue, WA. 98009

Attn: Reilly Pittman – Associate Planner

Re: Critical Area Report for the Shivers Residence at 333 Shoreland Drive SE, Bellevue, WA. 98004

Dear Reilly;

I am acting as the agent for Mr. Steve Shivers for the application for permit for a second boatlift on his property at his shared dock at 333 Shoreland Drive SE in Bellevue.

Per **LUC 20.25E.080.N.5** which allows more than one watercraft lift at a residence provided we apply for a Critical Area Land Use Permit (CALUP). The application herein contains a critical area report demonstrating that there will be a net increase in critical area functions and values as a result of the proposed actions. This net increase is based on mitigation consisting of shoreline plantings per the City's Critical Area Handbook.

We will also be applying for a Shoreline Exemption Permit based on a total value of $4,986.50 for the the watercraft lift installed at the residence. We have attached the quotation from Best Boatlifts who is the contractor who will sell and install the watercraft lift.

We have included an updated JARPA for review by the City of Bellevue and the US Army Corps of Engineers. The work window for the site will be established by the federal permit and is July 16 – April 30 of every year. Per Alisa Bieber of the WA State Dept of Fish & Wildlife, a HPA is not required for a watercraft lift on Lake Washington.

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Our submission of the Critical Areas Report will address several sections and sub-sections of the Bellevue Land Use Code (LUC) section **20.25E.080.N.5;** including:

- **20.25H.230 Critical areas report – Purpose** – which is a mechanism by which the requirements of this part, certain requirements of Part **20.25E** LUC of that part may be modified for a special purpose.
    - **Under this section we will direct our efforts to the following section of the code.** The critical areas report must demonstrate a net increase in certain critical area functions.

- **20.25H.245 Incorporation of best available science.** The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provision of this part.

- **20.25H.250 Critical areas report – Submittal requirements**
    - **Specific Proposal Required.** A critical areas report must be submitted as part of an application for a specific development proposal. In addition to the requirements of this section, additional information may be required for the permit applicable to the development proposal.

    - **Minimum Report Requirements.** The critical areas report shall be prepared by a qualified professional and shall at minimum include the content identified in this section. The Director may waive any of the report requirements where, in the Director's discretion, the information is not necessary to assess the impacts of the proposal and the level of protection of critical area function and value accomplished. At a minimum, the report shall contain the following:

1. Identification and classification of all critical areas and critical area buffers on the site.

The site is a single family waterfront residence on Lake Washington. The property includes an existing rock bulkhead supporting existing water life and fish; and a shared residential dock owned by the subject property (applicant) and the adjacent property to the south. The dock has recently been rebuilt (Bellevue permit #08-114982-WD) to include light penetrating grating for the deck surface.

2. Identification and characterization of all critical areas and critical area buffers on those properties immediately adjacent to the site.

Lake Washington with a continuous natural rock bulkhead along the lakefront.

3. Identification of each regulation or standard of this code proposed to be modified.

The regulation to be modified by this critical area permit is: **LUC 20.25E.080.N.5**.

4. A habitat assessment consistent with the requirements of LUC 20.25H.165;

A. **Detailed description of vegetation on and adjacent to the site.** The site contains a weeping willow tree overhanging the lake, a lawn of NW grasses, english ivy, local grasses, cedar bushes, and laurel hedge upland of the shoreline,

B. **Identification of any species of local importance that have a primary association with habitat on or adjacent to the site, and assessment of potential project impacts to the use of the site by the species.**

The weeping willow tree hangs over the lake and drops leaves and nutrients into the lake to sustain and support the fish and aquatic wildlife. There will be no potential project impacts as a result of the willow tree presence on the site.

C. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the site.

The Washington State Department of Fish and Wildlife has not recommended or developed any specific management recommendations for this site; however they do recommend that adjacent piers and docks contain light penetrating grating surfaces, that existing rock bulkheads remain for their ability to provide nutrients and habitat for spawning fish, and that the inshore portion of the property contain spawning salmon enhancing lakebed coverage (ie: spawning gravel).

D. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality.

The proposed boatlift will be installed on the lakebed with minimal "feet" for support. The installation will be without a barge, crane or machinery to significantly reduce the impact of the construction process. The construction and installation of the boatlift will take 4 hours to provide the least impact to the subject critical area. The proposed boatlift will not offer potential impacts to the aquatic wildlife in and surrounding Lake Washington either directly or indirectly during a continuing long-term period.

E. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed use or activity and to be conducted in accordance with the mitigation sequence set forth in LUC 20.25H.215.

a. Avoiding the impact altogether by not taking a certain action or parts of an action. The proposed boatlift is required due to the significant wave action in Meydenbauer Bay as a result of numerous water ski boats that travel the lake during the summer. Avoiding the boatlift may result in serious damage to personal property moored at the subject site, and can compromise personal safety of the applicant and his family while trying to access watercraft and use their waterfront property.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts. The proposed boatlift has been manufactured with the latest technologies to provide support and protection of personal property with minimal disturbance to the lakebed and waters within the lake. The boatlift is manufactured utilizing acceptable materials and fluids that are compatible with the waters of Lake Washington; and which won't negatively impact those waters. The proposed boatlift will be installed during federal and state mandated work windows.

c. Performing the following types of mitigation (listed in order of preference): We propose a planting plan consisting of bulkhead plants that will provide a sustainable source of nutrients into the lake as well as spawning gravel to provide an improved habitat for the fish. The proposed plants will be maintained to provide a continued source of lakeshore nutrients.

d. Monitoring the hazard or other required mitigation and taking remedial action when necessary. The proposed boatlift will be monitored to ensure that it doesn't move after installation or in any way change it's impact on the vegetation and aquatic life in Lake Washington.

F. A discussion of ongoing management practices that will protect habitat after the site has been developed, including proposed monitoring and maintenance programs. (Ord. 5680, 6-26-06, § 3).

The proposed shoreside plants will be planted and monitored per the City of Bellevue Critical Areas Handbook for five (5) years. During this period we will 1). track the survival of planted vegetation, 2). percent cover of

planted vegetation, 3). diversity of planted vegetation, and 4). percent cover of non-native invasive weeds.

5. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development.

There are no expected probable cumulative impacts to Lake Washington or the lakebed as a result of the installation and use of the proposed boatlift.

6. An analysis of the level of protection of critical area functions and values provided by the regulations or standards of this code, compared with the level of protection provided by the proposal. The analysis shall include:

a. **A discussion of the functions and values currently provided by the critical area and critical area buffer on the site and their relative importance to the ecosystem in which they exist.** Lake Washington provides a habitat for fish, ducks, geese and birds and it is important to the ecosystem in which they exist.

b. **A discussion of the functions and values likely to be provided by the critical area and critical area buffer on the site through application of the regulations and standards of this Code over the anticipated life of the proposed development**: The application of this code will insure that the proposed boatlift doesn't negatively impact the lake's existing species and ecosystem, as well as provide for improvement through shoreline aquatic and plant enhancement.

c. **A discussion of the functions and values likely to be provided by the critical area and critical area buffer on the site through the modifications and performance standards included in the proposal over the anticipated life of the proposed development.** The addition of inshore and shoreline enhancement and mitigation with spawning gravel on the lakebed and nutrient providing plants along the shoreline will provide a net increase in critical area functions and values to Lake Washington in the project area.

7. A discussion of the performance standards applicable to the critical area and proposed activity pursuant to LUC 20.25H.160, and recommendation for additional or modified performance standards, if any

a. If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this part. The project site habitat does not impact other species and the Washington Sate Department of Fish & Wildlife management plan is not affected by the proposed boatlift installation. .

8. A discussion of the mitigation requirements applicable to the proposal pursuant to LUC 20.25H.210, and a recommendation for additional or modified mitigation, if any;

a. **Where a mitigation or restoration plan is required under this part or Part 20.25E LUC, the plan shall be developed in accordance with the standards of LUC 20.25H.210 through 20.25H.225 inclusive. Any mitigation or restoration plan shall be approved as part of the permit or approval required for the underlying activity. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report. (Ord. 5680, 6-26-06, § 3)**

The proposed mitigation plan has been developed and is in accordance with the subject standards, as well as the standards set forth by the Washington State Department of Fish and Wildlife and the US Army Corps of Engineers (RGP-1).

9. Any additional information required for the specific critical area as specified in the sections of this part addressing that critical area.

This critical areas permit application and report as well as the proposed mitigation plan addresses all of the sections and requirements.

Additional Report Submittal Requirements.

1. Unless otherwise provided, a critical areas report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Director.

   A completed federal RGP-1 permit application for a watercraft lift is included as part of the critical area study.

2. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report, and may be considered in determining compliance with the applicable decision criteria, except as set forth in subsection C.4 of this section.

   The proposed mitigation plan is included as part of the critical area study.

3. The applicant may consult with the Director prior to or during preparation of the critical areas report to obtain approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

   The report is submitted for review without consultation.

4. Proposals to obtain reductions in regulated critical area buffers below the buffers required by this part shall include the following information in addition to the minimum critical areas report contents described in subsection B of this section. The *restoration* proposed to improve existing function included in the proposal must be separate from any impact mitigation proposal:

   This critical area report doesn't address the need for a reduction in the regulated critical area buffer.

- **20.25H.255 Critical areas report – Decision criteria.**
- **A. General**

  Except for the proposals described in subsection B of this section, the Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

1. The 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;

   We are confident that the proposed mitigation plan leads to a net increase in critical area functions and values for the site.

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

   We have developed and will schedule adequate resources to complete the required mitigation proposed as part of this critical area 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; and

   We are confident that the mitigation and resulting modifications are not detrimental to the functions and values to the critical areas and critical area buffers off-site.

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

   The proposed boatlift and mitigation is compatible and consistent with other numerous boatlifts and waterfront recreation items found in the vicinity and throughout Lake Washington.

The responses provided will directly address the Design Criteria listed in **20.25H.255** above as it is believed this will serve as the basis for approval of the project as designed. It is our goal to demonstrate that the design has been developed to demonstrate that the proposed mitigation will more than offset the installation of the additional watercraft lift and cause a positive enhancement of the critical area. In addition, as a result of other codes and restrictions, there is no alternative design.

Development Standards

vi. Shoreline Critical Area and Critical Area Buffer Functions.

(1) Existing Habitat Features. Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be preserved and new or expanded moorage facilities placed to avoid disturbance of such features.

The proposed watercraft lift will avoid disturbing any existing habitat that may be determined to exist in the area.

(2) Invasive weeds (e.g., milfoil) may be removed with nonchemical means only.

There are currently no invasive weeds located in the critical area of this proposed project, and non will be removed as part of this project.

(3) Shoreline Planting. In order to mitigate the impacts of new or expanded moorage facilities, the applicant shall plant emergent vegetation (if site-appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species). Such planting shall be monitored for a period of five years consistent with a monitoring plan approved pursuant to LUC 20.25H.210. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical area.

Response and Environmental Considerations: This standard applies to those projects resulting from new or expanded facilities and structures and does not consider recent critical area enhancement and the net increase in functions and values as a result of the reduction in the number of piles (two) as well as recent reduction in the size of the moorage facility (96 square feet) at the proposed site. The proposed shoreline planting mitigation supports the position that the proposed project reflects less impact than the existing site and therefore warrants review and approval based on the net increase in critical area functions and values as a result of these proposed actions.

As demonstrated above pertaining to Development Standard N.1.b.vi. (3):

- The mitigation and planting plan 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.
- Adequate resources to ensure completion of any required mitigation and monitoring efforts will be put in place.
- 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 resulting development is compatible with other uses and development in the same land use district.
- The proposed development reflects an improvement over existing conditions.

As demonstrated above pertaining to Development Standard N.2.6.a.i:

- The mitigation and planting plan 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.
- Adequate resources to ensure completion of any required mitigation and monitoring efforts.
- 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 resulting development is compatible with other uses and development in the same land use district.
- The proposed development reflects an improvement over existing conditions.

Incorporation of Best Available Science – All elements of the project reflect Best Boatlift's as well as Steve Shiver's commitment to incorporate Best Available Science into every aspect of the watercraft lift installation. This is demonstrated through the use of local, state and federal regulatory design standards including installing a lift with an aluminum frame and stainless steel hardware and conducting work only during authorized in-water work windows.

We're very pleased to provide the documentation and address and support the development standards where the proposed project deviates from the City of Bellevue guidelines. If you need any additional information, please feel free to contact the undersigned as agent for the owner.

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enclosures:
Proposed planting plan
RGP-1 as submitted to the US Army Corps of Engineers