



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Dan McCartney

LOCATION OF PROPOSAL: 17611 SE 60th St.

NAME & DESCRIPTION OF PROPOSAL: McCartney Steep Slope Modification

Land Use review of a Critical Areas Land Use Permit to modify or disturb a steep slope critical area, top-of-slope buffer, and toe-of-slope setback for the construction of a new single-family residence and the installation of new sewer and storm utilities.

FILE NUMBER: 09-124881-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 12/31/09.
- 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 _____.

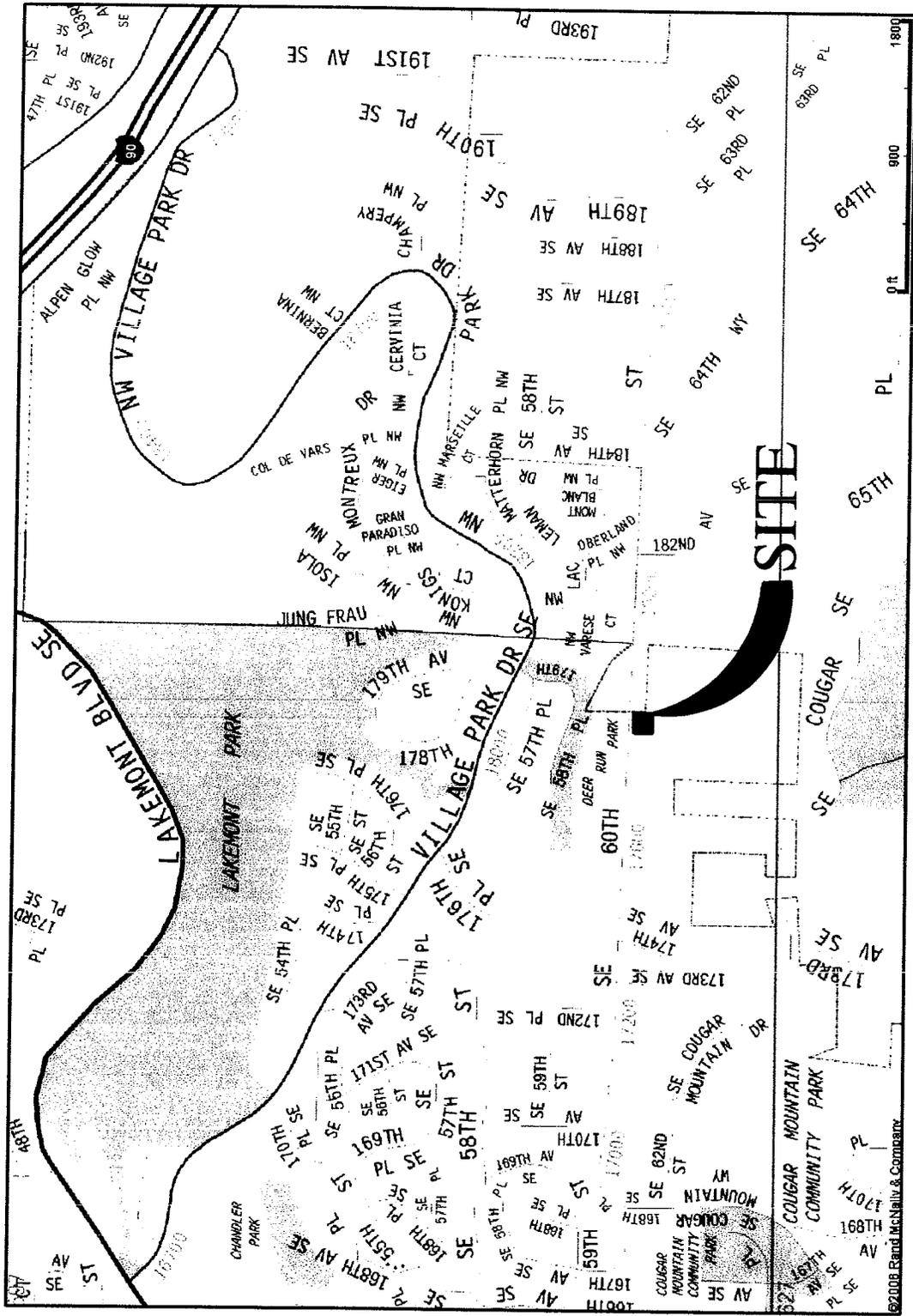
This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued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


 Environmental Coordinator

12/17/2009
 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



VICINITY MAP

NTS

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

Proposal Name: McCartney Steep Slope Modification

Proposal Address: 17611 SE 60th St.

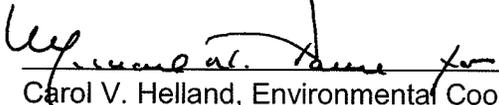
Proposal Description: Land Use review of a proposal to modify or disturb a steep slope critical area, top-of-slope buffer, and toe-of-slope setback for the reconstruction of a single-family residence and the installation of new sewer and storm utilities.

File Number: 09-124881-LO

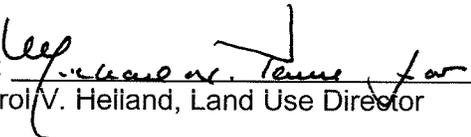
Applicant: Dave Daugherty, Site Development Services

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: September 10, 2009
Notice of Application Date: October 15, 2009
Decision Publication Date: December 17, 2009
Project/SEPA Appeal Deadline: December 31, 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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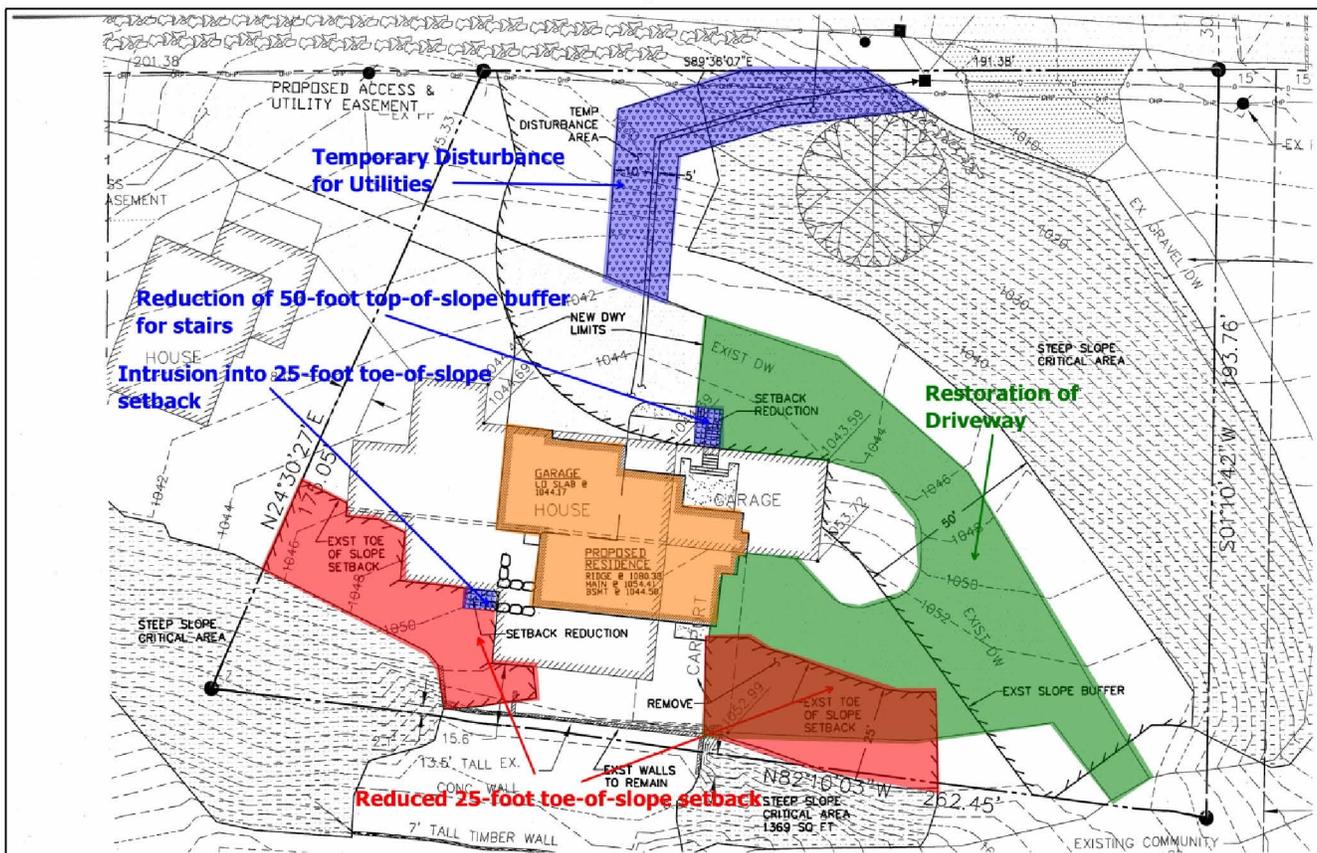
I. Proposal Description

The applicant proposes to demolish and reconstruct the existing house located on the site. The majority of the reconstruction is occurring within the footprint of the existing house and is not modifying any critical area, buffer, or structure setback with the exceptions below:

- Temporary modification of a steep slope for installation of utilities.
- Disturbance of a top-of-slope buffer to remove existing development and for restoration
- Minor reduction of the 50-foot top-of-slope buffer for a stairway access only.
- Reduction of the 75-foot toe-of-slope setback to 25 feet to maintain the current setback distance of the existing house. A rockery and some grading activity are proposed to intrude slightly into the 25-foot setback

A Critical Area Land Use Permit is required to approve the above activities. See Figure 1 below for a site plan showing the proposed activities.

Figure 1



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

A. Site Description

The project site is located at 17611 SE 60th St. in the Eastgate/Cougar Mountain area of the City. The site is located in the SE quadrant of Section 24, Township 25 North, Range 5 East. The site is surrounded by other single-family zoned property to the west, south, and

east and obtains vehicle access from SE 60th St to the north from an access easement which crosses the property to the west. The grade of the site is generally greater than 40 percent from SE 60th St. until breaking and flattening out at the existing driveway from where the grade increases gradually until reaching the south property line approximately. At the south property line the grade is again above 40 percent slope up onto adjacent property. See figure 2 for existing site condition.

Figure 2



B. Zoning

The property is zoned R-1, single-family residential and is located in the Critical Areas Overlay District. The surrounding properties are also zoned R-1. The proposed work is allowed in the R-1 zone.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-L (Single Family Low Density).

D. Critical Areas On-Site and Regulations

i. 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 site is surrounded by slopes but the only area which is classified as a critical area steep slope per LUC 20.25H.120 is located along the northern property line. The area of steep slope requires a 75-foot structure setback from the toe-of-slope. This application proposes to temporarily disturb the setback area to do work on an existing septic system. No work is occurring in a steep slope or any buffer as part of this proposal.

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

A Critical Area Land Use Permit (CALUP) is required as the applicant is requesting to temporarily modify a steep slope, a 50-foot top-of-slope buffer, and a 75-foot toe-of-slope setback. These modifications 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 proposal generally meets the R-1 zoning dimensional requirements found in LUC 20.20.010. The structural lot coverage and impervious surface coverage on-site are being reduced from the existing condition by the proposed redevelopment. The proposed new residence will be evaluated for conformance with zoning requirements as part of the required building permit review. See Conditions of Approval in Section X of this report.

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, critical area buffer or structure setback from a critical area or buffer. The project is subject to the performance standards found in LUC 20.25H as specified in the table below

Critical Area	Geologic Hazard- Steep Slopes
Performance Standards	20.25H.125 20.25H.230

i. Consistency With LUC 20.25H.125 and LUC 20.25H.230

The proposed activity requires a critical areas report as part of the application for a Critical Area Land Use Permit. As this is a proposal to temporarily modify a steep slope and reduce the required 50-foot top-of-slope buffer and 75-foot toe-of-slope structure setback the applicant has obtained the services of a qualified geotechnical engineering consultant to study the site and document the observed conditions. Staff has reviewed the following documents:

- Geotechnical Engineering Study dated May 11, 2006 prepared by Geotech Consultants, Inc.
- Geotechnical Engineering Considerations letter dated September 29, 2009 prepared by Geotech Consultants, Inc.

This geotechnical analysis indicates that the soil and rock material on-site are “very competent at shallow depths” and that the proposed utility installation in the steep slope and the proposed reductions of the top-of-slope buffer and toe-of-slope structure setback are “suitable” from an engineer standpoint. See Conditions of Approval in Section X of this report.

The performance standards found in LUC 20.25H.125 are being met as the majority of the new residence is being constructed within the footprint of the existing home which is minimizing modifications to the most critical slopes on site. The geotechnical engineer for the project has reviewed the plans and found them suitable to the site. No structure is proposed to be constructed within a steep slope and outside the footprint retaining rockeries are being used to maintain the existing contours of the property. The only work occurring in an actual steep slope critical area is a temporary impact resulting from the installation of utilities. In addition to a reduction in structural lot coverage the impervious coverage is being reduced as a majority of the existing driveway within the top-of-slope buffer is being removed. The removal of this surface and the restoration of the area with native plants will reduce surface runoff to the adjacent steep slope critical area and increase water infiltration.

IV. Public Notice and Comment

Application Date:	September 10, 2009
Public Notice (500 feet):	October 15, 2009
Minimum Comment Period:	October 29, 2009

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin on October 15, 2009. It was mailed to property owners within 500 feet of the project site. No comments were received.

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

Approximately 320 cubic yards of earthwork is expected for work on the site including demolition and reconstruction of the residence, installation of utilities, and grading on the site. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department.

B. Plants and Animals

No significant trees will be removed and no impacts to species of local importance are anticipated as none have been identified. Vegetation to be removed will be ornamental in nature and will result from house reconstruction of installation of utilities in the steep slope. The top-of-slope buffer is to be restored with native planting which will improve stormwater functions and increase the amount of vegetation cover on the site. See Section X for related conditions of approval.

D. Noise

The only noise anticipated as a result of this work will be from construction equipment. Any noise is regulated by Chapter 9.18 BCC. See Section X for a related condition of approval.

VII. Changes to Proposal Due to Staff Review

Staff requested a SEPA environmental checklist be submitted in order for SEPA review to occur. In addition staff requested further information on restoration, maintenance, and updated geotechnical review addressing Land Use Code requirements. The applicant provided the requested information.

VIII. Decision Criteria

A. 20.25H.145 Critical areas report – Approval of modification.

Modifications to geologic hazard critical areas and critical area buffers shall only be approved if the Director determines that the modification:

- 1. Will not increase the threat of the geological hazard to adjacent properties over conditions that would exist if the provisions of this part were not modified;**

The project geotechnical engineer has reviewed the proposed modifications and found that the proposals are suitable given the geological characteristics of the property.

- 2. Will not adversely impact other critical areas;**

The only proposed work in a critical area is for the installation of utilities which will be a temporary disturbance. A top-of-slope buffer from the steep slope above SE 60th St. is being slightly reduced for a stairway on the front of the house. The buffer is also be disturbed by the removal of an existing driveway which is a beneficial reduction of impervious surface coverage. The toe-of-slope structure setback is being modified to maintain the toe-of-slope setback boundary at the foundation of the existing house.

- 3. Is designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than would exist if the provisions of this part were not modified;**

The project geotechnical engineer has reviewed the proposed modifications and found that the proposals are suitable given the geological characteristics of the property.

- 4. Is certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington;**

The project geotechnical engineer has reviewed the proposed modifications and found that due to the soil being “very competent at very shallow depths” that the proposals are “very suitable” for the site.

- 5. The applicant provides a geotechnical report prepared by a qualified professional demonstrating that modification of the critical area or critical area buffer will have no adverse impacts on stability of any adjacent slopes, and will not impact stability of any existing structures. Geotechnical reporting standards shall comply with requirements developed by the Director in City of Bellevue Submittal Requirements Sheet 25, Geotechnical Report and Stability Analysis Requirements, now or as hereafter amended;**

The project geotechnical engineer has reviewed the proposed modifications and found that the proposals are suitable given the geological characteristics of the property.

- 6. Any modification complies with recommendations of the geotechnical support with respect to best management practices, construction techniques or other recommendations; and**

The project geotechnical engineer has reviewed the proposed modifications and found that the proposals are suitable given the geological characteristics of the property.

- 7. The proposed modification to the critical area or critical area buffer with any associated mitigation does not significantly impact habitat associated with species of local importance, or such habitat that could reasonably be expected to exist during the anticipated life of the development proposal if the area were regulated under this part.**

The proposals do not impact any habitat or areas of expected habitat. Part of this proposal is for removal of existing development and restoration with native vegetation in the top-of-slope buffer and in the steep slope.

B. 20.25H.255 Critical Areas Report Decision Criteria

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

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

The portion of the existing driveway located within the 50-foot top-of-slope buffer will be removed reducing the total amount of impervious surface coverage on the site and above the steep slope. This area and part of the steep slope will be revegetated with native plant species per the City's planting templates. Removal of the impervious driveway will improve water infiltration and reduce storm runoff onto the steep slope resulting in increased slope stability above the current condition. See Conditions of Approval in Section X of this report.

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

Removal of the driveway and replanting will enhance infiltration and reduce surface runoff, erosion. Slope stability will be improved.

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

The amount of pollution generating surface will be reduced by reduction of the driveway surface area. The rate of water infiltration should increase resulting in less runoff and improved stormwater quality.

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

The restoration planting will be monitored for a period of three years with reports submitted once a year. A performance surety will be required based on the cost estimate of plants and material. The performance surety will be released after three years assuming restoration has been successful per the submitted maintenance and monitoring provisions. See Conditions of Approval in Section X of this report.

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

The modifications and performance measures in this proposal are not detrimental to the functions and values of the steep slopes on-site.

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

Construction of a single-family house is allowed in this zone and is compatible with adjacent land uses.

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

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

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

The applicant must obtain a building permit and utility permits. 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 proposal is consistent with required performance standards for projects in steep slope critical areas. The resulting development will have less structural lot coverage and impervious surface coverage than the current developed site.

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 applicable performance standards of LUC Section 20.25H 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 and is converting the property from septic to sewer service.

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

The proposed restoration is per the planting templates found in the City's Critical Areas Handbook which is acceptable. Maintenance and monitoring is required and will be guaranteed by a performance surety. A yearly monitoring report with photograph documentation shall be submitted in order to achieve the performance standards outline in the submitted Landscape Plan. 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 the Development Services Department does hereby **approve with conditions** the temporary disturbance of a steep slope for utility installation, the reduction of the 50-foot top-of-slope buffer for a stairway, and the reduction of the 75-foot toe-of-slope structure setback. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility 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 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	Savina Uzunow, 425-452-7860
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. Building Permit and Utilities Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit and utilities permit must be submitted and approved. Plans submitted as part of either 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. Cost Estimate and Performance Surety:** At time of building permit application, a cost estimate based on the cost of labor and materials as part of the restoration plan will be required. This cost estimate will be the basis for determining the value needed for a required 3-year performance surety.

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

- 3. Land Use Inspection:** Following installation of planting the applicant shall contact Land Use staff to inspect the planting area. At the end of 3 years you will need to call for an inspection by Land Use staff to release the surety. Staff will need to find that the plants are in a healthy and growing condition and meet the performance standards on the Landscape plan dated October 2009.

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

- 4. Maintenance and Monitoring:** A report on plan health, survival, and maintenance activity shall be submitted yearly for three years as proposed in the Landscape Plan dated October 2009 Reports shall be submitted to the Land Use Department in order to release the performance surety.

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

- 5. 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. Landscape Plan dated October 8, 2009 – In File
2. Critical Area Report Narrative dated revised October 10, 2009 – In File
3. Geotechnical Engineering Considerations dated September 29, 2009 – In File
4. Critical Area Report Narrative original dated July 29, 2009 – In File
5. Geotechnical Engineering Study dated May 11, 2006 – In File
6. Application, plans and other project information – In File