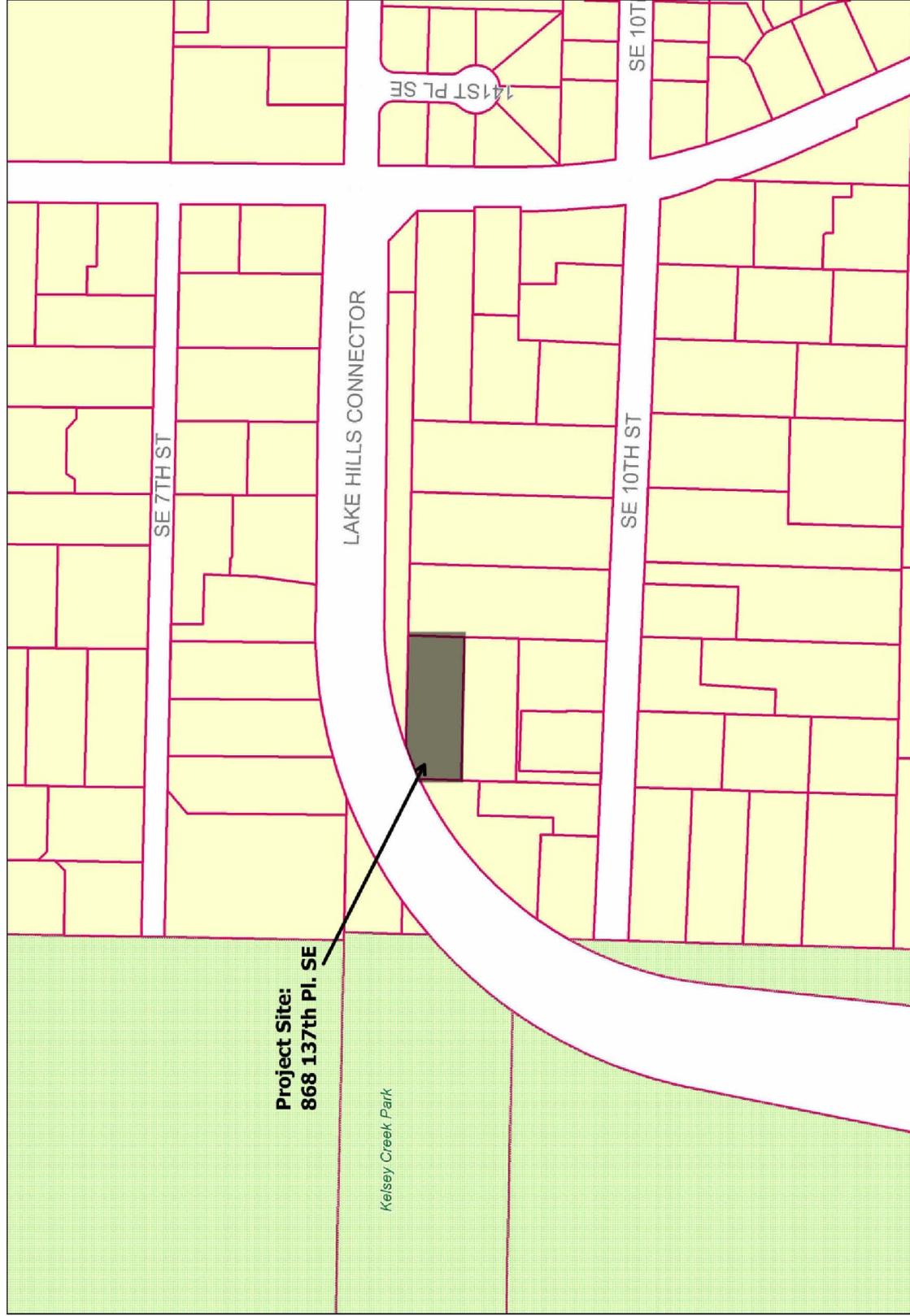


Doralee Acres Slope Buffer Reduction Vicinity Map





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

Proposal Name: Doralee Acres Slope Buffer Reduction

Proposal Address: 868 137th Pl. SE

Proposal Description: Land Use review of a proposal to reduce a 50-foot top-of-slope buffer from a steep slope critical area to 15 feet to reconstruct a demolished single-family residence and 2,900 square feet of buffer mitigation planting.

File Number: 09-130969-LO

Applicant: Duffy Ellis, Civil Engineering Solutions

Decisions Included Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Reilly Pittman, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

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: December 9, 2009
Notice of Application Date: December 24, 2009
Decision Publication Date: January 14, 2010
Project/SEPA Appeal Deadline: January 28, 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 reduce a 50-foot buffer from the top of a steep slope to 15 feet in order to reconstruct a house which has been demolished. The pre-existing house already reduced the buffer to 20 feet; the proposed house will maintain this 20-foot distance from the top-of-slope. The majority of the reconstruction is occurring within the existing footprint; however the new house is wider than the pre-existing and will encroach slightly outside the footprint. Any expansion of the house is parallel to the top-of-slope and will not result in a structure which is closer to the top-of-slope than 20 feet. The proposed reduction to 15 feet will allow for 5 feet of clearance between the buffer and structure. Restoration planting is proposed to occur within the remaining area of slope buffer on the property.

A Critical Area Land Use Permit is required to approve the above activities. See Figure 1 below (left) from a survey showing the location of the pre-existing house and Figure 2 below (right) from a site plan showing the proposed home construction

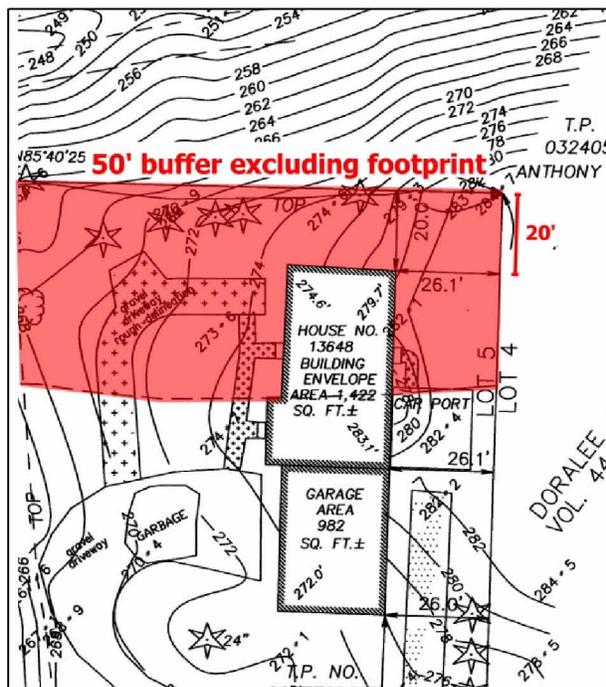


Figure 1

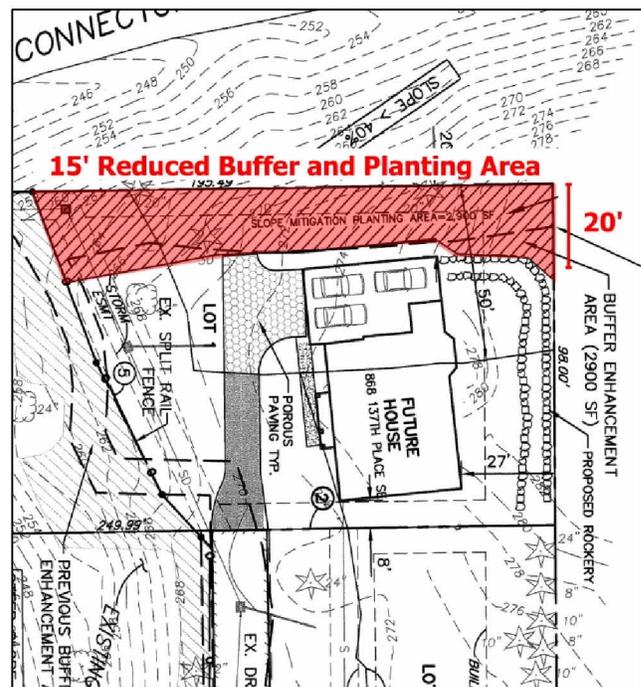


Figure 2

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

A. Site Description

The project site is located at 868 137th Pl. SE in the West Lake Hills area of the City. The site is located in the NW quadrant of Section 3, Township 24 North, Range 5 East and is zoned single-family residential, R-1.8. There was previously one single family residence with a garage on the site that has been demolished. The site obtains vehicle access from a shared driveway leading to SE 10th Street. See figure 3 for site condition.

Figure 3



The Lake Hills Connector is north of the site. Other single-family zoned parcels exist in all directions from the site. The north and west sections of the site are comprised of steep slope critical areas. A category III wetland and a type N stream are also in the vicinity to the west but outside the project area.

A Critical Area Land Use Permit is requested as the applicant proposes to reduce the required 50-foot top-of-slope buffer and construct a new residence. No critical area or other critical area buffer modification is requested or examined in this decision.

B. Zoning

The property is zoned R-1.8, single-family residential and is located in the Critical Areas Overlay District. The surrounding properties are also zoned R-1.8. The proposed work is allowed in the R-1.8 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.

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 reduce a 50-foot top-of-slope buffer which can only be approved through a Critical Areas Land Use Permit with a Critical Areas Report.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The proposal generally meets the R-1.8 zoning dimensional requirements found in LUC 20.20.010. The applicant is incorporating pervious pavement on the property to reduce total impervious surface coverage which will be 17 percent or 4,100 square feet of the 23,844 square foot lot. The structural lot coverage proposed will be approximately 20 to 25 percent of the net lot area excluding critical areas. The rear setback on this lot was reduced from 25 feet to 20 feet per LUC 20.25H.040 under prior approval of permit 07-127347-LO in order to move the house away from required buffers. The house appears to meet all other setbacks and requirements. 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 IX 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 reduce the required 50-foot top-of-slope buffer 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 Addendum letter dated November 23, 2009 prepared by Associated Earth Sciences Inc.
- Critical Areas Permit Narrative dated December 4, 2009 prepared by Civil Engineering Services and Associated Earth Sciences Inc.
- Geotechnical report dated September 6, 2006 prepared by Associated Earth Sciences Inc.

Based on test pits and investigation of soils disturbed from grading on the property the geotechnical analysis indicates that the soil is Vashon-aged advance outwash which is considerably “more dense and stronger” than other outwash soils (pg. 2, addendum letter). In addition the geotech found that the slope in questions did not exhibit indications of “past or present, shallow or deep-seated slope movement” (pg. 2). Based on these findings the geotech states that the proposed 15-foot buffer from the top-of-slope is sufficient “without impacting the critical area” (pg. 2). The geotechnical findings in the Critical Areas Permit Narrative state that the geotech has reviewed this project and found the proposal to be safe as designed under anticipated conditions (pg. 4, Critical Areas Permit Narrative).

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 and is maintaining the established distance of 20 feet from the top of slope. The proposed home will be at approximately the same floor elevation and distance from the top-of-slope as the pre-existing home. 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 remaining buffer will be planted (see attachment 1) in continuation of the pre-existing mitigation planting and restoration required from previous approvals on the site. No other critical area on the site is proposed to be modified by this proposal. Stormwater impacts will be minimized by the use of pervious pavement and through use of the storm water systems for the site to avoid water flowing onto the steep slopes in the vicinity. See Conditions of Approval in Section IX of this report.

IV. Public Notice and Comment

Application Date:	December 9, 2009
Public Notice (500 feet):	December 24, 2009
Minimum Comment Period:	January 7, 2010

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin on December 24, 2009. It was mailed to property owners within 500 feet of the project site. Comments were received from neighbors to the site concerned with the modification of buffers on the site and protection of the wetland which is located on the property. Three new single-family houses are proposed on three separate lots. Under prior approvals the wetland and steep slopes on the site were placed into a Native Growth Protection Easement (NGPE). This NGPE will protect these critical areas and prohibit future development for perpetuity. This proposal does not modify the NGPE or the critical areas it protects. The slope buffer being modified is from steep slope which is off-site, sloping up from the Lake Hills Connector.

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. Changes to Proposal Due to Staff Review

Staff requested the applicant to provide the proposed structural lot coverage to ensure that it is below the maximum allowed lot coverage of 35 percent. Per Section III above the applicant provided information showing that the lot coverage would be less than the maximum allowed which will be verified under the building permit review. See Conditions of Approval in Section IX of this report.

VII. 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 and that the proposed reduction will not result in a greater risk (pg. 4, Critical Area Report).

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

A top-of-slope buffer from the steep slope above the Lake Hills Connector is being reduced to allow for the construction of a new single-family house placed in approximately the same footprint as a pre-existing house. No modification to an

actual critical area is proposed. The project geotech has also stated that water should not be allowed to discharge at the top of the slope or onto the steep slope critical areas. Mitigation through planting and stormwater management from pervious pavement and systems on the site will address water runoff to steep slopes.

- 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;**

Per the submitted Critical Areas Report the slopes have been reviewed by a geotechnical expert who found the proposed project to be safe as designed under anticipated conditions provided good construction practices are utilized and recommendations of the geotech are followed.

- 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. A geotechnical report dated September 6, 2006 and an addendum letter dated November 23, 2009 have been submitted concerning this project.

- 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.

Replanting of the remaining slope buffer is proposed in area of 2,900 square feet. Removal of invasive species, trash, and debris in addition to the planting will improve any habitat value above the existing condition.

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 remaining portion of the 50-foot top-of-slope buffer will be restored with native plant species. Pervious pavement will also be used to limit water runoff onto the slopes. See Conditions of Approval in Section IX 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;**

In addition to replanting of the buffer invasive species, trash, and debris will be removed from the site which is currently degrading the condition of the buffer. All existing trees and native vegetation in the reduced 15-foot buffer shall remain on-site. No approval to remove trees is granted by this approval as the applicant is responsible to maintain trees per the previously approved plans under 07-127347-LO. Tree preservation will be reviewed under each building permit. See Conditions of Approval in Section IX of this report.

- 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 the use of pervious pavement which will allow water to infiltrate. Stormwater will also be directed into the on-site systems.

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

Maintenance, monitoring, and a performance surety have already been provided for mitigation planting under 07-127347-LO. The currently proposed 2,900 square feet of planting in the slope buffer will be incorporated into the maintenance and

monitoring for this previous approval. The existing 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 IX 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 for the proposed house. See Conditions of Approval in Section IX 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 also use pervious pavement to reduce stormwater runoff.

- 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 remaining 2,900 square feet of the slope buffer will be planted with native plants. Maintenance and monitoring of this planting will be included in the monitoring required for the adjacent planting on-site. A yearly monitoring report with photograph documentation shall be submitted. See Conditions of Approval in Section IX 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.

VIII. 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 reduction of a 50-foot top-of-slope buffer. **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.

IX. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	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 Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit must be submitted and approved. Plans submitted as part of either permit application shall be

consistent with the activity permitted under this approval and under prior approval 07-127347-LO.

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

- 2. Tree Preservation:** No additional trees are approved for removal on any lots. Tree preservation remains as approved under 07-127347-LO. Any trees and vegetation within the remaining 15-foot top-of-slope buffer are required to remain as they are located in a protected area. Trees outside of critical areas and buffer are subject to retention requirements in LUC 20.20.900.

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

- 3. Conformance with Zoning Requirements:** At time of building permit the house shall be found to be in conformance with zoning requirements. The rear setback was previously modified to 20 feet using LUC 20.25H.040 under prior approval of 07-127347-LO.

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

- 4. Pervious Pavement:** The proposed pervious pavement is required to be designed by a professional engineer licensed in the State of Washington.

Authority: Land Use Code 20.20.460
Reviewer: Reilly Pittman, Development Services Department

- 5. 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

- 6. Maintenance and Monitoring:** Maintenance and monitoring of the proposed planting shall be included with the existing mitigation proposal in the Critical Area Report and Enhancement Plan prepared by Aquatica dated April 1, 2008 which is in file number 07-127347-LO. If the monitoring for the planting cannot be combined separate maintenance and monitoring measures will be required at time of building permit. Monitoring shall be carried out for a period of three years. The following table depicts the required monitoring program.

Year	Date	Maintenance Review	Performance Monitoring	Report Due to City
1	Spring*	Send as-built report to City		
	Fall	X	X	X
2	Spring	X		
	Fall	X	X	X
3	Spring	X		
	Fall**	X	X	X

*Event to occur following construction completion

**Request approval for release of bond from the City (presumes performance criteria are met)

Authority: Land Use Code 20.25H.220

Reviewer: Reilly Pittman, Development Services Department

- 7. 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

X. Attachments:

1. Landscape Plan dated December 8, 2009 – Enclosed
2. Critical Areas Permit Narrative dated December 4, 2009 – In File
3. Geotechnical Addendum dated November 23, 2009 – In File
4. Application, plans and other project information – In File

Attachment 1

LAKE HILLS CONNECTOR ROAD

PLANT SCHEDULE (2900 #)

TREES					
KEY	SCIENTIFIC NAME	COMMON NAME	DENSITY	QTY	SIZE
PM	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	9' O.C.	4	2 GAL.
TP	THUJA PLICATA	WESTERN RED CEDAR	9' O.C.	8	2 GAL.
TH	TSUGA HETEROPHYLLA	WESTERN HEMLOCK	9' O.C.	1	2 GAL.

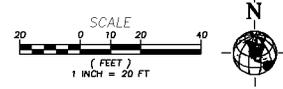
SHRUBS					
KEY	SCIENTIFIC NAME	COMMON NAME	DENSITY	QTY	SIZE
AC	ACER CROCATUM	VINE MAPLE	6' O.C.	11	1 GAL.
CC	CORYLUS CORNUTA	WESTERN HAZELNUT	6' O.C.	6	1 GAL.
OC	DEMELERA CERASIFORMIS	INDIAN PLUM	6' O.C.	6	1 GAL.
S	SYMPHORICARPOS ALBUS	SNOWBERRY	6' O.C.	15	1 GAL.

GROUND COVER					
KEY	SCIENTIFIC NAME	COMMON NAME	DENSITY	QTY	SIZE
	ATHYRIUM FILIX-FEMINA	LADY FERN	24" O.C.	32	1 GAL.
	MAHONIA NERVOSA	LONGLEAF MAHONIA	24" D.C.	38	1 GAL.

AREA PREVIOUSLY PLANTED UNDER APPROVED CRITICAL AREA PERMIT (07-127347LO) & ASSOCIATED CLEAR AND GRADE PERMIT (08-129634GJ)



- NOTES**
1. ORIGINAL SURVEY BY GEODIMENSIONS.
 2. SITE PLAN PROVIDED BY CIVIL ENGINEERING SOLUTIONS, LLC, 3131 WESTERN AVE, STUDIO 316, SEATTLE, WA 98121, (206) 930-0342.



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LANDSCAPE ARCHITECTS
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Seattle, WA 98121
T: 206-774-6400 F: 206-774-6498
www.fazioarchitects.com

PLANTING PLAN
MIRIKEEN HOMES
BELLEVUE, WASHINGTON

PROJ. NO.	12-8-09
REV.	RF
DATE	AS NOTED
PROJECT	12-8-09
DESIGNER	XX
SHEET NO.	W-2
TOTAL SHEETS	1 OF 2