DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Andy McAndrews, CHS Engineers

LOCATION OF PROPOSAL: 5424 156th Ave. SE

NAME & DESCRIPTION OF PROPOSAL: Wypych Residence Retaining Walls

Critical Areas Land Use Permit for the proposal to modify the top of slope critical area buffer, and to remove a 456 square foot area of slope from steep slope critical area status. The proposal includes the deposition of 735 cubic yards of fill and the construction of retaining walls. The proposal will result in 4,510 square feet of disturbance to the critical area buffers and slopes on site. The proposal includes 4,531 square feet of native vegetation restoration/enhancement in the elsewhere on the site in order to mitigate the disturbance within the critical area and critical area buffer. Mitigation planting includes 23 trees, 168 shrubs, and 70 groundcover plantings to mitigate the disturbance. No trees will be removed from the subject property.

FILE NUMBER: 10-106324-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 Department of Planning & Community Development. This information is available to the public on request.

☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on March 16, 2006.

X 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 December 23, 2010.

☐ 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

December 9, 2010
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Wypych Residence Retaining Walls
Proposal Address:	5424 156th Ave SE
Proposal Description:	Land Use approval of a proposal to modify the top of slope critical area buffer, and to remove a 456 square foot area of slope from steep slope critical area status. The proposal includes the deposition of 735 cubic yards of fill, and the construction of retaining walls. The proposal will result in 4,510 square feet of disturbance to the critical area buffers and slopes on site. Associated with Enforcement Action #10-103189-EA
File Number:	10-106324-LO
Applicant:	Andy McAndrews, CHS Engineers
Decisions Included	Critical Areas Land Use Permit (Process II. 20.30P)
Planner:	Carol Orr, 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:	March 3, 2010
Notice of Application Date:	June 17, 2010
Decision Publication Date:	December 9, 2010
Project/SEPA Appeal Deadline:	December 23, 2010

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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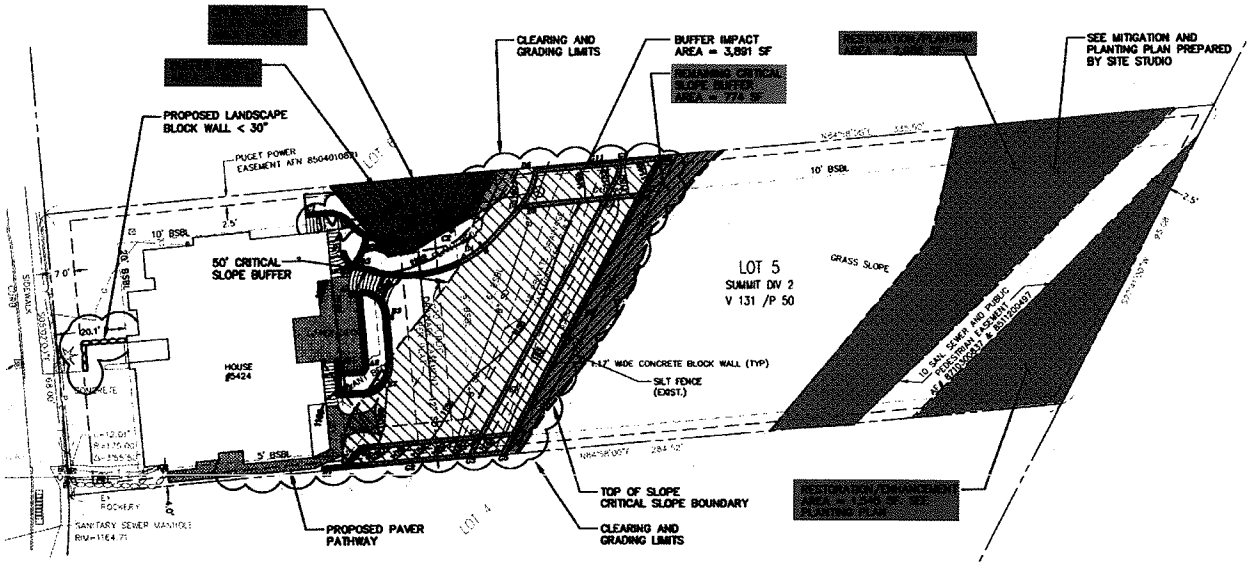
I. Proposal Description

The applicant constructed a series of retaining walls within a steep slope critical area and a steep slope critical area buffer without a permit. The Critical Areas Land Use permit was required to review the disturbance within these areas, the construction of the retaining walls, and the deposition of fill. As a part of this project, 456 square feet of steep slope critical area is proposed to be removed from critical area status. The scope of work associated with this project includes:

- Disturbance of 3,891 square feet within the steep slope critical area buffer to allow for the construction of the retaining walls.
- Deposition of approximately 735 cubic yards of fill within the steep slope critical area buffer.
- Removal of 456 square feet of steep slope critical area from critical area status, and 163 square feet of the top of slope buffer associated with this removal.

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



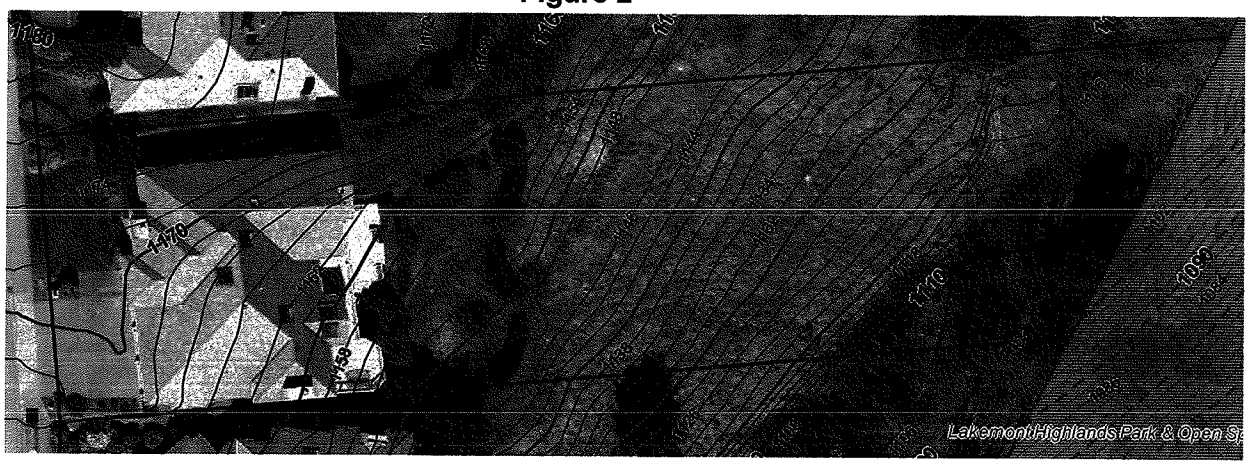
II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project site is located at 5424 156th Ave SE, in the Newcastle subarea of the City. The site is surrounded by other single-family zoned property to the north, south and west and obtains vehicle access from 156th Ave SE across the west property line. The property to the east is Lakemont Highlands Park and Open Space and contains a steep ravine which is classified as a steep slope critical area. A 2 ½ foot utility easement for PSE runs the length of the north property line. The project site contains two steep slope critical areas. One large slope runs north/south across the lot, at approximately the 1,146 elevation mark (NAVD 88).

Another, smaller steep slope critical area begins on the subject property near the northeast corner of the home, at approximately the 1,163 elevation mark (NAVD 88), and continues off of the property to the north. Approximately 650 square feet of this steep slope critical area is present on the subject property. See figure 2 for site conditions prior to the commencement of any work.

Figure 2



B. Zoning

The property is zoned R-3.5, single-family residential and is located in the Critical Areas Overlay District. The surrounding properties to the north, south east and west are also zoned R-3.5. The proposed work is allowed in the R-3.5 zone.

C. Land Use Context

The property is located amongst other similarly developed single family residences and adjacent to Lakemont Highlands Park and Open Space.

D. Critical Areas Functions and Values

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 subject property contains slopes in two locations which are classified as a steep slope critical area per LUC 20.25H.120. Additionally, the adjoining park and open space area also contains slopes which meet the steep slope critical area criteria. Steep slope critical areas require a 50-foot critical area buffer from the top-of-slope. This application proposes to modify the buffer for the largest of the slopes on site, and to remove one area of slope from steep slope critical area status for the construction of a system of retaining walls, and deposition of sufficient fill to level the rear yard.

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

A Critical Area Land Use Permit (CALUP) with a critical areas report is required as the applicant is requesting to modify a 50-foot top-of-slope buffer and to remove a portion of a steep slope critical area from critical area status. These modifications can only be approved through a critical areas report submitted under a CALUP.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The proposal generally meets the R-3.5 zoning dimensional requirements found in LUC 20.20.010. The structural lot coverage on site is not changing. Although the impervious surface coverage on-site is being increased from the existing condition by the proposed development, the project will still meet the dimensional requirements of the Land Use Code. The applicant has provided written, recorded, documentation from Puget Sound Energy indicating their abandonment of the easement along the side property line. The proposed retaining wall system will be evaluated for conformance with zoning requirements as part of the required clearing and grading permit. <u>See Conditions of Approval in Section X of this report.</u>

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.135 20.25H.145 20.25H.250 20.25H.255

i. Consistency With LUC 20.25H.125, 20.25H.135, 20.25H145, LUC 20.25H.250 & LUC20.25H.255

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 modify 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 Report dated February 23, 2010 prepared by Creative Engineering Options, Inc.
- Addendum to Geotechnical Report, letter dated July 20, 2010 prepared by Creative Engineering Options, Inc.
- Mitigation Planting Plan Report, dated July 13, 2010 prepared by Site Studio, Landscape Architecture

This geotechnical analysis indicates that the retaining walls have been erected on a "more than satisfactory bearing medium, and that the in situ soil provides ample soil bearing capacity to support the block walls". The report goes further to state the "backfill behind the walls does not impose a significant lateral load on the block walls". The report states that provided the remedial measures discussed in the report are implemented, "there should be no greater risk" or need for "increased buffering on the neighboring properties". See Conditions of Approval in Section X of this report.

LUC 20.25H.125: Performance Standards - Landslide hazards and steep slopes: The performance standards found in LUC 20.25H.125 are being met as follows. Although the existing topography within the buffer was altered significantly, none of this work occurred within the largest steep slope critical area on site, and the wall is tiered to maintain compliance with the dimensional requirements of the Land Use Code. The most critical portion of the large steep slope has been retained in its pre-existing condition. The geotechnical engineer has determined that the project does not create a greater risk, or a need for greater buffering on the adjacent properties. The project is utilizing retaining walls, rather than artificial graded slopes. A paver walkway is proposed in a small portion of the buffer immediately to the east of the house which will be counted as impervious unless it is engineered. However, the vast majority of the work proposed will have no impact on the amount of impervious surfaces in the buffer, as these areas are to remain landscaped. The proposed grading meets the maximum cut/fill requirements found in the Land Use Code, and the maximum retaining wall heights in the required setbacks. Although the topography is being modified for the purpose of a yard, this modification does not occur within the large steep slope area on site. As no structures are proposed by this project, the standards relating to building foundation walls, pole-type construction and piled deck support structures are not applicable. The applicant has prepared a mitigation area with native plantings which will reduce surface water run-off to adjacent properties, assist in water infiltration, and provide increased forage and nesting opportunities for local wildlife. This mitigation plan matches the square footage of disturbance within the buffer and the smaller steep slope on site.

LUC 20.25H.135: Mitigation and Monitoring – Additional provisions for landslide hazards and steep slopes.
The performance standards found in LUC 20.25H.135 are met as the applicant has provided an erosion and sediment control plan and a drainage plan. There is no significant risk of damage to downstream waters; a plan to monitor surface water discharge is not applicable.

LUC 20.25H.140: Critical Areas Report – Additional provisions for landslide hazards and steep slopes.
The consideration letter from the geotechnical firm further addresses the requirements of 20.25H.140. The geotech report provides an assessment of the geological characteristics found on site, and provides analysis of the proposal regarding its potential impact upon the critical area, and adjacent properties. Based on their review of the proposal, the geotech believes the proposal to reduce the buffer poses no additional risk to the critical area, the subject property or adjacent properties.

LUC 20.25H.220: Critical Areas Report – Mitigation and Restoration Plan requirements.
A letter from the landscape architecture firm addressed the requirements found in LUC 20.25H.220. The letter states that the goal is to increase the species diversity of native vegetation within the replanting area, as well as to increase the support functions for wildlife which frequent the area, in addition to provide soil binding and slope erosion protection. The objectives of the plan will be achieved through the enhancement of no less than 3,891 square feet of with native trees, shrubs and groundcover plantings. As a performance measure, 15 additional native species will be placed within the replanting area, of which 100% must be well established and growing by the end of Year 1. At least 85% of these plantings shall be well established and growing by the end of Year 5. In addition, 90% of the aggressive non-native invasive species shall be removed in the restored and enhanced buffer areas. Aggressive non-native species will be monitored at each annual monitoring, to ensure that they are not re-growing beyond the percentage removed at the installation of the mitigation plan.

IV. Public Notice and Comment

Application Date:	March 3, 2010
Public Notice (500 feet):	June 17, 2010
Minimum Comment Period:	July 1, 2010

The Notice of Application for this project was published the City of Bellevue Weekly Permit Bulletin on June 17, 2010. 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 revised plans and materials submitted for this project 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. The clearing and grading permit for this project must comply with City of Bellevue Clearing and Grading Code (BCC 23.76)

B. Utilities

A public utility easement exists on the subject property which contains a 12" corrugated metal pipe for storm drainage. The walls as proposed and constructed are substantially higher than 30". As such they are considered major structures that impede access to the City drainage pipe, in the event that cleaning, repair or replacement is needed. No damage was noted by Utilities field staff during a site visit to check for damage to the City pipe during the construction activity. The Utilities department will not require removal of the walls at this time. If a need arises to excavate for repair or replacement of the pipe in the future, the walls may need to be removed within the area of work. The owner will be responsible for replacing the walls. See related Condition of Approval in Section X.

The pervious pavers may not drain particularly well in the poor soils in the area. No additional setbacks are required provided there is no additional run-off from the roof or driveway. A setback chart was provided to the applicant, as well as the standard detail for Natural Drainage Practice #12 to aid them in their design of the pervious pavers. These design criteria are not mandatory; however, the homeowner will be responsible if there were any impact to neighboring property.

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 & grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes adequately mitigate potential environmental impacts.

Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the Stat Environmental Policy Act (SEPA) requirements.

A. Earth and Water

The proposed project will require disturbance to the 50 foot top of steep slope critical area buffer, and approximately 450 square feet of one of the steep slope critical area area to facilitate the construction of the retaining walls. When completed, the base of the retaining wall will be 4 feet from the top of the largest critical slope at the south property line, and 15 feet from the top of the same slope at the north property line.

The retaining walls are constructed of Pisa II Harvest Blend blocks. The backfill material behind these walls consists primarily of 2 to 4 inch sized crushed recycled concrete, overlain with approximately a foot of topsoil mixture. No grade changes are proposed within the larger steep slope critical area on site. Stormwater from the roof drains is to be discharged into an existing 8" storm drainage pipe. Wall drains are to be provided within the retaining walls, discharging into dissipation drains running the length of the walls. The majority of areas immediately above these retaining walls are to be pervious and vegetated. Consequently, discharge of concentrated flows from the impervious surfaces will be avoided. A Temporary Erosion Sedimentation Control

Plan is included in the project plans, and addresses all requirements for restoring the site to its proposed condition as well as erosion and sedimentation management practices. Existing codes and standards adequately mitigate expected impacts to earth and water resources. See related Condition of Approval in Section X.

B. Animals

Numerous small animals and birds either use this site or are in close proximity. Other large animals such as deer, bear, and cougars have historically been present in the general vicinity. Construction of the retaining wall system on site should not result in a significant impact to the number or variety of species on site. Any fragmentation, loss of habitat, and accelerated edge and distance and human disturbance effects will be partially mitigated through the proposed revegetation plan. The area proposed for mitigation is currently vegetated with little more than grass. This area abuts the Lakemont Highlands Park and Open Space, and will be replanted with approximately 4500 square feet of native plantings. The mitigation plan will increase the edge habitat from the adjacent park and open space and provide additional nesting and foraging opportunities to wildlife that may be in the area. No trees are to be removed as part of the mitigation plan installation.

C. Plants

The subject property was previously developed with a large sloping grassy lawn, with areas of sparse shrubbery. Most of the previously existing trees were removed from the slopes years ago, leaving little but grass to absorb the surface water run-off. The properties to the north and south of the subject property have retained a greater amount of native vegetation on the site, notably deciduous trees and shrubs.

Construction of the retaining walls involved the removal of much of the lawn and ornamental shrubs immediately adjacent to the existing home. As mitigation for the reduction in the required top of slope buffer and the removal of a portion of a slope from steep slope critical area status, a three tier replanting plan has been submitted. The replanting plan consists of native trees, shrubs and ground cover to mitigate the loss of buffer and critical area associated with the construction of the retaining walls. This plan includes 23 trees, consisting of 5 native species at an approximate spacing of 10 feet on center. The replanting plan also includes 168 shrubs consisting of 13 species of native shrubs planted at approximately 3 to 5 feet on center. The groundcover plantings consist of 3 species of native ferns, totaling 70 plants in total, planted at 2 feet on center. The applicant must submit Landscape Installation and Maintenance Security Devices to ensure that the approved plan is installed and maintained. See related Conditions of Approval in Section X.

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and week end 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 related Conditions of Approval in Section X of this report.

VII. Changes to Proposal Due to Staff Review

Land Use staff requested clarification on the various sections of the code not addressed in the preliminary submittal packet, such as 20.25H.125, 20.25H.140 and 20.25H.250. In addition, staff requested further information on minimizing the impact to the buffer, the re-vegetation plan, and updated geotechnical review addressing Land Use Code requirements.

Clearing and Grading staff requested clarification on the clearing limits for all activities on site, and to have final drawings stamped by an engineer licensed in Washington State. Additionally, the location of discharge areas for both roof drains and retaining wall drains were requested. Staff requested modification of the drawings to reflect the recommendations of the geotechnical engineer's study. Clarification on proposed grading elevations and top and bottom of wall elevations was.

Utilities review staff requested clarification of a discrepancy in the Drainage easement information. Specifically, the site plan was requested to accurately depict both the private and public easements, and the pipes within them. Utilities review staff provided the applicant with drainage maps, and details of the pipes. Utilities staff also requested clarification on two drain pipes which appeared to empty onto the slope without erosion protection. The letter from the applicant indicated that they were wall drains, but they appear to come from the corners of the house. Staff requested that these drains be revised to not empty onto the ground, and that they be connected to the private storm pipe in the easterly easement.

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. The geotechnical report is included in the permit file.

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

   No work is proposed within the largest steep slope critical areas on site. The proposal is for the reduction of the size of the buffer and for the removal of a small section of a degraded slope nearest to the house only. The geotech consideration letter stipulates that no other critical areas in the vicinity will be affected in any manner by the proposal.

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 proposal will allow the construction of masonry block retaining walls to eliminate the erosion hazards that previously existed on site. The location and design of these walls limits the potential for future erosion hazards on this site or adjacent properties. The proposed retaining walls meet the structural requirements of the Geotechnical report, including features such as geo-synthetic reinforcing, structural backfill and walls drains for storm water collection and control.

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

   The geotechnical engineer confirms that if the conditions and recommendations found in the Geotechnical Report and the associated addendums, the proposed modifications to the steep slope critical area buffer will be safe.

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 geotechnical report was prepared by a professional engineer. The report meets the standards stipulated in Submittal Requirements Sheet 25. It is the opinion of the engineer of record that the proposed modification of the critical area buffer and the removal of a small portion of critical slope will not impact the stability of the steep slope, the subject property or neighboring properties.

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

   The modification of the steep slope critical area buffer complies with the recommendations found in the geotechnical report, and meets all best management practices, construction techniques and recommendations found therein. <u>See Conditions of Approval in Section X of this report.</u>

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 proposal does not impact any habitat or areas of expected habitat. No significant trees will be removed as a result of this proposal. The proposed mitigation plan will provide additional native vegetation in an area which previously had little native vegetation. The installation of these plantings in an area so close to the Lakemont Highlands Park and Open Space should be expected to enhance wildlife habitat for not only the subject property, but the adjacent site.

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;**

   As the area where the development is proposed is currently predominantly planted with grass, the installation of a three tier replanting plan on site will result in a net gain to the overall functions and values of the steep slope critical area. <u>See Conditions of Approval in Section X of this report.</u>

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;**

   Installation of native plantings at the east end of the lot will aid in soil retention and reduce erosion from water run-off. The habitat at the east end of the lot will be improved where it abuts the Lakemont Highlands Park and Open Space. No trees will be removed from the site and all temporary disturbance will be mitigated.

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 issue of stormwater quantity and quality is addressed by the installation of native plantings at the eastern property line, closest to the critical steep slope area. Runoff from the residence and associated hardscape will be piped to an existing storm drain. The proposed retaining walls have wall drains that have dissipation drains at their footings, thereby further diminishing the flow of water over the steep slope.

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

   The restoration planting will be monitored for a period of five years with reports submitted once a year. A performance surety will be required based on the cost

estimate of plants, labor and materials. The installation performance surety will be released when the mitigation plantings have been installed and inspected by the Land Use reviewer. The maintenance performance surety will be released after five 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 off-site. The installation of the retaining walls limits access to the largest critical steep slope area on site, and upgrades stormwater controls over the site.

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

   Construction of retaining walls is a common and allowed use in single family zones, where critical areas and plat conditions do not limit their construction.

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 clearing and grading 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, as stipulated in 20.25H.125 and discussed in Section III.

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. The owner will need to remove and replace the retaining walls if cleaning, repair or replacement of the City drainage pipe is needed.

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

   The proposed mitigation plan was submitted, and substantially follows the planting templates found in the City's Critical Areas Handbook. 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 outlined 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. See Conditions of Approval in Section X of this report.

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 reduction of the 50-foot top-of-slope buffer for the construction of a series of retaining walls, and the removal of 456 square of steep slope from steep slope critical area. **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:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Utilities – BCC Title 24	Mark Frazier, 425-452-2022
Land Use Code- BCC Title 20	Carol Orr, 425-452-2896
Noise Control- BCC 9.18	Carol Orr, 425-452-2896

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

1. **Clearing and Grading Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a clearing and grading permit must be submitted and approved. Plans submitted as part of that permit application shall be consistent with the activity permitted under this approval.

   Authority: Land Use Code 20.30P.140
   Reviewer: Carol Orr, Development Services Department, Land Use

2. **Geotechnical Recommendations:** Construction of the proposed addition and all site work within the critical area buffer shall comply with the recommendations found in the Geotechnical Reports dated 2/23/2010 and 7/20/2010.

   Authority: Land Use Code 20.25H.145.F
   Reviewer: Carol Orr, Development Services Department, Land Use

3. **Retaining Wall Replacement and Repair:** The property owner acknowledges that at some point it may be necessary to remove the walls built over the City's storm drainage easement in order to replace or repair the pipe. In this case it would be up to the property owner to remove and replace the walls.

   Authority: Bellevue City Code Title 24.06
   Reviewer: Mark Frazier, Utilities Department

4. **Mitigation Planting and Monitoring:** Mitigation planting shall be undertaken within the steep slope critical area buffer to mitigate for the impacts associated with the construction of the retaining walls within the buffer, and the removal of one slope from steep slope critical area status. The mitigation planting shall, at a minimum contain the plants and quantities specified in the approved mitigation planting plans as prepared by Site Studio Consulting and submitted to the City of Bellevue on 9/17/2010. The mitigation plantings shall be monitored for a period of five years, consistent with a monitoring plan approved pursuant to LUC 20.25H.210. A report on plan health, survival, and maintenance activity shall be submitted yearly for three years as proposed in the Landscape Plan dated July 13, 2010. Reports shall be submitted to the Development Services Department in order to release the performance surety.

   Authority: Land Use Code 20.30P.140
   Reviewer: Carol Orr, Development Services Department, Land Use

5. **Landscape Installation Performance Surety:** To ensure the timely installation of required mitigation plantings, an assignment of savings or bond financial security device for landscape installation equal to 150% of the cost of the labor and materials is

required. This device shall be submitted prior to the issuance of the clearing and grading permit in accordance with LUC 20.40.490.

Authority: Land Use Code 20.40.490
Reviewer: Carol Orr, Development Services Department, Land Use

6. **Landscape Maintenance Performance Surety:** To ensure a proper maintenance schedule is followed after the mitigation plantings have been installed, an assignment of savings or bond financial security device for landscape maintenance equal to 20% of the cost of the labor and materials is required. This device shall be submitted prior to the release of the landscape installation device in accordance with LUC 20.40.490.

   Authority: Land Use Code 20.40.490
   Reviewer: Carol Orr, Development Services Department, Land Use

7. **Land Use Inspection:** Following the installation of plantings, the applicant shall contact Land Use staff to inspect the planting area. At the end of 5 years, a Land Use inspection will need to be requested 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 July 13, 2010.

   Authority: Land Use Code 20.30P.140
   Reviewer: Carol Orr, Development Services Department, Land Use

8. **Hold Harmless Agreement:** Prior to clearing and grading permit approval, the property owner shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the reduction in the top of slope buffer. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

   Authority: Land Use Code 20.30P.170
   Reviewer: Carol Orr, Development Services Department, Land Use

XI. Attachments:

1. Site Plan
2. Mitigation Planting Plan

Other documents available in the Permit File

3. Geotechnical Report dated revised February 23, 2010 – In File
4. Geotechnical Engineering Addendum Letter dated July 20, 2010 – In File
5. Critical Area Report Narrative original dated July 15, 2010 – In File
6. Application, plans and other project information – In File

A PORTION THE SW 1/4 OF THE NE 1/4 OF SECTION 23, TOWNSHIP 24 N, RANGE 5 E, W. M., IN KING COUNTY, WASHINGTON

WALL HEIGHT TABLE

WALL SECTION LABEL	TOP ELEV.	TOE ELEV.	HEIGHT
A1	1163.2	1163.1	0.1
A2	1163.2	1161.5	1.7
A3	1163.2	1163.0	0.2
B1	1161.5	1159.1	2.4
B2	1161.5	1157.9	3.6
B3	1161.5	1157.7	3.8
C1	1171.2	1171.0	0.2
C2	1166.6	1163.0	3.6
C3	1164.5	1162.5	2.0
C4	1162.7	1162.0	0.7
D1	1166.1	1166.0	0.1
D2	1166.1	1163.5	2.6
D3	1163.3	1163.0	0.3
D4	1161.8	1158.0	3.8
D5	1161.0	1158.0	3.0
D6	1159.3	1157.0	2.3
E1	1157.0	1156.0	1.0
E2	1156.0	1151.5	4.5
E3	1156.0	1152.0	4.0
E4	1156.0	1152.5	3.5
E5	1157.0	1156.0	1.0
F1	1151.5	1149.5	1.0
F2	1151.5	1148.0	3.5
F3	1151.5	1147.1	4.4
F4	1151.5	1147.0	4.5
F5	1151.5	1150.8	0.7
G1	1158.0	1157.5	0.5
G2	1153.2	1151.0	2.2
G3	1150.0	1147.5	2.5
G4	1151.5	1149.0	2.5
G5	1147.8	1146.5	1.3
G6	1148.0	1146.5	2.5
G7	1147.0	1146.0	1.0
G8	1147.0	1146.0	1.0
G9	1152.5	1150.0	2.5
G10	1152.5	1150.0	2.5
G11	1154.5	1153.0	1.5

NOTES

1. NO RETAINING WALLS GREATER THAN 30" SHALL BE CONSTRUCTED IN ANY REQUIRED SETBACK AREA. WALLS WILL BE TIERED TO ACCOMMODATE SETBACK REQUIREMENTS WHILE MIMICKING NATURAL TOPOGRAPHY.
2. MAXIMUM FILL SHALL NOT EXCEED 5 FEET. ALL FILL OVER 4 FEET SHALL BE ENGINEERED. SEE THE GEOTECHNICAL REPORT.
3. CRITICAL SLOPES AND BUFFERS IMPACTED BY THIS PROPOSAL SHALL BE MITIGATED BY THE CREATION OF RESTORATION/ENHANCEMENT AREAS. SEE THE PROPOSED MITIGATION PLAN.
4. ROOF DOWNSPOUTS TO BE CONNECTED TO EX. 8" SD PIPE AT EX. CLEANOUT LOCATED JUST N OF PROPERTY LINE IN EX. 10' PRIVATE SD EASEMENT PER PLAT. EX. CLEANOUT AND 8" SD LINE TO BE FIELD LOCATED PRIOR TO CONNECTION.

CUT AND FILL QUANTITIES:

APPROXIMATE CUT	15 CUBIC YARDS
APPROXIMATE FILL	735 CUBIC YARDS
TOTAL	750 CUBIC YARDS

PROJECT CONTACTS

OWNER/APPLICANT: RICK WYPYCH
5424 156TH AVE SE
BELLEVUE, WA 98006
206-355-3927

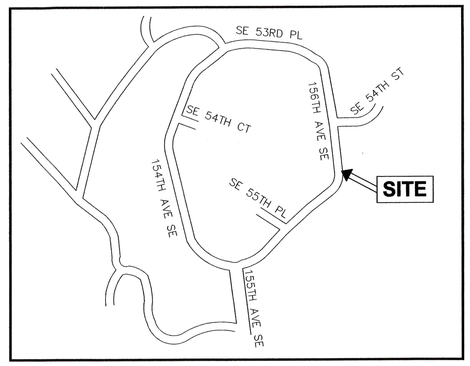
GEOTECH ENGINEER: GLEN MANN
CREATIVE ENGINEERING, INC
5418 159TH PL. NE
REDMOND, WA 98052
PH: 425-883-6889
FX: 425-867-9664

PLANNER/CONTACT: ANDY MCANDREWS
CHS ENGINEERS, LLC
12507 BEL-RED RD, STE. 101
BELLEVUE, WA 98005
PH: 425-637-3693
FX: 425-637-3694
ANDYM@CHSENGINEERS.COM

LANDSCAPE ARCHITECT: JASON WALKER, ASLA
SITE STUDIO LANDSCAPE ARCHITECTURE
P.O. BOX 1542
DUVALL, WA 98019
PH: 425-753-1294
FX: 425-671-0647

CIVIL ENGINEER: LARRY MCANDREWS, P.E.
CHS ENGINEERS, LLC
12507 BEL-RED RD, STE. 101
BELLEVUE, WA 98005
PH: 425-637-3693
FX: 425-637-3694
LARRYMC@CHSENGINEERS.COM

SURVEYOR: WILLIAM CONDREY, PLS
CHS ENGINEERS, LLC
12507 BEL-RED RD, STE. 101
BELLEVUE, WA 98005
PH: 425-637-3693
FX: 425-637-3694



VICINITY MAP

NOT TO SCALE

LEGAL DESCRIPTION

PER CHICAGO TITLE INSURANCE COMPANY SHORT PLAT CERTIFICATE ORDER NO. 1301201 DATED FEBRUARY 2, 2010:

LOT 5, THE SUMMIT DIV. NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 131 OF PLATS, PAGE(S) 50 THROUGH 52, INCLUSIVE, IN KING COUNTY, WASHINGTON.

DATUM

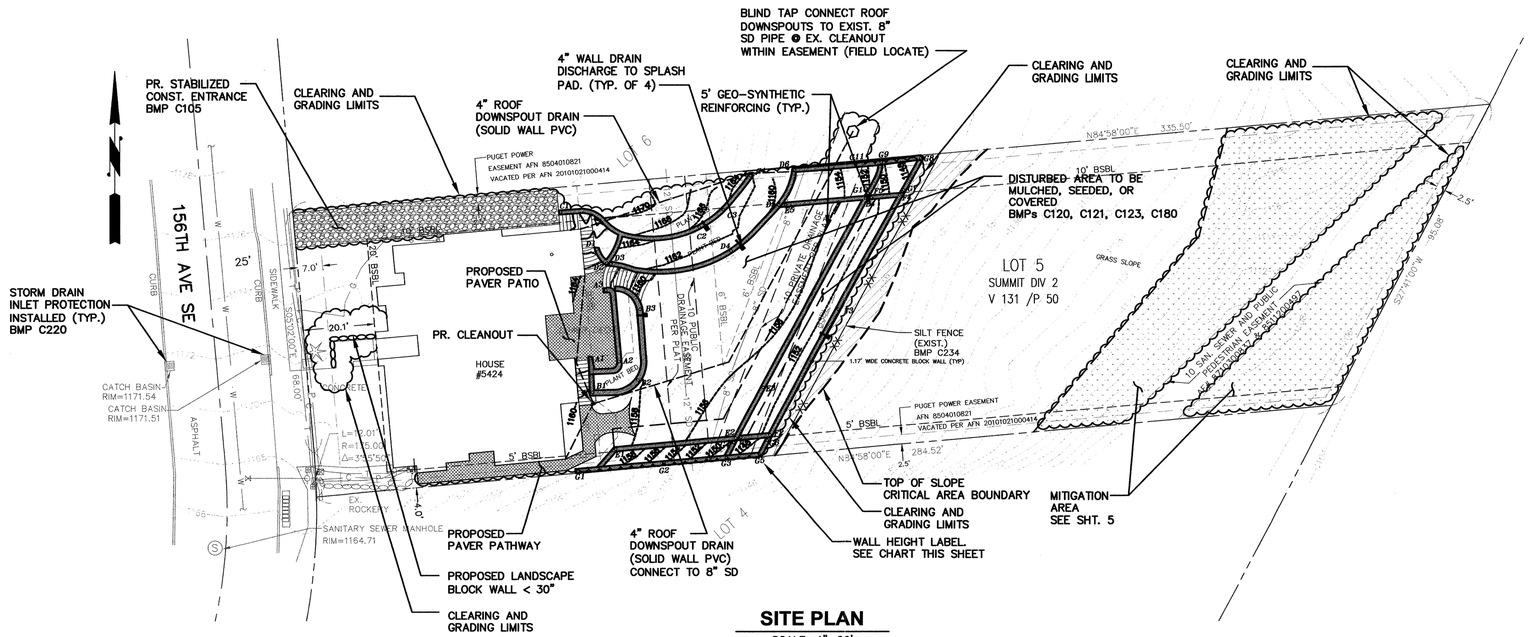
NAVD88
CITY OF BELLEVUE BRASS CAP #48
ELEVATION=1135.26

NOTE

TOPOGRAPHIC, EXISTING FEATURES AND CRITICAL AREAS SURVEY WAS PERFORMED IN 2009 BY:

JAMES R. WATKINS, PLS,
ALLIED LAND SURVEYING, INC.
20611 BOTHELL-EVERETT HWY #E216
BOTHELL, WASHINGTON 98012
(P) 425-482-0223 (F) 425-482-0224

WALL SURVEY WAS PERFORMED BY CHS ENGINEERS IN FEBRUARY 2010.



SITE PLAN

SCALE: 1"=20'

20 10 0 20 40
SCALE IN FEET

LEGEND

- EX. SANITARY SEWER MANHOLE
- EX. STORM DRAIN MANHOLE
- EX. GAS VALVE
- EX. GAS METER
- APPROX. EX. GAS LOCATION LINE
- APPROX. EX. WATER LINE LOCATION
- APPROX. EX. STORM DRAIN LINE LOCATION
- APPROX. EX. POWER LOCATION LINE
- (M) MEASURED DIMENSION
- (P) PLAT DIMENSION
- (C) CALCULATED DIMENSION
- EX. UTILITY POLE
- EX. UTILITY POLE WITH LUMINARE
- EX. POWER METER
- EX. WATER METER
- EX. HYDRANT
- EX. WATER VALVE
- EX. IRRIGATION BOX
- EX. CATCH BASIN
- EX. CONTOUR
- PROPOSED CONTOUR

SHEET INDEX

1. SITE PLAN
2. CLEARING, GRADING, DRAINAGE & TESC PLAN
3. CLEARING, GRADING & TESC PLAN & NOTES
4. TESC DETAILS & NOTES
5. MITIGATION PLAN

Received
OCT 29 2010
Permit Processing

COB CRITICAL AREA LAND USE PROJECT NO. 10-106324-LO

No.	Date	By	Ckd.	Appr.	Revision

LARRY T. McANDREWS STATE OF WASHINGTON 32117 REGISTERED PROFESSIONAL ENGINEER

CHS
12507 BEL-RED ROAD SUITE 101
BELLEVUE, WA 98005-2500
CHS ENGINEERS, LLC
TEL (425) 637-3693 FAX (425) 637-3694

Drawn By	Date	Checked By	Date
JK	10-10	LMc	10-10
Designed By	Date	Approved By	Date
AMc	2-10	LMc	10-10

5424 156TH AVENUE SE
BELLEVUE, WA 98006

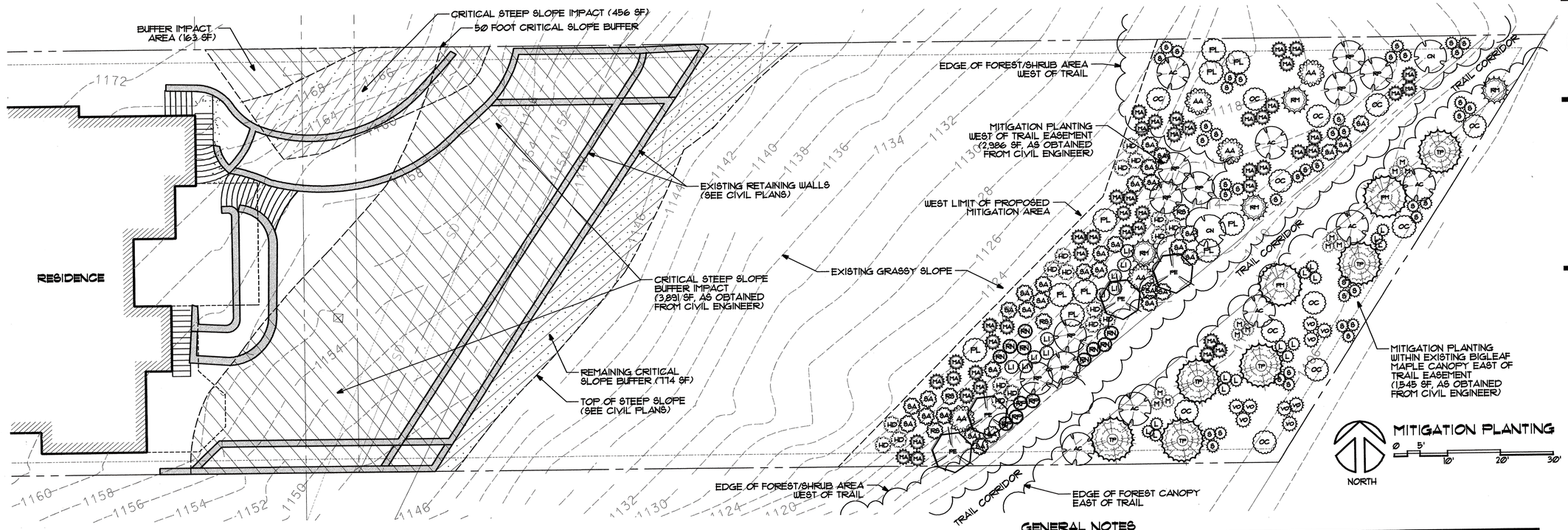
Scale:
Horiz. 1"=20'
Vert. N/A
Job No. 691003

RICK WYPYCH

CLEARING, GRADING, DRAINAGE & TESC SITE PLAN

Sheet 1 Of 5

691003 – Prelim Clear-Grading_Current.dwg 1:1 24x36 10-27-10



PLANT LEGEND

TREE SYMBOLS	SCIENTIFIC NAME	COMMON NAME	QTY.	SPACING	SIZE (MIN)	NOTES
CN	CORNUS NUTTALLII	PACIFIC DOGWOOD	2	AS SHOWN	4-6' HT, 5 Gal	SINGLE TRUNK, WELL BRANCHED
PN	PRUNUS EMARGINATA	BITTERCHERRY	4	AS SHOWN	4-6' HT, 5 Gal	SINGLE TRUNK, WELL BRANCHED
PE	PSEUDOTSUGA MENZIESII	DOUGLAS FIR	2	AS SHOWN	4-6' HT, 5 Gal	B&B, FULL & BUSHY
RP	RHAMNUS PURSHIANA	CASCARA	9	AS SHOWN	4-6' HT, 5 Gal	SINGLE TRUNK, WELL BRANCHED
TP	THUJA PLICATA	WESTERN RED CEDAR	6	AS SHOWN	4-6' HT, 5 Gal	B&B, FULL & BUSHY

SHRUB SYMBOL	SCIENTIFIC NAME	COMMON NAME	QTY.	SPACING	SIZE (MIN)	NOTES
AC	ACER CIRCINATUM	VINE MAPLE	7	AS SHOWN	4-6' HT, 5 Gal	MULTI-STEM (3 MIN)
M	ADIANTUM PEDATUM	MAIDENHAIR FERN	12	2' O.C.	1 Gallon	FULL & BUSHY
AA	AMELANCHIER ALNIFOLIA	SERVICEBERRY	5	5' O.C.	1 Gallon	MULTI-CANE (3 MIN)
L	ATHYRIUM FELIX FEMINA	LADY FERN	15	2' O.C.	1 Gallon	FULL & BUSHY
HD	HOLODISCUS DISCOLOR	OCEAN SPRAY	18	3' O.C.	1 Gallon	MULTI-CANE (3 MIN)
LI	LONICERA INVOLUCRATA	BLACK TWIN-BERRY	10	3' O.C.	1 Gallon	MULTI-CANE (3 MIN)
MA	MAHONIA AQUIFOLIUM	OREGONGRAPE	45	3' O.C.	1 Gallon	FULL & BUSHY
OC	OEMLERIA CERASIFORMIS	INDIAN PLUM	12	5' O.C.	1 Gallon	MULTI-CANE (3 MIN)
PL	PHILADELPHUS LEWISII	WILD MOCK ORANGE	10	5' O.C.	1 Gallon	FULL & BUSHY
S	POLYSTICHUM MUNITUM	SWORD FERN	43	2' O.C.	1 Gallon	FULL & BUSHY
RH	RHODODENDRON MACROPHYLLUM	PACIFIC RHODODENDRON	4	5' O.C.	1 Gallon	FULL & BUSHY
RS	RIBES SANGUINEUM	RED CURRANT	4	3' O.C.	1 Gallon	MULTI-CANE (3 MIN)
RN	ROSA NUTKANA	NOOTKA ROSE	8	3' O.C.	1 Gallon	MULTI-CANE (3 MIN)
RP	ROSA PISOCARPA	CLUSTERED WILD ROSE	4	3' O.C.	1 Gallon	MULTI-CANE (3 MIN)
SA	SYMPHORICARPOS ALBUS	COMMON SNOWBERRY	32	3' O.C.	1 Gallon	MULTI-CANE (3 MIN)
VO	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	9	3' O.C.	1 Gallon	FULL & BUSHY

BASE CAD DRAWING PROVIDED BY
CHS ENGINEERS
LARRY McANDREWS P.E.
12501 BEL-RED ROAD SUITE 101
BELLEVUE, WA 98005-2500
TEL (425) 637-3693 FAX (425) 637-3694

PLAN PROVIDED FOR CONCEPTUAL USE ONLY
CONTRACTOR TO FIELD VERIFY ALL AREAS,
GRADES AND DIMENSIONS ON SITE

GENERAL NOTES

1. PROTECTION OF SITE
Locate all existing and new underground utility lines prior to any construction. Save and protect existing trees designated to remain. Repair any damage done to curbing, sidewalks, fences, and any other damage caused as a result of this contract.

2. EXOTIC VEGETATION REMOVAL
Remove from planting areas all invasive and exotic weeds (i.e. lawn, blackberry, English ivy, scotch broom). The removal of exotic species shall be done under dry conditions between May 1st and October 31st. Removal does not include native vegetation. All removal shall be done manually.

3. PLANTING
All planting to be done manually. Planting shall be done in the dormant wet months between November 1st and April 30th, unless supplemental watering is provided by the owner during the growing season.

4. SUBGRADE PREPARATION
Remove rocks/debris larger than a 1" size from planting pits prior to backfiling and as uncovered during planting.

5. TOPSOIL AND MULCH
Pocket plant shrubs, trees and groundcover with native topsoil. Provide 36" diameter mulch rings at all plants. Mulch rings shall have 3" average depth of mulch. Mulch shall be fir bark mulch, wood chips, 100% aged organic compost, or arborist mulch.

6. PLANT MATERIALS
All plants shall conform to code of standards set forth in the latest edition of American Society for Nursery Stock.

All deciduous tress with single trunks to be size and variety as specified in plant legend, symmetrically branched,

All evergreen trees to be size and variety as specified in plant legend with full symmetrical branching low to ground.

All plant material to be nursery grown and purchased by contractor to match within each variety in size, quality and character as indicated in plant legend see Size and Remarks.

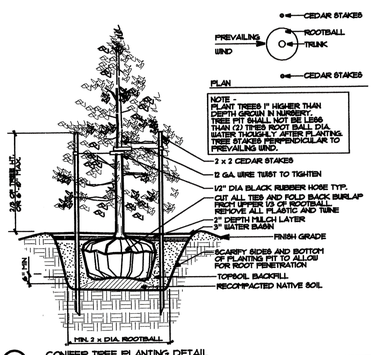
All groundcover planting to be triangularly spaced on center as indicated in plant legend throughout designated planting areas to dripline of low branching shrubs and evergreen trees.

Plant material not matching these requirements shall be rejected.

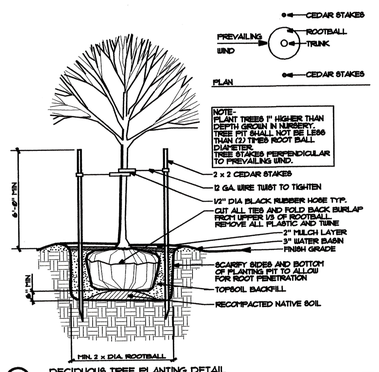
7. STAKING AND GUYING
See typical planting details.

8. MAINTENANCE AND WARRANTY
Landscape Contractor to maintain all planting areas until final acceptance of the job by the Owner. During this period all damaged, dead, diseased, dying, or broken plant materials shall be replaced immediately by the Landscape Contractor at no additional cost to the owner. Contractor shall provide a one year warranty for all plant materials.

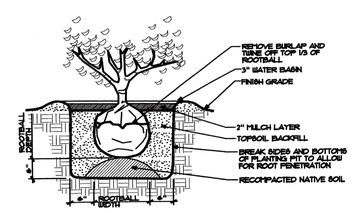
9. PROTECTION OF EXISTING TREES
No trees shall be removed. No mechanical equipment shall be used.



1 CONIFER TREE PLANTING DETAIL
NTS



2 DECIDUOUS TREE PLANTING DETAIL
NTS



3 SHRUB PLANTING DETAIL
NTS

STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT
JASON TODD WALKER
CERTIFICATE No. 768
SIGNED 12 APR 2010

SITE studio
Landscape Architecture
Environmental Services
WWW.SITESTUDIO.COM
PROJECT@SITESTUDIO.COM
P(425) 753 1294 F(425) 671-0647
PO BOX 1542 DUVALL, WA 98019

RICK WYPYCH
5424 156TH AVE SE
BELLEVUE, WA 98006
COB FILE #10-1063240-LO

MITIGATION PLANTING PLAN

REVISION
3 SEPT 2010
15 SEPT 2010

DESIGN	JW
DRAWN	JW
CHECKED	JW
DATE	12/JULY/2010

Received
OCT 29 2010
Permit Processing

SHEET 1 OF 1

M-1