



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

Proposal Name: Tomberg Residence Addition

Proposal Address: 68 Skagit Key

Proposal Description: Application for a Critical Areas Land Use Permit for a minor reduction of a 50-foot critical area structure setback from a Type F fish bearing stream for the construction of a 60 square feet addition to an existing single-family residence.

File Number: 11-117069-LO

Applicant: Robert Tomberg

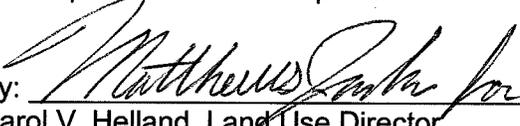
Decisions Included Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Carol Orr, 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: June 24, 2011
Notice of Application Date: August 24, 2011
Decision Publication Date: December 1, 2011
Project/SEPA Appeal Deadline: December 15, 2011

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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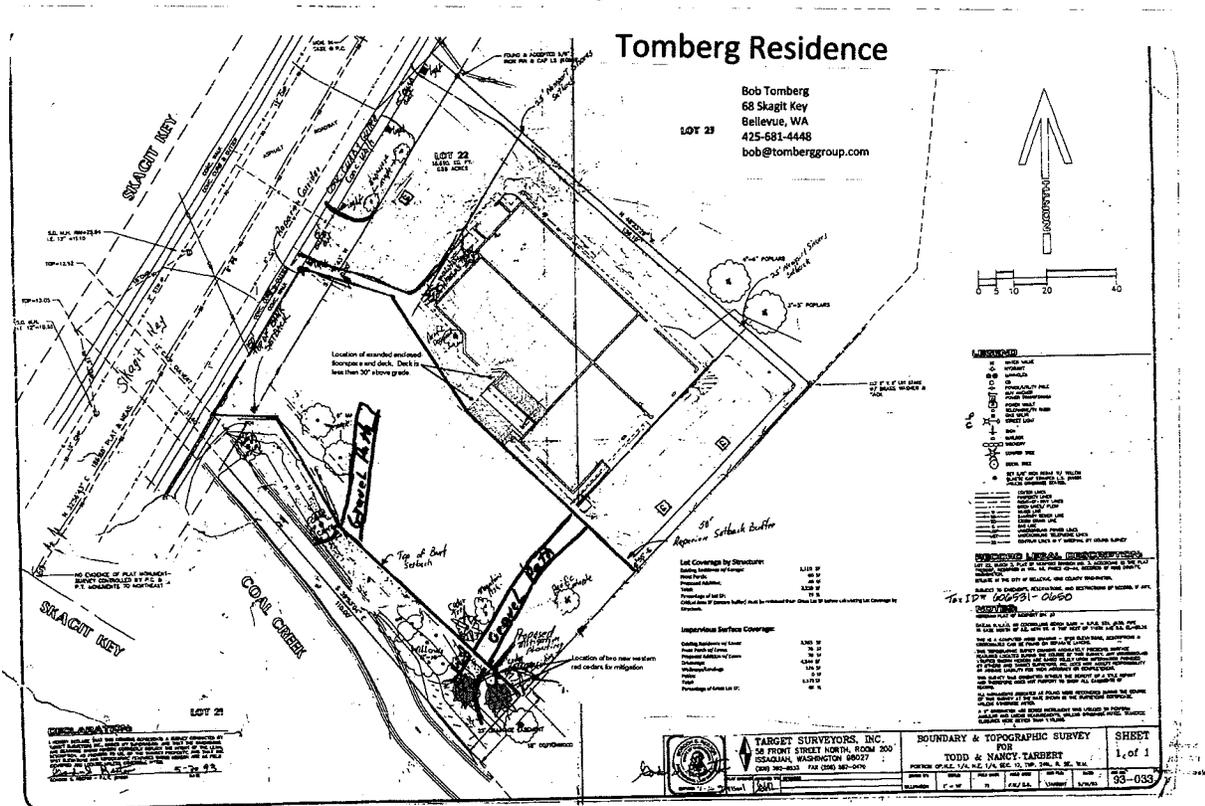
Attachments

1. Mitigation Plan – Enclosed

I. Proposal Description

The applicant proposes to construct a 40 square foot addition to the rear of his home, and extend an existing at grade deck into the 50-foot structure setback required from a Type F fish-bearing stream critical area buffer. No work is proposed within the required critical area buffer. The site is already heavily vegetated near the water's edge with native plantings, but the applicant has agreed to plant two cedar trees in this same area. A Critical Areas Land Use Permit is required to approve disturbance of the structure setback. See Figure 1 showing the proposed activities and Attachment 1 for the proposed mitigation plan.

Figure 1



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

A. Site Description

The project site is located at 68 Skagit Key in the Newport Subarea of the City. The site is located within the R-2.5 zone, within the Newport Shores development. Coal Creek runs along the southern property line, flowing from east to west towards Lake Washington. The lot is accessed from Skagit Key, and is surrounded by other similarly zoned lots developed with single family residences. See Figure 2 for existing site condition.

Figure 2



B. Zoning

The property and surrounding properties are zoned R-2.5, single-family residential. The proposed work is allowed in this zone.

C. Land Use Context

The property has a Comprehensive Plan Land Use Designation of SF-M (Single-Family Moderate Density).

D. Critical Areas On-Site and Regulations

i. Streams and Riparian Areas

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Upland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow.

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

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

A Critical Area Land Use Permit (CALUP) is required to modify portions of the 50-foot structure setback from a stream buffer. Per LUC 20.25H.055.C.3.n, the expansion of the residence is an allowed use, provided it meets the criteria of this section of the code. The site is considered developed and no additional stream buffers or setbacks are applicable. Only the stream structure setback is proposed for modification.

III. Consistency with Land Use Code Requirements:

i. Zoning District Dimensional Requirements:

The R-2.5 zoning dimensional requirements found in LUC 20.20.010 apply to the proposed construction project. Based on the plans and information submitted the structural lot coverage will be 29 percent and the impervious surface coverage will be 48 percent. The plans submitted generally demonstrate conformance with zoning dimensional standards, however conformance will be verified during building permit review. **See Conditions of Approval in Section X of this report.**

ii. 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. This site contains both a 50 foot stream buffer and a 50-foot stream buffer structure setback. The performance standards found in LUC 20.25H as specified in the table below are applicable:

Critical Area	Streams
Expansion of an Existing Single-Family Primary Structure	LUC 20.25H.055.C.3.n
Performance Standards	LUC 20.25H.080

i. Consistency With LUC 20.25H.055.C.3.n

Expansion into the critical area buffer and critical area structure setback may be allowed, pursuant to a Critical Areas Land Use Permit, where expansion outside of the critical area buffer and critical area structure setback is not feasible and where the purpose of the expansion is to serve a function that is an essential component of a single family residence. Expansion into the critical area is prohibited. Any expansion must comply with all other applicable requirements of the code, including LUC 20.20.010. Where allowed, expansions into the critical area buffer and critical area structure setback shall be limited as follows:

1. The expansion shall be along the existing building line parallel to the edge of the critical area unless such expansion is not feasible.

The proposed expansion of the existing primary structure is parallel to the edge of the critical area, critical area buffer and the existing structure.

2. Expansions shall be the minimum necessary to achieve the intended functions of the expansion, but in no event may the footprint expansion within the critical area buffer and critical area structure setback exceed 500 square feet over the life of the structure.

The proposed expansion adds merely three feet in depth to the enclosed floor space of the primary structure and an equal amount to the at grade deck. This is the minimum amount necessary to provide additional circulation space within the structure. There is no expansion into the critical area buffer, and the total expansion is only 60 square feet.

3. Areas of new permanent disturbance and all areas of temporary disturbance within the critical area buffer shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of 20.25H.210.

The site already has an established densely vegetated area at the stream bank. The applicant has agreed to plant two Western Red Cedars within this area to mitigate the increased permanent disturbance within the critical area structure setback.

See Conditions of Approval in Section X of this report.

ii. Consistency With LUC 20.25H.080

Development on sites with a Type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

1. Lights shall be directed away from the stream.

No additional lighting is proposed to be added to the exterior of the home nearest the stream.

2. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the stream, or any noise shall be minimized through use of design and insulation techniques.

The proposed scope of work adds only 3 feet of depth to the existing kitchen area. The construction work will not extend into the critical area buffer and the home will generate no more noise than it did in its prior configuration.

3. Toxic runoff from new impervious area shall be routed away from the stream.

No direct discharge to the stream is depicted on the plans from the roof of the residence to the stream. Water must first cross the lawn and planting area before entering the stream.

4. Treated water may be allowed to enter the stream critical area buffer.

No direct discharge to the stream is depicted on the plans from the roof of the residence to the stream. Water must first cross the lawn and planting area before entering the stream.

5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.

The stream buffer is already densely planted with native vegetation well suited to a riparian environment. The applicant proposes to add two additional cedar trees to the buffer as mitigation for the expansion into the critical area structure setback.

6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

The applicant has demonstrated the current critical area buffer plantings are not irrigated or fertilized. The property has been designated a Native Washington Backyard Sanctuary by Washington State Department of Fish and Wildlife. As a condition of approval the site will be required to abide by the Environmental Best Management Practices concerning the use of pesticides, insecticides, and fertilizers.

See Conditions of Approval in Section X of this report.

IV. Public Notice and Comment

Application Date: June 27, 2011
Public Notice (500 feet): August 25, 2011
Minimum Comment Period: September 8, 2011

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on August 25, 2011. It was mailed to property owners within 500 feet of the project site. No comments from neighbors were received. Karen Walters of the Muckleshoot Tribe requested additional information on the mitigation proposed for the work. Based on the information forwarded to her, the tribe had no further comments or questions.

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 concerns with the proposed development.

VI. State Environmental Policy Act (SEPA)

As no disturbance to the critical area or the critical area buffer is proposed as part of this project, this permit has been deemed categorically exempt from SEPA as outlined at BCC 22.02.045. An environmental checklist was not required.

A. Earth and Water:

The grades on this property are predominantly level, with a 22% grade at the edge of the fish bearing stream. In this area there is a 6 foot vertical rise over a distance of 27 feet. The underlying soils are classified as Briscot Silt Loam material; a stratified fine sand to silty loam.

The project is proposing to expand the single family residence in an area of the property currently permanently disturbed by an at grade deck. The proposed project avoids all disturbance to the critical area buffer, and retains all of the significant trees on the site.

A Type F stream runs the length of the southern property line. The stream bank is vegetated with native vegetation which is well established.

The implementation of standard erosion control measures will prevent any significant environmental impact to the earth or water resources. The best management practices required in Chapter 23.76 BCC are adequate to mitigate any expected impacts.

See Conditions of Approval in Section X.

B. Plants and Animals:

The stream on site is known to contain species of local importance, and the area immediately adjacent to the stream contains a variety of habitat types. The vegetation on the property consists predominantly of lawn, with some ornamental plantings, but the area

immediately adjacent to the stream is densely vegetated with native vegetation. There will be no adverse impacts to wildlife as the project is not proposing any disturbance within the critical area buffer nearest the stream and no habitat associated with species of local importance will be removed.

See Conditions of Approval in Section X.

C. Noise:

The site is adjacent to single family uses whose residents are most sensitive to noise impacts in the evening and on the weekends. Noise impacts will be minimized by limiting work hours as specified in the City of Bellevue Noise Control Code, BCC 9.18.

See Conditions of Approval in Section X.

VII. Changes to Proposal Due to Staff Review

Staff requested a mitigation replanting plan be prepared for the additional permanent disturbance within the critical area structure setback. The applicant submitted the requested revisions. **See Conditions of Approval in Section X of this report.**

VIII. Decision Criteria

A. 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;**
Finding: The applicant has submitted a building permit application to construct the addition to the home. **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;**
Finding: The proposal is consistent with required performance standards for streams as discussed in Section III of this report.
- 3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and;**
Finding: As discussed in Section III of this report, the applicable performance standards are being met.
- 4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**
Finding: The proposed activity will not affect public services or facilities.
- 5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**

Finding: A mitigation plan, consistent with LUC 20.25H.210, has been submitted to plant 2 western red cedars within the existing vegetated buffer near the stream. The project is required to be monitored for three years. The monitoring, maintenance, and reporting schedule will be as proposed in the mitigation plan. **See Conditions of Approval in Section X of this report.**

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

Finding: 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 modification of the 50-foot stream buffer structure setback, in order to construct an addition to the existing single-family residence.

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	suzunow@bellevuewa.gov
Land Use Code- BCC Title 20	Carol Orr, 425-452-2896	corr@bellevuewa.gov
Noise Control- BCC 9.18	Carol Orr, 425-452-2896	corr@bellevuewa.gov

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. A Building Permit (type BR) is required. Plans submitted as part of either permit application shall be consistent with the plans reviewed as part of this approval.

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

- 2. Mitigation and Monitoring Plan:** The proposed planting and monitoring is acceptable and meets requirements. An annual monitoring report is to be submitted by December 31 of each year taken from the same location each year. There should be 3 reports total; one after the first growing season. Reports are to be e-mailed to the Land Use reviewer or mailed to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.30P.140; Land Use Code 20.25H.220.F
Reviewer: Carol Orr, Development Services Department

- 3. Land Use Inspections:** Following installation of the two Western Red Cedars, the applicant shall contact Land Use staff to inspect the trees to begin the 3-year monitoring period. Staff will need to see by the photos submitted that the plants are in a healthy and growing condition and the mitigation plan is successful. To schedule an inspection please call Carol Orr at 425-452-2896.

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

- 4. 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.

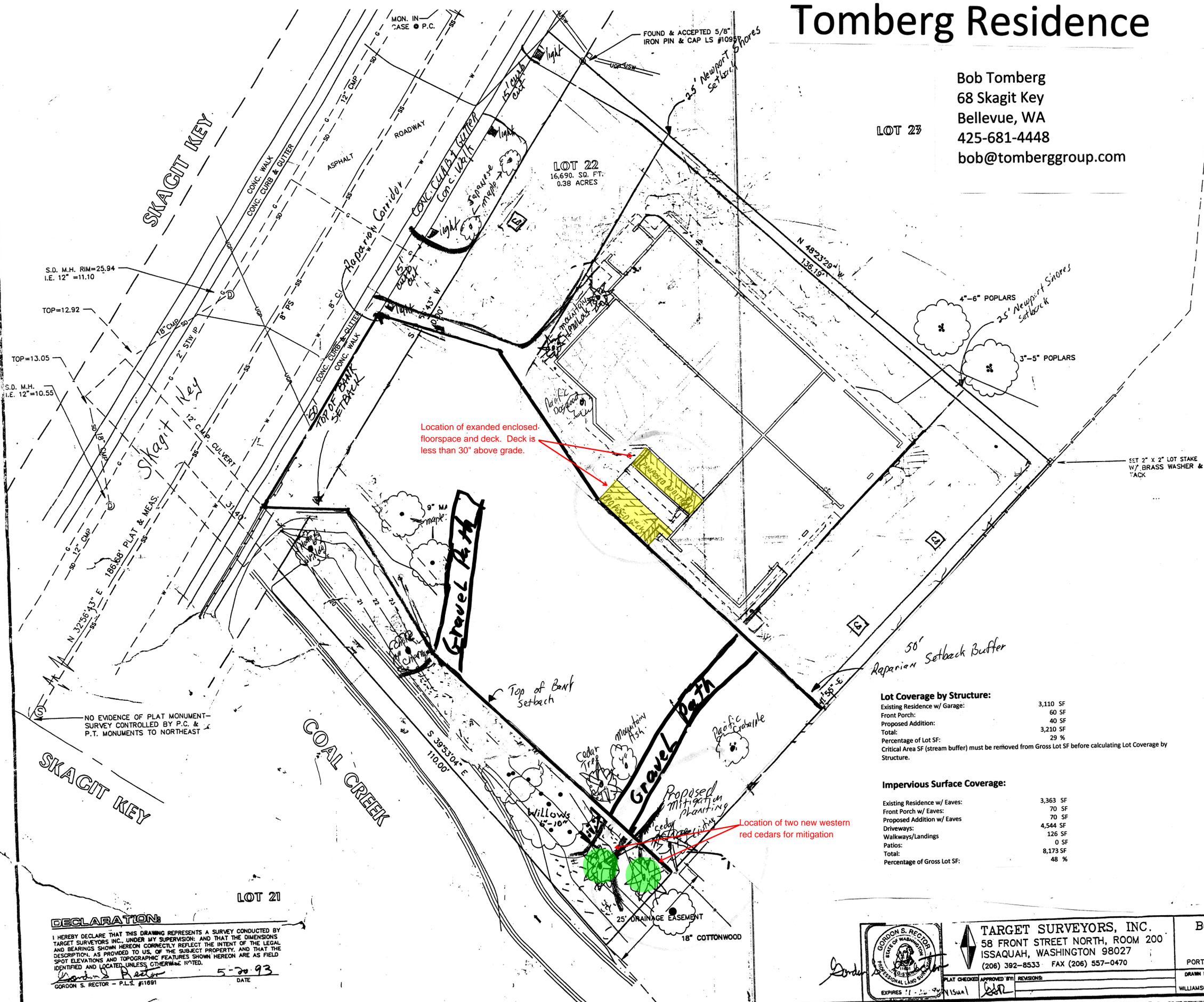
Authority: Bellevue City Code 9.18
Reviewer: Carol Orr, Development Services Department

Tomberg Residence

Bob Tomberg
68 Skagit Key
Bellevue, WA
425-681-4448
bob@tomberggroup.com

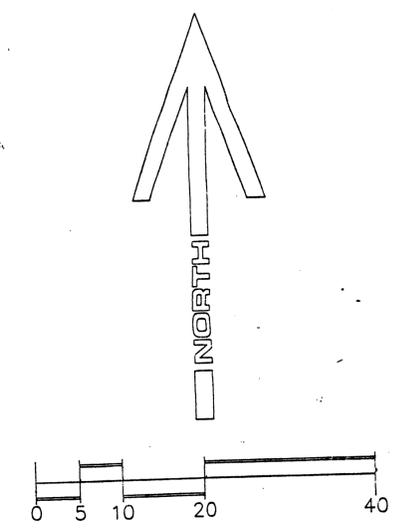
LOT 23

LOT 22
16,690 SQ. FT.
0.38 ACRES



Location of exanded enclosed floorspace and deck. Deck is less than 30" above grade.

Location of two new western red cedars for mitigation



- LEGEND**
- ⊗ WATER VALVE
 - ⊕ HYDRANT
 - ⊙ MANHOLES
 - ⊖ CB
 - ⊕ POWER/UTILITY POLE
 - ⊕ GUY ANCHOR
 - ⊕ POWER TRANSFORMER
 - ⊕ POWER VAULT
 - ⊕ TELEPHONE/TV RISER
 - ⊕ GAS VALVE
 - ⊕ STREET LIGHT
 - ⊕ SIGN
 - ⊕ MAILBOX
 - ⊕ ROCKERY
 - ⊕ CONIFER TREE
 - ⊕ DECID. TREE
 - ⊕ SET 5/8" IRON REBAR W/ YELLOW PLASTIC CAP STAMPED L.S. #11691 UNLESS OTHERWISE STATED.
 - CENTER LINES
 - PROPERTY LINES
 - RIGHT-OF-WAY LINES
 - DITCH LINES/ FLOW
 - W WATER LINE
 - SS SANITARY SEWER LINE
 - SD STORM DRAIN LINE
 - G GAS LINE
 - UGP UNDERGROUND POWER LINES
 - UGT UNDERGROUND TELEPHONE LINES
 - 25' CONTOUR LINES @ 1' INTERVAL BY GROUND SURVEY

RECORD LEGAL DESCRIPTION:
LOT 22, BLOCK 3, PLAT OF NEWPORT DIVISION NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOL. 95, PAGES 42-44, RECORDS OF KING COUNTY, WASHINGTON.
SITUATE IN THE CITY OF BELLEVUE, KING COUNTY WASHINGTON.

SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD, IF ANY.
Tax ID# 606531-0650

NOTES:
MERIDIAN: PLAT OF NEWPORT DIV. #3
DATUM: N.V.A.D. 88 CONTROLLING BENCH MARK = G.P.S. STA. #138; PIPE IN CASE NORTH OF S.E. 40TH ST. ± 750' WEST OF 118TH AVE S.E. EL.=20.52
THIS IS A COMPUTER AIDED DRAWING - SPOT ELEVATIONS, DESCRIPTIONS & COORDINATES CAN BE FOUND ON SEPARATE LAYERS.
THIS TOPOGRAPHIC SURVEY DRAWING ACCURATELY PRESENTS SURFACE FEATURES LOCATED DURING THE COURSE OF THIS SURVEY. ANY UNDERGROUND UTILITIES SHOWN HEREON ARE BASED SOLELY UPON INFORMATION PROVIDED BY OTHERS AND TARGET SURVEYORS, INC. DOES NOT ACCEPT RESPONSIBILITY OR ASSUME LIABILITY FOR THEIR ACCURACY OR COMPLETENESS.
THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
ALL MONUMENTS INDICATED AS FOUND WERE RECOVERED DURING THE COURSE OF THIS SURVEY AT THE DATE SHOWN IN THE SURVEYORS CERTIFICATE, UNLESS OTHERWISE NOTED.
A 2" GEOMETER 400 SERIES INSTRUMENT WAS UTILIZED TO PERFORM ANGULAR AND LINEAR MEASUREMENTS, UNLESS OTHERWISE NOTED. TRAVERSE CLOSURES WERE BETTER THAN 1:10,000.

Lot Coverage by Structure:

Existing Residence w/ Garage:	3,110 SF
Front Porch:	60 SF
Proposed Addition:	40 SF
Total:	3,210 SF
Percentage of Lot SF:	29 %

Critical Area SF (stream buffer) must be removed from Gross Lot SF before calculating Lot Coverage by Structure.

Impervious Surface Coverage:

Existing Residence w/ Eaves:	3,363 SF
Front Porch w/ Eaves:	70 SF
Proposed Addition w/ Eaves:	70 SF
Driveways:	4,544 SF
Walkways/Landings:	126 SF
Patios:	0 SF
Total:	8,173 SF
Percentage of Gross Lot SF:	48 %

DECLARATION:
I HEREBY DECLARE THAT THIS DRAWING REPRESENTS A SURVEY CONDUCTED BY TARGET SURVEYORS INC. UNDER MY SUPERVISION, AND THAT THE DIMENSIONS AND BEARINGS SHOWN HEREON CORRECTLY REFLECT THE INTENT OF THE LEGAL DESCRIPTION, AS PROVIDED TO US, OF THE SUBJECT PROPERTY, AND THAT THE SPOT ELEVATIONS AND TOPOGRAPHIC FEATURES SHOWN HEREON ARE AS FIELD IDENTIFIED AND LOCATED UNLESS OTHERWISE NOTED.
Gordon S. Rector - P.L.S. #11691
DATE 5-20-93

TARGET SURVEYORS, INC.
58 FRONT STREET NORTH, ROOM 200
ISSAQUAH, WASHINGTON 98027
(206) 392-8533 FAX (206) 557-0470

PLAT CHECKED APPROVED BY: [Signature]
EXPIRES: 11-15-01

BOUNDARY & TOPOGRAPHIC SURVEY FOR TODD & NANCY TARBERT

PORTION OF: N.E. 1/4, N.E. 1/4, SEC. 17, TWP. 24N., R. 5E., W.M.

DRAWN BY:	WILLIAMSON	SCALE:	1" = 10'	FIELD BOOK:	75	FIELD CREW:	F.W./D.G.	DWG FILE:	TARBERT	DATE:	5/18/93	JOB NO.:	93-033
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Permit Processing

Expansion of an existing single family residence into a Type F stream structure setback.

68 Skagit Key Bellevue, WA 98006

11-117069-LO
Tomberg Residence Addition

