



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

Proposal Name: Bakker Stream Buffer Disturbance and Restoration

Proposal Address: 16721 SE 18th Street

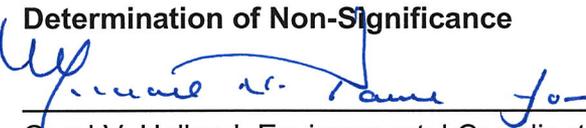
Proposal Description: The applicant requests a Critical Areas Land Use Permit with a Critical Areas Report for disturbance within a Type F stream critical area buffer for replacement and modification of a concrete slab, an at-grade deck and a privacy fence, along with associated mitigation and restoration within the buffer stream buffer.

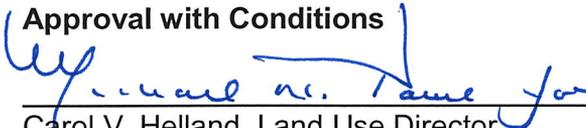
File Number: 12-104350-LO

Applicant: Ernie Bakker

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

Planner: Kevin LeClair, 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**

Carol V. Helland, Land Use Director
Development Services Department

Application Date: January 24, 2012
Notice of Application Publication Date: February 9, 2012
Decision Publication Date: March 22, 2012
Project/SEPA Appeal Deadline: April 5, 2012

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.



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Ernie Bakker

LOCATION OF PROPOSAL: 16721 SE 18th Street

NAME & DESCRIPTION OF PROPOSAL:

Bakker Stream Buffer Disturbance and Restoration: Critical Areas Land Use Permit with a Critical Areas Report for disturbance within a Type F stream critical area buffer for replacement and modification of a concrete slab, an at-grade deck and a privacy fence, along with associated mitigation and restoration within the buffer stream buffer.

FILE NUMBER: 12-104350-LO

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

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on April 5, 2012.
- 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

3/22/2012
 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

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1. Environmental Checklist
2. Critical Areas Report – In File
3. Mitigation and Restoration Plan – In File

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit for the following disturbance activities within a stream critical area buffer and critical area structure setback:

- Remove the pre-existing 299 square foot concrete patio and replace with 172 square feet of concrete patio.
- Remove and replace a concrete pad supporting a hot tub. The newly poured concrete pad would support the existing hot tub and be moved slightly closer to the house and further from the stream.
- Construct a new, at-grade deck adjacent to the master bedroom and hot tub pad, in the same area as the old deck. The new deck would measure approximately 221 square feet in size and would be positioned in nearly the identical area as the pre-existing deck.
- Construct an eight-foot-tall wood privacy fence along the eastern perimeter of the concrete slab. The fence screens the concrete area and deck from view and prevents light spillover into the stream buffer.
- Install a new split rail fence along the top of the existing rock retaining wall. The fence will serve as a safety measure for pedestrians and also help to prohibit access into the stream corridor.
- Remove 147 square feet of existing concrete patio on the southwest corner of the home and construct a new 375 square foot at-grade deck at the outer edge of the critical area structure setback.
- Remove the existing stone patio directly adjacent to the stream. The area will be restored with native plantings.
- Install native plantings within the stream buffer. Some areas of English ivy will be removed to make room for native plantings.

In addition to the modifications within the stream buffer, planting of the cleared areas within and beyond the critical area structure setback is also proposed. Further, a wood deck, approximately 360 square feet in size, is to be constructed adjacent to the kitchen, in the southwest corner of the residence. The deck will replace the previously removed concrete patio. Approximately 292 square feet of the deck will fall within the 50-foot structure setback, while the remainder will be located outside the setback.

The site improvements requested above were all pre-existing in some form and considered non-conforming site conditions within the stream critical area buffer per Land Use Code (LUC) 20.25H.065.C, therefore they may not be changed unless the change conforms to the regulations of the LUC.

The applicant has submitted a critical areas report, per LUC 20.25H.230 to request that these site conditions be allowed to remain and be changed to the degree discussed above. The applicant has submitted a mitigation and restoration plan and a functional lift analysis that presents a case that a net gain in ecological function can be achieved through their proposal over what would be achieved through a standard application of the code. No permanent modification of the buffer dimensions is

proposed.

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

A. Site Description

The site is located at 16721 SE 18th Street (King County parcel # 0124059056). The property is bordered to the east by 168th Avenue SE and Weowna Park and to the north, south and west by single family residences.

The parcel is rectangular-shaped and 21,769 square feet (0.50 acre) in size. The property is relatively flat with steeper slopes along the banks of Phantom Creek. The lot presently contains a house (built in 1977) with attached garage and a driveway.

Phantom Creek bisects the eastern portion of the property, flowing from north to south on its way to Lake Sammamish. Phantom Creek originates as the outflow channel from Phantom Lake approximately 1,200 feet to west of the property.

On the property, Phantom Creek is approximately 5 feet below the average grade of the lot. The banks of the creek are heavily armored with large rocks. As the creek flows off the property it goes into a culvert under 168th Ave SE and into Weowna Park. There is a low bank area of approximately 120 square feet adjacent to the creek that is covered with a flagstone patio and accessed via wooden steps from the side yard of the house.

B. Zoning

The property is zoned R-3.5. The property is also within the Critical Areas Overlay District due to the presence of a Type F stream (Phantom Creek) on the property.

C. Land Use Context

The property is developed with a single-family residential property, within a medium density single-family residential neighborhood. Many of the homes in the neighborhood were developed in the 1970's and 1980's. The neighborhood is characterized by a relatively continuous evergreen tree canopy. Across the street to the east is the Phantom Lake Multi-Use Trail and Weowna Park, a 90-acre, forested open space owned and managed by the Bellevue Parks and Community Services Department.

D. Critical Areas Functions and Values

i. Streams and Riparian Areas

A healthy aquatic environment relies on processes sustained by dynamic interaction between the stream and the adjacent riparian area. Riparian vegetation in along stream banks provides a buffer to help mitigate the impacts of urbanization. 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.

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. 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. Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-3.5 zoning district. The proposal contains no structural elements to which the dimensional requirements apply, with the exception of the impervious surface standards. The maximum impervious surface for a property within the R-3.5 land use zoning district is 50%. The proposal will result in a total impervious surface coverage on the property of is approximately 8,000 square feet, which is less than the allowed 10,884 square feet (50% of 21,769 square feet) for the property.

B. Stream Critical Area Performance Standards LUC 20.25H.080.A:

i. Lights shall be directed away from the stream.

No new lights are proposed as part of the project. However, the addition of an eight-foot-tall privacy fence will help to block spillover light from the master bedroom and deck area.

ii. 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.

Proposed concrete and deck surfaces (and their associated activities) will be located slightly further from the stream than under existing conditions. The hot tub will be shifted slightly closer to the stream; however, a privacy fence constructed between the stream and hot tub will help to prevent noise from reaching the stream. Overall, noise levels are not expected to increase compared to pre-existing site conditions.

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

The proposed project will result in an overall decrease in impervious surfaces within close proximity to the stream. No pollution generating surfaces are proposed. The addition of 440 square feet of native plantings adjacent to the stream will help to filter any pollutants from on-site runoff, thereby resulting in a net increase of on-site stormwater functions.

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

No change in on-site runoff patterns or drainage facilities is proposed. However, new native plantings adjacent to the stream will help to filter pollutants and infiltrate stormwater prior to it reaching the stream.

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

A degraded portion of the stream buffer, 440 square feet in size, will be planted with native species. Native species include vine maple, red-osier dogwood, oceanspray, red-flowering currant, evergreen huckleberry, coastal strawberry, salal, dull Oregon-grape, false lily of the valley, and redwood sorrel. Split-rail fencing will also be installed along a portion of the stream channel. The fencing will help to prevent human intrusion and disturbance.

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

Generally, weed control efforts in the stream buffer will employ manual removal. If any persistent weed or pest problems require pesticide control, the City would be contacted to verify compliance with City of Bellevue BMPs and, if allowed, a licensed pesticide applicator would be hired.

C. Consistency with Critical Areas Report LUC 20.25.230.

The applicant supplied a complete critical areas report prepared by The Watershed Company, a qualified professional. The report met the minimum requirements in LUC 20.25H.250.

The report, along with the associated mitigation and restoration plan, identified and classified all of the critical areas and critical area buffers on the site. It also discussed the extension of the critical area and buffers onto adjacent properties.

The critical areas report identified the regulations in the LUC proposed to be modified as LUC 20.25H.065. This is the provision that does not allow modification of pre-existing non-conforming site conditions.

The critical areas report contained an assessment of the habitat on the property consistent with the requirements of LUC 20.25H.165.

The critical areas report found that modifications within the buffer will result in a smaller total area of impervious surfaces/structures. Coupled with restoration of

degraded portions of the stream buffer, long term cumulative impacts are expected to be beneficial. This includes an increase in species and structural diversity, improved stormwater quality function, and increased bank stability. Short term construction impacts may result in a minimal amount of temporal loss. Construction impacts would be minimized to the greatest extent feasible by utilizing applicable BMPs.

The analysis of the level of protection of critical area functions and values provided by the regulations compared with the protection provided by the proposal found that the net condition was improved overall by the proposal when considering the functions of water quality, hydrology and wildlife habitat. The findings were largely based on the enhancement of the stream buffer with native planting that would increase species richness and diversity.

As mentioned above, the critical areas report contained a mitigation and restoration plan developed in accordance with LUC 20.25H.210 through 20.25H.225, and LUC 20.25H.085. The applicant developed the proposal project by first attempting to avoid impacts to the on-site critical area and buffer. Standard application of LUC 20.25H would result in the applicant being unable to improve functionality and privacy related to exterior appurtenances, the applicant then proceeded to minimize impacts to the greatest extent possible. The applicant mitigates for the modification within the stream buffer through a proposed restoration plan to improve the critical area functions and values relative to the existing condition. A monitoring and maintenance plan for the proposed restoration area has also been prepared and is included as part of the mitigation and restoration plan.

D. Consistency with Critical Areas Report – Additional provisions LUC 20.25H.110.

The proposal is not seeking to permanently modify the dimensions of the critical area buffer of the Type F stream, so this provision of the code does not apply.

IV. Public Notice and Comment

Application Date: January 24, 2012
Public Notice (500 feet): February 9, 2012
Minimum Comment Period: February 23, 2012

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on February 9, 2012. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

A temporary erosion and sedimentation control plan is included in the project plans, and addresses all requirements for enhancing the site beyond its current condition, as well as erosion and sedimentation management practices. Erosion and sediment control best management practices include the installation of silt fencing below the work area and covering exposed soils to prevent migration of soils to the adjacent water course. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section X for a related condition of approval.

B. Animals

The on-site section of Phantom Creek is located approximately 1,500 feet upstream from Lake Sammamish at an elevation approximately 240 feet above the lake. Cascades, culverts and gradients greater than 25 percent in this section prevent upstream migration into Phantom Creek. However, the on-site stream is still considered to have slight fish use due to its connectivity with Phantom Lake. Phantom Lake is known to contain warm-water fish species. No work is to occur within the active channel of the stream and the riparian restoration is expected to be beneficial for habitat in the stream and on the property. No significant short or long-term impacts are anticipated.

C. Plants

Mitigation for temporary and permanent disturbance will be approved pursuant to an approved re-vegetation and monitoring plan. See Section X for related conditions of

approval.

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

VII. Changes to proposal as a result of City review

One change was made to the proposal as a result of city review. This change was the requirement to also remove a set of wooden stairs leading down to a flagstone patio that is scheduled for removal and restoration as part of the mitigation plan. The area of the removed stairs shall be restored with native plantings.

VIII. Decision Criteria

A. Critical Areas Report Decision Criteria- General Criteria LUC 20.25H.255

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;**

Finding: The applicant has provided a critical areas report that demonstrates that the critical area and buffer on the property are better protected through the proposal than through a standard application of the code. In summary, the applicant is proposing a net reduction of 43 square feet of concrete and deck coverage within the critical area buffer and critical area structure setback. The applicant is also proposing to perform 440 square feet of stream buffer restoration to offset the impacts associated with modifying these features.

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

Finding: The applicant's mitigation and restoration plan includes 5 years of maintenance and monitoring. The plan specifies species for planting, describes maintenance activities, and sets forth performance standards to be met yearly during monitoring. To ensure that the proposed plantings are installed and that the five-year maintenance and monitoring plan is implemented, the applicant will post an Installation Assurance Device and a Maintenance Assurance Device prior to building permit issuance.

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

Finding: The stream and stream buffer continue off-site to the north and east. Restoration of significant portions of the on-site stream buffer will provide improved water quality, erosion control, and habitat. The stream buffer is currently dominated by an English ivy monoculture. The native trees and shrubs included in the restoration plan will provide a more complex variety of vegetation, increasing the overall habitat function of the area, thereby improving habitat functions on adjacent properties.

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

Finding: The site is currently developed with a single-family residential structure and associated appurtenances. The surrounding development is similar in nature and the proposal is consistent and compatible with the surrounding neighborhood.

B. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

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

Finding: The proposal is required to obtain a clearing and grading in critical area permit to review, approve and inspect the site improvements to ensure consistency with the codes and standards and adherence to the proposed plan.

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: As mitigation for impacts of the proposed appurtenance modifications, the existing degraded stream buffer will be restored. The design of improvements constitutes the minimum necessary impact on the stream buffer by minimizing the total size of impervious elements and maximizing the distance of improvements from the stream. These development techniques, coupled with the planting of native vegetation, will result in the least possible impact on the critical area and critical area buffer.

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

Finding: As discussed in Section III above, the proposal incorporates and complies with the applicable performance standards of Part 20.25H.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The property is currently served by adequate public facilities. The proposal will not change the need for public facilities on the property.

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

Finding: As discussed in Section III above, the proposal includes a mitigation and restoration plan that is consistent with LUC 20.25H.210.

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

Finding: As discussed in Section III and V of 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, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to disturb a portion of the stream critical area buffer at the 16721 SE 18th Street in order to modify existing non-conforming site conditions.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928
Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928

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

1. Restoration for Areas of Temporary Disturbance: The applicant is required to restore all areas of temporary disturbance associated with the removal of the existing concrete slab and the flagstone patio within the stream critical area buffer. The applicant shall also remove the wooden stairs leading down from the yard to the flagstone patio to be removed. This area shall also be restored with native plantings. The restoration plan is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Clearing and Grading Permit. The plan shall include documentation of existing site conditions and shall identify the restoration measures to return the site to its existing conditions per LUC 20.25H.220.H.

Authority: Land Use Code 20.25H.220
Reviewer: Kevin LeClair, Land Use

2. Mitigation for Areas of Disturbance: The applicant has submitted a conceptual mitigation plan covering 440 square feet. This plan shall be submitted for review and approval by the City of Bellevue prior to issuance of the Clearing and Grading Permit. The plan shall be modified to also include restoration of the area that currently contains a set of wooden steps leading down to the flagstone patio that is scheduled for restoration. In order to ensure the mitigation plan successfully establishes, the mitigation shall meet the following performance standards for a period of five years following installation:

- i) Survival: Achieve 100% survival of installed plants by the end of Year 1. This standard can be met through plant establishment or through replanting as necessary to achieve the required numbers.
- ii) Native cover:
 - a. Achieve 60% understory cover of native shrubs by Year 3. Native volunteer species may count towards this cover standard.
 - b. Achieve 80% understory cover of native shrubs by Year 5. Native volunteer species may count towards this cover standard.
- iii) Species diversity: Establish at least three native shrub species and two native groundcover species by Year 3 and maintain this diversity through Year 5. Native

volunteer species may count towards this standard.

- iv) Invasive cover: Aerial cover for all non-native, invasive and noxious weeds within the planting areas will not exceed 10% at any year during the monitoring period. Invasive plants include ivy species (*Hedera spp.*), Himalayan blackberry (*Rubus armeniacus*), cut leaf blackberry (*Rubus laciniatus*) and English holly (*Ilex aquifolium*). Invasive plants are defined as those listed by the Washington State Noxious Weed Control Board as Class A, B, or C.

A monitoring report meeting the proposed standards in section of 6.2.3 of the applicant's critical areas report shall be submitted annually to verify success.

Authority: Land Use Code 20.25H.220
Reviewer: Planner, Land Use

3. Performance Assurance Device: To ensure the mitigation and restoration is installed, a performance assurance device in an amount equal to 100% of the cost of labor and materials for the installation shall be submitted, prior to the issuance of the required clearing and grading permit and held until mitigation and restoration has been successfully installed. The performance assurance device will be released to the applicant upon receipt of maintenance assurance device required in condition of approval #4 below, to ensure successful establishment of the mitigation and restoration effort.

Authority: Land Use Code 20.25H.220.F
Reviewer: Kevin LeClair, Land Use

4. Maintenance Assurance Device: In order to ensure the mitigation successfully establishes, a maintenance assurance device in an amount equal to 100% of the cost of labor and materials for the landscape installation shall be held for a period of three years from the date of successful installation. The maintenance assurance device will be released to the applicant upon receipt of documentation of reporting successful establishment in compliance with the performance standards stated in condition of approval #2 above.

Authority: Land Use Code 20.25H.220.F
Reviewer: Kevin LeClair, Land Use

5. Rainy Season Restrictions: Due to the proximity to a Type F stream, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Savina Uzunow, Clearing and Grading

6. Pesticides, Insecticides, and Fertilizers: The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H

Reviewer: Kevin LeClair, Land Use

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: Kevin LeClair, Land Use

ENVIRONMENTAL CHECKLIST

12/21/00

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: **Ernest and Verla Bakker**

Proponent: **Ernest and Verla Bakker**
16721 SE 18th Street
Bellevue, WA 98008

Bellevue file #12-104350 LO
 Reviewed on February 6, 2012
 Reviewer: Kevin LeClair, Senior Land Use Planner
 Contact: 425-452-2928, kleclair@bellevuewa.gov

Contact Person: **Kenny Booth, The Watershed Company**
 (If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **750 Sixth Street South, Kirkland, WA 98033**

Phone: **(425) 822-5242**

Proposal Title: **Bakker Stream Buffer Restoration**

Proposal Location (Street address and nearest cross street or intersection) Provide a legal description if available:

Street Address:
16721 SE 18th Street
Bellevue, WA 98008

Parcel:
0124059056

Legal Description:
LOT A CITY OF BELLEVUE SHORT PLAT 76-35 REC AF #7608300513 SD PLAT DAF POR OF NW 1/4 OF SW 1/4 BEG NE COR LOT 1 LAKE MANOR ESTATES TH W ALG N LN SD PLAT 528 FT TH N 01-06-16 E 164.95 FT TH S 88-38-31 E 528 FT TAP ON WLY MGN 168TH AVE SE TH S ALG SD MGN 164.91 FT TO POB

Please attach an 8½" X 11" vicinity map that accurately locates the proposal site. **See last page.**

Give an accurate, brief description of the proposal's scope and nature:

The subject lot presently contains a single-family residence located approximately 15 feet from Phantom Creek at its nearest location. On October 7, 2011, City of Bellevue Code Compliance, under Case #11-124434-EA, issued a *Request for Voluntary Compliance* for the Bakker property. According to the summary of violation, the Bakker's cleared in a stream buffer, installed footings and a concrete slab within the buffer, and conducted greater than 1000 square feet of clearing outside the buffer. All of these activities occurred without obtaining the proper permits and approvals from the City. All work within the buffer has since been stopped.

The applicant proposes to continue work on the planned improvements, following issuance of all required

City permits and approvals.

The following improvements are proposed within the stream buffer of Phantom Creek:

1. Remove the pre-existing concrete pad that supported the hot tub. The newly poured concrete pad would remain to support the repositioned hot tub.
2. Construct a new deck adjacent to the master bedroom, in the same area as the old deck. The new deck would measure approximately 221 square feet in size and would be positioned in nearly the identical area as the pre-existing deck.
3. Construct an eight-foot-tall wood fence along the eastern perimeter of the existing concrete slab. The fence will screen the concrete area and deck from view.
4. Install a new split rail fence along the top of the existing rock retaining wall. The fence will serve as a safety measure for pedestrians and also help to prohibit access into the stream corridor.
5. Remove the existing stone patio directly adjacent to the stream. The area will be restored with native plantings.
6. Install native plantings within the stream buffer. Some areas of English ivy will be removed to make room for native plantings. However, the majority of the ivy will remain as the presence of mountain beavers in this stream corridor would prevent native plantings from establishing in areas of existing ivy.

In addition to the modifications within the stream buffer, planting of the cleared areas within and beyond the critical area structure setback is also proposed. Further, a wood deck, approximately 360 square feet in size, is to be constructed adjacent to the kitchen, in the southwest corner of the residence. The deck will replace the previously removed concrete patio. Approximately 292 square feet of the deck will fall within the 50-foot structure setback, while the remainder will be located outside the setback.

1. Acreage of site: **0.50 acre (21,769 square feet)**
2. Number of dwelling units/buildings to be demolished: **No dwelling units will be demolished.**
3. Number of dwelling units/buildings to be constructed: **No new dwelling units or buildings will be constructed.**
4. Square footage of buildings to be demolished: **N/A**
5. Square footage of buildings to be constructed: **N/A**
6. Quantity of earth movement (in cubic yards): **No cut is proposed. Approximately 10 cubic yards of mulch for native plantings.**
7. Proposed land use: **No changes are proposed to the existing land use.**
8. Design features, including building height, number of stories, and proposed exterior materials: **Proposed structures include a new deck adjacent to the master bedroom, a new deck adjacent to the living room, a six-foot-tall privacy fence along the perimeter of the concrete slab, and a split rail fence along the edge of the streamside retaining wall.**
10. Other

REVIEWED

By Kevin LeClair at 11:00 am, Feb 06, 2012

Estimated date of completion of the proposal or timing of phasing:

Completion of construction activities within the buffer, as well installation of mitigation plantings, is expected to occur in late spring 2012.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Following issuance of a Critical Areas Land Use Permit, a Clearing and Grading Permit would be submitted.

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

**Critical Areas Report – Bakker Stream Buffer Restoration, Bellevue, WA. The Watershed Company. January 2012.
The Bakker Residence Stream Buffer Mitigation Plan. The Watershed Company. January 2012.**

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

No active proposals are pending on the subject property. The recent enforcement activity (11-124434-EA) is associated with predevelopment services #11-125560-DC.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

- 1. Critical Areas Land Use Permit (LO) – City of Bellevue - submitted concurrently with this SEPA Checklist.**
- 2. Clearing and Grading Permit – City of Bellevue – to be applied for after issuance of the LO.**

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone)
Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development
Preliminary plat map
- Clearing & Grading Permit
Plan of existing and proposed grading
Development plans
- Building Permit (or Design Review)
Site plan

Clearing & grading plan

Shoreline Management Permit
Site plan

A. ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): Flat Rolling Hilly Steep slopes Mountains Other:

b. What is the steepest slope on the site (approximate percent slope)?

The site is relatively flat with steeper slopes along the banks of Phantom Creek.

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

According to Natural Resources Conservation Service (NRCS) soil maps, the project site is comprised of Arents, Alderwood material, 6 to 15 percent slopes.

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

There are no indications or known history of unstable soils.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No significant excavation or grading is proposed. Minimal ground disturbance will occur during the clearing of non-native species and installing native plantings.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

This proposal involves reconstruction of several appurtenance structures (deck, hot tub, concrete pad) and the planting of native vegetation. Limited clearing is proposed and erosion is not expected. However, measures described in 1h are aimed at minimizing the potential for erosion.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

On-site impervious surfaces will decrease by approximately 393 square feet as a result of the proposed project.

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

Implementation of the proposed erosion control measures would be conducted in accordance with the City of Bellevue Clearing & Grading Code (Chapter 23.76), permit conditions, and all other applicable codes, ordinances, and standards. Detailed plans are attached.

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Minimal emissions from vehicle trips would occur during implementation of the proposed project. After project completion, no further emissions to the air would occur.

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

No off-site sources of emissions or odor would affect the proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

No measures are necessary.

3. WATER

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The project site is located adjacent to Phantom Creek. No other waterbodies are on or in the immediate vicinity of the site.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

The entirety of the proposed project will occur within 200 feet of Phantom Creek. Detailed plans are attached.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

The proposal would not require surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

The proposal does not involve any discharges of waste materials to surface waters.

b. Ground

1. Will ground water be withdrawn, or will water be discharged to ground water? Give a general description, purpose, and approximate quantities if known.

No withdrawal of ground water or discharge of water to ground water would occur as part of this project.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

No waste material from septic tanks or other sources would be discharged into the ground as part of this project.

c. Water runoff (including stormwater):

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Runoff from the immediate project site is not expected except at natural, near pre-project rates. In general, precipitation is expected to infiltrate into vegetated soils.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Waste materials are not expected to enter ground or surface waters.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The erosion control measures described under question 1h would be implemented.

4. PLANTS

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

- deciduous tree: alder, maple, aspen, other:
- evergreen tree: fir, cedar, pine, other:
- shrub: English ivy, laurel, arborvitae
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other:
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation: lawn

- b. What kind and amount of vegetation will be removed or altered?

Some areas of English ivy along the stream corridor will be grubbed out.

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

No threatened or endangered plant species are known to be on or near the site.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

A detailed mitigation plan using only native species has been prepared for portions of the stream buffer (see attached plans). A total of 440 square feet of native trees, shrubs, and groundcover are proposed. Species include vine maple, red-osier dogwood, oceanspray, red-flowering currant, evergreen huckleberry, coastal strawberry, salal, dull Oregon-grape, false lily of the valley, and redwood sorrel.

5. ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other

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

The on-site section of Phantom Creek is located approximately 1,500 feet upstream from Lake Sammamish at an elevation approximately 240 feet above the lake. Cascades and gradients greater than 25 percent in this section prevent upstream migration in Phantom Creek. Therefore, this prevents listed Chinook salmon and steelhead trout from accessing the project site. However, the on-site stream is still considered to have slight fish use due to its connectivity with Phantom Lake. Phantom Lake is known to contain warm-water fish species.

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

As described above, some warm water fish species may make their way to the site from Phantom Lake.

- d. Proposed measures to preserve or enhance wildlife, if any:

A detailed mitigation plan using only native species has been prepared for the buffer of Phantom Creek (see attached plans). A total of 440 square feet of native trees, shrubs, and groundcover are proposed. Species include vine maple, red-osier dogwood, oceanspray, red-flowering currant, evergreen huckleberry, coastal strawberry, salal, dull Oregon-grape, false lily of the valley, and redwood sorrel. Native plantings will provide overhanging vegetation to supplement the stream with detritus and insects, benefiting aquatic species; filtered shade; future recruitment of large woody debris; and upland wildlife habitat.

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

REVIEWED

By Kevin LeClair at 11:04 am, Feb 06, 2012

No forms of energy (beyond those already utilized by the site) are necessary for the completed project.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The project would not affect the potential use of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None.

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Typical hazards related to power tools and equipment fuels are associated with construction of the proposed project.

- 1) Describe special emergency services that might be required.

Emergency services are not anticipated at the site during implementation of the project. After project completion, emergency services would not be required, beyond those typical of a single-family residence.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

Standard precautions would be taken to ensure the safety of the work crew.

- b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

The type of noise in the area is that typical of a single-family neighborhood, and would not affect the project.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Noise associated with completion of the project would be restricted to use of power tools and construction vehicles. No heavy equipment is necessary for project implementation. There would be no long-term noise associated with the completed project.

- 3) Proposed measures to reduce or control noise impacts, if any:

No noise-control measures are necessary.

REVIEWED

By Kevin LeClair at 11:05 am, Feb 06, 2012

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?

The current use of the property is single-family residential. Additional single-family uses are found to the north, south, and west of the project site. Weowna Park is located east of the site.

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

The site has not been used for agriculture.

c. Describe any structures on the site.

The property contains a single-family residence with associated appurtenant structures (deck, hot tub, concrete pad).

d. Will any structures be demolished? If so, what?

The deck has been removed from the site. The concrete pad has been removed and reconstructed.

e. What is the current zoning classification of the site?

The current zoning classification is R-3.5 (Single-Family Residential).

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

The current comprehensive plan designation is SF-M (Single Family, Medium Density).

g. If applicable, what is the current shoreline master program designation of the site?

N/A.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Phantom Creek and its buffer are considered an "environmentally sensitive" area.

i. Approximately how many people would reside or work in the completed project?

N/A.

j. Approximately how many people would the completed project displace?

No people would be displaced as a result of this project.

k. Proposed measures to avoid or reduce displacement impacts, if any:

No measures are necessary.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This project does not affect existing land use.

REVIEWED
By Kevin LeClair at 11:12 am, Feb 06, 2012

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

No new housing units are proposed.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

No housing units are proposed for elimination.

- c. Proposed measures to reduce or control housing impacts, if any:

No measures are necessary.

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

No structures are proposed.

- b. What views in the immediate vicinity would be altered or obstructed?

The proposed project calls for the removal of invasive species from within the stream buffer and replacement with native plantings. Views from 168th Avenue SE will be improved by partial screening of the property from passing vehicles.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

No such measures are necessary.

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

No light or glare is expected to result from implementation of the proposed project.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

- c. What existing off-site sources of light or glare may affect your proposal?

There are no known off-site sources of light or glare.

- d. Proposed measures to reduce or control light and glare impacts, if any:

No reduction measures will be necessary.

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Weowna Beach Park is located just east of the site across 168th Avenue SE. The park offers trail access and wildlife viewing.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

The proposed project would not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No such measures are necessary.

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No such places or objects are known to be on or next to the site.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

No such landmarks or evidence is known to be on or next to the site.

- c. Proposed measures to reduce or control impacts, if any:

Should historic, archeological, scientific or culturally significant items be encountered during implementation of this project, work would be temporarily stopped while the appropriate agencies are notified.

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The property is currently accessed via SE 18th Street. An alternate entrance can be accessed from 168th Avenue SE.

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

The nearest King County Metro transit stop is located at the corner of SE 19th Street and 168th Avenue SE, approximately 300 feet away.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

This proposed project would not eliminate or add any parking spaces.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

The proposal would not require any new roads or streets, or improvements to existing roads or streets.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Water, rail, or air transportation would not be utilized by the completed project.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

The proposed project would not create any additional vehicle trips above those already generated by the existing residence. No increase in traffic generation is expected.

- g. Proposed measures to reduce or control transportation impacts, if any:

No such measures are necessary.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No increase in public service needs would result from this project.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

No such measures are necessary.

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

No new utilities are proposed as part of the project.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature



Kenny Booth, AICP
Associate Planner

Date Submitted:

Submitted on January 24, 2012

REVIEWED
By Kevin LeClair at 11:13 am, Feb 06, 2012

Vicinity Map from iMAP (top) Google Maps (below)

