



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

Proposal Name: Hunt Residence Addition

Proposal Address: 15824 SE 24th Street

Proposal Description: Critical Areas Land Use Permit approval to expand the footprint of the existing residence by 220 square feet within the wetland buffer. Wetland mitigation is proposed and required.

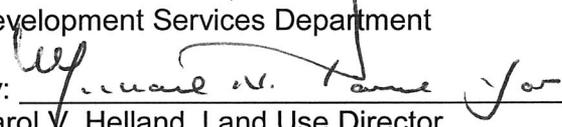
File Number: 12-115728-LO

Applicant: Galen Hunt, Property Owner
Merwyn Hanneberg, Applicant's Agent

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

Planner: David Pyle, Land Use Planner

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

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department
By: 
Carol V. Helland, Land Use Director

Application Date: May 29, 2012
Notice of Application Date: July 5, 2012
Decision Publication Date: August 2, 2012
Project Deadline: August 16, 2012

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. 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. Site Plan – In File
2. Mitigation Plan – In File

I. Proposal Description

The applicant proposes to construct a 220 square foot addition to the west of the existing residence to expand living space and kitchen space in the home. The property is located adjacent to the Phantom Lake Lacustrine wetland complex and is encumbered by a 110 foot wetland buffer measured from the edge of the wetland system. The site is landscaped with landscaping typical to a single family residence and portions of the wetland buffer have been degraded. Opportunity exists to improve wetland buffer condition and the applicant is proposing 600 square feet of wetland/buffer enhancement where opportunity for restoration exists. A Critical Areas Land Use Permit is required to approve the expansion into the wetland buffer. A proposed site plan is included as Attachment 1. The proposed mitigation plan is included as Attachment 2.

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

A. Site Description

The project site is located at 15824 SE 24th Street in the Southeast Bellevue subarea of the City. The site is located within the R-1.8 zone on the shoreline of Phantom Lake. The lot is accessed from a private drive connected to SE 24th Street 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-1.8, 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-L (Single-Family Low Density).

D. Critical Areas On-Site and Regulations

i. Wetlands

The site is occupied by Category II Wetlands and the associated 110 foot regulatory buffer.

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

A Critical Area Land Use Permit (CALUP) is required to modify portions of the 110 foot buffer. Per LUC 20.25H.055.C.3.n, the expansion of the residence is an allowed use provided it meets approval criteria.

III. Consistency with Land Use Code Requirements:

i. Zoning District Dimensional Requirements:

The R-1.8 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 and impervious surface coverage are proposed to be less than the allowed maximum. 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 VII 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 a 110 foot wetland buffer and a 20 foot wetland buffer structure setback. The performance standards found in LUC 20.25H as specified in the table below are applicable:

Critical Area	Wetlands
Expansion of an Existing Single-Family Primary Structure	LUC 20.25H.055.C.3.n
Performance Standards	LUC 20.25H.100

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 at the outer edge of the wetland buffer and is minimally intrusive.

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 only 220 square feet to the existing footprint. This is the minimum amount necessary to provide additional circulation space within the structure.

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 is landscaped with landscaping typical to a single family residence and portions of the wetland and wetland buffer have been degraded. Opportunity exists to improve wetland buffer condition and the applicant is proposing 600 square feet of wetland/buffer enhancement where opportunity for restoration exists. **See Conditions of Approval in Section VII of this report.**

ii. Consistency With LUC 20.25H.080

Development on sites encumbered by wetlands or wetland buffers shall incorporate the following performance standards in design of the development, as applicable:

1. Lights shall be directed away from the wetland.

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

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

The proposed scope of work adds only 200 square feet to the existing footprint. The expansion will extend only laterally 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 wetland.

No direct discharge to the wetland is proposed. Water must first cross the lawn and planting area before entering the wetland system.

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

No direct discharge to the wetland is proposed. Water must first cross the lawn and planting area before entering the wetland system.

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

The site is landscaped with landscaping typical to a single family residence and portions of the wetland and wetland buffer have been degraded. Opportunity exists to improve wetland buffer condition and the applicant is proposing 600 square feet of wetland/buffer enhancement where opportunity for restoration exists. **See Conditions of Approval in Section VII of this report.**

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

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:	May 29, 2012
Public Notice (500 feet):	July 5, 2012
Minimum Comment Period:	July 19, 2012

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on May 29, 2012. 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. 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 VII 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 wetlands 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. 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 VII 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.

VII. 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 220 square foot addition to the west of the existing residence to expand living space and kitchen space in the home.

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.

VIII. 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	Janney Gwo, 425-452-7860	jgwo@bellevuewa.gov
Land Use Code- BCC Title 20	David Pyle, 425-452-2973	dpyle@bellevuewa.gov
Noise Control- BCC 9.18	David Pyle, 425-452-2973	dpyle@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: David Pyle, Development Services Department

- 2. Mitigation Installation:** Required mitigation shall be installed within one year of building permit issuance and before final inspection on the building permit.

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

- 3. 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: David Pyle, Development Services Department

4. **Land Use Inspections:** Following installation of the proposed mitigation, the applicant shall contact Land Use staff for inspection 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 David Pyle at 425-452-2973.

Authority: Land Use Code 20.30P.140

Reviewer: David Pyle, Development Services Department

5. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance.

Authority: Bellevue City Code 9.18

Reviewer: David Pyle, Development Services Department