



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

---

**Proposal Name:** Elsoe Garage Roof Replacement

**Proposal Address:** 2238 W Lake Sammamish Parkway SE

**Proposal Description:** Land Use review of a proposal to reduce the 75-foot toe-of-slope structure setback from a steep slope critical area for an existing accessory structure to a single family residence.

**File Number:** 12-115762-LO

**Applicant:** Robert Sorensen, MacPherson Construction

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

**Planner:** Reilly Pittman, 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 30, 2012  
**Notice of Application Date:** July 26, 2012  
**Decision Publication Date:** August 16, 2012  
**Project Appeal Deadline:** August 30, 2012

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Critical Areas Land Use Permit decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

## CONTENTS

|       |  |         |
|-------|--|---------|
| I.    | Proposal Description.....                        | Pg 3    |
| II.   | Site Description, Zoning & Land Use Context..... | Pg 3-5  |
| III.  | Consistency with Land Use Code Requirements..... | Pg 5-6  |
| IV.   | Public Notice & Comment.....                     | Pg 6    |
| V.    | Summary of Technical Review.....                 | Pg 6    |
| VI.   | State Environmental Policy Act (SEPA).....       | Pg 6    |
| VII.  | Changes to Proposal Due to Staff Review.....     | Pg 6    |
| VIII. | Decision Criteria.....                           | Pg 6-8  |
| IX.   | Conclusion and Decision.....                     | Pg 9    |
| X.    | Conditions of Approval.....                      | Pg 9-10 |

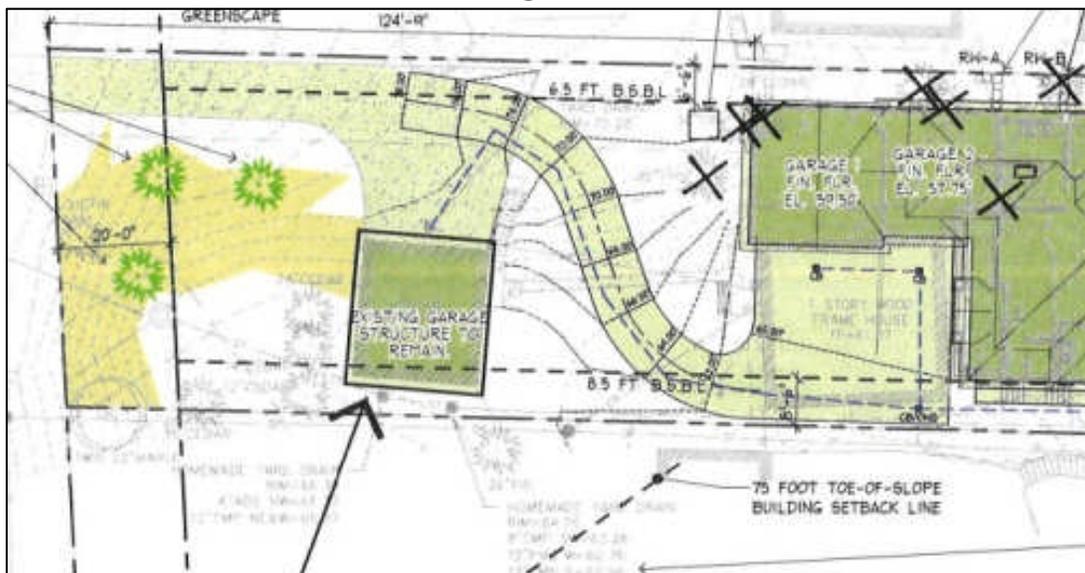
### Attachments

1. Site Plan – Enclosed
2. Steep Slope Planting Template – Enclosed
3. Elevations, Survey, Geotech Report, Forms, Application Materials – In File

### I. Proposal Description

The applicant proposes to replace the roof on an existing detached garage which serves a single family residence. The garage is located within the 75-foot toe-of-slope setback from a steep slope critical area. The garage is a nonconforming structure within the slope setback per LUC 20.25H.065. Repair and maintenance of the structure is allowed, however the new roof exceeds the limits of repair and as a result the structure is required to be brought into compliance with the current codes. However, due to the extent of the slope setback on the site, avoidance of the setback is not possible. New structures can be proposed in a slope setback; rather than demolishing the existing structure and building a new one the existing structure is being allowed to remain but is reviewed like a new structure. To allow the roof replacement the slope setback is proposed to be reduced and reviewed by a geotechnical engineer. There is no new impact or disturbance proposed beyond that already caused by the structure. A Critical Area Land Use Permit is required to approve modification of the toe-of-slope setback. See Figure 1 below for a site plan.

Figure 1

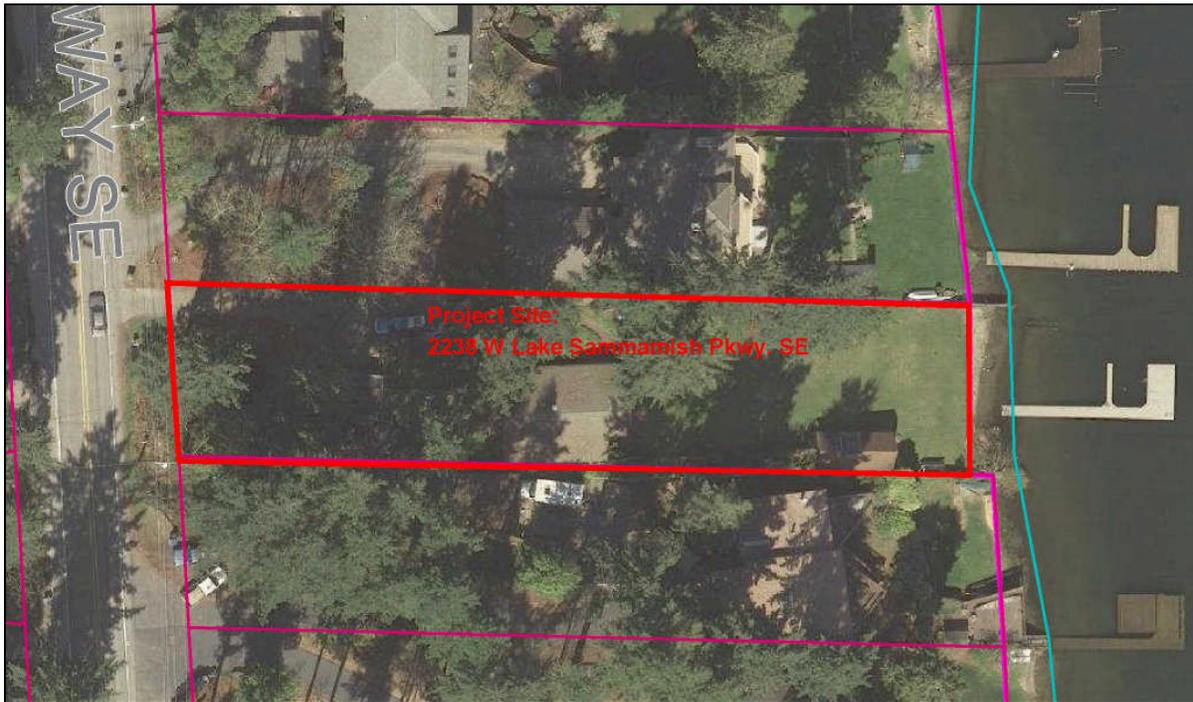


### II. Site Description, Zoning, Land Use and Critical Areas

#### A. Site Description

The project site is located at 2238 W Lake Sammamish Parkway SE in the Southeast Bellevue subarea of the City. This property and the properties to the north and south have frontage on W Lake Sammamish Parkway to the east and Lake Sammamish to the west. The site and the surrounding properties are single family zoned. The project site is developed with a house and associated improvements. The steep slope critical areas on the site are adjacent to the Parkway. See figure 2 for existing site condition.

**Figure 2**



**B. Zoning**

The property is zoned R-3.5, single-family residential.

**C. Land Use Context**

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

**D. Critical Areas On-Site and Regulations**

**i. Geologic Hazard Areas**

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

### III. Consistency with Land Use Code Requirements:

#### A. Zoning District Dimensional Requirements:

The R-3.5 zoning dimensional requirements found in LUC 20.20.010 apply to the proposal. A new pitched roof on the garage will change the height of the structure. The plans submitted generally demonstrate conformance with the maximum height standards, however conformance will be verified during building permit review. **See Conditions of Approval in Section X of this report.**

#### B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The project area is within the 75-foot toe-of-slope setback from a steep slope critical area and is subject to the performance standards found below.

##### i. Consistency with LUC 20.25H.125

Development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

1. **Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;**  
No alteration of the slope contour is proposed.
2. **Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**  
The structure is not located in a steep slope critical area.
3. **The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**  
No new structure is proposed only a new roof is proposed on a structure which has existed on the site without incident.
4. **The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;**  
No retaining walls are proposed.
5. **Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**  
The new roof is over an existing structure and does not increase the impervious

surface coverage.

6. **Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;**

No change in grade is proposed.

7. **Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**

No retention is proposed as there is no change to the structure except the roof.

8. **On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**

No construction is proposed in slopes of 40 percent.

9. **On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and**

No construction is proposed in slopes of 40 percent.

10. **Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.**

Modification of the slope setback would be required for placement of any detached structure on this site; impacting the slope setback cannot be avoided by relocating the structure. The option with the least impact on the slope is to keep the structure in place and modify the slope setback. No new permanent disturbance is created by the roof. However, this approval must consider the impacts created by the existing nonconforming structure that will remain. Setback reduction requires mitigation. Some planting is proposed to replace trees removed under separate permits. In addition to that tree planting at least 10 shrubs are required to be planted on the steep slopes where the trees are proposed. The shrubs must be native and can be from the City's planting template for steep slopes. **See Conditions of Approval in Section X of this report.**

#### **IV. Public Notice and Comment**

|                           |                |
|---------------------------|----------------|
| Application Date:         | May 30, 2012   |
| Public Notice (500 feet): | July 26, 2012  |
| Minimum Comment Period:   | August 9, 2011 |

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin on July 26, 2011. It was mailed to property owners within 500 feet of the project site. No comments were received.

#### **V. Summary of Technical Reviews**

##### **A. Clearing and Grading**

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff approved the application.

#### **VI. State Environmental Policy Act (SEPA)**

The proposed new roof is exempt from SEPA in WAC 197-11-800 and no work is proposed within a critical area.

#### **VII. Changes to Proposal Due to Staff Review**

Staff required mitigation planting for the reduction of the slope setback.

#### **VIII. Decision Criteria**

##### **A. 20.25H.255 Critical Areas Report – Decision Criteria – General**

**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;**

The performance standards related to steep slopes are being met by this proposal as no critical area or critical area buffer is proposed to be modified. As reviewed in Section III above, the project complies with all required performance standards.

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

The mitigation planting is sufficient as conditioned. **See Conditions of Approval in Section X of this report.**

- 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;**

The proposed project complies with the required performance standards. No work is

proposed in the steep slope critical area or buffer. Relocating the structure to avoid impacting the slope setback is not possible. This approval is to allow the structure to remain and be updated with a new roof which is the option with the least impact on the setback and slope.

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

The construction of the roof is an improvement to an accessory structure of a single-family residence and is allowed in the land use district.

**B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria**

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

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

The applicant must obtain a building permit and any associated permits. See Conditions of Approval in Section X of this report.

**2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;**

The new roof is on an existing structure which is being kept in place and not creating new disturbance. This approval is to only allow the garage to remain in the existing location. Future work on the property may be subject to further critical areas permit requirements and/or geotech review. See Conditions of Approval in Section X of this report.

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

As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

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

The proposed activity will be served by adequate public facilities.

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

The mitigation planting is proposed to be consistent with the City's planting templates for steep slopes. The planting and conditions in this staff report make the project consistent with LUC 20.25H.210.

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

As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the reduction of the 75-foot toe-of-slope structure setback to allow the existing garage to remain and be improved with a new roof. **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 | Janney Gwo, 425-452-6190     |
| Land Use Code- BCC Title 20          | Reilly Pittman, 425-452-4350 |
| Noise Control- BCC 9.18              | Reilly Pittman, 425-452-2973 |

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

- 1. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit or other required permits must be submitted and approved. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval. This approval is to only allow the garage to remain in the existing location. Future work on the property may be subject to further critical areas permit requirements and/or geotech review.

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

- 2. Slope Setback Modification:** The slope setback is modified to the western edge of the existing garage. Future development on the site may still require geotechnical analysis.

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

- 3. Mitigation Planting:** At least 10 native shrubs are required to be installed as mitigation for the slope setback reduction. Shrubs can be selected from the City's planting templates for steep slopes which are Attachment 2 of this report

Authority: Land Use Code 20.25H.210

Reviewer: Reilly Pittman, Development Services Department

- 4. Land Use Inspection:** Prior to final building permit inspection the applicant shall contact Land Use staff to inspect the planting area.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, 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. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department



GEOLOGICAL HAZARDS TEMPLATE



Oceanspray



Thimbleberry



Mock Orange



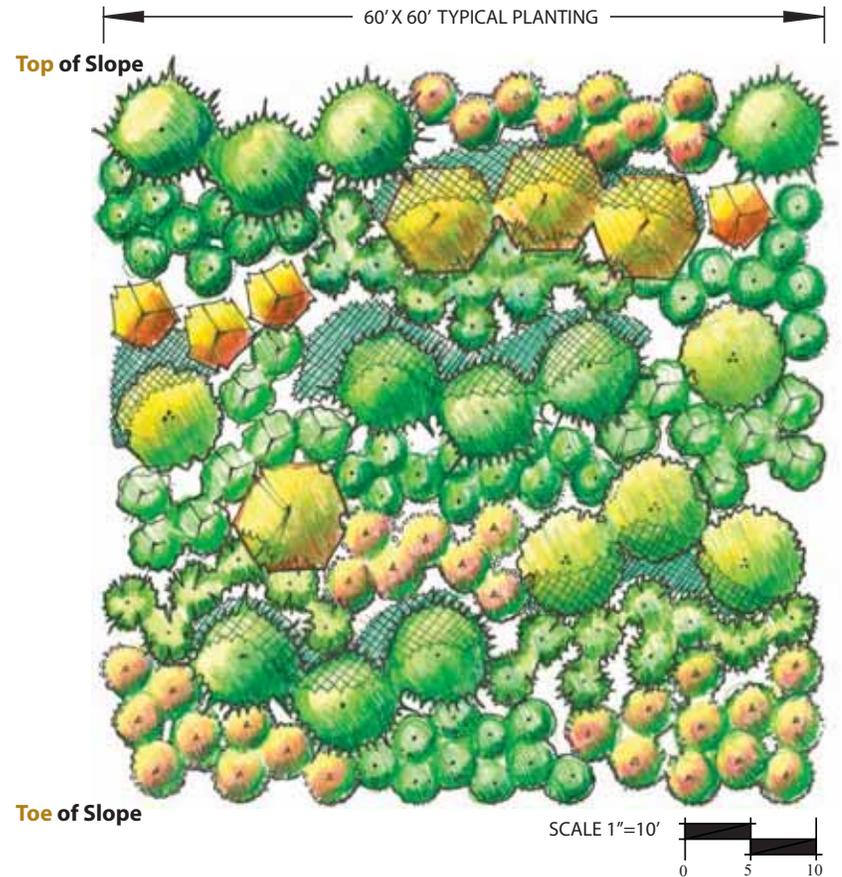
Douglas-fir

## Geological Hazards

### Steep Slope Planting Template for *Sunny* and *Shady* Sites

A1

## GEOLOGICAL HAZARDS (STEEP SLOPE) PLANTING TEMPLATE



Steep slopes commonly have fragile, erodible soils. Planting can be difficult to establish in these areas as gravity, wind, and rain have a tendency to pull nutrient-rich soil down the slope. In addition, sunny sites require drought-tolerant plants, while both sunny and shady sites require plants with strong, root systems to keep soil intact. On the next two pages you will find one legend designed for sunny, steep sites and one designed for shady, steep sites. The plants chosen for these templates are known for drought tolerance and soil-binding characteristics. With the successful establishment of plants on steep slopes, the potential for erosion decreases. For additional information on Steep Slopes, refer to the section on *Geological Hazard Areas* in *Chapter One* and the City's [Critical Areas Ordinance](#). Note, these templates are to be used for stable and undisturbed sloping sites. If your site has experienced a landslide or substantial erosion, do not use this template; consult a professional.

## PLANT LEGEND FOR SUNNY SITES

| LATIN NAME/<br>COMMON NAME                         | TYPICAL SPACING/<br>AVERAGE HEIGHT       | CHARACTERISTICS  |
|--|--|--|
| <b>TREES</b>                                       |  |  |
| <i>Acer macrophyllum</i> /<br>Big-leaf maple       | 9 feet on center/<br>75 feet             | Yellow fall color, provides<br>understory shade, largest leaf<br>of all maples |
| <i>Alnus rubra</i> /<br>Red alder                  | 9 feet on center/<br>60 feet             | Vigorous grower, provides<br>cover quickly for other plants                    |
| <i>Pseudotsuga menziesii</i> /<br>Douglas-fir      | 9 feet on center/<br>100 feet            | Highly adaptable, fast grower  |
| <b>SHRUBS</b>                                      |  |  |
| <i>Corylus cornuta</i> /<br>Beaked hazelnut        | 6 feet on center/<br>11 feet             | Edible acorn, wildlife food.<br>Small understory tree,<br>yellowish fall color |
| <i>Holodiscus discolor</i> /<br>Oceanspray         | 4.5 feet on center/<br>7 feet            | Spectacular blossom; attracts<br>hummingbirds and butterflies                  |
| <i>Philadelphus lewisii</i> /<br>Mock orange       | 4.5 feet on center/<br>8 feet            | Fragrant white blossom   |
| <i>Rubus parviflorus</i> /<br>Thimbleberry         | 4 feet on center/<br>8 feet              | Delicious edible berries, fast<br>grower, likes sun                            |
| <i>Symphoricarpos albus</i> /<br>Snowberry         | 4.5 feet on center/<br>5 feet            | White berries, proven<br>performer in tough conditions                         |
| <b>GROUNDCOVERS &amp; PERENNIALS</b>               |  |  |
| <i>Arctostaphylos uva-ursi</i> /<br>Kinnikinnick   | *24 in. on center/<br>6-8 in.            | Evergreen groundcover, great<br>for rockeries and full sun areas               |
| <i>Fragaria chiloensis</i> /<br>Coastal strawberry | *24 in. on center/<br>4-6 in.            | Tough, highly adaptable<br>groundcover w/ red stems<br>and edible berries      |
| <i>Festuca idahoensis</i> /<br>Idaho fescue        | *24 in. on center/<br>2.5 feet           | Bluish leaves, clumping  |
| <i>Polystichum munitum</i> /<br>Sword fern         | *24 in. on center/<br>5 feet once mature | Semi-evergreen fern, highly<br>adaptable                                       |
| <i>Epilobium angustifolium</i> /<br>Fireweed       | *24 in. on center/<br>1.5-2 feet         | Big purple flowers on a tall<br>stem   |

\* Indicates plants are to be triangularly spaced for the area shown. See page 23 for triangular spacing.

# A1-Sun

63

## PLANT LEGEND FOR SHADY SITES

| LATIN NAME/<br>COMMON NAME                             | TYPICAL SPACING/<br>AVERAGE HEIGHT       | CHARACTERISTICS  |
|--|--|--|
| <b>TREES</b>   |  |  |
| <i>Acer macrophyllum</i> /<br>Big-leaf maple           | 9 feet on center/<br>75 feet             | Yellow fall color, provides<br>understory shade, largest leaf<br>of all maples |
| <i>Alnus rubra</i> /<br>Red alder                      | 9 feet on center/<br>60 feet             | Vigorous grower, provides<br>cover quickly for other plants                    |
| <i>Thuja plicata</i> /<br>Western red cedar            | 9 feet on center/<br>150 feet            | Fragrant, adaptable to many<br>sites   |
| <b>SHRUBS</b>  |  |  |
| <i>Acer circinatum</i> /<br>Vine maple                 | 4.5 feet on center/<br>20 feet           | Bright red fall color, small<br>understory tree, grows<br>well in shade        |
| <i>Amelanchier alnifolia</i> /<br>Western serviceberry | 4.5 feet on center/<br>20 feet           | Fragrant flowers, edible red to<br>purple berries                              |
| <i>Corylus cornuta</i> /<br>Beaked hazelnut            | 6 feet on center/<br>11 feet             | Edible acorn, wildlife food,<br>small understory tree, yellowish<br>fall color |
| <i>Oemleria cerasiformis</i> /<br>Osoberry             | 4.5 feet on center/<br>10 feet           | Berries attract birds, first shrub<br>to leaf out in spring                    |
| <i>Sambucus racemosa</i> /<br>Red elderberry           | 4 feet on center/<br>15 feet             | Edible berries, fast grower,<br>graceful form with age                         |
| <b>GROUNDCOVERS &amp; PERENNIALS</b>                   |  |  |
| <i>Arctostaphylos uva-ursi</i> /<br>Kinnikinnick       | *24 in. on center/<br>6-8 in.            | Evergreen groundcover, great<br>for rockeries and full sun areas               |
| <i>Asarum caudatum</i> /<br>Wild ginger                | *24 in. on center/<br>6-8 in.            | Tough groundcover, great for<br>planting under shrubs and<br>trees             |
| <i>Polystichum munitum</i> /<br>Sword fern             | *24 in. on center/<br>5 feet once mature | Semi-evergreen fern, highly<br>adaptable                                       |

\* Indicates plants are to be triangularly spaced for the area shown. See page 23 for triangular spacing.

# A1-Shade

64