



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Terrence Lukens

LOCATION OF PROPOSAL: 2015 Killarney Way

DESCRIPTION OF PROPOSAL: The proposed dock will be fully grated, 4 feet in width, 52 feet in length with a 6 by 8 foot ELL at the end of the dock projecting to the south. The dock will be supported by eight 8" steel piles and located a minimum of 12 feet from the extended north property line. The applicant has tentative approval from the adjacent neighbor to locate the dock within the southerly setback. The boatlift is proposed to be installed on the north side of the dock and the proposal includes shoreline planting at the water's edge.

FILE NUMBERS: 13-122010-WG and 14-124658-LO

PLANNER: Heidi M. Bedwell

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 **7/10/2013**
- 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 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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.

Caree V. Holland
Environmental Coordinator

6/26/2014
Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- Attorney General ecyolyef@atg.wa.gov
- Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us



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

Proposal Name: Lukens Dock

Proposal Address: 2015 Killarney Way

Proposal Description: Shoreline Substantial Development and Critical Areas Permits to construct a new dock (with ELL) and a ground based boatlift. The proposal includes shoreline planting at the water's edge. Because the ELL is located in water depth less than 9 feet, a Critical Areas Land Use Permit with a Critical Areas Report is required.

File Number: 13-122010-WG and 14-124658-LO

Applicant: Terrence Lukens

Decisions Included: Shoreline Substantial Development Permit (Process II, LUC 20.30R) and Critical Areas Land Use Permit (Process II, LUC 20.30P)

Planner: Heidi M. Bedwell, Planner

State Environmental Policy Act Threshold Determination: **Determination of Non-Significance**

Carol V. Helland

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**
Michael Brennan, Director
Development Services Department

By: *Carol V. Helland*
Carol V. Helland, Land Use Director

Date of Application:	Shoreline Substantial Development 13-122010-WG	August 5, 2013
	Critical Areas Land Use Permit 14-124658-LO	February 18, 2014
Notice of Application:	Shoreline Substantial Development 13-122010-WG	August 29, 2013
	Critical Areas Land Use Permit 14-124658-LO	March 6, 2014
Decision Publication Date:		June 26, 2014

Deadline For Appeal of Process II Administrative Decisions:
Critical Areas Land Use Permit and SEPA: July 10, 2014 (14 days following publication of a notice of decision)

Shoreline Substantial Development Permit:
July 17, 2014 (21 days following publication of a notice of decision)

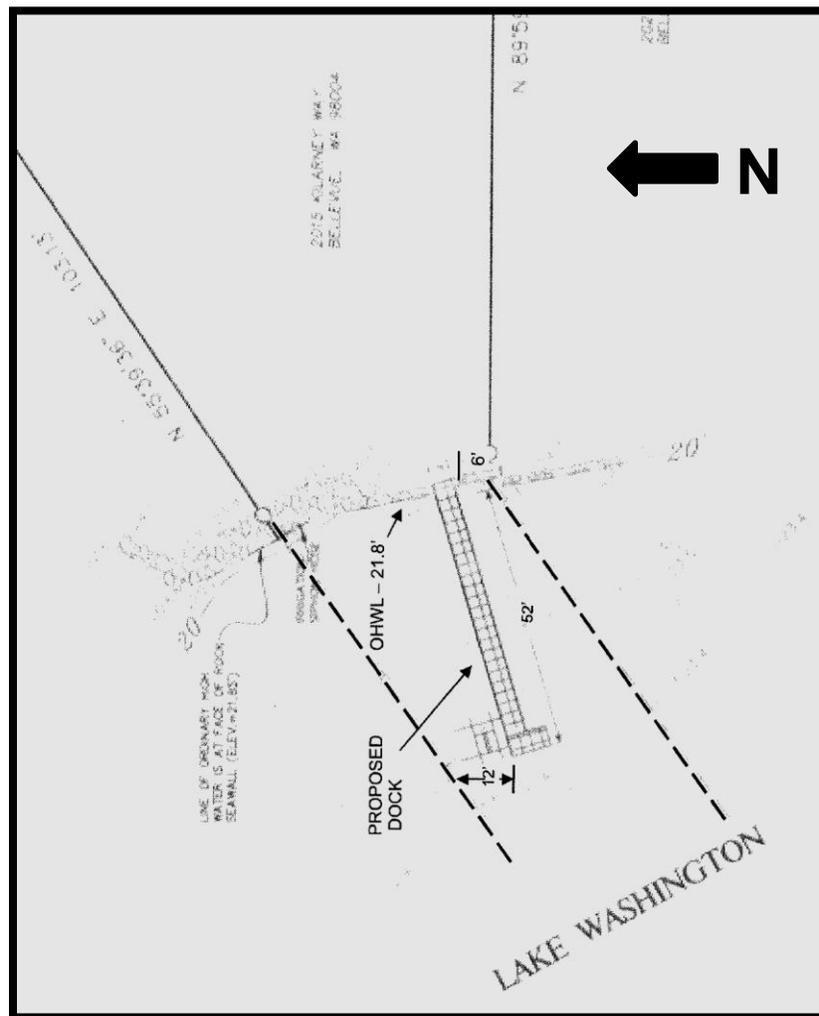
For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of any Process II Administrative decision must be made by 5 p.m. on the date noted for appeal of the decision. Appeal of the SEPA Threshold Determination and/or Critical Areas Land Use Permit must be made to the City of Bellevue City Clerk's Office. Appeal of the Shoreline Substantial Development Permit must be made to the Washington State Shoreline Hearings Board (contact the project planner for more information on how to file an appeal with the Shoreline Hearings Board).

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I. Proposal Description

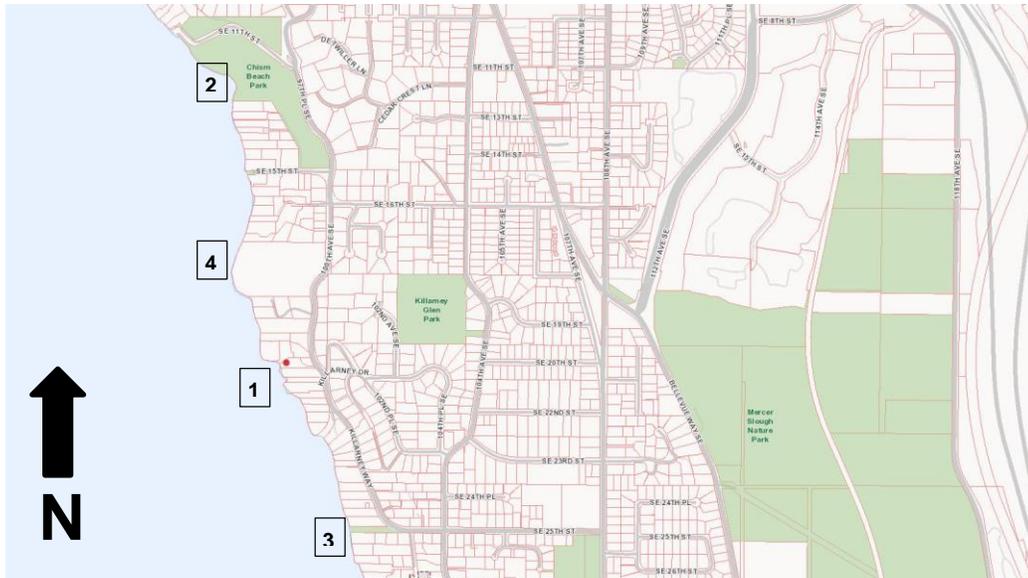
Applicant requests approval to construct a new dock and install a ground based boatlift. The proposed dock will be fully grated, 4 feet in width, 52 feet in length with a 6 by 8 foot ELL at the end of the dock projecting to the south. The dock will be supported by eight 8" steel piles and located a minimum of 12 feet from the extended north property line. The applicant has tentative approval from the adjacent neighbor to locate the dock within the southerly setback. A recorded agreement will be required prior to the issuance of a building permit to allow the dock to be located within the side setback. The boatlift is proposed to be installed on the north side of the dock and the proposal includes shoreline planting at the water's edge.



The proposed project is subject to the Shoreline Substantial Development Permit and SEPA requirements because the proposed work is within a shoreline of statewide significance. Because the ELL is located in water depth less than 9 feet, a Critical Areas Land Use Permit with a Critical Areas Report is also required to consider a variation from the water depth standard. The provisions of the Shoreline and Critical Areas Overlay Districts apply.

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

A. Site Description and Land Use Context



The subject site¹ is located in Southwest Bellevue within the Enatai neighborhood. Properties in the vicinity are generally developed with single family residences. The exceptions to single family residential development are the Bellevue City Parks of Chism Beach² and Chesterfield³ as well as the privately held Sisters of Saint Joseph of Peace⁴ property. The neighborhood is characterized by mature trees and well maintained higher valued properties. The proposed dock would be located within a small cove surrounded by existing residential docks. The property to the north of the subject property does not currently have a dock but an application has been made to the City for the construction of a new dock (See Attachment E referencing proposed and existing docks). Additionally, the dock to the south will be reconfigured to accommodate revised access to the boat slip. Rather than accessing from the north, the revised configuration of the dock to the south of this proposed dock will be from the south, so as to limit navigational issues between the existing and proposed docks in the cove. Refer to file 14-130535-WG for proposed reconfiguration plan.



B. Zoning

The property is zoned R-1.8 and is located within the Shoreline Overlay District per LUC 20.25E and the Critical Areas Overlay District per LUC 20.25H. Properties in the vicinity are also within the R-1.8 zoning district which is a single family low density residential zone that permits up to 1.8 dwelling units per acre.



C. Critical Area Functions

i. Shorelines

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993;

Spence et al. 1996). Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

ii. Habitat Associated with Species of Local Importance

The increase in human settlement density and associated intensification of land use known as urbanization has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005, Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-1.8 zoning district. No structures above the ordinary high water mark are proposed – therefore the dimensional standards for the district do not apply.

B. Shoreline Master Program Requirements LUC 20.25E:

**i. General Regulations Applicable to All Land Use Districts and Activities
LUC 20.25E.080.B**

- a. Where applicable, all federal and state water quality and effluent standards shall be met.**

The project will be constructed and operated consistent with applicable federal state and local regulations regarding water quality and effluent standards.

- b. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.**

The entire project is within Lake Washington and therefore, is entirely within the Shoreline Overlay District.

- c. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part 20.25H LUC, City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.**

As part of the building permit approval, the applicant will be required to prepare a Construction Stormwater Pollution Prevention Plan and a Temporary Erosion Sediment Control Plan to mitigate potential erosion during construction.

- d. Special care shall be exercised to preserve vegetation in wetland, shoreline and stream corridor bank areas in order to prevent soil erosion. Removal of vegetation from or disturbance of shoreline critical areas and shoreline critical area buffers, and from other critical area and critical area buffers shall be prohibited, except in conformance with Part 20.25H LUC and the specific performance standards of this section.**

No vegetation is proposed for removal.

- e. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part 20.30H LUC.**

The proposed dock will be less than 35-feet in height. No other structures are proposed for construction.

- f. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.**

The proposal is consistent with the Comprehensive Plan Policies that make up the city's Shoreline Master Program.

- g. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.**

The proposal will be required to obtain a building permit. Approval and permit issuance of the building permit will be verification of compliance with applicable regulations.

- h. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.**

No dead storage of watercraft is proposed.

- i. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."**

No herbicides, pesticides and/or fertilizers are proposed for use.

- j. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.**

No new development requiring storm or sewer drainage facilities is proposed.

- ii. The project site is in the Shoreline Overlay District and is subject to the regulations regarding moorage (Land Use Code (LUC) Section 20.25E.080.N).**

Development Standards	Proposal	Complies Y/N
The only structures permitted in the first 30 feet waterward of the ordinary high watermark are piers and ramps. All floats and ells must be at least 30 feet waterward of the OHWM.	Ell is located > 30' of OHWM	Y
No skirting is allowed on any structure.	No skirting is proposed.	Y

Development Standards	Proposal	Complies Y/N
Surface coverage shall not exceed 480 square feet.	Coverage is 232 square feet.	Y
Piers shall not exceed four feet wide and shall be fully grated.	Pier width is 4 feet or less and fully grated.	Y
Ell are allowed only over water with depths of nine feet or greater at the landward end of the ell.	Landward end of ell is at approximately 6.5 feet of water depth.	N- Critical Areas Report
Ells may be up to six feet wide by 26 feet long with grating over the entire ell.	Ell dimension is 6 by 8 and fully grated.	Y
Total Facility Length. In no case may any moorage facility extend more than 150 feet waterward of the ordinary high water mark.	Total length 52 feet.	Y
Structural Piling Specifications. The first (nearest shore) piling shall be steel, four-inch piling and at least 18 feet waterward of the ordinary high water mark. Piling sets beyond the first are not required to be steel, shall be spaced at least 18 feet apart and shall not be greater than 12 inches in diameter. Piles shall not be treated with pentachlorophenol, creosote, CCA or comparably toxic compounds. If ACZA pilings are proposed, the applicant will meet all of the Best Management Practices, including a post-treatment procedure, as outlined in the amended Best Management Practices of the Western Wood Preservers. Steel piles will be installed using approved sound attenuation measures.	All proposed piling are 8-inch steel piling and the first set of piling are 18 feet from OHWM.	Y
Shoreline Critical Area and Critical Area Buffer Functions. In order to mitigate the impacts of new or expanded moorage facilities, the applicant shall plant emergent vegetation (if site-appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of ordinary high water mark.	Applicant has provided a planting plan meeting this requirement.	Y

Development Standards	Proposal	Complies Y/N
<p>Setback. No private moorage or other structure waterward of the ordinary high watermark, including structures attached thereto, shall be closer than 12 feet to any adjacent property line except when a mutual agreement of adjoining property owners is recorded with the King County Records and Elections Division and the Bellevue City Clerk. Excepted from the requirements of this section are boat lifts or portions of boatlifts which do not exceed 30 inches in height measured from ordinary high watermark.</p>	<p>The proposed pier is 12 feet or more from the northerly property line. The neighbor to the south has tentatively agreed to have the dock closer than 12 feet to the projected property line in the water. The agreement is contingent on approval of modifications to the property owners existing dock which would reconfigure access to the boat slip from the south instead of the existing access from the north. A final recorded agreement will be required before issuance of a building permit for the subject dock construction.</p>	<p>N-Final recorded agreement needed. <u>See</u> <u>Conditions of</u> <u>Approval in</u> <u>Section IX of</u> <u>this report</u></p>

As conditioned, the proposed development conforms to the applicable Land Use Code regulations.

IV. Public Notice and Comment

Date of Application:

Shoreline Substantial Development 13-122010-WG	August 5, 2013
Critical Areas Land Use Permit 14-124658-LO	February 18, 2014

Notice of Application:

Shoreline Substantial Development 13-122010-WG	August 29, 2013
Critical Areas Land Use Permit 14-124658-LO	March 6, 2014

Minimum Comment Period:

March 20, 2014

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on August 29, 2013 and March 6, 2014. It was mailed to property owners within 500 feet of the project site. Staff received the following comments:

Comment: With respect to the shoreline planting plan, this is an appropriate mitigation measure for this new pier. However, it appears that the two birch trees and some of

the other proposed plants are non-native species. They should be replaced with native plants that will be more likely to grow successfully on the site.

Response: The birch trees are listed in the City of Bellevue's Critical Areas handbook and therefore are suitable for the proposed planting plan.

Comment: Applicant should analyze impacts to the public's right to navigation and use of the shorelines and the City should provide a SEPA analysis of this issue.

Response: The applicant has provided an analysis of the navigation relative to the proposed dock and existing and proposed docks in the vicinity. As the project is proposed and conditioned, no evidence has been provided that would demonstrate a significant impact on navigation in the vicinity of the proposed dock.

Comment: Cumulative impact of constructing docks in the cove and the ability of the property owner to the north to construct a dock and the City should provide a SEPA analysis of this issue.

Response: The property owner to the north has submitted an application for the construction of a new dock. The proposed dock will not preclude or result in adverse impacts to the rights of the property owner to the north to construct a dock as proposed in their application (Refer to Cabrera File #14-124074-WG).

Comment: Appears to be discrepancy between site plan and plan view measurement.

Response: The proposal is for a 52-foot dock measured from the ordinary high water mark at the face of the existing bulkhead. A portion of the dock walkway will be constructed above the OHWM in order to attach the dock structure to land. The approval of the dock will be not to exceed 52-feet from OHWM (**See Conditions of Approval in Section IX of this report**).

Comment: Concern about structures located within 30 feet of OHWM including the boatlift.

Response: The applicant has demonstrated compliance with the limitation of structures within the first 30-feet from OHWM. No structures besides the dock are proposed within the first 30 feet including the boat lift **See Conditions of Approval in Section IX of this report**.

Comment: Water depth for boat lift is shown at less than four to five feet.

Response: There is no water depth requirement for uncovered boat lifts.

Comment: Any permit for the dock should be conditioned so that the boat lift may not

extend past the end of the dock.

Response: The proposed boatlift as depicted in the project plans (See Attachment B) does not extend past the end of the proposed dock, and construction is required to proceed consistent with the approved plans.

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.

Utilities Department:

The public sewer main shall be shown on all construction plans. The plans shall note that the sewer main is "as located by COB waste water crew" and the date that the location was done.

Construction is not permitted within 5' of the sewer main on the site. All equipment, barges, and anchors must be kept away from the sewer main during construction. **See Conditions of Approval in Section IX of this report**

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

Erosion and sediment control best management practices include the installation of a silt barrier around the work area to prevent migration of suspended sediment to the surrounding water column. The applicant will also be required perform turbidity monitoring during construction to ensure suspended sediment is contained to the work area. The applicant is also required to adhere to the City Environmental Best Management Practices related to the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. **See Conditions of Approval in Section IX of this report**

B. Animals

Adult and juvenile chinook salmon and steelhead trout (listed as Threatened under the Federal Endangered Species Act) migrate through Lake Washington. Lake Washington also contains coho salmon (Species of Concern under the Federal Endangered Species Act). Lake Washington potentially contains bull trout, a salmonid listed as Threatened under the Federal Endangered Species Act. These fish species and their habitat will be protected during the project construction through timing of the work to occur in the water. All work will occur within the construction window established by state and federal agencies to minimize or avoid impacts to fish and wildlife. **See Conditions of Approval in Section IX of this report**

C. Plants

No plants are proposed for removal as part of the current proposal. The applicant is proposing native shoreline plantings per the submitted plans in Attachment B.

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 Conditions of Approval in Section IX of this report**

VII. Decision Criteria

A. Shoreline Substantial Development Permit Decision Criteria 20.30R

The Director of the Development Services Department may approve or approve with modifications if:

1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and

Finding: The applicant has carried the burden of proof and provided evidence sufficient to approve the project.

2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.

Finding: The applicant's proposal is consistent with the following policies and has demonstrated compliance with the applicable procedures through this application.

Specifically, the proposal is consistent with the following:

RCW 90.58.020 Legislative findings-State policy enunciated-Use preference.

WAC 173-26-176 General policy goals of the act and guidelines for shorelines of the state.

City of Bellevue Comprehensive Plan POLICY SH-16. Discourage structures using materials which have significant adverse physical or chemical effects on water quality, vegetation, fish, and wildlife in or near the water.

The dock is associated with a single family residential use and is for water dependent recreational activities. The dock is similar in design to those in the vicinity of the proposed dock. The applicant has provided information from a qualified professional that demonstrates that the proposed dock will not significantly impact navigation and the public's access to the public waters of the State (See Attachment E). Any potential concerns about navigation associated with the dock to the south will be remedied when that dock is reconfigured to permit the boat slip access from the south rather than the existing configuration with access from the north. Additionally, the property owner to the south (Talbot File #14-130535-WE) has stated that so long as the permit approval is granted to reconfigure their dock in the manner described then they do not have an issue with navigation associated with the proposed dock. With the condition that construction of the subject dock cannot commence until the Talbot dock receives building permit approval this criteria can be met. **See Conditions of Approval in Section IX of this report**

Additionally, the dock proposed to the north and the proposed dock will be separated by approximately 24 feet. The applicant has demonstrated that no significant navigational issues will be created between these docks or other docks in the vicinity.

As proposed, the dock will be constructed with materials suitable for construction in water and will not have an adverse affect on water quality, vegetation, fish, and wildlife in or near the water. With the proposed mitigation planting, water quality and native vegetation will be improved from the existing non-native planting conditions.

A. Critical Areas Report Decision Criteria- General.

Except for the proposals described in subsection B of this section, 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: If the applicant were required to comply with the 9-foot of water depth standard for the ell portion of the proposed dock, the overwater coverage would be greater and the length of the dock would be greater creating the potential for navigation issues with the public and surrounding recreational dock users. The applicant has demonstrated that the ell is in a water depth that is the minimum necessary for watercraft access and is in a location that minimizes impacts to critical area function and values.

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

Finding: The applicant will be required to provide a performance assurance device for the required mitigation measures associated with the proposed development. The assurance device will be required prior to the issuance of the building permit to construct the dock. **See Conditions of Approval in Section IX 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; and**

Finding: The functions and values of the critical areas and critical area buffers on adjacent properties will be unaffected by the actions in the proposal. As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H and 20.25E are being met.

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

Finding: The proposed project is to construct a dock associated with a single family residence. This use is compatible with the surrounding residential development permitted in the same 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 required development permits from the City of Bellevue

prior to dock construction. The Army Corps of Engineers has issued an approval for the dock construction. **See Conditions of Approval in Section IX of this report.**

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

The proposal includes the use of grated decking and is designed to meet the minimum size thresholds for safe dock construction with a 4 foot walkway and a 6 by 8 foot ell. Additionally, the pile used for the dock will be made of steel and 8" in size. Proposed dock design, together with staged construction during approved work windows for Lake Washington, will result in the least impact on the critical area.

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

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.**

The proposed activity will not impact public facilities. The Utilities Department does note that the public sewer main shall be shown on all construction plans. The plans shall note that the sewer main is "as located by COB waste water crew" and the date that the location was done.

Construction is not permitted within 5' of the sewer main on the site. All equipment, barges, and anchors must be kept away from the sewer main during construction. **See Conditions of Approval in Section IX of this report.**

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

The proposal includes a conceptual mitigation plan that meets the requirements of LUC 20.25H.210. A final mitigation plan must be included with application for construction permit. A maintenance surety is required and the proposed planting will be monitored for 3 years. **See Conditions of Approval in Section IX of this report.**

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

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

VIII. 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 construction of dock associated with a single family residence and the associated mitigation. Revision to this approval shall be in accordance with LUC 20.30R.190.

Note- Expiration of Approval: In accordance with LUC 20.30R.175, a Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a building permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180.

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.

IX. 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
Utilities Code	Mark Dewey 425-452-6179
Land Use Code- BCC 20.25H	Heidi Bedwell, 425-452-4862
Noise Control- BCC 9.18	Heidi Bedwell, 425-452-4862

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

1. **Dock Dimension:** The applicant shall submit a building permit demonstrating compliance with the proposed plans in Attachment B and subject to the following approved dock dimensions:

Overall Length: 52 feet from OHWM

Max. Walkway Width: 4 feet

EII: 6 feet by 8 feet

Depth of EII: <9 feet

Authority: Land Use Code 20.25E
Reviewer: Heidi Bedwell, Land Use

2. **Prior to Building Permit Issuance:** The applicant shall provide the City with a recorded agreement with the property owner to the south in order to locate the dock structure within the 12 foot setback area.

Authority: Land Use Code 20.25E
Reviewer: Heidi Bedwell, Land Use

3. **Prior to Commencement of Construction:** The applicant shall not commence construction of the subject dock until such time as the property owner to the south (Talbot File #14-130535-WE) has either received building permit approval to reconfigure the existing dock with access to the boat slip from the south or provided the City with a certified letter stating no opposition to the subject dock proposal.

Authority: Land Use Code 20.25E
Reviewer: Heidi Bedwell, Land Use

4. **State and Federal Permits Required:** Prior to the issuance of the required building permit, the applicant shall produce evidence of receipt of required state and federal permits for the replacement of the existing pier.

Authority: Land Use Code 20.30R.155
Reviewer: Heidi Bedwell, Land Use

5. **Construction Stormwater Pollution Prevention Plan:** To ensure federal and state water quality and effluent standards are met, and Shoreline Overlay District performance standards the proposal shall comply with the provision of Chapter 23.76 BCC. A Construction Stormwater Pollution Prevention Plan is required to be submitted for review and approval as part of the building permit.

Authority: Bellevue City Code 23.76
Reviewer: Janney Gwo, Clearing & Grading

6. **Lake Washington Allowed In-Water Work Windows:** To protect habitat associated with migrating anadromous fish within Lake Washington, the pier replacement approved by this permit shall only be allowed to occur between the following dates:

- July 16 – April 30

Any deviation from this approved schedule must be approved in writing from the Washington Department of Fish and Wildlife.

Authority: Land Use Code 20.25H.160
Reviewer: Heidi Bedwell, 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: Heidi Bedwell, Land Use

8. **Sewer Main Location:** The public sewer main shall be shown on all demolition and construction plans. The plans shall note that the sewer main is “as located by COB waste water crew” and the date that the location was done.

Authority: Sanitary Sewer Engineering Standards
Reviewer: Mark Dewey, Utilities Department

9. **Construction Setback from Sewer:** Construction is not permitted within 5’ of the sewer main on the site. All equipment, barges, and anchors must be kept away from the sewer main during construction.

Authority: Sanitary Sewer Engineering Standards
Reviewer: Mark Dewey, Utilities Department

10. **Pesticides, Insecticides, and Fertilizers:** The applicant must submit as part of the required Building 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: Heidi M. Bedwell, Land Use

11. **Maintenance and Monitoring Plan:** As mitigation for disturbance associated with dock construction, the applicant shall submit a native vegetation planting plan in compliance with Attachment B as part of the required building permit. Additionally, the applicant shall submit a minimum 3 year maintenance and monitoring plan.

The reports, along with a copy of the planting plan, can be sent to Heidi Bedwell at hbedwell@bellevuewa.gov or to the address below:

Heidi Bedwell, Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220
Reviewer: Heidi M. Bedwell, Development Services Department

12. **Assurance Device:** As part of the building permit, the applicant shall submit a maintenance and monitoring assurance device in an amount equal to 25% of the cost of labor and materials for the native vegetation planting plan. The assurance device shall be held for a period of at least three years and up to five 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.

Authority: Land Use Code 20.25E.080.N
Reviewer: Heidi Bedwell, Land Use

13. **Land Use Inspection:** To ensure planting plan has been installed in accordance with approved plans (see Attachment **B**) the applicant must call for and obtain an inspection from a Land Use Planner from the City of Bellevue, following installation of vegetation. This inspection is listed as a #600 land use inspection on the approved building permit.

Authority: Land Use Code 20.25E.080.B
Reviewer: Heidi M. Bedwell, Land Use Division

Attachments:

- A. Environmental Checklist
- B. Proposed dock plans.
- C. Comment Letters
- D. Critical Areas Report
- E. Navigation Report by Layton Sell Dated May 16, 2014

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

2. Name of applicant: **Terence Lukens**
3. Address and phone number of applicant and contact person: **2015 Killarney Way, Bellevue, WA. 98004**
4. Date checklist prepared: **June 23, 2013**
5. Agency requesting checklist: **City of Bellevue**
6. Proposed timing or schedule (including phasing, if applicable): **Upon receipt of all permits.**

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. **None.**

1. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **No.**

10. List any government approvals or permits that will be needed for your proposal, if known. **City of Bellevue Substantial Development permit, City of Bellevue building permit, US Army Corps of Engineers federal permits, the WA. State Dept. of Fish & Wildlife Hydraulic Project Approval, and the City of Bellevue Building Permit.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Construct a 45' long by 4' wide dock supported by five 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Section: 6 Township: 24 Range: 5

Latitude: 47.592442 N. Longitude: 122.208580 W

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, **rolling**, hilly, steep slopes, mountainous, other

b. What is the steepest slope on the site (approximate percent slope)? **Less than 10%.**

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. **Clay and sand with gravel on the beach.**

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **Unknown. The surface soils appear to be stable.**

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. **No fill is proposed as part of the new dock construction project.**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Not applicable.**

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **None, as part of the dock construction project.**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **None required.**

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. **Typical engine exhaust from the pile driver crane only during construction.**
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **Unknown.**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **None required.**

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 site is adjacent to Lake Washington.**

- 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.
Construct a 45' long by 4' wide dock supported by five 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.

- 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. **There is no fill or dredge as part of this project.**

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **No, not as part of the new dock construction.**

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

- 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. **No.**

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. **No, not as part of the new dock construction.**
- 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. **None as part of the construction of a new residential dock.**

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. **N/A.**

- 2) Could waste materials enter ground or surface waters? If so, generally describe. **No.**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Installation and maintenance of an silt fence during construction.**

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
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered? **None as part of the dock construction. A shoreline planting plan will be installed as part of the project.**

c. List threatened or endangered species known to be on or near the site. **None known.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **Emergent and native landscaping will be planted on the site as part of the mitigation.**

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. **Potential for Steelhead Salmon, Bull Trout and Chinook Salmon to be in the adjacent waters of Lake Washington.**

c. Is the site part of a migration route? If so, explain. **Migration route for salmonoids. .**

d. Proposed measures to preserve or enhance wildlife, if any: **N/A.**

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. **None as part of the dock construction.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. **No.**

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: **N/A.**

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. **No.**

1) Describe special emergency services that might be required. **None as part of the dock construction.**

2) Proposed measures to reduce or control environmental health hazards, if any: **None.**

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None.**

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. **Typical light machinery while the dock is under construction from 7:00 am – 3:30 pm daily.**

3) Proposed measures to reduce or control noise impacts, if any: **Operate machinery only as required.**

8. Land and shoreline use
- a. What is the current use of the site and adjacent properties? **Residential single family living and recreation.**
 - b. Has the site been used for agriculture? If so, describe. **Unknown.**
 - c. Describe any structures on the site. **There is currently a single family residence at the site.**
 - d. Will any structures be demolished? If so, what? **No, not as part of this project.**
 - e. What is the current zoning classification of the site? **R-15.**
 - f. What is the current comprehensive plan designation of the site? **R-15.**
 - g. If applicable, what is the current shoreline master program designation of the site? **Urban Residential Environment.**
 - h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. **None.**
 - i. Approximately how many people would reside or work in the completed project? **None, as part of the dock construction.**
 - j. Approximately how many people would the completed project displace? **None.**
 - k. Proposed measures to avoid or reduce displacement impacts, if any: **N/A.**
 - l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **To ensure local, state and federal compliance, the project will include a Shoreline Substantial Development permit and a SEPA review by the City of Bellevue, a HPA (Hydraulic Project Approval) permit from the Washington State Department of Fish & Wildlife, and a federal Letter of Permission from the US Army Corps of Engineers.**

9. **Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **None as part of the new dock construction.**
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **None as part of the new dock construction.**
- c. Proposed measures to reduce or control housing impacts, if any: **N/A.**

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? **The surface of the proposed dock will be less than 24" above the ordinary high water line.**
- b. What views in the immediate vicinity would be altered or obstructed? **None.**
- c. Proposed measures to reduce or control aesthetic impacts, if any: **N/A.**

11. **Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? **None.**
- b. Could light or glare from the finished project be a safety hazard or interfere with views? **N/A.**
- c. What existing off-site sources of light or glare may affect your proposal? **None.**
- d. Proposed measures to reduce or control light and glare impacts, if any: **N/A.**

12. **Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity **Residential waterfront recreation consisting of boating and swimming.**
- b. Would the proposed project displace any existing recreational uses? If so, describe. **The proposed new dock is consistent with the existing residential use of the other properties in the vicinity.**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None required.**

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. **Unknown.**
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **Unknown.**
- c. Proposed measures to reduce or control impacts, if any: **N/A.**

14. Transportation

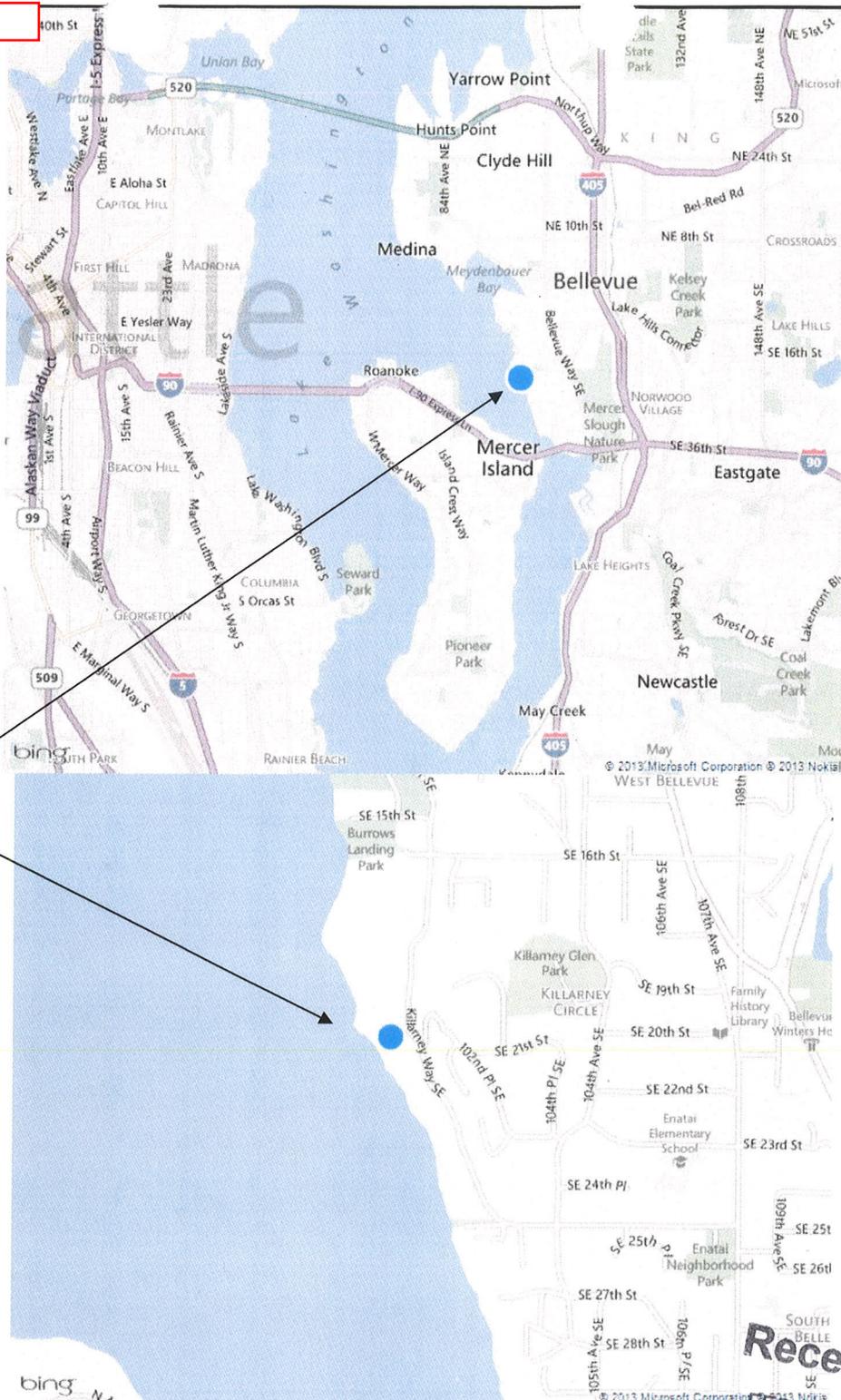
- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **The site is located on Killarney Way and is near 108th Ave Se which has bus service.**
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **Yes, on 108th Ave SE.**
- c. How many parking spaces would the completed project have? How many would the project eliminate? **None.**
- 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). **No.**
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **No.**
- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. **None.**
- g. Proposed measures to reduce or control transportation impacts, if any: **N/A.**

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

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- c. 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. **None, as part of the dock construction.**



PROJECT SITE

PROJECT ADDRESS: 2015 KILLARNEY WAY BELLEVUE, WA. 98004 LAT: 47.592442 N. LONG: 122.208580 W.
 PARCEL NUMBER: 0624059066
 APPLICANT: TED BURNS – SEABORN PILE DRIVING CO. 9311 SE 36TH STREET SUITE 204 MERCER ISLAND, WA 98040 206.236.1700

Received
 FEB 18 2014
 City of Bellevue
 Permit Processing

PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.



PROPOSED: Construct a 52' long by 4' wide dock, with 8' long by 6' wide ELL supported by eight 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.

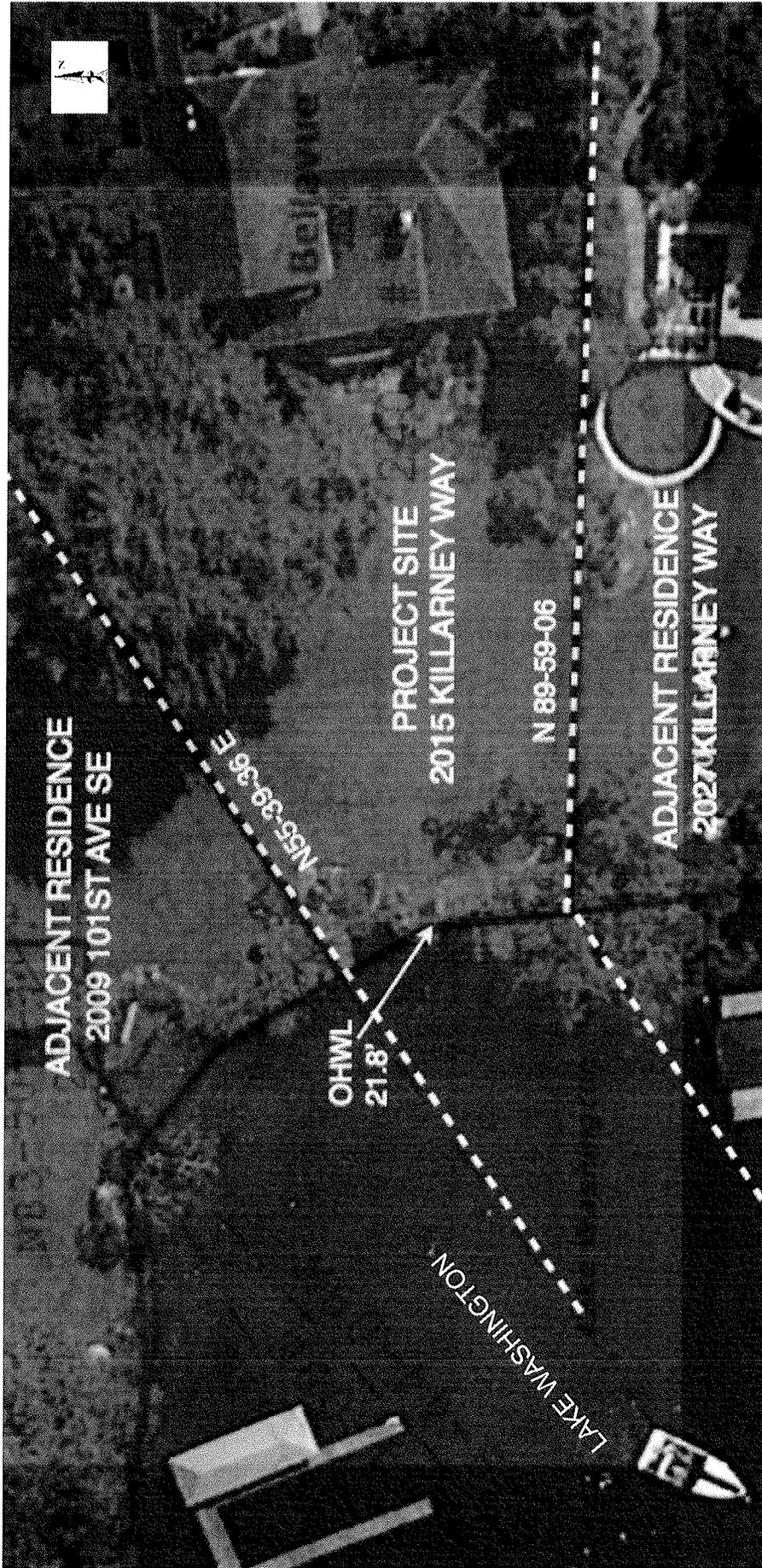
DATUM: CORPS OF ENGINEERS 1919

ADJACENT OWNERS:
 LUIS CABRERA
 2009 101ST AVE SE
 BELLEVUE, WA. 98004

RANDY TALBOT
 2027 KILLARNEY WAY
 BELLEVUE, WA. 98004

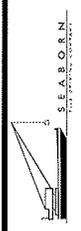
IN: LAKE WASHINGTON APPLICANT: TERENCE LUKENS
 AT: BELLEVUE 2015 KILLARNEY WAY
 COUNTY: KING BELLEVUE, WA. 98004
 NWS-2013-0849

DATE: 1/21/14 PAGE 1 OF 8



SITE MAP
SCALE 1" = 35'

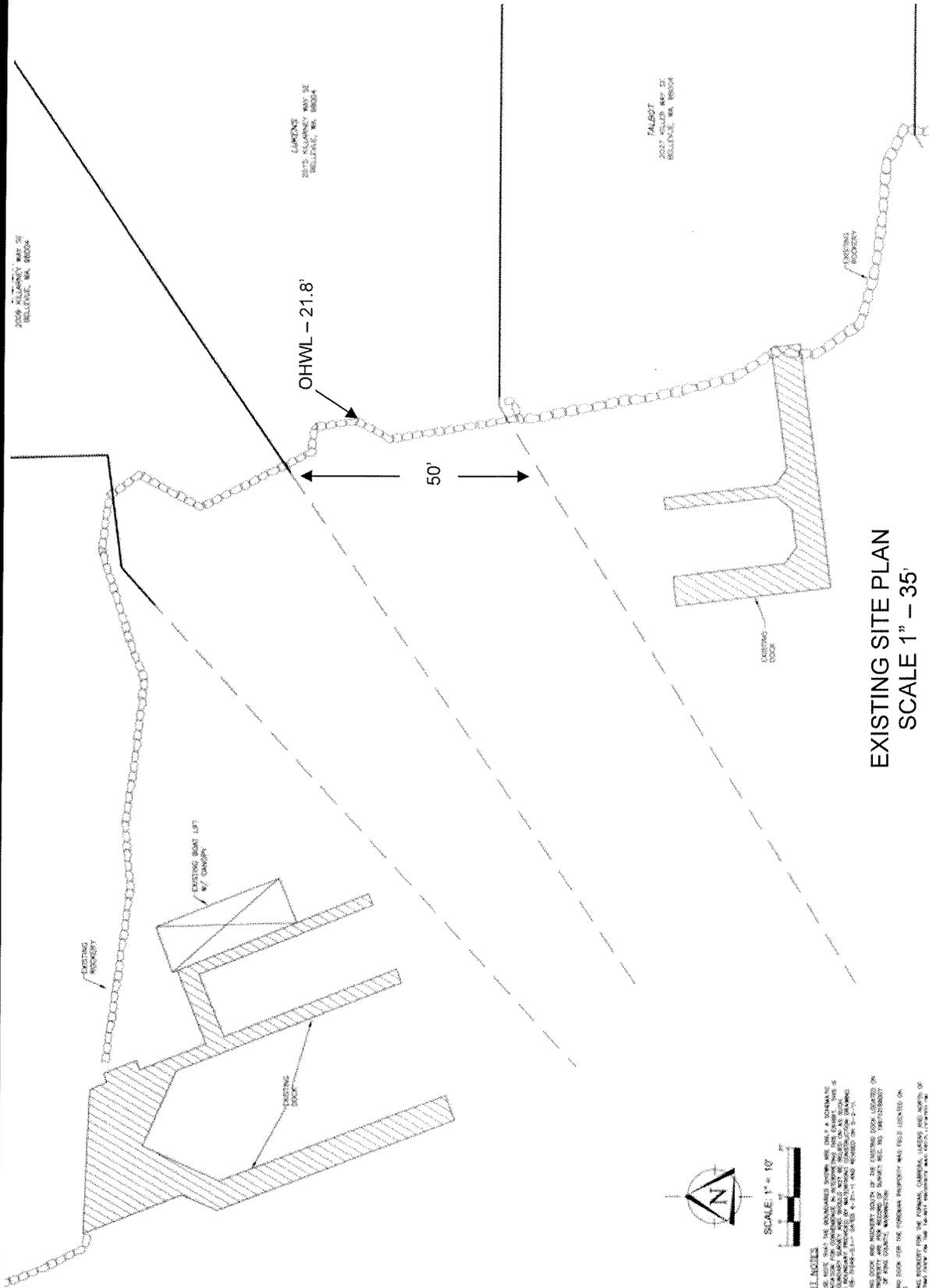
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 AT: BELLEVUE
 COUNTY: KING
 APPLICANT: TERENCE LUKENS
 2015 KILLARNEY WAY
 BELLEVUE, WA. 98004
 NWS-2013-0849



**EXISTING SITE PLAN
SCALE 1" = 35'**

EXHIBIT NOTES
 01. VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES IN THE FIELD.
 02. VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES IN THE FIELD.
 03. VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES IN THE FIELD.
 04. VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL STRUCTURES AND UTILITIES IN THE FIELD.
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PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.

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 BELLEVUE, WA. 98004

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 Install a shoreline planting plan.

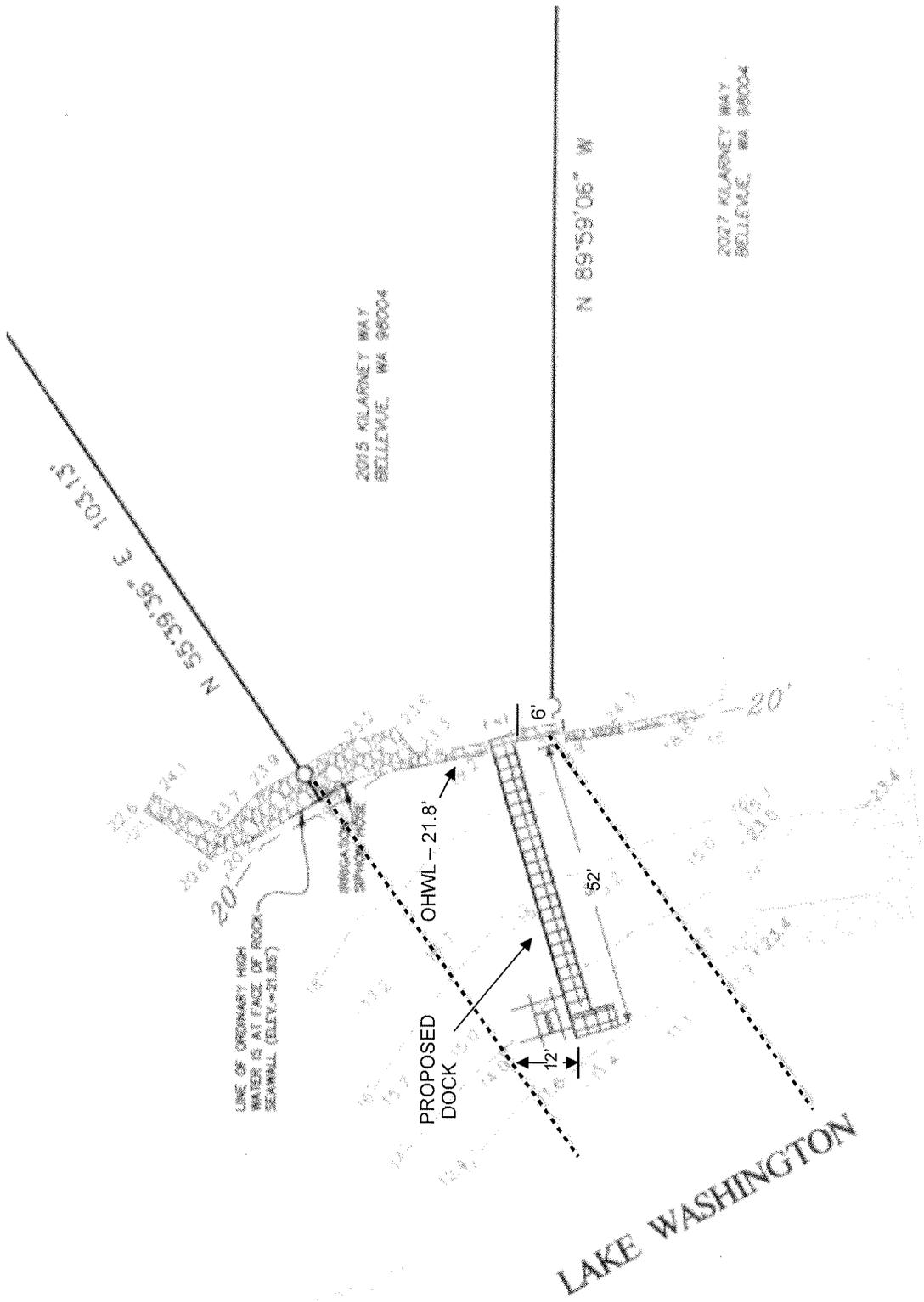
IN: LAKE WASHINGTON
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COUNTY: KING

APPLICANT: TERENCE LUKENS
 2015 KILLARNEY WAY
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NWS-2013-0849

DATE: 1/21/14 **PAGE** 3 OF 8



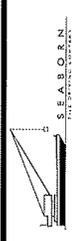


PROPOSED SITE PLAN
SCALE 1" = 28'

PROPOSED: Construct a 52' long by 4' wide dock, with a 8' long by 6' wide ELL supported by eight 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.

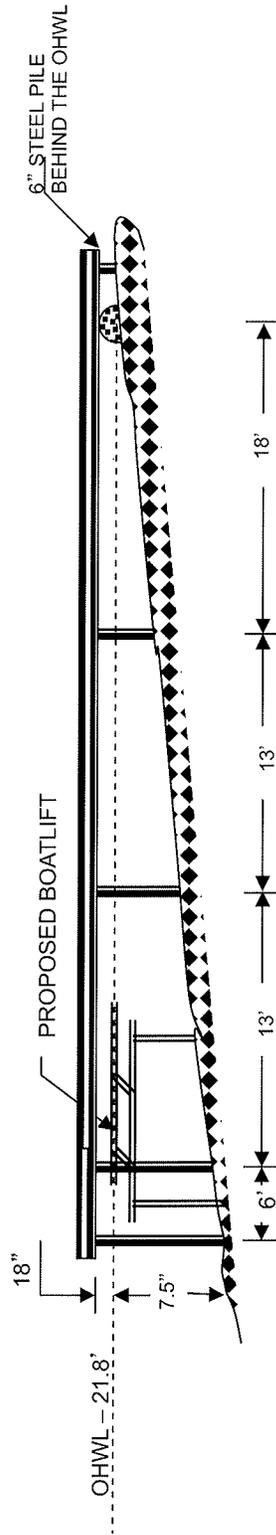
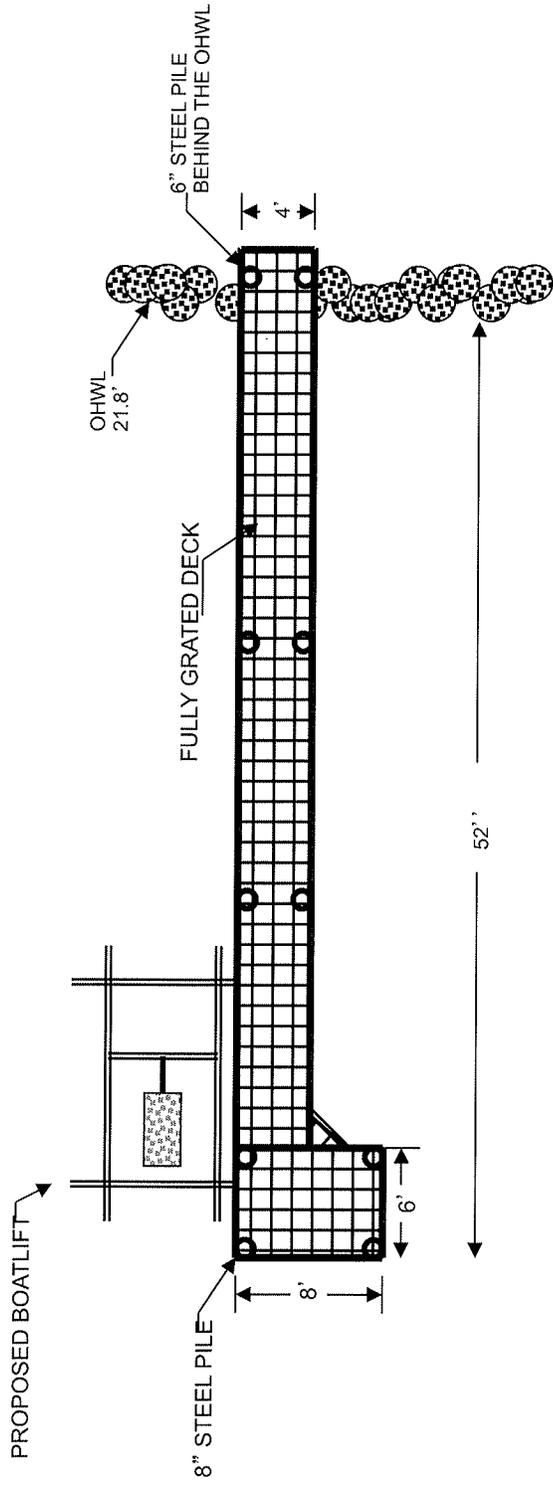
IN: LAKE WASHINGTON
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DATE: 1/21/14
PAGE 4 OF 8



PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.

DATUM: CORPUS OF ENGINEERS 1919
ADJACENT OWNERS:
RANDY TALBOT
LUIS CABRERA
2009 101ST AVE SE
BELLEVUE, WA. 98004
Randy Talbot
2027 Killarney Way
Bellevue, WA. 98004



PROPOSED DOCK
SCALE 1" = 10'

PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.

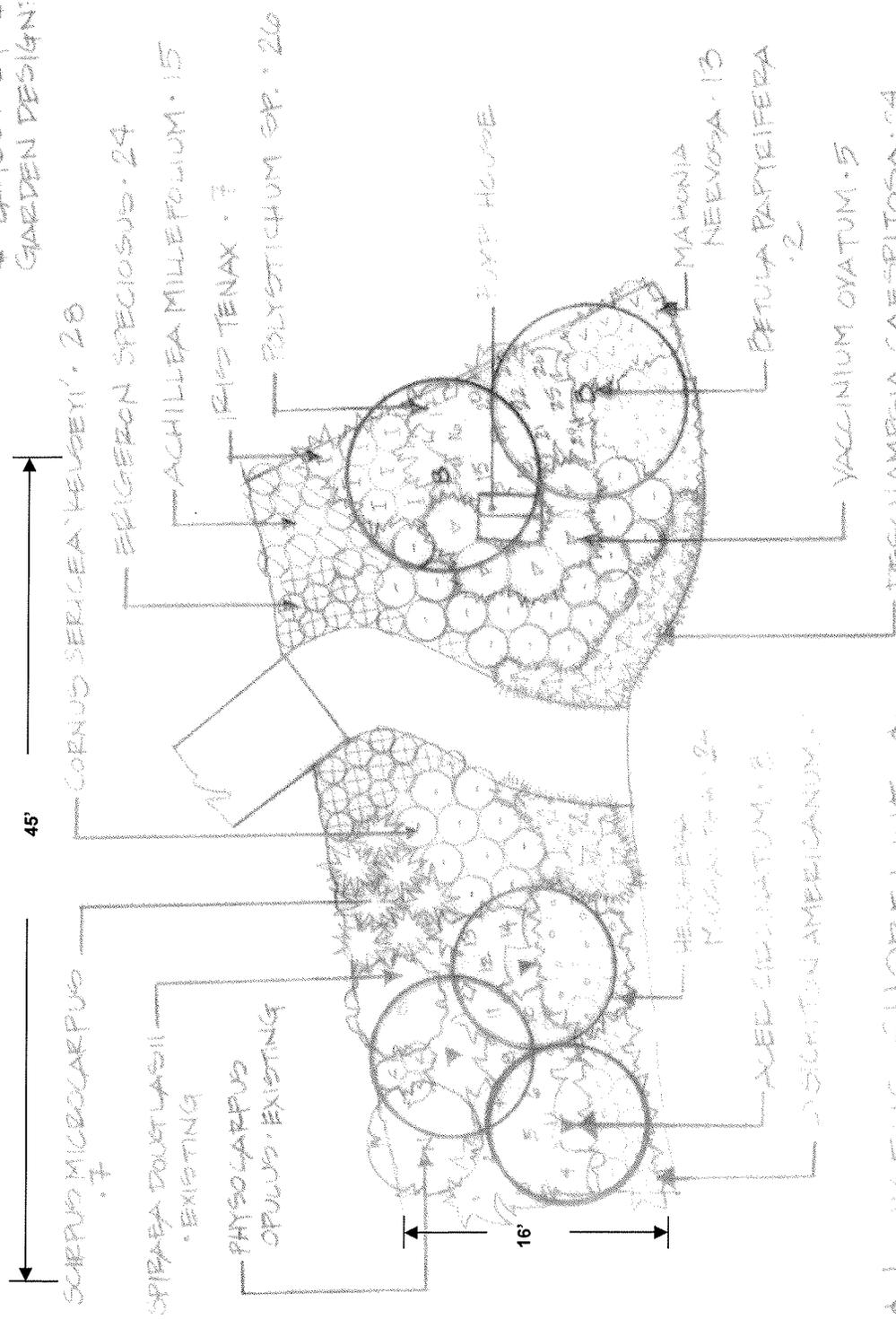
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IN: LAKE WASHINGTON
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2015 KILLARNEY WAY
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WATER SHED
GARDEN DESIGN:



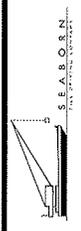
LUKENS SHORELINE
2015 KILLARNEY WAY
BELLEVUE, WA 98004

NOVEMBER 2013 PLANTING PLAN NORTH
SCALE 1" = 10'



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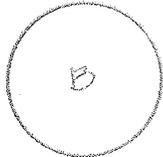
DATE: 1/21/14
PAGE 6 OF 8

PROPOSED: Construct a 52' long by 4' wide dock, with a 8' long by 6' wide ELL supported by eight 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.

SHORELINE NATIVE PLANT LIST

Mr & Mrs. Lukens
2015 Killarney Way
Bellevue, WA 98004

Plan by
Garden Designz
Michelle Scannell
206-226-9899

<u>TREE</u>	BOTANICAL NAME	QUANTITY	SIZE
	<i>Betula papyrifera</i>	2	6-8' B&B
	<i>Acer circinatum</i>	3	5-6' B&B
<u>SHRUB</u>			
	<i>Cornus sericea 'Kelseyi'</i>	28	1 gallon
	<i>Physocarpus opulus</i>	1	existing 9' wide
	<i>Spiraea douglasii</i>	1	existing 6' wide
	<i>Vaccinium ovatum</i>	5	2 gallon
<u>FERN</u>			
	<i>Polystichum species</i>	26	1 gallon
<u>GRASS/SEDGE</u>			
	<i>Deschampsia caespitosa</i>	24	1 gallon
	<i>Scirpus microcarpus</i>	2 + 5 existing on site	1 gallon

Plan by

<p>PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.</p> 	<p>PROPOSED: Construct a 52' long by 4' wide dock, with a 8' long by 6' wide EL supported by eight 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.</p>
<p>DATUM: CORPS OF ENGINEERS 1919 ADJACENT OWNERS: LUIS CABRERA 2009 101ST AVE SE BELLEVUE, WA. 98004 RANDY TALBOT 2027 KILLARNEY WAY BELLEVUE, WA. 98004</p>	<p>IN: LAKE WASHINGTON AT: BELLEVUE COUNTY: KING APPLICANT: TERENCE LUKENS 2015 KILLARNEY WAY BELLEVUE, WA. 98004 NWS-2013-0849</p>
<p>DATE: 1/21/14 PAGE 7 OF 8</p>	

SHORELINE NATIVE PLANT LIST

Mr & Mrs. Lukens
 2015 Killarney Way
 Bellevue, WA 98004

Garden Designz
 Michelle Scannell
 18603 - 22nd DR SE
 Bothell, WA 98012-8706
 206-226-9899

<u>PERENNIAL/GRNDCVR</u>	<u>BOTANICAL NAME</u>	<u>QUANTITY</u>	<u>SIZE</u>
	<i>Achillea millefolium</i>	15	1 gallon
	<i>Erigeron speciosus</i>	24	1 gallon
	<i>Heuchera micrantha</i>	24	1 gallon
	<i>Iris tenax</i>	7	1 gallon
	<i>Lysichiton americanum</i>	11	1 gallon
	<i>Mahonia nervosa</i>	13	1 gallon

PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.



PROPOSED: Construct a 52' long by 4' wide dock, with a 8' long by 6' wide EL supported by eight 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.

DATUM: CORPS OF ENGINEERS 1919

ADJACENT OWNERS:

LUIS CABRERA
 2009 101ST AVE SE
 BELLEVUE, WA. 98004

RANDY TALBOT
 2027 KILLARNEY WAY
 BELLEVUE, WA. 98004

IN: LAKE WASHINGTON
 AT: BELLEVUE
 COUNTY: KING

APPLICANT: TERENCE LUKENS
 2015 KILLARNEY WAY
 BELLEVUE, WA. 98004

NWS-2013-0849

CAIRCROSS&HEMPELMANN
524 2nd Ave, Suite 500
Seattle, WA 98104
www.cairncross.com

ATTORNEYS AT LAW
office 206 587 0700
fax 206 587 2308



September 30, 2013

VIA EMAIL

Heidi Bedwell
Development Services Department
450 110th Ave NE
P.O. Box 90012
Bellevue, WA 98009
hbedwell@bellevuewa.gov

Re: Lukens Dock
File No. 13-122010-WG

Dear Ms. Bedwell:

The following comments are provided on behalf of our clients, L. Felipe Cabrera and Marcelle Stagno, regarding the Lukens Dock, File No. 13-122010-WG:

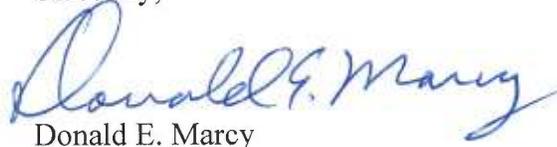
1. The applicant should analyze the impacts to the public's right to navigation and use of the shorelines. The proposed dock is only 25 feet from the dock that is located on the property south of the applicant's property. That owner has asserted problems with docks in the past that were further from his dock. There is also a dock to the northeast of the proposed dock, the owner of which has objected to other docks in the past.
2. The applicant needs to provide some analysis of the cumulative impacts of constructing docks in the cove where the applicant's property is located. The property owner to the north of the applicant may want to construct a dock at some point, and construction of this dock should not preclude construction of other docks or result in adverse impacts to the rights of other property owners.
3. The SEPA analysis for the dock should address the issues set forth in Comments 1 and 2 above.
3. Pg. 5/8 of the plans seems to have incorrect measurements on the "plan" view. The line that is supposedly 45 feet is longer than the line that is supposedly 49 feet.

Heidi Bedwell
September 30, 2013
Page 2

4. It is not clear from the plans that no structures are within 30 feet of the ordinary high water mark ("OHWM"). The boat lift is a structure and as such should be at least 30 feet from the OHWM. However, the boat lift shown on p. 5/8 of the plans appears to be less than 30 feet from the OHWM.
5. What are the water depths along the proposed dock, both at low lake and at high lake? Boat lifts typically require four to five feet of water, and the depth of the water where the boat lift is shown on the plans may be less than four to five feet.
6. Any permit for the dock should be conditioned so that the boat lift may not extend past the end of the dock.

Thank you for the opportunity to provide comments, and please let me know if you have any questions regarding our comments.

Sincerely,

A handwritten signature in blue ink that reads "Donald E. Marcy". The signature is fluid and cursive, with the first name being the most prominent.

Donald E. Marcy

DEM/kgb

cc: Felipe Cabrera
Marcelle Stagno



March 26, 2014

To: Marcelle Stagno & Luis Cabrera
Re: Proposed Lukens Pier
Orientation & Location

Marcelle & Luis,

Per your request we have reviewed the proposed Lukens pier drawings to determine how it might impact the use of your proposed pier. Attached are revised drawings showing the correct water depth for your proposed pier, and the relationship between your proposed pier and Lukens' proposed pier. Upon review of the Lukens' proposed pier I have the following comments and concerns:

- The shoreward end of the proposed Lukens pier appears to be located within the 12' side setback. I am not sure if they have applied for a variance or not to locate the pier within the setback. If they have applied for a variance you may want to question what the rationale for the variance is; since there is plenty of room to shift the shoreward end of the pier to the 12' setback line at a minimum. (See drawing of alternate location for Lukens proposed pier).
- Because the location of the shoreward end of the pier is in the side setback, the Lukens pier orientation and location as proposed is at the worst possible position for the pier placing it too close to your proposed pier. In addition the orientation angle of the Lukens pier forces vessels accessing their boatlift to pass dangerously close to your pier and any vessel moored on your boatlift.
- As a vessel slows down in the water the slower speed makes it more difficult to control the vessel. If there is any wind of 10 MPH or greater out of the south or southwest vessel approaching the Lukens boatlift on the north side of the Lukens pier run the risk of being pushed into your pier or any vessel on your boatlift.
- Any persons swimming off the end of your pier could be in the path of vessels accessing the Lukens pier.

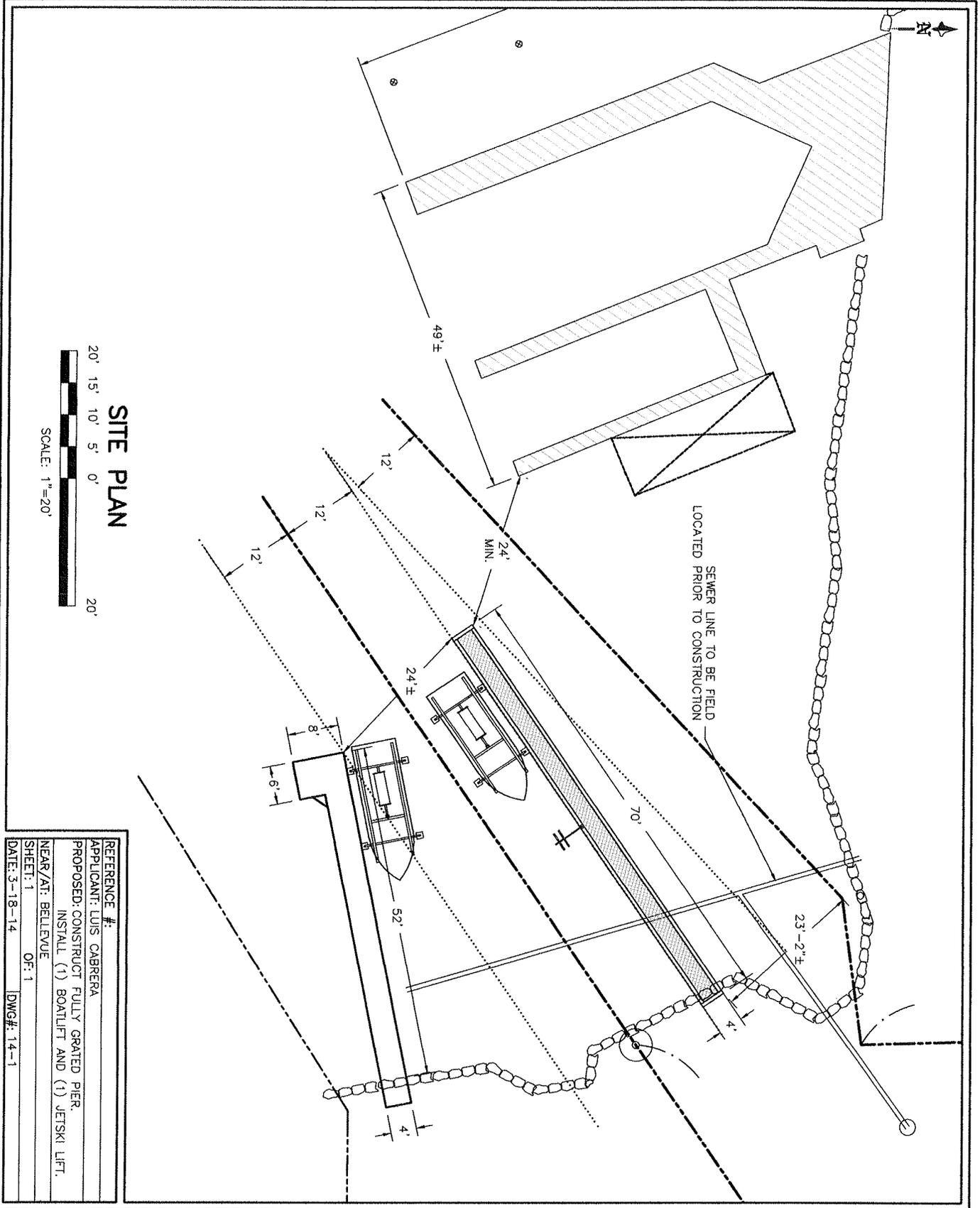
I suggest any of the following changes to reduce impacts to your proposed pier:

1. As proposed the two piers will only be separated by 24' at the closest point between the piers. More separation between piers would reduce the risk of vessels accessing Lukens boatlift from hitting your pier or any vessel on your boatlift.
2. Rotating the shoreward end of Lukens pier counterclockwise and running it parallel to your south property line maintains the 24' separation but removes the need for vessels accessing Lukens boatlift to cross in front of your pier.

3. Rotating the lakeward end of the Lukens pier increases the pier to pier separation and reduces risk of a vessel to pier impact or vessel to vessel impact.
4. Shifting the Lukens pier to their south property line 12' setback and flipping the boatlift to the south side of their pier increases the pier to pier separation and eliminates vessels accessing the Lukens pier from crossing in front of your pier. (See drawing of alternate location & configuration of Lukens Pier).

I have attached two alternate pier locations for the Lukens pier. Either will improve the ingress and egress to Lukens boatlift and reduce the adverse impacts to your pier and moored vessels. I suggest that you present these alternatives to the City of Bellevue shoreline reviewer before a decision is made to approve the Lukens pier as they have designed it.

Best regards,
Steve Zuvella
Permit Dept Supervisor
Waterfront Construction, Inc.
206-548-9800 office
206-786-6455 cell



REFERENCE #:	
APPLICANT:	LUIS CABRERA
PROPOSED:	CONSTRUCT FULLY GRATED PIER.
	INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.
NEAR/AT:	BELLEVEUE
SHEET:	1
OF:	1
DATE:	3-18-14
DWG #:	14-1

Waterfront Construction Inc.
 THIS DOCUMENT IS THE PROPERTY OF WATERFRONT CONSTRUCTION INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF WATERFRONT CONSTRUCTION INC.

**Terry Lukens
2015 Killarney Way
Bellevue, Washington 98004**

April 1, 2014

Ms. Heidi Bedwell
Bellevue Development Services Department
P. O. Box 90012
Bellevue, WA 98009-9012

Re: Cabrera Pier
File No. 14-124074-WG

Dear Ms. Bedwell:

I am writing on behalf of my wife and myself; we live at 2015 Killarney Way immediately south of the Cabreras. As you know we are also applicants for a permit to construct a dock, amended as reflected in File No. 14-124658-LO. Our original dock application predated the Cabrera application by a year or more.

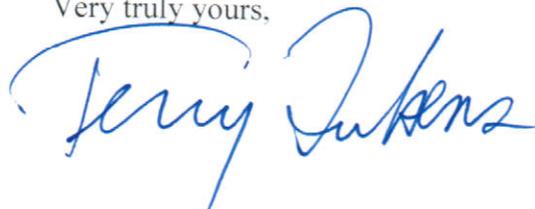
The comments we are submitting are contingent upon the happening of certain future events. As we have discussed with you, we have reached an agreement with our neighbor to the south, Mr. Randy Talbot, to reconfigure his dock. That reconfiguration will eliminate any conflict between his dock and our dock and will also allow us to reconfigure our original dock location, as now reflected in File No. 14-124658-LO. We do not believe that our reconfigured dock will interfere with access to the Cabrera dock nor will their dock interfere with access to our dock.

However if the Talbot reconfiguration is not approved by either the City or the Corps of Engineers, or if the project is unable to proceed to construction for some unknown reason, then our dock proposal will, of necessity, have to be returned to its original configuration. Any such remodified dock will not only result in potential issues with access to the Talbot dock, but will also create significant navigational issues between our dock and the Cabrera dock as reflected in the application they have just filed, following our conversation with them about the Talbot-Lukens collaboration.

As you and I discussed at our meeting, the interrelated approvals of the Talbot and Lukens docks by City and Corps and resolution of any construction issues must precede final consideration of the Cabrera's recent submission.

At such time as the Talbot dock reconfiguration issue is resolved, we reserve the right to provide additional comments, depending on the eventual outcome.

Very truly yours,



Lukens Dock 13-122010-WG

From: Randy Talbot <randyhtalbot@live.com>
Sent: Wednesday, September 18, 2013 3:47 PM
To: Bedwell, Heidi
Subject: Lukens Dock 13-122010-WG

Hello Heidi. I am the neighbor directly south of the Lukens. The proposed dock is in a U shaped cove on Lake Washington along Killarney Way. The position of the proposed dock places the SW corner of the end of the dock directly in the path of exit and entrance into my dock space. The winds and waves in this cove push boats in a Northeasterly direction (toward this proposed dock) and the shoreline is shallow and rocky. This prevents any exit except out to the lake away from shore (not possible to go toward shore then out). The dock is too close to the end of my dock, preventing my ability to turn out to the lake without hitting it. Therefore, the current location makes it very dangerous to both passengers and property for anyone leaving or coming in to my dock. None of us should want this liability. I am requesting a meeting to show you this issue before an approval is given for a permit, as approval will set off a dispute that may be avoided by working this out beforehand and gaining our agreement to an acceptable location. I am very willing to work with the Lukens to solve this as they are friends and good neighbors. Please let me know next steps. 425-533-0798 or @425-503-5921 Thank you. Randy Talbot

Comment ltr 4

From: Karen Walter <Kwalter@muckleshoot.nsn.us>
Sent: Thursday, September 26, 2013 1:19 PM
To: Bedwell, Heidi
Subject: Lukens pier, 13-122010-WG, optional Determination of
Non-Significance
Notice Materials

Heidi,

We have reviewed the ODNS Notice materials for the Lukens pier project at 2015 Killarney Way on Lake Washington. With respect to the shoreline planting plan, this is an appropriate mitigation measure for this new pier. However, it appears that the two birch trees and some of the other proposed plants are non-native species. They should be replaced with native plants that will be more likely to grow successfully on the site. Native plants for King County can be found at:

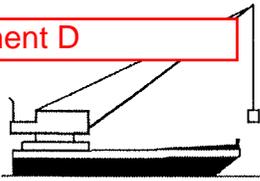
<https://green.kingcounty.gov/GoNative/Index.aspx>

Please let me know if you have any questions.

Thank you,
Karen Walter
Watersheds and Land Use Team Leader

Muckleshoot Indian Tribe Fisheries Division
Habitat Program
39015 172nd Ave SE
Auburn, WA 98092
253-876-3116

Attachment D



SEABORN
PILE DRIVING COMPANY

ESTABLISHED 1947

9311 SE 36TH STREET, SUITE 204
MERCER ISLAND, WASHINGTON 98040
(206) 236-1700 – PHONE
(206) 236-2700 – FAX
CONTRACTOR LICENSE SEABOPD942CG
WEBSITE: WWW.SEABORNPILEDIVING.COM

February 10, 2014

City of Bellevue
PO Box 90012
Bellevue, WA. 98009

Received

FEB 18 2014

Permit Processing
City of Bellevue

Attn: Heidi Bedwell – Planner

Subject: Critical Area Report for the proposed new pier and ELL at the Lukens Residence at 2015 Killarney Way, Bellevue, WA. 98004

Refer: Bellevue Substantial Development permit 13-122010WG

Dear Heidi;

I am acting as the agent for Terence Lukens for the application for a permit to construct a new residential pier and ELL at the subject site. The proposed pier measures 52' long and 4' wide with a 6' wide by 8' long ELL at the end of the pier.

Per **LUC 20.25E.080.N.1.a** allows one non commercial residential moorage facility provided the pier meets the development standards outlined in **LUC 20.25E.808.N.1.b**. The proposed pier measures 52' long and 4' wide with an ELL measuring 8' long by 6' wide. The landward end of the ELL is in water measuring 6.5' deep. Per **LUC 20.25E.808.N.1.b.iv.(3).(a)** Ells are allowed only over water with depths of nine feet or greater at the landward end of the ell.

The ELL has been located at the end of the proposed pier where the water is deepest. Increasing the length of the pier to allow the inshore side of the ELL to reach the 9' depth will require extending the pier 12'. This additional length will negatively impact the access to the existing residential pier to the west and impede their ability to enter and exit their existing dock.

We feel extending the proposed dock another 12' is also contrary to the intent of the local, state and federal guidelines and codes where the intent is to construct a pier with the least overwater coverage possible.

We feel the applicant has the right to construct a pier that will provide safe and secure boat moorage, and that will provide the adjacent property owners clear access into and out of their piers, without obstruction from a pier that extends further than necessary into Lake Washington.

The applicant is applying for the **Critical Area Land Use Permit** as a result of the current code requiring that the ELL be located where the inshore end of the ELL is in water depth 9' or greater.

The application herein contains a critical area report demonstrating that there will be a net increase in critical area functions and values as a result of the proposed actions. This net increase is based on mitigation consisting of proposed shoreline plantings per the City's Critical Area Handbook.

We have also applied for a Shoreline Substantial Development Permit from the City of Bellevue (13-122010WG), and will apply for a HPA from the WA State Department of Fish & Wildlife after receiving the Bellevue SEPA decision. The US Army Corps of Engineers has issued a Letter of Permission to complete the work on February 5, 2014.

We have included a JARPA for review by the City of Bellevue. The work window for the site has been established by the federal and state permits as July 16 – April 30 of every year.

Our submission of the Critical Areas Report will address several sections and sub-sections of the Bellevue Land Use Code (LUC) and specifically section **20.25E.808.N.1.b.iv.(3).(a)**; including:

- **20.25H.230 Critical areas report – Purpose** – which is a mechanism by which the requirements of this part, certain requirements of Part **20.25E** LUC of that part may be modified for a special purpose.
 - **Under this section we will direct our efforts to the following section of the code.** The critical areas report must demonstrate a net increase in certain critical area functions.
- **20.25H.245 Incorporation of best available science.** The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provision of this part.
- **20.25H.250 Critical areas report – Submittal requirements**
 - **Specific Proposal Required.** A critical areas report must be submitted as part of an application for a specific development proposal. In addition to the requirements of this section, additional information may be required for the permit applicable to the development proposal.

- **Minimum Report Requirements.** The critical area report shall be prepared by a qualified professional and shall at minimum include the content identified in this section. The Director may waive any of the report requirements where, in the Director's discretion, the information is not necessary to assess the impacts of the proposal and the level of protection of critical area function and value accomplished. At a minimum, the report shall contain the following:

1. Identification and classification of all critical areas and critical area buffers on the site.

The site is a single family waterfront residence on Lake Washington. The property includes an existing basalt rock bulkhead with some native plantings along the shoreline supporting existing waterlife and fish.

2. Identification and characterization of all critical areas and critical area buffers on those properties immediately adjacent to the site.

The adjacent sites are also adjacent to Lake Washington with a continuous natural rock bulkhead or sand beach along the lakefront.

3. Identification of each regulation or standard of this code proposed to be modified.

The regulation to be modified by this critical area permit is: **LUC 20.25E.808.N.1.b.iv.(3).(a)**

4. A habitat assessment consistent with the requirements of LUC 20.25H.165:

A. Detailed description of vegetation on and adjacent to the site.

The proposed and adjacent sites contains trees, shrubs and plantings native to the northwest and extending from the street to the shoreline of Lake Washington.

B. Identification of any species of local importance that have a primary association with habitat on or adjacent to the site, and assessment of potential project impacts to the use of the site by the species.

There are existing shoreline grasses and plantings that will be incorporated into the proposed shoreline planting plan for the site. Some of these shrubs along the shoreline are flowering and will drop leaves and nutrients into the lake to sustain and support the fish and aquatic wildlife. There will be no potential project impacts as a result of the trees and grasses currently present on the site.

C. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the site.

The US Army Corps of Engineers has required the implementation of a site specific shoreline planting plan. They also require mitigation for the Endangered Species that may habitat near the site with the installation of a fully grated deck on the proposed pier. The proposed shoreline planting plan and grated deck surface was accepted and is part of their Letter of Permission NWS-2013-0849 issued 2/5/2014.

The proposed planting plan is to provide nutrients and habitat for the salmonoids known to travel along the shores of Lake Washington.

We have not applied for a Hydraulic Project Approval (HPA) from the Washington State Department of Fish and Wildlife; however we will make application after we receive the SEPA decision. However, on October 14, 2013 Christa Heller of WDFW

sent a letter to the US Army Corps of Engineers requesting that the project include a (5) tree (or equivalent) planting plan. This has been included in the proposed planting plan in the project drawings.

- D. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality.**
The proposed pier and ELL will be constructed within a 5 day period utilizing minimally invasive 8" steel piles spaced to the maximum distance the building code allows. The proposed pier and ELL will not present potential impacts to the aquatic wildlife in and surrounding Lake Washington either directly or indirectly during a continuing long-term period.
- E. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed use or activity and to be conducted in accordance with the mitigation sequence set forth in LUC 20.25H.215.**
- a. Avoiding the impact altogether by not taking a certain action or parts of an action. The waterfront property owner has the right to construct a single family pier for the adjacent single family residence. The proposed pier and the associated ELL have been designed to provide the least overwater coverage and the fewest number of support piles to provide for safe and accessible boat moorage and water recreational activities. Increasing the proposed pier 12' in length to a location where the water depth at the inshore section of the ELL is 9' or greater, will cause a navigation hardship for access to the existing pier and moorage on the adjacent property owner to the west.
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts. The proposed pier and ELL will be constructed with the latest technologies to provide support and protection of personal property with minimal disturbance to the lakebed and waters of the lake. The proposed pier and ELL will be constructed utilizing state and federal acceptable materials for in-water applications that are compatible with the waters of Lake Washington; and which won't negatively impact those waters. The proposed pier and ELL will be constructed during federal and state mandated open work windows.
 - c. Performing the following types of mitigation (listed in order of preference): We propose to implement a shoreline planting plan consisting of native trees, plants and shrubs to provide an improved habitat for the ESA fish that travel in Lake Washington. The proposed shoreline planting plan and the existing plants will be maintained and monitored for 5 years to provide a continuous source of lakeshore nutrients.
 - d. Monitoring the hazard or other required mitigation and taking remedial action when necessary. The proposed pier and ELL will be monitored to ensure that it doesn't change it's impact on the vegetation and aquatic life in Lake Washington.
- F. A discussion of ongoing management practices that will protect habitat after the site has been developed, including proposed monitoring and maintenance programs. (Ord. 5680, 6-26-06, § 3).**
The proposed shoreside plants will be monitored per the City of Bellevue Critical Areas Handbook for five (5) years. During this period we will 1). track the survival of the existing planted vegetation, 2). Track the percent coverage of planted and existing vegetation, 3). Track the diversity of planted vegetation, and 4). Track the percent cover of non-native invasive weeds.

5. An assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development.

There are no probable cumulative impacts to Lake Washington, the shoreline along Killareny Way or the lakebed as a result of the proposed pier and ELL. The proposed pier and ELL have been designed and sized to provide the residential homeowner with a safe and secure boat moorage with the least intrusion into Lake Washington, and the least driven piles to support the structure. The city code does allow a longer pier and longer and wider ELL, however the applicant has instead limited the pier length to provide easier navigation and access to the adjacent piers.

6. An analysis of the level of protection of critical area functions and values provided by the regulations or standards of this code, compared with the level of protection provided by the proposal. The analysis shall include:

- a. **A discussion of the functions and values currently provided by the critical area and critical area buffer on the site and their relative importance to the ecosystem in which they exist.** Lake Washington provides a habitat for fish, ducks, geese and birds and it is important to the ecosystem in which they exist.
- b. **A discussion of the functions and values likely to be provided by the critical area and critical area buffer on the site through application of the regulations and standards of this Code over the anticipated life of the proposed development:** The application of this code will ensure that the proposed pier and ELL doesn't negatively impact the lake's existing species and ecosystem, as well as provide for improvement through shoreline aquatic and plant enhancement. The proposed pier and ELL's length, width and overwater coverage do meet the current city code if the pier is extended into water that is 2' greater in depth.
- c. **A discussion of the functions and values likely to be provided by the critical area and critical area buffer on the site through the modifications and performance standards included in the proposal over the anticipated life of the proposed development.** The addition of shoreline enhancement and mitigation with the implementation of a shoreline planting plan consisting of trees, plants and shrubs that will provide nutrients into the adjacent waters of Lake Washington; and will provide a net increase in critical area functions and values to Lake Washington in the project area.

7. A discussion of the performance standards applicable to the critical area and proposed activity pursuant to LUC 20.25H.160, and recommendation for additional or modified performance standards, if any

- a. **If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this part.** The project site habitat does not impact other species and the Washington Sate Department of Fish & Wildlife management plan is not affected by the proposed pier and ELL.

8. A discussion of the mitigation requirements applicable to the proposal pursuant to LUC 20.25H.210, and a recommendation for additional or modified mitigation, if any;

a. **Where a mitigation or restoration plan is required under this part or Part 20.25E LUC, the plan shall be developed in accordance with the standards of LUC 20.25H.210 through 20.25H.225 inclusive. Any mitigation or restoration plan shall be approved as part of the permit or approval required for the underlying activity. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report. (Ord. 5680, 6-26-06, § 3)**

The proposed mitigation plan has been developed and is in accordance with the subject standards, as well as the standards set forth by the Washington State Department of Fish and Wildlife and the site specific US Army Corps of Engineers Letter of Permission (NWS-2013-0849 issued 2/5/2014).

9. Any additional information required for the specific critical area as specified in the sections of this part addressing that critical area.

This critical areas permit application and report as well as the proposed mitigation plan addresses all of the sections and requirements.

Additional Report Submittal Requirements.

1. Unless otherwise provided, a critical areas report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Director.

A completed SEPA checklist, state JARPA and the federal permit (NWS-2013-0849 issued 2/5/2014) has been included as part of this critical areas report.

2. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report, and may be considered in determining compliance with the applicable decision criteria, except as set forth in subsection C.4 of this section.

The proposed mitigation planting plan is included in the drawings as part of the critical area study.

3. The applicant may consult with the Director prior to or during preparation of the critical areas report to obtain approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation.

The report is submitted for review without consultation.

4. Proposals to obtain reductions in regulated critical area buffers below the buffers required by this part shall include the following information in addition to the minimum critical areas report contents described in subsection B of this

section. The restoration proposed to improve existing function included in the proposal must be separate from any impact mitigation proposal:

This critical area report doesn't address the need for a reduction in the regulated critical area buffer.

- **20.25H.255 Critical areas report – Decision criteria.**
- **A. General**

Except for the proposals described in subsection B of this section, 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;

We are confident that the proposed mitigation planting plan leads to a net increase in critical area functions and values for the site.

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

We have developed and will schedule adequate resources to complete the required mitigation proposed as part of this critical area 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; and

We are confident that the mitigation and resulting modifications are not detrimental to the functions and values to the critical areas and critical area buffers off-site.

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

The proposed pier and ELL and planting plan mitigation is compatible and consistent with other numerous piers and waterfront recreation uses found in the vicinity and throughout Lake Washington. In addition, the preparation and submittal of the Critical Area report is to construct an ELL where the water depth at the furthest end of the pier is less than 9'. The applicant does have the right, and the City of Bellevue code will allow the applicant the right; to construct the proposed pier and ELL at a distance another 12' from the OHWL, where the water depth at the landward end of the ELL meets the code (9'). The

applicant has chosen to limit the length of the proposed pier, and the size of the ELL, to allow for clear access for the property owners to the adjacent pier to the west.

The responses provided directly address the Design Criteria listed in 20.25H.255 above as it is believed this will serve as the basis for approval of the project as designed. It is our goal to prove that the design has been developed to demonstrate that the proposed mitigation will more than offset the proposed pier and ELL and result in a positive enhancement of the critical area. In addition, as a result of other codes and restrictions, the alternative design and proposed pier length will have a negative effect on the adjacent sites.

Development Standards

vi. Shoreline Critical Area and Critical Area Buffer Functions.

- (1) Existing Habitat Features. Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be preserved and new or expanded moorage facilities placed to avoid disturbance of such features.

The proposed pier and ELL have been designed and located to avoid disturbing any existing habitat that may be determined to exist in the area.

- (2) Invasive weeds (e.g., milfoil) may be removed with nonchemical means only.

There are currently no invasive weeds located in the critical area of this proposed project, and none will be removed as part of this project.

- (3) Shoreline Planting. In order to mitigate the impacts of new or expanded moorage facilities, the applicant shall plant emergent vegetation (if site-appropriate) and a buffer of vegetation a minimum of 10 feet wide along the entire length of the lot immediately landward of ordinary high water mark. Planting shall consist of native shrubs and trees and, when possible, emergent vegetation. At least five native trees will be included in a planting plan containing one or more evergreen trees and two or more trees that like wet roots (e.g., willow species). Such planting shall be monitored for a period of five years consistent with a monitoring plan approved pursuant to LUC 20.25H.210. This subsection is not intended to prevent reasonable access through the shoreline critical area buffer to the shoreline, or to prevent beach use of the shoreline critical area.

Response and Environmental Considerations: The proposed planting plan consists of native shrubs and trees extending 16' onto the property and into the yard, and along the entire width of the property adjacent to Lake Washington.

There is a 6' deep cut-out to allow access to the pier. The content of the proposed planting plan is to provide nutrients into the lake to support the aquatic life and to provide a sustainable net increase in critical area functions and values at the site.

The proposed shoreline planting plan mitigation supports the position that the proposed project reflects less impact than the existing site and therefore warrants review and approval based on the net increase in critical area functions and values as a result of these proposed actions.

**As demonstrated above pertaining to Development Standard
20.25E.808.N.1.b.iv.(3).(a)**

- The mitigation and proposed planting plan 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.
- Adequate resources to ensure completion of any required mitigation and monitoring efforts that will be put in place.
- 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 resulting development is compatible with other uses and development in the same land use district.
- The proposed development reflects an improvement over existing conditions.

Incorporation of Best Available Science – All elements of the project reflect Seaborn Pile Driving's as well as Terence Lucken's commitment to incorporate Best Available Science into every aspect of the pier and ELL construction. This is demonstrated through the use of local, state and federal regulatory design standards including constructing a pier with steel piles and using epoxy coated steel hardware, and conducting work only during authorized in-water work windows.

We're very pleased to provide the documentation and address and support the development standards where the proposed project deviates from the City of Bellevue guidelines. If you need any additional information, please feel free to contact the undersigned as agent for the owner.



Ted Burns
Seaborn Pile Driving Company
9311 SE 36th Street
Suite 204
Mercer Island, WA. 98040
206-236-1700 – Phone
206-947-4010 – mobile
tedeburns@yahoo.com - email

enclosures:

Project drawings dated 1/21/14 with the proposed planting plan
JARPA
SEPA checklist
US Army Corps of Engineers Letter of Permission (NWS-2013-0849 – dated 2/5/14)



Via email to t.lukens@comcast.net

Ref. No. 392-01

May 16, 2014

Mr. Terrence Lukens
2015 Killarney Way
Bellevue, WA 98004

Jeffrey A. Layton, P.E.
John D. Sell, P.E.
Jeffrey T. Becker, P.E.
Gwendolyn M. McHugh, P.E.

**RE: Proposed Lukens Dock on Lake Washington
City of Bellevue Letter to Ted Burns dated April 4, 2014**

Dear Mr. Lukens:

This letter is in response to your request to review and comment on the above referenced letter from the City of Bellevue regarding navigational issues associated with the proposed Lukens dock and the existing and proposed docks in the vicinity. It is my understanding that my primary assignment is to review and comment on the relation of the proposed Lukens dock to the proposed Cabrera dock. I will also comment on the existing Talbot dock and general navigation issues.

Lukens Dock

Figure 1 provides a general site plan of the proposed Lukens dock, which was prepared by the Lukens' contractor, Seaborn Pile Driving Company. The proposed dock consists of a 46-foot long by 4-foot wide pile supported fixed pier that will be connected to an 8-foot by 6-foot pile supported L-shaped pierhead. A boatlift for a boat approximately 20-feet long would be located at the lakeward end of the pier on the north side.

Cabrera Dock

Figure 2 provide a general site plan of the proposed Cabrera dock and the Lukens dock. The drawing was prepared by the Cabrera's contractor, Waterfront Construction Company. The proposed Cabrera dock consists of a 70-foot long by 4-foot wide pile supported fixed pier. A boatlift for a boat approximately 20-feet long would be located at the lakeward end of the pier on the south side.

Navigation Impacts

As illustrated in Figure 2, the adjacent lakeward ends of the proposed Lukens and Cabrera docks will be separated by approximately 24 feet. The separation increases to approximately 43 feet at the connection of the piers to the uplands.

May 16, 2014

Boat access to the proposed piers from Lake Washington will be at a northeasterly heading with the boats moored side by side in their individual boatlifts. This configuration would be similar to a double loaded mooring arrangement in a marina. Standard design practice for a double loaded slip for 20-foot long boats requires a minimum separation of 20 feet.¹ The proposed 24 foot separation shown in Figure 2 is well above this minimum. Accordingly, it is my opinion that there will be sufficient space between the two piers to moor the owner's respective craft.

Because the Lukens pier will at be at a slight angle to the Cabrera pier and the property line between the two properties, vessel access to the Lukens pier may require crossing over the property line to line up parallel with the boatlift and dock, which I understand is a concern to the Cabrera family. However, the Public Trust Doctrine² for Washington State allows the public to use the waters of the state for navigation purposes, which includes navigating over privately owned bedlands located below the ordinary high water mark. Accordingly, it is my understanding that this right would also apply to the Lukens family for accessing their dock by boat.

Talbot Dock

It is my understanding that your adjacent neighbor to the south, the Talbot family, has agreed to revise their existing dock such that boat access to their moorage slip or boat well will be from the south instead of the north. This will be accomplished by removing a portion of the fixed pier walkway on the south side of the pier to provide new vessel access to the existing boat well. A new pile supported deck will then be constructed across the northern end of the boat well.

With the implementation of the above described modification to the Talbot dock, the proposed Lukens dock will not impact navigational access to the Talbot's boat well.

Public Navigation

The presence of the Lukens dock will not preclude the boating public from operating vessels in the cove area near the Lukens residence. Boaters will still be able to navigate along the shoreline. As with all shorelines where docks and piers extend lakeward from the shore, boaters will need to take care to prevent colliding with the structures.

Federal Permit

I have reviewed the Letter of Permission issued by the U.S. Army Corps of Engineers on January 31, 2014 for the Lukens dock project. As you know, this is an important approval because the Corps of Engineers is responsible for reviewing and permitting all proposed structures that will be located within the navigable waters of the United States. In reviewing the permit letter I did not note any special requirements relating to the adjacent properties.

¹ Figure 10-2, page 252, *Marinas and Small Craft Harbors*, Second Edition by Bruce O. Tobiasson, P.E., and Ronald C. Kollmeyer, Ph.D.

² The Public Trust Doctrine, Washington Department of Ecology,
http://www.ecy.wa.gov/programs/sea/sma/laws_rules/public_trust.html



Mr. Terence Lukens
May 16, 2014

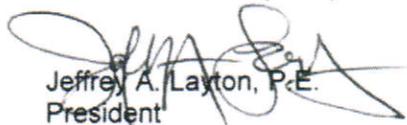
Page 3

Conclusion

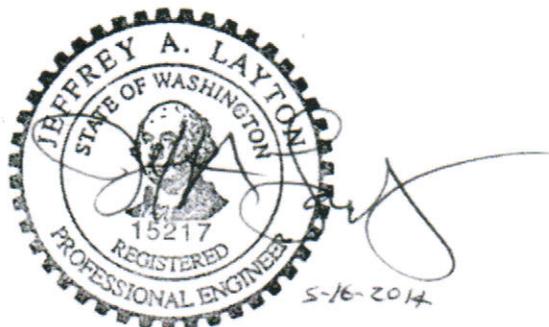
Based on the above, the relation between the proposed Lukens dock and the proposed Cabrera dock is reasonable. There is sufficient separation between the two proposed structures to allow normal vessel access to each dock.

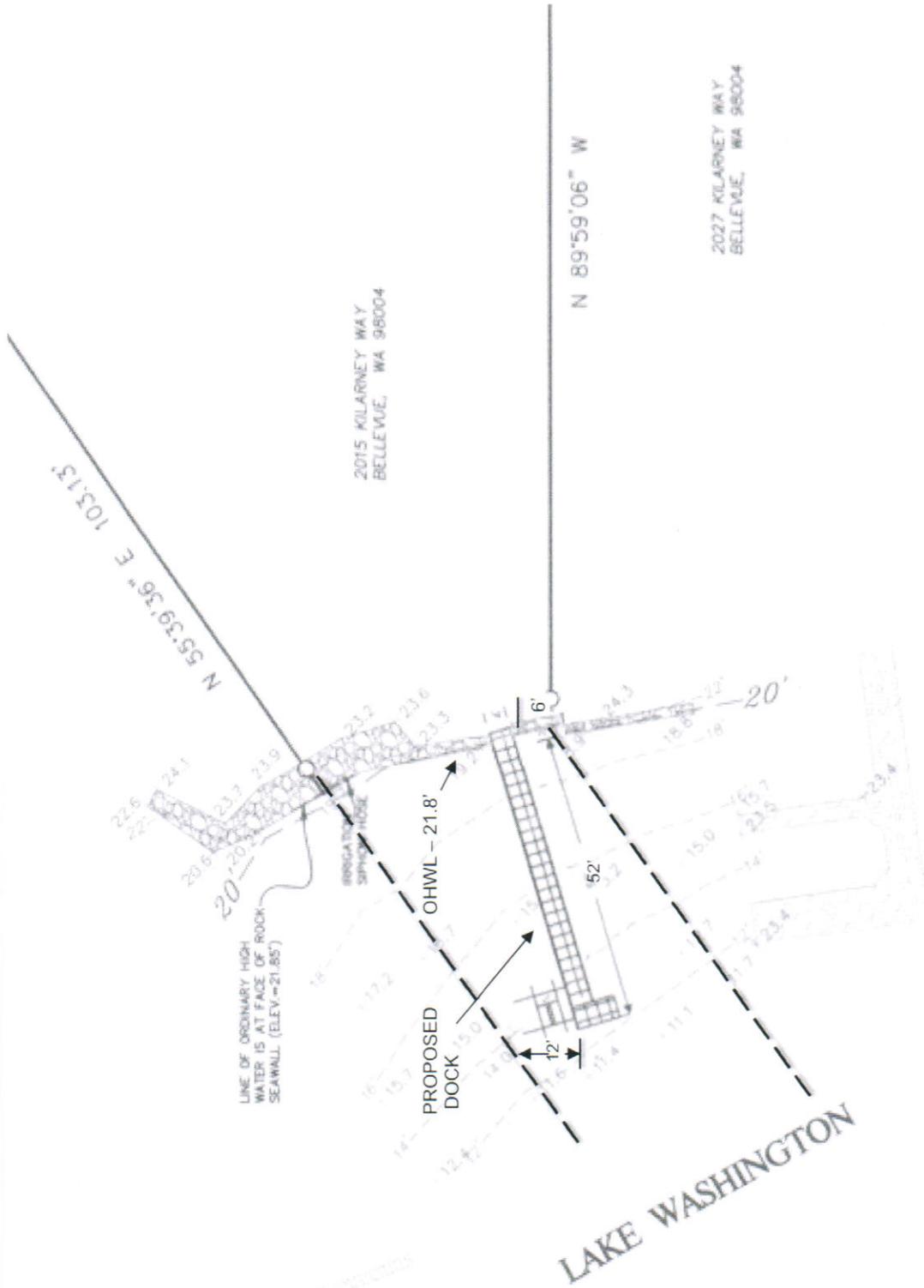
Sincerely yours,

LAYTON & SELL, Inc., P.S.


Jeffrey A. Layton, P.E.
President

Enclosures: Figures 1 and 2





PROPOSED SITE PLAN
SCALE 1" = 28'

FIGURE 1

PURPOSE: PROVIDE ACCESS TO LAKE WASHINGTON FOR RECREATIONAL ACTIVITIES AND SMALL BOAT MOORAGE.



DATUM: CORPS OF ENGINEERS 1919
ADJACENT OWNERS:
LUIS CABRERA
2009 101ST AVE SE
BELLEVUE, WA. 98004

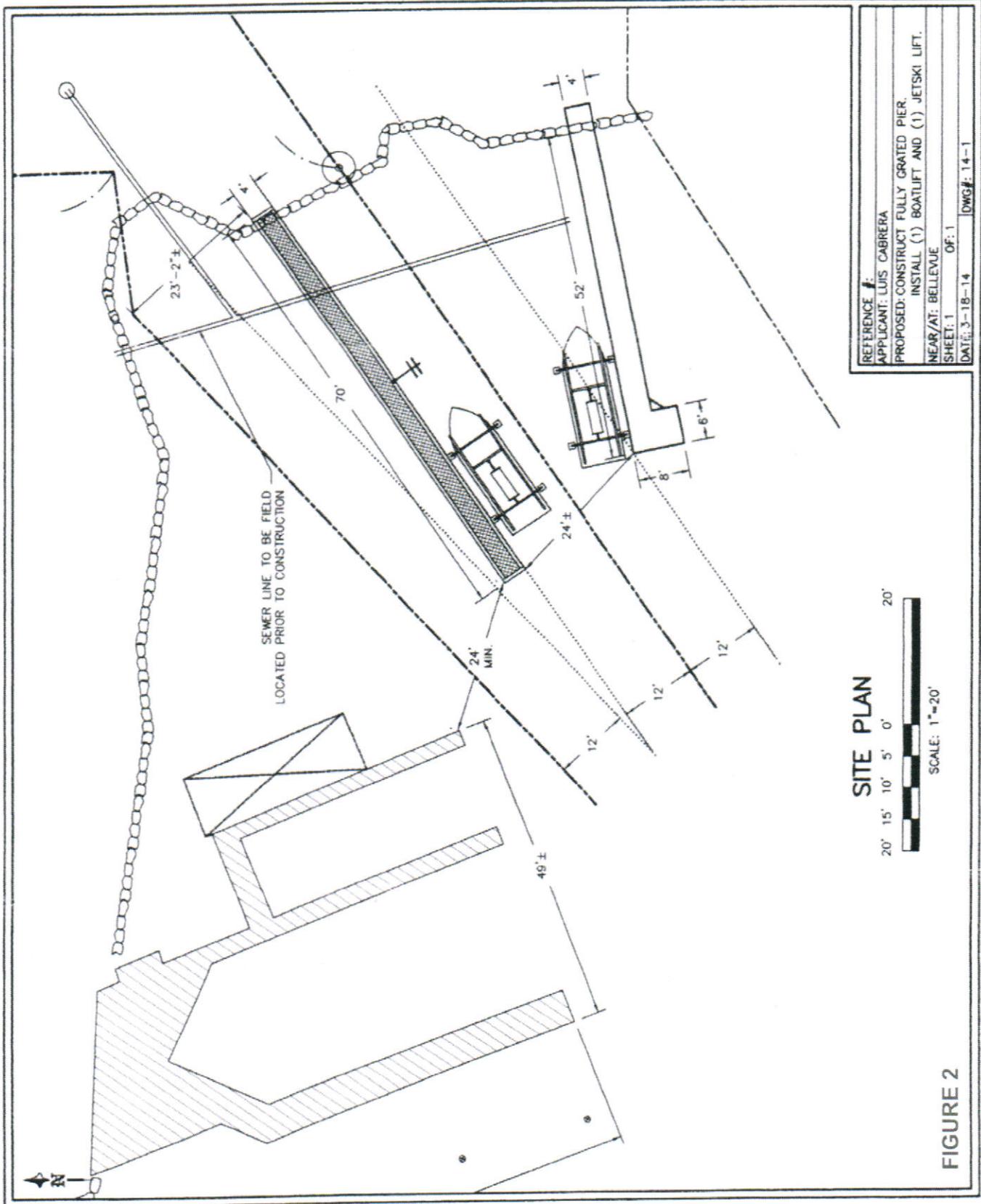
PROPOSED: Construct a 52' long by 4' wide dock, with a 8' long by 6' wide ELL supported by eight 8" steel piles. Install a ground based boatlift. Install a shoreline planting plan.

IN: LAKE WASHINGTON
AT: BELLEVUE
COUNTY: KING

APPLICANT: TERENCE LUKENS
2015 KILLARNEY WAY
BELLEVUE, WA. 98004

NWS-2013-0849
DATE: 1/21/14
PAGE 4 OF 8

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 AUTHORIZATION OF WATERFRONT CONSTRUCTION INC.



REFERENCE #:	
APPLICANT:	LUIS CABRERA
PROPOSED:	CONSTRUCT FULLY GRATED PIER, INSTALL (1) BOATLIFT AND (1) JETSKI LIFT.
NEAR/AT:	BELLEVUE
SHEET:	1 OF 1
DATE:	3-18-14 DWG#: 14-1

SITE PLAN

FIGURE 2