



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Josh Meharry, Rhodes Architecture

LOCATION OF PROPOSAL: 830 W Lake Sammamish Parkway SE

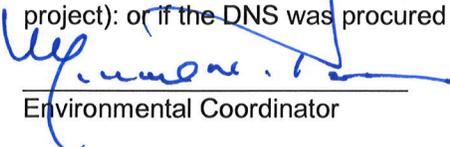
DESCRIPTION OF PROPOSAL: Construction of a single family residence and associated improvements that will modify steep slope critical areas.

FILE NUMBERS: 13-131480-LO **PLANNER:** Reilly Pittman

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 **3/20/2014**
- 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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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.



 Environmental Coordinator

3/6/2014

 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: Vickers Residence

Proposal Address: 830 W Lake Sammamish Pkwy. SE

Proposal Description: Land Use approval to construct a single-family residence on a vacant property using reasonable use provisions in Land Use Code 20.25H due to steep slope critical areas encumbering the property.

File Number: 13-131480-LO

Applicant: Josh Meharry, Rhodes Architecture

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

Planner: Reilly Pittman, Land Use Planner

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

Carol V. Helland, Environmental Coordinator
Development Services Department

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

By: Carol V. Helland, Land Use Director

Application Date: October 21, 2013
Notice of Application Date: November 7, 2013
Decision Publication Date: March 6, 2014
Project Appeal Deadline: March 20, 2014

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

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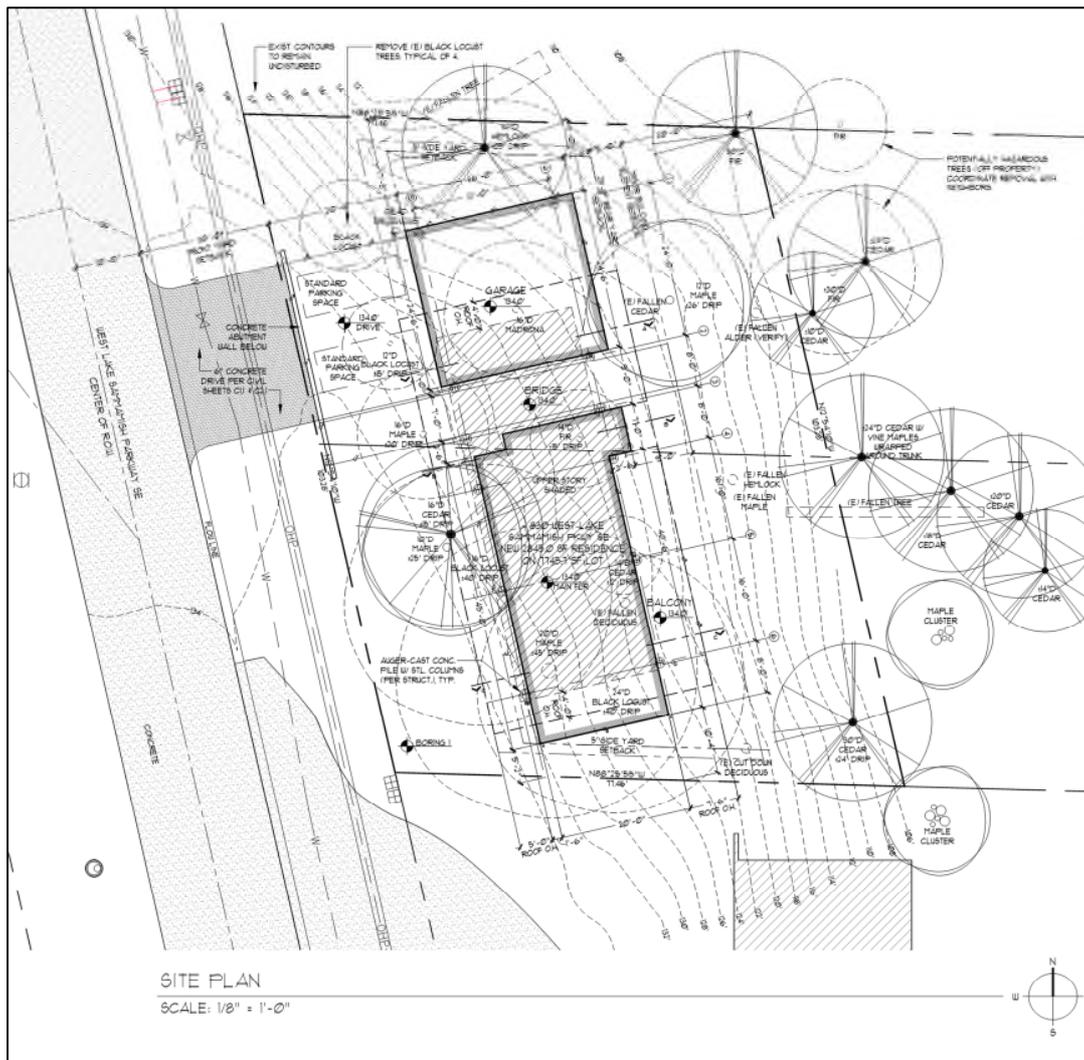
Attachments

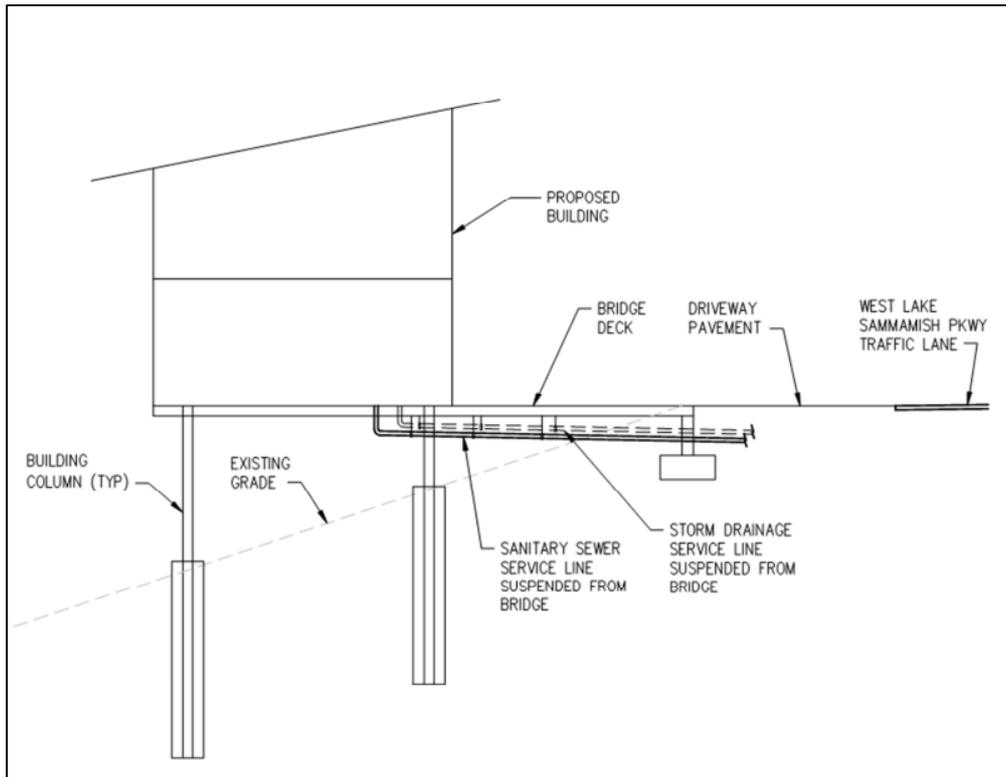
1. Project Plans – In eFile
2. Vegetation Management Plan, Tree Retention Plan, Maintenance and Monitoring Plan– In eFile
3. Project Narrative, Geotech Assessment, Forms, Application Materials – In eFile

I. Proposal Description

The applicant is proposing to construct one single-family residence on the property located at 830 West Lake Sammamish Parkway SE. This site is encumbered by steep slope critical area and 50-foot top-of-slope buffer. The approval would allow disturbance in a critical area and critical area buffer to the extent required to create a consolidated area for development equal to a maximum of 2,625 square feet. For the purposes of reasonable use, disturbance includes but is not limited to all structures, grading, utility installation, landscaping and other necessary land alteration. The applicant is requesting to permanently cover 2,542 square feet of the slope with the proposed house and temporarily disturb 1,313 square feet of the lot for construction staging and access. The proposed house will be constructed on augur cast piles which maintains the existing grades on the site. This property was previously approved to be developed with a single family residence in 2009 but construction never took place and the prior approval expired. A new Critical Areas Land Use Permit is required to approve the proposal as a reasonable use for the property. See Figure 1 below for a site plan showing the proposed house and driveway and a cross section of the project.

Figure 1





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

A. Site Description

The site is located at 830 West Lake Sammamish Parkway SE on the east side of the parkway. The site is vacant with access gained directly from West Lake Sammamish Parkway SE. The slopes on the site range from ten percent slopes along the very west property line to over forty percent for the majority of the site as it slopes down to the east. The project site is located on the steep slopes that are found along the length of the eastern side of W Lake Sammamish Parkway in this location. The slopes drop from the road and descend to the lake. The steep slopes on the project site continue to slope down and go off-site to the east onto adjacent properties until the slopes reach a rocky wall at toe-of-slope. This wall maintains access along a private road called Bass Cove which serves several residences adjacent to the lake. This residential property is surrounded by other residential properties, all of which are developed with homes. See figure 2 for existing site condition.

Figure 2



B. Zoning

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

C. Land Use Context

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

D. Critical Areas On-Site and Regulations

i. Geologic Hazard Areas

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

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important

linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

ii. Habitat Associated with Species of Local Importance

Urbanization, the increase in human settlement density and associated intensification of land use, 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 R-3.5 zoning requirements are reviewed in the table below.

i. Zoning Table

BASIC INFORMATION		
Zoning District	R-3.5	
Site Area	8,026.9 square feet	
ITEM	REQ'D/ALLOWED	PROPOSED
Building Setbacks		Meets Required Setbacks
Front Yard/Easement	20 feet	To be verified at building permit
Rear Yard	25 feet	
Min. Side Yard	5 feet	
2 Side Yard	15 feet	
Maximum in Building Height	30 feet for Flat Roof	Meets 30 foot height limit for flat roof house
	Measured from	To be verified at building permit

	AEG	
Maximum Façade Height	40 feet	Meets Maximum Façade Height To be verified at building permit
Maximum Impervious Surface Coverage	50% of Lot Area $\frac{.50 \times 8,026.9}{4,013.45}$	2,673 square feet or 33.3 Percent To be verified at building permit
Maximum Floor Area Ratio	.5 or 50 Percent $\frac{8,026.9 \times .5}{4,013.45 \text{ SF}}$.36 or 36% To be verified at building permit
Tree Retention	30% of diameter inches	42.9% retention proposed To be verified at building permit

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes the reasonable use exception as a mechanism by which the City may approve limited use and disturbance of a critical area and critical area buffer when no other use of the property constitutes a reasonable alternative. A reasonable use exception may be granted when no other reasonable use of the proper exists as a result of application of the regulations in LUC 20.25H.

The property is subject to reasonable use requirements as it does not have an area available for development, outside of critical areas and buffer that exceeds 2,625 square feet. This property is a small lot as defined in LUC 20.25H.200 as it does not qualify for more than one unit of density. The property is zoned R-3.5 and as a result is limited to a total permanent disturbance footprint area of 2,625 square feet. This proposal can be approved provided the following performance standards are met.

i. Consistency with LUC 20.25H.205

Where disturbance of a critical area or critical area buffer is allowed under this section, development is subject to the following performance standards.

- 1. The structure shall be located on the site in order to minimize the impact on the critical area or critical area buffer, including modifying the non-critical area setbacks to the maximum extent allowed under LUC 20.25H.040;**

Finding: The structure will be located as far west of the steepest portion of the slope as allowed by the Land Use Code without requiring a variance. The house is located at the standard 20-foot setback from the front property line in order to maintain trees on the site which would be removed if the house was placed closer to the road using setback reductions allowed in LUC 20.25H. The trees on the site have potential to provide habitat value, given the location of the property in vicinity of a large water

body. Placement of the structure with a reduced setback will cause further trees removal and not avoid or substantially lessen impacts to critical areas or buffer given the site is fully encumbered and subject to reasonable use. The house is proposed to be constructed over augur-cast piles to minimize change to the existing grade to the maximum extent possible. The prior house that was approved was not proposed for construction in this minimally intrusive manner and used a traditional foundation.

- 2. Ground floor access points on portions of the structure adjacent to undisturbed critical area or critical area buffer shall be limited to the minimum necessary to comply with the requirements of the International Building Code and International Fire Code, as adopted and amended by the City of Bellevue;**

Finding: The access points for the new structure will be from the west side of the structure which provides access to West Lake Sammamish Parkway SE. All access will utilize bridges to span from the house to the road elevation. No access points at grade are proposed.

- 3. Associated development, including access driveways and utility infrastructure shall be located outside of the critical area or critical area buffer to the maximum extent technically feasible;**

Finding: The proposed house structure is located outside of the steep slope to the maximum extent possible. Only one of the proposed piles supporting the house is in the actual steep slope area. The driveway bridges across from the house to the road and does not require any grade changes. The driveway bridge will be grated to allow light and water to reach the ground below.

- 4. Areas of disturbance for associated development, including access and utility infrastructure shall be consolidated to the maximum extent technically feasible;**

Finding: Disturbance of soil will be minimized through the pile method of construction proposed. Only 58 square feet of structure is in actual contact with the slope. Utility connections are proposed to hang on the driveway bridge which will limit and consolidate slope disturbance. Trenching is proposed for a natural gas line but the area will be restored.

- 5. All areas of temporary disturbance associated with utility installation, construction staging and other development shall be determined by the Director and delineated in the field prior to construction and temporary disturbance shall be restored pursuant to a restoration plan meeting the requirements of LUC 20.25H.210;**

Finding: Approximately 1,715 square feet of site will be temporarily disturbed by the development. The submitted mitigation plan proposes to replant the remainder of the property not covered by the house and establishes a vegetation management

area of 6,800 square feet. This planting will be maintained and monitored for five years per the submitted monitoring plan. In addition the recommendations from the project arborist contained in the submitted tree retention plan are required to be implemented to ensure the retained trees are protected. **See conditions of approval in Section X of this report.**

6. **Areas of permanent disturbance shall be mitigated to the maximum extent feasible on-site pursuant to a mitigation plan meeting the requirements of LUC 20.25H.210; and**

Finding: Approximately 2,542 square feet of permanent disturbance will result from coverage of the slope by the proposed house. The applicant intends to mitigate for impacts of permanent and temporary disturbance by removing invasive species, retaining all vegetation outside the permanent and temporary disturbance areas and planting native species within the area of temporary disturbance. Combined the replanting and vegetation management area will be 6,800 square feet, and is basically the remainder of the property not covered by the house footprint. All planting will be monitored pursuant to the submitted maintenance and monitoring plan for a period of five years. **See conditions of approval in Section X of this report.**

7. **Fencing, signage and/or additional buffer plantings should be incorporated into the site development in order to prevent long-term disturbance within the critical area or critical area buffer.**

Finding: The remainder of the site outside of the house footprint is proposed to be planted and retained vegetation managed. Provided tree protection occurs as proposed and the replanting is maintained to establish the proposed planting will result in a long term improvement of the quality of vegetation on the steep slope of this site.

ii. **Consistency With LUC 20.25H.125**

Development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable.

1. **Structures and improvements shall minimize alterations to the natural contour of the slope and foundations shall be tiered where possible to conform to existing topography;**

Finding: The structure is to be built on piles which minimize alterations of the natural contour. No tiered foundation is proposed or needed. The geotech engineer has recommended that no fill be placed on the site, except for a few feet needed to construct an abutment wall for the driveway adjacent to the road. **See conditions of approval in Section X of this report.**

- 2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**

Finding: The structure will be located as far to the west but maintains the standards 20 foot setback in order to maintain existing significant trees on the site. The proposed house is located as much as possible out of the slope; only one of the proposed piles is within the steep slope.

- 3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**

Finding: The project geotechnical engineer found that the location of the structure will not create increase slope instability which could impact neighboring properties.

- 4. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;**

Finding: The proposed house will be constructed on top of pilings and will not use walls. The only wall proposed is an abutment that supports the bridged driveway

- 5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**

Finding: The driveway and entry bridge will be constructed of an open grating deck to allow water to pass through to the undisturbed soil and planted vegetation below. Green roofs have also been incorporated into the roof terraces which will retain some of the rain water that would have otherwise flowed directly from the roof. The Geotech engineer has recommended that no water be discharged from any drains onto the slopes on the site. See conditions of approval in Section X of this report.

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

Finding: No changes in grade are needed due to the pole-type construction.

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

Finding: No foundation or retaining walls are proposed.

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

Finding: The structure is being built on augur-cast piles which is pole-type construction in conformance with this standard.

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

Finding: The garage is built on piles in conformance with this standard.

10. **Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.2SH.210.**

Finding: As described previously all temporary and permanent disturbance is restored and mitigated per the submitted planting plans. Existing vegetation will be protected in conformance with arborist recommendations. The vegetation on the site is to be monitored for five years per the submitted plans. **See conditions of approval in Section X of this report.**

iii. **Consistency with LUC 20.2SH.160**

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.

Finding: Based on site observations, the preservation of significant trees onsite, and proposed mitigation/restoration planting, installation of snags and nurse logs, and invasive species removal and control, the proposal is consistent with management plans designed by WDFW for species that potentially may visit the site.

IV. Public Notice and Comment

Application Date:	October 21, 2013
Public Notice (500 feet):	November 7, 2013
Minimum Comment Period:	November 21, 2013

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on November 7, 2013. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

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

VI. State Environmental Policy Act (SEPA)

The 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, Air, and Water

No large-scale earthmoving activity is proposed. Earth disturbance will result from pile installation and the construction of an abutment wall that supports the driveway bridge. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department as part of a clearing and grading permit.

B. Plants and Animals

As identified in the tree retention plan nine trees are being removed where the proposed house is located. The remainder of the site is to be restored with native vegetation which includes replacement of nine western red cedars along with other deciduous trees.

C. Noise

Any noise generated is regulated by Chapter 9.18 BCC. **See Section X for a related condition of approval.**

VII. Changes to Proposal Due to Staff Review

Staff required additional performance standards and numerous plan corrections.

VIII. Decision Criteria

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

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

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

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

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

The proposal avoids any change in the existing grade by using post-type construction. All temporary and permanent disturbance is to be restored and mitigated.

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

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

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

The property is served by adequate public facilities.

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

The planting is sufficient to meet the requirements for restoration planting. The planting will be maintained and monitored for a period of five years. Annual reports will be submitted to the City once a year. The reports shall include a copy of the approved plan and photographs and written narrative regarding the success the planning has had in regards to the goals and performance standards found in the submitted mitigation plan. Monitoring will be guaranteed by a surety that will be held for the five year monitoring period. Based on the submitted plan the cost of materials for maintenance will be \$4,000 for the five years. The required surety will be 50 percent of this amount or \$2,000 which will be held for five years. The surety will be in a form provided to the applicant that will be completed with a financial institution and submitted to the City prior to building permit issuance. **See Conditions of Approval in Section X 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.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the construction of the proposed house and improvements under a reasonable use exception. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land

Use Permit automatically expires and is void if the applicant fails to file for a clearing and grading permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

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

- 1. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a building permit or other required permits must be submitted and approved. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval. These conditions of approval shall be submitted with the building permit application along with responses describing how they have been or will be met as part of the building permit.

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

- 2. Geotechnical Recommendations:** All recommendations from the geotechnical engineer shall be incorporated into the project and followed as needed. Specific recommendations include no fill placement on the site except for what is needed for an abutment wall and no drainage shall be discharged directly to the slope. On-site monitoring of the construction and review of plan changes should occur by the geotech as recommended. Prior to final land use inspection of the building permit a letter from the geotech is required to ensure that the site is stable and meets their approval.

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

- 3. Arborist Recommendations:** The recommendations of the project arborist shall be followed as needed. The arborist is required to inspect tree protection fencing prior to any site clearing and grubbing to ensure trees are protected. The arborist is required to be consulted during construction when any tree root interference is discovered that could damage protected trees. Prior to final land use inspection of the building permit the arborist shall submit a letter to Land Use that clarifies any further tree work recommended and that the retained trees were protected as proposed.

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

- 4. Restoration and Mitigation Planting:** The proposed planting is considered to be conceptual. A final planting plan and schedule, including temporary irrigation or description of how watering will be achieved is required as part of the building permit application. Modifications to plant species and location can be considered if supply is limited or due to unforeseen circumstances. Inspection of the planting, after installation, is required by Land Use as part of the building permit inspection process.

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

Maintenance and Monitoring: The planting area shall be maintained and monitored for 5 years as required by LUC 20.25H.220. An annual monitoring report is to be submitted to Development Services, Land Use Division in each of the five consecutive years following installation. The monitoring report shall include detailed information regarding the goals and standards outlined in the approved management plan. Photos from selected photo points shall be included in the monitoring reports to document the planting and ongoing success. As stated in the submitted maintenance and monitoring plan.

Annual monitoring reports are to be submitted to Land Use each of the five years. The reports, along with a copy of the planting plan, can be sent to Reilly Pittman at rpittman@bellevuewa.gov or to the address below:

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

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Reilly Pittman, Development Services Department

- 5. Maintenance and Monitoring Assurance Device:** A maintenance assurance device in an amount equal to 50% of the cost for five years of maintenance labor and materials is required to ensure the plants are maintained and monitored. Based on the submitted cost estimate the amount of the surety will be \$6,500 and shall be completed with a financial institution on a form provided by the City. Release of this assurance device is contingent upon receipt of documentation reporting successful establishment in compliance with the approved management plan. Land Use inspection of the planting after 5-years is required to release the surety. The maintenance surety is required to be submitted prior to building permit issuance.

Authority: Land Use Code 20.25H.220
Reviewer: Reilly Pittman, Development Services Department

6. **Land Use Inspection:** Following installation of the mitigation planting the applicant shall call the inspection line and request a Land Use inspection of the planting area prior to final building inspection. Staff will need to find that the plants are in a healthy and growing condition. Land Use inspection is also required to release the maintenance surety at the end of the 5-year monitoring period. Release of the maintenance surety is contingent upon successful monitoring and maintenance and submittal of the annual monitoring reports.

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

7. **Hold Harmless Agreement:** The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area buffer in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to clearing and grading permit issuance. Staff will provide the applicant with the hold harmless form.

Authority: Land Use Code 20.30P.170
Reviewer: Reilly Pittman, Development Services Department

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

Authority: Bellevue City Code 9.18
Reviewer: Reilly Pittman, Development Services Department

