



City of Bellevue
 Development Services Department
 P.O. Box 90012, Bellevue, WA 98009-9012
 (425) 452-6800 Fax (425) 452-5225

**Shoreline Management Act of 1971
 Permit for Shoreline Management Substantial
 Development
 Conditional Use and/or Variance**

Application No. 13-135461-WG

Date Received 12/13/2013

Approved / Date 5/15/2014
 Denied / Date _____

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: **Mimi Iwanski**

to undertake the following development:

Shoreline Substantial Development Permit to construct a new fixed and floating pier not conforming to standards at LUC 20.25.080.N. Proposed work includes removal of remnant pier and rail system and construction of a new 73-foot pier complete with 20-foot fixed walkway, 13-foot aluminum ramp, 41-foot floating pier and ell, and free-standing boatlift. A planting plan including native shoreline plantings is proposed to mitigate impacts associated with dock construction.

upon the following property 1630 W. Lake Sammamish Pkwy NE

within Lake Sammamish

and/or its associated wetlands. The project will be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities:
- LUC Section 20.25E.080 (N) Moorage Regulations; LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-13 and SH-50

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

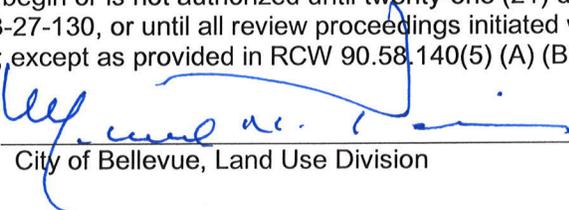
Conditions of Approval (Land Use Division)

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

May 15, 2014

Date _____ 
 City of Bellevue, Land Use Division

CC: DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452
 Dept. of Fish and Wildlife, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Ms. Mimi Iwanski

LOCATION OF PROPOSAL: 1630 W, LK Sammamish Pkwy NE

DESCRIPTION OF PROPOSAL: Critical Areas Land Use Permit and Shoreline Substantial Development Permit to construct a new fixed and floating pier not conforming to standards at LUC 20.25.080.N. Proposed work includes removal of remnant pier and rail system and construction of a new 73-foot pier complete with 20-foot fixed walkway, 13-foot aluminum ramp, 41-foot floating pier and ell, and free-standing boatlift. A planting plan including native shoreline plantings is proposed to mitigate impacts associated with dock construction.

File Number: 14-125639 LO and 13-135461 WG

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.

- This DNS is issued after using the optional DNS process in WAC 197-11-355. The public and agency comment period was provided with the notice of application.
- 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 May 29, 2014.

Appeals of the environmental determination and/or Shoreline Substantial Development Permit can be made to the Shoreline Hearings Board. The Shoreline Hearings Board must receive written appeals within twenty-one (21) days of the date of filing of the permit with the State Department of Ecology. For information on how to appeal a proposal, contact the Shoreline Hearings Board at 360-459-6327, or visit the City of Bellevue Permit Center at City Hall or call 425-452-6800.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.


Environmental Coordinator

May 14, 2014
Date

OTHERS TO RECEIVE THIS DOCUMENT:

Christa Heller, WDFW 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
Joe Burcar, Dept. of Ecology, 3190 160th Avenue SE, Bellevue, WA 98008-5452
USACE
Muckleshoot Indian Tribe



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

Proposal Name: Iwanski Pier and Boatlift

Proposal Address: 1630 W. Lake Sammamish Pkwy NE

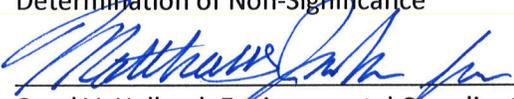
Proposal Description: Critical Areas Land Use Permit and Shoreline Substantial Development Permit to construct a new fixed and floating pier not conforming to standards at LUC 20.25.080.N. Proposed work includes removal of remnant pier and rail system and construction of a new 73-foot pier complete with 20-foot fixed walkway, 13-foot aluminum ramp, 41-foot floating pier and ell, and free-standing boatlift. A planting plan including native shoreline plantings is proposed to mitigate impacts associated with dock construction.

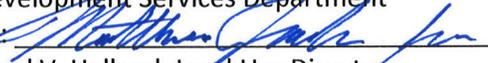
File Number: 14-125639 LO and 13-135461 WG

Applicant: Gregory W. Ashley – Shoreline Design and Permitting

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

Planner: Michael Paine, Environmental Planning Manager

**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: February 24, 2014
Notice of Application Date: March 20, 2014
Decision Publication Date: May 15, 2014
SEPA and CALUP Appeal Deadline: May 29, 2014 (14-days from publication date)
Substantial Development Permit Appeal: June 5, 2014 (21-days from publication date)

For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of the SEPA Threshold Determination must be made to the City of Bellevue City Clerk's Office by 5 p.m. on the date noted above for SEPA appeal deadline. 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).

CONTENTS

I.	Proposal Description.....	Pg 3
II.	Site Description, Zoning & Land Use Context.....	Pg 3-5
III.	Consistency with Land Use Code Requirements.....	Pg 5-6
IV.	Public Notice & Comment.....	Pg 6
V.	Summary of Technical Review.....	Pg 6
VI.	State Environmental Policy Act.....	Pg 6-7
VII.	Changes to Proposal Due to Staff Review.....	Pg 7
VIII.	Decision Criteria.....	Pg 7-11
IX.	Conclusion and Decision.....	Pg 10
X.	Conditions of Approval.....	Pg 11-13

Attachments

1. Site Plan – Enclosed
2. Critical Areas Report and Addendum Letter – In File
3. SEPA Environmental Checklist – In File
4. Permit forms and documents – In File

I. Proposal Description

The applicant proposes to build a new fixed and floating pier. The pier will extend approximately 73 feet into Lake Sammamish from the established OHWM at elevation 31.8 and consists of a 20-foot fixed section attached to a 43-foot floating section by a 13-foot aluminum ramp; the ramp overlaps the floating section. A 6-by-20-foot floating ell is proposed for the south side of the pier. Total overwater coverage is 452 square feet. The fixed portion of the pier and the ramp will be grated; the floating section will be partially grated due to presence of tub floats.

A critical areas permit and critical areas report is required because the pier departs from moorage standards at LUC 20.25E.080.1.b specific to location of floats in water depths over 10 feet, total allowable length, and requirement grating area and location. A Shoreline Substantial Development Permit is required due to the value of improvements.

Figure 1: Site Context



I. Site Description, Zoning, and Land Use

A. Site Description

The portion of the site nearest the water is developed with an existing single-family home. The home appears to be situated just outside the required 25-foot shoreline buffer measured from the designated OHWM at elevation 31.8 NAVD 88. The buffer area between the home and the bulkhead

is maintained as turf; a small beach exists below the bulkhead. A large weeping willow (*Salix babylonica*) lies at the water's edge. The critical areas report submitted in support of the proposal identifies the upper or western portion of the site as heavily forested and contains typical species found in residual examples of Puget Lowland Forest including western red cedar, Douglas fir, big leaf maple, oak spruce, grand fir. Shrub species include hazelnut, pacific ninebark, Himalayan blackberry, and sword fern. In addition, a mat of English ivy predominates and infests many of the trees on the site. Absent the ivy, this habitat type is associated with Pileated woodpeckers and other species on the City of Bellevue's Species of Local Importance list.

B. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-L (Single Family Low Density). The project is consistent with this land use. The property is zoned R-2.5, single-family residential. The project is allowed in this zone.

C. Critical Areas

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.

The project area is within Lake Sammamish. Lake Sammamish is known to contain migrating adult and juvenile Chinook salmon (listed as Threatened under the Federal Endangered Species Act). Lake Sammamish also contains Coho salmon (listed as Species of Concern under the Federal Endangered Species Act). The Lake is also potential habitat for bull trout, a salmonid listed as Threatened under the Federal Endangered Species Act.

The City of Bellevue commissioned a report entitled, "A Summary of the Effects of Bulkheads, Piers and other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes", to analyze the effects of bulkheads, piers and other artificial structures, and shoreline development on salmonids and other species listed as threatened, endangered, or as candidate species under the Endangered Species Act (ESA).

The report found that compliance with conditions imposed by the City of Bellevue, the state and other federal agencies can adequately mitigate for adverse impacts to the fish and other aquatic organisms in the lake can be partially mitigated by.

Hydraulics Project Approval is required from the State Department of Fish and Wildlife, which will limit the times of construction to periods which will be less impacting to the fisheries resources.

To prevent the suspension of sediments by construction activities, a protective silt fence will be required in the water. The silt fence will remain in place during the duration of construction activities and for a period after construction when turbidity has returned to acceptable levels.

Work on the project will occur during the prescribed work windows established by federal and state wildlife management agencies. No trees will be removed as part of the project and all plantings will be of native species.

II. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The proposal exceeds the required 12-foot setback requirement from the property line as required by LUC 20.25E.

B. Critical Areas Overlay District LUC 20.25H and Shoreline Performance Standards LUC 20.25E

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The project area is within Lake Sammamish and the project requires a critical areas permit and critical areas report because the pier departs from moorage standards at LUC 20.25E.080.1.b specific to the width of the proposed ramp, location of floats in water depths over 10 feet, total allowable length, and requirement grating area and location. These deviations are discussed below.

Ramp Width. As outlined at LUC 20.25E.080b.iv (2) ramps shall not exceed a width of three feet and must be fully grated. The proposed ramp is four feet wide and fully grated. The additional width ensures safe access by avoiding tripping hazards occasioned by the abrupt change to a smaller width. The deviation results in 13 feet of additional overwater coverage.

Floating Sections. The performance standards at 20.25E.080.b contemplate the location of floats in water depths of 10 feet or greater and the landward end of the floating section. A portion of the

floating pier is landward of the 10-foot water depth and hence fails to meet this requirement.

Total Allowable Length and Overwater coverage. The performance standards at 20.25E.080.b permits floats of 20 feet in length and 120 square feet of overwater coverage; the proposed float section of this pier is 43 feet long and includes 172 square feet of overwater coverage. The proposed ell is also floating and includes another 160 square feet of overwater coverage.

The critical areas report (see Section 5.2) includes an impact analysis of these departures from the performance standards. The report identifies three modifications to the littoral zone associated with pier construction: reduction in light, increase in cover for piscivorous species, and disturbance of littoral sediments and vegetation. In each instance, sufficient mitigation in the form of grating, shoreline planting, and reduction in piling is judged sufficient to minimize the impacts.

III. Public Notice and Comment

Application Date:	February 24, 2014
Public Notice (500 feet):	March 20, 2014
Minimum SEPA and CALUP Comment Period:	April 3, 2014
Shoreline Comment Period:	April 18, 2014

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on March 20, 2014. It was mailed to property owners within 500 feet of the project site.

IV. 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 and approved the application.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application with conditions requiring permits to connect to City utilities. The Utilities Department has conditioned the project to protect the adjacent sewer lake line by prohibiting moorage of construction barge over existing lake line. Piling shall be placed no closer than five feet of the lake line and disturbance of the lake bed shall be minimized. See Conditions of Approval in Section X of this report.

V. 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 to 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 Section X for a related condition of approval.

B. Animals

The project area is within Lake Sammamish. Lake Sammamish is known to contain migrating adult and juvenile Puget Sound Chinook salmon (listed as Threatened under the Federal Endangered Species Act). Lake Sammamish also contains Coho salmon (listed as Species of Concern under the Federal Endangered Species Act). The Lake is also potential habitat for bull trout, a salmonid listed as Threatened under the Federal Endangered Species Act. Kokanee are also found in Lake Sammamish along with a number of other species.

The City of Bellevue commissioned a report entitled, *"A Summary of the Effects of Bulkheads, Piers and other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes"*, to analyze the effects of bulkheads, piers and other artificial structures, and shoreline development on salmonids and other species listed as threatened, endangered, or as candidate species under the Endangered Species Act (ESA).

The report found that compliance with conditions imposed by the City of Bellevue, the state and other federal agencies may adequately mitigate for adverse impacts to the fish and other aquatic organisms in the lake can be partially mitigated by.

Hydraulics Project Approval is required from the State Department of Fish and Wildlife, which will limit the times of construction to periods which will be less impacting to the fisheries resources.

To prevent the suspension of sediments by construction activities, a protective silt fence will be required in the water. The silt fence will remain in place during the duration of construction activities and for a period after construction when turbidity has returned to acceptable levels.

Work on the project will occur during the prescribed work windows established by federal and state

wildlife management agencies. No trees will be removed as part of the project and all plantings will consist of appropriate native species. See Section X for related conditions of approval.

C. Plants

The proposal includes a plan for the installation of native tree, shrubs and ground covers to mitigate impacts to shoreline and littoral functions from pier construction. The plan also includes specification for maintenance and monitoring. See Section X for related conditions of approval.

D. Noise

A sound and vibration attenuating device will be used on the pile driver in the proposed project. This type of driver results in less sediment transfer and disturbance to the immediate environment than an impact driver. Because of the short duration of pile driving activities, this impact will be limited. Impacts are adequately mitigated by the City's Noise Ordinance (Chapter 9.18 BCC) which limits construction hours. Short-term increases in noise will be limited to the construction period (less than 1 month) and are expected to attenuate to ambient levels within approximately 1,676 feet from the construction. Construction noise will be concentrated between 7 am to 5 pm, Monday through Friday. See Section X for related conditions of approval.

VI. Changes to Proposal Due to Staff Review

The applicant was required to submit a critical areas report to address departures from moorage standards with the standards for dock construction.

VII. Decision Criteria

A. 20.25H.255.A Critical Areas Report Decision Criteria

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 in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;**

The removal of a remnant pier and rail system and construction of a new pier meeting most of the important moorage performance standards, including grating throughout and overwater coverage less than the maximum 480 square feet, results in a proposal at least as protective as application of the regulations and standards of this code.

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

There is sufficient resource to meet the required mitigation and monitoring requirements.

- 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 on site.

The proposal includes removal of a remnant rail system and a significant area of mitigation planting designed to offset the modest loss of shallow benthic habitat lost to installation of pile supports and shading.

All construction and mitigation efforts will be verified by Land Use inspection of the development permits. **See Conditions of Approval in Section X of this report.**

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

The project is a compatible use with the surrounding single-family homes and associated piers.

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

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

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

The applicant must obtain a building permit or other development permits before beginning any work. The project must obtain any Federal and State Permits required and a copy of these approvals shall be submitted to the City prior to building permit issuance. **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 project uses the best available construction techniques and results in a reduction of the impact on critical areas and buffers.

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 performance standards of LUC 20.25E are being met.

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

The proposed activity does not impact public services or facilities.

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

Proposed mitigation includes removal of a remnant rail system and planting of shoreline

vegetation.

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.

C. LUC 20.30R.155.B Shoreline Substantial Development Permit – Decision Criteria

The Director 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;

The applicant has demonstrated that the proposed pier is in conformance with required performance standards in the Land Use Code or has obtain approval of a Critical Areas Land Use Permit with a critical areas report for elements that are not in conformance with the requirements for development in the shoreline.

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

As discussed in this staff report, the proposal complies with all applicable decision criteria.

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.

The proposal complies with the policies of the Shoreline Management Act and Chapter 173-14 WAC of the Master Program.

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 Critical Areas Land Use Permit and Shoreline Substantial Development Permit to repair the existing dock, add a second boat lift and moorage cover, repair the bulkhead, and make improvements in the shoreline buffer as described in this report. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note - Expiration of Critical Area Permit Approval: In accordance with LUC 20.30P.150, a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval. The permit may be extended an additional year provided the request is made prior to expiration of the one year time frame.

Note - Expiration of Shoreline Substantial Development Permit: In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development 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.

Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.30R.180

IX. Conditions of Approval

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Utilities – BCC Title 24	Don Rust, 425-452-4856
Land Use Code- BCC Title 20	Michael Paine, 425-452-2739
Noise Control- BCC 9.18	Michael Paine, 425-452-2739

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

- 1. Building/Utility Permit Required:** Approval of this Critical Areas Land Use Permit and Shoreline Substantial Development Permit does not constitute an approval of a building or utility permit. Applications for development permits must be submitted and approved. Plans submitted as part of subsequent permit applications shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140
Reviewer: Michael Paine, Development Services Department

- 2. Protect Sewer Lake Line:** No pile shall be located within five feet of the sewer lake line and disturbance of the lake bed shall be minimized.

Authority: Utilities Code BCC Title 24
Reviewer: Don Rust, Utilities Department

- 3. Land Use Inspection Required:** Inspection of the pier and associated mitigation must be

completed by the Land Use Planner as part of the building permit inspection process.

Authority: Land Use Code 20.25H.210
Reviewer: Michael Paine, Development Services Department

4. Maintenance and Monitoring

The planting area outlined in the restoration plan shall be maintained and monitored for five (5) years. Annual monitoring reports by a qualified professional must to be submitted to the Land Use Division for five years at the end of each growing season. Photos from selected photo points will be included in the monitoring reports to document the planting. The following schedule and performance standards apply and are evaluated in the report for each year:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- 0% coverage of invasive plants in planting area

Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Less than 5% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3, 4, & 5 (from date of plant installation)

- At least 85% survival of all installed material
- At least 35% (Yr3), 50% (Yr4), 70% (Yr5) coverage of the planting area by native plants in each year respectively
- Less than 5% coverage by invasive species or non-native/ornamental vegetation

The reports, along with a copy of the restoration plan, can be sent to Michael Paine at dwong@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 20.25H.220.D
Reviewer: Michael Paine, Development Services Department

- 5. State and Federal Permits:** All required permits from the Washington State Department of Fisheries (WDFW) or the US Army Corps under Section 10 shall be obtained and submitted to the City prior to issuance of the building permit for the pier.

Authority: Land Use Code 20.25E.080
Reviewer: Michael Paine, Development Services Department

- 6. 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: Michael Paine, Development Services Department

Altmann Oliver Associates, LLC

AOA



PO Box 578

Carnation, WA 98014

Office (425) 333-4535

Fax (425) 333-4509

Environmental
Planning &
Landscape
Architecture

Critical Areas Report

Proposed Pier Construction

Iwanski Residence

1630 W. Lake Sammamish Parkway NE - Bellevue, WA

February 14, 2014

TABLE OF CONTENTS

1.0 PURPOSE	1
2.0 EXISTING CONDITIONS	1
3.0 DESCRIPTION OF PROPOSAL	1
4.0 CONSISTENCY WITH LAND USE CODE	1
5.0 CRITICAL AREA IMPACTS RELATED TO DEVIATIONS FROM LUC	
20.25E.080	5
5.1 Modifications	5
5.2 Discussion of Potential Impacts.....	5
6.0 CRITICAL AREA MITIGATION	6
6.1 Goal, Objectives, and Performance Standards for Mitigation Areas.....	7
6.2 Construction Management	7
6.3 Monitoring Methodology	7
6.4 Maintenance Plan.....	8
6.5 Weed Control	8
6.6 General Maintenance Items	8
6.7 Contingency Plan	8
6.8 As-Built Plan	8

1.0 PURPOSE

On October 15, 2013, Altmann Oliver & Associates conducted a reconnaissance on the Iwanski property, which is located along the western shoreline of Lake Sammamish. This report has been prepared as a stand-alone document addressing critical area issues associated with the proposed new fixed and floating pier and boatlift (see Figure 1, revised drawings prepared by Ashley Shoreline Design & Permitting, appended to this report). The critical areas report addressing the steep slope and steep slope buffer modifications was submitted under separate permit with the proposed house. This report addresses code requirements, proposed deviations, impacts, and mitigation. It is intended to meet the requirements of City of Bellevue Land Use Code 20.25H.230.

2.0 EXISTING CONDITIONS

The eastern portion of the site is currently developed with an existing single-family residence and maintained yard area to the top of a concrete bulkhead along the lake edge (see survey drawing). It is our understanding that a large weeping willow (*Salix babylonica*) tree that was observed along the shoreline at the time of the site visit has since blown over. This tree will be stumped to allow for re-sprouting.

The western portion of the site consists primarily of an east-facing forested steep slope that included western red cedar (*Thuja plicata*), Douglas fir (*Pseudotsuga menziesii*), big-leaf maple (*Acer macrophyllum*), oak (*Quercus* sp.), spruce (*Picea* sp.), grand fir (*Abies grandifolia*), hazelnut (*Corylus cornuta*), Pacific ninebark (*Physocarpus capitatus*), Himalayan blackberry (*Rubus armeniacus*), and sword fern (*Polystichum munitum*). In addition, a mat of English ivy (*Hedera helix*) was observed on the ground and up most of the trees throughout the western portion of the site.

The site was evaluated to determine if wetlands are present on the site. No wetlands were identified using the methodology outlined in the May 2010 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*.

Existing development on the western portion of the property is currently limited to two sheds that have become overgrown with non-native vegetation, and several old chain-link fences.

3.0 DESCRIPTION OF PROPOSAL

The Iwanski's propose to construct a new fixed and floating pier, as detailed on the attached drawings. The pier will extend approximately 74 feet into Lake Sammamish from the OHWM at elevation 31.75. The ramp that accesses the boat lift is proposed to be 4 feet wide. A dock area on the north side of the boat lift will be six feet wide. All decking will be Titan-X grating.

4.0 CONSISTENCY WITH LAND USE CODE

The City of Bellevue regulates moorage under LUC 20.25E.080. Table 1 addresses the proposed modifications from the standards set forth in code.

Table 1. Project Consistency with Code Requirements for Moorage*

Code Section 20.25E.080	Comment
<p>Moorage facilities are allowed in the shoreline critical area and shoreline critical area buffer in compliance with this subsection N. The requirements of this subsection N may be modified through a critical areas report, LUC 20.25H.230, except where otherwise noted.</p>	<p><i>This document represents the CAR, as required in this section.</i></p>
<p>1. New or Expanded Residential Moorage Facilities.</p>	
<p>a. When Allowed. Construction of one non-commercial, residential moorage facility per upland residential waterfront lot or one joint-use moorage facility for two or more adjacent waterfront lots is allowed in accordance with this subsection N. Expansion of any legally established existing moorage facility is permitted only to the extent the expansion complies with the development standards of subsection N.1.b below, and does not cause the moorage facility to exceed, or further exceed, any of the limitations in subsection N.1.b.</p>	<p><i>Proposal is to construct one non-commercial moorage facility associated with a new SFR.</i></p>
<p>Moorage shall only be permitted within:</p>	
<p>i. Lots created on or after the effective date of the ordinance codified in this section having water frontage meeting or exceeding the minimum lot width required in the applicable land use district;</p>	<p><i>Lot was created in 1975, prior to ordinance section</i></p>
<p>ii. Lots created prior to the effective date of the ordinance codified in this section; or</p>	
<p>iii. Nonbuilding tracts platted for the purpose of providing common moorage for a group of contiguous properties.</p>	
<p>For the purposes of meeting the requirements of subsection N.1.a.i above, adjoining property owners may combine their water frontage by mutual agreement recorded with the King County Records and Elections Division and the Bellevue City Clerk. Only one moorage facility is permitted pursuant to such a combined frontage agreement, which may connect with the property landward of the ordinary high water mark at only one location.</p>	<p>NA</p>
<p>b. Development Standards.</p>	
<p>i. The only structures permitted in the first 30 feet waterward of the ordinary high water mark are piers and ramps. All floats and ells must be at least 30 feet waterward of the OHWM.</p>	<p><i>Floating section begins 30'10" from shore. Proposal complies.</i></p>
<p>ii. No skirting is allowed on any structure.</p>	<p><i>Proposal complies</i></p>
<p>iii. Surface coverage (includes all overwater portions of the moorage structure):</p>	
<p>(1) Moorage facilities serving only one residential waterfront lot shall not exceed 480 square feet.</p>	<p><i>456 square feet of area for moorage is proposed. Proposal complies.</i></p>

(2) Moorage facilities serving two residential waterfront lots shall not exceed 700 square feet.	NA
(3) Moorage facilities serving three or more residential waterfront lots shall not exceed 1,000 square feet.	NA
iv. include any or all of the elements below shall be subject to the overall length and square footage limitations of this section. No portion of a dock shall exceed four feet in width, unless allowed in this subsection N.1.b.iv.	
(1) Piers shall not exceed four feet wide and shall be fully grated.	<i>One 20 foot length off floating dock (north of boat lift) is proposed to be 6 feet wide and fully grated. It is our understanding that this falls under the "Float" section of the code, and is addressed below. All other portions of the pier are 4 feet wide and fully grated. Addressed in Section 5.0 CRITICAL AREA IMPACTS RELATED TO DEVIATIONS FROM LUC 20.25E.080</i>
(2) Ramps shall not exceed three feet wide and shall be fully grated.	<i>The ramp is four feet wide and fully grated. The reason for the extra foot of width is to provide a safer access to the boat lift. Environmental impacts are addressed in Section 5.0 CRITICAL AREA IMPACTS RELATED TO DEVIATIONS FROM LUC 20.25E.080</i>
(3) Ells:	
(a) Ells are allowed only over water with depths of nine feet or greater at the landward end of the ell.	<i>Proposal complies</i>
(b) Ells may be up to six feet wide by 20 feet long with a two-foot-wide strip of grating down the center ; or Location, Width and Length Regulations.	<i>Proposed ell is 6' x 20' and fully grated. Proposal complies</i>
(c) Ells may be up to six feet wide by 26 feet long with grating over the entire ell.	
(4) Floats:	
(a) Floats are allowed only over water with depths of 10 feet or greater at the landward end of the float are allowed only over water with depths of 10 feet or greater at the landward end of the float.	<i>A portion of the floating pier (4' x 18") is landward of 10' water depth. in Section 5.0 CRITICAL AREA IMPACTS RELATED TO DEVIATIONS FROM LUC 20.25E.080</i>
(b) Floats may be up to six feet wide by 20 feet long, with a two-foot-wide strip of grating down the center.	

<p>(5) Total Facility Length. In no case may any moorage facility extend more than 150 feet waterward of the ordinary high water mark.</p>	<p><i>Proposal complies</i></p>
<p>v. 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.</p>	<p><i>Proposal complies</i></p>
<p>vi. Shoreline Critical Area and Critical Area Buffer Functions.</p>	
<p>(1) Existing Habitat Features. Existing habitat features (e.g., large and small woody debris, substrate material, etc.) shall be retained and new or expanded moorage facilities placed to avoid disturbance of such features.</p>	<p><i>A large blown down weeping willow is resprouting and will be left as a stump along the shoreline, along with a large existing down log. See drawings.</i></p>
<p>(2) Invasive weeds (e.g., milfoil) may be removed with nonchemical means only.</p>	<p><i>No invasive weed removal is proposed</i></p>
<p>(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.</p>	<p><i>Shoreline planting plan is described in detail in Section 6.0 CRITICAL AREA MITIGATION, following. Briefly, mitigation for the new pier involves:</i></p> <ul style="list-style-type: none"> <i>• a substantial shoreline planting</i> <i>• removal of 20 treated pilings from an old pier structure, thus reducing both the potential for leaching of toxic chemicals, plus the removal of habitat for ambush predators;</i> <i>• removal of an old rail system, which also currently provides potential habitat for ambush predators</i> <i>• Grating that exceeds the code requirement. This project proposes 40.6% light passage, which exceeds the 33% required by code.</i>

<p>vii. Setback. No private moorage or other structure waterward of the ordinary high water mark, 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 boat lifts which do not exceed 30 inches in height measured from ordinary high water mark.</p>	<p><i>Project complies</i></p>
---	--------------------------------

*Rows highlighted in orange identify proposed deviations from code.

5.0 CRITICAL AREA IMPACTS RELATED TO DEVIATIONS FROM LUC 20.25E.080

Three proposed deviations from the standard code are proposed, as outlined in Table 1. Each is discussed below.

5.1 Modifications

Ramp width. LUC 20.25E.080 b iv (2) states that ramps shall not exceed three feet wide and shall be fully grated. The proposed ramp is four feet wide and fully grated. The reason for this proposed deviation is to provide safe access to the boat lift.

This deviation results in 74 square feet of additional dock area over code requirements.

Floats. Per LUC 20.25E.080 b iv (4), floats are only allowed over water with depths of 10 feet or greater at the landward end of the float. A portion of the floating ramp (4' x 18', or 72 square feet) is landward of 10' water depth. The reason for this proposed deviation is to meet another section of the LUC, which requires that floats must be no closer than 30 feet from the shore. The 10 foot depth occurs at 49 feet from shore; extending the pier to meet that depth would create additional impact, and would exceed square footage limitations.

5.2 Discussion of Potential Impacts

Docks can create impact in littoral zones resulting from three primary modifications to the littoral environment: reduction in light, increase in cover opportunities for predators, and disturbances to sediments. Each is discussed below as they pertain to this project.

Reduction in light. Salmon eyes are slow to adjust to changing light conditions, and thus, rather than swimming into a shadow (such as that cast by a dock), they are more inclined to swim around the dark area. In a lake, this places them in deeper waters. For young salmon, this makes them especially vulnerable to predation. In addition, shaded piers provide habitat for bass, which feed on juvenile salmon.

Because the effects of shading may be significant when aggregated over many docks on a residential shoreline, the City of Bellevue regulates the size of docks. However, since the proposed dock exceeds the grating requirements, it should not pose adverse impacts related to increased shade.

Increase in habitat opportunities for predators of salmon. Piers and shorelines unobstructed by vegetation can provide habitat to bass, which are predators of salmonids. Increasing the number of piers on a lake can have a deleterious affect on salmon. However, the dense planting proposed (discussed in 6.0 CRITICAL AREA MITIGATION), removal of existing treated piers, and grating of new decking should adequately mitigate this impact.

Disturbance to sediments. Sediments can be disturbed by pier construction in two ways: structures in the water can alter or limit the migration of sediment, which is crucial to a healthy lake ecosystem. Additionally, sediments may be mobilized during installation of pilings.

The design of this dock, which includes fewer pilings due to its floating design, will minimize these impacts. A typical pier supported by pilings creates an opportunity to alter or limit the migration of sediment; a floating pier does not create this potential impact.

6.0 CRITICAL AREA MITIGATION

Mitigation for the construction of the floating pier and boat lift would occur through the planting of 677 s.f. of degraded shoreline buffer habitat with a variety of native species to increase the habitat value of the shoreline environment. Planting the area with native species would increase the plant species and structural diversity over existing conditions, limit desirable bass habitat (thus favoring salmonids), and will increase food chain support by increasing the biological production of both vegetation and insects. This in turn should provide food and cover for a variety of song birds and other wildlife and increase the habitat function of the shoreline.

Native plants will be planted directly adjacent to selected portions of the bulkhead, which will provide limited natural shade to the lake. The planting of shrubs that could extend over the bulkhead would also create habitat for benthic invertebrates, while contributing detritus and other desirable allochthonous inputs into the aquatic environment. A list of plants to be installed is provided in Table 2.

Table 2. Plants to be Installed in Shoreline Buffer

Scientific Name	Common Name	Spacin g	Quantity	Size
<i>Thuja plicata</i>	Western red cedar	10' o.c.	4	5 gal
<i>Acer circinatum</i>	Vine maple	6' o.c.	1	5 gal
<i>Cornus sericea</i>	Red-osier dogwood	4' o.c.	3	1 gal
<i>Lonicera involucrata</i>	Black twinberry	3' o.c.	4	1 gal
<i>Mahonia aquifolium</i>	Tall Oregon grape	4' o.c.	6	2 gal
<i>Ribes sanguineum</i>	Red-flowering currant	5' o.c.	1	2-5 gal
<i>Vaccinium ovatum</i>	Red huckleberry	3' o.c.	18	2 gal
<i>Arctostaphylos uva-ursi</i>	Kinnickinick	3' o.c.	34	1 gal
<i>Iris tenax</i>	Oregon iris	1' o.c.	3	1 gal or 4" pot
<i>Lupinus polyphyllus</i>	Large-leaved lupine	2' o.c.	6	1 gal or 4" pot

Additional mitigation for the pier will involve removing approximately 50 linear feet of an old rail system and twenty 4 x 4 treated dock pilings located to the north of the proposed pier. Removal of the old rail system and treated pilings should provide increased functional benefits to both water quality and juvenile salmonid migration. Furthermore, the pier has been re-designed to provide 40.6% unblocked grating, thereby exceeding the 33% grating requirement for floats implied by LUC 20.25E.080.N.1.b.iv.4.

6.1 Goal, Objectives, and Performance Standards for Mitigation Areas

The primary goal of the mitigation plan is to increase the habitat functions of the selected shoreline areas. To meet this goal, the following objectives and performance standards have been incorporated into the design of the plan:

Objective A: Increase structural and plant species diversity within the mitigation area.

Performance Standard: There will be 100% survival of all woody planted species throughout the mitigation area at the end of the first year of planting. For Years 2-5, success will be based on an 85% survival rate or similar number of recolonized native woody plants.

Objective B: Limit the amount of invasive and exotic species within the mitigation area.

Performance Standard: After construction and following every monitoring event for a period of five years, exotic and invasive plant species will be maintained at levels below 10% total cover in the designated mitigation areas. Invasive species include, but are not limited to, Himalayan and evergreen blackberry, Japanese knotweed, and English ivy.

6.2 Construction Management

Prior to commencing work in the mitigation areas, clearing limits will be staked and any existing vegetation to be saved will be clearly marked. A pre-construction meeting will be held at the site to review and discuss all aspects of the project with the project consultant, landscape contractor, and the owner.

A consultant will supervise plan implementation during construction to ensure that objectives and specifications of the mitigation plan are met. Any necessary significant modifications to the design that occur as a result of unforeseen site conditions will be jointly approved by the City of Bellevue and the consultant prior to their implementation.

6.3 Monitoring Methodology

The monitoring program will be conducted for a period of five years, with annual reports submitted to the City. Vegetation monitoring will include general appearance, health, mortality, colonization rates, percent cover, percent survival, volunteer plant species, and invasive weeds.

Photo-points will be established from which photographs will be taken throughout the monitoring period. These photographs will document general appearance and progress

in plant community establishment in the mitigation area. Review of the photos over time will provide a visual representation of success of the mitigation plan.

6.4 Maintenance Plan

Maintenance will be conducted on a routine, year round basis. Additional maintenance needs will be identified and addressed following periodic maintenance reviews. Contingency measures and remedial action on the site shall be implemented on an as-needed basis at the direction of the consultant or the owner.

6.5 Weed Control

Routine removal and control of non-native and other invasive plants within the designated mitigation areas shall be performed by manual means. Undesirable and weedy exotic plant species shall be maintained at levels below 10% total cover within all mitigation areas during the monitoring period.

6.6 General Maintenance Items

Routine maintenance of planted trees and shrubs shall be performed. Measures include resetting plants to proper grades and upright positions. Tall grasses and other competitive weeds shall be weeded at the base of plants to prevent engulfment. Weed control should be performed by hand removal.

6.7 Contingency Plan

All dead plants will be replaced with the same species or an approved substitute species that meets the goal of the mitigation plan. Plant material shall meet the same specifications as originally-installed material. Replanting will not occur until after reason for failure has been identified (e.g., moisture regime, poor plant stock, disease, shade/sun conditions, wildlife damage, etc.). Replanting shall be completed under the direction of the consultant, City of Bellevue, or the owner.

6.8 As-Built Plan

Following completion of construction activities, an as-built plan for the mitigation area will be provided to the City of Bellevue. The plan will identify and describe any deviations from the approved plan.