



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

Proposal Name: Bulanyy Slope Setback

Proposal Address: 17116 SE Cougar Mountain Drive

Proposal Description: Land Use review of a proposal to reduce the 75-foot toe-of-slope structure setback from a steep slope critical area to construct a new single-family residence and associated improvements.

File Number: 14-131036-LO

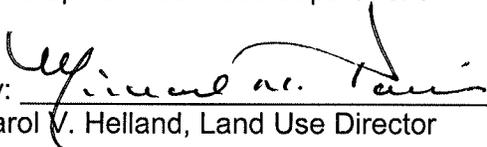
Applicant: Ben Casady, Casady Enterprises Inc.

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

Planner: Reilly Pittman, Land Use Planner

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

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

By: 
Carol V. Helland, Land Use Director

Application Date: May 19, 2014
Notice of Application Date: June 5, 2014
Decision Publication Date: November 26, 2014
Project Appeal Deadline: December 10, 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. Site Plan – Enclosed
2. Geotech Report, Forms, Application Materials – In File



Figure 2

B. Zoning

The property is zoned R-1, Single-Family Residential.

C. Land Use Context

The property has a Comprehensive Plan Land Use Designation of SF-L, Single-Family Low Density.

D. Critical Areas On-Site and Regulations

i. Geologic Hazard Areas

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

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

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

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The proposed construction shows that it complies with the zoning dimensional standards for the R-1 zone found in LUC 20.20.010. Conformance with zoning requirements will be confirmed as part of the building permit review. Survey verification of setbacks, height or other zoning requirements may be required as part of the building permit review or inspection process. Rockeries are proposed in the front setback and are required to be 30 inches or less in height, unless they are necessary to allow access. The use of rockeries is limiting disturbance of the slopes and site and provides a small level area of access around the house. The proposed rockeries within the southern front setback are allowed to exceed 30 inches to a maximum height of four feet. The plans identify 618 diameter inches of trees on the site and 438 diameter inches are proposed to remain which is 71 percent of the inches on the site and does not include required tree replanting. **See Conditions of Approval in Section X of this report.**

B. Critical Areas Requirements LUC 20.25H:

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

i. Consistency with LUC 20.25H.140 and LUC 20.25H.145

Modification of a toe-of-slope setback requires a critical areas report as part of the application for a Critical Area Land Use Permit. The applicant has obtained the services of a qualified geotechnical engineering company to study the site and document the observed conditions. Staff has reviewed the following documents:

- Geotech Report dated May 13, 2014 prepared by J. Keith Cross P.E., Geotechnical Engineering Consultant
- Supplemental geotech letter dated August 10, 2014

This geotechnical analysis finds that the proposal does not have an adverse impact on existing slope stability. The geotech provided a statement that no buffers or setback were needed from the slope on the site. The geotech identified the slopes on the site as being man-made, that will not have the same characteristics as slopes created naturally through geological processes. The geotech report states that there are no "slope stability related life safety issues"

of the slope related to the proposed construction. The geotech found that the site soils and geology provide a “high quality level of foundation support.” Based on the geotech report and addendum letter, the proposal will not increase risk or buffers on neighboring properties

17 trees, consisting of big leaf maple and western red cedar, will be planted to replace the 17 trees that are removed by construction. **See Conditions of Approval in Section X of this report.**

IV. Public Notice and Comment

Application Date:	May 19, 2014
Public Notice (500 feet):	June 5, 2014
Minimum Comment Period:	June 19, 2014

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin and Seattle Times on June 5, 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 proposed addition is exempt from SEPA in WAC 197-11-800 and no work is proposed within a critical area or exceeds a categorical exemption.

VII. Changes to Proposal Due to Staff Review

Additional geotech responses, tree replanting, and location of utilities to avoid steep slopes were required.

VIII. Decision Criteria

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

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;**

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

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

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

3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site;

The proposed project complies with the required performance standards. No work is proposed in the steep slope critical area or buffer. Relocating the structure to avoid impacting the slope setback is not possible as it would place the house and improvements in a slope buffer or steep slope.

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

The construction of the addition on this commercial structure is allowed in this land use district.

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

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

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

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

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

The critical area is avoided and the house and improvements are located on the site in order to have the least impact to the steep slopes.

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

The performance standards related to steep slopes are being met by this proposal as no critical area or critical area buffer is proposed to be modified.

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

The proposed activity will be served by adequate public facilities.

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

The mitigation planting is comparable with the City's planting templates for steep slopes.

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

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

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the reduction of the 75-foot toe-of-slope structure setback to allow construction of a house and associated improvements. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
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. Future work on the property may be subject to further critical areas permit requirements and/or geotech review.

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

- 2. Mitigation Planting:** Plans submitted for the building permit must show the proposed planting of 17 trees as described in this report.

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

- 3. Land Use Inspection:** Following installation of mitigation planting, the applicant shall contact Land Use staff to inspect the planting area prior to final building inspection.

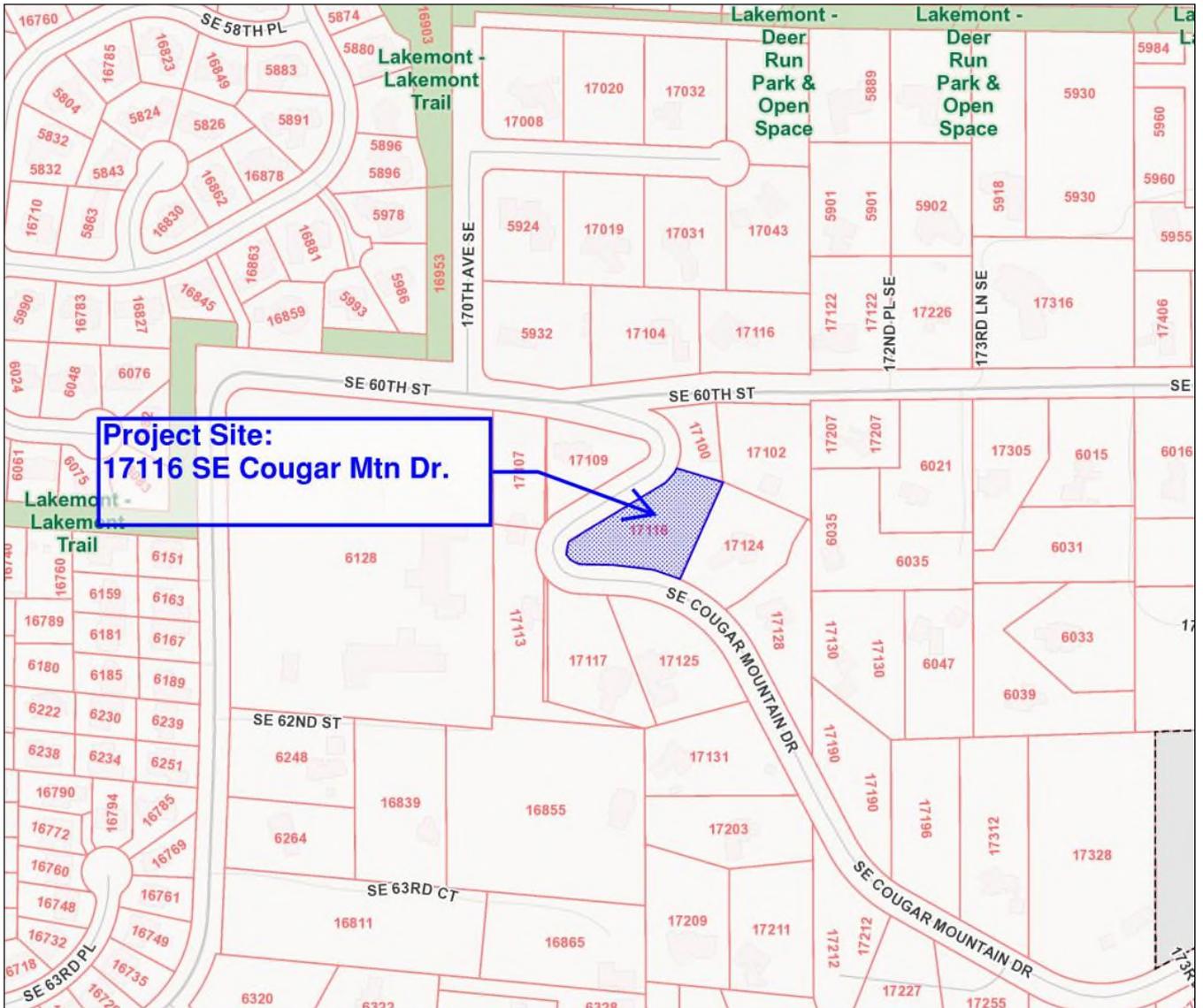
Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 4. 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

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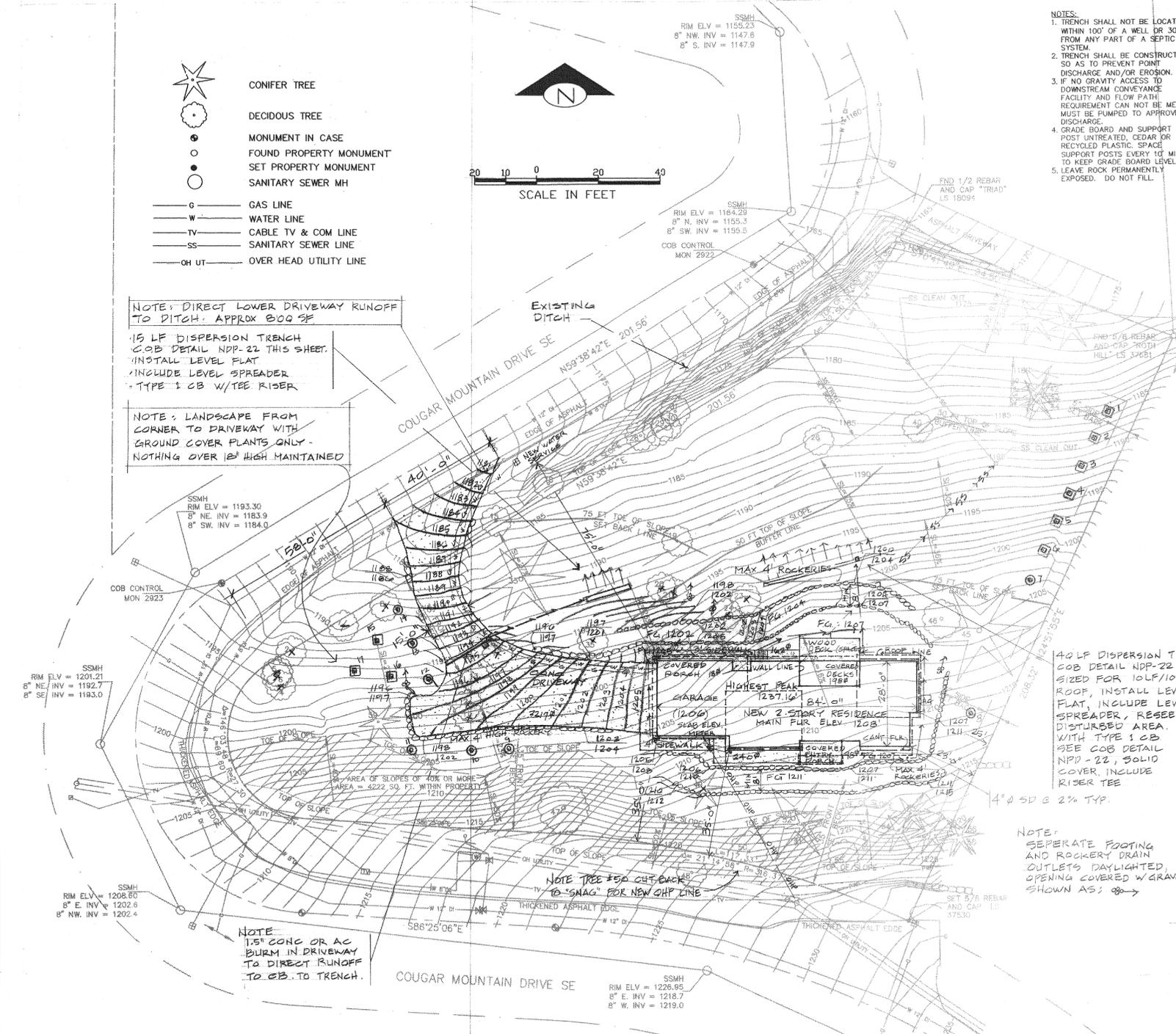
- CONIFER TREE
- DECIDUOUS TREE
- MONUMENT IN CASE
- FOUND PROPERTY MONUMENT
- SET PROPERTY MONUMENT
- SANITARY SEWER MH
- GAS LINE
- WATER LINE
- CABLE TV & COM LINE
- SANITARY SEWER LINE
- OVER HEAD UTILITY LINE



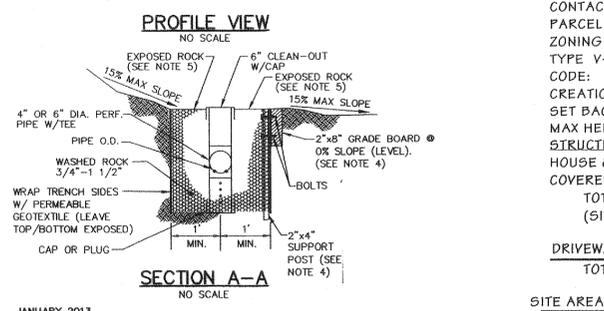
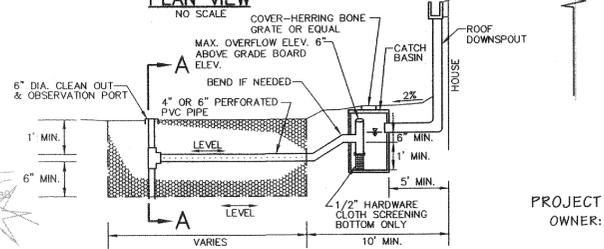
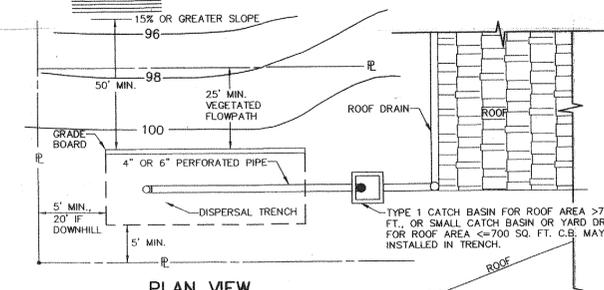
NOTE: DIRECT LOWER DRIVEWAY RUNOFF TO DITCH. APPROX 800 SF

15 LF DISPERSION TRENCH COB DETAIL NDP-22 THIS SHEET. INSTALL LEVEL FLAT INCLUDE LEVEL SPREADER TYPE 1 CB W/TEE RISER

NOTE: LANDSCAPE FROM CORNER TO DRIVEWAY WITH GROUND COVER PLANTS ONLY. NOTHING OVER 18" HIGH MAINTAINED

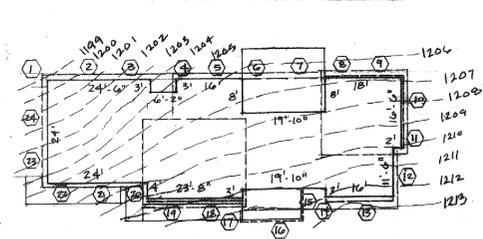


- NOTES:
- TRENCH SHALL NOT BE LOCATED WITHIN 100' OF A WELL OR 30' FROM ANY PART OF A SEPTIC SYSTEM.
 - TRENCH SHALL BE CONSTRUCTED SO AS TO PREVENT POINT DISCHARGE AND/OR EROSION. IF NO GRAVITY ACCESS TO DOWNSTREAM CONVEYANCE FACILITY AND FLOW PATH REQUIREMENT CAN NOT BE MET, MUST BE PUMPED TO APPROVED DISCHARGE.
 - GRADE BOARD AND SUPPORT POST UNREATED CEDAR OR RECYCLED PLASTIC. SPACE SUPPORT POSTS EVERY 10' MIN. TO KEEP GRADE BOARD LEVEL.
 - LEAVE ROCK PERMANENTLY EXPOSED. DO NOT FILL.



City of Bellevue STORM AND SURFACE WATER UTILITY

TITLE: ROOF DOWNSPOUT DISPERSION TRENCH NO. NDP-22



AVERAGE EXISTING GRADE CALC.

PT	GRADE
1	1199.5
2	1201.0
3	1203.0
4	1205.0
5	1206.0
6	1206.2
7	1206.5
8	1206.7
9	1206.8
10	1207.8
11	1209.9
12	1211.5
13	1212.7
14	1212.2
15	1211.8
16	1212.5
17	1212.2
18	1211.2
19	1210.8
20	1209.4
21	1208.1
22	1206.6
23	1204.4
24	1201.6
28983.4 / 24 = 1,207.64	
1207.64 AVERAGE EXISTING GRADE	
1207.64 + 35 = 1242.64 MAX. RIDGE ELEVATION	

TREE TABLE

2	38"	MAPLE CLUMP 6 TRUNKS
4	38"-4"	MAPLE CLUMP 4 TRUNKS
5	38"	MAPLE
6	38"	MAPLE
7	30"	MAPLE CLUMP 5 TRUNKS
8	30"	MAPLE CLUMP 5 TRUNKS
11	30"	ALDER
12	38"	ALDER
13	38"	CHERRY
14	38"	ALDER
15	8"	ALDER ROW
18	12"	MAPLE ROW
19	12"	MAPLE 2 TRUNKS
20	30"-6"	ALDER 2 TRUNKS
21	30"	ALDER
22	38"	MAPLE
23	38"	CHERRY
24	38"-8"	MAPLE 2 TRUNKS
26	8"	MAPLE CLUMP 5 TRUNKS
28	12"-6"	MAPLE 3 TRUNKS
29	8"	MAPLE (ALL ROW)
30	10"	MAPLE CLUMP 6 TRUNKS
31	8"	MAPLE 4 TRUNKS
33	36"	FIR
35	38"	MAPLE
36	24"	FIR
37	20"	HEMLOCK

38	14"	FIR - NEIGHBOR
39	12"	MAPLE ROW 2 TRUNKS
40	10"	ALDER CLUMP 3 TRUNKS
42	12"	HEMLOCK
43	12"	HEMLOCK
44	18"	HEMLOCK
45	50"	FIR
46	30"	MADRONA
47	40"	MAPLE
48	12"	CHERRY ROW
49	38"	HEMLOCK CLUMP 4 TRUNKS
50	40"	MAPLE
51	10"	FIR
52	30"	FIR
53	15"	HEMLOCK
54	15"	FIR
55	12"	ALDER
56	12"	FIR - NEIGHBOR
57	15"	FIR
58	12"	FIR - NEIGHBOR
59	15"	FIR

EXISTING SIGNIFICANT TREE DIAMETERS = 618
 30% REQUIRED RETENTION = 185.4
 RETAINED = 438 DIAMETERS

MITIGATION PLANTING

17 SIGNIFICANT TREES REMOVED (# 2-8, 11-14, 20-24, 35 AND 49)
 17 REPLACEMENT TREES - FROM GEOLOGICAL HAZARD AREA PLANTING TEMPLATE.
 MIN. 50% EVERGREEN:

- # 1-6 AND 15-17 WESTERN RED CEDAR: [Symbol]
- # 7-14 BIG LEAF MAPLE: [Symbol]

PROVIDE TEMPORARY IRRIGATION FOR FIRST YEAR TO INSURE TREES ARE ESTABLISHED.
 FIVE YEAR MAINTAINING AND MONITORING REQUIRED.

Site Plan

SITE PLAN FROM SITE SURVEY BY:
 HILLEBRAND ASSOCIATES LLC

STEEP SLOPE SETBACK REDUCTION;
 SEE CRITICAL AREAS LAND USE PERMIT # 14-131036 LO

LEGAL DESCRIPTION
 TRACT C, ASSESSOR'S PLAT OF ZAHN'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME, 73 OF PLATS, PAGE 12, RECORDS OF KING COUNTY, WASHINGTON, SITUATE IN THE CITY OF BELLEVUE, COUNTY OF KING, STATE OF WASHINGTON.

DATUM
 CITY OF BELLEVUE;
 HORIZONTAL, NAD 83 (2011)
 VERTICAL, NAVD 88

VERTICAL BENCH MARK
 CITY OF BELLEVUE CONTROL MONUMENT NO. 2922 HAVING AN ORTHOMETRIC ELEVATION OF 1167.308

BASIS OF BEARING
 THE RIGHT OF WAY CENTER LINE OF COUGAR MOUNTAIN DRIVE, BETWEEN THE POINT OF TANGENT MONUMENT, CITY OF BELLEVUE HORIZONTAL STATION 2922 AND THE POINT OF CURVATURE, CITY OF BELLEVUE HORIZONTAL STATION 2923. HAVING A BEARING OF N59°38'42"E.

NOTE: SEE SHEET 3A FOR T690 AND ADDITIONAL BMPs.