



City of Bellevue
Development Services Department
Land Use Staff Report

Date of Receipt by Ecology:

**SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

File Number:	20-101545-WG
Proposal Name:	Schlotfeldt Pier Repair and Platform Lift
Proposal Address and Location:	2177 Killarney Way
Water Body:	Lake Washington
Shoreline Environment Designation:	Shoreline Residential
Proposal Description:	Land Use review of a Shoreline Substantial Development Permit to repair piles, structure, and decking of an existing pier. New improvements proposed include removal on an existing moorage cover and installation of a new translucent canopy associated with an existing boat lift and installation of a new platform lift.
Applicant: <input checked="" type="checkbox"/> Applicant owns property	Walter Schlotfeldt, 2177 Killarney Way, Bellevue, WA 98004
Applicant Representative:	Gregory Ashley, 16412 NE 10 th PL., Bellevue, WA 98008, 425-957-9381, greg@shoreline-permitting.com
Application Date:	January 21, 2020
Notice of Application Date:	February 20, 2020
Notice of Decision Date:	April 2, 2020

SEPA Determination:

Determination of Non-Significance

SEPA Appeal Deadline:

April 16, 2020

By: *Heidi Bedwell, Planning Manager* for

Elizabeth Stead, Environmental Coordinator
Development Services Department

Decision on SSDP:

Approval with Conditions

By: *Reilly Pittman, Land Use Planner* for

Michael A. Brennan, Director
Development Services Department

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

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This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing 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) (D).

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Attachments to this Decision

Project Plans

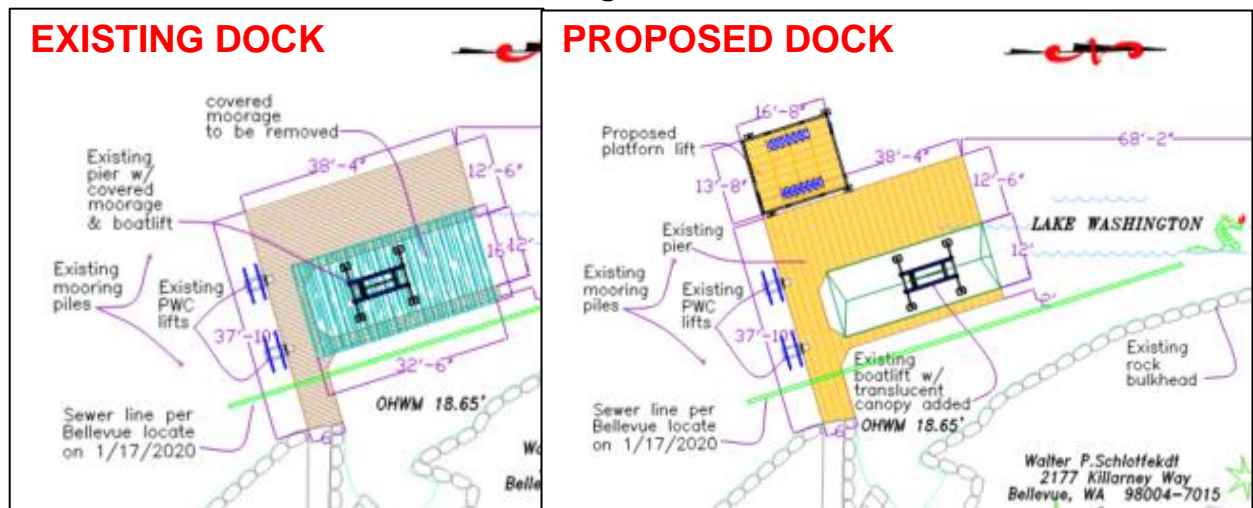
SEPA Determination of Non-Significance

See project file for all submitted documents and forms.

I. Proposal Description

The proposal is to repair an existing piles, pier structure, and decking of a pier associated with a single-family house located on a residentially zoned and developed property. An existing moorage cover is proposed to be removed and replaced with a new translucent canopy. A new platform lift is proposed to be installed bringing the total lifts on the site to four in total. The new moorage cover and platform lift are not repair and the value of improvement requires a Shoreline Substantial Development Permit. **See Attachment 1 for project plans and Figure 1 below for the existing and proposed dock.**

Figure 1



II. Site Description, Zoning, Land Use Context and Shoreline Environment and Functions

A. Site Description

The site is located on Lake Washington and has a shoreline environment designation of SR, Shoreline Residential. The existing pier has 706 square feet of overwater coverage with a 520 square-foot existing moorage cover over a boat lift. There are two existing personal watercraft lifts attached to the southern edge of dock. The existing decking is solid wood and all piles are 12-inch diameter wood piles. The shoreline is armored with a rockery bulkhead that has a small beach cove. Existing vegetation along the shoreline consists of lawn and ornamental landscaping. **See Figure 2 for existing site condition.**

Figure 2



B. Zoning and Land Use Context

The property is zoned R-1.8, a single-family residential zoning district. Surrounding properties are also zoned R-1.8 and developed with single-family residences and docks. The property has a Comprehensive Plan Land Use Designation of SF-L (Single Family Low Density). The project is consistent with this land use designation.

C. Shoreline Environment and Functions

The site is in the Shoreline Residential shoreline environment designation.

Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities.

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.

III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

No upland structures are proposed that are subject to zoning requirements.

B. Shoreline Overlay District LUC 20.25E.065:

The property has frontage along Lake Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable performance standards in LUC 20.25E.065 are met.

i. Consistency with LUC 20.25E.065.H.5

Existing legally established residential docks may be repaired or replaced in the existing configuration and footprint; provided, that the following requirements are met.

a. Materials used for dock repairs shall meet the requirements established in subsection H.3.a of this section

The proposal will comply with dock material requirements. No lighting is proposed.
See Conditions of Approval regarding building permit submittal in Section X of this report.

b. Any decking that is replaced shall be grated to allow for light transmission

All decking is proposed to be replaced with grating that allows light transmission.

c. Any piles that are replaced shall be the minimum diameter and at the maximum spacing feasible to support the dock configuration

No piles are proposed for replacement. Only repair through pile sleeving is proposed.

d. Projects that replace 75 percent or more of the support piles in the near shore area within a 5-year period shall meet the requirements applicable to reconfigured residential docks contained in LUC Chart 20.25E.065.H.4 of this section

This requirement is not applicable to this proposal.

ii. Consistency with LUC 20.25E.065.H.6

Boat and Watercraft Lifts. To reduce disturbance of the lake substrate, attached boatlifts and watercraft lifts are preferred over freestanding lifts. Lifts are limited in the number allowed and location:

- a. **Number.** The number of combined boat and watercraft lifts is limited to four per dock.
- b. **Location.** The landward stanchion of any boat or watercraft lift shall be located more than 30 feet waterward of OHWM or within 30 feet waterward of OHWM if located in at least 9 feet of water depth when measured from the OHWM unless otherwise approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4 Note 4.
- c. **Number of Lift Canopies Allowed.** One fabric watercraft or boat lift canopy is allowed per single-use dock. Two fabric watercraft or boat lift canopies are allowed per joint-use dock. Canopy fabric shall be light-transmitting, unless alternative materials are approved by State or Federal Agencies pursuant to LUC Chart 20.25E.065.H.4, Note 4

The proposal will result in a total of four lifts. A new platform lift is proposed in addition to the existing boat lift and two personal watercraft lifts. The proposed platform lift is located more than 30 feet from the OHWM. The proposed replacement canopy is translucent fabric and will result in one canopy associated with the site.

IV. Public Notice and Comment

Application Date:	January 21, 2020
Public Notice Date:	February 20, 2020
30-Day Comment Period End:	March 23, 2020

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on February 20, 2020. It was mailed to property owners within 500 feet of the project site.

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 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. The sewer lake line will be field located as part of the future building permit.

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 dredging, withdrawals, diversions, or discharges are anticipated from the proposed construction and minor disturbance is anticipated as the only in-water work is placement of the platform lift and sleeving of existing piles.

B. Animals

Chinook salmon, bull trout, and steelhead are found in Lake Washington. Provided that it meets City standards, the proposal is allowed. The entire dock is proposed to be fully grated which will allow for increased light penetration. Fish species and their habitat will be protected during the project construction through the timing of in-water work. The applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies to minimize or avoid impacts to fish and wildlife. **See Conditions of Approval regarding in-water work and additional agency permitting in Section X of this report**

C. Plants

Existing vegetation on the shoreline is sparse, consisting of lawn and ornamental plants. No vegetation will be disturbed as part of the proposal.

VII. Changes to Proposal Due to Staff Review

No changes to the plans were required.

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

1. The proposal is consistent with the policies and procedures of the Shoreline Management Act;

Finding: As evaluated, the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and single-family residences are specifically identified as a preferred use.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The proposal is consistent with 173-27 WAC.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

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

Finding: The proposed dock repairs and placement of a platform lift does not alter existing service of public facilities to the property.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Finding: Shoreline Management Goal 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.

The proposal is consistent with the City of Bellevue Shoreline Comprehensive Plan policies SH 16, and SH-18.

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

POLICY SH-18. *Give preference to residential and water dependent, water-enjoyment, and water-related uses (in that order) when the use, activity, or development preserves shoreline ecological functions and processes or, where necessary, mitigates impacts to water quality, fish and wildlife habitat, and other shoreline functions*

The proposed dock repairs, new platform lift, and moorage cover are consistent with this goal to allow residential use of the shoreline, will be constructed with materials suitable for in-water construction, and will not have an adverse effect on water quality, vegetation, fish, and wildlife in or near the water.

6. The proposal complies with applicable requirements of the Bellevue City Code.

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

IX. 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 repair of the existing pier and placement of a new platform lift at 2177 Killarney Way. **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 Approval: In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to commence construction, use, or activity granted by the shoreline permit within two years of the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. 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	Thomas McFarlane, 425-452-5207
Utilities – BCC Title 24	Alison Kolberg, 425-452-6054
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

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

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.25E.160

Reviewer: Reilly Pittman, Development Services Department

- 2. Federal and State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work. A copy of the approved federal and state permits is required to be submitted under the building permit application. Any changes required by federal or state review shall be shown on the plans.

Authority: Land Use Code 20.25E.065

Reviewer: Reilly Pittman, Development Services Department

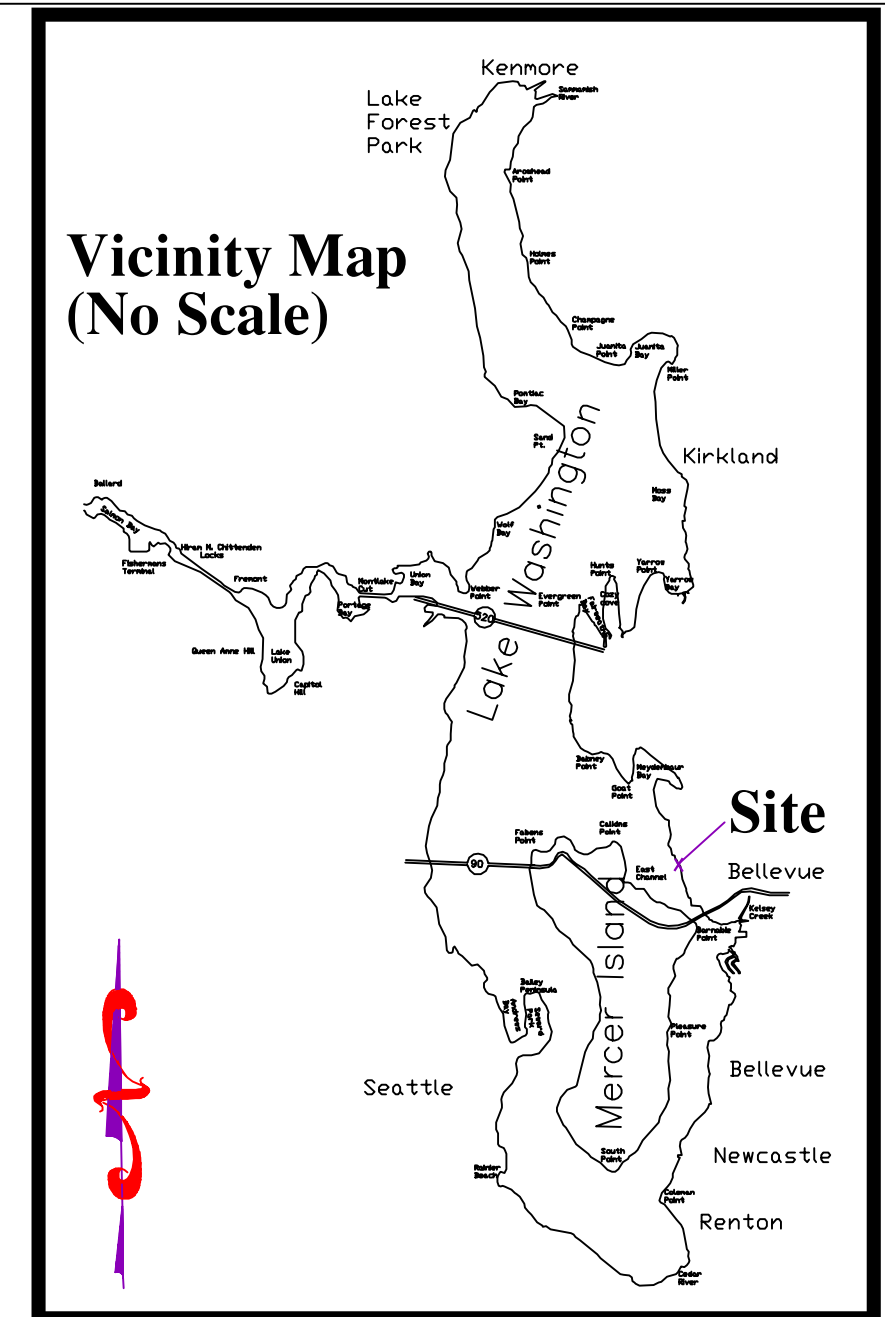
- 3. In-Water Work Window:** The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington and this project shall comply with the approved work window.

Authority: Land Use Code 20.25E.160

Reviewer: Reilly Pittman, Development Services Department

DRAWING BY: Gregory W. Ashley

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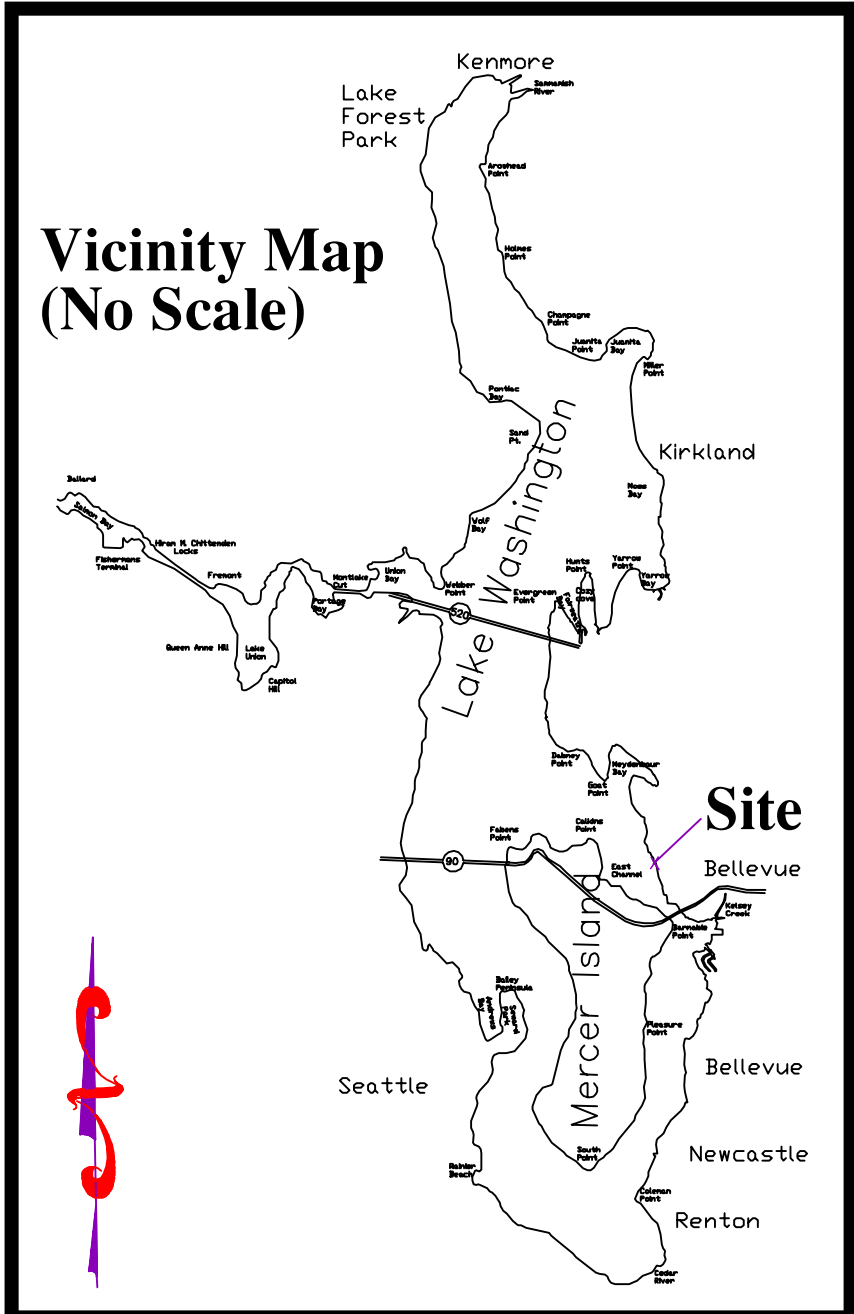
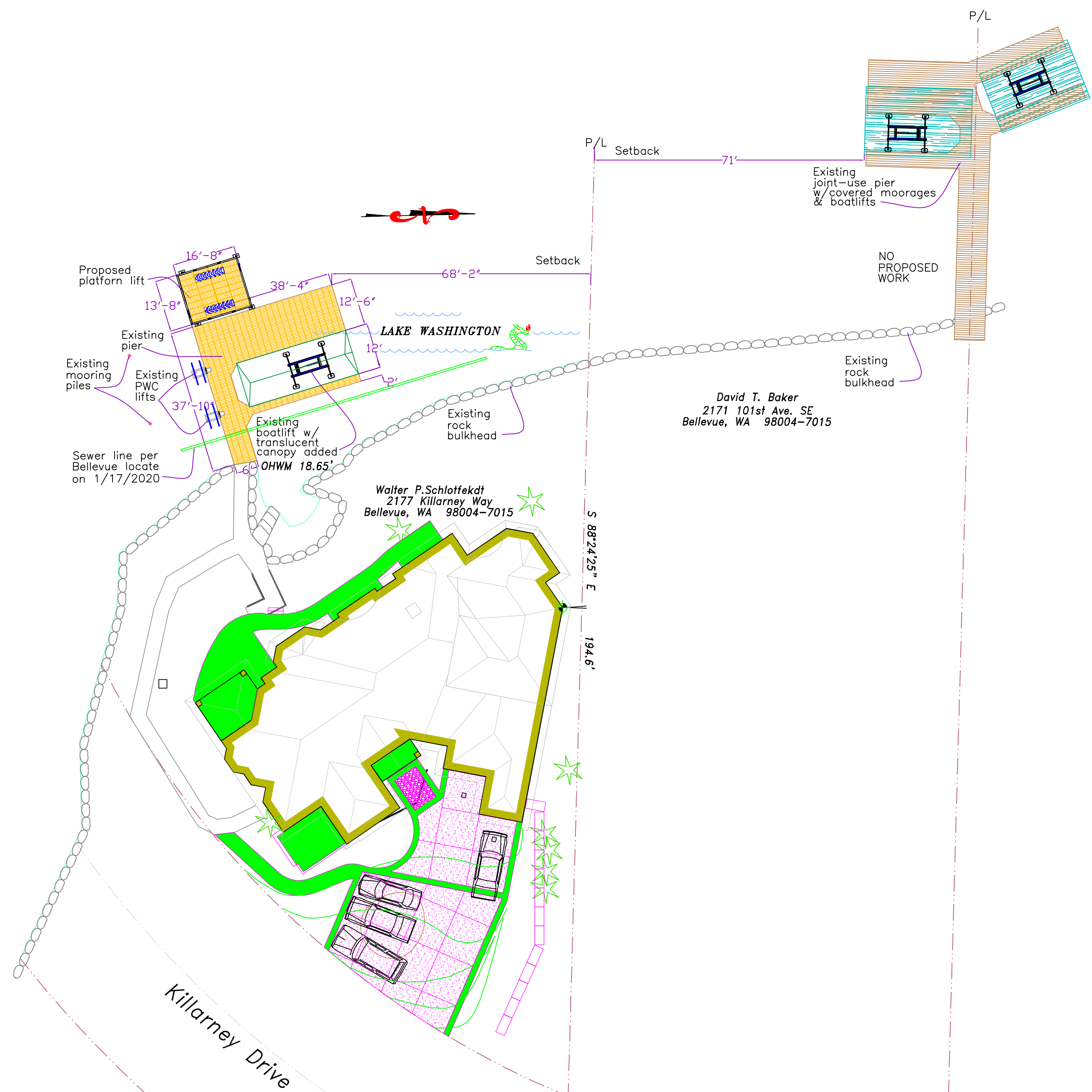


<p>PROJECT DESCRIPTION: Remove existing 520 SF covered moorage. Install a freestanding platform lift and add a translucent canopy to the existing boatlift.</p> <p>DATE: 1/14/2020 Repair piles, caps and stringers. Replace decking with grating.</p>

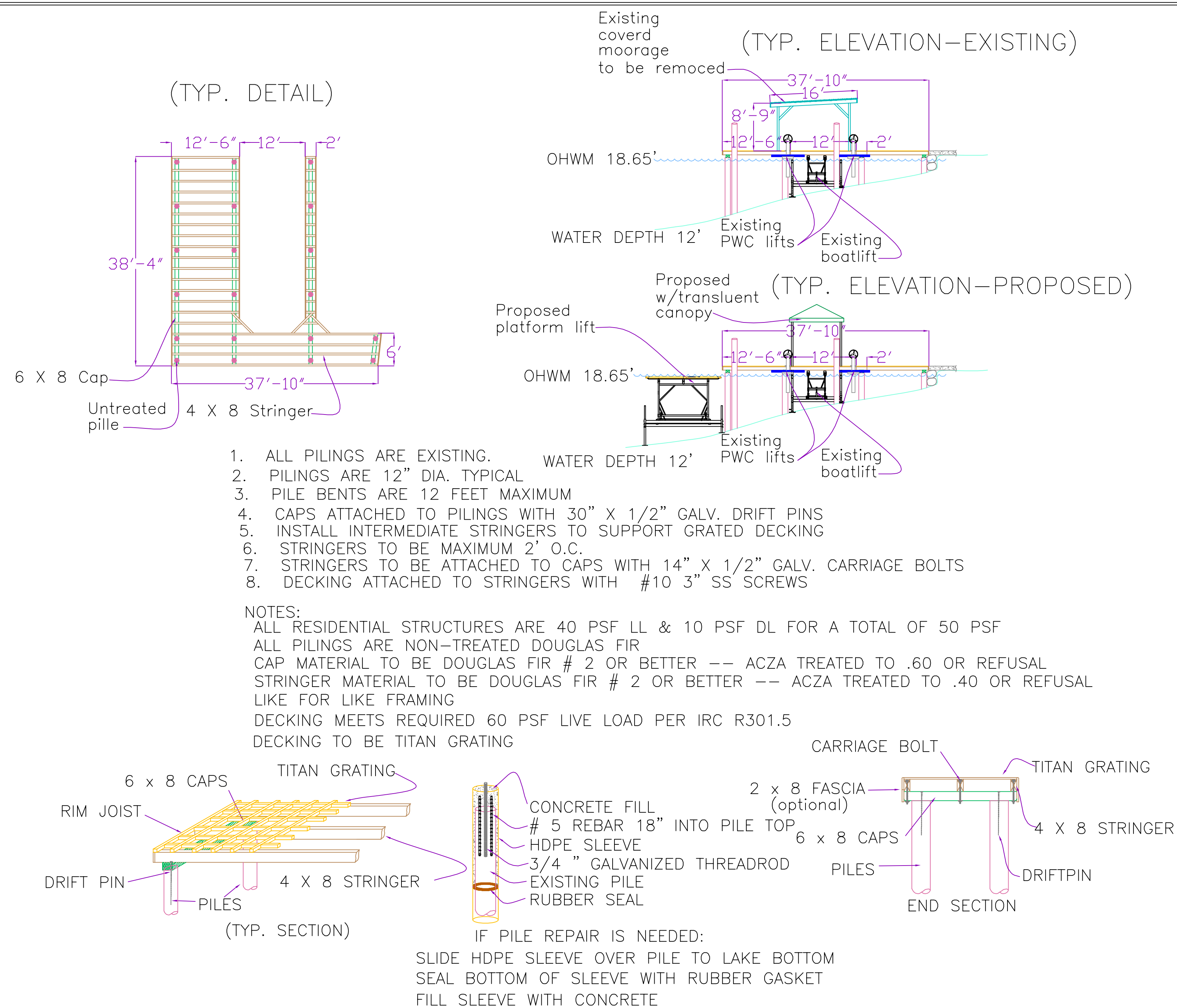
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SHORELINE PROJECT FOR : Walter P. Schlotfeldt 2177 Killarney Way SE Bellevue, WA 98004-7017	LOCATION: Lake Washington LAT: 47° 35' 27" North LONG: -122° 12' 28" West LENGTH FROM OHWM: 37'-10" SQ. FT. : 706 DATUM: NAVD 88	PROJECT DESCRIPTION: Remove existing 520 SF covered moorage. Install a freestanding platform lift and add a translucent canopy to the existing boatlift. Repair piles, caps and stringers. Replace decking with grating. DATE: 1/14/2020
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DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Walter Schlotfeldt

LOCATION OF PROPOSAL: 2177 Killarney Way, Bellevue, WA

DESCRIPTION OF PROPOSAL: Installation of a new platform lift in Lake Washington in addition to replacement of an existing moorage cover and repairs to an existing residential dock.

FILE NUMBERS: 20-101545-WG

PLANNER: Reilly Pittman, 425-452-4350

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 **4/16/2020**
- ☐ 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.

By: *Heidi Bedwell, Planning Manager*

Date: 4/2/2020

Signed for

Elizabeth Stead, Environmental Coordinator
Development Services Department

OTHERS TO RECEIVE THIS DOCUMENT:

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