City of Tukwila
Allan Ekberg, Mayor
Department of Community Development
Jack Pace, Director

February 15, 2017
NOTICE OF DECISION

TO: Matthew Laase, Jackson Main Architecture, Applicant
Washington State Department of Ecology- Sepa Review
Washington State Department of Fish and Wildlife
King County Department of Assessments
Muckleshoot Indian Tribe
Greg and Vanessa Zaputil

This letter serves as a Notice of Decision and is issued pursuant to TMC 18.104.170 on the following project and permit approval.

I. PROJECT INFORMATION

Project File Number:	L16-0067, Special Permission from the Director
Applicant:	Matthew Laase, Jackson Main Architecture for Inspirus Credit Union
Type of Permit Applied for:	Type 2 Special Permission from the Director.
Project Description:	Special Permission to reduce a watercourse buffer from 80' to 40' and request for waiver of setback from the buffer's edge. The proposal includes enhancement of the reduced watercourse buffer.
Location:	5200 and 5290 Southcenter Blvd, Tukwila WA (King County parcel #s 1157200013 and 1157200021)
Associated Files:	E16-0011 (Environmental Review) L16-0064 (Design Review) L16-0068 (Special Permission- Parking Reduction)
COMPREHENSIVE PLAN DESIGNATION:	Office (O)/ Regional Commercial Mixed Use (RCM)
ZONE DESIGNATION:	Office (O)/ Regional Commercial Mixed Use (RCM)

II. DECISION

SEPA Determination: The City SEPA Responsible Official has previously determined that the project, as proposed, does not create a probable significant environmental impact and issued a Determination of Non-Significance (DNS) on December 21, 2016.

Decision on Substantive Permit: The Community Development Director has determined that the special permission application does comply with applicable City and state code requirements and has approved that application, subject to the following conditions:

1. Provide a financial guarantee in the amount of 150% of the cost of monitoring and maintenance of the required stream buffer mitigation prior to final inspection.
2. Maintenance and monitoring of the mitigation area is required for five years. Contingency measures will be initiated if buffer fails to meet any performance standards at any time throughout the monitoring period.
3. Sequence of construction and maintenance of the mitigation shall follow the sequence described on pages 14 and 15 of Exhibit A, Sensitive Area Study. No plantings in the buffer shall be planted prior to completion of the Inspirus building addition.

III. YOUR APPEAL RIGHTS

The Decision on this Permit Application is a Type 2 decision pursuant to Tukwila Municipal Code §18.104.010. Other land use applications related to this project may still be pending.

No administrative appeal of a DNS or an EIS is permitted. One administrative appeal to the Hearing Examiner of the Decision on the Permit itself is permitted.

A party who is not satisfied with the outcome of the administrative appeal process may file an appeal in King County Superior Court from the Hearing Examiner decision.

IV. PROCEDURES AND TIME FOR APPEALING

In order to appeal the Community Development Director's decision on the Permit Application, a written notice of appeal must be filed with the Department of Community Development within 14-days of the issuance of this Decision, that is by March 1, 2017.

The requirements for such appeals are set forth in Tukwila Municipal Code 18.116. All appeal materials shall be submitted to the Department of Community Development. Appeal materials MUST include:

1. The name of the appealing party.

2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person authorized to receive notices on the appealing party's behalf.

3. A statement identifying the decision being appealed and the alleged errors in the decision, including any specific challenge to an MDNS.

4. The Notice of Appeal shall identify (a) the specific errors of fact or errors in application of the law in the decision being appealed; (b) the harm suffered or anticipated by the appellant, and (c) the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.

5. Appeal fee per the current fee schedule, additional hourly charges may apply. In addition all hearing examiner costs will be passed through to the appellant.

V. APPEAL HEARINGS PROCESS

Any administrative appeal regarding the Permit shall be conducted as an open record hearing before the Hearing Examiner based on the testimony and documentary evidence presented at the open record hearing. The Hearing Examiner decision on the appeal is the City's final decision.

Any party wishing to challenge the Hearing Examiner decision on this application must file an appeal pursuant to the procedures and time limitations set forth in RCW 36.70C. An appeal challenging a DNS, an MDNS or an EIS may be included in such an appeal. If no appeal of the Hearing Examiner decision is properly filed in Superior Court within such time limit, the Decision on this permit will be final.

The City's decision to issue a DNS, an MDNS or an EIS is final for this permit and any other pending permit applications for the development of the subject property.

VI. INSPECTION OF INFORMATION ON THE APPLICATION

Project materials including the application, any staff reports, and other studies related to the permits are available for inspection at the Tukwila Department of Community Development, 6300 Southcenter Blvd., Suite 100, Tukwila, Washington 98188 from Monday through Friday between 8:30 a.m. and 5:00 p.m. The project planner is Lindsay Brown, who may be contacted at Lindsay.brown@tukwilawa.gov or 206.433.7166 for further information.

Property owners affected by this decision may request a change in valuation for their property tax purposes. Contact the King County Assessor's Office for further information regarding property tax valuation changes. The notice board must be removed at the expiration of the appeal period if no appeal is filed.

Nora Gierloff, Deputy Director
Department of Community Development
City of Tukwila

STAFF REPORT
Inspirus Credit Union Special Permission- Buffer Reduction
February 8, 2017

FILE NUMBER:	L16-0067
APPLICANT:	Matthew Laase, Jackson Main Architecture for Inspirus Credit Union
REQUEST:	Approval of Special Permission—Director Review to reduce a watercourse buffer from 80' to 40', enhancement of a reduced watercourse buffer, and a waiver of the 15-foot building setback from the buffer edge.
LOCATION:	5200 Southcenter Blvd, Tukwila WA (parcel #s 1157200013 and 1157200021)
SEPA DETERMINATION:	Determination of Non-Significance (DNS) issued for E16-0011 on December 21, 2016.
COMPREHENSIVE PLAN DESIGNATION:	Office (O)/ Regional Commercial Mixed Use (RCM)
ZONE DESIGNATION:	Office (O)/ Regional Commercial Mixed Use (RCM)
STAFF:	Lindsay Brown, Assistant Planner Andrea Cummins, Urban Environmentalist
ATTACHMENTS:	A. *Sensitive Area Study: Inspirus Credit Union,* The Watershed Company*, October 24, 2016.* B. *Project Description for Proposed Sensitive Area Buffer Reduction*, prepared by Jackson Main Architecture, October 21, 2016. C. *Sensitive Areas Plan, Sheet L2.00 Revised*. Received on January 11, 2017. D. *Mitigation Planting Plan and Plant Installation Details, Sheet L2.01 Revised*. Received on January 11, 2017. E. Comments from Karen Walters, Muckleshoot Tribe. F. Comments from Greg and Vanessa Zaputil.

PROJECT DESCRIPTION

Applicant has requested a Special Permission-Director Review to reduce a watercourse buffer from 80' to 40' for a small daylighted stream section of Gilliam Creek, and to restore the reduced width buffer with native plants. Commercial buildings are required to be set back 15 feet from a buffer edge; the applicant requests a waiver of the setback pursuant to TMC 18.45.100.D. This proposed project is to construct a 14,395 ft² addition to the existing 49,511 ft² office building including an expansion of the basement parking garage. It is subject to Design Review approval by the Board of Architectural Review. Additionally, a Special Permission- Director approval is required for a parking reduction of up to 10%.

Portions of the existing office building and surface parking are within the existing 80' stream buffer. Most of the addition of the building will be sited between the existing 80' buffer and the proposed 40' buffer. The outer edge of the future building addition hugs the reduced 40' watercourse buffer edge.

The buffer restoration proposed consists of invasive plant removal and planting native species of trees, shrubs and groundcover appropriate for stream banks and wetland areas. The existing freestanding building is also proposed to be removed. The applicant proposes to make an outer portion of the restored stream buffer an amenity for office tenants with a crushed rock path and a few benches for passive recreation use proposed adjacent to the building addition.

Restoration of the degraded buffer begins with removal of invasive species (English ivy and Japanese knotweed) in the steep ravine of the daylighted stream and adjacent sloping areas to the north and west of the stream, and removal of the existing freestanding structure and gravel parking lot directly south of the stream. Temporary erosion and sediment control measures would be installed prior to invasive plant removal, and all construction would occur prior to mitigation planting. Work will not occur water ward of the Ordinary High Water Mark (OHWM). After construction of the building addition, the plantings and crushed rock can be planted and placed. After the buffer mitigation is accepted by the City, the five-year monitoring period will begin.

BACKGROUND

This area was annexed to Tukwila in 1967 (Tukwila Ordinance 493). According to King County Assessor's data, the office building at 5200 Southcenter Blvd. was built in 1986 and was known as Parkside Office Building. The building has since been remodeled several times as tenants have changed. Wireless communication facilities were constructed on the roof in 2002 and 2004, with base station equipment housed in the garage.

The structure at 5290 Southcenter Blvd. was constructed in 1948, and has housed an insurance company and a tarot/palm reader business in the recent past. Currently the building is used as an office for Allied Barton security and the site used as additional parking for Inspirus Credit Union employees. There have been several code enforcement cases opened and closed for the site for illegal taxi businesses, unpermitted signs and tenant improvements, and the construction of a retaining wall around the stream- all under prior ownership. Inspirus Credit Union (then School Employees Credit Union of Washington) purchased the site in 2015.

There is a code enforcement case (CE16-0117) opened in April of 2016 that is still outstanding; the code violation will be resolved with successful mitigation plantings of native vegetation associated with approval of this proposal.

DECISION CRITERIA

This report provides an overview of project consistency with applicable criteria for allowed uses in sensitive areas, followed by discussion of the mitigation plan, comments, conclusions, and recommendations.

CRITERIA	STAFF ANALYSIS
18.45.070 Sensitive Area Permitted Uses **B. PERMITTED USES SUBJECT TO ADMINISTRATIVE REVIEW** The following uses may be permitted only after administrative review and approval by the Director: 4. Enhancement or other mitigation including landscaping with native plants.	The applicant has applied for a Special Permission Review to landscape a reduced buffer width with native plants.
18.45.100 Watercourse Designations, Ratings and Buffers **B. WATERCOURSE BUFFERS** Any land alteration must be located out of the buffer areas as required by this section. Watercourse buffers are intended in general to: 1. Minimize long-term impacts of development on properties containing watercourses; 2. Protect the watercourse from adverse impacts during development; 3. Preserve the edge of the watercourse and its buffer for its critical habitat value; 4. Provide shading to maintain stable water temperatures and vegetative cover for additional wildlife habitat; 5. Provide input of organic debris and uptake of nutrients; 6. Provide an area to stabilize banks, to absorb overflow during high water events and to allow for slight variation of	A portion of the 5200 office building and the entirety of the 5290 building are located within the existing 80-ft. watercourse buffer. The applicant has applied for Special Permission Review to reduce the width of the buffer to 40 feet. The proposed building addition would then be located entirely outside of the watercourse buffer area, with just a small sliver of the existing office building remaining in the buffer. The mitigation plantings will improve the habitat value and function of the watercourse over its currently degraded

aquatic system boundaries over time due to hydrologic or climatic effects; 7. Reduce erosion and increased surface water runoff; 8. Reduce loss of, or damage to, property; 9. Intercept fine sediments from surface water runoff and serve to minimize water quality impacts; and 10. Protect the sensitive area from human and domestic animal disturbance. An undisturbed sensitive area or buffer may substitute for the yard setback and landscape requirements of TMC Chapter 18.50 and 18.52.	state. Protection from human disturbance will be increased with the proposal, as the sensitive area will be identified on the crushed rock trail and the walking areas clearly defined.
C. WATERCOURSE BUFFER WIDTHS The following buffer widths, measured from the Ordinary High Water Mark (OHWM), apply to each side of a watercourse. If the OHWM cannot be determined, then the buffer will be measured from the top of bank: 1. Type 1 (S) Watercourse: Regulated under TMC Chapter 18.44, Shoreline Overlay. 2. Type 2 (F) Watercourse: 100-foot-wide buffer. 3. Type 3 (Np) Watercourse: 80-foot-wide buffer. 4. Type 4 (Ns) Watercourse: 50-foot-wide buffer.	The portion of Gilliam Creek that is daylighted on the Inspirus site is classified as a Type 3 watercourse, both on the City's Sensitive Areas Map and in the Sensitive Area Study (Exhibit A) submitted by the applicant. The current buffer for the daylighted portion of the Creek is 80 feet wide.
D. BUFFER SETBACKS 1. All commercial and industrial buildings shall be set back 15 feet and all other development shall be set back 10 feet. Building setbacks shall be measured from the foundation to the buffer's edge. Building plans shall also identify a 20-foot area beyond the buffer setback within which the impacts of development will be reviewed. 2. The Director may waive setback requirements when a site plan demonstrates there will be no impacts to the buffer from construction or occasional maintenance activities (see TMC Figure 18-2).	As part of this Special Permission request, a waiver is requested from the 15-foot setback for commercial buildings from the buffer edge. The native plants comprising the mitigation plan will not be planted until the building has been constructed. Temporary erosion and sediment controls will be in place to minimize potential impacts to water quality stemming from construction activities. Once the building is completed, mitigation work can begin. This sequence of construction ensures there will be no impact to the buffer from construction activities. After the native plants are established, occasional maintenance activities are limited to the monitoring and re-establishment of plants in the buffer itself.

E. VARIATION OF STANDARD WATERCOURSE BUFFER WIDTH 1. The Director may reduce the standard watercourse buffers on a case-by-case basis, only where the buffer is significantly degraded (due to existing development within the prescribed buffer width, the presence of significant amount of invasive vegetation that impairs buffer function, and/or lack of native vegetation), provided the remaining buffer is enhanced in accordance with an approved buffer enhancement plan, prepared by a qualified professional, and does not contain slopes 15% or greater. Where a buffer has a variable topography that includes Class I slopes on the landward portion of the buffer, a buffer reduction may be allowed if the proposed reduction is in the area with the Class I slopes, and a 10 foot planted setback from the top of the slope is maintained. Further, a geotechnical review of the proposed buffer enhancement plan must determine that the buffer enhancement can be implemented without destabilizing the slope. The approved buffer width shall not result in greater than a 50% reduction in width. Any buffer reduction proposal must demonstrate to the satisfaction of the Director that it will not result in direct, indirect or long-term adverse impacts to watercourses, and that: a. The buffer is vegetated and includes an on-site buffer enhancement plan prepared by a qualified professional, to retain existing native vegetation and install additional native vegetation in order to improve the buffer function; or b. If there is no significant vegetation in the buffer, a buffer may be reduced only if an on-site buffer enhancement plan is provided. The plan must include using a variety of native vegetation that improves the functional attributes of the buffer and provides additional protection for the watercourse functions. 2. Buffers for all types of watercourses will be increased when they are determined to be particularly sensitive to disturbance or the proposed development will create unusually adverse impacts. Any increase in the width of the buffer shall be required only after completion of a watercourse study by a qualified specialist or expert that documents the basis for such increased width. An increase in buffer width may be appropriate when:	The existing buffer conditions can be described as extremely degraded. Only a very small section of the creek is daylighted, and what is daylighted is of very poor habitat quality due to invasive species presence and a concrete barrier, in addition to a stormwater grate and a steep grade at the eastern edge plunging a piped section of the creek under Interstate 5. The request, if approved, will not result in a reduction in buffer width greater than 50%. The plan proposed by the applicant corresponds with criteria b. There are only two native plants (one snowberry and one maple) in the existing buffer, and since they are of poor condition, they will be removed if the special permission is granted. The mitigation plan for the buffer includes one tree, seven shrub, and eight groundcover species which will improve the function of the buffer significantly from its current degraded state. The proposal would add protection to the stream via buffer enhancement with native plantings and monitoring. The current condition of the buffer is degraded. Proposed enhancement includes planting vegetation that would improve both habitat quality and hydrology, and the removal of non-native invasive species.

a. The development proposal has the demonstrated potential for significant adverse impacts upon the watercourse that can be mitigated by an increased buffer width; or b. The area serves as habitat for endangered, threatened, sensitive or monitor species listed by the federal government or the State. 3. Every reasonable effort shall be made to maintain the existing viable native plant life and non-invasive significant trees in the buffers. Vegetation may be removed from the buffer as part of an enhancement plan approved by the Director. Enhancements will ensure that slope stability and watercourse quality will be maintained or improved. Any disturbance of the buffers for watercourses shall be replanted with a diverse plant community of native northwest species that are appropriate for the specific site as determined by the Director. If the vegetation must be removed, or because of the alterations of the landscape the vegetation becomes damaged or dies, then the applicant for a permit must replace existing vegetation along watercourses with comparable specimens, approved by the Director, that will restore buffer functions within five years. 4. The Director shall require subsequent corrective actions and long-term monitoring of the project if adverse impacts to regulated watercourses or their buffers are identified.	
18.45.110 Watercourse Alterations and Mitigation **C. MITIGATION PLAN CONTENT** All impacts to a watercourse that degrade the functions of the watercourse or its buffer shall be avoided. If alteration to the watercourse or buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated in accordance with an approved mitigation plan as described below. 1. Mitigation plans shall be completed for any proposals of dredging, filling, diverting, piping and rerouting of watercourses or buffer impacts and shall be developed as part of a sensitive area study by a specialist approved by the Director. The plan must show how water quality, treatment, erosion control, pollution reduction, wildlife and fish habitat, and general watercourse quality would be improved.	The mitigation plan (Exhibit D) follows the performance standards of TMC 18.45.110. The buffer reduction is an alteration to a watercourse buffer, but will not result in adverse impacts because of the current degraded state of the buffer. The City's Urban Environmentalist has reviewed the mitigation plan and agrees with the proposed plant species and quantity of the proposed mitigation. The environmental goal of the mitigation plan is to improve water quality, hydrologic

2. The scope and content of a mitigation plan shall be decided on a case-by-case basis taking into account the degree of impact and extent of mitigation measures needed. As the impacts to the watercourse or its buffer increase, the mitigation plan to offset these impacts will increase in extent and complexity. 3. The components of a complete mitigation plan are as follows: a. Baseline information including existing watercourse conditions such as hydrologic patterns/flow rates, stream gradient, bank full width, stream bed conditions, bank conditions, fish and other wildlife use, in-stream structures, riparian conditions, buffer characteristics, water quality, fish barriers and other relevant information. b. Environmental goals and objectives that describe the purposes of the mitigation measures. This should include a description of site selection criteria, identification of target evaluation species and functions. c. Performance standards for fulfilling environmental goals and objectives and for triggering remedial action or contingency measures. Performance standards may include water quality standards, species richness and diversity targets, habitat diversity indices, creation of fish habitat, or other ecological, geological or hydrological criteria. d. Detailed construction plan of the written specifications and descriptions of mitigation techniques. This plan should include the proposed construction sequence and construction management, and be accompanied by detailed site diagrams and blueprints that are an integral requirement of any development proposal. e. Monitoring and/or evaluation program that outlines the approach for assessing a completed project. An outline shall be included that spells out how the monitoring data will be evaluated by agencies that are tracking the mitigation project's process. For projects that discharge stormwater to a stream, the Director may require water quality monitoring. f. Contingency plan identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards have not been met. g. Performance security or other assurance devices as described in TMC Section 18.45.210.	and habitat function of the Gilliam Creek buffer. The environmental goal will be met via the following performance goals: 1) achieve 100% survival of container-installed vegetation at the end of year 1. 2) Achieve 30% cover of native woody vegetation by end of Year 2, 50% cover by end of year 3, and 80% cover by end of year 5. 3) establish at least 1 species of native trees, 5 species of native shrubs and 2 native/perennial species by year 5. The performance standard of 80% survival rate of planted vegetation at the end of the 5-year monitoring period is required. Adequate maintenance specifications including weekly watering of plants from June 1st through September 15th for the first three growing seasons, at least twice-yearly weeding, and replanting of dead plants in the fall dormant seasons. Adequate plant installation details for shrubs, seedlings and bare root plants are proposed. Contingency plan includes replacement of dead plants. Annual reports will be submitted to the City's Urban Environmentalist annually beginning with the first summer or fall after installation. A bond for 150% of the anticipated labor and materials cost is required prior to inspection of the mitigation installation. Should performance measures not be met, the monitoring plan will be extended and the bond will not be released until mitigation is deemed to be satisfactory to the City.

D. ***MITIGATION STANDARDS.*** 1. The Washington "Stream Habitat Restoration Guidelines" (Washington State Aquatic Habitat Guidelines Program, Washington Department of Ecology, US Fish and Wildlife Service, Washington Department of Fish and Wildlife, 2004 or as amended) shall be used as Best Available Science for the development of watercourse and buffer mitigation techniques. 2. The following shall be considered the minimum standards for approved stream alterations: a. Maintenance or improvement of stream channel habitat and dimensions such that the fisheries habitat functions of the compensatory stream reach or exceed that of the original stream; b. Bank and buffer configuration restored to an enhanced state; c. Channel, bank and buffer areas replanted with native vegetation that improves the original in species diversity and density; d. Stream channel bed and biofiltration systems equivalent to (in the case of public drainage maintenance projects) and better than in the original stream (in the case of other kinds of projects); e. Original fish and wildlife habitat enhanced unless technically not feasible. 3. Relocation of a watercourse shall not result in the new sensitive area or buffer extending beyond the development site and onto adjacent property without the written agreement of the affected property owners.	The culverts on both ends of the daylighted portion of Gilliam Creek will remain so the stream functions will not reach or exceed original levels, but the bank and buffer of the daylighted portion will be restored to an enhanced state. Approval of this project means the bank and buffer areas will be planted with native vegetation, resulting in significant habitat and water quality improvements.
18.45.210 Assurance Device A. In appropriate circumstances, such as when mitigation is not completed in advance of the project, the Director may require a letter of credit or other security device acceptable to the City to guarantee performance and maintenance requirements of TMC Chapter 18.45. All assurances shall be on a form approved by the City Attorney and be equal to 150% of the cost of the labor and materials for implementation of the approved mitigation plan. B. When alteration of a sensitive area is approved, the Director may require an assurance device, on a form approved by the City Attorney, to cover the cost of monitoring and maintenance costs and correction of possible deficiencies for five years. In the event that more	Prior to the final inspection of the mitigation planting the applicant shall provide a cost estimate of the monitoring for five years. Additionally, a financial guarantee equal to 150% of the cost of monitoring shall be required.

than five years monitoring and maintenance is required, the amount of security required will be for the first five years and years 7 and 10. If at the end of five years performance standards are not being achieved, an increase in the security device may be required by the Director. When another agency requires monitoring beyond the City's time period, copies of those monitoring reports shall be provided to the City. C. The assurance device shall be released by the Director upon receipt of written confirmation submitted to the Department from the applicant's qualified professional that the mitigation or restoration has met its performance standards and is successfully established. Should the mitigation or restoration meet performance standards and be successfully established in the third or fourth year of monitoring, the City may release the assurance device early. The assurance device may be held for a longer period, if at the end of the monitoring period, the performance standards have not been met or the mitigation has not been successfully established. In such cases, the monitoring period will be extended and the bond held until the standards have been met. D. Release of the security does not absolve the property owner of responsibility for maintenance or correcting latent defects or deficiencies or other duties under law.	

COMMENTS

A Notice of Application was mailed on November 17, 2016 to the applicant and to departments and agencies with jurisdiction pursuant to TMC 18.104.090. The comment period ended on December 1, 2016 and two comment letters were received. These comments from the Muckleshoot Tribe and Greg and Vanessa Zaputil are included in this staff report as attachments E and F. City response to Karen Walter's comments are incorporated in attachment E. Because the Zaputil's comments apply to the construction phase and also to parking concerns, they will be addressed in the Special Permission- Parking Reduction request and in the Board of Architectural Review's consideration of the Design Review application rather than in this discussion of the sensitive area buffer and mitigation.

CONCLUSIONS

1. Gilliam Creek, which daylights on the property is mapped as a Type 3 watercourse which has an 80-foot buffer per the City's Environmentally Sensitive Areas regulations (TMC 18.45.100)

3. Impacts to the buffer are proposed to be mitigated and the impacted area shall be restored and enhanced through the addition of native trees, shrubs, and groundcover in compliance with restoration requirements for sensitive areas.
4. The applicant has demonstrated compliance with mitigation sequencing requirements and with the criteria for approval of alterations and mitigation for watercourses.
5. Through construction and mitigation sequencing, the applicant demonstrates there will be no impacts to the newly enhanced buffer from construction or occasional maintenance activities.

RECOMMENDATIONS

Staff recommends approval of the Special Permission permit to reduce the watercourse buffer from 80 feet to 40 feet and a waiver of the 15- foot building setback from the buffer edge with the following conditions:

1. Provide a financial guarantee in the amount of 150% of the cost of monitoring and maintenance of the required stream buffer mitigation prior to final inspection.
2. Maintenance and monitoring of the mitigation area is required for five years. Contingency measures will be initiated if buffer fails to meet any performance standards at any time throughout the monitoring period.
3. Sequence of construction and maintenance of the mitigation shall follow the sequence described on pages 14 and 15 of Exhibit A, Sensitive Area Study. No plantings in the buffer shall be planted prior to completion of the Inspirus building addition.