



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Linda Krippner

LOCATION OF PROPOSAL: 2318 121st Ave SE

DESCRIPTION OF PROPOSAL: Vegetation management within a steep slope critical area and slope buffer to restore impacts associated with grading working conducted without permit (Enforcement Action 15-111418). The project will provide native species planting and invasive species control.

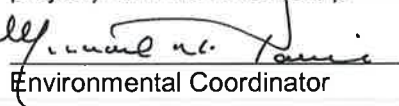
FILE NUMBERS: 15-129721-LO

PLANNER: David Wong

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 **4/7/2016**.
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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


Environmental Coordinator

3/24/2016

Date

OTHERS TO RECEIVE THIS DOCUMENT:

- ☐ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- ☐ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- ☐ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- ☒ Attorney General ecyolvef@atg.wa.gov
- ☒ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us



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

Proposal Name: **Hakobyan Slope Restoration**

Proposal Address: **2318 121st Ave SE**

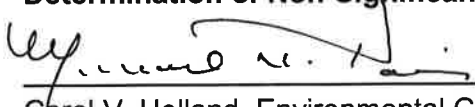
Proposal Description: The applicant requests a Critical Areas Land Use Permit for Vegetation Management within a steep slope critical area and slope buffer to restore impacts associated with grading working conducted without permit (Enforcement Action 15-111418).


File Number: **15-129721-LO**

Applicant: **Ara Hakobyan**

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

Planner: **David Wong, Planner**

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

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**

Carol V. Helland, Land Use Director
Development Services Department

Application Date: January 29, 2015
Notice of Application Publication Date: February 12, 2015
Decision Publication Date: March 24, 2016
Project/SEPA Appeal Deadline: April 7, 2016

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

Contents

| | | |
|------|---|------|
| I. | Proposal Description | Pg 3 |
| II. | Consistency with Land Use Code Requirements | Pg 3 |
| III. | Public Notice & Comment | Pg 6 |
| IV. | State Environmental Policy Act (SEPA) | Pg 6 |
| V. | Decision Criteria | Pg 6 |
| VI. | Conclusion and Decision | Pg 7 |
| VII. | Conditions of Approval | Pg 8 |

Attachments

1. Vegetation Management Plan - Enclosed
2. SEPA Checklist, Application Forms, and Materials – In File

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit approval to mitigate vegetation removed from a steep slope critical area and the associated buffer without permit. The proposal includes the installation of native plants and management of invasive species.

A permit is required because any vegetation removal within a geologic hazard critical area requires a Vegetation Management Plan approved through a Critical Areas Land Use Permit per LUC 20.25H.055.C.3.i.vi.

II. Consistency with Land Use Code Requirements:

Vegetation Management Plan Performance Standards LUC 20.25H.055.C.3.v.i

(A) Is the Vegetation Management Plan prepared by a qualified professional?

Yes ☒ or No ☐

Describe:

Plan Preparer's Name: Linda Krippner
Company: Krippner Consulting, LLC
Address: PO Box 17621, Seattle WA 98127
Phone: 206-954-0901
Email: linda@krippnerconsulting.com
Statement of Qualifications: Environmental Consultant

(B) Does the Vegetation Management Plan include the following?

(1) A description of existing site conditions, including existing critical area functions and values;

Yes ☒ or No ☐

Describe: The project site is located at 2318 121st Ave SE in Bellevue, WA (parcel #0424059100). The project site currently contains an existing single-family dwelling on the easterly portion of the site and contains a steep slope critical area with a west-facing aspect along the westerly portion of the site. Unpermitted grading and tree removal operations disturbed much of the steep slope critical area in April 2015, and included the removal of five large Douglas-fir (*Pseudotsuga menziesii*) and one cherry (*Prunus spp.*) tree. The slope is currently dominated by Himalayan blackberry (*Rubus armeniacus*), red alder (*Alnus rubra*) seedlings, bull thistle (*Cirsium vulgare*), prickly lettuce (*Lactuca serriola*), and black nightshade (*Solanum nigrum*).

(2) A site history;

Yes ☒ or No ☐

Describe: The total lot size is 0.57 acre and is zoned R-3.5 (single family residential). The project site was developed with a 1,370 square-foot single-family dwelling in 1965.

(3) A discussion of the plan objectives;

Yes ☒ or No ☐

Describe: The general objective of the plan is to restore the functions of the steep slope and associated buffers. The management plan also includes the following specific goals and objectives:

Goal:

Create a multi-layered canopy of native vegetation that keeps the slope stable, provides habitat to native wildlife species, and can be pruned and trimmed occasionally for maintaining views from the home.

Objectives:

Stabilize the steep slopes that are currently eroding

Re-establish a native vegetation community on the slope where vegetation was removed

(4) A description of all sensitive features;

Yes ☒ or No ☐

Describe: The site contains a geologic hazard steep slope and its associated buffers.

(5) Identification of soils, existing vegetation, and habitat associated with species of local importance present on the site;

Yes ☒ or No ☐

Describe: Soils within and adjacent to the management area are mapped as Alderwood gravelly sandy loam, 15 to 30 percent slopes, and Arents, Alderwood material, 6 to 15 percent slopes (Figure 2; NRCS 2014)

The slope is currently dominated by Himalayan blackberry (*Rubus armeniacus*), red alder (*Alnus rubra*) seedlings, bull thistle (*Cirsium vulgare*), prickly lettuce (*Lactuca serriola*), and black nightshade (*Solanum nigrum*).

No wetlands, streams, priority habitats, or species of local importance were inventoried on the project site (WDFW 2015; Wong 2015) or were identified during the site survey.

(6) Allowed work windows;

Yes ☒ or No ☐

Describe: Soil preparation and plant installation will occur as soon as permits are issued by the City, however the target window is fall to early winter.

(7) A clear delineation of the area within which clearing and other vegetation management practices are allowed under the plan; and

Yes ☒ or No ☐

Describe: See Attachment 1.

(8) Short- and long-term management prescriptions, including characterization of trees and vegetation to be removed, and restoration and revegetation plans with native species, including native species with a lower growth habit. Such restoration and revegetation plans shall demonstrate that the proposed Vegetation Management Plan will not significantly diminish the functions and values of the critical area or alter the forest and habitat characteristics of the site over time.

Yes ☒ or No ☐

Describe: See Attachment 1 for the proposed planting. These replacement trees, shrubs, and groundcovers will provide erosion control function to stabilize the steep slope and buffers.

(C) Would any proposed tree removal result in a significant impact to habitat associated with species of local importance?

Yes ☐ or No ☒

Describe: No additional tree removal is proposed.

If yes, can the impacted function be replaced elsewhere within the management area subject to the plan?

Yes ☐ or No ☒

In no event may a tree or vegetation which is an active nest site for a species of local importance be removed pursuant to this subsection.

(D) Is the area under application subject to any applicable neighborhood restrictive covenants that address view preservation or vegetation management? The existence of and provisions of neighborhood restrictive covenants shall not be entitled to any more or less weight than other reports and materials in the record.

Yes ☐ or No ☒

III. Public Notice and Comment

Application Date: December 11, 2015

Public Notice (500 feet): January 21, 2016

Minimum Comment Period: February 4, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on January 21, 2016. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

IV. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The attached 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.

V. Critical Areas Land Use Permit Decision Criteria LUC 20.30P.140

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

- A. The proposal obtains all other permits required by the Land Use Code; and**

Yes ☒ or No ☐

Describe: The proposal is required to obtain a Clearing and Grading in critical areas (GJ) permit prior to commencing work under this proposal.

- B. 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; and**

Yes ☒ or No ☐

Describe: The best available design and development technique resulting in the least impact to the critical area is to replace the lost trees and soil disturbance with new, native trees, shrubs, and groundcovers.

- C. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and**

Yes ☒ or No ☐

Describe: As discussed in Section II, the proposal has demonstrated compliance with the performance standards for vegetation management within a critical area.

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

Yes ☒ or No ☐

Describe: The site is currently served by adequate public facilities. The proposal will not increase the need for public facilities on the site.

- E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove**

vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan; and

Yes ☒ or No ☐

Describe: The proposal does included a restoration plan. The proposal also includes monitoring of the new plantings for a period of 3 years.

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

Yes ☒ or No ☐

Describe: Demonstration of compliance with the other applicable requirements of the Bellevue City Code will be completed under the review of the required Clearing & Grading permit

VI. 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 **Approved with Conditions** the vegetation management plan within the steep slope critical area and buffer at 2318 121st Ave SE.

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

VII. 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 | Savina Uzunow, 425-452-7860 |
| Land Use Code- BCC 20.25H | David Wong, 425-452-4282 |
| Noise Control- BCC 9.18 | David Wong, 425-452-4282 |

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

1. Clearing and Grading Permit Required: Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A Clearing & Grading permit must be

approved, and plans submitted as part of this permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.25H.220.H
Reviewer: David Wong, Land Use

2. Maintenance & Monitoring: The restoration areas shall be maintained and monitored for five (5) years. Annual monitoring reports are to be submitted to Land Use each of the five years at the end of each growing season or by October 31st. Photos from selected points, determined by the City during the pre-construction inspection, will be included in the monitoring reports to document the planting. The following schedule and performance standards apply and are evaluated in the report each year:

Year 1 (from date of installation)

100% survival of all installed plants or replanting in the following dormant season to re-establish 100%

Year 2 (from date of installation)

90% survival of all installed plants or replanting in the following dormant season to re-establish 100%

Year 3 (from date of installation)

80% survival of all installed plants or replanting in the following dormant season to re-establish 100%

Years 4-5 (from date of installation)

70% survival of all installed plants or replanting in the following dormant season to re-establish 100%

Years 1-5 (from date of installation)

No greater than 10% invasive species coverage

The reports can be sent to David Wong at dwong@bellevuewa.gov or 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.H
Reviewer: David Wong, Land Use

3. Planting Cost Estimate: A cost estimate for the proposed plant installation and five (5) years of maintenance and monitoring must be submitted prior to clearing and grading permit issuance.

Authority: Land Use Code 20.30P.160

Reviewer: David Wong, Land Use

4. Assurance Device: A performance device, based on the cost estimate above is required to equal 20 percent of the cost of maintenance and monitoring operations for the period of five (5) years. The performance device is required to be submitted prior to clearing and grading permit issuance.

Authority: Land Use Code 20.30P.160

Reviewer: David Wong, Land Use

5. Hold Harmless: A hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within the critical area and critical area buffer shall be executed and submitted with the Clearing & Grading permit application

Authority: Land Use Code 20.30P.170

Reviewer: David Wong, Land Use

6. Temporary Irrigation Required: Unless otherwise noted in the plan, temporary irrigation shall be provided to guarantee the establishment of restoration planting over the first two growing summers following installation. The restoration area shall be mulched to ensure water retention and reduce invasive growth

Authority: Land Use Code 20.25H.220.H

Reviewer: David Wong, Land Use

7. Rainy Season restrictions: Due to the proximity to steep slope critical areas, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Savina Uzunow, Clearing and Grading

8. Pesticides, Insecticides, and Fertilizers: The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H

Reviewer: David Wong, Land Use

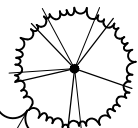
9. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited 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: David Wong, Land Use

PLANT SCHEDULE

TREES



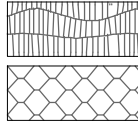
| BOTANICAL NAME / COMMON NAME | SIZE | QTY |
|--|-------|-----|
| <i>Pseudotsuga menziesii</i> / Douglas Fir | 5 gal | 5 |
| <i>Thuja plicata</i> / Western Red Cedar | 5 gal | 4 |

SHRUBS



| BOTANICAL NAME / COMMON NAME | SIZE | QTY |
|---|-------|-----|
| <i>Corylus cornuta</i> / Beaked Hazelnut | 1 gal | 10 |
| <i>Holodiscus discolor</i> / Ocean-spray | 1 gal | 10 |
| <i>Mahonia aquifolium</i> / Tall Oregon Grape | 1 gal | 13 |
| <i>Philadelphus lewisii</i> / Mock Orange | 1 gal | 10 |
| <i>Rubus parviflorus</i> / Thimbleberry | 1 gal | 12 |
| <i>Symphoricarpos albus</i> / Snowberry | 1 gal | 12 |

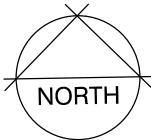
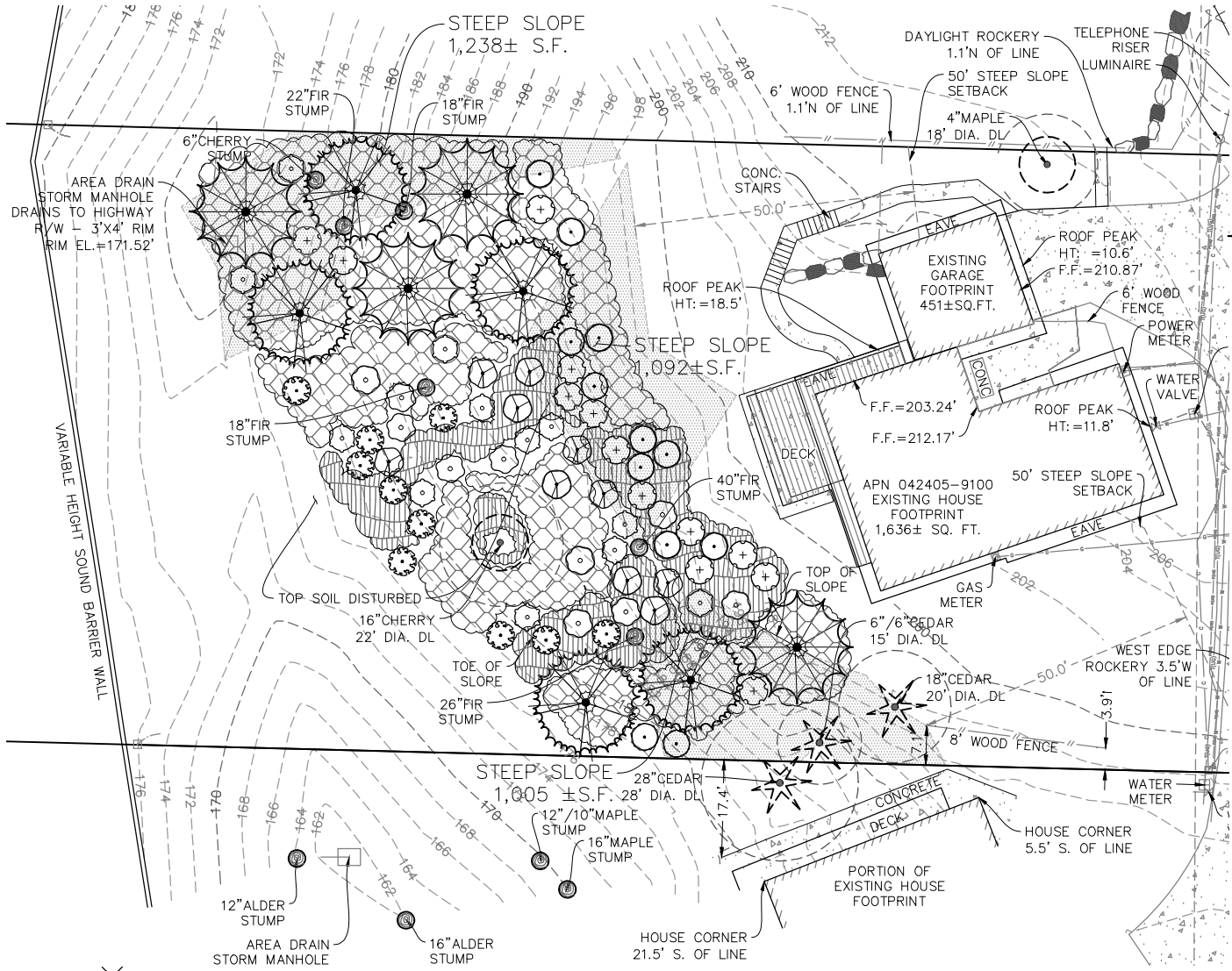
GROUND COVERS



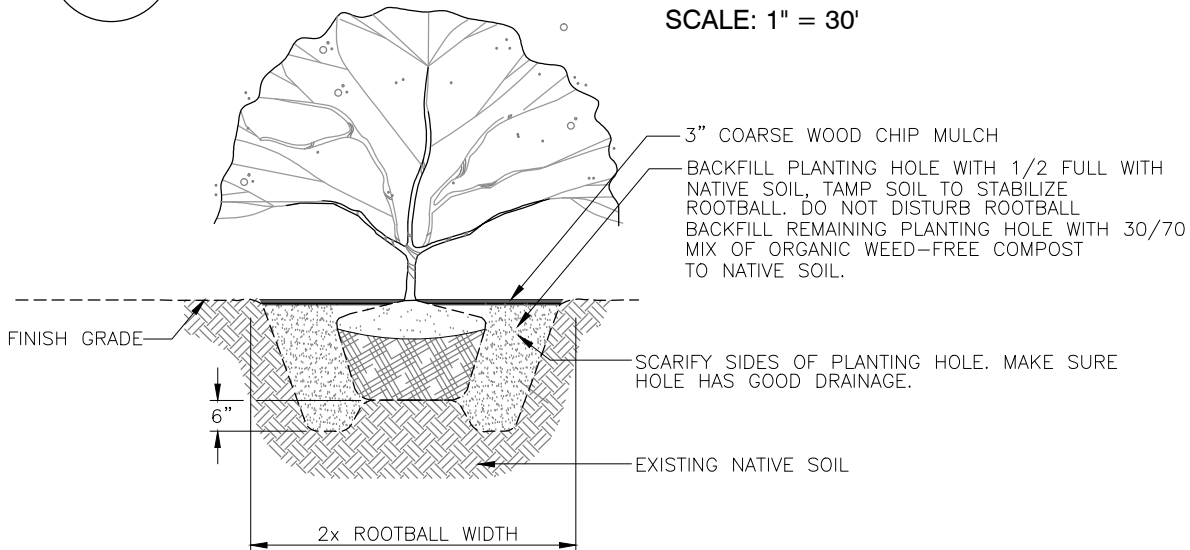
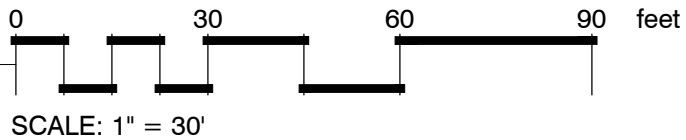
| BOTANICAL NAME / COMMON NAME | SIZE | SPACING | QTY |
|---|-------|----------|-----|
| <i>Arctostaphylos uva-ursi</i> / Kinnikinnick | 4"pot | 24" o.c. | 326 |
| <i>Polystichum munitum</i> / Western Sword Fern | 1 gal | 36" o.c. | 469 |

NOTES

- CURRENT METHODS OF BIOENGINEERING WILL BE USED TO STABILIZE SOILS AND PREVENT SLOPE EROSION. NON-NATIVE, INVASIVE PLANTS, EXCEPT FOR THE EROSION CONTROL GRASS, WILL BE REMOVED BEFORE PLANTING. NATIVE PLANT MATERIALS WILL BE USED TO HELP REVEGETATED THE SLOPE WITH NATIVE FOREST AND SHRUB COMMUNITIES.
- ALL PLANTS SHALL BE PIT-PLANTED IN PLANTING PITS EXCAVATED 2X THE DIAMETER OF THE PLANT. PITS SHALL BE BACKFILLED PER DETAIL 1 ON THIS SHEET. PLANTS SHALL BE INSTALLED 2" HIGH AND SURFACED MULCHED PER THE DETAILS.
- SCORE FOUR SIDES OF ROOTBALL PRIOR TO PLANTING. BUTTERFLY ROOTBALL IF ROOT CIRCLING IS EVIDENT.
- ALL PLANTS SHALL BE NURSERY GROWN (IN W. WA OR OR.) FOR AT LEAST 1 YEAR FROM PURCHASE DATE, FREE FROM DISEASE OR PESTS, WELL-ROOTED, BUT NOT ROOT-BOUND AND TRUE TO SPECIES.
- AFTER PLANTING, STAKE TREES ONLY IF NECESSARY (LEANING OR DROOPING) OR IN EXPOSED AREA. TREE STAKES TO BE VERTICAL, PARALLEL, EVEN-TOPPED, UNSCARRED AND DRIVEN INTO UNDISTURBED SUBGRADE. REMOVE AFTER ONE YEAR.
- WATER IMMEDIATELY AND THOROUGHLY, HEAVIER AT FIRST, 2 OR 3 TIMES PER WEEK THROUGH THE DRY SEASON, THEN LESS UNTIL ESTABLISHED.
- ANY REMAINING BARE SOIL AND SOIL THAT BECOMES BARE DUE TO WEEDING WILL BE LOOSENEED AND THE SURFACE WILL BE MADE ROUGH WITH THE USE OF A HAND SHOVEL. THESE AREAS WILL ALSO BE COVERED WITH A 3-INCH LAYER OF COMPOST OVERLAIN BY A 3-INCH LAYER OF COARSE WOOD CHIP MULCH IMMEDIATELY FOLLOWING PLANTING. LOOSENING AND ROUGHENING SOILS, WEEDING, AND PLANTING WILL OCCUR WITHIN THE SAME DAY IN ORDER TO PREVENT EROSION FROM OCCURRING BETWEEN THESE ACTIVITIES. IN OTHER WORDS, THE WORK CREW WILL ONLY START WORK IN THE AREA THAT THEY CAN FINISH THAT DAY. WOODY DEBRIS REMAINING ONSITE MAY ALSO BE PLACED STRATEGICALLY OR PARTIALLY BURIED IN THE SLOPE TO PROVIDE ADDITIONAL EROSION CONTROL.
- REFER TO THE CRITICAL AREAS REPORT FOR INFORMATION REGARDING THE PERFORMANCE MONITORING & MAINTENANCE REQUIREMENTS.



RESTORATION PLAN



1 NATIVE TREE/SHRUB PLANTING DETAIL
NTS

Root of Design
206 441 4145
1104 265th St. N. #218
Bellevue, WA 98004
www.rootofdesign.com



PROJECT TITLE



RESTORATION PLAN

2318 121ST AVE SE, BELLEVUE, WA

| | |
|-------------|------------------|
| DRAWN EL | DATE 11.19.15 |
| REVISED | DATE |
| REVISED | DATE |
| REVISED | DATE |

1" = 30'

L1