

# **DETERMINATION OF NON-SIGNIFICANCE**

PROPONENT: Jarod Emerson
LOCATION OF PROPOSAL: 5820 155 <sup>th</sup> Ave SE
<b>DESCRIPTION OF PROPOSAL:</b> The applicant requests a Critical Areas Land Use Permit for Vegetation Management to restore a degraded riparian area and the proposal includes mitigation for hazard tree removal conducted without permit (14-126796-EA).
FILE NUMBERS: 16-141706-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 2/16/2017
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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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  Carol V. Helland  2/2/2017  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 ecyolyef@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: Cougar Ridge West VMP

Proposal Address: 5820 155<sup>th</sup> Ave SE

Proposal Description: The applicant requests a Critical Areas Land Use Permit

for Vegetation Management to restore a degraded riparian area and the proposal includes mitigation for hazard tree removal conducted without permit (14-

126796-EA).

File Number: 16-141706-LO

Applicant: Jarod Emerson, Signature Landscapes

Decisions Included: Critical Areas Land Use Permit

(Process II. LUC 20.30P)

Planner: David Wong, Land Use 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: September 12, 2016

Notice of Application Publication Date: November 10, 2016

Decision Publication Date: February 2, 2017
Project/SEPA Appeal Deadline: February 16, 2017

#### I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit for Vegetation management in order to mitigate and restore degraded conditions of a riparian corridor located within an open space tract of the Cougar Ridge West subdivision. Degraded conditions of the site were a result of maintenance actions that were executed without permit (14-126796-EA) and the increased establishment of non-native invasive plant species. The proposal seeks to mitigate and restore loss of native vegetative and increased populations of non-native plant species by increasing native plant diversity and introducing short and long-term management prescriptions.

# II. 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: The proposal was prepared by Altmann Oliver Associates, LLC	
<ul> <li>(B) Does the Vegetation Management Plan include the following?</li> <li>(1) A description of existing site conditions, including existing critical area functions and values;</li> </ul>	
Yes $\boxtimes$ or No $\square$ Describe: The site is located within an existing NGPA and has been identified to contain a delineated wetland (K.C. Rec. 20010103000665) and a Type F stream (mapped potentiall fish-bearing).	
(2) A site history; Yes ⋈ or No □ Describe: The site was subdivided and developed in 2001. Adjacent development consist of single-family homes.	sts
(3) A discussion of the plan objectives; Yes $\boxtimes$ or No $\square$	
Describe: The objectives of the vegetation management plan are to restore degraded riparian conditions and mitigate hazardous tree removal.	
(4) A description of all sensitive features; Yes $\boxtimes$ or No $\square$	
Describe: The wetland and Type-F stream are located within an open space NGPA as described on the Cougar Ridge West plat.	
(5) Identification of soils, existing vegetation, and habitat associated with species of local importance present on the site; Yes $\boxtimes$ or No $\square$	
Describe: The site contains beausite gravelly sandy loam (BeD) soils. The vegetation in	the

vicinity is generally made

(6) Allowed work windows;

vicinity is generally made up of red alder (*Alnus rubra*), Pacific willow (*Salix lucida*), bitter cherry (*Prunus emarginata*), black twinberry (*Lonicera involucrate*), sword fern (*Polystichum munitum*), lady fern (*Athyrium filix-femina*), snowberry (*Symphoricarpos albus*), red-osier dogwood (*Cornus sericea*), Oregon grape (*Mahonia aquifolium*), and Himalayan blackberry (*Rubus armeniacus*). No species of local importance were observed or identified on-site.

Yes ⊠ or No □
Describe: As soon as possible to limit further degradation.
(7) A clear delineation of the area within which clearing and other vegetation management practices are allowed under the plan; and Yes $\boxtimes$ or No $\square$
Describe: A site plan delineating the vegetation management area has been included with the vegetation management plan. No work has been proposed outside of these limits.
(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: The vegetation management plan includes work to mitigate the removal hazardous cottonwood trees and the invasive species establishment within the vegetation management area. A restoration plan containing replanting of native vegetation has been included with the vegetation management plan, and will increase the function of the wetland and Type-F stream and buffer area by increasing water quality, species diversity, and overwater coverage and by providing future habitat opportunities. See Section VII for condition of approval.
(C) Would any proposed tree removal result in a significant impact to habitat associated with species of local importance? Yes $\square$ or No $\boxtimes$
Describe: No species of local importance have been identified or observed in the area. The trees previously removed were in severe decline and did not show signs of habitat prior to hazard remediation.
If yes, can the impacted function be replaced elsewhere within the management area subject to the plan? Yes $\boxtimes$ or No $\square$
Describe: Native vegetation planting will occur in the immediate area of the impacts.

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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  $\square$  or No  $\boxtimes$  If yes, describe:

#### **III. Public Notice and Comment**

Application Date: September 12, 2016
Public Notice (500 feet): November 10, 2016
Minimum Comment Period: November 24, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on June 4, 2015. It was mailed to property owners within 500 feet of the project site. Comments were received from the public on November 28, 2016.

Summary of Comments:

<u>Comment</u>: Is there a reason why Sitka spruce (Picea sitchensis) is the only large tree species proposed?

<u>Response</u>: Although hemlock (*Tsuga heterophyla*) and western redcedar (*Thuja plicata*) are found in the area, the wet conditions make Sitka spruce the optimum species for success establishment and long-term survival.

Comment: Non-chemical treatment of invasive plants is recommended.

<u>Response</u>: If chemical control is necessary, it will be applied by a licensed applicator and in compliance with the City of Bellevue Environmental Best Management Practices and Design Standards Manual.

### 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: The proposal obtains all other permits required by the Land Use Code; and A. Yes ⊠ or No □ Describe: The applicant/owner will be responsible for obtaining a Clearing & Grading permit to conduct vegetation management operations. See Section VII for condition of approval. 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: Restoration work designed according to the City's Critical Areas Handbook will increase the level of function above that which currently exists. C. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and Yes ⊠ or No □ Describe: Work proposed will not alter the existing natural contours and will not result in the need for greater buffers on and off-site. 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. 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 mitigation and restoration plan proposed 13 Sitka spruce trees, 30 black twinberry shrubs, 12 pacific ninebark shrubs, and 162 Scouler willow cuttings to be planted in the vicinity in which the work is occurring. The species of trees were selected from the Critical Areas Handbook. The mitigation and restoration plan also includes an establishment monitoring plan. See Section VII for condition of approval.

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 and 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 **approve with conditions** the vegetation management plan within the stream and wetland critical area.

**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:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
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 and 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. **Mitigation and Restoration Plan:** A mitigation and restoration plan conforming to conceptual mitigation and restoration plan submitted with the vegetation management plan, and containing 13 native evergreens, 42 native shrubs, and 162 native shrubs or groundcovers selected from the Critical Areas Handbook is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Clearing and Grading Permit.

Authority: Land Use Code 20.25H.220.H

Reviewer: Planner, Land Use

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

Authority: Land Use Code 20.25H.220.H

Reviewer: David Wong, Land Use

**4. Monitoring and Reporting Required:** To ensure establishment occurs and long-term viability is assured, a yearly monitoring report demonstrating compliance with performance standards in the plan shall be submitted to the Development Services Department for a period of five (5) years. This monitoring effort may be shortened at the discretion of the City based on early performance data and evidence that the installation is in accordance with the approved vegetation management plan or as amended by the Development Services Department.

Year 1-2 (from date of plant installation)

100% survival of all installed plants or replanting in following dormant season to reestablish 100% No greater than 10% coverage of invasive species in the planting area

Year 3-5 (from date of plant establishment)

80% survival of all installed plants

No greater than 15% coverage of invasive species in the planting area

The reports, along with a copy of the restoration plan, can be sent to David Wong at dwong@bellevuewa.gov or to the address below:

Environmental Planning Manager Development Services Department City of Bellevue PO Box 90012 Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220.D

Reviewer: David Wong, Land Use

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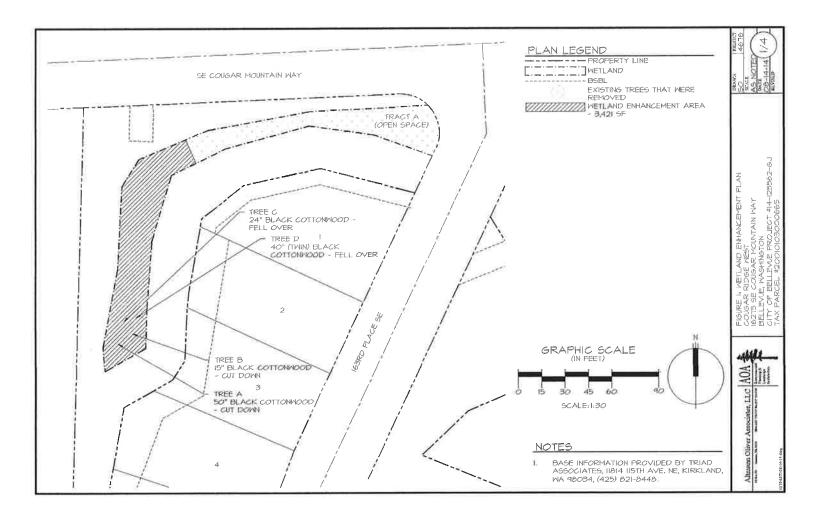
**5. Pesticides, Insecticides, and Fertilizers:** The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

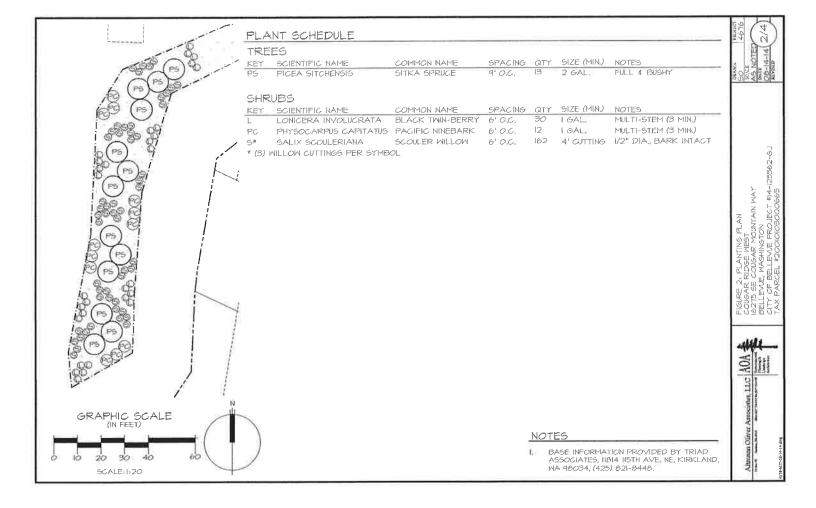
Authority: Land Use Code 20.25H.220.H

Reviewer: David Wong, Land Use

6. **Noise Control:** Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18 Reviewer: David Wong, Land Use





PRIOR TO ANY SITE WORK, THERE SHALL BE A PRE-CONSTRUCTION MEETING BETWEEN THE OWNER, LANDSCAPE CONTRACTOR, l. AND AOA

ALL DOWN LOGS SHALL REMAIN IN PLACE

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ALL DOWN LOGS SHALL REMAIN IN PLACE PRIOR TO PLANTING ALL INVASIVE PLANTS SHALL BE GRUBBED (ALL PLANTS WITH ROOTS) AND EXPORTED FROM THE SITE, THESE SPECIES INCLUDE, BUT ARE NOT LIMITED TO: HIMALAYAN AND EVERGREEN BLACKBERRY, REED CANARYGRASS, PURPLE LOOSESTRIFE, MORNING GLORY, JAPANESE KNOTWEED, ENGLISH IVY, HOLLY THISTLE, PERIMINKLE, BIRDSFOOT TREFOIL, POISON HEMLOCK AND CREEPING NIGHTSHADE.
SEED ALL EXPOSED GROUND WITH RED FESCUE AT A RATE OF 10#1/000 SF AND MULCH WITH STRAW TO A DEPTH OF I INCH. ALL PLANTS SHOULD BE INSTALLED BETWEEN DECEMBER IST AND MARCH ISTH UNLESS SUPPLEMENTAL IRRIGATION IS PROVIDED IMMEDIATELY FOLLOWING PLANT INSTALLATION.
PRIOR TO PLANTING, AOA SHALL REVIEW PLANT LAYOUT IN ALL PLANTING AREAS, ALL PLANTS SHALL BE PIT-PLANTED IN PLANTING PITS EXCAVATED 2X THE DIAMETIER OF THE PLANT. PITS SHALL BE BACKFILLED WITH A 30/10 MIX OF STEERCO TO NATIVE SOIL. PLANTS SHALL BE INSTALLED 2" HIGH AND SURFACED MULCHED TO A DEPTH OF 2" MITH MEDIUM-COURSE BARK MULCH OR COMPOSTED HOG-FUEL PLACED WITHIN A 24" DIAMETER FOR ALL TREES AND SHRUBS. TREES AND SHRUBS

TREES AND SHRUBS.

8. ALL PLANTS SHALL BE NURSERY GROWN (IN M. WA OR OR.) FOR AT LEAST I YEAR FROM PURCHASE DATE, FREE FROM DISEASE OR PESTS, MELL-REOTED, BUT NOT ROOT-BOUND AND TRUE TO SPECIES.

9. AOA SHALL REVIEW DURING INVASIVE REMOVAL, PLANT LAYOUT AND AFTER PLANTING.

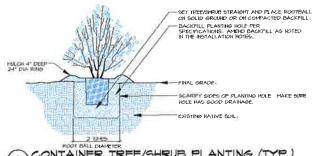
10. UPON COMPLETION OF PLANTING, ALL PLANTS AND SEEDED GROUND SHALL BE THOROUGHLY WATERED.

11. UPON APPROVAL OF PLANTING INSTALLATION BY AOA, CITY OF BELLEVUE WILL BE NOTIFIED TO CONDUCT A SITE REVIEW FOR FINAL APPROVAL OF CONSTRUCTION.

12. MAINTENANCE SHALL BE IMPLEMENTED ON A REGULAR BASIS ACCORDING TO THE SCHEDULE BELOW.

MAINTENANCE ITEM	J	F	М	A	М	J	J	Α	5	0	И	D
WEED CONTROL			12		1		1			1		

1-6 = NUMBER OF TIMES TASK SHALL BE PERFORMED PER MONTH.



CONTAINER TREE/SHRUB PLANTING (TYP.)



NOTES:

CUTTINGS SHALL BE SPECIES AS NOTED IN THE PLANT SCHEDULE.

CUTTINGS SHALL BE AT LEAST 1/2" DIA. AND "I ("MIN) IN LIBERTH IN "PIN" IN STEEL SCHEDULES IN "LIBERTH IN SCHEDULES IN LIBERTH IN SCHEDULES IN LIBERTH IN SHALL BE PLANTED WITHIN 24 HORES OF CUTTING.

THE BUTT BOYS SHOULD BE CLEANLY CUT AT AN ANOLE FOR EAST INSERTICAL HITO THE SOIL. THE CITY FOR SHOULD BE CUT SCHAPE OR SOIL. THE SUTTINGS SHALL BE PLANTED WITHIN SHALL BE PRESH AND KEPT IN OIST AFTER CUTTINGS THE SHALL BE PRINED AND HISTALLED THE SAME DAY.

CUTTING INSTALLATION (TYP.) 2

46 6 DOEANN SCALE AS NOTED DATE CONTENT

**DETAILS** 125562-6J FIGURE 3: SPECIFICATIONS & PLANTING I COUGAR RIDGE WEST IG2TS SE COUGAR MOUNTAIN WAY BELLEVIE, MASHINGTON CITY OF BELLEVIE PROJECT #14-125602 CITY OF BELLEVIE PROJECT #14-125602

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LLC

Almann Oliver Associates,

Prior to commencement of any work in the enhancement areas, the clearing limits will be staked and all existing vegetation to be saved will be clearly marked. A

2. A biologist will supervise plan implementation during construction to ensure that objectives and specifications of the enhancement plan are met.

3. Any necessary significant modifications to the design that occur as a result of unforeseen site conditions will be jointly approved by the City of Bellevue and the biologist prior to their implementation.

MONITORING METHODOLOGY

The monitoring program will be conducted twice yearly (in the beginning and end of the growing season) for a period of five years, with reports submitted annually (at the end of the growing season) to the City of Bellevue.

2. Vegetation establishment within the enhancement areas will be monitored during each field visit with a record kept of all plant species found.

3. Photo-points will be established from which photographs will be taken throughout the monitoring period. These photographs will document general appearance and progress in plant community establishment in the enhancement areas. Review of the photos over time will provide a semi-quantitative representation of success of the enhancement plan.

PERFORMANCE STANDARDS

1. Success of plant establishment within the enhancement areas will be evaluated on the basis of percent survival of planted species.

2. For woody planted species, success will be based on at least an 80% survival rate of all planted trees and 80% survival rate for all shrubs for a growth rate

of at least five years.

3. Exotic and invasive plant species will be maintained at levels below 10% total cover. Removal of these species will occur immediately following the monitoring event in which they surpass the above maximum coverage. Removal will occur by hand whenever possible.

MAINTENANCE (M) & CONTINGENCY (C)

Established performance standards for the project will be compared to the monitoring results in order to judge the success of the enhancement project. Contingency will include many of the items listed below and would be implemented if these performance standards are not met.

3. Maintenance and remedial action on the site will be implemented immediately upon completion of the monitoring event, (unless otherwise specifically indicated

replace dead plants with the same species or a substitute species that meet the goal of the enhancement plan (C)

- re-plant areas after reason for failure has been identified (e.g., moisture regime, poor plant stock, disease, shade/sun conditions, wildlife damage, etc.) (C)

- irrigate following plant installation for five years (M)

PERFORMANCE BOND

A performance bond or other surety device will be posted with the City of Bellevue by the applicant to cover the costs of enhancment plan implementation

(including labor, materials, maintenance, and monitoring).

2. The bond or assignment may be released in partial amounts in proportion to work successfully completed over the five year monitoring period, as the applicant demonstrates performance and corrective measures.

CONTINGENCY MAINTENANCE, MONITORING FIGURE 4: MAINTENANCE, MONITORIN COLGAR RIDGE MEST 16275 SE COLGAR MOINTAIN WAY BELLEVUE, MASHINGTON CITY OF BELLEVUE RAS DECT #14-12E TAX PARCEL #20010103000665

Altminin Oliver Associates, LLC