



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
 ENVIRONMENTAL COORDINATOR
 11511 MAIN ST., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: David Wells, DRS Limited, Owner's Agent

LOCATION OF PROPOSAL: 2100 112th Ave NE

NAME & DESCRIPTION OF PROPOSAL: Safeway Bread Plant Vegetation Management

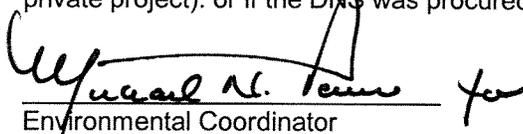
Approval of a Critical Areas Land Use Permit for vegetation management to remove 50 mature Cottonwood trees from a regulated steep slope critical area and the phased replanting of the slope with native evergreen trees and shrubs. The application includes a vegetation management plan. Approval of this proposal has been requested by the applicant due to damage caused to the Safeway Bread Plant facilities by tree root intrusion. To avoid further damage to the facility, the applicant is proposing a management combination of tree removal, replanting, and root barrier installation.

FILE NUMBER: 07-126670-LO

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 Department of Planning & Community Development. 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 March 16, 2006.
- 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 01/03/2008.
- 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 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, 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

 12/20/2007
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
 State Department of Ecology,
 Army Corps of Engineers
 Attorney General
 Muckleshoot Indian Tribe



**City of Bellevue
Department of Planning and Community Development
Development Services Staff Report**

Proposal Name: Safeway Bread Plant Vegetation Management

Proposal Address: 2100 112th Ave NE

Proposal Description: This is an application for Critical Areas Land Use Permit for vegetation management. The proposal includes the removal of 50 mature Cottonwood trees from a regulated steep slope critical area and the phased replanting of the slope with native evergreen trees and shrubs. The application includes a vegetation management plan. Approval of this proposal has been requested by the applicant due to damage caused to the Safeway Bread Plant facilities by tree root intrusion. To avoid further damage to the facility, the applicant is proposing a management combination of tree removal, replanting, and root barrier installation.

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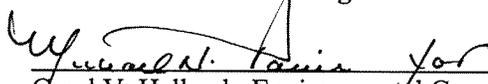
Applicant: David Wells, DRS Limited (Owner's Agent)

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

Planner: David Pyle, Senior Land Use Planner

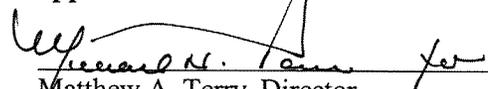
**State Environmental Policy Act
Threshold Determination:**

Determination of Non-Significance


Carol V. Helland, Environmental Coordinator
Department of Planning and Community Development

Director's Decision:

Approval with Conditions


Matthew A. Terry, Director
Department of Planning and Community Development

Application Date: 07/06/2007

Notice of Application Publication Date: 07/19/2007

Decision Publication Date: 12/20/2007

Project/SEPA Appeal Deadline: 1/03/2008

For information on how to appeal a proposal, visit the Permit 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 made by 5 p.m. on the date noted for appeal of the decision. Appeals must be made to the Washington State Shoreline Hearings Board.

I. Background

A. Site Description

The Safeway Regional Bread Plant is located at 2100 120th Ave NE. The project site is generally located within the north central portion of Bellevue in the NW quadrant of Section 28, Township 25 North, Range 5 East. The site is zoned Light Industrial (LI) and is currently built out with a large industrial facility – the Safeway Regional Bread Plant. The site is characterized by the West Tributary to Kelsey Creek (2001 Bellevue Stream Typing Inventory reach #'s 80_06 and 80_07) that runs along the south property boundary, and by areas of steep slope that border the site on the east and north extremes of the property. The stream and slope areas are currently vegetated and consist of mixed vegetation dominated by scotch broom, blackberry and cottonwood trees. The Safeway Bread Plant facility was developed in 1978, at which time the surrounding landscape was striped of vegetation and the site was graded to establish a building pad for the current facility. Since development, a forested swath of cottonwood trees have been allowed to develop on the slope adjacent and to the northeast of the structure. As these trees have increased in size, their root systems have expanded buckling the building's perimeter sidewalk and threatening the buildings foundation. Concerns over the trees size, proximity to the building, and potential to cause damage have also been identified.

B. Project Description

Due to the damaged undulating surface of the building's perimeter sidewalk, the applicant is proposing to replace the sidewalk to avoid injury to plant employees who use the area during their shift breaks. In conjunction with replacement of the sidewalk that surrounds the building (to be permitted under clearing and grading permit), the applicant is requesting the removal of the mature cottonwood trees within the sloped portions of the property (see site plan in file) that have caused the sidewalk damage. To manage the slope's vegetation and prevent the future re-growth of the cottonwood stand and further damage to the sidewalk or building, the property owner is proposing the use of a root barrier along the edge of the sidewalk and the replanting of the slope area with a native mixture of conifers and shrubs designed to create sufficient land cover and suppress future undesired plant growth.

C. Need For Vegetation Management

The slope behind the bread plant building allows moisture to accumulate at the base of the bank and provides optimum conditions for root growth toward the building. This accelerated root growth has created an unsafe condition around the building and has done extensive damage to the walkway and is threatening the foundation of the building. Roots can be observed lifting the pavement from 2 to 4 inches above ground level. Not only have these roots damaged the walkway but have created a dangerous path to walk on. To prevent future damage to the bread plant facility, and to reduce the potential for injury to facility staff, the applicant is requesting the removal of trees within the areas of steep slope along the north and east property boundaries.

II. Site Description and Context

A. Steep Slopes Critical Areas

Steep Slopes are defined by the City of Bellevue Land Use Code as: Those areas with slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area. The subject site consists of a large area of approximately 18,000 sf that meets the definition of a steep slope. Development activity within a steep slope critical area is prohibited by the City's Critical Areas Ordinance unless the proposed activity is listed as an allowed use in LUC 20.25H.055. This is an application for vegetation management, which is allowed subject to compliance with the performance standards listed in LUC 20.25H.C.3.I.vi. The applicant has prepared a vegetation management plan to remove a portion of the site's cottonwood trees and restore site vegetation pursuant to an approved replanting plan. Compliance with the steep slope critical areas requirements and vegetation management plan performance standards is discussed in detail in section IV below.

B. West Tributary of Kelsey Creek

The west tributary of Kelsey Creek flows along the southern boundary of the Safeway Bread plant property. This section of stream is identified as reach #'s 80_06 and 80_07 in the 2001 Bellevue Stream Typing Inventory. This section has been designated as a Type N stream and is protected by a 25 foot buffer and 25 foot structure setback. No clearing or development activity is proposed within the protected buffer area or the supplemental structure setback. The nearest clearing activity will take place approximately 200 feet from the channel of this stream segment. Due to the linear distance separating the proposed management area from the stream and lack of impact to the stream (no modification of the stream or stream buffer is proposed) no further analysis of this stream section will be done in this staff report.

III. 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 and Water

This proposal to perform vegetation clearing and planting as vegetation management is expected to temporarily disturb the site's surface soils within the planting area during the clearing and planting. The proposed clearing activity is located within a regulated steep slope critical area. A Temporary Erosion Sedimentation Control Plan will be required as

part of the clearing and grading permit application and must address all requirements of erosion and sedimentation bmp's. Project erosion and sedimentation control management practices will be inspected by the City Clearing and Grading Inspector as part of permit issuance. To further limit the potential for impact do to erosion and sedimentation, the proposed activity will be limited to work windows outside of the City's rainy season.

B. Animals

The subject site is located within one of Bellevue's industrial areas and vegetation consists primarily of Black Cottonwood trees, Scotch broom, and Blackberry. As an application for vegetation management, the applicant is proposing the removal of the black cottonwood trees, scotch broom, and blackberry and the replanting with native trees and shrubs. City staff have made numerous site visits to analyze the site's landscape features and vegetation, as well as the review of fish and wildlife vicinity maps from the Washington State Department of Fish and Wildlife (WDFW) and the Priority Habitat database (PHS) and have determined that no documented habitat associations are present within the proximity of this area. No impact to the site's ability and potential to provide upland habitat in relation to the surrounding landscape is expected. To enhance the areas plant communities and potential to provide wildlife habitat, the applicant is proposing to remove the invasive species (scotch broom and blackberry) and replant the slope area with native plants. A preliminary replanting plan has been submitted and a complete site restoration plan will be required as part of the clearing and grading permit application (underlying action). Additionally, an acceptable five year maintenance and monitoring plan will be required in conjunction with the restoration plan. Prior to clearing and grading permit issuance the applicant will be required to submit an assignment of savings financial security device to ensure planting and proper maintenance is completed as planned. See conditions of approval in section VIII of this report.

C. Plants

Existing vegetation found within the limits of vegetation management consists primarily of Black Cottonwood trees, Scotch broom, and Blackberry. The applicant is proposing the removal of the black cottonwood trees, scotch broom, and blackberry and the replanting with native trees and shrubs. To enhance the areas plant communities and potential to provide wildlife habitat, the applicant is proposing to remove the invasive species (scotch broom and blackberry) and replant the slope area with native plants. A preliminary replanting plan has been submitted and a complete site restoration plan will be required as part of the clearing and grading permit application (underlying action). Additionally, an acceptable five year maintenance and monitoring plan will be required in conjunction with the restoration plan. Prior to clearing and grading permit issuance the applicant will be required to submit an assignment of savings financial security device to ensure planting and proper maintenance is completed as planned. See conditions of approval in section VIII of this report.

D. Noise

The subject site is located within one of Bellevue's industrial areas and is surrounded by similar industrial uses. Disturbance to adjacent uses and their employees from noise is

expected to be minimal and within the range expected from tree cutting and clearing activities. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Conditions of Approval in Section VIII of this report.

IV. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

This is an application for approval of a vegetation management plan proposal to remove 50 mature Cottonwood trees from a regulated steep slope critical area and the phased replanting of the slope with native evergreen trees and shrubs. Approval of this proposal has been requested by the applicant due to damage caused to the Safeway Bread Plant facilities by tree root intrusion. To avoid further damage to the facility, the applicant is proposing a combination of tree removal, replanting, root barrier installation, and vegetation management. No modification to the existing facility or other construction activity is proposed or approved as part of this proposal. The project site is located within the City's Light Industrial District (LI) and is required to maintain Type III landscaping around the perimeter of the site (LUC 20.20.520.F). The applicant is proposing the replanting of the project area with a mix of conifers and shrubs, meeting the requirements of LUC 20.20.520.G.3.

B. Critical Areas Requirements:

The City of Bellevue Land Use Code (section 20.25H.120) designates areas with steep slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area as a Critical Area. Steep Slope Critical Areas are also subject to a 50 foot top of slope buffer and a 75 foot toe of slope structure setback. Under LUC 20.25H, the modification of a Critical Area or its buffer is prohibited unless the proposal is identified as an allowed use or a provision for modification exists. Due to these constraints and the scope of the project, the applicant is requesting approval of a vegetation management plan to control the cottonwood growth on the hillside and protect the site's structure.

As an allowed use under LUC 20.25H.055.B, the proposal is subject to the performance standards listed in LUC 20.25H.055.C.3.i, which are addressed below.

LUC 20.25H.055.C.3.i - Vegetation Management Plan

The Director may approve proposals for vegetation replacement in a critical area buffer, or within a geologic hazard critical area, pursuant to a Vegetation Management Plan. The Vegetation Management Plan shall satisfy the requirements of subsection C.3.i.v.(B) of this section:

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

The subject site is situated in the landscape such that the building (bread plant facility) is located in the center of the property on an artificially created building pad. To the

north and east of the building are slopes in excess of 40% that were created during the site's development (to create building pad). Vegetation within the slope areas consists of 15 to 20 year old Cottonwood trees with an understory dominated by scotch broom and blackberry. The patch of cottonwood is isolated from other vegetated areas and is limited in its ability to provide habitat due to the degraded condition of the patch. The applicant is proposing to remove the cottonwood trees, and restore the area with conifers and native shrubs. A documented Type N stream flows along the southern boundary of the site. No modification of the site is proposed outside of the slope areas on the north and east boundaries of the site.

(2) A site history;

This site is developed with the Safeway regional breadplant facility that was built in 1978. The property is zoned Light Industrial (LI) and is included in the BelRed / Northup Subarea of the Comprehensive Plan as an LI designated property. This property has a history of clearing and impact typically associated with an industrial facility.

(3) A discussion of the plan objectives;

Cottonwood trees dominate the North and East slopes adjacent to the paved areas of Safeway's building at the project site. The root systems of these Cottonwood trees have damaged the buildings walkway and have created an unsafe condition for pedestrians; roots can be observed lifting the pavement 2 to 4 inches above ground level causing a tripping hazard. The roots of these trees extend 50 to 75 feet from the root flare toward the building and appear to be invading the building's foundation and footings. Safeway is requesting to remove all of the Cottonwood trees on the east slope and part of the north slope to prevent further damage to existing property. The area will be replanted with fir trees and a mixed planting of native understory shrubs. The existing understory of blackberry and scotthbroom will be removed and suppressed. Approval of this plan is necessary to safely remove the Cottonwood trees that have damaged the walkways/service areas, and are threatening the existing building's foundation and footings. It outlines the protection of habitat by the planting of native trees and shrubs. It minimizes erosion and habitat degradation through replanting an maintenance.

The long term impact on the areas habitat functions and values is expected to be minimal. After removal of the stand of cottonwood trees, the site will be replanted with a mix of Douglas fir (*Pseudotsuga menziesii*) and an understory shrub layer. Proposed shrub plantings include beaked hazelnut (*Corylus cornuta*) oceanspray (*Holoiscus discolor*), mock orange (*Philadelphus lewisi*), thimbleberty (*Rubus parviflorus*) and snowberry (*Symphoricarpos albus*). Fir trees (in 5 gallon container size) will be planted 7 to 8 foot on center. Shrubs will be planted at 6 feet on center. The Scotch Broom and Blackberry will be removed and suppressed at least 2 times per year to allow for the growth of the plantings. The restored areas will be monitored

for a period of 5 years following the planting of the Fir trees. The stumps and roots of the Cottonwood trees will be left intact and will be suppressed 2 times per year for a total of six growing seasons.

(4) A description of all sensitive features;

The project site is bordered to the north and east by slopes that meet the definition of a steep slope critical area and the southern boundary of the site is bordered by a Type N stream. Both of these resources are protected by the City's Land Use Code.

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

The 1973 Soil Survey of King County identifies the site's soils as EvC (Everett Gravelly Sandy Loam) and Sk (Seattle Muck). EvC is common on slopes similar to those that characterize the project area. Sk is consistent with the lower elevation soils found along the site's stream area. City staff have made numerous site visits to analyze the site's landscape features and vegetation, as well as the review of fish and wildlife vicinity maps from the Washington State Department of Fish and Wildlife (WDFW) and the Priority Habitat database (PHS) and have determined that no documented habitat associations are present within the proximity of this area. No impact to the site's ability and potential to provide upland habitat in relation to the surrounding landscape is expected. To enhance the areas plant communities and potential to provide wildlife habitat, the applicant is proposing to remove the invasive species (scotch broom and blackberry) and replant the slope area with native plants. A preliminary replanting plan has been submitted and a complete site restoration plan will be required as part of the clearing and grading permit application (underlying action).

(6) Allowed work windows;

The Cottonwood trees should be cut in the dry months of the summer while the slopes are dry. The stumps and root systems should be left to help stabilize the slope. Planting of the Fir trees should take place in the late fall or early spring when replacement stock is dormant. As replacement stock becomes established, the cottonwood stumps will be suppressed through mechanical and chemical maintenance.

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

The proposed project is generally located at 2100 120th Ave. NE, Parcel # 2825059007 and within NW Section 28 Township 25 Range 5. For specific limits of clearing, see project site plans available in the project file.

(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.

The applicant is proposing the removal of approximately 50 mature cottonwood trees from a protected slope along the north and east boundaries of the project site as a measure to control damage to the site's structure. To achieve the desired effect, the applicant is proposing the removal of the trees and associated understory and the replanting of the area with conifers and native shrubs. The applicant is proposing a long term plan that includes the following steps:

Step 1: During the summer months of the first growing season (Year 1 - 2008) the cottonwood trees and understory (blackberry, scotchbroom, and other invasives) will be removed and the slope area will be mulched and proper erosion control measures will be applied to prevent erosion. The applicant will also install a root barrier to prevent further root intrusion under the sidewalk and protect the building from potential root damage.

Step 2: Blackberry, scotchbroom, and other invasives will be suppressed throughout the growing season of Year 1 through application of herbicide and mechanical removal where appropriate (2008). The applicant will guarantee that a licensed professional will make 2 site visits per year during the growing season to remove any undesirable vegetation and to suppress the cottonwood stumps if necessary.

Step 3: In the fall of Year 1 (2008 - while plants are dormant), fir trees of 5 gallon container size will be planted at 10 foot on center. The plantings shall be inspected by City Land Use staff within one month of planting for proper installation. Following the planting of the conifers, the Scotch Broom and Blackberry (or other invasives) will continue to be suppressed by application of herbicide and mechanical removal through the following two growing seasons (2009 & 2010). The applicant will guarantee that a licensed professional will make 2 site visits per year during each growing season to remove any undesirable vegetation and to suppress the cottonwood stumps. Starting in 2009 (after the first year of tree growth), monitoring reports in a format acceptable to the City will be submitted annually by December 31 (First report due December 31, 2009). The target survival rate is 99% for the first two years of growth for the trees (2009 & 2010). The monitoring reports must document plant survival rates, the steps taken to suppress invasive plants, and photo document the condition of the plantings at the end of the growing season.

Step 4: At the end of the third growing season (Fall of 2010), a planting of native shrubs [beaked hazelnut (*Corylus cornuta*), oceanspray (*Holoiscus discolor*), mock orange (*Philadelphus lewisi*), thimbleberty (*Rubus parviflorus*), and snowberry (*Symphoricarpos albus*)] will be installed. The plantings shall be inspected by City Land Use staff within one month of planting for proper installation. The Assignment of Savings Financial Security Device for Landscape Installation will be released following inspection of the plantings by the City's Land Use Division. The site's invasives will continue to be suppressed by application of herbicide and mechanical removal through the following three growing seasons (2011, 2012, and 2013). Following the planting of the shrubs, the applicant will guarantee that a licensed professional will make 2 site visits per year during each growing season to remove any undesirable vegetation and to suppress the cottonwood stumps if necessary. Monitoring reports in a format acceptable to the City will be submitted annually by January 1. The target survival rate (including shrubs) is 90% for years 4, 5, and 6. The monitoring reports must document plant survival rates, the steps taken to suppress invasive plants, and photo document the condition of the plantings at the end of the growing season.

Step 5: At the end of the sixth growing season (December 31, 2013) the applicant will submit a final monitoring report identifying the condition of the plantings. The target survival rate at the end of year 6 is 90% survival of the planted material. After submittal of the final monitoring report and at the discretion of the Director of the Land Use Division, the Landscape Maintenance Security Device will be released.

D. Comprehensive Plan Policies:

LUC 20.40.401 requires that each decision or action of the City or its officials pursuant to the Land Use Code shall be made in compliance with the Comprehensive Plan. This application for Critical Areas Land Use Permit for vegetation management is subject to compliance with the Comprehensive Plan. Due to the expected improvements on the site associated with the replacement of invasive plant species and the maintenance of restored area, this proposed action is compliant with the Environmental Element of the Comprehensive Plan and is consistent with policies EN-21, EN-26, EN-55, EN-65, EN-68, and EN-76. No new development is proposed and the site will be restored as part of the proposed activity. The project as identified is consistent with the Comprehensive Plan.

V. Public Notice and Comment

Application Date: July 6, 2007
Public Notice (500 feet): July 19, 2007
Minimum Comment Period: August 2, 2007

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on July 19, 2007. It was mailed to property owners

within 500 feet of the project site. One comment was received from Karen Walter of the Muckleshoot Indian Tribe Fisheries Division as a request for supplemental information to better identify the limits of the proposed vegetation management in relation to a nearby stream. Information was provided regarding the proposed work and the location of the stream and all concerns were addressed. A record of correspondence with the Muckleshoot Indian Tribe Fisheries Division can be found in the project file.

VI. Decision Criteria – Critical Areas Land Use Permit

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC Section 20.30P.

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

Finding: The applicant must obtain a clearing and grading permit before beginning any work. See **Conditions of Approval in Section VIII of this report.**

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;

Finding: This is an application for Vegetation Management and includes the restoration of approximately 18,000 sf of protected hillside. As part of the permit approval, the applicant will submit annual monitoring reports documenting plant survival. See **Conditions of Approval in Section VIII of this report.**

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

Finding: As discussed in Section IV of this report, this proposal meets the standards required for approval of a vegetation management plan under LUC 20.25H.055.C.3.i.

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

Finding: This proposal to modify the vegetation within a regulated slope area. This proposal does not impact the demand on public services and facilities due to the fact that the site is already developed with an industrial use that will remain unaltered throughout this project. No change in demand on public facilities is expected as a result of this project.

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

Finding: An acceptable Temporary Erosion Sedimentation Control Plan will be required as part the clearing and grading permit submittal and approval. A complete site restoration and replanting plan will also be required as part of the clearing and grading permit submittal and must include a maintenance and monitoring plan. The applicant shall also submit restoration and replanting installation and maintenance cost estimates to be used in determining the amount of the assignment of savings financial security device that will be required prior to permit issuance. **See Conditions of Approval in Section VIII of this report regarding the required restoration plan.**

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

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

VII. 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 Planning and Community Development does hereby **approve with conditions** this application for Critical Areas Land Use Permit for vegetation management at the Safeway bread plant facility located at 2100 112th Ave NE. The proposal includes the removal of 50 mature Cottonwood trees from a regulated steep slope critical area and the phased replanting of the slope with native evergreen trees and shrubs. **Approval of this Critical Areas Land Use Permit / Shoreline Substantial Development Permit does not constitute a permit for construction. A clearing and grading permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

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

VIII. 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	Clearing and Grading Desk, 425-452-2019
Land Use Code- BCC Title 20	David Pyle, 425-452-2973
Noise Control- BCC 9.18	David Pyle, 425-452-2973
Utilities Code- BCC 24	Utilities Desk, 425-452-4187

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

- 1. Clearing and Grading Permit:** The applicant must apply for and receive a clearing and grading permit prior to the commencement of any development activity on the site. Clearing and grading plans are subject to review by the applicable City departments.

Authority: Bellevue City Code 23.76

Reviewer: David Pyle, Planning and Community Development Department

- 2. Engineered Wall Design Requirement:** A detailed plan for the engineered geogrid wall system that has been recommended in the geotechnical report is required to be submitted for review and approval by the City of Bellevue Clearing and Grading Department prior to the issuance of any clearing and grading permit for construction at this site. The wall must be designed and approved by an engineer licensed in Washington State.

Authority: Land Use Code 20.25H.125

Reviewer: David Pyle, Planning and Community Development Department

- 3. Critical Area Restoration and Replanting:** A complete site restoration and replanting plan that meets the requirements of LUC 20.25H.220 shall be submitted and approved prior to the issuance of any clearing and grading permits for construction on this site. Replanting plans shall meet the requirements and plant densities identified in the City of Bellevue Critical Areas Handbook (Page 62-63).

Authority: Land Use Code 20.25H.220

Reviewer: David Pyle, Planning and Community Development Department

- 4. Maintenance and Monitoring Plan:** A complete maintenance and monitoring plan outlining how the restored area will be maintained for a period of six years and monitored for a period of five years shall be submitted and approved prior to the issuance of any clearing and grading permits for construction on this site.

Authority: Land Use Code 20.25H.220

Reviewer: David Pyle, Planning and Community Development Department

- 5. Assignment of Savings Financial Security Device:** As part of the clearing and grading permit application the applicant shall submit restoration / replanting / maintenance plan cost estimates to be used in determining the amount of the assignment of savings financial security device that will be required prior to permit issuance. A complete assignment of savings financial security device in the amount determined by the project planner must be submitted prior to clearing and grading permit issuance.
-

Authority: Land Use Code 20.25H.220.F

Reviewer: David Pyle, Planning and Community Development Department

6. **Rainy Season restrictions:** Due to the proximity to a steep slope, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Department of Planning and Community Development. 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: David Pyle, Planning and Community Development Department

7. **Noise Control:** The proposal will be subject to normal construction 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. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

Authority: Bellevue City Code 9.18

Reviewer: David Pyle, Planning and Community Development Department

8. **Locate Utilities:** Before submittal of the Clearing and Grading permit application, field locate the existing side sewer and storm drainage systems and include their locations on the clearing and grading construction site plans.

Authority: Land Use Code 20.25H.160

Reviewer: David Pyle, Planning and Community Development Department

XI. Attachments:

1. Site Map- In File
 2. Environmental Checklist- In File
 3. Site Plans- In File
 4. Vegetation Management Plans- In File
-

City of Bellevue Submittal Requirements

27a

ENVIRONMENTAL CHECKLIST

4/18/02

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

City of Bellevue File Number 07-126670-LO
07/19/2007
Safeway Bread Plant Critical Areas Land Use Permit
2100 120th Ave NE

SEPA Checklist Reviewed By:
David Pyle, Senior Planner
425-452-2973 - dpyle@bellevuewa.gov

Property Owner: SAFEWAY INC.

Proponent: D.R.S. LIMITED

Contact Person: DAVID L. WELLS

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: P.O. Box 2014 Poulsbo, WA 98370

Phone: 360 981-8473

Proposal Title: none

Proposal Location:

(Street address and nearest cross street or intersection) Provide a legal description if available.

2100 120th Ave N.E., 120th & Northrup, SEE ATTACHMENT FOR LEGAL DESC

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description:

Remove HAZARD trees, Repair Building walkway

2. Acreage of site:

8.14

3. Number of dwelling units/buildings to be demolished:

0

4. Number of dwelling units/buildings to be constructed:

0

5. Square footage of buildings to be demolished:

0

6. Square footage of buildings to be constructed:

0

7. Quantity of earth movement (in cubic yards):

10 yards

8. Proposed land use:

Light Industrial

9. Design features, including building height, number of stories and proposed exterior materials:

Existing no changes

10. Other

N/A

This is a proposal to remove 50 mature Black cottonwood trees from a regulated hillside adjacent to the Safeway Bread Plant. The applicant is proposing the removal of these trees through the establishment of a vegetation management plan that includes the phased removal of cottonwood trees and the replanting of the hillside with conifer species. Currently, roots from the cottonwood stand have damaged the sidewalk between the building and hillside and have begun to damage the foundation of the building. The applicant is requesting City approval of this proposal to repair the root damage problem and prevent future damage. No change to the building or use is proposed.

Estimated date of completion of the proposal or timing of phasing:

PHASE 1 Remove trees treat Root System 15 Feb 07
Phase 2 Repair Walkway (SAFETY) April 1, 2007

The work will be done in multiple phases over several years. The different phases will include the planting of conifers, the topping of the cottonwood trees, the suppression of invasive plant species, and maintenance and monitoring of the planting to ensure success.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

NO

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

n/a

A vegetation management plan has been prepared in support of this proposal.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

NO

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

NO

Clearing and Grading Permit - File No. 07-105102-GH
Critical Areas Land Use Permit - File No. 07-126670-LO

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development
Preliminary plat map
- Clearing & Grading Permit
Plan of existing and proposed grading
Development plans
- Building Permit (or Design Review)
Site plan
Clearing & grading plan
- Shoreline Management Permit
Site plan

A. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site: Flat Rolling Hilly Steep slopes Mountains Other

b. What is the steepest slope on the site (approximate percent slope)?

30%

This site contains slopes in excess of 40%.

c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

SANDY LOAM, GRAVEL

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No

Evaluation of the surface conditions of this site did not reveal any indications of past failure or unstable soils.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Approx 10 yds, pit run, crushed rock, Local Quarry
To fill road Damage

The only grading proposed is associated with repairing the damaged sidewalk adjacent to the building.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Minimal Damage from Logging

Yes. Erosion could occur as a result of surface disturbance due to activity within the slope area.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No new

No change in the amount of impervious surface is proposed.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Hay Bales / Lift Logs with Crane
Silt Screen Bio Swale

Erosion control BMP's will be required as part of the Clearing and Grading permit review. An abatement device may be required dependent on the final project proposal.

2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

Possible Dust: Machinery Noise

Emissions from internal combustion engines (regulated by other government agencies). No burning is proposed.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

Use Best management Practices

Follow State and Federal regulations.

3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If

yes, Kimberly Creek. work is outside 100' Buffer

Reviewer Initials: _____

appropriate, state _____ t stream or river it flows into.

Yes. The proposed project is adjacent to the west tributary of Kelsey Creek that drains into the main channel of Kelsey Creek and eventually into Lake Washington. The sections of stream that may be influenced by this proposed project are Segments 80_07 and 80_06, as identified in the City of Bellevue Stream Typing Inventory. These reaches are documented as Type N segments and are subject to a 50 foot buffer. All proposed activity is outside of the 50 foot buffer.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

Yes, All work outside 100' Buffer

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

None

Erosion control BMP's will minimize the potential for sediment to be transported into this section of stream by surface sheet flows during a rain event.

Yes. Some clearing activity will occur as close as 100 feet from the west tributary of Kelsey Creek, however all clearing and grading activity will take place outside of the 50 foot buffer.

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

None

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

The City of Bellevue GIS Floodplain layer does not indicate the presence of a floodplain on or adjacent to this site.

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None

c. Water Runoff (Including storm water)

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

No changes to System

(2) Could waste materials enter ground or surface waters? If so, generally describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Hay Bales (wind) Silt Screen

Standard erosion control BMP's will be required as part of the Clearing and Grading permit review. If the proposal is determined to be a high risk, and abatement device will be required.

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation Blackberries

b. What kind and amount of vegetation will be removed or altered?

Cotton wood trees As noted

c. List threatened or endangered species known to be on or near the site.

None

No known threatened or endangered species are present on this site. This site is within one of Bellevue's large commercial areas that has been heavily degraded through past clearing and development activity. This proposal is intended to enhance wildlife habitat and increase the site's ability and potential to provide habitat to resident and migratory wildlife

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

None

The applicant is proposing the phased removal of a monoculture stand of cottonwood trees and the replanting of the trees with a mixed palette of conifer trees.

5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

Use of this site or the surrounding landscape by Chipmunks, Coyotes, Deer, Rabbits, Raccoons, Squirrels, Eagles, Crows or Ravens, Doves or Pigeons, Hawks, Herons, Jays, Owls, and Woodpeckers is possible.

b. List any threatened or endangered species known to be on or near the site.

none

c. Is the site part of a migration route? If so, explain.

no

This site is functionally connected to the west tributary of Kelsey Creek and may provide habitat associated with that linear corridor.

d. Proposed measures to preserve or enhance wildlife, if any:

n/A

Increase the diversity of the trees located in the area.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

n/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

no

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

n/A

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

no

(1) Describe special emergency services that might be required.

none

(2) Proposed measures to reduce or control environmental health hazards, if any.

n/A

Standard construction management practices would be followed during construction to minimize the potential for environmental hazards.

b. Noise

(1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

n/A

(2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Consistant with tree Removal : Chipping
Consistant with Root Removal

(3) Proposed measures to reduce or control noise impacts, if any:

NOISE

Noise associated with clearing and grading / construction is regulated by the Bellevue City Code Title 9.18.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

HEAVY ~~light~~ INDUSTRIAL

This site is currently built out with the Safeway Bread Plant (Bakery).

b. Has the site been used for agriculture? If so, describe.

NO

c. Describe any structures on the site.

102,000 Sq. Ft +/- Light Industrial

d. Will any structures be demolished? If so, what?

NO

e. What is the current zoning classification of the site?

Industrial

LI- Light Industrial

f. What is the current comprehensive plan designation of the site?

Commercial

LI- Light Industrial

g. If applicable, what is the current shoreline master program designation of the site?

n/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Yes. The site contains areas of protected slopes and a potion of the site is occupied by the west tributary of Kelsey Creek, a Type N regulated stream.

i. Approximately how many people would reside or work in the completed project?

Same 100+

j. Approximately how many people would the completed project displace?

none

k. Proposed measures to avoid or reduce displacement impacts, if any:

none n/A

- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Fill out Septa Form i:

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A

- c. Proposed measures to reduce or control housing impacts, if any:

N/A

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A

- b. What views in the immediate vicinity would be altered or obstructed?

N/A

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

c. What existing off-site sources of light or glare may affect your proposal?

N/A

d. Proposed measures to reduce or control light or glare impacts, if any:

N/A

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

None

b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

No

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

N/A

c. Proposed measures to reduce or control impacts, if any:

N/A

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

120th Ave N.E. NORTHROP AVE, #4520

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

yes 500' +/-

c. How many parking spaces would be completed project have? How many would the project eliminate?

Same

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

No

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

None

g. Proposed measures to reduce or control transportation impacts, if any:

N/A

15. Public Services

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No

b. Proposed measures to reduce or control direct impacts on public services, if any.

No

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature..... [Signature]

Date Submitted..... 1/23/07