



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

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**Proposal Name:** Larsen Lake Habitat Improvement

**Proposal Address:** 500 148<sup>th</sup> Ave SE

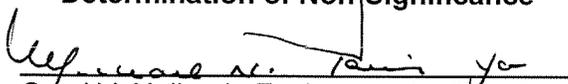
**Proposal Description:** Application for Critical Areas land use permit to enhance the existing degraded wetland habitat around Larsen lake. No development is proposed as part of this project. Specific activities include the removal of invasive plants and the installation of native vegetation and other woody material. This site is also located within the Shoreline Overlay district and a Shoreline Exemption for the work is being sought under a separate application (File # 07-144334 WD) .

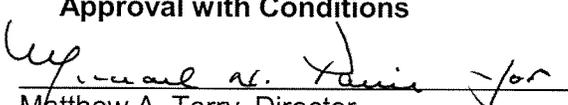
**File Number:** 07-144332 LO

**Applicant:** Geoff Bradley, City of Bellevue Parks Department

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

**Planner:** Heidi M. Bedwell , 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

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Application Date:	December 27, 2007
Notice of Application Publication Date:	January 10, 2008
Decision Publication Date:	April 3, 2008
Project/SEPA Appeal Deadline:	April 17, 2008

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For information on how to appeal a proposal, visit Development Services 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.

## I. Background

### A. Project Description

The proposal involves the enhancement of the existing degraded wetland habitat around Larsen lake. No development is proposed as part of this project. Specific activities include the removal of invasive plants and the installation of native vegetation and other woody material.

In July of 2006 the Bellevue Parks Department commissioned the Lake Hills Greenbelt Park Wildlife Habitat Assessment and Enhancement Recommendations study. This project, based on a conceptual restoration plan in the study, takes into consideration two view corridors and the public's desire to retain the historic blueberry fields. The report indicated that the existing shoreline of Larsen lake presently contains large quantities of exotic species (primarily reed canary grass and Himalayan blackberry), a limited palette of native species, low quantities of large woody debris and a lack of significant trees which contribute to decreased wetland function and value. The focus of this project is on the wetland riparian edge along Larsen lake in order to increase the functions of the wetland and enhance habitat for species throughout the park property.

### B. Site Description

The site is located within a City of Bellevue Parks owned property and is part of the Lake Hills Greenbelt. The park contains a mix of agriculture land, lakes, streams, open meadows, wetlands, woodlands and open lawns. In the vicinity of the proposed restoration there are blueberry fields, a walking trail and park buildings.

## II. Site Description and Context

### A. Zoning and Land Use

The site is zoned R-1 (Single Family Residential Estate Districts) and is used as a public park. Within the R-1 zoning district City Parks are an allowed use through the Conditional Use process.

### B. Critical Areas:

The proposed project area contains the following critical areas:

- i. **Category II Wetland**- Larsen Lake and fringe wetlands. Category II wetlands are difficult, though not impossible, to replace and provide high levels of some functions. These wetland occur more commonly than Category I wetland, but still need a high level of protection.
- ii. **Flood Hazard Area** -This site also contains a mapped FEMA 100 Year Floodplain that is Associated with Kelsey Creek.
- iii. **Shoreline**- Wetlands associated with Phantom Lake are included in the Shoreline Master Program jurisdiction.

### **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**

Due to the proximity to wetland, stream, and area of special flood hazard critical areas, 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. Erosion and sediment control best management practices include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the adjacent wetland. The applicant will also be required to submit for a clearing and grading permit and include the use of these techniques as well as information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section X for a related conditions of approval.

#### **B. Animals**

The project site is part of a larger natural area that contains quality habitat for birds and mammals. The Park provides wildlife populations with a variety of habitats in which to breed, forage and rest. Lake Hills Greenbelt Park Wildlife-Habitat Assessment and Enhancement Recommendations document prepared for the City by Skilling Connolly, July 24, 2006 provides a summary of bird species observed over the past 10 years. The mature vegetation on the site could provide potential habitat to bald eagles and Pileated woodpeckers who are known to be in the vicinity, however no impacts are anticipated since no significant trees will be removed and site disturbance will be restored.

#### **C. Noise**

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. No development is proposed as part of this application and all work will be done by hand.

### **IV. Consistency with Land Use Code Requirements:**

#### **A. Zoning District Dimensional Requirements:**

The site is located in the R-1 zoning district. No development and no changes in the dimensional requirements are proposed.

#### **B. Critical Areas Requirements:**

##### **Allowed Uses**

The proposed project is a Habitat Improvement project sponsored by the City of Bellevue Parks Department and is an allowed use pursuant to LUC Section 20.25H.055:

Habitat Improvement Projects. Disturbance, clearing and grading are allowed in the critical area or critical area buffer for habitat improvement projects demonstrating an improvement to functions and values of a critical area or critical area buffer. Habitat improvement projects shall be:

- i. Sponsored or cosponsored by a public agency or federally recognized tribe and whose primary function is habitat restoration; or
- ii. Approved by the Director pursuant to LUC 20.25H.230.

#### V. Consistency With Land Use Code Critical Areas Performance Standards:

No development is proposed as part of this project.

#### VI. Summary of Technical Reviews

##### Clearing and Grading:

The Clearing and Grading Division of the Planning and Community Development Department has reviewed the proposed project for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

#### VII. Public Notice and Comment

Application Date:	December 27, 2007
Public Notice (500 feet):	January 10, 2008
Minimum Comment Period:	January 24, 2008

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin on January 10, 2008. It was mailed to property owners within 500 feet of the project site. One comment has been received from the public as of the writing of this staff report.

**Comment 1:** According to the November 7 2007 conceptual mitigation plan for project 07-132223-LQ (Costco), proposed to conduct off-site stream and buffer enhancements around Lake Larsen. What is the relationship between the mitigation plan proposed for project 07-132223 and this project, 07-144332-LO? Is this current proposal in lieu of the mitigation? Is it in addition to the mitigation? Is it separate from the mitigation?

**Response:** This project is being undertaken by the Parks department and does not have a relationship with the Costco project at this time. In the future however, the work associated with the proposed Costco project might undertake this project and other work to comply with their mitigation requirements. This project is not being permitted on their behalf and any future actions would need additional permit submittals.

**Comment 2:** Note that per the November 7, 2007 conceptual mitigation plan (A.C. Kindig and Company), Puget Sound chinook and coho use or are near the Costco site at 148<sup>th</sup> Avenue Southeast and Main Street. Sockeye use Kelsey Creek downstream of the Costco site. The response in item 5.b in the checklist notes

that the author is not sure if sockeye, chinook, and coho salmon use the Larsen Lake and Kelsey Creek or not.

**Response:** Subject application's Environmental Checklist has been corrected.

## VIII. Decision Criteria

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.

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

**Finding:** In addition to this critical areas land use permit, the applicant has applied for a Shoreline Exemption permit and clearing and grading permit. See Section X for a related condition of approval.

### 3. 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:** The project will utilize the City's Environmental Best Management Practices for constructions and maintenance techniques so as to have the least impact on the critical area and critical area buffer. Site access will utilize only existing farm roads and trails, clearing will be done using hand tools and planting will utilize pocket planting to decrease soil disturbance. See Section X for a related condition of approval.

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

**Finding:** No specific performance standards are identified in Part 20.25H pertaining to this type of project. Part 20.25H does however require that the functions and values of the site are improved. The proposed native vegetation will improve fish and wildlife habitat, providing additional sources of cover, food and nesting sites. In order to retain the blueberry fields and provide an improved wildlife corridor between the lake habitat and nearby forest and wetlands, a strip of blueberries will be interplanted with native shrubs and groundcovers. This increase ground and mid-story cover will allow wildlife to travel between the lake and nearby habitats with minimal exposure. The fish and wildlife migration corridor to Kelsey Creek will also be improved with native vegetation and woody debris. Maintenance practices will control and manage the presence of reed canary grass and Himalayan blackberry.

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

**Finding:** The proposal is a Habitat Improvement project. It does not require street,

fire protection, or utilities services.

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

**Finding:** The project does not require mitigation because it is a Habitat Improvement project per LUC Section 20.25H.055. The proposed restoration or enhancement plan includes a maintenance and monitoring plan which will be followed for five years at a minimum. The proposed maintenance and monitoring plan shall be submitted with the required clearing and grading permit. See Section X for a related condition of approval.

**7. The proposal complies with other applicable requirements of this code.**

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

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal to enhance the degraded wetland around Larsen Lake.

**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.

**X. 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	Heidi Bedwell, 425-452-4862
Land Use Code- BCC 20.25H	Heidi Bedwell, 425-452-4862
Noise Control- BCC 9.18	Heidi Bedwell, 425-452-4862

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

- 1. Restoration for Areas of Temporary Disturbance:** A restoration plan for all areas of temporary disturbance is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Clearing and Grading Permit. The plan shall include the documentation of existing site conditions and shall identify the restoration measures to return the site to it's existing conditions

per LUC 20.25H.220.H.

Authority: Land Use Code 20.25H.220.H  
Reviewer: Heidi Bedwell, Planning and Community Development Dept

2. **Rainy Season restrictions:** Due to the proximity to wetland, stream, and area of special flood hazard critical areas, 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: Heidi Bedwell, Planning and Community Development Dept

3. **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: Heidi Bedwell, Planning and Community Development Dept

4. **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: Heidi Bedwell, Planning and Community Development Dept

5. **Maintenance and Monitoring:** The applicant must submit as part of the required Clearing and Grading Permit a maintenance and monitoring plan for the proposed activities that identifies how all areas that have been enhanced will be monitored for a period of five years following the installation of restoration measures.

Authority: Land Use Code 20.25H.220.H  
Reviewer: Heidi Bedwell, Planning and Community Development Dept

## **XI. Attachments**

1. Lake Hills Greenbelt Park- Wildlife-Habitat Assessment and Enhancement Recommendations Report
2. Environmental Checklist
3. Site and Habitat Improvement Plan in file