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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Vanaja Rajah, City of Bellevue Utilities Department

LOCATION OF PROPOSAL: 13630 SE Allen Road

NAME & DESCRIPTION OF PROPOSAL: Monthaven Sanitary Sewer Extension

Land Use approval of a Critical Areas Land Use permit to provide sanitary sewer service to 14 single-family residences by extending the City's sewer infrastructure. Proposed sewer extension construction activity will be located within protected slope and associated buffer.

FILE NUMBER: 08-103790-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 _____.

☒ 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 **June 5, 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

05/22/2008
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:	Monthaven Sanitary Sewer Extension
Proposal Address:	13630 SE Allen Road
Proposal Description:	Application for a Critical Areas Land Use permit to provide sanitary sewer service to 14 single-family residences by extending the City's sewer infrastructure. Proposed sewer extension construction activity will be located within protected slope and associated buffer.
File Number:	08-103790-LO
Applicant:	**Vanaja Rajah**, Utilities Department
Decisions Included:	Critical Areas Land Use Permit (Process II. LUC 20.25H.145)
Planner:	David Pyle, 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:	02/01/2008
Notice of Application Publication Date:	03/06/2008
Decision Publication Date:	05/22/2008
Project/SEPA Appeal Deadline:	06/05/2008

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

This is a proposal to extend the City's sanitary sewer system in the Monthaven Neighborhood to serve 14 additional residences that are currently not connected to the City's sewer. The proposal includes the installation of sewer main by trenching and directional drilling. Trees impacted by construction will be replaced in the project vicinity.

B. Site Description

This project is located in the NW quadrant of Section 15, Township 24 North, Range 5 East. The project area is characterized by a single family neighborhood and abuts Tyee Junior High School. The project lies partially within the Richards Creek Drainage Basin and partially within the Sunset Creek Drainage Basin. There are no documented streams within the project vicinity.

C. Need For Improvement

This is a proposal to extend the City's sewer system to service 14 residences that are currently connected to septic systems. All feasible alternatives were examined by the City's Utility Department. Due to the areas topography and the need to use a gravity sewer system, work within the Steep Slope Critical Area and it's buffer is neccessary.

II. Site Description and Context

A. Critical Areas:

i. **Steep Slopes-** 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. This is a proposal to extend a gravity sewer main to serve 14 additional residences that are currently on septic systems. Construction of the sewer main extension will require trenching, directional drilling, and staging within a regulated Steep Slope Critical Area.

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

The proposed project will require the construction of a sewer main extension. The location of the proposed sewer main is located as far away from the slope area as is possible while still achieving gravity flow within the pipe. Disturbance of existing vegetation, including mature significant trees, will be minimized during construction and the area will be revegetated to existing conditions after construction is complete. All impacted trees will be replanted in a designated area. A Temporary Erosion Sedimentation Control Plan (TESC) is required as part of the associated clearing and grading permit and must be included in the clearing and grading permit project plans. The TESC plan must address all requirements for restoring the site to its current condition as well as erosion and sedimentation management practices.

B. Animals

No threatened or endangered species are expected to be present in the project vicinity and the area is fully developed with residential uses and a school.

C. Plants

No vegetation removal, clearing, or grading is proposed outside of the areas of trenching and staging. All trees impacted by this proposal must be replanted in a designated planting area. All areas of temporary disturbance will be restored and monitored pursuant to an approved revegetation and monitoring plan. See Conditions of Approval in Section IX of this report.

D. 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. 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 IX of this report.

IV. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

This is a proposal to extend a gravity sewer main to serve 14 additional residences. The sewer system is considered an essential public facility associated with single family neighborhoods. Gravity sewer extension projects are not subject to the use and dimensional provisions of the Land Use Code.

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. Under LUC 20.25H the modification of a Critical Area is prohibited unless the proposal is identified as an allowed use or a provision for modification exists. This proposed gravity sewer expansion is an allowed activity

identified by LUC 20.25H.055.B under the category of "New or expanded utility facilities, utility systems, stormwater facilities". As an allowed activity, the proposed development must meet the requirements identified in LUC 20.25H.055.C.2 and 20.25H.125. LUC 20.25H.055.C.2 establishes performance standards for expansions of facilities within critical areas and critical area buffers and LUC 20.25H.125 establishes performance standards specific to geological hazard areas.

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

A. Consistency With LUC 20.25H.055.C.2

2. New and Expanded Uses or Development. As used in this section, "facilities and systems" is a general term that encompasses all structures and improvements associated with the allowed uses and development described in the table in subsection B of this section:

   a. New or expanded facilities and systems are allowed within the critical area or critical area buffer only where no technically feasible alternative with less impact on the critical area or critical area buffer exists. A determination of technically feasible alternatives will consider:

      i. The location of existing infrastructure;
      ii. The function or objective of the proposed new or expanded facility or system;
      iii. Demonstration that no alternative location or configuration outside of the critical area or critical area buffer achieves the stated function or objective, including construction of new or expanded facilities or systems outside of the critical area;
      iv. Whether the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance; and
      v. The ability of both permanent and temporary disturbance to be mitigated.

The Monthaven Sewer Extension Project is a proposal to extend a gravity sewer main to serve 14 additional residences. The sewer will be installed within the Geologic Hazard Area and it's buffer. There is no technically feasible alternative with less impact on the slope or it's buffer. The function of this sewer extension is to provide sanitary sewer service to 14 residences that are currently connected to septic systems. The proposal includes a combination of trenching and directional drilling to install the new sewer pipeline. Directional drilling will allow the installation of the sewer line without requiring surface trenching within the steep slope area. The proposed project will not cause an excessive impact to the Geologic Hazard Area or it's buffer, or increase an existing safety hazard proposed by the steep slope area. Both permanent and temporary disturbance will be mitigated by restoring the site to its current condition.

b. If the applicant demonstrates that no technically feasible alternative with less impact on the critical area or critical area buffer exists, then the applicant shall comply with the following:

i. Location and design shall result in the least impacts on the critical area or critical area buffer; ***The proposal includes a combination of trenching and directional drilling to install the new sewer pipeline. Directional drilling will allow the installation of the sewer line without requiring surface trenching within the steep slope area. The proposed project will not cause an excessive impact to the Geologic Hazard Area or it's buffer, or increase an existing safety hazard proposed by the steep slope area.***

ii. Disturbance of the critical area and critical area buffer, including disturbance of vegetation and soils, shall be minimized; ***Notes on the plans will require the Contractor to minimize disturbance and revegetate the site to existing conditions. All trees impacted by construction must be replanted within a designated planting area. Directional drilling under the steel slope will minimize impact to the protected slope area.***

iii. Disturbance shall not occur in habitat used for salmonid rearing or spawning or by any species of local importance unless no other technically feasible location exists; ***Review of the WDFW PHS database does not indicate the presence of documentd habitat for species of local importance. All areas of temporary disturbance related to trenching, drilling, or staging must be restored pursuant to an approved restoration plan.***

iv. Any crossing over of a wetland or stream shall be designed to minimize critical area and critical area buffer coverage and critical area and critical area buffer disturbance, for example by use of bridge, boring, or open cut and perpendicular crossings, and shall be the minimum width necessary to accommodate the intended function or objective; provided, that the Director may require that the facility be designed to accommodate additional facilities where the likelihood of additional facilities exists, and one consolidated corridor would result in fewer impacts to the critical area or critical area buffer than multiple intrusions into the critical area or critical area buffer; ***There is no crossing of a wetland or an open stream proposed as part of this project.***

v. All work shall be consistent with applicable City of Bellevue codes and standards; ***The project Specifications require the contractor to comply with all City of Bellevue codes and standards.***

vi. The facility or system shall not have a significant adverse impact on overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod; ***This is a proposal to extend the City's gravity sewer main. No impact to basin surface water flows is expected.***

vi. Associated parking and other support functions, including, for example, mechanical equipment and maintenance sheds, must be located outside critical area or critical area buffer except where no feasible alternative exists; ***Permit specifications and conditions will alert the construction contractor to this requirement. Construction staging will not be allowed within the steep slope critical area or it's buffer, unless essential to project completion.***

viii. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210. ***A Temporary Erosion Sedimentation Control Plan is included in the project plans. The goal of this plan is to restore the site to its current condition. The existing site conditions will be documented through photographic inventory and all areas of disturbance must be restored to the current condition.***

B. Consistency With LUC 20.25H.125

In addition to generally applicable performance standards set forth in LUC 20.25H.055, development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

A. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography; ***No structures are proposed as part of this project.***

B. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation; ***The proposal includes a combination of trenching and directional drilling to install the new sewer pipeline. Directional drilling will allow the installation of the sewer line without requiring surface trenching within the steep slope area. The proposed project will not cause an excessive impact to the Geologic Hazard Area or it's buffer, or increase an existing safety hazard proposed by the steep slope area.***

C. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties; ***This is a proposal to extend the City's gravity sewer. The project does not inlcude the construction of structures. The applicant is proposing to use directional drilling to minimize impact to the protected slope areas. The development as proposed will not result in greater risk or a need for increase buffers on neighboring properties.***

D. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall; ***No retaining walls or grade modification is proposed as part of this project.***

E. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer; ***No new impervious surface area will be added as part of this project within the steep slope critical area or the steep slope critical area buffer.***

F. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria; ***This requirement is not applicable to this project.***

G. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation; ***This requirement is not applicable to this project.***

H. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification; ***This requirement is not applicable to this project.***

I. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; ***This requirement is not applicable to this project.***

J. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210. ***No new areas of permanent disturbance are expected as part of this project. All areas of temporary disturbance related to trenching, drilling, or staging must be restored pursuant to an approved restoration plan.***

VI. Summary of Technical Reviews

A. Clearing and Grading:

The Clearing and Grading Division of the Planning and Community Development Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VII. Public Notice and Comment

Application Date:	February 1, 2008
Public Notice (500 feet):	March 6, 2008
Minimum Comment Period:	March 20, 2008

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on March 6, 2008. It was mailed to property owners within 500 feet of the project site. No comments were received.

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.

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.

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: The proposal includes a combination of trenching and directional drilling to install the new sewer pipeline. Directional drilling will allow the installation of the sewer line without requiring surface trenching within the steep slope area. The proposed project will not cause an excessive impact to the Geologic Hazard Area or it's buffer, or increase an existing safety hazard proposed by the steep slope area.

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

Finding: As discussed in Section V of this report, the proposal meets the performance standards of LUC Section 20.25H.055.C.2 for expansion of facilities

into a critical area or it's buffer and LUC Section 20.25H.125 for areas of geological hazards.

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

Finding: The proposed expansion will improve the existing sewer system service level by connecting an additional 14 residences to the City's sewer system.

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

Finding: No new areas of permanent disturbance are expected as part of this project. All areas of temporary disturbance related to trenching, drilling, or staging must be restored pursuant to an approved restoration plan. A restoration plan for all areas of temporary disturbance is required to be submitted and approved 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 restore the site to it's existing conditions including a three year monitoring plan as outlined in LUC 20.25H.220.H. **See Conditions of Approval in Section X 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 & Vof 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 extend the City's sanitary sewer system to connect to 14 additional residences within the Monthaven neighborhood. The proposal includes the installation of over 560 linear feet of pipeline, within the steep slope critical area and the associated buffer.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit for the modification of steep slopes 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:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	David Pyle, 425-452-2973
Noise Control- BCC 9.18	David Pyle, 425-452-2973

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

1. **Tree Replacement Requirement:** Each tree impacted by construction activity within the steep slope critical area and associated buffer must be replaced at a ratio of 1:1 with a tree species acceptable to the Department of Planning and Community Development. Replacement tree stock shall be a five gallon container and 1 inch caliper stem size.

   Authority: Land Use Code 20.25H.125
   Reviewer: David Pyle, Planning and Community Development Department

2. **Pre-Construction Tree Health Evaluation:** Prior to the commencement of construction the contractor shall have an ISA Certified Arborist complete a tree health evaluation report for each tree adjacent to the proposed sewer line within the steep slope or steep slope buffer that will not be completely removed as part of the project. The reports shall be submitted to the City before the commencement of construction. The tree health evaluation reports for trees adjacent to the path of directional drilling that are not expected to be impacted are not required.

   Authority: Land Use Code 20.25H.125
   Reviewer: David Pyle, Planning and Community Development Department

3. **Post-Construction Tree Health Evaluation:** Within two months after the completion of the sewer line construction the contractor shall have an ISA Certified Arborist complete a tree health evaluation report for each tree adjacent to the sewer line within the steep slope and steep slope buffer that was not removed as part of the project. If the report reveals a decline in tree health or condition as a result of construction, the tree shall be replaced in the mitigation area at a ratio of 1:1.

   Authority: Land Use Code 20.25H.125
   Reviewer: David Pyle, Planning and Community Development Department

4. **Trenching Width:** Trenching in the Steep Slope Buffer shall not exceed the width of the sewer easement and shall be restricted to the minimum necessary to achieve the appropriate trench depth.

   Authority: Land Use Code 20.25H.125
   Reviewer: David Pyle, Planning and Community Development Department

5. **Restoration for Areas of Temporary Disturbance:** A restoration plan for those areas of temporary disturbance caused by construction activity including (but not limited to) trenching, machine operation, staging, and stockpiling of materials shall 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: 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: Tom McFarlane, Planning and Community Development Department

7. **Maintenance and Monitoring Required:** The applicant must submit as part of the required Clearing and Grading Permit application a complete maintenance and monitoring plan that identifies how all restoration areas and all trees planted as mitigation will be monitored for a period of three years following the installation of required restoration and mitigation measures. A rate of 90% survival for all trees planted as mitigation is required at year three.

   Authority: Land Use Code 20.25H.220.H
   Reviewer: David Pyle, Planning and Community Development Department

8. **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

XI. Attachments:

1. Site context map- In File
2. Environmental Checklist- In File
3. Site Plan- In File