



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

### DETERMINATION OF NON-SIGNIFICANCE

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**PROPONENT:** Price Oden

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**LOCATION OF PROPOSAL:** 1101 W Lake Sammamish Pkwy NE

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**DESCRIPTION OF PROPOSAL:** The applicant requests a Critical Areas Land Use Permit for Vegetation Management within a steep slope critical are and slope buffer area including the removal of 3 douglas-fir trees, 2 big leaf maple trees, and the installation of native plants as mitigation. Trees were removed without the required permits, and are subject to enforcement action #14-143107-EA

**FILE NUMBERS:** 15-103843-LO      **PLANNER:** David Wong

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on \_\_\_\_\_.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **4/2/2015**
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on \_\_\_\_\_. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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

\_\_\_\_\_  
Environmental Coordinator

\_\_\_\_\_  
**3/19/2015**  
Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

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



City of Bellevue  
Development Services Department  
Land Use Staff Report

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**Proposal Name:** Oden Vegetation Management Plan

**Proposal Address:** 1101 W Lake Sammamish Pkwy NE

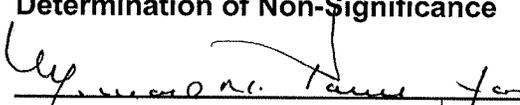
**Proposal Description:** The applicant requests a Critical Areas Land Use Permit for Vegetation Management within a steep slope critical area and slope buffer area including the removal of 3 Douglas-fir trees, 2 big leaf maple trees, and the installation of native plants as mitigation. Trees were removed without the required permits, and are subject to enforcement action #14-143107-EA.

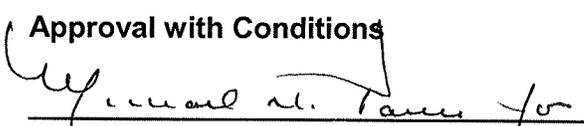
**File Number:** 15-103843-LO

**Applicant:** Price Oden

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

**Planner:** David Wong, Planner

**State Environmental Policy Act  
Threshold Determination:** **Determination of Non-Significance**  
  
Carol V. Helland, Environmental Coordinator  
Development Services Department

**Director's Decision:** **Approval with Conditions**  
  
Carol V. Helland, Land Use Director  
Development Services Department

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Application Date: January 29, 2015  
Notice of Application Publication Date: February 12, 2015  
Decision Publication Date: March 19, 2015  
Project/SEPA Appeal Deadline: April 2, 2015

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

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## Attachments

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

## I. Proposal Description

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

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

## II. Consistency with Land Use Code Requirements:

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

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

Yes  or No

##### Describe:

Plan Preparer's Name: Kenny Booth  
Company: The Watershed Company  
Address: 750 Sixth Street South  
Phone: 425-822-5242  
Email: kbooth@watershedco.com  
Statement of Qualifications: AICP

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

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

Yes  or No

**Describe:** The project site is located at 1011 W Lake Sammamish Pkwy NE in Bellevue, WA (parcel #7431500338). A single-family residence currently occupies the northerly adjacent site and both parcels are under the same ownership. The subject parcel contains steep slope critical areas and their buffers, and is protected by the City's Critical Areas Ordinance. The slope is dominated by forested and scrub-shrub vegetation, with the upper slope dominated by Himalayan blackberry (*Rubus armeniacus*). A small (< 2000SF) Category IV wetland is located in the top portion of the steep slope below the existing retaining wall. This wetland is primarily dominated by reed canary grass, but also includes soft rush (*Juncus effusus*), small-fruited bulrush (*Scirpus microcarpus*), little western bittercrest (*Cardamine oligosperma*), and lady fern (*Athyrium filix-femina*).

##### (2) A site history;

Yes  or No

**Describe:** The total lot size is 0.43 acre and is zoned R-1.8 (single family residential). The project site was developed with a 3390 square-foot single-family dwelling in 1956.

**(3) A discussion of the plan objectives;**

Yes  or No

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

Goals	Objectives
To improve view corridors.	Remove damaged douglas-fir ( <i>Pseudotsuga menziessi</i> ) and replace all removed trees with smaller native trees within the steep slope, steep slope buffer, and wetland.
To minimize the general presence of noxious weed species within on-site portions of the steep slopes and their associate buffers	To remove and control noxious weed species coverage within the 7,000 square-foot area
To increase native species diversity and density	Install approximately 7,500 square feet of native trees, shrubs, and groundcovers

**(4) A description of all sensitive features;**

Yes  or No

**Describe:** The site contains geologic hazard steep slopes, their associated buffers, and an unregulated Category IV wetland.

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

Yes  or No

**Describe:** Soils within and adjacent to the management area are mapped as Alderwood and Kitsap (AkF) that are very steep. This mapping unit is about 50 percent Alderwood gravelly sandy loam and 25 percent Kitsap silt loam with slopes between 25-70 percent (NRCS Soil Survey of King County Area, Washington pg.9).

The slope is dominated by forested and scrub-shrub vegetation composed of douglas-fir (*Pseudotsuga menziesii*) and big-leaf maple (*Acer macrophyllum*), with the upper slope dominated by Himalayan blackberry (*Rubus armeniacus*). The wetland is primarily dominated by reed canary grass (*Phalaris arundinacea*), but also includes soft rush (*Juncus effusus*), small-fruited bulrush (*Scirpus microcarpus*), little western bittercrest (*Cardamine oligosperma*), and lady fern (*Athyrium filix-femina*).

The management plan discusses the potential for habitat associated with species of local importance. No nests associated with bald eagles (*Haliaeetus leucocephalus*), ospreys (*Panion haleaetus*), red-tailed hawks (*Buteo jamaicensis*), pileated woodpeckers (*Dryocopus pileatus*) were identified on site, but the site provides potential perches and other habitat features associated with these species.

**(6) Allowed work windows;**

Yes  or No

**Describe:** The owner plans to conduct all site-prep work between May 1 and September 30. All mitigation planting will be installed between October 1 and March 30, which will meet the recommended installation timing to ensure successful establishment of plant material.

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

Yes  or No

**Describe:** See Attachment 1.

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

Yes  or No

**Describe:** See Attachment 1 for the proposed planting and monitoring plan. These replacement trees, shrubs, and groundcovers will provide erosion control function to stabilize the steep slope and buffers. It will also be beneficial for wildlife habitat functions.

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

Yes  or No

**Describe:** One additional tree is proposed to be snagged due to recent damage during winter storms. Tree removal done under 13-121878-EA is not expected to have an impact to habitat associated with species of local importance.

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

Yes  or No

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

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

Yes  or No

### III. Public Notice and Comment

Application Date: January 29, 2015  
Public Notice (500 feet): February 12, 2015  
Minimum Comment Period: February 26, 2015

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on February 12, 2015. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

### IV. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The attached Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

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

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

- A. The proposal obtains all other permits required by the Land Use Code; and**  
Yes  or No

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

- B. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and**  
Yes  or No

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

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

Yes  or No

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

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

Yes  or No

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

**E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan; and**

Yes  or No

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

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

Yes  or No

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

## **VI. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **Approved with Conditions** the vegetation management plan within the steep slope critical area and buffer at 1014 185<sup>th</sup> Avenue NE.

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

## **VII. Conditions of Approval**

**The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:**

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	David Wong, 425-452-4282
Noise Control- BCC 9.18	David Wong, 425-452-4282

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

**1. Clearing & Grading Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A Clearing & Grading permit must be approved, and plans submitted as part of this permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.25H.220.H

Reviewer: David Wong, Land Use

**2. Clearing Grading Submittal Documents:** In addition to the documents required for a Clearing & Grading in Critical Areas permit, a copy of the final vegetation management plan, monitoring plan, and detailed planting plan must be submitted at time of application.

Authority: Land Use Code 20.30P.140

Reviewer: David Wong, Land Use

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

Authority: Land Use Code 20.30P.140

Reviewer: David Wong, Land Use

**4. Maintenance Surety:** A maintenance surety, based on the cost estimate above is required 20 percent of the total cost for five (5) years of maintenance and monitoring or the cost of the plants. The maintenance surety is required prior to clearing and grading permit issuance.

Authority: Land Use Code 20.30P.140

Reviewer: David Wong, Land Use

**5. Monitoring and Reporting Required:** To ensure establishment occurs and long-term viability is assured, a yearly monitoring report demonstrating compliance with performance standards in the plan shall be submitted to the Development Services Department for a period of five (5) years. This monitoring effort may be shortened to three (3) years at the discretion of the City based on early performance data and evidence that the installation is accordance with the approved vegetation management plan or as amended by the Development Services Department.

The reports can be sent to David Wong at [dwong@bellevuewa.gov](mailto:dwong@bellevuewa.gov) or the address below:

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

Authority: Land Use Code 20.25H.220.H

Reviewer: David Wong, Land Use

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

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Tom McFarlane, Clearing and Grading

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

Authority: Land Use Code 20.25H.220.H

Reviewer: David Wong, Land Use

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

Authority: Bellevue City Code 9.18

Reviewer: David Wong, Land Use