



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

### DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Trudy Holly

**LOCATION OF PROPOSAL:** 5820 155<sup>th</sup> Ave SE

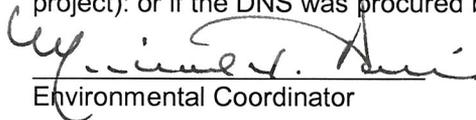
**DESCRIPTION OF PROPOSAL:** Conversion of two previously topped Douglas-fir trees into wildlife snags and replanting of nine native trees as mitigation.

**FILE NUMBERS:** 15-113168-LO      **PLANNER:** dwong@bellevuewa.gov

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 **8/13/2015**
- 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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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

7/30/2015  
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:** Fan Landscape

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

**Proposal Description:** The applicant requests a Critical Areas Land Use Permit for Vegetation Management to convert two previously topped Douglas-fir trees into wildlife snags. The plan also includes a replanting plan using native species.

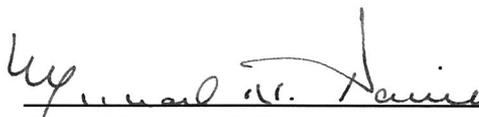
**File Number:** 15-113168-LO

**Applicant:** Trudy Holly

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

**Planner:** David Wong, Land Use Planner

**State Environmental Policy Act  
Threshold Determination:** Determination of Non-Significance

  
\_\_\_\_\_  
Carol V. Helland, Environmental Coordinator  
Development Services Department

**Director's Decision:** Approval with Conditions

  
\_\_\_\_\_  
Carol V. Helland, Land Use Director  
Development Services Department

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Application Date: May 6, 2015  
Notice of Application Publication Date: June 4, 2015  
Decision Publication Date: July 30, 2015  
Project/SEPA Appeal Deadline: August 13, 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.

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

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

Yes  or No

Describe: The proposal was prepared by Brian K. Gilles, Consulting Arborist PN-0260A

(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 site contains slopes ranging from 40-96% along the easterly portion of the lot. Slope conditions have been documented as degraded due to existence of a previously used logging road and non-native vegetation.

(2) A site history;

Yes  or No

Describe: The site was developed with a single-family residence in 1989. More recently, two Douglas-fir trees (*Pseudotsuga menziesii*) were topped for views of Mt. Rainier.

(3) A discussion of the plan objectives;

Yes  or No

Describe: The objectives of the vegetation management plan are to convert two previously topped Douglas-fir trees into habitat snags; establish native planting to decrease the potential for erosion; and to increase species diversity and understory structure.

(4) A description of all sensitive features;

Yes  or No

Describe: The steep slope area is adjacent to a greenbelt area within the Lakemont Highlands Park & Open Space.

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

Yes  or No

Describe: The site contains beausite gravelly sandy loam (BeD) soils. The vegetation in the vicinity is generally made up of Douglas-fir, red alder (*Alnus rubra*), big leaf maple (*Acer macrophyllum*), red elderberry (*Sambucus racemosa*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), Oregon grape (*Mahonia nervosa*), and trailing blackberry (*Rubus ursinus*). No species of local importance were observed or identified on-site.

(6) Allowed work windows;

Yes  or No

Describe: Work proposed only during dry season (April-August).

(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: A site plan delineating the vegetation management area has been included with the vegetation management plan. No work has been proposed outside of these limits. Tree #61 listed on the site plan has since been removed from consideration due to its location.

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

Yes  or No

Describe: The vegetation management plan includes work to snag and mitigate the previously topped Douglas-fir trees and the invasive species establishment within the vegetation management area. A restoration plan containing replanting of native vegetation has been included with the vegetation management plan, and will increase the function of the steep slope and buffer area by increasing slope stability, increasing species diversity, and providing future habitat opportunities.

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

Yes  or No

Describe: No species of local importance have been identified or observed in the area. The trees proposed for conversion were previously topped for views and have been compromised structurally. Snagging will occur to provide future habitat opportunities.

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

Yes  or No

Describe: Native vegetation planting will occur in the immediate area of the impacts.

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

If yes, describe:

## **II. Public Notice and Comment**

Application Date: April 29, 2015  
Public Notice (500 feet): June 4, 2015  
Minimum Comment Period: June 18, 2015

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on June 4, 2015. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of 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 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.

## **IV. 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 applicant/owner will be responsible for obtaining a Clearing & Grading permit to conduct vegetation management operations.

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

Describe: Restoration work designed according to the City's Critical Areas Handbook will increase the level of function above that which currently exists.

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

Yes  or No

Describe: Work proposed will not alter the existing natural contours and will not result in the need for greater buffers on and off-site.

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

Yes  or No

Describe: The site is currently served by adequate public facilities.

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

Yes  or No

Describe: The mitigation and restoration plan proposed nine (9) native trees to be planted in the vicinity in which the work is occurring. The species of trees were selected from the Critical Areas Handbook. The mitigation and restoration plan also includes a two-year monitoring plan.

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

Yes  or No

Describe: Demonstration of compliance with the other applicable requirements of the Bellevue City Code will be completed under the review of the required clearing and grading permit

## V. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the vegetation management plan within the steep slope critical area.

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

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

Authority: Land Use Code 20.25H.220.H  
Reviewer: David Wong, Land Use

**2. Mitigation and Restoration Plan:** A mitigation and restoration plan conforming to conceptual mitigation and restoration plan submitted with the vegetation management plan, and containing nine (9) native trees selected from the Critical Areas Handbook is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Clearing and Grading Permit.

Authority: Land Use Code 20.25H.220.H  
Reviewer: Planner, Land Use

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

Authority: Land Use Code 20.25H.220.H  
Reviewer: David Wong, Land Use

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

Year 1-3 (from date of plant installation)

100% survival of all installed plants or replanting in following dormant season to reestablish  
100%

No greater than 10% coverage of invasive species in the planting area

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

Environmental Planning Manager  
Development Services Department  
City of Bellevue  
PO Box 90012  
Bellevue, WA 98009-9012  
Authority: Land Use Code 20.25H.220.D  
Reviewer: David Wong, Land Use

**5. Rainy Season restrictions:** Due to the proximity to the steep slope critical area, 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

**6. 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

**7. 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