



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Benjamin Mark, Salish Restoration Associates

LOCATION OF PROPOSAL: 14226 SE 44th St.

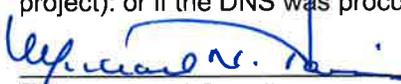
DESCRIPTION OF PROPOSAL: Vegetation management on a steep slope critical area to replant an area of prior tree cutting, removal an unpermitted wall and fill material that was placed on a steep slope.

FILE NUMBERS: 15-118375-LO **PLANNER:** Reilly Pittman

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 **12/17/2015**
- 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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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

12/3/2015
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

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



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Lin Vegetation Management

Proposal Address: 14226 SE 44th St.

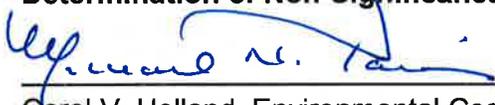
Proposal Description: The applicant requests a Critical Areas Land Use Permit for vegetation management in a steep slope critical area to restore an area of unpermitted tree removal, remove a small retaining wall and restore the area with native plants.

File Number: 15-118375-LO

Applicant: Benjamin Mark, Salish Restoration Associates

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

Planner: Reilly Pittman, Associate 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

Application Date: July 13, 2015
Notice of Application Publication Date: July 30, 2015
Decision Publication Date: December 3, 2015
Project/SEPA Appeal Deadline: December 17, 2015

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. Proposal Description and Context

The applicant is proposing to manage vegetation within a steep slope critical area on their property located at 14303 SE 61st St, in the Factoria subarea. The vegetation management plan will likely replace the habitat values lost from the unpermitted tree cutting, wall construction, fill placement, and clearing that occurred. See figure 1 below for unpermitted work and the restoration proposal through vegetation management.

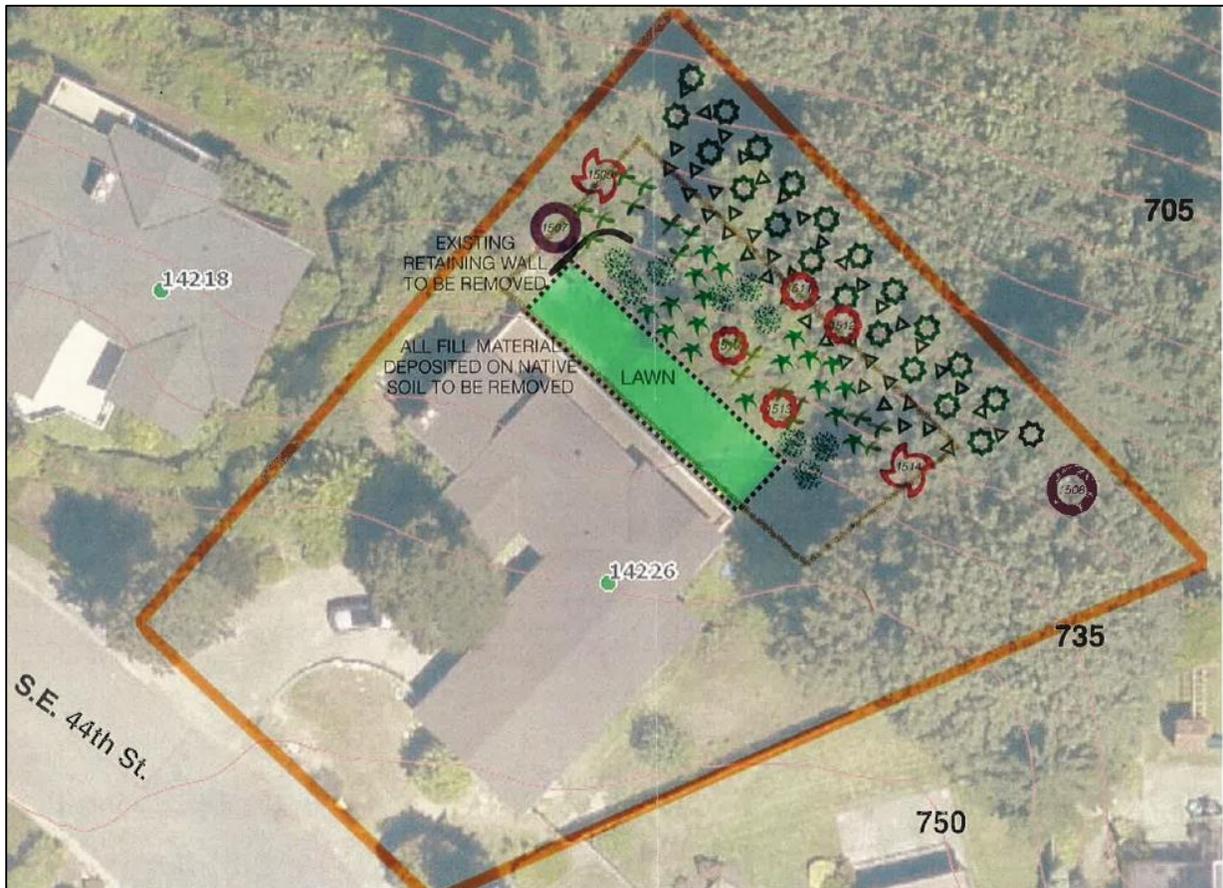


Figure 1

II. 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 applicant contracted with Salish Restoration Services to prepare a vegetation management plan and Aspect Consulting to provide geotechnical assessment.

(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 submitted material describes the site conditions, including the slope trees removed which included two red alders and four big leaf maples. The geotech report describes the block wall and fill placement on the slope that will be removed and the slope grade restored.

(2) A site history;

Yes or No

Describe: The plan describes the vegetation removal that occurred and nature of the steep slope.

(3) A discussion of the plan objectives;

Yes or No

Describe: The objectives of the plan are to remove the fill material that was placed on the steep slope, remove the wall, and restore the area with vegetation. This area, primarily below the top-of-slope will be restored with native vegetation. Ornamental plants and lawn will be placed above the top-of-slope to replace the landscaping that existed prior to the work. The objectives are to increase erosion control and limit invasive species. The plan proposes replanting of the area to replace the lost evapotranspiration ability and slope stabilization functions that were provided by the vegetation removed.

(4) A description of all sensitive features;

Yes or No

Describe: The steep slope is the only sensitive feature and is described in the plan.

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

Yes or No

Describe: The plan identifies the existing vegetation, soils, and the stability of the slope. The area is highly developed and the steep slope modified as a result of the construction of the plat. Additional fill material was placed on the slope that will be removed.

(6) Allowed work windows;

Yes or No

Describe: Some planting may occur during the rainy season, however the work to remove the wall and fill must occur outside the rainy season.

(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: The vegetation management plan includes a detailed site and planting plan that will be implemented to restore vegetation to the slope.

(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 discussion above under Item 3 above.

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

Yes or No

Describe: The area is developed and trees remain in vicinity. There is no connection to any habitat corridors and remaining trees preserve opportunity to provide habitat.

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

Yes or No

Describe: Not applicable

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: No covenants have been submitted or stated to exist.

III. Public Notice and Comment

Application Date: July 13, 2015
Public Notice (500 feet): July 30, 2015
Minimum Comment Period: August 13, 2015

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on July 30, 2015. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public during the notice period.

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 applicant is required to obtain a Clearing and Grading in Critical Areas (GJ) permit to perform the proposed vegetation management.
- 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 proposed vegetation management plan was developed by a qualified professional and describes the best available techniques for planting native trees and shrubs and sustaining a native landscape.
- 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 I above, the applicant has complied with the performance standards for vegetation management.

- 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 within the City of Bellevue and is served by adequate public facilities. Nothing in the proposal will increase the need for public services at the property.

- 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 includes a plan to remove fill and a retaining wall and replant native vegetation.

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

Yes or No

Describe: The applicant has complied with the code by requesting Critical Areas Land Use Permit approval. The applicant shall also apply for and obtain a clearing and grading permit to carry out the proposed vegetation management.

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 **approve with conditions** the vegetation management plan within the steep slope critical area at 14226 SE 44st St.

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 | Janney Gwo, 425-452-6190 |
| Land Use Code- BCC 20.25H | Reilly Pittman, 425-452-4350 |
| Noise Control- BCC 9.18 | Reilly Pittman, 425-452-4350 |

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

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 grading, building, or utility permit. To ensure execution of the required performance standards and required mitigation planting within the critical area buffer the open permit 15-118377-GJ is required to be issued.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 2. Maintenance and Monitoring:** Any planting area outlined in the mitigation plan shall be maintained and monitored for a total of three (3) years. Annual monitoring reports must to be submitted to the City of Bellevue's Land Use Division for three years at the end of each growing season. Photos from designated photo points suggested by the applicant and approved by the City shall be included in the monitoring reports to document continued success. The following simple schedule and performance standards apply and are evaluated in the report for each year:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- 0% coverage of invasive plants in planting area

Year 2 (from date of plant installation)

- At least 90% survival of all originally installed material
- Less than 5% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3 (from date of plant installation)

- At least 85% survival of all originally installed material
- At least 35%
- Less than 5% coverage by invasive species or non-native/ornamental vegetation

The reports can be sent to Reilly Pittman at rpittman@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: Reilly Pittman, Development Services Department

- 3. Temporary Irrigation Required:** The plan shall include provision for temporary irrigation sufficient to guarantee establishment success of all mitigation and restoration areas. Irrigation must be shown to be provided prior to issuance of the clearing and grading permit.

Authority: Land Use Code 20.25H.210
Reviewer: Reilly Pittman, Development Services Department

- 4. Land Use Inspection Required:** Inspection of the required mitigation planting must be completed by the land use planner as part of the final inspection of the clearing and grading permit. See how to request an inspection at: http://www.bellevuewa.gov/schedule_an_inspection.htm

Authority: Land Use Code 20.25H.210
Reviewer: Reilly Pittman, Development Services Department

- 7. Noise related to construction:** Noise from 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 at least one week prior to the date the specific exemption is required.

Authority: Bellevue City Code 9.18
Reviewer: Reilly Pittman, Development Services Department



Vegetation Management Plan

Prepared for:

Yaofu Lin
14266 SE 44th St Bellevue, WA 98006

For property located:

14266 SE 44th St Bellevue, WA 98006

Prepared by:

Benjamin Mark
ISA Certified Arborist #PN-6976A
PNW- ISA Certified Tree Risk Assessor #861

Prepared on:

June 24, 2015



Summary

Objective

To prepare a planting and tree protection plan to offset evapotranspiration capacity and slope stability lost in removal of trees in a critical area buffer (steep slope) pursuant to guidelines laid out in the City of Bellevue Land Use Code 20.10-20.50.

Methodology

Rainwater interception and evapotranspiration rates are calculated based on the research in:

- Gash, J.H.C. and Shuttleworth, W.J., 2007. Benchmark Papers in Hydrology: Evaporation. IAHS Press, Wallingford
- Liu and Liu., 2008. A Rainfall Interception Model for Inhomogeneous Forest Canopy. *Frontiers of Forestry in China* Volume 3, Number 1, 50-57
- Hinman, 2005., Low Impact Development Technical Guidance Manual, WSU

In addition to the above research, I used my 15 years of professional experience in the field of arboriculture and my formal education in restoration horticulture, Puget Sound ecology, and urban forestry to interpret data and make the following recommendations.

Observations

The property is on SE 44th St and is bordered to the northeast by Eastgate Park in South East Bellevue. The homeowner recently removed two Red Alders *Alnus rubra* and four Big Leaf Maples *Acer macrophylla* near a steep slope within a critical areas buffer zone. Pursuant to a request for voluntary compliance issued on April 21, 2015 by the City of Bellevue (14-125706-EA) the homeowner contacted me to help secure the permits needed.

The upper end of estimates for interception of rain water in the canopy of this type of forest is 50-60%. The rest reaches the ground by stem flow and through fall. Water that is able to be absorbed by the roots of plants is stored in their tissues or vaporized into the atmosphere through transpiration. To offset the loss of storm water management provided by this canopy cover, a strategy of protecting trees and soil structure as well as planting a mix of native trees and shrubs on the hillside should be implemented.



(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.

Planting should be done in the cool autumn months for best retention rates. Irrigation to establish the plants will be most efficient if planting is done in October. Cutting down competing Himalayan Blackberry around the planting area should continue until the installed plants are mature.

The deciduous canopy cover lost with these trees removed was approximately 3500 sf. No evergreen or coniferous trees were removed. Replanting with the proposed landscape plan should replace canopy coverage lost in the next several seasons. Western Red Cedars are recommended due to their relatively fast bushy growth and lower mature height. Also, by virtue of their dense evergreen coniferous canopies, Cedars are able to hold much more water in their canopies during the rainy winter season. Salal planted at the top of the slope will help maintain slope stability and provide cover to crowd out invasive plant species.

The canopy area should be increased by planting 21x 1 gallon Western Red Cedars along the north east property line on 10 foot centers. Given an 80% viability rate after ten years, these juvenile cedars will provide approximately 1700 additional sq. ft. of evergreen cover.

Careful selection and installation of plant material can add benefits of erosion control, reduced subsurface flow, and nutrient cycling at the root level which will reduce the volume of rainwater reaching the local waterways. Planting 45 Salal in the restoration area will provide a dense network of roots and given 80% viability in five years, should be able to outcompete invasive plant species. In addition to planting, on going removal of Himalayan Blackberry and trimming down grasses and perennials is recommended to prevent them from over taking the newly planted material.



Conclusions and Recommendations

The canopy cover lost with these trees removed was approximately 3500 sf. of deciduous cover. Replanting with the proposed landscape plan should replace canopy coverage lost in the next several seasons. Cedars are recommended due to their relatively fast bushy growth and lower mature height. Because they are evergreen, Cedars are able to hold much more water in their canopies during the rainy winter season than the previous deciduous canopy. Salal planted on the slope will help maintain slope stability and provide cover to crowd out invasive plant species.

This area should be increased by planting 21x 1 gallon Western Red Cedars along the north east property line on 10 foot centers. Given an 80% viability rate after ten years, these juvenile cedars will provide approximately 1700 additional sq. ft. of year round cover.

Careful selection and installation of plant material can add benefits of erosion control, reduced subsurface flow, and nutrient cycling at the root level which will reduce the volume of rainwater reaching the local waterways. Planting 45 Salal in the restoration area will provide a dense network of roots and given 80% viability in five years, should be able to outcompete invasive plant species. In addition to planting, on going removal of Himalayan Blackberry and trimming down grasses and perennials is recommended to prevent them from over taking the newly planted material.

Waiver of Liability

Although some trees without defects fail in major storms, the presence of any defect will increase the chances of failure. Each species has its own profile of defects. Some factors that must be considered include the species' growth habit, tree condition, branch attachments, resistance to decay, condition of anchoring roots, cultural or maintenance history, and previous damage. In addition, the severity of any defects found should be considered. Other factors related to the site such as intensity of use, soil condition, and prevailing winds must be considered in conjunction with the defects present when assessing the potential for failure. Any individual factor can directly impact tree safety (or, more often, multiple factors impact the tree's failure potential). The size of the tree or tree part that may fail is also important. Usually, the tallest, most exposed tree and tree parts are of greatest concern.

Assessment data provided by Salish Restoration Associates (SRA) is based on data recorded at the time of inspection. SRA is not responsible for discovery or identification of risks observed or recorded after field data was collected. Records may not remain accurate after assessment due to variable deterioration of assessment material. SRA provides no warranty with respect to the fitness of the urban forest for any use or purpose whatsoever.



Vegetation management plan supplemental narrative to satisfy LUC 20.25H.055.C.3.i.v

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

The Lin residence is located off of SE 44th St in the Somerset neighborhood and is near Eastgate Park. The house is located at the top of a steep slope. Two Red Alders *Alnus rubra* and four Big Leaf Maples *Acer macrophylla* were recently removed from the critical area buffer established to maintain slope stability.

(2) A site history;

This has been an occupied single family residence since 1977. Recent grading and landscaping has been done on this property for a parking area.

(3) A discussion of the plan objectives;

This VMP is designed to restore and improve environmental services lost when the trees were removed.

(4) A description of all sensitive features;

The north east side of the property slopes down to a ravine in Eastgate Park. Recent grade changes have been made and a failing retaining wall is present at the crest of the slope. The

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

The soils on this slope are a typical glacial till structure below a layer of deposited organic matter. A greenbelt of approximately 40 acres borders the NE edge of this property.

(6) Allowed work windows;

Ideally all planting would be done in October to allow plants to establish roots in the rainy season.

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

See site plan

Site Plan

14226 SE 44th St. Bellevue, WA 98006

Critical Areas Land Use



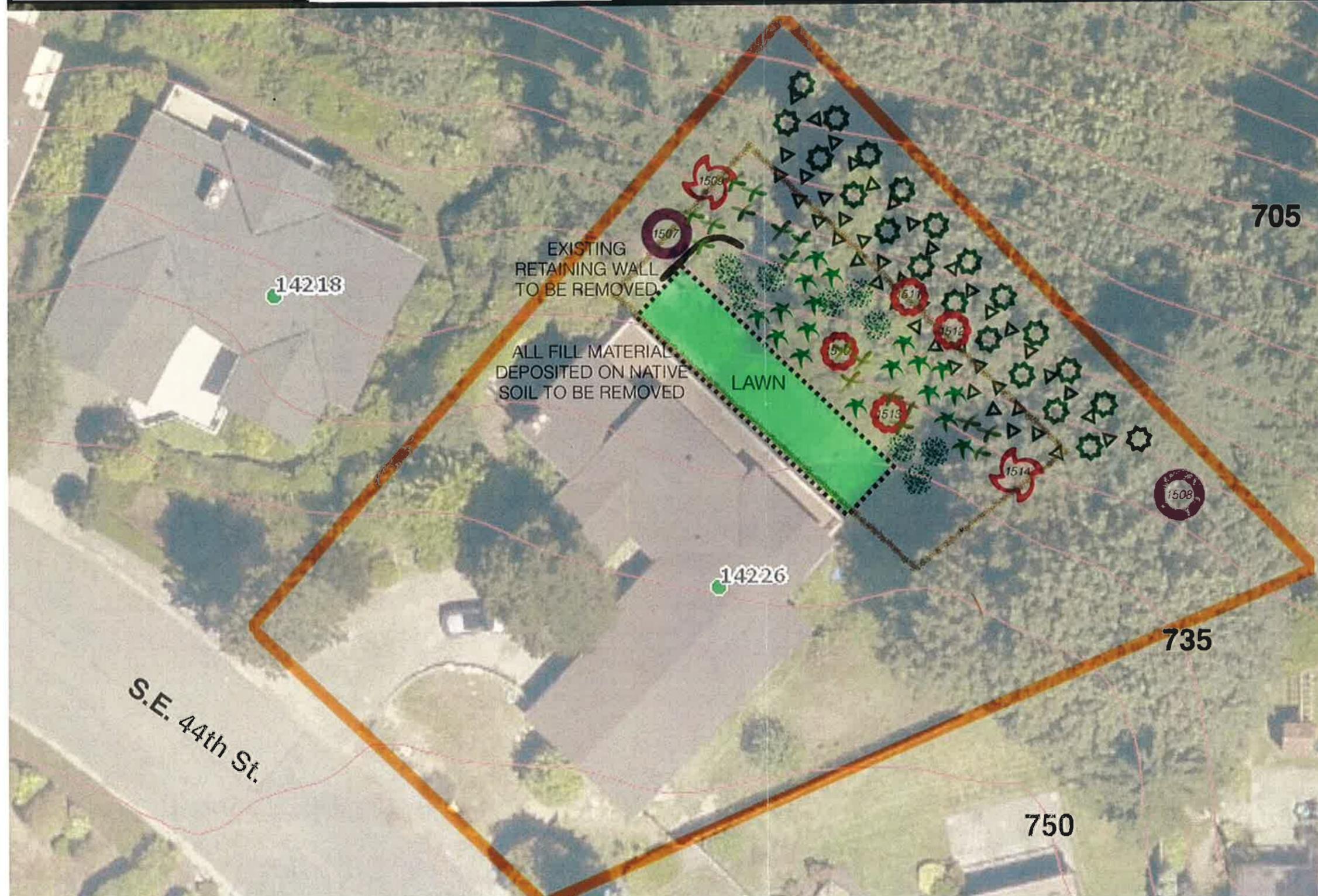
| ID Number | Symbol | Species | Size (DBH) | Health |
|-----------|--------|---|------------|-----------|
| 1507 | ○ | Douglas Fir <i>Pseudotsuga mucronata</i> | 45" | Excellent |
| 1508 | ○ | Douglas Fir <i>Pseudotsuga mucronata</i> | 42" | Excellent |

Notes: REVISED NOV. 20



SALISH RESTORATION ASSOCIATES
23606 101ST AVE W EDMONDS, WA
206.617.7661

Prepared by: Benjamin Mark Date: 6/25/2015



| Significant Trees Removed | | | |
|---------------------------|--------|------------|------|
| ID | Symbol | Species | Size |
| 1509 | ⬮ | Alnus rub. | 27" |
| 1510 | ○ | Acer mac. | 10" |
| 1511 | ○ | Acer mac. | 42" |
| 1512 | ○ | Acer mac. | 36" |
| 1513 | ○ | Acer mac. | 24" |
| 1514 | ⬮ | Alnus rub. | 24" |

| Planting schedule | | | |
|-------------------|--|--------|----------|
| Symbol | Species | Size | Quantity |
| ▷▷ | Sand Caulophora spicata | 1 gal. | 40 |
| ⊗ | Western Red Cedar <i>Taxus plicata</i> 'Hedges' | 2 gal. | 21 |
| ✕✕ | Mock Orange <i>Philadelphus lewisii</i> | 1 gal. | 15 |
| ✦ | Sword Fern <i>Polydichum nudum</i> | 1 gal. | 18 |
| ⊗ | Evergreen Huckleberry <i>Macchia spatum</i> | 2 gal. | 9 |

Received
NOV 24 2015

Permit Processing