



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Leigh Anne Barr

LOCATION OF PROPOSAL: 2401 100th Ave SE

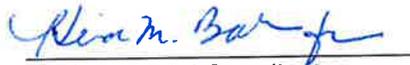
DESCRIPTION OF PROPOSAL: Critical Areas Land Use Permit for Vegetation Management to revegetate a degraded steep slope. The proposal includes removal of seven (7) trees that have been topped and a restoration plan for approximately 1,390 square feet of native plantings.

FILE NUMBERS: 16-131309-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 **10/27/2016**
- 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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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
Carol V. Helland

10/13/2016
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: **Bruckner Critical Area**

Proposal Address: **2401 100th Ave SE**

Proposal Description: Critical Areas Land Use Permit for Vegetation Management to revegetate a degraded steep slope. The proposal includes removal of seven (7) trees that have been topped and a restoration plan for approximately 1,390 square feet of native plantings.

File Number: **16-131309-LO**

Applicant: **Leigh Anne Barr**

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

Application Date: April 29, 2016
Notice of Application Publication Date: July 28, 2016
Decision Publication Date: October 13, 2016
Project/SEPA Appeal Deadline: October 27, 2016

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

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit approval to remove seven (7) topped trees and revegetate degraded steep slope that currently exists on-site. The proposal includes revegetation of approximately 1,390 square feet of steep slope and steep slope buffer with native trees, shrubs, and groundcovers. Additional ornamental landscaping has been included on the site but will be located outside of the critical area and critical area buffer.

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: Leah Anne Barr

Company: Sander Groves Landscape

Address: 20018 NE 50th St

Phone: 425-766-2366

Email: leighanne@sandergroves.com

Statement of Qualifications: Professional Landscape Designer

(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 2401 100th Ave SE in Bellevue, WA (parcel #0824059084). A single-family residence currently occupies the eastern half of the site. The subject parcel contains a steep slope critical area, shoreline, and shoreline buffer, and is protected by the City's Critical Areas and Shoreline Ordinances. The slope contains seven (7) trees, six (6) ponderosa pines (*Pinus ponderosa*) and one (1) deodar cedar (*Cedrus deodara*), that have been previously topped for electric utility line clearance requirements. In addition to the trees that exist, the slope also contains several ornamental species that are interspersed with English ivy (*Hedera helix*).

(2) A site history;

Yes or No

Describe: The total lot size is 0.51 acres and is zoned R-1.8 (single family residential). The single-family residence was constructed in 1962 and renovated in 2014.

(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 and associated buffers. The management plan also includes the following specific goals and objectives:

Goals	Objectives
Reduce pruning requirements by Puget Sound Energy	Remove trees that have been topped and replace with appropriately-sized native trees and understory vegetation

(4) A description of all sensitive features;

Yes or No

Describe: The site contains geologic hazard steep slope, shoreline, and shoreline buffer. Slope is approximately 1,390 square feet in size. The property abuts Lake Washington, a shoreline of the state.

(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 Kitsap silt loam, 15-30 percent slopes. In addition to the trees that have been topped, the slope is dominated by ornamental species and non-native species common of residential landscapes. The slope is highly degraded and is assumed to have low habitat value for species of local importance.

(6) Allowed work windows;

Yes or No

Describe: The owner plans to conduct all work between May 1 and September 30.

(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. The replacement trees, shrubs, and groundcovers will provide erosion control function to stabilize the steep slope and buffers. It will also be beneficial for restoring wildlife habitat functions and improving stormwater function. See Section VII for conditions of approval.

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

Yes or No

Describe: The proposal requests seven (7) trees to be removed; six (6) ponderosa pines (*Pinus ponderosa*) and one (1) deodar cedar (*Cedrus deodara*). All trees listed have been previously topped for electric utility line clearance and will never be able to achieve natural growth height or form.

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:	March 23, 2016
Public Notice (500 feet):	April 28, 2016
Minimum Comment Period:	May 12, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on April 28, 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. See Section VII for conditions of approval.

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 and ornamental landscaping with new, native trees, shrubs, and groundcovers. A hold harmless agreement will be required. See Section VII for conditions of approval.

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. A monitoring report shall be provided to ensure the mitigation planting plan's success. See Section VII for conditions of approval.

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 includes a restoration plan. See Section VII for conditions of approval related to monitoring and reporting associated with the restoration 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 & 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 **approve with conditions** the vegetation management plan within the steep slope critical area and buffer at 14014 SE 44th 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	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. 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.

The reports can be sent to David Wong at 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

4. 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

5. Hold Harmless Agreement: The applicant must submit as part of the required Clearing and Grading Permit a signed, notarized, and recorded copy of the City's Hold Harmless Agreement.

Authority: Land Use Code 20.30P.170

Reviewer: David Wong, Land Use

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

REVISIONS	BY

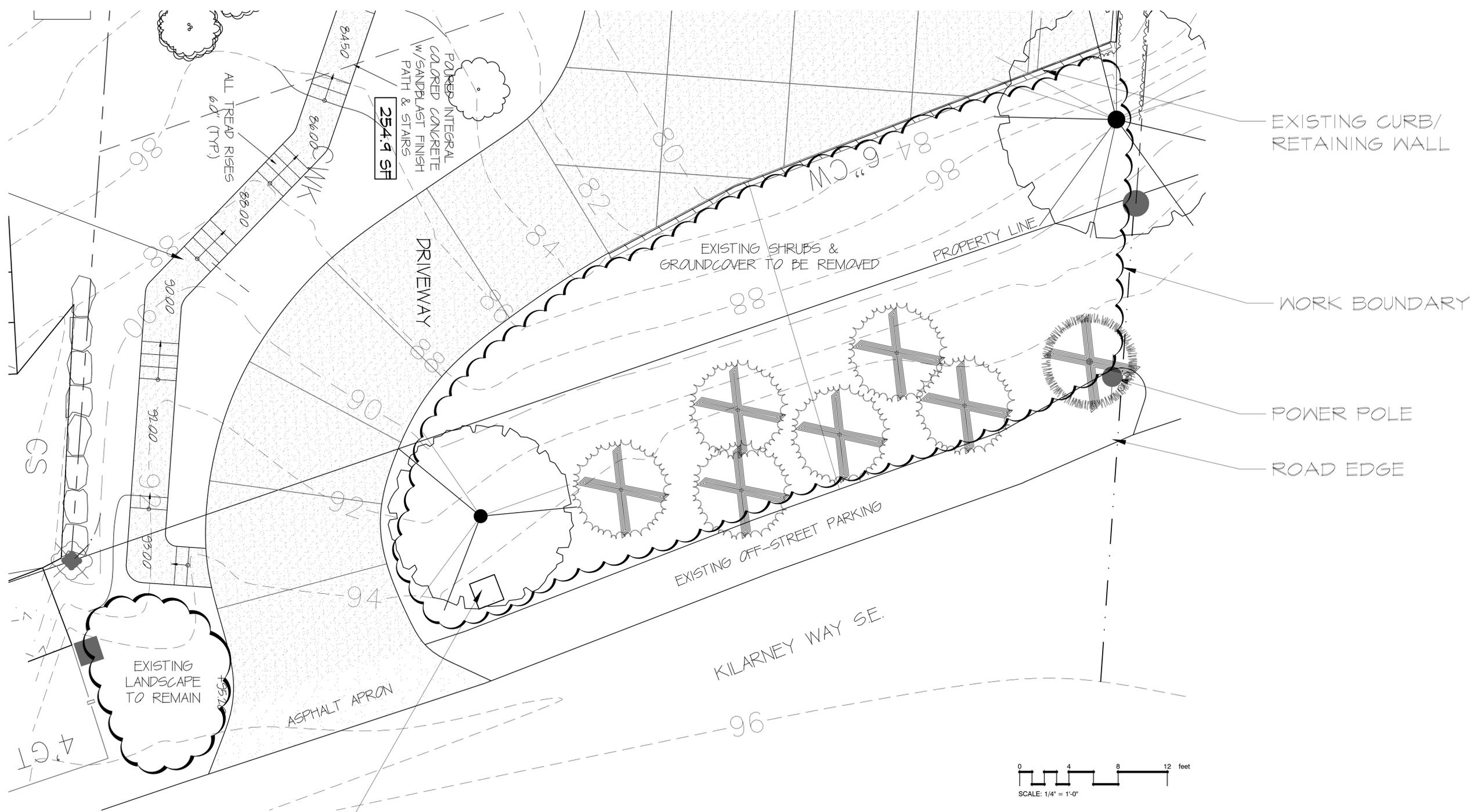


SANDER GROVES LANDSCAPING
 20018 NE 50TH ST
 REDMOND, WA 98053
 TEL: 425-868-2200
 FAX: 425-868-4212

BRUCKNER RESIDENCE
 2401 KILLARNEY WAY BELLEVUE, WA 98004
 SITE PLAN



DATE	4/15/16
SCALE	1/4" = 1'-0"
DRAWN BY	LB
SHEET	1 OF 1



EXISTING CURB/
RETAINING WALL

WORK BOUNDARY

POWER POLE

ROAD EDGE

EXISTING SHRUBS &
GROUNDCOVER TO BE REMOVED

PROPERTY LINE

EXISTING OFF-STREET PARKING

KILARNEY WAY SE.

POLISHED INTEGRAL
COLORED CONCRETE
W/SANDBLAST FINISH
PATH & STAIRS
254.4 SF

ALL TREAD RISES
6" (TYP)

DRIVEWAY

ASPHALT APRON

EXISTING LANDSCAPE
TO REMAIN

EXISTING ADDRESS SIGN

PLANT_SCHEDULE_EXISTING_TREES

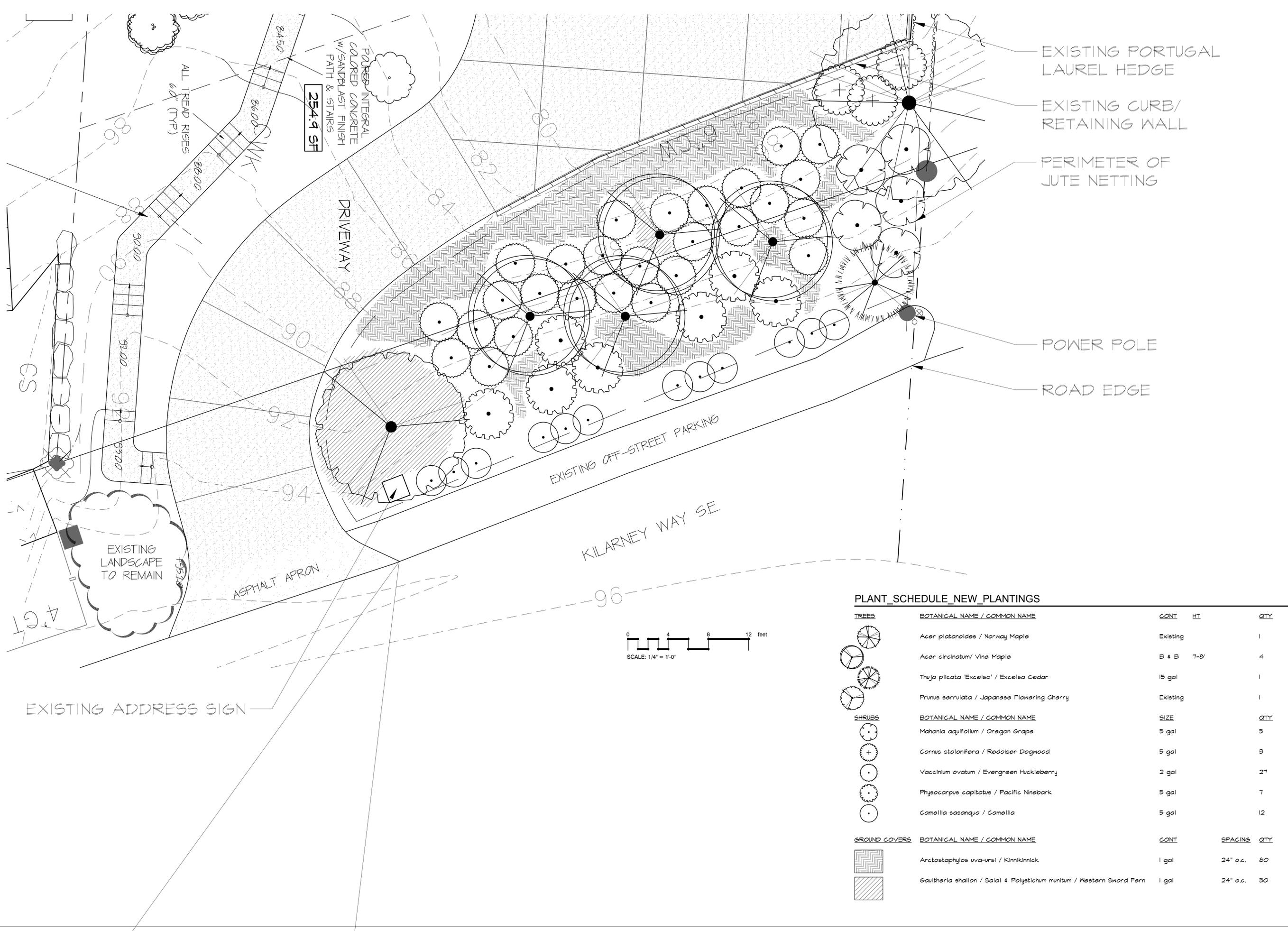
TREES	BOTANICAL NAME / COMMON NAME	CONT.	QTY.
	<i>Acer platanoides</i> / Norway Maple	Remain	1
	<i>Cedrus deodara</i> / Deodar Cedar	Remove	1
	<i>Pinus ponderosa</i> / Ponderosa Pine	Remove	6
	<i>Prunus serrulata</i> / Japanese Flowering Cherry	Remain	1



SANDER GROVES
LANDSCAPING

20018 NE 50TH ST
REDMOND, WA 98053
TEL: 425-868-2200
FAX: 425-868-4212

BRUCKNER RESIDENCE
2401 100TH AVE SE BELLEVUE, WA 98004
PROPOSED LANDSCAPE PLAN



EXISTING PORTUGAL
LAUREL HEDGE

EXISTING CURB/
RETAINING WALL

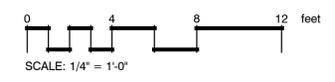
PERIMETER OF
JUTE NETTING

POWER POLE

ROAD EDGE

PLANT_SCHEDULE_NEW_PLANTINGS

TREES	BOTANICAL NAME / COMMON NAME	CONT	HT	QTY
	<i>Acer platanoides</i> / Norway Maple	Existing		1
	<i>Acer circinatum</i> / Vine Maple	B & B	7-8'	4
	<i>Thuja plicata</i> 'Excelsa' / Excelsa Cedar	15 gal		1
	<i>Prunus serrulata</i> / Japanese Flowering Cherry	Existing		1
SHRUBS	BOTANICAL NAME / COMMON NAME	SIZE		QTY
	<i>Mahonia aquifolium</i> / Oregon Grape	5 gal		5
	<i>Cornus stolonifera</i> / Redoiser Dogwood	5 gal		3
	<i>Vaccinium ovatum</i> / Evergreen Huckleberry	2 gal		27
	<i>Physocarpus capitatus</i> / Pacific Ninebark	5 gal		7
	<i>Camellia sasanqua</i> / Camellia	5 gal		12
GROUND COVERS	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY
	<i>Arctostaphylos uva-ursi</i> / Kinnikinnick	1 gal	24" o.c.	80
	<i>Gaultheria shallon</i> / Salal & <i>Polystichum munitum</i> / Western Sword Fern	1 gal	24" o.c.	30



254.9 SF

POURED INTEGRAL
COLORED CONCRETE
W/SANDPLAST FINISH
PATH & STAIRS

ALL TREAD RISES
6" (TYP)

DRIVEWAY

EXISTING OFF-STREET PARKING

KILARNEY WAY SE

ASPHALT APRON

EXISTING
LANDSCAPE
TO REMAIN

EXISTING ADDRESS SIGN