



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

Proposal Name: City of Bellevue Tree Removal

Proposal Address: 355 118th Ave. SE

Proposal Description: The applicant requests a Critical Areas Land Use Permit in order to remove 9 Cottonwood trees with roots intruding into the City storm drainage system. Restoration of temporary disturbance will include replanting 3 trees onsite and 6 trees offsite.

File Number: 08-136146-LO

Applicant: Don McQuilliams,
City of Bellevue, Utilities Department

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

Planner: Carol Saari, Senior Planner *CSaari*

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department

By: *Carol V. Helland*
Carol V. Helland, Land Use Director

Application Date: December 5, 2008
Notice of Application Publication Date: January 8, 2009
Decision Publication Date: March 26, 2009
Project/SEPA Appeal Deadline: April 9, 2009

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 p.m. on the date noted for appeal of the decision.

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Attachments

- A – Vicinity Map
- B – Plan and Profile Views

I. Proposal Description

The City of Bellevue Utilities Department requests approval of a Critical Areas Land Use Permit to perform work within a critical slope buffer. The applicant proposes to remove 9 Cottonwood trees (6-14" diameter inches, 20-25' height) with roots intruding into the City storm drainage system (12" pipe).¹ The Cottonwood trees are located within the 50-foot buffer of a critical slope (25-45' from the top of the slope). Trees will be cut at ground level and the stumps will be ground, then treated with Garlon² to prevent resprouting. There will be no removal of the roots. Trees will be removed by hand or by the use of a lift truck, so as to not unnecessarily disturb the soil.



Restoration of temporary disturbance will include replanting 3 Douglas fir trees (6-8' installed height) onsite and 6 Douglas fir trees (6-8' installed height) offsite within the same drainage basin, Sturtevant Creek Drainage Basin. There is not enough room at the project location to plant all 9 trees (at a 1:1 replacement ratio) given the size of mature canopies.

The applicant has provided a Vegetation Management Plan consistent with the applicable elements described in LUC 20.25H.055.C.3.i.v. See Section III. A Vegetation Management Plan is considered an allowed use within a critical area, pursuant to LUC 20.25H.055. The proposal is required to meet the performance standards for vegetation management and geologic hazard area steep slopes. In addition, the proposal must be consistent with the decision criteria for a critical areas land use permit.

See Attachments A and B.

II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project site is located on a sloped bank adjacent to the railroad corridor (south of the Wilburton Bridge). The area of the work (removal and replanting) covers approximately 800 square feet, although this entire area will not be disturbed. The project site is located behind office buildings which front on 118th Ave. SE. It is likely that the steep slopes associated with this site were excavated at the time of the construction of the railroad. The buffer where the trees will be removed has a slope of approximately 20% slope; it is approximately 50 lineal feet from the railroad and approximately 20 feet in elevation above the railroad grade. The subject trees to be removed are approximately 15 feet from the closest office building.

¹ Although the trees are not considered unhealthy, they are considered a hazard due to the intrusion of roots into the City's storm drainage system.

² Garlon is an herbicide used to control of hard-to-kill deciduous trees, pine and broadleaf weeds. Garlon is non-residual in the soil and degrades quickly in the environment.

The 9 Cottonwood trees reside within the buffer of the steep slope. These Cottonwood trees have grown as volunteer trees and have not been maintained in any degree over time. The undergrowth in this area is predominantly Blackberry with little to no native species present. This slope appears to hold low value as a sensitive area beyond the 40% grade that designates it as a critical area. Due to the location of the Cottonwood tree removal, it is barely visible to those passing by on 118th Ave. SE. The Cottonwood trees are located at the corner of two office buildings and a parking lot. There is a line of Douglas fir trees (20-25' in height) running east-west along the north property line which provides substantial vegetative buffer between the office buildings.

B. Zoning and Land Use Context

The property is zoned Office/Transition. Multi-family development (R-20 zoning) is located to the east of 118th Ave. SE. Office/Transition zoning is located to the north, south and west. This is a well established mixed neighborhood (office/multi-family residential), suburban in character, with buildings setback from the street and well maintained landscaped areas. The site is approximately 500 feet southwest of the Bellevue Botanical Gardens.

C. Critical Areas Functions and Values

Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the Office/Transition zoning district. The dimensional requirements of LUC 20.20.010 are not applicable for a vegetation management plan since there are no structures proposed.

B. Critical Areas Requirements LUC 20.25H:

Per LUC 20.25H.055.C.3.v (A) and (B),³ a Vegetation Management Plan is required for the removal of the 9 Cottonwood trees:

Applicant's Vegetation Management Plan

(A) The Vegetation Management Plan shall be prepared by a qualified professional.

Response: The Vegetation Management Plan was prepared by Don McQuilliams, Utilities Department. ISA Certified Arborist PN1202A, Certified Tree Risk Assessor 358.

(B) The Vegetation Management Plan shall include:

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

Response: As discussed above, the nine Cottonwoods reside on the top of the slope along the east side of the steep slope. These Cottonwoods have grown as volunteer trees and have not been maintained in any degree over time. The undergrowth in this area is predominantly Blackberry with little to no native species present. This slope appears to hold low value as a sensitive area beyond the 40% grade that designates it as a critical area. The critical slope is between the Cottonwoods/office buildings and the railroad tracks, approximately 20 feet elevation below this area. The site has critical function and value to maintain the slope and provide habitat.

Due to the location of the cottonwood tree removal, it is barely visible to those passing by on 118th Ave. SE. The cottonwoods are located at the corner of two office buildings and a parking lot. There is a line of Douglas fir trees (20-25' in height) running east-west along the north property line which provides substantial vegetative buffer between the office buildings.

The Cottonwood group currently occupies approximately 800 square feet of deciduous canopy cover. After removal, 3 new Douglas firs will be installed, initially 6-8' in height, as close to, but within a reasonable distance of existing underground utilities to minimize future root intrusion. Within 10-15 years, these trees should exceed the current canopy coverage. See condition X.1.

Planting of fewer trees with initial larger stock will allow for increased survival into the future while recognizing that underground utilities (12" storm pipe) are in conflict with growing a large number of trees at this location.

³ Land Use Code 20.25H.055.C.3.v. Vegetation Management Plan: Maintenance for Utility, Transportation, Parks and Public Facility Projects. Vegetation may be periodically removed from the critical area or critical area buffer as part of an ongoing routine maintenance plan for utility, transportation, park and other public facility projects allowed pursuant to subsection B of this section. Such removal shall be pursuant to a Vegetation Management Plan meeting the requirements of this subsection.

- (2) A site history.

Response: The site work is adjacent to the railroad (approximately 50 lineal feet away). The critical slopes were likely created during construction of the railroad. In the last 20-25 years, the immediate area (uphill from the railroad) has developed into office complexes with associated parking lots. The office complexes are approximately 65-80 lineal feet from the railroad and approximately 25 feet in elevation above the railroad grade.

- (3) A discussion of the plan objectives.

Response: The applicant's plan objectives are to remove 9 existing Cottonwood trees that currently have root systems ingrown into the City's Storm and Surface Water infrastructure (12" pipe). These Cottonwoods will be treated with an herbicide to prevent future re-sprouting of the stumps. All stumps will be left in place and ground disturbance will be minimal. Future volunteer trees will be removed or treated as soon as possible to prevent future intrusion of the roots. Restoration of temporary disturbance will include replanting 3 trees onsite and 6 trees offsite.

- (4) A description of all sensitive features.

Response: The sensitive feature on the site is the adjacent critical slope. Mapster shows a critical slope of 44% (16 feet elevation change over 36 lineal feet) with a 50-foot critical area buffer from the top of slope. The proposed work is within approximately 25-45 lineal feet from the top of 40% slope.

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

Response: Soils for the area are classified as AgC & AgD (Alderwood Sandy Gravelly Loams). Existing vegetation, in addition to the Cottonwood trees, is predominately Himalayan Blackberry, an invasive species for the area with little to no native species present on the slope. Associated habitat with growth of this type is small birds, mice, rats, snakes and other small animals.

- (6) Allowed work windows.

Response: Without the removal of the root systems, ground disturbance will be at a minimum. The site is subject to rainy season restrictions, unless an exception is requested and approved by the Clearing and Grading Division. See condition X.2.

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

Response: The area of work will be shown on the submitted Clearing & Grading Permit (XB). A XB permit is required since the applicant is proposing work within a buffer to a critical slope.

- (8) Short- and long-term management prescriptions, including restoration and revegetation requirements. Cleared areas shall be restored and revegetated with native species to the extent such vegetation does not interfere with the function of the allowed structure, trail, facility or system.

Response: Restoration of temporary disturbance will include planting 3 Douglas fir trees onsite and 6 Douglas fir trees offsite. New plantings will be maintained for a three year establishment period. Young trees will be kept free of competing brush and vegetation within the drip-line and supplied water as needed to ensure survival. Trees that do not survive or that are in dire health will be replaced at the earliest opportunity. See condition X.1.

Consistency with Land Use Code Critical Areas Performance Standards:

LUC 20.25H.125 Performance standards – Landslide hazards and steep slopes.

In addition to generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, 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;

Finding: Not applicable.

b. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

Finding: Not applicable. The proposed work is outside of the 40% critical slope, but within the buffer which will be stabilized upon completion of the work.

c. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

Finding: The applicant will install new trees to stabilize the slope. The proposal will not result in greater risk or a need for increased 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;

Finding: Not applicable.

IV. Public Notice and Comment

Application Date: December 5, 2008
Public Notice (500 feet): January 8, 2009
Minimum Comment Period: January 22, 2009

The Notice of Application for this project was published in the King County Journal and the City of Bellevue weekly permit bulletin on January 8, 2009. 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.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. A Clearing & Grading (XB) permit will be required since the work is within the buffer of a critical slope.

Utilities: The Utilities Department is the applicant. This project is necessary in order to remove Cottonwood trees with roots intruding into the City storm drainage system.

Transportation: No concerns.

Fire: No concerns.

VI. State Environmental Policy Act (SEPA)

The project is exempt from environmental review since the work is within the buffer to the critical slope, but not within the actual critical slope which would require environmental review (BCC 22.02.045).

VII. Changes to Proposal due to Staff Review

As a result of City review, the applicant will install 6 new trees within the same drainage basin, Sturtevant Creek, since there is not adequate planting area at the project site. This mitigation will further the environmental habitat and function within the drainage basin.

VIII. Decision Criteria of Land Use Code 20.30P.140

A. Critical Areas Land Use Permit Decision Criteria 20.30P.140

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.

1. The proposal obtains all other permits required by the Land Use Code;

Finding: A Critical Areas Land Use Permit has been applied for as a part of this project. The applicant will need to apply for a Clearing & Grading (XB) permit. A City of Bellevue right-of-way use permit may be required if so determined by the City of Bellevue Transportation Department. No other Land Use permits will be required of this project.

2. 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: Trees will be removed by hand or by the use of a lift truck. All stumps will be left in place and treated with herbicide to prevent sprouting and unnecessary erosion. This will result in the least impact on the critical area buffer. Approximately 800 square feet of coniferous canopy will be removed. Restoration of temporary disturbance (replanting trees) also help maintain the critical area buffer. See condition X.1. 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.” See condition X.3.

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

Finding: A Vegetation Management plan is included which meets this requirement. The proposal has incorporated the applicable standards as contained in Section III.

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

Finding: The project is proposed to remove roots from the City storm drainage system. No other utilities are affected or will be required for this project.

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

Finding: Restoration of temporary disturbance will include replanting of 3 trees onsite and 6 trees offsite, within the same drainage basin. This restoration plan is included within the Vegetation Management Plan above.

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

Finding: As discussed in Sections III.A and B of this report, the proposal complies with all other applicable requirements of the Land Use Code. The proposal will be subject to standard noise controls, per BCC 9.16. See condition X.4.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Development Services does hereby **approve with conditions** the proposal to remove 9 Cottonwood trees within the buffer of a critical slope.

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.

X. 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	Carol Saari, 425-452-2731
Noise Control- BCC 9.18	Carol Saari, 425-452-2731

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

1. Restoration for Areas of Temporary Disturbance: A restoration plan for all areas of temporary disturbance is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Clearing & Grading (XB) Permit. The plan shall include:

- a) Documentation of existing site conditions.
- b) Restoration measures to return the site to its existing conditions per LUC 20.25H.220.H and the submitted Vegetation Management Plan, to include:
 - i. New plantings shall be maintained for a three year establishment period.
 - ii. Young trees shall be kept free of competing brush and vegetation within the drip-line and supplied water as needed to ensure survival.
 - iii. Trees that do not survive or that are in dire health shall be replaced at the earliest opportunity.
 - iv. The plan shall document the total area of permanent disturbance and area of new critical area buffer to satisfy a replacement ratio of 1:1.
 - v. 3 trees (Douglas fir, minimum 6-8' installed height) shall be planted onsite and 6 trees (Douglas fir, minimum 6-8' installed height) shall be planted offsite within the same drainage basin, Sturtevant Creek Drainage Basin.
 - vi. Prior to issuance of the Clearing & Grading Permit, the applicant shall receive approval for the location of the 6 trees to be planted offsite.

Authority: Land Use Code 20.25H.220.H
Reviewer: Carol Saari, Development Services Department

2. Rainy Season restrictions: Due to the proximity to the critical 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 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: Janney Gwo, Development Services Department

3. 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: Carol Saari, Development Services Department

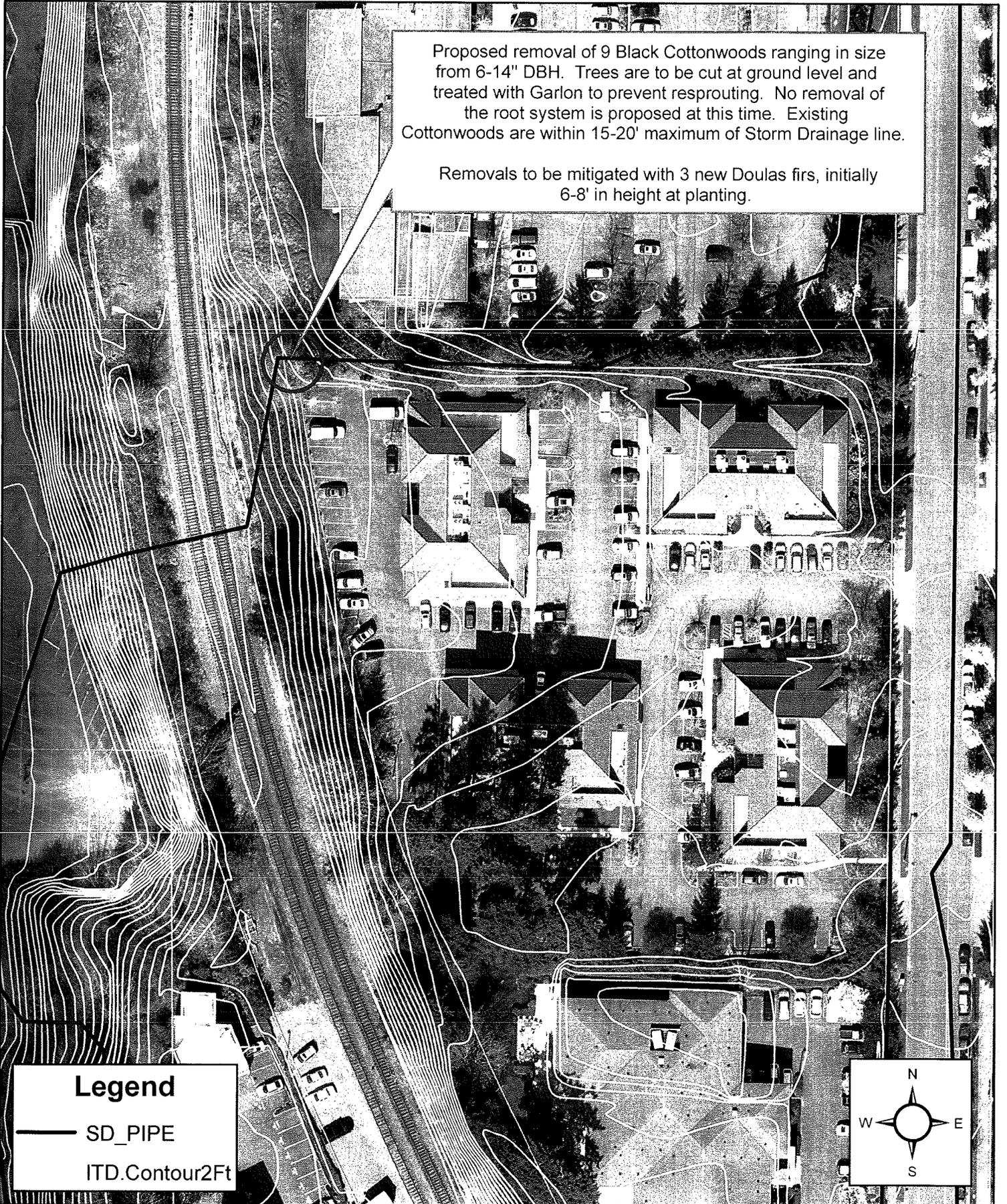
4. Noise Control: The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code.

Authority: Bellevue City Code 9.18
Reviewer: Carol Saari, Development Services Department

355 118th Ave SE Tree Removal & Replacement

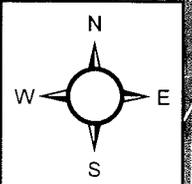
Proposed removal of 9 Black Cottonwoods ranging in size from 6-14" DBH. Trees are to be cut at ground level and treated with Garlon to prevent resprouting. No removal of the root system is proposed at this time. Existing Cottonwoods are within 15-20' maximum of Storm Drainage line.

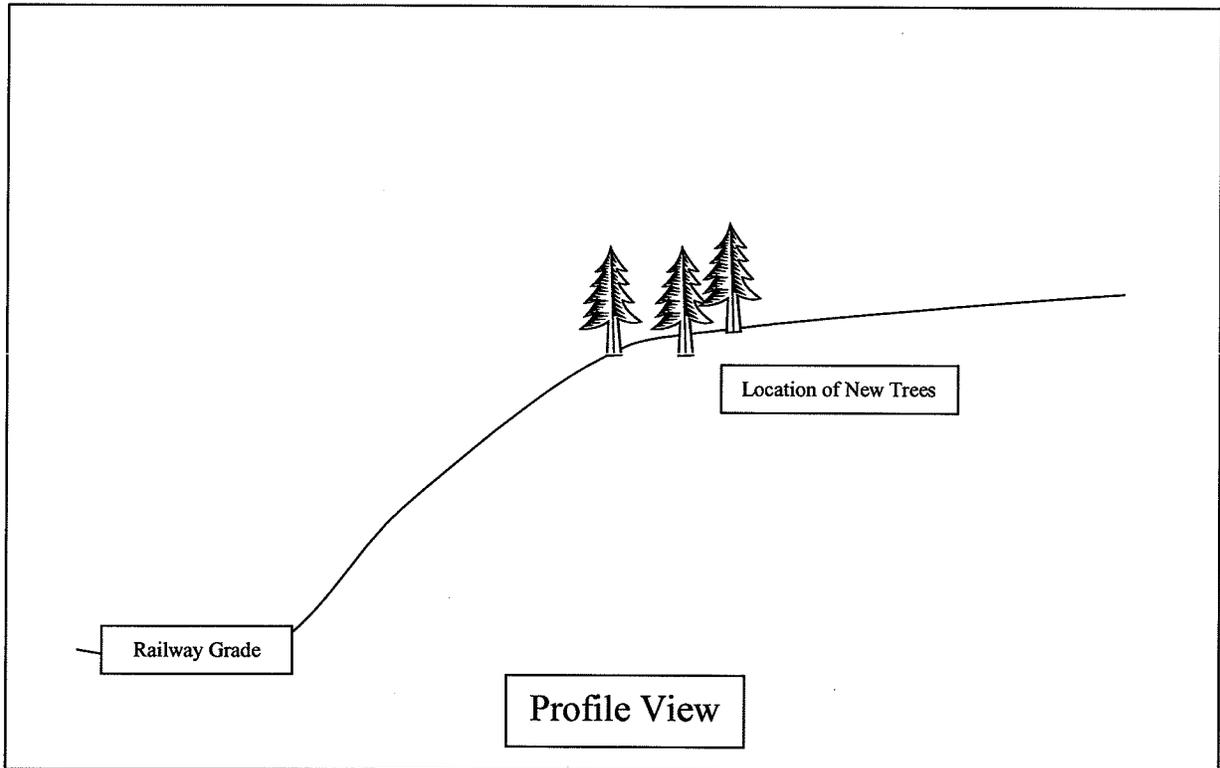
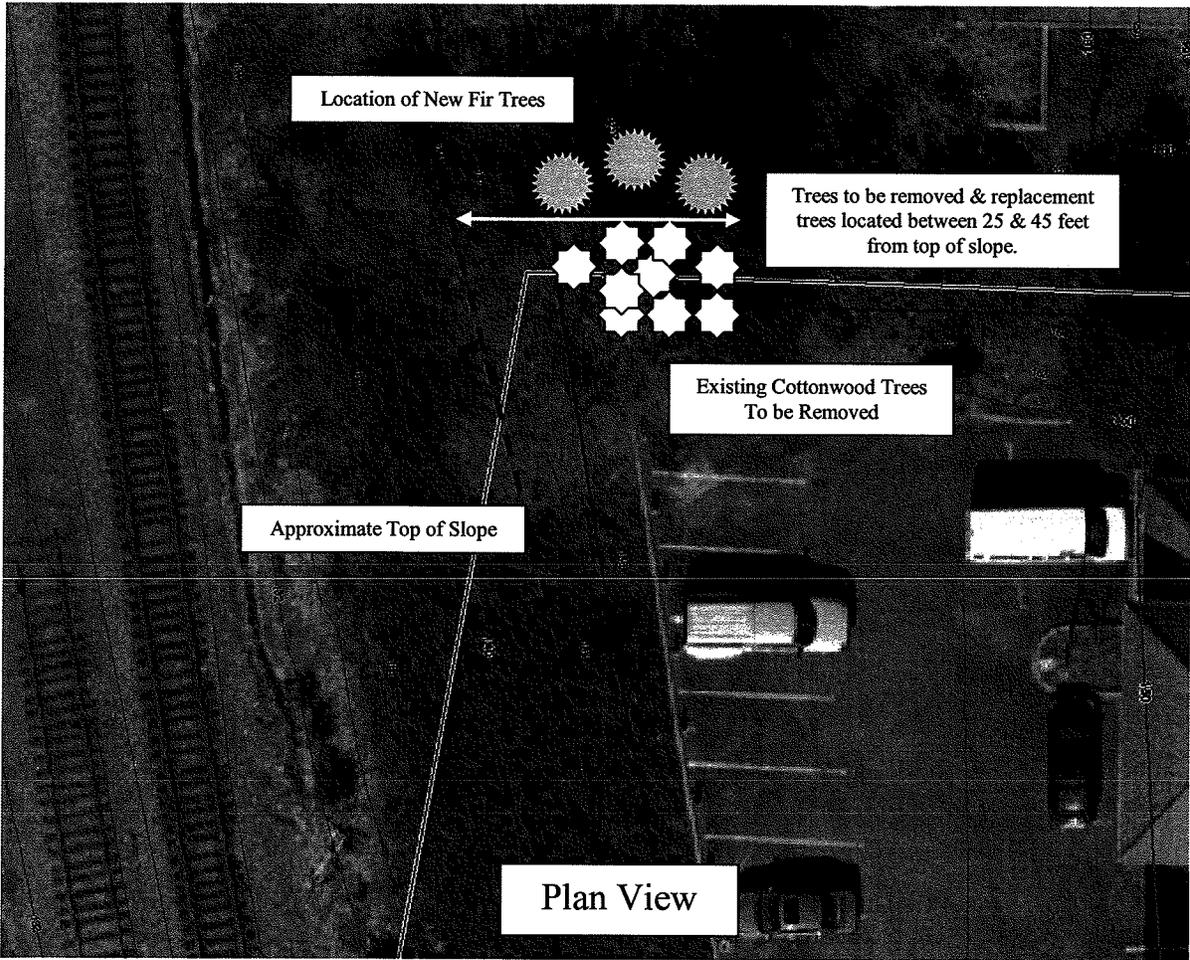
Removals to be mitigated with 3 new Douglas firs, initially 6-8' in height at planting.



Legend

- SD_PIPE
- ITD.Contour2Ft





118th Ave NE Cottonwood Removal/Replacement