



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

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**Proposal Name:** King County Vegetation Management Plan

**Proposal Address:** 12114 SE 47<sup>th</sup> Street

**Proposal Description:** The applicant requests a Critical Areas Land Use Permit for vegetation management in a Type N stream corridor to mitigate for the removal of 9 cottonwood trees.

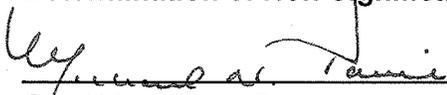
**File Number:** 09-104805-LO

**Applicant:** King County Real Estate Services,  
Richard Ouellet

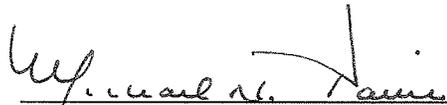
**Decisions Included:** Critical Areas Land Use Permit  
(Process II. LUC 20.30P)

**Planner:** Kevin LeClair, 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:	February 5, 2009
Notice of Application Publication Date:	March 12, 2009
Decision Publication Date:	July 23, 2009
Project/SEPA Appeal Deadline:	August 6, 2009

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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.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
 ENVIRONMENTAL COORDINATOR  
 450 100<sup>th</sup> Ave NE., P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

**DETERMINATION OF NON-SIGNIFICANCE**

**PROPONENT:** King County Real Estate Services, Richard Ouellet

**LOCATION OF PROPOSAL:** 12114 SE 47<sup>th</sup> Street

**NAME & DESCRIPTION OF PROPOSAL:**

The applicant requests a Critical Areas Land Use Permit for vegetation management in a Type N stream corridor to mitigate for the removal of 9 cottonwood trees.

**FILE NUMBER:** 09-104805-LO

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 Department of Planning & Community Development. 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 August 6, 2009.
- 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 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, 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.

*[Handwritten Signature]*  
 Environmental Coordinator

July 23, 2009  
 Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

- State Department of Fish and Wildlife
- State Department of Ecology,
- Army Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe

## CONTENTS

I. Proposal Description.....	1
II. Site Description, Zoning, Land Use and Critical Areas.....	1
III. Consistency with Land Use Code Requirements:.....	3
IV. Public Notice and Comment .....	4
V. Summary of Technical Reviews.....	4
VI. State Environmental Policy Act (SEPA).....	5
VII. Changes to proposal as a result of City review.....	6
VIII. Decision Criteria.....	6
IX. Conclusion and Decision .....	7
X. Conditions of Approval.....	7

### **Attachments**

1. Environmental Checklist
2. Arborist Report and Draft Vegetation Management Plan

## I. Proposal Description

The applicant requests a Critical Areas Land Use Permit for vegetation management in a Type N stream corridor to mitigate for the removal of 9 cottonwood trees.

Land Use Code (LUC) 20.25H.055 specifies that the management of vegetation that does not pose an imminent threat to life or property can be managed through an approved vegetation management plan. The LUC prescribes a 50-foot critical area buffer from the top-of-bank from a Type N stream.

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

### A. Site Description

The project site and property are located in an undeveloped, open space ravine area adjacent to the City's Coal Creek Natural Area. The vegetation on the site is dominated by Himalayan blackberry and sword fern in the understory with several significant black cottonwoods in the overstory. The terrain is characterized by slopes of 25%-35% leading down from ornamental landscape private, residential properties to an unnamed tributary of Coal Creek. The stream itself is an intermittent stream that appears to flow, only during the winter months and during significant rain events.

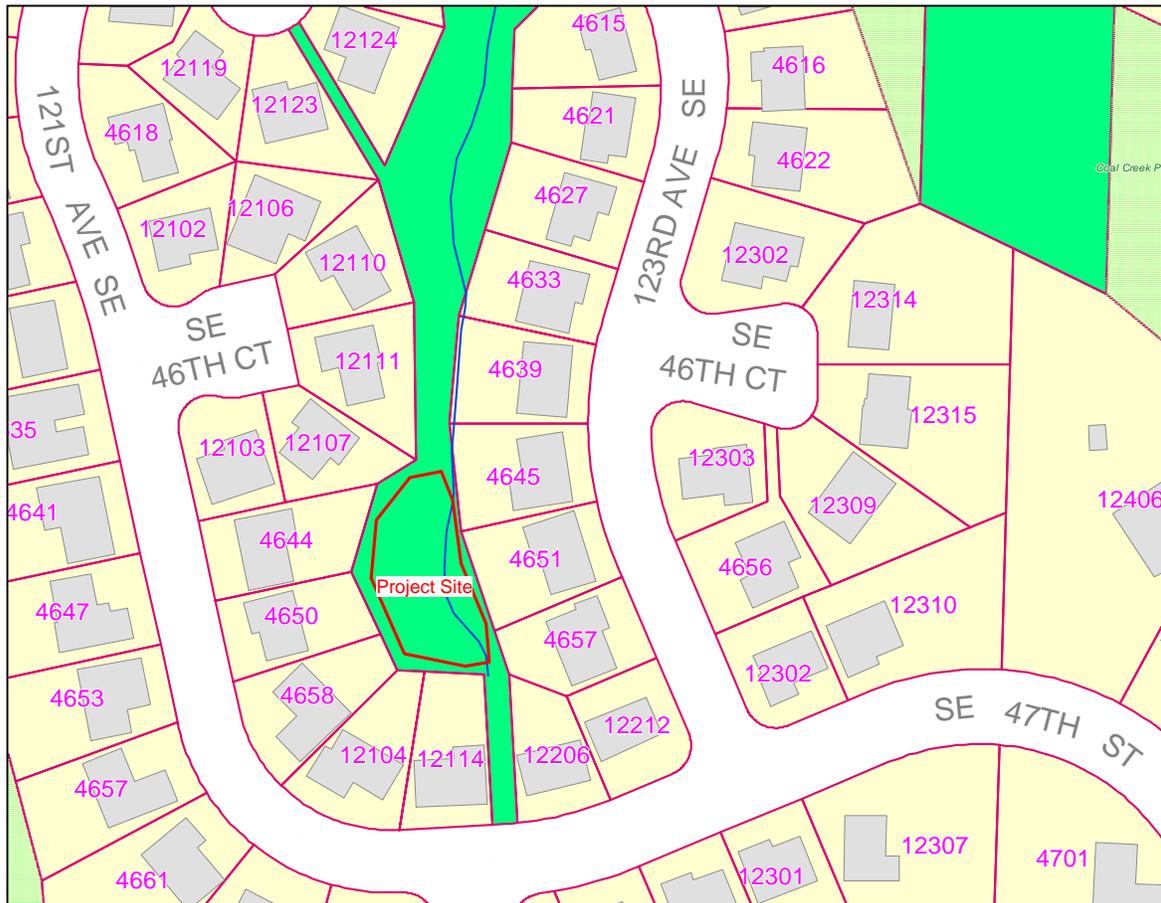


Figure 1: Vicinity Map

**B. Zoning**

The property is zoned R-5. The property is within the Critical Areas Overlay and is regulated by the standards and regulations of the LUC 20.25H due to the presence of a Type N stream.

**C. Land Use Context**

The surrounding development is entirely single-family residential properties.

**D. Critical Areas Functions and Values**

**i. Streams and Riparian Areas**

A healthy aquatic environment relies on processes sustained by dynamic interaction between the stream and the adjacent riparian area. Riparian vegetation along stream banks provides a buffer to help mitigate the impacts of urbanization. Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature.

Riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams. The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods. Upland and wetland areas can infiltrate flood flows, which in turn, are released to the stream as baseflow.

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species. Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated. Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream.

### III. Consistency with Land Use Code Requirements:

#### A. Zoning District Dimensional Requirements:

The site is located in the R-5 zoning district. Because there are no structures proposed for development, the dimensional requirements for the district do not apply.

#### B. Critical Areas Requirements LUC 20.25H:

##### i. Performance Standards for Specific Uses or Development LUC Section 20.25H.055

The Director may approve proposals for vegetation replacement in a critical area buffer, or within a geologic hazard critical area, pursuant to a Vegetation Management Plan (VMP). Vegetation management refers to the modification of vegetation in a critical area or critical area buffer that is not considered routine maintenance under subsection C.3.h of this section. It may be allowed if it meets the requirements of enumerated below. The following discussion describes how the applicant's VMP meets the requirements of the critical areas ordinance. Upon approval of the VMP, the applicant is required to obtain a Clearing and Grading Permit, and comply with all other Land Use Code provisions. In cases where the information was insufficient, the City has supplemented the information.

The applicant's VMP was prepared by International Forestry Consultants, Inc., a qualified professional.

The VMP includes:

1. A description of existing site conditions, including existing critical area functions and values;  
*The applicant's report describes the condition and placement of the significant vegetation communities on the site. It also acknowledges the presence of a stream flowing down through the interior of the property.*
2. A site history;  
*The property is owned and managed by King County Real Estate Services. It is a parcel of land that was set aside from residential development to preserve its natural area characteristics.*
3. A discussion of the plan objectives;  
*The plan states the objectives of 1) Reforesting the site with native conifers, 2) Controlling competing non-native vegetation, 3) Removal and clean-up of the remaining cottonwood sections, 4) Periodic evaluation and assessment of the remaining trees and newly planted vegetation.*
4. A description of all sensitive features;  
*The site contains a Type N stream that originates in the project area from a storm drainage culvert that collects and conveys surface runoff from the roadways surrounding the project site.*
5. Identification of soils, existing vegetation, and habitat associated with species of local importance present on the site;  
*The soils are typical glacial till. Soils are well-drained, rocky with a shallow organic layer on the surface. The vegetation on the site is dominated by Himalayan blackberry, with an overstory of black cottonwood and several bigleaf maples. The habitat value on the site is relatively high given the proximity to the larger and more complex forest community of the Coal Creek Natural Area. The Type N stream in the project site does not support resident fish species, but the water does feed into Coal Creek,*

*which is a salmon-bearing stream.*

6. Allowed work windows;  
*Vegetation removal and modification in the area should be limited to the dry periods of the year, such as the months of June, July, August and September. Any plantings in the area should occur between October 15 and November 30.*
7. A clear delineation of the area within which clearing and other vegetation management practices are allowed under the plan; and  
*The project area is shown in the vicinity map in Figure 1 of this report.*
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.  
*Based on the objectives of the VMP, the removal of the cottonwood trees to prevent future liabilities and establishment of native conifers on the site, the expected functions and values of the stream riparian area are expected to improve over time.*

**ii. Consistency With Land Use Code Critical Areas Performance Standards:**

The specific performance standards for streams enumerated LUC 20.25H.080.A are only applicable to Type S or F streams. Since the stream in the project area is classified as a Type N stream, these performance standards are not applicable.

**IV. Public Notice and Comment**

Application Date: February 5, 2009  
Public Notice (500 feet): March 12, 2009  
Minimum Comment Period: March 26, 2009

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on March 12, 2009. It was mailed to property owners within 500 feet of the project site. No comments were 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 of the Planning and Community Development Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

## **VI. State Environmental Policy Act (SEPA)**

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The 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.

### **A. Earth and Water**

A temporary erosion and sedimentation control plan was not included with the project plans. It would be required to be included with the subsequent clearing and grading permit application and address all requirements for restoring the site to its current condition as well as erosion and sedimentation management practices. Erosion and sediment control best management practices may include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the adjacent stream corridor. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section X for a related condition of approval.

### **B. Animals**

The project site is part of a larger natural area that contains quality habitat for birds and mammals. The proposed vegetation management plan is designed to replace the removed significant trees with different, but more suitable, native conifer trees. The cottonwood tree stumps are scheduled to remain on the site to provide habitat features as they decay and become used as nesting and perch habitat for woodpeckers and other cavity nesting birds. The down woody material is to be left on site to provide coverage for small mammals and amphibians that inhabit or move through the site. See Section X for a related condition of approval.

### **C. Plants**

Mitigation for temporary and permanent disturbance will be reviewed and approved pursuant to a re-vegetation and monitoring plan prior as part of the required subsequent clearing and grading permit. See Section X for related conditions of approval.

### **D. Noise**

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

## **VII. Changes to proposal as a result of City review**

As a result of City review, the following changes were made to the applicant's vegetation management plan.

1. List of tree species for replanting in the area.
2. Monitoring schedules for a period of three years.
3. Maintenance discussion for the restoration planting.
4. Treatment plan for the resulting debris.

## **VIII. Decision Criteria**

### **A. Critical Areas Land Use Permit Decision Criteria 20.30P**

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:** The proposal is required to obtain a clearing and grading permit to conduct any vegetation management activities in the project area.

#### **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:** The project is designed to utilize the best management practices for native area restoration, including plant selection, site preparation, planting techniques, and ongoing monitoring.

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

**Finding:** The applicable performance standards have been incorporated as discussed earlier in Section III of this report.

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

**Finding:** The area is currently served by adequate public facilities. Since there is no change in the need for additional public facilities, the proposal should be adequately served.

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

**Finding:** The proposal is for a Vegetation Management Plan. There is no permanent disturbance that requires a mitigation or restoration plan as described in LUC 20.25H.210.

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

**Finding:** As discussed in Section IV & V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

**IX. 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 Planning and Community Development does hereby **approve with conditions** the proposal to conduct vegetation management within the 50 stream critical area/buffer at the 12114 SE 47<sup>th</sup> Street.

**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	C&G Reviewer, 425-452-2019
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928
Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928

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

**1. Vegetation Management Plan:** A complete vegetation management plan for the project site is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Clearing and Grading Permit. The plan shall include the following items with the required conditions in order to ensure the functions and values of the site are protected and continue to be provided over time.

- a. A detailed site plan that contains information on the project area, property boundaries, topography, and existing vegetative cover. The site plan shall also include a temporary erosion and sedimentation control plan and illustration of access.
- b. A detailed planting plan that includes the species, number of plants, quantity of plants, and size of plants that will be installed in the project. The planting plan must include a minimum of 27 native conifer trees to replace the lost diameter inches and canopy coverage.

- c. A detailed program of ensuring the debris from the tree cutting is sufficiently in ground contact and dispersed to allow successful establishment of newly installed plants.
- d. A set of performance standards that document successful establishment of the native conifer plantings following a three-year period after installation.
- e. A discussion of the expected maintenance activities and frequencies of the activities that would be required to ensure successful establishment and compliance with the performance standards defined in “c” above.

Authority: Land Use Code 20.25H.055.C.3.i.v.  
Reviewer: Kevin LeClair, Development Services Department

**2. Rainy Season restrictions:** Due to the proximity to a Type N Stream critical area, 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: C&G Reviewer, 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: Kevin LeClair, Development Services Department

**4. Noise Control:** The proposal will be subject to normal construction 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. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

Authority: Bellevue City Code 9.18  
Reviewer: Planner, Planning and Community Development Dept

**REVIEWED**

By Kevin LeClair at 8:18 am, Mar 09, 2009

City of Bellevue Submittal Requirements

27a

**ENVIRONMENTAL CHECKLIST**

4/18/02

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

**BACKGROUND INFORMATION**

Property Owner: *King County, Real Estate Services Division*

Proponent: *Richard Duelliet*

SEPA Review associated with Permit 09-104805-LO

Contact Person: *Richard Duelliet*  
(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: *ADM-ES-0500*  
*500 - 4TH AVE, Suite 500, Seattle, WA 98104-2337*

Phone: *206-205-3335*

Proposal Title: *Vegetation Management Plan*

Proposal Location: *12114 SE 47th ST, Bellevue*  
(Street address and nearest cross street or intersection) Provide a legal description if available.

*Parcel # 6072760860*

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: *Mitigate for 9 significant cottonwood trees*
2. Acreage of site: *removed, through on-site replacement*
3. Number of dwelling units/buildings to be demolished: *Does not Apply*
4. Number of dwelling units/buildings to be constructed:
5. Square footage of buildings to be demolished:
6. Square footage of buildings to be constructed:
7. Quantity of earth movement (in cubic yards):
8. Proposed land use:
9. Design features, including building height, number of stories and proposed exterior materials:
10. Other

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FEB 05 2009  
PERMIT PROCESSING

Estimated date of completion of the proposal or timing of phasing: *March 2009*

*Monitor annually for 3 years*

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

*Does not apply*

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

*Arborist Tree Report - prepared by Int'l Forestry Consultants, Inc.*

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

*No*

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

*Do not know*

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

*N/A*

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development  
Preliminary plat map
- Clearing & Grading Permit  
Plan of existing and proposed grading  
Development plans
- Building Permit (or Design Review)  
Site plan  
Clearing & grading plan
- Shoreline Management Permit  
Site plan

Critical Areas Land Use Permit  
09-104805-LO, associated with  
Enforcement Actions 08-135157 and  
08-135944

A. ENVIRONMENTAL ELEMENTS

1. Earth

Slopes leading down to Type N Stream.  
Slopes range from flat to nearly 40%.

a. General description of the site:  Flat  Rolling  Hilly  Steep slopes  Mountains  Other

b. What is the steepest slope on the site (approximate percent slope)? *~ 05%*

c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. *loam*

**REVIEWED**  
By Kevin LeClair at 8:21 am, Mar 09, 2009

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

*No*

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

*Does not apply*

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

*Does not apply*

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

*Does not apply*

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

*Does not apply*

Mulch should be used around mitigation plantings to prevent localized erosion.

## 2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

*Does not apply*

Short term impacts from the operation of chainsaws to complete the tree removals. The trees are already cut and debris is on the ground.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

*Does not apply*

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

*Does not apply*

## 3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If

*Type N stream* 3

**REVIEWED**

By Kevin LeClair at 8:24 am, Mar 09, 2009

appropriate, state what stream or river it flows into.

Stream is un-named.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

*Yes, tree planting*

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

*Does not apply*

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. *No*

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

*No*

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. *No*

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

*Does not apply*

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

*Does not apply*

**REVIEWED**

**By Kevin LeClair at 8:27 am, Mar 09, 2009**

c. Water Runoff (Including storm water)

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

*Does not apply.*

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

*Does not apply*

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

*Does not apply*

4. Plants

- a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other *black cottonwood*
- evergreen tree: fir, cedar, pine, other
- shrubs *black berry*
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other *none identified*
- water plants: water lily, eelgrass, milfoil, other *none identified*
- other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

*black berry*

Cottonwood trees were topped to 40-50 feet in height. Topping has already occurred.

- c. List threatened or endangered species known to be on or near the site.

*Do not know*

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

*native conifer plantings (34 trees) 6' x 8' spacing*

**5. ANIMALS**

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

*Do not know*

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site. *Do not know*

c. Is the site part of a migration route? If so, explain. *Do not know*

d. Proposed measures to preserve or enhance wildlife, if any: *reforestation*

**6. Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

*Does not apply*

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

*Does not apply*

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

*Does not apply*

**7. Environmental Health**

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

*Does not apply*

(1) Describe special emergency services that might be required.

(2) Proposed measures to reduce or control environmental health hazards, if any.

**REVIEWED**

*By Kevin LeClair at 8:29 am, Mar 09, 2009*

b. Noise

*Does not apply*

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?
- (2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

The removal of the trees created some short-term noise from the operation of hand tools. The planting of the mitigation plants should not create any noise.

- (3) Proposed measures to reduce or control noise impacts, if any:

None proposed.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

the property is open space/natural area. The neighboring properties are residential.

*Residential*

- b. Has the site been used for agriculture? If so, describe.

*No*

- c. Describe any structures on the site.

*None - green belt*

- d. Will any structures be demolished? If so, what?

*No*

- e. What is the current zoning classification of the site?

City of Bellevue zoning is R-5

*Residential*

- f. What is the current comprehensive plan designation of the site?

*NGPA*

- g. If applicable, what is the current shoreline master program designation of the site?

*N/A*

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

*critical area*

- i. Approximately how many people would reside or work in the completed project?

*N/A*

- j. Approximately how many people would the completed project displace?

*N/A*

- k. Proposed measures to avoid or reduce displacement impacts, if any:

*N/A*

**REVIEWED**  
By Kevin LeClair at 8:33 am, Mar 09, 2009

- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

*N/A*

**9. Housing**

*Does not apply*

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
- c. Proposed measures to reduce or control housing impacts, if any:

**10. Aesthetics**

*Does not apply*

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

**11. Light and Glare**

*Does not apply*

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?

**REVIEWED**

- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light or glare impacts, if any:

**12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?  

Coal Creek Natural Area has a trail immediately downstream from the project site. The trail crosses the stream with a wooden footbridge.

*None*
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
*No*
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
*N/A*

**13. Historic and Cultural Preservation**

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
*Does not apply*
- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.
- c. Proposed measures to reduce or control impacts, if any:

**14. Transportation**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.  
*Does not apply*
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would be completed project have? How many would the project eliminate?
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
- g. Proposed measures to reduce or control transportation impacts, if any:

**15. Public Services**

*Does not apply*

- a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
- b. Proposed measures to reduce or control direct impacts on public services, if any.

**16. Utilities**

*Does not apply*

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**Signature**

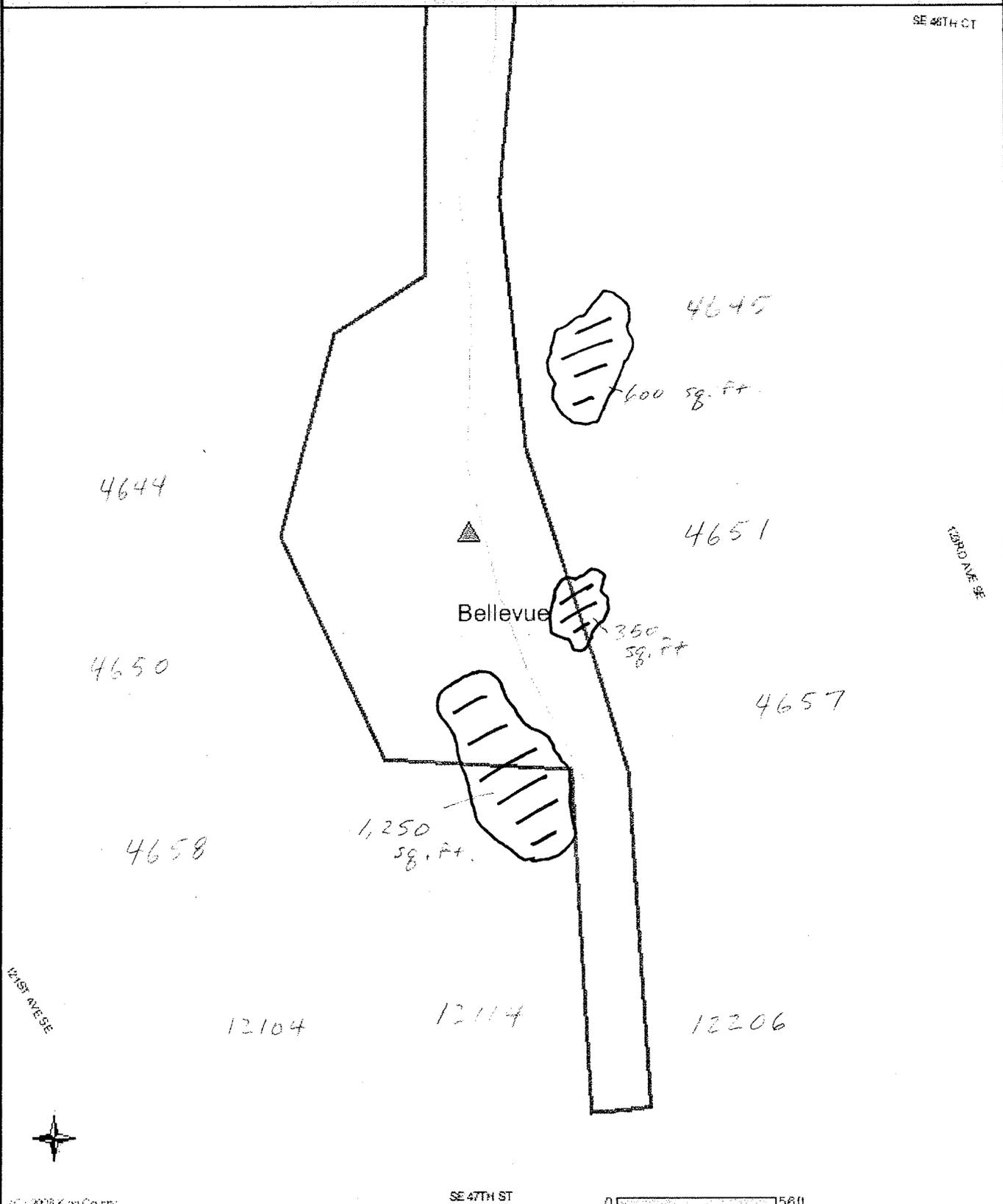
The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature *Bob Layton - Bob Layton, Int'l Forestry Consultants, Inc.*  
 Date Submitted.....

**REVIEWED** *[Signature]*  
 By Kevin LeClair at 8:35 am, Mar 09, 2009

# Newport Park Vegetation Management Plan

SE 4TH CT



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SE 4TH ST

0 56 ft

COMMENTS: Affected Area = 2,200 sq.ft.

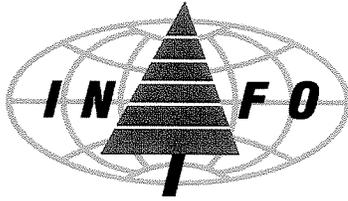
**— APPROXIMATE LIMITS OF AREA**

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Date: 1/2/2009

Source: King County IMAP - Property Information (<http://www.metrokc.gov/GIS/IMAP>)



# International Forestry CONSULTANTS, INC.

11415 NE 128th Street, Suite 110, Kirkland, WA 98034

December 16, 2008

Mr. Richard Ouellet  
King County Real Estate Services Division  
ADM-ES-0500  
500 Fourth Avenue, Suite 500  
Seattle, WA 98104-2337

Dear Mr. Ouellet:

Yesterday at your request, I performed an inspection of the black cottonwood trees that were topped in the greenbelt behind 4645 – 123<sup>rd</sup> Ave. SE, in Bellevue. My assignment is to report on the trees that were topped/removed.

### Description

9 black cottonwood trees were topped at heights between 10' and 30' above ground. 3 of the subject trees were topped on November 6<sup>th</sup>, 2008, behind 4645 – 123<sup>rd</sup> Ave. SE. 6 others were topped several months ago behind 12114 – SE 47<sup>th</sup> Street. Please see attached map of area.

The majority of the trees were on private property, however they were all within the 50' buffer of a type N stream, and critical area. Their removal was in violation of City of Bellevue Clearing and Grading Code 23.76.025.A.5.

Tree Hazard Evaluation Forms have been completed for all of the subject trees. These were compiled based on my experience with the species and their growing characteristics.

All of the subject trees were identified in the field with a numbered aluminum tag. They are described as follows:

#101	black cottonwood	21.5" DBH	topped at 25'
#102	black cottonwood	26.5" DBH	topped at 25'
#103	black cottonwood	11.0" DBH	3' stump
#104	black cottonwood	18.4" DBH	topped at 20'
#105	black cottonwood	15.0" DBH	topped at 30'
#106	black cottonwood	26.5" DBH	topped at 20'
#107	black cottonwood	12.0" DBH	topped at 10'
#108	black cottonwood	31.0" DBH	topped at 15'
#109	black cottonwood	27.0" DBH	topped at 12'

RECEIVED  
FEB 05 2009  
PERMIT PROCESSING

*For a Forester Every Day is Earth Day*

December 16, 2008

Page 2

DBH=diameter at breast height, 4 ½ feet above ground

### Findings

The subject trees are considered semi-mature, estimated to be around 30 to 35 years of age. Black cottonwood is a pioneer species with very fast growth rates.

The larger subject trees have sound lower trunks. The smaller, intermediate trees have decay columns within the lower trunk, which is quite common. Based on neighboring cottonwoods trees remaining at the site, I believe the subject trees were in good health and normal condition. No evidence of root rotting pathogens was identified at the site.

### Discussion

The subject trees were moderate to high-risk trees prior to the topplings. Based on my analysis, prior conditions would have warranted 5 of the 9 subject trees to be deemed high-risk trees, with a high potential to cause sufficient damage from large scaffold limb failures. This is due to their proximity to improvements and associated leans. The other 4 most likely would have been safe to retain at this time, due to their size and locations.

It is true black cottonwood is not an appropriate tree species to retain within reach of improvements, because of the high potential for large limb and trunk failures. This species should only be retained when the target distance is at a minimum, 1 ½ times the height of the tree. Black cottonwood is a pioneer species with fast and vigorous growth rates. The general age of maturity is 60 to 80 years with decline following soon after<sup>1</sup>. Cottonwood decays quite rapidly. Crown failure and the loss of large lateral limbs are typical, especially where the tree is dominant and subject to strong winds. The wood is brittle and breaks easily.

### Recommendations

To mitigate for the loss of tree cover and disturbance to the critical area, a vegetation management plan should be prepared for the site to be implemented in the spring. The plan should include:

1. A prescription to reforest the site with native conifers
2. Control of competing non-native vegetation
3. Removal and clean-up of the remaining cottonwood sections from the subject trees
4. Periodic evaluations/risk assessments of the remaining cottonwood trees at the site

*There is no warranty suggested for any of the trees subject to this report. Weather, latent tree conditions, and future man-caused activities could cause physiologic changes and*

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<sup>1</sup> Dunster, J, A. 2003. *Preliminary Species Profiles for Tree Failure Assessment*. Bowen Island: Dunster and Associates Environmental Consultants Ltd.

December 16, 2008

Page 3

*deteriorating tree condition. Over time, deteriorating tree conditions may appear and there may be conditions, which are not now visible which, could cause tree failure. This report or the verbal comments made at the site in no way warrant the structural stability or long term condition of any tree, but represent my opinion based on the observations made.*

*The client is encouraged to contact his/her local government jurisdiction to get information regarding permits required before removing or trimming trees and shrubs.*

*Nearly all trees in any condition standing within reach of improvements or human use areas represent hazards that could lead to damage or injury.*

Please call if I can be of further assistance.

Sincerely,



Bob Layton  
ISA Certified Arborist #PN-2714A  
Certified tree Risk Assessor #233

Trees #101 and #102



December 16, 2008

Page 4

Trees #105, 106, 107, 108 and 109



Overview



December 16, 2008

Page 5

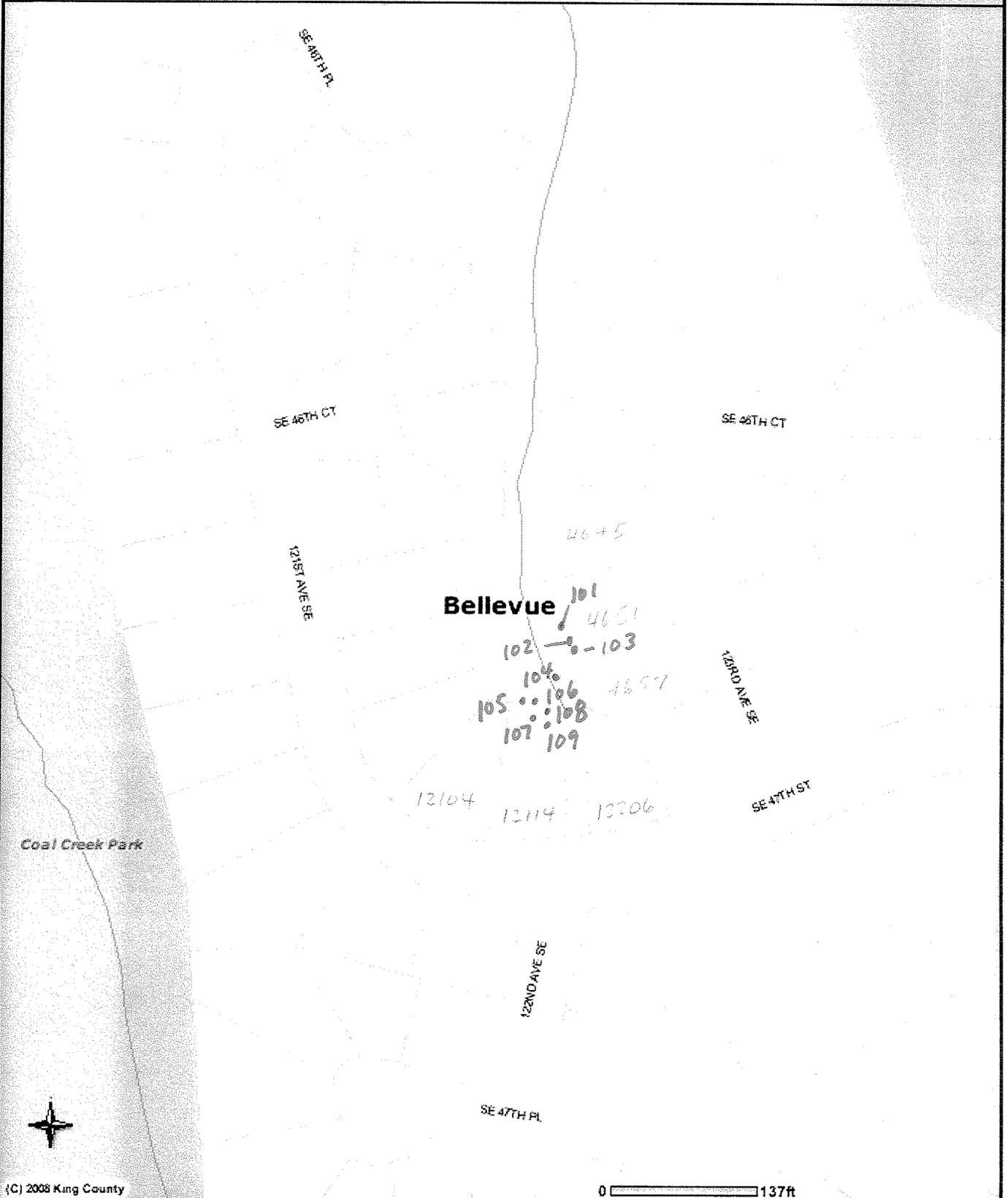
Trees #101 > #103 Taken prior to topping



Trees #101 > #103 Taken prior to topping



# NEWPORT PARK



(C) 2008 King County

0 137ft

COMMENTS: Black cottonwood trees removed without permit

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Date: 12/15/2008 Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)

# NEWPORT PARK



COMMENTS: Black cottonwood trees removed without permit

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Date: 12/15/2008 Source: King County iMAP - Property Information (<http://www.metrokc.gov/GIS/iMAP>)



9/13/07



# Tree Hazard Declaration

Department of Planning & Community Development

This form is required for the removal of hazardous trees within:

- Critical or Protected Areas as defined by Bellevue Land Use Code (LUC 20.25H), i.e. stream corridors, wetlands, steep slopes and floodplains.
- A Native Growth Protection Area (NGPA) or Native Growth Protection Easement (NGPE)
- A Retained Vegetation Area (RVA) (Including Significant Trees required to be retained on non-residential sites).

All the statements below must be checked and attested to by an International Society of Arboriculture CERTIFIED ARBORIST prior to the removal of any tree(s) in the areas listed above.

- The tree(s) proposed for removal have been certified as hazardous.
- The potential target(s) cannot be moved.
- Pruning, partial removal of parts of the tree(s) or other risk mitigation measures will not alleviate the hazard or are not feasible. (Explain what measures were considered and why they were not feasible.)
- A COPY OF A COMPLETED INTERNATIONAL SOCIETY OF ARBORICULTURE "TREE HAZARD EVALUATION FORM" OR AN EQUIVALENT TREE RISK ASSESSMENT MUST BE INCLUDED WITH THIS FORM. ONE TREE HAZARD EVALUATION OR ASSESSMENT MUST BE COMPLETED PER TREE.

Comments:

*Subject trees were all topped prior to evaluating hazard/risk.*

Arborist Contact Information:

Name(Print): Bob Layton Arborist Certification #: PN-2714A  
 Company: INT'L Forestry Consultants, Inc.  
 Phone #: 425-820-3420

Signature of Arborist:

Date:

Bob Layton

12/16/08

**PLEASE NOTE:** If the City of Bellevue does not agree with the Tree Hazard Evaluation provided by your Certified Arborist, the City of Bellevue may contract with a third-party, consulting arborist to evaluate the relative risk of the tree(s), prior to taking action on the permit. The applicant may be responsible for the cost of the third-party evaluation.



RECEIVED  
08 DEC 09 AM 11:16  
REAL ESTATE SERVICES  
SECTION

# REQUEST FOR VOLUNTARY COMPLIANCE

(Bellevue City Code 1.18.030)

DATE: December 5, 2008	CASE NUMBER: 08-135157 and 08-135944
NAME: King County Property Services Division Attention: Richard Ouellet	TENANT:
ADDRESS: 500 4 <sup>th</sup> Ave #500	ADDRESS:
CITY, STATE & ZIP CODE: Seattle, WA 98104	CITY, STATE & ZIP CODE:

LOCATION OF VIOLATION: NEWPORT PARK  
12124 SE 47<sup>th</sup> St  
Bellevue, WA

REPEAT VIOLATION: Yes  NO  Previous Case Number: \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> ANTI-LITTER (BCC 9.11)                                | <input type="checkbox"/> MECHANICAL WITHOUT A PERMIT (BCC 23.05)         |
| <input type="checkbox"/> BUILDING WITHOUT A PERMIT (BCC 23.05)                 | <input type="checkbox"/> NOISE (BCC 9.18)                                |
| <input checked="" type="checkbox"/> CLEAR & GRADE WITHOUT A PERMIT (BCC 23.76) | <input type="checkbox"/> NUISANCE (BCC 9.10)                             |
| <input type="checkbox"/> DANGEROUS BUILDING (BCC 23.10)                        | <input type="checkbox"/> PLUMBING WITHOUT A PERMIT (BCC 23.05)           |
| <input type="checkbox"/> ELECTRICAL WITHOUT A PERMIT (BCC 23.05)               | <input type="checkbox"/> REMODEL WITHOUT A PERMIT (BCC 23.05)            |
| <input type="checkbox"/> HOME OCCUPATION (LUC 20.30N)                          | <input type="checkbox"/> TENANT IMPROVEMENT WITHOUT A PERMIT (BCC 23.05) |
| <input type="checkbox"/> HOUSING CODE (BCC 23.10)                              | <input type="checkbox"/> RV-NON COMMUNITY COUNCIL (BCC 20.20.720)        |
| <input type="checkbox"/> INOPERABLE VEHICLE (LUC 20.20.470)                    | <input type="checkbox"/> RV-COMMUNITY COUNCIL (BCC 20.20.890)            |
| <input checked="" type="checkbox"/> LAND USE (LUC 20.10-20.50)                 |  |

### CODE PROVISIONS VIOLATED

#### 23.76.025 Permit requirements.

A. A clearing and grading permit is required for a project involving any of the following, except as provided for in subsection B of this section. In applying this section, the total proposal must be considered.

1. Any clearing, filling, or excavation in a protected area.
2. Fill and/or excavation totaling over 50 cubic yards. Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site.
3. Over 1,000 square feet of clearing, as measured at the ground level. Clearing includes disturbance of over 1,000 square feet at grade due to felling or topping of trees.
4. Rockeries and modular block walls over four feet in height as measured from the bottom of the base rock or block.
5. The cutting down or topping by more than one quarter of any significant trees that are required to be preserved by a city code, plat condition, or other requirement.

#### Part 20.25H Critical Areas Overlay District

No person shall disturb or modify a critical area without prior land use approval. Disturbance or modification can include, but is not limited to clearing, grading or additions of over 50 cubic yards of material.

DESCRIPTION OF VIOLATION: On November 6, 2008 and December 3, 2008 an inspection of the property revealed the topping and trimming of several trees in Newport Park which has been designated

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as a Critical Area as defined in City of Bellevue Land Use Code 20.25H Critical Areas Overlay District. The topping and trimming was done without a required permit issued by the City of Bellevue and in violation of City of Bellevue Clearing and Grading Code 23.76.025.A.5 and 20.25H Critical Areas Overlay District

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**PERSON RESPONSIBLE FOR VIOLATION:**

Property Owner – King County Property Services Division

**CORRECTIVE ACTION and COMPLIANCE DATE:**

Apply for and obtain all required permits including but not limited to a Landscape Vegetation (GH) permit and a Protected Area Development Exception (LO) permit, please note a SEPA review and a Vegetation Management Plan may also be required for the work performed at the property including but not limited to the topping and trimming of trees on the property in violation of City of Bellevue Code 23.76.025 Clearing and Part 20.25H Critical Areas Overlay District. Upon issuance of all required permit call (425)452-6875 to schedule an inspection of the work performed, inspection to take place within three days of permit issuance.

As discussed at our meeting on December 4, 2008 please note the following dates for compliance.

December 20, 2008 - SEPA checklist and Arborist Hazard Tree Reports completed.  
January 15, 2008 - Restoration Plan completed and contractor chosen.  
February 15, 2008 - Applications for ALL required permits will be submitted once contractor is chosen.

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Please call me at (425)452-4219 to discuss this matter.

**FAILURE TO COMPLY WITH THIS REQUEST FOR VOLUNTARY COMPLIANCE MAY RESULT IN THE ISSUANCE OF A CIVIL VIOLATION NOTICE PURSUANT TO BCC 1.18.040, WHICH BY ISSUANCE SETS A DATE FOR YOU TO APPEAR BEFORE THE CITY'S HEARING EXAMINER AND CARRIES POSSIBLE MONETARY PENALTIES OF UP TO \$500.00 FOR EACH DAY THE VIOLATION(S) CONTINUE TO EXIST. See BCC 1.18.040(E).**

ISSUED BY:

**Elizabeth Krzyminski**

Code Compliance Officer



PHONE: (425)452-4219

EMAIL: [ekrzyminski@bellevuewa.gov](mailto:ekrzyminski@bellevuewa.gov)

*Note: Permit applications are available at Bellevue City Hall in the permit center located at 450 110<sup>th</sup> AV NE., Bellevue (425) 452-6800. Information regarding building permits and inspections available at [www.MyBuildingPermit.com](http://www.MyBuildingPermit.com).*

CC: Bob Chang, 4645 123<sup>rd</sup> Av SE, Bellevue, WA  
Rob Carr, 12124 SE 47<sup>th</sup> St., Bellevue, WA