



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 11511 MAIN ST., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Jordan Lott, J&J Management

LOCATION OF PROPOSAL: 405 114th Ave. NE

NAME & DESCRIPTION OF PROPOSAL: Cordova Building Vegetation Management

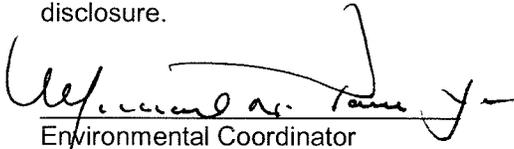
Land Use review of a vegetation management plan for work within the stream buffer of Type-F Sturtevant Creek to address code enforcement action 08-134172-EA. The management plan proposes long term invasive removal, replanting, and regular maintenance to occur within the stream buffer of the section of Sturtevant Creek located on the property.

FILE NUMBER: 09-113167-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 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 10/15/09.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.


 Environmental Coordinator

10/1/2009
 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



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

Proposal Name: Cordova Building Vegetation Management

Proposal Address: 405 114th Ave. SE

Proposal Description: Land Use review of a vegetation management plan for work within the stream buffer of Type-F Sturtevant Creek to address code enforcement action 08-134172-EA. The management plan proposes long term invasive removal, replanting, and regular maintenance to occur within the stream buffer of the section of Sturtevant Creek located on the property.

File Number: 09-113167-LO

Applicant: Kerrie MacArthur, AMEC Geomatrix, Inc.

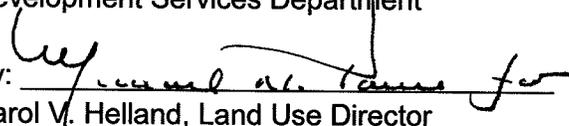
Decisions Included: Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Reilly Pittman, Land Use Planner

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

Carol V. Helland, Environmental Coordinator
Development Services Department

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

Michael A. Brennan, Director
Development Services Department

By: Carol V. Helland, Land Use Director

Application Date: May 7, 2009
Notice of Application Publication: June 11, 2009
Decision Publication Date: October 1, 2009
Project/SEPA Appeal Deadline: October 15, 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 PM on the date noted for appeal of the decision.

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I. Proposal Description

The applicant proposes a vegetation management plan to remove invasive species on the project site and restore the area with vegetation appropriate for a riparian corridor. Sturtevant Creek is a Type-F stream which crosses the site. The groundcover and shrub layer expected in the stream buffer is not present on this site as the understory is dominated by Himalayan Blackberry, Reed Canary Grass, English Ivy, Scotch Broom, and Japanese Knot Weed. This Critical Areas Land Use Permit is meant to establish a long term vegetation management plan for the property under which the site may be maintained and resolve the open code enforcement case (08-134172-EA) for non-permitted vegetation removal within a critical area.

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

A. Site Description

The project site is located at 405 114th Ave. SE in the West Bellevue area of Bellevue. The site is located in the SE quadrant of Section 32, Township 25 North, Range 5 East. The site fronts 114th Ave. SE along the eastern property line, and is surrounded to north, west, and south by other commercial uses. Sturtevant Creek enters the site across the north property line and flows south around and under the existing development. A majority of the subject site is developed with parking and an office building as is a majority of the stream corridor along 114th Ave. SE. See figure 1 for existing site condition.

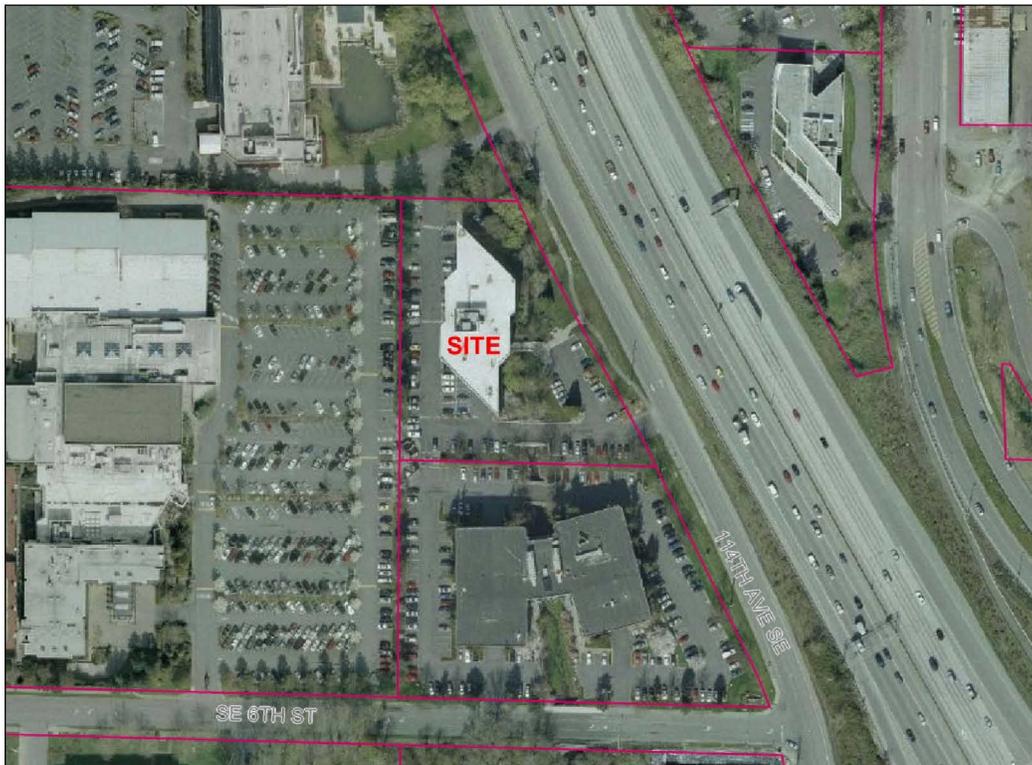


Figure 1

B. Zoning

The subject site and surrounding properties are zoned OLB, Office and Limited Business. The proposed activities of vegetation removal and replanting are allowed in this zone.

C. Land Use Context

The property has a Comprehensive Plan Land Use designation of OLB, Office and Limited Business.

D. Critical Areas Function and Value, Regulations

i. Streams and Riparian Areas

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). 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 (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). 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 (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, 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 (McMillan, 2000). 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 (May 2003). 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 in to riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The OLB zoning dimensional requirements found in LUC 20.20.010 do not apply to this project as no structure is proposed to be constructed.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area or critical area buffer.

The proposed vegetation management work is located within the 50-foot stream buffer required for developed sites. The performance standards identified in the table below apply:

Critical Area	Performance Standards
Streams	20.25H.055.C.3.i

i. Consistency With Land Use Code Vegetation Management Performance Standards LUC 20.25H.C.3.i:

Vegetation management is an allowed use in a critical area or critical area buffer provided a Critical Areas Land Use Permit is approved. The project proposal in question is to remove invasive species within a stream buffer and restore with native plants. Vegetation management plans for uses other than public may be approved subject to the following:

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

See above site description in section II of this report. The site is currently developed with an office building and parking lot. The remaining vegetation on

site is along the eastern property line and consists of the stream buffer of Sturtevant Creek. Existing vegetation consists of trees, lawn, ornamental landscaping, and invasive ground cover. The stream buffer on this site is degraded primarily by the existing development, but the value of the buffer is also reduced by the significant invasive species coverage.

2. A site history;

Flooding has historically been an issue on this site and has resulted in the permitted installation of larger stream culverts under the stream crossings which provide access to the site from 114th Ave. SE. Parts of the stream buffer were restored as mitigation for the newer culverts. During maintenance of the mitigation areas crews removed invasive vegetation outside of the approved mitigation areas. Removal of invasive species is allowed and encouraged by the City, however, only with appropriate permits which were not obtained in this instance. This vegetation management plan is intended to permit the removal of the invasive vegetation on-site and avoid future work without approved permits.

3. A discussion of the plan objectives;

The objective of the vegetation management on this site is to remove the invasive species on-site over time in order to restore lost stream buffer functions and to increase the professional appearance of the property as the applicant desires.

4. A description of all sensitive features;

The only sensitive features on this site are the stream and stream buffer.

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

Sturtevant Creek is a low-gradient, single-channel stream averaging 6 to 8 feet wide and 2 to 12 inches deep. The stream is a pool/riffle complex, with no large woody debris. Coho salmon and Peamouth chub are known to use Sturtevant Creek. The stream is well shaded by the existing mature trees on the property. The understory vegetation is dominated by landscaping vegetation, lawn, and significant coverage by invasive species. Overall habitat conditions on this site are poor due mainly to the impacts from the surrounding urban development.

6. Allowed work windows;

No work is occurring in the water associated with this permit and is not subject to

salmon spawning work windows.

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

See figure 2 below for location of invasive species.

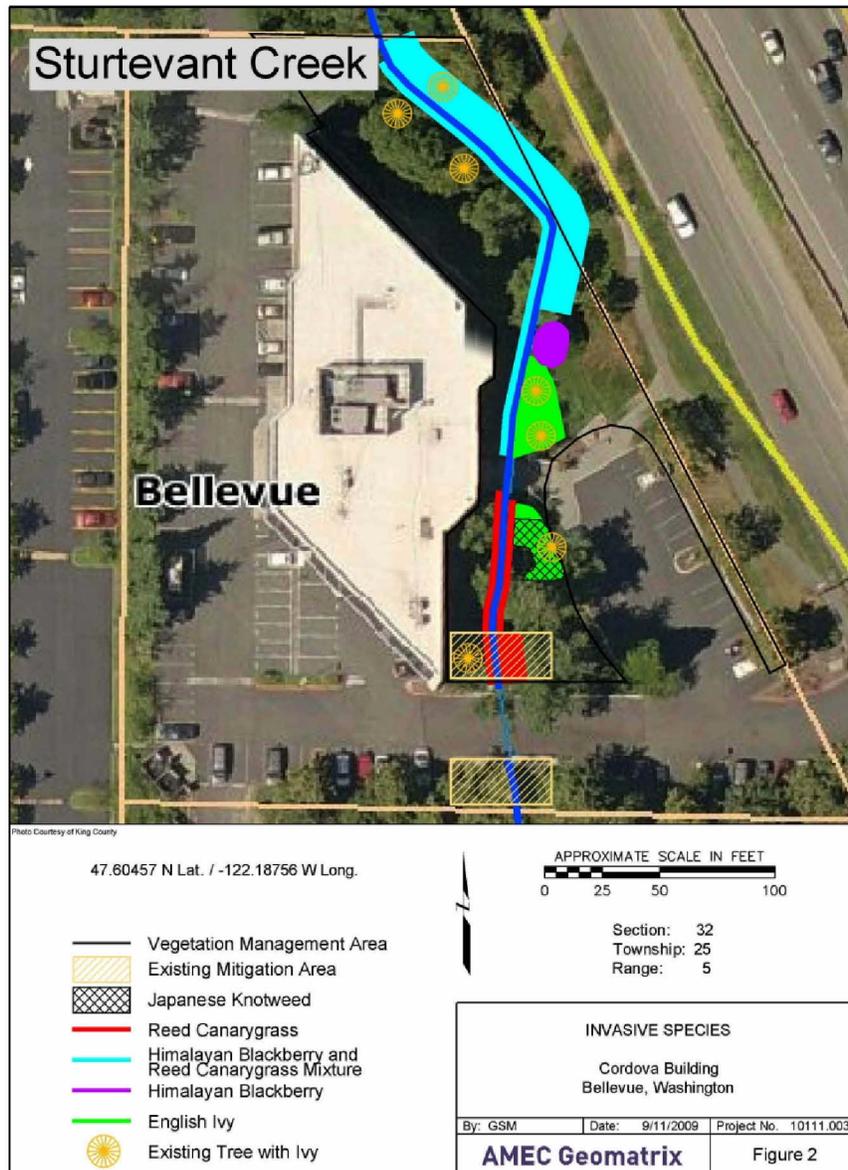


Figure 2

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.

All trees on-site are proposed to remain unless they are hazardous or dead. This vegetation management plan proposes to remove existing invasive species and restore the stream buffer with native plants. Removal of the invasive species and restoration will help to improve the condition of the stream buffer. Removing invasives and replanting will increase the functions and values of this degraded riparian corridor on this site over time and remove seed sources for noxious species. This approval is for the overall vegetation management plan; subsequent clearing and grading permit(s) will be needed. See Conditions of Approval in Section X of this report.

IV. Public Notice and Comment

Application Date:	May 7, 2009
Public Notice (500 feet):	June 11, 2009
Minimum Comment Period:	June 25, 2009

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on June 11, 2009. Notice was also mailed to property owners within 500 feet of the project site. Requests for project information were submitted but comments on the project were not received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services 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, Air, and Water

No large-scale earthmoving activity is proposed. Exposed soils will be covered with mulch or erosion control blankets, jute matting, etc. to prevent erosion. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department.

B. Plants and Animals

The proposed planting will improve the riparian vegetation along this stream which contains salmon. No significant trees will be removed with this proposal unless determined to be hazardous or diseased. Any trees removed will be replaced per the submitted plans. No impacts to species of local importance are anticipated as none have been identified on-site and the vegetation being removed is invasive. Replacement with native vegetation will improve any habitat functions and values the site provides. Planting shall be as proposed in the submitted vegetation management plan. See Section X for related conditions of approval.

D. Noise

The site is adjacent to commercial uses and I-405 which generates noise. The only noise anticipated as a result of this work will be from equipment used to remove the invasive vegetation. Any noise is regulated by Chapter 9.18 BCC. See Section X for a related condition of approval.

VII. Changes to Proposal Due to Staff Review

The applicant modified the vegetation management plan per the Land Use staff comment letter dated July 10, 2009. Staff requested that the plan be modified to more reflect the City's stream planting templates in the Critical Areas Handbook and further clarify the steps proposed to remove the invasive species from the site. A revised plan was submitted which addressed the staff comments.

VIII. Decision Criteria

A. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

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

The applicant must obtain a clearing and grading permit before beginning any work. This first clearing and grading permit must at least specifically address the area of vegetation removal which is the subject of the existing code enforcement. The clearing and grading permit can include other activity on the site but must at least

identify and address the restoration of the code enforcement area. No other Critical Area Land Use Permit will be needed to maintain the vegetation management approved in this report. Future modifications beyond the approved activity covered in this report may require a new Critical Areas Land Use Permit. Future tree removals will require a clearing and grading permit to demonstrate the trees are hazardous, meeting criteria in the Land Use Code for hazardous tree removal in a critical area. See Conditions of Approval in Section X of this report.

- 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;**

The proposed vegetation management will enhance the habitat potential of the stream buffer beyond the existing condition over time by removing invasive and noxious species and restoring the area with native species.

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

As discussed in Section III of this report, the performance standards of LUC Section 20.25H.055.C.3.i are being met.

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

The proposed activity will not affect public services or facilities.

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

The proposed activity is for on-going vegetation management of the subject site. This vegetation management will restore the stream buffer in addition to meeting the aesthetic goals of the property owners. A maintenance log of activities on the site as proposed in the vegetation management plan shall be submitted to the City for at least 3 years to demonstrate the vegetation management plan is being implemented. A performance surety will be required based on the value of the plants needed to restore the area of the code enforcement specifically. The future clearing and grading permit will need to identify the subject area of the code enforcement, provide restoration planting, and a cost estimate for plants needed to restore this area. The costs estimate does not need to include plants outside of the code enforcement area. A performance surety based on the value in the cost estimate will be required and held for a period of 3 years from the date of inspection to ensure plant survival. See

Conditions of Approval in Section X of this report.

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

As discussed in 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, City Code and Standard compliance reviews, the Director of Development Services Department does hereby **approve with conditions** the vegetation management proposed within the stream buffer of Sturtevant Creek on the site located at 405 114th Ave. SE. **Approval of this Critical Areas Land Use Permit for vegetation management does not constitute a permit for construction. A Clearing and Grading permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

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 Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

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 clearing and grading permit. Application for a clearing and grading permit must be submitted and approved prior to work commencing. Plans submitted as part of the clearing and grading permit application must be consistent with the vegetation management plan allowed under this approval.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 2. Code Enforcement Resolution:** Plans submitted as part of the clear and grade permit to implement the vegetation management plan shall specifically depict the area subject to the code enforcement 08-134172-EA. This area shall at least be restored per the vegetation management plan, if not the entire area on the property addressed by the vegetation management plan.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 3. Land Use Inspection:** Following installation of planting the applicant shall contact Land Use staff to inspect the planting area.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 4. Maintenance Log:** A log of all maintenance and activity as proposed in the revised Vegetation Management Plan dated September 2009 shall be submitted yearly to the Land Use Department for a period of 3 years or until Land Use staff release the performance surety as required in condition 5 below.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 5. Cost Estimate and Performance Surety:** As part of the clearing and grading permit application submittal a cost estimate based on the value of the plants needed to restore the code enforcement area will be required. This cost estimate will be the basis for determining the value needed for a 3-year performance surety. At the end of 3 years you will need to call for an inspection by Land Use staff to release the surety. Staff will need to find that the plants are in a healthy and growing condition.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 6. Permit Approval for Future Development and/or Disturbance:** Future development, vegetation removal, hazardous tree removal or other actions beyond those specified in this approval that will cause disturbance within the stream buffer and/or setback will require additional City approvals.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

7. **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." See chapter 2 of said document.

Authority: Land Use Code 20.25H.220

Reviewer: Reilly Pittman, Development Services Department

8. **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.

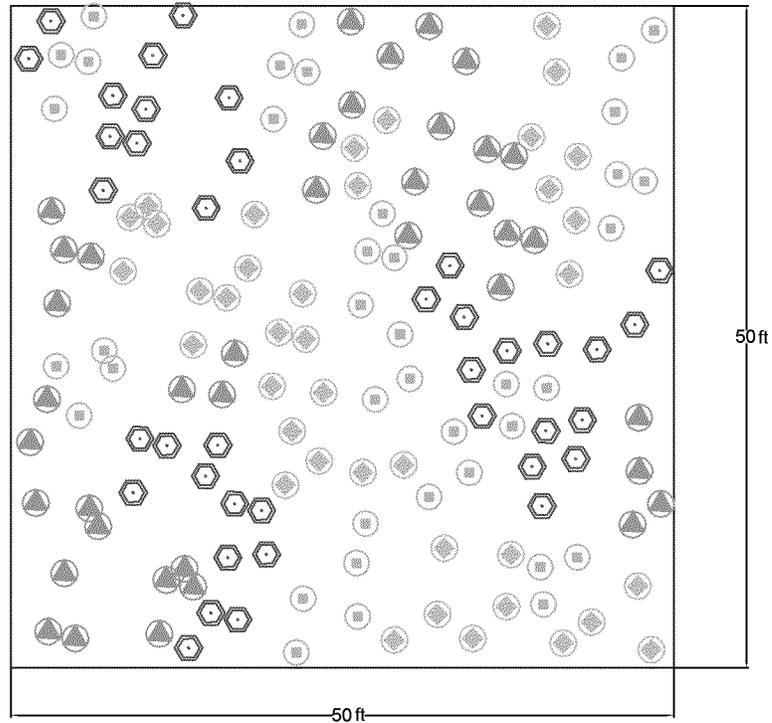
Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department

XI. Attachments:

1. Typical Planting Plans – Attachment 1
2. Ch. 2 of Environmental BMPs – In File
3. Permit application, Vegetation Management Plan, other information – In File

PLANTING PLAN



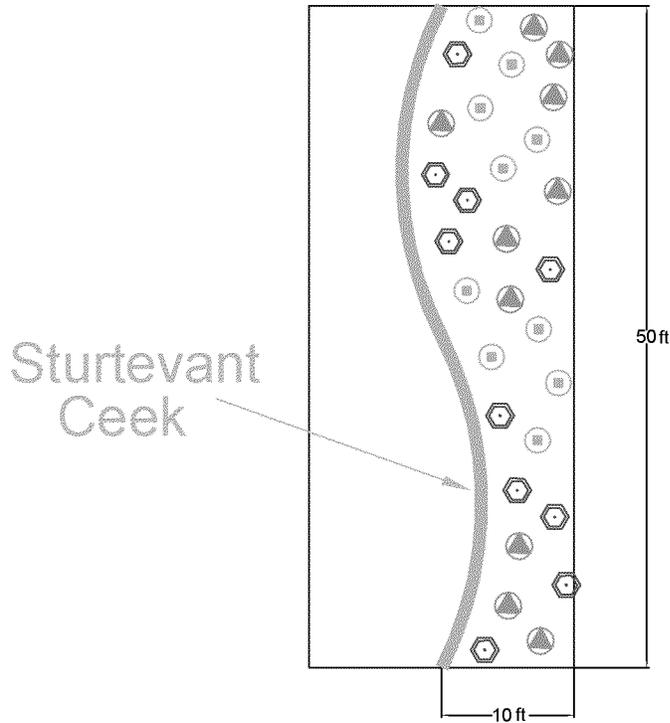
CANDIDATE LIST OF PLANT SPECIES

Scientific Name	Common Name	Container Size	Spacing (On Center)
 <i>Ribes bracteosum</i>	CALIFORNIA BLACK CURRANT	1 gal	4 ft
 <i>Menziesia ferruginea</i>	FALSE AZALEA	1 gal	4 ft
 <i>Rosa nutkana</i>	NOOTKA ROSE	1 gal	4 ft
 <i>Ribes sanguineum</i>	REDFLOWER CURRANT	1 gal	4 ft

TYPICAL SHRUB PLANTING PLAN Cordova Office Building Bellevue, Washington		
By: GSM	Date: 9/10/09	Project No. 10111.002
AMEC Geomatrix		Figure 3a

Plot Date: 09/10/09 - 3:43pm, Plotted by: gary.maxwell
 Drawing Path: P:\SanMar Corp\10111-002 Cordova Riparian\17000 CAD\ Drawing Name: Cordova Planting Plan.dwg

PLANTING PLAN



CANDIDATE LIST OF PLANT SPECIES

Scientific Name	Common Name	Container Size	Spacing (On Center)
 Carex obnupta	SLOUGH SEDGE	1 gal	4 ft
 Carex stipata	SAWBEAK SEDGE	1 gal	4 ft
 Juncus effusus	SOFT RUSH	1 gal	4 ft

TYPICAL HERBACEOUS PLANTING PLAN

Cordova Office Building
Bellevue, Washington

By: GSM

Date: 9/10/09

Project No. 10111.002

AMEC Geomatrix

Figure 3b