



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: James McQuiston

LOCATION OF PROPOSAL: 2233 109th Ave. NE

NAME & DESCRIPTION OF PROPOSAL: McQuiston Slope Restoration and Vegetation Management

Land Use review of a Critical Areas Land Use Permit to approve a vegetation management plan for the portion of the property which is a steep slope critical area. An approximately 600 square feet area of disturbed steep slope critical area will be restored.

FILE NUMBER: 09-127455-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 12/31/09.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.

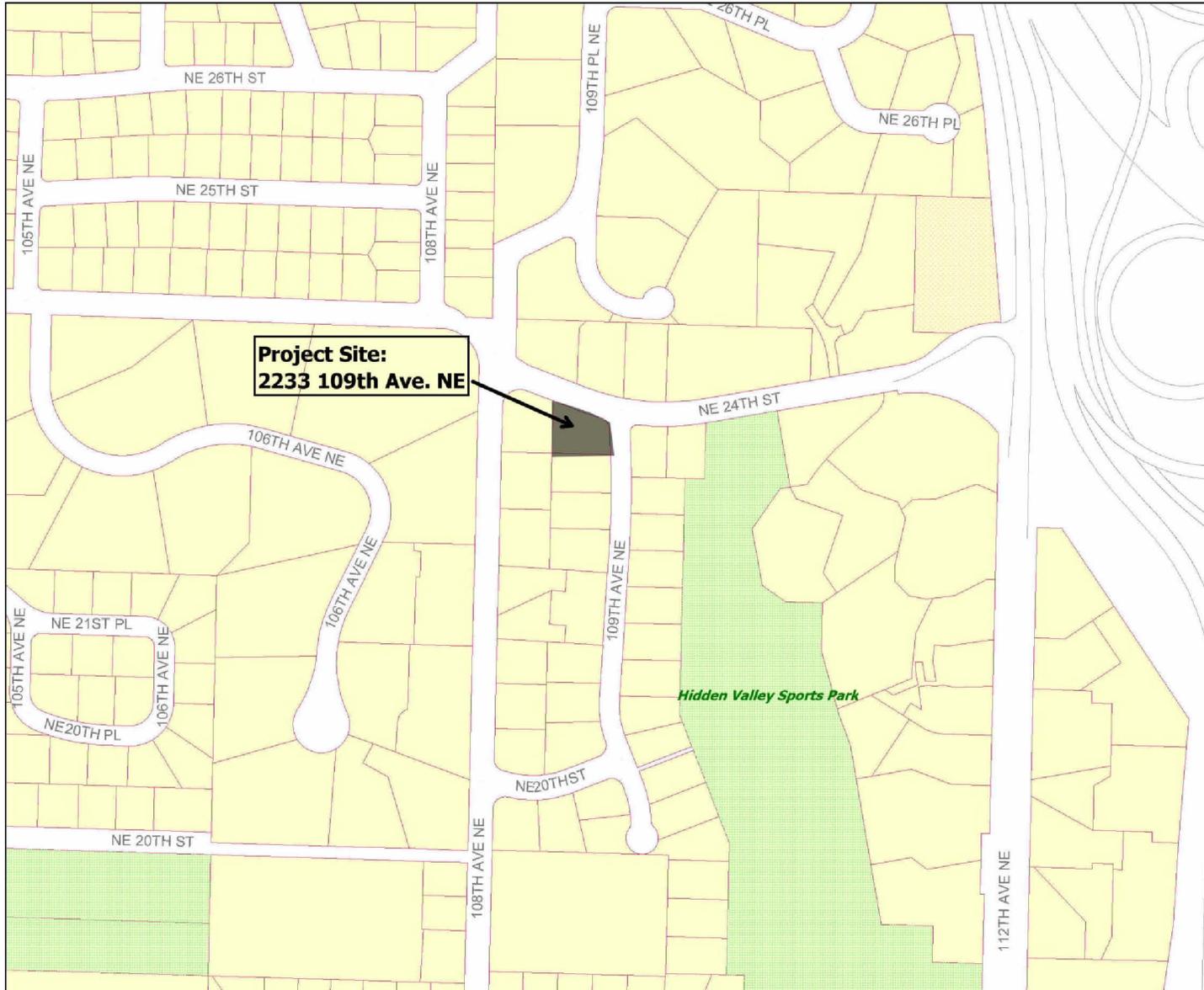
[Handwritten Signature]
 Environmental Coordinator

12/17/2009
 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

McQuiston Slope Restoration and Vegetation Management Vicinity Map





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

Proposal Name: McQuiston Slope Restoration and Vegetation Management

Proposal Address: 2233 109th Ave. NE

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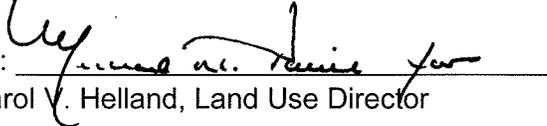
Applicant: James McQuiston, Property Owner

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: October 15, 2009
Notice of Application Publication: October 29, 2009
Decision Publication Date: December 17, 2009
Project/SEPA Appeal Deadline: December 31, 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 cut trees on the site without a permit affecting approximately 600 square feet of steep slopes which is the subject of enforcement action 09-122809-EA. This Critical Areas Land Use Permit will create a vegetation management plan for maintenance of the steep slope critical areas that constitute a portion of the site. Included is restoration of the disturbed 600 square feet area to remove the code enforcement action.

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

A. Site Description

The project site is located at 2233 109th Ave. NE in Northwest Bellevue. The site is located in the NE quadrant of Section 29, Township 25 North, Range 5 East. The site is a corner lot having street frontage on both 109th Ave. NE and NE 24th St. along the east and north property lines respectively. The property is adjacent to other residential property to the west and south. The site has an existing single-family residence and uses typically associated with a residence. The areas of steep slope on-site are located adjacent to both of the street frontages; the site slopes up away from the streets to the existing residence. See figure 1 for existing site condition.



Figure 1

B. Zoning

The subject site and surrounding properties are zoned R-2.5, Single-Family Residential. The zoning changes to R-1.8 to the north across NE 24th St. The proposed activities of replanting and maintenance are allowed in this zone.

C. Land Use Context

The property has a Comprehensive Plan Land Use designation of SF-M, Single-Family Medium Density.

D. Critical Areas Function and Value, Regulations

i. 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.

The site is surrounded by slopes but the only area which is classified as a critical area steep slope per LUC 20.25H.120 is located along the northern property line. The area of steep slope requires a 75-foot structure setback from the toe-of-slope. This application proposes to temporarily disturb the setback area to do work on an existing septic system. No work is occurring in a steep slope or any buffer as part of this proposal.

ii. Critical Areas Overlay District/Critical Area Land Use Permit

A Critical Area Land Use Permit (CALUP) is required for approval of a vegetation management plan and restoration of critical areas.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-2.5 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 restoration and vegetation management is located within a steep slope critical area required for developed sites. The performance standards identified in the table below apply:

Critical Area	Performance Standards
Geological Hazard – Steep Slopes	20.25H.055.C.3.i 20.25H.125

i. Consistency With Land Use Code Vegetation Management Performance Standards LUC 20.25H.055.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 manage vegetation within an area of steep slopes that is the front yard of the residence on the site. 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 a single-family residence and associated uses. An area of steep slope exists along the street frontages of this corner lot, restricting activity in what is the front yard of this residence. Existing vegetation consists of trees, lawn, ornamental landscaping, and invasive ground cover.

2. A site history;

Trees were removed which affected approximately 600 square feet of the steep slope area due to falling limbs, debris, and root damage to water lines on the property.

3. A discussion of the plan objectives;

The objective of the vegetation management on this site is to remove stumps of the cut trees and replant the disturbed area. In addition, this plan is intended to establish a set of plants that can be installed and maintained overtime in the area of steep slopes in order ensure the slope is vegetated and to increase the aesthetic quality of the property.

4. A description of all sensitive features;

The only sensitive feature on this site is the steep slope.

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

The area of steep slope on this property is adjacent to two street frontages and an existing residence. With the exception of some larger trees the slope has mostly ornamental landscaping and lawn as typically found in a front yard. This steep slope appears to not facilitate any species of local importance; however the trees on-site may be large enough for nesting and perching.

6. Allowed work windows;

Rainy season restrictions would apply to any clearing and grading activity.

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

See Attachment 1 for restoration and vegetation management plan

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.

Existing vegetation is intended to remain, invasive species can be removed. Native plants are proposed to be used in the management of the slope. The restoration area will be planted per the City's planting templates for steep slopes as found in the Critical Areas Handbook. See Conditions of Approval in Section X of this report and Attachment 1 for the proposed planting plan.

ii. Consistency With LUC 20.25H.125

The performance standards found in LUC 20.25H.125 are met as no structure, modification, or impervious surface is proposed in the steep slope. The disturbed area of slope is being restored as required in the standards.

IV. Public Notice and Comment

Application Date:	October 15, 2009
Public Notice (500 feet):	October 29, 2009
Minimum Comment Period:	November 12, 2009

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on October 29, 2009. Notice was also mailed to property owners within 500 feet of the project site. Inquiries on the project were received but no comments on the project were submitted.

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 mitigated by other means to prevent erosion. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department as part of a clearing and grading permit.

B. Plants and Animals

No additional significant trees beyond those that have already been removed or other existing vegetation will be removed with this proposal. No impacts to species of local importance are anticipated as none have been identified on-site and any vegetation that can be removed is invasive. Replacement with native vegetation will improve any habitat functions and values the site provides. See Section X for related conditions of approval and Attachment 1 for the proposed planting plan.

D. Noise

Any noise generated is regulated by Chapter 9.18 BCC. See Section X for a related condition of approval.

VII. Changes to Proposal Due to Staff Review

In order to establish replanting on the site as soon as possible staff redlined the submitted planting plans. The applicant accepted the redlined planting plan (Attachment 1) which uses the City's planting templates in the Critical Areas Handbook for the 600 square-foot restoration area. Staff had previously requested that the plan be modified to use species from the City's planting templates to meet requirements in LUC 20.25H.055.C.3.i.

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. The clearing and grading permit can include other activity on the site but must at a minimum restore the 600 square feet of disturbance in the steep slope identified on the plan in Attachment 1 in order to address the code enforcement action. Future modifications beyond the approved activity covered in this report may require a new Critical Areas Land Use Permit. 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 restoration planting and vegetation management will provide vegetation cover on a steep slope, preventing erosion and slope instability.

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 applicable performance standards of LUC 20.25H.055.C.3.i and LUC 20.25H.125 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 restoration plan is consistent with requirements. This vegetation management plan will restore vegetation to a steep slope and restore a 600 square-foot area of disturbance. A performance surety will be required based on the value of the plants needed to restore the 600 square-foot area of disturbance. The future clearing and grading permit will need to identify the subject area of the code enforcement and provide a cost estimate for plants needed to restore this area. The costs estimate does not need to include plants outside of the restoration 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 restoration and vegetation management proposed within the steep slope on the site located at 2233 109th Ave. NE. **Approval of this Critical Areas Land Use Permit 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	Savina Uzunow, 425-452-7860
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 plan as Attachment 1 to this report.

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

- 2. Code Enforcement Resolution:** The clear and grade permit shall restore the disturbed 600 square-foot area of steep slope in order to resolve code enforcement 08-122809-EA.

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. Cost Estimate and Performance Surety:** As part of the clearing and grading permit application submittal a cost estimate based on the installed cost of labor and materials needed to restore the 600 square-foot code enforcement area will be required. This cost estimate will be the basis for determining the value needed for a performance surety that will be held for 3 years. 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 for the surety to be released.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 5. Approved Activity:** The vegetation management plan established under this approval allows the installation, maintenance, trimming, and pruning of the vegetation in the steep slope critical areas on the property without the need of further permits. Any work shall be consistent with this staff report, the plan as Attachment 1, and the Land Use Code. Future development of structures or impervious surfaces, tree cutting/removal, clearing and/or grading, or other actions that will cause disturbance within the steep slope, buffers, or setback will require additional City permits as they are not considered in this approval.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 6. 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.

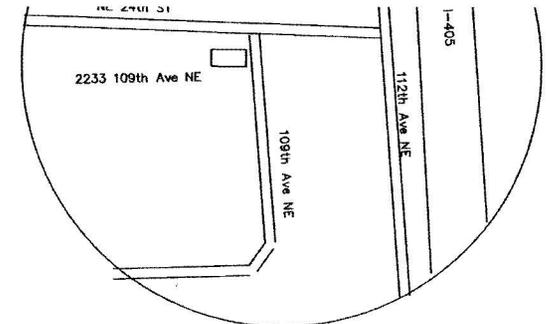
Authority: Bellevue City Code 9.18

Reviewer: Reilly Pittman, Development Services Department

XI. Attachments:

1. Redlined Planting Plans – Attachment 1
2. Permit application, Vegetation Management Plan, other information – In File

Attachment 1



Vicinity Map

Vegetation Management area to include native plants and White Birch, Dogwood, Oregon Iris, Vinca Minor, Lavender, and Heather. Existing vegetation to remain.

Restoration planting with native species or per City of Bellevue Planting Templates for Steep Slopes. Plant density, sizes, spacing also per templates.

Disturbed Area approx. 600 sqft.

Site Plan

McQuiston, James – Residence