City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Ong Vegetation Management
Proposal Address:	15153 SE 46th Way
Proposal Description:	Land Use approval of a Critical Areas Land Use Permit for a Vegetation Management Plan for unpermitted tree removal in a steep slope critical area.
File Number:	11-115175-LO
Applicant:	Tin-Fook Ong, Property Owner
Decisions Included:	Critical Areas Land Use Permit (Process II. 20.30P)
Planner:	Leah Chulsky, 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:	June 10, 2011
Notice of Application Publication:	July 14, 2011
Decision Publication Date:	December 22, 2011
Project/SEPA Appeal Deadline:	January 2, 2012

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.

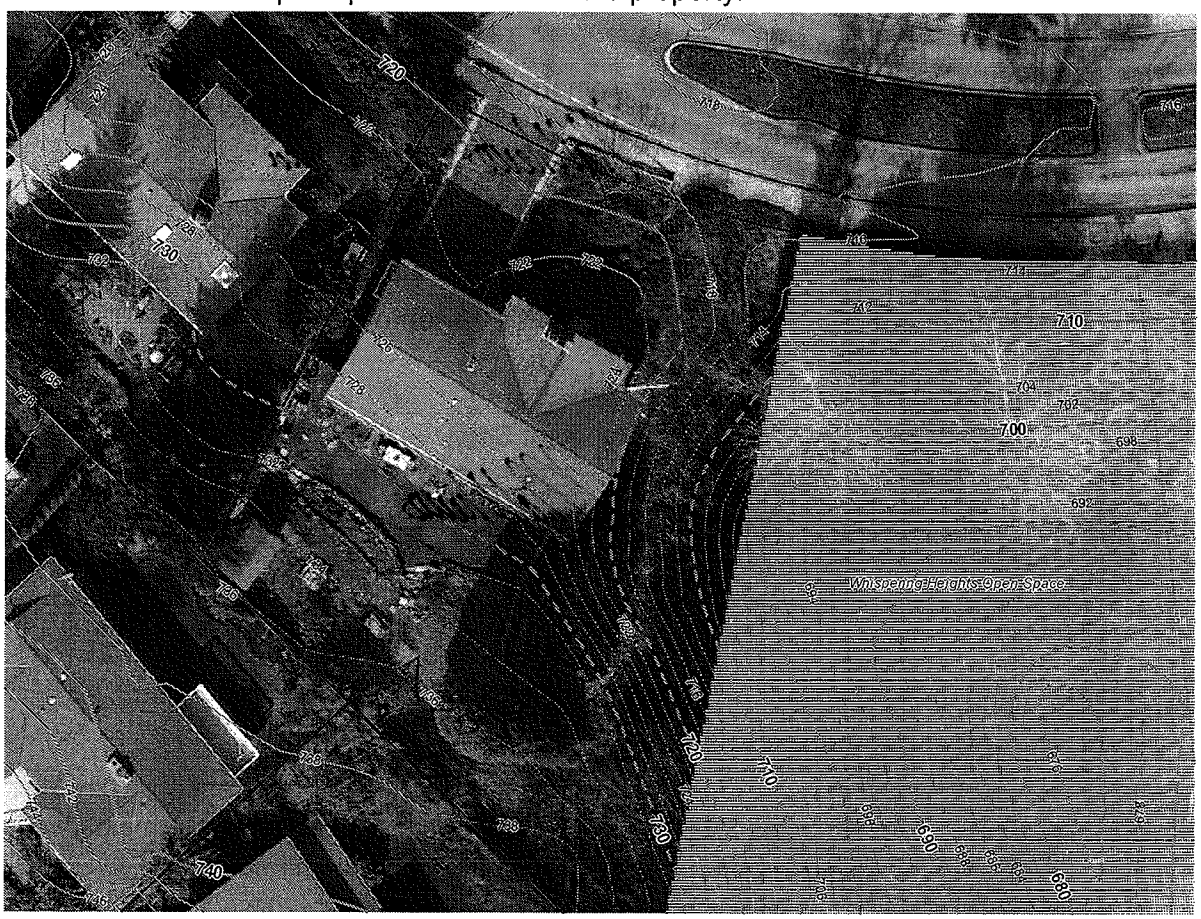
I. PROPOSAL DESCRIPTION

The applicant topped trees on the site without a permit affecting an area of steep slope critical area and buffer. This action is the subject of enforcement action 10-109657-EA. This Critical Areas Land Use Permit will create a vegetation management plan for restoration and maintenance where trees were topped to fulfill permit requirements and remove the code enforcement action. This approval does not allow maintenance, cutting, or any other work outside of the slope and easement area impacted by the unpermitted cutting.

II. SITE DESCRIPTION, ZONING, LAND USE AND CRITICAL AREAS

A. SITE DESCRIPTION

The project site is located at 15153 SE 46th St in the Newcastle Subarea of the City. The site has street frontage on SE 46th St., along the northern property line. The property is adjacent to other residential property to the west and north and a large open space tract to the east. The site has an existing single-family residence and accessory structures typically associated with a residence. The areas of steep slope on-site are located east of the house, and extend into the open space tract east of the property.



B. ZONING

The subject site and surrounding properties are zoned R-5, Single-Family Residential. 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-H, Single-Family High 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.

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.

III. CONSISTENCY WITH LAND USE CODE REQUIREMENTS:

A. ZONING DISTRICT DIMENSIONAL REQUIREMENTS:

The R-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 vegetation management is located within a steep slope critical area and buffer. 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. <u>Consistency With Land Use Code Vegetation Management Performance Standards LUC 20.25H.055.C.3.i:</u>

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 restore vegetation in the vicinity of the cutting and manage the restored vegetation until established. The submitted vegetation management plan can be found as Attachment 1 to this report. Vegetation management plans 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 to the east of the house. The slope is vegetated with a mix of deciduous and coniferous trees and an understory consistent with a developed urban environment, having invasive species coverage in large areas with some native plants.

2. **A site history;**
   The applicant previously topped several trees beyond the limits allowed for pruning within a steep slope.

3. **A discussion of the plan objectives;**
   The objective of the vegetation management on this site is to replant the area where trees were previously topped.

4. **A description of all sensitive features;**
   The only sensitive feature on this site is the steep slope and associated 50 foot buffer.

5. **Identification of soils, existing vegetation, and habitat associated with species of local importance present on the site;**
   The area of steep slope is covered by existing vegetation consisting of mostly deciduous vegetation with some coniferous trees present. The larger trees on-

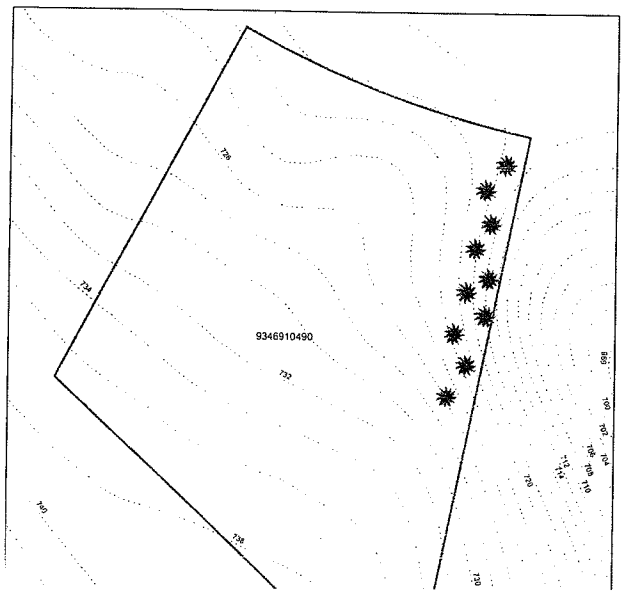
site may be large enough for nesting and perching of important species and the vegetation is part of a connected corridor which extends to the Whisper Heights Open Space.

6. **Allowed work windows;**
   Rainy season restrictions would apply to any clearing and grading activity, however, only minimal earth disturbance should be caused by plant installation.

7. **A clear delineation of the area within which clearing and other vegetation management practices are allowed under the plan; and**
   This plan only allows for replanting of vegetation and the maintenance of the vegetated area. This review does not allow for site-wide vegetation management.

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.**

   The area consists of previously topped trees. None of the existing trees onsite were removed. The management plan notes that 10 Western red Cedar will be installed along the eastern boundary. The plan identifies that all existing vegetation onsite will be preserved.



See related condition of approval in Section X

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 by these performance standards.

IV. PUBLIC NOTICE AND COMMENT

Application Date:	June 10, 2011
Public Notice (500 feet):	July 14, 2011
Minimum Comment Period:	July 28, 2011

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on July 14, 2011. Notice was also mailed to property owners within 500 feet of the project site. No comments were 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. 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 trimmed or cut will be

removed with this proposal. No permanent impacts to plants and animals are anticipated as some maple trees were not fully removed and restoration planting is required which will replace the lost tree canopy over time. See Section X for related conditions of approval

C. NOISE

Any noise generated is regulated by Chapter 9.18 BCC.

VII. CHANGES TO PROPOSAL DUE TO STAFF REVIEW

None

VIII. DECISION CRITERIA

A. 20.30P.140 CRITICAL AREA LAND USE PERMIT DECISION CRITERIA

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

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

Finding: The applicant must obtain a clearing and grading permit before beginning any work. 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.

ii. 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 proposed restoration planting and vegetation management will provide vegetation cover on a steep slope, preventing erosion and maintaining slope stability where vegetation was cut.

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

Finding: 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.

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

Finding: The proposed activity will not affect public services or facilities.

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

Finding: The proposed restoration plan is consistent with requirements. This vegetation management plan will restore vegetation to a steep slope. A performance and maintenance surety will be required based on the cost estimate submitted. The future clearing and grading permit will need to provide a cost estimate for plants and materials. The performance and maintenance surety will be 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.

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

Finding: 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, SEPA, 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 15153 SE 46th St. **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:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	Leah Chulsky, 425-452-6834
Noise Control- BCC 9.18	Leah Chulsky, 425-452-6834

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: Leah Chulsky, Development Services Department

2. **Code Enforcement Resolution:** The replanting and successful establishment of the mitigation plantings in the steep slope resolves code enforcement 10-109657-EA.

   Authority: Land Use Code 20.30P.140
   Reviewer: Leah Chulsky, Development Services Department

3. **Land Use Inspection:** Following installation of plantings the applicant shall contact Land Use staff to inspect the planting area as part of the clearing and grading permit process.

   Authority: Land Use Code 20.30P.140
   Reviewer: Leah Chulsky, Development Services Department

4. **Cost Estimate and Performance Surety:** As part of the clearing and grading permit application submittal of a cost estimate based on the installed cost of labor and materials needed for the restoration proposed is required. This cost estimate will be the basis for determining the value needed for a performance and maintenance surety that will be held for 3 years. At the end of 3 years an inspection by Land Use staff is needed 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: Leah Chulsky, Development Services Department

XI. ATTACHMENTS:

1. Vegetation Management Plan and Restoration Plan – Attachment 1
2. Permit application, Narrative, other information – In File