



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Frederick Wiesinger

LOCATION OF PROPOSAL: 1831 177th Avenue NE

NAME & DESCRIPTION OF PROPOSAL: Wiesinger-Andrews Residence Landscaping

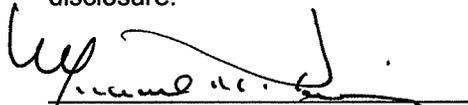
The proposal will restore and manage vegetation on a steep slope critical area as mitigation for unpermitted tree cutting in a critical area.

FILE NUMBER: 11-130277-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 1/19/2012.
- 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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.

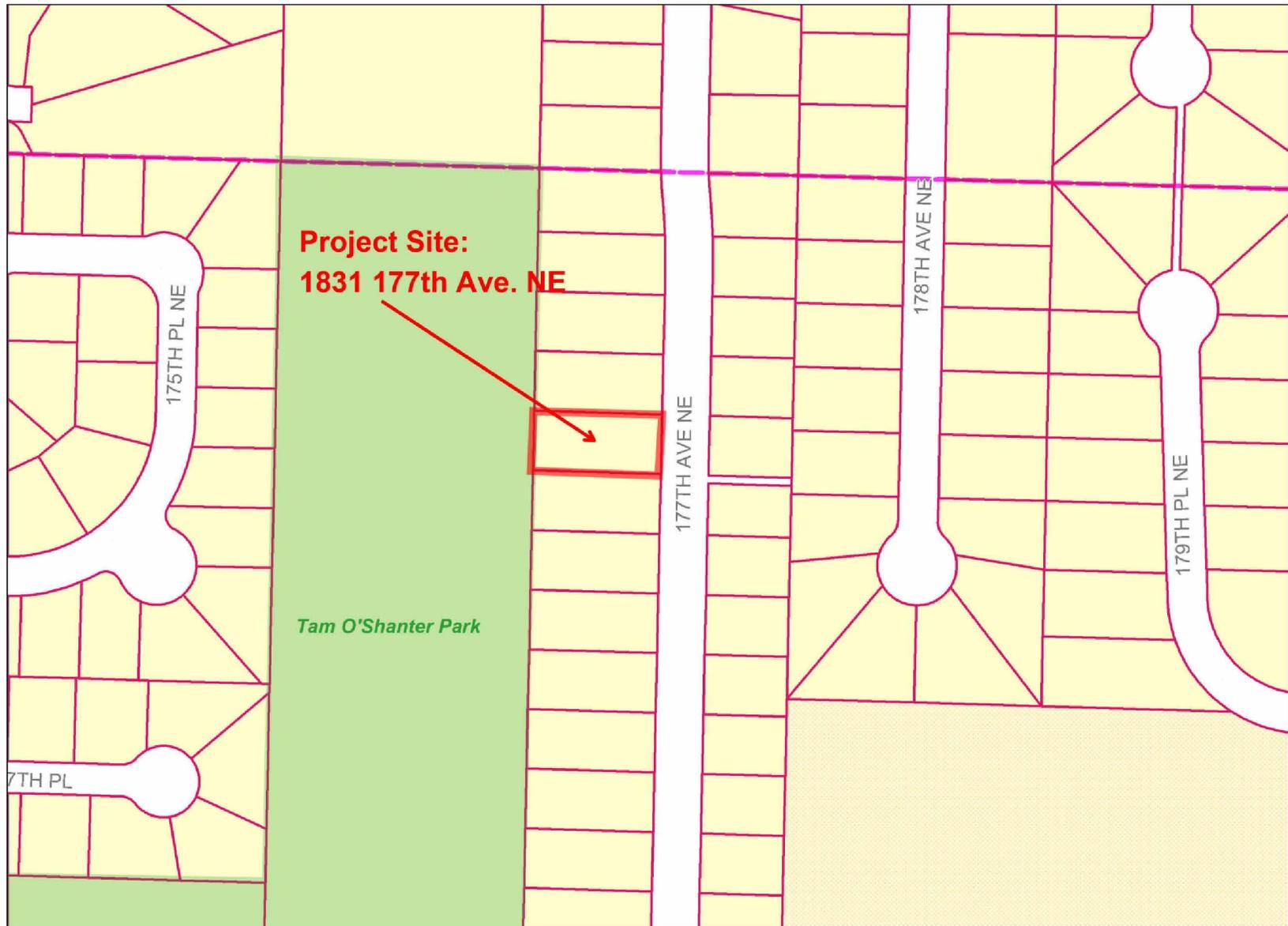

 Environmental Coordinator

1/5/2012
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

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

Wiesinger-Andrews Residence Landscaping
File Number: 11-130277-LO





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

Proposal Name: Wiesinger-Andrews Residence Landscaping

Proposal Address: 1831 177th Avenue NE

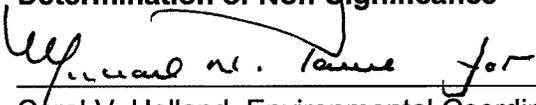
Proposal Description: Land Use review of a Critical Areas Land Use Permit for restoration and vegetation management related to code enforcement action 11-118842-EA due to unpermitted tree cutting in a steep slope critical area.

File Number: 11-130277-LO

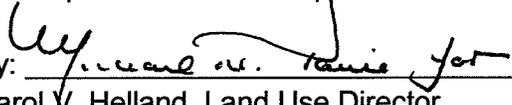
Applicant: Frederick Wiesinger, Property Owner

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: December 7, 2011
Notice of Application Publication: December 15, 2011
Decision Publication Date: January 5, 2012
Project/SEPA Appeal Deadline: January 19, 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.

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Attachments

1. Planting Plan – Enclosed
2. Vegetation Management Plan and Cost Estimate – In File
3. Application Forms, SEPA Checklist and Materials – In File

I. Proposal description

The applicant removed 10 big leaf maple and alder trees, which were greater than eight inches in diameter and located within a steep slope critical area without a permit. This Critical Areas Land Use Permit will restore the affected area of steep slope with trees and vegetation in order to remove enforcement action 11-118842-EA. This approval establishes a vegetation management plan of the slope for maintenance of the plants. See Figure 1 and Attachment 1 for the planting plan.

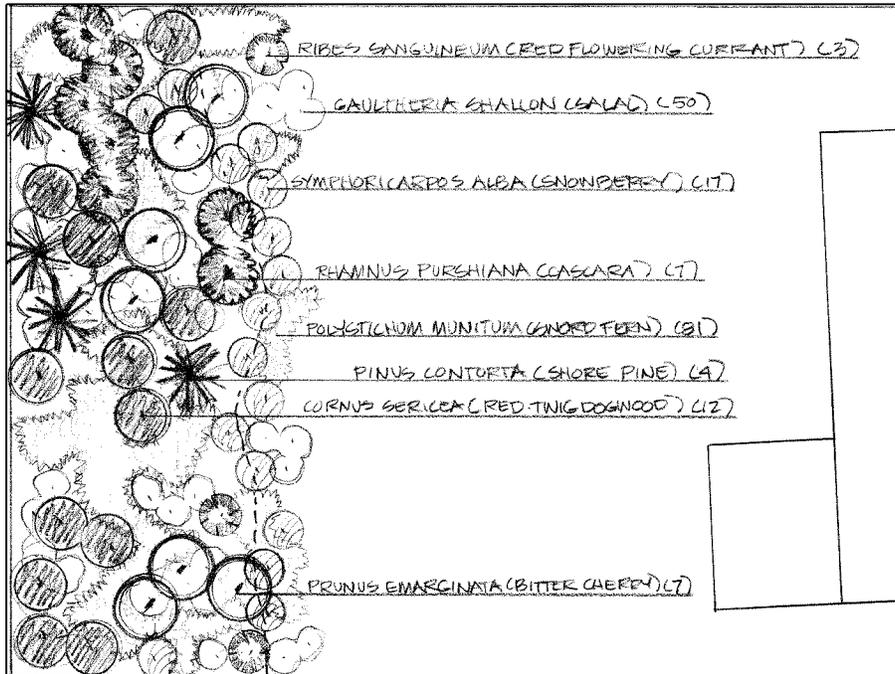


Figure 1

II. Site description, zoning, land use and critical areas

A. Site Description

The project site is located at 1831 177th Avenue NE in the Northeast Bellevue Subarea of the City. The site has street frontage on 177th Avenue NE to the east and is adjacent to other residential property to the north and south. The public Tam O'Shanter Park is to the west of the property. The site has an existing single-family residence and improvements typically associated with a residence which include a lawn area in the back yard which gradually descends away from the house toward the park. The areas of steep slope on-site are located at the western edge of the lawn, sloping down into the park. See Figure 2 for existing site condition.



Figure 2

B. Zoning

The subject site and surrounding properties are zoned R-3.5, 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-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.

ii. Habitat Associated With Species of Local Importance

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005 Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-3.5 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. 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 is to restore vegetation in the vicinity of the cutting, manage the restored vegetation until established, and create long term maintenance provisions for this area. The submitted vegetation management plan can be found as attachment 2 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 west facing steep slope exists to the west of the house, beginning at the western lawn edge and sloping up to the eastern property line. The slope is vegetated with a mix of deciduous and coniferous trees and large shrubs. Vegetation in this location can be expected to have habitat value and provides a buffer for the adjacent Tam O'Shanter park and open space which is part of a large vegetated corridor that extends north into the City of Redmond.

2. A site history;

Ten deciduous maple and alder trees were removed. The slope is vegetated down to the toe-of-slope which is lawn all the way to the house. See Figure 3 below for site photos looking upslope at the cutting area.



Figure 3

3. A discussion of the plan objectives;

The objective of the vegetation management on this site is to replant the impacted area on the slope where trees were cut. In addition, this plan establishes maintenance and monitoring of the proposed planting area over a five-year period, guaranteed by a maintenance surety. See Attachment 2 for management plan.

ii. Consistency With LUC 20.25H.125

The performance standards found in LUC 20.25H.125 are met as no modification of the slope 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:	December 7, 2011
Public Notice (500 feet):	December 15, 2011
Minimum Comment Period:	December 29, 2011

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 15, 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 cut will be removed with this proposal. This area will be restored with native plants and trees to replace the removed trees. The vegetation on the steep slope is adjacent to a large open space corridor. The

specific trees that were cut are located near the toe-of-slope and close to the residential yard and associated improvements. The vegetation on the slope is subject to residential noise and disturbances but does serve to buffer the open space corridor that provides habitat. The proposed mitigation replanting will restore the vegetation on the slope and the buffer functions that it serves for the upslope open space area. See Attachment 1 for the proposed planting plan.

C. 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

Staff requested a signed version of the SEPA environmental checklist.

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 approval of the existing clearing and grading permit. 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 will replace the vegetation cover on a steep slope providing erosion protection and slope stability functions. The vegetation also functions as a buffer to the open space that is upslope of the site that has habitat value. The proposed planting is a mix of species with trees, shrubs, and ground covers proposed, whereas only maple and alder tree were cut. The proposed species will provide fruit and nuts that favor and attract birds and mammals. The selected species are also fast growing as compared to other plants and will more quickly replace the functions lost by the tree cutting, the most important function being to buffer the habitat area. The proposed vegetation will restore the buffer but will also increase the habitat value of the vegetation on the site.

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 is consistent with requirements. This vegetation management plan will restore vegetation to a steep slope. A maintenance surety in the amount of 100 percent of the cost estimate for plants will be required. The surety is required prior to issuance of the clearing and grading permit. The maintenance surety will be held for a period of 5 years from the date of inspection to ensure plant survival and will be released after a Land Use inspection finds the plants are healthy and established. Release of the surety is also contingent upon successful submittal of monitoring photo reports. **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 1831 177th Avenue 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. Clearing and grading permit 11-117016-GH must be approved prior to work commencing. Plans approved 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 replanting and successful completion of the 5 year monitoring of the replanting in the steep slope resolves code enforcement 11-118842-EA.

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

- 3. Photo Monitoring Locations:** The locations where photos will be taken to monitor the planting must be shown on the site plan for the clearing and grading permit. The locations shall also be marked in the field with stakes to ensure easy location recall over the monitoring period.

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

- 4. Land Use Inspection:** Following installation of planting, the applicant shall contact Land Use staff to request an inspection of the planting area as part of the clearing and grading permit process.

Authority: Land Use Code 20.30P.140

Reviewer: Reilly Pittman, Development Services Department

- 5. Maintenance and Monitoring:** The planting area will be maintained and monitored for 5 years. The site will be maintained and monitored per the submitted monitoring plan. Monitoring of plant health and coverage of invasive species can be documented in photos taken designated photo locations that are submitted annually. The photos may be sent, along with a copy of the planting plan, to Reilly Pittman at rpittman@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

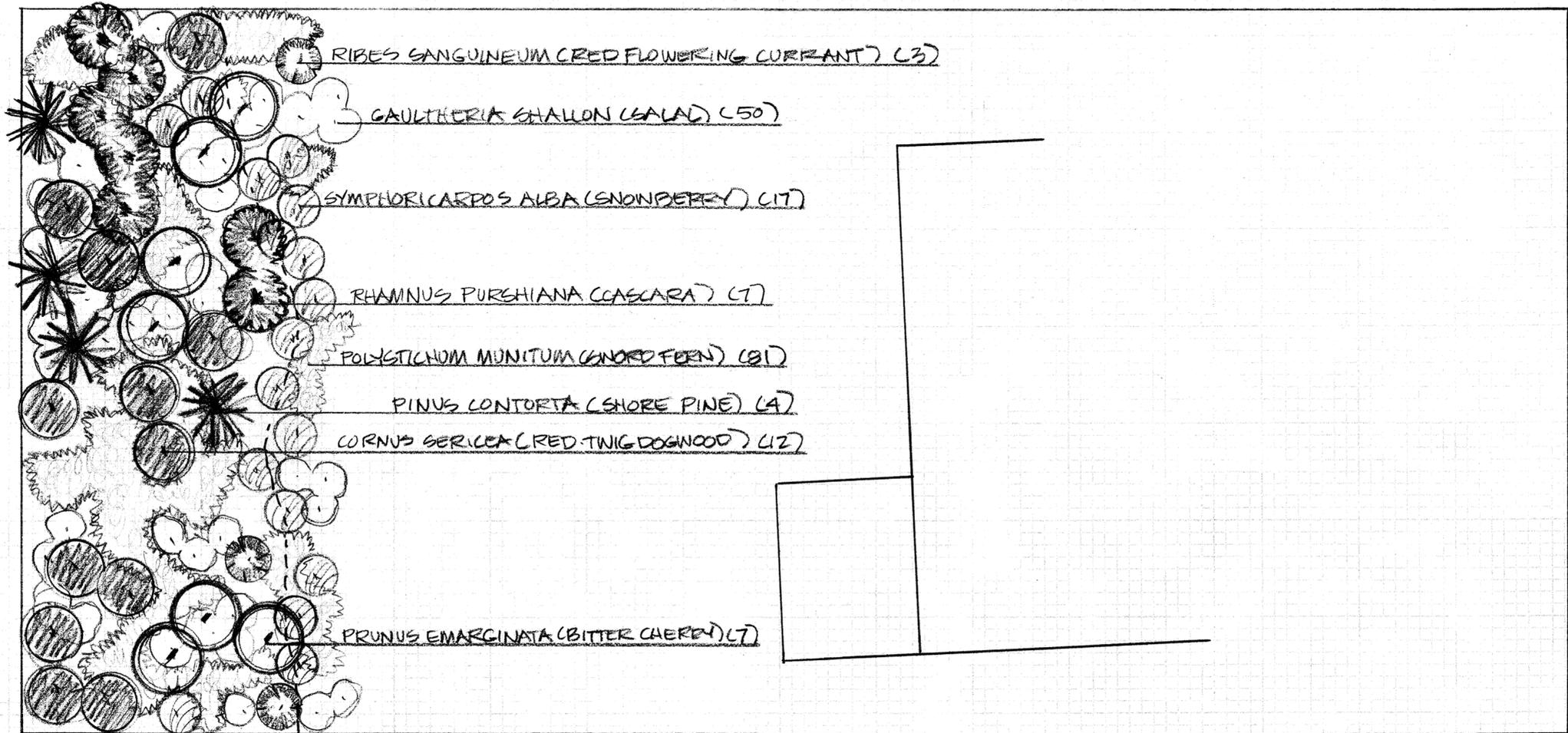
Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 6. Maintenance Surety:** Based on the submitted cost estimate, a maintenance surety in the amount of \$1,391 (100 percent of the cost of plants) is required prior to clearing and grading permit issuance. The maintenance surety will be released after the 5-year monitoring period. At the end of 5 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. Release of the surety is also contingent upon successful submittal of the monitoring photos.

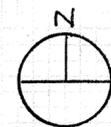
Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 7. 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



WIESINGER RESIDENCE
 1831 177th AVE NE
 BELLEVUE, WA 98008
 TAX PARCEL # 2525059159 LOT B



Revised
 DEC -
 Permit Proc
Pfeiffer
 LANDSCAPING, LLC
 (206) 781-7113

WIESINGER TREE REPLACEMENT		
SCALE: 1/10"	APPROVED BY:	DRAWN BY:
DATE: 11/11		REVISED:
PLANTING PLAN		
DRAWING N		1