DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No.	13-134670 AB
Project Name/Address:	Clearing & Grading Code Minor Amendments / City-wide
Planner:	Mike Bergstrom, Principal Planner, DSD
Phone Number:	425-452-2970
Minimum Comment Period:	**October 2, 2014**

Materials included in this Notice:

- [x] Blue Bulletin
- [x] Checklist
- [ ] Vicinity Map
- [ ] Plans
- [ ] Other:

CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Clearing & Grading Code Minor Amendments (File No. 13-134670-AB).

PROPERTY OWNERS' NAME: N/A; applies City-wide

PROPOSAL LOCATION: Applies City-wide

PROPONENT'S NAME: City of Bellevue, Development Services Department

CONTACT PERSON'S NAME: Michael Bergstrom, Principal Planner

CONTACT PERSON'S ADDRESS: Development Services Department
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-2970

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** Minor amendments to the Clearing & Grading Code (Chapter 23.76 of the Bellevue City Code) relating to permitting and erosion and sedimentation control requirements, to improve clarity and usability, improve internal Clearing and Grading Code consistency, and correct inaccurate, outdated, or unnecessary citations.

2. **Site acreage:** Applies city-wide.

3. **Number of dwelling units/buildings to be demolished:** N/A

4. **Number of dwelling units/buildings to be constructed:** N/A

5. **Square footage of buildings to be demolished:** N/A

6. **Square footage of buildings to be constructed:** N/A

7. **Quantity of earth movement (in cubic yards):** Adoption of this amendment will not result in the movement of earth. However, the amendment establishes or raises thresholds for quantity of earth movement that triggers a requirement for the submittal of a construction stormwater pollution prevention plan (CSWPPP).

8. **Proposed land use:** This proposal does not include any new, or changes to existing, land uses.

9. **Design features, including building height, number of stories and proposed exterior materials:** No design features are proposed or affected by this amendment.

10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable): Final action on the amendment by the City Council is expected to occur late 2014.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. If the proposed amendment is adopted by the City Council, future development will be subject to the amended terms of the Clearing & Grading Code and will be reviewed for compliance with those terms as part of permit application review.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None other than this SEPA checklist.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known. Applications submitted for clearing and grading permits after the effective date of the ordinance will be subject to the amendments. The most notable change affecting applications will be the raised threshold for quantity of earth movement that triggers a requirement for the submittal of a CSWPPP.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known. Ordinance adoption by the City Council. File No. 13-134670 AB.

B. ENVIRONMENTAL ELEMENTS

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: Minor amendments to the Clearing & Grading Code (Chapter 23.76 of the Bellevue City Code) relating to permitting and erosion and sedimentation control requirements, to improve clarity and usability, improve internal Clearing and Grading Code consistency, and correct inaccurate, outdated, or unnecessary citations.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: The proposal furthers the City's ongoing objective to create and maintain development regulations that are current, accurate, and understandable, and effectively respond to the evolving needs of the community.

Specify the purpose and need to which the proposal is responding: The City's Clearing and Grading Code contains outdated or incorrect references and needs to be revised to reflect more current practices and to establish clear and realistic thresholds that trigger the need for a construction stormwater pollution prevention plan (CSWPPP).

State the major conclusions, significant areas of controversy and uncertainty: There are no known significant areas of controversy or uncertainty.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: No issues to be resolved. The alternative course of action would be to not adopt the proposed amendment. In terms of environmental impacts, the two alternatives are not significantly different.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The primary environmental consequence of the proposal would be the exemption of small projects (such as the removal of a hazard tree or other minor vegetation management work) from the requirement to provide a CSWPPP, and to reduce the procedural requirements for single-family residential projects. This is not considered to result in any significant environmental impact.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed.

1. **How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?** Adoption of the proposed code amendment will not increase the potential impacts to water, air and earth resources or noise production.

   Proposed measures to avoid or reduce such increases are: N/A

2. **How would the proposal be likely to affect plants, animals, fish or marine life?** Adoption of the proposed code amendment will not increase the potential impacts to plants and animals.

   Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

3. **How would the proposal be likely to deplete energy or natural resources?** No adverse impacts to energy or natural resources are anticipated by the adoption of the proposed code amendment.

   Proposed measures to project or conserve energy and natural resources are: N/A

4. **How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?** Adoption of the proposed code amendment will not affect environmentally sensitive areas or areas designated or eligible for governmental protection. While the exemption thresholds related to certain CSWPPP requirements are proposed to be raised, those changes are relatively minor and will make those provisions more consistent with the grading threshold exemption contained in the State Environmental Policy Act.

   Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

5. **How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?** Adoption of the proposed amendment will not affect land or shoreline use, and would not encourage land or shoreline uses that are incompatible with existing plans.

   Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

6. **How would the proposal be likely to increase demands on transportation or public services and utilities?** Adoption of the proposed amendment will not increase demands on transportation or public services and utilities.

   Proposed measures to reduce or respond to such demand(s) are: N/A

7. **Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.** No conflicts are known or anticipated.

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

Signature

Date Submitted: September 3, 2014

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Clearing and Grading Code and Bellevue City Code relating to permitting and erosion and sedimentation control requirements, amending portions of Chapter 23.76 (the Bellevue Clearing and Grading Code) of the Bellevue City Code to improve clarity and usability, improve internal Clearing and Grading Code consistency, and correct inaccurate, outdated, or unnecessary citations, which includes amendments to the following sections of the Clearing and Grading Code: 23.76.035, 23.76.070, and 23.76.090.

WHEREAS, throughout the process of administering the Clearing and Grading Code the City has identified necessary amendments to improve its function and usability, which fall into three categories: (1) improve clarity and usability; (2) improve internal Clearing and Grading Code consistency; and (3) correct inaccurate, outdated citations or unnecessary; and

WHEREAS, the City seeks to modify the Clearing and Grading Code to improve the administration and clarity of this code; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) and the Environmental Procedures Code (Chapter 22.02 BMC); now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section ___. Section 23.76.035.F of the Clearing and Grading Code is hereby amended to read as follows:

23.76.035(F) Permit requirements.

F. A construction stormwater pollution prevention plan ~~or checklist~~, if required, must be submitted with the permit submittal and application materials described in subsection E of this section.

Section ___. Section 23.76.070.B of the Clearing and Grading Code is hereby amended to read as follows:

23.76.070 Grading.

B. Follow the methodology in the clearing and grading development standards~~)~~ for any proposed filling or excavation.

Section ___. Section 23.76.090.B.1 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(B) Erosion and sedimentation control – Minimum requirement 2.

B. Applicability.

1. Minimum Requirement 2. This section describes requirements for applicants to prepare a construction stormwater pollution prevention plan (CSWPPP) for new development, redevelopment, and land disturbing activities that meet the thresholds set forth in this chapter ~~and BCC 24.06.065~~. Applicants and permittees are responsible for preventing erosion and discharge of sediment and other pollutants into the storm and surface water system and receiving waters. The city does not offer erosivity waivers.

Section ___. Section 23.76.090.B.3 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(B) Erosion and sedimentation control – Minimum requirement 2.

B. Applicability

3. Exemption. The director may exempt specific the following projects from the requirements of preparing a CSWPPP:

a. ~~when those p~~Projects that are covered under the Washington State Department of Ecology's Construction Stormwater General Permit and the permittee is fully implementing and in compliance with the requirements of that permit. To apply for this exemption, the applicant must provide with its permit application materials a copy of the permit coverage letter from the Washington State Department of Ecology, and a copy of the corresponding stormwater pollution prevention plan (SWPPP).

B. Projects that involve clearing of 1,000 square feet or less, and grading of 50 cubic yards or less, but require a clearing and grading permit in accordance with Section 23.76.035.A.

Section ___. Section 23.76.090.C.2 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(C) Erosion and sedimentation control – Minimum requirement 2.

C. General Requirements.

2. Applicants must prepare and submit a construction stormwater pollution prevention plan (CSWPPP) for all projects that meet the permitting thresholds in BCC 23.76.035, except as exempted in 23.76.090.B.3 ~~and Chapter 24.06 BCC~~. The CSWPPP shall be implemented beginning with initial soil disturbance and until final stabilization. The permitted clearing and grading areas and any other areas required to preserve critical areas or critical area buffers, native growth protection areas, retained vegetation areas, or tree retention areas, as the city may require, shall be delineated on the site plans and the development site.

Section ___. Section 23.76.090.C.3 of the Clearing and Grading Code is hereby amended to read as follows:

23.76.090(C) Erosion and sedimentation control – Minimum requirement 2.

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C. General Requirements.

3. For projects with clearing totaling less than 7,000 square feet and grading less than ~~100~~500 cubic yards, the CSWPPP may consist of a CSWPPP ~~checklist~~short form and a site plan. A turbidity and pH monitoring plan may also be required depending on site characteristics, such as topography, proximity to receiving waters, or critical areas and critical area buffers.

Section _____. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section _____. This ordinance shall take effect and be in force five/thirty (5/30) days after legal publication.

PASSED by the City Council this _____ day of _____, 201___, and signed in authentication of its passage this _____ day of _____, 201___.

(SEAL)

_____
Claudia Balducci, Mayor

Approved as to form:

_____
Lori M. Riordan, City Attorney

Attest:

_____
Myrna L. Basich, City Clerk

Published _____

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