



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: City of Bellevue

LOCATION OF PROPOSAL: Citywide

DESCRIPTION OF PROPOSAL:

Clearing & Grading Code Minor Amendments

FILE NUMBER: 13-134670-AD

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. Only persons who submitted written comments before the DNS was issued may appeal the decision. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6864.
- 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 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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.

[Signature]
 Environmental Coordinator

10/9/2014
 Date

- OTHERS TO RECEIVE THIS DOCUMENT:**
- State Department of Fish and Wildlife
 - State Department of Ecology, Shoreline Planner N.W. Region
 - Army Corps of Engineers
 - Attorney General
 - Muckleshoot Indian Tribe



**City of Bellevue
Department of Planning and Community Development
Environmental Review and State Environmental Policy Act Threshold
Determination**

Proposal Name: **Clearing & Grading Code (Chapter 23.76 of the Bellevue City Code) Minor Amendments**

Proposal Address: City-wide

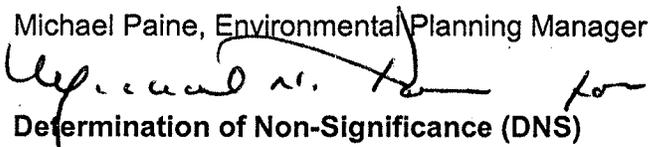
Proposal Description: Minor amendments to the Clearing & Grading Code (Chapter 23.76 of the Bellevue City Code) relating to permitting and erosion and sedimentation control requirements, to improve clarity and usability, improve internal Clearing and Grading Code consistency, and correct inaccurate, outdated, or unnecessary citations.

File Number: **13-134670 AB**

Applicant: City of Bellevue

Decisions Included: SEPA Threshold Determination

Planner: Michael Paine, Environmental Planning Manager

State Environmental Policy Act Threshold Determination: 
Determination of Non-Significance (DNS)

Carol Helland
Environmental Coordinator

Application Date: November 26, 2013

Application Publication Date in Bulletin: September 18, 2014

SEPA Decision Publication Date: October 16, 2014

SEPA Appeal Deadline: 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. An appeal of the SEPA Decision shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290. For information on how to appeal a proposal, visit the Permit Center at City Hall or call 452-6800.

I. Proposal Description and Objectives

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. 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.

II. Environmental Record

The environmental summary consists of analysis based on the following documents and studies in the environmental record or, if noted, incorporated by reference.

- Environmental Checklist, Supplemental Sheet for Nonproject Actions, prepared by Michael Bergstrom, Principal Planner, City of Bellevue Development Services Development, dated September 3, 2014. (See Attachment A)
- Draft Proposed Land Use Code Amendment, File No. 13-134670 AB (See Attachment B)

III. Proposed Timing and Phasing

Council adoption of the proposed amendment is expected November, 2014.

IV. Environmental Summary

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).

Major Conclusions, Significant Areas of Controversy and Uncertainty

There are no known significant areas of controversy or uncertainty.

Issues to be Resolved, Including Environmental Choices to Made Between Alternatives 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.

V. Conclusion and Determination

For the proposal, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-340 and Bellevue City code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11- 660.

VI. Mitigation Measures

There are no recommended SEPA-based mitigating measures for this proposal. The lead agency has determined that the requirements for environmental mitigation have been adequately addressed in the development regulations and comprehensive plans adopted under Chapter 36.70A RCW and in other applicable local, state or federal laws or rules, as provided by RCW 42.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

Attachment A: SEPA Checklist prepared by City of Bellevue Development Services
Development and dated September 3, 2014
Attachment B: Draft Proposed Land Use Code Amendment

**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.

Comment [CoB1]: Checklist no longer used.

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 these 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.

Comment [CoB2]: Editorial change.

Comment [CoB3]: Incorrectly references Storm and Surface Water Utility Code.

Comment [CoB4]: Clarification.

Comment [CoB5]: This exempts owners of smaller projects, where there will be minimal amounts of clearing and grading and little risk of erosion, from the requirement of creating a CSWPPP. Generally this will apply to hazard tree removal or other minor vegetation management work in critical areas and retained vegetation areas.

Comment [CoB6]: Citation correction.

C. General Requirements.

- 3. For projects with clearing totaling less than 7,000 square feet and grading less than 400~~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 _____

Comment [CoB7]: The threshold is raised from 100 cubic yards to 500 cubic yards to accommodate single family residential projects under the CW/SPPP short form. The intent of the NDES MS3 permit was to allow single family projects to use a CW/SPPP short form, and it has been noted that single family home construction typically involves more than 100 cubic yards of grading. Also, the 500 cubic yard threshold is consistent with the SEPA threshold for grading.

Comment [CoB8]: Reflects current practice.

DRAFT