



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Ali Siahpush

LOCATION OF PROPOSAL: 15633 SE 54th St

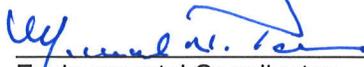
DESCRIPTION OF PROPOSAL: The applicant requests a Critical Areas Land Use Permit for Vegetation Management within a steep slope critical area and slope buffer area including the removal of 1 willow tree, 2 red alder trees, 3 douglas-fir trees, and native plant restoration of the cleared area. Trees were removed without permission, and are associated with enforcement action #13-131239-EA.

FILE NUMBERS: 14-124106-LO PLANNER: David Wongg

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 **7/3/2013**
- 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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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.


Environmental Coordinator

6/19/2014
Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- Attorney General ecyolyef@atg.wa.gov
- Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us



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

Proposal Name: **Siahpush Residence**

Proposal Address: **15633 SE 54th St**

Proposal Description: The applicant requests a Critical Areas Land Use Permit for Vegetation Management within a steep slope critical area and slope buffer area including the removal of 1 willow tree, 2 red alder trees, 3 douglas-fir trees, and native plant restoration of the cleared area. Trees were removed without permission, and are associated with enforcement action #13-131239-EA.

File Number: **14-124106 LO**

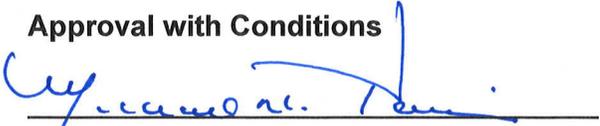
Applicant: **Ali R. Siahpush**

Decisions Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: **David Wong, 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**

Carol V. Helland, Land Use Director
Development Services Department

Application Date: January 10, 2014
Notice of Application Publication Date: March 13, 2014
Decision Publication Date: June 19, 2014
Project/SEPA Appeal Deadline: July 3, 2014

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.

Contents

I.	Proposal Description	Pg 3
II.	Consistency with Land Use Code Requirements	Pg 3
III.	Public Notice & Comment	Pg 6
IV.	State Environmental Policy Act (SEPA)	Pg 6
V.	Decision Criteria	Pg 6
VI.	Conclusion and Decision	Pg 7
VII.	Conditions of Approval	Pg 8

Attachments

1. Vegetation Management Plan - Enclosed
2. SEPA Checklist, Application Forms, and Materials – In File

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit approval to restore vegetation removed from two steep slope critical areas and their associated buffers without permit. The proposal includes the installation of native trees and the maintenance of existing landscaping within the planting area.

A permit is required because any vegetation removal within a geologic hazard critical area requires a Vegetation Management Plan approved through a Critical Areas Land Use Permit per LUC 20.25H.055.C.3.i.vi.

II. Consistency with Land Use Code Requirements:

Vegetation Management Plan Performance Standards LUC 20.25H.055.C.3.v.i

(A) Is the Vegetation Management Plan prepared by a qualified professional?

Yes or No

Describe:

Plan Preparer's Name: Ali Siahpush

Reviewer: David Hilgers

Company: CBRE

Phone: 425.445.7397

Email: v-dahilg@microsoft.com

Statement of Qualifications: Registered Landscape Architect #878

(B) Does the Vegetation Management Plan include the following?

(1) A description of existing site conditions, including existing critical area functions and values;

Yes or No

Describe: The existing slopes and buffers have been degraded over several years of non-permitted vegetation removal and approved landscaping improvements, and is adjacent to Lakemont Highlands Park & Open Space. Yellow archangel (*Lamia galeobdolon*) and kinnikinnick (*Arctostaphylos uva-ursi*) currently exist at the location of the removed trees. Existing red alders (*Alnus rubra*), western redcedars (*Thuja plicata*), willows (*Salix spp.*), and douglas-firs (*Pseudotsuga menziesii*) inhabit the eastern portion of the lot adjacent to Lakemont Highlands Park & Open Space.

(2) A site history;

Yes or No

Describe: The total lot size is 0.58 acre and is zoned R-3.5 (single family residential). The project site was developed with a large single-family residence, driveway, and formal landscaping in 1998. Development was part of the Forest Park Meadows plat finalized in 1985.

The management plan discusses the potential for habitat associated with species of local importance. Because of the uncertainty regarding distribution and habitat requirement in the local area, probably use is assumed to be low to non-existent based on the general suitability of the on-site habitat types.

(3) A discussion of the plan objectives;

Yes or No

Describe: The general objective of the plan is to restore the functions of the steep slopes and their associated buffers impacted by the unpermitted tree removal. The management plan also includes the following specific goal and objective:

Goals	Objectives
To restore on-site portions of the critical area steep slope and the associated buffers recently impacted by tree removal	To install and successfully establish 12 trees (6 Douglas-fir, 6 red maple) within a 1400 square foot area.

(4) A description of all sensitive features;

Yes or No

Describe: The site contains geologic hazard steep slopes and their associated buffers. Lakemont Highlands Park & Open Space lies adjacent to the southwesterly lot boundary.

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

Yes or No

Describe: Soils within and adjacent to the management area are mapped as Beausite gravelly sandy loam, 6 to 15% slopes. Beausite series soils are formed on glacial deposits and are made up of well-drained soils that are underlain by sandstone at a depth of 20 to 40 inches. On-site soils were generally a very dark brown sandy to gravelly sandy loam to a depth of 20 inches below the soil surface.

The site is mostly covered by existing landscaping that was installed in 2007 under an approved grading permit (06-100820-GD). Existing species include: red alder (*Alnus rubra*), western redcedar (*Thuja plicata*), kinnikinnick (*Arctostaphylos uva-ursi*), and yellow archangel (*Lamia galeobdolon*). Natively establish species directly adjacent Lakemont Highlands Park & Open Space include: red alders (*Alnus rubra*), douglas-firs (*Pseudotsuga menziesii*), willows (*Salix spp.*), and western redcedars (*Thuja plicata*).

The management plan discusses the potential for habitat associated with species of local importance. Because of the uncertainty regarding distribution and habitat requirement in the local area, probably use is assumed to be low to non-existent based on the general suitability of the on-site habitat types.

(6) Allowed work windows;

Yes or No

Describe: The owner plans to plant replacement trees and plants during fall, depending the issued date of the city's permit. This meets the recommended installation timing to ensure successful establishment of plant material.

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

Yes or No

Describe: See Attachment B.

(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.

Yes or No

Describe: See Attachment B for the proposed planting plan. These replacement trees, and existing shrubs and groundcovers will provide erosion control function to stabilize the steep slope and buffers. It will also be beneficial for wildlife habitat functions.

(C) Would any proposed tree removal result in a significant impact to habitat associated with species of local importance?

Yes or No

Describe: No additional tree removal is proposed. Tree removal done under 13-121878-EA is not expected to have an impact to habitat associated with species of local importance.

If yes, can the impacted function be replaced elsewhere within the management area subject to the plan?

Yes or No

In no event may a tree or vegetation which is an active nest site for a species of local importance be removed pursuant to this subsection.

(D) Is the area under application subject to any applicable neighborhood restrictive covenants that address view preservation or vegetation management? The existence of and provisions of neighborhood restrictive covenants shall not be entitled to any more or less weight than other reports and materials in the record.

Yes or No

III. Public Notice and Comment

Application Date: January 10, 2014
Public Notice (500 feet): March 13, 2014
Minimum Comment Period: March 27, 2014

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on March 13, 2014. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

IV. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The attached 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.

V. Critical Areas Land Use Permit Decision Criteria LUC 20.30P.140

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

- A. The proposal obtains all other permits required by the Land Use Code; and**
Yes or No

Describe: The proposal is required to obtain a clearing and grading in critical areas (GJ) permit prior to commencing work under this proposal.

- B. 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; and**
Yes or No

Describe: The best available design and development technique resulting in the least impact to the critical area is to replace the lost trees with new, native trees, while minimizing disturbance to the existing ground cover.

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

Yes or No

Describe: As discussed in Section II, the proposal has demonstrated compliance with the performance standards for vegetation management within a critical area.

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

Yes or No

Describe: The site is currently served by adequate public facilities. The proposal will not increase the need for public facilities on the site.

E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan; and

Yes or No

Describe: The proposal does include a restoration plan.

F. The proposal complies with other applicable requirements of this code.

Yes or No

Describe: Demonstration of compliance with the other applicable requirements of the Bellevue City Code will be completed under the review of the required clearing and grading permit

VI. 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 the Development Services Department does hereby **approve with conditions** the vegetation management plan within the steep slope critical area/buffer at 15633 SE 54th St.

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.

VII. 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 20.25H	David Wong, 425-452-4282
Noise Control- BCC 9.18	David Wong, 425-452-4282

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Clearing and Grading Permit Required: Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A Clearing and Grading Permit must be approved, and plans submitted as part of this permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.25H.220.H
Reviewer: David Wong, Land Use

2. Planting Cost Estimate: A cost estimate for the proposed plant installation and five (5) years of maintenance and monitoring must be submitted prior to clearing and grading permit issuance.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Land Use

3. Maintenance Surety: A maintenance surety, based on the cost estimate above is required 100 percent of the total cost for five (5) years of maintenance and monitoring or the cost of the plants. The maintenance surety is required prior to clearing and grading permit issuance.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Land Use

4. Temporary Irrigation Required: Unless otherwise noted in the plan, temporary irrigation shall be provided to guarantee the establishment of restoration planting over the first two growing summers following installation. The restoration area shall be mulched to ensure water retention and reduce invasive growth

Authority: Land Use Code 20.25H.220.H
Reviewer: David Wong, Land Use

5. Monitoring and Reporting Required: To ensure establishment occurs and long-term viability is assured, a yearly monitoring report demonstrating compliance with performance standards in the plan shall be submitted to the Development Services Department for a period of five years. This monitoring effort may be shortened at the discretion of the City based on early performance data and evidence that the installation is accordance with the approved vegetation management plan or as amended by the Development Services Department.

Years 1-5 (from date of plant installation)

- 100% survival of all installed trees
- Less than 10% coverage of invasive plants in planting area

The reports can be sent to David Wong at dwong@bellevuewa.gov or the address below:

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

Authority: Land Use Code 20.25H.220.H
Reviewer: David Wong, Land Use

6. Rainy Season restrictions: Due to the proximity to steep slope critical areas, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Janney Gwo, Clearing and Grading

7. Pesticides, Insecticides, and Fertilizers: The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer: David Wong, Land Use

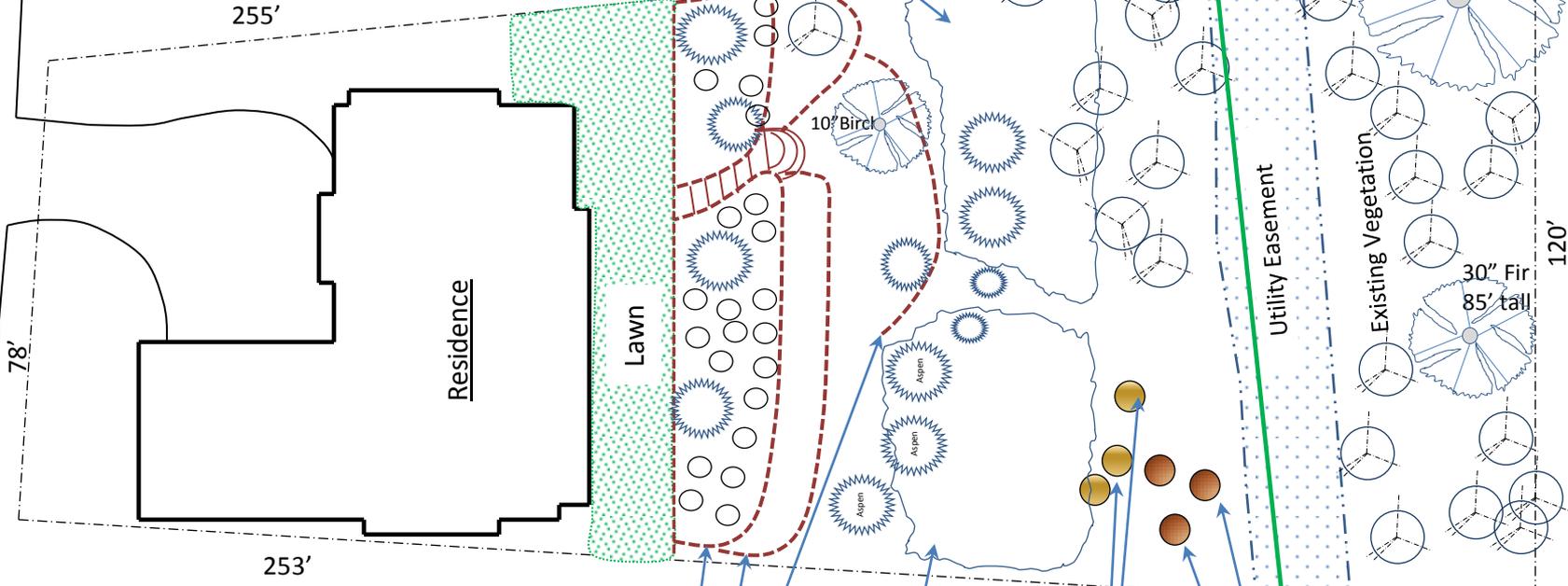
8. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited 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: David Wong, Land Use



Existing Site

SE 54th St



Kinnikinnick Ground Cover

Elevation 1150'
Slope 40-42%

17 Alder, 2 cedar
Remaining trees part of
Landscaping plan submitted
Jan 2, 2006 - Project No 564.4600
Permit no. 06-100820-014

16 Alder, 1 cedar, 1 black willow
2 Douglas firs

42" Fir
95' tall

10" Birch

30" Fir
85' tall

Lawn

Utility Easement

Existing Vegetation

Existing Retaining walls

2 x Alder stumps
1X Willow stump
6" diameter

Sewer

3X Doug Fir stumps
10", 10", 16" diameter

Lamiastrum Galeobdolon
Ground Cover

LANDSCAPE DESIGN FOR :
Ali & Dianna Siahpush
15633 SE 54th St.
Bellevue, WA 98006

Custom LANDSCAPE DESIGN :
(303) 630-9656



0 35 69 ft



Scale - 1" = 20'

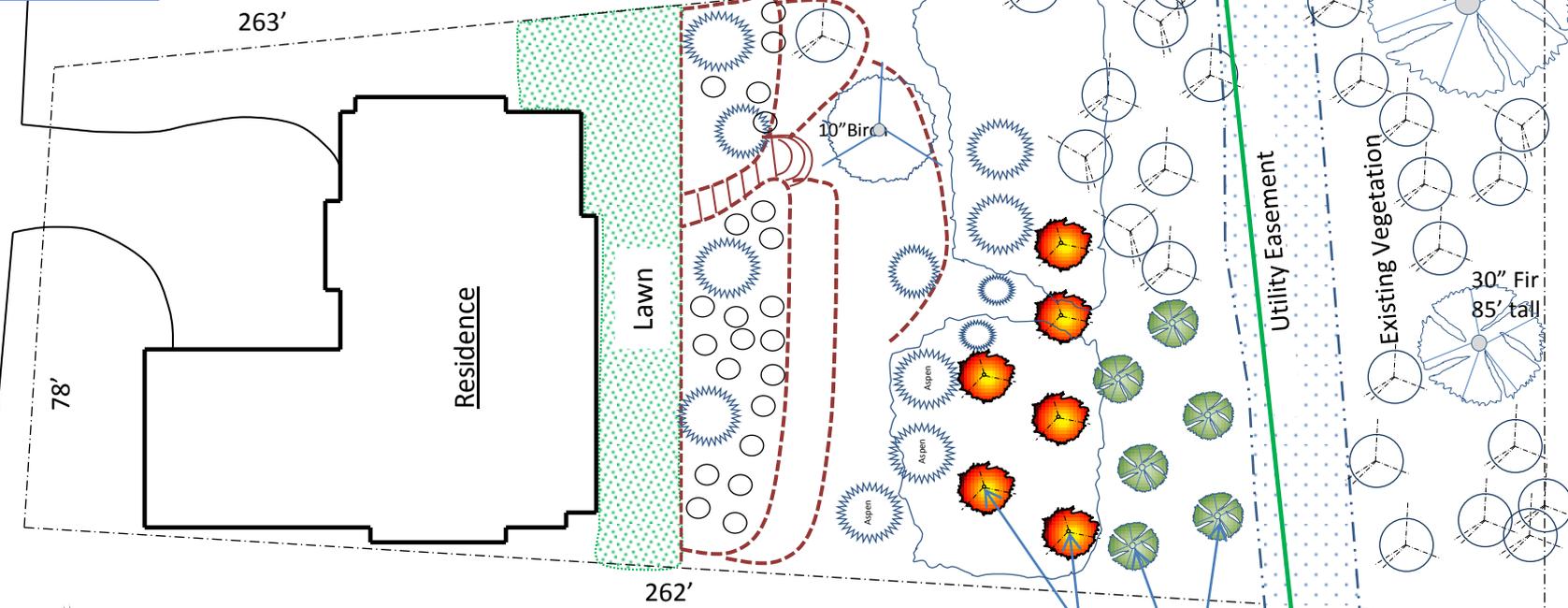
Designed: Ali Siahpush
Drawn: Ali S
Date: 2/1/2014
Scale: 1" = 20'
Revised: First draft

UTC ticket # - 14022528

Proposed Site Plan



SE 54th St



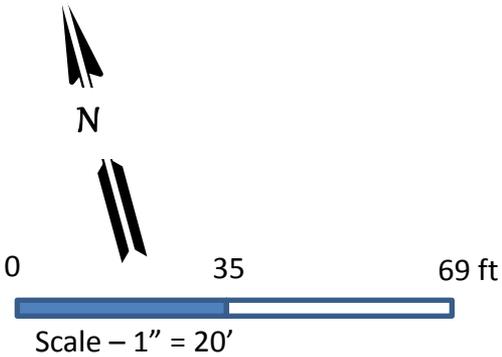
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New Plantings

-  Doug Fir
-  Red Maple

- 6 X 4-5' h Red Maple
1 1/2 caliper
(15' O.C.)
- 6 X 4' h Doug Fir
(15' O.C.)



UTC ticket # - 14022528

Designed: Ali Siahpush
Drawn: Ali S
Date: 2/1/2014
Scale: 1" = 20'
Revised: First draft