



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

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**Proposal Name:** **Bellevue Parks and Utilities Programmatic Vegetation Management**

**Proposal Address:** **Various location city-wide**

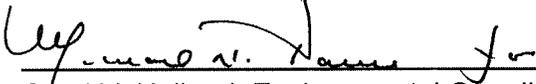
**Proposal Description:** Critical Areas Land Use Programmatic Permit approval for regular, routine management of vegetation within critical areas and critical area buffers within City-owned properties including rights of way throughout the City.

**File Number:** **14-141563-LO**

**Applicant:** **Geoff Bradley, Parks & Community Services Department**

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

**Planner:** **Heidi M. Bedwell, Senior 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

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Application Date:	September 23, 2014
Notice of Application Publication Date:	October 16, 2014
Decision Publication Date:	December 11, 2014
Project/SEPA Appeal Deadline:	December 26, 2014

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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.



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 450 100<sup>th</sup> Ave NE., P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Geoff Bradley, Bellevue Parks and Community Services Department

**LOCATION OF PROPOSAL:** Various locations city-wide

**NAME & DESCRIPTION OF PROPOSAL:**

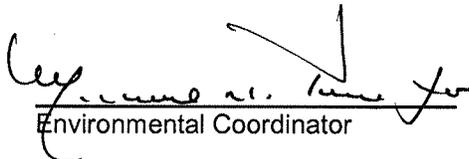
Critical Areas Land Use Programmatic Permit approval for regular, routine management of vegetation within critical areas and critical area buffers within City-owned properties including rights of way throughout the City.

**FILE NUMBER:** 14-141563-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 December 26, 2014.
- 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

December 11, 2014  
 Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

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

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### **Attachments (in file)**

1. Critical Areas Report prepared by The Watershed Company, July 2014
2. Environmental Checklist

## I. Proposal Description

The applicant requests a Critical Areas Land Use Programmatic Permit approval for regular, routine management of vegetation within critical areas and critical area buffers within City-owned properties including rights of way throughout the City. The vegetation management will utilize a series of best management practices for sight distance and obstruction clearing, hazard tree removal, forest health improvement, invasive species removal and habitat enhancement. The following table summarizes the proposed thresholds and requirements for restoration and enhancement plans:

Activity <sup>1</sup>	Area	Threshold Maximum	Threshold with Enhancement Plan	Threshold with Phasing and Enhancement Plan
Sight Distance and Obstruction Clearing	Unimproved ROW	0.5 acre	---	---
	Outside ROW	0.5 acre	---	---
	Wetland	0.1 acre	---	---
	Steep Slope	0.1 acre	---	---
Hazard Tree Removal <sup>2</sup>	Unimproved ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Outside ROW	4 trees/acre	6 trees/acre	8 trees/acre
	Wetland	1 tree/acre	2 trees/acre	---
	Steep Slope	2 trees/acre	4 trees/acre	---
Forest Health	Unimproved ROW	0.5 acre	1.0 acre	2.0 acres
	Outside ROW	0.5 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slope	0.25 acre	<1.0 acre	---
Invasive Species Removal	Unimproved ROW	0.5 acre	1.0 acre	2.0 acres
	Outside ROW	0.5 acre	1.0 acre	2.0 acres
	Wetland	0.25 acre	<1.0 acre	---
	Steep Slope	0.25 acre	<1.0 acre	---
Habitat Enhancement	Unimproved ROW	0.5 acre	1.0 acre	2.0 acres
	Outside ROW	0.5 acre	1.0 acre	2.0 acres
	Wetland	---	<1.0 acre	---
	Steep Slope	---	<1.0 acre	---

The Land Use Code (LUC) 20.25H.055 specifies vegetation management as an allowed use within critical areas, critical area buffers, and critical area structure setbacks provided that the performance standards for the applicable critical area and the performance standards specified in LUC 20.25H.055.C.3.i are met.

## II. Site Description, Zoning, Land Use and Critical Areas

### 1. Site Description

Those areas within the City of Bellevue covered by this programmatic permit are identified on the Vegetation Management Programmatic Map (Shown in Appendix A of Attachment 1). The map shows the locations of the following critical areas: streams, wetlands, shorelines, steep slopes, and shorelines. Streams and wetlands have buffers that vary depending upon the classification or category of the critical area.

For the most part, areas covered under this proposal within publicly-owned rights-of-way, by virtue of their inclusion in this proposal, are adjacent to undeveloped portions of the city that have remained undeveloped because of the natural characteristics of the property, such as the presence of a stream, wetland or steep slope.

The areas covered under this proposal are either critical areas or critical area buffers on public property; those outside of rights-of-way are primarily in a forested condition and often occur adjacent to privately-owned parcels. The interface between the ownerships varies widely between an abrupt change from a forested to a developed condition to a gradual transition characterized by a variety of plant communities and low-intensity development. In general, activities authorized under this permit may take place in the following vegetation management zones:

- A. Critical Area Buffers in Unimproved ROW – Within critical area buffers that are within undeveloped portion of the City rights-of-way. Critical area buffers terminate at the edge of the improved right-of-way (sidewalk, curb, gravel shoulder, etc.). Typical conditions include native and non-native vegetation absent of an developed improvements.
- B. Critical Area Buffers Outside of Unimproved ROW – City-owned property adjacent to the right-of-way located within a critical area buffer. An example of this would be a City park abutting a City right-of-way. Activities could occur within any area of the park and/or right-of-way encumbered by a critical area buffer. This also includes City-owned property, not adjacent to a right-of-way but still within a critical area buffer. An example of this would be a City park or Utility-owned property that does not border a City right-of-way but contains a critical area buffer or portion of a buffer. Activities could occur in any area of property encumbered by the buffer.
- C. Wetland and Steep Slope Critical Areas on City-owned Property – City-owned property within a wetland or steep slope critical area, both within and outside of unimproved rights-of-way. Wetlands must be delineated and marked in the field by a qualified professional prior to approval under this programmatic permit. Work within wetlands and areas of steep slopes are subject to the provisions detailed in the Section III.

## **2. Zoning**

The proposal includes activities that occur in various locations city-wide and contains the full variety of land use zoning districts from the least intense, residential district to the most urbanized, commercial or light-industrial zone, with the exception of those zones in the Downtown subarea. Per LUC 20.25H.005, the Critical Areas Overlay District does not apply to the Downtown.

## **3. Land Use Context**

Because the proposal is for vegetation management on City owned property within and adjacent to the public right of way, a variety of land uses occur within the vicinity of the proposal. Nothing in the subject proposal will affect the existing and surround land uses.

## **4. Critical Areas Functions and Values**

### **i. Streams and Riparian Areas**

A healthy aquatic environment is based on processes sustained by dynamic

interaction between the stream and the adjacent riparian area. Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization. Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature.

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams. The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods. Upland and wetland areas can infiltrate flood flows, which in turn, are released to the stream as base flow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species. Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream base flows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream.

## **ii. Wetlands**

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well. However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

## **iii. 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 provides 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.

#### **iv. Shorelines**

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply.

#### **v. Floodplains**

The value of floodplains can be described in terms of both the hydrologic and ecological functions that they provide. Flooding of occurs when either runoff exceeds the capacity of rivers and streams to convey water within their banks, or when engineered stormwater systems become overwhelmed. Studies have linked urbanization with increased peak discharge and channel degradation (Dunne and Leopold 1978; Booth and Jackson 1997; Konrad 2000). Floodplains diminish the effects of urbanization by temporarily storing water and mediating flow to downstream reaches. The capacity of a floodplain to buffer upstream fluctuations in discharge may vary according to valley confinement, gradient, local relief, and flow resistance provided by vegetation. Development within the floodplain can dramatically affect the storage capacity of a floodplain, impact the hydrologic regime of a basin and present a risk to public health and safety and to property and infrastructure.

### **III. Consistency with Land Use Code Requirements:**

#### **1. Zoning District Dimensional Requirements:**

There are no structures proposed for development. The dimensional standards for the land use zoning district are not applicable to vegetation management.

#### **2. Critical Areas Requirements LUC 20.25H:**

##### **i. Performance Standards for Vegetation Management LUC 20.25H.055.C.3.i**

Modification of vegetation in a critical area or critical area buffer that is not considered routine maintenance under LUC 20.25H.055.C.3.h, may be allowed if it meets the requirements of this section.

Thresholds have been identified for specified activities within vegetation management zones depending on the type of activity proposed and the area in which the activity.

Under this permit, an enhancement plan developed by a qualified professional must accompany any "activity notification form" described in condition of approval #6. Any proposal to utilize phasing shall also be accompanied by an enhancement plan. The enhancement plan should specifically detail the phasing proposed, including the number of phases, estimated time between phases, and the performance standards that must be met in order to proceed to the next phase.

Based on review of the enhancement plan and site inspections, Development Services Department may require monitoring by a qualified professional to allow the subsequent phases to occur.

**TABLE 1 – Activity Threshold**

Activity <sup>1</sup>	Area	Threshold Maximum	Threshold with Enhancement Plan	Threshold with Phasing and Enhancement Plan
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<sup>1</sup> – A geotechnical report is required for any disturbance greater than 5,000 square feet in a steep slope critical area or its buffer.

<sup>2</sup> – The total acreage per management entry under this permit shall not exceed 2 acres.

Noxious Species Removal. The removal of the invasive and noxious weeds; including but not limited to English Ivy (*Hedera helix*), Himalayan blackberry (*Rubus discolor*, *R. procerus*), and Evergreen blackberry (*Rubus laciniatus*); with hand labor and hand-operated equipment from a critical area buffer, or from a geologic hazard critical area, is allowed without requiring a Critical Areas Land Use Permit or a Vegetation Management Plan.

The plan addresses the purpose and best management practices to be employed when addressing invasive and noxious weeds in the three vegetation management zones. Predetermined management area thresholds are established in the Vegetation Management Plan. These thresholds impose limits on the amount of area that is permitted to be treated during a management entry. A summary of the thresholds is shown in Table 1. The thresholds will be enforced through the inspection procedures specified for the subsequent Clearing and Grading Permit. See Section IX for related Conditions of Approval.

Hazard Tree Mitigation. The removal of trees from the critical area or critical area buffer that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement, is allowed without requiring a Critical Areas Land Use Permit or a Vegetation Management Plan; provided, that standards stated in LUC 20.25H.055.C.3.i.ii are met.

The applicant has submitted a Vegetation Management Plan with best management practices to be followed for the assessment and treatment of hazard trees within the three predetermined vegetation management zones. Hazard trees in critical area buffers within the unimproved right-of-way include trees posing an imminent threat to public safety or an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Hazard trees in the right-of-way may include trees that are healthy but are threatening public use of the right-of-way. Under this permit, hazard trees located within critical area buffers in the unimproved right-of-way may be removed with the recommendation of a qualified professional.

Hazard trees located in critical area buffers outside of the unimproved right-of-way are defined as those posing an imminent threat to public safety or are posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Therefore the hazard trees must pose enough harm from an area outside the right-of-way that they must be trimmed and/or removed entirely. Hazard trees located within City owned property, not adjacent to a right-of-way, are defined as those trees posing a risk to the public, legally established infrastructure, or off-site private property. Removal of a coniferous tree equal to or exceeding 8 inches diameter at breast height at 4.5 feet above grade (DBH) or a deciduous tree 12 inches DBH or greater from City property outside of the right-of-way requires an assessment by a Pacific Northwest Chapter of the International Society Arboriculture Tree Risk Assessment Certified (TRACE) certified arborist or and equivalent qualified professional adhering to the standards of the International Society of Arboriculture (ISA) for tree hazard evaluation.

Hazard trees within wetland or steep slope critical areas are defined as those posing an imminent threat to public safety or are posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement. Generally summarized, hazard trees must pose enough harm to an area outside the wetland or steep slope area that they must be removed to alleviate the hazard. Removal of a coniferous tree equal to or exceeding 8 inches DBH or a deciduous tree at least 12 inches DBH from a wetland or steep slope requires an assessment by a TRACE-certified arborist or qualified professional adhering to the standards of the ISA. In no case shall a stump be removed from a wetland or steep slope area as part of hazard tree removal. In all cases, the large woody debris generated from the removal of a hazard tree shall remain within the critical area or critical area buffer if it can be accomplished without increasing the risk to public or private property.

The plan addresses the purpose and best management practices to be employed evaluating and addressing tree hazards in the three vegetation management zones. Predetermined thresholds are established in the Vegetation Management Plan. These thresholds impose limits on the number of trees is permitted to be

treated during a management entry. Enforcement of this provision will occur through the inspection procedures specified for the subsequent Clearing and Grading Permit. See Section IX for related Conditions of Approval.

Forest Health Improvement. Measures to control a fire or halt the spread of disease or damaging insects; provided, that the removed vegetation shall be replaced pursuant to a restoration plan meeting the requirements of LUC 20.25H.210.

The applicant submitted a Vegetation Management Plan that defines forest health improvement as vegetation management aimed at halting the spread of disease or damaging insects or the pruning of existing trees and vegetation to maintain forest health and/or increase diversity. Activities may include canopy thinning, structural pruning, overly dense stand thinning, diseased tree removal, and restoration/enhancement of vegetative diversity. When in a critical area, in no case shall a stump be removed as part of any forest health practice.

The applicant's vegetation management plan prescribes best management practices to be employed as actions associated with forest health improvements. The best management practices also include thresholds for treatment areas covered under this programmatic permit. See Section X for related Conditions of Approval.

Vegetation Management Plan for Utility, Transportation and Parks Projects. Vegetation may be periodically removed from the critical area or critical area buffer as part of an ongoing routine maintenance plan for utility, transportation and park projects allowed pursuant to a Vegetation Management Plan meeting the requirements of LUC 20.25H.055.C.3.i.v.

The applicant submitted a vegetation management plan that was prepared by The Watershed Company. The plan includes a description of the type and extent of critical areas to be expected within three predetermined vegetation management zones, as summarized in Section II above.

The objective of the plan is to put in place programmatic guidelines and practices that comply with the requirements of a Critical Areas Land Use Permits and Clear and Grade Permits when City of Bellevue departments (i.e. Parks & Community Services Department, Utilities Department, Transportation Department [Department(s)]) propose vegetation management activities within critical area buffers and certain critical areas. By following best management practices in the plan, Departments can submit individual management entries for review and inspection under a clearing and grading permit.

Vegetation management covered under this proposal is focused on promoting and encouraging the growth of existing, desirable native vegetation while maintaining and protecting the improved portions of the right-of-way and ensuring public safety. The ultimate goal is to promote programmatic approach that preserves and enhances the functions and values of critical areas and critical area buffers located in the City. The activities covered under this permit provide the opportunity to couple routine maintenance with habitat management and enhancement. The best management practices described in the plan are designed to achieve a degree of improvement over existing conditions during regular work in the predetermined

vegetation management zones.

Allowed work windows are prescribed by the plan and limited by rainy season restrictions specified by the clearing and grading regulations (BCC 23.76) to be enforced through a subsequent programmatic clearing and grading permit. Allowed square footage thresholds by activity and critical area are also specified in the plan and will be enforced through the subsequent clearing and grading permit. See Section IX for related Conditions of Approval.

### **3. Consistency with Land Use Code Critical Areas Performance Standards:**

#### **i. Performance standards for landslide hazards and steep slopes LUC**

##### **20.25H.125**

In addition to complying with the performance standards set forth in LUC 20.25H.055 discussed above, the applicant has incorporated the following applicable performance standards for development within a landslide hazard or steep slope critical area or critical area buffer.

- a. The programmatic permit does not allow for any alteration to the natural contour or preexisting contour of a steep slope critical area or critical area buffer.
- b. The proposed vegetation management will not result in greater risk or a need for increased buffers on neighboring properties. Any clearing of invasive species in a landslide hazard or steep slope critical area greater than 5,000 square feet shall be reviewed by a geotechnical engineer to ensure the action will not increase the likelihood for slope failure or significant erosion.
- c. All areas of temporary disturbance shall be restored pursuant to a restoration and enhancement plan. Cut hazard trees will be replaced at a 4:1 ratio with appropriate native species, using the Handbook for guidance or as designed by a qualified professional. Enhancement and habitat improvement activities in a steep slope area will be accompanied by an enhancement plan completed by a qualified professional. The plan must detail invasive species removal techniques, a planting plan with installation details, a TESC, maintenance methods, and a monitoring plan to ensure success.

#### **ii. Performance Standards for streams LUC 20.25H.080**

The following applicable performance standards will be observed for vegetation management in vegetation management zones that include critical area buffers associated with type S or F streams.

- a. No lights will be installed as a part of this project.
- b. No activities that generate noise such as parking lots, generators, and residential uses area allowed with the exception of short term noise associated with the implementation of vegetation management actions.
- c. No new impervious area shall be allowed to be created under the provision of this permit.
- d. Treated water may be allowed to enter the stream critical area buffer.
- e. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use. All areas of temporary disturbance shall be restored pursuant to a restoration and enhancement plan. Cut hazard trees will be replaced at a 4:1 ratio with appropriate native species, using the Handbook for guidance or as

designed by a qualified professional. Enhancement and habitat improvement activities in a stream critical area buffer will be accompanied by an enhancement plan completed by a qualified professional. The plan must detail invasive species removal techniques, a planting plan with installation details, a TESC, maintenance methods, and a monitoring plan to ensure success.

- f. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

### **iii. Performance Standards for wetlands LUC 20.25H.100**

The following applicable performance standards will be observed for vegetation management in vegetation management zones that include wetland critical areas and wetland critical area buffers.

- a. No lights will be installed as part of this project.
- b. No activities that generate noise such as parking lots, generators, and residential uses area allowed with the exception of short term noise associated with the implementation of vegetation management actions.
- c. No new impervious area shall be allowed to be created under the provision of this permit.
- d. Treated water may be allowed to enter the wetland critical area buffer.
- e. The outer edge of the wetland critical area buffer shall be planted with dense vegetation to limit pet or human use. All areas of temporary disturbance shall be restored pursuant to a restoration and enhancement plan. Cut hazard trees will be replaced at a 4:1 ratio with appropriate native species, using the Handbook for guidance or as designed by a qualified professional. Enhancement and habitat improvement activities in a wetland critical area and critical buffer will be accompanied by an enhancement plan completed by a qualified professional. The plan must detail invasive species removal techniques, a planting plan with installation details, a TESC, maintenance methods, and a monitoring plan to ensure success.
- f. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the wetland critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.

### **iv. Performance Standards for shorelines LUC 20.25E.080**

All clearing, grading, excavating, and fill in the Shoreline Overlay District shall comply with the provisions of Chapter 23.76 BCC, now or as hereafter amended.

The proposal for vegetation management does not permit clearing, grading, excavating, or fill within the shoreline critical area. Vegetation management is allowed within the specified thresholds within the shoreline critical area buffer except as described in the attached Vegetation Management Plan.

### **v. Performance Standards for habitat associated with Species of Local Importance LUC 20.25H.160**

If it is determined that habitat associated with species of local importance will be impacted by activities covered by the proposal, the applicant shall implement the wildlife management plan tailored for the species and based on the

recommendations developed by the Department of Fish and Wildlife and the City of Bellevue. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this performance standard.

#### **vi. Areas of Special Flood Hazard**

Areas of special flood hazard are designated as critical areas under LUC 20.25H. Additionally, the city is required to comply with provisions in a 2008 biological opinion issued by the National Marine Fisheries Service in order to maintain its eligibility for participation in the National Flood Insurance Program (NFIP). Per the 2008 biological opinion, the protected area includes designated floodplains, floodways, and a Riparian Buffer Zone (RBZ), which extends 150-250 feet from the ordinary high water mark of a waterbody or water course, depending on its designation. The following work is allowed in the RBZ without an assessment of floodplain impacts : [1] repair or remodel of an existing building in its existing footprint; [2] removal of noxious weeds; [3] replacement of non-native vegetation with native vegetation; [4] ongoing activities such as lawn and garden maintenance; [5] removal of hazard trees; [6] normal maintenance of public utilities and facilities; and [7] restoration or enhancement of floodplains, riparian areas and streams that meets Federal and State standards. The activities proposed within this programmatic permit fall within the allowed activities in 2-7, above. Activities addressed by this programmatic permit do not include grading, filling, paving, or rerouting of stormwater, which could affect floodplain hydrologic functions. Therefore, activities conducted in accordance with this permit are allowed per the 2008 biological opinion, and they do not require additional documentation or consultation.

### **IV. Public Notice and Comment**

Application Date: September 23, 2014  
Public Notice (500 feet): October 16, 2014  
Minimum Comment Period: October 30, 2014

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on October 16, 2014. It was mailed to property owners within 500 feet of the project site. One comment was received from the public as of the writing of this staff report.

The comment was submitted via electronic mail by Karen Walter of the Muckleshoot Indian Tribe Fisheries Division:

**Will programmatic permit allow for the removal of vegetation within regulated stream buffers and shorelines or not? The language in Section 3.4 on page 15 suggests that it is not allowed; however, the programmatic application form in Appendix B includes streams and shorelines.**

*Response: The permit would not allow vegetation management within the stream critical area (ie below the top of bank) or within the shoreline critical area (ie the lake itself) but would permit activities in the stream and shoreline buffers.*

### **V. Summary of Technical Reviews**

**Clearing and Grading:**

The Clearing and Grading Division of the Development Services Department has reviewed the proposal for compliance with Clearing and Grading codes and standards. A programmatic storm water pollution prevention plan (SWPPP) will be required along with the programmatic clearing and grading permit. The SWPPP must be in prepared and accepted prior to approval of the clearing and grading permit. See Section IX for a related condition of approval.

## **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.

### **1. Earth and Water**

The submitted plan includes BMPs for each of the individual activities covered under this programmatic permit. In addition, construction sequencing and erosion and sedimentation control plans are identified to prevent erosion and sediment-laden runoff from entering water bodies or migrating to adjacent wetlands. The proposed management entries are also restricted by the City of Bellevue's rainy season restrictions, further limiting the possibility for detrimental erosion and sedimentation. Best management practices for erosion and sediment controls include the installation of silt fencing around work areas and covering exposed soils to prevent migration of soils. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section IX for a related condition of approval.

### **2. Animals**

The project area includes the natural area open spaces and vegetated roadside areas throughout the City. These natural areas and publicly owned open spaces are part of a larger natural area systems or corridors that contains quality habitat for birds and mammals. The proposed activities are designed to be minimally invasive in regards to wildlife habitat. In instances where significant trees are planned to be removed, the loss will be mitigated through the preservation of large woody debris and snags that can be preserved without posing a threat to public or private property. In cases where an active nest of a species of local importance is identified within a project area, the activity will be either postponed or redesigned to avoid impact or mitigate for unavoidable impacts.

### **3. Plants**

The main objective of the vegetation management plan is the preservation and establishment of desirable native vegetation communities within the prescribed vegetation management zones. All temporary disturbance will be restored with an approved restoration plan that is consistent with the requirements of LUC 20.25H.210. See Section IX for related conditions of approval.

#### **4. Noise**

The project activities may occur adjacent to various land use zoning districts. Noise generated by activities covered under this programmatic permit would be those generated by hand operated equipment within the work site or larger machinery that is staged in the public right-of-way. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section IX for a related condition of approval.

### **VII. Decision Criteria**

#### **1. Critical Areas Land Use Permit Decision Criteria 20.30P**

The Director may approve or approve with modifications an application for a critical areas land use permit if:

##### **1. The proposal obtains all other permits required by the Land Use Code;**

**Finding:** The proposal is required to obtain a programmatic clearing and grading permit to cover the activities described in this proposed vegetation management plan.

##### **2. 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 proposal is for vegetation management in steep slope critical areas, wetland critical areas and all critical area buffers. The vegetation management plan submitted by the applicant documents the applicant use of best management practices for the management of vegetation which results in the least impact on the critical areas and critical area buffers within the prescribed vegetation management zones.

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

**Finding:** The proposal is consistent with and incorporates the applicable performance standards for the critical areas affected by the proposed management.

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

**Finding:** The proposal does not increase the need for public facilities over what is currently required. In the long term, the proposal could actually reduce the need for public resources to manage these areas through proactive management of vegetation along public rights-of-way.

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

**Finding:** The proposal calls for and specifies a requirement for restoration plans consistent with LUC 20.25H.210 for all vegetation management activities that exceed predetermined thresholds in certain critical area buffers.

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

**Finding:** As discussed in Section IV & V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

**VIII. 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 Planning and Community Development does hereby **approve with conditions** the proposal for programmatic vegetation management within critical areas, critical area buffers and critical area structure setbacks utilizing a series of best management practices for sight distance and obstruction clearing, hazard tree removal, forest health improvement, invasive species removal and habitat enhancement. The approval specifies predetermined vegetation management zones within steep slope and wetland critical areas and critical area buffers located within unimproved rights-of-way, outside of unimproved rights-of-way and elsewhere on city-owned property.

**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. The approval associated with this permit is effective for no more than 7 years or until the City’s Critical Areas Ordinance is amended in a manner that impacts the findings and criteria of this decision.

**IX. 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	Tom McFarlane, 425-452-5207
Land Use Code- BCC 20.25H	Heidi Bedwell, 425-452-4862
Noise Control- BCC 9.18	Heidi Bedwell, 425-452-4862

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

**1. Restoration/Enhancement Plan for Areas of Temporary Disturbance:** A restoration and/or enhancement plan for all areas of temporary disturbance within predetermined activity thresholds specified in condition of approval #7 is required to be submitted for review and approval by the Land Use Division as an attachment to the activity notification form referenced in condition of approval #6. The plan shall include documentation of existing site conditions and identification of restoration measures to return the site, at a minimum, to its existing conditions per LUC 20.25H.220.H.

Authority: Land Use Code 20.25H.220.H  
 Reviewer: Heidi Bedwell, Land Use

**2. Rainy Season restrictions:** Due to proximity to a variety of critical areas including steep slopes, wetlands and streams, no clearing and grading activity may occur during

the rainy season, which is defined as November 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: Tom McFarlane, Clearing and Grading

**3. 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: Heidi Bedwell, Land Use

**4. 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: Heidi Bedwell, Land Use

**5. Programmatic Clearing and Grading Permit (3 Year):** Prior to proceeding with any of the activities described in the programmatic vegetation management plan for parks, utilities and transportation, the applicant must apply for and obtain an approved clearing and grading permit. The clearing and grading application shall include the submittal of a programmatic SSWP. The clearing and grading permit shall be good for a period of three years from the date of issuance.

Authority: Bellevue City Code 23.76  
Reviewer: Tom McFarlane, Clear and Grade

**6. Activity Notification and Inspection Procedure (form and transmittal):** For each individual maintenance activity proposed, the applicant's project manager shall complete and submit to Development Services Department Programmatic Vegetation Management Activity Notification form. The application form is intended to provide Development Services with the information necessary to ensure compliance with this programmatic permit. It also serves as a tool for the applicant in determining if the scope of a particular activity is within the scope of the programmatic vegetation management permit.

The activity notification form shall be filled out and submitted by electronic mail a minimum of 48 hours prior to the commencement of activities. The notification shall be sent to the clearing and grading inspectors and the Development Services Department Land Use Division ([LUZI@bellevuewa.gov](mailto:LUZI@bellevuewa.gov)).

Authority: Bellevue City Code 23.76  
Reviewer: Tom McFarlane, Clear and Grade

**7. Thresholds for Application of Programmatic Permit:** Thresholds have been identified for specified activities within vegetation management zones depending on the type of activity proposed and the area in which the activity. Table 1 in Section III of this report outlines the maximum thresholds allowed under this programmatic permit.

Authority: Land Use Code LUC 20.25H.055.C.3.i  
Reviewer: Heidi Bedwell, Land Use

**8. Geotechnical Evaluation for Steep Slope Critical Areas:** Authorized activities described in the programmatic vegetation management plan that disturb greater than 5,000 square feet of soil within a steep slope critical area require submittal of a geotechnical report, prepared by a qualified professional. The report shall demonstrate that the proposed activities will not have a detrimental effect on the stability of the steep slope and that downslope impacts are insignificant. The geotechnical evaluation should also review and recommend TESC measures that will ensure anticipated impacts are minimized.

Authority: Bellevue City Code 23.76  
Reviewer: Tom McFarlane, Clear and Grade

**9. Wetland Determinations and Delineations:** When a project action is proposed within a wetland, the activity notification form referenced in condition of approval #5 shall be accompanied by a map identifying the approximate edge of the wetland in question, as well as the wetland category (I, II, III, IV) and the appropriate regulatory buffer (See LUC 20.25H.095.C).

If the proposed management action is within a wetland buffer, Development Services Department may require that the wetland edge be delineated by a qualified professional. The delineation forms, the wetland rating forms and a map identifying the wetland edge shall accompany the activity notification form referenced in condition of approval #5.

Authority: Land Use Code 20.25H.020  
Reviewer: Heidi Bedwell, Land Use

**10. Stream Top-of-Bank Delineation:** When a project action is proposed within a stream critical area buffer, the activity notification form referenced in condition of approval #5 shall be accompanied by a map delineating the stream in question, as well as the stream type (S, F, N, O), the “top-of-bank” (See definition in LUC 20.50.048) and the appropriate regulatory buffer (See LUC 20.25H.075.C). No work is allowed under this permit within a stream critical area.

Authority: Land Use Code 20.25H.020  
Reviewer: Heidi Bedwell, Land Use

**11. Other State and Federal Permits:** The applicant is required obtain necessary state and federal permits for work that is not exempt within wetlands, wetland buffers, shorelines of the state, and stream riparian areas.

Authority: Land Use Code 30.30P  
Reviewer: Heidi Bedwell, Land Use