



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

Proposal Name: Sunset Park Village

Proposal Address: 3375, 3751, 3739, 3727, and 3715 134th Ave SE

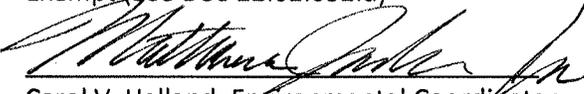
Proposal Description: Application for a stream structure setback modification as allowed by LUC 20.25H.075.D.4 to reduce the 50-foot structure setback from an existing 50-foot stream (critical area) buffer to accommodate a reasonably sized house on each lot. The final plat was approved by the City of Bellevue in February 1999 and only three homes were built in the intervening years. This modification addresses code changes that occurred in 2006 that would otherwise preclude constructing reasonably sized homes on the remaining lots without the proposed modification.

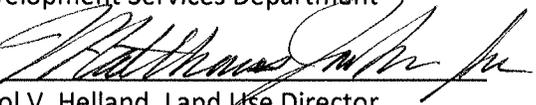
File Number: 14-147564-LO

Applicant: Alison Moss, Schwabe, Williamson & Watt

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

Planner: Michael Paine, Environmental Planning Manager

**State Environmental Policy Act
Threshold Determination:** Exempt (See BCC 22.02.032.d)

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: Approval with Conditions
Michael A. Brennan, Director
Development Services Department
By: 
Carol V. Helland, Land Use Director

Application Date: December 15, 2014
Notice of Application Date: January 22, 2015
Decision Publication Date: April 30, 2015
CALUP Appeal Deadline: May 14, (14-days from publication date)

For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of the SEPA Threshold Determination and Critical Areas Land Use Permit must be made to the City of Bellevue City Clerk's Office by 5 p.m. on the date noted above for SEPA appeal deadline.

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Attachments

1. SEPA Environmental Checklist – Attached
2. Critical Areas Report and Addendum Letter – Attached
3. Permit forms and documents – In File

I. Proposal Description

The applicant proposes a critical area modification to reduce the required 50-foot critical area structure setback from the existing stream buffer as permitted by LUC 20.25H.075.D.4. The reduction is not uniform across all lots and will range between 16 and 19 feet based on the location of the existing Native Growth Protection Area boundary and stream buffer. In addition, the applicant will reduce other dimensional setbacks as required by LUC 20.25H.040 to create additional development space before seeking a reduction of the critical area structure setback. In this case, front-yard setbacks will be reduced to 15 feet from the required 20 feet; a further reduction to maximum allowable setback modifications was deemed too harmful to neighborhood character. Similarly, the total side yard dimension will be reduced to 10 feet from the required 15 feet. The end result is roughly 80 feet of stream buffer and structure setback across all lots between the top-of-bank of the stream and the proposed disturbance area for construction. In particular, the stream buffer on Lot 3 will be extended a full 50 feet from top-of-bank and a Native Growth Protection Easement will be placed over this additional area as a result. Habitat loss associated with the reduced structure setback will be mitigated by a combination of tree and shrub plantings or other performance measures.

A critical areas land use permit and critical areas report are required because the final short-plat was approved by the City of Bellevue in February 1999 and only three homes were built on the approved lots during the five year vesting period for lots. A 2006 code change resulted in larger stream buffers and structure setbacks and a different measuring methodology that rendered development of the remaining lots infeasible absent the proposed structure setback modification. Modification of stream structure setback is allowed provided the proposal leads to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code.

Figure 1 and 2: Sunset Park Village Site Context





II. Site Description, Zoning, and Land Use

A. Site Description

The area under review consists of five undeveloped lots within a partially developed eight lot short-plat. Lot 8 (3775 134th Avenue SE) is the most southerly lot in the plat while lots 6,5,4 and 3 sit together in a row in the middle of the short-plat. A portion of each lot is dedicated as Native Growth Protection Area (NGPA). A pedestrian trail and easement runs through the NGPA south to north from the City of Bellevue's Sunset Ravine Open Space. Remnant stands of Puget Sound Lowland Mixed Forest dominate the overstory on the site supported by typical forest shrub layer. Patches of Himalayan blackberry (*Rubus armeniacus*) cover disturbed and exposed areas. Sunset Creek flows from south to north on City property to the west and is typed as a fish-bearing stream. It sits within a deep and steeply sloped ravine that extends up into the western portion of the site. The required stream buffer is measured from the top of the ravine as required by LUC 20.50.048.

Single-family residential zoning dominates the area to the west, south, and east with commercial zoning to the north abutting the freeway. The Sunset Ravine Open Space and Utility Maintenance Yard are located immediately to the south. The critical areas report submitted in support of this application identifies the lots not previously developed as dominated by Douglas fir interspersed with western red cedar, red alder, big-leaf maple, bitter cherry and cascara. Understory and groundcover

vegetation was reported as generally dense and well developed and includes hazelnut, Oregon grape, Indian plum, red huckleberry, ocean spray, elderberry, Himalayan blackberry, vine maple, pacific ninebark, sword fern, bracken fern and English holly. In addition, a mat of English ivy predominates and infests many of the trees on the site. Absent the ivy, this habitat type is typically associated with Pileated woodpeckers and other species on the City of Bellevue's Species of Local Importance list. Structural habitat features important to woodpeckers include snags and dead or dying trees and scattered down logs.

B. Site Planning

Development on these previously approved lots is constrained by the existing NGPA to the west, which contains a public trail, and the required 50-foot buffer from top-of-bank and 50-foot structure setback from that required buffer. Because of the predominance of critical area on the site, lot coverage is limited to something less than 40 percent of the total lot area. As a consequence, building areas on these legal lots is by necessity concentrated on the first third of the lot area abutting 134 Avenue SE.

D. Impact to Critical Areas

Based on review of the application, it appears that some care has been exercised to minimize encroachment into the critical area structure setback given the requirement that a marketable, Bellevue-sized structure result. While some existing forest canopy must be removed, much of the mature forest canopy within the critical area structure setback is preserved and buffering of the existing forest trail is retained.

E. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-H (Single Family High Density). Given the impact of critical areas, the project is consistent with this land use. The property is zoned R-5, single-family residential. The use is allowed in this zone.

F. Critical Areas

a. **Geologic Hazard Areas**

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which

drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

b. Streams and Riparian Areas

A healthy aquatic environment relies on processes sustained by a 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. 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. Vegetated upland and wetland riparian areas ameliorate the negative effects of large rain events by infiltrating storm water, desynchronizing peak crests and reducing flood flow rates. These areas then release this water to the stream at a later time as stream base flow. Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated. Until the newly planted buffer is established, the near term goals for buffer functions may not be attained, but as long as the buffer is kept undeveloped with structures or hardscape improvements, the potential exists for the functions to be provided

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-5 zoning dimensional requirements found in LUC 20.20.010 apply to future primary structures as modified by LUC 20.25H.040. The plans as submitted generally demonstrate conformance with zoning dimensional standards; however, actual conformance with all required dimensional standards will be verified during building permit review. A survey prior to foundation installation is required. See Conditions of Approval Section IX

B. Critical Areas Overlay District LUC 20.25H

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The proposed structures will modify the critical area structure setback from the edge of the stream buffer. The project is subject to the following performance standards found in LUC 20.25H.080.

i. Consistency with LUC 20.25H.080

Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

1. Lights shall be directed away from the stream.

Lighting in the rear and side-yard will be limited to the minimum necessary and constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part. See Conditions of Approval Section IX.

2. Activity that generates noise such as parking lots, generators, and residential uses shall be located away from the stream or any noise shall be minimized through use of design and insulation techniques.

To ameliorate noise associated with that may disrupt wildlife use of the stream buffer, mechanical equipment installed in the rear yard must be screened and sound insulated. See Conditions of Approval Section IX.

3. Toxic runoff from new impervious areas shall be routed away from the stream.

Runoff from impervious surfaces shall be directed to the existing storm system and treated prior to discharge to Sunset Creek.

4. Treated water may be allowed to enter the stream critical area buffer.

Applicant plans to utilize installed plat drainage system.

5. The outer edge of the stream critical buffer shall be planted with dense vegetation to limit pet or human use.

For the most part, a significant canopy will be preserved in the 30 or so feet of the structure setback that remains on each lot. In addition, the applicant proposes to place woody debris for habitat purposes and to remove all non-native species including the profusion of English Ivy from large trees. However, supplemental planting will be required to offset loss of existing forest habitat on those portions of the lots that will be cleared. The disturbance area is anticipated to be roughly the area dedicated to structure coverage, driveway and associated yards. According the critical area report submitted in support of this application, roughly five medium sized trees per lot (or a total of 25-30) will be lost due to clearing. This habitat loss can be mitigated by planting 30 or more conifers to supplement the existing stands of trees

abutting the buffer edge further screening the stream buffer from human use. See Conditions of Approval Section IX.

6. Use of pesticides, insecticides and fertilizers with 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.

ii. Consistency with LUC 20.25H.140

Modification of a geologic hazard and stream structure setback top-of-slope setback requires a critical areas report as part of the application for a Critical Area Land Use Permit. The applicant has obtained the services of a qualified geotechnical engineering company to study the site and document the observed conditions.

The firm of Creative Engineering Options reviewed their prior 1991 geotechnical study for the proposed Sunset Park Village and concluded that their prior assumptions regarding long-term slope stability remained generally unchanged despite the intervening years. They observed "no visible evidence of any significant surficial erosion, slope deterioration or degradation or any landslide activity." As part of previous efforts, they performed slope stability analysis under both static and dynamic (earthquake) conditions and confirmed that their computed factors of safety exceeded City of Bellevue's acceptable minimum standards. Overall, their report strongly suggests that the slope is "sound and stable" and concludes that given the 80 or more feet of buffer and setback, there is "virtually no risk" that a potential landslide related slope failure would have any impact, detrimental or otherwise, on the proposed area of individual lot construction.

As typically the case, projects to modify geologic hazard buffers or protective structure setbacks or steep slope critical areas require the proponent to complete a *Hold Harmless Agreement with the City*. The agreement is required to be completed prior to building permit issuance on a form provided by the City. See Conditions of Approval in Section XI of this report.

IV. Public Notice and Comment

Application Date:	December 15, 2014
Public Notice (500 feet):	January 22, 2015
CALUP Comment Period:	February 5, 2015
Decision Publication Date:	April 30, 2015
CALUP Appeal Deadline:	May 14, 2015 (14-days from publication date)

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on January 22, 2015. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

VI. Changes to Proposal Due to Staff Review

The applicant was required to revise the project narrative to address the correct permitting path, provide an approximate location of the trail on the site plan, revise the critical area structure setback modification request based on the maximum lot coverage allowed on a site with critical areas, include more analysis regarding the extent of habitat loss on each lot based on the results of the City's functional assessment tool.

VII. Decision Criteria

A. 20.25H.255.A Critical Areas Report – Decision Criteria

Except for the proposals described in 20.25H.255.B, The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code.**

With the required performance standards at 20.25H.080 applied, the addition of a conceptual mitigation plan, mitigation planting aimed at replacing lost habitat lost including structural complexity, more complete site rehabilitation and preparation, and with the addition of irrigation to assist in establishment, the proposal will result in protection of overall critical area functions over time that are at least as protective as application of the regulations and standards of this code.

- 2. Adequate resources to ensure completion of any required restoration, mitigation and monitoring.**

Adequate resources are available

- 3. The modifications and performance standards included in the proposal are not detrimental to the functions and values of the critical area and critical area buffers off-site; and**

There is no evidence that the modifications included in this proposal—confined primarily to reduction of the critical area structure setback and adjustments to dimensional setbacks permitted under LUC 20.25H.040—will have a detrimental effect on neighboring critical area and

buffer functions offsite. Sunset Creek is protected by a steep ravine and roughly 80 feet of heavily vegetated buffer and structure setback.

4. The resulting development is compatible with other uses and development in the same land use district.

The proposed development is in keeping with the size and scale of existing and proposed neighboring development.

B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

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

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

The applicant must obtain a grading permit, building permit and other ancillary development permits before beginning any work. The project must obtain any Federal and State Permits, if required, and a copy of these approvals shall be submitted to the City prior to building permit issuance. See Conditions of Approval in Section XI of this report.

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;

The project uses standard construction techniques, suitable for the mostly flat lot area on which construction is proposed. Required mitigation planting will further insulate the Sunset Creek and its associated buffer.

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

As discussed in Section II of this report, the performance standards of LUC 20.25H are incorporated in the proposal. See Conditions of Approval in Section XI of this report.

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

The proposed activity does not significantly impact the provision of public services or facilities.

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

Proposed mitigation includes a conceptual mitigation plan designed to offset the loss of existing critical area habitat as required at LUC 20.25H.150 and LUC 20.25H.230. See Conditions of Approval in Section XI of this report.

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

With respect to the footprint location of the proposed structure and conformance with the requirements of the LUC 20.25H, the proposal complies with the requirements of the Land Use Code. However, the applicant has not provided a level of detail about the proposed single-family structures sufficient to ascertain whether all applicable requirements of the code are met. These issues will be determined during building permit review.

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 the Development Services Department does hereby **approve with conditions** the Critical Areas Land Use Permit to make improvements within the stream critical area structure setback described in this report. **A grading and building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note - Expiration of Critical Area Permit 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 building permit or other necessary development permits within **one year** of the effective date of the approval. The permit may be extended an additional year provided the request is made prior to expiration of the one year time frame. At the applicant's request, the longevity of this approval has been extended for a total of **two years**.

IX. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC Title 20	Michael Paine, 425-452-2739
Noise Control- BCC 9.18	Michael Paine, 425-452-2739

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 grading, building, or utility permit. To ensure execution of the required performance standards and required mitigation planting within the critical area structure setback or buffer across the remaining undeveloped lots, the Applicant shall apply for a clearing and grading permit to install required mitigation, mitigate hazard trees, and place woody debris in setback area as required. This work must be substantially complete prior to issuance of the building permits for each lot.

Authority: Land Use Code 20.30P.140
Reviewer: Michael Paine, Development Services Department

- 2. Building/Utility Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a building or utility permit. Applications for building and other ancillary permits must be submitted and approved. Plans submitted as part of subsequent permit applications shall be consistent with the scope and conditions authorized under this approval. Reported dimensions and calculations regarding all dimensional standards and setbacks including height, compliance with required setbacks, impervious surface, structure coverage, floor area ratio, and façade height may have to be confirmed by survey at the time of building review.

Authority: Land Use Code 20.30P.140
Reviewer: Michael Paine, Development Services Department

- 3. Time Limitation Extended:** Approval of this critical area land use permit carries with it a two year approval period as permitted by LUC 20.30.P.150.

Authority: Land Use Code 20.30P.150
Reviewer: Michael Paine, Development Services Department

- 4. Survey and Fence Required:** Prior to beginning construction on each lot, locate, survey, stake, and fence (chain-link construction fencing required) the approved and recorded Native Growth Protection Easement as required below to prevent disturbance of the remaining structure setback area during construction.

Authority: Land Use Code 20.30P.140
Reviewer: Michael Paine, Development Services Department

- 5. Hold Harmless Agreement Required:** Prior to building permit approval, the applicant or property owner shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with reduction of the structure setback measured from the buffer from the steep slope. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170
Reviewer: Michael Paine, Development Services Department

- 6. Rainy Season Restrictions:** Due to the proximity to a steep slope and Type F stream 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: Tom McFarlane, Clearing and Grading

- 7. Geotechnical Requirements—Letter Required:** To mitigate impacts associated with potential for increased risk due to reduced setbacks from critical slopes, future residential construction must comply with all recommendations of the geotechnical report from the Geotechnical Engineering Study prepared by Creative Engineering Options, Inc. as amended including, but not limited to, requirements for foundation development relative to the required setbacks, structural fill placement, and drainage systems. The geotechnical engineer of record shall review design and location of future development to ensure conformity with these recommendations. A letter certifying compliance must be submitted to Building Permit reviewer prior to foundation inspection.

Authority: Land Use Code 20.30P.170
Reviewer: Tom McFarlane, Clearing and Grading

- 8. Final Mitigation Plan Required:** The applicant shall submit, in concert with a clearing and grading permit, a final mitigation plan, prepared by a qualified professional and conforming to the requirements of LUC 20.25H.220 (Mitigation and Restoration Plan Requirements) that offsets the habitat loss resulting from the proposed modification of the critical area structure setback. This plan should elaborate on the proposed conceptual mitigation plan contained in the critical area report submitted with this application and include:
- a. A brief written report identifying environmental goals and objectives of the plan including details of the proposed habitat performance standards necessary to offset habitat loss and to meet the requirements of 20.25H.080;
 - b. Detailed information on site preparation and planting specifications, including information on proposed fertilizer use, and removal of invasive plants sufficient to guarantee a healthy and improved plant community. Where additional planting is required to offset habitat loss, the planting should include a diverse plant palate based on a nearby reference area or as outlined in the City of Bellevue's Critical Area Handbook.
 - c. Actions needed to meet the performance standards for species of local importance—mostly confined to pileated woodpecker habitat—including number, location, and size of preserved or installed snags, and location and size of downed woody debris, should also be included.

Authority: Land Use Code 20.25H.210 and 20.30P
Reviewer: Michael Paine, Development Services Department

- 9. Tree Preservation Plan Required:** The applicant shall submit a tree preservation plan with the clearing and grading permit plan based on the Greenforest, Inc. report that identifies significant trees identified for preservation, including preserved snags, and that notes hazard trees specifically tagged for removal as well as the mitigation proposed for replacement of hazard removals.

Authority: Land Use Code 20.25H.080, 20.25H.165, and 20.25H. 210
Reviewer: Michael Paine, Development Services Department

- 10. Record Native Growth Protection Easement (NGPE):** The Applicant shall record a native growth protection easement with the King County Division of Records and Elections clearly delineating the increased critical area buffer on lot 3 (see discussion in Section 1) as well as the modified critical area structure setback across all lots in this proposal. The site plan must include the NGPE language outlined at LUC 20.25H.030.B.2.a-d. The easement shall be surveyed and the boundary delineated by permanent survey markers place in the field.

Authority: Land Use Code 20.25H.030.B.1
Reviewer: Michael Paine, Development Services Department

- 11. Obtain and Install NGPE Signs:** The applicant shall obtain and install required NGPE signage along the outer boundary of the NGPE at the midpoint of each lot. Signs are obtainable from the City. Installation must be secure and resist removal.

Authority: Land Use Code 20.25H.030.B.1
Reviewer: Michael Paine, Development Services Department

- 11. Temporary Irrigation Required:** The mitigation and restoration plan shall include provision for temporary irrigation sufficient to guarantee establishment success of all mitigation and restoration areas.

Authority: Land Use Code 20.25H.210
Reviewer: Michael Paine, Development Services Department

- 12. Land Use Inspection Required:** Inspection of the surveyed boundary of the required NGPE and installation of the associated mitigation must be completed by the land use planner as part of the final inspection of the clearing and grading permit. Land Use inspection is also required to release the maintenance surety at the end of the five-year monitoring period. Release of the maintenance surety is contingent upon successful monitoring and maintenance and submittal of the annual monitoring reports. See how to request a land use inspection by reviewing your options at http://www.bellevuewa.gov/schedule_an_inspection.htm

Authority: Land Use Code 20.25H.210
Reviewer: Michael Paine, Development Services Department

- 13. Installation Assurance Device Required:** To ensure mitigation required by this permit is installed, an assurance device or bond representing 150 percent of the installed cost based on itemized contractual agreement for design and field services shall be provided to the City of Bellevue prior to approval of the grading permit needed to do the work. This instrument will be released as soon as the inspection noted in Condition 12 above is complete.

Authority: Land Use Code 20.30P.160
Reviewer: Michael Paine, Development Services Department

- 14. Maintenance and Monitoring:** Any planting area outlined in the mitigation plan shall be maintained and monitored for a total of five (5) years. Annual monitoring reports by a qualified professional must to be submitted to the City of Bellevue's Land Use Division for five years at the end of each growing season. Photos from designated photo points approved by the City shall be included in the monitoring reports to document continued success. The monitoring may be discontinued after three years if, in the opinion of the Department, the long-term success of the mitigation is assured. Due to the size and simplicity of this mitigation effort, the following simple schedule and performance standards apply and are evaluated in the report for each year:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- 0% coverage of invasive plants in planting area

Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Less than 5% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3, 4, & 5 (from date of plant installation)

- At least 85% survival of all installed material
- At least 35% (Yr3), 50% (Yr4), 70% (Yr5) coverage of the planting area by native plants in each year respectively
- Less than 5% coverage by invasive species or non-native/ornamental vegetation

The reports can be sent to Michael Paine at mpaine@bellevuewa.gov or to the address below:
Environmental Planning Manager
Development Services Department

City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220.D
Reviewer: Michael Paine, Development Services Department

- 15. Monitoring and Maintenance Assurance Device:** A maintenance assurance device in an amount equal to 30 percent of the cost of labor and materials for required monitoring and maintenance shall be held for a period of five years from installation. Amount is established based on itemized contractual agreement for monitoring and maintenance to be provided to the Department prior to approval of the building permit. Release of this assurance device is contingent upon receipt of documentation reporting successful establishment in compliance with the approved management plan. Land Use inspection of the planting after 3 years is required to release the surety. The maintenance surety must be submitted prior to final inspection and sign off on the grading permit.

Authority: Land Use Code 20.25H.220.F
Reviewer: Michael Paine, Development Services Department

- 16. Dark Sky Lighting Required:** Lighting in the rear yard and side yards shall be limited to the minimum necessary and constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part. Lighting tear sheets or photos of fixtures must be submitted to Development Services with building permit application for preliminary approval and shall be confirmed by inspection in the field after installation.

Authority: Land Use Code 20.25H.080
Reviewer: Michael Paine, Development Services Department

- 17. Noise related to construction:** Noise from 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 at least one week prior to the date the specific exemption is required.

Authority: Bellevue City Code 9.18
Reviewer: Michael Paine, Development Services Department

ALISON MOSS

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February 3, 2015

VIA E-MAIL

Michael Paine
Environmental Planning Manager
City of Bellevue
450 110th Avenue NE
P.O. Box 90012
Bellevue, WA 98009-9012

RE: COB No. 14-147564-L0
Sunset Park Village

Dear Michael:

Thank you for your January 9, 2015 review comments. With this letter, together with its attachments, we are addressing the revisions and items requested in your comments. Thank you also for allowing us to submit these revisions via email.

Revised Narrative. We have revised the narrative as requested, to clarify that the proposal is a critical area modification request to reduce the required structure setback. We have also described the revised increased structure setbacks and the revised Habitat Assessment & Habitat Management Plan.

Revised Survey. As requested, we have shown the approximate location of the trail easement on the site plan. The location was taken from the recorded plat of Sunset Park Village. We do not believe the trail easement would be affected by the loss of tree screening. At its nearest point to a building envelope, it remains over 31 feet from the (revised) proposed building setback, as seen on the revised survey.

Received

FEB - 9 2015

Portland, OR 503.222.9981 | Salem, OR 503.540.4262 | Bend, OR 541.749.4044 | Eugene, OR 541.686.3299
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February 3, 2015

Page 2

Revised Site Plan. The site plan has been revised to show a building envelope that is consistent with the allowable lot coverage (40% of the area of the lot net of the structure setback from the stream critical area buffer). The final clearing limits are the building envelope plus the front and side yard areas as represented on the revised site plan.

Revised Habitat Assessment & Habitat Management Plan. The Habitat Assessment and Management Plan was revised by Altmann Oliver & Associates, LLC on February 1, 2015 to describe the extent of anticipated habitat loss (particularly large conifers) that will occur with the proposed structure setback reduction from 50 feet to 31 feet to 34 feet. As explained in the narrative and in the Habitat Assessment & Management Plan, an average of approximately five medium-sized trees per lot (twenty-five to thirty trees total) would be affected by the proposed construction.

Mitigation. At this time, no revisions regarding the mitigation and monitoring plan have been requested.

Clearing & Grading. As requested, we are enclosing the Slope Stability Evaluation, Proposed Sunset Park Single Family Homes, Bellevue, Washington, dated June 20, 1991. This document includes boring logs and slope cross-sections from the stability analyses as requested. We call your attention to pages 9-12, including drawings labeled F-67 and F-68.

Thank you for your further consideration. Please do not hesitate to contact us with any questions or concerns.

Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.



Alison Moss

Virginia R. Nicholson

AM:jhi

Enclosure

cc: Rich Wagner



Revised February 2, 2015

Application Narrative/Critical Area Report for the Wagner Critical Area Land Use Permit

I. Overview

This application concerns vacant lots within the developed Sunset Park Village subdivision ("Sunset Park" or "the Plat"), which was created in 1999. Lots 3-6 and 8 (the Property) are vacant. Lots 1, 2 and 7 have been developed.

Sunset Creek, a Type F stream, flows from south to north off-site to the west. The creek is located in a ravine that extends up into the western portion of the property. The Sunset Park Village plat established the top of 40% slope for the ravine and required a 25-50' Native Growth Protection Growth Area (NGPA)/buffer from the steep slope and a 10' structure setback from the NGPA.

The City of Bellevue ("City") has since adopted critical areas regulations for streams. The City has determined that Sunset Park constitutes a "developed site."¹ For a Type F stream within or adjacent to a developed site, the stream regulations require a 50' buffer from the top of bank plus a 50' setback from the buffer LUC 20.25H.035. The top of bank is the same point as the top of the 40% slope established in the Plat.² Under a strict interpretation of the regulation, the combined stream buffer and setback preclude developing and constructing homes on the remaining five (5) lots in the Plat.

The lots, with the exception of Lot 3 as explained in this narrative, already provide a 50' NGPA/critical area buffer. The property owner, Richard Wagner, submits this Critical Area Land Use Permit Application to (a) establish a 50' critical area buffer on Lot 3 and (b) reduce the structure setback from the critical area buffer for Lots 3, 4, 5, 6 and 8 from 50' to 31-34'. The proposal includes increasing the critical area buffer on Lot 3 to 50' and, for each of the lots, increasing the structure setback established in the Plat from 10' to more than 30' and decreasing

¹ Personal communication with Michael Paine, Environmental Planning Manager.

² April 14, 2014 email from H. Bedwell to Sal Cohen.

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Permit Processing

the front yard setback to 15' to allow for the construction of reasonable single family homes on the property.

This application is categorically exempt from SEPA pursuant to LUC 22.02.032(C) and LUC 20.02.032(B)(1) because the application regards modification of a structure setback from a stream buffer and the application regards construction of fewer than ten residential units.³

II. Description of the Project Site

A. Landscape Features

Sunset Park is located at the southwest intersection of 134th Avenue SE and SE 37th in Bellevue, Washington within the Newcastle subarea. The subdivision consists of eight lots, only five of which comprise the project site. The project site is approximately 1.4 acres. It is located at the west end of SE 37th Street, bounded on the west by Sunset Ravine Park, the south and east by a wooded lot and private residential homes respectively, and on the north by a three-story office building. Access to the site is from the west end of SE 37th Street. *See revised Site Plan.*

Sunset Creek flows from south to north outside the western boundary of the project site in Sunset Ravine Park. The westerly side of the property comprises a relatively steep ravine slope, which forms the east perimeter of Sunset Ravine Park. The easterly side of the project site is more level, and where single- family homes have been built on three of the eight lots in Sunset Park. *See Site Plan.*

B. Site History

The Sunset Park subdivision was created in February of 1999. Each lot contains a dedicated native growth protection area (NGPA) critical buffer. The plat as recorded established a 50' slope buffer, plus an additional 10' building setback from the buffer, consistent with the code at the time. The slope buffer on Lot 3 ranged from 25' to 50'.

³ This categorical exemption was confirmed by M. Paine.

C. Existing Development

Three of the eight Sunset Park lots (lots 1, 2, and 7) have been improved with single family residences. All Sunset Park lots are zoned single family residential, R-5.

III. The proposal allows for use of the property with the minimum necessary impact to the critical areas

This application is for a critical area modification to reduce the required structure setback. The proposal is to reduce the 50' structure setback from the stream critical area buffer to 31-34' to allow for a home site on each of the remaining lots. In addition, the front-yard setback would be reduced from the current code requirement of 20 to 15' to allow for development and avoid the need to further reduce the structure setback from the stream buffer. This is the minimum necessary to allow for the construction of a house on each of the lots.

No encroachment into the 50' critical area buffer from the top of the bank is proposed. In addition, the proposal maximizes the critical area buffer by increasing the buffer on Lot 3. The proposal includes best efforts to minimize any impact to the critical area structure setback. No construction or development is proposed within the 50' buffer critical area buffer or within 30' of the buffer. Proposed development and construction of homes, including associated driveways and utility infrastructure, will be located on the eastern side of each lot, away from the forested critical area buffer to the maximum extent feasible.

There is no other feasible alternative with less impact to the stream buffer structure setback. Without modifying the combination of the critical area buffer and the structure setback, home construction on lots 3, 4, 5, 6, and 8 would not be feasible. The structure setback from the critical area was originally only 10', so the proposal triples the original structure setback area. The proposal allows for a total of 80'+ of buffer/setback, measured from the top of slope on each lot, to remain undisturbed while still allowing a single-family residence to be constructed on each of the five remaining lots.

IV. The proposal meets the decision criteria to modify a critical area buffer as contained in Bellevue LUC 20.30P

The proposal is consistent with the City's prescribed procedures and should satisfy the criteria that the City will use in making a decision upon an application to develop, disturb or otherwise modify a critical area buffer. This Critical Area Land Use Permit is the only permit required under the Bellevue Land Use Code.

This proposal makes the best possible use of available construction, design, and development techniques to minimize the impact on the critical area and the critical area buffer. This is demonstrated by the caliber of reports, studies and expert recommendations obtained by the applicant, and by the applicant's intent to protect the habitat and forest to the maximum extent possible.

All lots in Sunset Park, including the project site, are currently served by adequate public facilities, including streets, sidewalks, fire protection, and underground electric, CATV and telephone utilities. In addition, when the subdivision was developed in 1999, Mr. Wagner constructed an oversized stormwater detention vault on a separate parcel (Tract A) within the subdivision, to receive stormwater runoff from the impervious surfaces within the subdivision, and deeded this facility to the City. The proposal incorporates the performance standards for a Type F stream, contained in LUC 20.25H.080, to the maximum extent possible. The applicant's intent is to avoid and minimize impact to the critical area and/or critical area buffer. Two studies contain recommendations to manifest this intent:

- Habitat Assessment & Habitat Management Plan by Altmann Oliver & Associates, LLC ("Habitat Assessment"), revised February 2, 2015.
- Sunset Park Tree Report by arborist Favero Greenforest, M.S., of Greenforest, Inc. ("Tree Report").

The studies demonstrate that no evidence of any species of local importance was found on the project site. However, the forested portion of the property provides potential habitat for several species of local importance, with the keystone species being the pileated woodpecker.

The Habitat Management Plan contained in the study is focused on the pileated woodpecker. The plan also aids in protection of the riparian corridor and thereby benefits Coho salmon and other aquatic wildlife in the adjacent Sunset Creek.

The project site has 31 trees located within the critical area buffer, which are all native conifers. Four of the trees are dead. Home development and construction on each of the five lots will necessitate the removal of a total of approximately 5 mid-sized trees and understory vegetation within the eastern portions of the lots, some of which may be located within the outer portion of the standard structure setback (i.e. the area in which the Applicant seeks to reduce the setback). The following proposed actions will be taken to minimize the impact of such tree and understory vegetation removal, and any tree removal necessitated by safety concerns within the buffer setback:

Tree retention. All significant trees and habitat features located outside of the proposed clearing limits will be retained to the extent feasible. Safety concerns require that the dead trees must be reduced in height, but the shortened trunks will be retained as wildlife snags. Any trees that naturally become snags will remain in place unless they become a safety concern.

Place woody debris in the critical area buffer. Downed logs will be placed within the buffer and structure setback in areas devoid of woody debris.

Outdoor lighting. Illumination from outdoor lights will be directed down and away from the stream buffer.

Non-native plant species removal. Himalayan Blackberry, Laurel, and English Ivy will be removed from the project site.

Limit pesticide use. Pesticide use within the future yard areas will be limited.

Drainage. As stated in the plat documents, all drainage from downspouts, footings, and impervious surfaces will be connected into the City's permanent drainage system that passes through the stormwater detention vault previously provided by the applicant to prevent potential erosion.

Trail fencing. The existing split-rail fence, located along the east side of the pedestrian trail, will be maintained.

V. The proposal is supported by a critical areas report as required by LUC 20.25H.075(D)(4)

Sunset Creek is designated as a "Type F," open stream. As the project site at issue consists of a developed site, a structure setback modification can be granted through an approved critical area report. LUC 20.25H.075(D)(4). The critical area report may be composed in whole or in part of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site as approved by the Director. LUC 20.25H.250(C)(1).

This portion of the narrative demonstrates how this proposal leads to better protection of the Sunset Creek stream buffer within Sunset Park via the following critical report criteria:

A. Identification and classification of all critical area buffers and critical area buffers on the site and immediately adjacent to the site.

There is one critical area on the Project site (a 40% slope) and one immediately adjacent to the site (Sunset Creek). The buffers for both critical areas are located on the western portion of the Project site.

The 40% slopes were identified and a 25 to 50' NGPA established throughout the Plat.

Geotechnical engineering studies and slope stability evaluations were obtained for Plat approval in 1999 and were recorded against the properties.⁴ In the 1999 studies and evaluations the building setback, varying from 25 to 50' from the slope crest, was established for "the purpose of providing a buffer zone along the crest of the slope that should remain essentially undisturbed." The conclusion was that this buffer would help reduce the potential impact of construction of the westerly part of the property and reduce the risk of construction activity and post-construction lot use from impacting the exiting slope conditions. In addition, the established setback was believed to keep construction out of the area that might possibly be affected by a slope failure.

⁴ See King County Recording Numbers 990324-2111 and 990324-2110.

The applicant obtained an updated Geotechnical Opinion regarding Sunset Park Village Slope Stability from Glen Mann, P.E., President of Creating Engineering Options, Inc. ("Geotechnical Study"). Mr. Mann, who reviewed the earlier geotechnical studies, concludes that the proposed mode of construction/development precludes any disturbance of the sloping western side of the site and will help to keep the potential for surface erosion to a minimum. He found no anticipated impact from expected building foundation excavation.

Moreover, he opined that the proposed construction methodology is not expected to adversely impact the stability of the slope and that there is virtually no risk that a potential landslide related slope failure plane would have any impact, detrimental or otherwise, on the proposed areas of individual lot construction beyond (to the east) of the building setback distance.⁵ The construction activity associated with lot development, including shallow foundation excavation, constrained building footprints, and access only from the east, is expected to be only minimal impact. A structure setback modification can be granted with such confirmation of slope stability.

The Habitat Assessment & Habitat Management Plan identifies Sunset Creek and the required 50' buffer from top of bank. The applicant is proposing that the NGPA on Lot 3 be increased to provide the currently required stream critical area buffer.

There is no evidence of a species of local importance within the critical area buffer. As discussed in § IV, potential habitat exists for the pileated woodpecker. Mitigations proposed in the Habitat Management Plan will not only minimize impact to potential habitat, but also aid in protection of the riparian corridor.

Other than height reduction of dead trees due to safety concerns, vegetation in the critical area buffer will not be disturbed by construction, development or maintenance activities. It is the owners' intention to preclude disturbance of the surficial vegetation post-construction and removal of the Himalayan Blackberry, Laurel, and English Ivy from the project site.

⁵ This report discusses a 20' setback. The increased setback in this revised proposal offers additional protections.

B. Identification of each regulation or code standard modified by this proposal

The regulations this proposal modifies are as follows:

1. LUC 20.25H.075(D), minimum setback of structures.

Pursuant to this regulation, developed sites on open type F streams require a 50' structure setback, measured from the edge of the critical area buffer or the boundary of the existing NGPA. Because the NGPA is already 50', another 50' of structure setback would render the project site undevelopable. The proposal is to reduce the structure setback to 31-34'.

2. LUC 20.20.010, front yard setback.

Pursuant to this regulation, front yard setbacks are 20'. The proposal includes a reduction of the front yard setback to 15' in order to maximize the structure setback from the stream buffer.

C. Habitat Assessment.

A full habitat assessment is included with this application and discussed in Section IV above.

D. Assessment of the probable cumulative impacts to critical areas resulting from development of the site and the proposed development.

The Geotechnical Study, the Tree Study, and the Habitat Assessment included as part of this application report on the cumulative impacts to the critical areas on and around these five lots. All of the studies indicate that the cumulative impact to the critical area with the modification and proposed mitigation should not be expected to adversely impact the stability of the slope, the potential for habitat of species of local importance, the health and vitality of Sunset Creek (off site) or its riparian environs in the ravine (on the easterly part of each lot).

No cumulative impacts from other properties are expected. Single-family residential uses occur to the north and east. Sunset Park is to the west and south.

E. Analysis of the level of protection of critical area function and values.

Analysis of the level of protection of critical area function and values is included in the Geotechnical Study, the Tree Study, and the Habitat Assessment. These reports include a discussion of the functions and values currently provided by the critical area and buffer, a discussion of how the proposed development would impact these functions and values of the

critical area and buffer, and a discussion of mitigating actions, addressed in Section V above, to minimize any such impact.

The conclusions from these studies demonstrate that the critical stream buffer, and the 31-34' structure setback from that buffer, will not be impacted by the proposed construction, other than to reduce dead trees to an appropriate height for use as snags. Improvements to the critical area buffer and structure setback include placing woody debris for habitat management and removing all non-native species (for example, removing the English Ivy from the trees, improving tree health). The critical area and buffer will be improved from its current state under this proposal.

F. Application and Performance Standards of Mitigating Actions.

Mitigating actions designed to minimize the relatively small impact of reducing the structure setback are proposed in the Geotechnical Study, the Tree Study, and the Habitat Assessment, as discussed in Section IV. Some of these actions avoid impact altogether, such as increasing the buffer on Lot 3, so that all lots contain a 50' critical area stream buffer. The remaining actions minimize impacts by using best available methods to retain habitat and slope health, such as retaining all trees possible and placing woody debris in the critical area. Pursuant to LUC 20.25H.210 through 20.25H.225, the proposed mitigating actions were developed in accordance with Bellevue's land use code.

VI. Conclusion

The NGPA buffer currently designated on all lots should be identified as the stream critical area buffer. The stream critical area buffer on Lot 3 should be increased to 50'.

This permit request for a critical area modification to reduce the required structure setback would allow for construction of reasonable single family homes on the property. The structure setback from the critical area buffer should be decreased from 50 to 31-34' to allow for construction of a single-family home on each project site lot. In addition, the front yard setback should be decreased to 15' to accommodate the construction. This is the only feasible alternative that allows development of Lots 3, 4, 5, 6 and 8. This alternative has least possible impact to the

critical area, the potential for habitat of a species of local importance, and the vegetation. The construction should have no impact on slope stability.

The recommended mitigation actions should be implemented to minimize any impact on the critical area stream buffer.

**SUNSET PARK VILLAGE
HABITAT ASSESSMENT &
HABITAT MANAGEMENT PLAN
BELLEVUE, WASHINGTON**

**December 4, 2014
Revised February 2, 2015**

1.0 PURPOSE

This report is the result of wildlife habitat assessment on the Sunset Park Village project site located in the City of Bellevue, Washington. The primary purpose of this report is to: 1) describe the wildlife habitat on the property and 2) identify any potential impacts to the species of local importance as designated in LUC 20.25H.150 from future development on the property.

2.0 GENERAL PROPERTY DESCRIPTION AND LAND USE

The project site consists of five tax parcels (Parcels 813400-0030, -0040, -0050, -0060, and -0080) totaling about 1.4 acres. The site is located at the southwest intersection of 134th Ave. SE and SE 37th Street and is situated in Section 10, of Township 24 North, Range 05 East, W.M.

The property consists of five undeveloped lots within a developed plat. A pedestrian trail that is associated with the off-site Sunset Park green belt is located in the western portion of the lots. Vegetation on the property consists of a mostly coniferous forest with patches of Himalayan blackberry (*Rubus armeniacus*) along the eastern side of the site.

Sunset Creek flows from south to north off-site to the west. The creek is located within a ravine that extends up into the western portion of the property. The remainder of the site slopes gently to moderately down from east to west. The existing pedestrian trail is located between the top of the slope and the proposed future development.

Surrounding land use includes single-family residential to the north and east. Sunset Creek Park is located immediately to the west and south.

3.0 METHODOLOGY

A habitat assessment was conducted by John Altmann on June 18, 2014 and included the general methodology outlined in *Using the Bellevue Urban Wildlife Habitat Functional Assessment Model* (revised February 2010). During this site visit an on-site analysis of vegetation structure and composition was conducted. Observations were also made of the presence of habitat features and the extent of human disturbance. Prior to conducting the habitat assessment, the Washington Department of Fish and Wildlife Priority Habitats and Species database (PHS) was

reviewed. Additional site visits were conducted on November 25, 2014 and January 28, 2015.

4.0 WILDLIFE HABITAT ASSESSMENT

The project site has a numerical score of 46 based on the City of Bellevue's *Draft Functional Assessment Tool for Upland Habitat* (Appendix A). In general, sites with scores exceeding 40 points are "indicative of high value exurban areas", where wildlife use, including that of species of local importance, can be expected both on the site and in the surrounding area. The property received high scores for the presence of a coniferous forest with large trees on the site as well as the connection to the adjacent Sunset Creek green belt. Limiting factors were few but did include the overall size of habitat connectivity to undeveloped patches.

The only priority species or habitat identified on the Washington Department of Fish and Wildlife Priority Habitat and Species database (PHS) was the presence of Coho salmon within Sunset Creek.

Based on the habitat classifications outlined in *Wildlife-Habitat Relationships in Oregon and Washington* (Johnson and O'Neil, 2001) the study area would be classified as Urban and Mixed Environs – Medium Density Zone. However, to further classify the habitat on the site, the property would be considered a Mixed Coniferous-Deciduous forest.

Description of Vegetation on and Adjacent to the Site

Vegetation on the site consisted primarily of an unevenly aged, mostly coniferous, upland forest dominated by a canopy of Douglas fir (*Pseudotsuga menziesii*), with scattered western red cedar (*Thuja plicata*), red alder (*Alnus rubra*), big-leaf maple (*Acer macrophyllum*), bitter cherry (*Prunus emarginata*), and cascara (*Rhamnus purshiana*). Many of the trees were covered in English ivy (*Hedera helix*).

Understory and groundcover vegetation was generally dense and included salal (*Gaultheria shallon*), hazelnut (*Corylus cornuta*), tall Oregon grape (*Mahonia aquifolium*), Indian plum (*Oemleria cerasiformis*), red huckleberry (*Vaccinium parvifolium*), ocean spray (*Holodiscus discolor*), Himalayan blackberry (*Rubus armeniacus*), vine maple (*Acer circinatum*), salmonberry (*Rubus spectabilis*), red elderberry (*Sambucus racemosa*), English holly (*Ilex aquifolium*), sword fern (*Polystichum munitum*), bracken fern (*Pteridium aquilinum*), and trailing blackberry (*Rubus ursinus*).

Habitat features included several snags and scattered down logs. No raptor nests were observed during the field investigations.

5.0 WILDLIFE SPECIES OF LOCAL IMPORTANCE

Twenty three (23) species have been designated by the City of Bellevue as species of local importance (LUC 20.25H.150). The potential of site utilization by each species is briefly described below:

- Bald eagle (*Haliaeetus leucocephalus*): site not located within Bald Eagle Buffer Management Zone per PHS data and no nest sites observed. Some unlikely potential occasional perching opportunity within larger on-site trees possible. Primary Association: no.
- Peregrine falcon (*Falco peregrinus*): generally associated with coastal cliffs and shorelines, but also use large buildings in city center. Use of project site unlikely. Primary Association: no.
- Common Loon (*Gavia immer*): no presence - highly aquatic species associated with large water bodies. Primary Association: no.
- Pileated woodpecker (*Dryocopus pileatus*): Pileated woodpeckers generally inhabit mature and old-growth forests, and second-growth forests with large snags and fallen trees. The range of the species encompasses all of the forested areas of the state. Although typically found in larger forested tracts, they are known to occur in suburban habitats as well. Their key breeding habitat need is the presence of large snags or decaying live trees for nesting, as this species generally excavates a new nest cavity each year. The breeding and nesting periods of the pileated woodpecker extends from late March to early July. Although no pileated woodpecker nests were observed on the site during the field investigation, foraging opportunity within snags on the property exists. Primary Association: yes.
- Vaux's swift (*Chaetura vauxi*): Vaux's swifts are strongly associated with old growth and mature forests throughout the state and are highly dependent on large hollow trees and snags for breeding and roosting. Some potential but unlikely nesting opportunity due to sub-prime size of conifers and snag concentrations. Primary Association: no.
- Merlin (*Falco columbarius*): unlikely presence – generally require coastal or high elevation forests. Primary Association: no.
- Purple martin (*Progne subis*): unlikely presence – generally require cavities near or over permanent water for nesting. Primary Association: no.
- Western grebe (*Aechmophorus occidentalis*): no presence – highly aquatic species associated with large water bodies. Primary Association: no.
- Great blue heron (*Ardea herodias*): unlikely presence - some highly limited potential foraging possible within riparian corridor, but no roosts observed on or adjacent site. Primary Association: no.
- Osprey (*Pandion haliaetus*): unlikely presence - perch availability not immediately adjacent large water body. Primary Association: no.
- Green heron (*Butorides striatus*): unlikely presence – some limited potential foraging possible within riparian corridor. Primary Association: no.

- Red-tailed hawk (*Buteo jamaicensis*): some unlikely potential occasional perching opportunity within larger on-site trees possible. Primary Association: no.
- Western big-eared bat (*Plecotus townsendii*): potential presence, but no known nearby hibernacula, caves, or significant concentration of large cavities so not considered a habitat of primary association. Primary Association: no.
- Keen's myotis (*Myotis keenii*): potential presence, but generally associated with larger coniferous forests so not considered a habitat of primary association. Primary Association: no.
- Long-legged myotis (*Myotis volans*): potential presence, but generally associated with larger coniferous forests so not considered a habitat of primary association. Primary Association: no.
- Long-eared myotis (*Myotis evotis*): potential presence, but generally associated with larger coniferous forests so not considered a habitat of primary association. Primary Association: no.
- Oregon spotted frog (*Rana pretiosa*): no presence - believed to be extirpated from nearly all of western Washington and no permanent ponding on the site. Primary Association: no.
- Western toad (*Bufo boreas*): presence possible but unlikely. Not considered habitat of primary association. Primary Association: no.
- Western pond turtle (*Clemmys marmorata*): no presence - no permanent ponding on site and no known nearby populations. Primary Association: no.
- Chinook (*Oncorhynchus tshawytscha*): unlikely presence – not identified as occurring in adjacent creek. Primary Association: no.
- Bull trout (*Salvelinus confluentus*): unlikely presence – not identified as occurring in adjacent creek. Primary Association: no.
- Coho salmon (*Oncorhynchus kisutch*): presence – known to occur within adjacent creek. Primary Association: yes.
- River lamprey (*Lampetra ayresii*): unlikely presence – not identified as occurring in adjacent creek. Primary Association: no.

Of the 23 species of local importance, pileated woodpeckers and Coho salmon are likely to have a primary association with habitat on and adjacent to the project site. Although not listed as a species of local importance by the City of Bellevue, another priority fish species located within the adjacent creek includes coastal resident

cutthroat trout. No other species of local importance are anticipated to utilize the site on a regular basis.

5.1 Other Wildlife

The project site likely provides habitat for a variety of songbirds and small mammals that are acclimated to suburban development. Larger predators are unlikely to utilize the site on a long-term basis due to its isolation and disconnect from other significant habitat areas by a network of surrounding development and roadways (see Zone D aerial).

Wildlife observed on the site during the field investigations included the following bird species: dark-eyed junco, spotted towhee, American crow, American robin, golden-crowned kinglet, song sparrow, and black-capped chickadee.

5.2 Impacts to Wildlife Species of Local Importance from Proposed Project

The proposed project includes the future construction of a single-family residence on each of the 5 undeveloped lots. To allow for a realistic home-site, the project requires that the 50-foot structure setback from the stream buffer be reduced to a width that varies from 31 to 34 feet. This is the minimum necessary to allow for the construction of a house on each of the lots and still meet the maximum allowable lot coverage of 40% (calculated after critical area and critical area buffer is removed). In addition, to minimize the modification of the setback from the stream buffer, the front-yard setback would be reduced from 20 to 15 feet. No encroachment into the 50-foot buffer from the top of bank is proposed.

Development of the lots will require the removal of trees and understory vegetation within the eastern portion of the site. Although a tree survey has not been completed for this portion of the property, it is estimated that approximately 25 to 30 mid-size (8-24" dbh) Douglas fir trees will likely require removal for development of the 5 lots. However, many of these trees are located outside of the 50-foot standard structure setback but within the proposed building envelope. The understory vegetation in the area of proposed development is the least diverse area on the property and is dominated by Himalayan blackberry with scattered hazelnut. Understory vegetation within the preserved area contains a significantly higher plant species and structural diversity.

Since the forested portion of the property does provide potential habitat for several species of local importance, including the pileated woodpecker, the site is subject to the habitat performance standard outlined in LUC 20.25H.160. It is our recommendation that the Habitat Management Plan required under LUC 20.25H.160 should focus on the pileated woodpecker since it would be considered a keystone species for the forested portion of the property. This Habitat Management Plan would also aid in protection of the riparian corridor, thereby benefitting Coho salmon and other fish and aquatic wildlife.

6.0 HABITAT MANAGEMENT PLAN FOR PILEATED WOODPECKER

Pileated woodpeckers generally inhabit mature and old-growth forests, and second-growth forests with large snags and fallen trees. The range of the species

encompasses all of the forested areas of the state. Although typically found in larger forested tracts, they are known to occur in suburban habitats as well. Their key breeding habitat need is the presence of large snags or decaying live trees for nesting, as this species generally excavates a new nest cavity each year. The breeding and nesting periods of the pileated woodpecker extends from late March to early July.

No pileated woodpecker nests were observed on the site during the field investigations. However, this species may potentially utilize the larger trees and snags on the site for foraging and perching.

6.1 Management Recommendations for Pileated Woodpecker

The Washington Department of Fish and Wildlife's *Management Recommendations for Washington's Priority Species Volume IV: Birds (2004)* provides management recommendations for pileated woodpeckers in suburban areas (**Appendix B**). These recommendations include:

- Conserving larger forest patches with large trees and snags
- Retaining forest in the largest patches available (>74 acres would be considered large). Where large patches are unavailable, smaller patches should be retained; where the average size of smaller patches should be no less than approximately 7 acres.
- Retaining or creating snags as well as retaining live trees in the largest size classes available in the stand.

To continue to allow for the potential use of the forested portions of the site by pileated woodpeckers, it is our recommendation that:

- All existing significant trees and habitat features located outside of the currently proposed clearing limits be retained to the extent feasible. See the arborist report for which trees outside, but in proximity to, the proposed clearing limits could safely be retained.
- A snag be created from any hazardous trees that must be removed. The tree should be cut at the highest point possible to ensure that if it falls it would not hit any proposed structure. Furthermore, any trees that naturally become snags should remain in place and not be removed unless they become a safety concern. All existing snags should also be preserved to the extent feasible.
- Strategically place downed logs within the preserved buffer and structure setback in areas currently devoid of woody debris. Logs should come from trees that would be removed within the clearing limits.

6.2 Additional Recommendation to Enhance Wildlife Habitat

The area of proposed preservation on the site consists of a structurally diverse native plant community with no real opportunity for mitigation planting. However, the following additional recommendations should enhance the overall quality of wildlife habitat on the site:

- All outdoor lights from the residences should consist of low-wattage bulbs with narrow angles of illumination directed away from the stream buffer.
- Metal hoods should be added to all exterior lights to direct lighting down and not out from fixtures.
- Maintain the existing split-rail fence that is currently located along the east side of the pedestrian trail.
- All non-native plant species should be removed from the site. Within the preserved areas, these species consist primarily of small patches of Himalayan blackberry and laurel. In addition, English ivy should be removed from all preserved trees.
- Limit pesticide use within the future yard areas.
- All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways should be connected into the approved permanent drainage system to prevent potential erosion of the slopes.

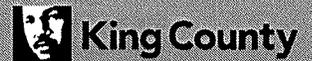
Zone D - Sunset Park Village



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Date: 11/19/2014 Source: King County IMA - Sensitive Areas (<http://www.metrokc.gov/GIS/IMA>)



Sunset Park Village



(C) 2008 King County

147ft

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King County

Date: 11/18/2014 Source: King County IMAP - Sensitive Areas (<http://www.metrokc.gov/GIS/IMAP>)

APPENDIX A

City of Bellevue
DRAFT FUNCTIONAL ASSESSMENT TOOL
 for Upland Habitat

Property address SW CORNER 134TH AVE SE + SE 37TH ST. Project name SUNSET PARK VILLAGE
 Location SE Range 21W Township 10 Section Project contact JOHN AITMANN, AOA
 Parcel number 813400-0040, -0050, -0060, 0080, + - 0030 Telephone number (425) 333-4535
 Property owner WAGNER MANAGEMENT CORP. Address PO BOX 578
 Telephone number (206) 793-7127 CARLATION WA 98014

Staff JOHN AITMANN Date(s) of site visit(s) 06/18/14
 Washington Department of Fish and Wildlife Priority Habitat and Species (PHS) data obtained? Y/N YES

1.0	PROPERTY DESIGNATION	Zone A	Zone B	Zone C	Zone D	Zone
1.1	Existing impervious surface	>90%	50-90%	20-50%	0-20%	D
2.0	LANDSCAPE PARAMETERS	No points	1 point	2 points	3 points	Total
2.1	Land use/development density	Zone A	Zone B	Zone C	Zone D	3
2.2	*Occurrence (number) of habitat types	0	1	2	3+	3
2.3	**Proximity of known critical areas (distance to edge)	>2,500 ft	<2,500 ft	<1,200 ft	<100 ft	4
2.4	Habitat connectivity and corridors	No connection to other habitat areas	≥50-foot-wide connection to vegetated areas of at least 1 acre	≥50-foot-wide connection to vegetated areas of at least 50 acres but not listed parks***	≥50-foot-wide connection King County wildlife network or listed parks***	1
2.5	Patch size	<0.-1.0 ac	1.0-5.0 ac	>5-10 ac	10-42 acres	>42 acres = 4 points 2

City of Bellevue
DRAFT FUNCTIONAL ASSESSMENT TOOL
for upland habitat

2.0	LANDSCAPE PARAMETERS	No points	1 point	2 points	3 points	Additional points	Total
2.6	*Interspersion of habitat patches (excluding patches <1 ac in area)	No or isolated patch (no others within 0.5-ac circle)	Low	Moderate	High	+1 point if wildlife network or listed park is included	2
3.0	LOCAL PARAMETERS	No points	1 point	2 points	3 points	Additional points	Total
3.1	Size of native trees on site	No significant trees on site	6-12" dbh tree(s) present	12-20" dbh tree(s) present	>20" dbh tree(s) present	+1 point if tree(s) >30" dbh are present	3
3.2	Coniferous component	No conifers on site	Conifers very sparse or present in understory only	Conifers co- or sub-dominant in overstory	Conifers dominant	+1 point if conifers >30" dbh are present	3
3.3	Percent cover (sample vegetated areas only)						
	Ground layer (0-2.3 ft) (5-ft radius)	0%	0-25%	25-50%	50%+	+1 point for cover >75%; -1 point if mowed grass is >50%	4
	Shrub layer (2.3-25 ft) (10-ft radius)	0%	0-25%	25-50%	50%+	+1 point for cover >75%	4
	Canopy (>25 ft) (30-ft radius)	0%	0-25%	25-50%	50%+	+1 point for cover >75%	3
3.4	Vegetative vertical structural diversity (foliage height diversity)	FHD = 0	FHD < 0.70	FHD = 0.70-0.90	FHD > 0.90		3
3.5	Vegetative species richness	0-1 species	2-5 species	6-19 species	20+ species		3
3.6	Invasive species component	>75% cover	25-75% cover	10-25% cover	<10% cover		2

City of Bellevue
DRAFT FUNCTIONAL ASSESSMENT TOOL
 for Upland Habitat

3.0	LOCAL PARAMETERS	No points	1 point	2 points	3 points	Additional points	Total
3.7	Proximity to year-round water	>1.0 mi or artificial feature with maintained /invasive buffer present within 0.3-1 mi	0.3-1.0 mi or artificial feature with maintained/invasive buffer present within <0.3 mi	<0.3 mi or artificial feature with maintained/invasive buffer present within patch	Natural water feature present within patch with native buffer		3
3.8	Snags (≥4 in dbh)	No snags on site	1/ac or fewer	2-6/ac	>7/ac	Add 0.5 point for each >20 in dbh and 1 point for each >30 in dbh	
3.9	Other habitat features	None	1	2-4	5 or more		3
Landscape parameters: points							
Local parameters: points							
TOTAL POINTS							15
TOTAL POINTS							31
TOTAL POINTS							46

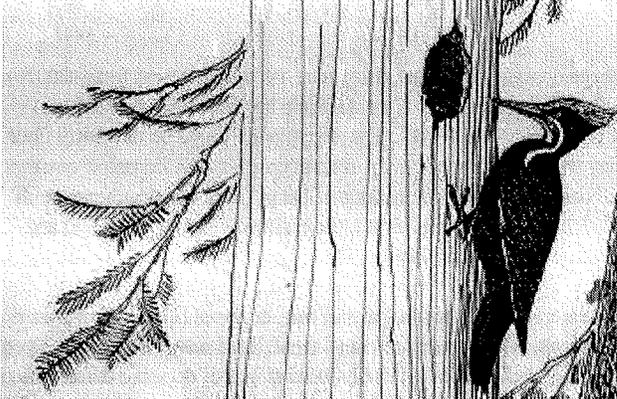
* Use circle of the appropriate size for the property's zone:

- Zone A – 0.5 ac
- Zone B – 5.0 ac
- Zone C – 100 ac
- Zone D – 250 ac

** PHS data required for sites in Zone D

***Parks: Mercer Slough, Phantom Lake wetland complex, Larson Lake wetland complex, Cougar Mountain Regional Wildland Park, Weowna Park; King County wildlife network

APPENDIX B
WDFW PILEATED WOODPECKER
MANAGEMENT RECOMMENDATIONS



Pileated Woodpecker

Dryocopus pileatus

Last updated: 2003

Written by Jeffrey C. Lewis and Jeffrey M. Azerrad

GENERAL RANGE AND WASHINGTON DISTRIBUTION

Pileated woodpeckers are year-round residents from northern British Columbia, across Canada to Nova Scotia, south through central California, Idaho, Montana, eastern Kansas, the Gulf Coast and Florida (Bull and Jackson 1995). The Washington range encompasses the forested areas of the state (see Figure 1; Smith et al. 1997).

RATIONALE

The pileated woodpecker is listed as a State Candidate species in Washington. The pileated woodpecker is a significant functional component of a forest environment because it creates nesting cavities used by other forest wildlife species (Aubry and Raley 2002a). Their deep foraging excavations provide foraging opportunities for weak excavators, and they accelerate the decay process by physically breaking apart wood and exposing prey that can be consumed by other species (Aubry and Raley 2002a). For these reasons the pileated woodpecker is considered a “keystone habitat modifier” (Aubry and Raley 2002a). The availability of large snags (standing dead trees) and large decaying live trees used for nesting and roosting by pileated woodpeckers has declined in many areas as a result of forest conversion (e.g. removal of forest for urban development) and timber management practices (Bull and Jackson 1995, Ferguson et al. 2001).

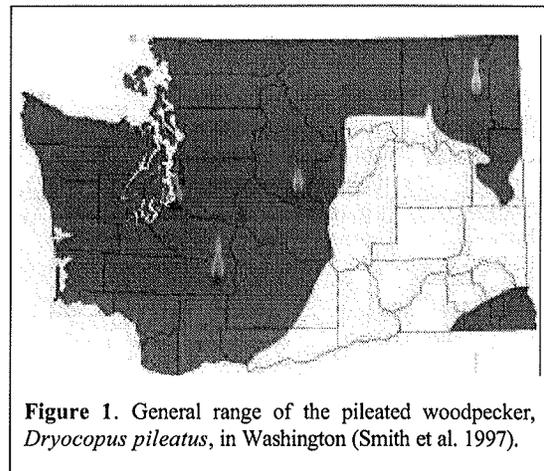


Figure 1. General range of the pileated woodpecker, *Dryocopus pileatus*, in Washington (Smith et al. 1997).

HABITAT REQUIREMENTS

Pileated woodpeckers inhabit mature and old-growth forests, and second-growth forests with large snags and fallen trees (Bull and Jackson 1995, Aubry and Raley 1996). Large snags and large decaying live trees in older forests are used by pileated woodpeckers for nesting and roosting throughout their range (Mellen et al. 1992, Bull and Jackson 1995, Aubry and Raley 2002b). In western Oregon and western Washington, they may use younger forests (<40 years old) as foraging habitat (Mellen et al. 1992, Aubry and Raley 1996).

Nesting and Roosting

Pileated woodpeckers excavate large nest cavities in snags or large decaying live trees (Bull et al. 1986, Aubry and Raley 2002b). In northeast Oregon, Bull (1987) reported the dimension of the nest entrances were 12 cm (5 in) in height and 9 cm (4 in) in width; the internal dimensions were 57 cm (22 in) deep and 21 cm (8 in) wide. Wood chips are typically found on the cavity floor (Bull and Jackson 1995). During the breeding season, birds may start a number of cavity excavations, but only complete one nest cavity (Bull and Jackson 1995, Aubry and Raley 2002a). The breeding and nesting periods of the pileated woodpecker extends from late March to early July (Bull et al. 1990). Pileated woodpeckers lay 1-6 eggs/clutch; the eggs are white in coloration and are about 3.3 cm (1.3 in) in length and 2.5 cm (1 in) in breadth (Bull and Jackson 1995).

Preferred nest tree species and characteristics vary to some degree among different regions of the northwest (Table 1). Most nest cavities were observed in hard snags with intact bark and broken tops, or live trees with dead tops. Hard snags are characterized as being comprised of sound wood while soft snags are composed primarily of wood in advanced stages of decay or deterioration (Brown 1985). Researchers studying pileated woodpeckers on the Olympic Peninsula found that woodpeckers used snags and large decaying live trees for nesting (Aubry and Raley 2002b). Sites used for nesting and roosting in the Olympics had a higher diversity of tree species and a greater density of large decaying live trees and large snags than surrounding forested areas (Aubry and Raley 2002b).

Table 1. Diameter at breast height (DBH), height, and tree species reported for pileated woodpecker nest trees in Oregon and Washington.

Location	DBH (average)	DBH (range)	Height (average)	Height (range)	Species	References
Olympic Peninsula	101 cm (40 in)	65-154 cm (26-61 in)	39 m (128 ft)	17-56 m (56-184 ft)	Pacific silver fir (<i>Abies amabilis</i>), western hemlock (<i>Tsuga heterophylla</i>)	Aubry and Raley 2002b
Western Oregon	69 cm (27 in)	--	27 m (87 ft)	--	Douglas-fir (<i>Pseudotsuga menziesii</i>), grand fir (<i>Abies grandis</i>)	Mellen 1987, Nelson 1989
Northeastern Oregon	80-84 cm (31-33 in)	52-119 cm (20-47 in)	28 m (92 ft)	10-43 m (33-141 ft)	grand fir, ponderosa pine (<i>Pinus ponderosa</i>), western larch (<i>Larix occidentalis</i>)	Bull 1987; Bull et al. 1992b; E. Bull, personal communication

Pileated woodpeckers roost in hollow trees or vacated nest cavities at night and during inclement weather (Bull and Jackson 1995). Excavation of roost cavities may occur at any time during the year (E. Bull, personal communication). Pileated woodpeckers may use up to 11 roosts over a 3-10 month period; however, some individuals will use one roost for a long period before switching to a new roost, while others regularly switch among several roosts (Bull et al. 1992b). The availability of roost trees apparently explained why some birds roosted in a limited number of trees (Bull et al. 1992b)

Roost and nest trees of pileated woodpeckers differ with respect to species and physical characteristics. Pileated woodpeckers used live trees or snags for roosting and nesting and selected these based on tree species, wood condition and diameter at breast height (dbh) in both northeastern Oregon and the Olympic peninsula (Bull et al. 1992b, Aubry and Raley 2002b). Bull et al. (1992b) reported that roost trees [mean = 70 cm dbh (28 in)] were smaller than nest trees [mean = 80 cm dbh (31 in)]; in contrast to nest trees, roosts trees in northeastern Oregon were often hollow. The hollow interior of roost chambers was typically the result of heartwood decay rather than excavation (Bull et al. 1992b, Aubry and Raley 2002b). In northeastern Oregon, roost chambers had more entrance holes than nests, and roosts were predominantly in grand fir, whereas nest trees were predominantly ponderosa pine and western larch (Bull et al. 1992b). In the Olympics, pileated woodpeckers preferred to roost within western redcedar (*Thuja plicata*) (Aubry and Raley 2002b). The extensive use of grand fir in northeast Oregon and western redcedar in

the Olympics was attributed to the greater propensity for these species to form large, hollow chambers (Bull et al. 1992b, Aubry and Raley 2002b). Aubry and Raley (1996) found that 88% of all roosts were located in old or mature forests. The remaining roosts were primarily found in naturally regenerated young forests that were approximately 75 years old (Aubry and Raley 1996). Roosts east of the Cascades were also primarily found in old-growth forests (Bull et al. 1992b, McClelland and McClelland 1999). General characteristics of roost trees in Oregon and Washington are described in Table 2.

Table 2. DBH, height, and tree species reported for pileated woodpecker roost trees in Oregon and Washington.

Location	DBH (average)	DBH (range)	Height (average)	Height (range)	Species	References
Olympic Peninsula	149 cm (59 in)	37-309 cm (15-122 in)	36.5 m (120 ft)	11-63 m (36-207 ft)	Pacific silver fir, western hemlock, western redcedar	Aubry and Raley 2002b
Western Oregon	112 cm (44 in)	40-208 cm (16-82 in)	--	--	--	Mellen et al. 1992
Northeastern Oregon	71 cm (28 in)	40-131 cm (16-52 ft)	22 m (72 ft)	6-44 m (20-144 ft)	grand fir, ponderosa pine, western larch	Bull et al. 1992b; E. Bull, personal communication

Foraging

Pileated woodpeckers forage in forests containing large trees and snags that support abundant insect prey associated with dead and dying wood. Large rectangular/oval excavations in snags are indicative of pileated woodpecker foraging (McClelland 1979, Neitro et al. 1985, Bull and Jackson 1995). In Oregon and Washington, prey consisted of carpenter and thatching ants (Hymenoptera), beetle larvae (Coleoptera), termites (Isoptera), and other insects (Bull et al. 1992a, Torgersen and Bull 1995, Aubry and Raley 1996). Mature and old-growth coniferous forest are considered high quality foraging habitat (Aubry and Raley 1996), but forests as young as 40 years of age are used if snags, particularly large residual snags from burns or harvests, are present (Mellen et al. 1992). Pileated woodpeckers seldom use clearcuts, but will forage in clearcuts or shelterwood cuts if substantial foraging habitat is retained (see Mannan 1984, Mellen 1987). Researchers working in the Oregon Coastal Range determined that pileated woodpeckers used deciduous riparian for foraging activities (Mellen et al. 1992).

Pileated woodpeckers forage on large snags [>50 cm (20 in) dbh], live trees, logs, and stumps (Bull et al. 1986, Bull 1987, Torgersen and Bull 1995). Snags and live trees take on special importance in winter when logs and stumps may be covered with snow (McClelland 1979, Bull and Holthausen 1993). Pileated woodpeckers forage on snags in a broad range of decay conditions but appear to prefer large snags that may harbor more insects and larvae than smaller snags (Mannan et al. 1980). In contrast to foraging behavior east of the Cascade Range, downed logs are rarely used as foraging substrate in wet coastal forests (Aubry and Raley 2002b).

Home Range

Home ranges vary in size within the Pacific Northwest, ranging from 407 ha (1,006 ac)/breeding pair (data collected between June and March) in northeastern Oregon (Bull and Holthausen 1993), 480 ha (1,186 ac)/breeding pair during the summer in the central Oregon Coast Range (Mellen et al. 1992), and 863 ha (2,132 ac)/breeding pair annually on the Olympic Peninsula (Aubry and Raley 1996). The home range figures reported in the central Oregon Coast Range are likely smaller than the actual year-round home range for the pileated (Mellen et al. 1992). Home ranges for individuals that lost mates are larger than those of mated individuals (Bull and Holthausen 1993, Aubry and Raley 1996), and pairs with young have larger home ranges than pairs without young (Mellen et al. 1992). Although home ranges in the central Oregon Coast Range were actively defended, the ranges of adjacent birds overlapped (9-30% of an individual's home range overlapped) (Mellen et al. 1992). Home ranges in northeastern

Oregon generally consisted of >85% forested habitat (Bull and Holthausen 1993). Home ranges consisted primarily of late-successional forested habitat or second-growth forest with residual large snags (Bull and Holthausen 1993, Bull and Jackson 1995, Aubry and Raley 1996).

Urban/Suburban Habitat Use

Pileated woodpeckers are residents in some developing areas throughout Washington (M. Tirhi; P. Thompson; H. Ferguson, personal communications). In these areas they occupy remnant patches of forest, parks, and green-belts. Because of their need for large trees and their sizeable territory requirements, loss or reduction of extensive wooded tracts and large trees will impact the species (Moulton and Adams 1991). Pileated woodpeckers in suburban areas forage on a variety of substrates, including large and small diameter coniferous and hardwood trees and snags (P. Thompson, personal communication; J. Lewis, unpublished data), and occasionally on suet feeders, utility poles, and fruit trees (Bull and Jackson 1995; J. Buchanan, personal communication).

Although habitat use in urbanizing environments in Washington has been given little attention, it is likely that pileated woodpeckers select large diameter trees and snags for nesting and roosting. Similarly, sizes of home ranges in urban environments are unknown, but they may be relatively large due to the fragmented nature of remnant forest habitats in most suburban landscapes. The relationship between cavity-nesters and urbanizing areas in Washington has only been investigated by a single study in the greater Seattle area (see Rohila 2002)

LIMITING FACTORS

Timber harvest can significantly impact pileated woodpecker habitat (Bull and Jackson 1995). The removal of large snags, large decaying live trees and downed woody debris of the appropriate species, size and decay class eliminates nest and roost sites and foraging habitat. Intensively managed forests typically do not retain these habitat features (Spies and Cline 1988). However, more recent state and federal forest management guidelines call for the retention of a specified number of wildlife trees during timber harvest (Washington Forest Practices Board 2001, Aubry and Raley 2002a). Bull and Jackson (1995) suggest that fragmentation of forested habitat may lead to reduced population density and increased vulnerability to predation as birds are forced to fly between fragmented forested stands; however, information on predation effects is currently lacking. Known predators include the northern goshawk (*Accipiter gentiles*), Cooper's hawk (*A. cooperii*), red-tailed hawk (*Buteo jamaicensis*), great horned owl (*Bubo virginianus*), American martin (*Martes americana*), and gray fox (*Urocyon cinereoargenteus*) (Bull and Jackson 1995).

The amount of forest retained in the suburban and urbanizing environment will influence the degree to which an area is used by pileated woodpeckers for foraging and reproduction (Moulton and Adams 1991, Rohila 2002). If the collective area of these retained forest tracts is large enough, suburban and other urbanizing environments could support pileated woodpeckers (Rohila 2002). However, because of their need for larger trees and their sizeable territory requirements, loss or reduction of wooded tracts and large trees could eliminate or preclude pileated woodpeckers from an urbanizing area (Moulton and Adams 1991).

MANAGEMENT RECOMMENDATIONS

General Recommendations

Specific management prescriptions should be developed for actions that will be undertaken at the home range scale (Mellen et al. 1992, Bull and Holthausen 1993) as discussed later in this chapter. Management activities for pileated woodpeckers should focus on providing and maintaining a sufficient number of appropriate large snags and large decaying live trees for nesting and roosting (Aubry and Raley 2002b). Retaining snags and decaying live trees (of appropriate size, species and decay classes) provides suitable nesting and roosting structure for a longer period of time than retaining only hard snags (Aubry and Raley 2002b). Trees, snags and stumps with existing pileated nest cavities and foraging excavations should be retained (Bonar 2001).

Management of nesting and roosting habitat may be accomplished in several ways in managed forests. A variety of snag creation techniques are being developed and it is likely that such techniques can produce suitable snags in older second growth forests (e.g., removal of tree-top, girdling) (Neitro et al. 1985, Bull and Partridge 1986, Lewis 1998). Properly conducted uneven-aged management of forest stands can create adequate canopy closure and sufficient large snags and large decaying live trees to maintain suitable nesting and roosting habitat for pileated woodpeckers. Defective or cull trees can be retained during commercial thinning operations, or these can be recruited to become snags in subsequent rotations (Neitro et al. 1985). Because of the difficulties in recruiting large snags in managed forests (Wilhere 2003), one of the most effective means to improve snag densities may involve extending the length of harvest rotations (Neitro et al. 1985).

Managers may have some flexibility when providing foraging habitat. Naturally formed stumps and numerous large logs in various stages of decay can be retained to improve foraging habitat (Torgersen and Bull 1995). Management for large snags, culls, and green replacement trees can ultimately provide large downed logs as foraging habitat. Protection of riparian habitat throughout Washington and the provisions of buffers along streams may also ensure that adequate foraging habitat exists for pileated woodpeckers (Mellen et al. 1992, Knutson and Naef 1997). However, we currently lack adequate information to define appropriate riparian buffers for pileated woodpeckers in managed forests.

Forest managers often apply minimum size standards that are determined through research (e.g., the smallest recorded nest tree dbh) to achieve a combination of wildlife conservation and resource extraction goals (McClelland and McClelland 1999). Conner (1979) argued that managing forests using minimum size standards may cause gradual population declines and suggested that average values for habitat components should be used in forest management. The following set of recommendations is based primarily on average (rather than minimum) standards.

Western Washington

The following recommendations are primarily based on the goals identified by the Partners in Flight (PIF) Conservation Plan for the Westside Coniferous Forest region (Altman 1999). These goals were derived from research conducted in the Oregon Coast Range and Washington's Olympic Peninsula (Nelson 1989, Mellen et al. 1992, Aubry and Raley 1996, 2002b). The PIF recommendations for managed coniferous forests (stands with >70% conifer stems) of about 60 years of age or older include maintaining >70% canopy closure and an average of ≥ 5 nest snags/10 ha (2 snags/10 ac) that are >76 cm dbh (30 in). In areas used for both nesting and roosting, an average of 18 large snags/ha (7 snags/ac) and 8 decaying large trees/ha (3 trees/ac) should be retained (Aubry and Raley 2002b). Trees ≥ 27.5 m (≥ 90 ft) in height should be retained to provide nesting and roosting structures (Aubry and Raley 2002b). Overall, pileated woodpeckers selected larger trees for roosting than those used for nesting (see Buchanan, in press). Based on Aubry and Raley's (2002b) work in the Olympics, trees between 155 and 309 cm dbh (61-122 in) should be retained for roosting. In addition, an average of 30 foraging snags/ha (12 snags/ac) (mix of hard and soft snags) should be provided in the following size classes (see Table 3; Altman 1999).

Table 3. Suggested number of foraging snags to retain.

Size class	Foraging snags retained
• 25-50 cm dbh (10-20 in)	≥ 18 snags/ha (7 snags/ac)
• 51-76 cm dbh (20-30 in)	≥ 8 snags/ha (3 snags/ac)
• >76 cm dbh (>30 in)	≥ 5 snags/ha (2 snags/ac)

Population targets suggested by the PIF conservation plan called for about nine pairs of pileated woodpeckers per township (9.7 pairs/100 km²), based on an average breeding season home range of 600 ha (Altman 1999:36-37). Using the annual home range size of 863 ha for the Olympic Peninsula (Aubry and Raley 1996), a comparable target could be adjusted to about six pairs per township (6.4/100 km²) on the Olympic Peninsula (Buchanan, in press). At the landscape-level, an average of 60% of a landscape management unit (e.g., watershed, township) should be retained as suitable habitat (early successional forest with adequate snag densities, young forest [40-80 years] with adequate snag densities, and late successional forest), and >40% of this

suitable habitat should be retained in late-successional forest. Adequate snag densities are defined as the combination of nesting, roosting and foraging snag numbers (see above).

Eastern Washington

The following recommendations are based on research conducted in the Blue Mountains of northeastern Oregon (Bull 1987, Bull and Holthausen 1993) as well as research conducted in northwestern Montana (McClelland and McClelland 1999). Because most work on pileated woodpeckers in the inland northwest was conducted in the Blue Mountains, it should be noted that the following recommendations might be less applicable to areas outside of this region.

Several key habitat components are necessary to maintain suitable pileated woodpecker habitat. These include a mature forest with ≥ 2 canopy layers, the uppermost being 25-30 m (82-98 ft) in height; large live trees to provide cover and eventual replacement of dead trees; large dead trees for nesting; and dead trees and downed woody material for foraging (Bull 1987). Territory size for breeding pairs in the Blue Mountains averaged 407 ha (1006 ac) and was considered an adequate size to manage for each breeding pair in that region (Bull and Holthausen 1993). Researchers working in the Blue Mountains recommended that 75% of management areas be in grand fir forest types and they suggested that the composition of this area include 25% old growth and 75% mature stands. Additionally, they suggested that $\geq 50\%$ of the management areas have $\geq 60\%$ canopy closure and that at least 40% of the stands remain unlogged (Bull and Holthausen 1993).

Bull and Holthausen (1993) recommended retaining 8 snags/ha (3.2 snags/ac) with at least 20% being ≥ 51 cm (20 in) dbh for both nesting and roosting. Based on Bull's (1987) research, trees ≥ 28 m (92 ft) should be retained to provide nesting structures. Bull and Holthausen (1993) recommended retaining ≥ 100 logs/ha (40/ac) as foraging substrate in management areas, with a preference for logs ≥ 38 cm (15 in) dbh that include all species except lodgepole pine (*Pinus contorta* var. *latifolia*). McClelland and McClelland (1999) suggested that the optimum dbh for nest and roost trees should be: 77-91 cm (30-36 in) for western larch, 76-96 cm (30-38 in) for ponderosa pine, and 75-100 cm (30-39 in) for black cottonwood (*Populus balsamifera*).

Urban/Suburban Areas

Although pileated woodpeckers are known to use suburban and other urbanizing areas (Moulton and Adams 1991, Rohila 2002), few studies have examined habitat use in these areas. Consequently, the following generalized recommendations address the principle needs of pileated woodpeckers based primarily on the findings of a recent study conducted in the greater Seattle area (Rohila 2002). Additional research will be necessary to develop specific guidelines for urban and suburban areas.

In urbanizing areas, the greatest negative influence to pileated woodpeckers is likely the clearing of remnant forest patches. Based on research in greater Seattle, Rohila (2002) recommended that planners retain forest in the largest patches available (>30 ha [74 ac] would be considered large). Where large patches are unavailable, smaller patches should be retained; where the average size of smaller patches should be no less than approximately 3 ha (7 ac) (see Rohila 2002). Forest patches with high densities of existing snags and live trees should be targeted when selecting areas to retain during the planning process (Rohila 2002). The creation of snags or decaying live trees (Lewis 1998) may benefit pileated woodpeckers in suburban areas (see previous sections for preferred snag and tree size guidelines). Pileated woodpeckers and other cavity-dependent species would benefit from the retention of snags as well as the retention of live trees in the largest size classes available in the stand (Rohila 2002). Because designated suburban and urban parks often contain large forested tracts, park managers should also consider pileated woodpecker requirements.

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PERSONAL COMMUNICATIONS

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KEY POINTS

Habitat Requirements

- Inhabits mature and old-growth forests, and second-growth forests with large snags and fallen trees
- Excavates large nest cavities in snags or large decaying live trees
- Breeds and nests between late March to early July
- Roosts in hollow trees or vacated nest cavities at night and during inclement weather
- Forages in forests containing large trees and snags, and dead and dying wood

- Preys on carpenter and thatching ants, beetle larvae, termites, and other insects
- Present in some urban and suburban areas throughout Washington

Management Recommendations

General Recommendations

- Maintain large snags and large decaying live trees for nesting and roosting
- Retain naturally formed stumps and numerous large logs in various stages of decay to improve foraging habitat
- Use average size standards (rather than minimums) for managing pileated woodpecker habitat components (e.g., nest size standards).

Western Washington

- Maintain managed coniferous forests (stands with >70% conifer stems) of about 60 years of age or older at >70% canopy closure and an average of ≥ 5 nest snags/10 ha (2 snags/10 ac) that are >76 cm dbh (30 in)
- Retain an average of 18 large snags/ha (7 snags/ac) and 8 decaying large trees/ha (3 trees/ac) in areas used for both nesting and roosting
- Retain trees ≥ 27.5 m (≥ 90 ft) in height to provide nesting and roosting structures. Trees between 155 and 309 cm dbh (61-122 in) should be retained for roosting
- Retain an average of 30 foraging snags/ha (12 snags/ac)

Eastern Washington

- Maintain mature forest with ≥ 2 canopy layers, the uppermost being 25-30 m (82-98 ft) in height; large live trees to provide cover and eventual replacement of dead trees; large dead trees for nesting; and dead trees and downed woody material for foraging
- Retain 8 snags/ha (3.2 snags/ac) with at least 20% being ≥ 51 cm (20 in) dbh for both nesting and roosting
- Retain ≥ 100 logs/ha (40/ac) as foraging substrate in management areas, with a preference for logs ≥ 38 cm (15 in) dbh

Urban/Suburban Areas

- Conserve larger forest patches with large trees and snags
- Retain forest in the largest patches available (≥ 30 ha [74 ac] would be considered large). Where large patches are unavailable, smaller patches should be retained; where the average size of smaller patches should be no less than approximately 3 ha (7 ac).
- Retain or create snags as well as retain live trees in the largest size classes available in the stand



Greenforest Incorporated



Consulting Arborist

October 2, 2014

Rich Wagner
Wagner Management Corporation
801-23rd Ave. S., Suite 201
Seattle, WA 98144

RE: Sunset Park Tree Report

Dear Mr. Wagner:

You contacted me and contracted my services as a consulting arborist. Your firm developed Sunset Park Subdivision in 1991, an 8-lot subdivision in Bellevue, just east of Sunset Creek and South of I-90. The plat, as originally approved, includes a NGPA extending east from the west property boundary, and a 10-foot additional building setback extending east from the NGPA boundary. Three homes in the subdivision are built (Lots 1, 2 and 7), with the remaining 5 lots proposed for development. On these remaining 5 lots, you propose a 50' NGPA from the top of bank/top of slope, and a 20' additional building setback extending east from the NGPA boundary. In order to build on these remaining lots, the City requires additional study.

My assignment is to:

1. Inspect the surveyed trees and assess their health and structure.
2. Recommend specifically which trees should be removed and which can be saved. (Any tall snags that are deemed to be hazardous could be shortened to remove the hazard.)

I received from you a boundary survey prepared by GeoDimensions dated 8/1/2014 showing the locations of the surveyed trees. I visited the site today and inspected 31 surveyed trees, which are the subject of this report.

All the subject trees are native conifers: 30 Douglas-firs and 1 Western red-cedar. Four trees are dead and I recommended removal. (All four dead trees can be reduced in height and the shortened trunks retained as wildlife snags.) Seven trees are suppressed and have stunted or asymmetric canopies. These trees are viable if retained with the current grove configuration. They should not be retained as stand-alone trees.

Rich Wagner, Wagner Management Corporation
RE: Sunset Park Tree Report
10/2/2014
Page 2 of 4

I annotated the attached boundary survey showing the location of the dead trees, and, for reference, numbered each tree.

The dead trees are nos. 11, 12, 14 and 21.

The suppressed trees include 6, 8, 16, 19, 27, 29 and 31.

The remaining trees appear healthy, have no visible structural defects and are viable for retention.

Sincerely,

GreenForest, Inc.

By Favero Greenforest, M. S.

Favero Greenforest

Digitally signed by Favero Greenforest
DN: cn=Favero Greenforest, o, ou,
email=greenforestinc@mindspring.com, c=US
Date: 2014.10.02 17:21:21 -07'00'

ISA Certified Arborist # PN -0143A
ASCA Registered Consulting Arborist® #379
ISA Qualified Tree Risk Assessor (TRAQ)

Attachments:

1. Assumptions and Limiting Conditions
2. Annotated Boundary Survey



Attachment No. 1 - Assumptions & Limiting Conditions

- 1) A field examination of the site was made 8/18/14. My observations and conclusions are as of that date.
- 2) Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/arborist can neither guarantee nor be responsible for the accuracy of information provided by others.
- 3) I am not a qualified land surveyor. Every effort was made to match the subject trees in the field with those on the boundary survey.
- 4) Unless stated other wise: 1) information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection; and 2) the inspection is limited to visual examination of the subject trees without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied that problems or deficiencies of the subject tree may not arise in the future.
- 5) All trees possess the risk of failure. Trees can fail at any time, with or without obvious defects, and with or without applied stress. A complete evaluation of the potential for this (a) tree to fail requires excavation and examination of the base of the subject tree.
- 6) The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made.
- 7) Loss or alteration of any part of this report invalidates the entire report.
- 8) This report and any values/opinions expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

BOUNDARY SURVEY

LEGAL DESCRIPTION

LOTS 3-6 & 8, SUNSET PARK VILLAGE, VOLUME 189, PAGE 81, RECORDS OF KING COUNTY, WASHINGTON.

BASIS OF BEARINGS

THE CENTERLINE OF 135TH AVENUE SE BEARS N01°22'10"E BETWEEN FOUND MONUMENTS, PER PLAT OF SUNSET PARK VILLAGE, VOLUME 189, PAGE 81, RECORDS OF KING COUNTY, WASHINGTON.

REFERENCES

- SUNSET PARK VILLAGE, VOLUME 189, PAGE 81, RECORDS OF KING COUNTY, WASHINGTON.
- EASTGATE ADDITION DIVISION "P" VOLUME 59 OF PLATS, PAGE 99, RECORDS OF KING COUNTY, WASHINGTON.

VERTICAL DATUM

N/A

SURVEYOR'S NOTES

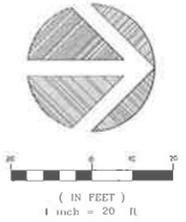
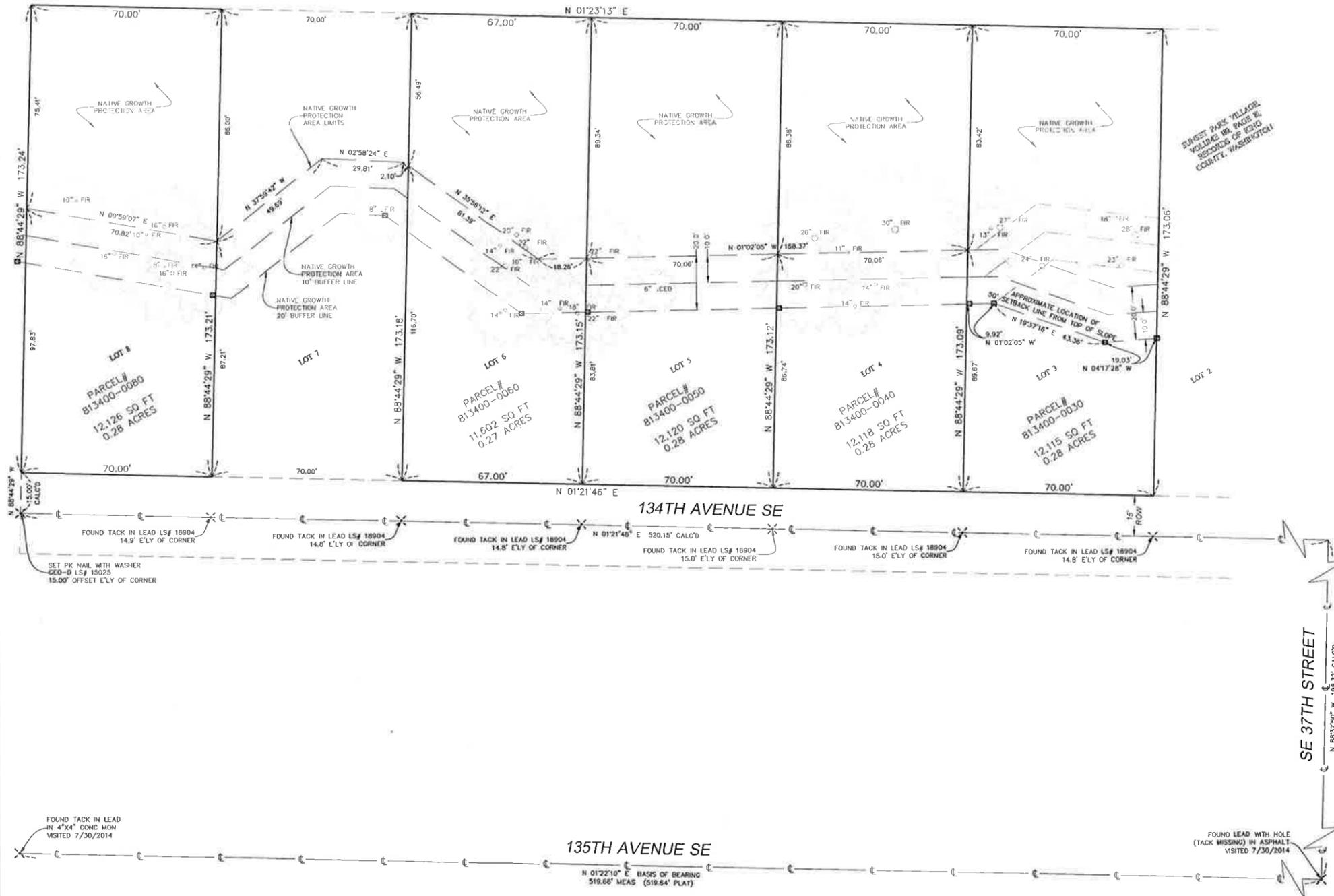
- THE SURVEY SHOWN HEREON WAS PERFORMED IN JULY OF 2014. THE FIELD DATA WAS COLLECTED AND RECORDED ON MAGNETIC MEDIA THROUGH AN ELECTRONIC THEODOLITE. THE DATA FILE IS ARCHIVED ON DISC OR CD. WRITTEN FIELD NOTES MAY NOT EXIST.
- BURIED UTILITIES SHOWN BASED ON RECORDS FURNISHED BY OTHERS AND VERIFIED WHERE POSSIBLE IN THE FIELD. GEODIMENSIONS ASSUMES NO LIABILITY FOR THE ACCURACY OF THOSE RECORDS OR ACCEPT RESPONSIBILITY FOR UNDERGROUND LINES WHICH ARE NOT MADE PUBLIC RECORD. FOR THE FINAL LOCATION OF EXISTING UTILITIES IN AREAS CRITICAL TO DESIGN CONTACT THE UTILITY OWNER/AGENCY, AS ALWAYS, CALL 1-800-424-5555 BEFORE CONSTRUCTION.
- SUBJECT PROPERTY TAX PARCEL NO. 813400-0030, 813400-0040, 813400-0050, 813400-0060, & 813400-0080
- SUBJECT PROPERTY AREA PER THIS SURVEY IS LOT 3 12,115± S.F. (0.2781± ACRES), LOT 4 12,118± S.F. (0.2782± ACRES), LOT 5 12,120± S.F. (0.2782± ACRES), LOT 6 11,602± S.F. (0.2663± ACRES), & LOT 8 12,126± S.F. (0.2784± ACRES).
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES MAY EXIST THAT ARE NOT SHOWN HEREON.
- INSTRUMENTATION FOR THIS SURVEY WAS A TRIMBLE ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE DIRECT AND REVERSE ANGLES, NO CORRECTION NECESSARY. MEETS STATE STANDARDS SET BY WAC 332-130-090.

LEGEND

- CENTERLINE ROW
- X CONiferous TREE
- HUB & TACK (SET)
- ⊗ NAIL AS NOTED

VICINITY MAP

N.T.S.



measure success

BOUNDARY SURVEY
 SW 1/4 OF THE SW 1/4 OF SEC. 10, TWP. 24N., RGE. 06E., W. 11M.
 TAX PARCEL NO. 813400-0030, 813400-0040, 813400-0050, 813400-0060, & 813400-0080
 SUNSET PARK VILLAGE
 134TH AVENUE SE
 BELLEVUE, WA



GeoDimensions
 GeoDimensions, Inc., 10895 Main Street, Suite 103, Bellevue, WA 98004
 phone 425.455.4498 support@geodimensions.net www.geodimensions.net

JOB NUMBER:	140936
DATE:	8/1/2014
DRAFTED BY:	TMC
CHECKED BY:	EJG/JGM
SCALE:	1" = 20'
REVISION HISTORY	
10/03/14	REV. BUFFER-LOT 3
11/5/14	REV. BUFFER-LOT 3

SHEET NUMBER
 1 OF 1