



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Clover McIngalls

LOCATION OF PROPOSAL: 1002 148th Ave NE

DESCRIPTION OF PROPOSAL: Vegetation Management to revegetate an NGPA tract associated with Kelsey

FILE NUMBERS: 17-111236-LO **PLANNER:** David Wong

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **9/14/2017**
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.


Environmental Coordinator
Carol V. Helland

8/31/2017
Date

OTHERS TO RECEIVE THIS DOCUMENT:

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



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

Proposal Name: Brookside HOA NGPA Restoration

Proposal Address: 1002 148th Ave NE

Proposal Description: Critical Areas Land Use Permit for Vegetation Management to revegetate an NGPA tract associated with Kelsey. The proposal includes 9,113 square feet of proposed planting to mitigate unpermitted clearing under 16-144157-EA.

File Number: 17-111236-LO

Applicant: Hanyu Hong

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

Planner: David Wong, Planner

**State Environmental Policy Act
Threshold Determination:** Determination of Non-Significance

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: Approval with Conditions

Elizabeth Stead, Land Use Director
Development Services Department

Application Date: April 21, 2017
Notice of Application Publication Date: June 8, 2017
Decision Publication Date: August 31, 2017
Project/SEPA Appeal Deadline: September 14, 2017

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

Contents

I.	Proposal Description	Pg 1
II.	Consistency with Land Use Code Requirements	Pg 1
III.	Public Notice & Comment	Pg 3
IV.	State Environmental Policy Act (SEPA)	Pg 4
V.	Decision Criteria	Pg 4
VI.	Conclusion and Decision	Pg 5
VII.	Conditions of Approval	Pg 5

Attachments

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

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit approval to restore approximately 9,113 sf of Type F stream buffer, wetland, and wetland buffer associated with Kelsey Creek with native stream buffer, wetland, and wetland buffer plantings. The subject parcel is part of a previously approved NGPA associated with the subdivision, and the work proposed is part of the request for voluntary compliance associated with enforcement action 16-144157-EA.

A permit is required because any vegetation removal within a Type-F stream buffer, wetland, and wetland buffer requires a Vegetation Management Plan approved through a Critical Areas Land Use Permit per LUC 20.25H.055.C.3.i.vi.

II. Consistency with Land Use Code Requirements:

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

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

Yes ☒ or No ☐

Describe:

Plan Preparer's Name: Clover McIngalls
Company: The Watershed Co.
Address: 750 Sixth Street S. Kirkland, WA 98033
Phone: 206-Email: cmcingalls@watershedco.com
Statement of Qualifications: Environmental Planner

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

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

Yes ☒ or No ☐

Describe: The project site is located at 1002 148th Ave NE in Bellevue, WA (parcel #2625059286). The parcel is a native growth protection area (NGPA) that was established in the early 2000s. At the time of establishment the NGPA was to be planted with native planting as part of the approval for the subdivision. The subject parcel contains a Type-F stream, stream buffer, wetland, and wetland buffer, and is protected by the City's Critical Areas Ordinance. The stream buffer, wetland, and wetland buffer contained several native species that were installed as a condition to the subdivision approval, and were recently removed without permit. In addition to the native vegetation that existed, the buffer also contains Himalayan blackberry (*Rubus armeniacus*).

(2) A site history;

Yes ☒ or No ☐

Describe: The total lot size is 0.29 acres and is zoned R-3.5 (single family residential). The lot is an undeveloped NGPA tract that was established in 2000 with the subdivision.

(3) A discussion of the plan objectives;

Yes ☒ or No ☐

Describe: The general objective of the plan is to restore the functions of the critical areas. The management plan also includes the following specific goals and objectives:

Goals	Objectives
Provide a net improvement in ecological function of critical areas through restoration of degraded area.	-Install 9,113 square feet of native planting -Achieve survival and establishment rates per the outlined performance standards -Increase native plant diversity -Manage invasive plant presence

(4) A description of all sensitive features;

Yes ☒ or No ☐

Describe: The site contains a Type-F stream, stream buffer, wetland, and wetland buffer.

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

Yes ☒ or No ☐

Describe: Soils within and adjacent to the management area are mapped as Alderwood gravelly sandy loam, 8 to 15 percent slopes; Everett gravelly sandy loam, 0 to 5 percent slopes; and Norma sandy loam soils. Although none were observed at the time, Kelsey Creek, a Type-F stream, provides habitat for chinook (*Oncorhynchus tshawytscha*), sockeye (*Oncorhynchus nerka*), and coho (*Oncorhynchus kisutch*) salmon, as well as cutthroat trout (*Oncorhynchus clarkia*) and other species.

(6) Allowed work windows;

Yes ☒ or No ☐

Describe: The owner plans to conduct as soon as permitting is granted. Planting should occur in fall to maximize successful establishment of native planting.

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

Yes ☒ or No ☐

Describe: See Attachment 1.

(8) Short- and long-term management prescriptions, including characterization of trees and vegetation to be removed, and restoration and revegetation plans with native species, including native species with a lower growth habit. Such restoration and revegetation plans shall demonstrate that the proposed Vegetation Management Plan will not significantly diminish the functions and values of the critical area or alter the forest and habitat characteristics of the site over time.

Yes ☒ or No ☐

Describe: See Attachment 1 for the proposed planting and monitoring plan. These replacement trees, shrubs, and groundcovers will provide water quality control function for Kelsey Creek. It will also be beneficial for restoring wildlife habitat functions. See Section VII for conditions of approval.

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

Yes ☐ or No ☒

Describe: The proposal does not request any additional tree removal. Unpermitted vegetation removal consisted of shrubs and groundcovers, and did not include the removal of any native tree species.

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

Yes ☐ or No ☒

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

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

Yes ☐ or No ☒

III. Public Notice and Comment

Application Date:	April 21, 2017
Public Notice (500 feet):	June 8, 2017
Minimum Comment Period:	June 22, 2017

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on June 8, 2017. It was mailed to property owners within 500 feet of the project site. Two (2) comments have been received from the public as of the writing of this staff report.

Summary of Comments:

Did the applicant create the ditch that is shown on the site plan and are they discharging stormwater?

The ditch was hand dug but was not created by the applicant. The source of the water is unknown,

however a sump pump installed at the time of construction discharges to a point above the retaining wall. This water is likely the source of the water discharging at the base of the retaining wall and that follows the natural drainage pattern down to Kelsey Creek.

IV. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The attached Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

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

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

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

Yes ☒ or No ☐

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

B. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and

Yes ☒ or No ☐

Describe: The best available design and development technique resulting in the least impact to the critical area is to replace the lost tree and ornamental landscaping with new, native trees, shrubs, and groundcovers.

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

Yes ☒ or No ☐

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

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

Yes ☒ or No ☐

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

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

Yes ☒ or No ☐

Describe: The proposal includes a restoration plan. See Section VII for conditions of approval related to monitoring and reporting associated with the restoration plan.

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

Yes ☒ or No ☐

Describe: Demonstration of compliance with the other applicable requirements of the Bellevue City Code will be completed under the review of the required Clearing & Grading permit

VI. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the vegetation management plan within the Type-F stream buffer, wetland, and wetland buffer at 1002 148th Ave NE

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

VII. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC 20.25H	David Wong, 425-452-4282
Noise Control- BCC 9.18	David Wong, 425-452-4282

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

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

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

2. Clearing Grading Submittal Documents: In addition to the documents required for a Clearing & Grading in Critical Areas permit, a copy of the final vegetation management plan, monitoring plan, and detailed planting plan must be submitted at time of application.

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

3. Planting Cost Estimate: A planting cost estimate detailing the cost of materials and labor shall be submitted at the time of clearing and grading permit application.

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

4. Maintenance and Monitoring Assurance Device: Documentation of financial surety, in the form of bond or assignment of savings, shall be submitted at the time of application, and shall be equal to 100% of the cost of the plant materials or 20% of the cost of maintenance contract whichever is greater. Release of the assurance device is subject to the performance standards included in this proposal and will require a Land Use inspection at the end of the monitoring period to verify compliance.

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

5. Monitoring and Reporting Required: To ensure establishment occurs and long-term viability is assured, a yearly monitoring report demonstrating compliance with performance standards in the plan shall be submitted to the Development Services Department for a period of five (5) years.

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

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

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

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

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

7. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: David Wong, Land Use