



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

Proposal Name: Tsiprin Residence

Proposal Address: 840 134th Ave NE

Proposal Description: This is an application for a Critical Areas Land Use Permit to install approximately 200 linear feet of side sew connection for a single-family house through a Category III wetland. The proposal is supported by a Critical Areas restoration plan.

File Number: 19-109286-LO

Applicant: Elena Tsiprin

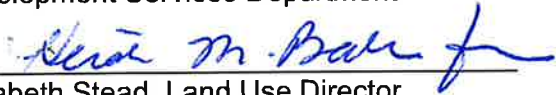
Decision Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: Heidi Bedwell

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: **Approval with Conditions**

Mike Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date:	<u>March 26, 2019</u>
Notice of Application Publication Date:	<u>April 25, 2019</u>
Decision Publication Date:	<u>September 19, 2019</u>
Project Appeal Deadline:	<u>October 3, 2019</u>

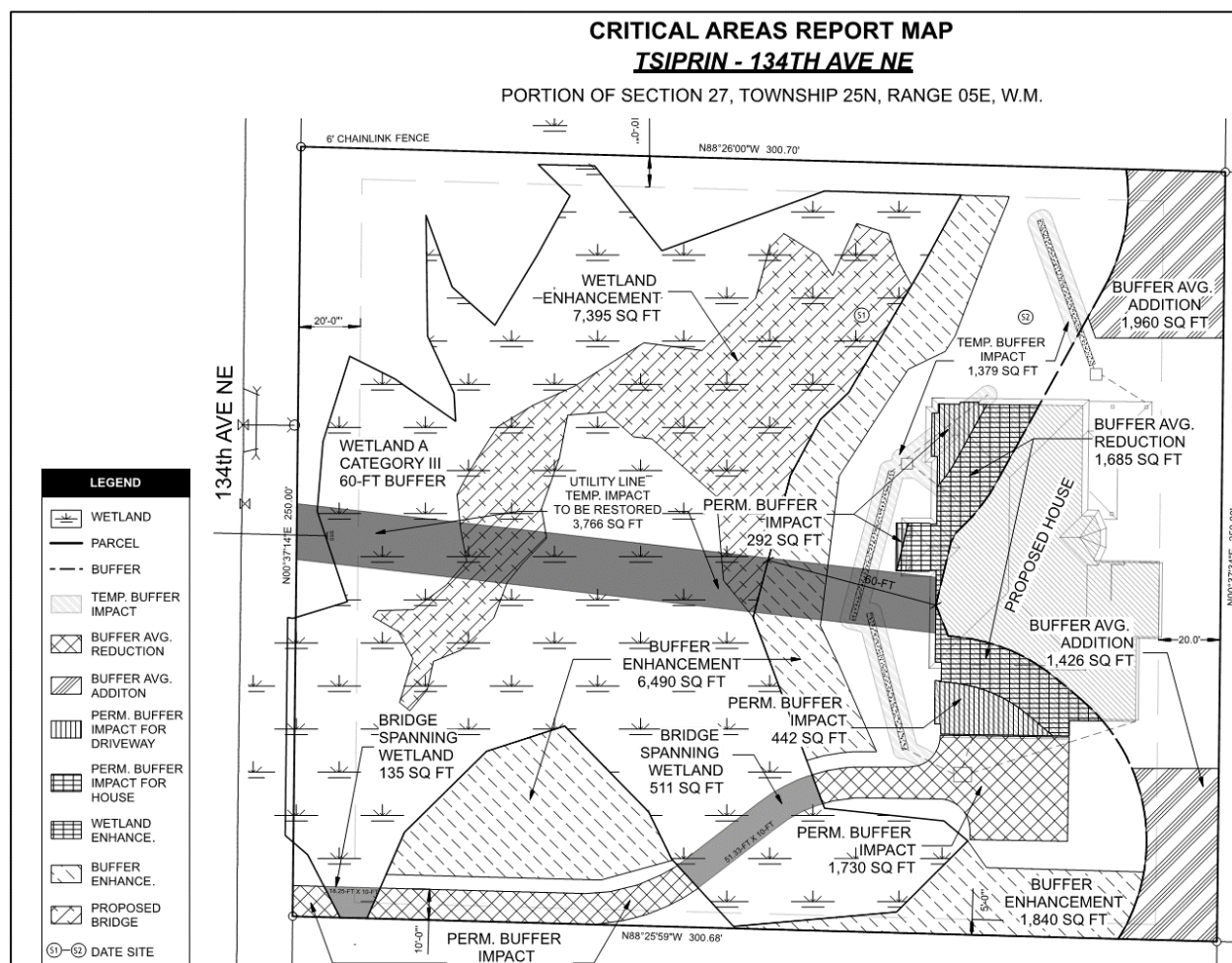
For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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Attachments:

1. Restoration Plans – Attached



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

The project site is currently being developed with a single family residence. It contains non-mature and mature forested areas. Surrounding land use is a mix of similarly undeveloped forestland and parks, as well as multi-family and single-family residential developments. Dominant vegetation on-site is represented by an open canopy of big leaf maple, red alder, vine maple, with small stands of Douglas fir and Western red cedar. The forest understory on-site is disturbed and is largely covered with invasive species, including Himalayan blackberry and English ivy. Some limited areas across the site contain small stands of vine maple, salmonberry, Sitka willow, red elderberry, and Indian plum. The herbaceous layer, when not subdued by invasive cover, is dominated by sword fern, creeping buttercup, soft rush, reed canary grass, slough sedge, and small patches of bracken fern.

Topography consists of an undulating slope with a westerly aspect, transitioning and flattening on the eastern side of the property. Given the topography of the site, general flow patterns would be to the west toward the property boundary, which borders 134th Ave NE. On-site soils are mapped as Everett gravelly sandy loam, 5 to 15 percent slopes and Alderwood gravelly sandy loam, 6 to 15 percent slopes.

One wetland (wetland A) was identified generally in the western half of the property. Wetland A is a depressional wetland complex that is located east of 134th Ave NE and continues off-site to the north-northwest and to the south. Pursuant to City of Bellevue's Land Use Code Part 20.25H, Wetland A is classified as a Category III wetland with a habitat score of 13. Kelsey Creek, a fish-bearing stream, lies approximately 400 feet to the north of the subject property.

Figure 2 – Aerial Photograph



III. Site Context

A. Critical Areas: Wetland

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

Wetland A is located on the western half of the subject property. This wetland is irregularly shaped and is approximately 0.72-acres in size. Hydrology is supplied to Wetland A by groundwater discharge and by surface water runoff. Wetland A is hydrogeomorphically classified as a depressional wetland. Wetland A received a total score for functions of 37 with a habitat score of 13 on the Washington State Wetland rating Manual for Western Washington (revised, Department of Ecology Document No. 04-06-025 (Hruby 2004). Wetlands with scores ranging from 30 to 50 points for all functions are classified as Category III wetlands. In the City of Bellevue, Category III wetlands with low habitat scores (less than 20 points) on undeveloped sites (as defined in LUC) receive 60-foot buffers from their delineated edges, pursuant to LUC 20.25H.095.

IV. State Environmental Policy Act (SEPA)

The construction of a single family residence is exempt pursuant to BCC 22.02.032 and WAC 197-11-800

V. Consistency with Land Use Code Requirements:

The property is within the R-2.5 zoning district. The proposed work is not subject to the dimensional requirements of the zoning district found in LUC 20.20.010.

VI. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development. The Clearing and Grading staff found no issues with the proposed development.

VII. Public Notice and Comment

Application Date:	March 26, 2019
Public Notice (500 feet):	April 25, 2019
Minimum Comment Period:	May 9, 2019

No written comments were received regarding the proposal, and there are no parties of record besides the applicant.

VIII. Decision Criteria

A. 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:

- A. The proposal obtains all other permits required by the Land Use Code;**
The applicant must revise the existing issued building permit to incorporate the subject scope of work. **See Conditions of Approval in Section IX of this report.**
- 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;**
The proposal will provide wetland restoration which will improve the function and habitat value of this critical area.
- C. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and;**
The performance standards related to wetlands were met by the prior land use application. No additional performance standards are applicable to this scope of work.
- D. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;**
The proposed activity does not impact public services.
- E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**
The mitigation planting is comparable with the City's planting templates wetlands and meets requirements in LUC 20.25H.210. **See Conditions of Approval in Section IX of this report.**
- F. The proposal complies with other applicable requirements of this code.**
As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposed restoration plan for the installation of a side sewer through a wetland and buffer. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

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 building permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Tom McFarlane, 425-452-5207
Land Use Code- BCC Title 20	Jeremy Hammar, 425-452-2739
Noise Control- BCC 9.18	Jeremy Hammar, 425-452-2739

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

- 1. Restoration Planting:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Applicant shall submit proposed plans as a post issuance revision to the issued building permit 17-104230 BS for approval.

Authority: Land Use Code 20.30P.140

Reviewer: Heidi Bedwell, Development Services Department

- 2. Maintenance and Monitoring:** A maintenance and monitoring plan in conformance with the plan submitted under this application shall be submitted for review and approval by the City of Bellevue prior to issuance of the Building Permit revision. The restoration plan shall be maintained and monitored for a minimum of five (5) years. Annual reporting shall be submitted at the end of each growing season or by December 31st for each of the five years this plan is applicable. The annual reports can be sent to Heidi M. Bedwell at hbedwell@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department

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

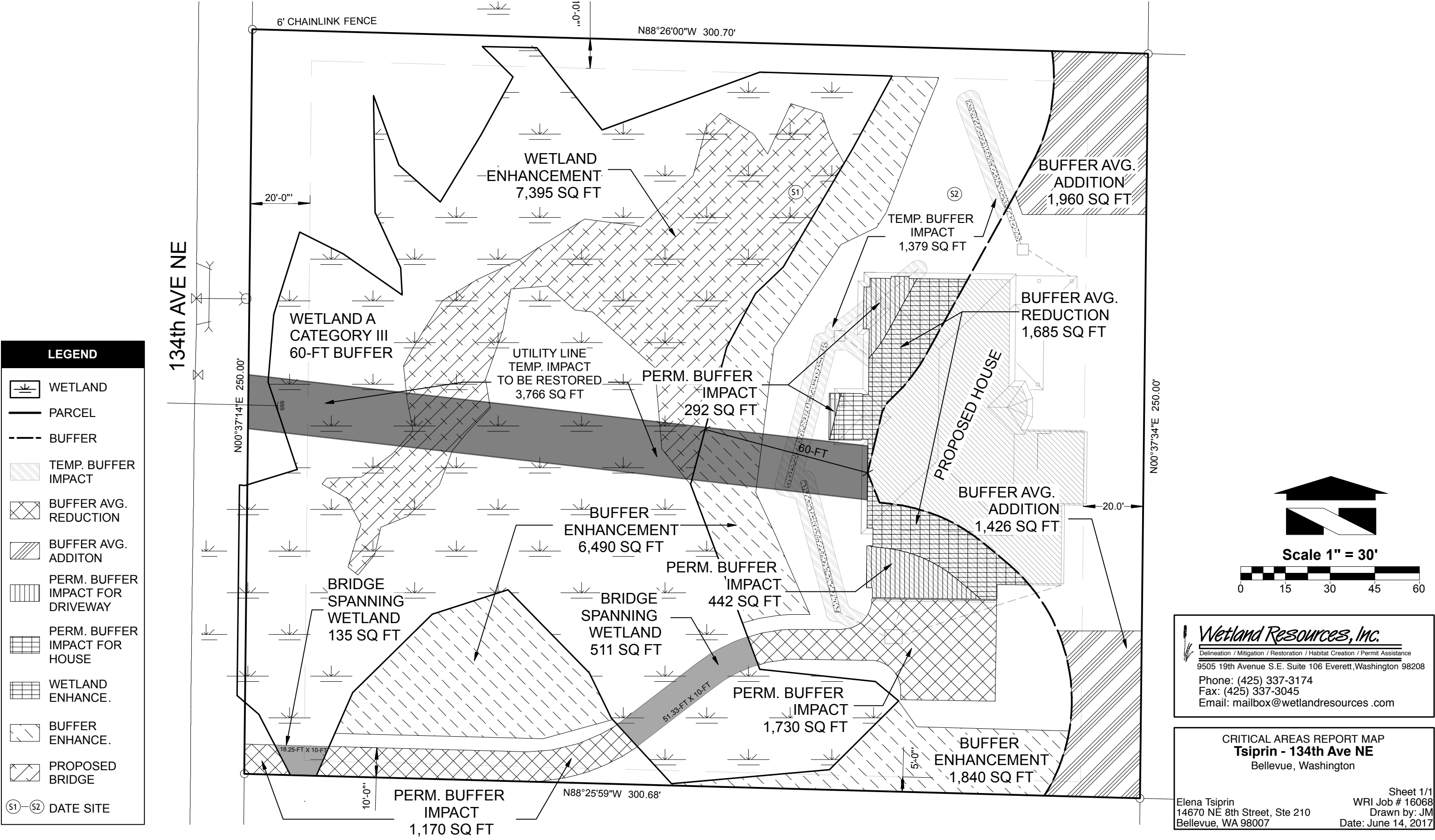
Authority: Land Use Code 20.25H.220.D
Reviewer: Heidi M. Bedwell, Development Services Department

- 3. Maintenance and Monitoring Assurance Device:** A financial surety is required to be submitted to ensure the restoration and mitigation planting successfully establishes. A maintenance assurance device that is equal to 100% of the cost of plants and installation or 20% of the cost of maintenance and monitoring is required to be held for a period of five (5) years from the date of building permit approval. A cost estimate is required to be provided with the building permit. The financial surety is required to be posted prior to building permit approval. Release of the surety after the 5-year monitoring period is contingent upon a final inspection of the planting by Land Use Staff that finds the maintenance and monitoring plan was successful and the mitigation meets performance standards.

Authority: Land Use Code 20.25H.220.F
Reviewer: Heidi M. Bedwell, Development Services Department

CRITICAL AREAS REPORT MAP
TSIPRIN - 134TH AVE NE

PORTION OF SECTION 27, TOWNSHIP 25N, RANGE 05E, W.M.





June 14, 2019

Elena Tsiprin
14670 NE 8th St, Ste 210
Bellevue, WA 98007

RE: Revision Request for 19-109286 LO Tsiprin Residence

The City of Bellevue has requested additional information regarding temporary critical area impacts for the above referenced development project. The intent of this document is to comply with the City's request for more information, and should be included as an addendum to the originally submitted Critical Areas Report as a means of providing an updated mitigation summary for these impacts.

Pursuant to LUC 20.25H.055, the installation of a utility line from 134th Ave NE to the on-site residence, required temporary impacts to on-site critical areas. Approximately 3,766 square feet of critical area vegetation (wetland and buffer) were impacted during utility line installation. These temporary impacts will be restored to pre-construction conditions, and will be planted with native shrubs.

Summary of Mitigation for Utility Line Installation

Action	Impact Area	Compensatory Mitigation	Mitigation to Impact Ratio
Temporary Impact for Utility Line Installation	3,766	3,766 of Restoration	1:1

The proposed restoration plan will include a suite of shrubs that will be suitable for both wetland and buffer installation on-site. Any disturbed soils shall be stabilized with a native grass seed mix.

TEMPORARY BUFFER IMPACT RESTORATION

The applicant is proposing 3,766 square feet of restoration for temporary critical area impacts.

Buffer Enhancement Plantings

Common Name	Latin Name	Size	Spacing	Quantity
Red osier dogwood	<i>Cornus sericea</i>	1 gallon	5'	37
Thimbleberry	<i>Rubus parviflorus</i>	1 gallon	5'	37
Baldhip rose	<i>Rosa gymnocarpa</i>	1 gallon	5'	37
Salmonberry	<i>Rubus spectabilis</i>	1 gallon	5'	37

Total: 148

Any disturbed soil shall be seeded to the recommended grass seed mixtures below, or similar approved mixtures. Fertilizer shall only be used if absolutely necessary due to potential runoff into adjacent waters. If deemed absolutely necessary by the consulting biologist and/or the City biologist an appropriate fertilizer will be recommended for the particular situation.

Native Seed Mix

Common Name	Latin Name	lbs/1,000 s.f.
Tall fescue	<i>Festuca arundinacea</i>	0.4
Colonial bentgrass	<i>Agrostis tenuis</i>	0.4
Annual ryegrass	<i>Lolium multiflorum</i>	0.5
White clover	<i>Trifolium repens</i>	0.2

This mitigation plan is consistent with the revised version of the Washington State Dept. of Ecology (WSDOE) *Guidelines for Developing Freshwater Wetlands Mitigation Plans and Proposals*, titled *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans*. The proposed enhancement plan is expected to provide equivalent biological functions.

The original performance bond shall be updated to reflect the new plant quantities that will be installed on-site. Below is a summary of *Section 6.4* from the originally submitted Critical Areas Report, with the required updates.

Financial Guarantee to Ensure Compliance

A performance bond or other assurance device shall be provided to the City of Bellevue for the period of five years from the completion of the project, in the amount of 150% of the estimated cost for plant material and labor, maintenance, and monitoring. This bond shall be released at the end of five years, upon a successful determination by the City for all portions of this mitigation project. Bond release shall be contingent upon meeting the Definitions of Success described below within the section titled *Project Monitoring Program*.

Quantity of 1 gallon plants (\$12/ea., installed)	832
Estimated Cost of Plant Materials and Labor	\$9,984
Estimated Cost of Monitoring (\$1800/yr.)	\$9,000
Estimated Cost of Maintenance (\$1000/yr.)	\$5,000
Total Estimated Project Cost	\$23,984

Total Bond Amount (150% of Estimated Project Cost) \$35,976*

***Note:** *as the applicant is proposing the construction of a single-family residence, the Department Director, if determined that the above-specified amount is too much of a financial burden for the applicant may adjust actual bond amount.*

It is in the opinion of WRI the above summary has successfully addressed the City of Bellevue's request for additional information.

Should you have any questions or concerns, please do not hesitate to call. 425-337-3174.

Wetland Resources, Inc.

A handwritten signature in black ink, appearing to read 'Jeff Mallahan', with a stylized, cursive script.

Jeff Mallahan
Senior Wetland Ecologist

Enclosure:

Revised Critical Areas Report Map (Sheet 1/1)