



Development Services Department
Environmental Coordinator
450 110th Avenue NE
Bellevue, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSAL NAME:	Kim Residence Vegetation Restoration
LOCATION:	6245 155 th Ave SE
FILE NUMBERS:	20-119663-LO
PROPONENT:	Kyu Kim
DESCRIPTION OF PROPOSAL: SEPA Review for a Critical Areas Land Use Permit approval for Vegetation Management on the parcel addressed 6245 155 th Ave SE to restore unpermitted vegetation removal that occurred within a Native Growth Protection Easement (NGPE), Steep Slope Critical Area, and 50-foot top-of-slope buffer.	

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.

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.

DATE ISSUED: 10/7/2020

APPEAL DATE: 10/21/2020

A written appeal must be filed in the City Clerk's Office by 5 p.m. on the appeal date noted above.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a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

Reilly Pittman

Issued By: Acting Planning Manager for **Date:** October 1, 2021
Elizabeth Stead, Environmental Coordinator
Development Services Department



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

Proposal Name: Kim Residence Vegetation Restoration

Proposal Addresses: 6245 155th Ave SE

Proposal Description: Critical Areas Land Use Permit approval for Vegetation Management on the parcel addressed 6245 155th Ave SE to restore unpermitted vegetation removal that occurred within a Native Growth Protection Easement (NGPE), Steep Slope Critical Area, and 50-foot top-of-slope buffer. This application is associated with Enforcement Action 20-112714-EA.

File Number: 20-119663-LO

Applicant: Kyu Kim

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

Planner: Drew Folsom, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance**
Reilly Pittman, Acting Planning Manager

Elizabeth Stead, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**
Reilly Pittman, Acting Planning Manager

Elizabeth Stead, Land Use Director
Development Services Department

Application Date: October 19, 2020
Notice of Application Publication Date: December 3, 2020
Decision Publication Date: October 07, 2020
Project/SEPA Appeal Deadline: October 21, 2020

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.

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Documents Referenced in File or Attached

1. Project Plans – Enclosed
2. Critical Areas Narrative – In File
3. Public Comments – In File
4. Communication, SEPA Checklist, Application Materials – In File

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit (CALUP) to address enforcement action 20-112714-EA for unpermitted vegetation clearing and tree removal within a Native Growth Protection Easement (NGPE), Steep Slope Critical Area, and 50-foot top-of-slope buffer on the property at 6245 155th Ave SE. The proposal includes restoration planting to restore the area of approximately 4,375 SF with native vegetation, including 23 trees. Per LUC 20.25H.055.C.3.(i)iv a CALUP to create a Vegetation Management Plan is required because the proposed vegetation management activities are located within a critical area and critical area buffer. See figures 1 and 2 below for existing site condition and proposed restoration.

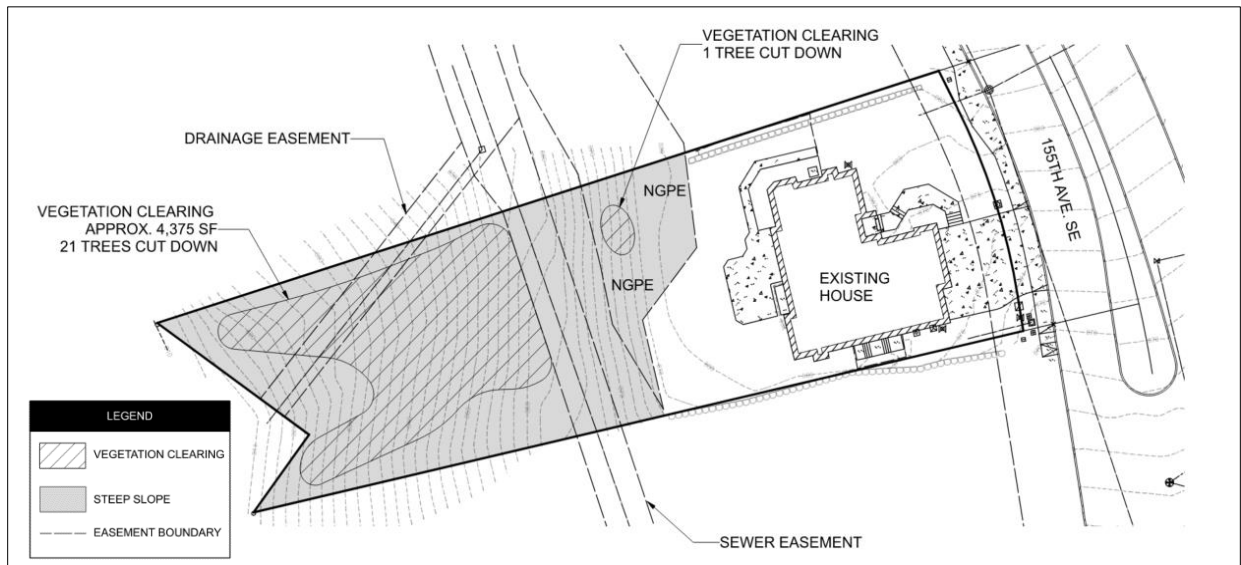


Figure 1. Pre-Clearing Conditions

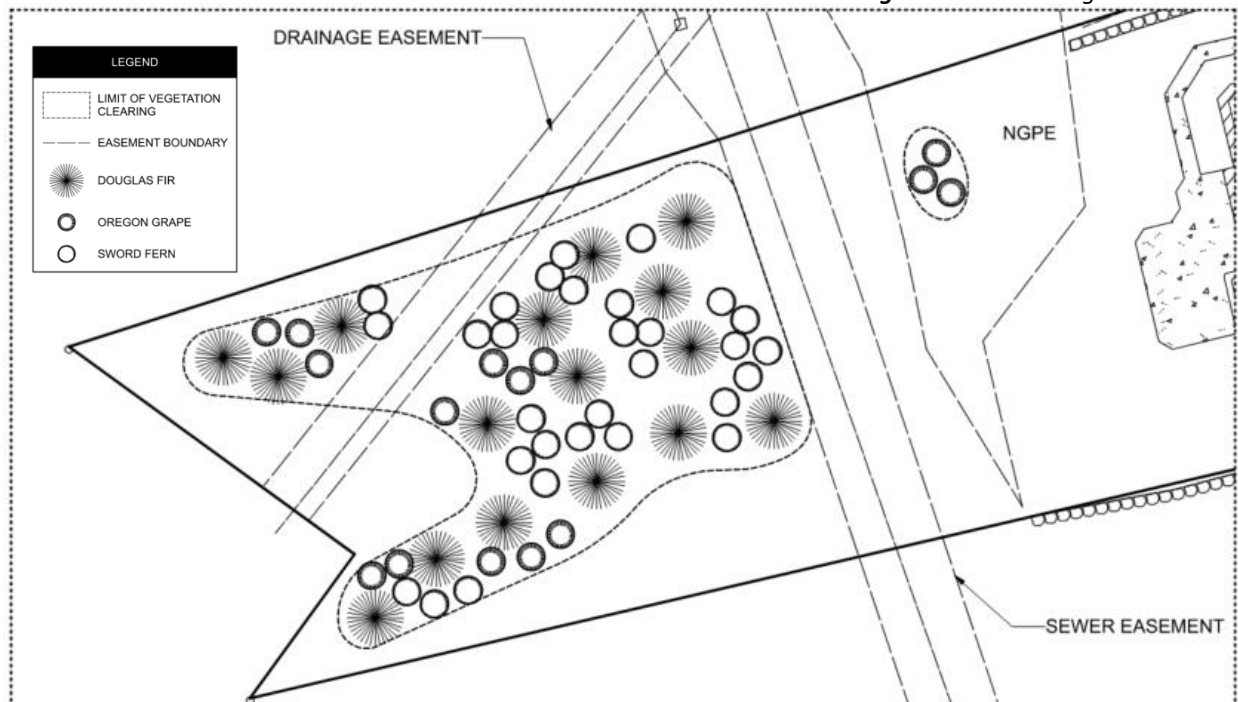


Figure 2. Proposed Re-planting

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: Meryl Kamowski, Senior Ecologist

Company: Wetland Resources

Address: 9505 19th Ave SE Ste. 106, Everett, WA 98208

Phone: 425-337-3174

Statement of Qualifications: Senior Ecologist

B. Does the Vegetation Management Plan include the following?

- i. **A description of existing site conditions, including existing critical area functions and values;**

Yes ☒ or No ☐

Describe: The site contains a native growth protection easement (NGPE), steep slope, and steep slope buffer, that were impacted by approximately 4,375 SF of unpermitted clearing of vegetation and trees in 2020. Removed vegetative cover provided slope stability, stormwater treatment, and habitat opportunity within the critical areas and their buffers. Removed vegetative cover included a canopy of big leaf maple (14 trees), red alder, and cherry trees (a total of 8 trees). Very few shrubs were existing on site. Other vegetation present on site includes Himalayan Blackberry, trailing blackberry, snowberry, sword fern, and herb Robert. The topography slopes downward toward the west.

- ii. **A site history;**

Yes ☒ or No ☐

Describe: The subject property is located within the Coal Creek Sub-basin of the Cedar Sammamish watershed (WRIA 8) and developed with a single-family residence and landscaping on the east side. The west side of the site is undeveloped; this area is where the clearing took place. The trees cut down included maple, cherry and alder trees.

- iii. **A discussion of the plan objectives;**

Yes ☒ or No ☐

Describe: The general objective of the plan is to restore the affected area with native species appropriate for steep slopes, steep slope buffers, and to control non-native, invasive plant cover within the vegetation management area.

- iv. **A description of all sensitive features;**

Yes ☒ or No ☐

Describe: The site contains geologic hazard steep slopes, and its associated buffer. The site also contains a recorded Native Growth Protection Easement (NGPE). See the attached Vegetation Management Plan for a more detailed description of all critical areas and their buffers.

v. Identification of soils, existing vegetation, and habitat associated with species of local importance present on the site;

Yes ☒ or No ☐

Describe: Soils at the site have been mapped as Beausite gravelly sandy loam (BeD). See **section II.B.1** of this report for a description of vegetation on site.

vi. Allowed work windows;

Yes ☒ or No ☒

Describe: The applicant has included a 5-year maintenance and monitoring plan and has provided detailed information regarding actions that can occur within each of the five years. Due to proximity to the steep slopes, work during rainy season months is restricted. See Section VII for rainy season, maintenance and monitoring related conditions of approval.

vii. A clear delineation of the area within which clearing and other vegetation management practices are allowed under the plan; and

Yes ☒ or No ☐

Describe: A restoration area map and planting plan are included with the vegetation management plan. The plan notes that

viii. 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: The plan provides short- and long-term management goals for vegetation located within the parcels. Short-term goals include planting and establishment of native species and invasive vegetation removal. The long-term goals include sustainable species diversity, improved stormwater quality, and greater protection against erosion to the slope. See section 7.0 of vegetation management plan for specific metrics. Any use

of herbicides for the control of vegetation within the planting area is subject to City of Bellevue environmental best management practices. See Section VII for best management practices related 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: No additional tree removal is proposed. Proposal is to restore an area where unpermitted tree removal has occurred, and the proposed replanting includes small to large native trees and shrubs.

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:	October 19, 2020
Public Notice (500 feet):	December 3, 2020
Minimum Comment Period:	December 17, 2020

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 3, 2020. It was mailed to property owners within 500 feet of the project site. No comments have been received from the public as of the writing of this staff report.

IV. State Environmental Policy Act (SEPA)

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

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

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 & Grading Permit in Critical Areas Permit (GJ) prior to commencing work under this proposal. See Section VII for permit related conditions of approval.

- 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 proposal utilizes the best available design for vegetation management by restoring the entire affected area with a diverse group of native species that are appropriate for steep slope, and steep slope buffer and that meet spacing requirements of the Critical Areas Handbook. The proposal includes plans for maintenance and monitoring over a 5-year period and provides a financial assurance to ensure success of the restoration area.

- 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 meeting the recommendations of the Critical Areas Handbook and that is consistent with the requirements of LUC 20.25H.210. See Section VII for mitigation plan related conditions of approval.

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

Yes ☒ or No ☐

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

VI. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the vegetation management plan at 6245 155th Ave SE.

Note- Expiration of Approval: In accordance with LUC 20.30P.150.B, the Critical Areas Land Use Permit for Vegetation Management is valid for a period of no greater one (1) year after 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	Drew Folsom, 425-452-4441
Noise Control- BCC 9.18	Drew Folsom, 425-452-4441

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

1. **Clearing & Grading Permit Required:** A Clearing & Grading Permit is required to conduct work specified in the plans referenced in this approval.

Authority: Land Use Code 20.30P.140
Reviewer: Drew Folsom, Land Use

2. **Mitigation/Replacement Plan:** A restoration plan conforming to the conceptual plan submitted under this application by Wetland Resources shall be included with the Clearing & Grading Permit application. Plans shall meet all requirements for submission as specified on the Forms and Publications webpage on the City's website.

Authority: Land Use Code 20.25H.220.B
Reviewer: Drew Folsom, Land Use

3. **Maintenance & Monitoring:** To ensure establishment occurs and long-term viability is assured, a yearly monitoring report demonstrating compliance with performance standards in the plan shall be emailed to DFolsom@Bellevuewa.gov or submitted to the Development Services Department for a period of five (5) years.

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: Drew Folsom, Land Use

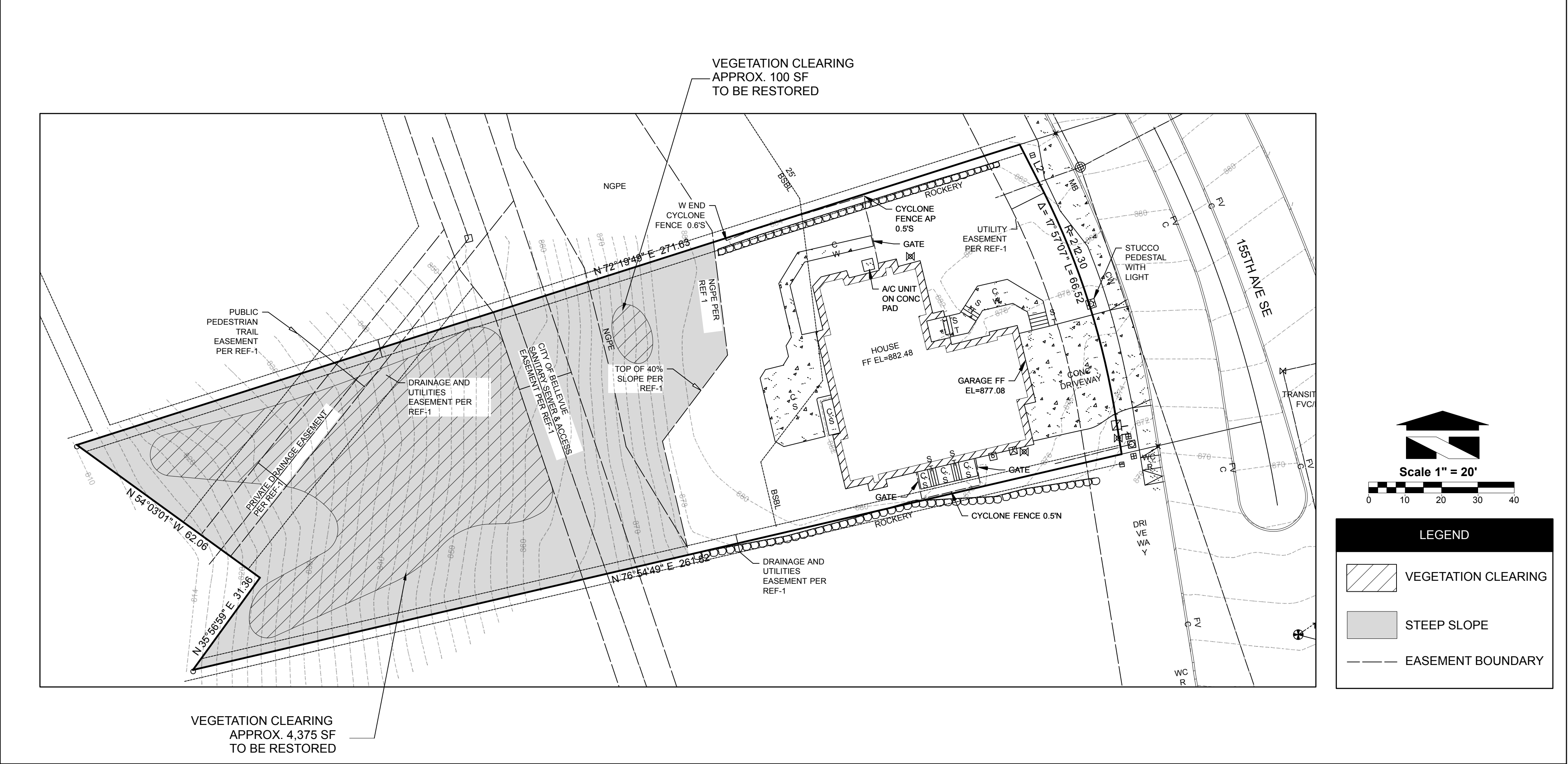
4. **Rainy Season restrictions:** Due to the proximity to steep slope and stream critical areas, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be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

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

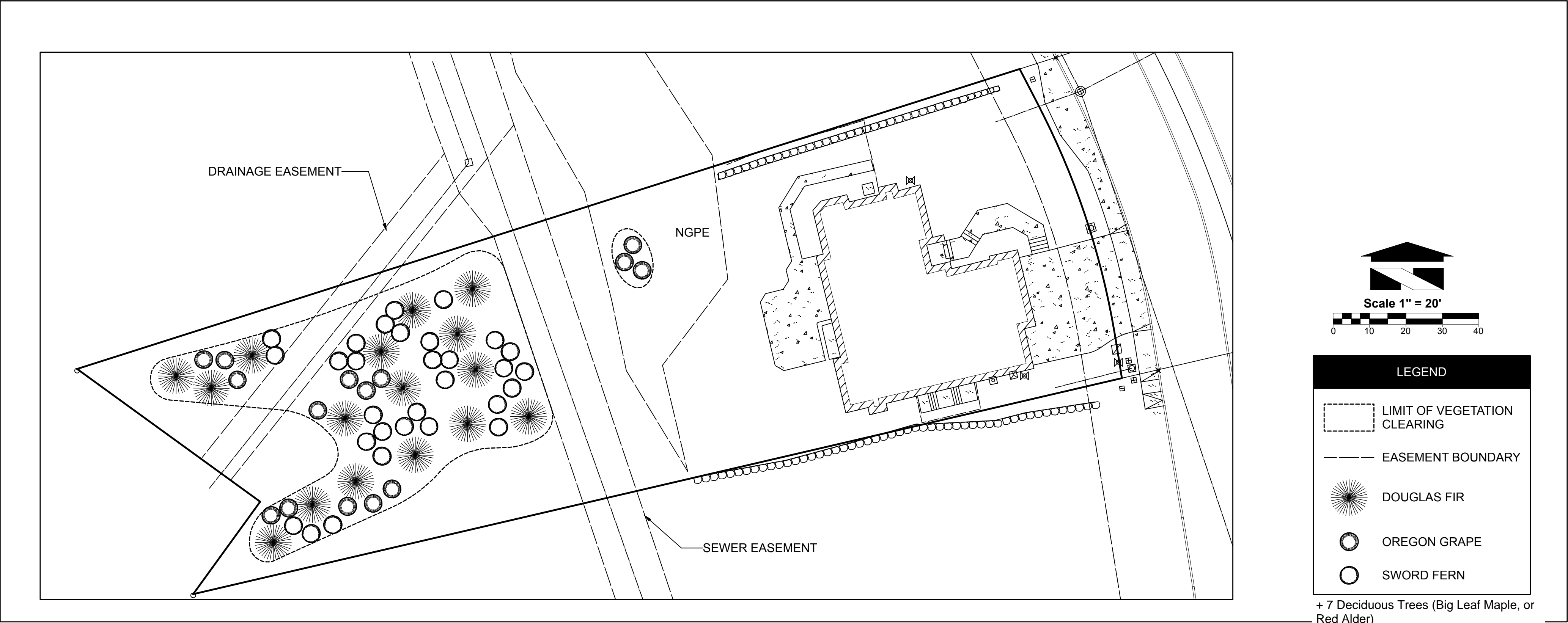
5. **Pesticides, Insecticides, and Fertilizers:** The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer: Drew Folsom, Land Use

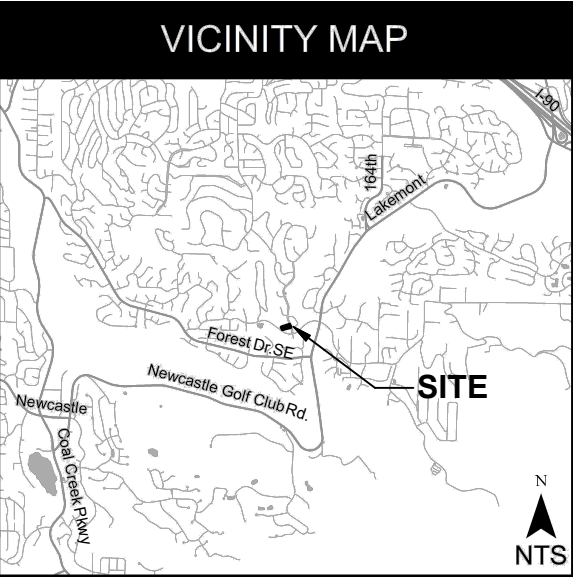
SITE OVERVIEW



RESTORATION PLANTING PLAN



+ 7 Deciduous Trees (Big Leaf Maple, or Red Alder)



NOTES:

THIS SITE PLAN IS BASED ON THE INFORMATION IN THE BOUNDARY AND TOPOGRAPHIC SURVEY BY MEAD GILLMAN, DATED 10/09/20. THE EXTENT OF STEEP SLOPES ON THE SITE WAS ESTIMATED USING INFORMATION FROM CITY OF BELLEVUE AND SURVEYED TOPOGRAPHY. LIMITS OF CLEARING AND RESTORATION AREAS WERE ESTIMATED FROM ON-SITE OBSERVATIONS.

ONE OVERLAY DISTRICT IS LOCATED ON SITE - THE CRITICAL AREA OVERLAY DISTRICT INCLUDES ON-SITE, STEEP SLOPE HAZARD AREAS.

NO MECHANICAL EQUIPMENT IS CURRENTLY LOCATED ON OR PROPOSED TO BE LOCATED ON THE SITE.

NO NEW FENCES, ROCKERIES OR RETAINING WALLS ARE PROPOSED AS PART OF THE RESTORATION PLAN.

NO NEW STRUCTURES ARE PROPOSED AS PART OF THE RESTORATION PLAN.

ALL EXISTING TREES WILL BE RETAINED.

NO NEW IMPERVIOUS SURFACES ARE PROPOSED AS PART OF THE RESTORATION PLAN.

NO NEW INTERNAL WALKWAYS ARE PROPOSED AND AS SUCH NO CONNECTIONS TO PUBLIC SIDEWALKS, RIGHTS-OF-WAY, OR ACCESS EASEMENTS ARE PROPOSED.

NO NEW PARKING AREAS OR CONNECTIONS TO EXISTING ROADWAYS ARE PROPOSED AS PART OF THE RESTORATION PLAN. NO CHANGES ARE PROPOSED TO EXISTING ROADWAYS.

THE PLANT LAYOUT PRESENTED HERE MAY BE MODIFIED AS NEEDED DUE TO EXISTING NATIVE VEGETATION PRESENT WITHIN THE RESTORATION AREAS AT THE TIME OF INSTALLATION.

ADDITIONAL INFORMATION INCLUDING SITE PREPARATION, PLANTING LISTS, AND RESTORATION PLAN DETAILS ARE PROVIDED IN THE *CRITICAL AREA DETERMINATION AND RESTORATION PLAN* REPORT.

REFERENCES:

1. THE SUMMIT DIV. NO. 5, REC. NO. 9301210472, VOL. 163. PGS.

WRI PROJECT # 20199	Scale 1" = 20'	Drawn by: M. Kamowski	Date: October 15, 2020		
<div><div>Wetland Resources</div><div>9505 18TH AVE SE, SUITE 106 EVERETT, WA 98208 TEL: 425.337.3174 FAX: 425.337.3045</div></div>					
PREPARED FOR: Kyu Kim 6245 155th Place SE Bellevue WA 98006					
SITE PLAN KIM RESIDENCE - VEGETATION RESTORATION BELLEVUE, WASHINGTON					
SHEET1/1					