



EXHIBIT A
TECHNICAL COMMITTEE REPORT

MEMO TO: Sharon Rice, Hearing Examiner

FROM: Technical Committee

DATE: November 12, 2015

PREPARED BY: Heather Maiefski, Associate Planner (425) 556-2437

SUBJECT: ADMINISTRATIVE APPEAL OF THE SEPA DETERMINATION OF NON-SIGNIFICANCE (SEPA-2014-01967) AND OF THE APPROVAL OF THE SHORT PLAT APPLICATION FOR THE PROJECT KNOWN AS ELLWORTH 8-LOT SHORT PLAT (LAND-2014-01966)

REQUEST: The appellant is appealing the SEPA Determination of Non-Significance for the project, and Notice of Decision for the associated Short Plat application.

HEARING DATE: November 20, 2015

EXHIBIT B

ATTACHMENTS

1. Vicinity Map
2. Legal Description
3. Notice of Application/Certificate of Public Notice dated December 8, 2014
4. Determination of Non-Significance/Certificate of Public Notice dated March 27, 2015
5. SEPA Comments
6. SEPA Appeal Form submitted by Leonard Steiner dated April 6, 2015
7. Notice of Decision dated August 25, 2015
8. Appeal Form submitted by Leonard Steiner dated September 28, 2015
9. Hearing Notice
10. Public Comments
11. Request for Additional Information dated November 10, 2014
12. 2nd Request for Additional Information dated April 28, 2015
13. Plan set dated July 8, 2015
14. Tree Health Assessment prepared by Susan Prince dated August 10, 2015

15. Wildlife Report prepared by Wetland Resources Inc, dated June 30, 2015
16. Alteration of Geologic Hazard Areas Hearing Examiner Report dated August 4, 2014
17. SEPA Checklist dated November 3, 2014
18. Critical Area Study and Mitigation Plan for Heather's Ridge South dated June 29, 2015
19. Tree Exception Approval Letter
20. NE Rose Hill Transportation Connections Plan
21. Critical Areas Study from Alterations of Geologic Hazard Areas Land use Application prepared by Wetland Resources Inc, dated September 24, 2013
22. Neighborhood Meeting Sign-In Sheet
23. Alterations to Geologic Hazard Areas LAND-2013-01665 Site Plan

BACKGROUND

SEPA Appellant: LAND-2015-01011
Leonard Steiner
13239 NE 100th Street
Kirkland, WA. 98033

Project Appellant: LAND-2015-01985
Leonard Steiner
13239 NE 100th Street
Kirkland, WA. 98033

Project Applicant: Steven Anderson
14201 NE 200th Street
Woodinville, WA. 98072

Short Plat Application Date: November 03, 2014, File LAND-2014-01966

SEPA Application Date: November 03, 2014, File LAND-2014-01967

SEPA Appeal Date: Leonard Steiner: April 23, 2015

Short Plat Appeal Date: Leonard Steiner: September 28, 2015

Hearing Date: November 20, 2015

Location: The proposed project is located at NE 100th Street and 134th Ave NE (Parcel 0325059100) (See Attachment 1, Vicinity Map).

Parcel Size: The total area of the site is approximately 1.53 acres (66,481 sq.ft.)

Legal Description: See Attachment 2, Legal Description.

Neighborhood: The proposed project is within the Willows/Rose Hill Neighborhood as identified within the Comprehensive Plan Map N-GL-1.

Land Use Designation: The subject property is located within the Single-Family Urban Designation which is to provide for low to moderate-density residential neighborhoods on lands suitable for urban development. These goals are further defined in the Comprehensive Plan Policies LU-34.

Zoning Designation: The property under consideration for this development application is zoned Residential Innovative (RIN) which allows for five dwellings per gross acre based on the size of the parcel for the subject site.

Surrounding Land Use and Zoning: The subject site is currently vacant with the central portion of site already disturbed from a temporary construction access road and staging area that was previously constructed for a separate sewer line extension project. The site has a gentle southeast slope with a ravine along the eastern border. The eastern and southern portions of the site contain forested vegetation, and scattered trees are present in the northwest corner as well. The center portion consists of a mix of scrub-shrub vegetation. A Class IV stream is located near the eastern property boundary with most of the stream located offsite with the associated buffers extending on the subject site. A small portion of steep slopes are located in the southeast property corner. Surrounding land use and zoning is as follows:

	<u>Zoning</u>	<u>Land Uses</u>
North:	RIN	Single-Family Urban
East:	RIN	Single-Family Urban
South:	RIN	Single-Family Urban
West:	RIN	Single-Family Urban

Access: Vehicle access for this site is currently from NE 100th Street. The site fronts on NE 100th Street. The proposed short plat would have vehicle access for all lots directly off of proposed 133rd Avenue NE.

Public Notice: Requirements for public notice are contained in the Redmond Zoning Code. Public notice was given as follows:

Notice of Application: The Notice of Application was mailed on December 8, 2014 and the mailing procedures in RZC 21.76.080(B) were followed to provide a 21-day public comment period. (See Attachment 3: Notice of Application/Certificate of Public Notice dated December 8, 2014).

Determination of Non-Significance: The Determination of Non-Significance was mailed on March 27, 2015 and the noticing procedures in RZC 21.70.130(B) were followed to provide a 14-day public comment period and a 14-day appeal period. (See Attachment 4: Determination of Non-Significance/Certificate of Public Notice dated March 27, 2015). The comment period for the Determination of Non-Significance ended on April 9, 2015 in which two comments were submitted by the Muckleshoot Tribe and Department of Fish and Wildlife. (See Attachment 5: SEPA Comments). The appeal period ended on April 23, 2015 and one appeal was submitted (See Attachment 6: SEPA Appeal Form Submitted by Leonard Steiner dated April 6, 2015).

Notice of Decision: The notice was sent to the developer and all Parties of Record for the project on September 21, 2015 (See Attachment 7: Notice of Decision dated August 25, 2015). The Notice of Decision procedures in RZC 21.76.080(G) were followed to provide a 14-day appeal period. The appeal period for the short plat decision ended on October 5, 2015. One appeal was submitted (See Attachment 8: Appeal Form Submitted by Leonard Steiner dated September 28, 2015).

Notice of Pre-Hearing Conference: On October 21, 2015 a pre-hearing conference was held to clarify the issues on appeal as well as clarification of the order of operations during proceedings.

Notice of Public Hearing: Notice of the hearing was mailed to the appellant and the project applicant on November 6, 2015. (See Attachment 9: Hearing Notice).

BACKGROUND

On November 3, 2014 the formal application was filed for the Ellsworth Short Plat, as an eight lot short plat in the Residential Innovative RIN zone. The code states that any project in the RIN zone shall provide 20 percent of total units to be constructed as “smaller dwellings”. The applicant has chosen to provide one duplex to meet the twenty percent requirement (two-unit attached dwelling) and six single-family detached homes for a total of eight dwellings. The subject site is currently vacant with the center portion of the site already disturbed from a temporary construction access road and staging area that was previously constructed for the sewer line extension project.

A Class IV stream is located near the eastern property boundary with the majority of the stream located offsite and the associated buffers extending on the subject site. A steep slope is located in the southeast property corner. The applicant has proposed buffer averaging for portions of the thirty-six foot buffer of the Class IV Stream to allow for open space areas of the proposed lots. The criteria identified in RZC 21.64.020(B)(6) allows for Buffer Width Averaging if mitigation sequencing has been addressed as identified in RZC 21.64.010(I). The Critical Areas Study and Mitigation Plan (See Attachment: 18) addresses the mitigation sequencing requirements and buffer reduction criteria. A mitigation plan for the buffer averaging has been submitted and conditioned per the requirements of Appendix 1(G) of the RZC.

The Notice of Application was sent to all residents within a five hundred foot radius of the subject site on December 8, 2014 and was posted on the subject site as well as at the library and the City Hall. The public comment period ended on December 29, 2014. (See Attachment 3: Notice of Application/Certificate of Public Notice dated December 8, 2014). One public comment was received during the 21-day public comment period by Mr. Steiner which included comments in regards to tree retention, loss of wildlife and wildlife habitat (See Attachment 10: Public Comment). The applicant has provided 42 percent tree retention and wildlife habitat will be permanently preserved in a Native Growth Protection Area (Tract C).

A Neighborhood Meeting was held on March 12, 2015 in which Mr. Steiner and one additional resident attended (See Attachment 22: Neighborhood Meeting Sign-In Sheet. The questions and concerns during the meeting centered primarily on tree retention and wildlife protection. The other attendee did not express opposition of concern and attended the meeting for informational purposes.

On December 19, 2014 the City requested Additional Information (See Attachment 11: Request for Additional Information dated November 10, 2014) and the applicant resubmitted all revisions to plans and documents on March 12, 2015. On June 1, 2015 the City requested a second letter of

Additional Information (See Attachment 12: 2nd Request for Additional Information dated April 28, 2015) and the applicant resubmitted all revisions to plans and documents on June 30, 2015.

A Determination of Non-Significance was issued on March 27, 2015 (See Attachment 4: Determination of Non-Significance/Certificate of Public Notice dated March 27, 2015). During the 14-day public comment period which ended on April 9, 2015 two comments were submitted by the Muckleshoot Tribe and Department of Fish and Wildlife. All comments and questions were satisfied prior to the Notice of Decision being issued. (See Attachment 5: SEPA Comments). The SEPA appeal period ended on April 23, 2015 with one appeal being submitted on April 6, 2015 stating that an Environmental Impact Statement should be required. (See Attachment 6: SEPA Appeal Form Submitted by Leonard Steiner dated April 6, 2015).

A Notice of Decision approving the project as an 8-Lot Short Plat was issued on September 21, 2015. (See Attachment 7: Notice of Decision dated August 25, 2015) and (See Attachment 13: Plan Set dated July 8, 2015). During the 14-day appeal period of the short plat decision, the City of Redmond received one appeal on September 28, 2015 stating that the number of houses should be reduced, wildlife trees should be preserved, access road should be relocated and vegetation within stream buffers should be preserved. (See Attachment 8: Appeal Form Submitted by Leonard Steiner dated September 28, 2015).

A pre-hearing conference was held at City Hall on October 21, 2015 with the appellant Mr. Steiner.

JURISDICTION

The City of Redmond issued a Determination of Non-Significance on March 27, 2015 (See Attachment 4). The SEPA appeal period ended on April 23, 2015 and the City of Redmond received one SEPA appeal on April 6, 2015 (See Attachment 6). The City of Redmond issue the Notice of Decision, approving the Short Plat on September 21, 2015 for the Ellsworth 8-Lot Short Plat (See Attachment 7). During the 14-day appeal period of this decision, the City of Redmond received one appeal on September 28, 2015 (See Attachment 8). The appeal process outlined in Section 21.76.060(I) of the Redmond Zoning Code establishes that the Hearing Examiner shall hear all appeals of Type II Permits such as Short Plats.

In accordance with RZC Section 21.76.060(I), Appeal of Type II Decisions, the appellant is required to specify the basis of their appeal. An appeal must be based on an error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the public hearing or consideration of approval. The appellant must provide: 1) facts demonstrating that they were adversely affected by the decision, 2) a concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria, 3) the specific relief requested, and 4) any other information reasonably necessary to make a decision on the appeal. The appellants have provided a basis for appeal consistent with these regulations (See Attachment 6 and 8).

BURDEN OF PROOF

The burden of proof for demonstrating that the City's issuance of the SEPA Determination of Non-Significance and Notice of Decision for the Ellsworth proposal was in error lies on the appellant, as outlined in Hearing Examiner's Rules, Burden of Proof.

APPELLANT'S BASIS FOR SEPA APPEAL

The appellant has appealed the SEPA Determination of Non-Significance based upon the following assertions:

A. Steiner SEPA Appeal (LAND-2015-01011) (SEPA-2014-01967)

- 1) Values are to be identified through an EIS and an Arborist was hired to evaluate plant value as opposed to an Ecologist
- 2) The installation of the sewer line and tree removal has already disturbed wildlife on the property
- 3) None of the wildlife issues have been addressed by the Determination of Non-Significance
- 4) Vegetation is going to be wiped out
- 5) The valuable wildlife is not being saved
- 6) Wildlife issues not addressed through EIS
- 7) The thirty-five foot stream buffer is not being honored

RELIEF SOUGHT BY SEPA APPEAL

The appellant is seeking the following relief through this appeal:

A. Steiner SEPA Appeal (LAND-2015-01011)

- 1) Require an Environmental Impact Statement

ANALYSIS

The following is an analysis regarding the assertions raised by the appellant.

1. Assertion: An Arborist was employed to determine the value of property to wildlife rather than an Ecologist. The only assessment was living or dying trees.

Staff Response: An Arborist was employed to perform a tree health assessment of each tree on the site to determine compliance with the tree retention requirements of thirty-five percent per RZC 21.72.060(A)(1) (See Attachment 14: for the Tree Health Assessment).

A Wildlife Report was also submitted (See Attachment 15: for Wildlife Report) to

determine if any wildlife species or habitats are present that would limit development of the site. The fieldwork was performed and the wildlife report was prepared by Scott Walters who is an Ecologist and Wildlife Biologist with Wetland Resources, Inc. Scott Walters holds a Bachelor of Science Degree in Wildlife Conservation Biology and Applied Vertebrate Ecology.

The wildlife report identified three distinct habitat units present on and around the subject property which include Habitat Unit A (Complex Sloped Forest), Habitat Unit B (Invasive Scrub-Shrub Community) and Habitat Unit C (Disturbed Pasture). Per the Wildlife Report Habitat Unit A provides high-quality, mostly native habitat to urban wildlife and also acts as a biodiversity corridor, connecting the on-site habitat areas to a broader and more complex habitat matrix. The presence of the Class IV stream identifies the majority of Habitat Unit A as a Habitat Conservation Area (HCA). The portions of Habitat Unit A that are located outside of the Class IV stream and its associated buffers are not considered a HCA (See Attachment 15: Wildlife Report Page 10).

RZC 21.64.020(A)(2) requires Habitat Conservation Areas (HCAs) to be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance. The HCA located on the subject property is classified as a Core Preservation Area which includes Class IV streams. Core preservation areas include those areas of the City which are already protected through other regulatory mechanisms. On this property any part of Habitat Unit A that is located outside of the stream buffer is not considered a core preservation area.

The Core Preservation Area located within the HCA will be protected in its entirety within the NGPA Tract C. The wildlife report also concluded that the wildlife species detected on-site either directly or indirectly, as well as those predicted to occur, are not of special concern. No species, or evidence indicating use by species, that are of concern, priority, or locally important were detected at the site.

The Ellsworth Short complies with reporting requirements per Appendix 1(B) of the RZC.

2. Assertion: The installation of the sewer line and tree removal has already disturbed wildlife use on the property.

Staff Response: *The sewer line installation and associated tree removal was related to a previous land use approval that was approved in 2014 under a separate Land Use Application known as the Ellsworth Geologic Hazard Area Alteration, LAND-2013-01665 (See Attachment 16: for Alterations to Geologic Hazard Areas Approval).*

3. Assertion: None of the wildlife issues have been addressed by the Determination of Non-Significance.

Staff Response: *The SEPA Checklist identified birds, songbirds and deer on the site (See Attachment 17) and the associated Wildlife Report (See Attachment 15) identified the presence of golden-crowned kinglet, ruby-crowned kinglet, spotted towhee, song sparrow, dark-eyed junco, pacific wren, corvids and black-capped chickadee on this site.*

None of these species identified have been listed as endangered, threatened or protected species on the Federal, State or local list. As discussed in Assertion 1 above, Tract C contains a Core Preservation Area within the Habitat Conservation Area identified on the site. Staff, using the criteria in RZC 21.64.020(2) evaluated this information and determined wildlife issues have been addressed by providing a Native Growth Protection Area (NGPA) to be permanently protected within Tract C.

The wildlife report states that no species, or evidence indicating use by species, that are of concern, priority, or locally important were detected on the site. The wildlife habitat is to be preserved permanently within a NGPA (Tract C).

4. Assertion: The 8-Lot Short Plat would wipe out the vegetation on the property.

Staff Response: *The proposed development is maintaining vegetation within Tract C (NGPA) along with all viable and non-viable trees located within Tract C. The northernmost portion of the buffer is dominated by a dense layer of Himalayan blackberry (invasive shrub), which will be removed as part of the enhancement plan. Additionally the vegetation within Tract C will be enhanced with native vegetation as part of the mitigation requirements through buffer averaging. In order to compensate for buffer width averaging and provide additional habitat protection approximately 8,925 square feet of stream buffer will be enhanced with native trees and shrubs per the buffer enhancement planting plan as identified in the Critical Area Study and Mitigation Plan (See Attachment 18 and refer to the last page of the document for the Mitigation Plan Map) which will improve the existing condition of the stream and buffer. Approximately 220 square feet of stream buffer will be impacted by grading activities and two storm water outfall pipes will extend into the stream buffer with rip-rap dispersion pads to be located at the pipe outlets which will lead to temporary impacts to be mitigated with additional plantings per the same Mitigation Plan as stated above.*

Vegetation is being maintained permanently within the NGPA (Tract C).

5. Assertion: The stream riparian area and surrounding lands are used by birds, insects and mammals. The valuable wildlife is not being saved.

Staff Response: *The Core Preservation Area within the Habitat Conservation Area (HCA) is to be preserved permanently within an NGPA (Tract C) which will allow for the preservation of the valuable wildlife area and enhancement of the wildlife habitat area will be provided through Mitigation Planting per the Mitigation Planting Plan (See Attachment 18 and refer to the last page of the document for the Mitigation Plan Map).*

The Ellsworth short plat complies with RZC 21.64.020(B)(6) for the preservation of the stream and the riparian corridor.

6. Assertion: SEPA says these values are to be identified in an EIS to help cities make determinations concerning a site.

Staff Response: *To make a SEPA Determination the City relies on the Environmental Checklist along with other critical area reports. An Environmental Impact Statement (EIS) is only required for an action if the RZC does not provide regulations for environmental impacts and a Mitigated Determination of Non-Significance (MDNS) is only required if the RZC does not provide for mitigation measures for environmental impacts. The only impacts that have been identified for this proposed development are the impacts to the stream buffer through buffer averaging and these impacts have a mitigation plan in place per the requirements of Appendix 1(G) of the RZC.*

The Ellsworth short plat complies with the buffer averaging criteria as identified in RZC 21.64.020(B)(6) and the mitigation requirements as identified in Appendix 1(G) of the RZC. The Ellsworth short plat also complies with the permanent protection of the Core Preservation Areas by placing this area within a protected NGPA (Tract C). Core Preservation Areas as defined in the RZC are those areas that protect habitat and that are preserved through any of the regulatory mechanisms provided in the RZC such as stream buffer averaging criteria as identified in RZC 21.64.020(B)(6).

7. Assertion: The 35 foot stream setback is not being honored.

Staff Response: *The stream identified is a Class IV stream requiring a buffer of 36 feet. Buffer Averaging has been proposed as allowed per RZC 21.64.020(B)(6) when mitigation sequencing has first been addressed. The City has determined after an extensive review of the Critical Area Study and Mitigation Plan (See Attachment 18) that each mitigation sequencing requirement as identified in RZC 21.64.010(I) and the Buffer Width Averaging Criteria per RZC 21.64.020(B)(6) has both been met.*

Per RZC 21.64.020(B)(6)(e) a stream buffer width may be reduced if the buffer width is reduced no less than 25 percent of the standard buffer width or 25 feet, whichever is greater. In this case the Class IV stream cannot be reduced to less than 27 feet. The Class IV stream buffer is being honored per the buffer averaging requirements. The amount of stream buffer being reduced/removed is 1,215 square feet and the replacement buffer totals 1,303 square feet and no buffer reduction area is being reduced to less than 27 feet.

The Ellsworth plat complies with the buffer reduction criteria per RZC 21.64.020(B)(6).

APPELLANT'S BASIS FOR SHORT PLAT APPEAL

The appellant has appealed the Short Plat approval conditions based upon the following assertions:

A. Leonard Steiner Appeal (LAND-2015-01985)

- 1) Impacts to Stream and Buffer
- 2) Impacts to Wildlife Habitat
- 3) Proper reports need to be provided when evaluating wildlife values of trees
- 4) Storm water from adjacent properties drains onto this property which has traditionally been a wetland that supported many species. The gravel that has been placed on the land in an attempt to help with drainage does not appear to be working

RELIEF SOUGHT BY SHORT PLAT APPEAL

The appellant is seeking the following relief through this appeal:

Leonard Steiner Appeal

- 1) Reduce the number of housing units
- 2) Preservation of wildlife trees
- 3) Require an Environmental Impact Statement
- 4) Access road should be relocated to preserve more trees
- 5) Preservation of vegetation within stream buffer

ANALYSIS

1. Assertion: The Shoreline Management Act was created to protect streams. Streams are defined as sensitive areas and setbacks were established to protect these streams. Buildings and lots should not be allowed in these setback areas. In fact, the number of buildings near sensitive areas should be limited. The GMA says to allow max development but this quantity should be reduced or halved near sensitive areas.

Staff Response: *The subject site is not located within Shoreline Jurisdiction so it's not regulated by the Shoreline Management Act. This site, however, is regulated by the Redmond Zoning Code 21.64.020 which regulates critical areas such as streams. The Class IV stream which is to be located within an NGPA (Tract C) requires a buffer of 36 feet.*

Buffer Averaging has been proposed in compliance with RZC 21.64.020(B)(6). Per RZC 21.64.020(B)(6)(e) a stream buffer width may be reduced if the buffer width is not reduced to less than 25 percent of the standard buffer width or 25 feet, whichever is greater. In this case the Class IV stream cannot be reduced to less than 27 feet.

No buildings are proposed within the stream buffer area. A rockery wall is proposed at the outside edge of the adjusted buffer area as established through buffer averaging and each lot will have open space that abuts Tract C (See Attachment: 13 Sheet 2).

The Ellsworth Short Plat complies with the buffer averaging criteria RZC 21.64.020(B)(6) and density requirements per Table 21.08.070(A) of RZC 21.08.070(B).

2. Assertion: SEPA was created to allow cities to determine the value of property to wildlife. In this case historically the property was used by wildlife such as deer, coyote, raccoons, opossums, squirrels and numerous bird species. The developer removed two large dead snags that were home to at least four different woodpecker species. An EIS should still be prepared for this development.

Staff Response: *An evaluation of the existing wildlife on this site was evaluated as part of the project review. The wildlife report states that no species, or evidence indicating use by species, that are of concern, priority, or locally important were detected on the site. The wildlife habitat is to be preserved permanently within a NGPA (Tract C).*

The two large dead snags that were removed likely had been removed previously as part of the Alteration to Geologic Hazard Areas approval for the sewer line extension. The Alterations to Geologic Hazardous Areas (LAND-2013-01665) approved the removal of seven significant trees and ten trees were identified as being impacted. A few hazardous trees were also identified to be removed as part of this approval.

To make a SEPA Determination the City relies on the Environmental Checklist along with other critical area reports as required by RZC 21.64.010(G)(2)(b). Based on the proposal (which includes buffer averaging), environmental checklist, and critical areas reports that were submitted, the City determined that an EIS is not required. An EIS is only required for an action if the RZC does not provide regulations for environmental impacts. In this case buffer averaging of the Class IV Stream has been proposed which is regulated by RZC 21.64.020(B)(6). The Core Preservation Area is also regulated by RZC 21.64.020(A)(2)(a) which provides for habitat protection.

The Ellsworth Short Plat complies with the buffer averaging criteria of RZC 21.64.020(B)(6) as well as the protection of the Core Preservation Area which is to be placed within a protected NGPA (Tract C) to allow for permanent habitat protection.

3. Assertion: An Environmentalist should be hired to evaluate trees rather than an Arborist. Wildlife value of trees is different than living or dead. Three cottonwoods and seven Cedars located where the proposed 133rd Ave NE road is to be located should be retained as wildlife trees. All trees in the corridor of the stream are protected through the Shoreline Management Act.

Staff Response: *An Arborist was employed to perform a tree health assessment of each tree on the site to determine compliance with the tree retention requirements of thirty-five*

percent per RZC 21.72.060(A)(1) (See Attachment 14: for the Tree Health Assessment). The tree protection standards require that 35 percent of all significant trees shall be retained. Per the definitions in the RZC 21.78 a Significant Tree is any healthy tree six inches in diameter at breast height

A Wildlife Report was also submitted in accordance with Appendix 1(B) Fish and Wildlife Habitat Conservation Areas Reporting Requirements of the RZC (See Attachment 15: for Wildlife Report). The fieldwork and the wildlife report was prepared by Scott Walters who is an Ecologist and Wildlife Biologist with Wetland Resources, Inc. Scott Walters holds a Bachelor of Science Degree in Wildlife Conservation Biology and Applied Vertebrate Ecology.

Per the Tree Health Assessment (See Attachment 14) several of the trees (forty-eight) have been deemed as non-viable (unhealthy) trees and nineteen have been deemed as viable (healthy) trees. Eight of the nineteen trees are to be retained on the site for tree retention of 42 percent. Those eight trees are all located within Tract C. There are a total of three trees deemed as viable trees within the proposed 133rd Ave NE road (See Attachment 13: Sheet 5). Tree's 1548 (42" Western Red Cedar), 1589 (20" Black Cottonwood) and 1590 (21" Black Cottonwood). Tree 1548 has been approved for removal through a Tree Exception Request (See Attachment 19: Tree Exception Approval Letter). The other trees located within the proposed 133rd Ave NE road have been deemed as non-viable (unhealthy) trees which don't count towards the 35 percent tree retention requirement and are not required to be protected. Also the road has been proposed in compliance with the NE Rose Hill Transportation Connections plan (See Attachment 20).

The Ellsworth property is not located within a Shoreline Jurisdiction and therefore is not regulated by the Shoreline Management Act. The Critical Areas Regulations as identified in RZC 21.64.020 provides regulations and protections of streams and their buffers. All viable and non-viable trees located within Tract C are to be protected within an NGPA. Per RZC 21.72.060(A)(1) trees that are located within critical areas and their associated buffers are protected trees which shall not be removed.

The Ellsworth Short Plat complies with the Fish and Wildlife Habitat Conservation Areas Reporting Requirements per Appendix 1 of the RZC and the Tree Health Assessment Report has been provided to determine compliance with the tree retention requirements of 35 percent per RZC 21.72.060(A). Also the Ellsworth Short Plat is in compliance with the Critical Areas Regulations as identified in RZC 21.64.020 which allows for the protection of wildlife, streams and their associated buffers.

4. Assertion: All the adjacent properties to the west drain onto this land. This property has traditionally been a wetland which supported many frog species, dragonflies and salamanders.

The developer was allowed to install a sewer line on the property and fill it in with gravel (rocks) in an attempt to drain the land which I don't think worked. Once houses are built and sold then this problem is left to the property owner.

The property needs an EIS and the City needs to address all these issues.

Staff Response: *The Critical Areas Report prepared by Wetland Resources Inc for the proposed Ellsworth 8-Lot Short Plat, (See Attachment 18) confirmed that no wetlands exist on the property. The Critical Areas Report submitted for the sanitary sewer line extension project (See Attachment 21) for the Alterations to Geologic Hazardous Areas application approval (LAND-2013-01665) also confirmed that no wetlands exist on the property.*

1.89 acres of offsite area immediately west of the Ellsworth Short Plat drain onto the project. To address this, the project Preliminary Grading, Road and Utilities Plan includes a French drain along the projects western boundary to collect sheet flow and convey it via a dedicated pipeline to the stormwater catch basin that discharges to the un-named stream (See Attachment 13: Sheet 3).

The sanitary sewer installation project on the property included installing a gravel construction access road and staging area. The gravel was not expected to “drain” the property (See Attachment 23).


STAFF RECOMMENDATION

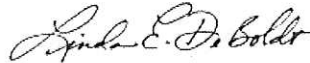
Prior to the public hearing and based on the analysis included in this report, the Technical Committee recommends the Hearing Examiner deny the SEPA appeal (LAND-2015-01011) of the Determination of Non-Significance (SEPA-2014-01967) and the Short Plat appeal (LAND-2015-01985) of the Short Plat Approval (File LAND-2014-01966) for the Ellsworth 8-Lot Short Plat.

CONCLUSIONS IN SUPPORT OF THE STAFF RECOMMENDATION

- A tree health assessment, Environmental Checklist and all other critical area reports as required by RZC 21.64.010(G)(2)(b) have been submitted for this proposal.

- The proposed development is maintaining vegetation within Tract C (NGPA) along with all viable and non-viable trees located within Tract C. Additionally the vegetation within Tract C will be enhanced with native vegetation as part of the mitigation requirements through buffer averaging to permanently enhance and preserve the valuable wildlife habitat. The wildlife report states that no species, or evidence indicating use by species, that are of concern, priority, or locally important were detected on the site.
- The stream identified on the Ellsworth site is a Class IV stream requiring a 36 foot buffer. Buffer Averaging has been proposed as allowed per RZC 21.64.020(B)(6) when mitigation sequencing has first been addressed. After extensive review of the Critical Area Study and Mitigation Plan, the City has determined that each mitigation sequencing requirement as identified in RZC 21.64.010(I) and the Buffer Width Averaging Criteria per RZC 21.64.020(B)(6) have both been met.
- The City of Redmond has Substantive Authority under SEPA and has determined that the requirements for environmental analysis, protection and mitigation measures have been adequately addressed in the Critical Areas Regulations of the RZC 21.64; therefore, no EIS is required for this proposal.
- The subject site is not located within Shoreline Jurisdiction so it's not regulated by the Shoreline Management Act. This site, however, is regulated by the Redmond Zoning Code 21.64.020 which regulates critical areas such as streams and the Ellsworth property is in compliance with these regulations.


ROBERT G. ODLE
Director
Planning and Community Development


LINDA E. DEBOLDT
Director
Public Works Department