DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
ENVIRONMENTAL COORDINATOR
450 100th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Dan DeWald, Bellevue Parks and Community Services Department

LOCATION OF PROPOSAL: 410 130th Ave SE, Kelsey Creek Park

NAME & DESCRIPTION OF PROPOSAL:

Application for a Critical Areas Land Use Permit to restore the approximately 2,500 linear feet of the West Tributary of Kelsey Creek in the City of Bellevue's Kelsey Creek Park to restore streambed and bank conditions of the West Tributary to improve fish and wildlife habitat; enhance wetland functions associated with floodplain water storage and improve native plant diversity and wildlife habitat; and restore channel cross section and remove hydraulic constrictions to improve stream flow.

FILE NUMBER: 07-142332-WG & 07-142334-LO

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 Department of Planning & Community Development. 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 March 16, 2006.

X 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 February 21, 2008.

☐ 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 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, 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

02/07/2008
Date

OTHERS TO RECEIVE THIS DOCUMENT:
State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

City of Bellevue
Department of Planning & Community Development
P.O. Box 90012, Bellevue, WA 98009-9012
(425) 452-6864 Fax (425) 452-5225

Shoreline Management Act of 1971
Permit for Shoreline Management Substantial Development
Conditional Use and/or Variance

Application No. 07-142332-WG

Date Received 11/13/2007

[X] Approved / Date 2/7/2008
[ ] Denied / Date

Type of Action:

[X] Substantial Development Permit
[ ] Conditional Use Permit
[ ] Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted/denied to: Dan DeWald, Bellevue Parks and Community Services Department

To undertake the following development:
This project will restore the approximately 2,500 linear feet of the West Tributary of Kelsey Creek in the City of Bellevue's Kelsey Creek Park to restore streambed and bank conditions of the West Tributary to improve fish and wildlife habitat; enhance wetland functions associated with floodplain water storage and improve native plant diversity and wildlife habitat; and restore channel cross section and remove hydraulic constrictions to improve stream flow.

Upon the following property: 410 130th Ave SE, Kelsey Creek Park

adjacent to Lake Washington
and/or its associated wetlands. The project will be located Adjacent to Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities
- LUC Section 20.25E.080 (G) Clearing and Grading Regulations; LUC Section 20.30R.155 Shoreline Substantial Development Permit
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-1

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

Conditions of Approval (Land Use Division)

1. **Building Permit for Bridge Replacement:** Apply for and obtain a Building Permit from the City of Bellevue for the replacement of the north and central bridges.

Authority: Land Use Code 20.25H.125
Reviewer: Building Division

2. **Storm Water Pollution Prevention Plan:** A Storm Water Pollution Prevention Plan shall be approved by the Clearing and Grading Division prior to commencement of construction activities.

Authority: Clearing and Grading Code BCC 23.76
Reviewer: Savina Uzunow, Planning and Community Development Department

3. **Rainy Season Restrictions:** Due to the location of the project area, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Department of Planning and Community Development. 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: Savina Uzunow, Planning and Community Development Department

4. **Noise Control:** The proposal will be subject to normal construction 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. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

Authority: Bellevue City Code 9.18
Reviewer: Kevin LeClair, Planning and Community Development Department

5. **Right-of-Way Use:** The proposed habitat improvement project will likely require the use of a portion of the right-of-way adjacent to the subject property, specifically as a haul route for excavated material and imported fill and materials. If required, a right-of-way use permit from the Transportation Department should be obtained.

Authority: Bellevue City Code 14.30
Reviewer: Jon Regalia, Transportation Department

6. **Temporary Erosion and Sedimentation Control Plan:** Prior to the initiation of any clearing or grading activities, a Temporary Erosion and Sedimentation Control Plan must be approved as part of a Clearing and Grading permit and all clearing limits and the location of temporary erosion and sedimentation control measures shall be field staked for approval by the on-site clearing and grading inspector's approval.

Authority: Bellevue City Code 23.76.060 and 23.76.090
Reviewer: Savina Uzunow, Planning and Community Development Department

7. **Maintenance and Monitoring Plan:** The Maintenance and Monitoring Plan that was presented as an element of the Critical Areas Report must be included as an element of the underlying Clearing and Grading Permit. Monitoring reports must be submitted on an annual basis to the Planning and Community Development Department.

Authority: Land Use Code 20.25H.220.D
Reviewer: Kevin LeClair, Planning and Community Development Department

8. **Elevation Flood Certificate Following Construction:** A signed and stamped elevation certificate must be submitted to the Department of Planning and Community Development Department to verify that the restored stream channel, bridge footings and bridge decks are at the elevation described on the approved permit plans for the Clearing and Grading Permit.

Authority: Land Use Code 20.25H.180.C.2
Reviewer: Kevin LeClair, Planning and Community Development Department

9. **Obtain All Other Applicable State and/or Federal Permits:** Before work can be allowed to proceed, all applicable state and federal permits must be presented to the Planning and Community Development Department.

Authority: Land Use Code 20.25H.180.C.2
Reviewer: Kevin LeClair, Planning and Community Development Department

10. **In-Water Work Window:** Work in the active channel approved by the underlying Clearing and Grading Permit must be completed during an in-water work window of July 1 through August 31.

Authority: Land Use Code 20.25H.160
Reviewer: Kevin LeClair, Planning and Community Development Department

---

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

February 7, 2008

Date

City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
Dept. of Fish and Wildlife, c/o Dept. of Ecology, 3190 160th Ave SE, Bellevue, WA 98008-5452 attn: Stewart Rienbold
DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452

City of Bellevue
Department of Planning and Community Development
Development Services Staff Report

Proposal Name:	**West Tributary of Kelsey Creek Stream & Wetland Restoration**
Proposal Address:	Kelsey Creek Park, 410 130th Ave SE
Proposal Description:	This is an application for a Shoreline Substantial Development Permit and a Critical Areas Land Use Permit to restore the approximately 2,500 linear feet of the West Tributary of Kelsey Creek in the City of Bellevue's Kelsey Creek Park to restore streambed and bank conditions of the West Tributary to improve fish and wildlife habitat; enhance wetland functions associated with floodplain water storage and improve native plant diversity and wildlife habitat; and restore channel cross section and remove hydraulic constrictions to improve stream flow.
File Number:	07-142332-WG & 07-142334-LO
Applicant:	**Dan DeWald,** Bellevue Parks & Community Services Department
Decisions Included:	Shoreline Substantial Development Permit and Critical Areas Land Use Permit (Process II. LUC 20.30C and 20.30P)
Planner:	Kevin LeClair, Senior Land Use Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland, Environmental Coordinator Department of Planning and Community Development
Director's Decision:	**Approval with Conditions** Matthew A. Terry, Director Department of Planning and Community Development

Application Date:	11/13/2007
Notice of Application Publication Date:	12/13/2007
Decision Publication Date:	2/7/2008
Project/SEPA Appeal Deadline:	2/28/2008

For information on how to appeal a proposal, visit Service First 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.

I. Background

A. Project Description

The applicant is proposing to restore the approximately 2,500 linear feet of the West Tributary of Kelsey Creek in the City of Bellevue's Kelsey Creek Park. The objectives of the project are to restore streambed and bank conditions of the West Tributary to improve fish and wildlife habitat; enhance wetland functions associated with floodplain water storage and improve native plant diversity and wildlife habitat; and restore channel cross section and remove hydraulic constrictions to improve stream flow.

The following is a brief summary of the project actions:

- best management practices (BMPs), temporary erosion and sediment control (TESC) plan, storm water pollution prevention plan (SWPPP) implementation, and related avoidance and minimization measures;
- site preparation, including reed canary grass follow-up mowing and spraying;
- bed and bank restoration work between North Bridge and Central Bridge;
- wetland restoration;
- flow diversion and fish removal or exclusion;
- stream channel restoration (in-water) north of North Bridge and south of Central Bridge, including off-channel habitat areas;
- reed canary grass excavation in areas adjacent to parking lot;
- sediment pond excavation;
- bridge replacements;
- high-flow earthen berm installation;
- riparian and wetland plantings; and
- post-construction monitoring.

Project construction is anticipated to require 3 months to complete, with monitoring activities occurring over a period of 10 years and sediment pond maintenance occurring approximately annually, for the life of the project.

B. Need for Improvement

There are a number of critical area deficiencies within the project area. The proposed project will improve the values and functions associated with the shorelines, streams, wetlands, habitat associated with species of local importance and floodplains.

The jurisdictional shoreline and wetland surrounding the West Tributary currently has degraded habitat functions for invertebrates, amphibians, anadromous fish and wetland associated mammals, due to its relative lack of a density or diversity of native plants. However, the wetland has a high opportunity to provide habitat functions, as well as water quality and hydrologic functions due to its position in an urbanized landscape, its size, and its vegetated character. The project will improve wetland functions and wildlife habitat by: 1) increasing the amount of riverine wetland in the southern portion of the Park by removing fill; 2) increasing habitat complexity and native plant diversity in riparian and wetland areas by replacing and controlling invasive plants; 3) increasing shade, cover, and allochthonous organic material inputs to the

stream channel by establishing native deciduous vegetation along the restored stream; 4) increasing the density and diversity of native plants to provide food, cover, and shelter for wildlife; 5) increasing stream and wetland buffer widths from existing conditions to reduce disturbance and displacement of fish and wildlife; and 6) providing aesthetically interesting plants compatible with passive recreational use and using planting design to limit human disturbance to fish and wildlife.

The functions and values associated with stream habitats in the project area are currently degraded by seasonally high water temperatures and limited shading of the stream channel, and by slow water velocity due to channel aggradation and flat bed slope. Salmonid rearing habitat is degraded due to elevated water temperatures, sedimentation from upstream sources, and reduced cover over the stream channel. Salmonid spawning habitat is very limited. Fine-grained sediments settle out in the low-gradient channel, covering suitable spawning gravels. Cover and refuge habitat are also extremely limited along the channel. The project will elevate many of the stream functions above the baseline conditions at the reach scale and will also elevate several at the watershed scale. The project will benefit Puget Sound Chinook and coho salmon by increasing spawning and rearing habitat, controlling sediment deposition in the project reach, providing flow refugia in the form of off-channel habitats, reducing water temperatures through increased riparian vegetation and cover, increasing and enhancing riparian habitat, increasing habitat for preferred macroinvertebrate species, restoring spawning gravel in the channel, and removing barriers and flow constrictions at the North and Central Bridges. In addition, the construction of a sediment pond will reduce the amount of sediment deposited in salmon spawning habitat within the project area. Based on the estimated sediment load, the pools and spawning gravels within the project would be expected to fill with sediments within 2 to 5 years without the sediment pond in place. If the sediment pond is installed and maintained annually, the spawning gravels in the riffles are expected to last 25 years or longer.

The North and Central Bridges constrict stream flow and the currently degraded stream planform reduces water velocity, leading to degradation of fish habitat from sedimentation. Stream constriction and reduced stream depth both contribute to seasonal flooding in the project area by reducing the capacity of the West Tributary channel to convey water. The project will construct new North and Central Bridges so that they do not constrict stream flow. The project will also create backchannel habitat that will increase the water storage capacity of the West Tributary. Increased flow, reduced sedimentation, and increased storage capacity may help to reduce seasonal flooding within the northern portion of the project area.

The project area currently provides spawning and rearing habitat for both Chinook and coho salmon and likely provides foraging, cover, and rearing/nesting habitat for a variety of wildlife species. It also likely provides habitat connectivity between the wetland to the north of the project area associated with the West Tributary and the large wetland complex to the south of the project area associated with Kelsey Creek and ultimately Mercer Slough. The project area is expected to continue to provide the same functions as under existing conditions; however, habitat conditions for species in the project area would be of higher quality following the project, providing greater benefit for the species that currently occur in the project area and potentially providing habitat for additional species.

C. Site Description

The project is located in the Wilburton neighborhood of Bellevue, Washington. The project is physically located at 410 130th Place SE (Township 25 North, Range 5 E, Section 33, Willamette Meridian), in Kelsey Creek Park, which is owned by the City. Kelsey Creek Park is considered an undeveloped site. The 150-acre Park is bordered on the north by the Glendale Golf Course and to the south by the Lake Hills Connector road (See Vicinity Map – in File). The Park is a historic dairy farm purchased by the City in 1968 and operated as a park since 1972. The project area encompasses approximately 16 acres of the Park and 2,500 linear feet of the West Tributary.

The West Tributary flows from north to south through its urbanized watershed, the Glendale Golf Course, and the western portion of the Park (See Vicinity Map – in File). South of the Park, the West Tributary flows into a large wetland complex and then joins the main stem of Kelsey Creek approximately 1,440 feet downstream of the project area. The main stem of Kelsey Creek also flows through the Park from north to south and is located to the east of the historic dairy barns (Figure 2 of the permitting package). Kelsey Creek is a tributary to Mercer Slough and ultimately flows to Lake Washington.

II. Critical Areas in Project Area:

A. **Shorelines:** The project area contains wetlands that are functionally connected to a body of water that is regulated in the City of Bellevue. The jurisdictional shoreline on an undeveloped site is afforded 50-foot critical area buffer with no addition structure setback. This critical area buffer is entirely encompassed within the critical areas buffer afforded the wetland discussed below.

B. **Wetlands:** The project area wetland is part of a larger riparian/floodplain wetland system associated with the West Tributary and the main stem of Kelsey Creek, which ultimately connects to Mercer Slough and Lake Washington. For the purpose of the project, the wetland was delineated within 100 feet of either side of the ordinary high water mark (OHWM) of the West Tributary over a linear distance of approximately 2,500 feet in August 2004. The portion of the wetland in the delineation study area is estimated at 4.8 acres. The wetland extends to the north into the southern portion of the Glendale Golf Course and appears to extend over a 0.5 mile downstream of the Park to the confluence of the West Tributary and the main stem of Kelsey Creek. The wetland is surrounded by areas maintained as Park lawn, impervious surfaces such as residential roads and parking lots, a small forested area in the northeastern corner of the park, the historic barns and associated farm animal paddocks, and residential housing.

The wetland is classified as a riverine wetland, composed of forested (RFO), scrub-shrub (RSS), and emergent (REM) wetland classes. The wetland in the project area is rated as a Category II wetland using the Ecology wetland rating form, given its total wetland function score of 65 points for the northern portion and 69 points for the southern portion. Category II wetlands on an undeveloped site with a habitat score of 20 to 28 points are afforded a 110-

foot buffer.

C. **Streams:** Aquatic habitat in the project area is currently degraded by seasonally high water temperatures and limited shading of the stream channel, and by slow water velocity due to channel aggradation and flat bed slope. Salmonid rearing habitat is degraded due to elevated water temperatures, sedimentation from upstream sources, and reduced cover over the stream channel. There is virtually no large woody debris in the stream channel, with the exception of a few small debris jams comprised of small sticks.

Although coho and Chinook salmon currently spawn in the existing shallow channel, spawning habitat is very limited, as are appropriate habitat conditions for juvenile rearing. Fine-grained sediments settle out in the low-gradient channel, covering suitable spawning gravels. The shallow water and lack of riparian cover and shading contribute to elevated summer water temperatures, which have been recorded near the upper limit of lethal temperatures for juvenile salmonids. Cover and refuge habitat are also extremely limited along the channel, which is particularly a problem in a park setting popular with people.

The portion of the West Tributary of Kelsey Creek as it passes through the Park and the project area is designated as a Type F stream. Type F streams on an undeveloped site such as Kelsey Creek Park are afforded a 100-foot critical area buffer and an additional 20-foot critical area structure setback.

D. **Areas of Special Flood Hazard:** A special flood hazard area is defined in LUC 20.25H.175 as land subject to the 100-year flood including areas identified on Flood Insurance Rate Maps (FIRM) as within the base floodplain. A significant amount of the land in the project area is located in a special flood hazard area as defined by the LUC, including the area where the stream channel will be restored and each bridge replacement site.

The City of Bellevue does not prescribe a critical area buffer for areas of special flood hazard. All use, development or activity which is allowed in areas of special flood hazard is subject to the performance standards set forth in LUC 20.25H.180.C and shall not result in a rise in the base flood elevation (BFE).

E. **Habitat Associated with Species of Local Importance:** Wetland and riparian vegetation in the project area is currently a mixture of native and nonnative species. Tree cover north of the Central Bridge is relatively low, and shrubs and herbaceous vegetation are dominant. Although some nonnative plants such as Himalayan blackberry provide a food source for fruit-eating birds, other nonnative plants such as reed canary grass, rhododendron, and bamboo, offer little forage for native wildlife species. The relatively low diversity of plant species in the project area limits year-round forage for resident species. Although forage may be abundant at certain times, very little is available for much of the year.

Vegetative cover in the riparian buffer of the West Tributary is relatively sparse, which may limit the suitability of the project area as foraging habitat for species such as great blue heron or green heron. Sparse vegetative cover may increase the risk of disturbance to these species

from human activity, and high levels of human activity may cause these species to avoid the area. The lack of perch trees may also limit the use of the West Tributary by foraging bald eagles.

Currently there is a 20-to 50-foot vegetated buffer (riverine wetland) adjacent to the West Tributary between the North and Central Bridges. Vegetation in this buffer consists of primarily ornamental shrubs and reed canary grass, with few large trees. Between the Central and South Bridges, the stream buffer is wider (approximately 50 to 150 feet wide) and contains more native trees and shrubs. This area lacks any conifers but has a few large willow trees. The scarcity of trees limits nesting habitat for tree nesting species. Species that nest in shrubs (rufous hummingbird) or on the ground (dark-eyed junco) are more likely to occur, but may be limited by disturbance in the adjacent mowed portions of the Park.

Vegetative cover in the overall riparian zone/riverine wetland in the Park is relatively sparse, making it difficult for ground nesting species such as dark-eyed junco to hide their nests from predation from species such as skunks or weasels. Small mammals, reptiles, and amphibians may be more susceptible to predation from species like red-tailed hawks and great blue herons. Sparse cover may also increase the risk of disturbance to nesting birds from human activity, which can result in nest failure or decreased productivity.

Riparian vegetation along the West Tributary provides habitat connectivity between the wetland to the north of the North Bridge and the large wetland complex associated with the confluence of Kelsey Creek and the West Tributary to the south. In turn, riparian vegetation along Kelsey Creek provides habitat connectivity to Mercer Slough and Lake Washington. Mercer Slough is a large undeveloped area of wetland habitat in the nearly completely urbanized area of Seattle, Mercer Island, and Bellevue.

The City of Bellevue does not prescribe a critical area buffer for habitat associated with species of local importance. Rather, the project implementation shall seek to first avoid, then minimize and finally mitigate potential impacts to habitat associated with species of local importance.

III. Consistency with Land Use Code Requirements (BCC Title 20):

A. Zoning District Dimensional Requirements (LUC 20.20.010):

This is a proposal to restore the approximately 2,500 linear feet of the West Tributary of Kelsey Creek in the City of Bellevue's Kelsey Creek Park to restore streambed and bank conditions of the West Tributary to improve fish and wildlife habitat; enhance wetland functions associated with floodplain water storage and improve native plant diversity and wildlife habitat; and restore channel cross section and remove hydraulic constrictions to improve stream flow. The project will not be constructing any structures or appurtenances that are regulated by the City of Bellevue Land Use Code dimensional requirements described in LUC 20.20.010.

B. Critical Areas Requirements (LUC 20.25E AND 20.25H):

The City of Bellevue Land Use Code 20.25H.025 designates streams, wetlands, shorelines, areas of special flood hazard and habitat associated with species of local importance as Critical Areas affected by this project regulated under the purview of LUC 20.25H and 20.25E. The project consists multiple elements, but the essential, main objective of the project is "habitat improvement", which is considered an allowable use per LUC 20.25H.055 and carries a set of performance standards and addition provisions. The applicable performance standards and additional provisions are as follows:

	SHORELINES	STREAMS	WETLANDS	AREAS OF SPECIAL FLOOD HAZARD	HABITAT ASSOCIATED WITH SPECIES OF LOCAL CONCERN
Performance Standards for Allowed Use - Habitat Improvement	20.25H.055.C.3.j 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.j 20.25H.080.A 20.25H.080.B 20.25H.085 20.25H.090	20.25H.055.C.3.j 20.25H.100 20.25H.105 20.25H.110	20.25H.055.C.3.j 20.25H.180.C	20.25H.160

IV. Consistency With LUC Critical Areas and Shorelines Performance Standards:

A. Consistency with LUC 20.25H.055.C.3.j

Uses and Development Allowed within Critical Areas – Performance Standards – Habitat Improvement Projects

Disturbance, clearing and grading are allowed in the critical area or critical area buffer for habitat improvement projects demonstrating an improvement to function and values of a critical area or critical area buffer.

The proposed project has demonstrated a functional improvement to functions and values to the critical area and critical area buffers. The project is also sponsored by a public agency in the City of Bellevue – Parks & Community Services Department. The applicant's consultant prepared a Critical Areas Report (in file) that adequately demonstrates that the Critical Areas Report decision criteria have been met. The signature of this document signifies the approval by the Director.

B. Consistency with LUC 20.25E.080.B

Shorelines - General Regulations Applicable to All Land Use Districts and Activities

The project is consistent with the performance standards set forth in LUC 20.25E.080.B. Vegetation will be preserved and erosion controls will be implemented in accordance with LUC 20.25H performance standards and BCC 23.76 clearing and grading regulations. The project will result in 2.6 acres of wetland enhancement and 0.24 acres of wetland restoration through native plant reestablishment, which is consistent with LUC 20.25H and its specific performance standards. No structures are proposed as part of the project; no watercraft will be stored as part of the project. No storm drainage facilities are proposed. Any use of herbicides, pesticides, and/or fertilizers will comply with the City's Environmental Best Management Practices.

C. Consistency with LUC 20.25E.080.G
Shorelines - Clearing and Grading Regulations
The project is consistent with the performance standards set forth in LUC 20.25E.080B. A Clearing and Grading permit will be acquired for this project and the clearing, grading, excavating, and fill activities within the shoreline critical area and its buffer are part of the restoration project permitted through LUC 20.25H.

D. Consistency with LUC 20.25H.080.A
Streams – Performance Standards – General
The project is proposing development within a Type F stream. There will be no lighting associated with this project. There will be no addition of any noise generating activities associated with this project. There will be a net reduction in impervious surface of approximately 16 square feet associated with this project. There will be no addition of treated surface water entering the critical area or critical area buffer associated with this project. The outer edge of the stream critical area buffer will be planted with dense native vegetation to limit pet and human use. The use of pesticides, insecticides, and fertilizers will be in accordance with the City of Bellevue's "Environmental Best Management Practices Manual."

E. Consistency with LUC 20.25H.080.B
Streams – Performance Standards – Modification of Stream Channel
Modification of the stream channel can be permitted in connection with a habitat improvement project, per LUC 20.25H.080.B.1 and B.2, if approved through a Critical Areas Report.

The proposed project will result in an improvement in functions and values of the stream and its associated wetlands and riparian buffer areas, as described herein and in detail in Attachment 1, Project Description and Attachment 3, Functional Lift Analysis of the project submittals.

Approximately 491 linear feet of stream channel would be restored between the North and Central Bridges. This restored channel alignment is located in an area historically occupied by the West Tributary and restores the meanders, channel planform, streambed gravels, and vegetated banks typical of a stream channel of this type. In addition, the bed and bank of the approximately 225 linear feet of existing stream channel between the northern Park boundary and the North Bridge would be restored and a fish passage barrier near the North Bridge removed.

The sediment pond and boardwalk are necessary to the restoration purpose and can also be permitted as part of the restoration project. Due to the urbanized nature of the West Tributary's basin, sediment is washed into the project reach and will settle in the restored channel's pools and spawning gravels, unless it is captured and periodically removed. The project has designed a small, in-line sediment pond to capture sediments originating from upstream sources before those sediments enter the restored channel and subsequently fall out of the water column. A degraded area of wetland dominated by reed canarygrass was

specifically chosen for the sediment pond in order to minimize the wetland impacts associated with its excavation.

Based on the estimated sediment load, the pools and spawning gravels within the project would be expected to fill with sediments within 2 to 5 years without the sediment pond in place. If the sediment pond is installed and maintained annually, the spawning gravels in the riffles are expected to last 25 years or longer. Thus, the sediment pond is an essential element of the stream restoration. Additional details regarding the construction, operation, and maintenance of the sediment pond are presented in Attachment 1, Project Description.

A Critical Areas Report was prepared for this project. A discussion of how the Critical Areas Report satisfies the decision criteria is included below in Section VII, Subsection C.

F. Consistency with LUC 20.25H.085
Streams – Mitigation and Monitoring – Additional Provisions
In addition to the provisions of LUC 20.25H.210, mitigation plans designed to mitigate impacts to stream and stream critical area buffers shall meet the requirements of this section.

All of the mitigation proposed for the project impacts will be on-site, with a combination of both the lost area of critical area buffer and through enhancement of critical area buffer functions and values.

The buffer disturbed or impacted by the project will be replaced at a ratio of one-to-one with buffer of equal or greater function and value.

G. Consistency with LUC 20.25H.090.A
Streams – Critical Areas Report – Additional Provisions
Limitation of Modifications – A stream critical area buffer shall not be modified below 25-feet in width, as measured from top of bank, for a Type F water.

The proposed project will not result in a stream buffer of less than 25 feet in any location, as detailed in Attachment 8, Preliminary Construction Plans.

Figure 4 of the permitting package illustrates the current extent and condition of the West Tributary's 100-foot buffer. Under existing conditions, the stream buffer encompasses approximately 9.32 acres within the Park boundary. However, of that area, only approximately 2.62 acres (28%) of the buffer is dominated by trees and shrubs, the rest is maintained as mowed grass. As illustrated in Figure 5 of the permitting package, the proposed project would result in a stream buffer encompassing approximately 9.19 acres within the Park boundary, with approximately 4.73 acres (51%) of the buffer dominated by dense native trees and shrubs. This represents an increase of 2.11 acres of densely vegetated, forested/scrub-shrub stream buffer within the Park boundary. In addition, approximately 0.53 acres of native vegetation (a mixture of trees, shrubs, and emergent classes) would be restored outside, but adjacent to the stream buffer, effectively widening the stream buffer to 125 to 200 feet along much of the western side of the stream between the Central and South Bridges. This additional area of functional buffer compensates for the reduction in total

stream buffer area of 0.13 acre which results from the shifting to the east of the stream channel back to its historic location. The increased density of trees and shrubs within the buffer is particularly important to the buffer's function for native fish and wildlife, given the degree of disturbance potential inherent in an urban park setting. A densely vegetated buffer also increases buffer's function as a corridor for wildlife.

H. Consistency with LUC 20.25H.100

Wetlands – Performance Standards

The project is proposing development within a Category II wetland. There will be no lighting associated with this project. There will be no addition of any noise generating activities associated with this project with the exception of the expected noise levels during construction. There will be a net reduction in impervious surface of approximately 16 square feet associated with this project. There will be no addition of treated surface water entering the critical area or critical area buffer associated with this project. The outer edge of the stream critical area buffer will be planted with dense native vegetation to limit pet and human use. The use of pesticides, insecticides, and fertilizers will be in accordance with the City of Bellevue's "Environmental Best Management Practices Manual."

I. Consistency with LUC 20.25H.105.A-D

Wetlands – Mitigation and Monitoring – Additional Provisions

Mitigation plans designed to mitigate for impacts on wetlands and wetland critical area buffers, shall meet additional provisions regarding preference of mitigation actions for impacts on wetlands and wetland buffer critical areas, type and location of mitigation, mitigation ratios, and use of enhancement as mitigation.

1. Preference of Mitigation Actions

The proposed project would restore approximately 0.24 acre of wetland by excavating fill material from an area of the floodplain that was likely wetland prior to the fill, per Attachment 8, Preliminary Construction Plans, sheets G6 and P4. As much of the project area is already wetland and the areas that are not are heavily used by Park visitors for passive recreation, wetland creation from uplands is not feasible within the Park at this time. The project will enhance approximately 2.6 acres of wetland within the project area. These wetland areas are degraded with non-native invasive vegetation such as reed canarygrass and policeman's helmet, by mowing during park maintenance, and by the presence of non-native ornamental shrubs such as bamboo.

Wetland critical area buffers would not be impacted by the project. The wetland's buffer currently encompasses the majority of the recreational areas within the Park, including the areas of the picnic shelter, playground, restrooms, and the fields south of the Central Bridge that are used for Park programming activities. Because the wetland associated with the West Tributary extends more than 100 feet from the stream channel throughout the Park, the majority of the area restored by the proposed project is currently degraded wetland, which is encompassed within the stream's critical area buffer. The proposed project would restore wetland area in the Park and enhance functions and values of the wetland. All wetland restoration and enhancement elements of the project would occur on-site.

2. Type and Location of Mitigation for Wetland Critical Area

The wetland restoration and enhancement proposed by the project would be accomplished entirely on-site and would be in-kind. No off-site mitigation is proposed or required.

3. Mitigation Ratios

Wetland creation or restoration that is in-kind, is on-site, is the same category of wetland, is timed prior to or concurrent with alteration, and has a high probability of success, is required to have a 3-to-1 ratio of mitigation acres to areas impacted for impacts on a Category II wetland. The project will result in a mitigation ratio of 12:1 acres of restoration (0.24 acres) to acres of wetland fill (0.02 acres), plus an additional 2.6 acres of wetland enhancement. This ratio is four times the required 3:1 mitigation ratio required by LUC 20.25H.105.C for Category II wetlands, and is consistent with Ecology's recommended mitigation ratio for Category II wetlands of at least 1:1 for restoration coupled with at least 8:1 ratio for enhancement (Washington Department of Ecology 2006a). The proposed restoration exceeds

Wetlands to be Filled permanently	Wetlands to be Restored	Required Mitigation Ratio (LUC 20.25H.105.C)	Mitigation Ratio Proposed
0.02 acres	0.24 acres	3:1	12:1

The wetland is anticipated to increase in its functions as a result of the proposed project. The northern assessment unit is likely to increase by 4 points, to the upper limit of a Category II wetland; the southern assessment unit is likely to increase by 12 points, to a Category I wetland as a result of the project (see Table 2 within Attachment 3, Functional Lift Analysis).

Wetland critical area buffers will not be impacted by the project.

4. Wetlands Enhancement as Mitigation

Impacts on wetland critical area functions may be mitigated by enhancement of existing significantly degraded wetlands, through a critical areas report. As documented in the Critical Areas Report, the project exceeds the required mitigation ratio through restoration of 0.24 acres of wetland, in addition to the 2.6 acres of wetland enhancement proposed and the consequent increase in wetland functions as a result.

J. Consistency with LUC 20.25H.110

<u>Wetlands</u> - Critical Areas Report – Additional Provisions

A critical areas report may not be used to fill a wetland critical area, except where filling is required to allow a use set forth in LUC 20.25.055.

"Habitat Improvement" is the overarching "use" of the proposed project as set forth in LUC 20.25H.055. As such, filling of the wetland can be approved provided the submitted critical areas report demonstrates the applicable codes and regulations have been satisfied.

The submitted Critical Areas Report adequately discusses measures, including avoidance,

minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands and buffers that were degraded prior to the proposed land use activity. The Critical Areas Report includes a habitat and native vegetation management strategy that protects and enhances on-site habitat and wetland functions. The Critical Areas Report includes a functional evaluation of the wetland and associated buffer using system approved by the Washington State Department of Ecology.

K. Consistency with LUC 20.25H.180.C

Areas of Special Flood Hazard – General Performance Standards

Where use or development is allowed pursuant to LUC 20.25H.055, compliance with the performance standards set forth in LUC 20.25H.180.C must be demonstrated.

1. Intrusion Over the Area of Special Flood Hazard

Replacement bridges are necessary to meet the function and objectives of the project and will be at the same horizontal (plan view) location as existing bridges and roads to tie into existing roads with minimum disturbance to the critical area. The replacement bridges, or 'intrusions over the special flood hazard areas', will be set at higher vertical elevations (profile) than the existing bridges and will have longer spans than the existing bridges. The existing bridges currently impede flood flows and are the cause of flooding upstream of each bridge. The replacement bridges will reduce obstructions in the floodway and increase hydraulic conveyance, which will reduce the extent of flooding during peak flow events and allow the restoration of the stream channel planform and cross section, which are necessary to restore fish and wildlife habitat functions and meet the goals and objectives of the project.

2. Elevation Certificate Following Construction

After construction is completed a survey will be performed to measure the elevation of each new bridge. An elevation certificate will be completed by the licensed surveyor and will be filed with the City of Bellevue Utilities Department.

3. Construction Materials and Methods

The bridge superstructure will be anchored to the piers. The set of plans submitted with the application does not include all details of the bridge design due to the way the construction contract will be administered. After a contractor is awarded the project, Western Wood Structures, Inc. of Tualatin, Oregon will perform the final design of the bridges. The final design will include details that show specifically how the bridge superstructure is anchored to the piers.

4. No Rise in the Base Flood Elevation (BFE)

The project will not cause a rise in the BFE. The replacement bridges will be set above the BFE and the spans will be longer than the exiting bridges. The restored channel will provide greater hydraulic conveyance than the existing channel. The replacement bridges and the restored channel will combine to reduce the water surface elevation during flooding events. This was verified using a Hydraulic Engineering Center River Analysis System (HEC-RAS) hydraulic model of the site. Existing conditions were simulated using a recent HEC-RAS model developed to update the FIRM for the area. Proposed conditions were simulated by

revising the model channel cross-sections and bridges to match the designed channel shape and bridge layouts. During the 100-year flood, the water surface elevation in the proposed conditions HEC-RAS model is approximately 0.00 to 1.05 feet lower than the water surface elevations in the existing conditions model throughout the project area.

5. Modification of Stream Channel

The restored stream channel will be modified as part of a habitat improvement project. The modifications will create more natural conditions than occur in the existing channel and will meet the specific goals and objectives of the restoration project. The restored stream channel will not block side channels, and the existing stream channel will not be filled. It will provide wetland habitat and some additional hydraulic conveyance during peak flow events like the 100-year flood. The Washington State Department of Ecology, the Washington Department of Fish and Wildlife, and the Federal Insurance Administration and adjacent communities have been notified about the proposed modification at least thirty days prior to permit issuance as part of the permitting notification process. The City of Bellevue Parks Department will maintain the restored stream channel in the future to maintain habitat benefits and flood conveyance in accordance with the Monitoring and Maintenance Plan prepared for the project.

6. Compensatory Storage

The proposed project will maintain the elevations within the area of special flood hazard will be equal to or less than those currently in place. The area of special flood hazard will maintain its hydraulic connectivity to the source of flooding. The construction is proposed to occur all in the same season/work window. All work will occur on-site in the project area of Kelsey Creek Park. The proposed project has been evaluated by a qualified engineer and demonstrates that the compensatory storage will not be adversely affected. During the 100-year flood, the water surface elevation in the proposed conditions HEC-RAS model is approximately 0.00 to 1.05 feet lower than the water surface elevations in the existing conditions model throughout the project area. The proposed project meets all other critical areas rules.

L. Consistency with LUC 20.25H.160

<u>Habitat Associated with Species of Local Concern</u> – Performance Standards

If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species.

The project will impact habitat for two species of local importance, Chinook and coho salmon, both of which are known to occur in the West Tributary and in the project area. Habitat for an additional twelve species that may occur in the project area will also be affected. The available management recommendations for the species that may occur will be implemented as described in the submitted Habitat Assessment Report. Species lacking management recommendations from the Washington Department of Fish and Wildlife are discussed in the submitted Habitat Assessment Report.

V. Summary of Technical Reviews

A. Clearing and Grading: The Clearing and Grading Division of the Planning and Community Development Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and concurred with the findings within the Geotechnical Report.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The 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.

A. Earth: Soils in the project area are mapped as Bellingham silt loam and are listed as hydric soils. According to the Geotechnical Report prepared for the project, there are no indications of unstable soils in the project area. The risk of earthquake-induced landslides is considered low given the estimated long return period for the Seattle fault zone. This fault zone passes about 2 miles south of the project area.

Approximately 300 square feet (0.006 acre) of stream and wetland habitat will be temporarily filled for the temporary access road during the North Bridge replacement. These areas will be restored to functioning stream and wetland after construction is completed by removing the temporary fill and replanting with native wetland species. Silt fences and other sediment controls will be installed prior to all excavation. All areas disturbed during excavation and channel construction will be restored to more natural and higher functioning conditions through replanting with native riparian and wetland tree, shrub, and emergent species that either currently occur on site or occur in the surrounding basin.

Approximately 931 square feet (0.02 acre) of wetland and stream will be permanently filled for the new pile foundations of the North and Central Bridges and to create the overflow berm necessary to direct stream flows into the restored channel. Fill will be clean, weed-free, topsoil from an approved commercial facility.

These impacts are offset by the wetland enhancement and wetland restoration elements of the project. The City of Bellevue Land Use Code requires that Category II wetlands be restored at a ratio of 3:1, at a minimum. In total, 2.6 acres of wetland will be enhanced and 0.24 acre of wetland will be *restored*, compared to approximately 0.02 acre of fill, for a **ratio of 12:1** acres of restoration to acres of wetland fill, plus the 2.6 acres of wetland

enhancement.
All areas temporarily disturbed will be restored with dense native wetland and riparian vegetation. The approximately 0.15 acre of wetland converted to restored stream channel will be offset by a combination of the 0.14 acre of existing low quality stream channel that will be converted to wetland and the 0.24 acre of wetland restored by removing existing fill.

See Conditions of Approval in Section X of this report.

B. Water: The West Tributary of Kelsey Creek, a Type F water, runs through the site. The West Tributary flows into Kelsey Creek, which in turn drains to Mercer Island Slough and Lake Washington.

To restore the stream channel between the North and Central Bridges, 0.15 acre of wetland will be converted to stream channel and 0.14 acre of degraded, yet functional stream channel will be converted to wetland. Approximately 2.6 acres of wetland enhancement will occur, as will approximately 0.24 acre of wetland restoration. A 0.10 acre area of existing wetland and stream channel will be converted to open water wetland (i.e. the sediment pond) and to back-channel stream habitats.

Approximately 300 square feet of stream and wetland habitat will be temporarily filled for the temporary access road during the North Bridge replacement. These areas will be restored to functioning stream and wetland after construction is completed. An area approximately 931 square feet of wetland and stream below OHWM will be permanently filled to create the overflow berm and for the pile foundations of the North and Central Bridges.

Approximately 50 cubic yards of permanent fill and 50 cubic yards of temporary fill will be placed waterward of the OHWM, causing approximately 0.02 acre of permanent impact and 0.006 acre of temporary impacts. The permanent impacts will occur as a result of placing the new bridge footings and the high-flow berm, and the temporary impacts are associated with the temporary construction access road.

Approximately 1,300 cubic yards of material will be excavated from approximately 1.03 acres of waters and wetlands in order to restore the stream channel. These impacts will occur along the existing stream channel between the North and Central Bridges and along the restored stream. Fill material will be clean, weed-free topsoil from an approved commercial facility.

Flows in the West Tributary will be diverted around the construction zone during in-water construction of the restored stream channel.

No waste materials will be discharged into surface waters; water quality monitoring will be conducted during construction and during periodic maintenance of the sediment pond, as described in the Maintenance and Monitoring Plan.

No groundwater will be withdrawn, nor will any water be discharged to the groundwater as a result of the project. The project will result in increased floodplain capacity through wetland restoration.

The potential for surface water contamination exists, mainly from sedimentation, as a result of the project. An approved temporary erosion and sedimentation control (TESC) plan and a storm water pollution prevention plan (SWPPP) is required before the project's underlying building permit and clear & grade permit will be issued.

See Conditions of Approval in Section X of this report.

C. **Animals:** Great blue herons do not currently nest in the project area; however, a great blue heron nesting colony is located approximately 1 mile southwest of the project area. This colony was last monitored in 2000, and there were 17 active nests at that time. Great blue herons from this colony are likely to forage in the project area.

Chinook, coho, and sockeye salmon; cutthroat and rainbow trout; sculpins; lamprey; dace; sucker; and bluegill are known to occur in the West Tributary. Chum salmon have also been observed in Kelsey Creek.

Beavers have been observed in the West Tributary. Other wildlife species that may occur based on the presence of suitable habitat include several species identified as being species of local importance by the City of Bellevue: bald eagle, pileated woodpecker, merlin, green heron, red-tailed hawk, western big-eared bat, Keen's myotis, long-legged myotis, long-eared myotis, western toad, and river lamprey. Other wildlife species that are likely to occur in the project area would be those that are adapted to human activity such as raccoon, opossum, American robin, American crow, and waterfowl such as mallard ducks and Canada geese.

Although there will be temporary impacts during the construction phase of the project, the project is designed to benefit fish and wildlife by improving habitat conditions in the project area.

The project will benefit Puget Sound Chinook salmon by increasing spawning and rearing habitat, controlling sediment deposition in the project reach, providing flow refugia in the form of off-channel habitats, reducing water temperatures through increased riparian vegetation and cover, increasing and enhancing riparian habitat, increasing habitat for preferred macroinvertebrate species, and placing spawning gravel in the channel.

Coho salmon will benefit from the habitat restoration project in the same manner as Chinook. In addition, adhering to the approved in-water work window will ensure that in-water activities occur when the life history stages of federally listed fish species that are best able to avoid increased turbidity are present and impacts to incubating eggs or alevins are minimized to the greatest extent practicable. Additionally, by not dewatering any portion of the stream, fish will not become trapped behind cofferdams or block nets. Utilizing the stream bypass during construction will allow fish to avoid areas of increased turbidity and seek areas with

acceptable turbidity levels.

Removal of nonnative plant species and revegetation with native plant species in wetland, riparian, and upland areas will improve overall wildlife habitat conditions within the project area.

Wildlife foraging habitat will be improved in the project area by increasing the availability of the native flowers, fruits, and nuts that local wildlife are adapted to. The increased diversity of native plants in the project area will make it more likely that food supplies will be continuously available for wildlife over a longer period of time. The diverse variety of plant species was chosen for flowering and fruiting characteristics that provide high quality forage to native wildlife species. Plants were also selected based on the timing of flower, fruit, or seed production, so that food is available throughout much of the year.

A variety of native plant species available throughout the year will provide foraging habitat for a greater number of wildlife species, including those that do not currently occur in the project area. Native plant species also provide food for native insects, which in turn may provide food for insectivores such as the native long-legged and/or long-eared myotis bats.

The project will increase the density of trees and shrubs in the riparian/riverine wetland and will increase the width of forested and shrub habitat along the stream channel. Cover available for wildlife and nesting substrate available for birds will increase as a result. The benefits of increased cover include a decreased risk of predation, a decreased risk of desiccation for amphibian species, and a decreased risk of disturbance and associated energy loss during foraging and nesting. Dense vegetative cover makes it easier for birds to conceal their nests from predators, and for small mammals, reptiles, or amphibians to hide from predators. Increased shade and moisture retention in the riparian zone provides moist, cool microclimate conditions for animals during hot summer weather and can also provide thermal protection from wind during cold weather. A dense riparian buffer also provides a more effective screen between human activities in the Park and nesting or foraging areas, benefiting species such as great blue heron or green heron, allowing them to forage without being disturbed.

An increase in the number and types of trees will also provide nesting habitat for a greater number of species, and may attract tree-nesting species such as merlin into the project area.

Riparian habitat links larger patches of habitat, providing habitat connectivity for species with large home ranges, dispersal habitat for species moving away from a natal area to establish a home range, and linking habitat elements in a home range. The project will provide a wider riparian buffer with considerably denser vegetation. This will increase the quality of the corridor connecting the project area to additional wetland area to the north along the West Tributary, and to an extensive area of wetland associated with the main stem of Kelsey Creek and ultimately Mercer Slough to the south.

Continuous cover will provide a better migration corridor for a wider range of species,

reducing the risk of predation, desiccation, and disturbance to animals moving through the area.

Construction sequencing and project timing will be coordinated to minimize potential impacts on listed species and the environment. Conservation measures and BMPs will incorporated as part of the project to avoid or minimize potential impacts on federally listed species in the project area.

See Conditions of Approval in Section X of this report.

D. Plants: Approximately 30,000 square feet of invasive vegetation and nonnative landscaping shrubs will be removed from along the existing stream channel and from the alignment of the restored stream channel. These areas will be planted with a dense, diverse mixture of native wetland and riparian trees, shrubs, and herbaceous plants typical of the area and specifically chosen to enhance the habitat value of the Park for native fish and wildlife species. The Wetland Delineation Report provides additional details regarding non-native plant removal and the Habitat and Native Vegetation Conservation Strategy developed for the proposed restoration project.

There are no known threatened or endangered plant species known to be on or near the site. A Biological Assessment has been prepared for the project and was submitted in September 2007 to the U.S. Army Corps of Engineers as part of the federal and state permitting of the project.

All plants used for the project will be native plants; all work in wetlands has been minimized to avoid areas of the highest quality and function, specifically targeting excavation and associated clearing toward areas of nonnative species and areas where enhancement and restoration of wetland plant communities is needed. The stream channel alignment was specifically designed to avoid mature trees and the areas of highest quality native wetland vegetation and target removal of invasive species.

The project will result in the approximately 2.6 acres of wetland enhancement and 0.24 acre of wetland restoration, all vegetated with native plants. A maintenance and monitoring plan will be implemented to ensure establishment and survival of the restoration plant materials.

See Conditions of Approval in Section X of this report.

E. Noise: The project will create short-term increases in noise associated with construction equipment, estimated to be an average of 88 dBA at 50 feet away; typical construction equipment (trackhoe, dump truck, front-end loader) will operate during approved work-windows (the standard work period is 7 am to 5 pm, Monday through Friday). There will be no long-term increase in noise associated with the restoration project.

Short-term increases in noise will be limited to the construction period (approximately 3 months) and are expected to attenuate to ambient levels within approximately 1,676 feet

from the construction (based on point source noise attenuating at 6 dBA per doubling of distance, plus an additional 1.5 dBA attenuation for soft-site conditions, such as vegetation, as described in the determination for the Action Area for the BA).

Construction noise will be concentrated between 7 am to 5 pm, Monday through Friday, unless longer hours or weekend work is approved by the City to allow completion of the stream channel restoration within the in-water work window specified to protect salmonids.

See Conditions of Approval in Section X of this report.

VII. Public Notice and Comment

Application Date:	November 13, 2007
Public Notice (500 feet):	December 13, 2007
Minimum Comment Period:	January 17, 2008

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 13, 2007. It was mailed to property owners within 500 feet of the project site. A request for more information was received from one party, Karen Walter of the Muckleshoot Indian Tribe Fisheries Division. Her request was fill and no further comments were received.

VIII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Critical Areas Land Use Permit pursuant to LUC Section 20.30P and the Shoreline Substantial Development Permit pursuant to LUC Section 20.30C.

A. Shoreline Substantial Development Permit Decision Criteria (LUC 20.30C)

1. The proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Bellevue Shoreline Master Program; and;

Finding: The proposed project is consistent with the policies of the Shoreline Management Act of 1971, enunciated in RCW 90.58.020. Similarly, the proposed project is consistent with the policies of Bellevue's Shoreline Master Program adopted in 1992 and included in the City of Bellevue's Comprehensive Plan.

2. The proposed use will not interfere with the normal public use of public shorelines; and;

Finding: The project area is within a public use area and therefore allows public use of this portion of the shoreline. The use of the shoreline will, however, be limited by the planting of dense native vegetation for the purpose of protecting the habitat resources within the project area.

3. **The proposed use of the site and design of the project will be compatible with other permitted uses within the area; and;**

Finding: The proposed use is compatible with the current park/open space use in the project area. The surrounding land uses of residential subdivisions will not be adversely affected by the proposed project.

4. **The proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located; and;**

Finding: The proposed project will cause no adverse effects to the shoreline environment designation in which it is to be location. The project is designed to enhance the function and value of the shoreline environment by increasing the habitat value for salmonids, as well as terrestrial species.

5. **The public interest suffers no substantial detrimental effect; and;**

Finding: The proposed project benefits not only the fish and wildlife species that inhabit the project area, but also the public that use the park. It does this by enhancing the species diversity and mitigating storm flows through the project area. This should effectively reduce negative impacts from flooding in the project area.

6. **The proposed use complies with all requirements of WAC 173-14-140; and;**

Finding: The project complies with all of the requirement of the State Shoreline Management as a habitat improvement.

7. **The proposed use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and;**

Finding: The proposed use is harmonious and appropriate with the existing and intended character and quality of development in the immediate vicinity of the project area.

8. **The proposed use will be served by adequate public facilities including streets, fire protection, water, storm water control and sanitary sewer; and;**

Finding: The proposed habitat improvement does not require public facilities to function.

9. **The proposed use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and;**

Finding: The proposed project will have short-term impacts to the full public use of the park, but the long-term result will mean less interruption of use at the park from flooding events. The increase in habitat structure and diversity should increase the ability of wildlife to use the project area, thus increasing the value of the park as a passive recreation area for wildlife viewing.

10. The proposed use has merit and value for the community as a whole; and;

Finding: The project has merit and value for the community because it not only results in flood control in the park, but also provides an enhanced wildlife habitat area that is accessible by the public.

11. The proposed use is in accord with the Comprehensive Plan; and;

Finding: The project is in accord with the Comprehensive Plan – Shoreline Management Program Element. It directly supports the goals stated in this section.

12. The proposed use complies with all other applicable criteria and standards of the Bellevue City Code.

Finding: The applicant submitted documentation consistent with the requirement to demonstrate compliance with the requirements of LUC 20.30P, 20.30C, 20.25H and 20.25E.

B. Critical Areas Land Use Permit Decision Criteria (LUC 20.30P)

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

Finding: The proposed project has applied and for and will receive the following City of Bellevue Permits prior to implementation of the project: Critical Areas Land Use (LO), Shoreline Substantial Development (WG), Clearing and Grading (GH), Right of Way Use (TD), and a medium project building permit (for the bridges).

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;

Finding: The submitted application materials describe the project's use of the best available construction design and development techniques to minimize both permanent and temporary impacts on critical areas and their buffers. This approach is consistent with the intent of a habitat improvement project, an allowed use under 20.25H.055.

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

Finding: The proposed project incorporates all of the applicable performance standards specified in LUC 20.25H. They are addressed in detail in Section V above for the critical areas present within the project area.

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

Finding: The proposed restoration does not require public facilities to function.

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

Finding: The Preliminary Construction Plans for the restoration project (Attachment 8) and the associated documents prepared as part of the permitting package are consistent with the requirements of LUC 20.25H.210, including the requirements for mitigation sequencing (LUC 20.25H.215) and project details, timing of work, and monitoring (LUC 20.25H.220.B)

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

Finding: The applicant submitted documentation consistent with the requirement to demonstrate compliance with the requirements of LUC 20.30P, 20.30C, 20.25H and 20.25E.

C. Critical Areas Report Decision Criteria (20.25H.055.A)

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;

Finding: The primary project object is restoration of critical area and critical area buffer functions and values. The Critical Areas Report demonstrate that the modifications proposed by the project will result in an increase in functions and values within the project area.

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

Finding: The project is being initiated and implemented by the City of Bellevue Parks and Community Services Department. The Parks and Community Services Department has sufficient resources to complete the required mitigation and monitoring required.

3. The modifications and performance standards included in the proposal are

not detrimental to the functions and values of critical area and critical area buffers off-site; and

Finding: The proposed project is not requesting a modification of the performance standards and will not result in a detriment to critical areas and critical area buffer functions and values off-site.

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

Finding: The project area is within Kelsey Creek Park. The proposed project of shoreline, stream and wetland habitat restoration is compatible with the residential land uses to the west of the project area and the golf course to the north.

IX. 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 Planning and Community Development does hereby **approve with conditions** the proposal to implement the habitat improvement project at Kelsey Creek Park, 410 130th Ave SE.

Note- Expiration of Approval: In accordance with LUC 20.30P.150, the Critical Areas Land Use Permit for habitat improvement project 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.

In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180.

X. Conditions of Approval

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

Applicable Codes or Ordinances	Contact Person
Clearing and Grading Code – BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code – BCC 20.25H	Kevin LeClair, 425-452-2928
Noise Control – BCC 9.18	Kevin LeClair, 425-452-2928
Construction Code – BCC 23	Building Division, 425-452-4121
Transportation Code – BCC 14.30	Jon Regalia, 425-452-4599

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

1. **Building Permit for Bridge Replacement:** Apply for and obtain a Building Permit from the City of Bellevue for the replacement of the north and central bridges.

Authority: Land Use Code 20.25H.125
Reviewer: Building Division

2. **Storm Water Pollution Prevention Plan:** A Storm Water Pollution Prevention Plan shall be approved by the Clearing and Grading Division prior to commencement of construction activities.

Authority: Clearing and Grading Code BCC 23.76
Reviewer: Savina Uzunow, Planning and Community Development Department

3. **Rainy Season Restrictions:** Due to the location of the project area, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the Department of Planning and Community Development. 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: Savina Uzunow, Planning and Community Development Department

4. **Noise Control:** The proposal will be subject to normal construction 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. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

Authority: Bellevue City Code 9.18
Reviewer: Kevin LeClair, Planning and Community Development Department

5. **Right-of-Way Use:** The proposed habitat improvement project will likely require the use of a portion of the right-of-way adjacent to the subject property, specifically as a haul route for excavated material and imported fill and materials. If required, a right-of-way use permit from the Transportation Department should be obtained.

Authority: Bellevue City Code 14.30
Reviewer: Jon Regalia, Transportation Department

6. **Temporary Erosion and Sedimentation Control Plan:** Prior to the initiation of any

clearing or grading activities, a Temporary Erosion and Sedimentation Control Plan must be approved as part of a Clearing and Grading permit and all clearing limits and the location of temporary erosion and sedimentation control measures shall be field staked for approval by the on-site clearing and grading inspector's approval.

Authority: Bellevue City Code 23.76.060 and 23.76.090
Reviewer: Savina Uzunow, Planning and Community Development Department

7. **Maintenance and Monitoring Plan:** The Maintenance and Monitoring Plan that was presented as an element of the Critical Areas Report must be included as an element of the underlying Clearing and Grading Permit. Monitoring reports must be submitted on an annual basis to the Planning and Community Development Department.

Authority: Land Use Code 20.25H.220.D
Reviewer: Kevin LeClair, Planning and Community Development Department

8. **Elevation Flood Certificate Following Construction:** A signed and stamped elevation certificate must be submitted to the Department of Planning and Community Development Department to verify that the restored stream channel, bridge footings and bridge decks are at the elevation described on the approved permit plans for the Clearing and Grading Permit.

Authority: Land Use Code 20.25H.180.C.2
Reviewer: Kevin LeClair, Planning and Community Development Department

9. **Obtain All Other Applicable State and/or Federal Permits:** Before work can be allowed to proceed, all applicable state and federal permits must be presented to the Planning and Community Development Department.

Authority: Land Use Code 20.25H.180.C.2
Reviewer: Kevin LeClair, Planning and Community Development Department

10. **In-Water Work Window:** Work in the active channel approved by the underlying Clearing and Grading Permit must be completed during an in-water work window of July 1 through August 31.

Authority: Land Use Code 20.25H.160
Reviewer: Kevin LeClair, Planning and Community Development Department

XI. Attachments:

1. Site Vicinity map- In File
2. Environmental Checklist- In File
3. Project Submittals and Support Materials - In File