



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

Proposal Name: Lake Hills Connector to NE 10th Street PSE Gas Main

Proposal Address: Within the Right-of-Way of Lake Hills Connector from 140th Ave. SE to SE 8th Street and I-405

Proposal Description: This is an application for a Shoreline Substantial Development Permit for a project within the Shoreline Overlay District along SE 8th Street and Lake Hills Connector (Permits # 08-111777-TJ & 08-111774-LM) consisting of installation of 3.5 miles of new natural gas distribution main within City of Bellevue public Right-of-Way. The installation will be via open trenching, horizontal directional drilling and boring.

File Number: 08-111774-WG

Applicant: Larry Tornberg, Puget Sound Energy

Decisions Included: Shoreline Substantial Development Permit
(Process II. LUC 20.30C)

Planner: Reilly Pittman, Associate 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


Reilly Pittman, Associate Land Use Planner
Department of Planning and Community Development

Application Date:	<u>2/26/2008</u>
Notice of Application Publication Date:	<u>4/10/2008</u>
Decision Publication Date:	<u>6/26/2008</u>
Project/SEPA Appeal Deadline:	<u>7/17/2008</u>

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

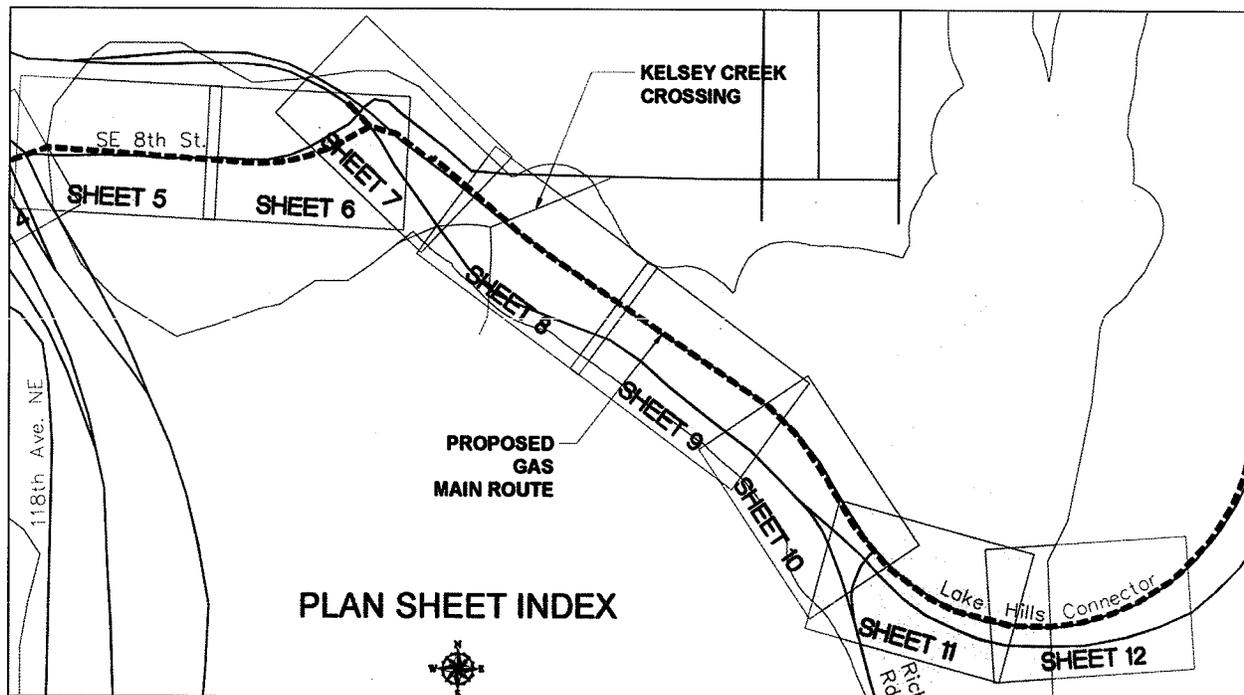
The entire project is 3.5 miles long and consists of installing a gas main extending from NE 10th St. and 110th Ave. NE to SE 8th St. and 140th Ave. SE. The 1.5 mile long portion along the Lake Hills Connector between I-405 and 140th Ave. SE is located within the Shoreline Overlay District of Kelsey Creek and is subject to a Shoreline Substantial Development Permit.

Project construction is anticipated to begin this summer and end in 2009.

B. Site Description

The area subject to the Shoreline Overlay District is approximately 1.5 miles long and is along SE 8th Street and the Lake Hills Connector as seen in figure 1 below. The right-of-way is within the Shoreline Overlay District of Kelsey Creek. All work will be done within existing paved right-of-way. See attachment 1 for larger site map.

Figure 1

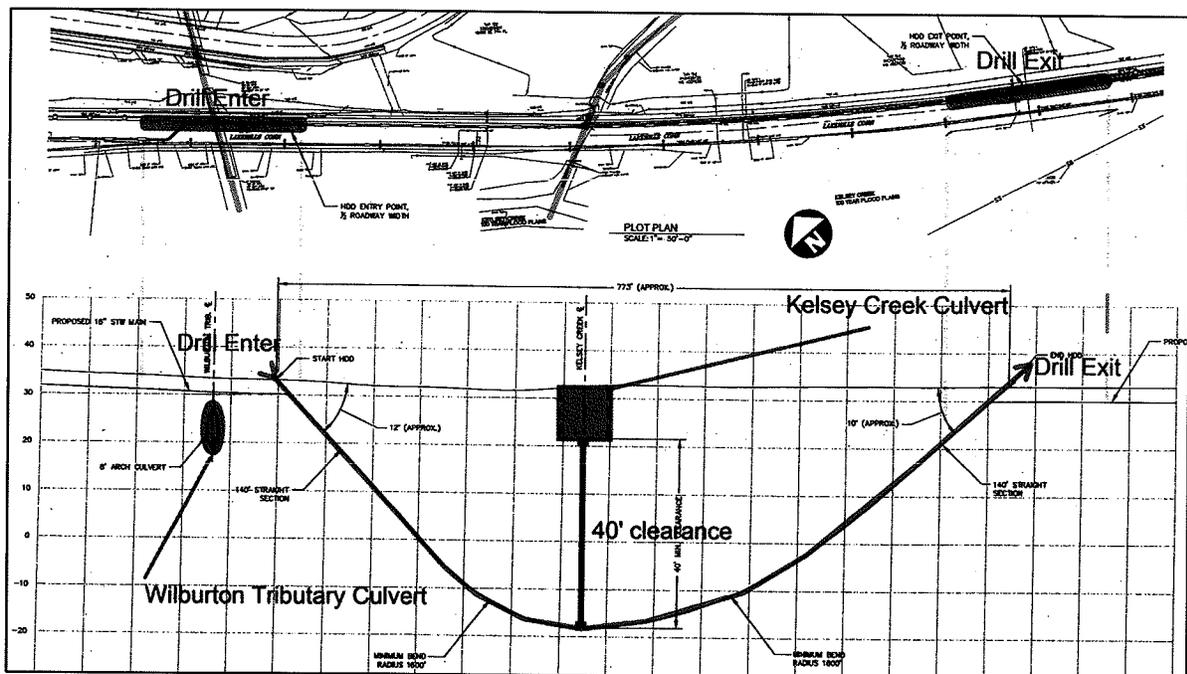


II. State Environmental Policy Act (SEPA)

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: The installation of the gas main will occur within existing right-of-way under paved surfaces. A horizontal directional drill will be used for the gas main installation along the Lake Hills Connector in the Vicinity of Kelsey Creek, see figure 2 below. This drill follows a planned drill path and enters the ground above the Wilburton Tributary and goes down 40 feet under culverted sections of Kelsey Creek and then returns to the surface over 350 feet away from the Kelsey Creek culvert. There is one entry point and one exit point. By utilizing this method there are no anticipated impacts on the stream. Trenching of the gas main will be used in all other locations where the horizontal drilling is not.

Figure 2



The soils encountered at the crossing of Kelsey Creek consist of fill, marsh deposits, recessional outwash, till and proglacial lacustrine sediments. According to the King County Soil Survey reports the soils under the majority of the Lake Hills Connector consist of Bellingham silt loam.

Erosion will be controlled through implementation of temporary erosion and sedimentation controls and a turbidity monitoring plan required by the City of Bellevue Clearing and Grading code BCC 23.76. Erosion risk should be minimal as the work is occurring within an existing paved roadway.

See Conditions of Approval in Section X of this report.

- B. Air:** Any air quality impacts from construction vehicle emissions and dust generation will be temporary and rapidly dissipated. Standard methods of reducing impacts to air quality will be utilized and include keeping all heavy equipment and hand tools in good operating condition and managing disturbed soils.
- C. Water:** The gas main installation will cross over the Wilburton Tributary and under Kelsey Creek where the creeks pass under the Lake Hill Connector. These streams are identified as Type F per LUC 20.25H. The streams are contained within culverts where the right-of-way crosses over them. There are also wetlands in the vicinity of the work to the north and south of the Lake Hill Connector.

See Conditions of Approval in Section X of this report.

Plants: The work is occurring under existing paved right-of-ways and will not be impacting vegetation.

- D. Animals:** The project area is adjacent to and crosses under Kelsey Creek and above the Wilburton Tributary. Richards Creek is also adjacent to the Lake Hills Connector to the south. These creeks are all fish bearing streams. Kelsey Creek and Richards Creek support Coho (Species of Concern), Chinook (Threatened), and Sockeye salmon.

The project is in the vicinity of large wetlands which provide significant habitat to birds, fish and animals. The installation of the gas main will not impact any habitat as it is located within paved right-of-way. No vegetation is being impacted and the earth work required for the gas main is being done either above or below the

culverted streams.

- E. Noise:** The project will create short-term increases in noise associated with construction equipment. Noise will be greatest during the initial cutting/drilling and movement of pavement. Equipment will operate during approved work-windows (the standard work period is 7 am to 6 pm, Monday through Friday). There will be no long-term increase in noise associated with the gas main.

Construction noise will be concentrated between 7 am to 6 pm, Monday through Friday. Construction equipment shall be used with standard sound attenuation devices. The standards in LUC 9.18 will control noise generated by the installation of the gas main.

See Conditions of Approval in Section X of this report.

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

A. Zoning District Dimensional Requirements (LUC 20.20.010):

The project does not include the construction of any structures regulated by the City of Bellevue Land Use Code dimensional requirements described in LUC 20.20.010.

B. Critical Areas Requirements (LUC 20.25E):

The City of Bellevue Land Use Code 20.25H.025 designates shorelines and streams as Critical Areas which are in the vicinity of this project. The installation of gas mains will avoid all anticipated impacts to these adjacent critical areas as the work is being done within paved right-of-way. The applicable performance standards and additional provisions are as follows:

C. Critical Area Performance Standards:

	SHORELINES	STREAMS
New or expanded utility facilities, utility systems, stormwater facilities ³	20.25H.055.C.2 20.25E.080.B 20.25E.080.U	20.25H.055.C.2 20.25H.080.A 20.25H.080.B

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

A. Consistency with LUC 20.25E.080.B

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

1. Where applicable, all federal and state water quality and effluent standards shall be met.

The City will ensure water quality is maintained through required on-site inspections, Temporary Erosion and Sedimentation Controls and an approved Turbidity Monitoring Plan.

2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.

The entire project area is within the Shoreline Overlay District and therefore the entire project is governed by the Shoreline Master Program policies.

3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with Part 20.25H LUC, City of Bellevue Clearing and Grading regulations, Chapter 23.76 BCC, and the Comprehensive Plan.

The project is located entirely within and beneath existing improved right-of-way. No vegetation is being modified as part of this work. Temporary erosion and sedimentation controls will be in place and inspected by the City of Bellevue. A Turbidity Monitoring Plan will also be in place and implemented during the project duration.

4. Special care shall be exercised to preserve vegetation in wetland, shoreline and stream corridor bank areas in order to prevent soil erosion. Removal of vegetation from or disturbance of shoreline critical areas and shoreline critical area buffers, and from other critical area and critical area buffers shall be prohibited, except in conformance with Part 20.25H LUC and the specific performance standards of this section.

The project is located entirely within and beneath existing improved right-of-way. No vegetation is being modified as part of this work. Temporary erosion and sedimentation controls will be in place and inspected by the City of Bellevue. A

Turbidity Monitoring Plan will also be in place and implemented during the project duration.

5. **Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part 20.30H LUC.**

No above ground structures are proposed as part of this project within the Shoreline Overlay District.

6. **The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.**

The project is consistent with the Bellevue Shoreline Master Program and Comprehensive Plan policies. For example, Goal 2 of the Utilities Element (pg. 95) encourages balancing the public health and safety, service costs, and the natural environment. By locating the gas main within right-of-way the natural environment is being preserved from being further eroded and the public are being provided with expanded gas services.

The project is also consistent with Policy UT-1 of the Utilities Element (pg. 99) which requires is environmentally sensitive, safe, cost-effective and appropriate utility design and construction. The gas main is being installed using a horizontal drilling technique where the gas main will cross over the Wilburton Tributary and under Kelsey Creek where the streams cross under the Lake Hills Connector. This technique allows the gas main to be installed under the right-of-way with no impact or disturbance to the streams.

Further more policy EN-16 of the Environmental Element (pg. 205) requires that development on a site occur in a location which has the least impact on a critical area. This policy is being followed in this case as the gas main is being installed within an existing, improved corridor so as to not further disturb the valuable and sensitive critical areas which abut the Lake Hills Connector.

7. **Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.**

The proposed project complies with all applicable Bellevue ordinances and

regulations.

8. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.

No dead storage of watercraft will occur as a result of the proposed project.

9. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances. Use of such substances in the shoreline critical area and shoreline critical area buffer shall comply with the City's "Environmental Best Management Practices."

There are no herbicides, pesticides, or fertilizers being applied as part of this project.

10. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.

No storm drainage or sewer facilities are required for the proposed project. The gas main installation is classified as utility installation under LUC 20.25H.055.

B. Consistency with LUC 20.25E.080.U

Shorelines – Utilities Regulations

The project is consistent with the performance standards set forth in LUC 20.25E.080.B. A Right-of-Way permit will be required for this project as it is within City right-of-way. Uses within the shoreline critical area and its buffer are allowed per LUC 20.25H.055, however the City does not have any critical area requirements applied in the right-of-way where this gas main installation is occurring.

C. Consistency with LUC 20.25H.055.C.2

New and Expanded Uses and Development – Performance Standards

See LUC 20.25E.080.U for standards regulating utility installation. The proposed project is not proposing alteration of a critical area. For this reason, the general performance standards of LUC 20.25E.080.B and LUC 20.25E.080.E for utility installation, must be satisfied. See detailed discussion above.

D. Consistency with LUC 20.25H.080.A and B

Streams – Performance Standards – General

The project is proposing installation of an underground gas main requiring excavation and drilling within the existing improved right-of-way. No stream is proposed to be altered, impacted, relocated, or placed in a culvert. Kelsey Creek and the Wilburton Tributary are already in culverts which run underneath Lake Hills Connector. 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 no new impervious surface, road surface will be temporarily disturbed but will be restored to City standards. There will be no addition of treated surface water entering the critical area or critical area buffer associated with this project. The work is occurring within paved right-of-way which would not required the installation of dense native vegetation to limit pet and human use. The use of pesticides, insecticides, and fertilizers is no a part of this project.

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.

- B. Utilities:** The Bellevue Utilities Department has reviewed the proposed site development and requires that the sanitary sewer system be shown on the plans submitted with the required right-of-way permit to conduct the proposed work. See Section IX of this report for Utility Department Condition of Approval.

VI. Public Notice and Comment

Application Date:	February 26, 2008
1 st Public Notice (500 feet):	April 10, 2008
Minimum Comment Period for 1 st Notice:	May 12, 2008

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on April 10, 2008. It was mailed to property owners within 500 feet of the project site. A SEPA Determination of Nonsignificance (DNS) was issued prior under permit 08-113644-LM. Public comment was received from Karen Walter with the Muckleshoot Indian Tribe Fisheries Division. The comment

concerned location of the gas main and prevention of potential interference with future repair/restoration that may be needed to ensure salmon ease of movement through the Kelsey Creek and Wilburton Tributary culvert sections under the Lake Hills Connector. The applicant responded to these comments that the Kelsey Creek culvert already is fish passable and has natural stream bed material in place and that any work required on the Wilburton Tributary to make it fish passable would not be restricted by the gas main.

VII. Decision Criteria

The proposal, as conditioned below, meets the applicable regulations and decision criteria for a Shoreline Substantial Development Permit pursuant to LUC Section 20.30R.

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

- 1. The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and;**

Finding: The applicant has provided sufficient evidence to demonstrate conformance with all code requirements and enable approval of this shoreline permit.

- 2. The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and;**

Finding: The applicant has provided sufficient evidence and documentation to demonstrate conformance with all code requirements and enable approval of this shoreline permit.

- 3. The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the master program.**

Finding: The project complies with all of the requirements of the State Shoreline Management as a shoreline stabilization avoidance measure.

VIII. 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 install a gas main along the Lake Hills Connector and SE 8th Street within the Shoreline Overlay District.

Note- Expiration of 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 Clearing and Grading 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.

IX. Conditions of Approval

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

<u>Applicable Codes or Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code – BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code – BCC 20.25H	Reilly Pittman, 425-452-4350
Noise Control – BCC 9.18	Reilly Pittman, 425-452-4350
Transportation Code – BCC 14.30	Jon Regalia, 425-452-4599
Utility Code – BCC Title 24	Don Rust, 425-452-4856

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

- 1. Turbidity Monitoring Plan:** Turbidity Monitoring Plan shall be approved by the Clearing and Grading Division prior to commencement of construction activities. The Turbidity Monitoring Plan shall be included with the underlying Clearing and Grading Permit.

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

- 2. 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

- 3. 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: Reilly Pittman, Planning and Community Development Department

- 4. 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.

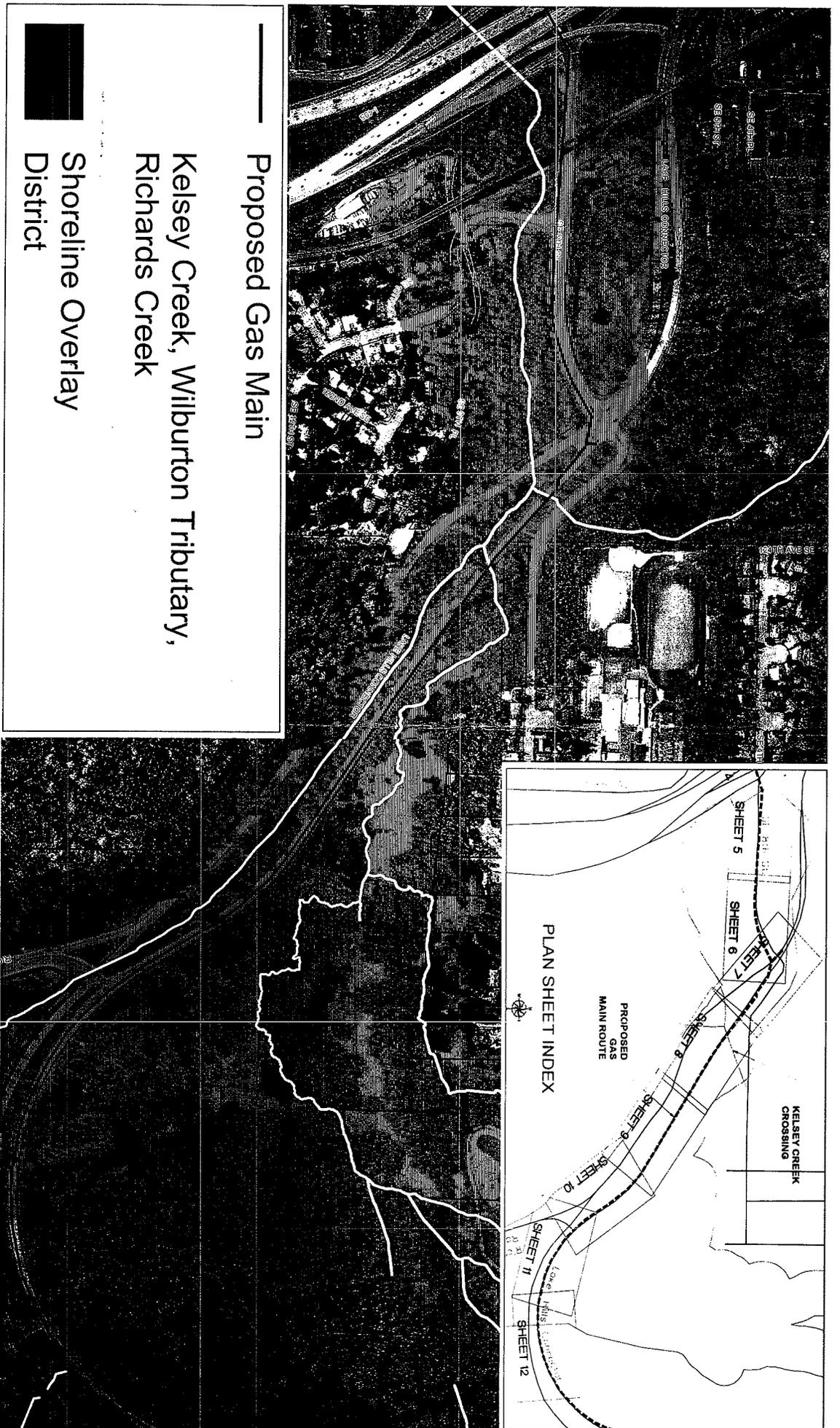
Authority: Bellevue City Code 23.76.060 and 23.76.090
Reviewer: Savina Uzunow, Planning and Community Development Department

- 5. Show Sanitary Sewer on Plans:** The sanitary sewer system shall be shown on the plans submitted with the right-of-way permit for this project.

Authority: Bellevue City Code Title 24
Reviewer: Don Rust, Bellevue Utilities

XI. Attachments:

1. Site Vicinity map
 2. Environmental Checklist- In Permit File 08-113644-LM
 3. Project Submittals and Support Materials - In File
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Attachment 1