

**City of Bellevue Shoreline Substantial Development and  
Critical Area Permit  
Performance Standards and Decision Criteria.**

The City of Bellevue Parks Department (City Parks) proposes to install an irrigation system to serve the irrigation needs of Newcastle Beach Park (Park) on the eastern shore of Lake Washington. City Parks would construct a new irrigation pump facility in the Park to draw up to 90 gallons per minute (GPM) and 10.1 acre feet per year (afy) of water from the lake via a new irrigation intake and line (project). This is consistent with the Washington State Department of Ecology (Ecology) Water Right that has been granted to the City of Bellevue (City). Based on conversations between the project team and Michael Paine, City Environmental Planning Manager, the project would require a City shoreline permit and demonstration of consistency with City critical areas regulations (this submittal is to provide for both of those requirements). The project would be exempt from SEPA regulation due to the size of the water right claimed for Newcastle Beach Park, as described above, and the provisions of WAC 197-11-800 (4). Furthermore, the SEPA exemption covers any additional shoreline, fisheries or building permits that may result from the project.<sup>1</sup>

The project would entail the installation of a new irrigation pump, three water lines extending from the new pump to the water below ground and below an existing pier. Electrical control lines would also extend below ground from the pump to a control panel to be located in the existing bath house. Currently, the Park's irrigation system uses City potable water. The project would result in the use of non-potable lake water, thus conserving potable water, by connecting the project's new system components to the Park's existing irrigation system. Plans for the proposed irrigation pump facility, water lines, water intake and electrical pump control line (and several photos of the site area) are attached. As detailed on plan sheet I-1.0 (attached), the approximate total area of disturbance is 2,640 square feet (sf) and the total new impervious area is approximately 20 sf. Approximately 14,221 sf of impervious surface exists in the project area. The proposed addition of 20 sf of impervious area, for the pump facility on a 4 x 5-foot concrete pad, would result in a total site area impervious surface of approximate 14,241 sf. The 2,640 sf of disturbance would be temporary with soils anticipated to be exposed for no more than five days. No long term impacts are anticipated to result from the project.

The pump facility would be placed on a new 4 by 5-foot concrete pad to be located approximately 160 feet landward of the shoreline/OHWM (defined by the existing bulkhead in the project area) and approximately 50 feet south of the existing bath house (sheet I-1.0 "Floboy Pump Package"). The 4 by 5-foot pump station pad is the only new impervious area associated with the project, totaling approximately 20 square feet. Electrical pump controls would be

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<sup>1</sup> Email correspondence from Michael Paine, City of Bellevue, Environmental Planning Manager to Don Hardy, Senior Planner, JD White a division of Berger/Abam Engineers Inc., dated July 31, 2008.



WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

## **Fish Passage Technical Assistance**

### **Screening Requirements For Water Diversions**

Washington State Laws RCW 77.55.320 (formerly RCW 77.16.220; RCW 77.55.040 (formerly RCW 75.20.040), RCW 77.55.070 (formerly RCW 75.20.061) require all diversions from waters of the state to be screened to protect fish.

These laws and the following design criteria are essential for the protection of fish at surface water diversions. Fish drawn into hydropower, irrigation, water supply, and other diversions are usually lost from the fish resources of the state of Washington.

The following criteria are based on the philosophy of physically excluding fish from being entrained in water diverted without becoming impinged on the diversion screen. The approach velocity and screen mesh opening criteria are based upon the swimming stamina of emergent size fry in low water temperature conditions. It is recognized that there may be locations at which design for these conditions may not be warranted. Unless conclusive data from studies acceptable to Washington Department of Fish and Wildlife indicate otherwise, it is assumed that these extreme conditions exist at some time of the year at all screen sites.

Additional criteria may be required for unique situations, large facilities or intakes within marine waters.

#### **I. Screen Location and Orientation**

A. Fish screens in rivers and streams shall be constructed within the flowing stream at the point of diversion and parallel to the stream flow. The screen face shall be continuous with the adjacent bankline. A smooth transition between the screen and bankline shall be provided to prevent eddies in front, upstream and downstream of the screen.

Where it can be thoroughly demonstrated that flow characteristics or site conditions make construction or operation of fish screens at the diversion entrance impractical, the screens may be installed in the canal downstream of the diversion.

#### **IV. Sweeping Velocity**

The sweeping velocity is defined as the component of the water velocity vector parallel to and immediately upstream of the screen surface. The sweeping velocity shall equal or exceed the maximum allowable approach velocity. The sweeping velocity requirement is satisfied by a combination of proper orientation (angle of screen 45 to the approaching flow) of the screen relative to the approaching flow and adequate bypass flow.

#### **V. Screen Mesh Size, Shape, and Type of Material**

Screen openings may be round, square, rectangular, or any combination thereof, provided structural integrity and cleaning operations are not impaired.

Screen mesh criteria is based on the assumption that steelhead and/or resident trout fry are ubiquitous in the state of Washington and will be present at all diversion sites.

Following are the maximum screen openings allowable for emergent salmonid fry. The maximum opening applies to the entire screen structure including the screen mesh, guides, and seals. The profile bar criteria is applied to the narrow dimension of rectangular slots or mesh.

<b>Woven Wire Mesh</b>	<b>Profile Bar</b>	<b>Perforated Plate</b>
0.087 inch	1.75 mm	0.094 inch
(6-14 mesh)	(0.069 inch)	(3/32 inch)

The allowable woven wire mesh openings is the greatest open space distance between mesh wires. An example allowable mesh specifications is provided; there are other standard allowable openings available. The mesh specification gives the number of mesh openings per lineal inch followed by the gauge of the wires. For example, 6-14 mesh has six mesh openings per inch of screen. It is constructed with 6, 14-gauge (0.080 inch diameter) wires per inch.

The profile bar openings are the maximum allowable space between bars. The allowable perforated plate openings are the diameter of circular perforations. Perforated slots are treated as profile bars.

Screens may be constructed of any durable material; woven, welded, or perforated. The screen material must be resistant to corrosion and ultraviolet damage.

For longevity and durability, minimum wire diameter for woven mesh shall be 0.060 inch (18 gauge) on fixed panel screens, where they are not subjected to impact of debris. Minimum wire diameter for woven mesh shall be 0.080 inch (14

**STATISTICAL INFORMATION SHEET**

10/24/06

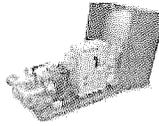
Note: If Site Plan B is required for your project, this information must also appear on the Site Plan.

1. Land Use Zone	<u>R-2.5</u>	
2. Site Area, in square feet and acres	<u>approx 2,640 sqft, 0.06 acres</u>	
3. Site Data Summary	<b>Required/ Allowed</b>	<b>Proposed</b>
a. Number of dwelling units per acre	_____	<u>N/A</u>
b. Total number of dwelling units	_____	<u>N/A</u>
c. Area of each proposed structure		
Net	_____	<u>approx 20 sqft</u>
Net leasable (for Shopping Center)	_____	<u>N/A</u>
Gross	_____	<u>N/A</u>
d. Floor Area Ratio (F.A.R.)	_____	<u>N/A</u>
e. Area of proposed building by use		
Net	_____	<u>N/A</u>
Gross	_____	<u>N/A</u>
4. Percentage of lot coverage	_____	<u>less than 1%</u>
5. Amount of impervious area in square feet	_____	<u>approx 20 sq ft.</u>
6. Cut/fill (cubic yards)	_____	<u>N/A</u>
7. Building height: Measured from avg. existing grade in Shoreline & Transition Areas; measured from average finished grade for all other areas.	_____	<u>approx 3 ft.</u>
8. Parking: Total # of spaces for the project.	_____	<u>N/A</u>
a. # of spaces by each proposed use	_____	<u>N/A</u>
b. The percentage of compact stalls	_____	<u>N/A</u>
c. The percentage of handicapped stalls	_____	<u>N/A</u>
9. Area of Proposed Landscaping or mitigation		
a. Adjacent to right-of-way	_____	<u>N/A</u>
b. Adjacent to interior property lines	_____	<u>N/A</u>
c. Within the parking area	_____	<u>N/A</u>
d. Significant Trees to be retained	_____	<u>N/A</u>





# FloBoy



## Project



Project Name  Anticipated Bid Date

Phone

Company  Email

Name  Fax

Address 1

Address 2

Address 3

City, St, Zip

Country  Project Type

Project Notes:

## Configuration

Suction Type:

Speed:  Flow Rate:  gpm

Outlet Pressure:  psi  
 (  Ft  PSI)

Vertical Lift (ft):

Voltage:

HorsePower:

System Start/Stop:

Phase:   Include Startup in Price

### FloBoy Options

- Red Alarm Light
- External Flowmeter
- REMOVE Aluminum Enclosure
- Surge Arrestor
- Suction Isolation Valve
- Expansion Tank - Non ASME
- Expansion Tank - ASME

List Price:

Options:

Subtotal:

Freight:

Startup:

FloBoy Model:

MSRP:

After providing the information above, click the button

# FLOBOY MODEL DEFINITION

EXAMPLE  
FB S L V 8SH 25 A 46 R 3 BC

**MODEL**  
FB

**SIZE**  
SMALL

**GEOMETRY**  
L = LIFT

**FIXED/VARIABLE SPEED**  
V = VFD  
S = SPEED

**PUMP MOTOR**  
SF = 3585 SIF MODEL NUMBER  
Z5 = 25 HP

**IMPELLER CODE**  
EXAMPLE  
A = 6.50"  
B = 6.35"  
C = 6.50"

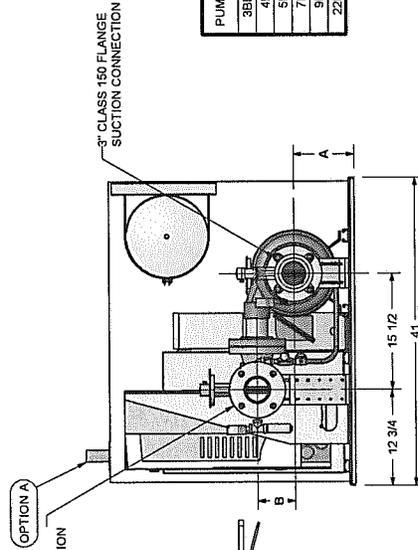
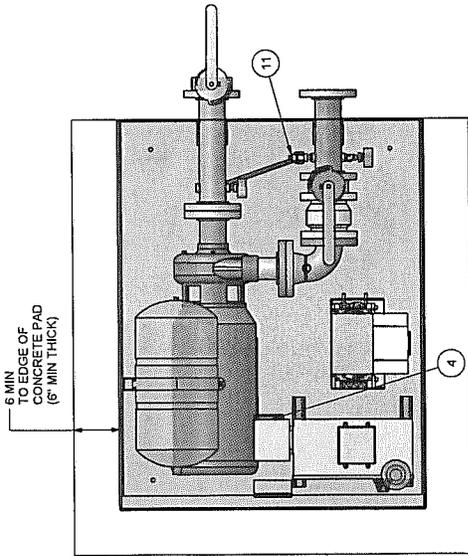
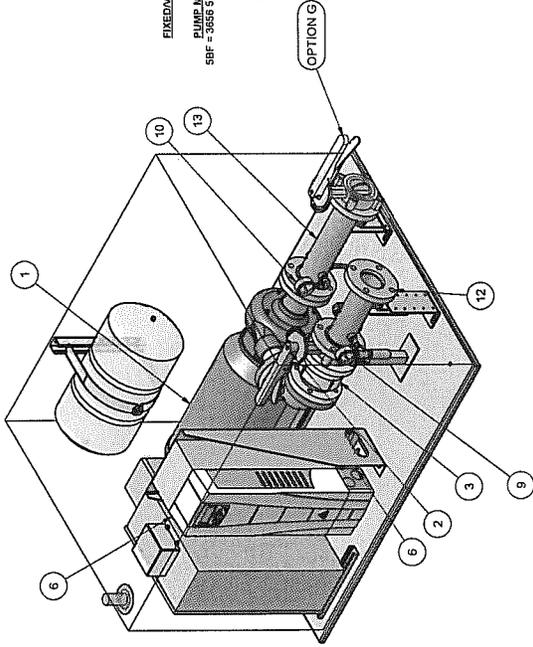
**SYSTEM VOLTAGE**  
46 = 460V  
23 = 230V  
20 = 208V

**OPTIONS**  
B = EXTERNAL FLOWMETER  
C = IRRIGATION RELAYS (UP TO 4 RELAYS)  
E = SURGE ARRESTOR  
F = ISOLATION VALVE  
H = EXPANSION TANK, NON-ASME  
J = EXPANSION TANK, ASME (ASME RATING REQUIRED FOR SYSTEM UL LISTING)

**PHASE**  
3 = 3 PHASE  
1 = 1 PHASE

**START/STOP**  
R = RELAY

**P** = PRESSURE



PUMP	A	B
3BFH	143-5   182-4   213-5   254-6	3 1/2"
4BF	---	4"
5BF	5 3/8"   6 3/8"   7 1/8"   8 1/8"	4 1/4"
7BF	---	5"
9BF	---	4 1/4"
22BF	---	4"

**NOTES:**

- DO NOT USE FOR CONSTRUCTION PURPOSES UNLESS CERTIFIED.
- DIMENSIONS SHOWN ARE MINIMUM RECOMMENDED CLEARANCES FROM PUMP.
- FOR ALL DIMENSIONS AND MATERIAL REQUIREMENTS ARE THE MINIMUM REQUIRED BY FLOWTRONEX ONLY. IT IS THE INSTALLATION CONTRACTOR'S RESPONSIBILITY TO MEET ANY FEDERAL, STATE, AND/OR LOCAL CODES WHICH EXCEED THE REQUIREMENTS OF THIS DOCUMENT.
- ALLOW 42" CLEARANCE CLEAR TO THE GROUND IN FRONT OF THE CONTROL PANEL PER NEC 20.
- THIS DRAWING SHOWS ALL OPTIONS, AND DOES INDICATE ACTUAL OPTIONS PURCHASED. REFERENCE PROPOSAL FOR LIST OF OPTIONS PURCHASED.

SYM	QTY	P/N	DESCRIPTION
13	1	520-000-052	ASSY. - MANIFOLD, ZINC PLATED, 3"X16"
12	1	520-000-060	ASSY. - MANIFOLD, ZINC PLATED, 3"X12"
11	1	580-000-100	ASSY. - REPRIME LINE (LIFT STATION ONLY)
11	1	74-100-023	FAN, EXHAUST, 1320CFM
10	1	86-001-030	GAGE, WIKA, 2-1/2", 30"-0-30 PSI
9	1	86-001-008	GAGE, WIKA, 2-1/2", 0-160 PSI
8	1	---	PRESSURE TRANSDUCER
7	1	---	HEAT EXCHANGER, ENVIR/INTERCEPT
6	1	---	VARIABLE FREQUENCY DRIV, ABB ACS550
5	1	---	DISCONNECT PANEL
4	1	400-020-100	TRANSFORMER, 1V8
3	1	19-002-015	VALVE, CHECK, GLOBE, 3"
2	1	121-001-030	VALVE, BUTTERFLY, LUG, 3"
1	1	---	PUMP, GOULDS 3656 / MOTOR, 3600 RPM

JOB NO.	JOB NAME	PROPOSAL NUMBER	DRAWN BY	REV
			M. MARTINEZ	
SIZE	B	DATE DRAWN	7/24/2003	SHEET #

**Flowtronex**  
**ITT Industries**  
*Engineered for life*

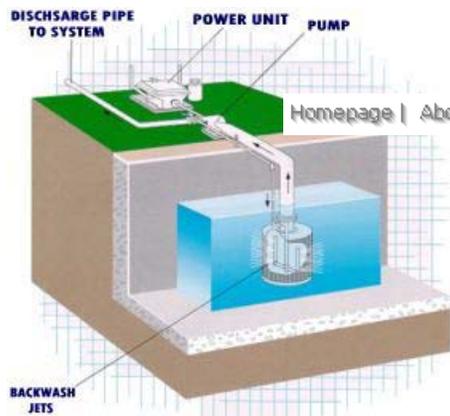
10851 NEWMARK STREET, DALLAS, TEXAS 75220 USA 1-800-786-7489

HP	FRAME	MAX DRAW (A)	FRAME	MAX DRAW (A)	3Ø
3	182JM   182JM	208V   230V	TEFC   TEFC	208V   230V	460V
5	182JM   182JM	24   21	145JM   182JM	16   14	7
7 1/2	215JM	---	182JM   184JM	22   20	10
10	215JM	---	184JM   215JM	30   26	13
15	---	---	215JM   215JM	38   32	16
20	---	---	215JM   264TCZ	52   46	23
25	---	---	254TCZ   255TCZ	65   60	29
---	---	---	255TCZ   255TCZ	80   72	29

1  
2  
3  
4

1  
2  
3  
4

Self Cleaning Pump Suction Screen Specifications



- Pump suction screens are not orientation sensitive and may be installed vertically, angled, or horizontally.
- Units should be installed in a moving water source to assure that contaminant that is washed off the suction screen is carried away from the suction line area.

SPECIFICATIONS

MODEL	SERVICE FLOW RATES		FLOW m <sup>3</sup> /HR.		SCREEN TOTAL LENGTH	SCREEN LENGTH	SCREEN DIA	FLANGE SIZE	RETURN INLET	MIN. PRESS	WEIGHT (lbs.)	SPRAY (GPM)
	10&18 MESH	30 MESH	10&18 MESH	30 MESH								
CW200	325	225	73.8	51.1	11"	25"	16"	4"	1 1/2"	35	58	20
CW400	550	400	124.9	90.8	15"	28.8"	16"	6"	1 1/2"	40	62	20
CW600	750	525	170.3	119.2	16"	32.5"	24"	8"	1 1/2"	40	102	20
CW800	950	700	215.7	158.9	18"	34.5"	24"	10"	1 1/2"	45	115	20
CW1000	1350	950	306.5	215.7	23"	39.5"	24"	10"	1 1/2"	50	123	24
CW1400	1650	1200	374.6	272.4	26"	42.5"	24"	12"	1 1/2"	55	131	24
CW1700	1950	1400	442.7	317.8	28"	44.5"	26"	12"	1 1/2"	55	148	24
CW2000	2350	1650	533.5	374.6	32"	48.5"	26"	14"	1 1/2"	60	160	24
CW2400	2600	1800	590.2	408.6	35"	52.5"	30"	16"	1 1/2"	65	223	28



COPY

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**REPORT OF EXAMINATION FOR CHANGE TO A PORTION OF A WATER RIGHT CLAIM  
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON**

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE 1888	APPLICATION NUMBER	PERMIT NUMBER	CLAIM NUMBER 158498
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**THIS CHANGE AUTHORIZATION SPLITS OFF A PORTION OF THE SUBJECT WATER RIGHT CLAIM. THE PORTION OF THE WATER RIGHT CLAIM SPLIT OFF BECAUSE OF THIS CHANGE WILL BE TRACKED AS CG1-158498CL@45 AND WILL BE REFERRED TO AS RECORD AU**

**RECORD AU**

NAME City of Bellevue			
ADDRESS (STREET) 16023 NE 8 <sup>th</sup> Street (P.O. Box 90012)	(CITY) Bellevue	(STATE) Washington	(ZIP CODE) 98009-9012

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCE Lake Washington		
TRIBUTARY OF (IF SURFACE WATERS)		
MAXIMUM CUBIC FEET PER SECOND (CFS) 0.201	MAXIMUM GALLONS PER MINUTE (GPM) 90*	MAXIMUM ACRE FEET PER YEAR (AFY) 10.1
QUANTITY, TYPE OF USE, PERIOD OF USE		

Irrigation of 4.5 acres – during irrigation season (April 15 through October 31)  
Diverting 90 gallons per minute, from the lake under this water right record, can only occur between 11:00 p. m. and 2:59 a.m. DAILY, during the irrigation season. **However**, only 82.6 gallons per minute will be available from 2:00 a.m. – 2:59 a.m. on EVEN numbered days.  
The total gallons of water per year allowed to be used under this change are 3,291,086 gallons.

**LOCATION OF DIVERSION/WITHDRAWAL**

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL Approximately      feet      and      feet      from the      corner of Section 17, T24N, R5E, W.M.					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) N ½ SE ¼	SECTION 17	TOWNSHIP N. 24N	RANGE, (E. OR W.) W.M. 5E	W.R.I.A. 8	COUNTY King

**RECORDED PLATTED PROPERTY**

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION) Newcastle Beach Park
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**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

King County Tax Parcel Number 1724059038 (7.07 acres) located in the N ½ SE ¼, Section 17, T24N, R5E, W.M. The following map shows the approximate location of Parcel Number 1724059038. Attachment 1 shows the point of diversion and place of use.



**Table 1. Summary of Water Right Documents Currently Relating to Water Right Claim 158498**

<b>WATER RIGHT TRACKING NUMBER</b>	<b>OWNER</b>	<b>QI (GPM)</b>	<b>QA (AFY)</b>	<b>DOCUMENT TYPE* (Report of Examination or Certificate of Change)</b>
Original 158498 before any changes	KCWD NO. 1	293.6 (tentative determination)	473.6 (tentative determination)	
158498B	ROBERT AND KATHLEEN TRIMBLE	19	0.7	ROE
158498C	CARL STORK	36	1.3	ROE
158498D	CITY OF KIRKLAND	142	41.8	CERTIFICATE OF CHANGE
158498E	THOMAS J. MILLER	14	0.7	ROE
158498F	DAN NORDSTROM	18	1.3	ROE
158498G	SGT, LLC	20	1.0	ROE
158498H	GARY W. SERGEANT	20	1.4	ROE
158498I	CKK	19	0.7	ROE
158498J	FLEMING	24	1.0	ROE
158498K	TRIMBLE	13	0.4	ROE
158498L	THOMPSON	70	4.0	ROE
158498M	BRUCE JONES	20	0.73	ROE
158498N	GARY JONES	18	1.0	ROE
158498O	BETH POST	18	1.0	ROE
158498P	WILMA HAGEN	15	0.6	ROE
158498Q	RPW PARTNERSHIP	15	0.6	ROE
158498R	ROSS REVOCABLE TRUST	15	0.6	ROE
158498S	DORIS J. HART	15	0.27	ROE
158498T	ROBERT F. ABRAMSON, JR.	14	0.5	ROE
158498U	JAN & PRICILLA BREKKE RESIDENCE TRUST	19	2.8	ROE
158498V	ROBERT D. BISHOP	16	1.3	ROE
158498W	CASCADE TRUST, ELLEN CONEDERA DIAL, TRUSTEE	32.6	6.0	ROE
158498X	WILLIAM HUNT	10	0.4	ROE
158498Y	WILLIAM & GERI FRANTZ	18	1.0	ROE
158498Z	WILLIAM & GERI FRANTZ	19	1.4	ROE
158498AA	ELIZABETH FREEMAN	14	0.5	ROE
158498AB	CHARLES WALLACE	15	0.3	ROE
158498AC	SEATTLE YACHT CLUB	20	1.8	ROE
158498AD	WILLIAM BOETTCHER	18	1.0	ROE
158498AE	MAX A. GURVICH	18	0.3	ROE
158498AF	SCHIRO REVOCABLE TRUST	27	1.5	ROE
158498AG	SCHIRO REVOCABLE TRUST	22	2.0	ROE
158498AH	CITY OF MERCER ISLAND (PARKS & REC. DEPT)	40	4.5	ROE
158498AI	RALPH AND KATHARINE BRINDLEY	17	0.6	ROE
158498AJ	OKI DEVELOPMENT	16	0.9	ROE
158498AK	OKI DEVELOPMENT	27	3.0	ROE
158498AL	RODNEY, JANICE OLSON	22	1.2	ROE

158498AM	P.A. HASHISAKI	14	0.5	ROE
158498AN	STEVEN SIMON	13.6	0.5	ROE
158498AO	DOUGLAS GAMBLE	25	1.0	ROE
158498AP	JAMES AND ELIZABETH REID	18	0.7	ROE
158498AQ	PETER AND JULIEANN BRAMAN	18	0.3	ROE
158498AR	JOHN TORODE	14	1.0	ROE
158498AS	RICK, JACQUE DOANE	18	1.0	ROE
158498AT	JASON SANDMAIER	22	1.2	ROE
158498AU	CITY OF BELLEVUE	90	10.1	ROE

\* The instantaneous and annual rates given for Report of Examination documents are the maximum authorized; the values given for certificates of change are the values that have actually been reperfed after the change.

**Table 2. Managing the Instantaneous Diversion Rate from Lake Washington Under Water Right Claim 158498**

Water Right Record with individual diversion rates in gpm in () and combined rate in gpm				
ODD DAYS				
Time	January 1 – April 14	April 15 – October 31	November 1 – December 31	Comments
12:00 – 12:59 am	0	D(142), AU(90), 232	0	
1:00 – 1:59 am	0	D(142), AU(90), 232	0	
2:00 – 2:59 am	0	B(19), C(36), D(142), E(14), AU(90), 301	0	
3:00 – 3:59 am	0	B(19), C(36), D(142), E(14), W(32.6), 243.6	0	
4:00 – 4:59 am	0	D(142), E(14), W(32.6), AR(14), 202.6	0	
5:00 – 5:59 am	0	D(142), E(14), W(32.6), AG(22), AN(13.6), AR(14), 238.2	0	
6:00 – 6:59 am	0	D(142), W(32.6), AD (18), AG(22), AJ(16), AN(13.6), AR(14), 258.2	0	
7:00 – 7:59 am	0	N(18),AD (18), AG(22), AJ(16), AR(14), AT(22), 110	0	
8:00 – 8:59 am	0	G(20), K(13), N(18), AD (18), AG(22), AJ(16), AK(27), AM(14), AO(25), AP(18), AS (18), AT(22), 231	0	
9:00 – 9:59 am	0	G(20), K(13), N(18), Q(15),X(10), AG(22), AK(27), AL(22), AM(14), AO(25), AP(18), AQ(18), AS (18), AT(22), 262	0	
10:00 – 10:59 am	0	G(20), O(18), Q(15), X(10), AF(27), AK(27), AL(22), AO(25), AS (18), 182	0	
11:00 – 11:59 am	0	O(18), AF(27), AK(27), AL(22), 94	0	
12:00 – 12:59 pm	0	O(18), AF(27), AK(27), 72	0	
1:00 – 1:59 pm	0	AK(27), 27	0	
2:00 – 2:59 pm	0	0	0	
3:00 – 3:59 pm	0	0	0	
4:00 – 4:59 pm	0	0	0	
5:00 – 5:59 pm	0	0	0	
6:00 – 6:59 pm	0	R(15), W(32.6), 47.6	0	
7:00 – 7:59 pm	0	R(15), W(32.6), 47.6	0	
8:00 – 8:59 pm	0	W(32.6), 32.6	0	
9:00 – 9:59 pm	0	W(32.6), 32.6	0	
10:00 – 10:59 pm	0	W(32.6), 32.6	0	
11:00 – 11:59 pm	0	D(142), W(32.6), AU(90), 264.6	0	

**EVEN DAYS**

Time	January 1 – April 14	April 15 – October 31	November 1 – December 31	Comments
12:00 – 12:59 am	0	D(142), AH(40), AU(90), 272	0	
1:00 – 1:59 am	0	D(142), AH(40), AU(90), 272	0	
2:00 – 2:59 am	0	D(142), AC(20), AH(40), AU(82.6), 156.6	0	
3:00 – 3:59 am	0	D(142), AC(20), AH(40), 202	0	
4:00 – 4:59 am	0	D(142), F(18), Y(18), Z(19), AC(20), AH(40), 257	0	
5:00 – 5:59 am	0	D(142), F(18), Y(18), Z(19), AC(20), AH(40), 257	0	
6:00 – 6:59 am	0	D(142), F(18), P(15), T(14), Y(18), Z(19), AC(20), AI(17), 263	0	
7:00 – 7:59 am	0	F(18), L(70), P(15), T(14), V(16), Y(18), Z(19), AB(15), AC(20), AI(17), 222	0	
8:00 – 8:59 am	0	H(20), I(19) J(24), L(70), M(20), V(16), 169	0	
9:00 – 9:59 am	0	H(20), I(19) J(24), L(70), M(20), V(16), 169	0	
10:00 – 10:59 am	0	H(20), U(19), V(16), AE(18), 73	0	
11:00 – 11:59 am	0	H(20), U(19), 39	0	
12:00 – 12:59 pm	0	U(19), 19	0	
1:00 – 1:59 pm	0	U(19), 19	0	
2:00 – 2:59 pm	0	U(19), 19	0	
3:00 – 3:59 pm	0	U(19), 19	0	
4:00 – 4:59 pm	0	U(19), AA(14), 33	0	
5:00 – 5:59 pm	0	U(19), AA(14), 33	0	
6:00 – 6:59 pm	0	S(15), 15	0	
7:00 – 7:59 pm	0	0	0	
8:00 – 8:59 pm	0	0	0	
9:00 – 9:59 pm	0	0	0	
10:00 – 10:59 pm	0	0	0	
11:00 – 11:59 pm	0	D(142), AU(90), 232	0	

**\*\*\*No time period may exceed 293.6 gpm\*\*\***

**DESCRIPTION OF PROPOSED WORKS**

The water supply system will consist of a screened intake pipe, located off the dock in Lake Washington, a pump, a meter, an irrigation control system and irrigation piping. The system will be installed and inspected by a professional irrigation specialist and comply with the requirements of this report of examination and the requirements of the Department of Fish and Wildlife.

**DEVELOPMENT SCHEDULE**

BEGIN PROJECT BY THIS DATE: Started April 1, 2008	COMPLETE PROJECT BY THIS DATE: April 1, 2008 2009	WATER PUT TO FULL USE BY THIS DATE: December 1, 2013
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**REPORT**

**BACKGROUND INFORMATION**

On May 16, 1974, the Department of Ecology received a water right claim form from the King County Water District No. 1 signed by John R. Adams on May 12, 1974. This water right claim was assigned number 158498 by Ecology. The details of the information attested to on the water right claim form are contained in the section below.

On June 6, 2007, the Department of Ecology accepted a change application from the City of Bellevue on water right claim 158498. Ecology assigned this change application the tracking number CG1-158498CL@45.

**Attributes of the Original Claim**

Name on Claim:	King County Water District No. 1
Priority Date:	1888
Quantity Claimed	

Instantaneous Quantity:	900 gallons per minute (gpm)
Annual Quantity:	1440 acre-feet per year (afy)
<u>Quantity Presently Used</u>	
Instantaneous Quantity:	250 gallons per minute (gpm)
Annual Quantity:	400 acre-feet per year (afy)
Point of Withdrawal:	NW¼, Section 17, Township 25 North, Range 5 East, W.M.
Purpose of Use:	Municipal Supply
Period of Use:	Continuously
Place of Use:	Replat of Yarrow Section 18, Township 25 North, Range 5 E. W. M.

**Proposed Change Made to a Portion of the Water Right Claim**

Name of Applicant:	City of Bellevue
Date of Application for Change:	June 6, 2007
Point of Diversion:	N ½ SE ¼ Section 17, Township 24 North, Range 5 East, W.M.
Purpose of Use:	Irrigation
Period of Use:	During the Irrigation Season (April 15 through October 31)
Place of Use:	King County Tax Parcel No. 1724059038 (Newcastle Beach park) in the N ½ SE ¼, Section 17, Township 24 North, Range 5 East, W.M.
Notice of Publication:	_____ on _____ and _____, 2006
Protests:	None received during the statutory 30-day protest period.

**Purpose of the Change Application**

King County Water District No. 1 (WADOH Water System Id. 38650) has entered into an interlocal agreement with the City of Bellevue under which the City has assumed the District’s water system and service area and the District will eventually dissolve. The District must sell its assets, including water rights, to pay the costs of upgrading the water system and interconnecting with the City of Bellevue’s water system. The property that contained the original points of withdrawal for this water right claim was sold to the City of Kirkland, minus the water right. The District has adopted a resolution offering to sell shares of its water rights to its existing residents and, to the extent of availability, to other lakefront property owners for irrigation of lawns and gardens.

**INVESTIGATION**

In considering this application, my investigation included, but was not limited to research and/or review of:

- The State Water Code
- The State Environmental Policy Act (SEPA)
- Washington State Department of Fish and Wildlife Comments
- Existing water rights on file for King County Water District No. 1 and the applicants property
- Notes from site visits on January 13, 2006, February 23, 2006, and
- Correspondence from Thomas M. Pors (attorney for King County Water District No. 1), and Robert Trimble (current president of the board for King County Water District No. 1).
- Topographic maps, local area maps, and aerial photos
- Report of Hydrogeologic Services, Hydrogeologic Assessment, King County Water District No. 1 Well Field, Kirkland, Washington (GeoEngineers, November 7, 1995)
- Report, Wellhead Protection Study, Kirkland Well Field (GeoEngineers, March 3, 2000)
- Hydrologic Report for Change Applications Relating to the Transfer of Water Originally Withdrawn Under Ground Water Claim 158498 and Being Changed to Points of Diversion out of Lake Washington for Irrigation (Andrew B. Dunn, January 23, 2006)
- State of Washington Irrigation Guide, 1985, amended 1990 and 1992.
- Guidance 1210, Department of Ecology - Water Resources Program, Effective Date 10/11/2005.
- *A Point in Time, A History of Yarrow Point, Washington* (by the citizens of Yarrow Point, 2002)
- *Yarrow a Place, An Historical Commentary of Lives and Times During the Early Development of Yarrow Point* (Jeanne L. Whiting, 1976)

**State Water Code**

Chapters 90.03, 90.14, and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights including the process to amend or change existing rights. Laws specifically governing the water right permitting process are RCW 90.03.250 through 90.03.340 and RCW 90.44.060. Changes or amendments to these rights are covered primarily under RCW 90.03.380 and RCW 90.44.100.

**State Environmental Policy Act (SEPA)**

This water right change application is categorically exempt under SEPA WAC 197-11-305 and WAC 197-11-800(4).

**Washington Department of Fish and Wildlife Comments**

August 8, 2005, the Department of Ecology received a letter from the WDFW stating that, “Lake Washington is inhabited by sockeye, Chinook, coho, steelhead, cutthroat, and numerous native and non-native fish species.” It also requested that this water right should be subject to established lake levels, if any. The new water right holder would need to obtain a Hydraulic Project Approval (HPA) from the Washington State Department of Fish and Wildlife for work performed in or near the water and during that process they would require them to screen their intake structure. This letter received from WDFW was designed to apply to all change applications of this nature for water right claim 158498.

**Existing Rights for the Applicant**

No water right documents were identified on the Newcastle Beach Park property prior to this water change.

**Other Water Rights in the Vicinity**

The identification of nearby water rights is undertaken so that the hydrogeologist/report writer is aware of those nearby water rights when determining if the new point of diversion will impair any of those rights. Due to the size of Lake Washington, and the pumping rate of the proposed diversion, it was deemed unnecessary to identify other water rights in the vicinity since this pumping rate will not cause a measurable change in the water level of Lake Washington and can therefore automatically be determined that it will not cause impairment.

#### Site Visit

On \_\_\_\_\_, I met with \_\_\_\_\_

#### Topographic and Local Area Maps

The Kirkland USGS 1:24,000 scale topographic map and the King County Assessor's maps and aerial photos, accessed through their iMap website ([http://www.metrokc.gov/gis/mappointal/iMAP\\_main.htm#](http://www.metrokc.gov/gis/mappointal/iMAP_main.htm#)) were used during this investigation.

#### Tentative Determination as to Extent and Validity of Water Right Claim 158498

A Tentative Determination Analysis for the original water right claim, prior to any portion of the water right claim being sold off, is attached to this report (see Attachment 2). It concluded that 293.6 gpm and 473.6 acre-feet per year were perfected for year round municipal use and no portion of that was lost due to statutory relinquishment or common law abandonment.

#### Annual Quantity Determination

The City of Bellevue plans on irrigating turf (4.0 acres) and landscape plants (0.5 acres) on a total of 4.5 acres. The State of Washington Irrigation Guide (1992 update) calculates the crop irrigation requirement, with a 2-year return interval (every other year the crop will experience a shortage of water), for pasture/turf at the Seattle-Tacoma station as being 20.02 inches per year. In this guide, the irrigation of pasture/turf runs from April through September.

$$TIR = \frac{CIR}{E} * 100$$

TIR – Total Irrigation Requirement  
CIR – Crop Irrigation Requirement  
E – Irrigation System Efficiency in percent

For Pop-up impact sprinklers, estimates for efficiency are 60-85% with 75% being the average (Ecology Water Resources Program Guidance 1210). An efficiency of 75% was assumed for this calculation.

$$TIR = \frac{20.02 \text{ inches}}{75} * 100$$

$$TIR = 26.69 \text{ inches}$$

On the website for the Irrigation Water Management Society ([http://www.iwms.org/seattle\\_area.asp](http://www.iwms.org/seattle_area.asp)), it estimates that the amount of water needed for landscape plant irrigation is approximately 70% of that required for turf. Taking 70% of 26.69 inches equates to a total irrigation requirement of 18.68 inches for the landscape plant acreage.

Turf: Using a TIR of 26.69 inches, the volume pumped to irrigate 4.0 acres of turf is calculated as 8.88 afy.

Landscape Plants: The volume of water needed to irrigate 0.5 acres with a TIR of 18.68 inches is calculated as 0.775 afy.

Total Irrigation: The calculated irrigation requirement for the entire 4.5 acres of irrigation is 9.655 afy. The applicant purchased 10.1 afy from King County Water District # 1 for irrigation. The requested 10.1 afy for irrigation of turf and landscape plants is based solely on the instantaneous pumping rate and duration of pumping utilized by the system.

Final Acre-Foot Per Year: The applicant proposed to irrigate from April 15 to October 31 daily during irrigation season. The annual quantity of 10.1 afy, and the limitations on the pumping rate, days, and hours of pumping will not allow for more than 10.1 afy to be pumped. The final acre feet assigned the final Certificate of Change to G1-158498CL@45 will be the actual number of afy that have been perfected by the applicant (this final annual quantity may be less than what was requested). This final annual quantity will be based upon meter readings and will take into account any limitations on the pumping rate, and days and hours of pumping. All unperfected quantities will be returned to the state.

#### Irrigation Season Determination

The applicant requested an irrigation season of April 15<sup>th</sup> through October 31<sup>st</sup>. This time period brackets the dates when a water right for irrigation purposes can be exercised. In looking at the Seattle-Tacoma and Seattle U of W stations in the State of Washington Irrigation Guide (1985 and 1992), the period of time during which irrigation is required to satisfy the CIR for a variety of crops starts in April and runs into October. Given the weather conditions in the Seattle area, it is not likely that an irrigator will have to irrigate over this entire duration in a typical year. However, the proposed irrigation season of April 15<sup>th</sup> through October 31<sup>st</sup> seems reasonable to set the outer bounds on the irrigation season and account for possible needs during drought years.

A graph of historic water use ([http://www.seattle.gov/util/About\\_SPU/Water\\_System/Water\\_Supply/COS\\_004041.asp](http://www.seattle.gov/util/About_SPU/Water_System/Water_Supply/COS_004041.asp)) by Seattle Public Utilities was analyzed to determine when water use occurs for irrigation, which should be represented as an increase in use compared with background winter-time in-house domestic use. This analysis suggests that the proposed irrigation season will capture the observed high water use period.

Given the management scheme that has been set up for the number of anticipated water right changes to water right claim 158498, all irrigation rights derived from this claim must have the same season of use. Therefore, it makes sense to set an irrigation season that will capture all extremes of weather, plants, and irrigation needs.

### **Discussion of Annual Volume Available for Change from Year Round Use to Seasonal Use**

This change application proposes to change the purpose of use from municipal supply to irrigation. The irrigation season, as defined by the change application is April 15<sup>th</sup> through October 31<sup>st</sup>. This is a period of 200 days, which equates to approximately 55% of the year. So, applying that percentage to the 473.6 acre-feet per year, we arrive at 259.5 acre-feet per year that could be utilized during the period of April 15<sup>th</sup> through October 31<sup>st</sup>. The remainder (214.1 acre-feet per year) was historically utilized during the non-irrigation season months and would not be available for use during the irrigation season.

### **Hydrology and Hydrogeology (Summarized from Dunn, 2006)**

Greater Lake Washington, including the Lake Washington Ship Canal, Salmon Bay, and Lake Union, is approximately 22,250 acres in size and is separated from the marine waters of Puget Sound by the Hiram M. Chittenden Locks operated by the U.S. Army Corps of Engineers.

The points of withdrawal utilized by the District were located at the western edge of the Vashon Advance Outwash aquifer. Ground water flowing in this aquifer that is not captured by the wells discharges as springs to form the headwaters of Carillon Creek. Carillon Creek proceeds to flow down hill through Carillon Point and finally into Lake Washington.

All of the historic points of withdrawal and this proposed point of diversion are located in WRIA 8.

### **FINDINGS**

In accordance with state law, the following considerations must be addressed during the process of evaluating this change request:

- Will the change create an enlargement of the original right?
- Does the new point of diversion tap the same source as the original right?
- Will the change cause impairment to other existing rights?
- Will the public interest be impaired?
- Is the new purpose of use considered a beneficial use of water?
- Is the season of use changing?
- What are the protestors concerns?

### **Potential for Enlargement**

This water right claim will not be enlarged because of this change application as long as the rate and volume of water withdrawn/diverted after the change application is not greater than what was historically perfected by King County Water District No. 1. That means that under this claim, including portions that are broken off of the original claim through change applications, the rate of water being pumped from Lake Washington can not exceed 293.6 gpm at any point in time and the amount of water pumped during the irrigation season of April 15 through October 31 can not exceed 259.5 acre-feet per year.

### **Same Source of Water**

Diverting water from Lake Washington, including the Lake Washington Ship Canal, Salmon Bay, and Lake Union, should be considered to be the same source as withdrawing water from the wells used by the KCWD No.1 for the following reasons:

1. Both the wells and Lake Washington are located in WRIA 8.
2. Ground water not captured by the wells, under this water right claim, will naturally discharge from the aquifer, flow down a short surface water drainage named Carillon Creek, and ultimately discharge into Lake Washington.

### **Impairment of Other Rights**

Since the water that was originally captured by the wells and piped to Yarrow Point for domestic use will now naturally discharge from the aquifer and flow into Lake Washington. Lake Washington will not experience any decrease in the amount of water entering it, being stored in it, or draining from it. Therefore, this water right change will not cause impairment of any existing rights.

### **Public Interest**

No detriment to the public interest could be identified during the investigation of this application for change.

### **Beneficial Use**

According to RCW 43.27A.020, RCW 90.14.031, and RCW 90.54.020, irrigation is considered a beneficial use of water.

### **Season or Period of Use**

Since the purpose of use is being changed from a year round use (municipal) to a seasonal use (irrigation) the season of use is automatically changed to reflect this.

### **Protests**

No protests were received during the statutory 30-day protest period.

### **RECOMMENDATIONS**

I recommend the request for change to a portion of Ground Water Claim 158498 be approved, subject to the provisions listed below:

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

*Metering Provision:*

An approved measuring device shall be installed and maintained for the diversion of the source identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.

Water use data shall be recorded twice a month. Data shall be maintained by the property owner and promptly submitted to Ecology upon request. Recording and retention of data by the water right holder are required to inform the water users about how much water is used, to prove reperfecton of the water right after the change, when the water is used, and to assist users in efficient water management.

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation, and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

*Washington Department of Fish and Wildlife provision:*

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

*Shoreline Management Act:*

Nothing in this authorization shall be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by local agencies under the Shoreline Management Act of 1971.

*Irrigation scheduling:*

This water right can only divert water from Lake Washington between 10:00 p.m. and 1:59 a.m., daily, during the irrigation season. To prevent an enlargement of the water right, the water right holder shall install an automatic irrigation timer capable of restricting the time of pumping from Lake Washington to the period described above.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the automatic irrigation timer to verify that water is only being diverted during the time period indicated above.

If it can be shown that the requested change has a detrimental effect on existing rights, it shall be the responsibility of the water right holder to mitigate for this impact and/or alter or cease withdrawal of water.

The applicant is advised that a certificate of change will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use shall not exceed the quantity specified in this report of examination and will be calculated based on the best information available to Ecology, including metering data.

A certificate of change will not be issued until a final investigation is made.

**CONCLUSIONS**

In accordance with chapters 90.03, 90.14, and 90.44 RCW, I conclude that Water Right Claim 158498 is in good standing and is eligible for change. I have determined that the change to Water Right Claim 158498 will not enlarge the claim and the water use will be beneficial. Approval of this change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions and a certificate of change should be issued once the change has been perfected.

REPORT BY: \_\_\_\_\_  
Peggy Williams

DATE: \_\_\_\_\_



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

JUN 19 2007

Rick Bailey  
City of Bellevue Parks & Community Services  
16023 NE 8<sup>th</sup> St  
PO Box 90012  
Bellevue WA 98009-9012

Dear Mr. Bailey:

Re: Ground Water Application for Change of Claim No. 158498CL

Enclosed is a notice of your application for change which must be published **once a week for two consecutive weeks** in a qualified legal newspaper of general circulation in King County as provided in RCW 90.03.280. This newspaper should have a general circulation in the locality where the water is to be appropriated and used. A list of newspapers in the area is enclosed.

Please draw to the publisher's attention that the actual date of the **second** publication must appear in the space in the notice over the caption "last date of publication."

**The applicant is responsible for the payment of the publication.** To assure accuracy, **it is the responsibility of the applicant to check the notice carefully before having it published.** If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the **Original notarized affidavit** of each publication. Publication should start within thirty (30) days and the affidavit must be received in this office within sixty (60) days from the date of this letter or rejection will be initiated.

Sincerely,

for Dorothy Glenn  
Water Resources Program  
Northwest Regional Office

DG:ng  
Enclosure



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO CHANGE AN EXISTING WATER RIGHT CLAIM

**TAKE NOTICE:**

That the City of Bellevue (Parks and Community Services), Washington on June 4, 2007, has filed an application of change to Ground Water Claim G1-158498CL. Claimed use is for 900 gallons per minute (gpm), 1440 acre-feet per year for municipal supply, continuously, with a claimed priority date of 1888.

That the original point of withdrawal is located in the NW 1/4, Section 17, Township 25N, Range 5E, W.M. in King County. The claimed place of use is the Replat of Yarrow Section 18, Township 25N, Range 5E, W.M.

The request here is to change the point of diversion, place of use, and purpose of use for a portion of this water right claim – 90 gpm (0.201 cubic feet per second) and 10.1 afy. The proposed new point of diversion will take water directly from Lake Washington in the NW 1/4, SE 1/4, Section 17, Township 24 N, Range 5 E, W.M. The new place of use will be Tax Parcel 1724059038 in the SE 1/4, Section 17, Township 24 N, Range 5 E, W.M. The new purpose of use will be irrigation of 4.5 acres during the irrigation season.

**No increase will be made to the instantaneous withdrawal rate or annual quantity.**

***Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied with a fifty-dollar (\$50.00) recording fee (PLEASE REMIT CHECK OR MONEY ORDER ONLY) and filed with the Department of Ecology at the address shown below, within thirty (30) days from***

---

(Last date of publication to be entered above by publisher)

DEPARTMENT OF ECOLOGY  
CASHIERING OFFICE - NWRO-WR  
PO BOX 5218  
LACEY WA 98509-5128

## REGIONAL NEWSPAPERS FOR PUBLISHING PUBLIC NOTICES

### KING COUNTY

Auburn Reporter	600 Washington Ave S, Kent, WA 98032
Bothell/Kenmore Reporter	PO Box 90130, Bellevue, WA 98009
Enumclaw Courier-Herald	PO Box 157, Enumclaw, WA 98022
Federal Way News	133 SW 153 <sup>rd</sup> St, Burien, WA 98166
Highline Times/Demoines Reporter	133 SW 153 <sup>rd</sup> St, Burien, WA 98166
Issaquah Press	PO Box 1328, Issaquah, WA 98027
King County Journal/Eastside	11400 SE 8 <sup>th</sup> , Ste. 450, Bellevue, WA 98004
King County Journal/South	600 Washington Ave. S, Kent, WA 98032
Kirkland Courier	733 7 <sup>th</sup> Ave, Ste. 201, Kirkland, WA 98033
Mercer Island Reporter	PO Box 38, Mercer Island, WA 98040
Renton Reporter	PO Box 130, Kent, WA 98035
Snoqualmie Valley Record	8124 Falls Ave SE, Snoqualmie, WA 98065
Vashon Maury Island Beachcomber	PO Box 130, Vashon Island, WA 98070
Woodinville Weekly	13342 NE 175 <sup>th</sup> , Woodinville, WA 98072

### SEATTLE

Ballard News Tribune	2208 NW Market St, Seattle, WA 98107
Beacon Hill News	2314 Third Ave, Seattle, WA 98121
Capitol Hill News	2314 Third Ave, Seattle, WA 98121
Daily Journal of Commerce	83 Columbia St, Seattle, WA 98104
Facts Newspaper	3104 Western Ave, Seattle, WA 98121
North American Post	519 6 <sup>th</sup> Ave S., Seattle, WA 98104
Post Intelligencer	PO Box 1909, Seattle, WA 98111
Queen Ann News	4000 Aurora Ave N, Ste 100, Seattle, 98103
Seattle Chinese Post	PO Box 3468, Seattle, WA 98114
Seattle Medium	2600 S. Jackson St, Seattle, WA 98144
Seattle Times	PO Box 70, Seattle, WA 98111
West Seattle Herald	3500 SW Alaska, Seattle, WA 98126

## REGIONAL NEWSPAPERS FOR PUBLISHING PUBLIC NOTICES

### CAMANO ISLAND

Stanwood Camano News PO Box 999, Stanwood, WA 98282

### ISLAND COUNTY

Northwest Navigator 9989 Silverdale Way NW, Ste. 109, Silverdale, WA 98383  
Sound Whidbey Record PO Box 387, Langley, WA 98260  
Whidbey News-Times PO Box 10, Oak Harbor 98277

### KITSAP COUNTY

Bainbridge Island Review PO Box 10817, Bainbridge Island, WA 98110  
Bremerton Patriot 520 Burwell Street, Bremerton, WA 98337  
Central Kitsap Reporter 9989 Silverdale Way NW, Ste. 109, Silverdale, WA 98383  
Kitsap Sun PO Box 259, Bremerton, WA 98337  
North Kitsap Herald PO Box 278, Poulsbo, WA 98370  
Port Orchard Independent PO Box 27, Port Orchard, WA 98366

### SAN JUAN COUNTY

Islands' Sounder PO Box 758, Eastsound, WA 98245  
San Juan Journal PO Box 519, Friday Harbor, WA 98250

### SKAGIT COUNTY

Anacortes American PO Box 39, Anacortes, WA 98221  
Argus PO Box 589, Burlington, WA 98233  
Channel Town Press PO Box 575 LaConner, WA 98257  
Courier-Times PO Box 32, Sedro-Woolley, WA 98284  
Skagit Valley Herald PO Box 578, Mount Vernon, WA 98273

### SNOHOMISH COUNTY

Arlington Times PO Box 67, Arlington, WA 98223  
Everett Herald PO Box 930, Everett, WA 98206  
Lynnwood Enterprise PO Box 977, Lynnwood, WA 98046  
Marysville Globe PO Box 145, Marysville, WA 98270  
Monroe Monitor/Valley News PO Box 399, Monroe, WA 98270  
Snohomish County Tribune PO Box 499, Snohomish, WA 98290  
Stanwood/Camano News PO Box 999, Stanwood, WA 98292

### WHATCOM COUNTY

Bellingham Herald 1155 N. State Street, Bellingham, WA 98227  
Ferndale Record-Journal PO Box 153, Lynden, WA 98264  
Lynden Tribune PO Box 153, Lynden, WA 98264

STATE OF WASHINGTON, COUNTY OF KING }  
AFFIDAVIT OF PUBLICATION

**PUBLIC NOTICE**

Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

**Bellevue Reporter**

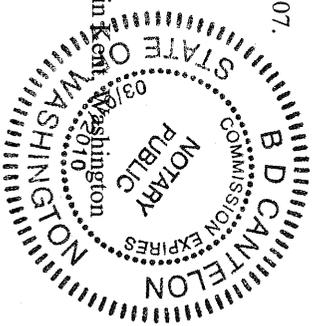
a bi-weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a bi-weekly newspaper in King County, Washington. The Bellevue Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County. The notice in the exact form annexed was published in regular issues of the Bellevue Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, at:

**Public Notice**

was published June 30, 2007 and July 07, 2007  
The full amount of the fee charged for said foregoing publication is the sum of \$527.26

*Linda M Mills*  
Linda M. Mills  
Legal Advertising Representative, Bellevue Reporter  
Subscribed and sworn to me this 23rd day of July, 2007.

*B D Cantelon*  
B D Cantelon  
Notary Public for the State of Washington, Residing in Kent, Washington  
P. O. Number:



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
NOTICE OF APPLICATION TO  
CHANGE AN EXISTING WATER  
RIGHT CLAIM**

**Take Notice:**

The City of Bellevue (Parks & Community Services), Washington on June 4, 2007, has filed an application of change to Ground Water Claim G1-158498CL. Claimed use is for 900 gallons per minute (gpm), 1440 acre-feet per year for municipal supply, continuously, with claimed priority date of 1888. That the original point of withdrawal is located in the NW 1/4, Section 17, Township 25N, Range 5E, W.M. in King County. The claimed place of use is the Replat of Yarrow Section 18, Township 25N, Range 5E, W.M.  
The request here is to change the point of diversion, place of use, and purpose of use for a portion of this water right claim - 90 gpm (0.201 cubic feet per second) and 10.1 afy. The proposed new point of diversion will take water directly from Lake Washington in the NW 1/4, SE 1/4,

Section 17, Township 24 N, Range 5 E, W.M. The new place of use will be Tax Parcel 1724059038 in the SE 1/4, Section 17, Township 24 N, Range 5 E, W.M. The purpose of the use will be to irrigate 4.5 acres during the irrigation season.

No increase will be made to the instantaneous withdrawal rate or annual quantity.  
Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied with a fifty-dollar (\$50.00) recording fee (PLEASE REMIT CHECK OR MONEY ORDER ONLY) and filed with the Department of Ecology at the address shown below, within thirty (30) days from July 7, 2007.  
DEPARTMENT OF ECOLOGY  
CASHIERING OFFICE - NWHO-WR  
PO BOX 5218  
LACEY WA 98509-5128  
Published in the Bellevue Reporter June 30, 2007, and July 7, 2007.  
#863673

located in an existing mechanical room within the bath house, with electrical control lines extending below ground at a depth of approximately 36-inches to the pump facility. The irrigation line, and two associated lines, would be PVC pipes which would extend west from the pump station through the existing bulkhead, via a new 8-inch corrugated metal sleeve, to the existing pier. The irrigation line would be connected to a Yardney self cleaning water intake which would be equipped with a fish screen consistent with applicable Washington Department of Fish and Wildlife (WDFW) requirements.<sup>2</sup> The intake velocity through the fish screen would be less than 0.4 feet per second and it would be maintained to prevent injury or entrapment of fish. The intake would be at least 18 inches above the lake bottom and would be located below the existing pier.

The 3-inch irrigation line is associated with a 1.5-inch water supply line (to provide for the Yardney self cleaning intake screen jets) and 2-inch overflow line which is to allow the strainer at the pump to be back flushed (water lines). All of those lines would be buried approximately 24 inches below existing grade, and would extend from the new irrigation pump to the west below the paved walkway, penetrating the bulkhead and, west of the bulkhead, connecting to the pier with metal "U" brackets and extending to the water intake which would be located in the water, below the pier at a point approximately 150 feet west of the bulkhead. Below the pier, the water lines would be contained within an enclosure consisting of the pier's existing deck (walking surface) and structural aprons that extend vertically from the deck to the water on the north and south sides of the pier. The deck and structural aprons prevent public access to the area below the pier and would prevent access to the proposed water intake and lines. The access to the filter will be a hole cut through the dock. A frame will be set in the hole. The frame will attach to the ends of the cut timbers. A diamond plate metal lid will be attached to the frame to cover the hole. The lid will be recessed to allow for a lock and clasp. The vault will be attached to the bottom of the pier and sit below the lid. The vault will house the filter, intake, and overflow.

The project would entail minimal disturbance of the earth in the short term and no unmitigated impacts anticipated in the long term. Short term project impacts would be limited to activities associated with trenching to install the water lines and electrical pump control lines and the installation of the 4 by 5-foot concrete pad (see "limit of work" area shown on plan sheet I-1.0). The project work area is anticipated to be approximately 2,640 square feet with all trenching work anticipated to be complete within 5 days of initiation (including stabilization of exposed soils). Best Management Practices (BMPs), such as the proposed use of erosion eels to surround the entire limit of work area, would be employed. All trenching and exposed soils will be completed within 5 days. Trenching in existing lawn areas will be restored with sod. Trench

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<sup>2</sup> Please see attached Yardney Water Management Systems product specification sheet and WDFW Fish Passage Technical Assistance document.

excavation would be performed during a dry weather period, no more trenches will be opened than can be closed in a single day and at the end of each working day the trenches will be closed and permanently stabilized with a bonded fiber matrix with seed mix or an appropriate erosion control matting with seed will be used. No impact to the water is anticipated as a result of the project, including the installation of the irrigation line below the pier, and no long term impacts are anticipated to occur on land or within the water.

The project is located mainly within parcel number 1724059038 with the water lines extending through a portion of parcel 1724059044 near the shoreline. Those parcels are City zoned residential (R-2.5) with comprehensive plan designations of Park/medium density residential (P/SF-M). The entire project is within the City's shoreline overlay district (i.e. within 200 feet of the OHWM), but no part of the project is within any other known critical area. The Park has been developed to offer a variety of recreational activities.

The project would be constructed and operated consistent with the water right transferred by King County Water District No. 1 to the City under Ecology's authorization. The project must be constructed by April 1, 2009 as there is a project completion date identified in the water right transfer agreement. City Parks will file for all applicable permits from the City as well as a US Army Corps of Engineers Section 10 permit and a Hydraulic Project Approval from the WDFW.

This project proposal is similar to, but smaller in overall scale than, the City of Kirkland, Washington, Lake Washington Irrigation Water Withdrawal Project, which was granted all necessary state and federal agency approvals in 2007.

What follows is a demonstration of the project's consistency with applicable City shoreline permit and critical areas criteria and regulations.

### **Shoreline Goals and Policies (from Comprehensive Plan)**

#### **Goals:**

- 1. To protect and enhance the natural and developed shorelines of the city.**
- 2. To ensure that the city's shorelines are planned for optimal use of this limited resource, to provide amenities to protect the natural environment, and to enhance the aesthetic quality of the shoreline.**
- 3. To protect, preserve, and enhance the natural resources and amenities of the city's shorelines for use and enjoyment by present and future generations.**
- 4. To increase public, physical, and visual access to and along the city's shoreline areas.**

- 5. To encourage and increase water-related recreational activities for the public on the city's shorelines when appropriate and consistent with the public interest.**
- 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.**
- 7. To discourage expansion of commercial uses and activities on the city's Lake Washington and Larsen Lake shorelines, except where those commercial uses or activities are water-dependent.**
- 8. To encourage a balanced circulation system along existing corridors within shoreline areas.**

The project is consistent with goals 1 – 4 above by providing for Park landscape irrigation using non-potable lake water, rather than City potable drinking water as is currently used, consistent with the recently transferred water right. The project is anticipated to result in no unmitigated short or long term impacts and it would provide an alternative to using City potable water that provide for less expensive irrigation to maintain the Park's landscaping. The project would, therefore, provide for the natural character and aesthetic quality of the shoreline area while encouraging public use and enjoyment of the shoreline. Goals 5– 8 do not apply to the project.

**Policies:**

**The following policies have been adopted by the State (June 1992) in accord with the Shoreline Management Act. Shoreline Management Program Element Page 256**

**Shoreline Uses and Activities**

**POLICY SH-1. Plan for reasonable and appropriate shoreline uses.**

**Discussion: Bellevue's shorelines are primarily residential in use with some natural areas and commercial uses. Uses and activities should balance environmental needs, the public interest, and private property rights.**

The proposed irrigation system is necessary to provide irrigation for landscaping within the Park and will provide an alternative irrigation source for landscaping in order to permit protection of the natural character of the Park. There are no residential or commercial uses existing or, proposed within the Park. The project is within the shoreline overlay district, but no part of the project is within any other known critical area. BMPs would be employed during construction although the project is anticipated to entail minimal disturbance of the area, limited to trenching associated with the installation of the water lines, pump control line, and installation of the pump facility pad. Due to the limited construction necessary the installation of the water lines and water intake on the existing pier is not anticipated to result in any impacts to the water. The water lines are to be connected to the pier below the deck and

between the structural aprons that, together, will envelop the waterlines and intake. The water lines would be affixed to the pier structure using metal "U" brackets and the water lines and intake will be accessible via a hatch in the pier deck (see plan sheet I-1.0).

The public interest is served because the project would result in the use of non-potable lake water for irrigation, rather than potable City water, with no long-term adverse environmental effects anticipated, and the irrigation system will continue to promote Park recreational use of the shoreline area.

**POLICY SH-2. Discourage short-term economic gain or convenience in development when potential, long-term adverse effects on the shoreline are possible.**

The proposed irrigation system would result in minimal disturbance of the shoreline or near-shore environment and no long-term adverse effects on the environment are anticipated as a result of the projects as all irrigation water withdraws will be consistent with applicable city, state and federal regulations.

**POLICY SH-3. Give priority to uses and activities which improve or are compatible with the natural amenities of the shorelines, provide public access, or depend on a shoreline location.**

The proposed irrigation system is necessary to provide irrigation for landscaping within Park thereby providing for the natural character of the Park and the shoreline area. The proposed irrigation system would be operated consistent with the water right transferred to the City (described above) and because the system would use non-potable lake water, rather than City potable water, the project depends upon the proposed location within the shoreline overlay district.

**POLICY SH-4. Limit the density and intensity of shoreline uses and activities through planning, zoning, capital improvements, and other policy and regulatory standards.**

**Discussion: Exceptions to shoreline uses, through the Shoreline Conditional Use process, may be considered if they meet a demonstrated need of the city and then only if they are in accordance with other shoreline policies.**

The proposed irrigation system would provide for the irrigation needs of the Park consistent with the City water right and the irrigation water will be used to maintain existing landscaping that provides for park activities consistent with intended public park use.

**POLICY SH-5. Plan and designate shorelines suited for public water-enjoyment uses.**

The existing Park provides for water-enjoyment uses and the proposed irrigation system will continue to promote Park water enjoyment uses.

**POLICY SH-6. Consider and encourage aesthetic values when reviewing development of the shoreline.**

**Discussion: Consider aesthetic values such as public views, landscaping, and compatible site design.**

The proposed irrigation system would provide for the irrigation needs of the Park consistent with applicable shoreline overlay district regulations. As a result, the project would assist in the preservation of the natural character of the shoreline and near-shore environments. The majority of the project's components would be buried or otherwise hidden from view by existing structures. The only component of the project that would be visible to the casual observer is the pump facility proposed to be placed on a new 4 by 5-foot concrete pad and within a sheet metal housing which would appear much the same as the existing utility box located just north of the proposed pump facility location. Areas of ground disturbance will be restored with sod upon project completion. As a result, the project is not anticipated to negatively affect aesthetic values or public views.

**POLICY SH-7. Discourage expansion or redevelopment of existing shoreline uses or activities that are incompatible with the shoreline environment.**

As the proposed irrigation system will not expand or redevelop the Park, this policy is not applicable to the project.

**Shoreline Management Program Element Page 257**

**Discussion: Shoreline uses or activities not specified in this document should be consistent with the intent of the shoreline goals and policies.**

**POLICY SH-8. Discourage uses, activities, and developments in the shoreline area that create offensive, unsafe, or unmitigated adverse impacts.**

The proposed irrigation system is not anticipated to result in any unmitigated adverse impacts to the shoreline area. The proposed project is within the shoreline area, but no part of the

project is within any other critical area. The project would entail approximately 2,640 square feet of ground disturbance within the shoreline overlay district area in association with the installation of the water lines and pump electrical controls which would require trenching to extend landward of the shoreline. All work associated with the trenching is anticipated to be complete within 5 days of initiation (including stabilization of exposed soils) and Best Management Practices (BMPs) such as silt fencing of the entire limit of work area would be employed if necessary during construction. No impacts are anticipated as a result of the project, including the installation of the irrigation line below the pier, and no long term impacts are anticipated to occur on land or in Lake Washington as a result of the project.

**POLICY SH-9. Preserve the natural amenities and resources of the shorelines in the context of existing and planned residential, recreational, and commercial land uses.**

The proposed irrigation system would provide for the existing irrigation needs of the Park consistent with the City water right described above and applicable shoreline overlay district regulations. The project is not anticipated to negatively effect any existing or planned land uses and would decrease the use of City potable water for irrigation.

**POLICY SH-10. Encourage development to keep the water's edge free of buildings.**

No buildings are proposed, therefore, this policy does not apply.

**POLICY SH-11. Consider the impacts on shorelines from uses and activities in the related drainage basins as a part of shoreline planning.**

The applicant is aware of no other projects within the drainage basin that would impact this project.

**Conservation**

**POLICY SH-12. Designate and preserve environmentally sensitive areas. If necessary, control access and use for the protection of these areas.**

The project is not anticipated to affect environmentally sensitive areas and no long term impacts are anticipated to result from the project. The purpose of the project is to provide for the irrigation needs of the Park while decreasing the use of City potable water which is currently

used for irrigation within the Park. The project, therefore, provides for the natural character of the shoreline while decreasing the use of City potable water.

**POLICY SH-13. Protect and improve wildlife and aquatic habitats, particularly spawning waters.**

The proposed irrigation withdrawal facilities will have no effect on the existing function and value of the wildlife and aquatic habitats within the general project area. The structures associated with the irrigation intake will be suspended from the exiting pier and will not disturb the benthic lake environment or otherwise disturb potential spawning or migration areas. BMP's used during the construction of the facilities will include sediment fencing, protection of storm water inlets (if applicable), and straw wattles. Immediately following the installation of the necessary water lines and pump wires, the disturbed area will be restored to original contours and sodded.

**POLICY SH-14. Maintain water quality to permit swimming and other recreational uses.**

The project is not anticipated to effect swimming and/or other recreational uses in the Park. The project would be constructed and operated consistent with the water right transferred by King County Water District No. 1 to the City under Ecology's authorization. That permit allows the Park to draw up to 90 GPM and 10.1 afy of water from the lake.

**POLICY SH-15. Discourage landfill and dredging in the shoreline area.**

**Discussion: Landfill or dredging may be permitted where necessary for the maintenance or restoration of shoreline property where no other practical alternatives are available. Also, landfill and dredging may be permitted if there is no net reduction of surface waters of the lake and no significant adverse impact to fish, wildlife, and adjacent property.**

No landfill or dredging is proposed with the project, therefore, this policy does not apply.

**POLICY SH-16. Discourage structures using materials which have significant adverse physical or chemical effects on water quality, vegetation, fish, and wildlife in or near the water.**

Materials proposed for use with the project are/would be specified by project engineers for optimal suitability and durability. The waterlines would be PVC and the sleeve to be installed through the existing bulkhead would be an 8-inch corrugated metal pipe. Other project materials include concrete, sheet metal, electrical conduit appropriate for underground use and possibly other durable materials similar to those used by the City of Kirkland for the Lake Washington Irrigation Water Withdrawal project. No adverse physical or chemical effects on water quality, wildlife or vegetation are anticipated as a result of the project.

#### **Shoreline Management Program Element Page 258**

**POLICY SH-17. Protect and restore shoreline areas which have historical, cultural, educational, or scientific value.**

**Discussion: These special shoreline areas should not be changed until their value and use are determined. Once determined, public and private cooperation should be encouraged in site preservation and protection. Temporary uses appropriate to shoreline activity involving public interest and not substantially degrading water quality and unique and fragile areas could be permitted.**

The project would result in no significant changes to the natural character of the shoreline and would not negatively affect known historical or culturally significant areas and/or features.

**POLICY SH-19. Maintain an optimum water flow in the Mercer Slough Canal.**

Based on the small volume of water anticipated to be withdrawn from Lake Washington (maximum 90 GPM/10.1 afy), the fact that the project is anticipated to result in no long term impacts and no unmitigated short term impacts, the project is anticipated to result in no impacts to water flows in the Mercer Slough Canal.

#### **Public Access**

**POLICY SH-27. Preserve and enhance views of shoreline and water from public areas.**

**Discussion: Enhancement of views shall not be construed to mean excessive removal of vegetation or disturbance in environmentally sensitive areas.**

The project would provide for the irrigation needs of the Park landscaping thereby preserving and/or enhancing views of the shoreline. Vegetation disturbed during the construction of the

property will be limited to maintained lawn areas. These areas will be restored immediately after the installation of the irrigation infrastructure by placing sod over the disturbed areas. Upon completion, no structures will obstruct views of the waterfront.

### **Land Use Development Code**

The project is a “new or expanded City Parks” use per the allowed uses table in City Land Use Code (LUC) section 20.25H.050 Uses and Development in the Critical Areas Overlay District:

#### ***20.25H.055 Uses and development allowed within critical areas – Performance standards.***

*The uses and/or development described in subsection B of this section may be undertaken in a critical area or critical area buffer if all of the requirements of the referenced sections are met. A Critical Areas Land Use Permit shall be required unless otherwise noted.*

##### *A. Hierarchy of Alteration.*

*Where a use or development is proposed on a site with more than one type of critical area, preference shall be given to disturbing those critical areas with the least sensitivity to human disturbance, based on a consideration of both existing functions and values, and future functions and values if left undisturbed.*

The proposed facility and its components would be located within the shoreline overlay district area, but no part of the project would be within any other known critical area. The project would entail minimal temporary disturbance to the shoreline area which is, for the most part, maintained lawn and public facilities.

##### *B. Uses and Development Allowed within Critical Areas.*

*The following chart lists uses and development that may be allowed in a critical area, critical area buffer, or critical area structure setback. The sections noted in the chart for each use or activity and critical area refer to the applicable performance standards that must be met.*

The chart in this section lists Allowed Uses and Developments by types of critical areas and the LUC sections that would apply. It appears that the proposed irrigation system would be considered as a “new or expanded City and Public Parks” use to which the following sections would apply:

#### ***20.25H.055.C.3.g - Performance Standards***

*The following performance standards apply as noted in the table in subsection B of this section. The critical areas report may not be used to modify the performance standards set forth in this subsection C:*

3. *Performance Standards for Specific Uses or Development. In the event of a conflict between the generally applicable performance standards and specific standards, those more protective of critical area functions and values shall prevail.*

g. *New and Expanded City and Public Parks.*

i. *Trails. New nonmotorized trails within the critical area or critical area buffer must meet following standards:*

(A) *Trail location and design shall result in the least impacts on the critical area or critical area buffer;*  
N/A

(B) *Trails shall be designed to compliment and enhance the environmental, educational, and social functions and values of the critical area with trail design and construction focused on managing and controlling public access and limiting uncontrolled access;*  
N/A

(C) *Trails shall be designed to avoid disturbance of significant trees and to limit disturbance of native understory vegetation;*  
N/A

(D) *Trails shall be designed to avoid disturbance of habitat used for salmonid rearing or spawning or by any species of local importance;*  
N/A

(E) *The trail shall be the minimum width necessary to accommodate the intended function or objective;*  
N/A

(F) *All work shall be consistent with the City of Bellevue's "Environmental Best Management Practices" and all applicable City of Bellevue codes and standards, now or as hereafter amended;*

As identified above and in the attached plans, BMPs would be employed, as necessary, to ensure that the project is conducted consistent with current applicable City codes and standards. BMP's during the construction of the project will be focused on preventing unintended impacts to the shoreline area.

(G) *The facility shall not significantly change or diminish overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod;*

The project would be constructed and operated consistent with the water right transferred by King County Water District No. 1 to the City of Bellevue under Ecology's. Based on the

anticipated level of withdrawal, the project will have no net effect on water levels within Lake Washington. Since the project is located entirely outside of the floodplain, no changes to the flood storage capacity will occur.

*(H) Where feasible and consistent with any accessibility requirements, any trail shall be constructed of pervious materials;*

N/A

*(I) Crossings over and penetrations into wetlands and streams shall be generally perpendicular to the critical area, and shall be accomplished by bridging or other technique designed to minimize critical area disturbance considering the entire trail segment and function; and*

N/A

*(J) Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC.*

*20.25H.210.*

The trenching necessary for the project will result in the temporary disturbance of approximately 2,640 sf of earth. The utility trench and any exposed soils are anticipated to be restored through the installation of sod within 5 days of project initiation. The only permanent structure that will exist following completion of the project is a small concrete pad (4 by 5-foot area) on which the water pump will be placed. The location of the pump pad currently exists as maintained lawn area. Due to the existing conditions of the site and the minimal amount of permanent impacts (20 sq. ft.), no tangible impacts to shoreline functions are anticipated. As such, formal mitigation or restoration has not been planned outside of the restoration of temporarily disturbed areas.

*20.25H.210 Applicability.*

*Where a mitigation or restoration plan is required under this part or Part 20.25E LUC, the plan shall be developed in accordance with the standards of LUC 20.25H.210 through 20.25H.225 inclusive. Any mitigation or restoration plan shall be approved as part of the permit or approval required for the underlying activity. Where a project requires a critical areas report and a mitigation or restoration plan, the mitigation or restoration plan may be included with the critical areas report.*

Based on the details of the project, no impacts that would require a mitigation or restoration plan are proposed. Therefore, this criteria does not apply to the project.

*ii. Public Use Structures.*

*(A) New or expanded permanent public use structures, including interpretative centers, community centers, and other structures designed for public use and access are allowed in the critical area or critical area buffer only if no technically feasible alternative with less impact on the critical area or critical area buffer exists. A determination of technically feasible alternatives will consider:*

*(1) The location of existing infrastructure;*

The project is to connect to the existing irrigation infrastructure in order to provide access to lake water, rather than potable city water, for irrigation purposes within the Park. Based on the location of existing irrigation lines, the pier to which the water lines and water intake will connect, and electrical service there are no other suitable alternative locations for the project to be completed.

*(2) The function or objective of the proposed new or expanded structure;*

The proposed project is to connect to the existing irrigation infrastructure in order to provide access to lake water, rather than potable city water, for irrigation purposes within the Park.

*(3) Demonstration that no alternative achieves the stated function or objective;*

Proposed irrigation facilities are to connect to existing irrigation facilities and, as a result, the proposed irrigation system components can not be located elsewhere. The proposed facility location takes advantage of the existing pier and minimizes disturbance to the shoreline area while achieving the project purpose.

*(4) Whether the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance; and*

Minimal impacts are anticipated as a result of the project. While the location of the project is constrained by the location of existing infrastructure, the water lines and associated pump wiring could feasibly be installed using bore technology. While this would prevent the temporary impacts associated with trenching, the cost of utilizing this technology far outweighs the slight reduction in temporary impacts from trenching through the lawn areas.

*(5) The ability of both permanent and temporary disturbance to be mitigated.*

Minimal impacts are anticipated as a result of the project. The project area will disturb a total of 2,640 square feet, with earth disturbing work anticipated to be complete within 5 days of commencement. All disturbed areas will be restored with sod upon project completion. The only permanent impact will be the construction of a 20 sq. ft. concrete pad upon which the needed pump will be placed. Based on the existing conditions of the site (as maintained lawn) and the small size of the proposed pad, formal mitigation will not be required to assure that shoreline functions and values will not be impacted.

*(B) If the applicant demonstrates that no technically feasible alternative with less impact on the critical area or critical area buffer exists, then the applicant shall comply with the generally applicable performance standards of subsection C.2.b of this section.*

The project is to connect to the existing irrigation infrastructure in order to provide access to lake water, rather than potable city water, for irrigation purposes within the Park. Based on the location of existing irrigation lines, the pier to which the water lines and water intake will connect, and electrical service there are no other suitable alternative locations for the project to be completed.

**20.25H.055.C.2.b**

*If the applicant demonstrates that no technically feasible alternative with less impact on the critical area or critical area buffer exists, then the applicant shall comply with the following:*

- i. Location and design shall result in the least impacts on the critical area or critical area buffer;*
- ii. Disturbance of the critical area and critical area buffer, including disturbance of vegetation and soils, shall be minimized;*
- iii. Disturbance shall not occur in habitat used for salmonid rearing or spawning or by any species of local importance unless no other technically feasible location exists;*
- iv. Any crossing over of a wetland or stream shall be designed to minimize critical area and critical area buffer coverage and critical area and critical area buffer disturbance, for example by use of bridge, boring, or open cut and perpendicular crossings, and shall be the minimum width necessary to accommodate the intended function or objective; provided, that the Director may require that the facility be designed to accommodate additional facilities where the likelihood of additional facilities exists, and one consolidated corridor would result in fewer impacts to the critical area or critical area buffer than multiple intrusions into the critical area or critical area buffer;*
- v. All work shall be consistent with applicable City of Bellevue codes and standards;*
- vi. The facility or system shall not have a significant adverse impact on overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod;*
- vii. Associated parking and other support functions, including, for example, mechanical equipment and maintenance sheds, must be located outside critical area or critical area buffer except where no feasible alternative exists; and*
- viii. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.*

As stated above, there are no serviceable alternative locations for the project to be completed. No long term impacts and minimal short term impacts are anticipated as a result of the project. No impacts to salmonid habitat or species of local importance habitat are anticipated and no

wetland or stream crossings are proposed. All work would be conducted consistent with applicable City codes and standards.

Short term project impacts would be limited to activities associated with trenching to install the water lines and electrical pump control lines and the installation of the 4 by 5-foot concrete pad (see "limit of work" area shown on plan sheet I-1.0). The project work area is anticipated to be approximately 2,640 square feet with all trenching work anticipated to be complete within 5 days of initiation (including stabilization of exposed soils). Best Management Practices (BMPs) such as silt fencing of the entire limit of work area would be employed if necessary during construction. No impact to the water is anticipated as a result of the project, including the installation of the irrigation line below the pier, and no long term impacts are anticipated to occur on land or within the water.

*iii. Other Parks Uses. Other parks uses proposed within the critical area or critical area buffer, including public access drives, public loading areas, and public boat launches and ramps, shall meet the generally applicable performance standards of subsection C.2.b of this section; provided, that active use playfields shall not be allowed in critical area or critical area buffers; and provided, that parking supporting parks uses shall be allowed in a critical area buffer only if no technically feasible alternative, as demonstrated through application of the criteria of subsection C.2.a of this section, exists.*

The project will not result in additional uses. The purpose of the project is to provide for the irrigation needs of the Park while decreasing the use of City potable water which is currently used for irrigation within the Park. The project, therefore, provides for the natural character of the shoreline while decreasing the use of City potable water.

**20.25E.080.B - Shoreline performance standards**

*B. 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 project will be constructed and operated consistent with applicable federal state and local regulations regarding water quality and effluent standards.

*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 project would take place within the shoreline overlay district. Accordingly, the project will be constructed and operated consistent with applicable shoreline overlay district standards.

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.*

This shoreline permit narrative and the project plans included in the application package identify BMPs and other measures that will be employed to preserve and protect shoreline vegetation and prevent erosion consistent with applicable local, state and federal regulations. As stated above, the project is anticipated to entail the disturbance of approximately 2,640 sf of earth, associated with trenching necessary for the project. The trenching and any exposed soils are anticipated to be restored with sod within 5 days of project initiation. BMPs such as silt fencing and straw wattles would be employed as necessary.

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 only vegetation that will be disturbed by the completion of the project are maintained lawn areas that will be temporary disturbed during the trenching process.

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.*

The only structure proposed that would be visible to the casual observer would be the "Floboy" pump facility which would be housed in a sheet metal box of no more than approximately 3 feet in height and appearing much like the utility box that already exists to the north of the proposed pump facility location.

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 will be constructed and operated consistent with applicable local, state and federal regulations.

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 project will be constructed and operated consistent with applicable local, state and federal regulations.

8. *The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited. The project includes no provisions regarding the storage of watercraft, therefore, this standard does not apply.*

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."*

The project is not anticipated to include the use of herbicides or pesticides. There is a possibility that a small amount of fertilizer would be used in the restoration of the approximately 2,640 sf of area anticipated to be disturbed as a result of the installation of the pump station and related system components. The use of any such substances would be consistent with applicable local, state and federal regulations.

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.*

The project will not involve the use of storm drainage or sewer facilities, therefore, this standard does not apply.

**B20.25E.080.P.**

*P. Recreation Activities Regulations.*

1. *Swimming shall be separated from public or semipublic boat launching areas.*

The project is not anticipated to affect swimming or boat launching facilities, therefore, this standard does not apply.

2. *Public street ends in the Shoreline Overlay District may be developed for public recreational activities.*

The project includes no modifications to streets, therefore, this standard does not apply.

3. *Recreational activities within the Shoreline Overlay District shall be permitted when designed subject to the provisions of the Bellevue Shoreline Master Program and its use regulations.*

The project is not anticipated to affect access to recreational activities, therefore, this standard does not apply.

4. *Public and private recreation activities in the shoreline critical area and shoreline critical area buffer shall comply with the requirements of LUC 20.25H.055.*

Michael Paine, City of Bellevue, Environmental Planning Manager, verified that the project is exempt from SEPA review for the following reasons.

City of Bellevue

Re: Critical Area Permit Application Narrative

November, 2008

Page 18

“Based on the size of the water right claimed for Newcastle Beach Park (< 1 cubic foot per second), we agree that the action of building a pump station, pipe and intake structure is exempt from SEPA under 197-11-800 (4). Furthermore, this exemption covers SEPA for any additional shoreline, fisheries or building permits that may result.”<sup>3</sup>

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<sup>3</sup> Email correspondence from Michael Paine, City of Bellevue, Environmental Planning Manager to Don Hardy, Senior Planner, JD White a division of Berger/Abam Engineers Inc., dated July 31, 2008.