



DEVELOPMENT SERVICES DEPARTMENT  
 ENVIRONMENTAL COORDINATOR  
 P.O. BOX 90012  
 BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Chris Masek, City of Bellevue Transportation Department

**LOCATION OF PROPOSAL:** 3505 Factoria Blvd SE

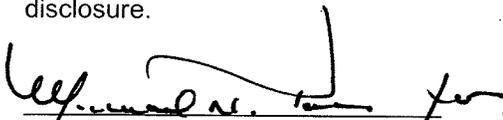
**DESCRIPTION OF PROPOSAL:** Factoria Multi-Use Path: Critical Areas Land Use Permit to approve construction of a public multi-use asphalt path (10' wide) within a steep slope critical area. The path will be located within Washington State Department of Transportation right-of-way. The path will be approximately 700 lineal feet within the steep slope critical area.

**FILE NUMBER:** 09-131107-XE

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Department of Planning & Community Development. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on \_\_\_\_\_.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **June 10, 2010**.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on \_\_\_\_\_. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on \_\_\_\_\_.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

  
 Environmental Coordinator

**May 27, 2010**  
 Date

**OTHERS TO RECEIVE THIS DOCUMENT:**  
 State Department of Fish and Wildlife  
 State Department of Ecology, Shoreline Planner N.W. Region  
 Army Corps of Engineers  
 Attorney General  
 Muckleshoot Indian Tribe

*Hamilton*

City of Bellevue Submittal Requirements

5-27-10

27a

**ENVIRONMENTAL CHECKLIST**

12/9/09

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

**BACKGROUND INFORMATION**

Property Owner: **City of Bellevue**

Proponent: **City of Bellevue Transportation Department**

Contact Person: **Chris Masek**

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: **450 110<sup>th</sup> Avenue NE, 6<sup>th</sup> Floor, Bellevue, WA 98009-9012**

Phone: **425-452-4619**

Proposal Title: **Factoria Multi-Use Path Connection**

Proposal Location: **Project begins at the Intersection of SE 38 St and 124<sup>th</sup> Ave SE and ends at the I-90 Off-ramp at Factoria Blvd SE. 3505 Factoria Blvd SE (Site Address)**

(Street address and nearest cross street or intersection) Provide a legal description if available. Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description:

**Construct 10 ft Wide Asphalt Pedestrian/Bike Path, Natural Drainage System, Block Walls, Landscaping, and Property Restoration.**

2. Acreage of site: **2.8 acres**

3. Number of dwelling units/buildings to be demolished: **Does not apply**

4. Number of dwelling units/buildings to be constructed: **Does not apply**

5. Square footage of buildings to be demolished: **Does not apply**

6. Square footage of buildings to be constructed: **Does not apply**

7. Quantity of earth movement (in cubic yards): **9000 c.y. (excavation), 1725 c.y. (fill)**

8. Proposed land use: **Pedestrian-bike path, non-motorized transportation facility**

9. Design features, including building height, number of stories and proposed exterior materials:

**See Plan Set**

10. Other:

**Received**

REC 14 2009  
**Permit Processing**



Estimated date of completion of proposal or timing of phasing: **Summer 2010**

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

**No.**

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

**Does not apply**

*Geotechnical report  
by Geo Engineers dated  
10/30/09.*

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

**Does not apply**

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

- Critical Areas Permit with SEPA**
- Clear and Grade Permit**
- Right of Way Use Permit**
- WSDOT Construction Permit**

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development  
Preliminary plat map
- Clearing & Grading Permit  
Plan of existing and proposed grading  
Development plans
- Building Permit (or Design Review)  
Site plan  
Clearing & grading plan
- Shoreline Management Permit  
Site plan

**A. ENVIRONMENTAL ELEMENTS**

**1. Earth**

a. General description of the site:  Flat  Rolling  Hilly  Steep slopes  Mountains  Other

b. What is the steepest slope on the site (approximate percent slope)?

**Proposed Path Grades: 1-5%**  
**Existing Embankments: 5% - 42%**

*Project will  
fall w/ over  
40% slopes =  
CALUP permit*

- c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note if prime farmland.

**Hydraulic Soil Group, Type D**

*See geotechnical report of record.*

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

**None.**

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

**There will be an estimated 9000 c.y. of material removed from the site to construct the 10 ft wide path, natural drainage system, and block walls.**

**There will be an estimated 1725 c.y. of fill material used at the site for:**

- **Base material for the 10 ft wide path, block walls, and natural drainage system.**

**Fill material will be provided from a City of Bellevue approved source.**

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

**Yes, erosion could potentially occur during construction. Erosion BMP's will be employed and inspected during construction in accordance with City standards.**

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

**Approximately 16,550 s.f. of new asphalt surface will be added.**

*Erosion control per CG permit + recommended by geotech. engineer of record. BCC 23.76*

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**Erosion and sedimentation will be controlled through the implementation of Best Management Practices (BMP's) as described in the State Department of Ecology's Storm water Management Manual for the Puget Sound Basin, and according to City of Bellevue clearing and grading requirements, and will primarily include the installation of silt fences, catch basin inserts, and plastic covering. BMP's will be in place prior to beginning any clearing activity.**

## 2. AIR

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

**Minor dust and internal combustion engine emissions will be in the air during construction. No permanent emission sources will be created by this project.**

*During construction, emissions from motorized construction equipment + vehicles. Dust during grading.*

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

**None.**



c. Proposed measure: reduce or control emissions or other impacts to the air, if any:

**Best Management Practices will be implemented during construction activities to reduce and control air emissions. These practices may include covering soil stockpiles, sweeping or washing street surfaces, minimizing exposed areas, and using construction machinery equipped with standard mufflers.**

*Construction dust  
suppression measures  
per BCC 23.76.*

### 3. WATER

#### a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

**Lake Washington is approximately 4000 feet west of the project site.**

(2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

**No.**

(3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

**None.**

(4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

**No.**

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

**No.**

(6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**No.**

#### b. Ground

(1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

**No.**

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**Does not Apply.**



c. Water Runoff (Incl storm water)

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

**Rainfall on new impervious surfaces will be infiltrated into the ground. Excess Water will ultimately drain to Lake Washington.**

(2) Could waste materials enter ground or surface waters? If so, generally describe.

**Yes, there is a likely possibility that fuel spills could occur from construction machinery and enter ground or surface waters.**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

**None.**

*The site is subject to rainy season restrictions per BCC 23.76.*

*City of Bellevue Utilities Codes + Engineering Standards to mitigate runoff control + water quality treatment  
BCC 24.06*

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

**There will be removal of some trees, grass, shrubs and blackberry bushes.**

c. List threatened or endangered species known to be on or near the site.

**Do not know.**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

**The project will plant new trees and existing trees that will not be removed will be protected during construction.**

*Also native trees, shrubs + ground cover will be planted at the trailheads (157 trees, 588 native shrubs/GC). New native plants will be installed for mitigation within critical area 39 removed + 80 installed (24 removed #).  
LIC 20.25H.  
125.  
✓*

## 5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

**Do not know.**

c. Is the site part of a migration route? If so, explain.

**Do not know.**

d. Proposed measures to preserve or enhance wildlife, if any:

**None.**

*Native plantings will  
create wildlife  
habitat.* ✓

## 6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

**Fossil fuels will be consumed to operate construction equipment and maintenance vehicles. The completed project will require no energy.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

**No.**

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

**None.**

## 7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

**Potential environmental health hazards could include spills of fuel, oil, lubricants, and solvents used during construction. Spills pose a temporary threat to construction workers and nearby individuals if they become directly exposed, although the likelihood of nearby individuals being exposed is minimal during construction.**

(1) Describe special emergency services that might be required.

**None anticipated.**



- (2) Proposed measures to reduce or control environmental hazards, if any.

**Best Management Practices will be used during the construction of the project to minimize the potential for hazardous spills. Refueling will be performed away from storm conveyance facilities.**

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

**Existing noise sources in the area primarily include traffic on I-90, I-405, Factoria Blvd SE and other local streets.**

- (2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

**On a short-term basis, noise will be generated from the construction equipment. Construction hours are typically 7:00 AM to 5:00 PM; however, hours are determined on a project-by-project basis.**

- (3) Proposed measures to reduce or control noise impacts, if any:

**To control noise impacts to adjacent businesses, the construction hours are limited to daytime hours and in accordance with City noise ordinances. Additionally, standard mufflers will be used on all construction equipment to reduce noise impacts.**

*Truck traffic noise and construction per City's Noise Ordinance BCC 9.18.*

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

**The project site is currently within City of Bellevue right-of-way, WSDOT Right of Way and easements. Uses adjacent to the site are commercial and office buildings.**

- b. Has the site been used for agriculture? If so, describe.

**No.**

- c. Describe any structures on the site.

**None.**

- d. Will any structures be demolished? If so, what?

**No.**

- e. What is the current zoning classification of the site?

**GC – Commercial**

Factoria Subarea -  
General  
Commercial

f. What is the current comprehensive plan designation of the site?

**Do not know.**

g. If applicable, what is the current shoreline master program designation of the site?

**Do not know.** NA

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

**No.** Yes 740' to slopes

i. Approximately how many people would reside or work in the completed project?

**None.**

j. Approximately how many people would the completed project displace?

**None.**

k. Proposed measures to avoid or reduce displacement impacts, if any:

**None.**

i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

**Do not know.**

will provide native plantings to provide buffer from off ramp + trail.  
New plantings will also beautify the visual experience while on the off ramp.

**9. Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

**None.**

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

**None.**

c. Proposed measures to reduce or control housing impacts, if any:

**None.**

**10. Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

**None.** 8.5' high retaining wall

b. What views in the immediate vicinity would be altered or obstructed?

**None.** Views from those in vehicles exiting I-90 on the off-ramp to Factoria Green vegetated buffer will improve views.



c. Proposed measures to reduce or control aesthetic impacts, if any:

~~None.~~

*Native  
Vegetation  
to be installed.*

**11. Light and Glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

**None.**

b. Could light or glare from the finished project be a safety hazard or interfere with views?

**No.**

c. What existing off-site sources of light or glare may affect your proposal?

~~None.~~

*Light + glare from  
the freeway*

d. Proposed measures to reduce or control light or glare impacts, if any:

~~None.~~

*Native vegetation to  
be installed.*

**12. Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

~~None.~~

*This is a proposal for a public multi-use path.*

b. Would the proposed project displace any existing recreational uses? If so, describe.

**No.**

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**None.**

**13. Historic and Cultural Preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

**No.**

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

**None.**

c. Proposed measures to reduce or control impacts, if any:

**If any archaeological artifact is uncovered or discovered during construction, the State Historical Preservation Officer will be notified immediately. No additional work would be performed on the site until all archaeological investigations are completed.**



**14. Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

**See Cover Sheet on the attached plans.**

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

**No. The nearest transit stop is located approximately 900 ft east on Factoria Blvd SE**

c. How many parking spaces would the completed project have? How many would the project eliminate?

**No spaces will be added. The project will not remove any existing parking spaces.**

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

**No.**

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

**No.**

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

**No additional trips added. This project constructs a non-motorized facility.**

g. Proposed measures to reduce or control transportation impacts, if any:

**None.**

**15. Public Services**

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

**No.**

b. Proposed measures to reduce or control direct impacts on public services, if any.

**None.**

**16. Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

**There is Electricity, Natural Gas, Water, Refuse Service, Telephone, Cable TV, Sanitary Sewer, and Storm Drainage on at least part of this site.**



b. Describe the utilities \_\_\_\_\_ are proposed for the project, the utility \_\_\_\_\_ding the service, and the general construction activities on \_\_\_\_\_ site or in the immediate vicinity which \_\_\_\_\_ be needed.

**Storm Drainage facilities will be modified on this site and natural drainage system will be installed under the new 10 ft wide path**

**Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature..........

Date Submitted.....12/14/09.....





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

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**Proposal Name:** Factoria Multi-Use Path

**Proposal Address:** 3505 Factoria Blvd SE

**Proposal Description:** Critical Areas Land Use Permit to approve construction of a public multi-use asphalt path (10' wide) within a steep slope critical area. The path will be located within Washington State Department of Transportation right-of-way. The path will be approximately 700 lineal feet within the steep slope critical area.

**File Number:** 09-131107-XE

**Applicant:** Chris Masek, City of Bellevue Transportation Department

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

**Planner:** Carol J. Hamlin, Senior Planner *CJH*

**State Environmental Policy Act  
Threshold Determination:** **Determination of Non-Significance (DNS)**  
*Carol V. Helland*  
Carol V. Helland, Environmental Coordinator  
Development Services Department

**Director's Decision:** **Approval with Conditions**  
Michael A. Brennan, Director  
Development Services Department

*Carol V. Helland*  
By: Carol V. Helland, Land Use Director

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Application Date: December 14, 2009  
Notice of Application Publication Date: February 4, 2010  
Decision Publication Date: May 27, 2010  
Project Appeal Deadline: June 10, 2010  
Expiration: In accordance with LUC 20.30P.150, a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City's Clerk's Office by 5 p.m. on the date noted for appeal of the decision.

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**Attachments**

- A – Vicinity Map
- B – Plans (Landscape Plans)

**I. Proposal Description**

The City of Bellevue Department of Transportation requests approval of a Critical Areas Land Use Permit to construct a public multi-use pervious asphalt path (10' wide) within a steep slope critical area. The path will be located within Washington State Department of Transportation (WSDOT) right-of-way in the Factoria area. See vicinity map (Attachment A).

The project will involve 9000 cubic yards of excavation and 1725 cubic yards of fill. A retaining wall will be installed with a maximum height of 8.5 feet. The path will be approximately 700 lineal feet within the steep slope critical area.

The applicant will remove 39 existing significant trees and vegetation within approximately 44,000 square feet for the construction of the path. For mitigation, the applicant proposes to install 237 native trees and 588 native shrubs/groundcover over 53,618 square feet within the project site area.

The project will provide a necessary pedestrian and bicycle path in WSDOT Right-of-Way/Limited Access to connect 124th Ave SE at Factoria Mall and the Mountains to Sound Trail at the Interstate 90 off-ramp near Factoria Blvd SE. This project is identified in the Mountains to Sound Trail Plan. The project received state and federal funds to construct this link of the Mountains to Sound Trail.

**Area of Proposed Work**



Looking east to the project area

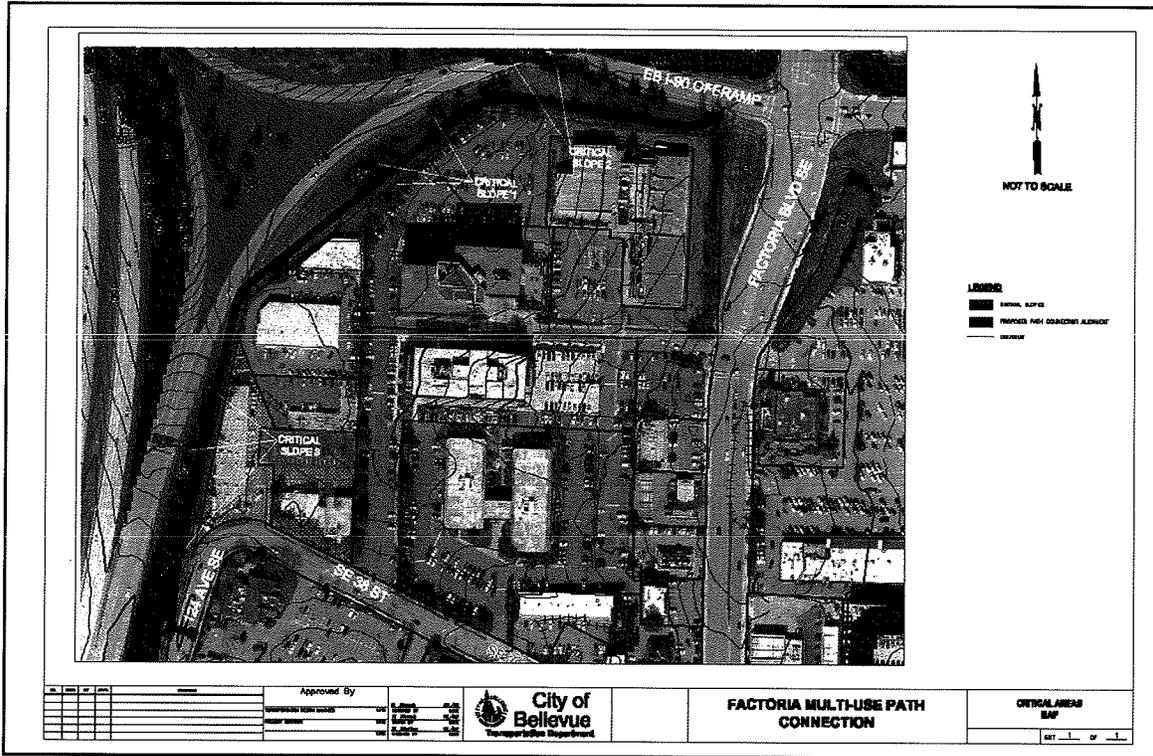


Looking south to the project area

Due to the identification of a critical slopes on the project site, a Critical Areas Land Use Permit (CALUP) is required with mitigation for disturbance within the critical slope (approximately 24,000 square feet). The proposal will remove 39 existing significant trees for the project construction.

For mitigation, the applicant proposes to install 80 native trees over 30,000 square feet within the critical slope. The applicant worked with WSDOT and the City of Bellevue Parks and Community Services Department for appropriate species, size and planting location. Prior to the final clearing and grading inspection, all plantings must be installed per the approved landscape plan. See condition IX.1.

**Critical Areas Map  
 (path in blue color)**



**II. Site Description, Zoning, Land Use and Critical Areas**

**A. Site Description**

The project site is current undeveloped. The terrain is hilly and consists mostly of residual fill material from the construction of the Interstate 90/Interstate 405 Interchange in the late 1950's and early 1960's. Some of the slopes within the project limits are in excess of 40%, which makes them a critical area. The existing site vegetation consists of a mix of cottonwood trees and conifer trees, blackberry bushes, and grass.

**B. Zoning and Land Use Context**

The site is located within the WSDOT right-of-way adjacent to the off ramp from I-90 to Factoria Boulevard. The project area is zoned General Commercial, adjacent to office buildings zoned Factoria F-2.

Surrounding land uses in the vicinity consist of office, movie theater, retail and restaurants.

### C. Critical Areas Functions and Values

#### Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

### III. Consistency with Land Use Code Requirements:

#### A. Zoning District Dimensional Requirements:

The project site is located in the General Commercial zoning district. The dimensional requirements of LUC 20.20.010 are not applicable for a trail within the WSDOT right-of-way.

#### B. Critical Areas Requirements LUC 20.25H

##### Consistency with Land Use Code Critical Areas Performance Standards:

##### LUC 20.25H.125 Performance standards – Landslide hazards and steep slopes.

In addition to generally applicable performance standards set forth in LUC 20.25H.055 and 20.25H.065, development within a landslide hazard or steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

a. Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;

**Finding:** The applicant is minimizing cut/fill for the project. Recommendations of the geotechnical engineer of record will be followed to minimize alterations to the existing topography where possible.

b. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;

**Finding:** The proposed retaining wall and pervious asphalt path is located in the least critical portion of the site. It should be noted that the existing 40% slopes were most likely created when I-90 and the off ramp were created. As seen from the photographs, these slopes are not in a native condition, such as would be found within a steep ravine.

c. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;

**Finding:** The applicant will install new trees, shrubs and groundcover to stabilize the slope. The proposal will not result in greater risk or a need for increased buffers on neighboring properties. In fact, the project landscaping will provide a vegetated buffer between those on the trail path and the vehicles existing on the off ramp from the freeway. The new vegetation will provide visual relief to those in cars. It will provide an aesthetic element to the gateway for those persons entering Bellevue from the I-90 off ramp. Overtime, the canopy of the trees will provide increased shade for adjacent properties and provide increased habitat opportunities.

d. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where graded slopes would result in increased disturbance as compared to use of retaining wall;

**Finding:** The applicant is minimizing the amount of cut/fill and will follow the recommendations of the geotechnical engineer of record. The retaining wall construction (cut/retaining wall) will provide the least amount of disturbance to the slope, as compared to massive fill to create a pathway with artificial slope.

e. 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-.225H.210.

**Finding:** The applicant is providing a generous replanting mitigation plan.

**Mitigation**

The project location (WSDOT right-of-way) is located within the Mercer Slough drainage basin. Table 1 summarizes the impacts to the critical area.

**Table 1. Impact and Mitigation**

| <b>Critical Area</b> | <b>Type of Impact</b> | <b>Impact Area (square feet)</b> | <b>Mitigation Area (square feet)</b> |
|----------------------|-----------------------|----------------------------------|--------------------------------------|
| Critical Slope       | Vegetation Clearing   | 24,000                           | 30,000                               |
| Critical Slope       | Plants                | 39 significant trees removed     | 80 native trees to be installed      |

In summary, the applicant proposes to increased the planting area by approximately 6,000 square feet and install over 2 times the number of trees within the critical slope. In areas outside of the critical slope the applicant will install 157 trees and 588 native shrubs/groundcover (i.e. at the trailheads). The proposed mitigation exceeds that which would generally be required for other projects.

## **Landscape Maintenance Plan**

Maintenance of the new plants will be critical to their survival in an environment being exposed to sun and wind. The applicant has proposed to install temporary irrigation for at least 3 years for the trees and a permanent system for plantings at the trailheads. The Transportation Department has an agreement with the Parks and Community Services Department for permanent maintenance of the trail, once construction is complete. A maintenance plan shall be submitted for review and approval to the Development Services Department prior to commencement of any work. Such plan shall be for a minimum duration of 3 years See condition IX.2.

### **Applicable Decision Criteria:**

***LUC 20.25H.055.C.2.a & b: Expanded facilities and systems are allowed within the critical area or critical area buffer only where no technically feasible alternative with less impact on the critical area or critical area buffer exists.***

**Response:** The designers faced a very difficult challenge of siting this public path in the location where it connected to the existing Mountains to Sound Trail. The most feasible location was to locate it within the WSDOT right-of-way so pedestrians/bicycles could remain separated from the busy traffic along Factoria Boulevard. Disturbance to critical slopes will be minimized and the applicant proposes mitigation with over 6 times the number of new trees and 588 native shrubs/groundcover to be installed.

## **IV. Public Notice and Comment**

Application Date: December 14, 2009  
Public Notice (500 feet): February 4, 2010  
Minimum Comment Period: February 18, 2010

The Notice of Application for this project was published in the Seattle Times and the City of Bellevue weekly permit bulletin on February 4, 2010. It was mailed to property owners within 500 feet of the project site. One inquiry of a general nature was received.

## **V. Summary of Technical Reviews**

### **Clearing and Grading:**

The Clearing and Grading Division has reviewed the proposed site development for compliance with Clearing & Grading codes and standards. A clearing & grading permit will be required since the work is within a critical slope.

**Utilities:** The Utilities Department will review utility issues under the clearing & grading permit application.

**Transportation:** No concerns. The Transportation Department is the applicant.

**Fire:** No concerns.

## **VI. State Environmental Policy Act (SEPA)**

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements. Documents are available in the Development Services Department, Records Room, Bellevue City Hall, 450 110<sup>th</sup> Ave NE.

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process.

### **Earth**

Grading will occur to build the path within the critical slope (9000 cubic yard of excavation and 1725 cubic yards of fill). A geotechnical report prepared by GeoEngineers dated October 30, 2009, provides recommendations for soil preparation, earthquake engineering, and construction of the proposed trail and retaining wall. This report can be viewed in the project file.

Soil erosion on the site from water and wind is likely when the vegetation is removed for grading purposes. As required by Bellevue City Code 23.76.090 of the Clearing & Grading Code, the contractor will be required to follow an approved erosion control plan during clearing and grading activities. Therefore, no further mitigation measures are recommended.

Since the site is located within a critical area, rainy season restrictions will be imposed for the time of year when construction may occur. Modifications may be granted per the Clearing & Grading Code, Bellevue City Code 23.76. See condition IX.3.

### **Air**

During the project construction, heavy equipment operation and worker's vehicles will generate exhaust emissions into the local air. Construction activity on the site could also stir up exposed soils and generate fugitive dust and particulate matter. Dust suppressant measures will be required as part of the clearing and grading permit conditions, per Bellevue City Code 23.76 Typical commercial use of lawn mowers, etc. for maintenance is also anticipated to produce some emissions into the local air. However, these impacts are considered to be less than significant and therefore no further mitigation is recommended. The impact of emissions into the local air from the adjacent freeway could be expected to be a greater impact than the emissions related to this project during and after construction.

### **Water**

The applicant is installing a pervious asphalt path. This will allow water to infiltrate the ground and clean surface water of pollutants from the path. Pollutants such as herbicides, pesticides and fertilizers could be expected to enter the storm water from landscaped areas. The City of Bellevue's Utility Codes and Engineering Standards provide adequate direction to mitigate for both runoff control and water quality treatment for conventional pollutants. Therefore, no further mitigation measures are recommended.

### Plants

The proposal will require removal of 39 existing significant trees and vegetation within approximately 24,000 square feet of the critical slope for construction of the path. For mitigation, the applicant proposes to install 80 native trees, over 2x that number of trees removed. These trees will be installed in an area of 30,000 square feet which will provide more slope protection, more canopy and provide increased buffer/visual relief for path users as well as those in vehicles exiting the freeway. The applicant coordinated with WSDOT and the Parks and Community Services Department for appropriate species, size and planting location. Prior to the final clearing and grading inspection, all plantings must be installed per the approved landscape plan. See condition IX.1. The Transportation Department has a landscape maintenance agreement with the Parks and Community Services Department. This maintenance plan shall be provided to ensure protection of the new plantings over time. See condition IX.2.

### Noise

Noise will be generated from the construction phase of the development. The City of Bellevue Noise Ordinance, BCC 9.18 regulates hours of construction-related noise and the conditions under which they may be expanded. Residents located within the vicinity will be impacted by construction noise. Due to the close proximity of residences (north and east) in the area, hours of construction are limited as noise mitigation. The best available noise abatement technology is required during construction. See condition X.C.4.

## VII. Decision Criteria of Land Use Code 20.30P.140

### Critical Areas Land Use Permit Decision Criteria 20.30P.140

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

#### A. *The proposal obtains all other permits required by the Land Use Code*

Response: The Factoria Multi-Use Path will apply for all permits required by land use and building departments including a critical area land use permit, clear and grade permit, and right-of-way permit. The project will be subject to the noise ordinance (hours of construction). See condition X.4.

#### B. *The proposal utilizes to the maximum extent possible the best available construction, design, and development techniques which result in the least impact on the critical area and critical area buffer.*

Response: The trail design results in the least impact on the critical slope. The project construction will minimize the amount of cut/fill. The trail will be constructed adjacent to the cut with a retaining wall. This design is least impactful to the critical slope from a different design of massive fill for the trail construction. The project will be subject to rainy season restrictions in order to prevent erosion from the critical slope. See condition IX.3.

#### C. *The proposal incorporates the performance standards of LUC 20.25H to the extent applicable.*

Response: The project will be designed to meet the performance standards of LUC 20.25H. See Section III.B above.

**D. The proposal will be served by adequate public facilities including streets, fire protection, and utilities.**

Response: The Factoria Multi-Use Path is a public facility to be used by pedestrians and bicycles. It will connect to the Mountains to Sound Trail system.

**E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.120.**

Response: The applicant proposes to provide 53,618 square feet of planting mitigation. See Section III.B above.

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

Response: As conditioned, the project will comply with other applicable requirements of this code. See conditions IX.1-4.

**VIII. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of Development Services does hereby **approve with conditions** the proposal to construct a 10' wide multi-use path in the Factoria area.

**Note: Expiration of Approval:** In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

**IX. Conditions of Approval**

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

| <u>Applicable Ordinances</u>         | <u>Contact Person</u>         |
|--------------------------------------|-------------------------------|
| Clearing and Grading Code- BCC 23.76 | Savina Uzunow, 425-452- 7860  |
| Land Use Code- BCC 20.25H            | Carol J. Hamlin, 425-452-2731 |
| Noise Control- BCC 9.18              | Carol J. Hamlin, 425-452-2731 |

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

**1. Landscape Plan:** Prior to the final clearing and grading inspection, all plantings shall be installed per the approved landscape plan.

Authority: LUC 20.25H.125  
Reviewer: Carol J. Hamlin, Development Services Department

**2. Landscape Maintenance Plan:** The landscape maintenance plan from the Parks and Community Services Department shall be submitted for review and approval to the Development Services Department prior to commencement of any work. The

maintenance plan shall be for a minimum duration of 3 years.

Authority: LUC 20.25H.125  
Reviewer: Carol J. Hamlin, Development Services Department

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

Authority: Bellevue City Code 23.76.093.A,  
Reviewer: Savina Uzunow, Development Services Department

**4. Noise Control:** The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code.

Authority: Bellevue City Code 9.18  
Reviewer: Carol J. Hamlin, Development Services Department

Attachment A - Vicinity Map

