



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

Proposal Name: Kelsey Creek Park Bridge Replacement

Proposal Address: 410 130th Place SE

Proposal Description: Critical Areas Land Use Permit for the removal of the one footbridge and the removal and replacement of another footbridge over a side channel of the West Tributary of Kelsey Creek. The project also calls for the removal of a gravel trail and restoration within a portion of the wetland and riparian buffer southwest of the side channel.

File Number: 10-106739 XE

Applicant: Bret Wilson, Bellevue Parks & Community Services

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

Planner: Kevin LeClair, Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance**



Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**



Carol V. Helland, Land Use Director
Development Services Department

Application Date: March 16, 2010
Notice of Application Publication Date: April 8, 2010
Decision Publication Date: April 29, 2010
Project/SEPA Appeal Deadline: May 13, 2010

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.



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

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Bret Wilson, Parks & Community Services Department

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

NAME & DESCRIPTION OF PROPOSAL:

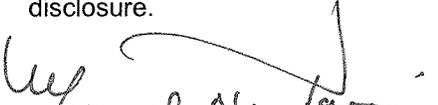
Critical Areas Land Use Permit for the removal of the one footbridge and the removal and replacement of another footbridge over a side channel of the West Tributary of Kelsey Creek. The project also calls for the removal of a gravel trail and restoration within a portion of the wetland and riparian buffer southwest of the side channel.

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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 Development Services Department. 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 May 13, 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

April 29, 2010

Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

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Attachments

1. Environmental Checklist – In File
2. Site, Construction and Restoration Plan – In File

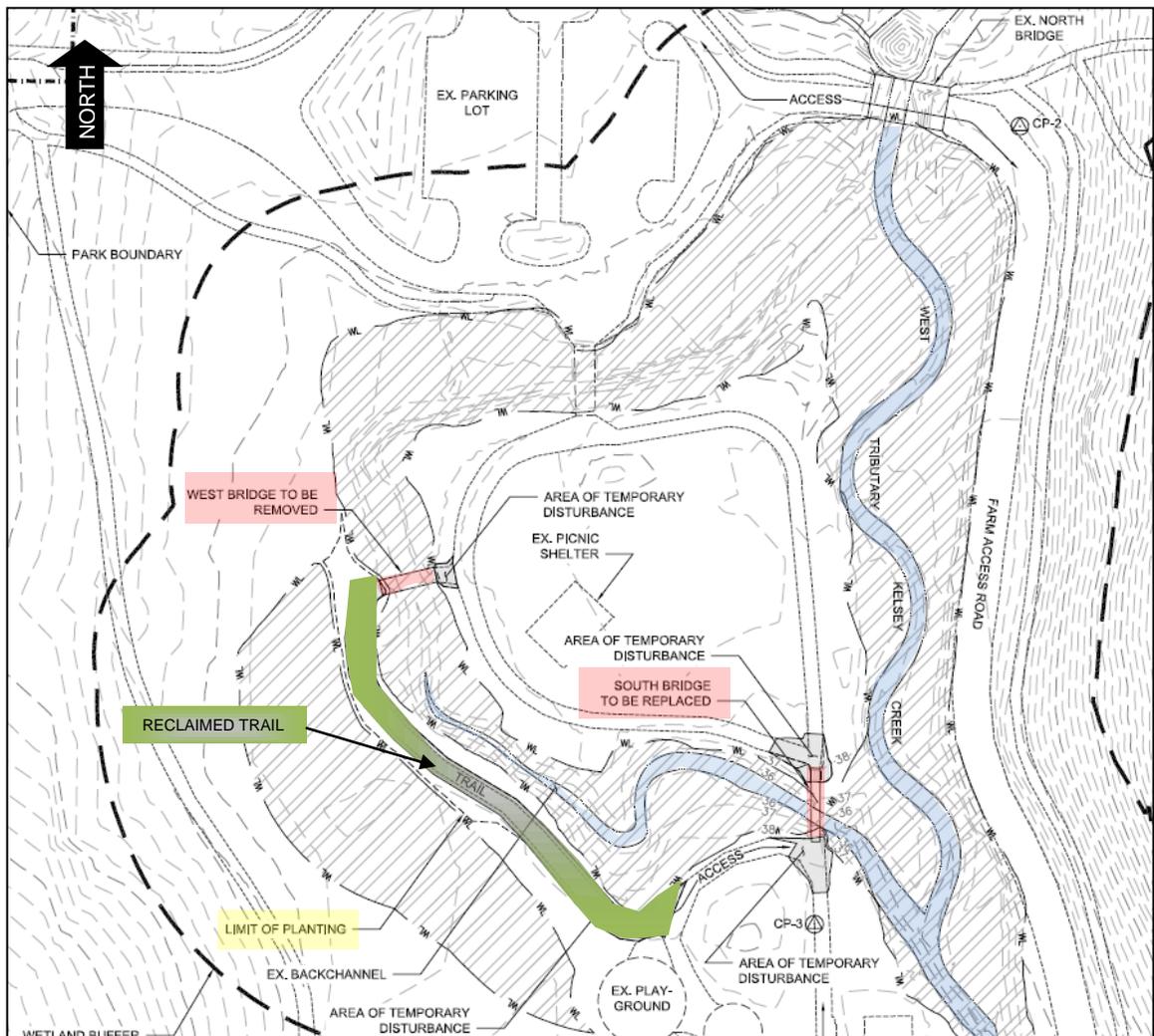
I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit for the removal of the one footbridge and the removal and replacement of another footbridge over a side channel of the West Tributary of Kelsey Creek. The project also calls for the removal of a gravel trail and restoration within a portion of the wetland and riparian buffer southwest of the side channel.

The project area contains a Type F stream, a Category III wetland, and an Area of Special Flood Hazard. LUC 20.25H provides for a 100-foot critical area buffer from the Type F streams measured from the top of the bank and a 110-foot critical area buffer from the edge of category III wetlands.

Land Use Code (LUC) 20.25H.055 classifies the proposal as a “new or expanded city and public park” use that is allowed in critical areas and critical area buffers provided the proposal complies with applicable performance standards for the use and the critical areas on site. The performance standards address the new or expanded park use, along with the performance standards for the critical areas on site.

Figure 1: Project site plan



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

A. Site Description

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

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

B. Zoning

The property is zoned R-1. The proposal is consistent with the public park use existing on the site that is an allowed with a Condition Use Permit. The property also contains critical areas, and therefore, is within the Critical Areas Overlay District.

C. Land Use Context

The property, although operated as a public park facility, contains a remnant of Bellevue's agricultural heritage. The site contains two barns that were operated as a dairy on the site before it was acquired by the City. The adjacent land uses to the west are single-family residential properties. The Glendale Golf & Country Club is located to the north. The park is bordered on the east and south by publicly-owned, undeveloped forests and wetlands, respectively. Kelsey Creek Park is one of Bellevue's most visited parks. Its presence provides significant amenity value for the surrounding neighborhood and community as a whole.

D. Critical Areas Functions and Values

i. Streams and Riparian Areas

A healthy aquatic environment relies on a sustained dynamic interaction between the stream and the adjacent riparian area. Riparian vegetation along stream banks mitigates the impacts of urbanization. Healthy riparian areas support healthy stream conditions.

Riparian vegetation affects water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing

increases in water temperature. Vegetated wetlands and riparian areas also retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams. The plant roots hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods. Undeveloped upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. Vegetated riparian areas provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

ii. Wetlands

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. The combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments.

iii. Floodplains

The value of floodplains can be described in terms of both the hydrologic and ecological functions that they provide. Flooding occurs when either runoff exceeds the capacity of rivers and streams to convey water within their banks, or when engineered stormwater systems become overwhelmed. Studies have linked urbanization with increased peak discharge and channel degradation. Floodplains diminish the effects of urbanization by temporarily storing water and mediating flow to downstream reaches. The capacity of a floodplain to buffer upstream fluctuations in discharge may vary according to valley confinement, gradient, local relief, and flow resistance provided by vegetation.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-1 zoning district. The proposal involves the development of a bridge structure that complies with the dimensional requirements of the land use zoning district. The structure’s total height at the middle of span will be approximately 5 feet above existing grade and 430 feet from the property line.

B. Critical Areas Requirements LUC 20.25H:

i. Performance Standards for Allowed Uses LUC 20.25H.055.C.3.g – New or Expanded City or Public Park

The proposed project is for construction of a footbridge that connects existing non-motorized trails within a city park. The footbridge and trails control and direct public access within the wetland and stream critical area, thus limiting impacts by park users. An analysis of other alternative was conducted. The proposed design was seen as the only technically feasible alternative that preserved the intended function of the park feature (picnic area island) and maintained the foot traffic path from the parking area to the playground area to the south of the southern footbridge.

The project has been designed to avoid disturbance of any significant trees and native understory vegetation. In addition, the project has been designed to avoid disturbance to habitat used by salmonids and by species of local importance.

The southern footbridge has been designed to be the minimum with necessary to meet the project purpose. The southern footbridge has been designed to be at least one foot higher in elevation than the 100-year flood elevation, which is higher than the current southern footbridge. Based on an analysis of the redesigned footbridge, it was determined that the new footbridge will have no affect on peak flows, duration or volume or flood storage capacity or hydroperiod of the West Tributary of Kelsey Creek. More discussion on this performance standard is included below. Furthermore, by completely removing the western footbridge, the overall structural coverage in the critical area buffer is decreasing.

ii. Performance Standards for streams LUC 20.25H.080

The restored main channel of the West Tributary of Kelsey Creek, a Type F stream, runs through the park the east of the southern footbridge. The existing southern footbridge spans an overflow channel/wetland which is a tributary to the main West Tributary channel.

The project will require work over and adjacent to the overflow channel, but no in-water work is required.

The applicant has demonstrated compliance with the applicable performance standards for development in stream critical areas and critical area buffers. The work will be

iii. Performance Standards for Wetlands 20.25H.100

The project area is within a delineated wetland area that was reviewed and updated in May 2007 in preparation for the West Tributary Stream Restoration Project (Bellevue File #07-142332 WG). The southern footbridge (to be replaced) and the western footbridge (to be removed) currently span an emergent wetland

area which conveys high flows that split off from the restored West Tributary channel.

The approximately 4.8 acres of wetland in the Park is part of a larger riparian/floodplain wetland system associated with the West Tributary and part of a large wetland/stream complex associated with the mainstem of Kelsey Creek, which flows through the Mercer Slough and into Lake Washington.

The wetland is classified as a riverine wetland, comprised of forested, scrub-shrub, and emergent wetland classes. It is classified as a Category II wetland, with a habitat score of 21. Therefore, it is afforded a 110-foot critical area buffer.

The project material demonstrated compliance with the performance standards for wetland critical areas. The only two applicable performance standards deal with the planting of the edge of the wetland buffer to limit pet and human use and the application of the City's best management practices relative to pesticides. In both cases, the project is in compliance. As part of the proposal's restoration plan a large portion of the wetland buffer will be restored to a native condition and the area will be owned and maintained by the Parks Department which uses the Environmental Best Management Practices as a basis for its resource management practices.

**iv. Performance standards for Areas of Special Flood Hazard LUC
20.25H.180.C and 20.25H.180.D**

The entire project area lies within the 100-year floodplain. An analysis of the replacement of the southern footbridge was completed by the applicant's consultant to ensure the new bridge will not increase flood elevations.

The length of the footbridge deck, deck camber, and deck elevation of the replacement southern footbridge is slightly different than the existing footbridge. To evaluate the potential effects of the new bridge, plots of the two profiles were overlaid and drawn on the 2004 FEMA floodplain study performed by Northwest Hydraulic Consultants. The replacement southern footbridge occupies less cross-sectional area below the 100-year floodplain elevation. Therefore, the replacement footbridge will have less effect on the channel hydraulics than the existing footbridge. The fill that is proposed for the bridge approaches will be outside of the 100-year floodplain elevation, so the approach fill will not affect the 100-year flood elevation.

IV. Public Notice and Comment

Application Date: March 16, 2010
Public Notice (500 feet): April 8, 2010
Minimum Comment Period: April 22, 2010

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on April 8, 2010. It was mailed to property owners within 500 feet of the project site. No comments were received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development. The proposal will be reviewed for compliance with the clearing and grading standards under the subsequent minor commercial building permit.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

A construction stormwater pollution prevention plan is included in the project proposal and addresses all requirements for restoring the site to its current condition as well as erosion and sedimentation management practices. Erosion and sediment control best management practices include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the adjacent wetland. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. The proposed work that will occur over the water, bridge removal and replacement, will be conducted during the "fish-window" to protect the water resources in the vicinity of the project area from contamination. See Section X for a related condition of approval.

B. Animals

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

C. Plants

Mitigation for temporary and permanent disturbance will be approved pursuant to an approved re-vegetation and monitoring plan. See Section X for related conditions of approval.

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

VII. Changes to proposal as a result of City review

No changes were made to the proposal as a result of City review.

VIII. Decision Criteria

A. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

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

Finding: The proposal is required to obtain a minor building permit prior to beginning removal and replacement of the bridge structures.

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

Finding: The proposal has been designed and reviewed by a wetland restoration biologist from ICF International and a Geotechnical Engineer from Shannon and Wilson. The project utilizes the best available construction techniques to minimize disturbance to the critical area and critical area buffer. The design takes into account the 100-year flood elevation and places the finished elevation of the bottom of the bridge span at least one foot above the 100-year flood elevation. The design also

moves the bridge footing further away from the open water portion of the side channel to further reduce impacts from the bridge.

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

Finding: The proposal incorporates all of the applicable performance standards for the allowed use and the critical areas present. See Section III for a complete discussion of these performance standards.

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

Finding: The property is currently served by adequate public facilities. The proposal will not change the need for any public services at the site.

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

Finding: The proposal includes a restoration plan for those areas temporarily disturbed by the bridge removal and replacement activity, and a plan for restoration of a portion of the stream buffer that is currently covered by a gravel walkway.

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

Finding: As discussed in Section IV & V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **approve with conditions** the proposal to remove one footbridge and remove and replace another footbridge over a side channel of the West Tributary of Kelsey Creek located within Kelsey Creek Park at 410 130th Place SE.

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 the necessary development permits within one year of the effective date of the approval.

X. 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	Kevin LeClair, 425-452-2928
Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928

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

1. Restoration for Areas of Temporary Disturbance: A restoration plan for all areas of temporary disturbance is required to be submitted for review and approval by the City of Bellevue prior to the issuance of the Building Permit. The plan shall include documentation of existing site conditions and shall identify the restoration measures to return the site to its existing conditions per LUC 20.25H.220.H.

Authority: Land Use Code 20.25H.220.H
Reviewer: Kevin LeClair, Land Use

2. Rainy Season restrictions: Due to the proximity to a Category II wetland and Type F stream, no clearing and grading activity may occur during the rainy season, which is defined as November 1 through April 30 without written authorization of the 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, Clearing and Grading

3. Pesticides, Insecticides, and Fertilizers: The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H
Reviewer: Kevin LeClair, Land Use

4. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests

for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18
Reviewer: Kevin LeClair, Land Use

5. Obtain All Other Applicable State and/or Federal Permits: Before work can proceed, the Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife, must be presented to the Development Services Department.

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

6. In-Water Work Window: Work over the side channel approved through the underlying Building Permit must be completed during an in-water work window of July 1 through August 31.

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