



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

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**Proposal Name:** SR 520 Eastside Transit & HOV Project

**Proposal Address:** City-wide

**Proposal Description:** Application for a Critical Areas Land Use Permit to construct highway improvements within the SR 520 right of way through Bellevue.

**File Number:** 11-110615-LO

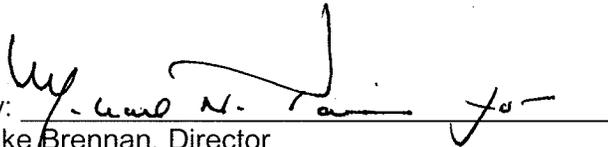
**Applicant:** Scott White, WSDOT

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

**Planner:** Mike Upston, Senior Planner

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

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

By:   
Mike Brennan, Director  
Development Services Department

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Notice of Application: 4/28/11  
Decision Publication Date: 6/30/11  
Appeal Deadline: 7/14/11  
Expiration of Vesting for Decision: 6/30/12

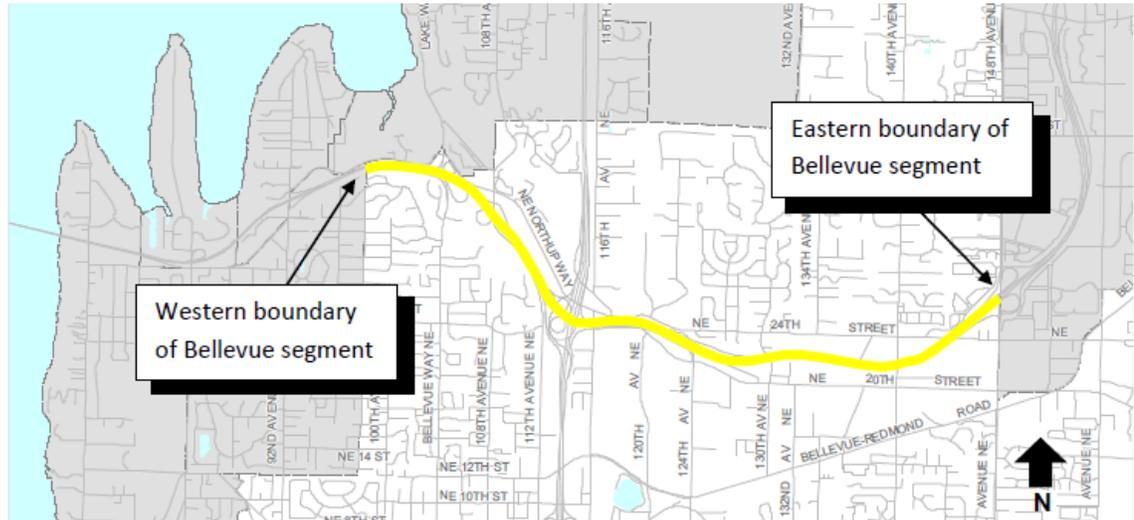
For information on how to appeal a proposal, visit Development Services at City Hall or call (425) 452-6800. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

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## I. Proposal



The Washington State Department of Transportation (WSDOT) is moving forward on the eastside segment of its project to improve the SR 520 highway corridor between Interstate 5 to the west and SR 202 to the east. The eastside project limit extends approximately 8.5 miles along SR 520 from the east shore of Lake Washington (vicinity of Evergreen Point Road) to the interchange with SR 202 in Redmond. The portion travelling through Bellevue proposed under this Critical Areas Land Use Permit application is approximately four miles (see map above).

WSDOT proposes to reduce transit and HOV travel times and enhance travel time reliability, mobility, access, and safety for transit and high-occupancy vehicles along the SR 520 corridor east of Lake Washington. The project includes building a high occupancy vehicle (HOV) system from Lake Washington easterly to 108<sup>th</sup> Avenue NE and restriping the existing HOV lanes from the outside lanes to the inside lanes between 108<sup>th</sup> Avenue NE and SR 202 in Redmond. Here is a bulleted listing of specific improvements proposed for the entire Eastside project:

### **SR 520 Improvements from Lake Washington to I-405**

- Construct a new eastbound HOV lane.
- Relocate the existing westbound HOV lane to the inside shoulder.
- Construct a new lid with inside transit stop over SR 520 at Evergreen Point Road.
- Construct a new lid and modify existing interchange at 84th Avenue NE.
- Construct a new lid with inside transit stop over SR 520 at 92nd Avenue NE.
- Reconfigure the existing interchange at Bellevue Way.
- Construct new HOV ramps at 108th Avenue NE to the South Kirkland Park & Ride.
- Add a bike path from Lake Washington to 108th Avenue NE.
- Provide sound walls between Evergreen Point Road and 108th Avenue NE.
- Provide retaining walls and stormwater management system improvements.
- Realign portions of the Yarrow Creek stream channel and shorten some culverts to improve stream habitat.
- Improve fish passage culvert crossings to restore fish passage and open up habitat that was previously inaccessible to salmon and other fish species.
- Mitigate impacts to wetlands and streams at mitigation sites as appropriate.

## SR 520 Improvements from I-405 to SR 202

Restripe the existing eastbound and westbound HOV lanes to the inside shoulder. This change will enhance safety by eliminating the existing need for merging vehicles to weave across the faster-moving HOV lanes to reach the general purpose lanes.

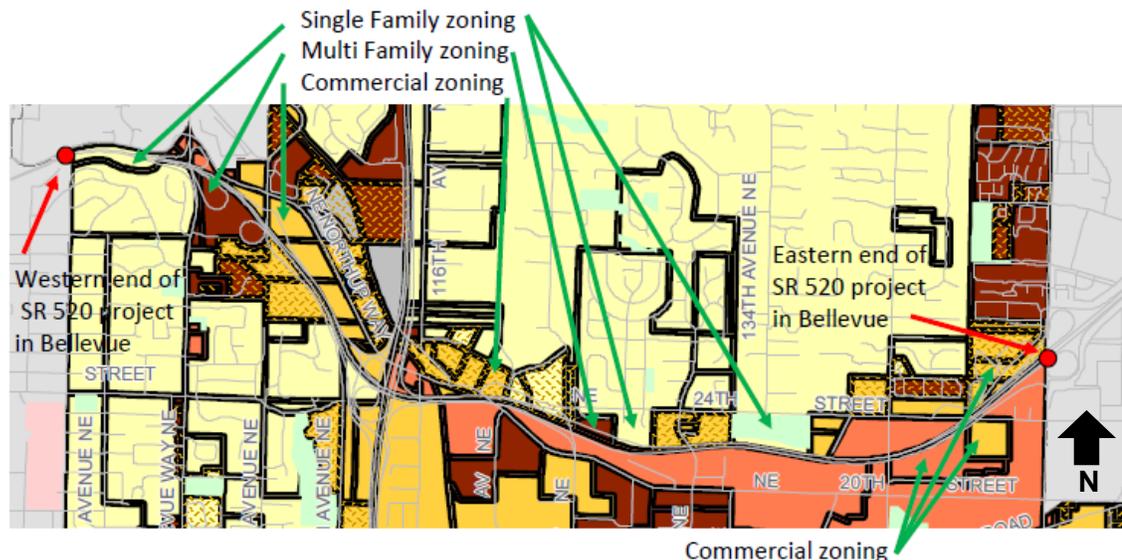
The project will impact streams, wetlands, geologic hazard areas, and habitat for species associated with local importance along its route through Bellevue. Therefore, a Critical Areas Land Use Permit is required (LUC 20.25H.055). Note however that expansion of the WA State right of way is an allowed use that only needs to meet applicable performance standards and demonstrate that there is no technically feasible alternative to the project proposal. Refer to discussion in Section III of this report.

The required critical areas report is intended to provide flexibility for sites where the expected critical area functions and values are not present due to degraded conditions or other unique site characteristics. The report must demonstrate that the proposal leads to equivalent or better protection of critical area functions and values than would result from application of the standard requirements. See Section II.B below for more information about the critical areas which would be affected by this project.

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

### A. Site Description, Zoning & Land Use Context

The SR 520 segment through Bellevue is bound by 98<sup>th</sup> Avenue NE at its western end and 148<sup>th</sup> Avenue NE at its eastern end. Land use patterns along the corridor vary with commercial, multifamily, and single family zoning. Refer to the aerial image below.



### B. Critical Areas

At various locations the highway interfaces with streams, wetlands, geologic hazard areas and habitat associated with species of local importance. The City has permitting authority under the Critical Areas Overlay District (LUC 20.25H), which regulates critical areas occurring outside State right-of-way.

WSDOT submitted a Critical Areas Report (CAR) to describe the critical areas, evaluate potential impacts from the proposed project improvements, and to propose mitigation for those impacts. Supplemental reports identified in the CAR as Appendices A – F were also prepared pursuant to LUC 20.25H.250.C. These reports contain detailed data forms describing existing conditions within the study area, project site impacts, and proposed mitigation. The CAR and supplemental reports are listed below and available for viewing in the City's project file.

- *Critical Areas Report, City of Bellevue, SR 520 Medina to SR 202 Eastside Transit and HOV Project*, prepared by Parametrix, dated August 2010.

Supplemental Reports:

- *Ecosystems Discipline Report (Appendix A)*.
- *Stream Assessment Report Technical Memorandum (Appendix B)*.
- *Wetland Assessment Report Technical Memorandum (Appendix C)*.
- *Final Streams Mitigation Report (Appendix D)*.
- *Final Wetland Mitigation Report (Appendix E)*.
- *Geologic Hazard Areas (Appendix F)*.

Project impacts involve modifications to six separate streams and 17 culverts. Approximately 0.25 acres of stream channel will be impacted. The project will also impact 15 separate wetlands, incurring the permanent loss of 3.44 acres of wetlands and permanent affects to 0.53 acres of wetland buffers. However, due to channel realignments and mitigation the project will result in a 0.30 acre increase in stream channel over existing conditions. Stream mitigation will be onsite through culvert replacement and removal, as well as stream relocations. Wetland mitigation will occur on site in the Yarrow Creek floodplain and offsite at the Keller Mitigation Site in Redmond.

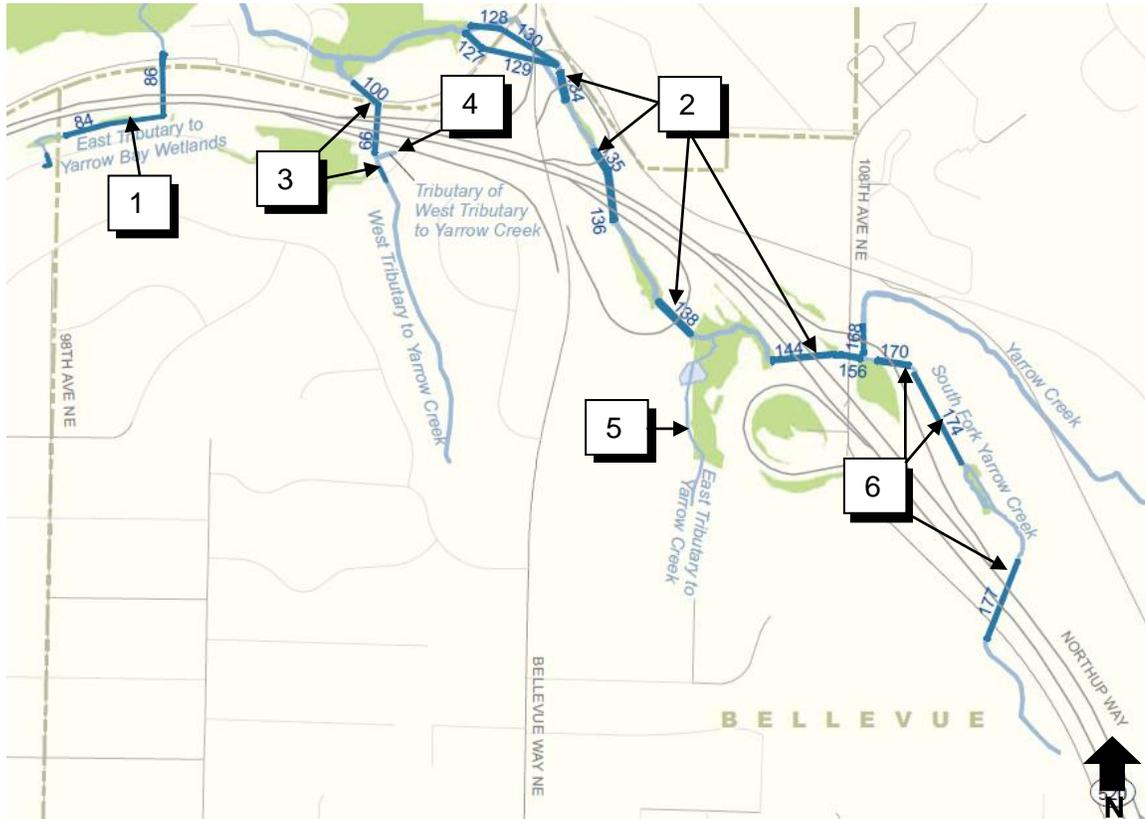
The critical areas affected by this project are summarized on the remaining pages of subsection II and the land use regulations pertaining to them are discussed in subsection III of this report. In addition, refer to Chapter 4 of the Critical Areas Report for a detailed description of the critical area impacts and proposed mitigation consistent with federal, state and local regulations and guidelines. Refer to Chapters 5 - 8 of the report for details on the proposed mitigation strategy, sites and performance monitoring.

### **Streams (LUC 20.25H.075)**

Although the project was designed with features to minimize impacts on sensitive areas, some unavoidable impacts to streams and riparian buffers will result from the expanded roadway alignment and development of associated stormwater facilities. Stream channels and buffers are permanently affected when a stream passes under SR 520 in a culvert that requires lengthening to accommodate the wider highway, or when a stream channel occurs within the footprint of the wider highway (e.g., parallels the highway). However, because the project will also result in culverts being replaced with shorter structures, culvert crossings being completely removed, and channel realignments associated with culvert realignments and mitigation activities, there will be a net aquatic habitat gain of open channel length of 821 linear feet and a corresponding net aquatic habitat gain of open channel area of 12,908 square feet. In addition, the total length of stream used for culverts within the project area will decrease by 786 linear feet. The majority of the gain in open channel within fish-bearing streams will be achieved through

the removal of four existing culverts, stream crossings, and channel realignment involving increased meanders. See Table 4-2 of the Critical Areas Report (CAR) for a summary of stream and stream buffer impacts within the project area as well as the Final Streams Mitigation Report provided in Appendix D of the CAR.

The graphic below includes reference numbers for each of the six streams impacted by the project, and written descriptions for each stream begin immediately following.



**1 East Tributary to Yarrow Bay Wetlands**

Bellevue Stream Rating: Type N (upstream of SR 520), with a minimum 50 foot buffer  
Documented Fish Use: None

This stream originates at the outlet of the stormwater drainage system, located on a steep slope between SR 520 and an abandoned section of Lake Washington Boulevard. No open channel habitat is present upstream of the discharge point. The stream flows generally east for several hundred feet in an entrenched channel, with uniform channel conditions. No pools are present in the upper reach and habitat complexity is low. The stream enters a long pipe that conveys it east then north, crossing under SR 520 and NE Points Drive, and discharging into a channel that eventually becomes braided before discharging in Wetland YBN-1, within the city of Kirkland. The stream crosses under SR 520 and NE Points Drive in two separate, continuous inline pipes arranged in an “L” configuration. These pipes (structures 84 and 86) have been classified as a fish passage barrier due to their extreme length (about 700 feet) and slope (over 7 percent).

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### **Yarrow Creek (Main stem)**

Bellevue Stream Rating: Type F, with a minimum 100 foot buffer  
Documented Fish Use: Coho salmon, cutthroat trout

The Yarrow Creek basin comprises approximately 1,667 acres (including all tributaries that flow into the main stem and Wetland YBN-1). The total stream length is approximately 2.8 miles, with about 2.4 miles of channel upstream of SR 520 (wholly within Bellevue city limits) and about 0.5 mile downstream of the highway. According to the DNR stream typing system, Yarrow Creek is a perennial fish-bearing stream (Type F). Bellevue classifies the stream as a Type F stream with a regulated buffer of 100 feet on undeveloped sites. Yarrow Creek also meets the definition of habitat associated with species of local importance (LUC 20.25H.150) because it supports Coho and Chinook salmon.

Some reaches of the stream are completely piped, while others remain open channel. Overall, approximately 22 percent of the Yarrow Creek system is contained in culverts. The stream flows through multiple culverts at eight stream crossings (five in the vicinity of Lake Washington Boulevard and three in the vicinity of 108th Avenue NE), with more than 1,400 feet of stream contained in these pipes. All of these structures were assessed as partial fish passage barriers due to slope and/or velocities.

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### **West Tributary to Yarrow Creek**

Bellevue Stream Rating: Type F, with a minimum 100 foot buffer  
Documented Fish Use: Coho salmon, cutthroat trout

This total stream length is approximately 0.75 mile, with about 0.7 mile of channel upstream of SR 520 and about 0.05 mile of channel downstream of the highway. The stream flows south from Bellevue through relatively high quality riffle and pool habitat. Large woody debris is abundant, which results in the formation of several pocket pools with some cover for fish. However, due to pool filling with fines, these pools are not of sufficient size or depth to qualify as functional pools. General substrate conditions are good, consisting primarily of small to large gravel, although a high percentage of fines was also observed.

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### **Tributary of West Tributary to Yarrow Creek**

Bellevue Stream Rating: Type N, with a minimum 50 foot buffer  
Documented Fish Use: None

According to the DNR stream typing system, this tributary stream is a seasonal non fish-bearing stream (Type Ns). The stream flows only within the boundaries of Bellevue, where it is classified as a Type N stream with a regulated buffer of 50 feet. This stream is a small (about 2- to 3-foot bank full width), short (less than 90 feet), seasonal tributary to the West Fork Yarrow Creek. The upstream extent of the steepened stream channel is the outlet of structure 105, which drains highway runoff from the shoulder of SR 520.

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#### **East Tributary to Yarrow Creek**

Bellevue Stream Rating: Type F, with a minimum 100 foot buffer  
Documented Fish Use: None

According to the DNR stream typing system, this is a perennial fish-bearing stream (Type F). The stream is classified as a Type F stream by the City of Bellevue, with a regulated buffer of 100 feet.

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#### **South Fork Yarrow Creek**

Bellevue Stream Rating: Type F, with a minimum 100 foot buffer  
Documented Fish Use: None

According to the DNR stream typing system, this is a perennial fish-bearing stream (Type F). The entire stream reach flows through the City of Bellevue jurisdiction; the stream is classified as a Type F stream with a regulated buffer of 100 feet.

This stream, 0.6 mile long, is located on both sides of SR 520, east of the 108th Avenue NE interchanges. The crossing of South Fork Yarrow Creek under SR 520 is considered a total fish passage barrier due to a drop barrier at the pipe outlet. Downstream, two other culverts (structures 174 and 170) convey the stream under the WSDOT maintenance facility and the SR 520 westbound off-ramp to 108th Avenue NE. Both of these crossings are also classified as fish passage barriers.

For more detail on any of these streams, see the *Critical Areas Report* and the *Stream Assessment Technical Memorandum* (Appendix B) referenced at the beginning of this section (page 2 of this report) and available for viewing in the City's project file.

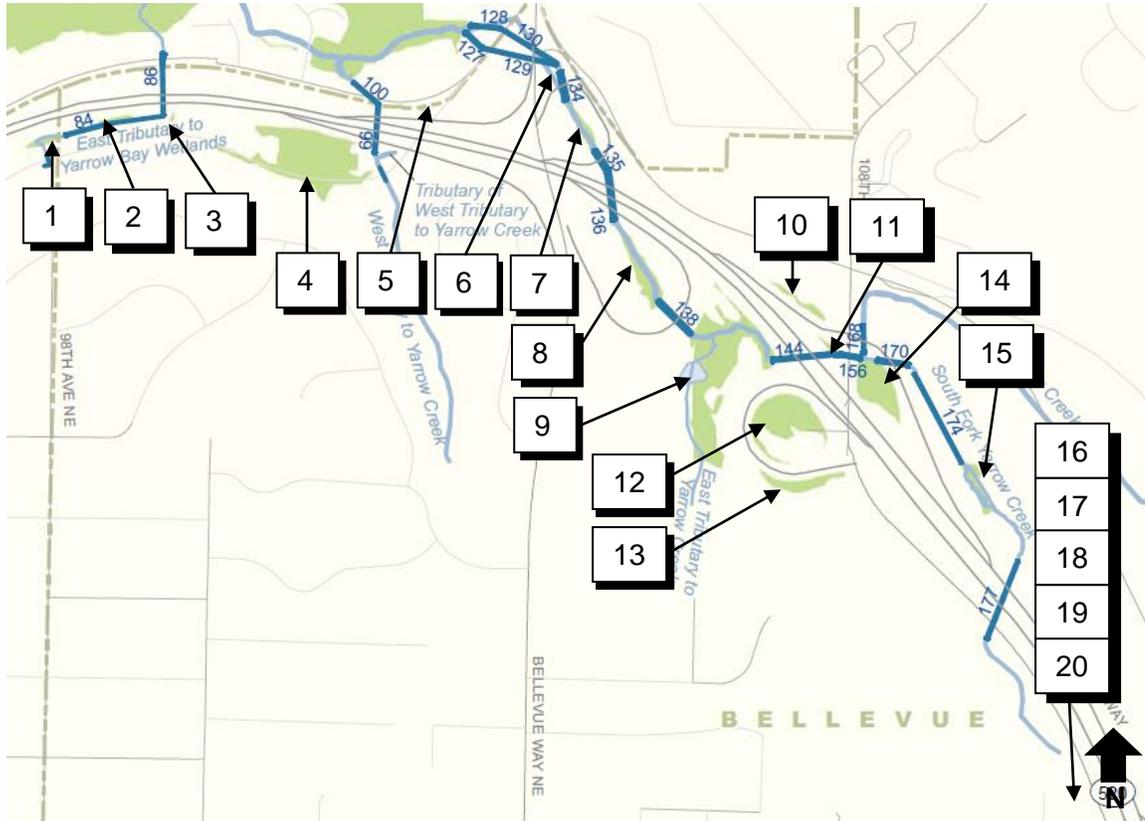
#### **Wetlands (LUC 20.25H.095)**

WSDOT identified and delineated 20 wetlands in the Bellevue study area outside the WA State right of way. A jurisdictional determination from the US Army Corps of Engineers was issued on May 6, 2009.

The graphic on the next page includes a reference number for each wetland. This is followed by classifications, buffer widths, and a brief description of each one as required under LUC 20.25H.095B and LUC 20.25H.095C. The *Critical Areas Report* and *Wetland Assessment Report Technical Memorandum* (Appendix C) contains a summary of the total wetland impact, along with the required mitigation ratio and the proposed mitigation. This report is available for viewing in the City's project file.

Note that the proposal does not directly impact any wetlands located outside of the WA State right-of-way since most wetlands within the project area are immediately adjacent to the existing highway. There are however some small impacts to wetland buffers outside of the right-of-way. Permanent buffer impacts represent a physical loss of the buffer and functions. Temporary buffer impacts represent a short-term loss of buffer functions, typically resulting from clearing for construction access. For areas with temporary impacts the buffer will be replanted after construction activities in order to replace buffer functions.

Also note that Wetlands YCN 5, YCN 6, YCS 6, YCN 7, and YCN 8 are not affected by the proposed project; however, they are included because they are within the City's jurisdiction.



**1 Wetland YBS-2C**

Size: 0.01 acre  
Bellevue Rating: Category III with a minimum buffer of 60 feet  
WA State Dept of Ecology (Ecology) Rating: Category III  
US Fish & Wildlife Classification: Palustrine scrub-shrub

This wetland is located south of SR 520 and is bisected by the Clyde Hill/Bellevue jurisdictional boundary at the western edge of the study area. Most of this wetland (0.07 acre) occurs within Clyde Hill, though a little less than 0.01 acre does occur within the City of Bellevue. A small portion of the East Tributary to Yarrow Bay Wetlands stream that runs between culverts provides water to this wetland. Runoff and groundwater are also likely sources of water.

**2 Wetland YBS-2A**

Size: 0.11 acre  
Bellevue Rating: Category III with a minimum buffer of 60 feet  
Ecology Rating: Category III  
US Fish & Wildlife Classification: Palustrine emergent

This wetland is located south of SR 520 just east of the Bellevue/Clyde Hill jurisdictional boundary, approximately 1,600 feet west of Bellevue Way NE. The hydrology of this wetland is supported by runoff from SR 520 and a residential area. The wetland may also be supported by groundwater.

**3 Wetland YBS-2B**

Size: 0.01 acre  
Bellevue Rating: Category IV with no minimum buffer  
Ecology Rating: Category IV  
USFWS Classification: Palustrine emergent

This wetland is located south of SR 520 east of the Bellevue/Clyde Hill jurisdictional boundary, approximately 1,400 feet west of Bellevue Way NE. Water is provided by runoff and possibly groundwater. The wetland has some habitat value because there are at least three wetlands within a half mile and the connections are relatively undisturbed. The City does not require buffers for Category IV wetlands smaller than 2,500 SF (LUC 20.25H.095C).

**4 Wetland YBS-1**

Size: 1.86 acres  
Bellevue Rating: Category III with a minimum buffer of 100 feet  
Ecology Rating: Category III  
USFWS Classification: Palustrine forested, palustrine emergent

This wetland is located south of SR 520 and approximately 500 feet west of Bellevue Way NE. A portion of the wetland extends outside of the project right of way to the south. Groundwater seeps are the water source for this wetland and sheet flow across the gravel access road may also contribute.

**5 Wetland YBN-2**

Size: 0.01 acre  
Bellevue Rating: Category IV with no minimum buffer  
Ecology Rating: Category IV  
USFWS Classification: Palustrine scrub-shrub

This is a very small wetland located between the on-ramp to SR 520 from Lake Washington Boulevard and NE Points Drive. The buffer is minimal because the wetland is located between an on-ramp to SR 520 and NE Points Drive. The City does not require buffers for Category IV wetlands smaller than 2,500 SF (LUC 20.25H.095C).

**6 Wetland YCN-1**

Size: 0.01 acre  
Bellevue Rating: Category III with a minimum buffer of 60 feet  
Ecology Rating: Category III  
USFWS Classification: Palustrine emergent

This wetland is located north of SR 520, between the on-ramp of SR 520 and the Bellevue Way NE/Northup Way intersection. The water source that supports this wetland is from Yarrow Creek, which runs through the wetland.

**7 Wetland YCN-2**

Size: 0.13 acre  
Bellevue Rating: Category III with a minimum buffer of 60 feet  
Ecology Rating: Category III  
USFWS Classification: Palustrine emergent

This wetland is located north of SR 520 and east of Bellevue Way NE, inside of the Bellevue Way NE/SR 520 on-ramp (Figure 3-1B).  
Wetland YCN-2 receives water from the overbank flow from Yarrow Creek.

**8 Wetland YCS-1**

Size: 0.36 acre  
Bellevue Rating: Category II with a minimum buffer of 75 feet  
Ecology Rating: Category II  
USFWS Classification: Palustrine emergent

This wetland is located south of SR 520 in the center of the SR 520/Bellevue Way NE off-ramp. Overbank flow from Yarrow Creek supports the hydrology of this wetland. This wetland's buffer is disturbed because it is located in the median of the SR 520 off-ramp to Bellevue Way NE.

**9 Wetland YCS-2**

Size: 2.17 acres  
Bellevue Rating: Category II with a minimum buffer of 110 feet  
Ecology Rating: Category II  
USFWS Classification: Palustrine forested and palustrine emergent

This wetland is located south of SR 520, between the off-ramp and on-ramp for Bellevue Way NE and 108th Avenue NE. The primary source of hydrology for this wetland is overbank flow from the East Tributary to Yarrow Creek. Note that the Critical Areas Report incorrectly states that a 60 foot buffer is required. In fact, a minimum 110 foot buffer is required for Category II wetlands with a Habitat score of 20.

**10 Wetland YCN-3**

Size: 0.11 acre  
Bellevue Rating: Category IV with a minimum buffer of 40 feet  
Ecology Rating: Category IV  
USFWS Classification: Palustrine emergent

This linear wetland is located north of SR 520 and just west of 108th Avenue NE, south of a commercial building and parking lot. It receives water from a roadside ditch, which is fed by runoff from SR 520.

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**Wetland YCN-3B**

Size: 0.04 acre

Bellevue Rating: Category III with a minimum buffer of 60 feet

Ecology Rating: Category III

USFWS Classification: Palustrine forested and palustrine scrub-shrub

This wetland is located north of SR 520 and west of Lake Washington Boulevard, between the SR 520 on-ramp and the main line of SR 520. The primary source of hydrology is overbank flow and high groundwater associated with Yarrow Creek.

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**Wetland YCS-4**

Size: 0.97 acre

Bellevue Rating: Category IV with a minimum buffer of 40 feet

Ecology Rating: Category IV

USFWS Classification: Palustrine emergent

This wetland is located south of SR 520, in the median between the on-ramp from 108th Avenue NE to eastbound SR 520. The primary source of hydrology is runoff from SR 520, but has low potential and opportunity to provide habitat because it has minimal habitat features and is located in the middle of a circular on-ramp to SR 520. Note that the Critical Areas Report incorrectly states that a 60 foot buffer is required. In fact, only a minimum 40 foot buffer is required for Category IV wetlands.

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**Wetland YCS-5**

Size: 0.29 acre

Bellevue Rating: Category III with a minimum buffer of 60 feet

Ecology Rating: Category III

USFWS Classification: Palustrine emergent

This wetland is located just south of the on-ramp from 108th Avenue NE to eastbound SR 520. Runoff supports the hydrology of this wetland, with two culverts flowing into it: one from the north under the SR 520 on-ramp and one that drains from the parking lot to the south. This wetland has a low potential and moderate opportunity to provide habitat because it has multiple hydroperiods and is connected to other habitats.

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**Wetland YCN-3A**

Size: 0.63 acre

Bellevue Rating: Category III with a minimum buffer of 60 feet

Ecology Rating: Category III

USFWS Classification: Palustrine emergent

This wetland is located north of SR 520 and immediately east of 108th Avenue NE, between the off-ramp and main line of SR 520. The primary source of hydrology is overbank flow and high groundwater associated with Yarrow Creek.

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**Wetland YCN-4A**

Size: 0.23 acre

Bellevue Rating: Category II with a minimum buffer of 75 feet

Ecology Rating: Category II

USFWS Classification: Palustrine forested

This is a linear wetland located northeast of SR 520 and approximately 600 feet east of 108th Avenue NE. The primary source of hydrology is overbank flow and high groundwater associated with South Fork Yarrow Creek.

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**Wetland YCN-5**

Size: 0.50 acre

Bellevue Rating: Category IV with a minimum buffer of 40 feet

Ecology Rating: Category IV

USFWS Classification: Palustrine emergent

This wetland is located northeast of SR 520 in the most northwestern part of the interchange with I-405. The primary source of hydrology is runoff from the SR 520 on-ramp, but has no buffers because it is located between SR 520 and the on-ramp.

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**Wetland YCS-6**

Size: 0.23 acre

Bellevue Rating: Category IV with a minimum buffer of 40 feet

Ecology Rating: Category IV

USFWS Classification: Palustrine emergent

This wetland is located south of SR 520 and northeast of the eastbound SR 520 off-ramp to I-405. Hydrology is supported by runoff from the SR 520 off-ramp to I-405. It has no buffer because it's located between SR 520 and the ramps, and it has a low potential to provide habitat on its own though it is connected to other habitats.

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**Wetland YCN-6**

Size: 0.18 acre

Bellevue Rating: Category IV with a minimum buffer of 40 feet

Ecology Rating: Category IV

USFWS Classification: Palustrine emergent

This wetland is located south of the confluence of I-405 with the westbound SR 520 on-ramps, with most hydrology being runoff from SR 520. This wetland has no buffer and low potential to provide habitat because of its location and lack of habitat features.

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**Wetland YCN-7**

Size: 0.01 acre

Bellevue Rating: Category IV with no minimum buffer

Ecology Rating: Category IV

USFWS Classification: Palustrine forested

This wetland is located northwest of I-405 and approximately 1,000 feet northeast of SR 520, adjacent to Yarrow Creek. It's hydrology is supported by overbank flow from Yarrow Creek and stormwater runoff. It is seasonally saturated and has areas of permanent inundation. It has moderate habitat potential because it has multiple hydro-periods, contains habitat features, and is connected to another wetland. The City does not require buffers for Category IV wetlands smaller than 2,500 SF (LUC 20.25H.095C).

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**Wetland YCN-8**

Size: 0.01 acre

Bellevue Rating: Category IV with no minimum buffer

Ecology Rating: Category IV

USFWS Classification: Palustrine forested

This wetland is located northwest of I-405 and approximately 800 feet northeast of SR 520, adjacent to Yarrow Creek. It's hydrology is supported by overbank flow from Yarrow Creek and runoff. It's seasonally saturated and has areas of permanent inundation. It has a low potential to provide habitat because it has few habitat features, and the forested buffer is minimal because it's adjacent to I-405 and just east of 115th Avenue NE. The City does not require buffers for Category IV wetlands smaller than 2,500 SF (LUC 20.25H.095C).

**Geologic Hazard Areas/ Steep Slopes (LUC 20.25H.120)**

Portions of the project solely within the WA State right of way occur in geologic hazard areas, including landslide hazards and steep slopes. A Geotechnical Baseline Report (available for viewing in the City's project file) summarizes the geotechnical findings along the corridor.

The report identifies an area of historic landslides to the west of Bellevue Way, shown on Exhibit 5 of the report. The graphic delineates a region of historic rotational landslide occurrences that encompass the landslide scarps and displaced landslide mass downslope from the scarps to the south side of SR 520. The report also includes a map depicting steep slopes based on the Land Use Code definition of "slopes of 40 percent or more that have a rise of at least 10 feet and exceed 1,000 square feet in area." There are steep slopes on either side of the current highway associated with several on and off ramps and along the South Fork Yarrow Creek Alignment. The highway is expanding both north and south of the current alignment and, in an effort to minimize the footprint, will utilize retaining walls in most locations. Additionally, both of the existing Bellevue Way loop ramps and their associated steep slopes will be removed. The construction of retaining walls and loop ramp removal eliminates all existing steep slope areas and therefore all associated steep slope critical area buffers which would otherwise be regulated by the City when occurring outside the WA State right of way.

**Habitat Associated with Species of Local Importance (LUC 20.25H.150)**

Stream habitat associated with Coho and Chinook salmon, as well as Bull Trout, all species of local importance (refer to the chart in LUC 20.25H.150.A), will be impacted by the SR 520 project. This includes areas outside the State right-of-way and within City of Bellevue jurisdiction. Several streams in the study area support these species, including Yarrow Creek and its tributaries. Fish access is described in the Critical Areas Report for

each stream within the study area. No other species of local importance were identified.

According to Land Use Code section 20.25H.150.B, “Habitat (other than the critical areas and critical area buffers otherwise designated in LUC 20.25H.025) associated with species of local importance is hereby designated a critical area; provided that compliance with these species of local importance regulations, LUC 20.25H.150 through LUC 20.25H.170 inclusive, shall constitute compliance with the requirements of this part where such habitat is located outside of other critical areas designated in this part.”

WSDOT identified primary association areas for critical species using 2009 data provided by the Priority Habitats and Species database, species lists provided by the U.S. Fish & Wildlife Service, and Natural Heritage information provided by the Washington Department of Natural Resources. Descriptions of stream habitat are provided in Section 3.5 of the Critical Areas Report. Habitat impacts are described in Section 4.2 of the report, and mitigation measures are proposed in Sections 5 and 6 of the report. Mitigation goals, objectives, performance standards, a monitoring plan, long-term site stewardship, and a contingency plan are provided in Section 8 of the report.

The Priority Habitats and Species data did not list any priority species with nests in the study area, nor did the Natural Heritage data show federal or state-listed endangered, threatened, critical species, or associated habitat.

The Critical Areas Report has been accepted by the City as satisfying the requirements of the habitat assessment outlined in LUC 20.25H.165.A. This report is available for viewing in the City’s project file.

### III. Consistency with Land Use Code Requirements

#### Consistency with Critical Areas Performance Standards

Bellevue Land Use Code (LUC) Section 20.25H.055 identifies those uses and development that may be undertaken in a critical area or critical area buffer so long as applicable performance standards are met. Based on the table of allowed uses, the proposal is best characterized as a “new or expanded essential public facility” and “new or expanded bridges and culverts.” Based on these uses, the proposal must demonstrate compliance with the following LUC sections:

LUC Section	Performance Standard	Applicable Critical Area
20.25H.055.C.2	Performance Standards for New and Expanded Uses or Development	Streams & wetlands
20.25H.055.C.3.e	Performance Standards for Specific Uses or Development: New or Expanded Bridges and Culverts	Streams & wetlands
20.25H.080.A	General Performance Standards	Streams & wetlands
20.25H.080.B	Modification of Stream Channel	Streams & wetlands
20.25H.100	Performance Standards for Wetlands or Wetland Critical Area Buffers	Streams & wetlands
20.25H.125	Performance Standards for Landslide Hazards and Steep Slopes	Streams & wetlands

**Performance Standards for New and Expanded Uses or Development  
LUC 20.25H.055.C.2**

***a. New or 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. A determination of technically feasible alternatives will consider:***

*i. The location of existing infrastructure;*

The primary reason for the location of the project and therefore the impacts to critical areas is the location of the current highway. The expansion of the highway and associated features has been designed to utilize existing right-of-way to the maximum extent, thereby reducing impacts to private property and critical areas.

*ii. The function or objective of the proposed new or expanded facility or system;*

The objective of the expanded highway is to provide faster and safer travel. It must utilize and coordinate with existing rights-of-way and infrastructure thereby limiting available locations. Additionally, as part of the project WSDOT is required to bring the highway into compliance with stormwater treatment regulations and stream passage standards. These required stormwater and culvert upgrades result in conflicts with wetland and stream critical areas due to the hydrology of the area.

*iii. Demonstration that no alternative location or configuration outside of the critical area or critical area buffer achieves the stated function or objective, including construction of new or expanded facilities or systems outside of the critical area;*

No alternative location is available due to the location of existing infrastructure. The configuration and alignment of the project has been modified to minimize the impact on critical areas. Because the project area is surrounded by private property and critical areas no alternative configuration would result in less impact.

*iv. Whether the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance; and*

The project incorporates several elements that minimize the footprint and critical area impacts primarily through the use of retaining walls. The use of walls in preference of fill slopes increases the cost of the project but has substantially reduced the potential impact. Due to the location of the remaining impacted critical areas and the relevant highway elements avoidance is not practicable.

*v. The ability of both permanent and temporary disturbance to be mitigated.*

All permanent and temporary impacts to critical areas (both inside and outside of right-of-way) will be mitigated in accordance with city, state and federal regulations. Please see the *Critical Areas Report* for additional information.

In addition to meeting the performance standards listed above, the proposal includes a mitigation plan that exceeds the amount of mitigation required for this project as specified in the *Critical Areas Report*, available for review in the City's project file.

***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;*

The project's impacts to critical areas have been minimized through alignment revisions and the use of retaining walls to the maximum extent practicable.

*ii. Disturbance of the critical area and critical area buffer, including disturbance of vegetation and soils, shall be minimized;*

Construction access will be kept to the minimum necessary areas and all non-impacted critical areas will be marked with high visibility fence to prevent disturbance.

*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;*

No salmonid species currently use the project area due to passage barriers. Best management practices including fish exclusion will be utilized for all in-water work to protect fish and water quality.

*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;*

All stream crossings are upgrades and realignments of existing culverts. The new culverts will be brought up to current standards for fish passage. Wetland and stream impacts are a result of the widening of the highway and associated footprint and are the minimum necessary to meet the project functions.

*v. All work shall be consistent with applicable City of Bellevue codes and standards;*

All WSDOT owned structures will be constructed consistent with WSDOT standards. Any City of Bellevue utilities or streets that will be impacted will be constructed consistent with 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;*

The project will improve local hydrology and water quality through the construction of stormwater treatment and storage facilities for highway runoff. Additionally the expansion and enhancement of the Yarrow Creek floodplain will improve natural flood storage and water quality treatment. The Project will not cause adverse impacts to hydrology.

*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*

All Project elements have been located and designed to avoid critical areas where feasible.

*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.*

All permanent and temporary impacts to critical areas (both inside and outside of right-of-way) will be mitigated in accordance with Bellevue and state and federal regulations. For more information, the Critical Areas Report is available for viewing in the City's project file.

**Performance Standards for Specific Uses or Development:  
New or Expanded Bridges and Culverts  
LUC 20.25H.055.C.3.e**

*New culverts shall be designed in accordance with the Washington State Department of Fish and Wildlife "Design of Road Culverts for Fish Passage" now or as hereafter amended. Culvert expansions shall be considered new culverts and be required to be designed in accordance with "Design of Road Culverts for Fish Passage" now or as hereafter amended when the expansion is associated with a project increasing vehicular capacity and (i) there are fish present downstream; (ii) there is potential fish habitat upstream; and (iii) the benefits of so designing the culvert are substantial when compared to expanding the culvert based on its then-existing design.*

The project has utilized the Washington State Department of Transportation (WDFW) "Design of Road Culverts for Fish Passage" (2003) in its design of stream crossings. The majority of the replaced culverts will be fully fish passable. Two project culverts (located within WSDOT right-of-way) will not be made fish passable due to a lack of upstream habitat. WSDOT has received a Hydraulic Project Approval from WDFW for the project.

**General Performance Standards  
LUC 20.25H.080.A**

*Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:*

1. *Lights shall be directed away from the stream.*

All construction and permanent lighting near stream will be shielded to prevent spillover into streams. See associated condition of approval in Section IX of this report.

2. *Activity that generates noise such as parking lots, generators, and residential uses shall be located away from the stream or any noise shall be minimized through use of design and insulation techniques.*

The Project utilizes noise barrier walls to reduce traffic noise to adjacent residents, businesses and critical areas. In addition, a condition of approval is included in Section IX of this report to address construction noise.

3. *Toxic runoff from new impervious area shall be routed away from the stream.*

Highway runoff will be collected and treated in accordance with the Department of Ecology approved *Highway Runoff Manual*.

4. *Treated water may be allowed to enter the stream critical area buffer.*

Treated stormwater will discharge to stream buffers through energy dissipation elements to prevent erosion.

5. *The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use.*

All disturbed and newly created stream buffer areas will be appropriately planted with native plants.

6. *Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.*

WSDOT has environmental and maintenance manuals and procedures in place that will be followed for any activities on WSDOT right-of-way or property. If these activities are required on Bellevue right-of-way or private property, WSDOT has stated that it intends to comply with Bellevue's requirements.

#### **Modification of Stream Channel LUC 20.25H.080.B**

1. *When Allowed. A stream channel shall not be modified by relocating the open channel, or by closing the channel through pipes or culverts unless in connection with the following uses allowed under LUC 20.25H.055:*

- a. *A new or expanded utility facility or system;*
- b. *A new or expanded essential public facility;*
- c. *Public flood control measures;*
- d. *In-stream structures;*
- e. *New or expanded public right-of-way, private roads, access easements or driveways;*
- f. *Habitat improvement project; or*
- g. *Reasonable use exception; provided, that a modification may be allowed under this section for a reasonable use exception only where the applicant demonstrates that no other alternative exists to achieve the allowed development.*

*A critical areas report may not be used to modify the uses set forth in this subsection B.1.*

2. *Critical Areas Report Required. Any proposal to modify a stream channel under this section may be approved only through a critical areas report.*

3. *Relocation of Closed Stream Channel. Any proposal to relocate an existing closed stream channel may be approved only through a critical areas report.*

The project is an expanded essential public facility and public right-of-way, therefore stream relocation is allowed under this subsection using a critical areas report as outlined at 20.25H.230. For more information, the Critical Areas Report is available for viewing in the City's project file.

**Performance Standards for Wetlands or Wetland Critical Area Buffers  
LUC 20.25H.100**

*Development on sites with a wetland or wetland critical area buffer shall incorporate the following performance standards in design of the development, as applicable:*

*A. Lights shall be directed away from the wetland.*

All construction and permanent lighting near stream will be shielded to prevent spillover into wetlands.

*B. Activity that generates noise such as parking lots, generators, and residential uses, shall be located away from the wetland, or any noise shall be minimized through use of design and insulation techniques.*

The project utilizes noise barrier walls to reduce traffic noise to adjacent residents, businesses and critical areas.

*C. Toxic runoff from new impervious area shall be routed away from the wetlands.*

Highway runoff will be collected and treated in accordance with the Department of Ecology approved *Highway Runoff Manual*.

*D. Treated water may be allowed to enter the wetland critical area buffer.*

The majority of the wetland areas are immediately adjacent to streams. The discharge of treated stormwater into wetlands is unavoidable due to their proximity to streams. All discharge areas are within WSDOT right-of-way and have been included in the project's wetland impact numbers.

*E. The outer edge of the wetland critical area buffer shall be planted with dense vegetation to limit pet or human use.*

All disturbed and newly created wetlands and buffer areas will be appropriately planted with native plants.

*F. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended.*

WSDOT has environmental and maintenance manuals and procedures in place that will be followed for any activities on WSDOT right-of-way or property. If these activities are required on Bellevue right-of-way or private property, Bellevue's manual will be followed.

**Performance Standards for Landslide Hazards and Steep Slopes  
LUC 20.25H.125**

*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;*

Highway and ramp alignments and profiles have been modified where possible to

minimize the need to alter the existing contours with slopes or walls. In order to maximize the highway alignment while minimizing the footprint and impacts to adjoin properties and critical areas a singular retaining wall foundation has been utilized in most locations. Tiering of walls has been utilized in several locations to reduce the overall structure height and provide planting areas to screen the wall surface. Removal of existing loop ramps will return portions of the project area to the natural floodplain topography.

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

Do to the limited right-of-way and need to connect to existing infrastructure there is little ability to modify the location of improvements. Where possible retaining walls and slopes have been designed to match into existing topography and minimize disturbance to landforms and vegetation.

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

The use of WSDOT, FHWA and AASHTO design guidelines will ensure that all project elements are appropriately constructed and will not endanger neighboring properties. Through the extensive use of retaining walls the project will not create and new or additional Geologic Hazard buffers on neighboring properties.

*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;*

The project uses extensive retaining walls to minimize the project footprint and disturbance to adjoining properties and critical areas.

*E. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;*

The project has been designed to minimize the overall footprint within critical areas and buffers however most of the highway elements are unavoidably impervious surfaces. All elements and structures will receive appropriate drainage to ensure that the impervious surface does not increase and geologic dangers resulting from stormwater or groundwater.

*F. Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria;*

This condition is not relevant to the project elements and structures.

*G. Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;*

The project does not contain buildings however the retaining walls are designed as integral components of the highway and are generally located at the edge of the pavement and are not freestanding or separate from other required structures.

*H. On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not*

*technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;*

Pole type construction is not appropriate for highway structures. The project has been designed to minimize topographic modification.

*I. On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types; and*

This condition is not relevant to the project elements and structures.

*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. Development on sites with a wetland or wetland critical area buffer shall incorporate the following performance standards in design of the development, as applicable:*

All permanent and temporary impacts to critical areas (both inside and outside of right-of-way) will be mitigated in accordance with Bellevue and state and federal regulations. For more information, the Critical Areas Report is available for viewing in the City's project file.

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

Application Date: April 6, 2011  
Public Notice (500 feet): April 28, 2011  
Minimum Comment Period: May 12, 2011

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin, as well as mailed to property owners within 500 feet of the project site and appropriate public agencies on April 28, 2011. Although the minimum required public comment period ended on May 12, 2011, comments were accepted up to the date of this decision. One written public comment was received prior to finalization of this staff report as discussed below.

The Muckleshoot Indian Tribe Fisheries Division (MITFD) commented that an issue which may be of concern to Bellevue is the construction timing of the SR 520 culvert crossing of the West Tributary to Yarrow Creek (identified by WSDOT as Culvert "C") and associated stream channel work compared to the City's proposed culvert improvement project just upstream where West Yarrow Creek flows under the former Lake Washington Boulevard (Culvert 99a). MITFD recommend that the construction of the upstream channel work by WSDOT coincides with the City's upstream culvert project so that the West Tributary of Yarrow Creek is disturbed only once to construct both projects, if possible. MITFD noted that they recognize that this may not work out given the differences in the permit timing and construction constraints between the two projects, but that it should be a goal of both projects.

To address this issue, a condition of approval is included in Section IX of this report requiring WSDOT to coordinate their SR 520 culvert crossing of the West Tributary to Yarrow Creek and associated stream channel work with the City's culvert improvement project just upstream where West Yarrow Creek flows under the former Lake Washington Boulevard so that the West Tributary of Yarrow Creek is disturbed only once to construct both projects. The authority for this condition lies within LUC 20.25H.215.B

which requires that project impacts be minimized by taking affirmative steps, including timing, to avoid or reduce impacts.

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

Technical review by the City of Bellevue resulted in edits to the Critical Areas Report (CAR), an added appendix to the CAR (Appendix F: Geologic Hazard Areas), and conditions of project approval to address the impacts of noise and lighting, as well as timing of work as it relates to the West Tributary of Yarrow Creek. No changes to the proposed scope of work or the mitigation plan were requested.

In addition to City of Bellevue review, other regulatory agency reviews have also been conducted resulting in the following permits and approvals: Department of the Army permit NWS-2009-562 (sections 10 & 404 permits); WA State Dept of Fish & Wildlife Hydraulic Project Approval 117685-1; WA State Dept of Ecology Water Quality Certification 7718 (section 401 permit); and WA State Dept of Ecology Coastal Zone Management Program approval.

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

WSDOT prepared an Environmental Assessment (EA) for the project as part of compliance with the National Environmental Policy Act (NEPA). WSDOT is the appropriate State Environmental Policy Act (SEPA) Lead Agency because it is the agency initiating the proposal (WAC 197-11-926). As the SEPA lead agency, WSDOT is the only agency responsible for issuing a threshold determination (WAC 197-11-926). WSDOT has adopted the EA according to the procedures in WAC 197-11-630 and issued a Determination of Non-Significance (DNS) on December 1, 2009 in accordance with WAC 197-11-340. Per WAC 197-11-930(1) once the Lead Agency has made a threshold decision it is "final and binding" on other agencies, therefore no additional SEPA documentation is necessary on the part of the City of Bellevue.

WSDOT has also prepared a Biological Assessment as part of compliance with the Federal Endangered Species Act and received approvals from the U.S. Fish and Wildlife Service and National Marine Fisheries Service. State and federal permits have been received for the Project.

## **VII. Decision Criteria**

### **A. Critical Areas Report Decision Criteria (LUC 20.25H.255.A)**

The Director may approve, or approve with modifications, the proposal where the applicant demonstrates the following:

- 1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code.**

**Finding:** Because the proposed project is an allowed use within critical areas and buffers under LUC 20.25H.055, WSDOT is not requesting a modification of the regulations and standards of the code. Consistency with the applicable performance

standards identified within the LUC 20.25H.055 table was described as part of the Supplemental Memorandum included in the original submittal. Through compliance with these performance standards and completion of the proposed mitigation activities, the project will comply with the LUC provisions and provide protection of critical area functions and values.

**2. Adequate resources ensure completion of required mitigation & monitoring efforts.**

**Finding:** As described in the Final Streams Mitigation Report (Appendix D of the Critical Areas Report) and the Final Wetland Mitigation Report (Appendix E of the Critical Areas Report), WSDOT has identified specific mitigation areas and activities. The mitigation reports contain a description of the performance standards, monitoring and contingency plans for the mitigation activities. The described mitigation activities are also a commitment of the project's state and federal permits and have been incorporated into long-term project management and budgets.

**3. The modifications and performance standards included in the proposal are not detrimental to the functions & values of critical area & critical area buffers off-site.**

**Finding:** As part of the impact analysis described in the Critical Area Report and its attached mitigation reports, WSDOT considered the potential for indirect impacts to off-site critical areas and buffers. Through the use of best management practices such as erosion control, off-site areas will not be adversely impacted by construction activities. Upon project completion, restoration and mitigation activities will increase functions and values of on-site critical areas and buffers and will therefore not be detrimental to off-site locations.

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

**Finding:** The proposed project is an expansion of an existing highway facility and therefore is not an alteration to existing land use patterns in the area. The project has been designed with appropriate minimization and mitigation efforts such as noise barrier walls to minimize impacts to adjacent uses.

**B. Critical Areas Land Use Permit Decision Criteria (LUC 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.

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

**Finding:** Permit applications are expected any time, as WSDOT's stated goal has been to have the Critical Areas Land Use Permit issued by June 2011 and review of all other City-required permits shortly after. In addition, as summarized in Section V of this report, other regulatory agency reviews have also been conducted resulting in the following permits and approvals: Department of the Army permit NWS-2009-562 (sections 10 & 404 permits); WA State Dept of Fish & Wildlife Hydraulic Project Approval 117685-1; WA State Dept of Ecology Water Quality Certification 7718 (section 401 permit); and WA State Dept of Ecology Coastal Zone Management Program approval.

**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; and**

**Finding:** All project elements have been located and designed to avoid critical areas where feasible. However, due to the location of impacted critical areas and the relevant highway elements, complete avoidance is not practicable. Therefore, as part of the impact analysis described in the Critical Area Report and its attached mitigation reports (Appendices A – F), WSDOT considered the potential for impacts and has incorporated the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer as follows.

- The configuration and alignment has been modified to minimize the impact.
- The use of retaining walls instead of fill slopes substantially reduces potential impact.
- Erosion control will help ensure that off-site areas will not be adversely impacted by construction activities.
- Construction access will be kept to the minimum necessary areas and all non-impacted critical areas will be marked to prevent disturbance.
- Fish exclusion will be utilized for all in-water work to protect fish and water quality.
- All stream crossings are upgrades and realignments of existing culverts. The new culverts will be brought up to current standards for fish passage.
- The project will improve local hydrology and water quality through the construction of stormwater treatment and storage facilities for highway runoff.
- The expansion and enhancement of the Yarrow Creek floodplain will improve natural flood storage and water quality treatment.

Upon project completion, restoration and mitigation activities will increase functions and values of on-site critical areas and buffers.

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

**Finding:** The applicable performance standards and responses have been incorporated as described in Section III.A of this report.

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

**Finding:** This criterion is not applicable to the proposal.

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

**Finding:** All permanent and temporary impacts to critical areas (both inside and outside of the WA State right-of-way) will be mitigated in accordance with the applicable city, state and federal regulations as provided in chapters 5 – 8 of the *Critical Areas Report, City of Bellevue, SR 520 Medina to SR 202 Eastside Transit and HOV Project*, prepared by Parametrix, dated August 2010. The approach described in that document proposes compensatory mitigation to achieve no net loss of functions by replacing lost stream and wetland critical area and buffers, as well as providing additional functions that will benefit fish and other aquatic species.

The goal of stream mitigation described in the Critical Areas Report is to replace the stream and riparian functions affected by the project. Such mitigation practices will provide increases in these functions at onsite mitigation areas by making fish passage improvements and stream enhancement for the benefit of any anadromous or resident fish species that may use the study area streams for part of their life cycles. WSDOT proposes to implement specific objectives to mitigate for loss and damage to stream and riparian acreage along the project corridor. Those objectives are documented in detail in the *Final Streams Mitigation Report* (Appendix D of the Critical Areas Report). The report contains the mitigation proposal to meet the Bellevue Land Use Code requirements as specified in LUC 20.25H.210.

The mitigation strategy for wetlands involves avoidance, minimization of impacts, and compensatory mitigation for unavoidable impacts. The proposed mitigation has been designed to meet the requirements of the Federal Rule on Compensatory Mitigation and to be consistent with federal and state “no net loss” policies. The project has also been designed to meet the mitigation sequencing, compensation, reporting, and monitoring requirements typically used in WSDOT projects. Additionally, the proposed mitigation meets Bellevue Land Use Code requirements as specified in LUC 20.25H.

All project impacts to streams and wetlands within Bellevue are proposed to be mitigated at two sites: 1) On-site mitigation will be accomplished at the Yarrow Creek Mitigation Site in Bellevue adjacent to the highway; 2) Off-site mitigation will be implemented at the Keller Mitigation Site in Redmond, within a short distance of the project terminus and within WRIA 8, the same watershed as the impacts. Detailed reports on these projects are included in Appendices D and E of the Critical Areas Report. Refer to the report and appendices contained in the City’s project file for additional information; chapters 5 - 8 of the report provide details on the proposed mitigation strategy and performance monitoring.

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

**Finding:** As described in Sections II and, most applicably, III the project proposal been prepared in accordance with the City’s applicable Land Use Code requirements.

### **VIII. 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 the Development Services Department does hereby **approve with conditions** the modification the proposal to construct highway improvements within the SR 520 right of way through Bellevue.

**Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

**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:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	Mike Upston, 425-452-4350
Noise Control- BCC 9.18	Mike Upston, 425-452-2973

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

**1. Light Spillover.** All lighting shall be directed away from stream and wetland areas and shielded to prevent spillover into sensitive habitat areas. Prior to approval of construction permits involving installation of light standards, details and specifications shall be provided along with a written summary explaining how the proposed lighting design meets this condition, as acceptable to Land Use.

Authority: LUC 20.25H.080.A.1

Reviewer: Mike Upston

**2. 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. In addition, noise-generating construction activities shall be minimized with sound buffering techniques as approved by the Land Use Division prior to construction permit approval.

Authority: BCC 9.18, LUC 20.25H.080.A.2

Reviewer: Mike Upston

**3. Timing of Culvert Crossing Work at Yarrow Creek West Tributary.** WSDOT shall coordinate their SR 520 culvert crossing of the West Tributary to Yarrow Creek and associated stream channel work with the City's culvert improvement project just upstream where West Yarrow Creek flows under the former Lake Washington Boulevard so that the West Tributary of Yarrow Creek is disturbed only once to construct both projects.

Authority: LUC 20.25H.215.B, SEPA

Reviewer: Mike Upston

**4. Mitigation, Maintenance, and Monitoring.** A copy of the proposed mitigation, maintenance, and monitoring plan provided in Section 8 of the Critical Areas Report shall be provided to the City with each construction permit application. In addition, monitoring reports shall be provided to the City as described in Subsection 8.4 of this report.

Authority: LUC 20.25H.165.A

Reviewer: Mike Upston