



City of Bellevue  
 Development Services Department  
 P.O. Box 90012, Bellevue, WA 98009-9012  
 (425) 452-6800 Fax (425) 452-5225

**Shoreline Management Act of 1971  
 Permit for Shoreline Management Substantial  
 Development  
 Conditional Use and/or Variance**

Application No. 11-115202-WG

Date Received June 13, 2011

Approved / Date April 5, 2012  
 Denied / Date \_\_\_\_\_

Type of Action:

- Substantial Development Permit
- Conditional Use Permit
- Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: Paul Krawczyk, City of Bellevue Transportation Department

Pedestrian trail and roadway safety improvements along a 1.2 mile stretch of West Lake Sammamish Parkway SE as identified under City of Bellevue Transportation Facilities Plan project #TFP-078. The proposed project includes work adjacent to Critical Areas regulated under LUC 20.25H and work within the Shoreline Overlay District regulated under LUC 20.25E.

Upon the following property: West Lake Sammamish Parkway SE – I-90 to SE 34th Street

adjacent to Lake Sammamish  
 and/or its associated wetlands. The project will be located adjacent to Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities
- Land Use Code(LUC) Section 20.25E.080(G) Clearing and Grading Regulations
- Land Use Code(LUC) Section 20.25E.080(S) Shoreline Critical Area and Critical Area Buffer Regulations
- Land Use Code (LUC) Section 20.30R Shoreline Substantial Development Permit

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

Applicable Codes	Contact Person
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	David Pyle, 425-452-2973
Noise Control- BCC 9.18	David Pyle, 425-452-2973
Environmental Procedures Code – BCC 22.02	David Pyle, 425-452-2973

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

- 1) **Clearing and Grading Permit:** Before commencing any construction activity the applicant must apply for and obtain a Clearing and Grading Permit. On-going turbidity monitoring and submittal of turbidity monitoring data sheets will be required as part of the clearing and grading permit inspection process.

Authority: Bellevue City Code Section 23.76.025  
 Reviewer: Janney Gwo, Clear and Grade

- 2) **Documentation of Edge of Maintained Right-of-Way:** Prior to issuance of construction permits, the applicant shall submit an updated existing conditions map that delineates the edge of the

maintained right-of-way where work is proposed adjacent to documented critical areas. All temporary and permanent disturbance proposed outside of the maintained right-of-way must be mitigated in accordance with the requirements of LUC 20.25H and documented in the final project mitigation, maintenance, and monitoring plan. The edge of the maintained right-of-way shall be delineated at the following project stations: 32, 33, 44, 45, 46, 47, 48, 53, 56, 61, 64.

Authority: Land Use Code 20.25H.075, 20.25H.095

Reviewer: David Pyle, Development Services Department

- 3) **Refined Utility Pole Relocation Work Plan:** Prior to issuance of construction permits, the applicant shall provide a refined utility pole relocation program for the relocation of utility poles located within critical areas or critical area buffers. Where permanent disturbance from pole relocation is proposed the proposed disturbance shall be mitigated in accordance with the requirements of LUC 20.25H and documented in the final project mitigation, maintenance, and monitoring plan.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5

Reviewer: David Pyle, Development Services Department

- 4) **Mitigation, Maintenance, and Monitoring Plan:** A mitigation plan for all areas of permanent new disturbance and temporary disturbance is required to be submitted for review and approval by the City of Bellevue prior to issuance of the required development permit. To ensure the proposed restoration plan is successful, the mitigation, maintenance, and monitoring plan submitted as part of this application shall be submitted as part of the underlying clearing and grading permit required to implement the project. Mitigation for permanent impacts to stream and wetland buffers must be provided at a 1:1 ratio. Restoration for areas of temporary disturbance shall be restored at a ratio of 1:1. Any modifications to the mitigation ratios included with the mitigation plans submitted under this application must be approved prior to issuance of the clearing and grading permit. In order to ensure the mitigation plan successfully establishes, the mitigation plan shall be updated to include the following performance standards for a period of five years following installation:

Year 1: 100% survival of all installed plants & 0% invasive coverage.

Year 2: 90% survival of all installed plants & <5% invasive coverage.

Year 3: 85% survival of all installed plants, >35% native coverage & <5% invasive coverage.

Year 4 : >50% native coverage & <5% invasive coverage.

Year 5: 80% survival of all installed plants and >70% native coverage & <5% invasive coverage.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5

Reviewer: David Pyle, Development Services Department

- 5) **Mitigation Installation:** Mitigation installation shall commence immediately following permit issuance where technically feasible and shall be installed according to the mitigation plans submitted as part of this application within one year of project completion.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5

Reviewer: David Pyle, Development Services Department

- 6) **Mitigation Maintenance:** Maintenance of mitigation plantings shall include, at a minimum, three entries per year for a period of no less than 5 years. During each entry, plant growth will be evaluated, soils amended as needed, and invasives will be suppressed.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5  
Reviewer: David Pyle, Development Services Department

- 7) **Submittal of Mitigation Maintenance and Monitoring Reports:** As part of the required 5 years of mitigation maintenance and monitoring, the applicant shall submit annual monitoring reports to the Development Services Department Land Use Division at the end of the growing season by no later than November 30 for each year monitored.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5  
Reviewer: David Pyle, Development Services Department

- 8) **Applicable State and Federal Permits:** To mitigate adverse impacts, Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved State and Federal permits shall be submitted to the City of Bellevue Development Services Department Land Use Division prior to construction.

Authority: Land Use Code 20.25H.055.C.3.d  
Reviewer: David Pyle, Development Services Department

- 9) **Rainy Season restrictions:** Due to the proximity to area streams, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30.

Authority: Bellevue City Code 23.76.093.A,  
Reviewer: Janney Gwo, Clear and Grade

- 10) **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: David Pyle, Development Services Department

- 11) **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: David Pyle, Development Services Department

**12) Construction Stormwater Pollution Prevention Plan:** To ensure contaminated stormwater or construction-related runoff does not pollute adjacent surface water, a construction stormwater pollution prevention plan (CSWPPP) is required for all clearing and grading permit applications for industrial, commercial, multi-family, plat and short plat developments. The CSWPPP outline should be generally consistent with the SWPPP requirements of the National Pollutant Discharge Elimination System (NPDES) General Storm water Permit for Construction Activities.

Turbidity and pH monitoring will be required during the site grading. A monitoring plan must be submitted as part of the CSWPPP with the Clearing & Grading permit application or during review of the Clearing and Grading permit application.

Authority: Bellevue City Code 23.76  
Reviewer: Janney Gwo, Clear and Grade

**13) Tree Protection:** A Tree Protection shall be included with the project Clearing and Grading Permit application. The plan shall implement the City of Bellevue Drawing Number TP-1, Tree Protection Procedures during Construction guidance of; for every inch diameter of tree, fencing would be 1 foot from the tree trunk. This radius may be modified to accommodate site access. Additional measures will be employed to protect roots where the radius is modified, such as the temporary placement of hog fuel. Tree protection fencing must be installed prior to construction.

Authority: Bellevue City Code 23.76  
Reviewer: David Pyle, Development Services Department

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

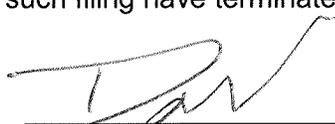
This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof.

Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

April 5, 2012

Date

  
\_\_\_\_\_  
City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region  
Dept. of Fish and Wildlife, Attn: Stewart Reinbold, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452  
Dept. of Ecology, Attn: Dave Radabaugh, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452



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

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** Paul Krawczyk, City of Bellevue Transportation Department

**LOCATION OF PROPOSAL:** West Lake Sammamish Parkway SE – I-90 to SE 34th Street

### NAME & DESCRIPTION OF PROPOSAL:

West Lake Sammamish Parkway Improvements Phase 1 - Pedestrian trail and roadway safety improvements along a 1.2 mile stretch of West Lake Sammamish Parkway SE as identified under City of Bellevue Transportation Facilities Plan project #TFP-078. The proposed project includes work adjacent to Critical Areas regulated under LUC 20.25H and work within the Shoreline Overlay District regulated under LUC 20.25E.

**FILE NUMBER:** 11-115202-WG & 11-115204-LO

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 **April 19, 2012**.
- 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 5, 2012**

\_\_\_\_\_  
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



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

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**Proposal Name:** West Lake Sammamish Parkway Improvements – Phase 1

**Proposal Address:** **West Lake Sammamish Parkway SE – I-90 to SE 34<sup>th</sup> Street**

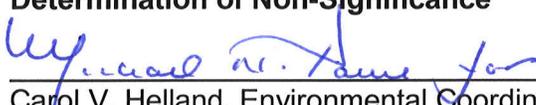
**Proposal Description:** Pedestrian trail and roadway safety improvements along a 1.2 mile stretch of West Lake Sammamish Parkway SE as identified under City of Bellevue Transportation Facilities Plan project #TFP-078. The proposed project includes work adjacent to Critical Areas regulated under LUC 20.25H and work within the Shoreline Overlay District regulated under LUC 20.25E.

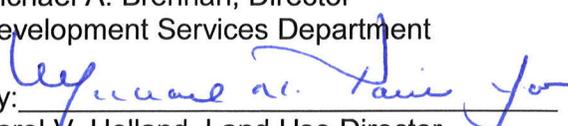
**File Number:** **11-115202-WG & 11-115204-LO**

**Applicant:** **Paul Krawczyk, City of Bellevue Transportation Department**

**Decisions Included:** Critical Areas Land Use Permit (Process II - LUC 20.30P)  
Shoreline Substantial Development Permit (Process II – LUC 20.30R)

**Planner:** David Pyle, Land Use 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**  
Michael A. Brennan, Director  
Development Services Department  
By:   
\_\_\_\_\_  
Carol V. Helland, Land Use Director

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**Application Date:** June 13, 2011  
**Notice of Application Date:** December 1, 2011  
**Decision Publication Date:** April 5, 2012  
**SEPA Appeal Deadline:** April 19, 2012 (14-days from publication date)  
**Critical Areas Land Use Permit Appeal:** April 19, 2012 (14-days from publication date)  
**Substantial Development Permit Appeal:** April 26, 2012 (21-days from publication date)

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For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of the SEPA Threshold Determination or Critical Areas Land Use Permit decision must be made to the City of Bellevue City Clerk's Office by 5 p.m. on the date noted above as the appeal deadline. Appeal of the Shoreline Substantial Development Permit must be made to the Washington State Shoreline Hearings Board (contact the project planner for more information on how to file an appeal with the Shoreline Hearings Board).

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## **Attachments**

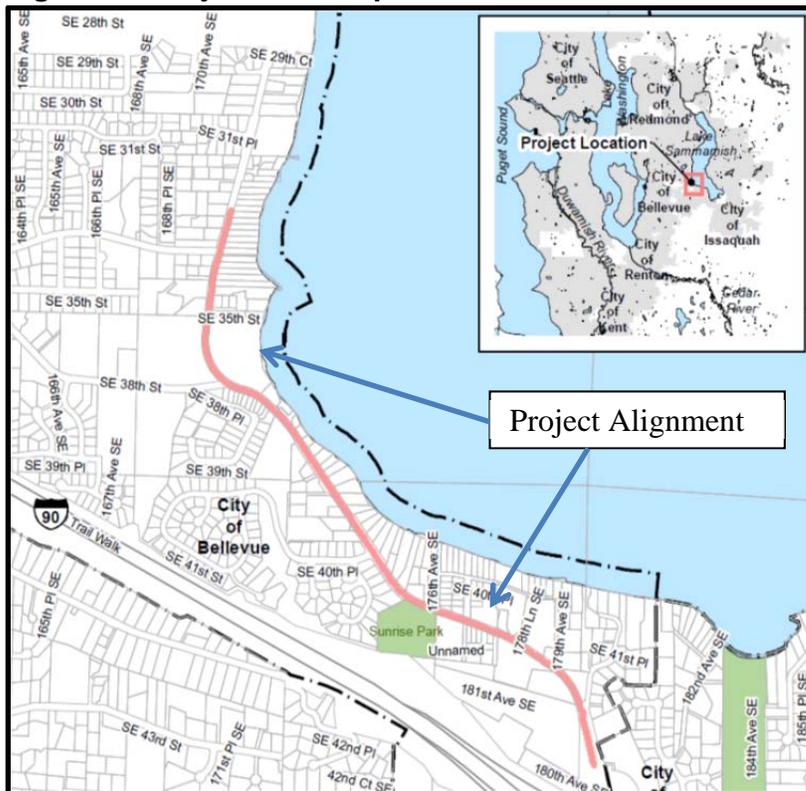
1. Project Plans – In File
2. Critical Areas Reports and Shoreline Documentation – In File
3. SEPA Environmental Checklist – In File

## I. Proposal Description and Project Design

### A. Overview

The City of Bellevue Transportation Department is proposing to enhance safety and improve mobility for vehicles, pedestrians, and bicyclists through development of a multi-modal pedestrian path along the west side of West Lake Sammamish Parkway SE (the Parkway). The proposed path and safety improvements include construction of a multi-use trail, new landscape buffer (to provide separation between the new trail and existing street), and shoulder improvements along 1.2 miles of the Parkway from Interstate-90 to approximately SE 34<sup>th</sup> Street (see **Figure 1** below).

**Figure 1 – Project Area Map**



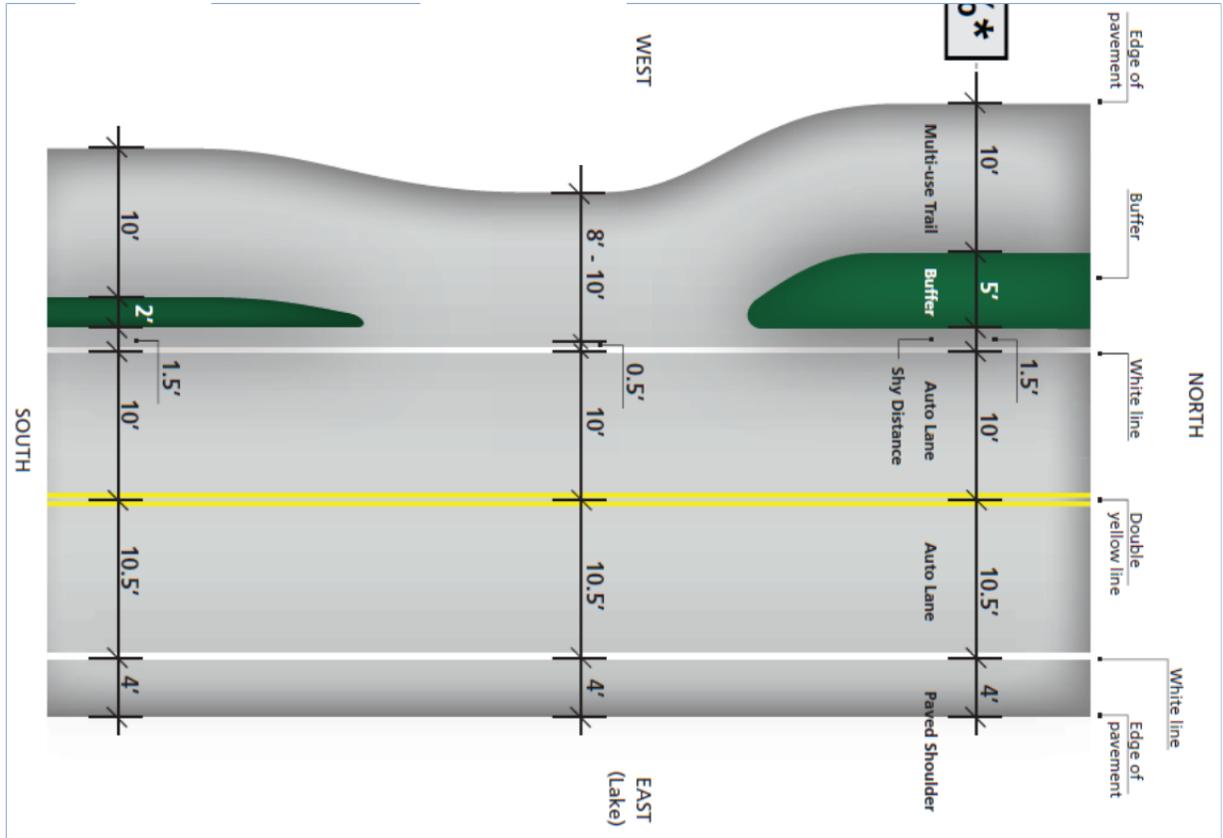
The project will include minor widening of the existing paved shoulder to accommodate the new multi-use trail and buffer on the west side, and improved paved shoulder on the east side of the road. The multiuse trail will vary in width between 8 and 10 feet separated from the roadway along most of the project length by a landscaped buffer of up to 5 feet in width. Where site constraints dictate (slopes, streams, and wetlands), portions of the project will have no buffer and the road section will be narrowed to avoid impacts to sensitive or protected landscape features.

The southbound lane will be reduced from its current width of 10.5 feet to 10 feet in order to accommodate the trail and buffer improvements. The width of the northbound lane will remain 10.5 feet. A separate left-turn lane will be constructed at the SE 34<sup>th</sup> Street intersection for the northbound direction and a new traffic signal will be installed at this intersection.

The project will also include pavement restoration, stormwater treatment, retaining walls, and utility improvements and relocations (including relocation of utility poles). The project will be constructed within the existing City of Bellevue street right of way (ROW) except on the west side of Parkway north of SE 38<sup>th</sup> Street, where strip acquisition is needed to

accommodate the widened shoulder, and at the SE 34th intersection where acquisition will be needed to accommodate the intersection improvements and new traffic signal. A typical street section is included as **Figure 2** below.

**Figure 2 – Typical Street Section**



The proposed street and pedestrian trail expansion project includes work adjacent to streams, wetlands, steep slopes, and floodplains regulated as critical areas under the City of Bellevue Land Use Code (LUC) section 20.25H and shorelines areas regulated as Shorelines of the State under LUC 20.25E. Although streets and pedestrian trails are identified as allowed under LUC 20.25H.055.B, a Critical Areas Land Use Permit and Shoreline Substantial Development Permit are required and the project design must demonstrate compliance with applicable performance standards. Project plans are included as **Attachment 1**. Project critical areas and shoreline documentation is included as **Attachment 2**. A discussion of the project’s compliance with critical areas performance standards and shoreline performance standards is included in Section III below.

**B. Project Need**

This proposal is necessary to make safety and mobility improvements along a 1.2 mile stretch of the Parkway. Identified through the City of Bellevue Transportation Department Facilities Plan (TFP) in Mobility Management Area #9 as project TFP-078 (**Figure 3** below), this project is the first phase of a broader plan to complete improvements along a total of 4.98 miles of West Lake Sammamish Parkway, beginning just north of the

roundabout at I-90 and continuing north to the city limits near NE 24<sup>th</sup> Street. The current project under review with this application (South Segment Phase 1 - I-90 to SE 34<sup>th</sup> Street) is the only phase that is currently funded. The overall plan has a total of five independent phases, each constructing approximately one mile of multi-use trail and other improvements per segment. There will be no increase in roadway capacity as a result of any phase. Each phase is independent; the trail will connect into existing paved shoulders where each phase terminates. These future phases will be subject to additional independent environmental review and are unrelated to this project.

**Figure 3 – TFP Plan**

Mobility Management Area #9 – East Bellevue		
TFP-078	West Lake Sammamish/north City limit to I-90 (CIP Plan No. PW-R-141)	The ultimate project will provide a consistent 4' shoulder on the east side, a 10.5' northbound vehicle travel lane, a 10' southbound vehicle travel lane, a 10' wide multi-purpose trail (8' wide in approximately 2% of the corridor due to constricted space) on the west side separated by a 1.5' shy distance space and a 2' or 5' wide landscaped buffer where space is available, a signal at SE 34th Street, pedestrian crossings at SE 26th Street, Northup Way, NE 24th Street and at 5 other locations along the parkway. The project will also make storm drainage, water quality and fish passage improvements throughout the corridor. Options for undergrounding existing overhead utilities and various project implementation phasing scenarios will be evaluated during the initial design process. The recommended funding allocation would significantly increase the existing CIP funding placeholder and make substantial progress toward implementation of corridor improvements (\$6,560K is funded in the current 2007-2013 CIP).

**C. Project Design**

To provide improved pedestrian thoroughfare and to improve vehicle safety, Phase 1 of the West Lake Sammamish Parkway SE project is designed to meet technical standards for transportation infrastructure. During the project’s design and planning process, the optimal design cross section was conceived to include a 10 foot wide pedestrian trail, a 5 foot landscape buffer, two 10.5 foot travel lanes (north-south), and a 4 foot paved shoulder. After field analysis and identification of corridor constraints such as slopes, wetlands, and streams, the cross section was modified reducing impacts by utilizing a variable width approach to design. The pedestrian path is varied from 10 feet to 8 feet, the landscape buffer is varied from 5 feet to 2 feet, and the south bound travel lane is reduced to 10 feet in width. The northbound lane paved shoulder is retained at 4 feet for improved safety. In addition to varying cross section design widths, impacts have been reduced through the utilization of space saving retaining walls as opposed to road embankments. Through refined design, the project has effectively minimized impacts to critical areas and private property consistent with the requirements of LUC 20.25H.055.C.2 and the design has demonstrated that no feasible alternatives with less impact exist. Complete project

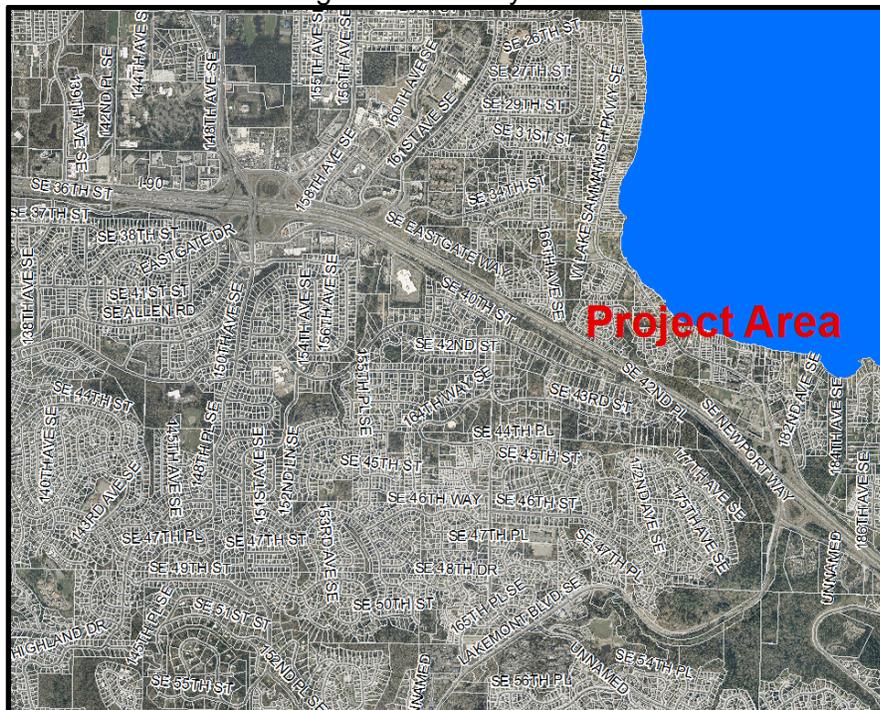
plans are included as **Attachment 1**. A complete summary of project impacts to critical areas is included in Section II below.

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

### A. Site Description

West Lake Sammamish Parkway SE is a street corridor developed with a two lane roadway that provides a north south connection between Interstate 90 and State Route 520. The corridor is fronted primarily by residential properties on both sides that are serviced by individual driveway connections. The street corridor meanders through variable topography and crosses streams and wetlands in several locations. See Figure 4, vicinity aerial below. Site photos are available in the project file.

Figure 4 – Vicinity Aerial



### B. Zoning/Comp Plan Designation

The project corridor fronts properties with zoning ranging from R-5 through NB (Neighborhood Business) with compatible Comprehensive Plan Land Use Designations. This is a proposal for safety and pedestrian improvements and does not affect zoning or land uses specified by the Comprehensive Plan. The project is not designed to increase street capacity. Due to the presence of area streams (Vasa Creek and others), associated wetlands and buffers, steep slopes, regulated floodplain, and fronting Lake Sammamish, the project site is considered to be within the Critical Areas Overlay District (LUC 20.25H) and the Shoreline Overlay District (LUC 20.25E).

### **C. Land Use Context**

This is a proposal to construct pedestrian and safety improvements along a section of a public street corridor. The project is designed to serve the community in which it is located and has been determined to support existing land uses surrounding the corridor. Proposed construction is within the public Right-of-Way. Where construction is proposed outside of the limits of the Right-of-Way acquisition or easement must be obtained.

### **D. Critical Areas Functions and Values**

#### **i. Streams and Riparian Areas – LUC 20.25H.075**

- a. Stream and Riparian Area Functions:** Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also 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 (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). 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. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also 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.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or re-vegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows in to riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

- b. Site Conditions:** The proposed street corridor improvement project is located adjacent to stream critical areas. Activities within a stream or it's buffer are restricted by the City of Bellevue Land Use Code Critical Areas Overlay District requirements. A complete stream inventory is available in the project Critical Areas Report included as **Attachment 2**.

## ii. Wetlands – LUC 20.25H.095

- a. Wetland Functions:** 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. While Bellevue’s wetlands provides various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.
- b. Site Conditions:** Wetlands within the project area were identified, delineated, and categorized by the applicant’s consultant in support of the critical areas report required for this project. Several wetlands were identified within the project corridor. Complete wetland studies are available in the project Critical Areas Report included as **Attachment 2**.

### iii. Shorelines – LUC 20.25H.115

#### a. Shoreline Functions:

Shorelines provide a variety of functions including shade, temperature control, water purification, woody debris recruitment, channel, bank and beach erosion, sediment delivery, and terrestrial-based food supply (Gregory et al. 1991; Naiman et al. 1993; Spence et al. 1996).

Shorelines provide a wide variety of functions related to aquatic and riparian habitat, flood control and water quality, economic resources, and recreation, among others. Each function is a product of physical, chemical, and biological processes at work within the overall landscape. In lakes, these processes take place within an integrated system (ecosystem) of coupled aquatic and riparian habitats (Schindler and Scheuerell 2002). Hence, it is important to have an ecosystem approach which incorporates an understanding of shoreline functions and values.

- #### b. Site Conditions:
- Portions of the project site between the intersections of SE 40th Place and SE 38th Street are within the Shoreline Overlay District 200 foot Shoreline Jurisdiction. Project construction is not proposed within the 50 foot Shoreline regulatory buffer and will not impact any shoreline resources. Shoreline documentation is included as **Attachment 2**.

### iv. Geologic Hazard Areas – LUC 20.25H.120

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

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

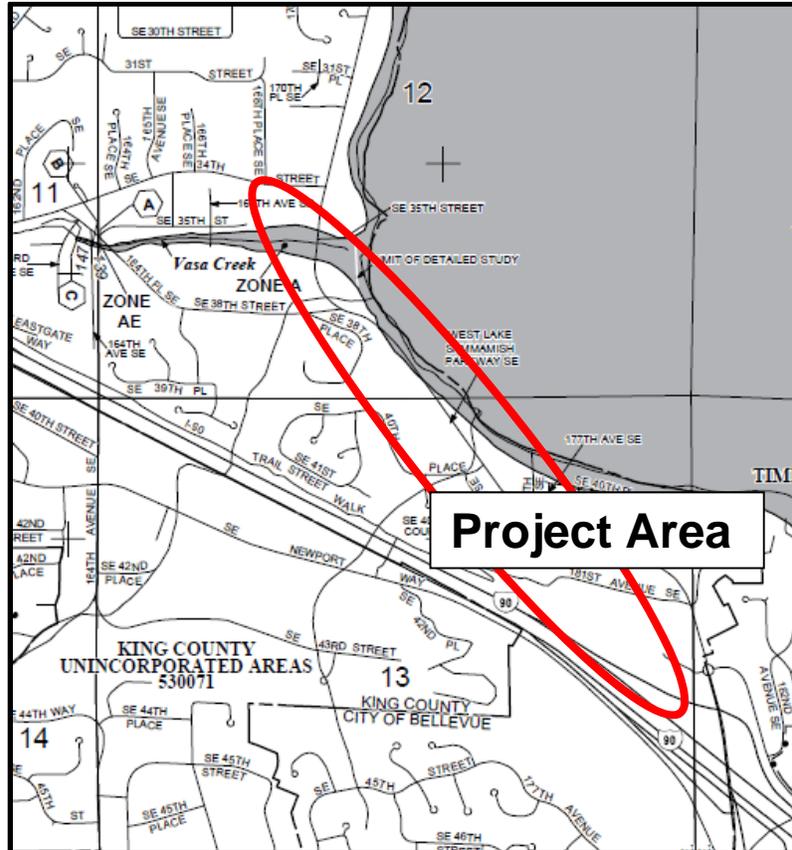
- #### b. Site Conditions:
- Areas of geologic hazard areas occur on or adjacent to

the project area. South of SE 38th Street intersection, the Parkway parallels a hillside to the west mapped as a steep slope for approximately 0.25 mile. Continuing south, the Parkway is located adjacent to other intermittent mapped steep slope areas. The project does include work within steep slope areas and is limited to the construction of retaining walls to provide flat areas for trail construction and the installation of widened shoulder. Geologic Hazard Area documentation is included as **Attachment 2**.

**v. Areas of Special Flood Hazard - LUC 20.25H.175**

- a. Floodplain Functions:** The value of floodplains can be described in terms of both the hydrologic and ecological functions they provide. Flooding occurs when runoff exceeds the capacity of rivers and streams to convey water within their banks, or when engineered stormwater systems become overwhelmed. 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. Development within the floodplain can dramatically affect the storage capacity of a floodplain, impact the hydrologic regime of a basin and present a risk to public health and safety and to property and infrastructure.
- b. Site Conditions:** The project corridor crosses the main stem of Vasa Creek, which is mapped as a floodplain by Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRM). The location of the FEMA floodplain is indicated in **Figure 5** below. A complete floodplain analysis is included as **Attachment 2**.

Figure 5 – FEMA FIRM Map



Within the project extent, West Lake Sammamish Parkway crosses the 100-year floodplain in two locations: south of SE 38th Street, and at Vasa Creek. Work will occur within approximately 0.85 acre of the mapped 100-year floodplain of Lake Sammamish and Vasa Creek.

### E. Impacts and Mitigation

The project has been designed to avoid impacts to the greatest extent practicable; however, limited impacts associated with construction of the pedestrian trail are anticipated as needed to accommodate areas of retained fill, slope cuts for retaining walls, and re-grading for trail placement. As plans are refined, impact avoidance will remain a priority. Impacts to the site resources and associated mitigation measures are as follows.

- i. **Stream Impacts:** In accordance with LUC 20.25H.075.C.2.b, where a legally established right-of-way crosses a stream, the edge of the improved right-of-way is boundary of the stream riparian area buffer. This means that all areas of improved and maintained right-of-way are not regulated as critical areas and work proposed within the maintained right-of-way when adjacent to a stream or stream buffer does not require mitigation. Mitigation requirements are applied to areas of unmaintained right-of-way. Five watercourses that qualify as stream

critical areas are within the project area and are conveyed under the existing street through existing culverts. No changes are proposed to existing culverts and stream channels will not be modified. Impacts are limited to stream riparian buffers where retained fill wall systems are needed to provide sufficient area for the proposed pedestrian trail. Project area stream resources are as follows:

Stream ID	Project Station	Classification <sup>1</sup>	Project Area Channel Description
Vasa Creek 0156	63+80	Perennial Type F Anadromous Salmonid use	The stream crosses the Parkway in a culvert crossing, with open channel downstream to Lake Sammamish
0160	56+00	Perennial Type F Salmonid use	Conveyed under the Parkway by a 716-foot long culvert which extends from upstream of WLSP and discharges directly into Lake Sammamish
Unnamed Stream #1	44+20	Intermittent Type F Salmonid use	Stormwater basin immediately upstream of the Parkway. Conveyed under the Parkway and downstream in pipe system.
0161	32+35	Perennial Type F Salmonid use	The stream crosses the Parkway in a culvert crossing, with open channel downstream to Lake Sammamish
Unnamed Stream #2	15+00	Unknown Assumed Type F and Salmonid Use	Stream is on north side of the Parkway and originates in stormwater basin immediately south of 181 <sup>st</sup> Ave SE. Downstream conveyance is likely in pipe system.

The project has been designed to avoid in-water work by narrowing the proposed trail and planted buffer widths in certain areas to avoid culvert ends. The project will, however, require work adjacent to the existing culvert crossings for Vasa Creek and Stream 0161. Approximately 1,540 square feet of buffer (where stream and wetland buffer overlap) will be impacted to accommodate trail widening. Short retaining walls are proposed at these crossings to accommodate the widened road, and will be constructed within the buffer to avoid impacting the streams. The width of the trail and proposed landscape median have been reduced to avoid and minimize impacts to stream resources, although impacts were determined to be unavoidable at this location due to site constraints and minimum objectives.

ii. **Stream Impact Mitigation:** To offset and compensate for impacts to the stream and associated buffers the applicant has prepared a mitigation plan that includes on site mitigation through restoration and enhancement. To mitigate temporary impact, an equivalent area of restoration will occur to restore areas impacted by construction. To mitigate permanent impacts to stream buffers, lost buffer will be replaced at a ratio of 1:1 in accordance with LUC 20.25H.085.B. A complete breakdown of proposed mitigation measures is included in the project’s Critical Areas Report, included as **Attachment 2** to this report. See related Condition of Approval in Section IX below.

iii. **Wetland Impacts:** In accordance with LUC 20.25H.095.C.2.b, where a legally established right-of-way crosses a wetland, the edge of the improved right-of-

way is boundary of the wetland buffer. This means that all areas of improved and maintained right-of-way are not regulated as critical areas and work proposed within the maintained right-of-way when adjacent to a wetland or wetland buffer does not require mitigation. Mitigation requirements are applied to areas of unmaintained right-of-way. Six wetland units were identified within the project area. Impacts are limited to wetland buffers where retained fill wall systems are needed to provide sufficient area for the proposed pedestrian trail. No wetland fill is proposed. Project area wetland resources are as follows:

Wetland	Estimated Total Size	Ecology System Rating	Habitat (H) and Water Quality (WQ) Scores	Buffer Requirement (LUC 20.25.H.095(C))
Wetland A	< 0.25 acre	II	H = 10 WQ = 26	75 feet
Wetland B & BB	< 0.25 acre	III	H = 11 WQ = 10	60 feet
Wetland C	< 0.25 acre	III	H = 7 WQ = 20	60 feet
Wetland D	<0.5 acre	IV	H = 3 WQ = 4	40 feet
Wetland E	< 0.25 acre	IV	H = 3 WQ = 2	40 feet
Wetland F	<0.5 acre	IV	H = 2 WQ = 8	40 feet

The project has been designed to avoid impacting wetlands by narrowing the proposed trail and planted buffer widths in certain areas to avoid known wetland resources. The project will, however, require work adjacent to Wetland A. Approximately 1,540 square feet of buffer (where stream and wetland buffer overlap) will be impacted at this location to accommodate trail widening through the installation of short retaining walls to accommodate the widened road, and will be constructed within the buffer to avoid requiring wetland fill. The width of the trail and proposed landscape median have been reduced to avoid and minimize impacts to wetland resources, although impacts at this location were determined to be unavoidable due to site constraints and minimum objectives.

- iv. **Wetland Impact Mitigation:** To compensate for unavoidable impacts to the site’s wetland resources, the applicant is proposing restoration and enhancement. To mitigate temporary impact, an equivalent area of restoration will occur to restore areas impacted by construction. To mitigate permanent impacts to stream buffers, lost buffer will be replaced at a ratio of 1:1 in accordance with LUC 20.25H.105.C.3. A complete breakdown of proposed mitigation measures is included in the project’s Critical Areas Report, included as **Attachment 2** to this report. See related Condition of Approval in Section IX below.

- v. Shoreline Impacts:** The project area along West Lake Sammamish Parkway roughly parallels the southwest shoreline of Lake Sammamish. One portion of the project is within the 200 foot Shoreline Overlay District that extends landward from the OHWM of Lake Sammamish. Although a small portion of the project is within the Shoreline Overlay District, the project is located outside of the maximum 50 foot shoreline buffer and no impacts to shorefront resources is proposed. No shoreline mitigation is required.
- vi. Slope Impacts:** Steep slope hazard areas are defined as slopes of 40 percent or more with at least 10 feet of rise and exceed 1,000 square feet in area. Regulated slope areas have been mapped along the project corridor and work is proposed within several slope areas, including the top of slope buffer and toe of slope structure setback. Mapped slope areas along the alignment where walls are proposed include Station 20+00 to about Station 20+75 on the east side, Station 31+50 to Station 33+50 on portions of both sides, Station 34+50 to Station 36+50 on the west side, and Station 38+25 to Station 39+00 on the west side. Proposed work within the slope areas includes wall construction, clearing of vegetation, and grading to accommodate trail construction.
- vii. Slope Impact Mitigation:** To mitigate temporary slope impacts, an equivalent area of restoration will occur to restore areas impacted by construction. To mitigate permanent impacts to slope and slope buffers, lost area will be replaced at a ratio of 1:1 through slope enhancement in accordance with LUC 20.25H.145.J. A complete breakdown of proposed mitigation measures is included in the project's Critical Areas Report, included as **Attachment 2** to this report. See related Condition of Approval in Section IX below.
- viii. Floodplain Impacts:** LUC 20.25H.180 requires that development in the 100-year floodplain must not result in a rise in the base flood elevation or 100-year flood. Grading or other activity that would reduce the effective storage volume must be mitigated by creating compensatory storage on the site (LUC 20.25H.180.C.6). There are two areas along the roadway that occur within the 100-year floodplain: an area south of SE 38th Street (Area A) and an area adjacent to Vasa Creek (Area B). An hydraulic analysis of the proposed roadway improvements indicates the project would result in a net increase in flood storage capacity. While there would be a loss in storage volume in Area A, there would be an offsetting increase in storage volume in Area B, resulting in a net increase in storage volume. A complete hydraulic analysis addressing project effects on the Lake Sammamish and Vasa Creek floodplains is included in the project Critical Areas report (**Attachment 2**). No floodplain mitigation is required.

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

**A. Land Use and Zoning District Requirements**

This is a proposal to construct a new pedestrian trail and make safety improvements along West Lake Sammamish Parkway SE. The pedestrian path and safety elements proposed are located within the Right-of-Way and are not subject to zoning controls. The activities proposed by this project are compatible with the residential and recreational uses along the Parkway.

**B. Uses and Development Allowed within Critical Areas LUC 20.25H.055**

This is a proposal to construct a new pedestrian trail and make safety improvements along West Lake Sammamish Parkway SE and is considered as an expansion of a public right-of-way. Expansions of public right-of-ways are identified in the Land Use Code as allowed within critical areas or their buffers under section LUC 20.25H.055.B when no feasible alternative with less impact exists. As an allowed activity, mitigated impacts are permissible although the proposal must meet the applicable performance standards listed in Figure 9 below. Compliance with required performance standards is addressed in Section C below.

**Figure 9 – Applicable Performance Standards**

Activity	Streams	Wetlands	Shorelines	Geologic Hazard Areas	Floodplains
New or expanded public rights-of-way	20.25H.055.C.2	20.25H.055.C.2	20.25H.055.C.2	20.25H.055.C.2	20.25H.055.C.2
	20.25H.080.A	20.25H.100	20.25E.080.R	20.25H.125	20.25H.180.C 20.25H.180.D.4

In response to the general performance standards listed in LUC 20.25H.055.C, the applicant’s consultant has submitted a critical areas report that addresses alternatives evaluated, review of measures taken to minimize impacts to critical areas functions, and has developed a mitigation plan. Review of the critical areas report, project design, and project history indicates the project has been designed to comply with these performance standards. Consistent with the requirements of LUC 20.25H.055.C.2, the design has demonstrated that no feasible alternatives with less impact exist as impacts have been avoided and minimized. The Critical Areas Report is included as **Attachment 2** to this report.

As a use or activity allowed in critical areas and critical areas buffers under LUC 20.25H.055.B, the project must be designed to comply with the resource specific performance standards applicable to streams and stream buffers, wetlands, wetland buffers, areas of special flood hazard, and geologic hazard areas. Applicable performance standards are listed in Figure 9 above.

To demonstrate compliance with applicable performance standards the applicant has

submitted a critical areas report demonstrating avoidance, minimization, and mitigation; has designed the proposed project to include dense vegetation planting where space permits, and included features intended to improve habitat through buffer restoration. The proposal is limited to the construction of the new pedestrian path and safety improvements and the project does not include any associated lighting or structures (i.e. sheds or buildings). No reduction in flood storage capacity is expected and no stream channel alterations are proposed. Project review confirms the design is consistent with the applicable performance standards as listed in Figure 9 above. The project Critical Areas Report is available as **Attachment 2** to this report. See related conditions of approval in Section IX of this report.

#### **IV. Summary of Technical Reviews**

##### **A. Clearing and Grading**

The Clearing and Grading Division of the Development Services Department has reviewed the proposed project for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development. Clearing and Grading codes and standards will be applied to the required clearing and grading permit.

#### **V. Public Notice and Comment**

Application Date:	June 13, 2011
Public Notice (500 feet):	December 1, 2011
Minimum Comment Period:	January 2, 2012

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on December 1, 2011. It was mailed to property owners within 500 feet of the project site. No comments have been received.

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

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under State Environmental Policy Act (SEPA) requirements.

Adverse impacts which are less than significant are usually subject to City Codes or Standards which are intended to mitigate those impacts. Where such impacts and regulatory items correspond, further documentation is not necessary. For other adverse impacts which are less than significant, Bellevue City Code Sec. 22.02.140 provides substantive authority to mitigate impacts disclosed through the environmental review process. A complete SEPA checklist addressing anticipated impacts is included as **Attachment 3**.

## **A. Earth and Water**

Construction activities related to this project could cause soil erosion. Soil would be removed and added by large construction vehicles in several locations on the project site. The potential for soil erosion is generally low in the project area because of the generally flat conditions of the roadway section and the nature of the construction practices involving compacted stabilized material. However, clearing, grading, excavation and filling on upland soils could result in erosion and subsequent sediment load to adjacent waterbodies. A temporary erosion and sedimentation control plan is included in the project plans, and addresses all requirements for restoring the site to its current condition as well as erosion and sedimentation management practices.

Best Management Practices (BMPs) will be implemented during construction in accordance with the City of Bellevue's Transportation Maintenance and Capital Improvements Project Stormwater Management Guidelines (City of Bellevue, 2011); and Washington Department of Ecology NPDES Construction Stormwater General Permit requirements. As part of these requirements, the Contractor will be required to submit and follow a Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control (TESC) plan. Temporary erosion and sediment control measures and BMPs will at a minimum include: turbidity monitoring; catch basin inserts; covering of utility trenches at the end of each working day; utilization of additional erosion control materials such as plastic sheeting, straw bales, sand bags, pumps, etc.; and avoiding placement of excavated material directly on pavement areas. See Section IX for a related condition of approval.

The proposed project also includes improvements to the Parkway's existing stormwater system. Under existing conditions, stormwater from the area currently receives no treatment or detention and directly flows into area streams and into Lake Sammamish through a series of roadside ditches. In order to meet minimum requirements for redevelopment (Bellevue Municipal Code 24.06.065), the project is only required to treat stormwater from new pollution-generating impervious surfaces (PGIS). For this project, funding is available for the City to provide treatment to all existing PGIS, which is currently untreated, in addition to the new PGIS where treatment is required by City code. As a result, this project will include treatment for all new and existing or equivalent area of PGIS within the project area. This project will utilize properly-sized pretreatment chambers and media filters for treatment upstream of each of three existing outfalls to Lake Sammamish proposed to receive project area runoff.

Lake Sammamish is considered a flow-exempt waterbody under the City of Bellevue's 2011 Transportation Maintenance and Capital Improvements Project Stormwater Management Guidelines; therefore, no stormwater detention is required. Although slight changes to the stormwater collection and conveyance systems will be required, all project related stormwater will be discharged into Lake Sammamish through existing manmade outfalls – no new outfalls are proposed. Furthermore, no discharges to project area streams will be required, with the exception of one location where stormwater will be

discharged into an existing storm drain that connects with a culverted portion of Stream 0160.

## **B. Animals**

Review of the WDFW Priority Habitats and Species (PHS) database does not indicate the presence of listed fish species in any of the five streams that cross the project area. However, PHS indicates that fall Chinook salmon, winter steelhead, and bull trout occur within Lake Sammamish. No other PHS species or habitats are reported within or near the project site. Critical habitat for Puget Sound Chinook salmon and Coastal-Puget Sound bull trout has been designated within Lake Washington, 15 miles downstream of the project area; however, no critical habitat occurs within the project area. Critical habitat for steelhead has not been proposed or designated at this time.

The project site is also located within the Pacific Flyway, which is a regional flight corridor for migrating waterfowl and other avian fauna, however the area where the project would occur is not considered important habitat for migrating birds.

Construction work near stream crossings will employ BMPs to avoid sedimentation entering streams that could impact fish or fish habitat. The proposed landscape buffer will provide some foraging and nesting habitat for birds. No impacts to wildlife are expected as a result of this project; therefore, no additional measures are proposed to preserve or enhance wildlife.

## **C. Plants**

The project area is located in an urbanized, upland area. No threatened or endangered plant species or critical habitat is known to be on or near the site. The proposed project will result in impacts to site vegetation. Approximately 33 trees located within the road ROW will be removed to accommodate the widened shoulder. Trees to be removed are generally comprised of big-leaf maple, western red cedar, Douglas fir, and red alder.

To compensate for impacts to vegetation, the applicant is proposing inclusion of a landscaped buffer. The multi-use trail will be separated from the roadway by a landscaped buffer varying in width between 2 and 5 feet where space is available. The buffer will be planted primarily with species native to this region. Shrub species will include Oregon grape, red flowering currant, common white snowberry, evergreen huckleberry, and nearly wild rose. Tree species will include Pacific sunset maple, starlight dogwood, and sour gum.

In addition to the proposed planted landscape median, the applicant has also prepared a mitigation plan for areas of temporary and permanent disturbance. The mitigation plans include areas of enhancement and restoration. Areas on-site that are disturbed by construction-related activities will be restored to the maximum extent possible. The project mitigation plan has been reviewed and determined to be consistent with the planting guidelines established within the City of Bellevue Critical Areas Handbook. The proposed

mitigation plan must be implemented as part of the required clearing and grading permit. See conditions of approval in Section IX of this report.

To protect existing trees and native vegetation within the project area that are not planned for removal, the applicant is required to provide a tree protection plan identifying the project limits, trees within the project limits, potential impact areas, and trees to be protected. The plan shall implement the City of Bellevue Drawing Number TP-1, Tree Protection Procedures during Construction guidance of; for every inch diameter of tree, fencing would be 1 foot from the tree trunk. This radius may be modified to accommodate site access. Additional measures will be employed to protect roots where the radius was modified, such as the temporary placement of hog fuel. Tree protection fencing shall be orange high visibility safety fencing and would be installed prior to construction in collaboration with the Erosion and Sediment control BMP's. See conditions of approval in Section IX of this report.

#### **D. Noise**

The project area is within the West Lake Sammamish Parkway right-of-way. Standard construction noise will be generated during trail construction. The completed project will create no additional noise over the current conditions. Construction noise is limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section IX for a related condition of approval.

### **VII. 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; and**

**Finding:** The applicant must obtain approval of a Clearing and Grading permit prior to commencing any work. See related condition of approval in Section IX below.

**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:** After field analysis and identification of corridor constraints such as slopes, wetlands, and streams, the cross section was modified reducing impacts by utilizing a variable width approach to design. The pedestrian path is varied from 10 feet to 8 feet, the landscape buffer is varied from 5 feet to 2 feet, and the south bound travel lane is reduced to 10 feet in width. The northbound lane paved shoulder is retained at 4 feet for improved safety. In addition to varying cross section design widths, impacts have been reduced through the utilization of space saving retaining walls as opposed to road embankments.

Through refined design, the project has effectively minimized impacts to critical areas and private property.

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

**Finding:** As discussed above, this proposed pedestrian trail and street safety improvements have been designed to comply with applicable performance standards for systems located within or adjacent to streams, wetlands, geologic hazard areas, and areas of special flood hazard.

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

**Finding:** This is a proposal to construct a new pedestrian trail within the West Lake Sammamish Parkway right-of-way. Adequate public facilities are available to the site.

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

**Finding:** A restoration plan has been prepared in accordance with the requirements of LUC 20.25H.210 and includes five years of maintenance and monitoring. This plan is included with the project Critical Areas Report as **Attachment 2**. See related condition of approval in Section IX below.

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

**Finding:** As discussed above, the proposal complies with all other applicable requirements of the Land Use Code.

**B. Shoreline Substantial Development Permit Decision Criteria 20.30R**

The Director of Planning and Community Development may approve or approve with modifications an application for Shoreline Substantial Development Permit if:

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

**Finding:** This proposal is necessary to make safety and mobility improvements along a 1.2 mile stretch of the Parkway. Identified through the City of Bellevue Transportation Department Facilities Plan (TFP) in Mobility Management Area #9 as project TFP-078, this project is the first phase of a broader plan to complete improvements along a total of 4.98 miles of West Lake Sammamish Parkway, beginning just north of the roundabout at I-90 and continuing north to the city limits near NE 24th Street.

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

**Finding:** This proposal meets all of the applicable performance standards listed in the Land Use Code for Critical Areas Land Use Permits and Shoreline Substantial Development Permits.

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

**Finding:** This is an application for development of pedestrian trail and street safety improvements along the shoreline of Lake Sammamish and is consistent with the Shoreline Management Act, the City's Shoreline Master Program, and the requirements of WAC 173-27. Transportation infrastructure is an allowed use in the shoreline overlay and this proposal is compliant with all applicable shoreline performance standards. The proposed development within the shoreline overlay district (200 feet landward of the OHWM) is limited to construction of a segment of the proposed trail and safety improvements and no work is proposed closer than 75 feet from the OHWM.

## **VIII. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the Critical Areas Land Use Permit and Shoreline Substantial Development Permit for the proposal to construct a new pedestrian trail and complete safety improvements as identified in Phase 1 of the West Lake Sammamish Parkway Improvements Project – Transportation Facilities Plan Project #078.

**Note- Expiration of Critical Areas Land Use 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.

**Note on expiration of Shoreline Substantial Development Permit Approval:** A Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180. "Substantial progress" includes the following, where applicable: the making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or if no construction is involved, commencement of the activity. Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.30R.180.

## IX. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC 20.25H	David Pyle, 425-452-2973
Noise Control- BCC 9.18	David Pyle, 425-452-2973

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

**1) Clearing and Grading Permit:** Before commencing any construction activity the applicant must apply for and obtain a Clearing and Grading Permit. On-going turbidity monitoring and submittal of turbidity monitoring data sheets will be required as part of the clearing and grading permit inspection process.

Authority: Bellevue City Code Section 23.76.025

Reviewer: Janney Gwo, Clear and Grade

**2) Documentation of Edge of Maintained Right-of-Way:** Prior to issuance of construction permits, the applicant shall submit an updated existing conditions map that delineates the edge of the maintained right-of-way where work is proposed adjacent to documented critical areas. All temporary and permanent disturbance proposed outside of the maintained right-of-way must be mitigated in accordance with the requirements of LUC 20.25H and documented in the final project mitigation, maintenance, and monitoring plan. The edge of the maintained right-of-way shall be delineated at the following project stations: 32, 33, 44, 45, 46, 47, 48, 53, 56, 61, 64.

Authority: Land Use Code 20.25H.075, 20.25H.095

Reviewer: David Pyle, Development Services Department

**3) Refined Utility Pole Relocation Work Plan:** Prior to issuance of construction permits, the applicant shall provide a refined utility pole relocation program for the relocation of utility poles located within critical areas or critical area buffers. Where permanent disturbance from pole relocation is proposed the proposed disturbance shall be mitigated in accordance with the requirements of LUC 20.25H and documented in the final project mitigation, maintenance, and monitoring plan.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5  
Reviewer: David Pyle, Development Services Department

**4) Mitigation, Maintenance, and Monitoring Plan:** A mitigation plan for all areas of permanent new disturbance and temporary disturbance is required to be submitted for review and approval by the City of Bellevue prior to issuance of the required development permit. To ensure the proposed restoration plan is successful, the mitigation, maintenance, and monitoring plan submitted as part of this application shall be submitted as part of the underlying clearing and grading permit required to implement the project. Mitigation for permanent impacts to stream and wetland buffers must be provided at a 1:1 ratio. Restoration for areas of temporary disturbance shall be restored at a ratio of 1:1. Any modifications to the mitigation ratios included with the mitigation plans submitted under this application must be approved prior to issuance of the clearing and grading permit. In order to ensure the mitigation plan successfully establishes, the mitigation plan shall be updated to include the following performance standards for a period of five years following installation:

Year 1: 100% survival of all installed plants & 0% invasive coverage.

Year 2: 90% survival of all installed plants & <5% invasive coverage.

Year 3: 85% survival of all installed plants, >35% native coverage & <5% invasive coverage.

Year 4 : >50% native coverage & <5% invasive coverage.

Year 5: 80% survival of all installed plants and >70% native coverage & <5% invasive coverage.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5  
Reviewer: David Pyle, Development Services Department

**5) Mitigation Installation:** Mitigation installation shall commence immediately following permit issuance where technically feasible and shall be installed according to the mitigation plans submitted as part of this application within one year of project completion.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5  
Reviewer: David Pyle, Development Services Department

**6) Mitigation Maintenance:** Maintenance of mitigation plantings shall include, at a minimum, three entries per year for a period of no less than 5 years. During each entry, plant growth will be evaluated, soils amended as needed, and invasives will be suppressed.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5  
Reviewer: David Pyle, Development Services Department

**7) Submittal of Mitigation Maintenance and Monitoring Reports:** As part of the required 5 years of mitigation maintenance and monitoring, the applicant shall submit annual monitoring reports to the Development Services Department Land Use Division at the end of the growing season by no later than November 30 for each year monitored.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5  
Reviewer: David Pyle, Development Services Department

**8) Applicable State and Federal Permits:** To mitigate adverse impacts, Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to the commencement of any work. A copy of the approved State and Federal permits shall be submitted to the City of Bellevue Development Services Department Land Use Division prior to construction.

Authority: Land Use Code 20.25H.055.C.3.d  
Reviewer: David Pyle, Development Services Department

**9) Rainy Season restrictions:** Due to the proximity to area streams, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30.

Authority: Bellevue City Code 23.76.093.A,  
Reviewer: Janney Gwo, Clear and Grade

**10) 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: David Pyle, Development Services Department

**11) 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: David Pyle, Development Services Department

**12) Construction Stormwater Pollution Prevention Plan:** To ensure contaminated stormwater or construction-related runoff does not pollute adjacent surface water, a construction stormwater pollution prevention plan (CSWPPP) is required for all clearing and grading permit applications for industrial, commercial, multi-family, plat and short plat developments. The CSWPPP outline should be generally consistent with the SWPPP requirements of the National Pollutant Discharge Elimination System (NPDES) General Storm water Permit for Construction Activities.

Turbidity and pH monitoring will be required during the site grading. A monitoring plan must be submitted as part of the CSWPPP with the Clearing & Grading permit application or during review of the Clearing and Grading permit application.

Authority: Bellevue City Code 23.76

Reviewer: Janney Gwo, Clear and Grade

**13) Tree Protection:** A Tree Protection shall be included with the project Clearing and Grading Permit application. The plan shall implement the City of Bellevue Drawing Number TP-1, Tree Protection Procedures during Construction guidance of; for every inch diameter of tree, fencing would be 1 foot from the tree trunk. This radius may be modified to accommodate site access. Additional measures will be employed to protect roots where the radius is modified, such as the temporary placement of hog fuel. Tree protection fencing must be installed prior to construction.

Authority: Bellevue City Code 23.76

Reviewer: David Pyle, Development Services Department