



DEVELOPMENT SERVICES DEPARTMENT  
ENVIRONMENTAL COORDINATOR  
450 110<sup>th</sup> Ave NE., P.O. BOX 90012  
BELLEVUE, WA 98009-9012

## DETERMINATION OF NON-SIGNIFICANCE

**PROPONENT:** John Robertson, Bellevue Brewing Company

**LOCATION OF PROPOSAL:** 1850 130<sup>th</sup> Ave NE

**NAME & DESCRIPTION OF PROPOSAL:** Bellevue Brewing Company Water Line installation

Critical Areas Land Use Permit to install a water main within the buffer to a Type F stream. The proposed work will temporarily disturb areas that are classified as stream buffer located within the Critical Areas Overlay District. The area of work is proposed to be within an area already developed as a paved parking area. Mitigation plantings includes two native trees within the stream buffer near the stream.

**FILE NUMBER:** 12-118200-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 Department of Planning & Community Development. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on March 16, 2006.
- 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 October 25, 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This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information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

October 11, 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:** Bellevue Brewing Co. Water Main

**Proposal Address:** 1850 130<sup>th</sup> Ave NE

**Proposal Description:** Land Use approval of a Critical Areas Land Use Permit to install a water main within the buffer to a Type F stream. The proposed work will temporarily disturb areas that are classified as stream buffer located within the Critical Areas Overlay District. The area of work is proposed to be within an area already developed as a paved parking area.

**File Number:** 12-118200-LO

**Applicant:** John Robertson, Bellevue Brewing Co

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

**Planner:** Carol L. Orr, 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:** July 24, 2012  
**Notice of Application Date:** August 23, 2012  
**Decision Publication Date:** October 11, 2012  
**Project/SEPA Appeal Deadline:** October 25, 2012

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

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**I. Proposal Description**

The applicant proposes to install a 4" water line with a Double Check Detector Assembly and Post Indicator Valve within a vault located within a buffer from a fish-bearing stream. The entire area of disturbance lies within an area already developed as a paved parking lot. This work is necessary to provide water service to a fire sprinkler system within a proposed brewery on an adjacent property. Utility systems within a stream buffer are an allowed use subject to the requirements in LUC 20.25H.055.C. There will be no construction disturbance outside of the paved parking areas. Disturbance within the stream buffer within the paved area requires the approval of a Critical Areas Land Use Permit. See Figure 1 below for a site plan.

**Figure 1**



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

**A. Site Description**

The project site is located at 1850 130<sup>th</sup> Ave NE. The tenant work which triggered the fire sprinkler line is located at 1800 130<sup>th</sup> Ave NE. This parcel is located in the Bel-Red subarea of the City. The site is located in the NE quadrant of Section 28, Township 25 North, Range 5 East. The site is surrounded by properties zoned Bel-Red Residential-Commercial. The project site is located on Lot 2 of Bellevue Short Plat # #76-49, of the Valley Greene Division 4 subdivision. The entire lot is predominantly flat, except where Goff Creek runs along the east property line. See figure 2 for existing site condition.

Figure 2



### **B. Zoning**

The project site is zoned Bel-Red RC1, as are the properties immediately to the east, west and south. Properties immediately to the north of the subject property are zoned Bel-Red RC2. The proposed work to install utilities is an allowed use in a stream buffer critical area, provided the applicant can show that no technically feasible alternative with less impact exists.

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

The property has a Comprehensive Plan Land Use Designation of C (Commercial). Installation of water mains for fire sprinklers at a commercial tenant space is consistent with commercial land uses and is not related to land use changes. It is intended to provide needed water service to this tenant which increases the safety of this and surrounding tenants. The work area is located within the Critical Areas Overlay District which establishes special requirements for uses in critical areas.

### **D. Critical Areas On-Site and Regulations**

#### **i. Streams and Riparian Area**

According to the City of Bellevue Stream Inventory a Type-F stream is located approximately 20 – 30 feet away from the area of disturbance along the east property

line of the subject property. A 50-foot buffer and a 15-foot structure setback are required from the stream and buffer respectively. The proposed waterline installation and the associated trenching, Double Check Valve Assembly or vault installation is within the required buffer, but will not pose any new permanent disturbance to this buffer. Therefore this CALUP review does not include any modification of the stream. See figure 3 below for location of stream

**Figure 3**



**ii. Critical Areas Overlay District/Critical Area Land Use Permit**

A Critical Area Land Use Permit (CALUP) is required as the applicant is requesting to temporarily disturb a stream buffer classified as a critical area as part of a water line extension for fire sprinklers for an adjacent property. Work within the stream buffer will consist of trenching for the installation of approximately 135 linear feet of 4-inch diameter water pipe. Other clearing and grading activity in the stream buffer for the installation of the vault and Double Check Detector Assembly is also included. Limited mitigation plantings will be installed adjacent to the stream. Expansion of a private utility system or facility is an allowed use in a critical area provided no technically feasible alternative to location in a critical area as defined in LUC 20.25H.055.C.2 is demonstrated.

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

**A. Zoning District Dimensional Requirements:**

No structure is proposed which is subject to Bel-Red zoning dimensional requirements.

**B. Critical Areas Requirements LUC 20.25H:**

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H)

establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The project area is within a fish bearing stream critical area buffer and is subject to the performance standards found in LUC 20.25H as specified in the table below

Critical Area	Streams
Performance Standards	20.25H.055.C.2 20.25H.080

**i. Consistency With LUC 20.25H.055.C.2**

2. New and Expanded Uses or Development. As used in this section, “facilities and systems” is a general term that encompasses all structures and improvements associated with the allowed uses and development described in the table in subsection B of this section:

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 existing water main exists along the west side 130<sup>th</sup> Ave NE, which has been designated a “no cut” street by the Transportation Department. Utilizing this location as a starting point for the water main would require the addition of approximately 400 lineal feet of 4” pipe across a busy street. The “no cut” status of the street would require either directional boring, or 100 feet of grinding and overlay of new asphalt in the location of the trenching. The proposed alternative results in less disturbance, and a significant savings in labor and material costs to the applicant.**

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

**The function of the proposed water line, Double Check Detector Assembly and vault is to provide water service to the adjacent tenant space where a brewery operation and restaurant will be located. The location of the new water pipe in or out of the stream buffer will not change the need to have the water line for fire safety.**

- 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;

**The need for the water line, Double Check Detector Assembly and vault is dictated by the requirement that fire sprinklers be added to the tenant space for safety. While tapping into the existing line on the west side of 130<sup>th</sup> Ave NE is an option, the expense in additional labor, materials and repair to the right of way make this option prohibitively expensive. Disruption to the use of the public right of way during the work would also pose difficulties to drivers and local businesses. The proposed alternative results in less disturbance, and a significant savings in labor and material costs to the applicant.**

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

**The proposed location of the water line, Double Check Detector Assembly and vault will pose no long term environmental impact to the adjacent fish-bearing stream. All paved areas are already designed to drain away from the stream, and will continue to do so after the project is completed. Additionally, rainwater which collects in the vault, and leaks from the water system will be directed towards catch basins so even these waters will not be directed towards the stream. The proposed location does go through a stream buffer, but it is the most efficient alternative and will have no long term effect on the stream or the habitat associated with it.**

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

**The temporary disturbance created by the installation of the water pipe, the Double Check Detector Assembly and the vault and other associated clearing and grading will be mitigated by restoration planting. See Conditions of Approval in Section X of this report.**

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

- i. Location and design shall result in the least impacts on the critical area or critical area buffer;
- ii. Disturbance of the critical area and critical area buffer, including disturbance of vegetation and soils, shall be minimized;
- iii. Disturbance shall not occur in habitat used for salmonid rearing or spawning or by any species of local importance unless no other technically feasible location exists;
- iv. Any crossing over of a wetland or stream shall be designed to minimize critical area and critical area buffer coverage and critical

- area and critical area buffer disturbance, for example by use of bridge, boring, or open cut and perpendicular crossings, and shall be the minimum width necessary to accommodate the intended function or objective; provided, that the Director may require that the facility be designed to accommodate additional facilities where the likelihood of additional facilities exists, and one consolidated corridor would result in fewer impacts to the critical area or critical area buffer than multiple intrusions into the critical area or critical area buffer;
- v. All work shall be consistent with applicable City of Bellevue codes and standards;
  - vi. The facility or system shall not have a significant adverse impact on overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod;
  - vii. Associated parking and other support functions, including, for example, mechanical equipment and maintenance sheds, must be located outside critical area or critical area buffer except where no feasible alternative exists; and
  - viii. Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.

**Where applicable the above performance standards will be met by the proposal. The 135-foot water pipe is being placed within an existing paved parking area within a stream buffer. The area is already permanently disturbed, and the placement of this pipe, Double Check Detector Assembly and vault will have no impact to the functions and values of the stream buffer as it currently exists. The parking area already drains away from the stream and the vault will be designed to drain to catch basins. Any impacts will be temporary and will occur during construction. Temporary erosion and sedimentation controls will be in place during construction to prevent any impacts to the critical area. Areas of temporary impacts will be restored to their previous paved condition. No existing vegetation will be disturbed and no significant trees are depicted for removal on the plans. Two native tree species will be planted adjacent to the stream to increase the native plantings on this area of the stream.**

**ii. Consistency With LUC 20.25H.080**

The performance standards in LUC 20.25H.080 are relatively unrelated to the scope of work proposed by this permit. This proposal does not involve any new lighting sources near the stream, and does not increase noise generating activity within the stream buffer. This area of the site is currently utilized as a parking area and will continue to be used as such. There is no change to the amount of impervious area on site, and all surface waters will drain down to existing catch basins. Areas of temporary disturbance will be restored to the previous asphalt surfacing. There will

be no removal of any existing vegetation within the buffer, and the mitigation plantings add native species to what is currently developed with predominantly ornamental plantings.

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

Application Date:	July 24, 2012
Public Notice (500 feet):	August 23, 2012
Minimum Comment Period:	September 6, 2012

The Notice of Application for this project was published the City of Bellevue weekly permit bulletin on August 23, 2012. It was mailed to property owners within 500 feet of the project site. The Muckleshoot Tribe requested additional information, but no comments were received.

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

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

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and has approved the application. A clearing and grading permit with a Temporary Erosion and Sediment Control Plan will be required.

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

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

##### **A. Earth, Air, and Water**

Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department.

##### **B. Animals**

The site is developed as a low rise office and retail complex. The site is predominantly covered with paved parking surfaces. The area immediately adjacent to the Type F stream is vegetated with ornamental trees and grass. The existing trees provide some shade to the stream, but the habitat provided on site is limited due to the predominance of parking areas provided on site. No disturbance will occur within the vegetated areas near the stream, only within the paved parking areas. No significant vegetation will be removed by this proposal

that could impact habitat.

#### **C. Plants**

Areas of temporary disturbance in the stream buffer will be restored to the previously paved condition. Native plants will be added to the stream bank area as depicted on the submitted planting plan. See Section X for related conditions of approval.

#### **D. Noise**

Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

### **VII. Changes to Proposal Due to Staff Review**

Staff requested that the plans be revised to show the location of the stream buffer on site in relation to the proposed work, and that the planting plan be revised to include only species native to the Pacific Northwest. The applicant was also asked to provide specific answers to decision and performance criteria found in 20.30P and 20.25H.080.

### **VIII. Decision Criteria**

#### **A. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria**

The Director may approve, or approve with modifications an application for a Critical Area Land Use Permit if:

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

The applicant must obtain a clearing and grading permit. See Conditions of Approval in Section X of this report.

**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;**

The proposed water line is located in an area already developed for parking. Areas of temporary disturbance will be restored to the previous paved surface, but native plantings will be added to the stream bank to mitigate for temporary disturbance.

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

As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

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

The proposed activity is to provide adequate public water service for a fire sprinkler system. This will result in increased fire protection to the applicant's tenant space as well as adjacent tenant spaces. The site is adequately served by other necessary public facilities.

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

A restoration plan has been prepared which will add two native plantings to the stream bank area adjacent to the area to be disturbed by the installation of the water pipe, Double Check Detector Assembly and vault. See Conditions of Approval in Section X of this report.

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

As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

**IX. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the installation of approximately 135 linear feet of water pipe, a Double Check Detector Assembly and vault and other work related with the installation of a water main located within the stream buffer critical area on the site. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A clear and grade 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 building permit or other necessary development permits within one year of the effective date of the approval.

**X. Conditions of Approval**

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC Title 20	Carol Orr, 425-452-2896
Noise Control- BCC 9.18	Carol Orr, 425-452-2896

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

**authority referenced:**

1. **Clear and Grade Permit Required:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. Application for a clear and grade permit must be submitted and approved. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.30P.140  
Reviewer: Carol Orr, Development Services Department

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.

Authority: Bellevue City Code 9.18  
Reviewer: Carol Orr, Development Services Department

3. **Mitigation Planting and Monitoring:** Mitigation planting shall be undertaken within the stream critical area buffer to mitigate for the impacts associated with the disturbance within the stream buffer. The mitigation planting shall, at a minimum, contain the plants and quantities specified in the approved plans as prepared by Triad Associates and submitted to the City of Bellevue via e-mail on 9/10/2012.

Authority: Land Use Code 20.30P.140  
Reviewer: Carol Orr, Development Services Department, Land Use

**XI. Attachments:**

1. Site Plan – Enclosed
2. Project Plans, Alternative, and other Information – In Project File

