



City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name: South Bellevue Community Center Zip-Line

Proposal Address: 14509 SE Newport Way

Proposal Description: The applicant requests a Critical Areas Land Use Permit for the installation of a zip-line course within steep slope critical area and habitat associated with species of local importance. The proposal expands upon the existing Challenge Course at Eastgate Park with six zip-line elements ranging in length from 100 feet to 450 feet, two bridges and one ramp. The bridges and zip-lines are interconnected by elevated platforms anchored to existing trees. Access is provided by two, new bark chip paths. The removal and "snagging" of several trees is also proposed.

File Number: 13-104260-LO

Applicant: Scott VanderHyden, Bellevue Parks & Community Services Department

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

Planner: Kevin LeClair, Planner

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


Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: Approval with Conditions


Carol V. Helland, Land Use Director
Development Services Department

Application Date: January 15, 2013
Notice of Application Publication Date: January 24, 2013
Decision Publication Date: May 9, 2013
Project/SEPA Appeal Deadline: May 23, 2013

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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1. Annotated Environmental Checklist – In File
2. Zip-Line Plans – In File
3. *Habitat Assessment* – Skillings Connolly Inc., November 2012 – In File

I. Proposal Description

Applicant is requesting Critical Areas Land Use Permit approval for the installation of a zip-line course within steep slope critical area and habitat associated with species of local importance. The proposal expands upon the existing Bellevue Challenge Course at Eastgate Park with six zip-line elements, two bridge elements and one ramp element. The bridges and zip-lines are interconnected by elevated platforms structurally anchored to existing trees. The zip-line elements range in length from 100 feet to 450 feet. Two bark chip paths will also be constructed to provide course access. The project also requires the removal of three trees and “snagging” of five trees. The proposal generally follows an arc to the west and north of the existing challenge course.

Land Use Code (LUC) 20.25H.015 specifies that if a proposal involves disturbance or modification of a critical area or critical area buffer, then the proposal shall require critical areas land use permit approval, unless otherwise exempted. The proposal involves disturbance within a steep slope critical area and habitat associated with species of local importance, therefore critical areas land use permit approval is required.

The proposal is considered an expansion of a City park, which is considered a use or development that is allowed within a critical area, provided it complies with the critical areas land use permit decision criteria, performance standards specific to the use, and performance standards specific to the applicable critical area. The decision criteria are contained in LUC 20.30P.140. The performance standards are contained in LUC 20.25H.055.C.3.g, 20.25H.125, and 20.25H.160.

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

A. Site Description

The site, Eastgate Community Park, is located at 14509 SE Newport Way, consists of three parcels and covers nearly 40 acres. The main entrance to the park is located on the south side SE Newport Way with a driveway that climbs up to two parking areas located in the eastern third of the property. There is a second, pedestrian-only, entrance located at the 146th Ave SE street-end. There is no formalized parking area at this entrance.

The park is developed with the South Bellevue Community Center, a baseball field, two tennis courts, and associated parking areas. Uphill from the parking areas there is a soft-surface trail loop and an elevated challenge course. All of the existing developed park elements are located within the eastern parcel (KC# 1524059033). The developed portion of the park covers approximately 12 acres of the overall park area.

The park generally slopes down from south to north with slopes ranging from 15% to over 40%. On the eastern boundary of the park, there is a steep-side ravine that

contains Sunset Creek, a Type F stream. The majority of the site is covered by mixed canopy of native conifer and deciduous trees. The understory is a typical Puget Sound lowland forest with a diverse mixture of shrubs and ground covers. The vegetative conditions are described in the habitat assessment prepared for this proposal.



Figure 1: Eastgate Park Aerial

B. Zoning

The park consists of two zoning districts. The developed portion of the park is zoned R-5. The two western parcels are in the R-3.5 zoning district. The park is also located within the critical areas overlay district due to the presence of the stream, steep slopes, and the habitat associated with species of local importance. The city park is an allowed use within the district.

C. Land Use Context

The park site is situated at the boundary of the Factoria and the Newcastle Subareas. The site is adjacent to single-family residential homes on the east and south, with the exception of a small area to the south east, which is owned and managed by Seattle Public Utilities as a freshwater reservoir.

D. Critical Areas Functions and Values

i. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas

of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

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

ii. Habitat Associated with Species of Local Importance

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat, is a major cause of native species local extinctions, and is likely to become the primary cause of extinctions in the coming century. Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities, which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development. Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales. As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation. Urban habitat is a vital link in the process of wildlife conservation in the U.S.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The site is located in the R-5 and R-3.5 zoning districts. The proposed zip line route is located adjacent to the existing challenge course and is approximately 84 feet from the nearest property line and over 200 feet from the nearest developed residential structure. The elevation of the entry platform is approximately 10 feet above the forest floor. The course then follows a downhill gradient in order to use gravity to propel the

course user along the route.

B. Performance Standards for New or Expanded City Parks LUC 20.25H.055.C.3.g:

New or expanded permanent public use structures for public use and access are allowed in the critical area or critical area buffer only if 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 Bellevue Challenge Course is located in the same area as the first two elements of the proposed zip line course. This allows for integration of the programming as well as an ability to monitor both facilities.

ii. The function or objective of the proposed new or expanded structure;

The objective of the proposed expansion of the Bellevue Challenge Course is to offer a variety of experiences to the park users and expand the experiential, adventure-based programming offered by the Bellevue Parks & Community Services Department.

iii. Demonstration that no alternative achieves the stated function or objective;

Other alternative locations would be able to provide a zip line course, but the integration of programming with the Challenge Course and programming of events with the South Bellevue Community Center at Eastgate Park would not be possible at other locations.

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

Finding another site with the topographic requirements to operate a zip line course without significant vegetation is not feasible in the City of Bellevue. The requirement is a site with a significant sloped environment, and these types of sites generally contain significant forest communities because they have been spared from development.

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

The need for mitigation for temporary and permanent disturbance is very limited. Three trees are proposed to be removed that lie within the path of the proposed route and five trees are proposed to be snagged. The applicant is proposing to plant 12 native conifers to mitigate for the loss of the canopy of these trees.

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

i. Location and design shall result in the least impacts on the critical area or critical area buffer;

The starting area and the finishing area are the only elements of the course that use the ground. The rest of the course is suspended from the trunks of existing trees. Alternative designs would utilize installed poles to support the zip line elements this construction technique would result in a greater impact on the critical areas and the buffers on the site, because of vegetation removal and soil

disturbance.

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

By installing the proposed zip line route and elements in the existing trees and keeping it in close proximity to the existing Challenge Course, the impacts to the critical areas on the site is kept to the minimum necessary to achieve the purpose and objective of the zip line expansion.

iii. Disturbance shall not occur in habitat used for salmonid rearing or spawning or by any species of local importance unless no other technically feasible location exists;

No impact or disturbance is proposed within any stream critical area or critical area buffer. The applicant has supplied a habitat assessment. The habitat assessment makes the conclusion that, "the zip tours are not expected to have a significant effect on wildlife or habitat within the Bellevue Challenge Course or Eastgate Park."

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;

No stream or wetland crossings are proposed.

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

The proposal is required to obtain a clearing and grading permit for the ground disturbance associated with the access trail construction and the tree removal. This permit will ensure the work is consistent with City of Bellevue codes and standards.

vi. The facility or system shall not have a significant adverse impact on overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod;

The facility is almost entirely aerial. There is no impact to aquatic resources.

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

No additional parking is proposed, since adequate parking supply currently exists at the South Bellevue Community Center.

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.

The applicant has submitted a plan for native plant restoration that includes the

installation of 12 native conifer trees to mitigate for the tree removals and tree snagging required for the proposal. The plan is consistent with the requirements of LUC 20.25H.120

C. Geologic Hazard Critical Area – Steep Slopes Performance Standards LUC

20.25H.125:

The proposal complies with the performance standard that requires that improvements minimize alterations to the natural contour of the slope. The proposal does not propose the modification of any of the natural topography on the site, but rather works in concert with the natural topography and utilizes previously disturbed areas for the starting area and finishing area. The rest of the course is just below the canopy of the forest and does not impact the ground surface.

D. Habitat for Species of Local Importance Performance Standards LUC

20.25H.160:

The applicant has supplied a complete habitat assessment relative to the proposal. The habitat assessment was prepared by Skillings Connolly, a qualified professional. It is their professional opinion that, “zip tours are not expected to have a significant effect on wildlife or habitat within the Bellevue Challenge Course or Eastgate Park.”

To further ensure no impacts are felt, the assessment includes several management recommendations, which have been incorporated as Conditions of Approval in Section X of this report.

IV. Public Notice and Comment

Application Date: January 15, 2013
Public Notice (500 feet): January 24, 2013
Minimum Comment Period: February 7, 2013

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on January 24, 2013. It was mailed to property owners within 500 feet of the project site.

One comment letter was received from neighbors to the south of the project area. The comment letter was signed by three residents who live near the south side of the park. The letter cited four main concerns. A meeting was held between the residents and the parks project manager. The following is summary of their concerns and responses by the Parks Department.

Concern: Proximity of course layout, tree removal, and program noise.

Staff Response: No tree clearing between platforms 1 & 2 and the private properties the south is planned. The zip line course route moves to the west, away from bordering houses. In addition, small group numbers (max. 8) and a reservation will be used to control the total number of participants. The expected maximum is 3-4 groups

per day during the peak summer season. Each tour is expected to last 2-3 hours.

Concern: Current parking issues at 146th Ave SE street end and increased use/problems with proposed challenge course addition.

Staff Response: All participants and operators are required to check-in and park at SBCC. Only exception will be for ADA accessibility. Current parking issues may have several contributing factors including; challenge course operators/participants, ball field user parking, unauthorized after hours parking, trail users. Neighbors were encouraged to call 911 immediately if they notice any park use after dusk, since it is a violation of park rules. Zip line operators will be advised to use SBCC parking lot as well as all participants.

Concern: Portable toilet at street end being used by contractors and other non-park users. Could it be removed or enclosure locked to decrease parking?

Staff Response: Adding locking enclosure could potentially increase vandalism. The portable toilet is needed for program users/operator use. Relocating the unit would make it more difficult to monitor and maintain.

Concern: Will proposed CC addition negatively impact wildlife?

Staff Response: A wildlife study was completed and concluded that no significant impact is expected. The plan is to follow all study recommendations to minimize impacts. The removal of some of the bigleaf maples would increase light penetration into the forest, which would be helpful in the re-establishment of conifer species which will be re-planted to replace the removed maples.

V. Summary of Technical Reviews

Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts.

Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

The applicant has applied for a clearing and grading permit, which will entail a review of the plans for erosion and sediment control best management practices to prevent migration of soils down slope. The ground work is limited to the installation of two access trails to enter and exit the course. There is a temporary staging area that will be used during the construction phase, and this area will be restored with native trees following construction. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section X for a related condition of approval.

B. Animals

The project site is part of a larger natural area that contains quality habitat for birds and mammals. The proposal is designed to attach to existing mature trees. Three significant trees will be removed with this proposal and five trees will be converted to wildlife snags. The mature vegetation on the site provides habitat for pileated woodpeckers, and red tail hawks are known to be in the vicinity. However, no significant impacts are anticipated since the course is designed to be directly adjacent to previously developed areas of the forest, it is away from any open water, and no know nest or forage trees will be removed. See Section X for related conditions of approval.

C. Plants

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

D. Noise

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

Noise from the operation of the zip line course also has the potential to affect the neighboring residential areas. However, no impact is anticipated because of the scheduling procedures used by the Parks Department that limits the number of users of the facility and ensures that the use is limited to daytime hours when noise from recreation activities is less impactful. Furthermore, the course is located as a distance of greater than 80 feet from the nearest property line and nearly 200 feet from the nearest residential structure, with dense vegetation in the space between. These factors further reduce the probability of negative impacts associated with the course. See Section X for a related condition of approval.

VII. Changes to proposal as a result of City review

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

VIII. Decision Criteria

A. Critical Areas Land Use Permit Decision Criteria 20.30P

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

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

Finding: The proposal is required to obtain a clearing and grading permit for the ground disturbance and the tree removal required to construct the propose zip line course.

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

Finding: The proposal has been designed by a qualified professional and reviewed by a structural engineer to ensure the best available design and development techniques are employed. The route is also carefully planned so that the entire course is located above grade in the forest, with only limited impact at the entry and exit points for the course. This results in the least feasible impact on the critical area and critical area buffer.

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

Finding: As discussed in Section III of this report, the proposal incorporates the applicable performance standards to the maximum extent feasible.

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

Finding: The site is currently served by adequate public facilities. The proposal will not increase the need for public facilities at the site.

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

Finding: The applicant has supplied a mitigation and restoration plan that proposes the installation of at least 12 native conifer trees as mitigation for the loss of the three

trees proposed for removal and the five trees proposed for snagging. The mitigation and restoration plan is consistent with LUC 20.25H.210.

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

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

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to construct of a zip-line course within steep slope critical area and habitat associated with species of local importance at the 14509 SE Newport Way.

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

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 425-452-7860
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928
Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928

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

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

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

2. Mitigation for Areas of New Permanent Disturbance: A mitigation plan for all areas of permanent new disturbance is required to be submitted for review and approval by the City of Bellevue prior to issuance of the Clearing and Grading Permit. The plan shall document the total area of permanent disturbance and area of new critical area buffer to satisfy a replacement ratio of one to one.

Authority: Land Use Code 20.25H.210
Reviewer: Kevin LeClair, Land Use

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

Authority: Bellevue City Code 23.76.093.A,
Reviewer: Savina Uzunow, Clearing and Grading

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

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

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

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

6. Operational Noise Control: Noise related to the operation of the proposed zip line course shall be controlled by use of a reservation and scheduling system that limits the size of groups to a maximum of eight participants plus two guides. The course shall only be operated when park and facilities rules state the park is open. In addition, no trees shall be removed between the course and the private properties to the south, unless those trees are determined to be a hazard by a certified arborist.

Any noise disturbances shall be brought to the attention of the Parks and Community Services Department and addressed as needed to mitigate any negative impacts.

Authority: Environmental Procedures BCC 22.02
Reviewer: Kevin LeClair, Land Use

7. Parking at 146th Ave SE: In order to minimize impacts from traffic and parking associated with the use of the challenge course expansion, participants are required to park in the existing parking areas in Eastgate Park, with the exception of two course operators' vehicles and participants who have limited mobility and have received prior permission from the course operators.

Authority: Land Use Code 20.30P
Reviewer: Kevin LeClair, Land Use

8. Wildlife Habitat Management Recommendations: To ensure the construction and operation of the zip line course does not have a significant impact on wildlife habitat the following recommendations from the Habitat Assessment prepared by Skillings Connolly Inc., shall be implemented.

- a. Limit the number of participants using the facility at any time
- b. Eliminate English Ivy
- c. Maintain and retain large snags and decaying trees for foraging and nesting of pileated woodpeckers
- d. Access to the proposed zip line should utilize existing access trails
- e. Any large woody debris greater than four inches in diameter that is generated from the construction of the zip line should be preserved on site and left to lie in ground contact.

Authority: Land Use Code 20.25H.160
Reviewer: Kevin LeClair, Land Use