



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 110th Ave NE
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Brandon Cole, City of Bellevue Utilities

LOCATION OF PROPOSAL: 11400 SE 8th Street

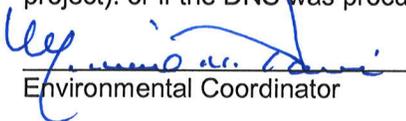
DESCRIPTION OF PROPOSAL: Replacement of 4,300 linear feet of an existing eight-inch sewer line with a new 16-inch sewer line in the existing alignment to provide additional capacity to meet future sewer demand in the Wilburton service located east of I-405 between NE 8th Street and SE 8th Street. The project anticipates critical areas impacts resulting from trenching within wetland buffers and open-cut construction within the streambed of Sturtevant Creek.

FILE NUMBERS: 14-133698-LO and 14-133699-WG **PLANNER:** Reilly Pittman

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 **11/6/2014**
- 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 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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

10/23/2014
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- Attorney General ecyolyef@atg.wa.gov
- Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us



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. 14-133699-WG

Date Received 6/5/2014

Approved / Date 10/23/2014
 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: **Brandon Cole, COB Utilities**

to undertake the following development:

Replacement of 4,300 linear feet of an existing eight-inch sewer line with a new 16-inch sewer line in the existing alignment to provide additional capacity to meet future sewer demand in the Wilburton service located east of I-405 between NE 8th Street and SE 8th Street. The project anticipates critical areas impacts resulting from trenching within wetland buffers and open-cut construction within the streambed of Sturtevant Creek.

upon the following property: 11400 SE 8th Street

within Lake Washington

and/or its associated wetlands. The project will be located within 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(U) Utilities
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH-13 and SH-50

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

Conditions of Approval (Land Use Division)
 See Page 2

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).

October 23, 2014

Date


 City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
 Dept. of Fish and Wildlife, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
 DOE, Joe Burcar, 3190 160th Avenue SE, Bellevue, WA 98008-5452

- 1. Obtain all Other Applicable State and/or Federal Permits:** Before work can proceed, all required federal and state permits and approvals must be obtained by the applicant. A copy of the approved Section 404 permit issued by the Army Corps of Engineers and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue, prior to beginning construction.

Authority: Land Use Code 20.25H.080

Reviewer: Reilly Pittman, Development Services Department

- 2. Mitigation Plan:** A final mitigation plan showing planting areas and square footages, plant quantities, temporary irrigation, and other features is required to be submitted as part of the clearing and grading permit. The plan must reference the information in the critical areas report under this approval.

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Reilly Pittman, Development Services Department

- 3. Monitoring:** Monitoring is proposed for five years, or until the plants have established. Monitoring is required for at least a minimum of three years, but five is recommended. A copy of the annual monitoring report is required to be provided to the Environmental Planning Manager for the Land Use Department.

Authority: Land Use Code 20.30P.140; 20.25H.220

Reviewer: Reilly Pittman, Development Services Department



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

Proposal Name: Wilburton Sewer Capacity Upgrade

Proposal Address: 11400 SE 8th Street

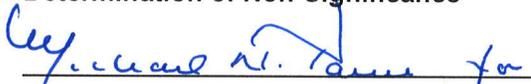
Proposal Description: Land Use review of a Critical Areas Land Use Permit and Shoreline Substantial Development Permit for the replacement of 4,300 linear feet of an existing eight-inch sewer line with a new 16-inch sewer line in the existing alignment to provide additional capacity to meet future sewer demand in the Wilburton service located east of I-405 between NE 8th Street and SE 8th Street. The project anticipates critical areas impacts resulting from trenching within wetland buffers and open-cut construction within the streambed of Sturtevant Creek.

File Number: 14-133698-LO and 14-133699-WG

Applicant: Brandon Cole, City of Bellevue Utilities

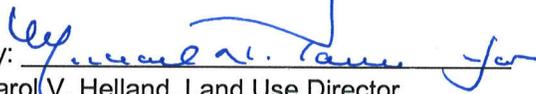
Decisions Included: Critical Areas Land Use Permit
(Process II. 20.30P)
Shoreline Substantial Development Permit
(Process II. 20.30R)

Planner: Reilly Pittman, 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

Application Date: June 5, 2014
Notice of Application Publication: July 24, 2014
Decision Publication Date: October 23, 2014
SEPA Appeal Deadline: November 6, 2014
Substantial Development Permit Appeal: November 13, 2014

For information on how to appeal SEPA visit Development Services Center at City Hall or call (425) 452-6800. 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. 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).

CONTENTS

I.	Proposal Description.....	Pg 3-4
II.	Site Description, Zoning & Land Use Context.....	Pg 4-6
III.	Consistency with Land Use Code Requirements.....	Pg 6-15
IV.	Public Notice & Comment.....	Pg 15
V.	Summary of Technical Review.....	Pg 15
VI.	State Environmental Policy Act (SEPA).....	Pg 16
VII.	Changes to Proposal Due to Staff Review.....	Pg 17
VIII.	Decision Criteria.....	Pg 17-19
IX.	Conclusion and Decision.....	Pg 19
X.	Conditions of Approval.....	Pg 20-21

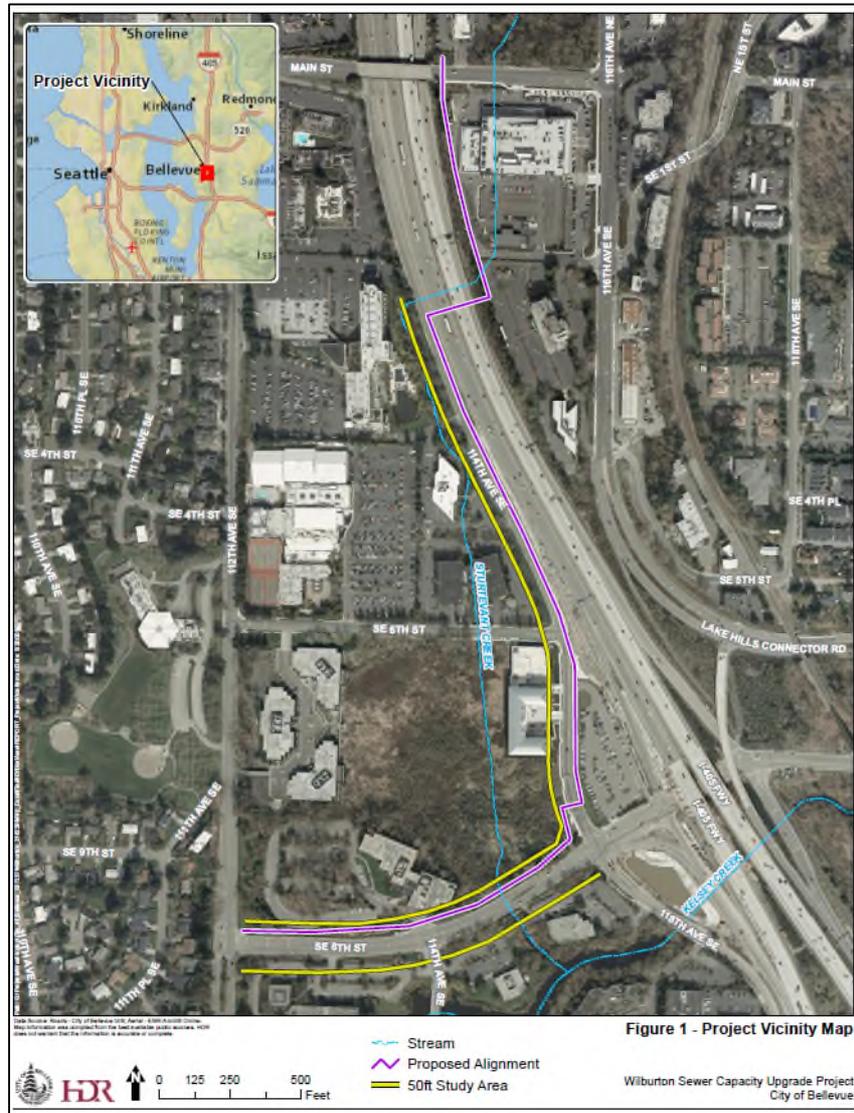
Attachments

1. Project Plans – Enclosed
2. Critical Areas Report – In File
3. Comments and Responses to Karen Walter – In File
4. Plans, SEPA Checklist, Geotech Report and Application Materials – In File

I. Proposal Description

The City of Bellevue Utilities Department is proposing to replace an existing sewer pipeline with a larger diameter pipeline to increase capacity and to accommodate projected future higher density, mixed-use redevelopment projected for the Wilburton service area. The portion of the Wilburton service area that is addressed with this sewer upgrade project is located east of the Interstate 405 (I-405) corridor between NE 8th Street and SE 8th Street. This area is currently served by a gravity sewer trunk line, and portions of this line are currently at capacity. Within the service area, the sewer line flows southward along the east side of I-405 from Main Street until it crosses I-405, and it continues to flow south along 114th Avenue SE and then westward along the north side of SE 8th Street until it discharges into the East Central Business District trunk line located along 112th Avenue SE (Figure 1). The project would replace approximately 4,300 lineal feet of existing 8-inch to 16-inch sewer pipeline with a 15-inch to 30-inch diameter pipeline. The proposed pipeline would follow the existing alignment. The project will cross Sturtevant Creek twice and will involve trenchless methods at one location and open-cut trenching at the second location near SE 8th Street that will require a temporary stream bypass. In addition to temporary impact to the stream, trenching will temporarily impact wetlands and wetland buffers. The proposed impacts require approval of a Critical Areas Land Use Permit and the project is within lands under the jurisdiction of the Shoreline Management Act which requires an associated Shoreline Substantial Development Permit. See figure 1 below for project area.

Figure 1



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

A. Site Description

The project site is located in the Wilburton and Southwest Bellevue Subareas. The sewer line upgrade begins east of I-405 at Main Street then crosses under I-405 where Sturtevant Creek crosses under I-405. The sewer then runs down the west side of I-405 reaching SE 8th Street where it turns and runs west along the north side of SE 8th Street where it crosses under Sturtevant Creek as second time before terminating at 112th Avenue SE. Sturtevant

Creek is a Type F stream that has documented use of fish and salmon including Coho. The reach impacted by construction is below I-405 where the creek crosses under SE 8th Street near 114th Avenue SE. The sewer line construction also impacts a wetland and buffer in the vicinity of SE 8th Street. Most of the project is contained within paved City right-of-way.

B. Zoning

The subject site and surrounding properties are zoned OLB, Office and Limited Business. The proposed sewer line replacement will not affect zoning.

C. Land Use Context

The area around the project has a Comprehensive Plan Land Use designation of OLB, Office and Limited Business.

D. Critical Areas Function and Value, Regulations

i. Streams and Riparian Areas

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 revegetated (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 into 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).

ii. Wetlands

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. 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.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The OLB zoning dimensional requirements found in LUC 20.20.010 do not apply to this project as no structure is proposed to be constructed.

B. Critical Areas Requirements LUC 20.25H:

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes standards and procedures that apply to construction of improvements on any site which contains in whole or in part any portion designated as critical area or critical area buffer. The proposed sewer replacement will be located within Sturtevant Creek which is a Type-F stream, the stream buffer, and associated wetlands and buffers. Construction of new or expanded utility facilities and systems is an allowed use in critical areas and buffers

per LUC 20.25H.055 and the project is subject to the following code requirements.

i. Consistency with LUC 20.25H.055.C.2.a

New or expanded facilities and systems are allowed within the critical area or critical area buffer only where no technically feasible alternative with less impact on the critical area or critical area buffer exists. A determination of technically feasible alternatives will consider:

1. The location of existing infrastructure;

The existing sewer pipeline flows southward along the east side of I-405 from Main Street until it crosses under I-405, and it continues to flow south along 114th Avenue SE and then westward along the north side of SE 8th Street until it discharges into the East Central Business District trunk line located along 112th Avenue SE. The Utilities Department analyzed more than one design alternative, with minimization of critical area impacts as part of the selection criteria. However, all alternatives generally follow the existing alignment. There is no technically feasible alternative available with less impact on the critical area buffer for replacing the Wilburton sewer line.

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

This project proposes to replace approximately 4,300 lineal feet of existing sewers with larger diameter pipelines to provide additional capacity and to accommodate projected future higher density, mixed-use redevelopment in the Wilburton service area located east of the I-405 corridor between NE 8th Street and SE 8th Street.

3. 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 proposed sewer alignment is proposed to be installed along the same general route as the existing sewer line and within the disturbed right-of-way. Wetland delineations were conducted during the initial design phase of the project to establish a solid base map in order to develop a conceptual alignment to avoid critical areas. The proposed sewer alignment avoids all permanent wetland and stream impacts. Construction of the trench across Sturtevant Creek will require temporary impacts to wetlands but is limited to those areas where other options were shown to be infeasible.

One design alternative analyzed included locating the proposed sewer pipeline adjacent to the existing pipeline within the SE 8th Street roadway prism. The section of SE 8th Street between 112th Street SE and 114th Street SE was reconstructed in 2002 with staggered Geofam blocks, creating a “floating” road sitting on top of underlain unstable peat. Limited trenching through the Geofam is not possible as any trenching would negatively affect the stability of the roadway as a whole. Due to the configuration of the foam blocks a large section of SE 8th would be closed for at least nine months for construction. In addition, construction within SE 8th Street would require additional effort to relocate storm drainage infrastructure and would require cutting through the existing Sturtevant Creek culvert which adds additional project complexity and cost with limited benefit compared to the chosen alternative. For those reasons, the alignment along the north side of SE 8th Street was chosen.

Another identified option was to pursue design of the replacement pipeline on the south side of SE 8th Street; however, per discussions with the area habitat biologist at the Washington Department of Fish and Wildlife (WDFW), it was determined that due to the scour potential of Sturtevant Creek and accessibility issues that the north alignment would be preferred.

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

For this project, the cost of avoiding disturbance would be greater compared to the environmental impact of the proposed disturbance due to the infeasibility of locating the proposed pipeline in the SE 8th Street roadway prism as described above. The cost of installing the pipeline in the “floating” road sitting on top of underlain unstable peat in SE 8th Street was approximately \$900,000 greater, and the Utility Department deemed the cost infeasible. The cost of the alignment along the south side of SE 8th Street is similar to the proposed alignment on the north side of SE 8th Street; however, the environmental impact would be greater due to the scour potential of Sturtevant Creek.

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

The proposed project will result in temporary impacts to wetland and stream habitat. Wetland areas and buffers will be restored following construction. Open-cut trenches in the stream channel will be backfilled, and the channel will be restored with suitable habitat for salmonids species. Adjacent stream buffers and riparian areas will be replanted with appropriate native trees and shrubs. The northern stream crossing will use trenchless construction which avoids disturbance. The plans submitted under the future clearing and grading permit will contain construction detail plans showing the stream bypass, fish exclusion, restoration of the stream and wetlands in

addition to the conceptual restoration plan contained in this application. **See Section X for a related condition of approval.**

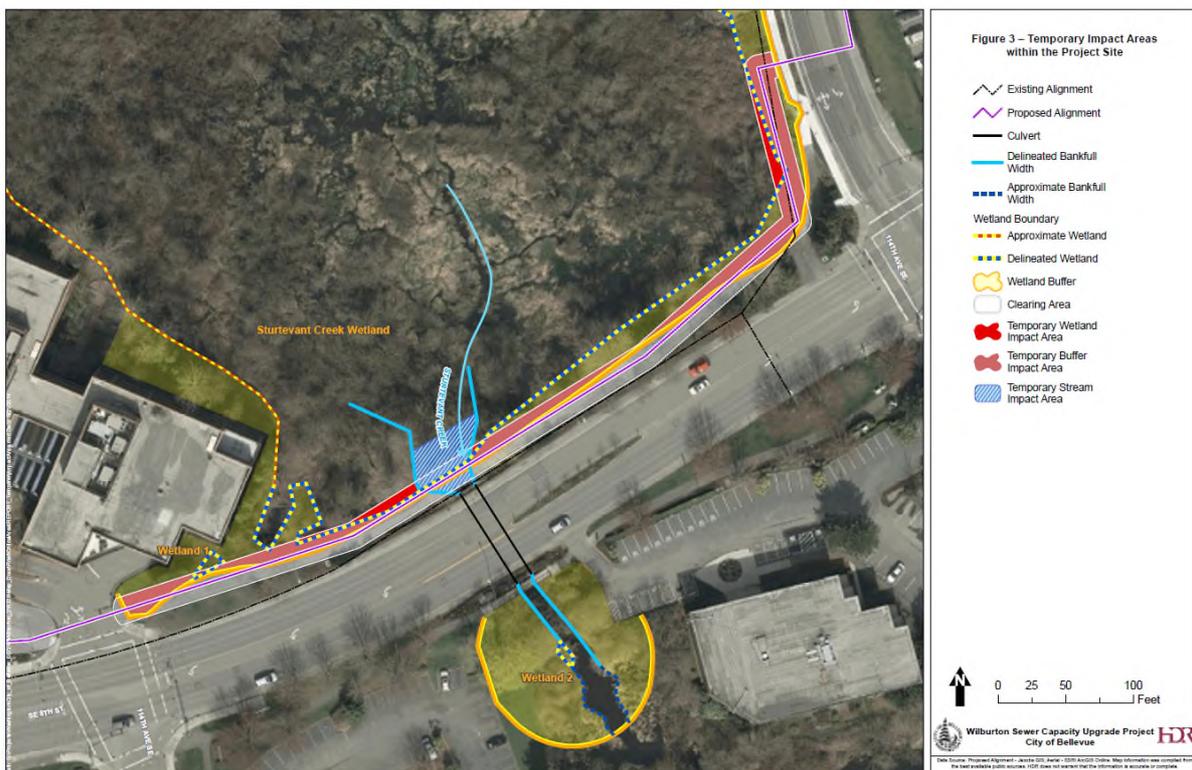
ii. Consistency with LUC 20.25H.055.C.2.b

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:

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

The project avoids and minimizes effects to stream and wetland habitat to the extent practicable; however, the project will result in temporary impacts to wetland and stream habitat in the area of the crossing of Sturtevant Creek adjacent to SE 8th Street. Temporary impacts result from a stream bypass and impacts resulting from trench installation of the sewer line seen in figure 2 below.

Figure 2



The submitted critical areas report for the project states that no permanent impacts to wetlands or streams are anticipated to occur as a result of the project. Following

construction, open-cut trenches will be backfilled, and the stream channel will be restored with suitable salmon spawning substrate. Adjacent stream buffers and riparian areas will be replanted with appropriate native trees and shrubs. Wetland areas affected by construction will also be restored following construction.

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

Disturbance to wetlands, streams, and buffers in the project area will be minimized to the amount necessary for construction of the project features. The proposed disturbance minimization measures are as follows:

- Prior to the beginning of construction, high visibility fencing and silt fence will be installed to delineate the construction limits. No disturbance shall occur beyond these limits.
- Existing vegetation would be preserved to the extent practicable.
- Areas temporarily disturbed by construction will be reseeded.
- Temporarily disturbed areas by construction activities would be revegetated with native vegetation within one year or one growing season after construction is complete.
- The new pipe will be bedded with native material or crushed rock (not pea gravel). Trench dams will also be installed on both sides of the creek crossing to reduce the chance of migration of water along the pipe.
- To the extent practicable, work would be performed during the dry season in wetland areas to limit potential downstream sedimentation effects and interruptions in surface and subsurface flows.
- A Temporary Erosion and Sediment Control Plan for clearing, grading, vegetation removal, ditching, filling, embankment compaction, or excavation will be developed, implemented, and maintained. The Best Management Practices (BMPs) in the plans would be used to control sediments from all vegetation removal or ground disturbing activities.
- All temporary and permanent erosion and sedimentation control measures would be inspected on a regular basis, maintained, and repaired as necessary
- During construction, erosion control BMPs required by the City of Bellevue Stormwater Manual and Ecology's Stormwater Management Manual for Western Washington would be employed. The BMPs include use of mulch, silt barriers, containment systems, interim stormwater controls, cover measures (straw or plastic), and stream bypasses, as well as reseeded areas temporarily disturbed by construction. In addition, existing vegetation would be preserved to the extent practicable.
- Approved planting and seeding would be provided at the conclusion of project construction activities to ensure that all bare earth areas were revegetated to limit the potential for erosion.

- Stabilized construction entrances will be installed to prevent sediment from discharging offsite.
- All construction activities would comply with water quality standards set forth in the State of Washington Surface Water Quality Standards (WAC 173-201A).
- Develop, implement, and maintain a Stormwater Pollution Prevention Plan to minimize erosion and sediments from rainfall runoff at construction sites and to reduce, eliminate, and prevent the pollution of stormwater. This plan would also establish a schedule for BMP maintenance, reporting requirements and identify a lead erosion control inspector for the job.
- Develop, implement, and maintain a Spill Prevention Control Countermeasures Plan to manage toxic materials associated with construction activities (e.g., equipment leaks, disposal of oily wastes, cleanup of any spills, storing petroleum products/chemicals in contained areas away from streams and wetlands).
- Oil, fuels, or chemicals would not be discharged to surface waters or onto land where there is a potential for re-entry into surface waters.

3. 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.

Temporary disturbance will occur in Sturtevant Creek for pipe installation. Sturtevant Creek at the project location is likely utilized by salmonid species including Puget Sound Chinook and coho salmon and Puget Sound steelhead because it is located relatively close to the confluence of Mercer Slough. No effects to spawning and rearing habitat are anticipated to occur from the proposed project due to lack of spawning habitat in or upstream of the project area. To minimize disturbance to the stream channel, the following measures will be taken:

- Limit channel excavation, especially below the OHWM level.
- In-water work would be conducted during the USACE-approved construction work window.
- An experienced fishery biologist would conduct or supervise any required capture and release operation to ensure the safe handling of all Endangered Species Act (ESA)-listed fish.
- The capture team would handle Essential Fish Habitat and ESA-listed fish with extreme care, using sanctuary nets to keep fish in water during transfer procedures to prevent the added stress of out-of-water handling. Seining or electrofishing would not be used if water temperatures exceed 18°C.
- If electrofishing equipment is used to capture fish, NMFS electrofishing guidelines (NMFS 2000) would be followed. Once captured, fish would be placed into a 5-gallon bucket using small dip-nets. Captured fish would be released back into the stream channel a safe distance (approximately 150 feet) upstream of the work area.

- Fish biologists will record species and lengths of any fish mortalities encountered. That data will be provided to U.S. Fish and Wildlife Service (USFWS) and NMFS.

- 4. 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.**

Sturtevant Creek will be crossed twice. The northern crossing will be accomplished by a trenchless crossing that will be installed below the existing culvert that conveys the entire flow of Sturtevant Creek. The southern crossing will be accomplished using open-cut trenching and will be perpendicular to the creek. The trench width will be minimized to the extent practicable, about six to eight feet wide.

- 5. All work shall be consistent with applicable City of Bellevue codes and standards.**

The proposed project will comply with LUC 20.25H.055(C)

- 6. 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 stream crossing, including the installation of the temporary stream bypass would occur during the USACE in-water work window (July 1-August 31).

- 7. 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.**

Not Applicable. No parking, mechanical, or other support functions are proposed.

- 8. 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 proposed project will avoid or minimize impacts to wetlands, streams, and buffers wherever feasible. However, total avoidance will not be possible due to the location of the project and the constraints associated with design guidelines. All unavoidable impacts to critical areas will be mitigated as required by federal, state, and City requirements (LUC 20.25H). The project will restore all temporary impact areas on wetlands and Sturtevant Creek. Specific mitigation measures are described in the Mitigation Plan (Chapter 8).

iii. Consistency With LUC 20.25H.080

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

1. Lights shall be directed away from the stream S60-Wilburton Sewer Capacity Upgrade Project 28 City of Bellevue - Critical Areas Report

Lighting is not part of the proposed project.

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

The proposed project will not generate any additional noise. Temporary noise impacts would occur during project construction due to the use of construction equipment and vehicles.

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

No new impervious surface will be generated from the proposed project.

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

No stormwater runoff will be generated from the proposed project. During construction, erosion control BMPs required by the City of Bellevue Stormwater Manual and Ecology's Stormwater Management Manual for Western Washington would be employed. The BMPs include use of mulch, silt barriers, containment systems, interim stormwater controls, cover measures (straw or plastic), and stream bypasses, as well as reseeded of areas temporarily disturbed by construction. All construction activities would comply with water quality standards set forth in the State of Washington Surface Water Quality Standards (WAC 173-201A).

5. The outer edge of the stream critical area buffer shall be planted with dense

vegetation to limit pet or human use.

The impacted buffer of Sturtevant Creek will be densely planted with native vegetation or hydro seeded to limit pet or human use. **See Section X for a related condition of approval.**

- 6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue’s “Environmental Best Management Practices”, now or as hereafter amended. S60-Wilburton Sewer Capacity Upgrade Project 29 City of Bellevue - Critical Areas Report**

No use of pesticides, insecticides, or fertilizers will be used for the proposed project.

iv. Consistency With LUC 20.25H.100

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

- 1. Lights shall be directed away from the stream S60-Wilburton Sewer Capacity Upgrade Project 28 City of Bellevue - Critical Areas Report**

Lighting is not part of the proposed project.

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

The proposed project will not generate any additional noise. Temporary noise impacts would occur during project construction due to the use of construction equipment and vehicles.

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

No new impervious surface will be generated from the proposed project.

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

No stormwater runoff will be generated from the proposed project. During construction, erosion control BMPs required by the City of Bellevue Stormwater Manual and Ecology’s Stormwater Management Manual for Western Washington would be employed. The BMPs include use of mulch, silt barriers, containment

systems, interim stormwater controls, cover measures (straw or plastic), and stream bypasses, as well as reseeded of areas temporarily disturbed by construction. All construction activities would comply with water quality standards set forth in the State of Washington Surface Water Quality Standards (WAC 173-201A). A CSWPPP will be required as part of the project to ensure compliance.

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

The impacted buffer of Sturtevant Creek will be densely planted with native vegetation or hydro seeded to limit pet or human use. **See Section X for a related condition of approval.**

6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices", now or as hereafter amended. S60-Wilburton Sewer Capacity Upgrade Project 29 City of Bellevue - Critical Areas Report

No use of pesticides, insecticides, or fertilizers will be used for the proposed project.

IV. Public Notice and Comment

Application Date:	June 5, 2014
Public Notice (500 feet):	July 24, 2014
Minimum Comment Period:	August 25, 2014

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin and the Seattle Times on July 24, 2014. Notice was also mailed to property owners within 500 feet of the project site. Comments were received from Karen Walter with the Muckleshoot Tribe concerning the depth of the sewer when crossing Sturtevant Creek posing a barrier to replacement of existing stream culverts to remove barriers to fish. Comments were also submitted regarding impacts to the stream and wetlands due to construction. Responses were provided which are attached to this staff report. No further 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.

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

Temporary impacts will result from removal of the existing sewer line and installation of the new line where it crosses Sturtevant Creek and is within areas of wetland and buffer. Approximately .04 acres of stream and .0223 acres of wetlands and .033 acres of wetland buffer are proposed to be impacted temporarily during construction and then restored. The work is confined to be within the established fish work windows of the US Army Corps which is July 1 through August 31. Impacts will result from open cut to install the pipe, coffer dam construction and the stream bypass which would temporarily increase turbidity. BMPs and erosion controls measures will be implemented to minimize sediment input during construction. The impacted stream beds and banks will be restored with suitable substrate and vegetation per the submitted critical areas report. Wetlands associated with Sturtevant Creek will be temporarily impacted by construction access, staging and trenching for pipe installation. The plans under the future clearing and grading permit will contain construction details of the stream bypass, fish exclusions, and restoration of the wetlands and stream. **See Section X for a related condition of approval.**

B. Plants and Animals

Temporary impacts to vegetation and fish are proposed during construction. Fish will be excluded from the work area and routed through the stream bypass. The project proposes removal of 34 trees, 27 of which are within wetland and stream buffer areas. All areas of disturbance are proposed to be restored with native vegetation per the submitted mitigation plan in the project critical areas report. Avoidance of impacts to vegetation has been attempted as much as possible by placing the installed sewer line in the outer edge of the buffers and critical area near the public right-of-ways.

D. Noise

The site is adjacent to commercial uses and I-405 which generates noise. The only noise anticipated as a result of this work will be from construction. Any noise is regulated by Chapter 9.18 BCC. **See Section X for a related condition of approval.**

VII. Changes to Proposal Due to Staff Review

Staff requested responses to the comments received and had questions about the options that were considered in addition to the chosen alternative to located the sewer line on the north side of SE 8th Street.

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 for the project. The clearing and grading permit must reference this approval. See Section X for a related condition of approval.

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

The project utilizes the best available construction techniques to have the least impact on critical areas and buffers as possible.

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 performance standards will be met.

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

The proposed activity will increase public sewer system capacity.

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

Areas of temporary disturbance are proposed to be restored per the plan found in the project critical areas report. The following planting template is proposed to be installed in areas of disturbance following construction.

Figure 3

Planting Zone	Areas	English Name	Latin Name	Spacing	Size	% Mix
Mix A	Sturtevant Creek Wetland	Sitka willow	<i>Salix sitchensis</i>	4' OC	# 1 Cont.	20%
		Pacific willow	<i>Salix lasiandra</i>	4' OC	# 1 Cont.	20%
		Red-osier dogwood	<i>Cornus sericea</i>	4' OC	# 1 Cont.	20%
		Pacific ninebark	<i>Physocarpus capitatus</i>	4' OC	# 1 Cont.	15%
		Salmonberry	<i>Rubus spectabilis</i>	4' OC	# 1 Cont.	15%
		Lady fern	<i>Athyrium filix-femina</i>	1' OC	#1 Cont.	10%
Mix B	Wetland Buffer	Red alder	<i>Alnus rubra</i>	12' OC	#1 Cont.	20%
		Black cottonwood	<i>Populus balsamifera</i>	12' OC	# 1 Cont.	20%
		Western Red cedar	<i>Thuja plicata</i>	12' OC	# 1 Cont.	15%
		Black twinberry	<i>Lonicera involucrata</i>	4' OC	# 1 Cont.	10%
		Nootka rose	<i>Rosa nutkana</i>	4' OC	# 1 Cont.	20%
		Salmonberry	<i>Rubus spectabilis</i>	4' OC	# 1 Cont.	15%
Mix C	Wetland 1	Native seed mix		--	Seed	100%

Planting is proposed to be monitored per the goals and objectives found in the submitted critical area report. Monitoring is proposed for five years or until “the plants have established.” Per 20.25H.220 the plants must be monitored for a minimum of at least three years. The proposed monitoring plan is considered a conceptual monitoring plan and is sufficient for this approval which will temporarily impact 4,000 to 5,000 square feet of stream and wetland buffers. Specific mitigation plans showing all planting and other mitigation features and plant quantity will be required to be submitted under the subsequent clearing and grading permit. The plans submitted under the permit will also contain details on the stream bypass and fish exclusion. See Section X for a related condition of approval.

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.

B. LUC 20.30R.155.B Shoreline Substantial Development Permit – Decision Criteria
The Director may approve, or approve with modifications 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;**

The proposal as proposed or conditioned is in conformance with required performance standards in the Land Use Code and has obtained approval of a Critical

Areas Land Use permit for elements that are not in conformance with the requirements for development in areas within shoreline jurisdiction.

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

As discussed in this staff report, the proposal complies with all applicable decision criteria and performance standards.

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.

The proposal complies with the policies of the Shoreline Management Act and Chapter 173-14 WAC of the Master Program.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including SEPA, Land Use Code consistency, City Code and Standard compliance reviews, the Director of Development Services Department does hereby **approve with conditions** the proposed Wilburton sewer line replacement resulting in temporary impacts to Sturtevant Creek, associated wetlands, and buffers that will be restored. **A Clearing and Grading permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval of Critical Areas Land Use Permit: 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- Expiration of Approval of Shoreline Substantial Development Permit: In accordance with LUC 20.30R.175, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary 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.

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

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	Tom McFarlane, 425-452-5207
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-2973

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

- 1. Clearing and Grading Permit Required:** An application for a clearing and grading permit or other required permits must be submitted and approved. Plans submitted as part of either permit application shall be consistent with the activity permitted under this approval. The plans submittal must detail the stream bypass, fish exclusion, and restoration of the stream and wetlands.

Authority: Land Use Code 20.30P.140
Reviewer: Reilly Pittman, Development Services Department

- 2. Obtain all Other Applicable State and/or Federal Permits:** Before work can proceed, all required federal and state permits and approvals must be obtained by the applicant. A copy of the approved Section 404 permit issued by the Army Corps of Engineers and the approved Hydraulic Project Approval (HPA) issued by the Washington State Department of Fish and Wildlife shall be submitted to the City of Bellevue, prior to beginning construction.

Authority: Land Use Code 20.25H.080
Reviewer: Reilly Pittman, Development Services Department

- 3. Mitigation Plan:** A final mitigation plan showing planting areas and square footages, plant quantities, temporary irrigation, and other features is required to be submitted as part of the clearing and grading permit. The plan must reference the information in the critical areas report under this approval.

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Reilly Pittman, Development Services Department

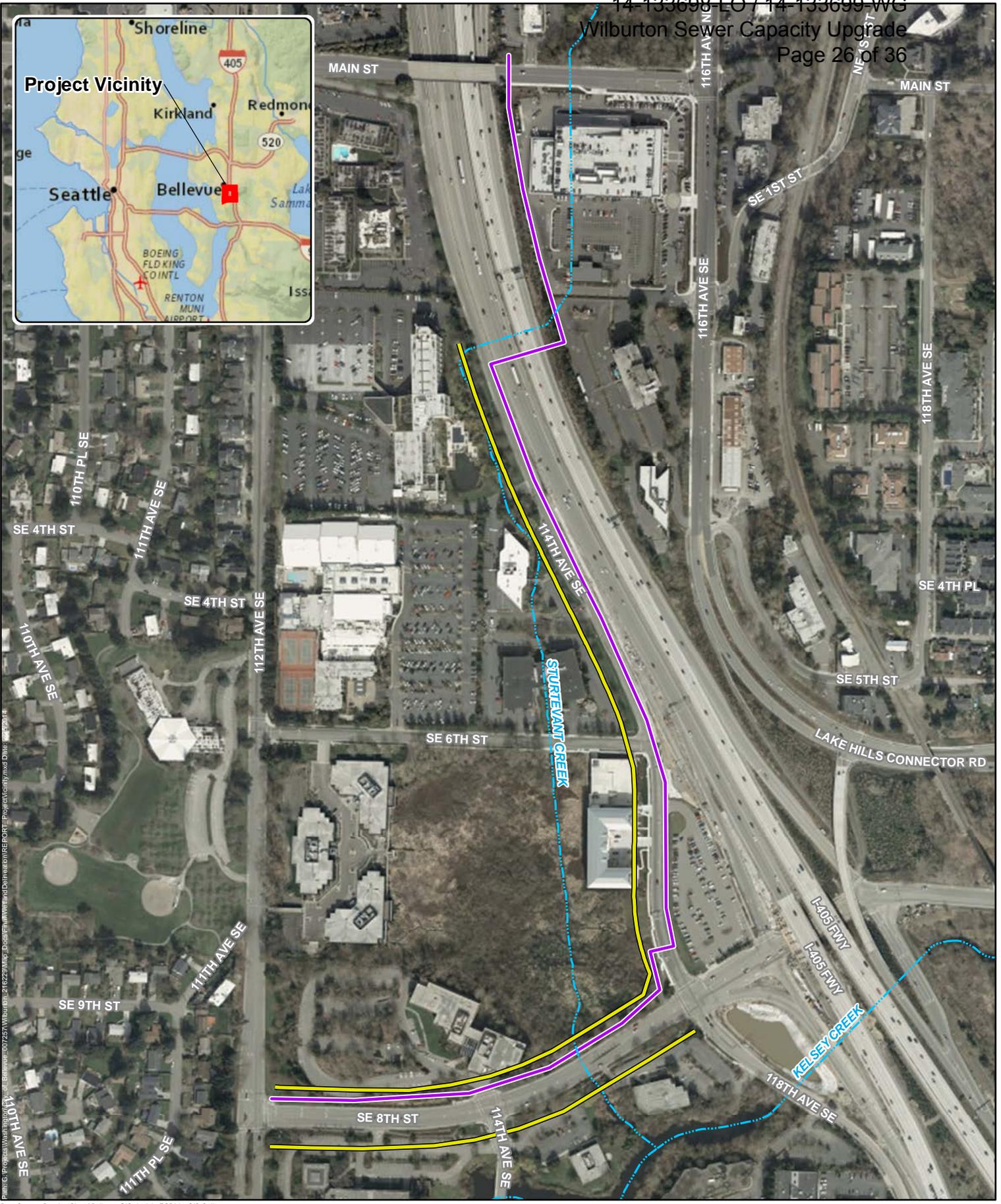
- 4. Monitoring:** Monitoring is proposed for five years, or until the plants have established. Monitoring is required for at least a minimum of three years, but five is recommended. A

copy of the annual monitoring report is required to be provided to the Environmental Planning Manager for the Land Use Department.

Authority: Land Use Code 20.30P.140; 20.25H.220
Reviewer: Reilly Pittman, Development Services Department

5. **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.

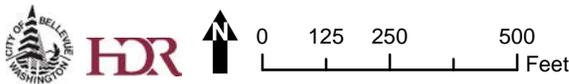
Authority: Bellevue City Code 9.18
Reviewer: Reilly Pittman, Development Services Department



Data Source: Roads - City of Bellevue GIS; Aerial - ESRI ArcGIS Online.
 Map information was compiled from the best available public sources. HDR
 does not warrant that the information is accurate or complete.

Figure 1 - Project Vicinity Map

-  Stream
-  Proposed Alignment
-  50ft Study Area



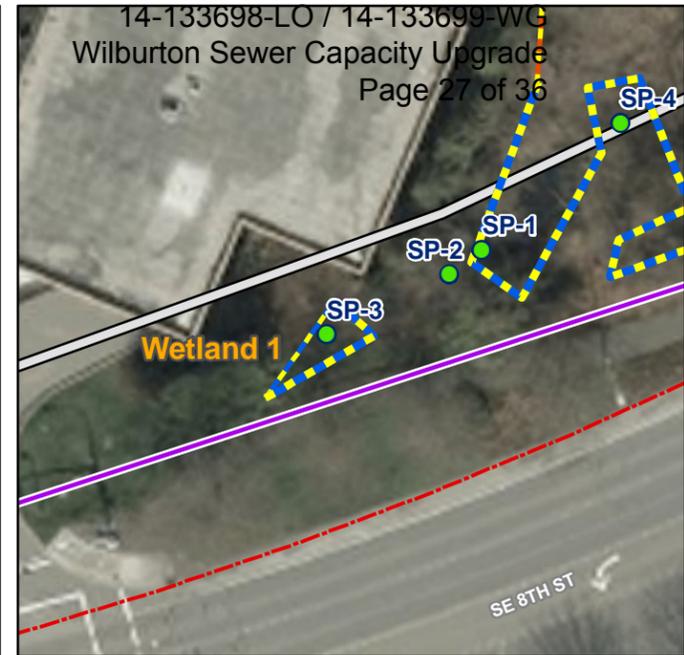
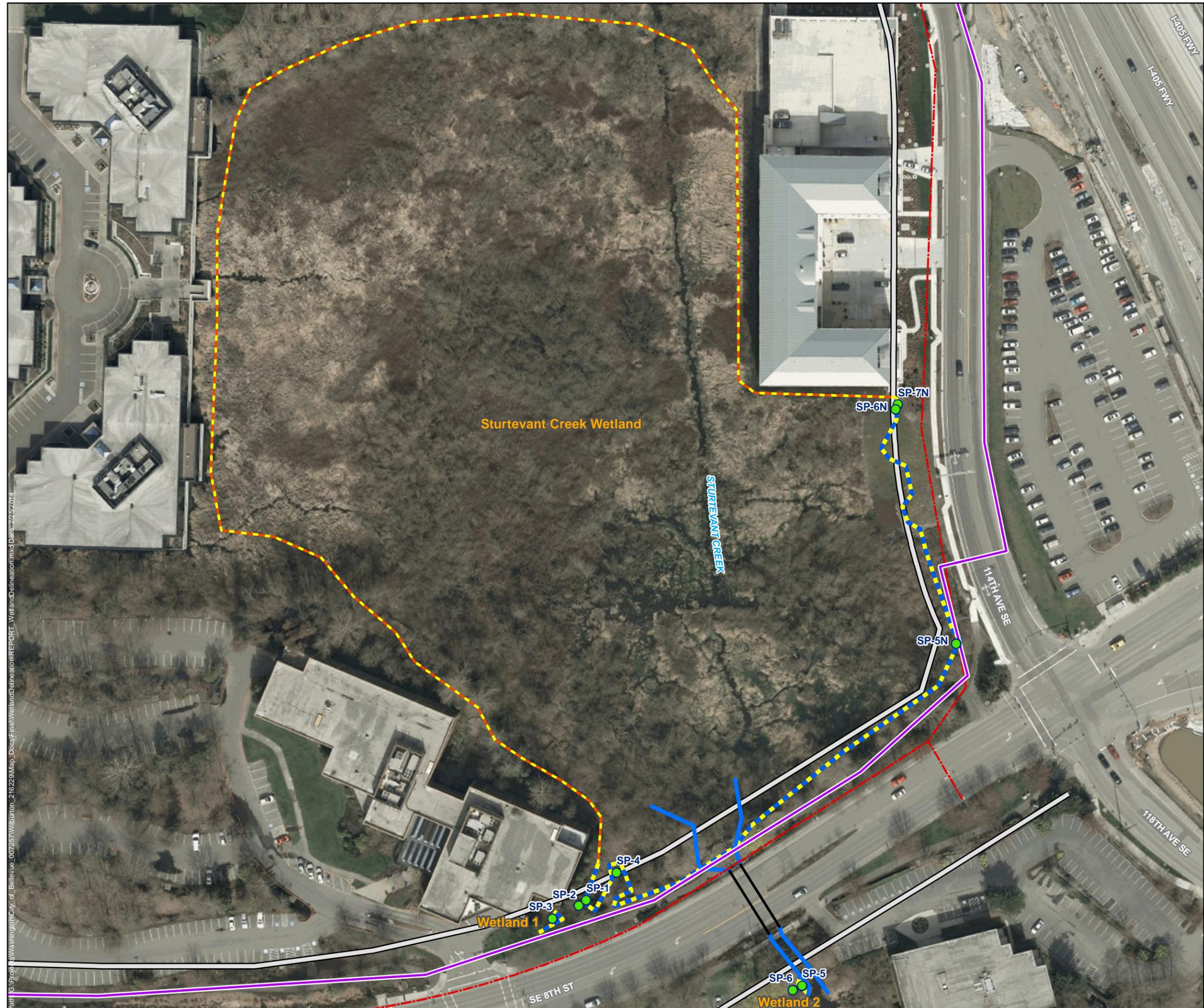


Figure 2 - Wetlands and Streams in the Project Vicinity

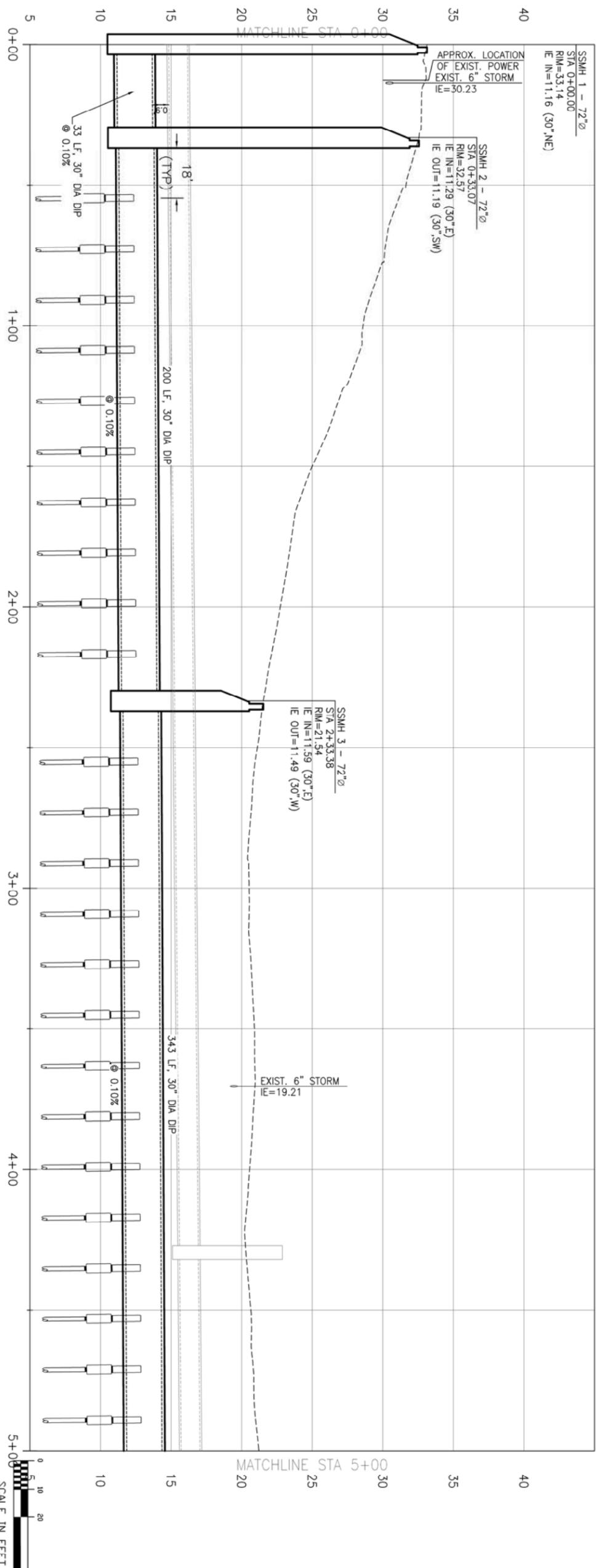
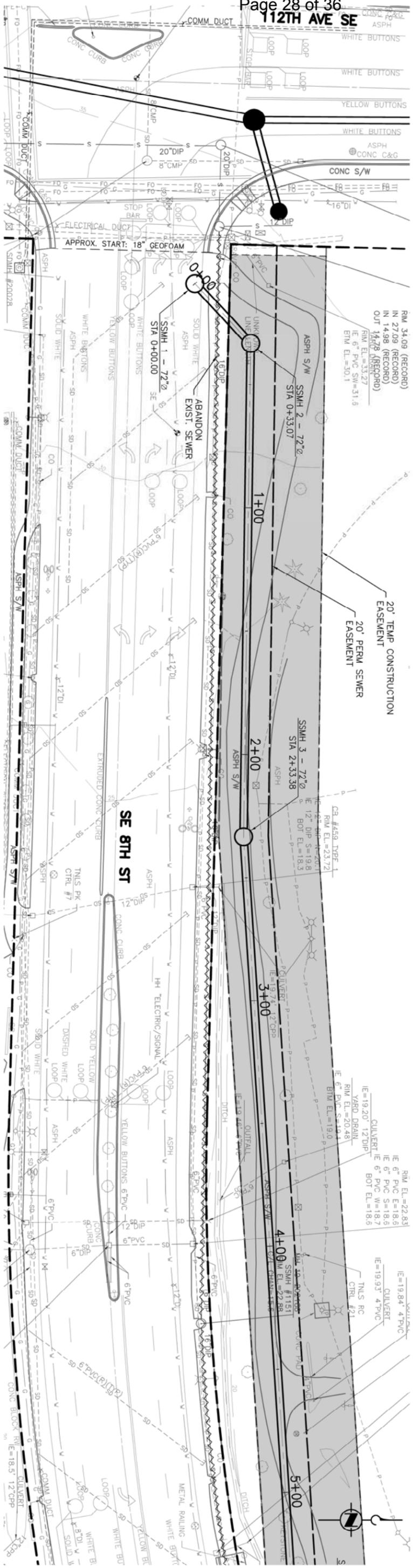
Sample Plot	50ft Study Area
Existing Alignment	Delineated bankfull width
Proposed Alignment	Wetland Boundary
Culvert	Approximate
	Delineated

0 50 100 200 Feet

Wilburton Sewer Capacity Upgrade Project
 City of Bellevue

Data Source: Proposed Alignment - Jacobs GIS; Aerial - ESRI ArcGIS Online. Map information was compiled from the best available public sources. HDR does not warrant that the information is accurate or complete.

Path: G:\Projects\Bellevue\007257\Wilburton_Docs\Final\WetlandDelineation\REPORT_WetlandDelineation.mxd Date: 2/25/2014



Location: P:\WXA02700\700CADD\702CIVIL\C3D Files
 Dwg File: S60-Wilburton-Prop Sewer-Opt.A.dwg

Layout: OPTION A - SHEET 1

Plot Date: 5/13/2014 4:40 PM

Plot By: Schey, Eric

NO	DATE	BY	APPR	REVISIONS

JACOBS PRE-DESIGN PLAN SET

Approved By

DESIGN MANAGER	DATE	DESIGNED BY	DATE
ERIC SCHEY		ERIC SCHEY	
PROJECT MANAGER		DRAWN BY	
		JAMES CHAE	
		CHECKED BY	



City of Bellevue UTILITIES

WILBURTON SEWER CAPACITY UPGRADE PROJECT
 OPTION A - SHEET 1
 SECTION 1 OF 9

NO	DATE	BY	APPR	REVISIONS

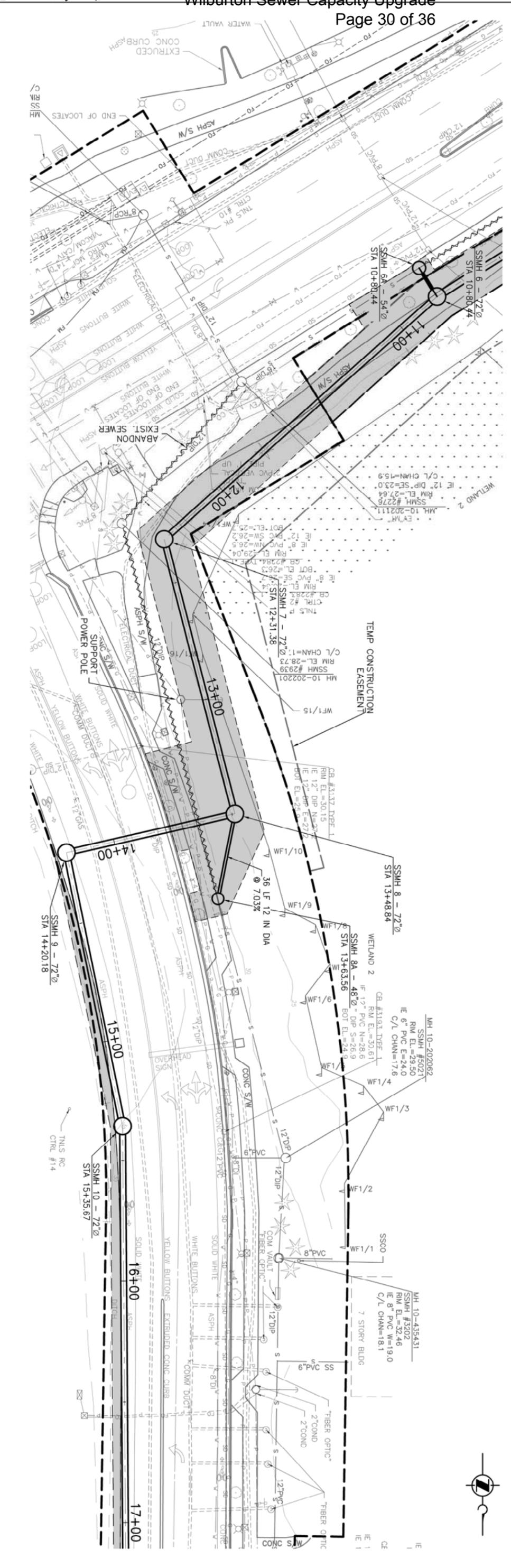
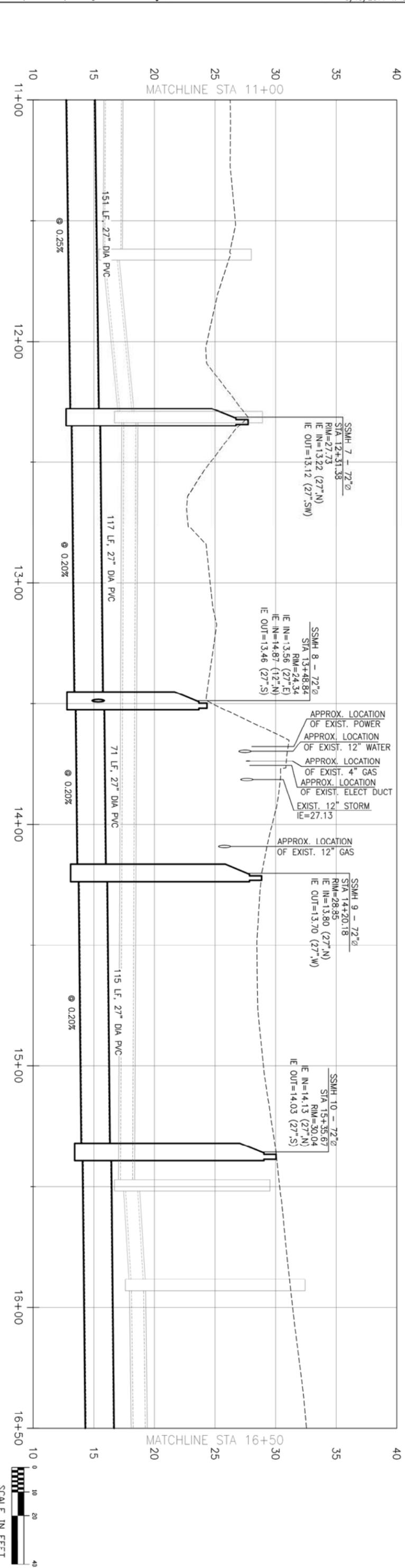
JACOBS PRE-DESIGN PLAN SET

Approved By

DESIGN MANAGER	DATE	ERIC SCHNEY	DATE
PROJECT MANAGER	DATE	ERIC SCHNEY	DATE
	CHECKED BY	JAMES CHASE	DATE



WILBURTON SEWER CAPACITY UPGRADE PROJECT
 OPTION A - SHEET 3
 SECTION 3 OF 9



NO	DATE	BY	APPR	REVISIONS

JACOBS PRE-DESIGN PLAN SET

Approved By

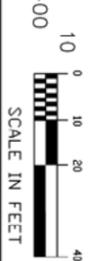
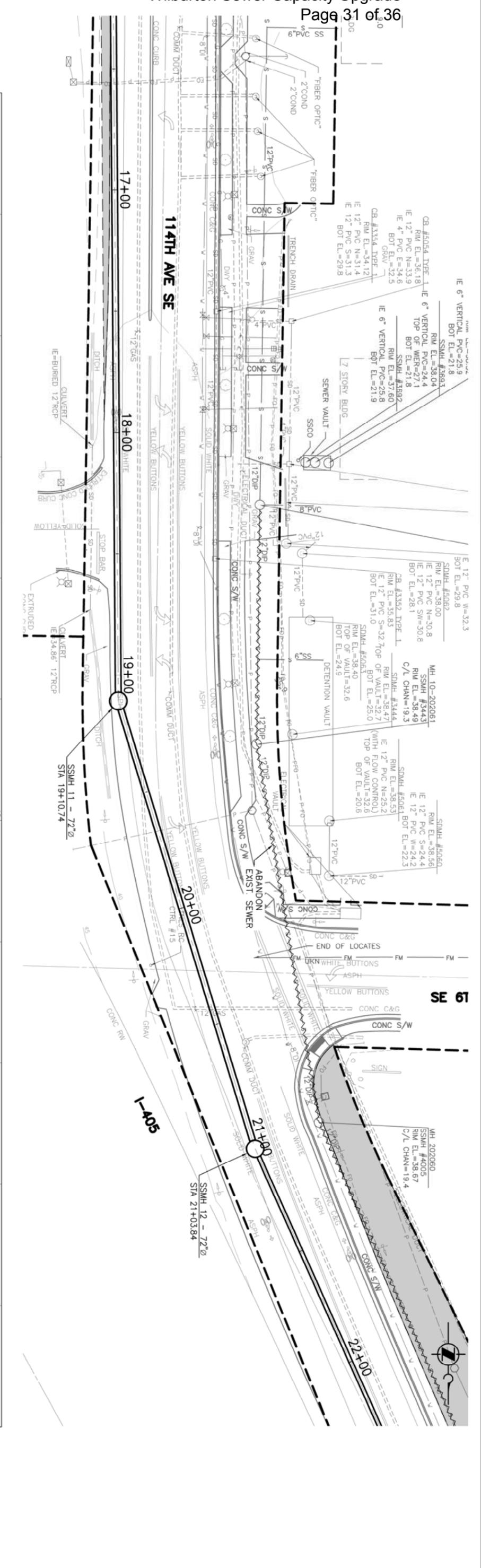
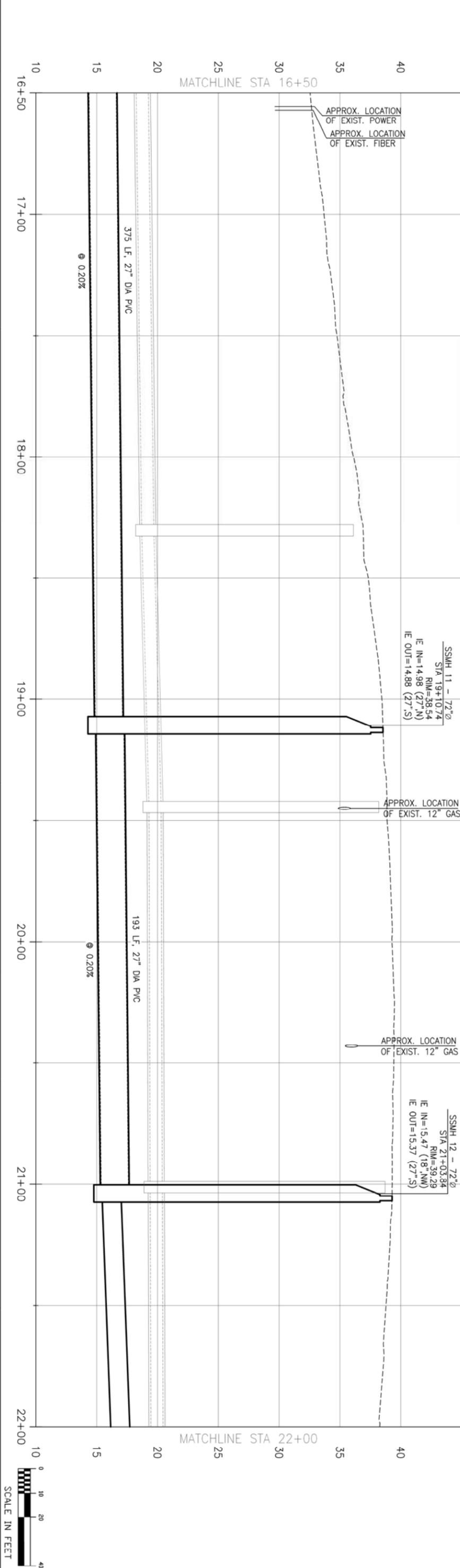
DESIGN MANAGER	DATE
PROJECT MANAGER	DATE

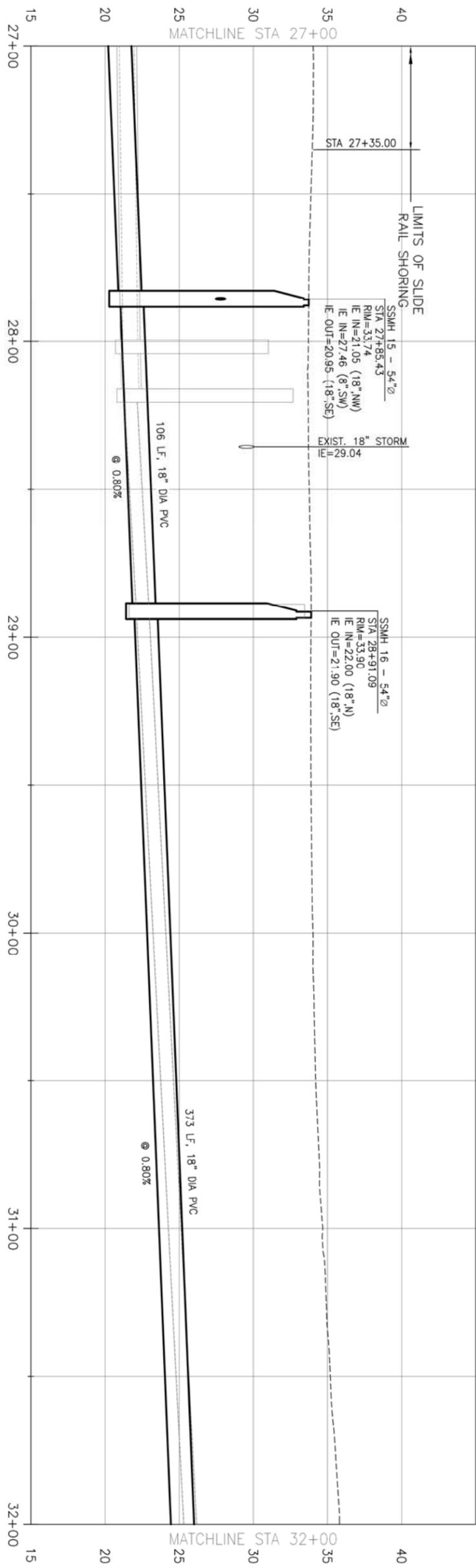
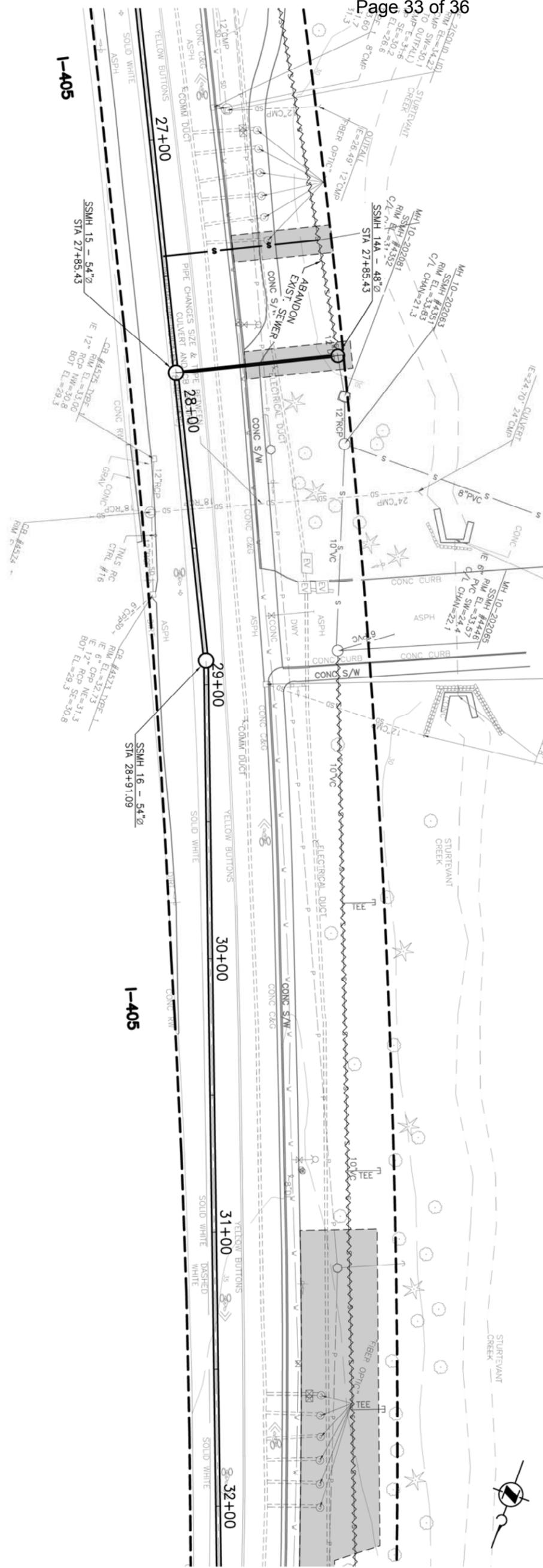
DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE

City of Bellevue UTILITIES

WILBURTON SEWER CAPACITY UPGRADE PROJECT
 OPTION A - SHEET 4

SECTION 4 OF 9





NO	DATE	BY	APPR	REVISIONS

JACOBS PRE-DESIGN PLAN SET

Approved By

DESIGN MANAGER	DATE
PROJECT MANAGER	DATE

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE

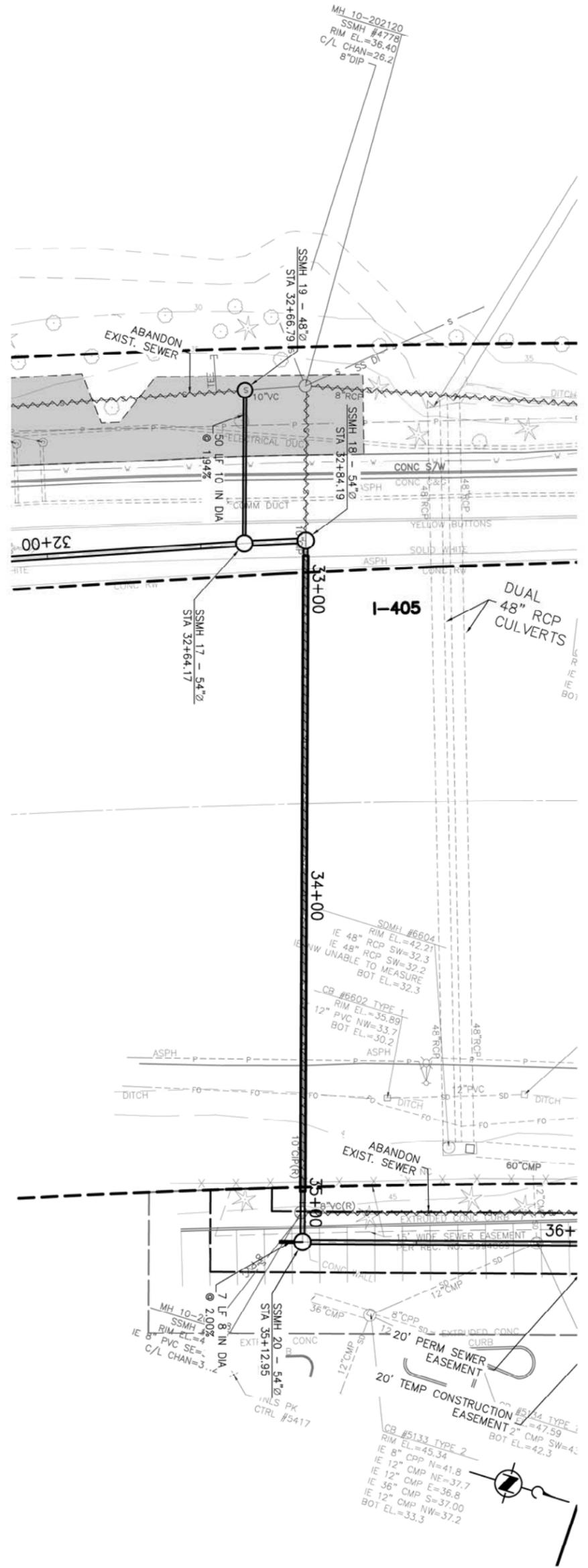
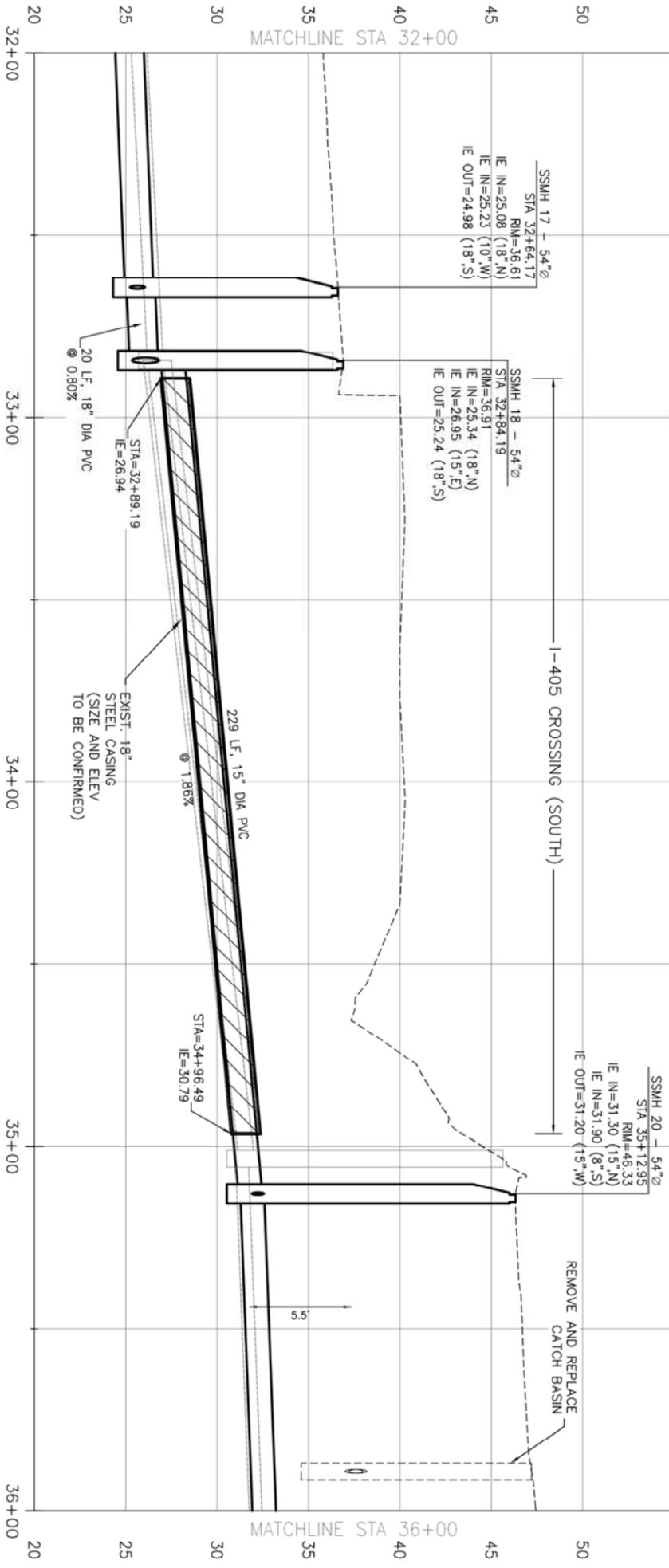


WILBURTON SEWER CAPACITY
 UPGRADE PROJECT
 OPTION A - SHEET 6

SECTION 6 OF 9

NO	DATE	BY	APPR

REVISIONS



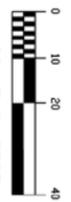
JACOBS PRE-DESIGN PLAN SET

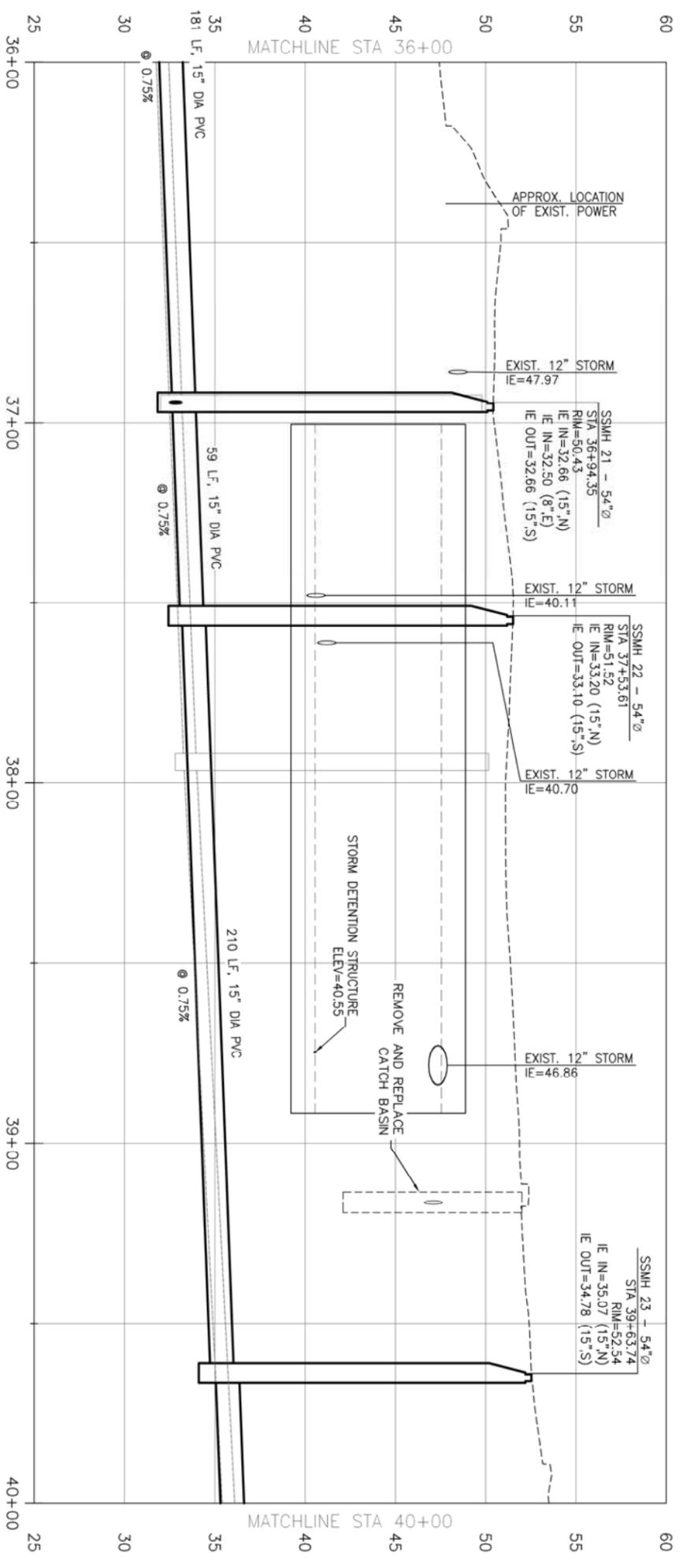
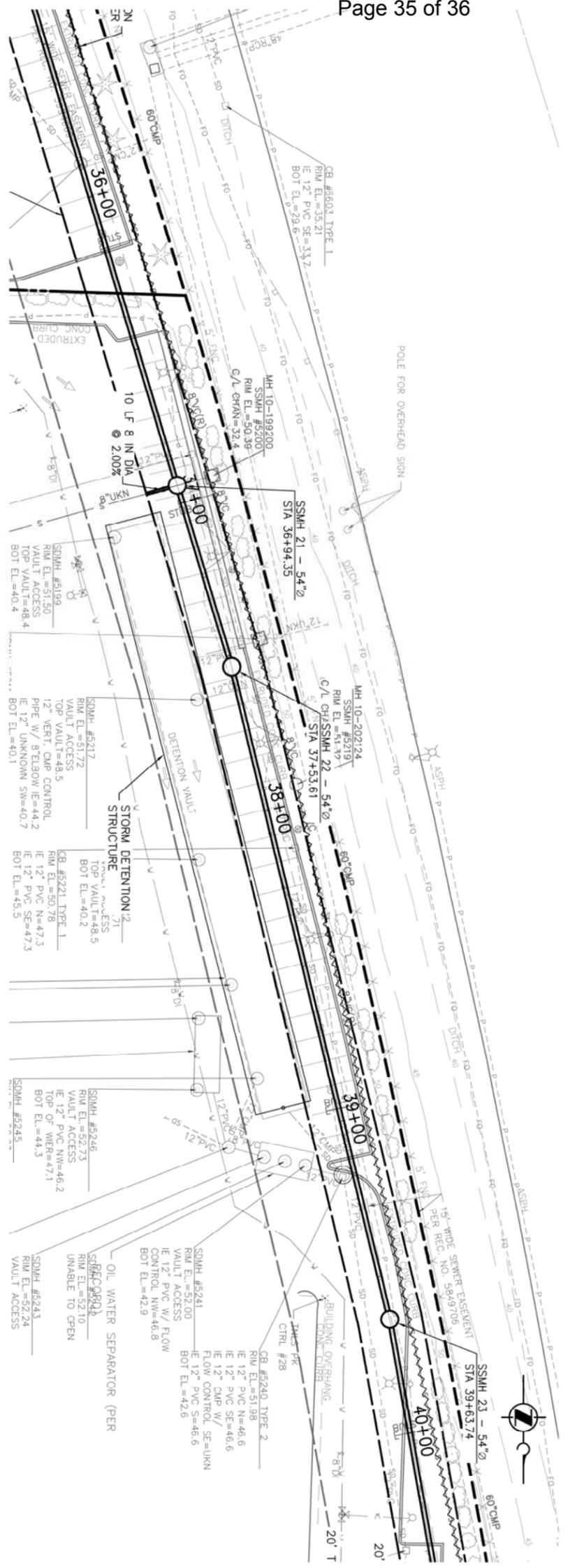
Approved By

DESIGN MANAGER	DATE	PROJECT MANAGER	DATE
ERIC SCHNEY <td> </td> <td> </td> <td> </td>			
ERIC SCHNEY <td> </td> <td> </td> <td> </td>			
JAMES CHALK <td> </td> <td> </td> <td> </td>			



WILBURTON SEWER CAPACITY UPGRADE PROJECT
 OPTION A - SHEET 7
 SECTION 7 OF 9





NO	DATE	BY	APPR	REVISIONS

JACOBS PRE-DESIGN PLAN SET

Approved By

DESIGN MANAGER
 PROJECT MANAGER

DESIGNED BY
 DRAWN BY
 CHECKED BY



WILBURTON SEWER CAPACITY
 UPGRADE PROJECT
 OPTION A - SHEET 8

SECTION 8 OF 9

