



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

Proposal Name: Link Operations and Maintenance Facility East (OMF East) and Interim Trail

Proposal Address: 1899 120th Ave NE

Proposal Description: Critical Areas Land Use Permit to construct an operations and maintenance facility, new light rail track, and pedestrian and bike trails. The proposal will disturb or modify wetlands; wetland buffers, wetland structure setbacks; and geological hazard structure setbacks. Mitigation includes: on-site and adjacent wetland and buffer enhancement; and In-Lieu Fee Program purchase of compensatory wetland credits as part of the King County Mitigation Reserves Program (KCMRP).

File Number: 17-109199-LO

Applicant: Ellie Ziegler, Sound Transit

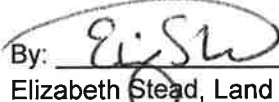
Decisions Included: Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: Drew Folsom, Associate Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Sound Transit published the Link Light Rail Operations and Maintenance Satellite Facility (OMSF) Final Environmental Impact Statement (Final EIS) on September 25, 2015.

Director's Decision: **Approval with Conditions**

Michael A. Brennan, Director
Development Services Department

By: 
Elizabeth Stead, Land Use Director

Application Date: March 30, 2017
Notice of Application Publication: April 13, 2017
Decision Publication Date: September 14, 2017
SEPA Appeal Deadline: Prior SEPA FEIS incorporated by reference

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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Attachments

1. Critical Areas Report and Addendum Memorandum – In File
2. Critical Areas Handbook Sunny Wetland template: C2-Sun

I. Proposal Description

Sound Transit is proposing to construct an operations and maintenance facility (OMF East), new light rail track, and pedestrian and bike trails. The proposed operation and maintenance facility will provide service and inspection functions for up to 96 light rail vehicles. The OMF East will be used to store, maintain, service, and deploy vehicles for daily service. The facility will accommodate some administrative and operations functions and be used as a report base for light rail vehicle operators and staff maintaining off site track, signals, and station facilities.

The OMF East project site is located on developed land that currently consists of commercial and industrial uses. Large industrial and commercial buildings and associated asphalt parking lots cover the majority of site. Wetlands and/or buffers have been extensively modified by urban development.

The project includes the construction of an interim bike and foot trail in the portion of the Eastside Rail Corridor (ERC) located in the project site adjacent to the western side of the OMF East between SR-502 and Wilburton Station. An interim trail connection will also be constructed along the north side of the OMF East following an abandoned rail spur connecting the ERC and 120th Ave NE. An additional interim trail segment will be developed in the landscaped frontage along 120th Avenue NE. See Figure 1 below for project detail.

The proposed OMF East and the northern portion of the interim trail will be located west of 120th Avenue NE, south of State Route (SR) 520, and north of NE 12th street; the southern portion of the interim trail will be located south of NE 12th Street. The OMF East will be adjacent and connect to Sound Transit's East Link project. The East Link project expands the Sound Transit Link light rail system from Seattle to Redmond. Permitting and construction is underway for the East Link project.

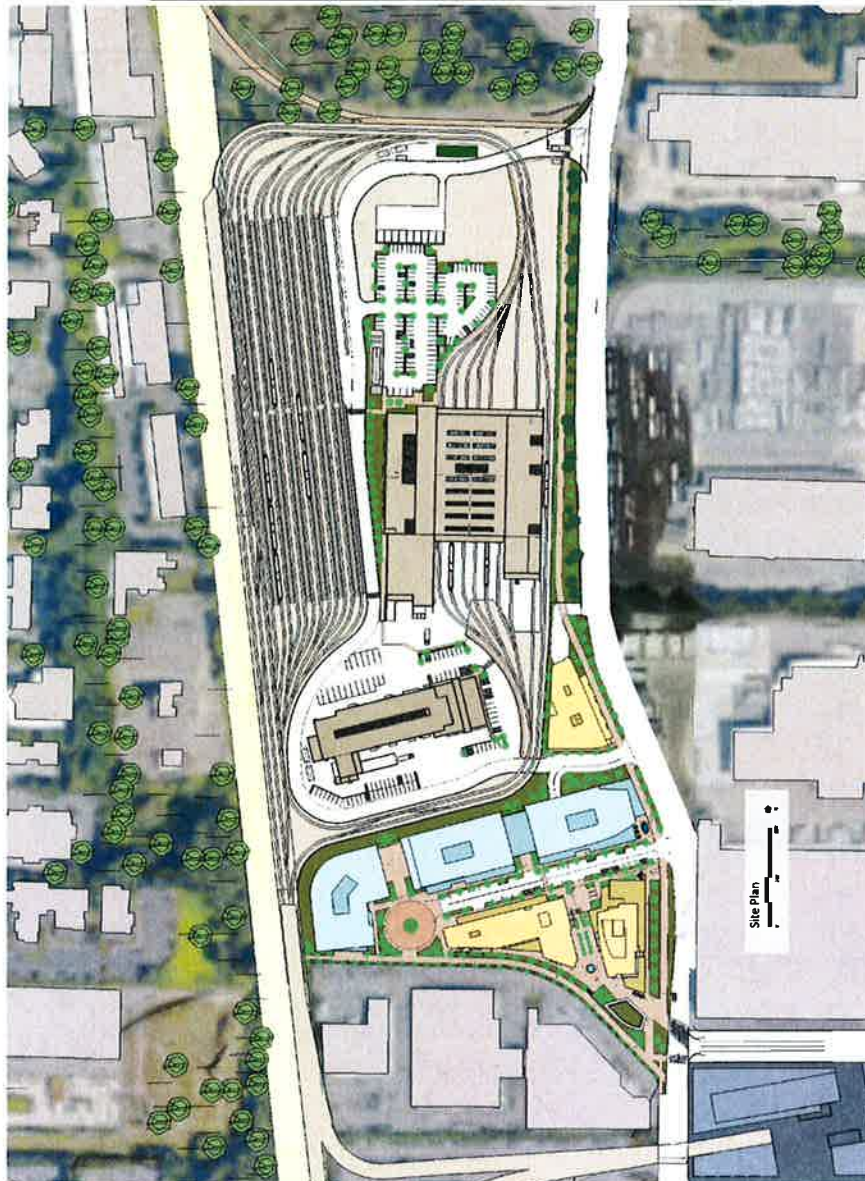
The project will result in permanent direct impacts to four wetlands totaling approximately 0.38 acres and wetland buffers totaling approximately 0.43 acres. A total of 85 significant trees within critical areas will be impacted by the project. No streams, stream buffers, or geological hazards will be impacted by the project. Due to the overall lack of potential habitat for species of local importance within the project site and the small area of impact to critical areas, overall habitat losses resulting from the project are expected to be low and are unlikely to result in a significant impact to Habitats Associated with Species of Local Importance.

Installation of the Eastside Rail Corridor will involve work within steep slope critical area structure setbacks to remove existing railroad infrastructure and establish an interim trail. Work includes removal of railroad ties and ballast; and placement of new gravel, fencing, bollards, and signage.

The applicant proposes mitigation which includes on-site and adjacent wetland and buffer enhancement, and In-Lieu Fee Program purchase of compensatory wetland credits as part of the King County Mitigation Reserves Program (KCMRP). Wetland and buffer enhancement will consist of the removal of invasive species and replanting with native vegetation including trees, shrubs and emergent plants. The project also includes the placement of downed logs.

The OMFE and interim trail are allowed uses within critical areas, critical area buffers, and critical area structure setbacks provided that the performance standards for the applicable critical area and critical area buffers specified in LUC Section 20.25H.055.C.2, and 20.25H.100 are met. A critical areas report and addendum memorandum has been included in the proposal to address wetland and wetland buffer impacts and proposed enhancement and mitigation.

Figure 1 (OMF East Conceptual Site Plan)



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

Figure 2



A. Site Description

The proposal will be located in the Eastside Rail Corridor north of NE 8th Street and south of SR-520, and multiple parcels west of 120th Avenue NE between NE 12th Street and

Northup Way including parcel numbers: 1099100104, 2825059038, 2825059070, 2825059156, 2825059182, 2825059213, 2825059218, 2825059294, 2825059298, 28250559302, 2825059307, and 2825059326.

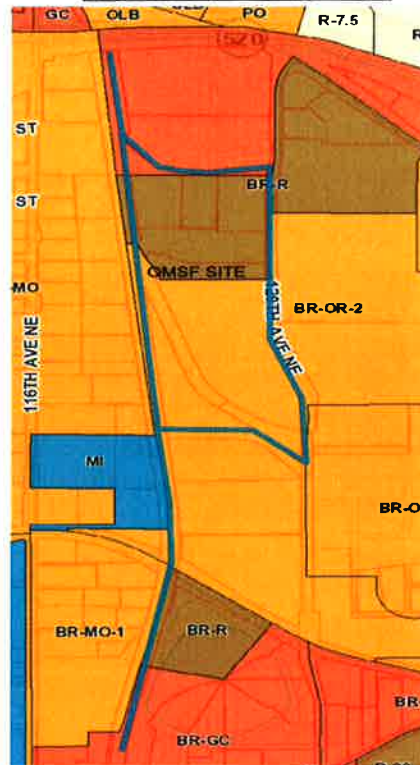
The OMF East site has historically been developed with a variety of commercial and industrial uses. The majority of the site is covered by impervious surface in the form of buildings and asphalt parking lots. The site is relatively flat, with moderate areas of slope south and east supporting rail corridors. There are several small isolated wetlands located in the north and east areas of the site. These wetlands and/or buffers have been extensively modified by urban development. Habitat functions of wetlands and buffers was rated moderately low due to lack of habitat interspersion, and landscape position near developed habitats. Invasive species such as Himalayan Blackberry are present in the wetlands and buffers. A full discussion including wetland rating forms of the impacted wetlands and buffers can be found in the OMF East Critical Areas Report (attachment 1).

The interim trails will be primarily located along rail corridors developed with existing rail ties and ballast. The existing rail ties will be removed and converted to gravel trails or new rail line serving the OMF East.

B. Zoning

The subject sites and surrounding properties are located in Medical Industrial (MI) and several Bel-Red zoning districts including: Bel-Red General Commercial (BR-GC), Bel-Red Residential (BR-R), Bel-Red Medical Office (BR-MO), Bel-Red Medical Office Node 1 (BR-MO-1), Bel-Red Office Residential Node 2 (BR-OR-2). The proposed use is permitted in the zoning district.

Figure 3 (Zoning Map)



C. Land Use Context

The subject site and surrounding areas have Comprehensive Plan Designations of Medical Industrial (MI), Bel-Red General Commercial (BR-GC), Bel-Red Residential (BR-R), Bel-Red Medical Office (BR-MO), Bel-Red Medical Office Node 1 (BR-MO-1), Bel-Red Office Residential Node 2 (BR-OR-2). The design of the OMF East will be reviewed and processed under separate Master Development Plan and Design Review permits. A previously approved Land Use Code Amendment (15-127182-AD) helps ensure that the design, development, construction and operation of the OMF East will be consistent with the Bel-Red Subarea Plan policies.

D. Critical Areas Function and Value, Regulations

i. 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.

ii. 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.

iii. 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 (McKinney 2002, Blair 2004, Marzluff 2005, Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al 2001a). 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 (Knopf et al. 1988), 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 (Blair 1999, Marzluff 2005). 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 (Shaughnessy and O'Neil 2001). 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 (Rojas 2007). 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 OMF East is subject to the dimensional requirements of Bel-Red Districts per LUC 20.25D.080.A

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 OMF East and Interim trail will disturb or impact Type II and III wetlands, associated buffers, and structure setbacks. The project will also impact geological hazard toe of slope structure setbacks. Construction of a light rail operations and maintenance facility is an allowed use in critical areas and buffers per LUC 20.25H.055 and the project is subject to the following code requirements.

Figure 4

Table 1. Wetland and Buffer Impacts

Wetland Name	Ecology Rating	Water Quality Function	Hydrologic Function	Habitat Function	Permanently Impacted Wetland Area (acres)	Impacted Wetland Buffer Area ^a (acres)
E2-1	III	6	7	4	0.21	0.39
E2-2/ BNSF Northeast	III	6	7	4	0.02	0.0
E2-4	II	7	7	6	0.00	0.04
E2-6/ BNSF East	III	6	7	3	0.13	0.0
E2-7/ BNSF North	III	6	7	4	0.02	0.0
Total					0.38	0.43

^a Wetland and buffer impacts to North Lake Wetland are included in Sound Transit's East Link Project (NWS - 2013-706)

Figure 5 (Wetland Impacts)

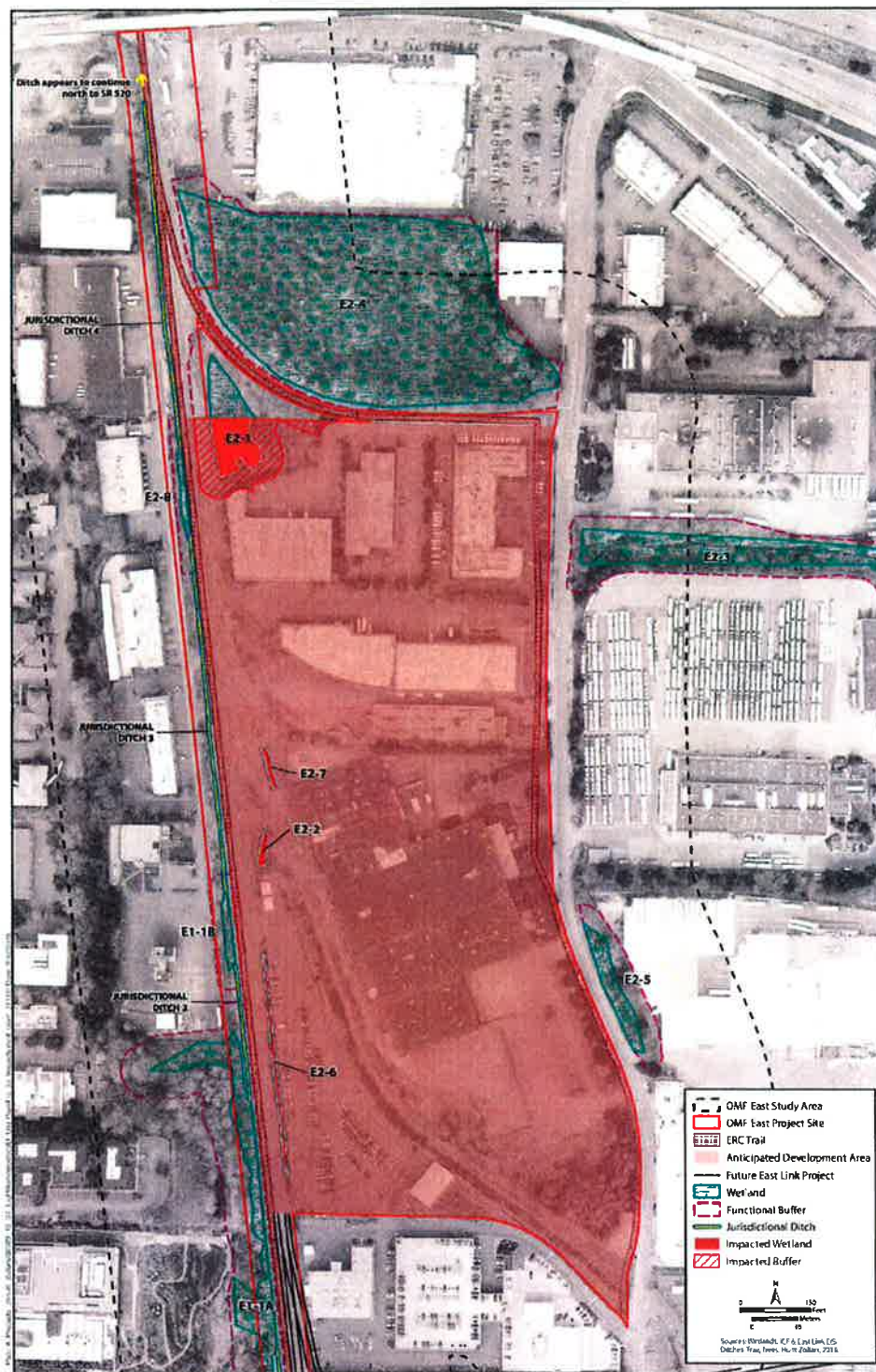
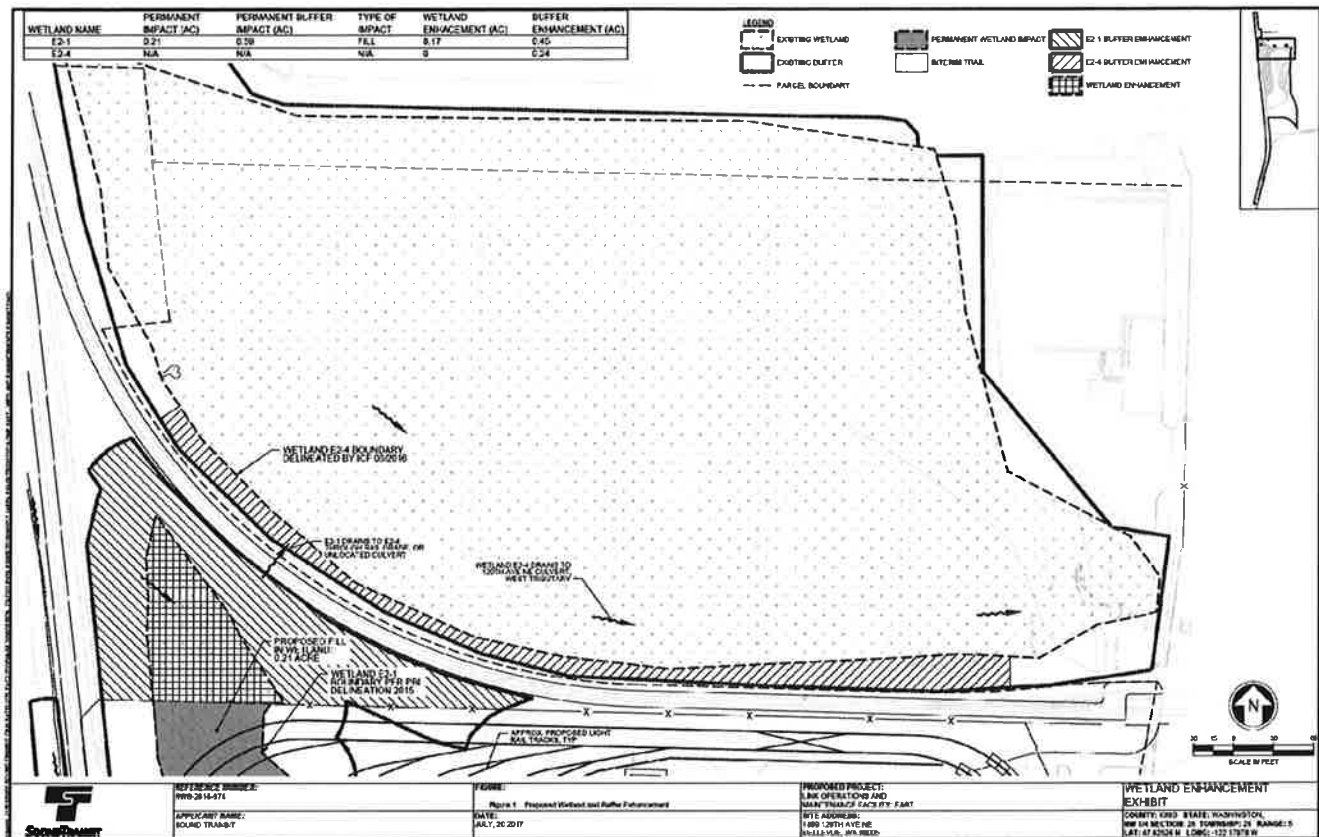


Figure 3a. Project Impacts
Sound Transit Link Operations and Maintenance Facility: East

Figure 6 (Wetland and Buffer Enhancement)



- i. **Consistency with Performance Standards for New and Expanded Uses or Development (within critical areas and critical area buffers) LUC 20.25H.055.C.2.b**
Per LUC 20.25D.105.D.2.f.ii, the OMF East project is not required to demonstrate that no technically feasible location alternative with less impacts exists. The project has demonstrated that it avoids and minimizes impacts to critical area and critical area buffers to the area necessary for a functioning OMF East (refer to Attachment 1, Critical Areas Report and Memorandum Addendum). The use of retaining walls are employed to avoid excessive fill and minimize tree removal. The disturbance of habitat used for salmon rearing or spawning will not occur and overall disturbance of habitat for species of local importance is minimized. The project will provide flow peak, duration and water quality controls to areas that are currently uncontrolled. The implementation of stormwater control will improve water quality compared to existing conditions. Areas of temporary and permanent disturbance will be mitigated and/or restored pursuant to a mitigation and restoration plan; and In-Lieu Fee Program purchase of compensatory wetland credits as part of the King County Mitigation Reserves Program (KCMRP). **See Section X for related conditions of approval.**

ii. Consistency with Performance standards for wetland and wetland critical areas buffers LUC 20.25H.100

In addition to complying with the performance standards set forth in LUC 20.25H.055 discussed above, the applicant has incorporated the applicable performance standards for development within a wetland critical area or critical area buffer (refer to Attachment 1, Critical Areas Report and Memorandum Addendum).

Light will be directed away from wetlands and wetland buffers. Water will be treated before entering wetlands and routed away unless necessary to maintain hydrological functions. The retaining walls and other improvements are designed and sited to minimize disturbance of wetlands and buffers. Wetland buffers will be planted with native, thorny vegetation and/or fenced with signage to limit pet or human use. The applicant will be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. **See Section X for related conditions of approval.**

iii. Consistency with LUC 20.25H.255 Critical Areas Report

In addition to enhancing a total of 0.86 acres (0.17 acre wetland and 0.69 acre buffer) of on-site or adjacent wetlands and buffers, the applicant proposes off-site and outside of the drainage and sub drainage basins as partial mitigation for impacts to wetlands. This additional mitigation will be accomplished using the KCMRP fee-in-lieu program purchase of compensatory wetland credits.

The total proposed credit purchase for the OMF East project from the KCMRP is 23.07. The amount of wetland credits is based on water quality improvement, hydrologic support, and habitat scores for each impacted wetland. Due to the low and moderate level of function provided by the impacted wetlands, the KCMRP is anticipated to provide a level of function that is considerably higher, with greater overall benefit to the ecological functions of the watershed than the functions presently provided by the impacted wetlands. The applicant shall acquire mitigation credits from the program, and provide documentation prior to final inspection of clearing and grading permit.

Mitigation actions may be conducted off-site and outside of the drainage sub-basin only through a critical areas report. The applicant supplied a complete critical areas report and addendum prepared by a qualified professional. The report meets the minimum requirements in LUC 20.25H.250 and demonstrates that the proposed modification of the wetland and buffer leads to equivalent or better protection of the critical areas functions and values than would result from the application of the standard requirements. There are no reasonable on-site or in-sub-drainage basin opportunities; or on-site and in-sub-drainage basin opportunities do not have a high likelihood of success, and watershed goals for water quality, flood or conveyance, habitat, or other wetland functions have been established. The report and addendum are included as Attachment 1 to this staff report. **See Section X for related conditions of approval.**

IV. Public Notice and Comment

Application Date:	March 30, 2017
Public Notice (500 feet):	April 13, 2017
Minimum Comment Period:	April 27, 2017

The Notice of Application for this project was published in the City of Bellevue Weekly Permit Bulletin on April 13, 2017. Public comments were received expressing concern regarding the proposed mitigation and impacts to storm drainage and hydrology.

- **Comment expressing dissatisfaction with the use of KCMRP fee in lieu as compensatory mitigation:**

City Response: The initial design proposed no on-site or in drainage sub-basin wetland mitigation or enhancement. In response to City staff, Sound Transit revised the proposal to include a conceptual mitigation enhancement plan to restore degraded functions by removing invasive species and installing native plantings. The plan will enhance 0.86 acres (0.17 acre wetland and 0.69 acre wetland buffers) of on-site and adjacent wetlands and buffers. The plan will be required to include downed logs, native trees, shrubs, groundcovers & perennials, and emergents. Wetland buffer edges will be planted with native, thorny vegetation and/or fenced with signage to limit pet or human use. **See Section X for related conditions of approval.**

- **Comment regarding stormwater, hydraulics, and turbidity and request to enhance wetlands near Lake Bellevue and bridge Sturtevant Creek.**

The Critical Areas Report and Addendum Memorandum (Attachment 1) demonstrate that the enhancement of 0.86 acres (0.17 acre wetland and 0.69 acre wetland buffers) of on-site and adjacent wetlands and buffers will directly improve the ability of these critical areas to provide better hydrological functions to the very upper reaches of the West Tributary.

In addition, the project will include stormwater treatment and detention facilities that will result in increased stormwater detention, enhanced water quality treatment, and a reduction in the annual loading of priority stormwater pollutants compared to existing conditions.

Sound Transit has had several conversations, open houses, and on-site visits with residents and stakeholders near Lake Bellevue coordinating concerns regarding turbidity, hydraulics, noise, and stormwater.

As discussed in Critical Areas Report, the project has no direct impacts to Sturtevant Creek or Lake Bellevue. **See Section X for related conditions of approval.**

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.

B. Utilities Department

Storm Drainage

The Sound Transit Operations and Maintenance Facility East project will trigger minimum requirements 1-9 from the Department of Ecology Storm Water Management Manual for Western Washington. The project is considered redevelopment and will need to detain all new and replaced impervious surfaces. Infiltration facilities and detention vaults are proposed to meet the minimum requirements triggered for the project. The site will also add enough additional pollution generating impervious surface to trigger minimum requirement 6 for water quality treatment. Stormwater discharges will be maintained by holding the detention system release rates to the pre-developed condition (i.e. forested land cover). **See Section X for related conditions of approval.**

VI. State Environmental Policy Act (SEPA)

Sound Transit published the Link Light Rail Operations and Maintenance Satellite Facility (OMSF) Final Environmental Impact Statement (Final EIS) on September 25, 2015.

The Link Light Rail Operations and Maintenance Satellite Facility (OMSF) Final Environmental Impact Statement (Final EIS) fulfills State Environmental Policy Act requirements for the proposed OMF East project and is incorporated by this reference under the terms of BCC 22.02.037 and WAC 197-11-600.

VII. Changes to Proposal Due to Staff Review

Staff requested additional information regarding the potential of on-site and in drainage sub-basin mitigation. The applicant revised the proposal to include .86 acres of on-site and in drainage sub-basin wetland and wetland buffer enhancement. The applicant revised the grading plan to include a retaining wall, instead of fill, to reduce overall wetland impacts.

VIII. Decision Criteria

A. Critical Areas Report Decision Criteria-Proposals to Reduce Regulated Critical Area Buffer LUC 20.25H.255.

A. General.

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

Finding: The project will result in permanent impacts to four wetland totaling approximately 0.38 acres and wetland buffers totaling approximately 0.43 acres. The application includes a conceptual mitigation enhancement plan to restore degraded functions by removing invasive species and installing native plantings. The plan will enhance 0.86 acres (0.17 acre wetland and 0.69 acre wetland buffers) of on-site and adjacent wetlands and buffers. The plan will be required to include downed logs; and native trees, shrubs, groundcovers & perennials, and emergents. Wetland buffer edges will be planted with native, thorny vegetation and/or fenced with signage to limit pet or human use. The mitigation plan will improve both the condition and the function of these critical areas over the standard application of the code. **See Section X for related conditions of approval.**

- 2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;**

Finding: Sound Transit has adequate resources to ensure completion of the proposed on-site wetland and buffer enhancement, including any necessary adaptive management and monitoring of the mitigation, as well as resources to purchase the 23.07 in-lieu fee credits from the KCMRP program to further compensate for project impacts to wetlands. Copies of the on-site and adjacent mitigation enhancement monitoring reports will be submitted annually for five years to the City. **See Section X for related conditions of approval.**

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

Finding: The OMF East project proposes to improve the wetland and wetland buffers by removing invasive species and replanting with native vegetation. The enhancement will improve habitat conditions in proximity to the critical areas along

the interim trail west of the OMF East. Water quality and stormwater detention functions provided by the project will improve water quality conditions in the headwater wetlands of the West Tributary, including Wetland E2-3, located offsite to the east of the facility. See Section X for related conditions of approval.

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

Finding: The OMF East is an allowed use in the land use district. The design of the OMF East will be reviewed and processed under separate Master Development Plan and Design Review permits. A previously approved Land Use Code Amendment (15-127182-AD) ensures that the design, development, construction and operation of the OMF East will be consistent with the Bel-Red Subarea Plan Policies.

B. The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

1. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;

Finding: The application includes a conceptual mitigation enhancement plan to restore degraded functions by removing invasive species and installing native plantings. The plan will enhance 0.86 acres (0.17 acre wetland and 0.69 acre wetland buffers) of on-site and adjacent wetlands and buffers. The plan will include downed logs; and native trees, shrubs, groundcovers & perennials, and emergent. Wetland buffer edges will be planted with native, thorny vegetation and/or fenced with signage to limit pet or human use.

The plantings will increase the habitat and stormwater functions over the existing conditions by replacing non-native species with native species and controlling and limiting the establishment of invasive species. The applicant will also be required to incorporate large woody debris into the mitigation enhancement plan. In addition, the applicant will purchase 23.07 credits from the KCMRP which funds the creation and enhancement of wetlands within the greater Cedar River/Lake Washington watershed. After project completion, the critical areas and buffers will provide greater function over existing site conditions. See Section X for related conditions of approval.

- 2. The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;**

Finding: The proposed on-site and adjacent enhancement of wetland and wetland buffers will benefit the specific water quality improvement, stormwater detention and wildlife habitat functions that are most important in the West Tributary, and broader Kelsey Creek and Lake Washington watersheds. Through the implementation of the enhancement plan, the site will produce a net gain in both habitat and water quality functions. See Section X for related conditions of approval.

- 3. The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;**

Finding: The OMF East project will result in a net gain in the stormwater quality function of the critical area wetland buffers as a result of the enhancement plantings. In addition, the project will include stormwater treatment and detention facilities that will result in increased stormwater detention, enhanced water quality treatment, and a reduction in the annual loading of priority stormwater pollutants compared to existing conditions. See Section X for related conditions of approval.

- 4. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;**

Finding: Sound Transit has adequate resources to ensure completion of the proposed wetland and buffer enhancement including any necessary adaptive management and monitoring of the mitigation; as well as resources to purchase the 23.07 in-lieu fee credits from the KCMRP program to further compensate for project impacts to wetlands. Copies of the mitigation monitoring reports will be submitted annually to the City. See Section X for related conditions of approval.

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

Finding: The OMF East will improve the functions and values of on-site and adjacent wetlands and buffers by removing invasive species and replanting with native vegetation. The plan will include large woody debris in the form of downed

logs. The enhancement will improve habitat conditions in proximity to the critical areas along the interim trail west of the OMF East. Water quality and stormwater detention functions provided by the project will improve water quality conditions in the headwater wetlands of the West Tributary, including Wetland E2-3, located offsite to the east of the facility. **See Section X for related conditions of approval.**

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

Finding: The OMF East is an allowed use in the land use district. The design of the OMF East will be reviewed and processed under separate Master Development Plan and Design Review permits. A previously approved Land Use Code Amendment (15-127182-AD) helps ensure that the design, development, construction and operation of the OMF East will be consistent with the Bel-Red Subarea Plan Policies.

B. 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;

Finding: The applicant must obtain a clearing and grading and other construction related permits for the project. The clearing and grading permit must incorporate and reference the details of 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;

Finding: The proposal to build the OMF East and associated improvements has been designed in consultation with qualified professionals from Huitt Zollars, Inc. and ICF, International, in order to ensure the best available design and techniques have been incorporated. The applicant will also be required to obtain applicable state and/or federal permits and copies of these permits shall be submitted to the City of Bellevue, prior to any site construction.

As discussed in Section VIII the proposal will result in an overall net gain in storm water quality. After project completion the critical areas and buffers will provide greater function over existing site conditions. **See Section X for related conditions of approval.**

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 performance standards are incorporated into the proposal to the maximum extent applicable.

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

Finding: The area is adequately serviced by public facilities. The proposal will not change the need for public facilities.

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

Finding: The proposal, as discussed above, includes a conceptual mitigation enhancement plan. Planting is proposed to be monitored per the goals and objectives found in the submitted critical area report and addendum. Per 20.25H.220 the plants must be monitored for a minimum of at least five years. Reports documenting the survival of all installed plants and the removal of invasive species will be submitted annually. The proposed monitoring is considered a conceptual monitoring plan and is sufficient for this approval. Specific mitigation plans showing all planting and other mitigation features will be required to be submitted under the subsequent clearing and grading permit. Documentation regarding Sound Transit participation in the KCMRP is required. The applicant shall acquire mitigation credits from the program, and provide documentation under the subsequent clearing and grading permit. See Section X for a related condition of approval.

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

Finding: 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 Development Services Department does hereby **approve with conditions** the Critical Areas Land Use Permit to construct an operations and maintenance facility, new light rail track, and pedestrian and bike trails; and required restoration. **A Clearing and Grading permit is required and all plans are subject to review for compliance with this approval and 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 two years of the effective date of the approval. The associated clearing and grading permit has a maximum life of three years to allow more than one entry if needed.

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
Utilities BCC Title 24	Arturo Chi, 425-452-4119
Land Use Code- BCC Title 20	Drew Folsom, 425-452-4441
Noise Control- BCC 9.18	Drew Folsom, 425-452-4441

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

1. PRELIMINARY DESIGN, UTILITY CODES AND ENGINEERING STANDARDS

Utility review has been completed based on the preliminary information submitted at the time of this application. The review has no implied engineering approvals for storm drainage components of the project. A Utility Extension Agreement will be required for review and approval of the utility design for storm and water. Submittal of the Utility extension will coincide with clearing and grading permit review. Final civil engineering may require minor changes to the site layout to accommodate the utilities.

Authority: BCC Title 24.02, 24.04, 24.06

Reviewer: Arturo Chi, Utilities

2. CLEARING AND GRADING PERMIT REQUIRED: An application for a clearing and grading permit or other required construction permits 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: Tom McFarlane, Development Services Department

- 3. 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: Drew Folsom Development Services Department

- 4. LIGHTING:** The applicant shall submit as part of the underlying building permit a note that light shall be directed away from wetlands and wetland buffers.

Authority: Land Use Code 20.25H.100
Reviewer: Drew Folsom Development Services Department

- 5. FINAL MITIGATION ENHANCEMENT PLAN:** The applicant shall be required to submit a final mitigation enhancement plan as part of the underlying clearing and grading permit. The plan shall enhance a total of 0.86 acres (0.17 acre wetland and 0.69 acre wetland buffers) of on-site and adjacent wetlands and buffers. The plan shall include downed logs; and native trees, shrubs, groundcovers & perennials, and emergents with a spacing equivalent to Critical Areas Handbook template C2-Sun (attached). Wetland buffer edges shall be planted with native, thorny vegetation and/or fenced with signage to limit pet or human use.

Authority: Land Use Code 20.25H.220, 20.25H.180.C.5, 20.25H.100
Reviewer: Drew Folsom, Land Use

6. CRITICAL AREA MITIGATION ENHANCEMENT PLAN MAINTENANCE AND MONITORING

Any planting area outlined in the critical area mitigation enhancement plan shall be maintained and monitored for a total of five (5) years. Annual monitoring reports by a qualified professional must be submitted to the City of Bellevue's Land Use Division for five years at the end of each growing season. Photos from designated photo points approved by the City shall be included in the monitoring reports to document continued success. The following schedule and performance standards apply and are evaluated in the report for each year:

Year 1 (from date of plant installation)

- 100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%
- 5% coverage of invasive plants in planting area

Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation

Year 3, 4, & 5 (from date of plant installation)

- At least 35% (Yr3), 50% (Yr4), 70% (Yr5) coverage of native installed and volunteer wetland shrub and emergent species in each year respectively
- Less than 10% coverage by invasive species or non-native/ornamental vegetation
- At least 30% (Yr3), 35% (Yr4), 50% (Yr5) coverage of native installed and volunteer upland buffer species in each year respectively

The reports can be sent to Drew Folsom at dfolsom@bellevuewa.gov or to the address below:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Authority: Land Use Code 20.25H.220.D

Reviewer: Drew Folsom, Development Services Department

7. FEE-IN-LIEU

Documentation regarding Sound Transit participation in the KCMRP is required. The applicant shall acquire mitigation credits from the program, and provide documentation prior to final inspection of clearing and grading permit.

Authority: Land Use Code 20.25H.105, 20.25H.210

Reviewer: Drew Folsom, Development Services Department

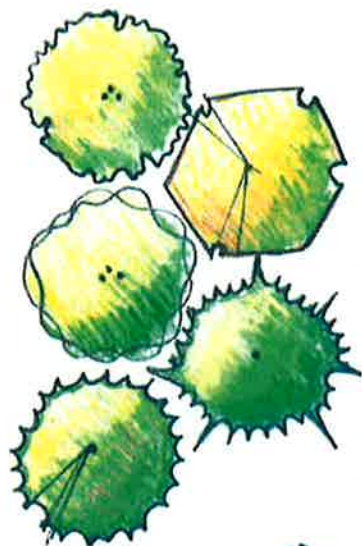
8. OBTAIN ALL OTHER APPLICABLE STATE AND/OR FEDERAL PERMITS

Before work can proceed, all required federal and state permits and approvals must be obtained by the applicant. A copy of the approved permit issued by the Army Corps of Engineers shall be submitted to the City of Bellevue, prior to beginning construction.

Authority: Land Use Code 20.25H.105

Reviewer: Drew Folsom, Development Services Department

PLANT LEGEND FOR **SUNNY** SITES



LATIN NAME/ COMMON NAME

TYPICAL SPACING/ AVERAGE HEIGHT

CHARACTERISTICS

TREES

Alnus rubra/
Red alder

9 feet on center/
60 feet

Vigorous grower, provides
cover quickly for other plants

Fraxinus latifolia/
Oregon ash

9 feet on center/
50 feet

Fall color, our only native ash

Malus fusca/
Pacific crabapple

9 feet on center/
50 feet

Blossoms in spring, early
bloomer, fragrant, wildlife food

Picea sitchensis/
Sitka spruce

9 feet on center/
125 feet

Bluish-green foliage year round
wildlife food

Thuja plicata/
Western red cedar

9 feet on center/
125 feet

Fragrant, adaptable to many
sites

SHRUBS

Cornus sericea/
Red-osier dogwood

4 feet on center/
15 feet

Stem provides red color, white
flower in spring berries in
summer

Crataegus douglasii/
Black hawthorn

6 feet on center/
20 feet

Wildlife food, small tree

Lonicera involucrata/
Black twinberry

4.5 feet on center/
8 feet

Attractive yellow/red flowers
with dark twinberries

Physocarpus capitatus/
Pacific ninebark

4 feet on center/
11 feet

Orange shredded bark, big
white blossoms

Rosa pisocarpa/
Clustered rose

4.5 feet on center/
5 feet

Wild rose, pink flowers, bright
red rosehips

GROUNDCOVERS & PERENNIALS

Athyrium filix-femina/
Lady fern

*24 in. on center/
3 feet

Often large fern, dies back in
winter, tolerates very wet sites

Geum macrophyllum/
Large-leaved avens

*24 in. on center/
18 in.

Saucer-shaped yellow flowers
on tall stems, up to 42"

Lupinus polyphyllus/
Large-leaved lupine

*18 in. on center/
18 in.

Showy lupine, tolerates sun
and dry soils

Stachys cooleyae/
Cooley's hedge nettle

*24 in. on center/
5 feet

Looks like nettle, but no
stinging, red flowers on an
erect stalk

EMERGENTS

Juncus ensifolius/
Dagger-leaf rush

12 in. on center/
2 feet

Dagger shaped leaves, flat iris-
like

Scirpus acutus/
Hardstem bulrush

12 in. on center/
6 feet

Important food and habitat for
waterfowl and aquatic
mammals

Scirpus microcarpus/
Small-fruited bulrush

12 in. on center/
4.5 feet

Interesting ornamental quality
and bloom

* Indicates plants are to be triangularly spaced for the area shown.
See page 23 for triangular spacing.

C2-Sun