

# I-405 Bellevue Nickel Improvement Project I-90 to Southeast 8th Street



**Corridor Program**

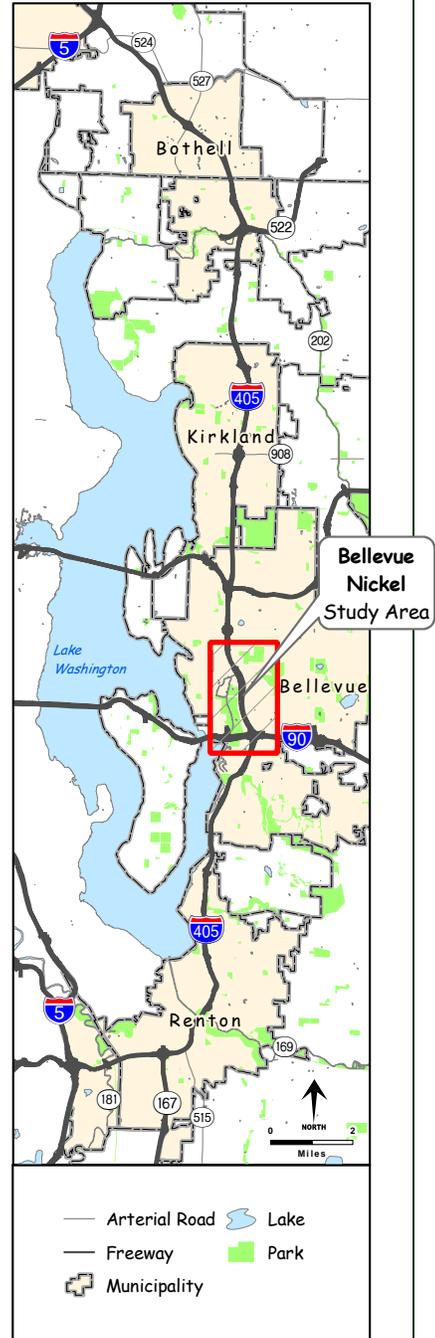
Congestion Relief & Bus Rapid Transit Projects

## LAND USE, PATTERNS, PLANS & POLICIES DISCIPLINE REPORT

January 2006



I-405 Project Area



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# Glossary

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<b>best management practice (BMP)</b>	BMPs are generally accepted techniques that, when used alone or in combination, prevent or reduce adverse effects of a project. Examples include erosion control measures and construction management to minimize traffic disruption. Please see Appendix A for a complete list of BMPs.
<b>collector arterial</b>	Roadway designed to provide both through traffic connections and local access. Collectors typically connect residential neighborhoods with each other or activity centers, while also providing local property access.
<b>essential public facility</b>	These include facilities that are typically difficult to find a location for, such as airports; state education facilities; state or regional transportation facilities; state and local correctional facilities; solid waste handling facilities; and, in-patient facilities, including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities. (RCW 36.70A.200).
<b>Highways of Statewide Significance (HSS)</b>	Transportation facilities and services of statewide significance are identified under RCW 47.06.140. These facilities are recognized as having a significant statewide transportation function. These facilities are also identified as essential public facilities under the Washington State Growth Management Act.
<b>level of service (LOS)</b>	LOS is a gauge for evaluating system performance for roadways, transit, non-motorized, and other transportation modes. For example, roadway measures of LOS often assign criteria based on volume-to-capacity ratios (Washington State Department of Transportation 2002).
<b>major arterial</b>	This type of roadway provides an efficient direct route for long-distance auto travel within the region. Streets connecting freeway interchanges to major concentrations of commercial activities are classified as major arterials. Traffic on major arterials is given preference at intersections and some access control may be exercised to maintain the capacity to carry high volumes of traffic.
<b>minor arterial</b>	Roadway that connects centers and facilities within a community and serving some through traffic, while providing a high level of access to abutting properties.

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# Acronyms and Abbreviations

BMP	best management practice
BNSF	Burlington Northern Santa Fe
CF	capital facility element
EIS	environmental impact statement
EN	environmental element
ETP	Eastside Transportation Program
FEIS	final environmental impact statement
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GIS	geographical information system
GMA	Washington State Growth Management Act
HCT	high-capacity transit
HOV	high-occupancy vehicle
HSS	Highway of Statewide Significance
I-405	Interstate 405
I-90	Interstate 90
LI	Light Industrial
LOS	level of service
LUC	land use code
MMA	mobility management area
NB	northbound
MF-L	multi-family low density
MF-M	multi-family medium density
NEPA	National Environmental Policy Act
O	office

## Acronyms and Abbreviations

OLB	office limited business
PO	professional office
RCW	Revised Code of Washington
ROD	record of decision
ROW	right of way
SB	southbound
SE	southeast
SEPA	State Environmental Policy Act
SF-H	single family-high density
SF-M	single family-medium density
SH	Shoreline Management Element
SMA	Shoreline Management Act
SMP	Shoreline Master Program
SR	state route
S-RV	Richards Valley Subarea
TR	transportation element
UD	urban design element
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation

# Introduction

In 1998, the Washington State Department of Transportation (WSDOT) joined with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), Central Puget Sound Regional Transit Authority (Sound Transit), King County, and local governments in an effort to reduce traffic congestion and improve mobility in the Interstate 405 (I-405) corridor. In fall 2002, the combined efforts of these entities culminated in the *I-405 Corridor Program Final Environmental Impact Statement (EIS)* and *FHWA Record of Decision (ROD)*.

The ROD selected a project alternative that would widen I-405 by as many as two lanes in each direction throughout its 30-mile length. The ultimate configuration of the selected alternative includes buffers separating general-purpose lanes from parallel high-occupancy vehicle (HOV) lanes (potentially used by future high-capacity transit). The design also allows for expanded “managed lane” operations along I-405 that could include use of HOV lanes by other user groups, such as trucks.

In 2003, the Washington State legislature approved a statewide transportation-funding plan called the “nickel package.” The nickel package provided funding for congestion relief projects in three critical traffic hotspots along the I-405 Corridor: Renton, Bellevue, and Kirkland. The Bellevue Nickel Improvement Project is one of several projects now moving forward as part of a phased implementation of the I-405 Corridor Program. Exhibit 1 shows the location of the Bellevue Nickel Improvement Project.

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In 2003, the Washington State legislature approved a statewide transportation-funding plan called the “nickel package.” The nickel package provides funding for congestion relief projects in three critical traffic hotspots along the I-405 Corridor, including Bellevue.

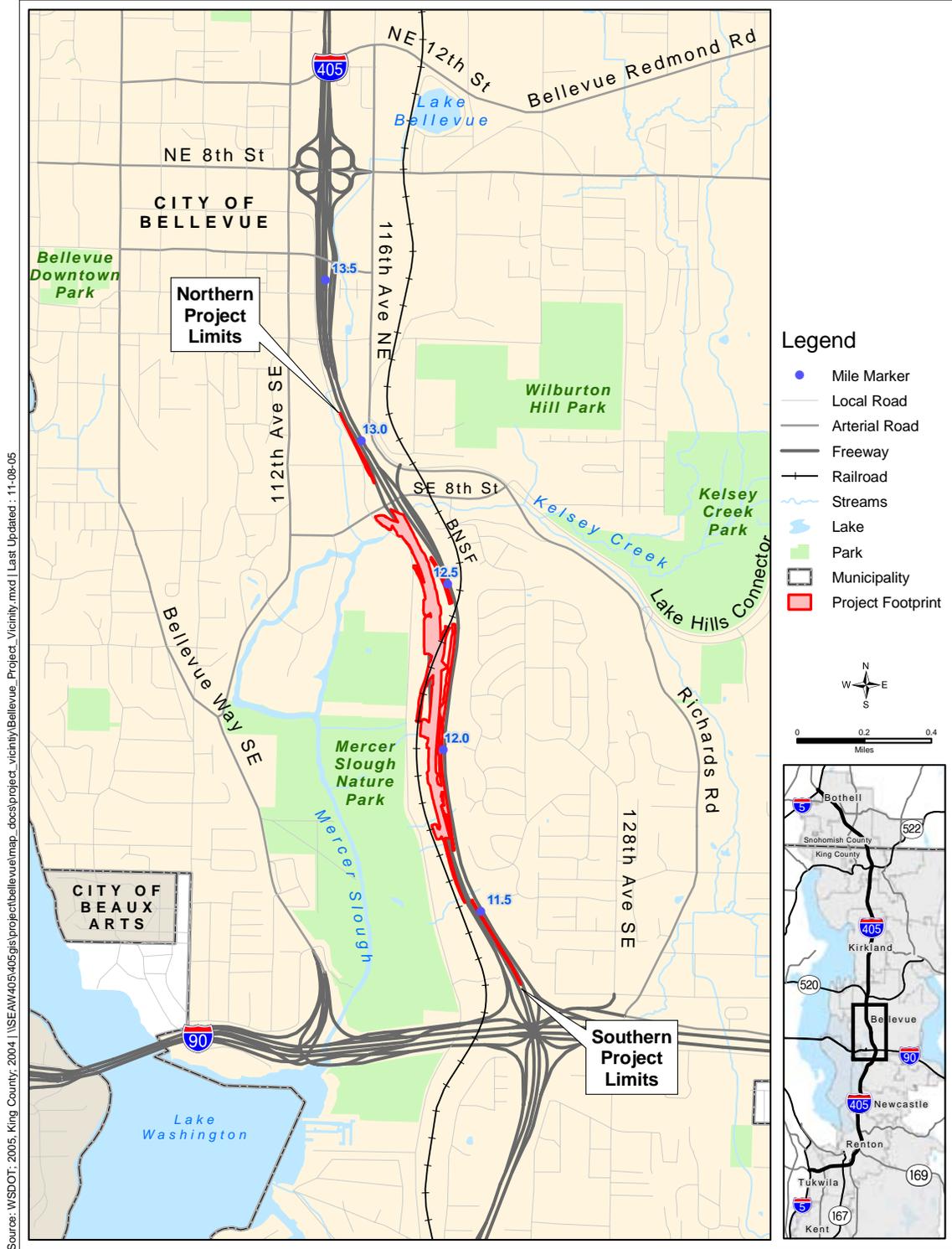
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Traffic moving along I-405

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Exhibit 1. Project Vicinity Map



In keeping with the direction established in the Final EIS (FEIS) and ROD, we are preparing a National Environmental Policy Act (NEPA) Environmental Assessment (EA) that focuses on project-level effects of constructing and operating the Bellevue Nickel Improvement Project.

We will base the EA on the analysis in the *I-405 Corridor Program Final EIS*, and will describe any new or additional project changes, information, effects, or mitigation measures not identified and analyzed in the corridor-level FEIS. The project-level EA for the Bellevue Nickel Improvement Project will not reexamine the corridor-level alternatives, impacts, and mitigation measures presented in the corridor-level FEIS, or the decisions described in the ROD.

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The Environmental Assessment will describe new project changes, information, effects, or mitigation measures, but the assessment will not revisit the alternatives, impacts, and mitigation measures evaluated in the corridor-level EIS or the decisions documented in the *Record of Decision*.

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## What alternatives do we analyze in this discipline report?

This discipline report is one of 19 environmental elements WSDOT will study to analyze the effects of the Bellevue Nickel Improvement Project. All of the discipline reports will analyze one build alternative and one “no build” or “no action” alternative. This approach is consistent with FHWA’s guidelines for preparing a NEPA EA.

## What is the No Build Alternative?

NEPA requires us to include and evaluate the No Build Alternative in this discipline report. We use this approach to establish an existing and future baseline for comparing the effects associated with the Build Alternative. We assume the No Build Alternative will maintain the status quo: only routine activities such as road maintenance, repair, and safety improvements would occur within the corridor between now and 2030. The No Build Alternative does not include improvements that would increase roadway capacity or reduce congestion on I-405. We describe these improvements further in the Bellevue Nickel Improvement Project Traffic and Transportation Discipline Report.

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We assume the No Build Alternative will maintain the status quo: only routine activities such as road maintenance, repair, and safety improvements would occur within the corridor between now and 2030.

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## What are the principal features of the Build Alternative?

The Bellevue Nickel Improvement Project will add one new general-purpose lane in each direction along a 2-mile section of I-405 between I-90 and SE 8th Street. We will generally use the

inside or “median” side of I-405 for construction. After we re-stripe the highway, the new lanes will occupy the outside of the existing roadway. The project also includes new stormwater management facilities and better drainage structures and systems.

Other project activities include developing off-site wetland mitigation as well as on-site stream mitigation areas to compensate for the loss of these resources within the project area. We expect project construction to begin in spring 2007 and the improved roadway to be open to traffic by fall 2009.

### Improvements to Southbound I-405

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We will add one lane in the southbound direction of I-405 from approximately SE 8th Street to I-90.

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In the southbound (SB) direction, we plan to add one new travel lane from approximately Southeast (SE) 8th Street to I-90 (Exhibits 2, 3, and 4). In addition, the existing outside HOV lane at I-90 will be extended north so that it begins at the on-ramp from SE 8th Street. In order to add these lanes and maintain traffic flow during construction, we will shift approximately 3,000 feet of the SB roadway as much as 200 feet east into the existing median. The relocated SB roadway will connect to the existing SB travel lanes just north of the I-90 interchange, and south of the existing bridge over SE 8th Street.

We will build a new tunnel underneath the Burlington Northern Santa Fe (BNSF) railroad, just east of the existing Wilburton Tunnel, to accommodate the relocated and widened SB roadway. The existing tunnel does not have the capacity to accommodate additional lanes of SB traffic.

The existing SB travel lanes and the Wilburton Tunnel will remain open to traffic during construction of the new tunnel and the relocated/widened SB lanes. We will also build the new tunnel wide enough to accommodate additional lanes. The existing tunnel will remain after we complete the improvements.

Exhibit 2. Proposed Bellevue Nickel Project Improvements (Sheet 1 of 3)

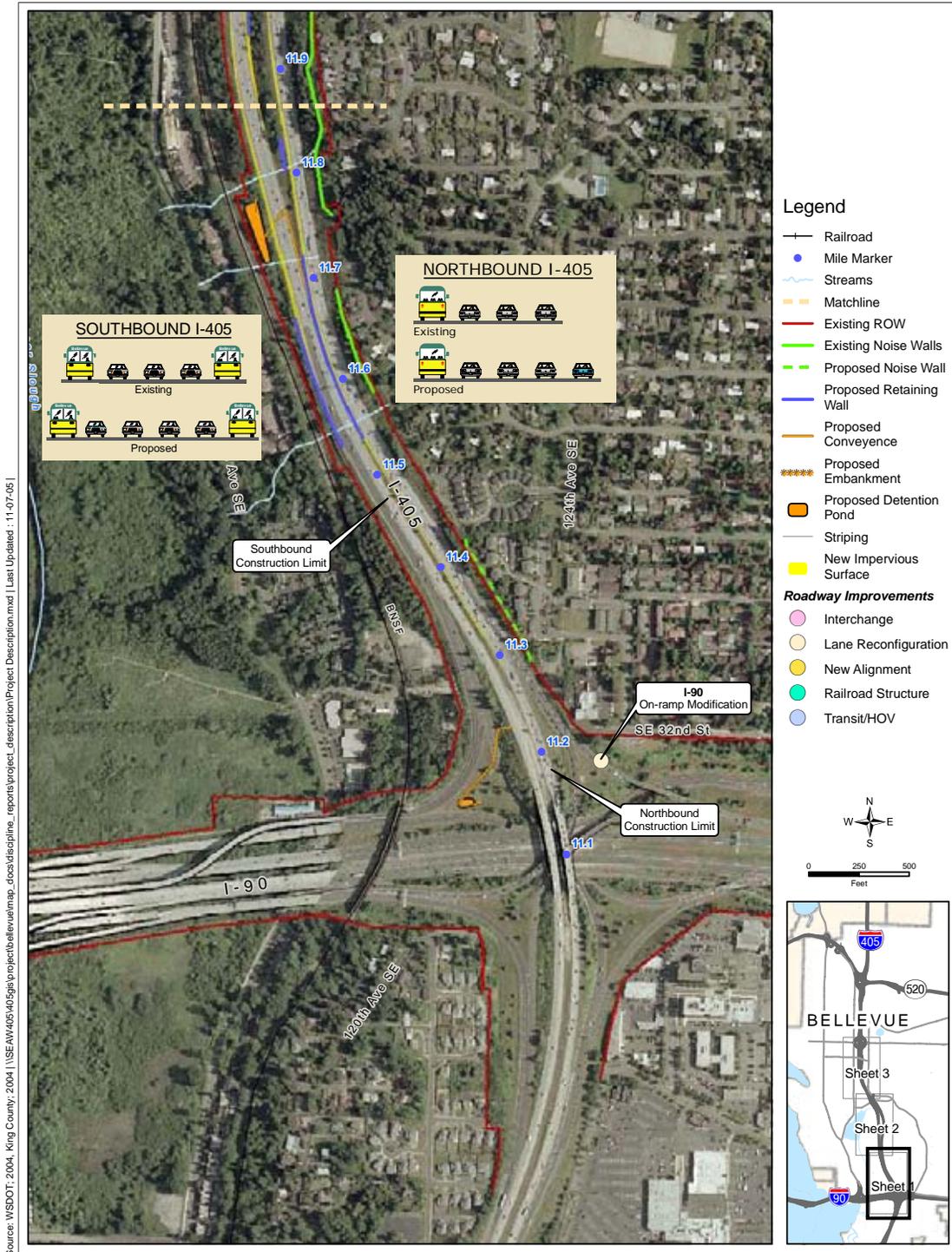


Exhibit 3. Proposed Bellevue Nickel Project Improvements (Sheet 2 of 3)

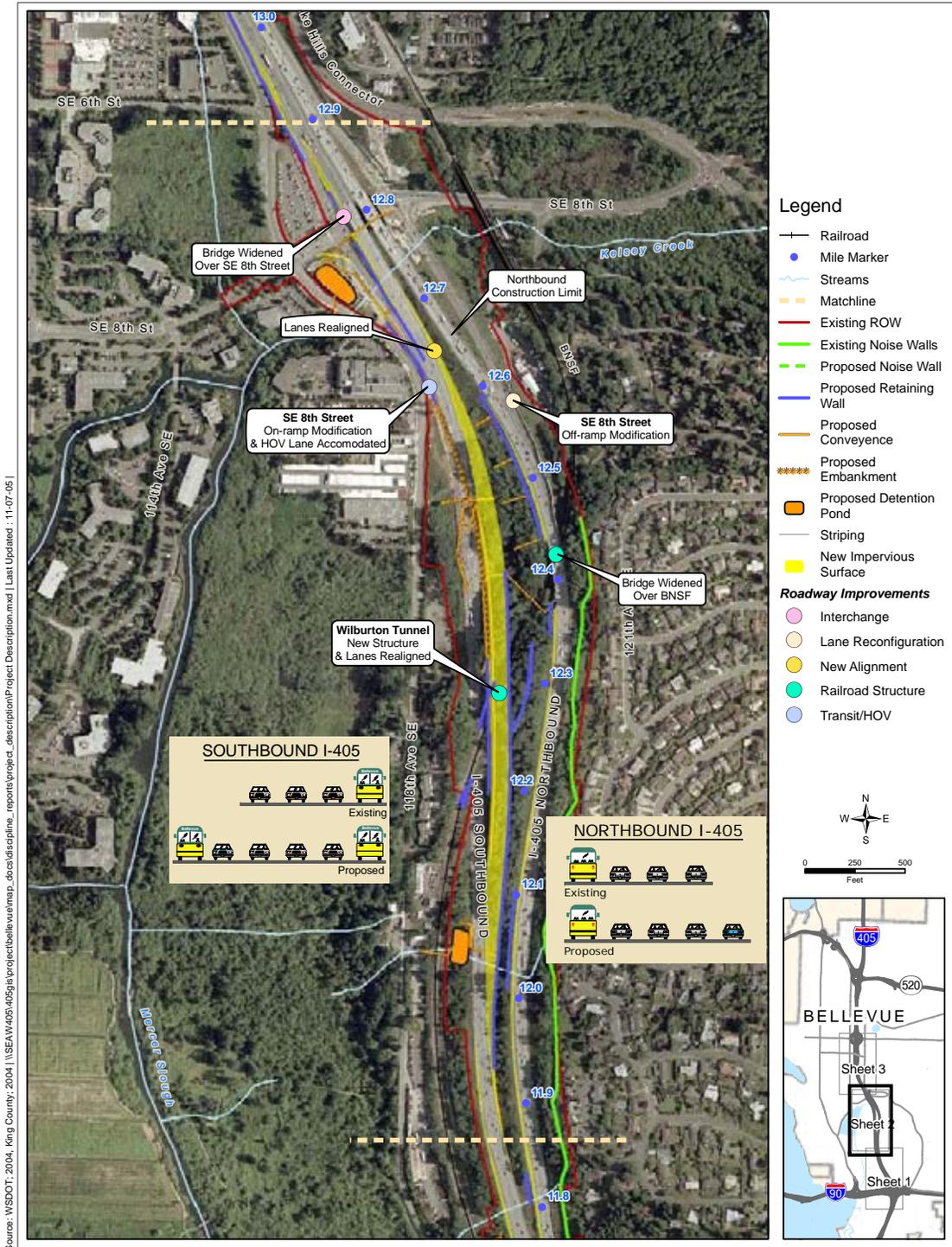
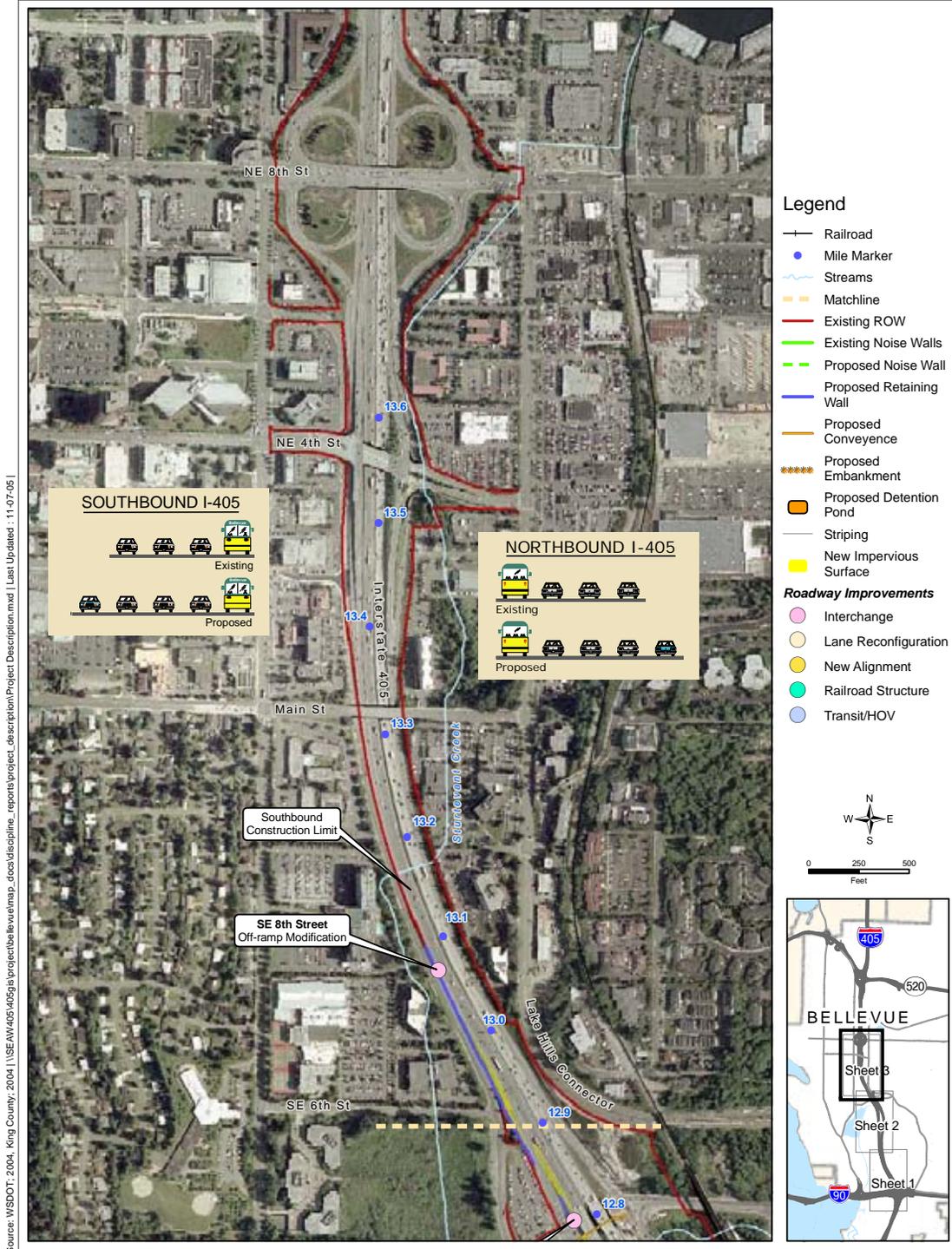


Exhibit 4. Proposed Bellevue Nickel Project Improvements (Sheet 3 of 3)



Source: WSDOT, 2004. King County, 2004. | \\SE\AW\405\GIS\project\bellevue\map\_docs\discipline\_reports\project\_description\Project Description.mxd | Last Updated: 11-07-05

We will also include the following improvements in the Build Alternative:

- Modify the existing off-ramp at SE 8th Street to make room for an additional southbound lane on I-405. The off-ramp will then become a single-lane, optional off-ramp (i.e., the off-ramp will no longer be an “exit only” off-ramp).
- Build a retaining wall between the SB travel lanes and the off-ramp at SE 8th Street.
- Widen the existing bridge over SE 8th Street to the west to accommodate the new SB lane.
- Modify the existing on-ramp at SE 8th Street to tie into the relocated SB general-purpose travel lanes.
- Reconfigure the on-ramp at SE 8th Street to accommodate the extended outside HOV lane.
- Temporarily shift the existing BNSF railroad track from its current alignment to allow for continuous railroad operation during construction of the new tunnel.
- Construct retaining walls along the eastern edge of the relocated SB travel lanes.

### Improvements to Northbound I-405

In the northbound (NB) direction, we plan to add one new travel lane from approximately I-90 to SE 8th Street (Exhibits 2, 3, and 4). We will add one new lane to the NB ramp from I-90. We will shift the NB lanes to allow all of the proposed widening to occur on the inside, or median side of the existing roadway.

Additional improvements include:

- Re-stripe the westbound/eastbound I-90 on-ramp to NB I-405 resulting in one lane becoming two lanes in the NB direction.
- Widen, shift, and re-stripe NB I-405 travel lanes north of I-90 to allow the westbound I-90 to NB I-405 on-ramp and the eastbound I-90 to NB I-405 on-ramp to enter I-405 without having to merge into a single lane.
- Construct several retaining walls needed for road widening in locations that allow for existing and future widening of I-405.

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We will add one lane in the northbound direction of I-405 from approximately I-90 to SE 8th Street. All widening of the northbound mainline will occur on the inside (median side) of the existing roadway.

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- Construct a noise barrier approximately 725 feet long and 16 feet wide (see Exhibit 2).
- Widen the existing bridge over the BNSF Railroad to the west to accommodate the new NB lane.
- Modify the NB off-ramp to SE 8th Street to make it a single-lane “exit-only” off-ramp.
- Transition the NB travel lanes back into the existing lane configuration before crossing over SE 8th Street.

## Improvements to the Stormwater Management System

Managing stormwater for the I-405 Bellevue Nickel Improvement Project involves the collection and treatment of rainfall runoff from the new project pavement consistent with the guidelines in the WSDOT Highway Runoff Manual.

Currently, we treat less than 5 percent of the existing runoff from paved surfaces in the project area before discharging it. We will improve this condition by treating 17 percent more area than the new paved surface area we create. By treating a greater area, we improve flow control and remove pollutants from a portion of the existing roadway as well as from newly constructed areas.

Reconfiguration and new construction associated with the SB lanes will mean that we need to replace much of the existing drainage system. We will continue to use open roadside ditches along the shoulders of the roadway shoulders where possible. We will use standard WSDOT catch basins and manhole structures to move the roadway runoff to a system of stormwater drain pipes. These features will transport runoff to treatment and flow-control facilities within the existing ROW.

We will construct three new stormwater ponds (detention ponds combined with stormwater treatment wetlands) as part of the project and enlarge the existing pond at SE 8th Street. Two of the new ponds will be located south of the Wilburton Tunnel between the SB lanes and the BNSF railroad ROW. We will construct the third new pond in the northwest quadrant of the I-90/I-405 interchange. The project will discharge treated stormwater following existing flow patterns to Mercer Slough or to the wetlands that surround it.

## Avoidance and Minimization Measures

WSDOT will use Best Management Practices (BMPs), WSDOT Standard Specifications, and design elements to avoid or minimize potential effects to the environment for the Bellevue

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### Best Management Practices (BMPs)

BMPs are generally accepted techniques that, when used alone or in combination, prevent or reduce adverse effects of a project. Examples include erosion control measures and construction management to minimize traffic disruption. Please see Appendix A for a complete list of BMPs.

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### WSDOT Standard Specifications

Guidelines and procedures established by WSDOT for roadway design and construction in a variety of design, engineering, and environmental manuals.

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Nickel Improvement Project. Collectively, these measures to avoid or minimize potential effects to the environment are known as “avoidance measures.” We describe these measures in more detail in an Appendix A. If the project has additional effects not addressed in the avoidance measures, we will address these measures through mitigation.

## Wetland and Stream Mitigation Sites

We will compensate for adverse effects to wetlands and their buffers by creating just over an acre of wetland of within the boundaries of Kelsey Creek Park (Exhibit 5). The site is located north of the intersection of Richards Road and the Lake Hills Connector.

Our general concept will be to create an area that will transition from forested land beside the Lake Hills Connector to wetlands within Kelsey Creek Park. We will reshape the surface area to create favorable conditions for the necessary wetland aquatic characteristics, and we will replant and enhance habitat in the area by constructing habitats and replanting adjacent roadside areas with forest-type vegetation.

Similarly, we will compensate for unavoidable effects to “Median Stream,” the unnamed stream within the I-405 median. We have developed a conceptual stream mitigation plan that includes on-site habitat restoration and creation. The conceptual stream mitigation plan includes the following specific elements (See Exhibit 6):

- Connect the new Median Stream culvert under I-90 to the existing channel and wetland located west of SB I-405.
- Create approximately 500 linear feet of stream channel along the western slope of SB I-405.
- Buffer the created stream channel with approximately 16,000 square feet of native streamside vegetation.
- Enhance approximately 300 linear feet of riparian habitat west of SB I-405 by removing selected non-native invasive plant species and replacing with native streamside vegetation.

We provide more detailed information about mitigation efforts planned in conjunction with the Bellevue Nickel Improvement in the Surface Water, Water Quality, and Floodplains and Wetlands Discipline Reports.

Exhibit 5. Proposed Wetland Mitigation Area

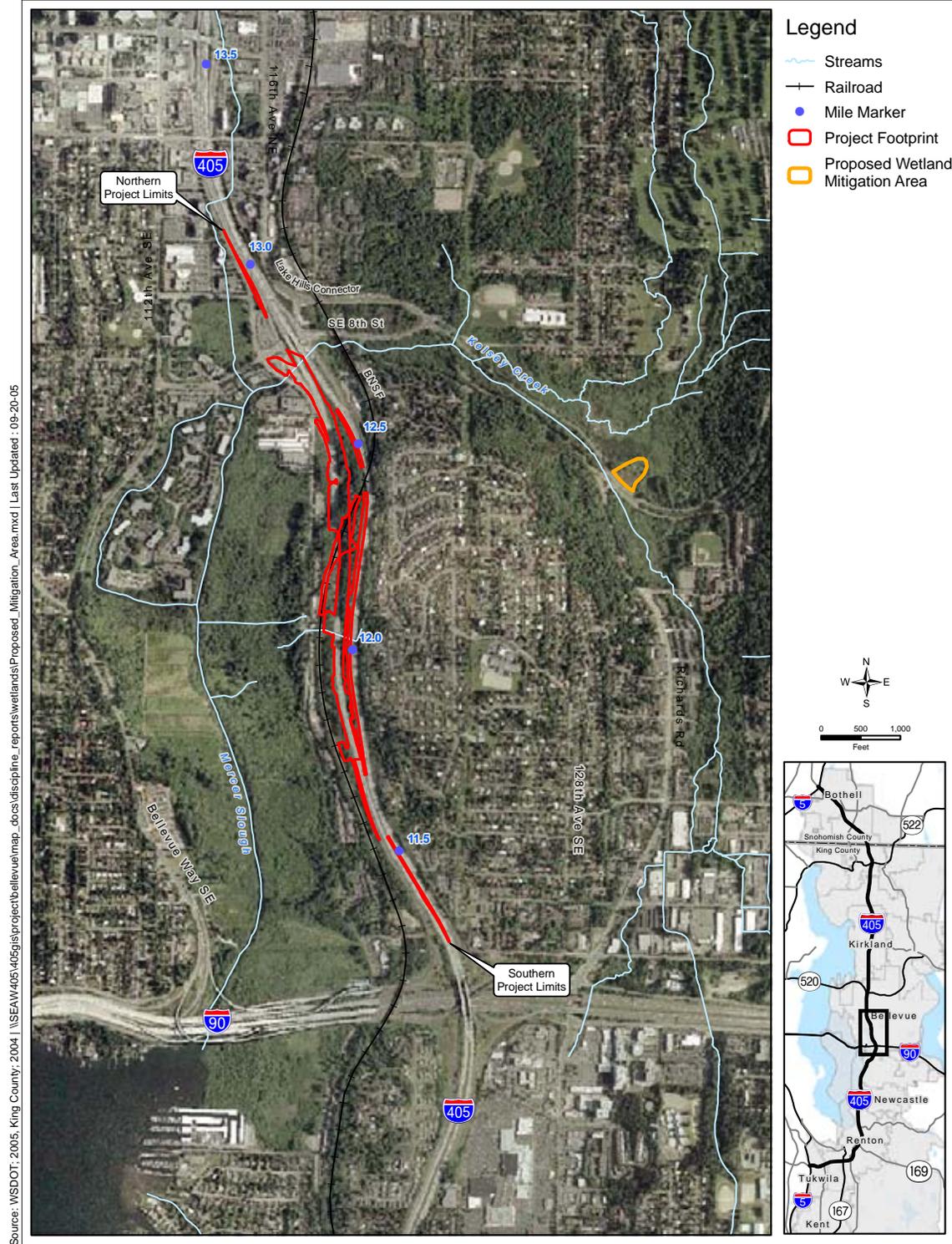
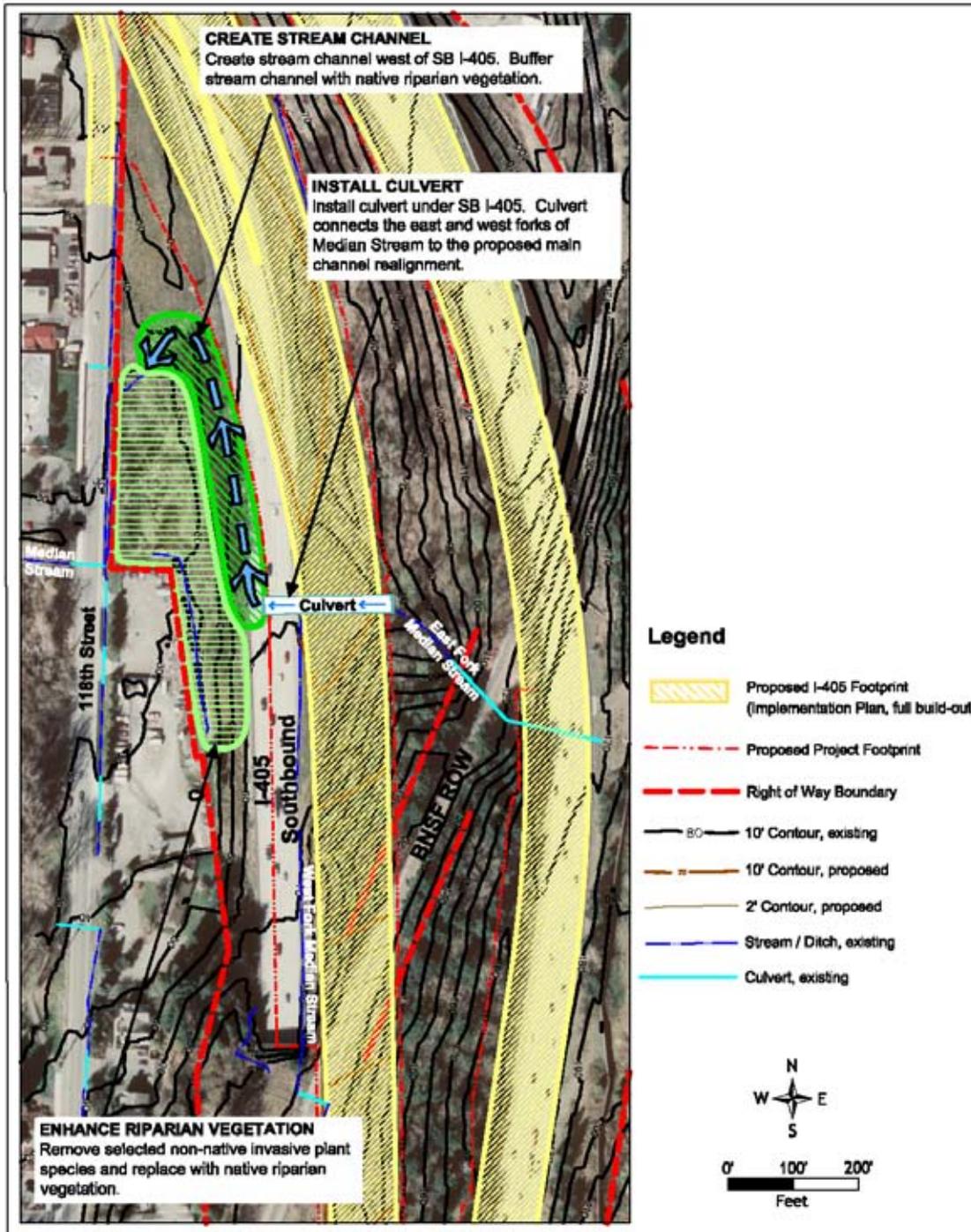


Exhibit 6. Conceptual Stream Mitigation Plan



## Why do we consider land use patterns, plans, and policies as we plan this project?

### Land Use Patterns

We consider land use patterns to determine how the Bellevue Nickel Improvement Project will affect adjacent land uses and whether the project may change land use patterns over time.

For the Bellevue Nickel Improvement Project, we analyzed the effects of construction and operation of the project on existing and planned land uses, and on population and employment in the study area. We also analyzed existing land use patterns and the regulations that govern land development.

The primary statutes and regulations that apply to land use and growth issues include:

- National Environmental Policy Act (NEPA), 42 USC 4231
- State Environmental Policy Act (SEPA) WAC 197-11 and WAC 468-12
- Growth Management Act (GMA), RCW 36.70A.070, as amended
- 1991 Growth Strategies Act

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#### **Washington State Growth Management Act (GMA)**

Adopted in 1990, GMA requires and guides preparation of local comprehensive plans.

To find out more about the GMA, please see the Plans and Policies section of this Discipline Report or the Washington Department of Community, Trade, and Economic Development website at [www.cted.wa.gov](http://www.cted.wa.gov).

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### Land Use Plans and Policies

We review land use plans and policies to ensure that the Bellevue Nickel Improvement Project is consistent with Bellevue's adopted plans and policies. If we find inconsistencies, we propose changes to the project's design or to policies or regulations to achieve consistency.

For the Bellevue Nickel Improvement Project, we reviewed the City of Bellevue's Comprehensive Plan, a management tool required by the Washington State Growth Management Act (GMA) and other long-range planning documents.

## What are the key points of this report?

### Land Use Patterns

We reviewed the existing land use pattern in the Bellevue Nickel Improvement Project study area. We found that single-family homes are the predominant land use east of I-405. Additional uses include limited areas of multi-family development and

commercial uses. On the west side of I-405, Mercer Slough Nature Park is the major feature. Other uses include multi-family and commercial development.

We conclude that the Bellevue Nickel Improvement Project is consistent with and supports the local land use pattern by decreasing current congestion on I-405, improving local access in the study area, and reducing the potential future need to use private property for widened local arterials.

## Land Use Plans and Policies

We reviewed the City of Bellevue Comprehensive Plan, Shoreline Management Plan, and development regulations to determine whether the Bellevue Nickel Improvement Project is consistent with adopted plans and policies. We reviewed policies that address urban design, agency coordination, transportation, essential public facilities, the environment, and the shoreline area. We also reviewed relevant capital facilities plans, including the 2004–2015 Transportation Facilities Plan, 2005–2011 Capital Improvement Program, Eastside Transportation Program, 2003 Transit Plan, and the 1999 Pedestrian and Bicycle Transportation Plan.

Based on our review of these land use plans and policies, we conclude that both WSDOT’s design and the construction of the Bellevue Nickel Improvement Project will be consistent with local plans and regulations.



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I-405 plays a critical role in the regional movement of people and freight.

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# Existing Conditions and Potential Effects: Land Use Patterns

## What sources did we use to research land use patterns?

We collected information on existing land use from:

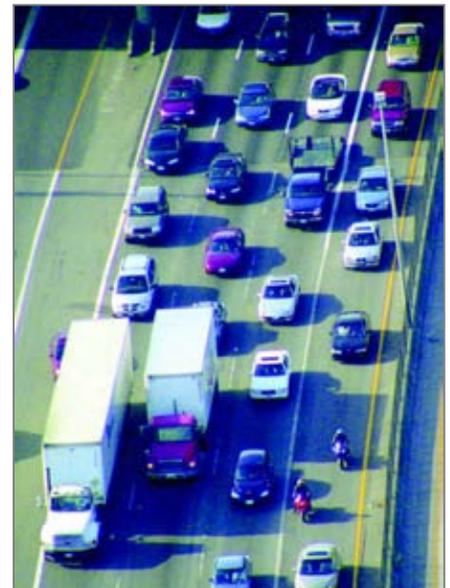
- Aerial photographs
- King County Assessor data
- Field visits to the study area

We obtained information on potential future land uses from:

- City of Bellevue's Land Use Code (LUC), Comprehensive Plan, and other long-range planning documents and supporting maps
- Personal communications with City of Bellevue

## What is the study area for land use patterns?

As shown in Exhibit 7, the study area extends along I-405 from I-90 at the southern end to just south of NE 4th Street at the northern end. Specifically, the study area for land use patterns includes the I-405 right of way (ROW), the area extending outward approximately 0.5 mile from the edge of the ROW, and connecting arterials.



Congestion building along the I-405 corridor

## What are the land use patterns in the study area?

While there is a range of existing land uses along the Bellevue Nickel Improvement Project, we have identified three predominant land uses:

- Residential uses
- Open Space/Park uses (Mercer Slough)
- BNSF railroad

As shown in Exhibit 7, I-405 divides the study area into east and west halves. Exhibit 8 shows existing land use patterns in the study area.

Exhibit 7. Aerial Photo of Study Area

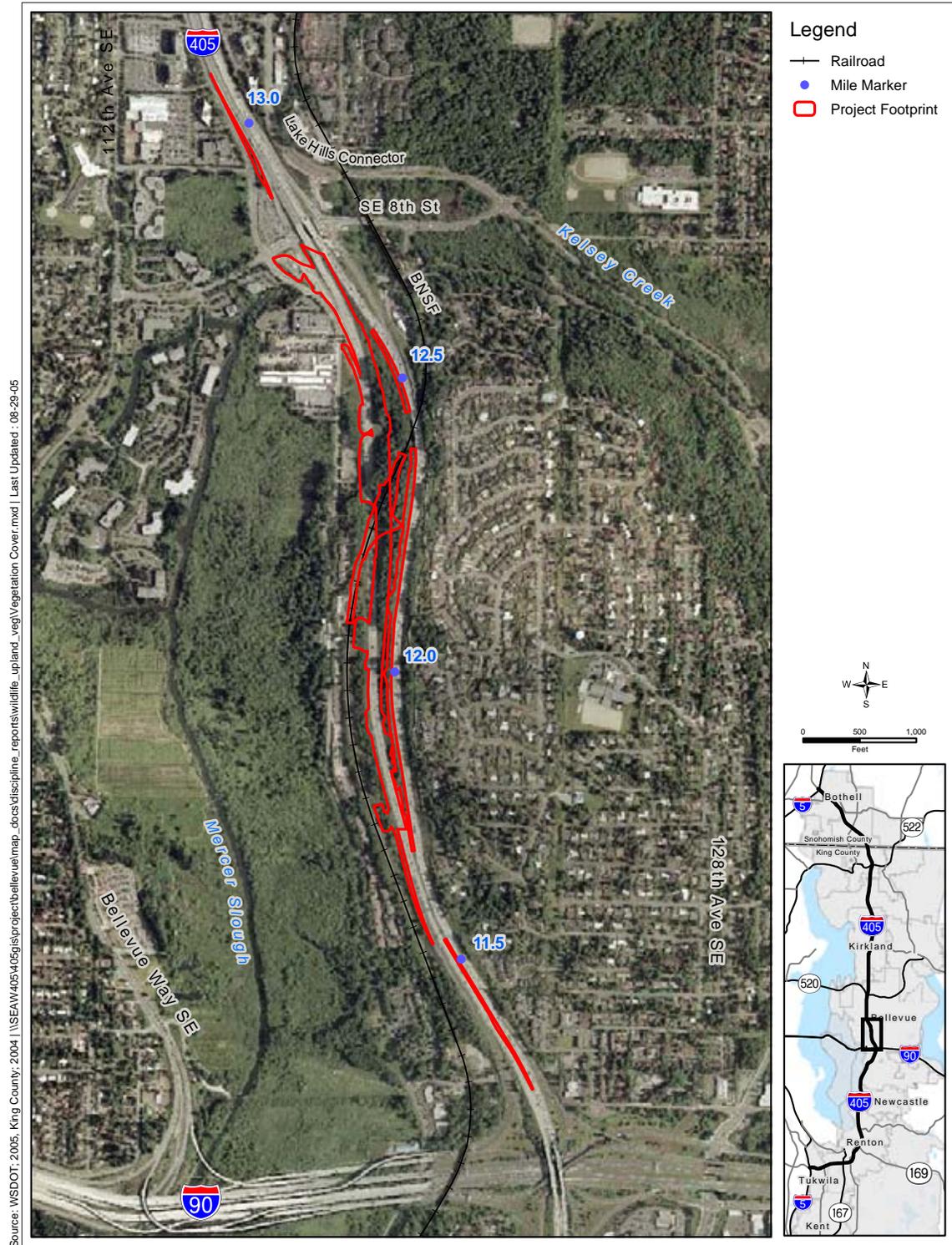
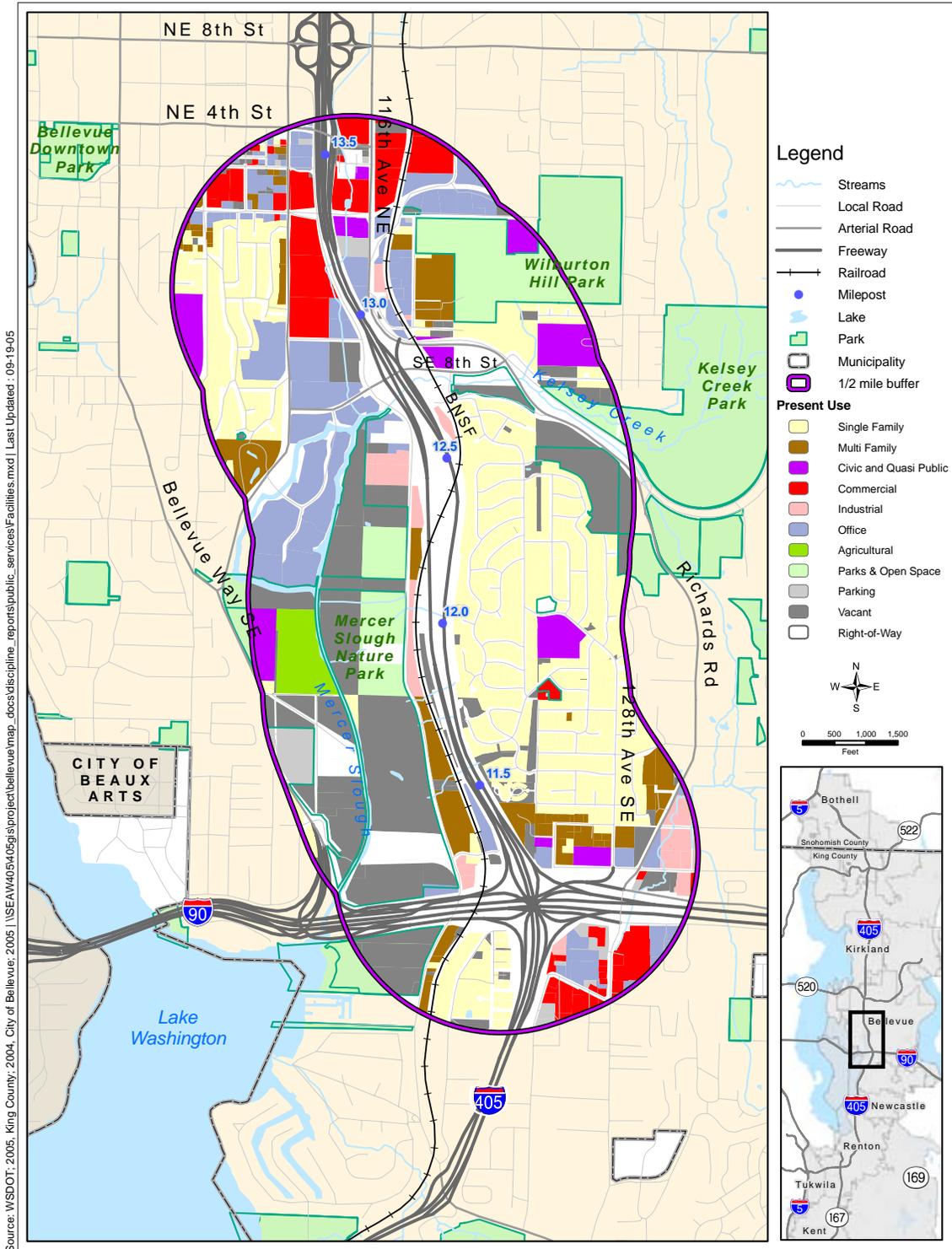


Exhibit 8. Present Uses Map



## East of I-405

East of I-405, the study area contains a variety of land uses, although single-family homes are the dominant land use. Starting at I-90 and moving northward, land uses include:

- several office buildings and a place of worship located just north of I-90;
- multi-family developments, such as the Juniper Ridge apartment complex;
- single-family residences constructed in the 1950s and 1960s interspersed with private open space areas within the Norwood Village and Woodridge neighborhoods;
- an outdoor vehicle and equipment storage and repair area just north of the Woodridge neighborhood and adjacent to I-405; and
- office and service businesses located north of SE 8th Street.

We identified the BNSF railroad, including the Wilburton Railroad Trestle, as another major land feature and important neighborhood and City of Bellevue landmark. The BNSF railroad runs parallel to I-405 north of SE 8th Street. The Wilburton Railroad Trestle is located near SE 8th Street.

## West of I-405

We identified open space/park uses as the primary land use on the west side of I-405. Mercer Slough Nature Park is a 320-acre park that contains Lake Washington's largest wetland, wildlife and plant habitat, walking trails, and an educational center.

We identified the following additional land uses and features (beginning at the south end):

- the BNSF railroad, which runs parallel to and west of I-405 in the southern part of the study area before crossing to the east side of I-405 just south of SE 8th Street;
- a variety of light industrial and office uses in the southwestern part of the study area;
- multi-family residential developments located between I-405 and 118th Avenue SE;
- several storage yards between I-405 and 118th Avenue SE for vehicles and equipment, offices and maintenance buildings;



Typical residence



Wilburton Railroad Trestle



Looking west towards Mercer Slough



SE 8th Street as it crosses under I-405

- a mix of retail uses, storage, offices, and service businesses near SE 8th Street, such as those found in the Bellefield Office Park;
- the Wilburton Park-and-Ride lot just north of SE 8th Street; and
- a mix of hotel, offices, and service businesses north of the Park-and-Ride to the northern limit of the study area.

## What transportation systems serve land uses in this study area?

SE 8th Street, 118th Avenue SE, 114th Avenue SE, and 123rd Avenue SE are the major streets in the study area. The Lake-to-Lake Trail is a regional east-west trail connection that extends through the study area.

SE 8th Street is a major arterial that provides local access to residential and office development in the study area. The interchange at SE 8th Street/I-405 provides the only access to I-405 in the study area.

118th Avenue SE is a collector arterial that runs west of and parallel to I-405. It provides access to Mercer Slough Nature Park and to nearby multi-family development, offices, and light industrial uses.

114th Avenue SE is a minor arterial that extends parallel to and west of I-405, north of SE 8th Street. It provides access to offices and hotels in the area.

123rd Avenue SE is a collector arterial on the east side of I-405 that provides access to the Woodridge and Norwood Village neighborhoods.

The Lake-to-Lake Trail is located along SE 8th Street and 118th Avenue SE. SE 8th Street has a sidewalk on the north side of the street and does not have a striped bicycle lane. 118th Avenue SE has striped bike lanes on the roadway and a pedestrian path/trail on the west side of the street.

The Traffic and Transportation, and Public Services and Utilities Discipline Reports have additional information on local roads, the location of bus stops and transit routes, and pedestrian and bicycle routes within the study area.

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### What are Arterials?

**Major Arterials:** This type of roadway provides an efficient direct route for auto travel within the region. Streets connecting freeway interchanges to major concentrations of commercial activities are classified as major arterials. Traffic on major arterials is given preference at intersections and some access control may be exercised to maintain the capacity to carry high volumes of traffic.

**Minor Arterials:** These are roadways that connect centers and facilities within a community and serving some through traffic, while providing a high level of access to abutting properties.

**Collectors:** These are roadways designed to provide both through traffic connections and local access. Collectors typically connect residential neighborhoods with each other or activity centers, while also providing local property access.

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## How did we evaluate potential effects on land use patterns?

We used the following guidance documents to prepare this report:

- WSDOT, Environmental Procedures Manual, September 2004
- FHWA Technical Advisory 6640.8A

We also reviewed other discipline reports to fully understand the effects of the project on land use patterns. The reports we reviewed included:

- Air Quality
- Geology, Soils, and Groundwater
- Wetlands
- Upland Vegetation and Wildlife
- Noise
- Traffic and Transportation
- Surface Water, Floodplains, and Water Quality
- Fish and Aquatic Resources
- Section 4(f)
- Public Services and Utilities
- Visual Quality
- Economics

To identify the effect of the project on the existing land use pattern, we superimposed the footprint of the Build Alternative onto a geographic information system (GIS) parcel map showing existing land uses.

We considered both temporary construction effects as well as long-term operational effects on land use patterns.

### Temporary Construction Effects

Temporary effects can last as long as construction is active in a specific area and typically do not affect long-term land use patterns.

For the Bellevue Nickel Improvement Project, we considered the effects of noise, dust, vibration, traffic detours, and traffic delays on adjacent land uses and local traffic patterns.

To evaluate these temporary effects, we looked at the way WSDOT will stage project construction, how long the building process will take, and how intense it will be. We considered all these aspects of project construction in relation to existing and planned land use in the study area.

## Long-Term Operational Effects

Changes in transportation facilities can cause permanent effects on land use by creating new traffic patterns, as well as changed conditions for noise, air quality, public services, recreation, and visual quality.

We used information contained in the Traffic and Transportation, Public Services and Utilities, Economics, Visual Quality, and Section 4(f) Discipline Reports to determine whether the project will have any permanent operational effects.

We looked at the following potential effects of the project:

- Will the project affect access and visibility of businesses in the study area?
- Will the project change the amount of commuter or cut-through traffic on residential streets?
- Will the project result in changes to traffic congestion, noise, air quality, and parking availability for land uses in the study area?

## Can transportation systems affect land use patterns?

Local traffic volumes, property access, and visibility of property from the roadway all affect land use. Changes to transportation systems can have both positive and negative effects, depending on the type of land use that is affected.

In commercial areas, the types of businesses may change in response to changes to transportation systems. For example, a fast food restaurant and an office have different needs relative to visibility, access, and volume of drive-by traffic. Transportation system changes that affect these factors may also affect the location of these uses.

In residential areas, transportation system changes that substantially increase traffic volumes in single-family areas may eventually lead to a transition to commercial or multi-family uses that are more compatible with higher traffic volumes.

Transportation systems, however, are not the only factor that affects land use patterns. Local economics, political decisions, zoning, employment, population change, demographics, and the personal goals and interests of the individual property owner also affect land use decisions.

## How will the project affect land use patterns in the study area?

### Build Alternative

The Bellevue Nickel Improvement Project will have minor effects on the existing land use patterns in the study area. The effects will be largely beneficial.

The Bellevue Nickel Improvement Project will neither adversely affect traffic patterns on local streets nor access to land within the study area. The Bellevue Nickel Improvement Project supports the local land use pattern by adding capacity to I-405, which will allow traffic to shift from the local arterials to I-405 and will contribute to improved local access within the study area. Reduced congestion on local streets will allow increased access to existing land uses and reduce the pressure for conversion of uses that are sensitive to high traffic levels, such as residential uses.

The discipline reports on Noise; Air Quality; Surface Water, Floodplains, and Water Quality; Public Services and Utilities; Section 4(f) (recreation); and, Visual Quality discuss avoidance and minimization measures, and BMPs, which are included in the project to avoid and minimize adverse effects on existing and planned land use patterns.

### No Build Alternative

Under the No Build Alternative, there would be no increase in capacity on I-405. It is possible that over time, increased congestion on local streets associated with the lack of capacity on I-405 would affect the local land use pattern. The City of Bellevue would need to acquire property to widen local streets to ease congestion and to accommodate planned land uses in the study area. The City could make changes to the type and density of allowed land uses in the study area, which would affect land use patterns.

## How will project construction affect residential and business properties in the study area?

Residences and local business in the study area may experience temporary effects from the construction associated with the Bellevue Nickel Improvement Project. Because the construction phase of the project incorporates BMPs to minimize noise, dust, and vibration (see Appendix A), we conclude that these effects will be minor.

WSDOT will construct the Bellevue Nickel Improvement Project over a three-year period beginning in 2007 with the improved roadway open to traffic by 2011. Construction will occur in stages, with activity in any one location taking substantially less time.

Construction will likely cause localized travel delays due to temporary lane closures on I-405 and the SE 8th Street interchange. Construction will not result in any changes to existing or planned land uses in the study area. Any possible roadway closures can be temporary, and WSDOT will attempt to limit roadway closures to nighttime or weekends to reduce inconvenience to commuters or residents.

## Does the project have other effects that could be delayed or distant from the project?

### Build Alternative

The I-405 improvements will have minimal distant or delayed effects upon Bellevue plans and policies. The Build Alternative is part of an overall Corridor Program that supports Bellevue's land use and growth management plans.

The planned improvements should produce little change in the traffic conditions on local streets. If change in traffic conditions does occur and requires the City to re-evaluate land use, the City will monitor and evaluate as part of its regular comprehensive plan review and amendment updates process.

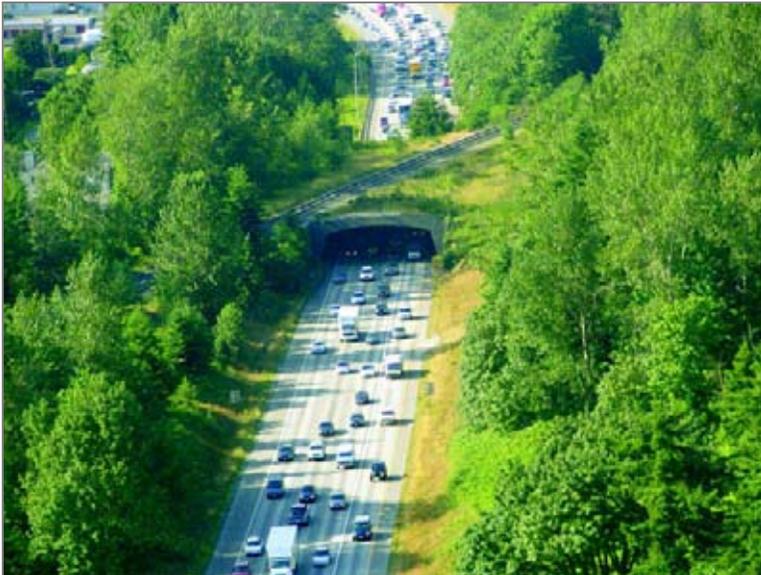
### No Build Alternative

The No Build Alternative could result in the need for the City to widen local roadways to maintain level of service (LOS), which could slow or impede Bellevue's land use plans, or cause the

City to revisit its land use, transportation, and capital facility plans to balance land use and growth with LOS.

## Did we consider potential cumulative effects for the Build and No Build Alternatives?

Per FHWA guidance, cumulative effects analysis is discipline-specific and generally performed for the discipline directly affected by the action (such as a transportation project) under study. However, not all of the disciplines directly affected by a project will require a cumulative effects analysis. Those subject to cumulative effects analysis should be determined on a case-by-case basis early in the NEPA process, generally as part of early coordination or scoping. Consistent with the I-405 Corridor Program Final EIS and the results of scoping for the Bellevue Nickel Improvement Project, we did not analyze cumulative effects for land use patterns.



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Traffic moving through the existing Wilburton Tunnel

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# Existing Conditions and Potential Effects: Land Use Plans and Policies

## What are land use plans and polices and why are they important?

Land use plans and policies include comprehensive plans, shoreline master programs, capital facility plans, and other long-range planning documents. Agencies implement plans and policies through land use development regulations, including zoning codes, design standards, and street standards.

Land use plans and policies are important because they set the overall policy direction for future growth and development in a jurisdiction.

### Comprehensive Plans

A comprehensive plan provides the vision, goals, and policies of the community in both written and map form. The comprehensive plan directs land development, provides for the allocation of resources, and guides the preparation of rules and regulations to implement the plan.

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#### **RCW 36.70A.103**

**State agencies are required to comply with comprehensive plans.**

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in RCW 71.09.250 (1) through (3), 71.09.342, and 72.09.333.

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Downtown Bellevue exits off I-405

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### Summary of GMA Planning Goals

- Focus urban growth in urban areas
  - Reduce sprawl
  - Provide efficient transportation
  - Encourage affordable housing
  - Encourage sustainable economic development
  - Protect property rights
  - Process permits in a timely and fair manner
  - Maintain and enhance natural resource-based industries
  - Retain open space and habitat areas and develop recreation opportunities
  - Protect the environment
  - Encourage citizen participation and regional coordination
  - Ensure adequate public facilities and services
  - Preserve important historic resources
  - Manage shorelines wisely
- 

## Comprehensive Plans and the Growth Management Act

While local governments have broad discretion in developing their comprehensive plans and development regulations, that discretion is guided by the goals and requirements of the GMA.

The Washington State GMA (RCW 36.70A), adopted in 1990, requires and guides the preparation and amendment of comprehensive plans in the state's fastest-growing counties and the cities within them. The City of Bellevue is planning in accordance with the GMA as its adopted Comprehensive Plan complies with GMA requirements.

The GMA establishes 14 broad planning goals that every plan must address. One of these goals addresses transportation, stating that comprehensive plans must "encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans."

GMA comprehensive plans must include land use, housing, transportation, capital facilities, utilities, parks and recreation, shorelines, and economic development elements. In addition to these mandatory elements, many local jurisdictions include optional elements such as design and environmental protection.

GMA plans also contain a Future Land Use Map that shows where growth can occur in the future.

State agencies must be consistent with a local jurisdiction's GMA Comprehensive Plan. State agencies must also design and implement projects consistent with local development regulations.

## Development Regulations (Zoning)

Development regulations are laws adopted by local governments to protect the public health, safety, and welfare by establishing rules for the use of land. Through the zoning code, development regulations control the location, density, and intensity of development, provide for adequate light, air, infrastructure, and define or maintain the character of established districts.

Development regulations also protect sensitive natural features through critical areas regulations and provide for the division of land through subdivision regulations.

The City of Bellevue's development regulations are contained in its LUC. The City's LUC establishes land use districts, which

provide for the geographic distribution of land uses consistent with the Comprehensive Plan's Future Land Use Map.

## Shoreline Master Program

The Shoreline Management Act (SMA) applies to streams and lakes above a certain size in Washington State. The shoreline jurisdiction includes the land area within 200 feet of the water's edge, associated wetlands, and floodplains.

In the study area, Lake Washington is subject to the SMA. This includes Mercer Slough up to I-405 and Lower Kelsey Creek. Sturtevant Creek and other unnamed creeks are not subject to the SMA but are subject to critical area regulations.

A Shoreline Master Program (SMP) is a policy and regulatory document that includes goals, objectives, policies, and land use regulations for land that is subject to the SMA.

The Shoreline Master Plan is a part of Bellevue's Comprehensive Plan and its LUC. SMP policies and regulations address circulation, conservation, and other topics relevant to the Bellevue Nickel Improvement Project.

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### Shoreline Management Act (SMA)

Adopted in 1971, the SMA applies throughout the state to all marine waters, submerged tidelands, lakes over 20 acres, and all streams with a mean annual flow greater than 20 cubic feet per second. Wetlands associated with the lakes, streams, and marine waters are also included, as is a 200-foot-wide shoreline area landward from the water's edge.

The primary intent of the SMA is to ensure that "...development of these shorelines...will promote and enhance the public interest." The Act directs shoreline preservation "to the greatest extent feasible," protection of natural shorelines, and encouragement of water-related and water-dependent uses.

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## How did we collect information on land use plans and policies?

We gathered information on Bellevue's plans and policies by:

- Obtaining long-range plans and regulations from the City's website and Permit Center located at City Hall
- Conducting meetings, teleconferences, and other communications with City staff members to interpret the application of local policies and regulations

We reviewed the most relevant sections of Bellevue's long-range plans as they relate to the Bellevue Nickel Improvement Project and the surrounding neighborhoods.

## What is the study area for land use plans and policies?

As shown in Exhibit 7, the study area extends along I-405 from I-90 at the southern end to approximately NE 4th Street at the northern end. Specifically, the study area for plans and policies includes the I-405 ROW, lands immediately adjacent to the I-405 project, and connecting arterials.

## How did we evaluate potential effects on land use plans and policies?

In addition to the WSDOT and FHWA guidance documents previously mentioned, we also relied upon the other discipline reports for the Bellevue Nickel Improvement Project to judge whether the project is consistent with the City of Bellevue's Comprehensive Plan, LUC, and other long-range planning documents.

We used the Local Project Review Act (RCW 36.70B) and implementing rules (WAC 365-197, see Appendix B) as a tool to evaluate the project's consistency with local plans and regulations.

Based on this legislative guidance, we developed the following specific consistency questions:

- Do Bellevue's Comprehensive Plan and SMP policies conflict with the Bellevue Nickel Improvement Project? Do they support the project?
- Do Bellevue's LUC provisions and policies accommodate transportation-related improvements?
- Is the Bellevue Nickel Improvement Project consistent with the City's LOS standards?
- Do Bellevue's capital facilities improvement programs consider or include the Bellevue Nickel Improvement Project?
- Some of Bellevue's policies address urban design. Is this project consistent with those policies?
- Is the Bellevue Nickel Improvement Project design consistent with the SMP and LUC (zoning regulations)?

## What land use plans and policies apply to the study area and is the project consistent with them?

In 2002, WSDOT conducted an overall consistency review of I-405 Congestion Relief and Bus Rapid Transit Projects with regional land use plans and policies. The I-405 Corridor Program Final EIS includes this review; therefore, it is not repeated here.

For this discipline report, we addressed the consistency of the Bellevue Nickel Improvement Project with the City of

Bellevue's land use plans, policies, and regulations. We reviewed the policies from elements contained in the City's GMA Comprehensive Plan and considered the City's LUC as it relates to the improvements proposed as part of the I-405 corridor project.

We reviewed the following land use plans, policies, and development regulations for project consistency.

## Comprehensive Plan Policies

We reviewed the City of Bellevue's Comprehensive Plan Future Land Use Map and policies contained in the following elements: Land Use, Urban Design, Transportation, Capital Facilities, Environmental, and Shoreline Management. We also reviewed policies in subarea plans in the study area, including the Richards Valley, Southwest Bellevue, and Wilburton/NE 8th Street subarea plans.

The policies in these Comprehensive Plan elements address the topics of urban design, agency coordination, transportation, essential public facilities, and the natural environment. We have organized the policy discussion that follows based upon these topics.

In our review, we identified some policies that, while not directly applicable to the Bellevue Nickel Improvement Project, are indirectly related and may be of interest to some readers. These are included in Appendix C.

## Urban Design Policies

We identified the following City of Bellevue policies as being relevant to the Bellevue Nickel Improvement Project. The intent of the policies is to prevent negative visual consequences from roadway development and to protect existing views by preserving existing vegetation, planting additional landscaping, or using physical design treatments.

*POLICY UD-41.* Design vehicular and pedestrian routes to be visually appealing connections between different parts of Bellevue.

*POLICY UD-50.* Work with the state to achieve high quality design on new freeway projects, with special consideration for both views from the freeways and views of the freeways.

*POLICY UD-51.* Encourage dense plantings, hedges, or large, fast-growing trees to act as visual screens at locations where existing views of or from freeways are unappealing.

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### City of Bellevue Subareas

The Bellevue Nickel Improvement Project is predominantly located within the Richards Valley Subarea (S-RV) but is in close proximity to the Southwest Bellevue and Wilburton/NE 8th Street Subareas.

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*POLICY S-RV-24.* Encourage the retention and enhancement of special features designated by the Urban Design Element such as unique open spaces, landmarks, and viewpoints.

Discussion: In Richards Valley, the stream and wetlands qualify as unique open space, the railroad trestle qualifies as a landmark, and the view from Woodridge School grounds qualifies as a designated viewpoint.

*POLICY TR-93.* Work with state agencies to incorporate enhancements to minimize neighborhood impacts when improving state highways.

*POLICY TR-112.* Consider physical design treatments to reduce noise in residential neighborhoods before a major street construction program is implemented.

*POLICY EN-9.* Work with the state to mitigate freeway noise, while addressing aesthetic concerns.

### Consistency—Build Alternative

The Bellevue Nickel Improvement Project is consistent with the City’s adopted urban design policies. The project will incorporate, where practicable, specific measures to mitigate adverse visual effects of the proposed improvements (Corridor Program ROD, Page 28, #63).

Revegetation and tree planting is planned as part of the project. Replanting will follow WSDOT guidelines for ensuring that a “clear zone” is maintained for driver visibility. The clear zone accounts for slope, traffic volumes, and speeds used to determine the height of low-growing vegetation and by what distance trees should be planted from the road shoulder.

The design measures described above will ensure that the Bellevue Nickel Improvement Project is consistent with policies addressing urban design, such as UD-41, UD-50, UD-51, TR-93, and S-RV-24.

The project is also consistent with policy S-RV-24 because the proposed transportation improvements will not remove or adversely affect the railroad trestle, Mercer Slough Nature Park, or Kelsey Creek.

Although additional travel lanes on I-405 and higher vehicle speeds may increase the perceived noise levels at nearby residential areas, the project incorporates noise reduction measures consistent with policies UD-112 and EN-91.

Please refer to the Noise and Visual Quality Discipline Reports for additional information on these topics.



Vegetation along ROW

## Consistency—No Build Alternative

The No Build Alternative would continue routine maintenance of I-405, consisting of short-term, minor construction necessary for continued operation and minor safety improvements. As such, there would be no opportunity to incorporate design measures to reduce noise and/or to mitigate visual effects.

## Agency Coordination Policies

We identified the following agency coordination policies as being relevant to the Bellevue Nickel Improvement Project. The policies support interagency cooperation and coordination with the intent of addressing regional and multi-jurisdictional transportation concerns.

*POLICY TR-2.* Work actively and cooperatively with other Eastside jurisdictions and regional and state agencies to plan, design, fund and construct regional transportation projects that carry out the city's transportation and land use goals.

*POLICY TR-39.* Provide an arterial system, and encourage the state to provide a freeway system, that together permit reasonable mobility. Improve the network consistent with long-range plans to support the Land Use Element of the Comprehensive Plan, to meet the adopted area mobility targets, and to maintain safety.

*POLICY TR-89.* Work with state and regional agencies to improve freeway-to-freeway access.

*POLICY TR-90.* Support completion of the regional HOV system. Work with state and regional agencies to improve HOV access to the freeway system and freeway-to-freeway HOV linkages at I-405/SR 520, I-405/I-90, and I-5/SR 520.

*POLICY TR-92.* Work with state and regional agencies to ensure adequate capacity for both general purpose and HOV traffic on state highways.

*POLICY TR-97.* Work with the state and other local jurisdictions to coordinate signalization at freeway interchanges.

*POLICY TR-98.* Work with state agencies to include non-motorized facilities when planning, designing, and constructing enhancements to I-90 (east of I-405), I-405, and SR 520 (including non-motorized facilities on a replacement for the Evergreen Point floating bridge).

*POLICY TR-114.* Advocate for state-funded freeway expansion and multi-modal improvements that may reduce the need to widen arterials to ease congestion.

### Consistency—Build Alternative

WSDOT is working cooperatively with the City of Bellevue and other local governments to design the Bellevue Nickel Improvement Project. Consequently, the project is consistent with the following transportation policies that emphasize:

- agency coordination (TR-2, TR-39, TR-89);
- support for freeway expansion (TR-89);
- improved capacity and access (TR-92, TR-114); and,
- completion of the regional HOV system (TR- 90, TR-92).

The Bellevue Nickel Improvement Project does not include non-motorized facilities but does allow for local development of such facilities, consistent with Policy TR-98. In particular, the Bellevue Nickel Improvement Project will not prevent future use of the BNSF railroad ROW as a pedestrian and bicycle trail.

### Consistency—No Build Alternative

The No Build Alternative would continue routine maintenance of I-405 consisting of short-term minor construction necessary for continued operation and minor safety improvements. Interagency coordination would address short-term maintenance issues but would not address future regional capacity needs as established by the policies listed above.

### Transportation Policies

We identified the following policies as being relevant to the Bellevue Nickel Improvement Project. The policies support multi-modal transportation solutions, including the completion of an HOV system. The policies also recognize the WSDOT-established LOS for I-405.

*POLICY TR-94.* Support multi-modal transportation solutions including general purpose lanes, High Capacity Transit, HOV lanes, transit, and non-motorized improvements that use the best available technologies.

*POLICY TR-99.* Recognize level of service standards for Highways of Statewide Significance as established by the Washington State Department of Transportation.

*POLICY ETP-8.* Actively work toward the completion of the State’s plan for HOV lanes on I-405 as the highest priority improvement for the Eastside.



HOV lane on the SE 8th Street southbound on-ramp to I-405

## Consistency—Build Alternative

The Bellevue Nickel Improvement Project is consistent with the City of Bellevue’s Transportation Policies because the proposed improvements will increase capacity (TR-94), reduce congestion, and improve safety on I-405.

Consistent with policies TR-94 and ETP-8, the proposed improvements will extend the existing outside HOV lane to begin at SE 8th Street on southbound I-405. Consistent with policy TR-99, the City recognizes the LOS established for I-405 by WSDOT (please refer to the Level of Service discussion in the Level of Service subsection of this report).

## Consistency—No Build Alternative

The No Build Alternative would not implement any of the multi-modal improvements described in policies TR-94 and ETP-8 and would therefore not be consistent with the intent of these policies.

## Essential Public Facility Policies

Highways of Statewide Significance (HSS), such as I-405, are a type of “essential public facility.” Essential public facilities are typically difficult to site (e.g., airports, jails, inpatient facilities, and others). Local comprehensive plans are required to address processes for identifying such facilities. No local plans or regulations may prevent the siting of essential public facilities.

We identified the following essential public facilities policies as being relevant to the Bellevue Nickel Improvement Project.

*POLICY CF-13.* Define essential public facilities consistent with the GMA, as facilities that are difficult to site or expand and that provide services to the public, or are substantially funded by government or are contracted for by government or are provided by private entities subject to public service obligation.

*POLICY CF-14.* Require land use decisions on essential public facilities meeting the following criteria to be made consistent with the process and criteria set forth in Policy CF-16:

1. The facility meets the Growth Management Act definition of an essential public facility at RCW 36.70A.200(1) now and as amended; or
2. The facility is on the statewide list maintained by the Office of Financial Management (ref. RCW 36.70A.200(4) or on the countywide list of essential public facilities; and
3. The facility is not otherwise regulated by the Bellevue LUC.

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### What are highways of statewide significance?

Transportation facilities and services of statewide significance are identified under RCW 47.06.140. These facilities are recognized as having a significant statewide transportation function. These facilities are also identified as essential public facilities under the Growth Management Act. Improvements to these facilities identified in the statewide plan are essential state public facilities.

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### Consistency—Build Alternative

The Bellevue Nickel Improvement Project is consistent with essential public facilities policies. The City and state have designated I-405 as an essential public facility. Policy CF-16 is not applicable because the Bellevue LUC regulates the facility.

### Consistency—No Build Alternative

The No Build Alternative would not expand I-405; therefore, the City's essential public facility policies and regulations do not apply.

### Environmental Policies

Because there are potentially protected slopes, wetlands, and riparian corridors within the study area, we identified the following policies as being relevant to the Bellevue Nickel Improvement Project. The environmental policies listed below focus on protecting water quality and minimizing effects to protected areas.



Kelsey Creek upstream of I-405

*POLICY S-RV-7.* Protect and enhance the capability of Richards Creek, Kelsey Creek, and Mercer Slough and their tributaries to support fisheries along with other water-related wildlife.

*POLICY S-RV-25.* Encourage the retention of vegetation during the clearing, grading, and construction processes to screen development from nearby residential neighborhoods.

*POLICY TR-118.* Mitigate air quality, noise, light/glare, and other significant, adverse environmental impacts of proposed transportation projects on adjacent neighborhoods.

*POLICY EN-26.* Require mitigation proportional to any adverse environmental impacts from development or redevelopment in the Protection Zone.

*POLICY EN-37.* Reduce runoff from streets, parking lots and other impervious surfaces and improve surface water quality by utilizing low impact development techniques in new development and redevelopment.

*POLICY EN-87.* Reduce the amount of air-borne particulates through a street sweeping program, dust abatement on construction sites, and other methods to reduce the sources of dust.

### Consistency—Build Alternative

The Bellevue Nickel Improvement Project is consistent with and supports policies associated with protecting water quality and minimizing of effects to protected areas.

Consistent with Policy EN-37, the project will include stormwater detention and treatment facilities specifically designed to address the potential effects of highway runoff. The stormwater detention and treatment systems will treat a portion of the total road drainage that is equal to or greater than the area of new impervious surfaces created by the I-405 improvements. Overall, the project will detain and treat stormwater from an area greater than the size of the new impervious surface created by the project.

Consistent with Policy S-RV-25, construction disturbance will be limited to the minimum area needed and all ROW and construction zones will be re-vegetated with native species to offset loss of habitat (Corridor Program ROD, Pages 23, # 31 and 32).

Consistent with policies related to effects on air quality, as well as effects on adjacent lands from light, glare, and noise, such as TR-118 and EN-87, the Bellevue Nickel Improvement Project will incorporate BMPs (see Appendix A), design solutions, and other measures into construction specifications.

Please refer to the Surface Water, Floodplains, and Water Quality Discipline Report for specific information about stormwater detention and treatment facilities.

Please refer to the Wetlands Discipline Report for additional information related to the planned wetland removal and mitigation.

### Consistency—No Build Alternative

The No Build Alternative includes only routine maintenance and minor repairs, which would not result in any activities that would affect protected areas or create significant air quality and noise effects to surrounding land uses. No improvements to the existing stormwater detention and treatment systems along I-405 would occur.

### Shoreline Management Policies

Mercer Slough upstream to I-405 and lower Kelsey Creek, along with their associated wetlands are subject to the State SMA and the City of Bellevue's SMP. The shoreline jurisdiction includes

the shoreline and the area within 200 feet of the water's edge (ordinary high water mark).

Lower Kelsey Creek runs under I-405 in a culvert near SE 8th Street. The regulated shoreline area abuts and overlaps the I-405 project corridor near SE 8th Street. Exhibit 9 shows the shoreline management areas as depicted in the Shoreline Management Element and its relationship to the Bellevue Nickel Improvement Project. Development of the Bellevue Nickel Improvement Project within this Shoreline Overlay district must comply with the City's SMP.

The Bellevue SMP has two parts. The Shoreline Element contains a shoreline management area map and policies are located in the Shoreline Management Element (SH) of the Comprehensive Plan. Shoreline regulations are found in the City's LUC Shoreline Overlay District (LUC 20.25E).

We identified the following policies as being relevant to the Bellevue Nickel Improvement Project.

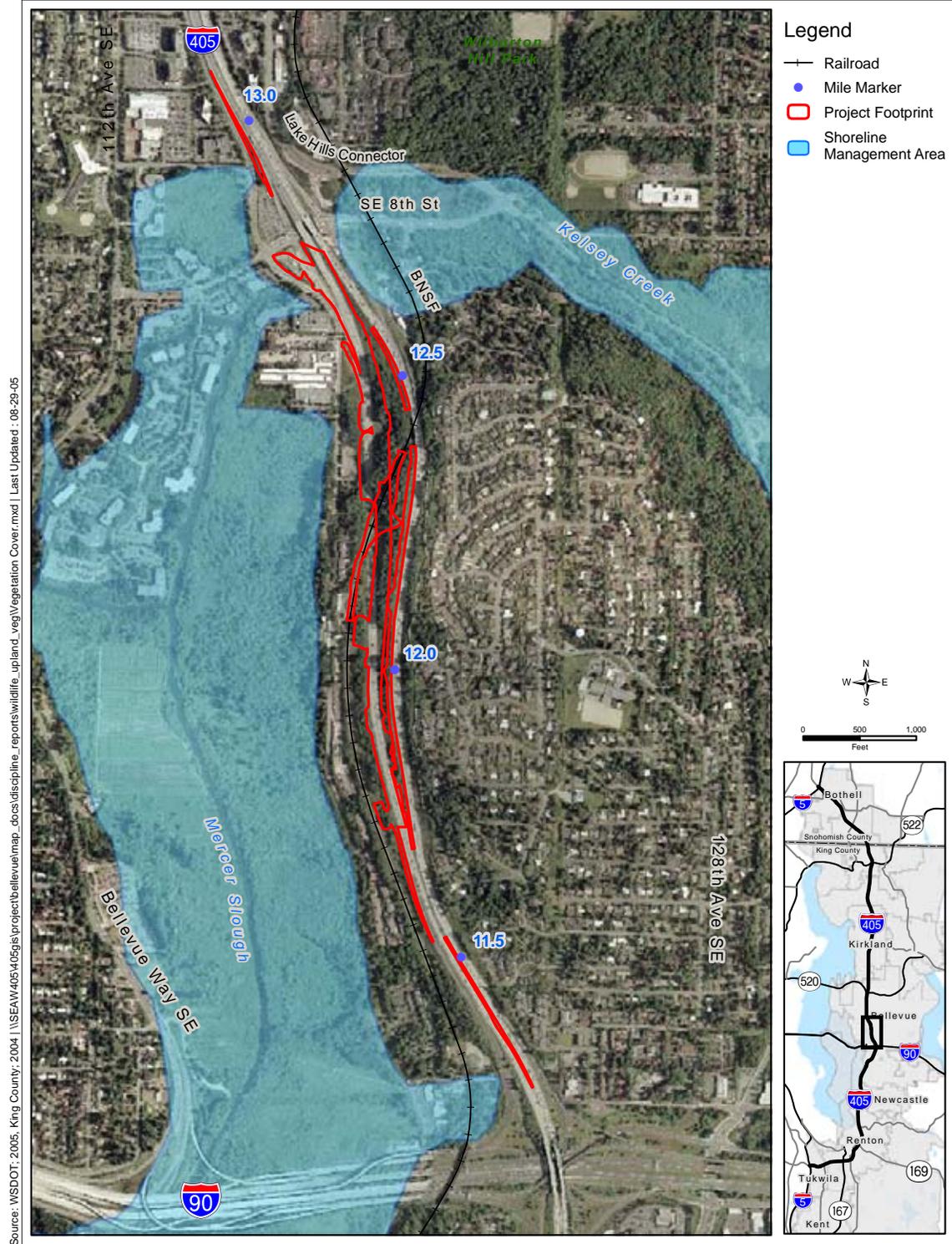
POLICY SH-16. Discourage structures using materials that have significant adverse physical or chemical effects on water quality, vegetation, fish, and wildlife in or near the water.

POLICY SH-41. Minimize roadways and parking areas in the shoreline areas.

POLICY SH-42. Design roadways near the shoreline for slow traffic, to respond to topography, and to include scenic views.

POLICY SH-43. Design roadways and improvements to existing roadways and parking areas within, or adjacent to, shoreline wetlands to minimize pollution from storm water runoff.

Exhibit 9. Bellevue Shoreline Management Areas



### Consistency—Build Alternative

The Bellevue Nickel Improvement Project is consistent with policies SH-16, SH-41, and SH-43. The design of the Bellevue Nickel Improvement Project complies with policies addressing stormwater runoff quality. For additional discussion of water quality, please refer to the Surface Waters, Floodplains, and Water Quality Discipline Report. New impervious surface resulting from the proposed improvements will be located within the existing ROW, and most of the roadway widening will occur towards the inside, or median side of the existing roadway. The Bellevue Nickel Improvement Project does not include any new parking areas.

We determined that SMP Policy SH-42 is not intended to address a regional roadway such as I-405. As an existing regional high-volume capacity roadway, I-405 is not intended to provide shoreline access and would therefore not be a frontage road where slow-moving or non-motorized traffic would be appropriate or encouraged.

### Consistency—No Build Alternative

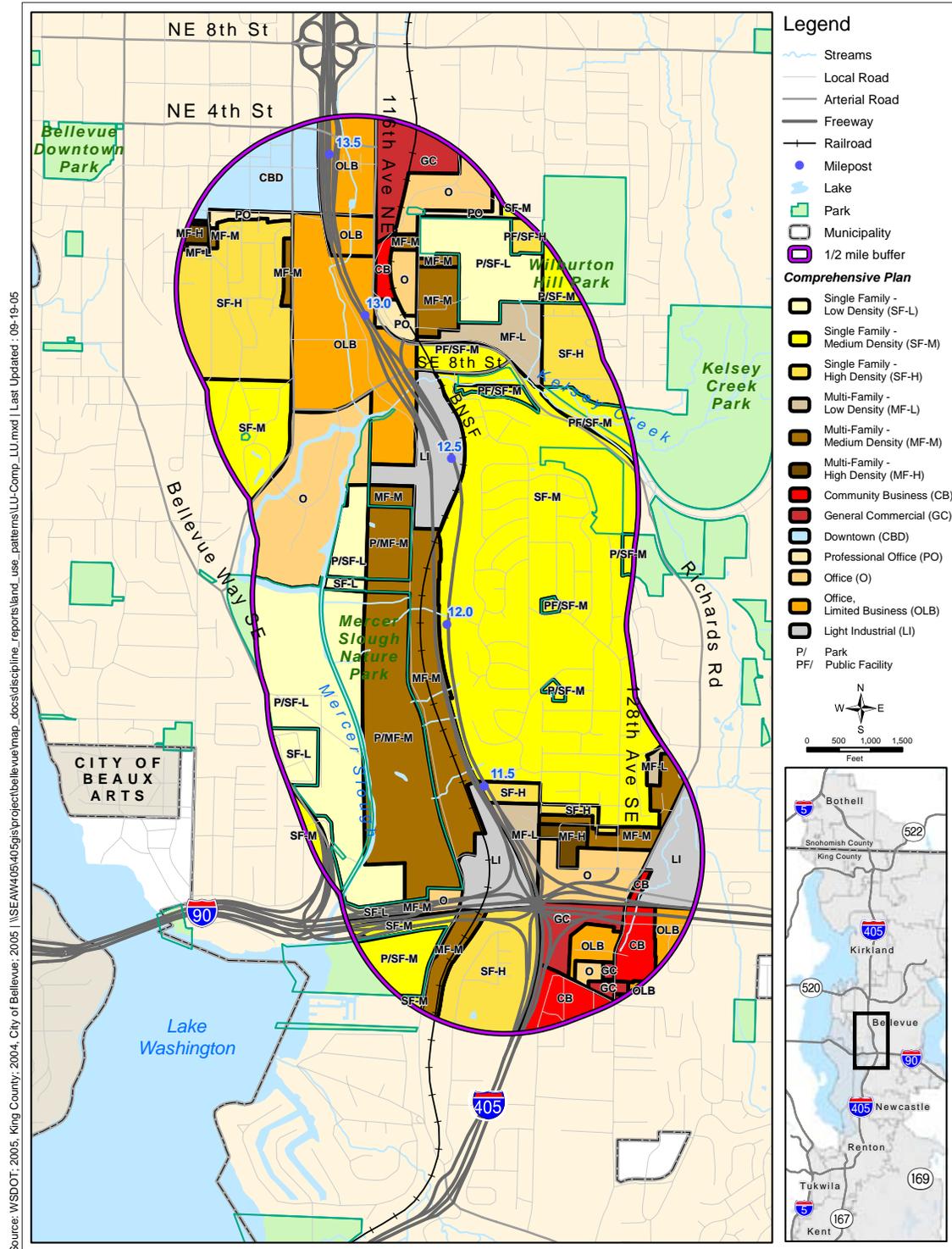
The No Build Alternative would result in no expansion of impervious surface and would not require a Shoreline Management Program consistency review. Associated shoreline regulations would not be applicable.

## Bellevue Future Land Use Map

Lands abutting the Bellevue Nickel Improvement Project are designated on the Comprehensive Plan's Future Land Use map as shown in Exhibit 10 and described below:

- On the east side of I-405 there is; Multi-Family-Low Density, up to 10 units per acre (MF-L); Single-Family-High Density, up to 5 units per acre (SF-H); Single-Family-Medium Density, up to 3.5 units per acre (SF-M); Light Industrial (LI); Office (O); Office, Limited Business (OLB); and Professional Office (PO).
- On the west side of I-405, there is LI; Multi-Family-Medium Density, up to 20 units per acre (MF-M); O; and OLB.

Exhibit 10. Bellevue Comprehensive Plan Future Land Use Map



Based on our review of the Comprehensive Plan future land use map (Exhibit 10) designations, we conclude that development adjacent to I-405 is generally consistent with planned uses.

Very little of the adjacent area is vacant and available for development. Some areas that appear vacant are held in private and public open space and unlikely to develop in the future. Due to the scarcity of vacant land near I-405, future growth will most likely occur through redevelopment of developed sites, as allowed in the LUC.

### **Consistency—Build Alternative**

The Build Alternative is consistent with the City's Future Land Use Map and planned population and employment growth. None of the roadway expansion associated with the Bellevue Nickel Improvement Project will occur outside of the existing ROW. Therefore, the project will not relocate existing development or preclude future development. The roadway expansion and measures associated with wetland mitigation, culvert improvements, and water quality controls will not alter Bellevue's future land use plans.

### **Consistency—No Build Alternative**

Because the No Build Alternative would include only maintenance improvements and does not include capacity improvements, it would not help to provide additional transportation capacity to serve future land use in the study area.

## **Bellevue Capital Improvement Plans**

We identified capital facility improvements within the City of Bellevue in several elements and plans, including 2004-2015 Transportation Facilities Plan, 2005-2011 Capital Improvement Program, Eastside Transportation Program, 2003 Transit Plan, and the 1999 Pedestrian and Bicycle Transportation Plan. We discuss each of these below.

### **2004-2015 Transportation Facilities Plan**

The 2004-2015 Transportation Facilities Plan does not identify any planned improvements within the study area. The Bellevue Nickel Improvement Project is located within Mobility Management Area (MMA) #7, South Bellevue, and adjacent to MMA #8, Richards Valley.

## 2005-2011 Capital Improvement Program

The City's 2005-2011 Capital Improvement Program identifies three projects near the I-405 project corridor, none of which is associated with I-405 or transportation system improvements.

The projects include:

- a water pump station rehabilitation located east of I-405 (identified as W-91 in the Capital Improvement Program), and
- two sewage pump station improvements located west of I-405 along 118th Avenue SE (identified as S-16 in the Capital Improvement Program).

## Eastside Transportation Program

The multi-jurisdictional Eastside Transportation Program (ETP) addresses the regional transportation network on the Eastside.

The main objective of the ETP is to complete the Eastside roadway network while providing a variety of travel options to encourage more efficient means of travel on the Eastside and to reduce the reliance on the single-occupant vehicle. Exhibit 11 identifies improvements located within the I-405

Project Corridor and connecting arterials as outlined in the ETP.

The improvements proposed as part of the Bellevue Nickel Improvement Project will implement some of these ETP improvements. Specifically, we will construct additional travel lanes in both directions and extend the SB HOV lane to begin at the SE 8th Street on ramp, consistent with the ETP improvements shown in Exhibit 11. Exhibits 2, 3, and 4 depict project improvements graphically.

### Exhibit 11. Eastside Transportation Project Improvements

Category <sup>1</sup>	Project Number	Project Name	Project Limits	Project Description
1	R44	I-405	Coal Creek Parkway to SR-522	Construct NB & SB HOV lanes (total of 8 lanes).
2	R45	I-405	I-90 to SE 8th Street and NE 8th Street to SR-522	Construct one or more additional lanes (general purpose, HOV and /or HCT) in each direction to improve the person-carrying capacity of the corridor with final designations of usage and number of lanes dependent on the results of the GMA, implementation of Transportation Demand Management legislation, and analysis performed in the High Capacity Transit study.
3	N/A			
4	R53	I-405 Interchange	At SE 8th Street	Reconfigure interchange.

Source: City of Bellevue, Eastside Transportation Program Element, January 2005.  
<sup>1</sup>Over 170 program, service, and project recommendations have been identified in the ETP to improve the Eastside transportation network. The projects are divided into five categories: Categories 0, 1, 2, 3 and 4. Category 0 projects have committed funding. Category 1 projects are the most critical projects with the highest priority for implementation. Category 2 projects are those where the design and protection or acquisitions of rights of way have the highest priority, but the actual construction of the project is a lower priority. Category 3 and 4 projects generally are local in nature and the need is less urgent than those of Categories 1 and 2.

### 2003 Transit Plan

The City’s 2003 Transit Plan identifies transit/bus stop improvements at on- or off-ramps, as well as transit signal improvements within or adjacent to the Bellevue Nickel Improvement Project, as shown in Exhibit 12 and Exhibit 13.

**Exhibit 12. Corridor Improvement Projects:  
 Bus Stop Amenities Projects**

Stop No.	Street	Cross-Street	Stop Type	Cost
70812	SE 8th Street (Wilburton P & R)	I-405 (SB Off-Ramp)	Primary Local Stop	\$2,000
70822	SE 8th Street	118th Ave SE	Primary Local Stop	\$20,000
82718	I-405 (SB Off-Ramp)	SE 8th Street	Primary Local Stop	\$2,000
82787	I-405 (NB On-Ramp)	SE 8th Street	Primary Local Stop	\$2,000

Source: City of Bellevue, Bellevue Transit Plan, Update June 2, 2003.

**Exhibit 13. Corridor Improvement Projects:  
 Transit Signal Priority Projects**

Location	Cost
WB SE 8th & I-405 NB On-ramp	\$25,000
I-405 SB & SE 8th Street	\$25,000

Source: City of Bellevue, Bellevue Transit Plan, Update June 2, 2003, and conversation with Van De Camp on 4/28/05.

**1999 Pedestrian and Bicycle Transportation Plan**

The Pedestrian and Bicycle Transportation Plan, a 30-year plan with a primary focus on setting the framework for pedestrian and bicycle facilities within and around the City of Bellevue, identifies four pedestrian- and bicycle-related projects within the footprint or adjacent to the Bellevue Nickel Improvement Project (Exhibit 14).

### Exhibit 14. Pedestrian and Bicycle Project List

Project Number	Link	Limits	Description	Justification/Benefits	Priority <sup>1</sup>
B-121 (Bicycle- Separated Multi-use Path)	Burlington Northern Bike Path	South City Limit to North City Limit	Construct bike path within or parallel to BNSF ROW; parts may utilize other facilities; consider phased development of segments.	Major N-S facility; recreational and commuter route.	B
B-329 (Bicycle-Shared Roadway)	SE 8th Street	114th Ave SE to Lake Hills Connector	Widen lanes both sides by 14 feet and install signage.	Access to Park & Ride, parks, Lake-to-Lake Ride, Lake Washington Loop; bus route.	A
P-738 (Pedestrian-Paved Trail)	BNSF Railroad Path	North City Limits to South City Limits	Acquire easements; Construct hard surface trail within or parallel to railroad ROW; consider phased development of segments: City Limit to I-405, I-405 to SE 5th St, SE 5th Street to Coal Creek Pkwy, Coal Creek Parkway to S. City Limits. Connect 118th at SE 5th to Lake Hills Connector; connect to Mercer Slough, Woodridge, 116th Ave near Northup, 120th Ave at SE 40th Street.	Major N-S linkage through City and beyond; already grade-separated; Richards Valley Subarea; part of regional trail network plan.	B
S-891 (Pedestrian- Sidewalk)	SE 8th Street	112th Ave SE to Lake Hills Connector	Construct sidewalk or separated paved path on both sides where missing. Acquire easements as necessary.	Key missing link: Park & Ride; bus route; Safety EBTS Lake-to-Lake Trail.	B

Source: City of Bellevue, Pedestrian and Bicycle Transportation Plan Update, 1999.

<sup>1</sup>Priority A projects are targeted for completion in the first half of the 30-year planning cycle, while Priority B projects are targeted for completion in the second half of the planning cycle. Some projects identified as Priority B could be developed earlier if opportunities arise permitting their completion.

## Consistency—Build Alternative

The Bellevue Nickel Improvement Project will implement several improvements listed in the ETP including:

- General-purpose and HOV lanes added north- and southbound to the I-405 mainline
- Reconfiguration of the I-405 interchanges at SE 8th Street

Some of the planned improvements are not part of the I-405 improvements but are not precluded from future installation or implementation, such as:

### 2003 Transit Plan Corridor Improvement Projects

- Bus Stop Amenities Projects
- Transit Signal Priority Projects

### 1999 Pedestrian and Bicycle Transportation Plan

- Develop Burlington Northern Bike and Pedestrian Paths within or parallel to the BNSF ROW
- Widen both sides of 114th Ave SE to 14 feet to accommodate bicycle lanes
- Construct sidewalk or separated paved path on both sides of SE 8th Street where missing under I-405

## Consistency—No Build Alternative

The No Build Alternative would not implement or support any projects in the City’s capital improvement plans, including regional transportation plans, and improvements to the I-405 interchange at SE 8th Street and the addition or extension of HOV lanes.

## Level of Service Policies

Local governments planning under the GMA must establish LOS standards for their transportation system in their comprehensive plans. They may permit new development within their jurisdictions as long as the transportation system will sustain the adopted LOS or the developer can install improvements to achieve the LOS.

Local LOS standards do not apply to HSS, which includes I-405. Local jurisdictions must recognize the LOS adopted by the WSDOT for state-owned transportation facilities designated as HSS in their local comprehensive plans. The current service standard adopted by the WSDOT for state highways in urban

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### Level of Service – LOS (D)

LOS is rated from A to F, a grading scale familiar to most people from the classroom. LOS A is the best condition, with no delay. LOS F is the worst, with very long delays and heavy congestion. LOS D represents moderately high congestion and long delays.

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### Bellevue’s Level of Service (LOS)

LOS is a measurement of traffic congestion. The Transportation Element of Bellevue’s Comprehensive Plan established LOS standards for all of the City’s subareas—called Mobility Management Areas (MMAs). The City’s LOS standards are based on the performance of major signalized intersections within each MMA.

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areas is LOS D–Mitigated. The term “mitigated” is used because in some of the urbanized areas in the state, WSDOT does not feel it is realistic to achieve LOS D but would like to provide mitigation, often in the form of HOV lanes, when congestion exceeds the LOS D threshold.

Generally, the WSDOT standard requires mitigation when the peak period operation of the state facility falls below LOS D–Mitigated. The City of Bellevue recognizes the LOS standards established by WSDOT for I-405 (Transportation Policy TR-99).

The local roadway average LOS target is D+ for MMA #7 (South Bellevue) and for MMA #8 (Richards Valley). An LOS D+ (High D) that allows for a dense but stable flow of traffic. Drivers experience a generally low level of comfort and convenience.

### **Consistency—Build Alternative**

The Bellevue Nickel Improvement Project is consistent with the adopted LOS in the City of Bellevue. The project will not modify any local roadways and is not expected to directly affect the LOS on any local streets. Based on the analysis of future transportation/circulation conditions contained in the Traffic and Transportation Discipline Report, future land uses and the planned I-405 corridor improvements are consistent with the City’s LOS standards in the study area of LOS D+.

### **Consistency—No Build Alternative**

The No Build Alternative would not improve the capacity of I-405, which could result in increased congestion on I-405. In an effort to avoid congestion on I-405, drivers may alter their driving patterns and rely more heavily on local streets, which could lead to a lower LOS on local streets.

## **What local development regulations affect the Bellevue Nickel Improvement Project?**

We have identified the following local development regulations (zoning) that affect the Bellevue Nickel Improvement Project:

- Land Use District Map and Chart
- Shoreline Overlay District
- Sensitive Area Overlay District and
- Conditional Use

## Land Use District Map and Chart

There are many different land use districts within the City, including single-family residential, multi-family residential, office, general commercial, light industrial, etc. These land use districts are identified by specific designations (R-1 [single family residential], R-10 [multi-family residential], O [office], GC [general commercial], LI [light industrial], etc.). These designations are placed on the land use district map, which applies to all parcels and lots in the defined district. Each land use district designation has specific dimensional requirements (lot size, structure size, and structure locations on a lot).

As shown in Exhibit 15, the City's land use district boundaries extend across or to the middle of the I-405 right of way. I-405 is located within several different land use districts, including O; LI; Single-Family Residential (R-5, R-3.5); Multi-Family Residential (R-20); and OLB. The City of Bellevue allows highways and right of way uses, such as I-405, in all land use districts.

The City's LUC contains a land use chart that identifies the uses permitted in each land use district (LUC 20.10.440). The land use chart identifies highways and street rights of way, along with other transportation improvements, such as railroad facilities as permitted uses in all districts.

The Land Use Chart establishes that roads and highways are a permitted use in all land use districts (LUC 20.10.440). Therefore, the Bellevue Nickel Improvement Project is consistent with the permitted uses in the Land Use Chart.

## Shoreline Overlay District

The City of Bellevue's Shoreline Overlay District regulations (LUC 20.25E) implement the Shoreline Management Element policies. Please refer to the Surface Water, Floodplains, and Water Quality Discipline Report for specific information about stormwater detention and treatment facilities.

### Consistency—No Build Alternative

The No Build Alternative includes only routine maintenance and minor repairs, which would not result in any activities that would affect protected areas or create significant air quality and noise effects to surrounding land uses. No improvements to the existing stormwater detention and treatment systems along I-405 would occur.

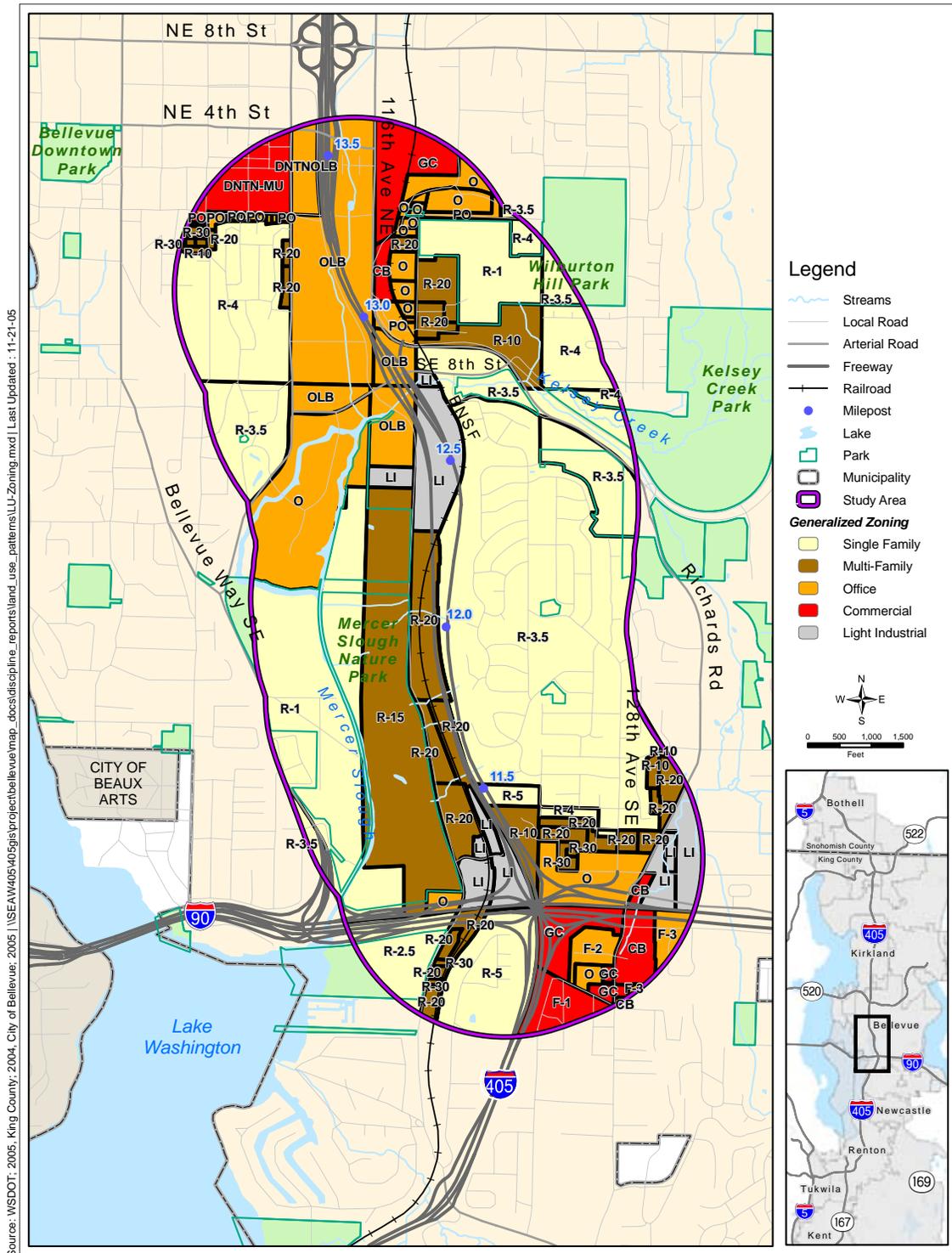
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### Bellevue's Shoreline Overlay District

The Shoreline Overlay District encompasses those lake waters 20 acres or greater and those stream waters with a mean annual water flow exceeding 20 cubic feet per second; the lands underlying them; the lands extending landward for 200 feet in all directions from the ordinary high water mark; floodways and floodplain areas landward 200 feet from such floodways associated with such streams and lakes; and marshes, bogs, swamps, and river deltas associated with such streams and lakes. Specifically included within the district are the following:

- Lake Washington, including Mercer Slough upstream to I-405 – The lake waters, underlying lands and the area 200 feet landward of the ordinary high water mark, plus associated floodways, floodplains, marshes, bogs, swamps, and river deltas; and
  - Lower Kelsey Creek – The creek waters, underlying lands, and territory between 200 feet on either side of the top of the banks, plus associated floodways, floodplains, marshes, bogs, swamps and river deltas.
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Exhibit 15. Bellevue Land Use District Map



## Shoreline Management Policies

Mercer Slough upstream to I-405 and lower Kelsey Creek, along with their associated wetlands are subject to the State SMA and the City of Bellevue's SMP. The shoreline jurisdiction includes the shoreline and the area within 200 feet of the water's edge (ordinary high water mark).

Lower Kelsey Creek runs under I-405 in a culvert near SE 8th Street. The regulated shoreline area abuts and overlaps the I-405 project corridor near SE 8th Street. Exhibit 9 shows the shoreline management areas as depicted in the Shoreline Management Element and its relationship to the Bellevue Nickel Improvement Project. Development of the Bellevue Nickel Improvement Project within this Shoreline Overlay district must comply with the City's SMP.

The Bellevue SMP has two parts. The Shoreline Element contains a shoreline management area map and policies are located in the Shoreline Management Element (SH) of the Comprehensive Plan. Shoreline regulations are found in the City's LUC Shoreline Overlay District (LUC 20.25E).

We identified the following policies as being relevant to the Bellevue Nickel Improvement Project.

POLICY SH-16. Discourage structures using materials that have significant adverse physical or chemical effects on water quality, vegetation, fish, and wildlife in or near the water.

POLICY SH-41. Minimize roadways and parking areas in the shoreline areas.

POLICY SH-42. Design roadways near the shoreline for slow traffic, to respond to topography, and to include scenic views.

POLICY SH-43. Design roadways and improvements to existing roadways and parking areas within, or adjacent to, shoreline wetlands to minimize pollution from storm water runoff.

Exhibit 9 shows the applicable Shoreline Management Areas in the study area. The City's shoreline regulations direct land uses and development activities in the Shoreline Overlay District. We have reviewed the applicable shoreline regulations within the Shoreline Overlay District and determined that the Bellevue Nickel Improvement Project will not conflict with the City's SMP policies and can comply with all applicable shoreline regulations. Please refer to Appendix D for text of Shoreline Overlay District Requirements.

Potential activities in the City's Shoreline Overlay District consist of at-grade construction within the existing ROW. At-grade construction work will include the removal of existing asphalt, clearing and grading, laying the aggregate roadway foundation, and pouring an asphalt overlay. Examples of equipment used during construction include backhoes, excavators, front loaders, pavement grinders, jackhammers, trucks, and grading and paving equipment.

Bellevue Nickel Improvement Project construction within the Shoreline Overlay District will require a Shoreline Substantial Development Permit and must demonstrate conformance with general and specific development standards.

### Sensitive Area Overlay District

The City of Bellevue's Sensitive Area Overlay District (LUC 20.25H) establishes special standards and procedures that apply to all development in a protected area. We identified protected areas within the Bellevue Nickel Improvement Project footprint, including a Type A Riparian Corridor (Lower Kelsey Creek), several unnamed Type C riparian corridors, wetlands (Type A, B, and C) and Protected Slopes.

Refer to the following discipline reports for detailed information on wetlands, slopes, and riparian corridors, respectively:

- Wetlands
- Geology, Soils, and Groundwater
- Surface Water, Floodplains, and Water Quality
- Fish and Aquatic Resources Discipline Reports

Right of way and essential public facilities are permitted uses within protected areas (LUC 20.25H.080B). Construction activity must demonstrate consistency with critical area regulations. Please see Appendix E for regulations and performance standards applicable to roads and essential public facilities within a protected area.

The City of Bellevue is in the process of reviewing and amending their regulations associated with protected areas. The current protected area regulations associated with roads and essential public facilities emphasize minimizing alteration or, if possible, avoiding protected areas; preventing erosion; compensating wetlands that are displaced; and, restoring and revegetating all disturbed areas with native vegetation.

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#### What is a riparian corridor?

A riparian corridor is a unique plant community consisting of the vegetation growing near a river, stream, lake, lagoon, or other natural body of water.

The City of Bellevue has categorized riparian corridors in the City into four categories, referred to as Type A, B, C, or D. Type A riparian corridors are the highest quality.

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There is additional information on protected areas within and adjacent to the Bellevue Nickel Improvement Project in the Wetlands; Surface Water, Floodplains, and Water Quality; Geology, Soils and Groundwater; and Fish and Aquatic Resources discipline reports.

## Conditional Use

A portion of the BNSF railroad may be temporarily relocated with construction of the Bellevue Nickel Improvement Project. Railroad transportation facilities are allowed in the land use district applicable to the Bellevue Nickel Improvement Project if they receive Conditional Use approval.

Modifications to the railroad typically require Conditional Use approval from the City. The City's Director of the Community Development and Planning Department may determine, pursuant to LUC 20.30B.175 C (Land Use Exemption for Conditional Use Permit), that an addition or modification to the railroad is exempt from further review under the administrative amendment process or as a new application if the following criteria are met:

1. The proposal does not result in any significant adverse effects beyond the site; and
2. The proposal is within the general scope of the purpose and intent of the original approval; and
3. The proposal complies with all applicable LUC requirements; and
4. The proposal does not add square footage that is more than 20 percent of existing gross square footage; and
5. If an addition or expansion has been approved within the preceding 24-month period, the combined additions will not add square footage that exceeds 20 percent of existing gross square footage.

WSDOT will work with the City of Bellevue to determine if a local permit is necessary for the temporary relocation of the BNSF railroad track.



# Measures to Avoid or Minimize Project Effects

## How will we avoid or minimize negative effects on land use?

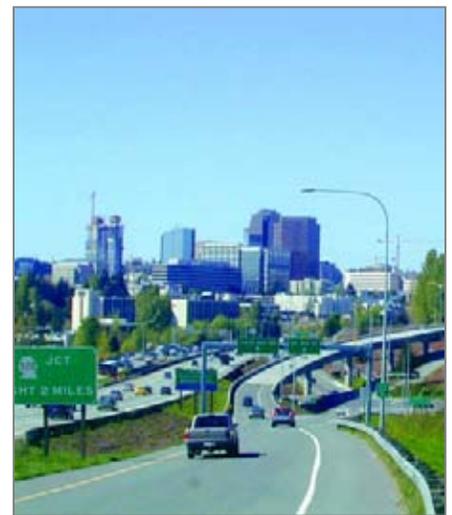
The Bellevue Nickel Improvement Project will not affect access to or from any land uses within the study area. As described in Appendix A, the project incorporates BMPs, design solutions, and other measures to avoid or minimize potential effects on land use.

Therefore, the project will not result in any negative effects on land use that must be avoided or minimized.

## How will adopted land use plans and policies reduce inconsistencies?

There are no inconsistencies between the City of Bellevue's adopted plans and policies and the Bellevue Nickel Improvement Project. Therefore, there is no need for changes to adopted land use plans and policies to reduce inconsistencies.

Mitigation measures included in the I-405 Corridor Program Final EIS and FHWA ROD will be incorporated into the final project design to ensure consistency. Therefore, the Build Alternative will be consistent with the applicable policies in the City of Bellevue's Comprehensive Plan and relevant environmental regulations found in the City's LUC.



The Bellevue skyline from NB I-405

## How can we avoid or minimize land use plan and policy inconsistencies?

The Bellevue Nickel Improvement Project is in accordance with local, state, and federal planning documents. As such, there will be no land use plan and policy inconsistencies resulting from the proposed improvements that need to be avoided or minimized.

## What will we do to minimize construction effects?

The measures incorporated in the project design will minimize temporary construction effects on land use. No additional measures will be necessary.

The Traffic and Transportation Discipline Report discusses temporary traffic control measures that will minimize traffic congestion during construction. Refer to Appendix A and the discipline reports on Noise, Air Quality, Surface Water, Floodplains, and Water Quality, which discuss the BMPs that will reduce potential effects from construction activities.

## How will the project mitigate unavoidable negative effects?

There will be no unavoidable negative effects from the Bellevue Nickel Improvement Project.



Additional travel lanes will immediately benefit local residents, commuters, transit riders, and freight haulers.

# References

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- Washington State Department of Transportation (WSDOT), et al. 2002. I-405 Corridor Program NEPA/SEPA Final Environmental Impact Statement.



## Appendix A

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### Avoidance and Minimization Measures



# Avoidance and Minimization Measures

The following sections describe the established design and construction practices that WSDOT will include to avoid or minimize effects to the various environmental resources during both the construction and operation phases of the project.

## Project Measures to Avoid or Minimize Effects During Construction

Design elements, such as modifications to boundaries of areas that can be affected, have been incorporated into the project specifications, construction plans, and procedures, to help avoid or minimize most potential construction impacts. When appropriate, monitoring will be conducted to ensure that these design and construction measures are effective.

### Measures for Geology, Soils, and Groundwater

- WSDOT will prepare and implement a Temporary Erosion and Sedimentation Control (TESC) plan consisting of operational and structural measures to control the transport of sediment. Operational measures include removing mud and dirt from trucks before they leave the site, covering fill stockpiles or disturbed areas, and avoiding unnecessary vegetation clearing. Structural measures are temporary features used to reduce the transport of sediment, such as silt fences and sediment traps.
- WSDOT will reduce degradation of moisture-sensitive soils by limiting major earthwork to the drier, late spring through early fall construction season; by maintaining proper surface drainage to avoid ponding of surface water or groundwater; by minimizing ground disturbance through limiting the use of heavy equipment, limiting turns, and/or not tracking directly on the subgrade; and by covering the final subgrade elevation with a working mat of crushed rock and/or geotextile for protection. Mixing a soil admix such as cement into the subgrade may also add strength and stabilize the ground.
- WSDOT will determine acceptable limits for off-site construction-related ground vibration before construction begins and demonstrate that off-site ground vibrations are within the limits set for the project through the use of vibration-monitoring equipment.
- WSDOT will identify areas subject to shaking from a large earthquake and will mitigate risks using ground modifications or other procedures identified in the WSDOT Geotechnical Design Manual.
- WSDOT will implement construction procedures identified in the geotechnical investigation to maintain or enhance slope stability in areas potentially underlain by landslide-prone soils.
- WSDOT will protect the Kelsey Creek aquifer from contamination by construction-related spills by development and implementation of BMPs and a Spill Prevention Control and

Countermeasures plan (SPCCP). The SPCC will specifically address fuel spills from vehicles and from spills of other chemicals commonly transported over I-405. Spill response equipment will be located at regular and specified intervals within the project area for minimizing countermeasure response times.

- WSDOT will ensure only clean fill is imported and placed for the project and will require documentation for fill brought onto the site from the supplier certifying that the fill does not exceed Washington State soil cleanup standards. If documentation is not available, testing of imported fill soils will be required prior to placement. Suspect soils encountered during project construction will be tested and, where necessary, removed from the site and disposed of in accordance with Washington State regulations.
- WSDOT will identify and develop staging areas for equipment repair and maintenance away from all drainage courses. Washout from concrete trucks will not be dumped into storm drains or onto soil or pavement that carries stormwater runoff. A wash down area for equipment and concrete trucks will be designated and the use of thinners and solvents to wash oil, grease, or similar substances from heavy machinery or machine parts will be prohibited.
- WSDOT will obtain a NPDES (National Pollutant Discharge Elimination System) permit and will conduct a regular program of testing and lab work to ensure that water encountered during construction meets the water quality standards specified in the NPDES permit.
- WSDOT will to meet the NPDES water quality standards prior to the discharge of the encountered water to a surface water body, such as Kelsey Creek. If necessary, water quality will be improved, such as by using sediment ponds to allow sediment to settle out prior to discharge.
- If it is necessary to install seepage drains to control seepage for retaining walls and fill embankments, WSDOT will include special provisions in the design to discharge drain flow back into affected areas, including wetlands.

## Measures for Water Quality

In addition to measures for geology, soils, groundwater, and for hazardous materials that are protective of water quality, the following measures would be implemented for water quality.

- WSDOT will identify and develop staging areas for equipment repair and maintenance away from all drainage courses.
- Washout from concrete trucks will not be dumped into storm drains or onto soil or pavement that carries stormwater runoff.
- Thinners and solvents will not be used to wash oil, grease, or similar substances from heavy machinery or machine parts.
- WSDOT will designate a wash down area for equipment and concrete trucks.

## Measures for Wetlands

- WSDOT will protect, preserve, and enhance wetlands in the project area during the planning, construction, and operation of transportation facilities and projects consistent with USDOT Order 5660.1A, Executive Order 11990, and Governor's Executive Orders EO 89-10 and EO 90-04.
- WSDOT's project-level design and environmental review has included avoidance, minimization, restoration, and compensation of wetlands. WSDOT will implement these measures prior to or concurrent with adverse effects on wetlands, to reduce temporal losses of wetland functions.
- WSDOT will follow guidance contained in the wetlands section of the WSDOT Environmental Procedures Manual (WSDOT 2004a), which outlines the issues and actions to be addressed prior to authorizing work that could affect wetlands.
- WSDOT will use high-visibility fencing to clearly mark wetlands to be avoided in the construction area.

## Measures for Upland Vegetation and Wildlife

- WSDOT will ensure mitigation measures established in the I-405 Corridor EIS will be implemented on the Bellevue Nickel Improvement Project.
- WSDOT will prepare and implement a revegetation plan. In addition, areas with mixed forest will not be removed for temporary use (i.e., construction staging). If an area of mixed forest must be removed for roadway construction, it will be replaced with plantings of native tree and shrub species within the affected area.
- WSDOT will adhere to project conditions identified in the Biological Assessment and agency concurrence letters.
- WSDOT will limit construction activity to a relatively small area immediately adjacent to the existing roadway to minimize vegetation clearing and leave as many trees as possible.

## Measures for Fisheries and Aquatic Resources

- WSDOT will implement construction BMPs (such as silt fencing or sedimentation ponds) to avoid disturbing sensitive areas during the development and use of any staging areas, access roads, and turnouts associated with resurfacing activities.
- WSDOT will not allow in-water work to occur except during seasonal work windows established to protect fish.
- WSDOT will require that all stormwater treatment wetland/detention facilities are sited and constructed at a sufficient distance from named and unnamed streams so no grading or filling in the streams or the streamside zones will be required.

## Measures for Air Quality

- WSDOT will require preparation and implementation of a Fugitive Dust Control Plan in accordance with the Memorandum of Agreement between WSDOT and PSCAA Regarding Control of Fugitive Dust from Construction Projects (October 1999).
- During dry weather, exposed soil will be sprayed with water to reduce emissions of and deposition of particulate matter (PM<sub>10</sub>).
- WSDOT will provide adequate freeboard (space from the top of the material to the top of the truck), cover truckloads, and, in dry weather, wet materials in trucks to reduce emission of and deposition of particulate matter during transport.
- WSDOT use wheel washers to remove particulate matter that would otherwise be carried offsite by vehicles to decrease deposition of particulate matter on area roadways.
- WSDOT will remove particulate matter deposited on public roads to reduce mud on area roadways.
- WSDOT will cover or spray with water any dirt, gravel, and debris piles during periods of high wind when the stockpiles are not in use to control dust and transmissions of particulate matter.
- WSDOT will route and schedule construction trucks to reduce travel delays and unnecessary fuel consumption during peak travel times, and therefore reduce secondary air quality impacts (i.e. emissions of carbon monoxide and nitrogen oxides) that result when vehicles slow down to wait for construction trucks.

## Measures for Noise

- Noise berms and barriers will be erected prior to other construction activities to provide noise shielding.
- The noisiest construction activities, such as pile driving, will be limited to between 7 AM and 10 PM to reduce construction noise levels during sensitive nighttime hours.
- Construction equipment engines will be equipped with adequate mufflers, intake silencers, and engine enclosures.
- Construction equipment will be turned off during prolonged periods of nonuse to eliminate noise.
- All equipment will be maintained appropriately and equipment operators will be trained in good practices to reduce noise levels.
- Stationary equipment will be stored away from receiving properties to decrease noise.
- Temporary noise barriers or curtains will be constructed around stationary equipment that must be located close to residences.
- Resilient bed liners will be required in dump trucks to be loaded on site during nighttime hours.

- WSDOT use Occupational Safety and Health Administration (OSHA)-approved ambient sound-sensing backup alarms that would reduce disturbances during quieter periods.

## Measures for Hazardous Materials

### Known or Suspected Contamination within the Build Alternative Right of Way

- WSDOT will prepare an SPCCP that provides specific guidance for managing contaminated media that may be encountered within the right of way (ROW).
- WSDOT may be responsible for remediation and monitoring of any contaminated properties acquired for this project. WSDOT will further evaluate the identified properties before acquisition or construction occurs. Contamination in soils will be evaluated relative to the Model Toxics Control Act (MTCA).
- If WSDOT encounters an underground storage tank (UST) within the ROW, WSDOT will assume cleanup liability for the appropriate decommissioning and removal of USTs. If this occurs, WSDOT will follow all applicable rules and regulations associated with UST removal activities.
- WSDOT will conduct thorough asbestos-containing material/lead paint building surveys by an Asbestos Hazard Emergency Response Act (AHERA)-certified inspector on all property structures acquired or demolished. WSDOT will properly remove and dispose of all asbestos-containing material/lead-based paint in accordance with applicable rules and regulations.
- Construction waste material such as concrete or other harmful materials will be disposed of at approved sites in accordance with Sections 2-01, 2-02, and 2-03 of the WSDOT Standard Specifications.
- WSDOT may acquire the responsibility for cleanup of any soil or groundwater contamination encountered during construction (that must be removed from the project limits) within WSDOT ROW. Contamination will be evaluated relative to Model Toxics Control Act (MTCA) cleanup levels.
- WSDOT will consider entering into pre-purchaser agreements for purpose of indemnifying itself against acquiring the responsibility for any long-term cleanup and monitoring costs.
- All regulatory conditions imposed at contaminated properties (e.g., Consent Decree) associated with construction will be met. These conditions could include ensuring that the surrounding properties and population are not exposed to the contaminants on the site: i.e., WSDOT will ensure that the site is properly contained during construction so that contaminants do not migrate offsite, thereby protecting the health and safety of all on-site personnel during work at the site.

### Known or Suspected Contamination Outside of the Right of Way

- Contaminated groundwater originating from properties located up-gradient of the ROW could migrate to the project area. WSDOT generally will not incur liability for groundwater contamination that has migrated into the project footprint as long as the agency does not

acquire the source of the contamination. However, WSDOT will manage the contaminated media in accordance with all applicable rules and regulations.

### Unknown Contamination

- If unknown contamination is discovered during construction, WSDOT will follow the SPCCP as well as all appropriate regulations.

### Worker and Public Health and Safety and other Regulatory Requirements

The WSDOT will comply with the following regulations and agreements:

- State Dangerous Waste Regulations (Chapter 173-303 WAC);
- Safety Standards for Construction Work (Chapter 296-155 WAC);
- National Emission Standards for Hazardous Air Pollutants (CFR, Title 40, Volume 5, Parts 61 to 71);
- General Occupational Health Standards (Chapter 296-62 WAC); and
- Implementing Agreement between Ecology and WSDOT Concerning Hazardous Waste Management (April 1993).

### Hazardous Materials Spills During Construction

- WSDOT will prepare and implement a SPCCP to minimize or avoid effects on human health, soil, surface water and groundwater.

### Measures for Traffic and Transportation

- WSDOT will coordinate with local agencies and other projects to prepare and implement a Traffic Management Plan (TMP) prior to making any changes to the traffic flow or lane closures. WSDOT will inform the public, school districts, emergency service providers, and transit agencies of the changes ahead of time through a public information process. Pedestrian and bicycle circulation will be maintained as much as possible during construction.
- Prior to and during construction, WSDOT will implement strategies to manage the demand on transportation infrastructure. These transportation demand management strategies will form an important part of the construction management program and will be aimed at increasing public awareness and participation in HOV travel. The major focus will be on expanding vanpooling and van-share opportunities. Other elements of the transportation demand management plan may include:
  - increased HOV awareness and public information, and
  - work-based support and incentives.

## Measures for Visual Quality

- WSDOT will follow the I-405 Urban Design Criteria. Where the local terrain and placement of light poles allow, the WSDOT will reduce light and glare effects by shielding roadway lighting and using downcast lighting so light sources will not be directly visible from residential areas and local streets.
- WSDOT will restore (revegetate) construction areas in phases rather than waiting for the entire project to be completed.

## Measures for Neighborhoods, Businesses, Public Services and Utilities

- WSDOT will prepare and implement a transportation management plan (TMP). If local streets must be temporarily closed during construction, WSDOT will provide detour routes clearly marked with signs.
- WSDOT will coordinate with school districts before construction.
- WSDOT will implement and coordinate the TMP with all emergency services prior to any construction activity.
- WSDOT will coordinate with utility providers prior to construction to identify conflicts and resolve the conflicts prior to or during construction. Potential utility conflicts within WSDOT ROW will be relocated at the utility's expense prior to contract award.
- WSDOT will prepare a consolidated utility plan consisting of key elements such as existing locations, potential temporary locations and potential new locations for utilities; sequence and coordinated schedules for utility work; and detailed descriptions of any service disruptions. This plan will be reviewed by and discussed with affected utility providers prior to the start of construction.
- WSDOT will field verify the exact locations and depths of underground utilities prior to construction.
- WSDOT will notify neighborhoods of utility interruptions by providing a scheduled of construction activities in those areas.
- WSDOT will coordinate with utility franchise holders and provide them with project schedules to minimize the effects of utility relocations (for example, equipment procurement times, relocation ahead of construction, etc.)
- WSDOT will notify and coordinate with fire departments for water line relocations that may affect water supply for fire suppression, and establish alternative supply lines prior to any breaks in service; and to ensure that fire departments can handle all calls during construction periods and to alleviate the potential for increased response times.
- WSDOT will notify and coordinate with police departments to implement crime prevention principles and to ensure that they have adequate staffing to provide traffic and pedestrian control.

- WSDOT will maintain access to businesses throughout the construction period through careful planning of construction activities and an awareness of the needs to provide adjacent properties with reasonable access during business hours. As part of construction management, WSDOT will prepare access measures. WSDOT will make provisions for posting appropriate signs to communicate the necessary information to potential customers.
- WSDOT will keep daytime street closures to a minimum to provide access for businesses during regular business hours.

## Measures for Cultural Resources

- WSDOT will prepare an Unanticipated Discovery Plan for the project that WSDOT will follow. This will avoid or minimize unanticipated effects to historic, cultural, and archaeological resources.

## Project Measures to Avoid or Minimize Effects During Project Operation

The following sections describe the measures that WSDOT will implement during project operation.

### Measures for Surface Waters and Water Quality

- WSDOT will follow the Highway Runoff Manual for both the design and implementation of stormwater facilities. WSDOT is not required to manage flow where drainage is directly to Mercer Slough. Where drainage is to a tributary to Mercer Slough, WSDOT will construct a stormwater management system that does provide flow control.

### Measures for Fisheries and Aquatic Resources

- WSDOT will compensate for adverse effects to fish habitat and aquatic resources by providing in-kind mitigation. This in-kind mitigation will take the form of on-site, off-site, or a combination of on- and off-site mitigation.
- Off-site mitigation could include planting native riparian vegetation outside of the study area in areas where restoring native riparian buffers may have a greater benefit to fish and aquatic species. Mitigation could be concentrated along streams with high fish use where important stream processes and functions related to riparian buffers (for example, large woody debris [LWD] recruitment levels, litter fall, and bank stabilization) are impaired.
- On-site/off-site mitigation could include installing in-stream habitat features (for example, boulders or LWD) in the streambed downstream of the project footprint to increase the habitat complexity of the affected waterbody.

- Ongoing maintenance (during and post-construction) of stormwater treatment and detention facilities by WSDOT will not include the application of any chemical weed control agents (e.g., herbicides).

## Measures for Upland Vegetation and Wildlife

- WSDOT will replace areas of mixed forest that will be permanently removed for roadway construction with plantings of native tree and shrub species within the affected area.



## Appendix B

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Chapter 365-197 WAC – Project Consistency



## **Chapter 365-197 WAC**

### **PROJECT CONSISTENCY**

#### **WAC SECTIONS**

**365-197-010 Purpose of a project consistency rule.**

**365-197-020 Definitions.**

**365-197-030 Integrated project review -- GMA project consistency analysis and environmental review under SEPA.**

**365-197-040 Definition and review of project consistency.**

**365-197-050 Criteria to analyze consistency of project actions.**

**365-197-060 Definition of plan "deficiency" identified in project review and how such deficiencies should be docketed.**

**365-197-070 Appeals of consistency.**

**365-197-080 An agency may deny a project based upon consistency analysis.**

#### **WAC 365-197-010 Purpose of a project consistency rule.**

The Local Project Review Act (chapter 36.70B RCW) authorizes the department of community, trade, and economic development to develop and adopt by rule criteria to assist local governments planning under RCW 36.70A.040 to analyze the consistency of project actions. These criteria are to be jointly developed with the department of ecology (RCW 36.70B.040(5)).

A basic principle of the Growth Management Act (GMA) and the Local Project Review Act is that land use decisions made in adopting a comprehensive plan and development regulations under chapter 36.70A RCW should not be revisited during project review. When review of a project indicates that it is consistent with earlier land use decisions, that project should not be reevaluated or scrutinized with respect to whether those decisions were appropriate. Given the number of jurisdictions and agencies in the state, it is essential to establish a uniform framework for jurisdictions planning under the GMA to consider the consistency of a proposed project with the applicable development regulations or, in the absence of applicable regulations, the adopted comprehensive plan.

Consistency should be considered in the project review process by analyzing four factors found in applicable regulations or plans. The four factors are:

- (1) The type of land use allowed;
- (2) The level of development allowed, such as dwelling units per acre or other measures of intensity;
- (3) Infrastructure, such as the adequacy of public facilities and services to serve the proposed project; and
- (4) The characteristics of the proposed development, such as assessment for compliance with specific development regulations or standards. This uniform approach is based upon existing project review practices and should not place a "new" burden on applicants or local government.

The intent is that consistency analysis be largely a matter of code checking for most projects, which are simple or routine.

More complex projects may require more analysis of these factors, including any required studies. During project review, a question may be raised about whether a project is consistent with applicable regulations or plans after some initial analysis. A project's consistency with applicable development regulations may not initially be clear due to the complexity of the project or the regulations. For example, provision for infrastructure. In these cases, the criteria in the rule are intended to provide guidance to local government, applicants, and reviewers in conducting a consistency analysis. The criteria are not intended for every aspect of the project, only for those aspects where there are still questions of consistency after the initial review.

This rule is advisory in nature. As provided by RCW 36.70B.040, local governments may develop and apply their own procedures for determining project consistency.

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-010, filed 6/13/01, effective 7/14/01.]

#### **WAC 365-197-020 Definitions.**

- (1) "GMA" means the Growth Management Act, chapter 36.70A RCW and those statutes codified in other chapters of the Revised Code of Washington that were enacted or amended as part of chapter 17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 sp. sess.
- (2) "GMA county/city" means a county or city that is planning under RCW 36.70A.040.
- (3) "SEPA" means the State Environmental Policy Act of 1971, chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC, as enacted or later amended.

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-020, filed 6/13/01, effective 7/14/01.]

#### **WAC 365-197-030 Integrated project review -- GMA project consistency analysis and environmental review under SEPA.**

The GMA is a fundamental building block of regulatory reform. The GMA should serve as an integrating framework for other land use-related laws. (ESHB 1724, Section 1.) Integration of permit review and environmental review is intended to eliminate duplication in processes and requirements. The legislature recognized that consistency analysis and determinations of whether environmental effects have been adequately addressed involve many of the same studies and analyses. SEPA substantive authority should not be used to condition or deny a permit for those effects adequately addressed by the applicable development regulations. The primary role of environmental review under SEPA at the project level is to focus on those environmental effects that have not been addressed by a GMA county's/city's development regulations and/or comprehensive plan adopted under chapter 36.70A RCW, or other local, state, and federal laws and regulations. SEPA substantive authority should only be used when the effects cannot be adequately addressed by existing laws. As consistency analysis involves the application of development regulations and/or the comprehensive plan to a specific project, it will also help answer the question of whether a project's environmental effects have been adequately addressed by the regulations and/or plan policies. During project review, a GMA county/city may determine that some or all of the environmental effects of the project have been addressed by its development regulations, comprehensive plan, or other applicable local, state, or federal laws or rules (RCW 43.21C.240 and WAC 197-11-158). The GMA county/city may make this determination during the course of environmental review and preparation of a threshold

determination (including initial consistency review), if the effects have been adequately addressed in the applicable regulations, plan policies, or other laws. "Adequately addressed" is defined as having identified the effects and avoided, otherwise mitigated, or designated as acceptable the effects associated with certain levels of service, land use designations, development standards, or other land use planning decisions required or allowed under the GMA. Once a determination has been made that an effect has been adequately addressed, the jurisdiction may not require additional mitigation for that effect under its SEPA substantive authority.

Thus, through the project review process:

- (1) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental effects, additional studies under SEPA will not be necessary on those effects;
- (2) If the applicable regulations require measures that adequately address such environmental effects, additional measures would likewise not be required under SEPA; and
- (3) If the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental effects, SEPA provides the authority and procedures for additional review.

(Note to RCW 43.21C.240.)

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-030, filed 6/13/01, effective 7/14/01.]

#### **WAC 365-197-040 Definition and review of project consistency.**

- (1) "Project consistency" refers to whether a project is consistent with adopted and applicable development regulations, or in their absence, comprehensive plans adopted under chapter 36.70A RCW.
- (2) Project review for consistency is not subject to the provisions of this chapter for regulations or plans that:
  - (a) Do not exist or have not been adopted under chapter 36.70A RCW; or
  - (b) Do not apply to the particular project (e.g., no need to review compliance with floodplain ordinances if the site is not in a floodplain).
- (3) The adopted and applicable development regulations/plans that apply to a project fall into four basic categories, which are defined in different levels of detail by GMA counties/cities:
  - (a) Type of land use;
  - (b) Level of development (dwelling units per acre or other measures of density);
  - (c) Infrastructure to support the proposed project (public facilities and services); and
  - (d) The other characteristics of the development (how the project is sited or otherwise built and operated from a growth management/land use and environmental perspective).
- (4) Reviewing consistency in these four categories will be largely a code-checking exercise for relatively simple or routine projects in GMA counties/cities with specific development regulations, while more complex projects or projects that affect critical areas may require more analysis.

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-040, filed 6/13/01, effective 7/14/01.]

**WAC 365-197-050 Criteria to analyze consistency of project actions.**

(1) In considering the four basic categories of project consistency, it may not be clear on initial review whether a project is consistent with a particular applicable development regulation, or in its absence, the comprehensive plan. The following criteria, in the form of questions, are intended to assist cities/counties, applicants, and reviewers in analyzing for consistency.

(a) **Type of land use:** Is the project's proposed land use within the range of allowable uses identified for this site in the comprehensive plan/development regulation? This would include uses that may be allowed under certain circumstances if they satisfy approval criteria, for example, planned unit developments, conditional uses, or special uses.

(b) **Level of development:** Is the project's proposed land use within the range of densities, including dwelling units per acre or other measures of intensity, as defined in the comprehensive plan/ development regulations? Other measures of intensity may include, but are not limited to, such measures as square footage of nonresidential development, number of employees, or floor area ratio.

(c) **Infrastructure:** Are the system-wide public facilities and services necessary to serve the development available? To make this decision, the local jurisdiction should ask:

(i) Is the system-wide infrastructure sufficient to serve the development? (If yes, no need to ask the next question.)

(ii) Have any system improvements needed for the proposed development and site:

(A) Been identified as necessary to support development in the comprehensive plan; and

(B) Had provision for funding in the comprehensive plan (e.g., capital facilities plan, utilities element, transportation improvement plan)? Alternatively, can the applicant demonstrate capacity, e.g., through a certificate of concurrency process? (If yes, no need to ask the next question.)

(iii) Will the proposed project use more capacity than the usage or assumptions on which the capital facilities plan, utilities element, or transportation improvement plan were based, or will the project cause current service levels to fall below level of service standards identified in the comprehensive plan? (If yes, does the applicant want to pay for the improvements or allow the GMA county/city to docket the issue for future plan amendment?)

(d) **Characteristics of development:** Does the proposed project:

(i) Meet or fall within the range of numerical standards that apply? (Examples of numerical standards may include, but are not limited to, number of dwelling units per acre, floor area ratio, building setbacks, building height, lot size, lot coverage, minimum width and depth for new lots, parking requirements, and density/intensity bonuses or incentives. In applying some of these standards, some overlap may occur with the analysis for level of development, i.e., units per acre and floor area ratio.)

(ii) Promote or not substantially conflict with narrative standards that apply? (Examples of narrative standards include performance standards, engineering or design criteria, methods for determining compliance such as monitoring or contingency plans, and mandatory policies or criteria.) Analysis of consistency with narrative standards may be contingent upon preparation, completion, and approval of required studies, plans, determinations, or monitoring (e.g., delineation of critical areas, mitigation plans, etc.).

(e) For purposes of this section, "system-wide" infrastructure means those public services or facilities that may be needed to serve a geographic area greater than the specific site on which the project is located. For example, sewer systems, water systems, or transportation systems that serve a geographic area beyond the project site. Public services or facilities that are not system-wide and may be needed on or near a proposed project (such as drainage facilities, utility connections or transportation improvements to primarily serve the project) should be addressed through analysis of the characteristics of development.

(2) Analysis of project consistency should take into consideration regulatory standards and policies that provide a method to reconcile a project's proposed type of development, level of development, infrastructure needs, or characteristics of development with development regulation and/or comprehensive plan requirements. Such provisions include, but are not limited to, variance and conditional use procedures, innovative land use techniques, developer funding for infrastructure construction or improvements, and project-specific mitigation measures.

(3) If the information needed to analyze project consistency does not exist in the applicable development regulations or comprehensive plan, the county or city should determine whether a deficiency exists pursuant to WAC 365-197-060.

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-050, filed 6/13/01, effective 7/14/01.]

**WAC 365-197-060 Definition of plan "deficiency" identified in project review and how such deficiencies should be docketed.**

(1) Project review may continue under SEPA and other applicable laws, if, during project review, a GMA county/city identifies a deficiency in the applicable development regulations or the policies in the comprehensive plan. The identified deficiency shall be docketed for possible future development regulation or plan amendments. The applicant may proceed as provided in subsection (4)(c) of this section. The project review process shall not be used as a comprehensive planning process. Docketed deficiencies shall be considered through the normal amendment process for comprehensive plans or development regulations.

(2) "Deficiency" in a development regulation or comprehensive plan refers to the absence of required or potentially desirable contents of a comprehensive plan or development regulation. It does not refer to whether a development regulation adequately addresses a project's probable specific adverse environmental effects, which the permitting agency could mitigate in the normal project review process. Some project-specific effects could be identified that the agency will need to or prefer to address at the project level rather than in the comprehensive plan or development regulations.

For purposes of docketing, use of the term "deficiency" shall not mean that a comprehensive plan or development regulation adopted by a county or city under chapter 36.70A RCW is invalid or out of compliance with chapter 36.70A RCW. Docketing is intended to allow and encourage

GMA counties/cities to improve their plans and regulations as a result of experience in reviewing projects, but without stopping review of the project that may have disclosed the "deficiency."

(3) A project should not be found to be inconsistent with applicable regulations or the plan if the inconsistency is the result of a deficiency of one of the four criteria for project consistency. The deficiency should be docketed for possible future regulation or plan amendments, and the project proponent can proceed with either of the options provided in subsection (4) of this section.

(4) If all of the information to analyze consistency does not exist in the regulations or plan, the absent policy or regulatory information should be docketed for possible future regulation or plan amendments.

At this point the applicant may:

(a) Await docketing and decision on the proposed amendment to address the deficiency before proceeding with the project review process; or

(b) Proceed with the project review process under SEPA and other applicable laws.

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-060, filed 6/13/01, effective 7/14/01.]

**WAC 365-197-070 Appeals of consistency.**

(1) When and how appeals of consistency may fit into a GMA county's/city's appeal process depends upon the individual jurisdiction's project review and appeals process. Nothing in this section requires documentation or dictates a GMA county's/city's procedures for considering consistency.

(2) Fundamental land use planning decisions made in comprehensive plans and development regulations should not be revisited at the project level. During project review, the local government or any subsequent reviewing body shall not reexamine alternatives to or hear appeals on the planning decisions specified in subsection (3)(a) through (c) of this section, except for issues of code interpretation. The planning decisions in subsection (3)(a) through (c) of this section are a subset of the four basic categories of criteria for analyzing project consistency under WAC 365-197-050 (1)(a) through (d). The planning decisions in subsection (3)(a) through (c) of this section are identified in RCW 36.70B.030(2) as decisions that are determinative and cannot be reexamined at the project level if they have been addressed in the development regulations and/or comprehensive plan. As project review includes environmental review, the local government or subsequent reviewing body shall not reexamine or hear appeals on how the environmental effects of those planning decisions in subsection (3)(a) through (c) of this section were addressed under chapter 43.21C RCW. However, if environmental information is required to analyze project consistency under subsection (3)(a) through (c) of this section and that information is not available, the decision may still be challenged under SEPA.

(3) During project review, a GMA county/city or any subsequent reviewing body shall determine whether the items listed in (a) through (c) of this subsection are defined in the development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted comprehensive plan under chapter 36.70A RCW. At a minimum, such applicable regulations or plans shall be determinative of the:

- (a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned unit developments and conditional and special uses, if the criteria for their approval have been satisfied;
- (b) Density of residential development in urban growth areas, including densities that may be allowed under certain circumstances, such as planned unit developments and density bonuses;
- (c) Availability and adequacy of public facilities:
  - (i) That are needed to serve the proposed development;
  - (ii) That are identified in the comprehensive plan; and
  - (iii) For which the plan or development regulations identify the probable sources of funding, as required by chapter 36.70A RCW.

(4) Upon a determination of consistency of the project with the planning decisions in subsection (3) (a) through (c) of this section, no further analysis of the project with respect to those items will be required. However, because the planning decisions in subsection (3)(a) through (c) of this section do not include all of the project review criteria in WAC 365-197-050 (1)(a) through (d), further analysis may be required to apply the remaining criteria listed in WAC 365-197-050 (1)(a) through (d) that are not addressed in the planning decisions in subsection (3)(a) through (c) of this section. For example, analysis of residential densities outside the urban growth area or the character of development may still need to be addressed.

(5) For purposes of this section, "code interpretation" includes the correct application of the applicable regulations or plan to the project. As part of its project review process, each GMA county/city must adopt procedures for obtaining a code interpretation pursuant to RCW 36.70B.030(3) and 36.70B.110(11). A GMA county/city may provide a formal or informal process for code interpretation. The GMA county or city or subsequent reviewing body may consider comments on the application of regulations or the plan to the project without requiring a formal code interpretation.

(6) As provided above, agencies should not be revisiting fundamental land use planning decisions made in comprehensive plans and development regulations at the project level. However, nothing in this chapter limits the authority of a permitting agency to approve, condition, or deny a project as provided in its development regulations adopted under chapter 36.70A RCW and in its SEPA substantive policies adopted under RCW 43.21C.060. An agency may still use its authority under adopted development regulations or SEPA substantive policies to condition a project. For example, an agency may condition a project to reduce neighborhood traffic or traffic effects, which could have the effect of reducing the level of development otherwise permitted by zoning ordinance.

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-070, filed 6/13/01, effective 7/14/01.]

**WAC 365-197-080 An agency may deny a project based upon consistency analysis.**

- (1) An agency has the authority to deny a project if it:
  - (a) Is inconsistent and does not comply with the applicable development regulations, or in their absence, the adopted comprehensive plan;

(b) Will result in significant adverse environmental effects which cannot be mitigated per RCW 43.21C.060 and WAC 197-11-660; or

(c) Does not comply with other local, state, or federal law and rules, and the local jurisdiction has the authority to deny based upon these other laws and rules.

(2) This rule is not intended to modify any criteria developed by a GMA county/city for denying a project.

[Statutory Authority: RCW 36.70B.040. 01-13-039, § 365-197-080, filed 6/13/01, effective 7/14/01.]

## Appendix C

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Additional Bellevue Comprehensive Plan Policies



## Urban Design Policies

POLICY UD-38. Ensure continuous and ample sidewalks along principal, minor, and collector arterials, which are integrated with abutting land uses.

POLICY UD-42. Design boulevards to be distinctive from other streets and to reinforce the image of Bellevue as a “City in a Park.” Both within the right of way and on adjacent private development utilize features such as gateways, street trees, median plantings, special lighting, separated and wider sidewalks, crosswalks, seating, special signs, street names, landscaping, decorative paving patterns, and public art. (See Exhibit UD.1)

POLICY UD-45. Establish attractive gateways at all key entry points into the city and into smaller districts and communities within the city.

POLICY UD-52. Ensure that all development abutting the freeway corridors includes special design features, which provide an attractive entrance to the city, and presents the city in an attractive manner.

POLICY UD-75. Use urban design features to soften the public right of way and sidewalk environment as appropriate. These features include, but are not limited to, street trees, landscaping, water features, raised planter boxes, potted plantings, pedestrian-scaled lighting, street furniture, paving treatments, medians, and the separation of pedestrians from traffic.

POLICY UD-76. Preserve, enhance and interpret Bellevue’s historical identity.

## Agency Coordination Policies

POLICY TR-29. Develop the transportation system in a manner that supports the regional land use and transportation vision presented in Vision 2020, Destination 2030 and the Countywide Planning policies for King County.

## Transportation Policies

POLICY TR-1. Integrate land use and transportation decisions to ensure that the transportation system supports the Comprehensive Plan Land Use vision.

POLICY TR-24. Incorporate pedestrian and bicycle facility improvements into roadway projects, and incorporate transit/high-occupancy vehicle improvements where feasible.

POLICY TR-29. Develop the transportation system in a manner that supports the regional land use and transportation vision presented in Vision 2020, Destination 2030 and the Countywide Planning policies for King County.

POLICY TR-91. Encourage enhanced access and improved freeway interchanges to serve downtown Bellevue and other key activity centers.

POLICY TR-94. Support multi-modal transportation solutions including general purpose lanes, High Capacity Transit, HOV lanes, transit and non-motorized improvements that use the best available technologies.

POLICY PB-3. When reconstructing or reconfiguring a roadway or right of way, strive to maintain or improve existing pedestrian and bicycle non-motorized facilities.

POLICY PB-15. Construct sidewalks on both sides of arterials or streets that serve transit, or are built in conjunction with new development. An alternative may be appropriate if terrain, lack of right of way or local conditions makes it prohibitive or undesirable. The type of pedestrian facilities on all other streets should be considered on a case by case basis.

POLICY S-RV-12. Develop a safe integrated on and off-street nonmotorized system emphasizing connections to schools, parks, transit, and other parts of Bellevue.

Discussion: Richards Valley needs many nonmotorized improvements. These include better access to the schools, parks, and transit service. Because of its central location to other parts of Bellevue (such as Downtown, and the Kelsey Creek and Mercer Slough Parks), it is important for the off-street trail system to connect safely to the on-street facilities.

## Capital Facility Policies

POLICY CF-8. Coordinate the review of non-city-managed capital facilities plans to ensure that their plans are consistent with Bellevue's Comprehensive Plan.

## Environmental Policies

POLICY UD-62. Minimize the removal of existing vegetation when improving streets to preserve the natural character of neighborhoods.

POLICY S-RV-8. Retain and enhance existing vegetation on steep slopes, within wetland areas, and along stream corridors to control erosion and landslide hazard potential and to protect the natural drainage system.

POLICY EN-39 Restrict the runoff rate, volume and quality to predevelopment levels for all new development and redevelopment.

POLICY EN-55. Minimize and control soil erosion during and after development through the use of the best available technology and other redevelopment restrictions.

POLICY EN-65. Improve wildlife habitat especially in patches and linkages by enhancing vegetation composition and structure, and incorporating indigenous plant species compatible with the site.

POLICY EN-66. Minimize habitat fragmentation, especially along existing linkages and in patches of native habitat.

POLICY EN-67. Preserve a proportion of the significant trees throughout the city in order to sustain fish and wildlife habitat.

POLICY EN-71. Protect wildlife corridors in subdivisions, plats, and city projects.

## Shoreline Policies

POLICY SH-18. Inland Shoreline Areas: Preserve the open character of Mercer Slough.

POLICY SH-19. Maintain an optimum water flow in the Mercer Slough Canal.

POLICY SH-26. Encourage public access to and along the water's edge for all development excluding individual single-family lots.

POLICY SH-27. Preserve and enhance views of shoreline and water from public areas.

Discussion: Enhancement of views shall not be construed to mean excessive removal of vegetation or disturbance in environmentally sensitive areas.

POLICY SH-44. Encourage public transportation to access recreational areas on the shorelines.

POLICY SH-46. Inland Shoreline Areas: Circulation within Inland Shoreline Areas should be limited, as much as possible, to bicycles, pedestrians, and small nonmotorized boats.



## Appendix D

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### Shoreline Overlay District Requirements



### **20.25E.017 Definitions Specific to the Shoreline Overlay District.**

Development. A use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel or minerals, bulkheading, driving of piling, placing of obstructions, or any other project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this Master Program at any state of water level.

### **LUC 20.25E.040 Substantial Development Permit required.**

A Substantial Development Permit is required for all development within the Shoreline Overlay District, with the exceptions noted in LUC 20.25E.050. Procedures for securing a Substantial Development Permit shall be as set forth in Chapter 173-14 WAC and Part 20.30R LUC. All information reasonably required to enable the City to make a full evaluation of proposed development in shoreline areas shall be provided by applicants for a Substantial Development Permit.

### **20.25E.080 Shoreline use regulation.**

#### **B. General Regulations Applicable to all Land Use Districts and Activities.**

1. Where applicable, all federal and state water quality and effluent standards shall be met.
2. If a property extends into the Shoreline Overlay District, the Shoreline Master Program Policies and these use regulations shall apply only to that portion of the property lying within the Shoreline Overlay District.
3. All development within the Shoreline Overlay District shall be accompanied by a plan indicating methods of preserving shoreline vegetation and for control of erosion during and following construction in accordance with City of Bellevue Excavation, Clearing and Grading regulations, BCC 23.10.140, and the Comprehensive Plan.
4. Special care shall be exercised to preserve vegetation in wetland and water course bank areas in order to prevent soil erosion.
5. Maximum height limitation for any proposed structure within the Shoreline Overlay District shall be 35 feet, except in land use districts with more restrictive height limitations. The method of measuring the maximum height is described in WAC 173-14-030(6). Variances to this height limitation may be granted pursuant to Part 20.30H.
6. The Bellevue Shoreline Master Program, in conjunction with existing Bellevue land use ordinances and Comprehensive Plan policies, shall guide all land use decisions in the Shoreline Overlay District.
7. Any development within the Shoreline Overlay District shall comply with all applicable Bellevue ordinances, including but not limited to the Bellevue Land Use Code, Sign Code, and clearing and grading regulations.
8. The dead storage of watercraft seaward of the ordinary high water mark of the shoreline is prohibited.
9. Where applicable, state and federal standards for the use of herbicides, pesticides and/or fertilizers shall be met, unless superseded by City of Bellevue ordinances.

10. Adequate storm drainage and sewer facilities must be operational prior to construction of new development within the Shoreline Overlay District. Storm drainage facilities shall be separated from sewage disposal systems.

R. Road and Railroad Designs and Construction Regulations.

1. Construction of new railroad corridors in the Shoreline Overlay District is prohibited. Repair and reconstruction of existing facilities is permitted.
2. Motorized vehicles including off-trail vehicles, are prohibited within publicly-owned portions of the Shoreline Overlay District except for authorized public service vehicles.
3. Development of pedestrian and bicycle pathways within the Shoreline Overlay District shall avoid those areas, which are too fragile for normal trail construction. When development design is shown to mitigate adverse impact, it may be permitted.
4. Runoff from City streets and roads within the Shoreline Overlay District should be cleansed of sediment and toxic materials before entering watercourses of the Shoreline Overlay District.

## Appendix E

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Protected Area Regulations

**LUC 20.25H.071. C. Protected Area Restriction.**

No development, use, land alteration or activity may occur in a Protected Area or a primary setback except as specifically allowed by this Part 20.25H; provided, that land alteration for necessary access to existing lots where no alternative access is available, for supplemental planting and for permitted land uses pursuant to LUC 20.25H.080 is permitted.

**LUC 20.25H.110. B. Wetlands.**

1. Restricted Use and Development. No use, development or activity may occur in a wetland except as specifically allowed by this Part 20.25H. All use, development or activity which is allowed is subject to the performance standards of this subsection.

2. Not applicable

3. Not applicable

4. Not applicable

5. Roads.

a. Essential public roads must be located, designed and constructed to minimize or where possible avoid wetland disturbance and be designed and maintained to prevent erosion and not restrict the natural movement of ground water, to the maximum extent feasible. Wetland area displaced must be compensated for in compliance with paragraph B.7 of this section; and

b. Essential public roads must be located to conform to the topography so that minimum alteration of natural conditions is necessary. The number of crossings is limited to those necessary to provide essential public access; and

c. Essential public roads must be constructed in a way which does not adversely affect the aesthetic and hydrologic quality of the wetland and interrelated stream habitat. Where feasible, crossings must be by bridging the wetland and must allow for combination with other essential public utilities; and

d. Upon completion of construction, the area affected must be restored to an appropriate grade, replanted to re-establish native vegetation and provided with maintenance care until newly planted vegetation is established.

6. Not applicable

7. Wetland Modification.

a. Wetlands displaced by a permitted use such as an essential public facility shall be replaced at the time of construction of the permitted uses.

b. Filling or alteration of an existing wetland and creation of a new replacement wetland is prohibited unless the site is more than 50 percent protected area and the filling or alteration is necessary to accommodate an essential element of a permitted use of the site; or the filling or alteration is necessary to provide specific site access where no feasible alternative is available. Such an alteration may be approved if the proposal:

i. Disturbs no more than 10 percent of the wetland or one acre, whichever is less; and

- ii. Does not affect any habitat type which is unique in that wetland when considering the entire wetland, both on- and off-site; and
  - iii. Will not result in long-term adverse impact on water quality; and
  - iv. Does not reduce the diversity of habitat found in the wetland; and
  - v. Is the minimum necessary to accommodate reasonable development of the property; and
  - vi. The development which the wetland adjustment is proposed to accommodate incorporates the best available construction, design and development techniques which result in the least impact on the Protected Area; and
  - vii. The development incorporates a proposed configuration which will result in less total coverage by impervious surface than would otherwise be required for reasonable development of the property; and
  - viii. The wetland adjustment is not necessary because of actions by the applicant in segregating the property and creating the unusual configuration; and
  - ix. Does not significantly impact the hydrological relationship between the wetland and streams or lakes.
- c. Plans for wetland restoration shall be prepared by a qualified wetland biologist or wetland restoration professional and approved prior to construction of the approved use.
- i. Plans shall address the hydrologic, water quality, vegetation community and wildlife habitat functions of the existing wetland and the wetland to be created; and
  - ii. The area of the replacement wetland shall be a minimum of:
    - a) 2 times the displaced area for Type A wetlands;
    - b) 1.5 times the displaced area for Type B wetlands; and
  - iii. The replacement wetland created must replicate, to the extent feasible, the functional characteristics of the original wetland including soil, hydrology, depth, gradient, approximate shape, water quality, vegetation community and wildlife habitat functions; and
  - iv. The wetland primary setback for the created wetland area must provide an effective buffer equal or superior to that existing for the original wetland; and
  - v. Replacement wetland area shall be located within the same stream corridor as Type A displaced wetlands wherever feasible, and within the same drainage basin for all wetlands. If off-site, permanent Native Growth Protection Area designations and restrictions must be recorded with the King County Department of Records over the affected replacement area to assure long-term preservation.
- d. Replacement wetlands shall be completed prior to issuance of Occupancy Permits for the displacing use; or plans must be approved with a specific schedule for completion with provision of an assurance device of at least 150 percent of the cost of installation and monitoring.
- e. A monitoring plan shall be prepared to monitor successful re-establishment of the wetland for a period of three growing seasons. The applicant shall provide an assurance device in an amount necessary to retain a qualified wetlands biologist to assess the wetland and submit a report to the City at least twice yearly, prior to and near the end of the growing season and shall provide an

assurance device in an amount necessary to implement additional restoration measures if the replacement wetland does not equal the functions of the wetland displaced.

**LUC 20.25H.110. C. Riparian Corridors.**

1. Restricted Use and Development. No use, development or activity may occur in a Riparian Corridor or Riparian Corridor setback except as specifically allowed by this Part 20.25H. All use, development or activity which is allowed is subject to the performance standards of LUC 20.25H.110.C.

2. *not applicable*

3. Roads.

a. Essential public roads must be located, designed, constructed and maintained to minimize or where possible avoid Riparian Corridor disturbance, to prevent erosion and not restrict the natural movement of ground water to the maximum extent feasible; and

b. Essential public roads must be located to conform to the topography so that minimum alteration of natural conditions is necessary. The number of crossings is limited to these necessary to provide essential public access; and

c. Essential public roads must be constructed in a way which does not adversely affect the aesthetic and hydrologic quality of the Riparian Corridor. Where allowed, crossings of streams and floodplains in Type A and Type B Riparian Corridors shall be made by bridging to minimize adverse environmental impacts. Type C Riparian Corridors do not need to be bridged. Where feasible, roadway crossings should be combined with other essential public utilities; and

d. Upon completion of construction, the area affected must be restored to an appropriate grade, replanted as required by the Clearing and Grading Code and provided with maintenance care until newly planted vegetation is established.