



City of Medina

501 Evergreen Point Road, Medina, WA 98039
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STAFF ANALYSIS AND RECOMMENDATION SR 520 BRIDGE REPLACEMENT & EAST APPROACH SUBSTANTIAL DEVELOPMENT AND CONDITIONAL USE PERMIT

Prepared by: Kristen Kissinger, AICP

Date: January 10, 2012

Summary of Recommendations: Recommend approval, subject to conditions.

Part 1 – General Information:

CASE NO: SDP 2011-03
CUP 277

LOCATION: Within the State Route 520 highway rights-of-way.

TAX PARCEL NUMBER: State highway right-of-way, 2425049181, 2425049071, 2425049072, 2425049259, and 2425049177

PROPERTY OWNER: WSDOT/ WSDOT Real Estate Services

APPLICANT: Washington State Department of Transportation (WSDOT),
Kerry Ruth, SR 520 I-5 to Medina Project Engineering Manager
600 Stewart Street, Suite 520
Seattle, WA 98101

LEGAL DESCRIPTION:

Highway Right-of-way: SR 520 East Approach to Evergreen Point Bridge.

Parcel 2425049181: PAR 3 MEDINA SP#79-1 REC #7905040964 REVISED #8101220587 SD SP DAF SLY 1/2 OF FOLG - BAAP 194.45 FT S OF CTR OF SEC TH W TO CTOV MDR LN TH S ALG SD MDR LN 298.40 FT TH E 583.9 FT TAP 298.40 FT S OF POB TH N TO POB LESS CO RD

Parcel 2425049071: PAR 4 TGW SH LDS ADJ MEDINA SP#79-1 REC #7905040964 REVISED #8101220587 SD SP DAF SLY 1/2 OF FOLG - BAAP 194.45 FT S OF CTR OF SEC TH W TO CTOV MDR LN TH S ALG SD MDR LN 298.40 FT TH E 583.9 FT TAP 298.40 FT S OF POB TH N TO POB LESS CO RD

Parcel 2425049072: BEG 492.85 FT S OF CENT OF SEC TH W 583.9 FT TO MEAN LN TH S 149.2 FT TH E TH E 583.9 FT TH N 149.2 FT TO BEG TGW SH LDS ADJ LESS CO RD & LESS ST HWY

Parcel 2425049259: PAR 2 TGW SH LDS ADJ MEDINA SP#79-1 REC #7905040964 REVISED #8101220587 SD SP DAF SLY 1/2 OF FOLG - BAAP 194.45 FT S OF CTR OF SEC TH W TO CTOV MDR LN TH S ALG SD MDR LN 298.40 FT TH E 583.9 FT TAP 298.40 FT S OF POB TH N TO POB LESS CO RD

Parcel 2425049177: PAR 1 MEDINA SP#79-1 REC #7905040964 REVISED #8101220587 SD SP DAF SLY 1/2 OF FOLG - BAAP 194.45 FT S OF CTR OF SEC TH W TO CTOV MDR LN TH S ALG SD MDR LN 298.40 FT TH E 583.9 FT TAP 298.40 FT S OF POB TH N TO POB LESS CO RD

PROPOSAL:

Shoreline conditional use permit to establish a state highway use and bridge within the shoreline jurisdiction.

Substantial development permit to replace the existing floating bridge with a larger floating bridge, construct a new east approach to the floating bridge, construct a new stormwater treatment facility, and construct a new pedestrian overlook. Associated work includes in-water excavation of 32,500 cubic yards and in-water fill of 24,000 cubic yards for installment of the east approach and bridge anchors, excavating 13,160 cubic yards and filling 9,000 cubic yards of earth upland for the stormwater facility and east approach, replacement of an existing stormwater outfall, and demolition associated with the existing floating bridge and east approach.

ZONING: Primary State Highway and Single Family Residential (R-20)

COMPREHENSIVE PLAN DESIGNATION: SR 520 and Single Family Residential

SHORELINE DESIGNATION: Urban

CRITICAL AREAS: Fish and Wildlife Habitat Conservation Area, Geologically Hazardous Areas

ENVIRONMENTAL (SEPA) REVIEW: A final environmental impact statement (FEIS) was issued by Washington State Department of Transportation (WSDOT) on June 7, 2011. Two SEPA addendums were added on October 8, 2011 and November 18, 2011.

EXHIBITS: The exhibit list is provided as a separate memo, entitled *Exhibit List for SDP 2011-03 / CUP 277*

Part 2 – Site Characteristics:

EXISTING CONDITIONS: The upland portion of the project is located between the east shoreline of Lake Washington and the adjacent upland areas to the east. Ground surface elevations range from about Elevation 18 feet near the lake shore to Elevation 140 feet across the northeast portion of the project area. Vegetation near the shore and on the slope consists of a mixture of deciduous and conifer trees with brushy understory. (See Exhibit 4.)

The East Approach area is composed of residential properties purchased by WSDOT for incorporation into the state highway right-of-way. In December 2009, the four existing residential dwellings on the purchased properties were demolished leaving the site vacant, except for existing rock bulkheads, rip rap, and two existing piers.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	R-20 District	Residential
South	R-20 District	Residential
East	Primary State Highway	SR 520 Roadway
West	None	Lake Washington/ SR 520 Bridge

ACCESS: SR 520 is a limited access highway. The nearest entry and exit is at the 84th Avenue N.E. interchange, which is outside of the shoreline jurisdiction. Public access for a new trail and viewing area will be from Evergreen Point Road.

Part 3 – Comprehensive Plan:

Special Planning Areas and Essential Public Facilities (pages 12 – 14):

The Medina Comprehensive Plan designates the SR 520 Corridor as a special planning area. Special planning areas have unique planning requirements because of the impact these areas and the facilities they contain have on surrounding uses. These areas and facilities typically serve regional needs, and any planning involving them requires coordination with other jurisdiction and agencies.

Any consideration of facilities to be sited within special planning areas (or the expansion of existing facilities within special planning areas) must apply and integrate, to the extent applicable, the policies and requirements of:

- The comprehensive plan;
- The City’s shoreline management master program, SEPA, critical areas, construction mitigation, and tree preservation and landscaping requirements;
- Environmental assessments and studies procured by the City dealing with drainage and water quality, wildlife habitat, noise, the City’s shoreline and aquatic habitat, and air quality;
- State and regional plans and studies;
- Reports and studies generated by the towns of Hunts Point and Yarrow Point, and the City of Clyde Hill on issues common to the Points Communities.

The Growth Management Act (GMA) defines essential public facilities as “those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities [such as SR 520], state and local correction facilities, solid waste handling facilities, and in-patient facilities, including substance abuse... The GMA states that no Comprehensive Plan or development regulation may preclude the siting of essential public facilities. SR-520 is the only essential public facility currently located in Medina.

Regional Transportation Facilities (pages 37-38; page 42):

The comprehensive plan notes that the SR 520 corridor, at present, has significant adverse impacts on the surrounding residential uses and public facilities. Additionally the plan identifies

the plans for future bridge replacement and potential corridor widening. The objectives of the City regarding the planning of these regional facilities (SR 520) should work towards preserving property values, to mitigate (to the extent feasible) potential adverse impacts and present future degradation of the environment. The plan suggest mitigation measures to include, but not limited to, sound barriers, landscaping, landscape screening, and landscaped lids, improved access to transit and pedestrian facilities.

The following comprehensive plan goals and policies apply to the SR 520 project:

LAND USE ELEMENT

GOAL LU-G1: To maintain Medina's high-quality residential setting and character.

Policy LU-P7: The City shall work with WSDOT and City residents to develop mitigation measures that it seeks to be implemented as part of the regional facilities development or improvement projects, such as SR 520 and related structures and improvements.

Policy LU-P10: Development of Special Planning Areas and essential public facilities shall require review of a Master Plan that addresses mitigation of impacts on surrounding uses and the City as a whole.

Policy LU-P12: The City shall not preclude the siting of essential public facilities.

Policy LU-P13: The process to site proposed new or expansions to existing essential public facilities should consist of the following:

- a. An inventory of similar existing essential public facilities, including their locations and capacities;
- b. A forecast of the future needs for the essential public facility;
- c. An analysis of the potential social and economic impacts and benefits to jurisdictions receiving or surrounding the facilities;
- d. An analysis of the proposals consistence with County and City policies
- e. An analysis of alternatives to the facility, including decentralization, conservation, demand management and other strategies;
- f. An analysis of alternative sites based on siting criteria developed through an inter-jurisdictional process;
- g. An analysis of environmental impacts and mitigation; and
- h. Extensive public involvement.

NATURAL ENVIRONMENT ELEMENT

GOAL NE-G1: To achieve a well-balanced relationship between the built and natural environments utilizing guidance derived from best available science.

GOAL NE-G2: To prioritize stormwater management, point and non-point pollutant discharge reduction, and erosion control methodologies to reduce short-term and long-term water quality impacts.

Policy NE-P2: The City shall preserve and should enhance where possible the functions and values of Medina's critical areas in a manner consistent with best available science.

Policy NE-P5: The City shall work to protect, preserve and, where possible enhance water quality in Lake Washington and Medina Creek.

TRANSPORTATION ELEMENT

GOAL T-G2: To enhance pedestrian and bicycle access throughout the City.

GOAL T-G3: To minimize transportation-related impacts of public facilities and uses on adjacent residential uses.

GOAL T-G4: To minimize impacts of regional transportation facilities on adjacent residential uses and the City as a whole.

Policy T-P3: The City shall seek to provide pedestrian improvements in conjunction with stormwater drainage improvements, when desirable.

Policy T-P7: The City shall work with WSDOT, city residents and other groups, stakeholders and agencies to develop mitigation measures that may be implemented as part of any SR 520 improvement/expansion project. The City shall seek an overall reduction of impacts including measures such as:

- Noise resection measures,
- Landscaped lids and open space,
- Landscaped buffers,
- Protection of Fairweather Nature Park,
- Enhanced motorized and non-motorized local connectivity,
- Water and air quality improvements, and
- Overall environmental protection.

Policy T-P8: The City shall work with WSDOT, city residents and other groups, stakeholders and agencies to develop mitigation measures that may be implemented as part of any SR 520 improvement/expansion project.

Policy T-P9: The City shall continue to be involved in regional transportation discussions and coordination such as the SR 520 Bridge Replacement and HOV Project.

Part 4 – Shoreline Management Master Program:

The goals and policies are set forth in Chapter II of the Medina Shoreline Management Master Program (SMP). The primary goal of the Medina Shoreline Master Program is: “To preserve Medina’s shoreline for single-family residential use, in a manner that also protects and preserves the natural features along the shoreline and the quality of Lake Washington.” The following shoreline goals and policies apply to the proposed project:

II.B Shoreline Conservation

GOAL: To preserve and protect the resources and amenities of Lake Washington for use and enjoyment by present and future Medina citizens consistent with property rights.

Policy 2: Future substantial development of the shoreline shall be designed and constructed to minimize adverse effects on the natural systems, including aquatic habitats.

II.C Circulation

GOAL: The present transportation system within Medina's shoreline shall be maintained, but any expansion shall be minimized.

Policy 1: Additional transportation systems must be designed to minimize any increases in noise, air, and water pollution above existing levels. In addition, the expansion of existing facilities (i.e. Evergreen Point Bridge) must be reduced to the maximum extent, and mitigate any possible associated impacts from upgrading or improvements.

Policy 2: No additional cross-lake bridges shall be built on Medina's shoreline.

Policy 3: Provisions for METRO Public Transit or other mass transit should be implemented in all transportation facilities crossing Lake Washington.

Policy 4: Pedestrian and bicycle pathways should be included in any expansion of the Evergreen Point Bridge.

II.D Public Access

GOAL: Assure access to Medina's public shoreline.

Policy 3: When appropriate, Medina should consider joining with other governmental bodies in a cooperative effort to expand public access to the shoreline through programs of acquisition and development.

II.E Recreation

GOAL: Recreation activities that are dependent on access to the water should be available to citizens of Medina.

Policy 2: Open space and the opportunity for passive forms of recreation should be encouraged on public shoreline.

Note: The City Council approved Ordinance No 662 in July 1999 amending the goals and policies of the circulation section. However, this amendment was not forwarded to the Department of Ecology for approval and therefore never went into effect.

Part 5 – Agency Review/ Public Comment: (See Exhibit 5)

NOTICES: (See Exhibit 5.)

Application Received:	August 11, 2011
Determination of Completeness:	November 22, 2011
Notice of Application:	November 25, 2011
Notice of Hearing:	January 3, 2012

Pursuant to WAC 173-27-110(2)(e) and MMC 14.04.130(B)(5), a 30-day public comment period was utilized for the Notice of Application, which was mailed to property owners within approximately 1,000 feet per MMC 20.80.140(B)(2) and public agencies, as well as, published in *The Seattle Times* newspaper and posted on the site and other public notices locations (City

Hall, Medina Post Office and Medina Park Posting Board) including the City of Medina website on November 25, 2011. The comment period ended December 27, 2011.

The notice of hearing was mailed to property owners within 1,000 feet, public agencies and parties of record, and posted on the site and other public notice locations (City Hall, Medina Post Office and Medina Park Posting Board) on December 30, 2011. The notice of hearing was published in the Seattle Times on January 2, 2012. The City also posted the notice on its website.

GENERAL PUBLIC COMMENTS: Two comments were received as of January 5, 2012. (See Exhibit 6.)

Who	Summary of Comments
Palvi Mehta 2839 Evergreen Point Road Medina, WA 98039	Concerns include noise associated with the highway and proposed trail with request for security measures and mature landscaping associated with the trail. Comments associated with the maintenance facility (SDP 2011-04/CUP 278) are analyzed in that file staff report.
Jennifer Garone 2835 Evergreen Point Road Medina, WA 98039	Concerns include noise associated with the highway and proposed trail with request for security measures (including cameras and hour limitations) and mature landscaping associated with the trail. Comments associated with the maintenance facility (SDP 2011-04/CUP 278) are analyzed in that file staff report.

AGENCY COMMENTS: One agency comments was received as of January 5, 2012, via email correspondence from Karen Walter of the Muckleshoot Tribe identifying that the agency had no comments. (See Exhibit 7.)

Part 5 – Staff Analysis:

GENERAL:

1. The Washington State Department of Transportation (WSDOT) maintains SR 520, which crosses Lake Washington and passes through the City of Medina travelling east and west. SR 520 is a limited access highway with only one exit to Medina at the 84th Avenue N.E. intersection, which is located outside of the shoreline jurisdiction.
2. Pursuant to RCW 47.05.022 (Resolution 660, dated January 21, 2004), State Route 520 (SR 520) is designated as a highway of statewide significance. Highways of statewide significance include the interstate highways and other principal arterials that are needed to connect major communities in Washington State.
3. The SR 520 Bridge Replacement and HOV Program is a state safety enhancement project replacing the aging floating bridge and include transit and roadway improvements along a 12.8-mile corridor between I-5 in Seattle and SR 202 in Redmond. The program is divided into four major components: (1) Bridge Replacement and HOV Project; (2) Eastside Transit and HOV Project; (3) Pontoon Construction Project; and (4) Variable Tolling Project. Within the Bridge Replacement and HOV Project are two permitting components for Medina: (1) replacement of the floating bridge and (2) maintenance facility and dock.

4. This section of the Bridge Replacement and HOV Project consists of the following: (See Exhibit 3.)
 - Construction of a new larger floating bridge approximately 190 feet north of the existing bridge. The construction will involve the placement of twenty-one 75 X 360-foot longitudinal pontoons, two 75 x 240-foot cross pontoons, and fifty-four 98 x 50 to 60-foot supplemental stability pontoons. Of these, 11 of the longitudinal, 1 cross pontoon, and 32 supplemental stability pontoons will be located within Medina; 29 anchors will be placed within Medina's jurisdiction to hold the bridge in position; and a roadway will be constructed over the top of the pontoons.
 - Construction of a new east approach for the floating bridge. The east approach roadway will be supported on two foundation piers consisting of 40 X 170-foot spread footings with two columns on each footing (four total) supporting the roadway above.
 - Construction of a new 160-foot long biofiltration swale to treat water runoff from the roadway. Construction of the treatment facility will include replacing an existing stormwater outfall.
 - Construction of a new 120 square foot area overlook and a 5-foot wide pedestrian pathway for public access. The overlook will be near the top of a bluff and the trail will be ADA accessible and connect to Evergreen Point Road.
 - An in-water staging area approximately 100 feet north of the new floating bridge alignment and 450 feet waterward of the shoreline. The staging area will consist of pontoons being towed to the area where they will be outfitted before being moved into their final alignment. Six temporary pilings will be installed and temporary anchoring will be used to secure the pontoons while they are being outfitted. A worker's access walkway and a concrete delivery system will be installed to support the outfitting work.
 - Demolition of two existing residential docks and temporary removal of an existing residential dock on the adjacent property to the north.
 - Demolition of the existing floating bridge and east approach.

Associated work on the maintenance facility and dock is reviewed under SDP 2011-04 and CUP 278.

5. A design-build method is being employed for construction of the SR 520 project. WSDOT has completed a preliminary 30 percent design of the bridge and project elements for environmental review and contractor bidding. While WSDOT maintains overall management of the project, Kiewit-General-Manson (KGM) was selected to complete the remaining design work and build the project. According to WSDOT, the design builder is required by contract and by Federal, State and local regulations to build what has been permitted. If design significantly deviates or if impacts exceed those that are approved in the permits, modifications to the permit approvals would be required pursuant to WAC 173-27-100. (See correspondence in Exhibit 36a.)
6. SR-520 highway is designated as an "essential public facility" pursuant to Washington Administrative Code (WAC) 365-196-550(1)(d)(iii) and the Medina Comprehensive Plan. Pursuant to WAC 365-196-550(3)(b) the City is prohibited from including criteria which would allow an "essential public facility" to be denied. Additionally, WAC 365-196-550(6)(d)

requires the combination of existing development regulations and any new conditions may not render impossible or impracticable, the siting, development or operation of the essential public facility. However, the City has authority to impose reasonable permitting requirements and require mitigation of the essential public facility's adverse effects.

7. State highway projects are unique in that they usually involve multiple jurisdictions. RCW 47.01.260 gives WSDOT the authority to perform the duties necessary for planning, locating, designing, and constructing state highways. The City is constitutionally vested with the authority to enact ordinances in furtherance of the public health, safety, morals, and welfare. However, the plenary police power in regulatory matters accorded to the City ceases when the state enacts a general law upon the particular subject, unless there is room for concurrent jurisdiction. *Lenci v. Seattle*, 63 Wash.2d 664, 669, 388 P.2d 926 (1964).
8. WSDOT prepared a memorandum, dated July 26, 2011, on its understanding of the applicable Medina permit processes to the SR 520 project. The City provided a response letter dated September 7, 2011, with the following conclusions regarding the floating bridge and east approach (See Exhibit 8):
 - A shoreline conditional use permit is required for the use for the floating bridge and east approach;
 - A substantial development permit is required for the work associated with the floating bridge replacement and east approach;
 - Critical areas review pursuant to Chapter 18.12 MMC is applicable to the floating bridge replacement and east approach.
9. As noted in Part 2 of the staff report, WSDOT purchased five residential lots immediately north of the existing state highway right-of-way to be incorporated into the project. These properties are the primary location for the east approach. These properties are zoned Single-family Residential R-20 per the City's official zoning map and historically were occupied by single-family dwellings. The zoning designation is unaffected by the change in property ownership. While MMC 17.24.010(G) limits uses on R-20 zoned properties too single-family dwellings, WAC 365-196-550(3)(a) supersedes the City's authority to utilizing the comprehensive plan or R-20 zoning development regulations to preclude the placement of essential public facilities.
10. WSDOT, acting as the lead agency on this project pursuant to WAC 197-11-926, issued a final Environmental Impact Statement (FEIS) for the SR 520, I-5 to Medina Bridge Replacement and HOV segment of the project on June 7, 2011. Subsequently, WSDOT prepared a SEPA Addendum for a public place designation (from a harbor area designation) in four locations adjacent to the project, which would be affected by replacement structures. This SEPA Addendum was issued on October 8, 2011. On November 18, 2011, WSDOT issued a second SEPA addendum, which analyzes design changes and modified construction techniques that have resulted from a progression toward final design. (See Exhibits 9, 10 and 11)

SHORELINE AUTHORITY

11. Pursuant to RCW 90.58.050, the City of Medina has primary responsibility for administering the regulatory program consistent with policy and provisions of the Shoreline Management Act (Chapter 90.58 RCW). The City has an approved Shoreline Management Master Program (SMP), which is applicable to all development activity within the City's jurisdiction

occurring within Lake Washington and 200 feet upland from the ordinary high water mark (RCW 90.58.030(2)(d)). The City's jurisdiction over Lake Washington extends to the middle of the lake pursuant to RCW 35A.21.090 and RCW 35.21.160.

12. The City manager designated the Director of Development Services as the responsible official to administer the shoreline program and perform all duties ascribed to the responsible official in this regulation.
13. SMP Chapter III designates Medina's shorelines in its entirety as "Urban", except public areas and private recreational areas. While the state highway right-of-way could be considered public, its shoreline area is not open for general public use and it is not listed as one of the public locations for Recreational Conservancy found in Subparagraph B. Based on this, the Director of Development Services has determined that the state highway right-of-way has an "Urban" environmental designation. The residential properties purchased by WSDOT contain an "Urban" environment designation.
14. While the SMP contains goals and policies related to the SR 520 floating bridge (SMP Section II.C), bridges and highway uses are not listed as a permitted uses under the use regulations in SMP Chapter IV. The bridge and highway opened in August 1963 and predates the Shoreline Management Act. Therefore, pursuant to SMP Chapter V, Section C, the bridge and highway use are currently defined as a nonconforming development. SMP Chapter V, Subsection C(1) permits nonconforming shoreline development to continue provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity.
15. Additional to the use not being listed, the SMP does not specifically prohibit the floating bridge or highway use (additional cross-lake bridges are prohibited per policy SMP Section II(C)(2)). Pursuant to WAC 173-27-160(3) and (4), uses which are not classified or set forth in a SMP may be authorized as a conditional use provided the SMP does not specifically prohibit such use. Approval of a shoreline conditional use permit would eliminate the nonconforming status and allow for enlargement of the bridge and highway consistent with approval of the shoreline conditional use permit.
16. The construction of the floating bridge and east approach will take place within the shoreline jurisdiction. The cost of the project well exceeds the \$5,718 maximum to be exempt from the requirements of a substantial development permit. The project does not qualify for any of the other exemptions listed in the SMP Chapter V, Section A(1) through (5). Therefore, the project is defined as substantial development by the SMP.
17. MMC 20.80.060, Table 20.80.060(C) establishes shoreline conditional use permits and substantial development permits as Type 3 Decisions decided by the Medina hearing examiner. Additionally, MMC 2.78.070 provides authority for the hearing examiner to review and act on a shoreline conditional use and substantial development permits. The hearing examiner's action on the shoreline conditional use permit is a recommendation to the Washington State Department of Ecology. This recommendation is pursuant to RCW 90.58.140, where a shoreline conditional use permit issued with approval by the hearing examiner must be submitted to the Department of Ecology for its approval or disapproval.

CRITICAL AREAS ANALYSIS

18. RCW 36.70A.480(3)(b) clarified that the City's critical areas regulations set forth in Chapter 18.12 MMC applies within the shorelines of the state until the Department of Ecology approves a comprehensive shoreline master program update. The City has not had its comprehensive shoreline master program update approved by the Department of Ecology at this time. Therefore, compliance with applicable critical areas provisions set forth in Chapter 18.12 MMC is required for the floating bridge and east approach. Additionally, SMP Chapter IV, Section C addresses work in steep slope environmentally sensitive areas.
19. The floating bridge and east approach will be constructed in accordance with state and federal highway and bridge construction standards. Local building codes do not apply and a building permit is not required for this segment of the project. The contractor will be responsible for additional geotechnical investigation as final design is completed. However, without a building permit, further review opportunity to confirm that the final design complies with Chapter 18.12 MMC will not be possible. Pursuant to MMC 18.12.100, the City will include in the conditions a requirement for a qualified geotechnical person associated with the project to certify that final design of the project complies with the geotechnical requirements set forth in Chapter 18.12 MMC.
20. The site contains the following geologically hazardous areas as prescribed in Chapter 18.12 MMC:
 - *Erosion hazardous areas.* These include soils on the site identified by the Department of Agriculture Natural Resources Conservation Services as having a moderate to very severe erosion hazards. This includes Alderwoods and Kitsap soils, very steep slopes; Kitsap silt loam, 15 to 30% slopes; and Alderwoods gravelly sandy loam, 15 to 30 percent slopes.
 - *Landslide Hazard Areas.* These include steep slopes on the site exceeding 40 percent with a vertical relief of 10 or more feet.
 - *Seismic Hazard Areas.* These include a small number of relatively thin, discontinuous, near-surface soil that could be susceptible to liquefaction and portions of slope instability.
21. MMC 18.12.380(B) prohibits essential public facilities from being placed within geologically hazardous areas, unless no other practical alternative is available. The SR 520 highway and floating bridge pre-date the Growth Management Act and the requirement to designate critical areas. By its nature of pre-existence, there is no other practical alternative other than to place the new floating bridge and highway with the critical areas near the existing highway.
22. MMC 18.12.390 sets forth development standards for work within geologically hazardous areas. Alternations for erosion and landslide hazardous area are permitted with geotechnical analysis.
23. Shannon & Wilson, performed data collection and preliminary geotechnical analysis for the Washington Stated Department of Transportation analysis for the Environmental Impact Statement. Additional geotechnical analysis contained in a supplemental critical areas report was prepared November 3, 2011 by GeoEngineers. Because the project is design-

build, final designs for the floating bridge, maintenance facility, and other components of the project have not been finalized. However, substantial changes to the final design are not anticipated and therefore impacts to the critical areas are not anticipated to change. (See Exhibit 12, 13 and 14.)

24. MMC 18.12.390(E) places a seasonal restriction by prohibiting clearing within a geologically hazardous area between the wet season of October 1st and May 1st each year. The City may extend or shorten this period on a case-by-case basis depending on actual weather conditions. WSDOT has indicated they plan to perform clearing activity during this period unless the weather conditions are severe. The *Geotechnical Report, Floating Bridge Replacement Project* (November 9, 2010) indicated that the soils on the site when wet can produce an unstable mixture. Recommended best management methods during wet weather include, but are not limited to: sloping grades away from construction areas and to prevent ponding, covering exposed areas with plastic, exposing only small areas at a time, a sub-grade stabilization geogrid, compacting soils, removing soil that is too wet, etc. (See Exhibit 14, Page 71.)
25. The contractor will be required to adhere to WSDOT design standards and to employ best management practices to minimize landslide, erosion and seismic hazards and to not impact the water quality of Lake Washington. Best management practices (BMPs) regarding soil stability and erosion include the development and implementation of a Temporary Erosion Control Plan (TESC) that will be used to control sediments from all vegetation removal or ground disturbing activities. Erosion control devices (e.g., silt fence) will be installed, as needed, to protect surface waters and other critical areas. The actual location will be specified in the field, based upon site conditions. Additionally, a Certified Erosion Control Lead (CESCL) will routinely inspect and properly maintain all BMPs throughout the duration of the project. (See Exhibit 16.)
26. Additionally, erosion control blankets or an equally effective BMP will be installed on steep slopes that are susceptible to erosion and where ground-disturbing activities have occurred. Native vegetation will be planted. Exposed soils will be seeded and covered with straw mulch or an equally effective BMP after construction is complete. Any impacted areas will be re-vegetated with native plants following final grading activities. These best management practices will meet the criteria in SMP Chapter IV, Subsection C and D. (See Exhibit 16.)
27. The proposed bioswale will be lined to prevent infiltration of stormwater and weakening of the bluff. Additionally, the facility will include a flow splitter in case of extreme volumes the facility will direct a portion of flow directly to Lake Washington to prevent overtopping and potential erosion of the slope. (See Exhibit 3 and 26)
28. The City utilized a third-party consultant, ABPB Consulting, to review the various documents WSDOT prepared relating to geological hazards. ABPB determined that the documents submitted meet the intent and the requirements of Chapter 18.12 MMC. The City's consultant noted that it will be critical that all work within the critical areas be monitored by qualified geotechnical personnel to confirm the soil conditions, as well as, to confirm that all appropriate mitigation measures are properly undertaken. (See Exhibit 15.)
29. Lake Washington is listed as a fish and wildlife habitat conservation area pursuant to MMC 18.12.400(A)(5). Additionally, a wildlife habitat area, documented by Washington Department of Fish and Wildlife (WDFW) historical mapping, was identified in the project

area. This wildlife habitat area includes historical sockeye salmon spawning ground and natural groundwater upwelling. (See Exhibit 13.)

30. Permanent impacts to aquatic habitat will include placement of new in-water structures and fill. Impacts include displacement of the substrate and shading from new structures, and operational effects such as stormwater discharge and bridge lighting. Additionally, construction impacts will include in-water noise, temporary lighting, in-water turbidity/contaminants, and barge operation and moorage. WSDOT evaluated impacts to the fish and wildlife habitat using a threshold of water depths of 60 feet or less. The new floating bridge will cause permanent impact to 0.52 acres of benthic (lake bottom) and add 8.69 acres of new overwater coverage. Temporary impacts from a work bridge and staging areas will be to 0.19 acres of benthic (lake bottom) and create 0.19 acres of temporary overwater coverage. (See Exhibit 13.) Specific proposed mitigation is discussed in more detail in the Mitigation Section of the staff report.

SHORELINE MASTER PROGRAM ANALYSIS

31. The SR 520 floating bridge is a water dependent use. WAC 173-26-020 (which applies to the adoption of shoreline master programs) notes that water dependent uses are those uses or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Pursuant to RCW 90.58.020, this is a preferred use for which there is no alternative location since the bridge predates the Shoreline Management Act and re-locating/ re-routing the highway is not a reasonable alternative.
32. The new floating bridge will accommodate two, 11-foot wide general purpose lanes and one, 12-foot wide high occupancy vehicle (HOV) lane in each direction pursuant to design requirements set forth in RCW 47.01.408. Additionally, the bridge will have 4-foot inside shoulders and 10-foot outside shoulders, as well as, a 14-foot wide bicycle and pedestrian path along the north side of the roadway. The new roadway will sit approximately 13 feet taller than the existing roadway, and 21 feet above the lake surface measured from the top of the bridge guardrail in the middle portion of the bridge. Pursuant to RCW 47.01.408, the bridge is also designed to accommodate future high capacity transit to connect to the light rail station being constructed at the University of Washington, although approval for this is not included in these permits. (See Exhibit 21.)
33. The design of the bridge and maintenance facility, as well as, the proposed mitigation measures were the result of extensive coordination that WSDOT performed with federal, state and local agencies and tribes. A summary of this coordination included:
 - A regulatory agency coordination process involving multi-agencies exchanging information and developing strategies to advance technical and permitting work on various project topics; and
 - Technical work groups on stormwater, in-water construction, mitigation, bridge maintenance facility, and natural resources; and
 - Steering group on the Endangered Species Act.

These coordination efforts took place at regular times starting in July 2007 (this date does not reflect earlier coordination efforts that were part of the initial 2006 Draft Environmental Impact Statement for SR 520 project).

Agencies involved included, but were not limited to: the U.S. Environmental Protection Agency, Federal Highway Administration, Federal Transit Authority, NOAA Fisheries, U.S. Coast Guard, U.S. Department of Fish and Wildlife, Washington State Department of Archaeology and Historic Preservation, Washington State Department of Ecology, Washington Department of Fish and Wildlife, Washington State Department of Natural Resources, City of Medina and Seattle, Muckleshoot Indian Tribe, other local tribes, and others. (See Exhibit 17.)

34. The design of the bridge includes a single row of longitudinal pontoons providing the primary support for the roadway with supplemental stability pontoons spaced out along each side of the longitudinal pontoons. Fluke anchors will provide the deep water anchoring, which will be installed by a combination of their own weight and water jetting. Some in-water fill will be required for the fluke anchors. Gravity anchors will be used in shallower waters and will require in-water excavation and fill in order to create a level surface for the anchors. Drilled shaft anchors are likely to be used where gravity anchors would interfere with lake navigation and will require in-water excavation. (See Exhibit 18, 23 and 24.)
35. The new floating bridge will also be approximately 7,700 lineal feet, which is a 1.6 percent increase from the current 7,580-foot length. The total overwater coverage located within Medina's jurisdiction for the new bridge will be 15 acres (653,400 square feet), which is a 138 percent increase from the current 6.31 acres of overwater coverage. (See Exhibit 3 and 13.)
36. Pursuant to SMP Chapter IV, Subsection B(8) and (9), control of surface water runoff is required for the bridge. Surface water runoff from the bridge will be captured and routed to large catch basins on the bridge, which will collect and discharge water to control lagoons located inside of the stability pontoons. To reduce the amount of debris and sediment that might enter the catch basins, high-efficiency street sweeping will be incorporated into the operation of the bridge. The pontoon lagoons will serve to isolate spills allowing for more effective clean-up, and it will serve to dilute any remaining stormwater to accepted state standards for water quality before the stormwater mixes with the main lake water. (See Exhibit 3 and 21.)
37. WSDOT prepared a stormwater report for the project (*All Known, Available and Reasonable Technologies (AKART) and Water Quality Studies Report*). The Washington State Department of Ecology has primary responsibility for approving a program that ensures stormwater quality for the state highway and approved WSDOT's report on June 30, 2010. (See Exhibit 27 and 28.)
38. A temporary, in-water staging area will be utilized to perform work on the pontoons before they are moved into their location. Up to 16 individual pontoons are expected to be moored together at any given time during the project. The pontoons will be constructed elsewhere and towed to the staging area. The barges and pontoons could create temporary overwater shading of up to 4.3 acres. The depth of water at this location is about 40 feet, which is anticipated to cause minimum impact to fish below. (See Exhibit 3, 11, 13 and 30.)
39. The temporary staging area can be expected to have visual impacts to the shoreline area due to its size. Approximately seven feet of pontoon height will be visible above water. The orientation of the staging area will be east west to run parallel to the existing bridge. This

will minimize its visual profile from residential properties and minimize potential conflicts to vessels traveling through the navigation channel and from docks. (See Exhibit 30.)

40. The staging area will be composed of a combination of mooring dolphins and temporary anchors to secure barges and pontoons. Pilings from the moorage dolphin will be installed using vibratory methods and proof-tested with an impact hammer. The pile driving will displace 118 square feet of benthic substrate. Best management practices will be employed during installation and deconstruction. (See Exhibit 3, 11 and 16.)
41. Access to the staging area will be by a walkway attached to the south side of the existing SR 520 East Approach with a stairway down to the east most cross pontoon. A walkway from the cross pontoon will connect to the staging area. This walkway will reduce the number of boat trips required for construction lessening impacts to navigation. The temporary walkway will result in approximately 0.05 acres (2,178 square feet) of overwater shading. (See Exhibit 13 and 20)
42. A 2,500-foot long concrete delivery system will be integrated with the access walkway. This system will reduce the risk of spillage and the quantity of processed water generated. (See Exhibit 3)
43. Construction of the east approach will involve a temporary construction work bridge being installed. WSDOT is in the process of securing an easement from the adjacent property owner. An existing residential dock will be removed and replaced or compensated for once the project is complete. The construction bridge will be 30 feet wide and 275 feet long with up to 40 pile supports installed using a vibratory hammer and impact hammer. The pile driving is expected to be performed during a two to three month period. (See Exhibit 20 and 29.)
44. SMP Chapter IV, Subsection E(8)(a) permits the installation of utilities within the shoreline area. Stormwater from the east approach will be directed towards a horseshoe shaped 160-foot long, lined wet biofiltration swale located upland within the existing steep slope areas of the shoreline area. The swale will be designed to meet the WSDOT Highway Runoff Manual. After the stormwater is treated, the water will be directed through an above ground HDPE pipe to a gabion padded outfall before discharging into Lake Washington. (See Exhibit 19 and 26.)
45. SMP Chapter IV, Subsection E(8)(a) says that utilities should be placed underground whenever possible. However, MMC 18.12.390(F) requires utility lines to be placed “above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Stormwater conveyance shall be allowed only through a high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equal or superior.” The specificity in MMC 18.12.390(F) has been interpreted by the Director of Development Services to take precedence over the less specific requirement prescribed in the SMP.
46. RCW 90.58.020 of the Shoreline Management Act enunciates as a policy that generally public rights of navigation and corollary rights incidental thereto shall be protected. There is an existing navigation channel under the east approach approximately 270 feet from the shoreline. WSDOT is required to keep the navigation channel open during the duration of the project. No dredging is proposed. The U.S. Coast Guard regulates navigation through

the channel and WSDOT will be required to obtain a General Bridge Permit from the U.S. Coast Guard prior to starting construction on the new floating bridge and approach. The design of the new east approach will result in a maximum channel opening of 255 feet with a vertical clearance between 70 and 75 feet and will not restrict access through the navigation channel. (See Exhibit 21.)

47. SMP Chapter II, Subsection D and E enunciate shoreline master program policies for public access and recreation. Additionally RCW 90.58.020(5) of the Shoreline Management Act enunciates a policy of the state to increase public access to publicly owned areas of the shoreline. To meet these requirements, WSDOT is proposing to construct on the south side of the new east approach a viewing area with an ADA access trail connecting to Evergreen Point Road. The trail will traverse the slopes and will be supported by retaining walls. (See Exhibit 19.)
48. The viewing platform will be approximately 120 square feet in area with a bench and is located at the top of the bluff. Access down to the water was determined to be infeasible due to the ADA requirements and the steepness of the slopes. The viewing platform and trail will connect to the new Evergreen Point lid associated with the east corridor segment of the SR 520 project, which connects to Fairweather Park. This will offer enhanced recreational opportunities for the public. Vegetative screening and a security fence will be installed to maintain privacy for the property owners to the south of the viewing platform. The vegetation will consist of trees, shrubs and groundcover, with the exact mix to be determined by WSDOT after working with surrounding property owners. The City reviewed the proposal and found it acceptable towards meeting the Shoreline Management Act and Medina Shoreline Management Master Program public access and recreational policy requirements. (See Exhibit 19 and 25.)
49. Pursuant to the policy prohibiting additional cross-lake bridges in Medina, which is enumerated in SMP Chapter II, Subparagraph C(2), completion of the new SR 520 floating bridge will trigger demolition of the existing bridge. All demolished materials will be transported outside the City of Medina and disposed of at an approved location. Tools and methods for demolition include impact hammers, saw and torch cutting, vibratory extraction, and use of diamond wire saws. (See Exhibit 3 and 13.)
50. Best management practices during construction and demolition include the identification of construction limits, deployment of containment BMPs to prevent any materials from entering the water, minimizing soil disturbances, use of barges and work bridges, land-based fueling, eco-friendly lubricants, spill containment, the use of pumps and hoses to collect and transport concrete slurry from cutting operations, holding tanks and land-based facilities for treatment and/or disposal of water, silt curtains, cofferdams, in-water monitoring for pH levels and turbidity to meet water quality standards. If water quality standards are exceeded, work will cease and adjustments made to containment and collection facilities in order to meet the standards. (See Exhibit 16.)
51. WSDOT has indicated that the grading will be the minimum necessary to complete the proposed work. All work, including the stockpiling of materials and in-water work will abide by WSDOT standards and construction best management practices to prevent impacts to the Lake and adjoining properties. All disturbed surfaces will be temporarily stabilized and re-vegetated upon project completion. Materials imported for the proposed work, including spawning gravel will be from appropriate sources and not contain any substances that would

pollute the Lake or cause harm to the aquatic or shoreline habitants. (See Exhibit 13 and 16.)

52. SMP Chapter IV, Subsection B(4) requires shoreline structures to be designed to minimize the transmission of wave energy. Initial wind and wave modeling have been completed for the project to establish baseline lake conditions and analysis for the design of the bridge. The design-builder will be responsible for providing final design calculations based on the established baseline conditions. (See Exhibit 35 and 36c.)

MITIGATION MEASURES:

53. Mitigation measures for the fish and wildlife habitat conservation area (Lake Washington) include mitigation sequencing pursuant to MMC 18.12.170 to avoid or minimize impacts to aquatic and riparian habitat. However, WSDOT has indicated some project elements and activities will require compensatory mitigation to address degradation to shoreline ecological functions. A Draft Aquatic Mitigation Plan (See Exhibit 32.) has been prepared to address impacts to fish and wildlife functions and values. Eleven locations throughout the Puget Sound region are being utilized to compensate for impacts. One of the sites is located along the shoreline area in Medina near the proposed bridge and maintenance facility.
54. Mitigation in Medina will include the removal of existing docks, wood and rock bulkheads and riprap, and the restoration of the shoreline through the addition of spawning gravel, a groundwater diffuser system as discussed above and enhanced shoreline plantings. The area of shoreline at the location of the proposed bridge and maintenance facility is one of several mitigation sites throughout the region, identified as mitigation sites for the I-5 to Medina project. In this location, approximately 3,484 square feet of shoreline will be enhanced, approximately 2,614 square feet of riparian area restored and approximately 32,670 square feet of off-shore habitat to receive gravel suitable for sockeye spawning. The removal of existing rock bulkheads and riprap will increase the amount of wave energy absorbed from the project. (See Exhibit 13 and 32.)
55. Proposed landscaping around the bridge and associated improvements include shoreline plantings and community corridor plantings, which include trees, shrubs, groundcovers and vines intended to soften hard surfaces, provide continuity throughout the corridor, provide varying levels of screening, blend and restore existing vegetation and restore habitat and erosion control. (See Exhibit 25.)
56. Through issuance of a final environmental impact statement (FEIS) and subsequent addendums, the State has identified that the proposal has the minimum impacts on the shoreline environment. The proposed work includes restoration of the shoreline environment through the removal of existing bulkheads and large rocks and the addition of spawning gravel, large woody debris and vegetation, in the creation of a more natural shoreline environment. (See Exhibit 9, 10, 11, 25, 32.)

OTHER ITEMS:

57. Temporary construction measures will include access roads, temporary retaining structures and elements for erosion and sediment control. A temporary gravel construction access road will be built to provide primary construction access to the project. Existing private drives will be maintained throughout construction. An ecology block wall will support the construction access road and a temporary swale and underdrain will be integral to the wall

for directing and treating stormwater runoff before discharging to the lake by way of the stormwater outfall. (See Exhibit 20 and 33.)

58. Additional construction access and erosion control measures will be installed as necessary during the course of the project. WSDOT has indicated that all temporary disturbances will be minimum necessary and will abide by WSDOT best management practices, including covering and stabilization of earthwork, capturing of stormwater and sediment removal prior to discharge, oversight by a geotechnical professional and adherence to geotechnical recommendation and mitigation measures, and re-vegetation as appropriate. (See Exhibit 13 and 16.)
59. Final conditions of the bridge will maintain noise levels compliant with Federal Highway Administration standards (FHWA). With proposed mitigation in place, including sound walls and height of the structure to limit impacts to existing residences and lower sound levels over the existing levels. Noise walls will range from 10 to 20 feet in height, located along the east approach. (See Exhibit 22.)
60. The bridge and east approach will be lit utilizing roadway, pedestrian and architectural lighting. The roadway luminaries are 40-foot tall fixtures, required at all lane merging areas on the east approach and roadway. The poles will be designed with cut-off fixtures to minimize light spillage while providing adequate lighting per WSDOT standards for vehicle and pedestrian traffic along the corridor. Pedestrian lighting will include recessed lighting mounted on the backside of the traffic barrier. Architectural up-lighting will be included on either side of the bridge at the east and west approaches. (See Exhibit 21, 22, 31 and 36d.)
61. A public open house was hosted by WSDOT in Medina on December 8, 2011. Twenty-six people attended the meeting; four comment cards were provided to WSDOT at the meeting and one comment was submitted after the meeting. The questions centered on several major themes, some related to the shoreline permits and some related to eastside SR 520 construction and tolling, not associated with the shoreline permits. The general themes of comments and questions included: project design; project scope; permitting; viewpoint trail; maintenance facility; transit and community involvement. Specifically related to the bridge permits (SDP 2011-03/CUP 277), questions included location, screening and safety of the proposed pedestrian trail and outlook, specifically related to the potential impacts on adjacent residential properties. (See Exhibit 34.)

Part 6 – Conclusions

1. The hearing examiner has jurisdiction to hear and decide requests for substantial development permits and shoreline conditional use permits pursuant to MMC 2.78.070 and MMC Table 20.80.060(C)
2. Proper notice was given for this application and the hearing date, pursuant to MMC 20.80.110 and 20.80.140 and WAC 173-27-110.
3. Pursuant to WAC 173-27-160, a shoreline conditional use permit may be authorized for uses that are not classified in the Medina Shoreline Management Master Program nor specifically prohibited by the shoreline master program provided the applicant can demonstrate the following:
 - That the proposed use is consistent with the policies of RCW 90.58.020 and the Medina Shoreline Management Master Program;

- That the proposed use will not interfere with the normal public use of public shorelines;
 - That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Medina Comprehensive Plan and the Medina Shoreline Management Master Program;
 - That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
 - That the public interest suffers no substantial detrimental effect; and
 - Consideration shall be given to the cumulative impact of additional requests for like actions in the area.
4. Additionally, SMP Chapter V, B(2) includes the following approval criteria, which are similar to Shoreline Management Act approval criteria:
1. The use will cause no unreasonable adverse effects on the environment or other uses;
 2. The use will not interfere with public use of public shorelines;
 3. Design of the site will be compatible with the surroundings and the requirements of the Medina Shoreline Management Master Program; and
 4. The proposed use will not be contrary to the general intent of the Act and this Master Program.
5. Pursuant to WAC 173-27-150, a substantial development permit shall be granted only when the development is consistent with:
- The policies and procedures of the Shoreline Management Act, Chapter 90.58 RCW;
 - The provisions of this regulation, WAC 173-27; and
 - The Medina Shoreline Management Master Program.

Shoreline Conditional Use Permit Approval Criteria

6. Appropriate policies of RCW 90.58.020 include those to foster “all reasonable and appropriate uses;” protect against adverse effects to the public health, the land, its vegetation and wildlife; and promote the public interest. The SR 520 highway and bridge use is designated as a highway of statewide significance and an essential public facility. By its nature, bridges are water dependent uses that must be located within the shoreline environment. While the primary goal of Medina Shoreline Management Master Program is for single-family residential use along Medina’s shoreline, the highway use and bridge have been in place since 1963 and predate the Shoreline Management Act. Permitted shoreline uses must be designed to “minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline areas and any interference. Washington State Department of Transportation has coordinated extensively with local, state and federal agencies and tribes to address impacts to natural and man-made environments. The proposal addresses both public access and recreational policies requirements by providing a trail and viewing area of the shoreline area.
7. The proposal will not interfere with the normal public use of public shorelines. WSDOT has coordinated with the tribes, the U.S. Coast Guard and the Corp of Engineers to address tribal fishing rights on Lake Washington and that the east navigation channel will remain open and unobstructed during the course of construction and when the project is completed. The use of an in-water staging area and the parallel orientation of the pontoons to the existing floating bridge will reduce the number of boat trips while minimizing the visual impacts on nearby residences.

8. The proposed floating bridge and east approach is compatible with other authorized uses in the area. The floating bridge is an essential public facility, which will be located north of the existing floating bridge, which has been in place for more than 48 years. Mitigation measures on impacts to nearby uses including landscaping and noise walls which in the case of noise walls will reduce the sound levels currently experienced by nearby residences. The neighborhood is built out with residential development and except for the loss of the five single-family lots for the placement of the new east approach; the proposal will not alter authorized uses in the area. Additionally, the loss of preferred residences will be alleviated with enhanced recreational opportunity in the shoreline area provided by the construction of a trail and viewing area that connects with park facilities outside of the shoreline area.
9. The proposed use will not cause significant adverse effects to the shoreline environment in which it is being located. Mitigation sequencing and coordination with local, state and federal agencies and tribes have been utilized to minimize impacts to the shoreline environment. Compensatory mitigation including restoration of the shoreline, enhanced spawning habitat, new stormwater treatment facilities, and noise barriers will improve many of the existing environmental conditions or compensate for those impacts that could not be avoided. Through the environmental impact analysis, the design alternative has been determined to be the least impactful alternative to both the natural and built environments along the shoreline.
10. The proposal will cause no substantial detrimental effect to the public interest. The new floating bridge replaces an aging structure, which has been determined vulnerable to catastrophic failure, and that serves as one of only two connections across Lake Washington, linking major urban centers together. With implementation of proposed mitigation measures, unavoidable adverse impacts will be adequately addressed.
11. Consideration of the cumulative impacts of additional requests for like actions in the area has been considered. Additional cross-lake bridges are prohibited. All other water areas along the shoreline are developed with residential development. Cumulative impacts are exclusive to the proposal, which have been adequately addressed in the mitigation plan.

Substantial Development Permit Approval Criteria

12. The proposal is consistent with applicable policies of the Shoreline Management Act and the Medina Shoreline Management Master Program. SR 520 is a highway of statewide significance and the floating bridge serves as a critical link connecting, across Lake Washington, major urban centers. The floating bridge has been in place since 1963 and is a water dependent use. The proposal will include improved shoreline access and recreational opportunities to the public. The design of the bridge has involved extensive coordination with local, state and federal agencies and tribes to protect against adverse effects to the public health, the land and vegetation and wildlife. The City provided public notice of the application and the associated public hearing. A Final Environmental Impact Statement and addendums have been issued on the project indicating that the proposal, including the new floating bridge, will have the least adverse impact on the natural and built environment. With conditions, the proposal is consistent with the Shoreline Management Act and the Medina Shoreline Management Master Program.
13. The Department of Ecology shoreline regulations are located in WAC 173-27, which sets forth the permitting procedures and permit criteria. This proposal is reviewed under the criteria set forth in WAC 173-27-150. These criteria are intended to implement the policies

of the SMA, which requires that all shoreline projects be consistent with an approved local Shoreline Master Program. Medina has an approved shoreline master program.

14. With conditions, the proposal is consistent with the Medina Shoreline Management Master Program.
 - a. The floating bridge and associated improvements would not cause unreasonable adverse effects on the environment or other uses. Highway uses and the floating bridge may be allowed as a conditional use. The proposed development would take place in Lake Washington, which is an environmentally sensitive area, and construction of the east approach will occur upland in geologically hazardous areas. The floating bridge will increase overwater coverage and vegetation will be removed as part of the construction of the east approach. Minimization and proposed compensatory mitigation, including shoreline restoration and enhancement of a spawning area, will address adverse effects on the environment.
 - b. The use will not interfere with use of the public shorelines. The property is maintained as state highway right-of-way, which predates the Shoreline Management Act. The east navigation channel will remain open during construction and will not be negatively impacted by the final design of the east approach. Efforts have been made to minimize the temporary impacts caused by the in-water staging area. Tribal agencies concerns were addressed through the agency coordination effort and after being notified about the application, no concerns were expressed by the tribes.
 - c. The floating bridge and associated improvements will be compatible with the surroundings and the requirements of the Master Program. The proposal replaces an existing facility that has been in place for 48 years. Design considerations and vegetative planting will integrate the use with the surrounding residential uses. Sound walls, new stormwater treatment facilities, and lighting controls will improve the compatibility of the highway and bridge with the existing residential neighborhood.
 - d. The proposed use will not be contrary to the general intent of the Act and the City's shoreline master program. The proposal involves a preferred use under the policies of the Shoreline Management Act. It is consistent with Medina Shoreline Management Master Program goals and policies for shoreline conservation, circulation, public access and recreation. While the floating bridge will be larger than the existing bridge, it is the minimum necessary to meet design criteria outlined in state law. This is reflected in the extensive involvement of local, state and federal agencies and tribes. On-site mitigation measures including shoreline restoration, the removal of two existing docks, enhancements of fish spawning areas and vegetation plantings as well as mitigation off-site will minimize adverse effects on natural systems including aquatic habitans. Geotechnical study has been performed to ensure the project will not have an adverse impact on the property itself and adjacent properties. The new public viewing platform and trail will meet shoreline master program policies for public access and recreational requirements.

Part 7 – Staff Recommendation:

Staff recommends approving the shoreline conditional use permit and the substantial development permit for the bridge and associated improvements subject to the following conditions:

Applicable to both the Shoreline Conditional Use Permit and Substantial Development Permit:

1. Final design of the floating bridge and east approach shall substantially comply with the drawings provided in Exhibits 18, 21 and 22.
2. Final design of the viewing area and trail shall substantially comply with the drawings provided in Exhibit 19.
3. Final design of the stormwater facility shall comply with the drawings provided in Exhibit 19 and 26. Substantive revisions to the design of the stormwater facility are permitted provided the revisions are approved by the Medina City manager or designee and the revisions are consistent with the original scope of work.
4. Revisions to this approval shall be reviewed pursuant to WAC 173-27-100. Substantial revisions of the substantial development permit shall require approval by the hearing examiner subject to the review procedures of a Type 2 or Type 3 decision, except as noted in Condition 3. Determination of the review process shall be the City manager or designee pursuant to MMC 20.80.050. Substantial revisions to the conditional use permit shall require approval by the Department of Ecology.
5. A point of contact relating to construction shall be provided prior to the start of construction work. The point of contact shall be available to both City staff and the public in resolving issues during construction.
6. Landscaping shall be provided that substantially complies with the landscaping plan set forth in Exhibit 25. Landscaping shall be provided prior to project completion and as soon as reasonably possible. WSDOT or the contractor shall notify the City upon completion of the landscaping.
7. Mitigation shall be provided that substantially complies with the *Draft Aquatic Mitigation Plan* set forth in Exhibit 32. Mitigation within Medina shall include, but not be limited to removal of bulkheads and riprap and re-grade and replant the shoreline and riparian area to provide a naturally functioning habitat and removal of the two existing residential piers.
8. If clearing activity shall occur between Oct 1 and May 1 of each year of the project, a request to perform clearing activity shall be submitted to the City manager or designee for approval or denial. The City manager or designee shall decide the request consistent with MMC 18.12.390(E). This condition shall not apply to non-clearing activity.
9. The applicant or the contractor shall provide written notice on the start of construction to the City and property owners within 1,000 feet of the site at least seven calendar days before commencement of construction.
10. The permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with Shoreline Management Act (RCW 90.58).

11. Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date the permit decision was filed pursuant to RCW 90.58.140(6), except as provided for in RCW 90.58.140(5).
12. This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms or condition thereof.
13. Construction activities shall be commenced within two years of the effective date as set forth in RCW 90.58.143. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the Department of Ecology.
14. Authorization to conduct construction activities shall terminate five years after the effective date as set forth in RCW 90.58.143. However, the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the Department of Ecology.

Applicable to the Shoreline Conditional Use Permit

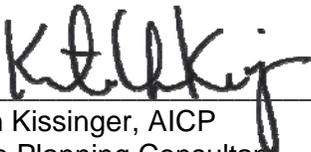
15. Approval of the new floating bridge and east approach is conditioned upon the existing floating bridge and east approach being removed consistent with the submitted plans set forth in Exhibit 3, 18, and 32. Only one cross-lake floating bridge is authorized within Medina's jurisdiction.

Applicable to the Substantial Development Permit:

16. A final geotechnical report shall be completed for the east approach, stormwater facility and viewing area and trail. A copy of the final geotechnical report shall be submitted to the City. All recommendations and conditions set forth in the geotechnical report shall be included as conditions for approving the shoreline substantial development permit.
17. The contractor shall utilize qualified geotechnical personnel to monitor construction activity and confirm that all appropriate mitigation measures are properly undertaken with the project. WSDOT and/ or the contractor shall submit at the conclusion of construction a certification by a qualified geotechnical person that the project complies with all applicable geotechnical requirements set forth in Chapter 18.12 MMC and the final geotechnical report.
18. Prior to completion of the project, WSDOT shall secure an agreement with the City to establish trail and viewing area security, maintenance and hours of operation. A sign containing the hours the trail is open to the public shall be posted and maintained at the entrance to the trail.
19. WSDOT or the contractor shall coordinate with local residents to finalize the landscaping and other view-obscuring measures to be implemented for the viewing area and pedestrian trail. Evidence of this coordination shall be provided to the City prior to and during such coordination efforts.
20. Required approvals from state and federal agencies must be obtained prior to issuance of building permits for the maintenance facility and dock. Copies of these approvals shall be

submitted to the City. Any conditions set forth in state and federal approvals shall be included as conditions for approving the substantial development permit.

21. Stormwater best management practices shall be employed at all times during construction work. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, or any other toxic or deleterious materials are allowed to enter or leach into surface waters. The permittee shall report all spill immediately to the Washington Department of Ecology (425 849-7000) and the City of Medina.
22. Any soils exposed during construction shall be appropriately re-vegetated consistent with the proposed best management practices. A copy of the temporary erosion and sediment control (TESC) plan and spill preventions, control, and countermeasures (SPCC) plan shall be provided to the City prior to the start of construction work.
23. Proposal for adding future high capacity transit (light rail) to the floating bridge shall require approval of new shoreline permits.
24. Use of City right-of-way for construction purposes shall require obtaining a right-of-way permit from the City. The City Engineer may impose conditions pursuant to MMC 12.08.005, as amended by Ordinance No. 876.

Report prepared by: 
Kristen Kissinger, AICP
Medina Planning Consultant

Date: 1/10/12