

Appendix F - Permits and Approvals Summary

Factoria Recycling and Transfer Station Project
Preliminary List of Required Permits and Approvals

Permit / Approval Type	Agency
<i>Federal and State Permits and Approvals</i>	
Nationwide Section 404 Permit for compliance with Clean Water Act (CWA)	U.S. Army Corps of Engineers (Corps)
Biological Assessment (BA) for compliance with the Endangered Species Act (ESA)	U.S. Fish and Wildlife Service (USFWS)/National Marine Fisheries (NMFS)
Cultural Resources Assessment (CRA) for compliance with Section 106 of National Historic Preservation Act	Corps and Washington Department of Archaeology and Historic Preservation (DAHP)
Section 401 Certification for compliance with CWA	Washington State Department of Ecology (Ecology)
National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit and Coverage	Ecology/U.S. Environmental Protection Agency
<i>Local Permits and Approvals</i>	
State Environmental Policy Act (SEPA) Expanded Environmental Checklist	City of Bellevue/King County (Co-Lead Agencies)
Pre-Application Meeting	City of Bellevue
Conditional Use Permit	City of Bellevue
Boundary Line Adjustment	City of Bellevue
Critical Areas Land Use Permit	City of Bellevue
Clearing and Grading Permit	City of Bellevue
Design Review	City of Bellevue
*Building Permits	City of Bellevue

*Intended to include all necessary facility construction permits and approvals such as electrical, plumbing, mechanical, fire, structural, etc.

Federal and State Permits and Approvals

This section provides an overview of the federal and state permits and approvals.

Nationwide Section 404 Permit

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States

regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities). The Federal Lead Agency for this project will be the U.S. Army Corps of Engineers. Related to the Nationwide Section 404 Permit, the following permits will be required:

- Biological Assessment

A BA is a document prepared for the Section 7 consultation process under the Endangered Species Act, which is used to determine whether a proposed major construction activity under the authority of a Federal action agency is likely to adversely affect listed species, proposed species, or designated critical habitat.

- Cultural Resources Assessment

Section 106 of the National Historic Preservation Act of 1966 requires all federal agencies consider cultural resources as part of all licensing, permitting, and funding decisions. As part of that process, each agency must consult with DAHP to assure that cultural resources are identified, and to obtain the formal opinion of the Office on each site's significance and the impact of its action upon the site.

- Section 401 Certification

The Nationwide permits also need 401 Certification from Ecology. Ecology has already approved, denied or partially denied specific Nationwide permits. If approved, no further 401 Certification review by Ecology is required.

NPDES General Permit Coverage

The discharge of pollutants into the state's surface waters is regulated through National Pollutant Discharge Elimination System (NPDES) permits. Ecology issues these permits under authority delegated by the U.S. Environmental Protection Agency (EPA). General permits are written to cover a category of dischargers instead of an individual facility. Application for coverage under a general permit is by submitting a "notice of intent" and is much less rigorous than applying for an individual permit. General permits may place limits on the quantity and concentration of pollutants allowed to be discharged and typically require operational conditions called Best Management Practices.

Local Permits and Approvals

This section summarizes the SEPA Expanded Environmental Checklist, as well as, the purpose, submittal requirements, decision criteria, and processing timeline and fees for a conditional use permit, a boundary line adjustment, a clear and grade permit, a design review permit, and a critical areas land use permit.

SEPA Expanded Environmental Checklist

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the built and natural environmental impacts of a proposal before making decisions. A SEPA

checklist accompanied by the additional detail of technical reports is informally called an “expanded checklist.”

Conditional Use Permit

- Purpose

The purpose of the conditional use permit (CUP) is to review a certain use or development to ensure compatibility within the land use district or surrounding properties. The CUP requires either an administrative decision by the planning director, or a public hearing before the hearing examiner.

- Decision Criteria

The City may approve or approve with modifications an application for a Conditional Use Permit if:

- A. The conditional use is consistent with the Comprehensive Plan; and
- B. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- C. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
- D. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- E. The conditional use complies with the applicable requirements of Title 20 of the Bellevue Land Use Code (LUC) (City of Bellevue 2010).

- Processing Timeline and Fees

The City of Bellevue currently estimates that conditional use permits are taking between 153 and 232 days for issuance. Permit fees are based on the City of Bellevue’s 2010 Fee Schedule, which can be accessed at: http://www.ci.bellevue.wa.us/pdf/PCD/permitfees_landuse.pdf

Boundary Line Adjustment

- Purpose

The purpose of the Boundary Line Adjustment (BLA) is to authorize the adjustment or removal of a boundary between lots.

- Decision Criteria

The general criteria for boundary line adjustments are referenced below:

- A. All lots modified by this boundary line adjustment procedure shall not be approved for recording if such adjustment would allow a non-conforming dimension as specified in LUC 20.20.010 to become more non-conforming unless the adjustment equalizes more than one adjacent non-conforming lot.
- B. No lot line adjustment may be approved when such action would violate an applicable requirement or condition of a previous land use action, subdivision, or short plat approval.
- C. All lots modified by the boundary line adjustment procedure shall have legal access meeting the standards of the Transportation Department, the Utilities Department, and any other applicable department.
- D. The processing of boundary line adjustments shall be the same as for final short plats.
- E. All boundary line adjustments shall be recorded surveys consistent with Chapter 58.09 Revised Code of Washington (RCW). All boundary lines being adjusted shall be surveyed, and newly established lot corners shall be staked.
- F. All lots modified by this boundary line adjustment procedure shall not be approved for recording if such adjustment would create a non-conformity with respect to the requirements of the LUC (City of Bellevue 2010).

- Processing Timeline and Fees

The City of Bellevue currently estimates that boundary line adjustments are taking about 176 days for issuance. Permit fees are based on the City of Bellevue's 2010 Fee Schedule, which can be accessed at: http://www.ci.bellevue.wa.us/pdf/PCD/permitfees_plats-PUD-comb.pdf

Clear and Grade Permit

- Purpose

Generally, a permit is required for clearing and grading associated with a building permit. Other elements may also be considered, such as, removal and installation of underground storage tanks 10,000 gallons or less, initial installation of commercial or multifamily landscaping, walls or rockeries that don't require a building permit, minor roadway and utility installations, and all other grading that is more than 50 and less than 500 cubic yards.

- Decision Criteria

The Planning Director may approve issuance of a clearing and grading permit without an accompanying permit or other approval; provided, that all of the following criteria are met:

1. Approval of the proposal will not pose a threat to or be detrimental to the public health, safety, and welfare, nor be materially detrimental to fish and wildlife habitat, the storm and surface water system, or receiving waters;

2. The applicant has demonstrated that approval of the proposal is necessary for the reasonable development or maintenance of the property;
3. The proposal is not in a critical area or critical area buffer, or, if in a critical area or critical area buffer, complies with Part 20.25H LUC; and
4. If a discretionary land use approval pursuant to the provisions of Chapter 20.30 LUC or environmental (SEPA) review is required, the clearing and grading permit shall not be issued until the land use approval and the SEPA determination are final pursuant to LUC 20.35.045, now or as hereafter amended (City of Bellevue 2010).

- Processing Timeline and Fees

The City of Bellevue currently estimates that commercial clearing and grading permits with SEPA are taking about 243 days for issuance. Permit fees are based on the City of Bellevue's 2010 Fee Schedule, which can be accessed at: http://www.ci.bellevue.wa.us/pdf/PCD/permitfees_cg.pdf

Design Review

- Purpose

The purpose of design review is to evaluate a proposed project to ensure that site development, structures, and signs conform to the design criteria and requirements of that particular land use district.

- Decision Criteria

The Planning Director may approve or approve with modifications an application for Design Review if:

- A. The proposal is consistent with the Comprehensive Plan; and
- B. The proposal complies with the applicable requirements of the LUC; and
- C. The proposal addresses all applicable design guidelines or criteria of the LUC in a manner which fulfills their purpose and intent; and
- D. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
- E. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
- F. The proposal is consistent with any required Master Development Plan approved pursuant to Part 20.30V LUC or other applicable code section (City of Bellevue 2010).

- Processing Timeline and Fees

The City of Bellevue currently estimates that design review permits are taking about 425 days for issuance. Permit fees are based on the City of Bellevue's 2010 Fee Schedule, which can be accessed at: http://www.ci.bellevue.wa.us/pdf/PCD/permitfees_landuse.pdf

Critical Areas Land Use Permit

- Purpose

The purpose of the Critical Areas Land Use Permit is to authorize disturbance, development or otherwise modification of a critical area, critical area buffer, or critical area structure setback using the critical areas report process.

- Decision Criteria

The Planning Director may approve or approve with modifications an application for a Critical Areas Land Use Permit if:

- A. The proposal obtains all other permits required by the LUC; and
- B. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and
- C. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and
- D. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
- E. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan; and
- F. The proposal complies with other applicable requirements of the LUC (City of Bellevue 2010).

- Processing Timeline and Fees

The City of Bellevue currently estimates that critical areas land use permits are taking about 108 days for issuance. Permit fees are based on the City of Bellevue's 2010 Fee Schedule, which can be accessed at: http://www.ci.bellevue.wa.us/pdf/PCD/permitfees_landuse.pdf

References

City of Bellevue. 2010. Bellevue City Code (Titles 1-24). Ordinance 5945 Passed on March 22, 2010. Information accessed online in July 2010 at: <http://www.codepublishing.com/wa/bellevue/>