

2272c  
03-19-87

## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3769

AN ORDINANCE approving the application of the Bellevue Parks and Recreation Department for a shoreline conditional use located in the 29-acre site of the proposed Newcastle Beach Park on Lake Washington's eastern shore south of Newport Shores' Cascade Key, west of Lake Washington Boulevard S.E. and north of Bagley Lane, as recommended by the Hearing Examiner with conditions; HE-D 86-14.

WHEREAS, the Bellevue Parks and Recreation Department has applied to the City for a shoreline conditional use located on the 29-acre site of the proposed Newcastle Beach Park on Lake Washington's eastern shore south of Newport Shores' Cascade Key, west of Lake Washington Boulevard S.E. and north of the Bagley Lane to construct Newcastle Beach Park with trails, a fishing pier, a swimming beach, a stream and parking for 140 automobiles; and

WHEREAS, on December 11, 1986, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on March 2, 1987, the Hearing Examiner recommended approval with conditions of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of Application of Bellevue Parks and Recreation Department for a Shoreline Conditional Use for Newcastle Beach Park, File No. HE-D 86-14."

2272c  
03-19-87

Section 2. The City Council hereby approves with conditions the application of the Bellevue Parks and Recreation Department for a Shoreline Conditional Use located on the 29-acre site of the proposed Newcastle Beach Park on Lake Washington's eastern shore south of Newport Shore's Cascade Key, west of Lake Washington Boulevard S.E. and north of Bagley Lane and more particularly described as:

PARCEL A:

That portion of Government Lots 4 and 5, Section 17, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the east line of said Section 17 which is 970 feet north of the southeast corner of said section,  
thence north, 820 feet to a point, 850 feet south of the northeast corner of said Government Lot 4;  
thence west to the meander line of Lake Washington;  
thence southerly along said meander line to a point west of the point of beginning;  
thence east to the point of beginning;  
EXCEPT that portion lying east of the westerly line of a strip of land 100 feet wide having for its boundaries two lines parallel with and equi-distant from the center line of Seattle Belt Line Railroad of the Northern Pacific Railway Company;

TOGETHER WITH Second Class Shoreland adjoining.

PARCEL B:

That portion of Government Lot 4, in Section 17, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point 660.0 feet south of the quarter section corner between Sections 16 and 17, Township 24 North, Range 5 East, W.M., in King County, Washington;  
thence south, 190.0 feet;  
thence west, 1123.5 feet to Lake Washington;  
thence northerly along the marginal line of said lake, 196.2 feet to a point directly west of the place of beginning;  
thence east to the place of beginning, being 1178.0 feet, more or less;  
EXCEPT Northern Pacific Railway company's right-of-way;  
EXCEPT Lake Washington Boulevard;

2272c  
03-19-87

AND EXCEPT that portion thereof conveyed to State of Washington for Secondary Highway No. 2A by deed recorded under Recording Number 3213248, records of King County;

TOGETHER WITH Shorelands of the Second Class, as conveyed by the State of Washington, situate in front of, adjacent to and abutting thereon;

EXCEPT any portion of the above described tract and shorelands lying north of the following described line:

Beginning at a point on the east line of Section 17, Township 24 North, Range 5 East, W.M., in King County, Washington, which bears north  $1^{\circ}33'16''$  east, distant 1978.11 feet from the southeast corner of said Section 17;  
thence north  $88^{\circ}36'23''$  west to a concrete monument on the northwesterly boundary of the Northern Pacific Railway Co. right-of-way;  
thence continuing north  $88^{\circ}36'23''$  west, a distance of 1295.49 feet to a concrete monument;  
thence continuing north  $88^{\circ}36'23''$  west to the inner harbor line of Lake Washington and the western terminus of this line.

Situate in the county of King, state of Washington.

Section 3. The shoreline conditional use hereby approved shall be subject to the following conditions:

1. Prior to the issuance of a building permit, the proposed height of the pavilion on the pier must be reduced to a maximum height of 16 feet as measured from the ordinary high water line to the tallest point on the roof or the applicant must obtain a shoreline variance as outlined in Section 20.30H of the Land Use Code.

2. Prior to the issuance of a building permit, the applicant shall submit revised plans which clearly demonstrate that the proposed structures do not exceed the building height requirements under Section 20.20.010 and Section 20.25E.080 of the Land Use Code.

3. All proposed signs must comply with the Bellevue Sign Code. Separate sign permits will be required. Prior to the issuance of sign permits, the applicant shall submit for review and approval plans showing a total sign package. These plans must show size, materials, color, location and other required information for both on-site and off-site signs.

2272c  
03-19-87

4. Prior to the issuance of a building permit, the applicant shall provide evidence of an approved developer's extension agreement from Water District #107 or other evidence that an adequate water supply is available to the site.

5. Prior to the issuance of a building permit, the applicant shall obtain State approval of a substantial development permit.

6. Prior to the issuance of a building permit, the applicant shall submit a final landscape plan to the Design and Development Department for review and approval. The landscape plan shall specifically address:

a. Landscaping required for the 80-stall parking lot per Section 20.20.520(G)(5) of the Land Use Code.

b. Proposed landscaping for those areas of the site undergoing restoration. The species of landscape material shall be of the type used for wildlife enhancement.

7. To mitigate adverse noise impacts to residential uses from construction, prior to approval of a building permit the following mitigation measures shall be listed by the applicant on the face of all construction plans submitted to the City for approval:

a. The contractor shall provide certification that all diesel, gasoline, or pneumatic equipment is properly muffled.

b. Any exterior work including, but not limited to, excavation, foundation, framing, and landscaping shall be limited to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and prohibited on weekends.

8. The applicant shall complete both Phase I and II within the time limitations outlined in Sections 20.30.B.145 and .150 of the Land Use Code.

9. The applicant shall install a 10-foot wide asphalt trail along the east side of Lake Washington Boulevard from the Pleasure Point interchange to the railroad crossing where it connects to the existing bicycle trail. The trail shall be in place before the first peak operating season.

2272c  
03-19-87

10. The applicant shall install required traffic signs and markings which shall include an eight-inch wide, reflectorized stripe delineating the pedestrian/bicycle trail from the roadway and "No Parking" signs along the eastern side of the trail. The location and design of the signs shall be reviewed and approved by the Public Works Department. The signs shall be installed prior to issuance of a certificate of occupancy.

11. A baffle type oil/water separator or vegetative filtration shall be provided prior to stormwater discharge to the existing stream.

12. Prior to issuance of a clearing and grading permit, a site specific soils report shall be prepared by a Washington State licensed civil engineer experienced in soil mechanics. The Storm and Surface Water Utility shall be contacted to discuss and approve the scope of the report. If recommended by the soils report, construction on the site shall be supervised by a qualified soils engineer.

13. Prior to issuance of a clearing and grading permit, stream relocation and restoration plans shall be prepared and stamped by a licensed civil engineer and wetland biologist. The plans shall be reviewed and approved by the Storm and Surface Water Utility.

14. Prior to issuance of a clearing and grading permit, all other permits and approvals from agencies with jurisdiction shall be obtained and submitted to the Storm and Surface Water Utility.

15. Prior to issuance of a clearing and grading permit, details and plans shall indicate how the impact of construction work adjacent to the shoreline of Lake Washington shall be isolated from the waters edge unless otherwise approved by the Storm and Surface Water Utility.

16. Prior to issuance of a clearing and grading permit, restoration plans for the new access roadway shall be submitted for review and approval to the Storm and Surface Water Utility. New plantings shall be selected for slope stabilizing characteristics and shall be native to the area.

17. All storm drainage conveyance systems shall maximize the use of open vegetated swales for pollutant separation. The location, size, and design of the swales shall be reviewed and approved by the Storm and Surface Water Utility.

2272c  
03-19-87

18. Prior to issuance of a clearing and grading permit, a performance-related security mechanism in a form acceptable to the Storm and Surface Water Utility shall be submitted and approved.

19. All wood waste and/or hog fuel used for trail construction shall be pre-leached a minimum of six months and contain no cedar or cedar by-products. Certification shall be provided by the supplier for review and approval by the Storm and Surface Water Utility prior to issuance of a clearing and grading permit.

20. Bank protection measures shall consist of non-structural solutions to the erosion problems whenever possible. All bank protection measures shall be reviewed and approved by the Storm and Surface Water Utility prior to issuance of a clearing and grading permit. If shoreline erosion is not apparent, then the proposed shoreline protection design feature will not be required.

21. All sensitive areas on the site shall be protected from construction related activities by fencing. The specific areas of the site to be fenced shall be approved by the Design and Development and Storm and Surface Water Utility Departments prior to issuance of a clearing and grading permit.

22. All preservative used in the treatment of wood pilings and decking materials shall be a non-toxic product such as "chemonite or LP22."

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

2272c  
03-19-87

PASSED by the City Council this 13<sup>th</sup> day of April,  
1987, and signed in authentication of its passage this 13<sup>th</sup> day  
of April, 1987.

(SEAL)



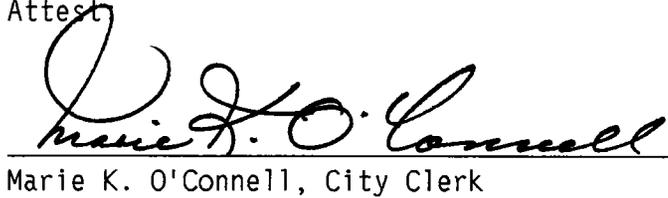
Cary E. Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Andrews, City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published April 18, 1987