

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3993

AN ORDINANCE approving the application of the City of Bellevue Storm and Surface Water Utility for a shoreline conditional use permit located on the east side of 148th Avenue S.E. south of Main Street, north of S.E. 8th Street and west of 168th Avenue S.E., as recommended by the Hearing Examiner, with conditions; CUSM 88-5411.

WHEREAS, the City of Bellevue Storm and Surface Water Utility has applied for a shoreline conditional use permit for the purpose of aeration and aluminum sulfate treatment of Larsen Lake located on the east side of 148th Avenue S.E. south of Main Street, north of S.E. 8th Street and west of 168th Avenue S.E.; and

WHEREAS, on January 26, 1989, a public hearing was held thereon by the Hearing Examiner Pro Tem pursuant to notice required by law; and

WHEREAS, on February 9, 1989, the Hearing Examiner Pro Tem 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 Pro Tem 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 City of Bellevue Storm and Surface Water Utility for a Shoreline Conditional Use, File No. CUSM 88-5411."

Section 2. The City Council hereby approves with conditions the application of the City of Bellevue Storm and Surface Water Utility for a Shoreline Conditional Use located on the east side of 148th Avenue S.E. south of Main Street, north of S.E. 8th Street and west of 168th Avenue S.E., and more particularly described as:

PARCEL D

That portion of the Southwest quarter of the Southwest quarter of Section 35, Township 25 North, Range 5 East, W.M., in King County, Washington, as follows:

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Beginning South 0°13'47" East, 1,595.68 feet and North 89°46'13" East 30 feet from the Northwest corner of the Southwest quarter of Section 35, township 25 North, Range 5 East, W.M., in King County, Washington, at the Easterly margin of 148th Avenue Southeast;
 thence North 52°15'38" East 277.17 feet;
 thence North 78°09'45" East 406.87 feet;
 thence North 88°48'18" East 57.61 feet;
 thence South 88°41'20" East 138.33 feet;
 thence South 61°51'55" East 138.69 feet;
 thence North 68°53'51" East 164.14 feet;
 thence South 88°41'20" East 199.80 feet to the Northeast corner of the Southwest quarter of the Southwest quarter;
 thence South 0°09'31" East along the East line of the Southwest quarter of the Southwest quarter 30.01 feet;
 thence South 68°53'51" West 248.29 feet;
 thence South 16°24'50" East 258.48 feet;
 thence South 28°54'16" West 264.41 feet;
 thence South 0°39'21" East 222.61 feet;
 thence South 45°00'00" West 80.00 feet;
 thence North 81°51'13" West 588.35 feet;
 thence North 44°13'41" West 368.40 feet;
 thence North 22°28'52" West 144.44 feet;
 thence South 89°46'13" West 52.89 feet to the Easterly margin of 148th Avenue Southeast;
 thence North 0°13'47" West 157.11 feet to the point of beginning;
 containing 17.571 acres;
 EXCEPT that portion conveyed to King County for 148th Avenue Southeast by deed recorded under King County Recording No. 5030897.

PARCEL E

That portion of the Southwest quarter of the Southwest quarter of Section 35, Township 25 North, Range 5 East, W.M., in King County, Washington, lying Southerly of the following described line:

Beginning at the Northeast corner of the Southwest quarter of the Southwest quarter of said Section;
 thence South 0°09'31" East along the East line of the Southwest quarter of the Southwest quarter 30.01 feet;
 thence South 68°53'51" West, 248.29 feet;
 thence South 16°24'50" East, 258.48 feet;
 thence South 28°54'16" West, 264.41 feet;
 thence South 0°39'21" East, 222.61 feet;
 thence South 45°00'00" West 80.00 feet;
 thence North 81°51'13" West, 588.35 feet;
 thence North 44°13'41" West 368.40 feet;
 thence North 22°28'52" West, 144.44 feet;
 thence South 89°46'13" West, 52.89 feet to the Easterly margin of 148th Avenue Southeast, and the terminus of this line;

EXCEPT that portion thereof conveyed to King County for 148th Avenue Southeast by deed recorded under King County Recording No. 5030897.

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

A. Prior to Issuance of a Clearing and Grading Permit

1. The following conditions (a-e) are imposed to ensure compliance with the Clearing and Grading Code. (BCC 23.76). Prior to issuance of a Clearing and Grading permit, the applicant shall submit the following for review and approval of the Storm and Surface Water Utility:
 - a. Prior to start of construction, a specific drainage and erosion control plan shall be developed to meet City of Bellevue Storm and Surface Water Utility (SSWU) standards in order to minimize peat disturbance to prevent the release of nutrients to the lake. Temporary erosion and sediment control measures (e.g., filter fences and straw bales) would be installed as required by the SSWU in the Clearing and Grading permit.
 - b. Installation of the four-inch diameter PVC conduit for aeration shall be done in such a way as to minimize disturbance to the wetland in which it will be placed. Installation must not necessarily be by hand methods, but the specific method of installation shall be included with application submittals for a Clearing and Grading permit to ensure compatibility with construction performance standards for sensitive areas.
 - c. Construction shall be scheduled during dry weather periods to avoid excessive rainfall and potential consequent erosion and sedimentation. Construction shall be timed to minimize the exposure time of bare soils.
 - d. The project shall include revegetation of the site with indigenous vegetation to avoid potential long-term erosion problems. The revegetation plan shall be reviewed and approved by Storm and Surface Water Utility and Design and Development Department prior to issuance of a Clearing and Grading permit.

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- e. Alum applications shall be monitored carefully to avoid impacts associated with very high concentrations.

B. Mitigation of Environmental Impacts

1. The following conditions are imposed to mitigate adverse impacts during construction:
 - a. To mitigate adverse construction noise impacts, the following mitigating measures shall be listed by the applicant on the face of the drawings submitted to the City for Clearing and Grading permit approval. (Comprehensive Plan Policy 21.1G.100.1)
 - 1) The contractor will provide certification that all diesel, gasoline, and air-powered equipment is properly muffled or silenced.
 - 2) Construction hours shall be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday and prohibited on weekends.
 - 3) These conditions shall be prominently displayed at or near the entrance to the site in view of contractors and the public.
 - b. The applicant shall provide certification prior to Clearing and Grading permit issuance: that the air compressor, when operating, will produce noise levels at the property boundary which will not exceed the maximum noise levels as established by Bellevue City Ordinance and also found in WAC 173.60. (BCC 22.02.005)
 - c. Construction within Larsen Lake shall occur only within the timeframe approved by the Hydraulics Project Approval.

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

PASSED by the City Council this 13th day of March, 1989, and signed in authentication of its passage this 13th day of March, 1989.

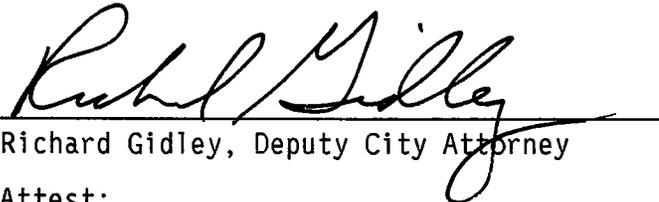
(SEAL)



Don MacKenzie, Mayor Pro tem

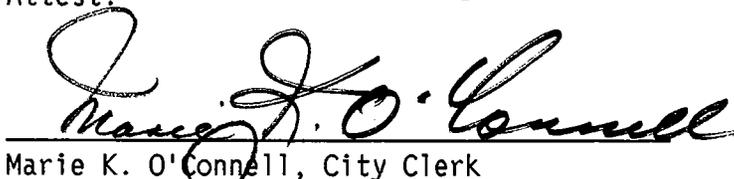
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published March 18, 1989