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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4080

AN ORDINANCE approving with conditions the shoreline conditional use permit application of the City of Bellevue Storm and Surface Water Utility for Phantom Lake which is bounded by Main Street on the north, 168th Avenue S.E. on the east, S.E. 24th Street on the south, and 148th Avenue S.E. on the west; File No. CUSM 88-9304.

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 Phantom Lake, which is bounded by Main Street on the north, 168th Avenue S.E. on the east, S.E. 24th Street on the south, and 148th Avenue S.E. on the west; and

WHEREAS, on August 31, 1989, a public hearing was held thereon by the Hearing Examiner Pro Tempore pursuant to notice required by law; and

WHEREAS, on September 18, 1989, the Hearing Examiner Pro Tempore 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 City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner Pro Tempore 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 the Application of City of Bellevue Storm and Surface Water Utility For a Shoreline Conditional Use, File No. CUSM 88-9304."

Section 2. The City Council hereby approves the shoreline conditional use permit application, with conditions, of City of Bellevue Storm and Surface Water Utility for Phantom Lake, which is bounded by Main Street on the north, 168th Avenue S.E. on the east, S.E. 24th Street on the south, and 148th Avenue S.E. on the west, and more particularly described as:

That portion of the southeast quarter of Section 2, Township

24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at a point on the north line of the southeast quarter of said Section 2;
south 88°32'25" east 705.23 feet from the northwest corner of said southeast quarter of Section 2;
thence south 02°44'13" east 30.08 feet to the south margin of Southeast 16th Street and the true point of beginning;
thence south 02°44'13" east 388.77 feet;
thence south 32°17'48" east 261.28 feet;
thence south 36°50'54" east 184.24 feet;
thence south 03°15'39" west 541.58 feet to the south line of the northwest quarter of the southeast quarter of said Section 2;
thence north 88°34'32" west 951.50 feet along said south line of said northwest quarter to the east margin of 156th Avenue S.E.;
thence north 01°36'02" east 1291.43 feet along said east margin to a point of intersection with said south margin of Southeast 16th Street;
thence south 88°32'25" east 677.50 feet along said south margin to the true point of beginning.

and,

That portion of the southeast quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northwest corner of said southeast quarter, intersection of Southeast 16th and 156th Avenue Southeast;
thence south 01°36'02" west 1631.573 feet along the west line of said subdivision;
thence south 88°34'31" east 30 feet to the east margin of 156th Avenue Southeast and the true point of beginning;
thence south 88°34'3" east 203.96 feet;
thence south 89°53'22" east 453.988 feet;
thence north 39°55'40" east 115.11 feet;
thence south 88°34'31" east 88.74 feet;
thence north 01°30'01" east 110.00 feet;
thence north 88°34'31" west 799.736 feet to the east margin of 156th Avenue Southeast;
thence south 01°36'02" west 210.082 feet along said east margin to the true point of beginning.

and,

That portion of the northwest quarter of the southeast

quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the east 200 feet thereof;
EXCEPT portion lying westerly of the following described line:

Beginning at a point on the north line of the southeast quarter of said Section 2, south 88°32'25" east 705.23 feet from the northwest corner of said southeast quarter of Section 2;
thence south 02°44'13" east 30.08 feet to the south margin of Southeast 16th Street and the true point of beginning;
thence south 02°44'13" east 388.77 feet;
thence south 32°17'48" east 261.28 feet;
thence south 36°50'54" east 184.24 feet;
thence south 03°15'39" west 541.58 feet to the south line of the northwest quarter of the southeast quarter of said Section 2, and the terminus of said line;
ALSO, EXCEPT that portion lying within Southeast 16th Street.

and,

An undivided one-sixth interest in the south half of the northeast quarter of the southeast quarter;
EXCEPT the east quarter thereof, in Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington.

Lot 3, City of Bellevue Short Plat Number 76-21 Revised, recorded under King County Recording Number 7703080727, being a revision of the Short Plat recorded under King County Recording Number 7605240548, being a portion of the west 198 feet of the east 297 feet of the southwest quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington;

TOGETHER WITH an easement for ingress, egress, and utilities over, across and under the west 20 feet of the south 234 feet of the west 198 feet of the east 297 feet of said southwest quarter of the southeast quarter.

and,

An undivided 1/3 interest in the following described real property: The west 3/4 of the south 1/2 of the northeast 1/4 of the southeast 1/4 of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington.

and,

The west 214.5 feet of the east half of the southwest quarter

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of the southeast quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the west 165 feet of the north half thereof;
AND EXCEPT the county road.

and,

Lot 4, City of Bellevue Short Plat Number 76-21 Revised, recorded under King County Recording Number 7703080727, being a revision of the Short Plat recorded under King County Recording Number 7605240548, said Lot 4, being described as follows:

That portion of the west 198 feet of the east 297 feet of the southwest quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington, described as follows:

Beginning at the northwest corner of said subdivision;
thence south 88°34'32" east along the north line of said subdivision 100.00 feet to the true point of beginning;
thence continuing along said north line south 88°34'32" east 98.00 feet;
thence south 01°24'01" west 1086.70 feet to the north line of the south 234 feet of said subdivision;
thence north 38°36'37" west along said north line 130 feet;
thence north 19°14'01" east 104.49 feet;
thence north 01°24'01" east 987.30 feet to the north line of the southwest quarter of the southeast quarter and the true point of beginning;

TOGETHER WITH an easement for ingress, egress, and utilities, over, across and under the north 20 feet of the south 254 feet of the west 198 feet of the east 297 feet of said southwest quarter of the southeast quarter lying westerly of the above described tract, and west 20 feet of the south 234 feet, of the west 198 feet of the east 297 feet, of said southwest quarter of the southeast quarter.

and,

The east 99 feet of the southwest quarter of the southeast quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the south 30 feet thereof conveyed to King County for road by Deed recorded under King County Recording Number 1727468.

and,

An undivided 1/3 interest in the following described real

property: The west 3/4 of the south 1/2 of the northeast 1/4 of the southeast 1/4 of Section 2, Township 24 North, Range 5 East, W.M, in King County, Washington.

and,

Parcel 4 of City of Bellevue Short Plat number 77-3 recorded under Recording Number 770118-0578, being a short plat of the east half of the southwest quarter of the southeast quarter of Section 2, Township 24 North, Range 5 East, W.M., King County, Washington; EXCEPT the west 214.5 feet thereof; AND EXCEPT the east 297 feet thereof; AND EXCEPT the south 30 feet thereof for Southeast 24th Street.

and,

An undivided 1/6 interest in the West 3/4 of the South 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington.

and,

The east 200 feet of the northwest quarter of the southeast quarter of Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion lying within Southeast 16th Street.

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

1. The following conditions (a through f) shall be imposed to ensure compliance with the Clearing and Grading Code (BCC 23.76). These conditions will be placed in the contract documents for the project. Storm and Surface Water Utility will ensure that the conditions in the contract documents are met in a satisfactory manner.

a. Construction shall minimize peat disturbance to prevent the release of nutrients to the lake. Temporary erosion and sediment control measures (for example, filter fences and straw bales) must be approved by the Storm and Surface Water Utility and installed before construction.

b. Equipment for trenching for the air conduit shall be limited to portable rotary trenchers or excavating equipment which will not rut, disturb or in any other way damage the meadow or forest mat except for the actual width of the trench.

c. Construction shall occur so as to minimize exposure time of bare soils. Bare soils shall be removed from the trench in such a

manner that they disrupt, to the least extent possible, the meadow or forest mat. The Storm and Surface Water Utility shall require the contract documents to specify that such placement shall be on top of a tarpaulin or shall otherwise occur so as to reduce, if not eliminate, any evidence of disruption to the adjacent ground after the trench is refilled.

d. To restore the air conduit trench, the top six inches of topsoil or meadow mat, when such exists, shall be kept separate from subsoil and shall be replaced as the top layer when backfill is made.

e. The cleared area around the air compressor will be landscaped as shown on the plans approved by the Director of the Design and Development Department.

f. Alum application shall be monitored so as to avoid impacts associated with high concentrations.

2. To mitigate adverse construction noise impacts, the following mitigating measures shall be required. These conditions are to be placed in the contract documents for the project. The Storm and Surface Water Utility will ensure that the conditions in the contract documents are satisfactorily met.

a. The contract will provide certification that all diesel, gasoline and air-powered equipment is properly muffled or silenced.

b. Construction hours shall be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday and prohibited on weekends and holidays recognized by the City of Bellevue.

c. These conditions shall be prominently displayed at or near the entrance to the site in view of contractors and the public.

3. The applicant shall provide to the Design and Development Department certification, before the Storm and Surface Water Utility's acceptance of the work, that the air compressor and surface water "boil," when operating, will produce noise levels at the property boundary which will not exceed the maximum noise levels established by Bellevue City Code, Chapter 9.18 and also found in WAC 173-60.

4. Construction within Phantom Lake shall occur only within the

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timeframe approved by the Hydraulics Project Approval.

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 November, 1989, and signed in authentication of its passage this 13th day of November, 1989.

(SEAL)

Nan Campbell

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard L. Gidley

Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell

Marie K. O'Connell, City Clerk

Published November 17, 1989