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## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4114

AN ORDINANCE approving with conditions the application of the City of Bellevue Department of Public Works and Utilities for a conditional use permit in order to construct and operate a water reservoir and pump station north of N.E. 40th Street and west of 148th Avenue N.E., as recommended by the Hearing Examiner; File No. CUDN 89-336.

WHEREAS, the City of Bellevue Department of Public Works and Utilities has applied for a conditional use permit in order to construct and operate a water reservoir and pump station north of N.E. 40th Street and west of 148th Avenue N.E.; and

WHEREAS, on November 9, 1989, a public hearing was held thereon by the Hearing Examiner Pro Tempore pursuant to notice required by law; and

WHEREAS, on December 5, 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 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 Pro Tempore for the City of Bellevue, In the Matter of the Application of City of Bellevue for a Conditional Use (N.E. 40th Reservoir), File No. CUDN 89-336."

Section 2. The City Council hereby approves with conditions the application of the City of Bellevue for a conditional use located north of N.E. 40th Street and west of 148th Avenue N.E., and more particularly described as:

East half of the southwest quarter of the southeast quarter of the southeast quarter of Section 15, Township 25 North, Range 5

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East, W.M., in King County, Washington;  
EXCEPT the south 30 feet thereof for road

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

A. Prior to the issuance of the clearing and grading permit, the applicant shall submit the following for Storm and Surface Water Utility review and approval in addition to typical submittal requirements for the permit.

Engineering Plans

1. Submit engineering plans indicating construction of the storm drainage discharge pipe to Valley Creek, including details of aeration features and thiosulfate system designed to decrease chlorine concentrations in the discharge during an emergency overflow event. Calculations and/or reports to document the designed effectiveness of the aeration measures must also be provided. (BCC 23.76.030D)

Operation & Maintenance Manual

2. Submit a proposed Operation & Maintenance (O&M) manual for the reservoir, which includes maximum operating levels during both summer and winter seasons, to provide for detention within the reservoir. Procedures should allow for a minimum of 18 inches of reserve storage capacity below the theoretical maximum water level of the reservoir at all times, with much more storage proposed when water demands are not in peak season. (BCC 23.76.030D)

Contingency Plan

3. Submit a proposed contingency plan documenting appropriate response procedures to follow during an overflow event, or when overflow conditions are pending. This should include time limits for accomplishing satisfactory performance of these procedures. This could be included in the O&M manual described above. (BCC 23.76.030D)

Biofiltration on Swales

4. Submit a grading plan which incorporates biofiltration swales for surface water runoff wherever feasible on the site. (BCC 23.76.030D)

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Retention of Significant Trees and Existing Vegetation

5. To mitigate construction impacts on significant trees, details for their retention and protection during construction shall appear on the face of the grading plans submitted for clearing and grading and building permit approvals. Six-foot-high cyclone fencing will be required to be placed at the measured driplines of trees to be saved. Location of the cyclone fencing is to be shown correctly on the approved clearing and grading plans. (LUC 20.20.520)
6. Prior to commencing any clearing on the site, the applicant shall flag and fence all clearing limits with six-foot-high cyclone fencing. Clearing limits shall be shown correctly on the approved clearing and grading plans. (LUC 20.20.520)

B. The following conditions must be complied with prior to the issuance of the clearing and grading permit and building permit for the proposal.

Mitigation of Noise Impacts

1. To mitigate adverse construction noise impacts, the following mitigating measures shall be listed by the applicant on the face of the construction drawing submitted to the City for building permit approval:
  - (a) The contractor will provide certification that all diesel, gasoline and air-powered equipment is properly muffled or silenced. (Comprehensive Plan Policy 21.G.100.E.)
  - (b) Construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and prohibited on weekends and holidays. (Comprehensive Plan Policy 21.G.100.E.)
  - (c) Hours of construction shall be posted at or near the entrance to the job site where it is readily visible to contractors at the site and to the public. (Comprehensive Plan Policy 21.G.100.E.)

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#### Emergency Generator Noise Level Certification

2. The applicant shall provide certification as part of the building permit application that the emergency generator, when operating, will produce noise levels at the property boundary which will not exceed the maximum daytime noise level as established by Bellevue City Ordinance and also found in WAC 173.60. (BCC 2.02.005)

#### Right-of-Way Use Permit

3. A right-of-way permit shall be obtained from the Public Works Department for off-site construction activities. The permit will specify traffic control and haul routes. (Comprehensive Plan Policy 21.M.210)

#### Construction Staging Area Screening

4. Up to 10 evergreen trees (16 to 18 feet in height at planting) will be required along the west side of the staging area, where necessary, to mitigate the visual impacts of vegetation removal for the construction staging area. After initial clearing of the construction staging area, a Design and Development Department representative shall visit the site to determine the location and quantity of trees reasonably necessary to screen the construction staging area. Location of trees shall be shown on the landscape plans submitted as part of the building permit application. The trees must be planted prior to commencement of construction on the reservoir site. (Comprehensive Plan Policy 21.V.BT-40, 21.V.BT-3)

#### Significant Tree Replacement

5. Three major scale evergreen trees (12 to 14 feet in height at planting) are required to be placed in the immediate vicinity of the 14-inch-diameter cottonwood tree, which will be removed from the north perimeter landscape area. The landscape plan submitted as part of the building permit application shall show placement of these trees. (Comprehensive Plan Policy 21.V.BT-40, 21.V.BT-3)

#### Landscape Plan Revision

6. As part of the building permit application, the landscape plan shall be revised to indicate plant quantities and

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spacing. (LUC 20.20.520) The plan shall emphasize coniferous trees.

Boundary Line Adjustment

7. The applicant shall complete the Boundary Line Adjustment application (BLA-89-2289) and record it prior to issuance of a building permit.

C. The following condition must be complied with prior to final inspection by the Building Division.

Construction Staging Area Restoration

1. To mitigate the visual impacts of clearing of vegetation for the construction staging area, the cleared area shall be graded and restored according to alternative (a) or (b), as appropriate. The plant materials specified below shall be supplied by the Public Works and Utilities Department.

(a) The cleared area will be hydroseeded and planted with a minimum of 25 trees at project completion. The trees will include a mix of 30% deciduous with a minimum two-inch caliper size and 70% coniferous with a minimum height of six feet at planting. The trees will be located to minimize maintenance requirements on the Parks Department property. Location will be determined as part of the building permit review process and the trees shall be shown on a landscape plan submitted as part of the building permit application. The construction staging area shall be restored prior to final inspection of the project by the Building Division of the Design and Development Department.

(b) If a design review application for the senior housing project is filed with the Design and Development Department by the time of final inspection of the reservoir project, restoration of the construction staging area shall occur in conjunction with the construction of the senior housing project. Twenty-five trees shall be provided by the Public Works and Utilities Department toward site restoration. The trees will include a mix of 30% deciduous with a minimum two-inch caliper size and 70% coniferous with a minimum height of six feet at planting. The trees shall be located with the approval of the Parks Department and the Design and

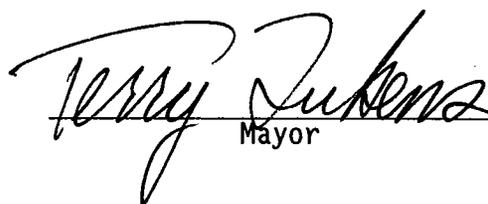
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Development Department. (Comprehensive Plan Policy  
21.V.8.100 and 21.V.9.105)

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

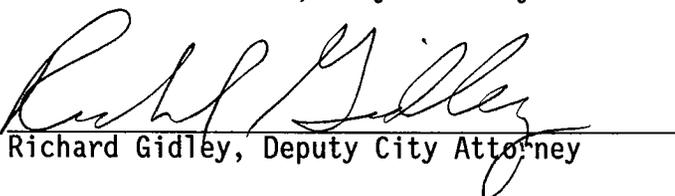
PASSED by the City Council this 8<sup>th</sup> day of January 1990, and signed in authentication of its passage this 8<sup>th</sup> day of January, 1990.

(SEAL)

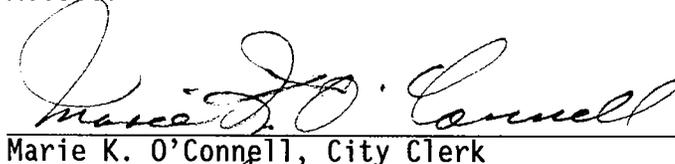
  
Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard Gidley, Deputy City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published January 12, 1990