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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4337

AN ORDINANCE approving the preliminary plat and preliminary and final development plans for a planned unit development to be located at 4756 - 164th Avenue SE, upon application of Lancaster Homes Inc., (Vuemont South), File Nos. PP90-2467 and PFPUD 90-6399.

WHEREAS, Lancaster Homes Inc. has applied for approval of a preliminary plat and preliminary and final plans for a planned unit development at 4756 164th Avenue SE; and

WHEREAS, on December 12, 1991, a public hearing was held thereon by the Hearing Examiner Pro Tempore upon proper notice to all interested persons; and

WHEREAS, the Hearing Examiner has reviewed said preliminary plat and preliminary and final development plans for said planned unit development to determine whether said proposed preliminary plat and preliminary and final planned unit development are in conformance with the general purposes and policies of the Comprehensive Plan and meet the standards and specifications of the City; and

WHEREAS, on December 23, 1991, the Hearing Examiner recommended approval with conditions of the preliminary plat and preliminary and final development plans for the proposed planned unit development and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, on January 13, 1992, K. Donald Solvag filed an appeal to the City Council from the recommendation of the Hearing Examiner; and

WHEREAS, on February 10, 1992, a limited public hearing was held on said appeal pursuant to notice required by law; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined to deny said appeal; 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:

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Section 1. The City Council adopts the findings of fact and conclusions based thereon made and entered by the Hearing Examiner in support of his recommendation to the Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Lancaster Homes, Inc., (Vuemont South) for a Preliminary Plat and Planned Unit Development File Nos. PP90-2467 and PFPUD 90-6899".

Section 2. The City Council further concludes that the application as conditioned, meets the decision criteria of Bellevue City Code 20.30D.150, 20.20D.235 and 20.45A.130.

Section 3. The City Council hereby determines that the appellant has failed to carry the burden of proof and produce evidence sufficient to support the conclusion that the appeal should be granted. The City Council also determines that the recommendation of the Hearing Examiner is supported by the preponderance of the evidence. The appeal is therefore denied.

Section 4. The City Council hereby approves with conditions the preliminary plat and preliminary and final development plans for a planned unit development on property located at 4756 164th Avenue SE, and more particularly described in Exhibit A attached hereto and by this reference incorporated herein.

Provided, that this approval of the preliminary plat and preliminary and final development plans for the planned unit development is conditioned on full compliance by the owner or owners of the property described herein, their heirs, assigns, grantees, and successors in interest with the plans and attachments, conditions, commitments, reports, and other documents relating to the preliminary plat and preliminary and final development plans for the planned unit development, given Clerk's Receiving No. 17520 which are hereby approved and by this reference fully incorporated herein.

Provided further, that this approval of the preliminary plat and preliminary and final development plans for the planned unit development is subject to the following conditions and is conditioned in full compliance by the owner or owners, developer or developers and their heirs, assigns, grantees and successors in interest therewith:

A. All plat improvements, including, but not limited to roads, utilities, storm drainage conveyance and detention, clearing and grading, and all necessary and required appurtenances shall be constructed in conformance with the City of Bellevue LUC, Environmental Procedures Code, Development Standards, edition current at the time of application for permits, Utility codes, the Clearing and Grading Code, and all applicable permits, codes, ordinances, regulations, and policies of the City of Bellevue and all other agencies with jurisdiction. It is the

responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. (BCC 23.76.020)

B. The following conditions must be complied with prior to plat engineering/clearing and grading permit approval:

1. To mitigate erosion and sedimentation impacts, clearing and grading limits during plat development shall be limited to street and utility (infrastructure) only, and shall be clearly identified on construction plans. Prior to commencing clearing and grading, all clearing limits shall be staked in the field including toe of fill slopes, top of cuts, and utility corridors located outside the road right-of-ways, reviewed and approved by the SSWU. When approved, the SSWU may require that the clearing and grading limits adjacent to any sensitive areas (steep slopes, riparian corridors, and/or wetlands) be fenced in a manner acceptable to the SSWU. Clearing and grading beyond these approved disturbance limits will require immediate restoration. (BCC 23.76.03.B.3, 03.C.4; LUC 20.25H.110D)

2. To evaluate and mitigate potential adverse impacts to downstream elements, including intermittent storm drainage courses, the sensitive Lewis Creek riparian environment and receiving waters (Lake Sammamish), the applicant shall submit a comprehensive drainage report which will govern final design and will include and/or be based on the following:

a. A hydrologic analysis based on Soil Conservation Service (SCS) or Santa Barbara Urban Hydrograph (SBUH) methodology, Bellevue codes and the Detention Data Sheet previously issued by the SSWU for this project. Analysis must include addition of hydrographs downstream of detention facilities and demonstrate that the total flow rate at any point does not exceed that which was anticipated for the engineered bypass conveyance systems in downstream plats. (BCC 23.76.030.D1, D2 and D3)

b. In order to limit problems and maintenance associated with small outlet control orifices, the minimum orifice diameter shall be one inch for all outlet structures. (Development Standards 4A.03.g)

c. A detailed downstream analysis, including a map showing all drainage courses from the site boundary to Lewis Creek. Each reach of each drainage course shall be described regarding type of conveyance structure, lining material, capacity, habitat and contributing watershed. Particular consideration should be given to conveyance downstream of discharge points 2 and 4. Corresponding modifications to the proposed plan drainage shall be made as necessary, to eliminate discharge to any areas not capable of conveying proposed concentrated flows. It must be shown that each reach to Lewis Creek is capable of conveying all flows tributary to it during the design storm event without

flooding or other failures. (Development Standards 4B.09.d.iv, and 4A.03.1)

d. Impervious area calculations used in hydrologic modeling must reflect proposed land use. A typical lot(s) plan based on similar developments and considering reasonable future development (additions, patios, etc.) must be submitted in support of impervious area calculation. The estimates of impervious area for given lot sizes shown in Table 1 in Chapter 4B.02.a.iii of the Development Standards are of minimum anticipated coverage. Proposed coverage must be calculated, but under no circumstances will values less than the aforementioned minimums be allowed. All impervious surfaces associated with proposed infrastructure must be measured separately from lot coverage estimates. (Development Standard 4B.02.a.iii)

3. The Type C riparian corridor located in proposed lots 25 and 26 shall be defined and rehabilitated as necessary to provide overland conveyance to the manhole at the southeast property corner. This riparian corridor shall be placed in a NGPE having a minimum width of 20 feet. (LUC 20.25H)

4. To mitigate downstream water quality and sedimentation impacts, detention vaults must be designed with dead storage, length to width ratios, and residence times which satisfy City of Bellevue water quality policies. Biofiltration swales shall be incorporated into the proposed drainage courses wherever possible. (Development Standard 4A.05.e; BCC 23.76.030.D.2; SEPA)

5. Where proposed, road construction will require grading or other disturbances within wetland setback areas, such as along the east side of 165th Avenue S.E. between proposed lots 41 and 42, along S.E. 48th Street between proposed lot 30 and the cul-de-sac and along Tract F, the following requirements shall be met: Design of the proposed rockery, level spreader outfall and wetland buffer restoration along the east side of 165th Avenue S.E. between lots 41 and 42 shall include review and approval by a geotechnical engineer and a certified, City approved, wetlands biologist. Final design shall incorporate the intent and specific requirements outlined in the July 24, 1991 letter from Steven Harris (SSWU) to Mr. Keith Goldsmith (Hugh G. Goldsmith and Associates, Inc.). Similar design elements shall be incorporated at other locations where road construction is proposed to encroach on wetland setbacks. In all cases, and at a minimum, a temporary fence shall be installed at the wetland boundary to prevent accidental trespass by machinery and a restoration plan by a certified wetlands biologist shall be submitted for the disturbed setback area. (LUC 20.25H.110.B.5.c, d)

6. In order to help assure that protected areas will not be disturbed, a 10 foot building setback from NGPEs and any other protected areas shall be maintained. This setback applies to buildings and other

constructed elements of the infrastructure and future homes, but not to fences and future landscaping. (BCC 23.76.03.B.3)

7. All detention vaults and other drainage facilities which are to be maintained by the City must be accessible to City maintenance crews and equipment and be able to support the City's large vector truck. All such facilities must be shown within separate tracts or within public road rights of way as approved by the City. (Development Standard 4A.03.c)

8. Stub outs shall be provided for each individual lot for connection to the main storm drainage system. The stub outs shall be located and marked in the field as approved by the SSWU (BCC 23.76.030.D.1; Comprehensive Plan 21D.100.D.5)

9. To mitigate adverse impacts to downstream water quality and conveyance systems, all storm drain catch basins shall be fitted with Tee section floatable materials separators as approved by the SSWU. (BCC 23.76.030.D.1)

10. To mitigate erosion and sedimentation impacts, construction activities shall be limited to the dry months of the year, May 1 through October 31, unless otherwise specified by the SSWU. (Natural Determinants 21.D.200.D.5; BCC 23.76.030.H.2, 3)

11. To mitigate potential failures of the proposed infrastructure and future lot drainage systems, a geotechnical engineering study must be performed and documentation submitted. The study shall include the following:

a. Review and evaluation of the site plans to determine if they incorporate the recommendations contained in the preliminary Geotechnical Engineering Study (by Terra Associates dated 3/26/90) and any new recommendations.

b. Mapping the extent of peat soils and uncontrolled fills (outside wetland tracts and NGPE's)

c. Evaluating and making recommendations on construction of proposed infrastructure and future homes in areas of peat soils and uncontrolled fills.

d. Any other information and recommendations that the geotechnical engineer deems necessary in order to provide a comprehensive professional evaluation commensurate with the proposal. In addition to this study, the geotechnical engineer shall monitor and inspect site earth work including placement of structural fill, detention vault grading and installation, and rockery and retaining wall construction, and submit inspection reports as required by and to the SSWU. Prior to final plat approval, the geotechnical engineer shall submit a final report to the

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SSWU summarizing the results of the monitoring and inspection reports and identifying any measures necessary for long-term maintenance of site improvements and stability. Geotech should identify all proposed lots which should be subject to further detailed investigation prior to design and construction of homes and appurtenances. (BCC 22.02.005; Development standard 21B.07.b)

12. All design elements and construction activities shall be subject to all City of Bellevue codes, policies, and Development Standards. (BCC 23.76.030B, 23.76.030C, 23.76.030D; Natural Determinants 21.D.100D3, and D1, 21.D.200 D5)

13. To mitigate noise levels from 164th Avenue SE, the applicant shall incorporate the recommendations of the acoustical study prepared for this site in the design of engineering plat improvements. (Comprehensive Plan Policy 21.M.760)

14. To mitigate adverse air impacts due to dust during dry weather, construction areas shall be watered to suppress dust entrainment. In order to reduce potential surface and ground water contamination, chemical dust suppressants shall not be used. (BCC 22.02.005).

15. To mitigate adverse water quality impacts during instream construction or stream relocation, work shall be only during low flow and flow shall be bypassed around the work area. Care shall be taken to avoid water contact with uncured concrete or mortar. Equipment shall not be cleaned in the stream. Excess concrete shall be disposed of at least 25 feet away from any area which is part of the storm water conveyance system, such as a detention pond. (BCC 23.76.030).

16. To create a more continuous wildlife corridor along the wetlands, Tract "E" shall be increased in width to be a minimum of 50 feet wide and 40 feet of frontage, rather than 20 feet along the north property boundary and at the frontage of Tract "F". Additional native vegetation shall be added to Tract "E" and other wetland/open space tracts if cover understory is deficient. (Comprehensive Plan 21.H, Policy 7, Objective 4, 5, 7, 8, 9)

17. The internal plat roadway system shall comply with the current edition of the Development standards. Fifty (50) feet of right-of-way shall be dedicated to the City of Bellevue with improvements to include 28 feet of pavement, curb, gutter, five foot sidewalk on each side, street lighting, and associated storm drainage items. Cul-de-sac driving surfaces shall be 48 feet in diameter with landscaped islands. Road grades shall not exceed 15%. Cul-de-sac cross slopes shall not exceed 8%. Street name signs shall be supplied by the developer per a Public Works Department approved sign plan. Street lighting for internal plat roadways shall be designed by Puget Power at the developer's expense and approved by the City of Bellevue Public Works Department prior to installation. Street lighting shall be installed with roadway plat

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improvements. (Comprehensive Plan Policies 21.M.210.C.4, 21M.215.C.1, C.2 and C.5; Development Standards 3C-01, 3C-05, 3C-13A, 3A-06, 3A.07, 3A.21, 3A.29, 3B.06, 3B.12, 3B.28)

18. Frontage improvements are required along 164th Avenue SE. These improvements shall include widened pavement to 18 feet from right-of-way centerline, curb, four foot planting strip, landscaping, pedestrian walkway facilities, and non-motorized facilities. A 10 foot easement will be required to include a sidewalk. An arterial streetlight plan for Lakemont Boulevard shall be submitted for approval, and street lights installed prior to final plat approval or installation guaranteed by assignment of savings. (Comprehensive Plan Policy 21.M.215; Development Standards 3A.29, 3B.28)

19. The developer shall provide trails to the adjacent proposed school and trail system to be coordinated with the Parks, Storm and Surface Water, Transportation Departments, and the School District. The pedestrian trails shall be located in a minimum 10 foot wide easement and constructed to City of Bellevue Development Standards. Trails near wetlands may required construction of boardwalks. Trail locations shall be provided in the following locations:

- a. Between lots 35 and 36 from SE 48th Street, northward to the project boundary;
- b. Along the west side of lot 23 from SE 48th Street, southward to the project boundary;
- c. Northward along the west side of Tract "F" continuing along the west side of Lot 29, northward to the north project boundary;
- d. From 165th Avenue SE, eastward along lot 42, along the north side of lots 37 and 36 to the eastern project boundary. Also from the southeast corner of lot 42 to the north along the east side of lots 42, 43, 44, 45, and 46 and eastward to the east site boundary.

Actual trail locations may need to be adjusted in the field.
(Comprehensive Plan Policy 21.M.215, VI.D-6, 7, and 14; Development Standard 3B.14)

20. Prior to Engineering Plan approval, one of the following conditions shall be met:

- a. The 30 foot easement which runs along the south property line shall be relinquished; or
- b. The lots affected by the 30 foot easement (lots 11-13, 18-20, and 22-24) shall be revised to provide a reasonable size building pad outside the 30 foot easement plus associated 10 foot setback

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from edge of access easement (40 foot total from south property line). Reductions in the number of lots may be required to provide adequate building area on the lots affected. (LUC 20.45F.130F and LUC 20.220.010 (footnote 18))

21. Construction vehicles over 10,000 pounds, licensed gross weight, shall not be allowed on SE 63rd Street via Forest Drive. SE 63rd access must be via Lakemont Boulevard. All construction vehicles shall use the shortest and most direct City arterial routes via Forest Drive SE and Lakemont Boulevard. (Ordinance Nos. 3692, 3934, and 3933; BCC 11.70)

22. Prior to engineering plan approval, the applicant shall demonstrate that the site will meet disturbance limits through designation of non-disturbed areas and that each lot in the current LUC requirements without requiring a variance. (Comprehensive Plan 21.D.200.D1; LUC 20.25H, 20.45A.130.F)

23. All contractors shall comply with the City of Bellevue Noise Ordinance regarding construction noise and hours of construction, summarized as follows:

a. Contractors shall not operate or permit the operation of any diesel, pneumatic or gasoline powered equipment that is not equipped with a sound reducing or noise attenuating device.

b. Sounds created by construction equipment and emanating from construction sites are exempt from the provisions of the noise ordinance between the hours of 7:00 am to 6:00 pm on weekdays (excluding weekends and federal holidays), except expanded hours of operation may be authorized by the Director. Sound produced by construction at any other time is not exempt and is subject to the limitations of the Noise Ordinance 9.18.030. (BCC 9.18)

c. The following conditions of approval shall be imposed prior to final plat approval:

24. A Developer Extension Agreement is required to install an on-site water system, with fire hydrants and services for each lot. This agreement must be initiated, and the work at least 80% complete prior to approval of the final plat. (BCC Chapter 24.04.120)

25. A Developer Extension Agreement is required to install an on-site collection system, with stubs for each lot. This agreement must be initiated, and the work at least 80% complete prior to approval of the final plat. (BCC Chapter 24.04.120)

26. Prior to final plat approval an as-built and as-graded topographic survey stamped by a professional land surveyor shall be submitted to the SSWU. This survey shall be based on two foot contour intervals and include the limits of areas disturbed by infrastructure

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work, lot and right-of-way lines, roads, and utilities. (Development Standard 4B.09)

27. A note shall be added to the face of the final plat which provides that written approval shall be obtained from the SSWU before any structures, fill or obstructions (including fences) are located within any public drainage easements. (Development Standard 4B.07.ii)

28. A note shall be added to the face of the final plat requiring all roof, footing, driveway and other drains to be directly connected to the storm drainage system except as otherwise approved by the SSWU and shown on the face of the final plat (in order to maintain wetland hydrology). (BCC 23.76.030.D.1; Comprehensive Plan 21D.100.D.5)

29. The developer shall pay a traffic impact fee prior to final plat approval or prior to issuance of building permits. The fee paid shall be that which is in effect at the time of payment. Credit will be given for reduction in lot number, or revisions to the Newcastle Facilities Plan which delete or reduce the costs of an improvement. (Comprehensive Plan Policies 21.M.210.C.4 and 21.M.630; Ordinance Nos. 4104, 4139, 4161; BCC 22.02.020)

30. The applicant shall provide either land (provided offsite, subject to city approval of site for park purposes), land and development funds, or development funds in the amount of \$100,000 for park development as a condition of preliminary plat approval for mitigation of parks and recreation impacts. Funds shall be paid prior to final plat approval. (Comprehensive Plan Policy 21.H, Objective 1, Policy 7, Objective 5, Policy 4.)

31. Open space tracts shall be identified on the final plat to be recorded on the property and owned by the Homeowner's Association. Restrictions shall be recorded on the face of the final plat and in the Homeowner's bylaws which preclude any removal of vegetation and prohibit any clearing or grading. (Natural Determinants Policy 21.D.100D.5)

32. The applicant shall sign a detailed legal agreement designating the PUD units (duplex and triplex) on lots 42-46 for affordable housing. Said agreement shall be signed prior to final plat approval or final occupancy inspection for the PUD units on lots 42-46, whichever comes first. The duplex and triplex must receive final inspection and approval or Certificate of Occupancy prior to final plat approval. In the event that the final plat is recorded in two phases, the affordable units must be made available prior to recording of the second phase. (Comprehensive Plan Policy 21.G.125.C.2)

33. No lots shall have direct access to 164th Avenue SE. This condition shall be placed on the final plat map. (Comprehensive Plan Policy 21.M.210.C(11))

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34. Plat improvements must be installed prior to final plat approval or an assurance device in the amount of 150% of the cost of improvements must be submitted to the City to guarantee installation of improvements within one year from final plat approval. (BCC 23.76.025, .030A, .040)

Section 5. This ordinance shall be recorded with the King County Department of Records and Elections.

Section 6. It shall be noted on the final plat that said final plat is subject to the conditions contained in this ordinance.

Section 7. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

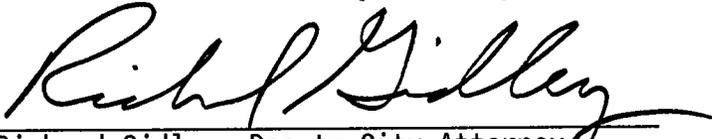
PASSED by the City Council this 9th day of March, 1992, and signed in authentication of its passage this 9th day of March, 1992.

(SEAL)

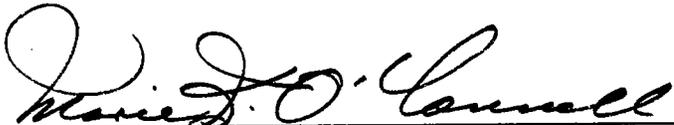

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published March 13, 1992

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EXHIBIT A

PARCEL A:

The west 649.07 feet of the north half of the south half of the southwest quarter of the southwest quarter of Section 13, Township 24 north, range 5 east, W.M., in King County, Washington;

Except the west 30 feet thereof heretofore conveyed to King County for road by deed recorded under Auditor's File No. 1252888.

PARCEL B:

South half of the south half of the southwest quarter of the southwest quarter of Section 13, Township 24 north, range 5 east, W.M., in King County, Washington;

Except the west 30 feet thereof, heretofore conveyed to King County for road by deed recorded under Auditor's File No. 1253888.

PARCEL C:

The north 30 feet of the northwest quarter of the northwest quarter, in Section 24, Township 24 north, range 5 east, W.M., in King County, Washington;

Except the west 30 feet thereof deed in King County for road by deed recorded under Auditor's File No. 1340468.