

WP0010C-ORD  
07/09/92

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4397

AN ORDINANCE approving the conditional use permit application of East/West Partners to construct a neighborhood park on a 2.5-acre site north of S.E. 56th Place and south of the Overlook, a multifamily development, in Lakemont Division 4.

WHEREAS, East/West Partners has applied to the City for a conditional use permit to construct a neighborhood park on a 2.5-acre site north of S.E. 56th Place and south of the Overlook, a multifamily development; and

WHEREAS, on June 10, 1992, a public hearing was held thereon by the Hearing Examiner Pro Tempore pursuant to notice required by law; and

WHEREAS, on June 25, 1992, 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 Council concurs in the findings of fact and conclusions of the Hearing Examiner Pro Tempore; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; 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, Conclusions and Recommendation of the Hearing Examiner for the City of Bellevue, In the Matter of the Application of Lakemont Division 4 Neighborhood Park and Lakemont Community Park for a Conditional Use Permit, File No. CUDN 91-10942".

Section 2. The City Council hereby approves the conditional use permit application, with conditions, of East/West Partners for a neighborhood park, to be located north of S.E. 56th Place and south of the Overlook, a multifamily development, and more particularly described as:

Tracts C, D & F of Lakemont Division 4, as recorded in Volume 159 of plats, pages 6-14, records of King County, Washington

WP0010C-ORD  
07/09/92

provided this approval is subject to the following conditions:

A. Prior to approval of the Construction Plan, a construction assurance device shall be provided for 150% of the cost of all improvements to be constructed on site. Prior to release of the construction assurance device, as-built surveys of facilities shall be provided and a one year maintenance assurance device shall be provided for all facilities and plantings. (CUP Criteria B.1; LUC 20.30B.155)

B. Construction Plan: In order to assure that the development is consistent with the Conditional Use Permit application plans and descriptions, Conditional Use permit criteria, City Codes, conditions of approval of the North Village Master Plan Development (MPD) and development agreements between the applicant and the City of Bellevue, Construction Plans shall be submitted prior to approval of Clearing and Grading and other permits. Construction plans shall be approved by the Design and Development Department, Parks Department and Storm and Surface Water Utility. Construction Plans shall meet all submittal requirements of applicable Clearing and Grading Permit submittal requirements. (CUP Criteria A.1., A.2., B.1., E.1., F., G.1., H.1., H.2.)

C. Construction Activities: All improvements, including but not limited to, storm drainage conveyance, roads, utilities, rockeries, clearing and grading, and erosion and sedimentation control, shall be designed and constructed in conformance with the City of Bellevue Public Works and Utilities, SSWU and Parks Department Development Standards (edition current at the time of application for permits), Clearing and Grading Code, and all other applicable codes, ordinances, and policies. (CUP Criteria A.1, A.2., B.1., E.1., F., G.1., H.1., H.2., BCC Chapters 23 and 24)

D. Design Conditions: The following conditions require design refinement and revisions to assure that the development is consistent with the Conditional Use Permit application plans and descriptions, Conditional Use Permit criteria, City Codes, Development Standards, Conditions of Approval of the North Village Master Plan Development (MPD) and development agreements between the applicant and the City of Bellevue.

1. Park specification shall include the following:

- a. Play equipment: Proposed play equipment must comply with the Americans with Disabilities Act (ADA). Access to play equipment as well as transfer points on structures and equivalent play experiences for the disabled must be provided. Play equipment shall be with "Kompan" structures (provided ADA guidelines are met.)

WPO010C-ORD  
07/09/92

- b. Pedestrian circulation: The trail to connect to the south shall be subject to field staking and review prior to plan approval.
- c. Detailed irrigation plans meeting Parks Department specifications shall be provided.
- d. The location of drinking fountains and hose bibs at the play area and meadow shall be shown.
- e. Park identification: A sign package shall be prepared to meet all Parks Department standards for entryway, directions, trails, wetlands and other applications. (CUP Criteria A.1., A.2., G.1., H.1; BCC 23)

E. The following conditions (E.1 through E.9) are imposed to ensure compliance with Conditional Use Permit criteria, with provisions of cited Code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provision. These conditions must be complied with prior to Construction Plan approval.

1. Right-of-way Use Permit: The applicant shall secure a right-of-way use permit from the City of Bellevue Public Works and Utilities Department, Transportation Division, prior to issuance of a clearing and grading, building, foundation or demolition permit which includes, but is not limited to:
  - a. Designated truck hauling routes.
  - b. Truck loading and unloading activities.
  - c. Location of construction fences.
  - d. Maintain required pedestrian continuity.
  - e. Provides for mechanical street sweeping and maintenance during excavation and construction.
  - f. Construction signing and pedestrian detour routing.
  - g. Hours of construction and hauling.
  - h. All other construction activities as they affect the public street system. (CUP Criteria B.2., C.2.; BCC 22.02.140; Comprehensive Plan Policy 21.M.210.C.7)
2. Dust Control Required: In order to mitigate impacts on air quality, plans submitted for clearing and grading permit

WPO010C-ORD  
07/09/92

approval and building permit approval shall include the following note about dust control:

"Construction areas shall be regularly treated with a dust suppressant approved by the City of Bellevue. Petrochemical dust suppressants shall not be used." (CUP Criteria A.1., C.2.; BCC 22.02.140)

3. Construction Noise Mitigation Required: All contractors shall comply with the City of Bellevue Noise Ordinance regarding construction noise and hours of construction. The following note shall appear on plans approved for construction permits:
  - 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 a.m. and 6:00 p.m. on weekdays (excluding weekends and federal holidays), except expanded hours may be authorized by the Director of Design and Development. Sound produced by construction at any other time is not exempt and is subject to the limitations of the Noise Ordinance at 9.18.030. (CUP Criteria C.2; BCC 9.18)
4. Clearing and Grading Limits: The limits of clearing and grading shall be clearly defined on the construction and clearing and grading permit plans. A six-foot-high chain link fence or orange safety fence shall be installed and maintained at the approved clearing and grading limits during construction. (CUP Criteria A.2; BCC 22.02.140; COB Development Standards 4B-09)
5. Seasonal Limitations: Clearing and grading activities shall be limited to the dry-weather months of the year, May 1 through October 31, unless otherwise approved in writing by the Storm and Surface Water Utility. (CUP Criteria A.2.; BCC 23.76.030.B, C)
6. Temporary Erosion and Sediment Control Plan: The Grading, Temporary Erosion Control, and Storm Drainage Plans shall conform to the edition of the Development Standards current at time of application for the clearing and grading permit. (CUP Criteria A.2.; F.2.; G.1.; BCC 22.02.140; BCC 23.76.030.B, C, D, E)

WPO010C-ORD  
07/09/92

7. To mitigate adverse impacts to trees to be retained during construction, the following conditions shall appear on the face of, or be referenced on the face of, Construction Plans, the Clearing and Grading, Temporary Erosion and Sedimentation Control, and Landscaping plans.
  - a. Clearing limits shall be established at or outside of drip lines and fencing should be installed at the clearing limits prior to initiation of clearing and grading.
  - b. No excavation or clearing should be performed within drip lines except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist approved by the city. (CUP Criteria A.2.; F.2.; G.1.; BCC 22.02.140; LUC 20.20.520; Comprehensive Plan 21.D.100.C.4,D.1; Development Standard 2A.03)
8. To mitigate impacts to plants and animals where clearing is adjacent to wetlands and riparian corridors, to mitigate impacts of wind throw and invasive species in and adjacent to wetlands and cleared areas, to revegetate cleared areas, to enhance wildlife habitat value of remaining stands of vegetation and to mitigate aesthetic impacts of loss of mature vegetation, the planting plan for a 50-foot area from the edge of clearing and where windthrow has occurred shall establish a native successional community, be supportive of wildlife habitat and be sufficiently dense to buffer wetlands and other sensitive areas from increased human use. The plan shall be reviewed and approved by the Parks, Design and Development Departments and the Storm and Surface Water Utility. (CUP Criteria A.3, F.2., G.1.; BCC 22.02.140; LUC 20.20; Comprehensive Plan 21.D.100.C.4,D.1; Development Standard 2.03.A.5.)
9. Wetland Revegetation and Monitoring Plan: A specific revegetation planting plan including species, size, and spacing of overstory and understory plants is required for wetland restoration and habitat enhancement where clearing and windthrow has occurred within wetlands. This planting plan shall consist of wetland species native to the area and shall be reviewed and approved by a professional wetland biologist. All wetland restoration and habitat enhancement proposals shall also require a monitoring plan that shall be addressed at the time of review for each proposal. (CUP Criteria A.3., F.2., G.1.; Development Standard 2B.04.e)

WPO010C-ORD  
07/09/92

F. The following condition (F.1.) is imposed to ensure compliance with provisions of cited Code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provision. This condition must be complied with prior to issuance of any building permit for the proposal:

1. Water Extension Agreement: A Water Developer Extension Agreement will be required prior to approval of construction plans. (BCC 24.02.120)

G. The following condition (G.1.) is imposed to ensure compliance with provisions of cited Code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provision. These conditions must be complied with prior to issuance of any Certificate of Occupancy for any portion of the proposal or release of construction assurance devices.

1. Public Information Signs within Protected Areas: Signs shall be installed adjacent to protected areas at a spacing of approximately 50 feet to inform the public not to disturb the sensitive protected areas. (CUP Criteria A.3.; LUC Section 20.25H.100.4.d; North Village MPD, Common Plat Condition "u.")

Section 3. This ordinance shall be recorded with the King County Department of Records and Elections.

WP0010C-ORD  
07/09/92

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 27<sup>th</sup> day of July, 1992,  
and signed in authentication of its passage this 27<sup>th</sup> day of July, 1992.

(SEAL)



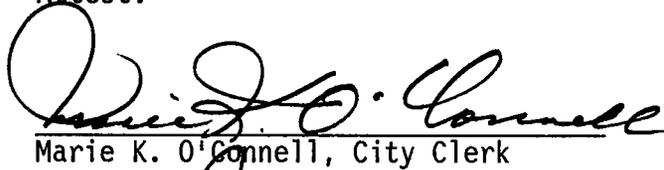
Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard Gidley, Deputy City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published July 31, 1992