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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4398

AN ORDINANCE approving the conditional use permit application of East/West Partners to construct a community park on a 16.32-acre site north of Village Park Drive and south of Lewis Creek, in Lakemont Division 3-A.

WHEREAS, East/West Partners has applied to the City for a conditional use permit to construct a community park on a 16.32-acre site north of Village Park Drive and south of Lewis Creek, in Lakemont Division 3-A; 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 91-7328".

Section 2. The City Council hereby approves the conditional use permit application, with conditions, of East/West Partners for a community park, to be located north of Village Park Drive and south of Lewis Creek in Lakemont Division 3-A, and more particularly described as:

Tract "S" of Lakemont Division 3-A, as recorded in Volume 157 of plats, pages 19-33, records of King County, Washington

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provided this approval is subject to the following conditions:

A. Off-site Facilities: To provide assurance of completion of all required park facilities, payment for off-site facilities in the amount of \$215,000 shall be made to the City of Bellevue Park Department prior to approval of Construction Drawings. (CUP Criteria H.1; North Village MPD Common Plat Condition h.; Lakemont Drainage Agreement 2/7/92)

B. Prior to approval of the Construction Plan, a construction assurance device shall be provided for:

1. 150% of the cost of all improvements to be constructed on site.

2. An amount to be determined by the SSWU to assure that facilities constructed for the storm water detention/treatment facility are not damaged. Said device shall be deemed to include all funds assigned to Bellevue Parks Department for construction and maintenance on October 31, 1991. Pro rata release of the assurance device may be made on a pro rata basis depending upon completion of construction of discrete elements. Prior to release of any 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)

C. A plat amendment to Lakemont Division 3-A shall be submitted prior to release of construction assurance devices and shall be approved prior to release of maintenance assurance devices to relocate Parcel and Tract boundaries, Native Growth Protection Easements (NGPE) and Building Setback Lines (BSBL) to place all park facilities within Tract S of and provide NGPE and BSBL boundaries consistent with as-built facilities. (CUP Criteria F.3; LUC 20.45A.280)

D. 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 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 and in addition shall include:

1. Property lines shall be shown on all sheets of the plans. The existing and the proposed new property lines NGPEs and BSBLs must be shown.

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2. Clearing limits shall be based on a survey of the disturbance limits marked in the field.

3. Plans shall show accurate existing and proposed topographic information at two-foot contours. Geotechnical Conditions: A geotechnical report shall be prepared to address all excavation, fill, retaining structures, bridge abutments, and disturbance of slopes in excess of 25%. The geotechnical engineer shall review and evaluate site plans to determine if the plans incorporate site earthwork and drainage recommendations contained in the report and to identify critical stages in clearing, grading, and construction process when evaluation and input by the geotechnical engineer will be required. (CUP Criteria A.1., A.2., A.3., B.1., B.2., B.3., E.1., F.2., G.1., H.1., H.2., H.3.)

E. 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 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., A.3., B.1., B.2., B.3., E.1., F.2., G.1., H.1., H.2., H.3: BCC Chapters 23 and 24)

F. 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. The following revisions shall be made to conform with approval of the Drainage Detention Facility on the site and meet the management and maintenance requirements of the Storm and Surface Water Utility.

a. Provide detailed grading plans for all regrading of Detention and Treatment Basin berms including cross sections and plan view of excavation limits with limits of PVC liner and cutoff/anchor trench and label approved structural fill, PVC liner and cutoff/anchor trench areas off-limits for excavation.

b. Provide detailed engineering report for bridge abutments, bridge structures crossing Lewis Creek no later than June 30, 1993.

c. Provide detailed engineering plans for spillway modification to provide for a concrete sidewalk crossing.

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d. Provide revised detailed plaza drainage plans including drainage of the basketball court to the swale system.

e. Provide detailed site irrigation plans including specifications for drainage facility maintenance operations.

f. Provide revisions to Plaza and related plans to provide for access for maintenance including:

(1) Provide a vehicular access to all maintenance access points as approved by the Storm and Surface Water Utility.

(2) Provide hardscape paving approved by the Storm and Surface Water Utility a minimum 6'x6' or 6' diameter around the outside rim of manholes for all maintenance access points or as otherwise approved by SSWU.

(3) Identify on plans, the locations of change in allowable loading on the detention vault and specify the maximum allowable loading for each area.

(4) Provide details for removable tennis net posts.

g. Provide a control room for Detention/Treatment System operation a minimum 6' of unobstructed wall area for control panels, with lighting and heating as approved by the Storm and Surface Water Utility.

2. Plans shall be revised to incorporate revisions required to complete conditions to the Detention/Treatment facility plans, if separate plans are not submitted and approved.

a. Railing design - top of detention vault. (CGLF-90-1292, 8/23/91, cond. 7.f.)

b. Wetland mitigation plans. (CGLF-90-1292, 8/23/91, cond. 20)

c. Landscape plans for areas disturbed by construction. This includes restoration adjacent to the access roadway and restoration of the area of the temporary access road. (CGLF-90-1292, 8/23/91, cond. 35)

d. Restoration plan for encroachment into the wetland buffer area south of the filter basins.

e. Landscaping along Village Park Drive which was deferred from Division 3-A requirements to the park plans. (Division 3-A, landscape plans, redline revisions)

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3. NGPE and BSBL encroachment: The proposed relocation of the property lines, NGPE and BSBL and the limits of ballfield boundaries and fill shall be depicted on plans and be field located and approved by the Design and Development Department and the Storm and Surface Water Utility.

4. Trail and Bridge Construction: The applicant shall submit a detailed structural plan including description of construction sequence and techniques for all bridges with a detailed geotechnical report for the bridge over Lewis Creek no later than June 30, 1993.

5. Planting plan shall incorporate the elements specified in F.2.j. above and address the following:

a. Landscaping of road fill slopes similar to those approved for the balance of the frontage in Division 3-A must be provided.

b. Plantings for the outer face of berms shall provide materials meeting Park Department standards for serviceability and cost of maintenance.

c. Dense plantings of native evergreens are required adjacent to the proposed retaining wall and dugout on the south side of the ballfield.

d. Proposed fill slopes and the margins of planted areas will require restoration planting which include a specification for removal of hazard trees and replanting with native trees for successional vegetation at a density of no less than 50 stems/acre and no more than 150 stems/acre as determined by a licensed landscape architect hired at applicant's expense.

6. 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).

b. Pedestrian circulation.

(1) The trail system connecting to Division 5-N should be field located and approved prior to approval of construction plans and be 10' in width and paved with asphalt consistent with Plat Condition N.6. and Development Standard 3B.15.

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(2) The recreation trail to the east of the ballfield shall be 4' in width and meander subject to field staking and review prior to construction.

(3) A 6' concrete sidewalk shall be provided from the access road and across the western side of the parking lot to the plaza.

(4) A concrete walkway shall be constructed across the overflow spillway and shall meet SSWU requirements.

(5) A 6' gravel trail shall be provided from Village Road in the vicinity of the multi-family project driveway to the plaza.

(6) Trails along the top of ponds, within the picnic area and down to ballfield shall be constructed to Development Standard 3B.15 where shown as asphalt on sheet L-2. All areas paved for park purposes which also provide access to Storm and Surface Water Utility maintenance vehicles shall provide pavement to meet applicable APWA standards for the type and weight of vehicle use designated in the Detention/Treatment Facility Maintenance Plan without degradation to the pavement.

c. Detailed irrigation plans meeting Parks Department specifications shall be provided.

d. Plaza Design and materials:

(1) Resilient material: A granolithic aggregate should be specified instead of cushion turf for the majority of the play area. In addition, a surface accessible to wheelchairs is necessary for a part of the play area to meet accessibility requirements. This can be addressed in construction plans.

(2) Special pavers: Specifications shall be provided for all special pavers and shall be subject to review and approval by the Parks Department. Additional special pavers may be required to define the boundary between parking and vehicular routes and pedestrian routes.

(3) Planters shall include design continuity with the finish of walls of the detention vault.

(4) Specifications as provided in the attachment to the March 4, 1992 letter from the City shall be used in the construction drawings for planters, trash receptacles, etc.

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(5) Twelve (12) benches shall be provided adjacent to play areas with a variety of arrangements including placement next to hard surface areas so that people in wheelchairs may sit near others on benches. Some of the benches shown seem to be accessible only by passing over the resilient surfacing areas. Some of the benches near the play areas need to be grouped to create conversation areas rather than be placed in rows.

e. Building design: Construction plans for the restroom building shall incorporate the Parks Department specifications included in attachment to the March 4, 1992 letter from the City.

f. Park identification: A sign package shall be prepared to meet all Parks Department standards for entryway, directions, trails, hazards and other applications. (CUP Criteria A.1., A.2., A.3., B.1., B.2., B.3., E.1., F.2., G.1., H.1., H.2., H.3; BCC Chapter 23)

G. The following conditions (G.1 through G.14) 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 provisions. These conditions must be complied with prior to Construction Plan approval unless otherwise specified.

1. Easements:

a. Easements for vehicular and pedestrian access shall be filed across Parcel "A" of Lakemont Division 3-A for access to the facility pursuant to this proposal and conditions and approved plans for the detention facility found in CLGF-90-01292.

b. Easements shall be filed across Parcel "B" of Lakemont Division 3-A for pedestrian access from the bridge to the intersection with 171st Avenue S.E. no later than June 30, 1993. The easement may specify that it may be relocated and closed for a specified time during construction of the village center, upon approval of the City of plans for the village commercial center. (CUP Criteria B.1; Comprehensive Plan Policy 21.M.215.C.2; Development Standard 3A.06)

2. Off-Street Parking: The applicant shall secure sufficient off-street parking for construction workers prior to the issuance of a clearing and grading, building, foundation or demolition permit. (CUP Criteria C.3; BCC 22.02.140; Comprehensive Plan Policy 21.M.210.C.7)

3. Alternative Landscape Option: Prior to approval of construction plans, the applicant shall submit an application for an Alternative Landscape Option for review and approval or provide

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landscaping along the street frontage (Village Park Drive SE) and within parking areas which meet Land Use Code requirements. (CUP Criteria F.1; LUC Section 20.20.520)

4. Bridge Construction: The applicant shall submit a complete building permit application including all required structural plans for the 10-foot bridge over Lewis Creek no later than June 30, 1993. (CUP Criteria B.2; BCC 23.10.010; Development Standard 3B.15)

5. 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.
- i. All other construction activities as they affect the public street system.

(CUP Criteria C.3; BCC 22.02.140; Comprehensive Plan Policy 21.M.210.C.7)

6. Dust Control Required: In order to mitigate impacts on air quality, plans submitted for clearing and grading permit 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 C.3; BCC 22.02.140)

7. 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.3; BCC 9.18)

8. 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.3; BCC 22.02.140; COB Dev. Std. 4B-09)

9. Seasonal Limitations: Clearing and grading activities shall be limited to the dry-weather months of the year, May 1 to October 31, unless otherwise approved in writing by the Storm and Surface Water Utility. (CUP Criteria A.3; BCC 23.76.030.B, C)

10. Geotechnical Conditions: (a) A geotechnical report shall be prepared to address all excavation, fill, retaining structures, bridge abutments, and disturbance of slopes in excess of 25%. The geotechnical engineer shall review and evaluate site plans to determine if the plans incorporate site earthwork and drainage recommendations contained in the report and to identify critical stages in clearing, grading, and construction process when evaluation and input by the geotechnical engineer will be required. (b) The geotechnical engineer shall monitor and inspect site earthwork, drainage control, rockery and/or retaining wall construction and other critical stages, and shall submit inspection reports as required by and to the Storm and Surface Water Utility. (c) The geotechnical engineer shall submit a final report to the Storm and Surface Water Utility summarizing the results of the monitoring for long-term maintenance and site improvements and stability. (CUP Criteria A.3., F.2., G.1.; BCC 22.02.140; BCC 23.76.040.C)

11. Temporary Erosion and Sediment Control Plan: The Temporary Erosion Control, and Storm Drainage Plans shall conform to the edition of the Development Standards current at time of

12. To mitigate adverse impacts to trees to be retained during construction, the following conditions should 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.3, 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.)

13. To mitigate impacts to plants and animals where clearing is adjacent to riparian corridors, to mitigate impacts of windthrow and invasive species adjacent to 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 areas within 50 feet of the edge of clearing shall establish a native successional community at a minimum density of no less than 50 stems/acre and no more than 150 stems per acre as determined by a licensed landscape architect hired at applicant's expense, be supportive of wildlife habitat and include a choice of species to buffer stream corridors and other sensitive areas from increased human use. The plan should 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.)

14. A lighting plan shall be prepared. To mitigate light and glare impacts from outdoor lighting sources affecting residential uses, lighting should be shielded and directed downward away from adjoining properties. (CUP Criteria C.2; BCC 22.02.140; Comprehensive Plan Policy 21.B.005)

H. The following conditions (H.1 through H.2) are 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 building permit for the proposal:

1. Water Extension Agreement: A Water Developer Extension Agreement including provision of Fire Flow as required by the Fire Department will be required prior to approval of construction plans. (BCC 24.02.120)

2. Sewer Extension Agreement: A Sewer Developer Extension Agreement will be required prior to approval of construction plans. (BCC 24.04.120, 24.04.090)

1. The following condition (I.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 compiled 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.")

J. The plat amendment to Lakemont Division 3-A to relocate Parcel and Tract boundaries, Native Growth Protection Easements (NGPE) and Building Setback Lines (BSBL) to place all park facilities within Tract S of and provide NGPE and BSBL boundaries consistent with as-built facilities shall be approved and filed prior to release of maintenance assurance devices. (CUP Criteria F.3)

K. If the applicant does not submit a joint proposal with the owner of Parcel "B" of Lakemont Division 3A as part of an approved development plan for the Village Commercial Center, all required plans for the bridge over Lewis Creek shall be submitted by June 30, 1993 and the bridge shall be constructed by October 31, 1993, unless an extension is granted by the Director of the Design and Development Department.

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

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

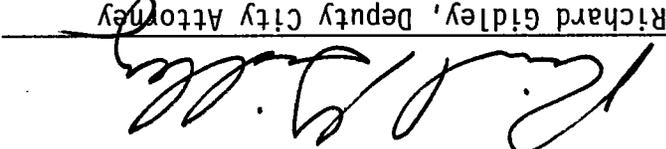
PASSED by the City Council this 27th day of July, 1992, and signed in authentication of its passage this 27th day of July, 1992.

(SEAL)

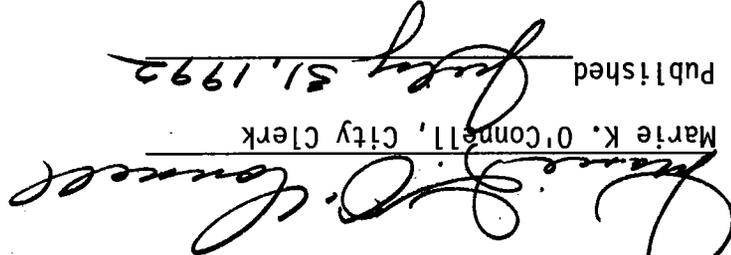

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published July 31, 1992