

ORIGINAL

WP0188C-ORD
05/24/93

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4542

AN ORDINANCE approving the Shoreline Conditional Use Permit application of the City of Bellevue Parks Department for a shoreline conditional use permit for a viewing dock and boat launch in the southwest corner of Phantom Lake.

WHEREAS, the City of Bellevue Parks Department has applied to the City for a shoreline conditional use permit for a viewing dock and boat launch in the southwest corner of Phantom Lake, within the Lake Hills Greenbelt Park; and

WHEREAS, on April 8, 1993, a public hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on May 4, 1993, the Hearing Examiner 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; and

WHEREAS, the City of Bellevue has complied with the requirements of 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 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, Washington, in the Matter of the Application of City of Bellevue Parks and Recreation Shoreline Conditional Use Permit, File No. CUSM-92-8802."

Section 2. The City Council hereby approves the Shoreline Conditional Use Permit application, with conditions, of City of Bellevue Parks and Recreation for a viewing dock and boat launch in the southwest corner of Phantom Lake, on property more particularly described in Exhibit A, attached hereto, which by this reference is fully incorporated herein, provided this approval is subject to the following conditions:

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A. The following shall apply to the construction of the project:

1. Construction Activities: The applicant shall submit a detailed description of construction sequence and techniques for both the viewing dock and the boat launch area. The documentation shall include equipment, mobilization, and erosion control. Machines which will cause the least environmental disturbance will be utilized. (BCC 23.76)

2. Construction Access: To ensure water quality of the wetlands, a construction mat will be used for equipment access to Phantom Lake. (BCC 23.76)

3. Temporary Erosion and Sediment Control Plans: The temporary erosion control plan shall conform to the edition of the Development Standards current at the time of application for the Clearing and Grading Permit.

4. Temporary Erosion and Sediment Control Plans: Prior to transporting excavated material from the boat launch area, trucks must be secured and sealed to prevent material from escaping. (BCC 23.76)

5. Water Quality: Prior to pile driving or excavating, a silt curtain will be placed underwater around the construction envelope for the dock and boat launch areas in order to prevent the migration or lateral spreading of resuspended sediments. The silt curtain will extend from the lake bottom to the water surface and shall be securely placed. All materials used in the temporary containment shall be non-toxic. At project completion, the silt curtain shall be removed in such a manner as to minimize sediment disturbance. (Comprehensive Plan 21.D.100.C.2, .D.2; LUC 20.25E.080.I; BCC 23.76.030)

6. Water Quality: Use of hog fuel shall be limited to supplies which either have been preleached for a minimum of three months or have been certified to contain no hardwood or hardwood byproducts. (BCC 23.76)

7. Water Quality: Construction debris dropped in the water during construction shall be promptly removed. (BCC 23.76)

8. Clearing & Grading: The limits of clearing and grading shall be clearly defined on the Clearing and Grading Permit plans. (COB Development Standards 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

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otherwise approved in writing by the Storm and Surface Water Utility. (BCC 23.76.030.B, C)

10. Wetland Revegetation and Monitoring Plan: A specific revegetation planting plan including species and size is required for all wetland restoration and habitat enhancement. This planting plan shall consist of wetland species native to the area. All wetland restoration and habitat enhancement proposals shall also require a monitoring plan that shall be addressed at the time of review for the proposal. (Development Standard 2B.04.3)

B. The following shall apply to use of the project once it is opened to the public, until the City Council by ordinance, or the Parks Department by resolution, adopts rules for Phantom Lake relating to control of public access.

1. State of Washington fishing regulations apply.
2. Boating regulations.

a. Public boating access to Phantom Lake is permitted only at the public boat launch area at 2011 - 150th S.E. Launching of all boats or flotation devices is prohibited from Robinsglen Nature Park.

b. Motorized boats are not allowed.

c. No more than 12 non-lake resident boats are allowed on the lake at any one time. Space is allocated on a first-come, first-serve basis.

d. Non-resident permits may be obtained at the boat launch. They will be available at low or no cost and valid for three hours.

e. All non-resident boats on the lake must have a valid permit on board at all times.

f. At the end of the three-hour period, a waiting boater shall have the right to take a spot made available by the expiration of an earlier permit, at those times when the 12-boat limit has been reached.

g. Resident boats must be marked with the Phantom Lake stencil per Parks Department requirements. These will be administered by the Phantom Lake Homeowners Association. Resident boats may not use non-resident permits.

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3. Park rules shall be posted requesting that noise must be kept to a minimum. Radios and other sound amplification devices must not be audible more than 30 feet away.

4. Signs shall be posted stating that no lifeguard is on duty. Swimming is at own risk and shall be prohibited from shores where so designated. (SEPA and Comprehensive Plan 21U.150 and 710(a))

C. The following additional conditions shall apply:

1. Signs restricting swimming shall include warnings of the dangers involved at this location.

2. The Parks Department shall maintain a small motorized boat on-site at appropriate times in order to respond to emergencies and to aid in enforcement.

3. Boats owned by members of the public and launched at the launching site shall be limited to non-motorized boats of a size that can be carried on top of a car. Boats only will be allowed. Other flotation devices shall be prohibited.

4. Except for watercraft used for emergency assistance or enforcement, no boats shall be tied to or moored alongside the viewing dock.

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.

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PASSED by the City Council this 14~~th~~ day of June, 1993,
and signed in authentication of its passage this 14~~th~~ day of
June, 1993.

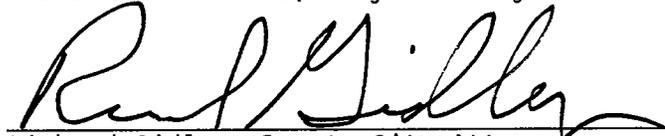
(SEAL)



Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published June 18, 1993

EXHIBIT A

LEGAL DESCRIPTIONS

FARCEL A:

A tract of land situated in the north half of the southwest quarter of the southeast quarter of said Section 2, Township 24 North, Range 5 East, W.M., in King County, Washington, more particularly described as follows:

Beginning at the south quarter corner of said Section 2;
thence north $1^{\circ}36'02''$ east 1321.45 feet to a one-sixteenth (1/16) corner;
thence south $88^{\circ}34'32''$ east 30.00 feet to the true point of beginning;
thence south $88^{\circ}34'32''$ east 799.50 feet to an inaccessible point in Phantom Lake;
thence south $1^{\circ}25'28''$ west 100.00 feet to another point in the lake;
thence north $88^{\circ}34'32''$ west 799.50 feet;
thence north $1^{\circ}25'28''$ east 100.00 feet to the true point of beginning.

FARCEL B:

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 $01^{\circ}36'02''$ west 1631.573 feet along the west line of said subdivision;
thence south $88^{\circ}34'31''$ east 30 feet to the east margin of 156th Avenue Southeast and the true point of beginning;
thence south $88^{\circ}34'31''$ east 203.96 feet;
thence south $89^{\circ}53'22''$ east 435.988 feet;
thence north $39^{\circ}55'40''$ east 115.11 feet;
thence south $88^{\circ}34'31''$ east 88.74 feet;
thence north $01^{\circ}30'01''$ east 110.00 feet;
thence north $88^{\circ}34'31''$ west 799.736 feet to the east margin of 156th Avenue Southeast;
thence south $01^{\circ}36'02''$ west 210.082 feet along said east margin to the true point of beginning.