

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4682

AN ORDINANCE approving the preliminary plat and preliminary and final development plans for a planned unit development to be located at 1242 - 108th Avenue N.E., upon application of Oakhurst Development Corporation (Linden Lane); PP 93-10220 and PFPUD 93-10219.

WHEREAS, Oakhurst Development Corporation has submitted applications for approval of the preliminary plat and preliminary and final development plans for a planned unit development to be located at 1242 - 108th Avenue N.E.; and

WHEREAS, on May 26, 1994, a public hearing was held thereon by the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, the Hearing Examiner has reviewed said preliminary plat and preliminary and final development plans for a planned unit development to determine whether said preliminary plat and preliminary and final development plans 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 June 17, 1994, the Hearing Examiner recommended conditional approval of the preliminary plat and preliminary and final development plans for a planned unit development and made and entered findings of fact and conclusions based thereon in support of the 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 State Environmental Policy Act and the Bellevue 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 based thereon made and entered by the Hearing Examiner in support of the recommendation to the City 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 Oakhurst Development Corporation (Linden Lane) for Approval of the Preliminary Plat and Planned Unit Development, File Nos. PP 93-10220 and PFPUD 93-10219."

Section 2. The City Council hereby approves, with conditions, the preliminary plat and preliminary and final development plans for a planned unit development to be located at 1242 - 108th Avenue N.E., and more particularly described as:

The south three-fifths of the north half of the southwest quarter of the northwest quarter of the southeast quarter of Section 29, Township 25 north, range 5 east, W.M., in King County, Washington; Except the west 30 feet for road; Except the south 20 feet of the west 255 feet thereof; and except the south 88 feet of the west 196 feet thereof.

Provided that approval of said 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, developer or developers, and their heirs, assigns, grantees, and successors in interest herewith:

A. The following conditions 1-15 are imposed to ensure compliance with provisions of cited Code or SEPA as authority to mitigate adverse environmental impacts which are otherwise not addressed through applicable Code provisions. Except where noted, these conditions must be complied with prior to issuance of any Clear and Grading Permit for this proposal.

1. To mitigate adverse construction noise impacts on nearby residents the following mitigating measures shall be listed by the applicant on the face of the construction and engineering drawings submitted to the City for utility work, clearing and grading, and Building Permit approval.

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 a.m. to 6:00 p.m. on weekdays (excluding weekends and Federal

holidays), except expanded hours of operation may be authorized by the Director of Community Development. Sound produced by construction at any other time is not exempt and is subject to the limitations of the Noise Ordinance at BCC 9.18.030.

BCC 9.18.030

2. 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. (SEPA; Comp. Plan EN-39)
3. To mitigate potential water quality degradation if a sewer line were broken during construction, utilities shall be "field located" prior to construction activities. (SEPA; Comp. Plan EN-11)
4. Full frontage improvements as normally associated with urban development and approved by the Transportation Department shall be incorporated into permit applications and installed by the applicant. The roadway cross-section on 108th Avenue N.E. shall be 30 feet wide, curb to curb. Improvements shall include: Type "A" curb, gutter, storm drainage, four foot wide landscaping strip with irrigation system, six foot wide concrete sidewalk and street lighting. The sidewalk may meander to avoid existing trees. The developer is responsible for design, installation or relocation of new or existing street lighting. (Development Standards 3A.06; LUC 20.20.950)
5. The internal private road shall be 24 feet wide with 5 feet of concrete sidewalk. Curb and gutter shall be provided around the entire perimeter of the outside edge of the roadway. The road's access point at 108th Avenue N.E. shall be aligned with N.E. 13th Street. (Development Standards 3A.05, 3A.25.C.5)
6. The applicant is required to pay the Transportation Impact Fee in effect at the time of final plat approval or at the issuance of Building Permits. The proposed development is within Impact Fee area (1), which presently has a fee of \$1,145.66 per single-family unit. (BCC Chapter 14.10)
7. All construction truck traffic shall comply with haul routes designated by the City of Bellevue Transportation Department. These routes shall avoid areas of residential use where possible in order to minimize exposure to noise and dirt. (BCC 11.70 & 14.30; LUC 20.25A)

8. The applicant shall secure a Right-of-Way Use Permit from the City of Bellevue Transportation Department 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. Maintenance of required pedestrian and business access continuity.
- e. Providing 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.

(BCC 11.70 & 14.30)

9. To minimize impacts to water quality, storm water pollution control shall be provided in accordance with the Washington State Department of Ecology guidelines as outlined in the 1992 Stormwater Management Manual for the Puget Sound Basin. (SEPA; Comp. Plan En-11)

10. Grading, Temporary Erosion Control and Storm Drainage Plans shall conform to the edition of the Development Standards current at the time of application for the Clearing and Grading Permit. (BCC 23.76.030.A - E)

11. Details for the protection of significant trees to be retained through construction shall appear on the face of drawings submitted for plat engineering, Clearing and Grading, and Building Permit approval. The following notes shall appear on the face of the Temporary Erosion and Sedimentation Control (TESC) and landscape plans:

- a. Clearing limits shall be established at or outside of driplines and six foot high chain link fencing or equivalent shall be installed at the clearing limits adjacent to any protected area

or protected area setback prior to initiation of clearing and grading.

- b. No excavation shall be performed within driplines except as specifically approved on plans. Approved work shall be done by hand to avoid damage to roots and shall be done under the supervision of an applicant-selected arborist approved by the City.

(LUC 20.20.520)

12. To ensure compliance with the PUD requirements for recreation space, the applicant shall submit a final design for the recreation space proposed to be located on the west end of the site, and north and south of the access drive. The recreation space shall include picnic areas, gardens, benches or other similar features which will establish a recreation feature and visual focal point for the entry to the project. (LUC 20.30D.160)

13. To mitigate possible adverse siltation and erosion impacts, clearing and grading activities shall be limited to dry weather months, i.e. May 1 through October 31st. Exceptions to the time schedule may be allowed after review by DCD based on the specific activities proposed, precipitation, and soil conditions. (BCC 23.76.046)

14. To mitigate potential adverse impacts to earth resources, including slope stability and erosion, and to ensure conformance with the recommendations in the geotechnical report dated October 21, 1993, by Earth Consultants, Inc., site earthwork, utility construction, foundation placement, retaining wall and rockery construction shall be monitored by a professional geotechnical engineer and reported to DCD on a daily or weekly basis, as determined by the clearing and grading inspector. (Comp. Plan EN-19, EN-22)

15. To mitigate potential adverse impacts to earth resources, the final plat development plans shall be reviewed by a professional geotechnical engineer prior to issuance of a Clearing and Grading Permit. (Comp. Plan EN-19, 22)

B. The following conditions 1-2 are imposed to ensure compliance with provisions of cited code or SEPA, as authority to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provisions. Except where noted, these conditions must be complied with prior to issuance of any Building and/or Demolition Permit for the proposal.

1. To mitigate light and glare impacts from outdoor lighting sources affecting highway, road or residential uses, lighting shall be shielded and directed downward, away from adjoining properties. (LUC 20.30D.150.H)

2. The applicant shall submit color samples and materials for the building exterior for the review and approval of the DCD. (LUC 20.30D.150H)

C. The following conditions 1-2 are imposed to ensure compliance with provisions of cited code or SEPA as authority to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provisions. Except where noted, these conditions must be complied with prior to issuance of any Occupancy Permits for the development.

1. Separate sign design review approval shall be obtained for all signage associated with this project. (LUC 20.30F)

2. To insure adherence to the Planned Unit Development approval and to maintain the common open and recreation spaces, the applicant shall establish a Homeowners' Association with covenants and restrictions which maintain the requirements of the PUD approval. The covenants and restrictions shall be submitted to the DCD for review and approval. Prior to final plat approval, the covenants and restrictions shall be recorded with the King County Division of Records and Elections and the City Clerk.

Elements to be addressed in the covenants and restrictions shall include but are not limited to:

- a. All site and landscape plans showing the limits of clearing permitted and the limit of landscaping permitted at each home site.
- b. An irrigation plan for the entire site.
- c. A maintenance program for the PUD.
- d. Building materials and colors approved by the City of Bellevue for the PUD buildings.
- e. A tree survey indicating all trees to be retained and their driplines. (LUC 20.30D.160B)

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

WP0346C-ORD
07/08/94

ORIGINAL

PASSED by the City Council this 25th day of July, 1994, and
signed in authentication of its passage this 25th day of
July, 1994.

(SEAL)


Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Myrna L. Basich, City Clerk

Published July 29, 1994