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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4761

AN ORDINANCE approving the application of the City of Bellevue Parks and Community Services Department for a shoreline conditional use permit for the Enatai Beach Park Renovation.

WHEREAS, the City of Bellevue Parks and Community Services Department has applied to the City for a shoreline conditional use permit for Enatai Beach Park Renovation; and

WHEREAS, on March 9, 1995, a hearing was held thereon by the Hearing Examiner pursuant to notice required by law; and

WHEREAS, on March 30, 1995, the Hearing Examiner recommended that the City's application be approved, with conditions, 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 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 made and entered by the Hearing Examiner in support of his 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 City of Bellevue Parks and Community Services Department (Enatai Beach Park Renovation) for a Shoreline Conditional Use Permit, File Nos. CUSM 93-10283 and SDDOE 93-10282."

Section 2. The City Council hereby approves the Shoreline Conditional Use Permit application of the City of Bellevue Parks and Community Services Department for the Enatai Beach Park Renovation, more particularly described as:

That portion of Government Lot 4, Section 8, Township 24 North, Range 5 East, W.M., in King County, Washington;
LYING West of the West margin of 108th Avenue S.E. (D.T. Carr Road);

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LYING Southwesterly of the Southwesterly margin of 106th Avenue S.E.;
AND LYING Southeasterly of the Northwesterly margin of S.R. 90, as shown on the S.R. 90(P.S.H. 2), East Channel Bridge to Richards Road Right of Way Plans, sheet 2 of 20, dated August 17, 1965;

TOGETHER with shoreland adjoining.

provided this approval is subject to the following conditions:

A. CLEARING, GRADING, TEMPORARY EROSION AND SEDIMENT CONTROL

Final development plans shall be reviewed by the project geotechnical engineer prior to issuance of a Clearing and Grading Permit. Site earthwork, utility construction, foundations for the boathouse, pile foundation placement, retaining walls, and bulkhead construction should be monitored by the project geotechnical engineer and reported to the DCD on a daily or weekly basis, as determined by the clearing and grading inspector.

B. CLEARING, GRADING, TEMPORARY EROSION AND SEDIMENT CONTROL

Proposed erosion control measures shall comply with the requirements outlined in Chapter II of the City of Bellevue's Development Standards and the best management practices for erosion control delineated in Chapter I of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin.

C. CLEARING, GRADING, TEMPORARY EROSION AND SEDIMENT CONTROL

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

D. WATER QUALITY

A silt curtain shall be placed underwater around the construction envelope for the bulkhead area in order to prevent the migration or lateral spreading of resuspended sediments. The silt curtain shall extend from the lake bottom to the water surface and shall be securely placed prior to any excavating or construction. All materials used in the temporary containment

shall be non-toxic. At project completion, the silt curtain shall be removed in such a manner to minimize sediment disturbance.

E. WATER QUALITY

Storm water runoff shall pass through an on-site floatable materials/spill control structure, designed per the Department of Ecology Stormwater Manual for the Puget Sound Basin III-7.

F. WATER QUALITY

Utilities shall be "field located" prior to construction activities to reduce potential for water quality degradation if a sewer line were broken during construction. The appropriate jurisdictions and departments shall be contacted at 1-800-424-5555.

G. AIR QUALITY

Construction areas shall be swept or watered to suppress dust in order to minimize adverse air quality impacts due to dust during dry weather. In order to reduce potential surface water and groundwater contamination, chemical dust suppressants should not be used.

H. FISHERIES RESOURCE PROTECTION

In-water construction shall be limited to occur within the time period specified by the Hydraulics Project Approval by the Washington State Department of Fisheries and Wildlife.

I. CONSTRUCTION NOISE

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

1. 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.
2. Sounds created by construction equipment and emanating from construction sites are exempt from the Noise Ordinance between the hours of 7 a.m. and 6 p.m. on weekdays (excluding weekends and federal holidays), except expanded hours may be authorized by the Director of the DCD. Sound produced by construction at any other time is not exempt and is subject to the limitations of the Noise Ordinance.

J. STREET FRONTAGE IMPROVEMENTS

The applicant shall be required to install full frontage improvements along 106th Ave. SE and 108th Ave. SE as part of Phase I of the project. Frontage improvements include: storm drainage, pavement widening, curb and gutter, sidewalk, driveway approach, and street lighting. The new frontage improvements shall accommodate a proposed 14-foot-wide multi-use trail along the east side of 108th Ave. SE.

K. RIGHT-OF-WAY USE PERMIT REQUIRED

The applicant shall secure a Right-of-Way Use Permit prior to issuance of a Clearing and Grading Permit. The Right-of-Way Use Permit shall include:

1. Designated truck hauling routes;
2. Truck loading and unloading activities;
3. Location of construction fences;
4. Hours of construction and hauling;
5. Provisions for street sweeping during excavation and construction;
6. Construction signing and pedestrian detour routing;
7. All other construction activities as they affect the public street system; and
8. Maintenance of pedestrian access.

L. DEVELOPER EXTENSION AGREEMENT

All utilities design review, approvals, and construction inspection shall occur through the Developer Extension Agreement. The utility systems shall be designed per the current editions of the City of Bellevue Water and Sewer Engineering Standards and the Development Standards. A commercial side sewer permit will be required to connect the new building to the existing sewer main on-site.

M. ACCESS GATE

In response to security and noise concerns raised by residents near Enatai Beach Park, the applicant shall install and maintain a gate at the entrance to the park which shall be closed so as to prevent vehicular access during the house between dusk and dawn when the park is not open to the public.

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 1st day of May, 1995, and signed in authentication of its passage this 1st day of May, 1995.

(SEAL)



Donald S. Davidson, DDS, Mayor

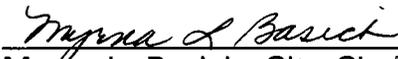
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published May 5, 1995