

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5205

AN ORDINANCE approving the planned unit development located at 3615 – 163rd Avenue SE, known as Parkwood Lane, upon application of J. Wright Development Co., File No. PUD 98-1496; and vacating a portion of the plat of Heathfield Country Estates No. 3, File No. 99-224575LG.

WHEREAS, J. Wright Development Co. has submitted an application for approval of a planned unit development located at 3615 – 163rd Avenue SE, known as Parkwood Lane; and

WHEREAS, on May 19, 1998, a public meeting was held on the application by the Sammamish Community Council, which has jurisdiction in the area; and

WHEREAS, on September 16, 1999, a public hearing was held on the application by the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS; the Hearing Examiner has reviewed the preliminary development plans for said planned unit development to determine whether said planned unit development is in conformance with the general purposes and policies of the Comprehensive Plan and meets the standards and specifications of the City;

WHEREAS, on October 4, 1999, the Hearing Examiner recommended conditional approval of the proposed planned unit development and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, it was subsequently determined that the proposed PUD overlies a portion of the previously recorded plat of Heathfield Country Estates No. 3; and

WHEREAS, a request was thereafter filed to vacate said portion of the plat of Heathfield Country Estates No. 3; and

WHEREAS, on December 21, 1999, a courtesy public hearing was held by the Sammamish Community Council on the proposed vacation; and

WHEREAS, on January 27, 2000, a public hearing was held on the proposed vacation by the Hearing Examiner upon proper notice to all interested persons; and

WHEREAS, on February 11, 2000, the Hearing Examiner recommended approval of the proposed vacation 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 J. Wright Development Co. (Parkwood Lane) Request for Approval of a Planned Unit Development for 32 Units in 11 Buildings on a 11.4 Acre Site at 3615 – 163rd Avenue SE.", File No. PUD-98-1496, and in the "Supplement to Findings, Conclusions and Recommendation of the Hearing Examiner, In the Matter of the Application of J. Wright Development Co. (Parkwood Lane) Request for Partial Vacation of the Plat of Heathfield Country Estates No. 3," File No. 99-224575LG.

Section 2. The City Council hereby approves, with conditions, the planned unit development on property located at 3615 – 163rd Avenue SE, and more particularly described as:

Parcel A:

That portion of the southeast quarter of Section 11, Township 24 North, Range 5 East, Willamette Meridian, being a portion of Lots 8 through 24 and Lot 28, Heathfield Country Estates No. 3, according to the plat thereof, recorded in Volume 72 of Plats at pages 10 and 11, in King County, Washington, lying southerly of the easterly prolongation of the North line or said Lot 8 more particularly described as follows:

Beginning at the northwest corner of said Lot 8, thence South 01°28'04" W (WCS/Grid Bearing) along the west boundary line of said Lots 8 through 13 a distance of 554.79 feet to the southwest corner of said Lot 13; thence N 66°10'31" E (WCS/Grid Bearing) along the southerly boundary line of said Lot 13 a distance of 104.05 feet to an angle point in said line; thence N 43°28'04" E (WCS/Grid Bearing) along said southerly boundary line a distance of 58.00 feet to the most easterly corner of said Lot 13, said corner being a point on a curve the center which bears N 43°28'04" E 45.00 feet; thence easterly along said curve to the left, through a central angle of 94°43'58", an arc length of 74.40 feet to the most westerly corner of said Lot 14; thence S 51°15'54" E (WCS/Grid Bearing) along the southwesterly boundary line of said Lot 14 a distance of 168.60 feet to the southeast corner of said Lot 14; thence N 01°28'04" E (WCS/Grid Bearing) along the east boundary line of said Lots 14 and 15 a distance of 171.00 feet to a common angle point between Lots 15 and 17; thence S 88°31'56" E (WCS/Grid Bearing) along the south boundary line of said Lots 17 and 18 a distance of 165.00 feet to the southeast corner of said Lot 18 and the east line of said southeast quarter; thence N 01°28'53" E (WCS/Grid Bearing) along the east boundary line of said Lots 18 through 20 and the east line of said subdivision a distance of 290.00 feet to the northeast corner of said Lot 20; thence N 88°31'56" W (WCS/Grid Bearing) along the north boundary line of said Lot 20 a distance of 82.25 feet to the southeast corner of said Lot 24; thence N 01°28'04" E (WCS/Grid Bearing) along the east boundary line of said Lot 24 a distance of 89.51 feet to the northeast corner of said Lot 24; thence N 88°31'56" W (WCS/Grid Bearing) along the northerly boundary line of said Lot 24 a distance of 18.47 feet to an angle point in said northerly line; thence N 47°34'44" W (WCS/Grid Bearing) along said northerly boundary line of said Lot 24 a distance of 19.92 feet to

a point which bears S 88°35'51" E (WCS/Grid Bearing) from the point of beginning; thence N 88°35'51" W along the easterly prolongation of the north line of said Lot 8 a distance of 382.29 feet to the northwest corner of said Lot 8 and the point of beginning;

Together with:

PARCEL B:

The east half of the east three quarters of the southeast quarter of the southeast quarter of Section 11, Township 24 North, Range 5 East, W.M., in King County, Washington, lying northerly of Primary State Highway No. 10; EXCEPT that portion thereof lying within the plat of Heathfield Country Estates No. 3, according to the plat thereof recorded in Volume 72 of Plats, page 10, in King County, Washington.

provided that approval of said 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 with the conditions contained in this ordinance:

The following conditions are imposed to ensure compliance with the Planned Unit Development criteria, with provisions of Code as cited, or to mitigate adverse impacts that are otherwise not addressed through an applicable Code provision.

Conditions which must be complied with prior to Clearing and Grading permit approval:

A. MANAGEMENT PLAN – NGPA, OPEN SPACE & COMMON AREAS

Prior to clearing and grading approval (CGPE), the applicant shall provide, for City review and approval, a draft management plan for maintaining the open space, Native Growth Protection Areas (NGPA) and all common areas of the PUD. The management plan for the NGPA shall conform to the City of Bellevue Forest Management Program standards and must be approved by the City prior to building permit issuance. Elements of the NGPA management plan must include, but are not limited to, the following:

- Site analysis and inventory,
- Stand succession,
- Hazard tree evaluation;
- Wildlife evaluation,
- Replanting/Restoration,
- Trails/Recreation, and
- Management recommendations.

(LUC 20.30D.160.B)

B. TYPE 'B' RIPARIAN CORRIDOR CHANNEL RESTORATION

1. The applicant shall submit a complete Channel Restoration Plan at Clearing and Grading Permit application (CGPE). Changes required to the preliminary plan submitted May 18, 1999 are outlined in a memo sent to the applicant on May 26, 1999 (see project file). The applicant is required to limit destruction and disturbance within the buffer area to the minimum necessary to restore the channel's capacity, and replant the area immediately following restoration. (LUC 20.25H.110C.4g)

2. Prior to undertaking any channel restoration work or any work in the Vasa Creek primary setback, the applicant shall consult with the Washington State Department of Fish and Wildlife and shall obtain any approvals which that agency may require. (LUC 20.25H.110D.2b)

C. GEOTECHNICAL REQUIREMENTS:

As part of the submittal for the clearing and grading permit, the applicant must provide an addendum to the geotechnical report with respect to the slope stability analysis that was discussed in the report. The addendum must include the following additional information:

- Cross-section(s) of the slope(s) where the slope stability analyses were performed. The cross-sections should include the proposed locations of buildings, utilities, soils explorations and the critical failure surfaces generated from the stability analyses. The cross-section should show any piezometric surfaces that were used in the analyses. If the analyses did not include a piezometric surface, that should be stated in the report.
- The factor of safety for each critical failure surface.
- Soil parameters for each solid unit used in the analyses, including angle of internal friction, cohesion intercept and soil unit weight.

D. TURBIDITY MONITORING:

Performance monitoring to determine compliance with State Surface Water Quality Standards (WAC 173.201 A) will be required for this project. A monitoring plan shall be submitted pursuant to DPCD requirements are part of the Clearing & Grading Permit application and turbidity monitoring shall be required during construction. The requirement for performance monitoring shall be independent of any conditions that might be imposed if an exception to the rainy season restrictions is granted. (BCC 23.76.050)

E. TRANSPORTATION TRAIL EASEMENT:

The applicant shall grant an easement for pathway connection to I-90 pedestrian/bicycle path from SE 39th Place, Plat of Kensington Woods, Parcel No. 3691. This easement must be recorded prior to clearing and grading approval. (LUC 20.30D.160A)

F. PARKS TRAIL EASEMENT:

The trail easement area referenced on the PUD-98-1496 drawings dated June 17, 1999, shall be surveyed and staked in the field with permanent monuments (capped rebar). The alignment of the 10'-wide public non-motorized trail easement must be approved in the field by the Parks & Community Services Department prior to recording of the trail easement and approval of the Clear and Grade Plat Engineering permit.

The applicant shall be responsible for recording the 10'-0" wide public non-motorized pedestrian trail easement. The public trail easement enters from the I-90 public trail along the south property line and meanders to the north property line of the site and turns east to connect with 163rd Avenue SE at the entry of the Parkwood Lane Development.

The Parks Department shall have the right but not the responsibility to construct the trail and install appropriate signs through the public trail to City of Bellevue standards current at time of development. (LUC 20.30D.160A)

Conditions which must be complied with prior to building permit approval:

G. DESIGNATE NON-DISTURBANCE TRACTS:

The applicant must record a survey clearly delineating the non-disturbed areas, protected areas and associated setbacks in a Native Growth Protection Area prior to any building permit issuance. The NGPA must also be shown on the Grading and Engineering plans (CGPE).

(LUC 20.25H.120)

General Requirements and Conditions:

H. COMPLIANCE WITH CITY CODES & ORDINANCES

The proposed project shall comply with all applicable Bellevue City Codes and Ordinances, including but not limited to:

- Clearing & Grading Code, BCC 23.76;
- Trans. Development Stds., BCC 14.60;
- Trans. Improvement Program, BCC 22.16;
- Bellevue Utilities Code, BCC 24.02;
- Construction Codes, BCC Title 23;
- Uniform Fire Code, BCC 23.11;
- Land Use Code, BCC Title 20;
- Sign Code, BCC Title 22; and
- Noise Control, BCC 9.18.

I. LANDSCAPING

The applicant shall provide street trees a minimum of 10-12' in height and delineate crosswalks with special accent-scored and colored paving. (LUC 20.30D.150E)

J. SENSITIVE AREA INTERPLANTING

All native vegetation interplanting within protected areas and associated setbacks shall be done by hand to minimize disturbance to these areas. The applicant shall install the largest nursery stock of native evergreen trees for the sensitive area interplanting downhill from the development. (LUC 20.30D.150 E, 20.25H.120C)

K. PRELIMINARY UTILITY DESIGN:

The Utilities Department approval of the Design Review application (PUD) is based on the preliminary utility design. Final civil engineering of the utility design may require changes to the site and building layout to accommodate the utilities. (BCC Title 24.02, 24.04, 24.06)

L. UTILITIES DEVELOPER EXTENSION AGREEMENT:

The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review, plan approval, and field inspection is performed under the Developer Extension Agreement and Utilities Permit Processes. (BCC title 24.02, 24.04, 24.06)

M. RAINY SEASON RESTRICTION:

The site is subject to Seasonal Restrictions which restrict clearing & grading activities during the wet weather season, November 1st through April 30th. The Department of Planning and Community Development must grant specific approval to initiate or continue clearing & grading during the rainy season per section 23.76.093.C of the Clearing and Grading Code. (BCC 23.76.093.A)

N. TRAFFIC SAFETY:

The applicant shall carry out the recommendations listed as Mitigation Measures in the report of Gibson Traffic Consultants, dated September 30, 1998, BCC 14.60.060.

Section 3. The City Council hereby approves the vacation of the portion of the plat of Heathfield Country Estates No. 3, described as:

That portion of the southeast quarter of Section 11, Township 24 North, Range 5 East, Willamette Meridian, being a portion of Lots 8 through 24 and Lot 28, Heathfield Country Estates No. 3, according to the plat thereof, recorded in Volume 72 of Plats at pages 10 and 11, in King County, Washington, lying southerly of the easterly prolongation of the North line or said Lot 8 more particularly described as follows:

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said Lot 14; thence S 51°15'54" E (WCS/Grid Bearing) along the southwesterly boundary line of said Lot 14 a distance of 168.60 feet to the southeast corner of said Lot 14; thence N 01°28'04" E (WCS/Grid Bearing) along the east boundary line of said Lots 14 and 15 a distance of 171.00 feet to a common angle point between Lots 15 and 17; thence S 88°31'56" E (WCS/Grid Bearing) along the south boundary line of said Lots 17 and 18 a distance of 165.00 feet to the southeast corner of said Lot 18 and the east line of said southeast quarter; thence N 01°28'53" E (WCS/Grid Bearing) along the east boundary line of said Lots 18 through 20 and the east line of said subdivision a distance of 290.00 feet to the northeast corner of said Lot 20; thence N 88°31'56" W (WCS/Grid Bearing) along the north boundary line of said Lot 20 a distance of 82.25 feet to the southeast corner of said Lot 24; thence N 01°28'04" E (WCS/Grid Bearing) along the east boundary line of said Lot 24 a distance of 89.51 feet to the northeast corner of said Lot 24; thence N 88°31'56" W (WCS/Grid Bearing) along the northerly boundary line of said Lot 24 a distance of 18.47 feet to an angle point in said northerly line; thence N 47°34'44" W (WCS/Grid Bearing) along said northerly boundary line of said Lot 24 a distance of 19.92 feet to a point which bears S 88°35'51" E (WCS/Grid Bearing) from the point of beginning; thence N 88°35'51" W along the easterly prolongation of the north line of said Lot 8 a distance of 382.29 feet to the northwest corner of said Lot 8 and the point of beginning.

Section 4. This ordinance shall be recorded with the King County Department of Records and Elections.

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

Passed by the City Council this 6th day of March, 2000, and signed in authentication of it passage this 6th day of March, 2000.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:
Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney
Attest:

Myrna L. Basich, City Clerk
Published March 10, 2000