

ORIGINAL

0839-ORD
12/08/05

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5647

AN ORDINANCE approving the application of the City of Bellevue for adoption of a 25 foot setback from top of bank for a channelized Type A stream on a parcel located at 4019 West Lake Sammamish Parkway SE and for performance of certain mitigation measures.

WHEREAS, the City of Bellevue's Land Use Code allows for site specific modifications to required riparian corridor primary setbacks through a specific reach study and restoration plan; and

WHEREAS, a specific stream reach study was conducted on the Blasser property located at 4019 West Lake Sammamish Parkway SE in March of 2005 based on a scope of work prepared by the City of Bellevue; and

WHEREAS, based on the study on July 5, 2005 an application was submitted to modify the riparian corridor primary setback on each side of the stream to 25 feet, together with certain mitigation measures; and

WHEREAS, public notice of this application was published on July 21, 2005; and

WHEREAS, a public meeting was held regarding the application on August 4, 2005; and

WHEREAS, on October 13, 2005 a public hearing was held on the application before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on November 9, 2005, the Hearing Examiner recommended approval of the application and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal thereof has been filed; and

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the modification of the riparian corridor primary setback on the each side of the stream to 25 feet, together with certain mitigation measures; and

WHEREAS, the City 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 based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council with regard to the hereinafter described property located as set forth in "Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner for the City of Bellevue in the Matter of the Application of the City of Bellevue for Adoption of a 25 foot Primary Setback from Top of Bank of a Channelized Type A Stream Based on Blasser Stream Reach Study, File No. 05-119959-LQ" which property is legally described as follows:

Lot 3 of King County Short Plat 4771 16R as recorded under Auditor's File Number 8203010599, Records of King County, Washington.

Section 2. This approval shall be subject to the following conditions:

1. Primary Setback Limitation: The proposed 25 foot setback is limited to the 190 foot long Type A stream reach within the boundaries of the Blasser property at 4019 West Lake Sammamish Parkway SE and legally described in Section 1 above. The property owner is responsible for identifying and disclosing all other protected areas on the site and complying with the Land Use Code requirements associated with those protected areas as part of any future development proposal.

2. Riparian Restoration Management Plan: In order to mitigate for the proposed 25 foot primary setback on both sides of the stream and meet the restoration plan requirements of LUC 20.25H.070.A.2.d, a Riparian Restoration Management Plan must be prepared by a qualified professional (stream biologist, riparian ecologist or restoration specialist) and installed within two years of the effective date of this Ordinance or prior to preliminary approval of any development proposal for the site, whichever comes first. The Management Plan shall include:

- i. A riparian zone planting plan at the following minimum densities: 0.012 per square foot (9-feet on center) for trees, 0.028 per square foot (4-feet on center) for shrubs, and 0.25 per square foot (1.5-feet on center) for groundcover. This plan shall include specifications and timelines for invasive weed removal and include the retention of trees along the southern property boundary. Measures to protect any portion of the tree canopy or root structures of these trees outside the 25 foot primary setback must be provided.
- ii. Incorporation of restoration reference areas, and performance standards for planting, maintenance and monitoring over a 3 year period. Monitoring reports prepared by the mitigation designer shall be submitted to the City twice a year, prior to and near the end of the growing season.
- iii. Provisions for installation by a contractor with specific restoration experience and acceptable to the City of Bellevue, with the work overseen by the mitigation designer.

- iv. Designation of the 25 foot setback on both sides of the stream as a Native Growth Protection Area ("NGPA") with appropriate non-disturbance language to be set aside in perpetuity as part of any development proposal per the requirements of the Land Use Code.

3. Limitation on Stream Crossings: To ensure the intent of the primary setback as a stream buffer is not compromised, only one stream crossing via a 4-foot wide pedestrian bridge will be allowed for the entire site as an element of any new development proposal. Linkages to this stream crossing from separate lots must be provided outside the 25 foot primary setback to provide for only one disturbance point within the setback on either side of the stream. Where the pathway is located within the stream buffer, it must be pervious and limited in width to no more than 5 feet.

4. Recorded Agreement Required: The property owner shall execute and record an agreement implementing these conditions of approval.

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

Passed by the City Council this 12th day of December, 2005, and signed in authentication of its passage this 12th day of December, 2005.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Jordan, City Attorney

Mary Kate Berens
Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published December 16, 2005