



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Bellevue Botanical Garden Storage Access Road

Proposal Address: 420 120th Ave SE

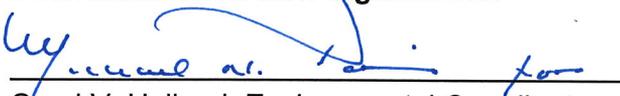
Proposal Description: The applicant requests a Critical Areas Land Use Permit for the relocation of an existing asphalt and gravel access driveway from within a steep slope critical area buffer and wetland critical area buffer. A portion of the old driveway will remain and converted into a soft-surface trail.

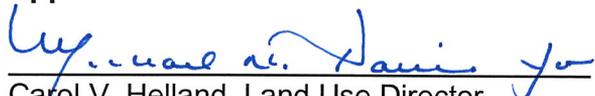
File Number: 12-118111-LO

Applicant: Scott Vander Hyden, Bellevue Parks & Community Services

Decisions Included: Critical Areas Land Use Permit
(Process II. LUC 20.30P)

Planner: Kevin LeClair, Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance**

Carol V. Helland, Environmental Coordinator
Development Services Department

Director's Decision: **Approval with Conditions**

Carol V. Helland, Land Use Director
Development Services Department

Application Date: July 23, 2012
Notice of Application Publication Date: August 9, 2012
Decision Publication Date: November 8, 2012
Project/SEPA Appeal Deadline: November 22, 2012

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 100th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Scott Vander Hyden, Bellevue Parks & Community Services Department

LOCATION OF PROPOSAL: 420 120th Ave SE

NAME & DESCRIPTION OF PROPOSAL:

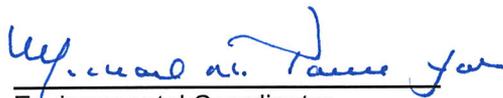
Bellevue Botanical Garden Storage Access Road - Critical Areas Land Use Permit for the relocation of an existing asphalt and gravel access driveway from within a steep slope critical area buffer and wetland critical area buffer. A portion of the old driveway will remain and converted into a soft-surface trail.

FILE NUMBER: 12-118111-LO

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **November 22, 2012.**
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.



Environmental Coordinator

November 8, 2012

Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
State Department of Ecology,
Army Corps of Engineers
Attorney General
Muckleshoot Indian Tribe

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Attachments

1. Environmental Checklist – In File
2. Site Plan – In file
3. Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report – In File

I. Proposal Description

The applicant is requesting a Critical Areas Land Use Permit to remove an existing gravel and asphalt driveway from within a Category I wetland critical area buffer and a steep slope critical area buffer, and to reconstruct a new gravel driveway that avoids the buffers the greatest extent possible. A portion of the existing driveway will be converted to a soft-surface trail. The driveway serves as the primary access to from the public road system (SE 5th Street) to an existing Botanical Garden storage building that was acquired along with the land in 2006. The proposal also includes resurfacing of the already-paved areas in the area around the storage building.

The relocation serves to remove several tight, steep corners that make access difficult for park maintenance vehicles. The relocation also allows stormwater runoff from the new driveway to be properly managed in accordance with current stormwater management regulations.

The relocation of the driveway is characterized as a “new or expanded access driveway,” which is an allowed use within critical areas or their buffers provided certain applicable performance standards are met. The performance standards include LUC 20.25H.055.C.2 for the new or expanded use, LUC 20.25H.100 for the wetland buffer, and LUC 20.25H.125 for the steep slope buffer.

The storage and maintenance building is considered a permitted use within the property because it is regarded as a supporting element for the operations and maintenance of the Bellevue Botanical Garden. Any expansion of the structure or the use of the structure for us as a general maintenance facility for city-wide park maintenance and operation will require additional critical areas review and may require a conditional use permit.

II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The project area is located within the 16.3-acre southern parcel, known as the Koh Property, which was acquired in 2006 as a complement to the native forest reserve area of the Bellevue Botanical Garden. The Bellevue Botanical Garden makes up 53 acres of the total 105 acres of Wilburton Hill Community Park.



Figure 1: Vicinity Map

The project area is accessed via the dead-end road of SE 5th Street. At the end of the paved road, the driveway turns to gravel and traverses a south-facing, forested slope. The slopes range in steepness from 10-15 percent to above 40 percent. The forest is a mixed stand of mature bigleaf maple and Douglas-fir trees. The understory is largely undisturbed.

The site parcel is adjacent to Lake Hills Connector the south, several undeveloped single-family residential parcels to the west on SE 5th Street. There are also three, developed single-family residential parcels the Bellevue International School to the east. The nearest structure, a single-family residence is over 300 feet away from the project area.

B. Zoning

The property is zoned R-10 and is within the Critical Areas Overlay District due to the presence of streams, wetlands and steep slopes on the property. The project site is also subject to a Concomitant Zoning Agreement contained within Ordinance No. 4660. Ordinance No. 4660 applies three conditions to the project site. The first deals with a maximum density of 5 dwelling units per acre. No dwelling units are proposed. The second prohibits site access from the east on SE 4th Street and SE 7th Place. No access is proposed from SE 4th Street or SE 7th Place. The third requires that the site developer provide a minimum of a 10-foot wide public access easement for trail purposes to the north and south along the power line corridor. The property is now owned by the City of Bellevue, so any public access is provided by virtue of the Parks & Community Services Department mission of providing open space and trails. A soft-surface trail has been constructed under the power lines and connects to the propose decommissioned driveway.

C. Land Use Context

As stated previously, the project site is a sloped, forested natural area. The area serves as a significant forested buffer on the south side of Wilburton Hill Community Park and the Bellevue Botanical Garden. The area also serves as a roadside greenbelt area adjacent to north side of Lake Hills Connector.

D. Critical Areas Functions and Values

i. Wetlands

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well. However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

ii. Geologic Hazard Areas

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided.

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue’s remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provides a water source for the City’s wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a “green” backdrop for urbanized areas enhancing property values and buffering urban development.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements (LUC 20.20.010):

The site is located in the R-10 zoning district. No structures are proposed and the area of proposed impervious surface is far below the allowed 80% impervious surface maximum.

B. Parking and Circulation Requirements (LUC 20.20.590):

The Land Use Code specifies that parking and circulation areas be hard surfaced and conform to any applicable City of Bellevue Development Standards. The parking area around the existing building will be paved and therefore will comply with this requirement.

The applicant is planning to finish the driveway with a gravel surface. It was determined that the requirement to pave the driveway with a hard surface did not apply to the driveway portion for several reasons. The first is that the driveway's location adjacent to critical areas and critical area buffers presented a unique situation where a hard surface could cause excess concentration of surface water that could be detrimental to slope stability and potentially wetland hydrology. In the areas where the driveway is located 25 feet or less from a steep slope critical area, the project engineer has recommend clean crushed rock (no fines) for the driveway surface to aid stormwater surface and interflow. The driveway is also designed with adequate runoff controls to mimic a forested condition through the use of direct dispersal off the edge of the driveway and with dispersal trenches. Based on storm and surface water requirements, a hard, paved surface would require additional storm water quality treatment facilities, which would increase the areas of permanent disturbance along the driveway.

The second reason is that the driveway is designed only for parks maintenance personnel and limited deliveries of supplies to the south side of the garden. The driveway will be either gated, or protected with bollards, to prevent public access.

Finally, one of the primary reasons for the hard surface requirement for parking and circulation areas is to prevent the tracking of gravel and sediment onto the public right-of-way. Since, the driveway is accessed from the end of SE 5th Street, a dead-end road, and the number of vehicle trips limited to that of the two maintenance staff working at the Bellevue Botanical Garden, the amount and intensity of traffic will be very limited and the risk of debris tracking off-site, onto a heavily travelled roadway will be negligible.

C. Analysis of Technical Feasibility for New or Expanded Uses in Critical Areas or Buffers LUC 20.25H.055.C.2:

New or expanded facilities are allowed within the critical area or critical area buffer only were no technically feasible alternative with less impact on the critical area buffer exists.

The existing infrastructure on the property includes the storage building that was acquired as part of the Koh Property. When the property was acquired, a subsequent Bellevue Botanical Garden Master Plan Update was conducted and the structure was identified as a future maintenance and storage building. The existing driveway access from SE 5th Street was identified as a challenge requiring modification in order to be sustainable and provide safe access to the storage building.

Other options were considered that relocated more of the driveway further to the north. However, the topography and forested nature of the site would result in greater disturbance to the surrounding forest. Furthermore, the entire downhill side of the existing access driveway is steep slope critical area and/or wetland buffer. Therefore, it is practically impossible to relocate the driveway without causing some disturbance within the critical area buffer of these critical areas.

To provide an access point that completely avoids these critical areas or their buffers would require a disproportionate investment in acquisition of land or access easements, as well as significant areas of disturbance where none currently exists.

Based on the location of the existing infrastructure on the property, the site's topography and forested condition, the negative aspects of the current driveway configuration, and an analysis of several alternatives, it there is no technically feasible alternative to the proposed driveway realignment.

Where no technically feasible alternative with less impact on the critical are or buffer exist, the proposal shall comply with the following performance standards to minimize impacts to the greatest extent.

The proposed driveway has incorporated, to the greatest extent possible, the performance standards for minimizing impacts on the critical area and buffer. The driveway has been kept to a minimum width of twelve feet, except where a turning radius requires a slightly larger width. The alignment of the new driveway follows the path of an existing electric power service corridor, which largely reduces the need for tree removal. The route of the new driveway also follows a gently sloping area in the forest, which minimizes the amount of soil disturbance and grading necessary. Where grading will be required to create a driving surface, retaining walls will be constructed using a soil-filled bag wall system, that can be vegetated and will allow surface water and ground water to penetrate, rather than concentrating the flow of water into a constructed drainage system.

The driveway will be constructed of gravel, instead of asphalt, which will slow the flow of surface runoff and ameliorate the impact of concentrated surface flow. The applicant is also complying with surface water management requirements in the Bellevue Utilities Code and Standards, which will ensure that downstream resources (slopes, wetlands and streams) are protected from negative impacts.

The applicant modified their design considerably to further minimize impacts by bringing the driveway further south and up the hill, which amounted to less disturbed area and allowed for the relocation of one of the storm water dispersal systems out of one of the steep slope buffers.

Finally, the applicant has proposed a complete restoration plan for the areas of the

reclaimed driveway that will be eliminated, and for the edges of the existing driveway that will remain as a soft-surface trail following the project. The proposal calls for the restoration of all areas of temporary disturbance along the edges of the old driveway where the trail will now be, in place of the old driveway where it switches back up the hill, and along the boundaries of the disturbed area where the new driveway will go.

The existing area of permanent disturbance in the buffer is 26,292 square feet. Following construction, the area of permanent disturbance will be 20,521 square feet. The result is a net reduction of 5,771 square feet of permanent disturbance.

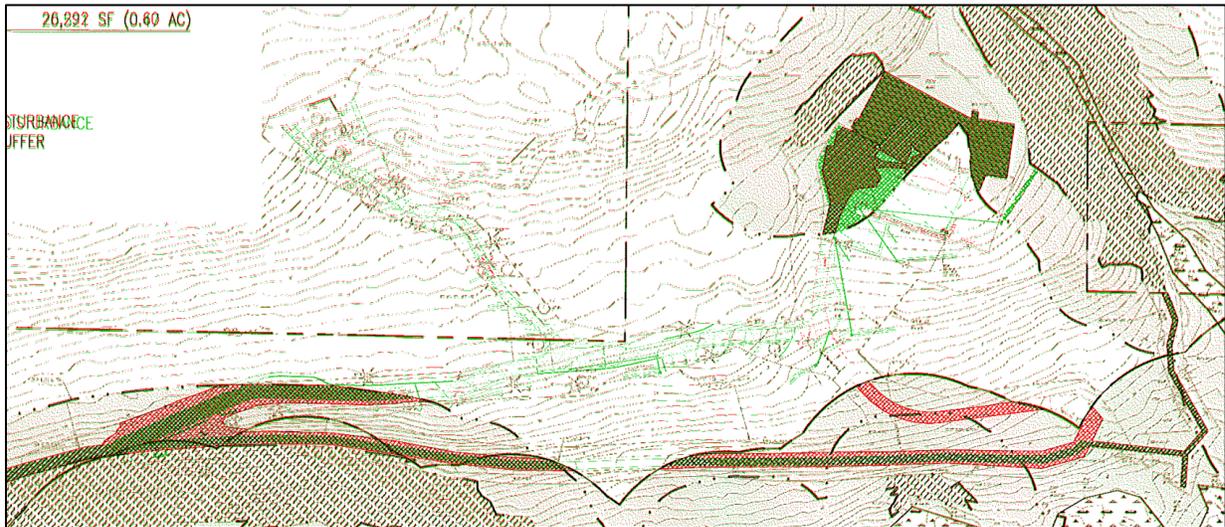


Figure 2: Comparison of existing and proposed disturbed area (Red = areas to be restored (existing driveway to be removed and areas along edges of new driveway); Green = areas of post-project permanent disturbance (new driveway and parking areas around the storage building))

D. Wetland Critical Areas Performance Standards LUC 20.25H.100:

Development on sites with a wetland or wetland critical area buffer shall incorporate the following performance standards in design of the development, as applicable

- i. No lights are proposed.
- ii. The proposed project is surrounded by dense forest and vegetation, which will buffer any noise associated with the expanded driveway and parking area at the storage building.
- iii. No toxic runoff is anticipated from the proposed project as the gravel surface of the driveway is not considered a pollution generating surface by the Bellevue storm and surface water codes and standards. The runoff from the driveway and parking areas will also be routed through storm drainage dispersion trenches, which will slow the flow.
- iv. Stormwater runoff from the project area will be dispersed using dispersion trenches and sheet flow runoff. Runoff is ultimately tributary to the wetland area.
- v. Currently the site consists of dense vegetation within the critical areas and buffers.

Any areas impacted will be restored to match the natural vegetation.

- vi. No pesticides or fertilizers are anticipated to be used for the project.

E. Landslide Hazard and Steep Slope Performance Standards LUC 20.25H.125:

- i. The proposed design of the access road matches the natural contour of the slope as closely as possible, and is proposed in an area that already has a slight topographical bench with somewhat flatter grades. This limits the extents of the grading.
- ii. The proposed improvements have been located to preserve the most critical portions of the site and its natural landforms and vegetation.
- iii. The project is not expected to result in greater risk or a need for increased buffers on neighboring properties; proposed work is several hundred feet from any neighboring properties.
- iv. Small retaining walls have been proposed to limit the amount of disturbance, allowing the natural sloped terrain to be left in its existing conditions to the extent feasible.
- v. The access road has been designed to minimize the impervious surface within the critical areas and their buffers while still meeting the Owner's goals of providing improved maintenance vehicle access.
- vi. Small retaining walls have been proposed to create level areas for the road section to be constructed while limiting the topographic modification required.
- vii. There are no proposed building foundations for the project.
- viii. There are no proposed buildings with this project; therefore, this item does not apply.
- ix. There are no decks proposed with this project; therefore, this item does not apply.
- x. Areas that are to be disturbed will be restored in accordance with the requirements of LUC 20.25H.210. The director's guidance on mitigation and restoration monitoring will be utilized.

IV. Public Notice and Comment

Application Date:	July 23, 2012
Public Notice (500 feet):	August 9, 2012
Minimum Comment Period:	August 23, 2012

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on August 9, 2012. It was mailed to property owners within 500 feet of the Wilburton Hill Community Park and the Bellevue Botanical Garden. One request for additional information was requested from the public, and an electronic link to the project plans and SEPA checklist was subsequently forwarded. No comments have been received from the public as of the writing of this staff report.

V. Summary of Technical Reviews

A. Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development.

B. Utilities:

The Utilities Department's Development Review Division has reviewed the proposed development for compliance with Bellevue Utilities' codes and standards. The Utilities Development Review staff found no issues with the proposed development.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

A construction storm water pollution prevention plan will be required to be reviewed and approved prior to issuance of the associated clearing and grading permit. The pollution prevention plan will include management practices for temporary erosion and sedimentation controls and address all requirements for restoring the site. Erosion and sediment control best management practices include the installation of silt fencing around the work area and covering exposed soils to prevent migration of soils to the adjacent slopes and wetland buffers. The applicant will also be required to submit information regarding the use of pesticides, insecticides, and fertilizers to avoid impacts to water resources. See Section X for a related condition of approval.

B. Animals

The project site is part of a larger natural area that contains quality habitat for birds and mammals. The proposed driveway and existing is designed to snake through existing mature vegetation. The removal of significant trees is kept to an absolute minimum with this proposal. The mature vegetation on the site provides potential habitat to red-tailed hawks and pileated woodpeckers known to be in the vicinity, however no impacts are anticipated.

C. Plants

Mitigation for temporary and permanent disturbance will be approved pursuant to an approved re-vegetation and monitoring plan. See Section X for related conditions of approval.

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. However, the project area is located in the middle of the forest at a distance of over 300 feet in all directions, so noise disturbance from construction is not likely. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels. See Section X for a related condition of approval.

VII. Changes to proposal as a result of City review

As a result of the city's review, the project was modified to bring the connection point of the new driveway access further up the hill as it approaches the maintenance yard. This modification further reduced the amount of disturbance and impervious surface area, which eliminated an entire dispersion trench. Subsequently, this allowed for a modification of the storm drainage design and got one of the dispersion trenches out of a steep slope buffer to the southeast of the maintenance yard.

Another change that was made as a result of city review was the substitution of soil-filled bag wall systems as retaining walls, instead of ecology block or CMU landscape blocks.

VIII. Decision Criteria

A. Critical Areas Land Use Permit Decision Criteria 20.30P

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The proposal is required to obtain a clearing and grading permit prior to construction of the proposed driveway and parking areas.

2. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer;

Finding: As discussed in Section III, the proposal is utilizing a gravel surface for the driveway to mitigate storm water runoff. The proposal also included soil-filled bag wall system to address the challenge of retaining the cut slopes and allow for plant restoration of those slopes.

3. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and ;

Finding: As discussed in Section III, the proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.

4. The proposal will be served by adequate public facilities including street, fire protection, and utilities; and;

Finding: The property is currently served by adequate public facilities. The proposal will not change the need for public facilities on the property.

5. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and

Finding: The proposal includes a mitigation and restoration plan that provides for restoration of all temporary disturbance. There is no compensatory mitigation required because the area of permanent disturbance is actually reduced by the proposal.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section III and V of this report, the proposal complies with all other applicable requirements of the Land Use Code.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to relocate an access driveway and resurface the parking area within the steep slope and wetland critical area buffer at the Bellevue Botanical Garden.

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Clearing and Grading Permit or other necessary development permits within one year of the effective date of the approval.

X. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Savina Uzunow, 42-452-7860
Land Use Code- BCC 20.25H	Kevin LeClair, 425-452-2928

Noise Control- BCC 9.18	Kevin LeClair, 425-452-2928
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The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

1. Restoration of Temporary Disturbance: Prior to the approval and issuance of the required development permit, the applicant shall submit a plan that identifies the area of temporary disturbance around the proposed development and proposes a restoration plan that restores the area to a condition equal to or better than the condition prior to the proposed development. The restoration of temporary disturbance shall be monitored for a period of one-year from the date of acceptance to ensure the restoration effort has been successful. In order to be considered successful, 100% of the native plants shall be alive within one year of acceptance and the restoration area shall be entirely free of non-native invasive plants. A monitoring report meeting the minimum monitoring and reporting standards establish by the director shall be submitted to verify success. The restoration effort shall be inspected and approved by the land use planner listed below.

Authority: Land Use Code 20.25H.220.H

Reviewer: Kevin LeClair, Land Use

2. Native Landscape Restoration Monitoring and Reporting: In order to ensure the critical area or critical area buffer native landscape restoration successfully establishes, the restoration shall meet the following performance standards for a period of three years following installation:

Year 1: 100% survival of all installed plants & 0% invasive coverage

Year 2: 90% survival of all installed plants & <10% invasive coverage

Year 3: 85% survival of all installed plants, >35% native coverage & <10% invasive coverage.

A monitoring report meeting the minimum monitoring and reporting standards establish by the director shall be submitted annually to verify success.

Authority: Land Use Code 20.25H.220.D

Reviewer: Kevin LeClair, Land Use

3. Rainy Season restrictions: Due to the proximity to steep slopes and wetlands, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A,

Reviewer: Savina Uzunow, Clearing and Grading

4. Pesticides, Insecticides, and Fertilizers: The applicant must submit as part of the required Clearing and Grading Permit information regarding the use of pesticides, insecticides, and fertilizers in accordance with the City of Bellevue's "Environmental Best Management Practices".

Authority: Land Use Code 20.25H.220.H

Reviewer: Kevin LeClair, Land Use

5. Noise Control: Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

Authority: Bellevue City Code 9.18

Reviewer: Kevin LeClair, Land Use