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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4158

AN ORDINANCE approving with conditions the application of the City of Bellevue Parks and Recreation Department for a conditional use permit for the Wilburton Hill Botanical Garden and Park located east of 118th Avenue and west of 128th Avenue, south of Main Street on the west and N.E. 1st Street on the east and north of S.E. 4th Street, as recommended by the Hearing Examiner; File No. CUDN 89-6867

WHEREAS, the City of Bellevue Parks and Recreation Department has applied for a conditional use permit for the Wilburton Hill Botanical Garden and Park located east of 118th Avenue and west of 128th Avenue, south of Main Street on the west and N.E. 1st Street on the east and north of S.E. 4th Street; and

WHEREAS, on May 17, 1990, a public hearing was held thereon by the Hearing Examiner Pro Tempore pursuant to notice required by law; and

WHEREAS, on June 5, 1990, the Hearing Examiner Pro Tempore recommended approved with conditions of said application and made and entered findings of fact and conclusions based thereon in support of his recommendation; and

WHEREAS, the City of Bellevue has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Ordinance; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner Pro Tempore in support of his recommendation to the Council in this matter as set forth in "Findings, Conclusions and Recommendation of the Hearing Examiner Pro Tempore for the City of Bellevue, In the Matter of the Application of City of Bellevue Parks and Recreation Department for a Conditional Use (Wilburton Hill Park and Botanical Gardens), File No. CUDN 89-6867."

Section 2. The City Council hereby approves with conditions the application of the City of Bellevue for a conditional use located east of 118th Avenue and west of 128th Avenue, south of Main Street on the west and N.E. 1st Street on the east and north of S.E. 4th Street, and more particularly described as:

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PARCEL A:

Lot 5, Strawberry Lawn, according to the plat thereof recorded in Volume 4 of Plats, page 30½, in King County, Washington;
EXCEPT the south 75 feet of the west 251.6 feet thereof.

PARCEL B:

The south 313.25 feet of the north 463.25 feet of Lot 6, Strawberry Lawn, according to the plat thereof recorded in Volume 4 of Plats, page 30½, in King County, Washington.

PARCEL C:

The south 196.75 feet as measured along the west line of Tract 6, Strawberry Lawn, according to the plat thereof recorded in Volume 4 of Plats, page 30½, in King County, Washington;
EXCEPT the east 15 feet thereof.

PARCEL D:

That portion of Lot 6, Strawberry Lawn Addition to Bellevue according to the plat thereof recorded in Volume 4 of Plats, page 30½, in King County, Washington, described as follows:

Beginning at the northwest corner of said Tract;
thence south, 150 feet;
thence east, 563.34 feet;
thence north, 150 feet;
thence west, 563.34 feet to the point of beginning.

PARCEL E:

The north 150 feet of Lot 6, Strawberry Lawn, according to the plat thereof recorded in Volume 4 of Plats, page 30½, in King County, Washington;
EXCEPT the west 563.34 feet thereof, as measured along the north line of said lot.

PARCEL F:

The south 130 feet of the west 200 feet of the south half of the southwest quarter of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington.

PARCEL G:

The east 15 feet of the south 196.75 feet of Tract 6, Strawberry Lawn, according to the plat thereof recorded in Volume 4 of Plats, page 30½, in King County, Washington.

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PARCEL H:

The north 250 feet of the east half of the west half of the north three-quarters of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the west 150 feet;
AND EXCEPT the east 30 feet thereof;
AND EXCEPT county road.

PARCEL I:

The east half of the west half of the north three-quarters of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the west 150 feet thereof;
AND EXCEPT and north 250 feet lying west of the east 30 feet thereof;
AND EXCEPT county road.

PARCEL J:

The west 150 feet of the east half of the north half of the southwest quarter of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;

PARCEL K:

The west 150 feet of the east half of the northwest quarter of the northeast quarter of the southwest quarter of said Section 33;
EXCEPT the north 30 feet thereof.

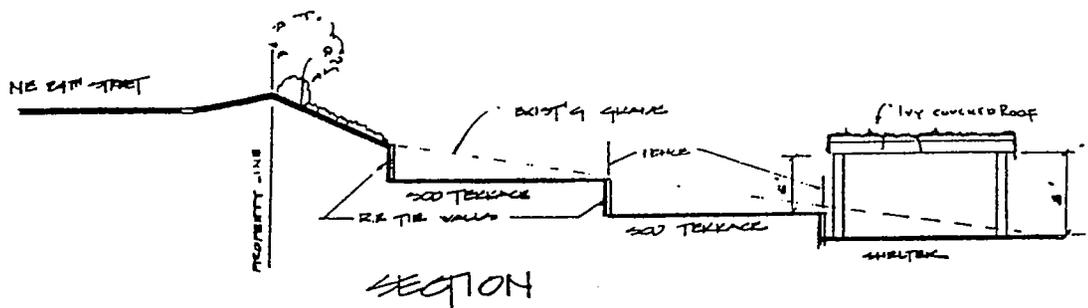
PARCEL L:

The west half of the northwest quarter of the northeast quarter of the southwest quarter; and west half of the north half of the southwest quarter of the northeast quarter of the southwest quarter; All in Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington.

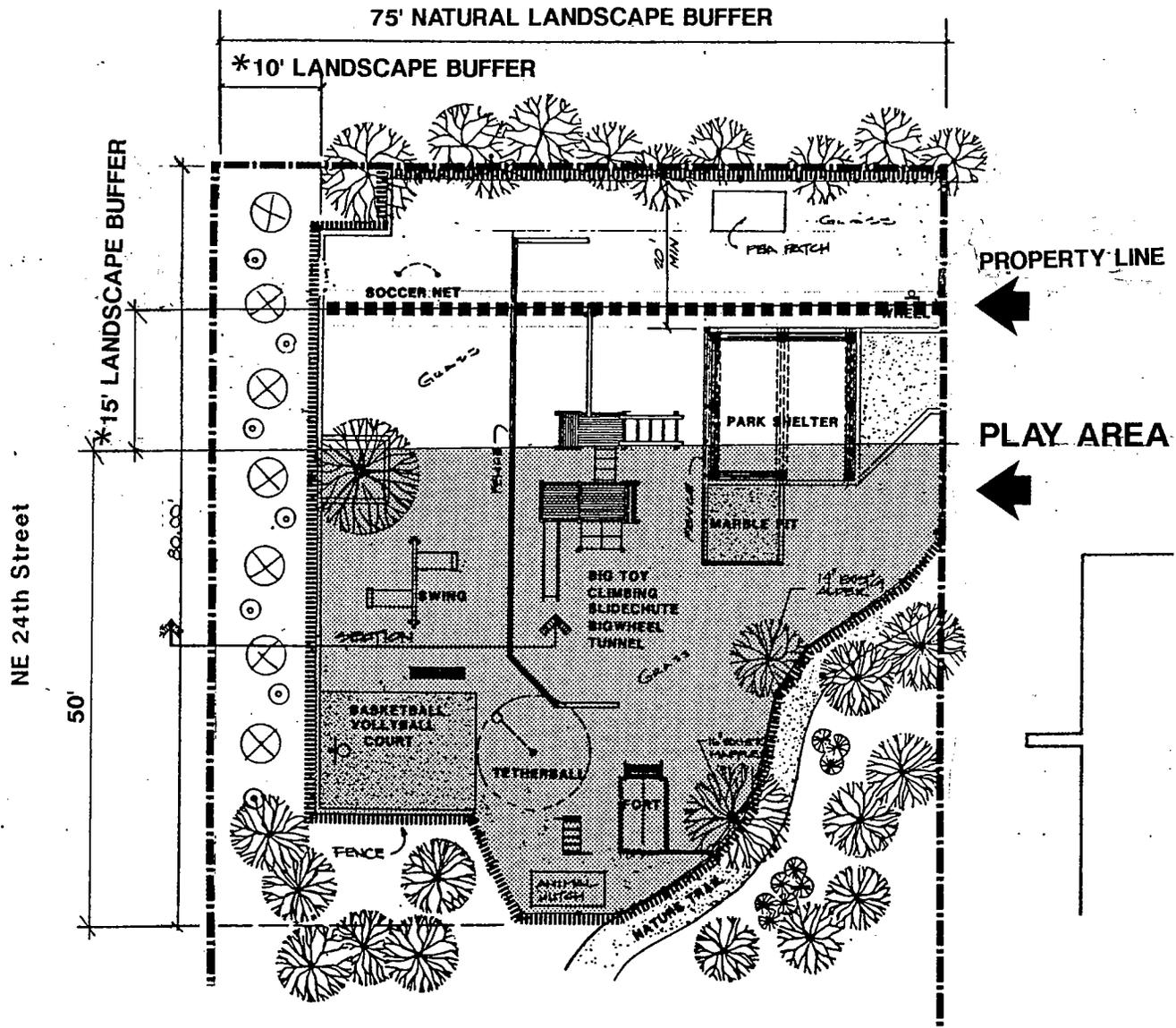
PARCEL M:

West 165 feet of north 528 feet of the east half of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the north 30 feet thereof for road.

ORIGINAL



SECTION



* Unless modification approved (alternative landscape option, Design Review, LUC 20.20.520.J)

REVISED ATTACHMENT E

Play Area



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PARCEL N:

The south half of the southwest quarter of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the south 130 feet of the west 200 feet thereof.

PARCEL O:

The east half of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the north 886 feet thereof.

PARCEL P:

The north half of the northwest quarter of the southeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington.

PARCEL Q:

Lots 11, 12, 13, 14, and 15, Block 8, and also Lots 16, 17, 18, 19, and 20, Block 9, All in Wilburton, according to the plat thereof recorded in Volume 11 of Plats, page 97, in King County, Washington;

TOGETHER WITH that portion of vacated Southeast Prospect Street lying between the northerly extensions of the west boundary of Lot 20 and the east boundary of Lot 16, Block 9, of said plat.

PARCEL R:

Lot 2, City of Bellevue Short Plat number 86-17, recorded under Recording Number 8609049002, being a portion of the east half of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington, described as follows:

The north 886 feet of the east half of the northeast quarter of the southwest quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT the north 528 feet of the west 165 feet thereof;
AND EXCEPT beginning at the northeast corner of the southwest quarter;
thence westerly along the north line of said southwest quarter a distance of 491.74 feet to the east line of the west 165.00 feet of the east half of the northeast quarter of said southwest quarter;
thence southerly along said east line a distance of 575.02 feet;
thence easterly parallel with said north line, a distance of 132.12 feet;
thence northerly parallel with said east line, a distance of 23.13 feet;

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thence easterly parallel with said north line, a distance of 360.01 feet to the east line of said southwest quarter;
thence northerly along the east line of said southwest quarter, a distance of 551.90 feet to the point of beginning.

PARCEL S:

The south half of the southwest quarter of northeast quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion thereof conveyed to King County by Deed recorded September 20, 1961, under Recording Number 5331651.

PARCEL T:

The north half of the northwest quarter of the southeast quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion thereof conveyed to King County by Deed recorded September 20, 1961, under Recording Number 5331651.

PARCEL U:

The south half of the northwest quarter of the southeast quarter of Section 33, Township 25 North, Range 5 East, W.M., in King County, Washington;
EXCEPT that portion thereof conveyed to King County by Deed recorded September 20, 1961, under Recording Number 5331651.

Section 3. The conditional use permit hereby approved shall be subject to the following conditions.

A. The following conditions are imposed to ensure compliance with provisions of the cited code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provisions. Conditions 1-22 shall be complied with prior to the issuance of any clearing and grading permit for the specific activity to which the condition applies:

1. All frontage improvements required by the Public Works Department shall include storm drainage items per the Development Standards. (Dev. Stds. 4A.07b)

2. Storm water detention shall be provided for the total site, including the softball and soccer fields. Storm water detention shall be computed using the Soil Conservation Service TR-55 method, modified Santa Barbara Urban Hydrograph method, or other method approved by the Storm and Surface Water Utility. (Dev. Stds. 4B.01aiii)

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3. An analysis of the downstream conditions of the Type A riparian corridor shall be submitted. This analysis shall identify any degraded conditions or flow restrictions, and if present, make recommendations to correct these problems. (BCC 23.76.030)

4. A hydrologic report analyzing the impacts of the trail construction and other associated improvements on S.E. 4th Place shall be submitted for review. This report shall identify any impacts and mitigation measures necessary to control any additional surface water from the project. (BCC 23.76.030D2)

5. The surface water connection between wetland "D" and wetland "H" shall be maintained. This surface water flow path shall be restored in an open channel, unless otherwise approved by the Storm and Surface Water Utility. A riparian corridor restoration plan shall be prepared and submitted for review and approval. The maintenance staff barn may need to be relocated. (Comp. Plan 21.D.100D1, D2, D5, D6)

6. A water quality management plan shall be prepared and submitted for review and approval. This plan shall include, but is not limited to:

- a. Recommendations for maintenance of all wetlands and storm detention ponds to maximize water quality.
- b. A water quality monitoring program for the detention ponds and the open water wetlands south of Main Street.

(BCC 23.76.030)

7. Temporary tree protection fencing shall be installed at all limits of clearing. Temporary fencing design shall be approved by the Storm and Surface Water Utility. (Dev. Stds. 2A.03b)

8. All catchbasins in parking lots shall be designed to include oil/water separators per the Development Standards. (Dev. Stds. 4B.01b)

9. Detailed restoration and enhancement plans shall be submitted for review and approval for all disturbances in Type A and B wetlands, riparian corridors and associated setbacks. (BCC 23.76.030H5)

10. Trail construction across steep slopes and through significant stands of vegetation shall employ hand work construction methods where feasible. (Comp. Plan 21.H.C.4.8)

11. Grading within the wetlands, riparian corridor and associated setbacks shall be minimized. Where possible, construction methods within these sensitive areas shall be limited to hand work. (Comp. Plan 21.D.100.C2, D2; BCC 23.76.030 and Dev. Stds. 2.00B.4)

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12. All sensitive areas (wetlands and riparian corridors) shall be protected from construction impacts by installing temporary chain link fence at the outer boundaries of the setback or sensitive area. The location and design of the temporary chain link fence shall be approved by the Storm and Surface Water Utility. (BCC 23.76.030B3)

13. Storm water conveyance systems shall use open channels, unless otherwise approved by the Storm and Surface Water Utility. (BCC 23.76.030B3)

14. Detailed engineering plans and riparian corridor enhancement plans for the grotto falls steps located in the Type A riparian corridor shall be submitted for review and approval by the Storm and Surface Water Utility. (BCC 23.76.030H5)

15. The following notes shall appear on the face of all permit application drawings:

- a. "All clearing and grading activities shall be limited to dry weather, i.e., April 1 through October 15 unless otherwise authorized in writing by the Storm and Surface Water Utility." (BCC 23.76.046)
- b. "No construction work shall occur within a Type A or B riparian corridor or setback between September 15th and June 15th unless otherwise authorized in writing by the Storm and Surface Water Utility." (BCC 23.76.030H3)
- c. "No construction work shall occur within a Type A or B wetland or setback between September 15th and April 1st unless otherwise authorized in writing by the Storm and Surface Water Utility." (BCC 23.76.030H3)
- d. "A thin layer of pea gravel, crushed rock, asphalt, or lean concrete mad mat shall be placed over prepared subgrade as soon as possible." (Comp. Plan 21.D.200.C3, D4; BCC 23.76.030)
- e. "During dry weather, construction areas shall be watered or swept to suppress dust entrainment. Chemical dust suppressants shall not be used." (BCC 22.02.005)
- f. "The contractor shall provide certification that all diesel, gasoline and air-powered equipment is properly muffled or silenced." (Comp. Plan 21.G.100.E)

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- g. "Construction shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and prohibited on weekends." (Comp. Plan 21.G.100.E)
- h. "The hours of construction shall be prominently displayed at or near the entrance to the site in view of contractors and the public." (Comp. Plan 21.G.100.E)

16. The plant management plan should emphasize use of biological pest control and organic-type fertilizers. This emphasis would be part of the educational mission of the park and botanical garden. (BCC 22.02.005; BCC 23.76.030)

17. The trail crossing through wetland D shall be elevated to allow surface water passage below the path. During construction, disturbance to the wetland shall be minimized by using hand work where feasible. (LUC 20.25H.110.B.6.a)

18. No motorized vehicles, except as necessary for maintenance, shall be allowed within the wetlands or riparian corridor and associated setbacks. (LUC 20.25H.110.B.6.a, LUC 20.25H.110.C.4.c)

19. Access to sensitive areas shall be limited to designated public use or interpretive areas. Signs, handrails, low fences and vegetation shall be employed to discourage intrusion into the sensitive portions of the site. (LUC 20.25H.110.B.6.f, LUC 20.25H.110.C.4.e)

20. Access trails shall protect water quality and allow adequate surface and ground water movement. Wetland and riparian corridor crossings shall be raised footbridges, boardwalks, open-grated metal decking or other methods that achieve the required protection. A wetland or hydrologist specialist shall be consulted in designing these crossings to assure protection of water quality. (LUC 20.25H.110.B.6.g, LUC 20.25H.110.B.4.f)

21. Consolidated areas for nesting, breeding and rearing must be preserved. To ensure that these sensitive areas are protected, a report and map prepared by wildlife biologist shall be submitted which delineates the locations of identified on-site nesting, breeding and rearing areas. Trails shall avoid the identified habitat areas. (LUC 20.25H.110.B.6.g)

22. Filing a portion of Wetland B to construct a trail across it shall be prohibited. This portion of the trail shall be rerouted or crossed by a footbridge. (LUC 20.25H.110.B.6.h)

23. All construction traffic for Phase I shall access the site via 124th Ave. N.E. to the north. No construction traffic shall use 118th S.E., 120th Ave. N.E., or S.E. 1st Street. All truck traffic to and from the site shall use I-405 or SR 520 at the closest access location to

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124th Ave. N.E. (Eastbound construction traffic shall access I-405 via 124th Ave. N.E. to N.E. 8th to the I-405 interchange, and westbound traffic shall access SR 520 via north on 124th Ave. N.E. to the SR 520 interchange. Northbound and southbound traffic may use either route.) (Ordinance No. 3934)

24. Prior to issuance of the first clearing and grading permit on the project, the applicant shall contribute a fair share of the costs for the following future traffic improvements:

- a. Main/116th S.E.: An agreement to participate in a future improvement project.
- b. Main/112th S.E.: An agreement to participate in a future improvement project, which will include the construction of an east to southbound right-turn lane.
- c. S.E. 8th/Lake Hills Connector: An agreement to participate in a future improvement project, which may include signal phasing revisions and additional turn and through lanes.
- d. Lake Hills Connector/Richards Road: Pro rata cash contribution to current signal project, I-168 (\$2,295).
- e. Bel-Red Road/124th N.E.: Pro rata cash contribution to Masterlist Project I-117-A, which will add turn lanes to all approaches (\$5,950).
- f. N.E. 8th/116th N.E.: An agreement to participate in a future improvement project.
- g. Main/S.E. 1st: Pro rata cash contribution to Masterlist Project I-171, which will install a new signal and channelization (\$15,510). Also, an agreement to participate in a future project to improve S.E. 1st between 116th N.E. and Main.
- h. N.E. 8th/120th N.E. and N.E. 8th/N.E. 10th Place: An agreement to participate in a future improvement project.

25. Prior to issuance of a clearing and grading permit for Phase II, the applicant shall contribute a fair share of the costs for the following future traffic improvement:

124th N.E., N.E. 8th to Bel-Red Road: Pro rata cash contribution to Masterlist project R-120, which will improve 124th N.E. between N.E. 8th and Bel-Red Road (\$40,249).

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Contributions listed in 24 and 25 shall be established by identifiable impact agreed upon by the applicant and the Transportation Division of the Public Works Department. The contribution shall be reasonable, equitable, non-discriminatory, and based on relevant circumstances and considerations including without limitation:

The relative use and benefits to all identifiable properties and users of those improvements, including the proposed use.

Projected future of the improvements and future benefits of the various properties.

The total costs of the required improvements.

(Comp. Plan 21.M.210.C.3)

B. The following conditions are imposed to ensure compliance with provisions of the cited code or to mitigate adverse environmental impacts which are not otherwise addressed through applicable code provisions, and must be complied with prior to issuance of any Building Permit for the proposal.

1. Water and sewer extension agreements must be initiated.
(Dev. Stds. 5A.02.D)

2. A 12-inch water main shall be installed in the power easement from Main Street to the south property line. (Dev. Stds. 5A.02.D)

C. The following conditions (1.a through k) are imposed to ensure compliance with provisions of the cited code or to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provisions.

1. The following transportation improvements must be met prior to any use of the subject property approved in the Conditional Use Permit.

- a. Install a signed and striped midblock crossing on Main Street, west of 124th Avenue N.E., aligned with the terminus of the asphalt trail on the north side of Main.
- b. Install pedestrian/bicycle facilities on the south side of Main from 118th Avenue S.E. to 124th S.E. These facilities should include four feet of widened pavement separated by an eight-inch fog line and an eight-foot wide meandering asphalt trail on the south side.

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- c. Install a street lighting system fronting the park development on Main.
 - d. Install a six-to-eight foot wide separated asphalt trail along the east side of 124th Avenue N.E. from Main to N.E. 2nd.
 - e. Install a street lighting system along the east side of 124th Avenue N.E. fronting the park project.
 - f. Install six feet of pavement widening separated by an eight-inch fog line along the east side of 124th N.E. from N.E. 2nd to N.E. 8th.
 - g. Install six feet of widened pavement separated by an eight-inch fog line along the west side of 128th Avenue N.E. from N.E. 2nd to the southern property line. This shoulder area shall be stenciled for pedestrians and bicyclists with "No Parking" signs along the outside edge of the roadway. Mail boxes located on the west side of 128th Avenue N.E. shall be relocated to the east side.
 - h. Pay for the installation of street lights on existing power poles fronting the park site on 128th Avenue S.E. Approximately eight to ten lights will be required, at a cost of \$206.00 each.
 - i. Restripe N.E. 2nd from 124th Ave. N.E. to 128th Ave. N.E. to provide a six-foot wide bicycle lane on the south side. Some asphalt widening will be needed at the western end of this roadway section.
 - j. Install a five-foot wide asphalt trail along the southeast side of S.E. 1st from Main to the existing sidewalk southwest of the railroad crossing.
 - k. Install a five-foot asphalt trail on the south side of Main from S.E. 1st Ave. to 118th Ave. S.E.
2. The following transportation improvements shall be installed in conjunction with building permits for Phase II, or at the time off improvements to street frontage of the west slope, whichever comes first:
- a. Install frontage improvements on 118th Avenue S.E. from Main to the northern boundary of the west slope development. These improvements will include

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pavement widening, curb, gutter, sidewalk, landscaping strip, storm drainage, and a street lighting system.

(Comp. Plan 21.M.215.C, Development Standards 3A.06.A, 3A.24.A, 3A.29.D, 3A.30, LUC 20.20.950.D)

D. The following conditions (1 through 3) are imposed to mitigate adverse environmental impacts which are otherwise not addressed through applicable code provisions:

1. The aiming of the lighting on the soccer field shall be supervised at the time of installation by an experienced lighting engineer or technician. (Comp. Plan 21.G.A.3)

2. Lights on the soccer field shall be shut off at 11:00 p.m. (Comp. Plan 21.G.A.3)

3. No formal league games shall be scheduled for the informal playfield/meadow. (Comp. Plan 21.H.C.2.9)

E. The following additional conditions are imposed:

1. The appropriate city decision-makers should revisit and give consideration to the following issues prior to implementation of final plans: (a) whether there is sufficient year-round mitigation of noise and light, glare and glow impacts of lights on the soccer field; (b) whether test poles should be installed to determine whether the height of light poles selected will provide the maximum possible mitigation of light impacts on residential neighborhoods; (c) whether enforcement policies and practices related to the use of lights are appropriate; (d) whether more evergreens should be used to buffer noise and light around the playfields, particularly the north and east sides; and (e) whether the access needs of residents of the home for mildly mentally retarded adults located on 124th are appropriately addressed in proposed improvements and facilities.

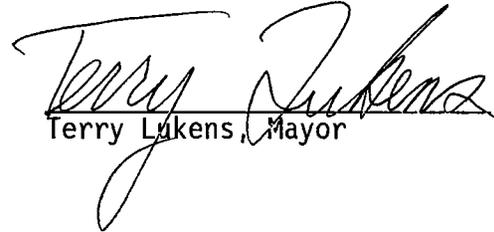
2. The appropriate city decision-makers should revisit and give consideration to the following issues prior to implementation of final plans: (a) whether curbs and sidewalks should be developed instead of, or in addition to, "fog lines"; (b) whether construction traffic should be routed west on Main Street and avoid residential areas; (c) whether traffic control measures should be immediately implemented at the intersection of 124th and Main Street and at the intersection of First and Main Street; (d) whether street widening should occur and where sidewalk and related improvements should be developed on N.E. 24th between Main and N.E. 8th; and (e) whether a three-way stop or other traffic control should be installed at the intersection of 118th Ave. S.E. and Main Street.

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Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

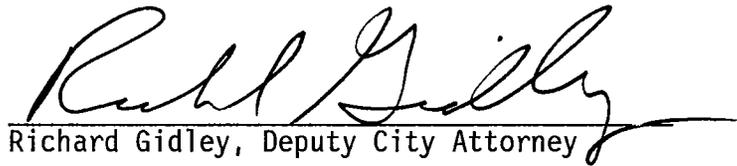
PASSED by the City Council this 9th day of July, 1990, and signed in authentication of its passage this 9th day of July, 1990.

(SEAL)


Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard Gidley, Deputy City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published July 16, 1990