

0033-ORD
02/28/97

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4974

AN ORDINANCE amending Section 20.25H.110 of the City of Bellevue Land Use Code, regarding wetland modification.

WHEREAS, the City Council amended the Land Use Code of the City of Bellevue on December 11, 1995 by Ordinance No. 4831-C; and

WHEREAS, the East Bellevue and Sammamish Community Councils disapproved Ordinance No. 4831-C by Resolution Nos. 370-A and 354-A respectively; and

WHEREAS, the City has a continuing desire to have one land use code applicable in all areas of the City including areas within the jurisdiction of the Community Councils; now therefore,

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

Section 1. Ordinance No. 4831-C, amending Title 20 of the City of Bellevue Land Use Code, adopted by the City Council on December 11, 1995, is readopted as follows:

Section 2. A new subsection B.7 is hereby added to section 20.25H.110 of the Bellevue City Code (Land Use Code) as follows:

20.25H.110

...
B.7. Wetland Modification

a. Wetlands displaced by a permitted use such as an essential public facility shall be replaced at the time of construction of the permitted uses.

b. Filling or alteration of an existing wetland and creation of a new replacement wetland is prohibited unless the site is more than 50 percent protected area and the filling or alteration is necessary to accommodate an essential element of a permitted use of the site; or the filling or alteration is necessary to provide specific site access where no feasible alternative is available. Such an alteration may be approved if the proposal:

i. Disturbs no more than 10 percent of the wetland or one acre, whichever is less; and

ii. Does not affect any habitat type which is unique in that wetland when considering the entire wetland, both on and off site; and

iii. Will not result in long term adverse impact on water quality; and

iv. Does not reduce the diversity of habitat found in the wetland; and

v. Is the minimum necessary to accommodate reasonable development of the property; and

vi. The development which the wetland adjustment is proposed to accommodate incorporates the best available construction, design and development techniques which result in the least impact on the Protected Area; and

vii. The development incorporates a proposed configuration which will result in less total coverage by impervious surface than would otherwise be required for reasonable development of the property; and

viii. The wetland adjustment is not necessary because of actions by the applicant in segregating the property and creating the unusual configuration; and

ix. Does not significantly impact the hydrological relationship between the wetland and streams or lakes.

c. Plans for wetland restoration shall be prepared by a qualified wetland biologist or wetland restoration professional and approved prior to construction of the approved use.

i. Plans shall address the hydrologic, water quality, vegetation community and wildlife habitat functions of the existing wetland and the wetland to be created; and

ii. The area of the replacement wetland shall be a minimum of:

a) 2 times the displaced area for Type A wetlands;

b) 1.5 times the displaced area for Type B wetlands; and

iii. The replacement wetland created must replicate, to the extent feasible the functional characteristics of the original wetland including soil, hydrology, depth, gradient, approximate shape, water quality, vegetation community and wildlife habitat functions; and

iv. The wetland primary setback for the created wetland area must provide an effective buffer equal or superior to that existing for the original wetland; and

v. Replacement wetland area shall be located within the same stream corridor as Type A displaced wetlands wherever feasible, and within the same drainage basin for all wetlands. If off-site, permanent Native Growth Protection Area designations and restrictions must be recorded with the King County Department of Records over the affected replacement area to assure long-term preservation.

d. Replacement wetlands shall be completed prior to issuance of occupancy permits for the displacing use; or plans must be approved with a specific schedule for completion with provision of an assurance device of at least 150 percent of the cost of installation and monitoring.

e. A monitoring plan shall be prepared to monitor successful re-establishment of the wetland for a period of three growing seasons. The applicant shall provide an assurance device in an amount necessary to retain a qualified wetlands biologist to assess the wetland and submit a report to the City at least twice yearly, prior to and near the end of the growing season and shall provide an assurance device in an amount necessary to implement additional restoration measures if the replacement wetland does not equal the functions of the wetland displaced.

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Section 3. This ordinance shall take effect and be in force five (5) days after passage by the City Council.

PASSED by the City Council this 3rd day of March, 1997, and signed in authentication of its passage this 3rd day of March, 1997.

(SEAL)



Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Andrews, City Attorney

Attest:



Myrna L. Basich, City Clerk

Published March 7, 1997