

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5273

AN ORDINANCE regarding the application of Allen Lang for approval of 4.17 acre plat located at 15419 SE 16th Street, adopting the findings and conclusions of the Hearing Examiner, and approving the application, with conditions.

WHEREAS, the applicant, Allen Lang, applied for approval of a preliminary plat on a 15.4 acre site located at 15419 SE 16th Street, which would provide for 10 single-family lots, one storm water tract, and one wetland tract; and

WHEREAS, on November 30, 2000, a public hearing was held by the Hearing Examiner on the application, pursuant to notice required by law; and

WHEREAS, On December 20, 2000, the Hearing Examiner issued a recommendation entering findings of fact and conclusions derived therefrom, recommending approval of the preliminary plat, subject to conditions, and

WHEREAS, no appeal of the Hearing Examiner's recommendation has been filed; and

WHEREAS, the City Council concurs in the findings and conclusions of the Hearing Examiner, and

WHEREAS, the City of Bellevue has complied with the requirements of 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. In support of the decision herein approving the application, the City Council adopts the findings and conclusions of the Hearing Examiner as set forth in "Findings, Conclusions and Recommendation In the Matter of the Applicant of Allen Lang Request for a 10 Lot Preliminary Plat on a 4.17 Acre Site Located at 15419 SE16th Street, File No. LL(PP) 99-1734."

Section 2. The City Council approves with conditions the preliminary plat, a copy of which preliminary plat map has been given Clerk's Receiving No. _____, to be located at 15419 SE 16th Street, and more particularly described as:

The Northeast Quarter of the Northeast Quarter of the Southwest Quarter, except the North 230 feet of the East 230 feet and except the South 432.88 feet of the West 400 feet and except county road, all in Section 2, Township 24 North, Range 5 East, W.M. situate in King County, Washington.

Provided that approval 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 following conditions:

A. The following conditions are imposed to ensure compliance with Preliminary Plat Approval criteria. These conditions shall be incorporated into Plat Engineering and other Development Permits unless otherwise noted:

1. Lot Design: Lot 10 shall be redesigned to provide a minimum 30 foot frontage on SE 16th Street and continuing at that width to the south line of the PSE substation, or the panhandle area will be incorporated into Tract A and Lot 9 and an access easement provided to Lot 10.

2. Lot Design: Lot 10 shall be redesigned to dedicate the wetland and 50 foot setback areas as a NGPA and as a separate tract dedicated to the City of Bellevue for future maintenance by the Parks Department.

3. Easements: To reduce grading, and accommodate required fill slopes, easements for shared driveways will be required between lots 1 and 2 and between lots 5 and 6.

4. Private Road A Design: This roadway shall be designed to shift the Fire Truck turn around to between Lots 7 and 8 to reduce cut and fill if feasible with adequate building area on each lot. The roadway shall be constructed to a 20 foot paved surface, consistent with City of Bellevue, Transportation Development Standards, Figure 1 including Type A curbs and a sidewalk on one side consistent with City of Bellevue, Transportation Development Standards, 18.B.4. Engineering plans must demonstrate that the roadway is capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs. and front axle=19,000 lbs.)

5. Shared Driveway from SE 16th Street: This driveway shall be designed to intersect with SE 16th Street at a right angle and continue with a straight alignment for a distance of at least 25 feet. The roadway shall be constructed to a 20 foot paved surface (unless an exception is granted during Plat Engineering) consistent with City of Bellevue Transportation Development Standards, Figure 1. Engineering plans must demonstrate that the roadway is capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs. and front axle=19,000 lbs.)

6. Frontage Improvements: Frontage improvements shall consist of curbs, gutters, sidewalks and street lighting along SE 16th Street and 154th Avenue SE along road segments that front the subject site. Sidewalks shall be five feet and six feet in width for 154th Avenue SE and SE 16th Avenue respectively. The sidewalk terminus shall be constructed in a manner that will not be hazardous to pedestrians. Curbs must be set back from the right-of-way center 16 feet and 17 feet along 154th Avenue SE and SE 16th Street respectively. A half road overlay will be required where curbs are to be installed or road cuts are made. A full road overlay will be necessary to regrade 154th Avenue SE near its intersection with SE 16th Street to correct an abrupt change in grade in the road surface.

7. Intersection Sight-Distance: Intersection sight distance must be to current standards at both proposed access locations and at the intersection of 156th Avenue SE/SE 16th Street. This may involve regrading sloped embankments and/or vegetation removal.

8. Planting Area: There shall be a planting area at least 10 feet wide to screen the retaining wall for the detention facilities where the exposed wall exceeds 30 inches in height. The screen may be located on the opposite side of the access driveway

from the wall, as shown on the Landscape Plan prepared by Jane Garrison Landscape Architects. (Hearing Exhibit 4.)

9. Improvement Standards: All improvements, including but not limited to, storm drainage and water quality, roads, utilities, rockeries, clearing and grading, and erosion and sedimentation control, shall be designed and constructed in conformance with the City of Bellevue Development Standards and Engineering Standards (current at the time of application for permits), Clearing and Grading Code, and all other applicable codes, ordinances, and policies.

10. Utility Design: The Utilities Department approval of the Preliminary Plat is based on the conceptual utility design only. Because review of the proposal has been on a conceptual level, there are no implied approvals of the engineering components of the proposal. Final civil engineering of the utility design may require changes to detention/water quality system, the site layout, or the number of lots to accommodate the utilities after utility engineering is approved.

11. Geotechnical Conditions: A final geotechnical report shall be submitted to address all excavation, fill, retaining structures, building foundations disturbance of slopes in excess of 25%. (a) The geotechnical engineer shall review and evaluate construction plans and certify that the plans incorporate site earthwork and drainage recommendations contained in the report and identify critical stages in clearing, grading and construction process when evaluation and input by the geotechnical engineer will be required; (b) the geotechnical engineer shall monitor and inspect site earthwork, drainage control, rockery and/or retaining wall construction and other critical construction stages, and shall submit inspection reports as required by and to the Department of Planning & Community Development; (c) the geotechnical engineer shall submit a final report to the Department of Planning & Community Development i) confirming that facilities have been constructed in conformance with plans and specifications; ii) confirming that all slopes and related facilities meet a Factor of Safety of 1.5; iii) summarizing the results of construction monitoring; and iv) identifying needs for long term maintenance.

12. Protection of non-disturbed areas and trees: To mitigate adverse impacts to non-disturbed areas and protect trees to be retained during construction:

a. Within the open space area, all trees with a drip line, which extends outside the open space area, shall be reviewed by an arborist approved by the City who shall certify their viability and shall specify specific measures to avoid construction damage.

b. Clearing limits shall be established at the limit of non-disturbed areas and for retained trees within the developed portion of the site, outside of drip lines or as specified by an arborist review. Six-foot chain link fencing with driven posts, or approved alternate, shall be installed at the clearing limits prior to initiation of clearing and grading.

c. No excavation or clearing should be performed within drip lines of retained trees except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist approved by the City.

13. Vegetation Management Plan: A Vegetation Management Plan for open space shall be prepared and implemented to include:

a. Plantings with Open Space Areas:

i) Restoration plantings of native evergreens in all open space areas disturbed by utility construction;

ii) Where overstory vegetation is predominantly alder or other successional species, plantings of native evergreen minimum 5 gal. Containers at a spacing of approximately 20 feet on center to provide for succession to a native forest environment;

iii) Removal of invasive species such as blackberries and replacement with native trees and understory;

iv) Planting of native evergreens at the western margin of the primary setback at a minimum height of 6' to provide a screen and buffer from adjacent residential development for wildlife using the Open Space.

b. Within the open space area, all trees within a horizontal distance from the boundary equal to the height of the tallest trees, shall be surveyed by a qualified arborist. Hazard trees shall be pruned, topped, or removed as necessary to protect approved building sites. Overmature vegetation should be retained as snags for wildlife habitat wherever feasible.

c. Provision of an assurance device in the amount of 20% of the installed value of plant materials shall be retained for a minimum period of one year to assure survival of plantings.

B. The following conditions are imposed to ensure compliance with provisions of the City Code or to mitigate adverse environmental impacts, which are otherwise not addressed through applicable code provisions. These conditions must be complied with prior to approval of Final Plat.

1. Native Growth Protection Area: A Native Growth Protection Area (NGPA) shall be designated for the wetland and 50 foot primary setback. Prior to filing the Final Plat, the NGPA shall be marked with survey monuments and permanent information signs approved by the Department of Planning & Community Development. The applicant shall dedicate the NGPA as a separate tract to the City of Bellevue for future maintenance by the Parks Department.

2. Private Streets: The face of the plat shall contain a restriction that provides for shared maintenance of Private Street A by owners of Lots 1 – 9. The portion of the shared driveway providing access to Tract A shall be maintained by the owners of Lots 109 as part of the shared interest in the detention facilities, together with Lot 10 and Lot 9, if direct access is provided. The restriction shall further provide that the private road is an easement for all public utilities and will remain open at all times for emergency and public service vehicles and will not be fenced or gated.

3. Access to SE 16th Street: The plat shall contain a restriction prohibiting direct access from SE 16th Street to Lots 1-4 and 9.

C. The following additional conditions will be imposed:

1. Transportation Impact Fee: Payment of the traffic impact fee will be required at the time of building permit issuance for the individual lots. The traffic impact fee, for impact fee area 9 is \$945.98 per dwelling for single family land use. This fee is subject to change and the current fee schedule in effect at the time of permit issuance will apply.

2. Barrier Protection: Where retaining walls are proposed to support private roads, extension of the retaining wall above the road surface, installation of guard rail and safety rail or other sufficient means of providing barrier protection shall be required as approved by the Transportation Department. If the proposed retaining wall is going to be used in the capacity of guardrail, its height must be similar to WSDOT Guard Rail Standards. Hand railing will also be provided where warranted. Joint use driveways are proposed at several locations along the private road serving lots 1 through 8. All joint use driveways must be a minimum of 20' (16' with Fire Department approval) along segments serving more than one lot with reciprocal easements granted as necessary.

3. Right-of Way Use Permit: Prior to the issuance of a clear and grade permit or any construction on public right-of-way, the applicant shall secure a right-of-way use permit from the City's Transportation Department, which may include:

- a. Designated truck hauling routes,
- b. Truck loading and unloading activities,
- c. Location of construction fences,
- d. Hours of construction and hauling.
- e. Maintenance of pedestrian access,
- f. Provisions for street sweeping, excavation, and construction,
- g. Location of construction signing and pedestrian detour routes,
- h. All other construction activities as they affect the public street system.

4. Parking for Construction Workers: The applicant shall secure sufficient off-street parking for construction workers prior to the issuance of a clearing and grading, building, foundation, or demolition permit.

5. The plat engineering plans submitted during Final Plat approval shall show the proposed 20-foot walkway easement along the south property line, between SE 18th Street and 156th Avenue SE.

6. The 20-foot walkway easement along the south property line, between SE 18th and 156th Avenue SE, shall be dedicated to the City of Bellevue upon recording to the Final Plat.

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

Passed by the City Council this 5th day of February, 2001, and signed in authentication of its passage this 26th day of March, 2001.

(SEAL)

Chuck Mosher, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney

Attest:

Myrna L. Basich, City Clerk

Published February 9, 2001