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CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 5428

A RESOLUTION regarding an appeal from the recommendation of the Hearing Examiner in the matter of the application of Kenneth Longfellow for a preliminary plat (Summitridge), File No. PP-89-3530; entering findings of fact and conclusions; and denying the appeal and approving the application, with modifications.

WHEREAS, Kenneth Longfellow has applied for approval of the preliminary plat of Summitridge, located west of Lakemont Boulevard and north of Forest Drive S.E.; and

WHEREAS, the matter was heard before the Hearing Examiner on March 28, 1991; and

WHEREAS, on May 8, 1991, the Hearing Examiner entered his "Findings, Conclusions, and Recommendation of the Hearing Examiner Pro Tempore for the City of Bellevue, In the Matter of the Application of Kenneth Longfellow for a Preliminary Plat (Summitridge), File No. PP-89-3530," in which he recommended to the City Council that the application be approved with conditions; and

WHEREAS, on May 28, 1991, an appeal of the Hearing Examiner Recommendation was filed by Friends of Cougar Mountain; and

WHEREAS, on July 22, 1991, the City Council conducted a limited public hearing on the appeal, and determined that the appeal should be denied and the application granted with modifications; and

WHEREAS, the City Council now desires to enter formal findings and conclusions and a decision in this matter; and

WHEREAS, the City 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 RESOLVE AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions made and entered by the Hearing Examiner in support of his recommendation 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 Kenneth Longfellow for a

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Preliminary Plat (Summitridge), File No. PP-89-3530," as the same may hereafter be modified by the additional finding and conclusions of the City Council.

Section 2. The City Council hereby adopts the following additional finding of fact:

1. The Summitridge site is a possible location of pileated woodpecker nests. The pileated woodpecker is listed on the Washington Department of Wildlife's Urban Priority Species List.

Section 3. The City Council hereby enters the following additional conclusions:

1. A study should be conducted to determine whether there are any pileated woodpecker nests on the Summitridge site and, if there are, methods for their protection should be recommended. If plat modifications are necessary to protect such nests, they should be reviewed and approved by the Director of Design and Development prior to engineering plan approval.

2. The applicant should be required to demonstrate to the Director of Design and Development, prior to final plat approval, that the wildlife corridors required as a condition of plat approval are physically connected to existing and planned wildlife corridors in the Cougar Mountain area.

Section 4. The City Council hereby imposes the following additional conditions:

1. Prior to final plat approval, the applicant shall provide a study, prepared by a qualified wildlife biologist, to investigate whether there are any pileated woodpecker nests on the Summitridge site. If nests are found on this site, the report shall include recommended methods for their protection. If plat modifications are necessary to protect the nests, plat revisions consistent with the consultant's recommendations shall be reviewed and approved by the Director of Design and Development prior to engineering plan approval.

2. The applicant shall demonstrate to the satisfaction of the Director of Design and Development, prior to final plat approval, that the wildlife corridors provided for in the preliminary plat approval are physically connected to existing and planned wildlife corridors in the Cougar Mountain area.

Section 5. The City Council further concludes that the application, as conditioned, meets the decision criteria of Bellevue City Code 20.45A.130.

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Section 6. The City Council hereby determines that the appellants have failed to carry the burden of proof and produce evidence sufficient to support the conclusion that the appeal should be granted, except that the Council determines sufficient evidence has been produced to support the imposition of certain additional conditions as provided above. The City Council also determines that the recommendation of the Hearing Examiner, as modified herein, is supported by the preponderance of the evidence. The appeal is therefore denied.

Section 7. The City Council hereby approves, with conditions, the preliminary plat of Summitridge, upon application of Kenneth Longfellow, said plat containing approximately 27.39 acres of property located immediately west of Lakemont Boulevard and north of Forest Drive S.E., and more particularly described as:

The North half of the Northeast quarter of the Northwest quarter and that portion of the North half of the Northwest quarter of the Northeast quarter lying West of Edward Leifhelm County Road, all in Section 26, Township 24 North, Range 5 East, W.M., in King County, Washington;

EXCEPT that portion conveyed to King County for road purposes by deed recorded under Recording No. 5522154.

ALSO KNOWN AS Lots 1 and 2, King County Short Plat No. 678134, recorded under Recording No. 8010200784.

Provided that approval of said preliminary plat of Summitridge shall be subject to the terms and conditions set forth above and to the following terms and conditions, and this approval thereof is conditioned on full compliance by the owner or owners, developer or developers, and their heirs, assigns, grantees, and successors in interest therewith.

1. All plat improvements, including but not limited to roads, utilities, storm drainage conveyance and detention, clearing and grading, and all necessary and required appurtenances, shall be constructed in conformance with the City of Bellevue Land Use Code, Environmental Procedures Code, Development Standards edition current at the time of application of permits, Utility Codes, the Clearing and Grading Code, and all applicable permits, codes, ordinances, regulations, and policies of the City of Bellevue and all other agencies with jurisdiction. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
(BCC 23.76.020)

2. The following conditions must be complied with and noted on the face of construction drawings submitted to the City for permit approval:

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A. To mitigate adverse construction noise impacts on nearby residents, the following mitigating measures shall be listed by the applicant on the face of the construction drawings submitted to the City for building permit and engineering plan approval.

- 1) The contractor shall provide certification that all diesel, gasoline and air-powered equipment is properly muffled or silenced.
- 2) 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 and federal holidays.
- 3) These conditions shall be prominently displayed at or near the entrance to the site in view of contractors and the public.

(Comprehensive Plan Policy 21.G.100.B.1; BCC 22.02.005)

B. To reduce adverse noise impacts on residential areas from construction traffic, truck hauling routes shall be designed to avoid routes through residential areas and restrict the hours of hauling to avoid impacts to residences as much as feasible. (Comprehensive Plan 21.M.760)

C. Construction vehicles over 10,000 pounds, licensed gross weight, shall not be allowed on S.E. 63rd Street via Forest Drive. S.E. 63rd access must be via Lakemont Boulevard. All construction vehicles shall use the shortest and most direct City arterial routes via Forest Drive S.E. and Lakemont Boulevard. (Ordinances Nos. 3692, 3934, and 3933; BCC 11.70)

3. The following conditions must be complied with prior to plat engineering/clearing and grading permit approval:

A. The internal plat roadway system shall comply with the current edition of the Development Standards. Fifty feet of right-of-way shall be dedicated to the City of Bellevue to include 28 feet of pavement, curb, gutter, five-foot sidewalk on each side, street lighting and associated storm drainage items. Cul-de-sac driving surfaces shall be 48 feet in diameter with landscaped islands. Road grades shall not exceed 15 percent. Cul-de-sac cross slopes shall not exceed eight percent. Street name signs shall be supplied by the developer per a Public Works Department approved sign plan. Street lighting for internal plat roadways shall be designed by Puget Power at the developer's expense, and approved by the City of Bellevue Public Works Department, prior to installation. Street lighting shall be installed with roadway plat improvements.

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(Comprehensive Plan Policies 21.M.210.C, 21.M.215.C.1, C.2, and C.5; Development Standards 3C-01, 3C-05, 3C-13A, 3A.06, 3A.07, 3A.21, 3A.29, 3B.06, 3B.12, 3B.28).

B. Frontage improvements are required along Lakemont Boulevard. These improvements shall include widened pavement to 22 feet from right-of-way centerline, curb, four-foot planting strip, landscaping, pedestrian walkway facilities, and non-motorized facilities. The pedestrian walkway requirement is further defined in Condition C-35 of the City's Staff Report. An arterial streetlight plan for Lakemont Boulevard shall be submitted for approval, and streetlights installed prior to final plat approval. (Comprehensive Plan Policy 21.M.215; Development Standard 3B.14)

C. The developer shall provide a marked crossing across Forest Drive (subject to Traffic Operations approval), and an eight foot hard surface pedestrian pathway within a ten foot wide easement parallel to the Forest Drive frontage of the plat or as otherwise approved by the Public Works Department. (Comprehensive Plan Policy 21.M.215; Development Standard 3B.14)

D. The developer shall show on engineering drawings how improvements on S.E. 63rd will interface with future improvements on that roadway. The cross section for S.E. 63rd is 28 feet of pavement, six inch vertical curb, and a five foot concrete sidewalk.

E. Lot 57 shall be revised to gain access from Tract H. (LUC 20.25H)

F. In order to mitigate the potential adverse impacts to water quality, erosion and sedimentation control on and off-site, the applicant shall (prior to finalizing clearing and grading permit drainage plans), have a professional engineer document reconnaissance visits to the site during 1990-1991 storm events specifically to identify existing overland drainage flow patterns and drainage problem areas. (Those overland flows resulted in specific erosion degradation.) Documentation of overland flow investigation results, along with site drainage plans designed to control these flows according to City of Bellevue Development Standards, shall be submitted to the Storm and Surface Water Utility prior to issuance of the clearing and grading permit. (BCC 23.76)

G. To mitigate erosion and sedimentation impacts, clearing, grading, and construction activities shall be limited to the dry weather months of the year, April 1 to October 31, unless otherwise approved in writing by the Storm and Surface Water Utility. (BCC 23.76.030B-3, .030C-3; Natural Determinants 21.D.200D5)

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H. To mitigate adverse water quality impacts associated with installation of plat infrastructure, in addition to meeting other City water quality standards, the applicant shall be responsible for meeting the following water clarity standards during clearing, grading and construction.

- 1) Turbidity downstream of site in Coal Creek and adjacent tributaries, downstream of construction activity, shall not increase by more than 5 NTU (if background turbidity is less than or equal to 50 NTU), or
- 2) Turbidity levels shall not increase by 10% for background turbidity levels that are greater than 50 NTU. (BCC 23.76)

I. To minimize impacts to water quality entering the storm water system, on-site storm water detention shall be provided per Public Works Development Standards. If necessary, in order to improve storm water quality, runoff should pass through oil/water separators prior to being released off-site. (Comprehensive Plan Policy 21.D.100.D.2, 3; BCC 23.76.030)

- 1) To mitigate stream bed and stream bank erosion, storm drainage detention and allowable release rates shall be calculated by a methodology approved by the Storm and Surface Water Utility. Allowable release rates shall be limited to the two-year predevelopment flow up to the ten-year developed inflow hydrograph. Total detention volume shall be sized for the one-hundred year developed inflow hydrograph with a maximum allowable release rate equal to the ten-year predevelopment flows. (BCC 23.76.030D1, 23.76.030D2; Natural Determinants 21.D.100D3; Newcastle Subarea 21.V.14.IVD3)
- 2) Stub outs shall be provided for each individual lot for connection to the main storm drainage system. The stub outs shall be located and marked in the field as approved by the Storm and Surface Water Utility. A note shall be added to the face of the final plat requiring all roof, footing, driveway and other drains to be directly connected to the storm drainage

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system. (BCC 23.76.030D2; Natural Determinants 21.D.100D3; Development Standards 4.02A, 4.03P)

J. To mitigate potential adverse impact to earth resources, including slope stability and erosion, and to ensure conformance with the recommendations in the geotechnical report dated January 23, 1990, by David L. Nelson and Associates, Inc.:

- 1) The geotechnical engineer shall review and evaluate site plans to determine if they incorporate site earthwork and drainage recommendations contained in the report and to identify critical stages in clearing, grading, and construction process when evaluation and input by the geotechnical engineer will be required;
- 2) The geotechnical engineer shall monitor and inspect site earthwork including structural fill placement, detention vault grading and installation, drainage control, rockery and/or retaining wall construction and shall submit inspection reports as required by and to the Storm and Surface Water Utility;
- 3) The geotechnical engineer shall submit a final report to the Storm and Surface Water Utility summarizing the results of the monitoring and inspection reports and identifying any measures necessary for long-term maintenance of site improvements and stability. (BCC 22.02.05; Comprehensive Plan Policy 21.D.200.C3, D4)

K. To mitigate adverse impacts of inadequate compaction and stability of fill from on-site soils due to moisture sensitivity, on-site soils shall be used as fill only under optimum moisture conditions as certified by geotechnical consultants. (BCC 22.02.005; Comprehensive Plan 21.D.200.C3, D4)

L. To mitigate erosion and sedimentation impacts, the contractor shall maintain on-site, during construction, a supply (said minimum quantity to be specified by the Storm and Surface Water Utility on approved clearing and grading permit plans) of straw, hay bales, geotextile barriers, and plastic to use as temporary erosion control measures in covering all disturbed areas. All disturbed areas should be covered as directed by the Storm and Surface Water Utility, as required by

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the clearing and grading permit conditions, and as necessitated by adverse weather conditions. (BCC 23.76.030)

M. To mitigate impacts to water quality from siltation impacts, temporary siltation control measures shall be reviewed and approved by the Storm and Surface Water Utility prior to issuance of a clearing and grading permit. (Comprehensive Plan Policy 21.D.100.B.2, .3; BCC 23.76.030)

N. To mitigate adverse water quality impacts associated with increased impervious surface, the feasibility of incorporating biofiltration of runoff prior to discharge into the storm drainage system shall be investigated by the applicant and Storm and Surface Water Utility prior to issuance of the clearing and grading permit. (Comprehensive Plan Policy 21.D.100.D.2, 3; BCC 23.76.030)

O. To mitigate adverse water quality impacts to the storm water system from sedimentation caused by mud clinging to the wheels of vehicles during construction, a tracking pad for trucks shall be installed on the site and affected catch basins shall be protected by filter fabric where mud is likely to collect. (Comprehensive Plan Policy 21.D.100.D.2, .3; BCC 23.76.030)

P. To mitigate erosion and sedimentation impacts, clearing and grading limits during plat development shall be limited to street and utility (infrastructure) only, and shall be clearly identified on construction plans. Prior to commencing clearing and grading, all clearing limits shall be staked in the field, including toe of fill slopes, top of cuts, and utility corridors located outside of the road right-of-ways, and shall be reviewed and approved by the Storm and Surface Water Utility. When approved, the Storm and Surface Water Utility may require the clearing limits adjacent to any sensitive areas (steep slopes, riparian corridors, and/or wetlands), be fenced with a method and design approved with the engineering construction plans. Clearing and grading beyond these approved disturbance limits should require immediate restoration. In addition, prior to final plat approval, a topographic survey of the site stamped by a professional land surveyor, and including identification of the boundaries of disturbance derived from plat infrastructure clearing and grading, and lot and right-of-way property lines should be submitted to the Storm and Surface Water Utility and the Design and Development Department. (BCC 23.76.030-3, .030-4; LUC 20.5H.110D)

Q. To mitigate adverse air impacts due to dust during dry weather, construction areas shall be watered to suppress dust entertainment. In order to reduce potential surface and round water contamination, chemical dust suppressants shall not be used. (BCC 22.02.005)

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R. To mitigate adverse impacts to vegetation during plat construction, clearing should be limited to utilities and infrastructures only. Vegetation should be preserved within the areas of 40% slopes/Native Growth Protection Easements and Open Space Tracts which contain riparian corridors, wetlands, and wildlife corridors. Additional vegetation should be added in these areas, as required by Storm and Surface Water Utility, Parks Department, and Design and Development, at the time of engineering plan review. (Comprehensive Plan Policy 200.D.3)

S. To mitigate impacts to site stability, the fifty foot wide buffer from the top of the 40% or greater slopes shall be included in the NGPEs for these areas of 40% or greater slopes.

T. The Storm and Surface Water Utility may require, as a condition of securing a clearing and grading permit for the plat, that the developer fund a full-time clearing and grading inspector under the direct supervision of the Inspection Section of the Storm and Surface Water Utility.

4. The following conditions must be complied with prior to final plat approval:

A. To mitigate noise levels from Forest Drive S.E. to lots projected to experience noise levels greater than 55 Ldn, the applicant shall submit, prior to final plat approval, an acoustical study containing recommendations sufficient to:

- 1) Reduce noise levels on these lots to 55 dBA Ldn where practical and not to exceed 65 dBA Ldn on as much of each lot as practical. The potential for a noise barrier at the edge of the right-of-way shall be considered. If this is not practical for all lots, individual barriers for each house may be required. For at least a minimum of 1,500 square feet for exterior recreation areas associated with residences on each lot, the noise level shall be reduced to 55 dBA where practical and not to exceed 65 dBA.
- 2) Achieve interior noise levels of 45 dBA. The place and design of single-family residences on affected lots and/or the design of plat improvements shall incorporate the recommendations of the acoustical study. If the design or construction of single-family homes is required to incorporate noise mitigation measures, such condition language

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shall be approved by the Design and Development Department and shall be noted on the face of the final plat in the following general format:

An acoustical study has been prepared for those lots which abut Forest Drive S.E. The study identifies specific noise mitigation required which may involve construction of a noise barrier, such as a fence or an earth berm, specific locations for residences or special construction materials or other measures to achieve a reduction in interior and/or exterior noise levels.

(Comprehensive Plan Policy 21.G.100.B.1; BCC

22.02.005)

B. The developer shall pay a traffic impact fee on each single-family lot prior to final plat approval or prior to issuance of building permits. The actual fee to be paid should be based on the fee schedule which is in effect at the time of payment.

C. In order to mitigate impacts to intersection traffic, the developer shall contribute on a fair share, pro-rata basis, consisting of signal coordination between the intersections at the I-405 Coal Creek Parkway ramps and the intersection of Coal Creek Parkway/119th Avenue S.E. The share shall be calculated based on 1995 projected traffic volumes. The Washington State Department of Transportation shall provide a cost estimate of the improvement cost of the signal coordination. (Comprehensive Plan Policy 21.M.210.C.4; BCC 22.02.020)

D. It shall be the applicant's responsibility to install any required noise attenuation improvements if required at the edge of the right-of-way. If noise attenuation improvements are required on individual lots, the applicant should install improvements at the time of building construction. (BCC 22.04.005.C.1 and BCC 9.18)

E. The applicant shall provide six units of affordable housing, with conditions as to size or number of bedrooms, of affordable housing, for sale or lease. The final plat shall be divided into two phases. Affordable units shall be made available for occupancy prior to final plan approval of the second phase or the applicant shall provide other alternatives to affordable housing per City ordinance prior to final plat approval. The applicant has signed an agreement to this effect and

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shall sign a detailed legal agreement prior to final plat approval.
(Comprehensive Plan Policy 21.G.125.C.2)

F. Prior to final plat approval, an as-graded topographic survey of the site stamped by a professional land surveyor, including identification of the boundaries of disturbance derived from plat infrastructure clearing and grading, lot and right-of-way property lines shall be submitted to the Storm and Surface Water Utility and the Design and Development Department. (BCC 23.76.030B-3, .030C-4; LUC 20.25H.110D)

G. A written restriction shall be added to the final plat which provides that written approval shall be obtained from the Storm and Surface Water Utility before any structures, fill, or other obstructions (including fences) are located within any public drainage easements. (Development Standards 4.06F3)

H. To mitigate impacts to riparian corridors, wetlands, and steep slopes, a NGPE with wording approved by the City of Bellevue, shall be added to the face of the final plat (Tracts I and F, slopes of 40% or greater, and associated protected area setbacks). The easement provisions shall contain a mechanism for enforcement and rights of inspection by the City. (BCC 23.76.030B3; Natural Determinants 21.D.100D1, 21.D.100D5, 21.D.100D6, 21.D.200D2, 21.D.200D3; Newcastle Subarea 21.V.14.IVD1, 21.V.14.IVD3, 21.V.14.IVD5)

I. To mitigate potential landsliding impacts associated with soil erosion after plat construction, a supplemental geotechnical report shall be submitted identifying those lots where a supplemental geotechnical report is required prior to issuance of building permits. These lots shall be identified on the final plat. (Natural Determinants 21.D.100D1, 21.D.100D4, 21.V.14.IVD2)

J. The developer shall provide park and recreation facilities by providing trails, open space and one of the following options pursuant to the Developer Agreement for Mitigation dated October 22, 1991:

- 1) On-site Option A: Provision of land and partial development of a neighborhood park component within the project commensurate with the service area analysis of the project's impact. The features to be built for the park could include trails, tennis and basketball courts, a children's play area, and/or picnic area. The value of this option is calculated to be \$158,403.

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- 2) Off-site Option B: Provision of funds to the City for land purchase and partial development of a neighborhood park off-site on the S.E. 63rd site or Cougar Mountain site, value calculated at \$158,403.

(Comprehensive Plan Policy 21.H, Objective 1 & 5, Policy 7, Chapter V. D-16, Chapter VI, D-7 and D-9)

K. The applicant shall provide a ten foot public pedestrian easement between Tract B and Lots 20 and 21 or Tract C to provide access from the plat's sidewalks to the trail system. A similar pedestrian connection shall also be provided at Lot 40/41 or Lot 38 to access Tract F. (Comprehensive Plan Policy 6, 7, & 14)

L. The applicant shall provide a 20 foot pedestrian easement for a separated walkway along the easterly side of the proposed plat, along the west side of Lakemont Boulevard. The specific location of this walkway with respect to proposed Tract F and Lakemont Boulevard shall be as approved by Public Works. Staff shall work with the applicant as necessary to avoid any encroachment, if possible, into the stream that might require Hydraulic Project Approval from Washington State Department of Fisheries. (Comprehensive Plan Policy 6, 7, & 14)

M. A wildlife corridor shall be designated connecting the north wildlife corridor and Tract I and the wetland contained therein. The NGPE areas designated between Tract I and the north boundary of the plat shall be combined into a wildlife corridor across the backs of these lots. The lots affected could include Lots 3-7 and 54-57. The wildlife corridor shall be shown either as a separate tract or as an easement at applicant's option. A minimum of 40 feet of heavily planted corridor shall be provided. (Comprehensive Plan Policy 7, 8 & 9)

N. To mitigate impacts to site stability, the fifty foot wide buffer from the top of the 40% or greater slopes shall be included in the NGPEs for these areas of 40% or greater slopes.

O. NGPEs and tracts protecting wetlands and riparian corridors shall be identified with a small sign or some other visible means acceptable to the Storm and Surface Water Utility to alert property owners that a NGPE or tract created to protect a natural site feature exists on the site with specific restrictions. (LUC 20.25H; BCC 23.76)

P. A Developer Extension Agreement shall be required to install an on-site water main, including fire hydrants and services for each lot. This agreement must be initiated and the work completed prior to approval of the final plat. (Comprehensive Plan Policy Chapter V11 D-3)

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Q. A sewer Developer Extension Agreement is required to install an on-site sewer system, with stubs for each lot. This agreement must be initiated and the work completed prior to approval of the final plat. (Comprehensive Plan Policy Chapter V11 D-3)

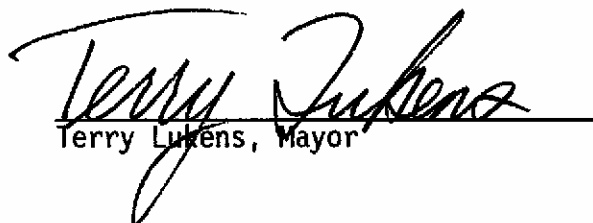
R. The plat may be developed in phases. If the plat is developed in phases, required improvements shall also be phased accordingly, as approved by the Departments of Public Works, Water and Sewer Utilities, Storm and Surface Water, and Design and Development.

Section 8. This resolution shall be recorded with the King County Department of Records and Elections.

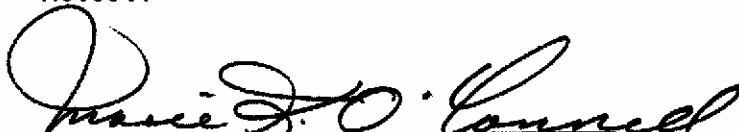
Section 9. It shall be noted on the face of the final plat that said final plat is subject to the conditions contained in this resolution.

PASSED by the City Council this 9th day of September, 1991, and signed in authentication of its passage this 9th day of September, 1991.

(SEAL)


Terry Lukens, Mayor

Attest:


Marie K. O'Connell, City Clerk