

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Clearing and Grading Code (Chapter 23.76 of the Bellevue City Code) for consistency with the new Shoreline Master Program and Shoreline Overlay District (Part 20.25E LUC – Title 20 of the Bellevue City Code), amending Section 23.76.035 – Permit Requirements; providing for severability; and establishing an effective date.

WHEREAS, the Bellevue City Council has by separate Ordinance created a new Part 20.25E in the Bellevue Land Use Code providing for the use and development of properties located within the Shoreline Overlay District; and

WHEREAS, the Bellevue City Council has by separate Ordinance adopted conformance amendments to other sections of the Land Use Code as necessary to provide appropriate cross-referencing to and avoid conflicts with the new Part 20.25E LUC; and

WHEREAS, the City Council finds that amendments to the Bellevue Clearing and Grading Code are necessary to ensure conformance with the new Part 20.25E LUC; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

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

Section 1. Section 23.76.035.A – Permit requirements - of the Bellevue Clearing and Grading Code is hereby amended as follows:

- A. A clearing and grading permit is required for a project that involves any of the following described in subsections (A)(1) through ~~(8)~~(11) of this section, except as provided for in subsection B of this section. In applying this section, the total proposal shall be considered. Any project that requires a permit shall also comply with applicable provisions of Chapter 24.06 BCC, BCC Title 20, and any other applicable city codes.
1. Any clearing, filling, or excavation in a critical area or critical area buffer;
 2. Fill and/or excavation totaling over 50 cubic yards. Quantities of fill and excavation are separately calculated and then added together, even if excavated material is used as fill on the same site;
 3. Creation or addition of 2,000 square feet, or greater, of new, replaced, or new plus replaced impervious surface area;
 4. Over 1,000 square feet of clearing, as measured at the ground level. Clearing includes disturbance of over 1,000 square feet at grade due to removal or pruning of trees;

5. Rockeries and modular block walls over four feet in height as measured from the bottom of the base rock or block;
6. Removal of more than 25 percent of the live crown of any significant tree, as defined in LUC 20.50.046, that is required to be preserved by a city code, plat condition, or other requirement. The live crown is the crown of the tree containing live foliage;
7. Any regrading or repaving of a parking lot used for stormwater detention; ~~and~~
8. Removal of any significant tree from any lot in an R-1 land use district in the Bridle Trails subarea, pursuant to the provisions of LUC 20.20.900, now or as hereafter amended; ~~and~~
9. Any new or expanded structure or impervious surface within a shoreline vegetation conservation area pursuant to LUC 20.25E.060.K and 20.25E.065.F; and
10. Any clearing in excess of 200 square feet within a shoreline vegetation conservation area pursuant to LUC 20.25E.060.K and 20.25E.065.F; and
11. Any significant tree removal within a shoreline vegetation conservation area pursuant to LUC 20.25E.060.K and 20.25E.065.F.

Section 2. Section 23.76.035.B – Permit requirements - of the Bellevue Clearing and Grading Code is hereby amended as follows:

- B. The following activities are exempt from the requirements for a clearing and grading permit even if the criteria in subsection A of this section are exceeded:
1. Agricultural crop management of existing farmed areas;
 2. Routine landscape maintenance, as described in LUC 20.25H.055 ~~C.3.h(C)(3)(h)~~, now or as hereafter amended;
 3. Work needed to correct an immediate danger to life or property in an emergency situation as declared by the mayor or the city manager or his/her designee;
 4. Cemetery graves involving less than 50 cubic yards of excavation, and related filling, per each cemetery plot;
 5. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a critical area or critical area buffer, including, but not limited to, detention/retention ponds, wetponds, sediment ponds, constructed drainage swales, water quality treatment facilities such as filtration systems, and regional stormwater facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities; ~~or~~
 6. Roadway repairs and overlays within public street rights-of-way for the purpose of maintaining the pavement on existing paved roadways, such that asphalt removal or milling does not expose more than 1,000 square feet of gravel base or subgrade. This exemption does not apply to curbs, gutters, sidewalks, utilities, new traffic calming devices, new roadways, or the widening of the paved surface of existing roadways; ~~or~~

7. Routine landscape maintenance, as described in LUC 20.25E.060.K.12 and 20.25E.065.F.11, within a shoreline vegetation conservation area pursuant to LUC 20.25E.060.K and 20.25E.065.F.

Section 3. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. This ordinance shall take effect and be in force **five/thirty (5/30)** days after legal publication.

PASSED by the City Council this _____ day of _____, 201____, and signed in authentication of its passage this _____ day of _____, 201____.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published _____

