



**City of Bellevue
Department of Planning & Community Development
Land Use Division Staff Report**

Proposal Name: Hammish Anderson Conservation Short Plat

Proposal Address: 5630 Lake Washington Blvd. SE

Proposal Description: Subdivide a 43,835 square foot lot in the R-5 land use district into 4 single family lots. The site contains a steep slope, with associated buffers, and a type N stream buffer. The site is to be developed as a conservation short plat because of the presence of critical areas on adjacent property. The stream and steep slope critical area buffers are proposed to be reduced using a critical area report.

File Number: 07-118696-LN

Applicant: Hammish Anderson

Decisions Included: Administrative Decision for a Preliminary Conservation Short Plat and Critical Areas Land Use Permit through Process II, Land Use Code 20.45B and 20.30P.

**State Environmental Policy Act
Threshold Determination:**

Determination of Non-Significance

Carol V. Helland
Environmental Coordinator
Dept of Planning and Community Development

Department Decision:

Approval with Conditions

Matthew A. Terry, Director Planner
Dept. of Planning and Community Development

Application Date: May 11, 2007
Notice of Application: July 5, 2007
Renotice of Application: November 15, 2007
Decision Publication Date: July 3, 2008
Appeal Deadline: July 17, 2008

For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6864 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

I. Description of Proposal

The applicant proposes to short plat an existing parcel totaling 43,835 square feet into 4 single-family residential lots in the R-5 zoning district. The proposal requires review as a Conservation Subdivision under LUC Section 20.45B.055 due to the presence of on-site and off-site critical areas. The parcel is located at 5630 Lake Washington Blvd SE and contains one single family home. The northeast corner of the site contains a small area of critical slope with associated buffer. A type-N stream is located approximately 190 feet east of the property at the base of steep slope. As defined in LUC 20.50.048, the stream top of bank is measured from the top of the slope. The proposal includes a critical area report with a request to reduce steep slope critical buffer and type-N stream primary and structure buffers through buffer reduction/addition and buffer enhancement. The critical area report proposes to remove 1,650 square feet of overlapping top of steep slope buffer, stream buffer, and stream structure setback buffer from critical area status. The critical area and remaining buffers will be placed in a Native Growth Protection Area (NGPA) tract. As mitigation, the report proposes replanting the NGPA with native vegetation and designating 1,650 square feet of Native Growth Protection Easement (NGPE) in the northwest corner of the property. The site contains 79 significant trees which may provide habitat for some species of local importance. The applicant is proposing to save 16 trees, including all of the trees along the eastern edge of the property that provide connectivity to the off-site critical area. The proposal will remove a section of the existing home to meet required setbacks, the remaining area of the single family home will be retained.

II. Site Description and Context

Site Characteristics

The site is located in a community of single family residential homes in the Newport Hills Subarea of the Comprehensive Plan. Access to the site is gained via Lake Washington Blvd SE. The site slopes gradually (10-20%) upward to the east except for a small portion (approximately 891 square feet) of steep slope exceeding 40% located in the NE corner of the lot. The site contains one single family residence which, except for a 15-foot section of the garage, will remain. The site is moderately forested with deciduous and evergreen trees along with shrubs and grass. An area of critical steep slope has been identified on the eastern portion of the property. This area continues off-site sloping downhill to a type N stream located approximately 190 feet to the east of the property. An associated stream buffer, as defined in LUC 20.50, extends into the site. The stream and slope are discussed in greater detail below.

Site Design

This proposal would create 4 parcels located in an area where slopes are less than 25%. Storm water runoff from the site will be collected and tight-lined to a detention vault. The onsite system discharge into the existing City of Bellevue conveyance system within Lake Washington Blvd SE. Access for the Hamish Anderson short plat shall be provided by an existing private driveway connecting to Lake Washington Boulevard SE. This driveway will be improved to a 20-foot wide private road with curb and gutter and located within a 6,199 square foot tract.

As part of the proposal 1,650 square feet of the stream buffer and critical slope buffer will be modified. For the remaining critical area and buffers the proposal would create a separate 3,072 sq. ft. tract designated as a Native Growth Protection Area (NGPA). The NGPA will contain all onsite critical areas, including the modified slope and stream buffers, and a small area that is currently unprotected located in the SE area of the property. In addition, the proposal will create a Native Growth Protection Easement (NGPE) containing 9 significant trees in the northwest area of the property on proposed Lot 4.

Critical Areas

Steep Slope Critical Areas: A portion of this site contains a slope that meets the definition of a steep slope critical area as identified in LUC 20.25H.120.2. The applicant has completed a topographical survey of the site identifying the limits of the critical slope and has provided a site plan that delineates the area of steep slope. No modification of the critical slope area is proposed as part of this short subdivision.

Steep Slope Critical Area Buffers: Steep slope critical areas are protected under LUC 20.25H.120.B through the application of a top of slope buffer. In this case, the subject site contains a steep slope critical area within the eastern portion of the site. A modification of the slope buffer is discussed in the Critical Areas section III below:

Stream Critical Area Buffers: A Type N streams on developed sites are subject to a 25-foot stream critical area buffer. The applicant has provided a site plan that identifies the top-of-bank for the off-site Type N-Stream and has identified the required 25-foot stream buffer. A modification of the stream buffer is discussed in the Critical Areas section III below:

Stream Buffer Structure Setbacks: In addition to the required 25-foot stream critical area buffer previously identified, Type N streams on developed sites are subject to a restricted 25-foot structure setback that is measured from the edge of the identified buffer. A modification of the stream buffer setback is discussed in the Critical Areas section III below:

Habitat Associated with Species of Local Important LUC 20.25H.150.A

The City of Bellevue identifies a number of wildlife species as being locally significant. Of the species listed, habitat suitable for use by pileated woodpecker may be located on the site. The loss of trees may reduce the potential for the species to visit the site. The applicant is proposing to retain 14 significant trees within the NGPA and NGPE which will provide permanent habitat. The NGPA is located adjacent to neighboring property also containing critical area. The NGPE will be located within Lot 4 in an area with 9 significant mature trees. The applicant shall submit a vegetation management plan to assess the health of the NGPA and NGPE. This report shall inventory natural resources present including wildlife habitats, plant communities, presence of invasive plants, and hazardous trees. Hazardous trees within the areas shall be converted to wildlife snags to provide enhanced benefit to the existing habitat. The applicant will create a 20-foot tall snag in Lot 4 by placing a section of cut tree in the NGPE. **See Section VIII for a related condition of approval**

III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

Special District Requirements (Critical Area Overlay District LUC. 20.25H)

Bellevue's Land Use Code (LUC) Section 20.25H designates 40% slopes, the associated 50-foot buffer, and type N streams and the 25-foot stream buffer, as critical areas. Section 20.25H.075 also designates an additional 25-foot stream structure setback.

Land Use Code 20.25H.230 Critical Area Report. A Critical Area Report is a mechanism by which certain requirements of LUC 20.25H, LUC 20.25E as set forth in that part, and the impervious surface standards set forth in LUC 20.20.010 may be modified for a specific proposal.

Generally, the critical areas report must demonstrate that the proposal with the requested modifications leads to equivalent or better protection of critical area functions and values than would result from the application of the standard requirements. Where the proposal involves restoration of degraded conditions in exchange for a reduction in regulated critical area buffer on a site, the critical areas report must demonstrate a net increase in certain critical area functions.

Finding: The applicant has demonstrated that the critical area functions and values will be improved over existing conditions per the critical area report submitted by Concept Engineering submitted on January 23, 2008. The report seeks to modify a top of steep slope buffer, stream buffer, and stream structure setback buffer within a 1,650-square foot area. The area to be modified has minimal vegetation, mainly consisting of lawn, pavement, and gravel. This area "wraps around" the existing primary structure which encroaches 30-35 feet into the slope and stream buffers. Buffer and structure setback critical areas located within the footprint of the existing primary structure are excluded from critical area status per LUC 20.25H.B. As mitigation for the modified buffers, native trees and associated native shrubs and ground cover will be planted within the NGPA. As stated in the critical area report dated January 24, 2008, reducing the buffers near the existing primary structure in an area of lawn, pavement and gravel, in exchange for area that has more existing native vegetation will increase the critical area function. This will be achieved by enhancing the created NGPA tract with native vegetation. In addition to the proposed NGPA a 1,650 square-foot NGPE will be created along the Northwest border of the property. This area contains several mature trees which will be retained as part of the proposal. This area is retained as further mitigation for the reduction of the stream and slope buffers along the eastern edge of the property. See Section VIII of this report for related Conditions of Approval.

Special requirements for Short plats with critical areas or critical area buffers.

A. Density Calculation

LUC 20.25H.045.B requires that proposals to subdivide property within the Critical Areas Overlay District calculate allowed density (dwelling units per acre) after deducting the total critical area and critical area buffer. The maximum density allowed for a site in the Critical Areas Overlay District is equal to the number of dwelling units per acre as specified in LUC 20.20.010, times the buildable area in acres, plus the dwelling units per acre times the total area of critical area and critical area buffer in acres times the development factor derived from LUC 20.25H.045.D. To calculate density, the following calculation is required:

$$[(DU/acre)(Buildable\ area\ in\ acres) + (DU/acre)(Total\ critical\ area\ and\ critical\ area\ buffer\ in\ acres)(Development\ factor)] = Maximum\ dwelling\ unit\ potential$$

This is a proposal to divide one 1.07 acre parcel in the R-5 zone (5 DU/Acre) into four lots. The site contains a total of .09 acres of critical area and critical area buffer and contains a total of .98 acres of buildable area. The following is the density calculation for this property:

$$[(5)(.91)+(5)(.09)(.091)]=4.99$$

$$4.99/1=4.99 - Allowed\ Density$$

The maximum number of dwelling units for this site is four. The proposal to divide this property into four lots is in compliance with the requirements of the Critical Areas Overlay District.

B. Conservation Short Subdivision.

- 1) A conservation short plat is required for residential short subdivisions within the Critical Areas Overlay district when:
 - a) The amount of critical area and critical area buffer on the site totals at least one acre; or
 - b) The site abuts a known salmon-bearing stream; or
 - c) The critical area or critical area buffer on the site abuts a critical area or critical area buffer on another site, or a site owned or managed by the City or other public agency for open space or park uses.

Finding: The proposed short plat contains a critical area which abuts a critical area on another site and is required to be processed as a conservation short subdivision.

- 2) Tract Required. The property owner receiving approval of a residential short subdivision shall delineate the critical area and critical area buffer and set aside

such areas in separate tracts, designated as Native Growth Protection Area (s) (NGPA) on the face o the final short plat.

Finding: The applicant will designate a 3,072 square foot NGPA containing all critical areas and remaining critical area buffers unmodified by the critical areas report. See Section VIII of this report for related Conditions of Approval.

3) Dimensional Standards per LUC 20.20.010 and Modification per LUC 20.45B.055.C.3:

BASIC INFORMATION		
Zoning District	R-5 (Single Family Residential 5 dwellings units per acre)	
Gross Site Area	43,835 square feet / 1.01 acres	
Critical Area	This site contains 3,981 square feet (.09) of critical area and or critical area buffer	
ITEM	REQ'D/ALLOWED	PROPOSED
Dwelling Units/Acre	4.55 DU/Acre	4 DU/Acre
Minimum Lot Area modified with a Conservation Subdivision	4,680 sq. ft.	6,601sq. ft. – 13,157 sq. ft.
Minimum Lot Width	60 ft.	Minimum Proposed – 77 ft.
Minimum Lot Depth	80 ft.	94.99 ft.
Building Setbacks modified with a Conservation Subdivision	10 ft. 15 ft. 5 ft.	10 ft. 15 ft. 5 ft.
Front Yard	10 ft.	10 ft.
Rear Yard	15 ft.	15 ft.
Min. Side Yard		
2 Side Yard		
Access Easement		
Tree Retention	15% of existing DBH inches	21% or 291 diameter inches

4) Site Design:

- a) Roads must be designed parallel to contours with consideration to maintaining consolidated areas of natural topography and vegetation. Access must be located in the least sensitive area feasible; and
- b) Change in grade, cleared area and volume of cut or fill on the site must be minimized; and
- c) Utilities and other facilities should be located to utilize common corridors wherever possible; and
- d) Each lot with slopes in excess of 25 percent shall demonstrate provision for feasible driveway access to a future residence not to exceed 15 percent or provide for meeting emergency access and fire protection by other means allowed by applicable codes, and shall demonstrate feasibility of construction of a residence on the lot through a design consistent with the standards of this code. Shared driveway access and

private roads should be utilized where significant reduction of grading can be accomplished compared to separate driveway access for each individual lot.

Finding: The short plat access road is located along the south edge of the proposed subdivision. This area is located outside the critical area and critical area buffers. Utilities will have a consolidated location in this joint ingress/egress and utility easement. Development is in areas which avoid the steepest portions of the property and grade changes associated with the proposal will be minimal. See Section VIII for a related condition of approval

Performance Standards

LUC Section 20.25H.125 Performance Standards – Steep Slopes. In addition to generally applicable performance standards, development within a steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

- a. **Structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;**

Finding: No modification of the contour of the steep slope is proposed. The steep slope buffer is the only area to be modified. This area currently is of minimal grade (less than 10%) and consists of existing lawn, gravel and paved driveway. No change in grade is proposed within this area, as all proposed modification is limited to the location of buffer and continuing existing uses. The existing home is located on a flat portion of the site, and disturbance outside of the building footprint is limited.

- b. **Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**

Finding: The critical slope is left undisturbed with this proposal. No significant trees will be removed within the critical area, or modified buffer as part of the proposal.

- c. **The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties**

Finding: As demonstrated in the supporting geotechnical documentation, the stability of adjacent critical slope areas will not result in a greater risk or a need for increase buffers on neighboring properties as a result of the proposed development.

- d. **The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes where grades slopes would result in increased disturbance as compared to use of retaining wall;**

Finding: No graded artificial slopes are necessary as part of the proposal. An approximately 48" retaining wall associated with the western entrance to the private driveway is proposed.

- e. **Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer.**

Finding: No new impervious surfaces will be located within the modified critical area buffer.

- f. **Where change in grade outside the building footprint is necessary, the site retention system should be stepped and regrading should be designed to minimize topographic modification. On slopes in excess of 40 percent, grading for yard area may be disallowed where inconsistent with this criteria.**

Finding: Change in grade outside the building footprint is minimal and generally less than 2 feet. No retaining walls outside the building footprint are necessary. All new homes associated with the project will be subject to the performance standards of LUC 20.20.460.E- Impervious Surface.

- g. **Building foundation walls shall be utilized as retaining walls rather than rockeries or retaining structures built separately and away from the building wherever feasible. Freestanding retaining devices are only permitted when they cannot be designed as structural elements of the building foundation;**

Finding: The proposed single family residence will be located in the westerly area of the property away from the steep slope. Grade in this area is generally less than 25% and homes will be required to meet the performance standards of 20.20.460E which will minimize topographic modifications.

- h. **On slopes in excess of 40 percent, use of pole-type construction which conforms to the existing topography is required where feasible. If pole-type construction is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**

Finding: This proposal does not include construction on slopes in excess of 40 percent.

- i. **On slopes in excess of 40 percent, piled deck support structures are required where technically feasible for parking or garages over fill-based construction types**

Finding: This proposal does not include construction on slopes in excess of 40 percent.

- j. **Areas of new permanent disturbance and all areas of temporary disturbance shall be mitigated and/or restored pursuant to a mitigation and restoration plan meeting the requirements of LUC 20.25H.210.**

Finding: The applicant has provided a site restoration plan that will be required as a condition of approval of this permit. See Section VIII of this report for related Conditions of Approval.

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes adequately mitigate expected environmental impacts.

Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements with the incorporation by reference of the *2004-2015 Transportation Facilities Plan Final Environmental Impact Statement* (TFP EIS) published June 10, 2004. This document is available in the Department of Planning and Community Development Records Room at Bellevue City Hall. Transportation-related impacts associated with the proposed Hamish Anderson Short Plat are consistent with the potential projected impacts analyzed in the 2004-2015 TFP EIS.

Earth and Water

The site contains slopes averaging 15% with areas of critical slope greater than 40% on the eastern portion of the property. The site also contains a Type N stream buffer for an associated stream located 190 feet east of the property. In total, the site consists of .09 acres of critical area and critical area buffer. The main body of these features, along with reduced primary setbacks, will be preserved through the establishment of a Native Growth Protection Area. The site's critical areas are addressed in greater detail in section II.A of this report. A modification of the stream and slope buffers is proposed and discussed in Section III A of this report. See Section VIII for related conditions of approval.

The proposed development is expected to adversely affect the quality of surface water on the site. Pollutants such as sediment, oil, grease, herbicides, pesticides, and fertilizers could be expected to enter the storm water from the driving surfaces and any landscaped areas. However, the City's Utility Codes and Engineering Standards provide adequate direction to mitigate for both runoff control and water quality treatment for conventional pollutants.

The site is located in the Lakehurst Drainage Basin; as such, the site is subject to rainy season restrictions for clearing and grading activities according to the Clearing and Grading

Code. If clearing & grading activities are proposed during the rainy season, (Nov. 1 through April 30) a specific request from the development team must be submitted to the Clearing & Grading Section. If approval to perform clearing & grading activities during the rainy season is granted, the approval will be subject to several conditions directly aimed at minimizing the potential for construction site erosion and sedimentation. An augmented temporary erosion and sedimentation control plan may also be required if a request for rainy season construction is under consideration by Staff.

Plants and Animals

Construction on the site would likely result in rapid and predictable reduction in numbers of animals and the loss of some species within selected habitats due to habitat destruction, fragmentation, acceleration of edge and distance effects, and human disturbance. An increase in habitat fragmentation and acceleration of edge is also expected due to and increase in the probability of human disturbance to the surrounding landscape associated with an increase in density. These impacts are adverse, but they are not environmentally significant and will be partially mitigated through the retention of existing vegetation and wildlife habitat within the NGPA and NGPE tracts with this development. The development of the site is subject to compliance with the performance standards and management plans designed by WDFW to avoid and minimize impact to the site's habitat resources. Establishment of the NGPA and NGPE provides preservation of habitat consistent with WDFW standards and management plans for identified species. See Section VIII related conditions of approval.

Noise

The subject site is adjacent to single family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates normal hours for allowed generation of noise related to construction from 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 6:00 pm on Saturday. See Section VIII for a related condition of approval.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The preliminary short plat application has been reviewed and no further utility revisions are needed at this time. The Utility Department approval of the preliminary short plat application is based on the conceptual utility design only. This conceptual review of the proposal has no implied approvals of the engineering design and specifications. Changes to the site layout may be required to accommodate the utilities.

Storm Drainage

The development will provide water quality mitigation that will treat the proposed road surface (pollution generating surface). Storm runoff from the impervious surface that will be created through the development will be collected in a detention system and the water will

be released at predeveloped rate except for the 2 year 24 hour storm event will be released at 1/2 the predeveloped 2 year 24 hour storm event rate for this location. The detention and water quality facility will then be connected to an existing conveyance system that flows to Lake Washington.

Water

Water from the existing 320 Hydraulic Gradient may not provide adequate water pressure for the homes. It is recommended to provide booster pumps to serve each home for this proposed development. The City of Bellevue has adequate water available to serve this proposed short plat.

Sewer

The City of Bellevue has adequate sewer capacity for the proposed short plat.

See Section VIII of this report for Utilities Department related Conditions of Approval.

B. Fire Department Review

The City of Bellevue Fire Department has reviewed the proposal for compliance with the Fire development codes and standards. As proposed, the Fire Department has no concerns with the project. Any future proposed single family development must comply with the City's Fire Code requirements

See Section VIII of this report for Fire Department related Conditions of Approval.

C. Transportation Department Review

The Transportation Department has reviewed the plans submitted for the Hamish Anderson preliminary short plat and recommends approval based on the comments and conditions herein.

Under BCC 22.16, payment of the transportation impact fee for each new house will adequately mitigate off-site transportation impacts. The fee amount is subject to periodic revision by the city council. Builders will pay the fee in effect at the time of building permit issuance.

Use of the Right of Way

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses such as construction of utilities. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including the demolition permit. This permit is issued directly by the Transportation Department / Right-of-Way Section (contact Jon Regalia 425-452; jregalia@bellevuewa.gov or Tim Stever 425-452-4294; tstever@bellevuewa.gov.

Street Frontage Improvements

Sufficient frontage improvements have been previously installed by the City. These improvements include sidewalk with curb and gutter, street lighting, and the City's standard driveway approach. Additional street frontage improvements are not needed at this time.

Site Access

Access for the Hamish Anderson short plat shall be provided by an existing private road connecting to Lake Washington Boulevard SE. This road will be improved to a 20-foot width with curb and gutter.

All vehicular access (private road and connecting driveways) for the short plat must be paved full-width, full-length. The private road must maintain a grade of 10% for the first 20 feet (measured from the connection to Lake Washington Boulevard SE) with a maximum grade of 15% thereafter. A road profile must be provided to verify compliance as part of the application for short plat engineering (GE) permit.

Private road sub-grade and asphalt thickness shall be per DEV – 8. Final lift of asphalt must be installed as the last construction item at the project site.

It is highly encouraged that the developer attempt to combine access with the property located south of the project.

Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every public street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it was last resurfaced. These three categories are, "No Street Cuts Permitted", "Overlay Required", and "Standard Trench Restoration". Each category has different trench restoration requirements associated with it. Adjacent to the project site, Lake Washington Boulevard SE is classified as a "No-Cut" Street. Therefore, the developer shall obtain a waiver from the Right-of-Way Group for needed street cuts. Pavement restoration shall be specified by the Right-of-Way Group.

The developer is responsible for all damage to the paved surfaces of Lake Washington Boulevard SE or any other city right-of-way caused by construction activity related to the Hamish Anderson Short Plat.

Transportation Impacts and Mitigation

City staff have analyzed the potential short term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the a.m. and p.m. peak hours.

The Hamish Anderson Short Plat will create three new p.m. peak hour trips. This is well below the threshold for concurrency testing (30 or more new p.m. peak hour trips). The nearby street system contains adequate capacity for the new trips as well. Due to the low amount of new p.m. peak hour trips, transportation impacts caused by the Hamish Anderson Short Plat will be negligible. See Section VIII of this report for Transportation Department related Conditions of Approval.

VI. PUBLIC NOTICE AND COMMUNITY INPUT

<i>Application Date:</i>	May 11, 2007
<i>Public Notice (500 feet):</i>	July 5, 2007 and November 15, 2007 (Includes sign installation at the site)
<i>Minimum Comment Period:</i>	November 29, 2007

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *Seattle Times* on July 5, 2007. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. The project was re-noticed on November 15, 2007 to include the Critical Areas Report and modification of slope and stream buffers as part of the proposal. Public comments were received regarding storm water drainage runoff, and a restriction placed upon the 1961 Real Estate Contract. Both of these comments are addressed below:

1. Public comment raising concern over the storm water runoff and possible silt damage to Lake Washington:

City's Response The Hammish Anderson property is currently developed with a driveway and single family residence and is not connected to the City's surface water collection system. A requirement for the development of the four lot short plat will be to control runoff through a detention and water quality facility sized to collect all the runoff from the site including roof and footing drains. The detention vault will be designed to mitigate for the 2,10 and 100 year storms based on the rainfall for this location, along with nutrient treatment and water quality for the pollution generating surfaces (access road and driveways). This detention system will then be connected to an existing 12" conveyance system that flows to Lake Washington. See Section VIII of this report for related Conditions of Approval.

2. Public comment regarding a 1961 Real Estate contract and assertion that restrictions in the agreement disallows division of the property into more than two parcels:

City's Response Hamish Anderson is a successive owner of the property. Real Estate agreements are neither binding on successive owners nor may restrict division of land.

VII. Decision Criteria:

20.25H.145 Critical areas report – Geological Hazards – Approval of modification – Decision Criteria

Modifications to geologic hazard critical areas and critical area buffers shall only be approved if the Director determines that the modification:

- a. Will not increase the threat of the geological hazard to adjacent properties over conditions that would exist if the provisions of this part were not modified;**

Finding: The critical area report demonstrates the project will not increase the threat of a geological hazard as stated in the geotechnical report prepared by Geotech Consultants, Inc. dated May 21, 2007 and subsequent letter dated January 21, 2008. This area has minimal vegetation consisting of lawn, gravel, and pavement. The enhancement by planting of native trees and associated native shrub and ground cover on the property and preservation of additional trees along the northwest boundary of Lot 4 in exchange for reducing the slope buffer to 25 feet will increase the overall critical area function.

- b. Will not adversely impact other critical areas;**

Finding: The proposal will not adversely impact other critical areas such as the remaining steep slopes and the stream critical area buffer. The critical area report demonstrates the project will lead to a likely increase in slope stability due to the replanting of existing buffer with native vegetation.

- c. Is designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than would exist if the provisions of this part were not modified;**

Finding: The design of the short plat and re-vegetation of grading of the remaining buffer will lead to an improvement in site stability per the geotechnical report prepared by Geotech Consultants, Inc. dated May 21, 2007 and subsequent letter dated January 21, 2008.

- d. Is certified as safe as designed and under anticipated conditions by a qualified engineer or geologist, licensed in the state of Washington;**

Finding: The project and proposed reduction of critical area buffer and critical areas structural setback is certified as safe as designed and installed under anticipated conditions per page 2 of the geotechnical letter prepared Geotech Consultants, Inc dated January 21, 2008.

- e. The applicant provides a geotechnical report prepared by a qualified professional demonstrating that modification of the critical area or critical**

area buffer will have no adverse impacts on stability of any adjacent slopes, and will not impact stability of any existing structures. Geotechnical reporting standards shall comply with requirements developed by the Director in City of Bellevue Submittal Requirements Sheet 25, Geotechnical Report and Stability Analysis Requirements, now or as hereafter amended;

Finding: A geotechnical report prepared by Geotech Consultants, Inc. dated May 21, 2007 and subsequent letter dated January 21, 2008 was provided stating the modification will not adversely impact the stability of any adjacent slopes, and will not impact stability of any existing structures. This report complies with the requirements developed by the Director in City of Bellevue Submittal Requirements Sheet 25, Geotechnical Report and Stability Analysis Requirements.

- f. Any modification complies with recommendations of the geotechnical support with respect to best management practices, construction techniques or other recommendations; and**

Finding: The proposed modification will be required to comply with the best management practices and construction techniques recommended by Geotech Consultants, Inc. dated May 21, 2007 and subsequent letter dated January 21, 2008. As part of the approval of the clear and grade permit associated with the project, there will be a requirement for the project's geotechnical engineer or his representative to be onsite during critical earthwork operations. See Section VIII of this report for a related Condition of Approval.

- g. The proposed modification to the critical area or critical area buffer with any associated mitigation does not significantly impact habitat associated with species of local importance, or such habitat that could reasonably be expected to exist during the anticipated life of the development proposal if the area were regulated under this part.**

Finding: The proposed modification does not significantly impact habitat associated with species of local importance. The existing vegetation in the proposed area of disturbance is minimal, mainly consisting of lawn, gravel and pavement. The impact upon existing species of local importance is insignificant and will be further mitigated by the creation of the NGPE on Lot 4 and retention of several significant trees beyond the minimum required for a conservation subdivision. Due to the current use of the area, its proximity to the existing house, and the current vegetation, gravel and pavement it is unlikely that the critical area would re-vegetate with habitat providing a function greater than the re-vegetation and NGPE proposed by the applicant.

20.25H.255 Proposals to Reduce Regulated Critical Area Buffer - Decision Criteria

The critical areas report proposes to remove 1,650 square feet of overlapping top of steep slope buffer, stream riparian buffer, and stream riparian structure setback buffer from critical

area status.

The Director may approve, or approve with modifications, a proposal to reduce the regulated critical area buffer on a site where the applicant demonstrates:

- a. **The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in overall critical area or critical area buffer functions;**

Finding: The total reduced area to be removed to be critical area buffer and structure setbacks is 1,650 square feet . The critical area report demonstrates the critical area functions and values will be improved effectively per the letter submitted by Concept Engineering dated January 24, 2008. This area has minimal vegetation consisting of lawn, gravel, and pavement. As enhancement, native trees and associated native shrub and ground cover will be planted on the property and additional trees will be preserved along the northwest boundary of Lot 4.

- b. **The proposal includes plans for restoration of degraded critical area or critical area buffer functions which demonstrate a net gain in the most important critical area or critical area buffer functions to the ecosystem in which they exist;**

Finding: The total reduced area to be removed to be critical area buffer and structure setbacks is 1,650 square feet. The project area has minimal vegetation consisting of lawn, gravel, and pavement. The remaining buffer and critical area will be planted with native vegetation. The proposal also preserves 1,650 square feet of property within an NGPE along the western edge of the short plat. This area contains several large native conifers and will be replanted with native understory and a 20-foot snag.

Revising the buffers and planting of native trees, native shrub and ground cover and retaining additional trees within an NGPE along the northwest corner of the property will improve drainage and result in a net gain to the function of the stream and slope buffers as demonstrated in the letter submitted by Concept Engineering dated January 24, 2008.

- c. **The proposal includes a net gain in stormwater quality function by the critical area buffer or by elements of the development proposal outside of the reduced regulated critical area buffer;**

Finding: The proposal includes plans for restoration of degraded critical area buffer functions which per the critical area report demonstrate a net gain in overall critical area or critical area buffer functions. The retention of significant trees in the NGPE and planting of the modified NGPA with native vegetation and along with the required storm detention system will improve drainage and water quality. See Section VIII of this report for related Conditions of Approval

- d. Adequate resources to ensure completion of any required restoration, mitigation and monitoring efforts;**

Finding: An assurance device in the amount of 150 percent of the cost of materials and installation labor for preparing and planting the site per the revegetation plan will be required. See Conditions of Approval in Section VIII of this report regarding the required restoration plan and installation and maintenance security.

- e. The modifications and performance standards included in the proposal are not detrimental to the functions and values of critical area and critical area buffers off-site; and**

Finding: The proposal will not be detrimental to the slope and stream buffer. As stated in the critical area report, dated January 24, 2008 revising the buffers and planting of native trees, native shrub and ground cover and retaining additional trees within an NGPE along the northwest corner of the property will increase the critical area function by improving habitat and drainage water quality.

- f. The resulting development is compatible with other uses and development in the same land use district.**

Finding: The proposal is compatible with other uses in the area. The properties in the area are developed with residential uses.

LUC 20.30P.140 Critical Areas Land Use Permit - Decision Criteria

The Director may approve or approve with modifications an application for a Critical Areas Land Use Permit if:

- a. The proposal obtains all other permits required by the Land Use Code; and**

Finding: The applicant will be required to obtain all necessary permits related to the subdivision.

- b. The proposal utilizes to the maximum extent possible, the best available construction and design & development techniques which result in the least impact on the critical area and critical area buffer; and**

Finding: The applicant will adhere to all applicable performance standards of the Land Use Code.

- c. The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable, and;**

Finding: Future development of the short plat and single family homes will be

required to meet the performance standards of LUC Section 20.25H.125 for development within a steep slope critical area or the critical area buffer. This requirement is further discussed in section III.

- d. The proposal will be served by adequate public facilities including street, fire protection and utilities; and**

Finding: The site is adequately served by existing public facilities and vehicular access will be designed to meet city standards for emergency access.

- e. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210; and**

Finding: The applicant will be required to implement the Site Restoration Plan as a condition of approval of this permit. See Conditions of Approval in Section VIII of this report regarding the required restoration plan and installation and maintenance security.

- f. The proposal complies with other applicable requirements of this code.**

Finding: As conditioned and discussed in this report, the proposal complies with all applicable code requirements including, but not limited to, performance standards for development in geologic hazard areas, critical area report requirements, and Critical Areas Land Use Permit decision criteria.

20.45B.130 Preliminary Short Plat – Decision Criteria

The Director may approve or approve with modifications an application for a Preliminary Short Plat if:

- 1. The Preliminary Short Plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste.**

Finding: City codes ensure public health, safety and general welfare through development code requirements. As discussed in sections II and IV of this report, the proposed short plat is consistent with City Codes and Standards. The site is accessed via Lake Washington Blvd SE. Existing public roads as well as public water and sewer facilities have been deemed adequate to serve the proposed development. See Section VIII of this report for related Conditions of Approval.

- 2. The public interest is served by the short subdivision.**

Finding: The public interest is served by providing additional housing opportunities in accordance with the Comprehensive Plan while ensuring compliance with City codes and standards.

3. **The preliminary short plat appropriately considers the physical characteristics of the proposed short subdivision site.**

Finding: The preliminary short plat considers the physical characteristics of the site by protecting critical areas and establishing a Native Growth Protection Area and NGPE to protect critical features within the site. Adequate habitat will be provided within the NGPA which is located adjacent to neighboring critical areas and forested areas and the NGPE which has several significant mature trees.

4. **The proposal complies with all applicable provisions of the Land Use Code (BCC Title 20), the Utility Code (BCC Title 24), and the City of Bellevue Development Standards.**

Development Standards

Finding: The proposal complies with the Land Use Code requirements for R-5 zoning pursuant to the modifications allowed under a Conservation Subdivision, the Utility Code, and applicable City of Bellevue Development Standards.

Land Use Code Requirements

- A. **Dimensional Requirements:** The site is currently zoned single-family R-5 which has a minimum lot size requirement of 4,680 square feet. The dimensional requirements for conservation short plats within the R-5 zoning district include:

10'	Front Yard Setback
15'	Rear Yard Setback
5'	Side Yard Setback
10'	Two Side Yard Setback
30'	Maximum Building Height
*%	Maximum Lot Coverage by Structure
**%	Impervious Surface
60'	Minimum Lot Width
80'	Minimum Lot Depth

* Maximum Lot coverage for each lot is determined by multiplying the maximum lot coverage in the underlying land Use district by the lot coverage factor. See Section VIII of this report for related Conditions of Approval.

** Impervious Surface for the subdivision considered on the whole shall not exceed 50 percent based on the total lot size. The final short plat shall designate the allowed impervious surface for each separate lot. See Section VIII of this report for related Conditions of Approval.

- B. **Significant Tree Preservation:** The tree preservation requirements under LUC Section 20.20.520 to save 15 percent of significant trees on the site

apply to this proposal. The current condition of this developed site includes a total of 1341 diameter inches. Site improvements proposed as part of this short subdivision include the installation of required utility lines and the installation of an access easement. Up to 1139 diameter inches may be removed as part of this proposal. The applicant has identified several trees (equal to 291 diameter inches, or 21% retention) on the site that will be preserved. A tree retention plan has been submitted and indicates compliance with the City of Bellevue tree protection standards outlined in LUC 20.20.900.

- C. **Critical Areas:** The site's critical areas will be protected through the establishment of an NGPA in accordance with LUC 20.25H.030.B and 20.30P. See conditions of approval in Section VIII.

Finding: All of the lots can be developed in accordance with the City of Bellevue Land Use Code requirements including the R-5 dimensional requirements pursuant to the modifications allowed under a Conservation Subdivision. The LUC includes a requirement for the calculation of density for lots that contain critical areas. Under these provisions, the subject site may be divided into four residential lots. This is discussed in more detail in section II.A of this report.

5. The proposal is in accord with the Comprehensive Plan (BCC Title 21).

Finding: The site is located within the Newport Hills Subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family R-5 development for this property. The proposal complies with applicable Comprehensive Plan policies city-wide and for this Subarea.

The single family homes are, by use type, compatible with surrounding neighborhoods. The proposal provides new housing as encouraged by the Comprehensive Plan (Policy LU-23). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-3)

6. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance.

Finding: Each lot can reasonably be developed to current R-5 zoning standards and dimensional standards for the R-5 land use district pursuant to the modifications allowed under a Conservation Subdivision without requiring a variance. The proposed lots meet the minimum standards for lot width, lot depth, and lot area in the R-5 land use district. There are no environmental factors which further inhibit the development of this property that would warrant a variance. See related conditions of approval in Section VIII.

7. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

Finding: The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access, necessary sidewalk easements and other required improvements are existing, planned or conditioned as part of this approval to accommodate the use of these lots. The final short plat application may be made through the Revision process for this permit. See related conditions of approval in Section VIII.

VII. Conclusion and Decision:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, City Code, and standard compliance reviews, the Director of Planning and Community Development does hereby **approve** the Hamish Anderson Preliminary Short Plat **with conditions**.

This approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of approval unless the applicant files for an extension at least 30 days prior to the expiration and the extension is granted pursuant to LUC 20.45B.150 and .160.

VIII. Conditions of Approval:

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances including but not limited to:

Applicable Codes, Standards and Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Savina Uzunow, 425-452-7860
Construction Codes – BCC Title 23	Build. Division, 425-452-6864
Fire Code – BCC 23.11	Adrian Jones, 452-452-6030
Land Use Code – BCC Title 20	Drew Folsom 452-452-4441
Noise Control – BCC 9.18	Drew Folsom 452-452-4441
Sign Code – BCC Title 22	Drew Folsom 452-452-4441
Transportation Development Code – BCC 14.60	Ray Godinez, 425-452-7915
Right of Way Use Code – BCC 14.30	Jon Regalia, 425-452-4599
Transportation Department Design Manual	Ray Godinez, 425-452-7915
Traffic Standards Code 14.10	Ray Godinez, 425-452-7915
Utility Code – BCC Title 24	Don Rust, 425-452-4856

A. GENERAL CONDITIONS

1. UTILITIES DEPARTMENT APPROVAL

Utility Department approval of the short plat application (07-118696 LN) is based on the conceptual design only. Changes to the site layout may be required to accommodate the utilities after utility engineering is approved.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06
REVIEWER: Don Rust, Utilities Department

2. DEVELOPER EXTENSION AGREEMENT

A Utility Developer Extension Agreement application is required for the engineering review and inspection of the water, sewer and storm drainage improvements per Utility Codes 24.02, 24.04 and 24.06. All design review, plan approval, and field inspection shall be performed under the Utility Developer Extension Agreement application. The Developer Extension Agreement booklets) and submittal requirements are available from the Utility Representative at the Permit Center.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06.120
REVIEWER: Don Rust, Utilities Department

3. NOISE - CONSTRUCTION HOURS

Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7am to 6 pm Monday through Saturday except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

AUTHORITY: Bellevue City Code 9.18
REVIEWER: Drew Folsom, Planning and Community Development Department

4. TIME LIMITATION

This preliminary short plat approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of the preliminary short plat approval unless the applicant has received an extension for the preliminary short plat pursuant to Land Use Code Section 20.45B.160.

AUTHORITY: Land Use Code Section 20.45B.150; 20.45B.160
REVIEWER: Drew Folsom, Planning and Community Development Department

B. PRIOR TO ISSUANCE OF ANY PLAT ENGINEERING/CLEAR AND GRADE PERMIT:

1. RIGHT OF WAY USE PERMIT

The applicant is required to apply for a right of way use permit from the City of Bellevue Transportation Department before the issuance of any clearing and grading, building, foundation, or demolition permit. In some cases, more than one right of way use permit may be required, such as one for hauling and one for construction work within the right of way. A right of way use permit regulates activity within the city right of way, including but not limited to the following:

- a) Designated truck hauling routes.
- b) Truck loading and unloading activities.
- c) Hours of construction and hauling.
- d) Continuity of pedestrian facilities.
- e) Temporary traffic control and pedestrian detour routing for construction activities.
- f) Street sweeping and maintenance during excavation and construction.
- g) Location of construction fences.
- h) Parking for construction workers.
- i) Construction vehicles, equipment, and materials in the right of way.
- j) All other construction activities as they affect the public street system.
- k) Pavement restoration requirements.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access.

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Jon Regalia, Transportation Department

2. OFF-STREET PARKING

The applicant must secure sufficient off-street parking for construction workers, equipment, and materials storage before the issuance of a clearing and grading, building, foundation or demolition permit.

Authority: Bellevue City Code 14.30

Reviewer: Jon Regalia, Transportation Department

3. ENGINEERING PLANS

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all transportation-related improvements must be in conformance with the requirements of the Americans with

Disabilities Act, the Transportation Development Code and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to, the design of the private road, and pavement restoration in Lake Washington Boulevard SE. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual
REVIEWER: Ray Godinez, Transportation Department

4. SIGHT DISTANCE

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing TE-1, existing vegetation near the access point on Lake Washington Boulevard SE must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2 feet above a line drawn from pavement level to pavement level. Trees within the sight triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

AUTHORITY: Bellevue City Code 14.60.240
REVIEWER: Ray Godinez, Transportation Department

5. PAVEMENT RESTORATION

The city's pavement manager has determined that this segment of Lake Washington Boulevard SE will require a waiver for street cuts. Pavement restoration for any utility connections or other digging in the street surface will be specified within the right-of-way permit for this project. Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

AUTHORITY: Bellevue City Code 14.60.250 and Design Manual Design Standard # 21
REVIEWER: Jon Regalia, Transportation Department

6. TREE PROTECTION

To mitigate adverse impacts to nondisturbed areas and trees to be retained during construction:

- a. Clearing limits shall be established at the limit of nondisturbed areas and for retained trees within the developed portion of the site, outside of drip lines. Six-foot chain link fencing with driven posts, or an approved alternative, shall be installed at the clearing limits prior to initiation of any clearing and grading.
- b. 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.

AUTHORITY: Bellevue City Code 23.76.060
REVIEWER: Drew Folsom, Planning and Community Development Department

7. RESTORATION PLAN

The applicant shall submit a Site Restoration Plan that includes mitigation planting within the Native Growth Protection area and Native Growth Protection Easement. This plan shall inventory natural resources present in the tract including wildlife habitats, plant communities, presence of invasive plants, and hazardous trees. Hazardous trees within the tract shall be converted to wildlife snags to provide enhanced benefit to the existing habitat. The applicant will create a 20-foot tall snag in lot 4 by placing a section of cut tree in the NGPE of lot 4. Planting shall include native trees and associated native shrubs and ground cover. Any modifications to this plan must be reviewed and approved by the Planning and Community Development Department.

AUTHORITY: Land Use Code Section 20.25H.210
REVIEWER: Drew Folsom, Planning and Community Development Department

8. RETENTION OF HABITAT UNIT

The 1,650 square feet of designate habitat area shall be surveyed and marked in the field with permanent boundary markers noting its status as a habitat reserve and set aside in a Native Growth Protection Easement. The NGPE shall contain at minimum:

- i. An assurance that the NGPE will be kept free from all development and disturbance except where allowed or required for habitat improvement projects and vegetation management, existing topography, and other natural features will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, and buffering and protecting plants and animal habitat.
- ii. The right of the city of Bellevue to enter to the property to investigate the condition of the NGPE upon reasonable notice;
- iii. The right of the City of Bellevue to enforce the terms of the restriction; and, A management plan for the NGPE designating future management responsibility

AUTHORITY: Land Use Code 20.25H.160
REVIEWER: Drew Folsom, Planning and Community Development Department

9. LANDSCAPE MAINTENANCE SECURITY

The applicant must submit a combined Landscape Installation and Maintenance Security in the amount of 150 percent of the costs of site restoration, including labor, materials. The security may be released after the vegetation has successfully been installed and

maintained for a period of three years.

AUTHORITY: Land Use Code Section 20.25H.125.J and 20.25H.220.D
REVIEWER: Drew Folsom, Planning and Community Development Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. VARIANCE RESTRICTION

Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance. The following language shall be placed on the final short plat document:

“Variance/ Restriction: Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance.”

AUTHORITY: Land Use Code 20.45B.130.A.6
REVIEWER: Drew Folsom Planning and Community Development Department

2. AREAS OF NON-DISTURBANCE

Areas of non-disturbance shall be designated on the face of the Final Short Plat as a separate Native Growth Protection Area (NGPA) and Native Growth Protection Area Easement (NGPE). The boundaries of the NGPA tract and NGPE must be surveyed and fenced.

AUTHORITY: Land Use Code 20.45B.055.B.2
REVIEWER: Drew Folsom, Planning and Community Development Department

3a. TREE PRESERVATION PLAN

A Tree Preservation Plan that portrays the drip-line, the diameter size, and common name of each significant tree to be retained must be recorded with the final plat mylar. The Tree Preservation Plan must contain the following note:

“Tree Preservation Plan:

Designation of trees on the Tree Preservation Plan establishes a covenant by the owner to leave undisturbed all trees as shown on the Tree Preservation Plan. This covenant shall run with the land and shall be binding upon all future owners. No tree topping, tree cutting or tree removal shall occur unless required or approved by the City. Except for ordinary landscape maintenance, no construction, clearing or land alteration activities shall occur within the drip-line of trees shown on the Tree Preservation Plan, unless required or approved by the City. Activities in violation of this covenant are subject to penalty, including without limitation, fines and mitigation requirements. The City of Bellevue shall have the

right, but not the obligation, to enforce the requirements, terms and conditions of this covenant by any method available under law. It is the obligation of the owner to comply with the terms of the Tree Preservation Plan and this covenant.”

3b. Tree tags shall be installed on each tree required for retention. Installation of these tags shall be inspected by the land use planner prior to final short plat approval. Contact (planner name) at (phone number/e-mail address) to schedule the tree tag inspection. Note: tree tags can be obtained from the land use planner.

AUTHORITY: Land Use Code 20.20.520.E

REVIEWER: Drew Folsom, Planning and Community Development Department

4. INFRASTRUCTURE IMPROVEMENTS

All repairs to existing street frontage (if needed) and infrastructure improvements shown in the final engineering plans or required by city codes and standards must be either completed prior to approval of the final short plat or provided for with a financial assurance device. Land Use Code Section 20.40.490 allows a developer to obtain final short plat approval prior to finishing improvements with provision of an acceptable financial assurance device equivalent to 150% of the cost of unfinished infrastructure improvements. Provision of such an assurance device requires completion of the improvements by the developer within two years of final short plat approval. Installation of improvements that would negatively affect safety if left unfinished may not be delayed through use of a financial assurance device. Improvements must be approved by the Transportation Department inspector before they are deemed complete. Specific requirements are detailed below:

a) Site Specific Items:

- i) Private road construction.
- ii) Pavement restoration.

b) Miscellaneous:

- Landings on sloping approaches are not to exceed a 10% slope for a distance of 20 feet approaching the back edge of sidewalks. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- The maximum longitudinal and cross-sectional grades shall not exceed 8%.
- Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.
- The internal private road shall not be gated or obstructed and must remain open at all times for emergency and public service vehicles. A note to this effect shall be placed on the face of the final Subdivision map.
- The maintenance responsibility for the internal private road shall be the shared

responsibility of lots owners served by the joint-use driveway. A note to this effect must be indicated on the face of the final Subdivision map.

AUTHORITY: Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240, 241; LUC 20.40.490, Transportation Department Design Manual Sections 3, 4, 5, 7, 11, 14, 19
REVIEWER: Ray Godinez, Transportation Department

5. COVENANT FOR MAINTENANCE AND REPAIR

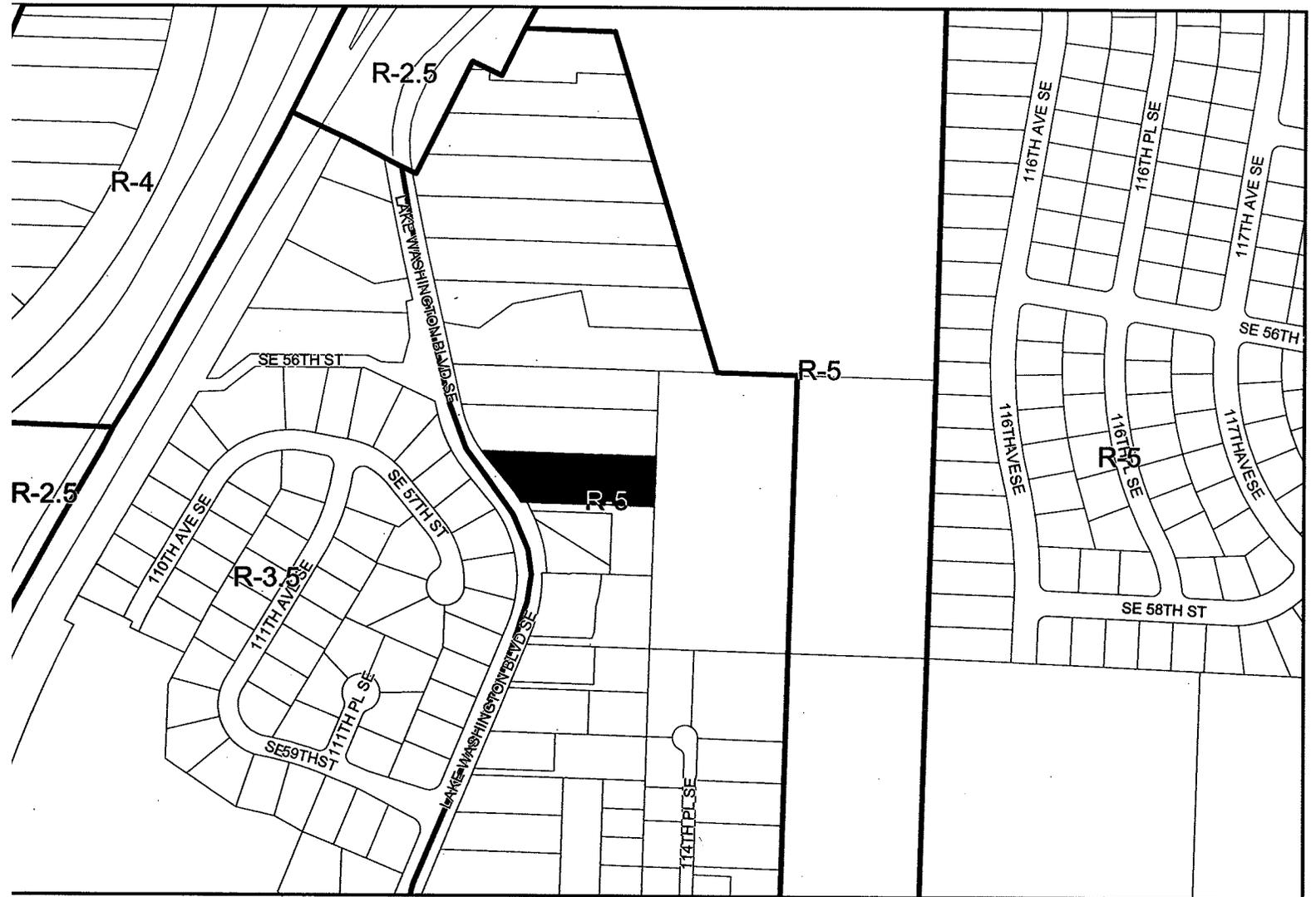
The final short plat must include a covenant that permanently binds the property owners to provide for maintenance and repair of the private road, including a condition that the private road will remain open at all times for emergency and public service vehicles.

AUTHORITY: Bellevue City Code 14.60.130
REVIEWER: Ray Godinez, Transportation Department

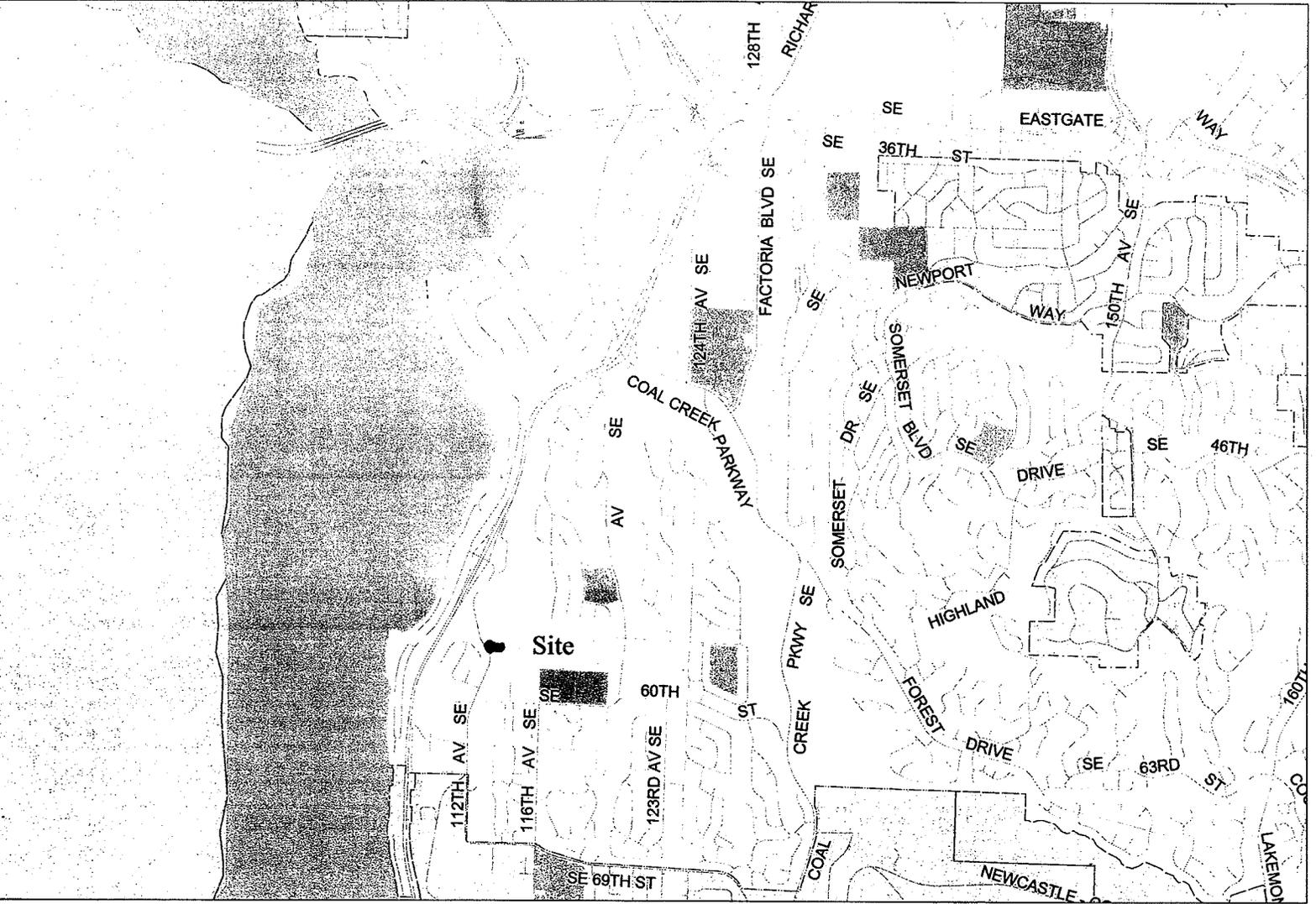
LIST OF ATTACHMENTS

- A. Plans and Drawings
- B. Zoning Map
- C. Vicinity Map
- D. Environmental Checklist (if applicable)

Zoning Map



Vicinity Map



ENVIRONMENTAL CHECKLIST

4/18/02

Thank you in advance for your cooperation and adherence to these procedures. If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

INTRODUCTION**Purpose of the Checklist:**

The State Environmental Policy Act (SEPA), Chapter 43.21c RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Bellevue identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the City decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply." Giving complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the Planner in the Permit Center can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. Include reference to any reports on studies that you are aware of which are relevant to the answers you provide. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of a Checklist for Nonproject Proposals: *A nonproject proposal includes plans, policies, and programs where actions are different or broader than a single site-specific proposal.*

For nonproject proposals, complete the Environmental Checklist even though you may answer "does not apply" to most questions. In addition, complete the Supplemental Sheet for Nonproject Actions available from Permit Processing.

For nonproject actions, the references in the checklist to the words *project*, *applicant*, and *property* or *site* should be read as *proposal*, *proposer*, and *affected geographic area*, respectively.

Attach an 8 ½" x 11 vicinity map which accurately locates the proposed site.

RECEIVED

MAY 11 2007

PERMIT PROCESSING*D.J. 7/2/07*

ENVIRONMENTAL CHECKLIST

4/18/02

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

BACKGROUND INFORMATION

Property Owner: HAMISH ANDERSON CUSTOM HOMES, INC.

Proponent:

Contact Person: HAMISH ANDERSON

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: 10827 NE 68TH ST. STE. D / KIRKLAND, WA 98033

Phone: 425-576-1923 / P.O. Box 340

Proposal Title: 5630 LAKE WASH. BLVD SE 4-LOT SHORT PLAT

Proposal Location: 5630 LAKE WASH. BLVD SE

(Street address and nearest cross street or intersection) Provide a legal description if available.

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site.

Give an accurate, brief description of the proposal's scope and nature:

1. General description: 4-LOT SHORT PLAT WITH CRITICAL AREAS REPORT TO

2. Acreage of site: 1.01 ACRE

MOD. BY BUFFERS

at 4/15/07

3. Number of dwelling units/buildings to be demolished: 0

4. Number of dwelling units/buildings to be constructed: 3

5. Square footage of buildings to be demolished: 0

6. Square footage of buildings to be constructed: UNDETERMINED

7. Quantity of earth movement (in cubic yards):

8. Proposed land use: SINGLE FAMILY RESIDENTIAL

9. Design features, including building height, number of stories and proposed exterior materials:

UNDETERMINED

10. Other

Estimated date of completion of the proposal or timing of phasing:

10/1/07

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

3 INDIVIDUAL BUILDING PERMITS ON LOTS 2, 3 & 4

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

NONE

CRITICAL AREAS REPORT 02.11.07

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

No.

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

SHORT PLAT APPROVAL, 3 BUILDING PERMITS, CRITICAL AREAS LAND USE PERMIT

Please provide one or more of the following exhibits, if applicable to your proposal. (Please check appropriate box(es) for exhibits submitted with your proposal):

- Land Use Reclassification (rezone) Map of existing and proposed zoning
- Preliminary Plat or Planned Unit Development Preliminary plat map
- Clearing & Grading Permit Plan of existing and proposed grading Development plans
- Building Permit (or Design Review) Site plan Clearing & grading plan
- Shoreline Management Permit Site plan

A. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site: Flat Rolling Hilly Steep slopes Mountains Other

b. What is the steepest slope on the site (approximate percent slope)? 54%

c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Tu

D-23/257
04/11/07

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

No.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

GRADING REQUIRES TO CONSTRUCT ACCESS ROAD ONLY.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

SURFACE EROSION POSSIBLE WEST TOWARD LK. WASH. BUND

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

27%

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

- TEMPORARY COVER MEASURES (STRAW OR PLASTIC AS NEEDED)
- SILT FENCING

FURTHER MITIGATED
PER BCC 23.076.090
"EROSION AND
SEDIMENT CONTROL"
D.J. 7/2/07

2. AIR

a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

DUST FROM VEHICLES LEAVING/ENTERING SITE

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

No.

c. Proposed measures to reduce or control emissions or other impacts to the air, if any:

- LIGHTLY WET AREAS TO CONTROL DUST
- WASH VEHICLES ON SITE AS NECESSARY

3. WATER

a. Surface

(1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If

No. LAKE HUNST CREEK, A TYPE-N STREAM IS LOCATED
APPROXIMATELY 175 FEET ~~WEST~~ EAST OF DA 7/2/07
THE SITE, AT ~~THE~~ TOE OF STEEP SLOPE.
D.J. 7/2/07

appropriate, state what stream or river it flows into.

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If Yes, please describe and attach available plans.

NA

no

D.J. 7/2/07
POSSIBLE DEMOLITION OF
PORTION OF STRUCTURES

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

0

- (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- (5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No.

- (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

NO.

b. Ground

- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description.

No.

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

NONE

D.J. 7/4/07
D.J. 7/15/07

c. Water Runoff (Including storm water)

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

SOME SHEETFLOW RUNOFF WILL BE COLLECTED IN DRAINAGE SYSTEM W/IN THE ACCESS ROAD AND ROUTED TO THE VAULT, WHICH MAY FUNCTION AS A SEDIMENT STORAGE VAULT.

- (2) Could waste materials enter ground or surface waters? If so, generally describe.

No.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

- TEMPORARY & PERMANENT GROUND COVER
- INSTALLATION OF CONVEYANCE SYSTEM & SEDIMENT WATER QUALITY VAULT

4. Plants

a. Check or circle types of vegetation found on the site:

deciduous tree: alder, maple, aspen, other

evergreen tree: fir, cedar, pine, other

shrubs

grass

pasture

crop or grain

wet soil plants: cattail, buttercup, bulrush, skunk cabbage, other

water plants: water lily, eelgrass, milfoil, other

other types of vegetation

SEE TREE RETENTION
REPORT PREPARED BY
INTERNATIONAL FORESTRY
CONSULTANTS, INC.
DATED 4/20/07

DATE 7/2/07

b. What kind and amount of vegetation will be removed or altered?

~3000 SF GRASS & BRUSH FOR ROAD WIDENING

c. List threatened or endangered species known to be on or near the site.

NONE.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

LARGE TREE PRESERVATION OUTSIDE BLDG AREAS

VEGETATION PLAN LEAD
WITH CRITICAL AREAS
REPORT DATE 11/11/07
DATE 7/2/07
DATE 11/15/07

5. ANIMALS

a. Check or circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other: **SONGBIRDS**

Mammals: deer, bear, elk, beaver, other: **SMALL MAMMALS & RODENTS**

Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

NONE

c. Is the site part of a migration route? If so, explain.

No.

d. Proposed measures to preserve or enhance wildlife, if any:

SOME LARGE TREE RETENTION (15% OF TOTAL DIAMETER)

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy need? Describe whether it will be used for heating, manufacturing, etc.

POWER & GAS FOR RESIDENTIAL USE (HEAT & LIGHT)

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No.

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any:

NONE.

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

POSSIBLE FUEL SPILL

(1) Describe special emergency services that might be required.

POSSIBLE FUEL SPILL CLEANUP

THIS NOTE REFERS TO POSSIBLE FUEL SPILLS RELATED TO STANDARD CONSTRUCTION ACTIVITY. NO EVIDENCE OF ON-SITE EXISTING FUEL SPILLS.

(2) Proposed measures to reduce or control environmental health hazards, if any.

SEALED FUEL CONTAINERS

**- DURING CONSTRUCTION
D.A. 7/2/07**

**D.A. 7/2/07
D.A. 11/15/07**

b. Noise

(1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)?

TRAFFIC ALONG LK. WASH. BLVD.

(2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site.

- CONSTRUCTION EQUIPMENT

(3) Proposed measures to reduce or control noise impacts, if any:

- NO VERY LARGE VEHICLES

- CONFORM TO CITY OF BELLEVUE ALLOWABLE WORK TIMES / DAYS

NOISE FUTURE
M.T. GASLO PER
BCC 9.18 "NOISE CONTROL"
P. 7- 7/2/07

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties?

SINGLE FAM. RESIDENTIAL

b. Has the site been used for agriculture? If so, describe.

No.

c. Describe any structures on the site.

ONE SINGLE FAMILY HOUSE & DETACHED GARAGE ON PROPOSED LOT 1

d. Will any structures be demolished? If so, what?

NONE

PART OF EXISTING GARAGE
MAY BE DEMOLISHED

e. What is the current zoning classification of the site?

R-5

f. What is the current comprehensive plan designation of the site?

RESIDENTIAL

SF - ~~LAND~~

g. If applicable, what is the current shoreline master program designation of the site?

NONE

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

822 SF STEEP SLOPE AREA - NE CORNER OF SITE

i. Approximately how many people would reside or work in the completed project?

4 FAMILIES

STEEP SLOPE BUFFER
AND BUFFER FROM
LAKE HUNTS CREEK

j. Approximately how many people would the completed project displace?

NONE

k. Proposed measures to avoid or reduce displacement impacts, if any:

NONE

D.I. 7/2/07
DATE 11/15/07

- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

NONE. USE CONFORMS W/ ZONING REQS.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

3 ADD'L SINGLE FAMILY UNITS - MIDDLE INCOME

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

NONE.

- c. Proposed measures to reduce or control housing impacts, if any:

NONE.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

NA

- b. What views in the immediate vicinity would be altered or obstructed?

NONE

- c. Proposed measures to reduce or control aesthetic impacts, if any:

LARGE TREE RETENTION

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

NONE.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

No.

D.H. 7/2/07
A.H. 11/15/07

c. What existing off-site sources of light or glare may affect your proposal?

NONE

d. Proposed measures to reduce or control light or glare impacts, if any:

NONE.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

NONE.

b. Would the proposed project displace any existing recreational uses? If so, describe.

No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

NONE.

13. Historic and Cultural Preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

No

b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.

NONE.

c. Proposed measures to reduce or control impacts, if any:

NONE.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

LK. WASH. BLVD. SE - PRIVATE ROAD TO BE WIDENED

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

YES.

c. How many parking spaces would be completed project have? How many would the project eliminate?

SPACES FOR SINGLE FAMILY RESIDENCES (4) ONLY.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

PRIVATE ROAD WIDENED TO 20' W/ HAMMER-HEAD TURN AROUND

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No.

D J. 7/2/07
D.A. 4/15/07

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

203

g. Proposed measures to reduce or control transportation impacts, if any:

NONE.

15. Public Services

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

NONE.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

SEWER & WATER EXTENSIONS

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature..... Ben Johnson

Date Submitted..... 4.30.07

DA 7/2/07
DA 11/15/07