



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 100th Ave NE., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: BSB Enterprises LLC

LOCATION OF PROPOSAL: 17845 SE Cougar Mountain Drive

NAME & DESCRIPTION OF PROPOSAL: Cougar Mountain Short Plat

Approval of Preliminary Conservation Short Plat and Critical Areas Land Use Permit to divide one 12.6 acre lot into 9 residential lots of approximately 23,000 sf each. The site is encumbered with 6.63 acres of critical areas and associated protective buffers. The project design incorporates stream buffer averaging and steep slope modifications needed to establish a consolidated development area and includes dedication of one 6.8 acre native growth tract and one .84 acre private road tract. A public trail easement is provided along the eastern boundary of the property. Site access is taken through a private access roadway easement that crosses through King County's Cougar Mountain Regional Wildland Park.

FILE NUMBERS: 07-144241-LN / 11-118782-LO

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on July 28, 2011.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.


 Environmental Coordinator

July 14, 2011
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife
- State Department of Ecology,
- Army Corps of Engineers
- Attorney General
- Muckleshoot Indian Tribe



**City of Bellevue
Development Services Department
Land Use Division Staff Report**

Proposal Name: Cougar Mountain Short Plat

Proposal Address: 17845 SE Cougar Mountain Drive

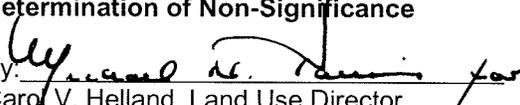
Proposal Description: Approval of Preliminary Conservation Short Plat and Critical Areas Land Use Permit to divide one 12.6 acre lot into 9 residential lots of approximately 23,000 sf each. The site is encumbered with 6.63 acres of critical areas and associated protective buffers. The project design incorporates stream buffer averaging and steep slope modifications needed to establish a consolidated development area and includes dedication of one 6.8 acre native growth tract and one .84 acre private road tract. A public trail easement is provided along the eastern boundary of the property. Site access is taken through a private access roadway easement that crosses through King County's Cougar Mountain Regional Wildland Park.

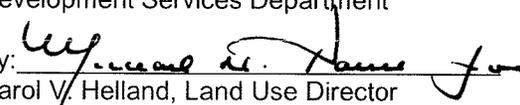
File Numbers: Preliminary Short Plat: 07-144241-LN
Critical Areas Land Use Permit: 11-118782-LO

Applicant: BSB Enterprises LLC

Decisions Included: Preliminary Short Plat (Process II)
Critical Areas Land Use Permit (Process II)
SEPA Threshold Determination (Process II)

Planner: David Pyle, Senior Land Use Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance**
By: 
Carol V. Helland, Land Use Director
Development Services Department

Department Decision(s): **Approval with Conditions**
Michael A. Brennan, Director
Development Services Department
By: 
Carol V. Helland, Land Use Director
Development Services Department

Application Date: December 21, 2007

Notice of Application: March 13, 2008

Decision Publication Date: July 14, 2011

Appeal Deadline: July 28, 2011

For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of any Process II Administrative decision must be made by 5 p.m. on the date noted for appeal of the decision to the City of Bellevue City Clerks Office.

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Attachments:

- Attachment 1: Project Plans – In File**
- Attachment 2: Critical Areas Reports – In File**
- Attachment 3: Public Comment Letters – In File**
- Attachment 4: SEPA Checklist – In File**

I. PROPOSAL DESCRIPTION

A. Project Description

The applicant is proposing to subdivide and develop one 12.6 acre lot into 9 residential lots each approximately 23,000 square feet, one 6.8 acre Native Growth Protection Area (NGPA) tract, and one 0.84 acre private access road tract. Project site plans are included as **Attachment 1** to this staff report.

B. Permits Required

i. Conservation Short Subdivision - The subdivision of land into 9 or less lots is processed through a preliminary short plat in accordance with the City of Bellevue Land Use Code (LUC) section 20.45B. When a lot proposed for short subdivision is encumbered by critical areas as defined by LUC 20.45B.055, a conservation short subdivision is required. The project site meets the requirements of LUC 20.45B.055, is encumbered by steep slope critical areas, stream critical areas, and provides habitat that supports species of local importance. A conservation short subdivision is required for this development proposal. The conservation short subdivision process is discussed in detail in Section III below.

ii. Critical Areas Land Use Permit – Modification Required - To accommodate the proposed development and protect sensitive resources identified on the property as required by LUC 20.25H and LUC 20.45B, the applicant has requested approval of a Critical Areas Land Use Permit (CALUP).

Steep Slope Critical Areas

The project property is currently undeveloped and is characterized by several areas of regulated steep slope scattered around the site. Due to the location and shape of the slope areas found on the project site a traditional approach to lot layout is not feasible and results in an undesired impact to forest canopy and habitat resources. As a result, the applicant is requesting steep slope modifications that modify protected slope areas and reduce or remove critical area steep slope buffers from a number of isolated 40 percent or greater slope areas. Modification of a portion of the site's steep slopes facilitates a development cluster that provides a collective area within which vegetation can be removed to facilitate the future construction of a roadway, building pads, driveways, and associated utility connections while protecting a significant 6.8 acre NGPA area. Absent this modification, the applicant identified an alternative lot configuration that was more effective at avoiding direct impacts to steep slopes and their associated buffers, but relied on a design that heavily impacted the site's large and valuable habitat unit by creating multiple small tracts isolated between areas of residential development and fragmenting the habitat resource. In this manner, a well-designed and clustered development area can

reduce habitat loss and confine impacts to the southern half of the site or less. Establishment of the remainder of the site as an NGPA provides protection for a contiguous patch of habitat and maintains cross site connectivity.

Stream Critical Areas

In addition to the modification of protected steep slopes, a critical areas land use permit is also required to reduce a portion of the site's stream buffer through buffer averaging as needed to accommodate road construction that follows the natural topography of the site. Without this buffer reduction the proposed site access roadway does not meet engineering grade limitations and would require artificial site grading.

The CALUP process and required modifications is discussed in detail in Section IV below.

II. SITE DESCRIPTION, ZONING, AND LAND USE CONTEXT

A. Site Description

i. General – The project site is located at 17845 SE Cougar Mountain Drive in the SE quadrant of Section 24, Township 24 North, Range 5 East within the Newcastle Subarea of the City of Bellevue Comprehensive Plan. The site is currently undeveloped and does not contain a primary structure, although the property has been developed with a well, and dirt access road. The western boundary of the existing property was modified in 2009 through City of Bellevue Boundary Line Adjustment file 09-108197-LW in an effort to create a property perimeter to facilitate the proposed 9 lot subdivision.

ii. Site Access – Site access is currently provided through a primitive dirt road that was constructed to access the well located on the north end of the property. The property does not currently have legal access through the adjacent and surrounding properties and an access connection to SE 60th Street is not a feasible option due to the areas topography and the site lack of street front ownership. To provide the access required for the development proposal, the applicant has negotiated the purchase of a temporary construction access easement and a permanent roadway access easement through the adjacent (to the south) King County Regional Park. A complete discussion of the site's access is included in Section VII of this staff report. Related Conditions of Approval are included in Section XI.

iii. Critical Areas – The project site is characterized by features and conditions that meet the definition of Critical Areas, as provided by LUC 20.25H.025, and is constrained by the protective buffers and structure setbacks identified in LUC

20.25H.035. Critical areas and buffers found on site are as follows:

- 1) Streams – The project site is characterized by one Type N Stream that is protected by a 50 foot buffer.
- 2) Steep Slope Critical Areas – The project site includes slopes that meet the definition of Steep Slope Critical Areas. Steep Slope Critical Areas are protected by a top of slope 50 foot buffer and toe of slope structure setback.
- 3) Wetlands – The project site includes one 600 square foot Category IV wetland. This wetland is not protected by the City of Bellevue Critical Areas rules (LUC 20.25H.095.C.1.a.i).
- 4) Habitat – Species of Local Importance – The site is characterized by a native forest and contains features known to support species of local importance.

A completed description of the site's critical areas resources is included in the project Critical Areas report available in the project file as **Attachment 2**. The project proposal includes a request to modify critical areas and critical areas buffers through the CALUP process. A description of the CALUP process is included in Section IV below.

B. Zoning

The property is zoned R-1, single-family residential. This is a proposal to develop the property with a new single family use and is allowed in the R-1 zoning as identified in LUC 20.10.

C. Land Use Context

The Comprehensive Plan Land Use Designation is Single-Family Low Density Residential. The proposed subdivision is consistent with single-family development and is allowed in the single-family comprehensive plan land use designation. The surrounding neighborhood context is low density single-family uses to the west, north, and east, and public open space (King County Cougar Mountain Regional Wildland Park) to the south.

D. Critical Areas Functions and Values

i. Streams and Riparian Areas

a. Stream and Riparian Area Functions:

A healthy aquatic environment relies on processes sustained by dynamic interaction between the stream and the adjacent riparian area. Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization. Healthy riparian areas support healthy stream conditions.

Upland and wetland riparian areas retain sediments, nutrients, pesticides,

pathogens, and other pollutants that may be present in runoff, protecting water quality in streams. The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods. Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow.

Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

b. Existing Stream conditions:

The project site contains one Type N stream that flows to the north and drains to the Lewis Creek Basin. This Type N stream is currently protected by a 50 foot stream buffer, measured from the Top of Bank (LUC 20.50). The riparian buffer area adjacent to this stream is forested with an intact understory and is considered to be of high habitat value. A complete description of the conditions of the site stream resources is available in the project critical areas report included as **Attachment 2**.

c. Stream Impacts:

The applicant is requesting a 25% reduction in the stream buffer width for a limited section of the stream corridor (see **Attachment 1** - Project Plans) through the buffer averaging provision outlined in LUC 20.25H.075.C.2.a. The proposed buffer reduction is required to accommodate the access roadway design which is dependent on grade standards. To meet the roadway design standards in place at the time of application, and to provide the requested number of lots, the applicant's engineers evaluated multiple alternatives and determined that the roadway alignment with the least grading requirements, and the least impacts to stream, slope, and habitat resources would require the reduction of the stream buffer by 12.5 feet needed to accommodate required for the new road grade. The revised buffer dimension for this section of stream is 37.5 feet.

In accordance with this section, the buffer averaging proposal provides an area of equivalent buffer addition and includes buffer restoration for that portion of the buffer that has historically been degraded due to the presence of a dirt access road developed to provide access to the site's well located in the north west corner of the property. A complete summary of the stream buffer averaging proposal, including buffer restoration plans, is available in the project critical areas report included as **Attachment 2**.

To ensure the long term protection of the reduced stream buffer, and to minimize temporary impacts during construction due to grading, the applicant will be required to redesign this section of roadway to rely on a retained roadway bank that utilizes a rockery or retaining wall feature to limit clearing and future intrusion into the stream buffer. The footing of the required retaining wall shall be located outside of the minimum 37.5 foot buffer. See related Conditions of Approval in Section XX.

No impacts to the site's stream resources outside of those related to the proposed buffer reduction are proposed.

ii. Wetlands

a. Wetland Functions:

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. The benefits provided depend on their size and location within a basin, as well as their diversity and quality. While Bellevue's wetlands provide various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well. However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

b. Existing Wetland Conditions:

One approximately 600 square foot Category IV wetland was identified in the project vicinity during field reconnaissance. A complete description of wetland conditions is available in the project critical areas report included as **Attachment 2**.

c. Wetland Impacts

Category IV wetlands with a functional score of less than 30 are not regulated (LUC 20.25H.095.C.1.a.i). No further analysis or discussion of wetland resources is needed.

iii. Geologic Hazard Areas

a. Geologic Hazard Area Functions:

Geologic hazards pose a threat to the health and safety of citizens when development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided.

Steep slopes may serve several other functions and possess other values for the City and its residents. Some of Bellevue's remaining large blocks of forest are

located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

b. Existing Geologic Hazard Area Conditions:

The project site is characterized by slopes ranging from relatively flat 0-15% slopes to slopes steeper than 40% and that are categorized as steep slope critical areas. As areas of groundwater seepage have been identified, and a small portion of the site does meet hydrologic characteristics of a wetland, the applicant obtained the services of a qualified geotechnical engineer to analyze the site for potential areas of Landslide Hazard as defined by LUC 20.25H.120.A.1. Although areas of groundwater were observed, the geotechnical analysis revealed that the site was stable, was not characterized by other qualifying parameters required for a slope to be classified as a landslide hazard, and the groundwater was seasonal and superficial. A total of 2.65 acres of the site is classified as steep slope critical area. The applicant is proposing to modify steep slope critical areas as discussed below. Most of the project site is forested and the site's areas of steep slope do also function as valuable habitat. Steep slope habitat values are discussed in Section XX below.

c. Impacts To Geologic Hazard Areas:

In support of the preferred lot layout described in section I.B.ii above, and to promote the preservation of a larger intact habitat unit, the applicant requested that the project geotechnical engineer consider impacts to slope stability and site erosivity if development were permitted to occur within areas classified by LUC 20.25H.120.A.2 as steep slope protected areas and the associated buffer areas. A geotechnical report was provided and includes development recommendations, including grading practices and site management BMPs. The report concludes that the delineated areas of protected slopes do not currently exhibit characteristics associated with instability and that the collection and conveyance of surface water and combined with the regarding of slope areas will lead to an improved condition. A detailed discussion of impacts and benefits to habitat resources is included below. A discussion on the proposal's consistency with performance standards is included in Section IV below.

iv. Habitat Associated With Species of Local Importance

a. Habitat Functions:

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural

environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005, Munns 2006), is a major cause of native species local extinctions (Czech et al. 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a).

Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005).

Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

b. Existing Habitat Features

To evaluate habitat conditions in the project area and vicinity, the applicant consulted with biologists who surveyed the area to identify dominant species, forest maturity, concentrations of native and invasive plant populations, other habitat features (e.g., snags, logs), and habitat potential to support protected wildlife species and indications of use by these species. Information provided by WDFW's Priority Habitats and Species (PHS) Program (WDFW 2010), fish usage information from the Salmonscape mapping program (WDFW 2010b), and fish survey data collected in 2001 (Watershed Company 2001) was also reviewed. Field study indicated the site is characterized as low-density urban and mixed environs. Although this is an urban zone, it is on the least human-impacted end of the spectrum. The wildlife habitat type is entirely Westside lowland conifer-hardwood forest, mature in age. Species of local importance (LUC 20.25H.150.A) for which suitable habitat exists on the study property are bald eagle, red-tailed hawk, pileated woodpecker, Vaux's swift, purple martin, and western big-eared bat.

Bald eagles are common foragers over Lake Sammamish, located less than 1.5 miles northeast of the study site, and active nests are known in the lake area. Eagles

often perch in tall lakeside trees for foraging and resting. The study site is located too far from the lake for regular use by foraging birds. Nesting birds also tend to choose sites closer to open water (WDFW 2004). No nests are known to exist on the property at this time (WDFW 2007), but the mixed and coniferous-dominated mixed forest areas provide many suitable perch and nest trees. Few suitable nest trees are located in the deciduous-dominated area.

Red-tailed hawks nest in large trees, similar to those on the study property, and although no active nests are known, the trees are suitable for the species. Red-tailed hawks are ubiquitous in this area and likely to occasionally perch on trees in or fly over the property. Preferred foraging areas have open spaces or road right-of-ways (Seattle Audubon Society 2005), so the most suitable foraging perches on the site are at the edges of neighboring developed lots to the north and southwest.

The dense forest of the study area contains potential nest sites for merlins, but this species is not a common breeder in King County (Seattle Audubon Society 2005). As well, wintering and migrating individuals are ubiquitous, utilizing parks, lakes, urban and suburban areas, and coastal regions, and relying less on forest. More suitable habitat for this species exists in surrounding areas than on the study site.

Pileated woodpeckers nest in old-growth forest and mature stands, provided large snags are present. The species commonly uses large conifers for drumming and foraging (WDFW 2004). The study area contains suitable foraging sites and potential nest sites throughout, but most abundantly in the conifer-dominated and mixed coniferous-deciduous areas.

Vaux's swift forages in open skies over forests, lakes, and rivers, where insects are abundant. Nesting normally takes place in mature or old-growth forest where large snags, preferably at least 27 inches dbh (WDFW 2004) with cavities of approximately 20 inches in length (Bull, pers. comm., August 2006), are available. The species also nests in broken treetops. The coniferous-dominated and mixed-forest areas provide both potential nest sites and suitable foraging habitat; habitat in the deciduous-dominated area is less desirable. The Seattle Audubon Society (2005) notes the "possible" use by the species of areas approximately 2 miles north of the subject property, but the organization provides no data for the property itself.

Western big-eared bat most commonly roosts in caves and man-made structures, although hollow trees and tree cavities are also an important habitat feature (WDFW 2005). The study property lacks caves and man-made structures, but cavities are abundant and use by the species is possible.

c. Impacts to Habitat Features:

Although steep slopes will occur within some lots and an area of stream buffer averaging is proposed, tangible impacts are more likely to result from vegetation removal, forest stand fragmentation, and the presence of new human disturbances when lots are developed in the future. The presumed future development of all lots will result in a reduction in forest habitat. The loss of habitat translates into fewer nesting and foraging sites. To minimize impacts to habitat resources, the most mature stand of forest cover will be preserved in the form of an NGPA. The project has also been designed so that connectivity between the streams and south to Cougar Mountain Regional Wildland Park can be maintained in its present state (i.e., broken by roads and utilities only). In this manner, a well-designed and clustered development area can reduce habitat loss and confine impacts to the southern half of the site or less. Establishment of the remainder of the site as an NGPA provides protection for a contiguous patch of habitat and maintains cross site connectivity.

III. CONSISTENCY WITH PRELIMINARY CONSERVATION SHORT SUBDIVISION REQUIREMENTS

A. Zoning District Dimensional Requirements

The site is located in the R-1 zoning district. The proposed short plat is in conformance with the general dimensional requirements of the zone as outlined below.

B. 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:

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

This is a proposal to divide one 12.6 acre parcel in the R-1 zone (1 DU/Acre) into 9 lots. The site contains a total of 6.63 acres of critical area and critical area buffer and contains a total of 5.97 acres of buildable area. Critical areas were calculated through site survey that delineated stream critical areas and steep slope critical areas. The applicant provided detailed information from the surveyor on the identification of the site's critical areas, which is available in the project file. The following is the density calculation for this property:

$$[(1)(5.97)+(1)(6.63)(5.97/12.6)]=9.11$$

The maximum number of dwelling units for this site is 9. The proposal to divide this

property into 9 lots is in compliance with the requirements of the Critical Areas Overlay District.

C. Consistency with Land Use Code Requirements

SIC INFORMATION			
Zoning District	R-1		
Gross Site Area	12.6 Acres		
Critical Area and Buffer	6.63 Acres		
ITEM	REQ'D/ALLOWED	PROPOSED	METS REQ'D
Dwelling Units/Acre (LUC 20.25H.045)	1	.71	Yes
Target Lot Area (LUC 20.45B.055.3)	22,750 square feet	Minimum: 22,878 square feet Maximum: 23, 889 square feet	Yes
Minimum Lot Width (LUC 20.20.010)	100 feet	All lots over 100 feet	Yes
Minimum Lot Depth (LUC 20.20.010)	150 feet	All lots over 150 feet	Yes
Building Setbacks	25 feet 20 feet 5 feet 15 feet 10 feet	25 feet 20 feet 5 feet 15 feet 10 feet	Yes
Tree Retention	30%	50%	Yes
Structural Lot Coverage [LUC 20.45B.055.b.3(5)]	Per calculation	Per calculation	Yes
Impervious Surface (Measured for whole lot-LUC 20.45B.055)	50%	< 50%	Yes
Building Height	35 feet (LUC 20.20.010)	Up to 35 Feet	Yes
Front Yard Greenscape	50% (LUC 20.20.010)	Minimum 50% of required 25 foot front	Yes

		yard setback	
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D. Consistency with Conservation Short Plat Requirements

The project site meets the requirements of LUC 20.45B.055, is encumbered by steep slope critical areas, stream critical areas, and provides habitat that supports species of local importance. A conservation short subdivision is required for this development proposal. Under this section, all critical areas and buffers must be placed in a tract, unless modified through a CALUP. To meet the Conservation Short Plat requirements the applicant is proposing limited modification of steep slope critical areas and buffer averaging along a short section of the Type N stream through the CALUP process in conjunction with the dedication of 6.8 acres of forested slope and stream buffer as Native Growth Protection Area (NGPA) tract. To compensate for the dedication of this tract area, the applicant is eligible and required to follow modified site dimensional requirements as outlined in LUC 20.45B.055. Modified standards include a smaller lot size, reduced setbacks, and a lot coverage calculation. The applicant has provided documentation that the proposed lot meets these modified standards where allowed or required. A site plan demonstrating compliance with the Conservation Short Plat dimensional requirements is included as **Attachment 1**.

IV. CONSISTENCY WITH CRITICAL AREAS LAND USE PERMIT REQUIREMENTS

This proposal for conservation short subdivision includes a request for approval of a critical areas land use permit granting the modification of steep slope critical areas, the reduction of stream buffer area for a limited section of the site's Type N stream, and clearing of up to 5.8 acres of forested habitat area to allow development of the proposed 9 lots, construction of the private access roadway, and installation of required utilities.

A. Stream Buffer Reduction – Consistency With Performance Standards – LUC 20.25H.075.C.2.a

Stream buffers dimensions required under LUC 20.25H.035 may be reduced through buffer averaging when proposed through a CALUP and when the proposal meets the buffer averaging criteria listed in LUC 20.25H.075.C.2.a. The applicant has submitted application for CALUP and has demonstrated that the buffer averaging criteria have been met. A complete analysis of project design elements intended to address buffer averaging is available as **Attachment 2** to this report.

B. Steep Slope Modification – Consistency With Performance Standards – LUC 20.25H.125, LUC 20.25H.140, and LUC 20.25H.145

Steep slope critical areas, buffers, and structure setbacks may be reduced or modified through a critical areas report as allowed by LUC 20.25H.125. To facilitate the development of a consolidated cluster of 9 lots and to allow for the protection of a contiguous area as an NGPA, the applicant has requested the modification of steep slope critical areas, buffers, and structure setbacks within areas targeted for

development. The applicant has provide a geotechnical report prepared by a qualified professional that analyzes site conditions, addresses site stability, and provides construction recommendations intended to mitigate hazard. The project proposal has been evaluated for consistency with the performance standards intended to guide development on sites encumbered with steep slopes. The following design elements were considered in the determination that the project proposal is consistent with the required performance standards:

- The project design minimizes topographic modification.
- Retaining walls are not proposed and significant grading is not required to facilitate the development, except that a portion of the site will be modified to accommodate the required roadway grade.
- Short Plat conditions will restrict artificial grading and site development shall be in context with the surrounding topography.
- Native soils must be preserved and where necessary soil amendments will be required to preserve infiltration rates and reduce erosion.
- More than 50% of the total site area is proposed as NGPA.
- Approval conditions will require active geotechnical monitoring during the plat infrastructure phase and during the plat build out phase.

The project geotechnical report is available as **Attachment 2** to this staff report.

C. Habitat Modification – Consistency With Performance Standards – LUC 20.25H.160

Sites known to provide habitat supporting a species of local importance must be developed in compliance with a management plan intended to preserve existing habitat. The applicant has obtained the services of a qualified habitat biologist and has provided an acceptable habitat management plan that preserves existing habitat features and retains connectivity between the site's stream and the adjacent habitat corridors (including Cougar Mountain Regional Wildland Park). The project habitat management plan is available as **Attachment 2** to this staff report.

V. PUBLIC NOTICE AND COMMENT

Application Date:	December 21, 2007
Public Notice (500 feet):	January 2, 2008
Minimum Comment Period:	March 27, 2008

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on March 13, 2008. It was mailed to agencies, tribes, and property owners within 500 feet of the project site and a Notice of Application sign was placed at the project site. Public comment letters were received from

three individuals or organizations - the Muckleshoot Indian Tribe Fisheries Division, Cougar Mountain Residents Association, and Mark Gregoire (who also commented in conjunction with the Cougar Mountain Residents Association). The communications with each of these commenters is described below:

Muckleshoot Indian Tribe: This was a request for more information. Project details were provided and no further questions were presented.

Cougar Mountain Residents Association: Several comment letters were identified as from this group, although only one of the letters appears to actually be from the actual group. This comment letter included technical comments on the stability and sensitivity of the property and surrounding landscape, identified higher precipitation than lower elevations in the City, requested a more detailed review to better analyze the site's sensitive features, and stated opposition to the County's granting of an access easement. In response to these comments, several revisions were requested of the applicant to enhance the documentation of the site's habitat and steep slope resources. Revisions letters sent to the applicant and supplemental documentation provided in response are available in the project file.

Mark Gregoire: Several letters were received from Mr. Gregoire in opposition to the proposal. Many letters from Mr. Gregoire were sent under the header of the Cougar Mountain Residents Association but were signed by Mr. Gregoire alone. Letters received from Mr. Gregoire include comments similar to those made by the Cougar Mountain Residents Association, although additional details on the history of the site are provided and a legal claim to interest in the project site as a water source was also submitted. In response to these comments the applicant was asked to provide an update on the status of the property. The applicant confirmed the active litigation between Mr. Gregoire and BSB Enterprises LLC related to a water well, dirt access road, and power line that has been sporadically used by Mr. Gregoire as a source of water for his residential lot on an adjacent property. The project was placed on hold while litigation continued. The applicant ultimately informed us that the litigation had concluded and provided documentation that Mr. Gregoire's interests in the project property were dismissed under Superior Court File No. 08-2-10661-SEA. In response to issues related to site sensitivity, several revisions were requested of the applicant to enhance the documentation of the site's habitat and steep slope resources. Revisions letters sent to the applicant and supplemental documentation provided in response are available in the project file.

Public comment letters received during review of the project are included as **Attachment 3**.

VI. 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 are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental Policy Act (SEPA) requirements.

A. Earth and Water

The site contains moderate to severe (greater than 40%) slopes. The site also contains a known Type N stream that flows across the eastern portion of the property. In total, the site consists of 6.63 acres of critical area and critical area buffer. The main body of these sensitive features along with portions of their primary setbacks will be preserved through the establishment of a 6.8 acre Native Growth Protection Area across the east, north, and west portions of the site. A clustered development will be located in the center of the property.

According to the geotechnical report prepared by Earth Sollution NW LLC, the soil conditions at the site are largely comprised of topsoil underlain by up to about five to six and one-half feet of silty sand deposits. The silty sand deposits are underlain by weathered sandstone and sandstone/siltstone bedrock. The report also identifies seasonal groundwater on the site at a variable depth and extent. The report characterizes overall site stability as good.

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 Lewis Creek Basin, which is considered a sensitive drainage basin due to the presence of fish bearing streams at lower elevations. 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, 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 when the request for rainy season construction is under consideration by Staff.

B. Plants and Animals

Field study indicated the site is characterized as low-density urban and mixed environs. Although this is an urban zone, it is on the least human-impacted end of the spectrum. The wildlife habitat type is entirely Westside lowland conifer-hardwood forest, mature in age. Species of local importance (LUC 20.25H.150.A) for which suitable habitat exists on the study property are bald eagle, red-tailed hawk, pileated woodpecker, Vaux's swift, purple martin, and western big-eared bat.

The presumed future development of all lots will result in a reduction in forest habitat. The loss of habitat translates into fewer nesting and foraging sites. To minimize impacts to habitat resources, the most mature stand of forest cover will be preserved in the form of an NGPA. The project has also been designed so that connectivity between the streams and south to Cougar Mountain Regional Wildland Park can be maintained in its present state (i.e., broken by roads and utilities only). In this manner, a well-designed and clustered development area can reduce habitat loss and confine impacts to the southern half of the site or less. Establishment of the remainder of the site as an NGPA provides protection for a contiguous patch of habitat and maintains cross site connectivity.

C. Noise

The 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 construction hours and noise levels. The driving of piles for the new pier will follow industry best management practices for vibration damping. Similarly, construction will be limited to appropriate fish windows to ensure limited impact on species present. See Section XI for a related condition of approval.

VII. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The preliminary short plat application and site plan 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. See Section XI 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 XI of this report for Fire Department related Conditions of Approval.

C. Transportation Review:

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure permit. Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements. The recorded permanent access easement for the portion of the access within King County that connects the site to the public street system must be provided to the City before final plat approval.

Under BCC 22.16, payment of the transportation impact fee for each new home prior to building permit issuance 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.

Site Access

Access to all nine lots of the proposed short plat will be from an internal private road that connects to the public roadway system by means of an external private road (Road A), and a private access easement over Cougar Mountain Drive located within King County. Cougar Mountain Drive is a windy road which becomes public right of way and continues within the City limits of Bellevue. Access easement with King County showing the rights of access to the internal private road from the public right of way is required. No direct access connection to City of Bellevue right-of-way is authorized. The private road within the short plat has two ninety degree bends and segments of the private road will be named as SE 63rd Place, 179th Place SE, and SE 62nd Place. The private road within the

short plat will connect to a private road Road A which connects to Cougar Mountain Drive, both of which are within King County.

The private road SE 63rd Place, 179th Place SE, and SE 62nd Place will have a minimum paved width of 20 feet. The current preliminary plan includes a 5 foot wide sidewalk along the private road. Thereby the minimum private easement/private tract width required will be 30 feet. The preliminary plans show that a private tract is provided for the private road SE63rd Place, 179th Place SE, and SE62nd Place. On street parking is not allowed in a road with paved width of 20 feet. No Parking signs and markings will have to be provided on the 20 foot wide paved road by the developer. The private road must meet with Fire Department Approval and must be built per the City's Transportation Department Design Manual Standard Drawing DEV-8. Private road name signs as per Transportation Design Manual drawing TE-22 B will be installed by the developer at every location where there is change in the private road name. The individual lots within the short plat will connect to the private road within the site by means of driveways as per the City of Bellevue design standard DEV-7A where there is sidewalk on the road and DEV-7C where there is no sidewalk on the road. The individual houses will be addressed off the respective private roads.

Private road (Road A), which is within King County, is shown to have a paved width of 20 feet and is within a private access and utility easement of width 35 feet. The Private Road A will connect to the public roadway system via a 60 foot wide access easement section on Cougar Mountain Drive. The access connections that are within King County are required to be reviewed by King County and meet their design standards.

The City of Bellevue's adopted Pedestrian and Bike Plan, includes within the site, a pedestrian walking trail T-434 which is the extension of the existing Peggy's Trail connecting Lakemont development to Cougar Mountain park. The preliminary plans include a 6 foot wide bike/pedestrian easement to serve the needs of the future trail T-434.

Street Frontage Improvements

The proposed short plat does not have direct access into the City's public roadway system. There is no access from SE 60th Street. Therefore public street improvements including curb, gutter, sidewalk, etc are not required to be installed by the developer. The developer is required to provide roadway connection through King County that will connect with the public roadway system. If any utility connection to the site is obtained from the public right of way within the City of Bellevue, the utility lines shall be undergrounded for the portion within the City public right of way.

Use of the Right of Way

Applicants often request use of the City of Bellevue right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading, and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit.

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. Near the development site SE 60th Street is classified as Overlay Required, and Cougar Mountain Drive within the City of Bellevue is classified as Standard Trench Restoration.

Sight Distance

The access design shall meet the sight distance requirements of BCC 14.60.240. Vegetation shall be trimmed as needed within the sight triangle.

Transportation Impacts and Mitigation

City staff has 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 peak hours. The proposed nine lot short plat is expected to generate nine new pm peak hour trips, which is not expected to have a significant impact on the adjacent traffic network. Moreover, the site does not have direct access to the City's roadway system.

VIII. CHANGES TO PROPOSAL DUE TO CITY REVIEW

In response to comment received from the Cougar Mountain Residents Association and following staff review of project plans, revisions were requested of the applicant with the intention of achieving consistency with City codes. Revisions requested were as follows (see revisions letters in project file for complete list):

- Modify lot sizes to match the Conservation Short Plat lot size target.

- Set aside a sufficient area as NGPA to preserve habitat features on site.
- Supplement the geotechnical findings to better support the proposed slope modifications.
- Revise the access easement with King County to eliminate the requirements that the City of Bellevue provide water to the King County Regional Park.

IX. DECISION CRITERIA

A. Preliminary Conservation Short Subdivision 20.45B.130.B (File 07-144241-LN)

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 this staff report, the proposed short plat is consistent with City Codes and Standards. The site is proposed to be accessed by a public road easement that connects the property to SE Cougar Mountain Drive via the access roadway to the King County Cougar Mountain Regional Park. Existing public roads as well as public water and sewer facilities have been deemed adequate to serve the proposed development with the required improvements. See Section XI 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. Further, the proposal includes the dedication of a trail easement along the eastern portion of the site facilitating an extension of Peggy's trail to the Cougar Mountain Regional Wildland Park as identified under L-471 in the City's Ped-Bike Plan. See Section XI of this report for related Conditions of Approval.

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 through site design that utilizes a smaller lot size and clusters the area of development minimizing impact to the site's valuable habitat resources and establishing a 6.8 acre Native Growth Protection Area tract to protect sensitive features within the site.

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.

Finding: As discussed in this staff report, the proposal complies with the Land Use Code requirements for R-1 zoning, the Land Use Code Critical Areas Overlay District, the Conservation Short Subdivision standards, the Utility Code, the Transportation Code, and other applicable City of Bellevue Development Standards.

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

Finding: The site is located within the Newcastle Subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family R-1 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)

The proposal meets utility standards (UT-1), provides development through infill for under-utilized sites with adequate urban services (HO-12), and meets the Neighborhood Quality goal (Housing Element) by providing compatible housing (single family in single family district) and the protection of environmentally sensitive features (establishment of NGPA). By providing the preservation of healthy significant existing trees on-site through the retention of approximately 50% of the site's existing trees, the proposal will help maintain the landscape characteristics.

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-1 zoning standards and dimensional standards for the R-1 land use district without requiring a

variance. The proposed lots meet the minimum standards for lot width, lot depth, and lot area in the R-1 land use district (LUC 20.45B.055.B.3). This application includes a request to modify steep slopes to allow clearing of a development area within the boundaries of the proposed lots. There are no environmental factors which further inhibit the development of this property that would warrant a variance at a future date and all lots must be developed within the constraints under which they are created. See related conditions of approval in Section XI.

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. See conditions of approval in Section XI.

B. Critical Areas Report Decision Criteria- General Criteria LUC 20.25H.255 (File 11-118782-LO)

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

1. The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;

Finding: As discussed in this staff report, the applicant has provided a complete critical areas report prepared by a qualified professional that demonstrates that the proposal leads to levels of protection of critical area functions and values that area at least as protective as the regulations and standards of this code.

2. Adequate resources to ensure completion of any required mitigation and monitoring efforts;

Finding: As a condition of approval, the applicant is required to maintain the restored area through five years of maintenance and monitoring and will be required to submit a security device (assignment of savings or bond) to ensure the plantings will be installed and maintained over the required five year period. See related conditions of approval in Section XI.

3. 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: As discussed in this staff report, the proposal complies with all of the applicable performance standards for steep slope critical areas and includes the dedication of a 6.8 acre Native Growth Protection Area tract to maintain habitat connectivity across the adjacent habitat corridor, preserve sensitive features, and offset long term impacts.

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

Finding: The proposed development is a low density single family subdivision on a parcel that is planned for low density residential use. The site is also surrounded by areas planned for low density single family uses on three sides and by a King County Regional Park to the south. The proposed development is compatible with other uses and development in the same land use district.

C. Critical Areas Land Use Permit Decision Criteria 20.30P (File 11-118782-LO)

The Director may approve or approve with modifications an application for a critical areas land use permit if:

1. The proposal obtains all other permits required by the Land Use Code;

Finding: The proposed conservation short subdivision is required to obtain a plat infrastructure permit prior to the commencement of clearing activity. Other permits including Transportation, Utilities, and Building Permits are required for different phases of development. See related conditions of approval in Section XI.

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

Finding: The project proposal has been evaluated for consistency with the performance standards intended to guide development on sites encumbered with steep slopes. Specific design elements related to steep slopes were considered during project review and are intended to minimize impact to the site's sensitive resources. A complete discussion of the project design as it relates to conservation of sensitive site features is included in Section III above. See

related conditions of approval in Section XI.

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

Finding: Section IV above discusses how the proposal incorporates the applicable performance standards. 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.

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

Finding: The Utilities, Transportation, and Fire Departments have reviewed the proposal to ensure adequate public facilities and emergency resources are available to serve the project. The area is adequately serviced by public facilities. The proposal will not change the need for public facilities.

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

Finding: A conceptual mitigation and restoration plan consistent with the requirements of LUC 20.25H.210 has been prepared and submitted along with the project's critical areas report. The conceptual mitigation plan primarily relies upon the dedication of 6.8 acres of the site into Native Growth Protection Tract. See related conditions of approval in Section XI.

6. The proposal complies with other applicable requirements of this code.

Finding: As discussed in Section III & IV of this report, the proposal complies with all other applicable requirements of the Land Use Code 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.

X. 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 Development Services Director does hereby **approve with**

conditions this proposal for Preliminary Conservation Short Subdivision to divide one 12.6 acre lot into 9 residential lots of approximately 23,000 square feet each (including one 6.8 acre NGPA and one roadway tract) and does hereby **approve with conditions** the proposal for Critical Areas Land Use Permit to modify steep slope critical areas and a limited section of stream buffer reduction to provide development area within the proposed residential lot boundaries.

Note on expiration of Preliminary Short Plat Approval (07-144241-LN): A preliminary short subdivision 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.

Note on expiration of Critical Areas Land Use Permit Approval (11-118782-LO): A Critical Areas Land Use Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permit within one year of the effective date of the approval.

XI. CONDITIONS OF APPROVAL

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

<u>Applicable Codes and Ordinances</u>	<u>Contact Person</u>	<u>Phone</u>
Clearing and Grading Code – BCC 23.76	Janney Gwo	425-452-6190
Construction Codes – BCC Title 23	Building Division	425-452-6864
Fire Code – BCC 23.11	Adrian Jones	425-452-6032
Land Use Code – BCC Title 20	David Pyle	425-452-2973
Noise Control – BCC 9.18	David Pyle	425-452-2973
Trans. Development. Code – BCC 14.60	Rohini Nair	425-452-2569
Traffic Standards Code – BCC 14.10	Rohini Nair	425-452-2569
Right-of-Way Use Code – BCC 14.30	Tim Stever	425-452-4294
Utility Code – BCC Title 24	Mark Dewey	425-452-6179

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

A. GENERAL CONDITIONS

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.

AUTHORITY: Land Use Code 20.45B.130.A.6
REVIEWER: David Pyle, Development Services Department

2. NOISE – CONSTRUCTION HOURS

Construction will be subject to normal operation hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, 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 DSD, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

AUTHORITY: Bellevue City Code 9.18
REVIEWER: David Pyle, Development Services Department

3. UTILITIES DEPARTMENT APPROVAL

Utilities Department approval is based on the preliminary utility design and the availability of proper off site utility easements. Final civil engineering of the utility design may require changes to the site layout to accommodate the utilities. Water, Sewer and Storm Developer Extension Agreements are required for the engineering review and inspection of the utility improvements including detention, water quality and nutrient treatment. All stormwater infrastructures shall be private and maintained as outlined in the final Stormwater Operations and Maintenance manual. The Developer Extension Agreement booklet(s) and submittal requirements are available from the Utility Representative at the Permit Center at any time.

Two types of easements will be required for development of the site, public and private offsite and onsite. Off site public easements for sewer, and water utilities must be granted to the city and will be on easement form designated by the Utilities Department. Public offsite easements must be obtained, notarized, and signed prior to construction. Private off site easements for storm drainage must be obtained notarized, and signed prior to construction and can be on a form preferred by the developer. All easement dimensions must meet requirements as noted in the Utilities Engineering Standards. Additional easements may be needed to satisfy the 1 to 1 setback requirement for storm utility structures within the short plat. A private water line easement is required between lots 7 and 8 to the south west property corner of King County lot # 2424059080. A 15' minimum width public sewer easement is required at the south property line of the short plat for future development as depicted on the plan. The water connection for the Short Plat may be impacted by an in progress sewer main design and installation in SE Cougar Mt Way across parcel # 2424059066. The proposed 8" water main in SE Cougar Mt Way may need to be upsized to 12" for future development. Well site buffers for adjacent properties may encumber certain types of

development within the short plat.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06

REVIEWER: Mark Dewey, Utilities Department

4. IMPERVIOUS SURFACE COVERAGE REQUIREMENTS

Impervious surface coverage shall be divided across the development area and shall be governed by the limits established by LUC 20.45B.050. Allowed maximum impervious surface coverage for each lot shall be clearly labeled on the final short plat mylar.

AUTHORITY: Land Use Code Section 20.45B.055

REVIEWER: David Pyle, Development Services Department

5. LOT COVERAGE REQUIREMENTS

Lot coverage shall be governed by the lot coverage calculation included under LUC 20.45B.050. Allowed maximum structural lot coverage for each lot shall be clearly labeled on the final short plat mylar.

AUTHORITY: Land Use Code Sections 20.20.010 and 20.45B.055

REVIEWER: David Pyle, Development Services Department

6. DESIGN CHANGES

Any changes to the development plans shall be submitted as a revision to the applicable permit or approval and shall be reviewed by the City for consistency with the original approval.

AUTHORITY: 20.45B.240

REVIEWER: David Pyle, Development Services Department

7. HABITAT PROTECTION – NGPA TRACT REQUIRED

The area identified in the project critical areas reports and draft site plans shall be dedicated as a Native Growth Protection Area “NGPA”, and placed in a separate tract to be held in common ownership by all of the lots in the subdivision.

AUTHORITY: Land Use Code Section 20.45B.055

REVIEWER: David Pyle, Development Services Department

8. SURVEY REQUIRED - NGPA BOUNDARY MARKING

Prior to commencement of any clearing activity the applicant shall perform a field survey of property boundaries completed by a Washington State Licensed Surveyor. The boundary of the NGPA shall be identified and field flagged. Field flags shall be maintained for the duration of the plat development.

AUTHORITY: LUC 20.25H.030

REVIEWER: David Pyle, Development Services Department

9. NGPA PROTECTION

To mitigate adverse impacts to the NGPA during all phases of construction, the applicant must comply with the following:

- a. Clearing limits shall be established identifying the edge of the NGPA. A six-foot chain link fence with driven posts, or an approved alternative, shall be installed at the clearing limits (outside of the drip lines of retained trees within the NGPA) prior to initiation of any clearing and grading at any phase of construction.
- b. No excavation or clearing shall be performed within drip lines trees located within the NGPA, 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.
- c. Protection must also be provided for any trees on adjacent properties. Protection shall be provided around the portion of the drip lines that overhang the proposal property.

AUTHORITY: Bellevue City Code 23.76.060

REVIEWER: David Pyle, Development Services 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 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.

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: Rohini Nair, 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: Rohini Nair, 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 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 within the short plat and the design of private road A, pavement restoration in SE 60th Street, mailbox location, private road name sign, and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Specific requirements are detailed below:

The portions of the access that connects the private road SE 63rd Place to the public street system, which is within King County property, is required to be reviewed by King County and the applicable cross section that is approved by King County is required.

a) Miscellaneous:

- Private road slope shall not exceed 10% grade for the first 20 feet from the access entrance and shall not exceed 15% slope afterwards. Driveway slopes should not exceed 10% slope for the first 20 feet from the driveway entrance and shall be limited to a maximum slope of 15% afterwards. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- The maximum cross grade of a street at the street end shall be 8%.
- Vehicle sight distance must be provided per BCC 14.60.240 and 14.60.241.

- All utilities serving the site shall be undergrounded for the portion within the public right of way.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings DEV-8, TE-22B

REVIEWER: Rohini Nair, 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 the private road must be trimmed.

AUTHORITY: Bellevue City Code 14.60.240

REVIEWER: Rohini Nair, Transportation Department

5. PAVEMENT RESTORATION

The city's pavement manager has determined that the segment of SE 60th Street bordering the site will require grind and overlay type of pavement trench restoration for any utility connections or other digging in the street surface. The section of Cougar Mountain Drive within the City of Bellevue right of way will require standard trench restoration for any pavement damage. 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: Rohini Nair, Transportation Department

6. ACCESS EASEMENTS FROM KING COUNTY

Recorded permanent access easement granting access to the short plat from the public roadway will have to be provided to the City of Bellevue before the plat improvements can be started.

AUTHORITY: LUC 20.45B.050

REVIEWER: David Pyle, Development Services Department

7. UTILITY PLANS REQUIRED

The applicant shall have engineered an approvable plan for the Utility Developer Extension submittal.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06

REVIEWER: Mark Dewey, Utilities Department

8. SEASONAL CLEARING AND GRADING RESTRICTIONS

The project is located adjacent to Lake Sammamish where the potential for

discharge into the Lake is high. The project will be subject to work restrictions during the rainy season. The clearing & grading code defines the rainy season as November 1st through April 30th. The Development Services Department shall grant approval to initiate or continue clearing or grading activity during the rainy season. Any approval will be based on site and project conditions, extent and quality of the erosion and sedimentation control, and the project's track record at controlling erosion and sedimentation.

AUTHORITY: BCC 23.76

REVIEWER: David Pyle, Development Services Department

9. REVISED GEOTECH REPORT

Prior to issuance of plat infrastructure and clearing and grading permits the applicant shall submit a revised geotechnical report that analyzes the final grading plan for consistency with preliminary geotechnical recommendations and makes additional recommendations. The revised geotechnical report shall provide the Amax value used in the slope stability analysis and explain how the Amax was determined.

AUTHORITY: BCC 23.76

REVIEWER: David Pyle, Development Services Department

10. REVISED CLEARING AND GRADING PLANS

Prior to issuance of plat infrastructure and clearing and grading permits the applicant shall submit a revised site development plan that clearly identifies areas to be cleared and the boundary of the NGPA. Revised plans must demonstrate compliance with the Clearing and Grading Code and shall include a Construction Stormwater Pollution Prevention Plan.

AUTHORITY: BCC 23.76

REVIEWER: David Pyle, Development Services Department

11. STREAM BUFFER RESTORATION PLANS – ROADWAY RESTORATION AREA

Prior to issuance of plat infrastructure and clearing and grading permits the applicant shall submit a final stream buffer restoration plan designed to restore 1,515 square feet of dirt existing impacted area that has been used as a primitive roadbed. The restoration plan must include planting plans demonstrating the location of densely planted to native trees and shrubs intended to serve the purpose of restoration. The plan shall also demonstrate how soils will be decompacted and augmented, and how plant species will be selected on the basis of suitability to the site. The restoration, maintenance, and

monitoring plan shall include:

- a. The goals and objectives of the restoration proposed, based on replacing or restoring the critical area and critical area buffer functions and values impacted by the proposal.
- b. Measurable specific criteria for each year of the required monitoring period that evaluate whether or not the goals and objectives of the restoration or restoration project have been successfully attained. The monitoring period shall not be less than five years.
- c. Written specifications and descriptions of the restoration proposed.
- d. A plan for monitoring construction of the restoration project and for assessing a completed project.
- e. The potential courses of action and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- f. At a minimum, the restoration plan must require no less than three entries per year for maintenance activities for the full five years of maintenance.
- g. A requirement that monitoring reports be submitted annually for a period of five years at the end of each growing season before the last day of the calendar year.

Restoration plantings shall be planted prior to approval of the final short plat unless a financial security device equal to 120% of the bid value of the restoration and that meets the requirements of LUC 20.40.490 is submitted and approved by the Development Services Department extending the planting deadline.

AUTHORITY: LUC 20.25H.075; LUC 20.25H.210

REVIEWER: David Pyle, Development Services Department

12. RESTORATION MAINTENANCE ASSURANCE DEVICE

In order to protect health, safety and welfare, or to protect critical area functions and values in the event of total or partial failure or underperformance of the restoration work proposed, following approval of the final restoration plan and complete maintenance and monitoring plan, and prior to issuance of associated construction permits, the applicant shall submit a financial security device that meets the requirements of LUC 20.40.490 equal to not less than 20 percent of the cost of replacing the materials covered by the assurance device based on estimated costs on the last day covered by the device. The device shall be held for a period of five years and shall be released upon the successful completion of the maintenance and monitoring period including timely submittal of monitoring reports.

AUTHORITY: LUC 20.25H.220; LUC 20.40.490

REVIEWER: David Pyle, Development Services Department

13. TREE PRESERVATION REQUIREMENTS

A minimum of thirty percent of the diameter inches of all significant trees on the site are required to be retained. The applicant has demonstrated that approximately 50 percent of the sites trees will be retained through dedication of a 6.8 acre NGPA area. Prior to issuance of plat infrastructure and clearing and grading permits the applicant shall submit a tree preservation plan that includes a complete site tree inventory and identifies all trees to be removed. All trees to be retained must clearly be labeled on all future plans submitted and must be clearly identified on the final plat mylar. Retained trees along the boundary of the established clearing limits (NGPA boundary) must be identified through the installation of "City of Bellevue Retained Tree – Do Not Remove" tags.

AUTHORITY: BCC 23.76.060; LUC 20.25H.255

REVIEWER: David Pyle, Development Services Department

14. RETAINED ROADWAY SLOPE REQUIRED

Prior to issuance of plat infrastructure and clearing and grading permits the applicant shall submit a revised grading plan that identifies the use of a retained roadway slope for that portion of the roadway that intrudes into the stream buffer. The revised design shall, at a minimum, reduce temporary impacts to the stream buffer due to over-grading and shall utilize a retaining wall or rockery to facilitate road construction. The footing of the rockery or retaining wall shall not intrude into the stream buffer beyond the required minimum 37.5 foot buffer. The revised plan shall demonstrate that the reduced 37.5 foot buffer shall be maintained without impact or intrusion. Any temporary impacts to areas located within the NGPA incurred as part of the road construction must be restored through an approved restoration plan that meets the requirements of LUC 20.25H.210 through LUC 20.25H.220.

AUTHORITY: LUC 20.25H.075.C.2.a; LUC 20.25H.255

REVIEWER: David Pyle, Development Services Department

15. FIRE HYDRANT REQUIRED

Prior to issuance of plat infrastructure and clearing and grading permits the applicant shall submit a revised site plan that includes the placement of a fire hydrant on the county road about 700 ft from the connection to the water main and at the entrance to Road A from the county road.

AUTHORITY: BCC 23.11

REVIEWER: Adrian Jones, Fire Department

16. FIRE APPARATUS

Prior to issuance of plat infrastructure and clearing and grading permits the applicant shall submit a plat infrastructure engineering plan that demonstrates detention vaults and pipes in the roadway are capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs and front axle=19,000 lbs) and are capable of supporting the weight of the ladder truck outrigger which is 45,000 lbs over an 18 inch square.

AUTHORITY: BCC 23.11

REVIEWER: Adrian Jones, Fire Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. INFRASTRUCTURE IMPROVEMENTS

All transportation 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. Completion of the top lift and all other transportation infrastructure items prior to completion of the homes associated with the development is allowed. The recorded permanent access easement for the portion of the access within King County that connects the site to the public street system must be provided to the City before final plat approval.

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. Partial reductions of the financial assurance device will not be approved except in special circumstances, determined in advance, such as phased projects. No issuance of any single family building permit will be allowed until the access road to SE Cougar Mountain Drive is constructed, except for the final overlay.

Improvements must be approved by the Transportation Department inspector before they are deemed complete. At completion of all transportation infrastructure items, the developer must provide a one year maintenance assurance device equivalent to 20% of the value of the transportation infrastructure improvements, dating from the acceptance of the improvements.

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: Rohini Nair, Transportation Department

2. ACCESS DESIGN AND MAINTENANCE

The final Subdivision map must include a note that specifies that the owners of lots served by the private road are jointly responsible for maintenance and repair of the private road within the subdivision and the private road Road A. Also, the final Subdivision map must include a note that specifies that the private road will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed.

AUTHORITY: BCC 14.60.130

REVIEWER: Rohini Nair, Transportation Department

3. PIPE MONUMENTS

Permanent pipe monuments shall be set at all street centerline intersections, curve tangent points, and cul-de-sac radius points. Six centerline monuments are needed. Said pipe monuments shall be a Bertsen A130 Aluminum Standard Monument (30" long), or equivalent, together with standard iron casting case and cover. These materials and specifications are shown in City of Bellevue Standard Drawing DEV-12 (Cap Detail B).

AUTHORITY: LUC 20.45A.030; RCW 58.17.240

REVIEWER: Rohini Nair, Transportation Department

4. UTILITY COMPLETION

The development's public utilities shall be constructed, inspected and accepted by the utility department prior to signing off the final short plat.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06

REVIEWER: Mark Dewey, Utilities Department

5. NGPA DEDICATION AND RECORDING

The 6.8 acre Native Growth Protection Area (NGPA) tract shall be designated on the face of the Final Short Plat. The boundaries of the NGPA tract must be surveyed and legally described on the face of the Final Short Plat. The following note is required to be placed on the final short plat:

NATIVE GROWTH PROTECTION AREA (NGPA) TRACT

DEDICATION OF NATIVE GROWTH PROTECTION AREAS (NGPA) ESTABLISHES, ON ALL PRESENT AND FUTURE OWNERS AND USERS OF THE LAND, AN OBLIGATION TO LEAVE UNDISTURBED

ALL TREES AND OTHER VEGETATION WITHIN THE AREA, FOR THE PURPOSE OF PREVENTING HARM TO, PROPERTY AND ENVIRONMENT, INCLUDING BUT NOT LIMITED TO CONTROLLING SURFACE WATER RUNOFF AND EROSION, MAINTAINING SLOPE STABILITY, BUFFERING AND PROTECTING PLANTS AND ANIMAL HABITAT, EXCEPT, FOR THE REMOVAL, OF DISEASED OR DYING VEGETATION WHICH PRESENTS A HAZARD OR IMPLEMENTATION OF AN ENHANCEMENT PLAN REQUIRED OR APPROVED BY THE CITY. ANY WORK, INCLUDING REMOVAL OF DEAD, DISEASED, OR DYING VEGETATION, IS SUBJECT TO PERMIT REQUIREMENTS OF THE CITY OF BELLEVUE CODES. THE OBLIGATION TO ENSURE THAT ALL TERMS OF THE NGPA ARE MET IS THE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 9. THE CITY OF BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THE REQUIREMENTS, TERMS, AND CONDITIONS OF THIS RESTRICTION BY ANY, METHOD AVAILABLE UNDER LAW.

AUTHORITY: Land Use Code 20.45B.055.B.2

REVIEWER: David Pyle, Development Services Department

9. NGPA BOUNDARY FENCE AND SIGNAGE

Prior to approval of the final short plat, the applicant shall perform a field survey of property boundaries completed by a Washington State Licensed Surveyor. The boundary of the NGPA shall be identified, fenced, and marked with boundary signage that states:

PROTECTED AREA – NO CLEARING

**This fence marks the edge of a Native Growth Protection Area.
Disturbance, vegetation removal, or tree removal beyond this fence is
prohibited.**

NGPA boundary fencing and signage shall be of permanent construction and shall be maintained for the duration of the plat development. Signs must be of size and location to be visible and the boundary fence shall be a minimum of four feet tall.

AUTHORITY: LUC 20.25H.030

REVIEWER: David Pyle, Development Services Department

10. FIRE LANE - NO PARKING

The Final Plat shall have a note stating that all roads shall be posted and marked "Fire Lane-No Parking" per Bellevue Standards.

AUTHORITY: BCC 23.11

REVIEWER: Adrian Jones, Fire Department

11. DEDICATION OF TRAIL EASEMENT

The 10 foot wide public trail easement along the eastern portion of the site that provides a trail connection across the property consistent with L-471 in the City's Ped-Bike Plan (Comprehensive Plan). The boundaries of the public trail must be legally described on the face of the Final Short Plat.

AUTHORITY: LUC 20.40.401; LUC 20.45B.130.A

REVIEWER: David Pyle, Development Services Department