City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Ho Residence Preliminary Short Plat
Proposal Address:	3833 W Lake Sammamish Pkwy. SE
Proposal Description:	Request to subdivide a 2.96 acre parcel into 4 lots and 7 tracts. Includes a Critical Areas Land Use Permit to allow plat infrastructure and existing development to modify steep slope critical areas and buffers and a Shoreline Substantial Development Permit for development within 200 feet of Lake Sammamish.
File Number:	08-129502-LN; 09-105218-WG; 10-105572-LO
Applicant:	Lawrence and Susan Ho, Property Owners
Decisions Included:	Preliminary Short Plat (Process II) Critical Areas Land Use Permit (Process II) Shoreline Substantial Development Permit (Process II) SEPA Threshold Determination (Process II)
Planner:	Reilly Pittman, Associate Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland, Environmental Coordinator Development Services Department
Director's Decision:	**Preliminary Short Plat; Critical Areas Land Use Permit; Shoreline Substantial Development Permit Approval with Conditions** Michael A. Brennan, Director Development Services Department By: _____ Carol V. Helland, Land Use Director

Application Date:	August 8, 2008
Notice of Applications:	March 19, 2009
Decision Publication Date:	April 1, 2010

Preliminary Conservation Short Plat; Critical Areas Land Use Permit; SEPA
Deadline for Appeal: April 15, 2010 (14 days following publication of decision)

Shoreline Substantial Development Permit
Deadline for Appeal: April 22, 2010 (21 days following publication of decision)

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.

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Appeal of the Preliminary Conservation Short Plat, Critical Areas Land Use Permit, and/or SEPA Threshold Determination must be made to the City of Bellevue City Clerk's Office.

Appeal of the Shoreline Substantial Development Permit must be made to the Washington State Shoreline Hearings Board (contact the project planner for more information on how to file an appeal with the Shoreline Hearings Board)

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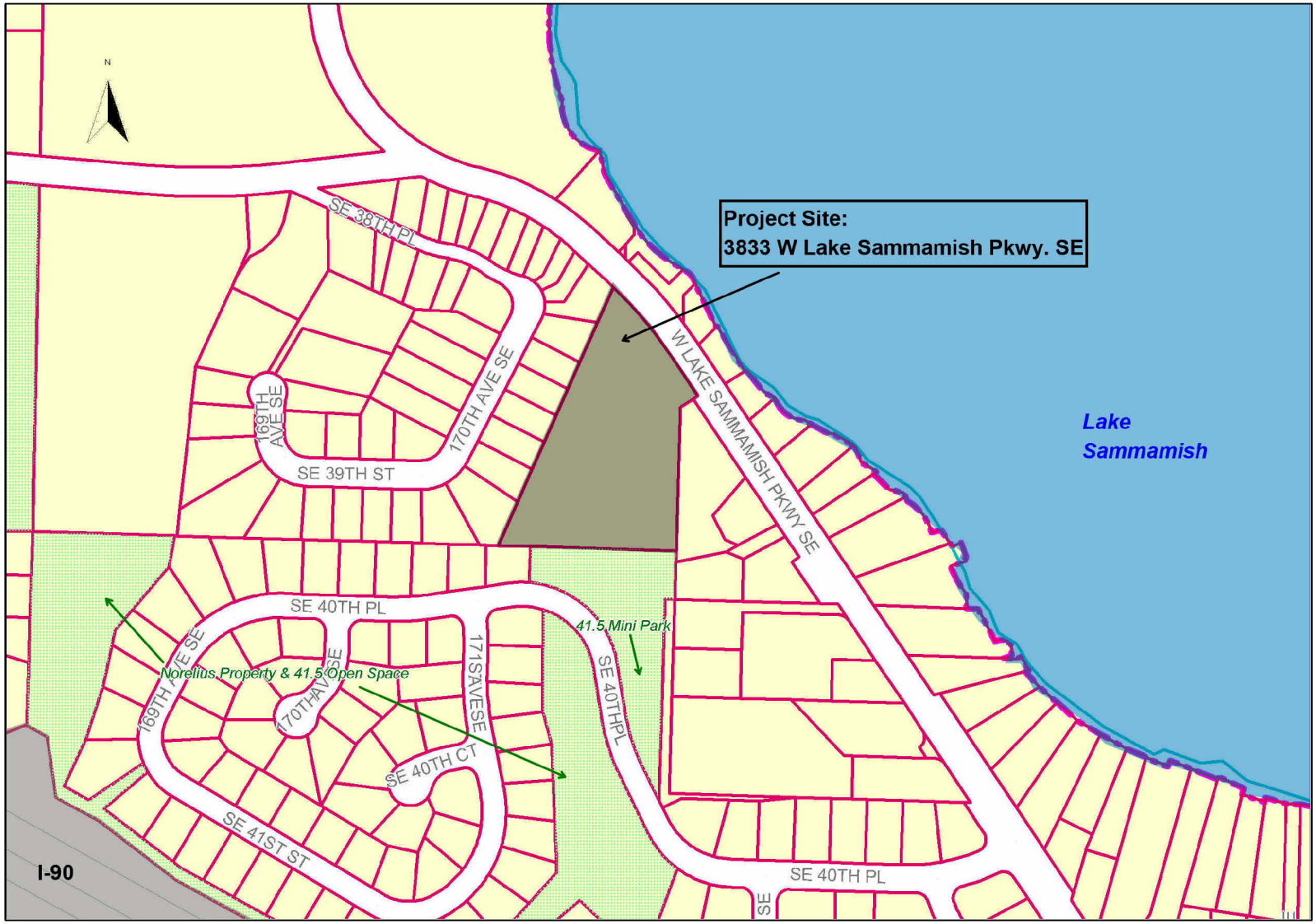
Attachments:

1. Plans and Project Information – In File
2. Critical Areas Analysis and Reports – In File
3. Public Comments – In File

Ho Residence Short Plat – Vicinity Map
City of Bellevue File No. 08-129502-LN
3833 W Lake Sammamish Pkwy. SE



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
11511 MAIN ST., P.O. BOX 90012
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Lawrence and Susan Ho

LOCATION OF PROPOSAL: 3833 W Lake Sammamish Pkwy. SE

NAME & DESCRIPTION OF PROPOSAL: Ho Residence Short Plat

Land Use approval to modify a steep slope critical area through a Critical Areas Land Use Permit for the construction of a driveway access and plat infrastructure associated with a preliminary short plat.

FILE NUMBERS: 10-105572-LO, 09-105218-WG, 08-129502-LN

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. on _____.
- ☒ 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 4/15/10.
- ☐ 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

04/01/2010
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
P.O. Box 90012, Bellevue, WA 98009-9012
(425) 452-6800 Fax (425) 452-5225

Shoreline Management Act of 1971
Permit for Shoreline Management Substantial Development
Conditional Use and/or Variance

Application No. 09-105218-WG

Date Received 2/17/09

[X] Approved / Date 4/1/10
[ ] Denied / Date

Type of Action:

[X] Substantial Development Permit
[ ] Conditional Use Permit
[ ] Variance Permit

Pursuant to Chapter 90.58 RCW, a permit is hereby granted to: Lawrence and Susan Ho, Property Owners

to undertake the following development:
Construction of a new driveway and plat infrastructure exceeding $5,718.00 within 200 feet of the shoreline of Lake Sammamish associated with a preliminary short plat approval.

upon the following property: 3833 W Lake Sammamish Pkwy. SE

within Lake Sammamish
and/or its associated wetlands. The project will be located within Shorelines of Statewide Significance (RCW 90.58.030). The project will be located within a Shoreline Overlay District designation. The following master program provisions are applicable to this development:

- Land Use Code (LUC) Section 20.30R Shoreline Substantial Development Permit
- Land Use Code(LUC) Section 20.25E.080(B)General Regulations Applicable to all Land Use Districts & Activities
- Land Use Code(LUC) Section 20.25E.080(G) Clearing and Grading Regulations
- Bellevue Comprehensive Plan, Shoreline Management Program Element, Policy SH

Development pursuant to this permit shall be undertaken in accordance with the following terms and conditions:

Conditions of Approval (Land Use Division)

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. Construction pursuant to this permit, or substantial progress toward construction, must be undertaken within two years of the date of final approval. This permit shall expire five years from the date of local approval.

Construction pursuant to this permit will not begin or is not authorized until twenty-one (21) days from the date of filing, as defined in RCW 90.58.140(6) and WAC 173-27-130, or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C).

April 1, 2010
Date

City of Bellevue, Land Use Division

CC: Attorney General, Department of Ecology, Northwest Region
Dept. of Fish and Wildlife, 1775 12th Ave. NW Suite 201 Issaquah, WA 98027
DOE, Dave Radabaugh, 3190 160th Avenue SE, Bellevue, WA 98008-5452

I. PROPOSAL DESCRIPTION:

A. Description

The applicant is proposing to subdivide a 2.96 acre site into 4 lots and 7 tracts. Due to critical areas on-site the project qualifies as a conservation short subdivision (short plat) and must meet requirements found in Land Use Code (LUC) 20.45B.

B. Permits and Approvals Required

i. Preliminary Short Plat

Required for subdividing the site into 4 lots and 7 tracts. See figure 1 below for the proposed short plat.

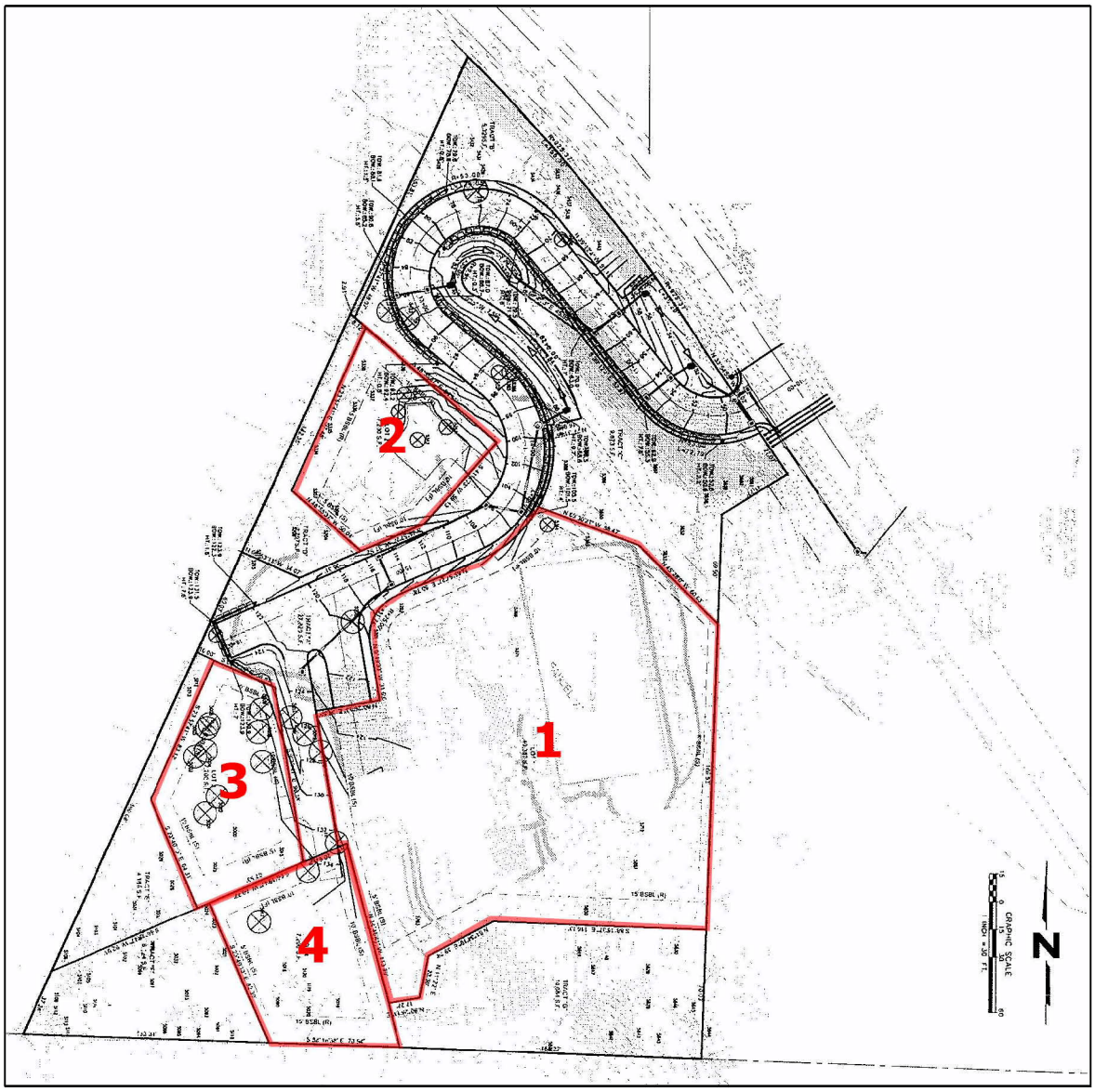


Figure 1

ii. Critical Areas Land Use Permit (CALUP)

Required for the construction of a driveway access which will impact a steep slope critical area and slope buffer. Slope buffers are also being modifified to exclude existing improvements from location within the buffer. SEPA environmental review is a part of this CALUP as there is work proposed in a critical area. See figure 2 for steep slopes and buffers being modified.

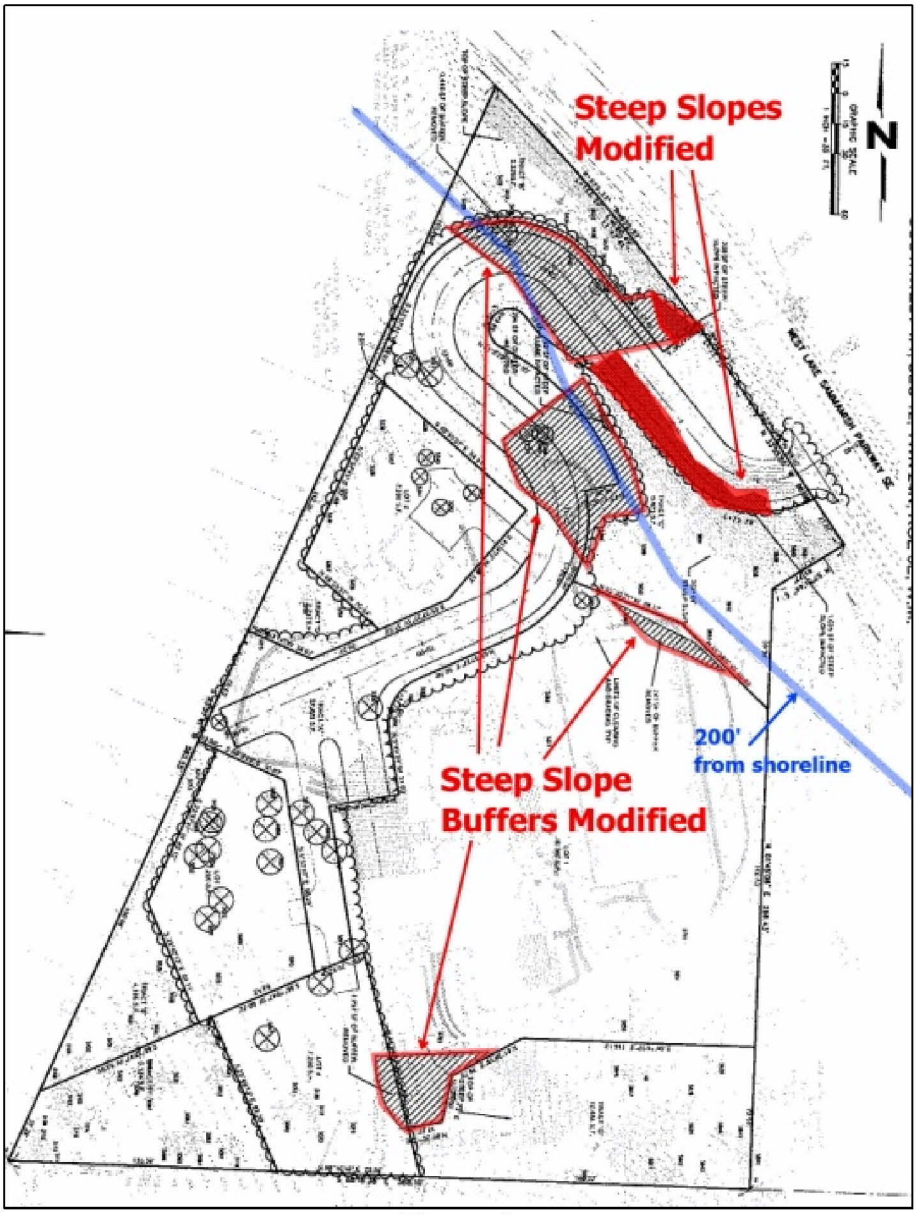


Figure 2

iii. Shoreline Substantial Development Permit

<u>The property does not have frontage on Lake Sammamish as it is separated by</u>

other private property and W Lake Sammamish Parkway SE. The work to construct driveway access, infrastructure, and utilties exceeds $5,718.00 which is the maximum fair market value allowed for development improvements which are located within 200 feet of the shoreline of Lake Sammamish. See figure 2 above for shoreline jurisdiction boundary (blue line).

II. SITE DESCRIPTION, ZONING, LAND USE, AND CRITICAL AREAS:

A. Site Description

The project site is located at 3833 W Lake Sammamish Parkway SE in the SW quadrant of Section 12, Township 24 North, Range 5 East within Bellevue's Sammamish/East Lake Hills neighborhood. The site is zoned single-family residential (R-5), and has one single-family residence with associated site improvements currently existing. The site is accessed from W Lake Sammamish Parkway SE directly adjacent to the north. Other residentially zoned properties are adjacent to the east and west of the site. The City of Bellevue 41.5 Mini Park is adjacent to the south of the site.

Figure 3

The property is located within the Critical Areas Overlay District due to the steep slopes on-site and significant trees with habitat potential given their proximity to the lake. In addition a portion of the site along W Lake Sammamish Parkway SE is within 200 feet of the shoreline of Lake Sammamish. Land which is within 200 feet the shoreline is within the Shoreline Overlay District. See Figure 3 to the left for an aerial photo of the property as it currently exists.

B. Zoning

The property is zoned R-5, single-family residential which allows the subdivision of property for the construction of new homes.

C. Land Use Context

The property has a Land Use designation of SF-H (Single Family High Density). The proposed activity is consistent with single-family development and is consistent with the City's Comprehensive Plan. The surrounding neighborhood context is entirely single-family uses both adjacent to the site and in the vicinity.

D. Critical Areas Functions and Values

As discussed previously the site has steep slope critical areas and significant trees with habitat potential. Due to location and proximity to these resources, this project is subject to compliance with rules related to the Shoreline Overlay District and the Critical Areas Overlay District. The following is a description of the functions provided by these resources:

i. Geologic Hazard Areas (Steep Slopes)

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial 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 (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several 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.

ii. Habitat Associated with Species of Local Importance

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.

III. CONSISTENCY WITH LAND USE CODE REQUIREMENTS:

A. Zoning (LUC 20.20) and Conservation Short Plat (LUC 20.45B):

The site is located in the R-5 zoning district. The proposed short plat qualifies as a conservation short plat which modifies certain zoning standards. The proposal is in conformance with the general dimensional requirements of the zone and provisions in LUC 20.45B.055.B.3 for conservation short plats as outlined below.

i. Zoning Dimensional Requirements

BASIC INFORMATION			
Zoning District	R-5		
Gross Site Area	128,780 square feet		
Critical Area and Buffer	32,370 or .75 acres		
ITEM	**REQ'D/ALLOWED**	**PROPOSED**	**MEETS REQ'D**
Dwelling Units/Acre	5	4	Yes
Minimum Lot Area*	4,680 square feet	All lots greater than 4,680 square feet	Yes
Minimum Lot Width	60 feet	All lots exceed 60 feet	Yes
Minimum Lot Depth	80 feet	All lots exceed 80 feet	Yes
Building Setbacks* Front Yard Rear Yard	 10 feet 15 feet	 10 feet 15 feet	Yes

Min. Side Yard 2 Side Yard Access Easements	5 feet 10 feet 10 feet	5 feet 10 feet 10 feet	
Tree Retention	15% of diameter inches	62% of diameter inches retained = 1,499 inches	Yes

*** indicates requirement is modified by LUC 20.45B.055 for conservation short plats**

ii. Density

Density is determined by the following formula:
[(DU/acre)(Buildable area in acres) + (DU/acre)(Total critical area and critical area buffer in acres)(Development factor)] = Maximum dwelling unit potential

The density calculation for this project is below:
(5)(2.21)+(5)(.75)(.75)=13.9 or **13 dwelling units**

Only 4 new lots/units are proposed which is not exceeding the allowed density of 13 units.

iii. Lot Coverage as Modified by LUC 20.45B

Lot 1 contains the existing development and will be required to meet the lot coverage for the R-5 zone of 40 percent or 16,146 square feet.

Lots 2, 3, and 4 are required to meet the lot coverage found in LUC 20.45B.055 which is based on the following formula:
(Lot coverage factor)*(R-5 Maximum Lot Coverage)

Lot coverage factor = 1 + ((required minimum lot size - actual lot size)/required minimum lot size)

The lot coverage factor is 1.0. Therefore the allowed lot coverage for these lots equals:
(1.0)*(.4) = .4 or 40 percent maximum lot coverage

<u>See conditions of approval in section X for conditions related to lot coverage requirements</u>.

iv. Impervious Surface Coverage as Modified by LUC 20.45B

The site as a whole is required to have less than 50 percent impervious surface coverage which is 1.48 acres on this site. Based on the maximum impervious surface coverage stated for each lot and the driveway access the amount of impervious surface will be 1.42 acres on this site which is less than 50 percent.

See conditions of approval in section X for conditions related to impervious surface requirements.

v. Detached Structure

A detached garage and accessory dwelling unit is located on proposed lot 2 which will be allowed to remain provided lot 1 and 2 remain under common ownership. A note will be placed on the final short plat stating that at the time lot 1 and 2 cease to be under common ownership the garage structure shall either be removed or be associated with a residence or other primary allowed use in the R-5 zone. See Figure 4 below. See conditions of approval in section X for conditions related to the detached structure requirements.

vi. Retaining Walls and Rockeries

Per LUC 20.20.025.D retaining walls and rockeries that are 30 inches or greater are allowed within zoning setbacks provided the existing grade change is such that there is no feasible alternative to location or height. There are two instances where retaining walls exceed 30 inches within a setback from the western site boundary as part of this short plat. The applicant has reduced the height and adjusted location as much as possible; however the walls still exceed 30 inches. The retaining walls are facilitating the widening of the existing driveway which is being utilized to limit disturbance to steep slopes on-site. As a result, the walls for the driveway widening have limited options as to location and height and are allowed to exceed 30 inches in the setback. See Figure 4 below.

There are also existing rockeries associated with the existing sport court on lot 1 which are within the setback from the property line shared with tract C. Tract C contains steep slopes and a top-of-slope buffer. In order to maintain as much slope buffer as possible the rockeries are allowed to remain within the 5-foot setback required from the boundary of tract C. See Figure 4 below.

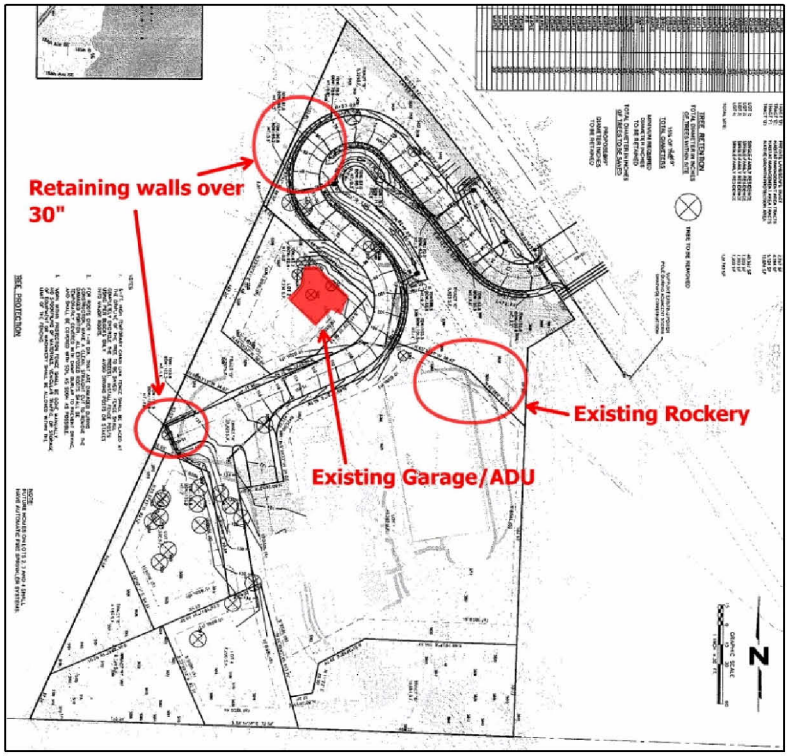


Figure 4

B. Critical Areas Overlay District LUC 20.25H

The City of Bellevue Land Use Code Critical Areas Overlay District (LUC 20.25H) establishes performance standards and procedures that apply to development on any site which contains in whole or in part any portion designated as critical area, critical area buffer or structure setback from a critical area or buffer. The project proposes to impact steep slopes along the northern portion of the property in order to widen an existing driveway. In addition, the 50-foot top-of-slope buffers from steep slopes in tracts C and G will be reduced in order to remove existing accessory development from any protected areas. The top-of-slope buffers will be contained within tracts as required for conservation short plats. See prior Figure 2 for proposed modifications.

The project is subject to the performance standards found in LUC 20.25H.125 for steep slopes and LUC 20.25H.055.C.2 for the expanded private access which is an allowed use. The modification of top-of-slope buffers to exclude existing development requires the project comply with approval requirements in LUC 20.25H.145 for critical areas reports and criteria in LUC 20.25H.255.B for projects which modify a critical area or buffer. A habitat analysis was also done as part of this project to evaluate the site in regards to Section VII of LUC 20.25H. Critical areas and requirements are discussed below. <u>See conditions of approval in section X for conditions related to Critical Areas requirements</u>.

i. **New and Expanded Uses or Development LUC 20.25H.055.C.2**
To provide the required driveway access for the 4 lots the existing driveway is to be widened which will impact a steep slope critical area adjacent to the driveway. Expansion of an existing private access is an allowed use under LUC 20.25H.055.C.2, provided the applicant demonstrates no technically feasible alternative with less impact exists through LUC 20.25H.055.C.2.a. The applicant has shown that widening the existing driveway is the only feasible alternative that will result in the least impact to the steep slopes and has designed the expanded driveway to limit impact to the maximum extent. If there is no other technically feasible option the performance standards in LUC 20.25H.055.C.2.b are required to be met which the applicant has demonstrated.

ii. **Performance Standards – Steep Slopes LUC 20.25H.125**
The driveway has been designed to use retaining walls in order to limit the need to alter existing topography. The only structures within the steep slope areas will be the retaining walls which are preserving the existing land forms. The existing driveway is being utilized which will also limit the expansion of disturbed soil and impervious surfaces. Existing development within the required top-of-slope buffers has been in place for a number of years. The modification of these buffers to exclude all existing improvements is making the existing condition conforming as to code. The geotechnical expert for the project has concluded that the proposed development is designed consistent with the performance standards for steep slope critical areas pursuant to LUC 20.25H.125 (pg. 5, Geotech Study).

iii. **Modification of Steep Slopes Decision Criteria – LUC 20.25H.145 and LUC 20.25H.255.B**
The project geotechnical expert (GEO Group Northwest) has reviewed the proposed slope modifications for the driveway and the exclusion of existing development from top-of-slope buffer and concluded that there is minimal potential for adverse impacts and that no new impacts to adjacent property or critical areas will result (pgs. 5 and 6, Critical Areas Report). The project has also been found to provide protection at least as protective as application of the standard requirements for slope buffers and steep slopes (pg. 5, CAR). The site was studied in 1999 and in 2009 by geotechnical experts who found no evidence of past or present slope movement (see geotech reports and information in project file). The proposal includes a preliminary mitigation plan for the disturbed slopes and modified buffers. A final mitigation plan will be submitted prior to issuance of infrastructure permits which documents required changes and accounts for any changes which occur during infrastructure permitting. Storm water quality and function will be improved through the use of the proposed bioswales. In addition, storm water conveyance will be improved to address

drainage for the entire site through Utility Department review. Disturbance of the toe-of-slope setback for construction related to the driveway and other infrastructure is included in this approval if needed. Areas outside the depicted clearing limits which are steep slopes, buffer, or structure setbacks are intended to remain undisturbed with existing vegetation left in place. Any temporary disturbance to steep slopes, buffers, or structure setback areas resulting from construction is required to be restored with native vegetation and documented in a final enhancement and mitigation plan. All steep slopes and buffers are to be placed into Native Growth Protection Areas tracts as required in LUC 20.45B.

An analysis of the habitat value and potential of the site was provided by Altmann Oliver Associates. From review of this analysis and through staff analysis the significant trees on-site were found to have habitat potential for species of local importance given their proximity to the lake. However the existing understory on the site and on adjacent property is impacted by development and has less value than the significant trees.

A portion of the site was placed in a Native Growth Retention Area easement (NGRA) under King County prior to annexation of the area into the City of Bellevue. The retention area easement was established for the purpose of "dispersing and treating storm water flows" and restricted removal of vegetation and primarily trees in the southern portion of the property (see recorded agreement in project file). The NGRA also noted that the restricted area could be modified or removed for future development that incorporated a drainage review. The project is required to address storm water conveyance and treatment for the entire site as part of the short plat infrastructure review by the Utility Department. Given this, the NGRA can be modified.

However, as the significant trees on-site have habitat potential for species of local importance the majority but not all of the trees and area will be placed into Habitat Management Area tracts for protection of the vegetation and trees. The retained trees are the most suitable to increase habitat potential over time given their location, characteristics, and evidence of use. These tracts are separate from the new lots and are more protective than easements which still belong to individual property owners. Future development is restricted in these tracts; future property owners are required to not disturb trees and understory vegetation. Limited maintenance by property owners is allowed to ensure continued survival of native vegetation per approval by the City. Continued use and maintenance of existing trails is permitted. In addition to these tracts a separate Open Space Tract is proposed for the purposes or retaining existing topography, drainage, and buffering habitat. These tracts are in line with the environmental element policies concerning the conservation and protection of

areas for habitat as found in the City's Comprehensive Plan. See figure 5 below for all proposed tracts.

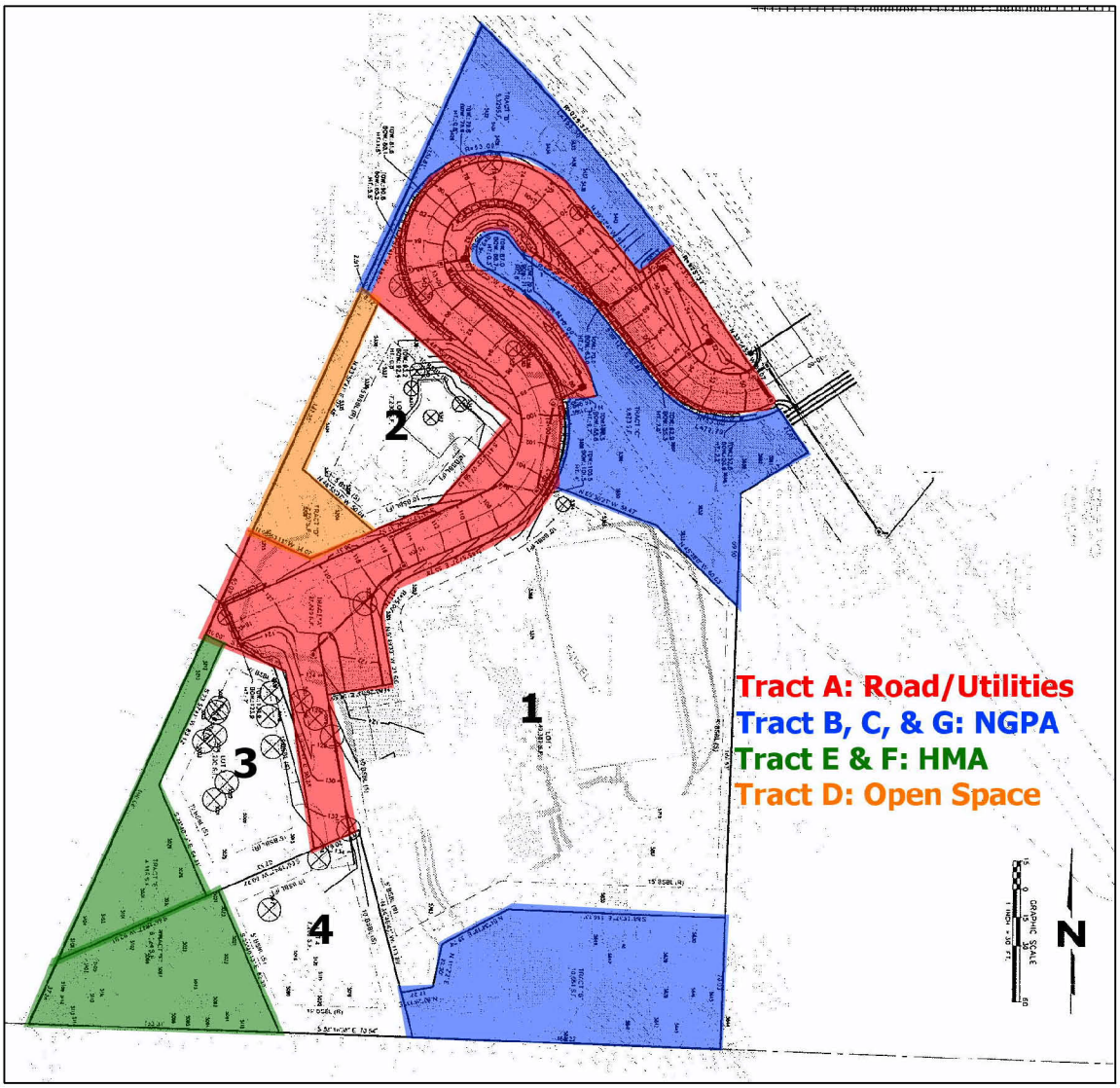


Figure 5

A discussion on the project's consistency with the Critical Areas Land Use Permit decision criteria (LUC 20.30P) can be found in Section VIII below. <u>See related conditions of approval in Section X.</u>

C. Shoreline Overlay District Requirements LUC 20.25E

Work within the Shoreline Overlay District reviewed and approved under this application is limited to the construction of plat infrastructure and associated improvements. W Lake Sammamish Parkway SE and residential development separate the property from the

lake. However, the site is within 200 feet of Lake Sammamish and a Shoreline Substantial Development Permit is required as the fair market value of proposed infrastructure development exceeds $5,718.00.

The application must be consistent with the City's Shoreline Master Program and the Shoreline Overlay District requirements. All work within the shoreline overlay must comply with the performance standards listed in LUC 20.25E, specifically with the general performance standards listed in LUC 20.25E.080.B, the Clearing and Grading Regulations of LUC 20.25E.080.G, and the Residential Development standards listed in LUC 20.25E.080.Q. Review of the application materials submitted indicates the proposed development is generally in compliance with these sections as the property has no shoreline frontage, is outside of the shoreline buffer, and structure setback. A summary of the projects consistency with the Shoreline Substantial Development Permit decision criteria (LUC 20.30R) can be found in Section VIII below.

IV. PUBLIC NOTICE AND COMMENT:

Application Date:	August 8, 2008
Public Notice (500 feet):	March 19, 2009
Minimum Comment Period:	October 9, 2008

The City initially notified the public of this proposal on March 19, 2009 with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was installed on the site the same day. Comments were received from adjacent property owners. A summary of the comments received and how the comments are addressed can be found in the table below:

Summary of Comment/Concern	City Response
Tree Removal impact to wildlife	Over 60 percent of trees on-site are being retained. Tree removal is resulting from driveway expansion and to establish reasonable areas for home construction. Trees with habitat potential are being placed into separate protected tracts which restrict further development.
Existing Native Growth Retention Area Easement	As discussed in this report the existing NGRA was an easement established by King County for storm water mitigation until drainage was addressed for the site. Storm water for the entire site is required to be managed as part of this development. As a result, the existing NGRA is being modified as allowed. The new Habitat Management Areas are separate tracts which better protect the trees on-site as they are not easements which are still on private property. A majority of the significant trees

	will be located within a protected tract.
Future development of tracts	Tracts are no longer part of any particular lot. With the exception of the road/utilities Tract A the other tracts restrict further development and are required to be left undisturbed. City approval is required for limited work in the tracts.
Slope Destabilization	The proposed modifications are the least impactful alternative to the steep slopes on-site. The existing driveway is being expanded to limit further disturbance. Retaining walls are being used to limit changes to the existing topography. No homes are proposed in a steep slope. Removal of vegetation in steep slope areas is limited and any disturbance shall be restored. More than one geotechnical study has found the proposal to be stable as designed. A post construction letter from the geotech will be required to verify that construction was done per plan, that their recommendations were followed and that the slopes on-site are stable. The steep slopes on-site are being placed into NGPA tracts. See related conditions of approval in Section X.
Storm Water Runoff Mitigation	Storm water runoff on the site is required to meet City standards for retention and management. The Utility Department has reviewed the preliminary designs but formal review is done through infrastructure permitting prior to final plat approval. The site will be required to address runoff and show how it is being managed for the entire site.
Noise impacts from Construction	Bellevue City Code 9.18 regulates noise from construction and limits construction to 7am to 6pm Monday-Friday and 9am to 6pm on Saturdays, except Federal holidays. Extended work hours to 10pm may be granted if criteria are met. Construction sites are required to be posted with information for directly contacting site managers and contractors.
Construction impact to traffic	A Right-of-Way Use Permit is required. Access is required to be maintained except when not possible due to construction; storage and contractor convenience are not considerations for right-of-way use.

V. SUMMARY OF TECHNICAL REVIEWS:

A. Clearing and Grading:

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed

development and has approved the application with a condition of approval concerning clearing and grading limits. See related conditions of approval in Section X.

B. Fire Department:
The Fire Department has reviewed and approved the application. See related conditions of approval in Section X.

C. Transportation Department:
The Transportation Department has reviewed the plans submitted for the Ho Residence 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.

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.

i. Site Access
Access to all lots will be from a private road off of West Lake Sammamish Parkway SE as shown on the approved plans. No other access connection to city right-of-way is authorized.

The private road has been designed to provide a 20-foot paved width with pavement and subgrade design per DEV- 8. The private road will be named "SE 39th Lane". All addressing for the new lots (and the existing lot) will be from SE 39th Lane.

ii. Street Frontage Improvements
In order to provide safe pedestrian and vehicular access in the vicinity of the site and to provide infrastructure improvements with a consistent and attractive appearance, the construction of street frontage improvements on West Lake Sammamish Parkway SE is required as a condition of development approval. The design of the improvements must conform to the requirements of the Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), and the provisions of the Transportation Department Design Manual.

Bellevue City Code section 14.60.110A states that installation of street frontage

improvements is required prior to final approval of short subdivisions. BCC section 14.60.110B states "Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the permittee as directed by the Review Engineer. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation or relocation, landscaping strip, street trees and landscaping irrigation, street widening, and channelization."

Underlying these code sections are numerous policies and goals adopted by the City Council, including the Comprehensive Plan. Bellevue policy is to not allow new developments unless consistent with the goal to create a balanced transportation system having a wide range of travel choices and consistent with the vision of Bellevue as the "City in a Park." This is carried out by placing conditions on the approval of development permits to assure that developers provide frontage improvements as appropriate to meet the City's goals regarding alternative travel choices, appropriate traffic volumes, safety, aesthetics, and environmental enhancements. City policy leads to the creation of a higher quality community, thus benefiting developers, who can market developments in Bellevue for higher prices.

Under City policy, each site bears the cost of its own frontage improvements. These costs are passed on to the occupants through higher land prices. Each site receives benefits from all the other sites that have improved frontages. If a development is not required to bear the full cost of frontage improvements at the time of development, then those frontage improvements will not be completed unless paid for in the future by the City's taxpayers. However, the taxpayers already bear the cost of frontage improvements where they live and work, so the taxpayers would be double charged, while the new developer escapes these costs. Thus, it is equitable and roughly proportional for each new developer to bear the full cost of frontage improvements for each site.

The Transportation Department has planned improvements for the portion of West Lake Sammamish Parkway SE adjacent to the project site: "West Lake Sammamish Parkway Improvements CIP PW-R-141." The applicant will be responsible for all improvements adjacent to the project site's frontage along West Lake Sammamish Parkway SE per the design of CIP PW-R-141. The applicant will be required to grant the city necessary construction and maintenance easements as well. The City may decide to have the applicant contribute the funding of CIP-R-141 in lieu of actual construction.

Prior to final short plat approval, the developer must provide for the above mentioned street frontage improvements on West Lake Sammamish Parkway SE

at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished frontage improvements. The final engineering plans showing those frontage improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure (GE) permit. At this time, known planned improvements for section of West Lake Sammamish Parkway SE adjacent to the project site is a four foot wide paved shoulder.

iii. 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 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. After the completion of this project, unloading and loading activities are strictly forbidden within the right-of-way. All such activity must occur within the property lines of the proposed short plat.

iv. 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 West Lake Sammamish Parkway SE is classified as "Grind and Overlay Restoration Required Street".

v. 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 a.m. and p.m. peak hours. This project will generate an additional three new PM peak hour trips to the city's transportation system. At the nearby system intersections as well as the adjacent street; capacity is adequate to accommodate for the new trip generation.

In addition, the applicant will participate with the City in constructing CIP P-W-R-141 (improvements to West Lake Sammamish Parkway SE).

The applicant will design the access connection to West Lake Sammamish Parkway SE to provide for sight distance per TE-1 and TE-3.

D. Utilities Review

The Utilities Department has reviewed the submitted plans and has approved the proposal. There are no implied approvals of the utility engineering. Changes to the site layout may be required to accommodate the utilities. All water, sewer & storm drainage design review, plan approval and field inspection shall be done through the Utility Developer Extension Agreement process, water application process, side sewer permit(s) and or storm drainage connection permits. See related conditions of approval in Section X of this report.

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, Air, and Water

Erosion and sediment control best management practices must be employed during construction and include following an approved TESC plan that utilizes a combination of upland and aquatic measures including the use of silt containment around the work area. Due to planned and required implementation of TESC measures no negative long term impacts resulting from the proposed project are expected. The Clearing and Grading Department will review future infrastructure permits for conformance with erosion control requirement and general compliance with the clearing and grading codes. See Section X for a related condition of approval.

B. Plants and Animals

Most of the site is residential in character and has an ornamental and managed landscape. Native vegetation is found primarily on the southern portion of the site as described previously in Section III above. The applicant is retaining over 60 percent of the significant trees on-site and is placing over 50 percent of the site into tracts. The applicant is also proposing mitigation for the impacts to the steep slopes and removal of some significant trees to allow for the development. The native mitigation planting will improve storm water functions and increase the habitat potential on the southern portion of the property. When considering required standard and prescribed mitigation

measures to be applied to this project, no negative long term impacts resulting from the proposed project are expected.

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. See Section X for a related condition of approval.

VII. CHANGES TO PROPOSAL AS A RESULT OF CITY REVIEW:

As a result of staff review the applicant has:

- Reduced lot size to preserve critical areas and consolidate development
- Retained over 60 percent of significant trees on-site
- The placement of all critical areas, buffers, and a majority of the significant trees on-site into protected tracts which restrict future development and ensure survival and maintenance of native vegetation

VIII. DECISION CRITERIA:

A. Critical Area Land Use Permit Decision Criteria LUC 20.30P (File 10-105572-LO)

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

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

   Finding: The applicant must obtain plat infrastructure permits, utility permits, and building permits. See Conditions of Approval in Section X of this report.

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 proposal is consistent with required performance standards for projects in steep slope critical areas. The applicant has demonstrated that there is no other technically feasible option as to placement of the driveway with less impact to steep slopes and buffers. The modification of the slope buffers to exclude existing development is minor as most of the buffers are remaining. The most significant trees on-site are being retained to preserve habitat value and potential.

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

   Finding: As discussed in Section III of this report, the applicable performance standards of LUC Section 20.25H are being met.

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

   Finding: The proposed activity will require separate engineering permits to address utilities, infrastructure, and facilities. The site is currently served by adequate public facilities.

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

   Finding: The proposed enhancement and mitigation plan is acceptable as the proposed plants are generally found in the City's planting templates found in the Critical Areas Handbook. Maintenance and monitoring is required and will be guaranteed by a performance surety. Monitoring will occur for a period of five years. A yearly monitoring report with photograph documentation shall be submitted in order to achieve the performance standards outlined in the submitted plan. A final mitigation plan is required prior to issuance of infrastructure permits which addresses monitoring and the required performance surety. <u>See Conditions of Approval in Section X of this report.</u>

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

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

B. Shoreline Substantial Development Permit Decision Criteria 20.30R (File 09-105218-WG)

The Director of Planning and Community Development may approve or approve with modifications if:

1. **The applicant has carried the burden of proof and produced evidence sufficient to support the conclusion that the application merits approval or approval with modifications; and**

   Finding: The applicant has supplied the City of Bellevue with an accurate site plan including existing conditions and proposed construction improvements.

They have also analyzed the impacts associated with the project through the SEPA checklist, geotechnical analyses, and a habitat assessment. Any impacts identified through the environmental review have been mitigated through the proposed enhancement and mitigation plan and through the placement of critical areas and buffers into tracts. No modification of shoreline buffer or setback is proposed as the site has no lake frontage.

2. **The applicant has demonstrated that the proposal complies with the applicable decision criteria of the Bellevue City Code; and**

   Finding: The applicant has provided sufficient information to demonstrate the applicable decision criteria pertaining to the proposed development are met.

3. **The applicant has demonstrated that the proposal is consistent with the policies and procedures of the Shoreline Management Act and the provisions of Chapter 173-14 WAC and the Master Program.**

   Finding: The property has no shoreline frontage. However, the proposal has been reviewed in accordance with the requirements of Bellevue's Shoreline Master Program, applicable sections of the WAC, the RCW, and other pertinent codes and policies. The proposed development will not limit the use of the shoreline by the public and will not cause undesired or unreasonable impacts on the surrounding environment and community. The proposal will promote the use and enjoyment of the State's shoreline resources through an increase in opportunity for recreation within the vicinity of the shoreline of Lake Sammamish.

C. Preliminary Short Plat Decision Criteria LUC 20.45B (File 08-129502-LN)

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

i. **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. Existing public streets, water, and sewer facilities have been deemed adequate to serve the proposed development or will be required to be improved.

ii. **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.

iii. 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 establishing tree retention and protection requirements which will maintain over 60 percent of the significant trees on the site preserving habitat features. Expansion of the driveway uses the existing driveway location which limits disturbance to steep slopes. All critical areas, buffers, and a majority of the significant trees on-site have been placed into Native Growth Protection Areas tracts, Habitat Management Areas for tree preservation, or a Retained Vegetation Area. See related conditions of approval in Section X of this report.

iv. 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.

Land Use Code Requirements

A. Dimensional Requirements: *Refer to Section III.A. of this report for conformance with dimensional requirements for the R-5 zone.*

Finding: All of the lots shown can be developed in accordance with the City of Bellevue Land Use Code requirements, including the R-5 zoning district dimensional requirements.

B. Significant Tree Preservation: *Tree preservation requirements pursuant to LUC Section 20.20.900.D require the retention of 15% of significant trees on the site. In order to meet the 15% minimum retention requirement, the project must retain a minimum of 361 diameter inches of the 2,409 diameter inches of the existing significant trees.*

Finding: The applicant proposes to preserve a total of 1,499 diameter inches or 62% of the significant trees onsite. This satisfies the minimum 15% tree retention requirements. See related conditions of approval in Section X of this report.

C. Utility Codes and City Development Standards

Finding: As conditioned, the proposal complies with the Utility Code and the City of Bellevue Development Standards. See related conditions of approval in

Section X of this report.

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

Finding: The site is located within the Newcastle subarea. The Comprehensive Plan specifies Single-Family Urban Residential development for this property, which is consistent with the R-5 zoning designation. The proposal complies with applicable Comprehensive Plan policies City-wide and for this Subarea, including the following:

Land Use Policy LU-3: *Accommodate growth targets of 10,117 additional households and 40,000 additional jobs for the 2001-2022 period. These targets represent the city's commitment to develop the zoning and infrastructure to accommodate this level of growth; they are not a commitment that the market will deliver these numbers.*

Finding: This short plat will provide three new lots for future single family residential development which will help to meet Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 13 years

Land Use Policy LU-4: *Encourage new residential development to achieve a substantial portion of the maximum density allowed on the net buildable acreage.*

Finding: This short plat will create a total of 4 lots from one preexisting lot which is increasing density on this site with critical areas.

Newcastle Policy S-NC-9*: Require complete topographic surveys, soils reports, drainage information, and habitat evaluation for projects in areas identified as sensitive due to their environmental characteristics.*

Finding: The applicant has provided sufficient information to allow analysis of the steep slopes and habitat value of the site to ensure the proposal protects critical areas.

Newcastle Policy S-NC-11: *Promote infill development at a density consistent with the existing character of established neighborhoods.*

Finding: 4 lots are proposed to be created. This site which is zoned R-5 would allow for 13 lots to be created however due to critical areas on-site the density is less. The applicant has proposed new lots which achieve the minimum lot size required in the R-5 zone in character with adjacent development.

Newcastle Policy S-NC-34: *Route storm water runoff from development adjacent to steep slopes so that it does not cause erosion.*

Finding: The project has a preliminary proposal to route storm water into bioswales which are adjacent to the driveway. Drainage is to be directed to these bioswales and then into the City storm system. Final design of the storm system will occur under plat infrastructure permits which will address all storm water on-site. All storm water will be directed away from steep slopes.

Newcastle Policy S-NC-31: *Protect and retain, in a natural state, significant trees and vegetation in designated greenbelt and open space areas*

Finding: Over 60 percent of the significant trees on-site are to be retained. Over 50 percent of the project site is being placed into tracts which are separate from the privately owned lots.

Housing Policy HO-17: *Encourage infill development on vacant or under-utilized site that have adequate urban services and ensure that the infill is compatible with the surrounding neighborhoods.*

Finding: This project will create 4 new lots, 3 of which will be available for new home construction which is, by use type, compatible with the surrounding single-family neighborhoods. The proposal provides development on an infill or under-utilized site with adequate urban services and meets the Housing Element Neighborhood Quality & Vitality goal of ensuring compatible housing and environmentally sensitive features by preserving healthy, significant, existing trees on-site.

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

Finding: As conditioned, each lot can reasonably be developed to current R-5 zoning standards without requiring a variance. There are no site constraints or critical areas which inhibit the development of this property that would warrant a variance. **See related conditions of approval in Section X of this report.**

vii. 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 location, 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 related conditions of approval in Section X of this report.

IX. 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 the Development Services Department does hereby **APPROVE WITH CONDITIONS** this Preliminary Short Plat, Critical Areas Land Use Permit and Shoreline Substantial Development Permit to subdivide a 2.96 acre parcel into 4 lots and 7 tracts on a site located at 3833 W Lake Sammamish Parkway SE.

Note on expiration of Preliminary Short Plat Approval (08-129502-LN): Approval of the preliminary Conservation Short Plat 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.

Note on expiration of Critical Areas Land Use Permit Approval (10-105572-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 Critical Areas Land Use Permit unless:

- The applicant has received an extension for the Critical Areas Land Use Permit pursuant to LUC 20.30P.155; or

- The Critical Areas Land Use Permit approval provides for a greater time period.

Note on expiration of Shoreline Substantial Development Permit Approval (09-105218-WG): A Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to file for a Building Permit or other necessary development permit and fails to make substantial progress towards completion of the project within two years of the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.30R.180. "Substantial progress" includes the following, where applicable: the making of contracts; signing of notice to proceed; completion of grading and excavation; and the laying of major utilities; or if no construction is involved, commencement of the activity. Permit authorization expires finally, despite substantial progress, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.30R.180.

X. CONDITIONS OF APPROVAL:

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

Applicable Codes and Ordinances	Contact Person	Phone
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 20.25H	Reilly Pittman	425-452-4350
Noise Control – BCC 9.18	Reilly Pittman	425-452-4350
Trans. Development. Code – BCC 14.60	Ray Godinez	425-452-7915
Traffic Standards Code – BCC 14.10	Ray Godinez	425-452-7915
Right-of-Way Use Code – BCC 14.30	Tim Stever	425-452-4294
Utility Code – BCC Title 24	Don Rust	425-452-4856

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. No future variance application will be accepted.

PERMIT: 08-129502-LN
AUTHORITY: Land Use Code 20.45B.130.A.6
REVIEWER: Reilly Pittman, Development Services Department

2. Obtain Permits

The applicant shall obtain all other permits for infrastructure, utilities, building and other improvements. No construction may commence until the appropriate permit is issued.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Land Use Code 20.30P
REVIEWER: Reilly Pittman, Development Services Department

3. Tree Protection Requirements

A minimum of fifteen percent of the diameter inches of all significant trees on the site are required to be retained.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Land Use Code 20.20.900; 20.25H
REVIEWER: Reilly Pittman, Development Services Department

4. Lot Coverage

The lot coverage for lot 1 is subject to the R-5 zoning requirements and shall be less than 40 percent.

PERMIT: 08-129502-LN
AUTHORITY: Land Use Code 20.45B
REVIEWER: Reilly Pittman, Development Services Department

5. Detached Structure

The existing garage and accessory dwelling unit on lot 2 can remain provided lot 1 and 2 remain under common ownership. At the time lot 1 and 2 cease to be under common ownership the garage structure shall either be removed or be associated with a residence or other primary allowed use in the R-5 zone.

PERMIT: 08-129502-LN
AUTHORITY: Land Use Code 20.10.440
REVIEWER: Reilly Pittman, Development Services Department

6. Noise – Construction Hours

The proposal will be subject to normal construction 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.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Bellevue City Code 9.18
REVIEWER: Reilly Pittman, Development Services Department

7. Utilities

The Utilities Department has approved the Preliminary Short Plat proposal only. There are no implied approvals of the utility engineering. Changes to the site layout may be required to accommodate the utilities. A Utility Developer Extension

Agreement application (UE) will be required for the review of the storm drainage system. A separate side sewer permit is required for repairs/connections. Provide a joint use maintenance easement agreement for sewer and storm drainage as described in the utilities notes.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06
REVIEWER: Don Rust, Utilities Department

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

1. Clearing and Grading Extent

Due to the critical areas for this site, clearing and grading activities during the construction phase of the plat application is limited by Code to those areas necessary for road and utility construction. Individual building lots must remain vegetated until construction of each building is approved through the building permit process.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Bellevue City Code 23.76.032A.1.a,d,e,f
REVIEWER: Janney Gwo, Development Services Department

2. Final Enhancement and Mitigation Plan

The mitigation plan submitted will be treated as a conceptual mitigation plan so that the following issues can be addressed in a final mitigation plan submitted under the plat infrastructure permits.

a. Provide a schedule of when monitoring reports will be submitted and address/explain the lack of monitoring in year 4.
b. Provide a cost estimate based on the installed cost of materials and labor for the required performance surety.

PERMIT: 10-105572-LO
AUTHORITY: Land Use Code 20.30P
REVIEWER: Reilly Pittman, Development Services Department

3. Utilities

The Utilities Department approval of the preliminary short plat application is based on the preliminary utility design. Final civil engineering of the utility design may require changes to the site layout to accommodate the utilities.

PERMIT: 08-129502-LN

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

4. Utility Design

The water, sewer and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review, plan approval, and field inspection is performed under the Developer Extension Agreement and Utilities Permit Processes.

PERMIT: 08-129502-LN
AUTHORITY: Bellevue City Code 24.02; 24.04; 24.06
REVIEWER: Don Rust, Utilities Department

5. 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.

PERMIT: 08-129502-LN
AUTHORITY: Bellevue City Code 14.30
REVIEWER: Tim Stever, Transportation Department

6. 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.

PERMIT: 08-129502-LN
AUTHORITY: Bellevue City Code 14.30
REVIEWER: Tim Stever, Transportation Department

7. 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 street frontage 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, the connection to West Lake Sammamish Parkway SE, pavement restoration in West Lake Sammamish Parkway SE, mailbox location, and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Specific requirements are detailed below:

a. <u>Site Specific Items:</u>
   i) Frontage Improvements per CIP P-W-R-141.
   ii) Driveway apron or curb cut connection to West Lake Sammamish Parkway SE.
   iii) Pavement restoration on West Lake Sammamish Parkway SE.
   iv) Potential relocation of existing power poles to accommodate CIP P-W-R-141.
   v) Potential relocation of street light (bringing it closer to the private access road).
   vi) Private road signing.

b. <u>Miscellaneous:</u>
   i) 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.
   ii) The maximum cross grade of a street at the street end shall be 8%.
   iii) Vehicle and pedestrian sight distance must be provided per Design Manual Standards 21 and 22.

PERMIT: 08-129502-LN
AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual
REVIEWER: Ray Godinez, Transportation Department

8. Sight Distance

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing TE-1 and TE-3, existing vegetation near the access point on West Lake Sammamish Parkway SE must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2.5 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.

PERMIT: 08-129502-LN
AUTHORITY: Bellevue City Code 14.60.240
REVIEWER: Ray Godinez, Transportation Department

9. Pavement Restoration

The city's pavement manager has determined that this segment of West Lake Sammamish Parkway SE will require a full grind and overlay trench restoration for any utility connections or other digging in the street surface. 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.

PERMIT: 08-129502-LN
AUTHORITY: Bellevue City Code 14.60.250 and Design Manual Design Standard #21
REVIEWER: Tim Stever, Transportation Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. Impervious Surface

The total impervious surface coverage for the site is required to be less than 50 percent. The allowed impervious surface for each lot is required to be on the final short plat.

PERMIT: 08-129502-LN
AUTHORITY: Land Use Code 20.45B.055.B.3

REVIEWER: Reilly Pittman, Development Services Department

2. Geotechnical Verification Letter
Prior to final short plat approval the project geotechnical consultant shall provide a follow-up letter confirming that the work was done according to the approved plans, that their recommendations were followed, and that the slopes on-site are stable.

PERMIT: 10-105572-LO
AUTHORITY: Land Use Code 20.25H.145
REVIEWER: Reilly Pittman, Development Services Department

3. Restoration for Disturbance in Steep Slope, Buffer, or Structure Setback
The clearing limits on the short plat limit disturbance to within the limits shown. If any steep slope, buffer, or structure setback is temporarily disturbed due to construction of infrastructure the impacted area is required to be restored with native vegetation and documented in the as-built letter.

PERMIT: 10-105572-LO
AUTHORITY: Land Use Code 20.25H.220
REVIEWER: Reilly Pittman, Development Services Department

4. Performance Surety
A performance surety based on the installed cost of labor and materials from the submitted cost estimate is required prior to final short plat approval.

PERMIT: 10-105572-LO
AUTHORITY: Land Use Code 20.25H.220; 20.40.490
REVIEWER: Reilly Pittman, Development Services Department

5. Mitigation As-built letter
Prior to final plat approval all mitigation planting is required to be installed and an as-built planting plan provided which documents any change and any temporary restoration needed which was not contained in the approved plan.

PERMIT: 10-105572-LO
AUTHORITY: Land Use Code 20.25H.220
REVIEWER: Reilly Pittman, Development Services Department

6. Native Growth Protection Areas
Tracts B, C, and G are to be labeled as Native Growth Protection Areas on 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 4. 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.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Land Use Code 20.45B.055.B.2
REVIEWER: Reilly Pittman, Development Services Department

7. Habitat Management Areas

Tracts E and F are to be labeled as Habitat Management Areas on the final short plat. The following note is required to be placed on the final short plat:

HABITAT MANAGEMENT AREA (HMA) TRACT

DEDICATION OF HABITAT MANAGEMENT AREA ESTABLISHES, ON ALL PRESENT AND FUTURE OWNERS AND USERS OF THE LAND, AN OBLIGATION TO LEAVE UNDISTURBED ALL TREES AND UNDERSTORY VEGETATION WITHIN THE AREA. UNDERSTORY VEGETATION MAY BE MAINTAINED TO ENSURE CONTINUED SURVIVAL OF NATIVE VEGETATION. LIMITED MAINTENANCE MAY BE PERFORMED WITH HAND TOOLS OR LIGHT EQUIPMENT ONLY AND INCLUDES: PRUNING, MOWING, WEEDING, REMOVAL OF INVASIVE SPECIES, AND IN-KIND REPLACEMENT OF NATIVE SPECIES. EXISTING RECREATIONAL TRAIL USE BY OWNERS IS ALLOWED PROVIDED ANY TRAILS ARE BARK SURFACE. REMOVAL OF TREES OR VEGETATION WHICH ARE DEAD, DISEASED, HAZARDOUS, OR CHANGES TO THE UNDERSTORY TO IMPROVE FOREST HEALTH OR HABITAT, OR OTHER

CHANGES WHICH ARE NOT FOR MAINTAINANCE ARE SUBJECT TO PERMIT REQUIREMENTS OF THE CITY OF BELLEVUE CODES. 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.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Land Use Code 20.45B
REVIEWER: Reilly Pittman, Development Services Department

8. Open Space Tract

Tract D is to be labeled as an Open Space Tract on the final short plat. The following note is required to be placed on the final short plat:

OPEN SPACE TRACT

DEDICATION OF OPEN SPACE TRACT ESTABLISHES, ON ALL PRESENT AND FUTURE OWNERS AND USERS OF THE LAND, AN OBLIGATION THAT THE AREA WILL BE KEPT FREE FROM ALL DEVELOPMENT AND DISTURBANCE. EXISTING TREES AND OTHER NATURAL FEATURES SHALL BE PRESERVED FOR THE PURPOSE OF PREVENTING HARM TO PROPERTY AND THE ENVIRONMENT, INCLUDING, BUT NOT LIMITED TO, CONTROLLING SURFACE WATER RUNOFF, LIMITING EROSION, AND BUFFERING AND PROTECTING PLANTS AND ANIMAL HABITAT. 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.

PERMIT: 08-129502-LN, 10-105572-LO
AUTHORITY: Land Use Code 20.45B
REVIEWER: Reilly Pittman, Development Services Department

9. Survey Review

Prior to submittal of a final short plat application the short plat shall be reviewed for accuracy and completeness by Buck Harrison who is the City of Bellevue survey reviewer. Buck Harrison can be contacted at 425-452-4385.

PERMIT: 08-129502-LN
AUTHORITY: Land Use Code 20.45B.130
REVIEWER: Reilly Pittman, Development Services Department

10. Infrastructure Permits

All street frontage 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. Completion of the top lift and all other transportation infrastructure items prior to completion of the homes associated with the development is allowed.

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.

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 two year maintenance assurance device equivalent to 20% of the value of the transportation infrastructure improvements, dating from the acceptance of the improvements.

PERMIT:	08-129502-LN
AUTHORITY:	Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240, 241; LUC 20.40.490; Transportation Department Design Manual
REVIEWER:	Ray Godinez, Transportation Department

11. 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 and that the private road will remain open at all times for emergency and public service vehicles.

PERMIT:	08-129502-LN
AUTHORITY:	Bellevue City Code 14.60.130
REVIEWER:	Ray Godinez, Transportation Department

12. No Parking

The final short plat shall state that no parking will be allowed on the access road or the turnaround legs.

PERMIT: 08-129502-LN
AUTHORITY: Bellevue City Code 23.11; Fire Department Development Standards
REVIEWER: Adrian Jones, Fire Department