



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

Proposal Name: Heitz Short Plat

Proposal Address: 16206 SE 47th Place

Proposal Description: Subdivide an existing .99 acre single-family lot in the R-5 zoning district into four (4) single-family lots.

File Number: 10-124865-LN

Applicant: Greacen Homes

Decisions Included: Administrative Decision for a Preliminary Short Plat through Process II, Land Use Code 20.35.200.

Planner: Drew Folsom, Assistant Planner

State Environmental Policy Act Threshold Determination: **Exempt pursuant to WAC 197-11-800(6)(a), BCC 22.02.032.**

Department Decision: **Approval with Conditions**

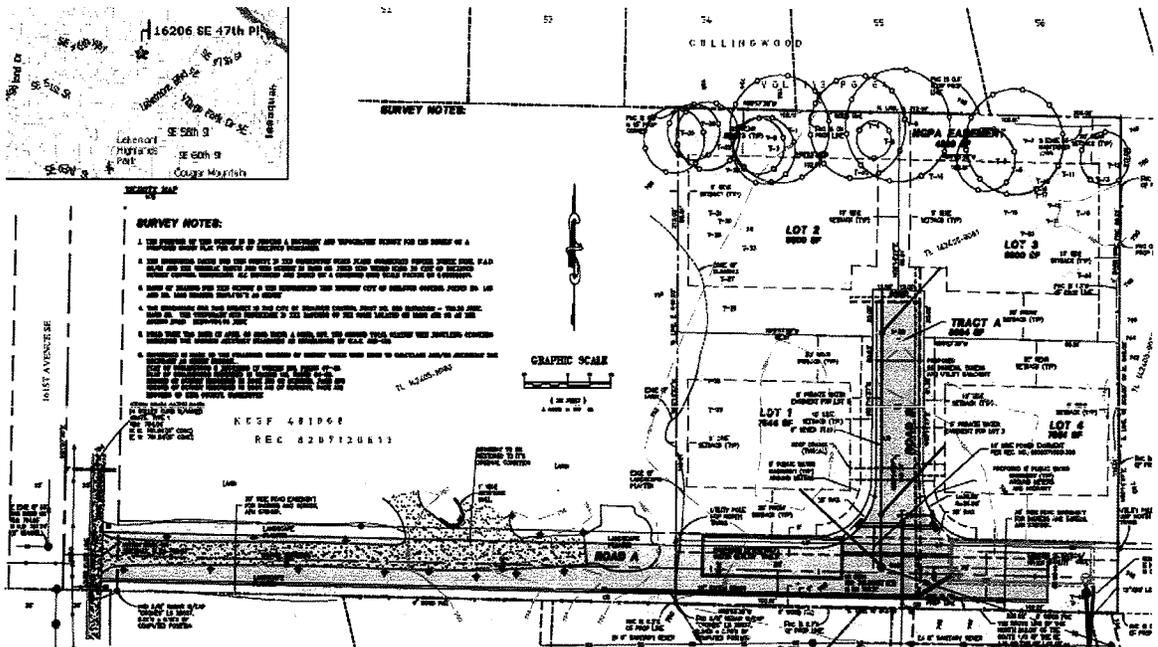
Drew Folsom, Assistant Planner
Development Services Department

Application Date: October 7, 2010
Notice of Application: November 18, 2010
Minimum Comment Period: December 2, 2010
Decision Publication Date: February 17, 2011
Appeal Deadline: March 3, 2011
Expiration Date: March 3, 2012

I. DESCRIPTION OF PROPOSAL

The applicant proposes to short plat an existing 43,462 square foot (.99 acre) parcel into four single-family residential lots in the R-5 zoning district. Lot 1 will be 7,644 square feet, Lot 2 will be 7,654 square feet, Lots 3 and 4 will be 9,600 square feet. The site contains moderate slopes (15 – 25% in grade), but does not contain any critical areas. The applicant proposes to retain 12 trees, or approximately 45% of the total diameter inches of the significant trees on the site. Although not required by City code, the applicant proposes a 4,860 square foot Native Growth Protection Easement which will be located along the northern edge of the proposal. This easement will be an area of non-disturbance and contain all of the retained trees. Access to all lots will be provided by an existing private road connecting to 161st Avenue SE. (All lots within the Heitz Short Plat will be addressed off of 161st Avenue SE).

Figure 1 – Preliminary Short Plat Proposal



A previous preliminary short plat proposal for this site was submitted and approved in 2006 under preliminary short plat permit 06-112638-LN. However, because the applicant failed to either apply for the final short plat within one year of preliminary short plat approval or apply for an extension (LUC 20.45B.150 and 160), the permit expired. Therefore, the applicant

was required to resubmit an entirely new preliminary short plat application. There have been code changes since the previous approval, most notably tree retention and storm water drainage requirements. This proposal has been reviewed according to all codes in place when the proposal was deemed "complete" in October, 2010.

II. SITE DESCRIPTION AND CONTEXT

The site is located in a community of single-family residential homes in the Newcastle Subarea. The site is accessed via an existing private road connecting to 161st Ave SE. The site slopes moderately to the Southeast. There are several significant trees along the northern border of the site. A large portion of the site was graded as part of the installation of plat infrastructure related to the expired short plat. An approximately 6 to 8 foot tall earth mound was created on site with the graded soil.

Figure 2 – Aerial Photograph



The site contains approximately 650 diameter inches of existing, mature trees. The trees on the property are primarily Big Leaf Maple (*Acer macrophyllum*), mature Douglas Fir trees (*Pseudotsuga menziesii*), and mature Western Red Cedar trees (*Thuja plicata*).

The site is located in the Newcastle Subarea in an R-5 single family zoning district. The Comprehensive Plan designation is Single-Family High. The lot is bordered by existing single family homes in the R-5 zoning district.

Figure 3 – Zoning Map



III. CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

A. Consistency with Standard Land Use Code Requirements

<u>BASIC INFORMATION</u>		
Zoning District	R-5 Newcastle Subarea Comprehensive Plan Designation: Single-Family High	
Gross Site Area	43,462 square feet (approx. 1 acre)	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	7,200 Square Feet	Tract A: 8,964 Square Feet Lot 1: 7,644 Square Feet Lot 2: 9,600 Square Feet Lot 3: 9,600 Square Feet Lot 4: 7,654 Square Feet
Minimum Lot Width	60 Feet	Lot 1: 90 Feet Lot 2: 102 Feet Lot 3: 102 Feet Lot 4: 90 Feet
Minimum Lot Depth	80 Feet	Lot 1: 116 Feet Lot 2: 96 Feet Lot 3: 96 Feet Lot 4: 116 Feet
Building Setbacks Front Yard Rear Yard Min. Side Yard 2 Side Yards	20 Feet 20 Feet 5 Feet 15 Feet	20 Feet 20 Feet 5 Feet 15 Feet (5 ft. + 10 ft.)
Access Easement Setbacks Lot 4	10 Feet from easement	10 Feet
Tree Retention	30% of 650 Diameter Inches = 195 Diameter Inches	292 Diameter Inches or 45 % Retained

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

There are no critical areas on this site. Short Plats not containing Critical Areas are exempt from SEPA review pursuant to WAC 197-11-800(6)(a), BCC 22.02.032. Thus, the project proposal is Exempt.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The City has adequate capacity for providing water, sanitary sewer and storm drainage to this site. The preliminary short plat application has been reviewed and no further utility revisions are needed at this time. The Utility Department approval of the preliminary short plat application submitted on 10/7/10 showing detention and water quality for both pollution generating surfaces and nutrient treatment is based on the conceptual utility design only. The review of the proposal has no implied approvals of the engineering design and specifications.

Storm Drainage: This property is currently undeveloped and not connected to the City's surface water collection system. Flow control (MR-7) and, phosphorous water quality (MR-6) requirements will apply.

The water, sewer and storm drainage systems shall be designed per the 2010 City of Bellevue Utility Codes and Utility Engineering Standards. All design review, plan approval, and field inspection shall be performed under the Utility Developer Extension Agreements.

Refer to Conditions of Approval regarding utilities in Section IX of this report.

B. Fire Department Review

The Fire Department has reviewed the proposed short plat for compliance with applicable codes and standards. The following elements shall be incorporated into the design of the short plat.

1. The access road must be a minimum of 20 feet wide.
2. No parking is permitted on the 20 foot wide access roads.
3. Parking on one side may be permitted on 26 foot wide road.
4. The roads must be designed to support a 64,000 lb vehicle (19,000 lbs front axle, 48,000 lbs rear axle) and the ladder truck outrigger which is 45,000 lbs over 18 inch square.
5. The proposed access road will require a turnaround with leg radius of 60 feet from centerline of perpendicular road. If the road extends over the storm water detention tank, as shown, the tank shall be designed to support fire vehicles.
6. The hydrant location shown at the turnaround may meet the design requirement; 150ft to any portion of the structure as the hose would be extended; depending on design of the houses. The homes may require automatic sprinkler protection per NFPA 13D depending on the square footage of the house and the fire flow available at the hydrant. If sprinklers are installed a 1inch water meter is the minimum size, this will be determined during the building permit stage.

Refer to Conditions of Approval regarding fire department conditions in Section IX of this report.

C. Transportation Review

The Transportation Department has reviewed the preliminary plans submitted for Heitz Short Plat and recommends approval with conditions (see section VIII). 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 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 house will adequately mitigate off-site transportation impacts. The fee amount is subject to periodic revision by the city council. Builders will pay the fee in effect at the time of building permit issuance.

Use of the Right of Way

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses 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. This permit is issued directly by the Transportation Department.

Street Frontage Improvements

The Heitz Short Plat will not be required to install frontage improvements as the project site does not front City right-of-way. There are no planned or existing trails running through or adjacent to the plat area.

Site Access

Access to all lots of the Heitz Short Plat will be provided by an existing private road connecting to 161st Avenue SE. (All lots within the Heitz Short Plat will be addressed off of 161st Avenue NE). The private road will be improved to provide a 20 foot paved width, extending to the Heitz Short Plat site.

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 161st Avenue NE and SE 47th Street are classified as "Overlay Required Streets" (see section B.5 for pavement restoration requirements).

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 four new p.m. peak hour trips and forty daily trips. Existing capacity of adjacent city streets and system intersections are adequate to assimilate these additional trips. Concurrency testing is not required for this project as total p.m. peak trips are less than 30.

No other traffic impacts are anticipated with this project as all the lots will be located at the dead-end of a private road.

Refer to Conditions of Approval regarding transportation department conditions in Section IX of this report.

D. Clearing and Grading Division

The Clearing and Grading Division has approved the preliminary short plat without conditions. A Clearing and Grading Permit (GE Type) is required for the construction of the road, driveways and the utilities of this short plat.

VI. PUBLIC COMMENT

The City initially notified the public of this proposal on November 18, 2010 with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was installed on the site the same day.

The City received public comment regarding the fencing of the property and storm water runoff.

- **Requests for perimeter fencing:**

City's Response: Neighbors have requested the applicant install fencing between the proposal and their property. The applicant is amenable to installing fencing around the perimeter of the proposal where requested although it is not required as part of this approval. Fencing in certain areas is not possible due to existing access and utility easements

- **Concerns over water drainage and increasing water flow to neighboring properties**

City's Response: The Heitz property is currently undeveloped and is not connected to the City's surface water collection system. A requirement for the development of the four lot short plat will be to control runoff through a detention and water quality facility, sized to collect all the runoff from the site including roof and footing drains. The detention vault will be designed to meet pre-developed conditions for 50% of the 2-year to the 50-year peak flow, along with water quality requirements for the

pollution generating surfaces (access road and driveways). This detention system will then be connected to an existing 12" conveyance system that flows to the Lewis Creek drainage basin.

VII. DECISION CRITERIA:

Land Use Code 20.45B.130B Decision Criteria for a Preliminary Short Plat:

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.**

Response: The City codes ensure public health, safety and general welfare through development code requirements. The site is accessed via a proposed tract and an existing private road connecting to 161st Avenue SE. The applicant will be required to provide drainage improvements designed to service the drainage needs of the site. Existing public water and sewer facilities have been deemed adequate to serve the proposed development.

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

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

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

Response: The preliminary short plat considers the physical characteristics of the site by retaining 292 diameter inches of significant trees located within a 4,860 square foot Native Growth Protection Easement. This easement will be fenced prior to final short plat approval and designated as a Native Growth Protection Easement (NGPE) on the face of the final short plat. **Refer to Conditions of Approval regarding tree protection and tree retention in Section IX of this report.**

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

Development Standards

Response: As conditioned, the proposal complies with the Land Use Code requirements for R-5 zoning, the Utility Code and the City of Bellevue Development Standards. Construction noise is expected during the construction period. The

Bellevue Noise Control Ordinance, BCC 9.18, regulates hours of construction-related noise emanating from project sites. **Refer to Condition of Approval regarding noise/construction hours in Section IX of this report.**

Land Use Code Requirements

- A. Dimensional Requirements:** Refer to Section III.A. of this report for dimensional requirements.

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.3 require the retention of 30% of significant trees on the site. In order to meet the 30% minimum retention requirement, the project must retain a minimum of 195 diameter inches of the 650 diameter inches of the existing significant trees.

Finding: The applicant proposes to preserve a total of 292 diameter inches or 45% of the significant trees onsite. This satisfies the minimum 30% tree retention requirements. **Refer to project drawings attached to this report and Conditions of Approval regarding tree protection and tree retention in Section IX of this report.**

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

Response: The site is located within the Newcastle subarea. The Comprehensive Plan specifies Single-Family High Density 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.

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-3) and helps meet Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-5).

The proposal provides development on a utilized site with adequate urban services (HO-17) and meets the Neighborhood Quality goal (Housing Element) to ensure compatible housing and environmentally sensitive features by preserving healthy, significant, existing trees on-site.

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

Response: 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. **Refer to Condition of Approval regarding the variance restriction in Section IX of this report.**

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

Response: The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access locations, necessary sidewalk easements and other required improvements are existing, planned or conditioned as part of this approval to accommodate the use of these lots.

VIII. CONCLUSION AND DECISION:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Director of the Development Services Department does hereby **APPROVE** the Heitz Preliminary Short Plat **WITH CONDITIONS**.

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

IX. CONDITIONS OF APPROVAL:

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

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

Applicable Codes, Standards & Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Savina Uzunow, (425) 452-7860
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	Drew Folsom, (425) 452-4441
Noise Control – BCC 9.18	Drew Folsom, (425) 452-4441
Sign Code – BCC Title 22	Drew Folsom, (425) 452-4441
Transportation Develop. Code – BCC 14.60	Ray Godinez, (425) 452-7915
Traffic Standards Code 14.10	Ray Godinez, (425) 452-7915
Right-of-Way Use Code 14.30	Tim Stever, (425) 452-4294
Utility Code – BCC Title 24	Rob Hutchinson, (425) 452-7903

A. GENERAL CONDITIONS:

1. 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. Storm Detention, Water quality and Nutrient treatment is required.

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. A storm, water and sewer Developer Extension Agreement will be required. All water, sewer and storm easements will be recorded on the face for the final short plat document.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06
REVIEWER: Rob Hutchinson, Utilities Department

2. Variance Restriction

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

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

3. 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.

AUTHORITY: Bellevue City Code 9.18
REVIEWER: Drew Folsom, Development Services Department

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

1. Tree Protection

To mitigate adverse impacts during construction to trees to be retained, applicant must comply with the following:

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

- b) No excavation or clearing should be performed within drip lines of retained trees except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist approved by the City.

AUTHORITY: Bellevue City Code 23.76.060
REVIEWER: Drew Folsom, Development Services Department

2. Right of Way Use Permit

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

- a) Designated truck hauling routes.
- b) Truck loading and unloading activities.
- c) Hours of construction and hauling.
- d) Continuity of pedestrian facilities.
- e) Temporary traffic control and pedestrian detour routing for construction activities.
- f) Street sweeping and maintenance during excavation and construction.
- g) Location of construction fences.
- h) Parking for construction workers.
- i) Construction vehicles, equipment, and materials in the right of way.
- j) All other construction activities as they affect the public street system.
- k) 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 prevent access. General materials storage and contractor convenience are not reasons for preventing access.

AUTHORITY: Bellevue City Code 14.30
REVIEWER: Tim Stever, Transportation Department

3. 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: Tim Stever, Transportation Department

4. Engineering Plans

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clearing and grading permit approval (previously mentioned as final engineering plans, and transportation infrastructure permit). The design of the all transportation infrastructure must comply 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 161st Avenue SE, pavement restoration in 161st Avenue SE and mailbox location. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

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

5. Pavement Restoration

The city's pavement manager has determined that the adjacent segment of 161st Avenue SE and SE 47th Street will require 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. Specific pavement restoration requirements will be listed in the right-of-way permit for this project.

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. Infrastructure Improvements

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

a) Site Specific Items:

- i) Private road construction: replacing soft surface of the existing length (approximately 260 feet) and extending said road for an additional 165 feet east and 110 feet north. Private road width shall be 20 feet with pavement design per Design Manual drawing DEV-8 (Public Streets Internal to Subdivisions).
- ii) The developer shall provide an arborist report documenting anticipated damage to existing landscaping and trees located on adjacent properties (caused by the paving and extension of the private road). The report shall include recommended restoration and removal of landscaping and trees (for safety). The developer shall abide by the arborist's recommendations. A maintenance bond may be required to ensure future health of affected landscaping and trees.

b) Miscellaneous:

- i) The maximum longitudinal and cross-sectional grades shall not exceed 8% for all access routes.

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

2. Covenant for Maintenance and Repair

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

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

3. Fire Access Road

Fire access roads shall be paved, with a minimum width of 20 feet. The access road shall be 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 shall support the weight of the ladder truck outrigger which is 45,000 lbs over an 18 inch square. The final plat shall note that the road shall be posted and marked "Fire Lane-No Parking" on both sides per Bellevue Standards.

AUTHORITY: International Fire Code 503
REVIEWER: Adrian Jones, Fire Department

4. Fire Hydrant

Provide a fire hydrant at an approved location.

AUTHORITY: International Fire Code 508.5.1
REVIEWER: Adrian Jones, Fire Department

5. Tree Retention

A Tree Preservation Plan that portrays the drip-line, the diameter size, and common name of each significant tree to be retained must be recorded with the *final short plat mylar* (recorded with King County). This Tree Preservation Plan must also contain the following note:

"Designation of trees on the Tree Preservation Plan establishes a covenant by the owner to leave undisturbed all trees as shown on the Tree Preservation Plan. This covenant shall run with the land and shall be binding upon all future owners. No tree topping, tree cutting or tree removal shall occur unless required or approved by the City. Except for ordinary landscape maintenance, no construction, clearing or land alteration activities shall occur within the drip-line of trees shown on the Tree Preservation Plan, unless required or approved by the City. Activities in violation of this covenant are subject to penalty, including without limitation, fines and mitigation requirements. The City of Bellevue shall have the right, but not the obligation, to enforce the requirements, terms and conditions of this covenant by any method available under law. It is the obligation of the owner to comply with the terms of the Tree Preservation Plan and this covenant."

AUTHORITY: Land Use Code 20.20.900.D

REVIEWER: Drew Folsom, Development Services Department

6. Area of Non-Disturbance

The area of non-disturbance shall be designated on the face of the Final Short Plat as a Native Growth Protection Easement (NGPE). The boundaries of the NGPE easement must be surveyed and fenced. The following note is required to be placed on the final short plat:

NATIVE GROWTH PROTECTION EASEMENT (NGPE)

Dedication of Native Growth Protection Easement (NGPE) 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 NGPE 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.

AUTHORITY: Land Use Code 20.25H.035

REVIEWER: Drew Folsom, Development Services Department

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ATTACHMENTS
Project Drawings