City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Ilana Preliminary Conservation Short Plat
Proposal Address:	5630 Lake Washington Blvd. SE
Proposal Description:	Request to subdivide a 43,835 square foot lot in the R-5 land use district into 3 single family lots. The site contains a steep slope critical area, with associated buffers, and a Type N stream buffer. The site is to be developed as a conservation short plat because of the presence of critical areas on adjacent property. The stream and steep slope critical area buffers are proposed to be reduced with a critical areas land use permit and a critical areas report.
File Number:	10-130110-LN and 11-105339-LO
Applicant:	John Skochdopole
Decisions Included:	Preliminary Conservation Short Plat (Process II) Critical Areas Land Use Permit (Process II) SEPA Threshold Determination (Process II)
Planner:	Drew Folsom, Assistant Planner
State Environmental Policy Act Threshold Determination:	**Determination of Non-Significance** Carol V. Helland, Environmental Coordinator Development Services Department
Director's Decision:	**Preliminary Conservation Short Plat; Critical Areas Land Use Permit Approval with Conditions** Michael A. Brennan, Director Development Services Department By: _____ Carol V. Helland, Land Use Director

Application Date:	March 24, 2011
Notice of Applications:	March 31, 2011
Decision Publication Date:	November 3, 2011
Deadline for Appeal:	November 17, 2011 (14 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.

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.

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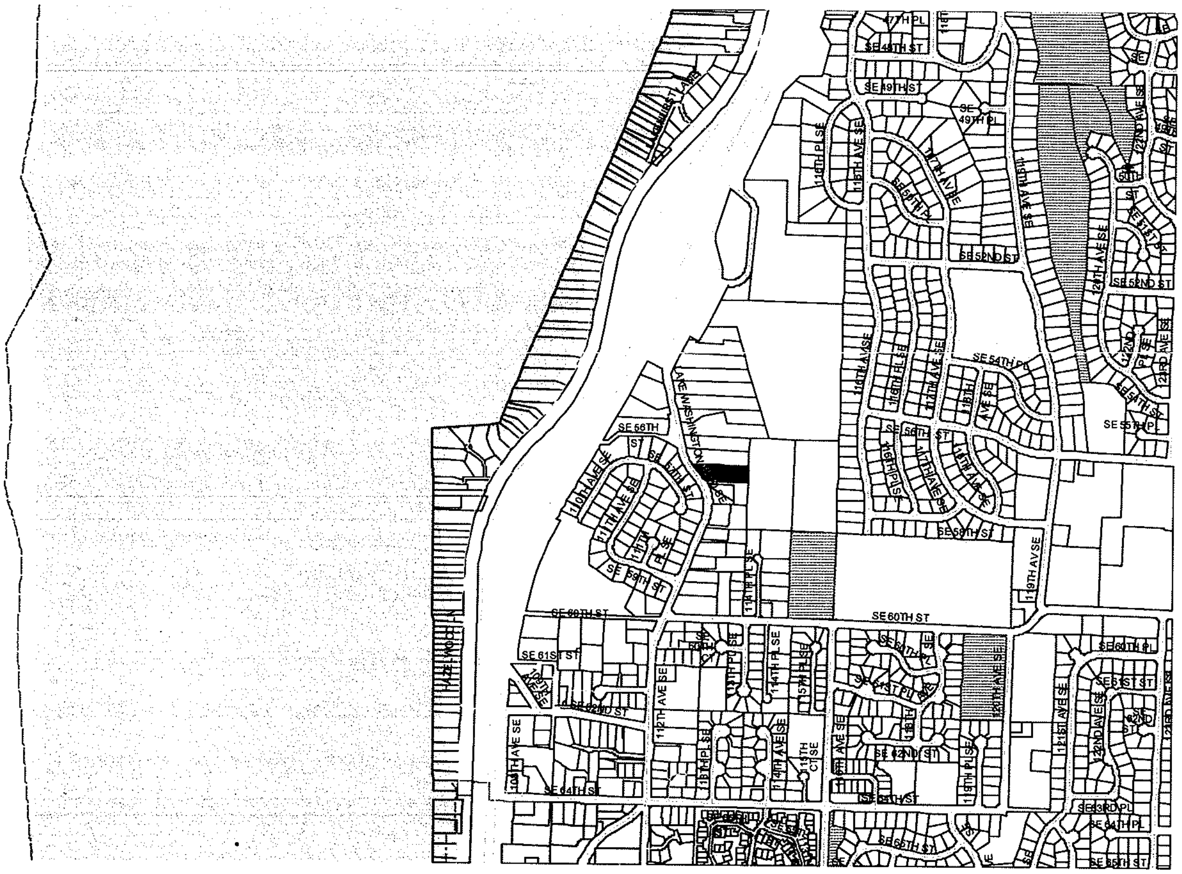
Attachments:

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

Vicinity Map



I. PROPOSAL DESCRIPTION:

A. Description

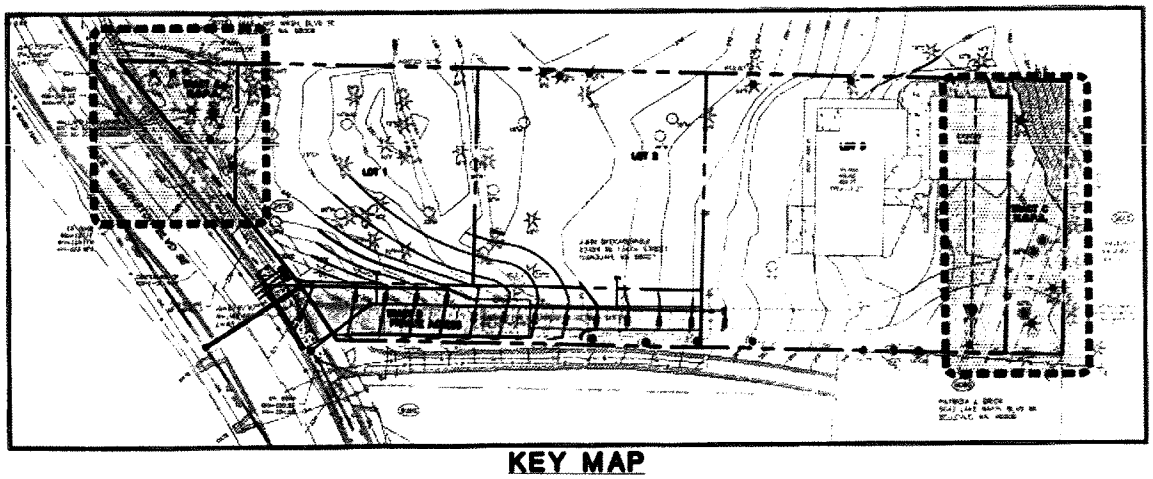
The applicant proposes to short plat an existing parcel totaling 43,835 square feet into 3 single-family residential lots in the R-5 zoning district. The proposal requires review as a Conservation Short Subdivision under LUC Section 20.45B.055 due to the presence of on-site and off-site critical areas. The parcel is located at 5630 Lake Washington Blvd SE and contains one single family home. The northeast corner of the site contains a small area of critical steep slope with associated buffer. A Type N stream is located approximately 190 feet east of the property at the base of steep slope. As defined in LUC 20.50.048, the stream top of bank is measured from the top of the slope. The proposal includes a critical areas report with a request to reduce steep slope critical area buffer and Type N stream critical area and structure buffers through buffer reduction/addition and buffer enhancement. The critical area report proposes to remove 1,650 square feet of overlapping top of steep slope buffer, stream buffer, and stream structure setback from critical area status. The critical area and remaining buffers will be placed in a Native Growth Protection Area (NGPA) tract. As mitigation, the report proposes replanting the NGPA with native vegetation and creating a 1,650 square foot Native Growth Protection Area Tract in the northwest corner of the property. The site contains 79 significant trees which may provide habitat for some species of local importance. The applicant is proposing to save 29 trees, including all of the trees along the eastern edge of the property that provide connectivity to the off-site critical area. The proposal will remove a section of the existing home to meet required structure setbacks; the remaining area of the single family home will be retained.

B. Permits and Approvals Required

i. Preliminary Conservation Short Plat

A Preliminary Convservation Short Plat is required for subdividing the site into 3 lots and 3 tracts. See figure 1 below for the proposed short plat.

NGPA NATIVE GROWTH PROTECTION AREA



KEY MAP
Figure 1

ii. Critical Areas Land Use Permit (CALUP)

A Critial Areas Land Use Permit is required for reduction of steep slope critical buffer and Type N stream critical area buffer and structure setback through buffer reduction/addition and buffer enhancement. SEPA environmental review is a part of this CALUP as there is work proposed in a critical area.

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

A. Site Description

The project site is located at 5630 Lake Washington Blvd. SE in the SE quadrant of Section 20, Township 24 North, Range 5 within Bellevue's Newport 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 Lake Washington Blvd. SE directly adjacent to the west. Other residentially zoned properties are adjacent to the north and south of the site.

The site slopes gradually (10-20%) upward to the east except for a small portion (approximately 891 square feet) of steep slope exceeding 40% located in the NE corner of the lot. The site is heavily forested with deciduous and evergreen trees along with shrubs and grass. An area of critical steep slope has been identified on the eastern portion of the property. This area continues off-site sloping downhill to a Type N stream located approximately 190 feet to the east of the property. An associated stream buffer, as defined in LUC 20.50, extends into the site. The stream and slope are discussed in greater detail below.

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 Comprehensive Plan 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 Critical Areas Overlay District. The following is a description of the functions provided by these resources:

i. Streams and Riparian Areas

Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains

and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow

Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or revegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows into riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

ii. 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.

iii. 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.

The City of Bellevue identifies a number of wildlife species as being locally significant. Of the species listed, habitat suitable for use by pileated woodpecker may be located on the site. The loss of trees may reduce the potential for the species to visit the site. The applicant is proposing to retain 16 significant trees within NGPA's which will provide permanent habitat. The eastern NGPA (tract C) is located adjacent to neighboring property also containing critical area. The northwestern NGPA (Tract B) will be located near Lot 1 in an area with 9 significant mature trees The applicant shall submit a vegetation management plan to assess the health of the NGPAs. This report shall inventory natural resources present including wildlife habitats, plant communities, presence of invasive plants, and hazardous trees. Hazardous trees within the areas shall be converted to wildlife snags to provide enhanced benefit to the existing habitat. See Section X of this report for related Conditions of Approval.

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	43,835 square feet / 1.01 acres		
Critical Area and Buffer	This site contains 3,981 square feet (.09) of critical area and critical area buffer		
ITEM	**REQ'D/ALLOWED**	**PROPOSED**	**MEETS REQ'D**
Dwelling Units/Acre	4	3	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	10 feet	10 feet	Yes
Rear Yard	15 feet	15 feet	
Min. Side Yard	5 feet	5 feet	
2 Side Yard	10 feet	10 feet	
Access Easements	10 feet	10 feet	

Tree Retention	30% of diameter inches	39% of diameter inches retained = 518 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)(.91)+(5)(.09)(.9)=4.55+.4 = **4.95 dwelling units**
= 4 **dwelling units maximum**

Only 3 new lots/units are proposed which is not exceeding the allowed density of 4 units.

iii. Lot Coverage as Modified by LUC 20.45B

Lot 3 contains the existing development and will be required to meet the lot coverage for the R-5 zone of 40 percent.

Lots 1 and 2 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)

Lot 1 lot coverage factor =
1 + (7,200 – 9690/7200) = .65

The lot coverage factor is .65. Therefore the allowed lot coverage for lot 1 equals:
(.65)*(.4) = .26 or 26 percent maximum lot coverage

Lot 2 lot coverage factor =
1 + (7,200 – 9,322/7200) = .71

The lot coverage factor is .71. Therefore the allowed lot coverage for lot 1 equals:
(.71)*(.4) = .28 or 28 percent maximum lot coverage
<u>See Section X of this report for related Conditions of Approval.</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 21,917 on this site.

See Section X of this report for related Conditions of Approval.

v. Existing Residence

A 15 foot section of the existing structure will be required to be removed to meet the minimum setback from the proposed tract. See Section X of this report for related Conditions of Approval.

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 slope buffers, stream buffer, and stream structure setback along the eastern portion of the property in order to maintain an existing driveway. The remaining buffers and steep slope critical area 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. The modification of top-of-slope buffer, stream buffer and stream structure setback 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. Critical areas and requirements are discussed below. See Section X of this report for related Conditions of Approval.

i. Performance Standards – Steep Slopes LUC 20.25H.125

Development within a steep slope critical area or the critical area buffers of such hazards shall incorporate the following additional performance standards in design of the development, as applicable. The requirements for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

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

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

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

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

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

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

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

Finding: Change in grade outside the building footprint is minimal and generally less than 2 feet.

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

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

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

Finding: Change in grade outside the building footprint is minimal and generally less than 2 feet. No retaining walls outside the building footprint are proposed.

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

Finding: The proposed single family residence will be located in the westerly area of the property away from the steep slope. Grade in this area is generally less than 25%. No retaining walls outside the building footprint are proposed.

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

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

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

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

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

Finding: The applicant has provided a site restoration plan that will be required as a condition of approval of this permit. The restoration plan proposes the planting of three tiers of native vegetation including trees, shrubs, and understory. <u>See Section X of this report for related Conditions of Approval.</u>

ii. **LUC 20.25H.160 Performance standards. - Habitat**

If habitat associated with species of local importance will be impacted by a proposal, the proposal shall implement the wildlife management plan developed by the Department of Fish and Wildlife for such species. Where the habitat does not include any other critical area or critical area buffer, compliance with the wildlife management plan shall constitute compliance with this part. <u>See Section X of this report for related Conditions of Approval.</u>

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

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

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

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

b. Will not adversely impact other critical areas;

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

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

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

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

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

e. **The applicant provides a geotechnical report prepared by a qualified professional demonstrating that modification of the critical area or critical area buffer will have no adverse impacts on stability of any adjacent slopes, and will not impact stability of any existing structures. Geotechnical reporting standards shall comply with requirements developed by the Director in City of Bellevue Submittal Requirements Sheet 25, Geotechnical Report and Stability Analysis Requirements, now or as hereafter amended;**

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

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

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

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

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

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

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

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

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

Finding: The total reduced area to be removed to be critical area buffer and structure setbacks is 1,650 square feet. The critical area report demonstrates the critical area functions and values will be improved effectively per the letter submitted by Concept Engineering dated July 20, 2011. This area has minimal vegetation consisting of lawn, gravel, and pavement. As enhancement, native trees and associated native shrub and ground cover will be planted on the property and additional trees will be preserved as NGPAs in Tracts B and C.

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

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

Revising the buffers and planting of native trees, native shrub and ground cover and retaining additional trees within an NGPA along the northwest corner of the property will improve drainage and result in a net gain to the function of the stream and slope buffers as demonstrated in the letter submitted by Concept Engineering dated July 20, 2011.

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

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

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

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

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

Finding: The proposal will not be detrimental to the slope and stream buffer As stated in the critical area report, dated July 20, 2011, revising the buffers and planting of native trees, native shrub and ground cover and retaining additional trees within an NGPA along the northwest corner of the property will increase the critical area function by improving habitat, drainage, and water quality.

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

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

IV. PUBLIC NOTICE AND COMMENT:

Application Date:	March 14, 2011
Public Notice (500 feet):	March 31, 2011
Minimum Comment Period:	April 14, 2011

The City initially notified the public of this proposal on March 31, 2011 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 a nearby property owner and the Muckleshoot Indian Tribe. 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
Concern that stream buffer will be reduced to less than 10 feet.	The stream buffer will not be reduced to less than 10 feet as part of this proposal. The current stream buffer is already less than 10 feet in areas around the existing residence located on Lot 3. The residence and attached garage share a common gable roof and are exempt from critical areas status per LUC 20.25H.035.B
Issuance of a determination of non-significance.	This was a general statement wanting an explanation of the determination of non-significance. This is discussed in section VI below.

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 Section X of this report for related Conditions of Approval.

Fire Department:

The Fire Department has reviewed and approved the application. See Section X of this report for related Conditions of Approval.

B. Transportation Department:

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

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

Use of the Right of Way

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

Street Frontage Improvements

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

Site Access

Access for the Ilana short plat shall be provided by an existing private road connecting to Lake Washington Boulevard SE. This road will be improved to a 20 foot width with curb and gutter. The access road will be narrowed to a width of 16 feet once past the driveway for lot 1 (from that point it will serve two lots).

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

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

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

Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every public street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it was last resurfaced. These three categories are, "No Street Cuts Permitted", "Overlay Required",

and "Standard Trench Restoration". Each category has different trench restoration requirements associated with it. Adjacent to the project site, Lake Washington Boulevard SE is classified as a "No-Cut" Street. Therefore, the developer shall obtain a waiver from the Right-of-Way Group for needed street cuts. Pavement restoration shall be specified by the Right-of-Way Group.

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

Transportation Impacts and Mitigation

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

The Ilana Short Plat will create two new p.m. peak hour trips. This is well below the threshold for concurrency testing (30 or more new p.m. peak hour trips). The adjacent street system contains adequate capacity for the new trips as well. Due to the low amount of new p.m. peak hour trips, transportation impacts caused by the Ilana Short Plat will be negligible.

See Section X of this report for related Conditions of Approval.

C. Utilities Review

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

Storm Drainage

The development will not provide water quality or runoff control (i.e. detention) mitigation for the proposed three lot short plat since the total pollution generating impervious and/or the new plus replaced impervious surfaces will not trigger either requirement. On-site Stormwater management (i.e. MR5) will be required for the new impervious surfaces. Runoff from this site will be connected to an existing conveyance system that flows to Lake Washington.

Water

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

Sewer

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

See Section X of this report for related Conditions of Approval.

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 of this report for related Conditions of Approval.

B. Plants and Animals

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

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 of this report for related Conditions of Approval.

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

As a result of staff review the applicant has:

- The placement of all critical areas, and un-modified buffers into protected tracts which restrict future development and ensure survival and maintenance of native vegetation
- Creation of Native Growth Protection Easement on Lot 1
- Retention of more trees than the minimum required.

VIII. DECISION CRITERIA:

A. Critical Areas Land Use Permit Decision Criteria LUC 20.30P (File 11-105339-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 Section X of this report for related Conditions of Approval.

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 as discussed in section III above.

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. The restoration plan proposes the planting of threes tiers of native vegetation including trees, shrubs, and understory. A variety of native trees species such as Pacific Madrone, Western Red Cedar, Big Leaf Maple, and Western Hemlock are proposed and will be planted 9' off-center. The proposed restoration includes the removal of invasive plants within the tracts, and the preservation of all healthy native plants including trees.

   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. See Section X of this report for related Conditions of Approval.

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. Preliminary Short Plat Decision Criteria LUC 20.45B

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 protecting critical areas and establishing Native Growth Protection Areas to protect critical features within the site. Adequate habitat will be provided within the NGPA tracts. Tract C is located adjacent to neighboring critical areas and forested areas and Tract A has several significant mature trees. See Section X of this report for related Conditions of Approval.

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 30% of significant diameter inches of trees on the site. In order to meet the 30% minimum retention requirement, the project must retain a minimum of 402 diameter inches of the 1,341 diameter inches of the existing significant trees.

Finding: The applicant proposes to preserve a total of 518 diameter inches or 39% of the significant trees onsite. This satisfies the minimum 30% tree retention requirement. See Section X of this report for related Conditions of Approval.

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 Section X of this report for related Conditions of Approval.

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

Finding: The site is located within the Newport Hills 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 two 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 3 lots from one preexisting lot which is increasing density on this site with critical areas.

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 3 new lots, 2 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.

Newport Hills Subarea Policy S-NH-33: *Install signs on the perimeter of designated native growth protection easements to inform residents of the protected status of these areas.*

Finding: The native growth protection areas will have perimeter signs designating them as protected areas. See Section X of this report for related Conditions of Approval.

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. See Section X of this report for related Conditions of Approval.

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 Section X of this report for related Conditions of Approval.

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 Conservation Short Plat and Critical Areas Land Use Permit to subdivide a 43,835 square foot parcel into 3 lots and 3 tracts on a site located at 5630 Lake Washington Blvd. SE.

Note on expiration of Preliminary Conservation Short Plat Approval (10-130110-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 (11-105339-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.

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	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 20.25H	Drew Folsom	425-452-4441
Noise Control – BCC 9.18	Drew Folsom	425-452-4441
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	Arturo Chi	425-452-4119

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.

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

AUTHORITY: Land Use Code 20.30P.140.A
REVIEWER: Drew Folsom, Development Services Department

3. Tree Protection Requirements

All trees identified for retention on Sheet W-1.0 "Restoration Plan and Details" are required to be retained on the site.

AUTHORITY: Land Use Code 20.20.900
REVIEWER: Drew Folsom, Development Services Department

4. Lot Coverage

The lot coverage for lot 1 shall be equal to or less than 28 percent and the lot coverage for lot 2 shall be equal to or less than 26 percent. The lot coverage for lot 3 is subject to the R-5 zoning requirements and shall be equal to or less than 40 percent.

AUTHORITY: Land Use Code 20.45B.055.B.3.(5)
REVIEWER: Drew Folsom, Development Services Department

5. Removal of Existing Structure within required setback

An approximately 15 foot section of the existing garage will be removed prior to completion of the final short plat to meet the minimum required rear yard setback.

AUTHORITY: Land Use Code 20.20.010
REVIEWER: Drew Folsom, 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.

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

7. Utilities

Utility Department approval of the short plat application (10-130110 LN) is based on the conceptual design only. Changes to the site layout may be required to accommodate the utilities after utility engineering is approved.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06
REVIEWER: Arturo Chi, Utilities Department

8. Developer Extension Agreement

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

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06
REVIEWER: Arturo Chi, 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 on 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.

AUTHORITY: Bellevue City Code 23.76.032A.1.a,d,e,f
REVIEWER: Savina Uzunow, 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.

AUTHORITY: Land Use Code 20.30P.140.E
REVIEWER: Drew Folsom, Development Services Department

3. Right of Way Use Permit

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

a. Designated truck hauling routes.
b. Truck loading and unloading activities.
c. Hours of construction and hauling.
d. Continuity of pedestrian facilities.
e. Temporary traffic control and pedestrian detour routing for construction activities.
f. Street sweeping and maintenance during excavation and construction.
g. Location of construction fences.

h. Parking for construction workers.
i. Construction vehicles, equipment, and materials in the right of way.
j. All other construction activities as they affect the public street system.
k. Pavement restoration requirements.

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

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

4. 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

5. Engineering Plans

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all transportation-related improvements must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to, the design of the private road, pavement restoration in Lake Washington Boulevard SE, mailbox location, and sight distance. 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

6. Sight Distance

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

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

7. Pavement Restoration

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

AUTHORITY: Bellevue City Code 14.60.250 and Design Manual Design Standard # 21
REVIEWER: 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.

AUTHORITY: Land Use Code 20.45B.055.B.3(6)
REVIEWER: Drew Folsom, 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.

AUTHORITY: Land Use Code 20.25H.145
REVIEWER: Drew Folsom, 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.

AUTHORITY: Land Use Code 20.25H.220
REVIEWER: Drew Folsom, 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.

AUTHORITY: Land Use Code 20.25H.220; 20.40.490
REVIEWER: Drew Folsom, 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.

AUTHORITY: Land Use Code 20.25H.220
REVIEWER: Drew Folsom, Development Services Department

6. Native Growth Protection Areas

Tracts B and C are to be labeled as Native Growth Protection Areas on the final short plat. The tracts will be fenced with perimeter signage designating the tracts as Native Growth Protection Areas. 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 (NGPAs) 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 3. THE CITY OF BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THE REQUIREMENTS, TERMS, AND CONDITIONS OF THIS RESTRICTION BY ANY, METHOD AVAILABLE UNDER LAW.

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

7. 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.

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

8. Infrastructure Improvements

All repairs to existing street frontage (if needed) and infrastructure improvements shown in the final engineering plans or required by city codes and standards must be either completed prior to approval of the final short plat or provided for with a

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

a. Site Specific Items:

   i. Private road construction.
   ii. Pavement restoration.

b. Miscellaneous:

   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 longitudinal and cross-sectional grades shall not exceed 8%.

   iii. Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

   iv. The internal private road shall not be gated or obstructed and must remain open at all times for emergency and public service vehicles. A note to this effect shall be placed on the face of the final Subdivision map.

   v. The maintenance responsibility for the internal private road shall be the shared responsibility of lots owners served by the joint-use driveway. A note to this effect must be indicated on the face of the final Subdivision map.

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

REVIEWER: Ray Godinez, Transportation Department

9. 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 items for emergency and public service vehicles.

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

10. No Parking

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

AUTHORITY: Bellevue City Code 23.11; Fire Department Development Standards
REVIEWER: Adrian Jones, Fire Department