



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 110th Ave NE
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPOSER: Merle Ash/Land Technologies Inc.

LOCATION OF PROPOSAL: 16715 SE 34th St.

DESCRIPTION OF PROPOSAL: Land Use Review of a Preliminary Short Plat and Critical Areas Land Use Permit to subdivide a 2.2 acre property into nine (9) lots and modify, reduce, and enhance a Type F and Type N stream buffer. Due to the presence of a Type F stream buffer the subdivision is subject to the Conservation Subdivision and Critical Areas Overlay District requirements.

FILE NUMBERS: 11-125666-LN and 12-115599-LO **PLANNER:** David Wong

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

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **2/19/2015**
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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

[Signature]
 Environmental Coordinator 2/5/2015
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

- State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- Attorney General ecyolyef@atg.wa.gov
- Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us



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

Proposal Name: Brangwin Short Plat

Proposal Address: 16715 SE 34th Street

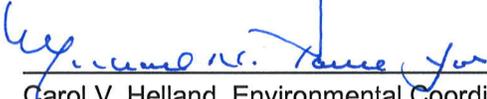
Proposal Description: Land Use Review of a Preliminary Short Plat and Critical Areas Land Use Permit to subdivide a 2.2 acre property into nine (9) lots and modify, reduce, and enhance a Type F and Type N stream buffer. Due to the presence of a Type F stream buffer the subdivision is subject to the Conservation Subdivision and Critical Areas Overlay District requirements.

File Number: 11-125666-LN and 12-115599-LO

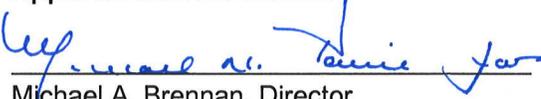
Applicant: Richard Brangwin

Decisions Included: Preliminary Short Plat (Process II. 20.45B)
Critical Areas Land Use Permit (Process II. 20.30P)

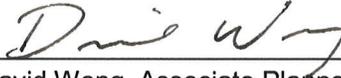
Planner: David Wong, Associate Planner

**State Environmental Policy Act
Threshold Determination:** **Determination of Non-Significance**


Carol V. Helland, Environmental Coordinator
Development Services Department

**Critical Areas Land Use Permit
Decision** **Approval with Conditions**


Michael A. Brennan, Director
Development Services Department

**Preliminary Short Plat
Decision:** **Approval with Conditions**


David Wong, Associate Planner
Development Services Department

Application Date: November 1, 2011 & May 24, 2012
Completeness Application: December 21, 2011 & July 19, 2012
Notice of Application: January 5, 2012 & August 9, 2012
Decision Publication Date: February 5, 2015
Appeal Deadline: February 19, 2015

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

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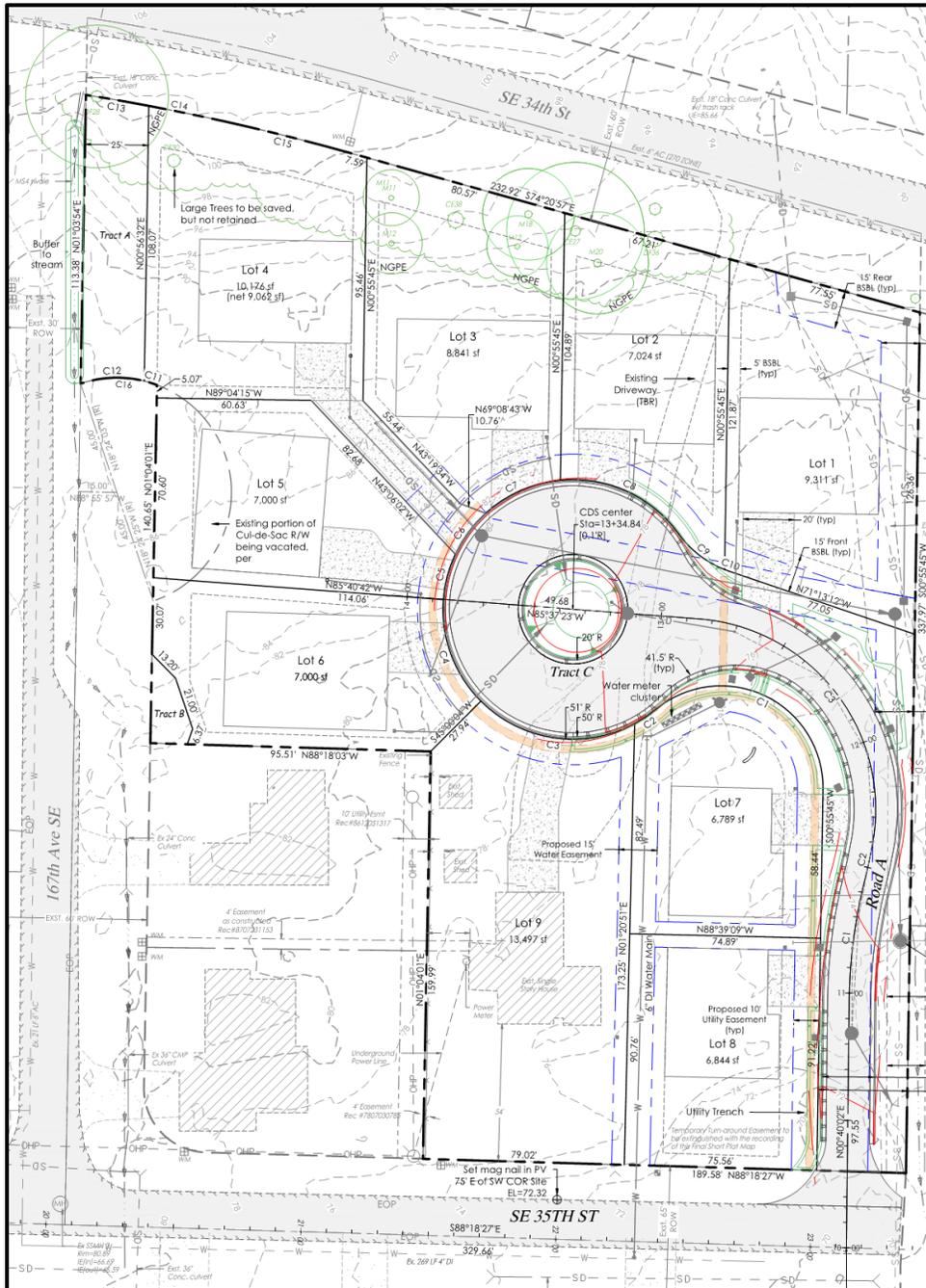
Attachments

1. Preliminary Short Plat – Enclosed
2. Preliminary Mitigation Plan – In File
3. Wetland Identification and Delineation Report – In File
4. Critical Areas Study – In File
5. Survey, Lot Line Plan, Tree Retention, Preliminary Drainage and Utility Plan – In File
6. SEPA Checklist, Application forms and correspondence – In file

I. **PROPOSAL DESCRIPTION**

The applicant is proposing to subdivide a 2.2 acre property to create nine (9) lots ranging from 6,844-13,497 square feet. Modification of the 50-foot Type F stream buffer to 25 feet is proposed in order to construct three homes. The requirements of the Conservation Subdivision in LUC 20.45B are triggered due to the critical area buffer on the site which will be placed into a Native Growth Protection Area tract. The site contains an existing single-family residence and improvements which will remain. See figure 1 below for a plan of the short plat.

Figure 1 – Site Plan



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

A. SITE DESCRIPTION

The project site is located at 16715 SE 34th St within the Eastgate Subarea. The site has street frontage on SE 34th St along the northern property line; 167th Ave SE along the western property line; and SE 35th St along the southern property line. The site is surrounded by single-family zoned properties, and generally slopes downward from north to the south. A Type F stream with connection to Vasa Creek is located to the west of the property, but portions of the stream buffer are located within the property boundary. The stream daylights from a culvert located near the northwest corner of the property and flows south along 167th Ave SE. The stream enters and exits culverts associated with driveways for 3424 and 3432 167th Ave SE before entering a culvert at the northeast corner of 167th Ave SE and SE 35th St. The existing house and improvements are located near the southern property line. See Figure 2 below for an aerial photo of the property as it currently exists.

Figure 2



B. ZONING

The property is zoned R-5, single-family residential. The area abutting to the west and east of the site is zoned R-5 as well.

C. LAND USE CONTEXT

The property has a Comprehensive plan Land Use Designation of SF-H (Single Family High Density). The proposed short plat is consistent with the single-family comprehensive plan land use designation. The surrounding neighborhood context is entirely single-family uses both adjacent to the site and in the vicinity.

D. CRITICAL AREAS FUNCTIONS AND VALUES

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. Habitat Associated with Species of Local Importance

Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005 Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005). Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

III. CONSISTENCY WITH LAND USE CODE REQUIREMENTS:

A. ZONING DISTRICT DIMENSIONAL REQUIREMENTS:

The site is located in the R-5 zoning district. The proposed short plat is in conformance with the general dimensional requirements of the zone and conservation subdivision under LUC 20.45B as outlined below.

BASIC INFORMATION		
Zoning District	R-5	
Gross Site Area	97,833 square feet (2.2 acres)	
ITEM	REQ'D/ALLOWED	PROPOSED
Dwelling Units/Acre	Density per LUC 20.25H.045	
	R-5	5 units per acre
	Gross Site Area	2.25 acres
	Total Critical Area	.22 acres
	Buildable Area	2.03 acres
	Development Factor	.90
	(5 x 2.03) + (5 x .22 x .90) = 11.14 units or 11 units allowed	
Minimum Lot Area	4,680 Square Feet per LUC 20.45B.055	Lot 1: 9,311 Square Feet Lot 2: 7,024 Square Feet Lot 3: 8,841 Square Feet Lot 4: 9,062 Square Feet Lot 5: 7,000 Square Feet Lot 6: 7,000 Square Feet Lot 7: 6,789 Square Feet Lot 8: 6,844 Square Feet Lot 9: 13,497 Square Feet
Minimum Lot Width	60 feet	All widths are 60 feet or greater
Minimum Lot Depth	80 feet	All depths are 80 feet or greater
Building Setbacks Front Yard Rear Yard Min. Side Yard 2 Side Yard	10 feet 15 feet 5 feet 10 feet <i>See LUC 20.45B.055 for modified building setbacks</i>	All setbacks meet or exceed the minimums required The final short plat shall label each lot line as front, rear, or side
Lot Coverage	<i>See LUC 20.45B.055.B for maximum lot coverage calculations</i> <i>Lot Coverage = .40 x Lot Coverage Factor</i>	Allowed Maximum Structural Lot Coverage Lot 1: 28.3% Lot 2: 41.0% Lot 3: 30.9% Lot 4: 29.7%

	<i>Lot Coverage Factor = 1 + ((10,000 - actual lot size)/10,000)</i>	Lot 5: 41.1% Lot 6: 41.1% Lot 7: 42.3% Lot 8: 42.0% Lot 9: Existing House Exempt
Impervious Surface	<i>Maximum Impervious Surface coverage is 50% of total site per 20.45B.055</i>	Maximum Impervious Surface for the site cannot exceed 50 percent of the site or 48,917 square feet. The proposed site coverage is 42 percent. Proposed impervious surface for each lot, private drive, and NGPA tracts: Lots 1-9: 3,200 Square Feet Drive: 12,262 Square Feet Tract A: 0 Square Feet Tract B: 0 Square Feet Allowed impervious surface for each lot is required to be stated on the final short plat.
Tree Retention	30% of 374 diameter inches = 113 inches minimum	139 Diameter inches retained = 37.2% proposed (see note below)

- i. Tree Retention. Tree removal within the NGPA tract will not be allowed without arborist analysis of these trees to show how they will pose a significant safety hazard to the future homes. The Tree Retention plan required as part of the final short plat must show a tree retention of at least 30 percent for the entire site which is exceeded by the proposed 37.2 percent retention.

See related conditions of approval in Section X of this report

B. CRITICAL AREAS REQUIREMENTS 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 reduce the 50-foot Type F stream buffer to 25 feet for lots 4-6 to be located outside of the buffer. In addition, the project proposed to reduce the 25-foot Type N stream buffer to 15 feet to accommodate the allowed access road permitted by LUC 20.25H.055. The project is subject to LUC 20.25H.075, LUC 20.25H.040, and LUC 20.25H.045 for construction located within a stream buffer.

The documents used for review of the critical areas on the site are a Wetland Identification and Delineation Report prepared by SNR Company and a Critical Areas Study prepared by Sound Ecological Endeavors LLC, all of which are included in the project file.

i. Consistency with LUC 20.25H.080

Development on sites with a type S or F stream or associated critical area buffer shall incorporate the following performance standards in design of the development, as applicable:

- 1. Lights shall be directed away from the stream;**
No lighting is proposed to be directed toward the stream.
- 2. Activity that generates noise such as parking lots, generators, and residential uses shall be located away from the stream or any noise shall be minimized through use of design and mitigation techniques;**
Residential uses are proposed to be located as far from the Type F and Type N streams as possible by utilizing the allowed dimensional modifications found in LUC 20.25H.040.B. Degraded buffer conditions will be densely planted with native vegetation to assist in sound attenuation.
- 3. Toxic runoff from new impervious area shall be routed away from the stream;**
Stormwater runoff from impervious surfaces is proposed to be routed into the proposed storm drains.
- 4. Treated water may be allowed to enter the stream critical area buffer;**
No treated water is proposed to be discharged into the stream buffer.
- 5. The outer edge of the stream critical area buffer shall be planted with dense vegetation to limit pet or human use;**
Dense plantings of native vegetation are proposed within the Type F and Type N stream buffers. In addition to the proposed plantings, a split-rail fence is proposed for along the Type F and Type N stream buffers.
- 6. Use of pesticides, insecticides and fertilizers within 150 feet of the edge of the stream critical area buffer shall be in accordance with the City of Bellevue's "Environmental Best Management Practices," now or as hereafter amended;**
No pesticide, insecticide, or fertilizer use is proposed.

IV. PUBLIC NOTICE AND COMMENT

Application Date:	November 1, 2011 & May 24, 2012
Public Notice (500 feet):	January 5, 2012 & August 9, 2012
Minimum Comment Period:	January 19, 2012 & August 23, 2012

The project was publicly noticed in the City's Weekly Permit Bulletin and Seattle Times on November 8, 2012 with notice mailed to property owners within 500 feet of the project site. A public information sign was also installed on the site. Six (6) public comments were received. Below are a summary of the comments received by the City of Bellevue:

Comment: *The short plat will increase traffic along SE 35th St and will create unsafe conditions for pedestrians and residents. Instead, traffic should enter and exit off of SE 34th St.*

Response: Staff has determined that the addition of 9 net new PM peak hour trips on SE 35th Street and 8 net new PM peak hour trips on the street network as a whole will not create a significant negative impact. See Section V Summary of Technical Review for additional information.

Comment: *Drainage from north of SE 34th St flows through two streams located on the subject lot and causes problems on other lots to the south. Allowing this short plat will only exacerbate the existing drainage problems.*

Response: In addition to dense plantings and stream buffer mitigation work, stormwater from impervious surfaces will also be collected in an engineered storm drainage system with on-site detention capacity. Detention will regulate conveyance of stormwater to the existing drainage path during peak flow periods.

Comment: *The streams on the site should be Type F and not Type N as previously suggested.*

Response: Additional information submitted by WFW and staff representing the Muckleshoot Tribe indicates that the stream along the westerly property boundary is a Type F stream. The stream located along the eastern property boundary remains a Type N stream. The applicant has updated the proposal and critical areas report to reflect these findings.

V. SUMMARY OF TECHNICAL REVIEWS

A. CLEARING AND GRADING:

The Clearing and Grading Division of Development Services Department has reviewed the proposed site development and found no issues. The Clearing and Grading staff has approved the application without any conditions of approval. A Clearing and Grading permit (type GE) will be required to construct plat infrastructure prior to final plat approval.

B. FIRE DEPARTMENT:

The Fire Department has reviewed and approved the application with the condition that per IFC 503, the access road shall support the weight of a Fire Apparatus. See Conditions of Approval in Section X of this report.

C. TRANSPORTATION DEPARTMENT:

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60), the Americans with Disabilities Act, the Transportation Department Design Manual, and any specific requirements stated

elsewhere in this Staff Report 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. **See Condition of Approval in Section X of this report.**

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

i. Site Access

Access to all lots within the short plat (Lots 1 through 9) will be via a new private road off SE 35th Street, as shown on the approved plans. The City's Parcel and Address Coordinator has determined that the new private road will be called 168th Court SE, and lot addresses have been assigned on that basis. No other vehicular access connection to city right-of-way is authorized. The existing driveway connection to SE 34th Street, which serves the existing house, must be removed. Street frontage restoration matching the adjacent shoulder on SE 34th Avenue must be provided at the location of the removed driveway.

The developer has proposed unique features for dealing with storm water treatment in and adjacent to the new private road. This is acceptable to the Transportation Department, provided that storm water treatment requirements of the Utilities Department are met, and provided that the homeowners will be held responsible for maintaining such storm water treatment features. Beyond that, the private road must be constructed to Transportation Department standards, as described below in the section entitled Street Frontage and Private Road Improvement. **See Condition of Approval in Section X of this report.**

ii. Right of Way Vacation for a Portion of 167th Avenue SE

The proposed site plan for this short plat assumes vacation of a portion of right of way on 167th Avenue, with the vacated area to become part of the developable lots. On September 2, 2014, the Bellevue City Council approved Ordinance No. 6177 vacating the relevant portion of right of way, effective upon evidence that the developer has completed all necessary conditions, including payment for the value of the vacated land. Such evidence must be provided prior to approval of the preliminary short plat. **See Condition of Approval in Section X of this report.**

iii. Relinquishment of a Temporary Turnaround Easement on SE 35th Street

The proposed site plan for this short plat assumes relinquishment of a temporary turnaround easement adjacent to SE 35th Street, with the relinquished area to become part of the developable lots. City staff determined that this relinquishment does not require City Council approval and can be handled administratively. To that end, staff prepared a document called Relinquishment

of Easement, which was signed by City staff officials on December 1, 2014, and recorded at the King County Recorder's office on December 22, 2014, under recording number 20141222000710. In exchange for this relinquishment, the developer is required to provide an acceptable permanent replacement for the turnaround function, which must be accommodated in the plat infrastructure plans and must be noted on the face of the final short plat document. The developer is required to include notes on the face of the final short plat indicating the following or equivalent:

- Within the area of the previous temporary turnaround easement on the short plat map, include words such as "Temporary turnaround easement created by Short Plat # 78502 was relinquished by the signing of a document called Relinquishment of Easement, which was recorded on December 22, 2014 under recording number 20141222000710."
- Include language such as the following, and indicate on the plat map that a new turnaround easement is created on 168th Court SE. "A Turnaround Easement on 168th Court SE is hereby granted to the public for the sole purpose of turning around on 168th Court SE."
- Include language such as the following: "In the event SE 35th Street is extended to the east connecting to a new road, or a new turnaround is created in a useful location on SE 35th Street, the Turnaround Easement on 168th Court SE within the Brangwin Short Plat can be relinquished by due process with the City of Bellevue."

The developer must either complete the construction of 168th Court SE, including the provision of a public turnaround function, and restore the shoulder of SE 35th Street at the previous turnaround location, or provide an acceptable financial assurance device to guarantee completion of that work as part of the short plat infrastructure. **See Condition of Approval in Section X of this report.**

iv. Street Frontage and Private Road Improvements

In order to provide safe pedestrian and vehicular access in the vicinity of the site and to provide infrastructure improvements with a consistent and attractive appearance, the construction of full street frontage improvements is generally required on public streets adjacent to new developments. However, City code BCC 14.60.110.E.1, allows the installation of frontage improvements to be waived if adjacent frontage improvements are unlikely to be installed in the foreseeable future. On that basis, the installation of frontage improvements on SE 35th Street is hereby waived, except for installing a standard driveway connection per standard drawing DEV-7B where 168th Court SE will connect to SE 35th Street and restoring a standard shoulder where the temporary turnaround will be removed. On SE 34th Street, installation of full frontage improvements is hereby waived, since the development will not take direct access to SE 34th Street, and since a majority of the site's traffic is not likely to

use that portion of SE 34th Street. Within the site, the design of the new private road to be named 168th Court SE must conform as relevant to the requirements of the Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), and the Transportation Department Design Manual. The final engineering plans showing all transportation infrastructure improvements must be included in the plat infrastructure (GE) permit.

Specific transportation-related engineering requirements include at least the following:

1. Any existing or new private or franchise utilities in or across any City right-of-way must be undergrounded. This will be controlled by the right of way use permits obtained by the utility companies.
2. 168th Court SE must be constructed with a minimum paved width of twenty feet, curb to curb. The developer is hereby informed that on-street parking will not be allowed with a curb to curb width less than 24 feet.
3. The private road must be built per the City's Transportation Department Design Manual Standard Drawing DEV-8, except as this development's approved engineering plans may differ from Drawing DEV-8. The pavement structure for 168th Court SE must be the same or equivalent to the pavement structure in Drawing DEV-8. Any deviation in pavement structure must be approved by the Fire Department as well as the Transportation Department. Any deviation in pavement structure for purposes of stormwater treatment must also be approved by the Utilities Department.
4. The connection of 168th Court SE to SE 35th Street shall be per Standard Drawing DEV-7B or approved equivalent.
5. The previous turnaround on SE 35th Street shall be removed and restored to the condition of the adjacent shoulder.
6. The cul-de-sac at the end of 168th Court SE shall be consistent with Standard Drawing DEV-1
7. The cross slope of the paved surface of 168th Court SE shall be approximately two percent, and the cross slope of the cul-de-sac shall not exceed eight percent.
8. Landings on sloping driveway approaches and on the private road connection to SE 35th Street should not exceed a 10% slope for a distance of 20 feet approaching the connection point. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.
9. The existing driveway connection to SE 34th Street, which serves the existing house, must be removed. Street frontage restoration matching the adjacent shoulder on SE 34th Avenue must be provided at the location of the removed driveway.
10. A mail box location approved by the local postmaster must be shown on the civil engineering plans. The location must not be hazardous for general traffic, must not create a vehicle queue back into SE 35th Street, and must not interfere with the public turnaround function of 168th Court SE. Lockable clustered mail boxes are recommended, and should be installed per standard drawing DEV-11 or approved equivalent.

11. Street name signs and relevant traffic signs shall be provided as needed. Sign installation shall be indicated on the civil engineering plans for the short plat. At the time of installation, the exact location and orientation of signs may be adjusted by the Transportation Department Inspector.
12. All relevant transportation-related Standard Drawings mentioned in this report or needed to guide construction must be included in the final engineering plans for the plat infrastructure (GE) permit.

Installation of street lighting is recommended but not required for private roads. The street light system shown on plan sheets I1 and I2 is acceptable. The City of Bellevue will not be responsible for future maintenance costs or electric power costs for this street light system.

v. Landscaping in the cul-de-sac island must be maintained by the homeowners.

Bellevue City Code 14.60.110 states that installation of all street frontage improvements (which includes installation of the private road improvements) is required at the developer's expense prior to final approval of short subdivisions. Alternatively, prior to final short plat approval, the developer may provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished frontage improvements. Such a financial assurance device must be on forms acceptable to the City and must be guaranteed by a financial institution acceptable to the City.

See Condition of Approval in Section X of this report.

vi. 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. **See Condition of Approval in Section X of this report.**

vii. Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every public street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it was last resurfaced. These three categories are No Street Cuts Permitted, Overlay Required, and Standard Trench Restoration. Each category has different trench restoration requirements associated with it. Near the development site SE 34th Street is classified as Overlay Required. SE 35th Street and 167th Avenue SE are both classified as No

Cuts Permitted, due to recent City overlays. A no-cut street can sometimes be

cut with approval of the City's Right of Way Manager, if no feasible alternative is available. If pavement restoration is required in any of the adjacent streets, then an asphalt grind and overlay at least 50 feet long will be required for the full width of any affected lane. **See Condition of Approval in Section X of this report.**

viii. Sight Distance

The access design shall meet the sight distance requirements of BCC 14.60.240. Vegetation shall be trimmed as needed within the sight triangle. New vegetation, signs, structures, or other features will not be allowed to obstruct the required sight line to the west. See Condition of Approval B.4.

ix. Transportation Impacts and Mitigation

City staff analyzed the potential short term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included trip generation and traffic operations conditions during the PM peak hour. Trip generation is calculated to be 8 net new PM peak hour trips, since the existing house will remain within the nine new lots created by the short plat. However, the impacted section of SE 35th Street will see a net increase of 9 new PM peak hour trips, since the access for the existing house will change from SE 34th Street to the new private road connecting to SE 35th Street. Transportation Department staff concluded that the addition of 9 net new PM peak hour trips on SE 35th Street and 8 net new PM peak hour trips on the street network as a whole will not create a significant negative impact. No traffic mitigation other than installation of standard improvements required elsewhere in this document and payment of traffic impact fees will be required. **See Condition of Approval in Section X of this report.**

x. Private Road Maintenance

The new private road known as 168th Court SE will be the responsibility of the property owners within the site, and must be fully maintained by the owners, including maintenance of landscaping in the cul-de-sac island, street lights within the site, and drainage features affecting the private road. Bellevue City Code 14.60.130 requires recording of a covenant which provides for maintenance and repair of the private road and includes a condition requiring the private road to remain open at all times for emergency and public service vehicles. In addition, the private road must remain open at all times to accommodate the public turnaround function required in Condition of Approval A.2. The requirement for the private road to remain open at all times necessitates a requirement that the private road shall not be gated or obstructed. The required covenant and conditions must be included on the face of the final short plat document. **See Condition of Approval in Section X of this report.**

D. UTILITIES REVIEW

Utilities Department approval of the preliminary short plat is based on the conceptual design only. Final engineering may require changes to the site layout to accommodate the utilities. All 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 of the water, sewer, and storm drainage systems will be conducted under separate UA (sewer), UB (storm drainage) and UC (water) permit applications.

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

Replanting and mitigation is occurring in the stream buffers. No disturbance below the stream bank is proposed. Any disturbance is required to be restored. Erosion and sedimentation control requirements and BMPs will be reviewed by the Clearing and Grading Department under the required development permits. **See Conditions of Approval in Section X of this report.**

B. Plants and Animals

No tree removal is proposed within the stream buffer and greater than the required number of the trees are retained by the project with additional vegetation added by required planting.

D. Noise

The only noise anticipated as a result of this work will be from construction equipment. Any noise is regulated by Chapter 9.18 BCC. **See Conditions of Approval in Section X of this report.**

VII. CHANGES TO PROPOSAL AS A RESULT OF CITY REVIEW

The short plat configuration was altered to recognize the Type F stream and associated buffer along the western boundary line. The applicant provided revisions to meet the Fire and Utilities Department requirements. The Transportation Department requested the right of way vacation and temporary turnaround relinquishment.

VIII. DECISION CRITERIA:

A. 20.25H.255.B Critical Areas Report Decision Criteria

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

- 1. 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;

The submitted mitigation and enhancement plan is providing approximately 3,100 square feet of planting in the reduced 25-foot Type F stream buffer and approximately 1,000 square feet of planting in the reduced 15-foot Type N stream buffer. The proposed planting will restore degraded conditions identified along both streams (Critical Areas Study pg. 12) and aid in stream bank stabilization and stormwater filtration.

- 2. 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;**

The most important critical area function for the stream and stream buffers is fish habitat. The proposed mitigation and enhancement plan includes the removal of Himalayan blackberry (*Rubus armeniacus*) identified to cover approximately 90% of the buffers (Critical Areas Study pg. 12). Native plantings will increase species diversity and channel cover.

- 3. 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;**

Stormwater quality will be improved by increased capture of runoff onto the buffer from the vegetation to be installed.

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

A maintenance surety will be required to ensure the mitigation monitoring occurs. The surety will be submitted prior to approval of the clearing and grading permit. **See Conditions of Approval in Section X of this report.**

- 5. 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**

The modifications and performance measures in this proposal are not detrimental to the functions and values of the streams.

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

The proposed modifications will allow creation of eight (8) new homes which is allowed in the land use district. Noise generated by construction is limited to the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. **See Conditions of Approval in Section X of this report.**

B. 20.30P.140 Critical Area Land Use Permit Decision Criteria – Decision Criteria

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.**
The applicant must obtain required development permits. **See Conditions of Approval in Section X of this report.**
2. **The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer.**
The proposal utilizes the best available construction, design, and development techniques.
3. **The proposal incorporates the performance standards of Part 20.25H to the maximum extent applicable.**
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.**
The proposed activity will not adversely impact public facilities.
5. **The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210.**
3,100 square feet of native planting is proposed as mitigation and enhancement for the Type F stream buffer reduction. 1,000 square feet of native planting is proposed as mitigation and enhancement for the Type N stream buffer reduction. A revised mitigation and monitoring plan is required to be submitted as part of the clearing and grading permit. A maintenance surety will also be required. **See Conditions of Approval in Section X of this report.**
6. **The proposal complies with other applicable requirements of this code.**
As discussed in this report, the proposal complies with all other applicable requirements of the Land Use Code.

C. Land Use Code 20.45B.130 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: City codes ensure public health, safety and general welfare through development code requirements. Existing public water and sewer facilities have been deemed adequate to serve the proposed development. There are no implied approvals of the utility engineering. Changes to the site layout may be required to accommodate the utilities during infrastructure permit review. The Utilities review found the proposed drainage to be feasible. The short plat makes appropriate provisions for the public health, safety, and general welfare.

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 which designates the site as Single-Family High Density. The proposed short plat allows the property to achieve the planned density 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.

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.

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*

Response: 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 and Conservation Subdivision standards.

B. Significant Tree Preservation: *Tree preservation requirements pursuant to LUC Section 20.20.900.D 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 112 diameter inches of the existing significant trees.*

Response: The applicant proposes to preserve 139 diameter inches which is 37.2 percent of the inches on site and satisfies the minimum 30 percent tree retention requirements. **See related conditions of approval in Section X of this report.**

C. Utility Codes and City Development Standards

Response: As conditioned, the proposal complies with the Utility Code and the City of Bellevue Development Standards. **See related conditions of approval in Section X of this report.**

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

Response: The site is located within the Eastgate 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, 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.*

Response: This short plat will create nine (9) new lots so that eight (8) single family homes can be constructed which will help to meet Bellevue's share of the regionally adopted demand forecasts for residential uses.

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

Response: This short plat will create nine (9) new lots from one preexisting lot which achieves just slightly below the maximum density for this property. Additional area was set aside for the existing single family dwelling and critical area buffers resulting in the maximum density not being achieved.

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.*

Response: This short plat will allow construction of eight (8) homes which are, by use type, compatible with the surrounding single-family neighborhood. 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 around the perimeter of the short plat.

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 and those allowed for conservation subdivisions without requiring a variance. There are no site constraints or critical areas which inhibit the development of the proposed lots that would warrant a variance. **See related conditions of approval in Section X of this report.**

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

Finding: The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access location, and other required improvements are existing, planned or conditioned as part of this approval to accommodate the use of these lots. **See related conditions of approval in Section X of this report.**

IX. CONCLUSION AND DECISION:

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

Note – Expiration of Approval: This preliminary short plat approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of 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. The short plat approval can be extended up to a maximum of two years, six months beyond the original one year granted.

This Critical Areas Land Use Permit approval is combined with the Preliminary Short Plat approval. In accordance with LUC 20.30P.150 the Critical Areas Land Use Permit shall expire three years, six months from the effect date of approval if the applicant fails to file for a building permit or other necessary development permit.

X. CONDITIONS OF APPROVAL:

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

<u>Applicable Codes and Ordinances</u>	<u>Contact Person</u>	<u>Phone</u>
Clearing and Grading Code – BCC 23.76	Savina Uzunow	425-452-7860
Construction Codes – BCC Title 23	Building Division	425-452-4121
Fire Code – BCC 23.11	Kevin Carolan	425-452-7832
Land Use Code – BCC 20.25H	David Wong	425-452-4350
Noise Control – BCC 9.18	David Wong	425-452-4350

Trans. Development. Code – BCC 14.60	Carl Wilson	425-452-4228
Traffic Standards Code – BCC 14.10	Carl Wilson	425-452-4228
Right-of-Way Use Code – BCC 14.30	Tim Stever	425-452-4294
Utility Code – BCC Title 24	Mark Dewey	425-452-6179

A. GENERAL CONDITIONS:

1. Variance Restriction

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

AUTHORITY: Land Use Code 20.45B.130

REVIEWER: David Wong, Development Services Department

2. Obtain Permits

Permits are required to construct infrastructure, utilities, buildings and other improvements. No construction may commence until the appropriate permit is issued.

AUTHORITY: Land Use Code 20.45B.130

REVIEWER: David Wong, Development Services Department

3. Noise – Construction Hours

Noise related to construction is exempt from the provisions of BCC 9.18 between the hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Noise emanating from construction is prohibited on Sundays or legal holidays unless expanded hours of operation are specifically authorized in advance. Requests for construction hour extension must be done in advance with submittal of a construction noise expanded exempt hours permit.

AUTHORITY: Bellevue City Code 9.18

REVIEWER: David Wong, Development Services Department

4. Preliminary Design, Utility Codes And Engineering Standards

Utility review has been completed on the preliminary information submitted at the time of this application. The review has no implied approvals for water, sewer and storm drainage components of the project. A Utility Extension Agreement will be required for review and approval of the utility design for storm and water. The side sewer connections can be reviewed under the UE but will be permitted under separate joint use side sewer permits. Submittal of the Utility extension will coincide with future clearing and grading permit review. Final civil engineering may require changes to the site layout to accommodate the utilities. Preliminary storm drainage

review was completed under the codes and standards in place at the time of this application.

AUTHORITY: BCC 24.02, 24.04, 24.06

REVIEWER: Brad Ayers, Utilities

5. Significant Tree Retention

At least thirty percent of the diameter inches of all significant trees on the site are required to be retained. If trees depicted on the preliminary short plat as retained are subsequently found infeasible to retain, conformance is required to be demonstrated with LUC 20.20.900 D and/or G to demonstrate that the required 30 percent of diameter inches is being retained.

AUTHORITY: Land Use Code Section 20.20.900 D and G

REVIEWER: David Wong, Development Services Department

6. Mechanical Equipment

All mechanical equipment associated with future development of lots 4-6 shall be placed on the north or south sides of the proposed single-family dwelling. Placement on the westerly side and adjacent to Tract A, Tract B, or the Type F stream is prohibited. Mechanical screen per 20.20.525 required.

AUTHORITY: Land Use Code Section 20.30P.140

REVIEWER: David Wong, Development Services Department

7. Exterior Lighting

Exterior lighting associated with future development of single-family dwellings on lots 6-8 shall be directed away from the Type F stream. Unshielded lighting adjacent to Tract A, Tract B, or the Type F stream is prohibited.

AUTHORITY: Land Use Code Section 20.30P.140

REVIEWER: David Wong, Development Services Department

8. Structure Setback – Type F Stream

A 20-foot structure setback associated with the Type F stream is required for lot 4 of this subdivision. The setback shall be measured from the outermost boundary of Tract A.

AUTHORITY: Land Use Code Section 20.30P.140

REVIEWER: David Wong, Development Services Department

9. Structure Setback – Closed Stream Segment

A 10-foot structure setback associated with the Type N closed stream segment is required on lot 1 of this subdivision. The setback shall be measured from center of pipe.

AUTHORITY: Land Use Code Section 20.30P.140
REVIEWER: David Wong, Development Services Department

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

1. Revised Mitigation and enhancement Plan

A mitigation and enhancement plan is required to be submitted with the clearing and grading permit application. The plan must show the expected plant density and quantity as described in this report to be consistent with the City's planting templates. A 3,100 square foot densely planted area is required as mitigation for the Type F stream buffer reduction. A 1,000 square foot densely planted area is required as mitigation for the Type N stream buffer reduction.

AUTHORITY: Land Use Code Section 20.25H.075
REVIEWER: David Wong, Development Services Department

2. Revised Monitoring Plan

The mitigation plan shall include a revised monitoring plan that can reference or change the following goals, objectives, and performance standards or a separate plan can be created, provided it has similar elements. Monitoring is required for 5 years.

Annual monitoring reports should be mailed to:

Environmental Planning Manager
Development Services Department
City of Bellevue
PO Box 90012
Bellevue, WA 98009-9012

Goals:

*Establish vegetation in the stream buffers
Reduce invasive species cover*

Objectives:

*Plant five (5) species of trees, eight (8) species of shrubs
Maintain invasive species cover at or below 15%*

Monitoring:

Annual monitoring reports are to be submitted to Land Use each year for five years, with maintenance occurring in all five years. Photos from selected photo points will be included in the monitoring reports to document the planting. The following schedule and performance standards apply. The annual reports must document the status of the mitigation planting in relation to these standards.

Year 1 (one year from date of plant acceptance)

- *100% survival of all installed material or replanted in following dormant season to reestablish 100%*
- *Less than 15% coverage of planting area by invasive species or non-native vegetation*

Year 2 (two years from date of plant acceptance)

- *85% survival of all installed material*
- *Less than 15% coverage of planting area by invasive species or non-native vegetation*

Year 3, 4, & 5 (from date of plant installation)

- *At least 75% survival of all installed material*
- *At least 35%(Yr3), 50%(Yr4), 70%(Yr5) coverage of the planting area by native plants in each year respectively*
- *Less than 15% coverage by invasive species or non-native vegetation*

AUTHORITY: Land Use Code 20.30P.140; 20.25H.220

REVIEWER: David Wong, Development Services Department

3. Maintenance Surety

A maintenance surety based on the cost estimate for labor and materials to conduct 5 years of monitoring will be required prior to clearing and grading permit issuance. The maintenance surety is required to be held until completion of the 5-year monitoring. Release of this surety is contingent upon successful monitoring established by the monitoring plan.

AUTHORITY: Land Use Code 20.30P.140

REVIEWER: David Wong, Development Services Department

4. Land Use Inspection

Following installation of planting the applicant shall contact Land Use staff to inspect the planting area and release the installation surety. At the end of 5 years inspection by Land Use staff is required to release the maintenance surety. Staff will need to find that the plants are in a healthy and growing condition and the mitigation plan is successful per the established performance standards in the monitoring plan.

AUTHORITY: Land Use Code 20.30P.140

REVIEWER: David Wong, Development Services Department

5. Tree Retention Plan

Tree retention shall be shown on the submitted plans along with tree protection BMPs from the City's BMP form T101.

AUTHORITY: Land Use Code Section 20.20.900 D and G

REVIEWER: David Wong, Development Services Department

6. Hold Harmless Agreement

The applicant shall submit a hold harmless agreement in a form approved by the City Attorney which releases the City from liability for any damage arising from the location of improvements within a critical area buffer in accordance with LUC 20.30P.170. The hold harmless agreement is required to be recorded with King County prior to building permit issuance. Staff will provide the applicant with the hold harmless form.

AUTHORITY: Land Use Code 20.30P.170

REVIEWER: David Wong, Development Services Department

7. Street Vacation of Part of 167th Avenue SE

Approval of this short plat is conditioned on the developer fulfilling all requirements for the vacation of a portion of the right of way of 167th Avenue SE, as specified in Ordinance 6177, including payment of relevant costs, prior to approval of the preliminary short plat.

AUTHORITY: City of Bellevue Ordinance No. 6177, LUC 20.45B.130

REVIEWER: Carl Wilson, (425) 452-4228

8. Relinquishment of a Temporary Turnaround Easement On Part of SE 35th Street

This proposed short plat assumes relinquishment of a temporary turnaround easement adjacent to SE 35th Street, with the relinquished area to become part of the developable lots. The City has determined that relinquishment of the temporary turnaround easement can be handled administratively. The relinquishment process has been completed by City staff. In exchange for this relinquishment, the developer is required to provide an acceptable permanent replacement for the turnaround function and to include relevant notes on short plat map and the face of the final short plat, as described above in the Summary of Technical Reviews; Transportation Review. The developer must either complete the construction of 168th Court SE and restore the shoulder of SE 35th Street or provide an acceptable financial assurance device to guarantee completion of that work as part of the short plat infrastructure.

AUTHORITY: LUC 20.45B.130

REVIEWER: Carl Wilson, (425) 452-4228

9. Right Of Way Use Permit

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

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

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements 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

10. 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, unless allowed with a street right of way under the terms of the right of way use permit for this development.

AUTHORITY: Bellevue City Code 14.30

REVIEWER: Tim Stever, Transportation Department

11. 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. The design of all street frontage improvements and private road improvements must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, the Transportation Department Design Manual, and any specific requirements stated elsewhere in this Staff Report. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans. The engineering plans must correctly show all transportation-related engineering details, including but not limited to:

- Design and width of the private road, included correct cross slope.
- Design of the cul-de-sac, including cross slope not to exceed eight percent.
- Design of the connection to SE 35th Street
- Removal of the existing turnaround on SE 35th Street and restoration of the shoulder of SE 35th Street.
- Removal of the existing driveway connection to SE 34th Street and restoration

- of the shoulder of SE 34th Street.
- Pavement restoration in any street where utility work or any digging will be done in the paved surface.
 - Mailbox location and installation.
 - Installation of street name signs and any relevant traffic signs.
 - Sight distance per BCC 14.60.240 toward the west on SE 35th Street.
 - Landings on sloping driveway approaches and on the private road connection to SE 35th Street should not exceed a 10% slope for a distance of 20 feet approaching the connection point. Driveway grades must be designed to prevent vehicles from bottoming out due to abrupt changes in grade.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings
REVIEWER: Carl Wilson, Transportation Department

12. 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 SE 35th Street must be trimmed. No new vegetation, signs, structures, or other fixtures will be allowed to obstruct the required sight line to the west.

AUTHORITY: Bellevue City Code 14.60.240
REVIEWER: Carl Wilson, Transportation Department

13. Pavement Restoration

The city's pavement manager has determined the following regarding trench restoration for any utility connections or other digging in the street surface of any adjacent street segments:

- SE 34th Street is classified as Overlay Required. If pavement restoration is required in SE 34th Street, then an asphalt grind and overlay at least 50 feet long will be required for the full width of any affected lane.
- SE 35th Street and 167th Avenue SE are both classified as No Cuts Permitted, due to recent City overlays. If no feasible alternative is available, the developer must obtain approval of the City's Right of Way Manager prior to cutting a no-cut street. At a minimum, an asphalt grind and overlay at least 50 feet long will be required for the full width of any affected lane.
- 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. The final requirements for pavement restoration will be specified in the Right of Way Use Permit for this development.

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

14. Access Road

Road must be signed and painted in accordance with attached info sheet #F-11.

AUTHORITY: IFC 503,

REVIEWER: Kevin Carolan, Fire Department

C. PRIOR TO APPROVAL OF FINAL SHORT PLAT:

1. Infrastructure Improvements

All street frontage and transportation-related infrastructure improvements shown in the final engineering plans, or required by city codes and standards, or required by other statements in this document, must be either completed prior to approval of the final short plat or provided for with a financial assurance device. Completion of the top lift and all other transportation infrastructure items prior to completion of the homes associated with the development is allowed. Improvements must be approved by the Transportation Department inspector before they are deemed complete.

Land Use Code Section 20.40.490 allows a developer to obtain final short plat approval prior to finishing improvements with provision of an acceptable financial assurance device equivalent to 150% of the cost of unfinished infrastructure improvements. Provision of such an assurance device requires completion of the improvements by the developer within two years of final short plat approval. Installation of improvements that would negatively affect safety if left unfinished may not be delayed through use of a financial assurance device. Partial reductions of the financial assurance device will not be approved except in special circumstances, determined in advance, such as phased projects. Financial assurance devices must be written on forms approved by the Transportation Department and backed by a financial institution acceptable to the Transportation Department.

AUTHORITY: Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240, 241; LUC 20.40.490; Transportation Department Design Manual

REVIEWER: Carl Wilson, Transportation Department

2. Access Design And Maintenance

The final recorded Subdivision document must include a note that specifies that the owners of lots accessed by the private road named 168th Court SE are jointly responsible for maintenance and repair of the private road, including the landscaped island in the cul-de-sac, internal street lighting, and storm drainage features related to the private road. The final Subdivision document must include a note that specifies that the private road will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed. In addition, the private road must remain open at all times to accommodate the public turnaround function required in Condition of Approval A.2.

AUTHORITY: BCC 14.60.130

REVIEWER: Carl Wilson, Transportation Department

3. Survey Monuments

After completion of 168th Court SE, the developer shall contact the City of Bellevue Land Survey Office in order to determine the preferred location for a survey monument to be located in the cul-de-sac area. After the Land Survey Office accepts the location, the developer shall install a survey monument as directed by the Survey Office.

AUTHORITY: LUC 20.45A.030; RCW 58.17.240

REVIEWER: Carl Wilson, Transportation Department

4. Lot Lines

The final short plat shall label the property lines as front, rear, or side.

AUTHORITY: Land Use Code Section 20.20.030

REVIEWER: David Wong, Development Services Department

5. Lot Coverage

The allowed maximum lot coverage for each lot shall be shown on the final short plat.

AUTHORITY: Land Use Code Section 20.45B.055

REVIEWER: David Wong, Development Services Department

6. Impervious Surface

The allowed maximum impervious surface for each lot shall be shown on the final short plat.

AUTHORITY: Land Use Code Section 20.45B.055

REVIEWER: David Wong, Development Services Department

7. Tree Retention/Final Short Plat

Existing trees contribute substantially to the effectiveness and health of this system. The City of Bellevue urges the applicant to save as many trees as possible. The final short plat shall portray a minimum of 456 diameter inches of existing significant trees to remain or greater, as is proposed. 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). The following note is required on the Tree Preservation Plan:

DESIGNATION OF TREES ON THE TREE PRESERVATION PLAN ESTABLISHES A COVENANT BY THE OWNER TO LEAVE UNDISTURBED ALL TREES AS SHOWN ON THE TREE PRESERVATION PLAN. THIS COVENANT SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON ALL FUTURE OWNERS. NO TREE TOPPING, TREE CUTTING, OR TREE

REMOVAL SHALL OCCUR UNLESS REQUIRED OR APPROVED BY THE CITY. EXCEPT FOR ORDINARY LANDSCAPE MAINTENANCE, NO CONSTRUCTION, CLEARING, OR LAND ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE DRIP-LINE OF TREES SHOWN ON THE TREE PRESERVATION PLAN, UNLESS REQUIRED OR APPROVED BY THE CITY. ACTIVITIES IN VIOLATION OF THIS COVENANT ARE SUBJECT TO PENALTY, INCLUDING WITHOUT LIMITATION, FINES AND MITIGATION REQUIREMENTS. THE CITY OF BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THE REQUIREMENTS, TERMS, AND CONDITIONS OF THIS COVENANT BY ANY METHOD AVAILABLE UNDER LAW. IT IS THE OBLIGATION OF THE OWNER TO COMPLY WITH THE TERMS OF THE TREE PRESERVATION PLAN AND THIS COVENANT.

AUTHORITY: Land Use Code 20.20.900.D

REVIEWER: David Wong, Development Services Department

8. Variance Restriction

The following note shall be added to the final short plat.

VARIANCE RESTRICTION

APPROVAL BY THE CITY OF THIS SHORT PLAT IS A DETERMINATION THAT EACH LOT IN THE SHORT PLAT CAN BE REASONABLY DEVELOPED IN CONFORMANCE WITH THE LAND USE CODE REQUIREMENTS IN EFFECT AT THE TIME OF PRELIMINARY SHORT PLAT APPROVAL WITHOUT REQUIRING A VARIANCE.

AUTHORITY: Land Use Code 20.45B.130.A.6

REVIEWER: David Wong, Development Services Department

9. Native Growth Protection Areas

Tract A and B are to be labeled as Native Growth Protection Areas tract on the final short plat. The following note is required to be placed on the final short plat:

NATIVE GROWTH PROTECTION AREA (NGPA) TRACT

AN ASSURANCE THAT THE TRACT WILL BE KEPT FREE FROM ALL DEVELOPMENT AND DISTURBANCE EXCEPT WHERE ALLOWED OR REQUIRED FOR HABITAT IMPROVEMENT PROJECTS, VEGETATION MANAGEMENT, AND NEW OR EXPANDED CITY PARKS PER LAND USE CODE 20.25H; AND THAT NATIVE VEGETATION, EXISTING TOPOGRAPHY, AND OTHER NATURAL FEATURES WILL BE PRESERVED FOR THE PURPOSE OF PREVENTING HARM TO PROPERTY AND THE ENVIRONMENT, INCLUDING, BUT NOT LIMITED TO, CONTROLLING SURFACE WATER RUNOFF AND EROSION, MAINTAINING SLOPE STABILITY, BUFFERING AND PROTECTING PLANTS AND ANIMAL HABITAT. THE CITY OF BELLEVUE HAS THE RIGHT TO ENTER THE

**PROPERTY TO INVESTIGATE THE CONDITION OF THE GNPA UPON
REASONABLE NOTICE. THE CITY OF BELLEVUE HAS THE RIGHT TO
ENFORCE THE TERMS OF THE NGPA.**

AUTHORITY: Land Use Code Section 20.45B.055

REVIEWER: David Wong, Development Services Department

A PORTION THE NW 1/4, SW 1/4 OF SECTION 12, TOWNSHIP 24 NORTH, RANGE 05 EAST, W.M.

SIGNIFICANT TREE RETENTION CALCULATIONS per BCC 20.20.900

TREE ID	SPECIES	DIA (in)	TREES WITHIN SITE INTERIOR				
			Weighing Factor	Weighted Diameter	Qty Existing	Qty Saved	Trees Saved
A12	Alder (Alnus)	12	0.5	6	2	0	
A14	Alder (Alnus)	14	0.5	7	2	0	
CE12	Western red cedar (Thuja plicata)	12	1.0	12	1	1	12
CE18	Western red cedar (Thuja plicata)	18	1.0	18	1	0	
CE24	Western red cedar (Thuja plicata)	24	1.0	24	1	1	24
CE27	Western red cedar (Thuja plicata)	27	1.0	27	1	1	27
CE36	Western red cedar (Thuja plicata)	36	1.0	36	1	0	
CE38	Western red cedar (Thuja plicata)	38	1.0	38	1	0	
CW9	Cottonwood (Populus)	9	0.5	4.5	1	0	
CW11	Cottonwood (Populus)	11	0.5	5.5	1	0	
CW12	Cottonwood (Populus)	12	0.5	6	1	0	
CW14	Cottonwood (Populus)	14	0.5	7	1	0	
CW16	Cottonwood (Populus)	16	0.5	8	1	0	
CW18	Cottonwood (Populus)	18	0.5	9	1	0	
CW36	Cottonwood (Populus)	36	0.5	18	3	0	
DF28	Douglas-fir (Pseudotsuga menziesii)	28	1.0	28	1	1	28
DF29	Douglas-fir (Pseudotsuga menziesii)	29	1.0	29	1	0	
DF30	Douglas-fir (Pseudotsuga menziesii)	30	1.0	30	2	0	
DF36	Douglas-fir (Pseudotsuga menziesii)	36	1.0	36	1	1	36
M11	Big leaf maple (Acer macrophyllum)	11	1.0	11	2	2	22
M12	Big leaf maple (Acer macrophyllum)	12	1.0	12	2	2	24
M14	Big leaf maple (Acer macrophyllum)	14	1.0	14	2	1	
M18	Big leaf maple (Acer macrophyllum)	18	1.0	18	1	1	
M20	Big leaf maple (Acer macrophyllum)	20	1.0	20	1	1	
M30	Big leaf maple (Acer macrophyllum)	30	1.0	30	1	1	
P48	Poplar (Populus)	48	1.0	48	1	0	
TOTAL				502	34	13	173
Percent Diameter Inches Saved = 34%				x30%			150 min.

Site Interior Tree Retention Requirement: must save 15% of diameter inches of significant trees

Legend

- Existing Tree
- Existing Swale
- Existing EOP
- Existing Boundary
- Existing Fence
- Culvert
- Existing Sewer Manhole
- Existing Catch Basin
- Existing Power Pole
- Existing Water Main



CONTACT PERSON
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 merle@landtechway.com

ENGINEER
 Land Technologies Inc.
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 360.652.9727
 paolo@landtechway.com

SURVEYOR
 A.S.E. & T. Land Surveying
 Jack W. Turpin, P.L.S.
 PO Box 1136
 Clinton, WA 98236
 360.221.6538

OWNER
 John & Neida Brangwin
 16715 SE 34th St.
 Bellevue, WA 98008

CRITICAL AREA CONSULTANT
 SNR Company
 Steven F. Neugebauer
 15211 3rd Pl. NE
 Duvall, WA 98219
 425.788.3015

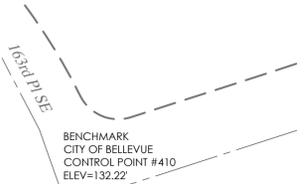
SITE ADDRESS
 16715 SE 34th Street
 Bellevue, WA 98008

APPLICANT
 Richard Brangwin
 20134 23rd Pl. NW
 Shoreline, WA 98177
 206.277.1513

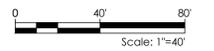
DATUM & BENCHMARK
 DATUM:
 NAVD 88 (NGVD 29 = NAVD 88-3.71)
 BENCHMARK:
 City of Bellevue Horizontal & Vertical Control Point: V-410.H-2862
 Locate at Intersection 163rd Pl & SE 34th St.
 Descr: 1 5/8" DIA BRASS CAP W/ PUNCH MK SET IN CONCRETE WITHIN 5
 1/2" DIA IRON PIPE SLEEVE IN CASE: TOP MON TO TOP RIM CASE 0.71 FEET.
 X=213919.615; Y=1522454.942
 EL=132.22 ft NAVD88
 SITE BENCHMARK:
 SET MAG NAIL IN PV 75' E OF SW COR SITE
 ELEV=72.32
 BASIS OF BEARING:
 WASHINGTON STATE COORDINATE SYSTEM NAD83(07)

LEGAL DESCRIPTION
 Lot 1 of King County short plat number 785027, according to the plat thereof, recorded in volume 670420942, in King County, Washington.

LOCAL SERVICES
 Water Supply: City of Bellevue
 Sewage Disposal: Bellevue Sewer Utility
 School District: Bellevue School District No. 405
 Fire District: Fire Protection Dist. No. 14
 Post Office: Bellevue
 Electric: Puget Sound Energy
 Phone: Frontier Communications
 Cable: Comcast
 Gas: Puget Sound Energy



BOUNDARY AND TOPOGRAPHIC SURVEY



LAND TECHNOLOGIES
 18820 Third Avenue, N.E.
 Arlington, WA 98223
 360-652-9727 360-652-5374 Fax
 E-Consulting 1995-2009

Richard Brangwin
 16715 SE 34th Street Bellevue, WA 98008

Brangwin Short Plat
 16715 SE 34th Street Bellevue, WA 98008

BOUNDARY AND TOPOGRAPHIC SURVEY

SHEET
BT1 of **BT1**
 24x36
11-125666 LN