



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

**DETERMINATION OF NON-SIGNIFICANCE**

**PROPONENT:** David Black, Mitchell Homes

**LOCATION OF PROPOSAL:** 1460 173<sup>rd</sup> Avenue NE

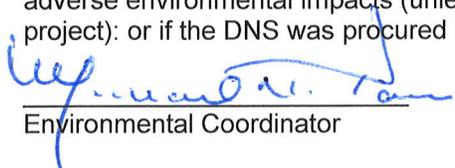
**DESCRIPTION OF PROPOSAL:** Minor work associated with construction of a preliminary short plat within a steep slope and Type O stream buffer which are critical areas regulated by the City of Bellevue.

**FILE NUMBERS:** 12-113590-LN and 12-127214-LO      **PLANNER:** Reilly Pittman

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 10/31/2013
- 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 **7/31/2013**
- 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This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals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.

  
 Environmental Coordinator

10/17/2013  
 Date

**OTHERS TO RECEIVE THIS DOCUMENT:**

- State Department of Fish and Wildlife / [Stewart.Reinbold@dfw.gov](mailto:Stewart.Reinbold@dfw.gov); [Christa.Heller@dfw.wa.gov](mailto:Christa.Heller@dfw.wa.gov);
- State Department of Ecology, Shoreline Planner N.W. Region / [Jobu461@ecy.wa.gov](mailto:Jobu461@ecy.wa.gov); [sepaunit@ecy.wa.gov](mailto:sepaunit@ecy.wa.gov)
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**City of Bellevue  
Development Services Department  
Land Use Staff Report**

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**Proposal Name:** Lee Short Plat

**Proposal Address:** 1460 173<sup>rd</sup> Avenue NE

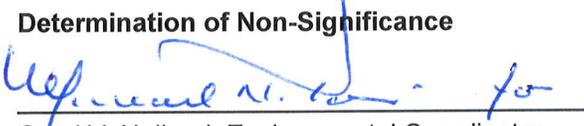
**Proposal Description:** Land Use Review of a Preliminary Short Plat and Critical Areas Land Use Permit to subdivide a 1.3 acre property to create a second lot and modify a top-of-slope buffer. Due to steep slopes, a stream, and wetland the subdivision is subject to the Conservation Subdivision and Critical Areas Overlay District requirements.

**File Number:** 12-113590-LN and 12-127214-LO

**Applicant:** David Black, Mitchell Homes

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

**Planner:** Reilly Pittman, 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**  
  
Reilly Pittman, Associate Planner  
Development Services Department

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**Application Date:** May 9, 2012  
**Completeness Application:** October 19, 2012  
**Notice of Application:** November 8, 2012  
**Decision Publication Date:** October 17, 2013  
**Appeal Deadline:** October 31, 2013

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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.

## TABLE OF CONTENTS

I.	Proposal Description.....	Pg 3
II.	Site Description, Zoning & Land Use Context.....	Pg 3-6
III.	Consistency with Land Use Code Requirements.....	Pg 6-15
IV.	Public Notice & Comment.....	Pg 15
V.	Summary of Technical Review.....	Pg 15-19
VI.	SEPA Environmental Policy Act.....	Pg 19
VII.	Changes to Proposal Due to Staff Review.....	Pg 19
VIII.	Decision Criteria.....	Pg 20-24
IX.	Conclusion and Decision.....	Pg 24
X.	Conditions of Approval.....	Pg 24-34

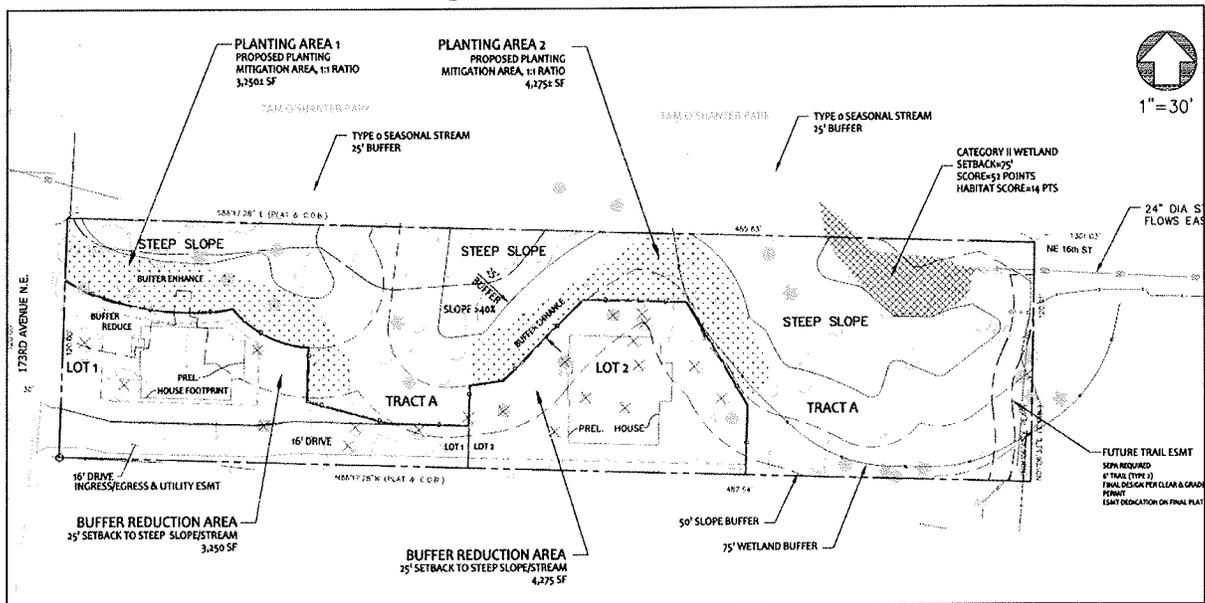
### Attachments

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

**I. PROPOSAL DESCRIPTION**

The applicant is proposing to subdivide a 1.34 acre property to create a second lot. Modification of the 50-foot top-of-slope buffer is proposed in order to construct two homes. The requirements of the Conservation Subdivision in LUC 20.45B are triggered due to the critical areas on the site which will be placed into a Native Growth Protection Area tract, not including the area of proposed slope buffer reduction. The site contains an existing single-family residence and improvements which will be demolished. 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 1460 173<sup>rd</sup> Avenue NE within the Northeast Bellevue Subarea. The site has street frontage on 173<sup>rd</sup> Avenue NE along the western property line. The site is surrounded by single-family zoned properties and is adjacent to the Tam O'Shanter Park to the north of the property. The site generally slopes downward from south to the north. A steep slope ravine is located along the north property line and contains a Type-O stream located in the adjacent park. The stream is enclosed in pipe except for the section in the park which daylight and then reenters a pipe where the stream crosses onto the project site. A Category II wetland has formed at the Northeast corner of the property, at the mouth of the stream pipe. The existing house and improvements are located near the western 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-3.5, single-family residential. Properties zoned R-5 are adjacent to the west and east of the site.

**C. LAND USE CONTEXT**

The property has a Comprehensive plan Land Use Designation of SF-M (Single Family Medium 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. Geologic Hazard Areas**

Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

## **ii. 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).

**iii. Wetlands**

Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provides various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

**iv. 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-3.5 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.

<b>BASIC INFORMATION</b>	
<b>Zoning District</b>	R-3.5
<b>Gross Site Area</b>	58,391 square feet (1.34 acres)

ITEM	REQ'D/ALLOWED	PROPOSED										
<b>Dwelling Units/Acre</b>	Density per LUC 20.25H.045 <table border="1" data-bbox="597 359 922 831"> <tr> <td>R-3.5</td> <td>3.5 unit per acre</td> </tr> <tr> <td>Gross Site Area</td> <td>1.34 acres</td> </tr> <tr> <td>Total Critical Area</td> <td>1 acres</td> </tr> <tr> <td>Buildable Area</td> <td>.34 acres</td> </tr> <tr> <td>Development Factor</td> <td>.25</td> </tr> </table> $(3.5 \times .34) + (3.5 \times 1 \times .25)$ = 2.06 units or <b>2 units allowed</b>	R-3.5	3.5 unit per acre	Gross Site Area	1.34 acres	Total Critical Area	1 acres	Buildable Area	.34 acres	Development Factor	.25	<b>2 Units</b>
R-3.5	3.5 unit per acre											
Gross Site Area	1.34 acres											
Total Critical Area	1 acres											
Buildable Area	.34 acres											
Development Factor	.25											
<b>Minimum Lot Area</b>	6,500 Square Feet per LUC 20.45B.055	<b>Lot 1: 10,940 Square Feet</b> <b>Lot 2: 9,567 Square Feet</b>										
<b>Minimum Lot Width</b>	70 feet	<b>All widths are 70 feet or greater</b>										
<b>Minimum Lot Depth</b>	80 feet	<b>All depths are 80 feet or greater</b>										
<b>Building Setbacks</b> Front Yard Rear Yard Min. Side Yard 2 Side Yard Access Easements	10 feet 15 feet 5 feet 10 feet 10 feet  <i>See LUC 20.45B.055 for modified building setbacks</i>	<b>All setbacks meet or exceed the minimums required</b>  <b>A 10 setback is required from the edge of the access easement on Lot 1 and is not measured from the paved road.</b>  <b>The final short plat shall label each lot line as front, rear, or side</b>										
<b>Lot Coverage</b>	<i>See LUC 20.45B.055.B for maximum lot coverage calculations</i>  <i>Lot Coverage = .35 x Lot Coverage Factor</i>  <i>Lot Coverage Factor = <math>1 + ((10,000 - \text{actual lot size})/10,000)</math></i>	<b>Allowed Maximum Structural Lot Coverage</b>  <b>Lot 1: 32%</b> <b>Lot 2: 37%</b>										
<b>Impervious Surface</b>	<i>Maximum Impervious Surface coverage is 50% of total site per 20.45B.055</i>	<b>Maximum Impervious Surface for the site cannot exceed 50 percent of the site or 29,196 square feet. The proposed site</b>										

		<p>coverage is 17 percent.</p> <p><b>Proposed impervious surface for each lot:</b>  <b>Lot 1: 6,000 Square Feet</b>  <b>Lot 2: 4,200 Square Feet</b></p> <p><b>Allowed impervious surface for each lot is required to be stated on the final short plat.</b></p> <p><b>The proposed driveway across lot 1 is included in the 6,000 square feet of impervious for this lot but may be designed to be a pervious surface</b></p>
<b>Tree Retention</b>	30% of 1,520 diameter inches = 456 inches minimum	<b>1,130 Diameter inches retained = 74.3% proposed (see note below)</b>

- 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 74 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 top-of-slope buffer to 25-feet for lots 1 and 2 to be located outside of the buffer. In addition, the 20 foot structure setback from the category II wetland on the property is proposed to be removed from lot 2. The project is subject to LUC 20.25H.125, LUC 20.25H.040, and LUC 20.25H.045 for construction located within a steep slope or a buffer and LUC 20.25H.095 for reduction of a structure setback from a wetland. In addition, the project is required to adhere to the performance standards in LUC 20.25H.055.C.3.g for the construction of the required public trail section that will cross the site through the stream and wetland buffer.

The documents used for review of the critical areas on the site are a Geotechnical Report and Critical Area Report by Liu and Associates and a Stream and Wetland Critical Areas Study by Wetland Resources, all of which are attached to this staff report as attachments 4 and 5.

**i. Consistency with LUC 20.25H.125**

Development within a landslide hazard or 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 requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function.

**1. 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;**

No structures are located within steep slope critical areas. The areas of the property proposed for construction are relatively flat, but are within the slope buffer. The geotech has stated that the improvement will minimize alterations to the natural contour of the site (pg. 4, CAR).

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

The proposed structures on the property are located outside of any steep slope critical areas and most of the vegetation is retained and protected within the required NGPA tract. The project will be required to provide mitigation planting that will include trees and shrubs.

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

The project geotechnical engineer found that "due to the competent soil condition of the site... ..the proposed developments will not result in greater risk or a need for increased[sic] buffers on neighboring properties" (Pg. 4, CAR).

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

No rockeries or retaining walls are proposed within steep slope critical areas. No rockeries or walls external to the houses are currently proposed on the project plans. Future construction of rockeries or walls is allowed on either lot if desired, but may be subject to geotechnical review if required by City staff and are subject to zoning requirements.

**5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**

The majority of proposed impervious surfaces are outside of the buffer and those within the area of the buffer to be reduced are still 25 feet away from the top of slope. The site wide impervious surface is allowed to be 50 percent of the site; the proposed impervious coverage is 17 percent of the site. The proposed driveway easement is proposed to be a pervious driveway which would reduce the amount of effective impervious on the

site below 17 percent.

6. **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;**

Retention systems are not proposed and regrading of the site should not be extensive or located in a steep slope critical area.

7. **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;**

The geotech states that the building foundation walls will be utilized for retention where possible.

8. **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 is not technically feasible, the structure must be tiered to conform to the existing topography and to minimize topographic modification;**

No structures are to be located in steep slope critical areas.

9. **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; and**

No structures are located in steep slope critical areas.

10. **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.**

The proposed slope buffer reduction will remove 7,525 square feet of slope buffer from protected status. In exchange 7,525 square feet of mitigation planting within the remaining buffer is proposed as found on the submitted mitigation plan as attachment 3. Based on the area of planting proposed the plan to mitigate for the permanent buffer impact should include at least 30 trees and 170 shrubs which is more than the current plan proposes. The number of ground covers needed is that necessary to cover the area to be planted. Additional shrubs can be substituted for ground covers. As there is existing tree canopy coverage, this plant density assumes a 15-foot on-center spacing for trees, 6-foot spacing for shrubs, and 2-foot spacing for ground covers. The proposed preliminary mitigation plan shall be revised as part of the future clearing and grading permit to provide the expected plant density.

The planting is required to be maintained and monitored for a period of at least five years with annual monitoring reports submitted to the City. The revised mitigation plan shall contain goals and objectives for the monitoring. The City has established a monitoring and maintenance template that can be used or a plan can be developed by the applicant, provided it is at least as robust as the template found below.

*Year 1 (from date of plant installation)*

- *100% survival of all installed plants and/or replanting in following dormant season to reestablish 100%*
- *0% coverage of invasive plants in planting area*

*Year 2 (from date of plant installation)*

- *At least 90% survival of all installed material*
- *Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation*

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

- *At least 85% 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 10% coverage by invasive species or non-native/ornamental vegetation*

A maintenance surety will be required based on a submitted cost estimate. The surety will be released after the five-year monitoring, assuming the monitoring has been successful. **See Conditions of Approval in Section X of this report.**

**ii. Consistency with LUC 20.25H.140 and LUC 20.25H.145**

Modification of a top-of-slope buffer and a toe-of-slope setback requires a critical areas report as part of the application for a Critical Area Land Use Permit. The applicant has obtained the services of a qualified geotechnical engineering company to study the site and document the observed conditions.

The geotechnical engineer for the project reviewed the site and found that a buffer of 15 feet from the top of slope would sufficient. The project proposes to maintain a 25 foot buffer which exceeds the minimum buffer. This geotechnical analysis finds that the proposal does not increase risk to adjacent properties, is not altering the steep slopes or impacting other critical areas, and that any hazard to the project has been mitigated to "tolerable levels" and that the proposed improvements are "safe as designed" under anticipate conditions (Pg. 5, CAR). Per LUC 20.30P.170, approval of projects to modify slope buffers or steep slope critical areas require the proponent to complete a Hold Harmless Agreement with the City. The agreement is required to be completed prior to

clearing and grading permit issuance on a form provided by the City. **See Conditions of Approval in Section X of this report.**

**iii. Consistency with LUC 20.25H.095**

Lot 2 is proposed within the area that is currently required as a 20 foot structure setback from the edge of the wetland buffer identified on the plans. The site is considered undeveloped as the wetlands have not been placed into a native growth protection area easement or tract. The proposal is to reduce the wetland structure setback to the property line of lot 2. The Director may waive or modify the structure setback on an undeveloped site as part of the permit or approval for the underlying proposal if the applicant demonstrates that:

**1. Water quality, or slope stability as documented in a geotechnical report, will not be adversely affected.**

The stream and wetland critical areas study for the project found that the house will be set back far enough away from the wetland so as not to affect water quality. All drainage for the site is directed into required systems as required by the Utilities codes. The submitted geotech report found that the project would not adversely affect slope stability, provided their recommendations were followed.

**2. Encroachment into the structure setback will not disturb habitat of a species of local importance within a critical area or critical area buffer.**

The proposed setback reduction will not impact habitat for species of local importance.

**3. Vegetation in the critical area and critical area buffer will not be disturbed by construction, development, or maintenance activities and will be maintained in a healthy condition for the anticipated life of the development.**

No vegetation in the wetland or buffer on the site will be disturbed. Vegetation will be installed in the steep slope buffer and will improve the vegetation found on the site.

**4. Enhancement planting on the boundary between the structure setback and the critical area buffer will reduce impacts of development within the structure setback.**

The proposed mitigation planting is located at the edge of the slope buffer and wetland buffer near lot 2 to provide a barrier between the proposed improvements and the slope and wetland.

**iv. Consistency with LUC 20.25H.055.C.2 and LUC 20.25H.055.3.g**

Staff has required the applicant to designate a public trail easement along the eastern property line where a trail already exists but is not within an easement. Some construction of the trail will be required to reposition the trail to avoid some existing utilities as part of the plat infrastructure. This trail is identified on the

City's Pedestrian and Bike Plan as trail T-201 which is the Tam O'Shanter Trail that provides a connection to Tam O'Shanter Park for the neighborhoods to the south of the project site per the description in figure 3 below.

**Figure 3**

T-201	Tam O'Shanter Trail (system within Park connections to neighborhood streets)	175th PI NE street end to NE 16th Street ROW	Add a 6-8 foot wide pedestrian walking trail called the Tam O'Shanter Trail connecting the end of 175th Place NE to NE 16th Street right-of-way.	Medium
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The existing trail is located within the stream and wetland buffer on the project site. This preliminary approval shows the proposed easement. The trail design plans to realign a portion of the trail will be submitted as part of the clearing and grading permit for the plat infrastructure construction. **See Conditions of Approval in Section X of this report.**

New or expanded facilities and systems are allowed within the critical area or critical area buffer only where no technically feasible alternative with less impact on the critical area or critical area buffer exists. A determination of technically feasible alternatives will consider:

**1. The location of existing infrastructure.**

The location of the exiting trail along the eastern property line is necessary in order to connect to the trail easement established on the property to the south as part of a prior subdivision. This trail provides a connection from the 175<sup>th</sup> PI NE to Tam O'Shanter Park to the north. To have this connection it is necessary for the trail to cross the properties in between 175<sup>th</sup> Place and the park.

**2. The function or objective of the proposed new or expanded facility or system.**

The objective is to provide a trail connection to the park north of the site. The function of the trail will be to provide a dedicated access point rather than allowing uncontrolled access across the site and its critical areas as has occurred in the past.

**3. Demonstration that no alternative location or configuration outside of the critical area or critical area buffer achieves the stated function or objective, including construction of new or expanded facilities or systems outside of the critical area.**

The trail has existed in the current location for some time and is improved with gravel. The location along the east property line avoids a stream crossing either on the property or within the adjacent park. The location connects to the designated easement on the property to the south and provides the last connection needed to reach NE 16<sup>th</sup> Street and the park.

Providing this trail connection across this property would require impacting critical areas regardless of the placement of the trail. The proposed trail connection provides the most direct path to exit the property and limits the impact to the disturbed periphery of the site.

**4. Whether the cost of avoiding disturbance is substantially disproportionate as compared to the environmental impact of proposed disturbance.**

Minimal impact to realign the trail is anticipated as minor clearing and grading is needed and potentially a small retaining wall. No significant vegetation should be removed by the trail realignment. Avoiding the proposed impacts would require construction of a much longer trail to go around the critical areas and reach the park. Avoidance would also require obtaining public trail easements across more properties which would add cost. The proposed easement provides the last connection to reach the park from 175<sup>th</sup> Place and recognizes an informal trail connection that has existed on the site.

**5. The ability of both permanent and temporary disturbance to be mitigated.**

The permanent disturbance caused by the trail will be required to be mitigated as part of the mitigation plan for the short plat as described below.

New nonmotorized trails within the critical area or critical area buffer must meet following standards:

1. **Trail location and design shall result in the least impacts on the critical area or critical area buffer;**
2. **Trails shall be designed to compliment and enhance the environmental, educational, and social functions and values of the critical area with trail design and construction focused on managing and controlling public access and limiting uncontrolled access;**
3. **Trails shall be designed to avoid disturbance of significant trees and to limit disturbance of native understory vegetation;**
4. **Trails shall be designed to avoid disturbance of habitat used for salmonid rearing or spawning or by any species of local importance;**
5. **The trail shall be the minimum width necessary to accommodate the intended function or objective;**
6. **All work shall be consistent with the City of Bellevue's "Environmental Best Management Practices" and all applicable City of Bellevue codes and standards, now or as hereafter amended;**
7. **The facility shall not significantly change or diminish overall aquatic area flow peaks, duration or volume or flood storage capacity, or hydroperiod;**
8. **Where feasible and consistent with any accessibility requirements, any trail shall be constructed of pervious materials;**

9. **Crossings over and penetrations into wetlands and streams shall be generally perpendicular to the critical area, and shall be accomplished by bridging or other technique designed to minimize critical area disturbance considering the entire trail segment and function; and**
10. **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.**

The trail is already constructed and relocating the trail would likely cause further disturbance that could be avoided by keeping the existing trail location. Any new construction can be done to meet these standards which will be reviewed as part of the future clearing and grading permit. This trail is part of a planned connection to the public park and will provide a designated path and access that will limit future impacts to the critical areas on site from uncontrolled access. The minor trail construction needed can be done to avoid trees and limit vegetation removal. The proposed trail will not impact habitat for salmon as the stream is not fish bearing. The trail can be constructed to avoid impacting the hydroperiod and to maintain the existing drainage flow by using pervious materials. No crossing of the wetland or stream is proposed and the trail is on the outer edge of the buffer, perpendicular to the stream and wetland. The trail will be within a trail easement that will likely be 10 feet wide to contain the trail and any necessary maintenance work. Any areas of new disturbance resulting from the trail realignment to avoid the utilities will require mitigation planting be added to the preliminary mitigation plan. **See Conditions of Approval in Section X of this report.**

#### **IV. PUBLIC NOTICE AND COMMENT**

Application Date:	May 9, 2012
Public Notice (500 feet):	November 8, 2012
Minimum Comment Period:	November 22, 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. No public comments were received.

#### **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) and the Transportation Department Design Manual prior to approval of the plat infrastructure permit. Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements.

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

**1. Site Access**

Access to Lots 1 & 2 will be from a joint use driveway off of 173<sup>rd</sup> Avenue NE as shown on the approved plans. No other access connection to city right-of-way is authorized. The existing driveway which serves the existing house must be removed. Street frontage improvements matching adjacent improvements and per City Projects S-401-E (5 foot wide sidewalk) and B-206-E (5 foot wide bike lane) must be provided at the location of the removed driveway as well as the entire frontage of the project site.

The driveway width will be a minimum of sixteen feet with Fire Department Approval and must be built per the City's Transportation Department Design Manual Standard Drawing DEV-7A.

Site addresses have been determined by the City's Parcel and Address Coordinator. Lot 1 has been addressed as 1460 173<sup>rd</sup> Avenue NE. Lot 2 has been addressed as 1510 173<sup>rd</sup> Avenue NE.

**See related conditions of approval in Section X of this report.**

**2. Street Frontage Improvements**

In order to provide safe pedestrian and vehicular access in the vicinity of the site and to provide infrastructure improvements with a consistent and attractive appearance, the construction of street frontage improvements on 173<sup>rd</sup> Avenue NE is required as a condition of development approval. The design of the improvements must conform to the requirements of the

Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), and the provisions of the Transportation Department Design Manual.

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

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

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

Prior to final short plat approval, the developer must provide street frontage improvements on 173<sup>rd</sup> Avenue NE at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished frontage improvements. The final engineering plans showing those frontage improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure (GE) permit.

Specific engineering requirements include: five foot wide concrete sidewalk

with curb and gutter, five foot wide bike lane (per City Projects S-401-E & B-206-E respectively).

**See related conditions of approval in Section X of this report.**

**3. 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 related conditions of approval in Section X of this report.**

**4. 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 173<sup>rd</sup> Avenue NE is classified as a "No Street Cuts Permitted" street. This type of classification will require a waiver from the City's Right of Way Manager. Therefore a written request for a street cut waiver must be submitted to the Right of Way Manager to obtain permission to cut into 173<sup>rd</sup> Avenue NE. Minimal pavement restoration for 173<sup>rd</sup> Avenue NE will consists of a full grind and overlay for the full width of the street extending 50 feet in opposite directions of the travel lanes.

**See related conditions of approval in Section X of this report.**

**5. 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.

**See related conditions of approval in Section X of this report.**

**6. Transportation Impacts and Mitigation**

City staff has analyzed the potential short term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts included traffic operations conditions during the a.m. and p.m. peak hours. Transportation Impacts from this development will be minor in nature and

does not require additional mitigation other than what has been documented in 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 restoration is occurring in the stream buffer along with minor adjustment to an existing public trail. 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 a majority 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**

No revisions were requested which substantially changed the proposed short plat layout from the original proposal. The applicant provided revisions to meet the Fire and Utilities Department requirements. Revision from the Land Use review included the need to apply for a Critical Areas Land Use Permit as part of the short plat review due to the proposed slope buffer impacts. The Transportation Department requested the public trail easement discussed above.

**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 plan is providing 7,525 square feet of planting in the reduced 25 foot slope buffer, with the provision that additional planting will be added for impacts resulting from the trail construction. The proposed planting will provide additional vegetation coverage on the slope buffer that will help to prevent erosion on the slope.

- 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 slopes on this site which are slope stability and erosion control are improved. In addition, the planting will also aid the adjacent riparian corridor by providing additional vegetation.

- 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 slope from the vegetation to be installed. The drainage for the fire pit area will be incorporated into that installed for the wall.

- 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 steep slope, wetland, or stream.

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

The proposed modifications will allow creation of two 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 impact public facilities.
5. **The proposal includes a mitigation or restoration plan consistent with the requirements of LUC Section 20.25H.210.**  
7,525 square feet of native planting is proposed as mitigation for the slope buffer reduction. Additional mitigation planting will be required for the proposed trail construction discussed in this report. 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 Medium 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-3.5 zone*

**Response:** All of the lots shown can be developed in accordance with the City of Bellevue Land Use Code requirements, including the R-3.5 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 456 diameter inches of the existing significant trees.*

**Response:** The applicant proposes to preserve 1,130 diameter inches

which is 74.4 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 Northeast Bellevue subarea. The Comprehensive Plan specifies Single-Family Medium Density development for this property, which is consistent with the R-3.5 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 a new lot so that two 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 creates one new lot from one preexisting lot which achieves the maximum density for this property.

**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 two 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-3.5 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:**

<b><u>Applicable Codes and Ordinances</u></b>	<b><u>Contact Person</u></b>	<b><u>Phone</u></b>
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	Adrian Jones	425-452-6032
Land Use Code – BCC 20.25H	Reilly Pittman	425-452-4350

Noise Control – BCC 9.18	Reilly Pittman	425-452-4350
Trans. Development. Code – BCC 14.60	Ray Godinez	425-452-7915
Traffic Standards Code – BCC 14.10	Ray Godinez	425-452-7915
Right-of-Way Use Code – BCC 14.30	Tim Stever	425-452-4294
Utility Code – BCC Title 24	Brad Ayers	425-452-6054

**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: Reilly Pittman, 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: Reilly Pittman, 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: Reilly Pittman, 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: Reilly Pittman, Development Services Department

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

### **1. Revised Mitigation Plan**

A revised mitigation 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 7,525 square foot planting area is required as mitigation for the slope buffer reduction. In addition the mitigation plan shall be updated to include restoration planting for the permanent and temporary disturbance caused by the public trail as described in this report.

AUTHORITY: Land Use Code Section 20.25H.125 and 20.25H.055.3.g  
REVIEWER: Reilly Pittman, Development Services Department

### **2. Public Trail Construction**

Construction of the public trail shall meet the standards in LUC 20.25H.055.3.g for public trails in critical areas and buffers. Conformance with these standards will be required as part of the clearing and grading permit. Approval of the trail construction is required from the Parks Department as part of the permit inspection process.

AUTHORITY: Land Use Code Section 20.25H.055.3.g; Bellevue City Code 22.02  
REVIEWER: Reilly Pittman, Development Services Department

### **3. 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

**Goal:**

*Establish vegetation in the slope buffer*

**Objectives:**

*Plant 2 species of trees, 3 species of shrub, and 2 species of ground cover*

**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%*
- *All installed large woody material shall be present and in the same location as when installed.*

*Year 2 (two years from date of plant acceptance)*

- *90% survival of all installed material*
- *Less than 10% coverage of planting area by invasive species or non-native/ornamental vegetation*

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

- *At least 85% 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 10% coverage by invasive species or non-native/ornamental vegetation*

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

REVIEWER: Reilly Pittman, Development Services Department

**4. 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: Reilly Pittman, Development Services Department

#### **5. 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: Reilly Pittman, Development Services Department

#### **6. 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: Reilly Pittman, Development Services Department

#### **7. 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: Reilly Pittman, Development Services Department

#### **8. 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

### **9. 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

### **10. Engineering Plans**

A channelization plan and site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all street frontage improvements must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to, concrete sidewalks, curb and gutter, five foot bike lane, relocation of existing above grade utilities for appropriate alignment of the curb face, the design of the joint use driveway, the connection to 173<sup>rd</sup> Avenue NE, pavement restoration in 173<sup>rd</sup> Avenue NE, mailbox location, and sight distance. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Specific requirements are detailed below:

- a. Site Specific Items:

- i) City Project S-401-E: 5 foot wide sidewalk (with curb and gutter) along the east side of 173<sup>rd</sup> Avenue NE.
- ii) City Project B-206-E: 5 foot bike lane along the east side of 173<sup>rd</sup> Avenue NE.
- iii) Relocation of all above grade utilities to accommodate City Projects S-401-E & B-206-E.
- iv) Driveway approach per DEV-7A.
- v) Pavement restoration per Right of Way Manager's discretion of as documented in this report.
- vi) Trail construction at the west end of the site. Construction type, width, etc. to be specified during the construction permitting phase for this project.
- vii) Granting of easement for public trail use at the west end of the site.
- viii) Relocation of / installation of new street signing as needed.
- ix) New channelization on 173<sup>rd</sup> Avenue NE for bike lane and as needed.

b. Miscellaneous:

- 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.
- The maximum cross grade of a street at the street end shall be 8%.
- Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings TE-1 and TE-3.

REVIEWER: Ray Godinez, Transportation Department

### **11. 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 173<sup>rd</sup> Avenue NE must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2.5 feet above a line drawn from pavement level to pavement level. Trees within the sight triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

AUTHORITY: Bellevue City Code 14.60.240

REVIEWER: Ray Godinez, Transportation Department

### **12. Pavement Restoration**

The city's pavement manager has determined that this segment of 173<sup>rd</sup> Avenue NE will require a waiver for street cuts. The applicant is required to submit a letter to the City's Right of Manager requesting a waiver to cut into the street. The minimum trench restoration requirement will be a full width street grind and overlay extending 50 feet from the center of the street cut in opposite directions. 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

### **13. Access Road**

The access road shall support the weight of a Fire Apparatus

AUTHORITY: IFC 503,

REVIEWER: Adrian Jones, Fire Department

## **C. PRIOR TO APPROVAL OF FINAL SHORT PLAT:**

### **1. Infrastructure Improvements**

All street frontage and infrastructure improvements shown in the final engineering plans or required by city codes and standards must be either completed prior to approval of the final short plat or provided for with a financial assurance device. Completion of the top lift and all other transportation infrastructure items prior to completion of the homes associated with the development is allowed.

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

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

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

REVIEWER: Ray Godinez, Transportation Department

## **2. Access Design And Maintenance**

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

AUTHORITY: BCC 14.60.130

REVIEWER: Ray Godinez, Transportation Department

## **3. Pipe Monuments**

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

AUTHORITY: LUC 20.45A.030; RCW 58.17.240

REVIEWER: Ray Godinez, 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: Reilly Pittman, Development Services Department

## **5. 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: Reilly Pittman, Development Services Department

## **6. 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: Reilly Pittman, Development Services Department

#### **7. 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: Reilly Pittman, Development Services Department

#### **8. Native Growth Protection Areas**

Tract A is 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: Reilly Pittman, Development Services Department