



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

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**Proposal Name:** KFS-3 LLC Short Plat

**Proposal Address:** 14402 SE 40<sup>th</sup> St (KC Parcel # 2205500285)

**Proposal Description:** The applicant requests Preliminary Short Plat approval to subdivide .27-acres (11,958 square feet) into 2 lots and a private access tract for the development of detached single-family dwellings in the R-5 zone. The proposed lot sizes are 5,324 and 6,034 square feet. This application is vested to King County regulations in effect, May 3, 2012 under King County file # L12S0007.

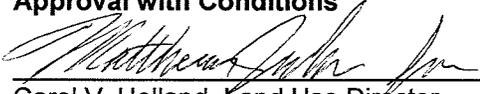
**File Number:** 12-133000-LN

**Applicant:** Kuei-Fang Yushan

**Decisions Included:** Preliminary Short Plat  
(Process II. LUC 20.45B & Interlocal Agreement Between the City of Bellevue and King County relating to the South Bellevue Annexation, Effective June 1, 2012, Bellevue Clerk's Receiving No. 48794)

**Planner:** Drew Folsom, Assistant Planner

**State Environmental Policy Act  
Threshold Determination:** Exempt (WAC 197-11-800(6)(a))

**Director's Decision:** **Approval with Conditions**  
  
\_\_\_\_\_  
Carol V. Helland, Land Use Director  
Development Services Department

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Application Date: May 3, 2012 with King County  
Notice of Application Publication Date: July 6, 11, and 12, 2012 by King County  
Decision Publication Date: August 15, 2013 by City of Bellevue  
Project Appeal Deadline: August 29, 2013 with City of Bellevue

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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.

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**Attachments**

- 1. King County Short Plat Staff Report and Recommendation

### I. Proposal Description

The applicant is proposing to subdivide a .27-acre (11,958 square feet) parcel into two, single-family residential lots and a private access tract. The property is allowed 1.65 units under the base density calculation under the County's R-6 zoning designation. The application is vested to King County regulations in effect on May 3, 2012 under King County file # L12S0007 in accordance with RCW 58.17.

### II. Consistency with Interlocal Annexation Agreement (Clerk's Receiving No. 48794):

At the time the application was filed with King County on May 3, 2012, the property was located in unincorporated King County. On June 1, 2012, the property was annexed into the City of Bellevue.

In accordance with the Interlocal Annexation Agreement between King County and the City of Bellevue, land use permits filed with King County prior to the annexation effective date shall be reviewed by King County up to the point that King County is ready to make a final decision. King County shall then forward their recommendation to the City of Bellevue. King County forwarded their recommendation on the proposed subdivision on November 26, 2012.

The City of Bellevue has reviewed King County's attached recommendation and is issuing the final decision. Any subsequent appeals on this decision will be processed by the City of Bellevue Hearing Examiner.

### III. Public Notice and Comment

Application Date:	May 3, 2012 with King County
Completeness Date:	May 31, 2012 by King County
Public Notice (500 feet):	July 6, 11, and 12, 2012 by King County

The Notice of Application for this project was published by King County on July 6, 2012 in the Bellevue Reporter and July 11, 2012 in the Seattle Times. A Land Use Notification sign was also erected at the site on July 12, 2012.

Two comments were received from the public as of the writing of this report. The comments are included in the project file that was forwarded to the City by King County. The commenters are included as "parties of record" and will receive notice of the final decision.

Public comments were received regarding the following issues:

- **Potential Impacts from Rockery Failure**

The County received comments from a neighboring property owner expressing her concern that the existing rockery lying along the common property between her parcel and the subject property might fail in the future.

**Response:** A King County DPER staff Geologist, Dr. Greg Wessel, visited the site and inspected the rockery in question. Based on Dr. Wessel's conclusions a geotechnical report addressing the stability of the rockery and its ability to support loads associated with this proposal will need to be prepared and submitted prior to the construction of

improvements required to complete the short plat. Based on the geotechnical report the City of Bellevue may require any improvements it determines are needed to address slope stability concerns prior to recording the subject short plat. See Conditions of Approval in Section VII of this report.

- **Concern over lot sizes below 6,000 sf**

**Response:** The King County zoning of the site is R-6, and under the County's Base Density provisions 1.65 dwelling units are permitted on the property. KCC 21A.12.070D indicates that the number of permitted dwelling units may be rounded-up in the Urban zone classifications, including the R-6 zone. Thus, a total of two lots may be created in the subject short plat application.

#### **IV. Summary of City of Bellevue Review**

##### **A. Clearing and Grading:**

The Clearing and Grading Division of the Development Services Department has reviewed the proposed subdivision. The clearing and grading staff found no issues with the proposed subdivision and King County recommendations.

##### **B. Utilities**

The Utilities Department's Development Review Division has reviewed King County's recommendation and the associated technical information relative to the project's compliance with King County's Codes and Standards. The utilities staff found no issues with the proposed subdivision and King County recommendations.

##### **C. Transportation**

The Transportation Department's Development Review Division has reviewed the proposed subdivision. The Transportation Department will not be requiring frontage improvements for this application per City Code Section 14.60.110.E.1 which states that street frontage improvements may be waived if matching frontage will not be installed in the foreseeable future. This is the case for the KFS 3 LLC Short Plat. The Transportation Department found no additional issues with the proposed development and King County recommendations. See Conditions of Approval in Section VII of this report.

#### **V. State Environmental Policy Act (SEPA)**

There are no Critical Areas located on the subject property. Short Plats of 9 lots or less and not containing Critical Areas are exempt from SEPA review pursuant to WAC 197-11-800(6)(a).

#### **VI. Decision Criteria**

**The proposed two lot short plat is vested to the King County Code that was in place on May 3, 2012.**

## **VII. Conclusion and Decision**

After conducting the various administrative reviews associated with this proposal, including consistency with King County Code, Interlocal Annexation Agreement between King County and the City of Bellevue, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the proposal to subdivide KC Parcel # 2205500285 into two single-family parcels, and a private access tract.

**Note- Expiration of Approval:** In accordance with King County Land Segregation Code Title 19A.12.040, the approved preliminary short plat is valid for a period of 84-months. If the final short plat is not filed before such time, the preliminary approval shall expire and be void.

## **VIII. Conditions of Approval**

**This approval adopts by reference all but one of the conditions of approval contained within the attached preliminary short plat recommendation prepared by King County.**

**In addition to those in the attached recommendation, the following conditions of approval are imposed under the Bellevue City.**

### **1. FRONTAGE IMPROVEMENTS**

The City of Bellevue Transportation Department has reviewed the proposal and associated recommendation and conditions prepared by King County. King County required that the short plat provide "urban frontage" improvements on SE 40th Street. Based on City of Bellevue Code Section 14.60.110.E.1, it is unlikely that adjacent frontage improvements will be constructed in the foreseeable future. Therefore, the Bellevue Transportation Department is modifying the King County requirement for frontage improvements for the KFS 3 LLC Short Plat. The frontage improvements requirement for the KFS 3 LLC Short plat is hereby waived based on the City Code section cited above. The frontage will be restored per the required right-of-way use permit associated with the plat infrastructure.

Authority: Bellevue City Code 14.60.110.E.1  
Reviewer: Ray Godinez 425-452-7915

### **2. RAINY SEASON RESTRICTIONS**

Due to the proximity to a stream critical area, no clearing and grading activity may occur during the rainy season, which is defined as October 1 through April 30 without written authorization of the Development Services Department. Should approval be granted for work during the rainy season, increased erosion and sedimentation measures, representing the best available technology must be implemented prior to beginning or resuming site work.

Authority: Bellevue City Code 23.76.093.A  
Reviewer: Savina Uzunow, Development Services Department

### 3. NOISE CONTROL

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: Drew Folsom, Development Services Department

**REPORT AND DECISION  
SHORT SUBDIVISION FILE NO. L12S0007**

A. DESCRIPTION OF THE PROPOSED SHORT SUBDIVISION:

This is a proposal to subdivide 0.2745 acres (11,958 square feet) into two lots for detached single-family residences in the R-6 zone. The proposed lot sizes are 5,324 and 6,034 square feet, and the proposed density is approximately 7.29 dwelling units per acre. Refer to Attachment 1 of this report for a copy of the proposed short plat map.

It should be noted that this application was filed with King County on May 3, 2012, and at that time, the subject property was located in unincorporated King County. Subsequently, on June 1, 2012, the property was annexed to the City of Bellevue. Under state law, since the application vested prior to June 1, 2012, it is subject to King County regulations, rather than City regulations. However, since the property now lies within the City, the City is the decision-maker on this application, not King County.

B. GENERAL INFORMATION:

Owner/Applicant: Kuei-Fang Yushan  
4957 Lakemont Blvd., Suite C-4, #369  
Bellevue, WA 98006  
Phone: 425-644-6860

Engineer: Encompass Engineering & Surveying  
165 NE Juniper Street, Suite 201  
Issaquah, WA 98027  
Phone: 425-392-0250

STR: Southeast ¼ of Sec. 10, Twp. 24, Range 5

Location: Lying on the north side of SE 40<sup>th</sup> Street at 14402 SE 40<sup>th</sup> St.  
Bellevue, WA

Zoning: R-6  
Acreage: 0.2745 acres (11,958 square feet)  
Number of Lots: 2 lots  
Density: 7.29 dwelling units per acre  
Lot Size: 5,324 and 6,034 square feet  
Proposed Use: Detached single-family residences

Sewage Disposal: City of Bellevue  
Water Supply: City of Bellevue  
Fire District: King County Fire Protection District #14  
School District: Bellevue School District #405  
Complete Application (Vesting) Date: May 3, 2012

C. NATURAL ENVIRONMENT

1. Topography: The subject property contains predominantly gently sloping terrain, declining in elevation generally to the east. There are a few existing rockeries present on the site, with grade changes of roughly five feet or less.
2. Soils: Arents, Alderwood material (AmC) is found on this site, per the 1973 King County Soil Survey. This soil unit is located on 6-15% slopes. It consists of well drained and moderately well drained gravelly sandy loams and gravelly loams. Runoff is medium and the hazard of erosion is moderate to severe.

3. Wetland/Streams: No hydrologic features were observed on this site at the time of the King County staff field investigation. The site lies within the Mercer Slough drainage sub-basin.
4. Vegetation: The subject property contains residential landscaping, a grass lawn, and scattered evergreen and deciduous trees. The trees are located predominantly on the northern portion of the property (in proposed Lot 2), and along the western property line of the site.
5. Wildlife: It is likely that small birds and animals visit this site on occasion. No threatened or endangered species are known to exist on or near the property.
6. Mapped Critical Areas: King County's Geographic Information System (GIS) does not show any mapped Critical Areas on the site.

D. PROPERTY CHARACTERISTICS, DESIGN FEATURES, UTILITIES AND SERVICES

1. Neighborhood Characteristics and Existing On-Site Improvements:

The proposed short plat is located in a developed single-family residential neighborhood, on a previously platted lot (Lot 12, Block 4, Eastgate Addition, Div. G). This lot is 11,958 square feet in size and lies on the north side of SE 40<sup>th</sup> St. in Bellevue. Other lots in the vicinity lying on the north and south sides SE 40<sup>th</sup> St., between 142<sup>nd</sup> Place SE and 146<sup>th</sup> Ave. SE, range in size from approximately 8,400 to 12,300 square feet, and are developed with single-family residences.

The subject property is also currently developed with a single-family residence, located on the southern half of the property. A carport and shed are present on the site along the east side of the residence, and a patio adjoins the north side (rear) of the residence (see Attachment 1). In addition, there are a few rockeries in various locations on the site.

One of the rockeries runs along most of the entire length of the east boundary of the site. The owner of the adjoining parcel to the east, Tax Lot 220570-0280, submitted correspondence to the King County Department of Permitting and Environmental Review (DPER), expressing concerns about the ability of this rockery to support the weight of a motor vehicle. Within the subject short plat application, a joint-use driveway (JUD) is proposed on the southerly 30 feet of proposed Lot 1, adjacent to this rockery, and a single driveway is proposed to extend north from the JUD across Lot 1 to Lot 2, to provide access to Lot 2. The single driveway is proposed to be placed five feet from the east property line of the subject property (see Attachment 1). The neighbor's concerns about the stability of this rockery are discussed further in Section D-9 below.

2. Comprehensive Plan, Zoning, Density and Lot Width: The King County Comprehensive Plan land-use designation for the site is "um" (Urban Residential 4 – 12 du/ac). The zoning of the site is R-6, and under the County's Base Density provisions, 1.65 dwelling units are permitted on the property. KCC 21A.12.070D indicates that the number of permitted dwelling units may be rounded-up in the Urban zone classifications, including the R-6 zone. Thus, a total of two lots may be created in the subject short plat application.

Regarding lot width, the two proposed lots of the subject application meet the 30-foot lot width requirement of the King County Zoning Code (KCC 21A.12.030).

3. Access/Roadway Section: As noted above, the proposed short plat is located on SE 40<sup>th</sup> St., about 300 feet west of 146<sup>th</sup> Ave. SE. SE 40<sup>th</sup> St. is considered by King County to be an urban subcollector street, and has a 32

foot wide roadway with curbing on both sides. No sidewalks exist in the vicinity of the subject property, and the curbing on SE 40<sup>th</sup> St. is cracked and broken in places.

The applicant's proposal is to create a Joint Use Driveway (JUD) to serve proposed Lots 1 and 2, which will extend north from SE 40<sup>th</sup> St., 30 feet into Lot 1. From the terminus of the JUD, a minimum 10-foot-wide paved driveway is proposed to extend north across Lot 1 to the south boundary of Lot 2 to serve Lot 2. The 10-foot-wide driveway is proposed to be placed within a 15-foot-wide easement that will be situated approximately nine feet from the residence. Since the carport adjoining the existing residence will need to be removed to accommodate the proposed JUD and driveway, the applicant has also proposed additional paving on the southern portion of Lot 1 for two off-street parking spaces, which are required by the King County Zoning Code for each single-family residential lot. The stopping sight distance on SE 40<sup>th</sup> St. at the proposed joint use driveway meets the stopping sight distance requirements of the King County Road Design and Construction Standards (KCRDCS).

4. Drainage: The subject property lies in the Mercer Slough drainage sub-basin, which drains into the Interstate-90 drainage system. The site slopes downward 5 to 10 percent from west to east into the yards of adjoining homes. The stormwater runoff crossing the site appears to sheet flow or infiltrate into the soil, as no defined channels or evidence of concentrated flow was observed on the subject property. The street drainage system in SE 40<sup>th</sup> St. restricts roadway runoff from entering the site, and conveys it to the south. There may be some sheet flow which enters the subject property from the property to the west.

The applicant's drainage proposal for the short plat is to provide small project infiltration/dispersion BMP's on the site, to control the storm water runoff from new impervious surfaces that will be developed in the short plat.

5. Schools: This proposal has been reviewed under RCW 58.17.110 and King County Code 21A.28 (School Adequacy).
- a. School Facilities: The lots of the proposed short plat will be served by Eastgate Elementary, Tyee Middle School and Newport Senior High School, all located within Bellevue School District No. 405.
  - b. School Impact Fees: The Bellevue School District currently does not have an adopted, development impact fee for funding school system improvements.
  - c. School Adequacy: The Bellevue School District has not submitted a capital facilities plan to King County for review and approval by the King County Council. Thus, it is difficult to evaluate the sufficiency of school facilities in the District to serve new development. However, per King County Code 21A.28.140, short subdivision applications are exempt from review under King County's adopted school concurrency standard.
  - d. School Access: Per comments received from the Bellevue School District, children from the proposed short plat will walk to Tyee Middle School, take a school bus to Eastgate Elementary, and take a Metro bus to Newport High School.

Tyee Middle School lies about 1/3 of a mile due west of the proposed short plat, and can be reached by walking west along SE 40<sup>th</sup> St. to reach the school located at the intersection of SE 40<sup>th</sup> St./138<sup>th</sup> Ave. SE. The bus stop for students going to Eastgate Elementary lies approximately 370 feet due east of the proposed short plat, and is located at the intersection of SE 40<sup>th</sup> St./146<sup>th</sup> Ave. SE. For students taking the Metro bus to Newport High School, the applicant's agent indicated that students

can board the Metro bus along 146<sup>th</sup> Ave. SE, to the east of the subject property.

6. Utilities:

- a. Sewage Disposal: The applicant has proposed to serve the proposed short plat with the public sewer system managed by the City of Bellevue. The City has completed a Certificate of Sewer Availability dated April 27, 2012, which indicates the City has the ability to serve the short plat.
- b. Water Supply: The applicant has proposed to serve the proposed short plat with a public water system managed by the City of Bellevue. The City has completed a Certificate of Water Availability dated April 27, 2012, which indicates the City has the ability to serve the short plat.

7. Fire Protection: Based on the Certificate of Water Availability completed by the City of Bellevue, sufficient water is available to the site to meet the King County fire flow requirements. (The Certificate indicates that the City calculated there is at least 1,000 gallons per minute of water available from the nearest hydrant, for two hours or more.) In the future, building permits for future residences constructed on the proposed lots will be reviewed by the City. The City may require the installation of fire protection sprinkler systems in new residences built on the proposed lots.

8. Recreation: King County Code 21A.14 requires that short subdivisions located in the "Urban" designated area which will contain five or more lots must provide on-site recreation space. Since the proposed short plat contains two lots, on-site recreation space is not required.

Eastgate Park, a public park, is located approximately four tenths of a mile south of the site, on SE Newport Way.

9. Potential Impacts From Rockery Failure: Ms. Karen Anderson owns the adjacent lot east of the proposed short plat (Tax Lot 220570-0280), and lives in her residence on that lot. As indicated above, Ms. Anderson sent King County DPER correspondence in which she noted her concern that the existing rockery lying along the common property line between her parcel and the subject property might fail in the future, due to the weight of a motor vehicle travelling on the proposed driveways of the subject short plat application. In her August 6, 2012 e-mail correspondence, she stated the following:

*"...The application shows a Lot 1 driveway 15' easement on the lot line of my property. Existing is a 4-5' height decorative rock retaining wall that was not built to hold the weight of a vehicle. My home is located on that side of the property and I feel the possibility of a vehicle falling off the wall or driving off the wall would end up on or in my home as a result [sic] could injure or kill myself..."*

In response to Ms. Anderson's concern, Dr. Greg Wessel, a DPER staff geologist, visited the site and inspected the rockery in question. Dr. Wessel concluded the following (e-mail correspondence dated September 25, 2012):

*"...The rockery probably dates from the original home construction, and it was not engineered as a retaining wall. There are at least two old tree stumps that have grown in and somewhat displaced the rockery, which is now slowly failing..."*

*"With respect to rockery stability and surcharges, I recommend that a geotechnical study of the site and the rockery be required. For the joint use section of the driveway especially, pavement is shown as*

*extending within two feet of the top of the rockery. My conclusion is that any pavement placed within five feet of the top of the rockery will allow a vehicular surcharge that could destabilize the rockery. So for that part of the rockery bordering the joint use driveway, a geotechnical study will be necessary that could recommend removal and replacement of the rockery with a retaining wall. The entire rockery should be reviewed at the same time."*

Final plat conditions have been included in Section G below to address the above-noted geotechnical/safety concern.

E. SEPA THRESHOLD DETERMINATION:

This short subdivision application is exempt from review under the State Environmental Policy Act (SEPA), RCW 43.21C.

F. FINDINGS/CONCLUSIONS:

The subject short plat application will comply with the goals and objectives of the King County Comprehensive Plan, the requirements of the King County Subdivision and Zoning Codes, and other official land use controls of King County (i.e. the 2007 Road Design and Construction Standards, the Surface Water Design Manual, etc.), based upon the following conditions for final short plat approval.

G. DECISION:

Short Plat File No. L12S0007, received May 3, 2012 and depicted on Attachment 1 to this report, is GRANTED PRELIMINARY APPROVAL; subject to the following conditions of final approval:

1. **KCC Title 19A – Compliance with Final Short Subdivision Requirements**

- A. Compliance with all of the Land Segregation provisions of King County Code Title 19A.
- B. The final short subdivision recording documents must be prepared by a professional land surveyor, licensed in the State of Washington. These documents shall comply with the conditions of approval listed in this report/decision.
- C. The final review process must be completed prior to the recording of the short subdivision or the sale of any lots contained within. It is strongly recommended that the Final Short Plat review package be submitted to the City of Bellevue at least one year prior to the expiration date of the preliminary approval decision.
- D. All persons having an ownership interest in the subject property shall sign on the face of the final short plat.
- E. All utilities within proposed rights-of-way must be included within a franchise approved by the City of Bellevue, prior to final short plat recording.
- F. Prior to recording, KCC 19A.08.160 requires that the following site work be completed:
  1. Drainage best management practices (BMP's) facilities and erosion control measures are installed and are consistent with KCC 9.04.090;
  2. Water mains and hydrants are installed (if required), and fire flow is available;

3. Grading as necessary so that all lots are accessible by passenger vehicle;
4. Specific site improvements are completed that are required prior to recording, or are required to remove any safety hazard.

G. As indicated on the preliminary plat map, paving associated with the patio to the rear (north) of the existing residence on Lot 1 extends onto proposed Lot 2. In order to eliminate a future property line encroachment, the portion of these improvements located on Lot 2 shall be removed, prior to the recording of the short plat.

2. **Access Requirements – KCC Title 14, 2007 King County Road Design and Construction Standards (KCRDCS)**

Minimal roadway improvements are required to address access requirements and impacts to existing roads and right-of-way. The improvements specified in the conditions below shall be completed prior to recording the short plat, unless indicated otherwise in the conditions or in applicable county code. Engineering plans are not required to address these improvements. Any construction or upgrading of public and private roads shall comply with the 2007 KCRDCS, established and adopted by Ordinance No. 15753 as amended. The proposed short subdivision shall comply with the KCRDCS including the following requirements, unless otherwise approved by the City of Bellevue:

- a. The existing curb along the frontage of the site shall be reconstructed to accommodate the joint use driveway access, consistent with the 2007 KCRDCS (Section 2.03B).
- b. Tract A shall be improved as a private joint use driveway (JUD) serving Lots 1 and 2. These lots shall have undivided ownership of the tract and be responsible for its maintenance, which shall be indicated on the final plat map. As specified in KCRDCS 3.01C, the driving surface shall be paved 18-feet in width (tract width 20 feet) and extend from SE 40<sup>th</sup> St. to the north boundary of Tract A.
- c. The access easement to proposed Lot 2 shall be 15 feet wide and shall be setback a minimum of 5 feet from the existing residence. The existing carport/shed shall be removed to accommodate the driveway easement to Lot 2.
- d. Two paved parking spaces shall be provided on Lot 1, at the location depicted on the preliminary plat map. The spaces shall each be a minimum of 8.5 feet wide by 18 feet deep, and shall be placed at least 10 feet from the SE 40<sup>th</sup> St. property line. Prior to final plat recording, the location of the spaces may be modified, subject to the approval of the City of Bellevue.
- e. If there are any power poles located along the subject property road frontage which fall within the minimum clear zone for safety as prescribed by the King County Road Design and Construction Standards (Sec. 5.10), they shall be relocated prior to recording of the short plat. Field verification by the applicant's engineer that this condition has been met shall be provided prior to recording.

Modifications to the above road improvement conditions may be considered by the City of Bellevue, pursuant to the variance procedures in KCRDCS 1.12 or other applicable procedures. Any request for a road variance shall be submitted to the City on the appropriate form and with the minimum fee deposit.

With the exception of those items noted above, site design details may be shown on the preliminary site plan that may not have been reviewed for compliance with KCRDCS. If differences exist between the site plan and the requirements of the KCRDCS, the final design shall be modified to meet KCRDCS.

**3. Surface Water Management Control – KCC Title 9, 2005 King County Surface Water Design Manual (SWDM)**

The extent of the improvements proposed or required for this short plat qualify for Small Project Drainage Review, as outlined in SWDM Section 1.1.2.1. Best Management Practices (BMP's) are required for new impervious surfaces (frontage improvements, driveways and new houses) created with this project. An analysis and proposal showing how Small Project Drainage Review requirements will be met shall be included with the final platting submittal package (Title 19A). Drainage facilities associated with future lot improvements may be submitted and reviewed separately at the building permit stage.

To implement the required BMP's for the treatment of storm water, the final plans and a technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. As described in Chapter 5 of the King County SWDM, a subdivision project may implement the required BMP's, or defer the lot BMP requirements until the future review of building permits. In either case, the final plans for the short plat shall clearly indicate on the recorded short plat the applicable BMP standards and requirements for implementation.

If the subdivision applicant chooses to defer implementation of lot BMP's to the building permit process, the following note shall be shown on the final recorded plat:

“Permit applications for buildings or other improvements constructed on lots created by this subdivision must be reviewed for compliance with Best Management Practices (BMP's) and other applicable drainage standards specified in the King County SWDM, and/or applicable City regulations. As determined by the City of Bellevue, the permit applicant for each lot must prepare a drainage site plan with procedures for design and maintenance details, and record a declaration of covenant and grant of easement for implementation of the BMP's.”

Consistent with the authority and procedures outlined in Chapter 1.4 of the King County SWDM, drainage adjustments to any of the above requirements may be considered by the City of Bellevue. Adjustment applications shall be submitted to the City on the appropriate form and with the minimum fee deposit.

**4. Site Improvement Inspections, Fees and Financial Guarantees (KCC Title 19 & 27)**

An inspection fee and applicable financial guarantees are required prior to either starting construction or recording this short plat. Please contact the City of Bellevue to request the initiation of the fee estimate and financial guarantee paperwork process and to request a pre-construction meeting.

**5. Health/Utilities (KCC 13)**

This project is exempt from King County Health Department review. However, if sewer and/or water improvements are required by the City of Bellevue to serve this proposed short plat, then the applicant shall provide documentation to verify the improvements have been bonded or installed, prior to recording of the short plat.

**6. Building and Construction Standards (Title 16)**

The applicant shall comply with all applicable provisions of KCC Chapter 16.82, including KCC 16.82.156 concerning the preservation of “significant trees” on short subdivisions located in the King County “Urban” designated area. A detailed tree retention plan, which complies with KCC 16.82.156B2 and other applicable requirements of this code section, shall be submitted for review and approval prior to final short plat approval. Bonding may be required by the City of Bellevue to assure implementation of the tree retention/replacement plan. No clearing or grading of the site shall occur until the City of Bellevue approves the detailed tree retention plan.

**7. Zoning Code (KCC 21A)**

**A. Density and Dimensions (KCC 21A.12)**

All lots shall meet the dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary short subdivision, whichever is larger. Minor revisions to the short subdivision, which do not result in substantial changes and do not create additional lots may be approved by the City of Bellevue.

**B. Street Trees (KCC 21A.16) – Street trees shall be provided as follows (per KCRDCS 5.03 and KCC 21A.16.050):**

- i. Trees shall be planted at a rate of one tree for every 40 feet of frontage along SE 40<sup>th</sup> St. The requirement for these trees may be waived, or the 40-foot spacing requirement modified, to accommodate sight distance requirements for driveways and intersections.
- ii. Trees shall be located within the street right-of-way and planted in accordance with Sec. 5.03 and Drawings 5-009 through 5-013 of the 2007 King County Road Design and Construction Standards (KCRDCS), unless the City of Bellevue determines that trees should not be located in the street right-of-way.
- iii. If the City determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20-feet from the street right-of-way line.
- iv. The trees shall be owned and maintained by the Lot 1 property owner unless the City has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
- v. The species of trees shall be approved by the City if located within the right-of-way, and shall comply with KCRDCS 5.03L, M, and N. They shall not include species the City determines has the potential to disrupt utilities or impact roadway improvements. All tree planting in the right-of-way shall include the installation of an approved root barrier adjacent to walks and curbs for each tree, unless otherwise approved by the City.
- vi. The applicant shall submit a street tree plan and bond quantity worksheet for review and approval by the City.
- vii. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one-year of recording of the plat. At the time of inspection, if the trees are found to be installed per the

approved plan, a maintenance bond must be submitted and held for one-year. After one-year, the maintenance bond may be released after the City has completed a second inspection and determined that the trees have been kept healthy and thriving.

#### **8. Stability of Existing Rockery**

Prior to the construction of improvements required to complete and record this short plat application, a geotechnical report shall be prepared by a geotechnical engineer or engineering geologist to address the following:

- a. The stability of the existing rockery located along the east property line.
- b. The ability of the rockery to support loads associated with the construction and vehicular use of the joint-use driveway (JUD). (Note, this driveway will be placed two feet or less from the east property line.)
- c. The ability of the rockery to support loads associated with the construction and vehicular use of the single driveway that will be located north of the JUD on Lot 1, and which will provide access to Lot 2. (Note, this driveway will be placed five feet or less from the east property line.)
- d. The need to reconstruct the existing rockery or replace it with a retaining wall or other alternative.

The City of Bellevue shall review the above-noted geotechnical report and may require the construction of improvements it determines are needed to address slope stability concerns. The City may require these improvements be constructed prior to recording the subject short plat.

#### **9. Road Mitigation Payment System (KCC 14.75)**

The applicant or subsequent owner shall comply with the Road Mitigation Payment System (MPS), King County Code 14.75, by paying the required MPS fee and administration fee. The applicant or subsequent owner has an option to either:

- A. Pay the MPS fee at final short plat recording, or
- B. Pay the MPS fee at the time of building permit issuance.

If the first option is chosen, the fee paid shall be the fee in effect at the time of short plat application and a note shall be placed on the face of the recorded short plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS) have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of the building permit application.

#### **Other Considerations**

- A. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but not be limited to, obtaining a forest practice permit, an HPA permit, building permits, and other types of entitlements as necessitated by circumstances.
- B. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.

Parties and Persons of Interest:

Karen Anderson, Party-of-Record  
Kristen Beasley, Party-of-Record  
Patty Losh, Party-of-Record  
Lanny Henoeh, PPM III, King County DPER  
Pat Simmons, Engineer, King County DPER  
Molly Johnson, Development Engineer, King County DPER  
Jarrod Lewis, Supervisor, King County DPER

THE USE HEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF SAID PUBLIC ALL EASEMENTS AND TRACTS SHOWN ON THIS SHORT PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACES, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS SHORT PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SHORT SUB-DIVIDED WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST KING COUNTY, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SHORT SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY KING COUNTY.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SHORT SUB-DIVIDED AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD KING COUNTY, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SHORT SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SHORT SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SHORT SUBDIVISION.

PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS A RELEASE OF KING COUNTY, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF KING COUNTY, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

KFS 3, LLC,  
A WASHINGTON LIMITED LIABILITY CORPORATION

PAGE \_\_\_\_\_ OF \_\_\_\_\_ PAGE

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, PERSONALLY APPEARED \_\_\_\_\_ OF \_\_\_\_\_ THAT EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN MENTIONED, AND ON OATH STATED THAT \_\_\_\_\_ WERE AUTHORIZED TO EXECUTE SAID INSTRUMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

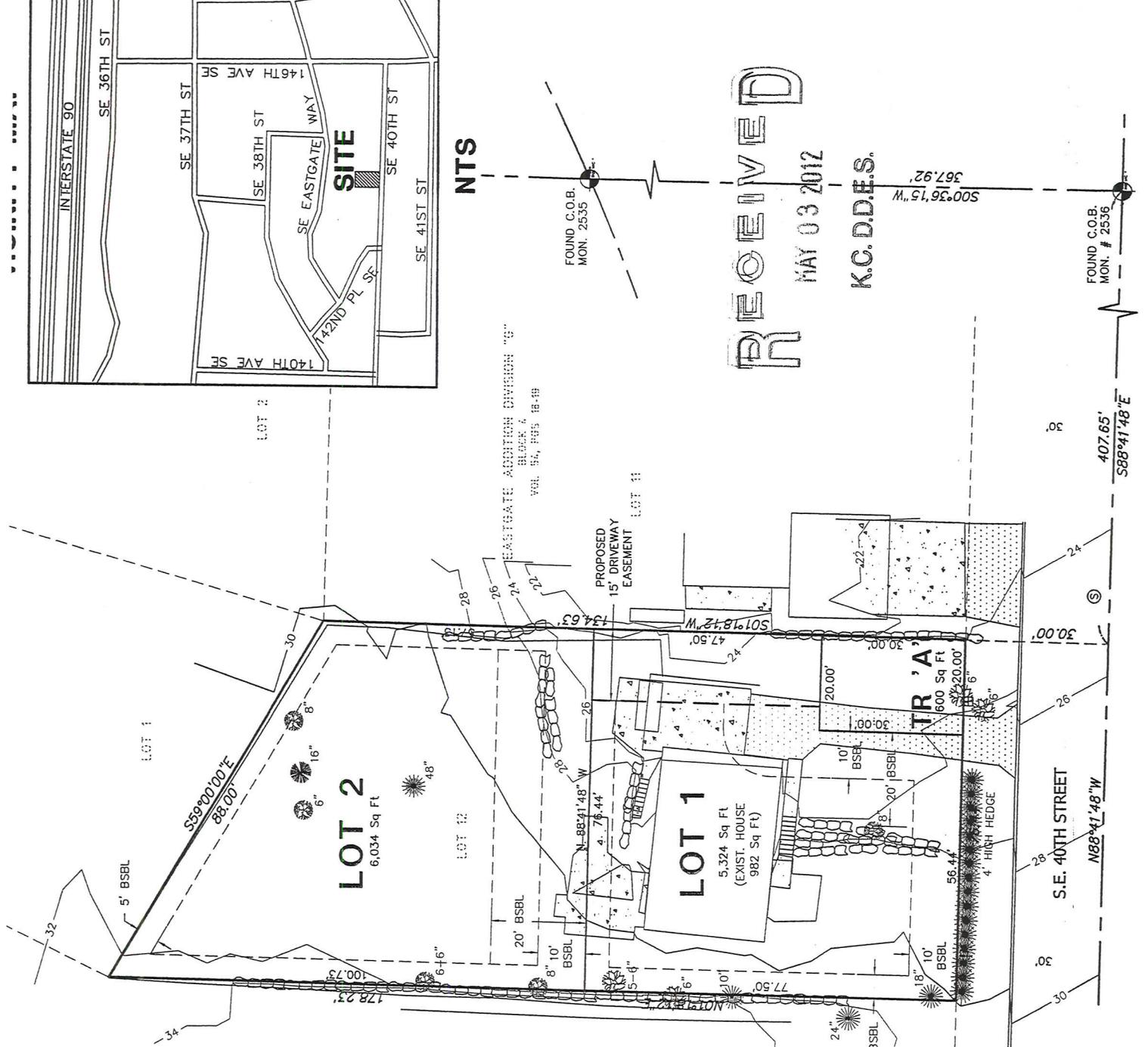
DATED \_\_\_\_\_  
SIGNATURE OF \_\_\_\_\_  
NOTARY PUBLIC  
PRINTED NAME OF \_\_\_\_\_  
NOTARY PUBLIC  
TITLE \_\_\_\_\_  
MY APPOINTMENT EXPIRES \_\_\_\_\_  
STATE OF WASHINGTON  
COUNTY OF \_\_\_\_\_

**LEGAL DESCRIPTION**  
LOT 12, BLOCK 4 OF EASTGATE ADDITION DIVISION 'G' ACCORDING TO THE PLAT THEREOF FILED IN VOLUME 54 OF PLATS, PAGES 18 AND 19, RECORDS OF KING COUNTY AUDITOR;  
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

**LOT AREA**  
TOTAL PARCEL = 11,958 SQ. FT. 0.27 ACRES  
LOT 1 = 5,324 SQ. FT. 0.12 ACRES  
LOT 2 = 6,034 SQ. FT. 0.14 ACRES  
TRACT 'A' = 600 SQ. FT. 0.01 ACRES

EASTGATE ADDITION DIVISION 'H'  
BLOCK 3  
VOL. 54, PAGES 68-70

ATTACHMENT 1



RECORDS & CERTIFICATE AND SURVEYOR'S CERTIFICATE Enclosure