



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

Proposal Name: Meydenbauer

Proposal Address: 9928 SE 7th St

Proposal Description: Critical Areas Land Use Permit approval for a proposal to modify a toe of slope structure setback for the construction of a new private road, rockery, and single-family dwelling. The approval is subject to geotechnical engineering design requirements.

File Number: 14-124529-LO

Applicant: Moira Haughian, The Blueline Group

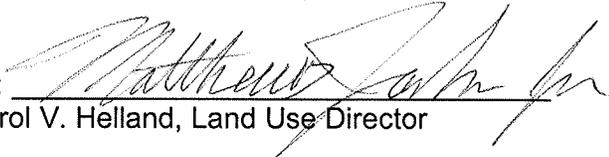
Decisions Included Critical Areas Land Use Permit
(Process II. 20.30P)

Planner: David Wong, Land Use Planner

**State Environmental Policy Act
Threshold Determination:** Exempt

Director's Decision: **Approval with Conditions**

Michael A. Brennan, Director
Development Services Department

By: 
Carol V. Helland, Land Use Director

Application Date: February 14, 2014
Notice of Application Date: March 20, 2014
Decision Publication Date: May 1, 2014
Project Appeal Deadline: May 15, 2012

For information on how to appeal a proposal, visit Development Services Center at City Hall or call (425) 452-6800. 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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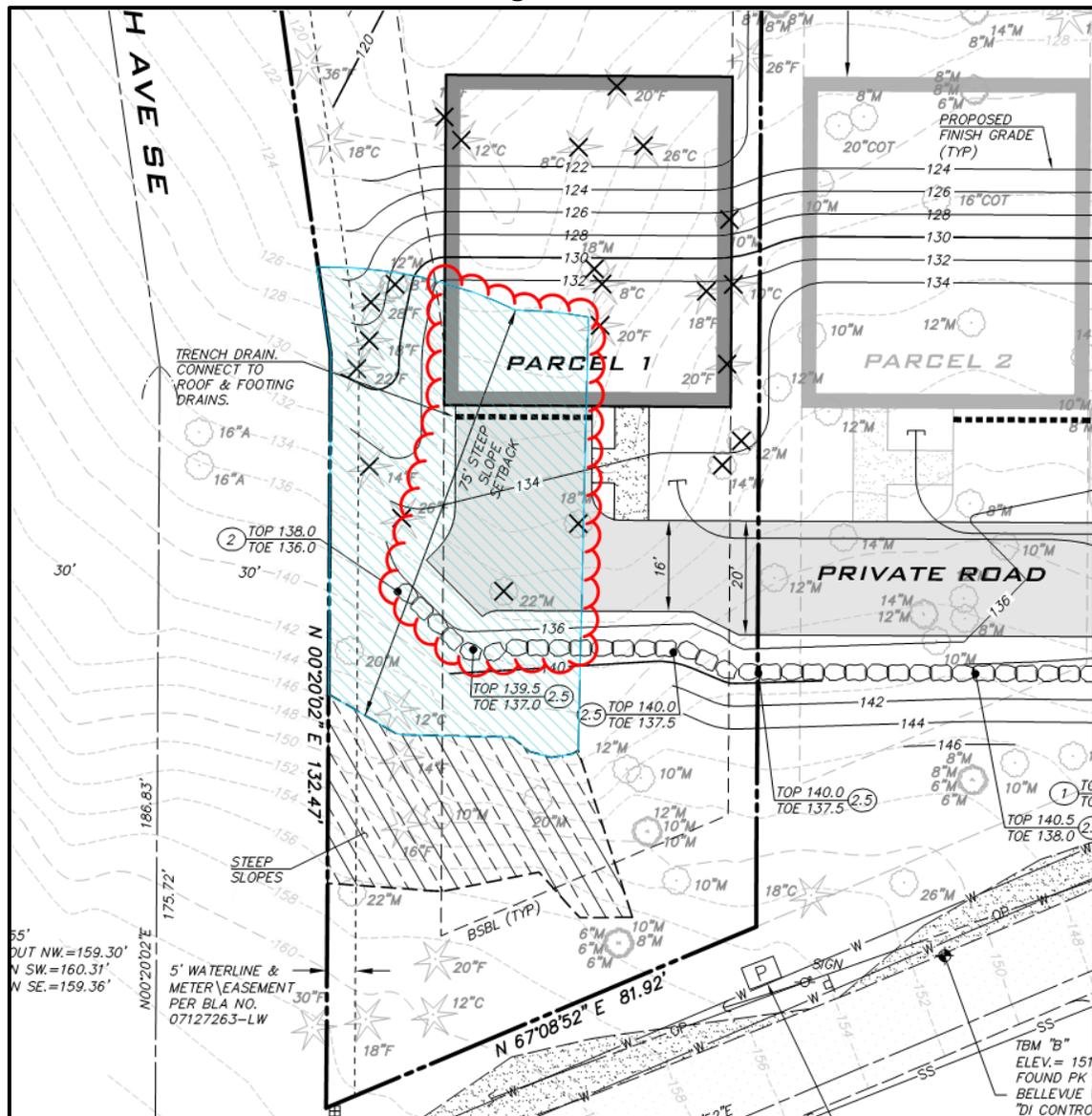
Attachments

1. Site Plan – Enclosed
2. Landscape Plan – Enclosed
3. Geotechnical Report– In File

I. Proposal Description

The applicant proposes to construct a new private road, rockery, and single-family dwelling on an undeveloped lot at the northeast corner of SE 7th St and 98th Ave SE. The proposed rockery is to be constructed between 12-30 inches in height at a length of 140 feet. The western most 37 feet of the proposed 140-foot rockery will be installed 15 feet from the toe of the steep slope critical area. The proposed single-family dwelling will be constructed 60 feet from the toe of the steep slope structure setback, and will require a setback modification of approximately 446 square feet. This proposal requires the approval of a Critical Areas Land Use Permit for the improvements to be allowed within proximity to the slope areas. There is no proposal to modify steep slope areas and all work will be contained to areas outside of protected slopes. See Figure 1 below for a site plan showing the proposal.

Figure 1



II. Site Description, Zoning, Land Use and Critical Areas

A. Site Description

The subject property is located to the northeast of the intersection of SE 7th St and 98th Ave SE in the Southwest Bellevue subarea. The property is bounded to the south and west by existing R-1.8 single family residential development and to the north and east by existing R-3.5 single family residential development. An unimproved right of way exists adjacent to the westerly property boundary. The lot subject to this proposal is currently undeveloped, and contains a mixed coniferous-deciduous stand of trees primarily made up of cedars, firs, and maples. The steep slope critical area encompasses approximately 1315 square feet and exists within the southern portion of the lot below the SE 7th St right of way.

Figure 2



B. Zoning

The property is zoned R-3.5, single-family residential and the proposed rockery, road, and single-family dwelling are consistent with the primary single family use.

C. Land Use Context

The property has a Comprehensive plan Land Use Designation of SF-M (Single Family Medium Density). Rockeries, roads, and single-family dwellings are consistent with this residential land use.

D. Critical Areas On-Site and Regulations

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.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements:

The R-3.5 zoning dimensional requirements found in LUC 20.20.010 apply to the rockery and single-family dwelling. The plans demonstrate conformance with zoning dimensional standards, however conformance will be verified during construction permit review.

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 proposed rockery, private road, and single-family dwelling will modify the 75-foot toe of slope structure setback. The project is subject to the performance standards found in LUC 20.25H.125 which are reviewed below.

i. Consistency with LUC 20.25H.125

Development within a landslide hazard, 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;

The proposed rockery, private road, and single-family dwelling are not proposed within a steep slope critical area or top of slope buffer. Alterations will be limited to the toe of slope structure setback and will be limited to 2345 square feet.

- 2. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;**
No construction is proposed in the steep slope critical area and the only vegetation impacted is the area dedicated to the rockery, private road, and single-family dwelling.
- 3. The proposed development shall not result in greater risk or a need for increased buffers on neighboring properties;**
The project geotechnical engineer (Earth Solutions NW LLC) reviewed the proposal and provided recommendations. The project Geotechnical Report, including construction recommendations, is included as Attachment 2. The applicant is required to follow the recommendations included in the project geotechnical report, which shall be verified by an inspection made by a qualified geotechnical engineer. **See Conditions of Approval in Section IX of this report.**
- 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 grading will be done in the steep slope or toe of slope structure setback above the rockery.
- 5. Development shall be designed to minimize impervious surfaces within the critical area and critical area buffer;**
Approximately 1282 square feet (37% of the structure setback) of new impervious surface will be added within the toe of slope structure setback. The new rockery, private road, and single-family dwelling are considered impervious and will require appropriate drainage.
- 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;**
The proposed rockery, private road, and single-family dwelling are designed to minimize topographic modification and are not 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;**
Separation between the proposed rockery and the foundation by the private road will not allow the two elements to be constructed together.

- 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;**

The proposed single-family dwelling will not be constructed within a slope greater than 40%.

- 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**

The proposed private drive for the single-family dwelling will not be constructed within a slope greater than 40%.

- 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.**

Approximately 446 square feet of native vegetation will be installed as mitigation for the modification of the toe of slope structure setback. Disturbance is limited to areas defined for construction of a single-family dwelling, private drive, and rockery within the setback.

IV. Public Notice and Comment

Application Date:	February 14, 2014
Public Notice (500 feet):	March 20, 2014
Minimum Comment Period:	April 3, 2014

The Notice of Application for this project was published the City of Bellevue Weekly Permit Bulletin on March 20, 2014. It was mailed to property owners within 500 feet of the project site. No comments were received.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards. The Clearing and Grading staff found no issues with the proposed development and has approved the application.

VI. Changes to Proposal Due to Staff Review

No changes were requested.

VII. Decision Criteria

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

The Director may approve, or approve with modifications, the proposed modification where the applicant demonstrates:

1. **The modifications and performance standards included in the proposal lead to levels of protection of critical area functions and values at least as protective as application of the regulations and standards of this code;**

The applicant has provided supporting documentation in the form of a geotechnical report that demonstrates that with appropriate design the proposed single-family dwelling, private drive, and rockery will not reduce slope stability. Approximately 446 square feet of mitigation planting containing 4 trees, 24 shrubs, and groundcover will be located within the 25-foot toe of slope structure setback. No impact to the steep slope critical area is proposed.

2. **Adequate resources to ensure completion of any required mitigation and monitoring efforts;**

A maintenance surety for the cost of five years of maintenance and monitoring, or the cost of the plants will be required prior to the issuance of a building permit for the proposed single-family dwelling. **Please see Conditions of Approval in Section IX of this report.**

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

This proposal seeks to modify 446 square feet of the toe of slope structure setback within the outer 10 feet of the setback. Native plantings will assist in mitigating stormwater water runoff created by this proposed development and the adjacent development related to this project.

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

This proposal to construct a single-family dwelling maintains consistency with the surrounding residential land use district. **See Conditions of Approval in Section IX of this report.**

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

The Director may approve, or approve with modifications an application for a Critical Areas Land Use Permit if:

1. **The proposal obtains all other permits required by the Land Use Code.**

The applicant must obtain required development permits. A construction permit is required. **See Conditions of Approval in Section IX 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 single-family dwelling, private drive, and rockery utilize the best available construction, design, and development techniques. The project geotechnical engineer (Earth Solutions NW LLC) reviewed the proposal and provided recommendations. The project Geotechnical Report, including construction recommendations, is included as Attachment 2. The applicant is required to follow the recommendations included in the project geotechnical report, which shall be verified by an inspection made by a qualified geotechnical engineer.

- 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.**

This proposal seeks modification for the toe of slope structure setback to facilitate construction of a new single-family dwelling. Included with this proposal is a mitigation planting plan which provides 446 square feet of native plantings to offset the modification to the structure setback. The applicant is required to follow the recommendations included in the project geotechnical report, which shall be verified by an inspection made by a qualified geotechnical engineer. **See Conditions of Approval in Section IX 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.

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the modification of the 75 foot toe of slope structure setback to construct a single-family dwelling, private drive, and rockery in the toe of slope structure setback. **Approval of this Critical Areas Land Use Permit does not constitute a permit for construction. A building permit, clear and grade permit, and/or utility permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.30P.150 a Critical Areas Land

Use Permit automatically expires and is void if the applicant fails to file for a building permit or other necessary development permits within one year of the effective date of the approval.

IX. Conditions of Approval

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

<u>Applicable Ordinances</u>	<u>Contact Person</u>
Clearing and Grading Code- BCC 23.76	Janney Gwo, 425-452-6190
Land Use Code- BCC Title 20	David Wong, 425-452-4282
Noise Control- BCC 9.18	David Wong, 425-452-4282

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit:** Approval of this Critical Areas Land Use Permit does not constitute an approval of a development permit. A building permit for the single-family dwelling is required.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Development Services Department

- 2. Approved Structure Setback Modification:** The structure setback modification approved is for the construction of the single-family dwelling, private drive, and rockery only as depicted in the project site plan and does not authorize additional site changes outside of this project scope. This modification does not allow future structures or improvements to be located in the setback without approval of a Critical Areas Land Use Permit and/or geotechnical evaluation.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Development Services Department

- 3. Geotechnical Recommendations:** The project shall be constructed per the recommended procedures and practices in the geotechnical report updated on May 7, 2014.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Development Services Department

- 4. Land Use Inspection:** Following final construction of the single-family dwelling, private drive, and rockery the applicant shall contact Land Use staff for final inspection.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Development Services Department

- 5. Mitigation Planting:** Plans submitted for the building permit must conform to the conceptual plan included in this report.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Development Services Department

- 6. Maintenance & Monitoring:** The planting area shall be self-maintained and self-monitored for five (5) years. Annual monitoring reports are to be submitted to Land Use each of the five years at the end of each growing season or October 31st. Photos from selected points will be included in the monitoring reports to document the planting. The following schedule and performance standards apply and are evaluated in the report each year:

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

The reports, along with a copy of the planting plan, can be sent to David Wong at dwong@bellevuewa.gov or to the address below:

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

Authority: Bellevue City Code 20.30P.140; 20.25H.220
Reviewer: David Wong, Development Services Depart

- 7. Planting Cost Estimate:** A cost estimate for the proposed plant installation and five (5) years of maintenance and monitoring must be submitted prior to building permit issuance.

Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Development Services Department

- 8. Maintenance Surety:** A maintenance surety, based on the cost estimate above is required is 100 percent of the total cost for five (5) years of maintenance and monitoring or the cost of the plants. The maintenance surety is required prior to building permit issuance.

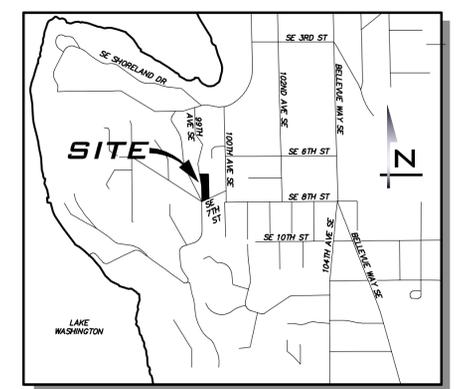
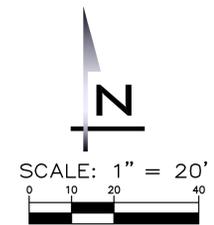
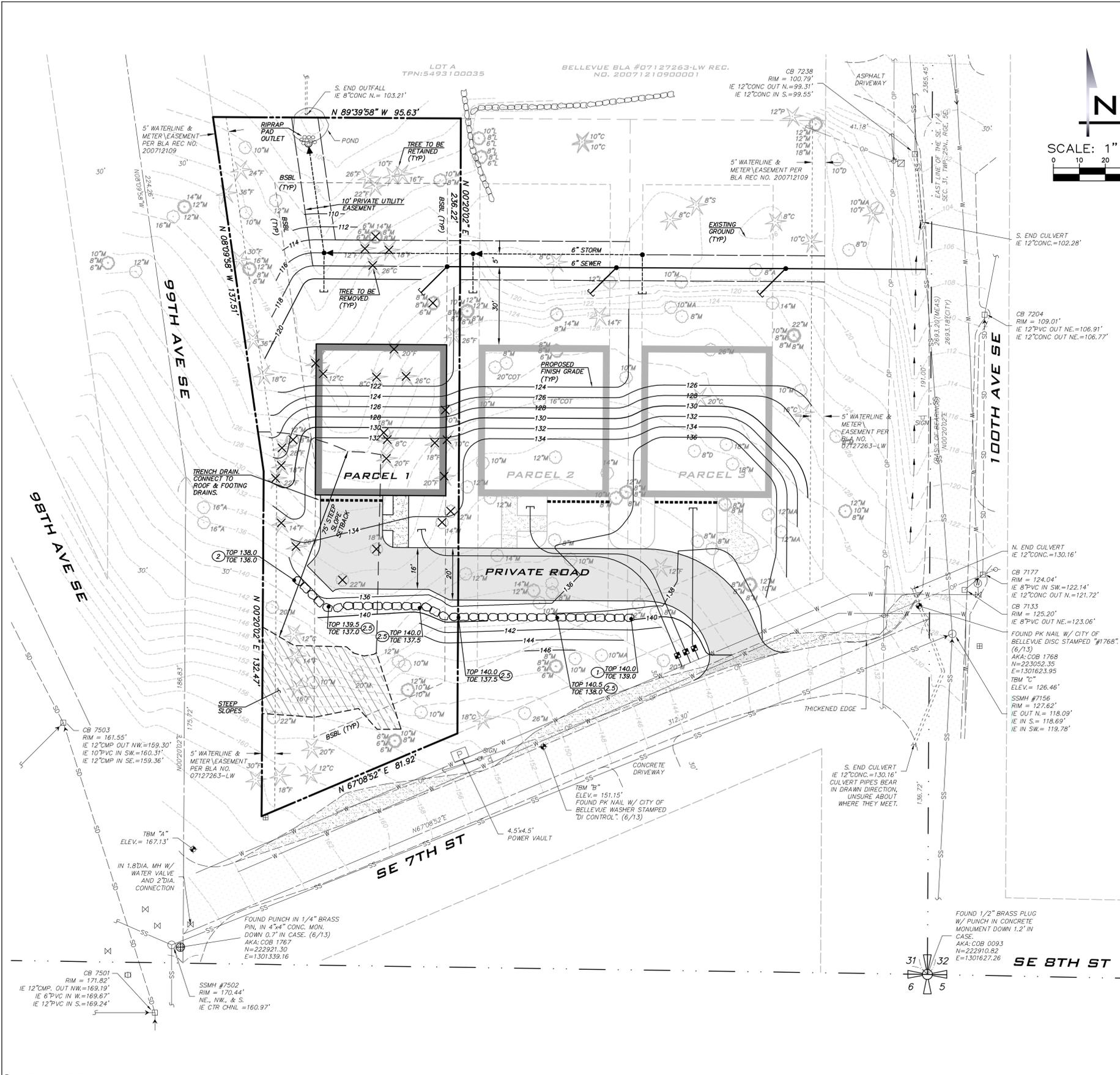
Authority: Land Use Code 20.30P.140
Reviewer: David Wong, Development Services Department

- 9. 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: David Wong, Development Services Department

- 10. Hold Harmless Agreement:** Prior to building permit or clearing and grading permit approval, the property owner or his/her agent shall submit a hold harmless agreement releasing the City of Bellevue from any and all liability associated with the installation of slope stabilization measures. The agreement must meet city requirements and must be reviewed by the City Attorney's Office for formal approval.

Authority: Land Use Code 20.30P.170
Reviewer: David Wong, Development Services Department



VICINITY MAP
NOT TO SCALE

IMPERVIOUS SURFACE

LOT AREA: 20,384 SF
50% MAXIMUM ALLOWABLE: 10,192 SF

FAR CALCULATIONS

ALLOWED FAR: 50%
FAR: 20,284 x 50% = 10,192 SF

LOT COVERAGE

LOT AREA: 20,384 SF
CRITICAL AREA: 1,313 SF
USABLE LOT AREA: 20,384 SF - 1,313 SF = 19,071 SF
TOTAL ALLOWED LOT COVERAGE: 19,071 SF x 35% = 6,675 SF

GREENSCAPE CALCULATIONS

TOTAL FRONT YARD SETBACK: 1,638 SF
LIVING VEGETATION IN FRONT YARD SETBACK: 1,638 SF
GREENSCAPE AREA: 619 SF

TREE RETENTION

TREE RETENTION REQUIREMENTS: MUST SAVE A MINIMUM 15% OF DIAMETER INCHES OF SIGNIFICANT TREES.
TREE RETENTION REQUIRED: 1038 x 15% = 156
TREE RETENTION PROVIDED: 522

PROJECT TEAM

OWNER / DEVELOPER

TERRENE AT MEYDENBAUER, LLC
520 6TH STREET SOUTH, SUITE B
KIRKLAND, WA 98033
(425) 823-5700
CONTACT: MIKE WALSH

CIVIL ENGINEER

THE BLUELINE GROUP
25 CENTRAL WAY, SUITE 400
KIRKLAND, WA 98033
(425) 216-4051
CONTACT: TODD OBERG, PE

SURVEYOR

AXIS SURVEY AND MAPPING
13005 NE 126TH PL
KIRKLAND, WA 98034
(425) 823-5700
CONTACT: ZANE NALL, PLS

BASIS OF BEARINGS

HELD NORTH 00°20'02" EAST AS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTIONS 31-25-05 BETWEEN CITY OF BELLEVUE HORIZONTAL STATIONS 92 AND 93 AS PUBLISHED IN THE CITY OF BELLEVUE SURVEY STATION DATA CARDS.

HORIZONTAL DATUM

NAD 83 (2011) PER CITY OF BELLEVUE

VERTICAL DATUM

NAVD '88 - CITY OF BELLEVUE

ORIGINATING BENCHMARK

CITY OF BELLEVUE BENCHMARK # 1767, LOCATED IN THE SOUTHEAST QUADRANT OF INTERSECTION 98TH AVE. SE., 99TH AVE S. & SE. 7TH ST. ELEVATION: 169.61'

TEMPORARY BENCHMARKS

- ◆ TBM "A" ELEV.: 167.13' REBAR W/ CAP LOCATED AT THE NE QUAD INTERSECTION SE 7TH ST & 98TH AVE SE
- ◆ TBM "B" ELEV.: 151.15' PK NAIL W/ WASHER LOCATED AT THE N. EDGE ASPHALT OF SE 7TH ST. 21' E. OF A BIKE TRAIL SIGN
- ◆ TBM "C" ELEV.: 126.62' MAG NAIL W/ WASHER LOCATED AT THE WEST EDGE ASPHALT AT THE NW QUAD INTERSECTION SE 7TH ST & 100TH AVE SE (COB #1768)

REFERENCES

CITY OF BELLEVUE BOUNDARY LINE ADJUSTMENT NO. 07127263-LW, V.236, P.265-266 REC. NO. 20071212900005, RECORDS OF KING COUNTY, WASHINGTON.

LEGAL DESCRIPTION

PARCEL 1, CITY OF BELLEVUE BLA #13-121683LW RECORDING #20131205900001.

SITE DATA

ADDRESS: 9988 SE 7TH ST
BELLEVUE, WA 98004

PARCEL: 5493100036
ZONE: R-3.5
LOT AREA: 20,384 SF

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSINGS, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES. TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL, THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 1-800-424-5555 AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

NO	DATE	BY	APPR	REVISIONS

25 CENTRAL WAY, SUITE 400
KIRKLAND, WA 98033
P: 425.216.4051 F: 425.216.4052
WWW.THEBLUELINEGROUP.COM

1/31/14

APPROVED BY

SCALE: HORIZ: 1"=20' VERT: N/A

TODD A. OBERG, PE
PROJECT MANAGER

TODD A. OBERG, PE
DESIGNED BY

BRIAN DENNEY
DRAWN BY

MEYDENBAUER BLA

9988 SE 7TH STREET

CITY OF BELLEVUE, WASHINGTON

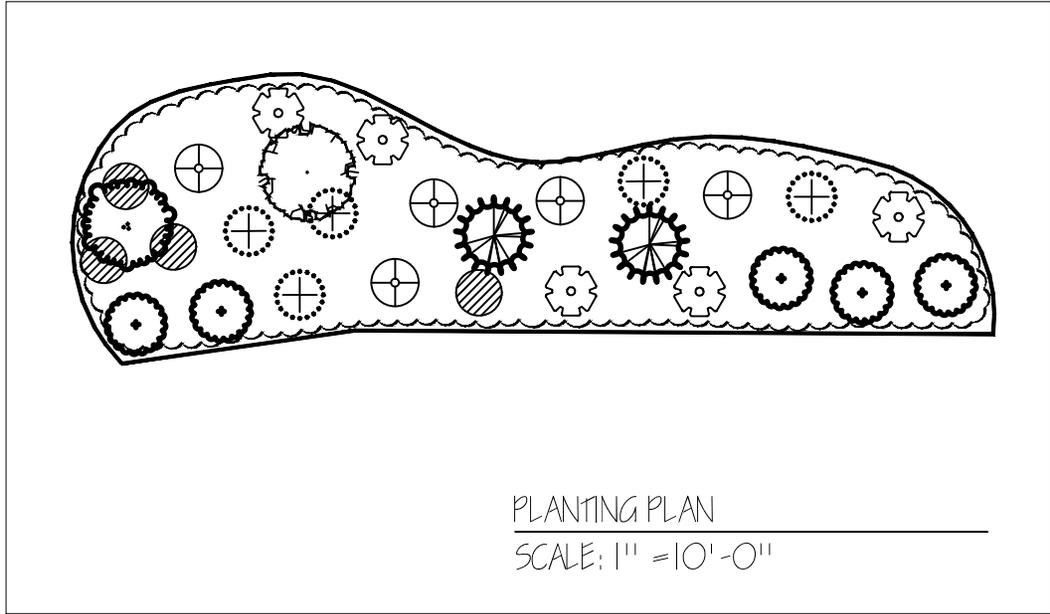
DRAINAGE MAP #

CRITICAL AREA SITE PLAN

JOB NUMBER: 13-144

SEC 31 TWP 25 RGE 5 SHT 1 OF 1

Jan 31, 2014 - 10:14am - User: bdamany
E:\Projects\13144\DWG\EP\13144.dwg



CRAMER DESIGN CONSULTANTS, INC.
 LANDSCAPE ARCHITECT
 1909 242nd STREET SE
 BOTHELL, WA 98021
 425-241-6258

Applicant has agreed to increasing the size of trees to 6' minimum.

PLANT LIST- TREES					
BOTANICAL NAME	COMMON NAME	SIZE	QTY	SYMBOL	
<i>Acer macrophyllum</i>	Big Leaf Maple	6' 4"-5' ht.	1	[Symbol: Circle with cross]	
<i>Pseudotsuga menziesii</i>	Douglas Fir	6' 4"-5' ht.	2	[Symbol: Circle with gear]	
<i>Alnus rubra</i>	Red Alder	6' 4"-5' ht.	1	[Symbol: Circle with gear]	
PLANT LIST- SHRUBS					
<i>Acer circinatum</i>	Vine Maple	5 Gal.	5	[Symbol: Circle with cross]	
<i>Amelanchier alnifolia</i>	Western Serviceberry	1 Gal.	5	[Symbol: Circle with cross]	
<i>Sambucus racemosa</i>	Red Elderberry	1 Gal.	4	[Symbol: Circle with diagonal lines]	
<i>Corylus cornuta</i>	Beaked Hazelnut	1 Gal.	5	[Symbol: Circle with gear]	
<i>Oemleria cerasiformis</i>	Osoberry	1 Gal.	5	[Symbol: Circle with cross]	
PLANT LIST- GROUND COVER					
<i>Arcostaphylos uva-ursi</i>	Kinnikinnik	4" pots	75	[Symbol: Cloud shape]	
<i>Polystichum munitum</i>	Sword Fern	1 gal.	37	[Symbol: Cloud shape]	

STATE OF WASHINGTON REGISTERED LANDSCAPE ARCHITECT
 KYLE L. CRAMER
 CERTIFICATE NO. 634

9928 SE 7TH STREET
 BELLEVUE, WA
 RESTORATION PLANTING PLAN