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3 **BEFORE THE HEARING EXAMINER FOR THE CITY OF BELLEVUE**  
4

5 In the Matter of the Application for  
6

Case File No.: 17-128369LK

7 **EAST MOORLAND PLANNED UNIT**  
8 **DEVELOPMENT SHORT**  
9 **SUBDIVISION APPLICATION**

**FINDINGS OF FACT,**  
**CONCLUSIONS OF LAW, AND**  
**DECISION**

10  
11  
12 **Summary**

13 The Hearing Examiner **APPROVES** the requested combined planned unit development  
14 and conservation short plat, subject to the conditions contained at the end of this decision.

15 **Application**

16 The Applicant, Peter Zhang on behalf of Darren Investment Group LLC (Applicant)  
17 requests a combined planned unit development and short subdivision approval to develop two  
18 single family lots on a .54-acre site at 10235 SE 6<sup>th</sup> Street (property). The property contains a  
19 50-foot stream buffer and a 15-foot wide structure setback from Meydenbauer Creek which is  
20 located off-site to the southwest. The site is zoned R-3.5 and is currently developed with two  
older residential structures and a number of accessory structures.

21 The planned unit development was requested due to the location of the stream buffer  
22 on-site. There is 517 square feet of stream buffer on the parcel, and the presence of the buffer  
impacts the allowed density on the site under ordinary subdivision requirements, which would

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1 not allow for the creation of two lots under Land Use Code (LUC) 20.25H.045. The PUD  
2 process allows for a density bonus of 10% in addition to that which is calculated under LUC  
3 20.25H.045. This bonus would be sufficient to permit creation of two new lots.

4 The Development Services Department (DSD or the Department) issued a  
5 Determination of Non-Significance (DNS) under the State Environmental Policy Act (SEPA),  
6 approved with conditions the Conservation Short Plat, and recommended approval with  
7 conditions of the Planned Unit Development.

### 8 Contents of the Record

9 The City of Bellevue maintains exhibits entered into evidence as part of the record and an  
10 audio recording of the public hearing. Any person wishing to review the record should contact  
11 the Hearing Examiner Program Coordinator in the City Clerk's Office. Below is a summary of  
12 the Record:

13 Exhibit C-1: City presentation

14 Exhibit C-2: DSD staff report and background file

### 15 Procedure

16 A PUD is a Process I decision requiring a public hearing before the Hearing Examiner,  
17 who is responsible for holding a public hearing and making a decision to approve, approve  
18 with modifications, or deny the application. This decision is appealable to the City Council.

19 The Conservation Short Plat and the Determination of Non-Significance under the State  
20 Environmental Policy Act (SEPA) are Process II decisions made administratively by the  
21 Director. As permitted under LUC 20.35.080, Process I and Process II decisions may be  
22 merged together into a consolidated staff report that includes the Director's decisions on the  
23 Process II decisions and the recommendation on the Process I PUD decision.

24 A Notice of Application was published in the City of Bellevue's Weekly Permit Bulletin  
and the Seattle Times on January 18, 2018. Notice was also mailed to property owners within

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1 500 feet of the property. DSD received three written comments. One comment voiced concern  
2 about protection of the on-site stream buffer. The second was from a neighboring property  
3 owner who was concerned about loss of privacy due to possible tree removal on the southern  
4 property line. The third letter was from staff at King County notifying the City about the  
presence of pressurized sewer lines below the right of way in front of the subject site.

5 The Department published a DNS on June 24, 2019. Following publication of the DNS,  
6 the Department issued a decision approving the Conservation Short Plat and recommending  
approval of the PUD application.

7 After appropriate public notice, the Hearing Examiner held a hearing on the application  
8 on July 25, 2019 at 6:00 p.m. in the Bellevue City Council Chambers. The Applicant was  
9 represented by Peter Zhang. The Department was represented by Carol Orr, Planner, City of  
10 Bellevue. At the hearing Ms. Orr and Mr. Zhang testified. Sally Knodell, a member of the  
11 public, testified representing an adjacent property owner on the southern boundary line of the  
property.

12 As required by the code, the Hearing Examiner must issue her decision within 10  
13 working days of the hearing. Due to personal issues, the Hearing Examiner requested and  
14 received a one-week extension from the parties.

#### 15 FINDINGS OF FACT

16 1. Comprehensive Plan Designation. The site is located in the Southwest Bellevue  
17 Subarea, and is designated Single Family medium density in the Comprehensive Plan. The  
zoning designation is R-3.5, which is consistent with the Comprehensive Plan.

18 2. Existing Development. The property is currently developed with two residential  
19 structures: one built in 1923 and one built in 1954. The site is accessed via a driveway directly  
20 from SE 6<sup>th</sup> Street. The property has been in single-family use for many years, and will  
21 continue to be upon approval of the proposed development.

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1           3.     Site Conditions. The topography of the site is generally sloping from west to  
2 east with a slope of approximately eight percent. Although the site is developed, it has 50  
3 significant trees on site. Meydenbauer Creek, a potentially fish-bearing stream, grazes the  
4 southwest corner of the lot. The 50-foot wide buffer extends onto the site. The buffer area of  
5 the stream is currently degraded, and is currently developed with several accessory structures.

6           4.     Zoning in the Surrounding Area. Properties immediately to the east, west, and  
7 south are designated single family. Multi-family residential land use districts are located  
8 directly north of the property across NE 6<sup>th</sup> Street and to the east along Bellevue Way.

9           5.     Proposal. The proposal is to divide the .54-acre site into two lots and to construct  
10 two family residences. Because of the stream location and the presence of the 50-foot buffer  
11 on site, the Applicant requested approval of a Planned Unit Development (PUD): The presence  
12 of the critical area impacted the allowed density and intensity as calculated under Land Use  
13 Code Section (LUC) 20.25H.045 and without the PUD approval, would only allow for one lot  
14 on the site. The PUD process allows for a density bonus of 10% in addition to that which is  
15 calculated under LUC 20.25H.045. This bonus is sufficient to allow the creation of two lots.  
16 The proposed homes are located close to the street to avoid the stream buffer in the southwest  
17 corner of the lot.

18           6.     Site Design. The site is rectangular in shape, with Meydenbauer Creek just off-  
19 site near the southwest corner of the lot. The goal of the site design was to move the buildings  
20 as close to the north property line as possible in an effort to avoid disturbance to the stream  
21 buffer. The Applicant has proposed a centrally located open space with areas for common  
22 recreation. The intent is to allow residents of each home equal and direct access to the open  
23 area tract via a soft-surface path from their own rear yards. A gated trellis is proposed for the  
24 north property line adjacent to the street to allow guests of the residents to access the open  
space directly without having to pass through the home first. The open space includes a large  
grassy area, pea-patches, benches, and a fire pit for gatherings. All trees along the southern  
property line will be retained affording greater screening to neighboring properties to the south.  
The area within the stream buffer and areas adjacent will be improved with removal of

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1 accessory structures adjacent to and within the stream buffer. A split rail fence will be installed  
2 to separate the stream buffer from the rest of the open space tract. The area within the fence  
3 will be planted with native vegetation.

4 7. Building Design. The proposed homes are of a typical new construction style  
5 for Bellevue, each home creating approximately 3000-square foot footprint. The total square  
6 footage of each home (including the garage) is 5400-square feet. The homes each provide six  
7 bedrooms, parking for four vehicles, a covered patio in the private rear yard and a bonus/media  
8 room on the third floor. They are identical with mirrored vehicle access to the exterior edges  
9 of the street frontage. The style of home design is “Northwest,” including a three-car garage  
10 opening, a variety of exterior finishes (stone, shingle, and horizontal lap siding), decorative  
11 gables, varied roof pitches, and significant articulation of the facades. The upper floors of the  
12 homes are stepped back five feet in an effort to minimize the mass of the new homes. The color  
13 palette of the homes is complementary to one another.

14 8. Changes to the Proposal as Part of PUD Review. The Applicant made the  
15 following changes to the proposal during the review process:

- 16 • Relocation of the lots relative to the open space tracts, thereby allowing a more  
17 integrated open space system and providing direct access from both lots to the open  
18 space.
- 19 • The landscaping plan was improved to include more trees, landscaping on site, and an  
20 upgraded mitigation plan. Tree preservation was increased, and a more robust and  
21 northwest appropriate planting plan was provided.
- 22 • Structural footprints were reduced, and lot configuration modified to retain the stream  
23 buffer in the open space tract and not within any proposed lot.

24 9. Open Record Hearing. The open record public hearing was convened on this  
combined PUD application with conservation short plat approval on July 25, 2019 at 6:00 p.m.  
in the Bellevue City Council chambers. Represented at the hearing were the Applicant by Mr.  
Peter Zhang and the Department by Ms. Carol Orr. Ms. Orr provided an overview of the PUD

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1 application and the conservation short plat proposal. Mr. Zhang concurred with Ms. Orr's  
2 presentation and requested approval of the PUD. He also stated that the owners intended to  
3 reside in the homes proposed as an extended family. One member of the public testified during  
4 the public hearing, Sally Knodell. Ms. Knodell appeared representing her mother, Ellen  
5 Knodell, who resides on a property immediately to the south of the property. She voiced  
6 concern about retaining the trees and vegetative cover along that edge of the property to  
7 maintain privacy. Ms. Orr stated that the plan provides that the trees along the south property  
8 line will be retained.

9 10. Staff Report Incorporated by Reference. The factual contents of the staff report,  
11 Exhibit C-2, are a thorough and accurate description of the proposal and are hereby incorporated  
12 by reference into this decision in their entirety.

13 11. Any finding herein which may be deemed a conclusion is hereby adopted as  
14 such.

#### 15 CONCLUSIONS OF LAW

16 1. The Hearing Examiner has jurisdiction over this application. Under LUC  
17 20.35.140.A the following criteria for decision apply:

18 The Hearing Examiner shall approve a project or approve with modifications if the  
19 applicant has demonstrated that the proposal complies with the applicable decision  
20 criteria of the Bellevue City Code. The applicant carries the burden of proof and  
21 must demonstrate that a preponderance of the evidence supports the conclusion that  
22 the application merits approval or approval with modifications. In all other cases,  
23 the Hearing Examiner shall deny the application.

24 2. Under LUC 20.35.140.C, the Hearing Examiner may include conditions to ensure  
the proposal conforms to the relevant decision criteria.

3. LUC 20.35.140.D provides the relevant requirements for the Hearing Examiner's  
written decision:

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1 The Hearing Examiner shall within 10 working days following the close of the  
2 record distribute a written report supporting the decision. The report shall contain  
3 the following:

- 4 1. The decision of the Hearing Examiner; and
- 5 2. Any conditions included as part of the decision; and
- 6 3. Findings of facts upon which the decision, including any conditions,  
7 was based and the conclusions derived from those facts; and
- 8 4. A statement explaining the process to appeal the decision of the Hearing  
9 Examiner to the City Council

10 4. The intent of a PUD approval is contained in Land Use Code 20.30D.120:

11 A Planned Unit Development is a mechanism by which the City may permit a  
12 variety in type, design, and arrangement of structures; and enable the coordination  
13 of project characteristics with features of a particular site in a manner consistent  
14 with the public health, safety and welfare. A Planned Unit Development allows for  
15 innovations and special features in site development, including the location of  
16 structures, conservation of natural land features, protection of critical areas and  
17 critical area buffers, the use of low impact development techniques, conservation  
18 of energy, and efficient utilization of open space.

19 5. The decision criteria for PUD approval are set forth at Land Use Code  
20 20.30D.150 as follows:

21 The City may approve or approve with modifications a Planned Unit Development  
22 Plan if:

- 23 A. The Planned Unit Development is consistent with the Comprehensive Plan;  
24 and
- 25 B. The Planned Unit Development accomplishes, by the use of permitted  
26 flexibility and variation in design, a development that is better than that  
27 resulting from traditional development. Net benefit to the City may be  
28 demonstrated by one or more of the following:
  - 29 1. Placement, type or reduced bulk of structures; or
  - 30 2. Interconnected usable open space; or

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3. Recreation facilities; or
4. Other public facilities; or
5. Conservation of natural features, vegetation and on-site soils; or
6. Reduction in hard surfaces; or
7. Conservation of critical areas or critical area buffers beyond that required under Part 20.25H LUC; or
8. Aesthetic features and harmonious design; or
9. Energy efficient site design or building features; or
10. Use of low impact development techniques.

C. The Planned Unit Development results in no greater burden on present and projected public utilities and services than would result from traditional development and the Planned Unit Development will be served by adequate public or private facilities including streets, fire protection, and utilities; and

D. The perimeter of the Planned Unit Development is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design of proposed structures; and

E. Landscaping within and along the perimeter of the Planned Unit Development is superior to that required by this code, LUC 20.20.520 and landscaping requirements applicable to specific districts contained in Chapter 20.25 LUC, and enhances the visual compatibility of the development with the surrounding neighborhood; and

F. At least one major circulation point is functionally connected to a public right-of-way; and

G. Open space, where provided to meet the requirements of LUC 20.30D.160.A.1, within the Planned Unit Development is an integrated part of the project rather than an isolated element of the project; and



1 H. The design is compatible with and responds to the existing or intended  
2 character, appearance, quality of development and physical characteristics  
of the subject property and immediate vicinity; and

3 I. That part of a Planned Unit Development in a transition area meets the  
4 intent of the transition area requirements, Part 20.25B LUC, although the  
specific dimensional requirements of Part 20.25B LUC may be modified  
5 through the Planned Unit Development process; and

6 J. Roads and streets, whether public or private, within and contiguous to the  
7 site comply with Transportation Department guidelines for construction of  
streets; and

8 K. Streets and sidewalks, existing and proposed, are suitable and adequate to  
9 carry anticipated traffic within the proposed project and in the vicinity of  
the proposed project; and

10 L. Each phase of the proposed development, as it is planned to be completed,  
11 contains the required parking spaces, open space, recreation space,  
landscaping and utility area necessary for creating and sustaining a  
desirable and stable environment.

12 6. Pages 22 through 28 of the staff report thoroughly document and describe how  
13 the proposal meets the criteria and is hereby incorporated by reference in its entirety as if part  
14 of this decision. In particular, with respect to criteria LUC 20.30D.150.A:

15 The development is clustered in a manner that maintains and enhances the wooded  
16 character along the south property line and protects the most sensitive areas of the  
17 site. Critical Areas are preserved and degraded areas enhanced through extensive  
mitigation, restoration and enhancement. Overall, the site will be improved and  
provide for new housing opportunities in the growing neighborhood.<sup>1</sup>

18 7. With respect to criteria LUC 20.30D.150.B:

19 The proposal includes features better than those provided in a typical residential  
20 development, including interconnected open space, harmonious design and  
21 revegetation and enhancement of a degraded stream buffer. Unlike traditional short  
plats, Planned Unit Developments require the preparation of home designs for the  
entire plat. The applicant has proposed homes that are similar to those proposed on

22 <sup>1</sup> Exhibit C-2 at 22.

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1 sites being redeveloped in the area. Covered decks are located at the rear of the  
2 homes and provide direct connection to the open space and active recreation space.  
3 The integrity of stream buffer is maintained by fencing and the enhancement of the  
4 buffer with native plantings.

5 The applicant proposes footprint sizes of 2757 square feet resulting in a lot coverage  
6 by structure similar to the underlying R-3.5 zone. Lot sizes are smaller than the  
7 zone minimum and have been located to provide a community open space for active  
8 recreation, small gatherings and container gardening opportunities. While the  
9 impervious surface coverage for each lot is higher than what would be permitted  
10 through standard development practices, the site as a whole proposes an impervious  
11 surface coverage percentage of 35.4%. This is below the allowed maximum  
12 impervious surface allowed for the underlying land use district.

13 Finally, the open space is connected and accessible from both homes, and a gate at  
14 the street frontage. A soft surface trail winds through the tract past casual seating  
15 arrangements, pea-patch containers and a fire pit for enjoyment of all the residents.<sup>2</sup>

16 8. With respect to LUC 20.30D.150.D:

17 The perimeter of the PUD is consistent with size, scale, and mass and architectural  
18 design found in the area in general. The Southwest Subarea of Bellevue is  
19 undergoing a large amount of redevelopment. As older homes age, they are  
20 typically replaced with homes more consistent with current property values. The  
21 size and scale of the proposed structures are within the norm for new single family  
22 residences in [the] Bellevue area. The home immediately to the east of the subject  
23 site was redeveloped in 2018 with a home of similar size, scale, mass and  
24 architectural design to the homes proposed for the PUD. The homes to the west of  
the subject site are older and are probable candidates for redevelopment. When  
theses lots are redeveloped, the new homes will likely be of the same size, scale  
and mass as the proposed homes within the PUD. The preservation of trees along  
the south property line will provide screening within [the] scale of existing  
development while allowing for the preservation of significant natural areas that  
will buffer the proposed development and minimize perceived change to the  
surrounding neighborhood. Several significant trees to along the west property line  
will assist with screening the new homes from the existing home to the west.  
Additionally, this neighboring home to the west is developed primarily along the  
west property line, affording a greater distance between the new home and the  
existing home.

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<sup>2</sup> Exhibit C-2 at 25.

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1 The structures on the north side of SE 6<sup>th</sup> are multi-family developments, dating  
2 from the late 1960s to the mid-1980s. The mass, scale, size and architectural design  
3 of the proposed home structures are not similar to any of the structures on the north  
4 side of the street. These are very different densities; no consistency should be  
5 anticipated.<sup>3</sup>

6 9. With respect to LUC 20.30D.150.E:

7 Although no perimeter landscaping is required in single family zoning districts the  
8 applicant will be preserving existing vegetation along the south property line.  
9 Extensive landscaping will be installed in front of each home and within the open  
10 space tract. Seven new trees will be installed within the open space tract, and the  
11 planting plan around the proposed homes will be [a] robust planting scheme far  
12 superior to the existing conditions on site. Plant species within the project trend  
13 more toward native species. All plantings within the stream buffer and structure  
14 setback shall be native plantings. Tree preservation meets the required 30% of  
15 significant diameter inches on site. The site has been designed to minimize tree  
16 removal and retain the vegetated condition along the south property line. In order  
17 to ensure trees proposed for retention are not impacted during construction, a  
18 certified arborist shall be on site during site excavation and grading to monitor tree  
19 protection methods and evaluate tree health.<sup>4</sup>

20 10. The Hearing Examiner concludes that based on all the evidence submitted in the  
21 record and through testimony at the public hearing, the proposed combined PUD and short plat  
22 meet the intent and approval criteria of the Land Use Code, and that the PUD should be approved.

23 11. The record demonstrates that the City completed its SEPA review process  
24 through compliance with applicable review and notice procedures. The thorough discussion and  
materials referenced in the DNS issued for the project fully support the Environmental  
Coordinator's determination that the proposed PUD and short plat, as conditioned, will not  
result in probable, significant, adverse environmental impacts. The DNS was not appealed, and  
serves as substantial evidence supporting the findings and conclusions reached herein.

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21 <sup>3</sup> Exhibit C-2 at 26.

22 <sup>4</sup> Exhibit C-2 at 26.

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12. Based on the evidence in the record, the Applicant has met its burden to show that the PUD with a conservation short plat application should be approved, with conditions.

13. The Department's recommended conditions of approval are reasonable, supported by the evidence, and capable of accomplishment. The Applicant has not voiced any opposition to the conditions. Each and every condition is adopted and incorporated herein by reference and are contained in this decision as an attachment.

14. Any conclusion herein which may be deemed a finding is hereby adopted as such.

**ORDER**

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, and all materials contained in the record, the undersigned Examiner **APPROVES** the requested combined planned unit development and conservation short plat, subject to the attached Conditions of Approval as recommended by the Department.

**SO ORDERED**, this \_14th\_ day of August, 2019.



Barbara Dykes Ehrlichman  
Hearing Examiner

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1 **ATTACHEMENT: CONDITIONS OF APPROVAL**

2 **CODES & ORDINANCES**

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

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	(Savina Uzunow), 425-452-7860
Fire Code- BCC 23.11	(Glen Albright), 425-452-4270
Land Use Code- BCC Title 20	(Carol Orr), 425-452-2896
Noise Control- BCC 9.18	(Carol Orr), 425-452-2896
Transportation Code- BCC 14.60	(Ian Nisbet) 425-452-4851
Right of Way Use Code- BCC 14.30	(Tim Stever), 425-452-4294
Utility Code- BCC Title 24	(Chris Brookes), 425-452-6825

13 **A. GENERAL CONDITIONS**

14 The following conditions apply to all phases of development.

15 **1. OPEN SPACE**

16 The required open space tract, including the on-site stream buffer, shall be owned  
17 and maintained by all the lots within the short plat. A maintenance plan shall be  
18 incorporated into any homeowner’s association rules and shall be in compliance  
19 with the performance standards established with this approval.

20 **AUTHORITY:** Land Use Code 20.30D.150

21 **REVIEWER:** Carol Orr, Land Use

22 **2. DIMENSIONAL STANDARDS**

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1 Lot dimensional standards shall comply with the approved site plan in Attachment  
2 1 and summarized in the chart in Section III of this report. However, all Building,  
3 Clear and Grade and Final Plat documents shall be corrected to show the location  
4 of both the critical area buffer, and the critical areas structure setback as modified  
5 for the retaining wall.

6 AUTHORITY: Land Use Code 20.30D.150  
7 REVIEWER: Carol Orr, Carol Orr, Land Use

### 8 3. CONSTRUCTION HOURS

9 Noise from construction is exempt from the provisions of BCC 9.18 between the  
10 hours of 7 am to 6 pm Monday through Friday and 9 am to 6 pm on Saturdays,  
11 except for Federal holidays and as further defined by the Bellevue City Code.  
12 Noise emanating from construction is prohibited on Sundays or legal holidays  
13 unless expanded hours of operation are specifically authorized in advance.  
14 Requests for construction hour extension must be done in advance with submittal  
15 of a construction noise expanded exempt hours permit at least one week prior to  
16 the date the specific exemption is required.

17 AUTHORITY: BCC 9.18.020.C & 9.18.040  
18 REVIEWER: Carol Orr, Carol Orr, Land Use

### 19 4. GEOTECHNICAL RECOMMENDATIONS AND REVIEW

20 The project shall be constructed per the recommendations of the geotechnical  
21 engineer as found in the submitted geotechnical report found in file and referenced  
22 in Section III of this report.

23 The project geotechnical engineer must review the final construction plans,  
24 including all retaining walls and foundation designs. A letter from the  
geotechnical engineer stating that the plans conform to the recommendations in

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1 the geotechnical report and any addendums and supplements must be submitted to  
2 the clearing and grading section prior to issuance of the construction permit.

3 AUTHORITY: Clearing and Grading Code 23.76.035.140, Land Use  
Code 20.30P.140

4 REVIEWER: Savina Uzunow, Clearing and Grading Division  
5 Carol Orr, Land Use

6 5. TREE PROTECTION and ARBORIST REVIEW

7 Trees required to be preserved shall be protected during construction. An arborist  
8 is required to review the proposed plans and confirm the trees proposed for  
9 retention will not pose a hazard to the future homes or neighboring property as a  
10 result of the development. The arborist report shall be included as part of the  
11 clearing and grading permit application. Arborist shall also be required to be onsite  
during clearing and grading activities to ensure tree protection. To mitigate  
adverse impacts to trees to be retained during construction:

12 a. Clearing limits shall be established outside of the drip-line for retained tree  
13 within the developed portion of the site. A six-foot chain link fencing with  
14 driven posts, or an approved alternative, shall be installed at the clearing limits  
prior to initiation of any clearing and grading.

15 b. No excavation or clearing (including utility trenches) shall be performed  
16 within drip-lines of retained trees except as specifically approved on plans. All  
such work shall be done by hand to avoid damage to roots and shall be done  
under the supervision of an arborist approved by the city.

17 AUTHORITY: Bellevue City Code 23.76.060 and LUC 20.20.900

18 REVIEWER: Carol Orr, Carol Orr, Land Use

19 6. PRELIMINARY DESIGN, UTILITY CODES AND ENGINEERING  
20 STANDARDS

21 Utility review has been completed on the preliminary information submitted at the  
22 time of this application. The review has no implied approvals for water, sewer and  
storm drainage components of the project. Utility Department approval of the

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1 Planned Unit Development application (17-128365 LK) is based on the conceptual  
2 design only. Preliminary storm drainage review was completed under the codes  
3 and standards in place at the time of this application.

- 4 a. Individual side sewer connections will be review and permitted under  
5 separate (UA) side sewer permits.  
6 b. The connection to the existing side sewer stub will be reviewed and  
7 permitted under a joint use side UA sewer permit.  
8 c. The frontage storm drainage improvements will be reviewed and permitted  
9 under a separate UB storm connection permit.  
10 d. Water services will be reviewed and permitted under separate UC water  
11 service applications.  
12 e. Public and private easements will be required for stormwater, water mains,  
13 water and side sewer services across adjoining properties and will be required  
14 to be shown on the face of the short plat with appropriate language

15 Final civil engineering may require changes to the site layout to accommodate the  
16 utilities.

17 AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06

18 REVIEWER: Chris Brookes, Utilities Department

#### 19 7. UTILITY EXTENSION AGREEMENT

20 A Utility Extension Agreement application is required for the engineering review  
21 and inspection of the water, sewer and storm drainage improvements. All design  
22 review, plan approval, and field inspection shall be performed under the Utility  
23 Extension Agreement application. The Developer Extension Agreement and  
24 submittal requirements are available from the Utility Representative at the Permit  
Center.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06.120

REVIEWER: Chris Brookes, Utilities Department

#### 8. PERMITS REQUIRED

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1 The applicant shall obtain development permits to construct all of the proposed  
2 infrastructure and houses which include clearing and grading, utility, building, and  
3 other permits. Approval of this Preliminary PUD application does not constitute  
4 an approval of any construction permit. Plans submitted for the development  
5 permits shall be consistent with the plans permitted under this approval.

6 AUTHORITY: Land Use Code 20.30P

7 REVIEWER: Carol Orr, Land Use

8 9. NOISE ATTENUATION

9 Exterior mechanical equipment shall be noise attenuated and insulated to reduce  
10 impacts to the nearby stream. Noise associated with the residential structures shall  
11 be minimized through use of design and insulation techniques. Maximum  
12 permissible decibels shall not exceed 55 dBA between 7:00 a.m. and 10:00 p.m.  
13 and 45 dBA between 10:00 p.m. and 7:00 a.m.

14 AUTHORITY: Bellevue City Code 9.18, Land Use Code 20.25H.

15 REVIEWER: Carol Orr, Land Use

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

18 10. STORM WATER POLLUTION PREVENTION PLAN

19 To ensure contaminated stormwater or construction-related runoff does not pollute  
20 adjacent surface water, a construction stormwater pollution prevention plan  
21 (CSWPPP) is required. The CSWPPP outline should be generally consistent with  
22 the SWPPP requirements of the National Pollutant Discharge Elimination System  
23 (NPDES) General Storm water Permit for Construction Activities.

24 AUTHORITY: Clearing and Grading Code BCC 23.76

AUTHORITY: Clearing and Grading Code BCC 23.76  
REVIEWER: Savina Uzunow, Development Services Department

11. RIGHT OF WAY USE PERMIT

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

- 7 a) Designated truck hauling routes.
- 8 b) Truck loading and unloading activities.
- 9 c) Hours of construction and hauling.
- 10 d) Continuity of pedestrian facilities.
- 11 e) Temporary traffic control and pedestrian detour routing for construction  
12 activities.
- 13 f) Street sweeping and maintenance during excavation and construction.
- 14 g) Location of construction fences.
- 15 h) Parking for construction workers.
- 16 i) Construction vehicles, equipment, and materials in the right of way.
- 17 j) Pavement restoration requirements.
- 18 k) All other construction activities as they affect the public street system.

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

AUTHORITY: Bellevue City Code 14.30  
REVIEWER: Tim Stever, Right of Way Department

12. OFF-STREET PARKING

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**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012

1 The applicant must secure sufficient off-street parking for construction workers,  
2 equipment, and materials storage before the issuance of a clearing and grading,  
3 building, foundation, or demolition permit.

4 AUTHORITY: Bellevue City Code 14.30  
5 REVIEWER: Tim Stever, Right of Way Department

6 13. ENGINEERING PLANS

7 A street lighting plan, channelization plan, and site (civil engineering) plan  
8 produced by a qualified engineer must be approved by the City prior to clear and  
9 grading permit approval. The design of all street frontage improvements must be  
10 in conformance with the requirements of the Americans with Disabilities Act, the  
11 Transportation Development Code, and the provisions of the Transportation  
12 Department Design Manual. The engineering plans must correctly show all  
13 transportation-related engineering details, including but not limited to, the design  
14 of the single-family driveways, the connection to SE 6th Street, pavement  
15 restoration in SE 6th Street, mailbox location, and sight distance. Appropriate  
16 standard drawings from the Transportation Department Design Manual must be  
17 included in the engineering plans.

18 The following infrastructure improvements are required to be constructed and  
19 shown on the engineering plans:

- 20 • Widen the pavement of NE 6th Street to a minimum of 24 feet wide.
- 21 • Install a minimum 6-foot-wide concrete sidewalk with curb and gutter along the frontage.
- 22 • An easement is required to be recorded to the City for any portion of the sidewalk located on private property.
- 23 • Install ADA compliant asphalt transitions from the sidewalk to the roadway on both ends of the sidewalk.
- 24 • Install two residential driveways with a minimum length of 20 feet and minimum width of 10 feet meeting City of Bellevue standards.

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- Minimum City of Bellevue sight distance standards are required to be met.
- Remove the utility pole on the east side of the frontage and underground existing overhead utilities within the site.
- Street lighting is required to meet City of Bellevue Standards.
- 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.
- Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

Construction of all street and street frontage improvements must be completed prior to closing the clear and grade permit and right of way use permit for this project. A Design Justification Form must be provided to the Transportation Department for any aspect of any pedestrian route adjacent to or across any street that cannot feasibly be made to comply with ADA standards. Forms must be provided prior to approval of the clear and grade plans for any deviations from standards that are known in advance. Forms provided in advance may need to be updated prior to project completion. For any deviations from standards that are not known in advance, Forms must be provided prior to project completion.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual. Americans with Disabilities Act  
 REVIEWER: Ian Nisbet, Transportation Department

14. SIGHT DISTANCE

The proposed driveway access onto SE 6<sup>th</sup> Street shall meet the City of Bellevue’s minimum sight distance requirements. If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing RL-100-1 and RL-120-1, existing vegetation near the access point on SE 6<sup>th</sup> Street 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

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1 triangle must be limbed up to a height of 7.5 feet above a line drawn from  
2 pavement level to pavement level. A description of any required vegetation  
3 trimming must be shown on a sheet of the clearing and grading plan set.

4 AUTHORITY: Bellevue City Code 14.60.240  
5 REVIEWER: Ian Nisbet, Transportation Department

6 15. PAVEMENT RESTORATION

7 The city's pavement manager has determined that this segment of SE 6th Street  
8 will require standard trench restoration for any utility connections or other digging  
9 in the street surface. Trench restoration must meet the requirements of Section 21  
10 of the Design Manual and standard drawings RC-190-1 through RC-220-1. Exact  
11 copies of the appropriate trench restoration drawing(s) must be included in the  
12 final engineering plans.

13 AUTHORITY: Bellevue City Code 14.60.250 and Design Manual Design  
14 Standard # 23  
15 REVIEWER: Tim Stever, Right of Way Department

16 16. SIDEWALK/UTILITY EASEMENTS

17 The applicant shall provide sidewalk and utility easements to the City such that  
18 sidewalks outside of the City right of way along the property frontage are located  
19 within a pedestrian easement area.

20 AUTHORITY: Bellevue City Code 14.60.100  
21 REVIEWER: Ian Nisbet, Transportation Department

22 17. PESTICIDES, INSECTICIDES, AND FERTILIZERS

23 The applicant must submit as part of the required Clearing and Grading Permit  
24 information regarding the use of pesticides, insecticides, and fertilizers in  
accordance with the City of Bellevue's "Environmental Best Management  
Practices".

1           AUTHORITY:       Land Use Code 20.25H.220.H  
2           REVIEWER:        Carol Orr, Land Use

3           18.     RAINY SEASON RESTRICTIONS

4           The project site is subject to rainy season restrictions. Specific approval from  
5           COB Development Services Department is required to begin or continue clearing  
6           & grading activities during the rainy season (Oct.1 through Apr. 30).

7           AUTHORITY:        Bellevue City Code 23.76.093.A,  
8           REVIEWER:        Savina Uzunow, Clearing and Grading Division

9           19.     FINAL LANDSCAPE PLAN

10          A final detailed landscape plan must be submitted to and approved by the Land  
11          Use Division prior to the approval of Plat Engineering. This plan shall be revised  
12          from the version submitted to the City of Bellevue on September 2018 to show the  
13          location of the 15 foot structure setback from the edge of the stream buffer. The  
14          plan shall show the proposed fence at the edge of the buffer and planting per  
15          landscape plan (see Attachment 1).

16          AUTHORITY:       Land Use Code 20.30D  
17          REVIEWER:        Carol Orr, Land Use

18          20.     FINAL RESTORATION PLAN

19          The applicant shall be required to submit, as part of the landscaping plan, a final  
20          restoration plan for the restoration plantings within the stream buffer/NGPA. The  
21          plan shall be modified from the version submitted to the City of Bellevue on  
22          September 2018 to include 3 native trees within the stream buffer and NGPA. as  
23          part of the underlying plat infrastructure permit required to implement the project  
24          as described in this approval (See Attachment 1). All plantings within the stream  
25          buffer and the associated structure setback shall be native species.

          AUTHORITY:       Land Use Code 20.25H.220, 20.25H.180.C.5

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1 REVIEWER: Carol Orr, Development Services Department

2 C. PRIOR TO FINAL SHORT PLAT APPROVAL:

3 21. INFRASTRUCTURE IMPROVEMENTS

4 All street frontage and infrastructure improvements shown in the final engineering  
5 plans or required by city codes and standards must be completed prior to approval  
6 of the final short plat. If all the requirements of BCC 14.60.260 are met, the  
7 director may accept an acceptable financial assurance device equivalent to 150%  
8 of the cost of the unfinished improvements. Installation of improvements that  
9 would negatively affect safety if left unfinished may not be delayed through use  
10 of a financial assurance device. Improvements must be approved by the  
11 Transportation Department inspector before they are deemed complete.

12 AUTHORITY: Bellevue City Code 14.60, Transportation Department  
13 Design Manual Sections

14 REVIEWER: Ian Nisbet, Transportation Department

15 22. CORRECTION OF EASEMENT

16 All infrastructure shall be located within a recorded easement. Sewer  
17 infrastructure on the west side of the site, within the area that will be Lot 1 is not  
18 located within the recorded easement (Recording # 4759638). The easement shall  
19 be modified (or a new easement created?) such that all infrastructure is located in  
20 the center of a public sanitary sewer easement. Work with the Real Property  
21 Services Division, the Land Use Planner and the Utilities Reviewer to correct the  
22 location of this easement.

23 AUTHORITY: Bellevue City Code 24.04.160

24 REVIEWER: Chris Brookes, Utilities Department

25 23. SETBACKS AND SETBACK DEVIATIONS



1 All final Site Plans and Landscaping Plans shall show the rear setbacks as  
2 stipulated in section III of this report. The City will not approve future requests  
3 for deviations from the setbacks shown on the attached plans, including  
4 accommodations for elements that may not be shown on the attached plans. This  
5 includes but is not limited to minor building elements, rockeries, upper level decks  
and mechanical equipment.

6 AUTHORITY: Land Use Code 20.20.010, 20.30D.285.A & B130.A.6

7 REVIEWER: Carol Orr, Land Use

8 24. VARIANCE RESTRICTION

9 Approval by the City of this short plat is a determination that each lot in the short  
10 plat can be reasonably developed in conformance with the Land Use Code  
11 requirements in effect at the time of preliminary short plat approval without  
12 requiring a variance. The following language shall be placed on the final short  
plat document:

13 VARIANCE RESTRICTION:

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

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

19 REVIEWER: Carol L. Orr, Carol Orr, Land Use

20 25. OPEN SPACE AND NATIVE GROWTH PROTECTION AREAS

21 That portion of the required opens space that contains critical areas and their  
22 buffers shall be designated as a Native Growth Protection Easement. The  
23 following note is required to be placed on the final plat:

24 8/14/19

1 NATIVE GROWTH PROTECTION EASEMENT (NGPE)

2 DEDICATION OF NATIVE GROWTH PROTECTION EASEMENT (NGPE)  
3 ESTABLISHES, ON ALL PRESENT AND FUTURE OWNERS AND USERS  
4 OF THE LAND, AN OBLIGATION TO LEAVE UNDISTURBED ALL TREES  
5 AND OTHER VEGETATION WITHIN THE AREA, FOR THE PURPOSE OF  
6 PREVENTING HARM TO, PROPERTY AND ENVIRONMENT, INCLUDING  
7 BUT NOT LIMITED TO CONTROLLING SURFACE WATER RUNOFF AND  
8 EROSION, MAINTAINING SLOPE STABILITY, BUFFERING AND  
9 PROTECTING PLANTS AND ANIMAL HABITAT, EXCEPT, FOR THE  
10 REMOVAL, OF DISEASED OR DYING VEGETATION WHICH PRESENTS  
11 A HAZARD OR IMPLEMENTATION OF AN ENHANCEMENT PLAN  
12 REQUIRED OR APPROVED BY THE CITY. ANY WORK, INCLUDING  
13 REMOVAL OF DEAD, DISEASED, OR DYING VEGETATION, IS SUBJECT  
14 TO PERMIT REQUIREMENTS OF THE CITY OF BELLEVUE CODES. THE  
15 OBLIGATION TO ENSURE THAT ALL TERMS OF THE NGPA ARE MET IS  
16 THE RESPONSIBILITY OF THE OWNERS OF LOTS 1 AND 2. THE CITY  
17 OF BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION,  
18 TO ENFORCE THE REQUIREMENTS, TERMS, AND CONDITIONS OF  
19 THIS RESTRICTION BY ANY, METHOD AVAILABLE UNDER LAW.

20 AUTHORITY: Land Use Code 20.25H.030

21 REVIEWER: Carol Orr, Land Use

22 26. NGPE BOUNDARY FENCE AND SIGNAGE

23 Prior to approval of the final short plat, the applicant shall perform a field survey  
24 of property boundaries completed by a Washington State Licensed Surveyor. The  
boundary of the NGPA and NGPE shall be identified, fenced, and marked with  
boundary signage per City of Bellevue specification. Land Use planner will  
provide signage to applicant. NGPA/NGPE boundary fencing and signage shall be

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1 of permanent construction and shall be maintained for the duration of the short  
2 plat development.

3 AUTHORITY: LUC 20.25H.030  
4 REVIEWER: Carol Orr, Land Use

5 27. TREE RETENTION

6 The City of Bellevue urges the applicant to save as many trees as possible on site.  
7 The final short plat map shall portray a minimum of 191.5 diameter inches (32.9%  
8 of the total diameter inches) of the existing significant trees within the site to  
9 remain. A Tree Preservation Plan that portrays the drip-line, the diameter size,  
10 and common name of each significant tree to be retained must be recorded as part  
11 of the final short plat mylar. The following note is required to be placed on the  
12 final plat:

13 TREE PRESERVATION PLAN

14 DESIGNATION OF TREES ON THE TREE PRESERVATION PLAN  
15 ESTABLISHES A COVENANT BY THE OWNER TO LEAVE  
16 UNDISTURBED ALL TREES AS SHOWN ON THE TREE PRESERVATION  
17 PLAN. THIS COVENANT SHALL RUN WITH THE LAND AND SHALL BE  
18 BINDING UPON ALL FUTURE OWNERS. NO TREE TOPPING, TREE  
19 CUTTING OR TREE REMOVAL SHALL OCCUR UNLESS REQUIRED OR  
20 APPROVED BY THE CITY. EXCEPT FOR ORDINARY LANDSCAPE  
21 MAINTENANCE, NO CONSTRUCTION, CLEARING OR LAND  
22 ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE DRIP-LINE OF  
23 THE TREES SHOWN ON THE TREE PRESERVATION PLAN, UNLESS  
24 REQUIRED OR APPROVED BY THE CITY. ACTIVITIES IN VIOLATION  
OF THIS COVENANT ARE SUBJECT TO PENALTY, INCLUDING  
WITHOUT LIMITATION, FINES AND MITIGATION REQUIREMENTS.

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1 THE CITY OF BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE  
2 OBLIGATION , TO ENFORCE THE REQUIREMENTS, TERMS AND  
3 CONDITIONS OF THIS COVENANT BY ANY METHOD AVAILABLE  
4 UNDER LAW. IT IS THE OBLIGATION OF THE OWNER TO COMPLY  
5 WITH THE TERMS OF THE TREE PRESERVATION PLAN AND THIS  
6 COVENANT.

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INSTALLATION PERFORMANCE SURETIES FOR PLAT LANDSCAPING  
AND MITIGATION PLANTINGS

An installation performance surety is required based on 150 percent of the installed cost of the plat landscaping and mitigation planting. The amount of the surety is determined by a cost estimate submitted as part of the clearing and grading permit for plat infrastructure. The installation surety will be released upon successful Land Use inspection of the planting.

AUTHORITY: Land Use Code 20.25H.220, 20.40.490  
REVIEWER: Carol Orr, Land Use

28. MAINTENANCE SURETIES FOR PLAT LANDSCAPING AND  
MITIGATION PLANTINGS

A maintenance performance surety is required based on 20 percent of the installed cost of the plat landscaping and mitigation planting. The amount of the surety is determined by a cost estimate submitted as part of the clearing and grading permit for plat infrastructure. The installation surety will be released after 5 years of monitoring reports after Land Use inspection of the plantings.

AUTHORITY: Land Use Code 20.25H.220, 20.40.490  
REVIEWER: Carol Orr, Land Use

D. PRIOR TO ISSUANCE OF BUILDING PERMITS:

29. BUILDING PERMIT PLANS

8/14/19

1 The applicant is restricted to the building permit plans as attached to this PUD  
2 approval dated September 2018.

3 AUTHORITY: Land Use Code 20.30D  
4 REVIEWER: Carol Orr, Land Use

5 30. EXTERIOR LIGHTING

6 Exterior lighting on the side of the home adjacent to the stream buffer and NGPA  
7 tract shall be shielded or utilize a motion detection sensor. High intensity lighting  
8 should be avoided.

9 AUTHORITY: Land Use Code 20.25H  
10 REVIEWER: Carol Orr, Land Use

11 31. PUD RECORDING

12 The approval of the Planned Unit Development plan constitutes the City's  
13 acceptance of the general project, including its density, arrangement and design.  
14 Upon final City approval of the Planned Unit Development, the applicant shall  
15 forward the approved Planned Unit Development to King County Department of  
16 Records and Elections for recording. No administrative approval of a Planned  
17 Unit Development is deemed final until the Planned Unit Development is recorded  
18 and proof of recording is received by the Development Services Department. See  
19 Land Use Code section 20.45 for recording requirements of Planned Unit  
20 Developments merged with subdivision. This document shall detail how the  
21 owners of the lots created are required to provide for the care and maintenance of  
22 the open space tract.

23 AUTHORITY: Land Use Code 20.30D.200.A  
24 REVIEWER: Carol Orr, Land Use

32. CRITICAL AREA RESTORATION PLAN MAINTENANCE AND  
MONITORING

8/14/19

1 Any planting area outlined in the critical area restoration plan shall be maintained  
2 and monitored for a total of five (5) years. Annual monitoring reports by a  
3 qualified professional must to be submitted to the City of Bellevue's Land Use  
4 Division for five years at the end of each growing season. Photos from designated  
5 photo points approved by the City shall be included in the monitoring reports to  
6 document continued success. The monitoring may be discontinued after three  
7 years if, in the opinion of the Department, the long-term success of the mitigation  
is assured. The following schedule and performance standards apply and are  
evaluated in the report for each year:

8 Year 1 (from date of plant installation)

9 100% survival of all installed plants and/or replanting in following  
10 dormant season to reestablish 100%

11 0% coverage of invasive plants in planting area

12 Year 2 (from date of plant installation)

13 At least 90% survival of all installed material

14 Less than 5% coverage of planting area by invasive species or non-  
15 native/ornamental vegetation

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

17 At least 85% survival of all installed material

18 At least 35% (Yr3), 50% (Yr4), 70% (Yr5) coverage of the planting area  
19 by native plants in each year respectively

20 Less than 5% coverage by invasive species or non-native/ornamental  
21 vegetation

22 The reports can be sent to Carol Orr at [COrr@bellevuewa.gov](mailto:COrr@bellevuewa.gov) or to the  
address below:

23 8/14/19

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

AUTHORITY: Land Use Code 20.25H.220.D  
REVIEWER: Carol Orr, Land Use

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**CITY OF BELLEVUE**  
450 – 110th Avenue NE  
P. O. Box 90012  
Bellevue, WA 98009-9012





AFFIDAVIT OF SERVICE

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

**Charmaine Arredondo**, being first duly sworn upon oath, deposes and states:

In the Matter of the East Moorland PUD 2-lot Conservation Short Plat and PUD Application, on the 14<sup>th</sup> day of August 2019, I served a copy of:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

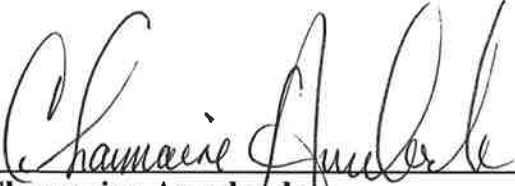
BY ELECTRONIC SERVICE – EMAIL by electronically mailing a true and correct copy thereof through the City of Bellevue’s electronic mail system to the email address(es) set forth below:

Peterzhang518@yahoo.com  
corr@bellevuewa.gov

BY U.S. MAIL by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at the City of Bellevue in accordance with ordinary business practices:

Sally Knodell  
3825 NE 117<sup>th</sup> Street  
Seattle, WA 98125

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Executed at Bellevue, Washington on this 14<sup>th</sup> day of August 2019.

  
\_\_\_\_\_  
Charmaine Arredondo  
Assistant Director, City Clerk’s Office

Subscribed and sworn this 4<sup>th</sup> day of August, 2019



Karin Roberts  
Notary Public in and for the State of  
Washington, residing at Sammamish, WA  
My appointment expires: 02/01/2022

Application, Petition or Case:

East Moorland PUD Application  
DSD File No.: 17-128369-LK