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

In the Matter of an Application for a )  
Planned Unit Development by )  
**BRETT FIDLER** )  
For construction of four single-family )  
Residences on four lots on a steep site )  
Adjacent to Richards Road )

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

**FILE NO. 13-111595-LK**

**SUMMARY**

1. Decision. The application is approved, subject to conditions.  
2. Request. The proposal is to build a four residence Planned Unit Development (PUD) on four lots clustered near the highest point of a 2.14 acre site adjacent to Richards Road, zoned R-3.5 The building area was formerly occupied by a single-family residence, now demolished. The topography slopes up steeply up from the roadway. The property is forested.

3. Procedure. Related to the PUD, a Conservation Short Plat, Critical Areas Land Use Permit and SEPA Determination of Non-Significance (DNS) have been approved administratively. None of these administrative decisions were appealed.

Notice of the application was made on June 27, 2013. A public meeting was held on July 16, 2013. The administrative approvals and a recommendation for approval of the PUD were made via Staff Report on September 15, 2016. Five written public comments were received, raising questions about access to Richards Road, tree removal, critical areas modification, impervious surface/stormwater and PUD approval criteria.

The Hearing Examiner’s public hearing on the PUD was held, after due notice, on October 6, 2016. At the hearing, the City was represented by Heidi Bedwell, Environmental Planning Manager. The applicant was represented by Yuval Sofer, Consultant. Public testimony was given by Chris O’Hara, Norman Braslow and Raymond Buxton.

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1 **FINDINGS OF FACT**

2 1. The factual matters set forth in the above Summary are adopted by the Examiner as  
3 findings.

4 2. The 2.5-acre site is on the west side of Richards Road. It is within the Richards  
5 Valley Subarea and designated Single-Family medium density in the Comprehensive Plan. The  
6 single-family use and overall density comply with the 'Subarea Plan.

7 3. Single-family residential development is permitted outright in the R-3.5 zone.  
8 Properties in the vicinity are also designated single family with the exception of properties across  
9 the road to the east which are multi-family residential. The project site is bordered by single  
10 family development to the north, west and south. Abutting to the southeast is a church.

11 4. The subject parcel slopes up steeply from Richards Road. A ravine with a drainage  
12 channel runs from southwest to northeast across the north part of the property. The site of the  
13 prior home is on a plateau area south of the steep slopes. This plateau is also the site of the four  
14 new lots and new homes.

15 5. Most of the area south of the steep slopes has been altered from its natural condition  
16 by the prior development. There is a driveway from Richards Road to the former home site. This  
17 will be replaced by a new driveway (SE 19th Court) designed to provide more appropriate grades  
18 for access to the new homes.

19 6. Overall about 1/3 of the site is buildable. In this project, approximately 64% of the  
20 property is to be preserved as open space, substantially exceeding the amount of open space  
21 required.

22 7. The proposed development qualifies as a Conservation Short Plat. In such a plat, the  
23 PUD mechanism allows for the modification of development standards where the PUD approval  
24 criteria are met. Here the plan calls for modifications to minimum lot size, lot width and depth,  
25 lot coverage and setbacks.

26 8. The scale of the structures is intended to fit in with the neighborhood. Their design is  
27 likewise meant to blend with the natural surroundings.

28 9. The project layout clusters the homes to avoid most of the steep slope critical areas on  
29 the property. Geotechnical engineering was performed and described in a number of reports by  
30 Earth Solutions, LLC. The engineer determined that the slope is stable in its current condition

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1 and configuration that, with recommended measures, the proposed residential construction is  
2 feasible. The engineering recommendation is for a combined buffer and structure setback of 15  
3 feet from the top of the slope for home construction. This recommendation will be followed. No  
4 retaining walls will be needed.

5 10. The project will modestly modify steep slope critical area buffers. The effects of this  
6 will be offset by steep slope and buffer enhancement/restoration. Surface water will be directed  
7 away from sloped areas both during construction and permanently. The geotechnical engineer  
8 will be present on site during excavation and grading.

9 11. The property is forested with some trees of significant size. Trees have been retained  
10 where possible, but construction of the new driveway will necessitate tree removal, including  
11 several large ones. The applicant has provided a mitigation plan that calls for replanting of trees,  
12 shrubs and groundcover in areas adjacent to the driveway and homes. Under landscape design  
13 there will be no lawns. Most of the site will be placed in Native Growth Protection Area.

14 12. Retention of 30% of the diameter inches of significant trees is required. Under the  
15 proposal approximately 62% of such diameter inches will be retained.

16 13. A professional Habitat Assessment Report was prepared. No observations were  
17 made of any local, state or federally listed species. The site has no known rare plants or plant  
18 communities. The proposed mitigation plan will restore the steep slope and buffer areas with  
19 native species that should ultimately enhance wildlife habitat.

20 14. Storm runoff from the impervious surfaces will be collected in a detention system  
21 and water will be released at one-half the predeveloped two-year-24-hour-storm event rate. The  
22 detention facility will connect to an existing conveyance system that flows to Richards Creek.

23 15. Standard urban utilities are available to serve the development and have adequate  
24 capacity to accommodate what is proposed.

25 16. The proposed development will have little impact on adjacent roadways. Payment of  
26 a transportation impact fee shall be required for each new home prior to building permit  
27 issuance. Grading and trimming shall be accomplished as necessary to meet sight distance  
28 requirements for the new driveway.  
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1 17. The criteria for approval of a PUD are set forth at LUC 20.30D.150, as follows:

2 A. The Planned Unit Development is consistent with the Comprehensive Plan;

3 B. The Planned Unit Development accomplished, by the use of permitted  
4 flexibility and variation in design, a development that is better than that resulting  
5 from traditional development. Net benefit to the City may be demonstrated  
6 by one or more of the following:

7 (1) Placement, type or reduced bulk of structures, or

8 (2) Interconnected usable open space, or

9 (3) Recreation facilities, or

10 (4) Other public facilities, or

11 (5) Conservation of natural features, or

12 (6) Conservation of critical areas and critical area buffers beyond  
13 that required under Part 20.25H LUC,

14 (7) Aesthetic features and harmonious design, or

15 (8) Energy efficient site design or building features, or

16 (9) Use of low impact development techniques; and

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

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

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

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

- 1 G. Open space, where provided to meet the requirements of LUC  
2 20.30D.160.A.1, within the Planned Unit Development is an integrated  
3 part of the project rather than an isolated element the project; and  
4 H. The design is compatible with and responds to the existing or intended  
5 character, appearance, quality of development and physical characteristics  
6 of the subject property and immediate vicinity; and  
7 I. That part of a Planned Unit Development in a transition area meets the  
8 intent of the transition area requirements, Part 2025B LUC, although the  
9 specific dimensional requirements of Part 20.25B LUC may be modified  
10 through the Planned Unit Development process; and  
11 J. Roads and streets, whether public or private, within and contiguous to the  
12 site comply with Transportation Department guidelines for construction of  
13 streets; and  
14 K. Streets and sidewalks, existing and proposed, are suitable and adequate to  
15 carry anticipated traffic within the proposed project and in the vicinity of the  
16 proposed project; and  
17 L. Each phase of the proposed development, as it is planned to be completed,  
18 contains the required parking space, recreation space, landscaping and utility  
19 area necessary for creating and sustaining a desirable and stable environment.

20 18. The Staff reviewed the proposal under the above PUD approval criteria (Staff  
21 Report, pp. 22 – 41) and determined that, as conditioned, the proposal will meet the criteria. The  
22 Hearing Examiner concurs with the Staff analysis and adopts the same. The Staff Report is by  
23 this reference incorporated herein as though fully set forth.

24 19. The Staff Report also adequately responds to the written comments received: (1)  
25 Transportation Department review finds that the proposed roadway design can meet relevant  
26 standards for access onto Richards Road; (2) The proposal preserves almost 2/3 of the diameter  
27 inches of trees on site; (3) The modification of the steep slope buffer is supported by  
28 geotechnical engineering and the mitigation plan results in a net increase in critical areas  
29 functions over what would otherwise be achieved; (4) Impervious surface on all of the lots will  
30 be below the maximum for the zone. Pervious surfaces will be used where possible along with  
traditional stormwater controls; (5) the PUD criteria are met.

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1 initiation of any clearing and grading.

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

6 Bellevue City Code 23.76.060 and LUC 20.20.900

7 **6. UTILITIES DEPARTMENT APPROVAL**

8 Utility Department approval of the Planned Unit Development application (13-  
9 111595 LK) is based on the conceptual design only. Changes to the site layout may  
10 be required to accommodate the utilities after utility engineering is approved.

11 Bellevue City Code 24.02, 24.04, 24.06

12 **7. DEVELOPER EXTENSION AGREEMENT**

13 A Utility Developer Extension Agreement application is required for the engineering  
14 review and inspection of the water, sewer and storm drainage improvements per  
15 Utility Codes 24.02, 24.04 and 24.06. All design review, plan approval, and field  
16 inspection shall be performed under the Utility Developer Extension Agreement  
17 application. The Developer Extension Agreement and submittal requirements are  
18 available from the Utility Representative at the Permit Center. Bellevue City Code  
19 Title 24.02, 24.04, 24.06.120

20 **8. REQUIRED PLANS**

21 The applicant shall obtain development permits to construct all of the proposed  
22 infrastructure and houses which include clearing and grading, utility, building, and  
23 other permits. Plans submitted for the development permits must reflect the plans  
24 reviewed under this approval. Land Use Code 20.30P

25 **9. VARIANCE/MODIFICATION RESTRICTION**

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

29 Land Use Code 20.45B.130.A.6

30 **PRIOR TO ISSUANCE OF ANY PLAT ENGINEERING/CLEAR AND GRADE PERMIT:**

**1. STORM WATER POLLUTION PREVENTION PLAN**

To ensure contaminated stormwater or construction-related runoff does not pollute  
adjacent surface water, a construction stormwater pollution prevention plan  
(CSWPPP) is required. The CSWPPP outline should be generally consistent with the  
SWPPP requirements of the National Pollutant Discharge Elimination System  
(NPDES) General Storm water Permit for Construction Activities. Clearing and  
Grading Code BCC 23.76

**2. RIGHT OF WAY USE PERMIT**

The applicant is required to apply for a Right of Way Use Permit before the issuance  
of any clearing and grading, building, foundation, or demolition permit. In some



1 cases, more than one Right of Way Use Permit may be required, such as one for  
2 hauling and one for construction work within the right of way. A Right of Way Use  
3 Permit regulates activity within the city right of way, including but not limited to the  
4 following:

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

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

22 Bellevue City Code 14.30

### 23 3. OFF-STREET PARKING

24 The applicant must secure sufficient off-street parking for construction workers,  
25 equipment, and materials storage before the issuance of a clearing and grading,  
26 building, foundation, or demolition permit. Bellevue City Code 14.30

### 27 4. ENGINEERING PLANS

28 A transportation site plan produced by a qualified engineer must be approved by the  
29 City prior to clear and grading permit approval. The design of all street frontage  
30 improvements must be in conformance with the requirements of the Americans with  
Disabilities Act, the Transportation Development Code, and the provisions of the  
Transportation Department Design Manual. The engineering plans must correctly  
show all transportation-related engineering details, including but not limited to, the  
design of the private road, the connection to Richards Road, mailbox location, sight  
distance and as otherwise mention in this report. Appropriate standard drawings from  
the Transportation Department Design Manual must be included in the engineering  
plans.

Specific requirements are detailed below:

#### 31 a) Site Specific Items:

- 32 i) Driveway approach per DEV-7A.

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- 1 ii) Relocation of all above grade appurtenances and below grade utilities as
- 2 necessary for the construction of the new access road (SE 19<sup>th</sup> Court).
- 3 iii) Grading of embankment / vegetation removal to comply with sight distance
- 4 standards.
- 5 iv) Streetlight upgrades.
- 6 v) Street name signs.
- 7 vi) Vault lid replacement within the sidewalk to comply with current Transportation
- 8 and ADA standards for skid resistance.
- 9 vii) Additional items may be added during the clear and grade and right of way
- 10 permit phases for this project.

11 b) Miscellaneous:

- 12 i) Landings on sloping approaches are not to exceed a 10% slope for a distance of
- 13 20 feet approaching the back edge of sidewalks. Driveway grades must be
- 14 designed to prevent vehicles from bottoming out due to abrupt changes in grade.
- 15 ii) The maximum cross grade of a street at the street end shall be 8%.
- 16 iii) Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and
- 17 14.60.241.

18 Bellevue City Code 14.60; Transportation Department Design Manual.

19 5. SIGHT DISTANCE

20 If necessary to meet the sight distance requirements of BCC 14.60.240 and standard

21 drawing TE-1, existing vegetation near the access point on Richards Road must be

22 trimmed; adjacent embankment graded down. Ground vegetation within the sight

23 triangle must be trimmed to no more than 2.5 feet above a line drawn from pavement

24 level to pavement level. Trees within the sight triangle must be limbed up to a height

25 of 7.5 feet above a line drawn from pavement level to pavement level. A description

26 of any required vegetation trimming must be shown on a sheet of the clearing and

27 grading plan set. Bellevue City Code 14.60.240

28 6. PAVEMENT RESTORATION

29 The city's pavement manager has determined that this segment of Richards Road will

30 require a grind and overlay trench restoration for any utility connections or other

digging in the street surface. Trench restoration must meet the requirements of

Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5.

Pavement restoration limits will be specified in the commercial right of way permit

(TN suffix) required for this project. The TN permit must accompany the approved

clear and grade permit for this project. Bellevue City Code 14.60.250 and Design

Manual Design Standard # 23

7. PESTICIDES, INSECTICIDES, AND FERTILIZERS

The applicant must submit as part of the required Clearing and Grading Permit

information regarding the use of pesticides, insecticides, and fertilizers in accordance

with the City of Bellevue's "Environmental Best Management Practices". Land Use

Code 20.25H.220.H

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8. RAINY SEASON RESTRICTIONS

Due to the proximity to critical area on site, no clearing and grading activity may occur during the rainy season, which is defined as November 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. Bellevue City Code 23.76.093.A,

9. FINAL LANDSCAPE PLAN

A final detailed landscape plan must be submitted to and approved by the Land Use Division prior to the approval of Plat Engineering. This plan shall show the proposed fence at the edge of the buffer and planting per landscape plan (see attachment 1). Land Use Code 20.30D

10. FINAL MITIGATION PLAN

The applicant shall be required to submit a final restoration plan as part of the underlying plat infrastructure permit required to implement the project as described in this approval (See Attachment 1). Land Use Code 20.25H.220, 20.25H.180.C.5

11. ACCESS ROAD: The access road and turnaround area shall be posted and marked on both sides "Fire Lane-No Parking" per Bellevue Standards. (Bellevue Amendment (BA) to IFC 503.3) This shall be noted on the final plat and clear and grade permits. Detention vaults and pipes in the roadway shall be capable of supporting fire apparatus with a gross weight of 64,000 lbs. (rear axle=48,000 lbs and front axle=19,000 lbs). International Fire Code 508

PRIOR TO FINAL SHORT PLAT APPROVAL:

1. OPEN SPACE AND NATIVE GROWTH PROTECTION AREAS

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

NATIVE GROWTH PROTECTION EASEMENT (NGPE)  
DEDICATION OF NATIVE GROWTH PROTECTION EASEMENT (NGPE)  
ESTABLISHES, ON ALL PRESENT AND FUTURE OWNERS AND USERS OF THE LAND, AN OBLIGATION TO LEAVE UNDISTURBED ALL TREES AND OTHER VEGETATION WITHIN THE AREA, FOR THE PURPOSE OF PREVENTING HARM TO, PROPERTY AND ENVIRONMENT, INCLUDING BUT NOT LIMITED TO CONTROLLING SURFACE WATER RUNOFF AND EROSION, MAINTAINING SLOPE STABILITY, BUFFERING AND PROTECTING PLANTS AND ANIMAL HABITAT, EXCEPT, FOR THE REMOVAL, OF DISEASED OR DYING VEGETATION WHICH PRESENTS A HAZARD OR IMPLEMENTATION OF AN ENHANCEMENT PLAN REQUIRED OR APPROVED BY THE CITY. ANY WORK, INCLUDING REMOVAL OF DEAD, DISEASED, OR DYING VEGETATION, IS SUBJECT TO PERMIT

1 REQUIREMENTS OF THE CITY OF BELLEVUE CODES. THE OBLIGATION  
2 TO ENSURE THAT ALL TERMS OF THE NGPA ARE MET IS THE  
3 RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 4. THE CITY OF  
4 BELLEVUE SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO  
5 ENFORCE THE REQUIREMENTS, TERMS, AND CONDITIONS OF THIS  
6 RESTRICTION BY ANY, METHOD AVAILABLE UNDER LAW.  
7 Land Use Code 20.25H.030

6 2. NGPA BOUNDARY FENCE AND SIGNAGE

7 Prior to approval of the final short plat, the applicant shall perform a field survey of  
8 property boundaries completed by a Washington State Licensed Surveyor. The  
9 boundary of the NGPA and NGPE shall be identified, fenced, and marked with  
10 boundary signage per City of Bellevue specification. Land Use planner will provide  
11 signage to applicant. NGPA/NGPE boundary fencing and signage shall be of  
12 permanent construction and shall be maintained for the duration of the short plat  
13 development. LUC 20.25H.030

12 3. INSTALLATION PERFORMANCE SURETIES FOR PLAT LANDSCAPING  
13 AND MITIGATION

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

17 4. HOLD HARMLESS AGREEMENT

18 The applicant shall submit a hold harmless agreement in a form approved by the City  
19 Attorney which releases the City from liability for any damage arising from the  
20 location of improvements within a critical area buffer in accordance with LUC  
21 20.30P.170. The hold harmless agreement is required to be recorded with King  
22 County prior infrastructure permit issuance. Land Use Code 20.30P.170

21 5. INFRASTRUCTURE IMPROVEMENTS

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

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

1  
2 Improvements must be approved by the Transportation Department inspector before  
3 they are deemed complete. At completion of all transportation infrastructure items,  
4 the developer must provide a one year maintenance assurance device equivalent to  
5 20% of the value of the transportation infrastructure improvements, dating from the  
6 acceptance of the improvements.

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

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11 **6. ACCESS DESIGN AND MAINTENANCE**

12 The final Subdivision map must include a note that specifies that the owners of lots  
13 served by the private road are jointly responsible for maintenance and repair of the  
14 private road. Also, the final Subdivision map must include a note that specifies that  
15 the private road will remain open at all times for emergency and public service  
16 vehicles and shall not be gated or obstructed. BCC 14.60.130

17  
18 **PRIOR TO ISSUANCE OF BUILDING PERMITS:**

19 1. **FIRE SPRINKLERS** All homes shall have sprinklers installed designed per 2010  
20 NFPA 13D as the access road is over 12% grade. (BA 503.2.7) Minimum fire flow  
21 required at fire hydrant at top of hill is 1,000 gpm. (IFC Appendix B 105.1)  
22 International Fire Code 508

23 2. **BUILDING PERMIT PLANS**

24 The applicant is restricted to the building permit plans as attached to this PUD  
25 approval dated August 2016. Land Use Code 20.30D

26 3. **PERVIOUS PAVEMENT MAINTENANCE AGREEMENT**

27 A signed, recorded Maintenance Agreement is required for the pervious pavement  
28 prior to final Building approval. Applicant shall submit a copy of this agreement for  
29 review prior to recording with King County. Land Use Code 20.25H

30 4. **CRITICAL AREA RESTORATION PLAN MAINTENANCE AND MONITORING**

Any planting area outlined in the critical area restoration plan shall be maintained and  
monitored for a total of five (5) years. Annual monitoring reports by a qualified  
professional must to be submitted to the City of Bellevue's Land Use Division for  
five years at the end of each growing season. Photos from designated photo points  
approved by the City shall be included in the monitoring reports to document  
continued success. The monitoring may be discontinued after three 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:

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

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Year 2 (from date of plant installation)

- At least 90% survival of all installed material
- Less than 5% 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 5% coverage by invasive species or non-native/ornamental vegetation

LUC 20.25H.220.D

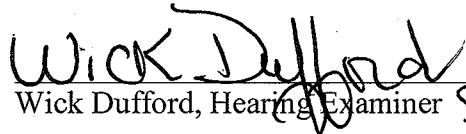

The reports can be sent to Heidi Bedwell at [hbedwell@bellevuewa.gov](mailto:hbedwell@bellevuewa.gov) or to the address below:

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

**DECISION**

The application for the approval of a Planned Unit Development (File #13-111595-LK) is **APPROVED**, subject to the conditions set forth above.

**DONE**, this 21st, day of October, 2016.

  
 Wick Dufford, Hearing Examiner 

1 **NOTICE OF RIGHT TO APPEAL**  
2 (Pursuant to Resolution No. 5097)

3 **RIGHT TO APPEAL-TIME LIMIT**

4 A person who submitted written comments to the Director prior to the hearing, or  
5 submitted written comments or made oral comments during the hearing on this matter, may  
6 appeal the decision of the Hearing Examiner to the Bellevue City Council by filing a written  
7 appeal statement of the Findings of Fact or Conclusion being appealed, and paying any appeal  
8 fee, no later than 14 calendar days following the date that the decision was mailed. The appeal  
9 must be received by the City Clerk by **5:00 p.m. on November 4, 2016.**

10 **TRANSCRIPT OF HEARING-PAYMENT OF COST**

11 An appeal of the Hearing Examiner's decision requires the preparation of a transcript of  
12 the hearing before the Hearing Examiner. Therefore, the request for appeal must be  
13 accompanied by an initial deposit of \$160. Should the actual cost be less the amount of the  
14 deposit, any credit due shall be reimbursed to the appellant. Should the cost for transcript  
15 preparation be more than the deposit, the appellant will be additionally charged.

16 **WAIVER OF TRANSCRIPTION FEE**

17 Upon request, the City Clerk will waive transcription fees upon submission by an  
18 appellant of the following documentation: a) an affidavit stating that the appellant's net financial  
19 worth does not exceed \$20,000; b) an affidavit stating that the appellant's annual income does  
20 not exceed \$5,200; c) a brief statement of the issues sought to be reviewed; d) a designation of  
21 those parts of the record the party thinks are necessary for review; e) a statement that review is  
22 sought in good faith.

23 The transcription fee waiver is available to individuals over eighteen (18) years of age  
24 and is not available to corporations, companies, partnerships, or any business, enterprise,  
25 community club or and social recreational organization.  
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