



MEMORANDUM

DATE: September 14, 2007
TO: Chair Bell, Members of the East Bellevue Community Council
FROM: David Pyle, Senior Planner (425)452-2973
SUBJECT: Baker Short Plat - 435 140th Ave NE

During a past meeting the East Bellevue Community Council expressed interest in receiving an update on the change in status of the Baker Short Plat. In response to this request, City staff have prepared a summary of the status of this application.

Background

The Baker Preliminary Short Plat application was originally received as a request to divide parcel #3425059090 (36,981 sf) into two buildable lots of 20,847 sf (Lot A) and 16,134 sf (Lot B). After initial review of the application and background materials provided, staff identified the need for additional information and a change in process to complete review of the application.

The current configuration of parcel #3425059090 was created through preliminary short plat (LN) and final short plat (LF) file #'s 02-149834-LN and 04-136208-LF, also known as the Johnson North Short Plat. The final recording action associated with the creation of this lot in it's current configuration was completed in 2005 when the Johnson North Short Plat (final short plat - LF) was approved (signed) by the City and recorded with King County Records by the applicant. The final short plat was assigned the number (#)20050103900004 by the King County Records office. Subsequent to the finalization of this division, Lot 2 (parcel #3425059288) of the Johnson North Short Plat was sold to a home builder and a new single family residence is under construction. Lot #'s 3425059288 and 3425059090 are now under separate ownership. In the spring of 2007, shortly after the approval of the Johnson North Short Plat and the sale of Lot 2 to an independent homebuilder, the owner of Lot 1 submitted application to re-divide Lot 1 (#3425059090) into two single family lots.

Project Review

Following submittal of the application for preliminary short plat (Baker Short Plat), and completion of an initial review of the proposal, a revisions letter was sent out requesting additional information regarding the existing RVA and proposed tree retention. The first revisions letter was sent on March 20, 2007. The applicant submitted the required items on June 25, 2007. Review of the revised plans, additional property research, and review of the City's Land Use Code revealed significant procedural problems with this request for preliminary short plat associated with past land use actions on this property and limits on future land divisions.

Procedural Issues

Generally, the City of Bellevue Land Use Code section LUC 20.45B governs the division of land when 9 or fewer lots are created (see definition of short plat in LUC 20.50.040). LUC 20.45B.240 governs the re-division of land following the completion of a short subdivision which has been approved (signed and recorded) five years immediately preceding the proposed re-division. The re-division of land under a short plat action is considered a revision to a final short plat and is subject to a list of specific criteria, found in LUC 20.45B.240 B. Revisions to previously approved (within five years after effective date of final short subdivision) short subdivisions are processed as a new preliminary subdivision and are subject to compliance with City Codes. Specifically, LUC 20.45B.240 states:

20.45B.240 Final short plat – Revision

- A. Land within a short subdivision, the short plat of which has been approved within five years immediately preceding, may not be further subdivided in any manner unless a final subdivision thereof has been approved and filed for record in accordance with Chapter 20.45A LUC, or a Binding Site Plan is approved in accordance with Land Use Code requirements; provided, however, when the original short subdivision contains less than four lots it may be revised to create additional lots if no more than four total lots are created within the boundary lines of the original short plat during the original five-year period. For the purposes of calculating the five-year period, the date of approval of a short subdivision shall be the date the short plat was recorded with the King County Department of Records and Elections.
- B. Short subdivisions may be revised in accordance with the following requirements:
1. All affected ownership interests within the originally recorded short subdivision must be a party to the revision application, or must express written agreement to the proposed revision, including written agreement to accept ownership of any property, or to transfer or convey ownership of any property, which may be necessary as a result of the revision.
 2. Any features contained in the original short subdivision which have been relied upon in subsequent land development or land use planning decisions and which are still applicable at the time of application shall be incorporated in the short subdivision revision, unless such features are provided by other legal means at the time of short subdivision revision.
 3. Procedures and requirements established by this chapter for preliminary short subdivision approval shall be applicable to revision requests. Revisions shall comply with applicable conditions and provisions of the original plat or short plat and shall not adversely affect access, easements, or any land use requirements as provided for in the laws of the City.
 4. Approval of any revision shall be filed and recorded as a supplemental declaration of short subdivision which shall contain the adjusted legal description and shall be effective upon being recorded by the Department of Planning and Community Development with the King County Department of Records and Elections and upon receipt of proof of recording.

Current Status

Due to the change in process (a change from application for Preliminary Short Plat to application for revision to Final Short Plat) the project was re-noticed in accordance with the City's Land Use Code requirements: a new sign was posted at the site, a notice was circulated by mail, and an ad was posted in the Seattle Times. Additionally, City staff has requested the following changes to the application to ensure consistency with City codes:

- A change in scope of work to identify that the application will be processed as a revision to the Johnson North Final Short Plat under LUC 20.45B.240.
- A new site plan that shows all three lots involved in the proposed final short plat revision action. Both lots that were the product of the Johnson North Short Plat are to be included.
- A narrative identifying how your proposal is in compliance with LUC 20.45B.240.B.
- A signed notarized letter from the new owner of Lot 2 (Parcel # 3425059288) identifying that they are party to the revision.
- Verify that the proposed revision is in compliance with other sections of the land use code and other applicable City Codes.

At this time staff is waiting for submittal of the required revisions before further review is completed.

I trust this memo helps to explain the status of the Baker Short Plat application. If you have any questions about this application please feel free to contact me at (425)452-2973 or at dpyle@bellevuewa.gov.