



**City of Bellevue
Department of Planning & Community Development
Land Use Division Staff Report**

Proposal Name: 134th Avenue NE Short Plat

Proposal Address: 3850 134th Avenue NE

Proposal Description: Two lot short plat on 1.72 acres in the R-1 zoning district. Proposed Lot 1 contains 44,898 square feet and proposed Lot 2 contains 30,013 square feet.

File Number: 06-103909 LN

Applicant: Steve Smith, Steven D Smith Construction

Decisions Included: Administrative Decision for a Preliminary Short Plat through Process II, Land Use Code 20.35.200

**State Environmental Policy Act
Threshold Determination:** Exempt (WAC 197-11-800(6)(a)),
Bellevue City Code 22.02.032

Department Decision:

Approval with Conditions

Matthews Jackson, Senior Planner
Dept. of Planning and Community Development

Application Date: February 28, 2006
Notice of Application: April 20, 2006
Decision Publication Date: November 9, 2006
Appeal Deadline: November 23, 2006

For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6864 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

I. Description of Proposal

The applicant proposes to short plat an existing 1.72 acre lot into two parcels in the R-1 zoning district. Lot 1 will be 44,898 square feet in area and contains a house that will remain for at least one year after final short plat approval. Lot 2 is 30,013 square feet in area and contains a barn that will be demolished to facilitate home construction. Access to the existing house on Lot 1 comes from a driveway cut on 134th Ave NE that connects to a private access road within an easement along the southern boundary of the site. Access to Lot 2 will come from the private road along the southern property line.

II. Site Description and Context

The site is located in an area of large lot residential development in the Bridle Trails subarea. Bridle Trails State Park is located northwest of the subject property. The vicinity is heavily wooded and access to residential properties is limited to a few through streets.

The site is bordered by 134th Ave NE on the west, NE 40th Street on the north, and a 20.31 foot wide access road on the south that provides access to four additional homes to the east of the proposal. The existing lot slopes gradually from elevation 488 at the northeast corner to elevation 475 near the southeast corner. Areas of sensitive slope are located in a narrow band in the northern third of the site. The required retained vegetation area (RVA), will be placed in an easement on Lot 1 in an area of sensitive slope that includes several significant trees that will be retained with this proposal.

CONSISTENCY WITH LAND USE CODE/ZONING REQUIREMENTS

A. Special District Requirements (Sensitive Area Overlay District LUC. 20.25H)

Disturbance Limits

LUC Section 20.25H.110.D.1 requires sites that contain slopes of 15% or greater to comply with disturbance limitations. Disturbance limits apply to this site because portions of the property exceed 15 percent slope. The object of disturbance limitations is to encourage consolidation of disturbance on areas of least slope and to minimize changes in grade, cleared area, and volume of on site cut or fill.

The slope categories calculation submitted by the applicant indicates that the maximum allowable disturbance on this site is 66,185 square feet or approximately 88 percent of the total site area. This requires the applicant to preserve a minimum of 8,656 square feet of the total site area as an area of non-disturbance. The applicant proposes to set aside 8,656 square feet as an RVA to comply with non-disturbance requirements. Refer to Section VIII for a related condition of approval.

B. Consistency with Standard Land Use Code Requirements

BASIC INFORMATION		
Zoning District	R-1	
Gross Site Area	74,911 Square Feet or 1.72 Acres	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	35,000 Square Feet	Lot 1: 44,898 Square Feet Lot 2: 30,013 Square Feet Individual lots shall be considered in compliance with minimum area requirements if the average of the areas of all the lots in the short plat meets the minimum requirement for the district in which the short plat is located and no lot is reduced by more than 15% in the R-1 zone. Complies
Minimum Lot Width	100 Feet	Lot 1 = 135 Feet Minimum Lot 2 = 110 Feet Minimum
Minimum Lot Depth	150 Feet	Lot 1 = 235 Feet Minimum Lot 2 = 225 Feet Minimum
Building Setbacks		
Front Yard	35 Feet	35 Feet
Rear Yard	25 Feet	25 Feet
Min. Side Yard	5 Feet	5 Feet
2 Side Yard	20 Feet	20 Feet
Access Easement	10 Feet	10 Feet
Tree Retention	15% or 92.1 Diameter Inches	452 Diameter Inches or 74%

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

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

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The City's water system can provide approximately 1500 gpm from the watermain located in 134th Ave NE. The pressure to the site is approximately 85 psi. A pressure reducing valve (PRV) is required where pressures exceed 80 psi..

The City's sanitary sewer system has adequate capacity for this proposal.

The site is located in the Valley Creek Basin. The City's storm drainage system has adequate capacity for this proposal.

The water, sewer and storm drainage systems have been reviewed on a conceptual basis only. There are no implied approvals of the engineering specifications for the water, sewer,

storm water quality and/or runoff control components of the proposal. Engineering review will be performed through the Utility Developer Extension Agreement or individual water, side sewer and or storm drainage connection applications and will coincide with the Clearing & Grading application review. Final civil engineering may require changes to the site layout to accommodate the utilities. The Utility Codes and Engineering Standards contain adequate standards and requirements to mitigate for expected water, sewer and storm drainage impacts. See related condition of approval in Section VIII.

B. Fire Department Review

The Fire Department has reviewed the proposal and has no concerns.

C. Transportation Review:

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. All transportation-related improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Design Manual prior to granting of final building permit inspection.

Under BCC 22.16, payment of the transportation impact fee for each new house will adequately mitigate off-site transportation impacts. The fee amount is subject to periodic revision by the city council. Builders will pay the fee in effect at the time of building permit issuance.

Use of the Right of Way

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit. This permit is issued directly by the Transportation Department.

Street Frontage Improvements

Street frontage improvements will not be required as access for the new lot shall be from an existing private road.

Site Access

Lot 1 has existing access from 134th Avenue NE and from an existing private road located along the southern property line of the project site. Lot 2 will have access to the private road via a separate driveway (paved full-width and full-length).

Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every public street in

the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it was last resurfaced. These three categories are, "No Street Cuts Permitted", "Overlay Required", and "Standard Trench Restoration". Each category has different trench restoration requirements associated with it. Near the development site 134th Avenue NE is classified as a "Standard Trench Restoration" street. Restoration requirements for 134th Avenue NE shall be specified in the Right-of-Way permit for this project.

Transportation Impacts and Mitigation

City staff has analyzed the potential short term operational impacts of this proposal in order to recommend mitigation if necessary. Some questions were raised as to reducing access for Lot 1 from two to one driveway (removing the driveway location off of 134th Avenue NE). Review of geometrics at the site, accident history, existing traffic conditions (speeds, volumes) showed that this was not necessary as the dual access to Lot 1 posed no safety issues.

This project will generate one new p.m. peak-hour trip. Due to this low volume of trip generation, existing levels of service being good in the vicinity of the project site, and the fact that this project will not create an additional access point on 134th Avenue NE, transportation impacts caused by this project are anticipated to be negligible. Therefore, the access configuration as shown on submitted drawings for this short plat is acceptable to the Transportation Department.

See Section VIII for transportation related conditions of approval.

VI. PUBLIC NOTICE AND COMMUNITY INPUT

Application Date: February 28, 2006

Public Notice (500 feet): April 20, 2006 (Includes sign installation at the site)

Minimum Comment Period: May 4, 2006

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *King County Journal* on April 20, 2006. It was mailed to property owners within 500 feet of the project site and a Public Information Sign was installed on the project site on the same day. Staff received two emails from one resident who had questions regarding tree retention, an equestrian overlay, and drainage on the property.

Question: Is there a regulated drainage on the site?

Response: No regulatory streams or other drainages are located on the property. A natural swale located along the northern boundary is not a stream and does not have a connection to a regulated stream corridor elsewhere in the vicinity.

Question: How are tree retention requirements being applied to this site in light of the recently approved Bridle Trails Tree Preservation land use code amendment?

Response: This application was submitted prior to the approval of the new ordinance and does not have to meet the enhanced tree preservation requirements. However, based on

staff input, the original submittal was revised in order to maximize significant tree retention. An additional 13 trees were added to the tree preservation plan and approximately 74% of the diameter inches of significant trees will be retained with this short plat. This greatly exceeds the 15% diameter inch minimum retention requirement.

Question: How is the equestrian overlay in the Bridle Trails subarea plan applied in the short plat situation?

Response: The equestrian overlay is a comprehensive plan item that isn't in the zoning code. In a plat or short plat situation, we are responsible for making sure that any development proposal is consistent with underlying comprehensive plan policies, and this proposal is not likely to effect the equestrian overlay. If there were existing equestrian easements across this site, we would either have to maintain them as recorded or have them modified prior to recording the subdivision by all parties who have an interest.

VII. Decision Criteria:

20.45B.130B Decision Criteria for a Preliminary Short Plat.

The Director may approve or approve with modifications an application for a Preliminary Short Plat if:

1. **The Preliminary Short Plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste.**

Finding: City codes ensure public health, safety and general welfare through development code requirements. The site will be accessed from both 134th Ave NE and a private road that extends along the entire southern boundary of the site. Existing public water and sewer facilities have been deemed adequate to serve the proposed development. The existing home will be preserved on the site for at least one year following final short plat approval, therefore, no stormwater detention or water quality treatment will be required.

2. **The public interest is served by the short subdivision.**

Finding: The public interest is served by providing additional housing opportunities in accordance with the Comprehensive Plan while ensuring compliance with City codes and standards.

3. **The preliminary short plat appropriately considers the physical characteristics of the proposed short subdivision site.**

Finding: The preliminary short plat considers the physical characteristics of the site by preserving the majority of significant trees and establishing a Retained Vegetation Area (RVA) to meet non-disturbance requirements on sites with sensitive slopes.

4. **The proposal complies with all applicable provisions of the Land Use Code (BCC Title 20), the Utility Code (BCC Title 24), and the City of Bellevue**

Development Standards.

Finding: The proposal complies with the Land Use Code requirements for R-1 zoning, the Utility Code and the City of Bellevue Development Standards.

Land Use Code Requirements

A. Dimensional Requirements: The site is currently zoned single-family R-1 which has a minimum lot size requirement of 35,000 square feet. Individual lots shall be considered in compliance with minimum area requirements if the average of the areas of all the lots in the short plat meets the minimum requirement for the district in which the short plat is located and no lot is reduced by more than 15% in the R-1 zone. The dimensional requirements for the R-1 zoning district include:

- 35' Front Yard Setback
- 25' Rear Yard Setback
- 5' Side Yard Setback
- 20' Two Side Yard Setback
- 30' Maximum Building Height
- 35% Maximum Lot Coverage by Structure
- 100' Minimum Lot Width
- 150' Minimum Lot Depth

Finding: All of the lots can be developed in accordance with the City of Bellevue Land Use Code requirements including the R-1 dimensional requirements.

B. Significant Tree Preservation: The tree preservation requirements under LUC Section 20.20.520 to save 15 percent of significant trees on the site apply to this proposal. See Section VIII for a related condition of approval.

Finding: The proposal will preserve 74% or 452 of the 614 diameter inches of significant trees on the site. This exceeds the 15% diameter inch minimum retention requirement.

C. Non-disturbance: The non-disturbance requirements of LUC 20.25H.110E are being met through the designation of an RVA on Lot 1 of the short plat. A total of 8,656 square feet of non-disturbance area is required for this short plat and 8,656 square feet will be set aside within the RVA area. See Section VIII for a related condition of approval.

5. The proposal is in accord with the Comprehensive Plan (BCC Title 21).

Finding: The site is located within the Bridle Trails subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family low density development for this property. The proposal complies with applicable Comprehensive Plan policies city-wide and for this Subarea:

The single family homes are, by use type, compatible with surrounding

neighborhoods. The proposal provides new housing as encouraged by the Comprehensive Plan (Policy LU-3) and helps meet Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-5).

The proposal will preserve 74% of the diameter inches of significant trees as encouraged by the Bridle Trails subarea plan (Policies S-BT-38 and S-BT-40) and the Comprehensive Plan (Policies EN-49 and EN-67).

6. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance.

Finding: Each lot can reasonably be developed to current R-1 zoning standards without requiring a variance. There are no site constraints or critical areas which inhibit the development of this property that would warrant a variance. See related condition of approval in Section VIII.

7. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

Finding: The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access, necessary sidewalk easements and other required improvements are existing, planned or conditioned as part of this approval to accommodate the use of these lots.

VII. Conclusion and Decision:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, SEPA, City Code, and standard compliance reviews, the Director of Planning and Community Development does hereby **approve** the 134th Avenue NE Preliminary Short Plat **with conditions**.

This approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of approval unless the applicant files for an extension at least 30 days prior to the expiration and the extension is granted pursuant to LUC 20.45B.150 and .160.

VIII. Conditions of Approval:

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

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

Applicable Codes, Standards and Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Janney Gwo, 425-452-6190
Construction Codes – BCC Title 23	Build. Division, 425-452-4121
Fire Code – BCC 23.11	Adrian Jones, 425-452-6032
Land Use Code – BCC Title 20	Matt Jackson, 425-452-2729
Noise Control – BCC 9.18	Matt Jackson, 425-452-2729
Sign Code – BCC Title 22	Matt Jackson, 425-452-2729
Transportation Development Code – BCC 14.60	Ray Godinez, 425-452-7915
Right of Way Use Code – BCC 14.30	Jon Regalia, 425-452-4599
Transportation Department Design Manual	Ray Godinez, 425-452-7915
Traffic Standards Code 14.10	Ray Godinez, 425-452-7915
Utility Code – BCC Title 24	Don Rust, 425-452-4856

A. GENERAL CONDITIONS

1. **CONSTRUCTION HOURS:** Noise related to construction is allowed from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday. Exceptions to the construction noise hours limitation contained in the Noise Control Code MAY be granted pursuant to BCC 9.18.020C.1 when necessary to accommodate construction which cannot be undertaken during exempt hours. If expanded hours are necessary to accommodate a specific component of construction, a written request for exemption from the Noise Control Code must be submitted two weeks prior to the scheduled onset of extended hour construction activity.

AUTHORITY: Bellevue City Code 9.18

REVIEWER: Matthews Jackson, Planning and Community Development Department

2. **RIGHT OF WAY USE PERMIT:** The applicant is required to apply for a right of way use permit from the City of Bellevue Transportation Department before the issuance of any clearing and grading, building, foundation, or demolition permit. In some cases, more than one right of way use permit may be required, such as one for hauling and one for construction work within the right of way. A right of way use permit regulates activity within the city right of way, including but not limited to the following:

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

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the

construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevents access. General materials storage and contractor convenience are not reasons for preventing access.

AUTHORITY: Bellevue City Code 14.30
REVIEWER: Jon Regalia, Transportation Department

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

AUTHORITY: Bellevue City Code 14.30
REVIEWER: Jon Regalia, Transportation Department

4. **UTILITIES DESIGN:** The water, sewer and storm drainage systems shall be designed per the Utility codes BCC 24.02, 24.04 and 24.06, and the Utility Engineering Standards. The water, sewer and storm drainage system design review, approvals and inspection will occur through the Utility Developer Extension process or water, sewer and storm drainage applications

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06
REVIEWER: Don Rust, Utilities Department

5. **PAVEMENT RESTORATION:** The city's pavement manager has determined that this segment of 134th Avenue NE will require standard 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. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

Authority: Bellevue City Code 14.60.250 and Design Manual Design Standard # 21
Reviewer: Jon Regalia, Transportation Department

B. PRIOR TO FINAL SHORT PLAT APPROVAL:

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

AUTHORITY: Land Use Code 20.45B.130.A.6
REVIEWER: Matthews Jackson, Planning and Community Development Department

2. **COVENANT FOR MAINTENANCE AND REPAIR:** The final short plat must include a covenant that permanently binds the property owner of the new lot (Lot 2) to provide for maintenance and repair of the existing private road in equal proportion to all other property owners with legal rights to use said road as well as a condition that the existing private road will remain open at all times for emergency and public service vehicles.

AUTHORITY: Bellevue City Code 14.60.130
REVIEWER: Ray Godinez, Transportation Department

3. **INFRASTRUCTURE IMPROVEMENTS:** Driveway construction to Lot 1 shall be completed prior to granting of approval of final inspection for any home on for Lot 2.

- 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.
- The maximum longitudinal and cross-sectional grades shall not exceed 8%.
- Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

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

4. **AREAS OF NON-DISTURBANCE:** Areas of non-disturbance shall be designated on the face of the Final Short Plat, along with wording on the face of the short plat as specified by the Department of Planning and Community Development. The boundary of the RVA must be surveyed and staked with appropriate signage and/or fencing. The designation shall include the following restrictions:

- a) An assurance that existing native and compatible introduced vegetation which provides overstory will be preserved for the purposes of buffering, protecting plants and animal habitat and for aesthetic and other purposes; and
- b) The right of the City of Bellevue to enforce the terms of the restriction

AUTHORITY: Land Use Code 20.25H.110.D, 20.25H.120
REVIEWER: Matthews Jackson, Planning and Community Development Department

5. **TREE PRESERVATION PLAN:** A Tree Preservation Plan that portrays the drip-line, the diameter size, and common name of each significant tree to be retained must be recorded with the final short plat mylar. The Tree Preservation Plan must contain the following note:

"Tree Preservation Plan:

Designation of trees on the Tree Preservation Plan establishes a covenant by the owner to

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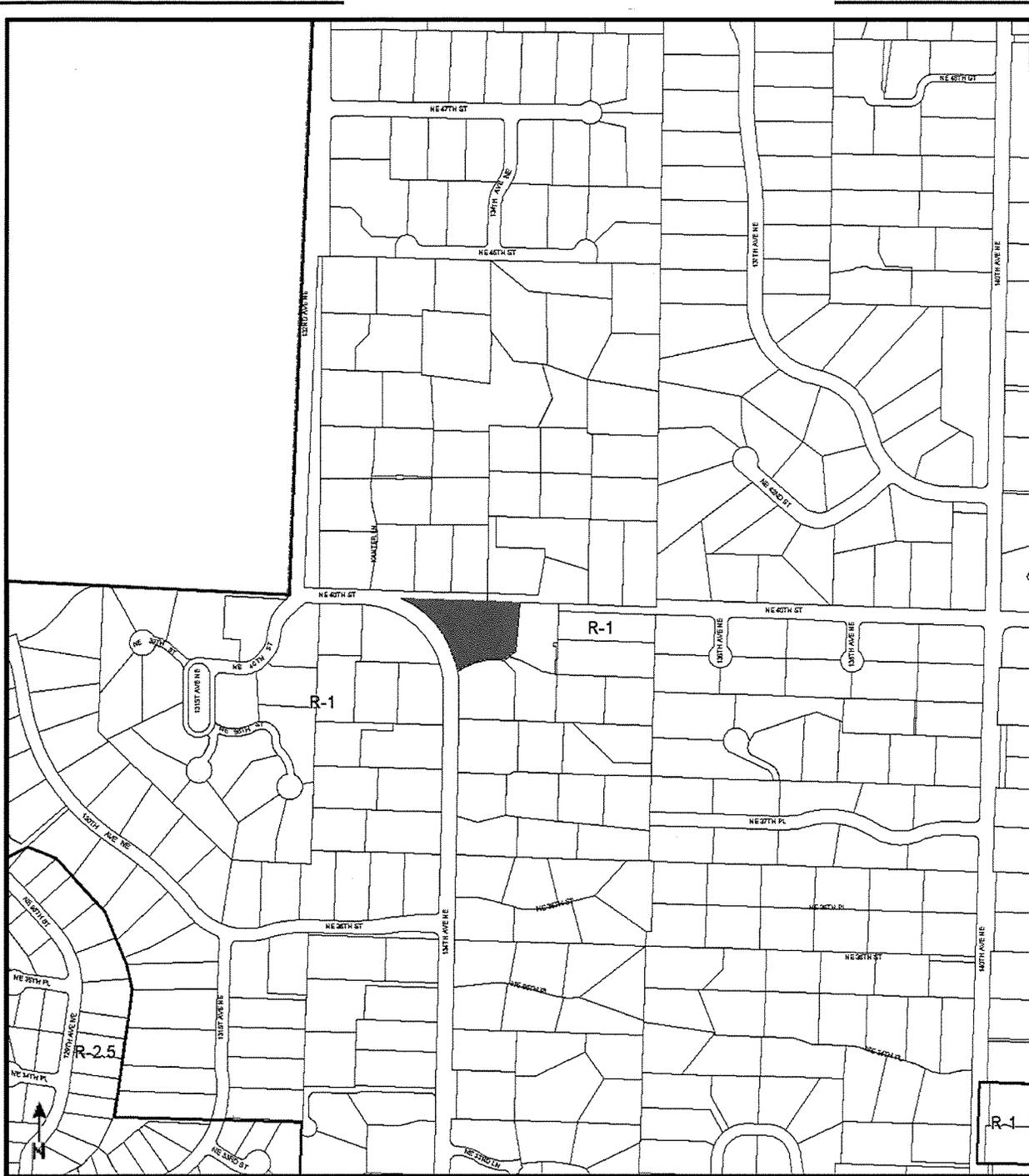
leave undisturbed all trees as shown on the Tree Preservation Plan. This covenant shall run with the land and shall be binding upon all future owners. No tree topping, tree cutting or tree removal shall occur unless required or approved by the City. Except for ordinary landscape maintenance, no construction, clearing or land alteration activities shall occur within the drip-line of trees shown on the Tree Preservation Plan, unless required or approved by the City. Activities in violation of this covenant are subject to penalty, including without limitation, fines and mitigation requirements. The City of Bellevue shall have the right, but not the obligation, to enforce the requirements, terms and conditions of this covenant by any method available under law. It is the obligation of the owner to comply with the terms of the Tree Preservation Plan and this covenant.”

AUTHORITY: Land Use Code 20.20.520.E

REVIEWER: Matthews Jackson, Planning and Community Development Department

LIST OF ATTACHMENTS

1. Site Plan
2. Zoning Map
3. Vicinity Map



Zoning
134th Ave NE Short Plat



City of Bellevue
 Information Technology
 Geographic Information Services
 November 06, 2006

- | | | | |
|--|---------------------|--|-------------------------------|
| | Single Family | | Subdistrict A |
| | Multi Family | | Subdistrict B |
| | Office | | Subdistrict C |
| | Commercial | | Downtown Core |
| | Light Industrial | | Single Family Transition Zone |
| | Evergreen Highlands | | Multi Family Transition Zone |
| | Institutional | | |



VICINITY MAP

This map is derived from the Bellevue Geographic Information System and designed for City staff use. It is not guaranteed accurate.

If you have specific questions concerning information contained on this map please contact the department shown.

