



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

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**Proposal Name:** Engleson Short Plat

**Proposal Address:** 16206 NE 30th Street

**Proposal Description:** Preliminary Short Plat approval to subdivide an existing parcel into two single family lots within the R-3.5 zoning district.

**File Number:** 15-119035-LN

**Applicant:** CR Home Builders

**Decisions Included:** Preliminary Short Plat (Process II)

**Planner:** Drew Folsom, Associate Planner

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

**Department Decision:** **Approval with Conditions**

  
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Drew Folsom, Associate Planner  
Development Services Department

Application Date: July 24, 2015  
Notice of Application: September 17, 2015  
Minimum Comment Period: October 1, 2015 (14 days)  
Decision Publication Date: May 26, 2016  
Appeal Deadline: June 9, 2016

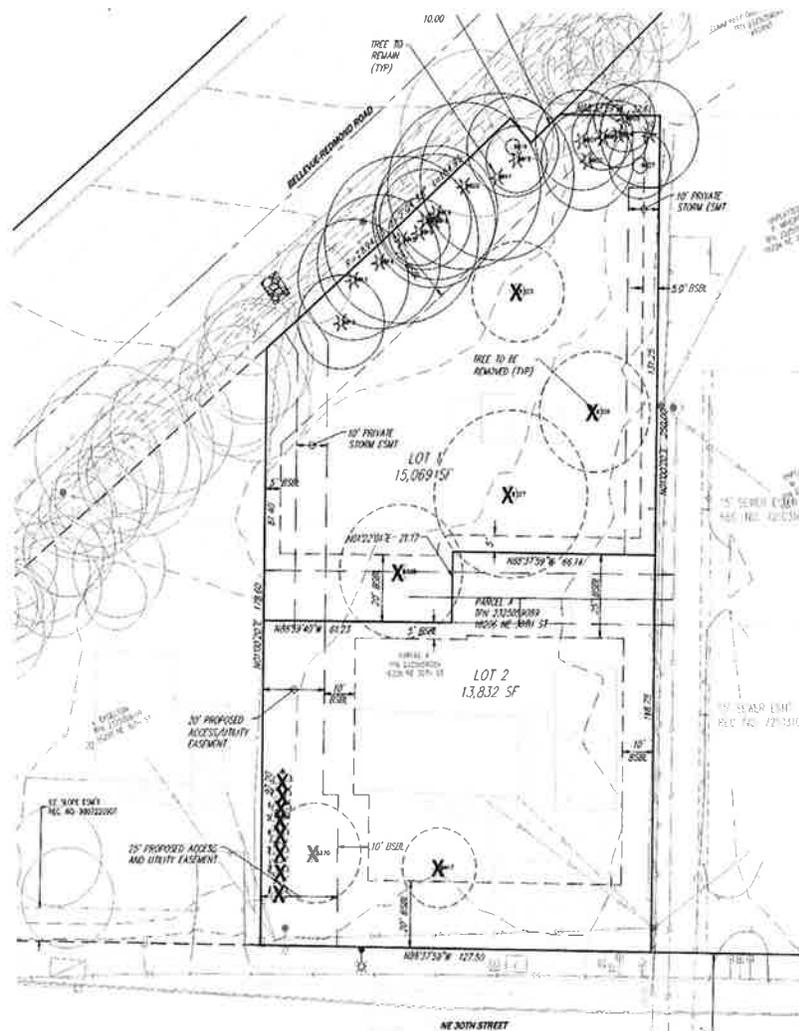
For information on how to appeal a proposal, visit the Permit Center at City Hall or call (425) 452-6800 [TTY (425) 452-4636]. Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

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**I. DESCRIPTION OF PROPOSAL**

The applicant is proposing to subdivide an existing parcel (28,901 square feet) into two single family lots (15,069 and 13,832 square feet). The site is zoned R-3.5 and is located within the Crossroads Subarea. The minimum lot size in R-3.5 zoned districts is 10,000 square feet. The site originally contained a single family home that was demolished. A new single family residence is under construction (permit number 15-123131-BS). Access to the two lots will be from a 20'/25' joint-use access easement off of NE 30th Street.

**Figure 1 – Preliminary Short Plat Proposal**



**II. SITE DESCRIPTION AND CONTEXT**

The subject site is located within an existing single-family neighborhood, and is surrounded by single-family dwellings to the south, east, and west. North of the property is Bellevue Redmond Road and commercial/office developed property located in the City of Redmond. The property is located within the R-3.5 land use district and has a Comprehensive Plan designation of Single-Family Medium. The site contains a moderate vegetative cover comprised mainly of upland species such as Douglas fir and Western Hemlock. The majority of significant trees are located in the northern area of the lot near Bellevue Redmond Road. The site contained a single family home along with several detached structures which were demolished and a new single family home is under construction. Access to the site is gained via NE 30<sup>th</sup> street. South of the lot, the NE 30<sup>th</sup> Street right of way is developed with landscaping and a sidewalk. The topography of the site slopes slightly downward from south to north. The site contains no Critical Areas as defined under LUC 20.25H.

**Figure 2 – Aerial Photograph**



**III. CONSISTENCY WITH ZONING AND LAND USE CODE REQUIREMENTS**

**A. Zoning**

The site and surrounding lots are zoned R-3.5, a single family zoning district. The two lots proposed with this short plat application are permitted within the R-3.5 land use district. Refer to Table 1 of Section III.B below for discussion of dimensional requirements.

**Figure 3 – Zoning Map**



**B. Consistency with Standard Land Use Code Requirements**

**Table 1 – Dimensional Requirements**

<b><u>BASIC INFORMATION</u></b>		
<b>Zoning District</b>	R-3.5 Crossroads Subarea Comprehensive Plan Designation: Single-Family Medium	
<b>Gross Site Area</b>	28,901 square feet	
<b>ITEM</b>	<b>REQ'D/ALLOWED</b>	<b>PROPOSED</b>
<b>Minimum Lot Area</b>	10,000 Square Feet	Lot 1: 15,069 Square Feet Lot 2: 13,832 Square Feet
<b>Minimum Lot Width</b>	70 Feet	Lot 1: 127.5 Feet (approx.) Lot 2: 127.5 Feet (approx.)
<b>Minimum Lot Depth</b>	80 Feet	Lot 1: 131.25 Feet (approx.) Lot 2: 118.75 Feet (approx.)
<b>Building Setbacks</b>		
Front Yard	20 Feet	20 Feet
Rear Yard	25 Feet	25 Feet
Min. Side Yard	5 Feet	5 Feet
2 Side Yards	15 Feet	15 Feet
<b>Access Easement Setbacks</b>	10 Feet from easement	10 Feet

**IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

There are no Critical Areas located on the subject property. Short Plats not containing Critical Areas and are less than an acres in size are exempt from SEPA review pursuant to WAC 197-11-800(6), BCC 22.02.032.

**V. SUMMARY OF TECHNICAL REVIEWS**

**A. Utilities Review**

**Storm Drainage**

The project will trigger all minimum requirements 1-9 from the Department of Ecology Stormwater Management Manual for Western Washington. The applicant has proposed to use of Best Management Practices (BMPs) to mitigate for flow control and on-site stormwater management. The dispersion trench has been preliminarily sized and there is enough area to feasibly locate the dispersion trench on lot 1.

**Water**

The water supply for each lot will connect to a City of Bellevue owned water main located in NE 30th St. A separate independent water service is required for each parcel. There is enough capacity in the water main to supply the short plat with water.

#### Sewer

Sewer service for the Engelson Short Plat will connect to an existing sewer main in NE 30th St with one joint use side sewer and an easement in lot 2. Two additional side sewer permits will be require to connect to this joint use sewer stub. There is enough capacity in the sewer system to serve the two proposed lots.

#### **Refer to Conditions of Approval regarding Utilities in Section IX of this report.**

#### **B. Fire Department Review**

The preliminary short plat application has been reviewed and no further fire revisions are needed at this time.

#### **C. Transportation Review**

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure permit. Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BC C 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements.

Under BCC 22.16, payment of the transportation impact fee for each new home prior to building permit issuance 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.

#### **Site Access and Addressing**

Access to Lots 1 and 2 will be from a private road off of NE 30th Street as shown on the approved plans. The adjacent single family lot to the west will also use this same private road for access to NE 30th Street. No other access connection to city right-of-way is authorized. The existing driveway located on the southeast corner of Lot 2 will not be permitted to remain and shall be removed. Street frontage improvements shall be provided at the location of the removed driveway and shall match the existing frontage and neighborhood character.

The joint use driveway serving Lot 1 shall be allowed to reduce the pavement width to a minimum of ten feet as shown on the approved plans and be located within an access easement that is twenty feet wide. The private road serving Lot 1, Lot 2, and the adjacent single family lot to the west shall have a minimum pavement width of twenty feet and be located within an access easement that is a minimum of twenty-five feet wide. The driveway approach shall be built per the City's Transportation Department Design Manual Standard Drawing DEV-7A. The private road name and site addresses will be determined by the City's Parcel and Address Coordinator Jami Carter, [jcarter@bellevuewa.gov](mailto:jcarter@bellevuewa.gov). Installation of a road name sign as per the City of Bellevue standards is required at the entrance to the private road. The signing will consist of one sign blade, sign post, and hardware.

It is the responsibility of the developer to coordinate mailbox location and design with the local postmaster. If a cluster mailbox location is to be used, it should be consistent with city standards and codes for roadside objects and mailboxes. The mailbox location must be acceptable to the Transportation Department regarding safety requirements.

### **Street Frontage Improvements**

The construction of street frontage improvements is generally required as a condition of the development approval. However, a recent City Improvement Project has already installed the required frontage improvements. The applicant is required to remove an existing driveway connection. At this location the applicant shall be required to install concrete curb and gutter, planter, and sidewalk that matches the improvements on either side. The applicant shall install a new private road connection in accordance with the Transportation Department design standards and relocate fixed objects within ten feet of the edge of driveway.

The applicant is required to install a street light at the intersection of the private and public road. The street light shall be installed on a round concrete pole with an underground power feed. The location shall meet fixed object requirements and be set back a minimum of 10-feet from the edge of the driveway. Existing and new above grade utilities, located within the city right-of-way fronting NE 30th Street, shall be relocated underground.

Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BC C 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements. The final engineering plans showing these frontage improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure (GE) permit.

### **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.

### **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: NE 30th Street has Grind and Overlay restoration requirements; and

NE Bellevue-Redmond Road has Standard Trench restoration requirements. This classification can change as development and city projects are completed. The final classification will be provided during the application and issuance of a Right of Way Use Permit.

### **Sight Distance**

The access design shall meet the sight distance requirements of BCC 14.60.240. Vegetation shall be trimmed as needed within the sight triangle.

### **Transportation Impacts and Mitigation**

City staff has analyzed the potential short term operational impacts of this short plat and due to the minimal amount of new p.m. peak trips to be generated by the Engelson Short Plat will be minor. Therefore, no additional mitigation is required other than payment of the transportation impact fee.

**Refer to Conditions of Approval regarding Transportation in Section IX of this report.**

#### **D. Clearing and Grading Review**

The Clearing and Grading Division has reviewed the submitted plans and has approved the preliminary short plat without conditions.

### **VI. PUBLIC COMMENT**

The City notified the public of this proposal on September 17, 2015, with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was also installed on the site the same day. The City received two enquiries requesting more information about the project. No further comments were received.

### **VII. DECISION CRITERIA:**

Land Use Code 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. Existing public water and sewer facilities have been deemed adequate to serve the proposed development. In addition, construction noise is expected during the construction period; however, the Bellevue Noise Control Ordinance (BCC 9.18) regulates hours of construction-related noise emanating from project sites. **Refer to Condition of Approval regarding Noise/Construction Hours in Section IX of this report.**

**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 adequately responding to the existing topography, which slopes slightly downward from south to north. The future construction of the joint-use driveway and single-family dwellings would not likely require any major cut or fill.

**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:** As conditioned, the proposal complies with the Land Use Code requirements for the R-3.5 land use district, the Utility Code and the City of Bellevue Development Standards.

**Land Use Code Requirements:**

**A. Dimensional Requirements:** Refer to Section III.B of this report for dimensional requirements.

**Response:** All lots shown can be developed in accordance with the City of Bellevue Land Use Code requirements, including the R-3.5 land use district dimensional requirements.

**B. Significant Tree Preservation:** *Tree preservation requirements pursuant to LUC Section 20.20.900.D.3 require the retention of 30% of the diameter inches of significant trees on the site.*

**Response:** The subject property contains 565 diameter inches of significant trees. Therefore, the applicant is required to preserve a minimum of 188.5 diameter inches of significant trees onsite. The applicant proposes to retain 288 diameters inches of the existing trees onsite or 51% of the total existing diameter inches on site.

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

**Finding:** The site is located within the Crossroads Subarea. The Comprehensive Plan specifies Single-Family Medium Density development for this property, which is consistent with the R-3.5 land use designation. In addition, the proposal complies with applicable Comprehensive Plan policies City-Wide and for this Subarea, including the following:

The single family homes are, by use type, compatible with surrounding neighborhoods. The proposal helps meet Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-5) and provides new residential development to the maximum density allowed on the net buildable acreage (LU-6).

The proposal retains the existing trees along Bellevue-Redmond Road, a major arterial, screening the proposed residences from vehicular traffic and preserving the wooded character of the area (S-CR-49).

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

***Finding:*** As conditioned, each lot can reasonably be developed to current R-3.5 dimensional standards without requiring a variance. Existing structures over 30 inches within the proposed setbacks will be required to be removed as part of the proposal. **Refer to Conditions of Approval regarding the variance and demolition restrictions in Section IX of this report.**

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 locations, necessary sidewalk easements and other required improvements are either existing, planned or conditioned as part of this approval, to accommodate the use of these lots. **Refer to Conditions of Approval regarding infrastructure improvements and access design and maintenance in Section IX of this report.**

#### VIII. **CONCLUSION AND DECISION:**

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Director of the Development Services Department (DSD) does hereby **APPROVE** the 2 lot Engelson 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.

**IX. 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:

<b>Applicable Codes, Standards &amp; Ordinances</b>	<b>Contact Person</b>
Clearing & Grading Code – BCC 23.76	Savina Uzunow, (425) 452-7860
Construction Codes – BCC Title 23	Building Divisions, (425) 452-6864
Fire Code – BCC 23.11	Sean Nichols, (425) 452-2926
Land Use Code – BCC Title 20	Drew Folsom, (425) 452-4441
Noise Control – BCC 9.18	Drew Folsom, (425) 452-4441
Transportation Develop. Code – BCC 14.60	Ryan Miller, (425) 452-7915
Traffic Standards Code 14.10	Ryan Miller, (425) 452-7915
Right-of-Way Use Code 14.30	Tim Stever, (425) 452-4294
Utility Code – BCC Title 24	Art Chi, (425) 452-4119

**A. GENERAL CONDITIONS:**

**1. Utilities**

Utility review has been completed on the preliminary information submitted at the time of this application. The review has no implied approvals for water, sewer and storm drainage components of the project. The applicant will need to obtain separate water, sewer and storm permits for each lot over the counter in the permit center. A developer extension agreement may be required to obtain these permits.

Authority: Bellevue City Code Title 24.02, 24.04, 24.06  
Reviewer: Art Chi, Utilities Department

**2. Noise - Construction Hours**

The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to DSD, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

Authority: Bellevue City Code 9.18  
Reviewer: Drew Folsom, Development Services Department

**B. CONDITIONS PRIOR TO ISSUANCE OF ANY PLAT ENGINEERING/CLEAR AND GRADE PERMIT:**

**1. 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 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: Tim Stever, (425) 452-4294

**2. 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: Tim Stever, (425) 452-4294

### 3. Engineering Plans

Site (civil engineering) plans, produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all street frontage 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 joint use driveway, the connection to NE 30th Street, mailbox location, and sight distance triangles. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Specific requirements are detailed below:

#### Site Specific Items:

- I. The construction of the private road for Lots #1, #2, and the adjacent single family lot to the west requires a minimum pavement width of twenty feet and a minimum access easement width of twenty-five feet. After the private road serves the adjacent single family lot to the west and Lot #2, the pavement width and access easement width may be reduced. The pavement width may be reduced to a minimum of ten feet and the access easement width may be reduced to a minimum of twenty feet.
- II. Delineate and dimension access easements.
- III. The existing driveway on the southeast corner of the property shall be removed.
- IV. Street frontage improvements matching adjacent improvements must be provided at the location of the removed driveway. This includes installation of concrete curb and gutter, a planter strip, landscaping, and concrete sidewalk.
- V. The mailbox installation location will be shown on the civil engineering plans.
- VI. All new and existing above ground utilities that can be undergrounded, shall be undergrounded. The constructing drawings shall note this.
- VII. Pavement restoration will be detailed in the Right of Way Use Permit.
- VIII. Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.
- IX. Installation of a private road sign, sign post, and hardware.
- X. Installation of a street light at the intersection of the proposed private road to the public road NE 30th St is required. The street light shall be mounted on a round concrete pole with an underground power feed.

Authority: Bellevue City Code 14.60; Transportation Department Design Manual; and  
Transportation Department Design Manual Standard Drawings.  
Reviewer: Ryan Miller, Transportation Department, 425-452-5225.

**4. Sight Distance**

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing TE-1, existing vegetation near the access point on NE 30th 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 triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

Authority: Bellevue City Code 14.60.240  
Reviewer: Ryan Miller, Transportation Department, 425-452-5225.

**5. Pavement Restoration**

The city's pavement manager has determined that this segment of NE 30th Street shall require 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. Exact copies of the appropriate trench restoration drawing(s) must be included in the final engineering plans.

Authority: Bellevue City Code 14.60.250  
Design Manual Design Standard # 23  
Reviewer: Tim Stever, (425) 452-4294

**6. Tree Protection**

To mitigate adverse impacts to trees to be retained during construction:

- A. Clearing limits shall be established for retained trees within the developed portion of the site, outside of drip lines. Six-foot chain link fencing with driven posts, or an approved alternative, shall be installed at the clearing limits prior to initiation of any clearing and grading.
- B. No excavation, clearing, or soil placement should be performed 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.

Authority: Bellevue City Code 23.76.060  
Reviewer: Drew Folsom, Development Services Department

## **C. PRIOR TO FINAL SHORT PLAT APPROVAL:**

### **1. Infrastructure Improvements**

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

Transportation Development Code Section 14.60.260 provides for a developer to obtain final short plat approval prior to finishing improvements with provision of an acceptable financial assurance device equivalent to 150% of the cost of unfinished infrastructure improvements. Provision of such an assurance device requires completion of the 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.

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

Authority: Bellevue City Code 14.60.100, 110, 130, 150, 170, 190, 210, 240,  
241, 260  
Transportation Department Design Manual Sections 3, 4, 5, 7, 11,  
14, 19  
Reviewer: Ryan Miller, Transportation Department, 425-452-5225.

### **2. Access Design and Maintenance**

The final Subdivision map must include a note that specifies that the owners of lots, including the property located at 16200 NE 30<sup>th</sup> Street, served by the private road and joint use driveway are jointly responsible for maintenance and repair of the joint use driveway. Also, the final Subdivision map must include a note that specifies that the joint use driveway and private road will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed.

Authority: BCC 14.60.130  
Reviewer: Ryan Miller, Transportation Department, 425-452-5225

### 3. 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 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: Drew Folsom, Development Services Department

### 4. Demolition of existing structures within proposed setbacks

All existing structures within required minimum structure setbacks must be removed prior to approval of the final short plat.

Authority: Land Use Code 20.20.010, 20.45B.130.A.6  
Reviewer: Drew Folsom, Development Services Department

### 5. 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. The following language shall be placed on the final short plat document:

“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: Drew Folsom, Development Services Department

