



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

Proposal Name: Cairnes Short Plat

Proposal Address: 14538 and 14540 SE 26th St

Proposal Description: Preliminary Short Plat to subdivide two existing parcels totaling 51,579 square feet in the R-5 zoning district into seven single family lots.

File Number: 08-111883-LN

Applicant: Martin Shultz

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

**State Environmental Policy Act Exempt (WAC 197-11-800(6)(a))
Threshold Determination:**

Department Decision: **Approval with Conditions**

Leah Hyatt Assistant Land Use Planner
Development Services

Application Date: February 28, 2008

Notice of Application: March 27, 2008

Decision Publication Date: December 11, 2008

Appeal Deadline: December 29, 2008

For information on how to appeal a proposal, visit Development Services 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.

I. Description of Proposal

The applicant proposes to short plat two existing parcels (totaling 51,579 square feet) into seven single family lots. Lot's 1,2,6 and 7 are proposed to be 7,200 square feet, lot 3 is proposed to be 7,506 square feet, lot 4 is proposed to be 7,814 square feet and lot 5 is proposed to be 7,746 square feet. The existing parcels are located at 14538 and 14540 SE 26th St. Two existing homes will be demolished to facilitate short plat development.

II. Site Description and Context

The project site is located in a community of single family residential homes in the Eastgate Subarea of the Comprehensive Plan. The sites both slope gradually downwards from the northeast to the southwest. The site contains 34 significant trees. Primary access for the seven lots will be gained from SE 26th St via a 20-foot joint use tract. The tract will provide access to all new lots.

Consistency with Land Use Code/Zoning Requirements

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

The site contains no Critical Areas as defined in LUC Section 20.25H.

B. Consistency with Standard Land Use Code Requirements

BASIC INFORMATION		
Zoning District	R-5	
Gross Site Area	51,579 sq. ft.	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	7,200 sq. ft.	Lots 1,2,6 & 7 – 7,200 sq. ft. Lot 3 – 7,506 sq. ft. Lot 4 – 7,814 sq. ft. Lot 5 – 7,746 sq. ft.
Minimum Lot Width	60 feet	60 ft. or greater
Minimum Lot Depth	80 feet	80 ft. or greater
Building Setbacks		
Front Yard	20 feet	20 feet
Rear Yard	20 feet	20 feet
Min. Side Yard	5 feet	5 feet
2 Side Yard	15 feet	15 feet
Access Easement	10 feet	10 feet
Tree Retention	15% or 66 diameter inches	42% or 188 diameter inches

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 preliminary short plat application has been reviewed and no further utility revisions are needed at this time. The Utility Department approval is based on the conceptual utility design only. See Section VIII of this report for Utilities Department related Conditions of Approval.

B. Fire Department Review

The Fire Department has reviewed the proposal for compliance with applicable codes and standards. To ensure conformance with the Bellevue Fire Department Standards, parking on the access road will be limited and the access road and all detention vaults and pipes found within it must meet standard weight supporting requirements. As conditioned, this proposal will generally conform to these requirements. See Section VIII of this report for Fire Department related conditions of approval.

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 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 (BCC 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 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.

Street Frontage Improvements

The Cairnes Short plat will not be required to install sidewalk per Bellevue City Code section 14.60.110E which states that the installation of street frontage improvements may be waived if adjacent frontage improvements are unlikely to be installed in the foreseeable future.

The Cairnes Short Plat will be required to install a Driveway Approach per DEV-7B (Residential or Commercial Driveway Approach Where No Curb – Gutter Exists).

The Cairnes Short Plat will be required to install a street light at the private road connection to SE 26th Street and relocate an existing power pole near the access connection to the road.

Prior to final short plat approval, the developer must complete the construction of all required transportation improvements listed in this report as well as additional improvements and repairs per Transportation Inspection (during the construction phase) at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished frontage improvements. The final engineering plans showing those frontage improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Design Manual prior to approval of the plat infrastructure (GE) permit.

Site Access

All lots within the Cairnes Short Plat will access SE 26th Street via a private road named 145th Court SE. All homes within the short plat will be addressed off of 145th Court SE. Minimum paved width of the private road will be 20 feet with thickened edges on both sides of the road.

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 SE 26th Street is classified as an "Overlay Required" street. Therefore, minimum pavement restoration for any street cut will consist of a full grind and overlay extending 50 feet from each side of the street cut. The Transportation Inspector reserves the right to amend pavement restoration requirements at any time during the construction phase of this project at her discretion.

Transportation Impacts and Mitigation

City staff has analyzed the potential short term operational impacts of this proposal in order to recommend mitigation if necessary. These impacts include traffic operations conditions during the a.m. and p.m. peak hours. The Cairnes Short Plat will create 5 new p.m. peak hour trips and therefore will not be required to submit to concurrency testing (threshold for testing is 30 or more new p.m. peak hour trips).

Access for this development is located near the dead-end of a residential street (SE 26th Street). Existing traffic volumes and accident history on this portion of SE 26th Street is negligible. There is ample capacity for the nearby street system to accommodate the

additional vehicle trips anticipated from the Cairnes Short Plat.

See Section VIII of this report for Transportation Department related Conditions of Approval.

VI. Public Notice and Community Input

Application Date: February 22, 2008
Public Notice (500 feet): March 27, 2008 (Includes sign installation at the site)
Minimum Comment Period: April 10, 2008

Notice of Application was published in the City of Bellevue's *Land Use Bulletin* and the *Seattle Times* on March 27, 2008. 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. Three comment letters were received from the public.

The comments centered around the impacts of the proposed short plat on transportation, drainage and utilities and a plat condition on future subdivision. The City reviews the impacts the proposed development will have on both transportation and utilities as part of the approval process. The proposal has been reviewed by both the Transportation and Utilities Departments and it has been determined that as designed and conditioned, the proposal mitigates potential impacts and meets all applicable codes and regulations.

The City has reviewed the restrictions shown on the face of the Sunset Ranch Plat which state:

1. *"No lot nor portion of a lot in this plat shall be divided and sold or resold, or ownership changed or transferred, whereby the ownership of any portion of this plat shall be less than the area shown on the face of this plat."; and*

Response: Absent any other dimensional conditions or statements on the plat or on the plat map, this condition does not apply. The City has "stepped into the shoes" of the County, and can allow further division of the lots in the plat if the property has been rezoned. The further division must comply with all subdivision law.

2. *"All lots in this plat are restricted to R1 Residence District use governed by and subject to restrictions, rules and regulations of the County Zoning Resolution No. 11373 and subsequent changes thereto by official County Resolution".*

Response: The property is now in the City, and we don't know what the County resolution may have said about R1 rules and regulations (for example setbacks, etc.). It is zoned R-5 under the City's regulations. The City has essentially "stepped into the shoes" of the County, and subsequent City ordinances, including rezones of the area and our standard land use code provisions, will govern the plat. This restriction, by itself, would not impose any special restrictions on the property within the plat. Any proposed development must be consistent with the City's existing zoning requirements for the R-5 zone.

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 is accessed via SE 26th St, an improved public street. The applicant will be required to provide drainage improvements designed to service the drainage needs of the site. Existing public water and sewer facilities have been deemed adequate to serve the proposed development.

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 limiting topographic modifications and meeting impervious surface requirements of LUC Section 20.20.010.

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.**

Development Standards

Finding: The proposal complies with the Land Use Code requirements for R-5 zoning, the Utility Code and the City of Bellevue Development Standards.

Land Use Code Requirements

- A. **Dimensional Requirements:** Both site is zoned R-5 which has a minimum lot size requirement of 7,200 square feet. The dimensional requirements for the R-5 zoning district include:

20'	Front Yard Setback
20'	Rear Yard Setback
5'	Side Yard Setback
15'	Two Side Yard Setback
30'	Maximum Building Height
40%	Maximum Lot Coverage by Structure

55%	Maximum Coverage by Impervious Surface
60'	Minimum Lot Width
80'	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-5 dimensional requirements.

B. Significant Tree Preservation: The tree preservation requirements under LUC Section 20.20.900 to save 15 percent of significant trees on the site apply to this proposal. The applicant has identified 34 significant trees on the site with a total of 441 diameter inches. In order to meet the 15% minimum retention requirement, the project must retain 66 diameter inches of significant trees.

Finding: The applicant proposes to preserve 11 trees that comprise a total of 188 diameter inches, or 42% of the diameter inches of significant trees. The proposed tree retention plan exceeds the minimum requirements and provides the opportunity to retain existing habitat onsite. This satisfies minimum tree retention requirements. See Section VIII of this report 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 Eastgate Subarea of the Comprehensive Plan. The Comprehensive Plan specifies single-family high density 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-13). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-3).

The proposal meets Comprehensive Plan polices to preserve existing vegetation on-site (EN-19; UD-16, 18, 60), maintain good surface water quality (EN-33), restrict surface water runoff to predevelopment levels (EN-37), and provide traffic mitigation (TR-35).

The proposal meets utility standards (UT-1), provides development on infill or under-utilized sites with adequate urban services (HO-3), and meets the Neighborhood Quality goal (Housing Element) to ensure compatible housing and environmentally sensitive features, by providing the preservation of healthy significant existing trees on-site.

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-5 zoning standards without requiring a variance. The proposed lots meet minimum standards for lot

width, lot depth, and lot area of the R-5 land use district. There are no environmental factors which further 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 Development Services does hereby **approve** the Cairnes 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, 425-452-6864
Fire Code – BCC 23.11	Adrian Jones, 425-452-6032
Land Use Code – BCC Title 20	Leah Hyatt, 425-452-6834
Noise Control – BCC 9.18	Leah Hyatt, 425-452-6834
Sign Code – BCC Title 22	Leah Hyatt, 425-452-6834
Transportation Development Code – BCC 14.60	Ray Godinez, 425-452-7915
Right of Way Use Code – BCC 14.30	Tim Stever, 425-452-4294
Transportation Department Design Manual	Ray Godinez, 425-452-7915
Traffic Standards Code 14.10	Ray Godinez, 425-452-7915
Utility Code – BCC Title 24	RobHutchinson, 425-452-7903

A. General Conditions

1. Utilities Department Approval

The Utilities Department Preliminary approval of the Short Plat Application is based on the preliminary utility design submitted with revision 3 on 10/2/2008. Revision 3 now provides detention, water quality with nutrient control, sewer extension to the extreme and the needed water improvements. Final civil engineering of the utility design may require changes to the site layout to accommodate the utilities. The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review plan approval, and field inspection is performed under the Utilities Developer Extension Agreement (UE) and Utilities Permit Processes. A storm, water and sewer Developer Extension Agreement will be required. All water, sewer and storm easements will be recorded on the face of the final short plat document.

Authority: Bellevue City Code Title 24.02, 24.04, 24.06
Reviewer: Rob Hutchinson, Utilities Department

2. Noise – Construction Hours

All proposed development activity resulting from approval of this land use action will be subject to normal construction hours of 7am to 6 pm Monday through Saturday 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 PCD, work hours may be extended to 10 pm if the criteria for extension of work hours as stated in BCC 9.18 can be met.

Authority: Bellevue City Code 9.18
Reviewer: Leah Hyatt, Development Services Department

B. 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, Transportation Department

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, Transportation Department

3. ENGINEERING PLANS

A site (civil engineering) plan produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all transportation 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 SE 26th Street, pavement restoration in SE 26th Street (full grind and overlay), mailbox location, sight distance, and ten foot clear zone of appurtenances at the connection of the private access road to SE 26th Street (relocation of existing power poles, etc.). Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Authority: Bellevue City Code 14.60; Transportation Department Design Manual
Reviewer: Ray Godinez, Transportation Department

4. Tree Protection

To mitigate adverse impacts to nondisturbed areas and trees to be retained during construction:

- a. Clearing limits shall be established at the limit of nondisturbed areas and 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 or clearing 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: Leah Hyatt, Development Services Department

5. 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 SE 26th 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: Ray Godinez, Transportation Department

6. Pavement Restoration

The city's pavement manager has determined that this segment of SE 26th Street will require a full grind and overlay trench restoration for any utility connections or other digging in the street surface. Pavement restoration area will extend 50 feet from each side of the trench cut for the full width of the street. Trench restoration must meet the requirements of Section 21 of the Design Manual and standard drawings ROW-1 through ROW-5. The Transportation Inspector reserves the right to amend pavement restoration requirements at her discretion at any time during the construction and final phases of this project. 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
Reviewers: Tim Stever, Transportation Department
Ray Godinez, Transportation Department

C. Prior to Final Short Plat Approval:

1. Variance Restriction

The final short plat mylar must contain the following note:

"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: Leah Hyatt, Development Services Department

2. 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 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 20.20.900
Reviewer: Leah Hyatt, Development Services Department

3. 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. Land Use Code Section 20.40.490 allows 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. Improvements must be approved by the Transportation Department inspector before they are deemed complete. Specific requirements are detailed below:

a) Site Specific Items:

- i) Private access road (145th Court SE) with a minimum 20 foot paved width and thickened edges (pavement design per DEV-8).
- ii) Street signing.
- iii) Relocation of power poles to create a 10 foot clear zone at the connection of 145th Court SE to SE 26th Street.
- iv) Driveway approach per DEV-7B.
- v) Street light at the connection of 145th Court SE to SE 26th Street.
- vi) Pavement restoration on SE 26th Street.

b) Miscellaneous:

- 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 cross grade of a street at the street end shall be 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. ACCESS DESIGN AND MAINTENANCE

The final Subdivision map must include a note that specifies that the owners of lots served by the private road (145th Court SE) are jointly responsible for maintenance and repair of the private road. Also, the final Subdivision map must include a note that specifies that the private road will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed.

Authority: Bellevue City Code 14.60.130
Reviewer: Ray Godinez, Transportation Department

D. Prior to Issuance of Single Family Building Permit:

1. Transportation Impact Fee

Payment of the traffic impact fee will be required at the time of single family building permit issuance. The current impact fee is \$365.42 per new dwelling. This fee is subject to change and the fee schedule in effect at the time of building permit issuance will apply.

Authority: Bellevue City Code 22.16
Reviewer: Ray Godinez, Transportation Department

List of Attachments

- A. Plans and Drawings
- B. Zoning Map
- C. Vicinity Map