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**ADMINISTRATIVE DECISION FOR  
SHORT SUBDIVISION**

**CASE:** File # 2019-SP-0003

**APPLICANT:** North City Homesite LLC  
Brian Highberger, Upright Construction  
18827 53 AVE NE  
Lake Forest Park, WA 98155

**REQUEST:** Subdivide existing parcel into 2 lots for single family home development.

**SITE ADDRESS:** 3030 NE 200 ST  
Lake Forest Park, WA 98155

**APPLICATION DATES:** Application Submitted: April 2, 2019  
Date of Complete Application: April 24, 2019  
Posted for 14-day Notice of Application: May 2, 2019  
Decision Issued: May 21, 2019

**COMPREHENSIVE PLAN:** Single Family Residential; High

**ZONING:** RS 7.2

**APPLICABLE REVIEW PROVISIONS:**

- Chapter 17.12 LFPMC– Short Subdivisions and Dedications
- Chapter 16.14 LFPMC- Tree Canopy Preservation and Enhancement

- Chapter 16.26 LFPMC- Land Use Decisions and Procedures
- Chapter 18.50.060 LFPMC- Accessory Structures and Buildings

**ENVIRONMENTAL DETERMINATION:**

Exempt pursuant to  
WAC 197.11.800(6) (d)

**ASSIGNED STAFF:**

Nick Holland  
Senior Planner

**DECISION:**

Approve with conditions

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**I. APPLICATION TIMELINES**

- On April 2, 2019 the applicant applied for the short subdivision;
- On April 24, 2019; the City issued a letter of complete application, and a request for additional information;
- On April 30, 2019; the applicant responded to the comments from the City with additional information;
- This decision is being issued on May 21, 2019.

Overall, the application was in review 17 days.

**II. SITE DESCRIPTION and CHARACTERISTICS**

Site location & access

The subject site is located on the north side of NE 200 ST, at approximately 30 AVE NE. The property has an existing gravel driveway directly off of NE 200 ST, which functions as the access to the existing garage. The existing driveway will be demolished for this project.

Existing site conditions

The site currently has one single family home, which is accessed from the existing gravel driveway off of NE 200 ST. The existing home will be retained as a part of this project, but the existing driveway will be reconfigured. There is an existing detached garage located northeast of the existing home, which will also be retained with this project. Building setbacks, as well as lot coverage, for the existing home, and detached garage comply with zoning code standards. NE 200 ST at this location is not improved to right of way standards, and exists just as paved travel lanes. Pedestrian access to the site is unimproved, and exists adjacent to the travel lanes. The site slopes in a westerly direction from the eastern property line, with grades sloping upward to the west end of

the property at less than 1%. There are no critical areas on the site. There are several conifer and deciduous trees on the site, as well as within the right of way adjacent to the site. Understory vegetation is somewhat lacking as the site has been kept clear by its occupants.

### III. PROJECT DESCRIPTION

- a. Parcels/Tracts: This project is located in the RS 7.2 zone. The proposal is to subdivide the property from one parcel into two, with lot (A) totaling 10,037 square feet; lot (B) totaling 15,213 square feet. A 20 foot wide joint use driveway/access and utility easement is planned to be located on both lot (A) and lot (B) as it will straddle the common property line, for the purpose of access to each lot. Access to the existing home on lot B will be from a newly proposed driveway. New driveway access to lot (A) is also proposed. Both new driveways will originate from the 20 foot wide joint use driveway.
- b. Proposed Buildings: The project will consist of 1 new single family home to be located on lot (A). The permittee intends to retain the existing single family home located on lot (B), and apply for future permits to construct a detached garage, and potential accessory dwelling unit within that garage. The existing detached garage, located on lot (A), is partially within the rear yard setback of that lot, will remain. As a condition of this decision, the structure will not be allowed to encroach further into the rear yard setback of lot (A). All existing and future buildings will be limited to 35 percent of coverage on each parcel. Any future accessory structures shall comply with the regulations for such, currently contained in LFPMC 18.50.060. Separate permits will be required for each structure, at which time compliance with area and bulk regulations of the zone will be determined.
- c. Access: The site is accessed directly off NE 200 ST. Lots (A) and (B) will gain access via a proposed 20 foot wide joint use driveway/access and utility easement located on lot (A), and lot (B) which fronts the public street (NE 200 ST), and joins the right of way at that location. All paved access ways, walkways, and other impervious surfaces on each lot shall comply with the 45% maximum in the RS 7.2 zone, a calculation that will be performed at each building permit application.
- d. Frontage & Street Improvements: Currently there are no pedestrian improvements within the neighborhood, so frontage improvements in the form of a curb and gutter, and 5 foot wide sidewalk will be required. The right of way will be improved with these facilities, and include driveway approaches (in the appropriate location), along the length of the parcel being developed. These improvements are shown in concept on sheet S1 (Exhibit 2).

- e. Parking: On-site parking is proposed based on the ratio listed in LFPMC 18.58.030 where 2.0 spaces per single family dwelling unit are required. The new home to be located on lot (A) is anticipated to have a 2 car garage (and will also retain the existing detached garage), while the existing home on lot (B) has sufficient area on-site for surface parking.
- f. Stormwater & Drainage Plan: The applicant has provided a preliminary drainage report that describes the site's existing conditions, water quality standards, proposed stormwater conveyance system, and soil makeup. The report references a scope of work that does not align with the project's application, as it references a "cottage housing" project. The City's consulting engineer (PACE Engineering), has confirmed that the drainage report, as drafted, will suffice for compliance with the latest stormwater regulations (2016 King County Surface Water Design Manual). A condition of this decision will be for the permittee to removal all mention of "cottage housing" from any materials that are to be recorded as a part of this project.

Flow control is exempt from the site because the peak flow increase is 0.14 cfs, which is less than the threshold of 0.15 per section 1.2.3.1B.1 of the 2016 King County Surface Water Design Manual. Water quality is exempt because the total PGIS is only 4,200 square feet (sf), which is less than the threshold limit of 5,000 sf. Basic stormwater dispersion will be provided to the extent feasible.

- g. Wet and Dry Utilities: All habitable units in the short subdivision shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection, consistent with the City's comprehensive water system plan. The water provider is the North City Water District, and the sewer will be provided by the City of Lake Forest Park. The applicant has obtained the proper availability certificate for water from North City Water District, and the Lake Forest Park City Engineering Division has issued a certificate for sewer availability. Water services for each lot have not been designed, and will require additional coordination with the water provider. The applicant will be required to show fully engineered designs for water systems with the applications for plat construction level permits as a condition of this decision. Sewer services have not yet been designed. The applicant will be required to show fully engineered designs for sewer systems with the applications for plat construction level permits as a condition of this decision.

All habitable units in the short subdivision shall be served by an approved means of wastewater collection and treatment, consistent with the City's comprehensive sewer plan.

Cable, gas, power, and other typical utilities are available to the site via existing services. Alterations to utility services, and specific connections to this project will be evaluated during the permitting process, and construction design. All civil

improvements on site are required to be specifically evaluated through the permit application process, and be consistent with the concepts represented in this short subdivision application (condition of approval). Each individual unit will store their own respective trash bins within their specific unit, and transport the bins to the right of way upon trash collection.

- h. On-site Vegetation and Trees: The City's Arborist has performed an analysis for compliance with the City's tree regulations (LFPMC 16.14), and as a result, provided a report detailing the specifics of the analysis (see Exhibit 3). According to the report, 3,600 square feet of replacement canopy will be needed to meet the required tree canopy goal (39%) for a lot (A), which has a proposed size of 10,037 square feet (see LFPMC 16.14.070 Table-2). A total of 3,500 square feet of replacement canopy will be needed to meet the required tree canopy goal (58%) for a lot (B), which has a proposed size of 15,213 square feet (see LFPMC 16.14.070 Table-2). A condition of this decision will dictate that these this replacement canopy and the associated replacement trees be represented on the recording document for the plat.

Two separate Tree Conservations Easements (TCEs) are proposed on lot (B). The southern TCE is proposed to have an area of 2,700 square feet, as the northern TCE is proposed to have an area of 1,290 square feet. The combined area of each TCE represents over 15% of the gross project area and meets the requirement for size (see LFPMC 16.14.090 (D) (4) (a)). Also, each TCE, as represented in Exhibit 1, meet the locational criteria listed in LFPMC 16.14.090 (D) (4) (b) through (e). Each TCE is reserved for trees and vegetation that will be retained permanently.

Pursuant to the City Arborist's report, invasive species including, but not limited to Japanese knotweed, English ivy and Himalayan blackberry, are present on the site, and as a condition of this decision, shall be removed from the tree conservation easements. In addition, English ivy shall be removed from all retained trees by creating a survival ring around the trees.

Separate permits shall be required for any tree removal, installation, or vegetation alterations associated with this project.

#### **IV. SHORT SUBDIVISION REVIEW REQUIREMENTS.**

The design standards and criteria for approval of short subdivision are specified in LFPMC Section 17.12.050 (A) through (D). The Applicant is required to demonstrate compliance with those elements listed under subsection (A), through (D). Those requirements, along with staff's findings and conclusions for each requirement, are as follows:

##### 17.12.050 Design Standards.

- A. *The proposed subdivision shall comply with the comprehensive plan and the zoning ordinance.*

Findings: The application as submitted complies with the City's Comprehensive Plan and all related elements, specifically those elements relating to utilities, land use, and housing. Please see below for specific discussion on particular goals and policies in relevant chapters of the City's 2015 Comprehensive Plan:

- Goal LU-1: This project contributes to the City's goal to provide a development pattern that preserves the character of Lake Forest Park while allowing for a variety in new development. The proposed units will fit with the existing character of the neighborhood, and provide for increased tree canopy, in total. The resulting development will be an outcome that preserves the existing character within the City and this area specifically.
- Goal U-2: This project provides for an extension of water, sewer, and storm services for the site itself. Policy UT-2.3 encourages coordination between utility providers during the review process of development projects. North City Water District has, through the concepts submitted in Exhibit 2, have conceptually approved the designs for water service, with new services to be fully designed during the engineering stage of the plat. Sewer services have not yet been designed, but the applicant's engineer has shown sewer concepts which have been verified as available from the City's Engineering Division. All utilities will be fully engineered and designed during the construction portion of this plat, and through applications for utility installation.
- Goal H-1: This project facilitates infill development by dividing an additional urban parcel. Development of this parcel will contribute to needed additional housing stock, which will support the City's population growth, and target housing needs.

The application has been reviewed by City staff and supporting agencies for compliance with the various zoning code provisions that govern subdivisions. Several exhibits, included in this report and decision, detail the material demonstrating compliance. Staff, the Fire Marshal's office, and the City's consulting engineer, has reviewed the application specifically for compliance with zoning code provisions for allowable density, utility availability, tree retention and vegetation replacement provisions, stormwater drainage, fire flow, and allowable uses. Some zoning code provisions such as lot coverage, and impervious surface maximums will be determined at building permit review. Staff finds that the application can be conditioned to meet all applicable zoning code provisions.

Due to the inadequate condition of the fire hydrant adjacent to the site, the Fire Marshal's office has conditioned this decision to install the proper Storz adaptor

equipment on the fire hydrant near the site. This will occur during the installation of improvements for the plat.

The permittee plans to retain the existing detached garage on lot (A). Currently the structure is located in the rear yard setback of lot (A). The action of subdividing the property does not further compound this non-conformity, so a condition of this decision will be imposed so that further encroachment on the building setback for lot (A) will not occur. Setbacks, and other area and bulk requirements for other buildings will be reviewed at the time of each structure's building permit application.

A condition of this decision will also be imposed so the applicant will obtain a tree permit to plant trees needed to achieve the required tree canopy goals for each parcel. The City's arborist has reviewed the conceptual vegetation plans for this project, and has determined that the proposed re-planting scheme meets the intent of the tree regulations.

Conclusion: This specific design standard, as conditioned, has been satisfied.

- B. Curb, gutter, pavement, and storm drainage facilities may be required at the discretion of the administrative official to prevent stormwater erosion and damage.*

Findings: Stormwater flow control is exempt from the site because the peak flow increase is .14 cfs, which is less than the threshold of .15 per section 1.2.3.1B.1 of the 2016 King County Surface Water Design Manual. Water quality is exempt because the total PGIS is only 4,200 square feet (sf), which is less than the threshold limit of 5,000 sf. Basic stormwater dispersion will be provided to the extent feasible.

This project will be required to construct frontage improvements in the form of a curb, gutter, and 5 foot wide sidewalk along NE 200th Street for the length of the parcel. The improvements will be conditioned as a part of this decision. All improvements shall be constructed in the City's right of way, and require separate permits for the installation. If right of way dedication is required to perform the improvements, it shall occur with the recording of this subdivision.

All improvements associated with this decision shall be separately permitted and constructed. When the improvements specified are installed and accepted by the City, the permittee may submit final surveys for review, to record the subdivision. The permittee may also has the option to financially secure the improvements for the purpose of recording the subdivision, the amount for which shall be based on City approved construction designs (condition of approval).

Conclusion: This specific design standard, as conditioned, has been satisfied.

- C. *The proposed subdivisions shall provide necessary utility and drainage easements and the grantees thereof shall agree in writing to restore the easement rights-of-way to their original condition after any installation, maintenance or repair.*

Findings: The design has provided for a 20 foot wide access and joint use driveway/access and utility easement straddling both lot (A) and lot (B). A condition of this decision will be for restoration of the easements, and rights of way to their original condition after any installation, maintenance, or repair that may occur during this project.

Conclusion: As conditioned, this specific design standard has been satisfied.

- D. *The administrative official may require additional information from the applicant to determine whether the project must be reviewed under the provisions of the State of Washington Environmental Protection Act (Chapter 43.21C RCW) and as the same may be amended and supplemented from time to time. Preliminary approval of the subdivision shall not be given until all requirements of the Act are fulfilled. If a stream or natural drainage may exist in the proposed subdivision it shall not be altered until an assessment is made of potential environmental effects.*

Findings: This project is categorically exempt from SEPA. The City's critical area ordinance does not apply as there are not any critical areas on-site.

Conclusion: This design standard does not apply.

The fees and approval procedures for short subdivision are specified in LFPMC Section 17.12.060 (A) through (D). The City is required to demonstrate compliance with those elements listed under subsection (A), through (D). Those requirements, along with staff's findings and conclusions for each requirement, are as follows:

- A. *The person proposing to subdivide shall pay a fee as established periodically by city council resolution.*

Findings: The applicant paid the required fees at the time of application. A receipt has been provided for those fees paid.

Conclusion: The fee was paid so approval procedure has been satisfied.

- B. *The administrative official, together with the planning commission chairman shall approve or disapprove the short subdivision if the application is in proper form and the short subdivision complies with the foregoing.*



Findings: State law requires short subdivision approval to be administrative. In order to be in compliance with this, the administrative official no longer consults with the Planning Commission Chair permitting issues. Administrative review of the short subdivision application has occurred, and along with the specified conditions, it has been administratively approved. Provisions for public safety, health, and welfare, as well as those provisions for safe walking to area schools, or school transportation facilities, have been analyzed and found to be compliant with standard. Information on the project's utility and improvements have been evaluated as well, and conditioned to comply with applicable municipal provisions.

Conclusion: This approval procedure has been satisfied.

- C. *Action will ordinarily be taken on subdivisions of this type within 20 days from the date the application is filed. No construction of structures, utilities, grading or excavation shall be allowed prior to the official approval of the subdivision.*

Findings: This application was deemed complete on April 24, 2019, and the required notice of application was posted on May 2, 2019. The comment period lasted 14 days, and staff review of the subdivision application occurred during and beyond this timeline. No structures, site work, utility installations has occurred on the site to this point.

Conclusion: This approval procedure has been satisfied.

- D. *If the necessary criteria have not been complied with, the administrative official, together with the planning commission chairman may either disapprove the application or require that the applicant make necessary changes which would cause them to give their approval.*

Findings: During the administrative review process, City staff, and the City's consultants reviewed the application for compliance with the various and applicable municipal standards. The applicant provided responses to questions posed by the City. The application is a design that can be conditioned to meet all applicable City ordinances. A condition will be placed on the project for short plat recording to comply with sections LFPMC 17.12.080. Also, as a condition of this decision, the permittee will be required to remove building setback information from the recording document, because the setbacks can be changed over time. Recording shall occur after the required improvements are installed, or, after the City approved design for improvements has been bonded. The permittee shall be conditioned to provide a conformed copy of the recorded plat document to the City.

Conclusion: This approval procedure has been satisfied.

#### **E. PUBLIC NOTIFICATION AND INPUT**

A notice of application was posted on the subject site and in official public places on May 2, 2019. No public comments were received regarding the proposal. The notice of decision to approve for this project was published and posted May 21, 2019.

#### **F. SUMMARY CONCLUSIONS**

Staff has reviewed the proposal for conformance with city codes and ordinances and the requirements set forth herein, and has provided findings in response to each requirement. Based upon said findings, staff concludes that the short subdivision as described herein conforms to the criteria for short subdivisions as defined in LFPMC Section 17.12.

#### **G. CONDITIONS**

In consideration of the above findings of fact and conclusions, the proposed short subdivision is hereby granted summary approval, subject to the following conditions:

1. The permittee shall apply for all necessary permits with fully engineered designs, to perform the work shown in concept on Exhibit 2- Civil plans. This includes all work on-site and within the right of way/frontage.
2. Each parcel shall be required to plant and maintain the minimum canopy coverages listed in LFPMC 16.14.070- Table 2. These coverage goals shall be placed on the face of the plat and recorded, and a tree permit shall be required for any plantings.
3. All invasive species shall be removed from the understory area, and English ivy shall be removed from all retained trees by creating a survival ring around the trees. A tree permit may be required for this work.
4. All easements and rights of way altered as a part of this project shall be restored to original condition prior to final occupancy.
5. The permittee shall submit a short plat map for recording based on the requirements in LFPMC 17.12.080, and as stipulated by King County, after the required improvements are installed or bonded. All bonds are based on the market value of labor and materials for construction costs, and shall reflect City approved construction designs for both on and off-site work.
6. The permittee shall remove the setback information on sheet 2 of 2 in Exhibit 1, prior to submitting the recording document for review.
7. The permittee shall provide a conformed copy of the recorded plat document to the City.
8. The existing detached garage to be retained on lot (A) shall not encroach any further into the rear yard setback.
9. Install a four-inch Storz quick-connect fitting on the hydrant located adjacent to the subject property. Contact the Northshore Utility District to purchase and arrange for the installation.
10. All references to cottage housing shall be removed from any material being recorded for this project.

## **XII. ATTACHMENTS**

The following documents are attached to or referenced, and made a part of this report:

Attached:

- Exhibit 1: Short Plat Survey from ABA land surveyors, sheets 1 of 2, and 2 of 2; date stamped April 2, 2019 by the City of Lake Forest Park.
- Exhibit 2: Civil concept drawings; sheets S1, C1.0, C1.1, C2.0, C3.0; date stamped April 30, 2019 by the City of Lake Forest Park.
- Exhibit 3: City Arborist report dated April 23, 2018.

Referenced:

- Water availability certificate date stamped April 2, 2019 by the City of Lake Forest Park
- Sewer availability certificate date stamped April 2, 2019 by the City of Lake Forest Park
- Preliminary Technical Information Report by IECO Engineering; date stamped April 2, 2019 by the City of Lake Forest Park
- Geotechnical study by Geotech Consultants Inc; date stamped April 2, 2019 by the City of Lake Forest Park
- Title report date stamped April 2, 2019 by the City of Lake Forest Park
- Arborist Report from Olympic Nursery, date stamped April 2, 2019 by the City of Lake Forest Park

**Staff Signatures:**



**Name & Title:** Nick Holland  
Senior Planner

**Issued Date:** May 21, 2019

**H. APPEALS**

This decision may be appealed by the applicant or any party of record under the provisions of LFPMC Section 16.26.190. Appeals must be submitted in writing.