



**ADMINISTRATIVE DECISION FOR
PRELIMINARY SHORT SUBDIVISION**

CASE: File # 2018-SP-0003

APPLICANT: Dave Scherf
Phone: 425-275-6588

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

SITE ADDRESS: 18426 Ballinger Way NE
Lake Forest Park, WA 98155

APPLICATION DATES: Application Submitted: June 26, 2018
Date of Complete Application: July 19, 2018
Notice of Application Posted: August 2, 2018
Decision Issued: November 12, 2018

COMPREHENSIVE PLAN: Single Family Residential; High

ZONING: RS 20

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

ENVIRONMENTAL DETERMINATION: Exempt pursuant to WAC 197.11.800(6)(d)

ASSIGNED STAFF: Lauren Hoerr, Assistant Planner
Nick Holland, Senior Planner

PRELIMINARY

DECISION:

Approve with conditions

I. APPLICATION TIMELINES

- On June 26, 2018 the applicant applied for the short subdivision;
- On July 19, 2018, the City deemed the application complete;
- On July 31, 2018; the City's engineering consultant, PACE engineering, provided feedback on the application, citing needed revisions to the driveway access, frontage improvements, and an incomplete TIR report. The City forwarded the revision request to the applicant on the same day;
- On August 2, 2018, the City posted the required notice of application;
- On August 16, 2018, the public comment period for the application ended, with two public comments provided (the content of which is discussed further in the noticing section of this report);
- On September 18, 2018, the applicant responded to the engineering comments and the City forwarded the revisions to PACE engineering the next day;
- On September 21, 2018, PACE engineering provided feedback on the application, citing needed revisions to the TIR report, drainage designs, and driveway designs. The City forwarded the revision request to the applicant on September 24, 2018;
- On October 10, 2018, the applicant responded to the engineering comments. The City forwarded the revision request to PACE engineering on the same day;
- On October 15, 2018, PACE engineering, indicated the application met all applicable municipal provisions for the engineering review;
- On October 18, 2018, the Fire Marshal for Northshore Fire Department indicated the application met all applicable fire code provisions with the condition that the new proposed home be sprinkled;
- On November 1, 2018, the City Arborist indicated the application met all applicable municipal provisions for the tree tract proposal and provided feedback for revisions that would be necessary for further approval;
- On November 12, 2018, an administrative decision was issued approving the preliminary short plat;

Overall, the application was in review 53 days.

II. SITE DESCRIPTION and CHARACTERISTICS

Site location & access

The subject site is located off of the northbound side of Ballinger Way NE, in between 40th PI NE and 37th Ave NE. Access to the lot is directly from Ballinger Way NE.

Existing site conditions

The site currently has one single family home which will be retained as a part of this project. The existing home also has a chicken coop which will be removed as a part of this project. Ballinger Way NE at this location has an existing four foot wide paved pedestrian pathway that will be improved to right of way standards as a part of this project. The site slopes downward from the northwest corner to the southeast, with the grade changing approximately 35 feet over approximately 150 feet. None of the slopes on the site qualify as a steep slope according to our municipal code. The site area includes 85 trees of varying sizes. Twelve trees are proposed for removal in order to allow for driveway construction, 25 trees are proposed for removal in order to allow for the construction of the new home, and 15 trees are proposed for removal in order to accommodate site grading. One tree is proposed for removal due to poor vigor. No exceptional trees are proposed for removal.

III. PROJECT DESCRIPTION

- a. Parcels/Tracts: This project is located in the RS 20 zone. The proposal is to subdivide the property from one 42,119 square foot parcel into two new lots that will be 20,226 square feet and 21,893 square feet in size. A tree conservation easement equal to 15% of the existing parcel, or 6,330 square feet, will be created behind the existing home. There will also be a 20' x 22' driveway and utility easement near the shared western boundary between the two proposed lots.
- b. Proposed Buildings: The project will consist of 1 new single family home, the designs for which have yet to be finalized, and 1 existing single family home. The new single family home will be limited to 25 percent lot coverage on its new parcel and is proposed to be located in the northwest corner of the site.
- c. Access: The site is accessed directly off Ballinger Way NE. The current driveway accessing the existing single family home will be discontinued. Each lot will gain access via Ballinger Way NE on a 22 foot wide joint-use driveway easement near the shared western boundary between the two proposed lots. The submitted plans for the proposed driveway leading up to the new single-family home indicate that the slope of the driveway will not exceed the 15% maximum allowed by King County Road Standards and fire code.
- d. Frontage & Street Improvements: There is an existing four foot wide paved pedestrian path along Ballinger Way NE, and frontage improvements will be implemented to bring the pathway up to right of way standards consistent with Figure 2-02 of the 2016 King County Road Standards. Specifically, along the frontage to the east of the new joint-access driveway, this includes removing the existing driveway cut and the asphalt sidewalk and replacing it with a vertical curb and gutter, a 4' wide planting strip and a 5' wide concrete sidewalk. Along the frontage to the west of the new joint-access driveway, the existing 7.5' wide concrete walkway will remain along with the existing curb and gutter.

- e. Parking: On-site parking is proposed based on the ratio listed in LFPMC 18.58.030 where two spaces per single family dwelling unit are required. The existing home does not have a garage but will have enough driveway space. The new home is anticipated to have at least a two-car garage.
- f. Stormwater & Drainage Plan: All drainage for the project will be required to remain on each respective lot. According to the 10-10-18 TIR report, “a drywell will be used to provide onsite stormwater management for the roof area” of the new home on lot 2. The driveway for lot 2 will use “a 2 foot wide gravel transition zone at the edge of the proposed pavement and a 10 foot minimum vegetated flow path.”
- 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 Lake Forest Park Water District, and the sewer will be provided by the City of Lake Forest Park. Water services for the new lot 2 will be provided by a separate connection to the existing 6” water main on Ballinger Way NE, 55 feet away from the site. Lot 1 will utilize the existing water service. A new side sewer will be provided for lot 2 via connection to a proposed extension of the existing 6” stub on site; while lot 1 will utilize the existing side sewer for the existing home.

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: LFPMC 16.14.070 (A) - Table 2 indicates a tree canopy goal for parcels of this size as 58% of the parcel’s area. The site area includes 85 trees of varying sizes. Twelve trees are proposed for removal in order to allow for driveway construction, 25 trees are proposed for removal in order to allow for the construction of the new home, and 15 trees are proposed for removal in order to accommodate site grading. One tree is proposed for removal due to poor vigor. No exceptional trees are proposed for removal. The applicant will be required to plant trees on each lot to arrive at the required 58% canopy goal for each parcel. A tree conservation easement equal to 15% of the existing parcel, or 6,330 square

feet, will be created behind the existing home and recorded as a part of this land use action. Additional conditions for on-site vegetation may be added at the building permit stage.

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 new proposed home will fit with the existing neighborhood character. 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. Both the water and sewer district for this project have approved the preliminary designs for those utilities.
- 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 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, critical area compliance, 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. A condition of this decision will be for the applicant to plant trees needed to achieve the required 58% canopy goal for parcels within this zone. The City's arborist has reviewed the proposed replanting plans for this project and has determined it 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: Storm drainage facilities will be installed for lot 2 and the construction of the new home and driveway. Lot 1, which will contain the existing home with no new construction proposed, is not required to meet current storm drainage standards, so the existing system is adequate. According to the 10-10-18 TIR report, "a drywell will be used to provide onsite stormwater management for the roof area" of the new home on lot 2. The driveway for lot 2 will use "a 2 foot wide gravel transition zone at the edge of the proposed pavement and a 10 foot minimum vegetated flow path." New pavement for the access easement to lot 1, and lot 2's new driveway will be provided. The proposed curb and gutter design along the lot's frontage have been approved. Engineering has approved all preliminary drainage and pavement designs. Specifically, along the frontage to the east of the new joint-access driveway, this includes removing the existing driveway cut and the asphalt sidewalk and replacing it with a vertical curb and gutter, a 4' wide planting strip and a 5' wide concrete sidewalk. Along the frontage to the west of the new joint-access driveway, the existing 7.5' wide concrete walkway will remain along with the existing curb and gutter.

Conclusion: This specific design standard 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: A 20' x 22' joint use driveway and utility easement is proposed. A condition of this decision will be for restoration of the easements, and rights of way to their original condition or better condition after any installation, maintenance, or repair that may occur during this project. A tree conservation easement equal to 15% of the existing parcel, or 6,330 square feet, will be created behind the existing home and recorded as a part of this land use action.

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, and there are not any environmentally critical areas on-site. There are no streams, or natural drainage ways present on either parcel.

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: This approval procedure and fee has been satisfied and paid.

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 on 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 standards. Information on the project's utility and improvements have been evaluated as well, and conditioned to comply with applicable municipal codes.

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 July 19th, 2018, and the required notice of application was posted on August 2nd, 2018. The comment period lasted 14 days, and staff review of the subdivision application occurred during and beyond this timeline. No structures, site work, or utility installations has occurred on the site at the time this report was written.

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, requests for revisions to the project's design was facilitated by City staff and the City's consultants. The applicant provided responses to these items and submitted revised plans which addressed staff concerns. The end product is a preliminary 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. Recording shall occur after the required improvements are installed, or, after the City approved design for improvements has been bonded.

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 August 2, 2018. Two public comments from adjacent neighbors were received regarding the proposal. One comment indicated the citizen's concern with the impact of proposed tree removal and construction on the health of a stand of trees on their adjacent property. This comment is included in Exhibit 3. The second comment indicated the citizen's concern with the proposed number of trees being removed in the northwest corner. This comment is included in Exhibit 4. Staff has considered both comments while drafting the decision and creating the conditions of approval. An initial review indicates that proposed tree removal meets code requirements. Potential threats to trees on adjacent property will be mitigated through implementing proper tree protection measures during construction, as determined by the City arborist when the tree permit is issued. The notice of decision to approve for this project was published and posted November 12, 2018.

F. PRELIMINARY CONCLUSIONS

Staff has reviewed the proposal for general 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 preliminary approval, subject to the following conditions:

1. The developer shall apply for all necessary permits to perform work associated with the preliminary approval in this decision.
2. All easements and rights of way altered as a part of this project shall be improved as per the approved frontage improvement plans prior to recording of the final short plat.
3. The applicant shall submit for a final short plat document based on the requirements in LFPMC 17.12.080, after the required improvements are installed or bonded.
4. The applicant may choose to bond in lieu of constructing frontage improvements. Bonding shall follow the provisions within LFPMC 17.08.140.
5. The applicant shall plant trees on each lot, necessary to achieve the required 58% tree canopy goal for each parcel as well as 100% canopy coverage within the designated tree conservation easement. Any permits necessary for this work must be applied for and issued prior to installation.

XII. ATTACHMENTS

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

Attached:

- Exhibit 1: Preliminary short plat map/site plan date stamped August 21, 2018.
- Exhibit 2: Short subdivision application dated June 26, 2018.
- Exhibit 3: Public comment email, dated August 14, 2018.
- Exhibit 4: Public comment email, dated August 14, 2018.

Referenced:

- Water availability certificate date stamped June 26, 2018 by the City
- Sewer availability certificate date stamped June 26, 2018 by the City
- SEPA exemption form signed and dated July 31, 2018
- Soil drainage report dated October 10, 2018 by Insight Engineers
- Title report date stamped June 26, 2018 by the City
- Engineering review letters from PACE engineering dated July 31, 2018; September 21, 2018; October 15, 2018

- Applicant responses to engineering comments dated September 18, 2018; October 10, 2018

Staff Signatures:

Name & Title: Lauren Hoerr
 Assistant Planner

Issued Date: November 12, 2018

H. REVALUATION:

Property owners affected by this decision may request change in valuation for property tax purposes notwithstanding any program of revaluation.

I. 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.