



**ADMINISTRATIVE DECISION FOR
SHORT SUBDIVISION**

CASE: File # 2018-SP-0005
2018-TREE-0156

APPLICANT: Mark Fleming and Sun Jing
c/o Red Barn Engineering
Rebekah Weston, PE
6610 NE 181 ST
Kenmore, WA 98028

REQUEST: Subdivide existing single parcel into 3 lots for
single family home development.

SITE ADDRESS: 19515 32 AVE NE
Lake Forest Park, WA 98155

APPLICATION DATES: Application Submitted: October 25, 2018
Date of Complete Application: December 17, 2018
Posted for 14-day Notice of Application: December
26, 2018
Decision Issued: July 2, 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

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

ASSIGNED STAFF: Nick Holland
Senior Planner

DECISION: Approve with conditions

I. APPLICATION TIMELINES

- On October 25, 2018 the applicant applied for the short subdivision;
- On November 21, 2018 the City issued a letter stating what was needed for a complete application;
- On December 4, 2018 the applicant responded to the comments from the City with additional information;
- On December 17, 2018 the City issued a letter of complete application, and began the required notice of application process;
- On January 31, 2019 the City requested additional information from the applicant;
- On May 10, 2019 the applicant responded to the comments from the City with additional information;
- On May 24, 2019, and pursuant to LFPMC 16.26.040 (F) (2) (a); the City requested additional information from the applicant, as the information provided on May 10, 2019 was incomplete;
- On May 30, 2019 the applicant responded to the comments from the City with additional information;
- This decision is being issued on July 2, 2019

Overall, the application was in review for 60 days.

II. SITE DESCRIPTION and CHARACTERISTICS

Site location & access

The subject site is located on the north side of NE 195 ST, on 32 AVE NE at 19515. The property has an existing single family driveway, which functions as the access directly from 32 AVE NE.

Existing site conditions

The site currently has one single family home, which is accessed from the existing single family driveway. The existing home is currently located in the middle of the lot, and will be demolished as a part of this project. 32 AVE NE 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 approximately 4% in a southwesterly direction from 32 AVE NE. There are no critical areas on-site.

III. PROJECT DESCRIPTION

- a. Parcels/Tracts: This project is located in the RS 7.2 zone. The proposal is to subdivide the property from 1 parcel into 3, with lot A totaling 7,278 square feet; lot B totaling 7,274 square feet, and lot C totaling 7,222 square feet. A 17 foot wide access and utility tract is planned to be located adjacent to all lots, at the southern portion of the site. A 1 foot wide access easement is proposed on lot A, adjacent to the access tract. Access to the existing home on lot A will remain unchanged; and access to the newly proposed lots shall occur via the access tract, and access easement.
- b. Proposed Buildings: The project will consist 3 new single family homes to be located on lots A, B, and C respectively. The permittee intends to demolish the existing single family home (located on lot A). The buildings will be limited to 35 percent of coverage on each parcel. Separate permits will be required for each structure.
- c. Access: The site is accessed directly off 32 AVE NE. Lots B and C will gain access via a proposed 17 foot wide access and utility tract located at the southern portion of the site, which fronts the public street (32 AVE NE). A 1 foot wide access easement is also proposed on lot A, adjacent to the access tract. The combined width of both the access easement and tract meet the 18 foot wide requirement in LFPMC 15.10.045 (2). Lot A will maintain the existing access directly from 32 AVE NE via the single family driveway. Both the existing driveway, and the proposed access tract are approximately 50 feet apart.
- d. Frontage & Street Improvements: Currently there are no pedestrian improvements within the neighborhood, so frontage improvements in the form of a curb, gutter and sidewalk will be required. The right of way will be improved along the parcel's frontage with a curb, gutter and sidewalk, as well as new driveway approaches for both the access tract and existing driveway. These improvements are shown in concept on sheet C1.0 of Exhibit 1
- 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. Each home is anticipated to have a 2 car garage.
- f. Stormwater & Drainage Plan: The natural discharge for this project is into the ground, as the soils present are comprised of mostly sand at the top layer. The overflow will be piped to the storm system in the right of way.

- 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, and the Lake Forest Park City Engineering division has confirmed that sewer is available to the site, and to future lots. Water services for the new lots will be designed at a later date, but will likely be provided by the existing water main within 32 AVE NE. Lot A will utilize the existing water service and meter, while the new lots will have new water services. Sewer services have not yet been designed, but the applicant's engineer has shown a tap of the sewer main in 32 AVE NE, from which a separate line will run through the access tract. A mandate for the applicant to coordinate with the City Engineering Division for an approved sewer design is a condition of approval for 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 applicant has applied for a tree removal permit in conjunction with the application to subdivide the property. The tree removal application shall only cover that work specific to site preparation, and the installation of site infrastructure to support the project. As a condition of this decision, the issuance of the tree permit shall be in conjunction with the site infrastructure/civil permits.

LFPMC 16.14.070 (A) - Table 2 indicates tree canopy requirements for proposed lots to be 28% of the parcel's area, based on each lot's square footage. The applicant will be required to plant trees on each lot to arrive at the required tree canopy goal for each parcel. These trees will be contained in each Tree Conservation Easement (TCE), an area which will be represented and recorded as a part of this land use action (condition of approval). Pursuant to LFPMC 16.14.090 (D) (4) (a), TCEs are to be 15% of the gross project area. The applicant has proposed a combined area of 3,612 square feet to be set aside for TCEs, which meets the code standard. Also, to improve the overall health of the

Tree Conservation Easements (TCE), and to promote long-term sustainability of the conservation easements, a condition to remove invasive species included on the King County Noxious Weed List shall be incorporated in this decision. This shall be done by hand taking care not to disturb the native understory plants. The applicant also plans to install rock walls (not structures) within proximity (less than 15 feet away) to each TCE.

The site does not contain any exceptional trees (see sheet C1.1- Critical Root Zone and Tree Tract Plan (Exhibit 1- sheet C1.1)). The permittee is proposing to retain 7 out of the 32 trees on-site. A condition of this decision will be for the permittee to provide tree protection, for those trees being retained, within each protected tree's interior critical root zone during construction.

A layer of understory vegetation exists, and the applicant has proposed to remove invasive understory vegetation as a part of this project, but retain the understory vegetation useful for overall tree health. As a condition of this decision, all English ivy shall be cut to create a survival area, for trees and other understory vegetation.

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 1, have conceptually approved the designs for water service, with new services coming from taps in the existing public main. Sewer services have not yet been designed, but the applicant's engineer has shown services for lots as a new main tap within 32 AVE NE leading down the proposed access and utility tract. A mandate for the applicant to coordinate with the City Engineering Division for an approved sewer design is a condition of approval in this decision.

- 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. Planning staff, the City's Arborist, 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 at 19610 32 AVE NE. This will occur during the installation of improvements for the plat. The Fire Marshal's office has also imposed a condition for a permanent address sign to be installed at the connection of the access driveway and 32nd Ave. NE. The address numbers for the two homes served by the driveway shall be displayed on the sign.

The permittee plans to demolish the existing home on lot A and remove it. A separate permit will be needed for this work.

A condition of this decision will also be imposed for the tree permit to be issued with the civil/infrastructure permits. The purpose of the tree permit will be for tree removal on-site, tree protection, and 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: Storm drainage facilities will be installed on each individual parcel. The natural discharge for this project is into the ground, as the soils present are comprised of mostly sand at the top layer. The overflow will be piped to the storm system in the right of way.

This project will be required to construct frontage improvements along 32 AVE NE for the length of the parcel. The improvements will be conditioned as a part of this decision, and include a curb, gutter, and sidewalk. All improvements shall be constructed in the City's right of way. 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 17 foot wide access and utility tract, with an adjacent 1 foot wide access and utility easement located on lot A, which will accommodate both lots B and C. The 18 foot wide combined width of the access easement and tract meet the required 18 foot wide fire/emergency access requirement. 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 to this project because there are no defined 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: As conditioned, 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 December 17, 2018, and the required notice of application was posted on December 26, 2018. 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, 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 revised plans which addressed staff's concerns. The end product is a design that can be conditioned to meet all applicable City ordinances. A condition will be placed on the project for short plat (Exhibit 2) 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: As conditioned, this approval procedure has been satisfied.

V. PUBLIC NOTIFICATION AND INPUT

A notice of application was posted on the subject site and in official public places on December 26, 2018. Two public comments from area citizens were received regarding the proposal, and are referenced as Exhibit 3. The comments indicated the citizen's general concern with the project. Staff has considered the comments while drafting the decision and creating the conditions of approval. All of the citizen's concerns can be mitigated through the project as designed, or as it will be conditioned. The notice of decision to approve for this project was published and posted on July 2, 2019.

VI. SUMMARY 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.

VII. 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, included but not limited to grading, right-of-way, utility; with fully engineered designs, to perform the work shown in concept on Exhibit 1- Civil concept drawings. This includes all work on-site and within the right of way/frontage. 2018-TREE-0156 shall be issued in conjunction with the aforementioned civil/grading/row permits.
2. Tree conservation easements, as represented in Exhibit 2, shall be recorded with the plat.
3. The permittee shall remove invasive species included on the King County Noxious Weed List under permit 2018-TREE-0156. This shall be done by hand taking care not to disturb the native understory plants. English ivy shall be cut to create a survival area, for trees and other understory vegetation.
4. During construction, and under permit 2018-TREE-0156, the permittee shall provide tree protection to those trees marked for retention.
5. Install a four-inch Storz quick-connect fitting on the hydrant located at 19610 32 AVE NE. Contact the North City Water District to purchase and arrange for the installation.
6. A permanent address sign shall be installed at the connection of the access driveway and 32nd Ave. NE. The address numbers for the two homes served by the tract shall be displayed on the sign. The numbers shall be at least four-inches high and should be either lighted or reflective.
7. 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.
8. All easements and rights of way altered as a part of this project shall be restored to original condition prior to final occupancy.

VIII. ATTACHMENTS

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

Attached:

Exhibit 1: Civil concept drawings from Red Barn Engineering; sheets C0.0, C0.1, C1.0, C1.1 (Critical Root Zone and Tree Tract Plan), C1.1 (TESC details), C2.0, C2.1, C2.2, C2.3; date stamped June 5, 2019 by the City of Lake Forest Park.

Exhibit 2: Short Plat Survey from Duane Hartman and Associates INC; sheets 1 through 3 of 3; date stamped May 30, 2019 by the City of Lake Forest Park.

Exhibit 3: Public comments via email

Referenced:

- Water availability certificate date stamped October 25, 2018 by the City of Lake Forest Park
- Drainage Report prepared by J Red Barn Engineering date stamped October 25, 2018 by the City of Lake Forest Park
- Title report date stamped date stamped October 25, 2018 by the City of Lake Forest Park
- Arborist Report from Urban Forestry Services date stamped October 25, 2018 by the City of Lake Forest Park
- Revised arborist report from Layton Tree Consultants date stamped May 10, 2019 by the City of Lake Forest Park
- Neighborhood meeting materials date stamped October 25 2018 by the City of Lake Forest Park
- Geotechnical Report by Nelson Geotechnical date stamped October 25, 2018 by the City of Lake Forest Park.
- Civil concept drawings from Red Barn Engineering; sheets C0.0, C0.3, C1.0, C1.1 (Critical Root Zone and Tree Tract Plan), C1.1 (TESC details), C2.0, C2.1, C2.2, C2.3; date stamped June 5, 2019 by the City of Lake Forest Park.
- Short Plat Survey from Duane Hartman and Associates INC; sheets 1 through 3 of 3; date stamped May 30, 2019 by the City of Lake Forest Park.

Staff Signatures:



Name & Title: Nick Holland
 Senior Planner

Issued Date: July 2, 2019

X. APPEALS

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