



**ADMINISTRATIVE DECISION FOR
SHORT SUBDIVISION**

CASE: File # 2019-SP-0002

APPLICANT: Richard Rinehart
17628 25 AVE NE
Lake Forest Park, WA 98155

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

SITE ADDRESS: 17628 25 AVE NE
Lake Forest Park, WA 98155

APPLICATION DATES: Application Submitted: February 26, 2019
Date of Complete Application: May 16, 2019
Posted for 14-day Notice of Application: May 24, 2019
Decision Issued: October 13, 2020

COMPREHENSIVE PLAN: Single Family Residential; High

ZONING: RS 9.6

APPLICABLE REVIEW PROVISIONS:

- Chapter 17.12 LFPMC– Short Subdivisions and Dedications
- Chapter 16.14 LFPMC- Tree Canopy Preservation and Enhancement
- Chapter 16.16 LFPMC- Environmentally Critical Areas

- Chapter 16.26 LFPMC- Land Use Decisions and Procedures
- Chapter 18.21 LFPMC- RS-9.6 Single Family Residential, Moderate/High

**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 February 26, 2019 the applicant applied for the short subdivision;
- On March 25, 2019; the City issued a letter of incomplete application, and requested additional items to complete the application;
- On May 6, 2019, the applicant responded to the comments from the City with additional information;
- On May 16, 2019, the City determined the application complete, and started the required notice of application process;
- On July 2, 2019; the City requested additional information from the applicant citing inconsistencies with municipal regulations;
- On August 22, 2019; the applicant responded to the comments from the City with additional information;
- On September 4, 2019 (within 14 days pursuant to LFPMC 16.26.040 (F) (2) (a)); the City deemed the information submitted by the applicant to be incomplete;
- On November 6, 2019; the applicant responded to the comments from the City with additional information;
- On November 15, 2019 the applicant requested a hold on the application because they were seeking a deviation through the City of Shoreline for the required frontage improvement design;
- On March 9, 2020 the applicant's engineer requested that the hold be removed from the application;
- On March 20, 2020; the City requested additional information from the applicant illustrating the frontage design that the City of Shoreline recommended;
- On April 24, 2020; the applicant responded to the comments from the City with additional information;
- On May 7, 2020 the City requested additional information from the applicant;
- On June 1, 2020 the applicant responded to the comments from the City with additional information;
- On July 9, 2020 the City requested additional information from the applicant;

- On September 2, 2020; the applicant responded to the comments from the City with additional information;
- On September 15, 2020; the City provided an opportunity for the applicant to review the draft decision and asked for comments;
- On September 24, 2020; the applicant provided comments on the draft decision.
- On September 25, 2020; the City requested copies of the updated and needed exhibits to complete the decision;
- On October 8, 2020 the City received the necessary exhibits;
- This decision is being issued on October 13, 2020

Overall, the application was in review 83 days.

II. SITE DESCRIPTION and CHARACTERISTICS

Site location & access

The subject site is located on the east side of 25 AVE NE (which has been confirmed as the City of Shoreline's Right of way), at approximately NE 178 ST. The property contains an existing 20 foot wide access easement, which functions as a private driveway for an adjacent residence and the existing residence on the subject site, accessing directly from 25 AVE NE.

Existing site conditions

The subject site currently has one single family home, which is accessed from the existing 20 foot wide access easement on the site. The access easement terminates on proposed lot A where a single driveway connects vehicular access to the existing residence. The site also has an existing barn located east of the existing residence. The site slopes gradually to the east with elevations at the western property line reaching approximately 385 feet and elevations at the eastern property line reaching approximately 350 feet. King County I-map has the eastern portion of the property, approximately 6,000 square feet, designated as an erosion hazard area. The applicant has performed a geotechnical investigation in that area and has determined that there are no defined critical areas on the site. The parcel also has several existing trees, with the most significant trees located along the eastern and southern property lines.

III. PROJECT DESCRIPTION

- a. Parcels/Tracts: This project is located in the RS 9.6 zone. The proposal is to subdivide the existing 39,013 square foot property from 1 parcel into 3, with lot (A) totaling 14,272 square feet; lot (B) totaling 9,962 square feet, and lot (C) totaling 11,827 square feet. A private access tract (tract 999) is planned to be located adjacent to 25 AVE NE which will connect to a joint use driveway tract (tract 998) functioning as access for lots (B) and (C). Access to the existing home on lot (A) will remain unchanged and taken from proposed tract 999.

- b. Proposed Buildings: The project will consist 2 new single family homes to be located on lots (B) and lot (C) respectively. The permittee intends to retain the existing single family home (to remain 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 25 AVE NE. A private access tract (tract 999) is planned to be located adjacent to 25 AVE NE which will connect to a joint use driveway tract (tract 998) functioning as access for lots (B) and (C). Access to the existing home on lot (A) will remain unchanged and taken from proposed tract 999. The existing 20 foot wide access easement which functions as the adjacent parcel to the east's access driveway is to remain unchanged.
- d. Frontage & Street Improvements: The City of Shoreline owns the right of way adjacent to the site, and has determined that no frontage improvements are required for this project. They will also be determining safe-walking conditions for children to school, since it is there opportunity to require street improvements. The permittee will be constructing a new driveway approach which will connect to 25 AVE NE and approval for this will be sought through the City of Shoreline.
- 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 existing home has a 2 car garage, and each proposed home is anticipated to have a 2 car garage.
- f. Stormwater & Drainage Plan: The applicant is planning to utilize individual infiltration facilities for the runoff from the roofs. The access tract as well as the joint use driveway and the new individual driveways will use permeable pavement as surfacing. Both of these stormwater facilities have been reviewed for compliance with the City's adopted stormwater manual, the King County Surface Water Design Manual 2016? Edition, and meet the guidelines provided therein.
- 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 plans and regulations. 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. The proposed plat and new residences will be served by individual grinder pumps and associated force main sewer piping. Each system will be private and maintenance the responsibility of the individual property owners. The force main piping will connect to a new manhole within the access/utility tract which will then gravity flow into the existing system within 25th Ave. NE. The system has been reviewed for consistency with City of Lake Forest Park Sewer Standards as well as Department of Ecology Criteria for Sewage Works Design Manual. Water to each

lot will be provided by North City Water District which will install individual meters for each proposed lot. Approved drawings from the North City Water District must be provided to the City prior to permits being issued to install water systems. 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 and planned extensions to those services. Alterations to utility services, and specific connections to this project will be evaluated during the permit review process, and construction design. All civil improvements on site are to be specifically evaluated through the permit application process, and be consistent with the concepts represented in this short subdivision application. 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 site contains 38 significant trees (and 10 insignificant) with driplines from three trees extending onto the site from the adjacent parcel. The permittee's arborist classifies all significant trees to be in good condition and health and classifies them as being a low risk for failure or issues. The permittee is proposing to remove five significant trees as a part of this development, specifically tree(s) #1, #2, #10, #11, and #40 (see Exhibit 3- tree inventory). There are no exceptional trees on the site. Each proposed lot has a minimum canopy coverage goal that it shall be required to meet pursuant to the City's tree ordinance. This approval is conditioned upon each lot meeting those minimums. Lot A shall be condition to meet a minimum of 39% canopy coverage, lot B shall be condition to meet a minimum of 28% canopy coverage, and lot C shall be condition to meet a minimum of 39% canopy coverage. The project will also contain tree conservation easements where the vegetation contained in those easement will be required to be retained indefinitely. Each the project proposes to create three tree conservation easements. Lot A will contain a 1,687 square foot tree conservation easement, lot B will contain a 1,859 square foot tree conservation easement, and lot C will contain a 2,316 square foot tree conservation easement. The resulting combined square footage of all tree conservation easements is 5,862 which represents 15% of the gross site area and therefore complies with LFPMC 16.14.090 (D) (4).
- i. Critical Areas: King County I-map has the eastern portion, approximately 6,000 square feet of parcel area labeled as an erosion hazard critical area, which can be a potentially regulated critical area in the City of Lake Forest Park. The area also corresponds to a portion of the property where two of the tree conservation easements are to be located. The applicant's engineer investigated the site and provided a geotechnical memorandum/supplemental critical area memorandum (Exhibit 5) that classifies this portion of the property as having a low to moderate potential for an erosion hazard. LFPMC 16.16.040 (G), designates areas having a

severe to very severe erosion hazard as needing to be regulated. According to the supplemental memorandum, this portion of the site is characterized as Urban land-Alderwood complex, 12 to 35 percent slopes, and the area has a significant amount of vegetation covering the soils in question.

The memorandum also indicates that the erosion hazard potential for the site's soils should be low in areas where vegetation is not disturbed. The applicant's engineer concludes within the memorandum that the native soils at the site have a low to moderate susceptibility to erosion when exposed, and that the infiltration systems planned for the project's stormwater system should not increase the risk of soil piping or subsurface erosion if installed according to the provided plans.

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-civil plans, have conceptually approved the designs for water service, with new services coming from taps in the existing public main. The certificate of water availability from North City Water indicates 1480 gpm is available to the site. The water availability is acceptable for homes up to 3,600 square feet (including garage). Homes larger than 3,600 square feet must provide mitigation for lack of water availability for firefighting purposes (condition of approval). Sewer services have been determined available by the City of

Lake Forest Park, and the applicant's engineer has shown services for lots (B) and (C) on the civil plans. The possibility of grinder pumps and forced main pressure exists with this site given the gradient, so all sewer systems will be required to be fully designed through the construction permitting process and inspected during the installation of infrastructure of this project.

- 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, City consultants, 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. City 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, critical area compliance, and allowable uses. Some zoning code provisions such as lot coverage, and impervious surface maximums will be determined at the building permit review stage.

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 Fire Marshal has also conditioned this development to install a permanent address sign at the connection of the access driveway and 25th AVE. NE.

A condition of this decision will also be imposed for the permittee to 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. Staff finds that this application can be conditioned to meet all applicable zoning code provisions.

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: The proposed short plat is planning to utilize individual infiltration facilities for the runoff from the newly constructed roofs. The access tract as well as the joint use driveway and the new individual driveways will use permeable pavement as surfacing. The conceptual civil plans show piping and a yard drain

though the TCE on lot C. This decision will be conditioned for any new excavation to be outside of any TCE.

This site is adjacent to the City of Shoreline's right of way in 25 AVE NE. This project will be required to construct a driveway approach and obtain any necessary permits through the City of Shoreline for that work. The City of Shoreline was consulted on this project and has determined that frontage improvements will not be required as a result of the development. The City of Shoreline will also be determining safe walking conditions for children commuting to and from school and if needed, improvements to 25 AVE NE may be required for this purpose. All improvements to the City of Shoreline's right of way shall be coordinated directly with that agency.

All on-site improvements and utility installation associated with this decision shall be separately applied for, reviewed, 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 have 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: The stormwater facilities have been reviewed for compliance with the City's adopted stormwater manual, the King County Surface Water Design Manual 2016 Edition, and meet the guidelines provided therein. 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 site has an existing 20 foot wide access and utility easement through lots A and C, which will need to remain because it provides access to an adjacent parcel to the east. A private access tract (tract 999) is planned to be located adjacent to 25 AVE NE which will connect to a joint use driveway tract (tract 998) functioning as access for lots (B) and (C). Access to the existing home on lot (A) will remain unchanged and taken from proposed tract 999. 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, and does not contain any critical areas despite the designation of an erosion hazard area by King County sources (see King County I-map). The permittee has provided the necessary reports and information (see Exhibit 5) which designate the area in question to have only a low to moderate risk for an erosion hazard. In order to be considered a regulated critical area, an area must meet the City's definition contained in LFPMC 16.16.040 (G). The technical memorandum received from the permittee provide and describe the conditions on-site, and indicate that the area does not meet the regulated definition of an erosion hazard area contained in LFPMC 16.16.040 (G) because it does not have a designated severe to very severe erosion hazard. The recommendations contained within the technical memorandum (Exhibit 5) shall be strictly followed through the duration of the project (condition of approval). The permittee will also be required to apply for and receive permits (specifically grading permits) to perform all recommended improvement work (condition of approval). All approved plans associated with those permits shall show all plat improvements in relation to all existing and proposed property features.

Conclusion: This criteria has been satisfied.

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 have been analyzed and found to be compliant with standard. Provisions for safe walking to area schools, or school transportation facilities will be evaluated by the City of Shoreline as the project site fronts 25 AVE NE an area owned by the City of Shoreline. Information on the project's utility and improvements has 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 May 16, 2019, and the required notice of application was posted on May 24, 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, 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 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.

V. PUBLIC NOTIFICATION AND INPUT

A notice of application was posted on the subject site and in official public places on May 24, 2019. One public comment from an area citizen were received regarding the proposal, and are referenced as Exhibit 4. The comment indicated the citizen's concern over a street frontage requirement. Staff has considered the comments while drafting the

decision and creating the conditions of approval and have found the citizens concern to apply to parcels in a different zone than where this project is occurring. The notice of decision to approve for this project was published and posted October 13, 2020.

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. Any Conclusion of Law deemed to be a Finding of Fact is hereby adopted as such.

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 to perform the work shown in concept on Exhibit 1- Civil plans, associated with the approval in this decision. This includes all work on-site.
2. All easements and rights of way altered as a part of this project shall be restored to original condition prior to final occupancy.
3. The permittee shall submit a short plat map for recording based on the requirements in LFPMC 17.12.080, after the required improvements are installed or fiscally bonded. All bonds shall be based on the market value of labor and materials for construction costs, and reflect City approved construction designs for on-site work.
4. The permittee shall provide a conformed copy of the recorded plat to the City.
5. The permittee shall represent each tree protection area (TCE 1, TCE 2 and TCE 3) as a tree conservation easement, and record this feature on the recording document. Each lot shall meet its designated tree canopy minimum percentage and a tree permit shall be required for all tree removal/planting.
6. The permittee shall strictly follow all recommendations in the geo-technical memorandum (Exhibit 5).
7. Any new excavation, or plat infrastructure shall occur outside of any Tree Conservation Easement boundaries.
8. Install a four-inch Storz quick-connect fitting on the hydrant located adjacent to the subject property. Contact the North City Water District to purchase and arrange for the installation.
9. Homes larger than 3,600 square feet must provide mitigation for lack of water availability for firefighting purposes.
10. A permanent address sign shall be installed at the connection of the access driveway and 25th Ave. NE. The address numbers for the all three homes served by the driveway shall be displayed on the sign. The numbers shall be at least four-inches high and should be either lighted or reflective.

IX. ATTACHMENTS

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

Attached:

Exhibit 1: Civil plans date stamped October 8, 2020 by Red Barn Engineering; sheets C0.0, C0.2, C2.0, C3.0

Exhibit 2: Short Plat Survey from Pacific Coast Survey; sheets 1 and 2; date stamped October 8, 2020 by the City of Lake Forest Park

Exhibit 3: Tree inventory (sheet TP1.0) date stamped October 8, 2020 by the City of Lake Forest Park

Exhibit 4: Public comment from Doug Mitchell

Exhibit 5: Geo-technical memorandum from Red Barn Engineering date stamped September 2, 2020 by the City of Lake Forest Park

Referenced:

- Water availability certificate date stamped February 26, 2019 by the City of Lake Forest Park
- Sewer availability certificate date stamped February 26, 2019 by the City of Lake Forest Park
- Soil report by Red Barn Engineering date stamped February 26, 2019 by the City of Lake Forest Park
- Technical Information Report by Red Barn Engineering date stamped September 2, 2020 by the City of Lake Forest Park
Title report date stamped February 26, 2019 by the City of Lake Forest Park
- Arborist Report from Schoffner date stamped February 26, 2019 by the City of Lake Forest Park
- Neighborhood meeting materials date stamped February 26, 2019 by the City of Lake Forest Park
- Civil plans date stamped April 24, 2020 by Red Barn Engineering; sheets C0.0, C0.1, C0.2, C1.0, C1.1, C2.0, C3.0, C3.1
- Short Plat Survey from Pacific Coast Survey; sheets 1 through of 3; date stamped April 24, 2020 by the City of Lake Forest Park

Staff Signatures:



Name & Title: Nick Holland
 Senior Planner

Issued Date: October 13, 2020

X. 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.