



**ADMINISTRATIVE DECISION FOR
SHORT SUBDIVISION**

CASE: File # 2018-SP-0004
#2018-TREE-0136

APPLICANT: Ground Evolution LLC
9252 Greenwood AVE N
Seattle, WA 98103

REQUEST: Subdivide existing parcel into 3 lots for single family home development. Tree removal associated with site development.

SITE ADDRESS: 3636 NE 195 ST
Lake Forest Park, WA 98155

APPLICATION DATES: Application Submitted: September 6, 2018
Date of Complete Application: September 24, 2018
Posted for 14-day Notice of Application: October 8, 2018
Decision Issued: April 1, 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

**PRELIMINARY
DECISION:**

Approve with conditions

I. APPLICATION TIMELINES

- On September 6, 2018 the applicant applied for the short subdivision;
- On September 24, 2018; the City issued a letter of complete application, and began the required notice of application process;
- On October 23, 2018, the City requested additional information from the applicant;
- On December 26, 2018; the applicant responded to the comments from the City with additional information;
- On January 24, 2019; the City requested additional information from the applicant;
- On March 4, 2019; the applicant responded to the comments from the City with additional information
- One March 19, 2019, the City provided the applicant with a status update on the project, and indicated needed direction from the applicant to proceed;
- On March 27, 2019 the City received confirmation from the applicant to issue the decision.
- This decision is being issued on April 1, 2019.

Overall, the application was in review 78 days.

II. SITE DESCRIPTION and CHARACTERISTICS

Site location & access

The subject site is located on the north side of NE 195 ST, at approximately 36 AVE NE. The property has an existing 25 foot wide access easement adjacent to it, which functions as a private driveway accessing directly from NE 195 ST.

Existing site conditions

The site currently has one single family home, which is accessed from the existing 25 foot wide access easement adjacent to the site. The existing home is currently located within the front yard setback of proposed lot C, and is not proposed to be relocated as a part of this project. This home will be renovated as a part of this project. All other building setbacks, as well as lot coverage, for the existing home complies with zoning code standards. NE 195 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 northerly direction from NE 195 ST, with grades sloping upward to the north end of the property at approximately 10%. The northwest portion of the site is home to a drop off, where the gradual upward slope increases significantly in a downward direction, approximately 40%. More detail regarding critical areas is contained in a separate section of this report/decision.

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 8,284 square feet; lot (B) totaling 9,483 square feet, and lot (C) totaling 27,436 square feet. An access and utility easement is planned to be located on lot (A) for the purpose of access to lot (B). Access to the existing home on lot C will remain unchanged and a function of the existing 25 foot wide access easement adjacent to the property.
- b. Proposed Buildings: The project will consist 2 new single family homes to be located on lot A and lot B respectively. The permittee intends to renovate the existing single family home (to remain on lot (C)), the designs for which have yet to be finalized. 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 NE 195 ST. Lots (A) and (B) will gain access via a 20 foot wide access and utility easement located on lot (A), which fronts the public street (NE 195 ST). The existing structure, located on lot (C), will maintain its existing access, via a shared private driveway/access easement (roughly 25 feet wide), directly off of NE 195 ST, and adjacent to the site. Both the existing shared driveway, and the proposed access easement are approximately 90 feet apart.
- d. Frontage & Street Improvements: Currently there are no pedestrian improvements within the neighborhood, so frontage improvements in the form of an extruded curb and gutter for stormwater function will be required. The right of way will be improved with these stormwater facilities, and driveway approaches, along the length of the parcel being developed. These improvements are shown in concept on sheets S1 of 1 (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: Stormwater runoff from the houses and the paved driveway areas will be directed to underground infiltration facilities to the maximum extent feasible. Additional runoff from the driveway not able to be mitigated will be collected and discharged into the existing drainage system within NE 195 ST, where the ultimate discharge will be Lyon Creek.
- 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 Northshore Utility 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 (A) and (B) will be provided by a separate connection to the existing water main within NE 195 ST. Lot (C) will utilize the existing water service. Sewer services have not yet been designed, but the applicant's engineer has shown services for lots (A) and (B) coming off of the existing side sewer for lot (C). A condition for the applicant to coordinate with the City Engineering Division for an approved sewer design in a condition of approval in 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 (see exhibit 1). The issuance of this permit shall be in conjunction with the site infrastructure/civil permits.

LFPMC 16.14.070 (A) - Table 2 indicates tree canopy requirements for parcels (A) and (B) to be 28% of the parcel's area, and 58% of lot (C)'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 a Tree Conservation Easement (TCE), an area which will be represented and recorded as a part of this land use action (condition of approval). 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 site contains one exceptional tree (tree #20 on sheet 4 of 6- Tree Plan (Exhibit 2)). A condition of this decision will be for the applicant to retain tree #20, and provide tree protection within its interior critical root zone.

A thick understory layer of 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.

- i. Critical Areas: Slopes in excess of 40% are present in the northwest portion of the property, and adjacent to the existing home on lot C. The sloped area has been classified as both a class II landslide hazard area, and a steep slope area by the permittee's geotechnical engineer, and per LFPMC 16.16.040 (J) (1) (b), and (W). There is to be no further encroachment on this area, as the applicant plans to retain the existing home's foot print, so as not to further encroach on the critical slope. There are no other types of critical areas on-site.

Given the fact that the permittee does not propose to alter the existing critical area in anyway, and the permittee's geotechnical engineer has verified the relative stability of the critical area (see exhibit 3, geotechnical/critical areas report), there will not be a need to mitigate any impacts from the project. The area will be conditioned to be recorded in a tract or easement, and to be recorded specifically as a critically sloped area, and landslide hazard area.

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. Northshore Utility 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 (A) (and (B) coming off of the existing side sewer for lot (C). A condition for the applicant to coordinate with the City Engineering Division for an approved sewer design in 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. 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 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 home on lot C and renovate it. The current front setback of lot C is non-conforming, because the existing residence is within the front yard setback. 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 C will not occur. Setbacks for other buildings will be reviewed at the time of 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: Storm drainage facilities will be installed on each individual parcel. Stormwater runoff from the houses and the paved driveway areas will be directed to underground infiltration facilities to the maximum extent feasible. Additional runoff from the driveway not able to be mitigated will be collected and discharged into the existing drainage system within NE 195th Street, where the ultimate discharge will be Lyon Creek

This project will be required to construct stormwater related frontage improvements along NE 195th Street for the length of the parcel. The improvements will be conditioned as a part of this decision, and include an extruded curb and gutter. 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 20 foot wide access and utility easement through lot A, which will accommodate lot B. An existing 25 foot wide access easement is located adjacent to, and east of the property, and serves as the existing access for lot C. This is to remain unchanged. 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 apply to critical areas on-site. There are environmentally critical areas on-site in the form of a slope. The applicant has provided a critical area study to classify the steep slope area as a class II landslide area, and steep slope. The applicant is planning to avoid all impacts to the existing slope, as it is located north of the existing residence on lot C, and impacts from construction are not anticipated. No mitigation is planned. A non-conforming 25 foot buffer exists and is planned to be maintained from the critically sloped area. An additional 15 foot building setback exists from the non-conforming buffer, which is also planned to be maintained. The current conditions are non-conforming to the current critical area regulations, and will not be changed in any manner as a result of this subdivision and will not increase any non-conformities.

The critically sloped area, and any associated buffers shall be designated on the plat map, and recorded on the final survey as a condition of this decision. The same condition will also dictate that language be recorded on lot C's title related to the critical area, and indicating the applicable portions of LFPMP 16.16.190 (D).

There are no streams, or natural drainage ways present on either parcel.

Conclusion: As conditioned, this design standard 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, 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 September 24, 2018, and the required notice of application was posted on October 8, 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 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 September 24, 2018. Three public comments from an area citizen were received regarding the proposal, and are referenced as exhibit 4. 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 April 1, 2019.

F. 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.

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 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 and within the right of way/frontage.
2. The permittee shall coordinate with the City Engineering Division for an approved sewer design and incorporate that design concept in the permit applications for the site's buildout.
3. The tree permit shall be issued in conjunction with the permits to install the site's civil infrastructure.

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, after the required improvements are installed or bonded. All bonds are based on the market value of labor and materials for construction costs, and reflect City approved construction designs for both on and off-site work.
6. The existing single family residence to be retained on lot C shall not encroach any further into the front yard setback.
7. English ivy, and all invasive vegetative species, shall be cut and grubbed to create a 'survival ring' around all retained trees. All work shall be completed by hand so as not to disturb the trunks or roots of retained trees.
8. Tree #20, as identified in the Tree Plan (Exhibit 2), shall be retained as an exceptional tree. There shall be no construction impacts within the interior critical root zone (ICRZ) of this tree including, but not limited to, digging, grading, compaction, trenching or stockpiling of materials or equipment
9. The permittee shall record the critical area and buffer in a conservation easement, and represent this feature on the recording document.
10. The permittee shall provide a conformed copy of the recorded title for lot C, indicating the applicable language of LFPMC 16.16.190 (D).
11. 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.
12. 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.

XII. ATTACHMENTS

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

Attached:

Exhibit 1: Civil concept drawings from J.C. McDonnell Engineering; sheets S1 of 1, C1 through C4 of 4; date stamped March 4, 2019 by the City of Lake Forest Park.

Exhibit 2: Short Plat Survey from Terrane Surveying; sheets 1 through 6 of 6; date stamped March 4, 2019 by the City of Lake Forest Park.

Exhibit 3: Geotechnical/Critical Area Report authored by Dennis Bruce, P.E.; date stamped March 4, 2019 by the City of Lake Forest Park.

Exhibit 4: Public comments

Referenced:

- Water availability certificate date stamped September 6, 2018 by the City of Lake Forest Park
- SEPA exemption form signed and dated September 6, 2018
- Soil drainage investigation memorandum by J.C. McDonnell Engineering date stamped September 6, 2018 by the City of Lake Forest Park
- Title report date stamped date stamped September 6, 2018 by the City of Lake Forest Park
- Arborist Report from Andrew Lyon date stamped September 6, 2018 by the City of Lake Forest Park
- Neighborhood meeting materials date stamped September 6, 2018 by the City of Lake Forest Park
- Geotechnical and Critical Areas Report by Dennis Bruce date stamped March 4, 2019 by the City of Lake Forest Park.
- Civil concept drawings from J.C. McDonnell Engineering; sheets S1 of 1, C1 through C4 of 4; date stamped March 4, 2019 by the City of Lake Forest Park
- Short Plat Survey from Terrane Surveying; sheets 1 through 6 of 6; date stamped March 4, 2019 by the City of Lake Forest Park

Staff Signatures:



Name & Title: Nick Holland
 Senior Planner

Issued Date: April 1, 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.