

CITY OF
LYNNWOOD

RESOLUTION NO. 2011-10

A RESOLUTION OF THE CITY OF LYNNWOOD, WASHINGTON,
ADOPTING FINDINGS OF FACT, CONCLUSIONS OF LAW AND
APPROVING THE PRELIMINARY PLAT OF THE "HERITAGE ESTATES"
SUBDIVISION.

WHEREAS, The Lynnwood Hearing Examiner has recommended that the City Council approve with conditions the proposed Heritage Estates Preliminary Plat (File No. 2010PLT0001); and

WHEREAS, a public hearing was held on the proposed plat before the City Council on July 25, 2011 as required by the Lynnwood Municipal Code; and

WHEREAS, after reviewing the record evidence and passing a motion to approve the preliminary plat on July 25, 2011, the City Council desires to enter findings of fact and conclusions of law in support of its decision and memorialize its decision based on the findings of fact and conclusions of law set forth in attached Exhibit A, which exhibit is incorporated herein as if specifically set forth; now, therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD,
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

To approve and adopt the Findings of Fact and Conclusions of Law attached hereto as Exhibit A and to approve the Heritage Estates Preliminary Plat with the conditions stipulated therein.

APPROVED by the City Council on August 8, 2011.



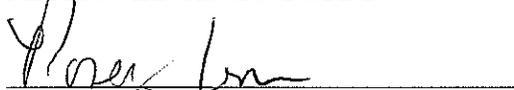
Don Gough, Mayor

ATTEST/AUTHENTICATE:



Lorenzo Hines, Finance Director

APPROVED AS TO FORM



Rosemary Larson, City Attorney

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EXHIBIT A

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
HERITAGE ESTATES PRELIMINARY PLAT (2010PLT0001)

Findings of Fact

1. The applicant, Insight Engineering Co. on behalf of Echelbarger Group Inc. (property owner) submitted a preliminary plat application on March 20, 2010. The application was determined complete on February 18, 2011.
2. Referrals requesting comments from city departments, outside agencies and other jurisdictions were distributed on March 22, 2010. Comments received in response were entered into the record at the public hearing.
3. The Lynnwood Environmental Review Committee issued Determination of Non-Significance (DNS) for this project on February 25, 2011.
4. The Lynnwood Hearing Examiner held an informal public meeting on May 26, 2011. The following persons participated:
 - Brian Kalab, Insight Engineering Co. PO Box 1478, Everett, WA 98206
 - Mark Echelbarger, Echelbarger Group Inc. PO Box 6368, Lynnwood, WA 98026
 - Virginia Netz, 3811 190th P. SW, Lynnwood, WA 98036
 - Ken Carlson, 18806 40th Ave. W, Lynnwood, WA 98036
 - Ted Hikel, 3820 191st Pl. SW. Lynnwood, WA 98036
 - Roberta D. Steinmetz, 18825 40th Ave. W, Lynnwood, WA 98036
 - Shirley J. Lyons, 18831 40th Ave. W, Lynnwood, WA 98036
 - Ellen Murgage, 3819 190th Pl. SW, Lynnwood, WA 98026
 - Staff of the Lynnwood Community Development Dept.
 - Staff of the Lynnwood Fire Dept. Fire Marshal's Office
 - Staff of the Lynnwood Public Works Dept.
5. On June 1, 2011, within the allotted time of 14 days from the date of the informal public meeting, the Hearing Examiner recommended the City Council approve the proposed preliminary plat with the following conditions.
 1. Exhibits 1.2, 1.5, and 1.10 shall be the approved preliminary plat and supporting plans; PROVIDED THAT, street frontage for Proposed Lot 21, and lots adjacent thereto shall be as depicted on Exhibit 2. Minor revisions are allowed to the preliminary plat pursuant to LMC 19.25.005(B).
 2. The developer shall meet all conditions and requirements and provide all improvements identified in the referral process (Exhibit 1.14) prior to final plat submittal.
 3. Prior to approval of any construction plans by the City or initiation of any actual construction within the plat, the developer shall submit for City approval, have recorded, and consummate a Boundary Line Adjustment establishing the eastern

- 1 boundary of the proposed drainage tract as the edge of the proposed plat and
2 placing the residual portion of Assessor's Parcel Number 003726-004-002-02 (the
3 portion east of the drainage tract) in a separate parcel from the remainder of the
4 plat.
5
- 6 4. The following note shall be placed on the face of the final plat: "The City of
7 Lynnwood has no responsibility to build, improve, maintain, or otherwise service
8 the private roads contained within or providing service to this plat."
9
- 10 5. No parking shall be permitted on private roads within this plat and "No Parking"
11 signs meeting City standards shall be posted at the owner/developer's expense at
12 locations identified by the City.
13
- 14 6. Prior to issuance of clearing or grading permits for this project, a Class II tree
15 permit calculation sheet shall be completed and submitted with grading and
16 construction permit applications. The Lynnwood Tree Preservation and Protection
17 Guidelines shall be observed during all construction phases.
18
- 19 7. An interim turning circle for emergency vehicles shall be provided meeting the
20 requirements of Chapter 19.35 LMC on Lots 16, 17, 18, and 19 of this plat. The
21 interim turning circle shall be shown on the face of the final plat.
22
- 23 8. The interim turning circle shall be paved and shall meet the requirements of the
24 Lynnwood Fire Department and Public Works Department.
25
- 26 9. In accordance with LMC 19.35.020(C) (2), a note shall be placed on the face of the
27 final plat stating that the land within the emergency vehicle interim turning circle
28 on Proposed Lots 16, 17, 18, and 19 lying outside the right-of-way shall revert to
29 the underlying property owners when a "through street" meeting all City standards
30 has been built, dedicated, and accepted by the City.
31
- 32 10. As long as the interim turning circle remains in place, Proposed Lots 16, 17, 18,
33 and 19 will be required to maintain a minimum 15-foot building setback from the
34 nearest edge of the interim turning circle, as well as all other building setbacks
35 required by the LMC.
36
- 37 11. No parking shall be permitted within the interim turning circle and "No Parking"
38 signs meeting City standards shall be posted at the owner/developer's expense at
39 locations identified by the City.
- 40 6. The Community Development Dept. posted notice of a public hearing for this project
41 on the project site and all City of Lynnwood public notice boards, published notice in
42 the Everett *Herald* on July 5, 2011, and mailed hearing notices to residents and
43 property owners within 600 feet and other persons requesting such notice.
- 44 7. On July 25, 2011, the City of Lynnwood City Council held an open record public
45 hearing on the Preliminary Plat application.

- 1 8. The following persons testified at the public hearing.
- 2 Brian Kalab, Insight Engineering Co. PO Box 1478, Everett, WA 98206
- 3 Mark Echelbarger, Echelbarger Group Inc. PO Box 6368, Lynnwood, WA 98046
- 4 Staff of the Lynnwood Community Development Dept.
- 5 Staff of the Lynnwood Public Works Dept.
- 6
- 7 9. Lynnwood Municipal Code Ch. 19.20 and Revised Code of Washington (RCW) Ch.
- 8 58.17 give the decision criteria for preliminary plats. The applicant bears the burden
- 9 of demonstrating that the proposed preliminary plat meets these criteria.
- 10 10. LMC 19.20.035 contains the following factors for consideration of the preliminary plat
- 11 process:
- 12 A. The preliminary plat shall conform to and it shall be the applicant's burden to
- 13 demonstrate conformance to the following factors as they now exist or as they may
- 14 be amended:
- 15 1) The goals, policies and objectives of the Lynnwood Comprehensive Plan;
- 16 2) The Lynnwood Comprehensive Parks and Recreation Plan;
- 17 3) The Lynnwood Zoning Code;
- 18 4) The standards of this Ordinance and Chapter 58.17 RCW;
- 19 5) The Lynnwood Comprehensive Street and Arterial Plan;
- 20 6) The Environmentally Sensitive Areas map and the City's Environmental
- 21 Policies;
- 22 7) The Lynnwood Water System Comprehensive Plan;
- 23 8) The Lynnwood Comprehensive Trunk Storm Drainage Plan, and Chapter 13.40
- 24 LMC Drainage Plans;
- 25 9) The compatibility of the plat to the existing neighborhoods;
- 26 10) Other plans and programs the City of Lynnwood may adopt.
- 27 B. A proposed subdivision and dedication shall not be approved unless the City
- 28 Council makes written findings that:
- 29 1) Appropriate provisions are made for, but not limited to:
- 30 a. the public health, safety, and general welfare;
- 31 b. open spaces, drainage ways, streets, roads, alleys, other public ways and
- 32 transit stops;
- 33 c. potable water supplies, and sanitary wastes;
- 34 d. parks and recreation, playgrounds, schools and school grounds;
- 35 e. all other relevant facts, including sidewalks and other planning features that
- 36 assure safe walking conditions.
- 37 2) The public use and interest will be served by the platting of such subdivision
- 38 and dedication.
- 39 3) The proposed subdivision and dedication conforms to the Lynnwood Zoning
- 40 Code and land use controls.
- 41 11. RCW 58.17.110 states, in part, that the City shall not approve a subdivision unless it
- 42 makes written findings that the subdivision will provide appropriate provisions for the

- 1 public health, safety, and general welfare and that the public interest will be served by
2 the subdivision and dedication.
- 3 12. The Council considered the Hearing Examiner's recommendation, the staff report,
4 documents submitted into the record, and the testimony and comments made at the
5 public hearing.
- 6 13. The plat as proposed and with the required conditions conforms to the general purpose,
7 objectives, and policies of the Comprehensive Plan and with the applicable regulations
8 of the zoning code and other land use controls; therefore conforms to the criteria of
9 LMC 19.20.035(A).
- 10 14. The site is in the RS8 zone, which requires a minimum lot size of 8400 sq. ft. and
11 minimum lot width of 70 ft. (LMC 21.42.200). These requirements are modified by
12 the lot size averaging provisions of LMC 21.42.210(C). These modifications are
13 discussed in the staff report to the Hearing Examiner. The proposed plat conforms to
14 the lot size and lot size averaging requirements.
- 15 15. The subject property is not designated for public park or recreation use by the
16 Lynnwood Parks & Recreation Plan.
- 17 16. RCW 58.17 is the Washington Subdivision Map Act and is implemented by the
18 Lynnwood Subdivision Ordinance (LMC Title 19). In accordance with these, the
19 subject plat makes appropriate and adequate provisions for:
- 20 A. Public Health, Safety and Welfare: The proposed plat meets the minimum
21 requirements of the Lynnwood Municipal Code, the official City standards for
22 public health, safety and welfare. This plat has been reviewed and recommended
23 for approval by the Lynnwood Fire Marshall with respect to public safety. The
24 Public Works Department has reviewed and recommended approval with respect to
25 public health and welfare. Their analysis is hereby adopted.
- 26 B. Open spaces, drainage ways, streets, roads, alleys, and other public ways and transit
27 stops: The City currently has no requirements for open space or park mitigation.
28 The plat proposes a storm drainage collection, detention and water quality
29 treatment system in conformance with City standards. Drainage and utility
30 improvements will be designed, built and accepted as part of the construction and
31 final plat process. The design of streets, sidewalks, curbs and gutters will meet all
32 applicable City standards. Staff's findings are hereby accepted.
- 33 C. Potable water supplies and sanitary wastes: Preliminary utility plans indicate that
34 water and sewer service for the plat will be connected to the City of Lynnwood
35 public water and sanitary sewer systems. This provides suitable and adequate
36 provision of these utilities.
- 37 D. Parks and recreation, playgrounds, schools and school grounds: The City of
38 Lynnwood requires no park or school mitigation fees. Adequate city park facilities
39 are nearby in Pioneer Park. The Edmonds School District has adequate facilities to
40 serve the anticipated student population of the plat.

- 1 E. Sidewalks and safe walking conditions: The plat proposes sidewalks along 189th
2 Pl. W, and 40th Ave. W to provide safe walking conditions.
- 3 F. Serving the public use and interest: The City has designated the property for single
4 family use in the Land Use Element of the Lynnwood Comprehensive Plan and
5 zoned the site RS8, indicating there is a public need. It serves the public use and
6 interest, to develop the subject property as a single family detached subdivision in
7 conformance with those land use and zoning standards. The standards of the City's
8 Subdivision Ordinance are further City standards for what meets the public use and
9 interest in the City; the proposed plat conforms to all these standards.
- 10 G. Subdivision and dedication in conformity with the Lynnwood Zoning Code and
11 land use controls: The foregoing establishes that this criterion has been met.
- 12 17. On July 25, 2011 the Lynnwood City Council approved a motion to approve the
13 subject plat with the conditions recommend by the staff and the Hearing Examiner, and
14 instructed staff to prepare written findings and conclusions for adoption by the Council.

15 **Conclusions of Law:**

16 The applicant has shown that the proposed preliminary plat meets the subdivision criteria
17 of LMC 19.20 and conforms to the requirements of the Lynnwood Subdivision Code and
18 other applicable codes and regulations as follows:

- 19 1. The proposed plat conforms to the general purpose, objectives and policies of the
20 comprehensive plan and with applicable regulations of the zoning code and other land
21 use controls. Therefore, the application conforms to the criteria of LMC 19.20.035(A).
22 The plat conforms to the Lynnwood Zoning Code.
- 23 2. The plat conforms to the Lynnwood Parks & Recreation Plan.
- 24 3. The plat conforms to the requirements of RCW 58.17 and LMC 19.20.035

25 **Decision:**

26 The City Council of the City of Lynnwood hereby approves and adopts the above Findings
27 of Fact and Conclusions and approves the proposed preliminary plat of Heritage Estates,
28 subject to the conditions shown in Attachment A.

1
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3 **Attachment A**

4 This Preliminary Subdivision is subject to compliance with all applicable provisions,
5 requirements, and standards of the Lynnwood Municipal Code, standards adopted pursuant
6 thereto, and the following special conditions:

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