

## **PRELIMINARY SHORT PLAT DECISION**

### **Halata Short Plat**

May 1, 2023

#### **I. Application**

File Name: Halata Short Plat

File Number(s): STP-010038-2022

Applicant: Ian Faulds  
20210 142<sup>nd</sup> Ave NE  
Woodinville WA, 98072  
[Ifaulds@ldccorp.com](mailto:Ifaulds@ldccorp.com)

Staff Reviewer: Catherine Kato, Planner  
425-670-5045, [ckato@lynnwoodwa.gov](mailto:ckato@lynnwoodwa.gov)

#### **II. Exhibits**

1. Approved Halata Preliminary Short Plat Site Plan, dated April 11, 2023
2. Short Plat Land Use Cover Sheet and Application, received December 15, 2022
3. Affidavit of Ownership, received December 15, 2022
4. Project Narrative, received December 15, 2022
5. Title Report, received December 15, 2022
6. Geotech Report, received December 15, 2022
7. Preliminary Drainage Report, received December 15, 2022
8. Notice of Complete Application, January 19, 2023
9. Notice of Application, February 3, 2023
10. First Plan Review Comments, February 21, 2023
11. Applicant Comment Response Letter, dated March 29, 2023
12. Director's Decision Deviation Letter, dated April 17, 2023
13. Deviation Request Letter dated March 29, 2023

#### **III. Findings of Fact**

1. A valid application was filed on December 15, 2022 and deemed complete on January 19, 2023 (Exhibit 8).
2. The subject property is located directly west of 4425 172<sup>nd</sup> Place SW, Lynnwood, WA 98037 (Parcel Numbers: 00372701201404, 00372701201405, 00372701201406).

3. The applicant proposes to subdivide the parcel into three lots in the Residential Single Family 8,400 (RS-8) zone (Exhibit 1). The lots are designated as parcels “A”, “B”, and “C” on the site plan. The lots will be 8,426 SF, 8,455 SF, and 8,483 SF, respectively.
4. Per Washington Secretary of State, JHSH LLC lists the two individuals John Halata and Stefan Halata as Governors for the Business.
5. A public notice of application was posted on-site, at the City Hall and locations required per LMC Chapter 1.12, published in the Everett Herald newspaper, posted on the city website, and mailed to residents within 300 feet of the subject site on February 3, 2023 (Exhibit 9). The comment period lasted 14 days and ended on February 17, 2023.
6. A notice and request for comments was sent to partner agencies and all affected City departments on February 3, 2023. Written comments were received from Snohomish PUD, Ziply, and South County Fire and are hereby incorporated into these findings and conclusion (Exhibit 10). These comments are saved in the application file STP-010038-2022.
7. On April 17, 2023, the Public Works Director and Fire Marshal approved a deviation per LMC 19.35.010(C)(6) to allow a private road of 360 ft to access off of 172<sup>nd</sup> Place SW.
8. Chapter 19.50 of the Lynnwood Municipal Code (LMC) states the decision criteria for a preliminary short subdivision. The applicant bears the burden of proving that the proposed preliminary short subdivision meets these criteria.
9. LMC 19.50.025 outlines review criteria for consideration by the community development director to make a recommendation to the mayor. The short subdivision shall conform to and it shall be the applicant's burden to demonstrate conformance to the following factors as they now exist or as they may be amended:

A) The goals, policies and objectives of the Lynnwood Comprehensive Plan.

Staff Response: The subject property is designated Low-Density Single-Family (SF-1) on the Future Land Use Map in the Comprehensive Plan. The proposal meets the goals, policies and objectives of this land use designation.

B) The Lynnwood Comprehensive Parks and Recreation Plan.

Staff Response: The subject property is not designated for a public park or recreation use on the City of Lynnwood Park and Recreation Plan.

C) The Lynnwood Zoning Code.

Staff Response: The site is zoned Residential 8,400 (RS-8). The lots proposed in this short subdivision conform to the minimum lot standards in that zone. Minimum building standards will be addressed during building permit review.

D) The standards of Title 19 LMC and Chapter 58.17 RCW.

Staff Response: The proposal is in conformance with Title 19 LMC and Chapter 58.17 RCW.

E) The Lynnwood Comprehensive Street and Arterial Plan.

Staff Response: The site is located on an existing private road off of 172<sup>nd</sup> Pl SW.

F) The City's Environmental Policies.

Staff Response: The site does not contain any critical areas as defined by Title 17 LMC.

G) The Lynnwood Water System Comprehensive Plan.

Staff Response: The proposal complies with the Water System Comprehensive Plan; this proposal does not require upgrade or expansion of existing facilities.

H) The Lynnwood Comprehensive Trunk Storm Drainage Plan, and Chapter 13.40 LMC Drainage Plans.

Staff Response: The short subdivision must provide a storm drainage system in conformance with City and State standards.

I) The compatibility of the short subdivision to the existing neighborhoods.

Staff Response: The proposed short subdivision is compatible with the existing adjacent single-family residential uses.

J) Other plans and programs as the City of Lynnwood may adopt.

Staff Response: The proposed short subdivision is compatible with all existing plans and programs in the City of Lynnwood.

10. Chapter 58.17 is the Subdivision Map Act for the State of Washington, which the City of Lynnwood Subdivision Ordinance implements under LMC 19.50. The short subdivision makes appropriate and adequate provision for factors set forth in RCW 58.17.110. LMC 19.50.028 states that “a proposed short subdivision shall not be approved unless the mayor makes written findings that:”

A) Appropriate provisions are made for, but not limited to:

1. The public health, safety, and general welfare.

Staff Response: The proposed short subdivision meets all the minimum requirements of the City of Lynnwood codes, which are the official City standards regarding public health, safety and welfare. This short subdivision has been reviewed and recommended for approval by the City's Fire Marshal and Public Works Department with respect to public safety and welfare.

2. Open spaces, drainage ways, streets, roads, alleys, other public ways and transit stops.

Staff Response: The City currently has no requirements for open space in single family zones – a park impact fee will be assessed at the time of building construction. The short subdivision will implement utility easements to cover the utility systems that will be installed as part of the construction and final short subdivision process. Drainage plans will be submitted and will be further addressed during civil review by Public Works after preliminary approval.

3. Potable water supplies, and sanitary wastes.

Staff Response: Water and sanitary service are available on 172<sup>nd</sup> PL SW. The applicant will be connecting to these existing services.

4. Parks and recreation, playgrounds, schools and school grounds.

Staff Response: Park Impact Fees in accordance with Chapter 3.107 of the LMC will be assessed at time of complete building application and paid at the time of building permit.

5. All other relevant facts, including sidewalks and other planning features that assure safe walking conditions.

Staff Response: This private road is not identified as a future improvement in Connect Lynnwood, Active & Accessible Transportation Plan.

- B) The public use and interest will be served by the platting of such short subdivision.

Staff Response: The City has designated the property for single family use on the Future Land Use Plan of the Comprehensive Plan and zoned the site RS-8, indicating that there is a public need, and that it serves the public use and interest, to develop the subject property with single family detached residences in conformance with those land use and zoning standards. The standards of the City's Subdivision Ordinance are further City standards which meet the public use and interest in the City. The proposed short subdivision conforms to all these standards.

- C) The proposed short subdivision is in conformance with the Lynnwood zoning code and land use controls.

Staff Response: This criterion is met for the reasons set forth above.

### **Conclusion**

1. The applicant has shown that the proposed preliminary short subdivision meets the decision criteria Chapter 19.50 LMC and conforms to the provisions of the Lynnwood Subdivision Code and other applicable City codes.
2. The short subdivision as proposed conforms to the general purpose, objectives, and policies of the Comprehensive Plan and with the applicable regulations of the zoning code and other land use controls. Therefore, the application conforms to the criteria of LMC 19.50.025. The short subdivision conforms to the Lynnwood Zoning Code.
3. The short subdivision conforms to all applicable plans adopted by the City of Lynnwood.
4. The short subdivision conforms to the provisions of Chapter 58.17 RCW and LMC 19.50.025.

### **IV. Decision**

The preliminary short subdivision is **APPROVED**, subject to compliance with all applicable provisions, requirements, and standards of the LMC, standards adopted pursuant thereto. The Mayor of the City of Lynnwood hereby adopts the above Findings of Fact and Conclusion and approves the proposed preliminary short subdivision of the Halata Short Plat.

Reviewed by: Karl Almgren  
Karl Almgren, AICP  
Community Planning Manager

Date: 5/1/2023

Approved by: Christine Frizzell  
Christine Frizzell (May 1, 2023 10:55 PDT)  
Christine Frizzell  
City of Lynnwood Mayor

Date: May 1, 2023

### **IV. Right of Appeal**

Administrative decisions of the director may be appealed by filing a written request for appeal with the Community Development Department within 14 calendar days. An appeal filed within this time limit shall be processed pursuant to Process II, as identified in LMC Section 1.35.200.

### **V. Other Permits**

The approval of preliminary plat does not in any way replace, modify or waive any requirement for the compliance of the proposal with other applicable codes, standards, or regulations, including, but not necessarily limited to, those of the Public Works, Permit & Inspections and Fire Departments.

## **VI. Validity**

Any conditions must be satisfied within 24 months of preliminary approval unless a 12-month extension is applied for and approved by the Mayor. A request for extension must be submitted in writing to the Community Development Department at least two weeks prior to the expiration of the preliminary approval.

## **PARTIES OF RECORD**

- John and Stefan Halata – Property Owners
- Ian Faulds, LDC Corp
- Dan Stilwell, Public Commenter






# HALATA Preliminary Short Plat Decision 5.1.23

Final Audit Report

2023-05-01

Created:	2023-05-01
By:	Karl Almgren (kalmgren@lynnwoodwa.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfZY9NluJVXgNEBYG4HA4wdGIU1X5KFoo

## "HALATA Preliminary Short Plat Decision 5.1.23" History

-  Document created by Karl Almgren (kalmgren@lynnwoodwa.gov)  
2023-05-01 - 4:55:02 PM GMT- IP address: 174.127.205.70
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2023-05-01 - 4:55:32 PM GMT
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2023-05-01 - 5:53:47 PM GMT- IP address: 104.47.65.254
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Signature Date: 2023-05-01 - 5:55:24 PM GMT - Time Source: server- IP address: 174.127.205.70
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