

PRELIMINARY SHORT PLAT DECISION

Altaye Short Plat October 26, 2021

I. Application

File Name: Altaye Short Plat

File Number(s): PDR-009833-2021

Applicant: Mahlet M. Altaye
4229 176th Place SW

Staff Reviewer: Kirk Rappe, AICP, Associate Planner
(425) 670-5408, krappe@lynnwoodwa.gov

II. Exhibits

1. Preliminary Short Plat Decision, dated October 8, 2021
2. Short Plat Land Use Cover Sheet and Application, received June 22, 2021
3. Altaye Preliminary Short Plat Site Plan, received July 15, 2021
4. Affidavit of Ownership, received June 22, 2021
5. Title Report, received July 15, 2021
6. Building comments, received August 9, 2021
7. Development Engineering comments, received August 10, 2021
8. South County Fire comments, received August 17 and October 5, 2021
9. Public Works Director approval, received October 15, 2021
10. Parks comments, received September 2, 2021
11. SnoPUD comments, received September 8, 2021
12. Notice of Complete Application, issued August 2, 2021
13. Notice of Application, posted August 4, 2021

III. Findings of Fact

As per ESHB 2929 (GMA 1990), RCW 58.17.195, and Chapter 19.50 LMC entered for preliminary approval for the above referenced application:

Findings

1. A valid application was filed on June 22, 2021. An incomplete application notice was sent on July 12, 2021 and after receiving additional items on July 15, 2021 the application was deemed complete on August 2, 2021.
2. The subject property is located at 4229 176th Place SW. 176th Place SW is a private road (Parcel No. 00372700601903) with eight existing properties obtaining access over the road to the 44th Ave W ROW. LMC 19.35.010.C.6 prohibits private roads serving over 4 lots unless approved by the Public Works Director and Fire Marshall. The Public Works Director and Fire Marshall approved this proposed plat, subject to conditions number 3 and 9 (fire-approved turnaround and fire hydrant or sprinkling).
3. The applicant proposes to subdivide a parcel comprised of approximately 23,561 square feet (Parcel No. 00372700601904) into two (2) lots zoned Residential 8,400 (RS-8). Lot A will contain the existing house and will be approximately 13,548 square feet. Lot B will be approximately 10,013 square feet.
4. Lot B will gain access to 176th Place West via a proposed 20-foot easement over the western side of Lot A. Both Lots A and B will obtain access to the 44th Avenue West public right-of-way across parcel number 00372700601903 (the 176th Pl SW private road).
5. A Notice of Application was posted on-site and at City-designated posting locations (LMC 1.12.010) on August 4, 2021. A notice was published in the Everett Herald, a local newspaper of record, and notice postcards were sent to properties within 300 feet of the subject property on August 4, 2021. Finally, a request for comment was sent to affected City departments and public agencies. All comments were due by August 18, 2021.
6. No written comments were received by the public. Written comments were received from several City departments and outside agencies. The comments are saved in the application file and incorporated into this decision.
7. 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.
8. LMC 19.50.025 outlines review criteria for consideration by the Development and Business Services 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 proposed short subdivision conforms to the minimum lot standards in that zone. Minimum building standards will be addressed during construction.

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 for the reasons set forth in Sections 8 and 9 of this decision.

E) The Lynnwood Comprehensive Street and Arterial Plan.

Staff Response: The site is located on existing 176th 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 shall provide a storm drainage system in conformance with City 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.
9. 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 Fire Marshal with respect to public safety. The Public Works Department has reviewed and recommended approval 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 or park mitigation. The short subdivision will implement utility easements to cover the utility systems and ingress/egress easements to cover access to Lot B. The physical infrastructure will be designed as part of the construction and final short subdivision process.

3. Potable water supplies, and sanitary wastes.

Staff Response: Water and sanitary service are available on 176th Pl SW.

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

Staff Response: A park impact fee will be required.

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

Staff Response: Sidewalks are not present on 176th Pl SW, however it is a low-speed, dead end private street. Sidewalks are present on 44th Avenue West, the public right-of-way 176th Pl W connects to.

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 Chapter 19.50 LMC.

III. Conditions and Decision

Conditions

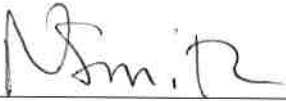
The preliminary short subdivision is **CONDITIONALLY APPROVED**, subject to compliance with all applicable provisions, requirements, and standards of the LMC, standards adopted pursuant thereto, and the following conditions:

1. The short plat site plan, received by the City of Lynnwood on July 15, 2021 (Exhibit 3), shall be the preliminary approved short plat. Any discrepancy between the content of the preliminary short plat and the performance standards of Title 21 LMC shall be resolved in favor of Title 21. Revisions to approved preliminary short plat are governed by LMC Chapter 19.50.
2. A minimum 20-foot wide driveway to Lot B for fire access shall be provided.

3. A South County Fire approved turnaround, with arms a minimum of 20-feet wide, must be placed in front of the residence on 176th PI SW.
4. Improve 176th PI SW from subject property to 44th Ave W right-of-way where it is less than 20 feet wide.
5. If infiltration/dispersion stormwater management is not possible, stormwater connection to 44th (requiring building a storm main on 176th) or across a neighbor's property to 42nd Avenue will be required (a stormwater connection across a neighbor's property will require their consent and an easement).
6. A private maintenance agreement will be required for any private road or shared access driveway (LMC 19.35.010(C)(8)).
7. The applicant shall submit a tree calculation sheet for trees to be removed and a tree removal permit application at the time of civil review application.
8. SWPPP and SPCC plans may be required (request the template from Levi Moore, PE: lmoore@lynnwoodwa.gov).
9. Provide a fire hydrant at the east end of 176th PI SW, or provide fire sprinklers for buildings on Lot A and B (LMC 9.16.100).
10. Provide address signage for Lot B at the south end of the driveway per City of Lynnwood public works standard 3-30 (19.35.010(c)(4)(c)).
11. If the existing house is to be demolished, the applicant will be required to provide the City with a Puget Sound Clean Air Agency case number and asbestos hazardous materials report prior to demolition permit issuance.
12. Issuance of this preliminary Short Plat decision by the City of Lynnwood is not an authorization for the applicant, or a requirement incumbent on the owner(s) of parcel 00372700601903, to allow work within that parcel as described in these conditions of approval.
13. Any easements for utilities, drainage or other needs, including an ingress/egress easement across parcel 00372700601903, shall be obtained prior to final plat recording and shown on the final plat map.
14. Traffic impact fee shall be assessed for each new Single-Family Residence.
15. Traffic concurrency fee shall be assessed for each new Single-Family Residence.
16. Sewer connection fee shall be assessed for each new Single-Family Residence.
17. Park impact fees shall be assessed for each new Single-Family Residence at the time the City receives a complete building application in accordance with the provisions of Chapter 3.107 Park Impact Fees. The fee shall be paid at the time of building permit issuance.
18. Final plat applications shall include all requirements found in LMC 19.50.040 and the submittal checklist. Final plat applications shall be delivered to the Development and Business Services Department Community Planning Division. Final plat applications delivered to other divisions will not be reviewed and will be returned to the applicant for proper filing.

Decision

The Mayor of the City of Lynnwood hereby adopts the above Findings of Fact and Conclusions and approves the proposed preliminary short subdivision of the Altaye Short Plat, subject to the conditions shown above.

Approved: 
NICOLA SMITH
CITY OF LYNNWOOD MAYOR

Date: 10/27/2021

IV. Right of Appeal

Administrative decisions of the director may be appealed by filing a written request for appeal with Development and Business Services 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 Marshall.

VI. Validity

The 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 Development and Business Services at least two weeks prior to the expiration of the preliminary approval.