



PRELIMINARY SHORT PLAT DECISION

JAC 60th Short Plat January 25, 2022

I. Application

File Name: JAC 60th Short Plat

File Number(s): STP-009877-2021

Applicant: JAC Consulting, LLC
Attn: Pat Crosby
6406 208th St SW
Lynnwood, WA 98036
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Staff Reviewer: Kirk Rappe, AICP, Associate Planner
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II. Exhibits

1. Preliminary Short Plat Decision, dated January 25, 2022
2. Short Plat Land Use Cover Sheet and Application, received October 15, 2021
3. JAC 60th Preliminary Short Plat Map, received October 15, 2021
4. Affidavit of Ownership, received October 15, 2021
5. Title Report, received October 15, 2021
6. JAC 60th Ownership Interest Letter, received November 19, 2021
7. Building comments, received November 29, 2021
8. Development Engineering comments, received December 3, 2021
9. Development Engineering Resubmittal comments, received January 19, 2022
10. South County Fire comments, received December 14, 2021
11. Ziplly Fiber comments, received November 30, 2021
12. Notice of Complete Application, issued November 22, 2021
13. Notice of Application, posted November 24, 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 October 15, 2021. An incomplete application notice was sent on November 10, 2021 and after receiving additional items the application was deemed complete on November 22, 2021.
2. The subject property is located at 16706 60th Ave W (Parcel Number: 00513100011106).
3. The applicant proposes to subdivide a parcel comprised of approximately 26,003 square feet into three (3) lots zoned Residential 8,400 (RS-8). Lot 1 will be approximately 7,600 square feet. Lot 2 will be approximately 9,250 square feet, and Lot 3 will be approximately 8,252.
4. The applicant is proposing to use lot size averaging (LMC 21.42.210.C – Minimum Lot Area in RS-8 and RS-7 Zones). All three lots are within the size limits for lot size averaging (no less than 90% of minimum lot size, in this case 7,560 sf, and up to a 25% increase over minimum lot size, in this case 10,500 sf). The average lot size for the three lots, minus the 800 square foot right-of-way dedication, is 8,401 square feet meeting the minimum lot size requirement.
5. Lots 3 will gain access to 60th Ave W over a 21-foot ingress and egress easement over Lot 2 and 1, and portions of the two parcels north of this short plat which are also owned by the applicant 16628 60th Ave W (Parcel 00513100011107) and 16706 60th Ave W (Parcel 00513100011106). Lot 2 will likewise gain access to 60th Ave W over the 21-foot ingress/egress easement over Lot 1 and portions of 16628 and 16706 60th Ave W.
6. The applicant is required to dedicate a 10-foot strip along 60th Ave W for widening the street right-of-way. This 800 square foot dedication is not included in the lot averaging calculations in finding #4 above.
7. A Notice of Application was posted on-site and at City-designated posting locations (LMC 1.12.010) on November 24, 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 November 24, 2021. Finally, a request for comment was sent to affected City departments and public agencies. All comments were due by December 8, 2021.
8. Three written comments were received by the public: two anonymously written letters with no return addresses and a letter from Mr. Rutillo Chavez, Jr. Written comments were received from several City departments and outside agencies. The comments are saved in the application file and incorporated into this decision, as appropriate.
9. The three public comment letters present several issues and questions regarding this short plat proposal and construction activity on the two existing parcels north of this site (Lots



16628 60th Ave W, Parcel 00513100011107, and 16706 60th Ave W, Parcel 00513100011106, both also owned by Mr. Crosby).

- No public notice was given for the two lots at 16626 60th Ave W (*staff assumes 16628 is what was intended*), yet a house is currently under construction.

Staff Response: The two lots at 16626 (actually 16628) and 16670 60th Ave W are existing, conforming lots and not part of this three-lot short plat, though owned by the same property owner. The City and state building codes do not require public notice for building construction, only land use applications and decisions. The owner's building permit application was reviewed and approved by city staff prior to beginning of construction.

- The three-lot short plat was submitted and the mayor has not yet approved the short plat, yet construction started prior to October 18, 2021. How's that possible?

Staff Response: As noted above, the construction at 16628 60th Ave W is on a lot that is not part of this short plat. Building permits were received by Mr. Crosby, reviewed, and approved for the single-family residence currently under construction on that parcel. The subject property of this short plat, 16706 60th Ave W, currently has no dwelling units on-site. The owner may construct one single-family house after building permit approval at 16706 60th Ave W and may submit for two additional building permit applications if this short plat is approved.

- The proposed homes will be a disservice to the new owners and neighbors because they cram in as many houses into limited land. Tranquility and solitude of neighbors will be lost.

Staff Response: The City development code is based on the Comprehensive Plan that was developed with resident input and approved by the City Council. The minimum lot size for these lots is 8,400 square feet with an allowance in the code for "lot size averaging." The application conforms with the requirements of lot size averaging in LMC 21.42.210.C and all other Title 19 – Subdivisions and Title 21 – Zoning requirements.

- House being currently constructed on 16626 60th Ave W (not part of this short plat) appears to be in violation of height limits.

Staff Response: As noted above, 16626 (11628) 60th Ave W is not part of this short plat. The approved construction plans show the height of the house at 25 feet 8 3/16 inches, below the maximum allowed height of 35 feet for the RS-8 single-family zone.



- No notice regarding the project was received.

Staff Response: This comment was from an anonymous commentator that did not include their address, so the location of their property within the 300-foot postcard notice range could not be verified. That said, City staff posted notices in accordance with LMC 1.12 per LMC 1.35.020.

10. 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.
11. 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 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 III of this decision.

- E) The Lynnwood Comprehensive Street and Arterial Plan.

Staff Response: The site is located on existing 60th Ave W and all three proposed lots will obtain access to this public right-of-way via a shared access drive.

- 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 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 and meets the same code requirements in LMC 21.42 – Residential Single-Family Zones as adjacent RS-8 (8,400 sf) zoned properties.

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

12. 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 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 Lots 2 and 3. The physical infrastructure will be designed and reviewed 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 60th Ave W.

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 60th Ave W. However the site itself will be required to provide curb, gutter, and sidewalk where it fronts 60th Ave W. The closest existing sidewalk is on 168th St SW, approximately 220 feet south of the site.

- 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.

IV. 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 October 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 access drive across Lots 1 and 2 to serve Lots 2 and 3 for fire access shall be provided.
3. Provide curb, gutter, and sidewalk along 60th Ave W. to City standards.
4. Construct half-road improvements on 60th Ave W. to City standards.
5. South County Fire-approved fire lane signage will be required in lieu of striping and stencil on the access drive. When approved by the Fire Code Official, signs shall meet the following requirements: Size: 18" high x 12" wide (minimum), Mounting: Bottom of sign 48" to 60" above grade, Style: Industry standard (Vulcan R7-6-9, Rainbow 01-527, EMED TC 18816 equivalent), Color: Red lettering on white background, Spacing: 50' between signs or as directed by the Fire Code Official.
6. The applicant shall update County ownership records for parcel 00513100011106 to match the title report and affidavit of ownership. The updated title report and affidavit shall be submitted with the final plat application. Final plat shall not be approved without these changes.
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. Traffic impact fee shall be assessed for each new Single-Family Residence.
9. Traffic concurrency fee will be assessed for each new Single-Family Residence at the time of building permit application.
10. Sewer connection fee will be assessed for each new Single-Family Residence at the time of building permit application.

