
Zipty Short Plat

May 3, 2024

I. Application

Project Name:	Zipty Short Plat
File Numbers:	STP-24-0003
Location:	6706 212th Street SW Lynnwood, WA 98036
Tax Parcel Number:	27042900106100 (Current)
Zoning:	CG (General Commercial)
Future Land Use:	RC (Regional Commercial)
Site Area:	1.91 Acres
Property Owner:	Brian Jay (Agent of Zipty Fiber Northwest, LLC)
Applicant:	Jeremy Nolting Chadwick and Winters Land Surveying 1422 NW 85 th ST, Seattle, WA, 98117 206-297-0996 Jeremyn@chadwickwinters.com
Staff Reviewer:	Joe LaBlanche, Planner 425-670-5407; jlablanche@lynnwoodwa.gov
Decision:	Approved with Conditions

II. Exhibits

1. Preliminary Short Plat Decision, May 3, 2024
2. Short Plat Application, received February 14, 2024
3. Affidavit of Ownership, received February 14, 2024
4. Title Report, received February 14, 2024
5. Preliminary Short Plat Plan Set, received February 14, 2024
6. Notice of Complete Application, February 28, 2024
7. Notice of Application, March 8, 2024
8. Comment from SnoPUD, received March 15, 2024

III. Findings of Fact

1. **Proposal Description**

On February 14, 2024, Jeremy Nolting applied for a Preliminary Short Subdivision (Short Plat) to subdivide the property of 83,344 square feet into two parcels, “Parcel Y” of 64,531 square feet and “Parcel Z” of 18,813 square feet. The property is zoned General Commercial (CG). The application was deemed complete on February 28, 2024.

2. **Background**

The subject property is located at 6706 212th ST SW, Lynnwood, WA; (Parcel Number: 27042900106100). Per Exhibit 3, Ownership Affidavit, Ziplly Fiber Northwest, LLC is the owner of the property, with Brian Jay acting as their agent. The site is Parcel 1 of BLA-200210040414.

3. **Noticing and Review Timelines**

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 March 8, 2024. (Exhibit 7). The comment period lasted 14 days and ended on March 22, 2024.

A notice and request for comments was sent to partner agencies and all affected City departments on March 8, 2024. Written comments were received from Snohomish PUD and City of Lynnwood Public Works Department and are hereby incorporated into these findings and conclusion (Exhibit 8).

IV. Short Subdivision (Short Plat) Decision Criteria

The Lynnwood Municipal Code (LMC) 19.50 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.

1. **Compliance with LMC 19.50.025**

LMC 19.50.025 outlines review criteria for consideration by the Development & Business Services director to make a recommendation to the mayor. The short subdivision must conform to, and it must be the applicant's burden to demonstrate conformance to the following factors as they now exist or as they may be amended:

- i. The goals, policies, and objectives of the Lynnwood Comprehensive Plan.

Staff Response:

The subject property is designated Regional Commercial (RC) on the Future Land Use Map in the Comprehensive Plan. The proposal meets the goals, policies, and objectives of this land use designation. Specifically, Finding LU-15 (B): To provide room and opportunities for new commercial and industrial uses.

- ii. 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.

- iii. The Lynnwood Zoning Code.

Staff Response:

The site is zoned General Commercial (CG). The lots proposed in this short subdivision conform to the lot standards in that zone. Building standards will be addressed during future building permit review.

- iv. The standards of LMC Title 19, Subdivisions and RCW 58.17.

Staff Response:

The proposal is in conformance with LMC Title 19, Subdivisions and RCW 58.17.

- v. The Lynnwood Comprehensive Street and Arterial Plan.

Staff Response:

The site is located on 212th Street SW and 67th Ave W, there are no scheduled projects at this intersection.

- vi. The City's Environmental Policies.

Staff Response:

There are no Critical Areas, or other environmentally sensitive areas located on or in the immediate vicinity of this proposed short plat.

- vii. The Lynnwood Water System Comprehensive Plan.

Staff Response:

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

- viii. 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.

- ix. The compatibility of the short subdivision to the existing neighborhoods.

Staff Response:

The proposed short subdivision is surrounded by other CG properties, so it is compatible with the existing adjacent commercial uses.

- x. 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.

2. Compliance with LMC 19.50.028

RCW 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 will not be approved unless the mayor makes written findings that:”

i. Appropriate provisions are made for, but not limited to:

1. The health, safety, and general welfare of the Public.

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 development. The short subdivision will implement utility easements to cover and be setback from 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 waste.

Staff Response:

Water and sewer service is available on 67th Ave W. The applicant will connect 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 the time of site development 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:

The 67th Ave W 212th Street SW intersection is located near the 63^d Ave W intersections highlighted improvement opportunities in the in the Connect Lynnwood, Active & Accessible Transportation Plan. Additionally, the area is marked as a moderately difficult biking corridor and is scheduled to be upgraded in the 30-year action plan. Sidewalks are located on 212th Street SW, but not on 67th Ave W.

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

Staff Response:

The City's Subdivision Ordinance enforces City standards which meet the public use and interest in the City. The proposed short subdivision conforms to all these standards. This land is currently used for overflow parking; allowing it to be separated from the main parcel will allow for additional commercial benefit in providing space for a business to operate.

- iii. 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 in the above explanations.

V. Parties of record

No member of the public provided comment within the comment period. One Agency comment was received from Snohomish County Public Utility District No. 1:

Comment by Mary Wickland- "The District requires a minimum 14-foot clearance from any structure to accommodate workers, scaffolding, and ladders. Minimum worker safety clearance from 115kV transmission wires is 20 feet. Please contact the District prior to design of the proposed project. For information about specific electric service requirements, please call the District's South County office at 425-670-3200 to contact an Engineering Tech." Full comment letter is provided in Exhibit 7.

VI. 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 19.50.028.

VII. Recommendation and Conditions of Approval

It is recommended that the preliminary short subdivision be granted, subject to compliance with all applicable provisions, requirements, and standards of the LMC, standards adopted pursuant thereto, and the following conditions:

Recommendation:

1. The short plat site plan (Exhibit 5), received by the City of Lynnwood on February 14, 2024, will be the approved preliminary short plat, subject to the below conditions. Any discrepancy between the content of the preliminary short plat and the performance standards of Title 21 LMC will be resolved in favor of Title 21. Revisions to approved preliminary short plat are governed by LMC Chapter 19.50.

Conditions:

1. A Title report dated less than 30 days prior to this Preliminary Approval must be submitted to DBS prior to Final Plat approval.
2. The Final Plat site plan must show driveway location and access.

VIII. 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 Ziply Short Plat.

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

Date: May 7, 2024

Approved by: Christine Frizzell
Christine Frizzell
Mayor, City of Lynnwood

Date: 05/07/24

IX. Notice of Decision and Right of Appeal

Administrative decisions by the Mayor may be appealed by filing a written request for appeal with the Development & Business Services Department within 14 calendar days signing. An appeal filed within this time limit must be processed pursuant to Process II, as identified in LMC Section 1.35.200.

X. 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 limited to, those of the Public Works, Permit & Inspections, and Fire Departments.

XI. 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 Development & Business Services Department at least two weeks prior to the expiration of the preliminary approval.

Signature: Christine Frizzell

Christine Frizzell (May 7, 2024 15:16 PDT)

Email: cfrizzell@lynnwoodwa.gov






Preliminary-Short-Plat-Decision_ZiPLY

Final Audit Report

2024-05-07

Created:	2024-05-07
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