



NOTICE OF PUBLIC HEARING BEFORE THE HEARING EXAMINER

RESERVE AT ARLINGTON
CONDITIONAL USE PERMIT - PLN#556

Date of Public Hearing: August 5, 2019

Time of Public Hearing: 3:00 pm

Location of Public Hearing: City Council Chambers, 110 East Third Street, Arlington, WA 98223

Applicant: Reserve at Arlington Partners, LLP

File Name and Number: Reserve at Arlington - PLN#556

Project Location: The project is located northwest of the State Route 9 and 204th Street intersection. Township 31, Range 05, Section 11, Quarter SW. Tax Parcel ID # 31051100304000 and 31051100400700

Project Description: The Reserve at Arlington Partners, LLLP is proposing to construct a 4-story affordable independent living senior apartment building at the northwest corner of State Route 9 and 204th Street. The project consists of 150 apartments on a 4.38 acre site including 151 stalls of surface parking. The property is currently vacant and is bordered by State Route 9 to the east, Bartell Drugs to the south, vacant property to the west and commercial property to the north. The project has been designed to comply with the Mixed Use Development Regulations of Arlington Municipal Code 20.110. Primary access to the site will be taken from an existing access point on 204th Street. An on-site shared access easement between Bartell Drugs and the parcel just to the west allows for a secondary access. No access will be taken from State Route 9. A landscaped perimeter is proposed as a buffer to the site from State Route 9 and consists of canopy trees, evergreen trees, evergreen hedge shrubs and groundcover. Parking lot landscaping, building foundation plantings and open space landscaping is also proposed. An asphalt walking trail will be provided and is intended to become a part of the public trail system that will extend along Portage Creek as neighboring properties are developed. Outdoor amenities include a landscaped courtyard with a picnic shelter/BBQ area, community garden and outdoor seating areas with fire pits. Indoor amenities include a great room, media lounge, game room, multipurpose room, mail room/learning center, and fitness center and spa. A Binding Site Plan permit is being processed concurrently with this Conditional Use Permit to establish horizontal mixed use across the site.

Testimony: All persons have the right to submit written testimony to the appropriate permit-issuing authority and to appear at the public hearing to give testimony orally.

Special Accommodations: The City of Arlington strives to provide accessible meetings for people with disabilities. Please contact the ADA Coordinator at 360-403-3441 or 1-800-833-8388 (TDD only) prior to a meeting date if special accommodations are needed.

To Appeal a Decision: When the Hearing Examiner has issued a notice of decision and all reconsideration periods have expired, the decision shall be final and may be appealed only to the Snohomish County Superior Court within twenty-one (21) calendar days from the date of the final decision. All appeals must clearly state the alleged errors of fact or law and include a specific request for relief. Only parties of record may appeal a decision.

To Become a Party of Record: You may become a party of record by submitting written comments and requesting to become a party of record to the Community and Economic Development Department, by entering your name on a sign-up registry at the Public Hearing, or testify at the Public Hearing.

City Staff Email: joshg@arlingtonwa.gov

How to Reach Us: The City of Arlington Community and Economic Development Department is located at the Arlington Airport Office, 18204 59th Avenue NE, Arlington, WA 98223. For information about the project, contact City of Arlington Community and Economic Development Department, Planning Division, at 360-403-3551. A copy of the Application is available from the City at no charge to any person who requests it.

Notice of Decision: A Notice of Decision of the Hearing Examiner will be made available on the City's Website and provided to those parties of record after the final decision is issued.

Community & Economic Development

PLANNING & LAND USE DIVISION



Marc Hayes, Director

18204 59TH Avenue NE

360-403-3551

STAFF REPORT & RECOMENDATION

Reserve at Arlington, LLLP – PLN #556

Conditional Use Permit

PROJECT DESCRIPTION AND REQUEST



The Applicant, Reserve at Arlington Partners, LLLP is proposing to construct a 150 unit Multi-Family Affordable Senior Housing Development (known as “Reserve at Arlington” – see Attachment A) to be built on 4.38 acres situated in the northern portion (Track B) of the Reserve at Arlington Binding Site Plan (see Attachment B). The address for the master parcel is 74XX 204th St. NE, Arlington, Washington. The Reserve at Arlington building will be assigned a separate address at time of building plan submittal. The proposed project will be constructed in conformance with Title 20 (Zoning) of the Arlington Municipal Code, including Chapter 20.110, the Mixed Use Development Regulations.

The Reserve at Arlington community will consist of a single 119,536 S.F. 4 story building, incorporating 150 affordable senior housing units. The unit mix will provide 113 1-bedroom units and 37 2-bedroom units. All units are age restrictive, and affordable. The project will be financed with Low Income Tax Credits, and the apartments will be available for

Staff Report & Recommendation

Reserve at Arlington – Conditional Use Permit Application – PLN #556

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rent by seniors aged 55 and older whose income is at or below 60% of the area median income. A large courtyard incorporates multiple outdoor amenities to include a community garden plots, covered barbeque area, a walking trail along portage creek, and outdoor seating areas with fire pits. Interior amenities include a great room, media lounge, game room, multipurpose room, mail room/learning center, fitness center and spa.

The project site consists of an undeveloped 4.38 acre parcel that is primarily flat open field with no mature trees upon Tract B. Existing soil conditions include 6 inches to 5 Feet of variable fill consisting of well graded gravel fill to clayey sand with gravel over approximately 10 feet of medium dense to dense, brown to gray, moist to wet, contained fine-to-medium-grained sand, and non-plastic fines, over approximately 10 feet of dense, light brown to brown, moist, with fine- to coarse-grained sand, rounded cobbles, and non-plastic fines.

The project site has an underlining zoning of General Commercial (GC), but the subject property will be developed under the City's mixed use overlay, The Reserve at Arlington, senior apartments will be located on one (Tract B) of four parcels approved under a Binding Site Plan filed as PLN - 577 (Reserve at Arlington BSP). Tract D is proposing to have a coffee shop placed upon it. Tract C has a commercial building located upon it, and Tract A will be dedicated to the city as a critical area; with existing commercial development on the north and south sides of the proposed Reserve at Arlington project.

Surface parking related to this project will consist of 151 spaces, including 8 ADA spaces, and 8 electric vehicle spaces, as well as 8 bicycle stalls. Drive aisles are included around the perimeter of the building with access points onto the panhandle access road onto 204th St. NE. A new Community Transit bus stop is being proposed at the frontage along 204th St. NE. Water and sanitary sewer mainline extensions are required to serve the proposed project. The project will be served by City of Arlington utilities.

REVIEW PROCESS

This proposed development is the third to occur utilizing the City of Arlington's Mixed Use Overlay which allows commercially zoned properties to site retail, commercial, professional and certain manufacturing uses along the street frontages of the property while allowing for a higher density residential use to occur upon the remainder of the property. As such, the buildings and site will be reviewed utilizing Chapter 20.110 AMC (Mixed Use Development Regulations). This will ensure that the building form, position and site configuration are designed to integrate the elements of "Form Based Code" to ensure a predictable outcome in both current and future development.

As noted, the proposed project will be built on one of four subdivided parcels. The Mixed Use Overlay allows for land divisions to occur in two ways, either by formal subdivision or through the Binding Site Plan process. The Binding Site Plan process for the Mixed Use Development is somewhat atypical in that it allows up to nine parcels to be created, then requires each parcel/pad created to undergo an independent permit process as each parcel develops to more clearly define the ultimate use and its potential impact. Since development will most likely occur in a phased and evolving manner instead of all at once, the City feels that this method is a more realistic approach; this as opposed to creating hypothetical uses and requiring studies for those uses in the BSP process, that would most likely need to be revised as development occurs and changes.

The Mixed Use Development standards utilize a "Form Based Code" approach, which focuses more on the form of the building and not necessarily the traditional zoning approach where residences are

located in single or multi-family zones, commercial uses are restricted to neighborhood or other commercial zones and so on. Form Based Codes allow a mixing of uses with design standards being imposed to blend their function and appearance. Different “Place Types” are defined based on the type of neighborhood environment desired. These areas are more intensely developed near town centers; less intensely toward the community edges.

Areas (“transects”) are defined by 6 zones with T-1 being least intense, a “Natural Zone” to T-6 being the most intense, “Urban Core Zone”. Arlington primarily consists of T-3, T-4 and T-5 uses and the Development Standards are predicated upon those three transects and four place types. The allowed uses and building types are described visibly on the Regulating Plan maps and in detail, in the Use Tables for each Place Type. The Reserve at Arlington project is located in a *Mixed Use Village Center* Place Type and *Transect T4-F* (transect 4 neighborhood, Flex). This allows for fairly intense uses and larger scale buildings to be constructed.

In this instance, Reserve at Arlington Partners, LLLP has applied for the required Conditional Use Permit (CUP) under Arlington Municipal Code (AMC) §20.16.140. The SEPA Threshold Determination issued by the City of Arlington under AMC §20.98.120 and all building form and site design review elements are reviewed under AMC §20.110.

A. GENERAL INFORMATION

1. **Applicant/Owner:**– Mayo Properties, LLC - Owner
Reserve at Arlington Partners, LLLP - Applicant
2. **Contact:** Carmel Gregory carmelg@cengineering.com
3. **General Location:** North of 204th Street NE; west of the intersection of 204th Street NE and Washington State Route 9.
4. **Address of Property:** 74XX 204th St NE, Arlington, WA 98223
5. **Property Legal Description (Abbreviated):** Tracts A and B City of Arlington Boundary Line Adjustment 2013-58, Recorded under Recording Number 201402215006, and as Revised by Affidavit of Correction Recorded under Recording Numbers 201404150636 and 201411050281, Records of Snohomish County, Washington, Being a Portion of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 11, Township 31 North, Range 5 East of the W.M, In Snohomish County, Washington.
6. **Property Tax ID Numbers:** 31051100304000 and 31051100400700
7. **Topographical Description:** Property is generally flat. Tract B is almost entirely covered with grassy vegetation.
8. **Soil Type:** Soils consist of 6 inches to 5 Feet of variable fill consisting of well graded gravel fill to clayey sand with gravel over approximately 10 feet of medium dense to dense, brown to gray, moist to wet, contained fine-to-medium-grained sand, and non-plastic fines, over approximately 10 feet of dense, light brown to brown, moist, with fine-to coarse-grained sand, rounded cobbles, and non-plastic fines.
9. **Acreage:** Approximately 2.93 acres on Track B of the Reserve at Arlington BSP which comprises approximately 4.38 acres.

10. Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:

Area	Land Use Designation	Zoning	Existing Use
Project Site	General Commercial	GC	Vacant
North of Site	General Commercial	GC	Vacant
South of Site	General Commercial	GC	Commercial
East of Site	General Commercial	GC	Commercial
West of Site	General Commercial	GC	Vacant

11. Public Utilities and Services Provided by:

Water:	City of Arlington	Gas:	Cascade Natural Gas
Sewer:	City of Arlington	Cable:	Comcast
Garbage:	Waste Management NW	Police:	City of Arlington
Storm Water:	On-site	Fire:	City of Arlington
Telephone:	Frontier Communications	School:	Arlington SD
Electricity:	Snohomish Co. PUD #1	Hospital:	Cascade Valley

12. Studies Prepared by Applicant:

- Geotechnical site investigation (March 22, 2019),
- Preliminary Drainage Report (June 14, 2019)
- Transportation Impact Analysis (June 2019)
- Critical Areas Report (March 29, 2019)

These studies are adopted herein by reference.

13. Needed Project Approvals

- Conditional Use Permit
- Design Review - Administrative
- SEPA, City of Arlington
- Binding Site Plan (Pending application No. 577)
- Site Civil Permit, City of Arlington
- Right-of-Way Permit, City of Arlington
- Building Permits

14. Applicable Land Use Code Regulations:

- AMC Chapter 20.04.060 Relationship to the comprehensive plan
- AMC Chapter 20.04.120 Adoption of supporting administrative guidelines
- AMC Chapter 20.16 Permits and Final Plat Approval
- AMC Chapter 20.24 Hearing and Pre-Hearing Procedures for Appeals and Applications

- AMC Chapter 20.36 Zoning Districts and Zoning Map (Part II & Part III)
- AMC Chapter 20.38 Airport Protection District
- AMC Chapter 20.40 Permissible Uses
- AMC Chapter 20.44 Supplemental Use Regulations
- AMC Chapter 20.46 Design
- AMC Chapter 20.48 Density and Dimensional Regulations
- AMC Chapter 20.56 Streets and Sidewalks
- AMC Chapter 20.60 Utilities
- AMC Chapter 20.64 Floodplain Development Regulations
- AMC Chapter 20.72 Parking
- AMC Chapter 20.76 Screening and Trees
- AMC Chapter 20.90 Concurrency & Impact Fees
- AMC Chapter 20.93 Critical Area Ordinance
- AMC Chapter 20.98 State Environmental Policy Act
- AMC Chapter 20.110 Mixed Use Regulations

15. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Neighborhood Meeting	July, 2, 2019	July 16, 2019	Property Owners (500ft) On-Site City Hall, Smokey Point Post Office, City Library Affected Agencies The Herald-published -
Notice of Application & SEPA (MDNS)	July 18, 2019		Property Owners (500ft) On-Site City Hall, Smokey Point Post Office, City Library Parties of Record Affected Agencies The Herald-published
Notice of Public Hearing	July 19, 2019	August 5, 2019	Property Owners (500ft) On-Site City Hall, Smokey Point Post Office, City Library Parties of Record Affected Agencies The Herald - published -

- The City did not receive any public comment or comment from affected agencies.

B. ENVIRONMENTAL REVIEW

- The City issued a Mitigated Determination of Non-Significance on July 18, 2019 The City coincided the 14-day SEPA comment period with the 14-day Notice of Application comment period. The combined 14-day comment period lasted from July 18, 2019 to August 1, 2019. As of the writing of this staff report the City did not receive any public comment or comment from affected agencies.

C. SUMMARY OF OTHER AGENCY REPORTS/RECOMMENDATIONS

Due to the timing of the Public Hearing, any comments received will be included in the decision.

D. FINDINGS OF FACT

1. Sections “A” through “E” are incorporated into the Findings of Fact.

2. Permits & Final Plat Approval (AMC Chapter 20.16)

- a) **Per AMC §20.16.010 (Permits Required)**, Any physical improvement to the land that is to be developed must be done in accordance with the conditional use permit issued by the Hearing Examiner.
- b) **Per AMC §20.16.030 (Who May Submit Permit Applications)**, the application for this proposal was submitted by the Applicant’s Official Representative on June 14, 2019.
- c) **Per AMC §20.16.034 (Official Representative of the Applicant)**, Carmel Gregory is the Applicant’s official Representative.
- d) **Per AMC §20.16.040 (Applications To Be Complete)**, on July 12, 2019, the City notified the Applicant and the Applicant’s Official Representative that their application, as submitted, was determined to be complete in accordance with this subsection.
- e) **Per AMC §20.16.050 (Staff Consultation Before Formal Application)**, the Applicant’s Official Representative met with the City March 13, 2019 in a general information meeting concerning the proposal.
- f) **Per §20.16.060 (Complete Application)**, the City issued Notice of Complete Application to the Applicant and their Official Representative within 28 days as required by this subsection.
- g) **Per AMC §20.16.074 (Vesting of Permits)**, the Applicant and their Official Representative were notified that their application was vested under existing land-use regulations in effect at the time they were issued a Notice of Complete Application July 12, 2019.
- h) **Per AMC §20.16.090 (Distribution of Application)**, the application was distributed to all applicable City departments on June 15, 2019. Notice of Application was sent to affected agencies on July 18, 2019
- i) **Per AMC §20.16.120 (Notice of Application Filed)**, notice was published and distributed on July 18, 2019 as required by this subsection. The comment period ran from July 18, 2019 to August 1, 2019.

3. Hearing and Pre-Hearing Procedures for Appeals and Applications (AMC Chapter 20.24)

- a) **Per AMC §20.24.020 (Public Notice)**, notice was published and distributed on July 19, 2019 as required by this subsection.

4. Zoning Districts and Zoning Map - Part II & Part III (AMC Chapter 20.36)

- a) **Per AMC §20.36.100 (Official Zoning Map)**, the subject property is zoned General Commercial (see City of Arlington Official Zoning Map).
- b) **Per AMC §20.36.200 (Compatibility of Zoning Districts with Land Use Plan Defined)**, the General Commercial zone is compatible with the comprehensive land use designation. The Arlington City Comprehensive Plan designation of the subject property is General Commercial.

5. Airport Protection District (AMC Chapter 20.38)

- a) **Per AMC §20.38.060 (Airport Protection District Boundaries)**, the subject property is located entirely within Subdistrict “C” of the Airport Protection District Overlay (see City of Arlington Official Zoning Map).

6. Permissible Uses (AMC Chapter 20.40)

- a) **Per AMC §20.40.010 (Table of Permissible Uses)**, the proposed use is classified as use 1.330 Multiple Family Residential
- b) **Per AMC §20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses)**, use classification 1.330 within the Mixed Use Overlay zone is allowed with a Conditional Use Permit subject to design compliance as a T4-F transect designation (AMC 20.110.014(c))

7. Supplemental Use Regulations (AMC Chapter 20.44)

- a) **Per AMC §20.44 Part III (Performance Standards)**, the proposed development must comply with the performance/operation standards for noise, vibration, odors, smoke and air pollution, disposal of liquid and hazardous wastes, water consumption, electrical disturbance or interference, lighting, and site building and maintenance.

8. Design (AMC Chapter 20.46)

- a) **Per AMC §20.46.010 (Conformance with Design Guidelines or Standards)**, proposed developments in the General Commercial zone shall conform to the applicable guidelines or standards set forth in the Mixed Use Overlay Design Guidelines per AMC §20.110. See Section 18 below.

9. Density and Dimensional Standards (AMC Chapter 20.48)

- a) The proposed development complies with the Mixed Use Regulations of AMC §20.110. See Section 18 below re: Mixed Use Overlay standards.

10. Recreational Facilities and Open Space (20.52), all residential development shall provide for recreational facilities (65 S.F. per occupant required, 239.6 occupants proposed. $239.6 \times 65 = 15,574$ S.F. required) and open space area (5% of total developed area required, $140,024 \text{ S.F.} \times 5\% = 7,001 \text{ S.F.}$) Applicant has provided 16,549 S.F. of recreational facilities and 7,701 S.F. of open space. The recreational and open space requirements have been met as proposed. Since this project provides tenancy exclusively for the senior population, the applicant has requested that the amenities that are being provided as a part of this project, fulfill the requirement of fifteen percent being constructed as “tot lots”, per AMC 20.52.020(b).The city concurs with this request.

11. Streets and Sidewalks (Chapter 20.56)

- a) **Per AMC §20.56.010 (Street Classification)**, the property will be accessed from a local collector street, 204th St. NE.
- b) **Per AMC §20.56.030 (Access to Lots)**, the property provides adequate means of ingress and egress for emergency vehicles, vehicular, pedestrian, and bicycle access in accordance with this subsection from 204th St. NE, thus fulfilling this requirement.
- c) **Per AMC §20.56.050 (Entrance to Streets)**, the property provides an adequate means of ingress and egress to the site. (204th St. NE)
- d) **Per AMC §20.56.070 (Relationship of Streets to Topography)**, streets must be related appropriately to the existing topography and designed to facilitate the drainage and stormwater runoff objectives of AMC Chapter 20.64 The private internal driveways and access lanes, as proposed, meet this requirement. The site is essentially flat.
- e) **Per AMC §20.56.120 (Street Intersections)**, the intersection of the driveways is required to meet the following requirements:

Intersection	Required Angle	Proposed	Meets
Driveway – 204 th St. Main Entrance	80 ≤ 90 deg.	90 deg.	Yes

- f) **Per AMC §20.56.170 (Right-of-Way Improvements and Dedication to Proceed Development)**. The City and applicant have agreed on that the creation of the proposed 74th extension with the development east of tract B will help to serve the site and if the proposed extension does not occur then the access road will require full roadway improvements.

12. Utilities (Chapter 20.60)

- a) **Per AMC §20.60.050 (Construction Standards and Specifications)**, all facilities shall be constructed in accordance with the most recent edition of the Department of Public Works Construction Standards and Specifications manual.
- b) **Per AMC §20.60.100 (Sewage Disposal Facilities Required)**, every building within the development must be served by a sewage disposal system. The City has verified that the site is serviceable by City of Arlington sewer.
- c) **Per AMC §20.60.300 (Water Supply System Required)**, every unit within the development must be served by a water supply system. The City has verified that the site is serviceable by City of Arlington water.
- d) **Per AMC §20.60.400 (Lighting Requirements)**, the project shall sufficiently illuminate the parking lot and common areas to ensure the security of property and the safety of persons using the facilities. (See Section 18 for lighting standards for Mixed Use Overlay).
- e) **Per AMC §20.60.400 (Lighting Requirements)**, the project lighting shall not unnecessarily illuminate any other lot or public right-of-way or substantially interfere with the use or enjoyment of such other lot or public right-of-way. (See Section 18 for lighting standards for Mixed Use Overlay).
- f) **Per AMC §20.60.400 (Lighting Requirements)**, all outdoor lights shall be low sodium or similar lamp type and be down-shielded to prevent light pollution. (See Section 18 for lighting standards for Mixed Use Overlay).

- g) **Per AMC §20.60.410 (Excessive Lighting)**, the project lighting shall not unnecessarily illuminate any other lot or public right-of-way or substantially interfere with the use or enjoyment of such other lot or public right-of-way. (See Section 20.110.014 (k) for lighting standards for Mixed Use Overlay).
- h) **Per AMC §20.60.450 (Underground Utilities)**, all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.
- i) **Per AMC §20.60.490 (Sites for and Screening Dumpsters)**, every development within the city limits shall provide dumpsters for solid waste collection and screen dumpsters from customers or persons traveling on any public street, sidewalk or public way.
 From the Utility plans submitted to date, these utility requirements are met by the Applicant for this proposal. Refuse containers and trash compactor are located within the building.
Note: Utility services, fire hydrants and fire protection are required and will be reviewed when site civil construction drawings are submitted. All existing and planned utilities shall be shown on the site civil construction drawings. Water and sanitary sewer general facility charges may be assessed when construction drawings are submitted. All fees shall be paid before connection is made to the water or sanitary sewer utilities. All utilities shall be operational prior to building Certificate of Occupancy.

13. Floodplain Development Regulations, Part II (Chapter 20.64)

Not Applicable

14. Parking (Chapter 20.72)

- a) **Per AMC Table 20.72-1 (Table of Parking Requirements)**,

Not Applicable. See Section 18 for parking calculations as part of Mixed Use Overlay Standards.

15. Screening & Trees (Chapter 20.76)

- a) **Per AMC §20.76.050 (Table of Screening Requirements – 20.76-1)** the development is required to have Type B screening (at a 5 ft. depth) bordering the easterly boundary. The Site Plan (Attachment A) indicates fulfillment of this requirement.
- b) **Per AMC §20.76 Part II (Shading)**, the landscaping plan submitted indicates that the proposed trees located in the parking areas will provide for the required 20% shading.

16. Concurrency & Impact Fees (Chapter 20.90)

- a) **Per AMC §20.90.040 (Imposition of Impact Fees on Development Activity);** all developments within the city are required to pay a Traffic Impact Fee. The City accepts the estimate of 39 new PM peak hour trips as contained in the traffic impact study prepared by Gibson Traffic Consultants in June 2019. Per Ordinance 1469, a fee of \$3,355.00 per PM Peak Hour Trip is assessed for Traffic Impact Fees Note: In this instance. 39 P.M. Peak Hour Trips will be generated by the 150 senior dwelling units, for a total of \$130,845.00, to be paid by the applicant.
- b) **Per AMC §20.90.230 (School Fees Required),** the proposed development is a senior housing development and will not add any new students to the school system. Therefore, there will be no school impact fee required of this proposal.
- c) **Per AMC §20.90.400 (Community Parks Impact Fee),** there will be no publically owned civic or park spaces in the development, therefore the applicant shall pay a community parks impact fee of \$1,497.00 per unit. 150 dwelling units X \$1,497.00 = \$224,550.00

17. Critical Areas (20.93. Part VII)

- a) **Per AMC §20.93.730 (Requirements),** the proposed development is outside of the 75 foot NGPA from the OHWM of the Creek. The Reserve at Arlington senior apartments meet these criteria.

18. SEPA (Chapter 20.98)

- a) **Per AMC §20.98.110 (Environmental Checklist),** the Applicant submitted a completed environmental checklist at the same time they submitted their application for a Conditional Use Permit.
- b) **Per AMC §20.98.120 (Mitigated DNS),** the City, after review of the submitted checklist and site plans, issued a Mitigated Determination on July 18, 2019. There was a combined 14-day comment period from July 18, 2019 to August 1, 2019.

19. Mixed Use Regulations (Chapter 20.110)

Mixed Use Regulations are adopted by Ordinance as Chapter 20.110 of the City's Land Use Code, Title 20. They serve as "form based" design guidelines for new projects.

One of the primary considerations in creating neighborhoods with "Form Based Code" is the development of block standards, which are most efficient when they are of equal size to create a "grid" pattern. The proposed construction of the access road will comply with that objective allowing for placement of buildings in close proximity to and addressing the streets that they affront, thus creating a more urban environment.

- Per AMC 20.110.012 (e) (Transect) the Reserve at Arlington, senior apartment community project is located in T4-F (transect 4 neighborhood, Flex) which allows fairly intense uses and larger scale buildings to be constructed. The Reserve at Arlington senior apartments meet these criteria.
- The stated intent of the T4-F area is "To provide an appropriate transition from a neighborhood main street environment into the residential areas, and to provide flexible buildings that can allow a mix of residential and walkable local serving commercial and service uses." The Reserve at Arlington will meet this criteria. While the ground floor use is exclusively residential, the nature of this development (senior citizen residential living) would call for that sole use to ensure the privacy and security of residents.

- Per AMC 20.110.014(c): (Place Types and Transect) the project is located in a “Mixed Use Village Center” (Figure 20.110-A). Location in a Transect T4-F allows for fairly intense uses and larger scale buildings to be constructed. The Reserve at Arlington community meets this criterion.
- Per AMC 10.110.014(c) (Permissible Uses in Place Type): The Transect Matrix (Page 8 of the Mixed Use Development Regulations) allows multiple family Large to Mid-Rise structures. Permissible uses include “residential uses on any floor”. The Reserve at Arlington community meets this criterion.
- Per AMC 20.110.014(c) (1-5) (Transect standards): The “Characteristics” sought for the T4-F Place are listed on Page 47 of the Development Regulations.
 - Attached or Detached
 - Small to Medium front setbacks
 - Small to Medium footprint
 - Small to Medium Lot width
 - Small side setbacks
 - Up to 4 stories
- Per AMC 20.110.014(d) (Frontage types) The landscaping and critical area improvements will be against the frontage on State Route 9. This will serve the general intent of the frontage standards.
- Per AMC 20.110.014(e) (Building types) The proposed apartment building (See attachment) is similar in character to a building forms listed as acceptable in the T4-F areas: Stacked Flat The Stacked Flat is described as a medium-to large-sized structure that consists of multiple dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or may share a common entry. This type is appropriately scaled to fit adjacent to neighborhood serving main streets and walkable urban neighborhoods. This building type may include a courtyard.
The Stacked Flat” is the building type utilized for the Reserve at Arlington project. Because this building is for senior housing, the interior corridors where required to be contiguous for both safety and connectivity of the residents. In order to address the maximum building length requirements of 280’ and still maintain the contiguous internal corridors, recesses were designed into the exterior wall plane to create small courtyards and a visual separation of the building. This creates a safe, secured environment for the senior residency of the building.
- Per AMC 20.110.014(f)(1) (Block Standards) Block Standards will be reviewed as part of the Binding Site Plan application for the Reserve at Arlington, LLLP applicants.
- Per AMC 20.110.014(f)(2) (Right of Way): Right of Way standards will be reviewed as part of the Binding Site Plan application for the Reserve at Arlington, LLLP applicants.

- Per AMC 20.110.014(f)(3)) (Thoroughfare): Thoroughfare Standards will be reviewed as part of the Binding Site Plan application for the Reserve at Arlington, LLLP applicants.
- Per AMC 20.110.014 (g) Parking Standards: Parking is regulated based on the Place Type for Transect T4-F. This can be found on Page 61 of the Mixed Use Regulations. There is no minimum number of parking spaces required for residential uses.
- Per AMC 20.110.014 (h) Civic and Open Space Standards: No public civic spaces are proposed for this single parcel private development, several outdoor amenities are provided, including a courtyard.
- Per AMC 20.110.014 (i) Landscaping, Fencing, and Screening Standards: the applicant proposes a landscape buffer to provide a visual screen from parking along the State Route 9 frontage. The west, north and east property lines can meet screening requirements
- Per AMC 20.110.014 (j) Low Impact Design Standards: The applicant has submitted stormwater management plans which cite Table 2.5.1 from the Western Washington Stormwater Manual which covers the means of compliance with Low Impact Development Performance Standards and Best Management Practices. The City will review the stormwater plans for compliance with these standards.
- Per AMC 20.10.014 (k) Outdoor Lighting Standards: The project will be conditioned to require that standards outlined for LZ-3 zones.
- Per AMC 20.110.014 (l) Architectural Standards: The Reserve at Arlington, senior apartments will be located on one (Tract B) of four parcels approved under a Binding Site Plan filed as PLN - 577 (Reserve at Arlington BSP). Tract D is proposing to have a coffee shop placed upon it. Tract C has a commercial building located upon it, and Tract A will be dedicated to the city as a critical area. Those parcels will have a condition placed upon them requiring consistency and compatibility of design, including four-sided design, shielding of roof top mechanical structures and compatible materials.

G. CONCLUSION & RECOMMENDATION

1. The applicant has applied for a conditional use permit as required under AMC 20.16.
2. Under AMC 20.16.140(c), the designated decision-maker shall issue the requested permit unless it concludes, based upon the information submitted at hearing, that:
 - a. **The requested permit is not within its jurisdiction according to the table of permissible uses.** The City of Arlington Comprehensive Plan identifies this area as General Commercial, and the subject property is zoned General Commercial. It is also located within the Mixed Use Overlay area and identified as Transect T4-F under the Mixed Use regulations (Chapter 20.110) which allows

“A mix of uses to transition from the higher intensity commercial and high density residential along the center’s main street core to more moderate density and moderate volume residential uses along the edge of the Village Center” (Page 47, MU Regulations).”

Therefore, the proposed development as noted and conditioned is consistent with policies governing those types of uses and is allowed in that zoning district.

- b. **The application is incomplete.** The City determined the subject application complete on July 12, 2019. Subject to conditions specified below in Section H, the application contains all of the information that is necessary for the City to decide whether or not the development, if completed as proposed, will comply with all of the requirements Title 20 AMC (see AMC 20.16.040).
 - c. **The proposed project has not complied with SEPA.** The City issued a MDNS on July 18, 2019 and the requirements of SEPA have been met.
 - d. **The proposed project is not in conformance with the comprehensive plan, transportation plan, or other adopted plans, regulations, or policies.** The requested Conditional Use Permit, as conditioned, is consistent with all AMC Title 20 requirements; permit processing procedures, and all other applicable plans, regulations, and policies.
3. Under AMC 20.16.140(d), the permit-issuing authority may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
- a) **Will materially endanger the public health or safety.** The project will not materially endanger public health or safety, as conditioned.
 - b) **Will materially harm adjoining or abutting property.** The project’s impacts on surrounding properties and will not materially harm adjoining or abutting property.
 - c) **In terms of design and use will not be compatible with the area in which it is located.** The design and use of the proposed development will meet the nature and intent of Transect T4-F of the City’s Mixed Use Regulations and will be compatible with the commercial developments to the south, east, and west of the site. Screening and buffering will protect the aesthetics and tranquility of residential areas to the north.
4. The Conditional Use Permit should be approved subject to conditions specified in Section H below.

H. CONDITIONS

Based upon the preceding Findings and Conclusions, the Conditional Use Permit to allow development of the Reserve at Arlington, affordable senior apartments, on track B shall be subject to the following conditions:

1. Recordation of the four-tract Binding Site Plan approved under PLN – 577, which depicts Tract B and all dedications and easements as described in this Conditional Use Permit approval.

2. All development shall be in substantial conformance with the revised site plan received June 14, 2019, subject to any conditions or modifications that may be required as part of the permit and construction plan review
3. A 30 foot ingress, egress, and utility easement will be provided on the west side of Tract B as provided in the City's Standard Design Detail.
4. An onsite water main shall be 12" Ductile Iron and extend to the property corners and looped around the buildings.
5. The development shall meet all the standards listed in the Findings of Fact in Section F above.
6. The developer shall comply with all conditions of the SEPA MDNS issued on July 18, 2019.
 - a. In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention.
 - b. In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction.
 - c. Construction shall occur in accordance with the stormwater plan prepared by CG Engineering, June 14, 2019, including Low Impact Development, Performance Standard and BMP T5.13 of the 2014 Western Washington Stormwater Manual.
 - d. All stormwater shall remain onsite. In order to mitigate for potential impacts to ground water the Applicant shall utilize Low-Impact Design techniques to manage stormwater on-site.
 - e. The project will route all on-site stormwater to infiltration trenches to meet DOE requirements for flow control (up to 50 year storm, with an overflow outlet for up to the 100 year storm).
 - f. Pollution generating stormwater shall be treated prior to infiltration
 - g. City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited UNLESS specifically permitted by the city's building official.
 - h. The applicant will provide all instruments required of owners within Airport Protection Sub-District C, including an aviation easement or disclosure and FAA form 7460.
 - i. Design standards for the proposed development will meet the criteria for sector T4-F in the City's Mixed Use Development Regulations.
 - j. Street trees shall be installed along all new and improved streets associated with the plat in accordance with AMC 20.76.110.
 - k. In order to mitigate for potential impacts to cultural resources that may exist on-site, the Applicant shall submit an *Unanticipated Discovery Plan* (UDP) to the City prior to any construction activities, and shall coordinate with the Stillaguamish Tribe to allow Tribal Monitors on site during grading and excavation activities associated with this project.
 - l. Payment of a traffic impact fee according to the City's traffic mitigation formula, estimated in June, 2019 as \$130,845.00
 - m. The developers may be obligated to pay their proportionate share for certain State projects for those average daily trips from this development. Traffic mitigation fees, if any, shall be paid to the Washington State Department of Transportation (WSDOT), and the developers shall provide the City of Arlington with documentation of compliance with this state requirement prior to issuance of the Building Permit.

- n. Consistent with the terms of the Snohomish County Interlocal Agreement with the City of Arlington, the developers shall mitigate impacts on the capacity of the County road system by making a proportionate share mitigation payment, if any. Traffic mitigation shall be paid to the Snohomish County Department of Planning and Development Services (PDS), and the developers shall provide the City of Arlington with documentation of compliance prior to issuance of the Building Permit.

Pursuant to AMC §20.16.220, this permit shall expire two years after the date of issuance.

I. DECISION

The decision whether to approve or deny this proposal shall be made by the Hearing Examiner.

J. APPEALS

- a) Per AMC §20.20.020 (Appeals of Hearing Examiner Decisions), the Hearing Examiner's decision is appealable to Snohomish County Superior Court within twenty-one (21) days of the Hearing Examiner's final decision.

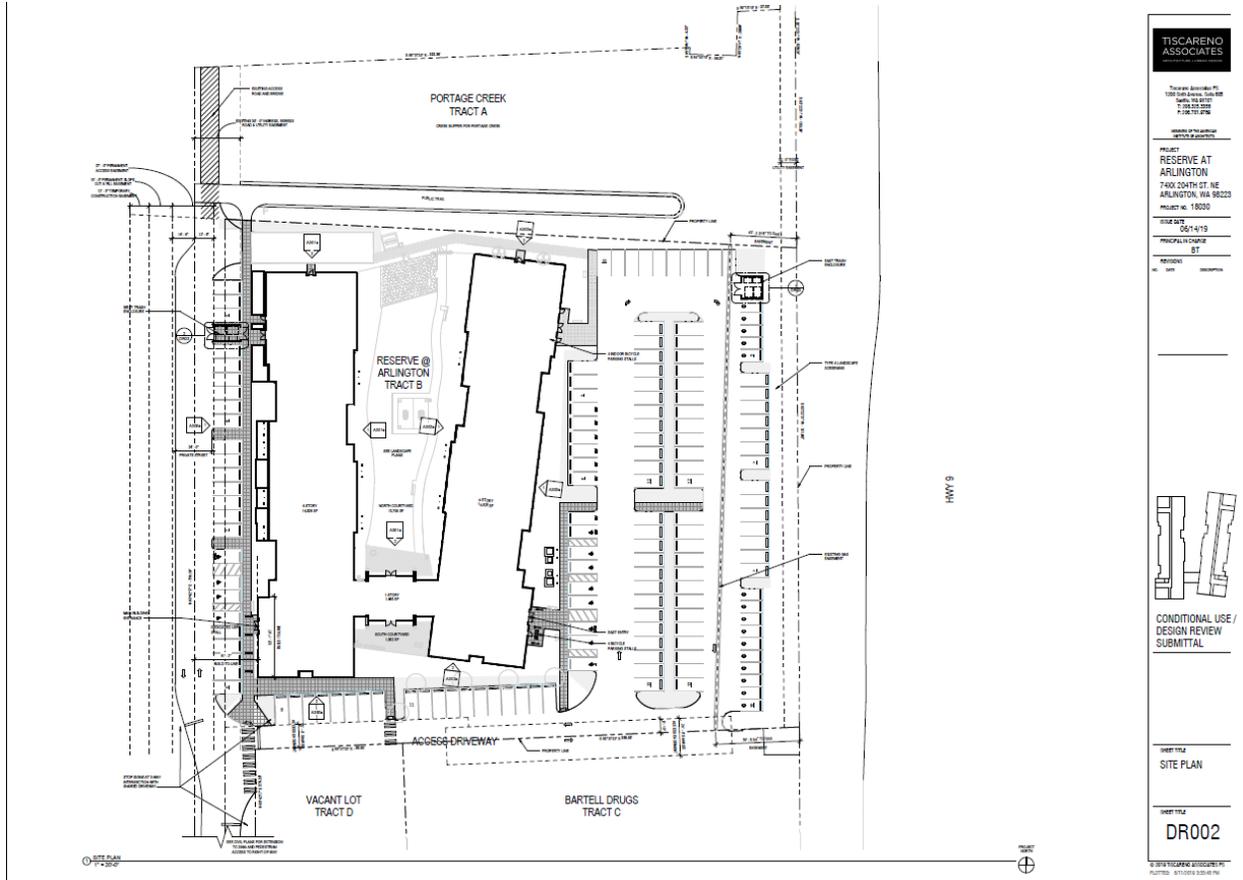
K. EXHIBITS

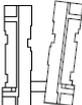
File PLN #556 – Reserve at Arlington Conditional Use Permit Application (on file at Arlington CED Office)

Distributed to the Following Parties:

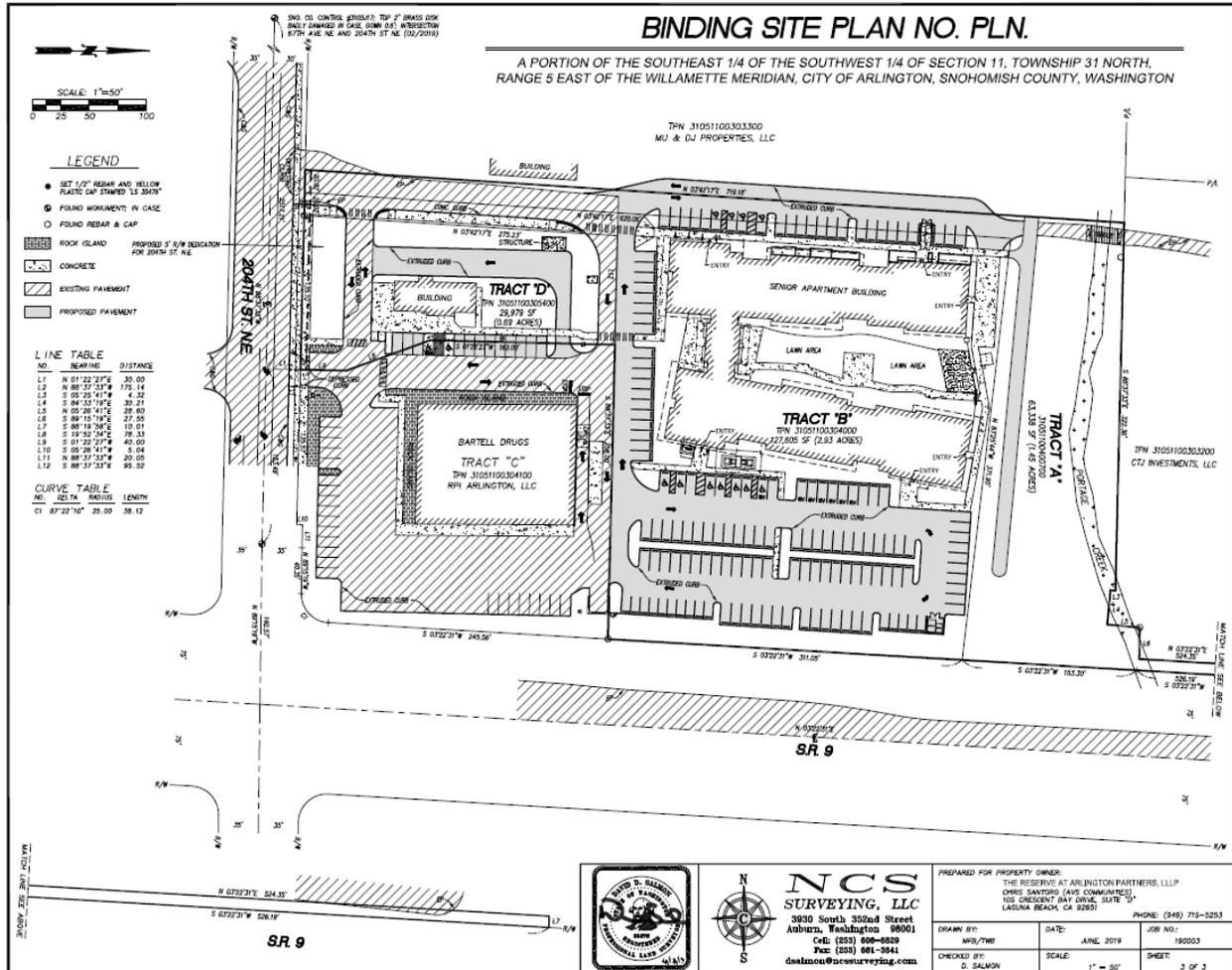
- CG Engineering, Carmel Gregory
- Theodore Hunter, Hearing Examiner
- Marc Hayes, Community Development Director
- Nova Heaton, Development Services Manager
- Kevin Olander, Combination Inspector
- James Kelly, Public Works Director
- David Ryan, Airport Director
- David Kraski, Deputy Fire Chief
- Jonathan Ventura, Police Chief
- Katie Heim, GIS Analyst

ATTACHMENT A RESERVE AT ARLINGTON SITE PLAN



FISCARENO ASSOCIATES	
1000 15th Avenue, Suite 100 Seattle, WA 98101 P: 206.465.2200 F: 206.465.2202	
DESIGNED BY THE ARCHITECT UNLESS OTHERWISE NOTED BY OTHERWISE	
PROJECT: RESERVE AT ARLINGTON 7400 254TH ST. NE ARLINGTON, WA 98003 PROJECT NO. 18030	
ISSUE DATE: 06/14/19	
PRINCIPAL DESIGNER: BT	
REVISIONS: NO. DATE DESCRIPTION	
_____ _____ _____	
	
CONDITIONAL USE / DESIGN REVIEW SUBMITTAL	
SHEET TITLE: SITE PLAN	
SHEET NO.: DR002	
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ATTACHMENT B BINDING SITE PLAN



ATTACHMENT C CODE REQUIREMENTS

NOTE: The following items are not conditions of permit approval but rather certain local, state, or federal code requirements that the developer needs to be aware of. This is in no way intended to be a complete list of code requirements, but is a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your particular project type.

1. **Code Applicability.** This permit is subject to the applicable requirements contained in the Arlington Municipal Code, Land Use Code, Building Code, and COA Public Works Design, Construction Standards and Specifications. It is the responsibility of the developer to ensure compliance with the various provisions contained in these ordinances.

2. **Pre-Construction Phase.** Prior to commencing any site work, including installing any easement or right-of-way improvements, utility systems, drainage systems, street lights, mailbox structures, emergency facilities, storm water control systems, or any other improvements, the developer shall submit site civil construction improvement plans for review and approval by the Public Works Director. Said plans shall be in conformance with applicable code and below listed conditions.
 - a. The developer shall survey and mark all property corners prior to review of any submitted construction plans.
 - b. The developer shall design and install erosion control measures deemed necessary by the City. These measures shall be installed and inspected by the City prior to the issuance of any permits.
 - c. The developer shall undertake no site preparation or other disturbances within environmentally sensitive areas or their required buffers.
 - d. The developer shall submit to the Community & Economic Development Department and receive approval of a storm-water run-off and detention plan in conformance with the AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual) for both the construction phase and a permanent system. All site drainage must be directed through bio filtration swales prior to discharge into wetlands.
 - e. The developer shall place all new utility lines underground.
 - f. The developer shall provide a temporary rock pad at all points of ingress and egress to the site throughout the construction phase.
 - g. The developer shall show locations of all required streetlights on the construction plans and install them as designed.
 - h. The developer shall obtain a right-of-way permit prior to any work done in a public right-of-way. (NOTE: City departments are exempt from right-of-way permits.)
 - i. The developer shall install all low sodium or similar low intensity illumination lighting and it shall be placed in a way as to not cause glare on an adjoining property or right-of-way.

3. **Construction Phase.** The following conditions shall apply during construction.
 - a. The developer shall follow all applicable noise and other nuisance codes.
 - b. The developer shall not track mud and dirt onto public rights-of-way, but if tracked by accident, the developer shall clean it up immediately.
 - c. During any site grading or clearing activity, the developer and contractor shall use all available means of controlling air pollution (dust, ash, and smoke).
 - d. The restrictions of the AMC shall apply to any and all grading.

4. **Installation of Improvements.** Prior to receiving a Certificate of Occupancy, the developer shall:
 - a. Install all rights-of-way and access easement improvements on all proposed streets internal and existing streets adjacent to the project in accordance with the requirements of AMC Chapter 20.56 and per COA Public Works Design, Construction Standards and Specifications. The developer shall coordinate with all adjacent developments the final design of the street improvements and/or include the appropriate transition tapers for the street pavement from the property.
 - b. Install a potable water system to serve the project per the COA Public Works Design, Construction Standards and Specifications. Water is to be served by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - c. Relocate any existing water facilities and/or install water services/fire hydrants at the expense of the developer.
 - d. Install a sanitary sewer system per COA Public Works Design, Construction Standards and Specifications. Sanitary sewer is provided by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - e. Install a permanent storm water control system per AMC Chapter 13.28.
 - f. Prior to issuance of a Certificate of Occupancy, the applicant shall complete all required or voluntary improvements unless otherwise secured by the developer and authorized by the City Engineer.

(NOTE: Code requirements for infrastructure improvements are based on conceptual information as submitted by the applicant for the land use permit. Additional specific requirements may be required upon review of the engineered construction drawings submitted by the developer. All improvements are subject to review and approval by the City of Arlington Inspectors. All utilities shall be constructed underground.)