



NOTICE OF PUBLIC HEARING BEFORE THE HEARING EXAMINER

RJ DEVELOPMENT
CONDITIONAL USE PERMIT - PLN#592

Date of Public Hearing: October 1, 2019

Time of Public Hearing: 4:00 pm

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

Applicant: RJ Development

File Name and Number: RJ Development – PLN#592

Project Location: The project is located at 3607 169th St. NE Arlington, WA 98223. Township 31N, Range 05, Section 28, NW Quarter of the NW Quarter. Tax Parcel ID # 31052800207300

Project Description: RJ Development is proposing to construct a 3-story assisted living senior apartment building with a single-story memory care wing at 3607 169th St. NE. The project consists of 95 units, 18 Memory care units with 32 beds and 77 assisted living units, on a 2.56 acre site including 54 stalls of surface parking. The property is currently vacant and is bordered by Affinity at Arlington to the east, commercial uses to the south, Smokey Point Boulevard to the west and commercial uses 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 off the extension of 169th St NE. Parking lot landscaping, building foundation plantings and open space landscaping is also proposed. The interior courtyard on the first floor will give residents an area to walk and be outside. The building will also include nurse stations designed to accommodate the ever-changing need of the residents. The facility will include activity rooms, dining rooms, and a commercial kitchen to supply gourmet food to each resident three times per day as well. A bus driver will be available to take residents to doctor visits and various community activities since most residents cannot drive themselves. The Community will be open and staffed 24 hours per day. The employee count at any given time will be approximately 20 caregivers during shift changes. A licensed nurse will be on site 24 hours per day for direct supervision and care of the residents and staff. A Binding Site Plan permit has been processed previously, as a part of the Affinity at Arlington Binding Site Plan PLN#451, to established horizontal mixed use for this 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

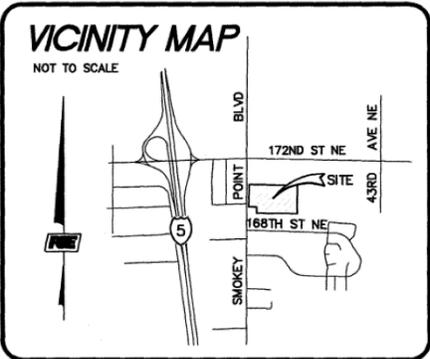
18204 59TH Avenue NE

360-403-3551

STAFF REPORT & RECOMENDATION

RJ Development – PLN #592
Conditional Use Permit

PROJECT DESCRIPTION AND REQUEST



The Applicant, RJ Development is proposing to construct a 95 unit Multi-Family Assisted Living Senior Housing Development (known as “RJ Development” – see Attachment A) to be built on 2.56 acres situated in lot 2 of the Affinity at Arlington Binding Site Plan (see Attachment B). The address for the master parcel is 3607 169th St. NE, Arlington, Washington. The RJ Development 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 RJ Development community will consist of a single 101,487 S.F. 3 story building, incorporating 77 assisted living 18 Memory Care senior housing units. All units are age restrictive, and market-rate. An interior courtyard creates an entryway from the east and helps to provide a controlled outdoor space for the assisted living residents. The additional amenities include a card/game room (1st floor), exercise room, beauty salon, bistro, sun room, two activity rooms, TV/movie Room, sitting/game room (3rd Floor), and 3 outdoor patios.

The project site consists of an undeveloped 2.56 acre parcel that is primarily flat open field with one mature trees upon Lot. Existing soils consist of 8 to 12 inches of topsoil and sod over approximately 2 feet of medium dense, weathered reddish tan, silty, sand (Weathered Glacial Outwash) with

medium dense, tan to grey, poorly graded sand (Recessional Glacial Outwash) encountered below the Weathered Recessional Glacial Outwash.

The project site has an underlying zoning of Highway Commercial (HC), but the subject property will be developed under the City's mixed use overlay, RJ Development, senior apartments will be located on one (Lot 2) of four parcels approved under a Binding Site Plan filed as PLN - 451 (Affinity at Arlington BSP). Lot 3 is proposing to have a commercial use placed upon it. Lot 1 is currently under development as the Affinity at Arlington project.

Surface parking related to this project will consist of 54 spaces, including 4 ADA spaces, as well as bicycle parking. Drive aisles are included around the perimeter of the building with access points onto 169th St. NE and 35th Ave NE. An existing Community Transit bus stop is south of the frontage along Smokey Point Boulevard. Water and sanitary sewer mainline extensions are required to serve the proposed project. The project will be served by City of Marysville utilities.

REVIEW PROCESS

This proposed development is the fifth 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 Lot 2 of the Affinity at Arlington Binding Site Plan. 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 RJ Development project is located in a *Mixed Use Urban Center* Place Type and *Transect T5N-LV* (Transect 5 Neighborhood Large Volume). This allows a mix of uses to transition from the higher intensity commercial and high density residential along the Center's main

boulevard core to more moderate density and moderate volume residential uses along the edge of the Urban Center.

In this instance, RJ Development 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.

RELATION TO THE COMPREHENSIVE PLAN

The proposed project, RJ Development, helps to fulfill multiple of the City of Arlington's comprehensive plan goals and policies. The first goal that the project fulfills is GH-2, which provides for multi-family housing development occur within close proximity to commercial areas within the City. RJ Development also fulfills goal GH-4, policies PO-1.4 and PH-4.1, encourage the development of special needs housing within the City, by providing Memory Care and Assisted living facilities, as well as policies PH-4.2 by locating Senior Housing near public transportation routes and retail/service centers. By utilizing the form-based code, mixed-use development regulations, the site design and building architecture are human-scaled and conducive to social interaction, meeting policy PO-6.1.

A. GENERAL INFORMATION

1. **Applicant/Owner:**- 1107, LLC / Smokey Pt 2, LLC - Owner
RJ Development - Applicant
2. **Contact:** Steve Singer, steve@rjdevelopment.com
3. **General Location:** East of the intersection of 169th Street NE and Smokey Point Boulevard.
4. **Address of Property:** 3607 169th St. NE, Arlington, WA 98223
5. **Property Legal Description:** The West 12 Acres of the South 528 Feet of the North 1,058 Feet of the Northwest Quarter of Section 28, Township 31 North, Range 5 East of the Willamette Meridian, in Snohomish County Washington; Except the South 100 Feet of the West 200 Feet Thereof' And Except Those Portions Conveyed To Snohomish County By Deeds Recorded Under Auditor's File No. 191650 And 9107300601, Records Of Snohomish County, Washington' Situate In The County Of Snohomish, State Of Washington.
6. **Property Tax ID Numbers:** 31052800207300
7. **Topographical Description:** Property is generally flat. The property is almost entirely covered with grassy vegetation.
8. **Soil Type:** Soils consist of 8 to 12 inches of topsoil and sod over approximately 2 feet of medium dense, weathered reddish tan, silty, sand (Weathered Glacial Outwash) with medium dense, tan to grey, poorly graded sand (Recessional Glacial Outwash) encountered below the Weathered Recessional Glacial Outwash.
9. **Acreage:** Approximately 2.56 Acres, 11, 551 square feet, on lot 2 of the four-lot Affinity BSP which comprises approximately 11.1 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	Highway Commercial	HC	Vacant
North of Site	Highway Commercial	HC	Commercial
South of Site	Highway Commercial	HC	Commercial
East of Site	Highway Commercial	HC	Residential (Multi-Family)
West of Site	Highway Commercial	HC	Vacant

11. **Public Utilities and Services Provided by:**

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

12. **Studies Prepared by Applicant:**

- Geotechnical site investigation (June 22, 2017),
- Stormwater Management Report (July 25, 2019)
- Transportation Impact Analysis (June 2018)
 - Traffic Memorandum (July 22, 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 (Application No. 451)
- 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	September 3, 2019	September 17, 2019	Property Owners (500ft) On-Site City Hall, Smokey Point Post Office, City Library Affected Agencies The Herald-published -
Notice of Application & SEPA (MDNS)	September 6, 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	September 16, 2019	October 1, 2019	Property Owners (500ft) On-Site City Hall, Smokey Point Library, Arlington 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 September 6, 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 6, 2019 to September 20, 2019. The City did not receive any public or agency comments.

C. SUMMARY OF OTHER AGENCY REPORTS/RECOMMENDATIONS

During the SEPA comment period the city received no comments from other agencies.

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 July 26, 2019.
- c) **Per AMC §20.16.034 (Official Representative of the Applicant)**, Steve Singer is the Applicant’s official Representative.
- d) **Per AMC §20.16.040 (Applications To Be Complete)**, on August 23, 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 14, 2018 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 August 23, 2019.
- h) **Per AMC §20.16.090 (Distribution of Application)**, the application was distributed to all applicable City departments on July 26, 2019. Notice of Application was sent to affected agencies on September 6, 2019
- i) **Per AMC §20.16.120 (Notice of Application Filed)**, notice was published and distributed on September 6, 2019 as required by this subsection. The comment period ran from September 6, 2019 to September 20, 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 September 6, 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 Highway Commercial (see City of Arlington Official Zoning Map).
- b) **Per AMC §20.36.200 (Compatibility of Zoning Districts with Land Use Plan Defined)**, the Highway Commercial zone is compatible with the comprehensive land use designation. The Arlington City Comprehensive Plan designation of the subject property is Highway 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 T5N-LV 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 Highway 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, 109 occupants proposed. 109 X 65 = 7,085 S.F. required) and open space area (5% of total developed area required, 111,554 S.F. X 5% = 5,577.7 S.F.) Applicant has provided 11, 027 S.F. of recreational facilities and 7,877 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, 169th 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 169th 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. (169th 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 #1 – 169 th St. Main Entrance	80 ≤ 90 deg.	80 deg.	Yes
Driveway #2 – 169 th St. East Entrance	80 ≤ 90 deg.	90 deg.	Yes
Driveway #3 – 35 th Ave NE North 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 the design of Smokey Point Boulevard and 169th St. NE, including channelization. Construction will occur by the applicant with credits being awarded against the required traffic impact fee, as described in the Development Agreement for the Affinity at Arlington Binding Site Plan approval. Approval of final design of the intersection improvements and roadway will occur after review of the engineered construction documents.

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 Marysville sewer. Sewer Availability signed on July 16, 2019.
- 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 Marysville water. Water Availability signed on July 16, 2019.
- 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 are located within the building and an exterior trash collection area is provided for each wing of the building and screened per code.

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 19 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)** A Type A screening (at a 5 ft. depth) along the northern boundaries of the property. 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. Street Trees will be placed on 30 foot centers along the length of 169th St. NE.

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 26 new PM peak hour trips as contained in the traffic impact study prepared by Transpogroup in June 2018 and the additional memorandum dated July 22, 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. 26 P.M. Peak Hour Trips will be generated by the 109 senior dwelling units, for a total of \$87,230.00, to be paid by the applicant. Note: In this instance the amount of the Traffic Impact Fees shall be credited towards the construction of the new 169th St. NE and Smokey Point Boulevard improvements as described in the Development Agreement for the Affinity at Arlington Binding Site Plan approval.
- 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. A restrictive covenant will be required by the Lakewood School District.
- 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. 95 dwelling units X \$1,497.00 = \$142,215.00

17. Critical Areas (20.93, Part VII)

Note: There are no wetland, stream, steep slope or other critical areas on the property.

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 September 6, 2019. There was a combined 14-day comment period from September 6, 2019 to September 20, 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 RJ Development, senior apartment community project is located in T5N-LV (transect 5 Neighborhood Large Volume) which allows fairly intense uses and larger scale buildings to be constructed. The RJ Development senior apartments meet these criteria.
- The stated intent of the T5N-LV area is “To provide an urban form that can accommodate a very diverse range of uses to reinforce walkable neighborhoods and to provide a mix of uses on the ground floor, including residential thus providing a vibrant mix of activities to energize the streets.” The RJ Development project 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 Urban Center” (Figure 20.110-A). Location in a Transect T5N-LV allows for fairly intense uses and larger scale buildings to be constructed. The RJ Development 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 RJ Development community project meets this criterion.
- Per AMC 20.110.014(c) (1-5) (Transect standards): The “Characteristics” sought for the T5N-LV 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 along the frontage to the proposed 169th Street NE will serve the general intent of the frontage standards.
- Per AMC 20.110.014(e) (Building types) The proposed apartment building is similar in character to a building forms listed as acceptable in the T5N-LV 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 RJ Development project. Because this building is for senior housing, the interior corridors where required to be contiguous for both safety and connectivity of the residents. 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 Affinity at Arlington, LLC 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 Affinity at Arlington, LLC applicants.
- Per AMC 20.110.014(f)(3) (Thoroughfare): Thoroughfare Standards will be reviewed as part of the Binding Site Plan application for the Affinity at Arlington, LLC applicants.
- Per AMC 20.110.014 (g) Parking Standards: Parking is regulated based on the Place Type for Transect T5N-LV. This can be found on Page 61 of the Mixed Use Regulations. There is no minimum 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 indoor amenities are provided, including a courtyard.
- Per AMC 20.110.014 (i) Landscaping, Fencing, and Screening Standards: the applicant proposes landscaping along the frontage. The north, west and east property lines 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-4 zones.
- Per AMC 20.110.014 (l) Architectural Standards: The RJ Development project, will be located on one (lot 2) of four parcels approved under a Binding Site Plan filed as PLN – 451 (Affinity at Arlington BSP). Lot 1 has a High Density Residential senior apartment project located on it. Lot 3 will have commercial buildings located upon it. 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 Highway Commercial, and the subject property is zoned Highway Commercial. It is also

located within the Mixed Use Overlay area and identified as Transect T5N-LV under the Mixed Use regulations (Chapter 20.110) which allows

“To provide an urban form that can accommodate a very diverse range of uses to reinforce walkable neighborhoods and to provide a mix of uses on the ground floor, including residential thus providing a vibrant mix of activities to energize the streets” (Page 56, 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 August 23, 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 September 6, 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 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 T5N-LV of the City’s Mixed Use Regulations and will be compatible with the commercial developments to the north, south, and west of the site and the high density residential to the east.
 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 RJ Development, assisted senior living apartments and memory care, shall be subject to the following conditions:

1. Recordation of the four-tract Binding Site Plan approved under PLN – 451, which depicts Lot 2 and all dedications and easements as described in this Conditional Use Permit approval.
2. All development shall be in substantial conformance with the site plan received September 24, 2019, subject to any conditions or modifications that may be required as part of the permit and construction plan review
3. An onsite water main shall be 12” Ductile Iron and extend to the property corners and looped around the buildings.
4. The development shall meet all Title 20 AMC regulation requirements.
5. The developer shall comply with all conditions of the SEPA MDNS issued on September 6, 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 Pacific Surveying & Engineering, July 25, 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 avigation easement or disclosure and FAA form 7460.
 - i. Design standards for the proposed development will meet the criteria for sector T5N-LV 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 July, 2019 as \$87,230.00. Note: to be credited to the construction of 169th St. NE, as described in the Development Agreement for the Affinity at Arlington Binding Site Plan approval.
 - 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 #592 – RJ Development Conditional Use Permit Application (on file at Arlington CED Office)

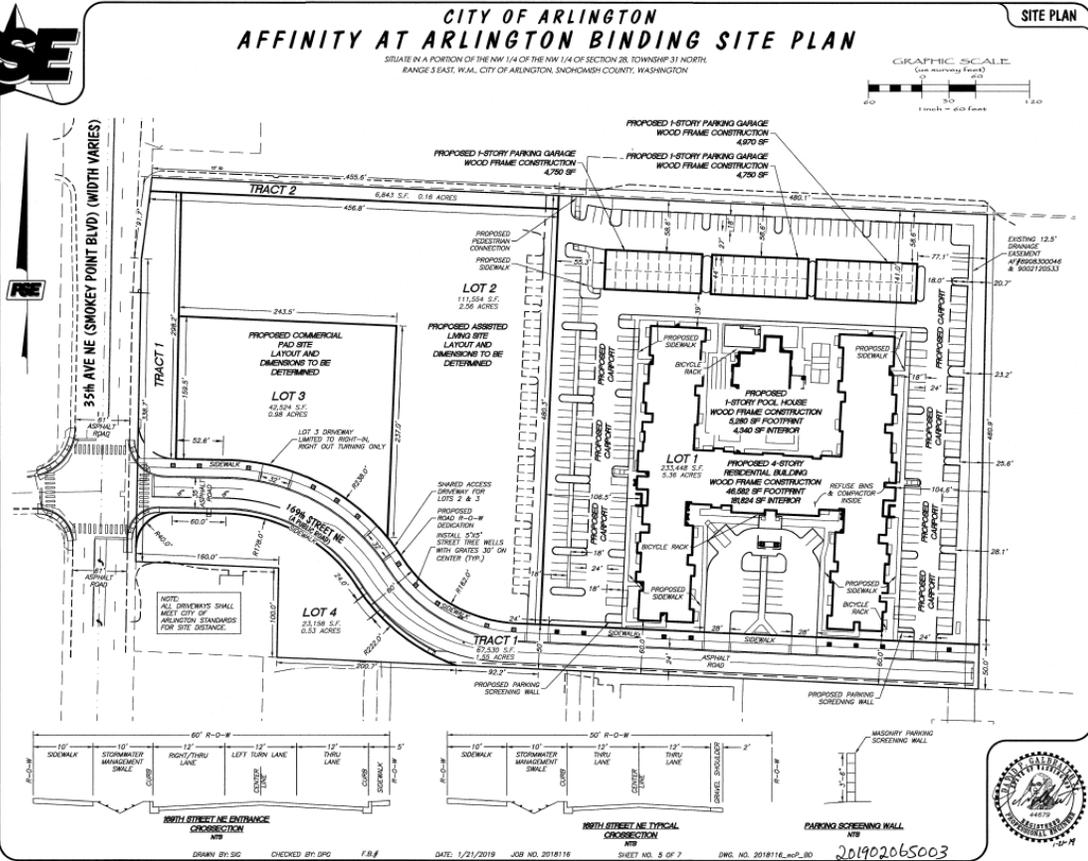
Distributed to the Following Parties:

- Steve Singer, RJ Development
- 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 B BINDING SITE PLAN



PACIFIC SURVEY & ENGINEERING INC. EMAIL: info@pacificsurvey.com
 909 SQUALICUM WAY - SUITE 111 - BELLINGHAM, WA 98225 PHONE: 360.671.7387 FAX: 360.671.4685 www.pacificsurvey.com



DESIGNED BY: BJC CHECKED BY: BJC DATE: 1/21/2019 JOB NO. 2018116 SHEET NO. 5 OF 7 DWG. NO. 2018116.dwg_05 201902065003



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.)