

Community & Economic Development

PLANNING & LAND USE DIVISION



Marc Hayes, Director

18204 59TH Avenue NE

360-403-3551

STAFF REPORT & RECOMMENDATION

The Villas at Arlington Conditional Use Permit Application

A handwritten signature in blue ink that reads "Marc Hayes".

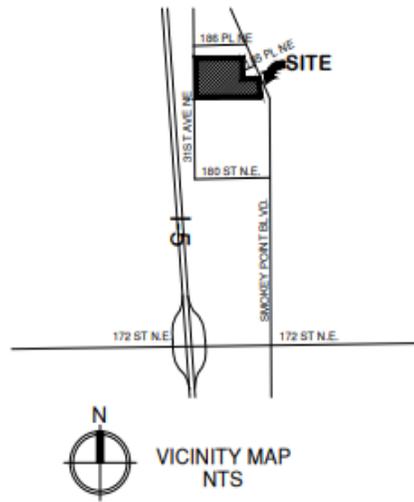
A. PROJECT DESCRIPTION AND REQUEST

The Applicant, Villas at Arlington Partners LLLP is proposing to construct a 312 unit Multi-Family Development (known as "The Villas at Arlington" - See Attachment A) on 14.95 acres located in the 18500 through 18600 blocks of Smokey Point Boulevard, Arlington, Washington, in conformance with Title 20 of the Arlington Municipal Code.

The project site consists of three parcels which will be consolidated through a Boundary Line Adjustment. The site is currently forested with 1,214 existing trees and 1,066 trees will be harvested, with 148 trees being retained along the northern and southern perimeters to serve as buffers between the Villas and existing residential development. Approximately 13 of the 14.95 acres will be cleared to allow for the multi-family housing to be constructed. The completed development will include 312 units of affordable rental housing to be situated in sixteen separate, three story multifamily buildings, plus a recreational building, on-site amenities, a surface parking lot with available enclosed garages and carports. The multifamily units are available exclusively to those earning no more than 60% of the Area Median Income (AMI). The property is zoned Residential High Density (RHD) with a minimum lot size requirement of 4,300 square feet. Storm water will be infiltrated on-site. A sewer main extension and water main extension will be looped through the site. All interior drive aisles and roads will be privately owned and maintained. Right-of-Way improvements to include dedication and frontage improvements on 31st Ave NE and Smokey Point Boulevard, as well as striping and a new left turn lane onto 185th PL NE from Smokey Point Boulevard..

In concert with their proposal, the Applicant 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 (hereafter "City") under AMC §20.98.120 and the Design Review approval under AMC 20.46.030 (PLN #394) accompany the applicant's request for a CUP.

Figure 1:



B. PROJECT HISTORY

The subject property consists of 14.95-acres within the westerly portion of the City of Arlington in an area that is commonly known as “Smokey Point”. The subject properties are currently undeveloped and forested. The applicant applied for a rezone of the properties requesting a change from Residential Moderate Density to Residential High Density in 2017. The rezone request was approved by Arlington City Council at a regular council meeting on July 3, 2017.

The applicant submitted a request for review of the proposed project “The Villas at Arlington” under the State Environmental Policy Act (SEPA) on November 22, 2017. The City issued a Mitigated Determination of Non-significance (MDNS) per AMC 20.98.120 on January 3, 2018.

The City Planning Commission, acting as the Design Review Board, reviewed the applicant’s proposal for conformance with the City’s design standards pursuant to AMC 20.46.010.020 (City file PLN#394). On January 18, 2018, the Design Review Board determined that the proposed project meets all applicable design review guidelines of the City of Arlington Development Design Guidelines manual.

The application for a Conditional Use Permit was received on November 22, 2017. The application was deemed complete on December 20, 2017. The notice of application was published in the city’s official newspaper (The Herald) on January 3, 2018. Notice was posted and mailed to required parties on January 3, 2018. The comment period for both the CUP and MDNS ran concurrently.

170 individuals, collectively known as the “Residents of the Stilly Center Apartments” submitted a single comment letter during the CUP/MDNS comment period, prior to the deadline of January 17, 2018. The comment letter contained five items of concern. a. That a fence be constructed between the Villas project and the Stillaguamish Senior Center. b. That the left turn lane on Smokey Point Blvd. as proposed for the Villas, be extended in front of the Stillaguamish Senior Center. c. That a row of trees remain between the proposed development and the senior apartments. d. That a playground be built for the children. e. That the speed limit on Smokey Point Boulevard be reduced to 35 MPH.

The project as submitted addresses items a, c and d. Item b is being addressed in the civil engineering plan submittal as per the recommendation in the Traffic Impact Analysis (TIA) by Gibson Traffic Consultants, which includes the installation of a left turn lane at the intersection of 185th PL NE /Smokey Point Blvd. Item e is not within the applicants control and would need to be evaluated and implemented by the City of Arlington.

C. SUMMARY OF OTHER AGENCY REPORTS/RECOMMENDATIONS

Agency reports or recommendations were received with respect to the subject Conditional Use Permit Application and MDNS. These include; The Stillaguamish Tribe of Indians, Snohomish County Public Utility District #1, Snohomish County Department of Public Works and the Washington State Department of Natural Resources.

The Stillaguamish Tribe requested notice of major ground disturbing. This was acknowledged by the applicant and an Unanticipated Discovery Plan (UDP) was received by the city on February 8, 2018.

D. GENERAL INFORMATION

1. **Applicant/Owner:** Villas at Arlington Partners, LLLP.
2. **Contact:** [Carmel Gregory - CG Engineering](#)
3. **General Location:** 18500 block of Smokey Point Blvd. in Arlington, WA.
4. **Address of Property:** 18506 Smokey Point Blvd., Arlington, WA 98223
5. **Property Legal Description (Abbreviated):** NE ¼, NE ¼ S 20, T 31 N, R 05 E W.M.
6. **Property Tax ID Numbers:** 31052000100800, 31052000104100, 31052000104200
7. **Topographical Description:** Generally flat forested site with a moderate slope in the northwest corner. No critical areas were identified onsite.
8. **Soil Type:** Lynnwood loamy sand, 0-3 percent slopes (USDA Soil Survey)
9. **Acreage:** 14.94 acres (651,505 sf)
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	Residential High Density	RHD	Undeveloped, forested

North of Site	Residential Density	Moderate	RMD	Single Family Residences
South of Site	Residential Density	High	RHD	Senior Apartments
East of Site	Residential Density	Moderate	RMD	Single Family Residences
West of Site	Residential Density	Moderate	RMD	Single Family Residences

1. **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:	Lakewood SD
Electricity:	Snohomish Co. PUD #1	Hospital:	Cascade Valley

2. **Applicable Land Use Code Regulations:**

- 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 20.52 Recreational Facilities and Open Space
- AMC Chapter 20.56 Streets and Sidewalks
- AMC Chapter 20.60 Utilities
- AMC Chapter 20.68 Signs
- AMC Chapter 20.72 Parking
- AMC Chapter 20.76 Screening and Trees
- AMC Chapter 20.80 Forest Land Conversion
- AMC Chapter 20.90 Concurrency & Impact Fees AMC Chapter 20.98 State Environmental Policy Act
- AMC Chapter 13.28 Stormwater Utility

3. **Proposed Use:** The proposed project includes the construction of 312 units of affordable housing in 16 separate three - story multifamily buildings, plus a recreational building, on-site amenities, surface parking with available enclosed garages and open carports. The rental units will be exclusively available to those earning no more than 60% of the Area Median Income (AMI). The property is zoned residential High Density. A Conditional Use Permit is required in this instance because the total project consists of greater than 50 residential units (see AMC 20.40.020(b)).

4. **Surrounding Land Uses and Land Use Permits:** Surrounding properties of the subject parcel are zoned Residential Moderate Density, on the west, north and east sides of the project, Residential High Density use abuts the property to the south, in the form of Senior Housing (apartments).

5. **Compatibility and Impacts on Existing Development:** The proposed development is urban in nature as required by the Washington State Growth Management Act. Neighboring property

to the north is zoned RMD and consists of Single Family Residences. Property to the east is also zoned RMD, with a mix of SFR's and Duplexes. Smokey Point Blvd separates the proposed use and the existing residential. Property adjacent to the south is developed as multi storied senior apartments (Stillaguamish Senior Center) and that property abuts the entire south property line of the Villas project. Property to the west is RMD with SFR's, with 31st Ave. NE separating the two uses. The Villas building type and use will have minimal change to the character of the general area, as it is comparative to the adjacent senior housing apartments. The most significant change will be that the subject property is currently forested, and the removal of trees and proposed development will change the physical characteristics of the area, that residents have become accustomed to. The Villas project is the first in a change of housing types being supported by the City in order to provide for a variety of housing types and promote affordable living space to accommodate the City's growth. The development will add additional vehicular trips to the local roads and the applicant is subject to applicable traffic mitigation fees, installment of frontage improvements on both Smokey Point Blvd and 31st Ave. NE and the installation of a left turn lane at 185th PL NE. Minor light pollution may be visible from adjacent properties. Mature stands of trees are being retained on the north and south perimeters as buffers between the existing uses.

6. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Application & SEPA (MDNS)	1/3/2018	N/A	Property Owners (500ft) On-Site City Hall, City Post Office, City Library Affected Agencies The Herald-published - 1/3/2018
Neighborhood Meeting		12/18/2017	On-Site City Hall, Smokey Point Post Office, City Library The Herald-published - 12/4/2017
Public Hearing	2/13/2018	2/28/2018	Property Owners (500ft) On-Site City Hall, City Post Office, City Library Parties of Record Affected Agencies The Herald-published TBD

- The city received comments from six individual members of the public or affected agencies within the comment periods.

E. ENVIRONMENTAL REVIEW

The City issued a Mitigated Determination of Non-Significance on January 3, 2018. The City coincided the 14-day SEPA comment period with the 14-day Notice of Application comment period. The combined 14-day comment period ended on January 17, 2018. Comments were received from four (4) affected agencies and 107 concerned parties (submitted collectively as Residents of Stilly Senior Apartments), primarily addressing traffic, Tribal monitoring and fencing to separate neighboring property owners. After review of the initial comments, the City forwarded the comments to the applicant for their response. The City received the applicant's response on February 8, 2018 and forwarded the responses to the parties of record that same day. In summary, all of the comments received during the comment period were addressed within the applicant's response letter.

F. 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)**, a land use permit is required for this proposal. The application submitted demonstrates in general that the proposal will comply with City regulations. 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 November 22, 2017.
 - c) **Per AMC §20.16.034 (Official Representative of the Applicant)**, Carmel Gregory, CG Engineering is the Applicant’s official Representative.
 - d) **Per AMC §20.16.040 (Applications To Be Complete)**, on December 20, 2017, the City notified the Applicant and the Applicant’s Official Representative that their application, as submitted, was determined to be complete and in accordance with this subsection.
 - e) **Per AMC §20.16.050 (Staff Consultation Before Formal Application)**, Applicant’s Official Representative met with the City on June 28, 2017 in a general information meeting concerning the proposal.
 - f) **Per §20.16.070 (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 (December 20, 2017).
 - h) **Per AMC §20.16.090 (Distribution of Application)**, the application was distributed to all applicable City departments on November 27, 2017. Notice of Application was sent to affected agencies on January 3, 2018.
 - i) **Per AMC §20.16.120 (Notice of Application Filed)**, notice was published and distributed on January 3, 2018 as required by this subsection. The comment period ran from January 3, 2018 to January 17, 2018.
 - j) **Per AMC §20.16.140 (Special Use and Conditional Use Permits)**, this application for a Conditional Use Permit is required to be reviewed and decided by the Hearing Examiner.
 - k) **Per AMC §20.16.160 (Recommendations on...Conditional Use Permit Applications)**, the City is required to submit a recommendation to the Hearing Examiner regarding this application. This report serves as that recommendation.
 - l) **Per AMC §20.16.170 (Hearing Examiner Action on Conditional Use Permits)**, the Hearing Examiner is required to take action on this permit application in accordance with this subsection.
 - m) **Per AMC §20.16.190 (Additional Requirements on Zoning, Special Use, and Conditional Use Permits)**, the City has attached additional requirements in accordance with this subsection (See Section H “Conditions” below).
 - n) **Per AMC §20.16.194 (Notice of Decision)**, the City will issue or deny the permit in accordance with the Hearing Examiner’s Decision within five (5) days of receiving the Hearing Examiner’s decision.
 - o) **Per AMC §20.16.270 (Applications to be Processed Expeditiously)**, the City has made a good faith effort to process this application expeditiously.
 - p) **Per AMC §20.16.280 (Timeline for Permit Processing)**, the City has 120 days to process this permit application and issue a decision.

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 February 13, 2018 as required by this subsection. The public hearing will take place on February 28, 2018.

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

- a) **Per AMC §20.36.100 (Official Zoning Map)**, the subject property is zoned Residential High Density (see City of Arlington Official Zoning Map).

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 Multi –Family Apartments.
b) **Per AMC §20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses)**, use classification 1.330 is permitted with a Conditional Use Permit.

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 Residential High Density zone shall conform to the applicable guidelines or standards set forth in the Design Guidelines. Per AMC §20.46.020, all projects requiring design review with a construction value exceeding \$100,000 shall be performed by the Design Review Board. On January 18, 2018, the Design Review Board reviewed the design of the proposal and determined that the building design meets the required design review guidelines pursuant to the Land Use Code and Design Guidelines as proposed (see PLN#394).

9. **Density and Dimensional Standards (AMC Chapter 20.48)**

- a) The proposed development complies with Residential High Density zoning requirements:

Code Section	Subject	Requirement	Proposal
§20.48.010	Minimum Lot Size	4,300 sf.	651,505 sf.
§20.48.030	Minimum Lot Width	45 ft.	170 ft.
§20.48.040	Building Setback - Street	20 ft.	20 ft.
§20.48.040	Building Setback – Lot Line	5 ft.	26 - 55 ft.
§20.48.060	Maximum Building Height	50 ft.	34ft

10. **Recreation Facilities and Open Space(AMC Chapter 20.52)**

- a) **Per AMC § 20.52.010 (Mini-Parks Required)**, residential developments are required to provide 65 sf of recreational space per person expected to reside in that development. The applicant is proposing to provide housing for 639 people, thus requiring total mini-park space equal to 41,535 sf (639 people X 65sf). The applicant is providing 79,975 sf of Mini-Park.
- b) **Per AMC 20.52.030 (Usable Open Space)**, residential developments are required to provide at least 5% of the total developed area as permanent, usable open space. The total developed area is 651,505sf, 32,575sf is required as open space (5% of 651,505sf is 32,575 sf). The applicant is providing 112,527sf Open Space.
- c) **Per AMC 20.52.020(c)** residential developments of more than 50 dwelling units shall provide at least one recreational facility for every 25 dwelling units. The applicant is proposing 312 dwelling units, requiring 13 recreational facilities (312 ÷25 =12.48) the applicant has provided 13 recreational facilities as a part of this proposal.

11. **Streets and Sidewalks (Chapter 20.56)**

- d) **Per AMC §20.56.010 (Street Classification)**, the property will be accessed from two locations. The primary access, located on the east side of project, will be from Smokey Point Boulevard (an n-s collector arterial) through an extension of 185th PL NE (a local access street). The second point of access, located on the west side of the project, will be from 31st Ave. NE (an n-s local access street).
- a) **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 both Smokey Point Boulevard and 31st Ave. NE thus fulfilling this requirement.
- b) **Per AMC §20.56.050 (Entrance to Streets)**, the property provides an adequate means of entry and exit to the site. As a part of the frontage improvements, the applicant proposes to install a left turn pocket at the intersection of 185th PL NE and Smokey Point Blvd. Per AMC § 20.56.060 (Neighborhood Access and Coordination with Surrounding Streets), developments of more than 49 dwelling units require more than one access point to neighboring streets. The project as proposed complies with this requirement with a primary access point off Smokey Point Blvd. and a second access from 31st Avenue NE.
- c) **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 20.56 (Streets and Sidewalks). The subject site slopes gently to the west and the private internal roads, as proposed, meet this requirement.
- d) **Per AMC §20.56.120 (Street Intersections)**, the geometry of the two intersections are required to meet the following requirements:

Intersection	Required Angle	Proposed	Meets
185 th PL NE and Smokey Point Blvd.	80 ≤ 90	90	Yes
184 th PL NE and 31 st Avenue NE	80 ≤ 90	90	Yes

- e) **Per AMC §20.56.170 (Right-of-Way Improvements and Dedication to Proceed Development)**, the City of Arlington Comprehensive Plan (figure 1-4) shows that the segment of Smokey Point Boulevard abutting the east edge of the subject property as a 5-lane collector arterial. This thoroughfare type requires a 100 foot right of way per AMC Table 20.56-1. In accordance with AMC 20.56.170(b) (6), the applicant shall dedicate that

portion of their property to the city as right-of-way that is within 50 feet of the roadway section/center line. The City's Mixed Use Development Regulations has identified Smokey Point Boulevard as a mixed use boulevard which provides for on street parking and drop lanes, which necessitate the need for additional Right of Way(60' from section/centerline). The applicant has agreed to dedicate this additional Right of Way. Full frontage improvements shall be installed on both Smokey Point Blvd. and 31st Avenue NE as a part of this project.

- f) **Per AMC §20.56.180 (Road and Sidewalk Requirements in Un-subdivided Developments)** all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter and paving specifications shall be determined by the provisions of the title addressing Parking (Chapter 20.72) and Drainage (Chapter 13.28) The interior access ways, drive aisles, sidewalks and stormwater systems within the development are privately owned and maintained and have been designed to conform to the requirements of the applicable chapters of the AMC.

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 in a signed "Water & Sewer Availability" form submitted by the Applicant, that the site is serviceable by City sewer. Water & Sewer Availability signed on December 14, 2017.
- 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 in a signed "Water & Sewer Availability" form submitted by the Applicant, that the site is serviceable by City water. Water & Sewer Availability signed on December 14, 2017
- 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 these facilities.
- 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.
- 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.
- 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.
- 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.

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. Stormwater Utilities (Chapter 13.28)

- a) **Per AMC §13.28.140 (Permits – Approval)(b) Civil Permit**
 1. All stormwater review submittals for projects with greater than two thousand feet of new, replaced or new impervious surfaces shall include, in addition to the information required under any other applicable city code, a stormwater site plan, as described in the stormwater manual (the most current City adopted version of the Department of Ecology’s Stormwater Management Manual for the Puget Sound Basin).
 2. The City’s Community and Economic Development Director or designee shall review all plans for compliance with this chapter.

14. Signs (Chapter 20.68)

- a) **Per AMC §20.68.180 (Subdivision and Multi-Family Development Entrance Signs)**, the development may have two (2) signs identifying the subdivision. At the time of submittal of the civil engineering plans for the Villas project, the applicant shall submit detailed plans for the subdivision signs to be installed in accordance with AMC Chapter 20.68

15. Parking (Chapter 20.72)

- a) **Per AMC Table 20.72-1 (Table of Parking Requirements)**, parking spaces are required to be included as part of the development itself; the development will be required to provide the minimum parking for the following proposed uses:

Use Code	Required Spaces	Total Provided Spaces
1.330 Multi-Family Apartments		
1 bedroom (120)	1 space per unit- 150 spaces	
2 bedroom (144)	2.5 spaces per unit-360 spaces	
3 bedroom (48)	2.5 spaces per unit-120 spaces	
	Subtotal 582 spaces	
10% Transit Reduction	- 58 spaces	
	Minimum required 524 spaces	
		Total Spaces 554
Handicap Accessible Spaces		24 ADA Stalls
Total Vehicular Spaces		578 Spaces
Bicycle Racks	1 per 10 spaces-58	92 Bicycle Stalls

16. **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 5ft. depth) bordering the existing Single Family Residences and Type B screening (at a 10 ft. depth) along all other borders of the property including 31st Avenue NE and Smokey Point Boulevard. The Landscape Plan (sheets L-3 – L-7) indicates fulfillment of this requirement. The applicant is also providing a 6ft tall solid fence along all sides that abut existing residential uses.
- b) **Per AMC §20.76.130 (Shade Trees in Parking Area)**, a minimum of 20 percent of the vehicle accommodation area must be shaded. The landscape plan reflects sufficient parking area shading to meet the general landscape requirements specified in AMC Chapter 20.76. The final site plan shall comply with the requirements of AMC Chapter 20.76. Plant material must be guaranteed for one year, with any replacements guaranteed for one year also.
- c) **Per AMC §20.76.110 (Required Trees along Dedicated Streets)** the development is required to have street trees averaging at least one tree per 30 feet of street frontage. The landscape plan reflects compliance with this requirement, with a total of 24 trees being installed along both 31st Avenue NE and Smokey Point Boulevard.
- d) **Per AMC §20.76.120 (Retention and Protection of Significant Trees)** the City finds that there may be significant trees onsite that will be removed as part of this development. Replacement of significant trees shall be made in accordance with this subsection. Significant trees removed shall be calculated at a 3:1 replacement ratio for a 5-gallon-sized native species. This may be accomplished by either replanting or paying a fee In-Lieu tree mitigation. The fee includes the cost of the replacement tree and the cost of labor to install. The applicant has opted to pay a tree mitigation fee in the amount of \$94,087.50 (965 trees X 3 = 2,895 trees, 2895 X \$32.50- replacement cost = \$94,087.50) (see also condition “g” in subsection H (conditions) below.

17. **Forest Land Conversion (Chapter 20.80)**

- a) **Per AMC §20.80.020 (Purpose)**; the City of Arlington assumes regulatory authority from the Department of Natural Resources over certain forest practices as specified §20.80.050. The applicant was required to submit a Forest Practices Application (FPA) for a Class IV-General Forest Practice (a Class IV-General; includes the harvest of timber and the conversion of land to residential or commercial use).
- b) **Per 20.80.110 (Permits and Approval Required)**; a forest practice permit, or approval, shall be obtained prior to a Class IV- general or class IV-special conversion forest practice. The applicant applied for a Class IV-general permit on January 18, 2018. The applicant chose to pay an In-Lieu tree mitigation fee as allowed by this permit application process.

18. **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. Per Ordinance 1469, a fee of \$3,355 per the development’s PM Peak Hour Trips, as provided in the proposed Traffic Impact Study prepared by Gibson Traffic Consultants in November 2017, shall be paid by the applicant. The City accepts the estimate of 121 new PM peak hour trips (121 X \$3,355.00 = \$405,995.00.)
- b) **Per AMC §20.90.230 (School Fees Required)**, residential developments are also required to pay the School District Mitigation fee in effect at time of application. The Villas project is within the Lakewood School District, and per Ordinance 1467, a fee of \$396.00

per two/+ multi-family dwelling units (192 units X \$396.00 = **\$76,032**) shall be paid by the applicant. One bedroom multi-family units are \$0.00.

19. **Per AMC §20.90.400 (Community Parks Impact Fee)**, residential developments are also required to pay a Community Parks impact fee. Per Ordinance 1469, a fee of \$1,497 per multi-family dwelling unit (312 units X \$1,497 = **\$467,640**) shall be paid by the applicant.

20. **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 January 3, 2018. There was a combined 14-day comment period from January 3, 2018 thru January 17, 2018.

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 Residential High Density, and the subject property is zoned Residential High Density. Per AMC Table 20.40-1, Permissible Uses, Use 1.330 Multi-Family Apartments, is a permissible use of the property. 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 December 20, 2017. Subject to conditions specified below in Section H, the application contains all of the information that is necessary for the permit-issuing authority 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 an MDNS on January 3, 2018 and the requirements of SEPA have been met. No parties appealed the MDNS, and comments received were addressed in Section H below.
 - 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 City concludes that the proposed development will not materially endanger the public health or safety.
 - b) **Will materially harm adjoining or abutting property.** The City concludes that the proposed development, as mitigated and conditioned, 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 City concludes that, in terms of the site design/layout, building design and proposed residential use, that the proposed development will be compatible with the surrounding residential land uses in the area in which it is located.
4. The Conditional Use Permit should be approved subject to conditions specified in Section H below.

H. CONDITIONS

1. The applicant shall meet the following required conditions in order to receive approval for the conditional use permit:
 - a) The development shall meet all the standards listed in the Findings of Fact in Section F above.
 - b) All development shall be in substantial conformance with the site plan received on November 22, 2017, subject to any conditions or modifications that may be required as part of the permit and construction plan review
 - c) The developer shall comply with all conditions of the SEPA MDNS issued on January 3, 2018, see conditions d - o below.
 - d) In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology's most current Stormwater Management Manual for Western Washington. In strict adherence to Stormwater Pollution Prevention, all construction activity shall be consistent with the applicant's Stormwater Pollution Prevention Plan (SWPPP) and Temporary Erosion Sedimentation Control (TESC) which require measures to prevent erosion during and after construction. A Construction Stormwater General Permit is required through the Department of Ecology.
 - e) In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction.
 - f) In order to mitigate for potential impacts to surface water, ground water and water runoff, the Applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington.
 - g) In order to mitigate for the removal of 965 Significant trees from the subject property, the applicant has agreed to pay a tree mitigation fee in the amount of \$94,087.50
 - h) In order to reduce or control surface, ground, runoff water and drainage pattern impacts, the Applicant shall use methods for detention, conveyance and treatment of water per the submitted Preliminary Drainage Report dated November 21, 2017, and the Waters/Wetlands Reconnaissance Survey April 11, 2017.
 - i) The applicant shall comply with the City of Arlington noise standards found in AMC 9.20.060. Specifically, in section 9.20.060(8) noises resulting from any construction activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday and all day Sunday shall be prohibited.
 - j) In order to mitigate for potential impacts to the City's transportation network, the Applicant shall construct frontage improvements to both 31st Avenue NE, and Smokey Point Boulevard. A left turn lane will also be installed at the intersection of 185th PL NE and Smokey Point Boulevard.
 - k) In order to mitigate for potential impacts to the City's transportation network, the Applicant shall pay City of Arlington traffic mitigation fees. The current traffic impact fee rate is \$3,355.00 per PM Peak Hour Trip. Per the Traffic Impact Analysis (TIA) submitted November 2017, the City will accept the estimate of 121 new PM peak hour trips in the amount of \$405,955.00.

- l) The Applicant shall connect to the City of Arlington water and sewer systems. Approval of these utilities will be required with the Site Civil Permit.
- m) The Applicant shall construct 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.
- n) Prior to any construction activities, the applicant shall file and receive approval of site civil construction plans which comply with all requirements of the Land Use Code, International Building Code, International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
- o) The developer shall meet all local, state, or federal code requirements. Attached as Attachment C is a list of code requirements that are specifically called to the developer's attention. It is in no way intended to be a complete list of code requirements, but a general checklist of major steps and issues.
- p) If any archaeological materials are discovered on the site, the State Historical Preservation Officer, the Stillaguamish Tribe, and the City of Arlington shall be contacted and measures taken to preserve the materials and the site. As requested by the Stillaguamish Tribe, the applicant shall have an Unanticipated Discovery Plan in place prior to any ground disturbing activity and shall also provide the Stillaguamish Tribe with the option to have tribal monitors present during ground disturbance (with adequate notice). See Archaeology Report, dated August 16, 2016.
- q) Prior to issuance of the building permit, the applicant shall complete all required or voluntary improvements unless otherwise secured and authorized by the City Engineer.
- r) Because the proposal is within Subdistrict C of the Airport Protection District the following is required:
 - 1. No use may be made of the premises which can or does interfere with use of the Airport by aircraft by reason of:
 - a) electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft or aircraft to aircraft;
 - b) the emission of fly ash, dust, vapor, gases, or other forms of emissions that may conflict with planned operations of the airport; and
 - c) lighting conditions, height of any structure or appurtenance, or any use which may attract birds.
 - d) The current owner of the property is required to sign an Airport Disclosure Notice and have that notice recorded with Snohomish County. The recorded notice must be returned to the Airport Office prior to issuance of the land use permit. We require the notice be signed to verify that the property owner is aware of the close proximity of the airport and the effects airport traffic may have on the property.
 - s) Prior to issuance of the building permit, the applicant shall submit verification that any on-site septic systems, if found, have been decommissioned per Snohomish County Health District standards, have been inspected by City staff and that any on-site wells have been

decommissioned per Department of Ecology standards and have been inspected and approved.

- t) The developer shall clear any outstanding Planning Division permit-processing accounts with the City within 60 days of issuance of this permit.
1. 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

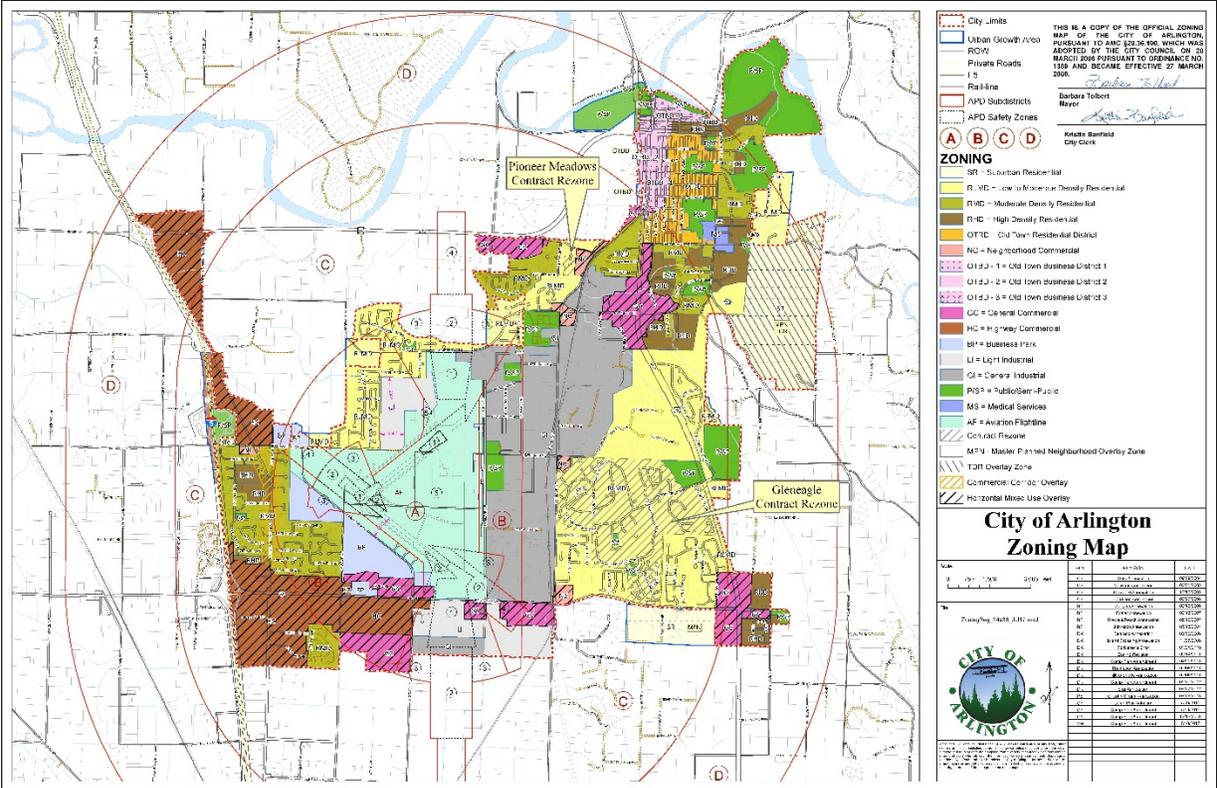
File PLN#393 – The Villas at Arlington Conditional Use Permit Application (on file at Arlington CED Office)

File PLN#394 – The Villas at Arlington Design Review Permit Application (on file at Arlington CED Office)

Distributed to the Following Parties:

- Villas at Arlington Partners, LLLP
- CG Engineering, Chevy Chase, Carmel Gregory
- Ted Hunter, Hearing Examiner
- Steve Peiffle, City Attorney
- Parties of Record
- 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
- Katie Heim, GIS Analyst

ATTACHMENT B ZONING MAP



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.)