

Community & Economic Development

PLANNING & LAND USE DIVISION



Marc Hayes, Director

18204 59TH Avenue NE

360-403-3551

STAFF REPORT & RECOMMENDATION

Gilman Walk at Country Charm Conditional Use Permit and Unit Lot Subdivision Application



A. PROJECT DESCRIPTION AND REQUEST

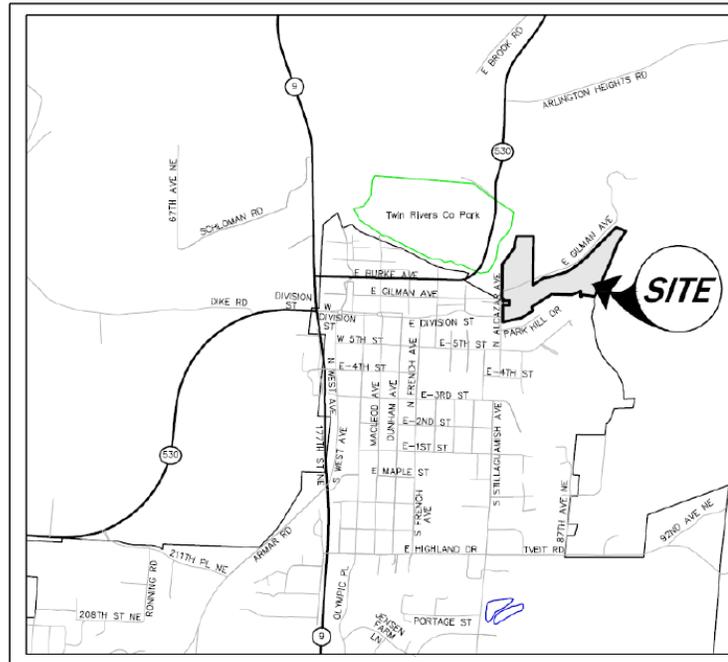
The Applicant, Corner 9 Properties, LLC is proposing to construct an up to 115 unit Townhouse Development (known as “ Gilman Walk at Country Charm” - See Attachment A) on 21.4 acres located at 604 E Gilman Avenue, Arlington, Washington, in conformance with Title 20 of the Arlington Municipal Code.

The project site consists of three parcels which will be consolidated through a Boundary Line Adjustment. The completed development will include up to 115 Townhouses on fee simple lot though the City’s Unit Lot Subdivision process to allow for individual homeownership. On-site amenities include pedestrian trails, picnic areas with seating, informal play areas, Gazebos, and surface parking lots with enclosed garages at each unit. The property is zoned Residential High Density (RHD) with a minimum lot size requirement of 4,300 square feet. Storm water will be conveyed to an existing manure pond that will be improved based on the Storm drainage report prepared by Core Design, dated 11/26/2019. A sewer main extension and water main extension will be looped through the site. Right-of-Way improvements to include dedication and frontage improvements to extend E Gilman Ave through the site with a 12-foot multimodal path, as well as an additional alley for a secondary ingress/egress point.

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 #649) accompany the applicant’s request for a CUP.

Figure 1:



Vicinity Map
Gilman Walk at Country Charm

B. PROJECT HISTORY

The subject property consists of 21.4-acres within the North-westerly portion of the City of Arlington in an area that is commonly known as “County Charm”. The subject properties have previously been developed with single family houses and a former dairy farm. The applicant applied for a rezone of the properties requesting a change from Neighborhood Commercial to Residential High Density in 2020. The rezone request will go before the Arlington City Council at a regular council meeting on May 4, 2020.

The applicant submitted a request for review of the proposed project “Gilman Walk at Country Charm” under the State Environmental Policy Act (SEPA) on December 4, 2019. The City issued a Mitigated Determination of Non-significance (MDNS) per AMC 20.98.120 on January 14, 2020.

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#649). On January 23, 2020, 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 December 4, 2019. The application was deemed complete on December 31, 2019. The notice of application was published in the city’s official newspaper (The Herald) on January 14, 2020. Notice was posted and mailed to required parties on January 14, 2020. The comment period for both the CUP and MDNS ran concurrently.

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; Washington State Department of Fish and Wildlife, Snohomish County Department of Public Works and the Washington State Department of Ecology.

D. GENERAL INFORMATION

1. **Applicant/Owner:** Corner 9 Properties
2. **Contact:** Anna Nelson of Landed Gentry
3. **General Location:** 604 E Gilman Ave, Arlington WA 98223
4. **Address of Property:** 604 E Gilman Ave, Arlington WA 98223
5. **Property Legal Description (Abbreviated):** NW ¼, SW ¼ S 1, T 31 N, R 05 E W.M.
6. **Property Tax ID Numbers:** 31050100302200, 31050100300200
7. **Topographical Description:** Predominantly flat site with an area of steep slopes to the Southeast of Parcel 4.
8. **Soil Type:** Surficial fill soils underlain by recessional outwash soils, Vashon lodgement till soils and Possession-age soils with alluvial deposits located within the floodplain area.
9. **Acreage:** 21.4 acres (932,184 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 / Neighborhood Commercial	RHD / NC	Existing former Dairy Farm/General Store
North of Site	Public / Semi-Public	P/SP	Country Charm City Park
South of Site	Residential Moderate Density	RMD	Single Family Residences
East of Site	Public / Semi-Public	P/SP	Country Charm City Park
West of Site	Residential High Density	RHD	Single Family Residences/Townhouses mixed

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:	Arlington 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 20.44.020 Unit Lot Subdivisions
- 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 20.90 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 115 townhomes, plus recreational facilities, on-site amenities, surface parking with attached enclosed garages. The property is zoned Residential High Density and Neighborhood Commercial. 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 southern side of the project, Residential High Density use abuts the property to the West, and Public/Semi-public uses surround the northern and western sides, with the City's Country Charm park abutting those sides of the project.
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 south is zoned RMD and consists of Single Family Residences. The property is surrounded to the east and north by a Public/Semi-Public zoned property, which is the City of Arlington's Country Charm Park. Alcazar Ave separates the proposed use and the existing residential high density to the west, which consists of single family homes and duplexes. The Gilman Walk at Country Charm building types and use will have minimal change to the character of the general area, as it is comparative to the duplexes to the west. 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 by extending Gilman Ave through the property with a 12-foot multimodal path in addition to a new alley. Minor light pollution may be visible from adjacent properties. A mixture of natural and manmade screening are being located on the southern perimeter as buffers between the existing uses.

6. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Application & SEPA (MDNS)	1/14/2020	N/A	Property Owners (500ft) On-Site City Hall, Smokey Point Library, Old Town Arlington Library Affected Agencies The Herald-published – 1/14/2020
Neighborhood Meeting		1/7/2020	On-Site City Hall, Smokey Point Post Office, City Library The Herald-published – 12/20/2019
Public Hearing	2/4/2020	2/19/2020	Property Owners (500ft) On-Site City Hall, Smokey Point Library, Old Town Arlington Library Affected Agencies The Herald-published – 2/4/2020

- The city received comments from four individual members of the public or affected agencies within the comment periods.
 - A citizen named Sean Clevenger submitted a comment on January 17, 2020 stating:
 - “Good day, I am writing this in response to the planned construction of Gilman Walk County Charm development. I am unable to attend the upcoming planning meeting but would like to get the thoughts of the developer and the Planning Commission on the impact the additional residents will have on the traffic in and around the area. Specifically, the cross section between Hwy9 and 530. This area is already congested and is a frequent bottleneck and dangerous connection. I believe something should be done to alleviate the current and future congestion. Thank you for your consideration, Sean Clevenger”
 - On January 27, 2020, Paul Marczin of the Washington State Department of Fish and Wildlife commented:
 - “Thank you for providing WDFW the opportunity to review this proposal. My comments are not based on an on the ground site review, but were derived from reviewing the information provided, our PHS information and other mapping tools. My comments are as follows,
 - 1) As shown on Appendix G Figure 3 of the Wetland and Fish and Wildlife Report, Wetlands A, B and C are hydrologically connected to the South Fork Stillaguamish River by a stream. This is also apparent when reviewing LIDAR of the site. Consequently it appears that these wetlands likely support fish life including listed species such as Chinook salmon and steelhead. At a minimum, these wetlands and associated stream likely provided refuge habitat during flood events and rearing habitat for juvenile salmonids. The report referenced above should be amended to accurately describe the existing site conditions, including the stream that connects to the river, and potential for listed species utilizing these wetlands and stream.
 - 2) Section 6.2.2 of the Wetland and Fish and Wildlife Report states that these wetlands do not likely support juvenile salmonids

due to poor water quality. This may be true during the summer when water quality deteriorates, but it is very likely they support salmonids during the colder months of the year.

- 3) Chapter 7 of the Wetland and Fish and Wildlife Report should be revised to reflect that the on-site wetlands and stream likely provide habitat for listed salmonid species, and that these species will be present in the South Fork Stillaguamish River when project construction occurs as they are present year around. This Chapter should also be revised to address the potential impacts to these species in light of the on-site habitat discussed above.
- 4) Eagle Creek and it's associated wetlands occur adjacent to the site as stated in the Wetland and Fish and Wildlife Report, however they are not shown on site figures, nor are buffers shown from them which would extend onto the site. It appears that the parcel includes a portion of the wetland associated with Eagle Creek. This stream system also supports salmonids, including listed species.
 - Feel free to contact me if you have any questions regarding my comments, or would like me to conduct a site visit. Thanks, Paul”
- On January 28, 2020, Katelynn Piazza of the Washington State Department of Ecology provided a comment letter that stated:
 - “Thank you for the opportunity to provide comments on Gilman Walk at Country Charm project. Based on review of the State Environmental Policy Act (SEPA) checklist associated with this project, The Department of Ecology (Ecology) has the following comments:
 - Under RCW 90.03.350, a Dam Safety construction permit is required for those dams or ponds which can impound a volume of 10 acre-feet or more of water or other liquids, above ground level. The Gilman Walk at Country Charm project references the modification of an existing manure pond to be utilized as a stormwater pond, including the use of fill to build up the side slopes and associated berms of the pond. To determine if a Dam Safety construction permit is required for your project, the applicant must submit a set of construction plans to: Joe Witczak WA Department of Ecology Dam Safety Office P.O. Box 47600 Olympia, WA 98504-7600
 - Thank you for considering these comments from Ecology. If you have any questions or would like to respond to these comments, please contact Joe Witczak with Ecology’s Dam Safety Office at (360) 407-6603 or by email at joe.witczak@ecy.wa.gov. Sincerely, Katelynn Piazza”
 - On February 8, 2020, the applicant supplied a response from CORE Design stating:
 - “The proposed water quality pond will be located within the existing bounds of an abandoned dairy manure lagoon. Approximately four feet of non-structural organic material will be excavated from the bottom of the lagoon in order to build a stable pond. The entire pond will be located below the existing grade and will not require the construction of a berm. The volume required is approximately 44,000 cubic feet, well below the 10 ac-ft threshold. For these reasons, we believe that a dam safety design review is not required.”
- On January 16, 2020, Elbert Esparza of Snohomish County Department of Public Works commented that:

- The county received the city's request for review for the Gilman Walk at Country Charm project. Since the development is subject to SEPA, then mitigation under the county/city interlocal agreement is required.
- The applicant has two options for determining the development's proportionate share mitigation. The applicant may (1) prepare a comprehensive traffic study to determine the development's proportionate share impact to the county adopted capacity improvements or (2) the applicant may have its proportionate share impact mitigation based on its average impact to County facilities as described in exhibit 2 of the ILA.
- On January 31, 2020 Elbert Esparza of Snohomish County Department of Public Works provided a follow up comment to the January 16, 2020 once the county had received the applicant's ILA traffic offer form that stated:
 - I reviewed the offer and distribution that you sent for this project. Snohomish County Public Works concurs with the distribution and your conclusion that this development will not impact any county capital improvement projects or county road with three or more directional peak hour trips. Therefore, no mitigation and no offer is required of this development to the county under the county/city interlocal agreement. Thank you for the opportunity to review this proposal."

E. ENVIRONMENTAL REVIEW

The City issued a Mitigated Determination of Non-Significance on January 14, 2020. 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 28, 2020. Comments were received from three (3) affected agencies and a concerned Citizen, the citizen's primary concern was traffic, Snohomish county Public works requested a traffic offer form consistent with our Interlocal agreement, which was reviewed and approved on 1/31/2020, edits to the Wetland and Fish and Wildlife Report from the Department of Fish and Wildlife, and a request from the Department of Ecology to review the construction plans of the stormwater pond to determine if it would require a Dam Safety construction permit. After review of the initial comments, the City forwarded the comments to the applicant for their response.

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 December 4, 2019.
 - c) **Per AMC §20.16.034 (Official Representative of the Applicant)**, Anna Nelson, Landed Gentry is the Applicant's official Representative.
 - d) **Per AMC §20.16.040 (Applications To Be Complete)**, on December 31, 2019, 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 October 10, 2019 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 31, 2019).
 - h) **Per AMC §20.16.090 (Distribution of Application)**, the application was distributed to all applicable City departments on December 5, 2019. Notice of Application was sent to affected agencies on January 14, 2020.
 - i) **Per AMC §20.16.120 (Notice of Application Filed)**, notice was published and distributed on January 14, 2020 as required by this subsection. The comment period ran from January 14, 2020 to January 28, 2020.
 - 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 4, 2020 as required by this subsection. The public hearing will take place on February 19, 2020.
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 and Neighborhood Commercial (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 partially within Subdistrict "D" 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 1.320 Multi –Family Townhouses.
- b) **Per AMC §20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses)**, use classification 1.320 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. **Unit Lot Subdivision (AMC Chapter 20.44.020)**

- a) **Per AMC 20.44.020A-N (Unit Lot Subdivision Standards)**, the proposed development must comply with all sections of the Unit Lot Subdivision Standards for lot standards, development and design standards, ownership of common areas, building setbacks, off street parking, private access drives, public water mains, sewer mains and fire hydrants, ingress/egress and utility access, landscaping, homeowners association incorporation, covenants and maintenance, and recorded conditions. Refer to attachment D for the Unit Lot Subdivision matrix that shows the met conditions of the unit lot subdivision code.

9. **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 23, 2020, 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#649).

10. **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.	932,184 sf.
§20.48.030	Minimum Lot Width	45 ft.	286 ft.
§20.48.040	Building Setback - Street	0-5 ft.	5 ft.
§20.48.040	Building Setback – Lot Line	5 ft.	5 ft.
§20.48.060	Maximum Building Height	45 ft.	40 ft

11. **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 380 people, thus requiring total mini-park space equal to 24,700 sf (380 people X 65sf). The applicant is providing 28, 023 sf of Mini-Park within Phase 1.

- 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 932,184 sf, 46,610 sf is required as open space (5% of 932,184 sf is 46,609.2 sf). The applicant is providing 86,401 sf of 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 115 dwelling units, requiring 5 recreational facilities (115 ÷ 25 = 4.6) the applicant has provided 17 recreational facilities as a part of this proposal.

12. 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 north side of project, will be from E Gilman Ave (an e-w collector arterial). The second point of access, located on the south side of the project, will be from Alcazar Ave (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 E Gilman Ave and Alcazar Ave 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 12-foot wide multi-modal sidewalk with connections to other proposed pedestrian trails on-site along the proposed extension of E Gilman Ave, as well as construction of an alley that will provide secondary access on site.
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 E Gilman Ave and a second access off a new proposed alley from Alcazar Ave.
- 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 to the west and the 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
E Gilman and Alcazar Ave	80 ≤ 90	90	Yes
Alcazar Ave and proposed Alley	80 ≤ 90	90	Yes

- e) **Per AMC §20.56.170 (Right-of-Way Improvements and Dedication to Proceed Development)**, The proposed development will require a new public access road with full frontage improvements, the extension of Gilman Ave, and a new alley. A 12-foot wide multimodal sidewalk with connections to other proposed pedestrian trails will be provided along the extension of Gilman Ave. New sidewalks, walking trails and multimodal paths will be provided on site. Gilman Ave will be a dedicated Public Right-of-Way.
- f) **Per AMC §20.40.020H (Road and Sidewalk Requirements in Unit Lot Subdivision 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.

13. 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 November 18, 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 in a signed "Water & Sewer Availability" form submitted by the Applicant, that the site is serviceable by City water. Water & Sewer Availability signed on November 18, 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 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.

14. 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.

15. **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 Country Charm at Gilman Walk project, the applicant shall submit detailed plans for the subdivision signs to be installed in accordance with AMC Chapter 20.68

16. **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
1.320 Multi-Family Townhouses 3/4 bedroom (115) Guest Parking	2 spaces per unit- 230 spaces 1 space per 4 units - 29 spaces Minimum required 259 spaces	 Total Spaces 391
Total Vehicular Spaces		391 Spaces
Bicycle Racks	1 per 10 spaces-26	26 Bicycle Stalls

17. **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. The Landscape Plan (sheet L2.01) indicates fulfillment of this requirement.
- 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 201 trees being installed along both E Gilman Ave and the new alley.

- 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 applicant proposed to remove 12 trees from site to be replaced on site at a 3:1 ratio, for a total of 36 trees needing to be replaced, these trees have been included in the 481 trees that are being planted on site.
- e) At the time of this staff report the applicant had recently acquired parcel 31050100300200 which will also include landscape improvements, which will be required for the issuance of this permit.

18. Concurrency & Impact Fees (Chapter 20.90)

<u>Mitigation factors</u>	<u>Proposed factors</u>	<u>Total fees</u>
<u>Peak PM trips</u> \$3,355 per Peak PM trip	Per TIA dated November 2019, 68 new peak PM trips to be added	<u>\$3,355 x 68 Peak PM trips = \$228,140</u>
<u>School Mitigation Fees</u> Per the Arlington School District \$1,895 per every two/+ bedroom multi-family dwelling unit	115 Townhouse Units	<u>\$1,895 x 115 units = \$217,925</u>
<u>Community Parks Impact Fees</u> \$1.497 per multi-family unit	115 Townhouse Units	<u>\$1,497 x 115 units = \$172,155</u>

- 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 2019, shall be paid by the applicant. The City accepts the estimate of 68 new PM peak hour trips (68 X \$3,355.00 = \$228,140.)
- 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 Country Charm at Gilman Walk project is within the Arlington School District, and per Ordinance 1469, a fee of \$1,895.00 per two/+ multi- family dwelling units (115 units X \$1895.00 = \$217,925) shall be paid by the applicant..

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 (115 units X \$1,497 = \$172,155) shall be paid by the applicant. In this instance a Development Agreement will be utilized to identify how Park and Traffic impact fees will be applied to the project.

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 14, 2020. There was a combined 14-day comment period from January 14, 2020 thru January 28, 2020.

G. CONCLUSION & RECOMMENDATION

1. The **applicant** has applied for a **conditional** use permit and Unit Lot Subdivision 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 1.320 Multi-Family Townhouses, 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 31, 2019. 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 14, 2020 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 and Unit Lot Subdivision 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) All development shall be in substantial conformance with the site plan received on December 4, 2019, subject to any conditions or modifications that may be required as part of the permit and construction plan review
 - b) The developer shall comply with all conditions of the SEPA MDNS issued on January 14, 2020.
 - a. 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.
 - b. In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction.
 - c. 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.
 - d. 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, 2019.
 - e. 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.
 - f. In order to mitigate for potential impacts to the City's transportation network, the Applicant shall construct frontage improvements to extend Gilman Ave, and a new alley. A 12-foot wide multimodal path will be provided that runs parallel to Gilman Ave.
 - g. 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 2019, the City will accept the estimate of 68 new PM peak hour trips in the amount of \$228,140.00.
 - h. 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.
 - i. 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.

- j. 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.
- k. 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.
- l. 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 November 26, 2019.
- m. 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.
- n. Because the proposal is within Subdistrict D of the Airport Protection District the following is required:
 - i. No use may be made of the premises which can or does interfere with use of the Airport by aircraft by reason of:
 - 1. 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;
 - 2. the emission of fly ash, dust, vapor, gases, or other forms of emissions that may conflict with planned operations of the airport; and
 - 3. lighting conditions, height of any structure or appurtenance, or any use which may attract birds.
 - 4. 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.
 - o. 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.
- c) 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

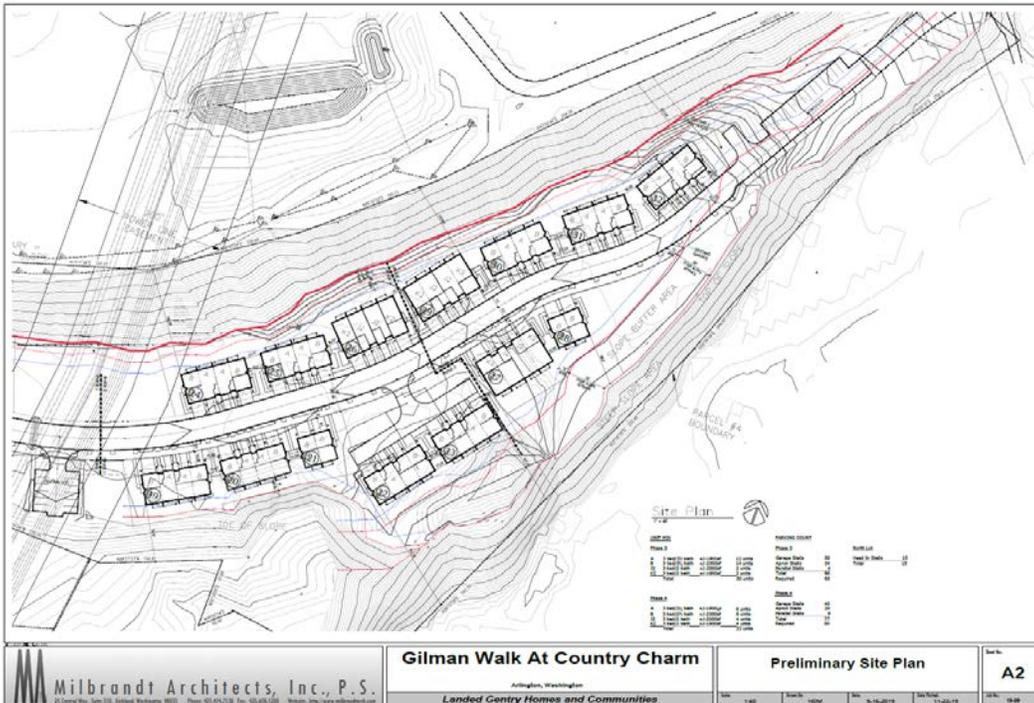
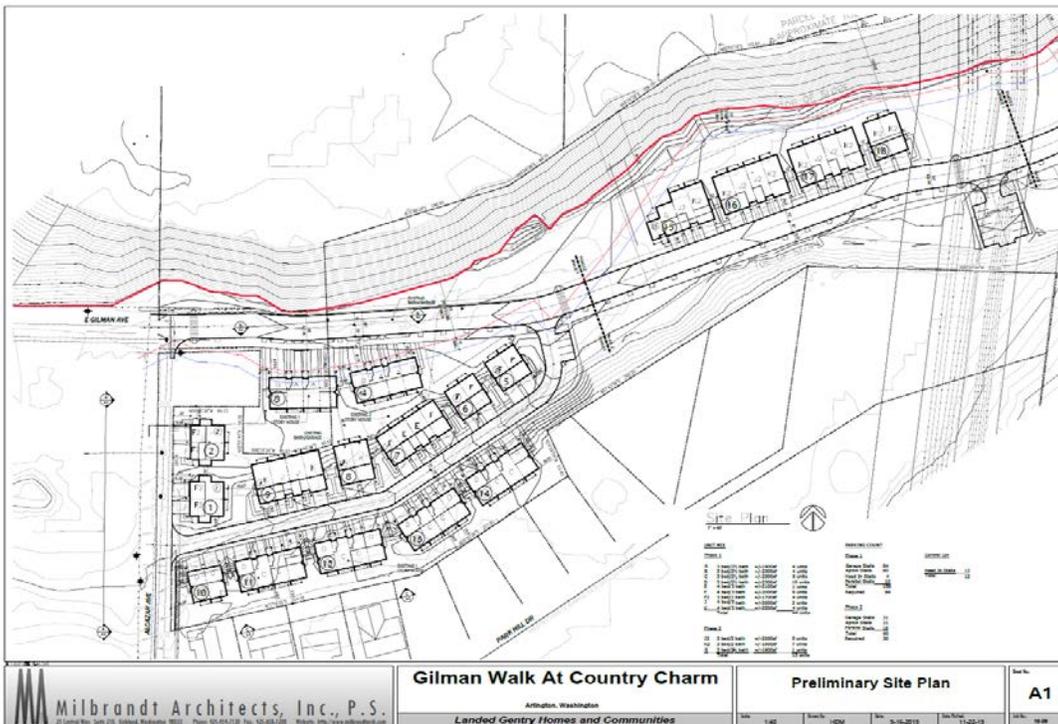
File PLN#648 – Gilman Walk at Country Charm Conditional Use Permit Application (on file at Arlington CED Office)

File PLN#649 – Gilman Walk at Country Charm Design Review Permit Application (on file at Arlington CED Office)

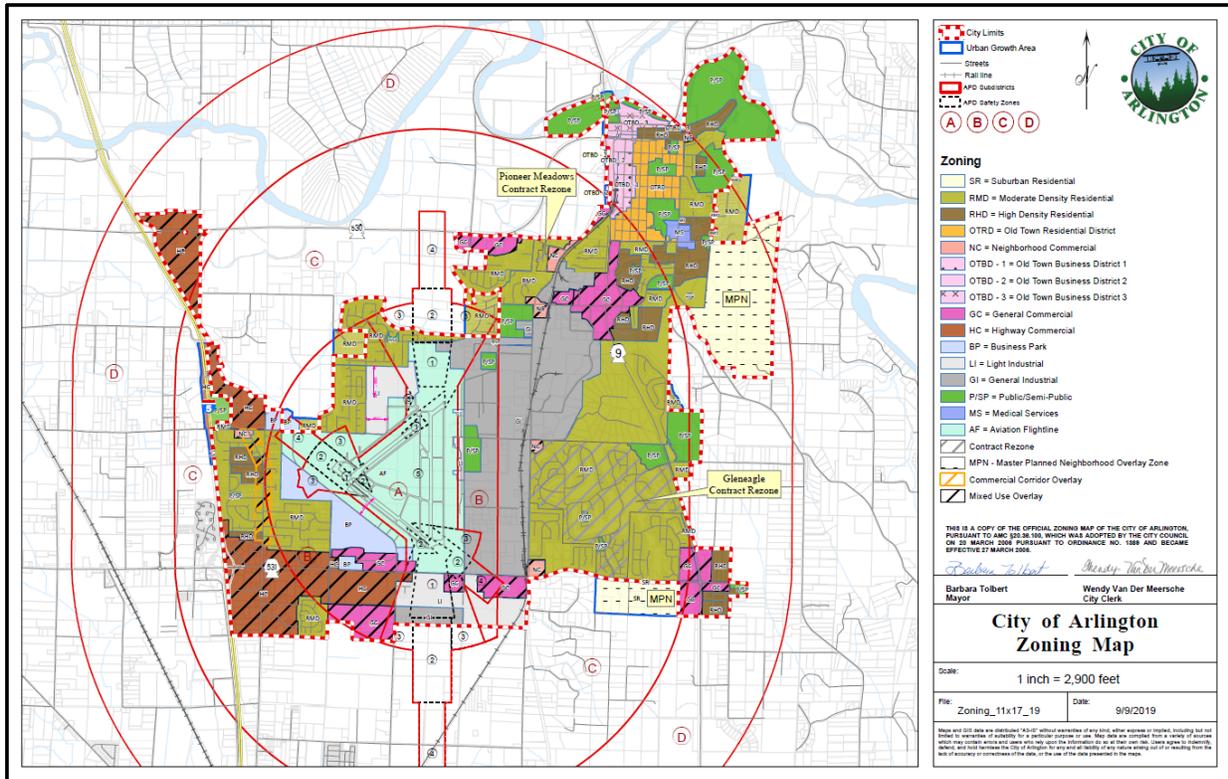
Distributed to the Following Parties:

- Corner 9 Properties, LLC
- Anna Nelson, Landed Gentry
- 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 A SITE PLAN



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.)

Attachment D
Unit Lot Subdivision Matrix

Unit Lot Subdivision	Standards
20.44.020A(a) Each Building is Not less than one unit or exceeds ten units with a ten foot separation from other buildings	Meets, All Structures have more than one unit and less than 10, and meets all setbacks
20.44.020A(b) All Units Lot Subdivisions shall be permitted in Residential high-density and all commercial zones	Meets, the parcel is zoned Residential High Density
20.44.020A(d) All units shall have an attached private open space for each individual unit equaling fifteen percent of the total lot area but no less than 200 sf	Meets, all units have attached open space over 200 sf and over fifteen percent of the total lot area
20.44.020F Building meet the building setback required by the zone of the parent parcel	Meets, all building setbacks of the parent parcel are being met
20.44.020G Required Parking meets the conditions as required by Chapter 20.72, with one additional off-street parking being provided for every four lots proposed	Meets, off-street parking has been provided that meets the conditions of chapters 20.72 and 20.44.020G
20.44.020H All private access drives shall be built to the city design and construction standards	Meets, all private access drives are designed to the city standard
20.44.020I All water mains, sewer mains, and fire hydrants shall be constructed to the city design and construction standards and dedicated to the city.	Meets, all water mains, sewer mains, and fire hydrants are designed to the city standard and will be dedicated to the city
20.44.020J Each unit lot subdivision shall make adequate provisions for ingress, egress, and utilities access to and from each lot	Meets, each unit lot has adequate means of ingress, egress, and utility access to and from each lot
20.44.020K A landscape plan shall include Perimeter landscape along rear or interior lot lines of the parent parcel, street trees on public and private drives shall be per city approved tree list.	Meets, a landscape plan has been provided with landscaping along rear and interior lot lines of the parent parcel and the street trees are from the city approved tree list.
20.44.020L A Homeowner’s association shall be incorporated prior to recording of the subdivision	This will be required prior to recording of the Subdivision

20.44.020M The applicant shall provide a preliminary draft of covenants, declarations and restrictions with the subdivision application	Meets, a draft CCRs has been submitted to the city
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