

Community & Economic Development

PLANNING & LAND USE DIVISION



Marc Hayes, Director

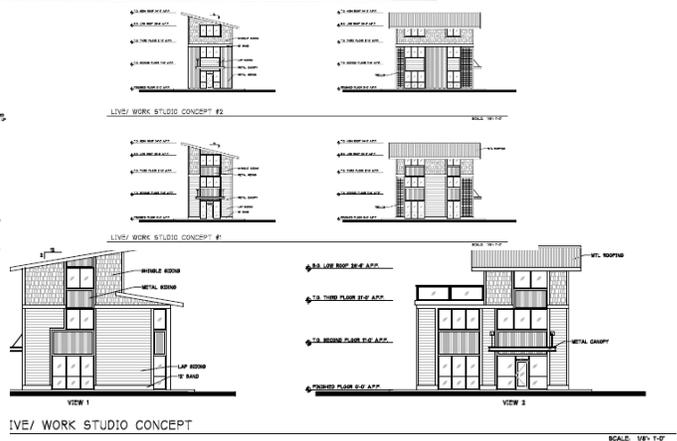
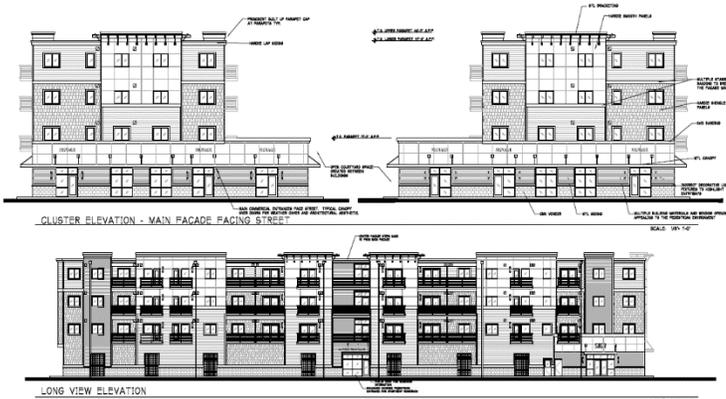
18204 59TH Avenue NE

360-403-3551

STAFF REPORT & RECOMMENDATION

51ST Avenue Urban Village

Conditional Use Permit and Binding Site Plan Application



A. PROJECT DESCRIPTION AND REQUEST

The Applicant, Arlington 51st Street, LLC is proposing to construct an up to 500 unit Multi-family Development (known as “ 51st Avenue Urban Village” - See Attachment A) on 20.38 acres located at 16612 51st Avenue NE Arlington, Washington, in conformance with Title 20 of the Arlington Municipal Code.

The project site currently consists of one parcel which will be plated into 16 lots utilizing a Binding Site Plan. The completed development will include up to 500 Apartments in addition to 16 Live/work that will be 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, formal and informal play areas, sport courts, and surface parking lots with enclosed garages interior to the larger apartment structures. The property is zoned General Commercial (GC) with a minimum lot size requirement of 0 square feet. Right-of-Way improvements to include frontage improvements along 51st Avenue, as well as constructing 3/4th street improvements on 168th Street and half street improvements on 47th Avenue NE. New on-site drive aisles and sidewalks will be installed, improving pedestrian, bicycle, and vehicular access to and within the site. An ADA path will be provided from the site to 172nd along 51st Ave to ensure non-motorized travel as well as including intersection improvements for a roundabout at 51st Avenue and 168th St NE.

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:



B. PROJECT HISTORY

The subject property consists of 20.38-acres within the southern portion of the City of Arlington in an area located south of the Arlington Municipal Airport. The subject property has been previously developed with a single family home.

The applicant submitted a request for review of the proposed project "51st Avenue Urban Village" under the State Environmental Policy Act (SEPA) on November 8, 2019. The City issued a Mitigated Determination of Non-significance (MDNS) per AMC 20.98.120 on December 20, 2019, then withdrew and re-issued a MDNS on February 21, 2020.

The application for a Conditional Use Permit was received on November 8, 2019. The application was deemed complete on December 12, 2019. The notice of application was published in the city's official newspaper (The Herald) on December 20, 2019. Notice was posted and mailed to required parties on December 20, 2019. The comment period for both the CUP and initial 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 Archaeology and Historic Preservation, Snohomish County Department of Public Works and the City of Marysville.

D. GENERAL INFORMATION

1. **Applicant/Owner:** Arlington 51st Street LLC
2. **Contact:** Tammy Zempel, Sound Development Group
3. **General Location:** 16612 51st Avenue NE, Arlington WA 98223
4. **Address of Property:** 16612 51st Avenue NE, Arlington WA 98223
5. **Property Legal Description (Abbreviated):** NE ¼, S 28, T 31 N, R 05 E W.M.
6. **Property Tax ID Number:** 31052800100900
7. **Topographical Description:** The site is generally flat with no observable slopes but some small changes in surface grade
8. **Soil Type:** Surficial Sandy Silt soils of approx. 1ft, with Upper Fine-grained Deposits and Lower Outwash Deposits below.
9. **Acreage:** 20.38 acres (559,777 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	General Commercial	GC	Vacant
North of Site	Highway Commercial	HC	National Foods
South of Site	General Commercial	GC	Vacant
East of Site	General Industrial	GI	Copart
West of Site	General Commercial	GC	Vacant

1. Public Utilities and Services Provided by:

Water:	City of Arlington	Gas:	Puget Sound Energy
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 mixed-use apartments (500 total multi-family units) and 16 live/work units, plus recreational facilities, on-site amenities, and surface parking. The property is zoned General 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 General Commercial, on the southern and western side of the project, Highway Commercial use abuts the property to the North, and General Industrial uses exist to the west of the project site.

5. **Compatibility and Impacts on Existing Development:** The proposed development is urban in nature as required by the Washington State Growth Management Act. The Neighboring properties to the west and south are zoned General commercial and vacant. To the north is zoned highway commercial with an existing commercial chicken farm. To the east is zoned General Industrial, where a Copart auto salvage auction is located. The 51st Avenue Urban Village building types and use will have minimal change to the character of the general area, as it is comparative to the scale of the adjacent properties. 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 along 51st Avenue, as well as constructing 3/4th street improvements on 168th Street and half street improvements on 47th Avenue NE. New on-site drive aisles and sidewalks will be installed, improving pedestrian, bicycle, and vehicular access to and within the site. An ADA path will be provided from the site to 172nd along 51st Ave to ensure non-motorized travel as well as including intersection improvements for a proposed roundabout at 51st Avenue and 168th St NE. Minor light pollution may be visible from adjacent properties. The location and type of diverse development that the 51st Avenue Urban Village will provide is intentional in nature. It is centrally located within the Cascade Industrial Center (CIC) to provide a workforce housing element, allowing for employees to utilize multi-modal transportation to access the family wage jobs being created within the CIC, therefore reducing the need to commute on the I-5 corridor for employment.

The project also provides for the basic needs of its tenants, such as grocery, restaurant, and professional services, as well as recreational activities. The live/work units support and provide opportunity for entrepreneurs, incubator and start-up businesses to establish in an affordable manner and hopefully expand within the CIC as their business grows. The 51st Urban Village is a model project that illustrates how a skilled workforce can live, work and recreate within a walkable community and the efficiencies that it provides.

6. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Application & SEPA (MDNS)	NOA and 1 st SEPA 12/20/2019 SEPA Withdrawn and Reissued 2/21/2020	N/A	Property Owners (500ft) On-Site City Hall, Smokey Point Library, Old Town Arlington Library Affected Agencies The Herald-published – 12/20/20 - 2/21/20
Neighborhood Meeting		12/3/2020	On-Site City Hall, Smokey Point Library, City Library The Herald-published – 11/19/2019
Public Hearing	4/22/2020	5/6/2020	Property Owners (500ft) On-Site Affected Agencies The Herald-published – 4/22/2020

- The city received comments from three individual members of the public or affected agencies within the comment periods.
 - On January 2, 2020, Jeff Thomas of the City of Marysville commented:
 - “In review of the application materials and Mitigated SEPA Threshold Determination on Non-Significance (MDNS), signed on December 18, 2019 for the 51st Avenue Urban Village (PLN#634), the City of Marysville provides the following comments:
 - Condition (B)(14)(d) Transportation: The Traffic Impact Analysis (TIA), prepared by Gibson Traffic Consultants, Inc., dated October 2019, did not analyze the developments traffic impacts to the 152^d Street NE & 51st Avenue NE intersection.
 - Condition (B)(14)(f) Transportation: Some of the proposed residential units appear to be single-family and not multi-family. The TIA trip generation should be amended, as single-family units generate a greater number of trips than multi-family.
 - Condition (B)(16)(a) Utilities: According to the project narrative a water line is proposed to be extended from the existing Arlington water system within 59th Avenue NE to the proposed development. Additionally, the MDNS conditioned the applicant to connect to the City of Arlington water system. The proposed project is located within the City of Marysville Water Service Area. Therefore, the applicant shall be required to apply for Utility Availability for water service with the City of Marysville.
 - The City of Marysville respectfully requests the City of Arlington withdraw, analyze and reissue the MDNS once the applicant provides an analysis of the proposed developments traffic impacts to the 152^d Street NE & 51st Avenue NE intersection, amends the

trip generation and applies for Utility Availability for water service from the City of Marysville.

- Thank you in advance for the City of Arlington's consideration and cooperation in this matter. The City of Marysville would greatly appreciate the opportunity to meet and discuss the comments outlined above. Please contact me directly at 360.363.8211 or by e-mail at ithomas@marysvillewa.gov.”
- On January 2nd, 2020 Marc Hayes of the City of Arlington responded to the City of Marysville’s Comments, stating that the TIA will be updated to include the Live/work units as single family units as well as performing an analysis for the 152nd/51st intersection, while also providing for the Water Service Area Change Agreement that was executed in 2016 that states that this property will be served by the City of Arlington.
- The City of Arlington reissued a new MDNS on February 21, 2020 reflecting the analysis of the 152nd/51st and updated TIA, on March 4, 2020 Jeff Thomas of the City of Marysville provided the following comments
 - In review of the application materials and the re-issued Mitigated SEPA Threshold Determination on Non-Significance (MDNS), dated February 21, 2020 for the 51't Avenue Urban Village (PLN#634), the City of Marysville has the following comments:
 - Conditions (B)(14)(d) & (B)(14)(f): The TIA Technical Memorandum, prepared by Gibson Traffic Consultants, Inc. (GTC), dated January 30, 2020, assumed construction of improvements to the intersection of 152nd Street NE at 51st Avenue NE. However, the applicant failed to analyze the project impacts to the intersection without improvements. As shown in the attached City of Marysville "Grandview North" TIA, prepared by GTC, dated October 2018, the intersection will operate at LOS F in 2026 with 124.1 seconds of delay without intersection improvements, and LOS C in 2026 with 23.7 seconds of delay with intersection improvements. Although the applicant did not analyze the project impacts to the intersection, the City of Marysville is confident the proposed 51't Avenue Urban Village project will cause the intersection to fall below and acceptable level of service. Intersection improvements are unfunded and the applicant has not proposed mitigation, therefore, the project should not be deemed concurrent.
 - The City of Marysville respectfully requests the City of Arlington withdraw, analyze and reissue the MDNS once the applicant provides an analysis of the proposed developments traffic impacts to the 152nd Street NE & 51't Avenue NE intersection without improvements, and offers mitigation to the City of Marysville for the development impacts through 1) construction of the intersection improvements, or 2) a proportionate share traffic mitigation offer in the amount of \$414,075.00, as outlined in the memorandum from Jesse Hannahs, PE, Traffic Engineer, dated March 3, 2020.

- Thank you, in advance, for your cooperation in this matter, If you would like to meet and discuss the comments outlined above, please contact me at 360.363.8211 or by e-mail at ithomas@marysvillewa.gov.
- On March 25, 2020, Paul Woodmansee, the applicant, responded to the City of Marysville's March 4th comments, with the following
 - Please see our traffic consultants review of your proportionate cost share request for the intersection at 51st and 152nd.
 - Since there is not an interlocal agreement between the City of Marysville and the City of Arlington, my ownership group does not feel like we should have to pay any monies towards the intersection in question. However, in order to keep our project moving forward we are willing to make an offer to the COM to relieve their concern of the potential impacts our project will have on this intersection. Our traffic consultants have calculated that our project will be 5.41% of the future use on this intersection, this percentage of the estimated cost of \$1,250,000 to improve the intersections dollar value equates to \$67,625.00. We are offering the full \$67,625.00 recommended by our consultant.
 - We look forward to moving forward in our SEPA process.
- On April 13, 2020, Chris Holland of the City of Marysville responded to Paul Woodmansee's March 25th offer with the following:
 - Determination of proportionate shared shall be calculated in a manner consistent with past City practice such as the methodology utilized between the City of Marysville and City of Lake Stevens for the Traffic Impact Fee assessment for the construction of compact roundabouts at the intersections of Soper Hill Road & 83rd Ave NE and Soper Hill Road & 87th Ave NE within the City of Lake Stevens jurisdiction.
 - a. Methodology was as follows:
 - i. Determination of capacity (LOS D/E boundary) of existing intersection during PM Peak.
 - 1. Utilize existing plus pipeline traffic or assumed 3% growth volumes/distributions through intersection and utilize growth rates (within analysis software) to factor up/down until D/E boundary determined.
 - ii. Determination of capacity (LOS D/E boundary) of planned intersection during PM Peak.
 - 1. Utilize existing plus pipeline traffic volumes/distributions through intersection and utilize growth rates (within analysis software) to factor up/down until D/E boundary determined.

- iii. Calculate difference in capacity (LOS D/E boundaries) for planned vs. existing intersection.
 - iv. Calculate percentage of development trips vs. difference in existing and planned intersection capacity.
 - v. Proportionate share cost determined by percentage of development trips occupying difference in intersection capacity multiplied by total project cost.
 - 2) Based upon the most recent TIA accepted for a City of Marysville Development (Grandview North) the following is a breakdown of the City performed analysis of the proportionate share calculations for the 51st Ave NE Urban Village project within the City of Arlington:
 - a. Capacity of Existing All-Way Stop Controlled (AWSC) Intersection = 1266 PM Peak Hour Vehicles
 - b. Capacity of Future Signalized 8-phase 5 lane/3 lane Intersection = 2652 PM Peak Hour Vehicles
 - c. Capacity Difference = 2652 - 1266 = 1386 PM Peak Hour Vehicles
 - d. Planning Level Construction Estimate = \$1,250,000 for Signalized 8-phase 5 lane/3 lane Intersection
 - e. Development generates 93 PM Peak Hour trips through intersection
 - f. Impact Fee = \$1,250,000 * (93/1386) = \$83,862.12
- On April 23, 2020, Marc Hayes of the City of Arlington, responded to the City of Marysville's April 13, 2020 comments with the following:
 - We have reviewed your March 4th, 2020 letter regarding the MDNS for the 51st Ave Urban Village proposed by Paul Woodmansee. After reviewing the factors in WAC 197-11-330, the City of Arlington respectfully declines your request to withdraw the MDNS and require mitigation by the developer for impacts to the 152nd St NE and 51st Ave intersection.
 - Arlington municipal code (AMC) chapter 20.90 which governs concurrency and traffic impact fees defines public facilities as 'public streets, roads and right-of-way owned or operated by the city for other governmental entities ... ' AMC 20.90.020. The intersection in question does not meet the definition of these facilities as established in our code. AMC 20.90.032 does allow for the City of Arlington to enter into an interlocal agreement with any jurisdiction that requires reciprocal traffic mitigation for extraterritorial impacts on one another's transportation systems, but this agreement does not currently exist between our two cities. Until such agreement is approved by both parties, Arlington does not have the legal right to impose those fees on developers, and it is not within the rights of Marysville to require any such fees on a developer within our jurisdiction.
 - The threshold determination process described in WAC 197-11-330 includes consideration of "mitigation measures

which an agency or the applicant will implement as part of the proposal, including any mitigation measures required by development regulations, comprehensive plans, or other existing environmental rules or laws." This mitigation is not required under Arlington's development regulations or comprehensive plans, or other environmental rules or laws. Based on the information exchanged between the cities, we do not believe the impacts described meet the definition of a "probable significant adverse environmental impact" within the meaning of WAC Chapter 197-11.

- The Cities of Arlington and Marysville do not currently have an Interlocal Agreement (ILA) regarding traffic mitigation within each other's jurisdiction. Multiple developments that have impacted intersections within Arlington's jurisdiction, have been permitted by the City of Marysville without traffic mitigation fees paid or improvements required to the City of Arlington, over the objection of Arlington.
- It clearly would benefit both cities to enter into an ILA in order to ensure the needs of both cities' transportation facilities are being met, particularly given future development in the MIC area, but until such an agreement is made, the City of Arlington must decline your request to withdraw the MDNS in this particular instance.
- On December 31, 2019, Stephanie Jolivette of the Washington State Department of Archaeology and Historic Preservation provided a comment letter that stated:
 - "Thank you for contacting the State Historic Preservation Officer (SHPO) and the Department of Archaeology and Historic Preservation (DAHP) with documentation regarding the above referenced project. In response, we concur with the results and recommendations made in the survey report. Specifically, we agree that no direct archaeological supervision should be required, but that an Inadvertent Discovery Plan be followed during all ground disturbing activities associated with this project. These comments are based on the information available at the time of this review and on behalf of the SHPO pursuant to Washington State law. Please note that should the project scope of work and/or location change significantly, please contact DAHP for further review. Thank you for the opportunity to review and comment. Please ensure that the DAHP Project Number (a.k.a. Project Tracking Code) is attached to any communications or submitted reports. Should you have any questions, please feel free to contact me
- On December 20, 2019 Elbert Esparza of Snohomish County Department of Public Works provided comment stating:
 - 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 December 20, 2019. The City coincided the 14-day SEPA comment period with the 14-day Notice of Application comment period. The combined 14-day comment period lasted from December 20, 2019 thru January 3, 2020. The MDNS was withdrawn on February 21, 2020 and the City reissued a new MDNS also on February 21, 2020. The comment period for the reissued MDNS lasted 14-days from February 21, 2020 thru March 6, 2020. Comments were received from three (3) affected agencies, Snohomish county Public works approved a traffic offer form consistent with our Interlocal agreement, approval of the Archaeology report and Unanticipated Discovery plan by the Department of Archaeology and Historic Preservation, and a request from the City of Marysville to review the traffic impacts created by the project. 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 November 8, 2019.
- c) **Per AMC §20.16.034 (Official Representative of the Applicant)**, Tammy, Zempel, Sound Development Group, is the Applicant’s official Representative.
- d) **Per AMC §20.16.040 (Applications To Be Complete)**, on December 12, 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 September 25, 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 12, 2019).
- h) **Per AMC §20.16.090 (Distribution of Application)**, the application was distributed to all applicable City departments on December 12, 2019. Notice of Application was sent to affected agencies on December 20, 2019.
- i) **Per AMC §20.16.120 (Notice of Application Filed)**, notice was published and distributed on December 20, 2019 as required by this subsection. The comment period ran from December 20, 2019 to January 3, 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 Expediently)**, 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 April 22, 2020 as required by this subsection. The public hearing will take place on May 6, 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 General Commercial (see City of Arlington Official Zoning Map, Attachment C).
5. **Airport Protection District (AMC Chapter 20.38)**
- a) **Per AMC §20.38.060 (Airport Protection District Boundaries)**, the subject property is located within Subdistricts “A and B” of the Airport Protection District Overlay (see City of Arlington Official Zoning Map, Attachment C).
6. **Permissible Uses (AMC Chapter 20.40)**
- a) **Per AMC §20.40.010 (Table of Permissible Uses)**, the proposed use is classified as use 1.340 Mixed-Use Multi –Family Apartments
 - b) **Per AMC §20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses)**, use classification 1.340 is permitted with a Conditional Use Permit.
 - c) **Per AMC §20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses)**, use classification 1.340 within the Mixed Use Overlay zone is allowed with a Conditional Use Permit subject to design compliance as a T5-F transect designation (AMC 20.110.014(c))
7. **Supplemental Use Regulations (AMC Chapter 20.44)**
- a) **Per AMC §20.44 Part III (Performance Standards)**, the proposed development must comply with the performance/operation standards for noise, vibration, odors, smoke and air pollution, disposal of liquid and hazardous wastes, water consumption, electrical disturbance or interference, lighting, and site building and maintenance.
8. **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 General Commercial zone shall conform to the applicable guidelines or standards set forth in the Mixed Use Overlay Design Guidelines per AMC §20.110. See Section 18 below.

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

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

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 633 people, thus requiring total mini-park space equal to 41,145 sf (633 people X 65sf). The applicant is providing 104,200 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 559,777 sf, 27,989 sf is required as open space (5% of 559,777 sf is 27,989 sf). The applicant is providing 104,200 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 500 Multi-Family dwelling units, requiring 20 recreational facilities (500 ÷ 25 = 20) the applicant has provided 28 recreational facilities as a part of this proposal.

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

- a) **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 51st Ave NE (an N-S Major Collector). The second point of access, located on the north side of the project, will be from the proposed 168th St (an e-w local street).
- b) **Per AMC §20.56.030 (Access to Lots)**, the property provides adequate means of ingress and egress for emergency vehicles, vehicular, pedestrian, and bicycle access in accordance with this subsection from both 51st Ave and the proposed 168th St thus fulfilling this requirement.
- c) **Per AMC §20.56.050 (Entrance to Streets)**, the property provides an adequate means of entry and exit to the 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 51st Ave and a second access off the proposed 168th Street NE.
- d) **Per AMC §20.56.070 (Relationship of Streets to Topography)**, streets must be related appropriately to the existing topography and designed to facilitate the drainage and

stormwater runoff objectives of AMC Chapter 20.56 (Streets and Sidewalks). The subject site slopes to the west and the internal roads, as proposed, meet this requirement.

- e) **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
51 st Ave and proposed 168 th alignment	$80 \leq 90$	90	Yes
Proposed 47 th Ave NE and Proposed 168 th Alignment	$80 \leq 90$	90	Yes

- f) **Per AMC §20.56.170 (Right-of-Way Improvements and Dedication to Proceed Development)**, The proposed development will require frontage improvements along 51st Avenue, as well as constructing 3/4th street improvements on 168th Street and half street improvements on 47th Avenue NE. New on-site drive aisles and sidewalks will be installed, improving pedestrian, bicycle, and vehicular access to and within the site. An ADA path will be provided from the site to 172nd along 51st Ave to ensure non-motorized travel as well as including intersection improvements for a roundabout at 51st Avenue and 168th St NE.
- g) **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 April 21, 2020. In this instance a Development Agreement will be utilized to identify how connection fees will be applied to this project.
- 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 April 21, 2020. In this instance a Development Agreement will be utilized to identify how connection fees will be applied to this project.
- 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 square 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 development. At the time of submittal of the civil engineering plans for the 51st Avenue Urban Village project, the applicant shall submit detailed plans for the development 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)**,

Not Applicable. See Section 19 for parking calculations as part of Mixed Use Overlay Standards.

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 A screening (at a 5ft. depth) bordering the existing structures to the north. The Landscape Plan 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 trees being installed along both 51st Ave NE and the proposed alignment of 168th St NE.
- 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 is proposing that 455 new trees be planted on site.

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 October 2019 and Memo dated January 2020, 373 new peak PM trips to be added	<u>\$3,355 x 373 Peak PM trips = \$1,251,415</u>
<u>School Mitigation Fees</u> Per the Arlington School District \$1,895 per every two/+ bedroom multi-family dwelling unit	54 - 2 Bedroom Units proposed 16 Single Family Live work units	<u>\$1,895 x 54 two-bedroom units = \$102,330</u> <u>\$4,756.00 x 16 Live-work units = \$70,096</u>
<u>Community Parks Impact Fees</u> \$1,497 per multi-family unit \$1,662 per single-family unit	500 mutli-family units 16 single family units	<u>\$1,497 x 500 units = \$748,500</u> <u>\$1,662 x 16 units = 26,592</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 October 2019 and updated memo in January 2020, shall be paid by the applicant. The City accepts the estimate of 373 new PM peak hour trips (373 X \$3,355.00 = **\$1,251,415.**) In this instance a Development Agreement will be utilized to identify how Traffic Impact fees will be applied to this project.
- 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 51st Ave Urban Village project is within the Arlington School District, and per Ordinance 1469, a fee of \$1,895.00 per two/+ bedroom multi- family dwelling units (54 units X \$1895.00 = **\$102,330**) and a fee of \$4,756.00 per single family dwelling unit (16 units X \$4,756.00 =

\$70,096) shall be paid by the applicant. School mitigation fees will be determined per lot as the project develops under phased development.

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 (500 units X \$1,497 = **\$748,500**) and a fee of \$1,662 per Single Family dwelling unit (16 units X \$1,662 = **\$26,592**) shall be paid by the applicant. Community parks mitigation fees will be determined per lot as the project develops under phased development. In this instance a Development Agreement will be utilized to identify how Community Park fees will be applied to this 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 December 20, 2019. There was a combined 14-day comment period from December 20, 2019 thru January 3, 2020. The MDNS was withdrawn on February 21, 2020 and the City reissued a new MDNS also on February 21, 2020. The comment period for the reissued MDNS lasted 14-days from February 21, 2020 thru March 6, 2020.

21. **Mixed Use Regulations (Chapter 20.110)**

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

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

- Per AMC 20.110.012 (e) (Transect) the 51st Avenue Urban Village project is located in T5-F (Transect 5 Flex) which allows for a mix of medium density building types with a variety of forms which decrease in size and intensity of use toward the outer boundary of the corridor.
- The stated intent of the T5-F area is "To provide an appropriate transition from a neighborhood main street environment into the residential areas, and to provide flexible buildings in a residential form that can allow a mix of residential and walkable local serving commercial and service uses. The 51st Avenue Urban Village project will meet this criteria.
- Per AMC 20.110.014(c): (Place Types and Transect) the project is located in a "Mixed Use Urban Center" (Figure 20.110-A). Location in a Transect T5-F allows for a mix of medium density building types with a variety of forms which the 51st Avenue Urban Village community meets this criterion.
- Per AMC 10.110.014(c) (Permissible Uses in Place Type): The Transect Matrix (Page 8 of the Mixed Use Development Regulations) allows multiple family Large to Mid-Rise structures and Stacked Flats. Permissible uses include "residential uses on any floor". The 51st Avenue Urban Village project meets this criterion.

- Per AMC 20.110.014(c) (1-5) (Transect standards): The “Characteristics” sought for the T5-F Place are listed on Page 56 of the Development Regulations.
 - Attached or Detached
 - Small to Medium front setbacks
 - Small to Medium footprint
 - Small to Medium Lot width
 - Small side setbacks
 - Up to 4 stories

- Per AMC 20.110.014(d) (Frontage types) The landscaping along the frontage to the proposed 168th Street NE, 47th Ave NE and along 51st Avenue will serve the general intent of the frontage standards.

- Per AMC 20.110.014(e) (Building types) The proposed apartment building is similar in character to a building forms listed as acceptable in the T5-F areas: Stacked Flat. The Stacked Flat is described as a medium-to large-sized structure that consists of multiple dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry, or may share a common entry. This type is appropriately scaled to fit adjacent to neighborhood serving main streets and walkable urban neighborhoods. This building type may include a courtyard.

- Per AMC 20.110.014(f)(1) (Block Standards) Block Standards have been reviewed as part of the Binding Site Plan application for the Arlington 51st Street Urban Village, LLC applicants, PLN – 633, and shows fulfillment of these requirements.

- Per AMC 20.110.014(f)(2) (Right of Way): Right of Way standards have been reviewed as part of the Binding Site Plan application for the Arlington 51st Street Urban Village, LLC applicants, PLN – 633, and shows fulfillment of these requirements

- Per AMC 20.110.014(f)(3) (Thoroughfare): Thoroughfare Standards have been reviewed as part of the Binding Site Plan application for the Arlington 51st Street Urban Village, LLC applicants, PLN – 633, and shows fulfillment of these requirements.

- Per AMC 20.110.014 (g) Parking Standards: Parking is regulated based on the Place Type for Transect T5-F. This can be found on Page 61 of the Mixed Use Regulations. The minimum parking spaces required for residential uses is 1 stall/1500 sq ft of residential and 2 Stalls / 1000 sq ft of Retail spaces over 3,500 sq ft of Retail or Service Uses, the site plan shows fulfillment of this requirement.

- Per AMC 20.110.014 (h) Civic and Open Space Standards: Several public civic spaces are proposed for this private development, several outdoor amenities are provided, including multiple courtyards and pocket parks, fulfilling this requirement.

- Per AMC 20.110.014 (i) Landscaping, Fencing, and Screening Standards: the applicant proposes landscaping along the frontage. All property lines meet screening requirements.

- Per AMC 20.110.014 (j) Low Impact Design Standards: The applicant has submitted stormwater management plans which cite Table 2.5.1 from the Western Washington Stormwater Manual which covers the means of compliance with Low Impact Development Performance Standards and Best Management Practices. The City will review the stormwater plans for compliance with these standards.

- Per AMC 20.10.014 (k) Outdoor Lighting Standards: The project will be conditioned to require that standards outlined for LZ-4 zones.
- Per AMC 20.110.014 (l) Architectural Standards: The 51st Avenue Urban Village project, will be located on sixteen parcels submitted under a Binding Site Plan filed as PLN – 633 (51st Avenue Urban Village BSP). All parcels will have a condition placed upon them requiring consistency and compatibility of design, including four-sided design, shielding of roof top mechanical structures and compatible materials.

G. CONCLUSION & RECOMMENDATION

1. The **applicant** has applied for a **Conditional** Use Permit, Unit Lot Subdivision, and Binding Site Plan as required under AMC 20.16.
2. Under AMC 20.16.140(c), the designated decision-maker shall issue the requested permit unless it concludes, based upon the information submitted at hearing, that:
 - a) **The requested permit is not within its jurisdiction according to the table of permissible uses.** The City of Arlington Comprehensive Plan identifies this area as General Commercial, and the subject property is zoned General Commercial. Per AMC Table 20.40-1, Permissible Uses, Use 1.340 Mixed-Use Multi-Family, 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 12, 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 December 20, 2019, then withdrew the MDNS on February 21, 2020 and reissued a MDNS on February 21st, 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, Unit Lot Subdivision, and Binding Site Plan 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) Recordation of the Binding Site Plan approved as a part of this application, which depicts all dedications and easements as described in this Conditional Use Permit approval.
 - b) All development shall be in substantial conformance with the site plan received on January 31, 2020, subject to any conditions or modifications that may be required as part of the permit and construction plan review
 - c) The development shall meet all Title 20 AMC regulation requirements.
 - d) The developer shall comply with all conditions of the SEPA MDNS issued on February 21, 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 October 28, 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 along 51st Avenue, as well as constructing 3/4th street improvements on 168th Street and half street improvements on 47th Avenue NE. New on-site drive aisles and sidewalks will be installed, improving pedestrian, bicycle, and vehicular access to and within the site. An ADA path will be provided from the site to 172nd along 51st Ave to ensure non-motorized travel as well as including intersection improvements for a proposed roundabout at 51st Avenue and 168th St NE.
 - 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) dated October 2019 and updated memos from Gibson Traffic Consultants, submitted January 2020, the City will accept the estimate of 373 new PM peak hour trips in the amount of \$1,251,415.00.
 - 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 6, 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 Subdistricts A and B of the Airport Protection District the following is required:
 - i. No structures, devices or other objects shall be placed or erected that makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, take off, or maneuvering of aircraft.
 - ii. No bulk above ground storage greater than six thousand gallons of flammable or hazardous substance will be permitted unless it is associated with an aviation business.
 - iii. Except for aeronautical events such as the NWEAA Fly-In, the public assembly of people and other uses or activities, whether permanent (such as multi-family, hospitals, schools, churches, etc) or temporary (such as circuses, carnivals or other outdoor entertainment events or religious assembly not exceeding five days in duration), that allow public concentrations of people shall be prohibited within Subdistrict A, but allowed in all other parts of the AP District so long as such uses do not adversely affect airport operations, safety in air navigation or penetrate the FAR Part 77 Surfaces.
 - iv. No use, building, or structure shall be permitted or constructed within the Runway Protection Zone 1, except accessory activities such as off-street

parking facilities, low growing landscaping or agricultural crops, mini-storage, agricultural storage buildings and/or other similar activities as approved by the airport manager and if they are allowed by the underlying zone.

- v. Densities, both residential and non-residential, shall not exceed those listed in Table 20.38-1: Density Limits within the APD
 - vi. Special function uses shall be prohibited under the airport traffic pattern
 - vii. The following uses shall be prohibited in the referenced Zones:
 - 1. (A) High Intensity Uses within Subdistrict A RPZ Zone 1, ISZ Zone 2 and ITZ Zone 3. The densities in Table 20.38-1: Density Limits within the APD shall not be exceeded. If the density is averaged over a large parcel the structures shall be located outside the restricted zones.
 - 2. (B) Emergency services such as police stations, fire stations, emergency services operations and other similar uses within the RPZ Zone 1 and ISZ Zone 2.
 - viii. 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.
- e) 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.
 - 2. Any Development Agreement approved by the City Council which addresses the agreement between the parties on impact fees, utility connection fees, and other minor project details shall augment and/or supersede conflicting conditions of this approval.

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#633 – 51st Avenue Urban Village Binding Site Plan Application (on file at Arlington CED Office)

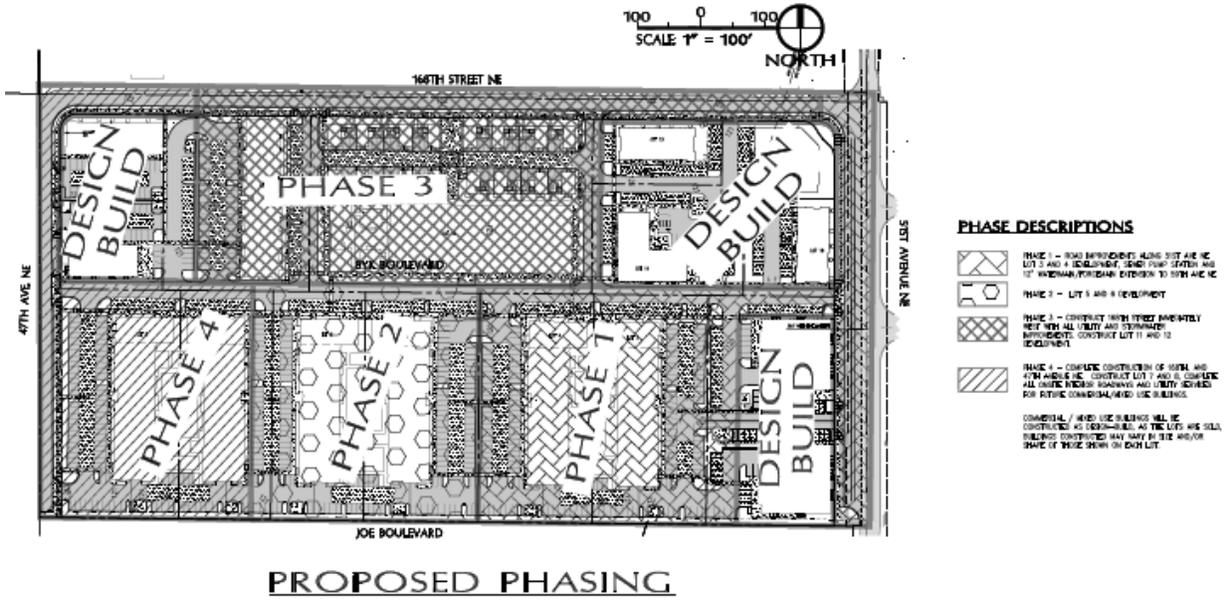
File PLN#634 – 51st Avenue Urban Village Conditional Use Permit Application (on file at Arlington CED Office)

File PLN#635 – 51st Avenue Urban Village Design Review Permit Application (on file at Arlington CED Office)

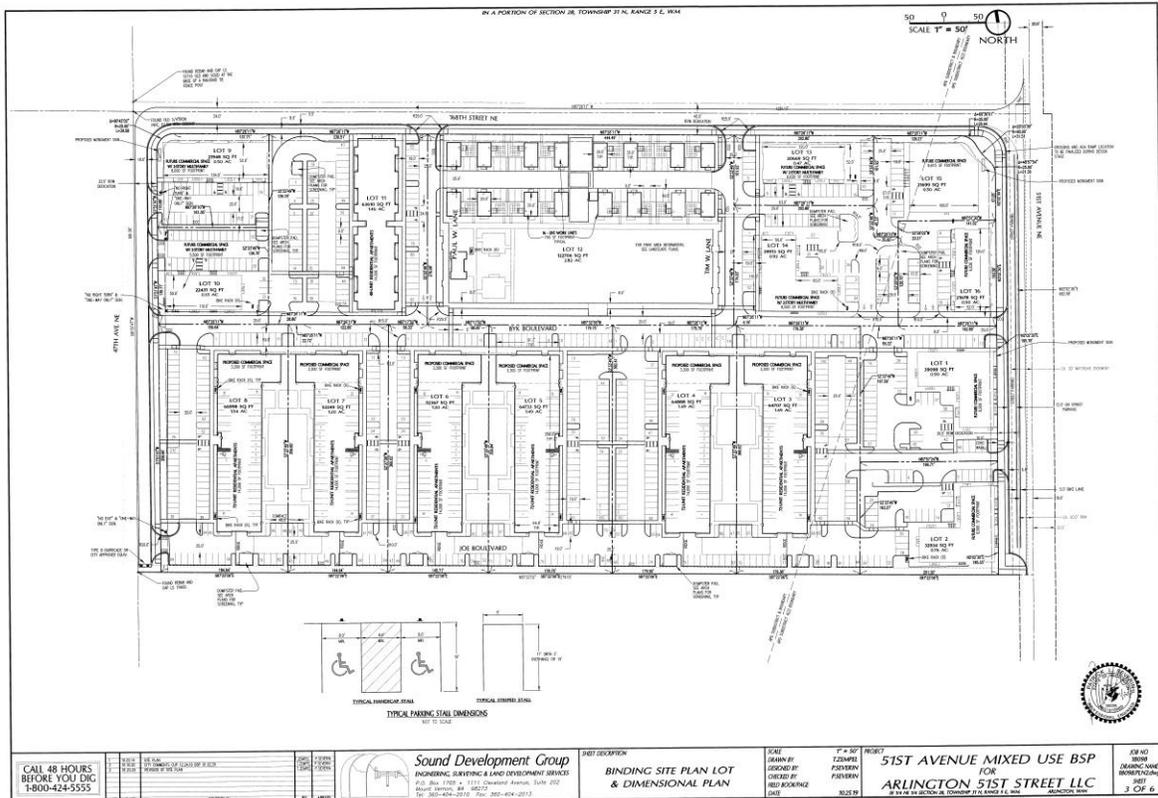
Distributed to the Following Parties:

- Arlington 51st Street, LLC
- Tammy Zempel, Sound Development Group
- Andrew Reeves, 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

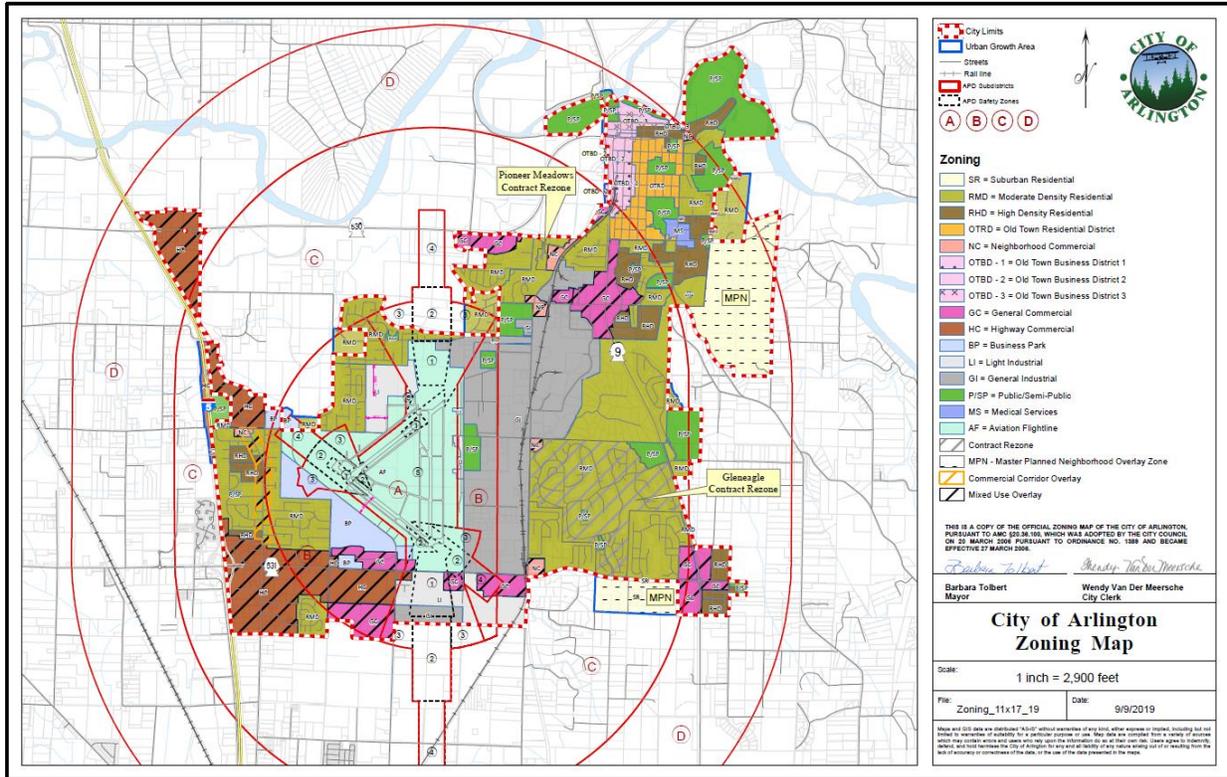
ATTACHMENT A SITE PLAN WITH PHASING



ATTACHMENT B BINDING SITE PLAN



ATTACHMENT C ZONING MAP



**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 utilizing the ULS have at least 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 General Commercial
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

ATTACHMENT E 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.)