



CITY OF SNOHOMISH

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SITE DEVELOPMENT PLAN DECISION

FROM THE OFFICE OF THE PLANNING DIRECTOR FOR THE CITY OF SNOHOMISH

In the Matter of the Application of)	
Tenth Street Residences)	FINDINGS, CONCLUSIONS, AND DECISION
For Approval of a Site Development Plan)	

Project File Number: 22-18-SDP **Project Name:** Tenth Street Residences SDP

PROPONENT/CONTACT:

Matt Echelbarger
16304 Broadway Ave | Snohomish, WA 98296
(425) 210-5472

Location: 1209 Tenth Street (parcel #00487700001903)

Land Use Designation: Commercial (COM)

Application Complete: January 28, 2019

A. SUMMARY OF DECISION

The application is for a Site Development Plan (a Type 3 permit) to allow construction of a multi-family development containing 28 residential units within three separate buildings on a 2.04-acre site, with on-site parking and associated landscaping, utility and infrastructure improvements, and critical areas mitigation for wetland buffer impacts. The Planning Director is the decision-making authority for Type 3 permits. The Site Development Plan is **APPROVED**, subject to conditions.

B. SUMMARY OF RECORD

Request:

Matt Echelbarger (Applicant), requested approval of a Site Development Plan (SDP) to construct three multi-family buildings containing a total of 28 residential units. A parking lot with 29 open parking stalls, in addition to 24 enclosed stalls (garage parking) is proposed on the site. The property is located in the Commercial land use designation, and was previously vacant.

Exhibits:

This decision was based on review of the following records:

Exhibit #	Record Name/Description	Date
1	Application forms: SDP and Land Use, with legal description	12/13/18 & 12/19/18
2	Applicant Narrative Description of Proposal	12/13/18
3	Subdivision Guarantee, First American Title Insurance Company	12/13/18
4	Proposed site, landscape, & tree removal plan	9/12/19
5	Proposed civil plans	11/21/19
6	Topographic survey	12/13/18
7	Geotechnical Engineering Evaluation and Provisional Design Infiltration Rate Memorandum, Nelson Geotechnical Associates, Inc.	12/13/18 & 7/23/19
8	Preliminary Stormwater Site Plan, Harmsen & Associates, Inc.	7/23/19
9	Traffic Impact Analysis, Gibson Traffic Consultants	1/8/2020
10	Critical Area Study and Buffer Width Averaging Plan, Wetland Resources, Inc.	12/13/18
11	Critical area review memorandum from Michael Muscari, ESA Senior Wetland Ecologist	1/23/19
12	Letter of Incomplete Application	1/10/19
13	Determination of Complete Application Letter	1/28/19
14	Notice of Application, including declarations of posting and distribution, mailing labels, and Everett Herald affidavit of publication	2/4/19
15	Determination of Non-Significance, including annotated SEPA Checklist, declarations of posting and distribution, mailing labels, and Everett Herald affidavit of publication	11/18/19
16	Amended Determination of Non-Significance, including annotated SEPA Checklist, declarations of posting and distribution, mailing labels, and Everett Herald affidavit of publication	12/24/19
17	Comments from Theresa and Eric Johnson and staff response	2/19/19
18	Comments from Nancy Brandt and staff response	2/21/19
19	Comments from Sherry Jennings and staff response	2/27/19 & 1/28/2020
20	Comment letter from Snohomish County PUD	4/19/19
21	Email from Department of Archaeology and Historic Preservation	1/21/2020
22	Comments from Donna Ray and staff response	8/1/19 & 8/5/19
23	Review memorandum from Sharon Pettit, Building Official	11/1/19
24	Design Review Analysis	11/19/19
25	Review memorandum from Sukhpreet Dhaliwal, Project Engineer	1/8/2020
26	Determination of Concurrency	1/21/2020

General Property Information (existing conditions):

Property Information	
The site is a 2.04-acre parcel addressed as 1209 Tenth Street in Snohomish, WA (Snohomish County Assessor's tax parcel 00487700001903) located in the southwest quarter of Section 07, Township 28 North, Range 06 East, WM.	
Site Photo (facing south)	Aerial Image
	
Existing Land Use	
Subject Site	Vacant
Property to North	Commercial (across Tenth Street)
Property to South	Trail, Commercial
Property to East	Single family residence, Multi-family residences
Property to West	Commercial
Comprehensive Plan and Zoning Map Designation	
Subject Site	Commercial
Property to North	Commercial (across Tenth Street)
Property to South	Commercial
Property to East	Medium Density Residential
Property to West	Commercial
Existing Vegetation	
The site is sparsely wooded with grass and underbrush throughout the site.	
Existing Topography	
A south-facing slope extends from Tenth Street into the site, where it levels to a gentle slope.	
Critical areas	
A Category II wetland is present at the southeast portion of the site. (Exhibits 4, 10, and 11)	

C. FINDINGS & ANALYSIS

Based on the records above, the adopted ordinances of the City of Snohomish, and other information on file with the City, the City Planning Director enters the following Findings and Conclusions.

1. Requested action and project description
The proposed action is approval of a Site Development Plan for construction of three buildings containing 28 residential units, and associated site improvements on a 2.04-acre site. The site is designated Commercial (COM) in the Comprehensive Plan and for the purposes of land use regulation.

2. Public Notice and Comment
The application was determined to be complete on January 28, 2019, and is vested to development regulations in effect at that time. Notice of the application was issued in accordance with City codes on February 4, 2019 by posting the site, publication in the Daily Herald (Everett), and mailing to owners of property within 300 feet of the site boundaries (Exhibit 14). Several public comments were received. Comments primarily related to questions about process, with some related to tree retention and traffic concerns. The Snohomish County PUD responded that there is sufficient system capacity for the development. The Washington Department of Archaeology and Historic Preservation responded with no concerns. (Exhibits 17, 18, 19, 20, 21, and 22)
3. SEPA Review
Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish acted as lead agency for review of environmental impacts likely to be caused by the proposal. Based on information contained in the SEPA checklist and other information in the project file, the City issued a Determination of Non-Significance (DNS) on November 18, 2019. An amended DNS was issued on December 24, 2019.
The DNS was not appealed so the determination stands as issued. (Exhibits 15 and 16)
4. Design Review
The proposal is subject to administrative design review under SMC 14.230.040. The applicable design standards are contained in the adopted Design Standards and Guidelines (Outside the Historic District), 2004. The building will undergo a separate design review analysis during building permit review. The site layout and design were reviewed for consistency with applicable design standards. With a condition, the site is consistent with adopted standards. (Exhibits 4 and 24)
5. Utilities
5.1 Adequate water service is available to serve the site from a proposed 8-inch service line extending into the site from the 12-inch main in Tenth Street. Three 6-inch fire lines are proposed, extending from the service line to each building. (Exhibits 5 and 25)
5.2 Adequate sewer capacity is available in the area to provide sanitary sewer service to the site. An existing 8-inch sewer main runs through the site. This main will be extended, and three separate 6-inch side sewers will stem off the proposed main extension. An easement will be required for the sewer main across the site. (Exhibits 5 and 25)
5.3 Stormwater improvements and erosion control measures must meet the minimum requirements of the 2012 Department of Ecology Stormwater Management Manual for Western Washington (DOE Manual). On-site infiltration is proposed, via two infiltration trenching systems and a water treatment facility. Stormwater from roofs and paved areas will be collected and piped throughout the site to each infiltration facility. (Exhibits 5, 8 and 25)
6. Access, Frontage Improvements, Traffic Impacts, Transportation
6.1 One access point on Tenth Street is proposed to serve the site. The proposed driveway width is 25 feet and extends to several on-site parking areas. Vehicles have adequate maneuvering area to avoid backing into the street. (Exhibits 4, 5, and 25)
6.2 New sidewalk, curb, and gutter are proposed on Tenth Street along the property frontage. The City Engineer concurs that the proposed frontage improvements are consistent with the City Engineering Design Standards. (Exhibits 4, 5, and 25)

<p>6.3 Traffic impact fees of \$1,603 per new PM peak hour trip generated by the proposal are required to mitigate city-wide transportation system impacts for new development. A Traffic Impact Analysis was completed for the proposed development, and determined that the development will generate 16 new PM peak hour trips. The City Engineer has determined that with payment of the traffic impact fee, concurrency requirements of SMC 14.295.100 will be met and the level of service will not decline below adopted standards for any transportation facility. (Exhibits 5, 9, 25, and 26)</p>	
<p>6.4 Community Transit Routes 270, 271 and 109 provide transit service adjacent to the project site. The nearest bus stop is located at the intersection of Avenue D and Tenth Street, approximately 300 feet from the site, according to the Community Transit website (www.communitytransit.org).</p>	
<p>7. Consistency with Comprehensive Plan</p>	
<p>The City of Snohomish Comprehensive Plan designation of the subject property is Commercial. Comprehensive Plan goals and policies with particular relevance to the proposal are included as Attachment A.</p>	
<p>8. Consistency with Snohomish Municipal Code (SMC)</p>	
<p>Applications for Site Development Plans are subject to the specific criteria of SMC 14.65.020A, in addition to development regulations of Title 14.</p>	
<p>Criteria</p>	<p>Analysis</p>
<p>8.1 SMC 14.65.020A <i>1. Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and stormwater facilities shall be available to the proposed development.</i></p>	<p>Adequate infrastructure will be available to serve the development. The street frontage has been improved to City standards. Sidewalks will be constructed along the street frontage. Adequate parking will be provided. The development will be served by existing Community Transit facilities. Adequate water and sewer infrastructure is available adjacent to the site. Stormwater facilities will be provided in accordance with Department of Ecology standards, as adopted by the City of Snohomish. (Exhibits 5 and 25)</p>
<p><i>2. The design and appearance of the structure shall be compatible with applicable design standards and guidelines.</i></p>	<p>The design and appearance of the structures will be reviewed for consistency with adopted design standards during building permit review.</p>
<p><i>3. The development shall be consistent with the Comprehensive Plan.</i></p>	<p>Multi-family housing is consistent with the Comprehensive Plan designation for the site.</p>
<p><i>4. The development shall mitigate any significant adverse environmental impacts.</i></p>	<p>A Determination of Non-Significance (DNS) was issued on December 24, 2019. (Exhibit 16)</p>
<p><i>5. Concurrency requirements shall be complied with.</i></p>	<p>The City Engineer has determined the proposal will comply with concurrency requirements, and level of service for intersections will not be reduced below adopted levels. (Exhibits 25 and 26)</p>

<p>6. <i>The development shall be consistent with the health, safety, and general welfare.</i></p>	<p>The Building Official has reviewed the proposal and determined that with conditions requiring the applicant to perform a fire flow analysis to ensure the proposed improvements are capable of meeting the minimum fire flow demand and additional details regarding the accessible route of travel from the site to Avenue D, the project will protect the health, safety, and general welfare of the community. Compliance with adopted building codes will be reviewed at the time of building permits. (Exhibit 23)</p>
<p>Criteria</p>	<p>Analysis</p>
<p>8.2 Chapter 14.205 SMC, Permitted Land Uses</p>	<p>The purpose of the COM designation is “to provide a commercial area suitable for shopping centers, as well as concentrations of individual shops and stores, which are auto-oriented and located along major arterials in the City. Such commercial areas should provide a wide range of convenience and general merchandise goods and services. This designation is oriented towards service and automotive shopping and toward serving a local market as well as having a City wide draw”. Attached and detached multi-family dwellings are permitted uses in the COM zone.</p>
<p>8.3 Chapter 14.210 SMC, Dimensional and Other Requirements</p> <p>Minimum Lot size 6,000 square feet Lot width 50 feet Permitted density 18 du/acre Front Yard setback 20 feet Side Yard setback 8 feet Rear Yard setback 15 feet Lot Coverage 80% Open Space 20% Landscaping 5% Height Limit 35 feet</p>	<p>Pursuant to SMC 14.210.210C, multi-family developments shall meet the dimensional requirements of the MDR zone.</p> <p>Lot size 88,862 square feet (2.04 acres) Lot width approximately 167 feet at the street frontage Proposed density 13.7 du/acre 20 feet proposed 9 feet proposed on east; 12 feet proposed on west 133 feet proposed 61.8% proposed 38.2% proposed 21.9% proposed Building height will be evaluated during building permit review.</p>
<p>8.4 Chapter 14.235 SMC, Off-Street Parking, Loading, and Access Requirements</p>	<p>The City’s parking regulations require two parking spaces for dwelling units containing two or more bedrooms and 1.5 spaces for units containing one bedroom. The proposal includes ten one-bedroom units and 18 units with two or three bedrooms, for a total of 51 spaces. Parking lots in excess of ten stalls can provide up to 40 percent of the parking in compact stalls. In this case, up to 20 stalls can be compact. The proposal will provide a total of 53 spaces; 18 stalls will be compact and three will be ADA accessible. Surface parking accounts for 29 stalls; Building A will contain ten garage stalls, and Buildings B and C will contain seven garage stalls each. (Exhibit 4)</p>

<p>8.5 Chapter 14.240 SMC, Landscaping, Screening, Fencing, and Retaining Walls</p>	<p>Landscape regulations require street trees for any land use action that involves street frontage improvements. Four street trees are proposed on the Tenth Street frontage, south of the proposed sidewalk. SMC 14.240.040C requires perimeter landscaping on interior lot lines to separate land uses. New multi family development next to single family properties must provide a Type III visual buffer, eight feet in width. The adjacent property on the west is developed for single family use. With a condition of approval that the west property line is planted with a mixture of shrubs and trees consistent with Type III screening, the separation between uses standard is met. (Exhibit 4)</p>
<p>8.6 Chapter 14.260 SMC, Wetlands</p>	<p>The standard buffer of Category II wetlands is 100 feet. Buffer averaging is allowed for a reduction of up to 50% of the buffer width if an equal area of buffer is added. The applicant is proposing to reduce the buffer at the northern end to accommodate buildings B and C and a portion of the parking lot. The total area proposed for buffer reduction is 4,625 square feet, with 4,775 square feet of buffer area added on the west side of the existing buffer. At no point is the amount of buffer reduction greater than 50% of the buffer width. With a condition of approval that the critical areas and buffers are placed in a Native Growth Protection Area (NGPA) easement, the proposal is consistent with applicable wetland regulations. (Exhibits 4, 10, and 11)</p>

D. CONCLUSIONS

Jurisdiction		
<p>Pursuant to SMC 14.20.020, the City Planning Director is the decision-making authority for Site Development Plan applications (Type 3 Permit).</p>		
Conclusions Based on Findings		
#	Conclusion	Finding Reference
1.	<p>With conditions of approval, adequate infrastructure will be available to serve the development. Sidewalks will be installed along the street frontage. Adequate parking and vehicle circulation will be provided. The development will be served by existing Community Transit facilities. Adequate water and sewer infrastructure is available adjacent to the site. Stormwater facilities will be provided in accordance with Department of Ecology standards, as adopted by the City of Snohomish.</p>	5.1-5.3, 6.1-6.4, 8.1, 8.4
2.	<p>With conditions, the design and appearance of the site and structures will be in conformance with applicable design standards and guidelines.</p>	4, 8.1
3.	<p>Landscaping and natural open space will be incorporated into the development. With conditions of approval, the separation between uses requirement is met.</p>	8.3, 8.5

4.	The development will be consistent with the Comprehensive Plan and bulk dimensional standards. With conditions, the project will be consistent with all applicable Design Standards and Guidelines. Utilities are available at the site with adequate capacity to serve the proposed development. The proposal does not cause levels of service for City services to drop below the adopted standards. Landscaping and open space will be provided.	4, 5.1-5.3, 6.2, 6.3, 7, 8.1, 8.3, 8.5
5.	The development will not create significant adverse environmental impacts.	3
6.	With conditions of approval, the development will comply with the City's concurrency requirements. The traffic impacts of the development on City intersections will be mitigated concurrent with the development.	6.3, 8.1
7.	<p>With conditions of approval, the development will protect the public's health, safety, and general welfare. Condition of approval will require a third party testing of the fire flow in the area and an accessible route of travel to Avenue D. Adequate on-site parking will be provided. Walkways will be provided along the street frontage and throughout the parking areas. The site will be landscaped. On-site wetlands will be protected. Conformance to recommendations of professional studies will ensure that the project addresses stormwater management as required and soil stability for walls and other structures. Consistency with the design standards will ensure that the development is compatible with the community context.</p> <p>The development must comply with applicable land use, environmental, and building regulations, as well as the City of Snohomish Public Works Department Design and Construction Standards. The engineering standards will ensure all improvements and infrastructure are designed and constructed in an appropriate manner, and Seventh Street pavement will be restored following construction. Damage caused by construction activities will be restored by the applicant. Compliance with the International Building Code and the City's engineering standards will ensure the drainage systems and structures are structurally sound.</p>	4, 6.2, 8.1, 8.3, 8.4, 8.5, 8.6

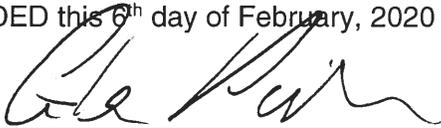
E. DECISION

Based on the preceding Findings and Conclusions, the application for a Site Development Plan to allow construction of 28 residential units within three separate buildings on a 2.04-acre site, with on-site parking for 53 vehicles and associated landscaping, utility and infrastructure improvements, and critical areas mitigation for wetland buffer impacts is **APPROVED**, subject to the following conditions:

1. The application for site civil construction shall include four elements from the list of amenities for common outdoor space on page 37 of the Design Standards Outside the Historic District (2004).
2. Parking lot screening, as approved by the City and consistent with applicable design standards, shall be installed along the street frontage.
3. The west property line shall be planted with a mixture of shrubs and trees consistent with Type III screening pursuant to SMC 14.240.040C.
4. Prior to issuance of a building permit on the site, the applicant shall grant the City of Snohomish an easement for ingress/egress, maintenance, repair, and/or reconstruction of the sewer main that traverses the site.

5. Prior to issuance of a site/civil permit for site development, a Native Growth Protection Area easement shall be declared over the critical areas and buffers present on the development site, with the outer edge of the buffer marked with signage and fencing approved by the City.
6. Prior to issuance of a site/civil permit for site development, a third party fire flow test must be performed to demonstrate that the proposed water improvements will meet minimum domestic and fire flow and pressure requirements.
7. Prior to issuance of a site/civil permit for site development, details for the proposed accessible route of travel from the site to Avenue D shall be approved by the City.
8. Traffic impact mitigation fees shall be remitted prior to issuance of a building permit for the generation of 16 P.M. Peak Hour Trips. The rate charged shall be the rate in place at the time of building permit issuance. The current rate is \$1,603.00 per P.M. Peak Hour Trip for a total fee of \$25,648.00. However, the total fee may change if the rate changes before a building permit is issued for this project.
9. Park impact mitigation fees shall be remitted prior to issuance of a building permit for the development 28 new multi-family dwelling units. The rate charged shall be the rate in place at the time of building permit issuance. The current rate is \$3,600.00 per multi-family dwelling unit for a total fee of \$100,800.00. However, the total fee may change if the rate changes before a building permit is issued for this project.
10. The development shall comply with the Snohomish County Inadvertent Discovery Plan for cultural resources.
11. All work shall be consistent with the project narrative, plans, and recommendations of the professional studies and reports relating to geotechnical, stormwater drainage, etc., as approved the City.

DECIDED this 6th day of February, 2020



Glen Pickus, AICP
Planning Director

F. EXPIRATION

This land use approval is issued in accordance with the permit validity limitations of SMC 14.20.120. The work authorized by this permit shall be commenced and substantial progress completed within two years of the date of this decision. Construction shall be completed within five years of the date of this decision.

G. APPEALS

This decision is made pursuant to the authority granted to the Planning Director in accordance with SMC 14.20.020D. A City department, other party of record, or agency with jurisdiction may appeal the Planning Director's decision to the City Hearing Examiner following the procedures contained in Chapter 14.20 SMC. If no timely appeal is filed, then the Planning Director's decision shall be final. Appeals shall be filed with the City Clerk within 14 days from the date of this decision. Appeals may be filed between the hours of 8:00am and 4:00pm Monday through Thursday, excluding holidays, at City Hall, 116 Union Avenue. Appeals shall include a filing fee of \$500 (five hundred dollars).

Appendix A

Comprehensive Plan Applicable Goals and Policies

- LU 2.5: Design standards.** Continue to improve and apply the adopted design standards to preserve the character of the City and its districts.
- MF 5.3: Multi-family access.** Design of multi-family development should provide clear and convenient pedestrian access to the public sidewalk. Buildings rather than the parking area should be the predominant appearance of the site.
- LU 6: Commercial Land Use.** Develop thriving commercial areas that are safe, attractive, and convenient.
- CO 6.1: Commercial capacity.** Designate adequate mixed-use areas to provide for a variety of commercial activities with differing characteristics and emphases as described.
- a. **Commercial.** Concentrations of retail and service uses in neighborhood and community shopping centers or commercial corridors along arterials. Such commercial areas should provide a wide range of convenience, general merchandise, and specialty goods and services any may incorporate multi-family development to create vibrant centers.
- HO 3.3: New development.** New development should enhance and be compatible with its surrounding neighborhood.
- TR 23: Development review.** Review all land use and development proposals for compliance with the Transportation Element.
- TR 24: Concurrency.** Prohibit development if the development causes the level of service on transportation facility to decline below the standards adopted in this element, or ensure that funding is identified to implement improvements to increase capacity within six years of the development.
- CF 1.1: Fair share.** New development shall bear a fair share of facility improvement cost necessary to serve the development in order to maintain adopted level of service standards and measurable objective standards.
- CF 1.4: Maintain transportation LOS.** The City shall verify that transportation improvements are sufficient to maintain adopted level of service standards as development occurs.
- CF 2.1: Service capacity.** Permit new development only where utility system capacity and performance will be available at the time of demand for service.
- CF 2.4: Frontage improvements.** Sidewalks, curbs and gutters, and street surface shall be required on that half of the street adjacent to the development as a condition of construction, including new single-family residential development, where these improvements do not now exist, or are deteriorated, unless determined by the City Engineer to be untimely.
- CF 2.11 Level of service.** Ensure that level of service (LOS) standards are maintained as growth occurs.
- a. **Transportation level of service.**
LOS E for the PM peak-hour for all intersections
- b. **Sanitary Sewer**

No LOS identified. System improvements shall be in accordance with the current adopted General Sewer and Wastewater Facilities Plan and Combined Sewer Overflow Reduction Plan, and the City's National Pollutant Discharge Elimination System (NPDES) Permit.

c. **Stormwater**

No LOS identified. System improvements shall be in accordance with the current adopted Stormwater Management Plan and the City's National Pollutant Discharge Elimination System (NPDES) Permit.

d. **Potable Water**

No LOS identified. System improvements shall be in accordance with the current adopted Water System Plan.

e. **Fire Flows**

No LOS adopted. System improvements and development standards shall be in accordance with the International Fire Code, as adopted, which is based on the use and structure type.

UT 1.9: Undergrounding utilities. Require undergrounding of all new utilities for new developments.