



CITY OF SNOHOMISH

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SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT DECISION

FROM THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
FOR THE CITY OF SNOHOMISH

In the Matter of the Application of)	
1405 Avenue A residential lots)	FINDINGS, CONCLUSIONS AND DECISION
For Approval of a Shoreline Substantial)	
Development Permit)	

Project File Number: SL20-0002 **Project Name:** 1405 Avenue A residential lots

PROPONENT/CONTACT:

Senal Perera
12821 48th Avenue SE | Snohomish, WA 98290
(206) 501-9018

Location: 1405 Avenue A (parcel #28060700204900)

Land Use Designation: Single Family Residential (SF)

Shoreline Environment: Shoreline Residential

Application Complete: February 21, 2020

A. SUMMARY OF DECISION

The application is for a Shoreline Substantial Development Permit (a Type 3 permit) to allow lot development and construction of a single-family home on a previously approved subdivision located partially within the Shoreline jurisdiction. The Planning Director is the decision-making authority for Type 3 permits. The Shoreline Substantial Development Permit is **APPROVED**, subject to conditions.

B. SUMMARY OF RECORD

Request:

Senal Perera (Applicant), requested approval of a Shoreline Substantial Development Permit (SSDP) to allow development of two residential lots and one single-family home. The property is located in the Single Family land use designation area, and was approved in 2018 for a six-lot Planned Residential Development (PRD). As the site is partially within the Shoreline jurisdiction, a condition of preliminary plat approval required an approved SSDP prior to ground disturbing activities on Lots 4, 5, and 6.

Exhibits:

This decision was based on review of the following records:

Exhibit #	Record Name/Description	Date
1	Application forms: SSDP and Land Use, with description of request and legal description	1/28/2020
2	SSDP Applicant Narrative Description of Proposal	1/28/2020
3	Shoreline Site Plan	1/28/2020
4	Determination of Complete Application Letter	2/21/2020
5	Notice of Application, including declarations of posting and distribution, mailing labels, and Everett Herald affidavit of publication	3/5/2020
6	Letter from Stephanie Jolivette, Department of Archaeology and Historic Preservation	1/9/2020
7	Hearing Examiner Decision for Preliminary Plat/PRD (File 11-17-PRD)	10/24/2018
8	Public comment from Donna Ray and staff response	3/10/2020

General Property Information (existing conditions):

Property Information	
The site is addressed as 1405 Avenue A, on Snohomish County Assessor tax parcels 28060700204900 and 28060700204901. The full legal description is provided as Exhibit 2.	
Site Photo (facing northeast from Avenue A)	Aerial Image
	
Existing Land Use	
Subject Site	Single-family home and outbuildings; preliminary approval for six-lot subdivision issued 10/24/2018
Property to North	Vacant property, Blackmans Lake
Property to South	Single-family residence
Property to East	Single-family residence
Property to West	Multi-family residences and vacant property (across Ave A)
Comprehensive Plan and Zoning Map Designation	
Subject Site	Single Family
Property to North	Parks, Open Space & Public
Property to South	Single Family
Property to East	Single Family
Property to West	Medium Density Residential and Parks, Open Space & Public

Existing Vegetation
Vegetation on the site is primarily maintained lawn, with ornamental shrubs and trees.
Existing Topography
The site is generally flat.
Critical areas
A Category II wetland is present on the northern portion of the site, with an associated 100-foot standard buffer. Mitigation is proposed to reduce the buffer to 75 feet.

C. FINDINGS OF FACT & 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 requested action is for approval of a Shoreline Substantial Development Permit (SSDP) to allow proposed site development of Lots 4, 5, and 6 of the 1405 Avenue A residential subdivision, including construction of the home on Lot 4.
2. Public Notice and Comment
The application was determined to be complete on February 21, 2020, and is vested to development regulations in effect at that time. Notice of the application was issued in accordance with City codes on March 5, 2020, by posting the site, publication in the Daily Herald (Everett), and mailing to owners of property within 300 feet of the site boundaries. One public comment was received. The comment related to concerns over whether the proposed development will exacerbate the toxic algae problem in Blackmans Lake. (Exhibits 5 and 8)
3. SEPA Review
The preliminary subdivision review included a SEPA process for the entire project. Pursuant to the State Environmental Policy Act (SEPA), the City of Snohomish acted as lead agency for review of environmental impacts and issued a Determination of Non-Significance (DNS) on September 14, 2018. No separate SEPA review is required for the Shoreline Substantial Development Permit in accordance with WAC 197-11-055. (Exhibit 7)
4. Utilities
4.1 City Engineering staff determined during preliminary plat that the proposal meets minimum water service requirements. (Exhibits 3 and 7)
4.2 City Engineering staff determined during preliminary plat that adequate conveyance and treatment capacity exists in the system to accommodate the proposed development. (Exhibit 7)
4.3 The Engineering Department determined during preliminary plat that the proposal meets the minimum requirements of the 2012 Dept. of Ecology Stormwater Management Manual for Western Washington. (Exhibits 3 and 7)
5. Access, Frontage Improvements, Traffic Impacts, Transportation
5.1 The applicant is proposing a private road corridor in Tract 999 to serve all lots within the plat. Tract 999 is 40 feet wide and connects to Avenue A. (Exhibits 3 and 8)
5.2 Improvements are proposed to the Avenue A road frontage. Curb, gutter, sidewalk, and planter strip are proposed south of the new Tract 999 driveway. North of the driveway the applicant proposes to install sidewalks and planter strip, terminating at the wetland buffer. (Exhibit 3)

5.3 City Engineering staff determined during preliminary plat that payment of traffic impact fees will adequately mitigate additional trips generated by this development. A determination of concurrency was issued by the City. (Exhibit 7)	
5.4 According to the Community Transit website, the nearest transit stop is located 0.3 miles away at 13 th Street and Avenue D. (www.communitytransit.org).	
6. Consistency with Comprehensive Plan	
The City of Snohomish Comprehensive Plan designation of the subject property is Single Family. Staff has determined that the proposal complies with all relevant Comprehensive Plan goals and policies. Comprehensive Plan goals and policies with particular relevance to the proposal are included as Attachment A.	
7. Consistency with Snohomish Municipal Code (SMC)	
Applications for Shoreline Substantial Development Permits are subject to the criteria of Chapter 14.250 SMC.	
Criteria	Analysis
7.1 SMC 14.250.060 Substantial Development Permit, Conditional Use Permit and Variance	
2. <i>A substantial development permit shall be granted only when the development proposed is consistent with:</i> a. <i>The policies and procedures of the Act</i> b. <i>The provisions of Chapter 173-27 WAC</i> c. <i>The applicable policies and regulations of this Shoreline Master Program</i>	The proposal meets all applicable provisions of Act, Chapter 173-27 WAC, and the Shoreline Master Program.
7.2 SMC 14.250.080 Shoreline Environments	
6. <i>Within the Shoreline Residential environment, a fifteen (15) foot shoreline buffer shall be provided and structures and other impervious surfaces shall be set back fifty (50) feet from the shoreline.</i>	Structures and impervious surfaces will be located more than 100 feet from the shoreline. (Exhibit 3)
7.3 SMC 14.250.100 Development Regulations – General	
A. <i>As provided by WAC 173-26-186(8), land development, land uses, and modifications within the shoreline jurisdiction shall not result in a net loss of shoreline ecological functions and processes. Mitigation for impacts resulting from development, uses, and modifications shall comply with the priorities specified in the shoreline restoration plan and Appendices C, E and F of the City of Snohomish Shoreline Master Program.</i>	No net loss of shoreline ecological function or processes is anticipated from the proposal. A wetland and buffer are located between the shoreline and the area of development, which will be enhanced and protected under a Native Growth Protection Area easement.
B. <i>Maximum structure height in the shoreline jurisdiction areas shall be thirty-five (35) feet</i>	All new structures within the subdivision must meet the required building height limits at the time of building permit application. Building height in the Single Family land use designation is limited to 35 feet pursuant to SMC 14.210.330.
C. <i>For work at or below the ordinary high water mark, a field determination of the ordinary high water mark shall be made no more than one year prior to submittal of a complete application.</i>	No work is proposed near the ordinary high water mark of Blackmans Lake.

<p><i>D. All shoreline uses and developments shall conform to the following standards:</i></p> <p><i>1. Consistency with the Comprehensive Plan and applicable provisions of the Land Use Development Code.</i></p>	<p>The existing use is consistent with the Comprehensive Plan and Land Use Development Code.</p>
<p><i>2. All shoreline uses and development shall be located, constructed and operated so as to preserve and protect public health, safety and welfare.</i></p>	<p>The preliminary plat approval included conditions to ensure preservation and protection of public health, safety, and welfare.</p>
<p><i>3. All shoreline uses and development shall protect the quality and quantity of surface and ground water. New permits and development shall comply with the provisions of Chapter 15.16 SMC, including the Department of Ecology Stormwater Management Manual for Western Washington, as adopted or hereafter amended.</i></p>	<p>The City Engineer reviewed the drainage plan during the preliminary plat phase and determined that all stormwater requirements have been met.</p>
<p><i>4. Shoreline uses and development shall not release solid or liquid waste, oil, hazardous materials, or untreated effluent to any water bodies or shorelands.</i></p>	<p>No untreated waste or hazardous materials are anticipated. A condition of preliminary plat approval limits the use of fertilizers within the neighborhood.</p>
<p><i>5. The use of chemicals to control invasive aquatic weeds is prohibited, except that milfoil and other aquatic weeds recognized as noxious weeds by the Noxious Weed Control Board of Washington State may be removed using chemicals; provided, that the chemicals are applied by a licensed pesticide applicator and approved for aquatic use.</i></p>	<p>Aquatic vegetation control is not proposed. A condition of preliminary plat approval limits the use of fertilizers within the neighborhood.</p>
<p><i>6. Heating and cooling equipment shall not be placed in waters of the state.</i></p>	<p>No heating or cooling equipment is proposed in the water body.</p>
<p><i>7. All shoreline uses and development shall be located, designed, constructed and managed to avoid and minimize adverse impacts to critical areas to the greatest extent practical consistent with the standard in SMC 14.250.330(C).</i></p>	<p>The standard wetland buffer was approved to be reduced under the preliminary plat process. No wetland impacts are proposed.</p>
<p><i>8. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. It shall be the applicants' responsibility to obtain all required state and federal approvals prior to beginning work within wetlands or below the ordinary high water mark. To the extent practical, native vegetation and native topsoils shall be preserved and reused on site. Areas cleared of vegetation but not developed shall be replanted with appropriate native species as determined by the Planning Director or designee.</i></p>	<p>Land clearing and grading south of the wetland and buffer will be required in order to develop the site for residential development. The mitigation plan approved under the preliminary plat process includes preservation of existing features as well as planting native vegetation.</p>

<p>9. <i>Shoreline uses and development shall be located, designed, constructed, and managed to minimize adverse impacts to natural shoreline processes such as water circulation, erosion and accretion.</i></p>	<p>The proposal will have no adverse impacts on shoreline processes.</p>
<p>10. <i>All shoreline uses and development shall be located and designed to minimize reliance upon shoreline defense and stabilization measures and flood protection works such as bulkheads, bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrading.</i></p>	<p>Grading is proposed to prepare the site for residential lots, however new or modified shoreline defense or stabilization measures are not proposed.</p>
<p>11. <i>All development in the 100-year floodplain designated on the current flood insurance rate map issued by FEMA shall include an assessment prepared by a qualified professional regarding the potential effects of the project would have on channel migration, and shall incorporate measures to mitigate significant adverse impacts on channel migration.</i></p>	<p>The development site is not located in the floodplain.</p>
<p>12. <i>All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.</i></p>	<p>A condition of approval will ensure construction waste does not enter Blackmans Lake.</p>
<p>13. <i>Navigation channels shall be kept free of hazardous or obstructing development or uses.</i></p>	<p>Not applicable. No change proposed to navigation channels.</p>
<p>14. <i>Within shoreline environments, archaeological, historic, and cultural resources shall be assessed and protected.</i></p>	<p>The Department of Archaeology and Historic Preservation was consulted about the subdivision and recommended a standard Inadvertent Discovery Plan to be used during ground-disturbing activities. (Exhibit 6)</p>
<p>7.4 SMC 14.250.110 Use Regulations – General</p>	
<p>A. <i>Within the shoreline jurisdiction, uses shall conform to all applicable provisions of this chapter.</i></p>	<p>Single-family dwellings are a permitted use pursuant to Table 1.</p>
<p>7.5 SMC 14.250.170 Regulations Specific to Residential Uses</p>	
<p>B. <i>All critical areas and/or buffers shall be placed in a critical area tract or conservation easement, the purpose of which is to set aside and protect the critical area. The delineation of critical areas and their buffers shall be shown on the final recorded plat.</i></p>	<p>The critical areas will be placed in a separate tract (Tract 997). Condition #5 of the Hearing Examiner's approval of the preliminary plat was to declare a Native Growth Protection Area easement over Tract 997 and mark the outer edge of the buffer with fencing and signage (Exhibits 3 and 7).</p>
<p>D. <i>Subdivisions of more than four (4) lots and new multi-unit development of more than four (4) residential units shall provide public pedestrian access to the shorelines, unless physical access to the shoreline is not feasible due to the presence of regulated critical areas such as</i></p>	<p>Visual access to the shoreline will be maintained. Direct access to the shoreline is not feasible, as the subject site does not have physical access to the lake.</p>

<i>wetlands or steep slopes. Where public access is not feasible, improvements to existing public access in the vicinity may be required in lieu of on-site public access.</i>	
<i>E. New residential lots created adjacent to Blackmans Lake shall provide for common or shared dock(s) in lieu of individual docks for each lot.</i>	No docks are proposed.

D. CONCLUSIONS

Jurisdiction		
Pursuant to SMC 14.20.020, the City Planning Director is the decision-making authority for Shoreline Substantial Development Permit applications (Type 3 Permit).		
Conclusions Based on Findings		
#	Conclusion	Finding Reference
1.	Adequate infrastructure is available to serve the development. Adequate access is provided. The development is served by existing Community Transit facilities. The development will be served by water and sewer infrastructure. Stormwater facilities will be provided in accordance with Department of Ecology standards, as adopted by the City of Snohomish.	4.1-4.3, 5.1-5.4
2.	Visual access to the shoreline is present on the site. The proposed use is consistent with the Shoreline Master Program. The dimensional requirements applicable to the shoreline jurisdiction will be met.	7.3-7.5
3.	The development will be consistent with the Comprehensive Plan. 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.	4.1-4.3, 5.1-5.4, 6
4.	The development will not create significant adverse environmental impacts.	3, 7.3
5.	The development will comply with the City's concurrency requirements. Traffic impacts of the development on City intersections will be mitigated concurrent with the development.	5.3
6.	<p>With conditions of approval, the development will protect the public's health, safety, and general welfare. Conformance to recommendations of professional studies will ensure that the project addresses stormwater management as required and no net loss of ecological functions or processes result from the development.</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. Compliance with the International Building Code and the City's engineering standards will ensure the drainage systems and structures are structurally sound.</p>	4.1-4.3, 5.1-5.4, 6, 7.1-7.5

E. DECISION

Based on the preceding Findings and Conclusions, the application for a Shoreline Substantial Development Plan to allow single-family lot development and construction on a previously approved subdivision is **APPROVED**, subject to the following conditions:

1. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
2. The development shall comply with the Snohomish County Inadvertent Discovery Plan for cultural resources.
3. The development shall be consistent with all conditions of approval of the preliminary plat (File 11-17-PRD) issued October 24, 2018.
4. All development shall be consistent with the project narrative, plans, and recommendations of the professional studies and reports submitted with the application, as approved the City.

DECIDED this 30th day of March, 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, pursuant to SMC 14.250.050. If no timely appeal is filed, then the Planning Director's decision shall be final. Appeals shall be filed with the City Clerk within 21 days from the date of this decision. Appeals may be filed between the hours of 8:00 a.m. and 4:00 p.m. 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

- GOAL LU 3: Plan for single-family neighborhoods that provide quietness, privacy, safety, and land use stability and compatibility.**
- SF 4.1: Stable single-family neighborhoods.** Detached single-family areas should coincide with defined planning areas that allow for the retention or development of stable single-family neighborhoods with individual character and identity.
- EP 1: Preserve and protect significant critical areas as responsible stewards of public and private resources.**
- EP 1.6: No net loss.** Allow no net loss of wetland functions and values on a basin-wide basis.
- EP 1.15: Avoid impacts.** Development adjacent to designated habitat areas such as rivers, creeks, wetlands and their natural buffers should be designed to avoid impacts such as light spill and waste-material flows that may reduce their habitat value.
- EP 3.5: Water quality.** Support and implement programmatic and regulatory measures to improve water quality in the Snohomish River system.
- SMP 1.9:** The public interest in the stewardship, use, and enjoyment of shorelines of statewide significance in the City of Snohomish should be paramount.
- SMP 2.1:** Only uses or activities that conserve shoreline resources for future generations and do not result in a net loss of ecological functions should be allowed.
- SMP 2.2:** Only uses and developments that are compatible with the shoreline environment in which they are located should be allowed.
- SMP 2.6:** A hierarchy of preferred water-oriented uses that establish the following priorities should be established through regulations and other suitable means:
1. Water-dependent uses should be preferred over all other uses;
 2. Other water-oriented uses that do not conflict with water-dependent uses should be allowed if a water-dependent use is not feasible;
 3. Non-water oriented uses where water-oriented uses are not practical due to site location or conditions or existing building design should be allowed.
- SMP 2.9:** All development in the shoreline area shall comply with the requirements of the version of the Washington State Department of Ecology Stormwater Management Manual for Western Washington adopted by the City.
- SMP 2.10:** Land uses should be designated as permitted, conditionally permitted, or prohibited for each of the shoreline environments.
- SMP 2.11:** Planned Residential Development should be encouraged in eligible shoreline subdivisions.
- SMP 2.13:** Subdivisions with more than four lots and new multifamily development with more than four dwellings should be designed to provide public pedestrian access to the shorelines, unless physical access to the shoreline is not feasible due to the presence of critical areas.

- SMP 6:** The purpose of the Shoreline Residential Environment designation is to accommodate residential development and appurtenant structures and uses and to provide public access and recreational opportunities.
- SRE 6.2:** New shoreline residential development should be controlled by type, location, and scale in order to maintain and enhance the residential character of the Shoreline Residential Environment.
- SRE 6.3:** Development should be restricted to single family residential uses, recreational uses, and utilities. Commercial, industrial, and residential development other than single family should be prohibited.
- SRE 6.4:** Preserving views of natural shorelines and minimizing glare and other visual intrusions in the shoreline by means of setbacks, landscaping requirements and similar means should be required.
- SRE 6.6:** New residential development or substantial redevelopment projects more than four lots or dwelling units should include new or improved public access to the shoreline and/or new or improved recreational opportunities.
- SRE 6.7:** Standards that will enhance the environmental characteristics of the shoreline area, such as setbacks, buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be adopted.