



CITY OF SNOHOMISH

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SITE DEVELOPMENT PLAN DECISION

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

In the Matter of the Application of)

Emil's Walk)

For Approval of a Site Development Plan)

FINDINGS, CONCLUSIONS AND DECISION

Project File Number: SDP19-0003

PROPONENT/CONTACT:

Charles and Elise Miller, for Emil's Walk LLC
21412 107th St SE | Snohomish, WA 98290
(360) 863-2710

Location: 613 Lincoln Avenue (Parcel No. 00435900200400)

Land Use Designation: Mixed Use (MU)

Application Complete: January 6, 2020

A. SUMMARY OF DECISION

The application is for a Site Development Plan (a Type 3 permit) to allow a mixed use development consisting of five residential units and one commercial space within two separate, three-story buildings. The proposed project includes associated parking, site and frontage improvements, utilities, landscaping, and open space areas. The Planning & Development Services Director is the decision-making authority for Type 3 permits. The Site Development Plan is **APPROVED**, subject to conditions.

B. SUMMARY OF RECORD

Request:

Charles and Elise Miller, on behalf of Emil's Walk LLC (Applicant), requested approval of a Site Development Plan (SDP) to construct two new buildings for mixed use with associated parking and site improvements. A four-unit townhouse building is proposed on the west side of the site, and a mixed use building is proposed on the east side, comprised of one residential unit and one commercial space. The property is located in the Mixed Use land use designation.

Exhibits:

This decision was based on review of the following records:

Exhibit #	Record Name/Description	Date
1	Application forms: SDP and Land Use	11/4/2019
2	Applicant Narrative Description of Proposal	11/4/2019
3	Subdivision Guarantee, First American Title Insurance Company	11/4/2019
4	Declaration of Adjacent Property Owners List with map	1/16/2020
5	Site plan, with staff revisions/conditions	5/14/2020
6	Proposed civil plans	5/14/2020
7	Page 7 of proposed civil plans, revised	6/9/2020
8	Topographic survey	12/23/2019
9	Geotechnical Engineering Study, Earth Solutions NW LLC	11/4/2019
10	Drainage Report, Joseph M. Smeby, P.E.	11/4/2019
11	Wetland & Stream Determination, Acre Environmental Consulting, LLC	12/23/2019
12	3D Renderings	11/4/2019
13	Open Space and Landscape Plan	2/19/2020
14	Landscape Variance Request	2/12/2020
15	Letter of Incomplete Application	11/18/2019
16	Determination of Complete Application Letter	1/6/2020
17	Notice of Application, including declarations of posting and distribution, mailing labels, and Everett Herald affidavit of publication	1/18/2020
18	Determination of Non-Significance, including annotated SEPA Checklist, declarations of posting and distribution, mailing labels, and Everett Herald affidavit of publication	5/29/2020
19	Design Review Analysis	3/10/2020
20	Landscape Plan Determination from Glen Pickus, Planning Director	3/10/2020
21	Traffic Impact Determination from Andrew Sics, Project Engineer	4/23/2020
22	Determination of Concurrency	6/4/2020
23	Public comment from Karen Guzak	1/21/2020
24	Public comment from Shawn Wilde	2/2/2020
25	Comment from Washington State Department of Transportation	6/9/2020
26	Comment from Washington Department of Archaeology & Historic Preservation	12/9/2019
27	Review memorandum from Sharon Pettit, Building Official	6/5/2020
28	Review memorandum from Sukhpreet Dhaliwal, Project Engineer	6/11/2020

General Property Information (existing conditions):

Property Information	
The site is a 0.37-acre parcel addressed as 613 Lincoln Avenue in Snohomish, WA (Snohomish County Assessor's tax parcel 00435900200400) located in the northeast quarter of Section 18, Township 28 North, Range 06 East, WM.	
Site Photo (facing northeast from Maple Ave)	Aerial Image
	
Existing Land Use	
Subject Site	Vacant
Property to North	Residential (across Centennial Trail and Maple Ave)
Property to South	Residential
Property to East	Residential and mixed use
Property to West	Residential and mixed use (across Centennial Trail and Maple Ave)
Comprehensive Plan and Zoning Map Designation	
Subject Site	Mixed Use
Property to North	Parks, Open Space & Public; Medium Density Residential
Property to South	Mixed Use
Property to East	Mixed Use
Property to West	Parks, Open Space & Public; Mixed Use; Medium Density Residential
Existing Vegetation	
The site is vacant with maintained lawn and scattered trees.	
Existing Topography	
The site is generally flat.	
Critical areas	
The site contains no critical areas (Exhibit 11).	

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 Planning & Development Services Director enters the following Findings and Conclusions.

1. Requested action and project description
The proposed action is approval of a Site Development Plan (SDP) to allow a mixed use development consisting of five residential units and one commercial space within two separate, three-story buildings. Four units will be attached townhomes facing the Centennial Trail with vehicular access through the site; the fifth residential unit will be on the east side, in

the same building as the commercial space. The proposed project includes associated parking, site and frontage improvements, utilities, landscaping, and open space areas.

2. Public Notice and Comment

The application was determined to be complete on January 6, 2020, and is vested to development regulations in effect at that time. Notice of the application was issued in accordance with City codes on January 18, 2020, by posting the site, publication in the Daily Herald (Everett), and mailing to owners of property within 300 feet of the site boundaries. (Exhibits 16 and 17).

Two public comments were received (Exhibits 23 and 24). One was in support of the project, the other was opposed to it, citing concerns over negative impacts to the adjacent Centennial Trail. A condition of approval will mitigate these potential impacts, by limiting direct access to the trail from future residents of the project.

Two agency responses were received (Exhibits 25 and 26). WSDOT had no comment; DAHP recommended the project proceed with a standard inadvertent discovery plan (included as a condition of approval).

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 May 29, 2020. The DNS was not appealed so the determination stands as issued. (Exhibit 18)

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 buildings will undergo a separate design review analysis during building permit review. The site layout and design were reviewed for consistency with applicable standards. With the condition that a pedestrian walkway is provided leading from the parking area on the north to the townhouse building, the proposed site layout is consistent with adopted standards. (Exhibits 5, 12, and 19)

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 16-inch main in Maple Avenue. Six individual water meters and a two-inch fire line will extend from the new main. A new fire hydrant will be installed on the east side of Maple Avenue. A condition of approval will require third party fire flow testing prior to issuance of construction permits, to ensure adequate fire flow and pressure is available to serve the development. (Exhibits 6, 7, and 28)

5.2 Adequate sewer capacity is available in the area to provide sanitary sewer service to the site. A new 8-inch side sewer will extend through the site, connecting to an existing manhole located within the parking lot at 700 Pine Avenue, northeast of the site. An easement will be required for the sewer main connection through private property. (Exhibit 6, 7, and 28)

5.3 Stormwater improvements and erosion control measures must meet the minimum requirements of the 2012 Department of Ecology Stormwater Manual for Western Washington (DOE Manual). The project is exempt from flow control but must fully infiltrate stormwater. Runoff from the roof and parking areas will be conveyed to four infiltration trenches, with an additional trench within Lincoln Avenue for runoff from off-site improvements. (Exhibits 6, 10, and 28)

6. Access, Frontage Improvements, Traffic Impacts, Transportation	
6.1	One access point on Lincoln Avenue is proposed to serve the site. The proposed driveway width is 24 feet and extends to two on-site parking areas. Vehicles have adequate maneuvering area to avoid backing into the street. The individual pedestrian connections to the Centennial Trail cannot be approved, due to grant restrictions on the trail. A condition of approval will require modification of the pedestrian access to the townhouse units. (Exhibits 5, 6, and 28)
6.2	The site is located at the end of the segment of Lincoln Avenue between Sixth Street and Maple Avenue. New curb, gutter, and full-width roadway paving are proposed on Lincoln Avenue beginning at a point near the driveway for the parcel to the south of the site and terminating at the site entry. The City Engineer concurs that the proposed frontage improvements are consistent with the City Engineering Design Standards. (Exhibits 5 and 28)
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. The applicant deferred to the Institute of Transportation Engineer's Trip Generation Manual to determine trip generation. The determination as confirmed by City Engineering staff is that an additional 4 PM peak hour trips will be generated by the development. 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 2, 21, and 28)
6.4	Community Transit Route 270 provides transit service adjacent to the project site. A bus stop is located at the intersection of Second Street and Pine Avenue, within ½-mile of the site, according to the Community Transit website (www.communitytransit.org).
7. Consistency with Comprehensive Plan	
The City of Snohomish Comprehensive Plan designation of the subject property is Mixed Use. 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.	
8. Consistency with Snohomish Municipal Code (SMC)	
Applications for Site Development Plans are subject to the specific criteria of SMC 14.65.020A, in addition to development regulations of Title 14.	
Criteria	Analysis
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>	Adequate infrastructure is available to serve the development. The City Engineer has determined that the proposed frontage improvements are consistent with Engineering Standards. The development will be served by existing Community Transit facilities. The site will be served by City water and sewer services. Stormwater facilities will be provided in accordance with Department of Ecology standards, as adopted by the City of Snohomish. (Exhibits 5, 6, 7, 21, 22, 28)
<i>2. The design and appearance of the structure shall be compatible with applicable design standards and guidelines.</i>	The design and appearance of the new structures will be reviewed for consistency with adopted design standards during building permit review.

<p>3. <i>The development shall be consistent with the Comprehensive Plan.</i></p>	<p>Mixed use developments are consistent with the Comprehensive Plan designation for the site, with a maximum residential density of 18 dwelling units per acre.</p>
<p>4. <i>The development shall mitigate any significant adverse environmental impacts.</i></p>	<p>No significant adverse environmental impacts were identified. (Exhibit 18)</p>
<p>5. <i>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 as a result of the proposed development. (Exhibits 21, 22, and 28)</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 related to the water system and the location of the FDC, the project will protect the health, safety, and general welfare of the community. (Exhibit 27)</p>
<p>Criteria</p>	<p>Analysis</p>
<p>8.2 Chapter 14.205 SMC, Permitted Land Uses</p>	<p>The purpose of the MU designation is to “encourage a mix of single- and multi-family residential, commercial, and light industry uses in the same area, on the same site, and in the same structure”. Multi-family residential and commercial uses are allowed in the MU zone.</p>
<p>8.3 Chapter 14.210 SMC, Dimensional and Other Requirements</p>	<p>The MU zone requires 15% open space, of which 5% must be landscaped. The site is 16,238 square feet, with 5,738 square feet in open space (35.3%), of which 1,661 square feet will be landscaped (10.2%).</p> <p>Building setbacks in the MU zone are 0 feet from all property lines, subject to compliance with the perimeter landscaping requirements of Chapter 14.240 SMC, discussed below. The proposed new buildings will exceed minimum setback requirements to all parcel lines. (Exhibits 5 and 13)</p> <p>Height is limited to 35 feet.</p>
<p>8.4 Chapter 14.235 SMC, Off-Street Parking, Loading, and Access Requirements</p>	<p>The City’s parking regulations require one space for every 200 square feet of gross floor area for most commercial uses, and two stalls per unit for 2-bedroom apartments.</p> <p>The commercial space is 723 square feet, for a parking requirement of 3.6 stalls. The residential portion results in a parking requirement of ten stalls (two per unit). The total parking requirement is 13.6, or 14 stalls.</p> <p>The townhouse structure includes a one-car garage per unit, and a surface lot with an additional six stalls</p>

	<p>(two of which are compact). The mixed use structure includes a two-car garage and an additional two stalls (one of which is ADA), for a total of 14 parking stalls for the development.</p> <p>Therefore, the parking requirement is determined to be met. (Exhibits 5 and 12)</p>
8.5 Chapter 14.240 SMC, Landscaping, Screening, Fencing, and Retaining Walls	<p>Perimeter landscaping is required to provide visual separation between incompatible uses. Adjacent land uses are currently single family to the east and south, with a required ten-foot, Type III visual buffer. SMC 14.240.010F allows consideration of an alternative landscape plan, if the proposal complies with the intent of the code. A reduction in the perimeter landscaping width was requested by the applicant and approved by the Planning Director for the east and south sides. (Exhibits 14 and 20)</p> <p>Landscaping is proposed throughout the site. Trees are proposing along the Centennial Trail frontage. Landscape requirements are met. (Exhibits 5 and 13)</p>

D. CONCLUSIONS

Jurisdiction		
Pursuant to SMC 14.20.020, the City Planning & Development Services Director is the decision-making authority for Site Development Plan applications (Type 3 Permit).		
Conclusions Based on Findings		
#	Conclusion	Finding Reference
1.	Adequate infrastructure is available to serve the development. Adequate parking and vehicle circulation 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.	5.1-5.3, 6.1-6.4
2.	The design and appearance of the structure will be reviewed as part of the building permit application for conformance with applicable design standards and guidelines.	4, 8.1
3.	Landscaping and natural open space is incorporated into the development.	8.3, 8.5
4.	The development will be consistent with the Comprehensive Plan. The project will be consistent with all applicable Design Standards and Guidelines. Utilities will be provided 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. The site meets the applicable dimensional standards.	4, 5.1-5.3, 6.2, 6.3, 7, 8.3
5.	The development will not create significant adverse environmental impacts. The City reviewed the project under SEPA and determined that potential adverse environmental impacts would be appropriately mitigated through enforcement of applicable regulations of the Municipal Code and imposition of the conditions of approval.	3, 8.1
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. Adequate on-site parking is provided. Adequate pedestrian facilities are present along the site frontage. The site will be landscaped. 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. Compliance with the International Building Code and the City's engineering standards will ensure the drainage systems and structures are structurally sound.</p>	4, 6.1, 6.2, 8.1, 8.3, 8.4, 8.5

E. DECISION

Based on the preceding Findings and Conclusions, the application for a Site Development Plan to allow construction of two new buildings for mixed use with associated parking and site improvements is **APPROVED**, subject to the following conditions:

1. Traffic impact mitigation fees shall be remitted prior to issuance of a building permit for the generation of four 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 \$6,412.00. However, the total fee may change if the rate changes before a building permit is issued for this project.
2. The individual pedestrian walkways leading from the townhouse units to the Centennial Trail are not allowed. Instead, a common walkway will run parallel to the trail to connect the residential units to the north parking lot. One connection to the Centennial Trail will be located within the north parking lot. This new walkway design shall be included in the site/civil permit drawings. Displaced landscaping in front of the townhouses along the Centennial Trail frontage shall be relocated to the west of the new common walkway.
3. The application for site/civil construction review shall include the location for the FDC, which must be located on private property near Maple Avenue, unobstructed by landscaping.
4. 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.
5. Prior to start of site construction, the applicant shall obtain an easement with the property owner of 700 Pine Avenue for the side sewer to connect to the manhole within the parking lot.
6. The development shall comply with the Snohomish County Inadvertent Discovery Plan for cultural resources.
7. 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, including but not limited to the geotechnical and stormwater drainage reports.

DECIDED this 23rd day of June, 2020



Glen Pickus, AICP
Planning & Development Services 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 & Development Services Director in accordance with SMC 14.20.020D. A City department, other party of record, or agency with jurisdiction may appeal the Planning & Development Services 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 & Development Services 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 8:00 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

- 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.
- CO 6.7 Commercial design.** All new commercial development should be designed to be compatible with the character of the neighborhood and immediate context of the site and consistent with applicable design standards.
- HO 1.1: Housing types.** Plan for a wide variety of housing types, sizes, and densities to provide housing and home-ownership opportunities to a range of ages and income levels.
- HO 3.3: New development.** New development should enhance and be compatible with its surrounding neighborhood.
- HO 4.3: Mixed-use.** Encourage a mix of compatible residential and commercial uses on the same site or building in appropriate locations for efficient use of land and parking and to foster active and vital commercial areas.
- PRO 2.3: Preserve open space.** When undeveloped land is converted to urban use, ensure that highly-valued open space is preserved, whenever possible.
- 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 2.11 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.