



# CITY OF SNOHOMISH

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## PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT TO THE HEARING EXAMINER FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

**Project File Number:** 16-17-CUP/SDP    **Project Name:** Weaver Road Senior Housing

**PROPONENT / CONTACT:**

Gordon Cole  
Snohomish Business Park LLC  
PO Box 2280 | Snohomish, WA 98291  
(360) 862-8316

**Hearing Date, Time, and Place:**    May 31, 2018, 1:30 p.m.  
George Gilbertson Boardroom  
Snohomish School District, 1601 Avenue D

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| <b>Request:</b>                                     | Approval of a Conditional Use Permit (CUP) and Site Development Plan (SDP) to construct a 100-unit senior housing development on a 4.5-acre portion of an overall 17.29-acre site. |
| <b>Location:</b>                                    | Unaddressed parcel contiguous with the Snohomish Business Park (2020 Bickford), accessed from Weaver Road and on Snohomish County tax parcel 00538903200001.                       |
| <b>Land Use Designation:</b>                        | Business Park (BP)   |
| <b>Application Complete:</b>                        | February 16, 2018  |
| <b>Date report transmitted to Hearing Examiner:</b> | May 22, 2018   |
| <b>Staff report author:</b>                         | Brooke Eidem, Associate Planner  |
| <b>Attachments:</b>                                 | A: Applicable Comprehensive Plan Policies  |

### A. SUMMARY OF APPLICATION AND STAFF RECOMMENDATION

#### Proposal

The proposed action is approval of a conditional use permit and associated site development plan for construction of a 100-unit multi-family residential structure for seniors. On-site parking for 123 vehicles is proposed, in addition to street frontage and utility improvements, landscaping, and critical areas mitigation. The site is designated Business Park in the Comprehensive Plan and for the purposes of land use regulation. Multi-family uses in the Business Park designation are allowed with a conditional use permit.

## Staff Recommendation

Staff recommends Approval of the Conditional Use Permit and associated Site Development Plan, subject to conditions.

## General Property Information (existing conditions)

| <b>Property Information</b>  |   |
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| The site is an unaddressed parcel on Snohomish County Assessor tax parcel 00538903200001. It is part of the Snohomish Business Park commercial development, which is addressed as 2020 Bickford Avenue. The full legal description is provided as Exhibit 2. |   |
| <b>Site Photo (facing south)</b>   | <b>Aerial Image</b>   |
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| <b>Existing Land Use</b>   |   |
| Subject Site   | Vacant  |
| Property to North  | Single-family subdivision and multi-family development (across Weaver Road)         |
| Property to South  | Commercial (Snohomish Business Park)  |
| Property to East   | Multi-family residence  |
| Property to West   | Vacant  |
| <b>Comprehensive Plan and Zoning Map Designation</b>   |   |
| Subject Site   | Business Park   |
| Property to North  | Single Family and Business Park (across Weaver Road)                                |
| Property to South  | Business Park   |
| Property to East   | Business Park   |
| Property to West   | Single Family   |
| <b>Existing Vegetation</b>   |   |
| Vegetation on the site is pasture grasses, wetland plants, and trees.  |   |
| <b>Existing Topography</b>   |   |
| The site is generally flat, with a slope toward the south.   |   |
| <b>Critical areas</b>  |   |
| A Category II wetland is present on the southern portion of the site, with an associated 100-foot buffer. A portion of Cemetery Creek is also present on the west side of the site.  |   |

## Applicable Regulations & Policies

### Comprehensive Plan Policies applying to the request

The site is designated Business Park in the Comprehensive Plan. City of Snohomish Comprehensive Plan Goals and Policies provided as Attachment A to this report have particular relevance to this proposal, and are incorporated herein by reference. Consistency of the application with applicable goals and policies is discussed under section 8 below.

### Land Development Regulations (Title 14 SMC) applying to the request

The following provisions of the Snohomish Municipal Code have particular relevance to this proposal. These provisions and all of SMC are incorporated herein by reference:

- Chapter 14.20 SMC, Permit Classifications and Development Review Process
- Chapter 14.55 SMC, Conditional Use Permits
- Chapter 14.65 SMC, Site Development Plans
- Chapter 14.95 SMC, Hearing Examiner
- Chapter 14.100 SMC, Definitions
- Chapter 14.205 SMC, Permitted Land Uses
- Chapter 14.207 SMC, Land Use Tables
- Chapter 14.210 SMC, Dimensional and Other Requirements
- Chapter 14.230 SMC, Design Standards Outside the Historic District
- Chapter 14.235 SMC, Off-Street Parking, Loading, and Access Requirements
- Chapter 14.240 SMC, Landscaping, Screening, Fencing, and Retaining Walls
- Chapter 14.255 SMC, Critical Areas - General
- Chapter 14.260 SMC, Wetlands
- Chapter 14.280 SMC, Habitat Conservation Areas
- Chapter 14.295 SMC, Traffic Impact Fees and Mitigation
- Chapter 14.300 SMC, Park Impact Fees

### Other Regulations applying to this request

City of Snohomish Engineering Design and Construction Standards and Specifications (EDCSS), which by reference includes the 2012 edition of the Department of Ecology Stormwater Management Manual for Western Washington.

## B. FINDINGS & ANALYSIS

Based on the project record, the adopted ordinances of the City of Snohomish, and other information on file with the City, the Planning Department enters the following recommended Findings of Fact.

### 1. Requested action and project description

The applicant is requesting a Conditional Use Permit (CUP) and Site Development Plan (SDP) for construction of a 100-unit multi-family residential structure for seniors. On-site parking for 123 vehicles is proposed, in addition to street frontage and utility improvements, landscaping, and critical areas mitigation. The parcel containing the proposed development activity is 4.5 acres, but the project is in conjunction with the Snohomish Business Park development to the south, on an overall 17.29-acre site.

| <b>2. Public Notice and Comment</b>   |  |
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| <p>Notice of the application was provided by posting the site, publication in the Everett Herald, and mailing to owners of property within 300 feet of the site boundaries on February 26, 2018. (Exhibit 17). The City received several public comments expressing concerns of impacts to the area (Exhibits 22, 23, 24). The concerns are summarized in the table below, with staff's response to each.</p> |  |
| <b>Issue Raised</b>   | <b>Response</b>  |
| <p>Potential noise impacts for future residents generated from commercial uses at Snohomish Business Park.</p>  | <p>The proposed development is part of the overall Snohomish Business Park site, which extends south and east. The business park contains commercial businesses that have the potential to generate noise impacts. Although the overall site is contiguous, more than 250 feet separates the proposed building from the nearest commercial use. Physical conditions, including a large vegetated wetland complex, will also act as a buffer between uses.</p>  |
| <p>The Bickford Avenue bridge over SR-9 needs to be replaced.</p>   | <p>The bridge over SR-9 on Bickford Avenue is owned and maintained by the Washington State Dept. of Transportation (WSDOT). Any improvements to the bridge would require authorization from WSDOT, which has long-term plans for addressing the bridge. Staff has determined the impacts from the resulting 100 additional units from this new development would not be proportional to the cost of replacing the bridge, nor is there a nexus between the project and a potential need to replace the bridge.</p> |
| <p>The intersection for Bickford Avenue and Weaver Road needs to have a signal.</p>   | <p>A traffic signal is planned for the intersection of Weaver Road and Bickford Avenue. The exact timeline is unknown, however the design work will begin this year, and grant funding will be sought in 2019-2020 for the construction of this planned improvement. Some of the funding for the new signal will likely come from the traffic impact mitigation fees associated with this project that will be paid prior to issuance of a building permit.</p>  |
| <b>3. SEPA Review</b>   |  |
| <p>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 March 16, 2018. The DNS was not appealed. (Exhibit 18)</p>         |  |

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| <b>4. Design Review</b>   |
| 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 conditions related to site lighting and parking lot landscaping, the site is consistent with adopted standards. (Exhibits 6, 7, 21)  |
| <b>5. Utilities</b>   |
| 5.1 Adequate water service is available to serve the site from an existing 12-inch main in Weaver Road. An 8-inch connection to the main is proposed, looping through the site within the proposed access road and serving two new fire hydrants. A separate 8-inch connection is proposed to serve an additional fire hydrant and a 6-inch connection to the building. A recommended 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 28, 7 sheet 4)   |
| 5.2 Adequate sewer capacity is available in the area to provide sanitary sewer service to the site. An existing sewer lift station is located approximately 375 feet to the west, in the Shadowood subdivision. A proposed 8-inch sewer main will run along the property frontage through Weaver Road and connect to the lift station, which has been designed with additional capacity to serve new development in the area. (Exhibits 28, 7 sheet 4)<br><br>The Washington State Department of Fish & Wildlife has indicated the project will require Hydraulic Project Approval (HPA) for construction of the sewer main crossing the Cemetery Creek culvert in Weaver Road. (Exhibit 26)  |
| 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 bioretention facilities and amended soil dispersion trenches. Stormwater from the roof and paved areas will be collected and piped through an on-site conveyance system to the infiltration facilities. (Exhibits 28, 7 sheet 4)  |
| <b>6. Access, Frontage Improvements, Traffic Impacts, Transportation</b>  |
| 6.1 The site frontage on Weaver Road will be improved with curb, gutter, sidewalk, planter strip, and paving to the center line of the roadway. Three vehicular access points are proposed, however one appears to be limited to a service entrance and emergency access. Weaver Road is designated a Collector Arterial in the Comprehensive Plan. (Exhibit 7)   |
| 6.2 The applicant proposes to construct frontage improvements on Weaver Road. Pedestrian access to the site is proposed from a new public sidewalk. The City Engineer concurs that the proposed access and frontage improvements are consistent with applicable standards. (Exhibit 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. A Traffic Impact Analysis (Exhibit 10) was prepared for the project. The proposal will result in 26 trips during the p.m. peak hour. The City Engineer agrees that the nearby intersection of Weaver Road and Bickford Avenue is currently below the adopted level of service standard. The City's Transportation Improvement Plan identifies a traffic signal project at the intersection, which is projected to improve the level of service. The City Engineer has determined that with payment of the traffic impact fee, concurrency requirements of SMC 14.20.090 and 14.295.100 will be met. (Exhibit 28) |

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| <p>6.4 Community Transit Routes 109 and 271 provide transit service adjacent to the project site. A bus stop is located approximately 200 feet north of the intersection of Weaver Road and Bickford Avenue, within 500 feet of the site, according to the Community Transit website (<a href="http://www.communitytransit.org">www.communitytransit.org</a>).</p>                         |   |
| <p><b>7. Critical Areas</b></p>  |   |
| <p>7.1 A portion of a large wetland complex is present on the south and west of the project site. The wetland extends to the south, following the general alignment of Cemetery Creek. The wetland is a Category II with a 100-foot buffer. Cemetery Creek crosses the site in the northwest corner and then runs adjacent to the west property line, with a required 100-foot buffer.</p> |   |
| <p>7.2 The applicant is proposing a combination of buffer averaging and buffer reduction with enhancement to accommodate portions of the access road and parking lot. Temporary buffer impacts are also proposed to allow construction of the stormwater bioretention cells within the outer 50% of the buffer areas. (Exhibit 11)</p>   |   |
| <p>7.3 The critical areas report and proposed mitigation plan were reviewed by the City’s on-call critical areas consultant, ESA, and recommended for approval with conditions. The City concurs with ESA’s recommendation. (Exhibits 12, 14)</p>  |   |
| <p><b>8. Consistency with Comprehensive Plan</b></p>   |   |
| <p>The City of Snohomish Comprehensive Plan designation of the subject property is Business Park. Comprehensive Plan goals and policies with particular relevance to the proposal are included as Attachment A. Staff has determined that the proposal complies with all relevant Comprehensive Plan goals and policies.</p>   |   |
| <p><b>9. Consistency with Snohomish Municipal Code (SMC)</b></p>   |   |
| <p>Applications for Conditional Use Permits are subject to the specific criteria of SMC 14.55.020A, addressed in section 9.9 below. The proposal also requires a Site Development Plan, which is subject to the specific criteria of SMC 14.65.020A, in addition to development regulations of Title 14.</p>   |   |
| <p><b>Criteria</b></p>   | <p><b>Analysis</b></p>  |
| <p>9.1 Chapter 14.205 SMC, Permitted Uses</p>  | <p>The site is designated Business Park in the Comprehensive Plan and zoning code. SMC 14.205.055 states, “The purpose of this designation is to provide areas suitable for a mix of light manufacturing and commercial uses while discouraging strip commercial development. Multiple-family type residential use is permitted in conjunction with commercial use on the same site.”</p> <p>The term, “in conjunction with” is not defined in the code. The development site is contiguous to and under common ownership with the overall, 17.29-acre Snohomish Business Park site, however the business park is already developed. Staff’s determination is that the two parcels may constitute the same site, as long as a covenant is recorded against both properties to ensure the development of the two parcels in conjunction with each other is memorialized.</p> |

| <b>Criteria</b>  | <b>Analysis</b>   |
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| <p>A. <i>Business Parks shall have access to at least one major arterial. Access to the adjacent arterial and other streets will be provided in accordance with City traffic plans and will be constructed per Public Works Design and Construction Standards.</i></p>   | <p>The highest roadway classification under the Transportation Element of the Comprehensive Plan is Minor Arterial. Comprehensive Plan policy CO 6.4 references Minor Arterial for access to Business Park development. Staff interprets this standard to be a reference to a sufficiently wide street, rather than a roadway designation. The project site has direct access to Weaver Road, a Collector, and indirect access to Bickford Avenue, a Minor Arterial under the Comprehensive Plan. (Exhibit 7)</p> |
| <p>B. <i>Criteria for approval of the site development plan shall include the prevention of strip commercial development and the protection of environmentally sensitive areas.</i></p>  | <p>The proposal does not constitute strip commercial development. The project includes proposed measures for protection of critical areas.</p>  |
| <p>C. <i>A minimum of 5 acres will normally be required for a Business Park development; however, existing smaller parcels that cannot be aggregated together to establish a 5-acre project will be allowed subject to appropriate review and conditions.</i></p>  | <p>The overall site is more than 17 acres.</p>  |
| <p>D. <i>Townhouse and apartment styles of residential use are permitted in conjunction with commercial use on the same site.</i></p>  | <p>As noted above, the larger site includes the commercial uses within Snohomish Business Park. The “in conjunction with” requirement is determined to be met, as long as both parcels remain linked. A recommended condition would require a recorded covenant to bind the site together as one development. The covenant will also be reinforced by recording the approved site plan.</p>   |
| <p>E. <i>In Business Park areas, the Planning Director or Hearing Examiner may determine that two or more noncontiguous parcels constitute one development when all of the following conditions are satisfied:</i></p> <ol style="list-style-type: none"> <li>1. <i>The parcels are within 0.25 miles.</i></li> <li>2. <i>The parcels are in common ownership throughout the permitting and construction process.</i></li> <li>3. <i>Construction activity upon all parcels is requested, reviewed, and permitted through one land use development application.</i></li> <li>4. <i>Signs, structures, and other</i></li> </ol> | <p>The site is contiguous with the commercial element of the development, so these standards are determined not to apply.</p>   |

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| <p><i>improvements on all parcels exhibit common architectural design features.</i></p> <p>5. <i>The names given to development on the noncontiguous parcels have common words and themes.</i></p> <p>6. <i>The parcels are connected by pedestrian walkway.</i></p>   |   |
| <p>9.2 Chapter 14.207 SMC, Land Use Tables</p>   | <p>SMC 14.207.130 lists <i>Multi-family</i> uses as conditional uses in the Business Park designation. Conditions for multi-family uses are listed in SMC 14.207.075(6), and discussed below.</p>   |
| <p><b>Criteria</b></p>   | <p><b>Analysis</b></p>  |
| <p><i>a. The gross square footage of multi-family housing must not exceed the gross square footage of commercial use.</i></p>  | <p>According to the applicant, the square footage of the commercial element totals 282,887 square feet. The proposed residential square footage totals 70,000 square feet. The standard is met. (Exhibit 3)</p>   |
| <p><i>b. Multiple family density may not exceed 18 units/acre, in accordance with Chapter 14.210 SMC.</i></p>  | <p>The overall 17.29-acre site would support a total of 311 units; the proposed 100-unit development results in a density of 5.8 units per acre</p>   |
| <p>9.3 Chapter 14.210 SMC, Dimensional and Other Requirements</p>  | <p>SMC 14.210.230 lists specific dimensional standards for the Business Park zone, as discussed below.</p>  |
| <p><b>Criteria</b></p>   | <p><b>Analysis</b></p>  |
| <p><i>A. Chapters 14.205 and 14.207 SMC govern permitted land uses in the business park and airport industry designations.</i></p>   | <p>Consistency with requirements of Chapters 14.205 and 14.207 SMC is discussed in Sections 9.1 and 9.2 above.</p>  |
| <p><i>B. A minimum of 5 acres will normally be required for a business park development...</i></p>   | <p>The overall site is 17.29 acres.</p>   |
| <p><i>C. Structures shall be a minimum distance of 50 feet from any property line abutting a residential land use designation. Where not abutting a residential designation, the minimum setback shall be zero, subject to compliance with the landscape screening requirements of Chapter 14.240 SMC.</i></p> | <p>The proposed structure is set back 25 feet from the front property line, 110 feet from the east (adjacent BP zone), and 380 feet from the west (adjacent SF zone). The landscape screening standards of SMC 14.240.040 are discussed in greater detail in Section 9.5. The western end of the site is comprised of critical areas with a vegetated buffer. Protection of the critical areas will provide the necessary visual buffer between uses.</p> |

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| <p><b>D. Landscaping and Open Space</b></p> <ol style="list-style-type: none"> <li>1. <i>The site shall consist of not less than 20% landscaping and/or open space, which may consist of undisturbed vegetation or water and will include the 5% area of required landscaping. Any parking lot of more than 20 cars must provide a minimum of one contiguous 100 square foot landscaped island within the parking area for each 10 spaces.</i></li> <li>2. <i>At least 5% of the site must be in formal developed landscaping no less than 2,000 square feet in area and oriented toward the main entrance and public right-of-way.</i></li> <li>3. <i>All uses which adjoin a street will also provide a landscape corridor of trees, planted no more than 50 feet on center. Landscape plant materials used in low impact development facilities may also be considered. Such landscaping shall not obscure the sight distance for traffic and pedestrians at the intersection of streets or driveways.</i></li> </ol> | <ol style="list-style-type: none"> <li>1. The development site includes areas of undisturbed vegetation, formal landscaping, and buffer enhancement, totaling 63% open space. The west parking lot has 107 stalls. The standard requires 11 landscape islands measuring a minimum of 100 square feet each. A total of 20 individual landscape islands of varying sizes are proposed throughout the lot, however only five meet the minimum size requirement. A recommended condition of approval will require consolidation of islands separated by walkway, or an alternative proposed by the applicant, to meet the contiguous 100 square foot standard for six additional landscape islands.</li> <li>2. The applicant is proposing formal landscape areas totaling 17,076 square feet (8% of the development site). Of that, 4,803 square feet is oriented toward the eastern entrance and 8,589 square feet is oriented toward the western entrance.</li> <li>3. A planter strip is proposed with street trees planted at approximately 50 feet on center. A recommended condition of approval will require a detailed landscape plan to be submitted prior to issuance of a construction permit.</li> </ol> <p>(Exhibit 7)</p> |
| <p><b>E. Access</b></p> <ol style="list-style-type: none"> <li>1. <i>Business Parks shall have access to at least one major arterial.</i></li> <li>2. <i>At the time of permit review the City may require as a condition of approval either:</i> <ol style="list-style-type: none"> <li>a. <i>That a frontage road or marginal access street be constructed to provide access to the arterial for adjacent properties.</i></li> <li>b. <i>That the applicant grants to adjacent properties the right to use the applicant's arterial access.</i></li> </ol> </li> </ol>   | <p>As discussed in section 9.1 above, the project site has direct access to Weaver Road, a Collector, and indirect access to Bickford Avenue, a Minor Arterial.</p> <p>No additional roadway is required for adjacent properties.</p>  |
| <p><b>F. Building heights shall not exceed 45 feet. One additional foot of building height may be added for each additional foot of setback on all sides provided that the total building height shall not exceed 60 feet.</b></p>   | <p>The proposed building is set back 25 feet from the nearest property line, which is the front. The additional setback allows up to 15 feet of additional building height (60 feet). The proposed structure is 59 feet in height. (Exhibits 6, 7)</p>   |

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| <p>9.4 Chapter 14.235 SMC, Off-Street Parking, Loading, and Access Requirements</p> | <p>Minimum parking stall dimensions are 8.5 feet by 18 feet. Minimum aisle width is 24 feet, with a parking section of 60 feet. The code allows a reduced parking standard of 1.2 off-street parking spaces per unit for senior housing developments in excess of five units. SMC 14.235.050 requires a minimum of 80% of the units to be occupied by a senior citizen, which is defined as a person at least 62 years of age. The site plan shows 123 parking spaces and meets the dimensional standards of Chapter 14.235 SMC (Exhibit 7).</p> <p>A recommended condition of approval will require that the approved site plan be recorded with the Snohomish County Auditor, with a covenant stating if at any time fewer than 80 units are occupied by a senior citizen, additional parking stalls must be installed, in compliance with the minimum parking requirements of multi-family residences as prescribed by Chapter 14.235 SMC.</p> |
| <p>9.5 Chapter 14.240 SMC, Landscaping, Screening, Fencing, and Retaining Walls</p> | <p>SMC 14.240.040 requires a Type III, 8-foot-wide landscape buffer on the west side, to screen the development from future single family uses. Type III landscaping is defined as a Visual Buffer, intended to provide visual separation of incompatible uses. Type III screening consists of conifers (and no greater than 80% deciduous trees), spaced at a maximum of 20 feet on center (or 35 feet on center for deciduous). Shrubs and ground cover are also required, providing at least 75% coverage. The existing critical areas and buffers meet the requirement in their natural state.</p>  |
| <p>9.6 Chapter 14.255 SMC, Critical Areas - General</p>                             | <p>The proposed mitigation plan has been reviewed by the City's on-call professional critical areas consultant, ESA, and found to result in no net loss of the functions and values of the critical areas. The proposed structure is set back more than ten feet from the revised buffer boundary, with an intervening access road for additional separation. (Exhibits 7, 11, 12, 13, 14)</p> <p>A recommended condition of approval will require declaration of a Native Growth Protection Area (NGPA) easement over the critical areas and buffers, with the outer edge of the critical area marked with NGPA signage and fenced in a manner that allows access and maintenance of the stormwater facilities located within the buffer area.</p>   |

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| <p>9.7 Chapter 14.260 SMC, Wetlands</p>                   | <p>The standard buffer of Category II wetlands is 100 feet. Buffer reduction up to 25% is allowed if restoration and enhancement occurs within the remaining buffer. Buffer averaging is allowed up to 50% if an equal area of buffer is added. The applicant is proposing a combination of buffer reduction and buffer averaging, as provided in SMC 14.260.040G. The total area proposed for buffer reduction is 5,869 square feet, with approximately 41,800 square feet of buffer area proposed for enhancement. At no point is the amount of buffer reduction greater than 25% of the buffer width. The proposed buffer averaging totals 2,390 square feet of reduction and approximately 8,000 square feet of added buffer. (Exhibit 11)</p> <p>The mitigation plan includes a parking lot landscape island as a proposed buffer addition area; a recommended condition of approval will remove this area from the designated buffer. (Exhibit 14)</p> <p>Stormwater management facilities are allowed in the outer 50% of buffers per SMC 14.260.040H. The proposed bioretention cells are located along the outer edge of wetland buffers, not extending more than 50% into the buffer at any point, except at the southeast corner of the site, where the dispersion trench located near the bend of the access road encroaches approximately ten feet into the wetland buffer. Recommended conditions of approval will require relocation of this trench to avoid encroaching into the inner 50 feet of the wetland buffer, and extending the buffer plantings to include areas cleared and graded for stormwater facilities.</p> |
| <p>9.8 Chapter 14.280 SMC, Habitat Conservation Areas</p> | <p>Cemetery Creek is present along the western extent of the site, crossing the site in the northwest corner. Cemetery Creek is identified as a Type F stream, with a 100 foot required habitat conservation area buffer. Buffers may be reduced up to 40% if restoration and enhancement occurs in the remaining buffer. The buffer width is proposed to be reduced in the northwest corner of the proposed parking lot. The amount of proposed reduction is 50%; however the stream is culverted under the roadway in this section and therefore the buffer does not provide any riparian function. The buffer may be waived if the stream is culverted per SMC 14.280.060C(3).</p>   |
| <p>9.9 Chapter 14.55 SMC, Conditional Use Permits</p>     | <p>The criteria for conditional use permits is specified in SMC 14.55.020A. Staff's evaluation of consistency with each criterion is as follows:</p>  |

| <b>Criteria</b>  | <b>Analysis</b>   |
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| 1. <i>Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and stormwater facilities shall be available to the proposed development.</i> | Adequate streets, open space, recreational, and utilities are available to serve the proposed use. A transit stop is available within a quarter mile of the site, according to the Community Transit website. Sidewalks will be constructed along the property frontage. The site will be connected to the City's water and sanitary sewer. (Exhibit 28)  |
| 2. <i>The design and appearance of the structure shall be compatible with surrounding developments that are in conformance with the land use designation.</i>              | The design and appearance of the structure will be reviewed for consistency with adopted standards during building permit review. The applicant provided conceptual elevations and architectural character samples from other buildings in Snohomish to illustrate compatibility with the community context. (Exhibits 6, 21).  |
| 3. <i>The development shall be consistent with the Comprehensive Plan.</i>   | Applicable Comprehensive Plan goals and policies are provided as Attachment A to this staff report. Staff has determined that the proposal complies with all relevant Comprehensive Plan goals and policies.  |
| 4. <i>The development shall mitigate any significant adverse environmental impacts.</i>  | A Determination of Non-Significance was issued on March 16, 2018. The City determined that no significant adverse impacts would occur that cannot be mitigated through existing regulations. (Exhibit 18)   |
| 5. <i>Concurrency requirements (SMC 14.20.090) shall be complied with.</i>   | The City Engineer has determined that the proposal will comply with the City's concurrency requirements. (Exhibit 28)   |
| 6. <i>The development shall be consistent with the health, safety, and general welfare.</i>  | Occupancy and use of the facility shall comply with all applicable building and fire regulations, which will be evaluated in detail at the time of building permit review. The City's Building/Fire Official has evaluated the proposal and determined that compliance with all applicable fire and life safety regulations will protect the public's health, safety, and general welfare. The building will be equipped with an automatic fire sprinkler system and a monitored fire alarm system. On-site fire hydrants will be installed. Elevators will be required to meet the Americans with Disabilities Act. (Exhibit 27) |
| 9.10 Chapter 14.65 SMC, Site Development Plans   | The criteria for site development plans is specified in SMC 14.65.020A, and is largely the same as conditional use permit criteria.   |
| <b>Criteria</b>  | <b>Analysis</b>   |
| 1. <i>Adequate streets, sidewalks, transit stops, open spaces, parks, schools, water, sewer, and stormwater facilities shall be available to the proposed development.</i> | Discussed in section 9.9 above.   |

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| 2. <i>The design and appearance of the structure shall be compatible with applicable design standards and guidelines.</i> | Discussed in section 9.9 above. |
| 3. <i>The development shall be consistent with the Comprehensive Plan.</i>  | Discussed in section 9.9 above. |
| 4. <i>The development shall mitigate any significant adverse environmental impacts.</i>                                   | Discussed in section 9.9 above. |
| 5. <i>Concurrency requirements (SMC 14.20.090) shall be complied with.</i>  | Discussed in section 9.9 above. |
| 6. <i>The development shall be consistent with the health, safety, and general welfare.</i>                               | Discussed in section 9.9 above. |

### C. CONCLUSION

| <b>Jurisdiction</b>   |   |  |
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| Pursuant to SMC 14.20.020, the Hearing Examiner is the decision-making authority for Conditional Use Permit applications (Type 4 Permit). The City Planning Director is typically the decision-making authority for Site Development Plan applications (Type 3 Permit), however the permits are being consolidated under the provisions of SMC 14.20.030. |   |  |
| <b>Conclusions Based on Findings</b>  |   |  |
| <b>#</b>  | <b>Conclusion</b>   | <b>Finding Reference</b>                           |
| 1.  | 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.                              | 5.1-5.3,<br>6.1, 6.2,<br>6.4                       |
| 2.  | With conditions, the design and appearance of the site and structure will be in conformance with applicable design standards and guidelines.  | 4  |
| 3.  | Landscaping and natural open space will be incorporated into the development, with street trees along the property frontage. The requirement for separation between uses is met.  | 9.3, 9.5   |
| 4.  | The development will be consistent with the Comprehensive Plan. 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. The proposed development meets the minimum dimensional standards. The adjacent right-of-way will be improved to City standards. | 4, 5.1-5.3,<br>6.1, 6.2,<br>6.3, 7, 8,<br>9.3, 9.5 |

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|----|--|---|
| 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   |
| 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   |
| 7. | <p>With conditions of approval, the development will protect the public’s health, safety, and general welfare. A condition of approval will require a third party testing of the fire flow in the area. Adequate on-site parking will be provided. Sidewalks will be constructed along the street frontage and will be provided throughout the parking areas. The site will be landscaped. With conditions, on-site critical areas will be protected. Conformance to recommendations of professional studies will ensure that the project addresses stormwater management as required, protection of critical areas, and soil stability. 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 Maple Avenue 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, 5.1, 6.2, 7.1-7.3, 8.1, 8.3, 9.4, 9.6, 9.7, 9.8, 9.9 |

## D. STAFF’S PRELIMINARY RECOMMENDATION

The proposed project was found to be consistent with and meet the intent of the Snohomish Comprehensive Plan and applicable development regulations; therefore, staff recommends **APPROVAL** of the Weaver Road Senior Housing Conditional Use Permit/Site Development Plan (16-17-CUP/SDP), subject to the following conditions:

1. A third party fire flow test shall be performed prior to issuance of construction permits for the site.
2. The applicant shall obtain Hydraulic Project Approval (HPA) or an appropriate exemption from WDFW prior to construction of the sewer main in Weaver Road.
3. A detailed landscape plan shall be submitted for City review and approval prior to issuance of a site/civil construction permit. The landscape plan shall demonstrate compliance with all applicable landscape standards, including requirements related to landscape islands in the west parking lot, and an additional tree in the east parking lot.
4. Prior to issuance of any permits for site development, the applicant shall record a restrictive covenant, including the approved site plan and as approved by the City, acknowledging the use of the lesser parking standard for senior housing under SMC

14.235.050 and the association of the senior housing project being done in conjunction with the adjacent Snohomish Business Park development.

5. 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 approved by the City and fencing in a manner that allows periodic access and maintenance of the stormwater facilities.
6. The buffer planting areas in the mitigation plan shall be extended to include any areas that are cleared during grading for stormwater cells.
7. The landscape island in the west parking lot shall be removed from the buffer addition areas in the mitigation plan.
8. Native shrubs shall be planted in the wetland area extending into the mowed pasture.
9. The dispersion trench for the stormwater bioretention facility located at the southeast corner of the building footprint shall be relocated to avoid encroachment into the inner 50 feet of the wetland buffer area.
10. Traffic impact mitigation fees shall be remitted prior to issuance of a building permit for the generation of 26 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 per P.M. peak hour trip for a total of \$41,678.00. However, the total fee may change if the rate changes before a building permit is issued.
11. Park impact mitigation fees shall be remitted prior to issuance of a building permit for the development of 100 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 per multi-family dwelling unit for a total fee of \$360,000.00. However, the total fee may change if the rate changes before a building permit is issued. The applicant may seek an exemption from the fee pursuant to SMC 14.300.050, or exercise the in-kind mitigation option allowed pursuant to SMC 14.300.080.
12. Proposed parking lot lighting shall be submitted for review prior to issuance of a site/civil permit.
13. All work shall comply with the project narrative, plans, and recommendations of the professional studies and reports relating to geotechnical, stormwater drainage, critical areas, etc., as approved by the City.

## **Attachment A to Report to the Hearing Examiner Weaver Road Senior Housing Relevant Comprehensive Plan Goals and Policies**

### LAND USE GOALS AND POLICIES

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**LU 2.1: Innovative zoning.** Utilize innovative zoning models to increase density and achieve other policy goals where it will not adversely affect the character of existing neighborhoods.

**LU 2.5: Design standards.** Continue to improve and apply the adopted design standards to preserve the character of the City and its districts.

**GOAL LU 3: Preserve and enhance the quality of character of and connections between the City's residential and mixed-use neighborhoods.**

**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 below:

**d. Business Park.** Areas intended to provide for a mix of light manufacturing, commercial, and limited multi-family uses on large sites. Where feasible, commercial uses should be aggregated in large developments to discourage strip commercial forms.

**CO 6.4: Business Park access.** Business park areas shall have access to at least one minor arterial in order to meet transportation needs of commercial activities and are coordinated with non motorized transportation systems.

**CO 6.6: Business Park design.** Site design for Business Park developments shall include ample landscaping and open space, preserve existing environmental features, and protect existing residential neighborhoods. Site design is encouraged to have internal road networks and limited access onto the minor arterial. Access limitations will reduce traffic hazards on arterials impacted by the vehicles attracted to these commercial activities.

### HOUSING GOALS AND POLICIES

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**HO 1.4: Location.** Increase opportunities and capacity for affordable housing close to employment, education, shopping, public services, and public transit.

**HO 1.6: Fair and equal access.** Support the principle that fair and equal access to housing is available to all persons regardless of race, color, religion, gender, sexual orientation, age national origin, familial status, source of income, or disability.

**HO 1.10: Reasonable accommodations.** Make reasonable accommodations in rules, policies, practices, and services when such accommodations may be necessary to afford persons with disabilities equal opportunity to use or enjoy a dwelling.

**HO 3.3: New development.** New development should enhance and be compatible with its surrounding neighborhood.

**GOAL HO 4: Ensure that adequate residential capacity is maintained to accommodate the 2035 population target for the City and its urban growth area.**

## ENVIRONMENTAL PROTECTION GOALS AND POLICIES

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**GOAL EP 1: Preserve and protect significant critical areas as responsible stewards of public and private resources.**

**EP 1.4: Mitigation measures.** Where disturbance of regulated critical areas or their buffers occurs, employ mitigation measures that provide cumulative and long-term benefit to natural systems.

**EP 1.5 Preserve buffers.** Ensure that buffers of native vegetation are adequate to preserve the functions and values of wetlands, lakes, and stream corridors.

**EP 1.6: No net loss.** Allow no net loss of wetland functions and values on a basin-wide basis.

**EP 1.9: Habitat corridors.** Seek opportunities to preserve or restore contiguous corridors of native habitat, particularly along water bodies.

**EP 3.1: Low impact development.** Promote the use of low impact development techniques to manage stormwater.

## PARK GOALS AND POLICIES

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**PRO 1.5: Impact fees.** All new residential development shall provide park impact fees and/or appropriate parkland to ensure new development does not diminish the City's adopted level of service standards.

## TRANSPORTATION GOALS AND POLICIES

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**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.

## UTILITIES GOALS AND POLICIES

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