

Community & Economic Development

PLANNING & LAND USE DIVISION



Marc Hayes, Director

18204 59TH Avenue NE

360-403-3551

SPECIAL USE PERMIT

PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY – PLN#412

A. PROJECT DESCRIPTION AND REQUEST

The project consists of two separate uses on the site including the Arlington Microgrid and Clean Energy Technology Center, and an area for line crew training of overhead and underground electrical installation. The Arlington Microgrid facility will consist of the following improvements on approximately a 15 acre area of the 25.69 acre site:

- 1) Installation of a 1 MW / 1 MWh energy storage system.
- 2) Installation of approximately, a 500 kW solar array.
- 3) Construction of a Clean Energy Technology Center building to support the Arlington Microgrid project including an educational center to teach community members about the Microgrid.
- 4) Construction of a public access road, parking and drive aisles.
- 5) Backup generator for when Microgrid facilities are not available.
- 6) Water, Sewer and electric utility installation to support the Clean Energy Technology Center.



Figure 1

B. PROJECT HISTORY

The proposal includes development of 15 acres of the 25.69 acre parcel located at 17601 59th Ave. NE in Arlington, Washington, located east of the Arlington Airport. The property is undeveloped, with the exception of a District owned Electrical Equipment and Pole Storage Yard which was constructed on the site during the winter of 2016/2017.

Public Utility District No. 1 of Snohomish County are their own lead agency and issued a SEPA DNS on February 1, 2018.

The application for a Special Use Permit was received on February 2, 2018. The application was deemed complete on March 2, 2018.

C. SUMMARY OF OTHER AGENCY REPORTS/RECOMMENDATIONS

No comments were received on the DNS during comment period.

D. GENERAL INFORMATION

1. **Applicant/Owner:** Public Utility District No. 1 of Snohomish County
2. **Contact:** Mark Flury – mmflury@snopud.com; Public Utility District No. 1 of Snohomish County
3. **General Location:** NE of 59th and 172nd Street NE intersection The property is accessed from State Route 531, and 59th Avenue NE (see Figure 1) . The proposed development will continue to take access from both 172nd Street NE and 59th Avenue.
4. **Address of Property:** 17601 59th Avenue NE, Arlington, WA 98223
5. **Property Legal Description (Abbreviated):** T31 N, R 05, SEC 22, Qtr. SE
6. **Property Tax ID Numbers:** 31052200400200
7. **Topographical Description:** Property is relatively flat with 0-3% slopes and is mostly covered with grassy vegetation.
8. **Soil Type:** The site is Lynnwood Loamy Sand. The soil types are established according to the US Department of Agriculture in cooperation with the Washington State Department of Natural Resources and Washington State University Agriculture Research Center.
9. **Acreage:** Approximately 15 (653,400 square feet)
10. **Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:**

Area	Land Use Designation	Zoning	Existing Use
Project Site	General Industrial	GI	Vacant
North of Site	General Industrial	GI	Vacant
South of Site	General Industrial	GI	Pick n’ Pull
East of Site	General Industrial	GI	Burlington Northern Rail line
West of Site	General Industrial	GI	Arlington Advanced Manufacturing Park

11. Public Utilities and Services Provided by:

Water:	City of Arlington	Gas:	Cascade Natural Gas
Sewer:	City of Arlington	Cable:	Comcast
Garbage:	Waste Management NW	Police:	City of Arlington
Storm Water:	On-site	Fire:	City of Arlington
Telephone:	Frontier Communications	School:	Arlington SD #16
Electricity:	Public Utility District No. 1 of Snohomish County	Hospital:	Cascade Valley

12. Applicable Land Use Code Regulations:

- AMC Chapter 20.16 Permits and Final Plat Approval
- AMC Chapter 20.36 Zoning Districts and Zoning Map (Part II & Part III)
- AMC Chapter 20.38 Airport Protection District
- AMC Chapter 20.40 Permissible Uses
- AMC Chapter 20.44 Supplemental Use Regulations
- AMC Chapter 20.46 Design
- AMC Chapter 20.48 Density and Dimensional Regulations
- AMC Chapter 20.56 Streets and Sidewalks
- AMC Chapter 20.72 Parking
- AMC Chapter 20.76 Screening and Trees
- AMC Chapter 20.90 Concurrency & Impact Fees
- AMC Chapter 20.98 State Environmental Policy Act

13. Proposed Use: The applicant's proposed Microgrid solar array, and training area classified as 17.200 Utility Facility Commercial or Regional. This use is permissible in the General Industrial (GI) zone with the issuance of either a zoning or special use permit. A special use permit is required in this instance because the total project area is equal to, or greater than, four acres in size (see AMC 20.40.020(c)).

14. Surrounding Land Uses and Land Use Permits: Surrounding properties of the subject lot are zoned General Industrial (GI).

15. Compatibility and Impacts on Existing Development: The proposed development will be industrial in nature, similar to the commercial developments to the west and east of the site, and will not substantially change the character of the area. No impact from the Microgrid is expected as the facility will blend with the other adjacent commercial uses to the east and west along with the proposed uses to the north, as envisioned in the City's designation of the surrounding area as General Industrial.

16. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
SEPA (MDNS)	February 1, 2018	N/A	Lead Agency: Public Utility District No. 1 of Snohomish County

E. ENVIRONMENTAL REVIEW

Public Utility District No. 1 of Snohomish County issued a Determination of Non-Significance on February 1, 2018. The 14-day SEPA comment period ended on February 16, 2018. No comments were received.

F. FINDINGS OF FACT

1. Sections "A" through "E" are incorporated into the Findings of Fact.

2. Permits & Final Plat Approval (AMC Chapter 20.16)

- a) **Per AMC §20.16.010 (Permits Required),** a land use permit is required for this proposal. The application submitted demonstrates in general that the proposal will comply with City regulations. Any physical improvement to the land that is to be developed must be done in accordance with the special use permit issued by the Community and Economic Development Director.

- b) **Per AMC §20.16.030 (Who May Submit Permit Applications)**, the application for this proposal was submitted by the Applicant's Official Representative on February 2, 2018.
- c) **Per AMC §20.16.034 (Official Representative of the Applicant)**, Public Utility District No. 1 of Snohomish County, is the Applicant's official Representative.
- d) **Per AMC §20.16.040 (Applications To Be Complete)**, on March 2, 2018, the City notified the Applicant and the Applicant's Official Representative that their application, as submitted, was determined to be complete in accordance with this subsection.
- e) **Per AMC §20.16.050 (Staff Consultation Before Formal Application)**, on the Applicant's Official Representative met with the City on March 15, 2015, March 23, 2016 and August 9, 2017 in a general information meeting concerning the proposal.
- f) **Per §20.16.060 (Complete Application)**, the City issued Notice of Application to the Applicant and their Official Representative within 28 days as required by this subsection.
- g) **Per AMC §20.16.074 (Vesting of Permits)**, the Applicant and their Official Representative were notified that their application was vested under existing land-use regulations in effect at the time they were issued a Notice of Complete Application March 2, 2018.
- h) **Per AMC §20.16.090 (Distribution of Application)**, the application was distributed to all applicable City departments on February 2, 2018. Notice of Application was sent to affected agencies on March 16, 2018.
- i) **Per AMC §20.16.120 (Notice of Application Filed)**, notice was published and distributed on March 16, 2018 as required by this subsection. The comment period ran from March 16, 2018 to March 30, 2018.
- j) **Per AMC §20.16.140 (Special Use and Conditional Use Permits)**, this application for a Special Use Permit was not requested to be decided by the Hearing Examiner.
- k) **Per AMC §20.16.190 (Additional Requirements on Zoning, Special Use, and Conditional Use Permits)**, the City has attached additional requirements in accordance with this subsection (See Section H "Conditions" below).
- l) **Per AMC §20.16.070 (Applications to be Processed Expediently)**, the City has made a good faith effort to process this application expeditiously.
- m) **Per AMC §20.16.280 (Timeline for Permit Processing)**, the City has 120 days to process this permit application and issue a decision.

3. **Zoning Districts and Zoning Map - Part II & Part III (AMC Chapter 20.36)**

- a) **Per AMC §20.36.100 (Official Zoning Map)**, the subject property is zoned General Industrial (see City of Arlington Official Zoning Map).
- b) **Per AMC §20.36.200 (Compatibility of Zoning Districts with Land Use Plan Defined)**, the General Industrial zone is compatible with the comprehensive land use designation. The Arlington City Comprehensive Plan designation of the subject property is General Industrial.

4. **Airport Protection District (AMC Chapter 20.38)**

- a) **Per AMC §20.38.060 (Airport Protection District Boundaries)**, the subject property is located entirely within Subdistrict "C" of the Airport Protection District Overlay (see City of Arlington Official Zoning Map).

5. **Permissible Uses (AMC Chapter 20.40)**

- a) **Per AMC §20.40.010 (Table of Permissible Uses)**, the proposed use is classified as use 17.200 Utility Facility, Commercial or Regional.

- b) **Per AMC §20.40.020 (Use of the Designations Z, S, C in Table of Permissible Uses)**, use classification 17.200 Utility Facility, Commercial or Regional is permitted with a Zoning or Special Use Permit in the General Industrial zone.

6. Supplemental Use Regulations (AMC Chapter 20.44)

- a) **Per AMC §20.44 Part III (Performance Standards)**, the proposed development must comply with the performance/operation standards for noise, vibration, odors, smoke and air pollution, disposal of liquid and hazardous wastes, water consumption, electrical disturbance or interference, lighting, and site building and maintenance.

7. Design (AMC Chapter 20.46)

- a) **Per AMC §20.46.010 (Conformance with Design Guidelines or Standards)**, Does not apply to this proposal.

8. Density and Dimensional Standards (AMC Chapter 20.48)

- a) The proposed development complies with General Industrial zoning requirements:

Code Section	Subject	Requirement	Proposal
§20.48.010	Minimum Lot Size	10,000 sf.	653,400 sf.
§20.48.030	Minimum Lot Width	70 ft.	673 +/- ft.
§20.48.040	Building Setback - Street	25 ft.	N/A
§20.48.040	Building Setback – Lot Line	5 ft.	N/A
§20.48.040	Building Setback – ECA Buffer	15 ft.	N/A
§20.48.060	Maximum Building Height	50 ft.	N/A
§20.48.064	Maximum Lot Coverage	100%	40%

9. Streets and Sidewalks (Chapter 20.56)

- a) **Per AMC §20.56.010 (Street Classification)**, the property will be accessed from a state highway to the south of the site (SR 531) and a 2-lane collector arterial to the west of the site, 59th Avenue NE.
- b) **Per AMC §20.56.030 (Access to Lots)**, the property provides adequate means of ingress and egress for emergency vehicles, vehicular, pedestrian, and bicycle access in accordance with this subsection from both State Route 531 and 59th Avenue NE, thus fulfilling this requirement.
- c) **Per AMC §20.56.050 (Entrance to Streets)**, the property provides an adequate means of entry and exit to the site.
- d) **Per AMC §20.56.070 (Relationship of Streets to Topography)**, streets must be related appropriately to the existing topography and designed to facilitate the drainage and stormwater runoff. The subject site slopes gently to the west and the private internal roads, as proposed, meet this requirement.
- e) **Per AMC §20.56.170 (Right-of-Way Improvements and Dedication to Proceed Development)**, the City of Arlington Comprehensive Plan (figure 6.1) shows that the segment of 63rd Avenue NE to the west of the subject project as a 3-lane standard. This thoroughfare type requires a 60 foot right of way per AMC Table 20.56-1. In accordance with AMC 20.56.170(b) (6), the applicant shall dedicate that portion of their property to the city as right-of-way and construct a ¾ industrial roadway section with this proposal.

10. Utilities (Chapter 20.60)

- a) **Per AMC §20.60.050 (Construction Standards and Specifications)**, all facilities shall be constructed in accordance with the most recent edition of the Department of Public Works Construction Standards and Specifications manual.
- b) **Per AMC §20.60.100 (Sewage Disposal Facilities Required)**, each building within the development must be served by a sewage disposal system. The City has verified in a signed "Water & Sewer Availability" form submitted by the Applicant, that the site is serviceable by City sewer. Water & Sewer Availability signed on March 29, 2017.
- c) **Per AMC §20.60.300 (Water Supply System Required)**, each building within the development must be served by a water system. The City has verified in a signed "Water & Sewer Availability" form submitted by the Applicant, that the site is serviceable by City water. Water & Sewer Availability signed on March 29, 2017.
- d) **Per AMC §20.60.400 (Lighting Requirements)**, the project shall sufficiently illuminate the parking lot and common areas to ensure the security of property and the safety of persons using these facilities.
- e) **Per AMC §20.60.400 (Lighting Requirements)**, the project lighting shall not unnecessarily illuminate any other lot or public right-of-way or substantially interfere with the use or enjoyment of such other lot or public right-of-way.
- f) **Per AMC §20.60.400 (Lighting Requirements)**, all outdoor lights shall be low sodium or similar lamp type and be down-shielded to prevent light pollution.
- g) **Per AMC §20.60.410 (Excessive Lighting)**, the project lighting shall not unnecessarily illuminate any other lot or public right-of-way or substantially interfere with the use or enjoyment of such other lot or public right-of-way.
- h) **Per AMC §20.60.450 (Underground Utilities)**, all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.

Note: Utility services, fire hydrants and fire protection are required and will be reviewed when site civil construction drawings are submitted. All existing and planned utilities shall be shown on the site civil construction drawings. Water and sanitary sewer general facility charges may be assessed when construction drawings are submitted. All fees shall be paid before connection is made to the water or sanitary sewer utilities. All utilities shall be operational prior to building Certificate of Occupancy.

11. Parking (Chapter 20.72)

- a) **Per AMC Table 20.72-1 (Table of Parking Requirements)**, parking spaces are required to be included as part of the development itself; the development will be required to provide the minimum parking for the following proposed uses:

Use Code	Required Spaces	Total Provided Spaces
Autos		
17.200 Utility Facility	1 space per 400 sf.	7

12. Screening & Trees (Chapter 20.76)

- a) **Per AMC §20.76.050 (Table of Screening Requirements – 20.76-1)** No screening is required with this proposal.
- b) **Per AMC §20.76.130 (Shade Trees in Parking Area)**, a minimum of 20 percent of the vehicle accommodation area must be shaded. The landscape plan reflects sufficient parking area shading to meet the general landscape requirements specified in AMC Chapter 20.76. The final site plan shall comply with the requirements of AMC Chapter 20.76. Plant material must be guaranteed for one year, with any replacements guaranteed for one year also.

13. Concurrency & Impact Fees (Chapter 20.90)

- a) **Per AMC §20.90.040 (Imposition of Impact Fees on Development Activity)**; all developments within the city are required to pay a Traffic Impact Fee. Per Ordinance 1469, a fee of \$3,355 per the development's PM Peak Hour Trips, as provided in the proposed Traffic Impact Study prepared by Gibson Traffic Consultants in February 2018, shall be paid by the applicant. The City accepts the estimate of 5 new PM peak hour trips in the amount of \$16,775.00.
- b) **Per AMC §20.90.230 (School Fees Required)**, this is a commercial use and school impact fees do not apply.
- c) **Per AMC §20.90.400 (Community Parks Impact Fee)**, this is a commercial use and park impact fees do not apply.

14. SEPA (Chapter 20.98)

- a) **Per AMC §20.98.110 (Environmental Checklist)**, Public Utility District No. 1 of Snohomish County is the lead agency for this proposal.
- b) **Per AMC §20.98.120 (Mitigated DNS)**, Public Utility District No. 1 of Snohomish County issued a Determination of Non-significance on February 1, 2018. The 14-day SEPA comment period ended on February 16, 2018. No comments were received.

G. CONCLUSION & RECOMMENDATION

1. The applicant has applied for a special use permit as required under AMC 20.16.
2. Under AMC 20.16.140(c), the designated decision-maker shall issue the requested permit unless it concludes, based upon the information submitted at hearing, that:
 - a. **The requested permit is not within its jurisdiction according to the table of permissible uses.** The City of Arlington Comprehensive Plan identifies this area as General Industrial, and the subject property is zoned General Industrial. Per AMC Table 20.40-1, Permissible Uses, Use 17.200, of the property for the Microgrid is permissible. Therefore, the proposed development as noted and conditioned is consistent with policies governing those types of uses and is allowed in that zoning district.
 - b. **The application is incomplete.** The City determined the subject application complete on March 2, 2018. Subject to conditions specified below in Section H, the application contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements Title 20 AMC (see AMC 20.16.040).
 - c. **The proposed project has not complied with SEPA.** The Public Utility District No. 1 of Snohomish County issued a DNS on February 1, 2018 and the requirements of SEPA have been met.

- d. **The proposed project is not in conformance with the comprehensive plan, transportation plan, or other adopted plans, regulations, or policies.** The requested Special Use Permit, as conditioned, is consistent with all AMC Title 20 requirements; permit processing procedures, and all other applicable plans, regulations, and policies.
3. Under AMC 20.16.140(d), the permit-issuing authority may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:
 - a) **Will materially endanger the public health or safety.** The applicant's onsite mitigation measures will not materially endanger public safety, as conditioned in Section H(1)(f) below.
 - b) **Will materially harm adjoining or abutting property.** The project's onsite mitigation measures will not materially harm adjoining or abutting property.
 - c) **In terms of design and use will not be compatible with the area in which it is located.** The design and use of the proposed development will be industrial in nature and compatible with the commercial developments to the north, east, south and west of the site. The microgrid is also compatible with the General Industrial designation.
4. The special use permit should be approved subject to conditions specified in Section H below.

H. CONDITIONS

1. Based upon the preceding Findings and Conclusions, the request for a Special Use Permit to allow development of the Public Utility District No. 1 of Snohomish County, on 15 acres of vacant land at 17601 59th Avenue NE. The applicant shall meet the following required conditions in order to receive approval for the special use permit:
 - a. The development shall meet all the standards listed in the Findings of Fact in Section F above.
 - b. All development shall be in substantial conformance with the site plan received on February 2, 2018, subject to any conditions or modifications that may be required as part of the permit and construction plan review
 - c. The developer shall comply with all conditions of the SEPA DNS issued on February 1, 2018, see conditions (d – o) below.
 - d. In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction. A Construction Stormwater General Permit is required through Department of Ecology.

The developer shall apply Best Management Practices consistent with the applicant's Stormwater Pollution Protection Plan (SWPPP) and construction documents for the protection of the aquifer recharge area underlying this site that adequately protects the Stillaguamish River. The applicant shall apply the Enhanced Treatment method for stormwater in accordance with the Department of Ecology's most current Stormwater Management Manual for Western Washington.

- e. In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction.
- f. In order to mitigate for potential impacts to surface water, ground water and water runoff, the Applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington.
- g. In order to reduce or control surface, ground, runoff water and drainage pattern impacts, the Applicant shall use methods for detention, conveyance and treatment of water per the submitted Preliminary Stormwater Management Report dated May 2018, and the Geotechnical Report dated December 2017.
- h. In order to mitigate for potential impacts to animals on-site the Applicant is designing the site to mitigate for stormwater impacts.
- i. The applicant shall comply with the City of Arlington noise standards found in AMC 9.20.060. Specifically, in section 9.20.060(8) noises resulting from any construction activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday and all day Sunday shall be prohibited.
- j. In order to mitigate for potential impacts to the City's transportation network, the Applicant shall construct 63rd Avenue NE.
- k. In order to mitigate for potential impacts to the City's transportation network, the Applicant shall pay City of Arlington traffic mitigation fees. The current traffic impact fee rate is \$3,355.00 per PM Peak Hour Trip. Per the Traffic Report submitted on February 2, 2018, the City will accept the estimate of 5 new PM peak hour trips in the amount of \$16,775.00
- l. The Applicant shall connect to the City of Arlington water and sewer systems. Approval of these utilities will be required with the Site Civil Permit.
- m. The Applicant shall construct all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.
- n. Prior to any construction activities, the applicant shall file and receive approval of site civil construction plans which comply with all requirements of the Land Use Code, International Building Code, International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.

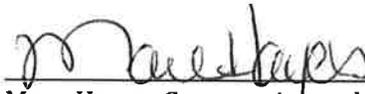
- o. The developer shall meet all local, state, or federal code requirements. Attached as Attachment E is a list of code requirements that are specifically called to the developer's attention. It is in no way intended to be a complete list of code requirements, but a general checklist of major steps and issues.
- p. If any archaeological materials are discovered on the site, the State Historical Preservation Officer, the Stillaguamish Tribe, and the City of Arlington shall be contacted and measures taken to preserve the materials and the site. A Cultural Resources Assessment has been submitted and indicated that a Stillaguamish Tribe representative was invited to visit the site during field investigations on June 30, 2017. A Stillaguamish Tribal Cultural Resource representative briefly visited the site on June 30, 2018.
- q. Prior to issuance of the building permit, the applicant shall complete all required or voluntary improvements unless otherwise secured and authorized by the City Engineer.
- r. Because the proposal is within Sub-district C of the Airport Protection District the following is required:
 - 1) No use may be made of the premises which can or does interfere with use of the Airport by aircraft by reason of:
 - a) Electrical interference with navigational signals or radio communications at the airport or with radio or electronic communications between the airport and aircraft or aircraft to aircraft;
 - b) The emission of fly ash, dust, vapor, gases, or other forms of emissions that may conflict with planned operations of the airport; and
 - c) Lighting conditions, height of any structure or appurtenance, or any use which may attract birds.
 - d) The current owner of the property is required to sign an Airport Disclosure Notice and have that notice recorded with Snohomish County. The recorded notice must be returned to the Airport Office prior to issuance of the land use permit. We require the notice be signed to verify that the property owner is aware of the close proximity of the airport and the effects airport traffic may have on the property. The Applicant submitted the Airport Disclosure Notice with the Special Use Permit Application.
- s. Prior to issuance of the building permit, the applicant shall submit verification that any on-site septic systems, if found, have been decommissioned per Snohomish County Health District standards, have been inspected by City staff and that any on-site wells have been decommissioned per Department of Ecology standards and have been inspected and approved.
- t. The developer shall clear any outstanding Planning Division permit-processing accounts with the City within 60 days of issuance of this permit.
- u. Pursuant to AMC §20.16.220, this permit shall expire two years after the date of issuance.

I. DECISION

The Community and Economic Development Director issued his final decision on June 26 2018, granting approval for the Special Use Permit for the proposed Public Utility District No. 1 of Snohomish County, subject to certain conditions.

The Special Use Permit is hereby **APPROVED** by the City of Arlington, subject to the conditions listed in Section H above.

Ordered this 26 day of June, 2018



Marc Hayes, Community and Economic Development Director

J. APPEALS

- a) Per AMC §20.20.010 (Appeals of community development director or design review board decisions). An appeal must be filed within fourteen (14) days of the Community Development Directors decision.
- b) (a)), the Hearing Examiner's decision is appealable to Snohomish County Superior Court within twenty-one (21) days of the Hearing Examiner's final decision.

K. EXHIBITS

File PLN#412 – Public Utility District No. 1 of Snohomish County Special Use Permit Application (on file at Arlington CED Office)

Distributed to the Following Parties:

- Mark Flury, Principal Engineer, Generation Division
- Ben Davis, Facility Engineering and Grounds
- Marc Hayes, Community Development Director
- Nova Heaton, Development Services Manager
- Kevin Olander, Combination Inspector
- Katie Heim, GIS Analyst

ATTACHMENT E CODE REQUIREMENTS

NOTE: The following items are not conditions of permit approval but rather certain local, state, or federal code requirements that the developer needs to be aware of. This is in no way intended to be a complete list of code requirements, but is a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your particular project type.

1. **Code Applicability.** This permit is subject to the applicable requirements contained in the Arlington Municipal Code, Land Use Code, Building Code, and COA Public Works Design, Construction Standards and Specifications. It is the responsibility of the developer to ensure compliance with the various provisions contained in these ordinances.

2. **Pre-Construction Phase.** Prior to commencing any site work, including installing any easement or right-of-way improvements, utility systems, drainage systems, street lights, mailbox structures, emergency facilities, storm water control systems, or any other improvements, the developer shall submit site civil construction improvement plans for review and approval by the Public Works Director. Said plans shall be in conformance with applicable code and below listed conditions.
 - a. The developer shall survey and mark all property corners prior to review of any submitted construction plans.
 - b. The developer shall design and install erosion control measures deemed necessary by the City. These measures shall be installed and inspected by the City prior to the issuance of any permits.
 - c. The developer shall undertake no site preparation or other disturbances within environmentally sensitive areas or their required buffers.
 - d. The developer shall submit to the Community and Economic Development Department and receive approval of a storm-water run-off and detention plan in conformance with the AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual) for both the construction phase and a permanent system. All site drainage must be directed through bio filtration swales prior to discharge into wetlands.
 - e. The developer shall place all new utility lines underground.
 - f. The developer shall provide a temporary rock pad at all points of ingress and egress to the site throughout the construction phase.
 - g. The developer shall show locations of all required streetlights on the construction plans and install them as designed.
 - h. The developer shall obtain a right-of-way permit prior to any work done in a public right-of-way. (NOTE: City departments are exempt from right-of-way permits.)
 - i. The developer shall install all low sodium or similar low intensity illumination lighting and it shall be placed in a way as to not cause glare on an adjoining property or right-of-way.

3. **Construction Phase.** The following conditions shall apply during construction.
 - a. The developer shall follow all applicable noise and other nuisance codes.
 - b. The developer shall not track mud and dirt onto public rights-of-way, but if tracked by accident, the developer shall clean it up immediately.
 - c. During any site grading or clearing activity, the developer and contractor shall use all available means of controlling air pollution (dust, ash, and smoke).
 - d. The restrictions of the AMC shall apply to any and all grading.

4. **Installation of Improvements.** Prior to receiving a Certificate of Occupancy, the developer shall:
 - a. Install all rights-of-way and access easement improvements on all proposed streets internal and existing streets adjacent to the project in accordance with the requirements of AMC Chapter 20.56 and per COA Public Works Design, Construction Standards and Specifications. The developer shall coordinate with all adjacent developments the final design of the street improvements and/or include the appropriate transition tapers for the street pavement from the property.
 - b. Install a potable water system to serve the project per the COA Public Works Design, Construction Standards and Specifications. Water is to be served by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - c. Relocate any existing water facilities and/or install water services/fire hydrants at the expense of the developer.
 - d. Install a sanitary sewer system per COA Public Works Design, Construction Standards and Specifications. Sanitary sewer is provided by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
 - e. Install a permanent storm water control system per AMC Chapter 13.28.
 - f. Prior to issuance of a Certificate of Occupancy, the applicant shall complete all required or voluntary improvements unless otherwise secured by the developer and authorized by the City Engineer.

(NOTE: Code requirements for infrastructure improvements are based on conceptual information as submitted by the applicant for the land use permit. Additional specific requirements may be required upon review of the engineered construction drawings submitted by the developer. All improvements are subject to review and approval by the City of Arlington Inspectors. All utilities shall be constructed underground.)