



# CITY OF ARLINGTON NOTICE OF DECISION

## Smokey Point Ridge Forest Practice Zoning Permit

The City of Arlington has issued a Notice of Decision for a Zoning Permit as required by Arlington Municipal Code. The following project has been **APPROVED**, with the conditions listed in the attached permit decision.

**Project Name:** Peak to Peak Development LLD

**Proponent:** Insight Engineering

**Project Number:** PLN #1163

**Description of Proposal:** The applicant is proposing an early clearing and grading permit (PWD #3514) and a Class IV forest harvesting of approximately 7.83 acres for the conversion to future mixed use land division and development. The site is located in the Commercial Corridor (CC) zone with future development to be permitted under separate permits. The clearing, grading, and forest practice will consist of the removal of 95 significant trees and approximately 3,950 cubic yards of cut and 40,000 cubic yards of fill on the site.

### **Location:**

**Permit Decision: Approved, with Conditions**

**Notice of Decision Date:** February 7, 2024

**End of Appeal Period:** February 21, 2024

**Zoning Permit Expiration Date:** February 7, 2026

**Appeals:** A Party of Record may file an appeal of this decision pursuant to AMC 20.20.010, which provides for a hearing of the zoning permit decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on February 21, 2024, and the appeal fee as set by resolution is paid.

**Staff Contact:** Amy Rusko, Planning Manager, [arusko@arlingtonwa.gov](mailto:arusko@arlingtonwa.gov)



# Community and Economic Development Planning Division

18204 59<sup>th</sup> Avenue NE, Arlington, WA 98223

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## ZONING PERMIT – FOREST PRACTICE STAFF REPORT AND PERMIT DECISION

### GENERAL INFORMATION

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File Number:	PLN #1163
Project Title:	Smokey Point Ridge Forest Practice
Owner:	Peak to Peak Development LLD
Applicant:	Carl Pirscher, CDA Architects
Contact:	Brian Kalab, Insight Engineering
Description:	Land Clearing and Logging
Location:	19402 Smokey Point Boulevard
Tax Parcel ID:	31051700400600
Lot Size:	7.83 Acres
Topographical Description:	Gentle terraces and slopes up in elevation from north to south, with approximately 15 feet of vertical relief.
Zoning Classification:	Commercial Corridor
Land Use Designation:	Commercial Corridor
Proposed Use Classification:	Land Clearing and Logging
City Approvals Required:	Zoning Permit and Grading Permit
Date of Decision:	February 7, 2024
Decision:	<b>APPROVED, with Conditions</b>

## I. NATURE OF APPLICATION

### A. Request

The applicant is proposing an early clearing and grading permit (PWD #3514) and a Class IV Forest Harvesting of approximately 7.83 acres for the conversion to future mixed use land division and development. The site is located in the Commercial Corridor (CC) zone with future development to be permitted under separate permits. The clearing, grading, and forest practice will consist of the removal of 95 significant trees and approximately 3,950 cubic yards of cut and 40,000 cubic yards of fill on the site.

### B. Project Chronology / Background

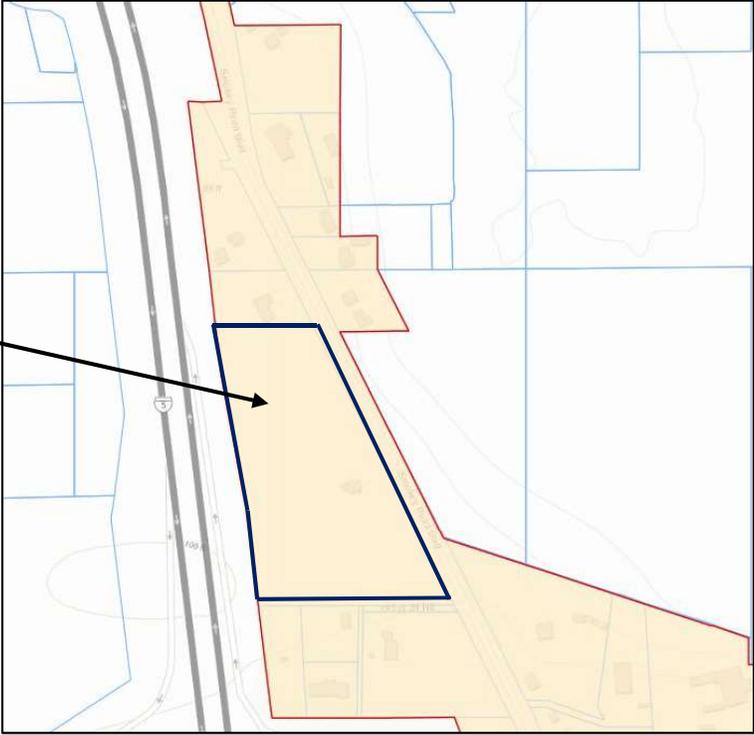
A formal application for the Zoning Permit was submitted to the Community & Economic Development Department on December 28, 2023. Staff routed the material to City review staff on December 28, 2023.

### C. Site Location / Description



The site is located northwest of the 193<sup>rd</sup> Street and Smokey Point Boulevard Intersection

## D. Site and Adjacent Zoning / Uses

Subject Site		
Area	Zoning	Existing Use
Subject Site	Commercial Corridor (CC)	Single Family Residence
North	Commercial Corridor (CC)	Single Family Residence
South	Commercial Corridor (CC)	Single Family Residences
East	Snohomish County A-10	Vacant
West	Interstate 5	Washington State Department of Transportation Right of Way

## II. PROJECT CONSISTENCY WITH TITLE 20 AMC, ZONING

### A. Applicable Review Criteria and Process

The Zoning Permit – Forest Practice request is subject to review for conformity with the Arlington Municipal Code (AMC), including but not limited to the following:

Regulation	Analysis	Meets
<b>Chapter 20.16 AMC, Permits and Final Plat Approval</b>		
20.16.100 (b) Zoning Permits are issued under this title only when a review of the application submitted, including plans contained therein, indicates that the development will comply with the provisions of this title if completed as proposed. All development shall occur strictly in accordance with such approved plans and applications.	The applicant submitted a Zoning Permit for a Forest Practice Permit. The Community Development Director is responsible for the permit decision and the decision is appealable to the Hearing Examiner.	Yes

<b>Regulation</b>	<b>Analysis</b>	<b>Meets</b>
<p>20.16.110 Who May Submit Permit Applications. (a) Applications for zoning will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this title.</p>	<p>The owner of the property, Michael Weeks, signed the zoning permit application for forest practice permit that was submitted to the city.</p>	<p>Yes</p>
<p>20.16.120 Official Representative of the Applicant. The applicant for each land use permit shall designate an official representative, which may be himself, to receive all correspondence, determinations, and notices regarding the application.</p>	<p>The owner, Michael Weeks, has designated Carl Pirscher, CDA Architects, as the official representative for the subject permit.</p>	<p>Yes</p>
<p>20.16.130 Staff Consultation Before Formal Application. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this title, a general information meeting between the developer and the planning staff is encouraged as provided in this section.</p>	<p>The city held a General Information Meeting with the project applicant on April 12, 2023.</p>	<p>Yes</p>
<p>20.16.140 Submittal of Application. (a) To minimize development planning costs, avoid misunderstanding or misinterpretations, and ensure compliance with the requirements of this title, a submittal intake appointment is required between the developer and the Community Development staff as provided in this section.</p>	<p>The project applicant scheduled a submittal intake appointment with the Community and Economic Development Department and submitted the application on December 28, 2023.</p>	<p>Yes</p>
<p>20.16.150 Vesting of Permits.  (1) Land use permit applications shall be considered vested on the date that an application is deemed complete pursuant to 20.16.205 and applications shall be processed under the land use regulations in effect on that date. However, subsequent permits on the same property are not vested on this date.  (2) Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.</p>	<p>The proposed application for Smokey Point Ridge forest practice permit vested on January 3, 2024 with the issuance of the complete application. The required impact fees for the proposal do not vest with the project and the fee in place at the time of payment is the amount due.</p>	<p>Yes</p>

Regulation	Analysis	Meets								
20.16.200 Applications to Be Complete. (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.	The applicant submitted a complete application for Smokey Point Ridge forest practice zoning permit.	Yes								
20.16.205 (c) Complete Application. Within 28 days of receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant.	The application was submitted on December 28, 2023. The City issued a Notice of Complete Application on January 3, 2024. The Notice was issued within the 28-day timeframe.	Yes								
20.16.215 Distribution of Application. Upon receipt of a zoning, special use or conditional use permit application, the Planning Official shall, in addition to all interested City Department, send a copy of the application to the authorities and agencies reviewing or furnishing water, fire, school, and sanitary sewer service to the proposed project.	The application was routed to all effected city departments on December 28, 2023.	Yes								
20.16.270 Time Limitations for Permit Processing. (a) The City shall issue its notice of final decision on a permit application within 120 days after the Community and Economic Development Director notifies the applicant that the application is complete, as provided in 20.16.205. In determining the number of days that have elapsed, the following periods shall be excluded: (1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.	<p>The proposed zoning permit was reviewed and issued within the 120-day timeframe per the following dates:</p> <table border="1" data-bbox="813 1010 1305 1230"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Date of Application</td> <td>12-28-2023</td> </tr> <tr> <td>Notice of Complete Application</td> <td>1-3-2023</td> </tr> <tr> <td>Decision</td> <td>2-7-2024</td> </tr> </tbody> </table> <p>Total Process Days: 35 Days</p>	Action	Date	Date of Application	12-28-2023	Notice of Complete Application	1-3-2023	Decision	2-7-2024	Yes
Action	Date									
Date of Application	12-28-2023									
Notice of Complete Application	1-3-2023									
Decision	2-7-2024									
<b>Chapter 20.36 AMC, Zoning Districts and Zoning Map</b>										
20.36.020 Commercial Districts Established. (g) The commercial corridor (CC) zone is established to create pedestrian oriented, urbanized, mixed-use neighborhoods, along designated transit routes. Design elements include widened sidewalks, drop lanes with on street parking, mid-block pedestrian crossings, planted medians and bike lanes. These zones are established to utilize the stringent use of the mixed-use development regulations/form-based code, therefore negating the underlying zoning to accommodate mixed-use as the primary land use.	The subject property for the proposed forest practice permit is zoned Business Park. Land clearing and logging is a permissible use within the Business Park zone.	Yes								

Regulation		Analysis					Meets
<b>Chapter 20.38 AMC, Airport Protection District</b>							
20.38.060 Airport Protection District Boundaries. (a) Airport Protection Subdistrict A (b) Airport Protection Subdistrict B (c) Airport Protection Subdistrict C (d) Airport Protection Subdistrict D		The property is located in Arlington Municipal Airport Protection District, Subdistrict C. An Avigation Easement is required with future permitting on the property.					Yes
<b>Chapter 20.40.130 AMC, Commercial and Mixed-Use Zones Permissible Use Table</b>							
Use	NC	OTBD1	OTBD2	OTBD3	GC	CC <sup>2</sup>	HC
Land Clearing and Logging <sup>7</sup>	Z	Z	Z	Z	Z	Z	Z
<ul style="list-style-type: none"> <li>• Z = Zoning Permit</li> <li>• <sup>2</sup> Commercial corridor uses are regulated by the mixed-use development regulations Chapter 20.110. All permissible uses shall meet the Use Table Requirements of the specific place type and transect of the property of the intended use.</li> <li>• <sup>7</sup> Subject to Section 20.44 Part II – Land clearing, grading, filling, and excavation</li> </ul>							
<b>Chapter 20.44 AMC, Supplemental Use Regulations</b>							
20.44.110 (a) Subject to Section 20.44.120 (Restrictions and Requirements), no permits are required for clearing or logging involving less than ten thousand square feet of land within any twelve-month period. Nevertheless, all clearing activities must comply with all elements of this title, regardless of whether a permit is required.		The property contains approximately 341,075 square feet of land clearing and requires a permit for land clearing and logging. A Forest Practice Permit is required for clearing / logging and a Grading Permit is required for land clearing. The Grading Permit is processed under PWD #3514.					Yes
20.44.110 (b) Zoning permits are required for all clearing and logging involving one thousand square feet of property or more when not in conjunction with a land use permit.		The applicant has submitted a zoning permit for logging and an early grading permit for clearing. The applicant has not submitted any other land use permits for the site.					Yes
20.44.110 (c) The Community and Economic Development Director may temporarily suspend or revoke any permit allowing land clearing if, in his opinion, adverse weather or other conditions so warrant.		The permit shall be issued with the condition that a permit may be suspended due to adverse weather conditions.					Yes
20.44.120 All clearing, logging, grading, filling, and excavation, regardless of whether or not a permit is required, is subject to the following restrictions and requirements:							
(1) No clearing, logging, grading, filling, or excavation is allowed in an environmentally critical area or its buffer where Chapter 20.93 (Critical Area Ordinance) prohibits such activities.		The applicant submitted a SEPA Checklist for the proposal. No critical areas were found to be located on the site. The City concurs with this assessment.					Yes

<b>Regulation</b>	<b>Analysis</b>	<b>Meets</b>
(2) No clearing, logging, grading, filling, or excavation, except that necessary for essential repairs of permitted private structures or construction of public infrastructure or facilities, is permitted outward from the shores of the Stillaguamish River in inland within its buffer, as established by Chapter 20.93 (Critical Area Ordinance) or the Shoreline Management Act, whichever is greater.	The proposed project is not within Shorelines established by the City of Arlington and is not subject to the Shoreline Management Act.	Yes
(3) Adequate Temporary Erosion and Sedimentation Control (TESC) measures shall be approved and installed by AMC 13.24, Stormwater Management, prior to any disturbance of soils.	The logging of the property requires the applicant to install Temporary Erosion and Sedimentation Control around the perimeter of the proposed land disturbing area. The project is subject to obtain an approved grading permit prior to land disturbing activities.	Yes
(4) All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within forty-eight hours of disturbance.	The proposed project is subject to protecting the disturbed areas and is subject to an approved grading permit prior to land disturbing activities.	Yes
(5) All environmentally critical areas and their buffers shall be fenced with construction fence prior to any disturbance of the soil.	The project site does not contain any environmentally critical areas.	Yes
(6) The applicant shall present to the city a valid NPDES permit, where required by the department of ecology, prior to any disturbance of soil.	The applicant is required to submit an approved NPDES permit prior to the issuance of the grading permit.	Yes
(7) Environmental review of clearing and/or grading associated with site development may be done concurrently with the environmental review of the project allowing for clearing and/or grading for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that clearing and/or grading are a part of the application, and the permit shall specifically state what clearing and/or grading is permitted, or the clearing and/or grading shall not be considered permitted.	The applicant has submitted for a Forest Practice and Grading Permit to clear the site prior to project development. The approval of the Forest Practice permit is dependent on the approval of the Grading Permit. The Forest Practice may be issued prior to the Grading Permit; however, no land disturbance may occur prior to an approved Grading Permit. Future development permits on the property are to be applied for separately.	Yes

<b>Regulation</b>	<b>Analysis</b>	<b>Meets</b>
<p>(8) Between the dates of October 1 and March 31 all open projects shall be closed up and no more than one-fourth acre of property, or fifty cubic yards of soil, whichever represents the least amount disturbance, may be cleared, moved, or graded at any one time before that portion of the project is closed up. The community and economic development director may allow grading or clearing in excess of these limits during these times if, in his opinion, the site, adjoining properties, and any environmentally critical areas can be adequately protected, an approved temporary erosion and siltation control plan is implemented and properly maintained, and the weather is favorable.</p>	<p>The proposed project is subject to these winter construction requirements and the site will be monitored by City Inspectors to determine if work can continue and in what quantities.</p>	<p>Yes</p>
<p><b>Chapter 20.76 AMC, Screening and Trees</b></p>		
<p>20.76.120 (a) Every development shall retain all existing significant trees and significant stands of trees, with a diameter at breast height (dbh) of at least eight inches for deciduous trees and at least twelve inches dbh for evergreen trees, unless the retention of such trees would unreasonably burden the development or in the opinion of the permit-issuing authority cause a significant safety problem.</p>	<p>The Forest Practice Permit proposed to remove 95 significant trees from the site, as shown on Sheet G1. These trees are to be removed for future development of the site; however, the land use permits have not been submitted for at the time of this permit.</p>	<p>Yes</p>
<p>20.76.120 (b) No excavation or other subsurface disturbance may be undertaken within the critical root zone (CRZ) where feasible, which may extend outside of the drip line of existing tree branches, of any of the trees regulated by subsection (a), and, except for street trees, no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half feet (measured from the center of the trunk) of any tree eighteen inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.</p>	<p>The significant trees that are proposed to remain on the site are required to provide fenced protection including the critical root zone of each tree. This is required to be in place prior to any land disturbing activities on the property.</p>	<p>Yes</p>

Regulation	Analysis	Meets												
<p>20.76.120 (c) The retention or protection of significant trees and significant stands of trees as provided in subsections (a) and (b) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.</p>	<p>In order to develop the site within the Commercial Corridor zone that is intended for commercial and residential mixed-use, the removal of significant trees is necessary.</p>	<p>Yes</p>												
<p>20.76.120 (d) When significant trees or significant stands of trees are present on a site for which a land use permit is submitted, the applicant shall provide a tree survey, showing size, type, and location of all significant trees and stands of trees. Critical root zones shall be fenced prior to construction with orange plastic mesh fencing or approved equivalent. Any significant trees removed because their retention would unreasonably burden a development shall be replaced with five-gallon-sized native species at a ratio of three to one. If the replacement trees are to be planted on building lots, the developer shall provide adequate protection from damage during construction, or planting shall occur after construction, in which case a planting plan and security shall be provided to ensure their planting.</p>	<p>The applicant has provided a tree survey of the site, calling out all trees proposed to be removed and retained on the site, along with a list of all trees to be removed depicting the size, type, and location of each tree.</p> <p>The applicant has not submitted for land use development permits, this is for early clearing and grading of the site. The removal of trees is for future development, but without an application for said development the applicant is required to pay in-lieu fees for the removal of trees at a rate of 3:1 for each tree removed.</p>	<p>Yes</p>												
<p>20.76.120 (e) If it is physically impossible to replant all replacement trees on-site, then the applicant may mitigate the loss of trees by either planting trees on public property within the city as approved by the community development director, and/or paying a mitigation fee into the city's tree mitigation in-lieu fund. This fee shall be set forth in the city's fee resolution and equal the cost of the trees and planting labor.</p>	<p>The applicant has not yet submitted for land use development permits. The city cannot guarantee that this application will be submitted, so the applicant is required to pay full tree mitigation in-lieu fees for the removal of significant trees on the property.</p> <table border="1" data-bbox="813 1415 1344 1545"> <thead> <tr> <th>Significant Trees Removed</th> <th>Mitigation at 3:1 Ratio</th> <th>Total Trees to be Replanted</th> </tr> </thead> <tbody> <tr> <td>95</td> <td>X 3</td> <td>285</td> </tr> </tbody> </table> <table border="1" data-bbox="813 1598 1344 1709"> <thead> <tr> <th>Total # of Trees</th> <th>Cost Per Tree</th> <th>Total Tree In-Lieu Fee</th> </tr> </thead> <tbody> <tr> <td>285</td> <td>X 32.50</td> <td>\$9,262.50</td> </tr> </tbody> </table>	Significant Trees Removed	Mitigation at 3:1 Ratio	Total Trees to be Replanted	95	X 3	285	Total # of Trees	Cost Per Tree	Total Tree In-Lieu Fee	285	X 32.50	\$9,262.50	<p>Yes</p>
Significant Trees Removed	Mitigation at 3:1 Ratio	Total Trees to be Replanted												
95	X 3	285												
Total # of Trees	Cost Per Tree	Total Tree In-Lieu Fee												
285	X 32.50	\$9,262.50												

Regulation	Analysis	Meets
20.76.120 (f) If any significant tree identified to be protected pursuant to this section is removed or damaged to the extent that its ability to survive is seriously threatened, without the city's prior written consent, the loss shall be remedied pursuant to <a href="#">Section 20.28.040</a> (c) (penalties and remedies for violations), with the understanding that each tree so removed or damaged shall be counted as a separate violation.	The logging and clearing of the site shall be closely monitored by City Inspectors. Only the trees called out on the approved tree survey and removal plan shall be removed. Additional trees require a written request from the applicant and approval by the City. Any additional trees that are removed or damaged on the site are subject to additional mitigation fees and/or violation.	Yes
<b>Chapter 20.80 AMC, Forest Land Conversion</b>		
20.80.110 A permit or approval, as specified below, must be obtained:  (1) A forest practices permit shall be obtained prior to: (A) Class IV general or IV special conversion forest practices	The applicant has submitted a Forest Practice application for a Class IV general conversion permit. The Class IV general conversion permit includes those practices, which result in the conversion of timber land to a non-forestry use.	Yes
20.80.230 Review Criteria. (a) Requests for all permits and approvals authorized by this chapter shall be granted only when all of the following are met:		
(1) The proposed activities are in compliance with applicable provisions governing forest practices contained in WAC 222-16, 222-24, and 222-30, and the forest practices board manual, unless such provisions are superseded by the provisions of this chapter.	The Forest Practice application has been reviewed against all sections of WAC 222-16, 222-24, and 222-30, and the forest practices manual, along with AMC Chapter 20.80. The application complies with all the requirements of a Forest Practice permit.	Yes
(2) The proposed activities are in compliance with all applicable requirements of the Arlington Code, including but not limited to, the critical area protection requirements of AMC Chapter 20.93 and the drainage provisions of AMC Chapter 13.28.	The proposed forest practice permit has met all requirements of the Arlington Municipal Code, the Critical Areas Ordinance of Chapter 20.93, and drainage requirements of Chapter 13.28. The applicant is required to obtain a Department of Ecology NPDES permit and grading permit prior to ground disturbance.	Yes
(3) All significant adverse environmental impacts resulting from the proposed activities are mitigated.	The proposed forest practice permit has been reviewed through the SEPA MDNS Determination and the applicant is required to mitigate for the trees removed from the site through the City's tree mitigation in-lieu fee outlined in the most current Fee Resolution.	Yes

Regulation	Analysis	Meets
<b>Chapter 20.93 AMC, Critical Area Ordinance</b>		
20.93.230 Compliance. All land uses or development applications shall be reviewed to determine whether an environmentally critical area exists on the property for which the application is filed, what the action's impact to any existing environmentally critical area would be, and what actions are required for compliance with this chapter.	The City of Arlington concludes that the subject property does not contain environmentally critical areas and does not impact nearby critical areas.	Yes
<b>Chapter 20.98 AMC, State Environmental Policy Act (SEPA)</b>		
20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination.	The applicant provided an environmental checklist with the application and a revised checklist with the resubmittal. The City of Arlington was determined to be the lead agency. A Mitigated Determination of Non-Significance was issued for the proposal on January 5, 2024. The comment period for the MDNS was from January 5, 2024 to January 19, 2024.	Yes
<b>Chapter 13.28 AMC, Stormwater</b>		
13.28.070 Applicability of the Utility. The following actions or applications for the following permit and/or approvals will require submittal for approval by the utility: site plans, design drawings, and operations and maintenance plans. Submittals shall be consistent with the provisions of this Code, and shall comply with the stormwater manual and engineering standards:  (5) Land disturbing activities, including construction, clearing, grubbing, grading, filling, excavation, or dewatering.	The proposed project is subject to comply with Minimum Requirements #1 through #13 for the land disturbing activity and the conversion of more than 2.5 acres of native vegetation, as listed. A Grading Permit shall be required prior to ground disturbance clearing or logging of the site. Prior to issuance of the Grading Permit, construction plans shall meet the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington.	Yes

### III. PUBLIC COMMENT

Comment	Response
Public comments received during the MDNS comment period for Smokey Point Ridge forest practice permit, PLN #1163.	<p>The city received 2 email comments from agencies within the comment period.</p> <ul style="list-style-type: none"> <li>• Department of Archaeological &amp; Historic Preservation</li> <li>• Stillaguamish Tribe of Indians</li> </ul> <p>Below is a summary of the comments. The original comments are in the permit file and can be viewed upon request.</p>
The Department of Archaeological & Historic Preservation (DAHP) submitted a comment letter about receiving a survey report for the project. The email also questioned the location of the subject site.	<p>The City responded to both DAHP and The Stillaguamish Tribe regarding the questions about the location of the project and clarified the survey report was submitted. The City sent the report to both parties and granted additional time for review due to the confusion about multiple projects being sent out at the same time. After reviewing the document, it was determined that the conditions listed in the monitoring report are sufficient for both DAHP and The Stillaguamish Tribe.</p>
The Stillaguamish Tribe of Indians was included on the DAHP email and also commented on the survey report and site location.	

### IV. CONCLUSIONS

Under AMC 20.16.100, the Community Development Director shall issue the requested Zoning permit unless he concludes after reviewing the application that:

Regulation	Analysis	Meets
(a) The requested permit is not within its jurisdiction according to the table of permissible uses.	The requested site plan review is within the City of Arlington's jurisdiction per the above zoning map and permissible use table.	Yes
(b) The application is incomplete.	The application for the subject site plan review was deemed complete on January 3, 2024.	Yes
(c) If completed as proposed in the application, the development will not comply with one or more of the requirements of this title.	The proposed site plan review complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(d) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, and the Arlington Municipal Code.	The proposed site plan review complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

## V. ADMINISTRATIVE DECISION

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The proposed project was found to be consistent with and meets the intent of the Arlington Zoning Code, Comprehensive Plan, and the Arlington Municipal Code, therefore the Zoning Permit – Forest Practice for Smokey Point Ridge (PLN #1163) is hereby APPROVED, subject to the following conditions.

## VI. CONDITIONS

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### Zoning Permit:

1. All development shall be in substantial conformance with the approved site plan received on December 28, 2023, subject to any conditions or modifications that may be required as part of the permit review.
2. The permit was originally processed as Smokey Point Mixed Use and the MDNS was issued under this name. The name was changed to Smokey Point Ridge. The applicant is required to meet all requirements and conditions of documents issued under either name.
3. The developer shall meet all local, state, or federal code requirements. Attached 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. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.
4. The applicant is subject to all applicable sections of AMC 20.80 Forest Land Conversion, whether listed or not listed within this permit decision.
5. The significant trees that are proposed to remain on the site are required to provide fenced protection including the critical root zone of each tree. This is required to be in place prior to any land disturbing activities on the property.
6. The proposed project is subject to these winter construction requirements between October 1<sup>st</sup> and March 31<sup>st</sup>. The site will be monitored by City Inspectors to determine if work can continue and to what quantities.
7. The logging of the property requires the applicant to install Temporary Erosion and Sedimentation Control around the perimeter of the proposed land disturbing area. The project is subject to obtaining an approved grading permit prior to land disturbing activities.
8. All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within forty-eight hours of disturbance, between October 1<sup>st</sup> and March 31<sup>st</sup>.
9. The logging and clearing of the site shall be closely monitored by City Inspectors. Only the trees called out on the approved tree survey and removal plan shall be removed. Additional trees require a written request from the applicant and approval by the City, these trees are subject to additional mitigation fees. If written consent is not given prior to removal, then violation fees shall be imposed.
10. The applicant shall remove all tree stumps and logging debris from the subject property within thirty (30) days of any clearing and grading activities.

### SEPA Conditions:

11. **(B)(1) Earth:** In order to mitigate 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 Certified Erosion and Sediment Control Lead is required to monitor the site.

12. **(B)(2) Air:** In order to mitigate potential air impacts, the applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.
13. **(B)(3)(b) Ground Water:** In order to mitigate potential impacts to ground water the applicant shall employ best design practices meeting the current Department of Ecology's Stormwater Management Manual for Western Washington.
14. **(B)(3)(c) Water Runoff:** In order to mitigate potential impacts to water runoff the applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater.
15. **(B)(4)(b) Plants:** The Applicant shall adhere to tree protection measures outlined in AMC Chapter §20.76 Screening and Trees and AMC Chapter §20.80 Forest Land Conversion. The applicant shall provide mitigation for the removal of 95 significant trees as indicated on the site plan. Per AMC Chapter §20.76.120 (d) (e) any significant trees that are removed shall be replaced with native species at a ratio of 3:1. The applicant will not be replanting and will pay a Tree Mitigation In-Lieu Fee for 285 trees in the amount of \$9,262.50 (95 x 3 x \$32.50).
16. **(B)(7)(A) Environmental Health:** The applicant shall comply with current codes to reduce or control environmental health hazards. A spill prevention plan shall be in place according to local, State and Federal policies.
17. **(B)(7)(b)(2) Noise:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from light vehicle traffic will be generated during business hours at project completion.
18. **(B)(8)(d) Land and Shoreline Use:** The applicant has proposed to remove the existing single-family residence on the site. A demolition permit is required prior to the removal.
19. **(B)(10) Aesthetics:** The Applicant shall remove all tree stumps and logging debris from the subject property within thirty (30) days of any clearing and grading activity.
20. **(B)(13) Historic and Cultural Preservation:** If during construction historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation (DAHP) and affected tribes. The applicant shall submit an Unanticipated Discovery Plan prior to permit issuance and shall follow DAHP Monitoring Permit #2023-82. The applicant shall notify the Stillaguamish Tribe of Indians and DAHP prior to ground disturbance. The Stillaguamish Tribe and DAHP may have a monitor on-site to observe site disturbances during the construction of the project.

Grading Permit:

21. A Grading permit shall be applied for and approved prior to any land disturbance on the subject property.
22. The developer shall comply with AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology Stormwater Management Manual for Western Washington.
23. The applicant is required to submit an approved NPDES permit prior to the issuance of the grading permit.

Other:

24. A Demolition Permit is required to be issued prior to the Grading Permit issuance.
25. Construction hours of operations are limited to 7:00 am to 7:00 pm Monday through Saturday. No construction activity or use of heavy equipment may occur on Sundays or holidays observed by the city.
26. All contractors working on the subject site shall obtain a City of Arlington Business License through the Washington State Department of Licensing.

## **VII. EXPIRATION**

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Per AMC 20.16.220, a Zoning Permit shall expire automatically if, within two (2) years after the issuance of such permits:

1. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use, or
2. Less than 10 percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site.

## **VIII. APPEAL**

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This This decision may be appealed pursuant to AMC 20.20.010, which provides for a hearing of the zoning permit decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on February 21, 2024, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 7<sup>th</sup> DAY OF February, 2024.

Marc Hayes  
Marc Hayes (Feb 7, 2024 10:21 PST)

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Marc Hayes, Community and Economic Development Department Director

Distributed to the Following Parties:

Carl Pirscher, Applicant  
Brian Kalab, Contact

## ATTACHMENT B 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, streetlights, 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 & 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. 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.)