



Community and Economic Development Planning Division

18204 59th Avenue NE, Arlington, WA 98223

BINDING SITE PLAN STAFF REPORT AND PERMIT DECISION

GENERAL INFORMATION

File Number: PLN #1132

Project Title: **Williams Investment Commercial Park**

Owner/Applicant: 5J Development, LLC

Contact: Carmel Gregory, CG Engineering

Description: Binding Site Plan

Location: Northeast of the 43rd Avenue and 168th Street Intersection

Tax Parcel ID: 31052800100700

Lot Size: 19.38 acres

Soil Type: Lot 1: Custer fine sandy loam
Tract A: Custer fine sandy loam, Mukilteo muck, Norma loam

Zoning Classification: General Commercial with Mixed-Use Overlay

Land Use Designation: General Commercial with Mixed-Use Overlay

Proposed Use: Future Commercial Buildings

City Approvals Required: Binding Site Plan, Site Civil Construction Permit, Special Use Permits, Complete Streets, SEPA Review, Design Review, Building Permits, Utility Permits, and Department of Ecology

Decision Date: **February 29, 2024**

Decision: **APPROVED, with Conditions**

I. NATURE OF APPLICATION

A. Request

The applicant is proposing a Binding Site Plan to subdivide the subject property and create building pads, for future sale and/or development of general commercial uses. The binding site plan consists of Lot 1 (with four proposed buildings) and Tract A (a critical area tract for a Category II Wetland, Hayho Creek and associated buffers). Buildings on Lot 1 will be designed and constructed in a future phase. Building pads and conceptual building footprints, parking, and private drives are designed for Business Park type commercial such as retail, office, and other services consistent with the General Commercial zone and the Cascade Industrial Center's qualifying land uses. Access to the site will be from two driveways on 47th Avenue and one driveway from 168th Street NE. Tract A is on the west portion of the site and contains a 6.54-acre Category II Wetland (Wetland F) and 650 linear feet of a Type F Stream (Hayho Creek). Wetland F is being enhanced with off-site mitigation for wetland impacts at Centennial Park apartments, located at 17327 67th Avenue NE, Arlington, WA 98223. The wetland will be divided from the main property as Tract A and dedicated to the City of Arlington. Along the east property boundary, a north/south extension of 47th Avenue is required, and half street improvements completed prior to right-of-way dedication to the city. The site has two petroleum pipelines owned by the Olympic Pipeline Company that extend diagonally across the property, located in easements. Future development is located outside of these easement areas. The project site is proposed to be raised approximately seven feet to meet the grade level at 168th Street NE. Proposed runoff is to be collected by a series of proposed catch basins and conveyance pipes and flow into onsite infiltration trenches.

The future development proposed on the site requires separate permits for each building proposed within the binding site plan. The project currently under review is only for the binding site plan to divide the property.

B. Project Chronology / Background

A formal application for the binding site plan was submitted to the Community & Economic Development Department on September 14, 2023. Staff routed the material to City review staff on September 14, 2023. The applicant provided revised plans on September 20, 2023 and January 30, 2024. The revised plans were routed to staff after each resubmittal on September 20, 2023 and January 30, 2024.

C. Site Location / Description



D. Site and Adjacent Zoning / Uses

Area	Zoning	Existing Use
Subject Site	General Commercial w/ Mixed-Use Overlay	Vacant Land
North	Light Industrial	Distribution Center
South	Light Industrial & General Commercial	Vacant
East	General Commercial w/ Mixed-Use Overlay	Mixed-Use Development with Multi-Family Residential & Future Commercial & Retail
West	Residential Moderate Capacity	Residential Subdivision

II. PROJECT CONSISTENCY WITH TITLE 20 AMC, ZONING

A. Applicable Review Criteria and Process

The binding site plan request is subject to review for conformity with the Arlington Municipal Code (AMC), including but not limited to the following:

Regulation	Analysis	Meets
Chapter 20.16 AMC, Permits and Final Plat Approval		
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 review for a Binding Site Plan. The Community Development Director is responsible for the permit decision and the decision is appealable to the Hearing Examiner.	Yes

Regulation	Analysis	Meets
<p>20.16.110 Who May Submit Permit Applications. (a) Applications for zoning, special use, conditional use, or sign permits or subdivision plat approval 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 is 5J Development LLC and the applicant, Ryan Kilby, signed the permit application 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 and applicant, 5J Development LLC has designated Carmel Gregory of CG Engineering, 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 May 19, 2021.</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 September 14, 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 the Williams Investment Commercial Park project became vested on September 27, 2023, with the issuance of the Notice of Complete Application. The required impact fees for the Binding Site Plan 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																
<p>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.</p>	<p>The applicant submitted an incomplete application on September 14, 2023. The applicant submitted the requested information on September 20, 2023, which completed the application for the Williams Investment Commercial Park zoning permit.</p>	<p>Yes</p>																
<p>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.</p>	<p>The application was submitted on September 14, 2023 and September 20, 2023. The City issued a Notice of Complete Application on September 27, 2023. The Notice was issued within the 28-day timeframe.</p>	<p>Yes</p>																
<p>20.16.215 Distribution of Application. Upon receipt of a 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.</p>	<p>The application was routed to all effected city departments on September 14, 2023, and after each resubmittal on September 20, 2023 and January 30, 2024.</p>	<p>Yes</p>																
<p>20.16.220 Zoning Permits. (a) A completed application form for a zoning permit shall be submitted to the community and economic development director by filing a copy of the application with the planning department.</p>	<p>The zoning permit was submitted to city staff on September 14, 2023. The project was reviewed for compliance with the Arlington Municipal Code.</p>	<p>Yes</p>																
<p>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>	<p>The proposed zoning permit was reviewed and issued within the 120-day timeframe per the following dates:</p> <table border="1" data-bbox="836 1249 1347 1732"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Date of Application</td> <td>9-14-2023</td> </tr> <tr> <td>Notice of Incomplete Application</td> <td>9-20-2023</td> </tr> <tr> <td>Submittal of Requested Items</td> <td>9-20-2023</td> </tr> <tr> <td>Notice of Complete Application</td> <td>9-27-2023</td> </tr> <tr> <td>1st Review Comments Issued</td> <td>11-2-2023</td> </tr> <tr> <td>Resubmittal</td> <td>1-30-2024</td> </tr> <tr> <td>Decision</td> <td>2-29-2024</td> </tr> </tbody> </table> <p>Total Process Days: 66 Days</p>	Action	Date	Date of Application	9-14-2023	Notice of Incomplete Application	9-20-2023	Submittal of Requested Items	9-20-2023	Notice of Complete Application	9-27-2023	1 st Review Comments Issued	11-2-2023	Resubmittal	1-30-2024	Decision	2-29-2024	<p>Yes</p>
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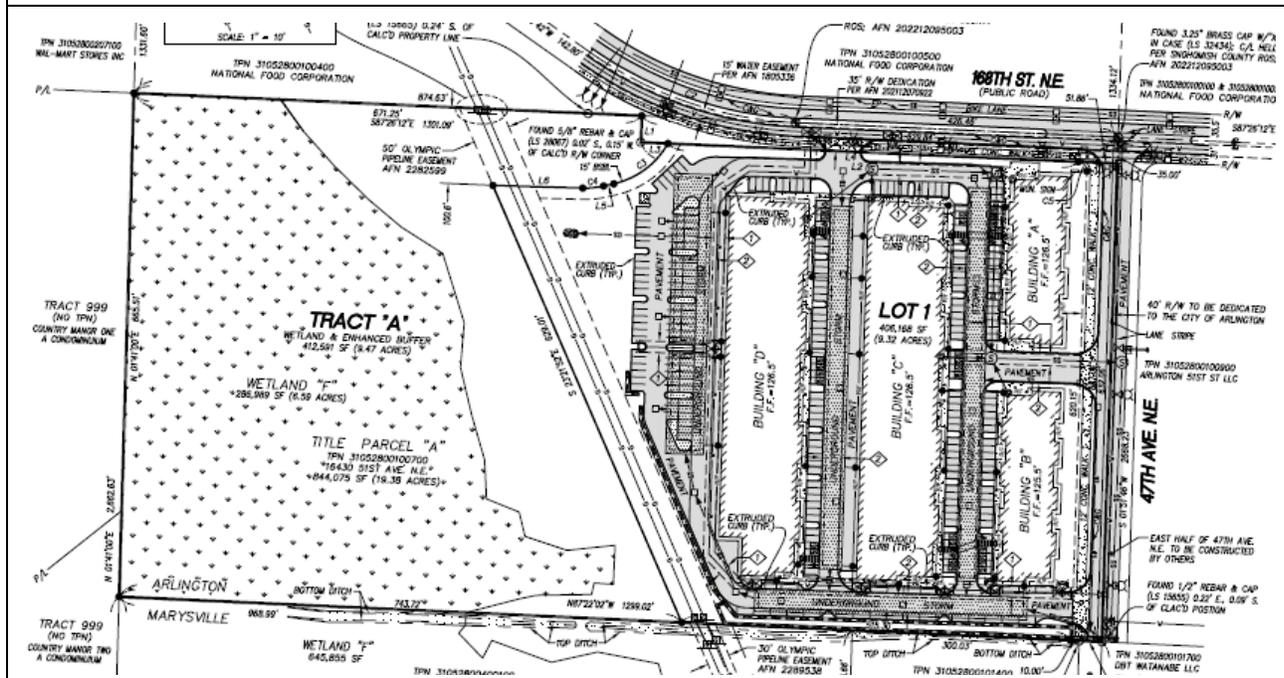
Regulation		Analysis					Meets
Chapter 20.36 AMC, Zoning Districts and Zoning Map							
20.36.020 Commercial Districts Established. (d) The General Commercial (GC) zone is established to accommodate commercial uses generally similar, though more intensive, to the types permissible in an Old Town Business District. However, it is intended that this zone be placed along arterials to cater to commuters or as a transition in some areas between a Highway Commercial zone and a residential zone.		The proposed binding site plan depicts the property as being split into 1 developable lot and 1 tract. The lot within the binding site plan is zoned General Commercial with Mixed-Use Overlay. The project proposes General Commercial uses that are allowed within the zone. The Mixed-Use Overlay is not being utilized at this site. The property is located within the Cascade Industrial Center and no additional housing is allowed.					Yes
Chapter 20.38 AMC, Airport Protection District							
20.38.080 Performance Standards and Miscellaneous Restrictions. Restrictions of the following zones are required of all development under the Airport Protection District Boundaries: (a) Subdistrict A (b) Subdistrict B (c) Subdistrict A, B, and C (d) Subdistrict A, B, C, and D		The property owner is located under Subdistrict B and Subdistrict C of the Airport Protection Districts. The applicant has recorded an Avigation Easement under recording number AFN202401290308					Yes
Chapter 20.40 AMC, Permissible Uses							
20.40.010 Table of Permissible Uses. The tables of permissible uses set for the permissible uses within the respective zoning classifications in the city, subject to other applicable provisions in this title. It should be read in close conjunction with the definitions of terms set forth in section 20.08.010 and the other interpretative provisions set forth in this article. The tables are separated into five classifications: Residential Zones, Commercial and Mixed-Use Zones, Industrial Zones, Special Zones, and Public/Semi-Public Zone.		The table of permissible uses shows that a Minor Binding Site Plan is an allowed use in the General Commercial zone with a Zoning Permit.					Yes
Chapter 20.40.130 AMC, Commercial and Mixed-Use Zones Permissible Use Table							
Commercial and Mixed-Use Use Descriptions	Zones						
	NC	OTBD-1	OTBD-2	OTBD-3	GC ¹	CC ¹	HC ¹
Binding Site Plan Minor	Z	Z	Z	Z	Z	Z	Z
<ul style="list-style-type: none"> • Z = Zoning Permit • ¹ = Residential Uses are only allowed in the General Commercial and Highway Commercial zones when regulated by the Mixed-Use Development Regulations, AMC 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. 							

Regulation	Analysis	Meets
Chapter 20.48 AMC, Density and Dimensional Regulations		
20.48.040 Building Setback Requirements. No portion of any building or any freestanding sign may be located on any lot closer to any lot line than is authorized in Table 20.48-1 Density and Dimensional Standards for the general industrial zone.	The proposed binding site plan is within the General Commercial zone and complies with Table 20.48-1 for lot dimensions required to subdivide the property. The development of each lot is required to meet the standards of Chapter 20.48 at the time of Special Use Permit submittal.	Yes
20.48.042 Sight Visibility Areas at Intersections. At the intersection of two streets, either public or private, no structure, sign, vegetation, or anything else that obscures sight shall exceed 30 inches in height in the area described by a triangle having two 25-foot legs along the curb faces of the streets from the streets' point of intersection, and a diagonal line connecting the ends of these lines.	The proposed project provides two access drives from 47 th Avenue NE and one access drive from 168 th Street NE. The site plan shows that the improvements will not obscure sight at any entrance or exit from the site.	Yes

Table 20.48-1 Density and Dimensional Standards

General Commercial Standards	Lot 1	Tract A (Dedicated Wetland)	
Minimum Lot Size: 0	9.32 acres (406,168 sf)	9.47 acres (412,591 sf)	Yes
Minimum Density: 0	NA	NA	Yes
Minimum Lot Width: 70'	2,668.23 ft	NA	Yes
ROW Building Setback: 25'	25 ft	NA	Yes
Lot Line Building Setback: 5'	20 – 240 ft	NA	Yes
ECA Buffer Setback: 15'	90 ft	NA	Yes
Building Height: 45'	< 45 ft	NA	Yes*
Maximum Lot Coverage: 100%	33.73%	NA	Yes

*Building height is required to be 45 feet or less. Actual building height will be approved with Design Review.



Regulation	Analysis	Meets
Chapter 20.56 AMC, Streets and Sidewalks		
<p>20.56.030 Access to Lots. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. Access includes vehicular, pedestrian, bicycle, and other common forms of transportation.</p>	<p>The binding site plan provides vehicular, pedestrian, and bicycle access to all lots. The applicant is required to make improvements along both 47th Avenue NE and 168th Street NE. The improvements along 47th Avenue NE are to be dedicated to the City of Arlington for public right of way.</p>	<p>Yes</p>
<p>20.56.050 Entrances to Streets. (a) All driveway entrances and other openings onto streets within the city’s planning jurisdiction shall be constructed so that:</p> <ol style="list-style-type: none"> 1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and 2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized. 3. Driveway cuts shall be limited so the narrowest width necessary to provide safe ingress and egress onto and from the property. 4. Driveways shall not be located adjacent to one another in such a manner as to create a “double width” driveway without any landscaping between the driveways. 	<p>The proposed binding site plan has three (3) access points that meet the required criteria for pedestrians, passenger cars, and delivery trucks.</p> <p>There are two access drives from 47th Avenue NE and one access drive from 168th Street NE. Each access drive is placed to create intersections with public streets.</p> <p>The access drives are 39.5 feet, 40 feet, and 46 feet in width, allowing adequate space for vehicular and truck movement throughout the site.</p> <p>The driveways are not located adjacent to each other and are provided evenly around the site to provide the best access points for the proposed future development.</p>	<p>Yes</p>
<p>20.56.120 Street Intersections. (a) Streets shall intersect at 80° to 90°. Not more than two streets shall intersect at any one point or vary from the above angle of connections.</p>	<p>The plans show that the access points provide 90° intersections at all locations.</p>	<p>Yes</p>
<p>20.56.130 Construction Standards and Specifications. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the “Public Works Construction Standards and Specifications,” and all such facilities shall be completed in accordance with these standards.</p>	<p>The proposed project is subject to a Civil permit and Right-of-Way permit for the construction of public and private infrastructure.</p>	<p>Yes</p>
Chapter 20.60 AMC, Utilities		
<p>20.60.100 Sewage Disposal Facilities Required. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project shall connect to the City of Arlington Sanitary Sewer. The construction of utilities will take place after Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications.</p>	<p>Yes</p>

Regulation	Analysis	Meets										
<p>20.60.300 Water Supply System Required. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project shall connect to the City of Arlington water. The construction of utilities will take place after Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications.</p>	<p>Yes</p>										
<p>20.60.450 Underground Utilities. All existing, extended, new electrical power lines, telephone, gas distribution, cable television, and other communication and utility lines shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the Public Works Construction Standards and Specifications.</p>	<p>The applicant is required to provide all utilities underground. This is required to be shown on the Civil site plans.</p>	<p>Yes</p>										
<p>Chapter 20.72 AMC, Parking</p>												
<p>20.72.010 Number of Parking Spaces Required. (a) All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.</p> <p>Industry, Manufacturing, Processing, Repairing, Renovating, Assembly of Goods, Merchandise or Equipment: 1 space per 600 square feet of gross floor area. $99,198 \text{ sf} / 600 = 165.5$</p> <p>Office/Retail: 1 space per 400 square feet of gross floor area. $32,901 \text{ sf} / 400 = 82.5$</p>	<p>The proposed project has shown on the approved site plan that it meets the required parking for the site.</p> <p>Required Parking Spaces: 248</p> <table border="1" data-bbox="836 978 1346 1157"> <thead> <tr> <th colspan="2">Provided Parking Spaces</th> </tr> </thead> <tbody> <tr> <td>Standard Stalls</td> <td>230 Spaces</td> </tr> <tr> <td>Electric Vehicle</td> <td>25 Spaces</td> </tr> <tr> <td>ADA Stalls</td> <td>7 Spaces</td> </tr> <tr> <td>TOTAL</td> <td>262 Parking Spaces</td> </tr> </tbody> </table>	Provided Parking Spaces		Standard Stalls	230 Spaces	Electric Vehicle	25 Spaces	ADA Stalls	7 Spaces	TOTAL	262 Parking Spaces	<p>Yes</p>
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<p>20.72.030 Parking Space Dimensions. (a) Except accessible parking spaces, each parking space shall contain a rectangular area of at least 19 feet long and 9 feet wide.</p>	<p>The site plan shows that the parking spaces proposed are 9 feet wide by 19 feet long, meeting the dimension regulations.</p>	<p>Yes</p>										
<p>20.72.060 Parking Area Surface. (a) All parking areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in the Public Works Construction Standards and Specifications. (b) Parking spaces shall be appropriately demarcated with painted lines or other markings. (c) Parking areas shall be properly maintained in all respects.</p>	<p>The parking areas are required to be paved throughout all drive aisles and parking spaces on the site. All parking spaces are required to be delineated and striped. These requirements shall be reviewed and approved through the Special Use Permit and Civil permit.</p>	<p>Yes</p>										

Regulation	Analysis	Meets																													
<p>20.72.064 Accessible Parking Spaces. (b) The number of handicapped parking spaces to be provided in any lot or facility shall be in accordance with the current state standard and International Building Code. Accessible parking spaces are to be calculated in addition to the required off-street parking spaces required and not included in the parking calculations in Table 20.72-1.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">Table 20.72-3</th> </tr> <tr> <th rowspan="2" style="text-align: center;">Parking Facility Total</th> <th colspan="3" style="text-align: center;">Minimum Number of Accessible Spaces</th> </tr> <tr> <th style="text-align: center;">Standard</th> <th style="text-align: center;">Van</th> <th style="text-align: center;">Total</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">201-300</td> <td style="text-align: center;">5</td> <td style="text-align: center;">2</td> <td style="text-align: center;">7</td> </tr> </tbody> </table>	Table 20.72-3				Parking Facility Total	Minimum Number of Accessible Spaces			Standard	Van	Total	201-300	5	2	7	<p>The proposed project has provided eight accessible parking spaces on the site that are sized to accommodate both standard and van dimensions.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Total Standard Vehicle and ADA Parking Requirements for the Site</th> </tr> <tr> <th colspan="2" style="text-align: center;">Required</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Total Standard Vehicle</td> <td style="text-align: center;">248</td> </tr> <tr> <td style="text-align: center;">Total Required ADA Standard & Van Spaces</td> <td style="text-align: center;">7</td> </tr> <tr> <th colspan="2" style="text-align: center;">Proposed</th> </tr> <tr> <td style="text-align: center;">Total Standard Vehicle</td> <td style="text-align: center;">254</td> </tr> <tr> <td style="text-align: center;">Total ADA Standard & Van</td> <td style="text-align: center;">8</td> </tr> </tbody> </table>	Total Standard Vehicle and ADA Parking Requirements for the Site		Required		Total Standard Vehicle	248	Total Required ADA Standard & Van Spaces	7	Proposed		Total Standard Vehicle	254	Total ADA Standard & Van	8	Yes
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Chapter 20.76 AMC, Screening and Trees

<p>20.76.020 General Screening Standard. Developments shall provide sufficient screening so that:</p> <ol style="list-style-type: none"> 1. Neighboring properties are shielded from any adverse external effects of that development. 2. The development is shielded from the negative impacts of adjacent uses such as streets and railroads. 	<p>The project is in the general commercial zone and abuts two street frontages, 168th Street NE and 47th Avenue NE.</p> <p>A future commercial retail and mixed-use development is located to the east, industrial/manufacturing uses to the south, distribution/warehouse to the north and a wetland/stream to the west.</p>	Yes
<p>20.76.030 Compliance with Screening Standard. The table set forth in 20.76.050, in conjunction with the explanations in 20.76.040 concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in 20.76.020. The table uses the permissible use designation to determine the type of screening that is required between two uses.</p>	<p>The proposed project has provided a Type B landscape buffer abutting the 168th Street NE and 47th Avenue NE rights-of-way on the north and east side of the property, Type A landscape buffer of 10 feet on the south side of the property, and wetland buffer with Olympic Pipeline easement on the west side of the property.</p>	Yes

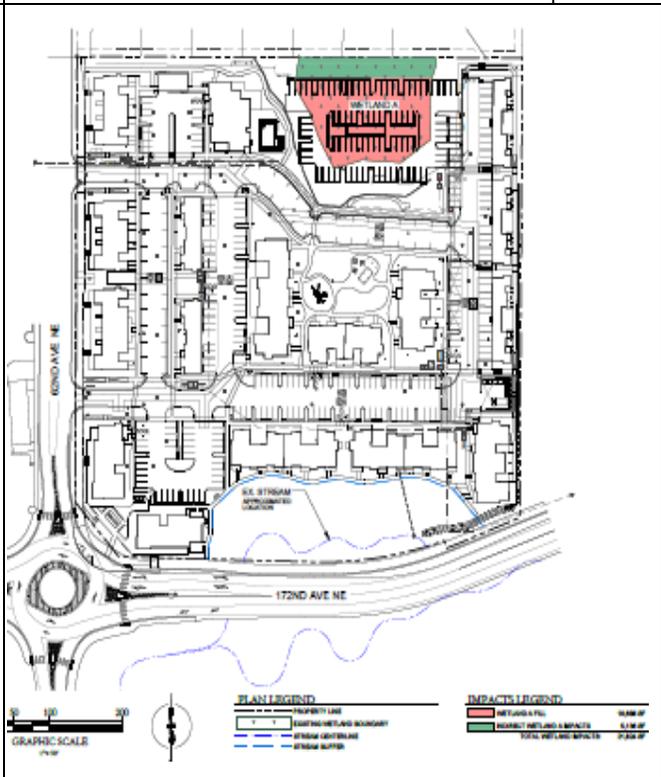
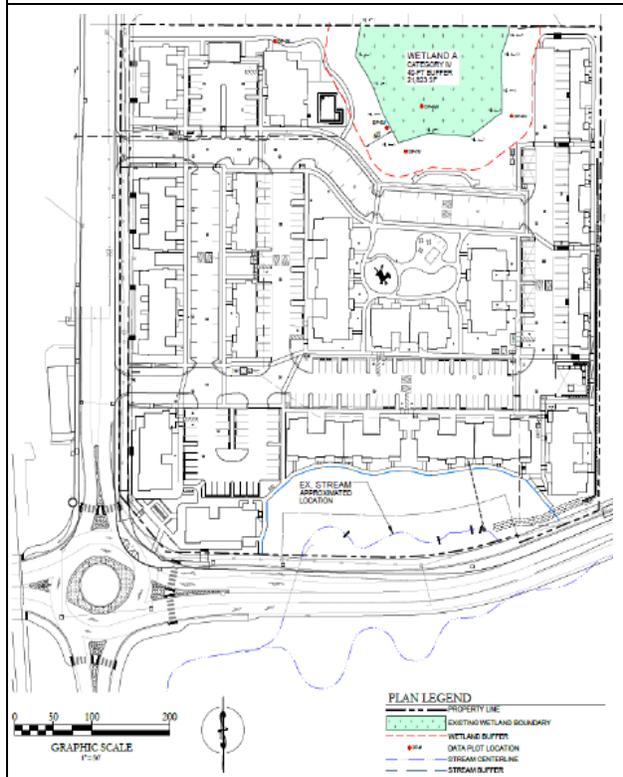
Table 20.76-1 Screening Requirements

Use	Frontage Landscaping	Side and Rear Property Lines
Industry, Manufacturing, Processing, Repairing, Renovating, Assembly of Goods, Merchandise or Equipment	Type B	Type A – All Other Neighboring Properties
Office/Retail	Type C	Type B – All Other Neighboring Properties

Regulation	Analysis	Meets
<p>20.76.110 Required Trees Along Dedicated Streets. The developer shall either plant or retain sufficient trees so that within the landscape strip there is for every 30 feet of street frontage at least an average of one deciduous tree of two inches dbh at the time of planting and with a canopy that starts at least eight feet above finished grade and has or will have when fully mature a trunk at least 8 inches in diameter. Root barriers shall be provided for all street trees and the landscape strip shall be planted per the Department of Public Works Standards and Specifications.</p>	<p>The proposed project abuts both 168th Street NE and 47th Avenue NE and street trees are shown on the site plan along each of the frontages. The street trees will be part of the Type B landscaping proposed on the site. The planting of street trees is required to follow the public works specifications and standards and will receive final approval with the Civil permit.</p>	<p>Yes</p>
<p>20.76.130 Shade Trees in Parking Areas. (a) Vehicle accommodation areas that are required to be paved must be shaded by deciduous trees that have or will have when fully mature a trunk at least 8 inches in diameter. (b) Landscaping within vehicle accommodation areas shall meet the requirements of 20.46 and the Development Design Standards. (c) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.</p>	<p>The project provides shading of the parking lot area on the site.</p> <p>The total parking area is calculated at 150,839 square feet, requiring 30,158 square feet of required shading at 20% of the total.</p> <p>The applicant has provided 38,178 square feet, which equates to 25%.</p>	<p>Yes</p>
<p>20.76.140 Maintenance of Screening and Shading Elements. All screening and shading elements required by this Chapter shall be maintained by the owner for the life of the project to the following standards: 1. All plant material shall be maintained with respect to pruning, trimming, mowing, watering, insect control, and fertilizing to maintain a healthy growing condition, create an attractive appearance, and to accomplish the purpose for which it was required. 2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months of the plants indicated on the approved landscape plans. 3. All screening and shading elements shall be maintained reasonably free of weeds and trash. 4. All screening and shading elements located within the public right-of-way shall be maintained by the abutting property owner.</p>	<p>The property owner(s) shall maintain the landscaping on the property and within the right-of-way per AMC 20.76.</p>	<p>Yes</p>

Regulation	Analysis	Meets								
Chapter 20.90 AMC, Concurrency & Impact Fees										
<p>20.90.032 Interlocal Agreements Allowed. Pursuant to state law, the council may enter into an interlocal agreement, with any jurisdiction, that requires reciprocal traffic mitigation for extraterritorial impacts to one another's transportation systems.</p> <p>1. Snohomish County ILA</p>	<p>The applicant provided a Traffic Impact Analysis prepared by Transpo Group in December 2023. The percentage of trips impacting County Streets was determined to be 70 percent. Per SCC 30.66B.330 the fee for commercial uses within the urban growth area of TSA is \$157 per average daily trip (ADT).</p> <table border="1" data-bbox="821 506 1360 611"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Percent (%)</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$157</td> <td>1,636</td> <td>70</td> <td>\$179,796.40</td> </tr> </tbody> </table> <p>The fee rate is subject to annual increases and will be based on the adopted rates at the time of building permit issuance.</p>	Traffic Fee	# Of Trips	Percent (%)	Total Amount	\$157	1,636	70	\$179,796.40	Yes
Traffic Fee	# Of Trips	Percent (%)	Total Amount							
\$157	1,636	70	\$179,796.40							
<p>20.90.040 (a) Imposition of Impact Fees on Development Activity. All development projects within the City shall be assessed a transportation impact fee, at the rate of \$3,355.00, based on peak p.m. trips, as computed in accordance with the most current edition of the Institute of Transportation Engineers Trip Generation Manual, as applied to the City's transportation element of the adopted Comprehensive Plan.</p>	<p>The applicant provided a Traffic Impact Analysis prepared by Transpo Group in December 2023. The traffic analysis concluded that the proposed use would produce 161 new PM peak-hour-trips for 131,566 square feet of Business Park uses under Land Use Code 770. The city concurs with the amount proposed for City Traffic Impact Fees as shown below.</p> <table border="1" data-bbox="821 1079 1360 1152"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>161</td> <td>\$540,155.00</td> </tr> </tbody> </table> <p>The fee rate is subject to annual increases and will be based on the adopted rates at the time of building permit issuance.</p>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	161	\$540,155.00	Yes		
Traffic Fee	# Of Trips	Total Amount								
\$3,355.00	161	\$540,155.00								
<p>20.90.045 (a) All development projects within the Cascade Industrial Center shall be assessed an additional transportation impact fee, at the rate of \$5,841.39, based on peak p.m. trips, as computed in accordance with the most current edition of the Institute of Transportation Engineers Trip Generation Manual.</p>	<p>The applicant provided a Traffic Impact Analysis prepared by Transpo Group in December 2023. The traffic analysis concluded that the proposed use would produce 161 new PM peak-hour-trips to the site.</p> <table border="1" data-bbox="821 1541 1360 1614"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$5,841.39</td> <td>161</td> <td>\$940,463.79</td> </tr> </tbody> </table> <p>The fee rate is subject to annual increases and will be based on the adopted rates at the time of building permit issuance.</p>	Traffic Fee	# Of Trips	Total Amount	\$5,841.39	161	\$940,463.79	Yes		
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\$5,841.39	161	\$940,463.79								

Regulation	Analysis	Meets
Chapter 20.93 AMC, Critical Area Ordinance		
Part I – Purpose and Intent		
<p>20.93.010 Purpose and Intent. This chapter establishes regulations for the protection of environmentally critical areas including critical areas, natural resource lands, and protective buffers.</p> <p>(1) If at all possible, avoid impacts to environmentally critical areas. If this is not practicable, then:</p> <p>(A) Minimize or limit the degree or magnitude of actions and their implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.</p> <p>(B) Mitigate any impacts by repairing, rehabilitating, or restoring the affected environment.</p> <p>(C) Reduce or eliminate any impacts over time by preservation and maintenance operations during the life of the action.</p> <p>(D) Compensate for unavoidable impacts by replacing, enhancing, or providing substitute resources or environments through monitoring of specific and cumulative impacts.</p>	<p>The site has a Type F Stream (Hayho Creek) and a Category II Wetland (Wetland F).</p> <p>The stream and wetland on the site will not be impacted by the proposed binding site plan and future development of Lot 1. Tract A shown on the site plan will be dedicated to the City of Arlington as a Natural Growth Protection Area (NGPA).</p> <p>The project proposes on-site mitigation from the Centennial Park project permitted under PLN#1076. This mitigation is for a Category IV Wetland (Wetland A – 0.872 acres) located within the northern portion of the property that was filled to increase parking for the development on this site.</p> <p>The mitigation is located within the same Quilceda Creek sub-basin and is part of the Hayho Creek wetland complex.</p>	<p>Yes</p>

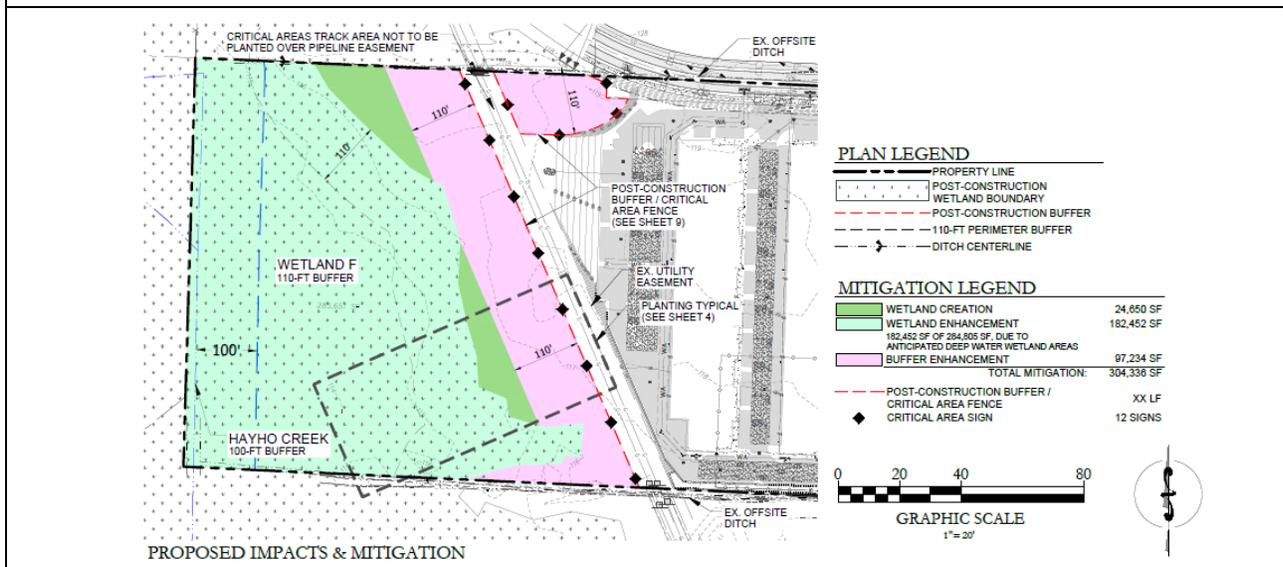
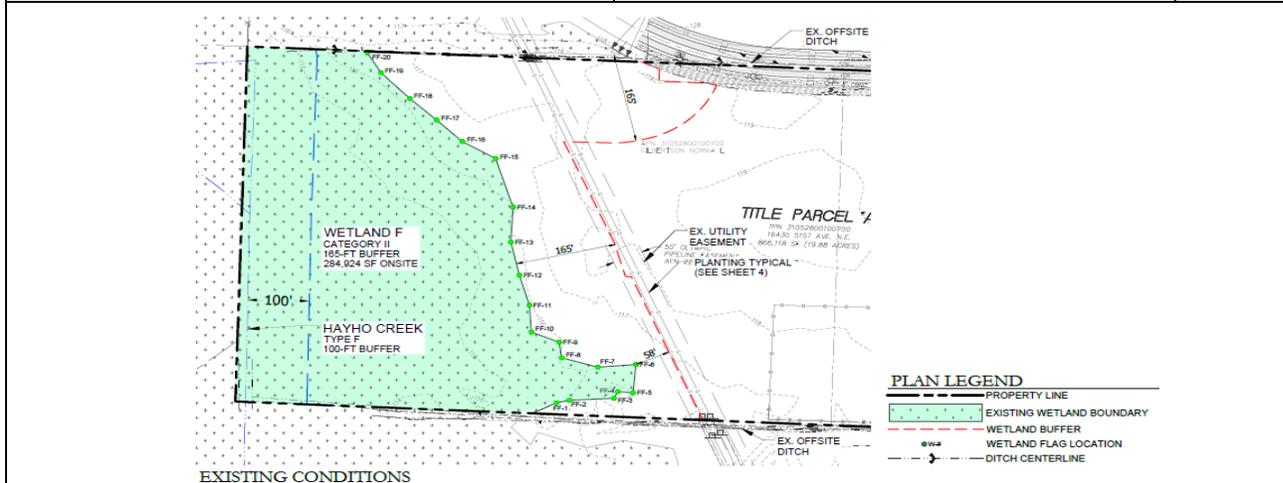


Regulation	Analysis	Meets
Part III – General Provisions		
<p>20.93.200 Applicability. This chapter applies to environmentally critical areas within the city’s jurisdiction. No action shall be taken by any person that results in any alteration of any environmentally critical area or their buffers except as consistent with the purposes, objectives, and goals of this chapter.</p>	<p>The proposed project is required to follow Part III – General Provisions, Part VI – Streams, Creeks, Rivers, Lakes, and Other Surface Waters, and Part VII – Wetlands of the Critical Area Ordinance.</p>	<p>Yes</p>
<p>20.93.220 Allowed Activities. Unless specifically prohibited elsewhere in this chapter, or unless the use affects a critical area structure, function or value, the following uses are allowed in any environmentally critical area: (8) Environmentally critical area restoration work or relocation work which would improve the function of the environmentally critical areas, when done pursuant to a plan approved by the city.</p>	<p>The proposed project protects Hayho Creek and Wetland F and required buffer widths will be established. The on-site mitigation area will have the invasive species removed, creation and enhancement of Wetland F and enhancement to the buffer areas.</p>	<p>Yes</p>
<p>20.93.230 General Provisions 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.</p>	<p>The City of Arlington concludes that the subject property contains environmentally critical areas, including the Hayho Creek Type F Stream and Wetland F a Category II Wetland. The applicant has received approval from the Department of Ecology for the mitigation on this site per previous permit applications.</p>	<p>Yes</p>
<p>20.93.290 Dedication of Environmentally Critical Area Easements. (a) In order to protect environmentally critical area easements or tracts, where proposed mitigation, shall be marked as such and dedicated to the city and recorded with Snohomish County. Appropriate demarcation methods shall be as set forth in the public works construction standards and specifications and include appropriate permanent fencing.</p>	<p>The Binding Site Plan shows Hayho Creek, Wetland F, and associated buffers contained within Tract A. Tract A is proposed to be dedicated to the City of Arlington after the mitigation on the site has been completed and inspected.</p>	<p>Yes</p>
<p>20.93.340 Building Setbacks from Buffers. A building setback of fifteen feet is required from the edge of any critical area buffer, as defined in subsequent sections of this chapter.</p>	<p>The proposed site plan layout shows a building setback of over 15 feet from all paved areas and/or buffers from the critical areas.</p>	<p>Yes</p>
<p>20.93.390 General Provisions Mitigation Plan Requirements. In the event that mitigation is required, the applicant shall be required to provide a mitigation plan for approval by the community development director. The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area.</p>	<p>The applicant has submitted a Mitigation Plan prepared by Soundview Consultants that provides the required information for construction and maintenance and monitoring of the critical areas affected by the project.</p>	<p>Yes</p>

Regulation	Analysis	Meets						
Part VI – Streams, Creeks, Rivers, Lakes, and Other Surface Water								
<p>20.93.700 Classifications. (b) “Type F Water” shall mean segments of natural waters that are not classified as Type I water and have a substantial fish, wildlife, or human use. These are segment of natural waters and periodically inundated areas of their associated wetlands,</p>	<p>The critical area report provides the analysis of determining the stream on site being classified as Type F. The report states that the stream is fish bearing but does not contain ESA-listed salmonids.</p>	<p>Yes</p>						
<p>20.93.710 Determination of Boundary. The Community and Economic Development Director, relying on delineation by a licensed engineer or other comparable expert, shall determine the boundary of the creek, stream, river, lake, or other surface water. Where there is no ravine or the bank is less than ten feet in depth, the boundary shall be contiguous with the ordinary high-water mark.</p>	<p>The critical area report provides maps of the site showing the location of the stream. The site plans for the project show the stream and buffer area within the established wetland buffer of Wetland F.</p>	<p>Yes</p>						
<p>20.93.730 Requirements. (a) To retain the natural functions of streams and stream corridors, the streamside buffers listed in Table 20.93-3: Stream Buffer Widths shall be maintained on both sides of the environmentally critical area. All existing native vegetation within these buffers shall be preserved.</p> <table border="1" data-bbox="204 1094 797 1203"> <thead> <tr> <th colspan="2">Table 20.93-3: Stream Buffer Widths</th> </tr> <tr> <th>Type</th> <th>Standard Buffer</th> </tr> </thead> <tbody> <tr> <td>F</td> <td>100 feet</td> </tr> </tbody> </table>	Table 20.93-3: Stream Buffer Widths		Type	Standard Buffer	F	100 feet	<p>The critical area report provides maps of the stream and how the 100-foot buffer is fully contained within the Category II Wetland buffer, with no proposed impacts.</p>	<p>Yes</p>
Table 20.93-3: Stream Buffer Widths								
Type	Standard Buffer							
F	100 feet							
<p>20.93.740 Mitigation. (a) In order to avoid significant environmental impacts for those activities not regulated by the Shoreline Master Program and allowed pursuant to Section 20.93.720, the applicant for a land use or development permit will select one or more of the following mitigation actions, listed in order of preference. (1) On-site environmentally critical area restoration/improvement. (2) On-site ECA/Creation. (3) On-site ECA buffer restoration. (b) All ECA restoration, creation and/or enhancement projects required pursuant to this chapter shall follow a mitigation plan prepared in conformance to the requirements of Section 20.93.390.</p>	<p>The proposed mitigation on the site is described in the Conceptual Mitigation Plan completed by Soundview Consultants in January 2024.</p> <p>There are no impacts to the stream or buffer, however mitigation will occur throughout the wetland that includes the buffer area of the stream.</p> <p>The proposed mitigation measures are shown under Part VII – Wetlands below.</p>	<p>Yes</p>						

Regulation	Analysis	Meets																												
Part VII - Wetlands																														
<p>20.93.800 Wetlands Classifications. (b)(2) Category II. Wetlands are difficult, though not impossible, to replace, and provide high levels of some functions.</p> <p>(B) Wetlands with a moderately high level of functions.</p>	<p>The proposed binding site plan shows a Category II wetland, labeled as Wetland F. The project proposes no impacts to the wetland and will be retained on the site.</p> <p>The wetland that is being mitigated on site is a Category IV Wetland, shown as Wetland A. The mitigation of this wetland on the site was approved through City of Arlington permit number PLN#1076.</p>	Yes																												
<p>20.93.810 Determination of Boundary. The Community and Economic Development Director, relying on a field investigation supplied by the applicant, and applying the wetland delineation provided in this chapter shall determine the location of the wetland boundary. Qualified professionals and technical scientists shall perform wetland delineations.</p>	<p>The critical area report provides maps of the site showing the location and conditions of the existing wetland and buffer area, along with the proposed creation and enhancement areas.</p>	Yes																												
<p>20.93.830 Buffer Requirements. (a) The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington: 2014 Update.</p> <table border="1" data-bbox="203 1171 764 1304"> <thead> <tr> <th></th> <th colspan="3">Buffer Width (in feet)</th> </tr> </thead> <tbody> <tr> <td>Wetland Category</td> <td>3-5</td> <td>6-7</td> <td>8-9</td> </tr> <tr> <td>Category II: All</td> <td>75</td> <td>110</td> <td>225</td> </tr> </tbody> </table>		Buffer Width (in feet)			Wetland Category	3-5	6-7	8-9	Category II: All	75	110	225	<p>The critical areas report provides the criteria in which the wetland was evaluated by a qualified wetland professional from Soundview Consultants.</p> <p>Wetland F: Category II Wetland is identified to have a moderate habitat score of 7 points, which requires a 110-foot buffer.</p> <p>Additional creation and enhancement to Wetland F will occur for the mitigation requirements of Wetland A from the previous permit.</p>	Yes																
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Wetland Category	3-5	6-7	8-9																											
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<p>20.93.840 Wetlands Mitigation (a) In order to avoid significant environmental impacts, the applicant for a land use or development permit shall compensate for unavoidable wetland impacts, listed in order of preference. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact.</p> <p>(1) On-site wetlands restoration/improvement in functional value of degraded on-site wetlands and/or their buffers at the ratio listed in Table 20.93-7 according to wetland type.</p> <p>(2) On-site wetlands creation – Creation of on-site wetlands and their buffers at the ratio listed in Table 20.93-7 according to wetland type.</p>	<p>The project proposes creation and enhancement to Wetland F and its associated buffer in order to mitigate for the off-site fill of a Category IV Wetland (Wetland A) under permit number PLN#1076.</p> <table border="1" data-bbox="787 1528 1349 1671"> <thead> <tr> <th colspan="3">Impacted Off-Site Wetland</th> </tr> <tr> <th>Critical Area</th> <th>Impact Type</th> <th>Impacted Area</th> </tr> </thead> <tbody> <tr> <td>Wetland A</td> <td>Direct</td> <td>0.38 Acres</td> </tr> <tr> <td>Wetland A</td> <td>Indirect</td> <td>0.12 Acres</td> </tr> </tbody> </table> <table border="1" data-bbox="787 1686 1349 1871"> <thead> <tr> <th colspan="4">Table 20.93-7</th> </tr> <tr> <th>Critical Area</th> <th>Impact Type</th> <th>Creation Ratio</th> <th>Creation Ratio Acres</th> </tr> </thead> <tbody> <tr> <td>Wetland A</td> <td>Direct</td> <td>1.5:1</td> <td>0.57</td> </tr> <tr> <td>Wetland A</td> <td>Indirect</td> <td>0.75:1*</td> <td>0.09</td> </tr> </tbody> </table> <p>*The relict channel is regulated by local and state jurisdiction and was previously approved at this rate.</p>	Impacted Off-Site Wetland			Critical Area	Impact Type	Impacted Area	Wetland A	Direct	0.38 Acres	Wetland A	Indirect	0.12 Acres	Table 20.93-7				Critical Area	Impact Type	Creation Ratio	Creation Ratio Acres	Wetland A	Direct	1.5:1	0.57	Wetland A	Indirect	0.75:1*	0.09	Yes
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Regulation	Analysis	Meets																				
<p>20.93.840 Wetlands Mitigation - Continued</p> <p>(b) All wetland restoration, creation and/or enhancement projects required pursuant to this chapter as a permit condition shall follow a mitigation plan prepared in conformance to the requirements of section 20.93.390.</p> <p>(c) Location of mitigation... alternative compensatory mitigation within the watershed sub-basin that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms, or conditions as necessary to ensure no net loss of ecological functions.</p> <p>(d) Mitigation ratios for the replacement of impacted wetlands shall be listed in Table 20.93-7.</p>	<p>Continued from previous page:</p> <table border="1" data-bbox="813 235 1349 558"> <thead> <tr> <th>Type</th> <th>Required Area (Acres)</th> <th>Proposed Area (Acres)</th> <th>Net Excess (Acres)</th> </tr> </thead> <tbody> <tr> <td>Wetland Creation (Direct / Indirect)</td> <td>0.66</td> <td>0.75</td> <td>0.09</td> </tr> <tr> <td>Wetland Enhancement</td> <td>N/A</td> <td>4.19</td> <td>4.19</td> </tr> <tr> <td>Buffer Enhancement</td> <td>N/A</td> <td>2.35</td> <td>2.35</td> </tr> <tr> <td>TOTAL</td> <td>0.66</td> <td>7.29</td> <td>6.63</td> </tr> </tbody> </table> <p>The proposed mitigation from Wetland A (off-site) exceeds the required replacement ratios for impacted wetlands as listed in Table 20.93-7.</p> <p>Once the mitigation to Wetland F (on-site) is complete the property owner is dedicating the area to the City of Arlington as a Native Growth Protection Area.</p>	Type	Required Area (Acres)	Proposed Area (Acres)	Net Excess (Acres)	Wetland Creation (Direct / Indirect)	0.66	0.75	0.09	Wetland Enhancement	N/A	4.19	4.19	Buffer Enhancement	N/A	2.35	2.35	TOTAL	0.66	7.29	6.63	<p>Yes</p>
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Regulation	Analysis	Meets
20.93.850 Monitoring. (a) For projects that include native vegetation, a detailed five-year or ten-year vegetation maintenance and monitoring program is required.	The wetland report completed by Soundview Consultants states that the mitigation area will require continued monitoring and maintenance to ensure mitigation actions are successful. Monitoring events will be scheduled in years 1, 2, 5, 7 & 10. Delineations and functional assessments will be conducted in years 5 & 10.	Yes
Chapter 20.98 AMC, State Environmental Policy Act (SEPA)		
20.98.110 (d) Environmental Checklist. For projects submitted as planned actions under WAC 197-11-164, the City shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified checklist form may be prepared and adopted along with or as part of a planned action ordinance.	The applicant provided a modified environmental checklist with the application and the city has approved the proposed project per the requirements of the checklist.	Yes
Chapter 13.28 AMC, Stormwater		
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: (3) New Development	The proposed project is subject to meeting the required stormwater regulations for the site. A Civil Permit shall be required for all site improvements. The approval of the stormwater system takes place during this review process. All stormwater systems shall comply with the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington.	Yes

III. PUBLIC COMMENTS

Public Comment	City of Arlington Response
Public comments received during the Notice of Application comment period for the Williams Investment Commercial Park Binding Site Plan, PLN #1132.	The city received comments from the following agencies. A Summary of these comments is provided below, the actual comments received are on file with the City and are available upon request.
The Stillaguamish Tribe of Indians submitted a comment requesting notification of ground disturbance on the project.	The City has added a condition on the permit requiring that the applicant provide notification of ground disturbance to the Stillaguamish Tribe of Indians.

Public Comment	Response
<p>The Washington State Department of Transportation Aviation Division (WSDOT-Aviation) submitted comments stating that the development falls within compatibility Zone 6 per the WSDOT Aviation Division <i>Airports and Land Use Compatibility Handbook</i>, where commercial development is outlined as permitted. WSDOT Aviation also refers the applicant to the FAA Obstruction Evaluation / Airspace Analysis Policy if the construction for the site requires cranes to be utilized.</p>	<p>The City has added a condition on the permit requiring that the applicant follow all requirements and guidance set forth by WSDOT Aviation and the FAA. The applicant is also required to follow all Arlington Municipal Airport regulations and has recorded an Avigation Easement.</p>
<p>The Department of Archaeology and Historic Preservation (DAHP) submitted a comment requesting an archaeological survey of the project area prior to ground disturbing activities.</p>	<p>The applicant submitted an Archaeological / Cultural Resources Survey with the submittal of their application to the city. The report covered their entire project that has individual parcels within the City of Arlington and City of Marysville.</p>
<p>The City of Marysville submitted comments regarding the traffic impact analysis regulations for the City of Marysville, along with traffic impact analysis guidelines for Marysville. The City of Marysville also requested the proposed development install contiguous frontage improvements along 47th Avenue NE between the two cities.</p>	<p>The city responded to the comment letter stating that the proposed binding site plan and future development on the site is located within the city limits of Arlington and under the Cascade Industrial Center EIS Planned Action area. The City of Arlington does not currently have a reciprocal interlocal agreement for transportation impact fees or off-site improvements with the City of Marysville.</p> <p>The contiguous frontage improvements along 47th Avenue NE between the two cities cannot be completed by this developer/property owner. The City is requiring improvements along 47th Avenue NE where the subject parcel abuts the right-of-way, however there are two other parcels that are owned by different property owners between this development and the City of Marysville. The City cannot require the applicant to construct off-site improvements that include both dedication of property and the installation of improvements.</p>

IV. CONCLUSIONS

- (a) The applicant has applied for a Zoning Permit as required under AMC 20.16.
- (b) Under AMC 20.16.220 (b), the community and economic development director shall issue the zoning permit unless he finds that after reviewing the application and consulting with the applicant as provided in section 20.16.130, that:

Regulation	Analysis	Meets
Chapter 20.16.220 (b) AMC, Zoning Permits		
(1) The requested permit is not within its jurisdiction according to the table of permissible uses.	The requested binding site plan is within the City of Arlington’s jurisdiction per the above zoning map and permissible use table.	Yes
(2) The application is incomplete.	The application for the subject binding site plan was deemed complete on September 22, 2023.	Yes
(3) If completed as proposed in the application, the development will not comply with one or more of the requirements of this title.	The proposed binding site plan complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(4) The proposed project has not complied with SEPA	The proposed project has complied with SEPA through the modified environmental checklist and complies with the regulations of the Cascade Industrial Center Planned Action EIS.	Yes
(5) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, and the Arlington Municipal Code.	The proposed binding site plan divides the property into one (1) parcel and one (1) tract, which complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

(c) Under AMC 20.16.435, the intent is to establish an alternative process by which the subdividing of commercial and industrial properties can be done, and which specifically depicts lot configurations, streets and road improvements, utilities, open space, and other provisions to ensure a uniform development.

Regulation	Analysis	Meets
Chapter 20.16.435 AMC, Major and Minor Binding Site Plans		
(a) Any person seeking a division of industrial or commercial land for the purpose of lease or sale or transfer of ownership of lots or upon which more than one principal building is to be constructed upon one lot of record is required to have an approved binding site plan prior to any division and development of property and shall be governed by the provisions of this chapter.	The proposed binding site plan has followed the regulations for the processing and has met all applicable code sections per the analysis completed within this permit decision.	Yes
(b)(1) The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance, and parking.	The binding site plan shows connectivity throughout the site from 47 th Avenue NE and 168 th Street NE to interior drive aisles and parking areas. The plan also shows open space, drainage locations, and landscaping within the complex.	Yes

Regulation	Analysis	Meets
(b)(2)(A) Identify the areas and locations of all streets, roads, improvements, utilities, open spaces, sensitive areas, parking areas, landscaped areas, surveyed topography for preliminary map, water bodies, and drainage features and building envelopes;	The binding site plan shows all proposed roads, drive aisles, parking areas, landscaping, open spaces, drainage, legal boundaries, and building footprints within the complex.	Yes
(b)(2)(B) Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the community development director or hearing examiner;	The binding site plan provides covenants, conditions, and restrictions, along with the recording number for the avigation easement.	Yes
(b)(2)(C) Contain provisions requiring any development or division of land to be in conformance with the approved site plan;	The proposed binding site plan is subject to the approved plans submitted on January 30, 2024.	Yes
(b)(2)(D) Contain requirements for street right-of-way realignment, dedication or widening either required by the city or by voluntary agreement;	The proposed binding site plan shows future dedication of right-of-way along 47 th Avenue NE and 168 th Street NE. Tract A is shown as future dedication for preservation of a Native Growth Protection Area for Hayho Creek and Wetland F – Category II Wetland.	Yes
(b)(2)(E) Adhere to all applicable provisions set forth in the land use code.	The proposed binding site plan has met all required sections of the Arlington Municipal Code per this permit decision.	
(b)(3) Both the design and development shall preserve the trees and vegetation, natural drainage, existing topsoil, and wetland/critical areas to the fullest extent that is reasonably possible.	The proposed binding site plan shows that Tract A (NGPA Tract) will be preserved and enhanced on the site. Tract A is approximately half of the underlying parcel at 9.47 acres.	Yes
(b)(4) Conditions of use, maintenance, and other restrictions on redevelopment of required open space, parking, access, and other improvements shall be identified and enforced by covenants, easements, dedications, or other similar mechanisms.	The Binding Site Plan shows easements, dedications, covenants, conditions, and restrictions for the complex, along with the restrictions of the Arlington Municipal Airport. All easements and dedications are required to be approved by the Arlington City Council prior to recording with the Snohomish County Auditor’s Office.	Yes

V. ADMINISTRATIVE DECISION

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 Williams Investment Commercial Park Binding Site Plan (PLN #1132) is hereby APPROVED, subject to the following conditions.

VI. CONDITIONS

Binding Site Plan:

1. All development shall be in substantial conformance with the approved Binding Site Plan and Supplemental Drawings and Landscape Plans received on January 30, 2024, subject to any conditions or modifications that may be required as part of the permit review.
2. The applicant shall meet all local, state, or federal code requirements.
3. The binding site plan shall comply with all permits and conditions thereof from the City of Arlington and other government agencies with jurisdiction.
4. Prior to any future development approval, the binding site plan shall be recorded with the Snohomish County Auditor's Office and shall provide the City of Arlington Community and Economic Development Department a conformed copy of the recorded Binding Site Plan within 30 days of approval.
5. Each lot created from the Binding Site Plan is required to obtain a Special Use Permit, Civil Permit, Building Permits, Utility Permits, and meet all requirements of the Arlington Municipal Code.
6. The applicant shall contact the Stillaguamish Tribe of Indians prior to any ground disturbance of the site for Tribal Monitoring.
7. The applicant is required to follow the approved Wetland Mitigation Plan submitted by Soundview Consultants, LLC.
8. The development is subject to City of Arlington impact fees at a rate of \$3,355.00 per PM Peak Hour Trip and City of Arlington Cascade Industrial Center impact fees at a rate of \$5,841.39. The following traffic impact fees are based on 161 new PM peak-hour trips as proposed in the Traffic Impact Analysis prepared by Transpo Group:
 - a. City of Arlington Traffic Impact Fees: \$540,155.00
 - b. City of Arlington Cascade Industrial Center Traffic Impact Fees: \$940,463.79These fees are payable at the levels in effect at the time of each building permit submittal and will be collected at the time of building permit issuance. If necessary, the fees can be assessed and split between the buildings at a proportionate ratio.
9. The development is subject to Snohomish County traffic impact fees at a rate of 70% of \$157 per Average Daily Trip (ADT). The following traffic impact fees are based on 1,636 ADT as proposed in the Traffic Impact Analysis prepared by Transpo Group:
 - a. Snohomish County Traffic Impact Fees: \$179,796.40.
10. The applicant may revise the binding site plan by following the procedures in Arlington Municipal Code.

Site Civil Permit:

11. The applicant is required to apply for a Civil Construction Permit and receive approval prior to any work commencing on the site.
12. The property owner, 5J Development LLC, shall obtain a Temporary Construction Easement Agreement with the property owner to the east, Arlington 51st St LLC, prior to issuance of the Civil Construction Permit for 47th Avenue improvements. This agreement shall be reciprocal, pending which property owner starts construction on 47th Avenue NE first. If Arlington 51st St LLC begins construction prior to 5J Development LLC, then 5J Development LLC shall grant the Temporary Construction Easement Agreement to Arlington 51st St LLC.
13. The applicant shall submit the final landscape plans and mitigation plans with the Site Civil Construction Permit.
14. The applicant shall submit a lighting plan with the Site Civil Construction Permit.

15. The project is subject to submit a Right-of-Way Permit for all work with public rights-of-way.
16. The project is required to meet the most current version of the Department of Ecology Stormwater Manual for Western Washington and the City of Arlington Engineering Standards for the specific details of the project.

Other:

17. All contractors working on the site are required to obtain a Washington State Business License and a City of Arlington Endorsement.
18. The project is subject to applicable water and sewer utility fees. These fees are collected at the time of building permit issuance.
19. Prior to issuance of building permits, all associated impact fees shall be paid.

VII. APPEAL

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 March 14, 2024, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 29th DAY OF February, 2024.

Marc Hayes

Marc Hayes (Feb 29, 2024 16:52 PST)

Marc Hayes, Community and Economic Development Department Director

Distributed to the Following Parties:

Carmel Gregory, Contact
Ryan Kilby, Applicant
Marty Wray, Airport Director
Katie Heim, Enterprise Data & Technology Manager