



# CITY OF ARLINGTON NOTICE OF DECISION

## Smartcap Arlington Airport Preliminary Binding Site Plan Zoning Permit Decision

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 Staff Report and Permit Decision.

**Project Name:** Smartcap Arlington Airport

**Proponent:** Smartcap Arlington Airport Industrial Park QOZB, LLC

**Project Number:** PLN#942

**Description of Proposal:** The applicant is proposing a binding site plan to divide the subject lease parcel into two separate lots. The total site consists of 16.87 acres and is located on the northwest corner of the 51st Avenue and 172nd Street intersection. The site is located on the Arlington Municipal Airport property and in the Business Park zone. The build out of the site proposes to construct two buildings on the site, one of which is already constructed. Lot A is proposed to construct a 136,705 square foot building and Lot B is proposed to construct a 168,494 square foot building.

The future development proposed on the site is required to receive separate permitting for each lot within the binding site plan. The project under review at this time is just for the binding site plan to divide the property.

**Location:** The project is located at 17212 and 17216 51<sup>st</sup> Avenue NE

**City of Arlington Decision: Approved, with Conditions**

**Notice of Decision Date: Wednesday, June 8, 2022**

**End of Appeal Period: Wednesday, June 22, 2022**

**Appeals:** 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 Wednesday, June 22, 2022, and the appeal fee as set by resolution is paid.

**Staff Contact:** Amy Rusko, Planning Manager, [arusko@arlingtonwa.gov](mailto:arusko@arlingtonwa.gov), 360-403-3550



Community and Economic Development  
Planning Division

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

**BINDING SITE PLAN  
STAFF REPORT AND PERMIT DECISION**

**GENERAL INFORMATION**

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File Number: PLN #942

Project Title: **Smartcap Arlington Airport**

Owner/Applicant: Smartcap Arlington Airport Industrial Park QOZB, LLC

Contact: Robert Shipley

Description: 2-Lot Binding Site Plan

Location: 17212 and 17216 51<sup>st</sup> Avenue NE

Tax Parcel ID: 31052100400100

Lot Size: 16.87 acres

Topographical Description: Generally Flat

Soil Type: Lynnwood Loamy Sand

Zoning Classification: Business Park

Land Use Designation: Business Park

Proposed Use Classification: 28.000 Binding Site Plan

City Approvals Required: Binding Site Plan, Site Civil Construction Permit, Special Use Permits, Building Permits, and Utility Permits

Decision Date: June 8, 2022

Decision: **APPROVED, with Conditions**

## I. NATURE OF APPLICATION

### A. Request

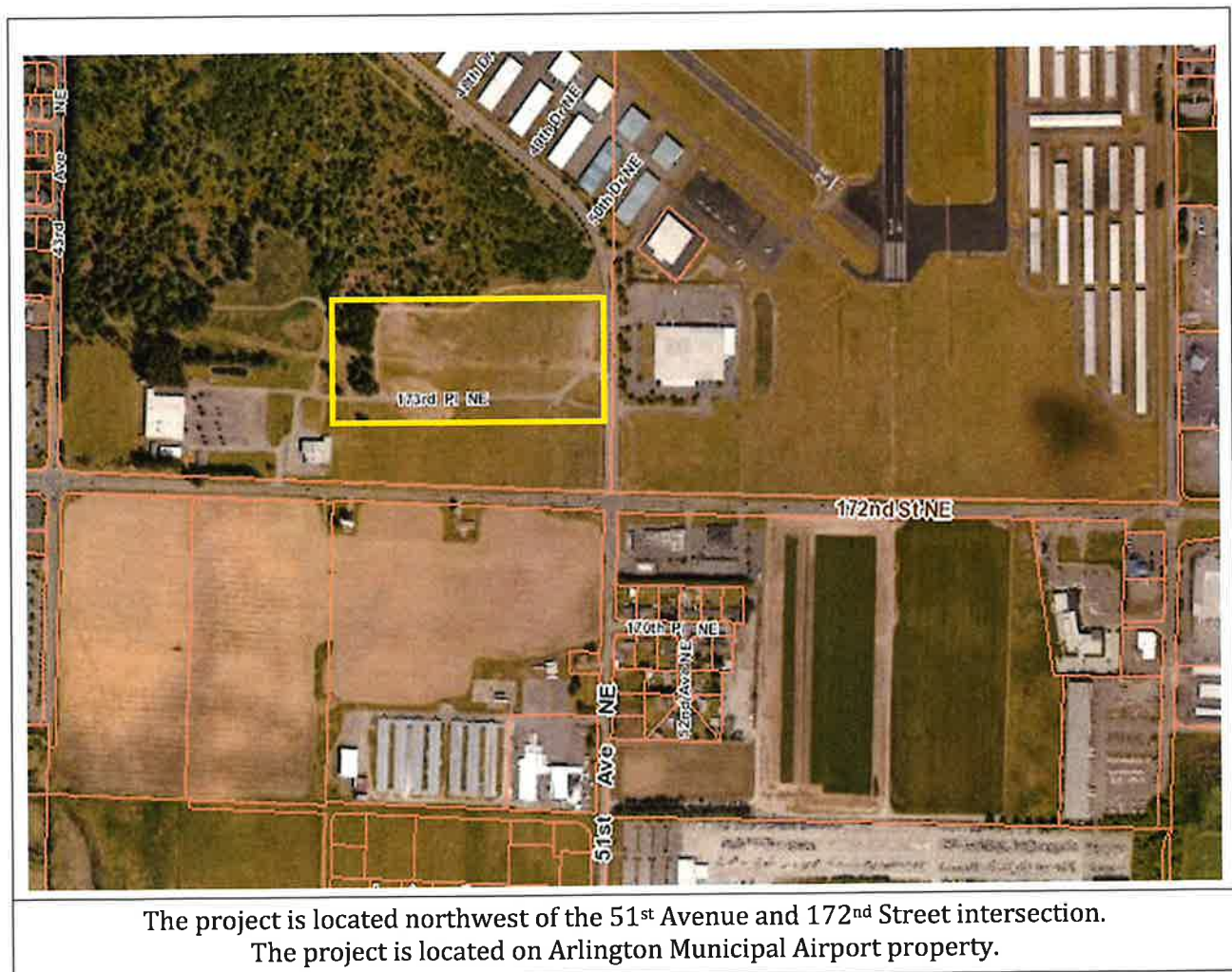
The applicant is proposing a binding site plan to divide the subject lease parcel into two separate lots. The total site consists of 16.87 acres and is located on the northwest corner of the 51st Avenue and 172nd Street intersection. The site is located on the Arlington Municipal Airport property and in the Business Park zone. The build out of the site proposes to construct two buildings on the site, one of which is already constructed. Lot A is proposed to construct a 136,705 square foot building and Lot B is proposed to construct a 168,494 square foot building.

The future development proposed on the site is required to receive separate permitting for each lot within the binding site plan. The project under review at this time is just 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 April 22, 2022. Staff routed the material to City review staff on April 25, 2022. The applicant provided revised plans on June 3, 2022. The revised plans were routed to staff.

### C. Site Location / Description



## D. Site and Adjacent Zoning / Uses

| Area         | Zoning             | Existing Use                             |
|--------------|--------------------|--|
| Subject Site | Business Park      | Vacant (one building under construction) |
| North        | Business Park      | Vacant                                   |
| South        | General Commercial | Vacant                                   |
| East         | Business Park      | Aviation Related Businesses              |
| West         | Business Park      | Vacant                                   |

## 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 |
|--|---|-------|
| <b>Chapter 20.16 AMC, Permits and Final Plat Approval</b>  |   |       |
| 20.16.010 (c) Permits Required. Physical improvements to land to be subdivided may not be commenced except in accordance with a zoning permit issued by the Community Development Director for short subdivisions. | The applicant submitted for 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 |
|---|--|-------|
| 20.16.034 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.  | The applicant, Smartcap Arlington Airport Industrial Park QOZB, LLC, has designated Robert Shipley as the official representative for the subject permit.  | Yes   |
| 20.16.070 (c) Complete Application. Within 28 days of after receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant, stating either:<br>1. That the application is complete; or,<br>2. That the application is incomplete and what is necessary to make the application complete. | The City of Arlington issued a Notice of Complete Application on April 27, 2022, which is within the 28-day timeframe.   | Yes   |
| <b>Chapter 20.36 AMC, Zoning Districts and Zoning Map</b>   |  |       |
| 20.36.020 Commercial districts established. (f) The business park (BP) zone is established to promote and accommodate office, certain manufacturing and light industrial uses, training/educational facilities, high technology research and development, and related uses in a park-like, master-planned setting.  | The proposed binding site plan depicts the property as being split into 2 lots. The lots within the binding site plan are on Arlington Municipal Airport leased land, within the Cascade Industrial Center, and zoned Business Park. The project has been planned out with the binding site plan, landscaping, and street connections. | Yes   |
| <b>Chapter 20.38 AMC, Airport Protection District</b>   |  |       |
| 20.38.080 Performance Standards and Miscellaneous Restrictions. Restrictions of the following zones are required of all development under the Airport Protection District Boundaries:<br>(a) Subdistrict A<br>(b) Subdistrict B<br>(c) Subdistrict A, B, and C<br>(d) Subdistrict A, B, C, and D  | The Binding Site Plan property is located under Subdistrict B. The applicant has a lease with the Arlington Municipal Airport in place to ensure all performance standards and restrictions are complied with on the site.<br><br>The binding site plans states the protection district.   | Yes   |
| <b>Chapter 20.40-1 AMC, Table of Permissible Uses</b>   |  |       |
| Use   | Business Park (BP)   |       |
| 28.200 Binding Site Plan  | Z  |       |
| <ul style="list-style-type: none"> <li>• Z = Zoning Permit</li> </ul>   |  |       |
| <b>Chapter 20.48 AMC, Density and Dimensional Regulations</b>   |  |       |
| 20.48.040 The project is subject to Table 20.48-1: Density and Dimensional Standards under the Light Industrial zone.   | The proposed binding site plan is within the Business Park Zone and complies with Table 20.48-1, see below.  | Yes   |

| Regulation   | Analysis   |                  | Meets |
|--|--|------------------|-------|
| <b>Table 20.48-1 Density and Dimensional Standards</b>   |  |                  |       |
|  | Lot A  | Lot B            |       |
| Minimum Lot Size: 10,000 square feet   | 355,450  | 379,365          | Yes   |
| Minimum Lot Width: 70 feet   | 317.06 & 317.25'   | 239.98 & 341.94' | Yes   |
| Arterial ROW Building Setback: 25 feet   | 97'  | 72'              | Yes   |
| Lot Line Building Setback: 5 feet  | 87'  | 69'              | Yes   |
| ECA Buffer Building Setback: 15'   | N/A  | N/A              | Yes   |
| Building Height: 50 feet   | < 50'  | < 50'            | Yes   |
| Maximum Lot Coverage: 100%   | 38%  | 44%              | Yes   |
| <p>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.</p>   | <p>The proposed binding site plan has proposed intersections with internal private roads on 51<sup>st</sup> Avenue NE, 173<sup>rd</sup> Place NE and 173<sup>rd</sup> Street NE (future street). All access points are required to meet the sight triangle requirement at the time of site development.</p>  |                  | Yes   |
| <b>Chapter 20.56 AMC, Streets and Sidewalks</b>  |  |                  |       |
| <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 Lot A and B from 51<sup>st</sup> Avenue NE, 173<sup>rd</sup> Place NE and 173<sup>rd</sup> Street NE. Proposed public improvements have been made to 51<sup>st</sup> Avenue NE and the local Airport Access Road. Completion of 173<sup>rd</sup> Street improvements are required prior to the occupancy of Building B.</p> |                  | Yes   |
| <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"> <li>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</li> <li>2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.</li> <li>3. Driveway cuts shall be limited so the narrowest width necessary to provide safe ingress and egress onto and from the property.</li> <li>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.</li> </ol> | <p>The proposed binding site plan has three (3) access points in the City of Arlington that meet the required criteria for both passenger cars and delivery trucks.</p> <p>Access drives from 51<sup>st</sup> Avenue NE, 173<sup>rd</sup> Place and 173<sup>rd</sup> Street provides for both left and right turns from the access points.</p>   |                  | Yes   |

| Regulation  | Analysis   | Meets |
|---|--|-------|
| 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.  | The property is currently developed and provides 90° intersections at all access points.   | Yes   |
| 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. | The proposed project is subject to a Site Civil permit and Right-of-Way permit. This has been added as a permit condition.   | Yes   |
| <b>Chapter 20.60 AMC, Utilities</b>   |  |       |
| 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.                       | The proposed project is required to connect to City of Arlington Sanitary Sewer. The construction of utilities will take place after Site Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications. | Yes   |
| 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.                                 | The proposed project is required to connect to City of Arlington water. The construction of utilities will take place after Site Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications.          | Yes   |
| 20.60.400 Lighting Requirements.<br>(a) All public streets, sidewalks, and other common areas or facilities shall be sufficiently illuminated to ensure security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.  | The applicant is required to submit lighting plans and details with the Site Civil permit. This has been added as a condition of the binding site plan.  | Yes   |
| (c) All entrances and exits in substantial buildings used for nonresidential purposes shall be adequately lighted to ensure the safety of persons and the security of buildings.  | The applicant is required to submit lighting plans and details with the Site Civil permit. This has been added as a condition of the binding site plan.  | Yes   |
| (d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution.  | The applicant is required to submit lighting plans and details with the Site Civil permit. This has been added as a condition of the binding site plan.  | Yes   |
| 20.60.410 Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot or public right-of-way and substantially interferes with the use or enjoyment of such other lot or public right-of-way is prohibited.  | The applicant is required to submit lighting plans and details with the Site Civil permit. This has been added as a condition of the binding site plan.  | Yes   |

| Regulation   | Analysis   | Meets                   |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
|--|--|-------------------------|--|--|--|----------|-----|------------|-----|---|------------|-----|---|--------------|------------|-----------|--|--|--|------------|
| <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 show all utilities underground on the Site Civil plans. This has been added as a condition of the binding site plan.</p>   | <p>Yes</p>              |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| <b>Chapter 20.72 AMC, Parking</b>  |  |                         |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| <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>All proposed uses shall comply with Table 20.72-1: Table of Parking Requirements.</p>   | <p>The number of parking spaces will be verified with the Special Use Permit for the individual parcel at the time of development. The uses on the property will either be Office/Manufacturing or Office/Warehouse. The parking provided on the binding site plan is sufficient for all of these uses.</p> <table border="1" data-bbox="828 829 1339 1102"> <thead> <tr> <th colspan="3">Proposed Parking Spaces</th> </tr> <tr> <th></th> <th>Vehicles</th> <th>ADA</th> </tr> </thead> <tbody> <tr> <td>Building A</td> <td>270</td> <td>7</td> </tr> <tr> <td>Building B</td> <td>276</td> <td>7</td> </tr> <tr> <td><b>Total</b></td> <td><b>546</b></td> <td><b>14</b></td> </tr> <tr> <td colspan="3"><b>Total On-Site Parking Spaces: 560</b></td> </tr> </tbody> </table> <p>Additional truck loading docks are proposed between the two buildings.</p> | Proposed Parking Spaces |  |  |  | Vehicles | ADA | Building A | 270 | 7 | Building B | 276 | 7 | <b>Total</b> | <b>546</b> | <b>14</b> | <b>Total On-Site Parking Spaces: 560</b> |  |  | <p>Yes</p> |
| Proposed Parking Spaces  |  |                         |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
|  | Vehicles   | ADA                     |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| Building A   | 270  | 7                       |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| Building B   | 276  | 7                       |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| <b>Total</b>   | <b>546</b>   | <b>14</b>               |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| <b>Total On-Site Parking Spaces: 560</b>   |  |                         |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| <b>Chapter 20.76 AMC, Screening and Trees</b>  |  |                         |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| <p>20.76.020 General Screening Standard. Every development shall provide sufficient screening so that:</p> <ol style="list-style-type: none"> <li>1. Neighboring properties are shielded from any adverse external effects of that development.</li> <li>2. The development is shielded from the negative impacts of adjacent uses such as streets and railroads.</li> </ol>                                 | <p>The project is in the Business Park zone. The site is situated between three public streets to the north, south, and east. A 200-foot Arlington Municipal Airport tree buffer is located to the west. The proposed landscape plan shows that adequate screening and street trees are provided between the proposed use and the street. A landscape berm and wall have also been proposed on the site.</p>   | <p>Yes</p>              |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |
| <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 project is in the Business Park zone. The proposed landscape plan shows that adequate screening and street trees are provided between the proposed use and the street. A landscape berm and wall have also been proposed on the site.</p>   | <p>Yes</p>              |  |  |  |          |     |            |     |   |            |     |   |              |            |           |  |  |  |            |



| 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 landscape plan shows street trees have been provided along all adjacent streets. The applicant shall provide the City of Arlington Planting Strip Behind Sidewalk Tree Detail R-270 that shows the installation of street trees with a root barrier on both sides of the root ball facing the right-of-way and sidewalk on the site civil construction plans.</p> | <p>Yes</p> |
| <p>20.76.130 Shade Trees in Parking Area. Vehicle accommodation areas that are paved are required to provide trees that shade 20 percent of the parking area.</p>  | <p>The landscape plans show the vehicle accommodation area shaded with trees planted in landscape island planting beds throughout the entire site.</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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months of the plants indicated on the approved landscape plans.</li> <li>3. All screening and shading elements shall be maintained reasonably free of weeds and trash.</li> <li>4. All screening and shading elements located within the public right-of-way shall be maintained by the abutting property owner.</li> </ol> | <p>The property owner is required to maintain the landscaping on the property and within the right-of-way per AMC 20.76. The final landscape plan shall be approved with the Site Civil Permit.</p>  | <p>Yes</p> |

| Regulation   | Analysis  | Meets        |            |              |            |     |              |  |     |              |           |    |              |     |
|--|---|--------------|------------|--------------|------------|-----|--------------|--|-----|--------------|-----------|----|--------------|-----|
| <b>Chapter 20.90 AMC, Concurrency &amp; Impact Fees</b>  |   |              |            |              |            |     |              |  |     |              |           |    |              |     |
| <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 Gibson Traffic Consultants in July 2020. The traffic analysis concluded that the proposed use would produce 120 new PM peak-hour-trips to the site, pending the end use businesses leasing spaces within the building and may be reduced or increased.</p> <p>Building A has paid for 43 PM Peak Hour Trips in the amount of \$144,265.00 with Special Use Permit PLN#737. The traffic fees and impacts will be reviewed prior to the issuance of the building permit.</p> <p>The city concurs with the amount proposed for City of Arlington Traffic Impact Fees as shown below.</p> <table border="1" data-bbox="826 884 1351 1066"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>120</td> <td>\$402,600.00</td> </tr> <tr> <td></td> <td>-43</td> <td>\$144,265.00</td> </tr> <tr> <td>Remaining</td> <td>77</td> <td>\$258,335.00</td> </tr> </tbody> </table> | Traffic Fee  | # Of Trips | Total Amount | \$3,355.00 | 120 | \$402,600.00 |  | -43 | \$144,265.00 | Remaining | 77 | \$258,335.00 | Yes |
| Traffic Fee  | # Of Trips  | Total Amount |            |              |            |     |              |  |     |              |           |    |              |     |
| \$3,355.00   | 120   | \$402,600.00 |            |              |            |     |              |  |     |              |           |    |              |     |
|  | -43   | \$144,265.00 |            |              |            |     |              |  |     |              |           |    |              |     |
| Remaining  | 77  | \$258,335.00 |            |              |            |     |              |  |     |              |           |    |              |     |
| <p>Per Ordinance 2021-002, which adopted the Planned Action for the Cascade Industrial Center, established a 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 above remaining trips have been calculated below for the Cascade Industrial Center transportation impact fee. These traffic fees are pending the end use businesses leasing spaces within the building and may be reduced or increased.</p> <table border="1" data-bbox="826 1419 1351 1505"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$5,841.39</td> <td>77</td> <td>\$449,787.03</td> </tr> </tbody> </table> <p>In-lieu of payment of the Cascade Industrial Center Transportation Impact Fees the applicant may use the amount to be paid for the completion of 43<sup>rd</sup> Avenue frontage improvements required with the proposal.</p>   | Traffic Fee  | # Of Trips | Total Amount | \$5,841.39 | 77  | \$449,787.03 |  |     |              |           |    |              |     |
| Traffic Fee  | # Of Trips  | Total Amount |            |              |            |     |              |  |     |              |           |    |              |     |
| \$5,841.39   | 77  | \$449,787.03 |            |              |            |     |              |  |     |              |           |    |              |     |

| Regulation   | Analysis  | Meets |
|--|---|-------|
| <b>Chapter 20.98 AMC, State Environmental Policy Act (SEPA)</b>  |   |       |
| Per WAC 197-11-800 Categorical Exemptions.<br>(2) Other Minor New Construction<br>(6) Land Use Decisions.<br>(d) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, and short plats or short subdivisions within the original short subdivision boundaries provided the cumulative divisions do not exceed the total lots allowed to be created under RCW 58.17.020. This exemption includes binding site plans authorized by RCW 58.17.035 up to the same number of lots allowed by the jurisdiction as a short subdivision. | The City of Arlington has determined that the proposed 2-lot binding site plan is exempt from SEPA review. The city considers the division of property of 9 lots or less a minor subdivision (short subdivision). This binding site plan complies with these regulations.<br><br>The development of each of the lots is required to complete SEPA. Lot A was reviewed and approved through Permit PLN#737. The development of Lot B shall comply with the regulations of the Cascade Industrial Center Modified SEPA Checklist. | 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: (3) New Development   | The stormwater proposed on the site shall meet the most current version of the Department of Ecology Stormwater Manual for Western Washington and the City of Arlington Public Works Standards and Specifications. All stormwater will be approved through a separate Site Civil Construction Permit.   | Yes   |

### III. CONCLUSIONS

Under AMC 20.16.100 and AMC 20.16.352, the Community Development Director shall issue the requested zoning permit for binding site plan, unless he concludes after reviewing the application that:

| Regulation   | Analysis   | Meets |
|--|--|-------|
| <b>Chapter 20.16.100 AMC, Zoning Permits</b>   |  |       |
| (a) 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   |
| (b) The application is incomplete.   | The application for the subject binding site plan was deemed complete on April 27, 2022.   | 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 binding site plan complies with all required sections of AMC Title 20 per the above staff analysis.                   | Yes   |

| Regulation  | Analysis   | Meets |
|---|--|-------|
| (d) 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 two (2) parcels, which complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.       | Yes   |
| <b>Chapter 20.16.352 AMC, Binding Site Plan Standards</b>   |  |       |
| (a) 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 between all lots through interior drive aisles, parking areas, open space, drainage, and landscaping within the complex.              | Yes   |
| (b)(1) 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) 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 project is subject to the Arlington Municipal Airport lease, and the conditions of the permit decision.  | Yes   |
| (b)(3) 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 June 3, 2022.   | Yes   |
| (b)(4) The binding site plan shall meet: 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.   | Yes   |
| (c) 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 and development of the property has met the requirements of the Arlington Municipal Code for removal and replacement of trees on the site.      | Yes   |
| (d) 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.   | Yes   |

#### IV. PUBLIC COMMENTS

| Public Comment   | Response   |
|--|--|
| Public comments received during the Notice of Application comment period for the Smartcap Arlington Airport Binding Site Plan, PLN #942. | The City received comments from the following agencies or citizens in the community:<br><br>The Stillaguamish Tribe of Indians<br><br>A summary of the comments and concerns are included below. The original comments submitted are in the official permit file and available upon request. |
| Kerry Lyste of the Stillaguamish Tribe of Indians requested notification of ground disturbance for Tribal Monitoring on the project.     | Planning Staff responded to the comment, stating that the comment would be added to the conditions of the permit decision.   |

#### 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 Smartcap Arlington Airport Binding Site Plan (PLN #942) is hereby APPROVED, subject to the following conditions.

#### VI. CONDITIONS

##### **Binding Site Plan:**

1. All development shall be in substantial conformance with the approved site plan received on June 3, 2022, 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 is subject to the Arlington Municipal Airport lease agreement.
4. The applicant may revise the binding site plan by following the procedures in Arlington Municipal Code.
5. The binding site plan shall comply with all permits and conditions thereof from the City of Arlington and other government agencies with jurisdiction.
6. Prior to any future development approval, the binding site plan shall be recorded with the Snohomish County Auditor's Office.
7. Each lot created from the Binding Site Plan is required to obtain a Special Use Permit, Site Civil Permit, Building Permit(s), Utility Permit, and meet all requirements of the Arlington Municipal Code.
8. The 173<sup>rd</sup> Street improvements shall be installed prior to receiving Certificate of Occupancy for the future building proposed on Lot B.
9. The applicant shall contact the Stillaguamish Tribe of Indians prior to any ground disturbance of the site for Tribal Monitoring.

10. Traffic trips shall be confirmed by the use of the building prior to building permit issuance and City of Arlington traffic impact fees shall be paid.
11. The traffic impact fees required by Ordinance 2021-002 for the Cascade Industrial Center may be used for the completion of the 43<sup>rd</sup> Avenue frontage improvements required with the proposal.
12. The applicant 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.

**Site Civil Permit:**

13. The applicant is required to apply for a Site Civil Construction Permit and receive approval prior to any work commencing on the site.
14. The applicant shall submit the final landscape plans and mitigation plans with the Site Civil Construction Permit.
15. The applicant shall submit a lighting plan with the Site Civil Construction Permit.
16. The project is subject to submit a Right-of-Way Permit for all work with public rights-of-way.
17. 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:**

18. All contractors working on the site are required to obtain a Washington State Business License and a City of Arlington Endorsement.
19. The project is subject to applicable water and sewer utility fees. These fees are collected at the time of building permit issuance.
20. 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 Wednesday, June 22, 2022, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 8<sup>th</sup> DAY OF JUNE, 2022



Marc Hayes, Community and Economic Development Department Director

**Distributed to the Following Parties:**

Robert Shipley  
Dave Ryan, Airport Director