



CITY OF ARLINGTON NOTICE OF DECISION

SMARTCAP Arlington Airport Industrial Park North Forest Practice Zoning Permit

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

Project Name: SMARTCAP Arlington Airport Industrial Park North Forest Practice

Proponent: SMARTCAP, Inc., Tim Shoultz

Project Number: PLN #958

Description of Proposal: The applicant is proposing a Class IV-General Conversion Timber Harvest of approximately 47.47 acres for the conversion to future industrial land uses. The Forest Practice consists of the removal of 1,377 significant trees on the site. The applicant has proposed to replant 600 trees throughout the future industrial project and is required to pay in-lieu tree mitigation fee for the remaining trees that cannot be replaced on the site.

Location: Northwest corner of the 51st Avenue and 172nd Street Intersection

Permit Decision: Approved, with Conditions

Notice of Decision Date: August 10, 2022

End of Appeal Period: August 24, 2022

Zoning Permit Expiration Date: August 10, 2024

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 August 24, 2022, and the appeal fee as set by resolution is paid.

Staff Contact: Amy Rusko, Planning Manager, arusko@arlingtonwa.gov, 360-403-3550

ZONING PERMIT

FOR

SMARTCAP Arlington Airport Industrial Park North

This certifies that the proposed
FOREST PRACTICE CLASS IV—GENERAL CONVERSION
Located Northwest of the 51st Avenue & Airport Boulevard Intersection

Meets all applicable requirements, as conditioned in the attached report, of

TITLE 20

Of the City of Arlington Municipal Code



ISSUED BY THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

August 10, 2022

ISSUANCE DATE

PLN #958

FILE No

A handwritten signature in blue ink, appearing to read "Ay Russo", is written over a horizontal line.

SIGNATURE





Community and Economic Development
Planning Division

18204 59th Avenue NE, Arlington, WA 98223

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

GENERAL INFORMATION

File Number: PLN #958

Project Title: SMARTCAP Arlington Airport Industrial Park North Forest Practice

Owner: Arlington Municipal Airport

Applicant/Contact: SMARTCAP, Inc., Tim Shoultz

Description: Land Clearing and Logging

Location: Northwest of the 51st Avenue and 172nd Street Intersection

Tax Parcel ID: 31052100400100

Lot Size: 47.47 Acres

Topographical Description: Generally flat

Zoning Classification: Business Park

Land Use Designation: Business Park

Proposed Use Classification: 32.000 Land Clearing, and Logging

City Approvals Required: Zoning Permit and Grading Permit

Date of Decision: August 10, 2022

Decision: **APPROVED, with Conditions**

I. NATURE OF APPLICATION

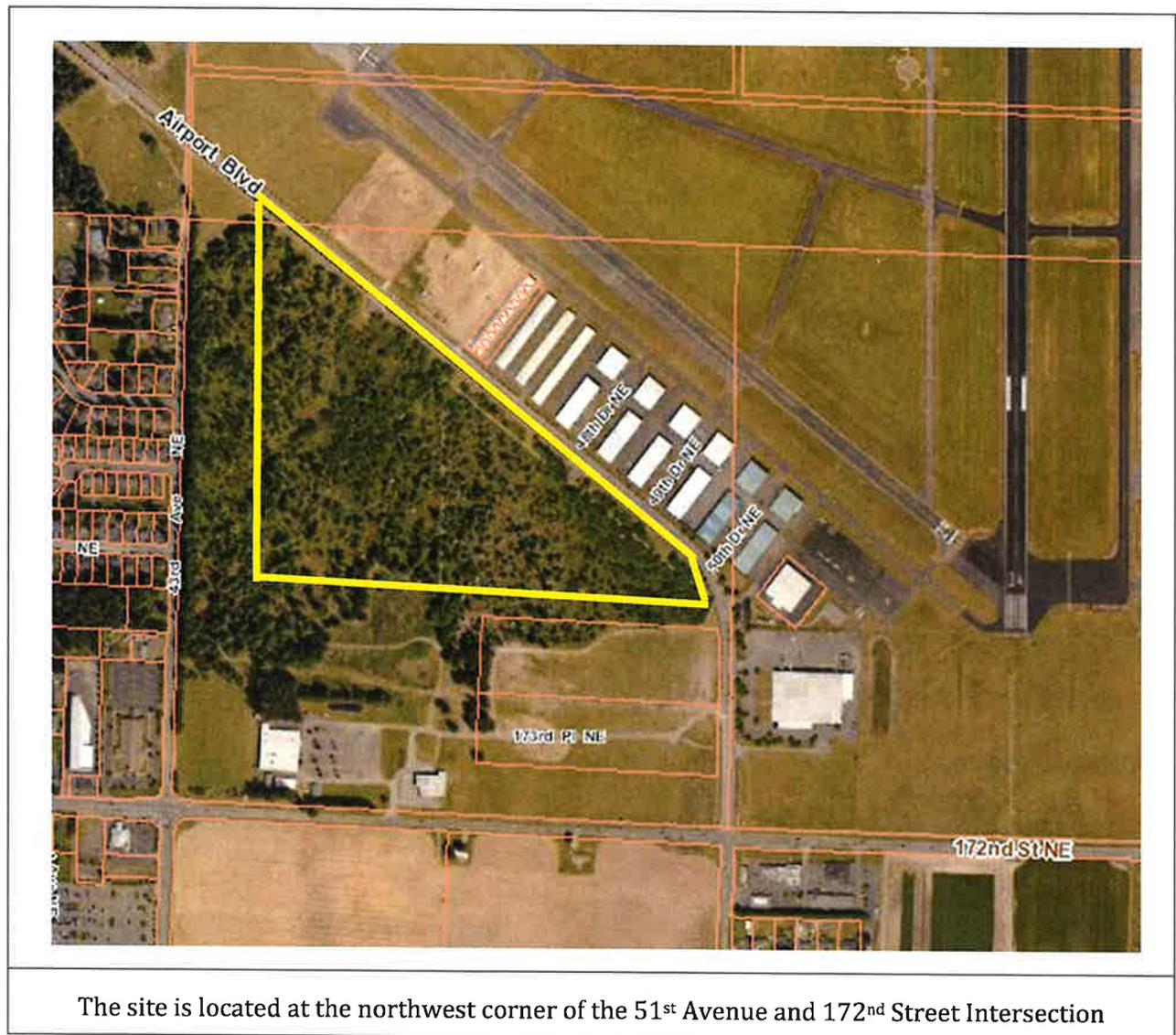
A. Request

The applicant is proposing a Class IV-General Conversion Timber Harvest of approximately 47.47 acres for the conversion to future industrial land uses. The Forest Practice consists of the removal of 1,377 significant trees on the site. The applicant has proposed to replant 600 trees throughout the future industrial project and is required to pay in-lieu tree mitigation fee for the remaining trees that cannot be replaced on the site.

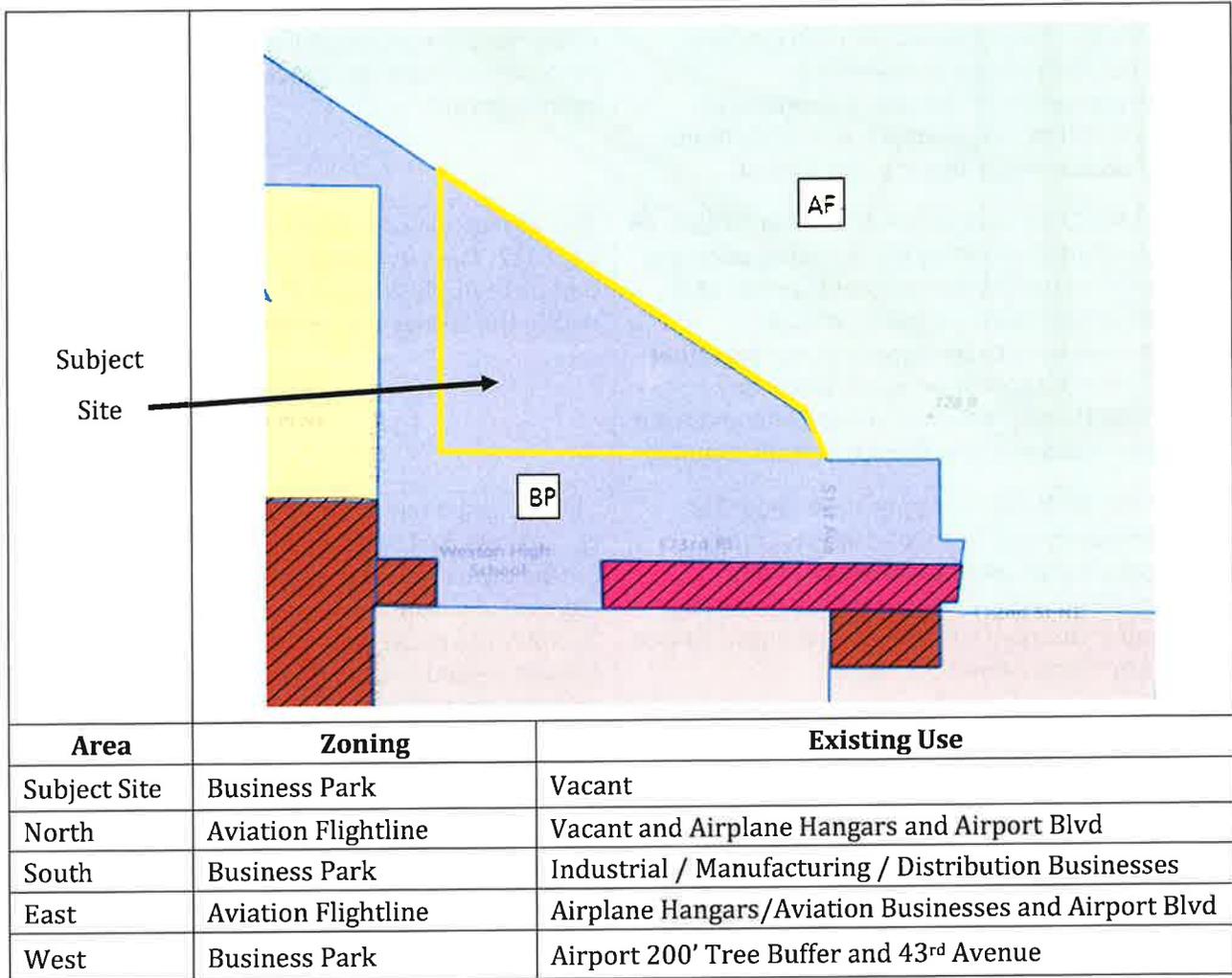
B. Project Chronology / Background

A formal application for the Zoning Permit was submitted to the Community & Economic Development Department on June 14, 2022. Staff routed the material to City review staff on June 14, 2022.

C. Site Location / Description



D. Site and Adjacent Zoning / Uses



II. PROJECT CONSISTENCY WITH TITLE 20 AMC, ZONING

A. Applicable Review Criteria and Process

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

Regulation	Analysis	Meets
Chapter 20.16 AMC, Permits and Final Plat Approval		
20.16.010 (a) Permits Required. Use made to property may not be substantially changed, and land clearing, grading, filling, or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with one of the following permits: (1) Zoning Permit	The applicant submitted for a Zoning Permit for a Forest Practice Permit. The Community Development Director is responsible for the permit decision and the decision is appealable to the Hearing Examiner.	Yes

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 owner, Tim Shoultz of SMARTCAP, designated Robert Shipley of SMARTCAP 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: 1. That the application is complete; or, 2. That the application is incomplete and what is necessary to make the application complete.	The application was submitted on June 14, 2022. The City issued a Notice of Complete Application on June 27, 2021, within the 28-day timeframe.	Yes
20.16.120 Notice of Application Filed. The Community and Economic Development Director shall give public notice of any application filed for a special use permit by issuing, distributing, and advertising a "Notice of Application Filed".	The proposed forest practice permit is required as part of the special use permit for the future use of the property. The city issued a Notice of Application on July 7, 2022. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, and mailed to all property owners within 500 feet of the property. The public comment period ran from July 7, 2022 to July 21, 2022.	
Chapter 20.36 AMC, Zoning Districts and Zoning Map		
20.36.020 Commercial Districts Established. 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 developments, and related uses in a park-like, master-planned setting. The Business Park also allows for Public/Semi-Public uses within this zone.	The subject property for the proposed forest practice permit is zoned Business Park. Land clearing and logging is a permissible use within the Business Park zone.	Yes
Chapter 20.38 AMC, Airport Protection District		
20.38.060 Airport Protection District Boundaries. (a) Airport Protection Subdistrict A (b) Airport Protection Subdistrict B (c) Airport Protection Subdistrict C (d) Airport Protection Subdistrict D	The property is located in Arlington Municipal Airport Protection District, Subdistrict B. The property is owned by the Arlington Municipal Airport and leased to the project applicant. The applicant has acquired a lease with the Arlington Municipal Airport and has met the requirements of the protection district.	Yes

Regulation										Analysis							Meets		
Chapter 20.40-1 AMC, Table of Permissible Uses																			
Use	RULC	RLC	RMod	RMC	RHC	OTR ²⁹	NC	OTBD1	OTBD2	OTBD3	GC	CC ³⁰	HC	BP	LI	GI	AF	MS	P/SP
32.000 ⁹	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z		Z ¹⁰
<ul style="list-style-type: none"> • 32.000 = Land Clearing and Logging • Z = Zoning Permit • ⁹ Subject to Section 20.44.110 																			
Chapter 20.44 AMC, Supplemental Use Regulations																			
20.44.110 (a) Subject to Section 20.44.120 (Restrictions and Requirements), no permits are required for clearing or logging involving less than ten thousand square feet of land within any twelve-month period. Nevertheless, all clearing activities must comply with all elements of this title, regardless of whether a permit is required.										The property contains 2,067, 649 square feet of land clearing and requires a permit for land clearing and logging. A Forest Practice Permit is required for the logging and a Grading Permit is required for land clearing.							Yes		
20.44.110 (b) Zoning permits are required for all clearing and logging involving one thousand square feet of property or more when not in conjunction with a land use permit.										The applicant has submitted for a zoning permit for the logging and an early grading permit for clearing. The applicant submitted a separate Special Use Permit for the proposed project.							Yes		
20.44.110 (c) The Community and Economic Development Director may temporarily suspend or revoke any permit allowing land clearing if, in his opinion, adverse weather or other conditions so warrant.										The permit shall be issued with the condition that a permit may be suspended due to adverse weather conditions.							Yes		
20.44.120 All clearing, logging, grading, filling, and excavation, regardless of whether or not a permit is required, is subject to the following restrictions and requirements:																			
(1) No clearing, logging, grading, filling, or excavation is allowed in an environmentally critical area or its buffer where Chapter 20.93 (Critical Area Ordinance) prohibits such activities.										The applicant submitted a Critical Area Determination Report that received approval from the Army Corps of Engineers and a Phase I Environmental Site Assessment. Both documents show that there no critical areas on the site. The City concurs with this assessment.							Yes		

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

Regulation	Analysis	Meets
<p>(8) Between the dates of October 1 and March 31 all open projects shall be closed up and no more than one-fourth acre of property, or fifty cubic yards of soil, whichever represents the least amount disturbance, may be cleared, moved, or graded at any one time before that portion of the project is closed up. The community and economic development director may allow grading or clearing in excess of these limits during these times if, in his opinion, the site, adjoining properties, and any environmentally critical areas can be adequately protected, an approved temporary erosion and siltation control plan is implemented and properly maintained, and the weather is favorable.</p>	<p>The proposed project is subject to these winter construction requirements and the site will be monitored by City Inspectors to determine if work can continue and at what quantities.</p>	<p>Yes</p>
<p>Chapter 20.76 AMC, Screening and Trees</p>		
<p>20.76.120 (a) Every development shall retain all existing significant trees and significant stands of trees, with a diameter at breast height (dbh) of at least eight inches for deciduous trees and at least twelve inches dbh for evergreen trees, unless the retention of such trees would unreasonably burden the development or in the opinion of the permit-issuing authority cause a significant safety problem.</p>	<p>The Forest Practice Permit proposed to remove 1,377 significant trees from the site. These trees are to be removed for future development of the site.</p>	<p>Yes</p>
<p>20.76.120 (b) No excavation or other subsurface disturbance may be undertaken within the critical root zone (CRZ) where feasible, which may extend outside of the drip line of existing tree branches, of any of the trees regulated by subsection (a), and, except for street trees, no impervious surface (including, but not limited to, paving or buildings) may be located within twelve and one-half feet (measured from the center of the trunk) of any tree eighteen inches in diameter or more unless compliance with this subsection would unreasonably burden the development. For purposes of this subsection, a drip line is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.</p>	<p>The significant trees that are proposed to remain on the site are required to provide fenced protection including the critical root zone of each tree. This is required to be in place prior to any land disturbing activities on the property.</p>	<p>Yes</p>

Regulation	Analysis	Meets																		
<p>20.76.120 (c) The retention or protection of significant trees and significant stands of trees as provided in subsections (a) and (b) unreasonably burdens a development if, to accomplish such retention or protection, the desired location of improvements on a lot or the proposed activities on a lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.</p>	<p>In order to develop the site within the Business Park zone that is intended for industrial, warehouse, distribution, manufacturing, and associated offices the removal of significant trees is necessary.</p>	<p>Yes</p>																		
<p>20.76.120 (d) When significant trees or significant stands of trees are present on a site for which a land use permit is submitted, the applicant shall provide a tree survey, showing size, type, and location of all significant trees and stands of trees. Critical root zones shall be fenced prior to construction with orange plastic mesh fencing or approved equivalent. Any significant trees removed because their retention would unreasonably burden a development shall be replaced with five-gallon-sized native species at a ratio of three to one. If the replacement trees are to be planted on building lots, the developer shall provide adequate protection from damage during construction, or planting shall occur after construction, in which case a planting plan and security shall be provided to ensure their planting.</p>	<p>The applicant has provided a tree survey of the site, calling out all trees proposed to be removed and retained on the site, along with a list of all trees to be removed depicting the size, type, and location of each tree.</p> <p>The applicant proposed to plant 600 trees on the site that will be planted during the development of the site and are subject to the regulations of 5-gallon-sized native species.</p>	<p>Yes</p>																		
<p>20.76.120 (e) If it is physically impossible to replant all replacement trees on-site, then the applicant may mitigate the loss of trees by either planting trees on public property within the city as approved by the community development director, and/or paying a mitigation fee into the city's tree mitigation in-lieu fund. This fee shall be set forth in the city's fee resolution and equal the cost of the trees and planting labor.</p>	<p>With the amount of trees being removed from the site, it is physically impossible for the applicant to replant the required replacement trees on the site and is subject to paying a city tree mitigation in-lieu fee.</p> <table border="1" data-bbox="816 1440 1349 1572"> <thead> <tr> <th>Significant Trees Removed</th> <th>Mitigation at 3:1 Ratio</th> <th>Total Trees to be Replanted</th> </tr> </thead> <tbody> <tr> <td>1,377</td> <td>X 3</td> <td>4,131</td> </tr> </tbody> </table> <table border="1" data-bbox="816 1598 1349 1745"> <thead> <tr> <th>Total Trees Required to Replant</th> <th>Proposed # of Tree Replanted</th> <th>Total # of Trees Mitigated</th> </tr> </thead> <tbody> <tr> <td>4,131</td> <td>-600</td> <td>3,531</td> </tr> </tbody> </table> <table border="1" data-bbox="816 1770 1349 1885"> <thead> <tr> <th>Total # of Trees</th> <th>Cost Per Tree</th> <th>Total Tree In-Lieu Fee</th> </tr> </thead> <tbody> <tr> <td>3,531</td> <td>X 32.50</td> <td>\$114,757.50</td> </tr> </tbody> </table>	Significant Trees Removed	Mitigation at 3:1 Ratio	Total Trees to be Replanted	1,377	X 3	4,131	Total Trees Required to Replant	Proposed # of Tree Replanted	Total # of Trees Mitigated	4,131	-600	3,531	Total # of Trees	Cost Per Tree	Total Tree In-Lieu Fee	3,531	X 32.50	\$114,757.50	<p>Yes</p>
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Regulation	Analysis	Meets
<p>20.76.120 (f) If any significant tree identified to be protected pursuant to this section is removed or damaged to the extent that its ability to survive is seriously threatened, without the city's prior written consent, the loss shall be remedied pursuant to Section 20.28.040(c) (penalties and remedies for violations), with the understanding that each tree so removed or damaged shall be counted as a separate violation.</p>	<p>The logging and clearing of the site shall be closely monitored by City Inspectors. Only the trees called out on the approved tree survey and removal plan shall be removed. Additional trees require a written request from the applicant and approval by the City. Any additional trees removed from the site are subject to additional mitigation fees and/or violation.</p>	<p>Yes</p>
<p>Chapter 20.80 AMC, Forest Land Conversion</p>		
<p>20.80.110 A permit or approval, as specified below, must be obtained:</p> <p>(1) A forest practices permit shall be obtained prior to:</p> <p>(A) Class IV general or IV special conversion forest practices</p>	<p>The applicant has submitted a Forest Practice application for a Class IV general conversion permit. The Class IV general conversion permit includes those practices, which result in the conversion of timber land to a non-forestry use.</p>	<p>Yes</p>
<p>20.80.230 Review Criteria.</p> <p>(a) Requests for all permits and approvals authorized by this chapter shall be granted only when all of the following are met:</p>		
<p>(1) The proposed activities are in compliance with applicable provisions governing forest practices contained in WAC 222-16, 222-24, and 222-30, and the forest practices board manual, unless such provisions are superseded by the provisions of this chapter.</p>	<p>The Forest Practice application has been reviewed against all sections of WAC 222-16, 222-24, and 222-30, and the forest practices manual, along with AMC Chapter 20.80. The application complies with all requirements of a Forest Practice permit.</p>	<p>Yes</p>
<p>(2) The proposed activities are in compliance with all applicable requirements of Arlington Code, including but not limited to, the critical area protection requirements of AMC Chapter 20.93 and the drainage provisions of AMC Chapter 13.28.</p>	<p>The proposed forest practice permit has met all requirements of the Arlington Municipal Code, the Critical Areas Ordinance of Chapter 20.93, and drainage requirements of Chapter 13.28. The applicant is required to obtain a Department of Ecology NPDES permit and grading permit prior to ground disturbance.</p>	<p>Yes</p>
<p>(3) All significant adverse environmental impacts resulting from the proposed activities are mitigated.</p>	<p>The proposed forest practice permit has been reviewed through the Cascade Industrial Center Planned Action EIS and the applicant is required to mitigate replacement trees that cannot be replanted on the site through the City's tree in-lieu fee outlined in the most current Fee Resolution.</p>	<p>Yes</p>

Regulation	Analysis	Meets
Chapter 20.93 AMC, Critical Area Ordinance		
20.93.230 Compliance. All land uses or development applications shall be reviewed to determine whether an environmentally critical area exists on the property for which the application is filed, what the action's impact to any existing environmentally critical area would be, and what actions are required for compliance with this chapter.	The City of Arlington concludes that the subject property does not contain environmentally critical areas and does not impact nearby critical areas.	Yes
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.	Under WAC 197-11-164 and WAC 197-11-315 the City of Arlington has adopted a modified environmental checklist through Ordinance 2021-002 for projects that are located within the Cascade Industrial Center. The applicant has provided the modified environmental checklist 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: (5) Land disturbing activities, including construction, clearing, grubbing, grading, filling, excavation, or dewatering.	The proposed project is subject to comply with Minimum Requirements #1 through #9 for the land disturbing activity and the conversion of more than 2.5 acres of native vegetation. A Grading Permit shall be required prior to ground disturbance clearing or logging of the site. Prior to issuance of the Grading Permit, construction plans shall meet the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington.	Yes

III. PUBLIC COMMENT

Comment	Response
<p>A Notice of Application for the Forest Practice Zoning Permit – PLN #958 was published, posted, and mailed to property owners within 500 feet of the subject property. This is not a requirement of a Zoning Permit and was completed as a courtesy to neighboring property owners. The Forest Practice Permit is related to a Special Use Permit – PLN #954 and was noticed at the same time.</p>	<p>The City received 16 email comments from citizens within the comment period and 3 email comments outside of the comment period.</p> <p>Below is a summary of the comments. The original comments are in the permit file and can be viewed upon request.</p>
<p>The following summary was taken from emails received from the following citizens:</p> <ul style="list-style-type: none"> • Barb Bennett • Beverly Hatfield • Aaron Hutchinson • Lizzy Schulz • Warren Carsen • Curtis Patton • Chris Bacoka • Mitch Robbins • Jennifer Case • Gabrielle Yates • Marta Estes • Shirley Case • Ruth Munizza • Genevieve Hawk • Sylvia Krause • Sharon Billdt • Michelle Dilbeck • Suzie Chandler • Randie Mayers • Courtney Dewey • Natassia Rauter • Kelsy Faux • Mikaela Robbins <p>Outside the Comment Period</p> <ul style="list-style-type: none"> • Heather Ostmann • Sharon Wagner • Tanya Nikityuk 	<p>The City responded to all citizen comments with a single letter explaining the land use of the Arlington Municipal Airport.</p> <p>Please see the below information regarding how development on the Arlington Municipal Airport is regulated.</p> <ul style="list-style-type: none"> • The Arlington Municipal Airport is governed by both the Federal Aviation Administration (FAA) and the City of Arlington. The Airport is required to meet the regulations, requirements, and procedures put forth by the FAA. The FAA has specific “Grant Assurances” that the Airport must meet and follow as part of the operational agreement for the Airport. • The FAA allows only aviation uses or approved business operations that are compatible with airports to provide efficient operations. Airport properties are subject to revenue prioritization if opportunities are presented. • Development on Airport property has been proposed in the Airport Master Plans for a minimum of 40 years. This particular area has long been slated as an industrial park or similar use since the inception of the master plan. • The airport property in this area is zoned Business Park. This type of industrial development is the expected use per the zone and the airport regulations.

Comments	Response
<ul style="list-style-type: none"> • Removing the trees will take away the public walking trails within the wooded area. • The tree removal will take away animal refuge. The habitat of deer, birds and other small animals will be destroyed. • The tree removal takes away parks and trails. • Will no longer be able to pick huckleberries or blackberries in this area. • Stop destroying our forests. • This is a treasured area that should be preserved and protected. • This will ruin the neighborhood. • The neighbors of this area want to use the wooded area and trails. • The neighbors would appreciate if no one built on this site. • The growth, traffic, lack of safety and concern for the citizens is disappointing. • The removal of the forest and development will bring in the homeless and crime. • Want to stop any construction near the airport, • Preserve the land. • Dog walkers and nature lovers use the trail around the airport, don't take this away. • The woods offer a quiet place to go • The city has traded peace and quiet for crime and traffic. • The city does not care about Smokey Point residents. 	<ul style="list-style-type: none"> • The FAA does not allow public trails on airport property. The current trails on the airport are for maintenance and the public has been allowed to use them until development of the property precludes their existence. • The maintenance trail around the perimeter will remain on the airport property. There will be connections from 43rd Avenue to Airport Boulevard and 173rd Street. • The airport has a two-hundred-foot tree buffer along 43rd Avenue (west side) of the property that will remain as a buffer between the industrial uses and the residential uses. • The permitting for these buildings and for all development on the Airport goes through a rigorous process requiring approvals from Federal, State, and City jurisdictions. • The development of this property will create several hundred jobs. While there will be the removal of some of the current trail system, the city is very proactive in requiring developers to include open space, trail, walking path and public walking paths systems in place of the removed trails. • The permissible use table of AMC 20.40 shows that the forest practice permit and the ultimate use of the property is permissible with a zoning permit and special use permit respectively, in the Business Park zone.

IV. CONCLUSIONS

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

Regulation	Analysis	Meets
(a) The requested permit is not within its jurisdiction according to the table of permissible uses.	The requested site plan review is within the City of Arlington's jurisdiction per the above zoning map and permissible use table.	Yes
(b) The application is incomplete.	The application for the subject site plan review was deemed complete on June 27, 2021	Yes
(c) If completed as proposed in the application, the development will not comply with one or more of the requirements of this title.	The proposed site plan review complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(d) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, and the Arlington Municipal Code.	The proposed site plan review complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

V. ADMINISTRATIVE DECISION

The proposed project was found to be consistent with and meets the intent of the Arlington Zoning Code, Comprehensive Plan, and the Arlington Municipal Code, therefore the Zoning Permit – Forest Practice for SMARTCAP Arlington Airport Industrial Park North (PLN #958) is hereby APPROVED, subject to the following conditions.

VI. CONDITIONS

Zoning Permit:

1. All development shall be in substantial conformance with the approved site plan received on June 14, 2022, subject to any conditions or modifications that may be required as part of the permit review.
2. The developer shall meet all local, state, or federal code requirements. Attached is a list of code requirements that are specifically called to the developer's attention. It is in no way intended to be a complete list of code requirements, but a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.
3. The development complies with the Cascade Industrial Center Planned Action Final EIS.
4. The applicant shall comply with the Unanticipated Discovery Plan on file and notify the affected Tribes, Department of Archaeological and Historic Preservation, and the City of Arlington in the event any historic or cultural artifacts are found.

5. The applicant is subject to all applicable sections of AMC 20.80 Forest Land Conversion, whether listed or not listed within this permit decision.
6. The significant trees that are proposed to remain on the site are required to provide fenced protection including the critical root zone of each tree. This is required to be in place prior to any land disturbing activities on the property.
7. The Two Hundred Foot (200) tree buffer located along the western boundary of the leased area, shall be clearly marked, and fenced off as to prevent any ground disturbing activity within the critical root zone, or inadvertent tree removal/damage from occurring prior to any activity upon the site.
8. There exists a requirement for a Seventy Foot (70) wide tree buffer between all buildings within the Business Park area, however the applicant has requested that this requirement be waived as a part of this development. The City acknowledged this request and required that the applicant construct Two (2) "pocket parks" along Airport Boulevard as mitigation for the removal of the 75-foot buffer. The pocket parks shall be fully funded and constructed by the applicant, and the design must be approved by the City of Arlington prior to issuance of the Special Use Permit.
9. The proposed project is subject to these winter construction requirements between October 1st and March 31st. The site will be monitored by City Inspectors to determine if work can continue and at what quantities.
10. The logging of the property requires the applicant to install Temporary Erosion and Sedimentation Control around the perimeter of the proposed land disturbing area. The project is subject to obtain an approved grading permit prior to land disturbing activities.
11. All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within forty-eight hours of disturbance, between October 1st and March 31st.
12. The logging and clearing of the site shall be closely monitored by City Inspectors. Only the trees called out on the approved tree survey and removal plan shall be removed. Additional trees require a written request from the applicant and approval by the City, these trees are subject to additional mitigation fees. If written consent is not given prior to removal, then violation fees shall be imposed.
13. The applicant shall remove all tree stumps and logging debris from the subject property within thirty (30) days of any clearing and grading activities.
14. The applicant shall pay tree mitigation in-lieu fees for the replacement trees that cannot be planted on the site. The proposed Forest Practice Permit shows 1,377 trees to be removed. The replacement of these trees at a 3:1 ratio equals 4,131 trees. The applicant proposes to replant 600 trees on the site, leaving 3,531 trees to be mitigated for. The amount per tree is adopted in the City's most current Fee Resolution at \$32.50 per tree. The total tree mitigation in-lieu fee is \$114,757.50. This fee is required to be paid prior to the issuance of the Grading Permit and/or 30 days from the issuance of the Forest Practice Zoning Permit, whichever occurs first.
15. The applicant plans to plant 600 trees on the site. Significant trees that are removed from a site shall be replaced with 5-gallon sized native species.

Grading Permit:

16. A Grading permit shall be applied for and approved prior to any land disturbance on the subject property.
17. The developer shall comply with AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology Stormwater Management Manual for Western Washington.

18. The applicant is required to submit an approved NPDES permit prior to the issuance of the grading permit.

Other:

19. Construction hours of operations are limited to 7:00 am to 7:00 pm Monday through Saturday. No construction activity or use of heavy equipment may occur on Sundays or holidays observed by the city.
20. All contractors working on the subject site shall obtain a City of Arlington Business License through the Washington State Department of Licensing.

VII. EXPIRATION

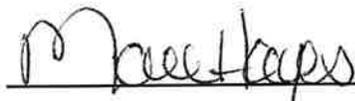
Per AMC 20.16.220, a Zoning Permit shall expire automatically if, within two (2) years after the issuance of such permits:

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

VIII. APPEAL

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 August 24, 2022, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 10th DAY OF August, 2022



Marc Hayes, Community and Economic Development Department Director

Distributed to the Following Parties:

Tim Shoultz, Owner
Marty Wray, Airport
David Ryan, Airport

ATTACHMENT B CODE REQUIREMENTS

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

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

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

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

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

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

