



CITY OF ARLINGTON NOTICE OF DECISION

Smartcap Arlington Airport Industrial Park North Site Plan Review

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

Project Name: Smartcap Arlington Airport Industrial Park North
Proponent: Smartcap Arlington Airport Industrial Park QOZB, LLC
Project Number: PLN #954

Description of Proposal: The applicant is proposing to construct five new buildings part of the Arlington Airport Industrial Park North project on 47.47 acres. The property is located on Arlington Municipal Airport leased land. The project contains Buildings 1, 2, 3, 4, and 5, two pocket parks, new street (174th Street), new sidewalks, roadway sections, and landscaping. The project has proposed phased construction on the site and is described here and shown through a map under Section I (E). Phase 1 (A) includes; Building 3 (203,922 sf and 24 ft clear height) and the east and north portion of 174th Street NE. Phase 1 (B) includes; Building 1 (262,479 sf and 36 ft clear height), Building 2 (199,419 sf and 36 ft clear height), southern Pocket Park (53,968 sf), the west portion of 174th Street NE, and the south portion of 43rd Avenue NE. Phase II includes; Building 4 (154,150 sf and 32 ft clear height), Building 5 (104,110 sf and 32 ft clear height), northern Pocket Park (42,988 sf), and the north portion of 43rd Avenue NE. These buildings will serve as office/warehouse or office/manufacturing for future tenants. The proposal includes the removal of 1,377 trees on the site through an associated Forest Practice Permit – PLN #958. The project has proposed to replant 600 trees throughout the industrial park and pay in-lieu tree mitigation fees for remaining trees that cannot be replaced on the site.

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

Permit Decision: Approved, with Conditions

Notice of Decision Date: December 15, 2022

End of Appeal Period: December 29, 2022

Special Use Permit Expiration Date: December 15, 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 December 29, 2022**, and the appeal fee as set by resolution is paid.

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



Community and Economic Development
Planning Division

18204 59th Avenue NE, Arlington, WA 98223

**SPECIAL USE PERMIT – SITE PLAN REVIEW
STAFF REPORT AND PERMIT DECISION**

GENERAL INFORMATION

File Number: PLN #954

Project Title: SMARTCAP Arlington Airport Industrial Park North

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

Contact: Tim Shultz

Description: Office/Manufacturing or Office/Warehouse

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

Tax Parcel ID: 31052100400100

Lot Size: 47.47 acres

Topographical Description: Relatively Flat

Soil Type: Lynnwood Loamy Sand, 0-3% slopes

Zoning Classification: Business Park

Land Use Designation: Business Park

Proposed Use Classification: Manufacturing, Distribution, Warehouse, and Associated Offices

City Approvals Required: Special Use Permit, Design Review Board, Civil Permit, Grading/Clearing Permit, Forest Practice Permit, Building Permits, Utility Permits

Date of Decision: December 15, 2022

Decision: **APPROVED, with Conditions**

I. NATURE OF APPLICATION

A. Request

The applicant is proposing to construct five new buildings part of the Arlington Airport Industrial Park North project on 47.47 acres. The property is located on Arlington Municipal Airport leased land. The project contains Buildings 1, 2, 3, 4, and 5, two pocket parks, new street (174th Street), new sidewalks, roadway sections, and landscaping. The project has proposed phased construction on the site and is described here and shown through a map under Section I (E). Phase 1 (A) includes; Building 3 (203,922 sf and 24 ft clear height) and the east and north portion of 174th Street NE. Phase 1 (B) includes; Building 1 (262,479 sf and 36 ft clear height), Building 2 (199,419 sf and 36 ft clear height), southern Pocket Park (53,968 sf), the west portion of 174th Street NE, and the south portion of 43rd Avenue NE. Phase II includes; Building 4 (154,150 sf and 32 ft clear height), Building 5 (104,110 sf and 32 ft clear height), northern Pocket Park (42,988 sf), and the north portion of 43rd Avenue NE. These buildings will serve as office/warehouse or office/manufacturing for future tenants. The proposal includes the removal of 1,377 trees on the site through an associated Forest Practice Permit – PLN #958. The project has proposed to replant 600 trees throughout the industrial park and pay in-lieu tree mitigation fees for remaining trees that cannot be replaced on the site.

B. Project Chronology / Background

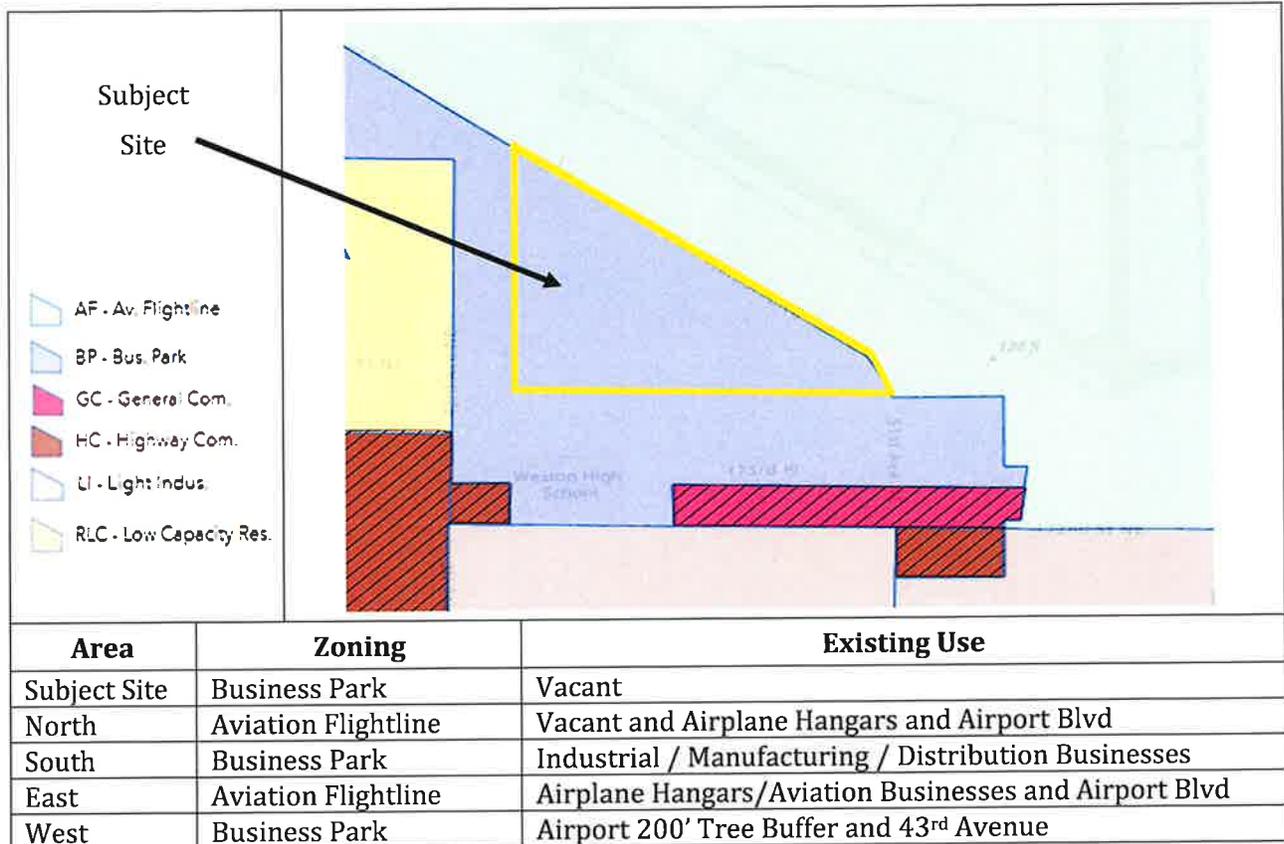
A formal application for the Special Use Permit –Site Plan Review was submitted to the Community & Economic Development Department on June 6, 2022, with revised plans submitted on September 14, 2022, November 30, 2022, and December 7, 2022. Staff routed the material to City review staff on June 6, 2022 and after each resubmittal.

C. Site Location / Description

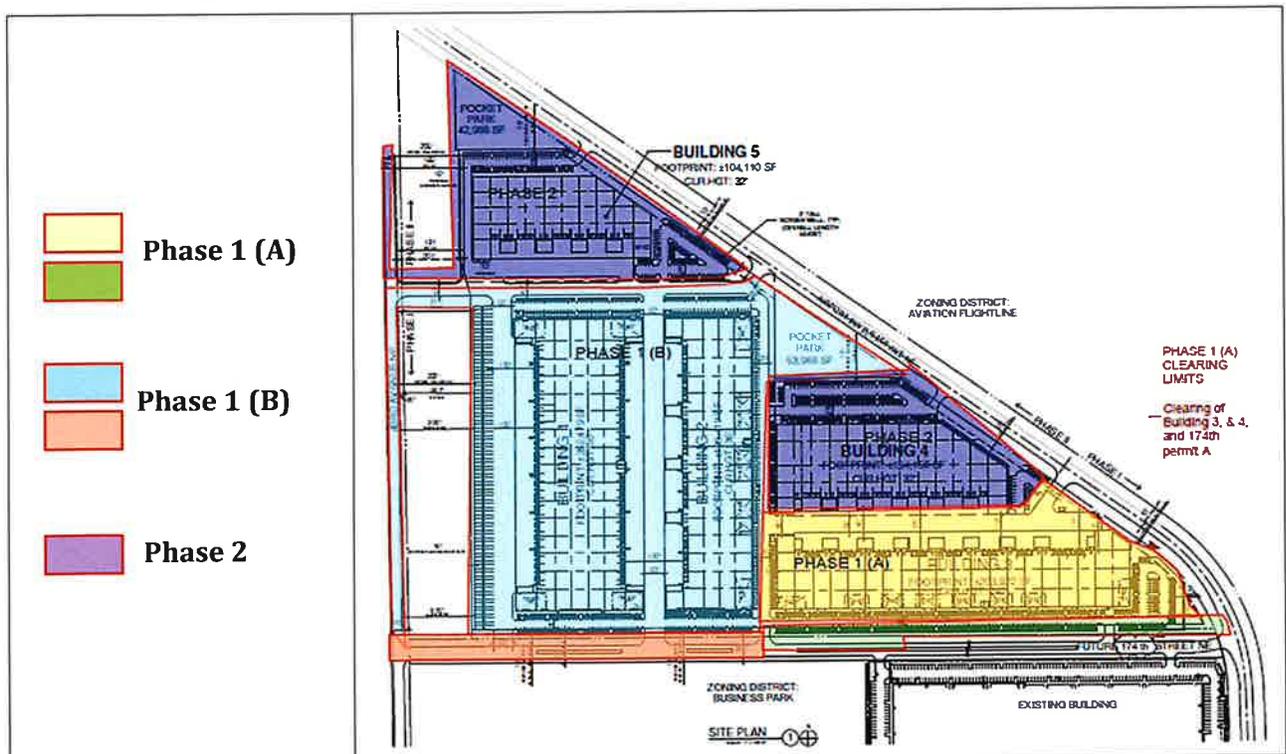


The project is located northwest of the 51st Avenue and 172nd Street intersection
The project is located on approximately 49.50 acres (2,156,056 square feet) in size.

D. Site and Adjacent Zoning / Uses



E. Site Phasing Plan



II. PROJECT CONSISTENCY WITH TITLE 20 AMC, ZONING

A. Applicable Review Criteria and Process

The Zoning Permit – Site Plan Review 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 (b) Special Use 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 for a Special Use Permit for Site Plan Review. The Community Development Director is responsible for the permit decision and the decision is appealable to the Hearing Examiner, unless a hearing is requested through the public comments period, then the Hearing Examiner makes the decision, and the decision is appealable to Snohomish County Superior Court.	Yes
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 Tim Shoultz 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.	The application was submitted on June 6, 2022. The City issued a Notice of Complete Application on June 27, 2022, 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 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 comment period ran from July 7, 2022 to July 21, 2022.	Yes
Chapter 20.36 AMC, Zoning Districts and Zoning Map		
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 subject property for the proposed special use permit is zoned Business Park.	Yes

Regulation		Analysis		Meets						
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 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.		Yes						
Chapter 20.40.150 AMC, Special Zones Permissible Use Table										
Use	BP	AF¹	MS							
Office	ZS		ZS ⁵							
Manufacturing	ZS	Z								
Distribution	ZS									
Warehouse	ZS									
<ul style="list-style-type: none"> ZS = Zoning Permit/Special Use Permit 										
Chapter 20.44 AMC, Supplemental Use Regulations										
20.44.098 (d) (1) Electric Vehicle Charging Stations – Allowed as Required Spaces. Electric vehicle charging station spaces shall be allowed to be used in the computation of the required off-street parking spaces as provided under 20.44.098(e), provided; that the electric vehicle charging station(s) is accessory to the primary use of the property.		The project is required to provide electric vehicle charging stations on the site. The charging stations will be accessory to the primary use of the property.		Yes						
20.44.098 Charging Station Spaces. (e)(1) No minimum number of charging station spaces is required, except WAC 51-50-0429 requires 10% of the parking spaces provided to be for electric vehicle charging infrastructure. (e)(2) Location and Design Criteria. The provisions of electric vehicle parking will vary based on design and use of the primary parking lot. (A) Where provided, parking for electric vehicle charging purposes is required to include the following: i. Signage ii. Maintenance iii. Accessibility iv. Lighting (B) Parking for electric vehicles should also consider the following: i. Notification ii. Directional Signage		<p>The project provides 1,070 vehicular parking spaces on the entire site (not including the 85 truck parking spaces). The required electric vehicle parking spaces on the site is 107.</p> <table border="1"> <thead> <tr> <th>Total Parking Spaces</th> <th>X 10%</th> <th>Total EV</th> </tr> </thead> <tbody> <tr> <td>1,070</td> <td>X 0.10</td> <td>107</td> </tr> </tbody> </table> <p>The electric vehicle parking spaces are required to be shown on the Civil construction plans and include the required regulations for signage, maintenance, accessibility, lighting, notification, and directional signage per AMC 20.44.098.</p>		Total Parking Spaces	X 10%	Total EV	1,070	X 0.10	107	Yes
Total Parking Spaces	X 10%	Total EV								
1,070	X 0.10	107								

Regulation	Analysis	Meets								
<p>20.44.098 (f)(1) Accessible electric vehicle charging stations are provided in the ratios shown in the following table.</p> <table border="1" data-bbox="204 302 769 453"> <thead> <tr> <th>Number of EV Charging Stations</th> <th>Minimum Accessible EV Charging Stations</th> </tr> </thead> <tbody> <tr> <td>1-50</td> <td>1</td> </tr> <tr> <td>51-100</td> <td>2</td> </tr> <tr> <td>101-150</td> <td>3</td> </tr> </tbody> </table>	Number of EV Charging Stations	Minimum Accessible EV Charging Stations	1-50	1	51-100	2	101-150	3	<p>The project is required to install 107 electric vehicle charging stations, with a minimum of 3 charging stations being accessible.</p>	<p>Yes</p>
Number of EV Charging Stations	Minimum Accessible EV Charging Stations									
1-50	1									
51-100	2									
101-150	3									
<p>Chapter 20.46 AMC, Design</p>										
<p>20.46.010 (a) Conformance with Design Standards. Structures within the following zones are subject to the relevant design standards adopted in this chapter. No building or land use permit shall be issued for structures or uses that do not conform to the applicable standards.</p> <p>(1) Zones (F) Business Park</p>	<p>The building structure proposed with this land use special use permit received Design Review Board approval on June 23, 2022, under permit number PLN#943. The applicant submitted an amendment to the Decision on November 3, 2022. The amendment does not change the overall building design. There were minor changes to the square footage to three of the buildings and items were added, such as an enlarged drive aisle, addition of awnings over dock doors, additional glazing/openings, and entry canopies added at the corners of building entries. The Amended Design Review was approved on December 15, 2022.</p>	<p>Yes</p>								
<p>Chapter 20.48 AMC, Density and Dimensional Regulations</p>										
<p>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.</p>	<p>The proposed project is within the Business Park zone and complies with the following regulations.</p>	<p>Yes</p>								
<p>Table 20.48-1 Density and Dimensional Standards</p>										
<p>Minimum Lot Size: 10,000 square feet</p>	<p>2,156,056 sf</p>	<p>Yes</p>								
<p>Minimum Lot Width: 70 feet</p>	<p>2,923.94 ft</p>	<p>Yes</p>								
<p>Arterial ROW Building Setback: 25 feet</p>	<p>25 ft</p>	<p>Yes</p>								
<p>Lot Line Building Setback: 5 feet</p>	<p>74 – 285 ft</p>	<p>Yes</p>								
<p>Building Height: 50 ft</p>	<p>24 - 36 ft</p>	<p>Yes</p>								
<p>Maximum Lot Coverage: 100%</p>	<p>45%</p>	<p>Yes</p>								

Regulation	Analysis	Meets
<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 project takes access to the site through four access points from 174th Street, four access points from Airport Boulevard/51st Avenue, and one access point from 43rd Avenue.</p> <p>The site plan shows there are no improvements that will obscure sight at any entrance or exit from the site, except for the intersection of 174th Street and 51st Avenue where an increased site distance is proposed due to the curve in Airport Boulevard. The landscaping, wall, and parking area may need to be adjusted during civil construction.</p>	<p>Yes</p>
<p>Chapter 20.56 AMC, Streets and Sidewalks</p>		
<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 project proposes vehicular, pedestrian, and bicycle access to the subject property through public street and pedestrian access from Airport Boulevard/51st Avenue, 174th Street, and 43rd Avenue.</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 site has ten access points to the property from 174th Street, Airport Boulevard/51st Avenue, and 43rd Avenue that meet the criteria for both passenger cars and delivery trucks. The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> • The proposed entrances are within the required width and provide safe access to the site. • Access drives from Airport Boulevard/ 51st Avenue NE, 174th Street, and 43rd Avenue provides for both left and right turns from the access points. • The driveway entrances are not located adjacent to each other creating a "double width" driveway. 	<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 property is currently developed and provides 90° intersections at all access points from Airport Boulevard/51st Avenue, 174th Street, and 43rd Avenue.</p>	<p>Yes</p>

Regulation	Analysis	Meets
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 Civil permit and Right-of-Way permit for all infrastructure improvements.	Yes
Chapter 20.60 AMC, Utilities		
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. (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 proposed project has provided sufficient pole lighting throughout the site that will illuminate the building and parking areas.	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 proposed project has provided adequate lighting at the building entrance and throughout the site to ensure safety.	Yes
(d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution.	The proposed project has provided low sodium or similar lamp type outdoor lighting. All lighting is required to be down shielded to prevent light pollution.	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 proposed project has provided down-shielded lighting that illuminates the site but does not shine onto neighboring properties or public rights-of-way.	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>All proposed utilities to and on the site shall be located underground. All utility lines are required to be shown on the Site Civil plans and shall be approved by the City of Arlington prior to construction activities on the site.</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>The proposed project is located within the Business Park zone and the proposed use is office/manufacturing/distribution/warehouse. All required parking spaces have been met for the uses, see table below.</p>	<p>Yes</p>																							
<p>(d) Uses in Table 20.72-1: Table of Parking Requirements are indicated by a numerical reference keyed to the Table of Permissible Uses. Office Manufacturing Distribution Warehouse Storage Facility</p>	<p>The proposed uses with this project include the following: A combination of Office, Manufacturing, Distribution and Warehouse throughout the proposed buildings. The project proposes a total of 1,160 parking spaces, including 1,075 vehicle parking spaces and 85 truck parking spaces, located over the entire site.</p>	<p>Yes</p>																							
<p>20.72.030 Parking Space Dimensions. 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 project site plan shows the parking spaces meeting the required width and length of 9 x 19.</p>	<p>Yes</p>																							
<p>20.72.040 Required Widths of Parking Area Aisles and Driveways.</p> <table border="1" data-bbox="211 1459 776 1581"> <thead> <tr> <th rowspan="2">Parking Angle</th> <th colspan="5">Aisle Width</th> </tr> <tr> <th>0°</th> <th>30°</th> <th>45°</th> <th>60°</th> <th>90°</th> </tr> </thead> <tbody> <tr> <td>One-Way Traffic</td> <td>13'</td> <td>11'</td> <td>13'</td> <td>18'</td> <td>24'</td> </tr> <tr> <td>Two-Way Traffic</td> <td>22'</td> <td>22'</td> <td>22'</td> <td>22'</td> <td>24'</td> </tr> </tbody> </table>	Parking Angle	Aisle Width					0°	30°	45°	60°	90°	One-Way Traffic	13'	11'	13'	18'	24'	Two-Way Traffic	22'	22'	22'	22'	24'	<p>The project site plan shows a two-way aisle width of 26 – 60 feet within the parking lot area, which exceeds the required 24 feet.</p>	<p>Yes</p>
Parking Angle		Aisle Width																							
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Regulation	Analysis	Meets
<p>20.72.060 Parking Area Surface.</p> <p>(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.</p> <p>(b) Parking spaces shall be appropriately demarcated with painted lines or other markings.</p> <p>(c) Parking areas shall be properly maintained in all respects.</p>	<p>The project site plan shows paving throughout all drive aisles and parking spaces on the site and the striping of all parking spaces. These requirements shall be reviewed and approved through the Civil permit.</p>	<p>Yes</p>
<p>20.72.064 Accessible Parking Spaces. All handicapped parking spaces shall meet all State and Federal Regulations. The parking spaces shall be at least 8 feet wide and shall have an adjacent access aisle at least 5 feet wide. The parking spaces shall have adjacent aisle access to the sidewalk, have required striping and provide display symbols required on the pavement and signage.</p>	<p>The project site plan shows the layout of the accessible parking spaces. The proposed spaces provide 8-foot-wide stalls with a minimum of 5 feet of adjacent striped area, along with adequate striping and signage.</p>	<p>Yes</p>
<p>20.72.110 Bicycle Parking Facilities. (b) All commercial and public uses shall provide “stalls” for bicycles at a ratio of 10% of the required automobile parking spaces required for a business or group of businesses. After twenty “stalls” have been provided by any business or group of businesses, the ratio shall be five percent of the total required automobile parking spaces.</p> <p>1,075 stalls x 10% = 108 bicycle stalls</p> <p>1,075 stalls x 5% = 54 bicycle stalls</p>	<p>The proposed site plan shows that 96 bicycle parking stalls are provided and shows the location of the bicycle racks by the office entry areas. The amount of bicycle parking stalls provided meets the requirement.</p>	<p>Yes</p>
<p>Chapter 20.76 AMC, Screening and Trees</p>		
<p>20.76.020 General Screening Standard. Every development 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 Business Park zone. To the west side of the project has a 200-foot tree buffer part of the Arlington Municipal Airport. The north, east, and south property boundaries abut public right-of-way. The site plan shows these three sides of the property provide street trees and a 3-foot screening wall shield the use from any negative impacts to adjacent properties and to the public right-of-way.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<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 200-foot tree buffer is located to the west. A 3-foot screening wall has been proposed along the north, east, and south frontages to screen the large parking areas from the public right-of-way.</p>	
<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>	Yes
<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. The total area of parking area is 153,936 and the area proposed to be shaded is 64,456, which equals 42% shading.</p>	Yes

Regulation	Analysis	Meets						
<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"> 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>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>						
<p>Chapter 20.90 AMC, Concurrency & Impact Fees</p>								
<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 Jake Traffic Engineering Inc dated August 11, 2022 and an amended Traffic Impact Analysis dated November 19, 2022. The traffic analysis concluded that the proposed use would produce 226 PM Peak Hour Trips for Phase I and 88 PM Peak Hour Trips for Phase II, for a total of 314 new PM peak-hour-trips to the site.</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="805 1524 1338 1612"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>314</td> <td>\$1,053,470.00</td> </tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	314	\$1,053,470.00	<p>Yes</p>
Traffic Fee	# Of Trips	Total Amount						
\$3,355.00	314	\$1,053,470.00						

Regulation	Analysis	Meets						
<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 applicant provided a Traffic Impact Analysis prepared by Jake Traffic Engineering Inc dated August 11, 2022. The traffic analysis concluded that the proposed use would produce 226 PM Peak Hour Trips for Phase I and 88 PM Peak Hour Trips for Phase II, for a total of 314 new PM peak-hour-trips to the site.</p> <p>The city concurs with the amount proposed for Cascade Industrial Center Traffic Impact Fees as shown below.</p> <table border="1" data-bbox="803 630 1339 703"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$5,841.39</td> <td>314</td> <td>\$1,834,196.40</td> </tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$5,841.39	314	\$1,834,196.40	<p>Yes</p>
Traffic Fee	# Of Trips	Total Amount						
\$5,841.39	314	\$1,834,196.40						
<p>Chapter 20.93 AMC, Critical Area Ordinance</p>								
<p>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.</p>	<p>The City of Arlington concludes that the subject property does not contain environmentally critical areas and does not impact nearby critical areas.</p>	<p>Yes</p>						
<p>Chapter 20.98 AMC, State Environmental Policy Act (SEPA)</p>								
<p>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.</p>	<p>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.</p> <p>The applicant has provided the modified environmental checklist and the city has approved the proposed project per the requirements of the checklist.</p>	<p>Yes</p>						
<p>Chapter 13.28 AMC, Stormwater</p>								
<p>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:</p> <p>(3) New Development</p>	<p>The proposed project is subject to meeting the required stormwater regulations for the site. The approval of the stormwater system takes place during Civil 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.</p>	<p>Yes</p>						

III. PUBLIC COMMENTS

Comment	Response
<p>A Notice of Application for the Special Use Permit – PLN #954 was combined with the Forest Practice Zoning Permit – PLN #958.</p> <p>The majority of the comments referenced the Forest Practice Permit however were comments that came from the joint public notice period and therefore included with Special Use Permit.</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 174th 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 and Economic Development Director shall issue the requested special use 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, 2022.	Yes

Regulation	Analysis	Meets
(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 Special Use Permit –Site Plan Review for Smartcap Arlington Airport Industrial Park North (PLN #954) is hereby APPROVED, subject to the following conditions.

VI. CONDITIONS

Special Use Permit:

1. All development shall be in substantial conformance with staff report and approved site plan received on December 7, 2022, subject to any conditions or modifications that may be required as part of the permit review.
2. The building shall be constructed per the elevations approved by the Design Review Board and Administratively Amended on December 15, 2022, under permit number PLN#943.
3. The development is proposed to be completed in phases. Phase 1 (A) includes; Building 3 (203,922 sf and 24 ft clear height) and the east and north portion of 174th Street NE. Phase 1 (B) includes; Building 1 (262,479 sf and 36 ft clear height), Building 2 (199,419 sf and 36 ft clear height), southern Pocket Park (53,968 sf), the west portion of 174th Street NE, and the south portion of 43rd Avenue NE. Phase II includes; Building 4 (154,150 sf and 32 ft clear height), Building 5 (104,110 sf and 32 ft clear height), northern Pocket Park (42,988 sf), and the north portion of 43rd Avenue NE. A map of the phasing is shown in Section I (E).
4. 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.
5. The development is subject to the following traffic impact fees for 314 new PM peak-hour trips as proposed in the Traffic Impact Analysis prepared by Jake Traffic Engineering, Inc:
 - o City of Arlington Traffic Impact Fees: \$1,054,098.00
 - o City of Arlington Cascade Industrial Center Traffic Impact Fees: \$1,835,290.40

These 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. The fees will be assessed and split between the buildings at a proportionate ratio.

6. The development complies with the Cascade Industrial Center Planned Action Final EIS.
7. The applicant shall notify the Stillaguamish Tribe of Indians prior to any ground disturbance on the site.
8. The property owner 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 of any historic or cultural artifacts are found.

Civil Permit:

9. A Civil construction permit shall be applied for and approved prior to any land disturbance on the subject property unless an early Grading Permit is issued.
10. In-Lieu Mitigation Fees for the Forest Practice Permit shall be paid prior to land clearing or the issuance of a Grading or Civil Permit in the amount of \$114,757.50. See Smartcap Arlington Airport North Forest Practice Permit – PLN #958 for all conditions.
11. A Right-of-Way Permit shall be required for all work within the City of Arlington right-of-way.
12. The Final Landscape Plans shall be approved with the Civil plans.
13. The Electric Vehicle Charging Station infrastructure shall be shown on the Civil construction plans and include all regulations from AMC 20.44.098 including but not limited to, signage, maintenance, accessibility, lighting, notification, and directional signage requirements.
14. Prior to any construction activities, the applicant shall file and receive approval of civil construction plans, which comply with all requirements of the Arlington Municipal Code, International Building Code(s), International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
15. 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.
16. The Applicant shall connect to City of Arlington water and sanitary sewer. All proposed improvements shall be shown and approved on the Civil Plans.
17. The Applicant shall construct all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled “Public Works Construction Standards and Specification.” Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.
18. The construction of the north and east portion of 174th Street NE is required to be completed with Phase 1 (A) of the proposed project.
19. The construction of the west portion of 174th Street NE and the south portion of 43rd Avenue NE is required to be completed with Phase 1 (B) of the proposed project.
20. The construction of the north portion of 43rd Avenue NE is required to be completed with Phase 2 of the proposed project.
21. The construction of the south pocket park is required to be completed with Phase 1 (B) of the proposed project.
22. The construction of the north pocket park is required to be completed with Phase 2 of the proposed project.

Building:

23. A building permit application shall be reviewed and approved prior to building construction on the site.
24. All building permits shall meet the most current edition of the International Building Code.
25. The proposed development is subject to a water and sanitary sewer utility application and payment of applicable utility connection charges. All fees shall be paid at the time of building permit issuance.
26. The Certificate of Occupancy issuance for the buildings is contingent on the completion of the required Civil Permit improvements per the above phasing schedule.

Other:

27. 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.
28. 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 Special Use 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 December 29, 2022, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 15th DAY OF DECEMBER, 2022

Marc Hayes

Marc Hayes, Community and Economic Development Department Director

Distributed to the Following Parties:

Tim Shoultz, Owner/Applicant
Marc Hayes, CED Director
Dave Ryan, Airport Director

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.)