



CITY OF ARLINGTON NOTICE OF DECISION

Smokey Point Community Park

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

Project Name: Smokey Point Community Park

Proponent: City of Arlington

Project Number: PLN #1108

Description of Proposal: The City of Arlington is constructing the Smokey Point Community Park as a public park on city property in the Smokey Point neighborhood that incorporates the history of Smokey Point in its design elements. The park is proposed to be constructed in two phases, from west to east. The park site provides a focal point for the neighborhood, centrally located alongside Smokey Point Boulevard, with easy accessibility to recreational opportunities, a venue for live entertainment to occur, and most importantly a place to build social capital within the Smokey Point neighborhood. The park consists of a formal park area with hardscaping, passive park area with open space, exercise track and covered performance stage, and an inclusive playground area with diverse features to accommodate a broad age range. Amenities of the park include public parking along 178th Street NE, one precast restroom facilities, covered picnic shelter, site landscaping, irrigation, security cameras, lighting, benches, outdoor furniture, lawn areas, picnic tables, access road, , frontage improvements, sidewalks, and playground equipment. The project also includes the installation of water, sanitary sewer, stormwater, electrical, and communications/connectivity provided on the site.

Location: 17903 Smokey Point Boulevard

Permit Decision: Approved, with Conditions

Notice of Decision Date: November 22, 2023

End of Appeal Period: December 6, 2023

Appeals: This decision may be appealed pursuant to AMC 20.20.010, which provides for a hearing of the Permit Decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on Wednesday, December 6, 2023, 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

ZONING PERMIT – SITE PLAN REVIEW STAFF REPORT AND PERMIT DECISION

GENERAL INFORMATION

File Number:	PLN #1108
Project Title:	Smokey Point Community Park
Owner/Applicant:	City of Arlington
Contact:	Marc Hayes
Description:	Site Plan Review
Location:	17903 Smokey Point Boulevard
Tax Parcel ID:	31052100302300
Lot Size:	2.23 acres
Topographical Description:	Generally flat with 0-3% slope
Zoning Classification:	Public/Semi-Public
Land Use Designation:	Public/Semi-Public
Proposed Use:	Community Park
City Approvals Required:	Zoning Permit, Civil Permit and Building Permit
Date of Decision:	November 22, 2023
Decision:	APPROVED, with Conditions

I. NATURE OF APPLICATION

A. Request

The City of Arlington is constructing the Smokey Point Community Park as a public park on city property in the Smokey Point neighborhood that incorporates the history of Smokey Point in its design elements. The park is proposed to be constructed in two phases, from west to east. The park site provides a focal point for the neighborhood, centrally located alongside Smokey Point Boulevard, with easy accessibility to recreational opportunities, a venue for live entertainment to occur, and most importantly a place to build social capital within the Smokey Point neighborhood. The park consists of a formal park area with hardscaping, passive park area with open space, exercise track and covered performance stage, and an inclusive playground area with diverse features to accommodate a broad age range. Amenities of the park include public parking along 178th Street NE, one precast restroom facilities, covered picnic shelter, site landscaping, irrigation, security cameras, lighting, benches, outdoor furniture, lawn areas, picnic tables, access road, , frontage improvements, sidewalks, and playground equipment. The project also includes the installation of water, sanitary sewer, stormwater, electrical, and communications/connectivity provided on the site.

B. Project Chronology / Background

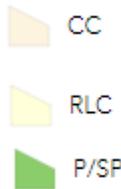
A formal application for the Zoning Permit – Site Plan Review was submitted to the Community & Economic Development Department on August 28, 2023. Staff determined the application complete on August 30, 2023.

C. Site Location / Description



The project is located at 17903 Smokey Point Blvd
The project is located on one parcel and is approximately 2.23 acres in size.

D. Site and Adjacent Zoning / Uses

<p>Subject Site</p> 		
Area	Zoning	Existing Use
Subject Site	Public/Semi Public	Community Park
North	Commercial Corridor	Single-Family Residential Detached
South	Commercial Corridor	Religious Assembly
East	Residential Low Capacity	Single-Family Residential Detached
West	Commercial Corridor	Single-Family Residential Detached

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		
20.16.100 (b) Zoning permits are issued under this title only when a review of the application submitted, including plans contained therein, indicates that the development will comply with the provisions of this title if completed as proposed. All development shall occur strictly in accordance with such approved plans and applications.	The applicant submitted a Zoning Permit for Site Plan Review. The Community Development Director is responsible for the permit decision and the decision is appealable to the Hearing Examiner.	Yes
20.16.120 Official Representative of the Applicant. The applicant for each land use permit shall designate an official representative, which may be himself, to receive all correspondence, determinations, and notices regarding the application.	The owner, City of Arlington, has designated Community and Economic Development Director Marc Hayes, as the official representative for the subject permit.	Yes

Regulation	Analysis	Meets														
<p>20.16.140 Submittal of Application. (a) To minimize development planning costs, avoid misunderstanding or misinterpretations, and ensure compliance with the requirements of this title, a submittal intake appointment is required between the developer and the Community Development staff as provided in this section.</p>	<p>The project applicant scheduled a submittal intake appointment with the Community and Economic Development Department and submitted the application on August 28, 2023.</p>	<p>Yes</p>														
<p>20.16.150 Vesting of Permits. (1) Land use permit applications shall be considered vested on the date that an application is deemed complete pursuant to 20.16.205 and applications shall be processed under the land use regulations in effect on that date. However, subsequent permits on the same property are not vested on this date. (2) Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.</p>	<p>The proposed application for Smokey Point Community Park site plan review vested on August 30, 2023 with the issuance of the complete application.</p>	<p>Yes</p>														
<p>20.16.200 Applications to Be Complete. (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.</p>	<p>The applicant submitted a complete application for the Smokey Point Community Park zoning permit.</p>	<p>Yes</p>														
<p>20.16.205 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.</p>	<p>The application was submitted August 28, 2023. The City issued a Notice of Complete Application on August 30, 2023, within the 28-day timeframe.</p>	<p>Yes</p>														
<p>20.16.270 Time Limitations for Permit Processing. (a) The City shall issue its notice of final decision on a permit application within 120 days after the Community and Economic Development Director notifies the applicant that the application is complete, as provided in 20.16.205. In determining the number of days that have elapsed, the following periods shall be excluded: (1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.</p>	<p>The proposed zoning permit was reviewed and issued within the 120 day timeframe per the following dates:</p> <table border="1" data-bbox="821 1560 1300 1871"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Date of Application</td> <td>8-28-2023</td> </tr> <tr> <td>Notice of Complete Application</td> <td>8-30-2023</td> </tr> <tr> <td>1st Review Comments</td> <td>9-28-2023</td> </tr> <tr> <td>Resubmittal</td> <td>10-06-2023</td> </tr> <tr> <td>Resubmittal</td> <td>10-26-2023</td> </tr> <tr> <td>Permit Decision</td> <td>11-22-2023</td> </tr> </tbody> </table>	Action	Date	Date of Application	8-28-2023	Notice of Complete Application	8-30-2023	1 st Review Comments	9-28-2023	Resubmittal	10-06-2023	Resubmittal	10-26-2023	Permit Decision	11-22-2023	<p>Yes</p>
Action	Date															
Date of Application	8-28-2023															
Notice of Complete Application	8-30-2023															
1 st Review Comments	9-28-2023															
Resubmittal	10-06-2023															
Resubmittal	10-26-2023															
Permit Decision	11-22-2023															

Regulation	Analysis	Meets						
Chapter 20.36 AMC, Zoning Districts and Zoning Map								
<p>20.36.040 Public/Semi-Public District Established.</p> <p>A Public/Semi-Public (P/SP) district is hereby established to accommodate public and semipublic uses, such as schools, government services and facilities, public utilities, community facilities, parks, etc. on publicly owned land.</p>	<p>The subject property is zoned Public/Semi-Public. The proposed project will create a community park on publicly owned land.</p>	<p>Yes</p>						
Chapter 20.38 AMC, Airport Protection District								
<p>20.38.060 Airport Protection District Boundaries.</p> <p>(a) Airport Protection Subdistrict A (b) Airport Protection Subdistrict B (c) Airport Protection Subdistrict C (d) Airport Protection Subdistrict D</p>	<p>The property is located under Subdistrict B and C. The property is owned by the City of Arlington. All aviation easement requirements will be met.</p>	<p>Yes</p>						
Chapter 20.40.160 AMC, Public/Semi-Public Zone Permissible Use Table								
<p>Use</p>	<p>Zone: P/SP</p>							
<p>Outdoor Recreation: Parks</p>	<p>Permit Type: ZS</p>							
Chapter 20.44 AMC, Supplemental Uses								
<p>20.44.098 Charging Station Spaces.</p> <p>(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.</p> <p>(e)(2) Location and Design Criteria. The provisions of electric vehicle parking will vary based on the design and use of the primary parking lot.</p> <p>(A) Where provided, parking for electric vehicle charging purposes is required to include the following:</p> <ol style="list-style-type: none"> i. Signage ii. Maintenance iii. Accessibility iv. Lighting <p>(B) Parking for electric vehicles should also consider the following:</p> <ol style="list-style-type: none"> i. Notification ii. Directional Signage 	<p>The project provides 40 vehicular parking spaces on the entire site. The required electric vehicle parking spaces on the site is 4.</p> <table border="1" data-bbox="813 1171 1334 1251"> <thead> <tr> <th>Total Parking Spaces</th> <th>X 10%</th> <th>Total EV</th> </tr> </thead> <tbody> <tr> <td>40</td> <td>X 0.10</td> <td>4</td> </tr> </tbody> </table> <p>The electric vehicle parking spaces are required to be EV ready for future installation. They are not required to be fully constructed at this time.</p> <p>The electric vehicle parking spaces are required to include the required regulations for signage, maintenance, accessibility, lighting, notification, and directional signage per AMC 20.44.098 at time of installation.</p>	Total Parking Spaces	X 10%	Total EV	40	X 0.10	4	<p>Yes</p>
Total Parking Spaces	X 10%	Total EV						
40	X 0.10	4						

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="203 306 786 426"> <thead> <tr> <th data-bbox="203 306 493 380">Number of EV Charging Stations</th> <th data-bbox="493 306 786 380">Minimum Accessible EV Charging Station</th> </tr> </thead> <tbody> <tr> <td data-bbox="203 380 493 426">1-50</td> <td data-bbox="493 380 786 426">1</td> </tr> </tbody> </table>	Number of EV Charging Stations	Minimum Accessible EV Charging Station	1-50	1	<p>The project is required to provide 4 electric vehicle charging stations in the future, with a minimum of 1 charging stations being accessible.</p>	<p>Yes</p>
Number of EV Charging Stations	Minimum Accessible EV Charging Station					
1-50	1					
<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 (Q) Public/Semi Public</p>	<p>The proposed park project meets the design elements for the proposed structures, fencing, and landscaping onsite.</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 Commercial zone.</p>	<p>The proposed project is within the Public/Semi Public zone and complies with the following regulations.</p> <p>In the Public/Semi Public zone the density and dimensional regulations follow the same as the predominately surrounding zone. In this case the predominate zone is Commercial Corridor.</p> <p>The proposed community park structures are not located near property lines and there are no residential units proposed on the site.</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 proposed site has two main access points to the property, one along Smokey Point Boulevard and one along 178th Place NE. A future road and parking area is proposed on the east side of the property which would allow for additional access. These access points provide public means of ingress and egress for emergency vehicles, passenger vehicles, pedestrian, and bicycle transportation.</p>	<p>Yes</p>				

Regulation	Analysis	Meets
<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 project provides access to the site from Smokey Point Boulevard and 178th Place NE to the community park through on street parking spaces.</p> <p>The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> • The proposed access is to the park entrances provide safe access to the site and do not impede vehicle or pedestrian travel. • Access to the site does not interfere with the flow of traffic on Smokey Point Boulevard or 178th Place NE. • There are no driveways proposed on the site. 	Yes
<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 proposed project provides 90° street intersection at Smokey Point Boulevard and 178th Place NE.</p>	Yes
<p>20.56.130 Construction Standards and Specifications. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the “Public Works Construction Standards and Specifications,” and all such facilities shall be completed in accordance with these standards.</p>	<p>The proposed project is subject to a civil construction permit and shall comply with the public works construction standards and specifications.</p>	Yes
Chapter 20.60 AMC, Utilities		
<p>20.60.100 Sewage Disposal Facilities Required. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project shall connect to the City of Marysville Sanitary Sewer. The construction of utilities will take place after Civil Permit approval.</p>	Yes
<p>20.60.300 Water Supply System Required. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project shall connect to the City of Marysville water. The construction of utilities will take place after Civil Permit approval.</p>	Yes

Regulation	Analysis	Meets
<p>20.60.400 Lighting Requirements.</p> <p>(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.</p> <p>(d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution.</p>	<p>The proposed project provides adequate lighting throughout the site and parking areas. Street lighting is proposed in the parking lot area along 178th Place NE that will keep the parking lot and right of way area safe for pedestrians and vehicles. The lighting will be LED and will be down shielded to prevent light pollution.</p>	<p>Yes</p>
<p>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.</p>	<p>Any new lighting on the site is required to be down-shielded lighting so that it illuminates the site but does not shine onto neighboring properties or public rights-of-way.</p>	<p>Yes</p>
<p>20.60.450 Underground Utilities. All existing, extended, new electrical power lines, telephone, gas distribution, cable television, and other communication and utility lines shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the Public Works Construction Standards and Specifications.</p>	<p>All proposed utilities on the site shall be located underground.</p>	<p>Yes</p>
Chapter 20.72 AMC, Parking		
<p>20.72.010 Number of Parking Spaces Required.</p> <p>(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 Public/Semi Public zone. There are no set code regulations for the number of parking spaces that are required for a community park that does not provide an enclosed structure. The park provides 38 standard parking stalls and 2 ADA parking stalls along 178th Place NE. There will also be 3 parking stalls located along Smokey Point Boulevard with the future Smokey Point Boulevard project.</p>	<p>Yes</p>
<p>20.72.030 Parking Space Dimensions.</p> <p>(a) Except accessible parking spaces, each parking space shall contain a rectangular area of at least 19 feet long and 9 feet wide.</p>	<p>The proposed site plans show that the parking spaces areas are 9 feet wide by 19 feet long, meeting the dimension regulations.</p>	<p>Yes</p>

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 proposed project has shown asphalt for the parking areas on the site. All parking spaces are painted with lines and other required markings.</p>	<p>Yes</p>																													
<p>20.72.064 Accessible Parking Spaces.</p> <p>(b) The number of handicapped parking spaces to be provided in any lot or facility shall be in accordance with the current state standard and International Building Code. Accessible parking spaces are to be calculated in addition to the required off-street parking spaces required and not included in the parking calculations in Table 20.72-1.</p> <table border="1" data-bbox="203 1003 799 1150"> <caption>Table 20.72-3</caption> <thead> <tr> <th rowspan="2">Parking Facility Total</th> <th colspan="3">Minimum Number of Accessible Spaces</th> </tr> <tr> <th>Standard</th> <th>Van</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>26-50</td> <td>1</td> <td>1</td> <td>2</td> </tr> </tbody> </table>	Parking Facility Total	Minimum Number of Accessible Spaces			Standard	Van	Total	26-50	1	1	2	<p>The proposed project has provided three accessible parking spaces on the site that are sized to accommodate both standard and van dimensions.</p> <table border="1" data-bbox="824 842 1297 1144"> <thead> <tr> <th colspan="2">Total Standard Vehicle and ADA Parking Requirements for the Site</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;">Required</td> </tr> <tr> <td>Total Standard Vehicle</td> <td>38</td> </tr> <tr> <td>Total ADA Standard & Van</td> <td>2</td> </tr> <tr> <td>Total Required On Site</td> <td>40</td> </tr> <tr> <td colspan="2" style="text-align: center;">Proposed</td> </tr> <tr> <td>Total Standard Vehicle</td> <td>38</td> </tr> <tr> <td>Total ADA Standard & Van</td> <td>2</td> </tr> <tr> <td>Total Proposed On Site</td> <td>40</td> </tr> </tbody> </table>	Total Standard Vehicle and ADA Parking Requirements for the Site		Required		Total Standard Vehicle	38	Total ADA Standard & Van	2	Total Required On Site	40	Proposed		Total Standard Vehicle	38	Total ADA Standard & Van	2	Total Proposed On Site	40	<p>Yes</p>
Parking Facility Total		Minimum Number of Accessible Spaces																													
	Standard	Van	Total																												
26-50	1	1	2																												
Total Standard Vehicle and ADA Parking Requirements for the Site																															
Required																															
Total Standard Vehicle	38																														
Total ADA Standard & Van	2																														
Total Required On Site	40																														
Proposed																															
Total Standard Vehicle	38																														
Total ADA Standard & Van	2																														
Total Proposed On Site	40																														
<p>20.72.110 Bicycle Parking Facilities.</p> <p>(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>20 stalls x 10% = 2 bicycle stalls 20 stalls x 5% = 1 bicycle stalls</p>	<p>The proposed site plan shows that 6 bicycle parking stalls are provided and shows the location of the bicycle racks by the plaza areas. The amount of bicycle parking stalls provided meets the requirements.</p>	<p>Yes</p>																													
Chapter 20.76 AMC, Screening and Trees																															
<p>20.76.020 General Screening Standard. Developments shall provide sufficient screening so that:</p> <ol style="list-style-type: none"> 1. Neighboring properties are shielded from any adverse external effects of that development. 2. The development is shielded from the negative impacts of adjacent uses such as streets and railroads. 	<p>The project is in the public / semi public zone. there will be intermittent landscaping along the street frontages of Smokey Point Boulevard and 176th Place NE and a 6 foot fence with landscaping installed on the portions of the park that border existing single family residences.</p>	<p>Yes</p>																													

Regulation		Analysis	Meets
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.		The proposed project has provided Type C landscape buffer along the west and south property lines facing the street frontages and Type A landscape buffer along the north and east property lines facing neighboring single family residences. The approved landscape plan shows the project has met the landscaping required for this use and site.	Yes
Table 20.76-1 Screening Requirements			
Use	Frontage Landscaping	Side and Rear Property Lines	
Outdoor Recreation: Parks	Type C	Type A – All Neighboring Residential	
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.		The proposed park project provides trees along both Smokey Point Boulevard and 178 th Place NE, between the street parking. The trees will be planted per the Public Works Standards and Specifications.	Yes
20.76.130 Shade Trees in Parking Areas. (a) Vehicle accommodation areas that are required to be paved must be shaded by deciduous trees that have or will have when fully mature a trunk at least 8 inches in diameter. (b) Landscaping within vehicle accommodation areas shall meet the requirements of 20.46 and the Development Design Standards. (c) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.		The project provides shading of the parking lot area on the site. The total parking area has 40 parking stalls. Shading covers 12 parking spaces for approximately 30% shading.	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, which is the City of Arlington, shall maintain the landscaping on the property with regularly scheduled park maintenance.</p>	<p>Yes</p>
Chapter 20.98 AMC, State Environmental Policy Act (SEPA)		
<p>20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination.</p>	<p>The applicant provided an environmental checklist with the application. The City of Arlington was determined to be the lead agency. A Determination of Non-Significance was issued for the proposal on August 30, 2023. The comment period for the DNS was from September 1, 2023 to September 15, 2023.</p>	<p>Yes</p>
Chapter 13.28 AMC, Stormwater		
<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. A Civil Permit shall be required for stormwater improvements. The approval of the stormwater system takes place during this review process. All stormwater systems shall comply with the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington.</p>	<p>Yes</p>

III. PUBLIC COMMENTS

Public Comment	Response
Public comments received during the SEPA Determination of Non Significance comment period for the Smokey Point Community Park project, PLN#1108.	<p>The City received comments from the following agencies or citizens in the community:</p> <ul style="list-style-type: none"> • Tulalip Tribe • WSDOT Transportation Division • WSDOT Aviation Division • Tom Hannah • Rayna Allinger
Tulalip Tribe responded to the notice without providing comments.	No action required.
WSDOT Transportation Division responded to the notice with “no comments”.	No action required.
WSDOT Aviation Division responded to the notice with no project comments other than that no tree or structure should exceed 48 feet above ground level, otherwise notification of the FAA is required due to the proximity of Arlington Airport.	The City has not proposed any structures or trees on the site that would be over 48 feet.
<p>Tom Hannah made contact via phone calls. He lives at 3615 177th Place NE. He is the Smokey Point Church unofficial monitor and there has been a lot of trouble in the church parking lot, his property, and neighboring properties. He has witnessed shootings, drug use, vagrancy, and teens parking in the church parking lot. He has been broken into and robbed multiple times over the past 20 years. He sees the park as adding to this activity and does not want the use of his backyard disrupted. He stated that the park will be eye level when standing on his deck or in his backyard. He is requesting that the city replace his broken wood fence with a new 8-foot wood fence next to the church parking lot (his backyard). He has gate access from the church parking lot for his RV and wants the gate to be replaced as well.</p>	<p>The park property is located approximately 185 feet from Mr. Hannah’s backyard fence. Mr. Hannah’s residence is located south of the park, across 178th Place NE and on the south side of the Smokey Point Church’s back parking lot area. The park does not border Mr. Hannah’s property.</p> <p>There is no nexus between the construction of a park and Mr. Hannah’s property that would enable the City to provide a new fence on his or his neighbor’s property. The properties in this area all currently have fences, though some are in disrepair.</p> <p>It appears that the gap in the tree line along the north side of Mr. Hannah’s property was made to provide vehicular access to his backyard. The Arlington Municipal Code does not allow for more than one access point to a single family residence.</p> <p>If Mr. Hannah would like to repair his fence he can do so without a permit if the fence is 7 feet or less in height. A fence over 7 feet requires a building permit.</p>

Public Comment	Response
<p>Rayna Allinger provided general comments regarding the proposed park. She lives at the end of 178th Place.</p> <ul style="list-style-type: none"> • Has the city considered if the internet for the park space is copper line or fiber? She would like to request that the city consider the cost-benefit ratio for installing a fiber line at the park that could be extended into her neighborhood and/or new businesses. • She and her neighbors are extremely leery of the project and are concerned that this park will become a new homeless encampment. Is the city taking action to address this issue? Will the bathrooms be locked after midnight? • Is the city considering planting native plants as part of the landscaping? This would be helpful to reduce water costs. Is the city considering a natural filter for the water runoff? Having a water garden where the water drains? • Will there be an option for additional restrooms aside from the one cast since the playground is in phase two? • Will the cul-de-sac be closed off from the park or will the road be continuous? For access issues via car. • What type of lighting is being considered? She would like something LED that doesn't have as much environmental effect. 	<p>The following address Ms. Allinger's comments:</p> <ul style="list-style-type: none"> • The project is utilizing existing Comcast connections for all communication that is located on the park site. The City is installing a communications vault and conduit for future fiber to the park. • The City is aware of homelessness that occurs in certain areas throughout the entire city. The restrooms will have automatic door locks. • Most of the trees, shrubs, and grass on the site are native to the Pacific Northwest. Stormwater (water run off) will be infiltrated on the site through French drains or be captured in catch basins and then piped to Bioretention areas (rain gardens). • The restrooms are proposed to be installed with Phase 1 and are centrally located between the future playground area and the lawn area. • 176th Place NE and the surrounding neighborhood streets are all public roadways. Those streets are required to stay open for public access and use. No streets will be closed off to the public. • The lighting will be LED and downshielded on the site. This is a requirement of the Arlington Municipal Code.

IV. CONCLUSIONS

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

Regulation	Analysis	Meets
Chapter 20.16.225(b)		
(1) 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

Regulation	Analysis	Meets
(2) The application is incomplete.	The application for the subject site plan review was deemed complete on August 30, 2023.	Yes
(3) If completed as proposed in the application, the development will not comply with one or more of the requirements of this title.	The proposed site plan review complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(4) The proposed project has not complied with SEPA	The proposed project has complied with SEPA through the submittal of a SEPA Checklist and the DNS that was issued on August 30, 2023.	Yes
(5) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, and the Arlington Municipal Code, or other adopted plans, regulations, or policies.	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 – Site Plan Review for the Smokey Point Community Park (PLN #1108) 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 October 26, 2023 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 applicant shall comply with all permits and conditions thereof from the City of Arlington and other government agencies with jurisdiction.
4. The new structures and trees planted on the site shall not exceed 48 feet in height.

Site Civil Permit:

5. A Site Civil construction permit shall be applied for and approved prior to any land disturbance on the subject property.

6. Prior to any construction activities, the applicant shall file and receive approval of site 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.
7. 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.
8. 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.

Building:

9. A building permit application shall be reviewed and approved prior to building construction on the site.
10. All building permits shall meet the most current edition of the International Building Code.
11. The project is subject to applicable water and sewer utility fees to the City of Marysville. These fees are collected at the time of installation.

Other:

12. 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.
13. 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 ten (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 6, 2023, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 22nd DAY OF November, 2023



Marc Hayes, Community and Economic Development Department 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 implemented 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.)