



CITY OF ARLINGTON NOTICE OF DECISION

Brown Bear Carwash – Zoning Permit

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

Project Name: Brown Bear Carwash

Proponent: Barghausen Consulting Engineers Inc, Glenna Mahar

Project Number: PLN #1077

Description of Proposal: The project calls for the construction of a Brown Bear Car Wash consisting of a 3,913-square-foot conveyor wash building, and an 85.33- by 30.71-foot Auto Sentry canopy structure for unattended, point-of-sale transactions. Additional site improvements will include surface parking for twelve (12) vehicles with eleven (11) vacuum stations. A pedestrian plaza space is proposed along the street frontage of the site that will include two (2) structural arbors with benches.

The hours of operation for the car wash will be from 8:00 a.m. to 8:00 p.m. during summer hours and 8:00 a.m. to 7:00 p.m. during winter hours. The car wash will be a drive-through conveyor operation, and an attendant will be on site. The average wash cycle for the car wash is approximately one and one half (1.5) minutes, with the dryers operating for the last thirty (30) seconds of the cycle.

The project proposes to retain the existing driveway at the northeast corner of the property for full access onto 43rd Avenue NE. This driveway is shared with the Heritage Bank development to the north. Additional cross-access with the Heritage Bank development will accommodate shared access from 172nd Street N.E. Cross-access with the Walmart development to the south is also available from the southwest corner of the subject property. The car wash tunnel will be accessed by entering the Auto Sentry on the northeastern side of the car wash. The Auto Sentry will provide two (2) multimedia payment terminals that feature an intuitive user interface designed to create a better customer experience through the transaction process. Eighteen (18) vehicles can be accommodated at this subject site, and well exceeds the observed queuing at the other similar facilities, with no risk of off-site overflow.

The car wash building will feature concrete walls with blue metal fascia and stone veneer along the foundation of the building. A tower element with a sheet metal pitched roof will be incorporated on the north side of the building with windows. Portions of the flat roof will be treated with a cornice across all sides of the building. The west façade of the building will incorporate window glazing with direct views into the car wash tunnel. The primary colors of the car wash building and canopy will include blue, white, and green striping, consistent with Brown Bear's signature accent colors. The Auto Sentry canopy will consist of metal fascia that is compatible with the architectural concept of the car wash building.

Location: 17110 43rd Avenue NE, Arlington, WA 98223

Permit Decision: Approved, with Conditions

Notice of Decision Date: December 18, 2023

End of Appeal Period: January 2, 2024

Zoning Permit Expiration Date: December 18, 2025

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 January 2, 2024, and the appeal fee as set by resolution is paid.

Staff Contact: Amy Rusko, Planning Manager, arusko@arlingtonwa.gov



**ZONING PERMIT – SITE PLAN REVIEW
STAFF REPORT AND PERMIT DECISION**

GENERAL INFORMATION

File Number: PLN #1077

Project Title: Brown Bear Carwash

Owner: Car Wash Enterprises, Inc

Applicant/Contact: Barghausen Consulting Engineers Inc, Glenna Mahar

Description: Site Plan Review

Location: Southwest of the 43rd Avenue and 172nd Street Intersection

Address: 17110 43rd Avenue NE

Tax Parcel ID: 31052800207700

Lot Size: 0.6 acres/ 25,800 sf

Topographical Description: Generally flat

Zoning Classification: Highway Commercial / Mixed-Use Overlay

Land Use Designation: Highway Commercial / Mixed-Use Overlay

Proposed Use Classification: Car Wash and Auto Sentry Canopy

City Approvals Required: Zoning Permit, Design Review, Civil Permit, Building Permits

Date of Decision: December 18, 2023

Decision: **APPROVED, with Conditions**

I. NATURE OF APPLICATION

A. Request

The project calls for the construction of a Brown Bear Car Wash consisting of a 3,913-square-foot conveyor wash building, and an 85.33- by 30.71-foot Auto Sentry canopy structure for unattended, point-of-sale transactions. Additional site improvements will include surface parking for twelve (12) vehicles with eleven (11) vacuum stations. A pedestrian plaza space is proposed along the street frontage of the site that will include two (2) structural arbors with benches.

The hours of operation for the car wash will be from 8:00 a.m. to 8:00 p.m. during summer hours and 8:00 a.m. to 7:00 p.m. during winter hours. The car wash will be a drive-through conveyor operation, and an attendant will be on site. The average wash cycle for the car wash is approximately one and one half (1.5) minutes, with the dryers operating for the last thirty (30) seconds of the cycle.

The project proposes to retain the existing driveway at the northeast corner of the property for full access onto 43rd Avenue NE. This driveway is shared with the Heritage Bank development to the north. Additional cross-access with the Heritage Bank development will accommodate shared access from 172nd Street N.E. Cross-access with the Walmart development to the south is also available from the southwest corner of the subject property. The car wash tunnel will be accessed by entering the Auto Sentry on the northeastern side of the car wash. The Auto Sentry will provide two (2) multimedia payment terminals that feature an intuitive user interface designed to create a better customer experience through the transaction process. Eighteen (18) vehicles can be accommodated at this subject site, and well exceeds the observed queuing at the other similar facilities, with no risk of off-site overflow.

The car wash building will feature concrete walls with blue metal fascia and stone veneer along the foundation of the building. A tower element with a sheet metal pitched roof will be incorporated on the north side of the building with windows. Portions of the flat roof will be treated with a cornice across all sides of the building. The west façade of the building will incorporate window glazing with direct views into the car wash tunnel. The primary colors of the car wash building and canopy will include blue, white, and green striping, consistent with Brown Bear's signature accent colors. The Auto Sentry canopy will consist of metal fascia that is compatible with the architectural concept of the car wash building.

B. Project Chronology / Background

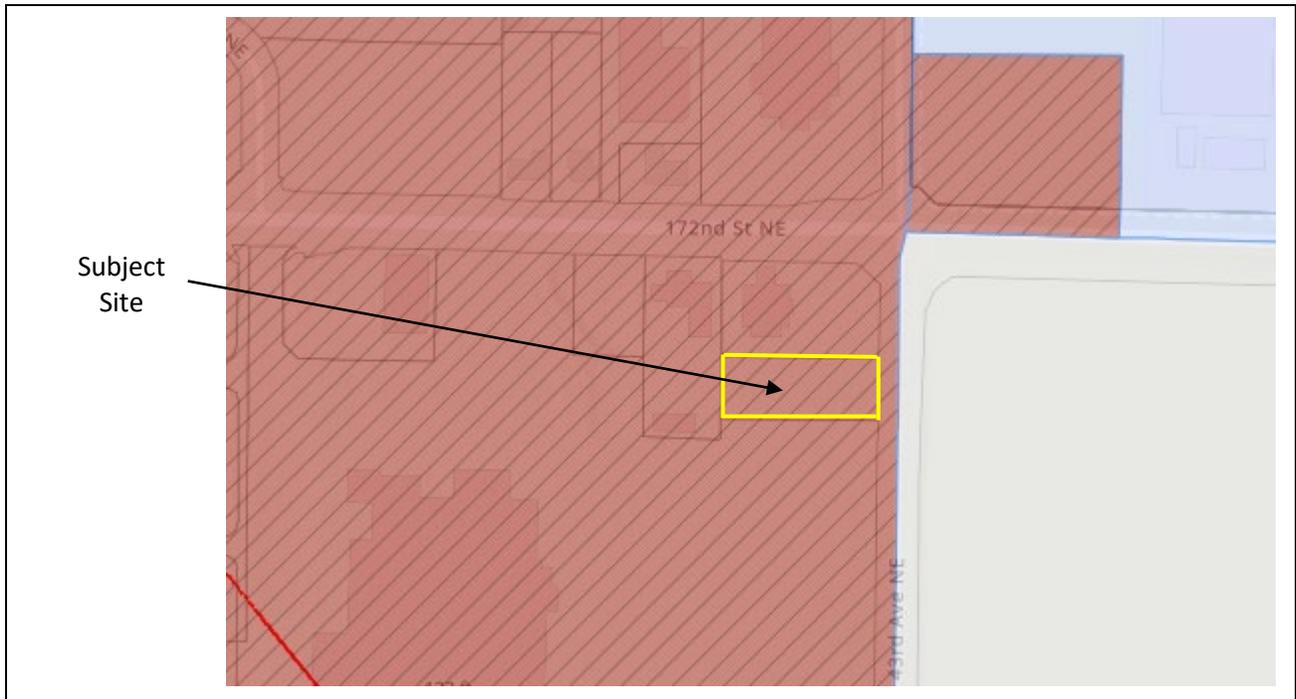
A formal application for the Zoning Permit was submitted to the Community & Economic Development Department on April 24, 2023. Staff routed the material to City review staff on April 24, 2023. Staff determined that the application was complete on May 4, 2023. A resubmittal was submitted on August 8, 2023 and December 4, 2023. Staff routed the resubmittal materials to City review staff on August 8, 2023 and December 4, 2023.

C. Site Location / Description

The site is located southwest of the 43rd Avenue and 172nd Street Intersection



D. Site and Adjacent Zoning / Uses



 HC – Highway Commercial	 BP – Business Park
 MXD – Mixed Use Overlay	 LI – Light Industrial

Area	Zoning	Existing Use
Subject Site	Highway Commercial with Mixed-Use Overlay	Vacant
North	Highway Commercial with Mixed-Use Overlay	Commercial Bank
South	Highway Commercial with Mixed-Use Overlay	Retail Business
East	Light Industrial	Distribution Center
West	Highway Commercial with Mixed-Use Overlay	Vacant

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 & Economic Development Department is responsible for the permit decision and the decision is appealable to the Hearing Examiner.	Yes

Regulation	Analysis	Meets
<p>20.16.110 Who May Submit Permit Applications. (a) Applications for zoning will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this title.</p>	<p>The owner of the property Car Wash Enterprises, Inc, signed the zoning permit application for site plan review that was submitted to the city.</p>	<p>Yes</p>
<p>20.16.120 Official Representative of the Applicant. The applicant for each land use permit shall designate an official representative, which may be himself, to receive all correspondence, determinations, and notices regarding the application.</p>	<p>The owner, Car Wash Enterprises, Inc, has designated Glenna Mahar with Barghausen Consulting Engineers Inc, as the official representative for the subject permit.</p>	<p>Yes</p>
<p>20.16.130 Staff Consultation Before Formal Application. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this title, a general information meeting between the developer and the planning staff is encouraged as provided in this section.</p>	<p>The City held a General Information Meeting with the project applicant on June 16, 2021.</p>	<p>Yes</p>
<p>20.16.140 Submittal of Application. (a) To minimize development planning costs, avoid misunderstanding or misinterpretations, and ensure compliance with the requirements of this title, a submittal intake appointment is required between the developer and the Community Development staff as provided in this section.</p>	<p>The project applicant scheduled a submittal intake appointment with the Community and Economic Development Department and submitted the application on April 24, 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 Brown Bear Car Wash site plan review vested on May 4, 2023 with the issuance of the complete application. The required impact fees for the proposal do not vest with the project and the fee in place at the time of payment is the amount due.</p>	<p>Yes</p>

Regulation	Analysis	Meets																
<p>20.16.200 Applications to Be Complete. (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.</p>	<p>The applicant submitted a complete application for Brown Bear Car Wash zoning permit.</p>	<p>Yes</p>																
<p>20.16.205 (c) Complete Application. Within 28 days of receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant.</p>	<p>The application was submitted on April 24, 2023. The City issued a Notice of Complete Application on May 4, 2023. The Notice was issued within the 28-day timeframe.</p>	<p>Yes</p>																
<p>20.16.215 Distribution of Application. Upon receipt of a zoning, special use or conditional use permit application, the Planning Official shall, in addition to all interested City Department, send a copy of the application to the authorities and agencies reviewing or furnishing water, fire, school, and sanitary sewer service to the proposed project.</p>	<p>The application was routed to all effected city departments on April 24, 2023 and after each resubmittal.</p>	<p>Yes</p>																
<p>20.16.220 Zoning Permits. (a) A completed application form for a zoning permit shall be submitted to the community and economic development director by filing a copy of the application with the planning department.</p>	<p>The zoning permit was submitted to city staff on April 24, 2023, along with resubmittals on August 8, 2023 and December 4, 2023. The project was reviewed for compliance with the Arlington Municipal Code.</p>	<p>Yes</p>																
<p>20.16.270 Time Limitations for Permit Processing. (a) The City shall issue its notice of final decision on a permit application within 120 days after the Community and Economic Development Director notifies the applicant that the application is complete, as provided in 20.16.205. In determining the number of days that have elapsed, the following periods shall be excluded: (1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.</p>	<p>The proposed zoning permit was reviewed and issued within the 120 day timeframe per the following dates:</p> <table border="1" data-bbox="847 1171 1339 1514"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Date of Application</td> <td>4-24-2023</td> </tr> <tr> <td>Notice of Complete Application</td> <td>5-4-2023</td> </tr> <tr> <td>1st Review Comments</td> <td>6-5-2023</td> </tr> <tr> <td>Resubmittal</td> <td>8-8-2023</td> </tr> <tr> <td>2nd Review Comments</td> <td>10-6-2023</td> </tr> <tr> <td>Resubmittal</td> <td>12-4-2023</td> </tr> <tr> <td>Decision</td> <td>12-18-2023</td> </tr> </tbody> </table> <p>Total Process Days: 105 Days</p>	Action	Date	Date of Application	4-24-2023	Notice of Complete Application	5-4-2023	1 st Review Comments	6-5-2023	Resubmittal	8-8-2023	2 nd Review Comments	10-6-2023	Resubmittal	12-4-2023	Decision	12-18-2023	<p>Yes</p>
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<p>Chapter 20.36 AMC, Zoning Districts and Zoning Map</p>																		
<p>20.36.020 Commercial Districts Established. (e) The highway commercial (HC) zone is established to accommodate the widest range of commercial activities. Uses allowed here include those allowed in other commercial districts, but also those that require highway access or that should be separated from residential uses.</p>	<p>The subject property for the proposed zoning permit is zoned Highway Commercial with Mixed-Use Overlay. The proposal does not include residential uses, the proposed car wash is to follow the Highway Commercial zone requirements.</p>	<p>Yes</p>																

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.	Yes					
20.38.090 Notice to Future Owners. In order to mitigate impacts to the Arlington Airport, and to provide notice to future property owners, all property owners within the Airport Protection Subdistricts A, B, and C seeking a land use or building permit or undertaking substantial reconstruction shall dedicate an avigation easement over their property to the City of Arlington. The language of the easement and notice shall be as provided by the airport, as approved by the city attorney and recorded with Snohomish County.	A previous short plat on the property was completed under Heritage Bank – PLN #651. Avigation Easement information was recorded under AFN 200412280257 and placed on the final short recorded under AFN 202011175004.	Yes					
Chapter 20.40 AMC, Permissible Uses							
20.40.010 Table of Permissible Uses. The Tables of Permissible Uses sets forth the permissible uses within the respective zoning classifications in the city, subject to other applicable provisions in this title. It should be read in close conjunction with the definitions of terms set forth in section 20.08 and the other interpretative provisions set forth in this article.	The proposed Car Wash is an allowed use per the permissible use table within the Highway Commercial zone, as shown below, with a zoning permit.	Yes					
Chapter 20.40.140 Industrial Zones Permissible Use Table							
Use	NC	OTBD-1	OTBD-2	OTBD-3	GC	CC	HC
Car Wash							ZS
<ul style="list-style-type: none"> ZS = Zoning or Special Use Permit (Zoning = Less than 4 acres and Special Use = 4 acres or more) 							
Chapter 20.46 AMC, Design							
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. (1) Zones (i) Highway Commercial	The Design Review application was submitted to the City under permit number PLN#887. The Design Review Board approved the design of the car wash building at the June 28, 2022 Planning Commission Meeting. The Decision was issued as a separate document. All design review permit conditions are required to be met.	Yes					

Regulation	Analysis	Meets
Chapter 20.48 AMC, Density and Dimensional Regulations		
20.48.040 Building Setback Requirements. No portion of any building or any freestanding sign may be located on any lot closer to any lot line than is authorized in Table 20.48-1 Density and Dimensional Standards for the general industrial zone.	The proposed project is within the highway commercial zone and complies with the below regulations.	Yes
20.48.042 Sight Visibility Areas at Intersections. At the intersection of two streets, either public or private, no structure, sign, vegetation, or anything else that obscures sight shall exceed 30 inches in height in the area described by a triangle having two 25-foot legs along the curb faces of the streets from the streets' point of intersection, and a diagonal line connecting the ends of these lines.	The proposed project's main access to the site is from 43 rd Avenue NE. There is also access to the retail site south of the site through a shared access easement. The site plan shows there are no improvements that will obscure sight at any entrance or exit from the site.	Yes
Table 20.48-1 Density and Dimensional Standards		
Minimum Lot Size: 0 square feet	25,800 sf	Yes
Minimum Lot Width: 70 feet	100 ft	Yes
Front Lot Boundary Line: 10 feet	80 ft	Yes
Rear Lot Boundary Line – Primary: 20 feet	30 ft	Yes
Side Lot Line or Alley Building Setback: 5 feet	5 ft & 68 ft	Yes
Building Height Limitation: 50 feet	31.5 ft	Yes
Maximum Lot Coverage: 100%	83%	Yes
Chapter 20.56 AMC, Streets and Sidewalks		
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>The proposed project provides one driveway access point 43rd Avenue NE. This driveway access provides a public means of ingress and egress for emergency vehicles, passenger vehicles, pedestrian, and bicycle transportation.</p> <p>There is also access to 172nd Street NE northwest of the site and to the retail site south of the site through a shared private access easement.</p>	Yes

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 one main driveway access point to the building lot, along with internal private drive aisles that have access to the retail parking lot area through a recorded access easement under AFN 200610201024. The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> • The driveway entrance provides safe access to the site and does not propose to impede vehicle or pedestrian travel. • Access to the site is not proposed to interfere with 43rd Avenue or 172nd Street. • The driveway width on 43rd Avenue is just under 36 feet in width to provide two way vehicular movement to and from the site. • The private road on the site is shared with Heritage Bank through in ingress and egress easement recorded under AFN 2020011170967. 	<p style="text-align: center;">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 proposed project provides 90° driveway intersections at all access points.</p>	<p style="text-align: center;">Yes</p>
<p>20.56.130 Construction Standards and Specifications. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the “Public Works Construction Standards and Specifications,” and all such facilities shall be completed in accordance with these standards.</p>	<p>The proposed project is subject to a site civil construction permit.</p>	<p style="text-align: center;">Yes</p>
<p>Chapter 20.60 AMC, Utilities</p>		
<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 Site Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications.</p>	<p style="text-align: center;">Yes</p>

Regulation	Analysis	Meets						
<p>20.60.300 Water Supply System Required. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project shall connect to the City of Marysville 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.</p>	<p>Yes</p>						
<p>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.</p>	<p>The proposed project provides adequate lighting throughout the site as approved with the Design Review Board decision.</p>	<p>Yes</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 LED lighting that is down shielded throughout the site as approved with the Design Review Board decision.</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>The proposed project provides adequate lighting throughout the site that does not unnecessarily illuminate to neighboring properties, as approved with the Design Review Board decision.</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 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>Car Wash: 1 space for every six employees on the maximum shift, plus reservoir capacity equal to 5 times the capacity of the washing operations.</p>	<p>The proposed project has shown on the approved site plan that it meets the required parking for the site.</p> <table border="1" data-bbox="873 1480 1344 1621"> <thead> <tr> <th colspan="2">Car Wash</th> </tr> </thead> <tbody> <tr> <td>1 Employee</td> <td>1 space</td> </tr> <tr> <td>3 wash capacity</td> <td>15 reservoir spaces</td> </tr> </tbody> </table> <p>Total Required Parking Spaces: 1 Total Provided Parking Spaces: 12 spaces with vacuum stations and 18 reservoir spaces</p>	Car Wash		1 Employee	1 space	3 wash capacity	15 reservoir spaces	<p>Yes</p>
Car Wash								
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<p>20.72.030 Parking Space Dimensions. (a) Except accessible parking spaces, each parking space shall contain a rectangular area of at least 19 feet long and 9 feet wide.</p>	<p>The site plan shows that the parking spaces proposed are 9 feet wide by 19 feet long, meeting the dimension regulations.</p>	<p>Yes</p>						

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 and vehicle drive aisle areas throughout 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="204 877 842 999"> <thead> <tr> <th colspan="4">Table 20.72-3</th> </tr> <tr> <th rowspan="2">Parking Facility</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>Total</td> <td></td> <td></td> <td></td> </tr> <tr> <td>1-25</td> <td>0</td> <td>1</td> <td>1</td> </tr> </tbody> </table>	Table 20.72-3				Parking Facility	Minimum Number of Accessible Spaces			Standard	Van	Total	Total				1-25	0	1	1	<p>The proposed project has provided one accessible parking space on the site that are sized to accommodate van dimensions.</p> <table border="1" data-bbox="873 705 1344 1003"> <thead> <tr> <th colspan="2">Total Standard Vehicle and ADA Parking Requirements for the Site</th> </tr> <tr> <th colspan="2">Required</th> </tr> </thead> <tbody> <tr> <td>Total Standard Vehicle</td> <td>1</td> </tr> <tr> <td>Total ADA Standard & Van</td> <td>1</td> </tr> <tr> <td>Total Required On Site</td> <td>2</td> </tr> <tr> <th colspan="2">Proposed</th> </tr> <tr> <td>Total Standard Vehicle</td> <td>11</td> </tr> <tr> <td>Total ADA Standard & Van</td> <td>1</td> </tr> <tr> <td>Total Proposed On Site</td> <td>12</td> </tr> </tbody> </table>	Total Standard Vehicle and ADA Parking Requirements for the Site		Required		Total Standard Vehicle	1	Total ADA Standard & Van	1	Total Required On Site	2	Proposed		Total Standard Vehicle	11	Total ADA Standard & Van	1	Total Proposed On Site	12	<p>Yes</p>
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<p>Chapter 20.76 AMC, Screening and Trees</p>																																							
<p>20.76.020 General Screening Standard.</p> <p>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 highway commercial zone surrounded by commercial businesses and abuts 43rd Avenue.</p>	<p>Yes</p>																																					
<p>20.76.030 Compliance with Screening Standard.</p> <p>The table set forth in 20.76.050, in conjunction with the explanations in 20.76.040 concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in 20.76.020. The table uses the permissible use designation to determine the type of screening that is required between two uses.</p>	<p>The proposed project has provided a 5 foot Type B landscape buffer along the north, west, and south property lines and a 25 foot plus Type B landscape buffer along the frontage of the building facing 43rd Avenue, as shown on the approved landscape plan.</p>	<p>Yes</p>																																					
<p>Table 20.76-1 Screening Requirements</p>																																							
<p>Use</p>	<p>Frontage Landscaping</p>	<p>Side and Rear Property Lines</p>																																					
<p>Car Wash</p>	<p>Type B</p>	<p>Type B – All Other Neighboring Properties</p>																																					

Regulation	Analysis	Meets
<p>20.76.110 Required Trees Along Dedicated Streets. The developer shall either plant or retain sufficient trees so that within the landscape strip there is for every 30 feet of street frontage at least an average of one deciduous tree of two inches dbh at the time of planting and with a canopy that starts at least eight feet above finished grade and has or will have when fully mature a trunk at least 8 inches in diameter. Root barriers shall be provided for all street trees and the landscape strip shall be planted per the Department of Public Works Standards and Specifications.</p>	<p>The proposed project does not require additional trees to be planted within the public right-of-way of 43rd Avenue. Trees are proposed along the frontage of this site on private property and part of the Type B landscaping.</p>	<p>Yes</p>
<p>20.76.130 Shade Trees in Parking Areas. (a) Vehicle accommodation areas that are required to be paved must be shaded by deciduous trees that have or will have when fully mature a trunk at least 8 inches in diameter. (b) Landscaping within vehicle accommodation areas shall meet the requirements of 20.46 and the Development Design Standards. (c) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.</p>	<p>The project provides shading of the parking lot area on the site.</p> <p>The total parking area is calculated at 14,941 square feet, requiring 2,958 square feet of required shading at 20% of the total.</p> <p>The applicant has provided 4,125 square feet, which equates to 28%.</p>	<p>Yes</p>
<p>20.76.140 Maintenance of Screening and Shading Elements. All screening and shading elements required by this Chapter shall be maintained by the owner for the life of the project to the following standards:</p> <ol style="list-style-type: none"> 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(s) shall maintain the landscaping on the property and within the right-of-way per AMC 20.76.</p>	<p>Yes</p>

Regulation	Analysis	Meets								
Chapter 20.90 AMC, Concurrency & Impact Fees										
<p>20.90.032 Interlocal Agreements Allowed. Pursuant to state law, the council may enter into an interlocal agreement with any jurisdiction that requires reciprocal traffic mitigation for extraterritorial impacts to one another's transportation systems.</p> <ol style="list-style-type: none"> 1. Snohomish County 2. WSDOT 	<p>The applicant provided a Traffic Impact Analysis prepared by Transpo Group Traffic Consultants in July 2023. The traffic analysis concluded that the proposed use would produce 797 Average Daily Trips (ADT) that would impact Snohomish County Streets</p> <table border="1" data-bbox="824 445 1349 516"> <thead> <tr> <th>Percent</th> <th>ADT</th> <th>\$ per ADT</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>70%</td> <td>797</td> <td>\$157</td> <td>\$87,590.30</td> </tr> </tbody> </table> <p>The proposed use impacts WSDOT projects on 172nd Street; however, that project has been identified as funded.</p>	Percent	ADT	\$ per ADT	Total	70%	797	\$157	\$87,590.30	Yes
Percent	ADT	\$ per ADT	Total							
70%	797	\$157	\$87,590.30							
<p>20.90.040 (a) Imposition of Impact Fees on Development Activity. All development projects within the City shall be assessed a transportation impact fee, at the rate of \$3,355.00, based on peak p.m. trips, as computed in accordance with the most current edition of the Institute of Transportation Engineers Trip Generation Manual, as applied to the City's transportation element of the adopted Comprehensive Plan.</p>	<p>The applicant provided a Traffic Impact Analysis prepared by Transpo Group Traffic Consultants in July 2023. The traffic analysis concluded that the proposed use would produce 83 new PM peak-hour trips to the site.</p> <table border="1" data-bbox="824 894 1349 966"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>83</td> <td>\$278,465.00</td> </tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	83	\$278,465.00	Yes		
Traffic Fee	# Of Trips	Total Amount								
\$3,355.00	83	\$278,465.00								
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 and a revised checklist with the resubmittal. The City of Arlington was determined to be the lead agency. A Mitigated Determination of Non-Significance was issued for the proposal on September 8, 2023. The comment period for the MDNS was from September 12, 2023 to September 26, 2023.</p>	Yes								
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 Site Civil Permit shall be required for all site improvements. The approval of the stormwater system takes place during this review process. All stormwater systems shall comply with the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington. This has been added as a permit condition.</p>	Yes								

III. 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
(2) The application is incomplete.	The application for the subject site plan review was deemed complete on May 4, 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 Mitigated Determination of Non-Significance decision issued on September 8, 2023.	Yes
(5) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, or other adopted plans, regulations, or policies.	The proposed site plan review complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

IV. 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 Brown Bear Car Wash (PLN #1077) is hereby **APPROVED**, subject to the following conditions.

V. CONDITIONS

Zoning Permit:

1. All development shall be in substantial conformance with the approved Site Plans, Landscape Plans, and Supplemental Drawings received on December 4, 2023, subject to any conditions or modifications that may be required as part of the permit review.
2. The building shall be constructed per the design review board elevations received on May 24, 2022 (under PLN #887) and approved by the Design Review Board on June 28, 2022, with the minor Administrative Amendments made by the December 4, 2023 submittal and approved with this Zoning Permit Decision.
3. The applicant shall meet all local, state, or federal code requirements. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.

4. The applicant shall comply with all permits and conditions thereof from the City of Arlington and other government agencies with jurisdiction.
5. The applicant and proposed project shall not impede traffic on either 43rd Avenue NE or 172nd Street NE (SR 531). The site shall be monitored and if vehicular traffic backs up on either street, then the proposed project may be subject to closure until traffic revisions to the site can occur.
6. Prior to issuance of the Civil Permit the applicant shall submit the agreement between the property owner and the Olympic Pipeline Company.
7. The dumpster elevations were not provided and shall be submitted for review and approval prior to the issuance of the Civil Permit.
8. The proposed electrical transformer on the site shall be sufficiently screened per the Development Design Standards.
9. The proposed utility services to the building and site that cannot be located underground shall be screened from all public rights-of-way per the Development Design Standards.

SEPA Conditions:

10. **(B)(1) Earth:** In order to mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction.
11. **(B)(2) Air:** In order to mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.
12. **(B)(3)(b) Ground Water:** In order to mitigate for potential impacts to ground water the Applicant shall employ best design practices meeting the current Department of Ecology's Stormwater Management Manual for Western Washington.
13. **(B)(3)(c) Water Runoff:** In order to mitigate for potential impacts to water runoff the Applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater.
14. **(B)(7)(A) Environmental Health:** Applicant shall comply with current codes to reduce or control environmental health hazards. A spill prevention plan shall be in place according to local, State and Federal policies.
15. **(B)(7)(b) Noise:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from light vehicle traffic will be generated during business hours at project completion.
16. **(B)(10) Aesthetics:** The proposal is required to construct the building addition according to the elevations approved with the Design Review Board Decision on June 28, 2022.
17. **(B)(11)(a) Light and Glare:** To mitigate for potential light pollution, the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict B – that is comprised of the Federal Aviation Regulations (FAR) parts 77 Imaginary surfaces.

18. **(B)(13) Historic and Cultural Preservation:** If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The applicant shall notify the Stillaguamish Tribe prior to ground disturbance and follow the submitted Unanticipated Discovery Plan.
19. **(B)(14)(f) Transportation:** Trip generation has been calculated by Transpo Group through a Traffic Impact Analysis. The report references land use code 821 for shopping centers and 944 for gasoline/service stations per the ITE Trip Generation Manual, 11th Edition. The proposed project results in 83 PM Peak Hour Trips. The Applicant is required to pay the following Traffic Mitigation fees:
 - City of Arlington Traffic Impact Fees in the amount of \$278,465 (\$3,355/trip x 83 trips)
 - Snohomish County Traffic Impact Fees in the amount of \$87,590.30 (70% x 797 ADT x \$157/ADT)
20. **(B)(16)(a) Utilities:** The applicant shall receive approval from and connect to the City of Marysville water and wastewater systems, extend utility lines as necessary and pay water and sewer connection fees. All improvements shall be installed during the Site Civil Construction phase of the project. The applicant shall provide proof of payment prior to building permit issuance. All utilities shall be installed underground.

Civil Permit:

21. A Site Civil construction permit shall be applied for and approved prior to any land disturbance on the subject property.
22. The project is subject to submit a Right-of-Way Permit for all work with public rights-of-way.
23. 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.
24. The applicant 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.
25. 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:

26. A building permit application shall be reviewed and approved prior to building construction on the site.
27. All building permits shall meet the most current edition of the International Building Code.

28. The project is subject to applicable water and sewer utility fees. These fees are collected at the time of building permit issuance.
29. Prior to issuance of building permits, all associated impact fees shall be paid.

Other:

30. All contractors working on the site are required to obtain a Washington State Business License and a City of Arlington Endorsement.

VI. EXPIRATION

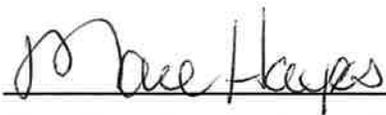
Per AMC 20.16.220, a Zoning Permit shall expire automatically if, within two (2) years after the issuance of such permits:

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

VII. APPEAL

This decision may be appealed pursuant to AMC 20.20.010, which provides for a hearing of the zoning permit decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on January 2, 2024, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 18th DAY OF December, 2023



Marc Hayes, Community and Economic Development Department Director

Distributed to the Following Parties:

Glena Mahar, Barghausen

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.)