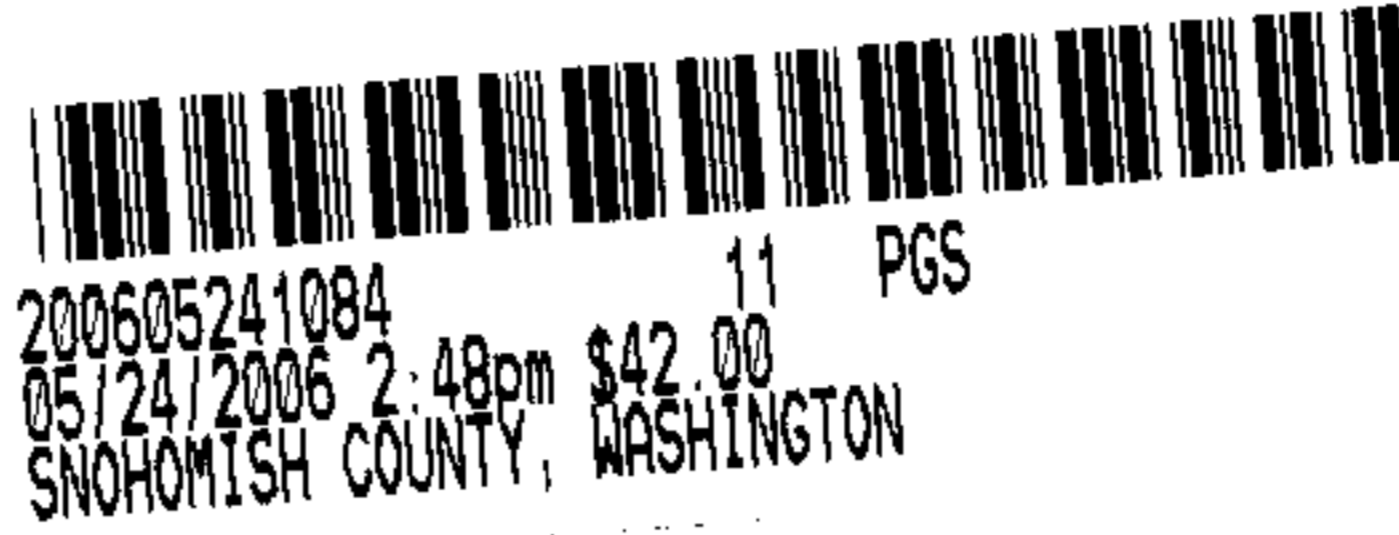


AFTER RECORDING, RETURN TO:

CITY OF ARLINGTON  
PLANNING DIVISION  
238 N. OLYMPIC AVENUE  
ARLINGTON, WA 98223

CITY FILE NO. S-05-051



## Department of Community Development Special Use Permit

**March 21, 2006**

**Oso Lumber**

**S-05-051**

### A. PROJECT DESCRIPTION AND REQUEST

This is a request for a special use permit for the development of a portion of the Miller Shingle/Barton property to be used as a lumber and equipment storage yard. (NOTE: Any increase or change of proposed use and/or building construction will require a new land use permit.) As part of this application, approximately 404,540 square feet of new pavement is proposed. A 75-foot Critical Area Protection Easement will be placed over that portion of Portage Creek that lies on the Barton property, which is in the southeast corner of the site. In addition, the applicant is required to place a 30-foot landscape buffer along the northern boundary of the eastern 5 acres of the site, which abuts a residential zoning district, and dedicate the remaining portion of the steep slope as a Critical Area Protection Easement. The applicant proposes stormwater detention facilities, parking, and landscaping in accordance with City of Arlington standards. The site is located north of 204<sup>th</sup> Street NE and east of 67<sup>th</sup> Avenue NE. The site is approximately 21.8 acres and is zoned General Industrial.

### B. GENERAL INFORMATION

1. Applicant/Owner: Oso Lumber, 17821 59<sup>th</sup> Avenue NE, Arlington, WA 98223.
2. Contact Person: Higa Branch Land Services, ATTN: Tasha Branch, 19221 63<sup>rd</sup> Avenue NE #4, Arlington, WA 98223.
3. General Location: The site is located north of 204<sup>th</sup> Street NE and east of 67<sup>th</sup> Avenue NE, in Section 11, Township 31N, Range 05E, WM (Tax ID No. 310511-

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003-021-00, 310511-003-022-00, 310511-003-029-00, 310511-003-030-00, 310511-003-034-00, 310511-003-036-00, 310511-003-037-00, 310511-003-038-00, 310511-003-042-00, and 310511-003-068-00).

- 4. Address of Property: 20714 67<sup>th</sup> Avenue NE.
- 5. Use Classification per AMC §20.40.010: Use 10.200, storage of goods not related to sale of use of those goods on the same lot where they are store, with storage partially or fully outside completely enclosed structures.
- 6. Acreage: Approximately 21.8 acres, or 949,608 square feet.
- 7. Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Industrial	GI	Vacant
North of Site	Industrial & Medium-High Density Residential	RMD	Vacant & Residential
South of Site	Industrial	GI	Vacant
East of Site	Industrial	GI	Manufacturing
West of Site	Neighborhood Commercial	GI	Industrial & Museum

- 8. Public Utilities and Services Provided by:

Water:	City of Arlington	Gas:	Cascade Natural Gas
Sewer:	City of Arlington	Cable TV:	Comcast
Garbage:	Waste Management Northwest	Police:	City of Arlington
Storm Water:	On-site	Fire:	City of Arlington
Telephone:	Verizon	School:	Arlington School District
Electricity:	Snohomish County PUD #1	Hospital:	Cascade Valley Hospital

- 9. Public Notification: Per AMC §20.16.100, a Notice of Application (NOA) was published, posted, and mailed on October 19, 2005. A Mitigated Determination of Nonsignificance (MDNS) was published, posted, and mailed on November 23, 2005.

**C. ENVIRONMENTAL REVIEW**

An MDNS was issued on November 23, 2005, with a 14-day comment period; comments were received from Snohomish County regarding traffic and the Stillaguamish Tribe regarding cultural resources in the area. Mitigation measures from the MDNS are included as conditions to this project (see Section G, CONDITIONS).

D. FINDINGS OF FACT

1. Application: The special use permit application was received by the City of Arlington on September 14, 2005, and the application was deemed incomplete on September 26, 2005. Additional information was submitted on September 28, 2005, and the application was deemed complete on October 10, 2005. Revised information was requested on November 18, 2005 and received on January 17, 2006. The applicant submitted additional required information on March 16, 2006.
2. Decision Authority: Per AMC §20.16.140, the planning manager makes decisions on special use permits unless an interested party requests a hearing. No written request for a hearing was received during the Notice of Application review period.
3. Comprehensive Plan, Zoning, and Permissible Uses: The City of Arlington Comprehensive Plan identifies this area as Industrial, and the subject property is zoned General Industrial per AMC §20.36.100 (zoning map). Per AMC Table 20.40-2, the proposed use (Use Classification 10.200, outside storage of goods) is a permitted use.
4. Density and Dimensional Standards: The proposed development complies with the following standards per AMC Table 20.48-4, Density and Dimensional Standards, for the General Industrial zone: minimum lot size (0) and lot width (70 feet). No buildings are proposed with this permit, so minimum street setback and lot boundary setbacks and maximum building height and lot coverage are not applicable.
5. Non-residential Performance Standards: Per AMC Chapter 20.44 Part III, the proposed development must comply with the performance/operation standards for noise, vibration, odors, smoke and air pollution, disposal of liquid and hazardous wastes, water consumption, electrical disturbance or interference, lighting, and site and building maintenance. Per AMC §20.60.490, every development is required to provide a dumpster; the site plan does *not* show a dumpster. Prior to approval of the site civil construction plans, the drawings shall be revised to show the dumpster location, screening, and landscaping, which will meet this requirement.
6. Design: Per AMC §20.46.010, structures in the General Industrial zone shall conform to the applicable guidelines or standards set forth in the Design Guidelines. No new structures are proposed with this application, and therefore it does not require review by the Design Review Board. (NOTE: Any increase or change of proposed use and/or building construction will require a new land use permit, including a determination whether the new proposal is subject to the Design Guidelines.)



7. Off-street Parking: Per AMC Table 20.72-6, the required parking for the proposed use (Use Classification 10.200, outside storage of goods) is 1 space per employee on the maximum shift but not less than 1 space per 5,000 square feet of storage area. However, per AMC §20.72.020, the Planning Manager has determined that 4 parking spaces are required to accommodate the proposed use because the site will be used for storage to support the applicant's companies in the surrounding areas and there will be a maximum of 2 employees and 2 trucks on site during the lumber storage phase. The applicant has proposed to use 4 of the existing parking spaces around the building, which meets the minimum requirements. Per AMC §20.72.100, loading spaces are required for new structures when normal operation requires that goods, merchandise, or equipment be routinely delivered to or shipped from the development; however, no new buildings are proposed so this requirement is not applicable.
8. Screening and Trees: Per AMC Table 20.76-9, no screening is required for the adjacent industrial uses and there are no adjacent streets that require screening. However, per AMC §20.76.090, a 30-foot wide landscape screen shall be provided along the northern boundary of the eastern 5 acres of the site, which abuts a residential zoning district. The screen shall consist of visual obstructions from the ground to a height of at least 30 feet at maturity, including evergreen trees planted at least 3' deep, and may be composed of planted or existing vegetation. (NOTE: The remaining portion of the steep slope must be dedicated as a Critical Area Protection Easement.) In addition, a minimum of 20 percent of the vehicle accommodation area must be screened; however, existing parking spaces around the building will be used and no change is required with this use. (NOTE: Screen types are described in AMC §20.76.040, and suggested planting patterns to achieve the required standards are included in the Public Works Construction Standards and Specifications.) The landscape plan reflects sufficient screening landscaping to meet the general landscape requirements specified in AMC Chapter 20.76, but there is no information on dumpster landscaping. Prior to approval of the site civil construction plans, the drawings shall be revised to show the dumpster landscaping, which will meet this requirement. The final site plan shall comply with the requirements of AMC Chapter 20.76.
9. Streets and Sidewalks: The proposed development is located north of 204<sup>th</sup> Street NE and east of 67<sup>th</sup> Avenue NE. It is anticipated that this project will add 80 average daily vehicular trips, which includes 2 PM-peak-hour trips, to the street system as well as pedestrian and bicycle trips. (NOTE: Any increase or change of proposed use and/or building construction will require a new land use permit and traffic study for review of additional vehicular trips.) The site will be accessed from 67<sup>th</sup> Avenue NE and 72<sup>nd</sup> Avenue NE.
- a. Frontage Improvements – To mitigate safety impacts and provide both vehicular and pedestrian access to the project, AMC §20.56.170 provides

that no permit may be issued for a project unless and until all roads on which the project fronts are developed to their full 3/4-street standards. The ordinance provides for various ways for this to happen. In this instance, the site does not front on any streets, so no frontage improvements are required.

- b. Impact Fees – To mitigate impacts to the City's overall transportation system, AMC §20.90.040 requires the developer to pay transportation impact fees for each new PM-peak-hour trip (2 PM-peak-hour trips). The fee shall be that fee in effect at the time of payment. (NOTE: The current transportation impact fee is \$1,038.00 for each PM-peak-hour trip, but this may change.) City transportation impact fees shall be paid prior to the site being used for lumber storage.
- c. State and County Facilities – Pursuant to the SEPA MDNS, transportation mitigation fees shall be paid to WSDOT, and pursuant to the City's Reciprocal Traffic Mitigation Interlocal Agreement, transportation mitigation fees shall be paid to Snohomish County for this project's proportionate share of average daily trips and their impacts to state and county transportation facilities. The developer shall submit proof of payment of the required fees prior to the site being used for lumber storage.

- 10. Stormwater Management: Per AMC §20.64.300, all stormwater systems shall be in compliance with Arlington Municipal Code Chapter 13.28, Stormwater Management, and the most current edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual). A preliminary review of the system indicates that they have a conceptually feasible plan. A detailed drainage review will occur during the site civil construction review process. (NOTE: The current stormwater conceptual designs are for lumber storage. If at any time in the future materials other than lumber are stored on site that require improvements to the stormwater treatment system, the landowner will be required to immediately upgrade the system or remove those materials and associated pollutants.)
- 11. Environmentally Critical Areas: Per AMC Chapter 20.88, there are environmentally critical areas on the site: a portion of Portage Creek at the southeast portion of the site and a steep slope along the northern boundary. Prior to the site being used, the property owner will dedicate to the City a 75-foot Critical Area Protection Easement over that portion of Portage Creek that lies on the property. In addition, the property owner shall dedicate to the City a Critical Area Protection Easement over the steep slope. (NOTE: The stormwater management system components adjacent to the buffer areas will require site specific in-field placement to avoid encroachment into the buffer areas not allowed by the Land Use Code. There will be a note on the plan showing that requirement.)
- 12. Groundwater Resources: The site lies does not lie within the Arlington Aquifer Recharge Area per Figure NF-2 of the Comprehensive Plan.



13. Potential Cultural Resources: The Stillaguamish Tribe has expressed concern about potential cultural resources in the area where the proposed project will occur. They noted that this site is located within ¼ miles of 2 known 1955 US Claims Commission Sites and that, with any earth movement and development, there is a possibility of cultural impact on the Tribe. They requested the applicant use caution due to the wetlands and any streams that may contain habitat for salmon. If any archaeological materials are discovered on the site, the State Historical Preservation Officer, the Stillaguamish Tribe, and the City of Arlington shall be contacted and measures taken to preserve the materials and the site.
14. Airport Management: The area in which the development is being proposed is within the Airport's Traffic Pattern Zone. Therefore, the applicant needs to be aware that aircraft will be flying over the area frequently. An Avigation Easement has already been provided, but the Arlington Municipal Airport requires that street lamps or light poles located on the property be down-shielded as to avoid interfering with flight operations.
15. Water and Sanitary Sewer: Adequate water and sewer service is available to the site from the City of Arlington (utility extensions may be required); utility services, fire hydrants and fire protection are required and will be reviewed when construction drawings are submitted. All existing and planned utilities shall be shown on the site civil construction drawings. Water and sanitary sewer general facility charges may be assessed when construction drawings are submitted. All fees shall be paid before connection is made to the water or sanitary sewer utility. All utilities shall be operational prior to building occupancy. (NOTE: The Utilities Division review for this application was only for grading and drainage for lumber storage. Any utility work will require approved site civil construction drawings, and design standards will be those standards in place at the time of submittal of those utility plans, not the standards in place at the time of approval of this permit.)
16. Fire Safety: The Fire Department has concerns about capacity of the existing hydrant system and fire protection for the lumber storage. A fire protection plan and a functional hydrant system will be required prior to the site being used for lumber storage. If at any time storage of materials increases beyond the capability of the hydrant system, the City will have the authority to require the removal of materials until the hydrant system has the functional capacity. If at any time other materials besides than the proposed lumber are found on site the City will have the authority to require the removal of those materials. However, a limited storage area within the existing hydrant system will be considered by the Fire department, but would require a site visit by the Fire Department with the landowner and a signed agreement that storage would remain within the agreed area.

**E. CONCLUSIONS**

1. The City of Arlington Comprehensive Plan identifies this area as Industrial, and the subject property is zoned General Industrial per AMC §20.36.100 (zoning map). Per AMC Table 20.40-2, the proposed use (Use Classification 10.200, outside storage of goods) is a permitted use. Therefore, the proposed development as noted and conditioned is consistent with policies governing those types of uses and is allowed in that zone.
2. The requested special use permit, as conditioned, is consistent with all AMC requirements, permit processing procedures, and all other applicable codes.
3. The special use permit should be approved subject to conditions noted below.

**F. CONDITIONS**

The applicant shall meet the following required conditions in order to receive approval for the special use permit.

1. All development shall be in substantial conformance with the approved site/landscape plan received on October 5, 2005, subject to any conditions or modifications that may be required as part of the special use permit and site civil construction plan review.
2. Prior to the site being used, the applicant shall file a drainage plan and site civil construction plans, which meet the following conditions, in conjunction with a building permit application. The final site plan shall comply with all requirements of the Land Use Code, International Building Code, International Fire Code, and Public Works Construction Standards and Specifications.
3. 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 AMC for a complete list of code requirements for your particular project type.
4. Prior to approval of the site civil construction plans, the drawings shall be revised to show the dumpster location, screening, and landscaping.
5. Prior to the site being used, the stormwater management system components adjacent to the buffer areas shall require site specific in-field placement to avoid encroachment into the buffer areas not allowed by the Land Use Code. There shall be a note on the plan showing that requirement.

6. The current stormwater conceptual designs are for lumber storage. If at any time in the future, materials other than lumber are stored on site that require improvements to the stormwater treatment system, the landowner shall immediately upgrade the system per the standards of Arlington Municipal Code Chapter 13.28, Stormwater Management, and the most current edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual) or the landowner shall immediately remove those materials and associated pollutants.
7. Prior to the site being used, the developer shall submit payment of the following estimated City of Arlington impact fees (based on use of the property as a lumber and equipment storage yard): Traffic at \$1,038.00 per new PM-peak-hour trip, which is 2, or \$2,076.00. (NOTE: Actual impact fees due are those as set by resolution at the time the fees are paid. These amounts are provided here as an estimate. They may either increase or decrease by the time they are paid.)
8. Prior to the site being used, the developer shall pay transportation impact fees to WSDOT and Snohomish County for this project's proportionate share of average daily trips, and the developer shall submit to the City of Arlington proof of payment of the required fees.
9. Prior to the site being used, the property owner shall dedicate to the City a 75-foot Critical Area Protection Easement (CAPE) over that portion of Portage Creek that lies on the property, and a copy of the recorded CAPE shall be submitted to the City. The CAPE shall read:  
  
"Critical Area Protection Easement: This open space tract is intended to protect Portage Creek and its designated buffers - potential habitat for bull trout, an endangered species - and shall preclude: grading or any recontouring of the land; placement of structures, wells, leach fields, utility lines and/or easements, and any other thing; vehicle activity; grazing; dumping; and the addition or removal of vegetation, except that vegetation may be selectively removed upon written order of the City's Fire Chief for the express purpose of reducing an identified fire hazard, or the City Engineer for the express purpose of reducing an identified hazard; and except that underground utility lines may be placed in the buffer areas in locations approved by the City's Natural Resources Manager. In addition, stream restoration activities may occur per a restoration plan approved by the Natural Resources Manager." A sample of the easement document can be obtained from the City's Permit Center.
10. Prior to the site being used, the developer shall provide a 30-foot wide landscape screen per the requirements of AMC §20.76.090 along the northern boundary of the site that abuts a residential zoning district. In addition, the property owner shall dedicate to the City a Critical Area Protection Easement (CAPE) over the



steep slope, and a copy of the recorded CAPE shall be submitted to the City. The CAPE shall read:

"Critical Area Protection Easement: This open space tract is intended to protect the steep slope and shall preclude: grading or any recontouring of the land; placement of structures, wells, leach fields, utility lines and/or easements, and any other thing; vehicle activity; grazing; dumping; and the addition or removal of vegetation, except that vegetation may be selectively removed upon written order of the City's Fire Chief for the express purpose of reducing an identified fire hazard, or the City Engineer for the express purpose of reducing an identified hazard; and except that underground utility lines may be placed in the buffer areas in locations approved by the City's Natural Resources Manager. In addition, stream restoration activities may occur per a restoration plan approved by the Natural Resources Manager." A sample of the easement document can be obtained from the City's Permit Center.

11. If any archaeological materials are discovered on the site, the developer shall contact the State Historical Preservation Officer, the Stillaguamish Tribe, and the City of Arlington and take measures to preserve the materials and the site. In addition, the developer shall use caution with earth movement and development due to the wetlands and any streams that may contain habitat for salmon.
12. The Utilities Division review for this application was only for grading and drainage for lumber storage. Any utility work shall require approved site civil construction drawings, and design standards shall be those standards in place at the time of submittal of those utility plans, not the standards in place at the time of approval of this permit.
13. Prior to the site being used a fire protection plan and a functional hydrant system shall be submitted by the developer and approved by the Fire Department. If at any time storage of materials increases beyond the capability of the hydrant system, the City shall have the authority to require the removal of materials until the hydrant system has the functional capacity. If at any time other materials besides than the proposed lumber are found on site, the City shall have the authority to require the removal of those materials. However, a limited storage area within the existing hydrant system will be considered by the Fire Department, but a site visit by the Fire Department with the landowner present shall be conducted and a signed agreement that storage would remain within the agreed area shall be submitted to the City prior to placing storage in that area.
14. Prior to the site being used or within 60 days of issuance of this permit, whichever occurs first, the developer shall clear all outstanding Planning Division permit-processing accounts with the City.

**Special Use Permit**

March 21, 2006

Oso Lumber

S-05-051

15. Per AMC §20.16.220, this special use permit shall expire automatically one year of the below date of approval if the use is not commenced or if less than 10 percent of the total construction cost has been completed.

**G. APPEALS**

Per AMC §20.20.010 and AMC §20.98.210, to appeal this decision or the SEPA threshold determination, an appeal application must be filed, with all required fees, within 14 days of the date of issuance of this permit. The Hearing Examiner would hear the appeal of the permit, and his/her decision is appealable to the City Council. The Council's decision would be considered the City's final decision on the underlying governmental action.

**H. DECISION**

The special use permit is hereby **APPROVED, subject to the conditions specified in Section G above.**

**I. EXHIBITS**

1. Approved site/landscape plan received by the City of Arlington on October 5, 2005.
2. File S-05-051 (Oso Lumber) (on file at City Hall).

**ORDERED THIS 21ST DAY OF MARCH 2006.**

  
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Cliff Strong, Planning Manager

Distributed to the Following Parties:

- Oso Lumber, 17821 59<sup>th</sup> Avenue NE, Arlington, WA 98223
- Tasha Branch, Higa Branch Land Services, 19221 63<sup>rd</sup> Avenue NE #4, Arlington, WA 98223
- John Burkholder, Higa Burkholder Associates, 1721 Hewitt Avenue Suite 401, Everett, WA 98201
- Laura Brown, Engineering Permit Technician
- Dave Anderson, Building Official
- Kerry Wentz, Plans Examiner
- Reta Shepard, Utilities Specialist
- Bill Blake, Natural Resources Manager
- Dale Carman, Airport Coordinator

**APPLICANT/OWNER CERTIFICATION**

I certify that I am the applicant and owner of record for the subject site and I understand that I must comply with all the terms and requirements in the above permit dated March 21, 2006.

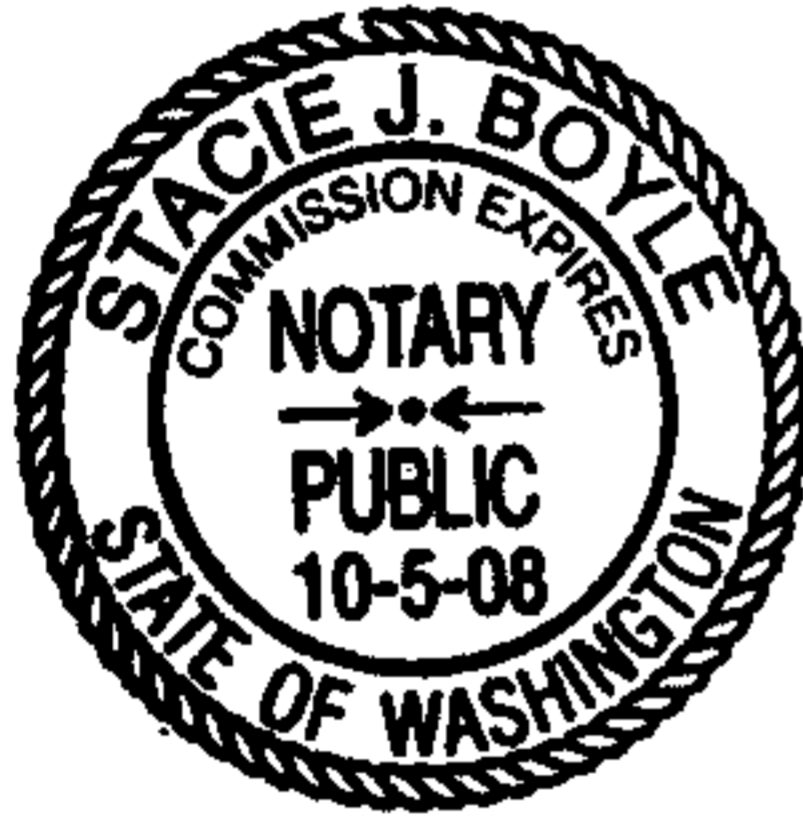
[Signature]  
Applicant/Owner of Record

5-12-06  
Date

STATE OF WASHINGTON )  
) ss.  
COUNTY OF SNOHOMISH )

I certify that I know or have satisfactory evidence that Mike Cook is the person who appeared before me, and said person signed this document and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument:

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Signature]  
Notary Public in and for the State of  
Washington residing at And, WA  
My appointment expires 10/5/08