



NOTICE OF DECISION

City of Woodinville

Development Services Department

425-489-2754 • 17301 133rd Avenue NE • Woodinville, WA 98072

Desk Hours • Monday – Thursday 7:30am – 5:00pm • Friday 7:30am – 4:00pm

The City of Woodinville has issued a Notice of Hearing Examiner Decision for the following project:

Project Name: Asko Processing Reasonable Use Permit

Proponent: Reid Shockey of Shockey Planning Group, on behalf of Asko Processing, Inc.

Project Number: RUP12001/SEP12024

Description of proposal: Reasonable use permit to establish a building pad for a 80,000 square foot warehouse with an additional 15,000 square feet of office, with associated parking improvements, on two properties zoned Industrial. There is an existing wetland on the site that covers a significant portion of both parcels. A portion of the southern area of the existing wetland is proposed to be filled, and wetland creation and buffer enhancement is proposed adjacent to the northern area of the existing wetland. The reasonable use permit will only establish the building pad; a separate land use approval will also be required for the project. SEPA is required for this land use permit.

Project Decision: Approved with Conditions

Project Location: 15801 & 15701 Woodinville-Redmond Road, Woodinville, WA.

Notice of Decision Date: December 9, 2013

End of Appeal Period Date/Time: December 23, 2013 by 4:00 p.m.

Project Permit Expiration Date: December 9, 2015

A public hearing was held before the Woodinville Hearing Examiner on November 12, 2013 for review of the Reasonable Use Permit application. After considering comments by the public, City staff, and outside agencies, the project was approved with conditions by the Woodinville Hearing Examiner, subject to the attached Findings of Fact, Conclusions and Decision.

The Reasonable Use Permit shall be valid for two (2) years from the date of this Notice of Decision. If an issued permit is not obtained within this period, the Reasonable Use Permit shall become null and void, and a new application would need to be submitted.

The Reasonable Use Permit shall also be declared void if there is a failure to comply with the approved plans or conditions of approval.

The application, supporting documents, and studies are available for review at the City of Woodinville, 17301 133rd Avenue NE, Woodinville, WA 98072. Contact: Jenny Ngo, Project Manager, at (425) 739-7959. Email address: otak@ci.woodinville.wa.us.

Appeals

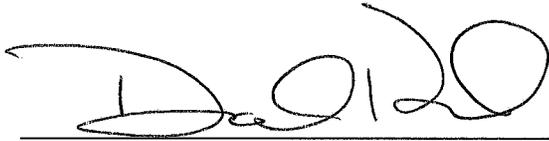
A Party of Record must file an appeal of this decision within fourteen (14) days from date of this Notice of Decision. The final decision of the Hearing Examiner's Decision is appealable to the Woodinville City Council pursuant to WMC 2.27.040 and WMC 2.30.040. Appeals must be delivered to the City of Woodinville and must be filed no later than Monday, December 23, 2013 by 4:00 p.m.

Appellants must be a party of record. To receive additional information on appeals for this application, please contact the Project Manager listed below.

Affected property owners may request a change in valuation with King County for property tax purposes notwithstanding any program of revaluation. For information regarding property valuations and/or assessments, contact the King County Assessor's Office at 206-296-7300.

Contact person: Jenny Ngo, Project Manager
Email address: otak@ci.woodinville.wa.us

(425) 739-7959



Date: 12/2/13

David Kuhl, Development Services Director

BEFORE THE HEARING EXAMINER
FOR WOODINVILLE

City of Woodinville

In the Matter of Application of)	RUP12001/SEP12024
)	
Asko Processing, Inc.,)	Findings of Fact and Conclusions
<u>for approval of a Reasonable Use Permit</u>)	and Decision

SUMMARY OF DECISION

The requested Reasonable Use Permit to establish a building pad for a 75,000 square foot warehouse and 15,000 square feet of office and parking improvements on two Industrial zoned properties at 15801 and 15701 Woodinville-Redmond Road, Woodinville, Washington is approved.

SUMMARY OF RECORD

Request:

Asko Processing, Inc., (Applicant) requested approval of a Reasonable Use Permit (RUP) to establish a building pad for a 75,000 square foot warehouse and 15,000 square feet of office and parking improvements on two Industrial zoned properties at 15801 and 15701 Woodinville-Redmond Road, Woodinville, Washington¹.

Hearing Date:

A hearing on the request was held before the Hearing Examiner of Woodinville on November 12, 2013.

Testimony:

At the hearing, the following individuals presented testimony under oath:

- Ms. Jenny Ngo - City of Woodinville
- Mr. Tom Hanson - City of Woodinville
- Mr. Rick Roberts - City of Woodinville
- Mr. Reid Shockey - Applicant
- Mr. Mike Kelly - Applicant
- Mr. Doug Greshman - Applicant

CITY OF WOODINVILLE
DEVELOPMENT SERVICES

Exhibits

At the hearing, the following exhibits were submitted and admitted as part of the administrative review

¹ The legal description for the two lots involved in the request is:

Northern Property: 15801 Woodinville-Redmond Road; Legally described as PARCEL 3 KCSP 1076043 REC AF #7805021040 SD PLAT DAF THAT POR OF SW 1/4 OF NW 1/4 LY WLY OF ST RD # 2 & ELY OF BN RR BELT LN LESS SLY 7 AC OF THAT POR OF S 1/2 OF NW 1/4 LY WLY OF SIGN RT 522 & ELY OF BN RR BELT LN R/W DAF-BEG AT NXN OF E/W C/L OF SD SEC & WLY R/W LN OF SD SIGN RT 522 TH N 25-44-14 W ALG SD WLY R/W LN 440.27 FT TH N 26-49-28 W ALG SD WLY R/W LN 87.77 FT TH S 89-52-36 W PLW E/W C/L OF SD SEC 664.19 FT TO ELY R/W LN OF SD BN RR TH SLY ALG SD ELY RR R/W LN 560.46 FT TO E/W C/L OF SD SEC TH N 89-52-36 E ALG SD E/W C/L 598.13 FT TO TPOB, Woodinville, WA.

Southern Property: 15701 Woodinville-Redmond Road; Legally described as PARCEL 4 KCSP 1076043 REC AF #7805021040 SD PLAT DAF - THAT POR OF SW 1/4 OF NW 1/4 LY WLY OF ST RD #2 & ELY OF BN RR BELT LN LESS SLY 7 AC OF THAT POR OF S 1/2 OF NW 1/4 LY WLY OF SIGN RT 522 & ELY OF BN RR BELT LN R/W DAF - BEG AT NXN OF E/W C/L OF SD SEC & WLY R/W LN OF SD SIGN RT 522 TH N 25-44-14 W ALG SD WLY R/W LN 440.27 FT TH N 26-49-28 W ALG SD WLY R/W LN 87.77 FT TH S 89-52-36 W PLW E/W C/L OF SD SEC 664.19 FT TO ELY R/W LN OF SD BN RR TH SLY ALG SD ELY RR R/W LN 560.46 FT TO E/W C/L OF SD SEC TH N 89-52-36 E ALG SD E/W C/L 598.13 FT TO TPOB, Woodinville, WA.

record:

- Exhibit 1 Staff Report
- Exhibit 2 Application forms received December 10, 2012
- Exhibit 3 Site Plan, Option A, prepared by Shockey Planning Group, received May 2, 2013
- Exhibit 4 Letter of Complete Application issued January 24, 2013
- Exhibit 5 Notice of Application issued February 4, 2013
- Exhibit 6 Re-Issued Notice of Application issued February 11, 2013
- Exhibit 7 Geotechnical Engineering Evaluation prepared by Nelson Geotechnical Associates, Inc. received December 10, 2013
- Exhibit 8 Critical Area Report and Conceptual Mitigation Plan prepared by Shockey Planning Group, dated July 2, 2013
- Exhibit 9 Agency Comments Received
- Exhibit 10 Arborist Report prepared by International Forestry Consultants, Inc. dated January 10, 2013
- Exhibit 11 Alternative Site Plan, Option B, prepared by Shockey Planning Group, received May 2, 2013
- Exhibit 12 Comment Response Letter, prepared by Shockey Planning Group, received May 2, 2013
- Exhibit 13 Comment Response Letter, prepared by Shockey Planning Group, received July 18, 2013
- Exhibit 14 SEPA Determination of Nonsignificance issued August 26, 2013, and SEPA Checklist dated January 4, 2013
- Exhibit 15 Email from City Attorney on Critical Area Exception Process dated June 17, 2010

Based on the testimony and evidence submitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions to support the final decision:

FINDINGS

1. The Applicant seeks approval of a RUP to establish a building pad for a 75,000 square foot warehouse and 15,000 square feet of office use and parking improvements on two Industrial zoned properties at 15801 and 15701 Woodinville-Redmond Road, Woodinville, Washington. The purpose of a RUP is to establish the footprint for the proposed development that will be part of a process of review of the application. *Exhibit 1, Staff Report, pg. 1; Exhibit 2.*
2. The parcel on which the proposed development would occur consists of two lots in the Valley Industrial Neighborhood of the City. The lots are zoned as Industrial (I) with Tourist District Overlay. The two lots are vacant with a total area of 6.119 acres. Each lot has 3.059 acres. The following zoning and uses apply to the surrounding properties: a) North-Commercial, Industrial uses / Industrial with Tourist District Overlay; South-Warehouse, Office Uses / Industrial with Tourist District Overlay; West-Railroad ROW, Open Space / Industrial with Tourist District Overlay, Park; East-Industrial uses / Industrial. *Exhibit 1, pgs. 1, 2 and 3 ; Exhibit 2; Exhibit 3; and Exhibit 7.*
3. The Applicant applied to the City for a RUP and a Washington State Environmental Act (SEPA) Determination on December 10, 2012. The RUP application was vested on January 14, 2013. A Notice of Complete Application was sent on January 24, 2013. A Notice of Application issued on February 4, 2013; Because of a noticing error, the Notice of Application was re-issued on

February 11, 2013, with a comment period through February 26, 2013. The SEPA Determination of Nonsignificance was issued on August 26, 2013, with a comment period through September 9, 2013. *Exhibit 1, pgs.3 and 8; Exhibit 2*

4. On site is an existing Class 3 wetland (Wetland A) and a buffer that bisects the property. In the City of Woodinville the buffer width standard for a Class 3 wetland is 50 feet. The approximate one acre wetland and buffer extend over 75% of the site: The north half of the wetland is in the western half of the northern lot and the southern portion of the wetland is in the eastern half of the southern lot. Because a portion of the southern area of the wetland is proposed to be filled, wetland creation and buffer enhancement are proposed adjacent to the northern area of the existing wetland. The wetland area proposed to be impacted is degraded and provides little functional benefit. *Exhibit 1, pgs.1, 3, 6 and 8; Exhibit 2; Exhibit 3; Exhibit 7; Exhibit 8*. Based on the analysis as set forth in the critical area report, as well as other data provided by the Applicant, filling a poor quality wetland area in the southeast portion of the site and creating wetland in the northwest portion of the site, would minimize the impact to the wetland. *Exhibit 1, pgs. 6, 7, and 8; Exhibit 8*
5. The subject property moderately slopes down to the east within the western half of the property. The property continues its general slope for the remainder of the site. It is bordered to the north and south by commercial property, to the east by Woodinville-Redmond Road and to the west by property owned by the Burlington Northern Santa Fe Railroad. It is covered with tall grasses, a few trees and some patches of blackberry bushes. *Exhibit 1, pg. 2; Exhibit 7, pg. 6*
6. WMC 21.24.340 requires a RUP because there is no other permitted alteration for direct impacts to wetlands as part of the proposed private development. The development plans call for wetland A to have 24,064 square feet of fill, including part of the eastern wetland and the connection ditch. A RUP is required for the proposed wetland fill because no other permitted alteration for direct impacts to wetlands is available for private development. *Exhibit 1, pgs. 3 and 6*.
7. Pursuant to the WMC 21.24.080(2) a RUP exception for the private development on the subject property can be granted if criteria are satisfied. Part of the development review includes a determination of where the project can be developed and where the development pad on the subject property is to be located. Subsequent to the approval of the RUP, the Applicant must secure separate land use approval of the proposed development consistent with the City's development regulations. The project will also be subject to review pursuant to the State Environmental Policy Act (SEPA). *Exhibit 1, pg. 1; Testimony of Ms. Ngo*.
8. Access to the site is off the Woodinville-Redmond Road. Site development would require frontage improvements. *Exhibit 1, pg. 2; Testimony of Ms. Ngo*
9. It is the intent of the Applicant to develop the property with a two story building that would have 75,000 square feet of industrial space and 15,000 square feet of office space. Parking areas would, also, be part of the development. Separate permit review would be done for the development of the site. *Exhibit 1, pgs. 1 & 3*
10. The area for the development on the parcel is problematic because Wetland A extends to the northwest and southeast quarters of the property and there are steep slopes on the southwest quarter. These physical features of the property limit the areas of development allowed by the development standards of the City. While an area that could possibly be developed is the northeast corner of the property, there is insufficient area in the northeast corner to develop the

proposed structure and satisfy City standards. The Applicant has requested a RUP to allow the proposed use. *Exhibit 2.*

11. There has been no development of the site because approximately 75% of the 6.119 acre parcel has critical areas (wetland, wetland buffer, and/or steep slopes). The Applicant has proposed development of the site that would use the non-critical area parts of the site and minimize the impact to the remainder of the site. *Testimony of Mr. Shockey; Testimony of Ms. Ngo; Exhibit 1, Pg. 6.* The proposed development pad at the subject property would cover 59.7% of the site, *Exhibit 3; Exhibit 1, pg. 7.*
12. The conceptual mitigation plan for Option A includes: wetland creation at a ratio of 1.5:1 of the area filled, or 35,140 square feet; wetland enhancement, including invasive species removal and planting of native species within the entire wetland area; buffer enhancement, including invasive species removal and planting of native species within the entire buffer area; and wetland fill of 24,065 square feet for mitigation on-site. *Exhibit 3; Exhibit 1, pg. 8.* The wetland mitigation is proposed at a ratio of 1.5:1 and would be located in the northwest portion of the site. A final mitigation plan would be required to be submitted, and evaluated for compliance with the City's requirements as part of the land use permit approval, and/or building permit process. As part of the mitigation of the wetlands an additional 43,584 square feet would be enhanced. *Exhibit 3.* Option A does not pose an unreasonable threat to public health, safety or welfare either on or off site. The design is consistent with the general purposes of the Critical Area regulations (WMC 21.24) and the public interest." *Exhibit 8, pg. 21.*
13. According to the representative of the Applicant, the eventual uses of the site are still under review. However, all of the proposed uses could be developed to be consistent with the Code. As part of the land use permit review, and/or building permit process, the uses proposed would be evaluated for compliance with the City's requirements. *Exhibit 1, pg. 3*
14. Development standards, including setbacks, building height, floor to area ratio, impervious surface would be evaluated for compliance with the City's requirements as part of the land use permit review, and/or building permit process. *Exhibit 1, pgs. 4 and 5; Testimony of Ms. Ngo; Testimony of Mr. Shockey*
15. An arborist report was submitted as part of the Reasonable Use Permit application. The current site does not comply with the tree credit requirements, and supplemental would be required. *Exhibit 10, pg. 4.* A Tree Plan, including a planting plan that would comply with the tree density requirements, is required to be submitted as part of the land use permit review, and/or building permit process. *Exhibit 1, pg. 5*
16. The site plan shows 75,000 square feet of manufacturing/warehouse and 15,000 square feet of office. Applying to City standards for manufacturing/warehouse and office parking the total spaces required would be 118 spaces. The site plan depicts 123 spaces. The parking proposal, or any changes to it, will be reviewed for Code compliance as part of the land use permit review approval, and/or building permit process. *Exhibit 1, pg.5; Testimony of Ms. Ngo; Testimony of Mr. Shockey; Exhibit 3*
17. Any development proposal must satisfy Woodinville Fire Code requirements. The proposal will be evaluated for compliance with the City's requirements as part of the land use project approval, and/or building permit process. *Exhibit 1, pg.5; Testimony of Ms. Ngo; Testimony of Mr. Shockey*

18. A drainage report and drainage analysis and improvement requirements must be evaluated for compliance with the City's requirements as part of the land use project approval, and/or building permit process. Compliance includes satisfying City's adopted drainage requirements (Chapter 14.09 WMC). *Exhibit 1, pg. 5; Testimony of Ms. Ngo*
19. All submitted preliminary civil construction plans are to be evaluated for compliance with the City's requirements as part of the land use project approval, and/or building permit process. A traffic report and its findings relating to level of service requirements will be evaluated for compliance with the City's requirements as part of the land use project approval, and/or building permit process. *Exhibit 1, pg.6; Testimony of Ms. Ngo*
20. In addressing a criterion for an RUP that there is no other reasonable use with less impact on the sensitive area (WMC 21.24.080(2)(ii)), the Applicant submitted information as to what constitutes "reasonable use" in the general area of the site. Of the 35 developed properties along the SR 202 corridor near the subject property, the range of "lot coverage", or the percentage of the lot within the development footprint was between 4.51% and 114.33%, with the average being 42.81%. Many of these developments may be restricted because of development code restrictions. *Exhibit 1, pgs. 6 and 7.*
21. The Applicant addressed whether there is some other development scheme for the land that would have a lesser impact than that submitted. As an alternative to the proposed site plan, the Applicant provided an "Option B" that would include a 2-story, 40,000 square foot building. However, to develop this option the Applicant would be required to satisfy City's parking standards and requirements, and to accomplish this, a drive aisle across the wetland would be required. The drive aisle could potentially create impacts to the hydrological connection between the two wetland areas. The Option A proposed by the Applicant does not create such impacts. *Testimony of Mr. Shockey; Exhibit 1, pg. 7; Exhibits 3 and 11.*
22. The proposed wetland creation and buffer enhancement would improve functions and values of the wetland, for water quality, hydrology and habitat. *Exhibit 7; Testimony of Ms. Ngo; Exhibit 1, pg. 8.* The development pad is the minimum necessary to reasonably develop the site without impact to critical areas on site or in the area. A smaller pad could limit any development because of lack of space and therefore the site would remain vacant, even though any impacts can be mitigated. The development pad is consistent with other development of the industrial land within the SR 202 corridor. The development of this property as an industrial or tourist-oriented user would implement the comprehensive plan and purposes of the zoning code. *Testimony of Mr. Shockey; Exhibit 1, pg. 8*
23. The RUP has been reviewed by the City and is consistent with the requirements of RCW 36.70B.040 – Determination of Consistency and WMC 17.13.100 and the Woodinville regulations. The review included consideration of the proposed land use, the type of proposed development, the utilities needed for development and the impacts from development on the subject and surrounding properties. *Testimony of Ms. Ngo; Exhibit 1, pg. 9.* Based on the above analysis, and with the proposed conditions listed below, Asko Processing RUP is consistent with the requirements of the City of Woodinville 1999 Infrastructure Standards, Comprehensive Plan, and Woodinville Municipal Code. *Exhibit 1, pg. 9*

24 The Comprehensive Plan has been reviewed by the City as part of the RUP review. The proposal would be consistent with:

- a) Land Use GOAL LU-4 because the development would establish and encourage a variety of commercial services and employment opportunities;
- b) Policy LU-4.3 because the proposal has potential for appropriate development in the Tourist District that attracts tourists and still allows for uses in the underlying zoning;
- c) Policy LU-4.8 because the proposal would accommodate a wide variety of industrial land uses consistent with responsible environmental practices;
- d) Environmental GOAL ENV-8 which encourages innovative opportunities for environmental protection, maintenance and enhancement objectives as a part of all city planning and development review; and
- e) Policy ENV-8.1 which promotes environmentally friendly and economically viable design.

Exhibit 1, Pg. 4; Testimony of Mr. Shockey

CONCLUSIONS

Jurisdiction:

The Hearing Examiner is granted jurisdiction to hear and decide applications for Reasonable Use Exceptions and associated variances pursuant to Chapter 36.70 of the Revised Code of Washington and Chapter 21.24 WMC. A critical area exception is required to be processed pursuant to WMC 2.30, Appeal Procedures. Per WMC 21.24.080, the Hearing Examiner conducts a closed record hearing to review the recommendation from the Development Services Director on critical area exceptions.

Applicable Ordinances and Regulations

21.24.080 Exceptions.

(1) If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this subsection:

(a) The public agency or utility shall apply to the Department and shall make available to the Department other related project documents such as permit applications to other agencies, special studies and environmental documents. The Development Services Director shall prepare a recommendation to the Hearing Examiner.

(b) The Hearing Examiner shall review the application and conduct a public hearing pursuant to the provisions of Chapter 2.30 WMC. The Hearing Examiner shall make a decision based on the following criteria:

(i) There is no other practical alternative to the proposed development with less impact on the sensitive area; and

(ii) The proposal minimizes the impact on critical areas.

(c) This exception shall not allow the use of the following critical areas for regional retention/detention facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:

(i) Class 1 stream buffers;

(ii) Class 1 wetland buffers with plant associations of infrequent occurrence; or

(iii) Class 1 or 2 wetland buffers, which provide critical or outstanding habitat for herons, raptors or State or Federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

(2) If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:

(a) The applicant shall apply to the Department, and the Development Services Director shall

prepare a recommendation to the Hearing Examiner. The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of Chapter 21.44 WMC;

(b) The Hearing Examiner shall review the application and shall conduct a public hearing pursuant to the provisions of Chapter 2.30 WMC. The Hearing Examiner shall make a final decision based on the following criteria:

- (i) The application of this chapter would deny all reasonable use of the property;
- (ii) There is no other reasonable use with less impact on the sensitive area;
- (iii) The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
- (iv) Any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and

(c) Any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the Hearing Examiner including, but not limited to, mitigation under an approved mitigation plan. (Ord. 465 § 27, 2008; Ord. 375 § 3, 2004; Ord. 175 § 1, 1997. Formerly 21.24.070)

Conclusions based on Findings

1. The Applicant seeks approval of a RUP to establish a building pad for a 75,000 square foot warehouse and 15,000 square feet of office use and parking improvements on two Industrial zoned properties at 15801 and 15701 Woodinville-Redmond Road, Woodinville, Washington. The purpose of a RUP is to establish the footprint for the proposed development that will be part of a process of review of the application. *Finding of Fact No. 1*
2. The application of the City's development standards for critical areas would deny all reasonable use of the property. The site could be developed it would have a small area but the limitations and costs would not be practical. While there are wetlands on site, there is a portion of the site that can be developed without impacting, or adding to, existing impacts of wetlands onsite. Option A is a reasonable use of the property because it utilizes developable areas of the parcel, provides protection and improvement to the wetlands on site and allows the property to be developed in a manner that will provide a buildable area while maintaining existing natural conditions. *Findings of Fact Nos. 10-12*
3. The Applicant has proven that Option A can be developed and no other reasonable use with less impact on the sensitive area has been identified. *Finding of Fact No. 21*
4. The proposed development would not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site. Although it is still subject to additional permit review, it has been shown that Option A is consistent with the general purposes of Chapter 21.24 WMC and the public interest. *Findings of Facts Nos. 11-22*
5. The proposed alterations to sensitive area will be the minimum necessary to allow for reasonable use of the property. Wetland enhancement, including invasive species removal and planting of native species would occur in the entire wetland area; buffer enhancement, including invasive species removal and planting of native species would occur in the entire buffer area; and wetland

fill of 24,065 square feet for mitigation on-site would be provide. *Findings of Fact Nos. 12, 20, 21 and 22.*

DECISION

The requested Reasonable Use Permit to establish a building pad for a 75,000 square foot warehouse and 15,000 square feet of office and parking improvements on two Industrial zoned properties at 15801 and 15701 Woodinville-Redmond Road, Woodinville, Washington is approved SUBJECT TO THE FOLLOWING CONDITIONS:

1. The approved RUP includes a development footprint that would accommodate a 2-story building that could include 75,000 square feet of industrial space, 15,000 square feet of office space, and parking for 123 cars, as shown in Exhibit 3. The approval of the RUP is limited to the development. A different sized building with a different configuration, which fits into the proposed development footprint while meeting all of the City's development standards, may be proposed as part of the eventual land use permit approval. Prior to issuance of any construction permits, the Applicant shall apply for a land use project approval as part of the process for approval for a specific use/project. The Applicant shall satisfy all of the development standards in place at the time of a complete application of the land use permit.
2. All development shall proceed in accordance with the recommendations listed in the Critical Areas Report and Conceptual Mitigation Plan prepared by Shockey Planning Group, Inc. dated July 2, 2013 and any further addendums accepted by the Planning Director.
3. The proposed wetland alteration that would fill 24,064 square feet of wetland is approved and shall be developed consistent with the description submitted in the Critical Area Report. It will be subject to the conceptual mitigation plan.
4. A final mitigation plan shall be submitted to, and reviewed and approved by the City prior to approval of the land use project permits and final construction drawings,
5. The proposed buffer reduction, which shall be allowed to contain varying widths, but at least a minimum of 25 feet wide, is approved as described in the Critical Area Report. The buffer is subject to the conceptual mitigation plan. As part of and prior to approval of the land use project approval and final construction drawings, a final mitigation plan shall be submitted to and reviewed by the City for approval.
6. All required state, federal and other permits shall be obtained prior to beginning construction.
7. The State Department of Archaeology and Historic Preservation, as well as the Stillaguamish and Snoqualmie tribes requested an archaeological survey be completed on this site. The Applicant shall submit, as part of the land use permit approval application, a professional archaeological survey and an inadvertent discovery plan of the project area. The Applicant shall coordinate with the tribes and state agencies on the content of these reports, as well as the request for tribal monitors to be present during ground disturbance.
8. Included in the development regulations that will be evaluated for compliance with the City's requirements as part of the permit approval, and/or building permit process:
 - a. Setbacks, building height, floor to area ratio, and impervious surface.
 - b. Landscaping, and parking.

- c. Fire code and other life-safety requirements.
 - d. An arborist report was submitted as part of the Reasonable Use Permit application. The current site does not comply with the tree credit requirements, and supplemental plantings will be required. A Tree Plan II, including a planting plan to comply with the tree density requirements, will be required to be submitted, and the tree retention requirements will be evaluated for compliance.
9. Preliminary Civil Construction Plans are required to be submitted to be evaluated for compliance with the City's infrastructure requirements as part of the land use permit approval, and/or building permit process. Final construction plans are subject to review and approval prior to issuance of any development permits.
10. A drainage report must be submitted, to evaluate drainage analysis and improvement requirements with the City's requirements as part of the land use permit approval, and/or building permit process.
11. A traffic report will be required to be submitted, and level of service requirements will be reviewed for compliance with the City's requirements as part of the land use permit approval, and/or building permit process.

Dated this 25th day of November, 2013



James M. Driscoll-Hearing Examiner