



# City of Arlington Council Agenda Bill

**Item:  
WS #5  
Attachment  
E-5**

<b>COUNCIL MEETING DATE:</b>	
April 22, 2019	
<b>SUBJECT:</b>	
Unit Lot Subdivision PLN#514 – 2019 Docket Item	
<b>ATTACHMENTS:</b>	
Staff Report and Recommendation, Planning Commission Findings of Fact, Ordinance	
<b>DEPARTMENT OF ORIGIN</b>	
Community & Economic Development – Marc Hayes, Director (360) 403-3457	
<b>EXPENDITURES REQUESTED:</b>	-0-
<b>BUDGET CATEGORY:</b>	-0-
<b>BUDGETED AMOUNT:</b>	-0-
<b>LEGAL REVIEW:</b>	
<b>DESCRIPTION:</b>	
The Unit Lot Subdivision, is a Land Use Code Update amending Chapter 20.44.020 AMC. The amended Chapter will be identified as 20.44.020A.	
<b>HISTORY:</b>	
<p>Chapter 20.44.020 AMC currently existed, but was deficient in its structure, this amendment provides for a detailed expansion of the existing chapter providing more specificity of its use when developing fee simple property related to common wall and zero lot line types of housing.</p> <p>A Public Hearing was held April 16, 2019 at Planning Commission. There was no public opposition of the proposed amendment to Chapter 20.44.020.</p>	
<b>ALTERNATIVES:</b>	
Remand back to staff.	
<b>RECOMMENDED MOTION:</b>	
Workshop; discussion only. At the May 6, 2019 council meeting, the recommended motion will be, “I move to approve the ordinance making additions to the development regulations pertaining to unit lot subdivisions, and authorize the Mayor to sign the ordinance.”	

# Community & Economic Development

PLANNING COMMISSION



Bruce Angell, Chair

238 N. Olympic Avenue

360-403-3551

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## Regarding: PLN #514

Land-Use Code Amendment (LUCA) replacing AMC 20.44.020-Unit Lot Subdivisions (ULSS) in its entirety with revised wording.

## Summary:

The Planning Commission held a Workshop on March 5, 2019, and an open Public Hearing on April 16, 2019 regarding the above subject and transmits the following findings and recommendation to the City Council:

## Findings:

1. This City initiated request for an amendment to the City of Arlington Land Use code Section 20.44.020 meets the requirements for inclusion on the 2019 Comprehensive Plan Docket per AMC 20.96.
2. The proposed wording changes, essentially a replacement for Section 20.44.020 in its entirety, were included in the 2019 Comprehensive Plan Docket because these changes provide significant support for multiple Comprehensive Plan Housing and Land Use element goals and policies.
2. The 2015 Arlington Comprehensive plan projected population increase requires the addition of approximately 3,000 additional residential units to existing housing inventory over its 20-year planning horizon.
3. This proposed wording change to the Unit Lot Subdivision section of the Land Use Code will encourage the construction of fee simple townhouse and cottage housing which will lead to more affordable home ownership while avoiding the complications of condominium development.
4. The design requirements of this proposed re-wording are consistent with Comprehensive Plan goals and policies developed to encourage quality housing stock distributed throughout the City.
4. The proposed re-wording addresses the City's need to include "missing middle" housing as part of its effort to encourage livable neighborhoods.
5. The proposed re-wording is consistent with regional planning policies contained in Vision 2040, Countywide planning policies, the Arlington Comprehensive Plan, and the other 2019 docket items.

**Conclusion and Recommendation:**

Based on the foregoing findings and testimony received at the hearing, the Planning Commission hereby recommends on a unanimous vote that the City Council approve the proposed changes to AMC Chapter 20.44-020 Unit Lot Subdivisions.

Respectfully submitted through the Department of Community and Economic Development to the City Council This Seventeenth day of April 2019 by



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*Bruce Angell*  
*Arlington City Planning Commission Chair*



# Community and Economic Development Planning Division

18204 59<sup>th</sup> Avenue NE, Arlington, WA 98223

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## Planning Commission STAFF REPORT & RECOMMENDATION

**To:** Planning Commission

**From:**

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Josh Grandlienard, Planner II

**Date:** February 21, 2019

**Regarding:** Unit Lot Subdivision Land Use Code Update PLN#514

### **A. INTRODUCTION**

The Unit Lot Subdivision Land Use Code Update is a City-initiated project that is an amendment to the City of Arlington Land Use code Chapter 20.44.020A. The Code Update is submitted under the 2019 Comprehensive Update docket cycle.

### **B. GENERAL INFORMATION**

**Applicant:** City of Arlington

**Project Description:** 2019 Land Use Code Update

**Requested Action:** Make a recommendation of approval to the Arlington City Council

**C. DETAILED PROJECT INFORMATION**

The City is expanding upon the current Unit Lot Subdivision Code Section in order to help to encourage the use of Unit Lot Subdivision to encourage diverse types of available housing within the City. Approval by the City Council is required for all land use code updates. If the request is granted, the City's Comprehensive Plan Land Use Code Section 20.44.020 would need to be amended.

**D. REGULATORY REQUIREMENTS**

1. SEPA COMPLIANCE:

The amendment of a comprehensive plan amendment is subject to provisions of the State Environmental Policy Act (SEPA) and Chapter 20.98 of the Arlington Municipal Code (AMC).

2. PUBLIC NOTIFICATION/INVOLVEMENT

- a. Presentations and/or updates to the Planning Commission will occur on March 5, 2019, March 19, 2019 and April 16, 2019.
- b. Two Public Hearings will be held at Planning Commission, located at Arlington City Chambers on the following dates, March 19, 2019 and April 16, 2019.
- c. The City will present information and advertise the Public Hearings regarding the Planning Docket in the Everett Herald, and via area wide mailing.
- d. A Notice of Public Hearing for the May 6, 2019 Planning Commission meeting will be posted at the Arlington and Smokey Point Post Offices, The Arlington Library and City Hall. The Notice was also published in the Everett Herald.

3. WASHINGTON STATE DEPARTMENT OF COMMERCE NOTIFICATION

The Unit Lot Subdivision Land Use Code Update, along with the additional docket items will be submitted to the Washington State Department of Commerce (DOC), and the DOC will notify the City that if it is in procedural compliance with RCW 36.70A.106.

**E. BACKGROUND INFORMATION**

Staff has reviewed the draft findings during review of the project and finds that the applicant has met the intent of all applicable requirements and standards. The plan supplements the Comprehensive Plan, through planning goals: PO-6.4, GH-1, GH-2, GH-5, GH-6, GH-8, GL-1, GL-2, GL-4, and GL-7. This means that based on the submittal that Unit Lot Subdivision update will encourage the development of Land Use Developments that are conducive to social interaction, Diversify the City's housing stock, Ensure the development of new multi-family housing and small single-family units occur within close proximity to commercial areas within the city, Encourage a quality housing stock within the City, Establish and maintain a streamlined permitting processing to help create predictability for customers, Promote and Facilitate the provision of affordable housing in all areas and zoning districts of the city.

**F. ANALYSIS**

Staff recommends that the Planning Commission recommend for approval and adoption, the amendment of the Unit Lot Subdivision land use code update by City Council.

**G. FINDINGS AND CONCLUSIONS**

1. Public meetings will be held on March 5, 2019, March 19, 2019, and April 16, 2019.
2. The Planning Docket and associated staff reports will be submitted to the DOC in accordance with RCW 36.70A.106 and the submittal will meet all DOC's procedural requirements.
3. On March 5, 2019, the Planning Commission will review a draft of the City of Arlington 2019 Comprehensive Plan Docket at their workshop meeting.
4. On February 19, 2019 a Notice of Public Hearing for the March 19, 2019 Planning Commission public hearing was posted at Arlington City Hall, Arlington Post Office, Smokey Point Post Office and the Arlington Public Library.
5. On March 29, 2019 a Notice of Public Hearing for the April 16, 2019 Planning Commission public hearing will be posted at Arlington City Hall, Arlington Post Office, Smokey Point Post Office and the Arlington Public Library.
6. The application for PLN#514 has been reviewed for consistency with the Arlington Comprehensive Plan and for internal consistency and the 2019 Comprehensive Plan amendments are consistent with, and internally consistent with, the Arlington Comprehensive Plan.
7. PLN#514 has been reviewed in accordance with, and is consistent with, the Snohomish County Countywide Planning Policies.
8. The proposed Comprehensive Plan Amendments were prepared in accordance with the Washington State Enabling Legislation (RCW 35A.63) and the Growth Management Act.
9. Documentation supporting the findings of fact is located in the file PLN#514, which is adopted by reference into this approval.
10. Adoption of the proposed Comprehensive Plan Amendments, PLN#514, furthers the public health, safety and general welfare.

**H. RECOMMENDATION**

Staff recommends that the Arlington Planning Commission make a recommendation to the Arlington City Council to adopt the Unit Lot Subdivision code update, 2019 Land Use Code Amendment, PLN#514.

#### 20.44.020A Unit Lot Subdivisions (ULSs).

- (a) Unit lot subdivisions, is an alternative to conventional subdivision processes by which the location of a building on a lot can be placed in such a manner that one or more of the building's sides rests directly on a lot line, allowing for the creation of fee simple lots for townhome, and cottage housing developments, in zones where such uses are permitted. Each building shall not be less than 1 units or exceed 10 units and shall maintain a 10-foot separation from other buildings.
- (b) Unit lot subdivisions shall be permitted in Residential High-Density zones and all Commercial zones (in conjunction with the Horizontal Mixed-Use overlay).
- (c) Prior to submittal of the final plat, the design of all buildings shall meet the design standards and shall have received design review approval.
- (d) All units created by a unit lot subdivision shall provide attached private open space for each individual unit equaling 15% of the total lot area, but in no case shall be less than 200 square feet. The required open space may be provided by one or more of the following: ground level open space, balconies, roof decks or porches.
- (e) Existing Multi-Family developments which meet or can be brought into conformance with the requirements of the unit lot subdivision may submit an application for such unit lot subdivision. The existing building shall also be in full compliance with the most currently adopted edition of the International Residential Code (IRC) and International Fire Code (IFC).
- (f) If a development proposes open or park space exceeding 125% of the minimum requirement, buildings may exceed the maximum allowed height requirement by 5 feet.
- (g) Low impact development street standards are required where feasible.
- (h) Low impact development techniques for stormwater management are required where feasible.

#### 20.44.020B Unit Lot Subdivision Lot Standards

As allowed by this chapter, development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area or dimensional standards of Title 20 – Land Use Code, provided that overall development of the parent parcel meets the development and design standards of the underlying and the requirements of this section. There shall be no minimum required lot area for individual lots within a unit lot subdivision, provided that the area of the unit lot shall be large enough to contain the dwelling unit and any accessory structures, decks, fences, garages, driveways, private yard areas, parking, landscaping or other improvements that are accessory to the dwelling unit; provided further, so long as conforming to the approved site development plan, such accessory improvements may encroach upon or be located in an adjoining unit lot or common area pursuant to an appropriate easement.

#### 20.44.020C Development and Design Standards

All developments using unit lot subdivisions in residential zones, shall be in compliance with the rules and regulations set forth in Title 20 AMC - Land Use Code, specifically Chapter 20.16 - Permits and Final Plat Approval.

#### 20.44.020D Unit Lot Subdivisions in Mixed Use Development

All Horizontal Mixed-Use Development overlay areas utilizing Unit Lot Subdivisions shall strictly adhere to Chapter 20.110.040 – Mixed Use Development Regulations, when designing the site development plan.

#### 20.44.020E Ownership of Common Areas

Portions of the parent parcel not subdivided for individual unit lots or not dedicated as public Right of Way or municipal utility systems shall be owned in common by the owners of the individual lots within the subdivision, or by a homeowner's association comprised of the owners of the individual unit lots within the subdivision.

#### 20.44.020F Building Setbacks

Building setbacks shall be as required for the zone as applied to the underlying parent parcel as a whole. There shall be no setback required from unit lot lines which are interior to the perimeter of the parent parcel; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the approved site development plan. The unit lot subdivision shall comply with the Density and Dimensional Standards set forth in Chapter 20.48. However, if alley access is proposed the minimum setback for any structure from the alley shall be 5 feet.

#### 20.44.020G Off – Street Parking

- (a) The minimum amount of parking shall be as required by Chapter 20.72. Required off-street parking space may be provided in an area owned and maintained in common by the homeowner's association. Parking spaces located in a common area shall be available to residents or guest or invitees of residents and shall not be reserved for any specific dwelling units.
- (b) One, additional off-street parking space shall be provided for every four lots proposed and be adjacent to the units for which they are required.
- (c) All required off-street parking spaces shall be maintained in perpetuity for off-street parking for the residents, or guests of residents. Such spaces shall not be used at any time or in any manner that precludes use for off-street parking of operable motor vehicles regularly used by occupants of the unit lot dwellings.
- (d) Parking shall be prohibited in fire lanes, and each fire lane shall be clearly identified with signage and pavement markings to indicate that the fire lane is not to be used for parking at any time. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense.
- (e) The unit lot subdivision shall provide bicycle parking facilities equal to 1 stall for every 4 lots.

#### 20.44.020H Private Access Drives

Private access drives are allowed, to provide access to dwellings and off-street parking areas within a unit lot subdivision. All private access drives shall be designed and constructed to city design and construction

standards. A separate pedestrian walkway is required from the dwelling units to a public sidewalk. Parking within any access drive shall be prohibited, but off-street parking may be located adjacent to an approved access drive outside the minimum required dimensions of the access drive. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense. As an alternative to the private access drive, the applicant may provide a public street meeting the city's design and construction standards.

#### 20.44.020I Public Water Mains, Sewer Mains and Fire Hydrants

All water mains, sewer mains and fire hydrants within the unit lot subdivision shall be constructed to city design and construction standards and dedicated to the city. The city shall have the discretion to refuse or accept dedication of utility systems in developments that this chapter that are not constructed to city standards.

#### 20.44.020J Ingress, Egress and Utility Access

Each unit lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each unit lot by dedicating streets or by reserving such common areas or easements over and across the parent parcel necessary to comply with all other design and development standards applicable to the approved site development plan.

#### 20.44.020K Landscaping

In addition to perimeter landscaping required for the parent parcel, landscaping shall be provided on each unit lot where yard area abuts an access drive, and between driveways and/or parking areas on abutting lots. A landscape plan shall be submitted with the land use application showing the following:

- (a) Perimeter landscape standard along rear or interior lot lines of parent parcel. All required perimeter landscaping shall be placed within a common area and shall be maintained by the homeowner's association. Conversion of perimeter landscaping to private yard area is prohibited.
- (b) Street trees on public streets shall be per city approved tree list.
- (c) Street trees on private access drives shall be per city approved tree list.

#### 20.44.020L Homeowners Association Incorporation

Prior to the recording of the subdivision, the applicant shall provide evidence that the homeowner's association has been incorporated pursuant to the laws of the State of Washington, including the filing of the association's articles of incorporation with the Washington Secretary of State. In the event the homeowner's association should cease to be a corporation under the laws of the State of Washington and as required by this section, such association shall continue as an unincorporated association governed by the Washington Uniform Common Interest Act (Chapter 64.90 RCW).

#### 20.44.020M Covenants and Maintenance

- (a) Covenants and Homeowners Association. The applicant shall provide a preliminary draft of covenants, declarations and restrictions with the subdivision application for review as part of the subdivision. Prior to the recording of the subdivision, the applicant shall provide final covenants, declarations and restrictions in a form satisfactory to the city attorney, which shall be recorded with the county auditor's office providing that the homeowner's association shall be subject to and comply with:
- (1) Such covenants, declarations and restrictions;
  - (2) The Washington Uniform Common Interest Act (Chapter 64.90 RCW);
  - (3) The applicable Washington corporation statute;
  - (4) Any applicable provisions of the city code including, but not limited to, B and C of this section.
- (b) Maintenance of Private Common Areas and Infrastructure. All common open space and recreation areas and all private utility infrastructure located within a unit lot subdivision and shall be maintained in perpetuity by the homeowner's association. Prior to the recording of the subdivision, the applicant shall provide the covenants, declarations and restrictions required by subsection A of this section for review by the city, which shall provide that the following common areas and infrastructure are maintained by the homeowner's association in accordance with all applicable provisions of the city code. Said covenants, declarations and restrictions shall provide authority for the city, after providing reasonable written notice to the homeowners association and opportunity to perform required maintenance, to recover any costs incurred by the city to maintain private infrastructure or common areas due to a failure of the homeowners association to adequately maintain privately owned improvements, including a lien on the property or other appropriate assurance device, as determined by the city.
- (1) Private access drives;
  - (2) Vehicle and pedestrian access easements;
  - (3) Joint use and maintenance agreements;
  - (4) Common off-street parking;
  - (5) Common open space (including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns and outdoor recreation areas);
  - (6) Private utility infrastructure (including, but not limited to, underground utilities and utility easement);
  - (7) Any other common buildings or improvements.
- (c) Maintenance of Lot, Buildings and Facilities. Buildings, utilities and facilities on individual unit lots shall be maintained by the property owner in accordance with city codes and the requirements of the covenants, declarations and restrictions applicable to the development. Prior to the recording of the subdivision, the applicant shall provide the covenants, declarations and restrictions required by subsection A of this section for review by the city, which shall provide that buildings, utilities and facilities on individual lots shall be maintained by the property owner in accordance with city codes and the requirements of such covenants, declarations and restrictions.

#### 20.44.150 Recorded Conditions

Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:

- (a) Approval of the design and layout of the unit lot subdivision was granted by the review of the subdivision as a whole, on the parent parcel by the site development plan approval (stating the project file number);
- (b) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent parcel as a whole, and shall conform to the approved site development plan.
- (c) If a structure or portion of a structure has been damaged or destroyed, any repair reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
- (d) The individual unit lots are not separately buildable outside of the context of the approved site development plan for the subdivision and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent parcel.

(Ord. No. 1454, 9-26-2008)

(Ord. No. 2015-025, § 3, 10-19-2015)

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ORDINANCE NO. 2019--XXX

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON, MAKING ADDITIONS TO THE DEVELOPMENT REGULATIONS PERTAINING TO UNIT LOT SUBDIVISIONS FOR THE CITY OF ARLINGTON UNDER CITY PLANNING FILE NO. PLN 514

WHEREAS the City of Arlington is required to plan under RCW 36.70A.040; and

WHEREAS, the City of Arlington has the authority to review and update the Comprehensive Plan and the development regulations which implement it; and

WHEREAS, the City's Community & Economic Development staff, Planning Commission, and City staff discussed and recommended proposed revisions they concluded were needed to comply with Chapter 36.70A RCW; and

WHEREAS, the City of Arlington Planning Commission reviewed the proposed code revisions relating to the unit lot subdivision regulations, and conducted a public hearing on April 16, 2019 to receive public comments on proposed revisions to the comprehensive plan; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared, and the public comments received, the Planning Commission recommended approval to the City Council; and

WHEREAS, the City Council held a public workshop on the proposed plan on April 22, 2019; and considered the matter at its May 6, 2019 regular meeting; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by their Boards and Commissions and staff, and the public comments received, the City Council finds and declares that the review and needed revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and the approved public participation and adoption process;

NOW, THEREFORE, the City Council of the City of Arlington does hereby ordain as follows:

Section 1. Arlington Municipal Code section 20.44.020 shall be and hereby is repealed.

Section 2. A new section 20.44.020A shall be and hereby is adopted to read as follows:

20.44.020A Unit Lot Subdivisions (ULSs)

(a) Unit lot subdivision is an alternative to conventional subdivision processes by which the location of a building on a lot can be placed in such a manner that one or more

of the building's sides rests directly on a lot line, allowing for the creation of fee simple lots for townhome, and cottage housing developments, in zones where such uses are permitted. Each building shall not be less than 1 units or exceed 10 units and shall maintain a 10-foot separation from other buildings.

(b) Unit lot subdivisions shall be permitted in Residential High-Density zones and all Commercial zones (in conjunction with the Horizontal Mixed-Use overlay).

(c) Prior to submittal of the final plat, the design of all buildings shall meet the design standards and shall have received design review approval.

(d) All units created by a unit lot subdivision shall provide attached private open space for each individual unit equaling 15% of the total lot area, but in no case shall be less than 200 square feet. The required open space may be provided by one or more of the following: ground level open space, balconies, roof decks or porches.

(e) Existing Multi-Family developments which meet or can be brought into conformance with the requirements of the unit lot subdivision may submit an application for such unit lot subdivision. The existing building shall also be in full compliance with the most currently adopted edition of the International Residential Code (IRC) and International Fire Code (IFC).

(f) If a development proposes open or park space exceeding 125% of the minimum requirement, buildings may exceed the maximum allowed height requirement by 5 feet.

(g) Low impact development street standards are required where feasible.

(h) Low impact development techniques for stormwater management are required where feasible.

Section 3. A new section 20.44.020B shall be and hereby is adopted to read as follows:

20.44.020B Unit Lot Subdivision Lot Standards

As allowed by this chapter, development on individual unit lots within the unit lot subdivision need not conform to the minimum lot area or dimensional standards of Title 20 – Land Use Code, provided that overall development of the parent parcel meets the development and design standards of the underlying zone and the requirements of this section. There shall be no minimum required lot area for individual lots within a unit lot subdivision, provided that the area of the unit lot shall be large enough to contain the dwelling unit and any accessory structures, decks, fences, garages, driveways, private yard areas, parking, landscaping or other improvements that are accessory to the dwelling unit; provided further, so long as conforming to the approved site development plan, such accessory improvements may encroach upon or be located in an adjoining unit lot or common area pursuant to an appropriate easement.

Section 4. A new section 20.44.020C shall be and hereby is adopted to read as follows:

20.44.020C Development and Design Standards

All developments using unit lot subdivisions in residential zones, shall be in compliance with the rules and regulations set forth in Title 20 AMC - Land Use Code, specifically Chapter 20.16 - Permits and Final Plat Approval.

Section 5. A new section 20.44.020D shall be and hereby is adopted to read as follows:

20.44.020D Unit Lot Subdivisions in Mixed Use Development

All Horizontal Mixed-Use Development overlay areas utilizing Unit Lot Subdivisions shall strictly adhere to Chapter 20.110.040 – Mixed Use Development Regulations, when designing the site development plan.

Section 6. A new section 20.44.020E shall be and hereby is adopted to read as follows:

20.44.020E Ownership of Common Areas

Portions of the parent parcel not subdivided for individual unit lots or not dedicated as public Right of Way or municipal utility systems shall be owned in common by the owners of the individual lots within the subdivision, or by a homeowner’s association comprised of the owners of the individual unit lots within the subdivision.

Section 7. A new section 20.44.020F shall be and hereby is adopted to read as follows:

20.44.020F Building Setbacks

Building setbacks shall be as required for the zone as applied to the underlying parent parcel as a whole. There shall be no setback required from unit lot lines which are interior to the perimeter of the parent parcel; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the approved site development plan. The unit lot subdivision shall comply with the Density and Dimensional Standards set forth in Chapter 20.48. However, if alley access is proposed, the minimum setback for any structure from the alley shall be 5 feet.

Section 8. A new section 20.44.020G shall be and hereby is adopted to read as follows:

20.44.020G Off – Street Parking

(a) The minimum amount of parking shall be as required by Chapter 20.72. Required off-street parking space may be provided in an area owned and maintained in common by the homeowner’s association. Parking spaces located in a common area shall be available to residents or guest or invitees of residents and shall not be reserved for any

specific dwelling units.

(b) One, additional off-street parking space shall be provided for every four lots proposed and be adjacent to the units for which they are required.

(c) All required off-street parking spaces shall be maintained in perpetuity for off-street parking for the residents, or guests of residents. Such spaces shall not be used at any time or in any manner that precludes use for off-street parking of operable motor vehicles regularly used by occupants of the unit lot dwellings.

(d) Parking shall be prohibited in fire lanes, and each fire lane shall be clearly identified with signage and pavement markings to indicate that the fire lane is not to be used for parking at any time. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense.

(e) The unit lot subdivision shall provide bicycle parking facilities equal to 1 stall for every 4 lots.

Section 9. A new section 20.44.020H shall be and hereby is adopted to read as follows:

20.44.020H Private Access Drives

Private access drives are allowed, to provide access to dwellings and off-street parking areas within a unit lot subdivision. All private access drives shall be designed and constructed to city design and construction standards. A separate pedestrian walkway is required from the dwelling units to a public sidewalk. Parking within any access drive shall be prohibited, but off-street parking may be located adjacent to an approved access drive outside the minimum required dimensions of the access drive. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense. As an alternative to the private access drive, the applicant may provide a public street meeting the city's design and construction standards.

Section 10. A new section 20.44.020I shall be and hereby is adopted to read as follows:

20.44.020I Public Water Mains, Sewer Mains and Fire Hydrants

All water mains, sewer mains and fire hydrants within the unit lot subdivision shall be constructed to city design and construction standards and dedicated to the city. The city shall have the discretion to refuse or accept dedication of utility systems in developments that this chapter that are not constructed to city standards.

Section 11. A new section 20.44.020J shall be and hereby is adopted to read as follows:

20.44.020J Ingress, Egress and Utility Access

Each unit lot subdivision shall make adequate provisions for ingress, egress and utilities access to and from each unit lot by dedicating streets or by reserving such common areas or easements over and across the parent parcel necessary to comply with all other

design and development standards applicable to the approved site development plan.

Section 12. A new section 20.44.020K shall be and hereby is adopted to read as follows:

20.44.020K Landscaping

In addition to perimeter landscaping required for the parent parcel, landscaping shall be provided on each unit lot where yard area abuts an access drive, and between driveways and/or parking areas on abutting lots. A landscape plan shall be submitted with the land use application showing the following:

- (a) Perimeter landscape standard along rear or interior lot lines of parent parcel. All required perimeter landscaping shall be placed within a common area and shall be maintained by the homeowner's association. Conversion of perimeter landscaping to private yard area is prohibited.
- (b) Street trees on public streets shall be per city approved tree list.
- (c) Street trees on private access drives shall be per city approved tree list.

Section 13. A new section 20.44.020L shall be and hereby is adopted to read as follows:

20.44.020L Homeowners Association Incorporation

Prior to the recording of the subdivision, the applicant shall provide evidence that the homeowner's association has been incorporated pursuant to the laws of the State of Washington, including the filing of the association's articles of incorporation with the Washington Secretary of State. In the event the homeowner's association should cease to be a corporation under the laws of the State of Washington and as required by this section, such association shall continue as an unincorporated association governed by the Washington Uniform Common Interest Act (Chapter 64.90 RCW).

Section 14. A new section 20.44.020M shall be and hereby is adopted to read as follows:

20.44.020M Covenants and Maintenance

(a) Covenants and Homeowners Association. The applicant shall provide a preliminary draft of covenants, declarations and restrictions with the subdivision application for review as part of the subdivision. Prior to the recording of the subdivision, the applicant shall provide final covenants, declarations and restrictions in a form satisfactory to the city attorney, which shall be recorded with the county auditor's office providing that the homeowner's association shall be subject to and comply with:

- (1) Such covenants, declarations and restrictions;
- (2) The Washington Uniform Common Interest Act (Chapter 64.90 RCW);
- (3) The applicable Washington corporation statute;
- (4) Any applicable provisions of the city code including, but not limited to, subsections (b) and (c) of this section below.

(b) Maintenance of Private Common Areas and Infrastructure. All common open space and recreation areas and all private utility infrastructure located within a unit lot subdivision and shall be maintained in perpetuity by the homeowner's association. Prior to the recording of the subdivision, the applicant shall provide the covenants, declarations and restrictions required by subsection (a) of this section, above, for review by the city, which shall provide that the following common areas and infrastructure are maintained by the homeowner's association in accordance with all applicable provisions of the city code.

- (1) Private access drives;
- (2) Vehicle and pedestrian access easements;
- (3) Joint use and maintenance agreements;
- (4) Common off-street parking;
- (5) Common open space (including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns and outdoor recreation areas);
- (6) Private utility infrastructure (including, but not limited to, underground utilities and utility easement);
- (7) Any other common buildings or improvements.

Said covenants, declarations and restrictions shall provide authority for the city, after providing reasonable written notice to the homeowners association and opportunity to perform required maintenance, to recover any costs incurred by the city to maintain private infrastructure or common areas due to a failure of the homeowners association to adequately maintain privately owned improvements, including a lien on the property or other appropriate assurance device, as determined by the city.

(c) Maintenance of Lot, Buildings and Facilities. Buildings, utilities and facilities on individual unit lots shall be maintained by the property owner in accordance with city codes and the requirements of the covenants, declarations and restrictions applicable to the development. Prior to the recording of the subdivision, the applicant shall provide the covenants, declarations and restrictions required by subsection (a) of this section for review by the city, which shall provide that buildings, utilities and facilities on individual lots shall be maintained by the property owner in accordance with city codes and the requirements of such covenants, declarations and restrictions.

Section 15. A new section 20.44.020N shall be and hereby is adopted to read as follows:

20.44.020N Recorded Conditions

Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:

- (a) Approval of the design and layout of the unit lot subdivision was granted by the review of the subdivision as a whole, on the parent parcel by the site

- development plan approval (stating the project file number);
- (b) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent parcel as a whole, and shall conform to the approved site development plan.
- (c) If a structure or portion of a structure has been damaged or destroyed, any repair reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
- (d) The individual unit lots are not separately buildable outside of the context of the approved site development plan for the subdivision and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent parcel.

Section 16. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106 a copy of this Ordinance shall be transmitted to the Washington Department of Commerce as required by law.

Section 17. Severability. If any provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 18. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY the City Council and APPROVED by the Mayor this 6<sup>th</sup> day of May, 2019.

CITY OF ARLINGTON

\_\_\_\_\_  
Barbara Tolbert, Mayor

Attest:

\_\_\_\_\_  
Erin Keator, City Clerk

Approved as to form:

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Steven J. Peiffle  
City Attorney