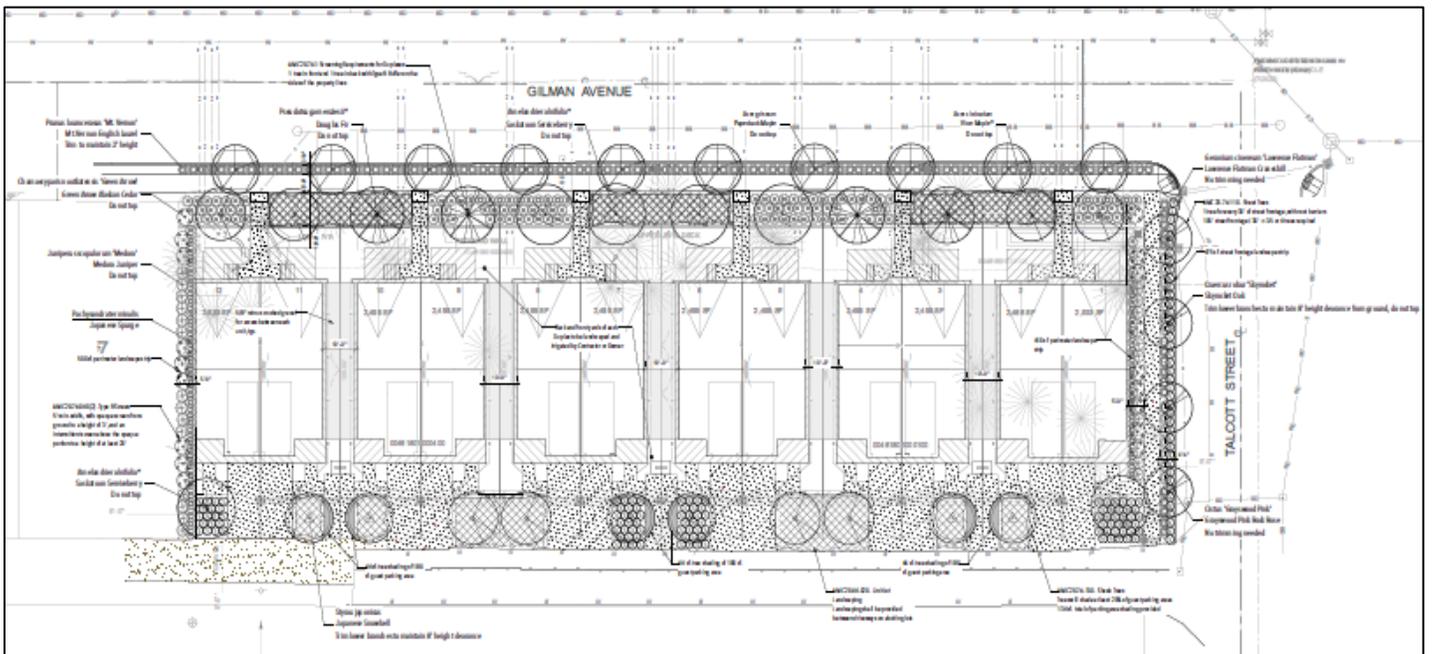
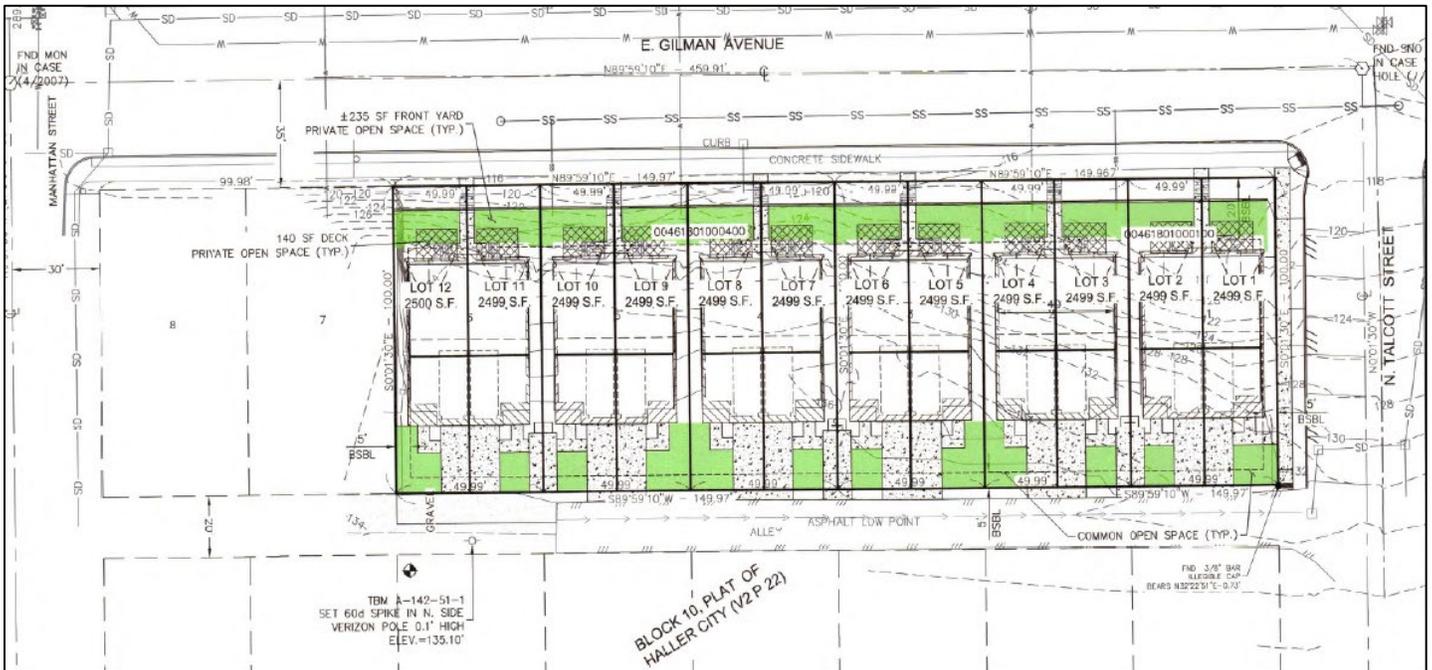




Community and Economic Development
 Planning Division
 18204 59th Avenue NE, Arlington, WA 98223

STAFF REPORT AND RECOMMENDATION
Rivertown Homes Preliminary Unit Lot Subdivision
Conditional Use Permit - PLN#1115



A. PROJECT DESCRIPTION AND REQUEST

The applicant is proposing to develop a twelve-lot preliminary major unit lot subdivision on two parcels that consist of six underlying lots of Block 10 of Haller City plat recorded under AFN189004245001. The development is located in the residential high-capacity zone and has a total area of 0.69 acres. The unit lot subdivision creates twelve fee simple lots for six townhouse style duplex units and twelve built-in accessory dwelling units. Each duplex has an accessory dwelling unit on the lower level. The proposal provides improvements to vehicular and pedestrian access, parking, walkways, private open space, water, sewer, and drainage for the new duplexes. Each unit has its own attached garage and driveway for two parking spaces per primary residential unit and guest parking along the alley.

The two existing homes and all existing trees will be removed for the site. Significant excavation and grading are required on the site to obtain building pads and retaining walls, which consists of 3,300 cubic yards of cut and 500 cubic yards of fill. The project proposes the following frontage improvements: sidewalk, landscape strip, curb, and gutter are proposed to be installed along N. Talcott Street, paving the public alley, and maintaining the existing improvements along E. Gilman Avenue.

In concert with their proposal, the Applicant has applied for the required Conditional Use Permit (“CUP”) under Arlington Municipal Code (AMC) §20.16.140, along with the SEPA Threshold Determination issued by the City of Arlington (hereafter “City”) under AMC §20.98.120.

Figure 1:



B. PROJECT HISTORY

The application for a Conditional Use Permit was received on August 11, 2023. The application was deemed complete on September 1, 2023. The applicant submitted revised plans and requested information on January 22, 2024 and February 28, 2024.

The notice of application was published in the city's official newspaper (The Herald), posted on site, mailed to required parties, and posted on the City's website on September 12, 2023.

The applicant submitted a request for review of the proposed project "Rivertown Homes Preliminary Unit Lot Subdivision" under the State Environmental Policy Act (SEPA) on August 11, 2023, with revisions to the checklist on January 22, 2024. The City issued a Mitigated Determination of Non-significance (MDNS) per AMC 20.98.120 on February 7, 2024. The notice was published in the city's official newspaper (The Herald), posted on the site, mailed to required parties, and posted on the City's website on February 9, 2024.

A Neighborhood Meeting was held on October 3, 2023. Notice for the Neighborhood Meeting was published in the city's official newspaper (The Everett Herald), posted on site, mailed to required parties, and posted on the City's website on September 12, 2023.

A Public Hearing is to be held before the Hearing Examiner on March 26, 2024. The notice of application was published in the city's official newspaper (The Herald), posted on the site, mailed to required parties, and posted on the City's website on March 8, 2024.

C. GENERAL INFORMATION

1. **Property Owner:** Rivertown Homes LLC
2. **Applicant:** Joe Brandvold, Rivertown Homes LLC
3. **Contact:** Kimberly Busteed, Cascade Surveying
4. **General Location:** Southwest of the E. Gilman Avenue and N. Talcott Street Intersection
5. **Address of Property:** 416 & 422 E. Gilman Avenue, Arlington WA 98223
6. **Property Legal Description (Abbreviated):** HALLER CITY BLK 010 D-00-ALL LOTS 1-2-3 and HALLER CITY BLK 010 D-00-ALL LOTS 4-5-6
7. **Property Tax ID Numbers:** 00461801000100 and 00461801000400
8. **Topographical Description:** The existing site slopes from the south to the north with an approximate elevation difference of 20 feet.
9. **Soil Type:** Everett very gravelly sandy loam, 0 to 8 percent slopes
10. **Acreage:** 0.69 acres
11. **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	Residential High Capacity	RHC	Single-Family Residence
North of Site	Residential High Capacity	RHC	Single-Family Residence
South of Site	Residential High Capacity	RHC	Multi-Family & Single-Family Residences
East of Site	Residential High Capacity	RHC	Single-Family Residence
West of Site	Residential High Capacity	RHC	Single-Family Residence

12. Public Utilities and Services:

Water:	City of Arlington	Gas:	Cascade Natural Gas
Sewer:	City of Arlington	Cable:	Comcast
Garbage:	Waste Management NW	Police:	City of Arlington
Storm Water:	On-Site	Fire:	North County Fire & EMS
Telephone:	Comcast	School:	Arlington School District
Electricity:	Snohomish Co. PUD #1	Hospital:	Cascade Valley

13. Applicable Land Use Code Regulations:

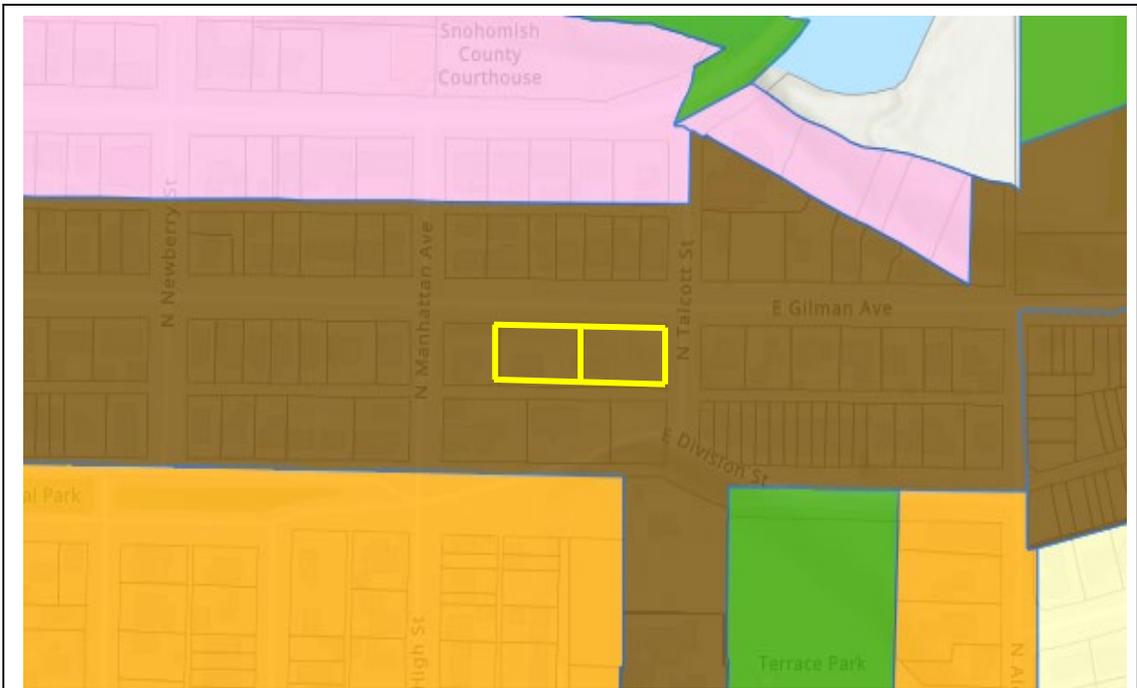
- AMC Chapter 20.08 Basic Definition and Interpretation
- AMC Chapter 20.16 Permits and Final Plat Approval
- AMC Chapter 20.24 Hearing and Pre-Hearing Procedures for Appeals and Applications
- AMC Chapter 20.36 Zoning Districts and Zoning Map
- AMC Chapter 20.38 Airport Protection District
- AMC Chapter 20.40 Permissible Uses
- AMC Chapter 20.44 Supplemental Use Regulations – Unit Lot Subdivisions & Accessory Dwelling Units
- AMC Chapter 20.46 Design
- AMC Chapter 20.48 Density and Dimensional Regulations
- AMC Chapter 20.52 Recreational Facilities and Open Space
- AMC Chapter 20.56 Streets and Sidewalks
- AMC Chapter 20.60 Utilities
- AMC Chapter 20.72 Parking
- AMC Chapter 20.76 Screening and Trees
- AMC Chapter 20.90 Concurrency and Impact Fees
- AMC Chapter 20.93 Critical Areas Ordinance
- AMC Chapter 20.98 State Environmental Policy Act
- AMC Chapter 13.28 Stormwater Utility

14. Proposed Use: The proposed project includes the development of six (6) duplexes on twelve (12) fee simple lots and twelve (12) accessory dwelling units within a Unit Lot Subdivision. The property is zoned Residential High Capacity. A Conditional Use Permit is required for this project per AMC 20.40.020 and AMC 20.40.120 Residential Zones Permissible Use Table.

15. Surrounding Land Uses and Land Use Permits: Surrounding properties of the subject parcel are zoned Residential High Capacity on the north, east, south, and west and are all currently occupied with single-family and multi-family residential structures. The property abuts public roads on three sides of the property, E. Gilman Avenue to the north, N. Talcott Street to the east, and a public alley to the south.



The project is located at 416 & 422 E. Gilman Avenue



- | | | | |
|---|---------------------------|---|--------------------------------|
|  | Residential High-Capacity |  | Old Town Residential District |
|  | Public / Semi-Public |  | Old Town Business District - 3 |

16. Compatibility and Impacts on Existing Development: The proposed development is a duplex and accessory dwelling unit and provides middle housing options to the neighborhood. The surrounding area has a mix of housing types including single-family, duplex, and multi-family residential units. The site is bound by E. Gilman Avenue to the north, N. Talcott Street to the east, and a public alley to the south. One single family residence abuts the property to the west. The project takes up a majority of the north side of Haller City block 10.

17. Compatibility with the Comprehensive Plan: The proposed project meets the following goals and policies of the Comprehensive Plan by encouraging higher density housing within the Residential High-Capacity zone and by providing open space for recreational opportunities for future residents within the subdivision.

Comprehensive Plan Goals and Policies	
GO - 1	Ensure City Goals and Policies are consistent with the Growth Management Act.
GO - 3	Work towards promoting and maintaining an urban environment within the City that enhances livability for its residents.
PO - 6.1	Site design and building architecture in residential and commercial developments should be human scaled (i.e., pedestrian friendly) and conducive to social interaction.
PO - 6.6	Design Guidelines/Standards should be established, maintained, and enforced, in order to ensure that all new development both within the Private and Public Realms are in harmony with the desired character of each respective neighborhood subarea.
GH - 1	Diversify the City's housing stock.
PH - 1.1	A variety of housing types and densities should be encouraged on lands with a residential land-use designation.
GL - 1	Work to ensure that the character and location of land uses optimize the economic benefit, enjoyment by residents, and protection of natural resources while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation through implementation of the following: a) <u>Growth Management</u> : Manage growth so that the delivery of public facilities and services will occur in a fiscally responsible manner to support development and redevelopment within the City. c) <u>Neighborhood Conservation</u> : Achieve a well-balanced and well-organized combination of open space, commercial, industrial, recreation and public uses that are served by an efficient transportation network while protecting the fabric and character of residential neighborhoods. d) <u>Environmental Preservation and Conservation</u> : Through both preservation and conservation ensure the proper management of the natural environment and resources.
PL - 1.4	<u>Residential High Capacity (RHC)</u> - This designation should provide for multi-family and other high-density residential development, with density limited only by development parameters such as-but not limited to-building height, setbacks, parking requirements, screening, open space and compatible uses where a full range of public facilities and services that support urban development exist or can be provided. Generally, this designation is appropriate for land that is located convenient to principal arterials and commercial areas.
GL - 4	Accommodate new development in a manner that supports a growth rate consistent with the goals of the State Growth Management Act but also preserves and enhances Arlington's quality of life, its natural environment, and its historical and cultural amenities.

Comprehensive Plan Goals and Policies	
PL - 4.2	The City should ensure that growth and development is consistent with the City's Capital Facilities Plan for providing public facilities including streets, sidewalks, lighting systems, traffic signals, water, storm, and sanitary sewer, parks and recreational facilities, and schools.
PL - 4.5	All new commercial, industrial, and residential plat developments should provide additional transportation infrastructure consistent with the City's comprehensive transportation plan and development regulations through installation, dedication, fee-in-lieu or some other acceptable form of mitigation.
GL - 7	Encourage a mix of residential densities throughout the City.
PL - 18.3	The City should work to ensure compatibility of land uses with topography, geology, soil suitability, surface water, groundwater & aquifers, frequently flooded areas wetlands, climate, and vegetation and wildlife.
PL - 19.1	Significant trees within the City should be preserved to the extent feasible. In instances where it is not feasible to preserve significant trees, any significant tree cut down should be mitigated either through re-planting or payment of a fee-in-lieu.
GL - 20	Minimize storm water runoff and urban drainage impacts by utilizing the natural drainage system where it is possible to do so without significantly altering the natural drainage ways.
PL - 20.1	The City should encourage the design of developments to use natural drainage patterns and incorporate means to entrap storm water and water pollutants before they are carried down slope or before they enter wetlands and/or other bodies of water.
PL - 20.4	To minimize impacts on natural resources, the evaluation of Low Impact Development techniques should be evaluated as the preferred approach prior to implementing traditional stormwater treatment and flow control facilities.
T - 1	System Development: Plan, develop, and maintain a balanced transportation system for the efficient movement of people, goods, and services within the city and between the community and other activity centers in the region.
PT - 1.3	Ensure that safe, convenient, and efficient transportation facilities are provided for all residents of and visitors to the City. This will include improvements to existing facilities as well as extensions to serve growth areas.
PT - 1.9	Require developers to construct those streets directly serving new development and to pay a fair-share fee for specific off-site improvements necessary to mitigate any adverse impacts determined through the review to be created by the development.
PT - 4.8	All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development.

Multi-County Planning Goals and Policies	
MPP-DP-2	Encourage efficient use of urban land by maximizing the development potential of existing urban lands, such as advancing development that achieves zoned density.
MPP-DP-14	Preserve and enhance existing neighborhoods and create vibrant, sustainable compact urban communities that provide diverse choices of housing types, a high degree of connectivity in the street network to accommodate walking, bicycling and transit use, and sufficient public spaces.
MPP-H-1	Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.
MPP-T-11	Prioritize investments in transportation facilities and services in the urban growth area that support compact, pedestrian- and transit-oriented densities and development.

18. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Application	9/12/2023	N/A	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office Affected Agencies City Website The Herald-published – 9/12/2023
Notice of Neighborhood Meeting	9/12/2023	10/3/2023	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 9/12/2023
Notice of SEPA Mitigated Determination of Non-Significance	2/7/2024	N/A	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 2/9/2024
Public Hearing	3/6/2024	3/26/2024	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 3/8/2024

19. Public Comments: Public comments were received during the Notice of Application and SEPA MDNS public comment periods and at the Neighborhood Meeting for the subject project. The Public Comments are summarized in Section F.

D. ENVIRONMENTAL REVIEW

The City issued a Determination of Non-Significance on February 7, 2024. The City published, posted and mailed the decision on February 9, 2024. The 14-day SEPA comment period ran from February 9, 2024 to February 23, 2024.

E. FINDINGS OF FACT

Sections “A” through “D” are incorporated into the Findings of Fact. Applicable Review Criteria and Process: The Preliminary Major Unit Lot Subdivision Conditional Use Permit Review request is subject to review for conformity with the Arlington Municipal Code (AMC), including but not limited to the following:

Regulation	Analysis	Meets
Chapter 20.08 AMC, Basic Definitions and Interpretations		
<p>20.08.010 Definitions of Basic Terms. Subdivision, Unit Lot means an alternative to conventional subdivision process 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 one unit or exceed ten units and shall maintain a ten-foot separation from other buildings. A major unit lot subdivision is 10 lots or more and a minor unit lot subdivision is 9 lots or less.</p>	<p>The application is for a preliminary major unit lot subdivision of 12 fee simple lots. There are 6 total proposed buildings of 2 duplex and 1 ADU each. All buildings are separated by a minimum of 10 feet. The project is being processed as a preliminary major unit lot subdivision.</p>	<p>Yes</p>
Chapter 20.16 AMC, Permits and Final Plat Approval		
<p>20.16.100 (b) Conditional Use Permits are issued under this title only when a review of the application submitted, including plans contained therein, indicates that the development will comply with the provisions of this title if completed as proposed. All development shall occur strictly in accordance with such approved plans and applications.</p>	<p>The applicant submitted a conditional use permit for a preliminary unit lot subdivision. The Hearing Examiner is responsible for the permit decision and the decision is appealable to Snohomish County Superior Court.</p>	<p>Yes</p>
<p>20.16.110 Who May Submit Permit Applications. (a) Applications for zoning, special use, conditional use, or sign permits or subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this title.</p>	<p>The owner of the property is Rivertown Homes, LLC and the owner of the corporation, Joe Brandvold, signed the preliminary major unit lot subdivision conditional use permit application that was submitted to the city.</p>	<p>Yes</p>
<p>20.16.120 Official Representative of the Applicant. The applicant for each land use permit shall designate an official representative, which may be himself, to receive all correspondence, determinations, and notices regarding the application.</p>	<p>The owner, Rivertown Homes, LLC, has designated Kimberley Busted with Cascade Surveying & Engineering, as the official representative for the subject permit.</p>	<p>Yes</p>

Regulation	Analysis	Meets
20.16.130 Staff Consultation Before Formal Application. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this title, a general information meeting between the developer and the planning staff is encouraged as provided in this section.	The City held a General Information Meeting with the project applicant on March 30, 2022.	Yes
20.16.140 Submittal of Application. (a) To minimize development planning costs, avoid misunderstanding or misinterpretations, and ensure compliance with the requirements of this title, a submittal intake appointment is required between the developer and the Community Development staff as provided in this section.	The project applicant scheduled a submittal intake appointment with the Community and Economic Development Department and submitted the application on August 11, 2023.	Yes
20.16.150 Vesting of Permits. (1) Land use permit applications shall be considered vested on the date that an application is deemed complete pursuant to 20.16.205 and applications shall be processed under the land use regulations in effect on that date. However, subsequent permits on the same property are not vested on this date. (2) Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.	The proposed application for the Rivertown Homes preliminary major unit lot subdivision became vested on September 1, 2023 with the issuance of the complete application. The required impact fees for the subdivision do not vest with the project and the fee in place at the time of payment is the amount due.	Yes
20.16.200 Applications to Be Complete. (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.	The applicant submitted a complete application for the Rivertown Homes preliminary major unit lot subdivision conditional use permit.	Yes
20.16.205 (c) Complete Application. Within 28 days of receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant.	The application was submitted on August 11, 2023. The City issued a Notice of Complete Application on September 1, 2023. The Notice was issued within the 28-day timeframe.	Yes
20.16.215 Distribution of Application. Upon receipt of a conditional use permit application, the Planning Official shall, in addition to all interested City Department, send a copy of the application to the authorities and agencies reviewing or furnishing water, fire, school, and sanitary sewer service to the proposed project.	The application was routed to all effected city departments on August 11, 2023, and after each resubmittal on January 22, 2024 and February 28, 2024.	Yes

Regulation	Analysis	Meets																		
20.16.225 Conditional Use Permits. (a) An application for a conditional use permit shall be submitted to the Hearing Examiner by filing a copy of the application with the Community and Economic Development Director in the planning department.	The preliminary major unit lot subdivision conditional use permit was submitted to city staff and reviewed for compliance with the Arlington Municipal Code. The project application documents were sent to the Hearing Examiner on March 8, 2024 for review prior to the public hearing.	Yes																		
20.16.230 Notice of Application Filed. The Community and Economic Development Director shall give public notice of any application filed for a conditional use permit by issuing, distributing, and advertising a "Notice of Application Filed".	The city issued a Notice of Application on September 12, 2023. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, and mailed to all property owners within 500 feet of the property on September 12, 2023. The comment period was open until September 26, 2023.	Yes																		
20.16.235 Neighborhood Meetings for Conditional Use Permits Required. All applications for conditional use permits shall be publicly scoped through a public neighborhood meeting.	The city issued a Notice of Neighborhood Meeting on September 12, 2023. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, and mailed to all property owners within 500 feet of the property on September 12, 2023. The Neighborhood Meeting was held on October 3, 2023.	Yes																		
20.16.270 Time Limitations for Permit Processing. (a) The City shall issue its notice of final decision on a permit application within 120 days after the Community and Economic Development Director notifies the applicant that the application is complete, as provided in 20.16.205. In determining the number of days that have elapsed, the following periods shall be excluded: (1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.	<p>The proposed Rivertown Homes preliminary major unit lot subdivision conditional use permit was taken to Public Hearing on day 59 of the 120-day timeframe per the following dates:</p> <table border="1" data-bbox="836 1377 1349 1734"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Notice of Complete Application</td> <td>9-1-2023</td> </tr> <tr> <td>1st Comments Issued</td> <td>9-12-2023</td> </tr> <tr> <td>Resubmittal Extension</td> <td>11-9-2023</td> </tr> <tr> <td>2nd Resubmittal Extension</td> <td>1-2-2024</td> </tr> <tr> <td>2nd Submittal</td> <td>1-22-2024</td> </tr> <tr> <td>2nd Comments Issued</td> <td>2-12-2024</td> </tr> <tr> <td>3rd Submittal</td> <td>2-28-2024</td> </tr> <tr> <td>Public Hearing</td> <td>3-26-2024</td> </tr> </tbody> </table>	Action	Date	Notice of Complete Application	9-1-2023	1 st Comments Issued	9-12-2023	Resubmittal Extension	11-9-2023	2 nd Resubmittal Extension	1-2-2024	2 nd Submittal	1-22-2024	2 nd Comments Issued	2-12-2024	3 rd Submittal	2-28-2024	Public Hearing	3-26-2024	Yes
Action	Date																			
Notice of Complete Application	9-1-2023																			
1 st Comments Issued	9-12-2023																			
Resubmittal Extension	11-9-2023																			
2 nd Resubmittal Extension	1-2-2024																			
2 nd Submittal	1-22-2024																			
2 nd Comments Issued	2-12-2024																			
3 rd Submittal	2-28-2024																			
Public Hearing	3-26-2024																			

Regulation	Analysis	Meets
<p>20.16.400 Regulation of Major, Minor and Unit Lot Subdivisions. Major and minor subdivisions are subject to a two-step approval process. Physical improvements to the land to be subdivided are authorized by a conditional use permit or zoning permit, respectively as provided in Part I through Part III of 20.16 of this article, and sale of lots is permitted after final plat approval as provided in 20.16.425.</p>	<p>The proposed preliminary major unit lot subdivision conditional use permit is the first step in the subdivision process. After the civil construction permit is issued and all correlating improvements have been made the site, the applicant may apply for final major unit lot subdivision.</p>	<p>Yes</p>
<p>Chapter 20.24 AMC, Hearing and Pre-Hearing Procedures for Appeals and Applications</p>		
<p>20.24.010 Hearing Required on Appeals and Applications. (a) Before making a decision on an application for a conditional use permit, a hearing shall be held on the matter by the appropriate hearing body.</p>	<p>The proposed Rivertown Homes preliminary major unit lot subdivision project is subject to a Public Hearing before the Hearing Examiner for the conditional use permit.</p>	<p>Yes</p>
<p>20.24.020 Public Notice. The Community and Economic Development Director shall give public notice of any hearing required by 20.24.010 or 20.16.230 for special use permits, conditional use permits or variances, or any other required public notices.</p>	<p>The city issued a Notice of Public Hearing on March 6, 2024. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, and mailed to all property owners within 500 feet of the property and Party's of Record on March 8, 2024. The Public Hearing is scheduled for March 26, 2024.</p>	<p>Yes</p>
<p>Chapter 20.36 AMC, Zoning Districts and Zoning Map</p>		
<p>20.36.010 Residential Districts Established. (f) Residential High Capacity (RHC) district is designed primarily to accommodate the highest capacity residential developments, that are designed to be compatible with their sites and surroundings, building types are typically large-scale multi-family buildings, mixed use buildings, and live/work units.</p>	<p>The subject property for the proposed preliminary major unit lot subdivision conditional use permit is zoned Residential High Capacity. The project is located in an area of developed and underdeveloped residential zoned property and abuts E. Gilman Avenue and N. Talcott Street.</p>	<p>Yes</p>
<p>Chapter 20.38 AMC, Airport Protection District</p>		
<p>20.38.060 Airport Protection District Boundaries. (a) Airport Protection Subdistrict A (b) Airport Protection Subdistrict B (c) Airport Protection Subdistrict C (d) Airport Protection Subdistrict D</p>	<p>The property is located under Airport Protection District – Subdistrict D.</p>	<p>Yes</p>

Regulation		Analysis					Meets
20.38.090 Notice to Future Owners. In order to mitigate impacts to the Arlington Airport, and to provide notice to future property owners, all property owners within the Airport Protection Subdistricts A, B, and C seeking a land use or building permit or undertaking substantial reconstruction shall dedicate an avigation easement over their property to the City of Arlington. The language of the easement and notice shall be as provided by the airport, as approved by the city attorney and recorded with Snohomish County.		The applicant is required to sign an Airport Disclosure Notice with the Arlington Municipal Airport prior to project completion. Language shall be placed on the face of the final unit lot subdivision notifying future owners of possible affects from aviation activities.					Yes
Chapter 20.40 AMC, Permissible Uses							
20.40.010 Table of Permissible Uses. The Tables of Permissible Uses sets forth the permissible uses within the respective zoning classifications in the city, subject to other applicable provisions in this title. It should be read in close conjunction with the definitions of terms set forth in section 20.08 and the other interpretative provisions set forth in this article.		The proposed preliminary major unit lot subdivision is an allowed use per the permissible use table within the residential high-capacity zone, as shown below, with a conditional use permit.					Yes
Chapter 20.40.120 Residential Zones Permissible Use Table							
Use	RULC	RLC	RMod	RMC	RHC	OTR	
Unit Lot Subdivision Major ⁶			C	C	C	C	
Duplex		ZV	ZV	ZV	ZV	ZV	
Accessory Dwelling Unit (ADU)	ZV	ZV	ZV	ZV	ZV	ZV	
<ul style="list-style-type: none"> • C = Conditional Use Permit (subdivision of 10 lots or more) • ZV = Zoning Verification • ⁶ = Subject to Section 20.44.020 Unit Lot Subdivisions 							
Chapter 20.44.020 AMC, Supplemental Use Regulations - Unit Lot Subdivision							
20.44.020A Unit Lot Subdivision. (a) Unit lot subdivision is an alternative to conventional subdivision process 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 one units or exceed ten units and shall maintain a ten-foot separation from other buildings.		The preliminary major unit lot subdivision has proposed 6 duplexes for 12 units and 12 accessory dwelling units on 12 fee simple lots. Each building has 2 attached single-family residences (duplex) and 2 accessory dwelling units.					Yes
(b) Unit lot subdivisions shall be permitted in the Residential High-Density zones and all commercial zones (in conjunction with the horizontal mixed-use overlay).		The proposed preliminary major unit lot subdivision is located in the residential high-capacity zone.					Yes

Regulation	Analysis	Meets
(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.	The proposed duplex and ADU project received Design Review Board approval on February 22, 2024 at the Planning Commission meeting. The decision was issued on February 23, 2024.	Yes
(d) All units created by a unit lot subdivision shall provide attached private open space for each individual unit equaling fifteen percent of the total lot area, but in no case shall be less than two hundred 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	The proposed preliminary major unit lot subdivision has provided a minimum of fifteen percent of private open space per lot and equal to or more than 200 square feet. The private open space calculations are shown on Sheet 1 of 5 of the site plan sheets show each lot provides 375 square feet	Yes
20.44.020B Unit Lot Subdivision Lot Standards. As allowed by this chapter, development on individual unit lots within the unit lot subdivision need to 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.	The parent parcel of the preliminary major unit lot subdivision has met the dimensional standards per AMC 20.48 for the residential high-capacity zone as shown below. All other requirements listed have been met through an analysis of AMC 20.56, AMC 20.72, and AMC 20.76 and are included in this staff report.	Yes
20.44.020C Development and Design Standards. All development 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.	The proposed preliminary major unit lot subdivision in the residential high-capacity zone has complied with the AMC 20.16 as shown in this staff analysis.	Yes
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.	The preliminary major unit lot subdivision does not propose common areas, as the project creates fee simple lots on a city block that is bound by public right-of-way on three sides of the parent parcel.	Yes

Regulation	Analysis	Meets
<p>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 five feet.</p>	<p>The proposed preliminary major unit lot subdivision has met the requirements of AMC 20.48 Density and Dimensional Standards for the parent parcel per this staff analysis and shown below.</p>	<p>Yes</p>
<p>20.44.020G Off-Street Parking. (a) The minimum amount of parking shall be 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 are 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.</p>	<p>The preliminary unit lot subdivision for duplexes requires 2 parking spaces per unit and for accessory dwelling units requires 1 parking space per unit. The duplex driveway and garage take access from the public alley and the accessory dwelling units will utilize on-street parking on E. Gilman Avenue and N. Talcott Street.</p>	<p>Yes</p>
<p>(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.</p>	<p>The proposed preliminary major unit lot subdivision has provided one additional parking space for every four units. $12 \text{ units} / 4 = 3 \text{ additional spaces}$ The applicant has provided 3 additional spaces off the public alley.</p>	<p>Yes</p>
<p>(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 precluded use for off-street parking of operable motor vehicles regularly used by occupants of the unit lot dwellings.</p>	<p>The proposed parking spaces on the site shall be used by residents or guests of residents and shall not store inoperable motor vehicles.</p>	<p>Yes</p>
<p>(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.</p>	<p>There shall be no parking within the public alley, except for the designated parking areas for each unit and the shared parking stalls. The public alley between N. Talcott Street and Manhattan Street is the fire access to the residential structures and shall be signed as no parking.</p>	<p>Yes</p>

Regulation	Analysis	Meets
(e) The unit lot subdivision shall provide bicycle parking facilities equal to one stall for every four lots.	The project provides bicycle racks on the north side of the 3 guest parking stalls within the public alley. Additional bicycle parking is provided within the duplex garages.	Yes
<p>20.44.020H Private Access Drives.</p> <p>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.</p>	The preliminary major unit lot subdivision does not propose any private access drives. All access is from public access points from E. Gilman Avenue, N. Talcott Street, Manhattan Street, and the public alley.	Yes
<p>20.44.020I Public Water Mains, Sewer Mains and Fire Hydrants.</p> <p>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.</p>	The utilities proposed with the preliminary major unit lot subdivision are required to be installed per the Public Works Construction Standards and Specifications. The final approval of all utilities is completed with the civil permit. All utility installation shall be approved prior to final unit lot subdivision approval.	Yes
<p>20.44.020J Ingress, Egress and Utility Access.</p> <p>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.</p>	The preliminary major unit lot subdivision provides access to the site from E. Gilman Avenue to the north, N. Talcott Street to the east, Manhattan Street to the west, and the public alley to the south.	Yes

Regulation	Analysis	Meets
<p>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:</p> <p>(1) 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.</p> <p>(2) Street trees on public streets shall be per city approved tree list.</p> <p>Street trees on private access drives shall be per city approved tree list.</p>	<p>The preliminary major unit lot subdivision has provided landscaping throughout the site. New landscaping is proposed in the front and rear yards of each unit, along with additional Type B landscaping on the east and west borders of the project.</p> <p>The project proposes street trees within the city right-of-way of E. Gilman and N. Talcott and are trees that are listed on the city approved tree list.</p>	<p>Yes</p>
<p>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 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 (RCW Chapter 64.90).</p>	<p>A homeowner’s association is required to be established and documentation submitted to the city prior to recording the final major unit lot subdivision.</p>	<p>Yes</p>
<p>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:</p> <p>(1) Such covenants, declarations and restrictions; (2) The Washington Uniform Common Interest Act (3) The applicable Washington corporation statute; (4) An applicable provision of the city code including, but not limited to, subsections (b) and (c) of this section below.</p>	<p>Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted with the final major unit lot subdivision for city review. The CC&Rs are required to be recorded and the recording number shall be placed on the final major unit lot subdivision before recording with Snohomish County Auditor’s Office.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<p>(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 shall be maintained in perpetuity by the homeowner's association.</p> <p>(1) Private access drives;</p> <p>(2) Vehicle and pedestrian access easements;</p> <p>(3) Joint use and maintenance agreements;</p> <p>(4) Common off-street parking;</p> <p>(5) Common open space (including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards, or lawns and outdoor recreation areas);</p> <p>(6) Private utility infrastructure (including, but not limited to, underground utilities and utility easement);</p> <p>(7) Any other common buildings or improvements.</p>	<p>All private common areas within the major unit lot subdivision are required to be maintained by the homeowner's association and shall be stated within the CC&Rs and stated on the final major unit lot subdivision.</p>	<p>Yes</p>
<p>(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.</p>	<p>All private lots, buildings, and facilities within the major unit lot subdivision are required to be maintained by the individual lot owner and shall be stated in the CC&Rs and stated on the final major unit lot subdivision.</p>	<p>Yes</p>
<p>20.44.020N Recorded Conditions. Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:</p> <p>(1) 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);</p> <p>(2) 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;</p> <p>(3) 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;</p> <p>(4) 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.</p>	<p>The applicant shall provide the conditions listed as 1-4 of this section on the final major unit lot subdivision</p>	<p>Yes</p>

Regulation	Analysis	Meets
Chapter 20.44.042 AMC, Accessory Dwelling Units (ADU)		
(a) An ADU is defined as a residential living unit providing independent living facilities and permanent provisions for sleeping, cooking, sanitation, and living on the same lot as a single-family home, duplex, triplex, townhome, or other housing unit. An attached ADU is a dwelling unit located within or attached to another housing unit. A detached ADU is separate and detached from the primary housing unit.	The preliminary major unit lot subdivision project proposes an attached accessory dwelling unit with each duplex unit. The accessory dwelling unit is proposed on the ground floor and provides all aspects required for an accessory dwelling unit.	Yes
(b) All ADUs require the property owner to apply for a building permit in order to ensure that the structure meets the requirements of the Arlington Municipal Code and the International Residential Code.	The property owner is required to submit building permits and plans for the duplex and attached accessory dwelling unit prior to construction.	Yes
(c) An ADU is required to meet the following criteria and be in compliance with RCW 36.70A, RCW 43.21C, and RCW 64.32, 64.34, 64.38, 64.90:		
(1) ADUs are allowed on the same lot as a single-family residence or where the property is owned by the same person that owns the primary housing unit (fee simple lot) and can meet the criteria of this code section.	The proposed accessory dwelling units are allowed on each fee simple lot created from the preliminary major unit lot subdivision.	Yes
(2) The owner of the property shall not be required to reside in or occupy the primary housing unit or the ADU on the same lot.	The city does not require the property owner to live on-site. At this time, it is unknown if the primary units will be rented or sold.	Yes
(3) ADUs are allowed in any zoning district that allows for single family residences.	Accessory dwelling units are allowed in the Residential High-Capacity zone.	Yes
(4) Two ADUs on all lots that are located in all zoning districts that allow for single-family homes in the following configurations: <ul style="list-style-type: none"> i. One attached ADU and one detached ADU unit; or ii. Two attached ADUs; or iii. Two detached ADUs, which may be comprised of either one or two detached structures. 	The project proposes one attached accessory dwelling unit per fee simple lot or each side of the duplex unit.	Yes
(5) ADUs are allowed on any lot that meets the minimum lot size required for the principal residence.	The proposed principal structures meet the minimum lot sizes per the Unit Lot Subdivision code sections of AMC 20.44.020.	Yes
(6) The maximum gross floor area for each ADU is 1,000 square feet.	The project proposes 420 square foot accessory dwelling units.	Yes

Regulation	Analysis	Meets
(7) The roof height of an ADU is required to meet the underlying zone height limitation, unless the height of the principal unit is less than 24 feet, in which case, the maximum height of an ADU shall be 24 feet.	This requirement does not apply as the accessory dwelling unit will be built into the primary structure as an attached unit.	Yes
(8) The ADU setback requirements shall meet the density and dimensional standards of the underlying zoning of the property and be in compliance with AMC Chapter 20.48, except ADUs abutting and served by an alley are allowed a zero-lot line setback.	The accessory dwelling unit setback is part of the primary structure, and no additional setbacks are required.	Yes
(9) An ADU is required to meet any governing documents associated with the protection of public health and safety, ground and surface waters, and critical areas.	The proposed accessory dwelling units will be constructed with the primary structure and no additional protection to public health and safety, ground and surface waters, and critical areas is required.	Yes
(10) The number of ADUs on a property may be limited or restricted if the site contains unsuitable physical characteristics, such as critical areas, designated as wetlands, fish and wildlife habitat, flood plains, or geologically hazardous areas. The property shall be in compliance with AMC Chapter 20.93 – Critical Area Ordinance.	The proposed accessory dwelling units are built into the duplexes on the ground floor. The property is sloped, and the applicant is taking advantage of the topography on the site by providing the accessory dwelling unit below, similar to a day light basement.	Yes
(11) An ADU is required to be consistent with the architectural character of the principal residence and comply with the Development Design Standards for the zone in which the ADU is located. Materials, roof forms, and window proportions shall match that of the principal unit/building. The review of the design will be conducted administratively with the building permit.	The proposed project has been designed to incorporate the accessory dwelling unit into the duplex design. The elevations show that it would be unknown to someone driving or walking by the site that an accessory dwelling unit existed within the structure.	Yes
(12) Any major exterior additions or alterations for an attached ADU shall be located to the side or rear of the principal residence.	The project proposes new construction, and no exterior additions or alterations will occur.	Yes
(13) A detached ADU is not allowed in the required front or side setback of the existing primary residence on the site unless the side setback abuts an alley.	The project does not propose detached accessory dwelling units on the site.	Yes
(14) The construction of an ADU shall not require new public street improvements.	The accessory dwelling units are part of a larger project and do not require additional improvements than what is already required.	Yes

Regulation	Analysis	Meets
<p>(15) ADU Parking Requirements:</p> <ul style="list-style-type: none"> i. One parking space per ADU is required on lots less than 6,000 square feet. ii. Two parking spaces per ADU is required on lots greater than 6,000 square feet. iii. If located within one-half mile of a major transit stop, then no parking spaces are required. 	<p>The project provides 1 parking space for each accessory dwelling unit as on-street parking along E. Gilman Avenue and N. Talcott Street.</p>	<p>Yes</p>
<p>(16) An ADU is required to connect to both city water and wastewater systems. The ADU shall meet the utility connection criteria of AMC Title 13.</p>	<p>The proposed accessory dwelling units are attached to the duplex and will be connected to both water and sewer as part of the overall structure.</p>	<p>Yes</p>
<p>(17) An ADU shall pay fifty percent (50%) of the city transportation impact fee and community park impact fee for a single-family dwelling unit. Fees are regulated by AMC Chapter 20.90.</p>	<p>The project is required to pay 50% of the current city traffic impact fee. The current fee amount is \$3,355 per single-family dwelling unit. The accessory dwelling units are required to pay \$1,677.50 per unit.</p>	<p>Yes</p>
<p>(18) An ADU is exempt from city transportation impact fees, park impact fees, and off-street parking requirements (only if parking is available on an abutting public street), but only if a restrictive covenant is recorded on the property stating the ADU shall be rented at an affordable rate of 60% AMI or less for a duration of 50 years. The restrictive covenant shall be reviewed and approved by the city, recorded with the Snohomish County Auditor's Office, and a conformed copy returned to the Community and Economic Development Department.</p>	<p>The property owner has not chosen this option at this time and will pay traffic impact fees according to AMC 20.44.042(c)(17). However, if the property owner can choose this option at any time prior to the issuance of the building permit and payment of traffic impact fees.</p>	<p>Yes</p>
<p>Chapter 20.46 AMC, Design</p>		
<p>20.46.010 (a) Conformance with Design Standards. Structures within the following zones are subject to the relevant design standards adopted in this chapter. No building or land use permit shall be issued for structures or uses that do not conform to the applicable standards.</p> <p>(1) Zones</p> <p>(I) Residential High Capacity</p>	<p>The preliminary major unit lot subdivision submitted the Design Review Board application for the project on August 11, 2023. The Design Review Board reviewed the submittal at the February 6, 2024 Planning Commission workshop and approved the submittal at the February 22, 2024 Planning Commission meeting. The Design Review Board Decision was issued on February 23, 2024.</p>	<p>Yes</p>

Regulation	Analysis	Meets
Chapter 20.48 AMC, Density and Dimensional Regulations		
20.48.040 Building Setback Requirements. No portion of any building or any freestanding sign may be located on any lot closer to any lot line than is authorized in Table 20.48-1 Density and Dimensional Standards for the residential high-capacity zone.	The proposed project is within the residential high-capacity zone. The preliminary major unit lot subdivision is required to meet the density and dimensional standards for the parent parcel. The below table shows these requirements have met the criteria.	Yes
20.48.042 Sight Visibility Areas at Intersections. At the intersection of two streets, either public or private, no structure, sign, vegetation, or anything else that obscures sight shall exceed 30 inches in height in the area described by a triangle having two 25-foot legs along the curb faces of the streets from the streets' point of intersection, and a diagonal line connecting the ends of these lines.	The proposed preliminary major unit lot subdivision takes access to the site from E. Gilman Avenue, N. Talcott Street, Manhattan Street, and the public alley. The site plan shows that there are no improvements that will obscure sight at any entrance or exit from the site.	Yes
20.48.044 Garage Setbacks/Minimum Driveway Length. (a) Driveway Length (2) All residential driveways taking access from a public alley or private drive shall either be five feet or less or be between twenty to twenty-two feet in length from the property line or right-of-way, (3) Driveways shall be impervious surface (concrete and/or asphalt) and utilize LID drainage when feasible.	The proposed duplex provides garage and driveway access from the public alley. The units provide 20-foot concrete driveways. The accessory dwelling units have access from E. Gilman Avenue and sidewalks. Conceptual drainage is approved, and the final drainage plan is required to be approved with the Civil permit.	Yes
(b) Garage Setbacks (1) All residential attached and detached garages are subject to section 20.48.044(a) Driveway Length and the Development Design Standards. (2) Infill development: ii. Residential attached garages for two-story or greater residential dwellings where the garage is under the second story shall be recessed from the face of the primary structure a minimum of four (4) feet.	The project provides garage access from the public alley and this requirement does not apply to this project.	Yes
Table 20.48-1 Density and Dimensional Standards		
Minimum Lot Size: 4,300 square feet	29,993 sf	Yes
Minimum Residential Density: 17+ Du/Ac	17.39 (DU Only w/ADU - 34.78)	Yes
Minimum Lot Width: 30 feet	49.99 ft (each underlying lot)	Yes
Rear Lot Boundary Line - Primary: 20 feet	20 ft	Yes
Side Lot Line or Alley Building Setback: 5 feet	5 ft	Yes
Environmental Critical Area: 15 feet	N/A	N/A
Building Height Limitation: 45 ft	33 ft	Yes
Maximum Lot Coverage: 75%	66.5%	Yes

Regulation	Analysis	Meets
Chapter 20.52 AMC, Recreational Facilities and Open Space		
<p>20.52.010 Mini-Parks Required. (c) The city council recognizes that mini-parks must be of a certain minimum size to be usable and that such mini-parks will not serve the intended purpose unless properly maintained... (ii) Deposit a Neighborhood/Mini-Park in Lieu Fee.</p>	<p>The applicant is required to pay Neighborhood/Mini-Park in Lieu Fee for 10 single-family units.</p>	<p>Yes</p>
<p>20.52.024 Community Parks Impact Fee. In addition to the requirements of mini parks each residential development shall pay a Community Park Impact Fee.</p>	<p>The applicant is required to pay Community Park Impact Fees for 10 single-family units (credit for the two existing homes on the site) and 12 single-family units at a 50% rate for the accessory dwelling units.</p>	<p>Yes</p>
<p>20.52.070 Flexibility in Administration Authorized. (a) The requirements set forth in this chapter concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted city plans. The council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this chapter may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards. (b) Whenever the permit-issuing authority authorizes some deviation from the standards set forth in this chapter pursuant to Subsection (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.</p>	<p>The City is providing a deviation from the required 10% usable open space for this site. The property was originally platted in 1890 and is located on Block 10, Lots 1-6. The original plat layout did not provide for specific open space on these lots.</p> <p>The layout of the underlying project is that of a typical block style plat with a public street and alley system already in place. The intent of construction on the lots is exactly what the applicant has proposed and requiring a separate tract for usable common open space does not make sense.</p>	<p>Yes</p>

Regulation	Analysis	Meets
Chapter 20.56 AMC, Streets and Sidewalks		
<p>20.56.030 Access to Lots. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. Access includes vehicular, pedestrian, bicycle, and other common forms of transportation.</p>	<p>The proposed preliminary major unit lot subdivision project provides a means of ingress and egress for emergency vehicles, passenger vehicles, pedestrian, and bicycle transportation to the site through public roadways of E. Gilman Avenue, N. Talcott Street, Manhattan Street, and alley.</p>	<p>Yes</p>
<p>20.56.050 Entrances to Streets. (a) All driveway entrances and other openings onto streets within the city’s planning jurisdiction shall be constructed so that:</p> <ol style="list-style-type: none"> 1. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and 2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized. 3. Driveway cuts shall be limited so the narrowest width necessary to provide safe ingress and egress onto and from the property. 4. Driveways shall not be located adjacent to one another in such a manner as to create a “double width” driveway without any landscaping between the driveways. 	<p>The proposed preliminary major unit lot subdivision provides driveway access to each building lot from the public alley served from N. Talcott Street and Manhattan Street.</p> <p>The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> • The proposed entrances are within the required width and provide safe access to the site. 	<p>Yes</p>
<p>20.56.080 Street Width, Sidewalk, and Drainage Requirements in Subdivisions. (d) All public streets shall be constructed with curbs, gutter, sidewalk, and, as provided in Section 20.76.110 (required trees along dedicated streets), landscape strips and street trees. Only standard vertical curbs may be used. Street pavement width shall be measured from curb face to curb face.</p>	<p>The proposed preliminary major unit lot subdivision provides has existing streets on all sides of the property, E. Gilman Avenue, N. Talcott Street, Manhattan Street, and public alley.</p> <p>The project is required to install curbs, gutter, sidewalk, and planting landscape strip along N. Talcott Street from E. Gilman Avenue to the alley.</p>	<p>Yes</p>
<p>20.56.120 Street Intersections. (a) Streets shall intersect at 80° to 90°. Not more than two streets shall intersect at any one point or vary from the above angle of connections.</p>	<p>The proposed preliminary major unit lot subdivision provides 90° intersections at all access points.</p>	<p>Yes</p>
<p>20.56.130 Construction Standards and Specifications. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the “Public Works Construction Standards and Specifications,” and all such facilities shall be completed in accordance with these standards.</p>	<p>The proposed preliminary major unit lot subdivision is subject to a civil permit and right-of-way permit.</p>	<p>Yes</p>

Regulation	Analysis	Meets
Chapter 20.60 AMC, Utilities		
<p>20.60.100 Sewage Disposal Facilities Required. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project shall connect to the City of Arlington Sanitary Sewer. The construction of utilities will take place after Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications and comply with the sewer availability approved by the Public Works Director on February 18, 2024.</p>	<p>Yes</p>
<p>20.60.300 Water Supply System Required. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project shall connect to the City of Arlington water. The construction of utilities will take place after Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications and comply with the water availability approved by the Public Works Director on February 18, 2024.</p>	<p>Yes</p>
<p>20.60.400 Lighting Requirements. (a) All public streets, sidewalks, and other common areas or facilities shall be sufficiently illuminated to ensure security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.</p>	<p>The proposed project shall provide sufficient lighting throughout the site that will illuminate the public road, private drive, parking areas, and residences. The final lighting plan shall be approved with the Civil permit.</p>	<p>Yes</p>
<p>(d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution.</p>	<p>The proposed project shall provide low sodium, LED or similar lamp type outdoor lighting. All lighting is required to be down shielded to prevent light pollution. The final lighting plan shall be approved with the Civil permit.</p>	<p>Yes</p>
<p>20.60.410 Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot or public right-of-way and substantially interferes with the use or enjoyment of such other lot or public right-of-way is prohibited.</p>	<p>The proposed project shall provide down-shielded lighting that illuminates the site but does not shine onto neighboring properties or public rights-of-way. The final lighting plan shall be approved with the Civil permit.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<p>20.60.450 Underground Utilities. All existing, extended, new electrical power lines, telephone, gas distribution, cable television, and other communication and utility lines shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the Public Works Construction Standards and Specifications.</p>	<p>All proposed utilities to and on the site shall be located underground. All utility lines are required to be shown on the civil plans and shall be approved by the City of Arlington prior to construction activities on the site.</p>	<p>Yes</p>
<p>Chapter 20.72 AMC, Parking</p>		
<p>20.72.030 Parking Space Dimensions. (a) Except accessible parking spaces, each parking space shall contain a rectangular area of at least 19 feet long and 9 feet wide.</p>	<p>The preliminary major unit lot subdivision site plan shows the parking spaces within the driveway of each townhouse and the guest parking stalls that meet the dimensional requirements.</p>	<p>Yes</p>
<p>20.72.060 Parking Area Surface. (a) All parking areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in the Public Works Construction Standards and Specifications. (b) Parking spaces shall be appropriately demarcated with painted lines or other markings. (c) Parking areas shall be properly maintained in all respects.</p>	<p>The preliminary major unit lot subdivision site plan shows the parking spaces within the garage, driveway, and guest parking as concrete. All resident/guest parking spaces located in the designated parking areas shall be painted with lines and other required markings. These requirements shall be reviewed and approved through the Civil permit.</p>	<p>Yes</p>
<p>Chapter 20.76 AMC, Screening and Trees</p>		
<p>20.76.020 General Screening Standard. Every development shall provide sufficient screening so that: 1. Neighboring properties are shielded from any adverse external effects of that development. 2. The development is shielded from the negative impacts of adjacent uses such as streets and railroads.</p>	<p>The project is in the residential high-capacity zone and is located on a city block layout. The property is surrounded by existing residential development and public streets.</p>	<p>Yes</p>
<p>20.76.030 Compliance with Screening Standard. The table set forth in 20.76.050, in conjunction with the explanations in 20.76.040 concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in 20.76.020. The table uses the permissible use designation to determine the type of screening that is required between two uses.</p>	<p>The preliminary major unit lot subdivision is in the residential high-capacity zone and requires 1 tree in both the front and rear yards of each townhouse unit. These details are provided on the landscape plans.</p>	<p>Yes</p>

Regulation		Analysis	Meets
Table 20.76-1 Screening Requirements			
Use	Frontage Landscaping	Side and Rear Property Lines	
Duplex and Accessory Dwelling Unit	1 tree in the Front Yard and/or Street Trees and 1 Tree in the Rear Yard.	Type C – Neighboring SFR Only N/A –Neighboring Residential Type A – All Other Neighboring Properties	
20.76.110 Required Trees Along Dedicated Streets. The developer shall either plant or retain sufficient trees so that within the landscape strip there is for every 30 feet of street frontage at least an average of one deciduous tree of two inches dbh at the time of planting and with a canopy that starts at least eight feet above finished grade and has or will have when fully mature a trunk at least 8 inches in diameter. Root barriers shall be provided for all street trees and the landscape strip shall be planted per the Department of Public Works Standards and Specifications.		The preliminary major unit lot subdivision landscape plan shows street trees have been provided along the frontage E. Gilman Avenue and N. Talcott Street. The applicant shall install trees per the standard detail for City of Arlington Planting Strip Behind Sidewalk Tree Detail R-270 that shows the installation of street trees with a root barrier on both sides of the root ball facing the right-of-way and sidewalk.	Yes
20.76.130 Shade Trees in Parking Areas. (a) Vehicle accommodation areas that are required to be paved must be shaded by deciduous trees that have or will have when fully mature a trunk at least 8 inches in diameter. (b) Landscaping within vehicle accommodation areas shall meet the requirements of 20.46 and the Development Design Standards. (c) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.		The preliminary major unit lot subdivision provides shading of the guest parking spaces by utilizing the rear street trees of the abutting lots. The applicant is not required to provide shading for driveway parking.	Yes
20.76.140 Maintenance of Screening and Shading Elements. All screening and shading elements required by this Chapter shall be maintained by the owner for the life of the project to the following standards: 1. All plant material shall be maintained with respect to pruning, trimming, mowing, watering, insect control, and fertilizing to maintain a healthy growing condition, create an attractive appearance, and to accomplish the purpose for which it was required. 2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months of the plants indicated on the approved landscape plans. 3. All screening and shading elements shall be maintained reasonably free of weeds and trash. 4. All screening and shading elements located within the public right-of-way shall be maintained by the abutting property owner.		The property owner(s) or homeowners' association of the major unit lot subdivision are required to maintain the landscaping on the property and within the right-of-way per AMC 20.76. This requirement shall be listed within the CC&Rs and recorded with the final major unit lot subdivision.	Yes

Regulation	Analysis	Meets															
Chapter 20.90 AMC, Concurrency & Impact Fees																	
<p>20.90.040 (a) Imposition of Impact Fees on Development Activity. All development projects within the City shall be assessed a transportation impact fee, at the rate of \$3,355.00, based on peak p.m. trips, as computed in accordance with the most current edition of the Institute of Transportation Engineers Trip Generation Manual, as applied to the City's transportation element of the adopted Comprehensive Plan.</p>	<p>The applicant provided a Traffic Impact Analysis prepared by Kimley Horn Traffic Consultants in January 2024. The traffic analysis concluded that the proposed use would produce 9 new PM peak-hour-trips for 6 duplex units. The project receives credit for the 2 existing single-family residential units on the property. Accessory Dwelling Units are charged automatically at 50% the current traffic impact fee amount ($\\$3,355 \times 50\% = \\$1,677.50$).</p> <table border="1" data-bbox="824 695 1349 772"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>9</td> <td>\$30,195.00</td> </tr> </tbody> </table> <table border="1" data-bbox="824 810 1349 888"> <thead> <tr> <th>Traffic Fee</th> <th># of ADU</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$1,677.50</td> <td>12</td> <td>\$20,130.00</td> </tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	9	\$30,195.00	Traffic Fee	# of ADU	Total Amount	\$1,677.50	12	\$20,130.00	Yes			
Traffic Fee	# Of Trips	Total Amount															
\$3,355.00	9	\$30,195.00															
Traffic Fee	# of ADU	Total Amount															
\$1,677.50	12	\$20,130.00															
<p>20.90.230 School Impact Fees. Each development activity, as a condition of approval, shall be subject to the school impact fee of \$4,002 per single-family dwelling unit.</p>	<p>The applicant is required to pay the following Arlington School District Impact Fee.</p> <table border="1" data-bbox="824 1045 1349 1123"> <thead> <tr> <th>Fee</th> <th># of Units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$4,002.00</td> <td>12</td> <td>\$48,024.00</td> </tr> </tbody> </table>	Fee	# of Units	Total Amount	\$4,002.00	12	\$48,024.00	Yes									
Fee	# of Units	Total Amount															
\$4,002.00	12	\$48,024.00															
<p>20.90.400 Community Parks Impact Fee. (a) Residential developments shall pay a community park impact fee of \$1,662.00 for each single-family dwelling unit prior to issuance of a building permit. (b) Residential developments which do not set aside for a neighborhood/mini-park per section 20.52.010 (mini-parks required) or existing lots shall pay a neighborhood/mini-park in-lieu fee of \$484 per single-family dwelling unit prior to the issuance of a building permit.</p>	<p>The applicant is required to pay the following Community Parks Impact Fee. Duplexes are considered at the single-family fee rate and accessory dwelling units are calculated at 50% of the fee rate ($\\$1,662 \times 50\% = \\831)</p> <table border="1" data-bbox="824 1392 1349 1556"> <thead> <tr> <th>Community Park Impact Fee</th> <th># of units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$1,662.00</td> <td>10</td> <td>\$16,620.00</td> </tr> <tr> <td>\$831.00</td> <td>12</td> <td>\$9,972.00</td> </tr> </tbody> </table> <table border="1" data-bbox="824 1612 1349 1732"> <thead> <tr> <th>Neighborhood Mini Park In-Lieu Fee</th> <th># of units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$484</td> <td>12</td> <td>\$5,808.00</td> </tr> </tbody> </table>	Community Park Impact Fee	# of units	Total Amount	\$1,662.00	10	\$16,620.00	\$831.00	12	\$9,972.00	Neighborhood Mini Park In-Lieu Fee	# of units	Total Amount	\$484	12	\$5,808.00	Yes
Community Park Impact Fee	# of units	Total Amount															
\$1,662.00	10	\$16,620.00															
\$831.00	12	\$9,972.00															
Neighborhood Mini Park In-Lieu Fee	# of units	Total Amount															
\$484	12	\$5,808.00															

Regulation	Analysis	Meets
Chapter 20.98 AMC, State Environmental Policy Act (SEPA)		
20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination.	The applicant provided an environmental checklist with the application. The City of Arlington was determined to be the lead agency. A Mitigated Determination of Non-Significance was issued for the proposal on February 7, 2024. The comment period for the MDNS was from February 9, 2024 to February 23, 2024.	Yes
Chapter 13.28 AMC, Stormwater		
13.28.070 Applicability of the Utility. The following actions or applications for the following permit and/or approvals will require submittal for approval by the utility: site plans, design drawings, and operations and maintenance plans. Submittals shall be consistent with the provisions of this Code, and shall comply with the stormwater manual and engineering standards: (3) New Development	The proposed preliminary major unit lot subdivision is subject to meeting the required stormwater regulations for the site. The project has received conceptual stormwater design approval. A Site Civil Permit shall be required for all site improvements. The approval of the stormwater system takes place during this review process. All stormwater systems shall comply with the City of Arlington Public Works Standards and Specifications and the most recent Department of Ecology Stormwater Manual for Western Washington.	Yes

F. PUBLIC COMMENTS

Public Comment	Response
Public comments received during the Notice of Application and MDNS comment periods, along with the Neighborhood Meeting for the Rivertown Homes Preliminary Major Unit Lot Subdivision project, PLN#1115.	The City received comments from the following agencies or citizens in the community: WSDOT Aviation Division WSDOT Transportation Division Jennifer Benton, Citizen The Tulalip Tribe A summary of the comments and concerns are listed below. The original comments submitted are in the official permit file and available upon request.
WSDOT Aviation submitted an email stating they have no comments for this project submittal.	The city did not provide a response, as one was not needed.
WSDOT Transportation submitted an email stating they have no comments for this project submittal.	The city did not provide a response, as one was not needed.
Public Comment	Response

<p>Jennifer Benton submitted comments on the project that included the following concerns:</p> <ul style="list-style-type: none"> • Soil Erosion and Destabilization from removing so many trees from the properties. • Potential impacts to her property. Particularly a large birch tree on the property corner. 	<p>The city responded to Ms. Benton stating that the city also had concerns about the stabilization of the site and that staff would look into the impact of the tree in the corner.</p> <p>Ms. Benton attended the neighborhood meeting, and these issues were discussed and resolved with the Ms. Benton, the city, and the applicant. The tree at the corner will be removed and the site will be stabilized through retaining walls and specific grading for the residential homes.</p>
<p>The Tulalip Tribes commented regarding the stormwater quality (flow control and treatment) for the project.</p>	<p>The city responded to Mr. Gray stating the city had the same concern and we had issued comments to the applicant.</p> <p>The applicant submitted revised plans and the city sent them to Mr. Gray for review prior to conceptual approval for this project.</p>

G. CONCLUSION AND RECOMMENDATION

- (a) The applicant has applied for a Conditional Use Permit as required under AMC 20.16.
- (b) Under AMC 20.16.225 (c), subject to Subsection (d) the designated decision-maker shall issue the requested permit unless it concludes, based upon the information submitted at a hearing if there is a hearing or by signed letter if there is not, that:

Regulation	Analysis	Meets
Chapter 20.16.225(c)		
(1) The requested permit is not within its jurisdiction according to the table of permissible uses.	The requested preliminary major unit lot subdivision review is within the City of Arlington’s jurisdiction per the above zoning map and permissible use table.	Yes
(2) The application is incomplete.	The application for the subject preliminary major unit lot subdivision review was deemed complete on September 1, 2023.	Yes
(3) If completed as proposed in the application, the development will not comply with one or more of the requirements of this title.	The proposed preliminary major unit lot subdivision review complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(4) The proposed project has not complied with SEPA	The proposed preliminary major unit lot subdivision has complied with SEPA, and the City issued an MDNS on February 7, 2024. No appeal was received.	Yes
(5) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, or other adopted plans, regulations, or policies.	The proposed preliminary major unit lot subdivision review complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

(c) Even if the permit-issuing authority finds that the application complies with all other provisions of this title, it may still deny the permit if it concludes, based upon the information submitted at the hearing, that if completed as proposed, the development, more probably than not:

Regulation	Analysis	Meets
Chapter 20.16.225 (d)		
(1) Will materially endanger the public health or safety	The proposed preliminary major unit lot subdivision will not endanger the public health or safety of Arlington residents.	Yes
(2) Will materially harm adjoining or abutting property	The proposed preliminary major unit lot subdivision will not materially harm abutting properties.	Yes
(3) In terms of design and use will not be compatible with the area in which it is located.	The proposed preliminary major unit lot subdivision is compatible with the existing neighborhood and has provided middle housing types, which is the expected development for the zone and area.	Yes

(d) The Conditional Use Permit should be approved subject to conditions specified in Section H below.

H. CONDITIONS

Preliminary Unit Lot Subdivision (Conditional Use Permit):

1. All development shall be in substantial conformance with the approved Preliminary Unit Lot Subdivision and Landscape Plans received on February 28, 2024, subject to any conditions or modifications that may be required as part of the permit review.
2. The applicant shall meet all local, state, or federal code requirements. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.
3. The Preliminary Unit Lot Subdivision shall comply with all permits and conditions thereof from the City of Arlington and other government agencies with jurisdiction.

SEPA Conditions:

4. (B)(1) Earth: The applicant proposes an estimated total cut and fill of 3,800 cubic yards. To mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction.
5. (B)(2) Air: To mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.
6. (B)(3)(b) Ground Water: To mitigate potential impacts to ground water the Applicant shall employ best design practices meeting the current Department of Ecology’s Stormwater Management Manual for Western Washington.
7. (B)(3)(c) Water Runoff: To mitigate for potential impacts to water runoff the Applicant shall follow the current edition of the Department of Ecology’s Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater.

8. (B)(4)(b) Plants: To mitigate for the removal of significant trees on the site the Applicant shall replant at a ratio of 3:1 for every significant tree removed. A total of 39 significant trees are proposed to be removed from the site. Tree mitigation is required for 117 trees. The applicant has proposed planting 38 replacement trees on the site. The remaining 79 trees are required to be mitigated through in-lieu fees of \$2,567.50.
9. (B)(7)(A) Environmental Health: Applicant shall comply with current codes to reduce or control environmental health hazards. A spill prevention plan shall be in place according to local, State and Federal policies.
10. (B)(7)(b) Noise: City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from vehicle traffic and residential units will be generated after project completion.
11. (B)(8) Land and Shoreline Use: The property is located within Subdistrict D and shall comply with the Federal Aviation Regulations (FAR) Part 77 and complete a Federal Aviation Administration form 7460. An Avigation Disclosure Statement shall be placed on the final unit lot subdivision and recorded with the final document at the Snohomish County Auditor's Office.
12. (B)(10)(c) Aesthetics: The applicant shall obtain approval for the six duplex units with twelve accessory dwelling units from the Design Review Board. The proposal is required to adhere to the design approved through the Design Review Board (PLN#1116).
13. (B)(11)(a) Light and Glare: To mitigate potential light pollution the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict D.
14. (B)(12)(c) Recreation: The proposed residential development of six duplexes and twelve accessory dwelling units shall pay the following Community Park Impact Fees and Neighborhood/Mini-Park In-Lieu Fees:
 - Community Park Impact Fees:
 - 12 residential units (6 duplexes) = \$19,944.00 (\$1,662 x 12 units)
 - 12 accessory dwelling units = \$9,972.00 (\$831 x 12 units)
 - Neighborhood/Mini Park In-Lieu Fees:
 - 12 residential units (6 duplexes) = \$5,808.00 (\$484 x 12 units)

The applicant shall pay all community park impact fees and neighborhood/mini-park in-lieu fees prior to building permit issuance.
15. (B)(13) Historic and Cultural Preservation: The applicant submitted an Unanticipated Discovery Plan. If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The applicant shall provide ground disturbance notification to the Stillaguamish Tribe of Indians and allow for monitoring on the site.
16. (B)(14)(c) Transportation: The proposal is required to improve the public right of way along N. Talcott Street, E. Gilman Avenue, and the Alley south of the properties. All public improvements shall be approved with the Civil Construction plans.
17. (B)(14)(f) Transportation: The proposal is for duplexes, which are equivalent to single-family homes per the Arlington Municipal Code for calculating traffic impact fees. Each duplex unit is calculated with 1 PM Peak Hour Trip. The proposed accessory dwelling units are calculated at one-half the rate for single family dwelling units per AMC 20.44.042(17).
 - Duplexes: \$40,260.00 (\$3,355 x 12 units)
 - Accessory Dwelling Units: \$20,130.00 (\$1,677.50 x 12)

The traffic impact fees may be credited for improvements to the public alley, if approved by the Director of Community and Economic Development. If traffic impact fees are due for the project, then the applicant shall pay the required fees prior to building permit issuance.

18. (B)(15)(b) Public Services: The proposal is within the Arlington School District and will be required to pay \$4,002 for every single-family dwelling unit for 12 units, for a total of \$48,024.00 in school mitigation fees. The applicant shall provide the City a copy of payment/receipt to Arlington School District prior to building permit issuance.
19. (B)(16)(a) Utilities: The applicant shall receive approval and connect to the City of Arlington water and wastewater systems, extend utility lines as necessary, and pay water and sewer connection fees. All improvements shall be installed during the Civil Construction phase of the project. All utilities shall be installed underground.

Civil Permit:

20. The applicant is required to apply for a Civil Construction Permit and receive approval prior to any land disturbance or work commencing on the site.
21. The applicant shall submit a lighting plan with the Civil Construction Permit.
22. The project is subject to submit a Right-of-Way Permit for all work with public rights-of-way.
23. The project is required to meet the most current version of the Department of Ecology Stormwater Manual for Western Washington and the City of Arlington Engineering Standards for the specific details of the project.

Prior to Final Unit Lot Subdivision Submittal:

24. The applicant shall submit a copy of the incorporation of the Homeowner's Association and the Covenants, Conditions, and Restrictions with the final major unit lot subdivision application. The CC&Rs shall include the following:
 - No parking allowed along the public alley
 - No storage of inoperable motor vehicles.
 - Maintenance of private lots, buildings and abutting right-of-way for the site.

Prior to Final Unit Lot Subdivision Approval:

25. The applicant shall complete all required Civil Construction improvements on the subject site.
26. The applicant shall submit as-builts, acquire all required bonds, and complete the civil construction punch list for the project.
27. The applicant shall provide the conditions found in AMC 20.44.020N on the face of the final plat document.
28. The applicant shall provide language to be placed on the final unit lot subdivision that notifies future property owners of possible effects from aviation activities and the proximity of the Arlington Municipal Airport.

Building:

29. The Final Unit Lot Subdivision shall be recorded at Snohomish County Auditor's Office and the recorded document returned to the City of Arlington prior to issuance of any Building Permits.
30. The proposed building plans shall be in compliance with the approved Design Review Board Decision issued on February 23, 2024.
31. The project is subject to applicable water and sewer utility fees. These fees are collected at the time of building permit issuance.
32. Prior to issuance of building permits, all associated impact fees shall be paid.

Other:

33. All contractors working on the site are required to obtain a Washington State Business License and a City of Arlington Endorsement.
34. The placement of Snohomish County PUD transformer cases shall be reviewed and approved by the city. All cases that abut public right-of-way are required to be decoratively wrapped.

I. DECISION

- (a) The decision whether to approve or deny this proposal shall be made by the Hearing Examiner.
- (b) Per AMC 20.16.280 (b), a Preliminary Major Unit Lot Subdivision – Conditional Use Permit shall expire automatically if, within five (5) years after the issuance of such permits:
 1. The plat has not been submitted for final plat, or
 2. A one-year extension has not been granted per 20.16.280 (e).

J. RECONSIDERATION OF PERMIT – ISSUING AUTHORITY’S ACTION

Reconsideration of permits shall follow the requirements of AMC 20.16.300.

1. Whenever the permit-issuing authority approves or disapproves a permit application the respective permit-issuing authority may reconsider such action if either the applicant or a party of record clearly demonstrates that in the written decision for the permit either a finding of fact or testimony has been incorrectly recorded.
2. A request to be heard for reconsideration on this basis must be filed with the Community Development Director within the time period for an appeal to superior court. However, such a request does not extend the period within which an appeal must be taken.

K. APPEALS

Per AMC 20.20.020, the Hearing Examiner’s decision is appealable to Snohomish County Superior Court within twenty-one (21) days of the Hearing Examiner’s final decision.

L. EXHIBITS

File PLN#1115 – Rivertown Homes Preliminary Major Unit Lot Subdivision Conditional Use Permit (on file at Arlington CED Office and viewable on the City of Arlington website)

Distributed to the Following Parties:

- Alex Sidles, Hearing Examiner
- Joe Brandvold, Owner
- Kimberly Busteed (Josh Hogan), Project Contact
- Steve Peiffle, City Attorney
- Marc Hayes, Community & Economic Development Director