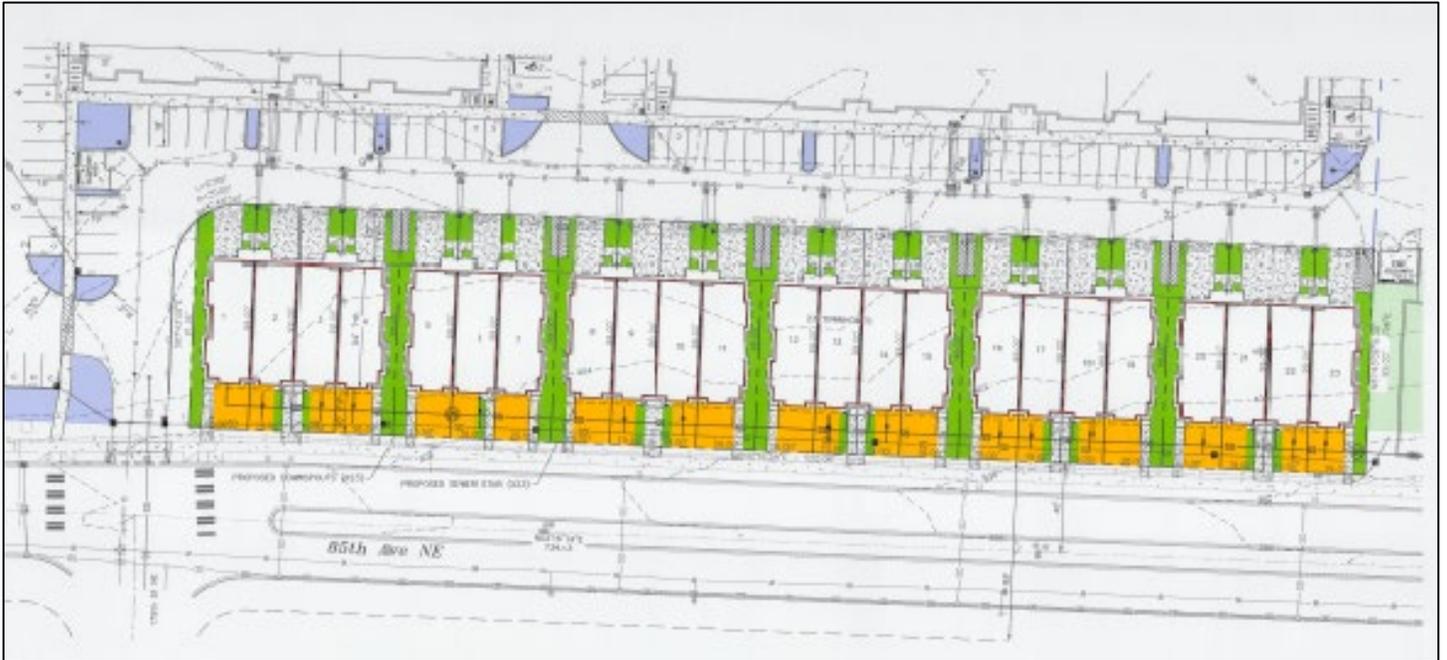




Community and Economic Development Planning Division

18204 59th Avenue NE, Arlington, WA 98223

STAFF REPORT AND RECOMMENDATION Lot 1 at The District Preliminary Unit Lot Subdivision Conditional Use Permit - PLN#1207



① 4-Plex West Elevation
1/2" = 1'-0"



① 3-Plex West Elevation
1/2" = 1'-0"



② 4-Plex East Elevation
1/2" = 1'-0"



② 3-Plex East Elevation
1/2" = 1'-0"

A. PROJECT DESCRIPTION AND REQUEST

The applicant is proposing to construct 23 townhome units on Lot 1 of the Zahradnik Binding Site Plan, as amended and recorded under AFN202303025002. The project consists of five 4-unit buildings and one 3-unit building, with 3 bedrooms each on 1.18 acres. The townhome buildings provide a garage and living area on the first floor, two bedrooms and an office area on the second floor, and one bedroom on the third floor. The onsite improvements include parking, open space, mini parks, landscaping and sidewalks throughout the site and are connected to the entire area of the Binding Site Plan.

This proposed development is located in the General Commercial with Mixed-Use Overlay zone and includes residential making the project subject to the City of Arlington's Mixed-Use Development Regulations which allows commercially zoned properties to site retail, commercial, professional, and certain manufacturing uses along the street frontages of the property while allowing for a higher density residential use to occur upon the remainder of the property. As such, the buildings and site will be reviewed utilizing Chapter 20.110 AMC (Mixed Use Development Regulations). This will ensure that the building form, position, and site configuration are designed to integrate the elements of "Form Based Code" to ensure a predictable outcome in both current and future development.

The Mixed-Use Overlay areas are all defined with Place Types and Transects per the Regulating Plan Place Types (Figure 20.110-A). The Lot 1 at The District project is in the *Mixed-Use Community Center* Place Type and *Transect 4 Neighborhood Medium Volume (T4N-MV)*. This allows for a mix of uses to provide an appropriate transition from a neighborhood main street environment into the residential areas, and to provide flexible buildings in a residential form that can allow a mix of residential and walkable local serving commercial and service uses.

B. PROJECT HISTORY

The Zahradnik Binding Site Plan under city planning number PLN #941 established Lot 1, along with other lots on this project site, and the requirement for all development to follow the Mixed-Use Development Regulations of AMC Chapter 20.110. The Binding Site Plan was approved and established the following: lot sizes, critical areas, wetland buffers and mitigation (on and off site), parks and recreation, open space, street improvements (round-about on 85th Avenue NE with mixed-use and multi-family apartment development) and round-about at the 85th Avenue NE and 172nd Street intersection with the commercial development), SEPA MDNS Decision and mitigation measures, and permit conditions, in which all lots within the binding site plan are subject to comply.

The application for a Conditional Use Permit was received on March 13, 2024. The application was deemed complete on April 4, 2024. The applicant submitted revised plans and requested information on May 24, 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 April 12, 2024.

The applicant submitted a request for review of the proposed project "Lot 1 at The District Preliminary Unit Lot Subdivision" under the State Environmental Policy Act (SEPA) on March 13, 2024. The City issued a Determination of Non-significance (DNS) Adoption of Existing Document per AMC 20.98.180 and WAC 197-11-600 through 197-11-640 on April 11, 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 April 12, 2024.

A Neighborhood Meeting was held on April 30, 2024. 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 April 12, 2024.

A Public Hearing is to be held before the Hearing Examiner on July 9, 2024. The Notice of Public Hearing 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 June 18, 2024.

C. GENERAL INFORMATION

1. **Property Owner:** Grandview North LLC
2. **Applicant:** Scott Wammack, Grandview North LLC
3. **Contact:** Randy Devoir, Cascade Surveying & Engineering
4. **General Location:** Northwest of the State Route 9 and State Route 531 (172nd Street) Intersection
5. **Property Legal Description (Abbreviated):** Section 24 Township 30 Range 5 Quarter SW LOT 1 PER CITY OF ARL SP PLN941 REC AFN 202303025002 BEING A PTN OF SW ¼ OF SD SEC
6. **Property Tax ID Number:** 31052400303000
7. **Soil Type:** Tokul gravelly medial loam, 0 to 8 percent slopes
8. **Acreage:** 1.18 acres
9. **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	General Commercial with Mixed Use Overlay	GC/MXO	Vacant Land
North of Site	Residential Low Capacity	RLC	Single-Family Residences
South of Site	General Commercial with Mixed Use Overlay	GC/MXO	Vacant Land and Commercial Gun Range
East of Site	General Commercial with Mixed Use Overlay	GC/MXO	State Route 9 and Vacant Land
West of Site	Residential Low Capacity	RLC	Single-Family Residences

10. 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

11. 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
- AMC Chapter 20.56 Streets and Sidewalks

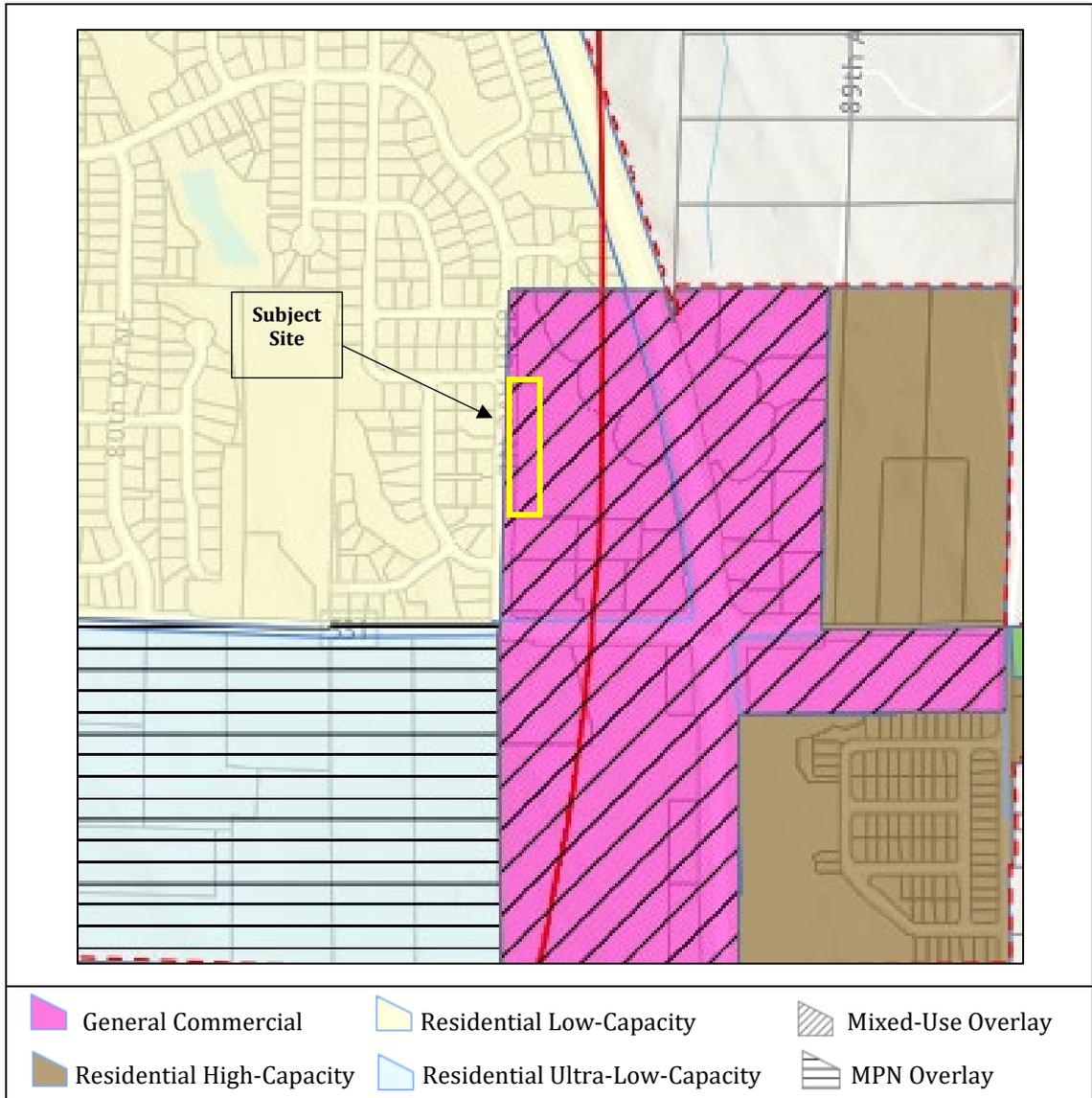
- AMC Chapter 20.60 Utilities
- AMC Chapter 20.90 Concurrency and Impact Fees
- AMC Chapter 20.93 Critical Areas Ordinance
- AMC Chapter 20.98 State Environmental Policy Act
- AMC Chapter 20.110 Mixed-Use Development Regulations
- AMC Chapter 13.28 Stormwater Utility

12. Proposed Use: The proposed project includes the development of five (5) four-unit townhome and one (1) three-unit townhome structures on twenty-three (23) fee simple lots. The property is zoned General Commercial with Mixed-Use Overlay. A Preliminary Unit Lot Subdivision is required to provide for fee simple lots, which follows the Conditional Use Permit process as required for this project per AMC 20.40.020 and AMC 20.40.130 Commercial and Mixed-Use Zones Permissible Use Table.

13. Surrounding Land Uses and Land Use Permits: Surrounding properties of the subject parcel are zoned Residential Low Capacity on the north and west, occupied single-family residential structures and General Commercial with Mixed-Use Overlay to the east and south, which are currently vacant, with the exception of a commercial gun range to the south. Public roads are 85th Avenue NE to the west, State Route 531 (172nd Street) to the south, and State Route 9 to the east.



The project is located on 85th Avenue NE, northwest of the SR 9 & 172nd Street intersection



14. Compatibility and Impacts on Existing Development: The proposed development is a 23-townhouse unit project and provides middle housing options to a dominant single-family residential neighborhood. The project is part of a larger mixed-use development project. The proposed townhouse development is bound by 85th Street to the west, parking and native growth protection area for the wetland to the north, future multi-family apartments to the east, and future mixed-use building and commercial to the south. The proposed townhouse project provides a buffer between the single-family residential neighborhood and future multi-family residential units, mixed-use buildings, and commercial buildings.

15. Compatibility with the Comprehensive Plan: The proposed project meets the following goals and policies of the Comprehensive Plan by encouraging middle and higher density housing within the General Commercial with Mixed-Use Overlay zone and by providing open space for recreational opportunities for future residents within the overall finished project.

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 - 6.4	Land-use developments should be conducive to social interaction.
PO - 6.5	Public and private civic spaces should be included in both commercial and residential neighborhoods to ensure adequate gathering places.
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.
GH - 2	Ensure the development of new multi-family housing and small single-family units occur within close proximity of commercial areas of the city.
PH - 2.1	Multi-family housing should be located close to commercial centers.
PH - 2.3	Utilize mixed-use mechanisms to incentivize housing within close proximity to commercial uses.
GL - 1	<p>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:</p> <ul style="list-style-type: none"> 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 - 1.7	<u>General Commercial (GC)</u> - This designation is intended to provide areas for a wide range of small to large footprint commercial uses, but typically in areas that would be used predominantly by local users. Such uses typically are conducted in individual building with larger parking lots that are located toward the block or site interior and have adequate landscaping and screening. Mixed-use development should be permissible.
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.
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.

Comprehensive Plan Goals and Policies	
GL - 7	Encourage a mix of residential densities throughout the City.
PL-7.2	Higher density residential uses should be located around commercial areas.
PL-7.3	Vertical and Mixed-Use developments with a residential component should be permissible in designated zones within the City.
GL - 9	Create pedestrian links between commercial and residential developments.
PL-9.1	Where commercial and residential areas abut, new development should include the design and construction of walkways, sidewalks, or other non-motorized features to integrate and link commercial activities to neighborhoods.
GL - 15	Protect and enhance our various neighborhoods as follows:
PL - 15.53	The properties around the SR-9 and SR-531 intersection should be planned to become an urban village, with mixed commercial and high-density residential uses (mixed-use).
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-4.1	Improving the appearance of existing corridors should be a primary objective in designing and maintaining the street system in Arlington. Appropriate design standards, including landscape standards for the construction of new streets shall be maintained.
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.
PT-4.13	All public streets shall be constructed with curb, gutter, sidewalk, landscape strips and street trees.
PT-5.6	Provide ramps and curb cuts that comply with the Americans with Disabilities Act.
PT-5.7	Provide street lighting along sidewalks to encourage nighttime use and for safety.

Multi-County Planning Goals and Policies	
PP-1.4	New residential developments should be required to mitigate impacts to park, recreation, and open space through improvements to property.
PS-1.7	The City should require new developments mitigate traffic impacts through at least two of the following methods as deemed acceptable by the City: dedication of right-of-way, frontage improvements, or traffic mitigation fees.
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.

16. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Application	4/11/2024	N/A	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office Affected Agencies City Website The Herald-published – 4/12/2024
Notice of Neighborhood Meeting	4/11/2024	4/30/2024	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 4/12/2024
Notice of SEPA Determination of Non-Significance Adoption of Existing Document	4/11/2024	N/A	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 4/12/2024
Public Hearing	6/13/2024	7/9/2024	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 6/18/2024

17. Public Comments: Public comments were received during the Notice of Application and SEPA DNS 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 Adoption of Existing Document on April 11, 2024. The City published, posted and mailed the decision on April 12, 2024. The 14-day SEPA comment period ran from April 12, 2024 to April 26, 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		
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.	The application is for a preliminary major unit lot subdivision of 23 fee simple lots. There are 6 total proposed buildings, five 4-unit buildings and one 3-unit building. All buildings are separated by a minimum of 10 feet. The project is being processed as a preliminary major unit lot subdivision through a conditional use permit.	Yes
Chapter 20.16 AMC, Permits and Final Plat Approval		
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.	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.	Yes
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.	The owner of the property is Grandview North, LLC and the owner of the corporation, Scott Wammack, signed the preliminary major unit lot subdivision conditional use permit application that was submitted to the city.	Yes

Regulation	Analysis	Meets
<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, Grandview North LLC, is represented by the owner, Scott Wammack, for the subject permit.</p>	<p>Yes</p>
<p>20.16.130 Staff Consultation Before Formal Application. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this title, a general information meeting between the developer and the planning staff is encouraged as provided in this section.</p>	<p>The City held a General Information Meeting with the project applicant on July 10, 2019.</p>	<p>Yes</p>
<p>20.16.140 Submittal of Application. (a) To minimize development planning costs, avoid misunderstanding or misinterpretations, and ensure compliance with the requirements of this title, a submittal intake appointment is required between the developer and the Community Development staff as provided in this section.</p>	<p>The project applicant scheduled a submittal intake appointment with the Community and Economic Development Department and submitted the application on March 13, 2024.</p>	<p>Yes</p>
<p>20.16.150 Vesting of Permits. (1) Land use permit applications shall be considered vested on the date that an application is deemed complete pursuant to 20.16.205 and applications shall be processed under the land use regulations in effect on that date. However, subsequent permits on the same property are not vested on this date. (2) Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.</p>	<p>The proposed application for Lot 1 at The District preliminary major unit lot subdivision became vested on April 4, 2024 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.</p>	<p>Yes</p>
<p>20.16.200 Applications to Be Complete. (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.</p>	<p>The applicant submitted a complete application for Lot 1 at The District preliminary major unit lot subdivision conditional use permit.</p>	<p>Yes</p>
<p>20.16.205 (c) Complete Application. Within 28 days of receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant.</p>	<p>The application was submitted on March 13, 2024. The City issued a Notice of Complete Application on April 4, 2024. The Notice was issued within the 28-day timeframe.</p>	<p>Yes</p>

Regulation	Analysis	Meets										
<p>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.</p>	<p>The application was routed to all effected city departments on March 15, 2024, and the resubmittal on May 24, 2024</p>	<p>Yes</p>										
<p>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.</p>	<p>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 will be sent to the Hearing Examiner on June 26, 2024 for review prior to the public hearing.</p>	<p>Yes</p>										
<p>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”.</p>	<p>The city issued a Notice of Application on April 11, 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 on April 12, 2024. The comment period was open until April 26, 2024.</p>	<p>Yes</p>										
<p>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.</p>	<p>The city issued a Notice of Neighborhood Meeting on April 11, 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 on April 12, 2024. The Neighborhood Meeting was held on April 30, 2024.</p>	<p>Yes</p>										
<p>20.16.270 Time Limitations for Permit Processing. (a) The City shall issue its notice of final decision on a permit application within 120 days after the Community and Economic Development Director notifies the applicant that the application is complete, as provided in 20.16.205. In determining the number of days that have elapsed, the following periods shall be excluded: (1) Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional required information.</p>	<p>The proposed Lot 1 at The District preliminary major unit lot subdivision conditional use permit was taken to Public Hearing on day 47 of the 120-day timeframe per the following dates:</p> <table border="1" data-bbox="836 1587 1349 1856"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Notice of Complete Application</td> <td>4-4-2024</td> </tr> <tr> <td>1st Comments Issued</td> <td>4-4-2024</td> </tr> <tr> <td>1st Resubmittal</td> <td>5-24-2024</td> </tr> <tr> <td>Public Hearing</td> <td>7-9-2024</td> </tr> </tbody> </table>	Action	Date	Notice of Complete Application	4-4-2024	1 st Comments Issued	4-4-2024	1 st Resubmittal	5-24-2024	Public Hearing	7-9-2024	<p>Yes</p>
Action	Date											
Notice of Complete Application	4-4-2024											
1 st Comments Issued	4-4-2024											
1 st Resubmittal	5-24-2024											
Public Hearing	7-9-2024											

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 these articles, 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 Lot 1 at The District 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 June 13, 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 June 18, 2024. The Public Hearing is scheduled for July 9, 2024</p>	<p>Yes</p>
<p>Chapter 20.36 AMC, Zoning Districts and Zoning Map</p>		
<p>20.36.020 Commercial Districts Established. (d) The <i>General Commercial</i> (GC) zone is established to accommodate commercial uses generally similar, though more intensive, to the types permissible in an Old Town Business District. However, it is intended that this zone be placed along arterials to cater to commuters or as a transition in some areas between a Highway Commercial zone and a residential zone.</p>	<p>The subject property for the proposed preliminary major unit lot subdivision conditional use permit is zoned General Commercial with Mixed-Use Overlay. The project is located in an area of developed and undeveloped residential and commercial zoned property, while abutting 85th Avenue NE.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<p>20.36.080 Mixed-Use Overlay District Established. The mixed-use overlay district is hereby established as an “overlay” district, meaning that the underlying zoning applicable within each commercial zone remains as the primary or principal zoning designation. The overlay allows for a mix of diversified residential development to co-exist within a proportionate share of the commercially zones areas of highway commercial (HC), general commercial (GC), and neighborhood commercial (NC) zones where typical retail and other support services would be located, thus creating a walkable neighborhood concept. The mixed-use overlay will also be applied to the residential moderate capacity (R-Mod), residential medium capacity (RMC), and residential high capacity (RHC) zones along Smokey Point Boulevard corridor. The overlay will provide for the efficient use of property by requiring the mixed use of properties in a manner that allows for residential development to co-exist with commercial, retail and specific light manufacturing uses. This promotes the creation of attractive, sustainable neighborhoods which enable walkability and less automobile dependency. The performance standards/design guidelines set forth in Chapter 20.110 place limitations on the characteristics of uses located in these districts.</p>	<p>The subject project is a proposed developed utilizing the Mixed-Use Overlay District with the previously approved binding site plan. The mixed-use overlay allows for residential uses within the General Commercial zone of the city.</p> <p>The proposed project provides townhouses as part of the residential portion of the binding site plan on Lot 1. The overall development plan provides lots designated for commercial buildings, mixed-use buildings, and multi-family residential apartments. The layout of the binding site plan provides walkability throughout the development and to existing public streets and sidewalks.</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 C.</p>	<p>Yes</p>
<p>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.</p>	<p>The applicant has provided language on the previously recorded Zahradnik Amended Binding Site Plan under AFN 202303025002.</p> <p>Language shall be placed on the face of the final unit lot subdivision notifying future owners of possible affects from aviation activities.</p>	<p>Yes</p>

Regulation		Analysis					Meets
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 General Commercial with Mixed-Use Overlay zone, as shown below, with a conditional use permit.					Yes
Chapter 20.40.130 Commercial and Mixed-Use Zones Permissible Use Table							
Use	NC	OTBD-1	OTBD-2	OTBD-3	GC ¹	CC ²	HC ¹
Unit Lot Subdivision Major ⁶	C			C	C	C	C
Residential Multi-Family Townhouses	ZSC			ZSC	ZSC	ZSC	ZSC
<ul style="list-style-type: none"> • C = Conditional Use Permit (subdivision of 10 lots or more) – Residential Use included with Permit. • ¹ = Residential Uses are only allowed in the General Commercial and Highway Commercial zones when regulated by the Mixed-Use Development Regulations, Section 20.110. All permissible uses shall meet the Use Table Requirements of the specific Place Type and Transect of the property of the intended use. • ⁸ = 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 23 townhouse units on 23 fee simple lots.					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 General Commercial with Mixed-Use Overlay zone.					Yes
(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 design of the project is processed concurrently with the project when located in the Mixed-Use Overlay.					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 Exhibit 4 (Site Plan) and shows each lot provides between 283.25 and 386.5 square feet.					Yes

Regulation	Analysis	Meets
<p>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.</p>	<p>The parent parcel of the preliminary major unit lot subdivision has met the dimensional standards per AMC 20.110 Mixed-Use Development Regulations as shown in this staff analysis.</p>	<p>Yes</p>
<p>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.</p>	<p>The proposed preliminary major unit lot subdivision in the General Commercial with Mixed-Use Overlay zone has complied with the AMC 20.16 as shown in this staff analysis.</p>	<p>Yes</p>
<p>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.</p>	<p>The preliminary major unit lot subdivision does not propose common areas, as the project creates fee simple lots on Lot 1 of the Zahradnik Binding Site Plan, with access to the future common park areas, open spaces and private street system of the overall binding site plan.</p>	<p>Yes</p>
<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 the recorded Zahradnik Binding Site Plan.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<p>20.44.020G Off-Street Parking.</p> <p>(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 townhouses requires 2 parking spaces per unit. The townhouse take driveway and garage access from the private internal drive aisle on the east side of the structures. Access to the private internal drive aisle is taken from 85th Avenue NE.</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.</p> <p>$23 \text{ units} / 5.75 = 6 \text{ additional spaces}$</p> <p>The applicant has provided additional spaces located between each of the buildings off the private internal drive aisle.</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 or along the private internal drive aisle, except for the designated parking areas for each unit and the shared parking stalls. The private internal drive aisle is the fire access to the residential structures.</p>	<p>Yes</p>
<p>(e) The unit lot subdivision shall provide bicycle parking facilities equal to one stall for every four lots.</p>	<p>The townhouse project provides bicycle parking in the garage of each unit. Public bicycle racks are located throughout the overall development area.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<p>20.44.020H Private Access Drives. Private access drives are allowed, to provide access to dwellings and off-street parking areas within a unit lot subdivision. All private access drives shall be designed and constructed to city design and construction standards. A separate pedestrian walkway is required from the dwelling units to a public sidewalk. Parking within any access drive shall be prohibited, but off-street parking may be located adjacent to an approved access drive outside the minimum required dimensions of the access drive. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense. As an alternative to the private access drive, the applicant may provide a public street meeting the city's design and construction standards.</p>	<p>The preliminary major unit lot subdivision proposes vehicular access to the lots through a private internal drive aisle access and connects to the future larger development areas. Pedestrian access is provided from both the private internal drive aisle and from walkways to the front doors along the public street of 85th Avenue NE.</p>	<p>Yes</p>
<p>20.44.020I Public Water Mains, Sewer Mains and Fire Hydrants. All water mains, sewer mains and fire hydrants within the unit lot subdivision shall be constructed to city design and construction standards and dedicated to the city. The city shall have the discretion to refuse or accept dedication of utility systems in developments that this chapter that are not constructed to city standards.</p>	<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.</p>	<p>Yes</p>
<p>20.44.020J Ingress, Egress and Utility Access. Each unit lot subdivision shall make adequate provisions for ingress, egress, and utilities access to and from each unit lot by dedicating streets or by reserving such common areas or easements over and across the parent parcel necessary to comply with all other design and development standards applicable to the approved site development plan.</p>	<p>The preliminary major unit lot subdivision provides access to the site from the public street of 85th Avenue NE and through the private internal drive aisle. No additional dedication of right-of-way is required for the development of Lot 1.</p>	<p>Yes</p>

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 landscaping between each building and along the north portion of the private drive aisle.</p> <p>All proposed trees are required to be 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>

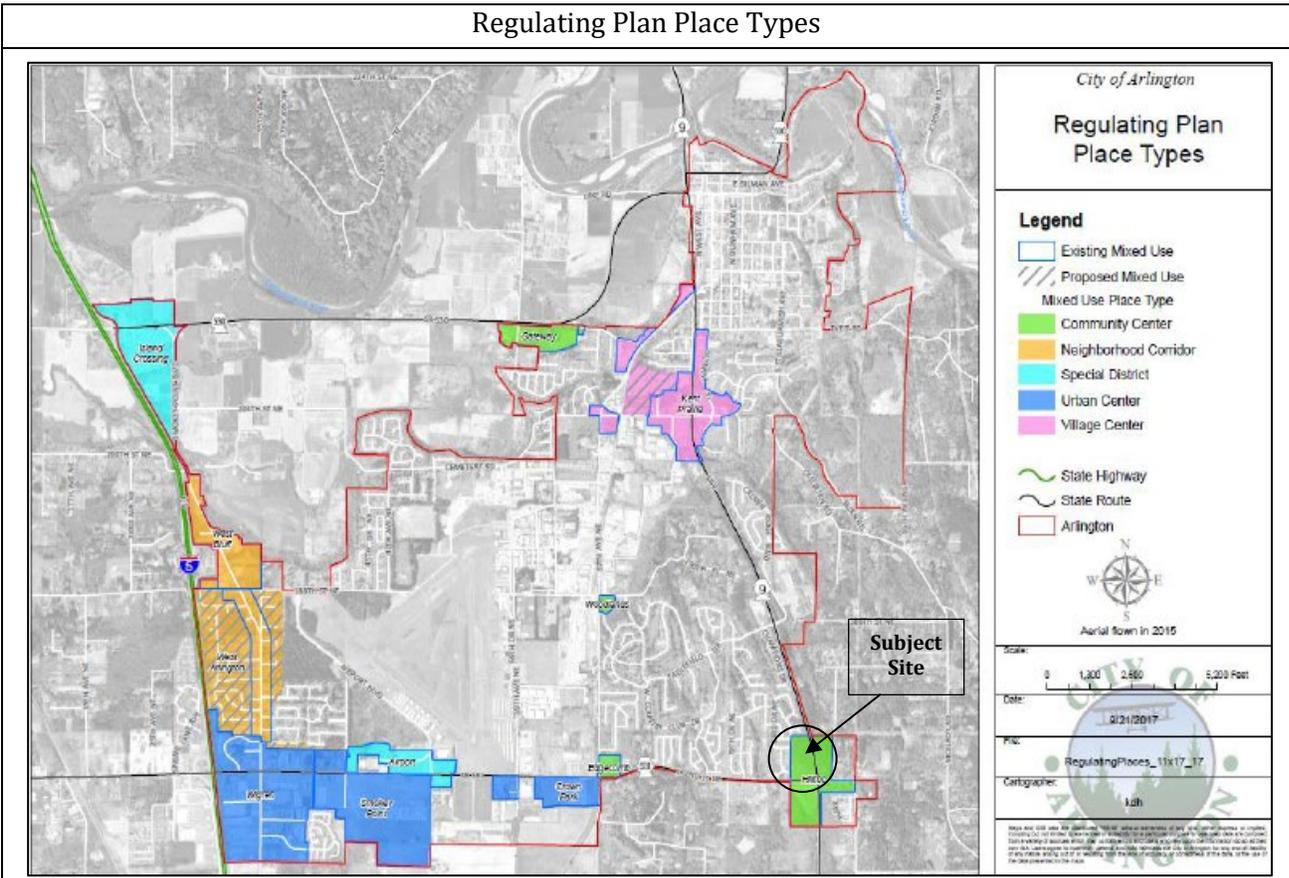
Regulation	Analysis	Meets
<p>(b) Maintenance of Private Common Areas and Infrastructure. All common open space and recreation areas and all private utility infrastructure located within a unit lot subdivision shall be maintained in perpetuity by the homeowner's association.</p> <p>(1) Private access 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 20.46 AMC, Design		
<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>(2) Zones (B) Mixed-Use Overlay</p>	<p>The preliminary major unit lot subdivision has submitted for design review concurrently with the project as required by the Mixed-Use Development Regulations per 20.46 Section III. Commercial Corridor and Mixed-Use Overlay.</p>	<p>Yes</p>
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 85th Avenue NE and the private internal drive aisles.</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 private internal drive aisle served from 85th Avenue NE.</p> <p>The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> • Vehicles enter and exit the site from the private internal drive aisle and do not pose danger to themselves, pedestrians, or other vehicles. • 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 utilizes an existing improved public street of 85th Avenue NE. There are no new public roads proposed with this development. No additional public improvements are required for the project, except for the planting or replacing of trees along 85th Avenue NE.</p>	<p>Yes</p>

Regulation	Analysis	Meets						
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.	The proposed preliminary major unit lot subdivision is subject to a civil permit and right-of-way permit.	Yes						
Chapter 20.60 AMC, Utilities								
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.	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 May 12, 2022.	Yes						
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.	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 May 12, 2022.	Yes						
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.	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.	Yes						
Chapter 20.90 AMC, Concurrency & Impact Fees								
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>The applicant provided a Traffic Impact Analysis prepared by Kimley Horn Traffic Consultants in November 2022 with the Binding Site Plan. The traffic analysis concluded that the proposed use (Attached Units ITE LUC 215) for 23 townhouse units would produce 13 new PM peak-hour-trips.</p> <table border="1" data-bbox="824 1839 1349 1917"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>13</td> <td>\$43,615.00</td> </tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	13	\$43,615.00	Yes
Traffic Fee	# Of Trips	Total Amount						
\$3,355.00	13	\$43,615.00						

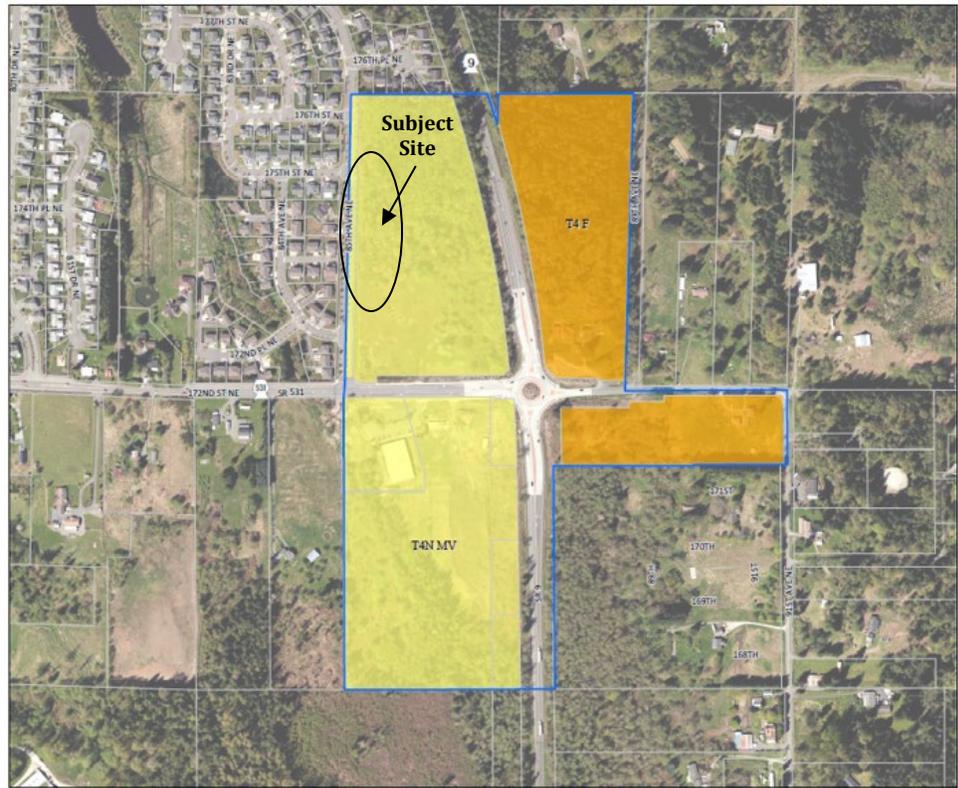
Regulation	Analysis	Meets						
<p>20.90.230 School Impact Fees. Each development activity, as a condition of approval, shall be subject to the school impact fee of \$4,002 per single-family dwelling unit.</p>	<p>The applicant is required to pay the following Arlington School District Impact Fee.</p> <table border="1" data-bbox="824 268 1352 346"> <thead> <tr> <th>Fee</th> <th># of Units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$2,328.00</td> <td>23</td> <td>\$53,544.00</td> </tr> </tbody> </table>	Fee	# of Units	Total Amount	\$2,328.00	23	\$53,544.00	<p>Yes</p>
Fee	# of Units	Total Amount						
\$2,328.00	23	\$53,544.00						
<p>20.90.400 Community Parks Impact Fee. (a) Residential developments shall pay a community park impact fee of \$1,497.00 for each multi-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 \$436 per multi-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. Attached Townhouses are considered multi-family required to pay the following impact fees.</p> <table border="1" data-bbox="824 579 1352 701"> <thead> <tr> <th>Community Park Impact Fee</th> <th># of units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$1,497.00</td> <td>23</td> <td>\$34,431.00</td> </tr> </tbody> </table> <p>*Note – Impact fees do not vest and are the fees in place at time of payment per a City Council adopted ordinance. The neighborhood/mini-park in-lieu fee is not required per the park space approved with the Binding Site Plan.</p>	Community Park Impact Fee	# of units	Total Amount	\$1,497.00	23	\$34,431.00	<p>Yes</p>
Community Park Impact Fee	# of units	Total Amount						
\$1,497.00	23	\$34,431.00						
<p>Chapter 20.98 AMC, State Environmental Policy Act (SEPA)</p>								
<p>20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination.</p>	<p>The applicant provided an environmental checklist with the application. The City of Arlington was determined to be the lead agency. A Determination of Non-Significance Adoption of Existing Document per AMC 20.98.180 and WAC 197-11-600 through 197-11-640 was issued for the proposal on April 11, 2024. The comment period for the DNS was from April 11, 2024 to April 26, 2024.</p>	<p>Yes</p>						
<p>Chapter 20.110 AMC, Mixed Use Development Regulations</p>								
<p>20.110.012 (d) Place Types. Place Types are defined by their location and by their intensity of use. The Mixed-Use Development Overlay Plan creates four “Place Type” overlay descriptions; Neighborhood Corridor, Neighborhood Community Center, Neighborhood Village Center, and Urban Center. In addition, due to their unique development context, two Special Districts were created. Special District I and Special District II with unique characteristics.</p>	<p>The proposed project is located in the Community Center place type established by the Mixed-Use Development Regulations.</p>	<p>Yes</p>						

Regulating Plan Place Types



Regulation	Analysis	Meets
<p>20.110.012 (e) Transect Summary. Zone – T4 Neighborhood Medium Volume (T4N-MV). <u>Desired Form:</u> Detached, Small to Medium Lot Width, Medium Footprint, Small to Medium Front Setback, Small to Medium Side Setback, Up to 3 Stories, Elevated Ground Floor, Primarily with Stoops and Porches. <u>General Use:</u> Primarily residential with smaller local serving uses in ancillary buildings. <u>Intent:</u> To provide a variety of housing choices, in medium footprint, medium density building types, which reinforces the walkable nature of the neighborhood, support local serving commercial adjacent to this zone and support public transportation.</p>	<p>The proposed project is located in the T4N-MV Transect of the Mixed-Use Development Regulations. The project provides 23 three story townhouse units along the 85th Avenue street frontage. The proposal includes five 4-unit buildings and one 3-unit building. This portion of the overall project provides a middle housing option and provides for an incremental increase in density from the existing single-family residential to the west and future multi-family apartments to the east. The project and entire binding site plan area provide a walkable neighborhood, local serving commercial and a future community transit bus stop along State Route 531 (172nd Street NE).</p>	<p>Yes</p>

Regulating Plan Place Type: Community Center



City of Arlington
Regulating Plan
Place Type: Community Center

SR 9/SR 531
Hilltop Neighborhood

Legend

Mixed Use Areas
 Existing Mixed Use
 Proposed Mixed Use

Regulating Code
 T4 F
 T4N MV

Aerial flown in 2015

Scale: 1 inch = 350 feet

Date: 9/21/2017

File: RegulatingPHilltop_11x17_17

Cartographer: kch

Notes and call outs are provided for informational purposes only and are not intended to be used as a basis for any legal action. The information is provided as a service to the public and is not intended to be used as a basis for any legal action. The information is provided as a service to the public and is not intended to be used as a basis for any legal action.

Regulation	Analysis	Meets
20.110.014(c)(2) Place Types. <u>Place Type:</u> Community Center <u>Location:</u> State Route 9 and 172 nd Street, State Route 530 and 211 th Street, State Route 531 and 67 th Avenue, 188 th Street and 67 th Avenue <u>Transect:</u> T4 Neighborhood Medium Volume (T4N-MV)	The proposed development is located within the Mixed-Use Community Center. The project is located northwest of the State Route 531 (172 nd Street) and State Route 9 Intersection and in the T4N-MV Transect	Yes
20.110.014(c)(2) T4N-MV. <u>Intent:</u> To provide an appropriate transition from a neighborhood main street environment into the residential areas, and to provide flexible buildings in a residential form that can allow a mix of residential and walkable local serving commercial and service uses.	The project transitions from the existing 2-story single family residence neighborhood by providing 3-story townhouse units along the 85 th Avenue frontage, then moving to future multi-family apartment buildings, mixed-use buildings, and to commercial lots along State Route 531 (172 nd Street NE).	Yes
20.110.014(c)(2) Allowed Building Types. Row House / Townhouse	The project has proposed to utilize townhouses on Lot 1 of the development.	Yes

Regulation		Analysis	Meets
20.110.014(c)(2) Building Form, Height.		The proposed elevation and floor plans show that the project meets the regulations and shall meet the requirements of this section through the building permit application submittal.	Yes
Main Building Stories	3 stories max.		
Ground Floor Ceiling Height: Residential	9' min. clear		
Upper Floor Ceiling Height: Residential	9' min. clear		
Ground Floor Finish Level: Residential ≥ 10' from ROW	0" min.		
20.110.014(c)(2) Building Form, Footprint.		The proposed project has provided a ground floor space depth of 32 feet for the residential units. This is the lower basement area and the overall depth of the structure on the second floor is 50 feet.	Yes
Ground Floor Space Depth: Residential	30' min.		
20.110.014(c)(2) Building Placement, Build-to-Lines and Setbacks.		The proposed project has complied with the building placement and setbacks proposed per the site plan.	Yes
Front	10' min. 20' max.		
Side Street	10' min. 20' max.		
Rear: Main Building	20' min.		
20.110.014(c)(2) Parking, Required Spaces.		The applicant has provided a total of 46 parking spaces within the garage and driveway for each individual townhouse unit. The applicant is required to also provide guest parking at a rate of 1 parking space for every 4 units. The total parking for the proposed project is 54 spaces on Lot 1.	Yes
Residential Spaces	Spaces Required		
Townhouse	2 per lot		
20.110.014(c)(2) Parking, Location		The proposed project complies with the parking space setbacks, as shown on the site plan. The parking is located to the east of the residential structures with a distance greater than 40 feet from 85 th Avenue NE. There are no side streets.	Yes
Front Setback	40' min.		
Side Street Setback	15' min.		
Rear Setback	0' min.		
20.110.014(c)(2) Parking, Parking Drive Width		The proposed project has provided private parking drive aisle widths of 24 feet throughout the site.	Yes
Front < 40 Spaces	20' - 24'		
Side Street/Alley	20' - 24'		

Regulation	Analysis	Meets								
<p>20.110.014(c)(2) Encroachments and Frontage Types, Allowed Encroachments.</p> <table border="1" data-bbox="204 226 784 394"> <tr> <td>Front</td> <td>14' max.</td> </tr> <tr> <td>Side Street</td> <td>10' max.</td> </tr> <tr> <td>Side</td> <td>0'</td> </tr> <tr> <td>Rear</td> <td>5' max.</td> </tr> </table>	Front	14' max.	Side Street	10' max.	Side	0'	Rear	5' max.	<p>The proposed project has not shown any encroachments of the building into the setbacks established from the public right of way.</p>	<p>Yes</p>
Front	14' max.									
Side Street	10' max.									
Side	0'									
Rear	5' max.									
<p>20.110.014(c)(2) Encroachments and Frontage Types, Allowed Frontage Types. Common Yard</p>	<p>The proposed townhouses have entries from the ground floor through a walkway and porch that share front yards that meet the common yard frontage type.</p>	<p>Yes</p>								
<p>20.110.014(c)(2) Use Table.</p> <table border="1" data-bbox="204 621 784 663"> <tr> <td>Residential: Multi-Family</td> <td>SUP/CUP</td> </tr> </table>	Residential: Multi-Family	SUP/CUP	<p>The proposed use of townhouses are allowed on the site. The project is being processed as a preliminary unit lot subdivision that requires a conditional use permit.</p>	<p>Yes</p>						
Residential: Multi-Family	SUP/CUP									
<p>20.110.014(d) Private Frontage Types. Common Yard: A frontage wherein the façade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The setback can be densely landscaped to buffer from the higher speed thoroughfares.</p>	<p>The proposed townhouses provide walkways and porches from 85th Avenue NE which represents a common yard frontage type. The front yards are proposed to remain unfences and has visually continuous front yards.</p>	<p>Yes</p>								
<p>20.110.014 (e) Building Types. Row House / Townhouse: This building type is a small to medium sized typically attached structure that consists of 2-8 houses placed side-by-side. This type is typically located within medium density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This type enables appropriate scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<p>The proposed project is for a 23-unit lot subdivision project with 23 fee simple lots. The project is located between existing single-family residences to the west and future multi-family apartments to the east.</p>	<p>Yes</p>								
<p>20.110.014 (f) Block, Thoroughfare, and Public Rights of Way Standards. This section requires block structure, walkability, connectivity, compliance with complete streets program, accessibility, pedestrian facilities, street scrape elements, bicycle facilities, intersection treatments, and meets the thoroughfare standards. Thoroughfare types for this project is an existing public street to the west a private internal drive aisle to the east.</p>	<p>The proposed project is located along 85th Avenue NE. The frontage along 85th Avenue NE provides pedestrian and bicycle access. The project has access from 85th Avenue to the north and south through a private drive aisle. The project complies with the complete street program and provides multiple modes of travel throughout the entire site.</p>	<p>Yes</p>								

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<p>20.110.014 (g) Parking Standards.</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;">Table 20.110-7: Minimum Parking Spaces Required</td> </tr> <tr> <td style="width: 70%;">Residential Townhouse</td> <td style="text-align: center;">2 per unit</td> </tr> </table> <table border="1" style="width: 100%;"> <tr> <td colspan="5" style="text-align: center;">Table 20.110-8: Minimum Dimensional Requirements</td> </tr> <tr> <td style="width: 15%;">Angle</td> <td style="width: 15%;">Depth</td> <td style="width: 15%;">Two-Way Drive Aisle</td> <td style="width: 15%;">Width</td> <td style="width: 15%;">Length</td> </tr> <tr> <td>Perpendicular</td> <td>18'</td> <td>24'</td> <td>8'</td> <td>18'</td> </tr> </table> <table border="1" style="width: 100%;"> <tr> <td colspan="3" style="text-align: center;">Table 20.110-9: Parking and Loading Area Screening</td> </tr> <tr> <td style="width: 20%;">Zone</td> <td style="width: 30%;">Adjacent Zone</td> <td style="width: 50%;">Required Screening</td> </tr> <tr> <td>T4, T5</td> <td>T4, or Residential Non-Transect Zone</td> <td>6' wall, fence, or evergreen hedge</td> </tr> </table> <table border="1" style="width: 100%;"> <tr> <td colspan="3" style="text-align: center;">Table 20.110-10: Bicycle Parking Requirements</td> </tr> <tr> <td style="width: 15%;">Use Type</td> <td style="width: 30%;">Required Spaces</td> <td style="width: 55%;">Location</td> </tr> <tr> <td>Residential: Multi-Family</td> <td>1 per 4 bedrooms</td> <td>Either within the building or within 25 feet of the building entrance</td> </tr> <tr> <td>Retail / Services</td> <td>4 stalls or 20% of the required off-street automobile parking spaces, whichever is greater up to a maximum of 30 bicycle spaces</td> <td>Within 50 feet of public entrance of the building and adjacent to a bicycle path and/or pedestrian walks</td> </tr> </table>	Table 20.110-7: Minimum Parking Spaces Required		Residential Townhouse	2 per unit	Table 20.110-8: Minimum Dimensional Requirements					Angle	Depth	Two-Way Drive Aisle	Width	Length	Perpendicular	18'	24'	8'	18'	Table 20.110-9: Parking and Loading Area Screening			Zone	Adjacent Zone	Required Screening	T4, T5	T4, or Residential Non-Transect Zone	6' wall, fence, or evergreen hedge	Table 20.110-10: Bicycle Parking Requirements			Use Type	Required Spaces	Location	Residential: Multi-Family	1 per 4 bedrooms	Either within the building or within 25 feet of the building entrance	Retail / Services	4 stalls or 20% of the required off-street automobile parking spaces, whichever is greater up to a maximum of 30 bicycle spaces	Within 50 feet of public entrance of the building and adjacent to a bicycle path and/or pedestrian walks	<p>The proposed project provides 2 parking stalls per unit, plus 1 parking stall per 4 units as guest parking. The proposed parking stalls are perpendicular. The site plan shows a two-way drive aisle of 24 feet and all parking spaces meet the minimum required dimensions.</p> <p>The proposal provides screening of the parking areas by being located to the east of the building structures and automatically blocked from the public right-of-way.</p> <p>The townhouses provide bicycle parking within the garage of each unit.</p>	Yes
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<p>20.110.014 (h) Civic and Open Space Standards. Publicly accessible civic spaces are an essential component of a walkable urban environment.</p> <p>Every residential development shall be constructed so that at least 5% of the total development remains permanently as usable open space.</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;">Table 20.110-11: Civic Space Standards</td> </tr> <tr> <td colspan="2" style="text-align: center;">Civic Space Type</td> </tr> <tr> <td colspan="2"> <ul style="list-style-type: none"> • Plaza • Pocket Plaza • Pocket Park • Playground </td> </tr> </table>	Table 20.110-11: Civic Space Standards		Civic Space Type		<ul style="list-style-type: none"> • Plaza • Pocket Plaza • Pocket Park • Playground 		<p>The open space was calculated from the overall binding site plan. The total square footage of the entire site is 731,788. The required amount of open space on the site is 36,589 square feet (731,788 x 5% = 36,589). The applicant has provided 51,329 square feet of open space throughout the entire binding site plan area.</p> <p>The binding site plan area includes civil spaces throughout the entire area that include plazas, park space, pickleball courts, and playgrounds.</p>	Yes																																		
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<p>20.110.014 (i) Landscaping, Fencing, and Screening Standards. Landscaping shall be a major component of site design in order to create a city that has a strong landscaped character.</p> <table border="1"> <thead> <tr> <th rowspan="2">Zones</th> <th colspan="3">Landscaping Components</th> </tr> <tr> <th>Frontage Landscaping</th> <th>Parking Area Landscaping</th> <th>Automatic Irrigation</th> </tr> </thead> <tbody> <tr> <td>T4N-MV</td> <td>Required</td> <td>Required</td> <td>Not Required</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2">Table 20.110-14: Required Interior Parking Lot Landscaping</th> </tr> <tr> <th>Number of Parking Spaces</th> <th>Percent of Gross Parking Area in Landscaping</th> </tr> </thead> <tbody> <tr> <td>6 or fewer</td> <td>0%</td> </tr> <tr> <td>7-15</td> <td>4%</td> </tr> <tr> <td>16-30</td> <td>8%</td> </tr> <tr> <td>31-70</td> <td>12%</td> </tr> <tr> <td>71 and over</td> <td>16%</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="2">Table 20.110-15: Tree Requirements for Parking and Lot Landscaping</th> </tr> <tr> <th>Landscaping Component</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>Amount</td> <td>1 tree per 4 stalls*</td> </tr> <tr> <td>Can Size</td> <td>15 gallons</td> </tr> <tr> <td>Box Size</td> <td>20% must be 24 inches</td> </tr> <tr> <td>Caliper</td> <td>1" minimum</td> </tr> <tr> <td>Minimum Height at Installation</td> <td>6'8"</td> </tr> <tr> <td>Minimum Mature Canopy</td> <td>40'</td> </tr> <tr> <td>Characteristics</td> <td>High Branching, Broad Headed, Shaded Form</td> </tr> <tr> <td>Installation</td> <td>Root Barriers and Deep Root Irrigation</td> </tr> <tr> <td>Location</td> <td>Along the line between or at the back of parking bays. At both ends of a line of parking spaces. Evenly spaced to provide uniform shade.</td> </tr> <tr> <td>Required Border</td> <td>6" high curb or equivalent</td> </tr> <tr> <td>Border and Stormwater</td> <td>Curbs shall provide breaks every 4' to provide drainage to retention and filtration areas.</td> </tr> <tr> <td>Minimum Tree Well Width</td> <td>5'</td> </tr> <tr> <td>Car Overhangs</td> <td>Must be prevented by stops.</td> </tr> </tbody> </table>				Zones	Landscaping Components			Frontage Landscaping	Parking Area Landscaping	Automatic Irrigation	T4N-MV	Required	Required	Not Required	Table 20.110-14: Required Interior Parking Lot Landscaping		Number of Parking Spaces	Percent of Gross Parking Area in Landscaping	6 or fewer	0%	7-15	4%	16-30	8%	31-70	12%	71 and over	16%	Table 20.110-15: Tree Requirements for Parking and Lot Landscaping		Landscaping Component	Description	Amount	1 tree per 4 stalls*	Can Size	15 gallons	Box Size	20% must be 24 inches	Caliper	1" minimum	Minimum Height at Installation	6'8"	Minimum Mature Canopy	40'	Characteristics	High Branching, Broad Headed, Shaded Form	Installation	Root Barriers and Deep Root Irrigation	Location	Along the line between or at the back of parking bays. At both ends of a line of parking spaces. Evenly spaced to provide uniform shade.	Required Border	6" high curb or equivalent	Border and Stormwater	Curbs shall provide breaks every 4' to provide drainage to retention and filtration areas.	Minimum Tree Well Width	5'	Car Overhangs	Must be prevented by stops.	<p>The proposed project has provided landscaping throughout the property and within the park, open space and parking areas.</p> <p>Any proposed irrigation shall be submitted, reviewed, and approved with the Civil Permit.</p> <p>The project does not require shading for parking in the driveway. The applicant is required to provide 6 guest parking spaces on the site. For 6 guest parking spaces the shading required is 0%.</p> <p>The landscape plans show all required landscaping components have been met. The interior shade trees between the building are proposed to be 1 ½" caliper between the buildings. The street frontage trees are proposed to be 2" caliper and be spaced every 30' on center. All trees will be planted with root barrier per the City of Arlington Standard R-260 along the public rights-of-way. All parking lot landscaping is proposed to be contained within planting beds with a minimum of 6" curbing that provides stormwater breaks.</p>	Yes
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<p>20.110.014 (j) Low Impact Development. This is an approach to stormwater management with the goal to mimic a site's predevelopment hydrology by using design methods that infiltrate, filter, store, evaporate, and detain runoff close to its source. The stormwater is regulated by AMC 13.28 and the 2019 DOE Stormwater Management Manual for Western Washington.</p>	<p>The preliminary drainage on the site is conceptually feasible. All stormwater is required to meet the 2019 Department of Ecology Stormwater Management Manual for Western Washington and the City of Arlington Public Works Standards and Specifications. The final drainage plan shall be approved with the Civil permit.</p>	<p>Yes</p>																												
<p>20.110.014 (k) Outdoor Lighting Standards. All outdoor lighting must comply with the following requirements.</p> <table border="1" data-bbox="204 617 784 678"> <tr> <td colspan="2" data-bbox="204 617 784 646">Table 20.110-17: Lighting Zones</td> </tr> <tr> <td data-bbox="204 646 493 678">LZ-3</td> <td data-bbox="493 646 784 678">T4N-MV</td> </tr> </table> <table border="1" data-bbox="204 688 784 831"> <tr> <td colspan="2" data-bbox="204 688 784 718">Table 20.110-18: Total Site Lumen Limits</td> </tr> <tr> <td data-bbox="204 718 631 831" rowspan="2">Total site lumens allowed per square feet of impervious/semi-impervious surface area</td> <td data-bbox="631 718 784 747">LZ-3</td> </tr> <tr> <td data-bbox="631 747 784 831">5.0 Lumens</td> </tr> </table>	Table 20.110-17: Lighting Zones		LZ-3	T4N-MV	Table 20.110-18: Total Site Lumen Limits		Total site lumens allowed per square feet of impervious/semi-impervious surface area	LZ-3	5.0 Lumens	<p>All proposed project lighting shall meet the requirements of the T4N-MV transect. The lighting shall be approved with the Civil permit.</p>	<p>Yes</p>																			
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<p>20.110.014 (l) (1) Architectural Standards: Compatibility with Surrounding Developments. Arlington and Regional Compatibility Standard: At least one of the following elements:</p> <ol style="list-style-type: none"> 1. A roof overhang with a minimum depth of 4 feet where the entry is in a one-story form; 2. Recessed into the building to minimum depth of 3 feet; 3. An awning or canopy with a minimum depth of 4 feet; and/or 4. A gallery, where allowed in a Transect, construction per section 20.110.014(d) <p>Neighborhood Compatibility Standard:</p> <ol style="list-style-type: none"> 1. Materials and colors 2. Scale and proportions of form; 3. Scale, proportion, pattern, and approximate head heights of doors and windows; and 4. Approximate floor level elevations 	<p>The proposed development has met the compatibility of the surrounding developments.</p> <p>Regional Compatibility: The design of the building has incorporated design features to address the local weather and compliment regional aesthetics. Every entry either has a roof overhang or is recessed back to create cover from the elements.</p> <p>Neighborhood Compatibility: The design incorporates the craftsman style with a pitched gable roof. The proposed buildings provide earth tone colors and natural materials, hardie plank siding, architectural brackets, columns, and trim. This site is in a transitional district and creates a model for future projects in the immediate area and are compatible with existing neighboring buildings.</p>	<p>Yes</p>
<p>20.110.014 (l) (2) Architectural Standards: Compatibility within a Multiple Building Development. All buildings in a multiple building development, shall be designed with size, building massing, building materials, colors, and setbacks that are consistent within the place types in which they are located.</p>	<p>The proposed project consists of six buildings on the site that are the same craftsman design, with similar colors and materials. This project is the first to develop in the area utilizing the mixed-use development regulations.</p>	<p>Yes</p>
<p>20.110.014 (l) (3) Architectural Standards: Four-Sided Design. The building shall provide consistent architectural design and details to ensure consistent building details and proportions on all sides of the building. Roof equipment shall be screened from view of pedestrians and vehicles on all sides with a screen that is at a minimum the same height as the equipment. Utilities shall be 100% screened from the view of the public and internal streets.</p>	<p>The proposed project has architectural design and details on all four sides of the buildings, providing consistent style, colors and materials. The HVAC equipment shall be screened and designed to blend in with the building.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<p>20.110.014 (l) (4) Architectural Standards: Signage and Design Elements. A building shall not be dominated by corporate or trademark architectural details; a building shall be compatible with other surrounding buildings and should not consist of building forms that primarily serve as signage and marketing elements. All street frontages and signage material shall be integrated into the overall design of the building. Signs shall be located to complement the architectural features of a building such as above the building entrance, storefront opening, or other similar features.</p>	<p>The proposed project does not have any dominate corporate or trademark architectural details. The project will provide signage for the name of the project. The signage shall meet all requirements of AMC 20.68 and blend in with the overall building.</p>	<p>Yes</p>
<p>20.110.014 (l) (5) Architectural Standards: Building Height and Transition. Abrupt or severe differences in building scale or massing within mixed use developments, or in adjacent developments can dwarf or overwhelm the neighboring areas. Buildings shall be designed to minimize this difference in scale.</p>	<p>The project has proposed three-story townhouse buildings. The design height of the building meets the requirements for the zone and there are no abrupt or severe differences in building scale or massing within the complex.</p>	<p>Yes</p>
<p>20.110.014 (l) (6) Architectural Standards: Building Materials. The building shall be attractive and durable. To ensure this, buildings shall be constructed of high-quality materials and require minimal maintenance. The exterior building materials are classified according to their visual weight; and shall include Heavy, Light and Roofing Materials. Heavy materials shall be located below medium and light materials and medium materials below light materials.</p>	<p>The proposed project provides columns at the base. The structures consist of hardie-plank siding. Trim is provided around all windows and throughout the building facades. These materials and colors represent the middle of the building. The roof material composition roofing with bracket features, which represents the top of the building.</p>	<p>Yes</p>
<p>20.110.014 (l) (7) Architectural Standards: Building Modulation and Articulation. Long, large buildings can be monotonous if they contain large or long expanses of surface area with no detailing or shadow lines; recesses and projections in building walls help to proportion and subdivide the massing of large buildings. Any façade exceeding 30 feet in length shall include at least one change in wall plane, such as projections or recesses, having a depth of at least 3% of the entire length of the façade; this projection or recess shall extend over at least 20% of the entire length of the façade. A building base and building top shall be recognizable through materials, textures, treatments, and roofing.</p>	<p>The project has proposed many vertical and horizontal elements, including modulation and articulation on all sides of the building. The elevations show the building bump outs, gable roofs, entry porches, and other modulation techniques.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<p>20.110.014 (l) (8) Architectural Standards: Building Scale. To ensure a comfortable pedestrian experience, the scale of large buildings shall be visually reduced by elements that divide a large building into smaller proportions. Building walls shall be subdivided and proportioned using features such as windows, entrances, storefronts, arcades, arbors, awnings, trellises, or tother similarly scaled architectural details. These features shall cover at least 90% of the building’s front wall length and at least 60% of other building wall lengths.</p>	<p>The project proposes a pleasing pedestrian experience by breaking up the building elements and dividing the building into smaller proportions. The front (west elevation) incorporates porches, windows, and vertical and horizontal modulations that cover 90% of the street elevation. The remaining elevations utilize the same elements and cover at least 60% of each elevation.</p>	<p>Yes</p>
<p>20.110.014 (l) (9) Architectural Standards: Pitched Roofs and Eaves. Pitched roofs shall be simple hip, shed, or gable configurations. Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. The use of alternating dormers, stepped roofs, gables, or other roof elements can be used to add visual relief and articulation to the overall building form.</p>	<p>The project proposes a pitched roof, with gable and shed roof providing architectural interest and variety along the frontage and rear sides of the building structure.</p>	<p>Yes</p>
<p>20.110.014 (l) (10) Architectural Standards: Gutters, Downspouts, and Scuppers. Building devices used to control rainwater shall be compatible with the roofing system and shall not dominate the façade of a building. Parapets and cornices shall not be interrupted by stormwater elements. Gutters, downspouts, and scuppers shall be constructed of high-quality, commercial grade metal. These elements shall be integrated into the design of the elevation, placed in harmony with the forms and openings. Parapets shall be continuous above scuppers. Gutters are prohibited on float roofs.</p>	<p>The downspout locations are required to be incorporated into the building design.</p>	<p>Yes</p>
<p>20.110.014 (l) (11) Architectural Standards: Customer and Public Entrances. Customer and public entrances shall ensure accessibility to the public, create primary focal points for the façade, and provide a comfortable proportion for pedestrian entry. Buildings larger than 50,000 square feet shall provide at least two customer or public entrances. Buildings smaller than 50,000 square feet are encouraged to provide multiple customer or public entrances. Buildings shall orient customer or public entrances toward a public street or an internal street or drive. Each building on a site shall have clearly defined, highly visible customer entrances.</p>	<p>The proposed project is for residential purposes only and there are no official public or customer entrances. The entrances are for the residents of the unit. The entrances provide focal points along the frontage and the rear through the columns and porches.</p>	<p>Yes</p>

Regulation	Analysis	Meets						
<p>20.110.014 (l) (12) Architectural Standards: Windows. Windows shall be vertically proportioned; this allows the window opening to appear to be structurally supported. Window openings on brick, stone, cast stone, or synthetic stone buildings shall not be trimmed. Lintels, sills, and arches are not considered trim. Window openings without trim or molding shall have window frames at least 2 inches wide when looking at the finished façade of the building. Upper story windows shall align with ground floor windows, ground floor doors, and the building modulations. Display window light sources shall not be visible from the exterior of the building.</p>	<p>The project proposes large windows that are broken down into smaller panes. The residential windows on all sides of both buildings are vertically and horizontally proportioned and provide trim.</p>	<p>Yes</p>						
<p>20.110.014 (l) (13) Architectural Standards: Glazing. The ground floor of commercial buildings shall be transparent for visual connection to the pedestrians and is usually necessary for most retail structures.</p> <table border="1" data-bbox="204 898 784 1024"> <thead> <tr> <th data-bbox="204 898 321 961">Transect</th> <th data-bbox="321 898 535 961">Minimum Glazing on Primary Facades</th> <th data-bbox="535 898 784 961">Minimum Transparency on Primary Facades</th> </tr> </thead> <tbody> <tr> <td data-bbox="204 961 321 1024">T4N-MV</td> <td data-bbox="321 961 535 1024">50% of pedestrian view plane</td> <td data-bbox="535 961 784 1024">25% of pedestrian view plane</td> </tr> </tbody> </table> <p>Between 25% and 60% of the second-floor façade and above shall be transparent glazing. Transparent glass shall possess a minimum 60% light transmittance factor. No highly reflective glazing shall be permitted within the lower 80% of the building façade (maximum reflectance factor of .20). No first-floor reflective coating is permitted.</p>	Transect	Minimum Glazing on Primary Facades	Minimum Transparency on Primary Facades	T4N-MV	50% of pedestrian view plane	25% of pedestrian view plane	<p>The project has proposed many windows on all floors of the building. The first-floor glazing along the street provides 50% of the elevation, the upper floors provide over 25% the frontage. The transparent glass will possess a minimum of 60% light transmittance factor. The project will meet a maximum reflectance factor of .20. No first-floor reflective coating is permitted.</p>	<p>Yes</p>
Transect	Minimum Glazing on Primary Facades	Minimum Transparency on Primary Facades						
T4N-MV	50% of pedestrian view plane	25% of pedestrian view plane						
<p>Chapter 13.28 AMC, Stormwater</p>								
<p>13.28.070 Applicability of the Utility. The following actions or applications for the following permit and/or approvals will require submittal for approval by the utility: site plans, design drawings, and operations and maintenance plans. Submittals shall be consistent with the provisions of this Code, and shall comply with the stormwater manual and engineering standards:</p> <p>(3) New Development</p>	<p>The proposed 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.</p>	<p>Yes</p>						

F. PUBLIC COMMENTS

Public Comment	Response
<p>Public comments received during the Notice of Application and MDNS comment periods, along with the Neighborhood Meeting for Lot 1 at The District Preliminary Major Unit Lot Subdivision project, PLN#1207.</p>	<p>The City received comments from the following agencies or citizens in the community: Sam and Becca Yadon Eagle Heights HOA Party of Record from Zahradnik Binding Site Plan A summary of the comments and concerns are listed below. The original comments submitted are in the official permit file and available upon request.</p>
<p>Sam and Becca Yadon submitted comments regarding cars on 172nd Street NE, traffic backups on the roadway, and the widening of 172nd Street never happening. References to the apartment parking located at 67th Avenue and 172nd Streets. Does not want the subdivision west of 85th Avenue flooded with vehicle street parking and/or abandoned cars and the effects it has on safety and home values. Outdated parking standards and not enough parking stalls for apartments. Not enough bus routes to support apartment living without each working adult having a vehicle.</p>	<p>The city did not provide a response, as the comments did not relate to the subject townhouse project. The proposal does not include apartments and provides two parking spaces for each unit, along with six guest parking spaces. There is not a need for the residents to park within the adjacent subdivision and no parking is allowed along 85th Avenue. The parking standards were updated in 2022 and provide sufficient parking for all types of residential, commercial, and industrial uses.</p>
<p>Eagle Height Homeowner’s Association provided comment outside of the comment period. The comment was regarding the landscaping along 85th Avenue NE. Currently Eagle Heights HOA has been maintaining both the west and east sides of the street, along with the median. They would like to share the cost of the maintenance with the applicant on a 50/50 basis.</p>	<p>The city forwarded the email comments to the applicant. The applicant is required to maintain the east side of 85th Avenue NE with the subject permit. The median is required to be negotiated with the HOA.</p>
<p>Existing Party of Record from the Zahradnik Binding Site Plan.</p>	<p>City staff has sent Public Noticing to all previous party of record for the Zahradnik Binding Site Plan.</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 April 4, 2024.	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 DNS on April 11, 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) AMC 20.16.225 (d), 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 May 24, 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:

Description of Document Being Adopted: Mitigated Determination of Non-Significance issued by the City of Arlington on January 4, 2023 for the Zahradnik Binding Site Plan (PLN#941). This MDNS included all impacts and mitigation for the residential and mixed-use areas of the binding site plan. There was no appeal on the Mitigated Determination of Non-Significance.

The City has identified and adopted this document as being appropriate for this proposal after independent review. The document meets the environmental review needs for the current proposal and will accompany the proposal to the decision makers.

The City of Arlington has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This determination is based on the following findings and conclusions:

4. The original permit decision and amended Zahradnik Binding Site Plan have not been changed for this permit. The amended Zahradnik Binding Site Plan is recorded under AFN202303025002.
5. The conditions of the Mitigated Determination of Non Significance and the Zahradnik Binding Site Plan decision apply to this project and have addressed all environmental elements of the site including: soils (cut and fill onsite), air, surface water wetlands, wetland buffer, establishment of the native growth protection area, conceptual mitigation plan, ground water, stormwater, spill prevention, Department of Ecology stormwater management requirements, noise, removal of significant trees, planting of trees and landscaping, aesthetics, light and glare, airport avigation easement, open space, onsite recreation and trail system, ground disturbance notification requirements, unanticipated discovery plan, transportation public road and intersection improvements, private roadway system, right of way dedication, transportation impact fees, community park impact fees, school impact fees, water and sewer extension, public utility improvements, and underground public and private utilities.
6. The review of the environmental impacts and mitigation have been reviewed by all affected agencies. Comments received were incorporated into the MDNS and Binding Site Plan decision.

Civil Permit:

7. 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.
8. The applicant shall submit a lighting plan with the Civil Construction Permit.
9. The project is subject to submit a Right-of-Way Permit for all work with public rights-of-way.

10. 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:

11. 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:

12. The applicant shall complete all required Civil Construction improvements on the subject site.
13. The applicant shall submit as-builts, acquire all required bonds, and complete the civil construction punch list for the project.
14. The applicant shall provide the conditions found in AMC 20.44.020N on the face of the final plat document.
15. 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:

16. 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.
17. The proposed building plans shall be in compliance with the elevations and floor plans that were received on March 13, 2024, subject to any conditions or modifications that may be required as part of the permit review.
18. The project is subject to applicable water and sewer utility fees. These fees are collected at the time of building permit issuance.
19. Prior to issuance of building permits, all associated impact fees shall be paid.

Other:

20. All contractors working on the site are required to obtain a Washington State Business License and a City of Arlington Endorsement.
21. 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.

- (a) Except as pursuant to Subsection (b), whenever (i) the hearing examiner disapproves a conditional use permit application, or (ii) the community and economic development director or hearing examiner disapproves an application for a special use permit or a variance, on any basis other than the failure of the application to submit a complete application, such action may not be reconsidered by the respective permit-issuing authority at a later time unless the applicant clearly demonstrates that:
 - (1) Circumstances affecting the property that is the subject of the application have substantially changed, or
 - (2) New information is available that could not with reasonable diligence have been presented at a previous hearing.
- (b) Whenever the permit-issuing authority approves or disapproves a permit application or variance 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 or variance either a finding of fact or testimony has been incorrectly recorded.
- (c) A request to be heard for reconsideration on this basis must be filed with the Community and Economic Development Director within the time period for an appeal to superior court (see section 20.28.060, judicial review). However, such a request does not extend the period within which an appeal must be taken.
- (d) Notwithstanding Subsection (a), the hearing examiner or community and economic development director may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

K. APPEALS

AMC 20.16.310 Appeals of Permits and Final Plats.

- (b) The action of the hearing examiner in granting or denying a special use or conditional use permit may be reviewed for unlawful, arbitrary, capricious, or corrupt action to Snohomish County Superior Court. The petition for review must be filed within twenty-one calendar days of the notice of final decision issued by the city.

AMC 20.20.020 Appeals of Hearing Examiner Decisions.

- (a) Appeals from the final decision of the hearing examiner, or other city board or body involving the city’s land use code and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County Superior Court pursuant to the Land Use Petition Act, Chapter 36.70C RCW, within twenty-one days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.

- (b) Upon motion for reconsideration, the date of the decision is the date of entry of the decision on the reconsideration motion by the hearing examiner and not the original decision date by the city.
- (c) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.
- (d) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of proceedings shall be prepared by the city or such qualified person as it selects. Prior to the preparation of any records the appellant shall post with the city community and economic development department an advance fee deposit in the amount specified by the city's planning division. Any overage will be promptly returned to the appellant.

L. EXHIBITS

File PLN#1207 – Lot 1 at The District 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:

- Scott Wammack, Owner/Applicant
- Randy Devoir, Contact
- Peregrin Sorter, Hearing Examiner
- Steve Peiffle, City Attorney
- Marc Hayes, Community & Economic Development Director