

ORDINANCE NO. 2024-010

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 20.08
OF THE ARLINGTON MUNICIPAL CODE REGARDING DEFINITIONS
UNDER CITY PLANNING NO. PLN 1174

WHEREAS, the city has proposed an update to the Definitions regulations; and

WHEREAS, the Arlington Planning Commission considered the revisions at docketing meetings on February 6, 2024 and February 22, 2024, and then on May 7, 2024 and at a public hearing conducted on May 21, 2024; and

WHEREAS, the Planning Commission made findings and provided its recommendations to the City Council concerning the proposed changes; and

WHEREAS, the City Council considered the revisions at docketing meetings on March 11, 2024 and March 18, 2024; and

WHEREAS, the City Council considered the same at a workshop held on June 10, 2024, their regular meeting on June 17, 2024, and considered them along with the Planning Commission recommendations; and the City Council having determined approving said amendment was in the best interest of the City; and

WHEREAS, the amendments were presented to the Department of Commerce for comment and said Department had no comments on the ordinance; and

WHEREAS, the City Council has considered the proposed amendment to the municipal code and finds it to be consistent with city and state law and in the best interests of the citizens; and

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

Section 1. Arlington Municipal Code section 20.08.010 shall be and hereby is amended by adding or amending the following definitions as set forth herein:

Active Transportation means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with Disabilities Act and the distinct needs of each form of active transportation.

Active Transportation Facilities means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

Adopt a Comprehensive Land Use Plan means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

Agriculture Land means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

Change of Use means any change in the use, purpose, or level of activity within a building(s) or on any parcel of property.

Closed Record Appeal means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence, or information allowed to be submitted and only appeal argument allowed.

Co-Living Housing means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Local governments may use other names to refer to co-living housing including, but not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.

Cottage Housing means Residential units on a lot with a common open space that either: (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

Courtyard Apartments means attached dwelling units arranged on two or three sides of a yard or court.

Design Review Administrative means a development permit process whereby an application is reviewed, approved, or denied by the Community and Economic Development Director or the Community and Economic Development Director's designee based solely on objective design and development standards without a public pre-decision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards. Criteria is listed in §20.46 Design.

Design Review Board means the members of the Planning Commission that act as the decision-making body for the design, through a recommendation to city staff, of new

development projects and exterior changes to existing buildings per the regulations of §20.46 Design.

Development Regulations means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

Dwelling Unit means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and that is sold or rented separately from other dwelling units.

Emergency means an unexpected situation that poses an immediate danger to life, health, or property and demands immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency Hazardous Situation means a condition that is an immediate and substantial danger to human health, safety, or welfare, or to the environment.

Enhanced Service Facility means a residential facility licensed by the Washington State Department of Social and Health Services and as defined by RCW 70.97.010 (5) or as amended by State Legislature. Enhanced Service Facility (ESF) means a residential facility that provides services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social and Health Services to be inappropriate for placement in other licensed facilities due to complex needs. In accordance with WAC 388-107-0700, three types of enhanced service facilities are based off of building occupancy requirements:

- (1) Enhanced Service Facility Category 1 – Nursing Home Type Resident(s) physically or cognitively incapable of self-preservation.
- (2) Enhanced Service Facility Category 2 – Assisted Living Type Resident(s) capable of self-preservation with physical assistance from another person.
- (3) Enhanced Service Facility Category 3 – Adult Family Home Type. No more than six residents that are capable of evacuating the facility within five minutes.

Environmental Justice means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice include addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits.

Essential Public Facilities means those facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities as defined in

RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

Freight Rail Dependent Uses means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. “Freight Rail Dependent Uses” does not include buildings or other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or “crude oil” as defined in RCW 90.56.010.

Green Infrastructure means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

Green Space means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- (a) Is accessible to the public;
- (b) Promotes physical and mental health of residents;
- (c) Provides relief from the urban heat island effects;
- (d) Promotes recreational and aesthetic values;
- (e) Protects streams or water supply; or
- (f) Preserves visual quality along highway, road, or street corridors.

Harmony means a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

Homeless means a person, persons, family, or families who do not have fixed, regular, adequate, or safe shelter, nor sufficient funds to pay for such shelter.

Industry means economic activity concerned with the processing of raw materials and manufacture of goods in factories.

Interior Alteration means construction activities that do not modify the existing site layout or its current use and involves no exterior work adding to the building footprint.

LID Facilities or Low Impact Development Facilities means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to: bioretention, rain gardens, permeable materials, roof

downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

Local Government means a county, city, or town.

Low-income household means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 80 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income.

Major Transit Stop means:

- (a) A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;
- (b) Commuter rail stops;
- (c) Stops on rail or fixed guideway systems, including transitways;
- (d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes;
or
- (e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays.

Middle Housing means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

Moderate-income household means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 120 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income.

Multiplex Housing means a building with up to six dwelling units consolidated into a single structure with common walls and floors and a functional primary street entrance, or a building of up to three stories containing up to six dwelling units consolidated into a single structure.

Non-Responsiveness means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information.

Open Record Hearing means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing". An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

Overburdened Community means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined by RCW 19.405.020.

Project Permit or Project Permit Application means any land use or environmental permit or license required from a local government for a project action, including but not limited to subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones which do not require a comprehensive plan amendment, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

Property, when related to emergency or transitional housing per WAC 458-16-320, means real or personal property used by a nonprofit organization, association, or corporation in providing emergency or transitional housing and support services for low-income homeless persons or victims of domestic violence.

Public Facilities means streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

Public Meeting means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

Public Services means fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

Residence, Multi-Family Townhouses means Buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

Residential Permit means a permit issued by a city or county that satisfies the conditions of RCW 19.27.015 (5) and is within the scope of the international residential code, as adopted in accordance with chapter 19.27 RCW.

Single-Family Zones means those zones where single-family detached housing is the predominant land use.

Short Line Railroad means those railroad lines designated class II or class III by the United States surface transportation board.

Stacked Flat means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

Subarea means a physical region that makes up a portion of the city.

Subarea Plan means a type of long-range planning for a limited geographic area within a community. These subarea plans focus on goals and policies to form the framework for the plan as well as specific goals and policies for land-use, environmental protection, and transportation.

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 duplex, townhome, rowhouse, and cottage housing developments, in zones where such uses are permit. Each building shall not be less than two units 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.

Supportive Services means resume writing, training, vocational and psychological counselling, or other similar programs designed to assist the homeless in independent living.

Transitional housing means a facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to move into independent living and permanent housing.

Transportation System means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

Urban Governmental Services or Urban Services means those public services and public facilities provided at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

Urban Growth means growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070 (5)(d), is not urban growth. When allowed to spread over wide areas, urban

growth typically requires urban governmental services. “Characterized by urban growth” refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

Urban Growth Area means that portion of the city's planning jurisdiction that lies outside the corporate limits of the city and designated by a county pursuant to RCW 36.70A.110.

Use of Existing Buildings for Residential Purposes means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

Vehicle Accommodation Area means that portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading, including vehicle and equipment sale or rental display areas. It comprises the total circulation areas, loading and unloading areas, and parking areas.

Victim(s) of Domestic Violence means either an adult(s) or a child(ren) who have been physically or mentally abused and who fled his or her home out of fear for his or her safety.

Vulnerable Populations means (a) population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization. (b) Vulnerable Populations includes but is not limited to: (i) Racial or ethnic minorities; (ii) Low-income populations; and (iii) Populations disproportionately impacted by environmental harms.

Water Slides means a continuous wet chute, down which people slide into a pool typically located at an amusement park or water park.

Washington Wildland-Urban Interface Map means the Washington department of natural resources map designated urban areas, wildland-urban interface, wildland-urban intermix, wildlands, and long-term non-buildable areas, designated as the Washington wildland -urban interface as mapped for 2019 by the Washington state department of natural resources – wildfire and forest health divisions under consultation from the USFS Rocky Mountain Research Station.

Wildland Urban Interface / Intermix Area means the geographical area where structures and other human development meet or intermingles with wildland vegetative fuels.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. The title of this ordinance which summarizes the contents shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication as provided by law.

PASSED by the City Council of the City of Arlington and APPROVED by the Mayor this 17th day of June, 2024.

CITY OF ARLINGTON



Don E. Vanney, Mayor

ATTEST:



Wendy Van Der Meersche, City Clerk

APPROVED AS TO FORM:



Steven J. Peiffle, City Attorney

CERTIFICATION OF ORDINANCE

I, Wendy Van Der Meersche, being the duly appointed City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2024-010 was approved at the June 17, 2024 City Council meeting.

ORDINANCE NO. 2024-010

“AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 20.08 OF THE ARLINGTON MUNICIPAL CODE REGARDING DEFINITIONS UNDER CITY PLANNING NO. PLN 1174”

A true and correct copy of the original ordinance is attached.

Dated this 18th day of June, 2024




Wendy Van Der Meersche
City Clerk for the City of Arlington