



HB1220 ANALYSIS

Appendix D

Arlington 2024 Comprehensive Plan Update

HB 1220 Analysis | DRAFT

Leland Consulting Group, 2023

Overview

As part of Arlington's 2024 Comprehensive Plan Update, Leland Consulting Group (LCG) analyzed Arlington's compliance with new statewide regulations resulting from HB 1120's amendments to the Growth Management Act (GMA) requiring jurisdictions to evaluate land capacity for all housing needs as well as to make adequate provisions to accommodate all housing needs. This report documents LCG's findings as outlined in the Washington State Department of Commerce guidebooks for this process.¹

Land Capacity Analysis

Overview and Arlington Allocation

As amended by HB1220, RCW 36.70A.070(2)(c) requires cities to show **sufficient land capacity to meet housing needs of moderate, low, very low, and extremely low-income households**, defined by household income as a percentage of area median income (AMI), and show capacity for permanent supportive housing and emergency housing and shelters. The methodology for this analysis, as outlined in the Department of Commerce guidebook, is shown at right in Figure 1.

Using this methodology, the capacity for new housing development or redevelopment in Arlington is summarized by zone, and the zones are then aggregated into zone categories based on housing types allowed in those zones. These categories are then related to the potential income levels that could be served by new housing development or redevelopment in those areas. Generally, the methodology assumes that the housing needs of **lowest-income households** (earning between 0 and 80 percent AMI) will be provided in zones allowing **medium- to large-scale multifamily development**, such as the type of deeply subsidized affordable apartment development typically funded by the Low-Income Housing Tax Credit (LIHTC), as well as other denser apartment types. The housing needs of **moderate-income households** (earning 80 to 120 percent AMI) are assumed to be served by zones allowing various "middle housing" types such as duplexes, triplexes, and 4-plexes, as well as by ADUs in any zone. Finally, **higher-income households** (earning over 120 percent AMI) are assumed to be served by zones allowing **single-family detached housing**. Per Commerce guidance, cities may also show additional potential for higher-income households to be served by higher-end market-rate housing in a portion of multifamily or mixed-use zones, based on market-rate and subsidized development trends in those zones.²

Figure 2 below shows Arlington's housing allocations by income band for the 2020-2044 planning horizon. These allocations were determined by the County PAC working group in winter and spring 2022 resulting from a methodology which combined elements

Figure 1. Land Capacity Analysis Methodology



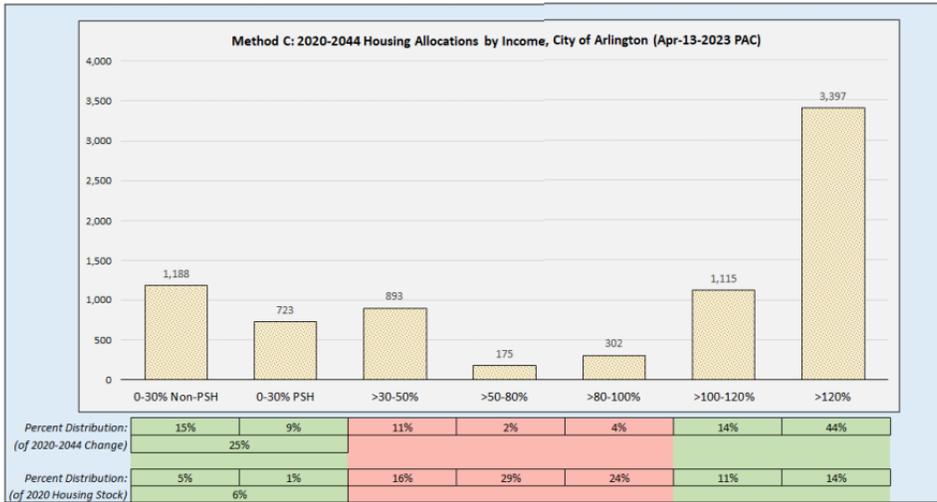
Source: Washington State Department of Commerce

¹ The full Commerce guidebooks are available at <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/updating-gma-housing-elements/>

² Department of Commerce. "Guidance for Evaluating Land Capacity to Meet All Housing Needs." December 2022. Footnote 4, p. 14

of the original Commerce methodologies “A” and “B” provided to the counties in the Housing for All Planning Tool.³ The new methodology, called “Method C” as shown below, allocates future housing needs by income band to all Snohomish County jurisdictions. In total, **Arlington must plan to accommodate 7,794 new permanent units by 2044, and an additional 482 emergency housing units.**

Figure 2. Arlington Housing Allocations by Income



Source: Snohomish County HO-5 Report

Step 1 – Capacity by Zone

The first step in the analysis is to determine the potential unit capacity within each of Arlington’s zones which allow housing. This was accomplished using data developed by LCG during the forecasting process for this comprehensive plan update. To provide an additional level of detail for this analysis, parcels in the Mixed-Use Overlay were considered separately, using the more recent form-based code Transects which supersede the base zoning, and which have more specific assumptions and regulations about future housing types. This provided a more granular level of detail on what types of housing were assumed to develop over the planning horizon within the Mixed-Use Overlay. The overall result of this analysis is a capacity for **11,183 new units** on vacant or redevelopable acreage in the City. Figure 3 below shows the calculations for this capacity analysis and a discussion of data sources and methodology follows.

³ Housing For All Planning Tool (HAPT): <https://deptofcommerce.app.box.com/s/48o8fedzxn63xth6aofi2jc2npcjoa>

Figure 3. Capacity for New Housing by Zone in Arlington, 2020-2044

	Gross Developable Land (acres)	Reduction Factor (unbuildable)	Net Developable Land (acres)	Assumed Max Density (units/acre)	Gross Residential Capacity (units)	Existing Housing on Developable Land (units)	Net Residential Capacity (units)
Outside of Mixed Use Overlay							
Single-Family (Outside MU Overlay)							
Residential Ultra Low Capacity	87.9	32%	59.6	3	179	13	166
Residential Low Capacity	38.4	10%	34.6	5	173	4	169
Old Town Residential District	2.1	7%	1.9	7	14	12	2
Multi-Family (Outside MU Overlay)							
Residential Moderate Capacity	19.0	2%	18.6	10	186	54	132
Residential Medium Capacity	0.0	0%	0.0	12	0	0	0
Residential High Capacity	41.9	13%	36.6	34	1,245	49	1,196
Commercial (Outside MU Overlay)							
NC (Neighborhood Commercial)	0.0	0%	0.0	12	0	0	0
OTBD - 1 (Old Town Business District)	1.0	13%	0.9	34	29	1	28
OTBD - 2	6.7	2%	6.6	34	223	19	204
OTBD - 3	10.9	16%	9.2	34	313	85	228
GC (General Commercial)	0.0	0%	0.0	34	0	0	0
HC (includes HC-N BLR acres)	0.0	0%	0.0	34	0	0	0
CC (Commercial Corridor)	0.5	2%	0.5	34	16	2	14
Within Mixed Use Overlay							
Transect							
T4F	61.1	12%	53.5	12	642	33	609
T4MS	60.4	5%	57.3	34	1,950	135	1,815
T4N MV	47.2	21%	37.1	34	1,260	10	1,250
T4N SV	59.0	3%	57.4	12	688	89	599
T5F	36.1	2%	35.5	45	1,599	76	1,523
T5 MS	29.0	2%	28.4	45	1,280	0	1,280
T5N LV	13.5	2%	13.2	45	596	5	591
T5N MV	42.8	18%	34.9	45	1,572	194	1,378
Total	557.4	13%	485.9		11,964	781	11,183

Source: Snohomish County, City of Arlington, Washington Department of Commerce, Leland Consulting Group

The gross vacant or redevelopable acreage was based on City data provided during the forecasting process, and the reduction factor was determined by the percentage of land in each zone considered unbuildable in the Snohomish County Buildable Lands Report (BLR). This resulted in the net developable acreage by zone. The assumed maximum density in single-family zones was based on the zoning code. In multifamily zones, commercial zones and the mixed-use overlay transects, assumed maximum density was based on achieved density in recent and forthcoming projects as well as city feedback received during the forecasting process. Data on the number of existing housing units on parcels considered to be redevelopable was from the Snohomish County Buildable Lands Report.

Step 2 – Categorize Zones by Housing Types

The next step in the process was to assign each zone and mixed-use transect to one of several categories based on the type of housing allowed in the zone/transect. These housing types were based on the description of the zone in the zoning code or form-based code. The zone categories used for this analysis are shown below.

Figure 4. Categories for Classifying Zones by Housing Types Allowed

Zone Category	Housing Types Allowed
Low Density	Detached Single-Family, Limited Duplexes
Moderate Density	Some Detached Single-Family, Duplex, Triplex, Fourplex, Attached Townhomes/Row Houses
Low-Rise	Garden Apartments, Condos, Attached Townhomes/Row Houses, Live/Work Units
Mid-Rise	Vertical or Horizontal Mixed Use up to 4 stories, Multifamily Apartments above Commercial

The breakdown of all allowed housing types and corresponding zone categories in Arlington's zones and mixed-use transects is shown below in Figure 5, along with the unit capacity of each zone or transect.

Figure 5. Arlington Zones and Transects with Housing Types and Zone Categorization

Zone	Housing Types Allowed (per code)	Assigned Zone Category	Net Residential Capacity (units)
Single-Family			
Residential Ultra Low Capacity	Detached Single-Family	Low Density	166
Residential Low Capacity	Detached Single-Family, Some Duplex	Low Density	169
Old Town Residential District	Detached Single-Family, Duplex, Triplex, Fourplex, Garden Style	Moderate Density	2
Multi-Family (Outside of MU Overlay)			
Residential Moderate Capacity	Attached Single-Family, Duplex, Triplex, Fourplex, Garden Apartments	Moderate Density	132
Residential Medium Capacity	Multifamily, Townhomes, Condos, Live/Work	Low-Rise	0
Residential High Capacity	Large Scale Multifamily, Mixed-Use, Live/Work	Mid-Rise	1,196
Commercial (Outside of MU Overlay)			
NC (Neighborhood Commercial)	Apartments, Fourplex, Attached townhomes and rowhouses	Moderate Density	0
OTBD - 1 (Old Town Business District)	Multifamily or apartment above commercial	Mid-Rise	28
OTBD - 2	Multifamily or apartment above commercial	Mid-Rise	204
OTBD - 3	Multifamily or apartment above commercial, apartments, townhomes	Mid-Rise	228
GC (General Commercial)	Apartments, Fourplex, Attached townhomes and rowhouses	Mid-Rise	0
HC (includes HC-N BLR acres)	Apartments, Fourplex, Attached townhomes and rowhouses	Mid-Rise	0
CC (Commercial Corridor)	Apartments, Fourplex, Attached townhomes and rowhouses	Mid-Rise	14
Mixed Use Overlay (by Transect)			
T4F	Detached or Attached SF/MF up to 2 stories	Moderate Density	609
T4MS	Retail, Commercial, Residential mixed up to 3 stories	Low-Rise	1,815
T4N MV	SF Detached or Middle Housing up to 3 stories, primarily residential	Moderate Density	1,250
T4N SV	Detached or Attached SF/MF up to 2 stories	Moderate Density	599
T5F	Vertical or Horizontal Mixed Use up to 4 stories	Mid-Rise	1,523
T5 MS	Vertical or Horizontal Mixed Use up to 5 stories	Mid-Rise	1,280
T5N LV	Vertical or Horizontal Mixed Use up to 4 stories	Mid-Rise	591
T5N MV	Vertical or Horizontal Mixed Use up to 4 stories	Mid-Rise	1,378

Source: Washington Department of Commerce, Arlington Zoning Code, Arlington Form-Based Code, Leland Consulting Group

Step 3 – Relate Zoning Categories to Income Levels

The next step of the analysis is to relate the zoning categories to the potential income levels that could be served by new development or redevelopment in those areas. The Department of Commerce provides assumed affordability levels for each zone category in their guidance. To refine these affordability assumptions, recent housing sales price data from Redfin and multifamily rent data from CoStar was analyzed by Zone or mixed-use transect. These prices were compared Arlington’s income limits used by HUD to calculate housing cost burden and eligibility for subsidized housing. As shown below, the market data from Arlington shows a wide range of potential incomes being served by moderate density, low-rise, and mid-rise zones. Further discussion of the assumed breakdown between future market-rate and subsidized units in low- and mid-rise zones is found below in Steps 4 and 5.

Figure 6. Arlington Zoning Categories and Income Levels

Zone Category	Rents Affordable to Arlington Household AMI %	Ownership Affordable to Arlington AMI %	Assumed Affordability Level for Capacity Analysis
Low-Density	100%	90-110%	>120%
Moderate Density	80%	80-115%	80-120%
Low-Rise	50-115%	80-100%	0-100% + PSH
Mid-Rise	50-115%	80-100%	0-100% + PSH

Source: CoStar, Redfin, HUD, WA Center for Real Estate Research at UW, Leland Consulting Group

Step 4 – Summarize Capacity by Zone Category

The next step in the methodology is to total the previously calculated capacity by zone category. In addition, an extra step beyond Commerce’s methodology was added in Arlington to reflect the large amount of housing currently under construction or in the development pipeline, as well as the potential split of future units in low- and mid-rise zone categories between subsidized and market-rate units.

In LCG’s forecasting model for this comprehensive plan, there were 4,368 units considered to be “pending” based on data provided by the City. These are units which have been constructed, are under construction, or are currently planned for the period from 2020-2044, and therefore should be factored into the total 2044 unit counts. These units were categorized by location and assigned a zone category, and were also classified as market-rate or subsidized units based on City data provided during the forecasting process.

Because the income range potentially served in low- and mid-rise zones is very wide, a portion of the capacity of each zone category (aside from Low Density) was assumed to develop as market-rate units serving households above 120 percent AMI. This share of capacity was calculated based on the acreage of each zone which redeveloped as market-rate housing over the past 10 years projected forward for the next 20 years. The remaining acreage is assumed to be flexible to accommodate units serving a wide range of income levels, including potentially subsidized units. The pending units, assumed market rate share of capacity, and total unit capacity are shown below in Figure 7.

Figure 7. Arlington Capacity by Zone Category and Assumed Market-Rate Share

Zone Category	Pending Market-Rate Units	Pending Subsidized Units	Capacity in Zone Category	Assumed Market-Rate Share of Capacity	Remaining Capacity (Subsidized or Market-Rate)	Total Expected Market-Rate Units (including pending units)	Total Remaining Unit Capacity (Subsidized or Market-Rate, including pending units)
Low Density	2,026	0	335	335	0	2,361	0
Moderate Density	468	0	2,592	170	2,422	638	2,422
Low-Rise	742	0	1,815	233	1,582	975	1,582
Mid-Rise	616	516	6,442	498	5,944	1,114	6,460

Source: City of Arlington, Leland Consulting Group

Step 5 – Compare Housing Needs to Capacity

The final step in the methodology is to compare the aggregated housing needs as determined by Snohomish County and Arlington’s land capacity to determine if a shortfall exists. As shown below in Figure 8, this analysis shows a surplus of land capacity in each zone category in Arlington, after capacity and pending units have been allocated to zone categories and income bands as described above.

Figure 8. Arlington Housing Needs and Capacity, 2020-2044

Income Level	Supply (2020)	Additional Allocation	Zones Serving These Categories	Aggregated Housing Needs	Total Capacity	Surplus/Shortfall
0-30% Non-PSH	404	1,188	Low-Rise + Mid-Rise (subsidized or potential subsidized)	2,979	8,042	5,063
0-30% PSH	40	723				
30-50%	1,246	893				
50-80%	2,241	175				
80-100%	1,854	302	Moderate Density (subsidized or potential subsidized)	1,417	2,422	1,005
100-120%	864	1,115				
> 120%	1,101	3,397	Low Density + Assumed Market-Rate Units in Other Categories	3,397	5,087	1,690
Total	7,750	7,793		7,793	15,551	7,758

Emergency Housing Needs

[to be completed]

Adequate Provisions Analysis

RCW 36.70A.070(2)(d) also requires that jurisdictions compare the yearly production of housing type by zoning category which would be needed to reach countywide targets with historical production trends in the city to see if there is a demonstrated barrier to production of a certain housing type. If barriers are found for a housing type, the jurisdiction must document the barriers that exist and appropriate programs and actions to overcome each identified barrier for that housing type. This analysis also requires an analysis of employment location in relation to housing location and considerations of ADUs as a tool to meet housing needs.

Step 1 – Review Housing Production Trends

The first step is to review data on recent housing production. Figure 9 below shows data on recent housing production trends in Arlington provided by city staff, showing permits for single-family and “middle housing” units and production statistics for market-rate and below market-rate multifamily units over the past five years, including 2023 to date. As shown, there has been a recent uptick in “middle housing units” as well as consistent production of multifamily units in recent years, including a substantial number of subsidized units.

Figure 9. Historic Permit and Development Data in Arlington

Year	Single-Family	Live-Work	Duplex	Triplex	4-Plex	Multifamily (Below Market-Rate)	Multifamily (Market-Rate)
2019	8	0	0	0	0	312	376
2020	8	0	4	0	0	255	425
2021	17	20	6	0	0	0	204
2022	4	0	2	6	48	0	330
2023	0	0	8	3	28	101	203
Total	37	20	20	9	76	668	1,538
Yearly	7	4	4	2	15	134	308

Source: City of Arlington

Next, this data is compared with the annual unit production needed to achieve countywide growth targets by income band discussed in the Land Capacity Analysis section above. As in the Land Capacity Analysis, a more granular view of low-rise and mid-rise zone categories was used in this analysis, breaking out historic production of below-market rate and market-rate units in those zones to more accurately reflect the wide potential range of incomes being served by those zones. The results shown below in Figure 10 show that Arlington is producing a sufficient amount of low-rise and mid-rise subsidized units as well as low density and market-rate units. However, past production trends indicate a barrier to the production of moderate density units such as townhomes, duplexes, triplexes, and ADUs.

Figure 10. Historic Production and Annual Needed Production in Arlington by Zone Category, 2020-2044

	Low-Rise + Mid-Rise (Below Market-Rate)	Moderate Density	Low Density + Market-Rate in Other Zones	Total
Aggregated Housing Need (2020-2044)	2,979	1,417	3,397	7,793
Annual Unit Production Needed	124	59	142	325
Historical Average Annual Unit Production	134	21	319	474
Is there a barrier to sufficient production?	NO	YES	NO	

Source: City of Arlington, Washington State Department of Commerce, Leland Consulting Group

Steps 2 and 3 – Gather Information on Barriers and Document Programs and Actions to Overcome Barriers

Barriers to the production of moderate density housing types can take numerous forms. Commerce guidance breaks down these barriers into three categories: Development Regulations, Process Obstacles, and Limited Land Availability and Environmental Constraints. The checklist below in Figure 11 is designed to document both potential barriers to moderate density housing production and programs and actions designed to overcome these barriers.

These programs and actions are not required to be adopted by the periodic update deadline of this comprehensive planning process, but Arlington will be required to submit a progress report to the Department of Commerce five years after this plan's adoption covering:

- The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability
- Permit processing timelines
- Progress towards implementing any actions to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan

Figure 11. Moderate Density Housing Barrier Review Checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Development Regulations			
Unclear development regulations			
Prohibiting some moderate density housing types, such as: <ul style="list-style-type: none"> • Duplexes • Triplexes • Four/five/six-plexes • Townhomes • Cottage housing • Live-work units • Manufactured home parks 	No	Middle housing is allowed in many areas of Arlington, particularly in the mixed-use overlay districts in the Smokey Point Boulevard Corridor. Duplex, triplex, and fourplex construction has increased in recent years as shown above in Figure 9.	
High minimum lot sizes			
Low maximum densities or low maximum FAR			
Low maximum building heights			
Large setback requirements			
High off-street parking requirements			
Lack of alignment between building codes and development codes			
Other (for example: complex design standards, maximum impervious)			
Process Obstacles			
Conditional use permit process			
Design review			

Lack of clear and accessible information about process and fees			
Permit fees, impact fees and utility connection fees			
Processing times and staffing challenges	Yes	The most significant difference is that we request that all permits applied for go through concurrent review processes; land use, civil review and building review. This creates an environment that requires collaboration of all reviewing staff so that any issues identified during the review process can be addressed immediately and resolved with the applicant in a time sensitive manner.	Streamline permit processes by eliminating the requirements for some conditional uses or zoning verifications frequently found in the permissible use table.
SEPA process			
Limited Land Availability and Environmental Constraints			
Lack of large parcels for infill development			
Environmental constraints			

Commented [AO1]: Copied this in from the Housing Needs Assessment as an example

Commented [AO2]: Copied this in from the Housing Needs Assessment as an example

Consideration of Housing Locations in Relation to Employment Location

Another requirement of this analysis is that cities consider the location of housing in relation to employment location. Arlington is a jobs center, with a portion of the Cascade Industrial Center within city limits. Strategic Objective I from the Arlington's Housing Action Plan contains considerations around the housing-jobs balance and ensuring adequate housing supply for Arlington employees:

Arlington has been expanding and is projected to continue doing so. As an employment center, jobs and businesses are increasing and prospering. As a desirable place to live, more and more people are seeking to build a life here. The goal of this strategic objective is to ensure those opportunities not only remain but thrive. The City has a high jobs-to-housing ratio. Although the City wishes for the high ratio to remain, it can still ensure people who work in Arlington also have the option to live here. The lack of affordable housing options (particularly for ownership) is supported by responses to the Arlington Housing Needs Survey. A goal of this objective is to alleviate the inadequate supply of affordable homeownership opportunities by connecting those interested in ownership with more resources. It can also expand the allowances for more affordable options to be built, so developers have the tools to meet this demand.

If more people that work in Arlington also live there, intracity trips will increase, decreasing commute times and giving the City more reason to expand its multimodal transportation network. For some households, monthly transportation costs, usually tied to a long commute, can equal or exceed a household's monthly housing costs. Transportation costs cannot be left out of the City's discussion of Arlington's affordability. Another goal of this objective is to leverage Arlington's growth to increase quality of life in Arlington. The City should evaluate mechanisms for funding affordable housing in tandem with increased commercial and industrial investment. It should also figure out how to efficiently combine residential development with planned infrastructure improvements.

This strategic objective serves as Arlington's highest priority for implementation. All actions under this objective should be pursued within the next five years, with resources, such as staff time and budget allocations, that are specified in this plan being primarily devoted toward their completion.

Consideration of the Role of ADUs in Meeting Housing Needs

This analysis also requires that cities consider the role of ADUs in meeting housing needs. Although ADUs are allowed in Arlington, none have been permitted in recent years, per city staff. The passage of HB 1337 in 2023 will significantly change ADU regulations statewide, and as part of that legislation, Arlington will be required to further relax any remaining restrictions on ADU development. The new legislation requires that cities allow 2 attached or detached ADUs on all lots and eliminates other barriers to ADU development such as owner-occupancy requirements and size, location, and design requirements that are more stringent than those imposed on the primary dwelling. Finally, the new legislation will cap impact fees for ADUs at 50 percent of those charged for the primary unit. Implementing HB 1337 will significantly reduce barriers to ADU production in Arlington. In addition, as outlined in Action 1.2 of the Housing Action Plan, Arlington could consider other incentives to ADU development such as streamlining permitting processes through providing stock designs for ADUs in the city.

ACCESSORY DWELLING UNIT CHECKLIST

This checklist provides the framework Commerce regional planners will use to review periodic update submissions. **This checklist is NOT required to be completed by each jurisdiction;** it is an additional tool to help local planners meet the intent of the statute.

- Regional planners will review draft comprehensive plans and development regulations for the items **IN BOLD CAPITALIZED TEXT BELOW EACH ITEM**. Information on these requirements are included in parenthesis if additional information is needed

Questions? Contact Anne Fritzel at Anne.Fritzel@commerce.wa.gov 360-259-5216.

Accessory dwelling units (ADU)s		
	Consistent? Yes/No	Changes needed?
<p><i>[CITIES, TOWNS AND UNINCORPORATED UGAS IN COUNTIES] Allow two ADUs per lot within urban growth areas (UGAs) by six months after the next periodic update due date. If a city or county does not amend its rules to be consistent with the law, the statute will "supersede, preempt and invalidate any conflicting local development regulations. HB 1337, passed in 2023.</i></p> <p>See Commerce's Guidance for Accessory Dwelling Units in Washington State.</p>		
<p>a. ADUs defined as consistent with a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome or other housing unit. RCW 36.70A.696(6)</p> <p>Dwelling unit is defined as 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. RCW 36.70A.696(1)</p>	<p>Yes AMC 20.44.042(a)</p>	<p>Please review the most up to date Zoning Code documents at the link below, as Municode is still in the process of updating the city's code amendments from July 2024.</p> <p>Zoning Code and Development Design Standards & Guidelines Arlington, WA</p>
<p>b. Within urban growth areas, cities and counties must allow AT LEAST two ADUs on all lots that meet the minimum lot size in zoning districts that allow for single-family homes. RCW 36.70A.681(1)(c) The ADUs may be:</p> <p>Two attached ADUs such as unit in a basement, attic, or garage; One attached ADU and one detached ADU; or Two detached ADUs, which may be comprised of either one or two detached structures, and</p>	<p>Yes AMC 20.44.042(c)(1) 20.44.042(c)(3) 20.44.042(c)(4)</p>	

<p>c. Must allow a gross floor areas of at least 1,000 square feet within UGAs. RCW 36.70A.681(1)(f)</p>	<p>Yes AMC 20.44.042(c)(6)</p>	
<p>d. The city or county may not establish roof height limits on an ADU of less than 24 feet, unless the height limitation on the principal unit is less than 24 feet, in which case, a city or county may not impose roof height limitation ADUs is less than the height limit that applies to the principal unit. RCW 36.70A.681(1)(g)</p>	<p>Yes AMC 20.44.042(c)(7)</p>	
<p>e. No setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units. RCW 36.70A.681(1)(h). Must allow detached ADUs to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley. RCW 36.70A.681(1)(i)</p>	<p>Yes AMC 20.44.042(c)(5) 20.44.042(c)(8) 20.44.042(c)(11) 20.44.042(c)(12) 20.44.042(c)(13)</p>	
<p>f. Within UGAs, cities and counties may not require owner occupancy, unless used for short term rentals. RCW 36.70A.680(5)(a) RCW 36.70A.696(9) defines owner as any person who has at least 50% ownership in a property on which an ADU is located. Must allow sale by condominium RCW 36.70A.681(1)(k)</p>	<p>Yes AMC 20.44.042(c)(2) 20.44.042(c)(19)</p>	
<p>g. Parking limits for ADUs are subject to the following:</p> <ul style="list-style-type: none"> • No off street parking may be required within one-half mile of a major transit stop. RCW 36.70A.681(2)(a)(i) • On lots equal to or smaller than 6,000 square feet, no more than one off-street parking space may be required per ADU before any zero lot line subdivisions or lot splits. RCW 36.70A.681(2)(a)(ii) • On lots greater than 6,000 square feet, no more than two off-street parking spaces per ADU may be required before any zero lot line subdivisions or lot splits. RCW 36.70A.681(2)(a)(iii) • If an empirical parking study is submitted to Commerce for certification that a certain area would be unsafe is less parking was required RCW 36.70A.681(2)(b)(i), • Areas within a one mile radius of SeaTac airport. 	<p>Yes AMC 20.44.042(c)(15)</p>	
<p>h. Impact fees on the construction of accessory dwelling units are no greater than 50 percent of the impact fees that would be imposed on the principal unit. RCW 36.70A.681(1)(a) Also RCW 82.02.060 requires that jurisdictions adopt a schedule of proportional impact fees area required by</p>	<p>Yes AMC 20.44.042.(c)(17) 20.44.042(c)(18)</p>	
<p>i. The code does not require public street improvements as a condition of permitting ADUs. RCW 36.70A.681(1)(l)</p>	<p>Yes AMC 20.44.042(c)(14)</p>	

MIDDLE HOUSING CHECKLIST

Overview: This checklist provides the framework Commerce regional planners will use to review all relevant development regulation submissions. **This checklist is NOT required to be completed by each jurisdiction;** it is an additional tool to help local planners meet the intent of the statute.

The Tier 1 provisions in this checklist apply to cities with a population of at least 75,000 based on 2020 Office of Financial Management population estimates. Tier 2 provisions apply to cities with a population of at least 25,000 but less than 75,000 based on 2020 Office of Financial Management population estimates. Tier 3 provisions apply to cities with a population of less than 25,000, that are within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on 2020 Office of Financial Management population estimates.

Timeline: Local codes should be updated to reflect all applicable requirements by six months after the deadline for the city's next periodic comprehensive plan and development regulation update required under RCW [36.70A.130](#). Local codes not updated by this timeline will be invalidated and superseded by the appropriate version of the Commerce Middle Housing Model Ordinance until the city takes all actions necessary to implement RCW 36.70A.635.

Guidance: Information on implementing middle housing requirements may be found on the Commerce Planning for Middle Housing web page: [Planning for Middle Housing – Washington State Department of Commerce](#)

Questions: Contact Lilith Vespier at Lilith.vespier@commerce.wa.gov or (509)-606-3530.

**** Please Note: Per the definition and information in RCW 36.70A.635 (1) (a-c), Arlington is not a Tier 1, Tier 2, or Tier 3 city yet and is not required to comply with the regulations. The City's population is less than 25,000 and is not within a contiguous urban growth area of the largest city in the county with a population of more than 275,000. However, the city has already complied with some of the aspects of middle housing within the Zoning Code – Title 20. The city is working towards these requirements and regulations knowing that the population increase to 25,000 is not far away. Future updates to the Zoning Code include:**

AMC 20.36 – Zoning Districts

AMC 20.40 – Permissible Uses

AMC 20.48 – Density and Dimensional Regulations

AMC 20.72 – Parking

AMC 20.112 – Affordable Housing Program (new chapter in 2025)

Additional Future Documents Include: Transit Oriented Development and the Smokey Point Subarea Plan

Definitions

The statutory definitions in this section are needed to implement middle housing requirements under state law

Code requirement	Consistent? Yes/No	Changes needed?
<p>Administrative design review means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning 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. RCW 36.70A.030 (3)</p>	<p>Yes AMC 20.46.015 (a-d)</p>	<p>Please review the most up to date Zoning Code documents at the link below, as Municode is still in the process of updating the city's code amendments from July 2024.</p> <p>Zoning Code and Development Design Standards & Guidelines Arlington, WA</p>
<p>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. RCW 36.70A.030 (9)</p>	<p>Yes AMC 20.44 Part IV & AMC 20.08 (pg. 8) "Cottage Housing"</p>	
<p>Courtyard apartments means attached dwelling units arranged on two or three sides of a yard or court. RCW 36.70A.030 (10)</p>	<p>Yes AMC 20.08 (pg. 12) "Courtyard Apartments"</p>	
<p>Major transit stop means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, and stops on bus rapid transit routes, including bus rapid transit routes under construction. RCW 36.70A.030 (25)</p>	<p>Yes AMC 20.08 (pg. 25) "Major Transit Stop"</p>	
<p>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. RCW 36.70A.030 (26)</p>	<p>Yes AMC 20.08 (pg. 26) "Middle Housing"</p>	
<p>Single-family zones means those zones where single-family detached residences are the predominant land use. RCW 36.70A.030 (39)</p>	<p>Yes AMC 20.08 (pg. 36) "Single-Family Zones"</p>	
<p>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. RCW 36.70A.030 (40)</p>	<p>Yes AMC 20.08 (pg. 37) "Stacked Flat"</p>	
<p>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. RCW 36.70A.030 (41)</p>	<p>Yes AMC 20.08 (pg. 34) "Residence, Multi- Family Townhouses"</p>	

Lots zoned predominantly for residential use

Requirements in this table should be applied to all lots zoned predominantly for residential use, and represent the minimum requirements necessary to meet state law

Code requirement	Consistent? Yes/No	Changes needed?
<p>Allows at minimum the following permitted unit per lot densities:</p> <ul style="list-style-type: none"> • TIER 1 CITIES: (1) Four units per lot, (2) six units per lot on all lots within one-quarter mile walking distance of a major transit stop, (3) six units per lot if at least two units on the lot are affordable housing as defined below • TIER 2 CITIES: (1) Two units per lot, (2) four units per lot on all lots within one-quarter mile walking distance of a major transit stop, (3) four units per lot if at least one unit on the lot is affordable housing as defined below • TIER 3 CITIES: Two units per lot <p>Exempts lots below 1,000 square feet after subdivision, unless the city has enacted an allowable lot size below 1,000 square feet in the zone. RCW 36.70A.635(1)(a - c)</p>	<p>N/A</p>	<p>The City of Arlington is not a Tier 1, Tier 2, or Tier 3 city yet. Please see the note on page 1</p>
<p>For Tier 1 and 2 cities, requires units qualifying for affordable housing provisions to meet the following standards, per RCW 36.70A.635(2):</p> <ul style="list-style-type: none"> • Housing costs do not exceed 30% of the monthly income of a household making at or below 60% of median household income for rental housing, or 80% of median household income for owner-occupied housing for the county where the household is located. Median household income is as reported by the United States Department of Housing and Urban Development. Housing costs include utilities other than telephone. Median household incomes are adjusted for household size. • A covenant or deed restriction ensures that units are maintained as affordable for a term of at least 50 years, consistent with the conditions in chapter 84.14 RCW. • A covenant or deed restriction addresses criteria and policies to maintain public benefit if the property is converted to a use other than affordable housing. • Affordable units are provided in a format comparable to other units in the development, including in range of size, number of bedrooms, functionality, and distribution throughout the development. <p>* If a city has enacted a program under RCW 36.70A.540, then the terms of that program govern to the extent they vary from the requirements of RCW 36.70A.635(2). However, programs under RCW 36,70A.540 are not to substitute for the Tier 1 and Tier 2 cities' middle housing affordable housing density requirement.</p>	<p>N/A</p>	<p>The City of Arlington is not a Tier 1 or Tier 2 city yet. Please see the note on page 1.</p>

<p>For Tier 1 and Tier 2 cities, allows at least six of the nine types of middle housing by-right in all zones predominantly for residential use: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, cottage housing. RCW 36.70A.635(5)</p> <p>For Tier 3 cities, allows all middle housing types that meet the two unit per lot density requirements in RCW 36.70A.635(1)(c) (i.e. duplex, stacked flats, courtyard apartments, cottage housing) by-right in all zones predominantly for residential use. RCW 36.70A.635(5)</p>	N/A	<p>Currently by Right: Duplex and Co-Living Housing</p> <p>Allowed w/Land Use Permit: Triplex, Fourplex, Townhomes, Row Houses, Cottage Housing, Garden Apartments</p>
<p>Allows zero lot line short subdivisions where the number of lots created is equal to the required unit density. RCW 36.70A.635(5)</p>	Yes	<p>Currently Unit Lot Subdivisions are allowed in all residential zones, OTBD-3, and within Mixed-Use Developments per AMC 20.40.120, 20.40.130, and 20.44.020.</p>
<p>Reviews compliance with middle housing design standards using an administrative design review process. RCW 36.70A.635(6)(a)</p>	Yes	<p>Currently under AMC 20.46.025</p>
<p>Does not require more restrictive development regulations for middle housing than those required for detached single-family residences. RCW 36.70A.635(6)(b)</p>	Yes	<p>Currently under AMC 20.46.015(b) and all of AMC 20.46 within the same zone.</p>
<p>Applies the same development permit and environmental review processes to middle housing as those applied to detached single-family residences, unless otherwise required by state law. RCW 36.70A.635(6)(c)</p>	Yes	<p>Currently under AMC 20.16, 20.93, and 20.98 for all development</p>
<p>Does not require off-street parking within one-half mile walking distance of a major transit stop. RCW 36.70A.635(6)(d)</p>	N/A	<p>To be updated with future codes and plans. Currently only in place for ADUs</p>
<p>Requires no more than one off-street parking space per unit on lots 6,000 square feet or less, before any zero lot line subdivisions or lot splits. RCW 36.70A.635(6)(e)</p>	N/A	<p>To be updated with future codes and plans. Currently only in place for ADUs</p>
<p>Requires no more than two off-street parking spaces on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits. RCW 36.70A.635(6)(f)</p>	N/A	<p>To be updated with future codes and plans. Currently only in place for ADUs</p>
<p>For cottage housing, requires a minimum of 20 percent of the lot be common open space.. The common open spaced must be owned in common or has condominium units with property owned in common.</p>	Yes	<p>Currently under AMC 20.44 Part IV Cottage Housing</p>
<p>For courtyard apartments, requires at least one yard or court, which must be bordered by attached dwelling units on two or three sides.</p>	N/A	<p>No specific code yet. The city refers to these as garden apartments.</p>
<p>For townhouses, requires at least three attached single family dwelling units that extend from the foundation to roof and have a yard or public way on not less than two sides.</p>	Yes	<p>Currently under AMC 20.44.020 for fee simple lots and allowed outright for multi-family under one ownership</p>

Exemptions

As applicable, local code should specify the following exemptions to middle housing requirements

Code requirement	Consistent? Yes/No	Changes needed?
<p>Exempts the following areas from the middle housing requirements of RCW 36.70A.635:</p> <ul style="list-style-type: none"> • Portions of a lot, parcel, or tract designated with critical areas designated under RCW 36.70A.170 or their buffers as required by RCW 36.70A.170, except for critical aquifer recharge areas where a single-family detached house is an allowed use provided that any requirements to maintain aquifer recharge are met. • Watersheds serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)). • Lots designated as urban separators by countywide planning policies as of July 23, 2023. • A lot that was created through the splitting of a single residential lot. • Areas designated as sole-source aquifers by the United States Environmental Protection Agency on islands in the Puget Sound. 	<p>N/A</p>	<p>Currently the code only has specific regulations within the ADU code section of AMC 20.44.042. All development is required to follow the regulations of AMC 20.93 – Critical Areas.</p> <p>Some of these items have been addressed but will be updated with the future zoning code update with the addition of a new chapter for an Affordable Housing Program and will be under AMC 20.112. This is to be updated in 2025, so there is not a code chapter with that number yet.</p>
<p>Exempts the following areas from parking standards for middle housing, per RCW 36.70A.635(7):</p> <ul style="list-style-type: none"> • Portions of the city for which the Department of Commerce has certified a parking study in accordance with RCW 36.70A.635(7)(a), in which case off-street parking requirements are as provided in the certification from the Department of Commerce. • Areas within a one-mile radius of Seattle-Tacoma International Airport. RCW 36.70A.635(7)(b). 	<p>N/A</p>	<p>The city will be looking at completing an empirical parking study due to the lack of transit and alternative modes of transportation within the city. The only area this will likely be established is within the Smokey Point Subarea Plan for the future BRT – Gold Line.</p>