

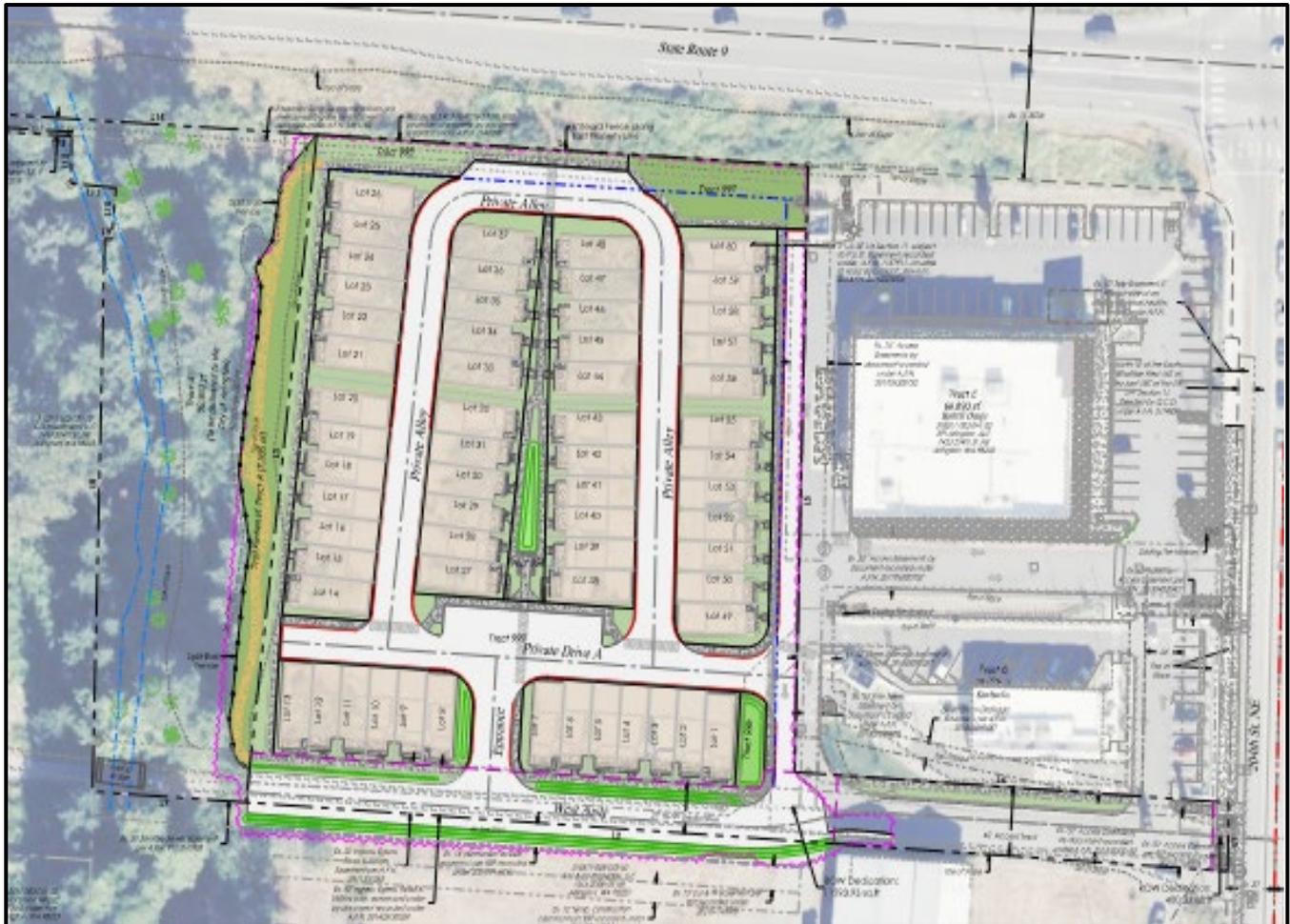


Community and Economic Development

Planning Division

18204 59th Avenue NE, Arlington, WA 98223

STAFF REPORT & RECOMMENDATION Harmony at Arlington Preliminary Major Unit Lot Subdivision Conditional Use Permit – PLN #1234





A. PROJECT DESCRIPTION AND REQUEST

The applicant is proposing to construct 60 townhome units on Tract B of the Reserve at Arlington Binding Site Plan recorded under AFN202107165005 through a unit lot subdivision. The project consists of three 5-unit buildings, four 6-unit buildings, and three 7-unit buildings, with 3 bedrooms each on 3.21 acres. The townhome buildings are 3 stories in height and provide a garage, carport, and living area on the first floor, living area on the second floor, and 3 bedrooms on the third floor. The project improvements include parking, pedestrian trail, private open space, shared and public open space, private drives throughout the subdivision, public access from 204th Street sidewalks, landscaping, and critical area protection. Frontage improvements along 204th Street includes an improved access to and a new sidewalk from 204th Street to the project site. A new public street will be constructed on the west side of the project (West Aisle) with new pavement, curb, gutter, sidewalk, and street trees. Stormwater runoff from the proposed development will be conveyed and managed on-site and within the 30-foot Ingress, Egress, Road, and Utilities Easement with low impact stormwater management with bio-cells and infiltration. The project will be served by City of Arlington utilities. Tract A of the same binding site plan is proposed for a pedestrian trail. Tract A is proposed to be dedicated to the City of Arlington as civic space and Native Growth Protection Area (NGPA).

This proposed development is located in the Commercial Corridor 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 Harmony at Arlington project is in the *Mixed-Use Village Center* Place Type and *Transect 4 Flex (T4-F)*. This allows for a very diverse range of uses to reinforce walkable neighborhoods and to provide a mix of uses on the ground floor, including residential.

PROJECT HISTORY

The Reserve at Arlington Binding Site Plan under city planning number PLN #577 established four Tracts. Tract A (NGPA Dedication Area) and Tract B (Proposed Subdivision) are part of this proposed project and owned by the same property owner. Tract C (Bartell Drug Store) and Tract D (Starbucks) are existing buildings and uses that provide the commercial retail portion of the mixed-use development.

The application for a Preliminary Major Unit Lot Subdivision – Conditional Use Permit was received on June 11, 2024. The application was deemed complete on July 9, 2024. The city issued review comment letters on August 9, 2024 and November 1, 2024. The applicant submitted revised plans and requested information on October 3, 2024, October 31, 2024, and December 20, 2024.

The Notice of Application was issued on July 30, 2024 and 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 July 30, 2024. The public comment period ended on August 13, 2024.

The City issued a Mitigated Determination of Non-significance (MDNS) per AMC 20.98.120 on July 30, 2024. The notice was published in The Herald, posted on site, mailed to required parties, and posted on the City's website on July 30, 2024. The public comment period ended on August 13, 2024.

A Neighborhood Meeting was held August 13, 2024 at 5:00 pm. Notice for the Neighborhood Meeting was published in The Herald, posted on site, mailed to required parties, and posted on the City's website on July 30, 2024.

A Public Hearing is to be held before the Hearing Examiner on February 4, 2025. The Notice of Public Hearing was posted on the site, mailed to required parties, posted on the City's website, and published in The Herald on January 17, 2025.

B. GENERAL INFORMATION

1. **Property Owner/Applicant:** Harmony at Arlington, LLC
2. **Contact:** Merle Ash, Land Technologies, Inc.
4. **General Location:** Northwest of the 204th Street NE and State Route 9 Intersection
5. **Address of Property:** 7417 204th Street NE, Arlington, WA 98223
6. **Legal Description (Abbreviated):** TRACT A AND B, CITY OF ARLINGTON BINDING SITE PLAN NO. PLN #577 RECORDED UNDER RECORDING NUMBER 202107165005, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE W.M., IN SNOHOMISH COUNTY, WASHINGTON.
7. **Property Tax ID Numbers:** 31051100304000 and 31051100400700
8. **Topographical Description:** The existing site is relatively flat.
9. **Soil Type:** Norma loam, 0-3% slopes
10. **Acres:** 4.38 acres (Tract A – 3.21 acres and Tract B – 1.17 acres)
11. **Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:**

Area	Land Use Designation	Zoning	Existing Use
Project Site	Commercial Corridor	CC	Vacant
North of Site	General Commercial with Mixed Use Overlay	GC & MUO	Commercial Construction Contractor
South of Site	Commercial Corridor	CC	Commercial Retail Starbucks and Bartell Drug Store
East of Site	General Commercial with Mixed Use Overlay	GC & MUO	State Route 9 Right of Way Commercial Retail
West of Site	Commercial Corridor	CC	Vacant

12. Public Utilities and Services:

Water:	City of Arlington	Gas:	Cascade Natural Gas
Sewer:	City of Arlington	Cable:	Ziply
Garbage:	Waste Management NW	Police:	City of Arlington
Storm Water:	On-Site	Fire:	North County Regional Fire
Telephone:	Ziply	School:	Arlington School District #16
Electricity:	Snohomish County PUD #1	Hospital:	Cascade Valley Hospital

13. Applicable Land Use Code Regulations:

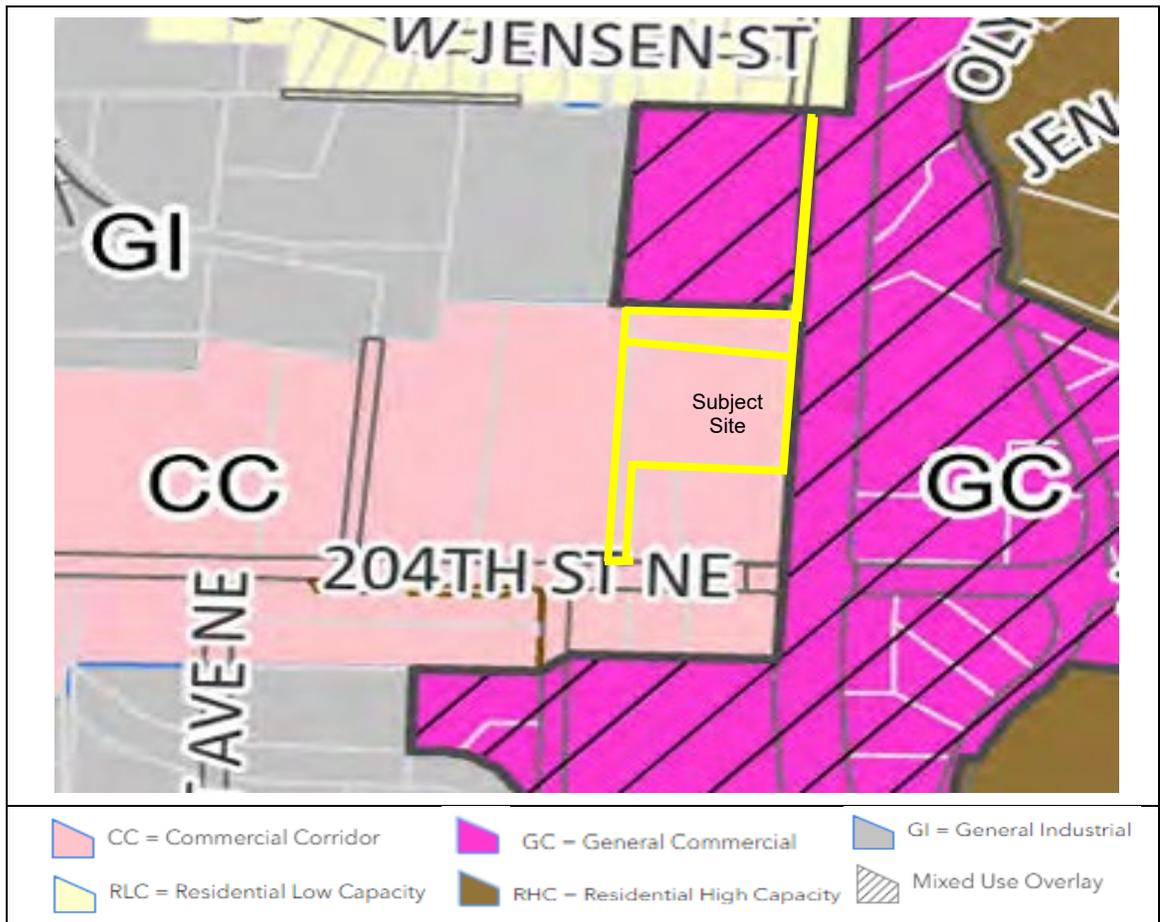
- AMC Chapter 20.08 Basic Definitions and Interpretation
- AMC Chapter 20.16 Permits and Final Plat Approval
- AMC Chapter 20.24 Hearing and Pre-Hearing Procedures for Appeals and Applications
- AMC Chapter 20.36 Zoning Districts and Zoning Map
- AMC Chapter 20.38 Airport Protection District
- AMC Chapter 20.40 Permissible Uses
- AMC Chapter 20.44 Supplemental Use Regulations – Unit Lot Subdivisions
- AMC Chapter 20.46 Design

- 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

14. Proposed Use: The proposed project includes a unit lot subdivision for townhome construction, through three 5-unit buildings, four 6-unit buildings and three 7-unit buildings on sixty (60) fee simple lots. The property is zoned Commercial Corridor. A Preliminary Major 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.

15. Surrounding Land Uses and Land Use Permits: Surrounding properties of the subject parcel are zoned Commercial Corridor to the west and south, which include vacant land and commercial retail and General Commercial with Mixed Use Overlay to the north and east, which include a commercial construction contractor and commercial retail. Public roads are 204th Street NE to the south, new 74th Avenue to the west, and State Route 9 to the east.





16. Compatibility and Impacts on Existing Development: The proposed development is a 60-unit townhouse unit project and provides middle housing options to the surrounding area that is dominated by apartments and single-family residential neighborhoods. The project is part of a binding site plan that provides for horizontal mixed-use over three developable properties and one tract for civic space and NGPA along Portage Creek. The proposed townhouse development is bound by 74th Avenue to the west, native growth protection area and Portage Creek to the north, State Route 9 to the east, and existing commercial retail businesses to the south. The proposed project is within an area that has existing development and will provide minimal impacts to the neighboring properties.

17. Compatibility with the Comprehensive Plan: The proposed project meets the following goals and policies of the Comprehensive Plan by encouraging middle density housing within the Commercial Corridor zone and by providing open space on the project site and civic space dedicated to the City of Arlington, which provide for recreational opportunities for future residents within the 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	Building architecture in residential and commercial developments should be human scaled 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.

Comprehensive Plan Goals and Policies	
PO-6.6	Design standards should be enforced to ensure that all new developments are in harmony with the desired character of each 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> <p>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.</p> <p>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.</p> <p>d) <u>Environmental Preservation and Conservation</u>: Through both preservation and conservation ensure the proper management of the natural environment and resources.</p>
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.
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.

Comprehensive Plan Goals and Policies	
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 pay a fair-share fee for specific off-site improvements necessary to mitigate any adverse impacts.
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 sufficient parking spaces to accommodate the number of vehicles that are likely to be attracted to the development.
PT-4.10	Require new construction to construct sidewalks, bicycle storage/parking facilities, and access to mass transit where possible and in proportion to the proposal.
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.
PP-1.12	New residential developments should provide adequate on-site park space or pay a fee-in-lieu.
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.
PS-1.8	Any infrastructure improvements needed to serve a proposed development should be installed prior to the issuance of any building permit.
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.

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

18. Public Notification:

Notice Type	Issuance Date	Meeting Date	Distribution
Notice of Complete Application	7/9/2024	N/A	Property Owner/Applicant
Notice of Application & Neighborhood Meeting	7/25/2024	8/13/2024	Property Owner/Applicant Property Owners (within 500 ft) On-Site & Website Affected Agencies The Herald-published - 7/30/2023
SEPA MDNS Determination	7/25/2024	N/A	Property Owner/Applicant Property Owners (within 500 ft) On-Site & Website Affected Agencies The Herald-published - 7/30/2024
Notice of Public Hearing	1/15/2025	2/4/2025	Property Owner/Applicant Property Owners (within 500 ft) On-Site & Website Party of Record The Herald-published -1/17/2025

19. Public Comments: The city received comments during the Notice of Application and Notice of SEPA MDNS Decision public comment periods for the subject project. After reviewing the comments, city staff forwarded the comments to the applicant for their review. The public comments are summarized in Section F.

C. ENVIRONMENTAL REVIEW

The City issued a Mitigated Determination of Non-Significance on July 25, 2024. The 14-day comment period lasted until August 13, 2024. The public comments are summarized in Section F. After reviewing the initial comments, city staff forwarded the comments to the applicant for their review.

D. FINDINGS OF FACT

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

Regulation	Analysis	Meets
Chapter 20.08 AMC, Basic Definitions and Interpretations		
<p>20.08.010 Definitions of Basic Terms. Subdivision, Unit Lot means an alternative to conventional subdivision process by which the location of a building on a lot can be placed in such a manner that one or more of the building’s sides rests directly on a lot line, allowing for the creation of fee simple lots for townhome, and cottage housing developments, in zones where such uses are permitted. Each building shall not be less than one unit or exceed ten units and shall maintain a ten-foot separation from other buildings. A major unit lot subdivision is 10 lots or more and a minor unit lot subdivision is 9 lots or less.</p>	<p>The application is for a preliminary major unit lot subdivision of 60 fee simple lots. There are 10 total proposed buildings, three 5-unit buildings, four 6-unit buildings, and three 7-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.</p>	<p>Yes</p>
Chapter 20.16 AMC, Permits and Final Plat Approval		
<p>20.16.010 (b) Conditional Use Permits are issued under this title only when a review of the application submitted, including plans contained therein, indicates that the development will comply with the provisions of this title if completed as proposed. All development shall occur strictly in accordance with such approved plans and applications.</p>	<p>The applicant submitted a conditional use permit for a preliminary unit lot subdivision. The Hearing Examiner is responsible for the permit decision and the decision is appealable to Snohomish County Superior Court.</p>	<p>Yes</p>
<p>20.16.110 Who May Submit Permit Applications. (a) Applications for zoning, special use, conditional use, or sign permits or subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this title.</p>	<p>The owner of the property is Harmony at Arlington LLC and Saeed Abtahi, a governor of the corporation signed the permit application that were submitted to the city.</p>	<p>Yes</p>
<p>20.16.120 Official Representative of the Applicant. The applicant for each land use permit shall designate an official representative, which may be himself, to receive all correspondence, determinations, and notices regarding the application.</p>	<p>The owner, Harmony at Arlington LLC, has designated Merle Ash of Land Technologies Inc, as the official representative for the subject permits.</p>	<p>Yes</p>

Regulation	Analysis	Meets
20.16.130 Staff Consultation Before Formal Application. To minimize development planning costs, avoid misunderstanding or misinterpretation, and ensure compliance with the requirements of this title, a general information meeting between the developer and the planning staff is encouraged as provided in this section.	The city held a General Information Meeting with the project applicant on May 24, 2023.	Yes
20.16.140 Submittal of Application. (a) To minimize development planning costs, avoid misunderstanding or misinterpretations, and ensure compliance with the requirements of this title, a submittal intake appointment is required between the developer and the Community Development staff as provided in this section.	The project applicant scheduled a submittal intake appointment with the Community and Economic Development Department and submitted the applications on June 11, 2024.	Yes
20.16.150 Vesting of Permits. (1) Land use permit applications shall be considered vested on the date that an application is deemed complete pursuant to 20.16.205 and applications shall be processed under the land use regulations in effect on that date. However, subsequent permits on the same property are not vested on this date. (2) Filing of a permit application does not vest the payment of fees. Fees due, including impact mitigation fees, application fees, or other charges, shall be those fees in effect on the date the fee is paid in accordance with the most current city council fee resolution.	The proposed application for the Harmony at Arlington preliminary major unit lot subdivision became vested on July 9, 2024 with the issuance of the Notice of Complete Application. The required impact fees for the subdivision do not vest with the project and the fee in place at the time of payment is the amount due.	Yes
20.16.200 Applications to Be Complete. (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.	The applicant submitted a complete application for the Harmony at Arlington preliminary major unit lot subdivision conditional use permit.	Yes
20.16.205 (c) Complete Application. Within 28 days of receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant.	The application was submitted on June 11, 2024. The City issued a Notice of Complete Applications on July 9, 2024. The Notice was issued within the 28-day timeframe.	Yes
20.16.215 Distribution of Application. Upon receipt of a conditional use permit application, the Planning Official shall, in addition to all interested City Department, send a copy of the application to the authorities and agencies reviewing or furnishing water, fire, school, and sanitary sewer service to the proposed project.	The applications were routed to all effected city departments on June 11, 2024, and after each resubmittal on October 3, 2024, October 31, 2024, and December 20, 2024.	Yes

Regulation	Analysis	Meets																
<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 January 17, 2025 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 July 25, 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 July 30, 2024. The comment period was open until August 13, 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 July 25, 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 July 30, 2024. The Neighborhood Meeting was held on August 13, 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 Harmony at Arlington preliminary major unit lot subdivision conditional use permit was taken to Public Hearing on day 106 of the 120-day timeframe per the following dates:</p> <table border="1" data-bbox="834 1213 1349 1627"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Notice of Complete Application</td> <td>7-9-2024</td> </tr> <tr> <td>1st Comments Issued</td> <td>8-9-2024</td> </tr> <tr> <td>1st Resubmittal</td> <td>10-3-2024</td> </tr> <tr> <td>2nd Resubmittal</td> <td>10-31-2024</td> </tr> <tr> <td>2nd Comments Issued</td> <td>11-1-2024</td> </tr> <tr> <td>3rd Resubmittal</td> <td>12-20-2024</td> </tr> <tr> <td>Public Hearing</td> <td>2-4-2025</td> </tr> </tbody> </table>	Action	Date	Notice of Complete Application	7-9-2024	1 st Comments Issued	8-9-2024	1 st Resubmittal	10-3-2024	2 nd Resubmittal	10-31-2024	2 nd Comments Issued	11-1-2024	3 rd Resubmittal	12-20-2024	Public Hearing	2-4-2025	<p>Yes</p>
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2 nd Comments Issued	11-1-2024																	
3 rd Resubmittal	12-20-2024																	
Public Hearing	2-4-2025																	
<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>																

Regulation	Analysis	Meets
Chapter 20.24 AMC, Hearing and Pre-Hearing Procedures for Appeals and Applications		
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.	The proposed Harmony at Arlington preliminary major unit lot subdivision project is subject to a Public Hearing before the Hearing Examiner for the conditional use permit.	Yes
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.	The city issued a Notice of Public Hearing on January 15, 2025. The notice was advertised in the Everett Herald, posted on the site, city website, post office, city hall, Arlington library, mailed to all property owners within 500 feet of the property, and emailed Party's of Record on January 17, 2025. The Public Hearing is scheduled for February 4, 2025.	Yes
Chapter 20.36 AMC, Zoning Districts and Zoning Map		
20.36.020 Commercial Districts Established. (g) The Commercial Corridor (CC) zone is established to create pedestrian oriented, urbanized, mixed-use neighborhoods, along designated transit routes. Design elements include widened sidewalks, drop lanes with on street parking, mid-block pedestrian crossings, planted medians and bike lanes. These zones are established to utilize the stringent use of the mixed-use development regulations/form-based code, therefor negating the underlying zoning to accommodate mixed-use as the primary land use.	The subject property for the proposed preliminary major unit lot subdivision conditional use permit is zoned Commercial Corridor. The project is located in an area of developed and undeveloped mixed-use and commercial zoned property while abutting State Route 9 and 74 th Avenue NE (new public road).	Yes
Chapter 20.38 AMC, Airport Protection District		
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	The property is located under Airport Protection District – Subdistrict C.	Yes
20.38.090 Notice to Future Owners. To mitigate impacts to the Arlington Airport, and to provide notice to future property owners, all property owners within the Airport Protection Subdistricts A, B, and C seeking a land use or building permit or undertaking substantial reconstruction shall dedicate an avigation easement over their property to the City of Arlington. The language of the easement and notice shall be as provided by the airport, as approved by the city attorney, and recorded with Snohomish County.	The applicant has provided language on the previously recorded Reserve at Arlington Binding Site Plan under AFN 202107165005. Language shall be placed on the face of the final unit lot subdivision notifying future owners of possible affects from aviation activities.	Yes

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 Commercial Corridor (CC) zone, as shown below, with a conditional use permit.							Yes
Chapter 20.40.130 AMC, Commercial and Mixed-Use Zones Permissible Use Table								
Use	NC	OTBD-1	OTBD-2	OTBD-3	GC	CC	HC	
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. • ZSC = Zoning Permit (3-19 units), Special Use Permit (20-49 units), and Conditional use Permit (50+ units) • ⁶ = Subject to Section 20.44.020 Unit Lot Subdivisions 								
Chapter 20.44 AMC, Supplemental Uses – 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 60 townhouse units on 60 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 Commercial Corridor zone and subject to the Mixed-Use Development Regulations.							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 Commercial Corridor zone following the Mixed-Use Development Regulations.							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 Site Plan Sheet P5 and shows each lot provides between 214 and 475 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 Commercial Corridor 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 proposes common open space areas, and these areas shall be owned in common by all lots within the subdivision through the required homeowner’s association. The creation of the homeowner’s association is required to be recorded with the Final Unit Lot Subdivision.</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 submitted site plan and the recorded Reserve at Arlington 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 townhomes take driveway and garage access from the private internal drive aisle that loops throughout the site. Access to the private internal drive aisle is taken from 74th Avenue NE from 204th Street 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. 60 units / 4 = 15 additional spaces</p>	<p>The proposed preliminary major unit lot subdivision has 16 additional off-street surface parking spaces for the project.</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.</p>	<p>Yes</p>
<p>20.44.020H Private Access Drives.</p> <p>Private access drives are allowed, to provide access to dwellings and off-street parking areas within a unit lot subdivision. All private access drives shall be designed and constructed to city design and construction standards. A separate pedestrian walkway is required from the dwelling units to a public sidewalk. Parking within any access drive shall be prohibited, but off-street parking may be located adjacent to an approved access drive outside the minimum required dimensions of the access drive. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense. As an alternative to the private access drive, the applicant may provide a public street meeting the city's design and construction standards.</p>	<p>The preliminary major unit lot subdivision proposes vehicular access to the lots through a private internal drive aisle access. Pedestrian access is provided from both the private internal drive aisle and from walkways to the front doors along private sidewalks or the public street of 74th Avenue NE.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<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 204th Street NE, 74th Avenue NE and through the private internal drive aisles. Dedication of right-of-way is required for the new 74th Avenue roadway on the west side of the project.</p>	<p>Yes</p>
<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, as shown on Landscape Plan L-1. Street trees are proposed along the public street frontage to the west, perimeter landscaping to the north and east, and unit landscaping to the south along the private shared access.</p> <p>All proposed street 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>

Regulation	Analysis	Meets
<p>20.44.020M Covenants and Maintenance.</p> <p>(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;</p> <p>(2) The Washington Uniform Common Interest Act</p> <p>(3) The applicable Washington corporation statute;</p> <p>(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>
<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>

Regulation	Analysis	Meets
<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>
<p>Chapter 20.46 AMC, Design</p>		
<p>20.46.010 (a) Conformance with Design Standards. Structures within the following zones are subject to the relevant design standards adopted in this chapter. No building or land use permit shall be issued for structures or uses that do not conform to the applicable standards.</p> <p>(4) Zones</p> <p>(A) Commercial Corridor</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>
<p>20.46.200 Conformance with Mixed-Use Development Regulations.</p> <p>(a) All buildings and/or structures located in the commercial corridor or mixed-use overlay zones shall comply with the mixed-use development regulations of Chapter 20.110.</p> <p>(b) For any design items not addressed under the mixed-use development regulations, the development design standards shall be followed.</p>	<p>The architectural design of the townhouse buildings are required to comply with Chapter 20.110. The analysis for this project is located under the subject section of this staff report.</p>	

Regulation	Analysis	Meets
Chapter 20.56 AMC, Streets and Sidewalks		
<p>20.56.015 Complete Streets.</p> <p>(a) The city will, to the maximum extent practical, implement complete streets. For this section, “complete streets” means streets that provide appropriate facilities to meet the mobility needs of people of all ages and abilities who are walking, bicycling, riding transit, driving, and transporting goods.</p> <p>(b) The application of complete streets may require the property owner or developer to install additional improvements for the installation of certain street types or provide additional right-of-way dedication depending on the location of a proposed project and the surrounding areas level of street improvements. The applicant is required to work with the community and economic development department regarding the specific type of street required.</p> <p>(c) Complete streets will be implemented through the scoping, planning, designing, building, operating, and maintaining an integrated and connected transportation system.</p> <p>(d) All development projects shall submit a complete streets checklist with permit application and follow the complete streets policy.</p>	<p>The applicant submitted a Complete Streets Checklist. The checklist was reviewed, and city staff agrees that the intent of the complete streets policy has been met.</p> <p>The proposed development includes access to and from 204th Street NE through proposed sidewalks.</p> <p>The applicant is dedicating an improved right-of-way along 204th Street NE and the area shown as West Aisle on the site plan. This area will serve vehicles, pedestrians, and bicycles to the project site.</p> <p>There is an existing bus stop approximately 200 feet from the entrance to the property at 204th Street and approximately 500 feet from the first home in the subdivision.</p> <p>There are sidewalks, crosswalks, and private drives throughout the entire site.</p> <p>The applicant has met the intent of the complete streets policy.</p>	Yes
<p>20.56.020 Costs of Right-of-Way Installation and Improvements Borne by Applicant. When rights-of-way improvements are required or volunteer in conjunction with permit approval, all costs, and expenses incident to the installation of the improvement to be dedicated to the public shall be borne by the applicant.</p>	<p>The applicant or developer of the proposed project is financially responsible for the construction of improvements along the 204th Street NE entrance and the new public roadway of 74th Avenue along the west side of the subdivision. All improvements are required to be reviewed and approved with the Civil Permit.</p>	Yes
<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 project provides vehicular, pedestrian, and bicycle access to the property from the public streets of 74th Avenue NE and 204th Street NE to the internal private drive aisles.</p>	Yes

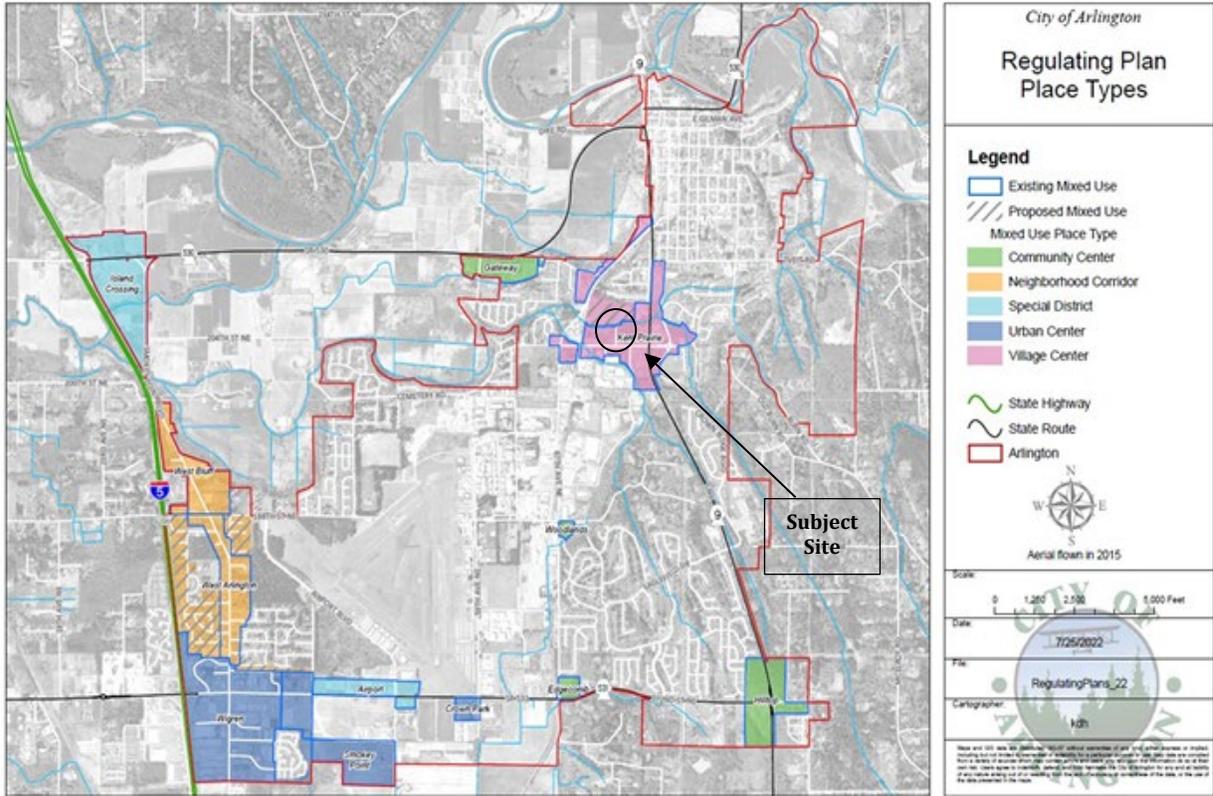
Regulation	Analysis	Meets
<p>20.56.050 Entrances to Streets. (a) All driveway entrances and other openings onto streets within the city's planning jurisdiction shall be constructed so that:</p> <ol style="list-style-type: none"> 1. Vehicles can enter and exit from the lot in question without posing any 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 unit lot subdivision project provides driveway access to each building lot from internal private drive aisles. The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> • The proposed entrances have the appropriate signage, stop bars, and crosswalks to protect vehicles, pedestrians, and bicyclists. • The proposed driveway entrances are in areas that would have the least interference with surrounding streets. • The proposed drive aisles from the public right-of-way to the private drives to the preliminary unit lot subdivision are 25' and 28' from 74th Avenue NE. • The proposed parking for each townhome are located within carports that are connected and are accessed from the private drive aisle and cannot be seen from the public right-of-way. • Dedication of Right-of-Way is required along 74th Avenue NE and 204th Street NE. The dedication will be accepted by the City of Arlington at the time of recording of the final unit lot subdivision. 	<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 is required to construct a new public street of 74th Avenue NE and drive aisle improvements along the public street of 204th Street NE. The new street sections are required to meet the public works construction standards and be reviewed and approved with the Civil permit.</p>	<p>Yes</p>
<p>20.56.130 Construction Standards and Specifications. Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in the "Public Works Construction Standards and Specifications," and all such facilities shall be completed in accordance with these standards.</p>	<p>The proposed project is subject to a Civil permit prior to the installation of improvements on the site and a Right-of-Way permit prior to the installation of improvement within the public right-of-way.</p>	<p>Yes</p>

Regulation	Analysis	Meets
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 June 25, 2024.	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 sewer availability approved by the Public Works Director on June 25, 2024.	Yes
20.60.400 Lighting Requirements. (a) All public streets, sidewalks, and other common areas or facilities shall be sufficiently illuminated to ensure security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.	The proposed project shall provide sufficient lighting throughout the site that will illuminate the private drive, parking areas, and residences. The street lighting along 74 th Avenue NE is required to comply with the Complete Streets Lighting Guide. The final lighting plans is required to be submitted, reviewed, and approved with the Civil permit.	Yes
(d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution.	The proposed project requires LED or similar lamp type outdoor lighting. The lighting is down shielded to prevent light pollution. The final lighting plans is required to be submitted, reviewed, and approved with the Civil permit.	Yes
20.60.410 Excessive Illumination. Lighting within any lot that unnecessarily illuminates any other lot or public right-of-way and substantially interferes with the use or enjoyment of such other lot or public right-of-way is prohibited.	The proposed project requires down-shielded lighting that illuminates the site but does not shine onto neighboring properties or public rights-of-way. The final lighting plans is required to be submitted, reviewed, and approved with the Civil permit.	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

Regulation	Analysis	Meets						
Chapter 20.72 AMC, Parking								
<p>20.72.060 Parking Area Surface.</p> <p>(a) All parking areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in the Public Works Construction Standards and Specifications.</p> <p>(b) Parking spaces shall be appropriately demarcated with painted lines or other markings.</p> <p>(c) Parking areas shall be properly maintained in all respects.</p>	<p>The project site plan shows paving throughout all drive aisles and parking spaces on the site, with all parking spaces striped. These requirements shall be reviewed and approved through the Civil permit.</p>	<p>Yes</p>						
<p>20.72.064 Accessible Parking Spaces. All handicapped parking spaces shall meet all State and Federal Regulations. The parking spaces shall be at least 8 feet wide and shall have an adjacent access aisle at least 5 feet wide. The parking spaces shall have adjacent aisle access to the sidewalk, have required striping and provide display symbols required on the pavement and signage.</p>	<p>The project site plan shows the layout of the accessible parking spaces. The proposed spaces provide 8-foot stalls with 8 feet of adjacent striped area, along with appropriate striping and signage.</p>	<p>Yes</p>						
Chapter 20.90 AMC, Concurrency & Impact Fees								
<p>20.90.040 (a) Imposition of Impact Fees on Development Activity. All development projects within the City shall be assessed a transportation impact fee, at the rate of \$3,355.00, based on peak p.m. trips, as computed in accordance with the most current edition of the Institute of Transportation Engineers Trip Generation Manual, as applied to the City’s transportation element of the adopted Comprehensive Plan.</p>	<p>The applicant provided a Traffic Impact Analysis prepared by Kimley Horn in May 2024. The traffic analysis concluded that the proposed use would produce 34 new PM peak-hour-trips to the site under Land Use Code (LUC) 215, Single-Family Attached Housing at a rate of 0.57 trips per unit. The city concurs with the amount proposed for City Traffic Impact Fees as shown below.</p> <table border="1" data-bbox="834 1371 1357 1444"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>34</td> <td>\$114,070.00</td> </tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	34	\$114,070.00	<p>Yes</p>
Traffic Fee	# Of Trips	Total Amount						
\$3,355.00	34	\$114,070.00						
<p>20.90.230 School Impact Fees. Each development activity, as a condition of approval, shall be subject to the school impact fee of \$0 for each multi-family dwelling units, \$441 per dwelling unit for townhome/duplex, and \$544 per single-family dwelling unit per the Arlington School District most current Capital Facilities Plan and Ordinance No. 2024-025.</p>	<p>The applicant is required to pay the following Arlington School District Impact Fees. This fee is different from the MDNS, as impact fees do not vest and are the fee in place at time of payment.</p> <table border="1" data-bbox="834 1642 1357 1749"> <thead> <tr> <th>School Impact Fee</th> <th># of 3-Bed Units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$441.00</td> <td>60</td> <td>\$26,460.00</td> </tr> </tbody> </table>	School Impact Fee	# of 3-Bed Units	Total Amount	\$441.00	60	\$26,460.00	<p>Yes</p>
School Impact Fee	# of 3-Bed Units	Total Amount						
\$441.00	60	\$26,460.00						
<p>20.90.400 Community Parks Impact Fee.</p> <p>(a) Residential developments shall pay a community park impact fee of \$1,497 for each 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 Fees.</p> <table border="1" data-bbox="834 1843 1347 1959"> <thead> <tr> <th>Community Park Fee</th> <th># of units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$1,497.00</td> <td>60</td> <td>\$89,820</td> </tr> </tbody> </table>	Community Park Fee	# of units	Total Amount	\$1,497.00	60	\$89,820	<p>Yes</p>
Community Park Fee	# of units	Total Amount						
\$1,497.00	60	\$89,820						

Regulation	Analysis	Meets
Chapter 20.93 AMC, Critical Area Ordinance		
20.93.230 Compliance. All land uses or development applications shall be reviewed to determine whether an environmentally critical area exists on the property for which the application is filed, what the action's impact to any existing environmentally critical area would be, and what actions are required for compliance with this chapter.	The proposed preliminary major unit lot subdivision is part of the Reserve at Arlington Binding Site Plan, which delineated the Portage Creek stream buffer as Tract A of the subject project. The applicant has proposed to provide a pedestrian path on Tract A for the public. The applicant is required to dedicate Tract A to the City of Arlington for civic space and NGPA protection.	Yes
Chapter 20.98 AMC, State Environmental Policy Act (SEPA)		
20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination.	The applicant provided an environmental checklist with the application. The City of Arlington was determined to be the lead agency. A Mitigated Determination of Non-Significance was issued for the proposal on July 25, 2024. The comment period for the MDNS was from July 30, 2024 to August 13, 2024. The city received comments during the public comment period, which are listed under Section F	Yes
Chapter 20.110 AMC, Mixed Use Development Regulations		
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.	The proposed project is in the Village Center place type established by the Mixed-Use Development Regulations.	Yes

Regulating Plan Place Types



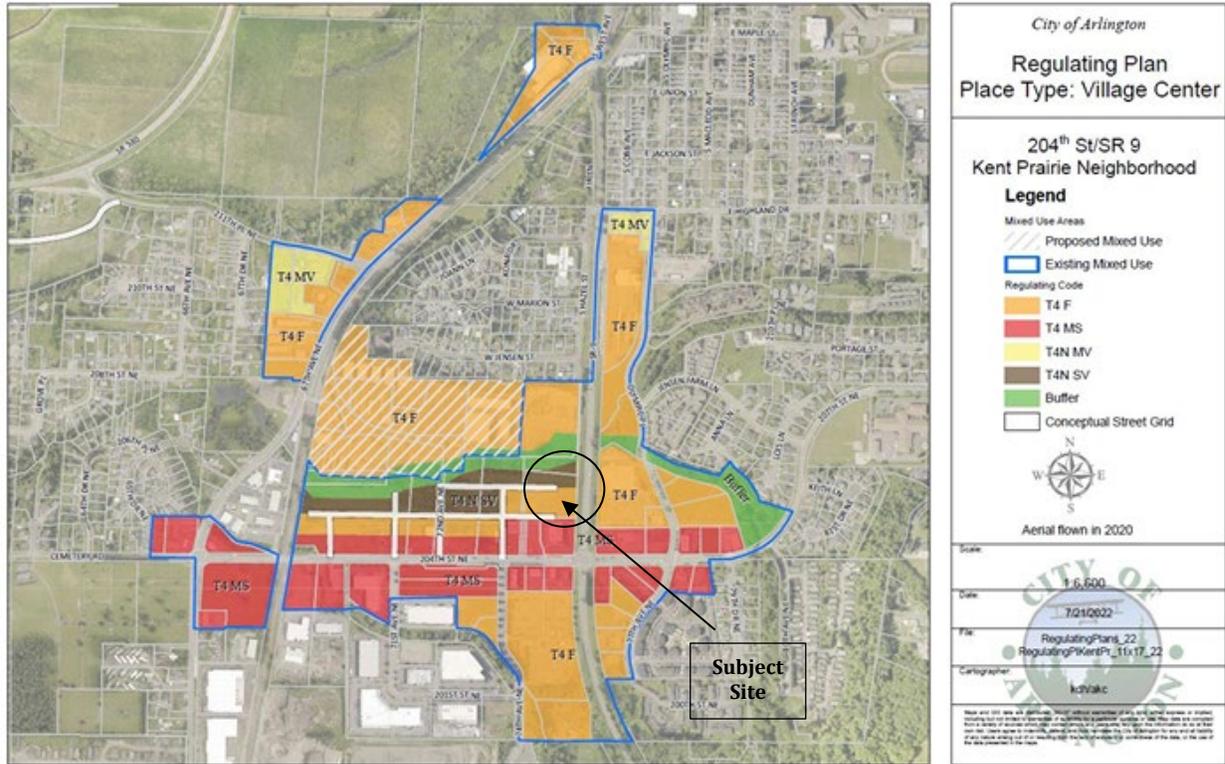
20.110.012 (e) Transect Summary.
 Zone – T4 Flex (T4-F).
Desired Form: Attached, Small to Large Footprint, Simple Wall Plane along Street, Building At ROW, Small to No Side Setbacks, Diverse Mix of Frontages, First Floor Flush with Sidewalk
General Use: Vertical and horizontal mixed use: retail, commercial, and residential uses on any floor. Ideal location for live/work conditions.
Intent: To provide an urban form that can accommodate a very diverse range of uses, including some light industrial to reinforce walkable neighborhoods and to provide a mix of uses on the ground floor, including residential, thus enabling the retail and service sectors to mature over time, while still allowing occupancy.

The proposed project is in the T4-F Transect of the Village Center Mixed-Use Development Regulations. The project provides medium footprint 3-story townhouses. The project provides a simple wall plane along the south and west portions of the property, as well as along the private drive aisle throughout the subdivision.
 The project is part of a horizontal mixed-use binding site plan with the commercial located south of the property on Tracts C and D.
 The project continues urban form in the area and is accommodating a diverse range of uses. The unit lot subdivision reinforces a walkable neighborhood to nearby commercial uses and provides residential uses on the ground floor.

Yes

Regulation	Analysis	Meets
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Regulating Plan Place Type: Village Center



<p>20.110.014(c)(3) Place Types. Place Type: Mixed Use Village Center Location: State Route 9 and 204th Street, 204th Street and 67th Avenue, 211th Street and 67th Avenue. Use Intensity Transects: T4 Flex (T4-F)</p>	<p>The proposed development is located within the Mixed-Use Village Center. The project is located southwest of the 204th Street and State Route 9 Intersection and in the T4-F Transect.</p>	<p>Yes</p>
<p>20.110.014(c)(3) T4-F. Intent: To provide an appropriate transition from a neighborhood main street environment into the residential areas, and to provide flexible buildings that can allow a mix of residential and walkable local serving commercial and service uses. Key Features: Mix of medium density building types with a variety of forms which decrease in size and intensity of use toward the outer boundary of the center.</p>	<p>The proposed project provides the residential transitions from the existing commercial along the 204th Street frontage. The unit lot subdivision borders the Portage Creek stream buffer with a lower intensity than the commercial uses. The project provides medium footprint 3-story townhouses. The project is part of a horizontal mixed-use binding site plan with the commercial located south of the property on Tracts C and D and provides the transition to residential on Tract B to the natural setting and stream buffer on Tract A of the site.</p>	<p>Yes</p>
<p>20.110.014(c)(3) Allowed Building Types. Row House / Townhouse</p>	<p>The project has proposed to utilize townhouses on the subject property. This is an allowed building type within the T4-F Transect.</p>	<p>Yes</p>

Regulation		Analysis	Meets
20.110.014(c)(3) Building Form, Height.		<p>The proposed elevation and floor plans show that the project meets the regulations, with the exception of the ground floor ceiling height for residential units. The city concurs that 12' is not required for the residential townhouse units and was intended for live/work unit or buildings with first floor commercial. See explanation on Architectural Plans.</p> <p>Building Stories: 3 stories Ground Floor Ceiling Height: 10' 1/8" 2nd Floor Ceiling Height: 9' 1 1/8" 3rd Floor Ceiling Height: 8' 1 1/8" Ground Floor Finish Level: 0'</p>	Yes
Main Building Stories	20' min. 3 stories max.		
Ground Floor Ceiling Height: Residential	12' min. clear		
Upper Floor Ceiling Height: Residential	8' min. clear		
Ground Floor Finish Level: Residential	18" max.		
20.110.014(c)(3) Building Form, Footprint.		<p>The proposed project has provided a ground floor space depth of 49' 6" feet for the residential townhouse units.</p>	Yes
Ground Floor Space Depth: Residential	30' min.		
20.110.014(c)(3) Building Placement, Build-to-Lines and Setbacks.		<p>The proposed project has complied with the building placement and setbacks proposed per the site plan and architectural plans.</p> <p>Front: 0-10' – 74th Ave & Shared Access Side Street: No Public Side Streets BLT Front: Approximately 90% BLT Side: No Public Side Street Side Main Building: 0' Interior</p>	Yes
Front	0' min.		
Side Street	0' min.		
BLT Front	40% min.		
BLT Side Street	50% min.		
Side – Main Building	0' min.		
20.110.014(c)(3) Parking, Required Spaces.		<p>The applicant has provided a total of 120 parking spaces within the garage and carport 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 per 20.44.020G(b). The total parking for the proposed project is 136.</p>	Yes
Townhomes	2 per unit		
Townhomes	60 x 2 = 120		
Guest Parking per 20.44.020G(b)	60 / 4 = 15		
Total Required	135 Parking Spaces		
20.110.014(c)(3) Parking, Location		<p>The proposed project complies with the parking space setbacks, as shown on the site plan. The parking is located behind the residential structures with a distance greater than 40 feet from 74th Avenue NE. There are no public side streets. The parallel parking along the east property line is 10'.</p>	Yes
Front Setback	40' min.		
Side Street Setback	0' min. 10' max.		
Rear Setback	10' min.		
20.110.014(c)(3) Parking, Parking Drive Width		<p>The proposed project has provided private parking drive aisle widths are 20' feet in width throughout the site.</p>	Yes
Front < 40 Spaces	20' – 24'		
Front ≥ 40 Spaces	20' – 24'		
Side Street/Alley	20' – 24'		

Regulation	Analysis	Meets								
<p>20.110.014(c)(3) Encroachments and Frontage Types, Allowed Encroachments.</p> <table border="1" data-bbox="191 210 630 373"> <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)(3) Encroachments and Frontage Types, Allowed Frontage Types. Porch Engaged</p>	<p>The proposed townhouses have an engage porch from the ground floor through a walkway to an 8' x 10' porch.</p>	<p>Yes</p>								
<p>20.110.014(c)(3) Use Table.</p> <table border="1" data-bbox="191 604 737 646"> <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. Porch Engaged: The main facade of the building has a small to medium setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or hedge to spatially maintain the edge of the street. The engaged porch has two adjacent sides of the porch that are engaged to the building while the other two sides are open.</p>	<p>The proposed townhouses have an engage porch from the ground floor through a walkway to an 8' x 10' porch. The porch has two sides engaged to the building and two sides that are open, meeting the requirements.</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 60-unit lot subdivision project with 60 fee simple lots. The preliminary major unit lot subdivision provides three 5-unit buildings, four 6-unit buildings and three 7-unit buildings. The project promotes walkability to the commercial uses in the surrounding area and provides a transition between commercial uses and the natural area of the Portage Creek stream buffer.</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 include a new public street frontage to the north, with private drive aisle throughout the site.</p>	<p>The proposed project is located along 74th Avenue NE. The preliminary major unit lot subdivision provides pedestrian and bicycle access to the site from public streets and the private drives and alleys provide for block like standards and connectivity. The site complies with complete streets and provides multiple modes of travel throughout the entire site.</p>	<p>Yes</p>								

Regulation	Analysis	Meets																													
<p>20.110.014 (g) Parking Standards.</p> <table border="1" data-bbox="191 184 773 264"> <caption>Table 20.110-7: Minimum Parking Spaces Required</caption> <tr> <td>Residential Townhouse</td> <td>2 per unit</td> </tr> </table> <table border="1" data-bbox="191 300 773 472"> <caption>Table 20.110-8: Minimum Dimensional Requirements</caption> <thead> <tr> <th>Angle</th> <th>Depth</th> <th>Two-Way Drive Aisle</th> <th>Width</th> <th>Length</th> </tr> </thead> <tbody> <tr> <td>Parallel</td> <td>8'</td> <td>12'</td> <td>8'</td> <td>20'</td> </tr> <tr> <td>Perpendicular</td> <td>18'</td> <td>24'</td> <td>8'</td> <td>18'</td> </tr> </tbody> </table> <table border="1" data-bbox="191 508 773 642"> <caption>Table 20.110-9: Parking and Loading Area Screening</caption> <thead> <tr> <th>Zone</th> <th>Adjacent Zone</th> <th>Required Screening</th> </tr> </thead> <tbody> <tr> <td>T4, T5</td> <td>T4, or Residential Non-Transect Zone</td> <td>6' wall, fence, or evergreen hedge</td> </tr> </tbody> </table> <table border="1" data-bbox="191 678 773 850"> <caption>Table 20.110-10: Bicycle Parking Requirements</caption> <thead> <tr> <th>Use Type</th> <th>Required Spaces</th> <th>Location</th> </tr> </thead> <tbody> <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> </tbody> </table>	Residential Townhouse	2 per unit	Angle	Depth	Two-Way Drive Aisle	Width	Length	Parallel	8'	12'	8'	20'	Perpendicular	18'	24'	8'	18'	Zone	Adjacent Zone	Required Screening	T4, T5	T4, or Residential Non-Transect Zone	6' wall, fence, or evergreen hedge	Use Type	Required Spaces	Location	Residential: Multi-Family	1 per 4 bedrooms	Either within the building or within 25 feet of the building entrance	<p>The proposed project provides 2 parking spaces in structured garages and carports for each unit, along with 16 surface guest parking. The parking stalls in the garages and carports are perpendicular, with 4 parallel guest parking spaces along the east side of the subdivision.</p> <p>The perpendicular parking within the garage, carports, and guest parking are all a minimum of 8' x 18'. The parallel parking is a minimum of 8' x 20'.</p> <p>The proposal provides screening of the parking areas on the east side from a 6-foot wood fence between State Route 9 and the parking area.</p> <p>The townhouses provide bicycle parking within the garage of each unit.</p>	<p>Yes</p>
Residential Townhouse	2 per unit																														
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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. The Gross Site Area is 190,958 and Tract A to be dedicated is 50,933. The open space calculation is based on the developable area minus critical area buffers.</p> <p>190,958 sf - 50,933 sf = 140,025 sf</p> <table border="1" data-bbox="191 1297 722 1371"> <thead> <tr> <th>Total Area</th> <th>Percent</th> <th>Total SF</th> </tr> </thead> <tbody> <tr> <td>140,025</td> <td>X 5%</td> <td>7,001</td> </tr> </tbody> </table> <table border="1" data-bbox="191 1402 773 1518"> <caption>Table 20.110-11: Civic Space Standards</caption> <thead> <tr> <th>Civic Space Type</th> </tr> </thead> <tbody> <tr> <td> <ul style="list-style-type: none"> • Pedestrian Trail </td> </tr> </tbody> </table>	Total Area	Percent	Total SF	140,025	X 5%	7,001	Civic Space Type	<ul style="list-style-type: none"> • Pedestrian Trail 	<p>The total site is 190,958 square feet. Tract A is to be dedicated to the city for public civic space and NGPA for the Portage Creek stream buffer and is 50,933 square feet in size. To calculate the required open space this amount is subtracted, leaving a total of 140,025 square feet. 5% of the total developable land is 7,001 square feet. The applicant has provided 19,142 square feet of open space, which is shown on the Site Plan Sheet P3.</p> <p>The city has future plans to provide a public pedestrian trail along the Portage Creek corridor for walking and bicycling. The applicant has shown these improvements, and they are being counted as public civic space for the project.</p>	<p>Yes</p>																					
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<p>20.110.014 (i) Landscaping, Fencing, and Screening Standards. Landscaping shall be a major component of site design to create a city that has a strong landscaped character.</p> <table border="1" data-bbox="191 285 784 411"> <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>T4-F</td> <td>Required</td> <td>Required</td> <td>Not Required</td> </tr> </tbody> </table> <table border="1" data-bbox="191 443 784 684"> <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" data-bbox="191 716 784 1549"> <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	T4-F	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 open space and parking areas per the Landscape Plans.</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 garage and carports. The applicant provides 16 guest surface parking spaces on the site. For 16 guest parking spaces the shading required is 8%.</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>	<p>Yes</p>
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<p>20.110.014 (i) Landscaping, Fencing, and Screening Standards. Fences shall be constructed of wood, metal, masonry, or other permanent materials designed for permanent fencing.</p> <table border="1" data-bbox="191 1717 769 1906"> <thead> <tr> <th colspan="3">Table 20.110-16: Maximum Height of Fences or Walls</th> </tr> <tr> <th>Location of Fence or Wall</th> <th>Maximum Basic Height</th> <th>Maximum Height Exceptions</th> </tr> </thead> <tbody> <tr> <td>Within front or street side setback</td> <td>4'</td> <td>6'</td> </tr> <tr> <td>Within interior side or rear setback</td> <td>6'</td> <td>8'</td> </tr> </tbody> </table>	Table 20.110-16: Maximum Height of Fences or Walls			Location of Fence or Wall	Maximum Basic Height	Maximum Height Exceptions	Within front or street side setback	4'	6'	Within interior side or rear setback	6'	8'	<p>The preliminary major unit lot subdivision has shown a 6-foot wood fence on the east property line between the project and State Route 9.</p>	<p>Yes</p>																																											
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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 and provide low impact design through bio-cells and infiltration. All stormwater is required to meet the most current version of the 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="191 646 771 709"> <tr> <td colspan="2" data-bbox="191 646 771 674">Table 20.110-17: Lighting Zones</td> </tr> <tr> <td data-bbox="191 674 480 709">LZ-4</td> <td data-bbox="480 674 771 709">T4-F</td> </tr> </table> <table border="1" data-bbox="191 737 771 884"> <tr> <td colspan="2" data-bbox="191 737 771 764">Table 20.110-18: Total Site Lumen Limits</td> </tr> <tr> <td data-bbox="191 764 618 791"></td> <td data-bbox="618 764 771 791">LZ-4</td> </tr> <tr> <td data-bbox="191 791 618 884">Total site lumens allowed per square feet of impervious/semi-impervious surface area</td> <td data-bbox="618 791 771 884">7.5 Lumens</td> </tr> </table>	Table 20.110-17: Lighting Zones		LZ-4	T4-F	Table 20.110-18: Total Site Lumen Limits			LZ-4	Total site lumens allowed per square feet of impervious/semi-impervious surface area	7.5 Lumens	<p>The project is required to provide lighting that meets the requirements of the T4-F transect. The lighting plan shows the project has followed the lighting zones and lumen limits. The final lighting plan is required to be submitted, reviewed, and approved with the Civil permit.</p>	<p>Yes</p>																		
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Maximum Allowable Backlight (B) Rating	LZ-4																													
Greater than two mounting heights from property line	B5																													
1 to less than 2 mounting heights from property line	B4																													
0.5 to 1 mounting heights from property line and ideally located	B3																													
Less than 0.5 mounting height to property line and properly oriented	B2																													
Maximum Allowable Up light (U) Rating																														
Allowed up light rating	U4																													
Allowed % light emission above 90° for street or area lighting	0%																													
Maximum Allowable Glare (G) Rating																														
Allowed glare rating	G4																													
Any luminaire not ideally oriented with 1 to less than 2 mounting heights to any property line of concern	G2																													
Any luminaire not ideally oriented with 0.5 to 1 mounting height to any property line of concern	G1																													
Any luminaire not ideally oriented with less than 0.5 mounting heights to any property line of concern	G1																													

Regulation	Analysis	Meets
<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, shown on the Architectural Plans.</p> <p>Regional Compatibility: The design of the building has incorporated design features to address the local weather and compliment regional aesthetics. Every entry both front and back has provided a roof overhang for the front porch and rear carport, which creates cover from the elements.</p> <p>Neighborhood Compatibility: The building designs incorporate massing, scale, and materials similar to that used in neighboring structures. The building cladding materials feature lap and panel siding with reveals in muted and natural hues with smooth or wood grain appearance. The building colors are light and cyberspace grays, antiquarian brown, and iron ore black roofing,</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 ten buildings on the site that are the same design, with similar colors and materials. This project is the first townhome development in the area.</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 the 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.</p> <p>The HVAC equipment shall be screened and designed to blend in with the building.</p>	<p>Yes</p>
<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 proposed dominate corporate or trademark architectural details. If the project provides future signage for the project. The signage shall meet all requirements of AMC 20.68 and blend in with the overall building.</p>	<p>Yes</p>

Regulation	Analysis	Meets
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.	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.	Yes
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.	The proposed project buildings have columns, which provide for a recognizable heavy base of the structure. Light and medium materials are located above the heavy materials. The elevation is comprised of at least 50% heavy materials as shown on the Architectural Plans. The structures provide vertical material changes where appropriate with changes in the building wall plane and massing. Trim is provided around all windows and throughout the building facades.	Yes
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.	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 and hip roofs, entry porches, and other modulation techniques.	Yes
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 other 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.	The project proposes a pleasing pedestrian experience by breaking up the building elements and dividing the building into smaller proportions. The front 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.	Yes

Regulation	Analysis	Meets
<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 hip roofs 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 gutter and downspout locations are not shown on the elevations and are incorporated into the building design.</p> <p>The gutters and downspouts for the buildings are required to be shown on the building plans and shall be approved prior to the issuance of the building permit.</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 the 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>
<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 the buildings are vertically and horizontally proportioned and provide trim.</p>	<p>Yes</p>

Regulation			Analysis	Meets						
<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"> <thead> <tr> <th>Transect</th> <th>Minimum Glazing on Primary Facades</th> <th>Minimum Transparency on Primary Facades</th> </tr> </thead> <tbody> <tr> <td>T4-F</td> <td>50% of pedestrian view plane</td> <td>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. Areas of the buildings that are functionally restricted from providing vision glass may be exempted provided other architectural scaling techniques are employed. 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	T4-F	50% of pedestrian view plane	25% of pedestrian view plane	<p>The project has proposed many windows on all floors of the building. This is a residential project and is exempt from the glazing along the primary façade. The project has provided 50% first floor glazing along the street frontage and the following transparency: Building Front: 26% Transparency Building Rear: 27% Transparency No first-floor reflective coating is permitted.</p>	Yes
Transect	Minimum Glazing on Primary Facades	Minimum Transparency on Primary Facades								
T4-F	50% of pedestrian view plane	25% of pedestrian view plane								
Chapter 13.28 AMC, Stormwater										
<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: (3) New Development</p>			<p>The proposed project is subject to meeting the required stormwater regulations for the site. The project has received conceptual approval for the stormwater design. A Civil Permit shall be required for all site improvements. The approval of the land use permit is required to have a conceptually approved stormwater system. 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>	Yes						

E. PUBLIC COMMENTS

Public Comment	Response
Public comments received during the Notice of Application and MDNS comment periods, along with the Neighborhood Meeting for the Harmony at Arlington Preliminary Major Unit Lot Subdivision Conditional Use Permit PLN #1234.	The city received comments from the following agencies. The Stillaguamish Tribe of Indians Washington State Department of Transportation The Tulalip Tribe A summary of these comments is provided below.
The Stillaguamish Tribes of Indians provided comments regarding notification of ground disturbance for the project. Exhibit #27	The city responded to the Stillaguamish Tribe of Indians stating that notification of ground disturbance would be included as a condition of the permit decision.
WSDOT requested additional information and site plan showing the stormwater drainage on the project site to ensure drainage does not impact State Route 9. Exhibit #28	The city responded to WSDOT with the civil plans and site plans to show that stormwater drainage would be contained on site. WSDOT replied with an email that confirmed the stormwater drainage would not affect State Route 9.
The Tulalip Tribes provided comments regarding the Portage Creek buffer area, impacts to this area from the proposed development, and increasing the amount of vegetation on Tract A to protect the stream. Exhibit #29	The city responded to the Tulalip Tribes through multiple emails and a consensus of required plantings for the applicant to install was reached. These requirements have been included as a condition of the permit decision.

F. CONCLUSION & RECOMMENDATION

- (a) The applicant has applied for a Preliminary Major Unit Lot Subdivision 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 property is within the city limits and the City of Arlington Zoning Map identifies the subject property as Commercial Corridor. Unit Lot Subdivisions and Townhomes are permissible uses per AMC 20.40.130.	Yes
(2) The application is incomplete.	The City determined the subject application complete on July 9, 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 Unit Lot Subdivision project complies with all required sections of AMC Title 20 per this staff analysis.	Yes

Regulation	Analysis	Meets
(4) The proposed project had not complied with SEPA.	The City issued an MDNS on July 25, 2024. No parties appealed the MDNS, and public comments received are addressed in Section F.	Yes
(5) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, or other adopted plans, regulations, or policies.	The requested Unit Lot Subdivision Conditional Use Permit, as conditioned, is consistent with all adopted plans, regulations, policies, and AMC Title 20 requirements.	Yes

Under 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 will not meet the requirements of AMC 20.16.260 (a), shown below.

(c) Under AMC 20.16.260(a), subject to Subsection (b), in granting a conditional use permit, the hearing examiner may attach to the permit such reasonable requirements in addition to those specified in this title as will ensure that the development in its proposed location:

Regulation	Analysis	Meets
Chapter 20.16.260 (a)		
(a) Will materially endanger the public health or safety.	The City concludes that the proposed development will not materially endanger the public health or safety of the City of Arlington. The proposed development has met the intent of the zoning and the mixed-use development regulations.	Yes
(2) Will materially harm adjoining or abutting property.	The City concludes that the proposed development, as mitigated and conditioned, will not materially harm adjoining or abutting property.	Yes
(3) In terms of design and use will not be compatible with the area in which it is located.	The City concludes that, in terms of the site design/layout, building design and the proposed residential use, that the proposed development will be compatible with the surrounding land uses in the area in which it is located.	Yes
(4) Will be in conformity with the land-use plan, transportation plan, or other plan officially adopted by the council.	The requested Unit Lot Subdivision Conditional Use Permit, as conditioned, is consistent with all adopted plans, regulations, policies, and AMC Title 20 requirements.	Yes

Such reasonable requirements need not be specifically authorized by other chapters of the AMC but do need to address specifically identified, project-related impacts.

Under AMC 20.16.260(b), the permit-issuing authority may not attach additional conditions that modify or alter the specific requirements set forth in this code unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements.

(d) The City of Arlington recommends approval of the Preliminary Major Unit Lot Subdivision Conditional Use Permit subject to conditions specified in Section G below.

G. CONDITIONS

Land Use Approval

1. All development shall be in substantial conformance with the Site Plan, Landscape Plans, and Architectural Plans received on December 20, 2024 and the Preliminary Civil Plans and Lighting Plans received on October 3, 2024, subject to any conditions or modifications that may be required as part of the permit and construction plan review.
2. All development shall be in substantial conformance with all Exhibits of the Hearing Examiner Public Hearing held on February 4, 2025.
3. The property owner or applicant of the project shall provide notification of ground disturbance to The Stillaguamish Tribe of Indians prior to any grading or clearing of the subject properties.
4. The property owner or applicant of the project shall clear all invasives and provide mitigation plantings as shown on the approved site plan and landscape plan on Tract A prior to dedication to the City of Arlington.
5. The approved Preliminary Major Unit Lot Subdivision Conditional Use Permit shall expire five (5) years after the date of the Notice of Decision per AMC §20.16.280.
6. No permits and/or construction pursuant to the Preliminary Major Unit Lot Subdivision Conditional Use Permit shall begin or be authorized until 21 days from the date of the decision.
7. The homeowner's association is responsible for managing all parking for residents on the site with the proposed number of parking stalls. If parking issues arise it is the responsibility of the homeowner's association to limit the number of cars a property owner or tenant can have on the site. Parking is not allowed off-site unless a parking agreement is reviewed and approved by the city and recorded with the Snohomish County Auditor's Office.
8. The development shall meet all Title 20 AMC regulation requirements.
9. The developer shall meet all local, state, or federal code requirements.
10. The developer shall clear any outstanding Planning Division permit-processing accounts with the City within 30 days of issuance of this permit.

SEPA MDNS Conditions

The developer shall comply with all conditions of the SEPA MDNS issued on July 25, 2024.

11. **(B)(1) Earth:** The applicant proposes an estimated total fill of 8,989 cubic yards. To mitigate for potential earth impacts, the Applicant shall implement Best Management Practices per Department of Ecology for Stormwater Pollution Prevention and TESC Controls to prevent erosion during and after construction.
12. **(B)(2) Air:** To mitigate for potential air impacts, the Applicant shall implement dust control measures to reduce fugitive dust emissions during construction. A Construction Management Plan shall be submitted to the City prior to commencement of construction to ensure these measures. Construction equipment emissions shall comply with all State and Federal regulations for emissions.
13. **(B)(3)(a) Surface Water:** To mitigate potential impacts to surface water the Applicant shall follow the Reserve at Arlington Binding Site Plan – PLN #577, recorded under AFN202107165005. The binding site plan requires Tract A of the applicants' property to be dedicated to the City of Arlington for a Native Growth Corridor Protection Area for Portage Creek.
14. **(B)(3)(b) Ground Water:** To mitigate potential impacts to ground water the Applicant shall employ best design practices meeting the current Department of Ecology's Stormwater Management Manual for Western Washington.

15. **(B)(3)(c) Water Runoff:** To mitigate for potential impacts to water runoff the Applicant shall follow the current edition of the Department of Ecology's Stormwater Management Manual for Western Washington and Best Management Practices used to protect groundwater.
16. **(B)(4)(b) Plants:** The applicant shall dedicate Tract A (Portage Creek and Buffer Corridor) north of the project site. The applicant shall provide new landscaping throughout the project site for the proposed development.
17. **(B)(7)(A) Environmental Health:** Applicant shall comply with current codes to reduce or control environmental health hazards. A spill prevention plan shall be in place according to local, State and Federal policies.
18. **(B)(7)(b) Noise:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00 pm to 7:00 am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from vehicle traffic and residential units will be generated after project completion.
19. **(B)(8) Land and Shoreline Use:** The property is located within Subdistrict C and shall comply with the Federal Aviation Regulations (FAR) Part 77 and complete a Federal Aviation Administration form 7460. An Avigation Disclosure Statement shall be placed on the final unit lot subdivision and recorded with the final document at the Snohomish County Auditor's Office.
20. **(B)(10)(c) Aesthetics:** The applicant shall meet the requirements of the Mixed-Use Development Regulations Architectural Standards for the sixty townhouse units.
21. **(B)(11)(a) Light and Glare:** To mitigate potential light pollution the Applicant will be required to install light fixtures that are down shielded. The property is located within the Arlington Airport Protection District – Subdistrict C.
22. **(B)(12)(c) Recreation:** The proposed residential development of sixty multi-family dwelling units shall pay the following Community Park Impact Fees:
 - Community Park Impact Fees: \$89,820.00 (\$1,497 x 60 units)The applicant shall pay all community park impact fees prior to building permit issuance. Impact fees do not vest and are fees in place at the time of payment.
23. **(B)(13) Historic and Cultural Preservation:** The applicant submitted an Unanticipated Discovery Plan. If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the planning director. The property owner also shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The applicant shall provide ground disturbance notification to the Stillaguamish Tribe of Indians and allow for monitoring on the site.
24. **(B)(14)(c) Transportation:** The proposal requires frontage improvements along the future roadway of 74th Avenue NE.
25. **(B)(14)(f) Transportation:** Trip generation for the proposed development has been calculated by Kimley Horn through a Traffic Impact Analysis. The report references land use code 215 for single-family attached housing for the 60 proposed residential townhomes per the ITE Trip Generation Manual, 11th Edition. This use resulted in 34 PM Peak Hour Trips (432 Average Daily Trips). The Applicant is required to pay the following Traffic Impact Fee as proposed in the Traffic Impact Analysis:
 - City of Arlington Traffic Impact Fees: \$114,070.00 (\$3,355/trip x 34 PMPHT)The applicant shall pay all traffic impact fees prior to the building permit issuance. Impact fees do not vest and are the fees in place at the time of payment.

26. **(B)(15)(b) Public Services:** The proposal is within the Arlington School District and will be required to pay \$2,328.00 for every multi-family dwelling unit. The Applicant is required to pay the following Arlington School District Mitigation Fee:
- Arlington School District Mitigation Fees: \$139,680.00 (\$2,328/unit x 60 units)
The applicant shall provide the City a copy of payment/receipt to Arlington School District prior to building permit issuance.
27. **(B)(16)(a) Utilities:** The applicant shall receive approval and connect to the City of Arlington water and wastewater systems, extend utility lines as necessary, and pay water and sewer connection fees. All improvements shall be installed during the Civil Construction phase of the project. All utilities shall be installed underground.

Civil Construction:

28. Prior to any construction activities, the applicant shall file and receive approval of a Civil Construction Permit which comply with all requirements of the Land Use Code, International Building Code, International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
29. The applicant shall submit a final landscape and lighting plan with the Civil Construction Permit.
30. The project is subject to submit a Right-of-Way Permit for all work within the public right-of-way.
31. All stormwater is required to meet the most current edition Department of Ecology Stormwater Management Manual for Western Washington. The final drainage plan shall be approved with the Civil permit.
32. The applicant is required to obtain utility permits from the City of Arlington for water and sanitary sewer connections.
33. The applicant is required to provide an automatic irrigation system on the site. The proposed irrigation plan shall be submitted with the Civil Permit.
34. The applicant shall construct all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.

Prior to Final Unit Lot Subdivision Submittal:

35. 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:
- a. No parking allowed along the public alley
 - b. No storage of inoperable motor vehicles.
 - c. Maintenance of private lots, buildings, and abutting right-of-way for the site.

Prior to Final Unit Lot Subdivision Approval:

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

39. 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:

40. 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.
41. The proposed building plans shall be compliant with the elevations and floor plans meeting the architectural standards of AMC 20.110, that were received on December 20, 2024, subject to minor conditions or modification that may be required as part of the permit review.
42. Prior to issuance of the building permit, the applicant shall complete all required or voluntary improvements approved with the Civil Permit, unless otherwise secured and authorized by the City Engineer.
43. The project is subject to applicable water and sewer utility fees. These fees are collected at the time of building permit issuance.
44. Prior to issuance of building permits, all associated impact fees shall be paid.
45. Building signage is required to be permitted through a sign permit application. All signage requires city approval prior to installation. The signage shall meet all code requirements and blend in with the overall building design.

Other:

46. Business Licenses for all contractors working on the site shall be required to obtain a City of Arlington Business License.
47. 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), Conditional Use Permit for major plats 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 AMC 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 #1234 – Harmony at Arlington 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:

- Saeed Abtahi, Owner/Applicant
- Merle Ash, Contact
- Marc Hayes, Community & Economic Development Director