



# CITY OF ARLINGTON NOTICE OF DECISION

## Totemwood Townhomes Preliminary Minor Plat

The City of Arlington has issued a Notice of Decision for a Zoning Permit as required by Arlington Municipal Code. The following project has been **APPROVED**, with the conditions listed in the permit decision.

**Project Name:** Totemwood Townhomes Preliminary Minor Plat  
**Proponent:** ARQOZB, LLC  
**Project Number:** PLN #948

**Description of Proposal:** The applicant is proposing a 6-lot preliminary minor plat to divide the subject parcel into six separate lots. The proposal is for townhouse style duplexes to be constructed on each lot for a total of 12 units. Each unit has its own attached garage for 2 parking spaces. Access to the site includes a one way 20-foot paved looped road. The project removes significant trees from the site and a combination of retention, replanting and mitigation are proposed. The well and septic on the site will be removed and city water and sewer will be extended into the site. The site grading includes 163 cubic yards of cut and 458 cubic yards of fill.

**Location:** 18601 35<sup>th</sup> Avenue NE

**Permit Decision: Approved, with Conditions**

**Notice of Decision Date:** November 9, 2022

**End of Appeal Period:** November 23, 2022

**Preliminary Minor Plat Expiration Date:** November 9, 2027

**Appeals:** This decision may be appealed pursuant to AMC 20.20.010, which provides for a hearing of the zoning permit decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by **5:00 PM on Wednesday, November 23, 2022**, and the appeal fee as set by resolution is paid.

**Staff Contact:** Amy Rusko, Planning Manager, [arusko@arlingtonwa.gov](mailto:arusko@arlingtonwa.gov), 360-403-3550



# Community and Economic Development Planning Division

18204 59<sup>th</sup> Avenue NE, Arlington, WA 98223

## PRELIMINARY MINOR PLAT STAFF REPORT AND PERMIT DECISION

### GENERAL INFORMATION

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File Number:	PLN#948
Project Title:	Totemwood Townhomes Preliminary Minor Plat
Owner/Applicant:	ARQOZB, LLC
Contact:	Weiming Bian, Northwest Civil Engineers PLLC
Description:	6-Lot Preliminary Minor Plat
Location:	18601 35 <sup>th</sup> Avenue NE
Tax Parcel ID:	310500201000
Lot Size:	0.954 acres (approximately 41,556 square feet)
Topographical Description:	Site is relatively flat
Soil Type:	Lynnwood Loamy Sand 0-3% Slopes
Zoning Classification:	Residential Moderate Capacity
Land Use Designation:	Residential Moderate Capacity
Proposed Use Classification:	Preliminary Minor Plat
City Approvals Required:	Preliminary Minor Plat, Civil Permit, Final Minor Plat, Building Permits
Date of Decision:	November 9, 2022
Decision:	<b>APPROVED, with Conditions</b>

## I. NATURE OF APPLICATION

### A. Request

The applicant is proposing a 6-lot preliminary minor plat to divide the subject parcel into six separate lots. The proposal is for townhouse style duplexes to be constructed on each lot for a total of 12 units. Each unit has its own attached garage for 2 parking spaces. Access to the site includes a one way 20-foot paved looped road. The project removes significant trees from the site and a combination of retention, replanting and mitigation are proposed. The well and septic on the site will be removed and city water and sewer will be extended into the site. The site grading includes 163 cubic yards of cut and 458 cubic yards of fill.

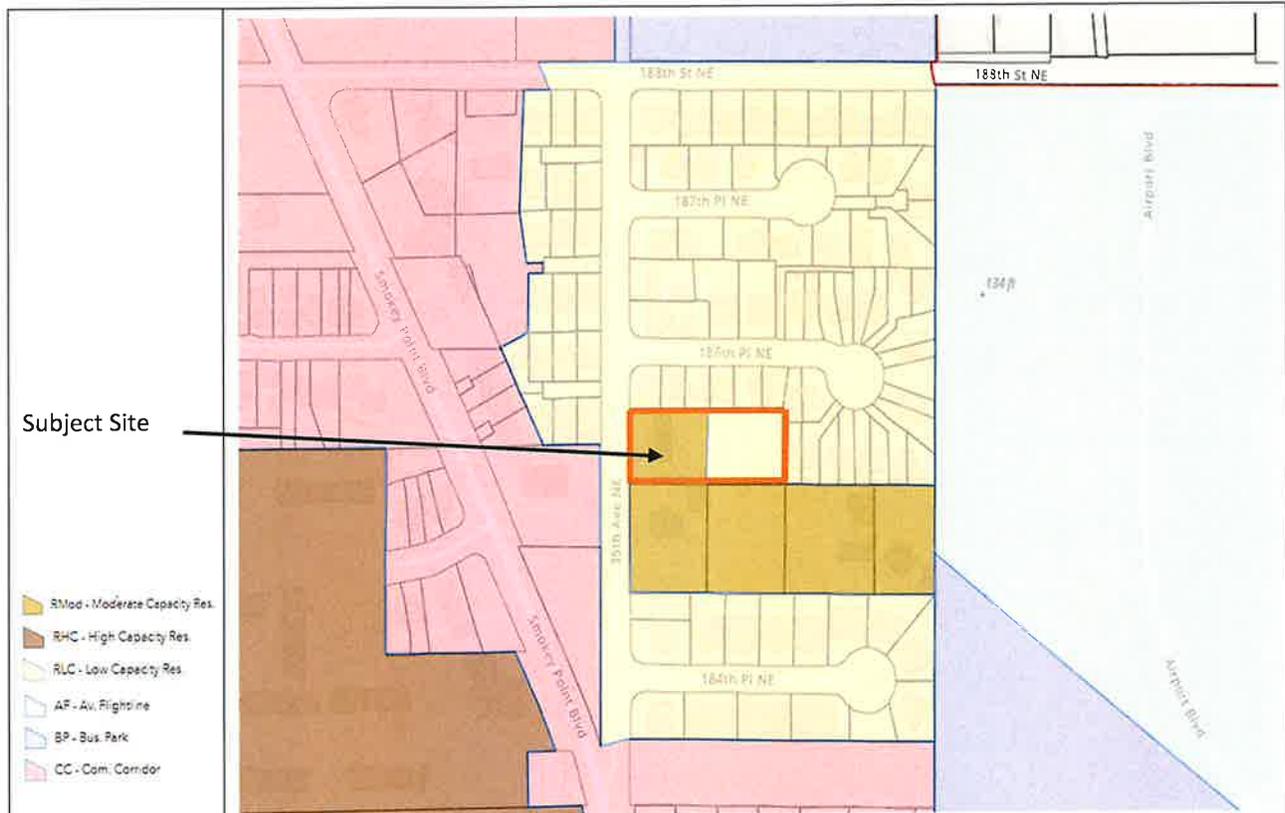
### B. Project Chronology / Background

A formal application for the preliminary plat was submitted to the Community & Economic Development Department on May 2, 2022. Staff routed the material to City review staff on May 2, 2022. The applicant provided revised plans on August 2, 2022 and October 13, 2022.

### C. Site Location / Description



## D. Site and Adjacent Zoning / Uses



Area	Zoning	Existing Use
Subject Site	RMOD & RLC	Single-Family Residence
North	RLC	Single-Family Residences
South	RMOD	Single-Family Residence and Vacant Land
East	RLC	Single-Family Residences
West	RLC & Commercial Corridor	Single-Family Residences and Church

## II. PROJECT CONSISTENCY WITH TITLE 20 AMC, ZONING

### A. Applicable Review Criteria and Process

The preliminary minor plat request is subject to review for conformity with the Arlington Municipal Code (AMC), including but not limited to the following:

Regulation	Analysis	Meets
<b>Chapter 20.08 AMC, Basic Definitions &amp; Interpretations</b>		
20.08.020 Lots Divided by District Lines. (a) Whenever a single lot one acre or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.	The proposed preliminary minor plat is situated on a single parcel that has the zoning split between Residential Moderate Capacity (RMod) and Residential Low Capacity (RLC). The lot is split evenly. The city chose to process the permit under the RMod zone, though duplexes are permissible uses in both zones.	Yes

Regulation	Analysis	Meets
<b>Chapter 20.16 AMC, Permits and Final Plat Approval</b>		
20.16.010 (c) Permits Required. Physical improvements to land to be subdivided may not be commenced except in accordance with a zoning permit issued by the Community Development Director for short subdivisions.	The applicant submitted for a zoning permit review for Preliminary Minor Plat. The Community Development Director is responsible for the permit decision and the decision is appealable to the Hearing Examiner.	Yes
20.16.034 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.	The owner, Weiming Bian, signed the application as the official representative for the subject permit.	Yes
20.16.070 (c) Complete Application. Within 28 days of after receiving the permit application, the Community Development Director shall mail or provide in person a written determination to the applicant, stating either: 1. That the application is complete; or, 2. That the application is incomplete and what is necessary to make the application complete.	The City issued a Notice of Complete Application on May 12, 2022, which was within 28 days after the application submittal.	Yes
<p>20.16.100 Zoning Permits.</p> <p>(d) Except as specified in Subsection (e), if the Community Development Director decides that if it would be in the best interest of the project and/or community to provide notice of the project, he shall, at least 10 days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within 500 feet of the lot that is the subject to the application, informing them that:</p> <ol style="list-style-type: none"> <li>1. An application has been filed for a permit authorizing identified property to be used in a specific way,</li> <li>2. All persons wishing to comment on the application should contact the Community Development Director by a certain date, and</li> <li>3. Persons wishing to be informed of the outcome of the application should send a written request for such notification to the Community Development Director.</li> </ol> <p>(e) In the case of zoning permits for short subdivision, the Community Development Director shall always issue public notice as described in Subsection (d).</p>	<p>The city issued a Notice of Application on May 16, 2022. 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.</p> <p>The public comment period ran from May 16, 2022 to May 31, 2022.</p> <p>Three public comments were received. See Section IV below for a description of the public comments.</p>	Yes

Regulation	Analysis	Meets
<b>Chapter 20.36 AMC, Zoning Districts and Zoning Map</b>		
20.36.010 (d) The Residential Moderate Capacity (RMod) district is established primarily to accommodate medium capacity housing types, especially smaller multifamily and single family attached, such as duplex, triplex, fourplex, row houses and garden apartments, typically situated on 4,000 – 6,200 square foot parcels, but also allows for recreational, quasi-public, and public uses that customarily serve residential development.	The proposed preliminary minor plat is within the Residential Moderate Capacity zone to be used for residential uses. The proposal is for 6 new duplex lots for 12 residential units.	Yes
<b>Chapter 20.38 AMC, Airport Protection District</b>		
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 subject preliminary minor plat is located within Airport Protection Subdistrict B and C.	Yes
20.38.090 Notice to Future Owners. In order to mitigate impacts to the Arlington Airport, and to provide notice to future property owners, all property owners within the Airport Protection Subdistricts A, B, and C seeking a land use or building permit or undertaking substantial reconstruction shall dedicate an avigation easement over their property to the City of Arlington. The language of the easement and notice shall be as provided by the airport, as approved by the city attorney and recorded with Snohomish County.	The face of the Final Plat shall provide Subdistrict B and C Avigation Easement language. The applicant shall work with the Arlington Municipal Airport for the recording of an Avigation Easement and submit FAA form 7460.	Yes
<b>Chapter 20.40-1 AMC, Table of Permissible Uses</b>		
20.40.010 Table of Permissible Uses. Table 20.40-1, the Table 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 minor plat and duplexes are an allowed use per the permissible use table, shown below.	Yes

Regulation								Analysis								Meets			
Chapter 20.40-1 AMC, Table of Permissible Uses																			
Use	RULC	RLC	RMod	RMD	RHC	OTRD	NC	OTBD1	OTBD2	OTBD3	GC	HC	CC	BP	LI	GI	AF	MS	P/SP
Minor Plat	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z		Z <sup>10</sup>
Duplex		ZV	ZV	ZV	ZV	ZV													
<ul style="list-style-type: none"> <li>• Z = Zoning Permit</li> <li>• ZV = Zoning Verification (after Final Plat)</li> </ul>																			
Chapter 20.46 AMC, Design																			
<p>20.46.010 Conformance with Design Standards.</p> <p>(a) Structures within the following zones subsection (1) are subject to the relevant design standards adopted in this chapter.</p> <p>(L) Residential Moderate Capacity</p>								<p>The proposed duplex residential structures are required meet the Development Design Standards and will be required to receive Design Review approval prior to the issuance of building permits.</p>								Yes			
Chapter 20.48 AMC, Density and Dimensional Regulations																			
<p>20.48.010 Minimum Lot Size Requirements. Subject to the provisions of 20.48.094, all lots in each zone shall have at least the amount of square footage indicated in Table 20.48-1: Density and Dimensional Standards.</p>								<p>The lots created from the preliminary minor plat comply with the minimum lot size required per Table 20.48-1 shown below.</p>								Yes			
<p>20.48.030 (a) Lot Shape and Minimum Lot Widths. No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that: (1) Could be used for purposes that are permissible in that zoning district, and (2) Could satisfy any applicable setback requirements for that district.</p>								<p>The lots created from the preliminary minor plat are shaped in a way for existing and future development and buildings can meet all setbacks.</p>								Yes			
<p>20.48.040 (a) No portion of any building may be located on any lot closer to any lot line than is authorized in Table 20.48-1: Density and Dimensional Standards. The table of Density and Dimensional Standards shows the Residential Moderate Capacity requirements that shall be met.</p>								<p>The preliminary minor plat has complied with Table 20.48-1 below for all setbacks, heights, and lot coverage.</p>								Yes			
<p>20.48.042 Sight Visibility Areas at Intersections. At the intersection of two streets, either public or private, no structure, sign, vegetation, or anything else that obscures sight shall exceed 30 inches in height in the area described by a triangle having two 25-foot legs along the curb faces of the streets from the streets' point of intersection, and a diagonal line connecting the ends of these lines.</p>								<p>The proposed preliminary minor plat takes access to the site from 35<sup>th</sup> Avenue NE through a new one-way private drive looped road. The site plan shows there are no improvements that will obscure sight at any entrance or exit from the site. This is to be verified prior to final plat approval.</p>								Yes			

Regulation	Analysis	Meets
<b>Table 20.48-1 Density and Dimensional Standards</b>		
<b>Residential Moderate Capacity</b>	<b>Lots 1 - 6</b>	
Minimum Lot Size: 4,000 – 6,200 sq. ft.	5,739 – 7,844 sq. ft	Yes <sup>1</sup>
Minimum Lot Width: 30 ft	87 – 119 ft	Yes
Non-Arterial Building Setback: 20 ft	27 ft	Yes
Lot Line Building Setback: 5 ft	5 – 34 ft	Yes
Building Height: 45 ft	TBD <sup>2</sup>	Yes
Maximum Lot Coverage: 45%	24 – 34%	Yes
<sup>1</sup> The preliminary minor plat is for duplexes, has an access easement for a private one-way drive aisle over all lots and the two larger lots include corner landscape areas. This makes the lots slightly larger than normal.		
<sup>2</sup> The proposed residential units to be built within the subdivision are required to meet design review regulations and height restrictions prior to building permit issuance.		
<b>Chapter 20.52 AMC, Recreational Facilities and Open Spaces</b>		
20.52.010 Mini-Parks Required. (a) All residential developments shall provide recreational areas in the form of mini parks in an amount equal to 65 square feet per person expected to reside in that development.	The applicant has proposed to pay in-lieu fees for the mini-park requirement. See SEPA MDNS conditions listed under section VI Conditions as part of this report. The fee amount is located under Chapter 20.90 as part of this report.	Yes
20.52.024 Community Parks Impact Fee. In addition to the requirements of mini parks each residential development shall pay a Community Park impact fee.	The applicant is required to pay Community Park Impact Fees for 12 single-family units. 1 credit will be received for the existing single family home that is to be demolished for the proposed subdivision. The fee amount is located under Chapter 20.90 as part of this report.	Yes
20.52.030 Useable Open Space. (c) Subdivided residential development of less than twenty-five dwelling units are exempt from the requirements of this section unless the city agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made.	The preliminary major unit lot subdivision proposes 12 units and is exempt from the open space requirement. There has been no offer and/or acceptance of dedication of open space.	Yes
<b>Chapter 20.56 AMC, Streets and Sidewalks</b>		
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.	The preliminary minor plat provides vehicular, pedestrian, and bicycle access to all lots from 35 <sup>th</sup> Avenue NE through the private drive. The private drive provides one-way access and is established through an access easement over all of the lots within the plat. The private roads provide means of ingress, egress, and for emergency vehicles.	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"> <li>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</li> <li>2. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.</li> <li>3. Driveway cuts shall be limited so the narrowest width necessary to provide safe ingress and egress onto and from the property.</li> <li>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.</li> </ol>	<p>The proposed preliminary minor plat provides two driveway access points, one at the north property line and one at the south property line. The entrances provide for safe entry and exit for both vehicles and pedestrians. The proposed driveways are 20 feet in width and are not located adjacent to each other.</p> <p>The private drive is a one-way access drive that loops through the plat.</p>	Yes
<p>20.56.120 Street Intersections. (a) Streets shall intersect at 80° to 90°. Not more than two streets shall intersect at any one point or vary from the above angle of connections.</p>	<p>The proposed preliminary minor plat provides 90° intersections at both access points.</p>	Yes
<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 preliminary minor plat is subject to a Civil permit and Right-of-Way permit for all proposed improvements.</p>	Yes
<b>Chapter 20.60 AMC, Utilities</b>		
<p>20.60.100 Sewage Disposal Facilities Required. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project is required to connect to City of Arlington Sanitary Sewer.</p> <p>Sanitary Sewer is available from the City of Arlington per the Water / Sewer Availability application that was approved by Public Works on May 12, 2022. Any existing on-site septic systems located on the property are required to be decommissioned.</p> <p>The construction of utilities will take place after the Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications.</p>	Yes

Regulation	Analysis	Meets
<p>20.60.300 Water Supply System Required. Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.</p>	<p>The proposed project is required to connect to City of Arlington water. Water is available from the City of Arlington per the Water / Sewer Availability application that was approved by Public Works on May 12, 2022. Any existing on-site water wells located on the property are required to be decommissioned.</p> <p>The construction of utilities will take place after the Civil Permit approval and shall meet all requirements of the Public Works Construction Standards and Specifications.</p>	Yes
<p>20.60.450 Underground Utilities. All existing, extended, new electrical power lines, telephone, gas distribution, cable television, and other communication and utility lines shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the Public Works Construction Standards and Specifications.</p>	<p>All new utilities to the properties within the preliminary minor plat are required to be installed underground and shall be shown on Site Civil construction or Building Permit plans. Utility improvements are required to be installed prior to final plat approval.</p>	Yes
<b>Chapter 20.72 AMC, Parking</b>		
<p>20.72.010 Number of Parking Spaces Required. (a) All developments in all zoning districts shall provide enough parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.</p>	<p>The proposed preliminary minor plat has provided a minimum of 2 spaces per single-family attached residence. The parking spaces are located within the garages of each unit. No parking shall be allowed along the private drive.</p>	Yes
<b>Table 20.72-1 Table of Parking Requirements</b>		
<p>Use 1.200 for duplex residences requires 2 parking spaces for each dwelling unit.</p>	<p>The duplex lots propose to provide 2 parking stalls for each dwelling unit (2 per each side of the duplex). The parking spaces are located within the garage space of each dwelling unit.</p>	Yes

Regulation	Analysis	Meets												
<b>Chapter 20.76 AMC, Screening and Trees</b>														
<p>20.76.110 Required Trees Along Dedicated Streets. The developer shall either plant or retain sufficient trees so that within the landscape strip there is for every 30 feet of street frontage at least an average of one deciduous tree of two inches dbh at the time of planting and with a canopy that starts at least eight feet above finished grade and has or will have when fully mature a trunk at least 8 inches in diameter. Root barriers shall be provided for all street trees and the landscape strip shall be planted per the Department of Public Works Standards and Specifications.</p>	<p>The preliminary major unit lot subdivision landscape plan shows street trees have been provided along 81<sup>st</sup> Drive NE. The applicant shall install trees per the standard detail for City of Arlington Planting Strip Behind Sidewalk Tree Detail R-270 that shows the installation of street trees with a root barrier on both sides of the root ball facing the right-of-way and sidewalk.</p>	Yes												
<p>20.76.120 Retention and Protection of Significant Trees.</p> <p>(a) Every development shall retain all existing significant trees and significant stands of trees, with a diameter at breast height (dbh) of at least eight (8) inches for deciduous trees and at least twelve (12) inches dbh for evergreen trees, unless the retention of such trees would unreasonably burden the development or in the opinion of the permit issuing authority cause a significant safety problem.</p> <p>(b) Any significant trees removed because their retention would unreasonably burden a development shall be replaced with 5-gallon-sized native species at a ratio of 3:1.</p> <p>(e) If it is physically impossible to replant all replacement trees on-site, then the applicant may mitigate the loss of trees by paying a mitigation fee into the City's Tree Mitigation In-Lieu Fund. This fee shall be set forth in the City' Fee Resolution.</p>	<p>The proposed preliminary minor plat has proposed to remove a total of 96 significant trees, per the tree survey site plan submitted with the application.</p> <table border="1" data-bbox="813 884 1346 982"> <thead> <tr> <th># Trees Removed</th> <th>Mitigation</th> <th># Trees Replanted</th> </tr> </thead> <tbody> <tr> <td>96</td> <td>X 3</td> <td>288</td> </tr> </tbody> </table> <p>The proposed preliminary minor plat shows the replacement of 104 trees on the site. The remaining 184 trees required shall be mitigated for through the City's Tree Mitigation In-Lieu Fund.</p> <table border="1" data-bbox="813 1220 1346 1289"> <thead> <tr> <th># Trees</th> <th>Fee Amount</th> <th>Total Fee</th> </tr> </thead> <tbody> <tr> <td>184</td> <td>X 32.50</td> <td>\$5,980.00</td> </tr> </tbody> </table> <p>The In-Lieu Fee is required to be paid prior to the issuance of the Civil permit.</p>	# Trees Removed	Mitigation	# Trees Replanted	96	X 3	288	# Trees	Fee Amount	Total Fee	184	X 32.50	\$5,980.00	Yes
# Trees Removed	Mitigation	# Trees Replanted												
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184	X 32.50	\$5,980.00												
<p>20.76.124 Shade Trees on Lots.</p> <p>(a) Each new or existing lot within the City shall maintain a minimum number of trees on-site, as specified in Subsection (b).</p> <p>(b) The minimum number of required trees depends on the Zoning District in which the site falls, as follows:</p> <p>1. Residential Moderate Capacity – 2 trees per lot.</p>	<p>The proposed preliminary minor plat shows that trees are planted on each lot around the perimeter of the development and in the rear yard of each residential dwelling unit.</p>	Yes												

Regulation	Analysis	Meets						
<p>20.76.140 Maintenance of Screening and Shading Elements. All screening and shading elements required by this Chapter shall be maintained by the owner for the life of the project to the following standards:</p> <ol style="list-style-type: none"> <li>1. All plant material shall be maintained with respect to pruning, trimming, mowing, watering, insect control, and fertilizing to maintain a healthy growing condition, create an attractive appearance, and to accomplish the purpose for which it was required.</li> <li>2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months of the plants indicated on the approved landscape plans.</li> <li>3. All screening and shading elements shall be maintained reasonably free of weeds and trash.</li> <li>4. All screening and shading elements located within the public right-of-way shall be maintained by the abutting property owner.</li> </ol>	<p>The property owner(s) or homeowners' association of the unit lot subdivision are required to maintain the landscaping on the property and within the right-of-way per AMC 20.76.</p>	Yes						
<b>Chapter 20.90 AMC, Concurrency</b>								
<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, 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 preliminary minor plat proposes 12 new residential dwelling units in 6 duplexes. The City Fee Resolution and code consider each side of a duplex as a single-family residential unit.</p> <p>There will be 1 traffic credit applied for the existing house that is proposed to be demolished.</p> <table border="1" data-bbox="816 1308 1344 1377"> <thead> <tr> <th>Dwelling Units</th> <th>Traffic Fee</th> <th>Total Fee</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">11</td> <td style="text-align: center;">X \$3,355</td> <td style="text-align: center;">\$36,905.00</td> </tr> </tbody> </table>	Dwelling Units	Traffic Fee	Total Fee	11	X \$3,355	\$36,905.00	Yes
Dwelling Units	Traffic Fee	Total Fee						
11	X \$3,355	\$36,905.00						
<p>20.90.040 (b) For subdivisions, short plats, and all other development activities, impact fees shall be assessed prior to the issuance of the building permit.</p>	<p>A building permit is required for each duplex proposed with this project. Traffic impact fees are required to be paid at that time.</p>	Yes						
<p>20.93.230 School Fees Required. Each residential development shall be subject to the school impact fee as adopted by Ordinance 2020-031.</p> <p>Lakewood School District Mitigation Fee: \$3,566 per single family dwelling unit</p>	<p>The preliminary minor plat is subject to Lakewood School District Mitigation Fees.</p> <p>There will be 1 school fee credit applied for the existing house that is proposed to be demolished.</p> <table border="1" data-bbox="816 1801 1344 1871"> <thead> <tr> <th>Dwelling Units</th> <th>Traffic Fee</th> <th>Total Fee</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">11</td> <td style="text-align: center;">X \$3,566</td> <td style="text-align: center;">\$39,226.00</td> </tr> </tbody> </table>	Dwelling Units	Traffic Fee	Total Fee	11	X \$3,566	\$39,226.00	Yes
Dwelling Units	Traffic Fee	Total Fee						
11	X \$3,566	\$39,226.00						

Regulation	Analysis	Meets									
<p>20.90.400 Neighborhood and Community Park Fees.</p> <p>Each residential development shall pay a Community Park Impact Fee of \$1,662 for each single-family dwelling unit prior to issuance of a building permit. Short subdivisions which do not set land aside for development of a Neighborhood Park or existing lot shall pay, prior to building permit issuance, \$484 for each single-family dwelling unit.</p>	<p>The preliminary minor plat is subject to both Community Park Impact Fees and Neighborhood/Mini Park In-Lieu Fees.</p> <p>There will be 1 park fee credit applied for the existing house that is proposed to be demolished.</p> <table border="1" data-bbox="813 436 1344 537"> <thead> <tr> <th>Dwelling Units</th> <th>Park Fee</th> <th>Total Fee</th> </tr> </thead> <tbody> <tr> <td>11</td> <td>X \$1,662</td> <td>\$18,282</td> </tr> <tr> <td>11</td> <td>X \$484</td> <td>\$5,324</td> </tr> </tbody> </table>	Dwelling Units	Park Fee	Total Fee	11	X \$1,662	\$18,282	11	X \$484	\$5,324	<p>Yes</p>
Dwelling Units	Park Fee	Total Fee									
11	X \$1,662	\$18,282									
11	X \$484	\$5,324									
<b>Chapter 20.93 AMC, Critical Area Ordinance</b>											
<p>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.</p>	<p>The City of Arlington concludes that the subject property does not contain environmentally critical areas and does not impact nearby critical areas.</p>	<p>Yes</p>									
<b>Chapter 20.98 AMC, State Environmental Policy Act (SEPA)</b>											
<p>20.98.110 (a) Environmental Checklist. A completed environmental checklist in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this ordinance. The City shall use the environmental checklist to determine the lead agency and for determining the responsible official and for making the threshold determination.</p>	<p>The applicant provided an environmental checklist with the application. The City of Arlington was determined to be the lead agency. A Mitigated Determination of Non-Significance was issued for the proposal on May 13, 2022. The comment period for the MDNS was from May 16, 2022 to May 31, 2022.</p> <p>Comments received are listed in Section IV below.</p>	<p>Yes</p>									
<b>Chapter 13.28 AMC, Stormwater</b>											
<p>13.28.070 Applicability of the Utility. The following actions or applications for the following permit and/or approvals will require submittal for approval by the utility: site plans, design drawings, and operations and maintenance plans. Submittals shall be consistent with the provisions of this Code, and shall comply with the stormwater manual and engineering standards:</p> <p>(7) Short Subdivision Approval</p>	<p>The proposed minor plat will divide the property into 6 duplex lots.</p> <p>Stormwater for this proposal is considered feasible through infiltration. The final stormwater design is subject to Civil approval.</p>	<p>Yes</p>									

### III. CONCLUSIONS

Under AMC 20.16.100, the Community Development Director shall issue the requested zoning permit unless he concludes after reviewing the application that:

<b>Regulation</b>	<b>Analysis</b>	<b>Meets</b>
(a) The requested permit is not within its jurisdiction according to the table of permissible uses.	The requested preliminary minor plat is within the City of Arlington's jurisdiction per the above zoning map and permissible use table.	Yes
(b) The application is incomplete.	The application for the subject preliminary minor plat was deemed complete on May 12, 2022.	Yes
(c) 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 minor plat complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(d) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, and the Arlington Municipal Code.	The proposed preliminary minor plat divides the property into two parcels, which complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

### IV. PUBLIC COMMENTS

<b>Public Comment</b>	<b>Response</b>
Public comments received during the Notice of Application and SEPA Mitigated Determination of Non-Significance comment period for the Totemwood Townhomes Preliminary Minor Plat project, PLN #948.	The City received comments:  Mary Norris Dennis Courtney WSDOT  A summary of the comments and concerns are included below. The original comments submitted are in the official permit file and available upon request.
Mary Norris provided comments regarding proposed lighting for the site being down shielded to reduce light and glare. She is hopeful that this will be for all lighting and not just street lighting. She stated that this area already has a lot of light and glare from homes in the area.	The city requires all street lighting to be down shielded due to the proximity of the Arlington Municipal Airport. The residential porch and garage lighting for this development face the north and south and should not shine beyond the private drive.
Dennis Courtney provided comments via a phone call and talked about how he cannot wait for the trees next to his property to be removed because of the mess they make on his property and amount of time it takes him to maintenance his yard and house because of the trees. He would like to be notified when the trees are going to be removed.	Staff talked to Dennis and added him as a Party of Record for the permit. Staff will inform him when the trees are proposed to be taken down.
WSDOT provided an email stating they had no comments for the project.	Staff had no comments on this email.

## V. ADMINISTRATIVE DECISION

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The proposed project was found to be consistent with and meets the intent of the Arlington Zoning Code, Comprehensive Plan, and the Arlington Municipal Code, therefore the Totemwood Townhomes Preliminary Minor Plat (PLN#948) is hereby APPROVED, subject to the following conditions.

## VI. CONDITIONS

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### Preliminary Minor Plat:

1. All development shall be in substantial conformance with the approved site plan received on October 13, 2022, subject to any conditions or modifications that may be required as part of the permit review.
2. The developer shall meet all local, state, or federal code requirements. Attached is a list of code requirements that are specifically called to the developer's attention. It is in no way intended to be a complete list of code requirements, but a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.
3. The development is subject to the following traffic impact fees for 11 new PM peak-hour trip for 11 new dwelling units:
  - City of Arlington Traffic Impact Fees: \$36,905.00 (\$3,355.00 for each unit)
4. The development is subject to the following school mitigation fees for 11 new dwelling units:
  - Lakewood School District Mitigation Fees: \$39,226.00 (\$3,566.00 for each unit)
5. The development is subject to the following neighborhood and community park impact fees for 11 new dwelling units:
  - Community Park Impact Fees: \$18,282.00 (\$1,662.00 for each unit)
  - Neighborhood/Mini-Park Impact Fees: \$5,324.00 (\$484.00 for each unit)
6. The development is subject to the following Tree Mitigation In-Lieu Fees for the removal of significant trees on the property. The below fee shall be paid prior to the issuance of the Civil Permit.
  - Tree Mitigation In-Lieu Fund: \$5,980.00

### SEPA Conditions:

7. **(B)(1) Earth:** In order 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.
8. **(B)(2) Air:** In order 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.
9. **(B)(3)(b) Ground Water:** In order to mitigate for 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.
10. **(B)(3)(c) Water Runoff:** In order 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.

11. **(B)(4)(b) Plants:** In order to mitigate for the removal of significant trees on the property the applicant shall replant trees on the site and pay an in-lieu tree mitigation fee for the remaining trees. Replacement of significant trees are calculated at a 3:1 ratio.
12. **(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.
13. **(B)(7)(b) Noise:** City of Arlington noise standards found in AMC 9.20.060 shall be complied with. Specifically, in section 9.20.060(8) noises resulting from any construction or development activity or the operation of heavy equipment from 7:00pm to 7:00am Monday through Saturday shall be prohibited. The project will generate short term noise associated with construction activities. Construction hours will conform to City requirements. Noise from light vehicle traffic will be generated during business hours at project completion.
14. **(B)(8)(L) Land and Shoreline Use:** The applicant shall record an Arlington Airport Avigation Easement on the face of the final plat per requirements of Airport Protection District B and C.
15. **(B)(10) Aesthetics:** The proposal is required to meet the City of Arlington Development Design Standards of AMC 20.46, through administrative review at the time of building permit submittal.
16. **(B)(11)(a) Light and Glare:** To mitigate for 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 B and C – that is comprised of the Federal Aviation Regulations (FAR) parts 77 Imaginary surfaces.
17. **(B)(12)(c) Recreation:** To mitigate the impacts on recreation, the applicant shall pay Community Park Impact Fees in the amount of \$1,662.00 and Neighborhood Park Impact Fees in the amount of \$484.00 per dwelling unit.
18. **(B)(13) Historic and Cultural Preservation:** 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 notify the Stillaguamish Tribe and submit an Unanticipated Discovery Plan prior to ground disturbance.
19. **(B)(14)(d) Transportation:** The proposal is required to construct frontage improvements and dedicate right-of-way along 35<sup>th</sup> Avenue NE.
20. **(B)(14)(f) Transportation:** Trip generation has been calculated at one PM Peak Hour Trip per unit on the site. The Applicant is required to pay Traffic Mitigation fees to the City of Arlington in the amount of \$3,355.00 per unit, a duplex is considered two units. City traffic mitigation fees shall be paid prior to building permit issuance.
21. **(B)(15) Public Services:** The applicant shall pay Lakewood School District Mitigation Fees in the amount of \$3,566.00 for each unit. The applicant shall provide proof of payment prior to building permit issuance.
22. **(B)(16)(a) Utilities:** The applicant shall connect to the City of Arlington water and wastewater systems, extend utility lines as necessary and pay water/sewer connection fees. The well and septic shall be removed from the site. All improvements shall be installed during the Site Civil Construction phase of the project. Connection fees shall be paid at the time of building permit issuance. All utilities shall be installed underground.

### Civil Permit:

23. A Civil construction permit shall be applied for and approved prior to any land disturbance on the subject property.
24. A Right-of-Way Permit shall be required for all work within the City of Arlington right-of-way.
25. The Final Landscape Plans shall be approved with the Civil plans.
26. Stormwater details and design shall be approved with the Civil plans.
27. The Civil plans shall show the following lighting requirements:
  - Provide sufficient pole lighting throughout the site that will illuminate the building, building entrance, parking areas, and driveway entrances throughout the site to ensure safety.
  - All lighting shall be LED or similar lamp type outdoor lighting and be down shielded to prevent light pollution.
  - All lighting shall provide down-shielded lighting that illuminates the site but does not shine onto neighboring properties or public rights-of-way
28. Prior to any construction activities, the applicant shall file and receive approval of civil construction plans, which comply with all requirements of the Arlington Municipal Code, International Building Code(s), International Fire Code and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
29. The developer shall comply with AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology Stormwater Management Manual for Western Washington.
30. The Applicant shall connect to City of Arlington water and sanitary sewer. All proposed improvements shall be shown and approved on the Civil Plans.
31. All proposed utilities to and on the site shall be located underground. All utility lines are required to be shown on the Site Civil plans and shall be approved by the City of Arlington prior to construction activities on the site.
32. Sight visibility areas at the private drive entrances shall be verified prior to the completion of construction.
33. Maintenance responsibility of the private drainage facility shall rest with the owners of the property on which the facilities are located (AMC 13.28.220). Drainage facilities shall be maintained and operated in accordance with the approved Operations and Maintenance (O & M) plan and meet water quality standards. If an O & M plan does not exist, then stormwater facilities shall be maintained in accordance with the City of Arlington Standards and Specifications and/or the most current version of the Department of Ecology's Stormwater Manual for Western Washington.

### Final Minor Plat:

34. The development shall plant all replacement trees on the site prior to Final Minor Plat approval.
35. The Final Minor Plat submittal shall provide approved Subdistrict B and C Avigation Easement language on the face of the plat.
36. All utilities shall be depicted on the Final Minor Plat.
37. A condition stating the private drive aisle (Tract 998) is the fire lane for the subdivision, that there shall be no parking along the private drive aisle and shall be enforced by the homeowner's association shall be placed on the face of the final plat.
38. All easements and tracts shall be depicted on the Final Minor Plat.

39. Prior to any future development or property sales the final minor plat shall be submitted and approved by the City of Arlington and recorded with the Snohomish County Auditor's Office.

Building Permit:

- 40. A building permit application shall be reviewed and approved prior to building construction on the site.
- 41. All building permits shall meet the most current edition of the International Building Code.
- 42. The proposed development is subject to a water and sanitary sewer utility application and payment of applicable utility connection charges. All fees shall be paid at the time of building permit issuance.

Other:

- 43. A Washington State and City of Arlington Business License is required for all contractors working on the site.

**VII. EXPIRATION**

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Per RCW 58.17.140 (3) (a), a final plat shall be submitted to the city for approval within five years of the date of the preliminary plat approval. The expiration date for the submittal of final minor plat is November 9, 2027.

**VIII. APPEAL**

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This decision may be appealed pursuant to AMC 20.20.010, which provides for a hearing of the zoning permit decision before the Hearing Examiner. Any aggrieved party of record may file an appeal within 14 days of the permit decision. An appeal shall be considered filed when a written notice of appeal, specifying the grounds and arguments, therefore, is delivered to the Department of Community and Economic Development by 5:00 PM on Wednesday, November 23, 2022, and the appeal fee as set by resolution is paid.

ORDERED THIS ON THE 9<sup>th</sup> DAY OF November, 2022

  
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Marc Hayes, Community and Economic Development Department Director

Distributed to the Following Parties:

- Weiming Bian
- Marc Hayes

## ATTACHMENT B CODE REQUIREMENTS

**NOTE:** The following items are not conditions of permit approval but rather certain local, state, or federal code requirements that the developer needs to be aware of. This is in no way intended to be a complete list of code requirements but is a general checklist of major steps and issues. Please refer to the Arlington Municipal Code for a complete list of code requirements for your particular project type.

1. **Code Applicability.** This permit is subject to the applicable requirements contained in the Arlington Municipal Code, Land Use Code, Building Code, and COA Public Works Design, Construction Standards and Specifications. It is the responsibility of the developer to ensure compliance with the various provisions contained in these ordinances.
  
2. **Pre-Construction Phase.** Prior to commencing any site work, including installing any easement or right-of-way improvements, utility systems, drainage systems, streetlights, mailbox structures, emergency facilities, storm water control systems, or any other improvements, the developer shall submit site civil construction improvement plans for review and approval by the Public Works Director. Said plans shall be in conformance with applicable code and below listed conditions.
  - a. The developer shall survey and mark all property corners prior to review of any submitted construction plans.
  - b. The developer shall design and install erosion control measures deemed necessary by the City. These measures shall be installed and inspected by the City prior to the issuance of any permits.
  - c. The developer shall undertake no site preparation or other disturbances within environmentally sensitive areas or their required buffers.
  - d. The developer shall submit to the Community & Economic Development Department and receive approval of a storm-water run-off and detention plan in conformance with the AMC Chapter 13.28, Stormwater Management, and the most current City-adopted edition of the Department of Ecology's Stormwater Management Manual for the Puget Sound Basin (The Technical Manual) for both the construction phase and a permanent system. All site drainage must be directed through bio filtration swales prior to discharge into wetlands.
  - e. The developer shall place all new utility lines underground.
  - f. The developer shall provide a temporary rock pad at all points of ingress and egress to the site throughout the construction phase.
  - g. The developer shall show locations of all required streetlights on the construction plans and install them as designed.
  - h. The developer shall obtain a right-of-way permit prior to any work done in a public right-of-way. (NOTE: City departments are exempt from right-of-way permits.)
  - i. The developer shall install all low sodium or similar low intensity illumination lighting and it shall be placed in a way as to not cause glare on an adjoining property or right-of-way.

3. **Construction Phase.** The following conditions shall apply during construction.
  - a. The developer shall follow all applicable noise and other nuisance codes.
  - b. The developer shall not track mud and dirt onto public rights-of-way, but if tracked by accident, the developer shall clean it up immediately.
  - c. During any site grading or clearing activity, the developer and contractor shall use all available means of controlling air pollution (dust, ash, and smoke).
  - d. The restrictions of the AMC shall apply to any and all grading.
  
4. **Installation of Improvements.** Prior to receiving a Certificate of Occupancy, the developer shall:
  - a. Install all rights-of-way and access easement improvements on all proposed streets internal and existing streets adjacent to the project in accordance with the requirements of AMC Chapter 20.56 and per COA Public Works Design, Construction Standards and Specifications. The developer shall coordinate with all adjacent developments the final design of the street improvements and/or include the appropriate transition tapers for the street pavement from the property.
  - b. Install a potable water system to serve the project per the COA Public Works Design, Construction Standards and Specifications. Water is to be served by the City of Arlington. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
  - c. Relocate any existing water facilities and/or install water services/fire hydrants at the expense of the developer.
  - d. Install a sanitary sewer system per COA Public Works Design, Construction Standards and Specifications. This system cannot be deferred if a performance bond is secured. Both water and sanitary sewer must be completely installed and approved before either a temporary or permanent Certificate of Occupancy is issued.
  - e. Install a permanent storm water control system per AMC Chapter 13.28.
  - f. Prior to issuance of a Certificate of Occupancy, the applicant shall complete all required or voluntary improvements unless otherwise secured by the developer and authorized by the City Engineer.

(NOTE: Code requirements for infrastructure improvements are based on conceptual information as submitted by the applicant for the land use permit. Additional specific requirements may be required upon review of the engineered construction drawings submitted by the developer. All improvements are subject to review and approval by the City of Arlington Inspectors. All utilities shall be constructed underground.)