



NOTICE OF PUBLIC HEARING

2023 Comprehensive Plan and Development Regulations Docket – PLN#1044

NOTICE IS HEREBY GIVEN that the City of Arlington City Council will hold a Public Hearing on the 2023 Comprehensive Plan and Development Regulations Docket, PLN#1044. The purpose of the Hearing is to take public comments and testimony regarding the 2023 Comprehensive Plan and Development Regulations Docket.

Date of Public Hearing: Monday, April 17, 2023

Time of Public Hearing: 6:00 pm

Location of Public Hearing: City Council Chambers, 110 East Third Street, Arlington, WA 98223

File Name and Number: 2023 Comprehensive Plan and Development Regulations Docket – PLN#1044

Description of Proposed Project: The 2023 Preliminary Docket is a list of proposed amendments to the City's Comprehensive Plan and Development Regulations. Under state law, comprehensive plans can only be amended once annually, so all proposed changes for a given year are considered concurrently. Once the preliminary docket is reviewed by the Planning Commission at a public hearing, the Planning Commission makes recommendation to the City Council on which docket items should be placed on the Final Docket. Approval of the Final Docket is required by the City Council. A copy of the 2023 Preliminary Docket is attached to this notice and can be found on the City of Arlington's website, under public notices: <https://www.arlingtonwa.gov/310/Public-Notices-Hearings>.

Proponent: City of Arlington Department of Community and Economic Development

City Staff Contact: Amy Rusko, Planning Manager, arusko@arlingtonwa.gov

Approvals Required: City Council

Project Review: Any interested person may review the project files during normal business hours (8:00a.m. to 5:00p.m. closed 12:00 pm to 1:00 pm, Monday – Friday) at the Community and Economic Development Department (Arlington Municipal Airport Office Building), 18204 59th Avenue NE, Arlington, WA 98223.

Testimony: Any interested person has the right to submit written testimony to the City regarding this action as well as the right to appear at the public hearing and give oral testimony. Written testimony must be submitted by 5:00 pm on April 17, 2023, to the Staff Contact or submitted online at: <https://arlingtonwa.seamlessdocs.com/f/councilmeetingform>.

To Appeal a Decision: Only persons who submit written testimony or oral testimony to the permit-issuing authority may appeal any decision regarding this proposal.

Special Accommodations: The City of Arlington strives to provide accessible meetings for people with disabilities. Please contact the ADA Coordinator at 360-403-3441 or 1-800-833-8388 (TDD only) prior to a meeting date if special accommodations are needed.

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE CITY OF ARLINGTON ADOPTING THE
2023 COMPREHENSIVE PLAN FINAL DOCKET

WHEREAS, the City's Comprehensive Plan 2015 update was adopted January 25, 2018; and

WHEREAS, RCW 36.70A.130 allows jurisdictions to make amendments to its comprehensive plan once annually, and directs that the city shall compile and maintain a list, known as a "docket", of all city-initiated and privately-initiated proposed comprehensive plan amendments; and

WHEREAS, AMC 20.96.100 allows the city to make amendments to its development regulations, and directs that most development regulation amendments be processed concurrently with comprehensive planning docket developed under AMC 20.96.030 (b); and

WHEREAS, there are nine city-initiated proposals and two privately-initiated proposals for the 2023 preliminary docket; and

WHEREAS, the preliminary docket was made available to the public for review and comment at least fifteen days prior to consideration by the Planning Commission; and

WHEREAS, the Director of Community and Economic Development made a recommendation to the Planning Commission as to which proposed amendments should be included in the final docket; and

WHEREAS, the Planning Commission held a noticed hearing on March 21, 2023 on selection of proposed amendments for the final docket; and

WHEREAS, the Planning Commission's Findings of Fact and determination per AMC 20.96.050, are attached hereto as exhibit;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, WASHINGTON AS FOLLOWS:

1. The Arlington City Council hereby adopts the Planning Commission's findings and the docket recommendation made by the Planning Commission per the selection and decision criteria outlined in AMC 20.96.060 as the 2023 Final Docket.

2. Except as provided in AMC 20.96.010(d), no additional comprehensive plan amendments may be considered after council adoption of the 2023 docket.

ADOPTED by the City Council and APPROVED by the Mayor this 17th Day of April, 2023.

CITY OF ARLINGTON

Barbara Tolbert, Mayor

ATTEST:

Wendy Van Der Meersche, City Clerk

APPROVED AS TO FORM:

Steven J. Peiffle
City Attorney



Community and Economic Development Planning Division

18204 59th Avenue NE, Arlington, WA 98223

2023 Comprehensive Plan Amendment Docket Memo

To: City Council
From: Amy Rusko, Planning Manager
Date: March 28, 2023
Subject: 2023 Comprehensive Plan Amendment Docket

INTRODUCTION

The City's Comprehensive Plan was adopted on January 25, 2018. State law (see RCW 36.70A.130) allows for jurisdictions to make amendments to comprehensive plans once annually. The City has established a docketing process to identify and review all potential amendments to the City's Comprehensive Plan for a given year to ensure all proposed amendments are considered together.

As part of the docketing process, private citizens can submit applications to amend the City's Comprehensive Plan. The deadline to apply for annual amendments is January 31st of each year. The City can also propose amendments to the comprehensive plan. Once the deadline passes, staff compiles a list of all proposed amendments on a preliminary docket. This docket is then reviewed by staff to determine if each amendment complies with the criteria listed in Chapter 20.96 of the City's Land Use Code. Once approved by the Director, the public has an opportunity to comment on proposed amendments listed on the preliminary docket. Comments are compiled, if any, and are then presented to the Planning Commission for consideration at a public hearing. The Planning Commission then makes a recommendation to the City Council on whether or not the proposed amendments shall be on the Final 2023 Comprehensive Plan Amendment Docket. The City Council reviews and has the option to keep and/or remove any proposed amendments on the docket. The Council then adopts the final docket in which staff processes over the course of the year.

The Preliminary 2023 Comprehensive Plan Amendment Docket was reviewed for compliance with AMC Chapter 20.96 and approved by the director for review by the public and consideration by the Planning Commission. The public hearing for the 2023 Docket was noticed and published on March 3, 2023. The Planning Commission reviewed the Docket at their March 7, 2023 workshop and held a Public Hearing on March 21, 2023. The Planning Commission voted to recommend approval of the 2023 Docket by City Council and provided Findings of Fact.

BACKGROUND

The City received two privately initiated comprehensive plan amendments for the 2023 Docket. The privately initiated amendment items are listed as Item 3 and Item 4 on the 2023 Docket List.

The City is proposing nine amendments, two amendments to the Comprehensive Plan and Zoning Map and seven amendment to the Development Regulations. The city initiated amendment items are listed as Item 1, Item 2, Item 5, Item 6, Item 7, Item 8, Item 9, Item 10, and Item 11 on the 2023 Docket List.

2023 DOCKET PROPOSALS

- 1. Amendment Type:** Comprehensive Plan Amendment
Applicant: City of Arlington
File Name: Chapter 7 and Parks & Recreation Master Plan
File №: PLN#1042

Description: The City is proposing to amend Chapter 7 (Parks and Recreation) of the Comprehensive Plan and adopt the Parks & Recreation Master Plan as a supplemental document. Approval by City Council is required for all comprehensive plan amendments.

Staff Report: [Attachment A](#)
- 2. Amendment Type:** Comprehensive Plan Amendment – Map Amendment
Applicant: City of Arlington
File Name: Smokey Point Park Rezone
File №: PLN#1043
Parcel №: 3105210302300

Description: The City is proposing to rezone a 2.23-acre lot from Commercial Corridor to Public/Semi-Public zoning. The parcel is currently owned the City of Arlington and located at the northeast corner of the Smokey Point Boulevard and 178th Place intersection. The city purchased the property in 2022 for the purpose of developing a future community public park. Approval by City Council is required for all rezone applications. If the request is granted, the City’s Comprehensive Plan Land Use Map and City’s Official Zoning Map.

Staff Report: [Attachment B](#)
- 3. Amendment Type:** Comprehensive Plan Amendment – Map Amendment
Applicant: Ernesto & Teri Hernandez
File Name: Hernandez 204th Street Rezone
File №: PLN#1031
Parcel №: 31051000405100, 31051000403300 & 31051000404500

Description: The applicant is proposing to rezone a total of 1.18 acres on three parcels from Residential Low Capacity zoning to Neighborhood Commercial with Mixed-Use Overlay. The property is located northwest of the 67th Avenue and 204th Street intersection. Approval by City Council is required for all rezone applications. If the request is granted, the City’s Comprehensive Plan Land Use Map, City’s Official Zoning Map, Regulating Plan Place Type Map, and Village Center Transect Map (AMC Chapter 20.110) would need to be amended.

Staff Report: [Attachment C](#)

4. **Amendment Type:** Comprehensive Plan Amendment – Map Amendment
Applicant: Ernesto & Teri Hernandez
File Name: Hernandez 188th Street Rezone
File No: PLN#1032
Parcel No: 31051600301200 & 31051600301800
Description: The applicant is proposing to rezone a total of 4.37 acres on two parcels from Residential Low Capacity zoning to Business Park. The property is located northeast of the 188th Street and Airport Boulevard intersection. The rezone proposal is contingent upon the Wear Commercial Annexation. Approval by City Council is required for all rezone applications. If the request is granted, the City’s Comprehensive Plan Land Use Map and City’s Official Zoning Map.
Staff Report: [Attachment D](#)

5. **Amendment Type:** Development Regulations Amendment
Applicant: City of Arlington
File Name: Chapter 12.16 Amendment
File No: PLN#1035
Description: The City has proposed revisions to Chapter 12.16 Uniform Street Naming and House Numbering. The update includes regulations for address number size and location on commercial, industrial, and mixed-use buildings within the city.
Staff Report: [Attachment E](#)

6. **Amendment Type:** Development Regulations Amendment
Applicant: City of Arlington
File Name: Chapter 16.28 Amendment
File No: PLN#1037
Description: The City has proposed revisions to Chapter 16.28 Building Construction and Life Safety Code. The update includes changing the language to provide clarification of permit extensions and associated fees.
Staff Report: [Attachment F](#)

7. **Amendment Type:** Development Regulations Amendment
Applicant: City of Arlington
File Name: Chapter 20.98 Amendment
File No: PLN#1041
Description: The City has proposed revisions to Chapter 20.98 State Environmental Policy Act by updating the sections that directly relate to changes to WAC 197-11 by the Department of Ecology as mandated by Senate Bill 5818 under Administrative Order 22-08.
Staff Report: [Attachment G](#)

8. **Amendment Type:** Development Regulations Amendment
Applicant: City of Arlington
File Name: Title 13 Amendment
File No: PLN#1036
Description: The City has proposed revisions to Title 13 Water and Sewers. The update includes revisions to sections 13.04, 13.08, 13.12, and 13.28 to address utility connections for Accessory Dwelling Units.
Staff Report: [Attachment H](#)

9. **Amendment Type:** Development Regulations Amendment

Applicant: City of Arlington

File Name: Chapter 20.44 Amendment

File No: PLN#1038

Description: The City has proposed revisions to Chapter 20.44.032 Master Plan Neighborhood Developments by updating the language to the most current code regulations, adding the residential use types expected, and providing specific development criteria. The proposed revisions to Chapter 20.44.042 Accessory Dwelling Units include updating the language and referencing Title 13 Utilities for utility connection requirements.

Staff Report: [Attachment I](#)

10. **Amendment Type:** Development Regulations Amendment

Applicant: City of Arlington

File Name: Chapter 20.52 Amendment

File No: PLN#1039

Description: The City has proposed revisions to Chapter 20.52 Recreational Facilities and Open Space by updating the language to follow the proposed update of the Parks and Recreation Master Plan. Changes will need to be made to the following sections 20.52.010, 20.52.020, 20.52.024, 20.52.030 and new sections may need to be added.

Staff Report: [Attachment J](#)

11. **Amendment Type:** Development Regulations Amendment

Applicant: City of Arlington

File Name: Chapter 20.90 Amendment

File No: PLN#1040

Description: The City has proposed revisions to Chapter 20.90 Concurrency & Impact Fees by updating the language to follow the proposed update of the Parks and Recreation Master Plan. A new code section will need to be written under Part III. Park Impact and Mitigation Fees. The new section will provide the follow: impact fees established, impact fee calculation formula, imposition of impact fee, collection of fees, disposition of impact fee revenues, refunds, and additional sections deemed necessary.

Staff Report: [Attachment K](#)

ANALYSIS

Arlington Municipal Code Chapter §20.96 (Amendments) outlines the process for amending the City's Comprehensive Plan on an annual basis. Specifically, AMC §20.96.030 (Docketing Procedures-Comprehensive Plan and Zoning Map Amendments) and AMC §20.96.100 (Docketing Procedures-Amendments to Development Regulations) requires that:

AMC §20.96.030 – Docketing Procedures – Comprehensive Plan and Zoning Map Amendments.

- (a) *The city shall compile and maintain a list, known as a "docket," of all city-initiated and privately-initiated proposed comprehensive plan amendments. The list shall be organized as to amendment type and include a description of the amendment in nontechnical terms, as well as the name of the applicant and date of submission to the city. The preliminary docket shall be made available to the public for review and comment for at least fifteen days prior to consideration by the planning commission.*

Written comments that are submitted by the end of the comment period shall be added to the preliminary docket. The final docket will be determined as described in this section.

(b) Preliminary Review—Determination of Final Docket.

- (1) Staff Evaluation. The community development director shall conduct a brief initial evaluation of all privately-initiated proposed comprehensive plan amendments to ascertain whether the proposals meet the preliminary review criteria in this section and to assess the extent of review that would be required under the State Environmental Policy Act (SEPA). The director shall make a recommendation to the planning commission as to which proposed amendments should be included in the final docket, along with any city-initiated proposed amendments.*
- (2) Joint Workshop. During each annual amendment cycle, the city council and planning commission may, at the city council's discretion, hold a noticed joint workshop to serve as an informational meeting between the two governmental bodies.*
- (3) Planning Commission Hearing. The planning commission shall hold a noticed hearing on selection of proposed amendments for the final docket.*
- (4) City Council Decision. The city council shall consider the planning commission's recommended final docket. Council may adopt the proposed final docket without a public hearing; however, in the event that a majority of the council decides to add or subtract amendments, it shall first hold a public hearing. No additional comprehensive plan amendments may be considered after council adoption of the docket for that year, except as provided in AMC §20.96.010(d). The final docket shall be approved by resolution.*
- (5) Proposed amendments submitted under AMC §20.96.020(b) that meet one of the following criteria may be included in the final docket:
 - (a) If the proposed amendment is site specific, the subject property is suitable for development in general conformance with adjacent land use, the surrounding development pattern, and with zoning standards under the potential zoning classifications.*
 - (b) State law requires, or a decision of a court, or administrative agency has directed such a change.*
 - (c) There exists an obvious technical error in the pertinent comprehensive plan provision.**

AMC §20.96.100 – Docketing Procedures –Amendments to Development Regulations.

- (1) All proposed text amendments to the development or zoning regulations shall be developed, submitted and presented by the City staff, based on direction from the City Council, Planning Commission, or the Director of Community & Economic Development or designee.*
- (2) Private party requests. City staff shall submit proposals from private individuals or groups as follows:
 - (a) Private parties shall submit a written summary of the amendment proposed to City staff, and indication of why it is needed, and the potential land use impacts if approved. No fees shall be assessed.*
 - (b) Staff shall maintain a docket listing of private party requests and shall provide the listing not less than once per year to the Planning Commission, which shall determine which items shall be further reviewed by staff and submitted as a formal**

proposal, which shall be deferred to future work programs, and which shall not be considered. Decisions to defer or not consider private requests shall be considered final unless appealed as provided herein.

(3) Most development regulation amendments shall be processed concurrently with the comprehensive planning docket developed under AMC §20.96.030 (b). The Community Development director may direct that development regulation amendments proceed separately when deemed appropriate.

In accordance with AMC §20.96.030 and §20.96.100, staff has conducted a brief review of the items listed on the Preliminary Docket. Planning Commission held a workshop meeting to discuss the Preliminary Docket items on March 7, 2023. The Planning Commission held a public hearing at the regularly scheduled Planning Commission meeting on March 21, 2023 and made a recommendation to City Council through the provided Findings of Fact on all items that should be included on the Final Docket.

FINDINGS AND CONCLUSIONS

Staff finds that the proposed amendments of the preliminary docket meet the criteria of AMC §20.96.030 and AMC §20.96.100.

Once the Final Docket is determined by City Council, city staff will begin review of each amendment listed on the Final Docket. Upon review of each amendment on the Final Docket, a SEPA Checklist will be prepared and reviewed and a threshold determination of environmental impacts, if any, will be issued.

RECOMMENDATION

Staff recommends that City Council approve the recommended Final Docket at their regularly scheduled meeting on April 17, 2023.