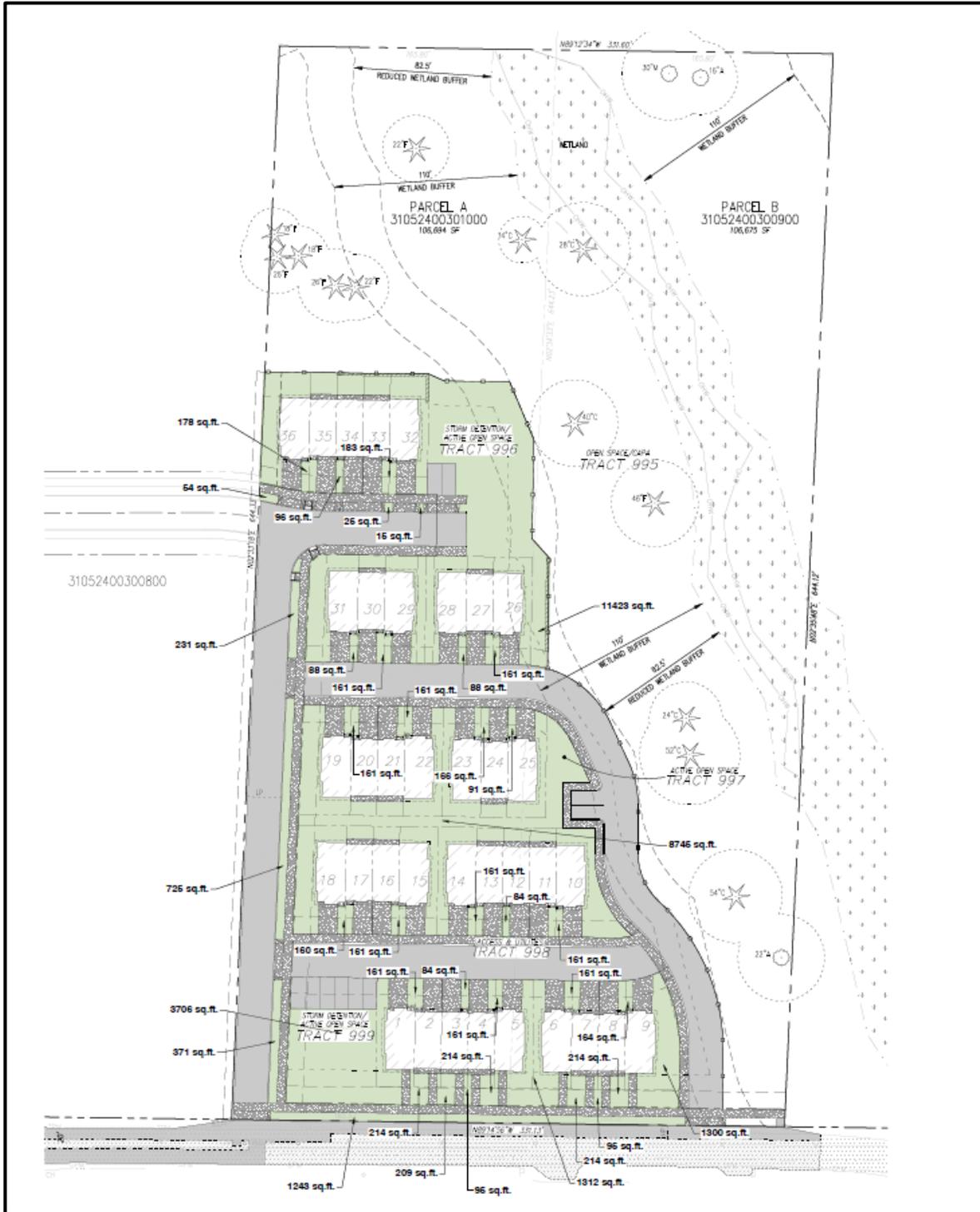




STAFF REPORT AND RECOMMENDATION
Allen Townhomes Preliminary Unit Lot Subdivision
Conditional Use Permit - PLN#1000



A. PROJECT DESCRIPTION AND REQUEST

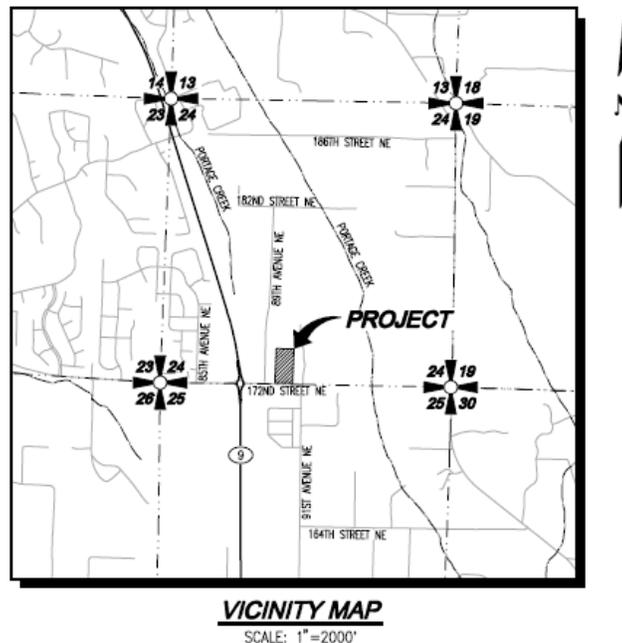
The applicant is proposing a preliminary unit lot subdivision through a conditional use permit for a 36 townhome development on approximately 4.89 acres site, of which 2.2 acres are developable, within the residential high capacity zone. The proposal is for a townhouse style project consisting of three 5-unit buildings, three 4-unit buildings, and three 3-unit buildings. Each unit has its own attached garage and driveway for two parking spaces and guest parking will be provided throughout the development. Access to the site includes a new public road to the west and private drive aisles to the east, both accessed from 172nd Street NE.

The site contains a Category III wetland (Wetland A) that is proposed to remain protected with buffer averaging (no net loss) due to the irregular shape of the wetland. The project includes 13,000 cubic yards of cut and fill across the site. Approximately 55% of the site will remain in a Native Growth Protection Area Tract, however the proposal includes the removal of 13 significant trees and the planting of 95 trees.

Project improvements to the site include frontage improvements along both public and private roads, landscaping, park and open space, critical area protection, and the extension of city water and sewer.

In concert with their proposal, the Applicant has applied for the required Conditional Use Permit (“CUP”) under Arlington Municipal Code (AMC) §20.16.140, along with the SEPA Threshold Determination issued by the City of Arlington (hereafter “City”) under AMC §20.98.120.

Figure 1:



B. PROJECT HISTORY

The application for a Conditional Use Permit was received on October 13, 2022. The application was deemed complete on October 24, 2022. The applicant submitted revised plans and requested information on August 17, 2023, September 18, 2023, and October 5, 2023.

The notice of application was published in the city’s official newspaper (The Herald), posted on site, mailed to required parties, posted at City Hall, Arlington Library, Smokey Point Post Office, and the City’s website on November 9, 2022.

The applicant submitted a request for review of the proposed project “Allen Townhomes Preliminary Unit Lot Subdivision” under the State Environmental Policy Act (SEPA) on October 13, 2022, with revisions to the checklist on August 17, 2023 and additional information on September 18, 2023. The City issued a Mitigated Determination of Non-significance (MDNS) per AMC 20.98.120 on September 25, 2023. The notice was published in the city’s official newspaper (The Herald), posted on the site, mailed to required parties, posted at City Hall, Arlington Library, Smokey Point Post Office and the City’s website on September 27, 2023.

A Neighborhood Meeting was held on October 17, 2023. Notice for the Neighborhood Meeting was published in the city’s official newspaper (The Everett Herald), posted on site, mailed to required parties, posted at City Hall, Arlington Library, Smokey Point Post Office and the City’s website on September 27, 2023.

A Public Hearing is to be held before the Hearing Examiner on November 29, 2023. The notice of Public Hearing was published in the city’s official newspaper (The Herald), posted on the site, mailed to required parties, posted at City Hall, Arlington Library, Smokey Point Post Office and the City’s website on November 9, 2023.

The Public Hearing was rescheduled to be held before the Hearing Examiner on December 20, 2023, due to scheduling conflicts. The rescheduled Notice of Public Hearing was published in the city’s official newspaper (The Herald), posted on the site, mailed to required parties, and posted at City Hall, Arlington Library, Smokey Point Post Office and the City’s website on December 5, 2023.

C. GENERAL INFORMATION

1. **Property Owner:** JM1 Holdings, LLC
2. **Applicant:** JM1 Holdings, LLC
3. **Contact:** Land Pro Group
4. **General Location:** Northeast of the State Route 9 and 172nd Street Intersection
5. **Address of Property:** 8927 172nd Street NE, Arlington WA 98223
6. **Property Legal Description (Abbreviated):** SE¼, SW¼, SEC24, TWN31 N, RGE 5 E, W.M.
7. **Property Tax ID Numbers:** 31052400301000 and 31052400300900
8. **Topographical Description:** The existing site slopes are generally flat to moderate, with slight sloping from the southwest to the northeast.
9. **Soil Type:** Tokul gravelly medial loam, 0-8% (74% of site) and 15-30% (26% of site).
10. **Acreage:** 4.89 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	Residential High Capacity	RHC	Existing Residence & Vacant
North of Site	Residential High Capacity	RHC	Single-Family Residence & Vacant
South of Site	General Commercial with Mixed-Use Overlay	GC-MXD	172 nd Street NE and Single-Family Residence
East of Site	Residential High Capacity	RHC	Single-Family Residence & Vacant
West of Site	Residential High Capacity	RHC	Vacant Parcels & Single Family Residences

12. Public Utilities and Services:

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

13. Applicable Land Use Code Regulations:

- AMC Chapter 20.08 Basic Definition 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 20.48 Density and Dimensional Regulations
- AMC Chapter 20.52 Recreational Facilities and Open Space
- AMC Chapter 20.56 Streets and Sidewalks
- AMC Chapter 20.60 Utilities
- AMC Chapter 20.72 Parking
- AMC Chapter 20.76 Screening and Trees
- 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 13.28 Stormwater Utility

14. Proposed Use: The proposed project includes the development of 36 townhouses units on fee simple lots within a Unit Lot Subdivision. The property is zoned Residential High Capacity. A Conditional Use Permit is required for this project per AMC 20.40.020 and AMC 20.40.120 Residential Zones Permissible Use Table.

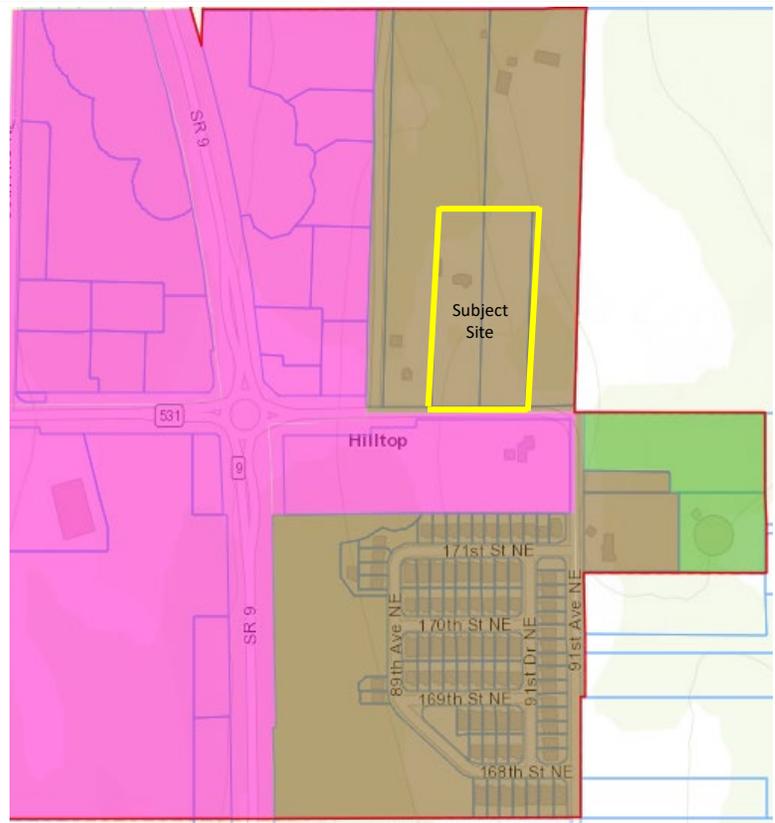
15. Surrounding Land Uses and Land Use Permits: Surrounding properties of the subject parcel are zoned Residential High Capacity on the north, east, and west, and General Commercial with Mixed-Use Overlay on the south. The property abuts 172nd Street NE on the south property line.

The project is located at 8927 172nd Street NE



City Zoning Designations

-  Residential High Capacity
-  Public/Semi-Public
-  General Commercial with Mixed-Use Overlay
-  City of Arlington Boundary



16. Compatibility and Impacts on Existing Development: The proposed development is a townhouse project that is the first property to develop in the immediate area. The site is bound by 172nd Street to the south and a large wetland complex to the north and east, and a single family residence with vacant land to the west. The proposed development is semi-isolated with the wetland and the roadway and would not create a nuisance to surrounding properties or land uses, nor would the surrounding properties or land uses affect this project.

17. Compatibility with the Comprehensive Plan: The proposed project meets the following goals and policies of the Comprehensive Plan by encouraging higher density housing within the Residential High Capacity zone and by providing open space for recreational opportunities for future residents within the subdivision.

Comprehensive Plan Goals and Policies	
GO - 1	Ensure City Goals and Policies are consistent with the Growth Management Act.
GO - 2	Continue to provide effective stewardship over the natural and built environment within the City, ensuring harmony between both environments through application of best practice techniques.
GO - 3	Work towards promoting and maintaining an urban environment within the City that enhances livability for its residents.
PO - 6.1	Site design and building architecture in residential and commercial developments should be human scaled (i.e., pedestrian friendly) and conducive to social interaction.
PO - 6.3	Mini Parks should be required in new residential developments or a “fee-in-lieu of” paid to the City.
PO - 6.4	Land-use developments should be conducive to social interaction.
PO - 6.6	Design Guidelines/Standards should be established, maintained, and enforced, in order to ensure that all new development both within the Private and Public Realms are in harmony with the desired character of each respective neighborhood subarea.
GH - 1	Diversify the City’s housing stock.
PH - 1.1	A variety of housing types and densities should be encouraged on lands with a residential land-use designation.
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> <ul style="list-style-type: none"> a) Growth Management: 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. c) Neighborhood Conservation: 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. d) Environmental Preservation and Conservation: Through both preservation and conservation ensure the proper management of the natural environment and resources.

Comprehensive Plan Goals and Policies	
PL - 1.4	<u>Residential High Capacity (RHC)</u> - This designation should provide for multi-family and other high-density residential development, with density limited only by development parameters such as-but not limited to-building height, setbacks, parking requirements, screening, open space and compatible uses where a full range of public facilities and services that support urban development exist or can be provided. Generally, this designation is appropriate for land that is located convenient to principal arterials and commercial areas.
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 - 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.
GL - 18	To safeguard communitywide environmental conditions and resources the City will encourage the effective stewardship of the environment and protect critical areas and conserve land, air, water, and energy resources.
PL - 18.2	Through the land planning and development review processes, the City should require the provision of fish and wildlife habitat corridors and restrict the fragmentation of large natural plant communities that provide essential and significant wildlife habitat.
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 - 18.6	The City should work to protect and enhance the natural environment while planning for and accommodating growth.
GL - 19	Require site-sensitive development to protect environmental resources.
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.
PL - 19.2	Existing and native vegetation should be preserved as much as possible due to its vital role in the groundwater and wildlife systems of Arlington in order to prevent additional storm water runoff or soil erosion from new developments and to provide a habitat for wildlife. In newly developed and re-developed areas, site disturbance should be minimized and native vegetation and duff should be retained.
PL - 19.3	Salmonid streams, drainage ways, wetlands, and their buffers should be protected from adverse impacts of land development that might decrease low flows or increase high peak flows, reduce recharge areas for streams, increase bank and be erosion, or increase turbidity of the water.

Comprehensive Plan Goals and Policies	
PL - 19.4	The City should work to protect, the following sensitive resources: wetlands, streams and creeks, lakes and ponds, aquifer recharge areas, steep slopes, significant trees, fish and wildlife habitat and corridors, archaeological and historical sites and artifacts, geologically hazardous areas, and frequently flooded areas. Other resources may be included by amending the City's critical areas regulations.
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 to pay a fair-share fee for specific off-site improvements necessary to mitigate any adverse impacts determined through the review to be created by the development.
T - 4	Sub-Area Standards for Traffic Facilities: Consider the special needs of subarea transportation facilities including appearance and safety.
PT - 4.8	All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development.
T - 9	Critical areas and transportation: Design and build roads to minimize environmental impacts to natural areas and critical areas.

Multi-County Planning Goals and Policies	
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.
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-Ec-20	Provide an adequate supply of housing with good access to employment centers to support job creation and economic growth.
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 Application	11/7/2022	N/A	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office Affected Agencies City Website The Herald-published – 11/9/2022
Notice of SEPA Mitigated Determination of Non-Significance	9/25/2023	N/A	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 9/27/2023
Notice of Neighborhood Meeting	9/25/2023	10/17/2023	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 9/27/2023
Public Hearing	9/7/2023 Rescheduled 12/5/2023	11/29/2023 Rescheduled 12/20/2023	Property Owners (500ft) On-Site City Hall, Arlington Library, Smokey Point Post Office, Affected Agencies City Website The Herald-published – 9/9/2023 Rescheduled – 12/5/2023

19. Public Comments: Public comments were received during the Notice of Application and SEPA MDNS public comment periods and at the Neighborhood Meeting for the subject project. The Public Comments are summarized in Section F.

D. ENVIRONMENTAL REVIEW

The City issued a Determination of Non-Significance on September 25, 2023. The City published, posted and mailed the decision on September 27, 2023. The 14-day SEPA comment period ran from September 27, 2023 to October 11, 2023.

E. FINDINGS OF FACT

Sections “A” through “D” are incorporated into the Findings of Fact. Applicable Review Criteria and Process: The Conditional Use Permit – Preliminary Major Unit Lot Subdivision Review 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 townhouse unit lot subdivision of 36 fee simple lots. There are 9 total proposed buildings, three 5-unit buildings, three 4-unit buildings, and three 3-unit buildings. All buildings are separated by a minimum of 10 feet. The project is being processed as a preliminary major unit lot subdivision.</p>	<p>Yes</p>
Chapter 20.16 AMC, Permits and Final Plat Approval		
<p>20.16.100 (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 JM1 Holdings, LLC and the owner of the corporation, Tim Kaintz, signed the preliminary major unit lot subdivision conditional use permit application that was 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, JM1 Holdings, LLC, has designated Ryan Larsen with Land Pro Group, Inc, as the official representative for the subject permit.</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 February 9, 2022.	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 application on October 13, 2022.	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 Allen Townhomes preliminary major unit lot subdivision became vested on October 24, 2022 with the issuance of the 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 Allen Townhomes preliminary major unit lot subdivision conditional use permit.	Yes
20.16.205 (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.	The application was submitted on October 13, 2022. The City issued a Notice of Complete Application on October 24, 2022. 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 application was routed to all effected city departments on October 13, 2022, and after each resubmittal on August 17, 2023, September 18, 2023 and October 5, 2023.	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 were sent to the Hearing Examiner on November 9, 2023 for review prior to the public hearing and again on December 5, 2023 for the rescheduled 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 November 7, 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 on November 9, 2022. The comment period was open until November 23, 2022.</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 September 25, 2023. 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 September 27, 2023. The Neighborhood Meeting was held on October 17, 2023.</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. * (c) If the city is unable to issue its final decision within the time limits provided herein, the community and economic development director shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision. The city discussed with the applicant's representative the reasons of the public hearing being rescheduled and confirmation was made via email for an agreed upon hearing date.</p>	<p>The proposed Allen Townhomes preliminary major unit lot subdivision conditional use permit was at 116 days for the November hearing. The City rescheduled the hearing and the project is at 137 days at time of hearing:</p> <table border="1" data-bbox="836 1402 1352 1927"> <thead> <tr> <th>Action</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Notice of Complete Application</td> <td>10-24-2022</td> </tr> <tr> <td>1st Comments Issued</td> <td>11-18-2022</td> </tr> <tr> <td>Resubmittal Extension</td> <td>1-17-2023</td> </tr> <tr> <td>Resubmittal Extension</td> <td>2-6-2023</td> </tr> <tr> <td>Resubmittal Extension</td> <td>3-29-2023</td> </tr> <tr> <td>Resubmittal Extension</td> <td>6-6-2023</td> </tr> <tr> <td>2nd Submittal</td> <td>8-17-2023</td> </tr> <tr> <td>2nd Comments Issued</td> <td>9-5-2023</td> </tr> <tr> <td>3rd Submittal</td> <td>9-18-2023</td> </tr> <tr> <td>3rd Comments Issued</td> <td>9-28-2023</td> </tr> <tr> <td>4th Submittal</td> <td>10-5-2023</td> </tr> <tr> <td>Public Hearing</td> <td>11-29-2023</td> </tr> <tr> <td>Rescheduled Public Hearing</td> <td>12-20-2023</td> </tr> </tbody> </table>	Action	Date	Notice of Complete Application	10-24-2022	1 st Comments Issued	11-18-2022	Resubmittal Extension	1-17-2023	Resubmittal Extension	2-6-2023	Resubmittal Extension	3-29-2023	Resubmittal Extension	6-6-2023	2 nd Submittal	8-17-2023	2 nd Comments Issued	9-5-2023	3 rd Submittal	9-18-2023	3 rd Comments Issued	9-28-2023	4 th Submittal	10-5-2023	Public Hearing	11-29-2023	Rescheduled Public Hearing	12-20-2023	<p>Yes*</p>
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Regulation	Analysis	Meets
<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 this article, 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>
Chapter 20.24 AMC, Hearing and Pre-Hearing Procedures For Appeals and Applications		
<p>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.</p>	<p>The proposed Allen Townhomes major unit lot subdivision project is subject to a Public Hearing before the Hearing Examiner for the conditional use permit.</p>	<p>Yes</p>
<p>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.</p>	<p>The city issued a Notice of Public Hearing on November 7, 2023. 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 and Party's of Record on November 9, 2023. The Public Hearing was scheduled for November 29, 2023. The Public Hearing was rescheduled. The city issued a revised Notice of Public Hearing on December 1, 2023. The notice was advertised, posted, and mailed at the above locations on December 5, 2023. The Public Hearing is scheduled for December 20, 2023.</p>	<p>Yes</p>
Chapter 20.36 AMC, Zoning Districts and Zoning Map		
<p>20.36.010 Residential Districts Established. (f) Residential High Capacity (RHC) district is designed primarily to accommodate the highest capacity residential developments, that are designed to be compatible with their sites and surroundings, building types are typically large scale multi-family buildings, mixed use buildings, and live/work units.</p>	<p>The subject property for the proposed conditional use permit is zoned Residential High Capacity. The preliminary major unit lot subdivision is located in an area of underdeveloped commercial and residential zoned property, abuts 172nd Street to the south, and a wetland to the north and east.</p>	<p>Yes</p>
Chapter 20.38 AMC, Airport Protection District		
<p>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</p>	<p>The property is located under Airport Protection District – Subdistrict D.</p>	<p>Yes</p>

Regulation		Analysis		Meets		
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 applicant is required to sign an Airport Disclosure Notice with the Arlington Municipal Airport prior to project completion. Language shall be placed on the face of the final unit lot subdivision notifying future owners of possible affects from aviation activities.		Yes		
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 major unit lot subdivision is an allowed use per the permissible use table within the residential high capacity zone, as shown below, with a conditional use permit.		Yes		
Chapter 20.40.120 Residential Zones Permissible Use Table						
Use	RULC	RLC	RMod	RMC	RHC	OTR
Unit Lot Subdivision Major ⁶			C	C	C	C
Multi-Family Townhomes			ZSC	ZSC	ZSC	ZSC
<ul style="list-style-type: none"> • C = Conditional Use Permit (subdivision of 10 lots or more) • ZSC = Zoning, Special Use or Conditional Use Permit (Zoning = 19 units or less, Special Use = 20 to 49 units, Conditional Use = 50 units or more) • ⁶ = Subject to Section 20.44.020 Unit Lot Subdivisions 						
Chapter 20.44.020 AMC, Supplemental Use Regulations – 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 townhouses within three 5-unit buildings, three 4-unit buildings, and three 3-unit buildings. The building sizes are mixed throughout the entire site and are a minimum of ten feet apart.		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 residential high capacity zone.		Yes		

Regulation	Analysis	Meets
(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 proposed townhouses are required to receive Design Review Board approval prior to the submittal of the final unit lot subdivision.	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 sheet PP-03 of the site plan sheets show a range between 205 – 1,038 square feet.	Yes
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.	The parent parcel of the preliminary major unit lot subdivision has met the dimensional standards per AMC 20.48 for the residential high capacity zone as shown below. All other requirements listed have been met through an analysis of AMC 20.56, AMC 20.72, and AMC 20.76 and are included in this staff report.	Yes
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.	The proposed preliminary major unit lot subdivision in the residential high capacity zone has complied with the AMC 20.16 as shown in this staff analysis.	Yes
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	The preliminary major unit lot subdivision has proposed a private road and mini parks that are located on Tracts 996 through 999. These areas are to remain private and owned in common by the owners of the individual lots within the subdivision or by a homeowner’s association.	Yes

Regulation	Analysis	Meets
<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 per this staff analysis and shown below.</p>	<p>Yes</p>
<p>20.44.020G Off-Street Parking. (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 project is vested to the code in place at time of submittal, which at that time required 2 parking spaces per townhouse unit. The proposed preliminary unit lot subdivision has 36 townhouses and has provided 72 parking spaces within the garages and driveways of the units. This complies with the required parking on the site.</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.</p>	<p>The proposed preliminary major unit lot subdivision has provided one additional parking space for every four units. $36 \text{ units} / 4 = 9 \text{ additional spaces}$ The applicant has provided 10 additional spaces on the site.</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>The private drive aisle shown on the site plan as Tract 998 or Drive A and Drive B is the fire lane for the preliminary major unit lot subdivision. There shall be no parking along the private drive aisle. This shall be enforced by the homeowner's association.</p>	<p>Yes</p>

Regulation	Analysis	Meets
(e) The unit lot subdivision shall provide bicycle parking facilities equal to one stall for every four lots.	Each townhouse unit within the preliminary major unit lot subdivision has a garage for the parking of bicycles. No additional bicycle parking facilities are required.	Yes
<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 has proposed to provide private access drives to access the townhouse units. The private access drives are 26 feet in width with a 20 foot drive aisle, sidewalk on one side, and curb.</p> <p>The proposed sidewalk connects to the public sidewalk on the proposed new road into the site (Road A and Road B) that ultimately connects to 172nd Street NE.</p> <p>No parking on the private street shall be allowed.</p>	Yes
<p>20.44.020I Public Water Mains, Sewer Mains and Fire Hydrants.</p> <p>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>	Yes
<p>20.44.020J Ingress, Egress and Utility Access.</p> <p>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 172nd Street NE through a new public road and new private road. The public roads are shown as Road A and Road B. The private access roads are listed as Drive A and Drive B and are contained in Tract 998. The private road will remain private and owned by the homeowner’s association.</p>	Yes

Regulation	Analysis	Meets
<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. The new landscaping proposed is in conjunction with the mini parks, open spaces, native growth areas (buffers) lot boundaries, and public roadway.</p> <p>There is existing landscaping that will remain on the site that is located in the native growth area and wetland buffer.</p> <p>The proposed street trees within the city right-of-way are trees that are listed 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>
<p>20.44.020M Covenants and Maintenance. (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; (2) The Washington Uniform Common Interest Act (3) The applicable Washington corporation statute; (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>

Regulation	Analysis	Meets
<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 and 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>
<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>

Regulation	Analysis	Meets
Chapter 20.46 AMC, Design		
<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>(1) Zones</p> <p>(I) Residential High Capacity</p>	<p>The preliminary major unit lot subdivision has not submitted the Design Review application for the townhouse units. Design Review Board approval is required prior to the submittal of final major unit lot subdivision. The building structure design is required to meet all applicable code requirements and Development Design Standards.</p>	<p>Yes</p>
Chapter 20.48 AMC, Density and Dimensional Regulations		
<p>20.48.040 Building Setback Requirements. No portion of any building or any freestanding sign may be located on any lot closer to any lot line than is authorized in Table 20.48-1 Density and Dimensional Standards for the residential high capacity zone.</p>	<p>The proposed project is within the residential high capacity zone. The preliminary major unit lot subdivision is required to meet the density and dimensional standards for the parent parcel. The below table shows these requirements have met the criteria.</p>	<p>Yes</p>
<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 major unit lot subdivision takes access to the site from 172nd Street NE and through a new public street extending north into the property (Road A and Road B) and then through private drives (Drive A and Drive B). The site plan shows there are no improvements that will obscure sight at any entrance or exit from the site.</p>	<p>Yes</p>
<p>20.48.044 Garage Setbacks/Minimum Driveway Length.</p> <p>(a) Driveway Length</p> <p>(2) All residential driveways taking access from a public alley or private drive shall either be five feet or less or be between twenty to twenty-two feet in length from the property line or right-of-way,</p> <p>(3) Driveways shall be impervious surface (concrete and/or asphalt) and utilize LID drainage when feasible.</p>	<p>The proposed project provides an enlarged townhouse building footprint, garage, and driveway on sheet PP-03. The units provide a 20 foot concrete driveway. Drainage is approved with the civil permit.</p>	<p>Yes</p>
<p>(b) Garage Setbacks</p> <p>(1) All residential attached and detached garages are subject to section 20.48.044(a) Driveway Length and the Development Design Standards.</p> <p>(2) Infill development:</p> <p>ii. Residential attached garages for two-story or greater residential dwellings where the garage is under the second story shall be recessed from the face of the primary structure a minimum of four (4) feet.</p>	<p>The building design and elevations have not been submitted to the city for review. The elevations are required to reflect this standard at the time of design review application.</p>	<p>Yes</p>

Regulation	Analysis	Meets								
Table 20.48-1 Density and Dimensional Standards										
Minimum Lot Size: 4,300 square feet	213,327 sf	Yes								
Minimum Residential Density: 17+ Du/Ac	16.22 Du/Ac (net)	No*								
Minimum Lot Width: 30 feet	331 ft	Yes								
Rear Lot Boundary Line – Primary: 20 feet	210 ft	Yes								
Side Lot Line or Alley Building Setback: 5 feet	10 – 235 ft	Yes								
Environmental Critical Area: 15 feet	15 ft	Yes								
Building Height Limitation: 45 ft	TBD with Design Review	NA								
Maximum Lot Coverage: 75%	TBD with Design Review	NA								
* The minimum density of 17 Du/Ac could not be met on the site due to the public road requirements, dedication of ROW, open space / mini-park requirements, and Wetland Buffer impacts.										
Chapter 20.52 AMC, Recreational Facilities and Open Space										
<p>20.52.010 Mini-Parks Required.</p> <p>(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.</p> <p>(b) For purpose of this section, three-bedroom units shall be deemed to house an average of 3.2 person.</p>	<p>The applicant has proposed the required mini-park space on the site per the calculations below.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Unit #</th> <th>Total Persons</th> <th>SF</th> <th>Total SF</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">36</td> <td style="text-align: center;">3.2 x 36 = 115.2</td> <td style="text-align: center;">65</td> <td style="text-align: center;">7,488</td> </tr> </tbody> </table> <p>The applicant has proposed a total of 8, 249 square feet of mini-park space split between Tract 996 (5,266 sf) and Tract 999 (2,983 sf).</p>	Unit #	Total Persons	SF	Total SF	36	3.2 x 36 = 115.2	65	7,488	Yes
Unit #	Total Persons	SF	Total SF							
36	3.2 x 36 = 115.2	65	7,488							
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 36 multi-family residential units. The fee amount is located under 20.90 as part of this report.	Yes								
<p>20.52.030 Useable Open Space.</p> <p>(a) Every residential development shall be developed so that at least ten percent of the total area of the development remains permanently as usable open space.</p> <p>*This section is vested to the previous code where five percent of the total area of the development is required to remain as usable open space.</p>	<p>The applicant has proposed the required useable open space on the site per the calculations below.</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Area</th> <th>Percentage</th> <th>Total SF</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">96,778</td> <td style="text-align: center;">5%</td> <td style="text-align: center;">4,839</td> </tr> </tbody> </table> <p>The overall lot size is 213,367, however the majority of the site contains a wetland and buffer area. The calculation was made from the developable area of 96,778 sf.</p> <p>The applicant has proposed 9,816 square feet of useable open space.</p>	Area	Percentage	Total SF	96,778	5%	4,839	Yes		
Area	Percentage	Total SF								
96,778	5%	4,839								

Regulation	Analysis	Meets
Chapter 20.56 AMC, Streets and Sidewalks		
<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 preliminary major unit lot subdivision project provides a means of ingress and egress for emergency vehicles, passenger vehicles, pedestrian, and bicycle transportation to the site through new public roadways (Roads A and Road B) and new private roadways (Drive A and Drive B).</p>	<p>Yes</p>
<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 major unit lot subdivision provides driveway access to each building lot from the internal private Drive A & B and public Road B, accessed from the new public Road A and 172nd Street NE.</p> <p>The proposed project complies with the following City of Arlington Standards and Specifications:</p> <ul style="list-style-type: none"> • The proposed entrances are within the required width and provide safe access to the site. 	<p>Yes</p>
<p>20.56.080 Street Width, Sidewalk, and Drainage Requirements in Subdivisions.</p> <p>(d) Private Roads may construct sidewalks through one of the following options and at the discretion of the Community and Economic Development Director:</p> <ol style="list-style-type: none"> (1) Vertical curb, sidewalk, and gutter; or (2) Rolled curb to sidewalk; or (3) At grade concrete sidewalk abutting asphalt drive aisle for visual separation; or (4) At grade asphalt sidewalk with painted white line for separation; or (5) At grade alternative sidewalk treatment approved by the Community and Economic Development Director. 	<p>The proposed preliminary major unit lot subdivision provides a 26 foot wide private roadway section shown as Tract 998 (Drive A and Drive B) and contains 20 feet of pavement, a concrete sidewalk and a curb.</p>	<p>Yes</p>
<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 major unit lot subdivision provides 90° intersections at all access points.</p>	<p>Yes</p>

Regulation	Analysis	Meets
<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 preliminary major unit lot subdivision is subject to a civil permit and right-of-way permit.</p>	<p>Yes</p>
<p>20.56.155 Private Roads. (a) Private Roads shall be contained in an easement or tract and will be allowed when: (1) A covenant that provides for maintenance and repair of the private road by property owners has been approved by the city and recorded with Snohomish County; and (2) The covenant includes a condition that the private road will remain open at all times for emergency and public service vehicles; and (3) The private road would not hinder public street circulation; and (4) All of the following conditions must be met: (A) The Community and Economic Development Director determines that due to physical site constraints or preexisting development no other reasonable access is available. The proposed private road would be adequate for transportation and fire access needs, and the private road would be compatible with the surrounding neighborhood character; and (B) The private road would be part of a unit lot subdivision, minor subdivision (for two-family residences or greater), cottage housing or small multi-family development; and (C) Adequate looped road is proposed. (5) Absent any of the above conditions, public streets are required.</p>	<p>The proposed major unit lot subdivision provides private roads through Tract 998 (Drive A and Drive B) as shown on the site plans.</p> <p>All maintenance of the private road system is the responsibility of the homeowner’s association and shall be recorded with the CC&Rs and be placed on the final major unit lot subdivision.</p> <p>The private roads within the unit lot subdivision does not hinder public street circulation, provides adequate transportation and fire access, is compatible with the surrounding area, and provides a looped roadway system.</p>	<p>Yes</p>
<p>Chapter 20.60 AMC, Utilities</p>		
<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 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 November 29, 2022.</p>	<p>Yes</p>

Regulation	Analysis	Meets
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 water availability approved by the Public Works Director on November 29, 2022.	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 public road, private drive, parking areas, and residences. The lighting shall be approved with the civil and design review permits.	Yes
(d) All outdoor lights shall be low sodium or similar lamp type and be down shielded to prevent light pollution.	The proposed project shall provide low sodium, LED or similar lamp type outdoor lighting. All lighting is required to be down shielded to prevent light pollution. The lighting shall be approved with the civil and design review permits.	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 shall provide down-shielded lighting that illuminates the site but does not shine onto neighboring properties or public rights-of-way. The lighting shall be approved with the civil and design review permits.	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
Chapter 20.72 AMC, Parking		
20.72.030 Parking Space Dimensions. (a) Except accessible parking spaces, each parking space shall contain a rectangular area of at least 19 feet long and 9 feet wide.	The preliminary major unit lot subdivision site plan shows on sheet PP-03 shows the proposed parking spaces within the private garage and driveway of each townhouse and the guest parking areas meet the dimensional requirements.	Yes

Regulation		Analysis	Meets
<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 preliminary major unit lot subdivision site plan shows the parking spaces within the garage and driveways as concrete and the resident/guest parking is asphalt. All resident/guest parking spaces located in the designated parking areas shall be painted with lines and other required markings. These requirements shall be reviewed and approved through the civil permit.</p>	Yes
Chapter 20.76 AMC, Screening and Trees			
<p>20.76.020 General Screening Standard. Every development shall provide sufficient screening so that:</p> <ol style="list-style-type: none"> 1. Neighboring properties are shielded from any adverse external effects of that development. 2. The development is shielded from the negative impacts of adjacent uses such as streets and railroads. 		<p>The project is in the residential high capacity zone adjacent to a native growth protection area and wetland buffer (Tract 995) on the north and east sides of the development. The south and west property lines are abutting existing and future public road rights-of-way. These constraints have provided increased building setbacks from property lines and neighboring properties.</p>	Yes
<p>20.76.030 Compliance with Screening Standard. The table set forth in 20.76.050, in conjunction with the explanations in 20.76.040 concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in 20.76.020. The table uses the permissible use designation to determine the type of screening that is required between two uses.</p>		<p>The preliminary major unit lot subdivision is in the residential high capacity zone and requires 1 tree in both the front and rear yards of each townhouse unit. These details are provided on the landscape plans.</p>	Yes
Table 20.76-1 Screening Requirements			
Use	Frontage Landscaping	Side and Rear Property Lines	
Multi-Family Townhouses	1 tree in the Front Yard and/or Street Trees and 1 Tree in the Rear Yard.	Type B – Neighboring SFR Only N/A – Other Neighboring Residential Type A – All Other Neighboring Properties	

Regulation	Analysis	Meets
<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 the frontage of the new public road (Road A and Road B) and along 172nd Street 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>	<p>Yes</p>
<p>20.76.130 Shade Trees in Parking Areas. (a) Vehicle accommodation areas that are required to be paved must be shaded by deciduous trees that have or will have when fully mature a trunk at least 8 inches in diameter. (b) Landscaping within vehicle accommodation areas shall meet the requirements of 20.46 and the Development Design Standards. (c) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.</p>	<p>The preliminary major unit lot subdivision provides shading of the resident/guest parking spaces.</p> <p>The total resident/guest parking area is calculated as 1,621 square feet, requiring 324 square feet of required shading at 20% of the total. The applicant has provided 578 square feet, which equates to 36%.</p> <p>The applicant is not required to provide shading for driveway parking.</p>	<p>Yes</p>
<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"> 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. 2. Dead, diseased, stolen, vandalized, or damaged plants shall be replaced within three months of the plants indicated on the approved landscape plans. 3. All screening and shading elements shall be maintained reasonably free of weeds and trash. 4. All screening and shading elements located within the public right-of-way shall be maintained by the abutting property owner. 	<p>The property owner(s) or homeowners' association of the major unit lot subdivision are required to maintain the landscaping on the property and within the right-of-way per AMC 20.76. This requirement shall be listed within the CC&Rs and recorded with the final major unit lot subdivision.</p>	<p>Yes</p>

Regulation	Analysis	Meets						
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 Traffic Consultants in August 2022. The traffic analysis concluded that the proposed use would produce 25 new PM peak-hour-trips for 43 townhome units. The project was updated but the trip generation rate of 0.57 remains the same for townhouse use. The proposed use produces 21 new PM peak-hour-trips for 36 townhome units.</p> <p>36 units x 0.57 = 20.52 = 21 new trips</p> <table border="1" data-bbox="824 709 1349 789"> <thead> <tr> <th>Traffic Fee</th> <th># Of Trips</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,355.00</td> <td>21</td> <td>\$70,455.00</td> </tr> </tbody> </table>	Traffic Fee	# Of Trips	Total Amount	\$3,355.00	21	\$70,455.00	Yes
Traffic Fee	# Of Trips	Total Amount						
\$3,355.00	21	\$70,455.00						
<p>20.90.230 School Impact Fees. Each development activity, as a condition of approval, shall be subject to the school impact fee of \$3,455 per two/+ bedroom multi-family dwelling unit.</p>	<p>The applicant is required to pay the following Arlington School District Impact Fee.</p> <table border="1" data-bbox="824 926 1349 1005"> <thead> <tr> <th>School Fee</th> <th># of Units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$3,455.00</td> <td>36</td> <td>\$124,380.00</td> </tr> </tbody> </table>	School Fee	# of Units	Total Amount	\$3,455.00	36	\$124,380.00	Yes
School Fee	# of Units	Total Amount						
\$3,455.00	36	\$124,380.00						
<p>20.90.400 Community Parks Impact Fee. In addition to the requirements of mini parks, each residential development shall pay a Community Park impact fee of \$1,497 for each multi-family dwelling unit prior to issuance of a building permit.</p>	<p>The applicant is required to pay the following Community Parks Impact Fee.</p> <table border="1" data-bbox="824 1108 1349 1230"> <thead> <tr> <th>Community Park Impact Fee</th> <th># of units</th> <th>Total Amount</th> </tr> </thead> <tbody> <tr> <td>\$1,497</td> <td>36</td> <td>\$53,89200</td> </tr> </tbody> </table>	Community Park Impact Fee	# of units	Total Amount	\$1,497	36	\$53,89200	Yes
Community Park Impact Fee	# of units	Total Amount						
\$1,497	36	\$53,89200						
Chapter 20.93 AMC, Critical Area Ordinance								
Part I – Purpose and Intent								
<p>20.93.010 Purpose and Intent. This chapter establishes regulations for the protection of environmentally critical areas including critical areas, natural resource lands, and protective buffers.</p> <p>(1) If at all possible, avoid impacts to environmentally critical areas. If this is not practicable, then:</p> <p>(A) Minimize or limit the degree or magnitude of actions and their implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.</p> <p>(B) Mitigate any impacts by repairing, rehabilitating, or restoring the affected environment.</p>	<p>The critical area report completed by Wetland Resources Environmental Consulting provides documentation that the subject site contains one on-site wetland (Wetland A) and one off-site wetland (Wetland B) north of the property line, both are Category III Wetlands.</p> <p>The proposed major unit lot subdivision has avoided impacts to the wetland and has proposed buffer averaging to complete a viable project on the site. Impacts to the buffer areas have been mitigated for through the Critical Areas Study and Buffer Mitigation Plan.</p>	Yes						

Regulation	Analysis	Meets
Part III – General Provisions		
<p>20.93.200 Applicability. This chapter applies to environmentally critical areas within the city’s jurisdiction. No action shall be taken by any person that results in any alteration of any environmentally critical area or their buffers except as consistent with the purposes, objectives, and goals of this chapter.</p>	<p>The proposed project is required to follow Part III – General Provisions and Part VII – Wetlands of the Critical Area Ordinance.</p>	<p>Yes</p>
<p>20.93.290 Dedication of Environmentally Critical Area Easements. (a) In order to protect environmentally critical areas, environmentally critical area easements or tracts, where proposed as mitigation, shall be marked as such and dedicated to the city and recorded with Snohomish County.</p>	<p>The wetland and buffer area shown as Tract 995 on the site plan shall be dedicated to the City of Arlington. The recording of the dedication takes place with the final unit lot subdivision.</p>	<p>Yes</p>
<p>20.93.320 Buffer Width Averaging. Buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than twenty-five percent of the standard buffer unless specifically identified in other sections of this chapter. Buffer width averaging shall be allowed only where the applicant demonstrates all of the following: (1) The averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property or that there would be a benefit to the environmentally critical area; (2) That the least impactful aspects of the proposed land use would be located adjacent to areas where the buffer width is reduced; (3) That width averaging will not adversely impact the environmentally critical area functional values; and (4) That the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.</p>	<p>The applicant has proposed to use the option of buffer width averaging in order to create a viable project on the subject parcels. The wetland and buffer on the site are approximately 55% of the total land area.</p> <p>The site plans shows that the private drive aisle will border the wetland buffer area from the southeast corner of the site and extend north for approximately half of the site, then is bordered by open space and recreational areas north of the roadway, and the back yards of five townhomes will border on the northern portion of the site. The entire buffer area will be fenced and signed as a Native Growth Protection Area.</p> <p>The wetland buffer has been reduced by no more than 25% (110 x 75% = 82.5) The buffer reduction is amount is 9,922 square feet and the buffer addition is 9.927 square feet.</p>	<p>Yes</p>
<p>0.93.340 Building Setbacks from Buffers. A building setback of fifteen feet is required from the edge of any critical area buffer, as defined in subsequent sections of this chapter.</p>	<p>The proposed site plan layout shows a building setback of over 15 feet from the critical area buffer.</p>	<p>Yes</p>
<p>20.93.390 Mitigation Plan Requirements. In the event that mitigation is required, the applicant shall be required to provide a mitigation plan for approval by the community development director. The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area.</p>	<p>The applicant has submitted a Mitigation Plan prepared by Wetland Resources Environmental Consulting that provides the required information for construction and mitigation for the wetland buffer affected by the project.</p>	<p>Yes</p>

Regulation	Analysis	Meets												
Part VII – Wetlands														
<p>20.93.800 Classifications. (b)(3) Category III. Category III wetlands are wetlands with a moderate level of functions, can often be adequately replaced with a well-planned mitigation project, and interdunal wetlands between 0.1 and 1 acre in size. Category III wetlands generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.</p>	<p>The critical area report provides the analysis of determining the wetland on-site and the wetland located off-site are classified as Category III.</p> <p>Wetland A is located on the project site. Wetland B is located north of the project site.</p>	Yes												
<p>20.93.810 Determination of Boundary. The Community and Economic Development Director, relying on a field investigation supplied by the applicant, and applying the wetland delineation provided in this chapter shall determine the location of the wetland boundary. Qualified professionals and technical scientists shall perform wetland delineations.</p>	<p>The critical area report provides maps of the site showing the location of the wetlands. The site plans for the project show the wetland area and established buffers.</p>	Yes												
<p>20.93.830 Buffer Requirements. (a) Buffers – ECA buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table 20.93-4.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th colspan="3" style="text-align: center;">Buffer Width (in feet) Based on Habitat Score</th> </tr> <tr> <th style="text-align: left;">Wetland Category</th> <th style="text-align: center;">3-5</th> <th style="text-align: center;">6-7</th> <th style="text-align: center;">8-9</th> </tr> </thead> <tbody> <tr> <td>Category III: All</td> <td style="text-align: center;">60</td> <td style="text-align: center;">110</td> <td style="text-align: center;">225</td> </tr> </tbody> </table>		Buffer Width (in feet) Based on Habitat Score			Wetland Category	3-5	6-7	8-9	Category III: All	60	110	225	<p>The critical area report provides information that Wetlands A and Wetland B both have a habitat score of 6 points and are subject to a 110 foot buffer.</p> <p>The required measures to minimize impacts to the wetland are shown in Table 20.93-5. These measures have been proposed on the site and are listed in the critical area report.</p>	Yes
	Buffer Width (in feet) Based on Habitat Score													
Wetland Category	3-5	6-7	8-9											
Category III: All	60	110	225											
<p>20.93.840 Mitigation (a) In order to avoid significant environmental impacts, the applicant for a land use or development permit shall compensate for unavoidable wetland impacts, listed in order of preference. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact.</p>	<p>The wetland buffer area is currently vegetated with scattered native trees with a dense shrub and emergent understory that is dominated by native plants. This will remain intact and any areas of invasive species that are larger than 50 square feet will be removed and enhanced with native trees and shrubs at the time of construction.</p>	Yes												
Chapter 20.98 AMC, State Environmental Policy Act (SEPA)														
<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 September 25, 2023. The comment period for the MDNS was from September 27, 2023 to October 11, 2023.</p>	Yes												

Regulation	Analysis	Meets
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:</p> <p>(3) New Development</p>	<p>The proposed preliminary major unit lot subdivision is subject to meeting the required stormwater regulations for the site. A Site Civil Permit shall be required for all site improvements. The approval of the stormwater system takes place during this review process. 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>	<p>Yes</p>

F. PUBLIC COMMENTS

Public Comment	Response
<p>Public comments received during the Notice of Application and MDNS comment periods, along with the Neighborhood Meeting for the Allen Townhomes Major Unit Lot Subdivision project, PLN#1000.</p>	<p>The City received comments from the following agencies or citizens in the community: Stillaguamish Tribe of Indians Tulalip Tribe</p> <p>A summary of the comments and concerns are included below. The original comments submitted are in the official permit file and available upon request.</p>
<p>Stillaguamish Tribe of Indians commented during the Notice of SEPA Determination comment period with the request for an archaeological survey, as well as notification of archaeological fieldwork and/or ground disturbance.</p>	<p>The City is adding a condition to the Conditional Use Permit requiring an archaeological survey prior to the Civil Permit issuance for the project.</p>
<p>The Tulalip Tribes commented during the Notice of Application comment period on the critical area study showing an inconsistent buffer width in the southeast corner and that Tract 997 should be included in the fenced off CAPA.</p>	<p>At the time of the Notice of Application the city had not sent review comments to the applicant. The city incorporated these comments in the review comments that were issued to the applicant. These items were revised and both items have been resolved.</p>

G. CONCLUSION AND RECOMMENDATION

- (a) The applicant has applied for a 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 requested preliminary major unit lot subdivision review is within the City of Arlington’s jurisdiction per the above zoning map and permissible use table.	Yes
(2) The application is incomplete.	The application for the subject preliminary major unit lot subdivision review was deemed complete on October 24, 2022.	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 major unit lot subdivision review complies with all required sections of AMC Title 20 per the above staff analysis.	Yes
(4) The proposed project has not complied with SEPA	The proposed preliminary major unit lot subdivision has complied with SEPA, and the City issued an MDNS on September 25, 2023. No appeal was received.	Yes
(5) The proposed project is not in conformance with the Comprehensive Plan, Transportation Plan, or other adopted plans, regulations, or policies.	The proposed preliminary major unit lot subdivision review complies with the Arlington Municipal Code, Comprehensive Plan, and Transportation Plan.	Yes

- (c) 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:

Regulation	Analysis	Meets
Chapter 20.16.225 (d)		
(1) Will materially endanger the public health or safety	The proposed preliminary major unit lot subdivision will not endanger the public health or safety of Arlington residents.	Yes
(2) Will materially harm adjoining or abutting property	The proposed preliminary major unit lot subdivision will not materially harm abutting properties due to constraints of wetland/buffer areas and new roadways.	Yes
(3) In terms of design and use will not be compatible with the area in which it is located.	The proposed preliminary major unit lot subdivision is compatible with the future development of the surrounding area and the expected development for the zone an area.	Yes

- (d) The Conditional Use Permit should be approved subject to conditions specified in Section H below.

H. CONDITIONS

Preliminary Unit Lot Subdivision (Conditional Use Permit):

1. All development shall be in substantial conformance with the approved Preliminary Unit Lot Subdivision and Landscape Plans received on October 5, 2023, subject to any conditions or modifications that may be required as part of the permit review.
2. The applicant shall meet all local, state, or federal code requirements. Please refer to the Arlington Municipal Code for a complete list of code requirements for your project type.
3. The Preliminary Unit Lot Subdivision shall comply with all permits and conditions thereof from the City of Arlington and other government agencies with jurisdiction.

SEPA Conditions:

4. **(B)(1) Earth:** In order to mitigate 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. A Certified Erosion and Sediment Control Lead is required to monitor the site.
5. **(B)(2) Air:** In order to mitigate 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.
6. **(B)(3)(a) Surface Water:** In order to mitigate potential impacts to the on-site Category III wetland (Wetland A) and the off-site Category III wetland (Wetland B), the applicant shall follow the submitted Critical Area Study and Buffer Mitigation Plan completed by Wetland Resources. The project proposal shows that Wetland A is protected by a native growth protection area tract. The standard buffer for a Category III wetland is 110 feet. The project has proposed buffer width averaging as permitted through AMC 20.93.320, with a reduction of no more than twenty-five percent or a distance equal to 82.5 feet. The buffer reduction is 10,278 square feet and the buffer addition is 10,283 square feet.
7. **(B)(3)(b) Ground Water:** In order 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.
8. **(B)(3)(c) Water Runoff:** In order to mitigate 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.
9. **(B)(4)(b) Plants:** In order to mitigate the removal of significant trees on the property the applicant shall replant trees on the site. Replacement of significant trees are calculated at a 3:1 ratio. The project removes 13 significant trees and more than 39 trees are shown to be replanted on the landscape plan.
10. **(B)(5)(d) Animals:** In order to mitigate potential impacts to animals on the property the applicant shall provide protection to the wetland and retained trees during construction and provide native growth protection fencing and signage along all buffers prior to approval of Final Unit Lot Subdivision.
11. **(B)(7)(A) Environmental Health:** The 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.

12. **(B)(7)(b)(2) 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.
13. **(B)(10) Aesthetics:** The proposal is required to meet the City of Arlington Development Design Standards of AMC 20.46 through a Design Review Board Decision prior to submittal of the Final Unit Lot Subdivision permit.
14. **(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 D – that is comprised of the Federal Aviation Regulations (FAR) parts 77 Imaginary surfaces.
15. **(B)(12)(c) Recreation:** To mitigate the impacts on recreation the applicant is providing over an acre of on-site recreation for future residents. The applicant shall pay Community Park Impact Fees in the amount of \$1,497.00 per multi-family attached dwelling unit.
16. **(B)(13) Historic and Cultural Preservation:** If during construction 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 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 follow the submitted Unanticipated Discovery Plan and shall notify the Stillaguamish Tribe prior to ground disturbance. The Stillaguamish Tribe may have a monitor on-site to observe site disturbances during the construction of the project.
17. **(B)(14)(d) Transportation:** The applicant is required to construct frontage improvements along 172nd Street NE, construct a public street along the west property line, and private drive aisles throughout the subdivision. The public street improvements and property is required to be dedicated to the City of Arlington at the time of Final Unit Lot Subdivision.
18. **(B)(14)(f) Transportation:** Trip generation has been calculated by Kimley Horn Traffic Consultants through a Traffic Impact Analysis, completed in August 2022. The report references land use code 215 for Single-Family Attached Housing per the ITE Trip Generation Manual, 11th Edition. The original report was completed for 43 town house units. The revised project proposes less units on the site. The analysis shows a rate of 0.57 PM Peak Hour Trips per unit. The project proposes 36 townhouse units, which results in 21 new PM Peak Hour Trips. City of Arlington Traffic Impact Fees are required in the amount of \$70,455.00 (\$3,355/trip x 21 trips).
19. **(B)(15) Public Services:** The applicant shall pay Arlington School District Mitigation Fees in the amount of \$3,455 per two/+ bedroom multi-family dwelling unit. The applicant shall provide proof of payment to the Arlington School District prior to building permit issuance.
20. **(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 and sewer connection fees. All improvements shall be installed during the Site Civil Construction phase of the project. All utilities shall be installed underground.

Civil Permit:

21. The applicant is required to apply for a Civil Construction Permit and receive approval prior to any land disturbance or work commencing on the site.
22. The applicant shall submit an archaeological survey per the Stillaguamish Tribe of Indians and shall provide notification of archaeological fieldwork and/or ground disturbance.

23. The applicant shall submit the final landscape plans and mitigation plans with the Civil Construction Permit.
24. The applicant shall submit a lighting plan with the Civil Construction Permit.
25. The project is subject to submit a Right-of-Way Permit for all work with public rights-of-way.
26. The project is required to meet the most current version of the Department of Ecology Stormwater Manual for Western Washington and the City of Arlington Engineering Standards for the specific details of the project.

Prior to Final Unit Lot Subdivision Submittal:

27. The applicant is required to obtain Design Review Board approval for all structures proposed on the site prior to the submittal of Final Unit Lot Subdivision. The building design is required to meet all applicable code requirements and Development Design Regulations.
28. 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:
 - No parking allowed along the private drive.
 - No storage of inoperable motor vehicles.
 - Maintenance of private roads and sidewalks, common open space and parks, common parking spaces, private utility infrastructure, landscaping, and
 - Maintenance of private lots, buildings and facilities on the site.

Prior to Final Unit Lot Subdivision Approval:

29. The applicant shall complete all required Civil Construction improvements on the subject site.
30. The applicant shall submit as-builts, acquire all required bonds, and complete the civil construction punch list for the project.
31. The applicant shall provide the conditions found in AMC 20.44.020N on the face of the final plat document.
32. The applicant shall dedicate all Native Growth Protection Areas to the City of Arlington. The NGPA areas are shown on the site plan under Tract 995. This is required to be noted on the final major unit lot subdivision site plan.
33. 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:

34. 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.
35. The proposed building plans shall be in compliance with the approved Design Review Board Decision.
36. The project is subject to applicable water and sewer utility fees. These fees are collected at the time of building permit issuance.
37. Prior to issuance of building permits, all associated impact fees shall be paid.

Other:

38. All contractors working on the site are required to obtain a Washington State Business License and a City of Arlington Endorsement.

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), a 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 20.16.280 (e).

J. RECONSIDERATION OF PERMIT – ISSUING AUTHORITY’S ACTION

Reconsideration of permits shall follow the requirements of AMC 20.16.300.

- 1. Whenever the permit-issuing authority approves or disapproves a permit application 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 either a finding of fact or testimony has been incorrectly recorded.
- 2. A request to be heard for reconsideration on this basis must be filed with the Community Development Director within the time period for an appeal to superior court. However, such a request does not extend the period within which an appeal must be taken.

K. APPEALS

Per AMC 20.20.020, the Hearing Examiner’s decision is appealable to Snohomish County Superior Court within twenty-one (21) days of the Hearing Examiner’s final decision.

L. EXHIBITS

File PLN#1000 – Allen Townhomes 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:

- Alexander Sidles, Hearing Examiner
- Ryan Larsen, Project Contact
- Steve Peiffle, City Attorney
- Marc Hayes, Community & Economic Development Director