

From: [Nellie Thompson](#)
To: [Amy Rusko](#)
Cc: [Reidar Thompson](#); nellieelsbeth@hotmail
Subject: Community Response Re: Proposed Land Use: Arlington Garden Apartments
Date: Wednesday, December 18, 2024 3:09:08 PM
Attachments: [Arlington Garden Apartments Community Response Letter Thompson 18 Dec 2024.pdf](#)

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Amy,

Please see our attached comments regarding the application for proposed development of the Arlington Garden Apartments. We own the property immediately adjacent to the proposed development.

Please let us know if you have any questions.

Respectfully,

Reidar and Nellie Thompson

20825 59th Ave NE

Arlington, WA 98223

Parcel: 31051000402600

425-319-7763 (Reidar)

425-210-9303 (Nellie)

December 18, 2024

City of Arlington
Community & Economic Development Department
c/o Amy Rusko, Deputy Director
arusko@arlingtonwa.gov

Re: Proposed Land Use: Arlington Garden Apartments; 21117 59th Avenue NE, Arlington WA 98223
(parcel #31051000402700)

To whom it may concern:

We are writing as part of a request for public comment regarding the application for proposed development of the Arlington Garden Apartments. We own the property immediately adjacent to the proposed development.

As City of Arlington community members, we ask the city to consider the impacts to traffic, to public services & infrastructure, and the environmental impacts:

Traffic Impact: From the supplied traffic report, the project is expected to generate 1,781 daily trips, including 150 trips during the PM peak hour, placing further strain on the local transportation network. This year, the intersection of 59th Ave NE and Hwy 530 has already seen a 4x increase in accidents compared to last year. The lack of nearby public transportation and limited pedestrian infrastructure exacerbates dependency on private vehicles, further compounding the potential for increased accidents. Relying solely on impact fees without addressing cumulative regional effects is insufficient to mitigate these concerns.

Public Services and infrastructure strain: Not sufficiently addressed in the development plan, the city must consider the increases in population density and how this will impact fire, police, and medical resources. The Arlington School District has already had multiple failures to proposed levies to replace Post Middle School, which amplifies concerns for school overcrowding.

Stormwater Management and Flooding Risks: In an area already susceptible to flood, with the addition of impervious surfaces (buildings, parking lots, and roads), stormwater runoff will increase, potentially overwhelming existing stormwater systems. Insufficient handling could lead to localized flooding and water quality degradation in nearby streams and wetlands. Runoff from parking lots and roads often contains pollutants like oil, grease, heavy metals, and sediment, which could degrade downstream ecosystems, including the Portage Creek Wildlife Reserve. The city must further assess whether the stormwater

infiltration systems proposed are adequately sized and properly designed to handle the volume and contaminants generated by the development.

As neighbors to the proposed development, we ask the city to consider the light and noise impacts to the supporting areas:

Light Pollution Mitigation: The proposed development, with the commercial buildings and a density of residential buildings, will introduce substantial artificial lighting into the area. The application fails to provide adequate details and mitigation efforts on how light pollution will be minimized to protect neighboring residences and sensitive ecosystems, including the adjacent wetland and Portage Creek Wildlife Reserve. Without stringent measures such as light shielding, reduced lumens, and operational restrictions, the project risks disrupting existing residential areas, nocturnal wildlife and degrading the overall habitat quality.

Noise Pollution: The proposed development will significantly increase noise levels due to the size and density of overall complex, including traffic, outdoor activities, and the operation of mechanical systems such as HVAC units and the position of the garbage areas. The noise generated by the complex and the increased vehicle traffic associated with it, will disrupt the surrounding residential areas and sensitive ecosystems.

As an impacted property owner, we are preparing additional actions to protect our property, its existing wetlands, and to ensure consistent application of wetland setbacks. Independent of the proposed development, as we have not been involved in the planning activity, we have had our own Wetlands Survey and Critical Areas evaluation conducted to determine the potential use and required setbacks for our property. Our survey presents a materially different view of the wetlands, its classifications and the required setbacks to ensure its protection. We additionally commissioned a comparison between our report and the Wetland and Fish and Wildlife Habitat Assessment Report dated July 2024 prepared by Soundview Consultants, which is being used as part of this application.

As part of their analysis, within their professional opinion, they have concluded:

- Code section 20.93.800(a) of the City of Arlington’s Critical Areas Regulations states that “Wetlands shall be rated according to the Washington State Wetland Rating System for Western Washington, Ecology Publication #14-06-029 or as revised by ecology.” The Wetland Rating Form attached to the Wetland and Fish and Wildlife Habitat Assessment Report dated July 2024 prepared by Soundview Consultants is the 2015 version of the Wetland Rating Form, but the most current version of the Wetland Rating Form produced by Ecology is 2023.
- The city must confirm whether the ditch referenced on Page 9 of the Wetland and Fish and Wildlife Habitat Assessment Report dated July 2024 prepared by Soundview Consultants has an above-ground hydrological connection to the known fish-bearing stream (Type F

stream) located on your property. If that ditch maintains an above-ground hydrologic connection to the Type F stream and is 2-3 feet wide as noted in the report prepared by Soundview Consultants, then the ditch would likely be regulated as a stream due to its connection to the Type F stream (even if the ditch is man-made). Washington Administrative Code (WAC) section 222-16-031 provides criteria for presumed fish-bearing waters. If the ditch is regulated as a stream per the City's Critical Areas Regulations, then a buffer would likely be required to extend from the Ordinary High Water Mark (OHWM) of that ditch as well. Most other regulatory jurisdictions could regulate ditches as Type F streams if the ditch meets the presumption criteria in WAC section 222-16-031 and therefore the overriding Critical Area buffer would need to change accordingly.

- Based on their determinations, the subject wetland is a Category II wetland with 6 habitat points, and this is the same wetland as the wetland that is located partially on the subject proposed project site (parcel number 31051000402700). The differences between the Wetland Rating Form prepared by our consultant and the Wetland Rating Form prepared by Soundview Consultants which is attached to their report, are included in the chart below:

OVERALL WETLAND CATEGORY II (based on functions or special characteristics)

1. Category of wetland based on FUNCTIONS

Category I – Total score = 23 - 27

Category II – Total score = 20 - 22

Category III – Total score = 16 - 19

Category IV – Total score = 9 - 15

FUNCTION	Improving Water Quality			Hydrologic			Habitat			
<i>Circle the appropriate ratings</i>										
Site Potential	H	(M)	L	H	(M)	L	H	(M)	L	
Landscape Potential	H	(M)	L	H	(M)	L	H	M	(L)	
Value	(H)	M	L	(H)	M	L	(H)	M	L	TOTAL
Score Based on Ratings	7			7			6			20

Score for each function based on three ratings
(order of ratings is not important)

9 = H, H, H
 8 = H, H, M
 7 = H, H, L
 7 = H, M, M
 6 = H, M, L
 6 = M, M, M
 5 = H, L, L
 5 = M, M, L
 4 = M, L, L
 3 = L, L, L

- In their professional opinion, the Wetland Rating Form prepared by Soundview Consultants is not accurate for several reasons:
 - Question D6.1 on their Wetland Rating Form is not accurate, because flooding occurs in a sub-basin immediately down-gradient of the unit. That would increase the score on the rating form from moderate to high in that section. It should be noted that no assessment was taken during the period of October thru April, which would give a more accurate and realistic assessment of the water hold and flooding based on out typical weather patterns.

- Question H1.1 on their Wetland Rating Form is not accurate, because the subject wetland includes emergent and scrub-shrub Cowardin vegetation classes. The rating form figure attached to the report to demonstrate accuracy of their answers differs from how they scored this question...the wetland rating unit contains a forested class across 15% of the wetland, there is definitely a scrub-shrub class that exceeds the thresholds listed in questions H1.1. That would increase the number points on that question from 0 to 1. The number of points assigned on their rating form does not match their own figure which is Figure No. 1 of 5.
- Question H1.4 on their Wetland Rating Form is not accurate. Based on the comment above, the wetland contains either low habitat interspersion (at a minimum) due to the presence of emergent and scrub-shrub vegetation or moderate habitat interspersion... when comparing the Wetland Rating Form, that question response indicated moderate habitat interspersion due to the presence of emergent and scrub-shrub vegetation classes PLUS an open-water component (per standards for completing the Wetland Rating Form).
- Question H1.5 on their Wetland Rating Form is not accurate. Between the rating forms, the subject wetland contains all of the special habitat features in Question H1.5, except that the wetland contains more than 25% invasive vegetation (primarily reed canarygrass). Based on the assessments, Question H1.5 should receive 5 points, significantly more than what is shown on their Wetland Rating Form.

The Site Potential Section for Habitat Functions should be moderate (12 points), whereas their form states it should be low (6 points).

- Question H3.1 on their Wetland Rating Form is not accurate. Due to the forested slopes located south of the wetland rating unit, there are Priority Snags and Logs (as defined by the Washington Department of Fish and Wildlife as a Priority Habitat) located within 330 feet of the wetland rating unit. The Wetland Rating Form prepared by Soundview states that no Priority Snags and Logs are present within 330 feet of the wetland, so they gave the Value portion of the Habitat section a score of 1 point (Moderate), while that should be accurately rated as 2 points (High) due to Priority Snags and Logs being present within 330 feet of the wetland.

When the statements above are taken into account for the Wetland Rating Form produced by Soundview Consultants for the proposed project on project site (parcel number 31051000402700), the wetland would become a Category II wetland with a total Habitat Functions Score of 6.

- Per the City of Arlington's code section 20.93.830, the standard buffer for a Category II wetland with 6 habitat points would be either 110 feet or 150 feet depending on the City's interpretations of the vegetated conditions among the wetland buffer. Either one of those buffers are different than the standard 60-foot buffer that is depicted and described in the Wetland and Fish and Wildlife Habitat Assessment Report dated July 2024 prepared by Soundview Consultants.

It should be noted that our surveyor has never been on the property where the project is proposed. Conversely, Soundview Consultants has not had, or ever requested, permission to access our property.

This inconsistency and use of an outdated wetlands review form by Soundview Consulting in their wetland categorization calls into question the validity of the applicant's assessment and highlights the need for a revised project plan that requires increased setbacks, and an increased mitigation plan that aligns with the neighboring study's findings and regulatory standards.

Lastly, Tom Lane of Lane Properties, LLC., who is listed as the property owner of parcel #31051000402700, contacted us directly several times between August and December 2023 regarding the wetlands on our property. Mr. Lane offered us a non-cash incentive in exchange for mitigation on our property to meet some of the requirements for development. We did not accept his offer, nor have been contacted by him since.

In the current proposed form, the Arlington Garden Apartments project is not compliant with the minimum protections for a Category II wetlands and poses substantial risks to the community and environment. It requires revisions to the size, design and mitigation measures.

The additional areas that we have highlighted within require additional study and scrutiny, with a consideration for sustainable growth. At a minimum, we are asking specifically:

1. **Revised Wetland Protections:** Incorporate the neighboring wetlands study's Category II classification and increase the buffer zone to align with higher regulatory standards, supported by a robust mitigation plan to address indirect impacts like runoff.
2. **Light Pollution Controls:** Develop a comprehensive lighting plan, including shielding, reduced lumens, and nighttime operational restrictions, to minimize adverse impacts on nearby wildlife and residential quality of life.
3. **Noise Mitigation:** Conduct a detailed noise impact analysis and implement effective noise reduction measures such as sound barriers, increased landscape buffers, and building designs that minimize noise transmission. Ensure compliance with local noise ordinances and consider cumulative noise impacts on neighboring areas. cumulative noise impacts on the community
4. **Traffic Mitigation:** Require detailed off-site traffic improvements and ensure pedestrian and transit infrastructure enhancements to reduce vehicle dependency. Insert a "Slow: Hidden Driveway" sign on the South side of our driveway (20825 59th Ave NE).

We have chosen to provide only a summary of our Wetlands and Critical Areas report and our consultant's comparison with the applicant's proposal. We are open to a conversation with the city ahead of any further steps, including sharing additional details of the report.

As community members and neighbors, we ask the city to consider the impact to the community and environment, and to take an approach that positions the long-term sustainability of growth in

the city. This proposed development will set precedent for future growth and development along Hwy 530.

As impacted property owners, we are prepared to take escalated actions to ensure compliance with Washington State Wetland Rating System for Western Washington and associated setbacks and protections, and to ensure consistency in the application of those for the two properties.

Respectfully,

Reidar and Nellie Thompson

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