

From: [Reidar Thompson](#)
To: [Amy Rusko](#)
Cc: [Nellie Thompson](#)
Subject: Public Comment Submission - Notice of SEPA Mitigated Determination of Non-significance for Arlington Garden Apartments
Date: Friday, October 10, 2025 12:44:01 PM
Attachments: [Formal Objection Arlington Garden Apartments Reidar and Nellie Thompson.pdf](#)

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Amy,

Please find our attached comments and questions regarding the City's notice for the Arlington Garden Apartments project - PLN #1263 & 1264.

Please confirm receipt of this email.

Thank you,
Reidar Thompson

To: City of Arlington Community and Economic Development Department
Attn: Amy Rusko, Director / SEPA Responsible Official
18204 59th Avenue NE
Arlington, WA 98223
arusko@arlingtonwa.gov

Subject: Formal Objection to SEPA Mitigated Determination of Non-Significance (MDNS) – Arlington Garden Apartments (PLN1263 & PLN1264)

We are submitting this letter, both Reidar Thompson and Nellie Thompson as individual parties of record, to formally object to the City of Arlington's issuance of a Mitigated Determination of Non-Significance (MDNS) for the proposed Arlington Garden Apartments located at 21117 59th Avenue NE (Parcel 31051000402700). This objection is submitted within the public comment period and requests detailed written responses from the City regarding the concerns outlined below.

1. Inconsistency and Lack of Justification for Wetland Boundary Modification

The revised wetland report submitted by Soundview Consultants (June 2025) reduces the on-site wetland area from 4,765 square feet (July 2024) to 3,693 square feet, a substantial change with no new field data or updated Wetland Determination Data Forms. The forms retained the original sampling date of September 21, 2022, meaning no additional delineation work was performed to justify the smaller boundary. Because the wetland boundary directly determines buffer width and mitigation requirements, this modification without supporting field data undermines the validity of the entire environmental review.

Requested City Response:

- Provide the City's written justification for accepting the revised boundary.
- Identify whether independent verification was performed or if the City relied solely on Soundview's re-submittal.

2. Buffer Reduction Without Evidence of Compliance with Mitigation Standards

Soundview's report requests a reduction of the Category II wetland buffer from 150 feet to 110 feet by referencing mitigation measures under AMC Table 20.93-5 and buffer averaging.

However, the report fails to demonstrate that these measures were implemented. Per City Code section 20.93.830(a)(3), "If an applicant does not apply the mitigation measures in Table 20.93-5 or is unable to provide a protected corridor, then the buffers in Table 20.93-6 shall be used." The revised report dated June 2025 is proposing to utilize a 110-foot standard buffer, with some buffer averaging as allowed per code. The report doesn't seem to provide specific details about how the applicants are meeting the mitigation requirements in AMC Table 20.93-5 and providing a relatively undisturbed, vegetated corridor as outlined in City Code section 20.93.830(a)(1)(A).

It is our understanding that revised report would typically specifically state that all applicable mitigation measures in AMC Table 20.93-5 are being implemented to accommodate the proposed 110-foot standard buffer instead of the 150-foot standard buffer. Some mitigation measures that Soundview Consultants recommend are listed on Page 23 of the revised report dated June 2025, however that section of the report does not explicitly state that those measures will meet the City's code requirements listed in AMC Table 20.93-5.

For example, AMC Table 20.93-5 states that one of the mitigation measures to obtain a reduced 110-foot standard buffer is to direct lights away from the wetland. One of the mitigation recommendations on Page 23 of the report dated June 2025 states to "Direct exterior lights away from the critical areas wherever possible". To what extent the City has determined, the project to comply or mitigate these items is unclear based on ambiguous language and should require clarification.

Requested City Response:

- Provide documentation demonstrating how the applicant complied with each applicable mitigation measure required under AMC Table 20.93-5.
- Explain how the City verified that a 'relatively undisturbed, vegetated corridor' is provided under AMC 20.93.830(a)(1)(A).
- Clarify whether the City confirmed full compliance with AMC 20.93.830(a)(3) before allowing the reduced 110-foot buffer.

3. Buffer Enhancement Plantings Located Outside the Final Buffer Line

The Wetland Buffer Mitigation Exhibit shows proposed enhancement plantings north of the permanent split-rail fence, meaning they appear to fall outside the averaged wetland buffer. If the purpose of the plantings is to enhance buffer function, placement outside the designated buffer is inconsistent with code requirements and undermines ecological intent.

Requested City Response:

- Confirm whether enhancement plantings were approved within the averaged buffer or outside it.
- If they were placed outside, explain how such a design complies with AMC 20.93.740(b) and the City's Critical Areas regulations.

4. Potential Conflict of Interest Involving Soundview Consultants

Soundview Consultants has served as the applicants' consultants for this project while also providing professional services to the City of Arlington on other public projects including the 211th corridor and surrounding area. This dual role presents a potential conflict of interest, particularly when the firm's reports form the technical basis for City environmental determinations.

Requested City Response:

- Confirm whether Soundview Consultants has provided services to the City or its affiliates on any projects along 211th Place NE or within the same watershed.
- Provide details on the City's conflict-of-interest policies for consultant engagements under SEPA and AMC 20.04.
- Describe how the City ensures that consultants serving both public and private clients maintain independence, transparency, and objectivity.

5. Repeated Submission of Inaccurate or Incomplete Data by Soundview Consultants

This is now the second submission from Soundview Consultants in which the data has been identified as incorrect, incomplete, or unsupported by current field evidence. The first report (July 2024) contained inaccuracies later revised in June 2025, and this second submission again fails to fully document the rationale for major boundary and buffer adjustments. Such repetition raises broader concerns about the credibility and reliability of Soundview Consultants' work, particularly given their recurring involvement in City-reviewed projects and those that may be publicly funded.

Requested City Response:

- Clarify whether the City has identified or reviewed similar discrepancies by Soundview Consultants on other private or City-managed projects.
- If so, provide details on how the City evaluates consultant performance and ensures data accuracy across multiple submissions.
- Explain whether this pattern calls into question the validity of other determinations, delineations, or mitigation plans prepared by this firm within Arlington's jurisdiction.

6. Use of Public Funds for Utility Expansion and Developer Cost Responsibility

The SEPA documentation indicates that the project will require extension of City water and sewer utilities from existing systems approximately 300 to 1,200 feet east of the site. Additionally, the proposed Site Plan includes exclusive, on-site access from an expanded 211th Place NE to the direct benefit and use of this site.

These improvements appear to extend beyond the project's parcel and may constitute significant public infrastructure expansion and expense to serve private development. It is unclear whether any portion of these extensions or associated roadway improvements will be funded by public resources.

Requested City Response:

- Clarify whether public funds will be used as a whole or in part to design, permit, or construct the utility extensions described in the SEPA checklist.

- Identify what portions of the infrastructure expansion (including water, sewer, stormwater, and road improvements) are to be paid directly by the developer.
- Provide a cost breakdown or agreement summary indicating the proportion of project-related utility and infrastructure costs borne by the City versus the applicant.

7. Request for clarification regarding the construction of multi-family housing across the street from an active cannabis processor and tier 2 producer.

HS1 Group LLC, also registered as Happy Daze United, is an active licensed processor and producer of cannabis products. They are located on the property directly across SR 530 from the proposed development at 6109 WA 530 NE, Arlington WA 98223.

Given that the proposed development includes multifamily residential housing and mixed-use commercial space, clarification is requested regarding potential land-use compatibility and regulatory compliance between these adjacent uses.

Requested City Response:

- Confirm whether the City has evaluated potential odor, air quality, or nuisance impacts associated with the adjacent cannabis facility and their compatibility with the proposed residential use.
- Clarify whether the setback and buffering requirements outlined in the Arlington Municipal Code (AMC 20.10 and AMC 20.44.100) for cannabis production and processing facilities apply in this case.
- Indicate whether the cannabis facility’s existing license and operation will be affected or subject to modification if the proposed residential project is approved.
- Provide any City or Department of Ecology correspondence, environmental review, or mitigation requirements addressing this adjacency issue.

8. Request for Written Response and Disclosure of Records

Given these substantial technical, procedural, and ethical issues, we request:

1. A formal written response addressing each point of concern raised in this letter.
2. Copies of all City correspondence, internal review notes, and communications with Soundview Consultants related to this project’s wetland delineation, buffer reduction, and SEPA determination.

In December of 2024, we provided a detailed and credible response to the City regarding this planned development; this submission was within the guidelines of the process, ahead of the set deadlines, and was submitted as formal parties of record. The City ultimately withdrew the last SEPA determination but only after we re-submitted our concerns via legal channels. We have never received a formal response from the City on the concerns that have been raised.

The repeated discrepancies, unsupported boundary revisions, and potential consultant conflicts collectively undermine confidence in the City's SEPA process and determination. Until these matters are reviewed transparently and supported by verifiable documentation, the issuance of the MDNS remains premature and inconsistent with RCW 43.21C and AMC Chapter 20.93.

We respectfully request that the City provide a full written response prior to any further action or permit approval related to PLN1263 and PLN1264.

Sincerely,

Reidar & Nellie Thompson
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Arlington, WA 98223

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