



CITY OF ARLINGTON NOTICE OF HEARING EXAMINER DECISION

Arlington Garden Apartments Binding Site Plan – PLN #1263 and Conditional Use Permit – PLN #1264

The City of Arlington has issued a Notice of Decision for a Binding Site Plan and Conditional Use Permit required by Arlington Municipal Code. The following project has been **APPROVED**, with the conditions listed in the attached Hearing Examiner Decision.

Project Name: Arlington Garden Apartments

Property Owner: Lane Properties, LLC

Proponent: Quarterra Multifamily Communities

Project Number: PLN #1263 and PLN #1264

Description of Proposal: The applicant is proposing to construct a Mixed-Use Development known as Arlington Garden Apartments on 8.81 acres located at 21117 59th Avenue NE, Arlington, Washington, on parcel number 31051000402700. The proposed project will be constructed in conformance with Title 20 (Zoning) of the Arlington Municipal Code, including Chapter 20.110, the Mixed-Use Development Regulations.

The Arlington Garden Apartments community consists of 206 multi-family residential units and up to 15,500 square feet of retail commercial space on 8.86 acres over two phases. The residential units are proposed across 5 three-story buildings and 3 three-story mixed-use buildings. The commercial areas are proposed within the first floor of the mixed-use buildings and one stand-alone building.

The project improvements include a total of 424 parking stalls (94 perpendicular stalls, 206 carport stalls, 36 parallel stalls, 35 tandem stalls, 23 diagonal stalls, 5 street stalls, 11 Lot 1 commercial stalls, 11 standard and 3 van ADA stalls). Of the total parking stalls provided there are 43 EV charging, 106 EV ready, and 43 EV capable stalls. Additional improvements include a central clubhouse (fitness center, pool equipment/storage, workroom, social/party lounge, men's and women's restroom/changing areas, outdoor covered seating areas, leasing/manager offices) with outdoor pool/spa area, open space, recreation space, landscaping, wetland overlook area, stormwater infiltration systems, rain garden, trash enclosure, sidewalks, bicycle racks, lighting, pergola, benches, picnic tables, seating benches, work tables, fire pit, play log, landscape boulders, garden beds, planter pots, and site furnishings. Frontage improvements along 59th Avenue include curb, gutter, sidewalk, and street trees in a planter strip on the east side of the roadway, along with restoration as needed for utility connections. Construction of a new public road of 211th Place through the site and along the frontage (parallel) of State Route 530 includes curb, gutter, sidewalk, street trees in planter strips, a ten foot trail on the north/west side of the street and a sidewalk on the south/east side of the street. Stormwater from the proposed development will be managed through infiltration trenches, infiltrating bioretention planters, and a flow controlled detention tank facility.

The project site consists of vacant 8.86-acre parcel that are primarily flat and zoned General Commercial (GC) with Mixed-Use Overlay. The development is proposing a Binding Site Plan under PLN #1263, that splits the property into 2 lots and 3 Tract (future public right-of-way dedication of 211th Place, dedication of native growth protection area, and a boundary agreement with the

property owner to the east). The subject properties will be developed under the City's Mixed Use Development Regulations, with a mix of residential and commercial uses, with existing residential uses surrounding the subject site to the north, east, south, and west. The property is situated on a corner lot at the edge of the city limits with State Route 530 to the north and 59th Avenue NE to the west. Properties within the city limits include legal non-conforming residential single-family homes and previous farm store is located on the west side of 59th Avenue NE, legal non-conforming residential single-family homes are located to the east. Properties within Snohomish County jurisdiction include residential single-family homes on Agriculture 10-Acres located on the north side of State Route 530 and a residential single-family home, stream, and wetlands on Agriculture 10-Acres located to the south. The project will be served by City of Arlington utilities extended to the site with the proposed development.

Location: 21117 59th Avenue NE, Arlington, WA 98223

Hearing Examiner Decision: Approved, with Conditions

Notice of Decision Date: December 17, 2025

End of Appeal Period: January 7, 2026 at 5:00 pm

Conditional Use Permit Expiration Date: December 17, 2027

Binding Site Plan: Recording Required at Snohomish County Auditor's Office

Appeals: A Party of Record may file an appeal of this decision within twenty-one (21) calendar days from issuance of this Notice of Decision. Appeals shall be delivered to Snohomish County Superior Court at 3000 Rockefeller Avenue M/S 502, Everett, WA 98201, pursuant to the Land Use Petition Act, Chapter 36.70 RCW, by **January 7, 2026 at 5:00 pm**. Appeal fees shall also be paid to the City of Arlington, 18204 59th Avenue NE, Arlington, WA pursuant to AMC 20.20.020.

Staff Contact: Amy Rusko, CED Director, arusko@arlingtonwa.gov

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF ARLINGTON**

In the Matter of the Application of)	Nos. PLN#1263; PLN#1264
)	
Quarterra Multifamily Communities, on)	Arlington Garden Apartments
behalf of Lane Properties, LLC,)	BSP and CUP
)	
For a Binding Site Plan and)	FINDINGS, CONCLUSIONS,
<u>Conditional Use Permit</u>)	AND DECISION

SUMMARY OF DECISION

The request for approval of a binding site plan, to subdivide a vacant 8.86-acre parcel into two lots and three tracts, and a conditional use permit, to allow for a two-phased, mixed-use development consisting of 206 multi-family residential units and up to 15,500 square feet of retail commercial space, with associated improvements, at 21117 59th Avenue, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the proposal.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on December 3, 2025.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

- Amy Rusko, City Director of Community and Economic Development
- Brad Machet, Applicant Representative
- Jeremy Febus, Project Engineer
- Kramer Canup, Project Environmental Scientist
- Jonas Hylton
- Nellie Thompson
- Reidar Thompson
- David Thornton
- Michelle Dietz
- Andrew Wilson
- Lawrence Adamski

Exhibits:

The exhibits in Attachment A, listed at the end of this decision, were admitted into the record.

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

*Findings, Conclusions, and Decision
City of Arlington Hearing Examiner
Arlington Garden Apartments BSP and CUP
Nos. PLN#1263; PLN#1264*

FINDINGS

Application and Notice

1. Brad Machat, of Quarterra Multifamily Communities (Applicant), on behalf of Lane Properties, LLC, requests approval of a Binding Site Plan (BSP), to subdivide a vacant, 8.86-acre parcel into two lots and three tracts, and approval of a Conditional Use Permit (CUP), to allow for a mixed-use development consisting of 206 multi-family residential units and up to 15,500 square feet of retail commercial space. The Applicant proposes to complete the development in two phases. Phase one would include the development of the 206 multi-family residential units, within 5 three-story buildings and 3 three-story mixed-use buildings that would also contain commercial areas within the first floor, on the 296,581 square foot lot (Lot 2) created through the BSP. Associated improvements would include parking areas; a central clubhouse containing several amenities, including a fitness center, pool, workroom, lounge, restrooms, changing areas, and leasing/manager offices; an outdoor pool and spa area; outdoor covered seating; an outdoor pool and spa area; open space; recreation space; landscaping; a wetland overlook area; stormwater infiltration systems; rain garden; sidewalks; bicycle racks; lighting; a pergola; benches; picnic tables; seating benches; work tables; a fire pit; a play log; landscape boulders; garden beds; planter pots; and site furnishings.

The Applicant would also construct street frontage improvements along 59th Avenue NE, which would include curb, gutter, and sidewalk improvements, as well as street trees within a planter strip on the east side of the roadway. In addition, the Applicant would construct a new public road (211th Place NE), which would extend from 59th Avenue through the northwest corner of the site and then run along the northern frontage of the site, parallel to State Route 530 (SR 530), and then extend further east to connect with an existing portion of 211th Place. The new public roadway would include curb, gutter, and sidewalk improvements, as well as street trees in planter strips, a ten-foot trail on the north/west side of the street, and a sidewalk on the south/east side of the street. Phase two would include the future development of a standalone commercial building and associated parking on the other, 14,958 square foot lot (Lot 1) created through the BSP. The subject property is located on a corner lot at the edge of the city limits, to the southeast of the intersection at 59th Avenue NE and SR 530.¹ *Exhibit 1, Staff Report, pages 1 through 5; Exhibits 2 through 12.*

2. The City determined that the application was complete on November 27, 2024. On December 2, 2024, the City provided notice of the application and the neighborhood meeting on the proposal by mailing or emailing notice to property owners within 500 feet

¹ The property is identified by tax identification number 31051000402700. *Exhibit 1, Staff Report, page 4.* A legal description of the property is included with the application materials. *Exhibit 10.*

of the site, and to reviewing departments and agencies, and by posting notice on-site, on the City website, and at designated City locations, with a comment deadline of December 18, 2024. On December 4, 2024, the City published notice of the application and meeting in *The Herald*. On November 14, 2025, the City provided notice of the open record hearing associated with the application in the same manner, with notice of the hearing published in *The Herald* on November 18, 2025. The City received comments on the application from the Washington State Department of Transportation (WSDOT) – Aviation Division, the Washington State Department of Archaeology and Historic Preservation (DAHP), and the Stillaguamish Tribe of Indians, as detailed below. The City also received numerous comments on the proposal and on the environmental review of the proposal from members of the public, which are discussed further below and later in this decision. *Exhibit 1, Staff Report, pages 3, 8, and 41 through 44; Exhibit 25; Exhibit 26; Exhibits 29 through 33; Exhibits 39 through 41; Exhibits 45 through 110.*

3. WSDOT – Aviation Division noted that the proposed development is located within Compatibility Zone 6, in which multi-family residential and mixed-use development is permitted. It recommended that the Applicant’s plans be reviewed to ensure that the development would not create airspace hazards and that future residents should be made aware of the proximity of their dwellings to the Arlington Municipal Airport.

DAHP noted that the project is located in an area determined to be at high risk of containing archaeological resources and recommended that a professional archaeological survey be conducted prior to ground disturbing activity. In response to DAHP’s concerns, the Applicant submitted a cultural resources inventory of the site conducted by Dudek, dated February 2025, which did not identify any cultural resources on-site and recommended that the project adhere to an unanticipated discovery plan. After reviewing the Applicant’s cultural resources inventory, DAHP noted that it concurred with its results and recommendations. City staff has recommended a condition that the Applicant follow the unanticipated discovery plan that was submitted on October 31, 2024.

The Stillaguamish Tribe of Indians requested to be notified of archaeological field work associated with the project and to have the opportunity to review a draft of the survey report. The Tribe was provided with the cultural resources inventory and did not provide any additional comments. *Exhibit 1, Staff Report, pages 41 and 48; Exhibit 18; Exhibit 19; Exhibit 33; Exhibit 45; Exhibit 95; Exhibit 96.*

4. As noted above, the City received numerous comments on the application from members of the public during the notice of application comment period. These comments largely expressed opposition to the proposal and generally raised concerns about the proposal’s impacts to the existing character of the area, roads, traffic, parking, noise, lighting, critical areas, wildlife, and schools. The City also received additional comments outside of the application comments period but prior to the associated open record hearing, which generally raised these same concerns and/or the concerns raised in public comments on

the environmental review of the proposal, which are discussed further below. The City provided a comprehensive response to the public comments, which provided detailed information regarding the background of the property and the City's permitting process, and noted in part the following in response to public concerns:

- **Comprehensive Plan:** The Comprehensive Plan requires the City to plan for, and allow for, zoning on property to obtain the growth targets allocated to the City from Snohomish County. The 2024 Comprehensive Plan shows that the City is required to plan for these growth targets from 2020 to 2044 through the following; employment (an additional 14,462 jobs), population (an additional 15,088 people), and housing units (an additional 7,913 housing units).
- **Roads and Traffic:** The proposed project would provide improvements on 59th Avenue NE through the installation of curb, gutter, sidewalk, and a landscape strip on the east side of the roadway. There would also be a frontage road constructed from the project to the east that would connect to 211th Place NE. Full improvements of the frontage road would be required of the Applicant for the width of the project parcel, and the remaining portions of the frontage road would be improved on the north side with pavement for two-way traffic and a 12-foot-wide pedestrian trail. Pedestrian and bicycle traffic is proposed from the project site through a trail along the frontage road to the trail that is currently under construction with the 211th Place improvement project, which will connect people to the Centennial Trail. The Applicant's traffic impact analysis determined that all studied intersections would continue to operate at sufficient levels of service.
- **Utilities:** Water and sewer would be provided to the site through utility extensions that would be paid for by the developer. Stormwater would be required to be contained and treated on-site and would be required to meet the requirements of the 2024 Department of Ecology (DOE) Stormwater Management Manual for Western Washington.
- **Parking:** The Applicant would provide 447 parking spaces on-site, exceeding the minimum 419 parking spaces required under Arlington Municipal Code (AMC) Table 20.110-7.
- **Noise and Lighting:** The project is required to meet the noise and lighting regulations of AMC chapter 20.44, sections 20.44.210 (noise) and 20.44.280 (lighting). There are also additional lighting requirements under chapter 20.38 AMC and under AMC 20.60.400 due to the vicinity of the Arlington Municipal Airport.
- **Critical Areas and Wildlife:** The Applicant submitted a wetland report with their project application. Unless City staff is provided information that contradicts the information provided in the wetland report by a wetland biologist, the City will utilize the information provided with the application.
- **Floodplain:** The floodplain is regulated by the Federal Emergency Management Agency (FEMA), and the mapping is provided to the City. The City is required to

follow the maps to ensure that projects meet the FEMA regulations. The subject property is located in Zone X, which is within the 0.2 percent annual chance flood hazard of a 500-year flood and is not required to provide the same level of protection as the Island Crossing area or other properties within the immediate surrounding areas with different floodplain designations.

- **Arlington Public Schools:** The City does not control the needs of the school district. The City, however, works with the school district on population allocation increases assigned to the City from Snohomish County, and the school district is sent all proposed City project development permits. The Arlington School District recently adopted their Capital Facilities Plan, which outlines their needs per student population. The plan estimates that there may be a deficiency in the elementary schools in 2028, but that the middle and high schools have capacity through the 2029 planning year. Because of this, the development impact fee from the school district was decreased in 2024 for the next two years. There are state regulations on how impact fees from development can be spent. They can only be used for funding additional public facilities and cannot be used for the operation, maintenance, repair, alteration, or replacement of existing capital facilities used to meet the existing service demands.

Exhibit 43; Exhibits 46 through 94; Exhibits 97 through 102; Exhibits 105 through 110.

5. A neighborhood meeting on the proposal was held on December 19, 2024, at which members of the Applicant team, members of City staff, and several members of the public were present. *Exhibit 1, Staff Report, pages 3, 8, 11, and 41; Exhibit 44.*

State Environmental Policy Act

6. The City acted as lead agency and analyzed the environmental impacts of the proposal under the State Environmental Policy Act (SEPA), chapter 43.21C Revised Code of Washington. The City reviewed the Applicant's environmental checklist and other information on file and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the City issued a Mitigated Determination of Nonsignificance (MDNS) for the proposal on March 5, 2025. The City provided notice of its SEPA determination on March 7, 2025, with a comment and appeal deadline of March 21, 2025. As noted above, the City received comments on the MDNS from members of the public, which included the following:

- Rob Wagy inquired about the date of the public hearing on the proposal and about street infrastructure improvements that would be required for the project, noting his concerns about existing traffic issues in the area during peak hours.
- Jeremy Robling raised concerns about the proposal's impacts to existing infrastructure, particularly regarding impacts to SR 530 and its surrounding arterials.
- Attorney Brett Wiese, on behalf of neighboring property owners Reidar and Nellie Thompson, raised concerns about the Wetland and Fish and Wildlife

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Habitat Assessment Report, prepared for the project by Soundview Consultants, LLC, dated July 2024, which is discussed in further detail later in this decision. Attorney Wiese stated that his clients specifically disagreed with the report's classification of a wetland (Wetland A), located partially on the southeast corner of the site and extending offsite to the south on the Thompsons' property, as a Category III wetland. In support of the Thompsons' position, Attorney Wiese submitted an evaluation of Soundview Consultants' report, which was conducted by Wetlands and Wildlife, Inc., and determined the wetland at issue should be classified as a Category II wetland.

Exhibit 1, Staff Report, pages 8 and 44; Exhibit 17; Exhibits 39 through 42.

7. On March 14, 2025, the City issued notice that it was withdrawing the MDNS issued on March 5, 2025, to "allow additional time to further evaluate impacts and provide additional analysis of mitigation measures for the proposed mixed-use development project as a result of comments received during the comment period." *Exhibit 35.* After the original MDNS was withdrawn, Soundview Consultants revised its Wetland and Fish and Wildlife Habitat Assessment Report in June of 2025. The revised report reclassified Wetland A as a Category II wetland, with a standard 110-foot protective buffer. Soundview Consultants also provided a detailed response to the concerns raised by Wetlands and Wildlife, Inc., on June 2025, which noted that it had revised its classification of Wetland A as a Category II wetland. *Exhibit 17; Exhibit 35; Exhibit 38.*
8. The City thereafter reviewed additional information, including the revised Wetland and Fish and Wildlife Habitat Assessment Report and the Applicant's revised environmental checklist, and determined that, with mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the City issued a revised MDNS on September 26, 2025, with a comment and appeal deadline of October 10, 2025. The City received comments on the revised MDNS from Snohomish County Public Utility District No. 1 (PUD) and from members of the public, which included the following:
 - PUD noted that there was sufficient electrical system capacity to serve the proposed development, and it provided information on regulations for electrical facilities and easements.
 - Jeremy Robling noted his general disagreement with the development of additional apartment units in the city.
 - Jennifer Francisco inquired about whether the proposed apartments would be low-income units and about whether the project would include park areas or basketball courts. She noted her concerns about loitering, littering, graffiti, and other criminal activities taking place in her residential development, which she stated has led to the closure of a private mini basketball court and toddler lot maintained by her Homeowners Association. City staff provided a response to Ms. Francisco's comments, which notes that the apartments are expected to be market-

rate units and provides a site plan showing the proposed on-site amenities, including park and open space areas, the clubhouse, and swimming facilities.

- Reidar Thompson raised concerns about the revised Wetland and Fish and Wildlife Habitat Assessment Report, including concerns that it had reduced the area of the on-site wetland without providing justification, that it requested a buffer reduction without providing evidence that the project would implement measures required for such reduction, that proposed buffer enhancement plantings appear to be located outside of the averaged wetland buffer, that Soundview Consultants have a potential conflict of interest because it provides professional services to the City on public projects, and that the report relied on inaccurate or incomplete data. Mr. Thompson also inquired about whether the developer would be responsible for the costs of utility extensions required to serve the development, and he raised concerns about the project's location adjacent to a cannabis processing and production facility. City staff provided a response to Mr. Thompson's comments, which noted that the revised Wetland and Fish and Wildlife Habitat Assessment Report included all necessary information in revised rating sheets and mapping, that the proposed project is allowed to utilize wetland buffer requirements under AMC Table 20.93-4 due to the wildlife corridor that would be retained and due to the Applicant proposing mitigation measures listed in AMC Table 20.93-5, that the Applicant is proposing additional plantings for an increased separation from the development, that the City does not see any conflict of interest with regard to Soundview Consultants, that the revised report meets applicable criteria for review by the City and was reviewed by numerous agencies and tribes without concern, that the developer would be responsible for the full cost of extending utilities to the site, and that state law does not require minimum buffer distances between residential and cannabis production/processing facilities.

Exhibit 1, Staff Report, pages 8, 41, and 44; Exhibits 27 through 32; Exhibit 34.

9. The revised MDNS was not appealed and includes the following mitigation measure:
(B)(14)(c) Transportation: The applicant shall construct frontage improvements that include curb, gutter, sidewalk, landscape planting strip, multi-modal trail, and pavement, along 59th Avenue NE, through the project site, along the future public roadway along the northern property line between the subject parcel and State Route 530 and construct an approximately 22 foot wide access road with an approximately 12 foot multi-modal trail from the property's east boundary parallel to State Route 530 and connect to 211th Place NE with an intersection providing access to the project site from a secondary street or other similar improvements subject to approval by the city engineer.

Exhibit 34.

Comprehensive Plan and Zoning

10. The subject property, and adjacent properties to the east and west, are designated “General Commercial with Mixed-Use Overlay” under the City Comprehensive Plan. Adjacent properties to the north and south are within unincorporated Snohomish County and are designated “Agricultural 10-Acres.” The purpose of the Commercial Corridor designation is to “accommodate commercial uses generally similar, though more intensive, to the types permissible in the Old Town Business District. However, it is intended that this zone be placed along arterials to cater to commuters or as a transition in some areas between a Highway Commercial cone and a residential zone.” *City Comprehensive Plan, Land Use Descriptions*. As pertinent here, the Mixed Use Overlay: allows for a mix of diversified residential development to co-exist within a proportionate share of the . . . General Commercial (GC) [zone] . . . where typical retail and other support services would be located, thus creating a walkable neighborhood concept. . . . The overlay will provide for the efficient use of property by requiring the mixed use of properties in a manner that allows for residential development to co-exist with commercial, retail and specific light manufacturing uses. This promotes the creation of attractive, sustainable neighborhoods which enable walkability and less automobile dependency. The performance standards/design guidelines set forth in AMC Chapter 20.110 places limitations on the characteristics of uses located in these districts. *City Comprehensive Plan, Land Use Descriptions. Exhibit 1, Staff Report, pages 4 through 7.*
11. City staff determined that the proposal would be consistent with the City Comprehensive Plan, identifying the following Comprehensive Plan goals and policies as relevant:
- Protect and enhance the natural environment while planning for and accommodating growth. [Policy E-1.1]
 - Designate and protect fish and wildlife habitat corridors and restrict the fragmentation of large natural plant communities that provide essential and significant wildlife habitat. [Policy E-5.1]
 - Preserve existing and native vegetation as much as possible to support wildlife systems, increase groundwater infiltration, and prevent stormwater runoff. [Policy E-5.4]
 - Obtain stream corridor dedications where reasonable. [Policy E-5.6]
 - Use the best information available at all levels of planning, especially scientific information, when establishing and implementing environmental standards. [Policy E-5.9]
 - Ensure no net loss of ecosystem composition, structure, and functions, especially in Priority Habitats and Critical Areas, and strive for net ecological gain to enhance climate resilience. [Goal E-21]
 - Encourage development patterns that provide safe and welcoming environments for walking and bicycling. [Policy LU-1.4]

- Encourage local businesses through the continued application of mixed-use residential corridors and multiple locations for neighborhood serving businesses. [Goal LU-4]
- Promote the development of new retail, service, and civic mixed-uses and promote the enhancement of existing spaces to create urban centers. [Policy LU-4.2]
- Ensure land development patterns minimize or prevent impacts on natural open spaces and resource lands. [Policy LU-6.2]
- Development patterns shall be responsive to critical areas and other environmental factors, while minimizing the fragmentation of the built environment. [Policy LU-6.3]
- Encourage mixed-income and mixed-use neighborhoods. [Goal H-5]
- Encourage residential development in commercial areas to help create an economically vibrant and diverse environment. [Policy H-5.2]
- Promote well-connected housing, jobs, and services by allowing mixed-use development in commercial zones. [Policy H-7.2]
- Work towards ensuring all Arlington residents have access to a healthy active lifestyle. [Goal H-10]
- Encourage new residential development to include community gardens and green spaces to promote outdoor recreation. [Policy H-10.1]
- Encourage new residential developments to include fitness and recreational amenities, such as gyms, pools, and sports facilities, for residents' use. [Policy H-10.2]
- Encourage the development of unique economic hubs at various scales throughout the city to adequately serve residents and the region. [Goal ED-7]
- Promote the viability of Old-Town Business District, Smokey Point Boulevard, the Cascade Industrial Center, and Island Crossing as regional economic draws, while maintaining and improving upon smaller neighborhood hubs to serve local residents. [Policy ED-7.1]
- Require new residential development to mitigate impacts through payment of GMA parks impact fees, dedications of properties, and improvements for public use to serve the growing demand on the parks, recreation, and open space system citywide. [Policy P-3.1]
- Require developers to construct those streets directly serving new development and to pay a proportionate share of the costs for specific off-site improvements necessary to mitigate any adverse impacts determined through the review to be created by the development. [Policy T-2.3]
- Encourage non-motorized travel by providing safe and efficient movement of bicycles and pedestrians along streets and highways through constructing sidewalks and other footpath systems as well as bicycle paths. [Policy T-5.1]

- Encourage and plan for “pedestrian -scale” neighborhoods and centers to enhance access and mobility for active transportation users. [Policy T-6.5]
- Require installation of electric vehicle charging facilities with new multifamily and commercial developments. [Policy T-7.10]
- Provide a trail system that creates links between commercial and residential areas in Arlington and connects them to regional trails. [Policy T-16.2]
- Provide walkable and bikeable streets, as well as trail systems, to encourage active transportation to and from daily origins and destinations while promoting healthy, active lifestyles. [Policy PS-9.2]
- Ensure capital facilities and utilities are provided consistent with Growth Management Act provisions and the concurrency management system provides public facilities through public and private development activities in a manner that is compatible with the fiscal resources of the City. [Goal CFU-3]
- Condition development permits on facilities being in place as the impacts of the development occur, or within six years (or sooner, depending on the facility), whichever is to the greatest benefit to the City. A development permit includes any official City action that affects the permitting of land and the City is not obligated to approve per City regulations. The City should consider the variation in the different types of development permits and be flexible in adherence. [Policy CFU-3.1]
- Require that new developments mitigate traffic impacts through at least two of the following methods as deemed acceptable by the City or as many as are deemed necessary through the permitting process and supporting traffic analysis: dedication of right-of-way, frontage improvements, or traffic mitigation fees. [Policy CFU-3.4]
- Any costs associated with water extensions or system requirements necessary to provide that water, shall be borne by the person(s) requesting such service. [Policy CFU-3.12]
- Include Best Available Science/Best Management Practices in the City’s stormwater strategy and work to ensure stormwater standards and specifications reflect current industry standards and meet regulatory requirements. [Policy CFU-7.4]
- Utilize Low Impact Development standards that provide stormwater benefits and support naturally occurring functions simultaneously. [Policy CFU-7.5]
- Permit new development in urban areas only when sanitary sewers are available. [Policy CFU-10.5]

Exhibit 1, Staff Report, pages 6 and 7.

12. The subject property, and adjacent properties to the east and west, are zoned General Commercial (GC) with Mixed Use Overlay (MXO). As noted above, adjacent properties to the north and south are within unincorporated Snohomish County, and these properties are zoned AG-10. The GC zone:
is established to accommodate commercial uses generally similar, though more intensive, to the types permissible in the Old Town business district. However, it is intended that this zone be placed along arterials to cater to commuters or as a transition in some areas between a highway commercial zone and a residential zone.
AMC 20.36.020(d).

Multi-family apartments are allowed in the GC zone with a conditional use permit. *AMC 20.40.130.* Multi-family residential uses located above a permitted non-residential use are also allowed in the GC zone with a conditional use permit, subject to the mixed-use development regulations under chapter 20.110 AMC.

The property is also located within Subdistrict C of the Airport Protection (AP) District Overlay. The purpose of the AP district overlay is to “protect the viability of the Arlington Municipal Airport as a significant resource to the community by encouraging compatible land uses and densities, reducing hazards to lives and properties, and ensuring a safe and secure flying environment.” *AMC 20.38.010(a).* The Applicant has placed the Arlington Municipal Airport Avigation Easement on Sheet 2 of the proposed binding site plan. *Exhibit 1, Staff Report, pages 4 through 6, 13, and 14; Exhibit 3.*

Existing Site and Proposed Development

13. The 8.86-acre property is rectangular in shape and is generally flat, with less than about five feet of elevation change across the site. The property is currently undeveloped and consists entirely of unmaintained pastureland. The property is situated on a corner lot that is bordered by SR 530 to the north and 59th Avenue NE to the west. Properties to the west contain a former farm store and low-density, single-family residential structures that are legally nonconforming with the current GC with MXO zoning designation. Properties to the east also contain legally nonconforming single-family residential structures. As noted above, properties to the north, across SR 530, and to south are within unincorporated Snohomish County, with residential single-family homes located on properties to the north and a residential single-family home, stream, and wetlands located on property to the south. *Exhibit 1, Staff Report, page 2, 5, and 6; Exhibit 17; Exhibit 20.*

Critical Areas

14. Soundview Consultants, LLC, prepared a Wetland and Fish and Wildlife Habitat Assessment and Conceptual Buffer Averaging Plan on behalf of the Applicant, which, as noted above, was revised on June 6, 2025, in response to concerns raised during the initial MDNS comment period. The revised report identifies a wetland (Wetland A)

located partially on-site, within a 3,693 square foot portion of the property at its southeast corner, which then extends offsite to the south. The revised report classifies Wetland A as a Category II wetland that has a standard 110-foot buffer when a relatively undisturbed, vegetated corridor of at least 100 feet is protected between the wetland and the proposed development and when certain mitigation measures identified under AMC Table 20.93-5 are met. *AMC 20.93.830; AMC Table 20.93-4*. City staff reviewed the proposal and determined that it would qualify for the standard 110-foot buffer by providing the required protected corridor and by implementing the following mitigation measures:

- **Lights:** The parking lot lights from cars would be screened with vegetation between the buffer and pavement.
- **Noise:** Additional vegetation has been proposed between the buffer and buildings and activities.
- **Toxic Runoff:** All stormwater would be treated through filtering prior to being exposed to the wetland area.
- **Stormwater Runoff:** All stormwater would be treated through filtering prior to being exposed to the wetland area.
- **Change in Water Regime:** On-site water would be substantially infiltrated as in the existing condition.
- **Pets and Human Disturbance:** The wetland and associated buffer would require Native Growth Protection Area (NGPA) fencing and privacy fencing, and additional planting are also proposed between the buffer and use on the site. The NGPA would be placed in a tract to be dedicated to the City for protection.
- **Dust:** Best Management Practice during construction would be required and would be monitored through the civil permit.

The revised report also identified an offsite Type F-ESA stream (Stream 1) that is located approximately 110-feet to the south, with a standard 150-foot buffer that extends onto the southern portion of the subject property. In addition, the revised report identified an unregulated, artificially excavated drainage ditch along the eastern border of the property. The Applicant does not propose any direct impacts to the wetland or offsite stream. The Applicant proposes buffer averaging, however, to facilitate the proposed development. Specifically, the Applicant proposes to reduce approximately 4,313 square feet of wetland buffer and 1,482 square feet of stream buffer and to add approximately 4,323 square feet of wetland buffer and 1,487 square feet of stream buffer, which would result in a net increase of approximately 10 square feet of wetland buffer and 5 square feet of stream buffer. In addition, the Applicant proposes to enhance the currently degraded wetland and stream buffers by installing native trees and shrubs and by controlling on-native species throughout the buffer areas for a period of five years. The revised report determined that the proposed buffer averaging plan would not decrease the functional areas of the buffer areas. City staff reviewed the proposal and determined that it would

meet the requirements for buffer averaging. *Exhibit 1, Staff Report, pages 22 through 27; Exhibit 17.*

15. PanGEO prepared a geotechnical feasibility report on behalf of the Applicant, dated July 25, 2024, which did not identify any geologic hazardous areas on-site. The report further determined that infiltration of stormwater should generally be feasible at the site. PanGEO also prepared a preliminary infiltration evaluation, dated October 21, 2024, which provided additional infiltration recommendations. *Exhibit 20; Exhibit 22.*
16. As noted above, Dudek prepared a cultural resources inventory on behalf of the Applicant, dated February 2025, which did not identify any cultural resources on-site and recommended that the project adhere to an unanticipated discovery plan. City staff has recommended a condition requiring that the Applicant follow the unanticipated discovery plan that was submitted on October 21, 2024. *Exhibit 1, Staff Report, page 48; Exhibit 18.*

Recreational Facilities

17. AMC 20.52.010 requires that all residential developments creating 25 or more units provide mini-parks in an amount equal to 65 square feet per person expected to reside in the development, which would require the Applicant to provide a total of 22,334 square feet of mini-park space. The Applicant proposes to meet this requirement by providing 5,110 square feet of mini-park space within the proposed club house and interior area and by providing 17,224 square feet of mini-park space within the pool and its surrounding area. City staff reviewed the Applicant's proposed plans and determined that it would meet the applicable mini-park standards under AMC 20.52.020, noting:
 - The proposal would be large enough to provide functional recreational activity for the facility type; would feature paths, seating, lighting, landscaping, and pedestrian amenities; and would receive sunlight from all directions.
 - The proposal would provide the minimum required nine recreational elements.
 - The mini-park would be located in one designated central area of the development.
 - The clubhouse would exceed 5,000 square feet and would provide parking on the northwest side of the building.
 - The mini-park would be landscaped with partial fencing.
 - The location of the mini-park would be conveniently located to be easily accessible by all tenants.
 - The mini-park area would be constructed on dry, flat land.
 - The mini-park would not be located near utility easements.
 - The mini-park would be relatively square in shape.
 - The clubhouse building, pool, and outdoor area, as proposed, would meet the City's mini-park standards.

- The Applicant has proposed a portion of the mini-park area that differs from conventional outdoor park areas. The intent of the mini-parks has been met because it provides the future tenants an active outdoor area for recreation.
- The proposed mini-parks would include active indoor recreation facilities within the clubhouse building, including a fitness area, a social lounge, and a work room.
- The Applicant would be required to pay a community parks impact fee, currently calculated at \$1,497 for each residential unit, for a total of \$308,382.

Exhibit 1, Staff Report, pages 15 through 17, and 21; Exhibits 5 through 7.

Stormwater

18. KPFF Consulting Engineers prepared a stormwater drainage report on behalf of the Applicant, dated September 18, 2025. Stormwater runoff from street frontage improvements and on-site improvements would be collected and conveyed in a series of pipes and catch basins to one of eight sub-basin facilities that would provide flow control and water-quality treatment before fully infiltrating on-site. City staff reviewed the Applicant’s proposed stormwater management measures and determined that it is conceptually feasible. The City would review the Applicant’s final drainage plan for compliance with the most currently adopted Department of Ecology Stormwater Management Manual for Western Washington, and with City Public Works Standards and Specifications, at the civil permit stage. *Exhibit 1, Staff Report, pages 2, 36, and 40; Exhibit 19; Exhibit 20.*

Access and Traffic

19. TenW prepared a Traffic Impact Analysis (TIA) for the proposal, dated June 11, 2025, which determined that phase one of the project would generate a total of 1,610 new average daily trips, with 102 new AM peak-hour trips and 137 new PM peak-hour trips. The TIA further determined that all studied intersections would continue to operate at acceptable levels of service following a full build out of phase one the project. For the project’s impacts to the City’s transportation network, the Applicant would be required to pay traffic mitigation fees currently calculated at \$3,355 per PM peak hour trip, for a total of \$459,635. *Exhibit 1, Staff Report, page 21; Exhibit 23.*
20. City staff reviewed the proposal and determined that it would meets all applicable street and sidewalk requirements under chapter 20.56 AMC, noting:
- City staff reviewed the Applicant’s complete streets checklist and determined that the intent of the complete streets policy would be met.
 - The proposed development would include improvements to 59th Avenue NE, including curb, gutter, and sidewalk improvements, as well as a landscape planter strip along the east side. The proposal would also include the construction of a new public right-of-way (211th Place NE), which would extend from 59th Avenue through the northwest corner of the site and then run along the northern

frontage of the site parallel to State Route 530 and further offsite to the east to connect with an existing portion of 211th Place.

- The proposed development would include sidewalks, crosswalks, private drives, and bicycle racks throughout the site.
- The proposed development would consist of 206 multi-family residential units, along with non-residential commercial space, and would be required to have two access points that do not result in a dead-end. The proposal would include two access points from the site that would connect to 59th Avenue NE and the new public road of 211th Place NE. The access points would intersect with the connecting streets at 90 degrees.
- The proposed mixed-use development and binding site plan would provide private roads throughout the site as shown on the site plans. Maintenance of the private road system would be the responsibility of the property owner.
- The proposed private roads would not hinder public street circulation and would be adequate for transportation and fire access.
- The proposed private roads would be compatible for the neighborhood and would loop through the site and connect to the public road system.

Exhibit 1, Staff Report, pages 17 through 19; Exhibits 5 through 7; Exhibit 13.

Utilities

21. The City of Arlington would provide water and sanitary sewer service to the proposed development. The Applicant obtained a water and sewer availability letter from the City, dated August 26, 2024. The City would also provide police services, and North County Regional Fire would provide emergency fire services. Students residing in the subdivision would be served by the Arlington School District. The Applicant would not be required to pay school impact fees. Garbage services would be provided by Waste Management NW, electricity services would be provided by Snohomish County PUD #1, and gas services would be provided by Cascade Natural Gas. *Exhibit 1, Staff Report, pages 4 and 21; Exhibit 8.*

Mixed-Use Development Regulations

22. The City has adopted mixed-use development regulations to “establish clear policies, implementation strategies, and design standards to guide public and private investment in a coordinated manner.” *AMC 20.110.012(a)*. In doing this, the City has adopted an “alternative approach to conventional zoning called ‘form based code,’” a concept that reinforces “walkable, sustainable mixed-use environments and development that builds upon community character.” *AMC 20.110.012(b)*. The purpose of form-based codes is to “foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.” *AMC 20.110.012(b)*. *Exhibit 1, Staff Report, pages 2 and 3.*

23. The project site is located within a “Place Type” that is designated “Mixed-Use Community Center.” *AMC 20.110.014(c)(2)*. Under the form-based code, Place Types are further categorized by “Use Intensity Transects.” The property is located within both Transect 4 Main Street (T4-MS), the key features of which entail a “[p]rimary street with medium intensity commercial activity, along with medium to high density residential, decreasing in intensity toward the adjoining residential neighborhoods,” and Transect 4 Neighborhood Medium Volume (T4N-MV), the key features of which entail a “[m]ix of medium density building types with a variety of forms, which decrease in size and intensity of use toward the outer boundary of the corridor” *AMC 20.110.014(c)(2)*. The intent of the T4-MS area is to provide “a vibrant main street mixed-use residential and commercial environment that serves as the focal point for the surrounding neighborhood and provides access to day-to-day amenities within walking distance in urban form.” *AMC 20.110.014(c)(2)*. The intent of the T4N-MV area is to provide “an appropriate transition from a neighborhood main street environment into residential areas, and to provide flexible buildings in a residential form that can allow a mix of residential and walkable local serving commercial and service uses.” *AMC 20.110.014(c)(2)*. City staff reviewed the proposed layout, providing a medium-footprint, one-story commercial building on Lot 1; three-story, mixed-use buildings along 211th Place NE; and three-story residential-only buildings and an associated clubhouse with the interior of the site, and determined that it would be consistent with the intent of the T4-MS and T4N-MV areas by providing a walkable neighborhood for tenants, with commercial uses, and by providing access to nearby commercial areas and employment opportunities. *Exhibit 1, Staff Report, pages 2, 3, and 27 through 40; Exhibits 5 through 7.*
24. The City’s mixed-use development regulations (*AMC 20.110.014*) provide specific guidelines on appropriate building types and frontages, with specific design standards related to blocks, rights-of-way, thoroughfares, parking, civic and open spaces, landscaping and screening, low-impact design (LID) for stormwater management, outdoor lighting, and architecture. City staff analyzed the proposal and determined that these requirements would be met, noting:
- Mid Rise building types are allowed in the T4-MS and T4N-MV areas. This type of building is versatile and can be utilized for commercial-only buildings, mixed-use buildings, and residential-only buildings. The proposed buildings would have different frontage types, depending on their location on-site, which would change the look of the various buildings while keeping with the same theme throughout.
 - The Applicant’s architectural plans demonstrate that the proposed buildings would satisfy the building form standards applicable to the T4-MS and T4N-MV areas, including standards related to maximum stories, minimum ground- and upper-floor ceiling height, minimum ground-floor space depth, minimum and maximum building depths, and structural setbacks.
 - The proposal would exceed minimum off-street parking requirements by providing a total of 424 parking spaces on the site. Parking along the public street frontage would be located behind the buildings. The interior residential buildings

on the private street and drive aisle system are located either as street parking or within a parking lot. Parking on the site would be screened by buildings and landscaping.

- The proposal would comply with parking drive-width requirements by providing interior private parking drive-aisle widths of 24 feet throughout the site, with one private road having 20 feet of drive aisle space and parallel parking on both sides.
- The proposed project has not shown any encroachments of the buildings into the setbacks established from the right-of-way.
- The proposed buildings would utilize three allowed frontage types in the T4-MS and T4N-MV areas. The Stoop and Shopfront frontages would be used on the Mid Rise building type and the Engaged Porch would be used for the Clubhouse to provide a wider, inviting, and usable entrance.
- Stoop and Shopfront frontages would be used on the Mid-Rise building type for the mixed-use and residential buildings. The Engaged Porch frontage would be used for the Clubhouse.
- The project proposes to utilize multi-family residential, commercial retail uses, and some service-type businesses.
- The proposed project would be located along 59th Avenue NE and the new public roadway of 211th Place NE. The frontages of both roadways would provide vehicular, pedestrian, and bicycle access. After construction, the residents will have direct access to a trail system that will follow 211th Place and connect to Centennial Trail to the east. The project would provide multiple modes of travel throughout the entire site and to the surrounding areas.
- The Applicant proposes to provide 29,462 square feet of open space, which exceeds the 15,577 square feet of open space required for the entire site.
- The project would provide multiple fence types that meet applicable requirements, including an ornamental metal fence, pool fencing, security chain-link fence, and screen fence.
- The preliminary drainage plans are conceptually feasible, and the project has received conceptual approval for the stormwater design. All stormwater management measures would be reviewed at the civil permit stage for compliance with the most current version of the Department of Ecology (DOE) Stormwater Management Manual for Western Washington and the City of Arlington Public Works Standards and Specifications.
- The Applicant's proposed lighting would meet applicable lighting standards.
- The proposed development would meet applicable architectural standards, including standards related to regional and neighborhood compatibility; multiple building development compatibility; four-sided design; signage; building height and transition; building materials; building modulation and articulation; building scale; pitched roofs and eaves; gutters, downspouts, and scuppers; customer and public entrances; windows; and glazing.

Exhibit 1, Staff Report, pages 27 through 40; Exhibits 5 through 7.

Conditional Use Permit

25. As discussed above, multi-family apartments and multi-family residential uses located above a permitted non-residential use are allowed in the GC zone with a conditional use permit. *AMC 20.40.130*. City staff reviewed the application materials and determined that, with conditions, the criteria for a CUP would be satisfied, noting:
- The requested permit review is within the city limits and the City’s jurisdiction per the zoning map and permissible use table.
 - The application was deemed complete on November 27, 2024.
 - The proposal would comply with all requirements of the zoning code, Title 20 AMC.
 - The City issued an MDNS on September 26, 2025, which was not appealed.
 - The proposal would comply with the Comprehensive Plan, Transportation Plan, and the Arlington Municipal Code. The requested CUP, as conditioned, is consistent with all adopted plans, regulations, policies, and Title 20 AMC requirements.
 - The proposed development would not materially endanger public health or safety. The proposal has met the intent of the zoning and mixed-use development regulations.
 - The proposed development, as mitigated and conditioned, would not materially harm adjoining or abutting properties.
 - The proposed development would be compatible with the surrounding land uses in terms of site design/layout, building design, and proposed commercial/retail and residential uses.

Exhibit 1, Staff Report, page 45.

Binding Site Plan

26. As discussed above, the Applicant also requests approval of a BSP to divide the parcel into two lots and three tracts. Lot 1 would measure 14,958 square feet and is proposed to contain the future standalone commercial building that would be developed in the second phase of construction. Lot 2 would measure 296,581 square feet and would contain the proposed mixed-use development project. Tract 1 would contain the 211th Place NE extension proposed to be dedicated to the City as public right-of-way. Tract 2 would contain a Native Growth Protection Area for the on-site wetland, wetland buffer, and the offsite stream buffer. Tract 3 would contain a small narrow sliver on the east side of the property to allow a neighboring fence line to remain in place and is part of a recorded boundary line agreement. City staff reviewed the proposal and determined that, with conditions, the requirements for a BSP would be met, noting:
- The BSP documents identify all public streets, private drive aisles, parking areas, utilities, open space, landscaping, topography, and drainage locations.
 - The proposed BSP shows covenants, conditions, and restrictions.

- The proposed BSP matches the site plans and landscape plans that have been submitted with the CUP application.
- The proposed development would require the removal of eight significant trees from the property to provide necessary parking areas. Two significant trees near the wetland would remain on-site. The significant trees removed from the site are proposed to be replaced at a three-to-one ratio. The Applicant's proposed landscape plan shows that the project would exceed the requirements for replacement trees.
- A Type II Wetland is located in the southeast corner of the property and would remain undisturbed. The proposal includes a wetland buffer and stream buffer along the south property line that has been averaged and enhanced.
- The proposed BSP would meet all regulatory requirements of the municipal code. *Exhibit 1, Staff Report, pages 11 and 12; Exhibit 5.*

Testimony

27. City Director of Community and Economic Development Amy Rusko testified generally about the proposal and how, with conditions, it would comply with the City Comprehensive Plan, zoning ordinances, mixed-use development regulations, and the specific criteria for approval for a BSP and CUP. She described the subject property and surrounding development, consistent with the findings above. Ms. Rusko stated that the subject property is within the GC zone, with a mixed-use overlay, which allows residential uses only when in compliance with the City's mixed-use regulations. She provided an overview of the proposed development, noting the location of the three 3-story, mixed-use buildings, with first-floor commercial, along the frontage of the future right-of-way of 211 Place NE; the two 3-story residential buildings and the future standalone commercial building along 59th Avenue NE; and the three remaining 3-story residential buildings and other amenities within the site. Ms. Rusko explained that the Applicant would be responsible for constructing the full roadway extension of 211 Place NE along the northern frontage of the property, as well as for constructing a reduced roadway section offsite to the east to connect with the existing 211 Place NE. She also described the location of the on-site wetland and its buffer, as well as the buffer associated with the offsite stream, and detailed how the Applicant would comply with the requirements for buffer averaging. Ms. Rusko noted that the City had withdrawn its original MDNS in response to the concerns raised about the Wetland and Fish and Wildlife Habitat Assessment Report prepared by Soundview Consultants, which was revised to recategorize the on-site wetland as a Category II wetland. She explained that the Applicant revised its site design to meet the additional buffer widths required for a Category II wetland, after which the City reviewed the revised project plans and issued a new MDNS that was not appealed. Ms. Rusko noted that the Applicant's proposed buffer averaging and mitigation plan would improve buffer functions and values. She stated that the Applicant's traffic impact analysis had determined that the additional traffic generated by the proposal would not cause any affected intersections to operate as a deficient level-of-service. Ms. Rusko explained that City staff reviewed the Applicant's

proposed design and determined that it would meet all applicable design standards, noting that, although the property is located in both the T4-MS and T4-MV transects of the Community Center place type, the Applicant had elected to incorporate design elements that could be utilized in both transects to ensure a consistent design throughout the site. She provided a detailed explanation for why the City could not impose school impact fees for the proposed development, noting that school district has indicated that it is not over capacity. *Testimony of Amy Rusko.*

28. Applicant Representative Brad Machat, of Quarterra Multifamily Communities, testified that the Applicant agrees with City staff's analysis of the proposal, as detailed in the City staff report and Ms. Rusko's testimony. He stated that the Applicant has worked hard with the City to create a development proposal that would comply with all applicable requirements of the municipal code. Mr. Machat explained that, if the Hearing Examiner approves the applications, the Applicant anticipates beginning construction as soon as possible after obtaining all other necessary permits. *Testimony of Brad Machat.*
29. Project Engineer Jeremy Febus explained that the Applicant proposes to manage stormwater in compliance with applicable regulations by continuing to infiltrate stormwater runoff on-site, which would maintain the drainage patterns for the site. *Testimony of Jeremy Febus.*
30. Neighboring property owner Dr. Jonas Hylton testified that he is not opposing the project but noted that the mixed-use development would have significant impacts on his neighboring parcel that is developed with a single-family residence. He requested support from the City and the Applicant to minimize expenses that he might incur through a potential future change of use of his property by, for instance, providing stub outs for the utility extensions necessary to serve the proposed development. *Testimony of Dr. Jonas Hylton.*
31. Neighboring property owner Nellie Thompson testified about the written comments that she had submitted and summarized the concerns raised therein, including concerns that the revised Wetland and Fish and Wildlife Habitat Assessment Report had reduced the area of the wetland without substantiated field data or justification, the City's buffer regulations have been misapplied, and Soundview Consultants has a conflict of interest because it had worked on public projects for the City. She stated that her concerns are supported by the analysis provided by Wetlands and Wildlife, Inc., which was included with the written comments provided on her behalf by Attorney Brett Wiese. *Testimony of Nellie Thompson.*
32. Neighboring property owner Reidar Thompson testified that he and his wife, Nellie Thompson, own the 10-acre property directly to the south of the subject property, which contains protected wetlands that he asserted would be destroyed by the proposed development. He stated that he attended the neighborhood meeting on the proposal and

provided a detailed technical analysis and arguments against the proposal, noting that he requested a follow-up meeting to discuss his expert's analysis and concerns but that the City never followed up with him. Mr. Thompson expressed frustration with the City's lack of response to his concerns and reiterated the concerns raised in his and his wife's written comments, which, in addition to concerns regarding the City's environmental review of the proposal, include concerns about the proposal's traffic impacts, light impacts, and impacts on the existing rural character of the area. He stated in this regard that there are several vacant commercial buildings within the city that would be more suitable for commercial uses. *Testimony of Reidar Thompson.*

33. Neighboring property owner David Thornton testified that he shares the concerns raised by Nellie and Reidar Thompson. He also raised concerns about the proposal's view impacts to his property and about the existing traffic safety issues along 59th Avenue, including vehicles traveling at excessive speeds, which he stated would be exacerbated by the additional traffic generated by the proposed development. *Testimony of David Thornton.*
34. Michelle Dietz testified that she agrees with the concerns raised by Nellie and Reidar Thompson. She further testified that she has concerns about the proposal's potential flood impacts, landslide impacts, and impacts to wildlife and water quality. In addition, Ms. Dietz stated that she has concerns about the project's traffic impacts, but she noted her approval of the plan to extend the 211 Place NE public roadway to divert traffic from SR 530. She inquired about whether there were any plans to install traffic calming measures to address excessive speeding. *Testimony of Michelle Dietz*
35. Andrew Wilson testified that he agrees with the concerns raised by Nellie and Reidar Thompson, except for the concern raised about Soundview Consultants having a potential conflict of interest. He expressed frustration with a lack of transparency between the City and residents and noted that there is already an excess of vacant mixed-use commercial and residential buildings within the city. *Testimony of Andrew Wilson.*
36. Lawrence Adamski inquired about the history of the zoning change for the property to allow for commercial and mixed-use residential. He also inquired about the grading and fill that would be conducted for the project and about how this would affect stormwater runoff. Mr. Adamski noted that the public has been generally opposed to the project and has expressed that it would be inappropriate for this area of the city. *Testimony of Lawrence Adamski.*
37. In response to some of the concerns raised at the hearing, Mr. Febus testified that the proposed stormwater management measures for the site would comply with all applicable DOE requirements. He noted that river valleys generally contain sandy outwash soils that represent the ancient movement of rivers and that water is transmitted through that soil and results in high groundwater. Mr. Febus explained that infiltration is the natural

form of discharge on the site and that the Applicant would provide water-quality treatment and would provide a minimum of three feet of separation between the bottom of any infiltration facilities and the top of any seasonal high groundwater, consistent with DOE requirements. *Testimony of Jeremy Febus.*

38. Senior Environmental Scientist and Project Manager Kramer Canup, of Soundview Consultants, testified that the City provided Soundview Consultants with the analysis provided by Wetlands and Wildlife, Inc., which ultimately resulted in a reclassification of the on-site wetland from a Category III wetland to a Category II wetland. He explained that, although he did not fully agree with the third-party analysis, he decided to reclassify the wetland to move the process forward. Mr. Canup noted in this regard that the main element that changed the rating was a subjective matter related to a potential snag or downed log within 100 meters of the site, which his team had never observed within 100 meters of the wetland from the areas to which they had access. He explained, however, that the team decided to proceed by considering that there could potentially be such a snag, which increased the habitat score from a 5 to a 6, which in turn increased the wetland classification and its standard buffer width. Mr. Canup stated that Soundview Consultants is a licensed professional consultant, has no conflicts of interest, and is always required to comply with federal, state, and local laws. He explained that Soundview Consultants completed the initial delineation in September of 2022 and then completed the formal Wetland and Fish and Wildlife Habitat Assessment Report for the former property owner in December of 2022, which was later utilized for the Applicant. Regarding concerns about a change to the wetland boundary, he noted that the initial delineation was determined by utilizing a GPS unit, which has a 15- to-20-foot accuracy, and did not rely on any actual survey. Mr. Canup further explained that the wetland flagging was not present when the Applicant came onto the project and, therefore, his team had to reflag the delineated boundary with a more accurate GPS unit in June of 2024. *Testimony of Kramer Canup.*
39. Ms. Rusko testified in response to concerns that the developer would be responsible for paying for required utility extensions and roadway improvements. She explained that it would be up to the developer to provide stub outs along the utility extensions and that property owners connecting to the extended utilities would be responsible for a proportionate share of the utility extension costs, which could be recovered by the previous developer through a recovery cost contract. Ms. Rusko detailed how the Applicant has met the requirements for a 110-foot wetland buffer and 150-foot stream buffer and how the proposed buffer averaging plan meets the requirements of the City's critical areas code by, for instance, reducing the buffer width by no more than 25 percent and demonstrating that the plan would result in no net loss of buffer functions and values. She stated that, although Soundview Consultants had previously provided services for the City's public works department, she did not believe that this posed a conflict of interest, noting that there are a limited number of consultants in this field throughout the state. Ms. Rusko noted that excessive speeding along 59th Avenue NE is a matter for law

enforcement, and she again stressed that the Applicant's traffic impact analysis determined that all studied intersections would continue to operate at acceptable levels of service following a full build out of the proposed development. She also provided a history of the zoning designation of the property, noting that it was zoned to GC when annexed in 1999 to match existing GC zoned properties in that area of the city. Ms. Rusko further explained that the City applied the mixed-use overlay to meet the growth target allocation provided from the County. *Testimony of Amy Rusko.*

40. Brad Machet testified that he has previously spoken with Dr. Hylton and understands the need to work collaboratively as neighbors. He stated that he is willing to continue coordinating with Dr. Hylton to hopefully help him in any potential plans to redevelop his property. *Testimony of Brad Machet.*

Staff Recommendation

41. City staff, having determined that the proposal would comply with the City Comprehensive Plan and all applicable development regulations, recommends approval of the Applicant's requests for a BSP and CUP, with conditions. *Exhibit 1, Staff Report, pages 36 through 42.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted the authority to hear and decide the applications for a conditional use permit and, through the City's consolidated permit process, applications for approval of a minor binding site plan. *Revised Code of Washington (RCW) 36.70.970; AMC 20.12.230; AMC 20.16.160; AMC 20.16.225; AMC 20.16.435.*

Criteria for Review

Conditional Use Permit

Subject to Subsection (d) [of AMC 20.16.225], 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:

- (1) The requested permit is not within its jurisdiction according to the Table of Permissible Uses, or
- (2) The application is incomplete, or
- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this title (not including those the applicant is not required to comply with under the circumstances specified in Chapter 20.32, (Nonconforming Situations), or
- (4) The proposed project has not complied with SEPA, or
- (5) The proposed project is not in conformance with the comprehensive plan, transportation plan, or other adopted plans, regulations, or policies.

AMC 20.16.225(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:

- (1) Will materially endanger the public health or safety, or
- (2) Will materially harm adjoining or abutting property,
- (3) In terms of design and use will not be compatible with the area in which it is located.

AMC 20.16.225(d).

Binding Site Plan

The intent and purpose of [the City's binding site plan provisions] is to establish an alternative process by which the subdividing of commercial and industrial properties can be done, and which specifically depicts lot configurations, street and road improvements, utilities open space and other provisions to ensure a uniform development.

AMC 20.16.435.

Binding site plans are subject to the following standards:

- (1) The binding site plan shall ensure that the collective lots continue to function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance and parking.
- (2) The binding site plan shall:
 - (A) Identify the areas and locations of all streets, roads, improvements, utilities, open spaces, sensitive areas, parking areas, landscaped areas, surveyed topography (by a Washington State registered land surveyor) for map, water bodies and drainage features and building envelopes;
 - (B) Contain inscriptions or attachments setting forth such limitations and conditions for the use of the land as are established by the community and economic development director or the hearing examiner; and
 - (C) Contain provisions requiring any development or division of land to be in conformance with the approved site plan.
 - (D) Contain requirements for street right-of-way realignment, dedication or widening either required by the city or by voluntary agreement.
 - (E) Adhere to all applicable provisions set forth in the land use code.
- (3) Both the design and development shall preserve the trees and vegetation, natural drainage, existing topsoil, and wetlands/critical areas to the fullest extent that is reasonably possible.

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- (4) Conditions of use, maintenance and restrictions on redevelopment of required open space, parking, access and other improvements shall be identified and enforced by covenants, easements, dedications or other similar mechanisms.

AMC 20.16.435(b).

Conclusions Based on Findings

1. **With conditions, the proposal would satisfy the requirements for approval of a conditional use permit (CUP) under the municipal code.** The City provided reasonable notice of the application and opportunity to comment on the proposal. The City received numerous comments from reviewing agencies and members of the public in response to the City's notice materials, and several members of the public testified at the open record hearing. The comments from reviewing agencies, including WSDOT – Aviation Division, DAHP, and the Stillaguamish Tribe of Indians, have been fully addressed by City staff's recommended conditions of approval. The written comments and testimony from members of the public opposing the project generally raised concerns about the proposal's impacts to the existing character of the area, roads, traffic, parking, noise, lighting, critical areas, wildlife, and schools.

At the outset, it must be noted that community displeasure, alone, cannot be the basis of a permit denial. *Kenart & Assocs. v. Skagit Cty.*, 37 Wn. App. 295, 303, 680 P.2d 439, *review denied*, 101 Wn.2d 1021 (1984). Rather, in analyzing the request for approval of a conditional use permit to allow for a mixed-use development project, the Hearing Examiner must determine whether the request would comply with the applicable CUP criteria of the municipal code and all other applicable development regulations. Regarding concerns about the mixed-use project's compatibility with the existing character of the surrounding area, the Hearing Examiner acknowledges that the project would be a departure from the existing rural and low-density residential uses on neighboring properties within unincorporated Snohomish County and from the similar, now legally nonconforming single-family residential uses on neighboring properties within the city. The subject property, and the neighboring properties within city limits, are, however, currently zoned General Commercial with a Mixed-Use Overlay, which allows for multi-family apartments and multi-family residential uses located above a permitted non-residential use with a conditional use permit. Accordingly, the proposed mixed-use development project, as consistent with the City's mixed-use development standards, would be consistent with the City's vision for this area as implemented through its zoning and development regulations. In addition, City staff has determined that the proposal would be consistent with the General Commercial with Mixed-Use Overlay land use designation of the subject property and with several Comprehensive Plan goals and policies, including goals and policies encouraging mixed-use neighborhoods. The Hearing Examiner concurs with City staff's assessment of the project's consistency with the Comprehensive Plan. Although several members of the public have suggested that there are other, more appropriate locations for this

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development in other areas of the city, this is not a valid basis upon which to deny a project application.

The Applicant would be required to construct street frontage improvements along 59th Avenue NE and would be required to construct the new public roadway of 211th Place NE through the northwest corner of the site, along the property's frontage to the north, and extending offsite to connect with an existing portion of 211th Place. These required improvements would address some of the concerns raised by members of the public about the project's traffic impacts, and the Applicant's traffic impact analysis determined that the additional vehicle trips generated by the proposal would not cause any studied intersection to operate at a deficient level of service. As mitigation for the project's impacts to the city's transportation network, the Applicant would be required to pay traffic impact fees. The Applicant would also provide 447 parking spaces on-site, which would exceed the minimum 419 parking spaces required under the municipal code. In addition, the project would be required to comply with applicable noise and lighting regulations, including special lighting requirements applicable to the project due to its location in the vicinity of the Arlington Municipal Airport. As explained by City Director of Community and Economic Development Amy Rusko in her written response to public comments and in her testimony at the hearing, the City does not control the needs of the Arlington School District, and the project is not subject to school impact fees.

The City analyzed the environmental impacts of the proposal and determined that, with mitigation measures, it would not have a significant adverse effect on the environment. Accordingly, the City originally issued an MDNS for the proposal on March 5, 2025. Following the City's issuance of the original MDNS, it reviewed comments on the MDNS from members of the public, including comments raising concerns about the Wetland and Fish and Wildlife Habitat Assessment Report that was prepared for the project by Soundview Consultants. Chief among these concerns was the report's classification of an on-site wetland (Wetland A) as a Category III wetland rather than as a Category II Wetland. After reviewing these comments, the City elected to withdraw the original MDNS on March 14, 2025, to allow for further environmental analysis. Soundview consultants reviewed the additional information provided by Wetlands and Wildlife, Inc., and issued a revised report that reclassified Wetland A as a Category II wetland, with an increased standard 110-foot protective buffer, and the Applicant revised its plans to comply with the increased buffer through buffer averaging. The City thereafter reviewed the additional information and issued a revised MDNS on September 26, 2025. The City received additional comments from members of the public on the revised MDNS, to which City staff provided responses, and the revised MDNS was not appealed.

The revised Wetland and Fish and Wildlife Habitat Assessment Report referenced above identified Wetland A as located partially on-site, within a 3,693 square foot portion of the

property at its southeast corner and then extending offsite to the south. The report also identified an offsite Type F-ESA stream (Stream 1) that is located approximately 110-feet to the south, with a standard 150-foot buffer that extends onto the southern portion of the subject property. The Applicant proposes buffer averaging to facilitate the proposed development, as described in the findings above. City staff reviewed the proposal and determined that it would meet the requirements for buffer averaging. The Hearing Examiner has independently reviewed the report and buffer averaging plan for compliance with the City's critical areas ordinance and concurs with City staff's assessment, and the Hearing Examiner determines that the record does not evince any conflict of interest on the part of the Applicant's wetland consultant.

The project would comply with the City's recreational facilities requirements by providing a total of 22,334 square feet of mini-park space within the site, with 5,110 square feet of mini-park space provided within the proposed club house and interior area and 17,224 square feet of mini-park space within the pool and its surrounding area. The Applicant's project plans demonstrate that the proposed recreational facilities would meet applicable mini-park standards under AMC 20.52.020. The Applicant's project plans further demonstrate that the project would meet all applicable street and sidewalk requirements. City staff determined that the Applicant's proposed stormwater management measures are conceptually feasible, and the City would review the Applicant's final drainage plan for compliance with the most currently adopted Department of Ecology Stormwater Management Manual for Western Washington, and with City Public Works Standards and Specifications, at the civil permit stage. A geotechnical feasibility report prepared for the proposal did not identify any geologic hazardous areas on-site, and a cultural resources inventory prepared for the proposal did not identify any cultural resources on-site. City staff has recommended a condition requiring that the Applicant adhere to an unanticipated discovery plan if any cultural resources are encountered on the property. There are adequate utilities to serve the proposed development.

City staff provided a thorough analysis detailing how, with conditions, the proposal would comply with the City's mixed-use regulations for development within the T4-MS and T4N-MV use intensity transects of the Mixed-Use Community Center place type. The Hearing Examiner has independently reviewed the proposal for compliance with the mixed-use regulations of chapter 20.110 AMC and concurs with City staff's assessment that the proposal, as conditioned, would comply with these regulations, including regulations related to building form, building placement, parking standards, streets and sidewalk design, frontage types, civic and open space standards, landscaping, outdoor lighting, and stormwater management, as well as specific architectural design standards related to regional and neighborhood compatibility; multiple building development compatibility; four-sided design; signage; building height and transition; building materials; building modulation and articulation; building scale; pitched roofs and eaves; gutters, downspouts, and scuppers; and windows.

The Hearing Examiner determines that the project's consistency with the City's mixed-use development standards, together with the mitigation measure required under the MDNS and the conditions detailed below, would ensure that the proposal would not materially endanger the public health or safety, would not materially harm adjoining or abutting property; and would be compatible with the City's vision for the surrounding area in terms of design, as implemented through its Comprehensive Plan, zoning regulations, and applicable design standards. *Findings 1 – 41.*

2. **With conditions, the proposal would satisfy the requirements for approval of a minor binding site plan (BSP) under the municipal code.** City staff reviewed the Applicant's proposed binding site plan and determined that it contains all elements necessary to meet the regulatory requirements of the municipal code. The Hearing Examiner has independently reviewed the proposed binding plan and concurs that it contains all these required elements by including an identification of all public streets, private drive aisles, parking areas, utilities, open space, landscaping, topography, and drainage locations and by providing a declaration of the covenants, conditions, and restrictions applicable to the proposed development, including the requirement that all development and use of the land be in accordance with the binding site plan. In addition, the proposed BSP matches the site and landscape plans reviewed with the approved CUP application addressed in the conclusion above, and the Applicant's technical report submitted with the BSP and CUP applications demonstrate that existing trees, vegetation, and critical areas on-site would be preserved to the extent reasonably feasible. Conditions, as detailed below, are necessary to ensure that the proposed BSP meets all applicable regulatory requirements. *Findings 1 – 41.*

DECISION

Based upon the preceding findings and conclusions, the request for approval of a binding site plan to subdivide a vacant 8.86-acre parcel into two lots and three tracts, and for a conditional use permit to allow for a two-phased mixed-use development consisting of 206 multi-family residential units and up to 15,500 square feet of retail commercial space, with associated improvements, at 21117 59th Avenue, is **APPROVED**, subject to the following conditions:

Land Use Approval:

1. All development shall be in substantial conformance with the Site Plan, Landscape Plans, and Architectural Plans received on September 25, 2025, subject to any conditions or modifications that may be required as part of the permit and construction plan review.
2. The Binding Site Plan shall be in substantial conformance with the plans received on October 2, 2025. The Applicant is required to provide the City with a signed binding site plan prior to City signatures and recording with the Snohomish County Auditor's Office.
3. The approved Conditional Use Permit shall expire two years after the date of the Notice of Decision per AMC 20.16.220.

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4. The construction and final development shall meet all Title 20 AMC regulation requirements, along with all local, state, or federal code requirements.
5. The developer shall clear any outstanding Planning Division permit-processing accounts with the City within 60 days of issuance of this permit.
6. No permits and/or construction pursuant to the Conditional Use Permit shall begin or be authorized until 21 days from the date of the decision.
7. All public improvements along 59th Avenue NE and 211th Place NE shall be dedicated to the City of Arlington upon completion and acceptance of the improvements. City Council approves all dedications processed with Binding Site Plans; survey exhibits will be required from the Applicant prior to the meeting.
8. The Native Growth Protection Area (NGPA) shall be dedicated to the City of Arlington upon completion and acceptance of the improvements. City Council approves all dedications processed with Binding Site Plans; survey exhibits will be required from the applicant prior to the meeting.
9. All proposed stream and wetland buffer mitigation from the Wildlife Habitat Assessment and Conceptual Buffer Averaging Plan completed by Soundview Consultants shall be implemented.
10. All lighting installed for the project shall be downshielded due to the proximity of the Arlington Municipal Airport.
11. Opaque landscape screening shall be installed and maintained between the parking lot and adjacent critical area buffers.
12. Recording of the approved Binding Site Plan shall take place within 30 days of the Applicant's acquisition of the subject property.
13. WDOT Right-of-Way:
 - 13.1. If the City has not acquired the necessary WSDOT ROW required to construct 211th Place NE by the time the Applicant receives their first occupancy permit for the Project, the Applicant will modify its approved Conditional Use Permit and Binding Site Plan, pursuant to AMC 20.16.370 as needed to ensure code-compliant parking, sidewalk, and landscaping where Drive F and Drive G dead-end along WSDOT frontage, adequate emergency vehicle and fire access, compliance with stormwater requirements, and enhanced landscaping along the WSDOT frontage of the Property.

- 13.2. The City will issue occupancy permits: (i) upon the Applicant posting a bond, or equivalent financial guarantee as approved by the City, sufficient to ensure construction of 211th Place NE as described in Condition 13.1, by the City, (ii) once required utility connections have been finalized, and (iii) demonstration by the Applicant that all other applicable code and permit conditions have been met.
- 13.3. If the City acquires the WSDOT ROW within three years of the date the Applicant receives their first occupancy permit for the project, the Applicant shall construct the entirety of 211th Place NE as described in Condition 13.1, and upon final approval of the construction of the road construction of 211th Place NE, the City shall release the performance guarantee in exchange for a maintenance bond per applicable City requirements. If the City does not acquire the WSDOT ROW within three years of the date the applicant receives their first occupancy permit for the Project, the City will release the financial guarantee upon the Applicant executing a reimbursement agreement with the City, guaranteeing that Applicant or future property owner shall pay all costs, at prevailing wage, for the design and construction of WSDOT ROW; provided that the term of the reimbursement agreement does not extend more than five (5) years.
14. Applicant shall apply for land use entitlements of Lot 1 within seven (7) years of the date the applicant receives final approval for all applied building permits on Lot 2.
15. The subject property may experience low-flying aircraft, aircraft engine and propeller noise, vibrations, and exhaust fumes. The property management company of the proposed apartments shall inform all future residents of these potential impacts and their proximity to the Arlington Municipal Airport.
16. The proposed project shall not inhibit the Arlington Municipal Airport with smoke, glare, electronic interference, wildlife attractants, or any other airspace hazard.
17. The proposed Traffic Impact Analysis from TENW does not account for the commercial building on Lot 1. Future permitting for Lot 1 requires a traffic analysis and/or addendum prior to approval of a land use permit and payment of additional traffic impact fees.
18. Bicycle parking calculations for the commercial building on Lot 1 was not included under this permit. Future permitting for Lot 1 is required to provide this information and install bicycle racks.
19. Transportation: The Applicant shall construct frontage improvements that include curb, gutter, sidewalk, landscape planting strip, multi-modal trail, and pavement, along 59th Avenue NE, through the project site, along the future public roadway along the northern property line between the subject parcel and State Route 530. The Applicant shall further construct an approximately 22 foot wide access road with an approximately 12 foot

multi-modal trail from the property's east boundary parallel to State Route 530 and the currently existing 211th Place NE. An intersection shall be constructed at the connection point with the existing 211th Place NE, or other similar improvements subject to approval by the city engineer.

Civil Construction:

20. Prior to any construction activities, the Applicant shall file and receive approval of civil construction plans that comply with all requirements of the Land Use Code, International Building Code, International Fire Code, and Public Works Construction Standards and Specifications. Said plans shall address all site improvements, either required or voluntarily provided.
21. All stormwater is required to meet the most current adopted version of the Department of Ecology Stormwater Management Manual for Western Washington. The final drainage plan shall be approved with the Civil permit.
22. The Applicant is required to obtain utility permits from the City of Arlington for water and sanitary sewer connections.
23. The Applicant is required to provide an automatic irrigation system on the site. The proposed irrigation plan shall be submitted with the Civil Permit.
24. The Applicant shall construct all existing, extended, and new electrical power lines (not to include transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication and utility lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the administrative guideline entitled "Public Works Construction Standards and Specification." Even in the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.
25. The placement of Snohomish County PUD transformer cases shall be reviewed and approved by the city. All cases that abut public right-of-way are required to be decoratively wrapped.
26. Due to the location of the property, the developer shall contact the Arlington Municipal Airport prior to the use of cranes or equivalent on the property to ensure there are no height hazard obstructions.

27. The Applicant shall follow the Unanticipated Discovery Plan submitted on October 31, 2024. The Unanticipated Discovery Plan is required to be on-site and followed should archaeological resources or human remains be encountered.

Building:

28. Prior to issuance of the building permit, the Applicant shall complete all required or voluntary improvements unless otherwise secured and authorized by the City Engineer.
29. The Applicant shall submit building plans meeting the architectural standards of AMC 20.110, as approved with this permit.
30. Business Licenses for all contractors working on the site shall be required to obtain a City of Arlington Business License.
31. Building signage is required to be permitted through a sign permit application. All signage requires city approval prior to installation. The signage shall meet all code requirements and blend in with the overall building design.
32. Issuance of any Certificate of Occupancy shall be limited to 49 residential units prior to the start of construction of the mixed-use buildings as shown on the approved site plan.
33. The buildings are required to meet the window glazing standards in AMC 20.110.014(l)(13) prior to approval of each building permit.

DECIDED this 17th day of December 2025.



PEREGRIN K. SORTER
Hearing Examiner
Laminar Law, PLLC

ATTACHMENT A

The following exhibits were admitted in the record:

1. Staff Report
2. Conditional Use Permit Application, dated October 22, 2024
3. Binding Site Plan Application, dated October 22, 2024
4. Applicant Project Narrative, dated August 25, 2025
5. Proposed Binding Site Plan (8 Sheets), dated September 25 and October 2, 2025
6. Conditional Use Permit Site Plans (85 Sheets), dated September 25 and 26, 2025
7. Preliminary Civil Site Plans (46 Sheets), dated October 2, 2025
8. Water and Sewer Availability Letter, approved August 26, 2024
9. Vicinity Map
10. Property Legal Description
11. Title Report
12. Lot Closures
13. Complete Streets Checklist
14. Revised SEPA Environmental Checklist, dated September 18, 2025
15. Architectural Standards Narrative, dated September 25, 2025
16. Arborist Report, Soundview Consultants, LLC, dated October 18, 2024
17. Wetland and Fish and Wildlife Habitat Assessment and Conceptual Buffer Averaging Plan, Soundview Consultants, LLC, revised June 6, 2025
18. Cultural Resources Inventory, Dudek, dated February 2025
19. Inadvertent Discovery Plan
20. Geotechnical Feasibility Report, PanGEO, Inc., dated July 25, 2024
21. Stormwater Drainage Report, KPFF Consulting Engineers, dated September 18, 2025
22. Preliminary Infiltration Evaluation, PanGEO, Inc., dated October 21, 2024
23. Traffic Impact Analysis, TenW, dated June 11, 2025
24. Snohomish County Traffic Mitigation Offer, dated October 23, 2024
25. Public Notice Mailing Labels, Mailing List, and Vicinity Map
26. Notice of Public Hearing, published November 18, 2025, with Affidavit of Posting, Newspaper Publication Request, Mailing Posters, and Notice Emails.
27. City Response to the Comments of Reidar Thompson and Nellie Thompson, dated November 13, 2025
28. City Response to the Comments of Jennifer Francisco, dated October 16, 2025
29. Comments of Jennifer Francisco, dated September 28, 2025
30. Comments of Jeremy Robling, dated September 30, 2025
31. Comments of Snohomish County Public Utility District No. 1, dated October 10, 2025
32. Comments of Reidar Thompson, dated October 10, 2025
33. Comments of Washington State Department of Archeology and Historic Preservation (DAHP), dated October 27, 2025, with email string
34. Notice of Revised SEPA Mitigation Determination of Nonsignificance (MDNS), issued September 26, 2025
35. Notice of Withdrawn MDNS, issued March 14, 2025

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36. Email confirming waiver of permit review timeline, dated August 26, 2025, with email string
37. Resubmittal Extension Email, dated May 21, 2025, with email string
38. Response to Comments Technical Memorandum, Soundview Consultants, LLC, dated June 6, 2025
39. MDNS Comments of Attorney Brett Wiese, on behalf of Reidar and Nellie Thompson, dated March 6, 2025, with Evaluations of Wetland and Fish and Habitat Assessment Report by Wetlands and Wildlife Environmental Consulting, dated February 23, 2025
40. MDNS Comments of Jeremy Robling, dated March 7, 2025
41. MDNS Comments of Rob Wagy, dated March 7, 2025
42. Notice of SEPA MDNS, issued March 5, 2025
43. City Response to Public Comments, dated January 7, 2024
44. December 19, 2024, Neighborhood Meeting Presentation Slides and Minutes
45. Comments of Washington State Department of Transportation – Aviation Division, dated December 12, 2024
46. Comments of Jennifer Taton, dated December 12, 2024
47. Comments of Elizabeth Vincenzi, dated December 12, 2024
48. Comments of John Walker, dated December 12, 2024
49. Comments of Tyler Walton, dated December 12, 2024
50. Comments of Donna Huckabay, dated December 12, 2024
51. Comments of Joan Anderson, dated December 12, 2024
52. Comments of Paige Anderson, dated December 13, 2024
53. Comments of Bill and Robin Kmet, dated December 13, 2024
54. Comments of Rob Wagy, dated December 13, 2024
55. Comments of Maureen Frandsen, dated December 13, 2024
56. Comments of Kathy Whitley, dated December 13, 2024
57. Comments of Aarene Storms, dated December 13, 2024
58. Comments of Michelle Dietz, dated December 13, 2024
59. Comments of Rod Halstead, dated December 13, 2024
60. Comments of Stephen Younger, dated December 13, 2024
61. Comments of S. Stovall, dated December 13, 2024
62. Comments of Shane Mason, dated December 14, 2024
63. Comments of Tracie Sea, dated December 14, 2024
64. Comments of Jenny B., dated December 14, 2024
65. Comments of Jeremy Robling, dated December 14, 2024
66. Comments of Patricia Garrett, dated December 14, 2024
67. Comments of Nikki Starup, dated December 14, 2024
68. Comments of Leigh Kellogg, dated December 14, 2024
69. Comments of Heidi Swanson, dated December 15, 2024
70. Comments of Melia Fletcher, dated December 15, 2024
71. Comments of Azra Grudic, dated December 15, 2024
72. Comments of Samantha McCarty, dated December 15, 2024
73. Comments of Dominic Johnson, dated December 15, 2024

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74. Comments of June Bohannon, dated December 15, 2024
75. Comments of Jennifer McCormick, dated December 15, 2024
76. Comments of Millie Wilcoxson, dated December 16, 2024
77. Comments of Andrew Wilson, dated December 16, 2024
78. Comments of Jamie Wilson, dated December 16, 2024
79. Comments of Mitchell Matronic, dated December 16, 2024
80. Comments of David Hovik, dated December 16, 2024
81. Comments of Kirsten Marsh, dated December 16, 2024
82. Comments of Sarah Tsoukalas, dated December 16, 2024
83. Comments of Trindy Yinger, dated December 16, 2024
84. Comments of Maureen Frandsen, December 13, 2024
85. Comments of Scott Robertson, dated December 17, 2024
86. Comments of Cynthia Drinkwater, dated December 17, 2024
87. Comments of Lelia Beakey, dated December 17, 2024
88. Comments of Carol Howe, dated December 17, 2024
89. Comments of Michael and Lynda Thomas, dated December 17, 2024
90. Comments of Larry Adamski, dated December 18, 2024
91. Comments of Carl Fargon, dated December 18, 2024
92. Comments of Ron and Vickie Johnson, dated December 18, 2024
93. Comments of Ardie Ogden, dated December 14, 2024
94. Comments of Reidar and Nellie Thompson, dated December 18, 2024
95. Comments of DAHP, dated December 18, 2024
96. Comments of Stillaguamish Tribe of Indians, dated December 18, 2024
97. Comments of Todd and Brenda Leighton, dated December 18, 2024
98. Comments of David Nelson, dated December 18, 2024
99. Comments of Karen Bukis, dated December 18, 2024
100. Comments of Curtis McCarty, dated December 19, 2024
101. Comments of Britt Thompson, dated December 19, 2024
102. Comments of Jonas Hylton, dated December 19, 2024
103. Notice of Application and Neighborhood Meeting, published December 4, 2024, with Mailing Posters, Publication Request, Affidavit of Posting, and Notice Emails
104. Notice of Complete Application, dated November 27, 2024
105. Comments of Debbra Bartley, dated November 19, 2025
106. Comments of Jonas Hylton, dated November 19, 2025
107. Comments of Artie Ogden, dated November 29, 2025
108. Comments of Reidar Thompson, dated December 25, 2025, with attachments
109. Comments of Lenora Fenstermaker and Glen and Kathie Bunkelman, dated December 2, 2025
110. Comments of Lena Waldron, dated December 2, 2025
111. City Staff Presentation Slides