

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

In the Matter of the Application of)	No. PLN#1315
)	
MJS Investors, LLC)	Lindsay Subarea Plan
)	
For a Subarea Plan)	FINDINGS, CONCLUSIONS, AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

Because the proposed subarea plan for the Lindsay Subarea complies with all procedural and substantive requirements under state law and the municipal code, and because the plan was developed through a process providing the opportunity for extensive input from members of the public and other stakeholders and adequately addresses community concerns, the Hearing Examiner recommends that the Arlington City Council (City Council) **APPROVE** the subarea plan.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on December 16, 2025.

Testimony:

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

Amy Rusko, City Community and Economic Development Director

Attorney Nicole De Leon represented the Applicant at the hearing.

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report
2. Lindsay Subarea Plan, dated November 2025
3. Lindsay Subarea Plan Appendices, dated November 2025
4. Lindsay Subarea Draft Planned Action Ordinance
5. Lindsay Subarea FEIS Volume 1, dated November 2025
6. Lindsay Subarea FEIS Volume 2 Appendices, dated November 2025
7. Notice of Public Hearing, dated November 25, 2025
8. Notice of Final Environmental Impact Statement (FEIS), dated November 25, 2025
9. Comments from the Department of Archaeology and Historic Preservation Comments on the DEIS, dated September 29, 2025

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Lindsay Subarea Plan
No. PLN#1315*

10. Comments from Shannon Oquist on the DEIS, dated October 7, 2025
11. Comments from Annett Gamble-Olson on the DEIS, dated October 15, 2025
12. Comments from Department of Ecology on DEIS, dated October 27, 2025
13. Comments from the Department of Fish and Wildlife on the DEIS, dated November 12, 2025
14. Comments and Timeline Extension Request from WSDOT on the DEIS, dated October 24 and November 14, 2025
15. Notice of Draft Environmental Impact Statement, issued September 26, 2025
16. Comments from Gwendolen Coulter on the NOA, dated March 22, 2025
17. Comments from WSDOT Aviation Division on the NOA, dated April 2, 2025
18. Comments from The Tulalip Tribe on the NOA, dated April 4, 2025
19. Comments from Stillaguamish Tribe on the NOA, dated April 9, 2025
20. Comments from Tracy Jacobsen on the NOA, dated April 9, 2025
21. Sign-In Sheet for the April 7, 2025, Community Neighborhood Meeting
22. Presentation for the April 7, 2025, Community Neighborhood Meeting
23. Notice of Application, Community Neighborhood Meeting, SEPA Determination of Significance, and Request for Comments on Scope of Environmental Impact Statement, issued March 18, 2025
24. Address list and map for properties within 500 feet
25. Subarea Plan Site Plans (11 sheets)
26. Tree Study Report and Tree Table, prepared by Layton Tree Consulting, LLC, dated September 25, 2024
27. Vicinity Map
28. Traffic Impact Analysis, prepared by Transpo Group, dated December 2024
29. Water and Sewer Availability, dated June 28, 2024
30. Stormwater Site Plan Report prepared by Land Technologies, Inc., dated February 10, 2025
31. Construction Stormwater Pollution Prevention Plan, prepared by Land Technologies, Inc., dated February 10, 2025
32. Geotechnical Engineering Study, prepared by Earth Solutions NW LLC, dated June 28, 2024
33. Archaeological Survey, prepared by Equinox Research and Consulting International Inc. (ERCI), dated July 26, 2024
34. Critical Areas Letter Summary, prepared by Soundview Consultants LLC, dated October 10, 2024
35. SEPA Checklist, dated February 3, 2025
36. Legal Description of Total Development Area
37. Lindsay Annexation Tax Parcels
38. Lindsay Master Plan Subarea Project Narrative, dated February 6, 2025, and Lindsay Subarea Initial Submittal and SEPA Scoping
39. Land Use Application, dated April 7, 2025

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

FINDINGS

Background

1. The City of Arlington (City) Comprehensive Plan “designates fourteen subareas that distinguish specific geographical areas and existing neighborhoods within the community,” within which development is guided by specific subarea plans. *Arlington Municipal Code (AMC) 20.44.032(a)*.

The intent of creating subareas is to develop a subarea plan for each area of the city that contains specific policies and criteria to guide land development, incorporate missing middle housing options, transportation facilities, community facilities, infrastructure and capital improvement decisions that provide for a more coordinated, efficient, and effective structure for predictable neighborhood planning. The subarea plans encompass both newly created subareas and those that work with existing neighborhoods to provide criteria for infill and redevelopment purposes.

AMC 20.44.032(a).

Apart from two designated subareas that are within a master planned neighborhood (MPN) overlay, the East Hill and Lindsay Annexation subareas, these subarea plans are to be produced by the City. *AMC 20.44.032(b)*. In contrast, subarea plans for the East Hill and Lindsay Annexation subareas are developer-initiated and, as addressed later in this decision, are required to include specific elements related to housing types, minimum lot sizes, and outdoor amenities.

The subarea plan for the East Hill and Lindsay Annexation area serves as the typical preliminary plat document for development and shall follow the process of a conditional use permit (Section 20.16.225 Special use permits and conditional use permits), with the hearing examiner holding a public hearing (following the procedures of Chapter 20.24 - Hearing and Pre-Hearing Procedures and Appeals and Applications) and providing a recommendation to city council for the final ordinance.

AMC 20.44.032(g).

Application and Notice

2. In accordance with the provisions above, MJS Investors, LLC (Applicant), proposes adoption of a subarea plan for the Lindsay Subarea, which was developed in partnership with the City of Arlington (City) through a process providing the opportunity for

participation by members of the public and other interested stakeholders.¹ Specifically, the proposed Lindsay Subarea Plan relied on public engagement information obtained through a Comprehensive Plan Public Engagement and Outreach Housing Survey and Hilltop Subarea Survey taken between 2022 and 2024; through a 30-day Environmental Impact Statement (EIS) scoping period beginning on March 20, 2025, and concluding on April 10, 2025; and through a community neighborhood meeting held on April 7, 2025. *Exhibit 1, Staff Report, pages 2, 8, 9, 14, and 15; Exhibit 2; Exhibit 3; Exhibit 21; Exhibit 22.*

3. The proposed Lindsay Subarea Plan summarized the feedback received during the EIS scoping period and at the community neighborhood meeting as follows:

- Community members value the rural character of the area but there are conflicting visions for future land uses within the Subarea.
- Single-family homes and attached home styles are most preferred in the area. Some community members raised concerns about smaller lot sizes and higher housing density, noting they may not align with the character of surrounding neighborhoods. Others emphasized the importance of offering affordable housing options to support young families and future generations.
- There is equal interest in placing multifamily homes close or away from 172nd St.
- There is strong interest in expanding park and recreational opportunities. The most desired park feature is an open field or lawn, followed by pedestrian lighting, playgrounds, and seating. Parks located near 172nd St are considered the most likely to be used by participants.
- Community members stressed the importance of conducting further traffic studies and prioritizing investments in infrastructure along 172nd St to address safety and meet anticipated capacity needs.
- Preservation of cultural artifacts and environmental resources in coordination with the Tulalip and Stillaguamish Tribe.
- Residents should be made aware of the proximity of their dwelling to the Arlington Municipal Airport and associated airport-related impacts (noise and air pollution). Future plans should be reviewed for airspace hazard.

Exhibit 2.

4. On March 18, 2025, the City provided notice of the application and associated community neighborhood meeting by mailing or emailing notice to property owners within 500 feet of the designated subarea and to interested agencies and by posting notice

¹ The proposed Lindsay Subarea Plan contains a detailed summary of the engagement activities that were included as part of the subarea plan's production and of the information obtained during these engagement activities. *Exhibit 2, pages 5 and 6.*

on-site and at designated City locations. On March 20, 2025, the City published notice of the application and meeting in *The Herald*, with a comment deadline of April 10, 2025. On November 25, 2025, the City provided notice of the open record public hearing associated with the application in the same manner. The City's notice of the open record public hearing stated that written comments could be provided by December 15, 2025. *Exhibit 1, Staff Report, pages 2, 3, and 8; Exhibit 7; Exhibit 23; Exhibit 24.*

5. The City received the following comments on the proposed subarea plan from members of the public and interested agencies during the application comment period in response to its notice materials:
- Gwendolen Coulter acknowledged the need for responsible growth and development but raised concerns about potential negative impacts on the surrounding community due to the scale, density, and infrastructure implications of the proposed subarea plan. She expressed concerns about the accuracy of the traffic impact assessment submitted for the proposal, about the traffic impacts of development that would be permitted under the proposed subarea plan, about the reduced lot sizes permitted under the subarea plan, and about the lack of preserved greenspace under the subarea plan.
 - Tracy Jacobsen raised concerns about the existing conditions of 172nd Street and noted her objection to any further development impacting 172nd Street unless and until the street is widened.
 - The Washington State Department of Transportation (WSDOT) – Aviation Division stated that a portion of the properties within the proposed subarea plan are within Compatibility Zone 6, in which multifamily residential and mixed-use development is permitted. It noted, however, that development plans should be reviewed to ensure that such development would not create height hazard obstructions, smoke, glare, electronic interference, wildlife attractants, or any other airspace hazards. It further noted that residents should be made aware of the proximity of their dwelling to Arlington Municipal Airport due to nuisances associated with airport operations.
 - The Tulalip Tribes noted its work with the project team on the subarea plan and on the critical area assessment and mitigation strategies for the project. It noted its agreement with the proposed subarea plan but stressed that the upper reach of Edgcombe Creek must be afforded protections required for fish and wildlife conservations areas under AMC 20.93.440.1.a and that the proposed subarea plan should ensure avoidance of encroachment into the 150-foot buffer associated with the conservation area.
 - The Stillaguamish Tribe of Indians noted that a cultural resource survey completed for the proposal addressed only potential development on the east side of 79th Avenue and requested confirmation that the remaining portion of the subarea would receive the same attention prior to being developed. It also requested to be notified when development under the subarea plan commences.

The City did not receive any additional written comments on the proposal from members of the public during the open record hearing written comment period, and no members of the public provided testimony at the open record hearing. *Exhibit 1, Staff Report, pages 8, 9, and 14; Exhibits 16 through 20.*

State Environmental Policy Act

6. AMC 20.44.032(e) provides:

Subarea plans are to be processed in conjunction with a Planned Action Environmental Impact Statement (EIS). A planned action is a development project whose impacts have been identified and addressed through an EIS associated with the subarea plan for the specific geographical area before individual projects are proposed. A planned action involves detailed State Environmental Policy Act (SEPA) review and preparation of EIS documents in conjunction with subarea plans, consistent with RCW 43.21C.031 and WAC 197-11-164 through WAC 197-11-172. The up front analysis of impacts and mitigation measures then facilitates environmental review of subsequent individual development projects.

In accordance with the environmental review requirements, above, the City acted as lead agency; analyzed the environmental impacts of the proposal under the State Environmental Policy Act (SEPA), chapter 43.21C RCW; and issued a Determination of Significance (DS) on March 18, 2025. The City provided notice of the DS together with notice of the application and community neighborhood meeting, as described above, with a comment deadline of April 10, 2025. The City’s consolidated notice materials stated that the City would prepare an EIS, as required under RCW 43.21C.030(2)(c), and that the City had identified the following areas for discussion in the EIS:

- Natural environment: Earth and Water Quality; Plants and Animals
- Land use: Relationship to Existing Plans and Aesthetics
- Transportation
- Public Services: Parks, Schools, Police, Fire/Emergency Services
- Utilities: Sewer, Water, Stormwater, Street Lighting

Exhibit 23.

The City’s consolidated notice materials further stated that members of the public and interested agencies and tribes could provide comments on the on the scope of the EIS, including “alternatives, mitigation measures, probable significant adverse impacts, and licenses or other approvals that may be required.” *Exhibit 23.* The City received comments from members of the public, WSDOT - Aviation Division, the Tulalip Tribes, and the Stillaguamish Tribe of Indians during the applicable comment period, as described above. *Exhibit 1, Staff Report, pages 2, 3, 8, 9, and 14; Exhibit 23.*

7. Following the consolidated comment period, the City issued its Draft Planned Action EIS (DEIS) on September 26, 2025. The City provided notice of the DEIS the same day by mailing or emailing notice to property owners within 500 feet of the designated subarea and to interested agencies, by posting notice on-site and at designated City locations, and by publishing notice in *The Herald*, with a comment deadline of October 27, 2025. The City received the following comments on the DEIS from members of the public and interested agencies in response to its notice materials:
- Shannon Oquist expressed concerns about the impacts of increased development within the city on wildlife habitat, ground water, trees, and air pollution.
 - Annett Gamble-Olson expressed objection to development in the city, noting that the city has insufficient roads and services to support additional residential density.
 - The Washington State Department of Archaeology and Historic Preservation (DAHP) noted that it concurred with the determination of an archaeological survey that was conducted on the eastern portion of the Lindsay Subarea, which said that no cultural resources were encountered. DAHP recommended that planned development within the subarea adhere to an Inadvertent Discovery Plan.
 - The Washington State Department of Ecology (DOE) stated that it agreed with the goals and objectives for the natural environment stated in the Lindsay Subarea Plan. DOE also provided guidance on the permitting requirements for projects within the subarea that would impact regulated wetlands.
 - The Washington State Department of Fish and Wildlife (WDFW) provided comments regarding fish and wildlife resources to Edgecomb Creek and suggested additions to the mitigation plan for the removal of fish passage barriers and invasive plant species.
 - WSDOT noted that a hydraulic memorandum would be needed to confirm that runoff would not affect WSDOT rights-of-way. WSDOT also noted that a new intersection at 79th Avenue NE should be prohibited due to spacing at the roundabout at 80th Drive NE or, if the intersection is allowed, it should be limited to right in/right out only.

Exhibit 1, Staff Report, pages 2, 3, 8, 9, 14, and 15; Exhibits 9 through 15.

8. The City issued a Final Planned Action EIS (FEIS) for the proposal on November 25, 2025. The FEIS expands upon the DEIS in response to comments² and provides a comprehensive analysis of the environmental impacts, and measures to reduce or eliminate such impacts, with regard to two alternatives, including: (1) “No Action,” in which the proposed subarea plan would not be adopted and properties within the subarea would “[r]etain existing Residential Ultra Low-Capacity zoning and follow current development standards and capital improvement plans over the next 20 years” and (2) the City’s preferred alternative, “Alternative 2 Proposal,” in which the proposed subarea plan would be adopted “to allow for low- to moderate-intensity housing such as small-lot

² Chapter 5 of the FEIS provides a detailed response to the comments received on the DEIS. *Exhibit 5.*

homes, townhomes, and multifamily units, supported by infrastructure, transportation, and parks and trails investments.”

Chapter 3 of the FEIS provides a detailed description and comprehensive analysis of the affected environment, potential impacts, and mitigation measures with regard to the two alternatives on the topics of land use, natural environment, transportation, public services, and utilities. This comprehensive analysis is not repeated in this decision, but summarized below are the FEIS analyses regarding the significant unavoidable adverse impacts that would be expected to result from the two alternatives:

Land Use:

Alternative 1 No Action fails to align with adopted growth targets under the Arlington Comprehensive Plan. This is a significant adverse impact unless the City is able to accommodate growth elsewhere. Under Alternative 2 Proposal, with implementation of the planned improvements in the study area and proposed mitigation measures, there would be no significant and unavoidable land use and urban form impacts related solely to the proposal. No noise created by uses in the Lindsay subarea would be considered a significant adverse impact, though clarifying that the airport’s Noise Abatement Area includes Lindsay would reduce the chances of noise impacts on Arlington’s planned residential areas.

Natural Environment:

Alternative 1 would retain wetlands, streams, and required buffers in their existing conditions and comply with AMC 20.93, with limited improvements beyond current code requirements. Alternative 2 would result in direct and indirect critical areas impacts. The proposed impacts are not anticipated to be considered significant and would be compensated through onsite and offsite mitigation. This includes NGPA designations; onsite wetland creation, enhancement, and restoration; stream channel restoration; fish passage improvements; buffer enhancement; and purchase of credits from the Skykomish Habitat Mitigation Bank. Additionally, stormwater facilities would be designed to collect and treat runoff to maintain existing water quality. Collectively, these measures are expected to achieve a net lift in ecological functions onsite and at a watershed scale, ensuring that no significant adverse impacts to wetlands, streams, or associated buffers would occur.

Therefore, neither alternative is anticipated to result in significant adverse impacts to the natural environment. However, Alternative 2 does provide a significant amount of mitigation both as compensation for potential impacts as well as voluntary improvements that are anticipated to provide an overall net lift in ecological benefits of the site.

Transportation:

With implementation of the planned improvements in the study area and proposed mitigation measures, there would be no significant and unavoidable impacts related solely to the proposed alternatives.

Public Services:

Population growth will increase the demand for public services including schools, police, fire, and emergency services. Development would occur in phases in Lindsay and incrementally over the 20-year planning period citywide, and would be addressed in regular capital planning. Each service provider in conjunction with the City could evaluate levels of service and funding sources to balance expected growth; if funding falls short, there may need to be an adjustment to levels of service or growth as part of the Growth Management Act. With regular coordination, capital planning, and implementation of the proposed parks and open space improvements in the study area (or by providing required usable open space under Alternative 1), no significant unavoidable impacts are anticipated.

Utilities:

Though existing water and sewer systems may be deficient in serving growth in the Lindsay Subarea, and potential impacts cannot be assessed until the City's updated system modeling is available, continued capital facilities planning and coordination and construction of planned improvements are expected to result in no significant adverse impacts.

The City provided notice of the FEIS on November 25, 2025, by emailing notice to all required agencies and parties of record and by posting notice on the City website and the DOE SEPA registry. The FEIS was not appealed. *Exhibit 1, Staff Report, pages 3, 8, and 9; Exhibit 5; Exhibit 6; Exhibit 8; Testimony of Amy Rusko.*

Comprehensive Plan

9. The City Comprehensive Plan provides a description of the existing conditions, vision, and neighborhoods for the City's various subareas. As it pertains to the Hilltop Subarea, in which the Lindsay Annexation is located, the Comprehensive Plan states:

Vision

In 2044 Hilltop has a diversity of housing types allowing all types of families to call this subarea home. Hilltop is home to many residents of Arlington and has entertainment and retail opportunities for the community.

Existing Conditions

Hilltop, located in the southeast corner of Arlington, is a 0.56 square mile subarea. Hilltop's north and northwestern boundaries are bordered with

the subarea of Gleneagle. Its northeastern and eastern boundaries run along the city limits.

Hilltop's land is classified under a variety of zones. North Hilltop is zoned as Residential Low Capacity, the southwestern region is zoned as Residential Ultra Low Capacity, the eastern side of Hilltop is zoned General Commercial as well as Residential High Capacity, and the far east of Hilltop is zoned as Public/Semi-Public.

Hilltop has two primary roads that intersect within the subarea. 172nd St NE runs through the center of Hilltop from west to east and Highway 9 NE runs through the northeastern boundary to the south of the Hilltop boundary.

Most streets within this subarea have active sidewalks and street trees. There is a singular public art display in the roundabout at the intersection of State Route 9/ State Route 531 (172nd St NE).

Prairie Creek runs through Hilltop in the center of this subarea, and the headwaters of Edgecomb Creek are located in this subarea. Moderate slopes are located within the northern region of this subarea and severe slopes are located within the southwest boundary.

There are no bike paths, trails, heritage trees, or public transportation in the subarea.

Comprehensive Plan, Appendix A, page 55; see also Comprehensive Plan, Section III: Subareas, page 13.

10. City staff determined that the proposed subarea plan would be consistent with the City Comprehensive Plan, identifying the following goals and policies of the Comprehensive Plan as relevant:
- Preserve and enhance open space, natural, and cultural resources and strive for equitable geographic and demographic distribution. [Goal E-1]
 - Protect and enhance the natural environment while planning for and accommodating growth. [Policy E-1.1]
 - Locate development in a manner that minimizes impacts to natural features. Promote the use of innovative environmentally sensitive development practices, including design, materials, construction, and on-going maintenance. [Policy E-1.5]
 - Remain a Tree City and encourage an increased tree canopy. [Goal E-7]
 - Enhance urban tree canopy to support ecological function, community resilience, mitigate urban heat, manage stormwater, conserve energy,

improve mental and physical health, and strengthen economic prosperity. [Policy E-7.3]

- Work towards and maintain an aesthetically pleasing environment that enhances livability for residents. [Goal E-10]
- Incorporate and preserve street trees in the streetscape where they don't adversely affect roadway capacity, safety, or structural integrity. [Policy E-10.1]
- Provide unique places and context for growth of social capital and community resiliency. [Goal LU-1]
- Ensure both publicly- and privately-owned civic spaces are included throughout the City to provide adequate gathering spaces. [Policy LU-1.1]
- Establish development standards and regulations based on availability and serviceability of developable lands to maintain a balanced mix and arrangement of land uses in the City. [Policy LU-1.2]
- Encourage designs of public buildings and spaces that contribute to a sense of community and a sense of place. [Policy LU-1.3]
- Encourage development patterns that provide safe and welcoming environments for walking and bicycling. [Policy LU-1.4]
- Address cross-jurisdictional growth, social, and cultural issues by working with affected jurisdictions. [Goal LU-3]
- Coordinate growth and development with adjacent jurisdictions to promote and protect inter-jurisdictional interests. [Policy LU-3.1]
- Recognize and work with contiguous systems that cross jurisdictional boundaries, including natural systems, land use patterns, and transportation and infrastructure systems, in community planning, development, and design. [Policy LU-3.5]
- Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors, that support adaptation to climate impacts consistent with environmental justice. [Goal LU-6]
- Amend and adopt land development regulations as needed to adequately protect the attributes, functions, and amenities of the natural environment in all projected growth scenarios for the City. [Policy LU-6.1]
- 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]
- Ensure the equity and availability of potential funding streams and provide transportation improvements consistent with the Capital Improvement Plan in prioritizing and financing. Prioritize programs and projects that provide access to opportunities while preventing or mitigating negative

- impacts to people of color, people with low incomes, and people with special transportation needs. [Goal P-2]
- Utilize the parks and recreation system to protect unique environmental qualities, natural amenities, wildlife habitats, forest lands, and scenic areas within the city. [Goal P-5]
 - Locate, plan, and manage parks and recreation facilities so they enhance wildlife habitat, minimize erosion impacts, and complement the natural site features. [Policy P-5.2]
 - Enhance and preserve scenic viewpoints for public enjoyment when siting parks and recreation facilities. [Policy P-5.5]
 - Ensure capital facilities and utilities achieve efficient delivery of services, support equitable distribution of services, minimize environmental impacts, and maximize value for the community. [Goal T-1]
 - Minimize and mitigate the adverse impacts of transportation facilities including culverts, bridges, or other road crossing on designated critical areas, resource lands, cultural resources, or parks through the implementation of performance standards and design guidelines in accordance with WDFW current Fish Passage, and WSDOT Cultural Resources and Archaeology guidelines. [Policy T-1.1]
 - Ensure the equity and availability of potential funding streams and provide transportation improvements consistent with the Capital Improvement Plan in prioritizing and financing. Prioritize programs and projects that provide access to opportunities while preventing or mitigating negative impacts to people of color, people with low incomes, and people with special transportation needs. [Goal T-2]
 - 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]
 - Implement Travel Demand Management and Transit Oriented Design to create a more walkable city. [Goal T-6]
 - Encourage transit-oriented development and multi modal planning in new developments through the permitting process. [Policy T-6.3]
 - Encourage and plan for “pedestrian-scale” neighborhoods and centers to enhance access and mobility for active transportation users. [Policy T-6.5]
 - Create a resilient transportation system, minimize environmental impacts caused by the transportation system, and promote energy conservation by developing incentives and/or requirements for energy saving transportation, land development patterns and practices, and building construction and operation methods and materials. [Goal T-7]
 - Retrofit existing roadways to meet or exceed current stormwater requirements where possible. [Policy T-7.6]

- Provide for the efficient movement of traffic through advanced traffic control measures, intelligent transportation systems (ITS) technologies, speed management, access management, channelization improvements and multimodal design features. Use advanced technologies to better manage traffic volumes on major arterials and improve the efficiency and coordination of traffic signals. Aggressively pursue improvements to the state highways through or near Arlington. [Policy T-7.9]
- Require installation of electric vehicle charging facilities with new multifamily and commercial developments. [Policy T-7.10]
- Plan, develop, and maintain a balanced multimodal transportation system for the efficient movement of people, goods, and services within the City and between the community and other activity centers in the region. [Goal T-8]
- Ensure that safe, convenient, and efficient multimodal transportation facilities are provided for all residents and visitors to the City, including accessibility improvements to existing facilities as well as improvements to serve growth areas. [Policy T-8.1]
- Design the street system to enable walkability. Encourage alternatives to single-occupancy vehicle trips and distribute vehicle trips along appropriate corridors. [Policy T-8.2]
- Implement the adopted Complete Streets Program to ensure that all transportation projects include safe and appropriate facilities for pedestrians, bicyclists, transit users accommodating persons of all ages and abilities. [Policy T-8.4]
- Maintain a safe, convenient, and efficient multimodal transportation system for people and freight that allows freight to support the continued growth in goods movement and the growing needs of global trade and state, regional and local distribution of goods and services. [Policy T-8.5]
- Maintain and enhance the safety of the transportation system, including non-motorized networks, and reduce the chance of accidents. [Goal T-10]
- Prioritize sidewalk and shoulder improvements in areas of high traffic volumes or pedestrian activity to improve safety. [Policy T-10.4]
- Coordinate the planning and implementation of the City's multimodal transportation system with adjacent and regional jurisdictions and agencies. [Goal T-12]
- Work with WSDOT, Snohomish County and Marysville in planning transportation-related facilities within and adjacent to the UGA. [Policy T-12.1]
- Review impacts to the City created by the actions of other agencies. Actively solicit action by the State of Washington and Snohomish County to implement those improvements necessary to their respective facilities to

maintain the level of service standards adopted by the City. [Policy T-12.2]

- Consider the special needs of subarea transportation facilities including appearance and safety. [Goal T-13]
- Improving the appearance of existing corridors shall be a priority and primary objective in designing and maintaining the street system in Arlington. Appropriate design standards, including landscape requirements, for the construction of new streets shall be maintained. [Policy T-13.2]
- Consider adopting alternative road standards for built neighborhoods, where necessary, to preserve the character of neighborhoods and provide safe alternative modes of travel. [Policy T-13.3]
- 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]
- Any infrastructure improvements needed to serve a proposed development should be installed prior to the issuance of the related building permit. [Policy CFU-3.2]
- The City of Arlington should not issue any development permits that result in a reduction of the transportation level-of-service standards for the public facilities identified in the Capital Facilities Book without mitigation. [Policy CFU-3.3]
- 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]
- Plan for growth and development to be consistent with the City's most recently adopted Capital Facilities Plan for providing public facilities including streets, sidewalks, lighting systems, traffic signals, water, storm and sanitary sewer, and parks and recreation facilities. [Policy CFU-3.5]
- 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]
- Support electric vehicle charging infrastructure to help reduce carbon emissions of the transportation sector. [Policy CFU-6.3]
- Manage stormwater pursuant to the Stormwater Management Manual for Western Washington as adopted by Arlington, preserving and supplementing, as necessary, the natural drainage ways and other natural

hydraulic systems to minimize runoff impacts from development. [Goal CFU-7]

- Utilize Low Impact Development standards that provide stormwater benefits and support naturally occurring functions simultaneously. [Policy CFU-7.5]
- Enforce stormwater utility regulations. [Policy CFU-7.7]
- Meet or exceed sewer service standards in providing ongoing services to customers. [Goal CFU-10]
- Permit new development in urban areas only when sanitary sewers are available. [Policy CFU-10.5]

Exhibit 1, Staff Report, pages 4 through 7.

11. City staff also identified the following countywide planning goals as relevant to the proposed subarea plan:³

- The cities, towns, and Snohomish County will provide livable communities for all residents by directing growth into designated urban areas to create urban places that are equitable, walkable, compact, and transit oriented, preserve and create open space, and protect rural and resource lands. [Countywide Development Patterns Goal]
- The County and cities will work proactively with transportation planning agencies and service providers to plan, finance, and implement an efficient, affordable, equitable, inclusive, and safe multi-modal transportation system that supports state-level planning, the Regional Growth Strategy, and local comprehensive plans and promotes economic vitality, environment sustainability, and human health. [Countywide Transportation Goal]
- Snohomish County and local jurisdictions will act as a steward of the natural environment in an effort to project and restore natural systems and public health and mitigate climate change. This will be achieved through natural resource and habitat conservation, water quality improvement, and air pollutant and greenhouse gas emissions reduction. Planning for the future will include addressing climate change and resilience at local and regional levels of government to protect the natural environment and meet the economic and social needs of all residents. [Countywide Natural Environment and Climate Change Goal]
- Snohomish County and its cities will coordinate and develop and provide adequate and efficient public facilities and services to ensure the health,

³ In addition to the goals listed below, the City identified the following countywide planning policies as relevant to the proposal: GF-3, GF-4, GF-5, GF-6, JP-3, JP-5, DP-5, DP-12, DP-15, DP-16, DP-33, DP-34, DP-37, DP-40, DP-41, TR-1, TR-2, TR-3, TR-4, TR-5, TR-6, TR-7, TR-8, TR-12, Env-1, Env-2, Env-4, Env-5, Env-7, CC-7, PS-1, PS-2, PS-4, PS-11, PS 15, PS-16, and PS-19. *Exhibit 1, Staff Report, page 7.*

safety, conservation of resources, and economic vitality of our communities and all residents. [Countywide Public Service and Facilities Goal]

In addition, City staff identified the following multi-county planning goals as relevant to the proposed subarea plan:⁴

- The region plans collaboratively for a healthy environment, thriving communities, and opportunities for all. [Multi-County Regional Collaboration Goal]
- The region accommodates growth in urban areas, focused in designated centers and near transit stations, to create healthy, equitable, vibrant communities well-served by infrastructure and services. Rural and resource lands continue to be vital parts of the region that regain important cultural, economic, and rural lifestyle opportunities over the long term. [Multi-County Regional Growth Strategy Goal]
- The region cares for the natural environment by protecting and restoring natural systems, conserving habitat, improving water quality, and reducing air pollutants. The health of all residents and the economy is connected to the health of the environment. Planning at all levels considers the impacts of land use, development, and transportation on the ecosystem. [Multi-County Environment Goal]
- The region creates healthy, walkable, compact, and equitable transit-oriented communities that maintain unique character and local culture, while conserving rural areas and creating and preserving open space and natural areas. [Multi-County Development Patterns Goal]
- The region has a sustainable, equitable, affordable, safe, and efficient multimodal transportation system, with specific emphasis on an integrated regional transit network that supports the Regional Growth Strategy and promotes vitality of the economy, environment, and health. [Multi-County Transportation Goal]
- The region supports development with adequate public facilities and services in a timely, coordinated, efficient, and cost-effective manner that supports local and regional growth planning objectives. [Multi-County Public Services Goal]

Exhibit 1, Staff Report, pages 7 and 8.

⁴ In addition to the goals listed below, the City identified the following multi-county planning policies as relevant to the proposal: MPP-RC-1, MNPP-RGS-1, MPP-RGS-2, MPP-RGS-4, MPP-RGS-5, MPP-RGS-13, MPP-En-2, MPP-En-5, MPP-En-6, MPP-En-9, MPP-En-11, MPP-En-18, MPP-DP-3, MPP-DP-5, MPP-DP-9, MPP-DP-10, MPP-DP-12, MPP-DP-14, MPP-DP-15, MPP-DP-20, MPP-DP-36, MPP-DP-42, MPP-DP-52, MPP-DP-53, MPP-DP-54, MPP-T-1, MPP-T-4, MPP-T-8, MPP-T-9, MPP-T-10, MPP-T-11, MPP-T-16, MPP-T-17, MPP-T-21, MPP-T-25, MPP-T-32, MPP-PS-1, MPP-PS-3, MPP-PS-7, MPP-PS-10, MPP-PS-11, and MPP-PS-13. *Exhibit 1, Staff Report, pages 7 and 9.*

Proposed Subarea Plan

12. The stated purpose of the proposed Lindsay Subarea Plan is as follows:

The Lindsay Annexation was completed in 2022 under Ordinance 2022-003, officially bringing Lindsay into the City of Arlington, where it is now one of the neighborhoods within the Hilltop Subarea. In November 2023, Ordinance 2023-016 amended Arlington Municipal Code (AMC) Section 20.44.032 Subarea Plans. This amendment reflects community priorities identified through the 2024 Comprehensive Plan engagement process and emphasizes the importance of coordinated land development through subarea planning. This amendment introduced several key changes:

1. Subarea plans must be created for all Comprehensive Plan-designated subareas, including the Lindsay and East Hill areas, both of which fall under the Master Planned Neighborhood (MPN) overlay.
2. Each subarea plan must be developed in conjunction with a Planned Action Environmental Impact Statement (EIS).
3. Planning must support a coordinated and efficient approach to neighborhood development, including a diverse mix of housing, transportation options, parks and trails, infrastructure, and capital improvements.

In 2024, MJS Investors, in partnership with the City of Arlington, initiated the community planning process for the Lindsay Subarea. This process addresses planning elements such as future land use, transportation, environmental stewardship, parks and trails, and utilities and public services. The subarea plan is also being developed in accordance with the Washington State Growth Management Act (GMA), countywide planning policies, and the City of Arlington's Comprehensive Plan. Once adopted, the subarea plan will be integrated into the City's development code.

The Lindsay Subarea Plan offers a roadmap to guide growth and development. It articulates a long-term vision that reflects the subarea's unique character, identifies critical infrastructure and service needs, and outlines strategies to advance citywide goals and community priorities. The plan establishes a clear framework to shape Lindsay into a peaceful, connected community by cultivating spaces that support well-being and welcome all who call it home.

Exhibit 2.

13. The Lindsay Subarea is located at the southeast boundary of the city, measures approximately 87.49 acres, and is bound by 172nd Street (State Route 531) to the north, the 84th Avenue NE alignment to the east, the 168th Street NE alignment to the south, and the 75th Street NE alignment to the west. Properties to the north are within city limits and are developed with single-family residences. Tribal property is located to the east, and properties within unincorporated Snohomish County are located to the west and south. The proposed subarea plan notes that, although the greater Hilltop Subarea has seen significant residential development over the past two decades, the Lindsay Annexation portion has not experienced any new development and retains much of its rural and agricultural character, with existing land uses consisting of low-density residential, with single-family homes situated on large lots interspersed among open fields and wooded areas.

The proposed Lindsay Subarea plan identifies two portions of the subarea, a potential “Pending Project Area” and a potential “Future Development Area.” The Future Development Area is comprised of all properties within the subarea located to the west of 79th Avenue NE and measures approximately 39 acres, with approximately 19 acres of gross buildable land and 20 acres that is unbuildable land due to critical areas, buffers, and easements. The Pending Project Area is comprised of the remaining properties within the subarea to the east of 79th Avenue NE that are owned by the Applicant and are expected to be developed following adoption of the proposed subarea plan and planned action ordinance. *Exhibit 1, Staff Report, pages 1 through 3; Exhibits 2 through 4.*

14. The proposed subarea plan contains conceptual site plans for potential development within the subarea. City staff analyzed the proposal and determined that it would comply with the requirements for a subarea plan within a MPN Overlay under AMC 20.44.032(f), noting:
- The Applicant submitted a land use permit application, checklist, and all required documents on February 10, 2025.
 - The Applicant paid all required fees for the subarea plan application.
 - The subarea plan proposes the following elements:
 - 305 small lot detached single-family residential housing units that make up 70 percent of the total lots/units.
 - 87 townhome residential housing units that make up 20 percent of the total lots/units.
 - 44 multi-family apartment residential housing units that make up 10 percent of the total lots/units. Future development on the site can choose to alter these units to any of the allowed listed housing types.
 - Parks, recreational facilities, open space, and trail system consist of 12 percent of the non-Native Growth Protection Area. The Native Growth Protection Area (NGPA) accounts for 30 percent of the site.
 - The developer is proposing private parks that would not be dedicated to the City.

- The trail system would be paved and would connect to sidewalks throughout the subarea.
- The subarea plan shows the lot locations and housing types within the proposed site plans.
- The architectural design of the residential units would be required to be in accordance with chapter 20.46 AMC and would be reviewed prior to building permit issuance.
- The subarea plan documents show the proposed infrastructure for streets, sewer, water, and stormwater on the submitted site plans.
- The developer of the proposed lots within the subarea would be required to extend all utilities to and through the site. The project developer would work with Public Works on infrastructure upgrades on and off site.
- The Applicant submitted a Traffic Impact Analysis (TIA). Development of the subarea would require the installation of a roundabout at 80th Avenue and 172nd Street NE, along with all public and private roads throughout the subarea and frontage improvements along 172nd Street NE.
- The subarea plan meets the requirements of Arlington’s complete street program through the installation of new infrastructure.
- The subarea plan calls out at least two phases, with the potential of multiple phases on the west portion of the subarea, west of 79th Avenue.

Exhibit 1, Staff Report, pages 11 and 12; Exhibit 2; Exhibit 3; Exhibit 25.

15. Appendix B of the proposed Lindsay Subarea plan contains a detailed existing conditions report, which describes the subarea’s current conditions and notes the following as key findings:

Assets:

- **Zoning.** The Master Planned Neighborhood Overlay provides an opportunity to increase residential density. The adoption of AMC 20.44.032 Subarea Plans provides guidance for land development, and when paired with regulatory updates, support community desired development patterns.
- **Nearby supportive hubs.** Lindsay benefits from proximity to key commercial, civic, and industrial hubs that support its evolution as a complete neighborhood. The SR 531 (172nd St NE) and SR 9 provide local and regional connections across Arlington and into nearby towns and cities.
- **High-quality, efficient development.** New homes and streetscape design can be functional, well designed, and integrated into the surrounding natural and built environment by, and not limited to, updating design standards, requiring green infrastructure and low impact development techniques, and promoting energy-efficient building practices.

Challenges:

- **Housing target.** The Subarea would not likely meet housing goals without the subarea planning efforts under the Master Planned Neighborhood overlay to reach desired densities and encourage more growth than the existing zoning.
- **Connectivity.** This area is largely car-dependent, with limited pedestrian pathways, bicycle infrastructure, and transit. 79th Ave NE serves as the main access road within Lindsay, connecting many of the existing homes to SR 531 (172nd St NE). This road remains unpaved and lacks sidewalks and street lighting. As Lindsay develops, planned street networks should prioritize connectivity, safety and multimodal access. New streets are designed to support developments, improve mobility and non-motorized connectivity.

Exhibit 3.

16. Appendix B also contains a Traffic Impact Analysis (TIA) prepared by Transpo Group, dated December 2024, and a Wetland and Fish and Wildlife Habitat Assessment Report prepared by Soundview Consultants, dated June 21, 2024, which analyze the potential traffic and critical area impacts of the potential development on the Applicant-owned properties. The TIA determined that the development of 177 single-family homes within this portion of the subarea would generate 1,706 weekday vehicle trips, with 166 PM peak-hour trips. The TIA further determined that, with planned improvements to 172nd Street NE (SR-531), all studied and new intersections would operate at acceptable levels of service.

The Wetland and Fish and Wildlife Habitat Assessment Report identifies four wetlands located within the project area, one offsite wetland, and one stream within the project area. Wetland A is located on the southern portion of the project site, is approximately 22,500 square feet, and is classified as a Category IV wetland, with a standard 40-foot buffer. Wetland B is located within a forested area at the southeast portion of the site, is approximately 52,272 square feet, and is classified as a Category III wetland, with a standard 110-foot buffer. Wetland C is located on the southwest edge of the site, is approximately 30,080 square feet, and is classified as a Category III wetland, with a standard 110-foot buffer. Wetland D is located in the central eastern portion of the site, is approximately 110 square feet, and is classified as a Category IV wetland, with a standard 40-foot buffer. Wetland 1 is located approximately 80 feet offsite to the west of the site (within the greater Lindsay Subarea), is associated with Edgecomb Creek, and is classified as a Category III wetland, with a standard 110-foot buffer. Edgecomb Creek (Stream Z) originates to the southwest of the project site and is located on the northwestern edge of the site before continuing offsite to the northwest via a culvert beneath 79th Avenue NE. Stream Z is classified as a Type N stream, with a standard 50-foot buffer. *Exhibit 3; Exhibit 28.*

17. The Applicant submitted an approved water and sewer availability letter, which determined that there would be adequate water and sewer capacity to serve future development contemplated under the proposed subarea plan. The Applicant also submitted several technical studies in support of the proposed subarea plan, which were included in the record and reviewed by the Hearing Examiner but are not discussed in detail in this decision. These technical studies include a stormwater site plan report and a construction stormwater pollution prevention plan prepared by Land Technologies, Inc., both dated February 10, 2025; a geotechnical engineering study prepared by Earth Solutions NW, LLC, dated June 28, 2024; an archaeological survey report prepared by ERCI, dated July 26, 2024; a critical areas letter prepared by Soundview Consultants, LLC, dated October 10, 2024; and a tree study report prepared by Layton Tree Consulting, LLC, dated September 25, 2024. *Exhibit 26; Exhibits 29 through 34.*
18. Land Technologies, Inc., also prepared an initial project narrative summarizing aspects of the proposed subarea plan related to critical areas, access and roads, parking, stormwater management, utilities, and geotechnical considerations, of which the pertinent portions are detailed below:

Project Summary: the concept Preliminary Plat shows development of the 87.49 acres of the of the current subarea (a portion of the subarea was purchased by the Stillaguamish Tribe and is removed from this action). The plans show the code required diversity in percentage of different residential housing types. This preliminary plan will provide 436 lots and units. Per Code, 70% is required to be single-family lots between 3,600 sf and 4,500 sf—305 lots are proposed. Townhomes are required to be 20% of the total which is 87 units as shown. Apartments or other multifamily units are required to make up 10% of the total which is 44 units as shown.

A fourth element is Residential Open Space (ROS) that is to 10% of the total area of land. We are providing near 12% as straight ROS not including allowable portions of the 29% of the site that is designated as NGPA. Total ROS is over 14% of the site and in addition there is the uncounted critical areas, some Open Space that does not meet the definition of ROS, and some open space in utility corridors.

Critical Areas in the [Pending Project Area (PPA)] have been delineated and reports are provided for those delineated [Critical Areas (Cas)]. Most of the CAs in the PPA are disturbed “pasture” type wetland. There is a wooded wetland in the SE corner that will remain as is. We have worked with the Tulalip Biologist on doing some renovation of the other wetlands. These renovations will improve the functionality of the wetlands and provide better water quality to the drainage that does flow to Edgcomb Creek. Critical Areas in the [Future Development Area (FDA)] are based

on Aerial Photos and LiDAR or other GIS information. Details for these critical areas will come with future development. There is a fairly deep “canyon” that cuts across the western portion of the subarea and this drainage is designated by the Tulalips as the real Edgecomb Creek. The Tulalips have a restoration and mitigation plan for this area that is intended to re-establish that connection.

Access and Roads: Primary Access will be from 172nd St NE. There will be three access points to the subarea. These will be the only access points to the subarea until the SW half of the site develops and 168th St NE is developed from 79th Ave NE west to 75th Ave NE. The very SW corner of the subarea is at the City of Arlington municipal limits. Development of 75th Ave NE is in Snohomish County and is developed as Driveway/Private RD to 4 houses. Given the rural zoning south of the subarea, offsite road infrastructure will be a future event.

The three proposed access points along 172nd at located at 79th Ave NE, currently a Private Road; at 80th Ave NE, which will eventually be a roundabout and the Primary entrance; and at about 83rd Ave NE. The Primary entrance will be at 80th Ave NE. The other two may become right-turn only intersections—depending on the final design for 172nd At NE.

...

Proposed Road Sections “...customized...” for this subarea are mapped in the Plan Set. We show some “typical” Residential Streets, some local access streets, and some Drive Aisle “like”. There are pedestrian access ways either on the street or in Open Space Corridors out the back of some of the lots.

Parking: AMC 20.72 designates parking requirements. Seventy percent of the site is single-family residential and per the cited code requires 2 parking spaces per residence. The Conceptual Plan does anticipate 2 car garages and 20’ deep by 20’ wide driveways. There is room for 4 vehicles to park but only two will count toward the code requirement.

...

There are conceptually 87 townhomes and 44 apartments needed to meet the 70-20-10 percent divisions for residential diversity sought by the code. The Townhomes and Apartments are in the FDA and only are conceptually placed at this time. With the design and development for these future development areas, parking will have to be included per AMC Table 20.72-1 Table of Parking Requirements.

Stormwater Management: A targeted drainage study for the whole subarea is provided with this subarea submittal. There are detailed Stormwater Management (SWM) Plans and Reports prepared for the Pending Project Area as part of the Critical Area mitigation strategies that will be submitted with the project submittal. Stormwater is managed in such a way to augment hydration to the revised/restored wetlands and the existing drainage channel. The SWM will consist of treatment facilities, detention/retention facilities, and level spreaders or dispersion BMPs.

Utilities: Concept Sewer Plans are provided with this submittal. So far, we have been unable to get downstream conditions from Public Works to ascertain if any upgrades will be needed.

...

Geology/Geotechnical/Terrain: The terrain varies with areas that are near level at one percent slope to areas exceeding thirty-three percent. The steeper slopes are located in the Future Development Area going into a little “canyon” that, per reports from the Tulalips, is the real route of Edgecomb Creek. We cannot determine if it is a Landslide Hazard Area (LSA) at this time having no permissions to enter these properties.

Except for this “little canyon” on the west section of the subarea, slopes are one percent to 14% with some isolated areas that approach 17%. There will be a reasonable amount of grading to make the site more compatible to development for residential use.

...

Exhibit 38.

Testimony

19. City Community and Economic Development Director Amy Rusko testified generally about the proposed subarea plan, the development that would be facilitated under the subarea plan, and how the proposed subarea plan would be consistent with the Comprehensive Plan and would meet the procedural and substantive requirements for adoption of a subarea plan under the municipal code. She provided a detailed description of the subarea, its current conditions, and the proposed subarea plan’s conceptual redevelopment vision for the subarea. Director Rusko noted that the proposed subarea plan addresses two portions of the subarea: a pending project area comprised of the Applicant’s properties east of 79th Avenue NE and a future development area comprised of the remaining properties in the subarea west of 79th Avenue NE. She explained that the Applicant intends to develop the pending project area shortly after adoption of the subarea plan and planned action ordinance and that the environmental impacts of the planned development have been addressed through the environmental review associated with the subarea plan, whereas future development proposals within

the future development area would have a streamlined project-level environmental review with future project applications. Director Rusko presented a layout showing the conceptual redevelopment vision for the subarea, noting that the pending project area would accommodate single-family homes on small lots, with associated street infrastructure, parks, and protected critical areas and that the future development area would accommodate a mix of single-family homes, townhomes, multifamily units, and/or small commercial uses, with associated street infrastructure, parks, and protected critical areas. She stressed that, as part of the planned development in the pending project area, the Applicant would be required to install a roundabout at 80th Drive NE and 172nd Street, as well as frontage improvements along 172nd Street within the pending project area.

Director Rusko explained how the process for developing the proposed subarea plan had provided several opportunities for public participation, including opportunities to comment on the notice of application, at the community neighborhood meeting, on the determination of significance, and on the scope of the environmental impact statement. She noted that the City received 11 comments on the proposal from members of the public and interested agencies and tribes, and she stressed that there has been no SEPA appeal filed.

Director Rusko testified that the FEIS for the proposed subarea plan addresses the environmental impacts that are expected to occur in the event that the subarea plan is adopted, as well as a no action alternative, and she again stressed that the FEIS was not appealed. She explained that, although the proposed subarea plan addresses a specific development proposal from the Applicant, the Applicant would still need to apply and receive approval of any proposed subdivision after adoption of the subarea plan. Director Rusko further explained that the future development proposal would be reviewed by the Hearing Examiner for consistency with the adopted subarea plan, planned action ordinance, and other requirements under the municipal code and state law following a duly noticed application and hearing. She noted that one of the key changes that would occur upon adoption of the subarea plan would include elimination of the development restrictions associated with the area's current zoning classification. In response to concerns raised by members of the public regarding the increased density that would be allowed under the proposed subarea plan, Director Rusko stated that such increased density would help the City to reach adopted growth targets, stressing that the City would need to find other ways to increase housing density if the proposed subarea plan were not to be adopted. She also explained in this regard that, although the proposed subarea plan would allow for smaller lot sizes, the overall density of the area would be consistent with other subdivisions in the area when accounting for the large amount of critical areas that would be preserved and protected. Regarding concerns about the proposal's traffic impacts, Director Rusko noted that the City has limited control over improvements to 172nd Street because it is a state highway, and she described how the planned improvements to 172nd Street would improve traffic conditions. She also stressed that

the TIA had determined that the planned development would not cause any studied intersections to operate at a deficient level of service. *Testimony of Amy Rusko.*

20. Attorney Nicole De Leon, on behalf of the Applicant, stated that the purpose of this hearing is to address the proposed subarea plan and not any specific development proposal, noting that the Applicant would be required to undergo a more detailed review of any specific development proposal through the preliminary plat application process, at which members of the public would have an opportunity to provide comments. She also stated that the proposed subarea plan has undergone a comprehensive environmental impact statement process, which she explained is the most robust process for evaluating environmental impacts of a project. Attorney De Leon noted that the Comprehensive Plan sets growth targets and that the City is obligated to implement development regulations and subarea plans to accommodate those growth targets. She also introduced several members of the Applicant team available to address any specific concerns raised by members of the public at the hearing, who ultimately did not testify because no members of the public provided comments at the hearing. *Statements of Attorney Nicole De Leon.*

Staff Recommendation

21. City staff, having determined that the proposal would comply with the City Comprehensive Plan and all applicable procedural and substantive requirements for development of a subarea plan, recommends that the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 1, Staff Report, pages 9 through 15; Testimony of Amy Rusko.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner is granted the authority to hear and to provide a recommendation to the City Council on adoption of a subarea plan. *AMC 20.44.032.*

Criteria for Review

The municipal code does not provide any specific criteria upon which the Hearing Examiner is to rely in forwarding a recommendation to the City Council on adoption of a developer-initiated subarea plan. In the absence of such specific review criteria, the Hearing Examiner determines that the role of the Hearing Examiner is to review the proposal for compliance with applicable procedural and substantive requirements of the municipal code and state law and to provide guidance to the City Council with respect to concerns raised by members of the public and interested agencies and tribes.

Conclusions Based on Findings

The proposed Lindsay Subarea Plan complies with all procedural and substantive requirements of the municipal code and state law and sufficiently addresses community concerns. The municipal code's supplemental use regulations provide a framework for

development of a subarea plan. *AMC 20.44.032*. In accordance with this framework, the Applicant, in partnership with the City, produced a proposed subarea plan for the entire Lindsay subarea, which contains specific development standards addressing permissible uses, density and dimensional standards, street design, parking, landscaping, and design standards to guide future land development in a coordinated and effective manner for predictable neighborhood planning. *AMC 20.44.032(a)-(c)*. The proposed subarea plan also contains proposed development standards specific to the subarea, which include elements of form-based code addressing building placement, building design, creation of blocks, and street frontage improvements that would provide a predictable design and development pattern for the Lindsay subarea. *AMC 20.44.032(d),(i)*. As addressed in the findings above, the Applicant provided all information necessary to develop a subarea plan for a subarea within a Master Planned Neighborhood Overlay, and the proposed subarea plan contains all necessary elements, including elements related to the location and required percentages of various housing types; the location and required percentage of land dedicated to recreational facilities, open space, and paved trail system; conceptual plans for proposed street, sewer, water, and stormwater infrastructure; utilities necessary to serve future development within the subarea; traffic impacts and improvements; compliance with the City's complete streets program; and phased development. *AMC 20.44.032(f)*.

In developing the proposed subarea plan and establishing a vision for future development, infrastructure improvements, and the protection of critical areas in the Lindsay subarea, the Applicant and the City provided several opportunities for input from members of the public and other interested stakeholders. After completing the proposed subarea plan, the City provided reasonable notice of the application and opportunity to comment on the proposal. The City received comments on the proposed subarea plan from members of the public and interested agencies and tribes. Comments on the proposed subarea plan generally raised concerns about the increased density that would be allowed and about the traffic impacts of such increased density, particularly with regard to 172nd Street. The increased density that would be permitted under the subarea plan is necessary, however, for the City to further its obligation to meet adopted growth targets, and the TIA prepared for the proposal determined that, with planned improvements to 172nd Street NE (SR-531), all studied and new intersections would operate at acceptable levels of service. No members of the public testified at the open record hearing.

Following its issuance of the DNS, and in accordance with the environmental review requirements of *AMC 20.44.032(e)* and chapter 43.21C RCW, the City issued a Draft Planned Action EIS on September 26, 2025. The City received comments on the DEIS from members of the public and interested agencies, and after reviewing those comments, the City issued its FEIS on November 25, 2025. The FEIS was not appealed.

RCW 36.70A.080(2) requires that subarea plans be consistent with the City Comprehensive Plan. City staff determined that the proposed subarea plan would be consistent with numerous goals and policies of the Comprehensive Plan, including goals and policies of the environmental; land use; parks, recreation, and open space; transportation; and capital facilities and utilities

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elements of the Comprehensive Plan. City staff further determined that the proposed subarea plan would be consistent with numerous countywide and multi-county planning goals and policies. The Hearing Examiner concurs with City staff's assessment and determines that the proposed subarea plan would be consistent with the Comprehensive Plan, as required under the State Growth Management Act. Following approval of the subarea plan by City Council, the approved subarea plan would be required to be recorded with the Snohomish County Auditor, in accordance with AMC 20.44.032(j), and, following recordation, all future development within the Lindsay Subarea would be required to comply with the subarea plan and associated Planned Action Ordinance, in accordance with AMC 20.44.032(k).

Because the developer-initiated subarea plan for the Lindsay Subarea complies with all procedural and substantive requirements under state law and the municipal code, and because the plan was developed through a process providing the opportunity for extensive input from members of the public and other stakeholders and adequately addresses community concerns, the Hearing Examiner recommends that the City Council **APPROVE** the subarea plan as proposed. *Findings 1 – 21.*

RECOMMENDATION

Based upon the preceding findings and conclusions, the Hearing Examiner recommends that the City Council **APPROVE** the proposed subarea plan for the Lindsay Subarea.

RECOMMENDED this 16th day of January 2026.



PEREGRIN K. SORTER
Hearing Examiner
Laminar Law, PLLC