

II. Examiner's Decision

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[V.2](#) Decision of the Snohomish County Hearing Examiner dated March 7, 2023

[Hearing Examiner List of Exhibits](#) (*Exhibits available upon request at contact.council@snoco.org*)

[Hearing Examiner Parties-of-Record](#)



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DECISION of the
SNOHOMISH COUNTY HEARING EXAMINER

I. SUMMARY

DATE OF DECISION: March 7, 2023

PROJECT NAME: Residential Treatment Facility North

APPLICANT: Tulalip Tribes
6406 Marine Drive
Tulalip, Washington 98271

LOCATION: 7800 block of 300th St.
Stanwood, Washington 98292

OWNER: Tulalip Tribes
6406 Marine Drive
Tulalip, Washington 98271

FILE NO.: 22-102230 CUP

REQUEST: Conditional use permit to construct and operate a secure civil behavioral health services facility (level II health and social services facility)

DECISION SUMMARY: Conditional use permit to construct and operate a secure civil behavioral health services facility (level II health and social services facility) is approved with conditions

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III. SITE SUMMARY

LOCATION:	78xx 300 th St. NW Stanwood, Washington 98292
TAX PARCEL NOS.:	320418-001-001-00 320418-001-014-00
ACREAGE:	4.66 acres
COMPREHENSIVE PLAN DESIGNATION:	Local Commercial Farmland
ZONING:	R-5
UTILITIES:	
Water:	City of Stanwood
Sewer:	Not in a sewer district
Electricity:	Snohomish County PUD No. 1
SCHOOL DISTRICT:	Stanwood-Camano School District No. 401
FIRE DISTRICT:	North County Regional Fire Authority
PDS STAFF RECOMMENDATION:	Approve the proposed behavioral health facility with conditions

1 Based on a preponderance of the evidence in the record, the Hearing Examiner finds the following
2 facts and makes the following conclusions of law.

3 **IV. FINDINGS OF FACT**

4 ***A. Regulatory Review and Vesting***

5 Applicant Tulalip Tribes of Washington, a federally recognized Indian tribe and native sovereign
6 nation, applied to Snohomish County Planning and Development Services department (PDS) on
7 January 31, 2022 for a conditional use permit to construct and operate a secure civil behavioral
8 health services facility. PDS determined the application to be complete for vesting as of the date of
9 submittal. Tulalip Tribes submitted additional information on June 27, 2022 and August 22, 2022.

1 **B. Open Record Hearing**

2 An open record hearing was held on January 24, 2023 and January 26, 2023. The record was left
3 open until February 3, 2023 for the limited purpose of allowing PDS and Tulalip Tribes to respond
4 to public comments and provide additional information regarding traffic and whether patients could
5 walk out of the facility's doors when the civil order confining the patient expires.

6 **C. The Record**

7 The Hearing Examiner considered exhibits A.1 through M.28, O.1, O.3, P.5 and P.6.¹ The Hearing
8 Examiner did not consider exhibit U.1, which was a public comment submitted after the record
9 closed to public comment. The Hearing Examiner also considered the testimony of the witnesses
10 at the open record hearing. A recording of the hearing is available in the Office of Hearings
11 Administration.

12 **D. Public Notice**

13 PDS notified the public of the open record hearing, threshold determination, and concurrency and
14 traffic impact fee notifications.²

15 **E. Background Information**

16 **1. Proposal**

17 Tulalip Tribes proposes to construct and operate a 32-bed secure civil behavioral health facility for
18 adults, consisting of two buildings with 16 beds each. Tulalip Tribes will provide parking for 60
19 vehicles. The facility is intended to serve patients who are involuntarily committed by court order
20 pursuant to chap. 71.05 RCW for stays between 90 and 180 days and patients who voluntarily
21 commit themselves to inpatient treatment. The patient population will be medically stable and not
22 involved in the criminal justice system.

23 **2. Site Description and Surrounding Uses**

24 The site is zoned R-5 and was created by a boundary line adjustment of a 30-acre site to create a
25 parcel of approximately 4.66-acres and parcel of approximately 25 acres. The latter parcel will not
26 be developed under this proposal. The parcel is undeveloped pasture. Surrounding properties are
27 rural residential properties on five or more acres.

¹ Exhibits O.1, O.3, P.5, and P.6 were submitted by SEPA appellants. The Hearing Examiner dismissed the SEPA appeal, but considers the appeal documents as public comments.

² Exhibits F.1 through F.14.

1 **3. Site Visit**

2 The Hearing Examiner visited the site unaccompanied and viewed the area from public rights of
3 way on Wednesday, February 15, 2023. H. Ex. Rule of Proc. 1.9 (2021).

4 **4. Concerns**

5 Many community concerns were raised in written comments and testimony in the open record
6 hearing. The concerns range from public safety to protection of the environment to the impact on
7 the rural character of the community. Concerns were raised, too, about the appropriateness of the
8 location for such a facility.

9 Some of the public worried that the facility would house patients accused or convicted of crimes.
10 However, the facility will not be part of the criminal justice system and will not house patients
11 charged with or convicted of crimes.³ The facility is for civil commitment pursuant to chap. 71.05
12 RCW and for patients who voluntary place themselves in the facility for care.

13 Some testified that other locations with closer proximity to public transportation would be more
14 appropriate for the proposed facility. However, the purpose of these proceedings is not to
15 determine the optimal location for the facility or whether another location may be better, but to
16 evaluate this application against county code requirements. County code does not authorize the
17 Hearing Examiner to reject an application because he thinks another location would be more
18 suitable for a proposed development. The proposed use is explicitly permitted by county code and
19 can only be rejected if it cannot be sufficiently conditioned to mitigate its impact on the
20 neighborhood.

21 County code and associated regulations protect critical areas such as wetlands. Health department
22 regulations protect wellheads and public welfare by requiring approval of the design, location, and
23 installation of on-site sewer systems. Setback, building height, and landscaping requirements
24 mitigate a development's impact on the surrounding properties.

25 Although the county drainage manual's default preference is for infiltration of stormwater, it is not
26 required when subsurface conditions make infiltration infeasible. Here, subsurface exploration
27 demonstrated the infeasibility of infiltration due to a shallow low permeability layer. Stormwater
28 from hard surfaces such as roofs and the parking area will be collected, detained, receive
29 enhanced water quality treatment, and be discharged at its historic, natural discharge location at a
30 rate and volume designed to maintain the hydroperiod of the on-site wetlands.

³ It is possible that a patient could have been convicted of a crime in the past. The facility will not serve those currently in the criminal justice system.

1 Neighbors expressed concern regarding the impact of the facility on their water wells, but the
2 facility will not draw from the aquifer used by the neighbors and instead will obtain water from the
3 city of Stanwood.

4 Perhaps most importantly, the community is deeply concerned about safety—a secure civil
5 behavioral health facility is specifically designed to treat patients who are a grave danger to
6 themselves and possibly others. The facility is secure; patients cannot just walk out the door.
7 Elopements (escapes) of patients subject to court-ordered treatment are rare and almost always
8 occur away from the facility, such as when a patient visits a health care provider. Between January
9 2018 and December 2022, 60,000 people entered treatment at similar facilities, but less than one-
10 tenth of 1% eloped.⁴

11 Some raised the specter of patients refusing care and simply walking out the door into the rural
12 neighborhood. This is extremely unlikely for several reasons. First, a court ordered the patient to
13 be held in a secure facility so they may receive treatment and begin to recover their health. If they
14 refuse care (including refusal to participate in planning their discharge), they are very unlikely to be
15 freed by expiration of a court order; a further court order would usually be entered to maintain them
16 in a secure treatment facility until such time as the patient sufficiently improves or, in the worst
17 case scenario, is transferred to a different facility better able to care for the patient on a long-term
18 basis. Second, approval will be conditioned on prohibiting discharge directly into the rural
19 community. Discharge planning will include transportation to the patient’s next residence, whether
20 taken there by a friend or family in a car or by taxi or shared ride service.

21 Some expressed concern about calls for emergency services. The patient population is not likely to
22 be medically fragile as in a skilled nursing facility.⁵ Patients who are not medically stable will be
23 kept at an acute care facility and not transferred to this facility unless and until they are medically
24 stable.

25 Community members worried that the facility would look “institutional” or like a prison and therefore
26 be inconsistent with the character of the neighborhood. Some even worried that the facility would
27 be ringed with barbed wire. However, the facility is not designed to look institutional, or like a
28 prison, or have barbed wire. The buildings will be one-story with sloped metal roofs like many
29 residential and agricultural buildings in the area.⁶ The siding of buildings will have residential
30 treatments and fenced areas will be secured without looking like a prison.⁷

⁴ 59 elopements out of 60,000 detentions. Testimony of Dr. Waterland.

⁵ If the patients were medically fragile, it is unlikely they would be moved from an acute care facility to this facility, which is not designed or equipped to provide acute medical care.

⁶ E.g., ex. B.4.

⁷ E.g., exhibits M.3 and M.4.

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1 Some expressed concerns about the impact of the facility on area property values. The record
2 does not contain sufficient legal basis to reject the application. Generalized concerns over impact
3 of a development on area property values do not constitute substantial evidence sufficient to deny
4 the application. See *Omnipoint Corp. v. Zoning Hearing Bd. of Pine Grove Twp.*, 181 F.3d 403, 409
5 (3d Cir. 1999), citing *Cellular Tel. Co. v. Town of Oyster Bay*, 166 F.3d 490, 496 (2d Cir. 1999).
6 The record demonstrates that impact on property values is equivocal at best.⁸

7 **F. Conditional Use Permit (Chapter 30.42C SCC)**

8 An application for a conditional use permit must meet the following criteria:⁹

- 9 a. The proposal must be consistent with the county's comprehensive plan;
- 10 b. The proposal must comply with the applicable requirements of title 30 SCC;
- 11 c. The proposal will not be materially detrimental to the uses or property in the immediate
12 vicinity; and
- 13 d. The proposal is compatible with, and incorporates specific features, conditions, or revisions
14 that ensures it responds to, the existing or intended character, appearance, quality of
15 development, and physical characteristics of the site and surrounding property.

16 **1. Consistency with Comprehensive Plan (SCC 30.42C.100(1)(a))**

17 The comprehensive plan designates the area as Local Commercial Farmland and is zoned Rural
18 5-acre. Tulalip Tribes obtained a boundary line adjustment of the approximately 30-acre site to
19 carve out 4.66 acres for the facility and leave the remaining 25 acres for agricultural use. While
20 less than 5 acres will be removed from agricultural use, county code explicitly permits the proposed
21 use if conditioned to mitigate its impact on the immediate community. Further, the loss must be
22 balanced against other community needs and comprehensive plan goals and objectives. The
23 comprehensive plan explicitly supports public health initiatives like this.¹⁰ No one disputed that
24 more facilities such as this are needed. The proposal is consistent with the comprehensive plan.

⁸ Ex. M.25.

⁹ SCC 30.42C.100(1) (2012).

¹⁰ Comprehensive Plan, Objective IC(1)(G).

1 **2. Compliance with Title 30 SCC (SCC 30.42C.100(1)(b))**

2 ***a. General Zoning Standards (Chapters 30.22 through 30.26 SCC)***

3 ***i. Conditional Use Allowed in Zone (Chap. 30.22 SCC)***

4 The proposed project is a level II health and social services facility, which is a permitted use with
5 conditions in the R-5 zone.

6 ***ii. Height, Setback, Bulk, and Lot Dimensions (Chap. 30.23 SCC)***

7 The proposed structure and ground support equipment comply with height, setback, bulk, and lot
8 dimension requirements.

9 ***iii. Parking (SCC 30.26.030(1))***

10 County code requires PDS to determine an appropriate number of parking stalls. SCC 30.26.035.
11 A parking study¹¹ prepared at PDS' request estimated peak parking hours, parking space demand,
12 and turnover. Although the number of staff will vary depending on patient census and visits by
13 providers, case workers, family, and friends, Tulalip Tribes proposed a ratio of 1.88 parking stalls
14 per bed, resulting in 30 stalls per building and 60 stalls total. The day shift will likely see
15 approximately 25 employees per building at full census. This is likely to be an adequate amount of
16 parking.

17 ***iv. Landscaping (SCC 30.25.025)***

18 County code typically requires a 20-foot-wide type A landscaping buffer along the perimeter of a
19 conditional use permit site, although it requires a 20-foot type B landscaping buffer for critical areas
20 and a 10-foot type B landscaping buffer along a road frontage.¹² Tulalip Tribes proposes to install
21 perimeter landscaping consistent with these requirements.

22 ***b. Environmental Review (SEPA) (Chapter 30.61 SCC)***

23 PDS issued a threshold determination of non-significance.¹³ An appeal from the threshold
24 determination was filed on October 3, 2022,¹⁴ and dismissed on December 21, 2022.¹⁵

¹¹ Ex. C.6.

¹² SCC 30.25.025(1) (2018).

¹³ Ex. E.1.

¹⁴ Ex. O.1.

¹⁵ E. T.3.

1 **c. Critical Areas Regulations (Chapters 30.62A, 30.62B, and 30.62C SCC)**

2 Three wetlands lie on the site. All three are category III wetlands. One has a habitat score of 6,
3 requiring a buffer of 150 feet, and the other two have habitat scores of 5, requiring buffers of 80
4 feet. Tulalip Tribes will use mitigation measures to reduce the buffers from 150 to 110 feet and
5 from 80 feet to 60 feet. Tulalip Tribes will also use buffer averaging allowed by SCC
6 30.62A.320(1)(g)(i) in the eastern portion of the buffers. The buffer will be reduced by 12,610 sq. ft.
7 and replaced by the same amount between the on-site wetlands. The maintenance road,
8 stormwater facilities, and septic drain field line will suffer temporary and permanent impacts, but
9 will be mitigated at an enhanced ratio as provided in SCC 30.62A.320.

10 Douglas Creek is approximately 500 feet east of the northeastern corner of the site. An on-site
11 swale converges with Douglas Creek approximately one-quarter mile south of the site, but the
12 swale does not meet the definition of a regulated stream for at least 550 feet south of the site.

13 **d. Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC)**

14 Full infiltration of stormwater is not feasible at the site because of relatively low permeability and
15 the fine-grained nature of lodgement till at a shallow depth. Stormwater will therefore be collected
16 and conveyed to a detention vault. Enhanced water quality treatment will be provided by a
17 Department of Ecology approved filter plus a bioretention system. Stormwater will be discharged at
18 a rate, volume, and duration mimicking predeveloped forested conditions to the existing discharge
19 location to maintain the hydroperiod of the on-site wetlands.

20 Grading quantities are expected to be approximately 8,500 cubic yards of cut and 10,000 cubic
21 yards of fill.

	Description	How Fulfilled?
1	Stormwater Site Plan	The targeted drainage report and preliminary civil drawings satisfy this requirement. ¹⁶
2	Stormwater Pollution Prevention Plan (SWPPP)	Tulalip Tribes submitted a SWPPP that is adequate for preliminary approval.
3	Water pollution source control for new development or redevelopment	Tulalip Tribes must comply with source best management practices.
4	Preservation of natural drainage systems	Natural drainage systems will be preserved to the extent feasible. Stormwater will be discharged at the natural location with an approved dispersion

¹⁶ Exhibits B.2 and C.2.

		device. No impact to downstream drainage is expected based upon analysis of downstream conditions.
5	On-site stormwater management	On-site stormwater management will be adequate as described in the stormwater site plan and drainage narrative.
6	Runoff treatment	Enhanced water quality treatment will be provided by two modular wetland systems for parking, the drive aisle, and fire turnaround. A bioretention cell will provide treatment for roadway runoff from 300 th St. NW.
7	Flow control requirements for new development or redevelopment	Flow control will be provided by a detention vault.
8	Detention or treatment in wetlands or wetland buffers	Stormwater discharge will meet wetland hydroperiod protection criteria.
9	Inspection, operation, and maintenance requirements	Tulalip Tribes provided sufficient operation and maintenance information for preliminary approval.

1 **e. Impact Mitigation Fees (Chaps. 30.66A, 30.66B, and 30.66C SCC)**

2 The project is not defined as development under SCC 30.91D.200 (2005) and is therefore not
3 subject to parks and recreation impact mitigation fees otherwise required by chapter 30.66A SCC.
4 School impact mitigation fees will not be assessed because the project is not a development as
5 defined by SCC 30.91D.220 (2005).

6 **f. Transportation (Title 13 SCC, EDDS §3-02, and SCC 30.66B.420)**

7 i. Area Transportation

8 a. Concurrency Determination (SCC 30.66B.120)

9 County ordinances prescribe the measures and tests with which a development must comply. This
10 project meets those measures and tests. The project must be approved if it does not affect a
11 county arterial unit in arrears or cause a county arterial to go into arrears, i.e., fall below the
12 minimum level of service established by ordinance.¹⁷ Transportation Service Area (TSA) A had no

¹⁷ SCC 30.66B.120(1) (2003). Public Works deemed the proposed development concurrent as of August 8, 2022.

1 arterial units in arrears or at ultimate capacity as of the date of submittal. The development will not
2 likely generate more than 50 peak-hour trips.¹⁸

3 b. Inadequate Road Conditions (IRC) (SCC30.66B.210)

4 Irrespective of the existing level of service, a development which adds at least three evening peak
5 hour trips to a place in the road system that has an Inadequate Road Condition (IRC) must
6 eliminate the IRC to be approved. The development will not affect any IRCs in TSA A with three or
7 more evening peak hour trips, nor will it create an IRC. Therefore, it is expected that mitigation will
8 not be required with respect to IRC and no restrictions to issuance of building permits, certificates
9 of occupancy, or final inspection will be imposed under SCC 30.66B.210.

10 c. Impact Fees

11 i. County

12 The proposed development must mitigate its impact upon the future capacity of the county's road
13 system by paying a road system impact fee.¹⁹ The road system impact fee will be the product of
14 the average daily trips (ADT)²⁰ created by the development multiplied by the amount per trip for
15 TSA D identified in SCC 30.66B.330. Based on the average daily trips projected for the facility,
16 Tulalip Tribes must pay \$49,104.32 for impacts to the county road system.

1	Number of Beds	32
2	ADT per Bed	8.87
3	New ADT (line 1 x line 2)	283.84
4	ADT Credit for Existing Trips	-0-
5	Net New ADT (line 3 – line 4)	283.84
6	TSA A mitigation fee per ADT	\$173.00
7	Total Road System Impact Fee (line 5 x line 6)	\$49,104.32
8	Number of new square feet to be constructed	31,000
9	Impact Fee per square foot (line 7 ÷ line 8)	\$1.58

¹⁸ 32 beds x 0.91 AM peak-hour trips/beds = 29.12 net new morning peak-hour trips. 32 beds x 0.67 PM peak-hour trips/bed = 21.44 net new evening peak-hour trips.

¹⁹ SCC 30.66B.310 (2003).

²⁰ Public Works accepted the ADT calculation using sample data from five similar sites.

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1 *ii. Other Jurisdictions*

2 *a. State Highway Impacts (SCC 30.66B.710)*

3 When a development's road system includes a state highway, mitigation requirements will be
4 established using the county's SEPA authority consistent with the terms of the interlocal agreement
5 between the county and the WSDOT. This is consistent with the county's SEPA policy²¹ through
6 which the county designates and adopts by reference the formally designated SEPA policies of
7 other affected agencies for the exercise of the county's SEPA authority.

8 No state highway mitigation payment will be required because no projects on Exhibit C of the
9 interlocal agreement between WSDOT and the county will be affected by three or more directional
10 trips from the development.

11 *b. Cities (SCC 30.66B.710)*

12 The county has reciprocal traffic mitigation interlocal agreements with the cities of Arlington and
13 Stanwood. The proposed project will not sufficiently affect the road network of the city of Stanwood
14 as defined by the interlocal agreement to require a mitigation payment to the city.

15 With respect to Arlington, Tulalip Tribes contends that project will not trigger any mitigation fees
16 under the interlocal agreement. Arlington disagreed and requested mitigation based upon the use
17 of mitigation measure two's mitigation zone map. However, an applicant can choose between
18 mitigation measure one or mitigation measure two. Measure one requires a mitigation impact
19 payment if one percent or more the development's evening peak-hour trips affect any
20 improvements identified in the comprehensive plan. Tulalip Tribes chose mitigation measure one
21 and no planned Arlington improvements will be affected by one percent or more of the
22 development's peak-hour trips. Therefore, Arlington's requested mitigation based on measure two
23 is not reasonably related to the impacts of the development as defined by the interlocal agreement
24 and will not be imposed.

25 ii. Project Site

26 a. Access

27 The development site will access the public road network on 300th St. NW. Sight distance at the
28 access point to the west is adequate, but sight distance to the east is not.²² Tulalip Tribes applied
29 for a deviation from the Engineering Design and Development Standards (EDDS) §3-08.²³ Tulalip

²¹ SCC 30.61.230(9) (2012).

²² Ex. C.7, p.5.

²³ PDS file no. 22-102225 WMD.

1 Tribes proposed restricting the access to right-in only from eastbound 300th St. NW and right-out
2 only from the development on to 300th St. NW. The County Traffic Engineer approved the
3 deviation, conditioned on installation of a median island to restrict turning movements.²⁴

4 b. Right of Way

5 The site fronts on 300th St. NW, a minor arterial usually requiring 40 feet of right of way on each
6 side of the center line. Only 35 feet exists on the development's side of the center line. An
7 additional five feet of right of way will be required. The additional right of way will not be credited
8 against the road mitigation payment because 300th St. NW is not in the impact fee's cost basis.

9 c. Internal Road System

10 No new public roads will be created within the development. A private commercial access and fire
11 lane will provide internal vehicular circulation.

12 d. Frontage Improvements (SCC 30.66B.410)

13 Full urban frontage improvements are usually required where the project abuts a public road.²⁵
14 Approval will be conditioned installation of asphalt concrete pavement 12 feet wide from the center
15 line with an eight-foot-wide paved shoulder. This work will not be credited against the county's road
16 impact mitigation fee because 300th St. NW is not in the impact fee's cost basis.

17 ADA ramps at the intersections of all the roads of the development must comply with minimum
18 ADA standard requirements for grades and landings as detailed in the current EDDS §4-05 D and
19 WSDOT Standard Plans F-40 series. A detail of each ADA ramp will be required in the
20 construction plans.

21 A horizontal clear/control zone is required along the parcel's frontage.²⁶ Existing or proposed fixed
22 object obstructions must be removed or relocated from this buffer for motorist safety, including
23 utility poles. The clear zone must be established as part of the frontage improvements which must
24 be implemented before the earlier of (a) approval of the final plat or (b) issuance of any occupancy
25 certificate. The clear zone will be addressed during construction plan review.

26 e. Bicycle

27 The site borders a bicycle route shown on the county-wide bicycle facility system map. The
28 frontage improvements will provide the needed bicycle path.

²⁴ Ex. G.1.

²⁵ Snohomish County Department of Public Works Rule 4222.020(1).

²⁶ EDDS §§4-15, 8-03; WSDOT Utility Manual.

1 f. Signing and Striping

2 Approval will be conditioned on payment by Tulalip Tribes to the county for signing and striping
3 installed or applied by county forces.

4 **3. Not Materially Detrimental to Nearby Uses or Property**

5 The facility is not physically detrimental to uses or property in the immediate facility, nor is the
6 proposed use materially detrimental. The facility will be set back from the property lines and
7 visually screened by landscaping buffers. The architectural elements of the proposed facility are
8 consistent with the area.²⁷ The buildings are a single story with sloped roofs and residential style
9 window design and spacing. The buildings are therefore architecturally consistent with area
10 development and not detrimental to nearby uses or property. External speakers or public address
11 systems will not be allowed, nor will exterior light fixtures without full cut-off features that prevent
12 glare and light pollution. Parking will be behind the buildings; it will not look a strip mall was
13 transplanted from the suburbs to a rural area. Water will be provided by the city of Stanwood and
14 the facility will not impair any neighboring wells or the aquifer. Too, the on-site sewer system will be
15 designed and installed consistent with health department requirements that will protect wellheads
16 of other property in the area.

17 **4. Compatibility with Site and Surrounding Property**

18 As found above, the proposed facility is visually compatible with the site and surrounding property.
19 The buildings are consistent with the scale of barns, landscaping will screen them visually, and
20 parking will be hidden from view. The wetlands will be protected by a recorded critical area site
21 plan and buffers. Stormwater will be collected, detained, treated, and discharged at its historic
22 location at a rate and volume to maintain the hydroperiod of the wetlands.

²⁷ Ex. B.4.

1 **V. CONCLUSIONS**

2 1. The Hearing Examiner has authority to approve conditional use permits. SCC 30.42C.020
3 (2003); SCC 30.42C.100 (2012); SCC 30.70.025 (2021); SCC 30.72.025 (2012).

4 2. The proposal is consistent with the county’s comprehensive plan, complies or can comply
5 with the applicable requirements of title 30 SCC, will not be materially detrimental to the uses or
6 property in the immediate vicinity, and is compatible with, and incorporates specific features,
7 conditions, or revisions that ensures it responds to, the existing or intended character, appearance,
8 quality of development, and physical characteristics of the site and surrounding property.²⁸

9 2. The Hearing Examiner concludes that Tulalip Tribes met its burden of showing the criteria
10 established by county code have been met. The proposal is consistent with the comprehensive
11 plan, county codes, the type and character of land use permitted on the project site, and applicable
12 design and development standards, subject to the conditions described below.

13 3. The Hearing Examiner concludes that adequate public services exist to serve the proposed
14 project.

15 4. The proposed project will make adequate provisions for public health, safety, and general
16 welfare with conditions as described below.

17 5. Any finding of fact in this decision which should be deemed a conclusion of law is hereby
18 adopted as a conclusion of law.

19 6. Any conclusion of law in this decision which should be deemed a finding of fact is hereby
20 adopted as a finding of fact.

21 **VI. DECISION**

22 Based on the foregoing findings of fact and conclusions of law, the Hearing Examiner hereby
23 approves the conditional use permit, subject to the following conditions:

24 **VII. CONDITIONS**

25 ***A. Operating Conditions***

26 1. The facility and its operation shall comply with all applicable federal and state laws and
27 regulations, including those of the Washington State departments of Social and Health Services
28 and Health. If applicable state or federal standards and regulations change, the facility and its

²⁸ SCC 30.42C.100(1) (2012).

1 operation shall comply with the changed regulation within the timelines required by the revised
2 regulation.

- 3 2. The use of external speakers or an external public address system is prohibited.
- 4 3. Patients shall not be discharged as pedestrians at the facility's location. Discharge plans shall
5 include transportation from the facility to the patient's next residence. For example, a patient
6 should not be allowed to walk out the facility's doors on discharge except to a waiting vehicle
7 that will transport them to their next residence, such as a friend, family, or caregiver's vehicle,
8 medical transport vehicle, taxi, or shared ride service vehicle.
- 9 4. Tulalip Tribes will develop written procedures for notification of the public in case of elopement.
10 The procedures will be developed in consultation with law enforcement and with due regard for
11 privacy and safety of the patient and community. The procedures may provide for different
12 notification procedures and recipients for different situations. The procedures will be available
13 to the public upon request and a copy provided to PDS. The procedures shall be finalized prior
14 to occupancy and shall be updated no less often than every three years.
- 15 5. The facility will be staffed at a ratio of at least one clinical staff per four patients, unless
16 subsequent standards or best practices identify a higher ratio of staff to patients.
- 17 6. All approved landscaping shall be maintained after installation. Dead or significantly damaged
18 plants and other landscaping material shall be replaced within three months of the death or
19 damage. PDS may authorize delay in replacement up to 180-days when plant death or damage
20 occurs outside the normal planting season.
- 21 7. Buildings shall be equipped with NFPA 13 automatic sprinkler systems and NFPA 72 fire alarm
22 systems, which shall be maintained in good working order.
- 23 8. All exterior lighting installed initially or in the future shall prevent glare and light pollution on
24 adjacent properties by being shielded, directed downward, and have full-cutoff features. All site
25 area lighting shall be equipped with (a) motion sensors and (b) integral photocells for dusk to
26 dawn operation. All building-mounted exterior lighting shall be controlled by dusk to dawn
27 sensors.
- 28 9. Access from and to 300th St. NW shall be restricted to right-in/right-out only, as required by the
29 EDDS deviation approved by the County Traffic Engineer.²⁹
- 30 10. Minor and major revisions to the administrative site plan shall be subject to SCC 30.70.210 or
31 30.70.220.

²⁹ PDS file no. 22-102225 WMD.

1 11. Nothing in this approval excuses Tulalip Tribes, an owner, lessee, agent, successor or assigns
2 from compliance with any other federal, state, or local statutes, ordinances, or regulations
3 applicable to this project.

4 ***B. Development Conditions***

5 **1. General**

6 12. Exhibit B.1 received by PDS on August 22, 2022 shall be the official site plan. No changes to
7 the scope or configuration are permitted without prior PDS approval. Any discrepancies
8 between the approved site plan and title 30 SCC shall be resolved in favor of title 30 SCC.

9 13. Exhibit B.3 received by PDS on August 22, shall be the approved preliminary landscaping
10 plan. Any discrepancies between the approved site plan and title 30 SCC shall be resolved in
11 favor of title 30 SCC.

12 **2. Prior to Commencement of Any Work**

13 14. No on-site construction activity other than surveying and marking is authorized unless and until
14 the required plan approvals have been obtained.

15 15. Boundary line adjustment 22-104576 BLA shall be recorded, and the recording number shall be
16 provided to PDS.

17 16. Tulalip Tribes shall have installed advance warning signs that warn drivers of construction
18 vehicles entering and exiting the site. The signs and locations shall be approved by the county.
19 The signs shall remain in place until the access point is restricted to right-in and right-out only.

20 17. A landscape maintenance security may be required in accordance with SCC 30.84.150 if
21 Tulalip Tribes requests a planting delay and PDS concurs with the suitability of the delay.

22 18. Tulalip Tribes must temporarily mark the boundary of all Critical Area Protection Areas (CAPAs)
23 required by chapter 30.62A SCC and the limits of the proposed site disturbance outside of the
24 CAPA, using methods and materials acceptable to the county.

25 19. A right-of-way use permit is required for work within the county road right-of-way.

26 20. Tulalip Tribes shall obtain the permits required for the facility, including a land disturbing activity
27 permit required by chapters 30.63A and .63B SCC.

28 21. The application for a land disturbing activity permit shall include:

- 29 a. A proposed final landscaping plan generally consistent with the approved preliminary
30 landscaping plan. The final landscaping plan shall include specifications for design and
31 locations for CAPA signs and split rail fencing.

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- b. Revised civil and landscape plans that correctly identify the wetlands as wetlands A, B, and C and are consistent with the approved *Wetland Buffer Mitigation Plan* written by Widener and Associates and *Wetland and Fish and Wildlife Habitat Assessment Report* written by Soundview Consultants, LLC dated January 26, 2022.
- c. A final mitigation plan based on the approved mitigation plan contained in the *Wetland Buffer and Mitigation Plan* written by Widener and Associates dated June 16, 2022, and revised August 19, 2022. The mitigation plan shall be included as a plan sheet(s) in the land disturbing activity plan set. Any temporary or permanent impacts resulting to Wetlands A and B from the proposed culvert replacement shall be accounted for in the final mitigation plan. Culvert designs and specifications shall be provided in the land disturbing activity construction plans.
- d. The landscape plan review fee. SCC 30.86.145(1).
- e. A full drainage plan pursuant to chapters 30.63A and 30.63B SCC.

22. The land disturbing activity permit shall include:

- a. Conditions that incorporate the inadvertent discovery protocols contained in the Cultural Resources Assessment for a Proposed 32-Bed Behavioral Health Center, prepared by Drayton Archaeology, dated January 5, 2022.
- b. The following text required by SCC 30.32B.210:³⁰

Your real property is on, adjacent to, or within 1,300 feet of designated farmland; therefore, you may be subject to inconveniences or discomforts arising from agricultural activities, including but not limited to, noise, odors, fumes, dust, smoke, the operation of machinery of any kind (including aircraft), the storage and disposal of manure, the application by spraying or otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of operation, and other agricultural activities.

Snohomish County has adopted an Agricultural Lands Regulations (chapter 30.32B SCC) which may affect you and your land. You may obtain a copy of chapter 30.32B SCC from Snohomish County.

A provision of chapter 30.32B SCC provides that "agricultural activities conducted on designated farmland in compliance with acceptable agriculture

³⁰ SCC 30.32B.210(2) (2018) requires the disclosure in all development permits. Although "development permit" is undefined in county code, and "development" is defined in chap. 30.91D SCC in a way that does not include this work, the definition of "development activity" includes land disturbing activity. SCC 30.91D.240 (2003).

1 practices are presumed to be reasonable and shall not be found to constitute a
2 nuisance unless the activities have a substantial adverse effect on the public
3 health or safety."

4 This disclosure applies to the real property upon any development or building
5 permit approval; or, in the case of real property transfers, the disclosure applies
6 to the subject property as of the date of the transfer. This disclosure may not be
7 applicable thereafter if areas designated as farmland are changed from the
8 farmland designation.

9 Prior to issuance of the land disturbing activity permit:

10 23. Tulalip Tribes shall obtain approval of its on-site sewer system design from the Health
11 Department and provide a copy of the design and approval to PDS.

12 24. Tulalip Tribes shall record the following with the County Auditor and provide PDS with a copy of
13 the recorded document and Auditor's file number:

- 14 a. Stormwater facility easement.
- 15 b. Off-site septic easement.
- 16 c. Declaration of covenant for maintenance of the pre-treatment system of the on-site sewer
17 system.³¹
- 18 d. A Critical Areas Site Plan (SCC 30.62.160) that designates critical areas and their buffers
19 as Critical Area Protection Areas (CAPAs). A copy of the recorded plan and the Auditor's
20 recording file shall be provided to PDS. The plan must identify areas which are currently
21 being used for other purposes (e.g., mowed fields). The plan must contain the following
22 restrictive language:

23 Except as provided herein All CRITICAL AREA PROTECTION AREAS shall be
24 left permanently undisturbed in a substantially natural state. No clearing, grading,
25 filling, building construction or placement, or road construction of any kind shall
26 occur except: non-ground disturbing interior or exterior building improvements;
27 routine landscape maintenance of established, ornamental landscaping; non-
28 ground disturbing normal maintenance or repair; felling or topping of hazardous
29 trees based on review by a qualified arborist; removal of noxious weeds
30 conducted in accordance with chapter 16-750 WAC; maintenance or
31 replacement that does not expand the affected area of septic tanks and

³¹ See testimony of Evan Haines.

1 drainfields, wells, or individual utility service connections; data collection by non-
2 mechanical means; and non-mechanical survey and monument placement.

3 e. An executed land use permit binder.

4 25. Tulalip Tribes shall have paid:

5 a. A landscape site inspection fee consistent with SCC 30.86.145(3).

6 b. The amount required by the county for installation of signs and striping. SCC 13.10.180.

7 **3. Prior to Combustible Construction**

8 26. Tulalip Tribes shall have provided PDS with a final certificate of water availability that verifies all
9 hydrants have been installed, are charged and operational, and the minimum required fire flow
10 can be met.

11 **4. Prior to Final Inspection of the Land Disturbing Activity Permit**

12 27. The high decorative screen fence detailed on sheet L-520 of the approved preliminary
13 landscape plan must be satisfactorily installed adjacent to the parking lot, as depicted on
14 sheets L-210, L-211, and L-212 of the preliminary landscape plan.

15 28. All CAPA boundaries shall have been permanently marked on the site prior to final inspection
16 by the county, with both CAPA signs and adjacent markers which can be magnetically located
17 (e.g., rebar, pipe, or 20 penny nails). Tulalip Tribes may use other permanent methods and
18 materials if they are approved by the county before installation. Where a CAPA boundary
19 crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and
20 license number must be placed at the line crossing.

21 29. CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of the
22 CAPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1
23 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county
24 biologist. The design and proposed locations for the CAPA signs shall be submitted to PDS for
25 review and approval prior to installation.

26 30. The final mitigation plan shall have been implemented to the satisfaction of the county.

27 31. Mitigation maintenance and warranty security shall have been provided in accordance with the
28 mitigation and warranty security requirements of chapter 30.84 SCC to ensure that the
29 mitigation meets the performance requirement targets contained in the approved mitigation
30 plan.

31 32. Split-rail fencing shall be satisfactorily installed around the boundary of CAPA.

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1 **5. Building Permits**

2 33. The architectural plans submitted for building permit review shall comply with all applicable
3 building and fire code requirements and with conditions 7 (automatic fire sprinklers and alarms)
4 and 8 (exterior lighting).

5 34. Prior to building permit issuance:

- 6 a. Tulalip Tribes shall provide PDS with a copy of the Snohomish County Department of
7 Health's approval of the on-site sewer system installation.
- 8 b. Tulalip Tribes shall pay an impact fee to Snohomish County for traffic impacts on the
9 county's road system in the amount of \$49,104.32. The impact fee shall be distributed to
10 each Transportation Service Area in accordance with SCC 30.66B.340, as indicated in the
11 allocation table below. This payment may be made proportionately with each building
12 permit.

Road System Impact Fee Allocation Table	
To TSA	Total Amount
TSA A	\$16,312.46
TSA B	\$4,556.88
TSA C	\$373.19
TSA D	\$21,055.93
TSA E	\$2,293.17
TSA F	\$4,512.69
Total Owed: \$49,104.32	

- 13
- 14 c. Tulalip Tribes shall have deeded five feet as right of way along the property frontage on
15 300th Street NW for a total of 40 feet from the center line of the right of way, or as determined
16 by the Department of Public Works.

17 35. As required by SCC 30.32B.210, the following disclosure language of SCC 30.32B.220 shall be
18 included on the commercial building permit:

19 Your real property is on, adjacent to, or within 1,300 feet of designated farmland;
20 therefore, you may be subject to inconveniences or discomforts arising from
21 agricultural activities, including but not limited to, noise, odors, fumes, dust, smoke,
22 the operation of machinery of any kind (including aircraft), the storage and disposal
23 of manure, the application by spraying or otherwise of chemical or organic fertilizers,
24 soil amendments, herbicides and pesticides, hours of operation, and other
25 agricultural activities.

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1 Snohomish County has adopted an Agricultural Lands Regulations (chapter 30.32B
2 SCC) which may affect you and your land. You may obtain a copy of chapter 30.32B
3 SCC from Snohomish County.

4 A provision of chapter 30.32B SCC provides that "agricultural activities conducted on
5 designated farmland in compliance with acceptable agriculture practices are
6 presumed to be reasonable and shall not be found to constitute a nuisance unless
7 the activities have a substantial adverse effect on the public health or safety."

8 This disclosure applies to the real property upon any development or building permit
9 approval; or, in the case of real property transfers, the disclosure applies to the
10 subject property as of the date of the transfer. This disclosure may not be applicable
11 thereafter if areas designated as farmland are changed from the farmland
12 designation.

13 **6. Prior to Occupancy**

14 36. The elopement notification procedures required by condition 4 shall be finalized and a copy
15 provided to PDS.

16 37. Prior to installation of the proposed monument sign, Tulalip Tribes shall obtain a sign permit.
17 The proposed monument sign shall substantially match the proposed monument sign on the
18 conditional use application signage plan and be located as shown on the approved site plan.

19 38. All required landscaping, including perimeter, parking, and site, shall be installed, and a
20 qualified landscape designer shall certify to PDS that the installation complies with county code
21 and the approved plans.

22 39. All fire hydrants shall have been equipped with the following:

23 a. A 4-inch Storz steamer port.

24 b. The top of the hydrant shall be painted pursuant to the level of service provided. The tops
25 of the hydrants shall be painted blue because the level of service provided is greater than
26 1,500 gpm.

27 40. Tulalip Tribes shall have installed blue street reflectors hydrant side of the center line to assist
28 approaching emergency vehicles apparatus to locate the hydrant.

29 41. Tulalip Tribes shall have installed all fire lane pavement striping per the approved site plan. The
30 fire lane shall be labeled "No Parking Fire Lane" every 50 feet.

31 42. Tulalip Tribes shall have constructed rural frontage improvements along the parcel's frontage
32 on 300th Street NW to the satisfaction of the county.

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1 43. The access point shall be restricted to right-in/right-out only and the construction of this access
2 restriction will be to the satisfaction of the county

3 **C. Termination and Expiration**

4 44. This conditional use permit shall expire:

5 a. Five years from the date of this approval if the proposed use has not commenced (SCC
6 30.70.140); or

7 b. One year after the site ceases to be used as a secure inpatient behavioral health facility.

8 45. This conditional use permit shall terminate if:

9 a. Conditions of this permit are violated and not promptly corrected;

10 b. Conditions of this permit are repeatedly violated, even if promptly corrected;

11 c. Any license or permit required by state or other law or regulation for operation of the facility
12 expires or is terminated; or

13 d. Applicable federal, state, or local laws or regulations are violated and not promptly corrected.

Decision issued this 7th day of March, 2023.

Peter B. Camp

Peter B. Camp
Hearing Examiner

1 **VIII. EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES**

2 The decision of the Hearing Examiner is final. Any party of record petition the Hearing Examiner to
3 reconsider the decision and any party of record may appeal the decision to the County Council.
4 However, reconsideration by the Hearing Examiner may also be sought by a party of record. The
5 following paragraphs summarize the reconsideration and appeal processes. For more information
6 about reconsideration and appeal procedures, please see chapter 30.72 SCC and the respective
7 Hearing Examiner and Council Rules of Procedure.

8 ***Reconsideration***

9 Any party of record may request reconsideration by the Hearing Examiner from the date of this
10 decision. A petition for reconsideration must be filed in writing with the Office of Hearings
11 Administration, 2nd Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett,
12 Washington, (Mailing Address: M/S No. 405, 3000 Rockefeller Avenue, Everett WA 98201) by
13 hand delivery, US mail, or email³² **on or before March 17, 2023**. There is no fee for filing a petition
14 for reconsideration. The petitioner for reconsideration shall mail or otherwise provide a copy of the
15 petition for reconsideration to all parties of record on the date of filing. SCC 30.72.065.

16 A petition for reconsideration does not have to be in a special form but must contain the name,
17 mailing address and daytime telephone number of the petitioner, the signature of the petitioner or
18 of the petitioner’s attorney, if any; identify the specific findings, conclusions, actions and/or
19 conditions for which reconsideration is requested; state the relief requested; and, where applicable,
20 identify the specific nature of any newly discovered evidence and/or changes proposed by the
21 applicant.

22 The grounds for seeking reconsideration are limited to the following:

- 23 (a) The Hearing Examiner exceeded his jurisdiction;
- 24 (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- 25 (c) The Hearing Examiner committed an error of law;
- 26 (d) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by the
27 record;
- 28 (e) New evidence is discovered which could not reasonably have been produced at the hearing
29 and which is material to the decision; or

³² Hearing.Examiner@snoco.org.

1 (f) The applicant proposed changes to the application in response to deficiencies identified in
2 the decision.

3 Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant
4 to the provisions of SCC 30.72.065. Please include the county file number in any correspondence
5 regarding this case.

6 ***Appeal***

7 An appeal to the County Council may be filed by any aggrieved party of record **on or before**
8 **March 21, 2023**. Where the reconsideration process of SCC 30.72.065 has been invoked, no
9 appeal may be filed until the reconsideration petition has been decided by the hearing examiner.

10 An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the
11 County Council. If a petition for reconsideration is filed, issues subsequently raised by that party on
12 appeal to the County Council shall be limited to those issues raised in the petition for
13 reconsideration.

14 Appeals shall be addressed to the Snohomish County Council but shall be filed in writing with the
15 Department of Planning and Development Services, 2nd Floor, County Administration-East
16 Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S No. 604, 3000
17 Rockefeller Avenue, Everett, WA 98201), and shall be accompanied by a filing fee in the amount of
18 five hundred dollars (\$500.00) for each appeal filed; PROVIDED, that the fee shall not be charged
19 to a department of the County. The filing fee shall be refunded in any case where an appeal is
20 summarily dismissed in whole without hearing under SCC 30.72.075.

- 21 1. Scan the original manually signed (handwritten) copy of the appeal document;
- 22 2. Send your appeal as an email attachment to epermittech@snoco.org. Please include your
23 phone number where you can be reliably reached.
- 24 3. Staff will call you to collect your credit card information and process your payment.
- 25 4. Mail the original to Snohomish County PDS, 3000 Rockefeller M/S 604, Everett, WA 98201.

26 An appeal must contain the following items in order to be complete: a detailed statement of the
27 grounds for appeal; a detailed statement of the facts upon which the appeal is based, including
28 citations to specific Hearing Examiner findings, conclusions, exhibits or oral testimony; written
29 arguments in support of the appeal; the name, mailing address and daytime telephone number of
30 each appellant, together with the signature of at least one of the appellants or of the attorney for
31 the appellant(s), if any; the name, mailing address, daytime telephone number and signature of the
32 appellant's agent or representative, if any; and the required filing fee.

33 The grounds for filing an appeal shall be limited to the following:

- 34 (a) The decision exceeded the Hearing Examiner's jurisdiction;
- 35 (b) The Hearing Examiner failed to follow the applicable procedure in reaching his decision;
- 36 (c) The Hearing Examiner committed an error of law; or

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1 (d) The Hearing Examiner’s findings, conclusions and/or conditions are not supported by
2 substantial evidence in the record. SCC 30.72.080

3 Appeals will be processed and considered by the County Council pursuant to the provisions of
4 chapter 30.72 SCC. Please include the county file number in any correspondence regarding the
5 case.

6 Staff Distribution:

7 Department of Planning and Development Services: Rebecca Samy

8 The following statement is provided pursuant to RCW 36.70B.130: “Affected property owners may
9 request a change in valuation for property tax purposes notwithstanding any program of
10 revaluation.” A copy of this Decision is being provided to the Snohomish County Assessor as
11 required by RCW 36.70B.130.

	Name	Address	City	State	Zip	E-Mail	Concerns	
POR & Agency List	22-102230-CUP	Residential Treatment Facility North	Hearing: Jan 24, 25 & 26 2023, 9:00 a.m. and 6:00 p.m. on Jan 26, 2023					
PUBLIC COMMENTS	Allen Saunders					allen.saunders@comcast.net	Comments/Opposition	
	Allie Perry					sheparda@hotmail.com	Comments/ Opposition	
	Allison Warner	316 Dove Drive	Camano Isla	WA	98282	allisivy@gmail.com	Comments/Support	
	Amy Bergemeier					abergemeier@yahoo.com	Comments/ Opposition	
	Anna Nepomuceno	1107 NE 45th St, Suite 330	Seattle	wa	98105	anepomuceno@namiwa.org	Comments/Support	
	Anne Jones	7607 Stauffer Rd	Stanwood	WA	98292	anniewaynorth@yahoo.com /ajones@sno-i	Comments/ Opposition	
	Brent Koos					brentkoos@gmail.com	POR/Comments	
	Bruce Collins					bruceposu@frontier.com	Comment/Opposition	
	Bruce & Peggy Kitting	7229 286th PI NW	Stanwood	WA	98292	peggypooh321@yahoo.com	POR/Opposition	
	Candace Trautrman	1025 Aqua Vista Lane	Camano Isla	WA	98282	philandcandy@wavecable.com	Comments/Support	
	Carol Dvorak Volkman					caroldvorak@outlook.com	Comments/support	
	Carol Korpi					korpcj1@gmail.com	Comments/Support	
	Catherine Carpenter	5128 Happy Hollow Road	Stanwood	WA	98292	uryurhere@earthlink.net	Comments/Opposition	
	Chris Davis					cdavisbusiness@yahoo.com	POR/Comments	
	Chris Larson					captlarski1@gmail.com	POR/Opposition	
	Christi Bell					christibell@yahoo.com	Comments/Opposition	
	Christina Gravin					cgarvin86@gmail.com	Comments/Opposition	
	Christina Robertson					moosetales@aol.com	Comments/Opposition	
	Claudia Davidson					claudia@mainstreeyarn.com	Comments/Support	
	CM Nate Nehring					nate.nehring@co.snohomish.wa.us	Comments	
	Darren and Alyona Franz					izbushka.llc@gmail.com	Comments/Opposition	
	David Fugate	Mount Baker Meadows				mountbakermeadows@gmail.com	POR/Comments	
	Dean Van Vleet					dean.namiskagit@gmail.com	POR	
	Deana Ottum					kezo@comcast.net	POR/Comments/Support	
	Deb Hubenthal					deborahhubenthal@gmail.com	POR	
	Debbie Jadwin					djadwin53@gmail.com	Comments/Opposition	
	Dee Shishido	31707 West Lake Ketchum Road	Stanwood	WA	98292	tangles39@hotmail.com	POR/Opposition	
	Delbert Fox	7229 300th St. NW	Stanwood	WA	98292		Comments/Support US Mail	
	Diana Perry					diventuresinc@aol.com	Comments/Opposition	
	Dinah Aldrich					dinahaldrich@gmail.com	Comments/Support	
	Donna Knight					errymor@gmail.com	Comments	
	Donna Olson	Board Chair for Take the Next Step				donnaolson@gmail.com	Comments/Support	
	Elizabeth Reed	31522 West Lake Ketchum Road	Stanwood	WA	98292	elizabeth@interfacetechnw.com	Comments	
	Frederic Berg	8202 317th PI NW	Stanwood	WA	98292	fredericpberg@msn.com	POR Request/General Opposition	
	Garry Olson	273rd Street NW	Stanwood	WA		stanwoodstumpy@hotmail.com	Comments/Opposition	
	Gay-Lynn Beighton					gay-lynnb@namisnohomishcounty.org	POR Request/Comments	
	Ganelle Swindler	4621 191st PL NE	Arlington	WA	98223	swindler_gan@LIVE.COM	Comments/opposition	
	G.L. DeBortole	30432 80th Ave NW	Stanwood	WA	98292	Geno6860@gmail.com	Comments/Opposition	
	Gregg Small					gregg.small@wsu.edu	Comments/opposition	
	Gretchen Saari					gsaari@msn.com	Comments/support	
	Gwen Phillips					mcinlineq@gmail.com	Comments/Opposition	
	Hank Tingler	7420 300th St NW	Stanwood	WA	98292	brownshooo@earthlink.net	POR Request	
	Harvey Stackhouse					hstackhouse1948@gmail.com	Comments, safety, response times. Etc.	
	James Hamilton	9718 271ST ST NW	Stanwood	WA	98292		Comments/opposition US Mail	

Jan Iverson					janiverson4950@gmail.com	Comments/Opposition
Janet Graafstra					graafstrajan@gmail.com	Comment/Opposition
Jayson Russell					jaysonrussell@outlook.com	Comment/Opposition
Jeremiah Bauman					jeremiah.r.bauman@gmail.com	Comment/Support
Jessica Gilman					jessicamarie0125@aol.com	Comment/Opposition
Jim Bloss					jbloss132@gmail.com	POR request
Jim Dolan	10027 269th Place NW	Stanwood	WA	98292	jbdolan@jbdolan.com	comment/support
Joan Andrews	28130 Lund Hill Rd	Stanwood	WA	98292	andfre65@yahoo.com	POR/General Opposition
Joan Rave					fedheads@hotmail.com	Comment/Support
Joseph Chartier					jac98270@comcast.net	Comments/Support
Joseph Wilson					joeyw206@gmail.com	Comments/Support
Julia Katzenmaier					j_katzenmaier@icloud.com	Comments/Road Improvements
Julie Melville					julielmelville@gmail.com	POR Request/Comments Support
Kaitlinn Donham					kkaters20@aol.com	Comments/ Opposition
Kandyce Hansen	30627 87th AVE NW	Stanwood	WA	98292	kandycehansen1@gmail.com	Comments/Opposition
Kara Dineen	202 South Sams Street	Monroe	WA	98272	kara@ttns.org	Comments/Support
Karen Dickson					kranmom@hotmail.com	Comments/Opposition
Karen Schilde	5012 West View Drive	Everett	WA	98203	schildek@comcast.net	Comments/Support
Kathleen Chiles	21423 55th Ave SE	Woodinville	WA	98072	k.chiles22@live.com	Comments/Support
Kathleen McKee	PO Box 121	Stanwood	WA	98292	mckee.kdm@gmail.com	POR request
Kathy Richarson					kathymrichardson@yahoo.com	POR/Questions
Katie & Ed Farrey	27313 Pioneer Hwy	Stanwood	WA	98292	kffarrey@gmail.com	Comments/Support
Katie Mahoney					katie.a.mahoney@gmail.com	Comments/Support
Katie Weeks	32030 76th Ave NW	Stanwood	WA	98292	klweeks@gmail.com	Comments/Opposition
Kelsey Edwardsen					kelseyedwardsen@gmail.com	POR request
Kelsi Opland					KelsiOpland@hotmail.com	Comments/Opposition
Kevin & Jenell Jones					jordannursery@yahoo.com	Comments
Kiley Casey					caseykiley@me.com	Comments/Opposition
Kimberly Acuff					kimberly.acuff@gmail.com	Comments/Opposition
Kip Litehiser & Margo Townsend					litetown@frontier.com	Comments/Opposition
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	Gene Enick	Tulalip Tribe Cultural Division			genick@tulaliptribes-nsn.gov	Requesting Cultural Assessment
	Todd Gray	Tulalip Tribe Environmental Division			toddgray@tulaliptribes-nsn.gov	Comments/Wetlands
	Kelsey Payne	Snoqualmie Tribe/Water Quality Manager			kelsey.payne@snoqualmietribe.us	wetland information request
	Richard Young	Tulalip Tribes Cultural Division			ryoung@tulaliptribes-nsn.gov	
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SEPA APPEAL (Dismissed 12/21/22)

APPEAL

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Before the
HEARING EXAMINER
Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Tulalip Tribes

Case No.: 22-102230 CUP

Project Name: Residential Treatment Facility North

EXHIBITS: Submitted for the January 24, 2023 open record hearing:

A. APPLICATION:

- [A.1](#) Master Permit Application filed 6-26-2022
- [A.2](#) Project Narrative
- [A.3](#) Conditional Use Criteria Narrative
- [A.4](#) 120 Day Waiver Letter

B. PLANS:

- [B.1](#) Site Plan dated 8-22-2022
- [B.2](#) Civil Drawings, dated 10-20-2022
- [B.3](#) Preliminary Landscape Plans dated 8-23-2022
- [B.4](#) Preliminary Building Elevations dated 6-27-2022
- [B.5](#) Signage Plan dated 6-27-2022
- [B.6](#) Security Plan dated 6-27-2022

C. REPORTS:

- [C.1](#) Traffic Impact Analysis, dated 9-2022
- [C.2](#) Stormwater Pollution Prevention Plan from BCRA dated 6-2022
- [C.3](#) Geotechnical Report from Associated Earth Sciences, dated 12-9-2021
- [C.4](#) Wetland and Fish and Wildlife Habitat Assessment Report dated 1-26-2022
- [C.5](#) Wetland Buffer Mitigation Plan dated 8-19-2022
- [C.6](#) Parking Assessment dated 6-15-2022
- [C.7](#) Cultural Resources Cover Sheet 2-1-2022
- [C.8](#) Soil Logs from Cascade Surveying Memo dated 1-26-2022
- [C.9](#) Drainage Report Addendum dated 11-10-2022

D. PROPERTY:

- [D.1](#) Ownership – Zoning Map
- [D.2](#) Aerial Map
- [D.3](#) Verification of Legal Description

E. ENVIRONMENTAL:

- [E.1](#) Determination of Nonsignificance with Environmental Checklist

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

F. NOTICE AND ROUTING DOCUMENTS:

- [F.1](#) Affidavit of Mailing – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations
- [F.2](#) Affidavit of Notification (publication) – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations
- [F.3](#) Posting Verification – Notice of Open Record Hearing, Threshold Determination, and Concurrency and Traffic Impact Fee Determinations
- [F.4](#) Affidavit of Notification (publication) – Notice of Application for Everett Herald and Stanwood Camano News
- [F.5](#) Affidavit of Mailing – Issued DNS
- [F.6](#) Affidavit of Mailing – Notice of Cancellation of Open Record Hearing
- [F.7](#) Affidavit of Notification (publication) – Notice of Cancellation for Everett Herald and Stanwood Camano News
- [F.8](#) Posting Verification – Cancelled Notice of Open Record Hearing
- [F.9](#) Affidavit of Mailing – Notice of Rescheduled Open Record Hearing
- [F.10](#) Affidavit of Notification (publication) – Notice of Reschedule Hearing for Everett Herald and Stanwood Camano News
- [F.11](#) Posting Verification – Rescheduled Open Record Hearing
- [F.12](#) Affidavit of Mailing – Corrected Postcard for Corrected Re-Notice of Rescheduled Open Record Hearing
- [F.13](#) Affidavit of Notification (publication) combined for Stanwood Camano News and Everett Herald
- [F.14](#) Posting Verification - Corrected Re-Notice of Rescheduled Open Record Hearing

G. OTHER ITEMS:

- [G.1](#) EDDS Deviation Approval
- [G.2](#) Boundary Line Adjustment 22-104576 BLA
- [G.3](#) FAQ sheet from Washington Health Care Authority dated 6-27-2022.
- [G.4](#) 90- and 180-day Civil Commitment: Best Practices Toolkit, submitted 9-19-2022
- [G.5](#) Applicant's Local Agencies Meeting Outline received 9-16-2022
- [G.6](#) Tax Sharing Compact between the Tulalip Tribes and the State of Washington
- [G.7](#) 1st Review Completion Letter from PDS dated 5-18-2022
- [G.8](#) Snohomish County Ordinance 04-010
- [G.9](#) Fire Marshal's Memo dated 7-12-2022
- [G.10](#) Drainage Review Memo dated 7-12-2022
- [G.11](#) Critical Areas Review Memo and Addendum dated 8-24-2022
- [G.12](#) Transportation Review Memo dated 10-11-2022
- [G.13](#) Traffic Pre-submittal
- [G.14](#) March 2022 Townhall Slides from Washington Health Care Authority

H. GOVERNMENT / TRIBAL COMMENTS:

- [H.1](#) City of Stanwood Water Availability letter dated 6- 20-2022
- [H.2](#) Snohomish P.U.D. comments dated 2-14-2022

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

- [H.3](#) Snohomish Health District comments dated 3-28-2022
- [H.4](#) North County Fire and Rescue communications from 2-8 to 9-12-2022
- [H.5](#) PDS email to Snohomish County Sherriff's Office dated 7-15-2022
- [H.6](#) Washington State Department of Transportation dated 7-29-22
- [H.7](#) City of Arlington Traffic comments and PDS response dated 8-8-22
- [H.8](#) City of Stanwood Traffic comments dated 8-3-2022
- [H.9](#) Tulalip Tribes Cultural comments 2-25-2022
- [H.10](#) Tulalip Tribes Environmental comments 2-24-2022
- [H.11](#) Snoqualmie Tribe Environmental comment 2-23, 3-2-2022

I. PUBLIC COMMENTS:

- [I.1](#) Allen Saunders comments 3-3-2022
- [I.2](#) Allie Perry comments 2-16-2022
- [I.3](#) Allison Warner comments 9-29-2022
- [I.4](#) Amy Bergemeier comments 2-16-2022
- [I.5](#) Anna Nepomuceno comments 10-3-2022
- [I.6](#) Anne Jones comments 2-16-2022
- [I.7](#) Brent Koos comments 3-2-2022
- [I.8](#) Bruce and Peggy Kitting comments 3-2-2022
- [I.9](#) Bruce Collins comments 3-14-2022
- [I.10](#) Candace Trautman comments 3-2-2022
- [I.11](#) Carol Korpi comments 3-22-2022
- [I.12](#) Catherine Carpenter comments 3-1-2022
- [I.13](#) Chris Davis comments 2-21-2022
- [I.14](#) Chris Larson comments 3-14-2022
- [I.15](#) Christi Bell comments 2-28-2022
- [I.16](#) Christina Gravin comments 2-24-2022
- [I.17](#) Claudia Davidson comments 3-31-2022
- [I.18](#) Darren and Alyona Franz comments 3-1-2022
- [I.19](#) David Fugate comments 3-17-2022
- [I.20](#) Deana Ottum comments 3-22-2022
- [I.21](#) Dee Shishido comments 2-17-2022
- [I.22](#) Dinah Aldrich comments 3-22-2022
- [I.23](#) Donna Knight comments 2-14-2022
- [I.24](#) Donna Olson comments 10-2-2022
- [I.25](#) Elizabeth Reed comments 2-12-2022
- [I.26](#) Frederic and Amy Berg party of record request 2-12-2022
- [I.27](#) Garry Olson comment 3-4-2022
- [I.28](#) Gay-Lynn Beighton comments 3-4 to 9-27, 2022
- [I.29](#) GL DeBortole comments 2-24-2022
- [I.30](#) Gretchen Saari comments 3-22-2022
- [I.31](#) Gwen Phillips comments 2-14 to 3-2-2022
- [I.32](#) Hank Tingler comments 2-21 to 10-3-2022
- [I.33](#) Hannah Furfaro party of record request 10-18-2022

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

- [I.34](#) Harvey Stackhouse comments 8-17-2022
- [I.35](#) Izzie Lund party of records request 3-19-2022
- [I.36](#) Jan Iverson comments 3-25-2022
- [I.37](#) Janet Graafstra comments 2-27-2022
- [I.38](#) Jayson Russell comments 2-28-2022
- [I.39](#) Jeremiah Bauman comments 2-25-2022
- [I.40](#) Jessica Gilman comments 2-28-2022
- [I.41](#) Jim Bloss comments 3-16 to 9-29-2022
- [I.42](#) Jim Dolan comments 7-11-2022
- [I.43](#) Joan Andrews comments 2-17-2022
- [I.44](#) Joan Rave comments 3-20-2022
- [I.45](#) Joseph Chartier comments 2-18-2022
- [I.46](#) Joseph Wilson comments 3-21-2022
- [I.47](#) Julie Katzenmaier comments 11-28-2022
- [I.48](#) Julie Melville comments 3-16-2022 to 9-28-2022
- [I.49](#) Kaitlinn Donham comments 2-22-2022
- [I.50](#) Kara Dineen comments 3-22-2022
- [I.51](#) Karen Dickson comments 3-15-2022
- [I.52](#) Karen Schilde comments 3-22 and 9-30-2022
- [I.53](#) Kathleen Chiles comments 10-1-2022
- [I.54](#) Kathleen McKee comments 3-2 and 4-3-2022
- [I.55](#) Kathy Richardson comments 2-17-2022
- [I.56](#) Katie Farrey comments 2-23-2022
- [I.57](#) Katie Mahoney comments 3-22-2022
- [I.58](#) Katie Weeks comments 4-11-2022
- [I.59](#) Kelsey Edwardsen party of record request 11-7-2022
- [I.60](#) Kelsi Opland comments 2-23-2022
- [I.61](#) Kevin and Jeanell Jones comments 3-6-2022
- [I.62](#) Kiley Casey comments 2-28-2022
- [I.63](#) Kimberly Acuff comments 3-2-2022
- [I.64](#) Kip Litehiser & Margo Townsend comments 9-29-22
- [I.65](#) Konni Kasemeier comments 2-25-2022
- [I.66](#) Kris Cimino comments 3-1-2022
- [I.67](#) Laura Oltman comments 2-22-22
- [I.68](#) Lauren Simonds comments 3-16-2022
- [I.69](#) Leanna Partridge comments 3-4-2022
- [I.70](#) Liliana Uribe comments 9-7-2022
- [I.71](#) Linda Godwin comments 3-4-2022
- [I.72](#) Lynn White comments 2-17-2022
- [I.73](#) Lynne Donovan comments 2-17 to 10-2-2022
- [I.74](#) Marcy Imus comments 2-15-2022
- [I.75](#) Mark Schinmann comments 9-24-2022
- [I.76](#) Marsha Hicks comments 10-1-2022
- [I.77](#) Mary Anne Osborn comments 10-2-2022

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

- [I.78](#) Mary Gage comments 2-27-2022
- [I.79](#) MaryAnn Kridler comments 2-26-2022
- [I.80](#) Meagen Watne comments 3-14-2022
- [I.81](#) Meg McClure comments 3-24 and 11-2-2022
- [I.82](#) Melanie and Paul Sobotta comments 9-24-2022
- [I.83](#) Melissa Walstad comments 2-13-2022
- [I.84](#) Michael Carmichael comments 2-17-2022
- [I.85](#) Michael James comments 2-25-2022
- [I.86](#) Mike Buckland comments 3-22-2022
- [I.87](#) Mike Hayslip comments 11-1-2022
- [I.88](#) Murphy Russell comments 2-23-2022
- [I.89](#) Nate Nehring, Council Member comments 3-31-2022
- [I.90](#) North Stanwood Concern Citizens comments 9-2-2022
- [I.91](#) Pamela Reeves comments 2-14-2022
- [I.92](#) Pamela Thompson comments 3-21-2022
- [I.93](#) Pat Wilder comments 2-16-2022
- [I.94](#) Patrick and Heidi Wade comments 2-18-2022
- [I.95](#) Patty Tingler comments 2-14 to 11-11-2022
- [I.96](#) Paul and Candice Amrine comments 9-27-2022
- [I.97](#) Paul Miller comments 2-24 and 2-27-2022
- [I.98](#) Paula Segale comments 2-17-2022
- [I.99](#) Peggy Kitting comments 9-23-2022
- [I.100](#) Peggy Miller comments 2-26 and 9-27-2022
- [I.101](#) Rachelle Cummings comments 2-18-2022
- [I.102](#) Ralph and Amy Esary comments 3-24-2022
- [I.103](#) Richard Moparman comments 3-17-2022
- [I.104](#) Richard Vaughn comments 2-26-2022
- [I.105](#) Rick Flores comments 9-5-2022
- [I.106](#) Rob Gildea comments 2-27-2022
- [I.107](#) Robert and Gloria Drury comments 3-2-2022
- [I.108](#) Robert James comments 2-15-2022
- [I.109](#) Robin Carmichael comments 3-1-2022
- [I.110](#) Robyn Gibson comments 3-15-2022
- [I.111](#) Ron Howell comments 2-18-2022
- [I.112](#) Roy Everett comments 2-16-2022
- [I.113](#) Sam Keller party of record request 2-11-2022
- [I.114](#) Sandra E Sanford comments 10-31-2022
- [I.115](#) Sarah Gibson comments 2-16-2022
- [I.116](#) Saranne Moreschi comment 3-22-2022
- [I.117](#) Sean Gillespie comments 2-22-2022
- [I.118](#) Sheila Harrington comments 9-11 and 10-4-2022
- [I.119](#) Shirley O. comments 9-10-2022
- [I.120](#) Sid Roberts comments 9-28-2022
- [I.121](#) Sonya Johnson comments 3-2-2022

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

- [I.122](#) Stacy Moore comments 7-18-2022
- [I.123](#) Stan Burwell comments 2-26-2022
- [I.124](#) Stephen Hendrickson comments 3-5 and 3-11-2022
- [I.125](#) Steve Snowden comments 3-2 to 8-5-2022
- [I.126](#) Stuart Heady comments 2-15 to 10-5-2022.
- [I.127](#) Sue Keller party of record request 2-11-2022
- [I.128](#) Susann Hendrickson comments 2-28 to 10-6-2022
- [I.129](#) Teresa Buckland comments 3-26-2022
- [I.130](#) Tim Schmitt comments 3-26 to 11-16-2022
- [I.131](#) Tina Sharp comments 2-24-2022
- [I.132](#) Toni Reading comments 7-13-2022
- [I.133](#) Tracy Seller party of record request 2-16-2022
- [I.134](#) Trisha Pearce comments 2-15 to 3-28-2022
- [I.135](#) Vicki Russell comments 2-17 to 10-3-2022
- [I.136](#) Vivian Henderson comments 9-21-2022
- [I.137](#) Kathleen Richardson Request for Additional Public Comment 12-30-22
- [I.138](#) Melanie and Paul Sobotta Comment, 1-12-23
- [I.139](#) Carol Dvorak Volkman comment, 1-12-23
- [I.140](#) Rose Dennis comment, 1-17-23
- [I.141](#) Mark Schinman comment, 1-19-23
- [I.142](#) Trisha Pearce comment, 1-19-23
- [I.143](#) Pamela Reeves comment, 1-20-23
- [I.144](#) Sharon Swift comment, 1-20-23
- [I.145](#) Vicki Russell comment, 1-20-23
- [I.146](#) Nora Davis comment, 1-23-23
- [I.147](#) Debbie Jadwin comment, 1-23-23
- [I.148](#) Meg McClure comment, 1-23-23
- [I.149](#) Rose Dennis comment, 1-23-23
- [I.150](#) Gregg Small comment, 1-23-23

J. RESPONSE TO AGENCY / PUBLIC COMMENTS:

- [J.1](#) Comment Tracking Spread Sheet dated 8-22-2022
- [J.2](#) Applicant's response to first comment review letter dated 6-24-2022

K. STAFF RECOMMENDATION: Department of Planning and Development Services

- [K.1](#) Staff Recommendation

L. ADDITIONAL SUBMITTALS PRIOR TO HEARING:

- [L.1](#) Applicant's Presentation: Proposed community behavioral health facility at Stanwood, received 1-23-23

M. SUBMITTED DURING HEARING (1-24-23 – 1-26-23)

- [M.1](#) Applicant: Testimony of Experts, 1-24-23
- [M.2](#) Public: Michele Meeker, Testimony & North Sound Needs Assessment, 1-24-23

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

- [M.3](#) Applicant: Non-climbing Fence Photos, 1-24-23
- [M.4](#) PDS: Non-climbing Fence Photos, 1-24-23
- [M.5](#) PDS: Interlocal Agreements for Arlington and Stanwood, 1-24-23
- [M.6](#) Dave Kraski, North County Regional Fire Authority comment, 1-24-23
- [M.7](#) Public: Susann Hendrickson Herald Article & comment, 1-24-23
- [M.8](#) Public: Skyler Malan comment, 1-25-23
- [M.9](#) Public: Tyler Shellenberg comment, 1-26-23
- [M.10](#) Public: Kathy Richardson comment, 1-26-23
- [M.11](#) Public: Katie & Ed Farrey comment, 1-26-23
- [M.12](#) Public: Patty Tingler comment, 1-26-23
- [M.13](#) Public, Diana Perry comment, 1-26-23
- [M.14](#) Public, Steve Snowden comment, 1-26-23
- [M.15](#) Public, Ramona Snowden comment, 1-26-23
- [M.16](#) Public, Megan Tucker comment, 1-26-23
- [M.17](#) Applicant, Closing Statement
- [M.18](#) Applicant, HCA Response to Public Testimony
- [M.19](#) Applicant, Adverse Events Facilities by Event
- [M.20](#) Applicant, Evan Haines Statement
- [M.21](#) Public, Ganelle Swindler Hearing Document
- [M.22](#) Public, Hank Tingler comment
- [M.23](#) Public, Stuart Heady comment
- [M.24](#) Public, Christina Robertson comment
- [M.25](#) Applicant, Valuation Proximity Impact Analysis
- [M.26](#) Public, Kandyce Hansen comment
- [M.27](#) PDS, Transportation Response to Kathy Richardson Public Comment (m.10), 2-3-23
- [M.28](#) Applicant, Final Statement, 2-3-23

U. NOT CONSIDERED BY THE HEARING EXAMINER (UNTIMELY):

- [U.1](#) Public, Paul Sobotta Comment, 2-2-23

WITNESSES AT THE 1/24/23 HEARING:

Christine Phillips, BCRA
Dr. Charissa Fotinos, HCA
Dr. Keri Waterland, HCA
Keith Baines, Wenaha Group
Jim Wolch, BCRA
Zachary Crum, BRCA
Evan Haines, Korsmo
Rebecca Samy, PDS
Caleb Duhnke, PDS
Ken Crossman, PDS

PUBLIC COMMENT, 1/24/23:

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

Michele Meaker, NAMI Snohomish County
Gay-Lynn Beighton, NAMI Snohomish County
Stuart Heady
Peggy Miller
Kathleen Richardson
Henry (Hank) Tingler
Allison Warner
Jim Bloss
Kathleen Chiles, NAMI Snohomish County
Christi Bell

ZOOM RECORDING, 1/24/23:

https://us02web.zoom.us/rec/share/13XDWNEJHy_bB_rstwj268FXRclfYvru4VJxiFu3NWjAKIaApD3ofSa9NgEyUt0.CgtdrC2ixkhF-RWL

WITNESSES AT THE 1/26/23 HEARING:

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Caleb Duhnke, PDS
Laura Kisielius, PDS
Tyler Eastman, Tulalip Tribes, Applicant
Christine Phillips, BCRA, Applicant
Aaron Van Aken, Heath and Associates, Applicant
Dr. Keri Waterland, HCA, Applicant
Evan Haines, Korsmo

PUBLIC COMMENT, 1/26/23:

Tim Schmitt
Steve Snowden
Deborah Hubenthal
Delbert Fox
Ganelle Swindler
Dean Van Vleet
Debbie Jadwin
James Hamilton
Kandyce Hansen
Trisha Pearce

ZOOM RECORDING, 1/26/23:

https://us02web.zoom.us/rec/share/jaNwmRnos0IsS2LTYuGWDCX2PV_1WbRFZo_uGVUL5TMCEIA0e6cu3QFn63hVRlay.MEBwbL4TKIC7GlaL

SEPA APPEAL DISMISSED 12/21/22
O. APPEAL DOCUMENTS

No.	Title	Date	
O.1	Appeal	10/3/22	
O.2	Verification of Appeal	10/3/22	
O.3	Appellant Declaration	10/5/22	

P. PLEADINGS

No.	Title	Date	
P.1	Applicant NOA Koop Gunn	10/26/22	
P.2	Applicant POA Marchand	11/3/22	
P.3	PDS Motion to Dismiss, Inclusive of Ex. A-D	11/14/22	
P.4	Applicant Joinder to PDS Motion to Dismiss	11/14/22	
P.5	Appellant Response to Motion to Dismiss	11/30/22	
P.6	Correction to Appellant Response to Motion to Dismiss	12/1/22	
P.7	PDS Reply to Motion to Dismiss	12/7/22	
P.8	Applicant Joinder to PDS Reply	12/7/22	

Q. PDS EXHIBITS & WITNESSES

No.	Title	Date	Admitted (y/n)
	Using A-K series		

R. APPELLANT EXHIBITS & WITNESSES

No.	Title	Date	Admitted (y/n)
	None submitted for SEPA appeal		

S. APPLICANT EXHIBITS & WITNESSES

No.	Title	Date	
	None submitted for SEPA appeal		

T. ADMINISTRATIVE

No.	Title	Date	
T.1	Notice of Prehearing Conference	10/11/22	
T.2	Scheduling Order	11/14/22	
T.3	Order Granting Motions to Dismiss	12/21/22	
T.4	Order re Proceedings and Evening Public Comment	1/5/23	

Before the

HEARING EXAMINER

Snohomish County, Washington

LIST OF EXHIBITS & WITNESSES

Applicant: Christine Phillips

Case No.: 22 102230 CUP

Project Name: Residential Treatment Facility North

SEPA PREHEARING CONFERENCE ON 10/27/22

[Date] ATTENDEES:

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Rebecca Samy, PDS

Kathy Richardson, Appellant

Lisa Koop Gunn, Tulalip Tribes

Keith Banes, Wenaha Group/Tulalip Tribes

Evan Haines, Korsmo

Jim Wolch, BCRA Design

Christine Phillips, BCRA Design

ZOOM RECORDING:

https://us02web.zoom.us/rec/share/30wiH08QaYVfMZKnn-hvLV1F3SrgGa6sRXB7cM-eUF6jx564QTy69MDJDn4_ixm.bq-tmdU9liSU8BVW

	Name	Address	City	State	Zip	E-Mail	Concerns
POR & Agency List	22-102230-CUP	Residential Treatment Facility North	Hearing: Jan 24, 25 & 26 2023, 9:00 a.m. and 6:00 p.m. on Jan 26, 2023				
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	Anna Nepomuceno	1107 NE 45th St, Suite 330	Seattle	wa	98105	anepomuceno@namiwa.org	Comments/Support
	Anne Jones	7607 Stauffer Rd	Stanwood	WA	98292	anniewaynorth@yahoo.com / ajones@sno-is	Comments/ Opposition
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	Bruce Collins					bruceposu@frontier.com	Comment/Opposition
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	Donna Knight					errymor@gmail.com	Comments
	Donna Olson	Board Chair for Take the Next Step				donnaolson@gmail.com	Comments/Support
	Elizabeth Reed	31522 West Lake Ketchum Road	Stanwood	WA	98292	elizabeth@interfacetchnw.com	Comments
	Frederic Berg	8202 317th PI NW	Stanwood	WA	98292	fredericpberg@msn.com	POR Request/General Opposition
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Todd Gray	Tulalip Tribe Environmental Division				toddgray@tulaliptribes-nsn.gov	Comments/Wetlands
Kelsey Payne	Snoqualmie Tribe/Water Quality Manager				kelsey.payne@snoqualmietribe.us	wetland information request
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SEPA APPEAL (Dismissed 12/21/22)

APPEAL

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