

IV. Responses to Appeal

IV. Responses to Appeal

- V.4 Written argument from Lisa Koop Gunn, Attorney for the Applicant, submitted via e-mail and received on April 11, 2023, at 3:30 p.m.

Hearing Examiner exhibits listed in order as cited in applicant's written argument

K.1 Staff Recommendation

G.2 Boundary Line Adjustment 22-104576 BLA

DATE: 04/11/23 Time 3:30 p.m.

BEFORE SNOHOMISH COUNTY COUNCIL

SNOHOMISH COUNTY COUNCIL

In Re:

EXHIBIT # V.4

FILE 22-102230 CUP

Appeal by:
Megan (Tucker) Snowden;
Steven Snowden;
Kathleen M. Richardson;
Sue Keller;
Christi M. Bell;
Joyful Tower;
Christopher Larson; and
Patricia Larson,

**APPLICANT'S RESPONSE TO APPEAL
TO COUNTY COUNCIL OF TYPE 2
DECISION SCC 30.72.070**

of the *Decision of the Snohomish County
Hearing Examiner, File No. 220192230 CUP*
Residential Treatment Facility North

I. INTRODUCTION

Applicant, the Tulalip Tribes of Washington, a federally recognized Indian tribe, supports the *Decision of the Snohomish County Hearing Examiner, File No. 220192230 CUP*, approving Applicant's conditional use permit ("CUP") to construct and operate a secure civil behavioral health services facility, with conditions, within a 4.66 acre parcel designated as Rural-5 Acre ("R-5") (the "Decision").¹ The Decision correctly concluded that the Applicant's proposed Resident Treatment Facility North (the "Proposal") is a permitted use for lands designated R-5,² and meets the applicable criteria.³ The Snohomish County Council ("Council") should affirm the Decision.

¹ Applicant does not intend for this to be a complete restatement of the case, nor does the Applicant to Appellants' statement of the case. The following is provided to supplement Appellants' statement of the case, as needed for this Council to rule of the issues presented for review.

² SCC 30.22.110.

³ SCC Chapter 30.42C.

1 Several neighboring landowners in the vicinity of the Proposal filed their *Appeal to*
2 *County Council of Type 2 Decision SCC § 30.72.070* (“Appeal”), which rests primarily upon a
3 misguided legal premise that because the land underlying the Proposal is designated as Local
4 Commercial Farmland (“LCF”) in the Future Land Use Map (“FLUM”), non-agriculture uses are
5 per se prohibited regardless of the zoning laws. However, the FLUM merely “expresses
6 graphically the 20-year vision of the preferred land use pattern” and “is implemented through
7 numerous zoning classifications and development regulations.”⁴ The implementing zoning laws
8 control and the applicable zoning laws for R-5 zoned lands permit level II health and social
9 services facilities, such as the Proposal. The Hearing Examiner properly considered the R-5
10 zoning laws and LCF designation when approving the Proposal, with conditions. Appellants’
11 remaining arguments supporting their Appeal are similarly without merit and the Decision
12 should be affirmed.
13
14

15 II. BACKGROUND

16 On January 31, 2022, Applicant applied to the Snohomish County Planning and
17 Development Services Department (“PDS”) for a CUP for the Proposal. The Residential
18 Treatment Facility North will be operated by the State of Washington and will primarily serve
19 Snohomish County residents, in furtherance of Governor Inslee’s Plan to Transform
20 Washington’s Mental Health System.⁵
21

22 The Proposal site is approximately 4.66 acres and is zoned R-5. On February 23, 2023,
23 PDS separately approved a boundary line adjustment (“BLA”) to adjust the boundaries of two
24

25 ⁴ <https://snohomishcountywa.gov/2139/Comprehensive-Plan>.

26 ⁵ https://ofm.wa.gov/sites/default/files/public/budget/statebudget/18supp/highlights/budget17/201719_policybrief_MentalHealth.pdf
27

1 existing lots. The BLA delineated the 4.66-acre site, which the State of Washington will utilize
2 to operate the level II health and social services facility, and another approximately 25-acre site,
3 which will remain in control of Applicant and is also zoned R-5.

4 PDS recommended approval of the Proposal along with 46 conditions. Exhibit K.1 at 32-
5 36. PDS's recommendation and the CUP was evaluated during an open record hearing,
6 consisting of two sessions, was held on January 24, 2023, and January 26, 2023, before the
7 Snohomish County Hearing Examiner.

8 Following the hearing, the Hearing Examiner made findings of fact based on a
9 preponderance of the evidence and conclusions of law. The Hearing Examiner's Decision
10 appropriately approved the CUP pursuant to the CUP decision criteria set forth in SSC
11 30.42C.100 and the R-5 zone use matrix set forth in SSC 30.22.110.
12

13 On March 21, 2023, Appellants field their Appeal of the Decision to the Council, under
14 SCC 30.72.070. Appellants are landowners who live near the site for the Proposal near Stanwood
15 and who participated in the open record hearing.
16

17 **III. ARGUMENT**

18 The Proposal, a level II health and social service facility, is a permitted conditional use
19 because it is located on lands zoned R-5.⁶ The Hearing Examiner analyzed the Proposal against
20 the applicable CUP decision criteria set forth at SCC 30.42C.100 and appropriately issued the
21 CUP, with conditions, for the Proposal. Because the Decision was within the Hearing
22 Examiner's jurisdiction, followed applicable procedure, committed no error of law, and is
23
24
25

26
27 ⁶ See SCC 30.22.110.

1 supported by substantial evidence in the record, the Decision should be affirmed. Appellants’
2 arguments to the contrary should be rejected.

3 The primary basis for the Appeal appears to be that the land underlying the Proposal was
4 designated LCF in the FLUM and therefore, despite being zoned R-5, all uses on said land are
5 subject to SCC 30.32B.120, which restricts rural cluster subdivisions on LCF lands. Thus,
6 Appellants argue, SCC 30.32B.120 and other agriculture-centered policies stated in the General
7 Policy Plan (“GPP”), a component of the Snohomish County Comprehensive Plan, control the
8 analysis and prohibit the Proposal.⁷ Not so. The GPP and FLUM are components of the
9 Snohomish County Comprehensive Plan, which provides guidance and is implemented via more
10 specific zoning laws, such as the Rural and Resource Zone Categories Use Matrix at SCC
11 30.22.110 (the “Rural and Resource Matrix”).⁸

12
13 The Rural and Resource Matrix expressly allows for level II health and social services
14 facilities as a conditional use on R-5 zoned lands, subject to restrictions, denoted as “reference
15 notes” found in SCC 30.22.130. While Appellants rely upon SCC 30.22.040 to support their
16 statutory construction argument, this statutory interpretation guide actually undermines
17 Appellants’ position. SCC 30.22.040(1) provides that when interpreting the use matrices, such as
18 the Rural and Resource Matrix, “[s]pecific regulations or requirements shall supersede general or
19 implied regulations[.]” Under the statutory scheme, the “specific regulations or requirements”
20 are those 138 reference notes in SCC 30.22.130 that are affixed to certain uses on certain lands.⁹
21
22

23
24 _____
25 ⁷ Appeal at 13-14.

26 ⁸ See <https://snohomishcountywa.gov/2139/Comprehensive-Plan>.

27 ⁹ See SCC 30.22.010 (“Some uses have additional or special requirements that are listed by
numbered reference notes in SCC 30.22.130.”).

1 Further, the three matrices in SCC Chapter 30.22 each include the same note: Reference numbers
2 within matrix indicate special conditions apply; see SCC 30.22.130.¹⁰ Therefore, the specific
3 reference numbers affixed to certain uses on certain lands supersede the general uses within the
4 matrices.

5
6 Relevant here, there are four specific restrictions for level II health and social services
7 facilities on R-5 zoned lands, none of which prohibit the conditional use because of the LCF
8 designation in the FLUM. The Rural and Resource Matrix provides that all level II health and
9 social services facilities are restricted by the requirements in reference notes numbered 41, 91,
10 and 129. For such facilities on R-5 zoned lands, reference note 115 applies which prohibits this
11 use due to other FLUM designations, specifically the Mineral Resource Overlay.¹¹ Relatedly,
12 reference notes 100, 101, and 130 mandate specific restrictions due to LCF designations
13 elsewhere, yet Snohomish County chose not to apply such restrictions to level II health and
14 social services facilities on R-5 zoned lands.¹² Therefore, while Snohomish County could
15 prohibit the Proposal due to the LCF designation, as it has for the Mineral Resource Overlay
16 designation, it has chosen not to.

17
18 Similarly, Snohomish County does not subject level II health and social services facilities
19 on R-5 zoned lands to the rural cluster subdivision restrictions found in SCC 30.32B.120. The
20 reference notes in SCC 30.22.130 includes rural cluster subdivision restrictions, see reference
21 note 59(c), yet Snohomish County chose not to apply that restriction for the use of level II health
22

23
24

¹⁰ SCC 30.22.100, .110, .120.

25 ¹¹ SCC 30.22.110; SCC 30.22.130, reference note 115 (prohibiting this use on lands designated
26 Mineral Resource Overlay in the FLUM).

27 ¹² SCC 30.22.130.

1 and social services facilities on R-5 zoned lands. Nor should it, as the Proposal does not involve
2 a rural cluster subdivision. Rather, as PDS officials explained during the Open Record Hearing in
3 the context of setback requirements, the specific reference note restriction for setbacks (41) in
4 the Rural and Resource Matrix applies to the Proposal. SCC 30.22.130 does not apply to the
5 Proposal and the Hearing Examiner committed not error by failing to analyze rural cluster
6 subdivision restrictions.
7

8
9 **A. Snohomish County Land-Use Zoning Regulations Control Permitted Uses in
10 Various County Zones**

11 The Snohomish County Comprehensive Plan (the “Plan”) is a generalized coordinated
12 land use policy statement adopted by the County under the Growth Management Act. The Plan
13 guides Snohomish County decisions on a wide range of topics and services as the County grows
14 and develops by listing goals, objectives and policies on a variety of subject matter, including
15 land use.¹³ Pursuant to Snohomish County Code, the Plan is “a generalized coordinated land use
16 policy statement adopted by the county.”¹⁴
17

18 Snohomish County has promulgated zoning regulations that delineate the types of uses
19 that are permitted in various county zones, the uses that require special approvals, and uses that
20 are prohibited. SSC 30.22.010. The zoning regulations are the specific legal ordinances adopted
21 by the Council that implement the general goals and policies outlined in the Plan. SSC 30.42C
22 and the Rural and Resource Matrix in SSC 30.22.110 specifically authorize a level II health care
23
24
25

26 ¹³ <https://www.snohomishcountywa.gov/2139/Comprehensive-Plan>.

27 ¹⁴ SSC 30.91C.230.

1 and social services facility to be permitted so long as certain criteria are met.¹⁵ The Hearing
2 Examiner specifically found that the Proposal met the applicable criteria because it is consistent
3 with the Plan, would not be materially detrimental to nearby uses or property, is compatible with
4 the site and surrounding property, and satisfies the other applicable criteria.

5
6 There is no legal basis for Appellants to argue that a general land designation of LCF
7 controls over specific county zoning regulations and per se prohibits any non-agricultural use.
8 The FLUM, which shows general land designations, is not a zoning regulation. The Plan is a
9 guide, not a document designed for making specific land use decisions. The Washington
10 Supreme Court has held that a specific zoning ordinance will prevail over an inconsistent
11 comprehensive plan. *Cougar Mountain Assocs. v. King County*, 111 Wash.2d 742, 757, 765 P.2d
12 264 1988). Thus, if a zoning code permits a particular use, it should be permitted even if the
13 comprehensive plan prohibits that use. *Weyerhaeuser v. Pierce County*, 124 Wash.2d 26, 43,
14 873 P.2d 498 (1994). Accordingly, while land use designations in the Plan have influence on
15 land use, a specific zoning code provision will control over a more general provision in the Plan.
16 Here, Appellants cannot dispute that the SCC 30.22.110 Rural and Resource Use Matrix
17 provides that a level II health and social services facility is an authorized conditional use for a
18 4.66-acre site in zone R-5.
19

20
21 **B. A Level II Health Care and Social Services Facility is a Permitted Use under the**
22 **Rural and Resource Zone Categories Use Matrix in Zone R-5**

23 Here, there is no conflict between the FLUM designations and the specific Snohomish
24 County zoning regulations. The zoning regulations are the specific legal requirements for making
25 land use decisions and implement the broader policy goals of the Plan.
26

27 ¹⁵ SSC 30.42C.

1 The Plan states that rural area designations are traditionally used for hobby farms, tree
2 nurseries, green housing, agricultural crops, livestock, timber production, and low-density
3 residential development.¹⁶ The Plan does not prohibit non-traditional or other uses:

4 Rural land use policies describe and accommodate a wide array of land uses and a
5 variety of residential densities that are compatible with the character of rural
6 areas; support rural and natural resource-based industries; provide economic
7 opportunities for rural residents; promote low intensity recreational uses
8 consistent with rural surroundings; and preserve the rural lifestyle and traditional
9 rural activities which contribute to the county's overall quality of life.¹⁷

10 In implementing the intent of the Plan, the County has created three use matrices that
11 delineate what may, or may not, be allowed in a particular zone and whether a use is "permitted,"
12 "conditional," an "administrative condition," or "special".¹⁸ In interpreting the use matrices, the
13 County Code states that "specific regulations or requirements shall supersede general or implied
14 regulations."¹⁹

15 The more than 130 reference notes for the use matrices, SCC 30.22.130, make
16 abundantly clear that the County Council, in adopting the zoning regulations, intended to impose
17 *additional or special requirements* based on the land designation in the Plan, including LCF, *in*
18 *some circumstances* but not in others. If no uses other than agriculture and farmland were
19 allowed on LCF-designated land, the reference notes would not be necessary. Instead, the notes
20 elucidate special considerations for non-traditional uses on LCF-designated land, consistent with
21 the Plan.

22
23
24 ¹⁶ Rural Lands Chapter of the Land Use Element of the Comprehensive Plan – Introduction.

25 ¹⁷ *Id.*

26 ¹⁸ SCC 30.22.100, 30, 22.110. and 3.22.120.

27 ¹⁹ SSC 30.22.040.

1 For example, under the Rural and Resource Use Matrix, SCC 30.22.110, a Level II
2 Health and Social Service Facility is permitted in zone R-5 under a CUP.²⁰ Reference note 115
3 states this same use is prohibited in zone R-5 with the Mineral Resource Overlay.²¹ Under the
4 same use matrix, a Wedding Facility is allowed in zone R-5 under a CUP. However, reference
5 note 130 imposes special requirements for certain land designations, including LCF-designated
6 land:
7

8 On land designated as a riverway commercial farmland, upland
9 commercial farmland or local commercial farmland or land zoned A-10 the
10 following *additional* requirements apply...²² (emphasis added)

11 In other words, for permitting a wedding facility on LCF land, note 130 requires that the
12 agriculture use must remain primary and that the wedding facility must not interfere with the
13 overall agriculture use of the property and neighboring properties, among other requirements.²³

14 Another example is reference note 127, which provides that although “campground” is an
15 administrative conditional use in Resource Zone F, “Campgrounds and recreational facilities not
16 otherwise listed *are not allowed on land designated Local Forest* in the comprehensive plan.” In
17 the absence of these reference notes, there would be no additional requirements (in the case of
18 wedding facilities) and no prohibition (in the case of campgrounds) in the particular land-
19 designation areas. These examples demonstrate that the County considered and implemented the
20

21
22
23
24 ²⁰ SSC 30.22.110.

25 ²¹ SSC 30.22.130, reference note (115).

26 ²² SSC 30.22.130 (130).

27 ²³ SSC 30.22.130 (130) (a)-(g).

1 goals and policies set forth in the Plan, including LCF and other land designations, in crafting its
2 detailed zoning regulations and use matrices.

3 In the case of siting a level II health and social services facilities on zone R-5 land, there
4 are no additional requirements for, let alone a total prohibition against, siting on land with the
5 LCF designation. This is entirely consistent with the Plan’s goal to support initiatives that
6 promote public health, as the Hearing Examiner concluded.²⁴ If the County had wanted to
7 prohibit level II health and social services facilities on Local Commercial Farmland, it would
8 have said so clearly in the reference notes or in a stand-alone zoning regulation. *See, e.g.*, SCC
9 30.32B.100 (“The following uses shall not be allowed within the riverway commercial farmland
10 and upland commercial farmland designation areas: (1) Churches; (2) Ultralight airfields; and
11 (3) New government structures and facilities, except roads, utilities, and flood protection,
12 drainage, and irrigation structures and facilities.”). But it did not do so.

13
14
15 At its core, Appellants’ argument is premised on the notion that the Plan land use
16 designations override the codified use matrices—despite the fact that the matrices and other
17 zoning regulations reference the land designations in specific circumstances. Appellants’ true
18 objection is not to the Hearing Examiner’s decision but to the County’s zoning ordinance which
19 approves the siting of level II health and social services facility on zone R-5 land without
20 specially prohibiting that use on LCF-designated land. Appellants, however, cannot challenge
21 that legislative decision through an appeal of the CUP properly granted to Applicant for the
22 Proposal.
23

24
25
26
27 ²⁴ Comprehensive Plan, Objective IC(I)(G).

1 Contrary to Appellants argument, the Hearing examiner did not misapply the law.
2
3 Snohomish County zoning regulations and the matrices allow the permit for the proposal to be
4 issued in the R-5 zone. The Plan’s designation of lands as LCF does not mean that such lands
5 can only be used for commercial farming purposes as Appellants have erroneously argued.
6

7 **C. The Boundary Line Adjustment Approval Complied with Applicable County**
8 **Zoning Laws**

9 Snohomish County PDS concluded that Applicant’s boundary line adjustment was
10 “consistent with applicable County plans and development regulations” and provided initial
11 approval of the BLA on August 11, 2022.²⁵ As Appellants acknowledge, the BLA was effective
12 on February 24, 2023; while Appellants had the opportunity to appeal the BLA approval, they
13 failed to do so. Nevertheless, Appellants now seek to collaterally attack the BLA approval, citing
14 a provision restricting rural cluster subdivisions.²⁶ Appellants’ attack is both procedurally
15 improper and wrong on the merits.
16

17 Appellant argues that SSC 30.32B.120 applies to Applicant’s BLA, a position that
18 confuses a boundary line adjustment with subdividing one parcel of land into two parcels of land.
19 Appellant ignores the fact that SSC 30.32B.120 applies to “Rural Cluster subdivision restrictions
20 – local commercial farmland.” This provision is consistent with SCC 30.41C (Rural Cluster
21 Subdivisions and Short Subdivisions), which restricts rural cluster subdivisions on LCF-
22 designated land. SCC 30.41C.020(3)(d). Applicant’s Proposal, of course, has nothing to do with
23 creating a rural cluster subdivision, and these provisions are therefore irrelevant. The purpose of
24

25 _____
26 ²⁵ Exhibit G-2.

27 ²⁶ Appeal at 15-19.

1 a BLA is to allow for an adjustment of boundary lines of existing lots where no new lot is
2 created, SSC 30.41E.010, and that is exactly what occurred here. Appellants' collateral attack on
3 the BLA has no merit and should be rejected.

4 **D. The BLA Complies with the General Development Standards - Bulk Regulations**

5
6 PDS correctly applied Applicant's BLA to SSC 30.23, general development standards
7 and bulk matrices that provide requirements for setback lot coverage, building height, and lot
8 dimension regulations for all zones in unincorporated Snohomish County.²⁷ Pursuant to Table
9 30.23.030(1) Bulk Matrix, the minimum lot area for parcels in the R-5 zone is 200,000 square
10 feet, and the minimum lot width is 165 feet. Both lots meet these requirements.²⁸ Unlike the R-5
11 zone, the Bulk Matrix does require *other* zones to adhere to a minimum of 10-acres for
12 development.²⁹

13
14 The Hearing Examiner appropriately found that the Proposal complies with Title 30 SCC,
15 General Zoning Standards for lot size development, in compliance with the CUP decision
16 criteria.

17
18 **E. Appellants' Factual Disputes Are Unsupported**

19 While the Appeal is largely based upon legal arguments, Appellants bury one argument
20 regarding the Decision's findings of fact. Specifically, Appellants assert the conclusory
21 statement that the septic drainfield that will be sited within the 25-acre parcel will render the
22 parcel incompatible with agricultural use. However, the siting of the septic system within the 25-
23

24
25 ²⁷ SSC 30.23.010(1).

26 ²⁸ Exhibit G-2. PDS Decision of the Director.

27 ²⁹ RR-10 requires a minimum of 10-acres.

1 acre parcel ensures that the land within the footprint of the septic system will not be developed
2 under the Proposal. The Decision did not authorize any development within the 25-acre parcel
3 and Appellants' factual-based arguments should therefore be rejected.
4

5 **F. The Decision Criteria for Approval of the CUP are Satisfied**

6

7 The Hearing Examiner had authority to approve the CUP for this proposal.³⁰ The Hearing
8 Examiner examined the Proposal in accordance with SSC 30.42C, and based on the record
9 found:
10

11 The Proposal is consistent with the [Plan], complies or can comply with the applicable
12 requirements of title 30 SCC, will not be materially detrimental to the uses or property in
13 the immediate vicinity, and is compatible with, and incorporates specific features,
14 conditions, or revisions that ensures it responds to, the existing or intended character,
appearance, quality of development, and physical characteristics of the site and
surrounding property.³¹

15 The Hearing Examiner made other findings of fact and conclusions of law that support
16 the Decision to approve the CUP, subject to Conditions.³²
17

18 **IV. CONCLUSION**

19 Based on the foregoing and the information provided by Appellants, the Hearing
20 Examiner did not exceed his jurisdiction, did not commit an error of law, followed applicable
21
22
23
24

25 ³⁰ Decision at 16.

26 ³¹ Decision at 16, Conclusion 2.

27 ³² Decision 16-24.

1 procedure in reaching his decision, and his findings of fact and conclusions of law are supported
2 by the Record.³³ The County Council should affirm the Decision.

3
4 Respectfully submitted this 11th day of April, 2023,
5

6
7 By: s/ Lisa Koop Gunn

8 Lisa Koop Gunn, WSBA No. 37115

9 Tyler J. Eastman, WSBA No. 59147

10 Telephone: 206.683.5667

11 lkoop@tulaliptribes-nsn.gov

12 teastman@tulaliptribes-nsn.gov

13 Attorneys for the Tulalip Tribes
14
15
16
17
18
19
20
21
22
23
24
25

26
27 ³³ SCC 30.72.080.



Snohomish County
Departments of Planning and Development Services and Public Works

STAFF RECOMMENDATION

SUMMARY

FILE NUMBER:	22 102230 CUP
APPLICATION VESTING DATE:	January 31, 2022
PROJECT NAME:	Residential Treatment Facility North
APPLICANT:	Tulalip Tribes 6406 Marine Drive Tulalip, WA 98271
OWNER:	Tulalip Tribes 6406 Marine Drive Tulalip, WA 98271
HEARING DATE:	January 24, 2023 Rescheduled from October 27, 2022
TYPE OF REQUEST:	Conditional use permit to construct a secure civil behavioral health services facility (Level II Health and Social Services Facility).
RECOMMENDATION:	Approve with conditions

PROPERTY INFORMATION

Tax Parcel Numbers	320418-001-001-00, 320418-001-014-00
Location	78XX 300 th Street, Stanwood (Address has not been assigned. Existing pre-BLA site addresses 29901 and 29919 80 th Ave NW, Stanwood)
Section/Township/Range	Section 18, Township 32, Range 4
Acreage	4.66 (after recordation of BLA 22-104576 BLA)
Current Zoning	R-5
Municipal Urban Growth Area	Not in a Municipal Urban Growth Area
County Urban Growth Area	Not in an Urban Growth Area
County Comprehensive Plan Designation	Local Commercial Farmland
School District	Stanwood-Camano School District 401
Fire District	North County Regional Fire Authority
Water Service	City of Stanwood Water System
Sewer Service	Off-site septic system
Electrical Service	Snohomish County Public Utility District No. 1
Park Service Area	Kayak Point
Transportation Service Area	A

FINDINGS OF FACT

Background Information

Applicant's Proposal

The Tulalip Tribes has requested a conditional use permit to construct a secure civil behavioral health services facility; a Level II Health and Social Services Facility under SCC 30.91H.095. The facility will be located within two (15,500 square foot single story) buildings, each with 16 beds and constructed in two phases on a 4.66-acre parcel. The construction of the southern building is proposed for Phase 1 along with all associated infrastructure for the current and future building, including parking, perimeter, and site landscaping, secured outdoor recreation areas, stormwater detention and dispersion system, off site septic system and reserve (located within an easement on the parcel immediately to the west of the project site) and adjacent right of way improvements. The proposal will be served by the City of Stanwood's municipal water system through a waterline extension to the site.

The proposed facility is a behavioral health facility for adults (18 years and older) with orders issued under the Involuntary Treatment Act (chapter 71.05 RCW) for stays between 90 to 180 days of inpatient treatment. These are not individuals involved in the criminal court system.¹

¹ Exhibit G.3 FAQ to public comments.

The applicant describes the proposal in the project² and conditional use criteria narratives.³ The applicant has requested and received approval of an Engineering Design and Development Standards (EDDS) deviation related to intersection site distance for the new access driveway to the site.⁴

The conditional use approval is a Type 2 permit that requires a quasi-judicial decision rendered by the Hearing Examiner under chapter 30.72 of the Snohomish County Code. Any revisions of the approved conditional use permit will be governed by SCC 30.42C.110.

Project Chronology

The conditional use application⁵ was submitted to Snohomish County Planning and Development Services (PDS) on January 31, 2022, and was determined to be complete as of the date of submittal for regulatory purposes, but insufficient for further review. A resubmittal of the application was received on June 27 and August 22, 2022, which was determined on August 22 to be sufficient for further review. The applicant provided a signed letter waiving the 120-day processing requirement.⁶

Environmental Review (SEPA) (Chapter 30.61 SCC)

Under chapter 30.61 SCC and WAC 197-11-800, the proposal is subject to environmental review under the State Environmental Policy Act (SEPA). PDS issued a Determination of Non-significance (DNS) for the proposal on September 18, 2022.⁷ The DNS was appealed on October 3, 2022.⁸ PDS and the Tulalip Tribes moved to dismiss the appeal. On December 21, 2022, the Hearing Examiner dismissed the SEPA appeal with prejudice.⁹

Site Description

The area proposed for development is a 4.66-acre site upon recordation of the approved boundary line adjustment (BLA) 22-104576.¹⁰ It is a recommended condition of approval that the BLA be recorded prior to issuance of the land disturbing activities permit. The proposed site is undeveloped pasture. The general area around the site is developed with rural residential properties on five acres and larger parcels. There are two on-site category III wetlands on the western boundary of the site. The existing soils consist of Vashon lodgment till, Vashon advance outwash and pre-Olympia glaciomarine deposits.

Surrounding Uses/Zoning

Location	Existing	Zoning
Subject property	Undeveloped	R-5
North of subject property	Pasture/Residential	R-5
South of subject property	Pasture/Residential	R-5

² Exhibit A.2 Project Narrative.

³ Exhibit A.3 Conditional Use Narrative.

⁴ Exhibit G.1 EDDS Deviation and Decision.

⁵ Exhibit A.1 Master Application.

⁶ Exhibit A.4 120-day waiver.

⁷ Exhibit E.1 DNS.

⁸ Exhibit O.1 SEPA Appeal Document.

⁹ Exhibit T.3 Dismissal of SEPA appeal.

¹⁰ Exhibit G.2 BLA decision and map. The boundary line adjustment decision was issued on August 11, 2022.

East of subject property	Residential	R-5
West of subject property	Residential	R-5

Issues of Concern

As of the date of this staff report, 131 people provided comment¹¹ regarding this proposal, both in support of and opposition to the proposal. Concerns raised in the comments are grouped thematically below:

- Proposed location in a rural setting
- Compatibility with surrounding area
- Visibility of the facility
- Impacts to property values
- Increased traffic
- Transportation upon discharge
- Safety – security measures of the facility, elopement from the facility, discharge of patients.
- Staffing and operations of the facility
- Impacts or demand for increased EMS and Sheriff response
- Impacts to ground water and surrounding wells
- Communication to the immediate community about the proposal

Location: As discussed in this recommendation, a Level II Health and Social Service Facility is allowed in the R-5 zone with a conditional use permit and subject to all applicable provisions of Snohomish County Code (SCC), specifically the decision criteria of chapter 30.42C SCC (Conditional Use Permits) which are discussed later in this recommendation.

Compatibility/Visibility: Compatibility with the surrounding area is one of the decision criteria under chapter 30.42C, SCC. The applicant proposes single-story construction and incorporation of residential architectural features to the building, including sloped roofs and window treatments. The building height ranges from 20 to 29 feet, well under the allowed maximum height of 45 feet for the R-5 zone. The building is proposed to be set back from 300th Street NW to the greatest extent possible and buffered on all property boundaries with a Type A and B landscape buffer as required by chapter 30.25 SCC (Landscaping).

Traffic/Transportation Upon Discharge: The applicant submitted a Traffic Impact Analysis report¹² in addition to an Engineering Design and Development Standards (EDDS) deviation request¹³ addressing intersection sight distance to restrict access to the site with a right-in and right-out design. The traffic report and EDDS request have been reviewed for compliance with chapter 30.66B SCC and are discussed in the traffic mitigation section of this recommendation.

Submittal materials¹⁴ indicate that patients are not allowed to leave the facility except for specialized healthcare appointments and transportation will be by private ambulance or other approved means as required by the Department of Health and WAC 246-377-065. Submittal materials also state that patients are released with a discharge plan in place that connects them with community support and assistance.

¹¹ Exhibits I.1 through I.136 Public comments.

¹² Exhibit C.1 Traffic Impact Analysis.

¹³ Exhibit G.1 EDDS Deviation.

¹⁴ Exhibit A.2 Project narrative.

Safety/Staffing: Many comments cited concerns for the surrounding area based on the type of facility and perception that the patient population would be criminal in nature. The proposed facility is designed for civil commitment of non-criminal adults with mental health disorders.¹⁵ The facility will be secured and locked. All exterior doors will be locked, all outdoor areas will be securely enclosed with anti-climb fencing, staffing will be provided 24 hours a day, seven days per week with well trained professionals, and all entrances and exits will be sally-ports. Sally-ports function as a secure vestibule where there are two doors in a series, and they are programmed so that both doors cannot be opened at the same time. This design is to prevent elopements by patients. Building-mounted exterior perimeter lighting is proposed with a lighting level of one-candle foot, with motion sensing to increase the light level on demand.

The applicant provided a copy of a publication by the Washington State Health Care Authority Division of Behavioral Health and Recovery titled *90- and 180-day Civil Commitment: Best Practices Toolkit for Community Hospitals and Freestanding Evaluation and Treatment Centers*,¹⁶ which guides design and operation of behavioral health facilities and was utilized in the design of this proposal.

Increased Demand for EMS/Sheriff Response: Upon receipt of the application by PDS and concurrent with the notice of application process, a request for review was sent to North County Regional Fire Authority (NCRFA).¹⁷ No comment was received from NCRFA, however subsequent conversations regarding design elements of the proposal related to fire apparatus turn arounds and loading requirements for stormwater detention designs occurred between the Snohomish County Fire Marshal's Office and NCRFA.

Development proposals are not typically routed to the Snohomish County Sheriff's Office for a review of safety concerns. However, an email request for review following the second submittal of the proposal in June 2022, was routed to the Sheriff's Office by PDS.¹⁸ No response was received. The applicant provided a timeline and summary of outcomes of their in-person meetings with the City of Stanwood, North County Fire and Rescue Chief John Cermak, Snohomish County Sheriff Adam Fortney and Under Sheriff Ian Huri.¹⁹ Neither the city nor the agencies, indicated that an increase in emergency services would occur.

Impacts to groundwater/wells:

The initial submittal of the application proposed an on-site Group A Well. The proposal was revised and at second submittal the Group A well was removed, and the applicant proposed that the facility be served by municipal water. The second submittal included a letter of water availability from the City of Stanwood.²⁰ Use of municipal water will reduce any impacts to ground water withdrawals in the immediate area as a well is no longer proposed.

An on-site septic system and associated offsite drainfield and reserve area are proposed to address wastewater discharge. The Health District commented²¹ that it has no objections to the proposal subject to the condition that prior to building permit issuance an application for an on-site sewage system permit must be approved. On January 1, 2023, the Snohomish Health District became the Snohomish County Health Department. The Health Department at this time

¹⁵ Exhibits A.2 project narrative, A.3 CUP narrative, G.3 FAQ sheet from the WHCA.

¹⁶ Exhibit G.4 90- and 180-day Toolkit.

¹⁷ Exhibit H.4 Request for Review to North County Fire and Rescue.

¹⁸ Exhibit H.5 PDS email to Sheriff's Office.

¹⁹ Exhibit G.5 Local Agencies Meeting Timeline.

²⁰ Exhibit H.1 Stanwood water availability letter.

²¹ Exhibit H.3 SHD comments.

continues to issue septic approvals separately from PDS approvals. The applicant has made application with the Health Department for an on-site septic system which has been reviewed and additional information requested by the Health Department as of October 5, 2022. It is a recommended condition of approval that prior to any land disturbing activity permit issuance, copies of an approved septic system shall be provided to PDS.

Communication: Upon receipt of the conditional use permit application PDS provided notice of application to all taxpayers within 1,000 feet of the project site consistent with SCC 30.70.045(4)(a)(ii). Notice was also published in the two local papers the Everett Herald and Stanwood-Camano News.²² The site was posted with two large orange notice boards as required by SCC 30.70.045(1). PDS was informed that the applicant with the Washington State Health Care Authority of Washington (HCA) held a virtual community meeting on March 22, 2022, to inform the public and answer questions about the proposal.²³ Two additional in person meetings were hosted by the applicant and the Washington Health Care Authority in Stanwood on June 22 and August 16, 2022. PDS set up a project webpage to post submittal materials and provide an overview of the process associated with the proposal.²⁴

The applicant provided a tracking spread sheet²⁵ that identifies comments from the public and responses to questions posed directly to them and in response to public comments forwarded to them by PDS.

Project Consistency with Adopted Codes and Policies

Uses Allowed (Chapter 30.22 SCC)

A secure civil behavioral health services facility is considered a Level II Health and Social Service Facility as defined by SCC 30.91H.095 and is an allowed use in the R-5 zone with a conditional use permit when it is outside an urban growth area and not served by public sewer or within a mineral resource overlay (MRO). The proposed facility will be located in the R-5 zone, will be outside an urban growth area, will not be served by public sewer, and will not be within an MRO.

A Level II Health and Social Service Facility is defined by SCC 30.91H.095 to mean:

A use which is licensed or regulated by the state to provide emergency medical treatment on a 24-hour per day basis or which houses persons in an institutional setting that provides chronic care or medical service on regular recurring basis to its residents, and which includes, but are not limited to a:

- (a) Hospital (including acute alcoholism/drug, psychiatric and state mental hospitals);
- (b) Nursing home;
- (c) Private adult treatment home;
- (d) Mental health facility, adult and child residential;
- (e) Soldiers' home and veterans' home;

²² Exhibit F.4 Public notice to Everett Herald and Stanwood Camano News

²³ Exhibit G.14 March 2022 Townhall Slides from HCA. A recording of the March 22, 2022 virtual townhall can be viewed here: [Proposed Residential Treatment Facility in Snohomish County Town Hall meeting - YouTube \(https://youtu.be/xxHKY7szsuU\)](https://youtu.be/xxHKY7szsuU)

²⁴ <https://snohomishcountywa.gov/6025/Residential-Treatment-Facility-North>

²⁵ Exhibit J.1 comment tracking spread sheet

- (f) Large institutional boarding home for the care of senior citizens and the disabled sometimes known as assisted living facilities or continuous care retirement communities with emphasis on assisted living that may also include independent living and congregate care;
- (g) State residential school for hearing and visually impaired;
- (h) Alcoholism and drug residential treatment facility;
- (i) Child birthing center/facility; and
- (j) Hospice

The proposed use is a residential adult mental health facility that is regulated and licensed by the state of Washington, and thereby meets the definition of a Level II Health and Social Service Facility.

General Development Standards – Bulk Regulations (Chapter 30.23 SCC)

Level II Health and Social Service Facilities are required per SCC 30.23.110(10) to be setback 30 feet from all property lines. Buildings are required to meet a 20-foot setback from public roads 60 feet in width and require a zero-foot setback from drive aisles. The proposed site plan²⁶ shows that all buildings will be setback at least 30 feet from any property lines, and setback over 20 feet from any public roads, and will be a minimum of 15 feet from the drive aisle.

The maximum height in the R-5 zone is 45 feet. The conceptual building elevations²⁷ and the applicant's response to first review comments²⁸ show and state, that the buildings will range in height from 20 feet to 29 feet, well below the 45-foot maximum.

General Development Standards – Access and Road Network (Chapter 30.24 SCC)

Access to the site is from 300th Street NW, a public road, and will connect to an internal drive aisle and fire lane, which is permitted per SCC Table 30.24.020(1). Fire lane requirements are discussed in the Fire Code and Traffic sections of this recommendation.

General Development Standards – Landscaping (Chapter 30.25 SCC)

The landscape plan dated August 23, 2022,²⁹ demonstrates compliance with the requirements of this chapter. PDS recommends a condition of approval to state that landscaping shall be installed prior to issuing a certificate occupancy for the first building in accordance with SCC 30.25.043.

SCC 30.25.020 – Perimeter Landscaping

Conditional uses require a 20-foot Type A perimeter landscape buffer along all property lines per SCC Table 30.25.020(1), except for that portion of the project site that abuts a public road that is not on the boundary between a rural and urban zone, the perimeter landscaping along the road frontage shall be 10 feet in width and contain Type B landscaping (SCC 30.25.020(4)(a)). Additionally, when any portion of a project site is developed as usable open space or used as a permanently protected resource protection area, critical area protection

²⁶ Exhibit B.1 Site plan.

²⁷ Exhibit B.4 Building Elevations.

²⁸ Exhibit J.2 Applicant's response to 1st review comments.

²⁹ Exhibit B.3 Landscaping Plan.

area, or equivalent, the perimeter landscaping shall consist of Type B landscaping per SCC 30.25.020(4)(b).

A 20-foot Type A landscape buffer is proposed along the eastern property line. A 20-foot Type B landscape buffer is proposed along the west and south property lines as this area is within a critical area protection area. A 10-foot Type B landscape buffer is proposed along the site's road frontage with 300th Street NW. All perimeter landscaping is shown within the required easements.

SCC 30.25.022 – Parking lot landscaping

An area equal to at least 10 percent of the parking lot area shall be landscaped. When parking areas abut residentially zoned property, or a property developed for residential use a solid fence at least 48 inches high is required to block headlight glare.

The landscape plan shows 2,112 square feet of parking lot landscaping which exceeds the required 2,061 square feet. A six-foot decorative screen fence is proposed along the western portion of the parking area, to reduce headlight glare to the adjacent property. Proposed plantings for the parking area, including trees and shrubs, comply with this section of code.

SCC 30.25.024 – Outside storage and waste areas

The proposed waste storage areas for both buildings are proposed along the eastern side of the buildings. The area will be screened with an 8-foot-tall chain link fence with slats, and additional screening is provided along the eastern property line by the 20-foot Type A landscape buffer.

Recommended conditions of approval are included within this report regarding the installation and maintenance of landscaping in accordance with SCC 30.25.043 and .045.

General Development Standards – Parking (Chapter 30.26 SCC)

The number of parking stalls for a Level II Health and Social Service Facilities is regulated by SCC 30.26.035. This section requires PDS to determine the number of stalls required for the project. PDS requested³⁰ the applicant provide a parking study prepared by an independent consultant with expertise in parking demand analysis. The study was asked to include estimates of peak parking hours, parking space demand, turnover, and to relate or distinguish the proposed use from the uses selected as comparable in the parking analysis.

The applicant submitted a parking study conducted by Heath and Associates, Inc³¹ that compared parking demand at similar facilities that are constructed or are permitted pending construction. A ratio of 1.88 parking stalls per bed is proposed, resulting in 30 parking spaces per building for a total of 60 parking spaces. The submittal materials³² indicate a varying range of the total number of employees, from 24 to 35 employees for both buildings and working in three shifts. The applicant confirmed to the PDS project manager during a phone call on November 8, 2022, that there will be 25 employees per building. The site plan shows 60 parking spaces. The department concurs with the parking study analysis that 60 parking spaces is adequate for this use.

³⁰ Exhibit G.7 1st Review Completion letter from PDS dated May 18, 2022.

³¹ Exhibit C.6 Parking Study.

³² Exhibits A.2 Project Narrative, A.3 CUP criteria, E.1 SEPA checklist.

General Development Standards – Signs (Chapter 30.27 SCC)

The site plan shows a proposed monument sign located on the west side of the entrance to the site. The signage plan³³ indicates that the monument sign will be double sided non-digital, five feet in height, 12 feet in length, internally lit and constructed on a concrete base.

There are no standards associated with signs in the R-5 zone and no standards for signs associated with this particular use. It is a recommended condition of approval that prior to installation of the proposed sign that a sign permit be applied for and approved. The proposed sign shall substantially match that as proposed on the conditional use application signage plan and be located as shown on the site plan.

Agricultural Lands (Chapter 30.32B SCC)

The parcel is located within 1,300 feet of designated farmland and subject to the notice and disclosure requirements of Chapter 30.32B. It is a recommended condition of approval that the building permit shall include the disclosure text of SCC 30.32B.220.

Historic and Archaeological Resources (Chapter 30.32D SCC)

The applicant submitted a cultural resource assessment prepared by Drayton Archaeology on January 5, 2022³⁴. A copy of the assessment and civil plan set was provided to Snohomish County's archaeologist who concurred with the findings of the assessment. One comment was received from the Tulalip tribe requesting an assessment.³⁵ As the applicant supplied the assessment to the requester and no further comment was received, it is a recommended a condition of approval that the inadvertent discovery plan as prepared by Drayton Archaeology, be included with the issuance of any land disturbing activities permit.

Conditional Use Permits (Chapter 30.42C SCC)

The applicant provided a description of the proposal's compliance with the decision criteria of SCC 30.42C.100 in the project and decision criteria narratives³⁶ and is described below.

SCC 30.42C.100(1):

The Hearing Examiner may deny, approve, or approve with conditions an application for a conditional use permit. If an application for a conditional use permit satisfies all of the criteria set forth below, the application may be approved or approved with conditions. If any of the criteria set forth below are not met, the application must be denied.

(a) The proposal is consistent with the comprehensive plan;

The General Policy Plan (GPP)³⁷ has few goals, objectives, and policies that are applicable to the proposed behavioral health facility (Level II Health and Social Services Facility). The following policies are applicable to this proposal and the proposal is consistent with each.

- Objective 6.B – Encourage land use activities and development intensities that protect the character of rural areas, avoid interference with resource land uses, minimize impacts upon critical areas, and allow for future expansion of UGAs.

³³ Exhibit B.5 Signage Plan.

³⁴ Exhibit C.7 cover sheet of the arch report and IDP.

³⁵ Exhibit H.9 Tulalip Cultural Comment.

³⁶ Exhibits A.2, A.3 Decision and Project Narratives.

³⁷ Snohomish County Comprehensive Plan: <https://snohomish.county.codes/CompPlan>

- Policy 6.B.2 – The retention of small forest, farming, horse farm and other livestock-based farm operations and hobby farms shall be encouraged in rural areas.
 - Policy 6.B.3 – Resource-based industries that help sustain rural communities, require only rural levels of service, support the conservation of natural resource lands, and complement rural character shall be promoted in rural areas.
- Goal 7 – Conserve agriculture and agricultural land through a variety of planning techniques, regulations, incentive and acquisition methods.
- Objective 7.A – Classify and designate agricultural land of long-term commercial significance.
 - Policy 7.A.1 – The county shall classify and designate farmlands in three classes: Riverway Commercial Farmland, Upland Commercial Farmland, and Local Commercial Farmland as shown on the Future Land Use map and shown in greater detail on a set of assessor's maps which will be part of the implementation ordinances.

The subject site has a comprehensive plan designation of Local Commercial Farmland and is zoned Rural 5-acre, a rural zoning designation. The approved boundary line adjustment resulted in a 4.66-acre parcel in compliance with the zoning regulations, leaving the remaining 25+/- acres available for continued agricultural use. The proposed buildings have been designed to incorporate similar elements found in residential structures, such as single-story construction, sloped roofs, and window design and spacing, to better blend in with the rural character of the area.

The construction of the facility will have no adverse impact upon fulfillment of the Comprehensive Plan. The R-5 zone allows Level II Health and Social Services Facilities as a conditional use. A use which has been specifically included within a zone which implements the comprehensive plan cannot be said to thwart implementation of the comprehensive plan. Therefore, the granting of this conditional use permit subject to the recommended conditions will not adversely affect the comprehensive plan.

- Objective 4.D – Restrict direct vehicle access from public and private property onto designated principal and minor arterials to maintain and improve the integrity of traffic flow.
 - Policy 4.D.2 – Vehicle access shall be limited to collector arterials and local roads as a condition of development whenever practicable.
 - Policy 4.D.4 – Adequate distance of driveways from intersections shall be required in order to promote safe and efficient flow of vehicular traffic.
 - Policy 4.D.6 – Driveways shall be located in a manner that provides adequate sight distance for all traffic movements and does not interfere with traffic operations at intersections.
 - Policy 4.D.7 – On-site traffic circulation shall be designed in a way that allows safe and efficient storage and movement of driveway traffic.

The applicant submitted a Traffic Impact Analysis Report³⁸ that demonstrates compliance with the County's adopted engineering standards and meets the regulations and requirements for traffic impacts. Further, comment was sought from neighboring cities; City of Stanwood and Arlington and the Washington State Department of Transportation³⁹ the results of those comments are discussed in the Traffic Mitigation section of this recommendation.

- Goal ED 3 – Encourage the retention and expansion of existing businesses and jobs while working to attract new businesses and jobs.

The applicant has indicated that the facility will bring additional professional living wage jobs to the area, which is in alignment with this comprehensive plan policy.

- Goal IC – Promote the coordination of planning, financing, and implementation programs between the county and local jurisdictions including tribal governments.
 - Objective IC 1.G – Promote and support public health initiatives in collaboration with partner agencies and community stake holders.

The proposed facility is a cooperative venture between the Tulalip Tribes and the State of Washington.⁴⁰

The proposed facility is part of the larger framework associated with the Involuntary Treatment Act of 2018⁴¹ and Washington State's plan to shift civil mental health from large hospital settings to smaller community-based facilities. On March 3, 2004, Snohomish County adopted amended Ordinance 04-010⁴² which amended Snohomish County Code relating to health and social service facility uses; the use and definition for health and social services were added to the use matrix and definitions section of code to be consistent with state and federal definitions and requirements relating to such uses. Implementation of the unified development code furthers the cooperation between Washington State and the Tulalip Tribes and furthers the vision of the county's comprehensive plan.

(b) The proposal complies with applicable requirements of this title;

This project meets zoning code requirements for building height and setbacks, parking, landscaping and other zoning code requirements, as discussed in the General Development Standards sections of this recommendation.

(c) The proposal will not be materially detrimental to uses or property in the immediate vicinity; and

The proposal's location and design will ensure that it will not be detrimental to uses or property in the immediate area. The facility will be set back from the county right of way and will be screened with a landscape buffer along all property lines. The property immediately to the east has a dense stand of mature trees in the northwest corner of the property, providing additional screening from the facility in addition to the facility being set approximately 500 feet north of an existing home. The surrounding area consists of large lots or open pasturelands with approximately four homes in the immediate area that may have direct line of sight to the

³⁸ Exhibit C.1. Traffic Report.

³⁹ Exhibits H.6, H.7, and H.8 Offers from Traffic to Stanwood, Arlington and WSDOT.

⁴⁰ Exhibit G.6 Tax Sharing Compact.

⁴¹ RCW 71.05 and 71.34 and HB 1713.

⁴² Exhibit G.8 Ordinance 04-010.

property and/or facility. The facility design incorporates residential design elements to the exterior and interior of the building. Single-story construction of both buildings is proposed, and the building height is well under the maximum height of 45 feet.

Parking areas are located in a manner to be screened by either the building or by a light-blocking fence to minimize any headlight glare onto adjacent properties. Parking lot lighting will be directed downward with full cut-off. Building-mounted security lighting will be provided around the perimeter of the buildings and have a lighting level of one candle foot at the building perimeter with motion sensing to increase light level on demand. It is a recommended condition of approval that all external lighting shall have full cut-off optics, all site area lighting shall be motion sensor equipped and have integral photocells for dusk to dawn operation, and all building-mounted exterior lighting shall be controlled by dusk to dawn sensors.

The use of alarms or external speakers or public address system was not discussed in the application materials. It is a recommended condition of approval that the use of external speakers or an external public address system is prohibited.

The facility is proposed to connect to public water via a public water line extension from the City of Stanwood and will utilize a septic system for each building served by an off-site drainfield and reserve area located on the adjacent parcel to the west within an easement. Service from a public water provider reduces any impacts to groundwater withdrawals which may have impacted wells in the vicinity. As the facility cannot be located in the R-5 zone if served by sewer, the facility must utilize a septic system. It is a recommended condition of approval that prior to issuance of any land disturbing activity permit, the applicant must provide copies of the recorded off-site septic easement.

(d) The proposal is compatible with and incorporates specific features, conditions, or revisions, that ensure it responds appropriately to existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property.

The scale and design of the proposed facility is compatible with the existing neighborhood. The facility is small in scale with a total of only 32 beds. The buildings are designed to be single-story. All parking is located behind the buildings or screened with a light blocking fence, preserves critical areas, and includes perimeter landscape buffers. The setbacks, site design, and wetland planting plan mitigate any aesthetic impact. As noted above, and with the recommended conditions, operations at the completed facility will be compatible with properties and uses in the vicinity of the site.

SCC 30.42C.100(2):

As a condition of approval, the hearing examiner may impose or require any one or more of the following:

(a) Increase requirements in the standards, criteria, or policies established by this title;

The project is designed to ensure compatibility with other uses and properties in the area. Several conditions of approval are recommended in this report.

(b) Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides, or traffic;

The proposed location of the facility, and the locations of other improvements, will minimize the hazards noted in this subsection.

(c) Require structural features or equipment essential to serve the same purpose set forth in SCC 30.42C.100(2)(b);

The building features and site features as proposed and with conditions recommended for approval of the CUP, are adequate to serve the purposes set forth in this chapter.

(d) Impose conditions similar to those set forth in items SCC 30.42C.100(2)(b) and SCC 30.42C.100(2)(c) as may be deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner may not in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;

Several conditions are recommended that are restatements of the design and operation elements proposed by the applicant. Making these elements requirements of the approval of the CUP will help ensure that the completed facility operates in a compatible manner.

(e) Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;

The conditions recommended for approval of the conditional use permit will assure that the degree of compatibility with the purpose of this title shall be maintained.

(f) Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard or public need;

The recommended conditions recognize and compensate for the factors noted in this subsection.

(g) Require the posting of performance and maintenance securities sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and/or

The posting of construction and maintenance bonds appears unwarranted and is not a recommended condition of approval.

(h) Impose any requirement that will protect the public health, safety, and welfare.

Several conditions of approval for the conditional use permit are recommended, which are intended to protect the public health, safety, and welfare.

Fire Code (Chapter 30.53A SCC)

The Fire Marshal's Office reviewed the proposal for compliance with chapter 30.53A SCC.⁴³ The Fire Marshal's Office concluded that the proposal conforms to applicable regulations.

Conditions are recommended as part of the conditional use permit approval, including that the building be equipped with an NFPA 13 automatic sprinkler system and an NFPA 72 fire alarm system. Additionally, the applicant must provide receipt of a final certificate of water availability

⁴³ Exhibit G.9 Fire Marshal's Memo dated July 12, 2022.

that verifies all hydrants have been installed and are charged and operational and the minimum fire flow can be met, and that the fire hydrants are equipped with the correct access and level of service indicator and all fire lane pavement striping, and signage is installed.

Wetlands and Fish and Wildlife Habitat Conservation Areas (Chapter 30.62A SCC)

Existing Conditions:

The western portion of the site is developed with a horse boarding facility, corrals, and associated equine structures, with the remaining portion functioning as large grazing pastures. The onsite vegetation consists primarily of grazed grasses with a few native and ornamental trees and shrubs adjacent to the existing structures. The site topography gradually slopes to a centrally located swale which transects the parcel from the northwest to the northeast. Three depressional wetlands were identified along this swale, with Wetland C continuing offsite to the south.

Review of Critical Area Maps and Historic Information

No Critical Area Site Plans (CASPs) are recorded on the subject site. A CASP (AF202203070168) is recorded north of the subject site and across 300th St. NW and documents the presence of a Category III wetland on the northeast and a Category II wetland on the southwest portion of the parcel. The southern Category II wetland enters a culvert and flows into the North Wetland onsite. The National Wetland Inventory and Snohomish County PDS Map Portal models the presence of wetlands along the swale and continuing offsite to the north and southeast.

Douglas Creek is mapped as a Type-Ns stream and is located approximately 500 feet from the northeastern parcel boundary. The onsite swale continues south for approximately 0.25 miles before converging with Douglas Creek.

Site Review Findings

A site review was conducted by Snohomish County Biologist Monica Szarvas on October 25, 2021, and by Senior Environmental Planner, Erin Harker on November 3, 2022. The three onsite and one northern offsite wetlands, as regulated pursuant to chapter 30.62A SCC, were determined to be located and rated accurately. No other wetlands, streams, or fish and wildlife habitat areas were identified on or within 300 feet of the subject site (as defined by SCC 30.91S.350). Please refer to the Wetland and Fish and Wildlife Habitat Assessment Report⁴⁴ written by Soundview Consultants, LLC. dated January 26, 2022, for an accurate assessment of on and offsite critical areas.

Project Description

The applicant proposes to construct two 15,500 square foot buildings, parking lots, septic drainfields, associated infrastructure, and two access roads to support a treatment facility for civilly committed patients. Enhancement is proposed to mitigate for the impacts which will occur to the onsite wetland buffers as a result of the project. The wetlands and their associated buffers will be placed in a Critical Area Protection Area.

Several site layouts were considered during the development of this project which would have had significant wetland impacts. To reduce impacts, the southern building was rotated to better fit the upland area, and the footprint of the buildings and stormwater facilities were reduced. This allows the buildings and parking facilities to fully utilize the northern areas and fill the available site more effectively. The proposed site plan avoids all wetland impacts and reduces the buffer impacts by up to 75% from previous site plans.

⁴⁴ Exhibit C.4 Wetland and Fish and Wildlife Habitat Assessment Report.

Consistency with Code – Wetlands and Fish & Wildlife Habitat Conservation Areas 30.62A SCC
A Wetland and Fish and Wildlife Habitat Assessment Report written by Soundview Consultants, LLC. dated January 26, 2022, was submitted for review⁴⁵. This report was reviewed by Erin Harker, Sr. Environmental Planner and accurately represents critical areas on and within 300 feet of the site.

A Wetland Buffer Mitigation Plan⁴⁶ written by Widener and Associates dated August 19, 2022, was submitted for review to address the requirements of SCC 30.62A.150. The mitigation plan for proposed impacts to the onsite wetland buffers meets the requirements of chapter 30.62A SCC.

Douglas Creek

Douglas Creek is located approximately 500 feet east of the northeastern corner of the subject site and continues south-southwest. The onsite swale eventually converges with Douglas Creek approximately 0.25 miles south of the site. The swale does not meet the definition of a stream for, at minimum, approximately 550 feet south of the subject site. Fish do not have access to the site. While Snohomish County PDS Mapping Portal depicts Douglas Creek as Type-Ns, there are no known or identifiable natural fish barriers between it and known fish habitat; however, due to the distance from the project and parcel boundary, an adjustment of this characterization would have no impact on the project.

Offsite Wetland

The offsite wetland located north of 300th St. NW is recorded on CASP AF202203070168. This wetland is physically and functionally separated by the road, and no associated buffer projects onsite.

Buffers – Chapter 30.62A SCC

Summary

The three onsite wetlands (Wetland A-C) were rated using the 2014 Washington State Department of Ecology Wetland Rating System consistent with SCC 30.62A.140(2). Wetland buffers were rated using the high intensity land use widths and consistent with Table 2b of SCC 30.62A.320(1).

Wetland A is rated as a Category III wetland with a habitat score of 6 and a buffer of 150 feet. Wetlands B and C are rated as Category III wetlands with habitat scores of 5 and buffers of 80 feet.

In July 2018, the Department of Ecology modified its guidance for wetland buffer standards described in critical area ordinances (July 2018 Modifications for Habitat Score Ranges). Per the modified Wetland Guidance, wetlands with a habitat function score ranging from 3-5 points are now considered low (Bunten et al, 2016 and July 2018 Modifications for Habitat Score Ranges).⁴⁷

⁴⁵ Exhibit C.4 Wetland and Fish and Habitat Report.

⁴⁶ Exhibit C.5 Wetland buffer plan

⁴⁷ Per the CAR Review Memo dated August 24, 2022, the latest edition of Ecology's wetland rating system governs the classification and scoring of wetlands and controls in the event of a conflict with the classification and scoring system in Table 1 of SCC 30.62A.230. See SCC 30.62A.230(2). Under Ecology's most recent publication a habitat function score of 5 was reclassified from designation as "moderate" level to "low" level habitat function. The applicable wetland buffer width calculation under Table 2b of SCC 30.62A.320 is based in part on the habitat function scoring classification of the wetlands as derived from the scoring system in Table 1 of SCC 30.62A.230. Accordingly,

Buffer Reduction Methods

Pursuant to SCC 30.62A.340(4)(c)(i)(A), all applicable mitigation measures of Table 5 may be used to mitigate impacts to wetland buffers from high intensity land use. The applicant proposes to utilize mitigation measures detailed in SCC 30.62A.340 Table 5 to reduce the wetland buffers from the high intensity to moderate land use intensity buffer widths. Wetland A will receive a buffer width of 110 feet and Wetlands B and C will receive a buffer width of 60 feet, see Table 1 of SCC 30.62A.340(4)(c)(i)(A) below.

Table 1. Minimization Measures for High Intensity Land Use

Disturbance	Measures Proposed
Lights	<ul style="list-style-type: none">• Lights will be directed away from the wetland• Slat fencing* along the parking area will further reduce light spilling into the wetland, including car headlights.• Trees and shrubs planted will screen lighting from buildings
Noise	<ul style="list-style-type: none">• Generators and building entrances are located away from the wetland
Toxic Runoff	<ul style="list-style-type: none">• Untreated stormwater will be routed away from the wetland and collected for treatment
Stormwater Runoff	<ul style="list-style-type: none">• A dispersion swale will be constructed in the wetland buffer to prevent any channelized flow of treated stormwater into the wetland• Landscaping and buffer planting will slow water runoff from slopes and lawns
Change in Water Regime	<ul style="list-style-type: none">• Runoff from impervious surfaces will be treated and dispersed into the buffer of Wetland B to prevent dewatering of the wetlands• The culvert under the access road between Wetland A and B will be replaced to preserve water flow between the wetlands
Pets and Human Disturbance	<ul style="list-style-type: none">• Split-rail fencing will prevent access into the wetland buffer• Other areas will be protected by dense shrubs with thorns along with fencing

*As required by SCC 30.25.022(7), further light screening pursuant to this section (SCC 30.62A.340) is not necessary.

The applicant proposes a 15% reduction in the standard buffer through the installation of a permanent fence along the length of the wetland buffers adjacent to the proposed development, per SCC 30.62A.320(1)(f).

The applicant proposes to utilize buffer averaging detailed in SCC 30.62A.320(1)(g)(i) to avoid impacts to the onsite wetlands and buffers. Buffer averaging will only occur to the eastern portion of the buffers of Wetlands A and B to accommodate the proposed residential treatment facility structures, parking lots, and associated infrastructure improvements. The buffer reduction will total 12,610 square feet which currently consists of grazed pasture grasses. The buffer replacement will total 12,610 square feet, will be in kind, and be located between all onsite wetlands and the proposed construction of the septic drainfields.

Buffer Impacts

Temporary and permanent impacts are proposed to the buffers of Wetland A and B to accommodate the construction of the existing gravel maintenance road, stormwater facilities, and septic drainfield line as allowed by SCC 30.62A.320(2)(a)&(c). Enhancement is proposed at the standard mitigation ratios detailed in SCC 30.62A.320 Table 3.

pursuant to Ecology's most recent wetland rating system publication, Ecology's reclassification of a habitat function score of 5 as a "low" level habitat function controls over the conflicting classification and scoring system in code for purposes of the calculation of the applicable buffer width under SCC 30.62A.320.

Temporary Impacts

A total of 5,175 square feet of temporary impacts will occur within the wetland buffer as a result of the proposed parking lot fill slopes and the installation of a stormwater dispersion facility. The stormwater dispersion facility will temporarily disturb 2,360 square feet and the fill slopes will result in 2,100 square feet of temporary impacts to existing vegetation. All temporarily impacted areas will be restored with a minimum of herbaceous vegetation equivalent to the existing conditions following construction, pursuant to SCC 30.62A.320(3)(d).

Permanent Impacts

The project proposes to widen the road at the facility entrance on 300th Street Northwest and to re-gravel an existing historic agricultural access road located between Wetlands A and B. Three test pits were excavated throughout the length of the access road and crushed angular rock and sand was present to a depth of at least 10 inches. The shovel was refused at 10 inches due to compaction and the depth of native soils was not able to be determined. The gravel fill was also apparent at the surface. Please see the critical areas memo addendum for photos, location of test pits, and aerial photography.⁴⁸ The agricultural access road is currently functioning as effective impervious surfaces and as proposed, the project complies with SCC 30.62A.320(1)(c)(i).

The agricultural access road is currently revegetated with maintained grasses and weeds, meeting the definition of buffer (SCC 30.91B.190). The vegetation is sparse and provides limited buffer functions in addition to ongoing maintenance and division from the wetlands by fencing. The proposed regraveling will result in approximately 4,950 square feet of permanent impacts to the buffers of Wetlands A and B.

The proposed road widening along 300th Street Northwest will result in approximately 70 square feet of permanent impacts to the maintained grass buffer of Wetland B. Permanent buffer impacts total 5,020 square feet and have been accounted for in the approved Wetland Buffer Mitigation Plan, as discussed above. Replacement ratios were determined in accordance with the SCC 30.62A.320(3)(d). Buffer enhancement is proposed at the standard ratio of 3:1, for a total of 15,100 square feet. The existing degraded buffer will be planted with native trees and shrubs which will provide a visual buffer, improve wildlife habitat, and water quality.

The agricultural access road is elevated above and between Wetlands A and B. The hydrology of Wetland B outlets into Wetland A by means of a 12" concrete culvert. The project proposes to replace this culvert in-kind as it is in disrepair and not currently functioning. As proposed, the replacement of this culvert will not result in impacts to Wetlands A and B.

As proposed the project complies with chapter 30.62A SCC (Critical Areas Regulation/Wetlands and Fish & Wildlife Habitat Conservation Areas) and is consistent with the purpose and objectives of the chapter of regulating development activities in critical areas to safeguard the public health, safety and welfare subject to the recommended conditions included herein.

⁴⁸ Exhibit G.11 Critical areas memo and addendum.

Geologically Hazardous Areas (Chapter 30.62B SCC)
Critical Aquifer Recharge Areas (Chapter 30.62C SCC)
Drainage (Chapter 30.63A SCC)
Land Disturbing Activities (Chapter 30.63B SCC)

The subject proposal was reviewed for compliance with the Snohomish County Code and standards related to grading and drainage effective July 2021. The applicant has submitted a land disturbing activities permit application, 22-111456 LDA that is currently under review.

Existing Site

The site area will be less than five acres outside the urban growth area after the proposed boundary line adjustment is recorded. The area proposed for development is a pasture used for hay and horses. The site slopes to the west toward two on-site category 3 wetlands and a drainage ditch that conveys runoff to the south. Stormwater discharges to the wetlands via overland sheet flow.

Soils in the proposed developed area on the site are classified as Tokul gravelly sandy loam (0-8 percent slope) by the NRCS Soil Survey. Soils east of the proposed developed area are classified as Tokul gravelly sandy loam (8-15 percent slope). Tokul series soil is a moderately deep, moderately well drained soil on till plains. It formed in glacial till and volcanic ash. Depth to hardpan ranges from 20 to 40 inches and is effective rooting depth is limited by a seasonal perched water table that is at a depth of 18 to 36 inches. These soil type descriptions can be confirmed by reviewing the drainfield soil logs by Cascade Surveying.⁴⁹

Infiltration Infeasibility

The applicant provided a geotechnical report⁵⁰ composed by Associated Earth Sciences, dated December 9, 2021, which indicates that shallow infiltration is not feasible due to restrictions by the relatively low-permeability and fine-grained nature of the lodgment till. Three to six feet of fill was also noted in EB-3 and EB-2. The geotechnical report states that infiltrated stormwater would largely move laterally in the shallow subsurface through the overlying fill and weathered soils as interflow. Shallow infiltration of stormwater could result in conditions such as emergent seepage or accumulation of seepage in building crawl spaces, below floor slabs.

Chapter 30.62A SCC – Wetlands and Fish & Wildlife Habitat Conservation Areas

Per SCC 30.62A.320: There are no salmonid streams that would require infiltration of or limitation of impervious surfaces.

Chapter 30.62B SCC – Geologically Hazardous Areas

County maps indicate no geologic hazard areas are mapped in the vicinity of the site.

Chapter 30.62C SCC– Critical Aquifer Recharge Areas

This parcel is not located within an area of the county that is classified as a critical aquifer recharge area.

Surface Water Management Drainage Complaints

There are no known drainage complaint records in the vicinity.

Drainage Modifications

There are no drainage modifications requested at this time.

⁴⁹ Exhibit C.8 Cascade Surveying Soil Logs.

⁵⁰ Exhibit C.3 Geotechnical Report Associated Earth Sciences December 9, 2021.

Other

This project is subject to the started construction requirements per SCC 30.70.310.

Proposed Development

The project proposes to build two 16 bed facilities for in-patient residential behavioral health treatment to include site development including parking, frontage improvements, landscaping, and utilities. The first phase includes construction of the southern building, and a building pad for the northern building to include infrastructure for both buildings. The project is proposing a boundary line adjustment limiting development to the west of the existing wetlands and drainage.

The site will be graded to preserve existing drainage patterns. An underground storm water detention facility will be installed to provide detention. Treatment of pollution generating hard surfaces will be provided by a proprietary filter device approved by Washington State Department of Ecology plus a bioretention system. Drainage is designed to discharge from the site at the existing location.

An addendum⁵¹ to the drainage report⁵² dated November 10, 2022, by the Engineer of Record Zachary Crum, P.E. reports the proposed new impervious surface to access the drainfield and reserve will not be required. Aerial photos indicate historical crushed rock surfacing and compacted material was observed to a depth of eight (8) inches. It is reported the roadway is impervious and can be used to support infrequent maintenance vehicular traffic between the proposal and future drainfield. No further improvements are proposed at this time. The proposed drainfield and access road do not meet the definition of new development (creation of impervious surface) and are therefore not subject to threshold determinations or stormwater mitigation.

For this the proposal, the applicant expects the following:

New Hard Surface (square feet)	79,300
Replaced Hard Surface (square feet)	1,450
New PLUS Replaced Hard Surface (square feet)	80,750
Total Pollution Generating Impervious Surface (square feet)	Greater than 5,000
Clearing (square feet)	123,500
Cut (cubic yards)	8,500
Fill (cubic yards)	10,000

Because infiltration was deemed infeasible by the geotechnical engineer, flow control requirements will be met with an underground detention facility (Stormtech MC-3500 underground chambers). Linear Modular Wetlands BMPs will provide enhanced water quality treatment. Stormwater will be discharged from the detention facility to an approved dispersion device

⁵¹ Exhibit C.9 Addendum dated 11-10-22.

⁵² Exhibit C.2 Drainage Report aka stormwater site plan dated October 2022.

Discussion of Drainage Minimum Requirements (MRs)

Minimum Requirement #1: Preparation of Stormwater Site Plans (SCC 30.63A.400)

A targeted stormwater site plan and narrative have been prepared that adequately address feasibility of meeting on-site stormwater requirements, thereby satisfying Minimum Requirement #1.

Minimum Requirement #2: Stormwater Pollution Prevention Plans (SWPPPs) (SCC 30.63A.445 to 30.63A.450)

The applicant has provided adequate SWPPP information which satisfactorily addresses feasibility of meeting Minimum Requirement #2.

Minimum Requirement #3: Source Control of Pollution (SCC 30.63A.515)

The engineer disclosed a fuel tank will be located on-site. Applicant will be required to comply with source control BMP's per volume 4, of the Snohomish County Drainage Manual.

Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls (SCC 30.63A.520)

Based upon all available information, natural drainage patterns identified in the stormwater site plan and the currently functioning drainage patterns will be maintained. Drainage will be dispersed at the natural location with an approved dispersion device, similar to existing conditions. No impacts to the upstream or downstream have been identified by the engineer that would be impacted by the project; therefore, feasibility of meeting this requirement has been met.

Minimum Requirement #5: On-Site Stormwater Management (SCC 30.63A.525)

The drainage report⁵³ identified, discussed, and analyzed according to requirements of the drainage manual, feasibility and infeasibility of low impact development best management practices (BMPs), including infiltration BMPs. The infeasibility determinations are based upon information provided in the geotechnical engineering report. The geotechnical engineering report indicates that infiltration is not feasible, for the reasons cited above under "Existing Site."

The following On-site Stormwater Management BMPs were identified as feasible:

- Bioretention
- Sheet Flow Dispersion
- Post-Construction Soil Quality and Depth

The analysis of on-site stormwater management BMPs provided by the applicant is in accordance with requirements of the Snohomish County Drainage Manual and therefore, feasibility of meeting Minimum Requirement #5 has been demonstrated.

Minimum Requirement #6: Runoff Treatment (SCC 30.63A.530 to 30.63A.545)

The project is required to provide enhanced treatment. Two modular wetland systems will be installed to provide treatment for the parking, drive aisle, and fire turn-around. The maintenance road access road running around the east end of the building and connecting to the western parcel through an access and utility easement is for maintenance. The road will see infrequent use and is not considered to be a pollution generating surface that will require treatment. A bioretention cell is being installed to provide water quality treatment for roadway runoff from 300th St NW right-of-way.

⁵³ Exhibit C.2 Stormwater Site Plan.

Minimum Requirement #7: Flow Control (SCC 30.63A.550)

Flow control is required because proposed hard surfaces exceed 10,000 square feet. Flow control will be provided by an underground detention facility (Stormtech MC-3500 underground chambers). The detention system will be sized to meet the flow control requirement but will not release the required flow volumes during the summer months to meet the wetland hydroperiod protection. See Figures 5-7. For this reason, MR8 is prioritized according to Volume 1, Chapter 2.5.8, page 29, Reconciling the Flow Control Performance Standard from ME7 with MR8 of the Snohomish County Drainage Manual. The detention system was sized to provide some level of flow attenuation but primarily maintain runoff volumes to the wetland.

Minimum Requirement #8: Wetlands Protection (SCC 30.63A.570)

The applicant has modeled the stormwater discharge to meet the wetland hydroperiod protection criteria under MR 8 contained within Appendix I-d of volume 1, Snohomish County Drainage Manual. (Method 2-Category 3 wetland with a habitat score greater than 5).

MR #9: Inspection, Operation Maintenance etc. (SCC 30.63A.575 to 30.63A.605)

Detailed operation and maintenance information about the anticipated BMPs is provided in the Stormwater Site Plan Report.⁵⁴ No additional information related to this MR is necessary for preliminary approval.

Requirement	Description	How Fulfilled?
1	Stormwater Site Plan (SWPPP)	A preliminary stormwater site plan and report adequately address on-site stormwater requirements.
2	Stormwater Pollution Prevention Plan (SWPPP)	The applicant provided sufficient SWPPP information to demonstrate it can comply with the requirement.
3	Water pollution source control for new development or redevelopment	The applicant's engineer has identified an above ground storage tank which will be required to meet source control BMPs in volume 4 of the SCDM
4	Preservation of natural drainage systems	Natural drainage systems will be preserved to the extent feasible. No adverse downstream impacts have been identified by the engineer.
5	On-site stormwater management	On-site stormwater management has been adequately addressed by the engineer in accordance with the Drainage Manual.

⁵⁴ Exhibit C.2 Drainage Report Stormwater Site Plan.

6	Runoff treatment	Stormwater will be treated with modular wetland systems and a bioretention system for the runoff from 300 th Street.
7	Flow control requirements for new development or redevelopment	Flow control is adequately addressed by the proposed stormwater management system.
8	Wetland Protection	Wetland protection has been determined to be in accordance with the Drainage Manual.
9	Inspection, operation, and maintenance requirements	The applicant provided operation and maintenance information sufficient for preliminary plat approval.

Based upon the preliminary review of drainage and grading submittal documents, the project has been found to be feasible for meeting the requirements of Snohomish County codes and policies, including the Snohomish County Drainage Manual and Engineering Design and Development Standards. It is a recommended condition of approval that a land disturbing activity permit shall be applied for and approved.

Park and Recreation Facility Impact Mitigation (Chapter 30.66A SCC)

The proposal is exempt from the requirements of this chapter as it does not meet the definition of development per SCC 30.91D.200.⁵⁵

Traffic Mitigation (Chapter 30.66B SCC)

The Transportation Engineering Review Section of Planning and Development Services (PDS) has reviewed the subject development proposal for compliance with chapter 30.66B SCC, Snohomish County Engineering Design and Development Standards (EDDS), and the appropriate county rules and procedures and has summarized that review below. This development proposal is subject to the requirements of the version of chapter 30.66B SCC that was in effect at the time of submittal of a complete application to the County, on January 31, 2022.

General Information

The applicant proposes to develop a residential treatment facility consisting of two (2) 15,500 sq. ft. buildings with 16 beds in each building for a total of 31,000 sq. ft. and 32 beds. The subject property is in Transportation Service Area (TSA) "A", outside the urban growth area (UGA). On site access will be provided by a private internal fire lane off the public road of 300th Street NW. The plan used for this review was received by (PDS) on August 22, 2022. The subject development is vested to the September 17, 2021, version of the EDDS.

⁵⁵ SCC 30.91D.200 defines development to mean: all residential subdivisions and short subdivisions, single family detached unit, cottage housing, townhouse, mixed townhouse, and multifamily residential developments, including multifamily rezones which require binding site plans, planned residential developments, mobile home parks, and all multifamily structures which require building permits and are subject to but does not include permits for attached or detached accessory dwelling units, or remodeling or renovation permits which do not result in additional dwelling units. (This definition applies only to "Park and recreation impact mitigation" regulations in chapter 30.66A SCC and "School impact mitigation" regulations in chapter 30.66C SCC.)

Concurrency Determination (SCC 30.66B.120)

The County makes a concurrency determination for each development application to ensure the development will not impact a county arterial unit in arrears or cause a county arterial to go in arrears.

The subject development has been evaluated for concurrency under the provisions of SCC 30.66B.120 and has been determined concurrent as of August 8, 2022. The concurrency determination approval will last for the duration of the project. Consistent with DPW rule 4225.070, June 27, 2022, is the point in time for which the concurrency analysis is based (i.e., the concurrency vesting date).

The development has been deemed concurrent on the following basis: Development generating 50 or fewer peak-hour trips in TSA with no arterial unit in arrears, SCC 30.66B.130(4). The subject development is in TSA A which, as of the date of submittal of the application, had no arterial units in arrears. The subject development generates 29.12 new A.M. peak-hour trips and 21.44 new P.M. peak-hour trips which is not more than the threshold of 50 peak-hour trips in which case the development would also have to be evaluated under SCC 30.66B.035.

Inadequate Road Condition (IRC) (SCC 30.66B.210)

Regardless of the existing level of service, any development which adds three or more P.M. peak-hour trips to a location in the road system determined to have an existing IRC at the time of imposition of mitigation requirements, or development whose traffic will cause an IRC at the time of full occupancy of the development, must eliminate the IRC.

The subject development proposal will not impact any IRC locations identified within TSA A with three or more of its peak hour trips, nor will it create any IRC. Therefore, mitigation will not be required with respect to inadequate road conditions and no restrictions to building permit issuance or certificate of occupancy/final inspection will be imposed under this section of chapter 30.66B SCC.

Road System Impact Fee (SCC 30.66B.310)

A development shall mitigate its impact upon the future capacity of the Snohomish County road system by paying a road system impact fee reasonably related to the impacts of the development on arterial roads located in the same transportation service area as the development, at the rate identified in SCC 30.66B.330 for the type and location of the proposed development. A development's road system impact fee will be equal to the development's new average daily traffic (ADT), based on the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers, times the per trip amount for the specific transportation service area identified in SCC 30.66B.330 or acceptable specific trip generation information provided by the applicant or their Traffic Engineer.

The ITE was not used for this development's trip generation rates in the traffic study⁵⁶ submitted to the County. The traffic consultant, Heath and Associates Inc., noted in the traffic study that no applicable Land Use Code (LUC) in the ITE 11th edition manual was identified as representative for a behavioral health facility. A site-specific trip generation analysis was performed instead and includes sample data from three (3) existing sites sampled by Heath and Associates and two (2) existing sites sampled by H. Lee and Associates⁵⁷. The sample data from the existing sites were considered by the traffic consultant to be similar in nature and operation to that of the

⁵⁶ Exhibit C.1 Traffic Study

⁵⁷ This reference is to a different consulting group cited within the submitted traffic impact analysis.

proposed site. The sample data from the existing sites was used to help determine ADT, AM peak hour, and PM peak hour rates in trips per bed.

The Snohomish County Traffic Engineer has reviewed the sample data and methodology provided in the traffic study submitted and has accepted this methodology for trip generation of the subject development.

AM & PM Peak Hour Trip Calculations:
Trip Generation Based on Average Rates

Type of Trip	Calculations									
Net New AM Peak-Hour Trips (AM PHT)	Total Beds*		AM PHT per Bed*		5% TDM Credit**		Less existing trips		Net New AM PHT	
	32	X	0.91	X	N.A.	-	0	=	29.12	
Net new PM Peak-Hour Trips (PM PHT)	Total Beds*		PM PHT per Bed*		5% TDM Credit**		Less existing trips		Net New PM PHT	
	32	X	0.67	X	N.A.	-	0	=	21.44	

*Bed is the measurement unit from the approved trip generation methodology in the traffic study provided.

** See Transportation Demand Management section below for TDM percentage determination.

Road System Impact Fee Calculation

1	Number of Beds:	32
2	ADT per Bed:	8.87
3	ADT (Line 1 x Line 2):	283.84
4	TDM Credit*:	N/A
5	Gross New ADT:	283.84
6	ADT Credit for Existing Trips:	0
7	Net New ADT (Line 5 – Line 6):	283.84
8	TSA A mitigation rate per ADT:	\$173
9	Total Road system impact fee for this development (Line 7 x Line 8):	\$49,104.32
10	Number of New Sq. Ft. To Be Constructed:	31,000
11	Amount to be paid per Sq. Ft.: (Line 9 ÷ Line 10)	\$1.58

* See Transportation Demand Management section below for TDM percentage determination.

Payment of this road system impact fee shall be made consistent with SCC 30.66B.340.

Frontage Improvement Requirements (SCC 30.66B.410)

All developments will be required to make frontage improvements along the parcel's frontage on any opened, constructed, and maintained public road. The required improvement shall be constructed in accordance with the EDDS, including correction of horizontal and vertical alignments, if applicable.

DPW Rule 4222.020(1) requires full rural frontage improvements along the subject parcel's frontage on 300th Street NW which consist of:

Asphalt concrete pavement consisting of 12 feet width from the right-of-way centerline with an eight (8) foot paved shoulder.

300th Street NW, on which the development's frontage improvements are required, is not in the impact fee cost basis (Appendix D of the Transportation Needs Report) or the Transportation Element of the Comprehensive Plan, therefore credits towards the applicant's impact fee for any frontage improvements that can be used in the ultimate build-out of the road are not applicable.

Construction of frontage improvements is required prior to any final inspection or occupancy.

Right-of-Way Classification/Access and Circulation (Title 13 SCC, EDDS 3-02, and SCC 30.66B.420)

Internal Road Classification:

The proposed internal road is classified as a private commercial access and fire lane. The road will be a private road serving a number of ADT that has not been determined at this time. The design speed for this road is 25 mph.

External Road Classification:

Per the adopted Snohomish County Arterial Circulation map, effective November 29, 2018, road 300th Street NW is classified as a minor arterial. All Arterial roads are public. The posted speed for 300th Street NW is 50 MPH.

The classification of the roads within and adjacent to the proposed development have been made based on professional engineering judgment under the authority of the County Engineer, the requirements in EDDS and the following information.

- The number of ADT generated by the proposed development is approximately 284 ADT.
- The number of ADT currently on the existing road is 2,386 ADT.
- The approximate number of ADT anticipated to be contributed by development of the surrounding area is not expected to change the classification of this arterial.
- The total approximate ADT proposed to use 300th Street NW is approximately 2,670 ADT.

Access and Circulation Requirements (SCC 30.66B.420)

(1) All developments will be required to:

- (a) Provide for access and transportation circulation in accordance with the comprehensive plan and this chapter applicable to the particular development,
- (b) Design and construct such access in accordance with the EDDS, and
- (c) Improve existing roads that provide access to the development in order to comply with adopted design standards, in accordance with SCC 30.66B.430.

(2) Access to state highways and city streets shall be in accordance with the applicable state or city standards and requirements.

(3) All developments that propose to take access via an existing public or private road which, for the vehicle trips projected to use the road after full occupancy of the

development, is not designed and constructed in accordance with the EDDS, will be required to improve such road to bring it into compliance with the EDDS when the director of public works determines it necessary to provide for safety and the operational efficiency of the road. The extent of improvements will be established by the director of public works in accordance with SCC 30.66B.430.

The proposed development will take access from 300th Street NW. Sight distance was evaluated at the proposed access point and was found to not meet the minimum requirements of EDDS 3-08 as the sight distance requirements looking to the east are not being met. The access point is now proposed to be restricted to right-in/right-out only by providing a physical median island at the access point that will restrict left turns in and out of the access point. Restricting the access to right-in/right-out only addresses the sight distance deficiencies to the east.

The applicant submitted an EDDS deviation request (22-102225 WMD)⁵⁸ for a proposed a right-in, right-out only access point by proposing an island at the access point. This deviation request has been approved with conditions by the County Traffic Engineer.

The ADA ramps at the intersections of all the roads in the development must show compliance with minimum ADA standard requirements for grades and landings as detailed in the current EDDS Section 4-05 D and WSDOT Standard Plans F-40 series. A detail of each ADA ramp is required for the construction plans. The current requirements do not grant any leeway for design and construction of ADA ramps for new intersections.

A horizontal clear/control zone is required along the parcel's frontage, per EDDS 4-15, 8-03, and the WSDOT's Utility Manual. Existing or proposed fixed object obstructions shall be removed/relocated from this buffer for motorist safety, this includes but is not limited to utility poles. These improvements are required prior to any occupancy being issued and will be addressed during construction plan review.

Extent of Improvements (SCC 30.66B.430)

In determining the extent of improvements required, the director of public works will consider, with other relevant factors, the following:

- a) Extent of the development proposed;
Two (2) residential treatment facilities are to be constructed.
- b) Priority of improvements to involved county roads in the county's six-year transportation improvement plan;
There are no improvements to 300th Street NW in the county's six-year transportation improvement plan.
- c) Condition of existing transportation facilities in comparison to adopted standards;
There are currently two (2) 9-foot travel lanes with no pedestrian facilities along the property's frontage on 300th Street NW. The current standards are two (2) 12-foot travel lanes with an 8-foot attached paved shoulder on both sides. The required frontage improvements are consistent with this standard.

⁵⁸ Exhibit G.1 EDDS Deviation Approval.

- d) Existing and projected land uses and development densities;

The existing land use for this property is Local Commercial Farmland and the projected land use for this property is a conditional use of civil behavioral health services.

- e) Current and projected level-of-service (LOS) on the affected road system;

300th Street NW is classified as an arterial unit which, according to SCC 30.66B.100(2)(a), meets County LOS standards if the corresponding ADT thresholds from SCC 30.66B.101 are not exceeded. The ADT threshold for 300th Street NW (not designated as ultimate capacity, rural, 2-lane), according to the table in SCC 30.66B.101, is 4,000 ADT. As mentioned previously in the "Right-of-way Classification / Access and Circulation" section of this memo, the ADT along 300th Street NW (between 80th Avenue NW and 76th Avenue NW) is estimated to be 2,670 ADT when accounting for the additional ADT generated by this development. This number is below the 4,000 ADT threshold and therefore meets County LOS standards per SCC 30.66B.100(2)(a).

- f) Availability of public transit;

The authority to create, eliminate or modify a transit route or transit stop lies with the transit agency within whose service area the development is located in or nearby to. The two county transit agencies that serve the residents of Snohomish County are Community Transit and Everett Transit. Sound Transit currently has routes that provide express bus service to King County from hubs such as Everett Station, the Ash Way Park & Ride. Everett Transit's boundaries are all within their city limits and Sound Transits routes are in incorporated areas of the UGA. Community Transit is the only transit agency that has routes and stops in both the urban area and the rural area. The county has no authority to require any transit authority to service a subject property or development. The only authority the County does have is to approve the location of a transit stop along a county right-of-way if the transit authority chooses to install one. According to a National Personal Transportation Survey, conducted by the American Planning Association, the average person is willing to walk about 1,500 feet to a transit stop.

Currently there are no public transit routes or stops that service the subject development nor are there any routes or stops within 1,500 feet of the subject development.

- g) Any traffic study submitted;

- The traffic study by Heath and Associates, dated June 23, 2022, was received by Snohomish County on June 27, 2022. The most current traffic study used for review is dated September 12, 2022 and was received by Snohomish County on September 13, 2022.

- h) Availability of a specific improvement program;

There is no specific improvement program for this development.

- i) The number of dwelling units currently using the road system that must be improved and projected to use the road system after full occupancy of the development;

The number of dwelling units using the road system will not change as a result of this development as this is not a residential development.

- j) The needs of low-income persons for decent, affordable, low-cost housing;
The subject development is not a low-income housing project. There are no low-income housing measures or design features associated with this development.
- k) Transportation system or demand management measures proposed by the developer;
TDM measures are not required outside of the UGA.
- l) The need for pedestrian and bicycle facilities
There is a need for both pedestrian and bicycle facilities along 300th Street NW.
The required frontage improvements satisfy both of these needs.
- m) Continuity with existing and proposed improvements;
There are currently no existing improvements along this portion of 300th Street NW that are consistent with current standards.
- n) Development standards of adjacent cities;
It should be noted that Snohomish County cannot impose another jurisdiction's requirements without the benefit of an ILA, which is an agreement that is voluntarily entered into by the jurisdiction.
- o) The need for safety improvements for school children;
This development is not required to construct off-site pedestrian facilities for school children.
- p) The types, sizes and performance of vehicles generated by the development, including but not limited to large trucks;
The proposed development is for two (2) residential treatment facilities. The majority of the types and sizes of vehicles associated with this type of development are passenger cars and trucks. Other less prevalent types are larger commercial vehicles such as buses, semi-trucks, fire trucks, utility trucks and delivery trucks that provide goods and/or services to the residential occupants or customers of business in the area.

Right-of-Way Requirements (SCC 30.66B.510 and 30.66B.520)

A development shall be required to dedicate, establish or deed right-of-way to the county for road purposes as a condition of approval of the development, when to do so is reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

The road serving this development, 300th Street NW, is designated as a minor arterial and requires a right-of-way width of 40 feet on each side of the right-of-way centerline. Currently, 35 feet of right-of-way exists on the development's side of the right-of-way centerline. Therefore, the development is required to deed five (5) feet of additional right-of-way. This is adequately shown on the site plan.

The subject development is required to deed additional right-of-way along the public road indicated above. Pursuant to SCC 30.66B.540 the right-of-way shall be deeded prior to issuance of permits.

300th Street NW is not in the impact fee cost basis (Appendix D of the Transportation Needs Report) or the Transportation Element of the Comprehensive Plan, therefore credit towards the applicant's impact fee for the deeded right-of-way beyond 30 feet from centerline is not applicable.

Transportation Demand Management (SCC 30.66B.630)

TDM is a strategy for reducing vehicular travel demand, especially by single occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. The County requires TDM of developments inside the UGA and developments that impact arterial units designated as ultimate capacity.

SCC 30.66B.630 requires development inside the UGA to provide TDM measures. Since this development is outside of the UGA, TDM measures are not required.

Impacts to State Highways (SCC 30.66B.710)

When a development's road system includes a state highway, mitigation requirements will be established using the terms of the interlocal agreement (ILA) between the County and the Washington State Department of Transportation (WSDOT).

This development is subject to ILA between Snohomish County and the WSDOT that became effective on December 21, 1997, and as amended through the date of completeness for this application.

Pursuant to SCC 30.66B.055 a written proposal from the applicant proposing measures to mitigate impacts on state highways is required and has been received as of the date of this memorandum. The applicant's obligation to the State is as follows:

No impact based on trip distribution showing that no state projects will be impacted by three or more directional PHTs.

Comments from WSDOT were received on July 29, 2022. and indicate they have no comment on the proposal from the applicant.

Impacts to Other Jurisdictions' Streets and Roads (SCC 30.66B.720)

Mitigation requirements for impacts on streets inside cities and roads in other counties will be established consistent with the terms of a Reciprocal Traffic Mitigation ILA between the County and the other jurisdiction(s).

This development is subject to the ILA between Snohomish County and the following cities:

1. Arlington
2. Stanwood

For impacts on the City of Arlington's street system, and pursuant to the ILA and SCC 30.66B.055(4), a written proposal from the applicant proposing measures to mitigate impacts on city streets is required.

The applicant submitted an offer in the amount of \$0 as mitigation towards traffic impacts to the City of Arlington generated by this development. Comments from the City dated August 5, 2022, state that the City of Arlington is requesting \$14,091.00 based on the mitigation zone map that mitigating measure 2 is based on in the ILA between the City of Arlington⁵⁹ and Snohomish County (Section III.H.2).

However, the applicant chose mitigation option 1 which allows the mitigation offer to the city to be based on any impacts to road capacity projects that are identified in the Transportation Element of the City of Arlington's Comprehensive Plan. Specifically, if 1% or more of the development's PM peak hour trips impact any of the improvements identified in the Comprehensive Plan, then additional calculations are needed in the traffic study to determine the correct mitigation amount. The development's traffic study has shown through the PM peak hour trip distribution that no planned improvements in the City of Arlington are impacted with 1% or more of the development's PM peak hour trips. Therefore, the applicant's \$0 offer is appropriate since they have indicated that they are choosing mitigation measure option 1 in the ILA (Section III.H.1). PDS Transportation has replied to the City of Arlington as of August 8, 2022, regarding their mitigation request and has explained that the applicant's offer is appropriate per the given options in the ILA.⁶⁰

The County has reviewed the City's requested mitigation and written proposal for mitigation submitted by the applicant and has determined that the proposed mitigation measures are not reasonably related to the impacts of the development and recommends that they not be imposed on the development as a condition of approval as the City's request is based on a mitigation option that was not chosen by the development.

For impacts on the City of Stanwood's street system, and pursuant to the ILA⁶¹ and SCC 30.66B.055(4), a written proposal from the applicant proposing measures to mitigate impacts on city streets is required.

Section 3(b) of "The City of Stanwood Traffic Worksheet and Traffic Study Requirements for Developments in Snohomish County" indicates that the comprehensive traffic study should include a peak-hour trip distribution that shows all impacts to the City of Stanwood key intersections. The applicant reached out to the City of Stanwood Public Works Department on June 14, 2022, and June 22, 2022, attempting to obtain this information to help determine the impacts on the City's key intersections.⁶² This communication effort yielded no response from the City of Stanwood, so the traffic study was unable to show key intersection impacts in the City of Stanwood.

The applicant has submitted an offer in the amount of \$0 as mitigation towards traffic impacts to the city generated by this development. Comments from the city, dated August 3, 2022, indicates they have no comment on the proposed mitigation offer. The City of Stanwood did not request any additional information or identify any additional mitigation measures that are needed based on the impacts of the development, the applicant's obligation for mitigation to the city is \$0.

⁵⁹ City of Arlington interlocal agreement: <https://snohomishcountywa.gov/DocumentCenter/View/6740/Arlington--1999-Agreement?bidId=>

⁶⁰ Exhibit H.7 – Traffic Mitigation offer to Arlington and response from PDS, city's responses.

⁶¹ City of Stanwood Interlocal agreement: <https://snohomishcountywa.gov/DocumentCenter/View/6771/Stanwood--2004-Agreement?bidId=>

⁶² Exhibit H.8 – Traffic Mitigation offer, applicant timeline to Stanwood, city's responses.

Pedestrian Facilities (RCW 58.17.110)

This type of development application is currently not required to construct off-site pedestrian facilities for school children. Therefore, no off-site pedestrian facilities are required.

Bicycle Facilities

The County's current adopted County Wide Bicycle Facility System Map became effective on November 29, 2018. The subject development does border on a right-of-way that has been identified on the adopted Bicycle Facility System Map. A bicycle path is required along the development's frontage on 300th Street NW. The required frontage improvements will fulfill this requirement.

Other Issues

New signing and striping needs in the public right-of-way shall be determined and installed by County forces. This signing and striping shall be paid for by the applicant per SCC 13.10.180. The amount will be determined during construction plan review and is due prior to LDA issuance.

School Impact Mitigation (Chapter 30.66C SCC)

The proposal is exempt from the requirements of this chapter as it does not meet the definition of development per SCC 30.91D.200.

Utilities

The Snohomish County Public Utility District (PUD) No. 1 provided comment that it has capacity to serve the proposed facility with electricity.⁶³

The Snohomish County Department commented⁶⁴ that it has no objections to the proposal subject to the condition that prior to building permit issuance an application for an on-site sewage system permit must be approved.

The City of Stanwood commented that it has the capacity to serve the site with water.⁶⁵

CONCLUSIONS

- A. The proposed development is consistent with the GMACP, Snohomish County Code, the type and character of land use permitted on the project site, the permitted density, and applicable design and development standards.
- B. Adequate public services will be available to the property.
- C. If approved with the recommended conditions, the proposal would comply with County codes and regulations, which will assure adequate provisions for the public health, safety, and general welfare.
- D. The development has been deemed concurrent. This concurrency decision may be appealed pursuant to SCC 30.66B.180. The decision applying a traffic impact fee under chapter 30.66B SCC may be appealed pursuant to SCC 30.66B.370.

⁶³ Exhibit H.2 PUD Comment.

⁶⁴ Exhibit H.3 SHD comments.

⁶⁵ Exhibit H.1 Water Letter.

STAFF RECOMMENDATION

Snohomish County Planning and Development Services hereby recommends approval of the requested conditional use permit with the following conditions:

Conditions

General conditions:

1. The conditional use site plan received by Snohomish County Planning and Development Services on August 22, 2022, shall be the approved site plan under chapter 30.42C SCC for the development. Any discrepancies between the approved site plan and Title 30 SCC shall be resolved in the favor of Title 30 SCC.
2. The preliminary landscape plan received by Snohomish County Planning and Development Services on August 22, 2022, shall be the approved preliminary landscape plan. A final landscape plan addressing the items identified in the critical area review under chapter 30.62A SCC above, must be submitted with a Land Disturbing Activity permit for review and approval prior to LDA issuance.
3. The property owner shall maintain all approved landscaping after installation. Dead or significantly damaged plants and/or other landscaping material shall be replaced within three months of the death or damage; provided that the department may authorize up to a 180-day delay in replacement when plant death or damage occurs outside the normal planting season.
4. Prior to installation of the proposed monument sign, a sign permit shall be applied for and received. The proposed monument sign shall substantially match the monument sign as proposed on the conditional use application signage plan and be located as shown on the approved conditional use site plan.
5. Buildings shall be equipped with an NFPA 13 automatic sprinkler system.
6. Buildings shall be equipped with an NFPA 72 fire alarm system.
7. All external lighting shall have full cut-off optics, all site area lighting shall be motion sensor equipped and have integral photocells for dusk to dawn operation and all building-mounted exterior lighting shall be controlled by dusk to dawn sensors.
8. The use of external speakers or an external public address system is prohibited.
9. No on-site construction activity is authorized unless and until the required plan approvals have been obtained.
10. Minor and major revisions to the administrative site plan shall be subject to SCC 30.70.210 or 30.70.220.
11. Nothing in this approval excuses the applicant, owner, lessee, agent, successor or assigns from compliance with any other federal, state, or local statutes, ordinances, or regulations applicable to this project.

Prior to commencement of any site work and/or prior to issuance of any development permits by the county:

12. Boundary line adjustment 22-104576 BLA shall be recorded, and the recording number shall be provided to PDS.
13. The applicant shall obtain the required permits for the proposed development. Those permits include a Land Disturbing Activity Permit as required by chapters 30.63A and 30.63B SCC.
14. A full drainage plan shall have been submitted and approved pursuant to Chapters 30.63A and 30.63B SCC.
15. A right-of-way use permit is required for work within the county road right-of-way.
16. The civil plans and landscape plans shall be revised to correctly identify the wetlands as Wetlands A, B, and C and shall be 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.
17. The landscape plans shall include the design specifications and proposed locations for the CAPA signs and be submitted to PDS Permitting for review and approval prior to installation.
18. The project proponent shall mark with temporary markers in the field boundary of all Critical Area Protection Area/Easement (CAPA/E) required by chapter 30.62A SCC, or the limits of the proposed site disturbance outside of the CAPA, using methods and materials acceptable to the county.
19. A final mitigation plan shall be submitted for review and approval during the construction review phase of this project 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.
20. 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 LDA construction plans.
21. The Stormwater Facility Easement (SFE) shall be submitted, reviewed, approved, and recorded prior to the issuance of the land disturbing activity permit.
22. Copies of the septic approval from the Snohomish County Health Department shall be submitted to PDS.
23. Copies of the recorded off-site septic easement shall be submitted to PDS.
24. A final certificate of water availability that verifies all hydrants have been installed, are charged and operational, and the minimum required fire flow can be met, shall be submitted to PDS.
25. A Critical Area Site Plan (CASP) which meets the requirements of SCC 30.62A.160(1) shall be recorded with the Snohomish County Auditor and provided to PDS after recordation. The CASP must identify areas which are currently being utilized for other purposes (e.g., mowed fields). Existing legally established uses are allowed to continue. The following restrictions and/or items shall be indicated on the CASP:

All Critical Areas and buffers shall be designated Critical Area Protection Area (CAPA) with the following restrictions:

“As otherwise provided herein, the CAPA (Critical Area Protection Area) shall be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur. Exceptions: The following are allowed in CAPA: Non-ground disturbing interior or exterior building improvements; routine landscape, maintenance of established, ornamental landscaping; non-ground disturbing normal maintenance or repair; felling or topping of hazardous based on review by a qualified arborist; removal of noxious weeds conducted in accordance with chapter 16-750 WAC; maintenance or replacement that does not expand the affected area of the following existing facilities: (a) septic tanks and drainfields; (b) wells; (c) individual utility service connections; data collection by non-mechanical means, and non-mechanical survey and monument placement.”

26. A final landscape plan must be submitted with the Land Disturbing Activity permit for review and approval prior to LDA permit issuance. A landscape plan review fee consistent with SCC 30.86.145(1) shall be paid at submittal.
27. A Landscape Site Inspection Fee consistent with SCC 30.86.145(3) shall be paid at Land Disturbing Activity permit issuance.
28. A landscape maintenance security may be required in accordance with SCC 30.84.150 if the applicant requests a planting delay and PDS concurs with the suitability of the delay.
29. A copy of the Inadvertent Discovery Protocols from the *Cultural Resources Assessment for a Proposed 32-Bed Behavioral Health Center*, prepared by Drayton Archaeology, dated January 5, 2022, shall be included with the LDA permit.
30. The amount for the installation of signs and striping will be determined during the LDA review and is due prior to LDA issuance. The fee shall be paid in accordance with SCC 13.10.180.
31. Advanced warning signs shall be installed prior to construction to provide warning to drivers due to the construction vehicles entering and exiting the site. This shall be in place until such time that the access point is restricted to a right-in and right-out only. The advance warning signs shall be installed to the satisfaction of Snohomish County.

Prior to final inspection of the Land Disturbing Activity (LDA) permit:

32. All CAPA boundaries shall have been permanently marked on the site prior to final inspection by the county, with both CAPA signs and adjacent markers which can be magnetically located (e.g., rebar, pipe, or 20 penny nails). The project proponent may use other permanent methods and materials provided they are first approved by the county. Where a CAPA boundary crosses another boundary (e.g., lot, tract, plat, or road), a rebar marker with surveyors' cap and license number must be placed at the line crossing.
33. CAPA signs shall have been placed no greater than 100 feet apart around the perimeter of the CAPA. Minimum placement shall include one Type 1 sign per wetland, and at least one Type 1 sign shall be placed in any lot that borders the CAPA, unless otherwise approved by the county biologist. The design and proposed locations for the CAPA signs shall be submitted to the Land Use Division for review and approval prior to installation.

34. Split-rail fencing shall be installed satisfactorily around the boundary of CAPA.
35. The High Decorative Screen Fence as detailed on Sheet L-520 of the Landscape Plans must be satisfactorily installed adjacent to the parking lot, as depicted on Sheets L-210, L-211, & L-212 of the Landscape Plans.

Prior to building permit issuance:

36. Copies of the septic approval from the Snohomish County Department of Health shall be submitted to PDS.
37. The disclosure language of SCC 30.32B.220 below shall be listed on the commercial building permit:

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

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

38. The developer shall have submitted architectural plans for building permit review demonstrating compliance with all applicable building and fire code requirements.
39. The applicant shall pay an impact fee to Snohomish County for traffic impacts on the County's road system in the amount of \$49,104.32. The impact fee shall be distributed to each Transportation Service Area in accordance with SCC 30.66B.340, as indicated in the allocation table below. This payment may be made proportionately with each building 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	

40. Five feet shall be deeded as right-of-way along the property frontage on 300th Street NW for a total of 40 feet from the centerline of the right-of-way, or as determined by the Department of Public Works.

Prior to occupancy:

41. All required landscaping, including perimeter, parking and site shall be installed, and a qualified landscape designer shall certify to the Department that the installation complies with County code and the approved plans.
42. All fire hydrants shall be equipped with the following:
- a. A 4-inch Storz steamer port.
 - b. The top of the hydrant shall be painted pursuant to the level of service provided. Since the level of service provided is greater than 1,500 gpm, the tops of the hydrants shall be painted blue.
 - c. Install blue street reflectors hydrant side of centerline to locate hydrant upon approach of emergency vehicle apparatus.
43. All fire lane pavement striping shall be installed per the approved site plan. The fire lane shall be labeled "No Parking Fire Lane" every 50 feet.
44. Rural frontage improvements shall be constructed along the parcel's frontage on 300th Street NW to the satisfaction of the county.
45. The access point shall be restricted to right-in/right-out only and the construction of this access restriction will be to the satisfaction of the county.

Timing of approval expiration:

46. In accordance with SCC 30.70.140, a conditional use permit approval under chapter 30.42C SCC expires five years from the date of the approval if construction or use has not commenced. "Commence construction" is defined as the point in time when the breaking of ground for the construction of a development occurs.



Snohomish County

Department of
Planning & Development Services

DECISION OF THE DIRECTOR
Administrative Decision of Boundary Line Adjustment

PROJECT FILE NUMBER: 22 104576 BLA

TAX ACCOUNT NUMBERS: 320418-001-001-00 (Lot 1)
320418-001-014-00 (Lot 2)

NATURE OF REQUEST: Administrative Decision of a Boundary Line Adjustment

CONVEYOR: Tulalip Tribes of Washington

RECEIVER: Tulalip Tribes of Washington

CONTACT PERSON: Evan Haines – Korsmo

PROJECT LOCATION: 29901 and 29919 80th Ave NW
Stanwood, WA 98292-9552
Sec 18 Twp 32 Rge 4

ACREAGE: 30.22 Acres +/-

ZONING: Rural 5 Acres (R-5)

COMPREHENSIVE PLAN DESIGNATION:
General Policy Plan Designation: Local Commercial Farmland

UTILITIES:
Water: Private Well
Sewer: Septic System

SELECTED AGENCY RECOMMENDATIONS:
Snohomish Health District: Approve

DECISION (SUMMARY): Approve with condition(s)

I. FINDINGS OF FACT

BACKGROUND INFORMATION

A. Request

The applicant proposes to adjust the boundary line of two legal lots. Tax parcel 320418-001-001-00 has been identified as Lot 1. Tax parcel 320418-001-014-00 has been identified as Lot 2.

B. Project Chronology and Background

The applicant filed the Affidavit of Boundary Line Adjustment (BLA) on March 16, 2022. The Snohomish Health District stated they have no objection to the proposed BLA on April 20, 2022.

C. Site Description

The property consists of two legal lots under zoning and subdivision regulations. Lots 1 and 2 are legal lots that were created by ZA9007384 SP and recorded on May 10, 1991, under AFN 9106140048.

Lot 1 is developed primarily on the western portion of the property with a dwelling, driveway, onsite drainfield, and multiple agricultural buildings associated with equestrian uses. The eastern portion of Lot 1 is pastureland.

Lot 2 is developed primarily on the western portion of the property with a Level I Health and Social Service Facility (contained in the existing dwelling), onsite drainfield and driveway. The eastern portion of Lot 2 is pastureland.

There is a wetland area that runs north to south on the eastern portion of both properties.

Following the BLA all buildings and associated drainfields will be located on Lot 2.

II. ISSUES OF CONCERN

No issues of concern were raised by the proposal. Two questions were submitted related to process and code compliance for the proposal. Staff provided emailed responses to the questions and the party with questions has been made a party of record.

III. PROJECT CONSISTENCY WITH ADOPTED CODES AND POLICIES

Boundary Line Adjustment (SCC 30.91B.180)

Boundary line adjustment means the adjustment of boundary lines between two abutting lots, tracts, or parcels, which creates no additional lot, tract, parcel, or site and which results in no lot, tract, parcel, or site that contains insufficient area and dimension to meet minimum requirements for width and area, except as provided in SCC 30.41E.100(8).

Purpose and Applicability (SCC 30.41E.010)

The purpose is to allow for adjustment of boundary lines of existing lots where no new lot is created.

Procedure and Special Timing Requirements
(SCC 30.41E.020)

The department may approve, approve with conditions, or deny a boundary line adjustment through a Type 1 process. The BLA is exempt from notice provisions. The department shall decide upon a BLA application within 45 days following submittal of a complete application. The applicant provided a waiver of the 45-day processing timeline on May 25, 2022. The department may deny a BLA application due to incorrect or incomplete submittal information. The legal descriptions of the revised lots, tracts, or parcels shall be certified by a licensed surveyor or title company.

General Development Standards - Bulk Regulations
(SCC 30.23)

Pursuant to Table 30.23.030(1) Bulk Matrix, the minimum lot area for parcels in the R-5 zone is 200,000 square feet, and the minimum lot width is 165 feet. Lots 1 and 2 have both been identified as conforming lots as to lot area and width.

Decision Criteria – Boundary Line Adjustment
(SCC 30.41E.100)

The burden of proof of compliance with all elements of the decision criteria lies with the applicant.

1. *The proposed BLA is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of subtitle 30.2 SCC and any conditions deriving from prior subdivision or short subdivision actions.*

The proposed BLA is consistent with the development standards of SCC 30.22 uses, 30.23 bulk regulations, SCC 30.24 roads and access, and SCC 30.25 landscaping. There is no new development and no new access points proposed with this BLA. The existing dwelling on Lot 1 will be located on Lot 2 after the BLA. This will result in two dwellings being located on one parcel, which is allowed in the R-5 zone when one dwelling is permitted as either an accessory dwelling unit (ADU) or a caretaker's quarters, or guesthouse.

The existing house on Lot 1 is over the 1,200 square foot limit for an accessory dwelling unit. The applicant provided information on June 28, 2022, in their response to PDS's request for information that identifies how they propose to comply with the ADU requirements of SCC 30.28. The response included a proposal to partition off a portion (379 square feet) of the existing living room from the remainder of the structure to formally designate it as storage space, a floor plan of the building including square footages, pre and post proposed partition, and a photo diagram of the existing room that shows the location of the proposed partition. The applicant proposes the partition to meet the square footage requirements of SCC 30.28.010, Accessory Dwelling Units.

A building is defined per SCC 30.91B.200, to mean "any structure having a roof supported by columns or walls designed for housing or shelter of persons, animals, or property of any kind. When separated by dividing walls without opening, each divided portion is considered a separate building." The applicant's proposal to partition off 379 square feet of the living room is an acceptable method to meet the square footage requirements of SCC 30.28.010 and in alignment with PDS' past and present practices regarding ADUs. The partitioned area will become a separate, attached storage building that has external access only. It is a condition of approval of the boundary line adjustment that the

applicant shall obtain permits and a final inspection of said permits, to partition the building to meet the accessory dwelling unit requirements prior to recordation of the BLA. There are no other requirements related to setbacks, access, or landscaping associated with this BLA. As conditioned, the BLA will be consistent with this requirement.

2. *The proposed BLA will not cause boundary lines to cross a UGA boundary, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes.*

The proposed BLA does not cross a UGA boundary or an onsite sewage disposal system, prevent access to water supplies or obstruct fire lanes. The Snohomish Health District reviewed the proposed BLA and responded with no objection. The BLA is consistent with this requirement.

3. *The proposed BLA will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the health district, the department of public works, or any other agency or department with expertise.*

No new access is proposed with the BLA. The Health District reviewed the application and responded with no objection to the proposed BLA. The BLA is consistent with this requirement.

4. *The proposed BLA will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns, as determined by the department of public works. The BLA shall comply with the access provision set forth in SCC 30.41E.200.*

No new access is proposed. The BLA is consistent with this requirement.

5. *When a BLA application is submitted concurrently with a type 2 application pursuant to SCC 30.41E.020(1)(b), and frontage improvements are required for the area subject to the BLA and the concurrent application, the improvements must be agreed to prior to approval of the BLA.*

The BLA application was not submitted concurrently with a type 2 application and no frontage improvements are proposed or required.

6. *If within an approved subdivision or short subdivision the proposed BLA will not violate conditions of approval of that subdivision or short subdivision.*

The proposed BLA does not violate conditions of the approval of the short subdivision and complies with this requirement.

7. *The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard.*

Lots 1 and 2 will remain conforming lots as to lot area and width requirements. The proposed BLA is consistent with this requirement.

8. *The proposed BLA may increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements provided that the proposed BLA satisfies the other requirements of this chapter, and the nonconforming condition is not increased by more than 50 percent.*

Lots 1 and 2 will remain conforming lots as to lot area and width requirements. The proposed BLA is not subject to this requirement.

9. *The proposed BLA will not result in lots with less than 1000 square feet of an accessible area suitable for construction when such area existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial zones.*

The proposed BLA is consistent with this requirement as adjusted Lots 1 and 2 will retain at least 1,000 square feet of accessible area suitable for construction after the adjustment, assuming that such an area existed prior to the proposed BLA.

IV. CONCLUSIONS

Based on the analysis of the decision criteria outlined above, PDS finds the proposed BLA is consistent with the development standards set forth in SCC 30.2 and the BLA decision criteria under SCC 30.41E as conditioned.

V. DECISION

Based on the findings of fact and conclusions entered above, the request for Boundary Line Adjustment is hereby **APPROVED** with the following condition:

Condition

- A. The applicant shall obtain permits and a final inspection of said permits, to partition the building to meet the accessory dwelling unit requirements prior to recordation of the BLA.

The BLA shall not take effect until recorded with the County Auditor.

Decision issued August 11, 2022



Rebecca Samy, Principal Planner
for Mike McCrary, Director
Department of Planning & Development Services

EXPLANATION OF RECORDING PROCEDURES

To finalize an approved Boundary Line Adjustment (BLA), the BLA Affidavits (application forms), certified legal descriptions, the BLA map, and Record of Survey (when applicable), must be recorded with the County Auditor **ON OR BEFORE August 11, 2023**, or the application and approval shall lapse.

If the BLA affects more than one property owner, conveyance document(s) shall be recorded at the same time as the BLA documents.

A digitally signed copy of the first page of the BLA affidavit will be provided to you once all conditions of approval have been satisfied. This should be combined with the original remaining pages of the affidavit in your possession for recording.

The County Auditor's office is located on the 1st floor of the Robert J. Drewel Building for document recording. Recording fees will be assessed at the time of recording.

Once the BLA documents have been recorded, please provide the Auditor's file number to PDS. This will finalize the process.

PAYMENT OF TAXES

RCW 84.56.345 – Alteration of property lines – Payment of taxes and assessments.

Every person who offers a document to the auditor of the proper county for recording that results in any division, alteration, or adjustment of real property boundary lines, except as provided for in RCW 58.04.007(1) and 84.40.042 (1)(c), shall present a certificate of payment from the proper officer who is in charge of the collection of taxes and assessments for the affected property or properties. All taxes and assessments, both current and delinquent must be paid. For purposes of chapter 502, Laws of 2005, liability shall begin on January 1st. Taxes not yet levied and certified shall be collected as an advance tax under RCW 58.08.040.

EXPLANATION OF APPEAL PROCEDURES

The decision of the Director is final and conclusive with right of appeal to the Snohomish County Hearing Examiner. For more information about the appeal procedures, please see Section 30.71.050 SCC and the respective Examiner Rules of Procedure.

Appeal

An appeal to the County Hearing Examiner may be filed by any aggrieved party of record. Appeals shall be addressed to the County Hearing Examiner but shall be filed in writing with the Department of Planning and Development Services, 2nd Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, Washington (Mailing address: M/S #604, 3000 Rockefeller Avenue, Everett, WA 98201) on or before August 25, 2022, and shall be accompanied by a filing fee in the amount of one thousand five hundred dollars (\$1,500.00); PROVIDED, that the filing fee shall not be charged to a department of the County; and PROVIDED FURTHER, that the filing fee shall be refunded in any case where an appeal is dismissed without hearing because of untimely filing, lack of standing, lack of jurisdiction or other procedural defect.

Appeals may also be accepted electronically by the Planning and Development Services Department and paid for by credit card over the phone as follows:

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

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

Parties of Record:

Hank Tingler – brownshooo@earthlink.net

<p>The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130</p>
--

LOT 1 BEFORE

LOT 1 OF SHORT PLAT NO. ZA9007384SP RECORDED UNDER AUDITOR'S FILE NUMBER 9106140048, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

LOT 2 BEFORE

LOT 2 OF SHORT PLAT NO. ZA9007384SP RECORDED UNDER AUDITOR'S FILE NUMBER 9106140048, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF SHORT PLAT ZA9007384SP, BEING ALSO THE NORTHEAST CORNER OF THE SOUTH 198.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.;

LESS THE WEST 30.00 FEET THEREOF;
THENCE NORTH 01° 13'02" EAST ALONG THE WEST BOUNDARY A DISTANCE OF 19.64 FEET TO AN EXISTING WOOD FENCE;
THENCE SOUTH 87°48'17" EAST ALONG SAID FENCE A DISTANCE OF 610.22 FEET;
THENCE SOUTH 87°56'04" EAST ALONG SAID FENCE A DISTANCE OF 610.31 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SUBDIVISION, BEING 12.28 FEET NORTH OF THE NORTH LINE OF THE SOUTH 198.00 FEET OF SAID SUBDIVISION;
THENCE SOUTH 00°21'31" WEST ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 12.28 FEET TO THE NORTH LINE OF THE SOUTH 198.00 FEET OF SAID SUBDIVISION;
THENCE NORTH 88°12'55" WEST ALONG THE NORTH LINE OF SAID SOUTH 198.00 FEET A DISTANCE OF 1220.62FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

LOT 1 AFTER

LOT 1 OF SHORT PLAT NO. ZA9007384SP RECORDED UNDER AUDITOR'S FILE NUMBER 9106140048, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.

EXCEPT THAT PORTION OF SAID LOT 1, LYING WEST OF THE FOLLOWING DESCRIBED LINE;

COMMENCING AT A POINT ON THE LINE COMMON TO LOT 1 AND LOT 2, POINT BEARING NORTH 89°38'29" WEST, 249.06 FEET FROM THE SOUTHEAST CORNER OF LOT 1 AND THE NORTHEAST CORNER OF LOT 2;
THENCE NORTH 27°41'00" WEST, 399.44 FEET;
THENCE NORTH 2°01'26" EAST, 195.27 FEET MORE OR LESS TO A POINT BEARING NORTH 87°58'34" WEST, 431.36 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1, AND POINT BEING 35 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, AND TERMINUS OF SAID LINE.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

LOT 2 AFTER

LOT 2 OF SHORT PLAT NO. ZA9007384SP RECORDED UNDER AUDITOR'S FILE NUMBER 9106140048, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF SHORT PLAT ZA9007384SP, BEING ALSO THE NORTHEAST CORNER OF THE SOUTH 198.00 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 32 NORTH, RANGE 4 EAST, W.M.;

LESS THE WEST 30.00 FEET THEREOF;
THENCE NORTH 01°13'02" EAST ALONG THE WEST BOUNDARY A DISTANCE OF 19.64 FEET TO AN EXISTING WOOD FENCE;
THENCE SOUTH 87°48'17" EAST ALONG SAID FENCE A DISTANCE OF 610.22 FEET;
THENCE SOUTH 87°56'04" EAST ALONG SAID FENCE A DISTANCE OF 610.31 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SUBDIVISION, BEING 12.28 FEET NORTH OF THE NORTH LINE OF THE SOUTH 198.00 FEET OF SAID SUBDIVISION;
THENCE SOUTH 00°21'31" WEST ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 12.28 FEET TO THE NORTH LINE OF THE SOUTH 198.00 FEET OF SAID SUBDIVISION;
THENCE NORTH 88°12'55" WEST ALONG THE NORTH LINE OF SAID SOUTH 198.00 FEET A DISTANCE OF 1220.62 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF LOT 1, SHORT PLAT NO. ZA9007384SP, LYING WEST OF THE FOLLOWING DESCRIBED LINE;

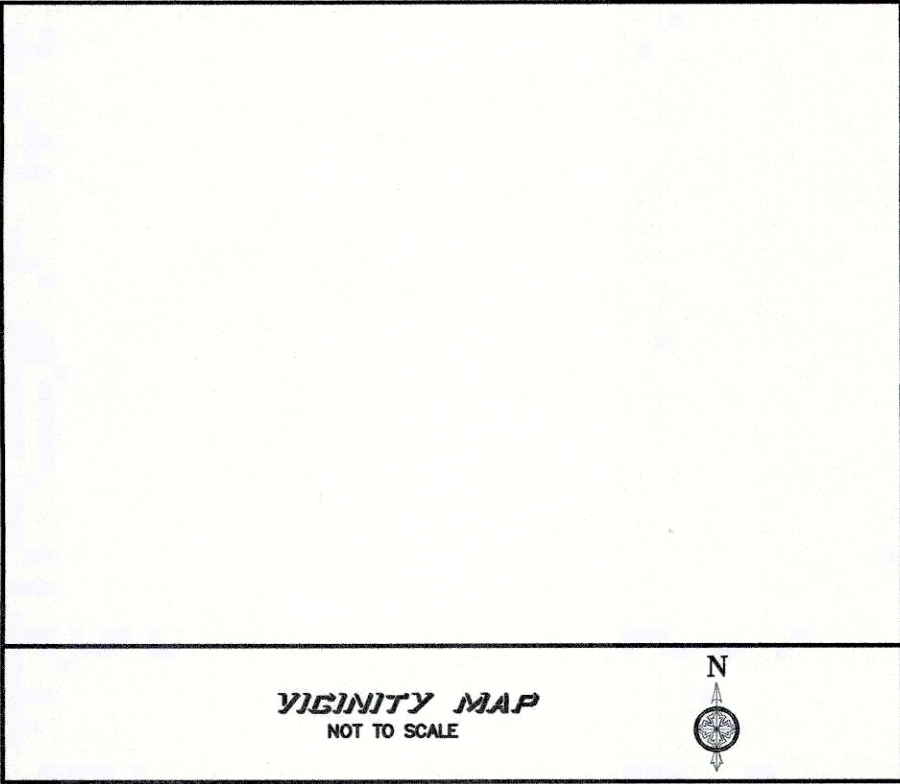
COMMENCING AT A POINT ON THE LINE COMMON TO LOT 1 AND LOT 2, POINT BEARING NORTH 89°38'29" WEST, 249.06 FEET FROM THE SOUTHEAST CORNER OF LOT 1 AND THE NORTHEAST CORNER OF LOT 2;
THENCE NORTH 27°41'00" WEST, 399.44 FEET;
THENCE NORTH 02°01'26" EAST, 195.27 FEET MORE OR LESS TO A POINT BEARING NORTH 87°58'34" WEST, 431.36 FEET FROM THE NORTHEAST CORNER OF SAID LOT 1, AND POINT BEING 35 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER, AND TERMINUS OF SAID LINE.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS ____ DAY OF _____, 2021
AT _____M. IN BOOK ____ OF _____ AT PAGE ____
AT THE REQUEST OF SEMRAU ENGINEERING AND SURVEYING, PLLC.

_____, BY _____
COUNTY AUDITOR DEPUTY COUNTY AUDITOR
AF# _____

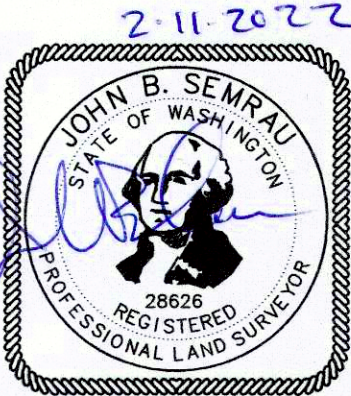


- NOTE
1. BASIS OF BEARING: WASHINGTON STATE PLAN COORDINATE SYSTEM, ZONE NORTH, FROM ALTA SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER 201110255005. BEARING OF NORTH LINE OF SECTION, S 87°58'34" E
 2. SURVEY PROCEDURE: STANDARD FIELD TRAVERSE AND RTK GPS.
 3. INSTRUMENTATION USED: LEICA MS50 THEODOLITE DISTANCE METER, LEICA VIVA 14 GPS/GNSS RECEIVERS.
 4. LEGAL DESCRIPTION IS FROM SUBDIVISION GUARANTEE BY XXXXXXXX ORDER NUMBER XXXXXXXXXXXX, DATED XXXXXX.

SURVEYOR'S CERTIFICATE

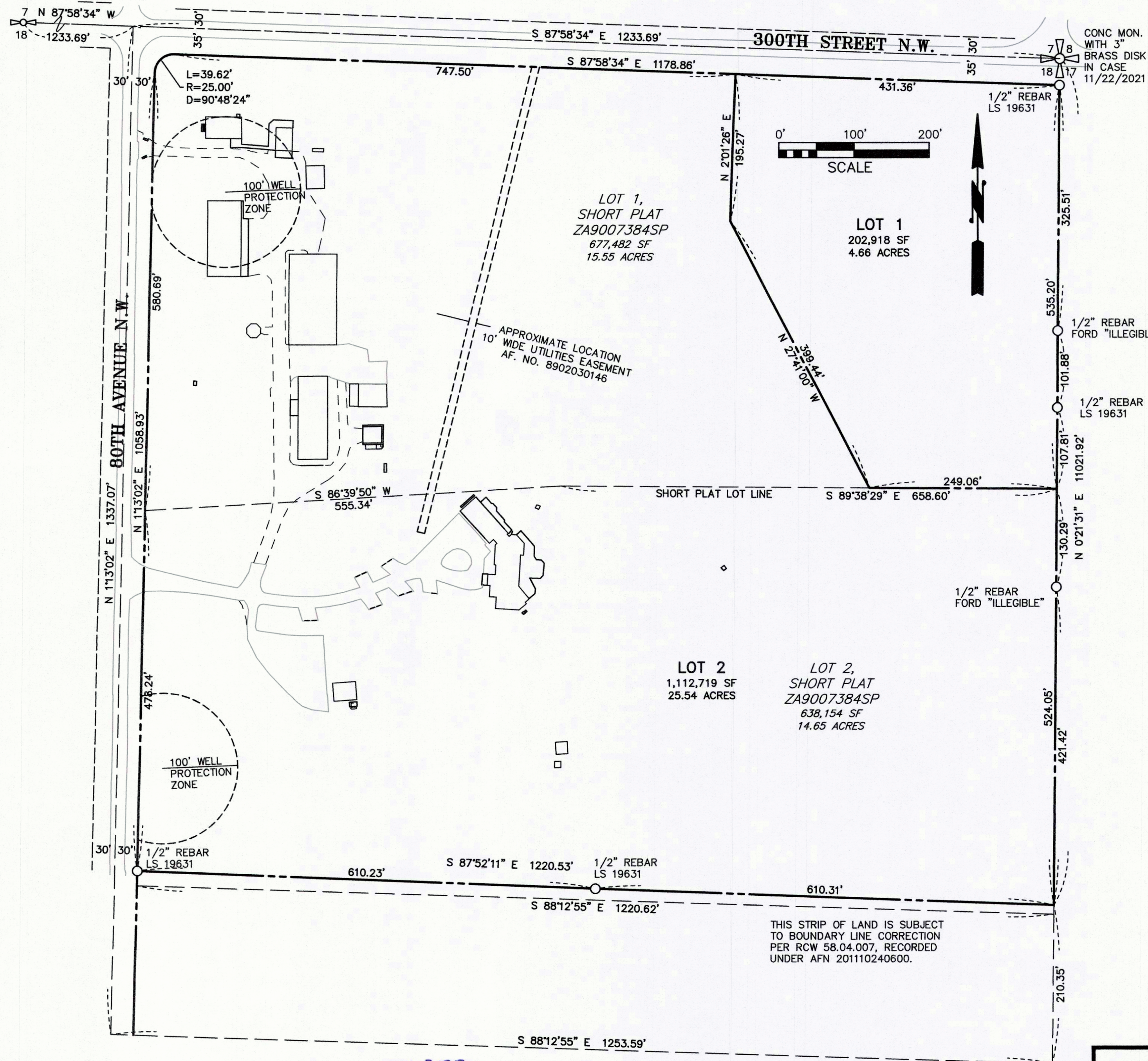
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF TULALIP TRIBE IN FEBRUARY 2022.

JOHN B. SEMRAU, P.E., P.L.S., CERTIFICATE NO. 28626 DATE:
SEMRAU ENGINEERING & SURVEYING, P.L.L.C.
2118 RIVERSIDE DRIVE SUITE 208
MOUNT VERNON, WA 98273



SHEET 1 OF 2

BOUNDARY LINE ADJUSTMENT		DATE
LOT 1 AND LOT 2, SHORT PLAT NO. ZA9007384SP IN A PORTION OF THE NE 1/4 OF THE NE 1/4 SECTION 18, T. 32 N., R. 4 E., W.M. FOR: THE TULALIP TRIBE		
FB. .	PG. .	SEMRAU ENGINEERING & SURVEYING SURVEYING • ENGINEERING • PLANNING MOUNT VERNON, WA 98273 360-424-9566
MERIDIAN: WSPN		SCALE: 1"= 100' JOB NO. 6170

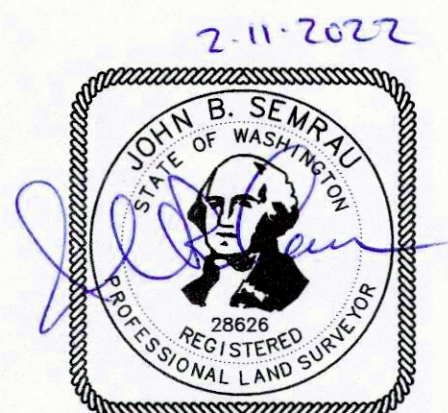


LOT AREA TABLE

	BEFORE	AFTER
LOT 1	15.55 AC	4.66 AC
LOT 2	14.65 AC	25.54 AC

THIS STRIP OF LAND IS SUBJECT
TO BOUNDARY LINE CORRECTION
PER RCW 58.04.007, RECORDED
UNDER AFN 201110240600.

SHEET 2 OF 2



BOUNDARY LINE ADJUSTMENT		DATE
LOT 1 AND LOT 2, SHORT PLAT NO. ZA9007384SP IN A PORTION OF THE NE 1/4 OF THE NE 1/4 SECTION 18, T. 32 N., R. 4 E., W.M. FOR: THE TULALIP TRIBE		
FB. . PG. .	SEMRAU ENGINEERING & SURVEYING SURVEYING • ENGINEERING • PLANNING MOUNT VERNON, WA 98273 360-424-9566	SCALE: 1"= 100' JOB NO. 6170
MERIDIAN: WSPN		

DRAWING FILE: 6170BLA.dwg 2/07/2022