

VI Submissions/Exhibits Entered for Council Closed Record Appeal

VI. Submissions/Exhibits Entered for Council Closed Record Appeal

- V.3 Councilmember Nehring Recusal
- V.6 Signed Verification of Appeal Received by John Filippov on 3/21/23
- V.7 Notice of Closed Record Appeal dated 03/28/23
- V.8 Affidavit of Mailing – Notice Closed Record Appeal – e-mailed and U.S. mailed on 03/28/23
- V.9 Letter to Applicant/posting notice – date 03/28/23
- V.10 Notarized statement/affidavit – applicant posting notice – 03/28/23
- V.11 Affidavit of Publication – Notice of Closed Record Appeal – dated 03/30/23
- V.12 Sign in Sheet – Parties of Record providing oral argument at public hearing 05/10/23
- V.13 Official Notice of Council Decision with Motion 23-215 – issued on 05/17/23
- V.14 Affidavit of Mailing – Official Notice of Council Decision – e-mailed on 05/17/23 and U.S. mailed on 05/17/23

From: Nehring, Nate
Sent: Monday, March 27, 2023 1:18 PM
To: Eco, Debbie
Cc: Wiita, Russell; Beazizo, Heidi
Subject: Closed Record Appeal

Hi Debbie,

Council received on March 21, 2023, an appeal in the matter of Residential Treatment Facility North. While that application was pending before PDS, I submitted a comment letter expressing concerns with the project. Consistent with the appearance of fairness doctrine, I am recusing myself from this matter and will not participate in the closed record appeal of the Residential Treatment Facility North project currently pending before Council.

Additionally, although I am technically a party of record in this appeal, I do not wish to receive any further communication regarding the appeal.

Sincerely,

Nate Nehring

Councilman, District 1
Snohomish County Council



3000 Rockefeller Ave., M/S 609

Everett, WA 98201-4046

☎: 425.388.3494 ✉: Nate.Nehring@snoco.org



**Snohomish County
Planning and
Development Services**

VERIFICATION OF APPEAL RECEIVED

FILE NO(S): 22 102230 CUP

APPELLANT: The Snowdens Megan (Tucker) Snowden and Steven Snowden, Kathleen M. Richardson, Sue Keller, Christi M. Bell and Joyful Tower, The Larson Christopher and Patricia Larson

DOCUMENT: Appeal for Residential Treatment Facility North

I, ***John Filippov***, Permit Technician, Planning & Development Services, certify under penalty of perjury under the laws of the State of Washington that:

1. I received in person an appeal on (3/21/2023) at (12:31pm).
1. Fees were paid by check in the amount of \$500.00 on (3/21/2023) at (12:31pm)
2. Receipt # 22691-1014952

Digitally signed by
Filippov , John
Date: 2023.03.21
14:08:07-07'00'

Signature

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF CLOSED RECORD APPEAL HEARING**

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on **Wednesday, May 10, 2023**, at the hour of 1:30 p.m. in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on March 21, 2023, from a decision of the Snohomish County Hearing Examiner dated March 7, 2023, regarding the application described below:

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

PROJECT NAME & APPLICATION FILE NO: Residential Treatment Facility North 22-102230 CUP

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

TYPE OF APPLICATION: Condition use permit to construct and operate a secure civil behavioral health services facility (level II health and social services facility)

APPLICANT: Tulalip Tribes

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

NATURE OF APPEAL HEARING: Snohomish County Code Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. **Appeal issues shall be limited to those expressly raised in the written appeal.** The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: Parties of record, other than the appellants, may file written arguments with the council clerk no later than 5:00 p.m. on April 11, 2023. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellant may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on April 18, 2023. Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted or mailed to 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

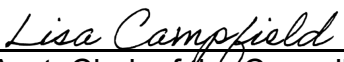
AVAILABILITY OF RECORD: The record, including the written appeal statement and written arguments presented by parties of record, is available upon request at the County Council Office, at the above address. Copies of documents may also be obtained by calling the Asst. Clerk of the Council at 425-388-3901 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the council website at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Lisa Campfield at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 28th day of March 2023.


Asst. Clerk of the Council

PUBLISH: March 31, 2023
Send Affidavit to: Council
Send Invoice to: Planning #107010



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AFFIDAVIT OF MAILING

PROJECT NAME FILE NO: Residential Treatment Facility North 22-102230 CUP


APPLICANT: Tulalip Tribes

DOCUMENT: Notice of Closed Record Appeal Hearing
E-mailed and U.S. mailed March 28, 2023

I, Lisa Campfield, Asst. Clerk of the Snohomish County Council, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Council to mail notices required by the Snohomish County Code.
2. I have made a good-faith effort to mail the above described document to each person entitled thereto. The names, mail addresses and e-mail addresses of the persons to whom said document was mailed are attached hereto.
3. I e-mailed and U.S. mailed said document on March 28, 2023.

Signed at Everett, Washington on March 28, 2023.



Lisa Campfield
Asst. Clerk of the Council

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF CLOSED RECORD APPEAL HEARING**

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on **Wednesday, May 10, 2023**, at the hour of 1:30 p.m. in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on March 21, 2023, from a decision of the Snohomish County Hearing Examiner dated March 7, 2023, regarding the application described below:

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

PROJECT NAME & APPLICATION FILE NO: Residential Treatment Facility North 22-102230 CUP

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

TYPE OF APPLICATION: Condition use permit to construct and operate a secure civil behavioral health services facility (level II health and social services facility)

APPLICANT: Tulalip Tribes

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

NATURE OF APPEAL HEARING: Snohomish County Code Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. **Appeal issues shall be limited to those expressly raised in the written appeal.** The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: **Parties of record, other than the appellants,** may file written arguments with the council clerk no later than 5:00 p.m. on April 11, 2023. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellant may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on April 18, 2023. Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted or mailed to 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

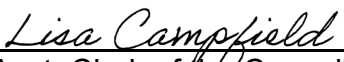
AVAILABILITY OF RECORD: The record, including the written appeal statement and written arguments presented by parties of record, is available upon request at the County Council Office, at the above address. Copies of documents may also be obtained by calling the Asst. Clerk of the Council at 425-388-3901 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the council website at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Lisa Campfield at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 28th day of March 2023.


Asst. Clerk of the Council

PUBLISH: March 31, 2023
Send Affidavit to: Council
Send Invoice to: Planning #107010



March 28, 2023

**Jared Mead
Nate Nehring
Sam Low
Megan Dunn
Strom Peterson**

BCRA
Megan Howey
2106 Pacific Ave., Suite 300
Tacoma, WA 98402

3000 Rockefeller Avenue
Everett, WA 98201-4046
(425)388-3494
FAX (425)388-3496
TTY (800)877-8339

RE: Posting of Notice
Snohomish County Council Closed Record Appeal Hearing
Residential Treatment Facility North

Ms. Howey,

Snohomish County Code 30.72.100(4) and 30.70.045 describe posting requirements required by the applicant. Enclosed are two copies of the notice of closed record appeal hearing for the aforementioned case and two sets of "bumper stickers". These are for posting on the large signs on the subject site.

After posting, please have the posting affidavit signed and notarized and return it to me at the Council office.

If you have any questions, please call me at (425) 388-3401. Thank you.

Sincerely,

Lisa Campfield

Lisa Campfield
Asst. Clerk of the Council

Encl.



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

This form shall be notarized, a copy of the notice attached hereto and presented to the office of the Snohomish County Council prior to the scheduled closed record appeal date.

FILE: Residential Treatment Facility North
File No: 22-102230 CUP

CLOSED RECORD APPEAL HEARING DATE: May 10, 2023 @ 1:30 p.m.

I hereby certify that I, Evan Haines, posted the above property in two or more conspicuous places on the subject property, in accordance with the requirements of SCC 30.72.100(4).

Posted on the 28th day of March, 2023.

Dated this 28th day of March, 2023.

Print Name: Evan Haines

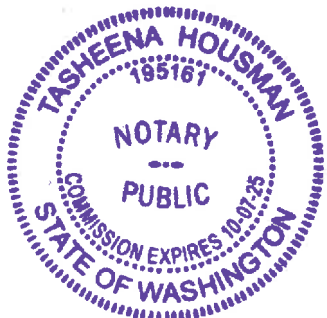
Signed: Evan Haines

Notary Signature: [Signature]

STATE OF WASHINGTON)

COUNTY OF SNOHOMISH)

Subscribed and sworn before me this 28th day of March, 2023.



Notary Public in and for the State of Washington residing at Fife, WA
exp 10.07.25

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF CLOSED RECORD APPEAL HEARING**

NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on **Wednesday, May 10, 2023**, at the hour of 1:30 p.m. in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on March 21, 2023, from a decision of the Snohomish County Hearing Examiner dated March 7, 2023, regarding the application described below:

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

PROJECT NAME & APPLICATION FILE NO: Residential Treatment Facility North 22-102230 CUP

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

TYPE OF APPLICATION: Condition use permit to construct and operate a secure civil behavioral health services facility (level II health and social services facility)

APPLICANT: Tulalip Tribes

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

NATURE OF APPEAL HEARING: Snohomish County Code Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. **Appeal issues shall be limited to those expressly raised in the written appeal.** The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.

PRESENTATION OF ARGUMENT: **Parties of record, other than the appellants,** may file written arguments with the council clerk no later than 5:00 p.m. on April 11, 2023. **Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellant may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on April 18, 2023. Such rebuttal is limited to the issues raised in written arguments filed by parties of record.** Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted or mailed to 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.

AVAILABILITY OF RECORD: The record, including the written appeal statement and written arguments presented by parties of record, is available upon request at the County Council Office, at the above address. Copies of documents may also be obtained by calling the Asst. Clerk of the Council at 425-388-3901 or by e-mailing contact.council@snoco.org.

WEBSITE ACCESS: Copies of the record will also be available through the council website at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.

ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Lisa Campfield at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 28th day of March 2023.

/s/ Lisa Campfield
Asst. Clerk of the Council

PUBLISH: March 31, 2023
Send Affidavit to: Council
Send Invoice to: Planning #107010

Everett Daily Herald

Affidavit of Publication

SNOHOMISH COUNTY COUNCIL
ORIGINAL HARD COPY

APR 12 2023

ELECTRONIC COPY RECEIVED: 4/12/23

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH974231 CLOSED RECORD AP HRG as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 03/30/2023 and ending on 03/30/2023 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$110.20.

[Signature]



Subscribed and sworn before me on this

30th day of March,
2023.

[Signature]

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
NOTICE OF CLOSED RECORD APPEAL HEARING
NOTICE IS HEREBY GIVEN that the Snohomish County Council will hold a closed record appeal hearing on Wednesday, May 10, 2023, at the hour of 1:30 p.m. in the Henry M. Jackson Board Room, 3000 Rockefeller Avenue, 8th Floor, Robert J. Drewel Building, Everett, Washington, in conjunction with a remote meeting platform via the following Zoom link, to consider an appeal received on March 21, 2023, from a decision of the Snohomish County Hearing Examiner dated March 7, 2023, regarding the application described below:

Zoom Webinar Information:

Join online at <https://zoom.us/j/84846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592
PROJECT NAME: Residential Treatment Facility North
APPLICATION FILE NO: 22-102230 CUP
LOCATION: 7800 block of 300th St. Stanwood, Washington 98292
TYPE OF APPLICATION: Condition use permit to construct and operate a secure civil behavioral health services facility (level II health and social services facility)
APPLICANT: Tulalip Tribes
APPELLANTS: Megan (Tucker) Snowden and Steven Snowden; Kathleen M. Richardson, Sue Keller; Christi M. Bell and Joyful Tower, and Christopher and Patricia Larson
NATURE OF APPEAL HEARING: Snohomish County Code Section 30.72.110 provides that the appeal will be heard at a closed record appeal hearing. Appeal issues shall be limited to those expressly raised in the written appeal. The appeal will be on the record with no new evidence allowed unless specifically requested by the County Council. No new appeal issues may be raised by a party of record after the close of time allowed by law for filing an appeal. Because this is not an open record hearing, members of the public who are not parties of record will not be allowed to present argument.
PRESENTATION OF ARGUMENT: Parties of record, other than the appellants, may file written arguments with the council clerk no later than 5:00 p.m. on April 11, 2023. Arguments are limited to the issues expressed in the written appeal; no new appeal issues may be raised. The appellants may file written rebuttal arguments with the council clerk, no later than 5:00 p.m. on April 15, 2023. Such rebuttal is limited to the issues raised in written arguments filed by parties of record. Arguments are encouraged to be submitted to the County Council through e-mail to contact.council@snoco.org. They may also be submitted or mailed to 3000 Rockefeller Ave., M/S 609, Everett, WA, 98201. Any party of record may present oral argument at the hearing.
AVAILABILITY OF RECORD: The record, including the written appeal statement and written arguments presented by parties of record, is available upon request at the County Council Office, at the above address. Copies of documents may also be obtained by calling the Asst. Clerk of the Council at 425-388-3901 or by e-mailing contact.council@snoco.org.
WEBSITE ACCESS: Copies of the record will also be available through the council website at: <https://snohomish.legistar.com/Calendar.aspx> or <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.
COUNTY COUNCIL ACTION: At the conclusion of the hearing, the County Council will adopt findings and conclusions in support of its decision, which may adopt any or all of the findings and conclusions of the Hearing Examiner. The Council may affirm the Hearing Examiner's decision, may reverse the Hearing Examiner's decision, wholly or in part, or may remand the matter to the Hearing Examiner for further proceedings in accordance with the Council's findings and conclusions.
ACCOMMODATION OF DISABILITIES: Accommodations for persons with disabilities will be provided upon request. Please make arrangements at least one week prior to the hearing by calling Lisa Campfield at (425) 388-3494, (800) 562-4367 x3494, or TTY/Voice Communication 1-800-877-8339.

Dated this 28th day of March 2023.
/s/Lisa Campfield
Asst. Clerk of the Council
107010
Published: March 31, 2023. EDH974231

**PARTIES OF RECORD SIGN UP SHEET
CLOSED RECORD APPEAL**

**LIMITED TO PARTIES OF RECORD ONLY
PLEASE SIGN IN IF YOU ARE PROVIDING ORAL ARGUMENT
May 10, 2023**

FILE: Residential Treatment Facility NorthFILE NO: 22-102230 CUP

NAME (<i>Please Print</i>)	CITY OF RESIDENCE AND/OR E-MAIL ADDRESS
1. Karen Schilde	Everett schildek@comcast.net
2. Gay-Lynn Beighton	Edmonds gay-lynnb@nami-sno-isle.org
3. Melville Jolie Melville	Cannon Island juliemelville@gmail.com
4. Stuart Heady	Cannon Island stuart.HEADY@gmail.com
5. Michelle Meaker	Everett mmeakerpine@gmail.com
6. NOT A PAR Summer Starr	Bellingham sstarr@nami.wa.org
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**OFFICIAL NOTICE OF COUNCIL DECISION**

In re the Appeal of Land Use Decision by Megan (tucker) Snowden and Steven Snowden; Kathleen M. Richardson; Sue Keller; Christi M. Bell and Joyful Tower; and Christopher and Patricia Larson regarding the Residnetial Treatment Facility North project, File. No. 22-102230 CUP, approving with conditions a conditional use permit to construct and operate a secure civil behaviorial health services facility (level II health and social services facility) on property located in unincorporated Snohomish County at the 7800 block of 300th St. Stanwood, Washington 98292.

NOTICE IS HEREBY GIVEN, that on May 10,2023 a closed record appeal hearing in this matter was held and the County Council directed staff to draft a written motion affirming all Hearing Examiner decisions challenged in the appeal and adopting additional findings.

FURTHER NOTICE IS HEREBY GIVEN, that on May 17, 2023, the Snohomish County Council approved a written motion consistent with the oral direction provided at the May 10, 2023, closed record appeal hearing, and amended at General Legislative Session on May 17, 2023, attached hereto as Council Motion 23-215.

FURTHER NOTICE IS GIVEN, that unless otherwise provided by law any person having standing who wishes to appeal this decision must do so by filing a land use petition in Superior Court in accordance with the provisions of Chapter 36.70C RCW and SCC 30.72.130.

FURTHER NOTICE IS GIVEN, that affected property owners may request the Snohomish County Assessor to make a change in valuation for property tax purposes notwithstanding any program of revaluation.

DATED this 17^h day of May, 2023.



Lisa Campfield
Asst. Clerk of the Council

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 23-215

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE
CLOSED RECORD APPEAL OF RESIDENTIAL TREATMENT FACILITY NORTH,
FILE NO. 22-102230 CUP

WHEREAS, applicant Tulalip Tribes of Washington, a federally recognized Indian tribe and native sovereign nation, applied to Snohomish County for a conditional use permit (CUP) to construct and operate a secure civil behavioral health services facility (level II health and social services facility); and

WHEREAS, the Hearing Examiner held an open record hearing on the CUP on January 24 and 26, 2023, and left the record open until February 3, 2023, for the limited purpose of allowing the department of Planning and Development Services and Tulalip Tribes to respond to public comments and provide additional information on issues raised during the hearing; and

WHEREAS, the Hearing Examiner issued a decision on March 7, 2023, approving the CUP subject to conditions; and

WHEREAS, on March 21, 2023, appellants Megan Tucker Snowden, Steven Snowden, Kathleen M. Richardson, Sue Keller, Christi M. Bell, Joyful Tower, Christopher Larson, and Patricia Larson, represented by their attorney, Tom Ehrlichman, filed an appeal of the March 7, 2023, decision of the Hearing Examiner to the County Council under SCC 30.72.070; and

WHEREAS, the County Council held a closed record appeal hearing on May 10, 2023, to consider the appeal issues; and

WHEREAS, the County Council did not consider any appeal issues not raised in the written appeal or any evidence not in the record from the Hearing Examiner, consistent with SCC 30.72.110; and

WHEREAS, after considering the appeal based upon the record and the argument of the appellants, the applicant, and several parties of record, the County Council approves a motion to affirm the Hearing Examiner's March 7, 2023, decision, with certain additional findings and conclusions described below.

NOW, THEREFORE, ON MOTION:

Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

1. The County Council adopts the findings and conclusions of the Hearing Examiner in the matter of Residential Treatment Facility North, File No. 22-102230 CUP.
2. The County Council adopts the following additional findings and conclusions:
 - a. This appeal challenges the Examiner's March 7, 2023, decision on a conditional use permit application for a level II health and social services facility use. The CUP Application did not divide any lots into any sizes.
 - b. Snohomish County comprehensive plan land use policy 7.B.1 is not applicable to the CUP Application because the CUP Application did not propose or accomplish any lot division.
 - c. Snohomish County code provision 30.32B.120 is not applicable to the CUP Application because the CUP Application did not propose or accomplish any lot division.
 - d. Snohomish County comprehensive plan land use objective 7.B is not a prohibition on non-agricultural uses, nor does it prohibit approval of the CUP Application. This comprehensive plan objective is not applicable to the CUP Application, or, if it is, the CUP Application is generally consistent with Objective LU 7.B.
 - e. Regarding appellant's request for the Council to take official notice of facts or records not in evidence, Council declines to do so, consistent with SCC 30.72.110.


Section 2. The County Council hereby affirms the decision of the Hearing Examiner dated March 7, 2023, in the matter of Residential Treatment Facility North, File No. 22-102230 CUP.

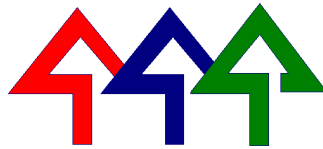
DATED this 17th day of May, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair

ATTEST:


Asst. Clerk of the Council



**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

AFFIDAVIT OF MAILING

PROJECT NAME FILE NO: Residential Treatment Facility North 22-102230 CUP


APPLICANT: Tulalip Tribes

DOCUMENT: Notice of Council Decision
E-mailed and U.S. mailed May 17, 2023

I, Lisa Campfield, Asst. Clerk of the Snohomish County Council, certify under penalty of perjury under the laws of the State of Washington that:

1. I have been authorized by the Snohomish County Council to mail notices required by the Snohomish County Code.
2. I have made a good-faith effort to mail the above described document to each person entitled thereto. The names, mail addresses and e-mail addresses of the persons to whom said document was mailed are attached hereto.
3. I e-mailed and U.S. mailed said document on May 17, 2023.

Signed at Everett, Washington on May 17, 2023.



Lisa Campfield
Asst. Clerk of the Council

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

OFFICIAL NOTICE OF COUNCIL DECISION

In re the Appeal of Land Use Decision by Megan (tucker) Snowden and Steven Snowden; Kathleen M. Richardson; Sue Keller; Christi M. Bell and Joyful Tower; and Christopher and Patricia Larson regarding the Residnetial Treatment Facility North project, File. No. 22-102230 CUP, approving with conditions a conditional use permit to construct and operate a secure civil behaviorial health services facility (level II health and social services facility) on property located in unincorporated Snohomish County at the 7800 block of 300th St. Stanwood, Washington 98292.

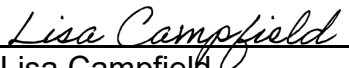
NOTICE IS HEREBY GIVEN, that on May 10,2023 a closed record appeal hearing in this matter was held and the County Council directed staff to draft a written motion affirming all Hearing Examiner decisions challenged in the appeal and adopting additional findings.

FURTHER NOTICE IS HEREBY GIVEN, that on May 17, 2023, the Snohomish County Council approved a written motion consistent with the oral direction provided at the May 10, 2023, closed record appeal hearing, and amended at General Legislative Session on May 17, 2023, attached hereto as Council Motion 23-215.

FURTHER NOTICE IS GIVEN, that unless otherwise provided by law any person having standing who wishes to appeal this decision must do so by filing a land use petition in Superior Court in accordance with the provisions of Chapter 36.70C RCW and SCC 30.72.130.

FURTHER NOTICE IS GIVEN, that affected property owners may request the Snohomish County Assessor to make a change in valuation for property tax purposes notwithstanding any program of revaluation.

DATED this 17^h day of May, 2023.



Lisa Campfield
Asst. Clerk of the Council

E-mailed: 05/17/23
Mailed: 05/17/23

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 23-215

AFFIRMING THE HEARING EXAMINER'S DECISION IN THE
CLOSED RECORD APPEAL OF RESIDENTIAL TREATMENT FACILITY NORTH,
FILE NO. 22-102230 CUP

WHEREAS, applicant Tulalip Tribes of Washington, a federally recognized Indian tribe and native sovereign nation, applied to Snohomish County for a conditional use permit (CUP) to construct and operate a secure civil behavioral health services facility (level II health and social services facility); and

WHEREAS, the Hearing Examiner held an open record hearing on the CUP on January 24 and 26, 2023, and left the record open until February 3, 2023, for the limited purpose of allowing the department of Planning and Development Services and Tulalip Tribes to respond to public comments and provide additional information on issues raised during the hearing; and

WHEREAS, the Hearing Examiner issued a decision on March 7, 2023, approving the CUP subject to conditions; and

WHEREAS, on March 21, 2023, appellants Megan Tucker Snowden, Steven Snowden, Kathleen M. Richardson, Sue Keller, Christi M. Bell, Joyful Tower, Christopher Larson, and Patricia Larson, represented by their attorney, Tom Ehrlichman, filed an appeal of the March 7, 2023, decision of the Hearing Examiner to the County Council under SCC 30.72.070; and

WHEREAS, the County Council held a closed record appeal hearing on May 10, 2023, to consider the appeal issues; and

WHEREAS, the County Council did not consider any appeal issues not raised in the written appeal or any evidence not in the record from the Hearing Examiner, consistent with SCC 30.72.110; and

WHEREAS, after considering the appeal based upon the record and the argument of the appellants, the applicant, and several parties of record, the County Council approves a motion to affirm the Hearing Examiner's March 7, 2023, decision, with certain additional findings and conclusions described below.

NOW, THEREFORE, ON MOTION:

Section 1. The Snohomish County Council makes the following findings of fact and conclusions:

1. The County Council adopts the findings and conclusions of the Hearing Examiner in the matter of Residential Treatment Facility North, File No. 22-102230 CUP.
2. The County Council adopts the following additional findings and conclusions:
 - a. This appeal challenges the Examiner's March 7, 2023, decision on a conditional use permit application for a level II health and social services facility use. The CUP Application did not divide any lots into any sizes.
 - b. Snohomish County comprehensive plan land use policy 7.B.1 is not applicable to the CUP Application because the CUP Application did not propose or accomplish any lot division.
 - c. Snohomish County code provision 30.32B.120 is not applicable to the CUP Application because the CUP Application did not propose or accomplish any lot division.
 - d. Snohomish County comprehensive plan land use objective 7.B is not a prohibition on non-agricultural uses, nor does it prohibit approval of the CUP Application. This comprehensive plan objective is not applicable to the CUP Application, or, if it is, the CUP Application is generally consistent with Objective LU 7.B.
 - e. Regarding appellant's request for the Council to take official notice of facts or records not in evidence, Council declines to do so, consistent with SCC 30.72.110.


Section 2. The County Council hereby affirms the decision of the Hearing Examiner dated March 7, 2023, in the matter of Residential Treatment Facility North, File No. 22-102230 CUP.

DATED this 17th day of May, 2023.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Council Chair

ATTEST:


Asst. Clerk of the Council