

November 30, 2022

To: Peter Camp, Snohomish County Hearing Examiner
via hearing.examiner@co.snohomish.wa.us

RE: Response to Snohomish County Department of Planning and Development Services'
Motion to Dismiss

Local File Number: 22 102230 CUP
Project File Name: Residential Treatment Facility North
Applicant: Tulalip Tribes

Dear Mr. Camp,

The county has a duty to ensure adequate information is collected before making a determination per WAC 197-11-335. This project likely has probable significant environmental impacts that were not revealed in the application due to the incomplete and insufficient information provided. Procedurally, the county lacked sufficient information to make a threshold determination. Substantively, the county made the wrong threshold determination. The county has failed to satisfy its obligation which has resulted in an erroneous decision.

Specifically,

- The applicant, through public statements and written communications with the county, has stated that they have plans for further development on property immediately adjacent to the subject parcel and under the same ownership. The applicant did not include any of these future plans in their submission. The county is therefore unable to evaluate the cumulative impacts of the applicant's plans.
- The proposed septic design has been denied by the county health department. See Exhibit C of the Motion to Dismiss. A SEPA decision cannot be issued based on a septic design that is denied. Portions of the proposed and denied septic system were within a wetland buffer and touching or nearly touching the wetland itself. How can the county assess the environmental impacts of a septic system that has not been finalized? The county lacked sufficient information on the environmental impacts of the project's septic system to make a threshold determination.
- The septic design submitted with the project application underestimates the number of staff in each facility by over 28%. An inadequately sized septic system will most certainly have significant environmental impacts, especially in light of the septic system's close proximity to a protected wetland. Perhaps this will eventually be addressed in the response to the health department's denial of the current design but a decision cannot be based on information that *might* be provided. Until and unless it is addressed it remains a significant issue.
- The project includes construction of a gravel maintenance road which bisects the wetlands and their buffers. This will have significant impacts to the wetland hydrology and is inconsistent with allowed uses in wetlands and wetland buffers. This is a

significant adverse environmental impact that should have resulted in a determination of significance.

- The project relies on public water which is not yet available to the site. The Motion to Dismiss claims that the letter of water availability from the City of Stanwood in their Attachment D is sufficient to ensure public water will be delivered. However, the letter is limited to a statement of capacity and proposed water main design. It does not guarantee public water will be available. The development to extend the water main should be included in the scope of the SEPA analysis as it is a requirement for the project to proceed and may have significant environmental impacts that the county has not evaluated or considered in their determination. Additionally, should the extension of the water main not be feasible, the project would be required to identify an alternative water source. A well of the size necessary to serve this project could easily impact the available groundwater and reduce the water available to surrounding properties which rely on wells as their only water source, resulting in significant environmental impacts. This is a major concern given that the proposed project is less than 350 yards from the boundary of the Skagit River Basin Instream Flow Rule Area and the volume of water drawn by the project could contribute to the imposition of water restrictions and availability for the community (WAC 173-503).
- The traffic study did not include the intersection closest to the driveway providing access to the development. This intersection is the only access for over 430+ homes in the Lake Ketchum neighborhood, with higher peak and total trip volumes than the intersection analyzed. The county failed to meet the standard of collecting adequate information by allowing this intersection to be excluded from the study, and the impact to this neighborhood may be significant.
- The county also failed to meet the standard of collecting adequate information by not obtaining specific information about the impact of the presence of a long-term civil commitment facility in a rural residential neighborhood served by a regional EMS organization. The applicant claims this project “might expect to result in a minor increase in need... as would be expected of any development.” A healthcare facility which cares for up to 32 patients who present a likelihood of serious harm to themselves or others or are gravely disabled will have a much greater impact on EMS services than a single-family residence which would typically be allowed on this parcel. The county has a duty to require the applicant to provide estimates for the frequency and type of emergency services typical for this type of development as it is significantly different from the type of development local EMS would anticipate in their planning for future demand. This facility risks significantly impacting response times and services available to the local community and the new residents this facility intends to serve. To the extent that this facility requires a higher need for service, it will require additional emergency services staffing or diminish the services available to other residents.

The county appears to rely on an argument that I did not submit a sworn declaration with my appeal of the SEPA threshold determination. But I did submit a sworn declaration dated October 5, 2022. My declaration incorporated by reference “the facts and evidence presented” in my October 3, 2022 appeal. That meets the requirement in county code provision 30.61.305.

The Motion to Dismiss should be denied. Had the county considered the additional information, they would have decided differently.

Thank you.

A handwritten signature in blue ink, appearing to read 'K. Richardson', with a long, sweeping horizontal line extending to the right.

Kathleen Richardson
7925 300th ST NW
Stanwood WA 98292