

June 22, 2020

Via E-mail Only: kweir@ci.sedro-woolley.wa.us

City of Sedro-Woolley Hearing Examiner

325 Metcalf Street
Sedro-Woolley, WA 98284
Attn: Katherine Weir, Planning Department

Re: CUP-2019-362, Skagit County Stabilization Campus
Supplemental Response

Dear Hearing Examiner and Ms. Weir,

We appreciated the opportunity to present the County's project at the public hearing on June 18, 2020. Shortly after the public hearing began, the County project team received the enclosed correspondence from John Coleman in the Planning Department proposing amended permit conditions. These permit conditions were generally addressed in the County's June 11, 2020 Response to the City's Staff Report.

To recap, the County requested the City delete proposed permit conditions #2 and #3 and replace them with the following language:

Prior to building occupancy approval, Skagit County shall submit a facility operations plan to the City, which shall address staff and patient safety and security measures, the use of local emergency services, and patient transportation. Skagit County, the facility operator, and the City of Sedro-Woolley will work in good faith to address any facility operation concerns as they arise.

The City's June 18, 2020 correspondence stated "the Planning Department sees the applicant's request to combine the staff recommend [sic] conditions #2 and #3 as modified as reasonable." The County appreciates the City's willingness to reconsider its previously proposed permit conditions #2 and #3 and replace them both with the County's proposed language above. Accordingly, the County respectfully requests the Hearing Examiner utilize the above agreed upon language in the Conditional Use Permit (CUP).

Additionally, the City's June 18, 2020 correspondence addressed the County's request to delete proposed condition #5, which stated "there shall be no co-located housing on this property." In response to the County's request to delete this proposed condition, the City proposed the following alternative language:

Per 17.56.010 "All aspects of the application, including site plans and design of signs and other improvements, are considered binding." After approval of a CUP is issued for a property, that property is required to conform to the scope of development and specific conditions included in the CUP approval unless the CUP is modified or expires per the time limitations in Chapter 17.56

SWMC. Conditional uses and uses allowed per the underlying zoning may not combined without modifying the CUP. Any future changes in use or new construction on the property shall be within the scope of the approved CUP.

The County appreciates the City's willingness to reconsider proposed permit condition #5. The County reiterates its request to delete the original proposed permit condition language and the subsequent proposed revisions. As noted in the County's June 11, 2020 Response and as referenced in the City's Staff Report, the County's CUP application includes a two phased project: Phase I is an evaluation and treatment center with administrative offices and Phase II is a secure, acute detox management facility. The current proposal does not include any co-located housing, and there are currently no plans to include co-located housing as a part of this project. However, City code currently permits residential units above the first story of a commercial building in the Mixed Commercial Zone pursuant to Sedro-Woolley Municipal Code (SWMC) 17.20.010(A)(2).

The County understands that future proposals changing the type of use from the currently proposed phased project will require additional City review and approval. Since the City's code adequately reflects this requirement, the County does not understand the need for any additional permit conditions. Furthermore, the County is concerned that the proposed permit condition may be interpreted as inconsistent with the City's current code. For example, the revised proposed condition states that "any future changes in...new construction on the property shall be within the scope of the approved CUP" (emphasis added). However, any changes in new construction would be regulated under SWMC 17.88.070, which requires "any building permit for an EPF [essential public facility]" to "comply with all conditions of approval in the conditional use permit" (emphasis added). Staff's proposed condition appears to create a broader requirement that is not supported by Sedro-Woolley Municipal Code, and which may have the unintended consequence of limiting any modification to the project. Therefore, the proposed inconsistent permit condition should not be included in the CUP.

Since the City's code is subject to change over time, the County is concerned that this proposed permit condition may cause further confusion and be more difficult to interpret at a later date when the City code changes. Therefore, for clarity purposes, the County respectfully requests that the original proposed permit condition #5 and the subsequent proposed revisions be removed.

Lastly, during the June 18, 2020 public hearing, there was a brief discussion about how to apply the time limitations on Conditional Use Permits under SWMC 17.56.060 to the County's project. SWMC 17.56.060 states:

Conditional use permits shall become void if substantial progress toward construction of improvements is not made within two years or if the use has not commenced within five years, which periods may be extended by the hearing examiner for good cause.

As discussed at the public hearing, this provision should be applied to the project as whole, not the individual phases. If the County makes "substantial progress toward construction of improvements" and commences Phase I of the project, these actions should be sufficient to prevent voiding the permit for the entire project. Since construction will begin shortly after the building permit for Phase I is issued and grant funding is uncertain at this time for Phase II, the County respectfully requests that this provision be applied to the entire

project the County applied for (as reflected in the City's staff report). This code provision is intended to void permits for projects that fail to break ground entirely, which is not the case here.

If SWMC 17.56.060 was applied individually to the project phases, the County would have good cause for an extension due to the uncertainty of grant funding for Phase II and other potential financial and operational impacts due to COVID-19. It appears this code provision provides the Hearing Examiner with broad discretion for time extensions. **The County seeks clarification from the Hearing Examiner on how SWMC 17.56.060 will be applied to this project, in order to provide certainty for both the County and the City as the project moves forward.**

Thank you again for holding the record open for additional public comments and for hosting a remote public hearing. The County looks forward to partnering with the City to provide these essential services to our community. Please do not hesitate to contact us with any additional questions.

Sincerely,

A handwritten signature in blue ink that reads "Christine Phillips".

Christine Phillips
BCRA Senior Associate

Enclosure: June 18, 2020 Correspondence from City of Sedro-Woolley Planning Department

cc: John Coleman (*via e-mail only*: jcoleman@ci.sedro-woolley.wa.us)