

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF SNOHOMISH**

In the Matter of the Application of	)	No. 17-13-CUP
	)	
<b>Joshua Scott, Craft, LLC</b>	)	CD Trust
	)	
<u>For Approval of a Conditional Use Permit</u>	)	<b>POST-HEARING ORDER</b>

TO: Mr. Chris Koh, Appellant  
Via facsimile to: 206-633-2029

Mr. Duane Dvorak, City Planner  
Via facsimile to: 360-568-1375

Ms. Brooke Eidem, Permit Coordinator and Clerk to the Hearing Examiner  
Via Facsimile to: 360-568-1375  
[For file]

**BACKGROUND**

Chris Koh of CD Trust (Owner), requests a conditional use permit (CUP) to allow conversion of existing vacant buildings into a 25-bed Senior Assisted Living Facility (ALF) at 402 Avenue E and 410 Avenue E, Snohomish, Washington. An open record hearing was held on February 26, 2014.

**ADDITIONAL INFORMATION NEEDED**

During the hearing, Rich Softye, a party of record, requested to submit Exhibit 45,<sup>1</sup> a list of questions regarding the CUP application. The Hearing Examiner accepted Exhibit 45 into the record. The Hearing Examiner then determined that the record should be kept open until March 7, 2014 to allow the Applicant and the City to respond to these questions. This Order details the specific information that should be provided. This Order limits the Applicant's and the City's responses and supporting documents solely to those offered in answer to those questions listed in Exhibit 45.

The responses and applicable supporting documents must be provided to the Clerk to the Hearing Examiner Brooke Eidam no later than 11:00 AM on March 7, 2014. The Clerk will forward copies

<sup>1</sup> A copy of Exhibit 45 is attached to this Order.

*Post-Hearing Order  
City of Snohomish Hearing Examiner  
CD Trust CUP, No. 17-13-CUP*

of responses and documents received to the Hearing Examiner. The Clerk will also make these responses and documents available for public review. Once all documents are received, or after March 7, 2014, the Hearing Examiner will prepare findings, conclusions and a decision.

So ordered this 28<sup>th</sup> day of February 2014.



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THEODORE PAUL HUNTER  
Hearing Examiner  
Sound Law Center

## Questions for Hearing

### Conditional Use Permit (CUP) for 402 Ave E

#### DRAFT

**"THIS IS NOT AN ISSUE OF TAKING CARE OF THE ELDERLY. THIS IS AN ISSUE OF DENSITY IN SINGLE FAMILY DESIGNATED AREAS OF OUR CITY."**

#### Questions?

1. Who from Snohomish will be responsible for monitor the conditions of use?
2. Since the application does not specify frail and elderly, is there an expectation that seniors can be anyone 55 and older?
3. Will the CUP include verbiage to include "no cars allowed for residents"?
4. Since the "new section" was not completed when the last CUP was approved, will all of the newly (associated with the 2008 CUP) constructed materials have to be removed and built to current building standards?
5. Does an environmental assessment have to be done to establish habitability of such an old and unused structure and concerns for the rain-soaked and moldy newer construction?
6. Current Comprehensive Plan (CP) identifies quietness and stability. How is this possible with a commercial facility?
7. Current CP SF 4.2 identifies 6 units per acre. How can we accommodate this large building on such a small lot?
8. Issue of Mass and Scale. This building is completely out of scale with the single family surrounding homes. How can this be resolved?
9. Mass and Scale The current building is huge compared to surrounding single family houses. With provisions to accommodate the on-site parking, ramps and covered area such as employee smoking areas, will this not increase the size even more?
10. Additional parking will take up more open space on the lot. Does this need to be taken into consideration?
11. Current CP SF 4.10 Assisted Living, low density MAY be allowed as nursing home or managed care on 3 acres. How do we justify such a large building on such a small lot?
12. Current CP SF 14.65 Adequate Streets. Assuming this includes City maintained alley ways, how does this affect the entire alley way between 4<sup>th</sup> and 5<sup>th</sup> streets? Paving? Widening?
13. Concerns for continued use of the building. Current Senior Care facilities such as Emeritus have a vacancy rate of \_\_\_\_\_. Once established and the business can't survive economically, can the owners change its purpose/designation?

14. Who will be able to monitor the conditions of operations and any conditions of this "unique" business with the current size of city government?
15. Are there any Americans with Disability Act (ADA) provisions that need to be incorporated into this CUP?
16. Parking on surrounding streets: Parking restrictions in the local area currently are only enforced when a citizen calls the police. How will any limitations of vehicles on the surrounding streets be monitored and enforced?
17. Parking on surrounding streets: Currently there is a grandfathered 5-plex diagonally across the intersection. There are up to 13 vehicles parking on the street and behind the house Should additional parking use in the surrounding area be considered when deciding this CUP?
18. Has the city sought the expertise of the fire department on how they will be able to access the alley side of the building in the event of a fire?
19. Citing what happened in Quebec in January 2014, will the staff be able to evacuate all of the occupants in an expeditious manner in the event of a fire?
20. Will emergency egress plans be required for this CUP?
21. There appear to be more power outages in this section of the city. (This must be verified) Will there be emergency generators required for this type of facility?
22. If the applicant is planning on frail and elderly to occupy the building why should proximity to bus lines be used as an argument to approve this CUP? Bus service one block away is very infrequent.
23. With the current use of alley ways by residents and garbage trucks will there be an additional city maintenance plan for the alley? (The potholes in the alley between D and E are an indication of what additional daily commercial vehicle usage can do.)
24. Will a caretaker be allowed to reside on the property?
25. Will visitor's parking spaces be designated on site?
26. Will deliveries be restricted to certain hours and only during workdays?
27. Will lighting be designed and verified to have no impact on the surrounding neighborhood?
28. Will there be opportunities to re-open the hearing to allow consideration of additional conditions to mitigate specific impacts to the surrounding community since this is a very unusual large business to place in a single family neighborhood?
29. Are there any restrictions on the current owner on how long he must maintain this business before it can be sold?
30. Will the city or the state be responsible for monitoring the operations of this business, i.e. occupants well-being, employee administration, sanitation, building and grounds maintenance, health, fire and safety, aspects.