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BEFORE THE HEARING EXAMINER FOR OAK HARBOR

Phil Olbrechts, Hearing Examiner

RE: Ituha Stabilization Center Addition Conditional Use File No. 2504-0016 and 2504- 0017	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Island County has applied for a conditional use permit and site plan approval to expand its existing 10-bed voluntary mental health detoxification facility located at 275 NE 10th Avenue. The proposal adds 985 square feet to the existing 10,260 square foot facility to accommodate six additional beds. The application is approved subject to conditions.

ORAL TESTIMONY

Ray Lindenburg, Oak Harbor Senior Planner, summarized his staff report. The applicant testified he agreed with the staff recommended conditions of approval. No one else testified.

EXHIBITS

The staff report and four additional exhibits identified in the staff report were admitted during the July 8, 2025 hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Dennis Dean, Jr., BCRA Design, 2106 Pacific Ave, Suite 300, Tacoma, WA 98402 on behalf of Island County.
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 2:00 pm on July 8, 2025.

1
2 **Substantive:**

3 3. Site/Proposal Description. Island County has applied for a conditional use
4 permit and site plan approval to expand an existing 10-bed voluntary mental health
5 detoxification facility located at 275 NE 10th Avenue by adding an additional 985
6 square feet to the 10, 260 square foot facility to accommodate six additional beds. The
proposed addition is a one-story structure designed to be residential in appearance.

7 The current facility was approved under a conditional use permit in 2018. The facility
8 has been in operation since 2019. The facility itself is for the exclusive use of Island,
9 Skagit and San Juan County residents. Clients are under constant and close supervision
10 and stay inside the building in sleep or day rooms. Secure, private outdoor space is
also provided. The parking areas are located to the side of the building. Landscaping
is provided around the site to screen the building and parking areas.

11 Staffing will consist of up to 10 employees for tasks such as evaluation, stabilization
12 and detox treatment under the direction of licensed psychiatrists, nurses, mental health
13 professionals and peer support staff. Services provided will include diagnostic
assessments, health screening, medication assessments and therapy sessions.

14 4. Characteristics of the Area. The project area is surrounded by property
zoned and used for multi-family residential use.

15 5. Adverse Impacts. No significant adverse impacts are anticipated from the
16 proposal. Specific impacts are addressed as follows:

17 A. Noise. Noise impacts should be nominal. The proposed addition will be
18 located in the rear of the existing building and the adjoining property to the south is
undeveloped as shown in the Ex. 3 site plan and Ex. 4 aerial. There should not be any
19 emergency vehicle traffic as clients are admitted on a voluntary basis and would not be
dropped off via ambulance or other emergency vehicle.

20 B. Light. Lighting impacts should be minimal. A condition of approval
21 requires that lighting be directed downward and away from existing residential uses.

22 C. Parking. The proposal conforms to the City's parking standards so is found
23 to have no significant parking impacts. OHMC 19.44.100 requires a minimum of 10
parking spaces based on the proposed use with up to 250% being the maximum number
24 allowed. The applicant has proposed 24 parking spaces to ensure adequate parking for
shift changes.

25 E. Traffic. Traffic impacts will be nominal and don't require mitigation. City
staff have determined that the traffic impact will be minor due to the facility's expected
low traffic count and lack of significant traffic during the morning and evening rush
hour periods. It doesn't appear that residents will be driving and total staff apparently
at any one time will be limited to ten persons.

1 F. Public Infrastructure and Utilities. The proposal will be served by adequate
2 utilities, as to be expected given that the proposal is a modest addition to an existing
3 building. City staff have found that existing City water and sewer lines will be
4 adequate to serve the proposed building and will not be stressed by the addition. The
5 proposed building will be tied into existing stormwater facilities that City staff have
6 sufficient for the purposes of stormwater treatment and dispersal. City staff have
7 determined that fire service and facilities will be sufficient for the proposal. Street
8 improvements for the site were constructed with the original building and the addition
9 doesn't trigger the need for additional improvements under City development
10 standards. City staff have found no need for any modifications to existing access or
11 any need for deeds, dedications or other easements. City staff have determined that
12 the addition of 6 new beds to the facility will not have an undue impact on the provision
13 of public services and will not overload existing facilities.

8 G. Compatibility. The project is found to be readily compatible with
9 surrounding uses, which are all commercial as well. As identified in other subsections
10 of Finding of Fact 5 herein, the proposal will not generate any significant adverse
11 impacts to surrounding uses, is designed to be residential in appearance and currently
12 abuts what appears to be undeveloped land. The design of the facility will be required
13 to meet the standards set forth in the DRG document, which addresses the goals of the
14 Urban Design Element, which imposes landscaping requirements, the location of
15 parking away from the front of buildings and high quality of material and design.

13 H. Erosion. The record doesn't suggest anything about the project that would
14 create erosion impacts on adjoining property. The city's clearing and grading permit
15 requirements specifically address erosion impacts and include requirements for erosion
16 and control plans designed to prevent erosion impacts to adjoining properties. See
17 Chapter 19.47 OHMC.

16 I. Critical Areas. The proposal will not adversely affect critical areas.
17 According to the staff report there are no critical areas on-site. Previous site plan
18 review of the initial phase of the project addressed the potential impacts to a nearby
19 wetland area through design of the stormwater facilities and ensuring the site meets all
20 relevant criteria of the OHMC and any state and federal standards. City staff have
21 found that the proposed addition will meet those standards as well.

20 CONCLUSIONS OF LAW

21 **Procedural:**

22 1. Authority of Hearing Examiner. OHMC 19.67.030 authorizes the hearing
23 examiner to issue decisions on applications for conditional use permits. The site plan
24 has been consolidated with the conditional use permit for examiner review and
25 approval as authorized by OHMC 18.20.220(2).

25 **Substantive:**

1 2. Zoning Designation. The property is currently zoned R-3.

2 3. Review Criteria. Skilled nursing facilities require a conditional use permit
3 in the R-3 zone per OHMC 19.20.1050. OHMC 19.67.03 sets the criteria for
4 conditional use permit applications. Pertinent criteria are quoted below and applied via
5 corresponding conclusions of law.

6 **OHMC 19.67.030:** *No conditional use shall be granted unless it meets the following
7 criteria:*

8 (1) *All special conditions for the particular use are met;*

9 4. Criterion met. The criterion is met. No special conditions apply to the proposal
10 except those imposed by this decision.

11 **OHMC 19.67.030(2):** *It does not have a significant, adverse environmental impact
12 resulting in excessive noise, light and glare or soil erosion on adjacent property;*

13 5. Criterion met. The criterion is met. The proposal will not create any significant
14 adverse noise, light or erosion impacts as determined in Finding of Fact No. 5A, B and
15 H.

16 **OHMC 19.67.030(3):** *It is provided with adequate parking;*

17 6. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
18 5D.

19 **OHMC 19.67.030(4):** *It is served with adequate public streets, public utilities and
20 facilities;*

21 7. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.
22 5E and 5F.

23 **OHMC 19.67.030(5):** *It otherwise meets the purpose of the district in which it is to be
24 placed;*

25 8. Criterion met. The criterion is met. The purpose and intent statement of the R-3
zone district (OHMC 19.20.160) provides that the R-3 district is “*intended to provide
for and protect areas for medium to high density multiple-family residential
development.*” The proposal meets the “protect” objective of this purpose clause by
designing the addition to be residential in character and in conformance with urban
design standards as outlined in Finding of Fact No. 5G. The objective is also met by
avoiding any significant adverse impacts to surrounding residential uses as determined
in Finding of Fact No. 5.

1 **OHMC 19.67.030(6):** It meets the goals and policies of the Oak Harbor comprehensive
2 plan.

3 9. Criterion met. The criterion is met. The staff report identifies that the goals of the
4 comprehensive plan are met because it meets comprehensive plan policies pertaining
5 to housing. Given that typical stays are limited to 3-5 days per Ex. 3 pdf 10, it's
6 debatable whether the proposal qualifies as housing. The proposal is nonetheless
7 consistent with the comprehensive plan because the proposal is compatible with
8 residential use and doesn't create significant adverse impacts as encouraged by goals
9 and policies such as Urban Design Comprehensive Plan Goal 2a.

7 **Site Plan**

8 **OHMC 19.48.037(1):** *Comprehensive Plan. The proposed site plan and other*
9 *application information proposed for development shall be consistent with the city's*
10 *comprehensive plan;*

11 10. The criterion is met for the reasons identified in Conclusion of Law No. 9.

12 **OHMC 19.48.037(2):** *Zoning. The proposed site plan and other required application*
13 *information shall meet the requirements of this title;*

14 11 The criterion is met. City staff have reviewed the proposal for conformance to the
15 City's zoning standards and have found all standards met. There is no evidence in the
16 record to suggest to the contrary.

17 **OHMC 19.48.037(3):** *Natural Environment. The site plan and other required*
18 *application information shall meet the requirements of environmentally sensitive area*
19 *regulations of OHMC Title [20](#) and the State Environmental Policy Act, Chapter [197-](#)*
20 *[11](#) WAC;*

21 12. The criterion is met. As identified in Finding of Fact No. 5I, there are no critical
22 areas (environmentally sensitive areas) on-site. The proposal is exempt from SEPA
23 review because the proposal is less than 12,000 square feet as authorized in OHMC
24 20.04.100(1)(d)

25 **OHMC 19.48.037(4):** *Public Services. The proposed project shall be designed to meet*
the following:

(a) *Adequate water supply to city standards as listed in OHMC Title [13](#);*

(b) *Adequate sewer facilities to city standards as listed in OHMC Title [14](#);*

(c) *Appropriate surface water management to city standards as listed in OHMC*
Title [12](#);

1 (d) Adequate fire protection and hydrants to city standards as listed in OHMC Title [8](#);

2 (e) Appropriate street improvements (including sidewalks) or site access facilities to
3 city standards for or to all anticipated uses within the project as listed in OHMC
Titles [11](#) and [17](#) and Chapter [21.40](#) OHMC;

4 (f) Provisions for all appropriate deeds, dedications and all other easements; and

5 (g) Provisions made for access to and maintenance of all common facilities;

6 13. The criterion is met for the reasons identified in Finding of Fact No. 5E and 5F.

7
8 **OHMC 19.48.037(5): Existing Public Facilities and Services.** *The proposed project
9 shall be designed to not adversely impact the public facilities and services which the
10 city has adopted a level of service for without providing for additional mitigation means
11 meeting the city's approval.*

12 *Mitigation measures, if necessary, must be proposed by the applicant and designed by
13 a certified professional in that applicable field;*

14 14. The criterion is met for the reasons identified in Finding of Fact No. 5E and 5F.

15
16 **OHMC 19.48.037(6): Phasing Plan.** *In lieu of requiring the completion of all
17 public/private improvements for the entire site prior to occupancy of any structure on
18 the site, the city may approve a phasing plan. The city may require suitable guarantees
19 as provided in Chapter [19.90](#) OHMC. The public/private improvements in each phase
20 must be designed to stand on their own as required by the city. A phasing plan can only
21 be approved if each city department responsible for the conditions of the permit agrees
22 on the phased development plan. In most cases, those departments are development
23 services, public works, and fire.*

24 **DECISION**

25 Based upon the conclusions of law above, the conditional use permit and site plan
applications are approved subject to the following conditions:

1. The project shall be in general conformance with the narrative and application
materials submitted by the applicant, as attached in Exhibit 3 and abide by conditions
and requirements set forth within this report.

2. Exterior lighting is to be directed down and away from existing residential areas.

3. Any addition of patients, staff or building square footage to the facility may be
subject to revision of the Conditional Use Permit. The applicant/owner of the facility

1 shall coordinate with City staff to determine appropriate permitting for such and follow
2 the required process as outlined in the OHMC.

3 4. The Conditional Use Permit and Site Plan review approval must be acted on within
4 two years of the date of granting. Otherwise, the permits shall expire and be null and
5 void.

6 Dated this 22nd day of July, 2025.

7 *Phil Olbrechts*

8 Phil Olbrechts,
9 Oak Harbor Hearing Examiner

10 **Appeal Right and Valuation Notices**

11 Pursuant to OHMC 19.67.060, this conditional use permit decision is a final land use
12 decision of Oak Harbor and may be appealed to superior court within 21 days as
13 governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

14 Affected property owners may request a change in valuation for property tax purposes
15 notwithstanding any program of revaluation.
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