



**City Council Regular Meeting Minutes - Draft
Monday, June 07, 2021, 7:00 PM
REMOTE MEETING PARTICIPATION**

NOTE: Please see the published Agenda Packet for all item file attachments.

SPECIAL MEETING

CALL TO ORDER

Mayor Pro Tem Ellen Burton called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Council Members Greg Anderson, Bonnie Carter, Don Chaney, Steve Hogan, Shannon Roberts and Melissa Smith

Staff: Bernie Bacon, Phil Bourquin, James Carothers, Jamal Fox, Jennifer Gorsuch, Cathy Huber Nickerson, Trang Lam, Shawn MacPherson, Robert Maul, Bryan Rachal, Heather Rowley, Nick Swinhart, Connie Urquhart and Steve Wall

Press: Kelly Moyer, Camas-Washougal Post-Record

PUBLIC COMMENTS

Randal Friedman, 1187 Northwest 10th Avenue, Camas, commented about City leadership.

John Ley, 444 NW Fremont Street, Camas, commented about in-person Council meetings and transportation improvements.

The following members of the public commented about the Conditional Use Permit for Discover Recovery:

Brian Lewallen, 5248 NW Fernridge Drive, Camas
Hannah Rogers, 2237 NW Utah Court, Camas
Robert Ball, 2210 NW 23rd Avenue, Camas
Bryce Davidson, 1814 NW 21st Court, Camas
James Rogers, 2237 NW Utah Court, Camas
Leslie Lewallen, 5248 NW Fernridge Drive, Camas
Scott Hogg, 3533 NW Norwood Street, Camas
Brian Wiklem, 3413 23rd Avenue, Camas
Heather Gulling, 1745 NW 29th Circle, Camas
Maggie Koch, 1824 NW 29th Circle

Emailed comments received via publiccomments@cityofcamas.us are attached to these minutes.

These materials are archived electronically by the City of Camas. DESTROY AFTER USE.

STAFF PRESENTATION

1. Clark County Commission on Aging
Presenter: Jacqui Kamp, Clark County Planner and Chuck Green, Commission on Aging

Kamp and Green reviewed the Commission on Aging presentation. Discussion ensued.

2. Parking Infraction Penalty
Presenter: Steve Wall, Public Works Director

Wall provided an overview and the proposed options. Discussion ensued. This item will be placed on a future agenda.

CONSENT AGENDA

NOTE: Consent Agenda items may be removed for general discussion or action.

3. May 17, 2021 Camas City Council Workshop and Regular Meeting Minutes
4. \$1,094,785.78 Automated Clearing House and Claim Checks Numbered 147618 to 147760; \$2,239,829.88 Automated Clearing House, Direct Deposit and Payroll Checks Numbered 7910 to 7912 and Payroll Accounts Payable Checks Numbered 147609 through 147617
5. Lake Management Plan Professional Services Agreement (Submitted by Steve Wall, Public Works Director)
6. Sourcewell Agreement (Submitted by Cathy Huber Nickerson, Finance Director)
7. Purchase and Sale Agreement with Farshad/Leena and Authorize the Mayor to Sign Closing Documents (Submitted by Sam Adams, Utilities Manager)
8. \$499,326.53 Clark & Sons Excavating, Inc. NE 15th Ave Improvements (Submitted by James Carothers, Engineering Manager)
9. Purchase and Sale Agreement with Lacamas Heritage Properties, LLC and Authorize the Mayor to Sign Closing Documents (Submitted by Steve Wall, Public Works Director)

It was moved by Carter, and seconded, to approve the Consent Agenda. The motion carried unanimously.

NON-AGENDA ITEMS

10. Staff

Rachal commented about the City's fireworks survey on Engage Camas.

Fox commented about the Camas Parks, Recreation, and Open Space (PROS) Plan survey, staff's efforts during the pandemic, COVID protocol updates, and the planned re-opening of City facilities on July 1, 2021.

11. Council

Chaney and Anderson commented about 77th anniversary of D-Day.

Roberts commented about Veterans and commended staff for their efforts in the grounds maintenance at the Cemetery.

Hogan attended the Columbia Trail Connection ribbon cutting, the Columbia River Economic Development Council (CREDC) meeting, the City's fireworks survey discussion, and the Finance Committee meeting.

Carter commented about the current status of the Discover Recovery Condition Use Permit process. Discussion ensued.

MAYOR

12. Mayor Announcements

Mayor Pro Tem Burton commented about the City Council Town Hall, Engage Camas, and the Camas PROS Plan survey.

13. LGBTQ+ and Pride Month Proclamation

Mayor Pro Tem Burton proclaimed the month of June 2021, as LGBTQ+ and Pride Month in the City of Camas.

14. Juneteenth Day Proclamation

Mayor Pro Tem Burton proclaimed June 19, 2021, as Juneteenth Day in the City of Camas.

MEETING ITEMS

15. Public Hearing for Six-Year Transportation Improvement Program
Presenter: James Carothers, Engineering Manager

Mayor Pro Tem Burton opened the public hearing at 8:31 p.m.

John Ley, 444 NW Fremont Street, Camas, provided testimony.

The public hearing closed at 8:34 p.m.

It was moved by Roberts, and seconded, to approve the Six Year Transportation Improvement Program and direct the City Attorney to prepare a resolution for Council's consideration at the next meeting. The motion carried unanimously.

16. City of Camas Proclamation of Civil Emergency COVID-19
Presenter: Jamal Fox, City Administrator

It was moved by Anderson, and seconded, that the Mayor's Proclamation of Civil Emergency dated March 18, 2020, be reaffirmed and that the Supplement dated April 15, 2020, and the Amendment dated June 16, 2020, be revoked and of no further force and effect. The motion carried unanimously.

This item will be placed on future Council regular agendas until reconsideration.

PUBLIC COMMENTS

The following members of the public commented about the Conditional Use Permit for Discover Recovery:

Brian Lewallen, 5248 NW Fernridge Drive, Camas
James Rogers, 2237 NW Utah Court, Camas
Robert Ball, 2210 NW 23rd Avenue, Camas

Douglas Strabel, 4307 NW Oregon Street, Camas, commented about public comments; the Six-Year Transportation Improvement Program; and in-person Council meetings.

John Ley, 444 NW Fremont Street, Camas, commented about the interim Mayor and City Administrator appointments process.

Phil Williams, 936 NE 41st Avenue, Camas, commented about public comment guidelines.

ADJOURNMENT

The meeting adjourned at 9:05 p.m.

From: [Brian Lewallen](#)
To: [Public Comments](#)
Subject: Detox Timeline and Supporting Documentation
Date: Monday, June 7, 2021 9:22:13 PM
Attachments: [Detox Timeline for Camas City Council 6.7.21 bkl compressed.pdf](#)

WARNING: This message originated outside the City of Camas Mail system. DO NOT CLICK on links or open attachments unless you recognize the sender and are expecting the content. If you are unsure, click the Phish Alert button to redirect the email for ITD review.

I am the pro bono attorney representing the Dorothy Fox Safety Alliance. Attached are comments for review and consideration by the Council. It's unfortunate that I was only given 6 minutes to talk. I was simply trying to help inform the Council, on behalf of the Alliance, of things the Council should have known from the start. I am more than happy to talk with the Council about what I am sharing with you tonight. My cell is 309-573-9564.

Respectfully submitted,

Brian Lewallen

From: [Brian Lewallen](#)
To: [Public Comments](#)
Subject: Detox Timeline and Supporting Documentation
Date: Monday, June 7, 2021 9:22:13 PM
Attachments: [Detox Timeline for Camas City Council 6.7.21 bkl compressed.pdf](#)

WARNING: This message originated outside the City of Camas Mail system. DO NOT CLICK on links or open attachments unless you recognize the sender and are expecting the content. If you are unsure, click the Phish Alert button to redirect the email for ITD review.

I am the pro bono attorney representing the Dorothy Fox Safety Alliance. Attached are comments for review and consideration by the Council. It's unfortunate that I was only given 6 minutes to talk. I was simply trying to help inform the Council, on behalf of the Alliance, of things the Council should have known from the start. I am more than happy to talk with the Council about what I am sharing with you tonight. My cell is 309-573-9564.

Respectfully submitted,

Brian Lewallen

Dorothy Fox Detox Timeline For Camas City Council

September 28, 2020:

(2:07pm) E-mail from Discover Recovery Rep to Bob Cunningham (See Attachment A)

- Discover Recovery representative notifies Bob C. that they are interested in buying Fairgate Estate for use as a detox center but is confused about Camas Zoning Code.
- "When I look at [the Code] I don't see this specific use named. I need help determining what to call the detox center use."
- [Is it a Residential Treatment Facility that would need a zoning amendment or a similar to a use in the code that might work, like "convalescent home"]
- "The Buyer would like to know that he can operate his treatment facility in the building before purchasing the property."
- "They are aware that they may need to apply for a Conditional Use Permit ("CUP")...but that is a fairly lengthy process. The seller does not want to tie up the property until a CUP is complete. Is there a way to come up with some certainties?"

September 29, 2020:

(12:40pm) E-mail from Robert Maul to Discover Recovery Rep (See Attachment B)

- I spoke to Discover Recovery about this a few times during the summer of 2020.
- Since the detox center is a new use: "[Discover Recovery] would need to apply for a zoning text change which is a legislative process that would go before the Planning Commission with a recommendation to the City Council."
- Attaches Camas Municipal Code electronically highlighting Sec. 18.55.030(G):
 - o Type IV land use decisions must be referred by majority vote of the planning commission to the City Council for final action. Robert Maul specifically highlights the section of the City Code they must follow for Type IV land use decisions.
 - o These decisions "must be referred by a majority vote of the entire planning commission onto the city council for final action prior to adoption by the city. The city council's decision is the city's final decision." CMC Section 18.55.110(G)
 - o

(1:04pm) E-mail from Discover Recovery Rep to Robert Maul (See Attachment C)

- "It is my understanding that there would be two options for making a decision on this. One you have described. The other is, per the Code, 'The Community Development Director may determine whether a proposed land use not specifically listed in the [Code] is allowed in a zone.'"
- "The time and expense involved in applying for a legislative decision, without any certainty of it being approved, may be more risky than what the buyer or seller are willing to invest."
- "My hope is that we might pursue the path of a determination by the Community Development Director."

(1:44pm) E-mail from Robert Maul to Discover Recovery Rep (See Attachment D)

- "The City has been clear on what path your client will need to take if he wishes to move forward with a project there. I'm happy to discuss the legislative process if you like."

(2:12pm) E-mail from Discovery Recovery Rep to Robert Maul (See Attachment E)

- "Is there any way to get a preliminary ruling or see if it looks favorable to achieve the decision [we want]?"

September 30, 2021:

(10:29am) E-mail from Robert Maul to Discover Recovery Rep (See Attachment F)

- "Zoning text changes are considered Type IV processes which are legislative." City staff provides a report to the Planning Commission who holds a public hearing then offers a recommendation to the City Council. The Council holds a public hearing and makes a decision.
- "Because this is policy, there are no guarantees on outcome. As such, it is impossible for me to provide some sort of preliminary ruling."

October 19, 2021:

(11:56pm) E-mail from Discover Recovery lawyer (Kristine Wilson, Perkins Coie) to Robert Maul (See Attachment G)

- The lack of clarity in the Camas Code qualifies for the Community Development Director's determination pathway to close a "gap" in the Camas Code.
- Based on client's communications with the City Staff, it appears the City is overlooking using the Community Development Director's authority to get this approved. "I would like to discuss this option further...as an alternative to a text amendment."
- "Our client is seeking this information in connection with a potential purchase of property and time is of the essence."

October 22, 2020:

(11:31am) E-mail from Phil Bourquin, Community development Director to Kristine Wilson (See Attachment H)

- "It is my belief that the [detox center] use is consistent with the definition of "Residential Treatment Facility" as defined under the Washington Administrative Code."
- "I agree with Robert Maul that the appropriate process for the described use is a "code text amendment" under a Type IV process. This process provides an opportunity for public discourse and city policymakers to define, classify and determine the most appropriate zoning for new uses within our jurisdiction. It squarely places local land use control in the hands of policymakers and the citizens they represent."

October 22, 2020 to December 10, 2021

(7 weeks)

**NO DOCUMENTS PROVIDED DURING THIS TIME PERIOD IN
THREE SEPARATE FOIA DISCLOSURES TO DFSA**

- December 10, 2021:** City of Camas issues Pre-Application Notes related to Discover Recovery proposal to change Fairgate Estates from an assisted living home to a “convalescent home.” They submitted a Type III Conditional Use Permit that will be decided upon by the Clark County Hearings Examiner, instead of a Type IV land use decision adjudicated by the Camas City Council. Complete 180 change. (See Attachment I)
- Despite the October 22, 2020 email from the Community Development Director saying this was a Type IV land use decision, the City of Camas Planning Department does not object to or reject Discover Recovery’s Type III permit pre-application.
- January 21, 2021:** Discover Recovery submits Type III CUP Application (not Type IV to the Planning Department/City Council). States the detox center is a “convalescent home” pursuant to the Camas City Code. Complete 180 change. (See Attachment J)
- Despite the October 22, 2020 email from the Community Development Director saying this was a Type IV land use decision, the City of Camas Planning Department does not object to or reject Discover Recovery’s Type III permit pre-application.
- February 2, 2021:** Discover Recovery purchases Fairgate Estate property for \$2.3M. Despite several attempts to seek clarity and assurance from the City about the ability to use Fairgate Estate prior to purchase, Discover Recovery buys the property before the Hearings Examiner and Public Comment “process” even begins.
- February 12, 2021:** Planning Department deems CUP Type III Application “technically complete”. Now Discover Recovery’s application can proceed to public notice prior to a public hearing before the hearings examiner. The City of Camas Planning Department does not object to or reject Discover Recovery’s Type III permit proceeding. (See Attachment K)
- February 17, 2021:** DFSA makes FOIA request asking for all public documents related to the purchase of Fairview Estates by Discover Recovery, the CUP permit and/or CUP application process.
- March 3, 2021:** Camas provides first set of DFSA’s FOIA documents. The September/October 2020 emails described in the timeline are not provided.

March 16, 2021: Planning Department issues staff report stating:

- As a Conclusion of Law, that “the detox center use is defined as a “Nursing, rest or convalescent home pursuant to Camas City Code” (The Camas Community Development Director said the exact opposite in October 2020. No documents have been provided in the FOIA responses to explain how that position changed.)
- City staff recommends proceeding with the hearings examiner process as a Type III land use decision.
- The staff report expressly notes that one of the public concerns expressed prior to city finalizing its staff report: “The city council and mayor should be the final decision makers for this permit.” Despite this noted concern which is the exact same concerns noted by the Planning Department in September/October 2020, the Type III CUP proceeds to the public hearing before the hearing examiner. (See Attachment L)

March 17, 2021: Camas provides second set of DFSA’s FOIA documents. The September/October 2020 emails described in the timeline are, again, not provided.

March 24, 2021: Public Hearing before Hearing Examiner

April 28, 2021: Hearing Examiner Approves Discover Recovery’s Type III CUP

May 3, 2021: City Council Workshop

(Starting @ 1:41.00 of video)

- Council discusses the Detox hearing examiner decision. Agree that they need to re-look at the Camas code to see if they can prevent these types of uses near schools in the future.
- Council member Hogan commenting on how the City is reactive to zoning problems. “I feel like in baseball...In baseball, they say you can’t hit what you can’t see. It seems like we can’t see these things coming. It’s like they seem to come at us from the side as a City. And, we just need help from the Staff to kinda find out in advance where the next problem might be that we have overlooked or not thought of before.”

When that was said, did you know that the Detox “pitch” was actually thrown in September 2020, and the Planning Department said that the decision must go before the City Council, not a Clark County Hearings Examiner?

May 11, 2021: Camas Mayor abruptly resigns.

May 12, 2021: DFSA Files Petition for Reconsideration

May 17, 2021: DFSA resubmits FOIA request for documents asking for additional documents attempting to fill in noticeable gaps of time where no documents were disclosed in previous FOIA responses

May 20, 2021: Camas Post Record runs story about Detox administrative dispute and City Council potential ineffective leadership and support on this critical safety issue for Camas

May 26, 2021: City Administrator abruptly resigns.

May 26, 2021: Discover Recovery Medical Director signs interim order with Oregon Medical Board pending the conclusion of an investigation into his medical practices.
(See Attachment M)

- Dr. Klos is the Medical Director of Discovery Recovery.
- Per his resume, he is the Medical Director of at least 3 Rehabs/Detox facilities in Oregon and Washington

Did you know?

- In 2003, Klos was put on probation for 5 years for gross or repeated acts of negligence with regarding prescriptions of Oxycontin, morphine sulfate, Klonopin and Ambien, including increasing dosage to patients with a history of addiction.
- The Stipulated Order significantly restricts his ability to prescribe opiates to only one less addictive/harmful Schedule III drug – not Oxycontin, for example.
- And, the Order states he cannot prescribe opiates to clients receiving in-patient treatment in Oregon.
- This Order was necessary because "the results of the Board's investigation to date have raised concerns to the extent that the Board believes it necessary that Licensee agree to certain terms until the investigation is complete."
- This investigation will may take up to 12 – 18 months to complete, and may be possibly referred to Washington State and/or the federal Drug Enforcement Agency.

Did you know the other Discover Recovery location in Long Beach, led by Klos, has been investigated by the Washington Department of Health also?

Investigation issues included:

- Ordering large quantities of controlled drugs, but not given to clients
- Staff destroying or diverting large amounts of controlled drugs
- Staff falsifying patient charts
- Admitting clients in need of hospital detoxification care
- Improper medication tapering
- Patient holding a staff member hostage in the kitchen
- Accepting clients with serious mental illnesses

May 28, 2021: Hearing Examiner Denies Petition – Final Decision Approving CUP entered

June 3, 2021: Camas provides third set of DSFA's FOIA documents. The September/October 2020 emails described in the timeline are finally provided. The emails are provided after the Hearing Examiner issues his final decision on Discovery Recovery's Type III CUP.

ATTACHMENT A

Fairgate Estate

From Lisa Slater
To Bob Cunningham
Date 2020/09/28 14:07
Subject: Fairgate Estate
Attachments: image001.wmz, image002.png,
oledata.mso

Hello Bob,

I have some questions that may be answered by you, or perhaps Planning. But I will start with you and you can redirect me as needed.

This is concerning the Fairgate Estate at 2213 NW 23rd Ave. It is currently an assisted living home with a maximum of 15 rooms. I believe they are under a CUP for such. They currently have a person interested in buying the property, who is looking at using the facility for a drug and alcohol treatment center. Their official description is "A licensed residential treatment center (Licensed by Washington State DOH) offering sub-acute medical detoxification services and residential treatment stays of around 30-45 days."

When I look at the descriptions of a Residential Care Facility, Assisted Living, or Nursing, Rest or Convalescent Home, I don't see this specific use named in any of them. So I need some help to make a determination of what to call this use. It most closely resembles a Residential Care Facility if it is going to be limited to 15 people, or an Assisted Living Facility if more than 15. If I can know what category to list this under, I can do some code research to determine what it would take for the buyer to operate his business.

The buyer (understandably) would like to know that he can operate his treatment facility in this building before purchasing the property, and know what the process will be to do so. They have hired me to communicate with the City to make that determination. They are aware that they may need to apply for a new Conditional Use Permit, and that will tell them all of the details of what will be required. But that is a fairly lengthy process, and they are looking for some feedback sooner. The seller does not want to tie up the property until a CUP is complete. Is there a way to come up with some certainties in the immediate?

Please give me a call or email with some direction. I appreciate your help in this matter. Thank you.

ATTACHMENT B

RE: Fairgate Estate

From Robert Maul
To Bob Cunningham, lisa@slaterarchitecture.com
Date 2020/09/29 12:40
Subject: RE: Fairgate Estate
Attachments: image002.png, General Application Form.pdf, preapplication handout.pdf

Good afternoon, Lisa.

Is this for Thomas Feldman? He and I spoke a few times this summer about his proposal. None of the use descriptions apply to what it is they want to do for an in-patient treatment facility. He would need to apply for a zoning text change which is a legislative process that would go before the Planning Commission with a recommendation to the City Council . The first step is to apply for a pre-app then we can get started with the other steps of the legislative process. I have attached the forms for you convenience. Please let me know if you have question or need information.

Regards,

Robert Maul

Planning Manager

From: Bob Cunningham
Sent: Tuesday, September 29, 2020 8:56 AM
To: Robert Maul <RMaul@cityofcamas.us>
Subject: FW: Fairgate Estate

Here's another one for your input.

From: Lisa Slater <lisa@slaterarchitecture.com>
Sent: Monday, September 28, 2020 2:07 PM
To: Bob Cunningham <BCunningham@cityofcamas.us>

Chapter 18.55 - ADMINISTRATION AND PROCEDURES^[16]

Footnotes:

--- (16) ---

Prior ordinance history: Ords. 2443, 2451, 2455, 2481 and 2509.

Article I. - General Procedures

18.55.010 - Procedures for processing development permits.

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, BOA, SEPA, Shoreline or Type IV.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014.](#))

18.55.020 - Determination of proper procedure type.

- A. Determination by Director. The community development director or designee (hereinafter the "director") shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the determination shall be at the director's discretion.
- B. Optional Consolidated Permit Processing. An application that involves two or more project permits may be submitted concurrently and processed with no more than one open record hearing and one closed record appeal. If an applicant elects this process upon submittal and in writing, the determination of completeness, notice of application, and notice of decision or final decision shall include all project permits reviewed through the consolidated permit process.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

([Ord. No. 2691, § I\(Exh. A\), 1-21-2014.](#))

18.55.030 - Summary of decision making processes.

The following decision making process table provides guidelines for the city's review of the indicated permits:

Table 1 - Summary of decision making processes

Approval Process							
Permit Type	I	II	III	Shore	SEPA	BOA	IV
Archaeological		X	X				
Binding site plans		X					

Temporary uses	X						
Variance (minor)	X						
Variances (major)						X	
Zone change/single tract			X ⁽⁵⁾				
Zone code text changes							X

Notes:

- (1) For development proposals subsequently submitted as part of an approved master plan, subarea plan, or binding site plan.
- (2) Section 17.21.060 for final plat approval.
- (3) Section 18.23.130 for final master plan approval.
- (4) Planning commission hearing and city council decision.
- (5) Hearing and final decision by hearings examiner.

Permit Types.

- A. Type I Decisions. The community development director or designee shall render all Type I decisions. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The process requires no public notice. The approval authority's decision is generally the final decision of the city. Type I decisions by the building division may be appealed to the board of adjustment.
- B. Type II Decisions. The community development director or designee shall render the initial decision on all Type II permit applications. Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. City review typically focuses on what form the use will take, where it will be located in relation to other uses, natural features and resources, and how it will look. However, an application shall not be approved unless it is or can be made to be consistent, through conditions, with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application the director determines completeness, issues a notice of application (consolidated review only), reviews and renders a notice of decision. The director's decision shall become final at the close of business on the fourteenth day after the date on the decision unless an appeal is filed. If an appeal is received the hearings examiner will review the decision based on the record and render the city's final decision.
- C. Type III Decisions. Type III decisions involve the greatest amount of discretion and/or evaluation of approval criteria. Applications evaluated through this process commonly involve conditional uses, subdivisions, and development within the city's light industrial/business park.

Upon receipt of a complete application, notice of public hearing is mailed to the owners of record of the subject property, the applicant, and owners of real property within three hundred feet of the subject tract, based upon Clark County assessment records. The notice of public hearing is issued at least fourteen days prior to the hearing, and the staff report is generally made available five days prior to the hearing. If a SEPA threshold determination is required, the notice of hearing shall be made at least fifteen days prior to the hearing and indicate the threshold determination made, as well as the timeframe for filing an appeal. Type III hearings are subject to either a hearing and city final decision by the hearings examiner, or subject to a hearing and recommendation from the planning commission to the city council who, in a closed record meeting, makes the final city decision.

- D. Shoreline (SMP, Shore). The community development director acts as the "administrator." A shoreline management review committee reviews a proposal and either determines to issue a permit, or forward the application to the planning commission or hearings examiner, as appropriate. Shoreline regulations are found at Section 18.55.330 and the Camas Shoreline Master Program (2012, or as amended).
- E. SEPA (State Environmental Policy Act). When the City of Camas is the lead agency, the community development director shall be the responsible official. The procedures for SEPA are generally provided for under Title 16 of this code, as well as Sections 18.55.110 and 18.55.165 of this chapter.
- F. Board of adjustment decisions are the final decision of the city, except as provided in Section 18.45.020 Approval process of this title.
- G. Type IV Decisions. Type IV decisions are legislative actions which involve the adoption or amendment of the city's land use regulations, comprehensive plan, map inventories, and other policy documents that affect the entire city, large areas, or multiple properties. These applications involve the greatest amount of discretion and evaluation of subjective approval criteria, and must be referred by majority vote of the entire planning commission onto the city council for final action prior to adoption by the city. The city council's decision is the city's final decision.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2691, § I(Exh. A), 1-21-2014; Ord. No. 19-001, § I(Att. A), 1-22-2019)

Article II. - Pre-Filing Requirements

18.55.050 - Initiation of action.

Except as otherwise provided, Type I, II, III, or BOA applications may only be initiated by written consent of the owner(s) of record or contract purchaser(s). Legislative actions may be initiated at the request of citizens, the city council, planning commission, or department director or division manager.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

18.55.060 - Preapplication conference meeting—Type II, Type III.

- A. Prior to submitting an application for a Type II or Type III application, the applicant shall schedule and attend a preapplication conference with city staff to discuss the proposal. The preapplication conference shall follow the procedure set forth by the director.
- B. To schedule a preapplication conference the applicant shall contact the planning department. The purpose of the preapplication conference is for the applicant to provide a summary of the applicant's

ATTACHMENT C

RE: Fairgate Estate

From Lisa Slater
To Bob Cunningham, Robert Maul
Date 2020/09/29 13:04
Subject: RE: Fairgate Estate
Attachments: image001.wmz, image003.png, image004.png, oledata.mso

✍️ [Thank you for the reply Robert. Yes, this is the same question that Thomas had talked to you about. It is my understanding that there would be two options for making a decision on this. One is as you have described. The other is, per CMC, "The community development director may determine whether a proposed land use not specifically listed in a land use table is allowed in a zone."

✍️ [I would assume the default path is to pass it along to the Planning Commission. However, the time and expense involved in applying for a legislative decision, without any certainty of it being approved, may be more risky than what the buyer or seller are willing to invest. Therefore, my hope is that, as allowed by the CMC, we might pursue the path of a determination by the community development director. Is that door open at all? If so, what would you need from me to be able to consider that determination?

Lisa Slater

360-903-6886



From: Robert Maul [mailto:RMaul@cityofcamas.us]
Sent: Tuesday, September 29, 2020 12:40 PM
To: Bob Cunningham; lisa@slaterarchitecture.com
Subject: RE: Fairgate Estate

Good afternoon, Lisa.

ATTACHMENT D

RE: Fairgate Estate

From Robert Maul
To Bob Cunningham, Lisa Slater
Date 2020/09/29 13:44
Subject: RE: Fairgate Estate
Attachments: image002.png, image004.png

Thanks for the follow up Lisa. The city has been clear on what path your client will need to take if he wishes to move forward with a project there. I am happy to discuss the legislative process if you like.

Robert

From: Lisa Slater [mailto:lisa@slaterarchitecture.com]
Sent: Tuesday, September 29, 2020 1:04 PM
To: Robert Maul <RMaul@cityofcamas.us>; Bob Cunningham <BCunningham@cityofcamas.us>
Subject: RE: Fairgate Estate

Thank you for the reply Robert. Yes, this is the same question that Thomas had talked to you about. It is my understanding that there would be two options for making a decision on this. One is as you have described. The other is, per CMC, "The community development director may determine whether a proposed land use not specifically listed in a land use table is allowed in a zone."

I would assume the default path is to pass it along to the Planning Commission. However, the time and expense involved in applying for a legislative decision, without any certainty of it being approved, may be more risky than what the buyer or seller are willing to invest. Therefore, my hope is that, as allowed by the CMC, we might pursue the path of a determination by the community development director. Is that door open at all? If so, what would you need from me to be able to consider that determination?

Lisa Slater


360-903-6886

ATTACHMENT E

RE: Fairgate Estate

From Lisa Slater
To Bob Cunningham, Robert Maul
Date 2020/09/29 22:12
Subject: RE: Fairgate Estate
Attachments: image001.wmz, image003.png, image005.png, image006.png, oledata.mso

Thank you. I think it would be helpful for me to understand the process. Whatever is the easier form of communication for you, I can talk on the phone or continue to email. I believe you said a Pre-Application Conference is the first step. Here are a couple of questions I have:

- a. Are Pre-App meetings being held right now? Would this be in person or all in writing?
- b. I'd like to clarify what the purpose of this specific Pre-App is for. The submittal requirements speak of a site plan as the only drawing provided, but we are not proposing to do anything different to the site. **Would the pre-App address the zoning text change?** Would it tell us anything more than the fact that we have to apply for a legislative decision? Would it give any indication of how likely it would be approved?
- c. What comes after the Pre-App?
-  d. **Is there any way to get a preliminary ruling or see if the it looks favorable to achieve the decision?**
- e. Can you outline the steps to be taken, the City's time frame for each step, and any fees associated with any application?

I appreciate your time and help. Thanks again!

Lisa Slater

360-903-6886



ATTACHMENT F

RE: Fairgate Estate

From Robert Maul
To Bob Cunningham, Lisa Slater
Date 2020/09/30 10:29
Subject: RE: Fairgate Estate
image004.png, image005.png, image006.png,
Attachments: Chapter_18.51__COMPREHENSIVE_PLAN_AND_Z
ONING_AMENDMENTS.doc,
Chapter_18.55__ADMINISTRATION_AND_PROCE DURES.doc

Good morning, Lisa.

We typically require pre-application conferences for more complex applications to make sure that the applicant is fully aware of what is involved so they can make a decision on moving forward or not. That said, largely what I will provide here should cover the process involved in changing code text.

Zoning ordinance text changes is considered a Type IV process which is legislative. Essentially staff provides a staff report to the Planning Commission who will hold a public hearing then offer a recommendation to the City Council. The City Council will also hold a public hearing and render a final decision. Because this is policy, there are no guarantees on outcome. As such it is impossible for me to provide some sort of preliminary ruling. We are now holding PC and Council meetings albeit remotely via Zoom. Here is the general process:

Applicant Submittal

Staff review for completeness

Planning Commission workshop (no hearing, or applicant discussion. Only a presentation to the PC regarding the request).

Staff sends a notice the state department of commerce on possible code changes

Public Notice for a public hearing at the Planning Commission. This will be done at the local paper, website, other social media outlets, and likely some neighbor mailings

Public Hearing with the PC. There will be an opportunity for the applicant to give testimony and present their case. PC provides a formal recommendation to the City Council

City Council has a work session to be introduced to the request. Similar to the PC, typically no applicant or public testimony is taken at that time, but there is time at the beginning and

ATTACHMENT G

Phil Bourquin

Community Development Director

Begin forwarded message:

From: "Wilson, Kristine (Perkins Coie)" <KRWilson@perkinscoie.com>
Date: October 19, 2020 at 11:56:25 AM PDT
To: Shawn MacPherson <macphersonlaw@comcast.net>
Subject: **RE: Camas Land Use Process Questions re. Land Uses Not Listed in Use Table**

Shawn,

My client's representative, Tom Feldman, and an architect for the Seller, Lisa Slater, were corresponding with Planning Manager Robert Maul.

In my experience, including having worked for a county on land use policy matters, this seems to be the type of undefined-but-similar-to use that would qualify for a director's determination pathway to close a gap left by the Code's categories. If it doesn't qualify, I am curious what type of circumstance would be appropriate for that alternative to a zoning code text amendment.

Again, I'm happy to chat about it if you have some time. I know having more of a sense of the background can be helpful in fielding these questions.

Thank you,

Under the present circumstances, a RCF use is not listed in the above-referenced Table 2 (Residential and multifamily land uses), and a RCF use is not an accessory or temporary use. Given the express language of the code provision above, notwithstanding a zoning text amendment, our understanding is that the City's community development director may determine whether a RCF use is allowed in a zone. Further, the intended location has been developed and in use with a conditionally permitted assisted living use. By way of comparison, our client's proposed RCF use would be permitted under the Clark County Code and its "residential care facility" definition under Clark County Unified Development Code 40.100.070 (except the circumstances would only be for alcoholic treatment programs or drug rehabilitation centers or mental health programs, not work release).

Because the process and procedure for this determination is not described in code, I would like to have a brief discussion regarding the practicability of this option. Further, based upon our client's preliminary communications with City staff, it appears that City staff is overlooking this determination request as an option. In light of these circumstances, I would like to discuss this option further, as it is expressly stated in the CMC as an alternative to a text amendment.

Our client is seeking this information in connection with potential purchase of property and time is of the essence. Please feel free to contact me by phone at (425) 636-1426 or via e-mail at this address. I look forward to hearing from you soon.

Thank you,

Kris Wilson

Kristine (Kris) Wilson | Perkins Coie LLP

PARTNER
Pronouns: She/Her/Hers

10885 N.E. Fourth Street Suite 700

Bellevue, WA 98004-5579

D. +1.425.635.1426

ATTACHMENT H

FW: Camas Land Use Process Questions re. Land Uses Not Listed in Use Table

From Phil Bourquin
To Bob Cunningham, KRWilson@perkinscoie.commacphersonlaw@comcast.netRobert Maul
Date 2020/10/22 11:31
Subject: FW: Camas Land Use Process Questions re. Land Uses Not Listed in Use Table

Kris,

Your email was forward on to me for response from Shawn MacPherson,

My name is Phil Bourquin and I am the Community Development Director (CDD) for the City of Camas. I have reviewed the email chain below and have discussed with Planning Staff.

As an initial matter, CMC 18.07.020 (G) does provide the CDD discretion to determine that a proposed land use not specifically listed in a land use table is allowed in a zone. By way of background, this section of code was last amended in October of 2017 and during the period since then, as CDD, I have not utilized this discretion and will not do so in this instance.

It is my understanding the proposed use has been described by Lisa Slater as “A licensed residential treatment center (Licensed by Washington State DOH) offering sub-acute medical detoxification services and residential treatment stays of around 30-45 days.” It is my further belief that the description provided is consistent with the definition of “Residential Treatment Facility” as defined under the Washington Administrative Code.

WAC 246-337-005 (27) "Residential treatment facility" or "RTF" means a facility in which twenty-four hour on-site care is provided for the evaluation, stabilization, or treatment of residents for substance use, mental health, co-occurring disorders, or for drug exposed infants.

Yes!
I agree with Mr. Mauls identifying the appropriate process for the described use as a “code text amendment” under a Type IV process. This process provides an opportunity for public discourse and city policymakers to define, classify and determine the most appropriate zoning district(s) for the establishment of a new use within our jurisdiction. It squarely places local land use control in the hands of policy makers and the citizens they represent. This determination is consistent with both CMC 18.07.020(G) and CMC 18.55.020 (A).

Sincerely,

ATTACHMENT I

EXHIBIT C



Pre-application Notes

File: #PA20-48

Date: December 10, 2020

To: Thomas Feldman thomas@telloshealth.com

Staff Contacts: Robert Maul, Planning Manager; Sarah Fox, Senior Planner; Randy Miller, Fire Marshal; Anita Ashton, Engineering Project Manager

Property Location: 2213 NW 23rd Ave., Camas, WA 98660

Tax Accounts: 2.39 acres at Tax Parcel #124783-000

Zoning: R-12

Description: Applicant proposes to change the use of the property from an assisted care facility to a "convalescent home". Building footprint will not be expanded, however interior renovations will be needed. A conditional use permit (CUP) will be required.

NOTICE: Notwithstanding any representation by City staff at a pre-application conference, staff is not authorized to waive any requirement of the City Code. Any omission or failure by staff to recite to an applicant all relevant applicable code requirement shall not constitute a waiver by the City of any standard or requirement. Any changes to the code or other applicable laws, which take effect between the pre-application conference and submittal of an application, shall be applicable. [CMC 18.55.060 (D)].

The Camas Municipal Code (CMC) is online as follows:

https://library.municode.com/wa/camas/codes/code_of_ordinances

Land Use Fee Estimates:

Type III Permit	Fees as of Dec. 2020*
Conditional Use Permit	\$4,256

*It is likely that the fees will increase on January 1, 2020. Fees are calculated at time of application.

Planning Division

A Conditional Use Permit is a Type III application, which means that it will require a public hearing before the Hearings Examiner. As discussed at the meeting, the general timeframe for processing of your application to a final decision includes the following steps: (1) Technically Complete Determination (7-28 days); (2) Notice of Application will be sent to adjacent properties (within 14 days); (3) Notice of Hearing will be sent two weeks in advance of meeting date; (4) Decision will be mailed to adjacent property owners (1-2 weeks after hearing); (5) Appeals of the decision (14-21 days).

CMC Section 18.55.110 provides a list of materials that must be submitted for a complete application for Type III permits. Those items are as follows, specific to your proposal:

- General application form and appropriate fees

ATTACHMENT J

January 21, 2021

Sarah Fox
City of Camas Senior Planner
Community Development Department
612 NE Fourth Avenue
Camas, WA 98607

**Re: File No. PA20-48 - Discover Recovery's Conditional Use Application for a
Convalescent Home Use**

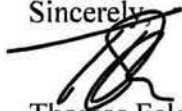
Dear Sarah Fox:

Discover Recovery submits a conditional use application for a change of use from assisted living use to convalescent home use on land designated R-12 ("Application"). The subject property is located at 2213 NW 23rd Avenue, in the City of Camas, Washington. Enclosed to this Application includes a completed general application form along with required materials in accordance with the Pre-application Notes dated December 10, 2020, as follows:

- 1) General application form and appropriate fee; and
- 2) Narrative Description with attached exhibits.

If you have any questions, please contact me by phone at (202) 379-8359 or by e-mail at Thomas@telloshealth.com. Thank you for your time and consideration.

Sincerely,



Thomas Feldman



Community Development Department | Planning
 616 NE Fourth Avenue | Camas, WA 98607
 (360) 817-1568
 Permits@CityofCamas.us

General Application Form

Case Number: PA20-48

Applicant Information

Applicant/Contact: Tom Feldman Phone: (202) 379-8359
 Address: c/o Perkins Coie, Attn: Nikesh Patel Thomas@teloshealth.com
Street Address E-mail Address
1120 N.W. Couch Street, 10th floor, Portland, OR 97209-4128
City State ZIP Code

Property Information

Property Address: 2213 NW 23rd Avenue 124783000
Street Address County Assessor # / Parcel #
Camas WA 98607
City State ZIP Code
 Zoning District R-12 Site Size 2.39 acres

Description of Project

Brief description: Conditional use application for convalescent home use on land designated R-12.

Are you requesting a consolidated review per CMC 18.55.020(B)? YES NO

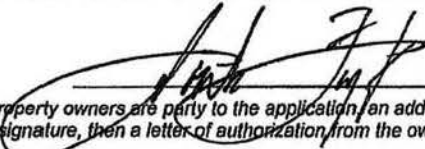
Permits Requested: Type I Type II Type III Type IV, BOA, Other

Property Owner or Contract Purchaser

Owner's Name: Foyt Jack Phone: ()
Last First
5619 N Classen Blvd, Oklahoma City, OK 73118
Street Address Apartment/Unit #
 E mail Address: jcfoyt@gmail.com
City State Zip

Signature

I authorize the applicant to make this application. Further, I grant permission for city staff to conduct site inspections of the property.

Signature:  Date: 1/21/2021
 Note: If multiple property owners are party to the application, an additional application form must be signed by each owner. If it is impractical to obtain a property owner signature, then a letter of authorization from the owner is required.

Date Submitted:	Pre-Application Date:	<input type="checkbox"/> Electronic Copy Submitted	Validation of Fees
Staff:	Related Cases #		

ATTACHMENT K



Community Development Department

Thomas Feldman
c/o Nikesh Patel
1120 NW Couch St.
10th Floor
Portland, OR 97209-4128

February 12, 2021

RE: Discover Recovery (File No. CUP21-01)

Dear Mr. Feldman,

This letter is to inform you that the above application, has been deemed technically complete in accordance with Camas Municipal Code (CMC) §18.55.130. In accordance with subsection "D" of CMC18.55.130, "Once the director determines the application is complete, or the applicant refuses in writing to submit any additional information, the city shall declare the application complete and generally take final action on the application within one hundred twenty days of the date of the completeness letter."

A Notice of Application will be sent to property owners within 300-feet of the property within the next fourteen (14) days.

If you have any questions, please contact me at (360) 513-2729.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Fox".

Sarah Fox, Senior Planner

ATTACHMENT L



STAFF REPORT FOR DISCOVER RECOVERY

FILES: CUP21-01

TO: Hearings Examiner **HEARING DATE:** March 24, 2021

BY: Sarah Fox, Senior Planner **REPORT DATE:** March 16, 2021

PROPOSAL: To request conditional use approval to operate a 15-bed convalescent home

LOCATION: The site is located at 2213 NW 23rd Ave., Camas, which is also described as Tax Parcel 124783-000.

APPLICANT: Thomas Feldman of Discovery Recovery, LLC

APPLICATION SUBMITTED: January 21, 2021		Technically Complete: February 12, 2021	
PUBLIC NOTICE:	Notice of application and public hearing was mailed to property owners within 300 feet of the site on February 24, 2021 and published in the Camas-Washougal Post Record on March 4, 2021 (Legal publication No. 519620).		
APPLICABLE LAW:	The application was submitted on January 21, 2021, and the applicable codes are those vested and in effect through Ordinance #20-011 (Adopted December 7, 2020). Camas Municipal Code (CMC) Title 18 Zoning Chapters (not limited to): 18.07 Use Authorization, 18.43 Conditional Use Permits; and 18.55 Administrative Provisions. [Note: Citations from Camas Municipal Code (CMC) are indicated with <i>italicized blue type</i> .]		

I. SUMMARY

According to the application materials, the applicant proposes to change the use of the property from an assisted living facility to a convalescent home with a maximum of 15 beds. The subject property is in a single family zone, Residential 12,000 (R-12) where the proposed use must obtain conditional use approval per CMC§18.07.040-Table 2.

The 2.39 acre property has existing structures which include a main structure that is 14,626 square feet, a gazebo, and a detached garage with an apartment above. The common name for this area of the city is "Prune Hill".

To the west of the site is Harvest Community Church on two acres. To the east of the site is a five acre city park, Dorothy Fox Park, and Dorothy Fox Elementary School. To the south of the site are residential subdivisions to include Hillshire, Willow Creek, Winfield's View, and Belz Place. To the north are residential subdivisions Comstock Estates and Foyt Short Plat.

houses
through the Multi-Family Cottage Overlay or other tools.

The applicant opines that the proposal furthers the city's comprehensive goals by providing living units for individuals seeking to recover from disorders in the abuse of drugs, alcohol, and other substances. "Additionally, the proposed convalescent home use is located within the City's urban growth boundary, with close access to medical clinics, shopping, and other essential services" (page 9).

Findings: The application is consistent with the comprehensive plan goals and policies for providing housing for those with health and disability challenges.

F. ANY SPECIAL CONDITIONS AND CRITERIA ESTABLISHED FOR THE PROPOSED USE HAVE BEEN SATISFIED. IN GRANTING A CONDITIONAL USE PERMIT THE HEARINGS EXAMINER MAY STIPULATE ADDITIONAL REQUIREMENTS TO CARRY OUT THE INTENT OF THE CAMAS MUNICIPAL CODE AND COMPREHENSIVE PLAN.

Findings: Staff proposed conditions that will carry out the intent and purposes of the CMC and the comprehensive plan.

III. COMMENTS

The city received comments from neighbors and other interested citizens shortly after the installation of the public notice sign at the subject property. The initial installation of the sign was on February 3, 2021 and it remained in place until a snow storm knocked it down. The second installation of the sign was in place on March 1, 2021.

Among other notices on the web and social media, on February 25, 2021, the city mailed a Notice of Application and Public Hearing to properties within 300 feet of the site and sent an email to all of those who had emailed comments. The notice included information on how to submit comments in writing and at the hearing. Attachment "B" of this staff report includes an exhibit list and comments received until 5:00 p.m. on March 16, 2021.

The following is a general summary of the comments and questions raised in the letters to the city. The list is not ranked.

- a) The city council and mayor should be the final decision makers for this permit.
- b) The location of the facility should not be near an elementary school or park.
- c) The term "convalescent home" is not accurate for the proposed use.
- d) Concerns that clients will fail rehab, will not have financial resources, and will add to the homeless population.
- e) Concerns that facility will negatively affect property values.
- f) Concerns that that clients will be mentally unstable, felons, or sex offenders.
- g) Questions regarding the procedure for clients that choose to quit treatment.
- h) Questions regarding relevancy of the ADA and Fair Housing Act rules for this particular use.
- i) Concerns that clients will spend time outside smoking and using foul language that will be overheard at the school and park. Opined that smoking should not be allowed outside.
- j) Concerns that property crime and other activity will increase, such as loitering at the park.
- k) Opined that there should be a maximum number of clients in a year and a limit to monthly admittance.
- l) Opined that services to assist those with addiction is important but should not be allowed in Camas.
- m) Concerns regarding an increase to traffic and parking overflow from clients and their visitors.
- n) Opined that the use is inconsistent with CMC Section 8.06.020 Purpose and scope.
- o) Opined that hearing should be postponed until it can be held in person and not remotely.

- p) Questioned whether the permit would run with the land or can it be restricted to the current owners?
- q) How will the terms of the permit be enforced and will Discover Recovery be responsible if crime increases?
- r) Requested that hearing be postponed until neighbors and concerned citizens could meet the applicant for an in person meeting.
- s) Requested a guarantee that Discover Recovery will operate the facility as described in their application.

IV. CONCLUSIONS OF LAW

Based on the above findings and discussion provided in this report, staff concludes the following:

- The application materials are in conformance with CMC Chapter 18.55, Article III Application Requirements
- The proposed use is defined at CMC Section 18.03.030 (CMC): "Nursing, rest or convalescent home"
- The proposed use is subject to the criteria of approval at CMC Chapter 18.43 Conditional Use Permits
- As conditioned, the site will provide pedestrian connectivity in the future by dedicating sufficient right-of-way per CMC 17.19.040.B.5.
- As conditioned, the applicant will provide a fence along the property to distinguish the boundary of the site to the residents and the public.

V. RECOMMENDATIONS

Staff recommends that the Hearings Examiner conduct a public hearing for Discover Recovery (File #CUP21-01). If the Hearings Examiner makes a favorable decision on the application, then staff recommends the following conditions be included:

PROPOSED CONDITIONS

The following conditions are in addition to any conditions required from other permits or approvals issued to this project. Unless otherwise waived or modified in this decision, the applicant must comply with the minimum requirements of the Camas Municipal Code.

1. For purposes of construction of a future pedestrian walkway, the applicant shall dedicate approximately 10 to 12-feet of right-of-way, as measured from the existing right-of-way to the existing retaining wall with wrought-iron fence.
2. Dedication of right-of-way shall be recorded and proof required at the time a Certificate of Occupancy (C of O) is issued for new use.
3. Installation of a continuous 6-foot solid fence along the eastern property line prior to a C of O being issued.
4. This permit shall expire in one year of the date of the final decision, if no building plans are submitted for improvements as described in the application.

ATTACHMENT M

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE
OREGON MEDICAL BOARD
STATE OF OREGON

In the Matter of)
)
MARTIN MARK KLOS, MD) INTERIM STIPULATED ORDER
LICENSE NO. MD18059)
)

1.

The Oregon Medical Board (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including physicians, in the State of Oregon. Martin Mark Klos, MD (Licensee) is a licensed physician in the State of Oregon and holds an active medical license.

2.

The Board received credible information regarding Licensee that resulted in the Board initiating an investigation. The results of the Board's investigation to date have raised concerns to the extent that the Board believes it necessary that Licensee agree to certain terms until the investigation is completed.

3.

In order to address the Board's concerns, Licensee and the Board agree to the entry of this Interim Stipulated Order, which is not an admission of any wrongdoing on the part of the Licensee. This Order will remain in effect while this matter remains under investigation, and provides that Licensee shall comply with the following conditions:

3.1 Licensee must limit his prescribing of scheduled opiate medications to buprenorphine (Schedule III) only and only in outpatient settings. Within 30 days of the effective date of this Order, patients currently on opiate agonists must be transferred to another qualified provider or transitioned to buprenorphine with monitoring, precautions, and chart documentation per recognized standards.

