



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.

II. CRITERIA OF APPROVAL FOR CONDITIONAL USE PERMITS (CMC§18.43.050 “A” THROUGH “F”)

A. THE PROPOSED USE WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE, OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE VICINITY OF THE PROPOSED USE, OR IN THE DISTRICT IN WHICH THE SUBJECT PROPERTY IS SITUATED;

Discussion: The property is located in a single family residential zone. In single family zones a convalescent home must obtain conditional use approval (“CUP”) per CMC 18.07.040 Table 2 – Residential Land Uses. The applicant is not proposing any modifications to the exterior of the existing structures or landscaping. There will be interior renovations that will require building and fire permits.

The application narrative includes a brief history of uses at the site and previous conditional use approvals. The property operated as an 8-room bed and breakfast facility (File No. CUP98-06) and most recently was a 15-bed assisted living facility (File No. CUP13-04). The applicant proposes to change the use to a 15-bed convalescent home. “Applicant will provide full-time care and treatment for individuals seeking to recover from disorders in the abuse of drugs, alcohol, and other substances. Applicant will also provide a safe and holistic setting staffed with medical and clinical professionals to help those who are suffering from substance use disorders” (Narrative, page 4).

The definition of “convalescent home” at Camas Municipal Code(CMC) Section 18.03.030 states, *“Nursing, rest or convalescent home” means an establishment which provides full-time care for three or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical, or acute illness services.”*

The city’s definition is consistent with state law at RCW 43.190.020(a) that defines “long-term care facility” as a facility which: “Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, intellectual disabilities, or alcoholism.”

The applicant’s narrative at pages 5 and 6 state that the activities of the new use are equivalent to the prior use as an assisted living facility. The applicant provided information regarding their rules of operation, which limits visitors and deliveries. The traffic study that was submitted indicates that there will not be a noticeable difference to traffic in the vicinity. Kittelson & Associates (Application Exh. F) states, “(W)e conclude the proposed CUP should have no substantive transportation capacity or concurrency impacts at site driveways or nearby intersections.”

Findings: The proposed use will not require exterior improvements to the property or increase traffic in the vicinity.

B. THE PROPOSED USE SHALL MEET OR EXCEED THE DEVELOPMENT STANDARDS THAT ARE REQUIRED IN THE ZONING DISTRICT IN WHICH THE SUBJECT PROPERTY IS SITUATED;

Discussion: The applicant is not proposing any changes to the exterior of the existing structure, and for that reason, the development standards for a structure at CMC Chapter 18.09 are inapplicable. With that said, the location of the existing structure on the site exceeds the development standard of the zoning in terms of setbacks to other properties. The site is 2.39 acres with existing structures and mature landscaping.

A new land use may require a recalculation of parking requirements per CMC Chapter 18.11 Parking, and may require adjustments to landscaping per CMC Chapter 18.13 Landscaping. For that reason, staff evaluated whether the new use would require additional parking or landscaping.

Off-street parking for the proposed use requires one off-street parking space per two beds and one per day shift employee. The application states that there will be 15 beds and nine regular staff, which will require 17 parking spaces. The site can accommodate 75 off-street parking spaces as demonstrated with applicant’s Exhibit B. **This criterion is satisfied.**



The city requires landscaping for conditional uses per CMC Section 18.13.020 Scope (B.6), *“Conditional uses. The standards for landscaping will be the same as the landscaping standards in commercial zones if conditional use will occur in a residential zone.”* However, the change of use as proposed is exempt per CMC 18.13.025(F) as it will not include site disturbance of more than 500 square feet or trigger the need for Site Plan Review per CMC Chapter 18.18. For these reasons, no landscape plans are required or additional landscaping as mitigation. Also, the applicant has stated that no changes to landscaping are proposed. **This criterion is satisfied.**

The proposed development is located on NW 23rd Avenue. Per the 2016 Comprehensive Road Plan, NW 23rd Avenue is an existing 2-lane collector. The existing roadway along the frontage of the proposed development, is unimproved and does not consist of a curb, gutter, sidewalk, planter strip, or other pedestrian path.

Per CMC 17.19.040.B.1. Half width improvements, when determined appropriate by the City Engineer, shall include utility easements, pedestrian pathway, storm water drainage, street lighting and signage, environmental permits, provisions for mitigation improvements and mitigation areas as necessary, bike lanes, and improvements to the centerline of the right-of-way as necessary to provide the minimum structural street section per the Camas Design Standard Manual. Based on the traffic summary provided for the proposed use verses the existing use, the number of daily trips will decrease by four fewer trips and the number of PM peak hour trips will increase by approximately two (2) PM peak hour trips (Applicant’s Exhibit F). Therefore, based on proportional traffic impacts, the half-width street improvements are not warranted.

Per CMC 17.19.040.B.5, Dedication of additional right-of-way may be required for a development when it is necessary to meet the minimum street width standards or when lack of such dedication would cause or contribute to an unsafe road or intersection. The existing right-of-way width along the frontage is approximately 40-feet. For purposes of construction of a future pedestrian walkway, staff finds that the applicant should be conditioned to 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.

Findings: The proposed use is exempt from development standards of Chapters 18.09, 18.11, and 18.13. Staff finds that, as conditioned, the proposed development can and will meet the development standards for roadways.

C. THE PROPOSED USE SHALL BE COMPATIBLE WITH THE SURROUNDING LAND USES IN TERMS OF TRAFFIC AND PEDESTRIAN CIRCULATION, DENSITY, BUILDING, AND SITE DESIGN;

Discussion: The surrounding land uses to the east and west of the site are non-residential, namely a church, park, and school. The subject property and adjacent non-conforming properties are on lots larger than the underlying zoning. To the north and south of the site are residential subdivisions. As fully discussed at Criterion “B” of this staff report, additional right-of-way may be required for a development when it is necessary to meet the minimum street width standards or when lack of such dedication would cause or contribute to an unsafe road or intersection.

Findings: The site design, building and density of the property will not change. A condition to dedicate additional right-of-way will address pedestrian circulation.

D. APPROPRIATE MEASURES HAVE BEEN TAKEN TO MINIMIZE THE POSSIBLE ADVERSE IMPACTS THAT THE PROPOSED USE MAY HAVE ON THE AREA IN WHICH IT IS LOCATED;

Discussion: The application includes information regarding the proposed use of the site and has provided a map of convalescent centers in the vicinity (Application, Ex. E). The applicant notes that the traffic impacts will not substantively impact the neighborhood and that parking will be contained on site. The narrative at page 8 states that the noise will be minimal due to the restriction on visitation from family and friends of the residents.

At the preapplication meeting, the applicant discussed with staff that they would be willing to install a continuous fence along the shared property line (east side) as there is not a fence along that boundary. Given that the delineation may be unclear, a continuous fence may provide more clarity for both the residents, and the public that is visiting the park next door.

Findings: No additional measures are warranted by CMC; however a continuous fence may provide additional clarity as to the boundary of the property. A condition to that effect is proposed.

E. THE PROPOSED USE IS CONSISTENT WITH THE GOALS AND POLICIES EXPRESSED IN THE COMPREHENSIVE PLAN;

Discussion: The Comprehensive Plan, Camas 2035, includes goals and policies in regard to a variety of housing types. Specifically, Special Needs Housing Policies are relevant to this application.

Camas 2035, Senior and Special Needs Housing Goal

H-3: Encourage and support a variety of housing opportunities for those with special needs, particularly those with challenges relating to age, health, or disability.

Senior and Special Needs Housing Policies

H-3.1: Encourage special needs and senior housing to be dispersed throughout the community and close to public transportation, shopping, medical clinics, and other essential services.

H-3.2: Encourage and support social and health service organizations that offer programs and facilities to help persons with special needs remain in the community.

H-3.3: Treat residential structures occupied by persons with disabilities the same as residential structures occupied by a family or by non-disabled unrelated individuals.

H-3.4: Support and encourage the development of smaller (less than 1,000-square foot), single-story

*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.

VI. PERMIT ENFORCEMENT

In response to several questions from the public, the city may revoke a permit if (in part) “*the activity does not comply with the conditions of approval or provisions of the development code.*” The following citation is from CMC Section 18.55.460.

18.55.460 - Revocation of permits or approvals.

A. Review. Upon receiving a director's recommendation for revocation of a permit or approval, the approval authority shall review the matter at a public hearing. Upon a finding that the activity does not comply with the conditions of approval or the provisions of the development code, or creates a nuisance or hazard, the approval authority may delete, modify, or impose such conditions on the permit or approval it deems sufficient to remedy the deficiencies. If the approval authority finds no reasonable conditions which would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease. Revocation hearing regarding a Type II decision shall be scheduled before the hearings examiner.

B. Reapplication. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the development code.