

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

In the Matter of the Appeal of)	No. PRJ-169100/LUP-84013
)	
)	
Royal Life Centers)	Royal Life Treatment Center
)	
)	
for)	FINDINGS, CONCLUSIONS, AND
Conditional Use Permit)	DECISION
_____)	

SUMMARY OF DECISION

The request for a conditional use permit to operate a drug treatment center at 8422 NE 8th Way is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

Royal Life Centers requested a conditional use permit to operate a drug treatment center within an existing commercial building at 8422 NE 8th Way, Vancouver, Washington.

Hearing:

The City of Vancouver Hearing Examiner conducted a virtual record hearing on the request on August 20, 2024. The record was held open through August 22, 2024 to allow any members of the public having difficulty accessing the virtual hearing to submit written comments, with time scheduled for responses by the parties. No post-hearing public comment was received, and the record closed on August 22, 2024. No in-person site visit was conducted, but the Examiner viewed the subject property and surroundings on Google Maps.

Testimony:

At the open record public hearing, the following individuals presented testimony under oath:

- Yolin Tapia, Executive Director, Royal Life Centers of Lacey, Washington
- Ryan Wilson, Wilson Architects, Applicant Agent
- Vaun Williams, Chief Operating Officer, Royal Life Centers
- Mark Person, Senior Planner, City of Vancouver

Exhibits:

At the open record hearing the following exhibits were admitted in the record:

1. Staff Report, dated August 6, 2024
 - A. Application, dated January 31, 2024

- B. Applicant Narrative
- C. Proposed Development Plans
- D. Notice of Application and Hearing, dated May 31, 2024
- E. Affidavit of Mailing Applicant Notice to adjacent property owner and publication of legal notice, dated February 16, 2024
- F. Public Comment
 - 1. Matthew Cardon email, dated June 30, 2024
 - 2. Dennis DeWeese letter
 - 3. Dana Roberts letter
 - 4. Tamara Mantlo email, dated May 31, 2024
 - 5. Janna Mooney letter
 - 6. Pam DeWeese email, dated June 17, 2024
 - 7. Barry Parker letter, dated June 1, 2024 (sent via email)
 - 8. Barry Parker letter, dated June 3, 2024 (sent via email)
 - 9. Barry Parker letter, dated June 4, 2024 (sent via email)
 - 10. Barry Parker email, dated June 4, 2024
 - 11. Susan DeWeese letter
 - 12. David Tribe letter
- G. Applicant Response to Public Comment, dated June 18, 2024
 - 2. Applicant PowerPoint Presentation
 - 3. City PowerPoint Presentation

Based on the record developed through the open record hearing process, the Hearing Examiner enters the following findings and conclusions.

FINDINGS

1. Royal Life Centers (Applicant) requested a conditional use permit to operate a drug treatment center within an existing commercial building at 8422 NE 8th Way, Vancouver, Washington. *Exhibits 1, 1.A, 1.B, and 1.C.*
2. The application was submitted on February 6, 2024 and deemed fully complete on May 21, 2024. *Exhibit 1.*
3. The subject property is 0.83 acres in area and is developed with a three-story, 24,199 square foot commercial building (8,554 square foot footprint) that currently houses the Fort Vancouver Assisted Living Facility. The assisted living facility will be closing, and

the Applicant proposes to repurpose the building into a drug treatment center. *Exhibits 1.B and 1.C; Vaun Williams Testimony.*

4. The subject property is zoned Higher-Density Residential (R-30). *Exhibit 1.* The intent of the R-30 zone is to accommodate multi-dwelling structures at densities of up to 30 units per acre, while permitting some professional office uses and allowing some retail, civic, and institutional uses conditionally. *Vancouver Municipal Code (VMC) 20.420.020.C.* “Medical Centers” are allowed in the R-30 zone with conditional use permit review and approval. *VMC Table 20.430.030-1.* In VMC 20.160.020.B(8), Medical Centers are defined as “facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and inform, including drug and alcohol treatment.” *VMC 20.160.020.B.8.* The proposed facility would provide drug and alcohol treatment on a voluntary in-patient basis. *Exhibit 1.B.*
5. Surrounding land uses include multi-family residences to the west (R-30 zone), single-family residences to the north (R-9 zone), the Hudson Bay Health and Rehabilitation facility to the south (R-30 zone), and a commercial building to the east (OCI zone). There are numerous medical uses in the vicinity of the site, including Peace Health hospital, the Vancouver Clinic, Hudson Bay Health and Rehabilitation, Harbor Audiology and Hearing Services, and Mill Plain Medical. *Exhibits 1 and 3; Google Maps Site View.*
6. The existing assisted living facility is licensed for 50 residents and has 43 residential units. The proposed facility would also be licensed for 50 residents. No additional units are proposed as some units would be used on a double-occupancy basis. Only limited modifications to the existing building are proposed, including removing kitchenettes from the residential units, replacing HVAC equipment, repainting the interior, and replacing flooring. Security improvements would also be made at the main entrance. *Exhibits 1.B and 1.C; Vaun Williams Testimony.*
7. The existing building complies with the setback, lot coverage, and height standards of the R-30 zone. No expansion or other alteration of the building footprint is proposed. The only new structure that would be developed in conjunction with the use is a 200 square foot solid waste bin enclosure, which would be located at the north end of the parking lot. *Exhibits 1, 1.B, and 1.C.*
8. The perimeter of the site is fenced and, within the site, much of it is landscaped. In addition, there is substantial existing vegetation in the residential yards abutting the rear (north) property line. *Exhibits 1, 1.B, and 1.C; Google Maps site view.*
9. At full capacity, the use is expected to require 80 to 100 staff, but typically no more than 15 would be present at one time. *Vaun Williams Testimony.*
10. The City’s off-street parking requirements are contained in VMC 20.945. The parking standard for Medical Centers is based on the number of beds, requiring one parking space per four beds for hospitals and one parking space per two beds for nursing home and

similar facilities. *VMC 20.945.070*. Based on similarity to the nursing home standard, the use requires 25 parking stalls. *Exhibit 1*. The Applicant proposes to provide a total of 27 parking stalls. This number is expected to be adequate for the use because some residents would use facility-provided transportation, and some would rely on family for transportation. *Exhibit 1.B; Vaun Williams Testimony*. Planning Staff recommended conditions of approval to ensure that two of the parking stalls are designated as accessible for consistency with International Building Code requirements, and that the required van accessible space meets minimum dimensional standards. *Exhibit 1*.

11. The City's transportation staff reviewed the proposal and determined that the proposed use would not generate more traffic than the current use. *Mark Person Testimony; Exhibit 1*.
12. The subject property is served by water and sewer utilities, and no improvements are needed for the change in use. The sewer service lateral has been inspected and found to be in good condition. *Exhibit 1; Ryan Wilson Testimony*.
13. There is currently no enclosure for solid waste bins on site. To comply with the requirements of BMC 20.970, the Applicant proposes to construct a 200 square foot enclosure for the bins. Planning Staff reviewed the plans for the enclosure and recommended that the gate be redesigned such that it is positioned in front of the stationary dumpster or that the stationary dumpster be replaced with a wheeled dumpster to ensure collection vehicle access. *Exhibits 1 and 1.C*.
14. With respect to security, the site would be staffed 24 hours per day, and cameras would be used to provide monitoring of all areas of the facility. *Vaun Williams Testimony*. City Planning Staff recommended as a condition of CUP approval that, prior to occupancy approval, the Applicant submit a security plan addressing hours of operation, number and qualifications of security personnel, the facility's policy with respect to loitering and similar issues, an emergency management plan, and 24-hour contact information. *Exhibit 1; Mark Person Testimony*.
15. Residents of the proposed facility would be pre-screened prior to admission. Because services would not be provided on a walk-in basis, there would not be outdoor lines for service, and loitering is not expected to be a problem. Visitation would be controlled, with visits of up to two hours allowed during the weekends. *Vaun Williams Testimony*.
16. Early public notice of the proposal was provided consistent with the essential public facilities standards of VMC 20.855. Notice was mailed on February 14, 2024 and published in *The Columbian* on February 21, 2024. *Exhibits 1 and 1.E*.
17. The proposal is exempt from SEPA as "minor new construction" pursuant to VMC 20.790.840.A. *Exhibit 1*.
18. Notice of the application and remote public hearing was issued on May 31, 2024. *Exhibit 1.D*. There was no public comment at the virtual open record public hearing.

19. Several current residents of the assisted living facility submitted comments objecting to the proposal due to hardship associated with finding new housing. Concern was also raised regarding loitering and other adverse community impacts alleged to be associated with drug treatment facilities. *Exhibit 1.F.*
20. In response to public comment, the Applicant emphasized that the assisted living facility will be closing whether or not the requested conditional use permit is approved, and that the facility operator will be helping residents move to other facilities. *Exhibit 1.G; Ryan Wilson and Vaun Williams Testimony.* As described previously, loitering is not expected to be a problem because no walk-in services would be provided on site. *Vaun Williams Testimony.*
21. Having heard all testimony, Planning Staff maintained their recommendation for approval subject to the conditions in the staff report. *Mark Person Testimony; Exhibit 1.* The Applicant waived objections to the recommended conditions. *Ryan Wilson Testimony.*

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to conduct an open record hearing and decide applications for conditional use permits - a Type III land use permit - pursuant to Vancouver Municipal Code 20.210.060 and 20.210.020-1.

Conditional Use Criteria for Review:

Pursuant to VMC 20.245.040.A, the Hearing Examiner shall approve, approve with conditions, or deny an application for a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide adequate area for the needs of the proposed use;
2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography, and natural features;
3. All required public facilities have adequate capacity to serve the proposed development;
4. The applicable requirements of the zoning district, and other applicable documents are met except as amended by the conditional use permit or variances requested pursuant to Chapter 20.290 VMC; and
5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.

Conclusions Based on Findings:

1. The site size and dimensions provide adequate area for the needs of the proposed use. The site is already developed with a building that houses an assisted living facility, and the building conforms to the dimensional standards of the R-30 zone. The proposed drug and alcohol treatment facility would be licensed to serve the same

number of residents as the assisted living facility. Only minor changes are proposed to the interior of the building, which would be reviewed through a tenant improvement building permit process. *Findings 3, 6, and 7.*

2. The impacts of the use can be accommodated considering size, shape, location, topography, and natural features. The use would be operated from an existing structure. The site is already fenced and landscaped and minimal exterior work is proposed. Adequate parking would be provided. *Findings 3, 6, 7, 8, and 10.*
3. All required public facilities have adequate capacity to serve the use. *Findings 11 and 12.*
4. The applicable standards of the R-30 zone would be satisfied. The existing building conforms to the height and setback standards of the zone and no changes to the building footprint are proposed. As conditioned, the use would also conform to other applicable development standards including parking and solid waste storage. *Findings 4, 7, 10, 13, and 21.*
5. As conditioned, identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated. With the proposed change in use, the number of people housed on site would not change. Traffic is not expected to increase. The Applicant provided credible testimony that the in-patient nature of the use would minimize potential adverse effects to the community. The conditions of approval require preparation of a security plan and address parking and solid waste enclosure requirements. *Findings 6, 11, 12, 13, 14, 15, 19, 20, and 21.*

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to operate a drug treatment center at 8422 NE 8th Way is **GRANTED** subject to the following conditions:

Prior to Building Plan Approval

1. Redesign enclosure gate (minimum 12 feet wide and positioned directly in front of stationary dumpster) or remove the stationary dumpster (eight feet, six inches by eight feet) and replace it with a wheeled dumpster footprint (eight feet, six inches by five feet).
2. Show required van accessible parking space with aisle 96 inches minimum in width. <http://lawfilesexternal.wa.gov/law/wsr/2017/23/17-23-182.htm>
3. The site plan shall include two accessible parking spaces.

Prior to Issuance of Occupancy

4. The Applicant shall submit to the Community Development Department a premises security plan addressing, at a minimum, the following:

- a. Hours of operation, including hours of medication dispensing;
- b. The number and qualifications of security personnel intended to be on-site during and after business hours, and their expected duties;
- c. The facility's policy for addressing loitering, car camping, and other encampments on and adjacent to the subject property;
- d. Emergency management plan detailing policies and procedures for responding to violence and threats of violence by and/or against clients, guests, and staff; and
- e. 24-hour contact information to be made available to the public for reporting issues arising from activities at the facility.

Decided September 3, 2024.



Sharon A. Rice
Vancouver Hearing Examiner

The hearing examiner's decision may be appealed to the Vancouver City Council within 14 calendar days after the date the examiner's decision is distributed. Appeals must be made in writing and be received within this time period. The letter of appeal shall state the case number designated by the city and the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210.130.B, the specific aspect(s) of the decision being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied upon to prove the error (VMC 20.210.130.A). A fee of \$2,396.00 must accompany the appeal. However, if the aggrieved party is a recognized neighborhood association, the fee assessed is \$181.00. The association must demonstrate at the time of appeal submittal that the decision to appeal was made pursuant to association bylaws. Due to the limited days the permit center is open for walk-in assistance, the appeal request shall be emailed to plans@cityofvancouver.us as well as to the case manager's e-mail address below and the appeal fee electronically paid to the City of Vancouver. For questions or additional information, you may contact the case manager by telephone at 360-487-7885, or by e-mail at mark.person@cityofvancouver.us.