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BEFORE THE HEARING EXAMINER FOR THE CITY OF LAKEWOOD

RE: Washington State Dept. of Social and Health Services)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
Master Plan Amendment)	
LU19-00047)	

Summary

The Applicant has applied for a conditional use permit to amend the Master Plan of Western State Hospital (WSH) in order to expand the Child Study and Treatment Center (“CSTC”) by 18 beds and to add a new 17,000 square foot housing and treatment cottage, located at the eastern portion of the CSTC campus. The conditional use permit is approved subject to conditions.

Testimony

Andrea Bell, City of Lakewood Associate Planner, summarized the staff report. In response to Examiner questions Ms. Bell clarified that the amendment to the master plan is approved as a conditional use permit.

Dr. Rick Mehlman, CEO of the CSTC, noted that his facility treats some of the most challenging children between the ages of six and eighteen. The facility is currently a 47 bed facility. 16 of the beds are for young kids and the other 31 beds are for older adolescents. The CSTC was established in the early 60s and it’s been there ever since. There are about 74,000 children in the State of Washington that have moderate to severe emotional disturbances. Of those 74,000 there are approximately 84 beds in the state that serve the most challenging of those children. Those 84 beds are all part of CLIP, the Children Long-Term Inpatient Program. In addition to the CSTC, CLIP

1 has three state contracted facilities – one in Tacoma, one in Burien and one in Spokane. The three
2 contracted facilities are private sector residential treatment programs. CSTC psychologists are
3 contracted from the University of Washington. There are more clinical staff per child in the CSTC
4 facilities than the state contracted facilities, so the CSTC takes the more challenging of the children
5 using the 84 beds. The CSTC also has 16 young children – the other CLIP facilities only takes
6 adolescents. The CSTC also takes forensic kids to assess whether they’re competent to stand trial or
7 competency restoration. Children coming to the CSTC tend to be the most challenging and violent
8 and have often come out of other programs that were unable to treat them. The average stay at the
9 CSTC is a little over one year. The CLIP waiting list is at 24 children and the average waiting time
10 is between 60 and 90 days. This is for children in desperate need of immediate care.

11 In response to examiner questions, Dr. Mehlman anticipated an additional 80 staff associated with
12 the proposal. He anticipates the expansion to be completed in April, 2021 with about a year-long
13 construction period.

14 Robert Hubenthal, Assistant Director of DSHS Capital Facilities, noted that the project design is
15 completed and ready for permitting. Project design accommodates both genders and includes sitting
16 rooms, bathrooms, classrooms, day and night rooms and staff facilities and clinical space. The
17 legislature has appropriated 12.5 million for design and construction. \$300,000 was added in the
18 last session for a stand-alone emergency backup generator. The Applicant as no objections to the
19 staff recommended conditions of approval. In response to Examiner questions, Mr. Hubenthal
20 responded that the generator will be tested regularly but will not be audible beyond property lines.

21 Exhibits

22 Exhibits A-I identified at page 13 of the May 17, 2019 staff report were admitted during the hearing.

23 FINDINGS OF FACT

24 Procedural:

- 25 1. Applicant. Washington State Department of Social and Health Services (DSHS).
- 26 2. Hearing. A hearing was held on the subject application on May 24, 2019 at 11:00 am in the
Lakewood City Hall Council Chambers.

Substantive:

3. Project Description. DSHS requests approval of a conditional use permit to amend its WSH
Master Facilities Plan #LU98059 to permit an 18-bed expansion to the Child Study and Treatment
Center (CSTC) state operated psychiatric hospital for youth and children, and to construct a new
17,000 square foot housing and treatment cottage on approximately 2 acres of the 215.71 acre state
owned parcel (0220321022) located to the east of WSH in Lakewood, Washington. The added
capacity will be used for the treatment of adolescent committed youth with significant mental health

1 diagnoses requiring long term inpatient psychiatric care.

2 CSTC currently consists of three standalone inpatient housing and treatment units, administrative
3 offices and parking, a gymnasium, maintenance shop, open space and recreation areas. Firwood
4 High School and Oakbrook Elementary School are located on the CSTC campus and serve the
5 children at CSTC and other children with special needs.

6 CSTC provides inpatient treatment services to both voluntary and civilly committed youth. CSTC
7 manages the state and federally funded Children’s Long Term Inpatient Program (CLIP). 47 of the
8 State’s 83 CLIP beds are provided at CSTC. CSTC also provides juvenile court-ordered forensic
9 services including; evaluations of competency to stand trial, mental state at time of offense, risk
10 assessment of harm to themselves or others and competency restoration therapies.

11 CSTC is designed and staffed to provide inpatient psychiatric treatment to children ages 6-17 who
12 cannot be served safely in less restrictive settings within the community. CSTC provides state of the
13 art care for the most psychiatrically complex youth in Washington State. CSTC professional staff
14 are involved in clinical and translational research, and are active nationally in developing standard of
15 care guidelines and practices for diagnosing and treating youth with serious emotional disturbances.

16 4. Surrounding Area. The WSH campus begins at the westernmost edge of the property and
17 extends eastward to the CSTC campus. WSH is comprised of over 45 buildings that provides
18 facilities supporting the hospital’s administrative services, mental health treatment wards, outpatient
19 treatment facilities, hospital court room and legal services, a central laundry, a central food
20 preparation kitchen, a central dining room, patient convenience store, staff training and development
21 center, video conference center, pharmacy, and commissary. The West Pierce Fire & Rescue Station
22 24 and Oakridge Community Facility are located on the easternmost portion of the property with
23 frontage off of 87th Avenue SW. Oakridge is a 16 bed juvenile rehabilitation Community Facility
24 that provides a residential environment dedicated to job training for juveniles and serves as a step
25 down to prepare youth for return to their communities.

26 Beyond the uses identified above are the following surrounding uses:

- 27 North – Residential and Municipal Golf Course
- 28 West – (Town of Steilacoom) residential, commercial and Steilacoom High School
- 29 South – Fort Steilacoom Park open space
- 30 East – Neighborhood commercial and multi-family residential

31 The proposal will be physically located approximately 444 feet north of Steilacoom Boulevard, 1,423
32 feet west from 87th Avenue SW, and 3,800 east feet from Sentinel Drive.

33 5. Adverse Impacts. Adverse Impacts. There are no significant adverse impacts associated with
34 the project. Pertinent impacts are addressed as follows:

1
2 A. Critical Areas. There are no critical areas located at the project site, except that the project is
3 located within an aquifer recharge area. Development within aquifer recharge areas are subject
4 to the requirements of LMC 14.150.030, which appear to have little if any applicability.
Compliance with LMC 14.150.030 is made a condition of approval.

5 B. Traffic. The proposal will not create any significant traffic impacts since its trip generation is
6 relatively modest and is limited to non-peak hour times of the day. The Applicant reports that
7 trips generated from the proposed project will not unduly burden traffic circulation systems in
8 the vicinity. The majority of the trips generated from the project will access the existing
9 transportation network via the signalized intersection at Steilacoom Blvd SW and Sequoia St.
10 Steilacoom Blvd SW is a principal arterial and averages over 11,000 ADT. The proposal will
11 generate only 114 ADT, which only represents approximately a 1% increase in daily traffic
12 volumes. Trips generated from the project will also be during non AM and PM peak times as
the facility is staffed 24 hours per day with shift changes at 6 am, 2 pm, and 10pm. Therefore,
the low number of trips will have negligible impact upon overall traffic volumes in this vicinity.
The trip generation estimate for the proposed DSHS CLIP facility is based on the methodology
in the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th edition for land
use code (LUC) 620 (Nursing Home).

13 CSTC is currently provided with an established internal network of roadways, sidewalks and
14 other pedestrian features to assure safe walking conditions for visitors and students. Two
15 schools serving the patient population are located on campus and currently safe walking
16 facilities are separated from the roadways serving motorized traffic. A new pedestrian walkway
17 and marked crossing will be provided to connect the new facility with the existing network of
18 sidewalks. The proposed CSTC expansion will have minimal impacts to the existing on-site
circulation and traffic flow and control. Emergency vehicle movement onto and throughout the
site will not be impacted by the siting of the proposed expansion adjacent to an established
access route.

19 Public Works Engineering has reviewed the proposed traffic and other public facilities and
20 found them to be in general conformance to the City's development standards with their
21 recommended conditions (Ex. C, adopted by this decision), subject to site plan and building
permit review.

22 C. Hazardous Conditions. No hazardous conditions are associated with the proposed use or
23 development. City staff have determined that the proposed facility will be fully secure and the
24 use is the same as neighboring facilities. No use of toxic or harmful chemicals is discernable
from the record or reasonably anticipated from the proposed use.

25 According to the Applicant, the proposed facility will ensure the safety of the general public,
26 workers and visitors by creating a modern secure housing and treatment cottage that allows for

1 the separation of forensic, civilly committed and voluntarily admitted patients, and provides
2 space for staff to more safely and effectively treat CSTC patients.

3 In addition to City required land-use, building and fire code reviews and approvals, the
4 proposed CSTC housing and treatment cottage will undergo a separate review and approval
5 process by the Washington State Department of Health, Construction Review Services and
Washington State Fire Marshal who have regulatory authority over hospitals.

6 D. Compatibility. The proposal is fully compatible with surrounding uses both on and off the
7 WSH/CSTC campus. As required by LMC 18A.30.850(C) for amendments to essential public
8 facility master plans in the PI district, the Applicant has prepared a compatibility study. As
9 shown in the compatibility study, the closest single-family residences are located over 1,400
10 square feet to the east across 87th Avenue and separated from the project site by an abundant
amount of open space, trees, a fire station and the Oakridge facility. It is likely that visually the
proposed expansion will barely be noticeable to any uses surrounding the WSH/CSTC campus.

11 Within the campus, the proposed facility is of the same type and use as the dozens of other
12 campus buildings and it will also be screened by an extensive amount of trees and open space
13 that will be negligibly reduced by the proposal. The proposed expansion will increase the
14 developed area of the CSTC campus by approximately 4 acres and the entire CSTC campus is
over 215 acres in size. The proposed new building is designed to be compatible with the
existing CSTC facilities in scale, form and height. The proposed facility is a single story
structure in keeping with the surrounding buildings.

15 The short term impacts from potential construction effects will be mitigated by adherence to the
16 Lakewood Municipal Code Chapter 8.36 Noise Control. Potential environmental effects due to
17 construction will be mitigated by implementing temporary erosion and sediment control
18 measures. Stormwater collection and treatment from added impervious area will be handled in
19 accordance with the Pierce County Stormwater Management and Site Development Manual
20 2015 or the Stormwater Management Manual for Western Washington 2014 (DOE Manual) for
21 storm water requirements and designs. Physical aspects associated with the proposed CSTC
CLIP expansion will comply with the City's applicable, design standards, tree preservation,
landscaping, parking, and sign requirements contained under Lakewood Municipal Code Title
18A Land Use Development Code and Chapter 18A.50 Development Standards as applicable to
the zone and as required by conditions attached to the land use permit modification.

22 Adequate parking is also included in the proposal. A total of 32 new parking stalls are proposed
23 to serve the facility. The 32 proposed parking stalls numbers were calculated on proposed
24 staffing and account for an overlap of shifts and exceed the 21 required stalls which represent
25 the code minimum for an Essential Public Facilities use type. The main parking facility is
26 located to the south and provides emergency vehicle access and a refuse collection area.
Sidewalks are proposed to connect to neighboring facilities, including the Camano Cottage and
an existing parking lot to the north.

1
2 E. Adequacy of Utilities. The proposal will be served by adequate utilities.

3 The Applicant reports that the proposed expansion of CSTC will have negligible additional
4 demand on the existing infrastructure serving the campus or the adjacent municipal
5 infrastructure or services. The state owns, operates, and maintains much of the utility
6 infrastructure serving the campus. This includes water production wells, storage, and
7 distribution system; high/mid/low-voltage electrical distribution system, emergency power
8 generation, sanitary sewer mains, a stormwater collection and drainage system including on-site
9 retention and infiltration ponds, and an integrated fire alarm system with 24/7 manned
10 monitoring and emergency operations center.

11 The existing Group A water system has capacity for additional connections. The system has
12 adequate fire flow based on testing. The Town of Steilacoom provides sewer service to the
13 campus.

- 14 • A certificate of sewer availability has been issued by the Town of Steilacoom.
- 15 • A certificate of water availability has been issued by Western State Hospital
- 16 • All stormwater drainage will be infiltrated onsite.
- 17 • Tacoma Power will provide electrical power and natural gas

18 **Conclusions of Law**

19 1. Authority. LMC 18A.2.502 Table 3 classifies conditional use permits as a Process III
20 application subject to hearing examiner review.

21 2. Zoning Designations. Public Institutional (PI).

22 3. Review Criteria. LMC 18A.30.830(A)(1) requires a conditional use permit for the proposal
23 because it qualifies as a mental health essential public facility pursuant to LMC 18A.20.400(D).
24 LMC 18A.10.150 governs the criteria for conditional use permit review. Applicable conditional use
25 criteria are quoted below in italics and applied through corresponding conclusions of law.

26 **LMC 18A.10.150(A):** *The size and physical characteristics of the site are appropriate for the
proposed use including all facilities and amenities that are required by this title or desired by the
Applicant.*

4. The criterion is met for the reasons identified in Finding of Fact No. 5(D).

1 **LMC 18A.10.150(B):** *The proposed use will not be detrimental to the public health, safety, and*
2 *general welfare of the community and will not introduce hazardous conditions at the site that cannot*
3 *be mitigated to protect adjacent properties and the vicinity.*

4 5. The criterion is met. As determined in Finding of Fact No. 5, no significant adverse impacts
5 will be created by the proposal, which includes any hazardous conditions. Since the proposal creates
6 no significant adverse impacts, it will not be detrimental to public health, safety and welfare.

6 **LMC 18A.10.150(C):** *The proposed use will not be injurious to, or adversely affect the uses,*
7 *property, or improvements adjacent to, or in the vicinity of, the site upon which the proposed use is to*
8 *be located. The proposed use will be compatible with adjacent land uses and consistent with the*
9 *character of the surrounding area.*

9 6. The criterion is met. As determined in Finding of Fact No. 5, no significant adverse impacts
10 will be created by the proposal and the proposal is compatible with surrounding uses. Consequently,
11 it will not be injurious or adversely affect surrounding uses.

11 **LMC 18A.10.150(D):** *The proposed use will be supported by adequate water, sewer, storm*
12 *drainage, schools, electrical, police, and fire protection facilities and services. The use will not*
13 *overburden or adversely affect said public facilities and services.*

14 7. The criterion is met. As determined in Finding of Fact No. 5(B) and (E), the proposal is served
15 by adequate public facilities and services.

15 **LMC 18A.10.150(E):** *The traffic generated by the proposed use will not unduly burden the traffic*
16 *circulation system in the vicinity.*

17 8. The criterion is met. As determined in Finding of Fact No. 5(B), the traffic generated by the
18 proposal is not significant and is adequately mitigated.

19 **LMC 18A.10.150(F):** *An adequate site layout is proposed for on-site circulation and*
20 *transportation activities, considering the potential impacts of the proposed use on traffic flow and*
21 *control, emergency vehicle movements and safety associated with the suitability of access points, on-*
22 *site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks,*
23 *bike paths, or other transportation facilities required by this title or desired by the Applicant. All*
24 *conditions necessary to lessen any impacts of the proposed use have been included in the project*
25 *design or will be required as conditions of approval pursuant to LMC 18A.10.160, Action of Hearing*
26 *Examiner. Buffering devices such as fencing, landscaping or topographic characteristics may be*
required to adequately protect adjacent properties from adverse effects of the proposed use,
including adverse visual or auditory effects.

1 9. The criterion is met. As noted in Finding of Fact No. 5(B), adequate site layout is proposed for
2 on-site vehicular and pedestrian circulation. As determined in Finding of Fact No. 5(D), the proposal
3 will not adversely affect adjoining properties, including visual and auditory effects.

4 **LMC 18A.10.150(G):** *The proposed use will cause no unreasonably adverse effects to wetlands,*
shorelands, wildlife habitat, and other sensitive areas.

5 10. The criterion is met. As determined in Finding of Fact No. 5(A), the proposal will not
6 adversely affect critical areas.

7 **LMC 18A.10.150(H):** *That the granting of the proposed conditional use is consistent and*
8 *compatible with the intent of the goals, objectives and policies of the comprehensive plan. For*
9 *essential public facilities, the Hearing Examiner shall balance the goals and policies of the*
comprehensive plan, the intent of this code, and the public need for the proposed facility.

10 11. The criterion is met. As identified in the staff report, the proposed 18-bed expansion of the
11 CSTC inpatient children psychiatric hospital is consistent and compatible with the intent of the goals,
12 objectives and policies for the Public Institutional comprehensive plan designation (see exhibit I,
13 Land Use Modification Study, pgs. 11-13). As noted in the staff report and testified by Dr. Mehlman,
14 CSTC serves one of the most vulnerable segments of the public by providing inpatient psychiatric
15 care to youth and children. The population of youth with severe psychiatric needs currently
16 challenges state and local government resources for juvenile justice, child welfare, developmental
17 disability and mental health. CSTC is best equipped and staffed to treat youth and children with the
18 most psychiatrically complex behavioral health cases. Many of these patients present acute security
19 and safety challenges. However, housing resources are limited and existing state managed facilities
20 are burdened beyond capacity.

21 The existing CSTC campus is the best prepared site for increasing state managed psychiatric youth
22 care. The campus has the administration, maintenance and support facilities to accommodate the
23 additional beds. Existing school district resources are available to maintain a quality educational
24 program. Finally, as outlined in Finding of Fact No. 5, no adverse impacts are anticipated from the
25 proposal, including impacts to adjoining properties. Given the significant public benefit associated
26 with the proposal and the lack of adverse impacts, on balance the proposal is well suited for its
proposed location.

22 **LMC 18A.10.150(I):** *The proposed use complies with the appropriate development and*
23 *performance standards and all other applicable provisions of the City of Lakewood Land Use and*
Development Code.

24 12. The criterion is met. General development standards in the PI Zoning District are deliberately
25 flexible and are determined by the Community Development Director and City Engineer on a case-
26 by-case basis. The proposed CSTC hospital expansion appears to comply with appropriate


1 development and performance standards for site, stormwater, building, landscape, and site lighting
2 design. Ultimate compliance will be imposed during site plan and building permit review.

3 **DECISION**

4 The conditional use permit to amend the Master Plan of Western State Hospital (WSH) in order to
5 expand the Child Study and Treatment Center (“CSTS”) by 18 beds and to add a new 17,000 square
6 foot housing and treatment cottage is found to comply with all conditional use permit criteria for the
7 reasons identified in the associated conclusions of law above and is approved, subject to the
8 following conditions:

- 9 1. DSHS shall abide by all requirements set forth in the comment letter from Washington
10 State Department of Ecology dated March 28, 2019.
- 11 2. DSHS shall abide by all requirements set forth in the comment letter from City of
12 Lakewood Public Works Engineering dated March 28, 2019.
- 13 3. Building permits shall be required for the proposed CSTC expansion and construction of
14 the new housing and treatment cottage.
- 15 4. A Site Development permit shall be obtained for the project through City of Lakewood
16 Public Works Engineering.
- 17 5. DSHS shall provide the city with certification letters from all utility companies servicing
18 the CSTC to ensure existing infrastructure can support the proposed addition and new
19 construction. These shall be provided prior to issuance of building permits.
- 20 6. The proposal shall conform to LMC 14.150.030, aquifer recharge requirements.

21 DATED this 3rd day of June, 2019.

22 
23 Phil A. Olbrechts

24 Pro Tem Hearing Examiner for Lakewood

25 **Appeal Right and Valuation Notices**

26 LMC 18A.02.502 Table 3 provides that the final decision of the Hearing Examiner is subject to
appeal to superior court. Appeals of final land use decisions to superior court are governed by the

1 Land Use Petition Act (“LUPA”), Chapter 36.70C RCW. LUPA imposes short appeal deadlines
2 with strict service requirements. Persons wishing to file LUPA appeals should consult with an
3 attorney to ensure that LUPA appeal requirements are correctly followed.

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