

**DRAFT CLEAN VERSION 18.12.160 Community-based Behavioral Health Facilities**

***City of Chewelah***

***1/30/2023***

A. Purpose And Intent. These regulations are intended to protect public health and safety by requiring safe operations of Behavioral Health Facilities for both the residents and the broader community. Violations of these regulations are subject to §1.24.010 of Chewelah Municipal Code. The purpose of this section is to allow and establish a review process for the location, siting, and operation of community-based behavioral health facilities that:

1. Increase access to behavioral health services and community amenities for individuals living with behavioral health conditions or disabilities.
2. Allow such facilities to be sited in areas with appropriate conditions for the services being provided.
3. Apply regulatory land use frameworks in the same manner for such facilities as for other facilities with similar scale and land use impacts.
4. Apply permitting and entitlement processes appropriate to the scale of the facility and location that is efficient, predictable, and informed.
5. Ensure that the health and safety of both residents and the broader community is maintained during facility operations.

B. Facility Types and Definitions.

“Community-based Behavioral Health Facility” means a residential facility licensed and regulated by the State of Washington, staffed to provide on-site care and that is not a hospital or a group home (adult family home). For the purposes of this title, the following facilities shall be considered a Community-based Behavioral Health Facilities:

- Crisis Stabilization Facilities
- Dementia Care Facilities
- Enhanced Services Facilities
- Evaluation and Treatment Facilities
- Intensive Behavioral Health Treatment Facilities
- Residential Care Facilities
- Secure Withdrawal Management and Stabilization Facilities

“Crisis Stabilization Facility” means a short-term facility designed to assess, diagnose, and treat persons experiencing an acute crisis without the use of hospitalization that may be co-located with Evaluation and Treatment and Outpatient Treatment facilities. Peace officers may drop-off individuals if the facility chooses to provide involuntary services. Individuals are assessed to determine the need for civil commitment or other services. Facilities can offer short-term care for up to 24 hours and/or provide beds for overnight stays of approximately five days. (WAC 246-341-1140)

“Dementia Care Facility” means a facility that provides specialized long-term care services for persons with dementia. All facilities have delayed egress, an indoor wander path, and a safe, enclosed outdoor area that can be accessed independently. Stays are generally long-term, with residents aging in place and only moving if their care needs can no longer be safely met. (WAC 388-110-220 (2) (3))

“Enhanced Services Facility” means a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary. (RCW 70.97.010(5));

“Evaluation and Treatment Facility” means a short-term court-ordered treatment provided in a residential facility (can also be provided in a hospital setting). Includes 24-hour on-site care for the evaluation, stabilization, and/or treatment of residents for substance use, mental health, or co-occurring disorders. These facilities serve individuals for 5 or 14 day (short-term) and/or 90- and 180-day (long-term) civil commitments. They may also provide services to voluntary individuals. (WAC 246-341-1134)

“Intensive Behavioral Health Treatment Facility” means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings. (RCW 71.24.025 (33));

“Outpatient Treatment” means behavioral health services provided through outpatient treatment. These agencies are sometimes licensed as a Behavioral Health Agency. (WAC 246-341)

“Residential Care Facility” means an establishment operated with twenty-four (24) hour supervision for the purpose of serving persons of any age under the jurisdiction of the criminal justice system or nine (9) or more persons of any age who, by reason of their circumstances or conditions, require a transitional nonmedical treatment program for rehabilitation and social readjustment; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving twenty-four (24) hour locked incarceration with little or no freedom of movement.

“Secure Withdrawal Management and Stabilization facility” means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. (RCW 71.05.020 (52))

C. Licensing Requirements.

1. All Community-based Behavioral Health Facilities are required to demonstrate compliance with all licensing requirements pursuant to Chapter 70.97 RCW, or as amended by the State Legislature.
2. A written management plan shall be provided by all Enhanced Services Facilities, Evaluation and Treatment Facilities, Intensive Behavioral Health Facilities, Residential Care Facilities, and Secure Withdrawal Management and Stabilization facilities for the City Administrator's (or their designee's) review and approval. At a minimum, a management plan shall address the following components:
  - a. Identify potential impact(s) on nearby residential uses and proposed methods to mitigate those impacts;
  - b. Identify the project management or agency responsible for the support staff and who will be available to resolve concerns pertaining to the facility. The plan shall specify procedures for updating any changes in contact information;
  - c. Identify staffing, supervision and security arrangements appropriate to the facility. A 24-hour on-site supervisor is required.
  - d. Identify a communications plan in the event that information to the surrounding neighborhood would be needed throughout the time the facility is in operation.

D. Conditional Use Permit Requirements.

1. New or expanded Community-based Behavioral Health Facilities shall require a Type II Conditional Use Permit.
2. In addition to the requirements for a complete application specified within CMC 18.20.030, Development Review Procedure, proposed Community-based Behavioral Health Facilities must provide a written Operations Plan that shall contain the following minimum components:
  - a. Facility point of contact (a facility email and 24-hour phone line)
  - b. Process for communicating with neighboring residents and businesses
  - c. Policies and procedures to address neighborhood concerns
  - d. Numbers of residents and expected length of stay
  - e. Facility rules and regulations
  - f. Staffing plans (number and shifts)
  - g. Onsite parking plan and anticipated response calls
  - h. Safety and discharge plan

- E. Approval criteria. In addition to all other standards required by this title and findings specified within CMC 18.16.020 (C)(2) for the approval of Type II Conditional Use Permits, the following additional criteria shall apply for Community-based Behavioral Health Facilities:

1. 24-hour on-site supervisor shall be required.
2. The proposed location is or will be sufficiently served by public services which may be necessary for the support and operation of the facility. These may include, but shall not be limited to, availability of utilities, access, transportation systems, education, police and fire facilities, and social and health services.
3. The proposed facility shall not be located within eight hundred and eighty feet (880 ft) of any pre-existing Community-based Behavioral Health Facility, public park, playground, recreation/community center, library, childcare center (including all types of child daycares), school, miniature golf, ice/skate rink, bowling alley, movie theater, or game arcade. The method of measurement shall be from the closest property line to the closest property line.
4. The proposed facility and improvements shall be compatible with surrounding properties, including the size, height, location, setback, and arrangements of all proposed buildings, and signage.
5. All required local, state, and federal licensing requirements applicable to the proposed facility shall be required prior to issuance of a certificate of occupancy.