



# Conditional Use Permit Application

Rev.20180102

1. List the provisions of the land use code that allows the proposal:

See attached.

2. Please explain how the proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property:

See attached.

3. Please explain how the proposal meets the concurrency requirements of SMC Chapter 17D.010:

See attached.

4. If approval of a site plan is required, demonstrate how the property is suitable for the proposed use and site plan. Consider the following: physical characteristics of the property, including but not limited to size, shape location, topography, soils, slope, drainage characteristics, the existence of ground or surface water, and the existence of natural, historic or cultural features:

Not applicable.

5. Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have, and any necessary conditions that can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use:

See attached.

**(FOLLOWING QUESTIONS FOR SHORELINE CONDITIONAL USE PERMIT ONLY)**

6. Demonstrate how the proposed use will not interfere with the normal public use of the public shorelines.

Not applicable.

7. Please explain how the cumulative impact of several additional conditional use permits on the shoreline in the area will not preclude achieving the goals of the shoreline master program.

Not applicable.



Summit Behavioral Healthcare, LLC (“Summit”) is a nationwide provider of mental health and addiction treatment, including residential chemical dependency programs. Summit provides the following supplement to the Conditional Use Permit application:

1. *List the provisions of the land use code that allows the proposal:*

Summit is applying to convert the existing 12 bed hospice facility approved under City of Spokane file no. Z2009-53-CUP3 (the “Existing CUP”) into a 36-bed inpatient residential substance use disorder treatment facility (the “Proposed Use”). No exterior site work is proposed and the interior building permits for the improvement of the interior of the building would be subject to a separate application.

The operation of the Proposed Use would be consistent with other facilities operated by Summit. Peak staffing would be from 8:00AM – 5:00PM with approximately 20 personnel which will maintain the roles required by Washington law for the operation of the Proposed Use, including a clinical director, a business office manager, a cook, a dietary manager, a director of nursing, an executive director, a facilities manager, group therapists, a housekeeper, individual therapists, licensed practical nurses, substance use disorder therapists and technicians, patient advocates, patient engagement specialists, a receptionist, a registered nurse, a patient navigator, and an alumni coordinator. Overnight staffing would reduce to approximately 10 individuals, including a licensed practical nurse, an overnight registered nurse, and patient engagement specialists.

Summit would offer a voluntary residential treatment program lasting with stays of thirty (30) days or more. The first ten (10) days of the program could include a medically managed detoxification process to manage withdrawal symptoms and prepare the patient for the remainder of the treatment program if required by a physician. The facility is intended to provide treatment to sub-acute patients; medically intensive type therapy or hospital level care would not occur here. The curriculum aims to teach skills related to continued sobriety, and includes individual therapy, group therapy, meditation, family therapy, and understanding trauma. Although the facility is licensed to provide controlled medications to patients with withdrawal symptoms, methadone is not among the medications used, nor are any other medications used that are not FDA approved. Admission is by appointment only.

Summit’s facilities provide for card only access, door alarms at all exterior doors, exterior video cameras, and lighting. Visitors are not allowed except for family for the specific purpose of a family-oriented therapy session. Family visitors are screened upon entry. Telehealth is also used for family therapy sessions.

The proposed facility will be licensed by the Washington State Department of Health. Application for a license includes the requirements to provide policies and procedures in

compliance with Chapter 71.12 RCW and Chapter 246-337 WAC, which include, but are not limited to, quality improvement programs, human resource management, and emergency disasters, and disclosure statements and criminal history background checks for all employees. Regulations also require that the facility also provide a process to protect the rights of residents within the facility. Other regulations address the physical environment of the building and living facilities, management and administration, health and safety management, staffing, patient screening and admission, crisis intervention and emergencies, medical management, behavioral therapy, and drug security for medically managed withdrawal services.

Revocation of a license by the Department of Health can occur for a number of reasons, including neglecting patient welfare, retaliating against employees reporting abuse or other improprieties, failing to comply with the authorization issued by the Department of Health, failure to provide records and reports to the Department of Health, and failure to admit a Department of Health representative when required.

The facility would further operate in compliance with the following criteria developed by American Society of Addiction Medicine (ASAM):

- a. ASAM Level 3.7: Substance Use Medically Monitored Intensive Inpatient for Adults
- b. ASAM Level 3.5: Clinically Managed High Intensity Residential Care for Adults
- c. ASAM Level 2.5: Substance Abuse Partial Hospitalization Service for Adults (P)

The current zoning of the property is R1 under the City of Spokane municipal code. The Proposed Use is categorized as Group Living per SMC 17C.190.100. Group living uses for more than six residents are a Type III Conditional Use in the R1 zone. The change of use from Community Services, which the existing use is considered, requires a Type III Conditional Use Permit for which the Hearing Examiner is the decision maker.

The R1 zone use standards are required to “create and maintain residential neighborhoods.” SMC 17C.111.010. They permit “some nonhousehold living uses but not to such an extent as to sacrifice the overall residential neighborhood.” *Id.* A “Group Living” facility has a population that is larger than the average size of a household. SMC 17C.190.100(A). Tenancies are arranged for on a month-to-month basis, or longer. *Id.* The residents may receive a combination of care, training or treatment. *Id.* Density for the property is permitted to be 1.5 residents per 1000 square feet of site area, therefore the maximum density available to the property is approximately 155 residents, however Summit only requests a density of 36 residents.

2. *Please explain how the proposal is consistent with the comprehensive plan designation and goals, objectives and policies for the property.*

The placement of this facility provides necessary substance use disorder treatment services within the north Spokane and is consistent with the City’s Comprehensive Plan.

Section 3.4 of the Comprehensive Plan identifies the Property as being “Open Space,” however, the historical use of the Property has not been as such nor has the zoning that has been applied to the Property been consistent with the implementation of the property as being designated under the Comprehensive Plan as Open Space. The Existing CUP recognized that the property

was designated as “Residential 4-10” under the Comprehensive Plan. The Proposed Use represents the use of a preexisting building that is subject to the requirements of the R1 zone. Even though this Property is designated as “Open Space”, LU 1.13 provides no specific guidance for the purpose of an existing building or use of property by property owners. PRS 1.4 suggests that the City should work with property owners and developers to preserve open space areas. Summit’s anticipated use will not reduce any open space within the City, and therefore is consistent with PRS 1.4.

The goals and polices that are more applicable to this property relate to “Lower Intensity Residential Areas” under LU 1.3 as the property is zoned as R1. LU 1.3 suggests that in lower intensity residential uses should be located in all neighborhoods and that future development should complement existing development. LU 1.3 also suggests that there should be “complementary uses” that support the daily needs of residents and avoiding negative impacts is essential. The Proposed Use represents exactly that, an opportunity to provide for a community use within a neighborhood setting. It does not expand nor change the intensity of the existing use.

In addition to LU 1.3 the City’s goals and policies relative to Social Health are also applicable. For instance, SH 2.2 states that the goal of the City should be to “disperse special needs temporary housing evenly throughout all neighborhoods.” SH 2.3 also provides that it is a policy of the City to “ensure that facilities that accommodate special needs populations blend in with the existing visual character of the neighborhood in which they are located.” SH 5.2 also establishes a goal of the city to provide for there to be “neighborhood-level” health and human services by providing “financial, regulatory, and tax incentives for business and property owners, service providers, and developers in order to increase the number of neighborhood and district centers where health... and human services are available.” The Proposed Use directly supports the Social Health policies of the City by providing facilities within an existing neighborhood.

In addition to the foregoing, RCW 36.70A.200(1) requires that jurisdictions provide for the siting of essential public facilities, which include both substance use disorder treatment facilities and group living facilities. LU 6.8 states that essential public facilities should be compatible with the surrounding areas. SMC 17C.190.530 states that when the essential public facility is designated as a specific use then it follows the process set forth in the City’s municipal code. As an essential public facility, the siting of the Proposed Use within the R1 zone at this property is supported as matter of policy.

Summit’s use recognizes a pre-existing use of the property that was consistent with the hospice use and is an essential public facility that should be sited in the R1 zone. The development of the facility with the Proposed Use creates continued consistency within the neighborhood by providing for an ongoing, viable use within the City with necessary support services.

3. *Please explain how the proposal meets the concurrency requirements of SMC 17D.010:*

The Property is currently subject to the Existing CUP. Summit does not anticipate that its use will affect any of the concurrency requirements of the City, as the existing facility is already served by the applicable governmental services. The Proposed Use minimally increases the total amount of potential beds within the facility and therefore should not affect concurrency.

4. *If approval of a site plan is required, demonstrate how the property is suitable for the proposed use and site plan. Consider the following: physical characteristics of the property, including but not limited to size, shape location, topography, soils, slope, drainage characteristics, the existence of ground or surface water, and the existence of natural, historic or cultural features:*

No site plan approval is required. The entirety of the Proposed Use would be contained with the interior of the existing building.

5. *Please explain any significant adverse impact on the environment or the surrounding properties the proposal will have, and any necessary conditions that can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use:*

Summit does not anticipate that there will be any adverse impact on the environment or the surrounding properties and addresses its potential impacts on the surrounding property through its own operational requirements of the facility and the operational requirements imposed by the Department of Health. The City's municipal code recognizes that the standard imposed by SMC 17C.330.010 for group homes are designed to ensure compatibility with the character of residential and commercial areas.

Summit anticipates that the proposed use will be similar to the Existing CUP. Primary vehicular trips to and from the facility would be consistent with the hospice use with primary staffing occurring between 8:00 AM and 5:00 PM with minimal overnight traffic to the property.