

FINAL CODE INTERPRETATION--DRAFT
CINT23-0005 (Classification of Residential Treatment Facility)

Background

The Department of Local Services, Permitting Division, received a code interpretation application dated December 20, 2023 from Jennifer Grant from Hillis, Clark, Martin & Peterson P.S., requesting confirmation pursuant to K.C.C. 21A.02.070.D that Residential Treatment Facilities, as defined in WAC 246-337-005 (referred to in the application as “State-regulated RTFs.”), are a permitted land use in King County’s R-24 zone.

Code Sections Subject to Interpretation:

The applicant requested a code interpretation pursuant to K.C.C. 21A.02.070.D¹, which is a subsection of code utilized to determine whether a given land use is allowed in a zone when the land use is “not specifically listed in a land use table or specifically included within a SIC classification”. However, Regulatory Review Committee (RRC) analysis determined that the land use described by the applicant is listed in a land use table and included within a SIC classification in K.C.C. 21A.08.050.

Discussion & Analysis

The code interpretation request is based on the premise that “none of the [King County] Code’s use definitions address RTFs squarely”, noting that the definitions of “Community Residential Facility” (“CRF”), “Nursing and Personal Care Facilities”, and “Social Services” do not align with the services provided by a State-regulated RTF. The application materials provide an analysis documenting how State-regulated RTFs could be allowed in the R-24 pursuant to K.C.C. 21A.02.070.D. This code subsection states: “The Director shall determine whether a proposed land use not specifically listed in a land use table or specifically included within a SIC classification is allowed in a zone.”

However, the RRC finds that State-regulated RTFs are included within a SIC classification in the land use table in K.C.C. 21A.08.050. State-regulated RTFs are defined in WAC 246-337-005 as: “a facility in which twenty-four hour on-site care is provided for the evaluation, stabilization, or treatment of residents for substance use, mental health, co-occurring disorders, or for drug exposed infants.”² This use would fall under SIC 806, which includes:

1. SIC 8069 - Specialty Hospitals, except Psychiatric, described as “Establishments primarily engaged in providing diagnostic services, treatment, and other hospital services for specialized categories of patients, except mental”;³ and
2. SIC 8063 - Psychiatric Hospitals, described as “Establishments primarily engaged in providing diagnostic medical services and inpatient treatment for the mentally ill”.⁴

SIC 806 is an allowed use in the K.C.C., as shown in the “Health Services” section of the land use table in K.C.C. 21A.08.050. In the R-24 zone, land uses falling under SIC 806 are allowed as a conditional use, subject to the condition in K.C.C. 21A.08.050.B.13.a.

The interpretation criteria in K.C.C. 21A.02.070.D therefore do not apply, because the proposed land use (RTF) is specifically listed in the land use table in K.C.C. 21A.08.050.

¹ https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm

² WAC 246-337-005: <https://apps.leg.wa.gov/WAC/default.aspx?cite=246-337-005>

³ <https://siccode.com/sic-code/8069/specialty-hospitals>

⁴ <https://siccode.com/sic-code/8063/psychiatric-hospitals>

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Decision

State-regulated RTFs are allowed as a conditional use in the R-24 zone, subject to the condition in K.C.C. 21A.08.050.B.13.a.

Alternatively, state-regulated RTFs may qualify as a "Community Residential Facility" if the proposed use were consistent with that use as defined by the code. A Community Residential Facility is an allowed use in the R-24 zone subject to the zoning standards in K.C.C. 21A.08.030.

Finality of Code Interpretation

Pursuant to K.C.C. 2.100.050.A, the director's decision is the county's final decision, and there is no administrative appeal.

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2/2/2024

Jim Chan
Director, Permitting Division
Department of Local Services

Date