



## King County

### Department of Development and Environmental Services

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## REGULATORY REVIEW COMMITTEE

- MINUTES -

**MEETING DATE: July 9, 2009**

**TO:** Building Services Division Staff  
Jim Chan, Manager  
Chris Ricketts  
Jarrod Lewis  
Sheryl Lux

Land Use Services Division Staff  
Randy Sandin, Manager  
Steve Bottheim  
Molly Johnson

John Starbard, Director  
Harry Reinert, Special Projects Manager and RRC Chair  
Devon Shannon, Prosecuting Attorney's Office

**FM:** Harry Reinert, Chair

Present: Deirdre Andres, Jeri Breazeal, Steve Bottheim, Devon Shannon, Lisa Dinsmore, Chris Ricketts, Pasha Klein, and Harry Reinert

- 1. What is the land use classification for a facility that provides respite care and other services to disabled individuals? If the facility has a caretaker who lives on site, is the facility accessory to a residential use?**

### Background

Tavon Center has converted a single family residence on a site zoned RA-5 to a facility that provides training to disabled individuals who have graduated from high school. The facility only provides services during the day and does not provide overnight accommodations. Tavon Center has a contract with the Washington State Department of Social and Health Services (DSHS) to provide respite services. Tavon Center's focus is to provide a transition from high school to an employment environment.

Discussion

K.C.C. 21A.06.265 defines a daycare to include adult daycare centers as defined by the Washington State Department of Social and Health Services (DSHS). "Daycare" includes uses classified under SIC 8322. That SIC Group includes adult and handicapped daycare centers.

A facility, such as Tavon Center, which provides coping skills and other services to disabled adults during the day qualifies as a daycare under K.C.C. 21A.06.265. These services are consistent with DSHS requirements. See Chapter 388-71 WAC. Although some of the services involve assistance with developing employment skills, the facility is not a vocational school. Vocational schools provide specialized vocational courses in a specific area of study, such as aviation, banking, commercial art, and real estate. By contrast, an adult daycare facility provides more general training in skills associated with day to day living.

K.C.C. 21A.06.265 classifies daycare into two categories. Daycare I has 12 or fewer adults or children in a 24 hour period. Daycare II serves more than 12 adults or children in a 24 hour period.

K.C.C. 21A.08.050 allows Daycare I as a permitted use in the RA zone only as an accessory to a residential use. Daycare II is allowed in the RA zone as a permitted use if it is a reuse of a public school or as an accessory use to other uses, including schools and churches. Daycare II is allowed as a conditional use in the RA zone without any specific limitations.

Tavon Center has a caretaker who lives on site. However, the building is primarily devoted to the daycare facility. K.C.C. 21A.06.020 defines a residential accessory use as one that is "subordinate and incidental to a residence." In these circumstances, Tavon Center is not an accessory use. It is the primary use. Therefore, Tavon Center cannot be approved as a Daycare I, since in the RA zone Daycare I is only allowed for a daycare that is accessory to a residential use. Tavon Center may be allowed to operate as a Daycare II with a conditional use permit. Because it is not proposed as a reuse of a school and is not accessory to another qualifying use, it is not allowed as a permitted use.

Summary

A facility that provides services to disabled adults transitioning from high school to employment qualifies as an adult daycare under K.C.C. 21A.06.265. In the RA zone, a Daycare I is only allowed as a permitted use when accessory to a residential use. A Daycare I is not allowed as a conditional use.

A facility that is primarily used as an adult daycare is not converted into an accessory use because caretaker lives on the site. In the RA zone, a Daycare II is allowed as a permitted use if it is a reuse of a public school or if the daycare is accessory to another qualifying use, such as a church or school. Neither of those conditions applies to Tavon Center. A Daycare II is allowed as a conditional use in the RA zone without any additional limitations.

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The Regulatory Review Committee recommends that the permitted use table be amended to allow a Daycare I as a conditional use in the RA zone, in the same manner applies to a Daycare II.