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**Permitting Division**  
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## **Regulatory Review Committee (RRC) Minutes**

**Meeting Date: August 27, 2020**

Minutes finalized: September 10, 2020

**TO:** Jim Chan, Division Director  
Mark Rowe, Deputy Division Director  
Devon Shannon, Assistant Chief Civil Deputy Prosecuting Attorney  
Doug Dobkins, Single Family Residential Product Line Manager  
Ty Peterson, Commercial Product Line Manager  
Sheryl Lux, Code Enforcement Product Line Manager  
Chris Ricketts, Building Official and Fire Marshal  
Scott Smith, Development Engineer

**FM:** Christine Jensen, Legislative/Policy Analyst and RRC Co-Chair  
Kevin LeClair, Principal Subarea Planner and RRC Co-Chair

Present: Kevin LeClair, Sheryl Lux, Ty Peterson, Devon Shannon, Scott Smith, Chris Ricketts, Warren Clauss, and Christine Jensen.

- 1. Concerning the definition of “family” and whether there is a limitation on the number of non-resident staff for a group living arrangement where eight or fewer residents receive supportive services.**

### Indexes

Subjects: family, group living arrangement, community residential facility, non-resident staff  
Code: 21A.06.450, 21A.06.220, 21A.06.013

### Background

This issue was prompted by an inquiry from a property owner wishing to use an existing single-family residence as a group living arrangement for adolescents with mental health illnesses. The subject property (Parcel Number 1020069050) is zoned A-10 (Agricultural, one dwelling unit per ten acres) and is 5.61 acres in size.

On September 11, 2019, the Permitting Division issued a Zoning Certification letter related to this proposed use (Zoning Certification Request ZCRT19-0021). The land use classifications in King County Code (K.C.C.)<sup>1</sup> Chapter 21A.08 that most align with a facility of this nature<sup>2</sup> are not allowed uses in the A-10 zone. However, the certification did determine that the facility could be allowed as a single detached dwelling unit<sup>3</sup> in the A-10 zone if the proposed occupants constitute a family as defined in K.C.C. 21A.06.450.

**21A.06.450 Family.** “Family: an individual; two or more persons related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or non-resident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents.” (Ord. 17191 § 22, 2011: Ord. 11621 § 30, 1994: 10870 § 130, 1993).

The certification stated that, if the proposed use meets one of the above listed types of family units, such as a “group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision,” then it would constitute a family, and therefore is permitted to occupy a single detached dwelling unit.<sup>4</sup>

The owner is proposing that the facility would include eight residents for two to three months at a time, with a total of 15 employees throughout the course of the day. Given this and the 2019 certification, the RRC has been asked for clarification of:

- Whether the proposed use complies with the definition of “family” as a group living arrangement;
- Whether there is a limitation in the number of non-resident employees allowed to work on-site under this type of family or if the number of proposed staff would cause the use to be classified as a Community Residential Facility (CRF); and

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<sup>1</sup> [https://www.kingcounty.gov/council/legislation/kc\\_code.aspx](https://www.kingcounty.gov/council/legislation/kc_code.aspx)

<sup>2</sup> Community Residential Facility (K.C.C. 21A.06.220), Social Services (SIC Manual, Major Group #83), Nursing & Personal Care Facility (SIC Manual, Industry Group #805), and Hospital (SIC Manual, Industry Group # 806)

<sup>3</sup> As defined in K.C.C. 21A.06.345 and per K.C.C. 21A.08.030

<sup>4</sup> The certification caveats this by stating: “It is important to note that this is not an official land use decision, and that the proposed use determination is not definitive until a King County Building Permit has been applied for and approved. Any changes in the proposed use could impact its ability to qualify as a single detached dwelling unit per KCC 21A.08.030 Residential land use table.”

- Whether an accessory dwelling unit (ADU) could allow for eight residents in the primary dwelling unit and an additional eight residents in the ADU and still meet the definition of a “family.”

### Discussion

As defined in K.C.C. 21A.06.450, a family living in a single-family home can consist of the following types of family units:

1. an individual;
2. two or more persons related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW;
3. a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit;
4. a group of eight or fewer residents, who are not related by blood, marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit; or
5. a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or non-resident staff.

Consistent with the 2019 certification, the Committee agreed that the proposed group home providing supportive services to up to of eight residents would generally fall under the type of family unit outlined in #5 above. The Committee then evaluated whether the number of staff for such a proposed use would impact the use’s consistency with this type of family unit in a single-family home.

The definition for “family” in K.C.C. 21A.06.450 does not address whether there is any limitation on the maximum number of non-resident staff allowed on site. In contrast, the definition of a CRF in K.C.C. 21A.06.220 does establish limit the number of staff.

**21A.06.220 Community residential facility ("CRF").** “Community residential facility ("CRF"): living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified in K.C.C. 21A.08.050 as health services, and excluding a secure community transition facility as defined in R.C.W. 71.09.020 and in this chapter. For purposes of domestic violence shelters, minors living with a parent shall not be counted as part of the maximum number of residents. CRFs are further classified as follows:

- A. CRF-I -- Nine to ten residents and staff;
- B. CRF-II -- Eleven or more residents and staff.

If staffed by nonresident staff, each twenty-four staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.” (Ord. 16040 § 2, 2008: Ord. 14503 § 1, 2002: Ord. 10870 § 84, 1993).

A CRF is a similar use to a group home that allowed as a type of family unit, but at a larger scale. A CRF I allows a total of nine to ten residents and staff, and a CRF II allows a total of 11 or more residents or staff per 24-hour period. The committee discussed whether the limitations on total residents and staff for a CRF could imply that such a similar limitation would also apply to a group family home with eight residents and additional non-resident staff. While this may appear to be logical, the Committee determined that a plain language reading of the code does not limit the number of on-site support staff for a group family home. Without code language that directly identifies a group family home as a subset of a CRF or a precursor to a CRF I, the staff restrictions of CRFs have no bearing on group family homes. If a proposed use meets the definition of a family as allowed in #5 above, there is no requirement for the use to be treated as or subject to the limitations of a CRF.

The Committee then discussed the type of staff that may be located on-site for a group family home. For type of family units that are allowed in #5 above, the code states that the staff must be providing supportive services to the residents. The Committee determined that, while there is no limitation on the number of non-resident staff, the type of staff that can be on-site is limited to only those providing direct supportive services. Other staff, such as management and administrative staff, are not part of the family unit and are not allowed to operate in the single-family residence. Moreover, the supportive staff cannot reside at the home which would include sleeping on site and/or staying at residence beyond hours of their paid shift.

Staff raised the question of whether an accessory dwelling unit could be used to house additional residents of the group home facility on the property. Because this was not proposed by the requestor and there is no information provided as to how group family home expansion would meet K.C.C. 21A.06.013 or any other relevant requirements, the committee deferred discussion of this issue.

### Conclusion

There is no limitation on the number of staff for a group family home operating out of a single-family residence under the definition of a “family.” The proposed use of a group living arrangement for adolescents with mental health illnesses with up to eight residents and a total of 15 employees throughout the course of the day meets the definition of a family and would be allowed in a single-family dwelling unit in the A-10 zone. Any non-resident staff must be limited to those that provide direct supportive services to the residents.

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A review and possible amendment of the “family” definition in K.C.C. 21A.06.450 could help clarify related issues in the future.