



King County

**Department of Development
and Environmental Services**
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

FINAL CODE INTERPRETATION L03CI003

Background

By letter dated May 13, 2003, Scott and Marney Valdez and Adrian Medved requested a code interpretation of K.C.C. 21A.08.050. The request concerns whether a doctor's office or medical outpatient clinic in a homeowner's residence is an allowed use in the RA-5 zone. The Valdez/Medved letter states that K.C.C. 21A.08.050 allows a doctor's office or outpatient clinic in the RA-5 zone only if it is a reuse of a public school facility or, as a conditional use, if it is a reuse of a surplus nonresidential facility. See, K.C.C. 21A.08.050B.12 and B.13.

This code interpretation request does not relate to a development permit application.

Discussion

King County Code chapter 21A.08 establishes permitted uses for the different zones and types of land uses. K.C.C. 21A.08.050 establishes standards for general services land uses, including health services under SIC category 801-804 – office and outpatient clinics. These particular health services are an outright permitted use only in commercial and industrial zones. They are also allowed in residential zones under limited circumstances. Office and outpatient clinics that are a reuse of a public school facility are also a permitted use in residential zones. K.C.C. 21A.050B.12. Office and outpatient clinics that are a reuse of a surplus nonresidential facility are a conditional use in the residential zones. K.C.C. 21A.050B.13. Under K.C.C. 21A.08.050, these are the only circumstances under which office and outpatient clinic health services are allowed within residential zones.

K.C.C. 21A.08.030 establishes standards for residential land uses, including accessory uses. The accessory uses include home occupations and home industries. Home occupations are a permitted use in all residential zones. Home industries are allowed as a conditional use in the RA, UR, and R1-R8 zones. Home industries are not allowed in the R12-R48 zones.

K.C.C. 21A.30.080 and 21A.30.090 establish the standards for home occupations and home industries, respectively. Among the standards are a cap on the area that can be devoted to the business activity, restrictions on where the activities can take place on the property, limitations on the types of activities that are allowed within urban areas, and restrictions on the number of employees who are not residents.

With respect to home occupations, K.C.C. 21A.30.080 specifically prohibits auto repair, autobody shops, heavy equipment storage, and building materials storage within urban growth

areas. Because these business activities are precluded as a home occupation, they are also prohibited as an accessory use in the residential zones. All other business activities, including health services, are allowed as a home occupation and are therefore also allowed as an accessory use. K.C.C. 21A.08.090 has no limits on the kinds of business activities that are allowed as a home industry.

The Valdez/Medved letter expresses concern over a number of issues related to the operation of an office and outpatient clinic health service business in the RA-5 zone. Their concerns include traffic caused by patients and delivery vehicles and the handling and storage of biomedical and hazardous materials and controlled substances. In apparent reference to a specific activity over which they have concern, they also claim that the business does not have a valid King County Business License.

The home occupation and home industry provisions of the zoning code establish standards for operating the business, including provisions relating to parking, the number of non-resident employees, and how patrons are to be provided service. A home occupation or home industry that does not comply with these requirements may be in violation of the zoning code and may be subject to an enforcement action under K.C.C. Title 23.

With respect to the kinds of materials handled by an office or outpatient clinic health service, primary regulatory authority over hazardous and radioactive materials lies with state and federal agencies. For example, the Washington Department of Health licenses radioactive material usage, such as that found in X-ray machines. The Washington Department of Ecology regulates hazardous and radioactive waste disposal. The Washington State Board of Pharmacy is responsible for regulation of controlled substances. Depending on the materials involved, individuals or businesses who handle or generate hazardous or radioactive materials or wastes may also need to comply with provisions of the fire code, air quality regulations, and sewer district regulations.

King County does operate a local hazardous waste management program that, among other activities, provides technical assistance to small quantity generators, such as medical offices, but the County does not generally license the use or disposal of hazardous or radioactive materials from small quantity generators. The Seattle-King County Department of Public Health also provides technical assistance and response to health problems associated with hazardous and radioactive materials, but is not generally involved in direct regulation of those activities.

Finally, with respect to business licenses, King County does not require a business license of those providing health services.

Decision

K.C.C. 21A.08.050 establishes standards for general business land uses. Under K.C.C. 21A.08.050, office and outpatient clinic health services are allowed in residential zones only under limited circumstances. Office and outpatient clinic health services as a home occupation or home industry are allowed in residential zones as a residential accessory use. See, K.C.C. 21A.08.030, 21A.30.080, and 21A.08.090.

Appeal of Final Code Interpretations

This code interpretation does not relate to a development permit application currently pending before the County and is therefore final. K.C.C. 2.100.050. A final code interpretation that is not related to a development permit application is not subject to administrative appeal.

_____/s/_____
Stephanie Warden
Director
Development and Environmental Services

July 15, 2003
Date