



## Memorandum

**DATE:** June 21, 2018

**TO:** Shoreline City Council

**FROM:** Debbie Tarry, City Manager

**RE:** Residential Care Facility Development Code Amendments

**CC:** John Norris, Assistant City Manager  
Jim Hammond, Intergovernmental/CMO Program Manager

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After Council discussion on June 11, public comment, and additional research, staff is recommending that Council consider additional amendments to Ordinance No. 824, beyond the amendments included in the June 25 Staff Report. Staff's recommended additional amendments include:

1. Distinguishing Residential Care Facilities from Adult Family Homes, Residential treatment Facilities, and Enhanced Service Facilities.
2. Amending the definition of Residential Treatment Facility
3. Amending where Residential Treatment Facilities may be located
4. Amending the Station Area Use Table

Staff recommends that Council amend Ordinance No. 824, as provided in the June 25 Staff Report, to allow Adult Family Homes and Residential Care Facilities in the MUR-35 Zone. This memo provides a brief justification for each of the proposed additional amendments that that are proposed and not included in the June 25 Staff Report.

### **Proposed Amendments**

#### **1. Distinguishing Residential Care Facilities from Adult Family Homes, Residential Treatment Facilities and Enhanced Service Facilities.**

The Council and members of the public expressed concern about the types of facilities that may be allowed in the residential zones under the Residential Care Facility (RCF) use based on the definition that was in the Planning Commission recommendation. One commenter at the June 11<sup>th</sup> meeting expressed concerns over Enhanced Service Facilities

(ESF) and the prospect that ESFs may be interpreted as RCFs and be able to located anywhere an RCF is allowed.

New state legislation regarding ESFs went into effect April 1, 2018. An Enhanced Service Facility is a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the State Department of Social and Health Services (DSHS) to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues. ESFs are licensed subject to RCW 70.97.

Staff recommends that Council amend the definition of a Residential Care Facility to clarify that it does not include Adult Family Homes, Residential Treatment Facilities, or Enhanced Service Facilities.

Residential Care Facility (RCF)	A state licensed facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for not more than fifteen (15) functionally disabled persons <del>and which is not licensed under RCW Chapter 70.128</del> . A residential care facility shall not provide the degree of care and treatment that a hospital provides. <u>The following are not considered a RCF: a Residential Treatment Facility, as licensed pursuant to RCW 71.12; an Adult Family Home, as licensed pursuant RCW 70.128, and an Enhanced Service Facility, as licensed pursuant to RCW 70.97.</u>
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***Motion Language*** – *I move to amend the Residential Care Definition (SMC 20.20.044) to delete the licensing reference to RCW 70.128 and add the following language: The following are not considered a RCF: a Residential Treatment Facility, as licensed pursuant to RCW 71.12; an Adult Family Home, as licensed pursuant RCW 70.128, and an Enhanced Service Facility, as licensed pursuant to RCW 70.97.*

## **2. Amend Definition of Residential Treatment Facility**

Based on Council and public concern, staff is proposing to clarify that Residential Treatment Facilities (RTF) are not Enhanced Service Facilities. Enhanced Services Facilities (ESFs) were created as a subset of Residential Treatment Facilities by the Legislature in 2005 as part of legislation dealing with mental and substance abuse disorders and have specific laws and regulations addressing this use. ESFs are licensed pursuant to RCW 70.97 and WAC 388-107 and are regulated by Department of Health (DOH) subject to contracts. In contrast, while also regulated by DOH, a Residential Treatment Facility (RTF) is licensed pursuant to RCW 71.12 and WAC 246-337. In addition, unlike Adult Family Homes (RCW 70.128), ESFs are not required to be considered a residential use.

In order to provide a clear difference between an ESF and a RTF, staff is recommending to modify the definition of RTF to cite the RCW and WAC regulations for licensure and

operations of this type of use which can be either a private, county, or municipal RTF providing 24-hour health care services to persons with mental disorders or substance abuse disorders.

<u>Residential Treatment Facility</u>	A facility licensed by the state pursuant to Chapter 71.12 RCW and WAC 246-337 that provides <del>in which</del> 24 hour on-site care <del>is provided</del> for the evaluation, stabilization, or treatment of residents for substance abuse, mental health, or co-occurring disorders. The facility includes rooms for social, educational, and recreational activities, sleeping, treatment, visitation, dining, toileting, and bathing.
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**Motion Language** – I move to amend the Residential Treatment Definition (SMC 20.20.044) to delete the phrases “in which” and “is provided” and add the following language “... licensed by the state pursuant to Chapter 71.12 RCW and WAC 246-337 that provides ...”.

**3. Residential Treatment Facility - Use Table**

The Development Code is unclear where a Residential Treatment Facility (RTF) may be located. Staff and the Planning Commission originally recommended that an RTF should be located outside of residential zones and permitted only within the most intense zoning category of the City – the Mixed Business (MB) zone. After additional research, staff found that many jurisdictions include Residential Treatment Facilities within the definition of Hospitals since the function of both facilities are similar. Both hospitals and RTFs have specialized staff that can accommodate the medical supervision needed for health care and substance abuse withdrawal.

Staff proposes to add RTFs to all of the zones that hospitals are allowed, except the MUR zones, by either permitted with indexed criteria or permitted through the approval of a Conditional Use Permit. Staff is excluding the MUR zones because it is staff’s intent to delete hospitals as a use within these zones in a future batch amendment to the Development Code.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
HEALTH									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing <del>and Personal Care</del> Facility			C	C	P	P	P	P
	<u>Residential Treatment Facility</u>			C-i	C-i	C-i	P-i	P-i	P-i

**Motion Language** – I move to amend Table 20.40.140 to add Residential Treatment Facility as a conditional use with indexed criteria in the R18 through R-48, TC-4, and NB zones and as a permitted use with indexed criteria in the CB, MB, and TC-1, 2, and 3 zones.

**4. Station Area Uses – Table 20.40.160**

Staff inadvertently omitted striking the phrase “and Personal Care” from the Nursing Facilities use in Table 20.40.160 Station Area Uses. Striking the phrase is consistent with the deletions of this phrase in the other uses tables - SMC 20.40.140 and 150.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
HEALTH				
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing <del>and Personal Care</del> Facilities		P-i (Adjacent to Arterial Street)	P

***Motion Language*** – *I move to strike “and Personal Care” from the Nursing Facilities use in Table 20.40.160 Station Area Uses*