

**WAC 247-04-040 Factors to be considered in determining whether health care use is a principal use.** (1) For purposes of this chapter, a use or intended use of a participant's facility, or portion thereof, shall be a principal use only if it is one that will utilize more than 10% of a facility.

(2) The authority may consider the following factors, among others, in determining whether a health care use is a principal use of a facility:

(a) The relative amounts of land or space in structures or improvements to be utilized for health care and nonhealth care uses;

(b) The relative fair market or rental value of facilities to be utilized for health care and nonhealth care uses; and

(c) The relative amounts of time a particular facility is utilized for health care and nonhealth care uses.

(3) Portions of a mixed-use facility that are common areas (such as hallways, lobby and reception areas and administrative offices) may be allocated between health care and nonhealth care uses on a **pro rata** basis using the same method of allocation used to allocate between health care and nonhealth care uses.

[Statutory Authority: RCW 70.37.050. WSR 94-15-053, § 247-04-040, filed 7/15/94, effective 8/15/94.]