

**2020-2021 Development Code Docket
Day-care Facilities Code Amendment
Public Hearing Staff Report**

Date: October 27, 2020

Public Hearing Date: November 4, 2020

Prepared by: Andrew Boughan, Associate Planner

Proponent/Applicant: Thurston County
Community Planning and Economic Development

Proposal Description: Amend Thurston County’s Title 20 Zoning Code to expand access and simplify existing regulations for day-care centers and family day care providers.

Action Requested: Amend Thurston County’s Title 20 Zoning Code (Titles 20.54) to expand access and simplify existing regulations for day-care centers and family day care providers.

Location: Rural Thurston County

Map Changes Text Changes Both Affects Comprehensive Plans/documents
 Affected Jurisdictions: Thurston County

TOPIC

Item (#A-20) on the “2020-21 OFFICIAL DOCKET OF PROPOSED DEVELOPMENT CODE AMENDMENTS” day care facilities code amendment considers amendments to enhance access for day-care facilities throughout rural Thurston County through amendments to Title 20 Zoning Code. This is a high-priority docket item, as identified by the Board of County Commissioners in April 2020. This is a legislative proposal designed to meet requirements under the Growth Management Act. The primary objective of the proposed update is to provide much needed day-care facilities in a wider range of zoning districts. It is anticipated that removing barriers to these types of facilities may expand accessibility, be consistent with the Growth Management Act, decrease commute times, reduce cost due to competition, and potentially create jobs. This proposal will not apply to Olympia, Lacey, Tumwater, and Ground Mound urban growth areas.

This hearing is to consider new code language on day care facilities in Title 20: Chapter 20.54 – Special Use*.

BACKGROUND:

Day-care facilities encompass two (2) uses in Title 20. "Family day care provider" is a residential use and "Day-care center" is a commercial use and the two are defined as:

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- 1 • A "Day-care center" means an agency which regularly provides care for a group of children
2 for periods of less than twenty-four hours.
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- 4 • A "Family day care provider" means a child day care provider who regularly provides child
5 day care for not more than twelve children in the provider's home in the family living
6 quarters.
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8 According to state law (WAC 360-196-865), counties and cities may not prohibit the use of a
9 residential dwelling as a family day-care provider's home facility that is located in an area zoned
10 for residential or commercial land uses. This allowance may be permitted by special use, and only
11 prohibited if it would create an "incompatible use adjacent to resource lands of long-term
12 commercial significance", or within specific hazard areas such as crash zones around airports. Per
13 this WAC, zoning conditions should be no more restrictive than those imposed on other residential
14 dwellings in the same zone but may address drop-off and pickup areas and hours of operation.
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16 DEPARTMENT ANALYSIS:

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18 **Amending Zoning Regulations (TCC 20.54) for Day-care Facilities.** The proposed amendments
19 would amend existing zoning regulations to expand access of day-care centers and family day care
20 providers to the RCC, AC, HC, MGSA, LTA, NA, and LTF zoning districts and simplify
21 regulations for the two uses. The proposed amendments are to existing code language in Chapter
22 20.54 – Special Use*. Proposed amendments to simplify existing code language include
23 simplifying the pedestrian vehicle traffic standards, removing landscaping standards and referencing
24 the landscaping chapter, removing parking and loading standards and reference parking and
25 loading chapter, updating the reference to the sign chapter, and removing licensing requirement
26 and referencing violation and enforcement chapter.
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28 CONSISTENCY WITH OTHER REGULATIONS, PLANS, AND POLICIES

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30 Consistency with the Comprehensive Plan

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32 The Comprehensive Plan Planning Policies, state:

- 34 • Translate vision to policy and act on adopted local plans and policies. Consider the effects of
35 decisions on achieving this vision, while balancing individual property rights with broader
36 community needs and goals.
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- 38 • Support education, employment, commercial opportunities, cultural, social, and recreational
39 opportunities in appropriate places and at a scale that supports community health and well-
40 being.
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- 42 • Build a vital, diverse and strong local economy, including job opportunities that support
43 community and household resilience, health, and well-being, by:
44 • Emphasizing policies that support locally owned businesses including home-based,
45 entrepreneurial, and nonprofit business and organizations.
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47 FINANCIAL IMPACT

48 No quantifiable financial impacts have been identified at this time.

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SUMMARY

The development code amendment updates Chapter 20.54 – Special Use*. The proposed amendment to expand access and simplify existing regulations for day-care centers and family day care providers.

SEPA

An environmental determination for the proposed code amendment in unincorporated Thurston County is required pursuant to WAC 197-11-704; and, will be completed prior to a public hearing on the amendments before the Board of County Commissioners.

PLANNING COMMISSION REVIEW:

The Planning Commission has held two (2) work sessions on September 16, 2020 and October 7, 2020 to discuss the addition of new language in Title 20 to amend existing regulations for day-care centers and family day care providers.

Attachments and other supporting materials for these meetings can be viewed at: <https://www.thurstoncountywa.gov/planning/Pages/pc-meetings.aspx>

NOTIFICATION

This staff report was posted online and sent to the Community Planning and Economic Development Department Community Planning Division’s webmail subscribers, and interested parties on file with this action. Notification for this public hearing was posted online and published in *the Olympian* and sent to webmail subscribers at least twenty (20) days prior to the scheduled hearing.

PUBLIC COMMENT

No public comment has been received at this time.

ATTACHMENTS:

ATTACHMENT A: Day-care Facilities Ordinance

Attachment A



COUNTY COMMISSIONERS

John Hutchings
District One

Gary Edwards
District Two

Tye Menser
District Three

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

Joshua Cummings, Director

Creating Solutions for Our Future

A-20 Day-care Facilities Code Amendment

Thurston County
Planning Commission Draft

November 4, 2020

Development Code Docket # A-20 – Permitted Day-care Facilities is a legislative proposal designed to meet requirements under the Growth Management Act. This document is comprised of one (1) chapter that will amend existing regulations for day-care centers and family day care.

Chapters: 20.54 – Special Use*

Deleted Text: **Strikethrough**
Staff Comments: *Italics*

Proposed Changes: Underlined
Unaffected Omitted Text: ...

Chapter 20.54 – SPECIAL USE*

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20.54.065 – Applications for essential public facilities.

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Table 1

Special Uses—Distribution in County Zoning Districts

Uses listed below are prohibited unless specifically identified as allowable through special use review, or unless listed as a permitted or primary use within an individual zoning district chapter.

Attachment A

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USE	R 1/ 20	R 1/ 10	R R 1/ 5	R R 1/ 5	U R 1/ 5	R L 1 /	R L 1 /	R L 2 /	R 3 — 6/ 1	R 4 — 16 /1	L I	R R I	P I	N C	R C C	A C	H C	S L 1	MG SA 2	L T A	N A	L T F	P P	M R	A O D	M E I
10 . ce nter	X	X	X	X	X	X	X	X	X	X						<u>X</u>	<u>X</u>	<u>X</u>	X	<u>X</u>	<u>X</u>	<u>X</u>				

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20.54.070 – Use-Specific standards.

The following standards apply to specific special uses and are in addition to those established in other sections of this chapter. The zoning districts in which a special use is authorized are identified in Table 1.

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10 Day-Care Centers and Nursery Schools.

- a. All such uses shall be located so as to have access adequate to accommodate pedestrian and vehicular traffic to and from the use as determined by the approval authority. ~~To assist in making this determination, each applicant shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day.~~
- b. Landscaping shall comply with Chapter 20.45.040 - Commercial uses. ~~When such a use is located in or adjacent to a residential district, screening in the form of plantings, walls, or fencing shall be provided of such a nature and density as determined by the approval authority.~~
- c. Parking space shall be provided as follows:
 - i. If the day-care facility also serves as a private residence, a minimum of two off-street parking spaces shall be provided for the residents.
 - ii. See Chapter 20.44 Parking and Loading* for parking requirement on staff and pickup / delivery spaces. ~~In addition, off street parking for staff and for pickup and delivery of children shall be provided as follows:~~
 - (A).—~~Staff parking shall comply with Chapter 20.44.~~
 - (B).—~~Off street pickup and delivery spaces shall be provided~~

Attachment A

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~~commensurate with the number of children served by the facility so that the neighborhood will not be adversely impacted or children endangered.~~

...

11.4 Family day care provider (as defined in Section 20.03.040(46.2)).

- a. The facility shall comply with all applicable building, fire, safety, and health codes; and business licensing requirements.
- b. The facility shall conform to lot size, building size, setbacks, and lot coverage standards applicable to the underlying zoning district except if the structure is a legal non-conforming structure.
- c. The facility shall be certified by the office of child care policy licensor as providing a safe passenger loading area.
- d. Signage shall comply with Chapter 20.40~~54.040(5)~~ of this title.
- e. Hours of operation shall ~~be limited to facilitate neighborhood compatibility, while also providing~~ provide an appropriate opportunity for persons who use family day care and work a nonstandard work shift
- f. The applicant shall conform to application and notice requirements of Chapter 20.60 Violation and Enforcement. ~~Before obtaining a state license, proof of written notification by the provider shall be furnished to the county that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.~~

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