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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

Creating Solutions for Our Future

MEMORANDUM

TO: Thurston County Planning Commission

FROM: Andrew Boughan, Associate Planner
Kaitlynn Nelson, Associate Planner

DATE: September 8, 2020

SUBJECT: Amendments to the Thurston County Zoning Code Chapter 20.54: Special Use Permits:

- Development Code Docket # A-20 - Permitted Childcare Centers
- Development Code Docket # CR-1 Resorts & Retreats Code Amendment, and
- Development Code Docket # CR-5 Smokehouse Code Amendment

Background

The 2020-2021 Development Code Official Docket includes three proposals to amend the special use permit chapter of the Thurston County Code, Chapter 20.54. These three proposals are being brought forward together for review, as they each amend the same part of the code and share a theme of expanding opportunities for commercial development in the rural areas of Thurston County.

Although these proposals are being brought forward at the same time for Planning Commission and public review, staff analysis is conducted separately for each unique code change proposed, and separate recommendations for each proposal will be sought from the Planning Commission.

A-20 Childcare Facilities

Childcare 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:

- A "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours.

and

A "Family day care provider" means a child day care provider who regularly provides child day care for not more than twelve children in the provider's home in the family living quarters.

Item (#A-20) on the “2020-21 Official Docket of Proposed Development Code Amendments” Permitted Childcare Centers is a priority project to enhance access for childcare facilities throughout rural Thurston County through amendments to Title 20 Zoning Code. 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 childcare facilities in a wider range of zoning districts. No specific financial impacts have been identified. 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.

Day-care facilities are currently permitted in ten (10) rural residential zoning districts¹. Counties and cities may not prohibit the use of a residential dwelling as a family day-care provider’s home facility that is located in an area zoned for residential or commercial land uses, per state law, [WAC 365-196-865](#). This allowance may be permitted by special use, and only prohibited if it would create an “incompatible use adjacent to resource lands of long-term commercial significance”, or within specific hazard areas such as crash zones around airports. Per this WAC, zoning conditions should be no more restrictive than those imposed on other residential dwellings in the same zone but may address drop-off and pickup areas and hours of operation.

The proposal under consideration is to permit day-care facilities as a special use in additional zoning districts as follows:

- i. Expand the allowed use location for Family Day-care Providers to the NA, LTA, and LTF zoning districts, to be permitted with an administrative special use permit; AND expand the allowed use locations for Day-care Centers to RRC, AC, and/or HC zoning districts, to be permitted with a special use permit. Change associated text as proposed by staff or with suggestions.
 - Nisqually agricultural district (NA)
 - Long-term agriculture district (LTA)
 - Long-term forestry district (LTF)
 - Rural Commercial Center (RCC)
 - Arterial commercial (AC)
 - Highway Commercial (HC)

¹ Zoning Districts: R 1/20, R 1/10, RRR 1/5, RR 1/5, UR 1/5, RL 1/2, RL 1/1, RL 2/1, R3 6/1, and R4 16/1

CR-1: Resorts & Retreats Code Amendment

Development Code Docket # CR-1 - Cascade Resort Request (Chapter 20.54) is a citizen request from Cascade Camps and Conference Center to increase the allowable size of resorts and retreat facilities by special use permit. The applicants state, "this proposal represents an opportunity to establish standards that will enable such facilities to offer the full range of standard services, while also eliminating the nonconforming status of all the resorts and retreat facilities in Thurston County that already exceed the current thresholds." This proposal would amend the special use chapter of the Thurston County Zoning Ordinance. The Resorts and Retreat Facilities use is only permitted as a special use in the Rural Residential / Resource - One Dwelling Unit Per Five Acres (RRR 1/5) zoning district.

CR-5: Smokehouse Code Amendment

Development Code Docket # CR-5 - Johnson Smokehouse Special Use (Chapter 20.54) is a citizen request by Gary Cooper of Local Planning Solutions to add commercial smokehouses as a special use in rural zoning districts. The applicants are requesting this change because the late Johnson Smokehouse facility, established in 1983, was destroyed by a fire in 2019 (it is currently being rebuilt under existing home-based industry regulations, which limit size). Title 20 does not currently define or permit this use as a special use. The amendment would allow commercial smokehouses as a Special Use. While a smokehouse could still also be permitted as a Home-based Industry in this zoning district, the Home-based Industry regulations only allow for up to 4,000 square feet structure and no more than 2 employees who do not reside on site. At the time of the fire, the Johnson Smokehouse operation was 12,000 square feet, with nearly 20 employees between the smokehouse and the supporting retail outlet.

Follow-up analysis and work session

At a follow-up work session scheduled for October 7, staff will bring back answers to questions the Planning Commission may have about these proposals, and also provide the environmental checklists for all three proposals for consideration.

Proposed Code Amendments:

Chapters:

- 20.03 - Structure, Interpretations and Definitions
- 20.54 - Special Use*

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

Proposed Changes: Underlined
Unaffected Omitted Text: ...

Chapter 20.03 - Structure, Interpretations and Definitions

20.03.040 - Definitions.

The following definitions shall be used in the interpretation and administration of this title. The definition of various terms as presented in this section does not necessarily represent the same definitions as may be found for the same terms in other chapters of the Thurston County Code.

127. Single-Family Unattached Dwelling Unit. See "Dwelling, Single-Family."

127.5 Smokehouse, Commercial means a wholesale facility that flavors, browns, cooks, or preserves cured food products by exposing them to smoke from burning or smoldering material, usually wood.

128. "Special incinerator ash" means ash residues resulting from the operation of incinerator or energy recovery facilities managing municipal solid waste, including solid waste from residential, commercial, and industrial establishments, if the ash residues:

- a. Would otherwise be regulated as hazardous wastes under Chapter 70.105 RCW; and
- b. Are not regulated as a hazardous waste under the Federal Resource Conservation and Recovery Act (RCRA), 42. U.S.C. Section 6910 et. seq.

Chapter 20.54 – Special Use*

20.54.065 - Applications for essential public facilities.

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.

USE	R 1/ 2 0	R 1/ 1 0	R R R 1/ 5	R R 1/ 5	U R 1/ 5	R L 1/ 2	R L 1/ 1	R L 2/ 1	R 3 — 6/ 1	R 4 — 1 6/ 1	LI	R R I	PI	NC	RC C	AC	HC	SL 1	M GS A ²	LT A	NA	LT F	PP	MR	AO D	MEI
10 Day- care center	X	X	X	X	X	X	X	X	X	X					<u>A</u>	<u>A</u>	<u>A</u>		X							

1 1.4	Family day care provider	A	A	A	A	A	A	A	A	A	A						A	A	A	A		A	A	A			
40	Slaughterrhouses												X														
40.5	<u>Smokehouse, Commercial</u>	X	X	X	X	X																					
41	Solid waste disposal facilities *	X	X	X	X		X	X	X			X	X														
41.5	Temporary uses	A / X	A / X	A / X	A / X	A / X	A / X	A / X	A / X	A / X	A / X	A / X	A / X	A / X		A / X	A / X		A / X	A / X	A / X						A / X

X = Special use permit (approval authority is hearing examiner)

A = Administrative special use permit (approval authority is staff)

1 = Summit Lake overlay zone, Chapter 20.30

2 = Except as prohibited or limited in Chapter 20.23

3 = Applies to uses related to public parks, trails and preserves and not otherwise permitted in Chapter 20.08E

* May qualify as an essential public facility; refer to TCC 20.54.065

** = Asphalt batch plants are allowed in these zones only when they have an asphalt plant special use permit.

(Ord. 13884 § 13, 2007; Ord. 13834 § 14, 2007; Ord 13235 § 15, 2004; Ord. 13058 § 47, 2003)

(Ord. No. 14141, 11-10-2008; Ord. No. 14678, § 5, 11-15-2011; Ord. No. 14725, § 3(Att. C), 3-13-2012; Ord. No. 14773, § 10(Att. I), 7-24-2012; Ord. No. 14782, § 2(Att. A), 8-14-2012; [Ord. No. 15837](#), § 2(Att. A, § III), 11-12-2019)

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.

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 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 20.4054.040(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.~~

34.3 Resorts and Retreat Facilities.

a. Resorts and Retreat Facilities over 100 acres in size.

- i. ~~a.~~ Maximum building coverage shall be six thousand square feet on parcels between five and ten acres. Maximum building coverage shall be twenty thousand square feet on parcels larger than ten acres.
- ii. ~~b.~~ No individual building shall be larger than four thousand five hundred square feet.
- iii. ~~c.~~ Minimum lot size: five acres.
- iv. ~~d.~~ All structures and parking areas shall be set back from adjacent residential properties a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.

b. Resorts and Retreat Facilities over 100 acres in size.

- i. One hundred thousand (100,000) square feet of building area is allowed for the first 100 acres of site area. For every 100 acres of additional site area, an additional ten thousand (10,000) square feet of building area is allowed. Maximum building coverage shall be two hundred thousand (200,000) square feet.
- ii. No individual building shall be larger than thirty-five thousand (35,000) square feet.
- iii. All structures and parking areas shall be set back from adjacent residential properties a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.

40.5 Smokehouse, Commercial

- a. Minimum lot size – two acres;
- b. Maximum building size – eight thousand square feet;
- c. Maximum number of employees – sixteen.
- d. Maximum coverage by hard surfaces – eighty-five percent (also see Chapter 20.07);
- e. Open space – fifteen percent;
- f. Landscaping as required by Section 20.45.040;

- g. Parking as required by Section 20.44.030 (1)(f)(i) – warehouse and wholesale;
- h. No off-site signage is permitted;
- i. No on-site sales are permitted;
- j. No outside storage of equipment or materials shall be permitted unless screened or fenced so as to not be visible from streets and neighboring properties;
- k. Permitted secondary uses – single family residential.