

ORDINANCE NO. 15998

AN ORDINANCE RELATING TO DAY-CARE FACILITIES; ADOPTING AMENDMENTS TO THURSTON COUNTY CODE TITLE 20, CHAPTER 20.54.065 TO EXPAND ACCESS TO SELECT COMMERCIAL ZONING DISTRICTS AND ALL RESIDENTIAL DISTRICTS; CHAPTER 20.54.070 AMENDING EXISTING REGULATIONS FOR DAY-CARE CENTERS AND FAMILY DAY CARE.

WHEREAS, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals intended to guide development and adoption of comprehensive plans and development regulations, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space, recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation;

WHEREAS, Thurston County has performed professional review, provided public notice, and received public comment with respect to these development code amendments; and

WHEREAS, the GMA requires development regulations to demonstrate and uphold the concepts of internal consistency, conformity, and concurrency; and

WHEREAS, the development regulations, including the official zoning maps, in Thurston County adopted under GMA must be consistent with the Thurston County Comprehensive Plan and associated Joint Plans;

WHEREAS, Thurston County-wide Planning Policy 1.10 states that the County will meet basic human needs of clean water and air, healthy food, adequate housing, quality education, public safety, and equal access, regardless of socio-economic status; and

WHEREAS, pursuant to RCW 36.70A.130, development regulations shall be subject to continuing review and evaluation by the county; and

WHEREAS, this item is a county-initiated amendment, and was included by the Board on the 2020-2021 Official Development Code Docket as Docket Item A-20; and

WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt was sent to the Washington State Department of Commence on October 29, 2020;

WHEREAS, the Thurston County Planning Commission has reviewed, held a public hearing and made a recommendation on November 4, 2020 on the amendments; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, a non-project Determination of "Non-Significance" (DNS) was issued on January 11, 2021; and

WHEREAS, the Commission's recommendation dated November 4, 2020 on the proposed code text amendments was received by the Board on January 20, 2021 at a regularly scheduled briefing and the Board directed staff to set a public hearing; and

WHEREAS, the Board held a public hearing with notice requirements consistent with the Thurston County Code and state law on March 16, 2021 to take public testimony on the proposed Day-Care Facilities ordinance; and

WHEREAS, the Board agrees with the findings of the Thurston County Planning Commission and has determined that the amendments contained in this ordinance are consistent with the Thurston County Code (TCC) and other titles, chapters, and sections of the TCC; and

WHEREAS, the Board believes adopting the amendments is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. TITLE 20 ZONING. The Thurston County Code is hereby amended as shown in Attachment A.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 3. CORRECTIONS. Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scriveners or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect *immediately upon adoption*.


ADOPTED: MARCH 16, 2021

ATTEST:

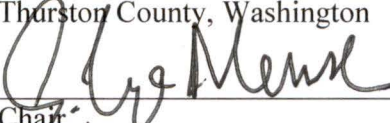

Clerk of the Board

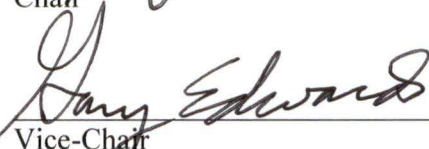
APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY


Travis Burns
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington


Chair


Vice-Chair


Commissioner

ATTACHMENT A: DAY-CARE FACILITIES ORDINANCE (Title 20)

Deleted Text: ~~Strikethrough~~ / Changes: Underlined / Unaffected Omitted Text: (...)

I. Thurston County Code Chapter Section 20.54 TCC (SPECIAL USE*) shall be amended to read as follows:

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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.

USE		R 1/ 2 0	R 1/ 1 0	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	L I	R R I	P I	N C	R C C	A C	H C	S L 1	M GS A ²	L T A	N A	L T F	P P	M R	A O D	M EI	
1 0.	Da y- car e cen ter	X	X	X	X	X	X	X	X	X	X						<u>X</u>	<u>X</u>	<u>X</u>	X								

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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 and Section 20.54.040(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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