

2004 Clallam County Growth Management Update

Text Amendment to Clallam County Zoning Staff Report to the Clallam County Planning Commission

October 12, 2004

Prepared by the Clallam County Department of Community Development
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Case Number: 2004-001
Initiated By: Clallam County
Subject: Day Care Facilities
Geographic Area: Unincorporated Clallam County
**Planning Commission
Public Hearing Date:** October 20, 2004

1.0 Issue

Year 2003 changes to the Washington State Growth Management Act (GMA) under RCW 36.70A.450 direct that a county or city cannot zone against or otherwise prohibit the use of a residential dwelling as a family day-care facility in a residential or commercial zone. The county, however, can require the family day-care facility to comply with safety and licensing regulations and zoning conditions that are imposed on other dwellings in the same zone. The full text of RCW 36.70A.450 is attached.

2.0 Proposed Amendments

Clallam County is proposing updates to the Clallam County Zoning Code, Title 33 CCC, to comply with RCW 36.70A.450 regarding family day-care facilities and to clarify day care terminology. The proposed changes amend current definitions of child day care center and family child care home consistent with state definitions under RCW 74.15.020 (1). The proposed changes also amend existing zoning district use tables to: 1) list family day-care provider as an allowed use in the Rural Commercial (RC), Rural Neighborhood Commercial (RNC), and Agricultural Retention (AR) Zone (development section) zoning districts; 2) delete the mini-child day care center from the list of allowed uses under the RNC zoning district; and 3) replace "family day care" and "family child care home" uses in all zoning districts with the term "family day-care provider" for internal consistency and consistency with RCW 36.70A.450.

The specific proposed amendments are as follows:

33.03.010 Definitions.

(16) "Child day care center" means a person or agency which regularly provides care for a group of children for periods of less than twenty-four (24) hours. (RCW 74.15.020)

(34) "Family day-care provider" means a child day-care provider who regularly provides child day-care for not more than twelve (12) children in the provider's home in the family living quarters for periods of less than twenty-four (24) hours. (RCW 74.15.020)

- Deleted: facility providing
- Deleted: scheduled
- Deleted: thirteen (13) or more
- Deleted: , within a one month of age through twelve (12) years of age range exclusively,
- Deleted: child
- Deleted: home
- Deleted: facility in the family residence of the licensee providing
- Deleted: scheduled
- Deleted: or fewer
- Deleted: , within a birth through eleven (11) years of age range exclusively,

33.15.010 Rural Commercial (RC).

The purpose of the Rural Commercial (RC) zoning district is to provide limited, low-impact, neighborhood commercial activities in rural areas.

(1) Allowed Land Uses. The following land uses should be allowed outright in the Rural Commercial zoning district:

- Agricultural activities
- Bed and breakfast inns
- Business parks
- Child day care center
- Churches
- Commercial greenhouses
- Commercial horse facility
- Commercial storage
- Duplexes
- Family day-care provider
- Gas stations
- Grocery stores
- Home-based industries
- Home enterprises
- Indoor shooting range
- Limited industrial uses
- Lodges
- Medical service facilities
- Motels
- Multiple-family dwellings
- Outdoor-oriented recreational activity
- Planned unit developments
- Primitive campgrounds
- Professional offices
- Research facilities
- Restaurants
- Retail stores
- RV parks
- Schools
- Single-family dwellings
- Small-scale wood manufacturing
- Taverns
- Timber harvesting

Tourist shops
Vehicular repair
Veterinarian clinics/kennels
Wood manufacturing

33.15.050 Rural Neighborhood Commercial (RNC).

The purpose of the Rural Neighborhood Commercial zoning district is to provide limited, low impact, neighborhood commercial activities in rural areas.

(1) Allowed Land Uses. The following land uses should be allowed outright in the Rural Neighborhood Commercial zoning district:

Agricultural activities
Bed and breakfast inns
Child day care center
Churches
Commercial greenhouses
Commercial horse facility
Commercial storage
[Family day-care provider](#)
Gas stations
Grocery stores
Home-based industries
Home enterprises
Indoor shooting range
Lodges
Medical service facilities
[Motels/hotels](#)
Outdoor-oriented recreational activity
Primitive campgrounds
Professional offices
Research facilities
Restaurants
Retail stores
RV parks
Schools
Single-family dwellings
Small-scale wood manufacturing
Taverns
Timber harvesting
Tourist shops
Veterinarian clinics/kennels

Deleted: Mini-child day care center¶

33.07.010 Agricultural Retention (AR).

The purpose of the Agricultural Retention zone is to maintain and enhance the agricultural resource industry of Clallam County through conservation of productive agricultural lands and discouragement of incompatible land uses within the agricultural retention zone.

(5) Permitted Uses within the Development Section of an Agricultural Retention Zone. The following uses are permitted in a development section of an Agricultural Retention zone:

- Single-family dwellings
- Accessory facilities incidental to the residential use
- Agricultural activities
- [Family day-care provider](#)
- Home enterprises consistent with the standards specified in CCC [33.47.010](#) and which do not interfere with the agricultural use of the land
- Utilities and fire protection facilities necessary to serve permitted, special and conditional uses
- Plant nurseries

Zoning District	Replace family child care home and family day care use terms with “family day-care provider” (Code Section)
Commercial Forest (CF)	CCC 33.07.020 (2)
Commercial Forest/Residential Mixed Use 20 (CFM-20)	CCC 33.07.030 (1)
Commercial Forest/Residential Mixed Use 5 (CFM-5)	CCC 33.07.040 (1)
Airport Overlay District	CCC 33.07.060 (3)
Rural Very Low (R20)	CCC 33.10.010 (1)
Rural Low (R5)	CCC 33.10.020 (1)
Western Region Rural Low (RW5)	CCC 33.10.025 (1)
Rural Moderate (R2)	CCC 33.10.030 (1)
Western Region Rural Moderate (RW2)	CCC 33.10.035 (1)
Rural (R1)	CCC 33.10.040 (1)
Western Region Rural (RW1)	CCC 33.10.045 (1)
Rural Suburban Community (RSC)	CCC 33.10.045A (1)
Rural Character Conservation 5 (RCC5)	CCC 33.10.050 (1)
Rural Character Conservation 3 (RCC3)	CCC 33.10.060 (1)
Rural Low Mixed (RLM)	CCC 33.10.070 (1)
Quillayute Residential	CCC 33.10.080 (1)
Urban Residential High Density (URH)	CCC 33.13.010 (1)
Urban Residential Low Density (URL)	CCC 33.13.020 (1)
Urban Very Low Density (VLD)	CCC 33.13.030 (1)
Urban Low Density (LD)	CCC 33.13.040 (1)
Urban Very Low Density/Urban Low Density (VLD/LD)	CCC 33.13.050 (1)
Urban Moderate Density (MD)	CCC 33.13.060 (1)
Rural Village (RV)	CCC 33.15.020 (1)
Commercial (GC)	CCC 33.15.030 (3)
Diamond Point Airport (DPA)	CCC 33.15.035 (2)
Zoning District	Replace family child care home and family day care use terms with “family

	<i>day-care provider” (Code Section)</i>
Rural Center (CEN)	CCC 33.15.040 (1)
Western Region Rural Center (WRC)	CCC 33.15.045 (1)
Rural Limited Commercial (RLC)	CCC 33.15.060 (3)
Tourist Commercial (TC)	CCC 33.15.065 (1)
Urban Neighborhood Commercial (UNC)	CCC 33.15.070 (3)
Urban Regional Commercial (URC)	CCC 33.15.080 (3)
Urban Center (UC)	CCC 33.15.090 (1)
Industrial (M)	CCC 33.17.010 (3)
Light Industrial (LI)	CCC 33.17.020 (3)
Zoning District Use Table for Sequim Urban Growth Area	Table 33.19.040(A)
Zoning District Use Table for Carlsborg Urban Growth Area	Table 33.20.040(A)

3.0 Analysis

The proposed changes add family day care provider facilities as an allowed use within the RC, RNC, and AR (development section) zoning districts. Family day-care facilities are currently an unlisted use within the RC, RNC and AR zones. CCC 33.05.010 of the Clallam County Zoning Code states that “unlisted uses” may be allowed through the issuance of a conditional use permit. Requiring a conditional use approval for a family day-care provider may result in placement of more restrictive conditions (or even denial) than conditions imposed on other residential uses in the same zone, which is inconsistent with RCW 36.70A.450 (4).

“Mini-child day care center” was deleted from the list of allowed uses within the RNC zone under CCC 33.15.050 (1) because this “use” it is not currently defined by the zoning code. Furthermore, this use is not listed in any other county zoning district. Under the proposed changes, the types of day care facilities to be listed are family day-care provider and child day care center.

Replacing the terms “family day care” and “family child care home” in all county zoning district use tables with “family day-care provider,” as proposed, will provide for consistent application of this use throughout the Clallam County Zoning Code, Title 33 CCC. The term “family day-care provider” is also consistent with how such facilities are described and defined under the state Growth Management Act [RCW 36.70A.450 and RCW 74.15.020 (1) (f)].

The proposed amendment of current zoning definitions for child day care center and family child care home are consistent with state definitions under RCW 74.15.020 (1).

4.0 Criteria of Approval

Text amendments to the Clallam County Zoning Code must demonstrate consistency with the following five criteria:

1. The proposed amendment is consistent with the County Comprehensive Plan.
2. The proposed amendment is consistent with the spirit and intent of this title and with all other County road, utility, land use and environmental plans adopted by the County.
3. The proposed amendment will not be detrimental to the public health, safety and welfare.
4. The proposed amendment is necessary due to changed conditions or circumstances from the time the property was given its present designation which warrants consideration of a different land use designation.
5. The cumulative effects of proposed amendments have been assessed and determined to be consistent with the spirit and intent of this title. *CCC 33.35.090*

The proposed amendments are consistent with the above five criteria because they are intended to clarify intent of Clallam County zoning regulations for internal consistency and consistency with RCW 36.70A.450 regarding family day-care facilities. The result of the changes is not anticipated to result in any increase of development of family day-care providers than what is currently allowed by the zoning code or intended by the comprehensive plan.

5.0 Recommendation

Staff recommends approval of the proposed amendments described in Section 2.0 of this Report. This recommendation is based on the findings under Sections 3.0 and 4.0.