

| CLEARANCES | Date | Date Received in Council Office | Agenda Date | Assigned To |
|-----------------------------|---------|--|-------------|----------------|
| Orig. Dept.: County Council | 9/29/99 | RECEIVED SEP 29 1999 WHATCOM COUNTY COUNCIL | 9/28/99 | Introduction |
| Division Head: | | | 10/12/99 | COUNCIL / PED |
| Dept. Head: | | | 10/26/99 | PED / COUNCIL |
| Prosecutor: | | | 11/9/99 | PUBLIC HEARING |
| Budget: | | | | |
| Executive: | | | | |

SUBJECT:

Ord. adopting amemdments to WCC Title 20 (various) Re: Adult Family Homes (63-98: 27)

ATTACHMENTS

SUMMARY STATEMENT:

| | | |
|----------------------------|--|-----------------|
| Related County Contract #: | Should the Clerk schedule a hearing? (Y/N) | Requested Date: |
|----------------------------|--|-----------------|

Ordinance adopting amendments to Whatcom County Code Title 20 (various sections) regarding Adult Family Homes and Childcare Facilites
Planning Number (63-98: 27)

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

- 1999 - 381 9/28/99: Introduced
- 10/12/99: Held/Council
- 10/26/99: Held/Committee - Public hearing on 11/9
- 11/9/99: Adopted 7-0, Ord. #99-068

Related File Numbers:

Ordinance or Resolution Number (this item only):

ORD. # 99-068

SPONSORED BY: Planning
PROPOSED BY: Planning
INTRODUCTION DATE: 9/28/99

ORDINANCE NO. 99-068

**ADOPTING AMENDMENTS TO THE WHATCOM COUNTY
ZONING TEXT TITLE 20 TO PROVIDE FOR ADULT FAMILY HOMES AND
CHILDCARE FACILITIES IN CERTAIN ZONE DISTRICTS**

WHEREAS, Whatcom County Code, Title 20, Chapter 90 provides direction for docketing zoning map and text amendments and such docket was initiated and processed for 1998; and

WHEREAS, The Deputy SEPA Official for Whatcom County issued a determination of non-significance on November 4, 1998; and

WHEREAS, Pursuant to RCW 36.70.590, legal notice was published in the Bellingham Herald on October 31, 1998, November 26, 1998, January 4, 1999, January 14, 1999, February 11, 1999, February 27, 1999, March 11, 1999, March 25, 1999, April 11, 1999; and

WHEREAS, The Planning Commission held public hearings on the proposed amendments on November 12, 1998, December 10, 1998, January 14, 1999, January 28, 1999, February 11, 1999, February 25, 1999, March 11, 1999, March 25, 1999, and April 8, 1999 and considered all testimony; and

WHEREAS, The Planning Commission held a work session on April 22, 1999 to consider all the amendments concurrently, as required by WCC 20.90.070; and

WHEREAS, The Planning Commission has evaluated the merits of each amendment in relationship to the County Wide Planning Policies and the goals, policies and objectives of the Comprehensive Plan, as required by WCC 20.90.070; and

WHEREAS, The County Council has considered the Planning Commission's Findings of Fact, Reasons for Action, and Recommendations for all the amendments, as required by WCC20.10.110; and

WHEREAS, The County Council decided to split the batch of proposed zoning map and text amendments into separate ordinances to allow for public hearings and adoption of revisions to some of the proposed amendments in advance of the other proposed amendments; and

WHEREAS, The County Council has adopted alternate text and held a public hearing on the proposed revisions; and

WHEREAS, the County Council finds the revised zoning text amendments in the best interest of the public, safety, and welfare, based on the following findings and conclusions:

FINDINGS

1. Public notice was published November 26, 1998 in the Bellingham Herald.
2. SEPA: A Declaration of Non-Significance was issued for the proposed amendments on November 4, 1998.
3. Staff finds that it is necessary to make certain amendments to Title 20 to accommodate requirements of state law (RCW 70.128 175(2)) with regard to the siting of adult care facilities. Staff finds that the proposed amendment will provide for the siting of adult care facilities in conformance with state requirements and with the goals and policies of the County Comprehensive Plan. Additionally staff finds the proposed amendment will promote the public health, safety and welfare.
4. With respect to child care facilities, Staff finds that The State of Washington has adopted legislation whose purpose "is to encourage the dispersion of child care facilities throughout cities and counties in Washington state so that child care services are available at convenient locations to working parents." (RCW 35.63.170 and 36.70.675) Staff finds that these amendments will help make child care facilities more readily available by allowing their location in all of the residential and commercial zones in the County and thus fulfill the purpose of the state legislation.

CONCLUSION

Amendments to the Official Whatcom County Zoning Ordinance text should be adopted as set forth in Exhibit 1.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that:

Section 1. The Official Whatcom County Zoning Ordinance text (Title 20) is hereby amended as shown in the attached Exhibit 1.

Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of the Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 9 day of November, 1999

ATTEST:



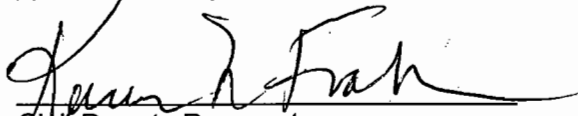
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



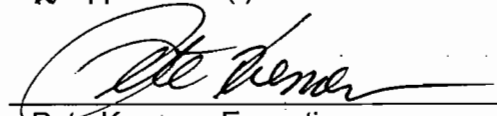
Marlene Dawson, Chairperson

APPROVED as to form:



Civil Deputy Prosecutor

Approved Denied



Pete Kremen, Executive

Date: 11-16-99

EXHIBIT 1

a. Adult Care Facilities

1. Add the following new permitted use to the list of permitted uses in the following districts: UR, URM, UR-MX, RR, RR-I, EI, R, AG, GC, TC, and RC. NOTE for amendment to NC re: Family Care Homes see amendment to 20.60.059 below.

.xx Adult Family Homes as defined in RCW 70.128.

b. Child Care Facilities

1. Add the following new permitted uses to the UR, URM, UR-MX, RR, RR-I, EI, R, and AG Districts:

.xx Family day care homes subject to the requirements of 20.97.180 for Home Occupations.

2. Add the following new administrative approval uses to the UR, URM, UR-MX, RR, RR-I, EI, R, and AG Districts:

.xx Mini-day care centers in a family dwelling.

3. Add the following new conditional uses to the EI district:

.xx Day Care centers; and Mini-day care centers not in a family dwelling.

4. Amend sections 20.XX.154 of the UR, URM, UR-MX, RR, RR-I, and R Districts to read as follows:

.154 Retirement, boarding and convalescent homes; social and health rehabilitation centers; day care centers; mini-day care centers ~~children and adult care centers~~ not in a family dwelling; in a building not used as a residence and other health-related services consistent with the purpose of the district.

5. Add the following use as a permitted use in the GC, TC, and RC Districts:

.xx Child Care Facilities; provided that child care facility in a family dwelling shall conform to the definition of home occupation 20.97.180.

6. Amend section 20.60.059 NC to read as follows:

.059 Adult care centers, adult family homes as defined in RCW 70.138, and child care centers facilities provided that a child care facility in a family dwelling shall conform to the definition of home occupation 20.97.180.

7. Add the following use as an accessory use in the LII, GM, HII, GI and AO Districts:

.xx Child care facilities operated by, maintained by or funded by business in the district for the purpose serving the child care needs of employees whose place of employment lies within this zone district, provided that child care facility in a family dwelling shall conform to the definition of home occupation, 20.97.180.

c. Definitions: add a new definition called *Child Care Facilities* to Chapter 20.97 to read as follows:

20.97.052.1 Child Care Facilities

Child care facilities means a family day care home, mini-day care center, and day care center as defined below:

a. "Family day care home" means a person regularly providing care during part of the twenty-four hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed.

b. "Mini-day care center" means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons.

c. "Day care center" means a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day.