
SENATE BILL 5350

State of Washington

54th Legislature

1995 Regular Session

By Senators Wojahn, Winsley, Haugen, McCaslin, Drew and Kohl

Read first time 01/20/95. Referred to Committee on Government Operations.

1 AN ACT Relating to counties' powers over family day-care providers;
2 amending RCW 36.70A.450; and adding a new section to chapter 36.70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70 RCW
5 to read as follows:

6 No county may enact, enforce, or maintain an ordinance, development
7 regulation, zoning regulation, or official control, policy, or
8 administrative practice which prohibits the use of a residential
9 dwelling, located in an area zoned for residential or commercial use,
10 as a family day-care provider's home facility.

11 A county may restrict the hours of operation of a family day-care
12 provider to facilitate neighborhood compatibility, while also providing
13 appropriate opportunity for persons who use family day-care and who
14 work a nonstandard work shift, and may require proof of written
15 notification by the family day-care provider that the adjoining
16 property owners have been informed of the intent to locate and maintain
17 such a facility.

18 Nothing in this section shall be construed to prohibit a county
19 from imposing zoning conditions on the establishment and maintenance of

1 a family day-care provider's home in an area zoned for residential or
2 commercial use, so long as such conditions are no more restrictive than
3 conditions imposed on other residential dwellings in the same zone and
4 the establishment of such facilities is not precluded. As used in this
5 section, "family day-care provider" is as defined in RCW 74.15.020.

6 **Sec. 2.** RCW 36.70A.450 and 1994 c 273 s 17 are each amended to
7 read as follows:

8 No city or county that plans or elects to plan under this chapter
9 may enact, enforce, or maintain an ordinance, development regulation,
10 zoning regulation, or official control, policy, or administrative
11 practice which prohibits the use of a residential dwelling, located in
12 an area zoned for residential or commercial use, as a family day-care
13 provider's home facility.

14 A city or county may require that the facility: (1) Comply with
15 all building, fire, safety, health code, and business licensing
16 requirements; (2) conform to lot size, building size, setbacks, and lot
17 coverage standards applicable to the zoning district except if the
18 structure is a legal nonconforming structure; (3) is certified by the
19 state (~~(department of licensing)~~) office of child care policy licensur
20 as providing a safe passenger loading area; (4) include signage, if
21 any, that conforms to applicable regulations; and (5) limit hours of
22 operations to facilitate neighborhood compatibility, while also
23 providing appropriate opportunity for persons who use family day-care
24 and who work a nonstandard work shift.

25 A city or county may also require that the family day-care
26 provider, before state licensing, require proof of written notification
27 by the provider that the immediately adjoining property owners have
28 been informed of the intent to locate and maintain such a facility. If
29 a dispute arises between neighbors and the family day-care provider
30 over licensing requirements, the licensur may provide a forum to
31 resolve the dispute.

32 Nothing in this section shall be construed to prohibit a city or
33 county that plans or elects to plan under this chapter from imposing
34 zoning conditions on the establishment and maintenance of a family day-
35 care provider's home in an area zoned for residential or commercial
36 use, so long as such conditions are no more restrictive than conditions
37 imposed on other residential dwellings in the same zone and the

1 establishment of such facilities is not precluded. As used in this
2 section, "family day-care provider" is as defined in RCW 74.15.020.

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