
SUBSTITUTE SENATE BILL 5350

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Wojahn, Winsley, Haugen, McCaslin, Drew and Kohl)

Read first time 02/08/95.

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 require that the facility: (1) Comply with all
12 building, fire, safety, health code, and business licensing
13 requirements; (2) conform to lot size, building size, setbacks, and lot
14 coverage standards applicable to the zoning district except if the
15 structure is a legal nonconforming structure; (3) is certified by the
16 state office of child care policy licensor as providing a safe
17 passenger loading area; (4) include signage, if any, that conforms to
18 applicable regulations; and (5) limit hours of operations to facilitate
19 neighborhood compatibility, while also providing appropriate

1 opportunity for persons who use family day-care and who work a
2 nonstandard work shift.

3 A county may also require that the family day-care provider, before
4 state licensing, require proof of written notification by the provider
5 that the immediately adjoining property owners have been informed of
6 the intent to locate and maintain such a facility. If a dispute arises
7 between neighbors and the family day-care provider over licensing
8 requirements, the licensor may provide a forum to resolve the dispute.

9 Nothing in this section shall be construed to prohibit a county
10 from imposing zoning conditions on the establishment and maintenance of
11 a family day-care provider's home in an area zoned for residential or
12 commercial use, so long as such conditions are no more restrictive than
13 conditions imposed on other residential dwellings in the same zone and
14 the establishment of such facilities is not precluded. As used in this
15 section, "family day-care provider" is as defined in RCW 74.15.020.

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

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

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

35 A city or county may also require that the family day-care
36 provider, before state licensing, require proof of written notification
37 by the provider that the immediately adjoining property owners have
38 been informed of the intent to locate and maintain such a facility. If

1 a dispute arises between neighbors and the family day-care provider
2 over licensing requirements, the licensor may provide a forum to
3 resolve the dispute.

4 Nothing in this section shall be construed to prohibit a city or
5 county that plans or elects to plan under this chapter from imposing
6 zoning conditions on the establishment and maintenance of a family day-
7 care provider's home in an area zoned for residential or commercial
8 use, so long as such conditions are no more restrictive than conditions
9 imposed on other residential dwellings in the same zone and the
10 establishment of such facilities is not precluded. As used in this
11 section, "family day-care provider" is as defined in RCW 74.15.020.

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