



Planning and Community Development

Council Initiated:

Yes

No

Ryan Countryman

ECAF: 2024-0495

Motion: 24-157

Type:

Contract

Board Appt.

Code Amendment

Budget Action

Other

Requested

Handling:

Normal

Expedite

Urgent

Fund Source:

General Fund

Other

N/A

Executive Rec:

Approve

Do Not Approve

N/A

Approved as to

Form:

Yes

No

N/A

Subject: Day care center zoning requirements.

Scope: Motion 24-157 would refer an ordinance co-sponsored by Councilmembers Mead and Nehring regarding day care centers to Planning and Development Services (PDS), other departments, and the Planning Commission for review and recommendation.

Duration: Recommendation(s) requested by September 1, 2024.

Fiscal Impact: Current Year Multi-Year N/A

Authority Granted: None

Background: Snohomish County families suffer from a severe shortage of childcare options. There are 62 child care slots per 100 infants, toddlers, or preschoolers, compared to a state-wide average of 79 slots.¹ This situation was described to the County Council by the Office of Recovery & Resilience (ORR) as a “critical lack of child care” where to bring the “county to the state average, Snohomish County could need to add 3,500 slots of child care.”² Prior County actions, such as the 2023 American Rescue Plan Act (ARPA) Proposal for Child Care put forth by ORR help to address the issue. Further work remains. The Snohomish County Children’s Commission Report transmitted to the County Council on January 24, 2024, identified early childhood education, childcare, and after-school programs as an area of focus where further action is necessary. Part of the solution may involve easing local land use restrictions that make it difficult to site new day care centers.

Motion 24-157 would refer an ordinance amending zoning requirements for day care centers to PDS, other departments, and the Planning Commission for review and recommendation back to the County Council. [SCC 30.73.040](#) provides that the Planning Commission shall hold a public hearing on a proposal referred to it by the County Council within 90 days or in a time specified by the County Council. To provide flexibility in scheduling a briefings and hearings, the motion requests recommendation back to the County Council by September 1, 2024.

The proposed ordinance would allow day care centers in more locations and with simplified permit processing requirements as detailed in Appendix A. Some of the proposed changes in Appendix A are based the size of the day care center building, with 8,000 square feet as a threshold. Appendix B includes local examples of day care centers and their sizes as references for the proposed size threshold. Appendix C gives examples of how proposed arterial frontage and access requirements in low density zones would work. Appendix D includes information from the Department of Public Works regarding proposed road frontage requirements and changes to parking requirements.

Request: Move the proposed motion to GLS on April 24, 2024, for consideration.

¹ <https://www.childcareaware.org/our-issues/research/ccdc/state/wa/>, accessed February 15, 2024.

² <https://snohomish.legistar.com/View.ashx?M=F&ID=11510630&GUID=B09E2D5C-F7F8-431E-AA2D-930258324D02>

Appendix A: Analysis

Context:

Day care centers provide care to 13 or more persons and per [SCC 30.91D.050](#). Although these facilities may provide licensed care for seniors or those with disabilities, this staff report assumes that most day care centers in the future will continue to be those that provide childcare. This proposal does not impact requirements for family day care homes (these provide care for 12 or fewer persons in a residential setting and zoning permits family day care homes in most areas already).

Most day care centers are in commercial zones where they are a permitted use. However, day care providers looking for new locations have difficulty finding sites because it is usually more profitable to develop available commercial property with other uses.

Most residential zones do not allow stand-alone day care centers despite these areas being where much of the demand for childcare originates. For residential zones, Snohomish County Code often only allows day care centers when “in connection and secondary to a school facility or place of worship” (SCC 30.22.130(2)). Schools and places of worship require a Conditional Use Permit which lengthens the process and requires a public hearing before the Hearing Examiner prior to approval. An existing school or place of worship cannot add a day care center without obtaining a new conditional use permit for the additional use. In contrast to the conditional use process, Planning and Development Services can administratively approve permitted uses administratively. Because of process differences, applicants typically receive administrative approvals 2-3 months faster and conditional use approvals.

The overall shortage of available day care services is due in part to the combination of market competition on land that allows day care centers, difficulty in siting new day care centers near the housing that generates demand, and complexity of permitting processes.

Proposal:

The proposed ordinance would:

1. Allow stand-alone day care centers on sites with arterial road frontage in three common urban residential zones – R-9,600, R-8,400, and R-7,200 – where current requirements only allow day care centers when in connection to a school or place of worship. In these zones, PDS could administratively approval of day care centers up to 8,000 square feet in size. Day care centers over 8,000 square feet would require a conditional use permit.
2. Simplify the permit process in multifamily zones – Low Density Multiple Residential (LDMR) and Multiple Residential (MR) – by allowing administrative approval of day care centers instead of the current requirement for a conditional use permit.

3. Allow administrative approval of day care centers up to 8,000 square feet in Townhouse zoning, and over 8,000 square feet with a conditional use permit. (Townhouse zoning does not currently allow day care centers).
4. Simplify the permit process in rural areas by allowing administrative approval of day care centers up to 8,000 square feet in Residential 5-acre (R-5) zoning. (R-5 already allows day care centers of any size with a conditional use permit.)
5. Clarify the parking requirements for day care centers based on input from the Department of Public Works. (Current parking requirements are based on projected number of employees, but the employment levels of a day care center will vary depending on how much training employees have.)
6. Consolidating existing and proposed performance standards for day care centers into a new code section.

By Ordinance Section:

Sections 1-3 of the proposed ordinance provide findings and conclusions to support the substantive changes in later sections.

Section 4 amends SCC 30.22.100 the Urban Zone Categories Use Matrix. Amendments here would allow day care centers in more circumstances in urban zones and with simplified permit processing requirements. Part of implementing this is a formatting change, adding two rows to distinguish between the size of the day care center for some zones. The other specific changes are:

1. R-9,600, R-8,400, R-7,200 zoning: Changes would allow PDS to permit day care centers up to 8,000 square feet administratively in these zones. Day care centers over 8,000 square feet would still require a conditional use permit and public hearing before the Hearing Examiner for approval. Changes to Reference Note 2 (discussed in more detail below under SCC 30.22.130(2)) and would allow day care centers as a stand-alone use in these zones because the note currently requires day care centers to be secondary to a school or a house of worship.
2. Townhouse zoning: Changes would allow day care centers for the first time in this zone, subject to the same proposed requirements for R-9,600, R-8,400, and R-7,200.
3. LDMR and MR zoning: Making day care centers a permitted use in these multi-family zones would simplify the permitting process by making approval an administrative permitted use (removing the public hearing currently required by the conditional use permit process).
4. The proposed striking of Reference Note 129 is not a substantive change as those requirements would move to be part of a new section SCC 30.28.030 that edits to the remaining Reference Note 2 would refer to.

TYPE OF USE	R-9,600 ⁸⁸	R-8,400 ⁸⁸	R-7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	IP ⁷⁶	BP	L ⁵⁵ , 76	HJ ⁵⁵	MHP ¹¹⁴	UC ¹²²
Construction Contracting										P	P	P	P	P		P ¹²³
Day Care Center ² (-429)	((G))	((G))	((G))		((G))	((G))	((P))	((P))	((P))	((P))	((P))	((P))	((P))	((P))	((A))	((P))
<u>Up to 8,000 sq ft</u>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P
<u>Over 8,000 sq ft</u>	C	C	C	C	P	P	P	P	P	P	P	P	P	P	A	P
Distillation of Alcohol											P	P	P	P		P

Figure 1 – Changes to SCC 30.22.100 Urban Use Matrix (Relevant Part)

Section 5 amends SCC 30.22.110 the Rural and Resource Zone Categories Use Matrix. Amendments here would allow simplify permit processing requirements in the Residential 5-Acre (R-5) zone for day care centers up to 8,000 square feet. Part of implementing this is a formatting change, adding two rows to distinguish between the size of the day care center. The proposed striking of Reference Note 129 is not a substantive change as those requirements would move to be part of a new section SCC 30.28.030 that edits to the remaining Reference Note 2 would refer to.

TYPE OF USE	Rural Zones							Resource Zones		
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10
Dams, Power Plants, & Associated Uses									P	
Day Care Center ² (-429)	((P))		((C ¹⁴⁵))	((P))	((P))	((P))				
<u>Up to 8,000 sq ft</u>	P		P	P	P	P				
<u>Over 8,000 sq ft</u>	P		C	P	P	P				
Distillation of Alcohol	C ³⁴		C ^{34, 115}							C ³⁴

Figure 2 – Changes to SCC 30.22.110 Rural and Resource Zone Use Matrix (Relevant Part)

Section 6 amends SCC 30.22.120 the Other Zone Categories Use Matrix. The proposed striking of Reference Note 129 is not a substantive change as those requirements would move to be part of a new section SCC 30.28.030 that edits to the remaining Reference Note 2 would refer to.

TYPE OF USE	Other Zones					
	SA-1	RC	RU	R-20,000	R-12,500	WFB
Community Facilities for Juveniles ¹⁰³						
1 to 8 residents	P	P	P	P	P	P
9 to 24 residents	S	S	S	S	S	S
Day Care Center ²⁽⁽⁻¹²⁹⁾⁾	C	C	P	C	C	C
Distillation of Alcohol		C ³⁴	C ³⁴			

Figure 3 – Changes to SCC 30.22.120 Other Zones Categories Use Matrix (Relevant Part)

Section 7 amends SCC 30.22.130 Reference notes for use matrices. Amendments would only affect Subsection (2) and would make several changes.

1. Inclusion of a reference to a new Section 30.28.030. This would be the same approach as other uses in the use matrices that have specific design standards listed in Chapter 30.28.
2. By striking what is presently (2)(a) day care centers in the affected zones could be stand-alone uses although subject to a new requirement to have arterial road frontage proposed to be at a new SCC 30.28.030(7). Current phrasing that limits day care centers to being a secondary use associated with a school or place of worship would move to SCC 30.28.030(7). This would continue to allow day care centers in the affected zones on sites without arterial road frontage when the day care center is in connection with a school facility or place of worship.³
3. Striking (2)(b) is not a substantive change. Those requirements would move to be part of new Section 30.28.030.

30.22.130 (Relevant Part)

(2) *Day Care Center.* See SCC 30.28.030.

~~((a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residence.))~~

³ SCC 30.22.130(129) is the only location in Snohomish County Code to use the specific phrase “place of worship” phrasing. Permitting requirements elsewhere in SCC Title 30 use “church” instead, although SCC 30.91C.085 defines church as including “synagogues, temples, mosques, and reading rooms or other places for religious worship and religious activity”. Recent Hearing Examiner decisions have been using the phrase “religious service facility”.

Section 8 amends SCC 30.25.020 Perimeter Landscaping Requirements. Changes only affect Footnote 3. This footnote currently applies to all conditional uses in residential zones. The proposed ordinance would allow day care centers over 8,000 square feet as a conditional use in residential zones and would therefore be subject to Footnote 3 if not for the proposed amendments. Section 9 of the proposed ordinance includes landscaping requirements specific to day care centers that would apply instead of Footnote 3. The edits in Section 8 exempt day care centers from Footnote 3 in favor of what ordinance Section 9 proposes.

30.25.020 (Relevant Part)

Footnote 3: Conditional uses, except for daycare centers, located in a residential zone according to SCC 30.22.100, 30.22.110, and 30.22.120. For daycare centers, see SCC 30.25.055.

Section 9 adds a new section to Chapter 30.25 SCC to establish landscaping requirements for day care centers. This would result in 20-feet of landscaping to create a dense sight barrier between day care centers and adjacent residential uses.⁴ Unlike the general landscaping requirements in Footnote 3 above which requires landscaping around the perimeter of an entire property, the proposal in SCC 30.25.055 would only require landscaping where abutting residential uses and property lines. The new section would read:

30.25.055 Additional landscaping requirements for day care centers.

To improve compatibility between day care centers in residential zones and adjacent residential uses, day care centers shall provide landscaping as follows.

(1) Daycare centers in urban residential or rural residential zones and abutting sites with R-5, R-9,600, R-8,400, R-7,200, T, LDMR or MR zoning shall provide 20 feet of Type A landscaping along abutting property lines to screen adjacent residences.

(2) Portions of day care center sites abutting roads, non-residential tracts, recorded critical area protection areas or similar easements as determined by the director do not need to provide additional landscaping.

(3) For day care centers requiring a conditional use permit, the screening requirements of this section shall apply instead of those in SCC Table 30.25.020.

Section 10 amends SCC 30.26.030 regarding the amount of parking required for day care centers. The current provisions require permit applicants to provide estimates on employment levels and number of children the facility expects to care for. This current approach does not reflect changes made in 2020 to state requirements regarding training and staff qualifications where employment levels for a given number of children can vary widely based on the age and credentials of the staff.⁵ To replace

⁴ The proposed code relies on existing language in SCC 30.25.017 that provide requirements for Type A landscaping. That section describes Type A as creating a dense sight barrier.

⁵ See especially [WAC 110-300-100 to -0120](#).

the current approach which relies on subjective estimates, the proposed amendments to SCC 30.26.030 would establish new objective parking requirements tied to the size of the facility. The basis for the proposed objective standards is an estimate of the average parking demand (not including drop off areas) for day care centers from the 5th Editions of the Institute of Transportation (ITE) Engineers Parking Generation Manual. ITE found the average peak period parking need to be 2.45 parking spaces per 1,000 square feet of gross floor area. The proposed ordinance rounds that figure up to 2.50 spaces per 1,000 square feet for consistency with parking rates for similar building types in SCC 30.26.030.⁶ The proposed ordinance also rephrases the additional requirement to provide drop off parking space to be based on the size of the facility rather than on an estimate of the number of children.

USE	Number of Spaces Required in R-9,600, R-8,400, R-7,200, WFB, T, MR, LDMR, GC, CB, NB, PCB, MHP, HI, LI, BP, and IP	Number of Spaces Required in RD, RRT-10, R-5, RB, CRC, RFS, RI, F, F&R, A-10, SA-1, RC, RU, R-20,000, R-12,500	NOTES
Dams, Power Plants, & Associated Uses	See SCC 30.26.035	See SCC 30.26.035	
Day Care Center	((1 per employee plus load/unload space)) 2.5 per 1,000 GFA	((1 per employee plus load/unload space)) 2.5 per 1,000 GFA	An off-street load and unload area ((equivalent to one space for each 10 children)) is also required. This area shall provide the greater of two spaces or one space for every 2,000 square feet of day care center with fractional spaces rounded up.
Distillation of Alcohol	2 per 1,000 GFA	2.5 per 1,000 GFA	May also be determined by the department on a case-by-case basis per SCC 30.26.035 when the employee to SF GFA ratio for the proposed use is less than the typical requirement for this use in this zone.

Figure 4 – Proposed changes to SCC 30.26.030 (Relevant Part)

Section 11 adds a new section in Chapter 30.28 to contain the general performance standards for day care centers. Subsections (1) through (6) move and consolidate existing requirements in this location. Subsection (7) would add a new requirement that stand-alone day care centers in seven residential zones have arterial road frontage. This would be more restrictive than current requirements in SA-1,

⁶ For example, banks and office uses already require 2.50 spaces per 1,000 square feet in most zones that allow them.

R-12,500, R-20,000, and WFB zoning already allows day care centers. However, a key change in the proposed ordinance would be to allow day care centers in the more common zones of R-9,600, R-8,400 and R-7,200 where the restriction for new potential locations to sites with arterial road frontage would also apply. The reasoning is the same; although day care centers are generally compatible with residential neighborhoods, the traffic they generate should be on arterial roads rather than residential streets. The proposed Subsection (7)(b) would allow stand-alone day care centers on sites with arterial frontage but where access may come from a local road, subject to a determination by the county engineer. See Appendix D for examples of how proposed arterial frontage and access requirements in low density zones would work. Subsection (7)(b) would continue to allow day care centers on sites without arterial road frontage when permitted in connection to a school facility or house of worship. The proposed new section would read:

30.28.030 Day Care Center performance standards.

Day care centers are subject to the following performance standards.

- (1) Outdoor play areas shall have fencing or otherwise be controlled;
- (2) Landscaping buffering shall be provided consistent with Chapter 30.25 SCC, including to project adjoining residences;
- (3) Activities in outdoor play areas are subject to noise control requirements of Chapter 10.01 SCC. The director or hearing examiner, as appropriate, may apply conditions during project approvals to ensure noise control compliance.
- (4) Day care center development in an airport compatibility area is subject to the requirements of Chapter 30.32E SCC.
- (5) Day care centers must have the required license from the Washington State Department of Children, Youth, and Families (DCYF).
- (6) Parking and child drop-off and pick-up areas are subject to the requirements of Chapter 30.26 SCC.
- (7) The following additional road frontage and access requirements apply in the SA-1, R-12,500, R-20,000, R-9,600, R-8,400, R-7,200, and WFB zones for day care centers not permitted in connection to a school facility or place of worship:
 - (a) The day care center site must have frontage on a public road classified as a principal, minor, or collector arterial in the Transportation Element of the Snohomish County Growth Management Act Comprehensive Plan; and
 - (b) Access may be from a non-arterial road if the access is near an intersection with the same arterial road that the site has frontage on, provided that the department and county engineer shall determine whether to allow such access on a case-by-case basis.

Section 12 is a standard severability and savings clause.

Appendix B: Local Examples of Day Care Centers

This appendix includes examples of local day care centers as a reference to the proposed size threshold of 8,000 square feet. In some zones, the proposal would allow administrative approval of day care centers up to 8,000 square feet. In those same zones, approval of day care centers larger than 8,000 square feet would require a conditional use permit and public hearing. The intent is to allow smaller neighborhood scale day care centers with a simpler approval process. The proposed 8,000 square foot threshold is subjective. This appendix provides examples to elicit input from the Planning Commission and others to help determine whether 8,000 square feet or some other figure is an appropriate threshold between permit processes.

In ascending order of building size:⁷



**Figure 5 – Marysville Cooperative Preschool – 1,900 square feet
(Photo: Google Streetview)**

⁷ Except as noted, photos and building size information all come from Snohomish County Assessor online property records.



Figure 6 – Grow With Us Preschool and Child Care – 2,520 square feet



**Figure 7 – Early Childhood Academy – 3,707 square feet
(1,832 sq ft in basement + 1,875 sq ft on main floor)**



**Figure 8 – Way to Grow Early Learning Center – 4,939 square feet
(2,299 sq ft in basement + 2,640 sq ft in main floor)**



**Figure 9 – Country Dawn Preschool – 5,452 square feet
(2,866 sq ft on floor 1 + 2,586 sq ft on floor 2)**



**Figure 10 – Harbour Pointe Kids & Child Care Center – 5,980 square feet
(not counting a 1,568 sq ft covered play area)**



Figure 11 – ABC Learning Center – 6,045 square feet



Figure 12 – Brier KinderCare – 6,264 square feet



Figure 13 – La Petite Academy (Lynnwood) – 6,630 square feet



Figure 14 – La Petite Academy (Mill Creek) – 6,757 square feet



Figure 15 – Harbour Pointe KinderCare – 9,635 square feet



Figure 16 – Nancy's Noah's Arc – 10,186 sq ft (6,351 on 1st floor, 3,825 on 2nd)



Figure 17 – Penny Creek KinderCare – 10,454 square feet

Appendix C: Examples of Proposed Frontage and Access Requirements

This appendix includes examples of how the proposed new Subsection (7) in SCC 30.28.030 would work. As detailed in Appendix A, SCC 30.28.030 would consolidate various performance standards in one place. Subsection (7) would restrict stand-alone day care centers in certain residential zones to those sites which have arterial road frontage. Access could come from local roads subject to approval by the County Engineer. The specific language proposed is:

30.28.030 Day Care Center performance standards.

Day care centers are subject to the following performance standards.

[...]

(7) The following additional road frontage and access requirements apply in the SA-1, R-12,500, R-20,000, R-9,600, R-8,400, R-7,200, and WFB zones for day care centers not permitted in connection to a school facility or place of worship:

(a) The day care center site must have frontage on a public road classified as a principal, minor, or collector arterial in the Transportation Element of the Snohomish County Growth Management Act Comprehensive Plan; and

(b) Access may be from a non-arterial road if the access is near an intersection with the same arterial road that the site has frontage on, provided that the department and county engineer shall determine whether to allow such access on a case-by-case basis.

Example 1: Compliant site with arterial road frontage

The parcel highlighted in Figure 18 below has R-8,400 zoning and arterial road frontage (actually, frontage on two arterial roads where green lines indicate arterials). An applicant could propose access from either or both roads. This site would likely comply with SCC 30.28.030(7).



Figure 18 – Site with two arterial road frontages

Example 2: Compliant site with arterial road frontage and possible access via a local road

The parcel highlighted in Figure 19 below has R-7,200 zoning, frontage on an arterial road (green line), and potential southern access via a local road. An applicant could propose access from either or both roads. Any access by to the local road would need review by the County Engineer. This site would likely comply with SCC 30.28.030(7).



Figure 19 – Site with arterial road frontage and possible access via a local road

Example 3: Non-compliant site lacking in arterial road frontage

Although the parcel highlighted in

Figure 20 below has R-7,200 zoning and could access the same local road as the site in Figure 19, this site lacks arterial road frontage and therefore would not comply with SCC 30.28.030(7).



Figure 20 – Site lacking arterial road frontage

Example 4: Non-compliant site with access to, but not frontage on, an arterial road

The parcel in highlighted in Figure 21 has R-9,600 zoning and access to an arterial road. Access is not the same as frontage. By itself, this parcel would not comply with SCC 30.28.030(7).



Figure 21 – Site with access to, but not frontage on, an arterial road

Example 5: Compliant site, combining parcels

An applicant could combine the two highlighted parcels in Figure 22 into one site. If so, this site would have both frontage and access to an arterial road. As a combined site, this would likely comply with SCC 30.28.030(7).



Figure 22 – Two-parcel site with frontage and access

Appendix D: Frontage and Parking Recommendations (Provided by Public Works Staff to Council Staff in a Memo Dated June 13, 2023)

Potential language for consideration regarding access from arterials:

Day Care Center access and public road frontage requirements.

Day care centers shall take access from and have public road frontage on county roads that are arterial in classification to include principal, minor and collector arterials in accordance with the Transportation Element (TE) of the Snohomish County Growth Management Act Comprehensive Plan. Day care centers may be allowed access from county roads non-arterial in classification if the access is near an intersection with an arterial road and the daycare has public road frontage on county roads that are arterial in classification. The department will review and the county engineer shall make a determination to allow developments near these intersections on a case-by-case basis.

Parking demand guidance on day care centers:

The latest edition of the Parking Generation Manual published by the Institute of Transportation Engineers (ITE) provides guidance on forecasting and understanding the relationship between parking demand and the many characteristics associated with an individual development site or land use type. The manual illustrates parking demand estimates using tables, data plots and statistics to include weighted average rates, 33rd / 85th percentiles and 95% confidence intervals of parked vehicles.

[SCC 30.26.030\(1\)](#) illustrates the required number of off-street parking spaces by use in [Table 30.26.030\(1\)](#). The current requirement for a day care center is one (1) per employee plus load/unload space where an off-street load and unload area is equivalent to one space for each ten (10) children. When compared to ITE guidance, it appears existing code does not meet the needs of parking demand for Day Care Centers. If the intent is to adhere more to ITE guidance, Public Works Department’s recommendation is 2.45 parking spaces per 1,000 square feet based on the average rate provided by ITE.

The table below illustrates the ITE land use code Day Care Center average rate based on building square footage. The potential average peak parking demand and subsequent table columns are based on Day Care Centers 8,000 square feet in size.

ITE Code	Type	Conditions	Average Rate⁸	Potential Average Peak Period Parking Demand	Potential 95% Confidence Interval Peak Period Parking Demand	Range of Peak Period Parking Demand
565	Institutional Land Use Day Care Center	Peak Period Parking Demand vs. 1000 Sq. Ft. GFA on a Weekday, Peak Period (8:00 a.m. – 6:00 p.m.)	2.45	19.60 ⁹	16.96 - 22.24	5.84 - 69.36

⁸ Based on the 5th edition of the ITE Parking Generation Manual

⁹ Calculation based on a Day Care Center 8,000 square feet GFA in size