

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6677

AN ORDINANCE amending chapters 20.20 and 20.50 of the City of Bellevue Land Use Code (LUC) to conform family child care home provisions to allow more than 12 children as authorized by the Washington State Department of Children, Youth, and Families (DCYF) and pursuant to RCW 43.216.692 and WAC 110-300-0358; providing for severability; and establishing an effective date.

WHEREAS, On May 7, 2021, the Governor signed into law Senate Bill 5237, which is codified at Chapter 199, Laws of 2021, which in part amended RCW 43.216.692 to direct the DCYF to establish a waiver program for home-based childcare providers to care for more than 12 children at any given time; and

WHEREAS, Senate Bill 5237 included various provisions related to child care intended to expand early learning opportunities and child care capacity in the state; and

WHEREAS, the DCYF established rules and procedures for home-based childcare providers seeking to care for more than 12 children in WAC 110-300-0358; and

WHEREAS, the Bellevue LUC currently defines family child care homes as having no more than 12 children under their care at any given time, which thereby prohibits these uses from taking advantage of the DCYF waiver; and

WHEREAS, the Bellevue LUC currently contains references to state agencies and other provisions related to child care and early learning, which have changed since their original adoption; and

WHEREAS, amending the Bellevue LUC is required to provide regulatory certainty and transparency for home-based childcare providers who wish to seek the DCYF capacity waiver; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act, Chapter 43.21C RCW and the City's Environmental Procedures Code, Chapter 22.02 BCC for these LUC amendments; and

WHEREAS, the Council finds it was necessary and appropriate to amend the Bellevue LUC without prior review and recommendation from the Planning Commission, as authorized by LUC 20.30J.125.B and 20.35.410.A; and

WHEREAS, the City Council held a study session on September 6, 2022 and, after providing legally-required public notice, held a public hearing on September 26, 2022 on the proposed LUC amendments; and

WHEREAS, the City Council finds that the proposed LUC amendments meet the decision criteria of LUC 20.30J.135, are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interests of the citizens and property owners of the City of Bellevue; now, therefore:

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.20.170 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.170 Child care service use.

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C. Family Child Care Home in a Residence.

Family child care providers must obtain an operating license from the Department of Children, Youth, and Families (DCYF). Family child care providers also must comply with all applicable City codes, including but not limited to the Tax Administrative Code, Chapter 4.03 BCC; Building and Fire Codes, Sign Code, Chapter 22B.10 BCC; and LUC provisions governing lot size, building dimensions, setbacks, and lot coverage requirements for the zone in which they are located.

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Section 2. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to read as follows:

20.50.020 F definitions.

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Family Child Care Home. A child care service use located in the family residence, which provides regularly scheduled care for 12 or fewer children or as licensed or approved by the Washington State Department of Children, Youth, and Families per Chapter 43.216 RCW and Chapter 110-300 WAC, now or as hereafter amended. For the purposes of this definition, family residence means the dwelling unit occupied for living purposes by the child care provider which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

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Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2022 and signed in authentication of its passage this _____ day of _____, 2022.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Catherine A. Drews, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____