

## CITY COUNCIL STUDY SESSION

Land Use Code Amendment (LUCA) to conform provisions related to the maximum number of children and correct outdated references for Family Child Care Homes in the Land Use Code (LUC) in response to recent amendments to Chapter 43.216 RCW.

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*Development Services*

## DIRECTION NEEDED FROM COUNCIL

### DIRECTION

Staff will be presenting the proposed conformance LUCA for Family Child Care Homes. Following discussion, staff will ask Council to enter a finding of necessity for Council to process this LUCA and direct staff to schedule the public hearing.

## RECOMMENDATION

Enter a finding of necessity for Council to process this LUCA and direct staff to schedule the public hearing.

## BACKGROUND & ANALYSIS

### Background

Family Child Care Homes are defined under Land Use Code (LUC) chapter 20.50.020 as child care services located in family residences that provide regularly scheduled care for 12 or fewer children for periods of less than 24 hours. This existing definition reflects the state definition of “Family day care provider” under RCW 43.216.010(1)(c), which also limited the uses to no more than 12 children under their care.

In 2021, the Washington State Legislature passed, and the Governor signed, Senate Bill (SB) 5237, which included various provisions related to child care intended to expand early learning opportunities and child care capacity in the state. Section 313 of this bill amended the definition of “Family day care provider” and “family home provider” in RCW 43.216.010(1)(c) and added a new section RCW 43.216.692, directing the Department of Children, Youth, and Families (DCYF) to establish a permanent waiver program for qualifying providers to exceed the maximum of 12 children. Pursuant to these amendments, DCYF enacted rules for the new waiver program that before granting a waiver DCYF must consider the square footage of the provider’s home, staff-to-children ratios, working toilets, the licensee’s experience, and other qualifications. These rules became effective in January 2022 and are codified at WAC 110-300-0358.

### Proposed Amendments

In order to conform the City’s provisions for Family Child Care Homes, the existing LUC definition must be amended. This LUCA proposes a new clause to be inserted into the definition of Family Child Care

Homes in LUC 20.50.020, to account for when DCYF grants a waiver to providers to exceed the maximum of 12 children. Additionally, this LUCA proposes updates to Family Child Care Homes general use requirements in LUC 20.20.170.C to correct outdated references to state agencies and regulations. A strike-draft of the LUCA is provided as Attachment A.

No further amendments to the LUC are proposed. All existing requirements applicable to Family Child Care Homes in Bellevue will remain, and DCYF licensing requirements will not be affected by this LUCA.

### **Public Engagement**

Notice of this LUCA will be consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment. If directed by Council to schedule a public hearing on this LUCA, a combined notice of the LUCA Application and Public Hearing will be published in the Weekly Permit Bulletin on September 8 and in the Seattle Times on September 12. Additionally, a City webpage will be available for members of the public to find more information on the LUCA, updates on the review process, and methods for providing comment.

### **Review Process**

The timeline below details the anticipated review process for this LUCA:

- Introduction and Study Session – September 6 (tonight)
- Public Hearing and Adoption – Future Meeting

As noted earlier, the changes to Chapter 43.216 RCW and DCYF's rules in WAC 110-300-0358 are already in effect. As such, staff recommends that Council make a finding of necessity to process this LUCA and hold the public hearing. This will minimize the duration that the City's regulations for Family Child Care Homes are inconsistent with those of the state.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

The proposed LUCA conform provisions related to the maximum number of children and correct outdated references for Family Child Care Homes in the LUC in response to recent amendments to RCW 43.216.692, to create consistency between DCYF licensing and approval to the allowable capacity for Family Child Care Homes in Bellevue.

The proposed LUCA is also supported by the following Comprehensive Plan policies:

- **Comprehensive Plan Policy LU-34.** Support provision of child care equitably throughout the city:
  1. Allow family child care homes in residences in all single family land use districts through a discretionary review process, unless otherwise required by state law or regulation.
  2. Permit child care centers in all non-single family land use districts and allow child care centers as part of a community facility as long as the center has been identified as part of any discretionary review permit.

- **Comprehensive Plan Policy HS-16.** Provide leadership and work in partnership with community agencies to encourage and promote the development and expansion of the supply of affordable, accessible, and quality child care which meets the diverse needs of the community in all areas of the city.

### **Fiscal Impact**

There is no fiscal impact associated with implementing these changes.

### **OPTIONS**

1. Enter a finding of necessity for Council to process this LUCA and direct staff to schedule the public hearing.
2. Provide alternative direction to staff.

### **ATTACHMENTS**

- A. Family Child Care LUCA Strike-Draft

### **AVAILABLE IN COUNCIL LIBRARY**

N/A