

SENATE BILL REPORT

ESSB 5509

As Passed Senate, March 6, 2025

Title: An act relating to the siting of child care centers.

Brief Description: Concerning the siting of child care centers.

Sponsors: Senate Committee on Local Government (originally sponsored by Senators Alvarado, Salomon, Bateman, Conway, Nobles, Saldaña, Trudeau, Valdez and Wilson, C.).

Brief History:

Committee Activity: Local Government: 2/06/25, 2/13/25 [DPS-WM].

Ways & Means: 2/20/25, 2/27/25 [DPS (LGV), DNP, w/oRec].

Floor Activity: Passed Senate: 3/6/25, 42-7.

Brief Summary of Engrossed First Substitute Bill

- Requires cities, towns, and code cities to allow childcare centers as outright permitted uses in all zones except industrial zones, light industrial zones, and open space.
- Establishes that cities, towns, and code cities are not limited from allowing childcare centers in other zones, including industrial zones or light industrial zones.
- Requires cities, towns, and code cities to provide for conditional use approval of an on-site childcare center in industrial or light industrial zones, except in or around high hazard facilities.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Salomon, Chair; Lovelett, Vice Chair; Torres, Ranking Member; Bateman and Goehner.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Karen Epps (786-7424)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5509 as recommended by Committee on Local Government be substituted therefor, and the substitute bill do pass.

Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Trudeau, Vice Chair, Capital; Frame, Vice Chair, Finance; Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Braun, Cleveland, Conway, Dhingra, Hansen, Hasegawa, Kauffman, Muzzall, Pedersen, Riccelli, Saldaña, Warnick, Wellman and Wilson, C..

Minority Report: Do not pass.

Signed by Senator Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senator Boehnke.

Staff: Trevor Press (786-7446)

Background: The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land-use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must contain certain required elements, including a transportation element, a land use element, and a capital facilities plan element, among others.

Development regulations are controls placed on development or land use activities by a county or city, including zoning ordinances, critical areas ordinances, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances. A county or city adopts zoning ordinances to designate land in various zones for residential, commercial, and industrial purposes and to protect critical areas and other sensitive areas within the county or city.

Summary of Engrossed First Substitute Bill: Cities, towns, and code cities are required to allow childcare centers as outright permitted uses in all zones except industrial zones,

light industrial zones, and open space zones. Cities and code cities may impose reasonable restrictions on the permit, including pickup and drop-off areas.

Cities planning under the GMA that are required to submit their next comprehensive plan update in 2027 must incorporate this requirement by adopting or amending through ordinance, and incorporate into their development regulations, in their next comprehensive plan update. All other cities must implement this requirement within two years of the bill's effective date.

A city or code city is not limited from allowing childcare centers in other zones, including industrial zones or light industrial zones. A city or code city must provide for conditional use approval of an on-site childcare center in industrial or light industrial zones, except in or around high hazard facilities.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Local Government): *The committee recommended a different version of the bill than what was heard.* PRO: There are zoning and development regulations that limit where childcare centers can be built and many communities require a conditional use permit to build a childcare center. Sixty-three percent of Washingtonians live in a community that is a childcare desert. This bill requires cities to modify their zoning codes to allow for childcare facilities in all zones except industrial zones, but it also allows cities to set reasonable limitations on those uses. This is a balanced bill to help build more childcare facilities while also allowing for local flexibility. Moms are being forced to leave their jobs because they cannot find child care. Lakewood rewrote their zoning rules and childcare access expanded from 4 percent of the city to more than 50 percent of the city. This bill takes that success statewide and ensures every community can build the facilities they need. Providers are struggling with zoning issues that arise, making it difficult to expand and this bill will help providers so that they can thrive and grow along with their children. The bill provides local jurisdictions with the authority to regulate while also providing state direction on this issue.

Persons Testifying (Local Government): PRO: Senator Emily Alvarado, Prime Sponsor; Bryce Yadon, Futurewise; Alex Galeana, Children's Campaign Fund Action; Alexis Cortes, Parent; Carl Schroeder, Association of Washington Cities.

Persons Signed In To Testify But Not Testifying (Local Government): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: Now, too many families are stuck in an impossible situation. They need childcare to work but there are not enough options. Sixty-three percent of kids under the age of five live in childcare deserts. When parents can't find care, they are negatively financially impacted. Businesses lose a large amount of money because workers do not have reliable childcare. The burden of childcare disproportionately impacts women and people of color. Black mothers in particular are hit the hardest.

This bill is a low-cost step to help stop the childcare crisis. Restrictions make it even harder to establish childcare centers which affects working families. The demand for care far exceeds the supply. Outdated zoning and restrictions prevent childcare centers from opening in communities where they are needed most. This is an investment in equity, families, and providers.

Persons Testifying (Ways & Means): PRO: Alex Galeana, Children's Campaign Fund Action; Phanta Tofa.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.