
HOUSE BILL 2468

State of Washington

68th Legislature

2024 Regular Session

By Representatives Jacobsen and Chambers

1 AN ACT Relating to siting of child care facilities; adding a new
2 section to chapter 35.21 RCW; adding a new section to chapter 35A.21
3 RCW; adding a new section to chapter 36.70 RCW; and creating a new
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that there is a
7 need for more child care facilities in convenient locations for
8 families. Access to affordable and conveniently located child care
9 facilities increases economic growth and labor force participation by
10 reducing commuting times for parents. The vast majority of child care
11 providers are small businesses and nonprofit organizations. The
12 legislature intends to help local governments be more responsive to
13 community needs.

14 (2) Counties and cities are required to make comprehensive plans,
15 development regulations, and zoning choices for development in their
16 communities. Many of these planning laws are inflexible and not
17 easily modified because of the many layers of comprehensive plans,
18 state statutes and rules, local ordinances, and court case precedents
19 that have expanded throughout the decades.

1 (3) The legislature declares that child care centers are a
2 community priority that can be sited near elementary schools in an
3 expedient manner.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21
5 RCW to read as follows:

6 (1)(a) Cities and towns must adopt or amend by ordinance, and
7 incorporate into their development regulations, zoning regulations,
8 and other official controls, the requirements in this section no
9 later than six months after their next periodic comprehensive plan
10 update required under RCW 36.70A.130, or within one year of the
11 effective date of this section if not a city or town planning under
12 chapter 36.70A RCW.

13 (b) The requirements in this section supersede, preempt, and
14 invalidate any conflicting state or local government regulations.

15 (2) Cities and towns are authorized to permit or license child
16 care centers to be located near or in zones where there is an
17 elementary school.

18 (3) For child care centers located near or in zones where there
19 is an elementary school, the city or town may not:

20 (a) Impose requirements that are not generally applicable to
21 other child care centers;

22 (b) Designate it a conditional use that requires a conditional
23 use permit, variance, or more lengthy review process;

24 (c) Deny a permit application due to nonconformities unless the
25 city or town official with decision-making authority makes written
26 findings that the child care center will cause a significant
27 detriment to the surrounding area; or

28 (d) Require a transportation concurrency study under RCW
29 36.70A.070 or an environmental study under chapter 43.21C RCW.

30 (4) For the purposes of this section:

31 (a) "Child care center" means a child day care center, child care
32 center, family day care home, or mini-day care.

33 (b) "City" means any unclassified, first-class, or second-class
34 city.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21
36 RCW to read as follows:

37 (1)(a) Code cities must adopt or amend by ordinance, and
38 incorporate into their development regulations, zoning regulations,

1 and other official controls, the requirements in this section no
2 later than six months after its next periodic comprehensive plan
3 update required under RCW 36.70A.130, or within one year of the
4 effective date of this section if not a code city planning under
5 chapter 36.70A RCW.

6 (b) The requirements in this section supersede, preempt, and
7 invalidate any conflicting state or local government regulations.

8 (2) Code cities are authorized to permit or license child care
9 centers to be located near or in zones where there is an elementary
10 school.

11 (3) For child care centers located near or in zones where there
12 is an elementary school, the code city may not:

13 (a) Impose requirements that are not generally applicable to
14 other child care centers;

15 (b) Designate it a conditional use that requires a conditional
16 use permit, variance, or more lengthy review process;

17 (c) Deny a permit application due to nonconformities unless the
18 code city official with decision-making authority makes written
19 findings that the child care center will cause a significant
20 detriment to the surrounding area; or

21 (d) Require a transportation concurrency study under RCW
22 36.70A.070 or an environmental study under chapter 43.21C RCW.

23 (4) For the purposes of this section "child care center" means a
24 child day care center, child care center, family day care home, or
25 mini-day care.

26 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70
27 RCW to read as follows:

28 (1)(a) All counties must adopt or amend by ordinance, and
29 incorporate into their development regulations, zoning regulations,
30 and other official controls, the requirements in this section no
31 later than six months after its next periodic comprehensive plan
32 update required under RCW 36.70A.130 or within one year of the
33 effective date of this section if not a county planning under chapter
34 36.70A RCW.

35 (b) The requirements in this section supersede, preempt, and
36 invalidate any conflicting state or local government regulations.

37 (2) Counties are authorized to permit or license child care
38 centers to be located near or in zones where there is an elementary
39 school.

1 (3) For child care centers located near or in zones where there
2 is an elementary school, the county may not:
3 (a) Impose requirements that are not generally applicable to
4 other child care centers;
5 (b) Designate it a conditional use that requires a conditional
6 use permit, variance, or more lengthy review process;
7 (c) Deny a permit application due to nonconformities unless the
8 county official with decision-making authority makes written findings
9 that the child care center will cause a significant detriment to the
10 surrounding area; or
11 (d) Require a transportation concurrency study under RCW
12 36.70A.070 or an environmental study under chapter 43.21C RCW.
13 (4) For the purposes of this section, "child care center" means a
14 child day care center, child care center, family day care home, or
15 mini-day care.

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