



Snohomish County Council

Committee: Planning & Community Development **Analyst:** Ryan Countryman
ECAF: 2022-1366
Proposal: Discussion Topic: Day Care Centers **Date:** January 3, 2023

Questions Regarding Possible Scope of Future Staff Work

1. Should council staff look at allowing Day Care Centers for 13 or more children in urban single-family zones?
 - a. If allowed, what topics (e.g., noise, traffic, visual impacts) should staff investigate for possible performance standards to mitigate impacts?
 - b. If allowed, should the process require a public hearing for a Conditional Use Permit (CUP), or is an administrative approval by Planning and Development Services (PDS) appropriate?
2. Should council staff look at removing the CUP requirement for Day Care Centers in multi-family zones? If so, would the topics in 1.a apply?
3. Should council staff look at removing the CUP requirement in the R-5 zone? If so, would the topics in 1.a apply?

Background

Context: On December 14, 2022, staff from the Office of Recovery and Resilience (ORR) provided a memo and presentation to the County Council describing a proposal to use 2023 American Recue Plan Act (ARPA) funds to help address a lack of child care services ([ECAF 2022-1292](#)). The presentation materials state that in Snohomish County there are “62 slots of child care for every 100 infants, toddlers, or preschoolers whose parents work, far below the state average of 79 slots per 100 children.” ORR described this situation as representing a “critical lack of child care.” Although ORR’s presentation focused on plans to spend APRA money to help address the issue, ORR also discussed challenges in faced by would-be child care providers in finding sites and obtaining permits. These zoning-related issues contribute to the overall problem, which is that Snohomish County would need to add 3,500 slots of child care to bring availability of this service up to the state average.

On December 16, 2022, a person advocating for funding and regulatory changes to support more child care contacted the County Council office. In response, one councilmember and an aide to a second councilmember asked council staff if there was a way to address concerns about permitting and zoning requirements. Council staff had already been doing some research for a third councilmember. Planning and Community Development Committee is an appropriate forum for an open discussion on the topic.

Zoning: Snohomish County Code (SCC) has an expansive definition of Day Care in [SCC 30.91D.040](#) which includes care for children as well as for seniors and disabled adults. This staff report focuses on the care for children aspect. State licensing requirements depend on the number of children present at any one time (up to 12, and 13 or more).

Snohomish County calls facilities licensed for 12 or fewer children "[Family Day Care Homes](#)" ([SCC 30.91F.100](#)). Such facilities typically operate within an occupied dwelling unit. Most zones already permit Family Day Care Homes with few restrictions, so zoning requirements for these do not contribute to the overall lack of child care options.

Facilities for 13 or more children are "[Day Care Centers](#)" ([SCC 30.91D.050](#)). Finding sites for these and obtaining permits is more challenging than it is for Family Day Care Homes.

Finding a site for a Day Care Center is especially difficult in urban areas where the need is greatest. Commercial and industrial zones have the least challenging permitting requirements, but the price to buy a site or to lease a building is often prohibitive because other users can afford to pay more. In the zones where most Family Day Care Homes already operate, code prevents these existing providers from expanding into Day Care Centers because stand-alone Day Care Centers are not allowed.¹ Day Care Centers can be permitted as stand-alone uses in multifamily zones (LDMR and MR), but would-be operators must compete with housing developers on price. These challenges push many would-be providers to look at R-5 zoned properties outside the Urban Growth Areas because R-5 allows for stand-alone Day Care Centers, there is a lot of R-5 zoning, and the sites are more affordable.

Obtaining approval for a Day Care Center in LDMR, MR, or R-5 zoning requires a conditional use permit (CUP). Approvals for CUPs require a public hearing and approval from the Hearing Examiner. This permitting process adds time and expense for applicants compared to sites where Day Care Centers require only an administrative approval from Planning and Development Service (PDS). However, it is important to note that zones that do not require a CUP usually have the highest land prices.

¹ [SCC 30.22.130\(2\)\(a\)](#) says that 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". These zones are typical for low density urban and some rural areas. The same zones also all allow Family Day Care Homes. The requirement that Day Care Centers must be secondary to a school or place of worship makes it impossible for a Family Day Care Home to expand into a Day Care Center in these zones.

City requirements. Staff looked at zoning requirements in 10 cities to compare to county requirements in urban and rural areas.

	Jurisdiction	Snohomish County (Urban)	Snohomish County (Rural)	Arlington	Bothell	Edmonds	Everett	Lynnwood	Marysville	Mill Creek	Monroe	Mukilteo	Stanwood	Total Count
In single-family zones, Day Care Centers are:	Allowed administratively as a stand-alone use		½								<input checked="" type="checkbox"/>		½	2+
	A Conditional Use Permit or similar		½	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>					3.5
	Must be associated with a school, church, or other use	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		4
	Not Allowed					<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>			½	2.5
In multi-family zones, Day Care Centers are:	Allowed administratively as a stand-alone use		No multi-family zones in rural areas				<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	3
	A Conditional Use Permit or similar	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		7
	Must be associated with a school, church, or other use									<input checked="" type="checkbox"/>				1
	Not Allowed													0

Observations:

- Snohomish County’s very common Rural-5 acre zone requires a CUP, but the Rural Diversification zone (only near Darrington) permits Day Care Centers without a CUP
- Bothell requires that stand-alone Day Care Centers in its R-4,000 multifamily zone use residential design features for visual compatibility
- Mill Creek requires Day Care Centers in its MDR multifamily zone to be a secondary use but not solely secondary to a school or place of worship (e.g. they are allowed as secondary to an apartment complex)
- Stanwood prohibits Day Care Centers in its SR 9.6 single family zone, but allows them as an administrative approval in its SR 7.0 single family zone
- Marysville and Stanwood both apply minimum lot sizes to stand-alone Day Care Centers in single family zones that allow the use
- Most, if not all, city zoning codes that allow Day Care Centers without a conditional use permit in residential zones include more specific requirements than Snohomish County requires for its conditional use permits