



DATE: April 2, 2026
TO: Planning Commission
FROM: Chrissanda Walker, Associate Planner
CC: Ryan Windish, Community & Economic Development Director
RE: Zoning Code Text Amendment – Child Care Centers (ESSB 5509 Implementation)

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The Washington State Legislature adopted Engrossed Substitute Senate Bill (ESSB) 5509, requiring cities and towns to allow child care centers as an outright permitted use in all zones except industrial zones. In industrial zones, child care centers must be allowed as conditional uses, except in or around high-hazard facilities. Local development regulations must be amended no later than December 31, 2027.

The intent of ESSB 5509 is to expand access to child care by removing local zoning barriers that limit where child care centers may operate. Statewide and regional data demonstrate that permitting complexity, zoning restrictions, and facility costs are significant obstacles to child care expansion.

The 2025 Pierce County Child Care Report found that permitting ranked as the highest obstacle (5.0 average score), followed by zoning (4.3) and the cost of locating and renovating commercial space (4.8), see attached report Exhibit B. Additionally, 60% of providers reported capital project needs, with more than half attributable to regulatory requirements.

Sumner already allows in-home child care and day care centers as either accessory, principal or conditional permitted uses in various zones. Under the current Sumner Municipal Code (SMC 18.04.0320), “day care facility” includes several subcategories. In practice, these subcategories fall into two primary operational models as defined by the state: child care centers and family child care homes.

Family Child Care Home

A family child care home is a state-licensed child care operation located within the provider’s primary residence. Care is provided in the family living quarters for 12 or fewer children, including the provider’s own children, for periods of less than 24 hours. This model is residential in character and typically operates as an accessory use within a neighborhood setting.

Child Care Center

A child care center is a state-licensed facility that provides regularly scheduled care for a group of children (generally one month through 12 years of age) for periods of less than 24 hours. Unlike family child care homes, centers operate in commercial, institutional, or purpose-built facilities and are not limited to 12 children. They are considered principal uses rather than accessory residential uses.

II. DESCRIPTION OF PROPOSAL

The purpose of the amendment is to simplify the current definition of child care facilities to be consistent with state licensing classifications and operational scale. The amendments will align with ESSB 5509 requirements, allowing child care centers outright in residential districts zones, and proposing a reasonable requirement for on-site drop off/pick up loading spaces for child care centers. The proposed Zoning Code Text Amendment would amend several sections of the Sumner Municipal Code (SMC) under Title 18, including chapters 18.04, 18.12, 18.14, 18.16, 18.18, 18.42 and 18.44, that implement state law on child care centers.

In summary the proposal would:

1. Amend the definition of "day care facility" by consolidating subcategories into two classifications:
 - Child care home
 - Child care center
2. Permit child care centers as an outright use in all residential and commercial zones, consistent with ESSB 5509.
3. Retain conditional use permit requirements in industrial zones, except where prohibited due to high-hazard uses.
 - Amend the use chart in SMC 18.18 to allow on-site child care in the industrial zones
4. Clarify performance standards to distinguish between:
 - Accessory child care homes
 - Principal-use child care centers

The draft ordinance containing the amendments discussed above is presented in Exhibit A, attached.

III. ANALYSIS

The proposal is consistent with state law (ESSB 5509) and implements key family and human services and land use goals and policies in the City of Sumner Comprehensive Plan, as discussed below.

A. Consistency with State Law (ESSB 5509)

The amendments implement ESSB 5509 through the following:

1. Permitted use and approval requirements:
 - The amendment adds child care centers as an outright permitted use in all zoning districts other than industrial, light industrial, and open space (or whichever local zones correspond to those categories).
 - The amendment allows conversion of existing buildings for child care centers under the same "outright permitted" framework.
 - The amendment provides a conditional use path for on-site child care centers in industrial and light industrial zones, with a clear exception for locations "in or around high-hazard facilities."
2. Definitions are aligned with state law:
 - ESSB 5509 ties "child care centers" to the meaning in RCW 43.216.010.

- Updating “Day care facility” definitions so that “Child day care center” term is replaced with “Child care center” so the local definition clearly aligns with state law.

B. Sumner Comprehensive Plan

Sumner’s Comprehensive Plan has general policies related to Governance and Permit Process, Family and Human Services and Economic Development and Employment Element that support this proposal as follows:

GOVERNANCE AND PERMIT PROCESS

1. Strive for a civic government that is broadly representative of the community, dedicated, participatory, open, visionary, and responsible.

- 1.1. Recognize all members of the community, such as residents, property owners, business owners and operators, industry, people who work here, people who play and shop here, children, and older adults as stakeholders in the future of the City

FAMILY & HUMAN SERVICES ELEMENT

1. Support collaborative and cost-effective human services to meet community needs.

- 1.1 Utilize the following criteria when supporting, funding, and evaluating human services:
 - 1.1.4. Families. Emphasize programs which support strong, healthy, and nurturing families.
 - 1.1.6 Accessibility. Support local programs that are affordable, physically accessible, and help meet the needs of communities affected by poverty, exclusion, and discrimination, and other underserved communities

2. Support human services programs that focus on community health and safety.

- 2.1. Provide human services that directly relate to other City services and programs and facilitate the delivery of services with emphasis on families, prevention and education.

Childcare Availability and Affordability

- 2.1.8. Support efforts for adequate and affordable childcare and adult care including.
 - Promote land uses, development codes, and fees that encourage day care.
 - Support neighborhood, school and business plans, and both public and public-private projects that include provision for childcare.

ECONOMIC DEVELOPMENT AND EMPLOYMENT ELEMENT

2. Support the necessary infrastructure and programs to develop a talented and qualified workforce that can afford to live near where they work.

- 2.6 Encourage adequate childcare and adult care facilities to support a diverse work force.

9. The SPMIC should include a diverse range of small and large industrial businesses.

- 9.4 Encourage a modest level of small-footprint businesses in the SPMIC that provide close-

by services for workers, such as food establishments, medical services, and childcare.

CONCLUSION: The draft Ordinance (Exhibit A) is consistent with all statutory requirements and with the Sumner Comprehensive Plan. The proposed zoning code amendments support policies related to human services, child care availability, and economic development. The Family and Human Services Element encourages land uses and development regulations that support child care and strengthen families. Allowing child care centers as permitted uses in residential and other applicable zones, while continuing to allow family child care homes as accessory residential uses, increases opportunities for child care services within neighborhoods and accessible to jobs.

The proposal supports the Economic Development and Employment Element, which recognizes Sumner as a regional employment center. Expanding opportunities for child care facilities such as on-site child care for certain uses in the industrial zones, helps meet the needs of the many employees who commute to Sumner for work. The amendments maintain compatibility and safety protections by requiring conditional use approval for child care centers in the industrial zones and prohibiting such facilities in heavy industrial areas or near hazardous uses.

Overall, the amendments simplify the zoning code, align definitions with state licensing categories, and respond to documented barriers faced by child care providers. By removing zoning barriers and clarifying where child care centers are permitted, the proposal implements Comprehensive Plan policies that promote accessible and affordable child care options while supporting families and the local workforce.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) application was submitted on March 03, 2026 under application No. SEPA-2026-0002. A Determination of Non-Significance was issued on March 11, 2026, and published to the public and agencies. Comment period ends March 25, 2026.

V. PUBLIC & AGENCY COMMENT

No public or agency comments at this time.

VI. STAFF RECOMMENDATION

Staff recommends to approve the draft Ordinance

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission public hearing is scheduled for April 2, 2026, and a recommendation may follow.

VIII. EXHIBITS

A. Draft Ordinance No. 2964-Child Care Siting