

**Planning Commission Recommendation: Phase 2 Amendments to the Redmond Zoning and Municipal Codes
(LAND-2023-00112 | SEPA-2023-00113)**

Attachment D: City Council Issues Matrix, final copy per Jan. 23, 2024

Issue	Discussion Notes	Status
Redmond Zoning Code ReWrite Phase 2 – Annual Cleanup and Maintenance to the RMC		
<p>1. Move cannabis to align with alcohol in RMC 5.22.070 (<i>City Council Vice-President Forsythe</i>)</p>	<p><u>City Council Discussion</u> 1/16: City Council Vice-President Forsythe clarified this request with wanting to align penalties for consumption of alcohol and cannabis in public spaces due to the racist implications of a harsher penalty for cannabis.</p> <p>12/5: City Council Vice-President Forsythe requested moving cannabis to align with alcohol in RMC 5.22.070, relocating from portion 5.22.070.A.4.g to ...4.e., and for staff to identify any implications of the move.</p> <p><u>Staff Response/Recommendation</u> 1/16: Following review with the City’s legal counsel, RMC 5.22 is specific to the issuance of a business license for the operation of a public dance or dance hall. Section 5.22.070.A.4.e appears to address an event whereby a special event permit allows consumption of alcohol within the public dance or dance hall, similar to the use of a grange hall for a public dance event. However, special event permits are not available for the consumption of cannabis, therefore, it is addressed separately in 5.22.070.A.4.g.</p> <p>Additional information including the need for additional updates for coordination and timeliness will be provided by staff during the City Council’s study session.</p> <p>12/5: RMC Chapter 5.22 Public Dances and Dance Halls is coordinated among the Redmond Police Department, Code Enforcement, and Business Licensing, and provides conformance with Revised Code of Washington (RCW) Title 66 Alcoholic Beverage Control. Additional research would be necessary to ensure continued coordination of code, operating procedures, and implementation of established laws. Staff proposes maintaining the current code, with limited changes to terminology only for consistency.</p>	<p>Opened 12/5/2023, Closed 1/23/2024</p>

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<p>2. Definition and timeliness of “dance hall” in the RMC (City Council Vice-President Forsythe)</p>	<p><u>City Council Discussion</u> 12/5: City Council Vice-President Forsythe asked staff to provide a definition of dance hall and to identify whether the term remains timely in current city codes.</p> <p><u>Staff Response/Recommendation</u> A dance hall is defined in the Redmond Municipal Code Chapter 5.22 PUBLIC DANCES AND DANCE HALLS, as any place or premises where a public dance is conducted, including, but not limited to, all hallways, bathrooms and all adjoining enclosed areas accessible to the public during the dance.</p> <p>The term dance hall aligns with the 2021 Washington State Building Code, 303.4 Assembly Group A-3 as assembly uses intended for worship, recreation, or amusement and other assembly uses. Dance halls (not including food or drink consumption) are identified in this occupancy class along with art galleries, bowling alleys, libraries, and other places where people may gather in groups. If food and/or drink consumption is involved in business operations, the use is then categorized under 303.3 Assembly Group A-2 which includes nightclubs, restaurants, and bars.</p> <p>Public dance hall is also referenced in RCW Chapter 66.04 Alcoholic Beverage Control, within the definition of Public Place: “Public place” includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; <i>public dance halls</i> and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to</p>	<p>Opened 12/5/2023, Closed 1/23/2024</p>

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	<p>unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.</p> <p>Staff proposes maintaining the term for consistency of understanding and implementation across the codes.</p>	
<p>3. Responsibility of owner or tenant regarding improvements to sewer (City Council Vice-President Forsythe)</p>	<p><u>City Council Discussion</u> 12/5: City Council Vice-President Forsythe asked whether a tenant would be held responsible for the repair of sewer infrastructure as a result of the proposed code amendment to RMC 13.04.250 Costs of installation borne by owner.</p> <p><u>Staff Response/Recommendation</u> 1/16: The code contains 28 references to “property owners or occupants” as potentially responsible parties. Staff consulted with the City’s legal counsel to determine when it is appropriate to remove “occupants” as a responsible party and learned that it is contextual depending on the specific code requirement.</p> <p>In cases where the code requires the installation of permanent sewer infrastructure or the need to obtain a permit to place such infrastructure, counsel stated that it would be appropriate to remove “occupants” as a responsible party. In cases where the code requires a party to complete a maintenance action or take responsibility for reimbursing the City when City staff has had to conduct maintenance, counsel felt that the City should retain “occupants” as a potentially responsible party. In these second cases, counsel also stressed the need for the City to maintain its options, noting that there may be situations in which the City cannot find the property owner or in which the occupant is truly the person responsible for the sewer maintenance issue.</p> <p>To address this issue, staff will work with legal counsel on individual refinements to RMC 13.04 and reflect these changes in the adopting ordinance.</p>	<p>Opened 12/5/2023, Closed 1/23/2024</p>

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<p>4. Basis of repealing drainage RMC 13.04.430 Drainage (City Council Vice-President Forsythe)</p>	<p><u>City Council Discussion</u> 12/5: City Council Vice-President Forsythe requested additional information regarding the rationale for repealing paragraph RMC 13.04.430 Drainage.</p> <p><u>Staff Response/Recommendation</u> The referenced drainage language is remnant from 1957, when the city did not have separate stormwater management codes. The requirement regarded stormwater drainage from “hard surfaces” — now defined as impervious areas — and has been replaced by code language found in RMC 13.06 and RMC 15.24.</p>	<p>Opened 12/5/2023, Closed 1/23/2024</p>
<p>5. Signage for beekeeping (City Council Vice-President Forsythe)</p>	<p><u>City Council Discussion</u> 1/16: City Council Vice-President Forsythe requested clarification on which letters would be required to be 2” in height.</p> <p>12/5: City Council Vice-President Forsythe suggested including signage at locations of beekeeping activities. The signage would provide warning to people at risk of allergies to bee stings.</p> <p><u>Staff Response/Recommendation</u> 1/16: Staff compared the code provisions for the two example cities. The City of Ellensburg code does not specify which of the sign lettering shall be regulated by height. The City of Des Moines code specifies only the dimensions and number of signs.</p> <p>Staff consulted the City of Redmond Standard Details and Specifications for similar pedestrian-oriented signage. For example, standard detail #494 requires two-inch height text as a warning to pedestrians and cyclists for the END OF TRAIL.</p> <p>The words CAUTION, ACTIVE BEEHIVE AREA, and KEEP CLEAR OF THE HIVES provide warning and should be required at two-inch height. Staff will provide additional clarity to this section by noting that</p>	<p>Opened 12/5/2023, Closed 1/23/2024</p>

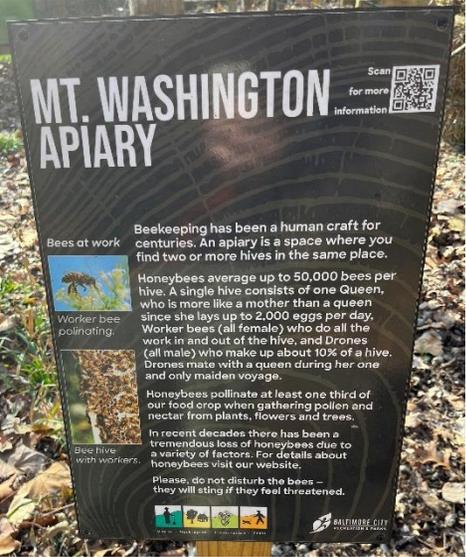
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	<p>the warning text of the sign is required to be two inches in height and this change will be reflected in a refinement to the adopting ordinance.</p> <p>12/5: Staff identified the following local provisions that require signage for beekeeping activities:</p> <ul style="list-style-type: none"> • Des Moines Municipal Code 18.150.100 Bee requirements <ul style="list-style-type: none"> ○ Two signs providing notice and warning of hives. • Ellensburg City Code 5.30.260 Beekeeping <ul style="list-style-type: none"> ○ One sign identifying owner’s registration and contact information. <p>The Washington State Department of Agriculture’s Managed Pollinator Protection Plan, published April 2018, provides best management practices. While many of its recommendations reference protections for pollinators from pesticides, the plan also includes the following:</p> <ul style="list-style-type: none"> • Compliance with WSDA’s Beekeeping law -- beekeepers should mark hives with their identification number issued by WSDA to help the public contact the hive owner when needed and to aid in recovery in the case of theft. • Awareness of neighboring landowners when placing and moving honey bee colonies -- beekeepers should notify landowners when colonies arrive and are moved. • Visibility -- hives should be visible and painted white or a color that stands out from its surroundings. <p>Staff proposes including a code provision for apiarist as follows:</p> <ul style="list-style-type: none"> • Install and maintain one sign that is visible and oriented to people walking on and adjacent to the property upon which the hives shall be maintained; and • Sign lettering shall be a minimum of two inches in height and shall include the owner's name, state issued identification number, and telephone number; and • Other information may be included on the sign, such as for educational purposes. <p>Example sign content:</p>	

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<p>6. Relationship of beekeeping to LEED certification (City Council Vice-President Forsythe)</p>	<p><u>City Council Discussion</u> 12/5: City Council Vice-President Forsythe asked whether the expanded allowance of beekeeping would align with LEED certification such as for incentive points.</p> <p><u>Staff Response/Recommendation</u> LEED certification offers points for beekeeping based on criteria involving pollinator health. Pollinator programs include actions to protect and promote pollinators and to share the benefit of bees with the community:</p> <ul style="list-style-type: none"> • Local food production - a dedicated portion of your pollinator garden for permanent, onsite food production. • Social equity within the community - completing the Social Economic Environmental Design (SEED) Evaluator tool or by partnering with an existing service/advocacy organization. 	<p>Opened 12/5/2023, Closed 1/23/2024</p>

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	<ul style="list-style-type: none"> • Heat island reduction - using native plants to attract pollinators yields much more growth for your vegetated roofs, • Site development protecting or restoring habitat - plants on the property, green roof, or in a garden are native and provide habitat for pollinators, in addition to promoting biodiversity in your local environment. • Innovation - measurable environmental performance identifying all of the following: <ul style="list-style-type: none"> ○ The intent of the proposed innovation credit; ○ Proposed compliance requirements; ○ Proposed submittals to demonstrate compliance; and ○ Strategies used to meet requirements. <p>Best Bees, residential and corporate beekeeping services provides guidance for coordination with LEED:</p> <ul style="list-style-type: none"> • https://bestbees.com/leed-points-with-pollinators/ 	
<p>7. Family day care refinements and next steps regarding state-issued waivers(City Council President Kritzer and Vice-President Forsythe)</p>	<p><u>City Council Discussion</u> 1/16: City Council President Kritzer and Vice-President Forsythe requested additional information regarding amendments to the family day care provisions including:</p> <ul style="list-style-type: none"> • Replacing the use of “shall” with “must”; • Comparison of how the city’s provisions align with recent state legislation; • What aspects of state legislation have not been address and how they will be considered in the future; and • Next steps. <p><u>Staff Response/Recommendation</u> 1/16: Staff agrees with the replacement of “shall” with “must” and will reflect the refinement in the adopting ordinance. The recommended amendments to RZC 21.08.340 Home Business represent WAC 110-300-0415 Zoning, Codes, and Ordinances whereby:</p>	<p>Opened 1/16/2024, Closed 1/23/2024</p>

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	<ul style="list-style-type: none"> • Early learning programs must comply with the Washington state building code or local building code as enacted at the time of licensure; • The early learning provider must obtain regulations and comply with the direction provided by state, city, and local agencies; • The applicant for licensing of a center must have a certificate of occupancy issued by the local building, planning, or zoning department; and • Receive an inspection and approval by the State Fire Marshall. <p>To assist applicants and waiver recipients in complying with the above, staff will provide a pre-application meeting and site-specific information through which the early learning provider will ensure compliance with life safety requirements.</p> <p>Revised Code of Washington (RCW) 43.216.010 Definitions includes that a "Family day care provider" and "family home provider" means a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692.</p> <p>RCW 43.216.692 Family home providers—Capacity flexibility provides that the department may waive the limit, as established in RCW 43.216.010(1)(c), that restricts family home providers from serving not more than 12 children. The department must establish conditions for such waivers by rule and must assess, at a minimum, the provider's available square footage and staffing capabilities prior to issuing any waiver of the limit of 12 children.</p> <p>The Redmond Zoning Code 21.08.340.C.13.c also maintains that a family day care provider -- A licensed day care provider who regularly provides day care for periods less than 24 hours for not more than 12 children in the provider's home in the family living quarters -- shall not care for more than 12 children at any time. This provision has been maintained for consistency</p>	

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	<p>with the state and local building and fire codes until such time that these codes are amended, or other provisions enacted supporting RCW 43.216.692 capacity flexibility.</p> <p>Staff continues to maintain contact with Redmond-based recipients of the waivers. Next steps include:</p> <ul style="list-style-type: none"> • Convening early learning service providers for an introduction to the respective portions of the zoning code and pre-application process; and • Coordinate with agencies, building and fire code officials, and the Dept. of Children Youth, and Family Services regarding code and operational consistency. 	
<p>8. Parking ratios for drive-through and veterinary services. (<i>City Council Vice-President Forsythe</i>)</p>	<p><u>City Council Discussion</u> 1/16: City Council Vice-President Forsythe described concerns regarding amendments to parking ratios for land uses involving drive-through operations and for veterinary services, noting community concerns with drive-through egress and desire for customer parking during veterinary visits.</p> <p><u>Staff Response/Recommendation</u> 1/16: The Planning Commission has begun reviewing the Transportation Element and transportation related RZC amendments (see Jan. 10 and Jan. 24 packets online for a preview). This includes proposed updates to parking policies and regulations, including off-street parking minimums. Staff anticipates bringing these to the Council for review in March.</p>	<p>Opened 1/16/2024, Closed 1/23/2024</p>
<p>9. Demographics for community involvement (<i>City Councilmember Salahuddin</i>)</p>	<p><u>City Council Discussion</u> 1/16: City Councilmember Salahuddin requested demographic information regarding community involvement during the RZC ReWrite.</p> <p><u>Staff Response/Recommendation</u> 1/16: Specific demographic information has not been collected during the majority of community engagement activities and events for the RZC ReWrite. However, the following participant groups have been involved to receive information, provide comments on staff proposals, and for some, to act as Parties of Record:</p>	<p>Opened 1/16/2024, Closed 1/23/2024</p>

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	<ul style="list-style-type: none"> • People who live and work in Redmond; • Developers and the Master Builders Association of King and Snohomish County; • OneRedmond and Move Redmond; • Lake Washington School District; • Snoqualmie Tribe, Muckleshoot Indian Tribe, Tulalip Tribes, and the Stillaguamish Tribe of Indians; • Puget Sound Energy; • King County Parks and King County Library System; • Property and business owners including Microsoft, properties located in Town Center and in Marymoor Village, and family day care providers; • Non-profit, service, faith-based, and civic organizations including the Redmond Rotary and Kiwanis, Centro Cultural Mexicano, Muslim Community Resource Center, Redmond United Methodist Church, Redmond Historical Society, VALA, and ARCH; and • Realtors and legal representatives of local and regional developers. 	
<p>10. Critical Aquifer Recharge Area community and Planning Commission comments and next steps (<i>City Councilmember Stuart</i>)</p>	<p><u>City Council Discussion</u> 1/16: City Councilmember Stuart requested that staff provide an overview of the comments, concerns, and discussion by community members and the Redmond Planning Commission regarding critical aquifer recharge areas including aspects that were not addressed and how they will be considered in the future.</p> <p><u>Staff Response/Recommendation</u> 1/16: The Planning Commission received comment from David Morton during their deliberation of the RZC ReWrite – Phase 2 amendments. Mr. Morton also provided comment during the community involvement portions of the amendment series.</p> <p>Mr. Morton’s comments were comprehensive though outside of the SEPA analysis and issued determination for the proposed minor amendments. Therefore, staff identified the following that will address the relevant portions of code provisions:</p>	<p>Opened 1/16/2024, Closed 1/23/2024</p>

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	<ul style="list-style-type: none"> • Groundwater protection staff are working with Planning staff to evaluate the need for updating prohibited or restricted land uses as part of Redmond 2050 Comprehensive Plan update. The Planning Commission began its review of amendments to the Land Use element on Dec. 6, 2023. They will begin review of amendments to Southeast Redmond zoning during mid-2024. Staff anticipates providing material for City Council’s review beginning the second half of 2024. • The Planning Commission will begin its review of amendments to critical area regulations on Mar. 13, 2024. City Council’s review is anticipated to begin July 2024. • Staff continues to look for opportunities with King County and other jurisdictions where CARA I and II are outside of Redmond city limits to ensure our CARA is protected. <p>The Planning Commission also identified the following for follow up discussion. Staff plans to address these points during the Commission’s next available review of relevant code portions:</p> <ul style="list-style-type: none"> • Describe spill or accident response protocols and operations associated with the land uses located in CARA I and II; • Define the city’s risk management approach including planning, protocols, and implementation for the CARA; • Identify whether the city is considering any additional prohibitions to the land use activities listed in RZC 21.64.050.C Prohibited Land Uses and Activities in Critical Aquifer Recharge Areas I and II; and • Describe current and future recharge within the CARA, particularly CARA II, and the relationship to wells. <p>Additional information including Mr. Morton’s testimony is provided in the City Council’s meeting material - Attachment 1.5 Planning Commission Issue Matrix as well as in Planning Commission’s meeting archive for Nov. 1, 2023.</p>	