

## **B. REDMOND ZONING CODE REWRITE**

### **PHASE 2 OF AMENDMENTS TO THE REDMOND ZONING AND MUNICIPAL CODE AS PERIODIC REWRITE OF REDMOND'S DEVELOPMENT REGULATIONS**

#### Amendment Summaries and Analysis

The following provide background information for proposed amendments comprising Phase 2 of the periodic rewrite of the City's development regulations.

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| 2.  | Beekeeping in Nonresidential Zoning Districts  |
| 5.  | Cross-references from Zoning Districts to Critical Aquifer Recharge Area regulations |
| 7.  | Fence Height for Consistency with the Redmond Building Code                          |
| 9.  | Planted Tree Wells for Consistency with Standard Details and Specifications          |
| 10. | Fats, Oils, and Grease (FOG), Sewage, and Drainage Code Update                       |
| 12. | Table Formatting for Clarity in All Use Development Standards                        |
| 14. | Clarify Text and Procedures for Technical Committee Review of Type VI Permits        |
| 16. | Legislative Conformance including Home Day Care and Cannabis (terminology)           |

# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Beekeeping in Nonresidential Zones per Annual Code Cleanup

Team Lead	<i>Kim Dietz</i>
Team Members	<i>Jenny Lybeck</i>
Component Advisory Team	<i>Carol Helland and Aaron Bert</i>
Policy, Functional Strategic Plans	<i>Amendments comprising this component support the following: Comprehensive Plan and Community Strategic Plan</i>
Primary Policy Direction	<i>WAC 365-196-800 Relationship between development regulations and comprehensive plans.</i>
Relevant Code Portions	<i>Amended: RMC 7.04.154 Beekeeping. New: n/a Related: n/a</i>
Analytical Overview	<i>Increasing the code's accuracy, clarity, and consistency ensures and strengthens predictability of the code's implementation across the City's built environment. These amendments are anticipated to increase the code's accessibility through terminology and cross-references. The proposal to expand opportunities for beekeeping in nonresidential zones is anticipated to increase support of the City's Climate Emergency Declaration and the Environmental Sustainability Action Plan.</i>

## Business Case

- Staff received three requests during 2021 for the opportunity to manage bee hives at the rooftop level of nonresidential buildings such as in Business Parks, Manufacturing Parks, and at mixed use buildings. This amendment would increase the allowances for beekeeping and provide the criteria through which the hives could be located in nonresidential zones.
- This allowance for beekeeping would also ensure similarity to other cities in the Puget Sound region. Staff is also researching implementation of Second Substitute Senate Bill 5253 Pollinator Health—Various Provisions Effective Date: July 25, 2021

## Research Methods

- Staff researched the following for guidance and consistency in expanding the zoning districts in which beekeeping could occur:
  - Neighboring cities including Woodinville, Bothell, Bellevue, Tacoma, Olympia, Shoreline, Lynnwood, and Seattle
  - King County
  - King County Conservation District
  - Puget Sound Beekeepers Association
  - Washington Administrative Code and the Revised Code of Washington
  - City of Redmond's Environmental Sustainability Action Plan
  - Redmond City Council's Climate Emergency Declaration
- The community member requesting this amendment also provided the following research:
  - Change would be beneficial to allow pollinators habitat in a controlled manner, along with teaching and educational opportunities to the stakeholders of the area. Best Bees provides research data to partners such as NASA, Google Earth, MIT, National Geographic to help understand the needs and what can be done to positively effect pollinators. With current climate change issues, not only will a local beehive in Redmond provide information that can help sustain pollinator habitats, but it will make an impact beyond the hive to provide that information nationally. Best Bees provides educational opportunities as well to help the public understand the importance of docile honey bees. Best Bees has patented technology that is used to analyze honey nectar and pollen sources, as stated in [the City's] SUSTAINABILITY THEMES TOOLKIT, biodiversity is mentioned. Honey Analysis gives us a proven, scientific, and measurable way to analyze biodiversity that is easy to understand, in a breakdown of nectar sources in honey.
  - Honey bee stings, which are covered in our insurance policy. Honey bees are docile creatures, and will only sting when threatened. Most clients do not know whether or not there is a beehive in the vicinity.

## Team's Key Decision Points

- What approvals would be important for the siting and maintenance of beehives?
- Should the zoning districts be expanded in a more limited manner or a more expansive, permissible manner?
- Does beekeeping impact the presence of naturally occurring bees? Could the code provision cause confusion when beehives are established in trees, structures, or the ground?

### Stakeholder Feedback on Preliminary Recommendation

- I am hoping that the introductory sentence could be modified to specify that this only applies to honeybees, and there are no limitations on native, solitary bees such as Washington's 25 native species of bumblebees, and other native bees like mason bees, leafcutter bees, and so on. Many Redmond gardeners and environmentalists encourage, host, or purchase these native bees because they're very effective pollinators, and a critical part of the ecosystem. Plus, they come without the risks of stings, swarms, etc. with honeybees. -- Staff recommends cross-referencing RCW 15.60 Apiaries and its associated definitions for consistency and clarity regarding beekeeping activities and the species of bees (*Apis mellifera*) regulated by the state. The staff recommended refinement is highlighted in the working amendment below.

### Proposed Amendment Overview

- Expand list of permissible zoning districts to include nonresidential and mixed use zones
- Require approval of the underlying owner

# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Cross-references to Prohibited Land Use and Activities in the Critical Aquifer Recharge Area (CARA) per Annual Code Cleanup

Team Lead	<i>Kim Dietz</i>
Team Members	<i>Amanda Balzer, Jessica Atkinson</i>
Component Advisory Team	<i>Carol Helland and Aaron Bert</i>
Policy, Functional Strategic Plans	<i>Amendments comprising this component support the following: Comprehensive Plan and Community Strategic Plan, Environmental Sustainability Action Plan, Low Impact Development (LID), State and Federal Regulations</i>
Primary Policy Direction	<i>WAC 365-196-800 Relationship between development regulations and comprehensive plans.</i>
Relevant Code Portions	<i>Amended: "Regulations Common to All Uses" tables within 21.10 Downtown Regulations; 21.13 Southeast Redmond Regulations; 21.14 Commercial Regulations New: n/a Related: 21.64.050 Critical Aquifer Recharge Areas</i>
Analytical Overview	<i>Increasing the code's accuracy, clarity, and consistency ensures and strengthens predictability of the code's implementation across the City's built environment. These amendments are anticipated to increase the code's accessibility through terminology and cross-references. Cross-references added to the Regulations Common to All Uses tables for zoning districts located in CARA I and II would increase regulatory transparency for the protection of groundwater resources.</i>

#### Business Case

- The prohibited land uses and activities that pose a hazard to the City's groundwater resources are listed in 21.64.050.C though are not identified similarly within Article I chapters. These chapters, for individual zoning districts such as 21.10.030 Old Town (OT) Zone, are a common starting point for applicants to begin considering new development and land use categories.

#### Research Methods

- Staff identified the need for cross-references based on operational history and questions from customers of the code.

#### Team's Key Decision Points

- What is the optimum location for including cross-references to 21.64.050 Critical Aquifer Recharge Areas:
  - Regulations Common to All Uses tables – this is preferred for clarity and efficient long-term code maintenance;
  - Allowed Uses and Basic Development Standards tables; or
  - Footnotes to Allowed Uses and Basic Development Standards tables?
- Does 21.16.030.X Critical Areas provide sufficient cross-reference or do applicants typically begin site and land use research based on the zoning districts? – because the Property Viewer directs interested applicants to the respective zoning chapter and because developers familiar with Redmond likely begin their research with the respective zoning chapter, the cross-references should be added to the zoning chapters.

### Stakeholder Feedback on Preliminary Recommendation

- Can the list of limited land use/activities (RZC 21.64.010.C) in the critical aquifer recharge areas (CARA) include language such as “Dry cleaning establishments using the solvent perchloroethylene or other chlorocarbons or hydro chlorocarbons? – Staff does not believe a change is necessary as this is accounted for in RMC 21.64.050.C.1.i prohibits dry cleaning establishments using the solvent perchloroethylene within the CARA.
- Can the list of limited land use/activities (RZC 21.64.010.C) in the critical aquifer recharge areas (CARA) include auto body painting? – Staff notes that the current RZC includes a limitation on this type of use as follows. Auto body painters are allowed to operate within the CARA, however there are protections for this type of activity within the City’s code. RMC 21.64.050.D.3.a.i requires any hazardous materials or other deleterious substances (including paint) in quantities greater than 20 gallons liquid to be secondarily contained within the CARA.

### Proposed Amendment Overview

- Add row “Critical Aquifer Recharge Areas” and cross-reference to RZC 21.64.050.C Prohibited Land Uses and Activities in Critical Aquifer Recharge Areas I and II to Regulations Common to All Uses tables for zoning districts located in and overlapping CARAs I and II.

# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Fence Consistency with Redmond Building Code per Annual Code Cleanup

Team Lead	<i>Kim Dietz</i>
Team Members	<i>Jason Lynch, Stephanie Moline, Andrea Kares</i>
Component Advisory Team	<i>Carol Helland and Aaron Bert</i>
Policy, Functional Strategic Plans	<i>Amendments comprising this component support the following: Comprehensive Plan and Community Strategic Plan</i>
Primary Policy Direction	<i>WAC 365-196-800 Relationship between development regulations and comprehensive plans.</i>
Relevant Code Portions	<i>Amended: 21.24 Fences, 21.24.020 Permits, 21.06.030 Urban Recreation, Accessory Uses. New: n/a Related: RMC 15.08 Building Code</i>
Analytical Overview	<i>Increasing the code's accuracy, clarity, and consistency ensures and strengthens predictability of the code's implementation across the City's built environment. These amendments are anticipated to increase the code's consistency with provisions of the Redmond Building Code concerning fence heights. The removal would continue to support neighborhood specificity of fence heights, codified within the RZC, and only request a building permit when the fence height exceeds seven feet (RMC 15.08.050, Amendments to the International Building Code).</i>

## Business Case

- The International and Redmond Building Code were updated to reflect a higher threshold for building permit requirements regarding fences. This resulted in a conflict between the requirement stated in the Redmond Zoning Code and the adopted Building Code.
- The RZC includes several general references to the Redmond Municipal Code, specific to RMC Title 15 Buildings and Construction. An additional cross-reference regarding fences is somewhat duplicative to sections such as:
  - 21.02.060 Relationship to Other Codes. The RZC is part of a comprehensive program of regulation related to land use and development within the City. The Redmond Municipal Code (RMC) contains other regulations that relate, directly or indirectly, to land use and development, including but not limited to, RMC Chapter 1.16, Annexation Procedures, **RMC Title 15, Buildings and Construction**, RMC Chapter 3.10, Impact Fees, and RMC 6.36, Noise Standards. In order to understand all of the regulations that may relate to land use and development, readers are advised to consult both the RZC and the RMC.
- The amendment repealing the section from the code will support alignment with the building code specific to the height of proposed fences. Applicants will experience clear operational practices by the Development Services Center, directing applicant's questions to the relevant staff.

## Research Methods

- Staff identified this conflict following the city's adoption of ordinance 3007, September 2020.

## Team's Key Decision Points

- Should the RZC fence height requirements match those of the Redmond Building Code?
  - No, a broader discussion would be necessary to support neighborhood-based decisions with the community.
- Should neighborhood-based fence design standards be maintained?
  - Yes, these were established during neighborhood planning processes with advisement from neighborhood-based community advisory committees.
- Should a reference to the building code and required permit be maintained?
  - The reference is not necessary and may cause confusion regarding thresholds for building permit requirements. Established operational standards and protocols should remain active.

## Stakeholder Feedback on Preliminary Recommendation

- Request to allow for increases to fence height by golf courses for public safety in proximity to driving range uses. -- Staff recommends introducing criteria through which the Technical Committee may consider requests for additional fence height in the Urban Recreation zoning district. The refinements to this effect are highlighted in the working amendment below.

## Proposed Amendment Overview

- Coordinate with updated building code regarding threshold for requirements of a building permit.
- Add opportunity and criteria in the Urban Recreation zoning district for safety netting – a fence type typically used at golf courses and similar recreational activities.



# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Planted Tree Wells Updated from Tree Grates per Annual Code Cleanup

Team Lead	Andy Chow
Team Members	Development Engineering, Traffic Operations, Transportation Planning and Engineering
Component Advisory Team	Carol Helland and Aaron Bert
Policy, Functional Strategic Plans	Amendments comprising this component support the following: Comprehensive Plan and Community Strategic Plan
Primary Policy Direction	WAC 365-196-800 Relationship between development regulations and comprehensive plans.
Relevant Code Portions	Amended: 21.10.150 Pedestrian System, Figure 21.10.150A, Map 10.3 New: n/a Related: City Standard Details and Specifications - 907
Analytical Overview	Increasing the code's accuracy, clarity, and consistency ensures and strengthens predictability of the code's implementation across the City's built environment. These amendments are anticipated to increase the code's consistency with the approved City Standard Details and Specifications, number 907. Consistency such as this helps avoid confusion and supports accurate submittals for development, leading to less time involved in project design and staff's review of submitted material, and fewer requests for deviations from code provisions. This reduction in time can result in a cost savings by applicants.

#### Business Case

- The City of Redmond standard detail 907 and city policy is to not use tree grates. Many City and private projects built in the last 5 years have been installed contrary to the RZC code language. This update is to ensure unified street design while ensuring regulation and policy are aligned.

#### Research Methods

- Standard detail 907 was approved in 2018.

#### Team's Key Decision Points

- Should the same standard be reflected in the OV regulations? The OV neighborhood is being addressed by Redmond 2050.

#### Stakeholder Feedback on Preliminary Recommendation

- No feedback has been received.

#### Proposed Amendment Overview

- Consistency with the standard detail and City policy will be incorporated into the RZC by way of updates to terminology and illustrations.

# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Sewage and Draining Code Update for Accuracy and Timeliness per Annual Code Cleanup

Team Lead	<i>Peter Holte</i>
Team Members	<i>Environment and Utilities Services Division and Stormwater Maintenance and Operations</i>
Component Advisory Team	<i>Carol Helland and Aaron Bert</i>
Policy, Functional Strategic Plans	<i>Amendments comprising this component support the following: Comprehensive Plan Utilities Element, General Sewer Plan</i>
Primary Policy Direction	<i>UT-30 Require development to construct sewer system improvements necessary to serve the development and to use design and construction standards for wastewater facilities that:</i> <ul style="list-style-type: none"><li><i>Facilitate long-term operation and maintenance at the lowest reasonable cost,</i></li><li><i>Meet or exceed the State Department of Ecology standards,</i></li><li><i>Comply with state or federal regulations, and</i></li><li><i>Provide a reliable integrated collection system.</i></li></ul>
Relevant Code Portions	<i>Amended: RMC 13.04 Sewage and Drainage, RMC 13.04.360(2)</i> <i>New: n/a</i> <i>Related:</i>
Analytical Overview	<i>The current threshold for the amount of fats, oil, grease allowed into the sewer system is problematic and effectively un-enforceable for numerous reasons.</i> <ul style="list-style-type: none"><li><i>The current threshold requires an accurate sample and lab testing to determine if a pipe blockage exceeds the allow discharges into sewer systems. Obtaining an accurate and verifiable sample from a blockage is usually impossible.</i></li><li><i>Lab sampling is both expensive and takes much more time relative to more straight-forward alternative.</i></li><li><i>The current language is not initiative, nor easily understood to Wastewater Utility customers.</i></li><li><i>The proposed revised language is more straight forward and can be easily measured in the field by using a sewer pipe camera and taking a picture of the blockage. The current language was taken from a previous version of King County Wastewater code that the county has since revised. The purposed revision aligns Redmond's code with thresholds that are similar to those used by neighboring jurisdictions.</i></li></ul>

### Business Case

- The proposed revised language is more straight forward and can be easily measured in the field by using a sewer pipe camera and taking a picture of the blockage. The current language was taken from a previous version of King County Wastewater code that the county has since revised. The purposed revision aligns Redmond's code with thresholds that are similar to those used by neighboring jurisdictions. Additionally, it is staff's opinion that the purposed language is more initiative and easily understood than the "Any water or waste which contains more than one hundred parts per million by weight of fat, oil or grease."

### Research Methods

- Coordination with code provisions of regional and neighboring jurisdictions.

### Team's Key Decision Points

- Should additional updates be made to the chapter for timeliness? Substantial updates are needed and work is anticipated based on staff availability.

### Stakeholder Feedback on Preliminary Recommendation

- No feedback has been received.

### Proposed Amendment Overview

- Minor amendment for consistency with code provisions and operational practices of regional and neighboring jurisdictions.

# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Setback Measurements and Table Formatting for Clarity per Annual Code Cleanup

Team Lead	<i>Kim Dietz</i>
Team Members	<i>Cameron Zapata</i>
Component Advisory Team	<i>Carol Helland and Aaron Bert</i>
Policy, Functional Strategic Plans	<i>Amendments comprising this component support the following: Comprehensive Plan and Community Strategic Plan</i>
Primary Policy Direction	<i>WAC 365-196-800 Relationship between development regulations and comprehensive plans.</i>
Relevant Code Portions	<i>Amended: Within RZC Article 1 several zone-based chapters – Regulations Common to All Uses tables New: n/a Related:</i>
Analytical Overview	<i>Increasing the code's accuracy, clarity, and consistency ensures and strengthens predictability of the code's implementation across the City's built environment. These amendments are anticipated to increase the code's accuracy regarding setback standards as listed in Regulations Common to All Uses tables. The changes are anticipated to a) provide flexibility while achieving intended outcomes of setback distances and b) improve accuracy for applicants when planning and designing for development and for staff's review. Outcomes of the changes include site-specific adaptations to achieve intended setback distances between buildings and the potential for cost reductions on behalf of applicants.</i>

### Business Case

- Setbacks between buildings require a combination of 5 feet and 10 feet. However, site-specific conditions of the built environment do not allow to equitable in-fill development. An average of 15 feet with a minimum of no less than 5 feet would allow for flexibility when meeting the previously adopted intent of the setback provisions.
- The formatting of the relevant "Regulations Common to All Uses" tables produces unanticipated confusion regarding the applicability of setbacks and landscaping standards. This incorrect formatting (shading and alignment) is present in several chapters of RZC Article I including NC-1, NDD1, NDD2, NDD3, and RR zoning designations. A correction to the tables will support staff's implementation of setbacks and landscaping requirements and support applicant's clear understanding of the code provisions.

### Research Methods

- Staff identified these issues when reviewing applications for development and applying the code (2021/2022).

### Team's Key Decision Points

- Setbacks are determined based on existing, neighboring properties. The existing position of residences determines the setback of proposed in-fill development or remodels.
- The specific measurements of 5 and 10 feet can lead to non-conformance and subsequent denial of remodels.
- The formatting issue was generated during the rewriting in 2011 of the Redmond Community Development Guide into the Redmond Zoning Code.
- No standards are proposed for change as part of this formatting clarification.

### Stakeholder Feedback on Preliminary Recommendation

- No feedback has been received.

### Proposed Amendment Overview

- Table formatting throughout the RZC to provide clarity regarding setback dimensions in the Regulations Common to All Uses tables.
- Allowing averaging and minor flexibility for equity regarding side/interior setbacks between buildings in residential zones.

# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Clarity of Text and Procedures per Annual Code Cleanup

Team Lead	<i>Kim Dietz</i>
Team Members	<i>David Lee, Cameron Zapata, Jeff Churchill, Gloria Meerscheidt, Jodi Daub</i>
Component Advisory Team	<i>Carol Helland and Aaron Bert</i>
Policy, Functional Strategic Plans	<i>Amendments comprising this component support the following: Comprehensive Plan and Community Strategic Plan</i>
Primary Policy Direction	<i>WAC 365-196-800 Relationship between development regulations and comprehensive plans.</i>
Relevant Code Portions	<i>Amended: RZC 21.76.060.F Technical Committee Recommendations on Type III, IV, V, and VI Reviews; RZC 21.76.080.F Notice of Planning Commission Hearing on Type VI Reviews New: n/a Related:</i>
Analytical Overview	<i>Increasing the code's clarity and consistency ensures and strengthens predictability of the code's implementation across the City's built environment. These amendments are anticipated to increase the code's clarity regarding procedures and notification involving review of Type VI permits specific to notification involving the Technical Committee's recommendation and transmittal to the Planning Commission.</i>

### Business Case

- The code does not provide clarity regarding notice procedures for the Technical Committee's transmittal of amendments to the Redmond Zoning Code text and maps (Type VI permits) to the Redmond Planning Commission.

### Research Methods

- Staff identified the need for clarity regarding Type VI permit procedures when summarizing community and involvement steps for this phase of the Redmond Zoning Code ReWrite.

### Team's Key Decision Points

- For the Type VI permit procedures, staff confirmed the draft proposed approach with the Technical Committee before including in the Q3 2022 Technical Testing series.

### Stakeholder Feedback on Preliminary Recommendation

- No feedback has been received.

### Proposed Amendment Overview

- Clarification for consistency and transparency regarding processes and deliverables for transmitting the Technical Committee's recommendation to the Planning Commission during formal review of Type III – VI permits.

# REDMOND ZONING CODE REWRITE

## Phase 2 - Rebuild 2021-2022

Component Summary

### Legislative Conformance per Annual Code Cleanup

Team Lead	<i>Kim Dietz</i>
Team Members	<i>David Lee, Cameron Zapata, Todd Short, Philly Marsh, Brooke Buckingham</i>
Component Advisory Team	<i>Carol Helland and Aaron Bert</i>
Policy, Functional Strategic Plans	<i>Amendments comprising this component support the following: Comprehensive Plan and Community Strategic Plan</i>
Primary Policy Direction	<i>Regular order of business to maintain policy and code for legislative consistency.</i>
Relevant Code Portions	<i>Amended:</i> <ul style="list-style-type: none"><li>• <b>Marijuana:</b> RZC Article 1 Zone Based Regulations, RZC 21.41 Marijuana-Related Uses, RZC 21.57 Permanent Supportive Housing, Transitional Housing, Emergency Shelters, and Emergency Housing, RZC 21.78 Definitions, RMC Title 5 Business Licenses and Regulations, RMC Title 9 Public Peace, Morals and Safety</li><li>• <b>&lt;PRELIMINARY PROPOSAL&gt; Family Day Care:</b> RZC 21.08.340.C..13., Family Day Care Providers – pending information DCYF and SBCC</li></ul> <i>New: n/a</i> <i>Related:</i>
Analytical Overview	<i>Development regulations must reflect applicable federal, state, and countywide laws. Redmond's regulations may be more restrictive though must be based on the foundations set forth by the RCW and WAC as well as the CFR. Clarity within the city's development regulations is improved when terms and regulations are consistent within the body of the code, among other adopted codes such as the Building Code, and in relationship to applicable federal, state, and countywide laws.</i>



## Business Case

- **Marijuana:** LCB Board Action: Permanent Rule Making Replacing Term “Marijuana” with “Cannabis”
  - On July 6, 2022, during its regularly scheduled meeting, the Washington State Liquor and Cannabis Board took the following action:  
Approved a rule-making order (CR 103) regarding implementation of Second Substitute House Bill 1210 – Replacing “Marijuana” with “Cannabis.” This permanent rulemaking replaces the term “marijuana” with “cannabis” throughout the rules of the Liquor and Cannabis Board in Title 314 WAC.
  - The legislature’s intent was to make technical changes to replace the term “marijuana” with “cannabis” throughout the Revised Code of Washington. The legislature found that the use of the term “marijuana” in the United States has discriminatory origins and should be replaced with the more scientifically accurate term “cannabis.” This act was technical in nature and no substantive legal changes were intended or implied.
- **Family Day Care:** E2SSB 5237 Enacted “expanding accessible, affordable child care and early childhood development programs”
  - EFFECTIVE DATE: July 25, 2021—Except for sections 105 and 503, which become effective May 7, 2021; sections 201, 202, 301, 309, and 504, which become effective July 1, 2021; sections 204 through 206 and 403, which become effective July 1, 2026; and section 505, which becomes effective July 1, 2024.
  - RCW 43.216.692  
Family home providers—Capacity flexibility.  
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.

## Research Methods

- Staff monitors the legislative agenda on an annual basis to confirm consistency between the RCW, WAC, and the Redmond Zoning Code.

## Team’s Key Decision Points

- **Family Day Care:** Staff discussed E2SSB 5237 concerning its relationship to the following:
  - WSBC- CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington State, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.
  - WSRC - CHILD CARE, FAMILY HOME. A child care facility, licensed by Washington State, located in the dwelling of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home.

### Stakeholder Feedback on Preliminary Recommendation

- DCYF is still considering and seeking advice from cities on the legislative provisions for the daycares. DCYF is also consulting with the WA State Building Code Council.
- State Fire Marshall does not provide inspections. Uncertain how this relates to local jurisdictions.
- Note the provisions for Adult Family Homes regarding required fire sprinklers.
- Parking is an issue but is not currently considered in the context of the daycare crisis
- An opportunity to education child care providers about local code provisions. There is an organization that can help – Childcare Resources.
- How can state inspections be more frequent also to ensure that local standards are met.
- The State Residential Building Code is not designed to review for uses other than residential. The total number of students and staff exceeds standard home capacities per the Res. Building Code. Meets instead the threshold for Commercial Building Code and the definition of Commercial Daycare Centers. Suggest that changes first go through the SBCC.
- Staff will continue communication with DCYF.
- Would also like to convene child care providers to discuss possible alignment across jurisdictions.
- What is the process for staff to review and approve?
- Should a separate business license be developed for daycares and/or for daycares that receive the waiver?
- Figure out a path forward for now. Fire and Building code would overrule though the RZC would not be administered.
- We need to determine whether there is a conflict in state law with our code. If a conflict, we cannot continue to administer RZC. Read thru statute against the code. If a straight up conflict, we need to describe how we remove the conflict. We could write an interpretation. If granted waiver, still an in-home day care but still need to comply with Fire and Building code that apply based on numbers. If state law is clear on applying to local regulations, then we would need to still administer local regs. Which of these is it? Where in the statute is the conflict or the deference to local regs. Then, we will have a policy choice: navigate the code, amend the code, or wait until all other codes align. Has the state preempted local code?

### Proposed Amendment Overview

- Amendments regarding “marijuana”/“cannabis”-related uses are minor in scope, to set forth consistency with state terminology only.
- Amendments regarding Family Day Care are inconsistent across the RCW/WAC, State Building Code, and WA State Fire Code. Therefore, the amendments proposed herein are preliminary only until additional information and consistency is established. Staff will continue to monitor related legislature and other amendments.