

Department of Development and Environmental Services (DDES)

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Daycare Establishments

DDES Customer
Information Bulletin #**14****• FREQUENTLY ASKED QUESTIONS •**

*Visit the DDES Web site at
www.kingcounty.gov/permits
for more information*

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

What is Daycare?

Daycare is defined in King County Code (KCC) as an establishment for group care of non-resident adults or children. There are many types of daycare, from family child day care homes with relatively few regulations, to larger daycare centers with more than 12 children or individuals. Each different level or class of daycare is regulated differently.

Daycare includes before or after school care programs for school children under the age of 12, Family Home Childcare, Childcare Centers, Adult Day Health Centers, and Social Day Health Centers.

As defined by the Washington State Department of Social and Health Services (DSHS):

- Family Home Childcare locations are usually found in a private residence and an owner must live in residence.
- Childcare Centers serve children under the age of 12 and are a commercial business.
- Before and After School Care Programs can be and often are in an existing facility and serve school-aged children under the age of 12; this would not include preschool -aged children.

“What if I Care For Children In My Home?”

A great number of people care for children in their home. Daycare owners and operators may care for children in a residence and do not need to meet many of the regulations typically aimed at commercial operations if the number of children is limited. Washington State DSHS determined that there is a great need to allow daycare in private homes, and has determined that if the number of children is limited, the risks are not appreciable. Thus, DSHS developed a special category of “Family Child Day Care Home” which does not fall under commercial regulations.

“What is a Family Child Day Care Home?”

If a daycare owner or operator cares for no more than 12 children in their personal residence, the use will be considered that of a single-family residence for the purposes of determining zoning, life safety and other requirements. Family Child Day Care Homes are required to meet the smoke detection requirements of Section R313.3 of the International Residential Code for one-and two-family dwellings (IRC) as amended by the Washington State Building Code. Conversion of a residence into a Family

Child Day Care Home is a relatively simple process, but the daycare must comply with the provisions of IRC 32.5 as amended by the state.

Requirements for Commercial Daycare Facilities

This bulletin summarizes the requirements that each daycare owner and operator must meet, and explains the permits and licenses that must be secured in order to operate a daycare establishment in the unincorporated area of King County. Please note that the owners and operators are responsible for complying with all detailed regulations of the King County Code. Local requirements and approvals are in addition to those required by Washington State DSHS.

Requirements for daycare facilities are necessarily restrictive, in order to protect the children and adults who use them. Due to these restrictions, it can be difficult to convert a residence or commercial building into a daycare without extensive remodeling. Additionally, there are requirements that protect neighbors and the general public using the area around the daycare.

King County requirements fall into two broad categories:

Zoning Requirements –

Many of which are based on the zoning classification of the property; and

Life Safety and Other Requirements –

Life/Safety requirements are based on how the facility will be used and how the facility is classified and constructed. All daycare facilities serving more than six children, except Family Child Day Care Homes, need to meet commercial requirements found in the International Building Code (IBC), commercial life safety requirements, and commercial accessibility requirements.

DDES will look at each of these categories separately, but the owner and daycare management must comply with all regulations.

Unless a customer is planning a small operation with six or fewer children, or a Family Child Day Care Home, it will probably be worth their while to get professional help, especially with site planning. A registered Engineer, Architect, Land Surveyor or Planner may need to help a daycare owner and operator decide how to meet the requirements for traffic flow, fire department access, parking, landscaping, building use and fire protection.

How to Determine Permit Requirements

First, customers need to know the zoning of the property on which they plan to operate the daycare. If a daycare owner or operator does not know, they should call a DDES Zoning Technician at 206-296-6600 with the address and legal description of the property. Once the customer knows the zoning classification, they may then determine whether the particular type of operation they have in mind is allowed, under what conditions, and which permits are required. Whether this will be a new or additional use within an existing building, or if an addition or a new building is proposed, a building permit is required. In either case, a customer may also need a Conditional Use Permit (CUP).

The neighbors of a proposed daycare probably will be very interested in the proposed plans. Some of them may wish to use daycare services; some will be concerned about various aspects of the facility, such as landscaping, outside play areas, hours of operation, or changes in traffic patterns. Experience has shown that it is best to let neighbors know of proposed plans as early as possible. Sooner or later they will find out, and early notification can help defuse possible opposition. Neighbors may have reasonable suggestions that will make the facility more acceptable to the area. Favorable neighborhood reaction may also help smooth the permit process if a Conditional Use Permit is necessary.

Definition of Daycare by King County Code Chapter 21A.06.265 (KCC)

Daycare: An establishment for group care of non-resident adults or children.

- A. Daycare shall include only, SIC Industry No. 835, Child Day Care Services, SIC Industry No. 8322, Adult Daycare Centers and the following:
1. Adult Daycare, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services;
 2. Nursery schools for children under minimum age for education in public schools;
 3. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
 4. Programs covering after-school care for school children.
- B. Daycare establishments are subclassified as follows:
1. **Daycare I** -- a maximum of 12 adults or children in any 24 hour period; and
 2. **Daycare II** -- over 12 adults or children in any 24 hour period.

General Requirements by Zone**In Rural Residential (RA) Zones**

Daycare I facility is permitted, provided:

- Only as an accessory to residential use;
- Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet; and
- Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones (RA, UR, R1-48).

Daycare II facility is permitted:

- By obtaining a Conditional Use Permit; or
- Only as a re-use of a public school facility subject to the provisions of K.C.C. Chapter 21A.32, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, provided:
 - 1) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
 - 2) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - 3) Direct access to a developed arterial street shall be required in any residential zone; and
 - 4) Hours of operation may be restricted to assure compatibility with surrounding development.

In Urban Reserve Residential (UR) Zones

Daycare I facility is permitted, provided:

- Only as an accessory to residential use;
- Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet; and
- Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones (RA, UR, R1-8, R12-48).

Daycare II facility is permitted:

- By obtaining a Conditional Use Permit; or
- Only as a re-use of a public school facility subject to the provisions of K.C.C. Chapter 21A.32, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, provided:
 - 1) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
 - 2) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - 3) Direct access to a developed arterial street shall be required in any residential zone; and
 - 4) Hours of operation may be restricted to assure compatibility with surrounding development.

In Urban Residential (R1-8) Zones

Daycare I facility is permitted, provided:

- Only as an accessory to residential use;
- Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet; and
- Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones (RA, UR, R1-48).

In Urban Residential (R12-48) Zones

Daycare I facility is permitted.

In Urban Residential (R1-8) and (R12-48) Zones

Daycare II facility is permitted:

- By obtaining a Conditional Use Permit; or
- Only as a re-use of a public school facility subject to the provisions of K.C.C. Chapter 21A.32, or an accessory use to a school, church, park, sport club or public housing administered by a public agency, provided:
 - 1) Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet;
 - 2) Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - 3) Direct access to a developed arterial street shall be required in any residential zone; and
 - 4) Hours of operation may be restricted to assure compatibility with surrounding development.

Neighborhood Business (NB), Community Business (CB), and Regional Business (RB) Zones

Daycare I and II facilities are permitted.

Office (O) and Industrial (I) Zones

Daycare I and II facilities are permitted accessory uses.

Forest (F)

Daycare facilities are not allowed.

Mineral (M) Zones

Daycare facilities are not allowed.

Agriculture (A) Zones

Daycare I facility is permitted, provided:

- Only as an accessory to residential use;
- Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates and have a minimum height of six feet; and
- Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones (RA, UR, R1-8, R12-48).

Conditional Use Permits

A Conditional Use Permit is classified as a Type 2 Permit by Section 20.20.020 of the King County Code. Type 2 decisions are made by the Director, or his or her designee. Type 2 decisions are discretionary decisions and subject to appeal. Type 2 decisions also require a public hearing.

A mandatory pre-application conference is required prior to filing a conditional use permit application. Preapplication meetings give the applicant an opportunity to discuss the application process and other issues with a DDES planner. The customer or designated agent must file all pre-application materials in person, and preapplication meetings are billed at the department's standard hourly rate. (See separate fee schedule or call 206-296-6600 to learn the current fees and obtain necessary materials for preapplication meetings). Fees may also be reviewed in Title 27 of the King County Code and are available via the DDES Web site at www.kingcounty.gov/permits. Upon filing a complete application with King County, it is the goal of the Land Use Services Division to process the Conditional Use Permit within 120 days.

Life Safety and Other Requirements

When a considerable number of children are cared for, certain regulations are imposed to protect their safety. Most of these regulations are found in the International Building Code. More regulations are found in the International Fire Code.

To determine what life safety and other code requirements apply to a given proposal, it must first be determined if the daycare facility will serve as an accessory use to a single-family residence (Family Child Day Care Home) or whether the daycare is the primary use. If a proposal is classified as a Family Child Day Care Home, the regulations are further simplified.

If a daycare establishment proposal will be classified as an educational or primarily daycare use, owners and operators must comply with the following:

1. International Building Code Requirements

IBC requirements will depend, in part, upon the occupancy classification of the facility. According to the IBC, a daycare (not offering 24 hour care) will be classified one of two ways:

- Occupancy Group E (daycare); or
- Occupancy Group 1-4

Of these two groups, Group E will have the easiest requirements to meet, and most daycare establishments will be able to qualify as a Group E facility. Daycare facilities which do not have children that are 2 ½ years of age or less, will be classified as Group E. Those daycare establishments which do have children 2 ½ years of age or less may also be classified as Group E if they comply with the following:

- If there are less than 100 children 2 ½ years of age or less which are not located on the level of exit discharge (grade level) and each of the child care rooms for these children have an exit door directly to the exterior.

Facilities for both of these categories (Group E and Group 1-4) will need to comply with the following requirements which may vary between the two occupancy groups:

- The occupancy separation requirements of Chapter 3, IBC, where daycare areas may need to be separated by fire walls from other uses of different occupancy groups;
- The distance to property line requirements of Chapter 5, IBC;

- The exiting requirements of Chapter 10, IBC;
- Roof covering fire classification requirements of Section 1505, IBC;
- Structural requirements throughout the IBC; and
- Sprinkler Requirements—Automatic fire sprinkler systems (commercial style, NFPA – 13 systems) will be required for all newly constructed or substantially remodeled Group E occupancy daycare facilities having an occupant load of fifty or more for a facility open more than 12 hours per week or four hours on any one day. Any portion of a Group E occupancy facility below the level of exit discharge will require fire sprinklers unless every classroom below the level of exit discharge has at least one exterior door at ground level. Any Group 1 occupancy daycare facility will require a similar commercial style sprinkler system throughout the building. Other IBC, King County and state requirements may trigger fire sprinkler requirements, as well.

2. **Fire Protection**

The facility must conform to King County, State and IBC requirements with respect to:

- Fire flow;
- Life safety/rescue access; and
- Fire detection system and fire sprinkler system.

Call the Fire Protection Engineering Unit, at 206-296-6600, for information about these requirements and fees for reviews.

3. **Barrier-Free Accessibility**

The facility must be accessible for persons with disabilities as required the by Washington State Building Code. This accessibility includes toilet room(s) with maneuvering space, and a front entrance ramped or at grade. For details about accessibility requirements, contact a DDES Plans Examination Engineer at 206-296-6600.

4. **Space Conditioning and Thermal Envelope**

Areas must conform to the heating, ventilating and air conditioning requirements of the International Mechanical Code, and the Washington Ventilation and Indoor Air Quality Act. Changes in exterior walls, doors, and windows must meet the non-residential provisions of the Washington State Energy Code.

5. **Lighting Wattage Limitations**

Any change in lighting in a building already used for a commercial use must meet the non-residential provisions of the Washington State Energy Code. When converting from a residential use to a commercial use, the total of all the lighting wattage used must be within that allowed in the non-residential provisions of the Washington State Energy Code.

Additional Requirements

1. **Water Supply/Sewage Disposal**

If drinking water is from a source other than a water district, Seattle-King County Department of Public Health approval must be obtained. Contact the Health Department's district area office for the proposed daycare establishment location (206-296-4932, Public Health Environment Health Department) for more information about these requirements.

If sewers are not available, the Health Department must approve the design and adequacy of the on-site sewage disposal system (septic system) for the proposed daycare center.

2. **Building, Remodeling and Re-use Permits**

Changes to an existing building, change of use or construction of a new building all require a building permit. Plans and site plans will be required. Plans will need to show exit doors, room uses, related uses and other information and will need to be fully dimensioned. Site plans will need to show the structure, parking and play areas.

If a customer plans to construct a new building or make major changes or additions to an existing building, see Bulletin 8, *Commercial and Multi-Family Building Permits*. In addition, if a daycare owner or operator plans to use or remodel an existing building, see Bulletin 5, *Tenant Improvements*. For requirements for re-use and conversion of an existing school, contact a Zoning Technician at 206-296-6600. Conversion to a Family Child Day Care Home may be made by obtaining an inspection permit and an inspection to determine that requirements are being met. Plan submittal is not required.

3. **Additional Permits That May Be Required:**

- Mechanical permit (see Bulletin 36, *Mechanical Permits*);
- Sign permit (See Bulletin 20A, Zoning Code: *Sign Requirements*); and
- Installation or revision of a sprinkler system. (See Bulletin 13, *Fire System Permits*. Contact the King County Fire Protection Engineering Unit at 206-296-6600
- Installation or revision of a fire alarm system (Contact the Fire Protection Engineering Unit at 206-296-6600);
- Hood permits and fire suppression system permits for hoods (Frequently required in food service uses, contact the King County Fire Protection Engineering Unit at 206-296-6600);
- Electrical permit from the Washington State Department of Labor and Industries (206-835-1198); and/or
- Plumbing permit from the Seattle-King County Department of Public Health (206-296-4928).

4. **Department of Social and Health Services (DSHS) Licensing**

Remember that whether or not a customer needs a zoning permit, all daycare establishment owners or operators need to obtain a licensing/operating permit. For DSHS permit information please contact the DSHS Statewide Information Line at 1-800-737-0617.

All childcare providers must be licensed by DSHS, which has additional requirements. The more children cared for, the more stringent the license requirements become (covering such areas as health and safety, fire protection, discipline policies and facilities that must be provided).

For information on obtaining a childcare license, please call the Division of Childcare and Early Learning to set up an appointment at any of the following locations:

- Seattle: 206-721-6939
- Bellevue: 425-649-4079
- Kent: 253-372-6067.

Additional forms and information about childcare licensing is also available on the Web site <http://www.del.wa.gov/license/licensingMain.shtml>

5. **Tax Registration**

In addition to obtaining a State license, it is required that all daycare owners and operators register with the State Department of Revenue for tax purposes. For further information, call 1-800-647-7706 or the Seattle office at 206-956-3002.

Other Bulletins and Telephone Numbers That May Be Helpful

- Bulletin 1 Building and Development Permit Telephone Numbers
- Bulletin 5 Tenant Improvements
- Bulletin 8 Commercial and Multi-Family Building Permits
- Bulletin 9 Obtaining a Residential Building Permit
- Bulletin 12 The Residential Building Permit Process
- Bulletin 13 Fire System Permits
- Bulletin 17A Zoning Code: Overview and Summary
- Bulletin 20A Zoning Code: Sign Requirements
- Bulletin 21 Critical Areas Review
- Bulletin 22 Zoning Code: Landscaping Requirements
- Bulletin 27 Residential Energy Codes
- Bulletin 36 Mechanical Permits

These and other DDES bulletins are available via the department Web site at www.kingcounty.gov/permits.

- 206-296-6600 DDES Information
- 206-296-6675 Fire Marshal - Engineering and Inspection
- 1-800-737-0617 Washington State - Department of Social and Health Services (DSHS) Statewide Information

Be sure to visit our Web site at:
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King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.