

**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: January 12, 2015**

<b>AGENDA ITEM:</b> Ordinance adopting amendments to the Marysville Municipal Code Chapter 10.04 <i>Animal Control</i> and Title 22 <i>Unified Development Code</i> , related to pet daycares and kennels.	<b>AGENDA SECTION:</b> New Business	
<b>PREPARED BY:</b> Angela Gemmer, Associate Planner	<b>APPROVED BY:</b>	
<b>ATTACHMENTS:</b> 1. PC Recommendation, including: <ul style="list-style-type: none"> <li>• Exhibit A – PC Recommended Ordinance</li> <li>• Exhibit B – PC Public Hearing Minutes, November 25</li> <li>• Exhibit C – PC Workshop Minutes, September 23</li> <li>• Exhibit D – PC Workshop Minutes, September 9</li> </ul> 2. Adopting Ordinance	<b>MAYOR</b>	<b>CAO</b>
	<b>BUDGET CODE:</b>	

**DESCRIPTION:**

The Planning Commission (PC) held public workshops on September 9 and September 23, 2014, and a duly advertised public hearing on November 25, 2014 to review proposed amendments to the Marysville Municipal Code Chapter 10.04 *Animal Control* and Title 22 *Unified Development Code* pertaining to dog daycares and kennels. Presently, the City allows dog daycares as a general personal service in all commercial zones except Public-Institutional and Recreation while commercial dog kennels are restricted to minimum five acre sites in the Community Business, General Commercial, Light Industrial, and General Industrial zones. Proposed amendments include, but are not limited to, the following:

- Creation of a classification for pet daycares in the permitted uses matrices;
- Elimination of the five acre minimum lot size requirement for kennels; and
- Incorporation of additional provisions for kennels, pet daycares, and similar facilities in order to:
  - Ensure healthful and sanitary conditions;
  - Require setbacks from residences; and
  - Implement mitigation measures if noise from the facilities does not comply with the standards set forth in the Washington Administrative Code (WAC).

The PC received testimony from property owners, staff and other interested parties at the public hearing, following public notice. The PC made a motion to recommend the proposed amendments to Marysville City Council for adoption by ordinance.

**RECOMMENDED ACTION:**

Affirm the Planning Commission’s Recommendation and adopt amendments Chapter 10.04 *Animal Control* and Title 22 *Unified Development Code* pertaining to dog daycares and kennels.

**COUNCIL ACTION:**



COMMUNITY DEVELOPMENT DEPARTMENT  
80 Columbia Avenue ♦ Marysville, WA 98270  
(360) 363-8100 ♦ (360) 651-5099 FAX

## PC Recommendation - Pet Daycares and Kennels

The Planning Commission of the City of Marysville, having held a public hearing on November 12, 2014, which was continued to November 25, 2014, in review of amendments related to Pet Daycares and Kennels by amending Marysville Municipal Code (MMC) Sections 10.04.460 *Commercial Kennels and Pet Shops – General Conditions*; 22A.020.120 "K" *Definitions*; 22A.020.170 "P" *Definitions*; 22C.020.060 *Permitted Uses*; and 22C.020.070 *Permitted Uses – Development Conditions*, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

### FINDINGS:

1. The Planning Commission held a public work session to review amendments related to Pet Daycares and Kennels on September 9, 2014 and September 23, 2014.
2. The proposed amendment to the City's development regulations is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. Community Development Staff submitted the DRAFT amendments related to Caretaker's Quarters to the State of Washington Department of Commerce for expedited review pursuant to RCW 36.70A.106(3)(b). No comments were received from State Agencies.
4. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014.
5. No public comments were received on the DRAFT amendments related to Pet Daycares and Kennels.

### CONCLUSION:

At the public hearing, which was continued to November 25, 2014, the Planning Commission recommended adoption of the development code amendments related to Pet Daycares and Kennels, as reflected in the Ordinance attached hereto as **Exhibit A**, as reflected in the PC minutes attached hereto as **Exhibit(s) B, C, & D**.

### RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the development code amendments related to Pet Daycares and Kennels by the Marysville Planning Commission this 25<sup>th</sup> day of November, 2014.

By:   
Steve Leifer, Planning Commission Chair

# EXHIBIT A

## CITY OF MARYSVILLE Marysville, Washington

### ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 10.04.460 REGARDING COMMERCIAL KENNELS AND PET SHOPS – GENERAL CONDITIONS; MMC 22A.020.120 BY AMENDING THE DEFINITION FOR “KENNEL, COMMERCIAL”; MMC 22A.020.170 BY ADDING A DEFINITION FOR “PET DAYCARE”; MMC 22C.020.060 REGARDING TABLE OF PERMITTED USES; MMC 22C.020.070 REGARDING PERMITTED USES – DEVELOPMENT CONDITIONS; AND AMENDING MMC 22A.010.160 REGARDING GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFIED DEVELOPMENT CODE.**

**WHEREAS**, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

**WHEREAS**, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

**WHEREAS**, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

**WHEREAS**, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

**WHEREAS**, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City’s municipal code and development code (MMC Title 22); and

**WHEREAS**, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

**WHEREAS**, during public meetings on September 9, 2014 and September 23, 2014, the Planning Commission discussed proposed amendments to MMC 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

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**WHEREAS**, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations which was continued to November 25, 2014; and

**WHEREAS**, on November 25, 2014, at the continued public hearing, the Planning Commission made a Recommendation to the City Council recommending the adoption of proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

**WHEREAS**, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

**WHEREAS**, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 17, 2014, as required by RCW 36.70A.106; and

**WHEREAS**, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

**WHEREAS**, the City Council finds that it is in the best interest of the community to adopt these amendments;

**NOW, THEREFORE**, the City Council of the City of Marysville, Washington do ordain as follows:

**Section 1.** Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's November 25, 2014 Recommendation regarding the proposed development regulation revisions, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit "A"**, is hereby adopted and incorporated herein by this reference.

**Section 2.** MMC 10.04.460, Commercial kennels and pet shops – General conditions, is hereby amended to read as follows:

**10.04.460 Commercial kennels, animal shelters, pet daycares, and pet shops – General conditions.**

Commercial kennels, animal shelters, pet daycares, and pet shops shall meet the following conditions:

(1) Animal housing facilities shall be provided the animals and shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury and restrict the entrance of other animals. In addition, each animal housed in any animal shelter, commercial kennel, pet daycare, or pet shop or enclosure therein shall be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.

(2) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.

(3) Indoor facilities must comply with the following:

(a) Be heated or cooled to protect the animals from temperatures to which they are not acclimated;

# EXHIBIT A

(b) Provide adequate ventilation for the health of the animals and to remove foul odors;

(c) Interior walls, ceilings, and floors must be sealed and resistant to absorption of moisture or odors;

(d) Flooring must be an impervious surface that can be sanitized; and

(e) Suitable drainage must be provided to eliminate excess water.

(4) Outdoor facilities must comply with the following:

(a) Shelter from the elements must be provided;

(b) Suitable drainage must be constructed to prevent an accumulation of water, mud, debris, etc. and to enable proper cleaning of the facilities; and

(c) Walls or fences to contain animals and prevent entry of other animals must be provided.

~~(35)~~ Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

~~(46)~~ Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

~~(57)~~ Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

~~(68)~~ Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

~~(79)~~ Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

~~(810)~~ There shall be an employee or keeper on duty at all times during hours any store or facility is open whose responsibility shall be the care and supervision of the animals in that shop or department held for care, sale or display.

~~(911)~~ An employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals on days the store or establishment is closed.

~~(1012)~~ No person, persons, association, firm or corporation shall misrepresent an animal to a consumer in any way.

~~(1113)~~ No person, persons, associations, firm or corporation shall knowingly sell a sick or injured animal.

~~(1214)~~ Animals which are caged, closely confined or restrained shall be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose.

(15) Noise levels shall comply with the standards set forth in Chapter 173-60 Washington Administrative Code (WAC). If noise levels exceed these standards, mitigation measures such as, but not limited to, soundproofing of buildings or outdoor facilities, prohibiting overnight boarding, restricting outdoor access, limiting the number of animals receiving care, separating animals into different groups, etc. shall be implemented in order to achieve compliance with the noise standards set forth in WAC 173-60-040.

(16) Animal facilities (indoor and outdoor) must maintain a 25 foot setback to any neighboring structure used for human habitation located in a nonresidential zone, and a 100 foot setback to any neighboring structure used for human habitation located in a residential zone.

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**Section 3.** MMC 22A.020.120, "K" definitions, Definitions, is hereby amended by amending the definition below to read as follows:

**22A.020.120 "K" definitions.**

"Kennel, commercial" means any lot or unit of adjoining lots in the city on which a total of more than four dogs and/or cats, or a combination of the same, over three months of age are kept and/or maintained for board, propagation, training or treatment. ~~Such kennel must be established on a minimum of five acres; provided, that~~ The term "commercial kennel" shall not apply to legally established commercial enterprises which operate exclusively as veterinary hospitals or clinics, pet stores, pet daycares, or grooming parlors.

**Section 4.** MMC 22A.020.170, "P" definitions, is hereby amended by adopting a new definition which shall read as follows:

**22A.020.170 "P" definitions.**

"Pet daycare" means any commercial facility where four or more dogs, or other pet animals, are left by their owners during the daytime for periods of supervised social interaction in play groups with other animals of the same species. Supervised social interaction occurs during the majority of the time the pets are at the facility.

**Section 5.** MMC 22C.020.060, Permitted uses table is hereby amended as follows. (All other provisions of MMC 22C.020.060 remain in effect and unchanged):

**22C.020.060 Permitted uses.**

General Services Land Uses										
Specific Land Use	NB	CB (63)	GC	DC	MU (63)	BP	LI	GI	REC	P/I
<b>Personal Services:</b>										
Kennel, commercial and exhibitor/breeding (70)		P	P			C	P	P		
Pet daycare (70), (71)		P	P	P	P	P	P	P		

**Section 6.** MMC 22C.020.070, Permitted uses – Development conditions, is hereby amended by adding the following subsections (70) and (71) which shall read as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):

**22C.020.070 Permitted uses – Development conditions.**

(70) Subject to the requirements set forth in MMC Section 10.04.460.

(71) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in the WAC 173-60-040.

# EXHIBIT A

**Section 7.** MMC 22A.010.160, Amendments, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

**"22A.010.160 Amendments.**

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Pet Daycares and Kennels	_____, 2015"

**Section 8. Severability.** If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 9. Effective Date.** This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(5 days after publication)

# EXHIBIT B

## PLANNING COMMISSION



## MINUTES

November 25, 2014

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the November 25, 2014 meeting to order at 7:00 p.m. noting excused absence of Commissioners Lebo and Richards and the continuing absence of Commissioner Marvetta Toler. He noted that there was no one in the audience.

### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Roger Hoen, Jerry Andes, Kay Smith,

**Staff:** Planning Manager Chris Holland  
Associate Planner Angela Gemmer

**Absent:** Steven Lebo, Kelly Richards, Marvetta Toler

### APPROVAL OF MINUTES

**Motion** made by Commissioner Smith, seconded by Commissioner Andes, to approve the November 12, 2014 Meeting Minutes. **Motion** passed unanimously (4-0).

### AUDIENCE PARTICIPATION

None

### OLD BUSINESS

- Code Amendments
- Caretaker's Quarters (hearing closed)

Planning Manager Holland presented the revised draft ordinance as discussed at the last meeting. He asked if what was reflected in the revised draft ordinance is indicative of what the Planning Commission had recommended. He pointed out that in the Definitions section the Commission had talked about recreational vehicles or other temporary structures being included. He noted that if you read what a recreational vehicle entails it also includes, but is not limited to campers, motor homes, and travel



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trailers. Tents are excluded. In the GI and LI zones other temporary structures, such as Pacific Mobile construction trailers, would also be permitted because there are no design regulations. He solicited Commission comments on the revised draft ordinance.

Chair Leifer commented that the proposed draft ordinance is consistent with his recollection of the Commission's discussion. He agrees that the exclusion of other temporary structures makes sense.

Commissioner Hoen commented that they had also discussed looking into a limitation based on the size of the business. Planning Manager Holland agreed and said it had been included in the minutes, but noted that the recommendation from the Commission had not included that. Commissioner Hoen asked if staff sees any unintended consequences of allowing recreational vehicles as caretaker's quarters. Planning Manager Holland stated that staff does not support the Planning Commission's position and believes that there would be consequences for allowing recreational vehicles as caretaker's quarters.

Chair Leifer clarified his discussion with a staff member from the City of Everett which he had referred to at the last meeting. Since the last meeting, he spoke with other staff members who had a different opinion about the way the code would be interpreted, and they would not allow recreational vehicles as caretaker's quarters.

**Motion** made by Commissioner Andes, seconded by Commissioner Smith, to have Chair Leifer sign the Planning Commission Recommendation, which includes the revised ordinance allowing recreational vehicles as caretaker's quarters, and forward it to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

### PUBLIC HEARING

Chair Leifer reopened the public hearing at 7:12 p.m.

#### Code Amendments:

- **Legislative Enactment Amendments**

Planning Manager Holland noted that the City got audited by the Washington Cities Insurance Authority (WCIA) this year and one of the focuses was for land use. The City passed, but WCIA pointed out a few deficiencies related to group and adult family homes. Case law states those can't be prohibited from any zone. This ordinance addresses that by permitting those uses in all zones. Also deadlines for approvals have been amended for binding site plans, subdivisions, short subdivisions, etc. Vesting regulations were also amended. Finally, the Code now clarifies what constitutes minor and major amendments for land use actions.

Commissioner Andes asked how the fees were determined. Planning Manager Holland stated that they were based on a fee study done several years ago by looking at other jurisdictions and analyzing staff time for reviews. The only proposed change to the fee

## EXHIBIT B

schedule was based on the minor/major amendments modifications. The fee for minor amendments was increased to more accurately reflect the amount of staff time these reviews take.

Chair Leifer asked about extension periods on short plats. Planning Manager Holland explained that short plats and plats are governed by state law. He then reviewed timelines associated with plats and the commercial, or multi-family, site plan extension regulations.

Commissioner Andes asked if you have to prove you are making progress in the five-year period in order to get the one-year extension. Planning Manager Holland affirmed that you do have to show that you have attempted in good faith to submit the final plat within the five-year period.

Chair Leifer said he would have to recuse himself from any voting on this code amendment because he has an issue related to this. He asked what staff's position would be on any further movement on some of the stuff that is still sitting out there that has run out of time. Planning Manager Holland stated there are no proposed changes to commercial and multi-family site plan reviews. He summarized that if they were approved prior to when the Unified Development Code was adopted in 2012 they probably wouldn't be up to the design standards that are in place now. Chair Leifer asked if redesign of those projects would require all new submittal fees. Planning Manager Holland explained that if you had an approved civil construction plans and were approved under the 2005 DOE Stormwater Management Manual you likely wouldn't have to do an amendment. It would just be a matter of resubmitting the same thing and having an engineer stamp them so hopefully it wouldn't be a very big cost burden to the applicant.

**Motion** made by Commissioner Andes, seconded by Commissioner Smith, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously.

- **Nonconforming Situations**

Planning Manager Holland stated that staff is proposing to eliminate the CUP process and make this administrative which would reduce the cost. Instead, a building permit and site plan submittal showing setbacks would be required. He reviewed the proposed changes which would save costs and staff time.

**Motion** made by Commissioner Smith, seconded by Commissioner Andes, to approve the Nonconforming code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Sign Code**

Angela Gemmer reviewed the four proposed Sign code amendments:



## EXHIBIT B

1. Require that signs that are freestanding and under 12-feet be monument-style signs.
2. Clarify the provision that requires that the structural posts of freestanding signs have decorative materials encasing them.
3. Clarify the intent for the changeable copy portion of the sign so it is limited to 30% of the sign area that is actually constructed.
4. Clarify the non-conforming sign provisions to indicate that converting them to an electronic changeable copy sign is not what the reface provision is intended to allow.

Commissioner Andes asked for clarification about the last one. Ms. Gemmer explained that if the sign meets the City's current design standards then you can convert whatever portion is allowable to an electronic changeable copy sign. Otherwise, you would need to retrofit the freestanding sign to meet the current sign code first. Planning Manager Holland commented that this has happened in a lot of the redevelopment of areas like the gas station on 4<sup>th</sup> Street.

**Motion** made by Commissioner Smith, seconded by Commissioner Hoen, to approve the sign code amendments and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Beekeeping**

Ms. Gemmer reviewed two draft alternative ordinances on beekeeping with the following proposed changes:

- Allow a temporary 30-day doubling of the number of hives allowed in order to avoid swarming and other nuisance conditions
- Allow five migratory hives for agricultural purposes. A three-acre site would be allowed 15 hives. Thereafter you could have an additional five hives per acre.

Alternative 1 allows two hives on lots that are less than 10,000 square feet. Alternative 2 would not allow hives on lots less than 3,500 square feet, but would allow two hives on lots over 3,500 square feet up to 10,000 square feet.

Commissioner Andes expressed concern about having hives on small lots at all. 3,500 square feet seems too small to him. Even 5,000 square feet seems too small. He stated that the City needs to protect the public and not the bees.

Commissioner Hoen asked about lot sizes in the City. Planning Manager Holland reviewed these and explained that the size is based on the type of development. As far as building coverage is concerned, in no case can you ever go over 50% of the lot size for your building coverage.

Commissioner Smith concurred with Commissioner Andes.

## EXHIBIT B

Commissioner Hoen noted that according to the beekeepers the bees are foraging a mile away anyway. He was not sure what the size breaking point should be. He wondered how they would tell the difference between temporary and permanent hives.

Ms. Gemmer noted that the intent of the code is that this would be complaint-driven similar to the way chickens, dogs, or cats are handled.

There was discussion about approving Alternative 2, but amending the minimum from 3,500 to 5,000 square feet.

**Motion** made by Commissioner Andes, seconded by Commissioner Hoen, to approve Alternative 2 with the replacement in item 1(i) of 3,500 to 5,000 and (ii) 5,001 to 10,000 and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Pet Daycares and Kennels**

Ms. Gemmer explained that the proposed code would create a specific use category for pet daycares and continue to allow them in all the zones they are presently allowed except in the Mixed Use zone. Also, the definition for dog kennels is proposed to be amended to eliminate the five-acre threshold to enable dog kennels to site in zones where they would be compatible. Additionally, there are new provisions to the dog daycare and kennel and similar facilities that pertain to health and sanitary conditions that are found in most jurisdictions. There is also a provision to implement setbacks from residences for dog kennels, a provision that dog kennels and daycares comply with the Washington Administrative Code in terms of how much noise is able to be emitted, and different provisions to address noise if noise limits are exceeded.

Chair Leifer asked how the noise levels are measured. Ms. Gemmer explained that it goes by decibels and can be measured with noise equipment. She reviewed the different classes and explained that each zone has a maximum amount of decibels that can be emitted in daytime and nighttime hours.

Commissioner Andes asked about the people who wanted to do a dog shelter in the old Sears building. He noted that would be a good place for a dog kennel. Ms. Gemmer concurred and indicated she would contact them if this code is approved.

**Motion** made by Commissioner Hoen, seconded by Commissioner Andes, to approve the Pet Daycare and Kennel amendments as presented and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **School, Traffic and Park Impact Fees**

Associate Planner Gemmer explained that the School, Traffic, and Park Impact Fee amendment would increase the term under which the fees collected may be expended from six years to ten years as required by state law.



## EXHIBIT B

**Motion** made by Commissioner Andes, seconded by Commissioner Smith, to approve the amendments regarding School, Traffic, and Park Impact Fees and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **State Environmental Policy Act**

Planning Manager Holland reviewed the proposed changes which would bring the City's code in compliance with the Phase 2 amendments.

**Motion** made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

- **Wireless Communication Facilities**

Planning Manager Holland stated that this is also related to SEPA review. There were some FCC laws enacted regarding existing wireless communication facilities. Based on that, the state put in an exemption for wireless communication facilities. The proposed amendment would specifically state that in the ordinance to be in compliance with state law.

Chair Leifer asked if there are provisions about locating wireless facility towers. Planning Manager Holland reviewed these.

**Motion** made by Commissioner Andes, seconded by Commissioner Hoen, to approve this and forward to the Council with a recommendation for approval. **Motion** passed unanimously (4-0).

The public hearing was closed at 8:10 p.m.

### CITY COUNCIL AGENDA ITEMS AND MINUTES

#### ADJOURNMENT

**Motion** made by Commissioner Smith, seconded by Commissioner Andes, to adjourn the meeting at 8:11 p.m. **Motion** passed unanimously.

#### NEXT MEETING:

December 9, 2014



Laurie Hugdahl, Recording Secretary

# EXHIBIT C

## PLANNING COMMISSION



## MINUTES

September 23, 2014

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the September 23, 2014 meeting to order at 7:00 p.m. noting the excused absence of Roger Hoen and the continued absence of Marvetta Toler. He pointed out that there was no one in the audience.

### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

**Staff:** Planning Manager Chris Holland, Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

**Absent:** Roger Hoen, Marvetta Toler

### APPROVAL OF MINUTES

#### September 9, 2014 Meeting Minutes

**Motion** made by Commissioner Smith, seconded by Commissioner Richards, to approve the September 9, 2014 Planning Commission Meeting Minutes as presented. **Motion** passed unanimously (5-0).

### AUDIENCE PARTICIPATION

None

# EXHIBIT C

## CITIZEN ADVISORY COMMITTEE FOR HOUSING AND COMMUNITY DEVELOPMENT – PC MEMBER

Planning Manager Holland solicited a volunteer to serve on the Citizen Advisory Committee for Housing and Community Development which is a committee that oversees the CDBG program. The committee serves as a recommending body to the Council. This would involve attending approximately 3-4 short meetings a year with additional meetings on years where the 6-Year Consolidated Plan has to be updated.

There was consensus to nominate Commissioner Roger Hoen (who was not in attendance). Planning Manager Holland stated he would contact Commissioner Hoen to see if he was available. Commissioner Lebo indicated he could do it if no one else was available.

## NEW BUSINESS

- Code Amendments

### Critical Areas – Geologic Hazard

Senior Planner Dungan stated that due to the recent Oso slide, staff has been reviewing Geologic Hazard code and maps of the City's Critical Areas Ordinance to see if updates are needed. Staff reviewed LIDAR mapping to look for indications of previous slides in Marysville and also looked at other jurisdictions' codes. She noted that LIDAR information for Oso shows significant events over time; however Marysville's slopes are less dramatic and short runs are shorter than in Oso. Staff does not feel there is the potential for an Oso-type slide, but there are some areas, especially along creeks and along Getchell hillside that fall into the category of steep slopes where there could be a potential for landslide and erosion and areas in the flood plain where there could be liquefaction.

Ms. Dungan reviewed proposed amendments to the map and code. Currently Marysville's Critical Areas Ordinance requires a 25-foot setback from the top of bank that can be reduced to 10 feet if a geotechnical expert recommends it. Everett and several other jurisdictions have adopted the International Building Code (IBC). Staff believes this has been very well vetted and is recommending that the City switch from the straight 25-foot setback to allowing a geotechnical expert to make a recommendation on a slope. If the geotechnical expert doesn't recommend a setback or the person doesn't hire a geotechnical engineer, the City would automatically use what is set forth in the IBC which sets setbacks from both the toe and the top of bank. The toe setback would be the length of the slope divided by two plus 15 feet. The top of the slope setback would be the smaller of the height of the slope divided by three or 40 feet. If the geotechnical report recommends buffers less than those established in the IBC, then the report must specifically list their rationale and basis for the reduced buffers.

## EXHIBIT C

Commissioner Andes pointed out that the people at the bottom of a slope are generally more affected than the people at the top. He asked why the setback at the bottom isn't a little further. Ms. Dungan explained that this is the IBC standard which has been well vetted through national and international experts on the subject.

Commissioner Andes asked about the picture of the second foundation. Ms. Dungan wasn't sure.

Chair Leifer summarized that with a geotechnical report there could theoretically be a zero foot setback. Ms. Dungan concurred. Chair Leifer thought that the recommendations made sense for people that want to spend the money and the resources for a site-specific review.

Ms. Dungan noted that a hearing would be set for November 12.

Commissioner Lebo asked how often they do these updates. Ms. Dungan replied this is the first time they have reviewed them since 1992, and there haven't been many changes. Commissioner Lebo noted that in areas where they take a lot of trees out things do change. Ms. Dungan concurred. She noted that is why staff would request a geotechnical report in hazardous areas. She stressed that this is putting a lot of the burden on the geotechnical expert who is writing the report to make the recommendation on the setback. Commissioner Lebo referred to the south side to the east side of Whiskey Ridge which is a sloped area with lots of trees gone. Ms. Dungan concurred and noted that most of the area has been developed based on the recommendations of geotechnical experts and with the City's requirement of the retention of vegetation on the steep slopes. Staff periodically looks at LIDAR to see if there are any concerns. In most cases if the vegetation remains the slope is protected.

### SEPA Phase 2 Revisions

In 2012 the Planning Commission reviewed Phase 1 SEPA revisions, which were much more significant than the Phase 2 SEPA changes. The majority of these Phase 2 revisions were adopted by reference of SEPA with the exception of a couple places where some wording was changed or text was moved around. She summarized what the state legislature adopted in Phase 2 as well as the proposed staff recommended code amendments contained in the Commission's packet. There were no questions.

### SEPA/Wireless Communication Facilities (WCF) Exemption

Senior Planner Dungan explained that there was an additional subsection added that lists wireless facilities that are categorically exempt and references the WAC and MMC as applicable. There were no questions.



# EXHIBIT C

## School, traffic and park impact fee expenditures

Associate Planner Angela Gemmer explained that the state has increased the amount of time cities have to use the impact fees to ten years from six years. The City is recommending a similar change to be consistent with the state's requirements.

Chair Leifer commented that on one of these when it's collected is well-noted, but it's not so clear on the others. Ms. Gemmer replied that she had only included the portion of the code where the changes were occurring. She offered to bring back the full code sections to answer his question.

Chair Leifer referred to page 2 (item 3b at the top of the page) regarding when and how to grant a credit and noted that it seemed ambiguous. He asked why the owner would be eligible for a credit if the project didn't happen. Why did he pay it in the first place? Planning Manager Holland thought that this referred to situations where the owner might have paid in advance. He thought this might be clarified by looking at the entire code instead of just this portion. He offered to bring back the whole section. Planning Manager Holland also noticed that the "five years" in this section needs to be changed to "ten years". He commented they would search the section to see if there were any other spots where this needed to be changed.

Chair Leifer asked for clarification on School Impact Fees, item d. Planning Manager Holland explained that this was to avoid charging someone twice for impact fees when they pay for an actual capital facilities project identified in the district's capital facilities plan.

Chair Leifer asked how this fits in to the special exemptions on impact fees that apply until July of 2015. Planning Manager Holland explained that the exemptions would stay in place until they sunset in July of 2015.

Chair Leifer referred to real estate tax exemptions and said he was told that Quilceda Creek was exempted from real estate tax. Planning Manager Holland clarified that those units are not market rate. The exemption only works for affordable housing outside of the downtown area.

## Sign Code

Associate Planner Gemmer reviewed proposed changes to the sign code:

1. Clarify that the base of freestanding signs are to be wrapped with decorative material.
2. The electronic portion of the sign could only be 30% of the sign that is actually constructed as opposed to 30% of the sign area that could potentially be built.
3. Clarify the nonconforming sign code provision.
4. Signs 12-foot tall or under would be required to monument signs with the exception of directional signs.

# EXHIBIT C

Chair Leifer referred to section 5 regarding streamers, pennants, and banners and asked if this would rule out temporary uses of those things. Ms. Gemmer replied that it would not. Those would be addressed in the Temporary Use section.

Commissioner Andes commented that A-board signs are all over the place and no one seems to be doing anything about it. He referred to one by K-Mart that advertises a shop on the other side of the street. He asked when the City would get around to enforcing the existing code. Planning Manager Holland stated that proactive enforcement has been a staffing problem. He commented that staff does regularly pick up A-board signs that do not comply with regulations. There is a conscious effort to not pick on commercial businesses, but if they are blocking the sidewalk or being a distraction to traffic staff will take action. He recommended that people email him if they notice signs that are a problem.

Commissioner Lebo asked about political campaign signs. Planning Manager Holland stated that there are very strict regulations about this, and the City can't touch them. Candidates are supposed to remove them when the campaign is over.

## Billboards

Planning Manager Holland explained that Clear Channel has challenged the City's Ordinance to apply the amortization schedule to get rid of billboards. Staff has met with Clear Channel on numerous occasions to talk to them about what the City would like to see done. There are currently 25 billboards and 42 billboard faces in the City. The highest priority for removing billboards is in the downtown area, anywhere south of Grove. Highlights to proposed changes:

- If you install an electronic billboard you would need to remove five other billboards.
- No more than two faces would be allowed for electronic billboards.
- No new billboards unless they are electronic.
- Billboards would have to be available for public service announcements such as Amber Alerts and Strawberry Festival announcements.
- Billboards need to be spaced a minimum of 1000 feet apart.
- There is a 35-foot height limit.
- There is a 100-foot minimum setback from an intersection or a greater distance if other factors are involved that would be a public hazard.
- An electronic billboard would have a 10-foot property setback from the edge of the billboard and 15 feet from the foundation to the public right-of-way.
- There would be a setback of 100 feet from any residential zone
- Additional setbacks could apply for view corridors.
- The recommendation is 5,000 nits in daytime and 500 between sunset and sunrise. LEDs must also have dimming capabilities.
- The rate of changes would be allowed to change not more than once every 8 seconds.

# EXHIBIT C

Commissioner Andes commented that 288 square feet seems like a very large sign. Planning Manager Holland noted that it's not as big as it sounds. He offered to provide some pictures so the commissioners could see them in context.

There was discussion about some electronic signs around town and their levels of brightness.

Planning Manager Holland clarified that on Exhibit A the sending area would need to be extended up to include the whole State Avenue to Smokey Pt. Blvd. corridor and end the receiving area at 152<sup>nd</sup> South to 100<sup>th</sup>.

## OLD BUSINESS

- Honey Bees

Associate Planner Gemmer responded to questions raised at the previous meeting and reviewed proposed amendments regarding beekeeping as contained in her Memo to Gloria Hirashima dated September 17, 2014 (in the Commission's packet).

Commissioner Richards asked how they could get people who are not registered to register. Ms. Gemmer said they could inform people of the requirements if they ask or if someone informs the City of an issue they can send a letter. In general, the philosophy of the City is to not intervene unless there is an issue with compliance that is brought to their attention.

Commissioner Lebo thought that two beehives on 5,000 square feet seems like too much. Ms. Gemmer explained that the beehives are pretty small boxes. She noted that these are suggestions based on other jurisdictions and research staff has done, but the Planning Commission could recommend changes.

Chair Leifer wondered how many bees there are per acre in a natural setting. Ms. Gemmer offered to try to find the answer to that. Chair Leifer wondered how the number of feral bees compares to the proposed allowable amount.

Commissioner Lebo commented that he has a friend who keeps bees and the queen bee occasionally escapes with the whole hive following her and the owner has to go retrieve them.

Planning Manager Holland stated this would be covered at the hearing.

Commissioner Lebo suggested inviting the Department of Agriculture to the hearing to stress the importance of registering hives.

## EXHIBIT C

- Kennels

Associate Planner Gemmer reviewed the proposed amendments regarding dog daycares and kennels as contained in her Memo to CAO Hirashima dated September 17, 2014.

Commissioner Lebo asked how staff perceives the enforcement of this. Ms. Gemmer stated that if there are any complaints staff would definitely enforce the code. She noted that there are two dog daycares in town and there haven't been any problems to date. Planning Manager Holland stated that the City also has decibel- measuring equipment that can be utilized if necessary.

### **NEXT MEETING – October 14**

Planning Manager Holland stated that at the next meeting on October 14 the Planning Commission would be covering the Marysville housing profiles. A representative from Snohomish County Housing Authority, who staffs the Affordable Housing Alliance for Snohomish County, will be coming to that meeting.

The School District's capital facilities plans will also be presented at the next meeting. A representative from each district will be present to go over their plans.

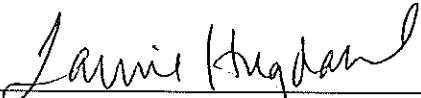
Chair Leifer thanked staff for the information provided on Industrial Center areas.

### **CITY COUNCIL AGENDA ITEMS AND MINUTES**

None

### **ADJOURNMENT**

**Motion** made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:32 p.m. **Motion** passed unanimously (5-0).

  
\_\_\_\_\_  
Laurie Hugdahl, Recording Secretary

# EXHIBIT D

## PLANNING COMMISSION



## MINUTES

September 9, 2014

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the September, 2014 meeting to order at 7:00 p.m. noting no one in the audience and the excused absence of Roger Hoen and the continuing absence of Marvetta Toler.

#### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Jerry Andes, Kay Smith, Steven Lebo, Kelly Richards

**Staff:** Planning Manager Chris Holland, Associate Planner Angela Gemmer

**Absent:** Roger Hoen, Marvetta Toler

### APPROVAL OF MINUTES

#### July 8, 2014

**Motion** made by Commissioner Andes, seconded by Commissioner Richards, to approve the July 8, 2014 Meeting Minutes. **Motion** passed unanimously (5-0).

### AUDIENCE PARTICIPATION

None

### NEW BUSINESS

#### WCIA Audit Code Amendments

Planning Manager Holland explained that the City passed the WCIA Land Use Audit, but the auditors pointed out some deficiencies based on new state laws and other factors regarding: Group Homes, Adult Family Homes and Daycare 1; Subdivision

## EXHIBIT D

Deadlines; and Vesting. Additionally staff has been receiving a lot of questions about issues related to proposed minor and major amendments to the site plans, binding site plans, short plats and subdivisions.

- Group Homes, Adult Family Homes and Daycare 1

Associate Planner Angela Gemmer explained that staff is proposing changes to the permitted uses matrices. Under state law, the City cannot treat Adult Family Homes differently than other sorts of single-family residences. The code would be amended to allow Adult Family Homes if there are existing single family residences in all commercial zones. A new single family residence would not be allowed, but if there is an existing single family residence, this amendment would enable people to pursue an Adult Family Home. Similarly, state law requires that family daycares be allowed in all zones. The code is proposed to be amended to allow Daycare 1 within commercial zones. The other change being proposed is to allow Residential Care Facilities if an existing single-family residence is in a commercial zone. With those amendments the City's code would be in compliance with the state requirement to allow Daycare 1's and adult family homes within all zones.

- Subdivision Deadlines

Planning Manager Holland discussed the changes regarding this over the years. The proposed changes would bring the City in alignment with the state RCW by amending the subdivision approval terms and short subdivision approval terms to match what is included in the RCW. This means 90 days to be approved or returned to the applicant for modifications or corrections. A final subdivision has to be approved within five years if approved after January 1, 2015. The applicant would have seven years to have a final subdivision or short subdivision if it received preliminary approval before December 31, 2014 or ten years if it received preliminary approval before December 31, 2007. The City has always treated the subdivisions and short subdivisions per the RCWs, but this would codify it for clarification.

Chair Leifer asked if the response time was 60 days or 120 days before this. Planning Manager Holland replied that it was 60 days in the City's code for short subdivisions, and 90 days for the rest. He acknowledged that the RCW is confusing. Generally, the City's response time is about three weeks. General discussion about response times followed.

Commissioner Andes asked about the possibility for extensions. Planning Manager Holland indicated that there is still a provision for a one-year extension from the Community Development Director.

Chair Leifer asked how these provisions work with the special extensions for civil construction plans that were given during the economic downturn. Planning Manager Holland explained that in the Engineering section of the code it states that your approval is good for as long as the project approval is good.

# EXHIBIT D

- Vesting

Planning Manager Holland commented that the current vesting language is substandard, and the auditor provided examples of better vesting language. Staff is proposing to eliminate the entire current vesting section and replace it with a new section. Planning Manager Holland reviewed the proposed vesting language consisting of Purpose, Applicability, Vesting of Applications, Duration of Vesting, and Waiver of Vesting. He emphasized that vesting does not apply to processes.

- Minor and Major Amendments

Staff is proposing the following changes. A minor amendment for a short subdivision would mean not more than one additional lot. For subdivisions, single-family detached units, cottage housing, townhomes, and multi-family developments, a minor amendment would be the lesser of a 10 percent increase in the number of lots or units or an additional 10 lots or units; a reduction in the number of lots or units; a change in access points; a change in project boundaries required to address surveying errors or other issues; a change to the internal lot lines that does not increase lot or unit count beyond the amount allowed; a change in the aggregate areas of designated open space that would decrease the amount by more than 10 percent; or a change not addressed above that does not substantially alter the character of the approved development application or site plan and prior approval.

Commissioner Andes commented that if you go from a vault to a pond, but you give up a lot or two to get the open space back to where it should have been it shouldn't be a major modification. Chris Holland concurred.

Planning Manager Holland explained that a major revision for a subdivision would be the lesser of a 20% increase in the number of lots or units or an additional 20 lots or units; a change in the project boundaries; a change in lot lines, a change in the aggregate area of designated open space beyond what is allowed as a minor revision; and a change not addressed above. Proposed increases to fees related to associated costs were also reviewed (page 8 of 8 in the Commission Packet in the WCIA Audit section). The fees are based on the amount of scrutiny required for a major amendment.

There were no questions or concerns raised.

## Master Planned Senior Communities

Planning Manager Holland explained that staff recently received a request to do a Master Planned Senior Community in a Community Business zone. The Master Plan provides for a variety of housing and care options for senior citizens including independent senior housing, assisted living, nursing care, recreation, dining, and onsite medical facilities. The City does not see commercial zones as the most desirable zone

## EXHIBIT D

for these types of facilities. The City Council recently set a public hearing to enact a moratorium to not allow Master Planned Senior Communities in commercial zones for a period of 6-months. He pointed out that the General Description, Criteria, and Standards for those zones is also included in the packet. Staff is proposing to remove these types of business from the Permitted Uses in the NB, CB, GC and DC zones. Master Planned Senior Communities would continue to be allowed in the Mixed Use and Public Institutional zones. They would also continue to be permitted in all residential zones upon obtaining a Conditional Use Permit.

### Honey Bees

Associate Planner Angela Gemmer explained that recently the City Council had received concerns related to beekeeping and has asked the Planning Commission to review this matter. She presented a memo regarding basic information on bees and comparative best management practices policies to promote compatibility with residential uses. She summarized that backyard beekeeping is something that can be compatible with adjacent residential uses if proper management uses are in place. Presently there are no regulations pertaining to bees. Staff is proposing some basic regulations to ensure that the use would be compatible with adjacent properties.

Commissioner Richards asked if a license is required for beekeeping in Marysville. Associate Planner Gemmer commented that beekeepers are supposed to register their hives with the state, but there are currently no regulations in the City regarding beekeeping. Ms. Gemmer thought the information regarding hives could be obtained from the Department of Agriculture. The proposed regulations would be useful in the event that any issues arise.

Commissioner Andes commented that the two hives on a lot under 5,000 square feet seems like too much. He recommended a minimum lot size of about 5,000 square feet. Planning Manager Holland said he didn't think there would be many folks with beehives in urban developments because of the lack of foraging opportunities. He thought there would be more beehives next to NGPA areas where they can actually thrive. Ms. Gemmer commented that beekeeping is a complicated endeavor and people who pursue it are pretty serious about it. Planning Manager Holland offered to bring back some minimum lot size alternatives.

Chair Leifer commented that it was interesting comparing what other communities allow.

### Kennels

Associate Planner Gemmer explained that staff has become aware that the existing code regarding dog daycares and kennels is somewhat restrictive. Staff wants to make sure they are compatible with adjacent uses while perhaps allowing them to occur in smaller areas.

Chair Leifer asked if the five-acre minimum lot size was exclusively for the dog kennel or if other uses could be done on the property. Associate Planner Gemmer replied that



## EXHIBIT D

the code is not clear on that point. Chair Leifer wondered if it was economically feasible for a dog kennel operation to set aside five acres of industrial property to operate. He commented that it might be possible to have the dog kennel in the center of the five acres with other uses around the edges of the property as a noise buffer.

Ms. Gemmer commented that it appeared most kennel operators had a hard time finding a five-acre piece of property. She explained that staff is hoping to make the code more flexible to allow uses in existing structures if proper measures are taken regarding noise and other issues. Staff is proposing eliminating the five-acre threshold for kennels, allowing dog day cares as its own use in the code but no longer allowing it in the Neighborhood Business zones; restricting dog daycares to indoors in general with outdoor runs; and including a general provision to comply with the WAC in terms of noise, etc. Staff will be coming back to discuss this more.

### COMMISSIONER COMMENTS

Chair Leifer asked if the state's 10-year tax exemption for multifamily can only be used for affordable housing or if it can be used for market rate housing. Planning Manager Holland stated that the only way you get the tax exemption market rent apartments is if the City adopts a provision allowing a tax exemption. The only area the City currently allows it is in the downtown. There is a formula requiring a certain percentage of affordable units. For state and federal tax exemptions it could not be a market rate unit unless it was located downtown.

### CITY COUNCIL AGENDA ITEMS AND MINUTES

#### ADJOURNMENT

**Motion** made by Commissioner Richards, seconded by Commissioner Lebo, to adjourn the meeting at 8:16 p.m. **Motion** passed unanimously.

#### NEXT MEETING:

September 23, 2014

  
\_\_\_\_\_  
Laurie Hugdahl, Recording Secretary

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING MARYSVILLE MUNICIPAL CODE (MMC) SECTIONS 10.04.460 REGARDING COMMERCIAL KENNELS AND PET SHOPS – GENERAL CONDITIONS; MMC 22A.020.120 BY AMENDING THE DEFINITION FOR “KENNEL, COMMERCIAL”; MMC 22A.020.170 BY ADDING A DEFINITION FOR “PET DAYCARE”; MMC 22C.020.060 REGARDING TABLE OF PERMITTED USES; MMC 22C.020.070 REGARDING PERMITTED USES – DEVELOPMENT CONDITIONS; AND AMENDING MMC 22A.010.160 REGARDING GENERAL ADMINISTRATION, RELATED TO TRACKING AMENDMENTS TO THE CITY’S UNIFIED DEVELOPMENT CODE.**

**WHEREAS**, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

**WHEREAS**, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

**WHEREAS**, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

**WHEREAS**, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

**WHEREAS**, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City’s municipal code and development code (MMC Title 22); and

**WHEREAS**, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

**WHEREAS**, during public meetings on September 9, 2014 and September 23, 2014, the Planning Commission discussed proposed amendments to MMC 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

**WHEREAS**, after providing notice to the public as required by law, on November 12, 2014, the Marysville Planning Commission held a Public Hearing on proposed amendments to the City's development regulations which was continued to November 25, 2014; and

**WHEREAS**, on November 25, 2014, at the continued public hearing, the Planning Commission made a Recommendation to the City Council recommending the adoption of proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

**WHEREAS**, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to MMC Sections 10.04.460, 22A.020.120, 22A.020.170, 22C.020.060, 22C.020.070, and 22A.010.160; and

**WHEREAS**, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on September 17, 2014, as required by RCW 36.70A.106; and

**WHEREAS**, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

**WHEREAS**, the City Council finds that it is in the best interest of the community to adopt these amendments;

**NOW, THEREFORE**, the City Council of the City of Marysville, Washington do ordain as follows:

**Section 1.** Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's November 25, 2014 Recommendation regarding the proposed development regulation revisions, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit "A"**, is hereby adopted and incorporated herein by this reference.

**Section 2.** MMC 10.04.460, Commercial kennels and pet shops – General conditions, is hereby amended to read as follows:

**10.04.460 Commercial kennels, animal shelters, pet daycares, and pet shops – General conditions.**

Commercial kennels, animal shelters, pet daycares, and pet shops shall meet the following conditions:

(1) Animal housing facilities shall be provided the animals and shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury and restrict the entrance of other animals. In addition, each animal housed in any animal shelter, commercial kennel, pet daycare, or pet shop or enclosure therein shall be provided with adequate floor space to allow each animal to turn about freely and to easily stand, sit, and lie in a comfortable normal position.

(2) Electrical power shall be supplied in conformance with applicable electrical codes adequate to supply heating and lighting as may be required by this chapter.

(3) Indoor facilities must comply with the following:

(a) Be heated or cooled to protect the animals from temperatures to which they are not acclimated;

(b) Provide adequate ventilation for the health of the animals and to remove foul odors;

(c) Interior walls, ceilings, and floors must be sealed and resistant to absorption of moisture or odors;

(d) Flooring must be an impervious surface that can be sanitized; and

(e) Suitable drainage must be provided to eliminate excess water.

(4) Outdoor facilities must comply with the following:

(a) Shelter from the elements must be provided;

(b) Suitable drainage must be constructed to prevent an accumulation of water, mud, debris, etc. and to enable proper cleaning of the facilities; and

(c) Walls or fences to contain animals and prevent entry of other animals must be provided.

~~(35)~~ Water shall be supplied at sufficient pressure and quantity to clean indoor housing facilities and enclosures of debris and excreta.

~~(46)~~ Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

~~(57)~~ Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards.

~~(68)~~ Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available to maintain cleanliness among animal caretakers and for the purpose of washing utensils and equipment.

~~(79)~~ Sick, diseased or injured animals shall be separated from those appearing healthy and normal and if for sale, shall be removed from display and sale and kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

~~(810)~~ There shall be an employee or keeper on duty at all times during hours any store or facility is open whose responsibility shall be the care and supervision of the animals in that shop or department held for care, sale or display.

~~(911)~~ An employee, keeper or owner shall make provision to feed, water and do the necessary cleaning of animals on days the store or establishment is closed.

~~(1012)~~ No person, persons, association, firm or corporation shall misrepresent an animal to a consumer in any way.

~~(1113)~~ No person, persons, associations, firm or corporation shall knowingly sell a sick or injured animal.

~~(1214)~~ Animals which are caged, closely confined or restrained shall be permitted daily, and for an appropriate length of time, as determined by their size, age and species, to exercise in a yard or area suitable for that purpose.

(15) Noise levels shall comply with the standards set forth in Chapter 173-60 Washington Administrative Code (WAC). If noise levels exceed these standards, mitigation measures such as, but not limited to, soundproofing of buildings or outdoor facilities, prohibiting overnight boarding, restricting outdoor access, limiting the number of animals receiving care, separating animals into different groups, etc. shall be implemented in order to achieve compliance with the noise standards set forth in WAC 173-60-040.

(16) Animal facilities (indoor and outdoor) must maintain a 25 foot setback to any neighboring structure used for human habitation located in a nonresidential zone, and a 100 foot setback to any neighboring structure used for human habitation located in a residential zone.

**Section 3.** MMC 22A.020.120, "K" definitions, Definitions, is hereby amended by amending the definition below to read as follows:

**22A.020.120 "K" definitions.**

"Kennel, commercial" means any lot or unit of adjoining lots in the city on which a total of more than four dogs and/or cats, or a combination of the same, over three months of age are kept and/or maintained for board, propagation, training or treatment. ~~Such kennel must be established on a minimum of five acres; provided, that~~ The term "commercial kennel" shall not apply to legally established commercial enterprises which operate exclusively as veterinary hospitals or clinics, pet stores, pet daycares, or grooming parlors.

**Section 4.** MMC 22A.020.170, "P" definitions, is hereby amended by adopting a new definition which shall read as follows:

**22A.020.170 "P" definitions.**

"Pet daycare" means any commercial facility where four or more dogs, or other pet animals, are left by their owners during the daytime for periods of supervised social interaction in play groups with other animals of the same species. Supervised social interaction occurs during the majority of the time the pets are at the facility.

**Section 5.** MMC 22C.020.060, Permitted uses table is hereby amended as follows. (All other provisions of MMC 22C.020.060 remain in effect and unchanged):

**22C.020.060 Permitted uses.**

<b>General Services Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
<b>Personal Services:</b>										
Kennel, commercial and exhibitor/breeding (70)		P	P			C	P	P		
Pet daycare (70), (71)		P	P	P	P	P	P	P		

**Section 6.** MMC 22C.020.070, Permitted uses – Development conditions, is hereby amended by adding the following subsections (70) and (71) which shall read as follows. (All other provisions of MMC 22C.020.070 remain in effect and unchanged):

**22C.020.070 Permitted uses – Development conditions.**

(70) Subject to the requirements set forth in MMC Section 10.04.460.

(71) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in the WAC 173-60-040.

**Section 7.** MMC 22A.010.160, Amendments, is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

**"22A.010.160 Amendments.**

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Pet Daycares and Kennels	_____, 2015"

**Section 8. Severability.** If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 9. Effective Date.** This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(5 days after publication)