

**CITY OF MARYSVILLE**

**EXECUTIVE SUMMARY FOR ACTION**

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

<b>AGENDA ITEM</b> Ordinance adopting amendments to Marysville Municipal Code Chapter 10.04 <i>Animal Control</i> , adding a new Section 10.04.335, related to beekeeping	<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, October 28</li> <li>• Exhibit D – PC Workshop Minutes, September 23</li> <li>• Exhibit E – PC Workshop Minutes, September 9</li> <li>• Exhibit F – Written Public Comments</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, September 23, and October 28, 2014, and a duly advertised public hearing on November 25, 2014 to review proposed amendments to the Marysville Municipal Code (MMC) Chapter 10.04 *Animal Control*, adding a new Section 10.04.335, related to beekeeping. The proposed amendments propose regulations including, but not limited to, prohibiting beekeeping on lots that are 5,000 square feet or less; allowing a specified number of hives per lot for lots greater than 5,000 square feet; providing for five hives per acre for agricultural uses on properties that are four acres or larger; and other standards such as hive setbacks or fencing adjacent to hives so that bee movements do not impact neighboring residential uses. Local beekeepers attended a workshop and their feedback resulted in changes to the proposed ordinance such as an allowance for a temporary (30-day) increase in the number of hives to enable proper hive management, and the agricultural exemption noted above.

The Planning Commission 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 adopting amendment to Marysville Municipal Code Chapter 10.04 *Animal Control*, adding a new Section 10.04.335, related to beekeeping.

**COUNCIL ACTION:**



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

## PC Recommendation - Beekeeping

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 Beekeeping by amending Marysville Municipal Code (MMC) Chapter 10.04 *Animal Control* by adding a new Section MMC 10.04.335 *Beekeeping*, 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 public work sessions to review amendments related to Beekeeping on September 9, September 23, and October 28, 2014.
2. The proposed amendment to MMC Chapter 10.04 *Animal Control* is exempt from State Environmental Policy Act review under WAC 197-11-800(19).
3. The Planning Commission held a duly-advertised public hearing on November 12, 2014, which was continued to November 25, 2014. No public comments were received at the public hearing.
4. Written public comments were received prior to the public hearing, and are attached hereto as **Exhibit F**.

### CONCLUSION:

At the public hearing, held on November 12, 2014, which was continued to November 25, 2014, the Planning Commission recommended adoption of amendment to MMC Chapter 10.04 *Animal Control* adding a new Section MMC 10.04.335 *Beekeeping*, as reflected in the Ordinance attached hereto as **Exhibit A**, and as reflected in the Planning Commission Minutes attached hereto as **Exhibit(s) B, C, D & E**.

### RECOMMENDATION:

Forwarded to City Council as a Recommendation of Approval of the amendment to MMC Chapter 10.04 *Animal Control* adding a new Section MMC 10.04.335 *Beekeeping* by the Marysville Planning Commission this 25<sup>th</sup> day of November, 2014.

By: \_\_\_\_\_

Steve Laifer, Planning Commission Chair

# EXHIBIT A

## CITY OF MARYSVILLE Marysville, Washington

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

#### **AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO THE CITY'S ANIMAL CONTROL REGULATIONS; AND ADDING A NEW SECTION 10.04.335 BEEKEEPING TO MMC CHAPTER 10.04 ANIMAL CONTROL.**

**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

**WHEREAS**, during public meetings on September 9, 2014, September 23, 2014, October 28, 2014, and November 25, 2014, the Planning Commission discussed proposed amendments to add a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

**WHEREAS**, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

**WHEREAS**, on November 25, 2014 the Planning Commission made a Recommendation to the City Council recommending adoption of a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

**WHEREAS**, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed addition of MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

**WHEREAS**, the City Council finds that it is in the best interest of the community to adopt MMC Section 10.04.335 regulating beekeeping;

**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 and the adoption of a new MMC Section 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04, 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 Chapter 10.04, Animal Control, is hereby amended by adopting new MMC Section 10.04.335, Beekeeping, to read as follows:

#### **10.04.335 Beekeeping.**

Beekeeping shall be permitted subject to the following:

(1) Beehives are permitted in any zone, subject to the following conditions and limitations:

(a) Hives are prohibited on lots that are 5,000 square feet or less;

# EXHIBIT A

(b) Two hives on lots between 5,001 and 10,000 square feet;

(c) Five hives on lots between 10,001 and 35,000 square feet;

(d) Fifteen hives on lots over 35,000 square feet; and

(e) The hive limitations outlined in subsections (a)-(d) apply to agricultural uses on lots less than four acres in size. Agricultural uses on lots that are four acres or larger are permitted to have five hives per acre.

(f) The limits on hives outlined in subsections (a)-(e) above may be temporarily increased by 100 percent for a period not to exceed 30 days for the purpose of "splits" (making two hives from an existing hive), or to avoid swarming.

(2) Hives must be set back at least 25 feet from each property line with the following exceptions:

(a) The setback for hives may be reduced to 5 feet from each property line if:

(i) Hives are situated eight feet or more above the adjacent ground level; or

(ii) Hives are less than six feet above the adjacent ground and are behind a solid fence or hedge which is at least six feet in height and parallel to any property within 25 feet of the hives and extending at least 20 feet beyond the hive in both directions.

(iii) Hives abutting a Native Growth Protection Area (NGPA) or open space tract not intended for recreation may be located up to the property line.

(3) Colonies shall be maintained in movable frame hives with a maximum of one colony per hive;

(4) Adequate space shall be provided in each hive to prevent overcrowding and minimize swarming;

(5) Colonies shall be requeened annually, or any time following swarming or aggressive behavior, with a queen of suitable docile strain;

(6) All colonies shall be registered with the Washington State Department of Agriculture in accordance with RCW 15.60 and 15.62; and

(7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 6.24 MMC, Public Nuisances.

**Section 3. 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 4. 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.

# EXHIBIT A

CITY OF MARYSVILLE

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

Attest:

By: \_\_\_\_\_  
APRIL O'BRIEN, DEPUTY 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

## EXHIBIT B

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

October 28, 2014

7:00 p.m.

City Hall

### CALL TO ORDER

Chair Leifer called the October 28, 2014 meeting to order at 7:00 p.m. noting the excused absences of Commissioners Lebo and Richards and the ongoing absence of Marvetta Toler. He also noted the presence of several audience members. Chair Leifer requested a moment of silence for the victims and those hurting as a result of the shooting at Marysville-Pilchuck High School last week.

### Marysville

**Chairman:** Steve Leifer

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

**Staff:** Angela Gemmer

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

### APPROVAL OF MINUTES

October 14, 2014

Chair Leifer referred to page 4 of 8, paragraph 2, and noted it should be *Lakewood school area* instead of Lake Stevens. He also noted that on page 7, the second to last paragraph, the word *not* should be removed.

Commissioner Smith noted she would be abstaining from the vote as she was absent from the meeting.

**Motion** made by Commissioner Andes, seconded by Commissioner Hoen, to approve the October 14 Meeting Minutes as amended. **Motion** passed unanimously.

# EXHIBIT C

## Public Hearing

- Caretaker's Quarters code amendment

The public hearing was opened at 7:04

Angela Gemmer introduced this item and reviewed the proposed Ordinance regarding Caretaker's Quarters.

Commissioner Andes asked if this would still disallow mobile homes in all cases. Ms. Gemmer explained that in the Light Industrial and General Industrial zones a manufactured home would be possible. There is a provision for a job shack or temporary structure for construction situations or if you are caring for an invalid family member. You would have to anchor it per the manufacturer's specifications but it wouldn't have to meet design requirements in Light Industrial or General Industrial zones. In other commercial zones there are design standards that would apply.

Commissioner Andes expressed concern about the extra cost associated with this. He referred to the new car dealerships and said he has seen a motor home that appears to be used strictly for surveillance and monitoring the automobiles when the place is closed. It seems to him like the regulations should be part of the permit process to inform businesses that they will have to provide space for something specific to caretaking because they don't have room in their buildings for somebody to stay and live permanently. Ms. Gemmer agreed that this might be a good thing to bring up to applicants. Not everyone wants someone onsite for that purpose, but if you are going to have someone, there are specific requirements. Ms. Gemmer offered to table this item and bring it back with more clarification on that.

Commissioner Hoen asked for clarification. Ms. Gemmer noted that if you are constructing a personal residence or developing a subdivision you can have a job shack.

Commissioner Andes expressed concern about this being a burden to business owners to have to attach something to the ground to protect their inventory. He thought they should allow someone to pull in temporarily to watch over things.

Chair Leifer reiterated that he is thoroughly supportive of allowing someone to stay in a decent RV to watch over the wares and the treasures of businesses in this community that so often have been vandalized over and over again. The police are just not able to stop it. For the most part these crimes just go unabated and the losses mount up for businesses. For some businesses this equates to hundreds of thousands of dollars in losses. It bothers him that the City is so concerned about problems that *might* come up as a result of allowing that situation to take place when there are other ways of dealing with abuse of the situation. He thinks that the City should be more flexible and not require hooking up to water and sewer and other construction costs just to have someone come onto the site. He noted that a lot of times a roving RV is a much more effective way to secure the site anyway. He summarized that this is not a fair analysis of

## EXHIBIT C

the situation, but it appears that staff is adamant about it. Perhaps going forward as things change they can take another look at it.

Commissioner Smith strongly agreed with Chair Leifer. There was a time when she was in the same position as a small business owner where things were being stolen because there was nobody there to protect them. She can't understand why the City can't help the small business person or even the big businesses and would disregard that situation.

Ms. Gemmer said she'd be happy to table this matter for further discussion. She stated she would take these concerns back to staff to see if something needs to be reworked. She pointed out that today a camper or RV is not allowed so that part is not changing with this proposal. The intent of this amendment is so that existing structures in commercial zones that have been abandoned for residential purposes are not reestablished for caretaking quarters. It sounds like there are two different concerns. The objective of staff is to prevent the circumvention of the caretaker's quarter's provisions. The concern brought up by the Planning Commission, regarding the type of structure being too stringent, is not proposed to be changed with this amendment. She thought it might be appropriate for Planning Manager Chris Holland to address that matter with the Planning Commission.

Commissioner Hoen asked if there has been research of other jurisdictions about their codes regarding caretaker's quarters. Ms. Gemmer stated she had researched this in the past and there is not a lot to compare to. She offered to look into it again.

Commissioner Andes said it seems like two separate issues. He is supportive of the residential property portion of the code, but has serious concerns about the manufactured home requirements issue.

Chair Leifer commented that it's not totally separate because RVs would still be precluded under this ordinance. Ms. Gemmer replied that this might actually be a building code issue. Chair Leifer commented that refers to the use of job shacks and that sort of things on job sites that are under construction. The subject is on the table, but it doesn't allow it for any other situation other than that. That apparently negates the option to utilize them. Ms. Gemmer agreed that the Temporary Use code explicitly states what the use and purpose is. There is a provision for the Community Development Director to authorize additional temporary uses not listed specifically; However, if something is specifically listed that is the provision that would be used.

Chair Leifer commented that the consensus of the Planning Commission members present tonight appears to be that it would be beneficial to allow RVs. He noted that there appears to be a disagreement between what the Planning Commission believes is best and what the staff wants. Ms. Gemmer stated she would take these concerns back to Planning Manager Chris Holland.

Commissioner Hoen commented that it seems like there is an overriding concern about unintended consequences of this. It appears that the objective of staff is to avoid the

# EXHIBIT C

unintended consequence of somebody moving his family onto a commercial site as opposed to allowing someone to do his job.

Ms. Gemmer stated that the permanence issue is not changing. Today, with a footnote in the permitted uses matrices, an RV or camper trailer would not be allowed to be utilized for a caretaker's quarters. The concern raised by the Planning Commission is status quo. The intent of the proposal is to prevent something that is not truly a caretaker's quarters from being established in a commercial zone.

Commissioner Andes asked what staff thinks the car dealers are going to say when the City sends the code enforcement officer out there to say they have to remove their motor home. He doesn't think they will comply because they have millions of dollars of inventory they need to protect.

Chair Leifer wondered who in the world is driving around worrying about whether there is an RV parked on some industrial site or a commercial lot. Ms. Gemmer thought it was mainly complaint driven. Chair Leifer stated he is totally against the direction this is going.

Commissioner Andes said he would like to see more work done on this particular issue and to bring it back for more discussion. He stressed that business owners need to be able to protect their assets by having someone on site to monitor things.

**Motion** made by Commissioner Andes, seconded by Commissioner Smith, to bring this back for reconsideration. **Motion** passed unanimously.

Commissioner Hoen said he is familiar with someone who has a pretty sophisticated camera/alarm system that detects motion and calls his house. This seems to be cost effective for mid-range businesses.

The hearing was closed at 7:30 p.m.

## Old Business

- Bees

Commissioner Smith pointed out a typo in the memo where *aviary* was mistakenly used instead of *apiary*.

Jeff Thompson, Mr. Thompson, President, Northwest District Beekeepers Association gave a presentation on beekeeping to the Planning Commission. The purpose of the NW Beekeepers is to encourage people to become beekeepers and assist them in being good beekeepers. He is also a master gardener.

He expressed concern about the proposed ordinance's focus on lot size. He noted that when addressing new beekeepers they always encourage them to start with two hives to balance things out and to help prevent swarming. Beekeepers don't want hives that

## EXHIBIT C

swarm because it ruins honey production. Beekeepers have a responsibility as well as an economic incentive to keep their hives from swarming. A lot of things in the ordinance are things that could be considered good beekeeping practices and he has no issue with them. However, having one hive makes it very difficult. He explained that honeybees don't even exist in the wild anymore. He noted that bees only swarm when they are too crowded or when they are looking for something they don't have. He commented that sometimes people don't know the difference between honeybees and yellow jackets. He addressed concerns about deaths related to bee stings. He explained that more than half of the people who died (2500 people) of anaphylactic reactions in the last 21 years died as a result of prescription medication not bees. The real problem is very small. Bees are not a major cause of death. Most beekeepers are very responsible people.

Regarding lot size requirements, he stated that Marysville's proposal is the most restrictive he has seen. He thinks they are doing citizens a disservice with this. Bees are one of the most fascinating, most studied insects in the world. He encouraged the City to allow more hives per lot.

Chair Leifer asked what an Africanized bee is. Mr. Johnson explained that Africanized bees are a type of bees that came from Africa and originally came to this country for research purposes and escaped to the wild. When they attack, Africanized bees (or killer bees) attack a person in a large hive or swarm instead of individually as honeybees do. Beekeepers don't want them.

Chair Leifer asked how many bees exist in nature in a certain area. Mr. Johnson explained that specific crops like almonds, only the honey bee can pollinate it. The more pollinators you get the higher the production. Apples can be pollinated by mason bees or honeybees. Regarding a background number of honeybees in a community he said he didn't have a good answer on that. Chair Leifer wondered how many bees a farmer would need to pollinate their crops.

Dan Hall, 5325 77<sup>th</sup> Place NE, Marysville, WA 98270, explained that there is no specific number. It varies from crop to crop.

Chair Leifer commented that if they can't come up with a certain number of bees that it takes to pollinate a certain amount of crops, agricultural uses should be exempt from these regulations. Mr. Hall explained that farmers aren't going to want to pay for more bees than they need so it's sort of self-limiting. He agrees that an agricultural exemption makes perfect sense because that's not where the concern is anyway. You don't want to limit farmers from getting the pollination they need. He added that one reason honeybees are used for crops is because they are movable from crop to crop. You can't do that with other kinds of bees.

Mr. Hall stated this is his fourth year keeping bees. He agrees that having some parameters is a very good thing, but he hopes it won't be detrimental to the hobbyist beekeeper. He noted that having two hives gives beekeepers the ability to manage those hives and see the growth. Regarding a number of bees per beehive, he



## EXHIBIT C

commented on the changes that a beehive undergoes throughout the year. By the end of July or August the hive is huge compared to the size it is in February. Also, trying to limit a hive to try to limit the number of bees in a specific neighborhood doesn't make sense because they will forage 2 to 5 miles away. Bees only swarm when they run out of space. Beekeepers manage the hives to avoid that. Limiting the hives to only one per lot is not doing anyone a favor. He recommended having a minimum amount of two hives instead of one.

Larry Brainard, 829 Dayton Street, Edmonds, WA stated he has been a beekeeper for about five years. He has 65 hives on many lots that he manages full time. He acknowledged that they need to do the right thing for communities, but wondered if square footage is the appropriate way to regulate this. He suggested looking at courses offered by Washington State Beekeepers Association and the Master Beekeepers at different levels. In addition to all other aspects of study, taking an apprentice course is really important. Good beekeeping also requires good communication with neighbors because the forage area of a colony is about 1 to 4 miles from the hive. One of the factors for bee colony health is the availability of the forage area.

Mr. Hall explained that this is self-regulating because the area has to be able to support the hives. He stated that the one change he would recommend is changing the limit of one hive to a minimum of two hives.

Mr. Johnson concurred that the limitation of one hive would preclude anyone from really being a good beekeeper. There was discussion about how beekeepers sometimes separate a hive into two to address growth. Regarding annual requeening, Mr. Johnson noted that this is very important. He requeens his hives every year to prevent swarming. Conscientious beekeepers do this as needed to prevent swarming. Mr. Hall commented on the misconception about what a bee is and what a honeybee is in particular. People don't understand that if it's coming out of a paper nest it's not a honeybee. Honeybees travel to a home such as a hole in a tree; they don't make a home. He noted that the honeybee can't survive without humans in this climate. Mr. Brainard noted that beekeepers are beneficial to a community because they will go out and collect bee swarms from other people's property. In principle, the more beekeepers you have the more availability of beekeepers you have to control swarms in a community.

Teresa Jorgenson, 7032 66<sup>th</sup> Drive NE, Marysville, WA 98270, spoke to the benefit of beekeepers in the community. Her daughter was able to identify yellow jackets for a neighbor who then knew how to deal with them. This has been a great family project for her and her daughter.

Chair Leifer suggested changing the ordinance by going from one to two hives on lots less than or equal to 5,000 square feet and an added provision that would exempt all agricultural uses from the regulations.

Mr. Hall thought it was a good compromise. Mr. Johnson agreed, but noted that sometimes there is a need to have an extra hive to prevent swarm prevention. He said

# EXHIBIT C

he saw another ordinance that allowed temporary hives for 30 days when hives need to be expanded temporarily. He spoke to the importance of allowing flexibility.

There was discussion about the need for community education on this topic. Mr. Johnson noted that most beekeepers are very responsible. He also spoke to the importance of encouraging good beekeeping habits. Mr. Brainard commented that 9 times out of 10 the stings are not from honeybees, but from yellow jackets or hornets.

Mr. Brainard discussed Africanized bees or killer bees and why they are not a threat to this area. There was also discussion about the international black market honey business.

Mr. Johnson offered to assist staff in crafting some language

**Motion** by Commissioner Hoen, seconded by Commissioner Andes, to direct staff to address issues related to:

- Minimum of two hives
- Lot sizes
- Provision for temporary increase to avoid swarming issues
- Consideration of exclusion legitimate agricultural uses

**Motion** passed unanimously (4-0).

The Commission thanked the beekeepers for coming in to share the information.


## CITY COUNCIL AGENDA ITEMS AND MINUTES

### ADJOURNMENT

**Motion** made by Commissioner Hoen, seconded by Commissioner Smith, to adjourn the meeting at 9:15 p.m. **Motion** passed unanimously.

### NEXT MEETING:

November 12, 2014

  
\_\_\_\_\_  
Angela Gemmer, Associate Planner  
for Laurie Hugdahl, Recording Secretary

# EXHIBIT D

## 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 D

## 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 D

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 D

## 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 D

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 D

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 D

- 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.

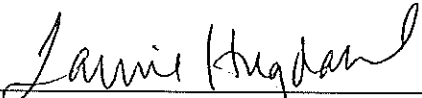
Chair Leifer thanked staff for the information provided on Industrial Center areas.

### **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 E

## 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 E

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 E

- 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 E

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 E

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

# EXHIBIT F

**Angela Gemmer**

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**From:** Jeff Thompson [poohfuff@aol.com]  
**Sent:** Tuesday, November 04, 2014 12:53 PM  
**To:** Angela Gemmer  
**Subject:** Re: Marysville bee regulations-revisions

Hi Angela:

I think you might re-write the agricultural exemption. From the Winkikipedia link I sent, looks like the MAXIMUM number of hives for pollination is 4/acre. If you want to stipulate that for any agricultural exemption, up to 4 hives per lot, and then 4 hives/acre would be allowed, I think that would make everyone happy. Since allowing for splits (making one or more hives out of a single large hive) as a necessary tool to prevent swarming, splits should be allowed up to 30 days. Therefore, I think allowing one "split" for every allowed hive for a period not exceeding 30 days would be a good idea.

If you want me to attend the next meeting, let me know.

Jeff

-----Original Message-----

**From:** Angela Gemmer <agemmer@marysvillewa.gov>  
**To:** Jeff Thompson <poohfuff@aol.com>  
**Sent:** Tue, Nov 4, 2014 12:31 pm  
**Subject:** RE: Marysville bee regulations-revisions

Hi Jeff,

Thank you again for these recommendations. We're incorporating these recommendations in a revised draft ordinance that we're taking back to Planning Commission on November 12<sup>th</sup>. With the 30 day exception which allows for a temporary doubling of hives, was the intent to have that apply to lots that have hives for agricultural purposes as well?

Thank you!

**Angela Gemmer, Associate Planner**  
Community Development Department  
City of Marysville  
80 Columbia Avenue  
Marysville, WA 98270

ph. 360.363.8240  
fax 360.651.5099

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**From:** Jeff Thompson [mailto:poohfuff@aol.com]  
**Sent:** Wednesday, October 29, 2014 10:34 AM  
**To:** Angela Gemmer  
**Subject:** Re: Marysville bee regulations-revisions

# EXHIBIT F

Good morning. I have attached a word file with suggested corrections included. New wordage is underlined, old has a strike through it.

I researched pollination and agricultural needs of our crops. Most if not all, require 6 or less hives per acre (Source Winkipedia: [http://en.wikipedia.org/wiki/Pollination\\_management](http://en.wikipedia.org/wiki/Pollination_management)) Since the proposed regulations allow 15 hives on 35,000 square feet, and since an acre is about 43,560 sq. ft., I think the concerns over not limiting farmers adequate pollination is probably moot. FYI, migratory hives are moved on pallets of 6 hives to the pallet, which is why I wrote in 6 as the selected number of hives. A very good thought and consideration by the commissioners.

I struck out the "breeder raised" queens, as this is ambiguous, and not necessarily assurance of a more docile queen and by extension-a more docile hive.

Let me know if there is anything else I can do to help. or if the commissioners would like me to attend the next time this is discussed.

See what you think:

-----Original Message-----

From: Angela Gemmer <[agemmer@marysvillewa.gov](mailto:agemmer@marysvillewa.gov)>

To: Jeff Thompson <[poohfuff@aol.com](mailto:poohfuff@aol.com)>

Sent: Wed, Oct 22, 2014 3:40 pm

Subject: RE: Marysville bee regulations

Jeff,

Thank you very much for getting back to me! I appreciate it. The meeting will be on Tuesday, October 28<sup>th</sup> at 7:00 pm at 1049 State Avenue 2<sup>nd</sup> Floor (it'll be the open room to the slight left across from the top of the stairs). We look forward to learning more from you.

Thank you!

**Angela Gemmer, Associate Planner**

Community Development Department

City of Marysville

80 Columbia Avenue

Marysville, WA 98270

ph. 360.363.8240

fax 360.651.5099

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**From:** Jeff Thompson [<mailto:poohfuff@aol.com>]

**Sent:** Wednesday, October 22, 2014 2:13 PM

**To:** Angela Gemmer

**Subject:** Re: Marysville bee regulations

Angela:

You bet. I will be present, and may have one or two more.

I have been doing some research, have talked with the WSBA President, and Jim Tunnell the proprietor of Beez Neez Apiary (our local bee supply store) in Snohomish. I have also found a summary of other cities regulations on the PSBA (King County) website, which I will forward to you. Most of it I am sure you have seen, but they all address the issue of lot size/hive numbers...some very loosely, some more tightly. I hope if you think it helpful, to have you make a slide or print it or whatever you think most beneficial.

I do need the location, and will pass it along to the others.



# EXHIBIT F

Link to PSBA info: <http://www.pugetsoundbees.org/beekeeping-laws/>

I'm looking forward to be part of the process.

Jeff

-----Original Message-----

From: Angela Gemmer <[agemmer@marysvillewa.gov](mailto:agemmer@marysvillewa.gov)>

To: Jeff Thompson <[poohfuff@aol.com](mailto:poohfuff@aol.com)>

Sent: Wed, Oct 22, 2014 1:49 pm

Subject: FW: Marysville bee regulations

Hi Jeff,

Just checking to see if someone from your organization will be available to give a brief presentation on Tuesday, October 28<sup>th</sup> at 7:00 pm. If you could please let me know as soon as possible that would be greatly appreciated.

Thank you!

**Angela Gemmer, Associate Planner**  
Community Development Department  
City of Marysville  
80 Columbia Avenue  
Marysville, WA 98270

ph. 360.363.8240  
fax 360.651.5099

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**From:** Angela Gemmer  
**Sent:** Friday, October 10, 2014 1:57 PM  
**To:** 'Jeff Thompson'  
**Subject:** RE: Marysville bee regulations

Hi Jeff,

If someone is available from your organization to provide a brief presentation on bees on Tuesday, October 28<sup>th</sup> at 7:00 pm, that would be great. That would give our Planning Commission an opportunity to learn more about bees from the beekeeping community prior to a public hearing. Planning Commission is held in the Council Chambers on the 2<sup>nd</sup> floor of City Hall at 1049 State Avenue, Marysville. We would place the person from your organization on the agenda first. Could you please let me know if this will work when you get a chance. Thank you for your consideration.

Thank you!

**Angela Gemmer, Associate Planner**  
Community Development Department  
City of Marysville  
80 Columbia Avenue  
Marysville, WA 98270

ph. 360.363.8240

# EXHIBIT F

**Angela Gemmer**

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**From:** Jeff Thompson [poohfuff@aol.com]  
**Sent:** Wednesday, October 29, 2014 10:34 AM  
**To:** Angela Gemmer  
**Subject:** Re: Marysville bee regulations-revisions  
**Attachments:** ammended\_Marysville\_beehive\_zoning.docx

Good morning. I have attached a word file with suggested corrections included. New wordage is underlined, old has a strike through it.

I researched pollination and agricultural needs of our crops. Most if not all, require 6 or less hives per acre (Source Winkipedia: [http://en.wikipedia.org/wiki/Pollination\\_management](http://en.wikipedia.org/wiki/Pollination_management)) Since the proposed regulations allow 15 hives on 35,000 square feet, and since an acre is about 43,560 sq. ft., I think the concerns over not limiting farmers adequate pollination is probably moot. FYI, migratory hives are moved on pallets of 6 hives to the pallet, which is why I wrote in 6 as the selected number of hives. A very good thought and consideration by the commissioners.

I struck out the "breeder raised" queens, as this is ambiguous, and not necessarily assurance of a more docile queen and by extension-a more docile hive.

Let me know if there is anything else I can do to help. or if the commissioners would like me to attend the next time this is discussed.

See what you think:

-----Original Message-----

From: Angela Gemmer <[agemmer@marysvillewa.gov](mailto:agemmer@marysvillewa.gov)>  
To: Jeff Thompson <[poohfuff@aol.com](mailto:poohfuff@aol.com)>  
Sent: Wed, Oct 22, 2014 3:40 pm  
Subject: RE: Marysville bee regulations

Jeff,

Thank you very much for getting back to me! I appreciate it. The meeting will be on Tuesday, October 28<sup>th</sup> at 7:00 pm at 1049 State Avenue 2<sup>nd</sup> Floor (it'll be the open room to the slight left across from the top of the stairs). We look forward to learning more from you.

Thank you!

**Angela Gemmer, Associate Planner**  
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80 Columbia Avenue  
Marysville, WA 98270

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# EXHIBIT F

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## EXHIBIT F

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# EXHIBIT F

## 10.04.335 Beekeeping.

Beekeeping shall be permitted subject to the following:

1. Beehives are limited to:

- (i) ~~One hive on lots less than or equal to 5,000 square feet;~~
- (ii) Two hives on lots ~~between 5,001 and~~ less than or equal to 10,000 square feet;
- (iii) Five hives on lots between 10,001 and 35,000 square feet; and
- (iv) Fifteen hives on lots over 35,000 square feet.

Exceptions:

(i) These limits on number of hives per area may be temporarily up to a period of 30 days, increased by 100% for the purpose of "splits" (making two smaller hives from one existing hive) or to avoid swarming.

(ii) For crop pollination by migratory bee hives, up to 6 hives per acre are allowed.

2. Hives must be set back at least 25 feet from each property line with the following

exceptions:

(i) The setback for hives may be reduced to 5 feet from each property line if: a) Hives are situated eight feet or more above the adjacent ground

level; or

b) Hives are less than six feet above the adjacent ground and are behind

a solid fence or hedge which is at least six feet in height and parallel

to any property within 25 feet of the hives and extending at least 20

feet beyond the hive in both directions.

(ii) Hives abutting a Native Growth Protection Area (NGPA) or open space tract not intended for recreation may be located up to the property line.

3. Colonies shall be maintained in movable frame hives with a maximum of one colony per hive;

4. Adequate space shall be provided in each hive to prevent overcrowding and minimize swarming;

## EXHIBIT F

5. Colonies shall be requeened annually, or any time following swarming or aggressive behavior, with a ~~breeder-raised~~ queen of suitable docile strain;
  6. All colonies shall be registered with the Washington State Department of Agriculture;  
and
  7. Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 6.24 MMC, Public Nuisances.
- Section 3. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by

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

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,  
RELATING TO THE CITY'S ANIMAL CONTROL REGULATIONS; AND  
ADDING A NEW SECTION 10.04.335 BEEKEEPING TO MMC CHAPTER  
10.04 ANIMAL CONTROL.**

**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

**WHEREAS**, during public meetings on September 9, 2014, September 23, 2014, October 28, 2014, and November 25, 2014, the Planning Commission discussed proposed amendments to add a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

**WHEREAS**, on November 12, 2014, the Marysville Planning Commission held a duly-advertised public hearing, which was continued to November 25, 2014; and

**WHEREAS**, on November 25, 2014 the Planning Commission made a Recommendation to the City Council recommending adoption of a new Section MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

**WHEREAS**, at a public meeting on January 12, 2015 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed addition of MMC 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04; and

**WHEREAS**, the City Council finds that it is in the best interest of the community to adopt MMC Section 10.04.335 regulating beekeeping;

**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 and the adoption of a new MMC Section 10.04.335 regarding beekeeping to the animal control regulations contained in MMC Chapter 10.04, 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 Chapter 10.04, Animal Control, is hereby amended by adopting new MMC Section 10.04.335, Beekeeping, to read as follows:

**10.04.335 Beekeeping.**

Beekeeping shall be permitted subject to the following:

(1) Beehives are permitted in any zone, subject to the following conditions and limitations:

(a) Hives are prohibited on lots that are 5,000 square feet or less;

(b) Two hives on lots between 5,001 and 10,000 square feet;

(c) Five hives on lots between 10,001 and 35,000 square feet;

(d) Fifteen hives on lots over 35,000 square feet; and

(e) The hive limitations outlined in subsections (a)-(d) apply to agricultural uses on lots less than four acres in size. Agricultural uses on lots that are four acres or larger are permitted to have five hives per acre.

(f) The limits on hives outlined in subsections (a)-(e) above may be temporarily increased by 100 percent for a period not to exceed 30 days for the purpose of "splits" (making two hives from an existing hive), or to avoid swarming.

(2) Hives must be set back at least 25 feet from each property line with the following exceptions:

(a) The setback for hives may be reduced to 5 feet from each property line if:

(i) Hives are situated eight feet or more above the adjacent ground level; or

(ii) Hives are less than six feet above the adjacent ground and are behind a solid fence or hedge which is at least six feet in height and parallel to any property within 25 feet of the hives and extending at least 20 feet beyond the hive in both directions.

(iii) Hives abutting a Native Growth Protection Area (NGPA) or open space tract not intended for recreation may be located up to the property line.

(3) Colonies shall be maintained in movable frame hives with a maximum of one colony per hive;

(4) Adequate space shall be provided in each hive to prevent overcrowding and minimize swarming;

(5) Colonies shall be requeened annually, or any time following swarming or aggressive behavior, with a queen of suitable docile strain;

(6) All colonies shall be registered with the Washington State Department of Agriculture in accordance with RCW 15.60 and 15.62; and

(7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in Chapter 6.24 MMC, Public Nuisances.

**Section 3. 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 4. 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: \_\_\_\_\_  
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to form:

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

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

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