

WOODLAND PLANNING COMMISSION AGENDA

Planning Commission Regular Meeting
7:00 p.m.
Thursday, November 17, 2011

Woodland Community Center
782 Park Street, Woodland, Washington

CALL TO ORDER

APPROVAL OF MINUTES

- October 20, 2011 Minutes

PUBLIC WORKSHOP

- 1) Pre-existing Uses and Structures ZTC (LU# 211-913)
 - Review draft ordinance
- 2) Pet and Domestic Animal ZTC (LU# 211-912)
 - Review draft ordinance
- 3) Retreat Centers as Conditional Uses in the LDR (LU# 211-918)
 - Review draft ordinance

REPORT / PROJECT UPDATE / DISCUSSION

- 1) Adding an unlisted use to the I-1 (WMC 17.44.030)
 - Citizen interest in opening a thrift and furniture store in the (I-1) Light Industrial district. Required public hearing planned for the PC's December meeting.
- 2) Project Updates

ADJOURN

cc: Post (City Hall Annex, Library, Post Office, City Hall)
City of Woodland website
Planning Commission (5)
City Council (6)
Mayor
Those who have expressed interest in agenda topics
Department Heads (5)

WOODLAND PLANNING COMMISSION

Planning Commission Regular Meeting

7:00 p.m.

Thursday, October 20 , 2011

Woodland Community Center

782 Park Street, Woodland, Washington

Present: Chair David Simpson
Commissioner Nancy Trevena
Commissioner Sharon Watt
Commissioner Jim Yount

Absent: Commissioner Murali Amirineni

Also Present: Secretary JoAnn Heinrichs
Community Development Planner Carolyn Johnson

CALL TO ORDER: [7:05:44 PM](#)

APPROVAL OF MINUTES [7:06:09 PM](#)

Commissioner Watt moved to accept August 18, 2011 minutes as written, Commissioner Trevena seconded the motion. Passed unanimously.

PUBLIC WORKSHOP

1. **Rough Mapping of Potential Urban Reserve Areas for the Cowlitz County Comprehensive Plan Update (No Packet Materials):** [7:06:45 PM](#)

- The County will take care of the public hearings, public notification, etc.
- Barb Kinkade is not looking for parcel specific information, just general areas for growth.
- George Sagawa is interested in being included.
- It's the city's choice on the areas for the growth.
- It looks like going south into Clark County is feasible but a lot of the unimproved portion is Ag38, there are a lot of hills to the northeast which will make water accessibility difficult, there is also land available on the island.
- Would like to square up the Woodland Urban growth area/city limits.

2. **Pre-existing Uses and Structures ZTC (LU# 211-913):** [7:36:16 PM](#)

Carolyn gave staff report.

- PC started discussing nonconforming uses, structures and variances in July.
- Our HE found that Court decisions conflict with the WMC.
- 17.60.090 (single family dwellings) should not have zones listed, could put within city limits?
- We have not received an opinion from our attorney yet.
- Nonconforming houses in residential zones, Carolyn will try and find some lots and take pictures to bring to next meeting.
- If a house burns down, would it then be required to hook to water & sewer?
- Jim's concern is the discontinuance piece of the code.

3. **Pet and Domestic Animal ZTC (LU# 211-912):** [8:14:29 PM](#)

Carolyn Johnson handed out spreadsheet on other city's animal codes.

- Make sure language is replicated in section 7 (animals) along with/instead of section 17,
- Should we be addressing bees at all? Concern about separating bee hives from house proximity. How do bees behave? Minimum lot size of 10,000 square feet.
- What about service animals, would they be considered one of the 4 animals?
- Pg 6, change last paragraph verbiage.
- Leave 4 dogs or cats as written.
- Reduce fenced yard size for miniature hoofed animals.
- Increase chickens to 6.
- "Vicious animals" or "vicious by nature" should be defined.

4. **Variances and Changes to Approved Conditional Uses ZTC (LU# 210-919):** [8:56:24 PM](#)

Carolyn Johnson gave staff report.

- In order make it easier to get a minor variance the verbiage has been changed, the criterion was still very difficult to meet.
- Planning Commission is okay with the changes to the variance portion.

PROJECT UPDATE

- **U-Haul business in C-2 zone:**
Needs adequate on-site space for parking the trucks;
It seems to fit in with the purpose of the C-2 zone;
- **Retreat Centers:** [9:08:35 PM](#)
 - Interested parties gave definition.
 - Too large to be considered a home occupation.

- We can look at other cities and how they handle retreat centers.
- Planning Commission is OK with Carolyn to add: Lodges and retreat centers for recreational uses.
- Carolyn will bring draft next month for review.

- **Project Updates:** [9:28:09 PM](#)

ADJOURN: [9:43:24 PM](#)

Commissioner Trevena moved to adjourn to our next regularly scheduled meeting on November 17, 2011, Commissioner Watt seconded the motion. Passed unanimously.

JoAnn Heinrichs, Planning Commission Secretary

Date

These minutes are not a verbatim record of the proceedings.
A recording is available in the office of the Clerk-Treasurer

DRAFT

Date: November 10, 2011

The text highlighted and italicized are proposed amendments to the current code. Text struck through is proposed to be eliminated from the current code.

Chapter 17.60 - PRE-EXISTING USES AND STRUCTURES

Sections:

17.60.010 – Purpose.

17.60.020 – Nonconforming uses, structures and lots.

17.60.030 – Continuation.

17.60.040 – Modification.

17.60.050 – Discontinuance.

17.60.060 – Change of use.

17.60.070 – Destruction.

17.60.080 – Completion of structure.

17.60.090 – Single-family dwellings.

17.60.100 – Manufactured home on an individual lot.

17.60.110 – Nonconforming lots.

17.60.010 - Purpose.

The purpose of this chapter is to provide for those circumstances, uses and lots that are inconsistent with regulations of this title but which enjoy rights based on their previous legal existence.

17.60.020 - Nonconforming uses, structure and lots.

A nonconforming use is a use of property that was allowed at the time the use was established but which, because of changes in zoning regulation, is no longer permitted. A nonconforming structure is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies

with those regulations. A nonconforming lot is one that, at the time of its establishment, met the minimum lot size requirements for the zone in which it is located but which, because of subsequent changes to the minimum lot size applicable to that zone, is now smaller than that minimum lot size.

17.60.030 - Continuation.

A pre-existing use or structure which is nonconforming may be continued and maintained in reasonable repair and safe condition; provided that the use or structure is not enlarged, increased, made more nonconforming, or extended to occupy a greater area than was occupied on the date of adoption of the ordinance codified in this title or applicable amendments thereto. The extension of said pre-existing use to a portion of a structure which was built for the pre-existing use at the time of the passage of the ordinance codified in this title is not considered an extension of a nonconforming pre-existing use. A nonconforming, pre-existing use or structure may not be moved in whole or in part to any other portion of the lot or zoning district in which it is located. If moved, it must be to a district in which the use is permitted. For single-family dwelling exception, see Section [17.60.090](#).

17.60.040 - Modification.

A. A pre-existing structure nonconforming with respect to height, yard requirements, lot coverage, or density may be utilized by a use which is permitted in the district in which the structure is located. In order to accommodate a permitted use, the structure may be repaired, modified, or altered, internally and externally; provided such repairs and modifications do not increase the nonconformance of the structure and that they meet the Uniform Building Code standards.

B. In addition, a pre-existing structure which is non-conforming according to the description contained in subsection (A) of this section may be modified or altered in such a manner that it conforms to the standards of the district, this title, and the Uniform Building Code.

C. *Non-conforming uses wishing to expand may be allowed to do so by special permission of the hearing examiner through a conditional use permit per Chapter 17.72.*

17.60.050 - Discontinuance.

A pre-existing, nonconforming use that is abandoned for a period of six months, shall be deemed discontinued. Abandonment is evidenced by an overt act, or failure to act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use. A period of nonuse alone does not prove an intent to abandon a nonconforming use. Instead, the intent to abandon must be shown by the owner or occupier's overt acts, or failure to act, such as written or oral statements showing an intent to abandon the use, structural alterations to the building inconsistent with the continuance of the nonconforming use, listing of the property or structure for sale or lease in a manner inconsistent with the continuance of the nonconforming use, failure to take some step such as license renewal necessary to the continuance of the use.

~~If a pre-existing use is nonconforming and not actively used for a period of six months, it shall be deemed discontinued.~~ A discontinued pre-existing use which

is nonconforming cannot be revived and any further uses of the property must conform to the provisions of this title ~~as provided for above~~.

17.60.060 - Change of use.

If a pre-existing use which is nonconforming is changed, it shall be changed to a use conforming to the regulations of the **zoning** district in which it is located, and after change, it cannot be changed back again.

A nonconforming use may, by conditional use permit from the hearing examiner, be changed to an equal or more compatible use so long as no new building, enlargement or extensive alteration is involved.

17.60.070 - Destruction.

If a pre-existing use or structure which is nonconforming is destroyed by any cause to an extent exceeding fifty percent of the cost of replacement of the structure, using new materials, a future structure or use of the property shall conform to the provisions of this title. For single-family dwelling exception, see Section **17.60.090**.

17.60.080 - Completion of structure.

Nothing contained in this title shall require any change in the plans, construction, alternation, or designated use of a structure for which a building permit has been legally issued and construction commenced prior to the adoption of the ordinance codified in this title and subsequent amendments thereto.

17.60.090 - Single-family dwellings.

A. Single-family dwellings existing in the C-1, C-2, and I-1 districts at the time of passage of the ordinance codified in this title shall be allowed to remain, and any addition or improvements thereto shall meet the standards of the LDR-6 district.

B. If said single-family dwelling existing at the time of passage of the ordinance codified in this title are destroyed by any cause to an extent exceeding fifty percent of the cost of the structure, such dwellings are permitted to be improved or reconstructed; provided the standards of the LDR-6 district are maintained.

17.60.100 - Manufactured home on an individual lot.

A manufactured home legally sited on an individual lot outside of a manufactured home park or subdivision, may be replaced by another manufactured home, provided the replacing manufactured home meets the standards set forth in Section [17.16.080\(L\)](#) of this code.

17.60.110 - Nonconforming lots.

a) Continuation. Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the county auditor's office may be developed for any use allowed by the zoning

district in which it is located, even though such lot does not meet the size, width, depth and other dimensional requirements of the district, so long as all other applicable site use and development standards are met or a variance from such site use or development standards has been obtained. In order to be developed, a nonconforming lot must meet minimum lot size standards established by the provisions of this code.

- b) **Combination.** WMC 17.76.050 provides for the combination of contiguous lots when one or both are nonconforming.
- c) **Exception for Single-Family Dwelling Units.** An applicant may build one single-family residence consisting of no more than one dwelling unit on a lot or parcel regardless of the size of the lot or parcel if all of the following apply:
 - i. The lot area of the nonconforming lot is not less than the minimum lot area specified in the table below for the zoning district in which the subject property is located;
 - ii. Community facilities, public utilities and roads required to serve the nonconforming lot are available concurrently with the proposed development;
 - iii. Existing housing stock will not be destroyed in order to create a new buildable lot; and
 - iv. The lot or parcel has not at any time been simultaneously owned by the owner of a contiguous lot or parcel with fronts on the same access right-of way.

Lot Area Table		
Zone	Required Lot Size(sf)	% of Lot Size Needed to Build on a Legal, Nonconforming Lot
LDR-6	6,000	85% (5,100 sf minimum)
LDR-7.2	7,200	80% (5,760 sf minimum)
LDR-8.5	8,500	75% (6,375 sf minimum)

Pet and Domestic Animal ZTC - DRAFT

Highlighted and italicized text is proposed to be added to the current code, while text that is struck through is proposed to be eliminated from the current code.

Chapter 17.16 – Low Density Residential (LDR) Zoning Districts

17.16.100 - Criteria and standards for accessory uses.

~~F. Keeping of not more than four family pets, which can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature. This list of four pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot.~~

F. The keeping of pets and domestic animals is subject to the following restrictions:

- 1. For single-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:*
 - a. Animals including cattle, oxen, horses, goats, ponies, mule, sheep, donkeys, burro, llamas, sheep, miniature hoofed animals and pigs shall be regulated as follows:*
 - i. Cattle and oxen one acre of open fenced land each;*
 - ii. Horses, pigs, ponies, donkeys and burros, one-half acre of open fenced land each;*
 - iii. Sheep, llamas, one-quarter acre of open fenced land each;*
 - iv. Goats and miniature hoofed animals, 3,000 sf of open fenced land each;*
 - v. Animals shall be completely enclosed by a fence not less than five (5) feet tall;*
 - vi. The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above; and*
 - vii. Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.*
 - b. Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown.*
 - c. The keeping of roosters in any residential zone is prohibited.*
 - d. On lots less than 10,000 sf, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;*
 - e. No more than 4 dogs or cats or combination thereof four months or age or older per dwelling unit.*

Pet and Domestic Animal ZTC - DRAFT

- f. Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.*

(Ord. 939 § 7 (part), 2000)

(Ord. No. 1212, § 14, 6-20-2011)

CHAPTER 17.20 - MULTIFAMILY RESIDENTIAL DISTRICTS (MDR, HDR)

17.20.100 - criteria and standards for accessory uses.

D. Keeping of Family Pets.

~~1. For single family dwellings, keeping of not more than four family pets, which can be kept in the home, such as dogs, cats or other domestic or tamed animals which are not vicious by nature. This list of four pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot;~~

2. For single-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:

- a. Animals including cattle, oxen, horses, goats, ponies, mule, sheep, donkeys, burro, llamas, sheep, miniature hoofed animals and pigs shall be regulated as follows:*
 - i. Cattle and oxen one acre of open fenced land each;*
 - ii. Horses, pigs, ponies, donkeys and burros, one-half acre of open fenced land each;*
 - iii. Sheep, llamas, one-quarter acre of open fenced land each;*
 - iv. Goats and miniature hoofed animals, 3,000 sf of open fenced land each;*
 - v. Animals shall be completely enclosed by a fence not less than five (5) feet tall;*
 - vi. The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above; and*
 - vii. Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.*
- b. Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown.*
- c. The keeping of roosters in any residential zone is prohibited.*

Pet and Domestic Animal ZTC - DRAFT

- d. *On lots less than 10,000 sf, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;*
- e. *No more than 4 dogs or cats or combination thereof four months or age or older per dwelling unit.*
- f. *Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.*

2. For multifamily dwellings, keeping of not more than two family pets, ~~which~~ *that* can be kept in the home, such as dogs, cats or other domestic or tamed animals which *do not violate nuisance pet animal regulations or other provisions of Chapter 7.04* ~~are not vicious by nature~~ *is permitted*. This list of two pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot.

Pet and Domestic Animal ZTC - DRAFT

Chapter 7.04 - DOGS, CATS AND OTHER PETS

7.04.050 - Regulations and violations relating to pet animals.

Any person who harbors, keeps, maintains or has temporary custody of a pet animal shall be responsible for the behavior of such animal whether the person knowingly permits the behavior or not. Such person shall violate the terms of this chapter if:

- A. Dog at Large.** Such person's dog is at large as defined in Section [7.04.030](#); provided, however, this section shall not prohibit the owner and pet animal from participating in an organized show or training, exercise or hunting session in locations designated and authorized for that purpose.
- B. Nuisance Pet Animal.** Such person's pet animal constitutes a nuisance pet animal as defined in Section 7.040.030. Nuisance pet animal is a class 4 infraction.
- C. Pet Animal on Public Property.** Such person's pet animal is on public property such as a public park, beach or school ground and not on a leash held by a person who is able to maintain physical control, or proper safeguards have not been taken to protect the public and property from injury or damage from said animal, or is in violation of additional specific restrictions which have been posted. Such restrictions shall not apply to guide dogs for the visually impaired or service animals for the physically handicapped, or public property specifically designated by the city of Woodland as not requiring a leash. Pet animals on public property is a class 4 infraction.
- D. Injury to a Person or Animal.** Such person's pet animal causes injury to a person or domestic or pet animal (see also potentially dangerous dog or dangerous dog, Section [7.04.070](#)). Injury to a person or animal is a misdemeanor.
- E. Failure to Remove Fecal Material.** Such person: (1) fails to possess and use the equipment or material necessary to remove animal fecal matter when accompanying an animal in public parks; or (2) fails to remove animal fecal matter when accompanying an animal off the owner's property. Failure to comply constitutes a class 4 infraction.
- F. Failure to Sterilize an Adopted Pet Animal.** Such person, when adopting a pet animal from the animal services shelter, fails to have the pet sterilized within the time period specified in the written agreement, unless specifically recommended by a veterinarian in writing, or in cases of verifiable placement within a governmental law enforcement agency. Failure to sterilize an adopted pet animal is a class 4 infraction.
- G. Failure to Provide Humane Care.** Such person fails to provide a pet animal with humane care as defined in Section [7.04.030](#). Failure to provide humane care is a misdemeanor.
- H. Failure to Meet Terms of Quarantine.** Such person fails to accept or to meet the terms of the quarantine notice served pursuant to Cowlitz County health department regulation after an animal has bitten a human. Failure to meet terms of quarantine is a misdemeanor.

Pet and Domestic Animal ZTC - DRAFT

I. Keeping of Pets and Domestic Animals Not Allowed in Residential Districts. Such person fails to meet limits on the type or number of pets and domestic animals allowed in residential zoning districts. In Low Density Residential (LDR) Zoning Districts, the following restrictions apply:

- 1. For single-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:*
 - a. Animals including cattle, oxen, horses, goats, ponies, mule, sheep, donkeys, burro, llamas, sheep, miniature hoofed animals and pigs shall be regulated as follows:*
 - i. Cattle and oxen one acre of open fenced land each;*
 - ii. Horses, pigs, ponies, donkeys and burros, one-half acre of open fenced land each;*
 - iii. Sheep, llamas, one-quarter acre of open fenced land each;*
 - iv. Goats and miniature hoofed animals, 3,000 sf of open fenced land each;*
 - v. Animals shall be completely enclosed by a fence not less than five (5) feet tall;*
 - vi. The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above; and*
 - vii. Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.*
 - b. Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown.*
 - c. The keeping of roosters in any residential zone is prohibited.*
 - d. On lots less than 10,000 sf, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;*
 - e. No more than 4 dogs or cats or combination thereof four months or age or older per dwelling unit.*
 - f. Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.*

In Multifamily Residential (MDR and HDR) Zoning Districts, the following restrictions apply:

- 1. For single-family dwellings, the keeping of pets and domestic animals are subject to the following restrictions:*
 - a. Animals including cattle, oxen, horses, goats, ponies, mule, sheep, donkeys, burro, llamas, sheep, miniature hoofed animals and pigs shall be regulated as follows:*

Pet and Domestic Animal ZTC - DRAFT

- i. Cattle and oxen one acre of open fenced land each;
 - ii. Horses, pigs, ponies, donkeys and burros, one-half acre of open fenced land each;
 - iii. Sheep, llamas, one-quarter acre of open fenced land each;
 - iv. Goats and miniature hoofed animals, 3,000 sf of open fenced land each;
 - v. Animals shall be completely enclosed by a fence not less than five (5) feet tall;
 - vi. The minimum land area required to maintain any large animal shall be the sum of the required land areas listed above; and
 - vii. Animals shall be sheltered in weather protecting structures located at least 15 feet from property lines.
- b. Two bee hives per residential lot 7,200 sf or larger. An additional 5,000 sf is needed for each additional hive. Beekeeping is prohibited on lots less than 7,200 sf. Where beekeeping is permitted, hives must be located at least ten feet from any dwelling, ten feet from any lot line, and at least 30 feet from any public sidewalk or roadway. Hives must be registered with the Washington State Department of Agriculture as per RCW 15.60.021, and completely enclosed by a fence not less than six feet high. Close access to a water source must be shown.
- c. The keeping of roosters in any residential zone is prohibited.
- d. On lots less than 10,000 sf, the keeping of not more than six poultry and four rabbits is permitted where poultry are defined as domesticated birds kept for the purpose of collecting eggs, raising of meat and/or feathers;
- e. No more than 4 dogs or cats or combination thereof four months or age or older per dwelling unit.
- f. Animals do not violate nuisance pet animal regulations or other provisions of Chapter 7.04.

2. For multifamily dwellings, keeping of not more than two family pets, ~~which~~ **that** can be kept in the home, such as dogs, cats or other domestic or tamed animals which **do not violate nuisance pet animal regulations or other provisions of Chapter 7.04** ~~are not vicious by nature~~ **is permitted**. This list of two pets shall not include birds, fish, suckling young of a pet or other animals which at all times are kept inside a fully enclosed building or accessory building and which do not create an odor which is detectable on an adjoining lot.

(Ord. 852 § 2 (part), 1997)

7.04.080 - Infractions.

Violation of the following sections of this chapter shall constitute a class 4 civil infraction:

Pet and Domestic Animal ZTC - DRAFT

A. Section 7.04.040(A): Failure to license;

B. Section 7.04.050(A): Dog at large;

C. Section 7.04.050(B): Nuisance pet animal;

D. Section 7.04.050(C): Pet animals on public property;

E. Section 7.04.050(E): Failure to remove fecal material;

F. Section 7.04.050(F): Failure to sterilize an adopted pet animal.

G. Section 7.04.050(I): Keeping of pets and domestic animals not allowed in residential zoning districts.

Civil infractions shall be heard and determined according to RCW Chapter 7.80, as amended, and any applicable court rules.

REGULATING NEIGHBORHOOD BEE HIVES

Lot Size/Colony Density: Minimum lot sizes for beekeeping uses and colony density regulations help to ensure that urban and suburban apiaries do not grow so large as to create a nuisance. In Dayton, OH, the city requires a lot size of at least 7,500 sf for the first hive an additional 5,000 sf for each additional hive. In Fort Collins, CO, the city allows two colonies on land that is less than a quarter of an acre. If the parcel is between a quarter and a half-acre, a beekeeper can have up to four colonies.

Setbacks: Setbacks are commonly used to decrease the potential nuisance effect of beekeeping operations. In Dayton, beehives are required to be at least 10 feet from lot lines, 10 feet from any dwelling and at least 30 feet from any public sidewalk or roadway.

Flyway Barriers: Some ordinances require beekeepers to install a flyway barrier which is usually a solid fence, wall, or dense line of hedges. Six foot tall barriers are typical.

Access to Water: It is important for beekeepers to provide water for their bees so that they do not congregate at swimming pools, pet water bowls, birdbaths, and other water sources on neighboring properties. Requirements to this effect have been enacted in many municipalities.

Apiary Identification Signs: In San Diego, beekeepers must erect a sign “prominently displayed on the entrance side of the apiary stating, in black letters not less than one inch in height on a background of contrasting color, the name of the owner or person in possession of the apiary, his address and telephone number.” Fort Collins also requires that apiary owners to “conspicuously post” signs with their name and contact information.

Resource: Patricia Salkin, *Honey, It's All the Buzz: Regulating Neighborhood Bee Hives*. Albany Law School. Legal Studies Research Paper Series No. 19 of 2011-2012.

The Home BeeKeeping Guide

*Read "The Home Beekeeping Guide"
and You'll Have Your Own Beehives and
Honey in No Time!*

Tips for Successful Urban Beekeeping and City Beekeeping

Posted on [September 8, 2010](#) by [Scott](#)

Urban beekeeping or city beekeeping is actually more popular than anyone would ever imagine. Perceived dangers by the neighbors are your major problems and a proactive approach is often the easiest.

Since legal problems with bees most often occur in cities and suburbs, beekeepers should manage bees so that they do not bother neighbors. You can take several precautions to decrease the chances of your colonies becoming a public nuisance.

Maintaining gentle colonies is imperative in highly populated areas. Keeping colonies with bees that try to sting each time they are examined, or that consistently hover around the bee veil even after the colony is closed, is not advisable in the urban beekeeping setting. Selecting hybrid strains that have been bred for gentleness and requeening on a regular schedule will certainly help. If a colony becomes too defensive, requeening with a new queen will likely change colony temperament in a month or so.

Providing a source of water near the hives will stop a lot of unnecessary complaints. Otherwise, the bees may get their water from the neighbor's swimming pool, dripping water faucet, birdbath, children's wading pool, or hanging wash. Once they have become accustomed to a watering place, they will continue to use it throughout the season, and correcting problems after they develop is not always possible short of moving the bees.

Most colonies have a basic flight pattern as they leave and return to the hive. People and animals passing through this flight path could be stung. Bees also spot cars, clothing, and buildings in the vicinity of the hive by releasing their body waste in flight. Spotting from a single colony is generally not serious, but several colonies flying in one direction may make a car or house unsightly in a short time. The urban beekeeper should use common sense and if possible, do not allow hives to face children's play areas, neighbors' clotheslines, houses, and so forth. Planting a hedge (vegetative corral) or building a fence at least 6 feet high forces the bees to fly above head level and thus reduces the chance of encounters with pedestrians. Fences and hedges also keep colonies out of view, which helps reduce vandalism and concern by the neighbors who might have unfounded, but to them very real, fears related to bee stings.

When manipulating and examining hives, keep your neighbors foremost in mind. Weather and time of day influence the disposition of a colony. Colonies kept in the shade tend to be more defensive so rooftop city beekeeping shouldn't be a problem in that regard since the rooftop is in full sun. Work the bees on warm, sunny days, when the field force will be actively foraging. Avoid early morning and late evening manipulations if possible. Use smoke efficiently and work carefully and slowly to help prevent defensive behaviors by bees. During a nectar dearth, keep robbing at a minimum. Robbing stimulates defensive behavior. Keep examination time to a minimum and make sure honey supers and frames not being inspected are covered. All spare equipment stored outside should be bee-tight. Also, top entrances should be avoided in close neighborhoods during the summer season.

Whenever a hive with a top entrance is opened and the supers moved, hundreds of bees will be flying around confused because their entrance is gone.



An apiary site where bees have easy access to a source of water.
(Courtesy Dewey Caron)

Swarming bees can be a major concern for neighbors. Even though swarming bees are quite gentle and seldom inclined to sting, the presence of a swarm in the neighborhood tends to excite people, and your apiary, rightly or wrongly, will likely be identified as the source of the swarm. Having sufficient equipment to manage your colonies and reduce swarming is a must (see “Swarm Management”).

Part of being an urban beekeeper is good public relations. Beekeepers who permit their bees to become nuisances force communities to institute restrictive ordinances that are detrimental to the beekeeping industry. Do not keep more colonies in the backyard than the forage in the area can support or more than you have time to care for adequately. Giving the neighbors an occasional jar of honey will also sweeten relations. Only a very small number of communities prohibit keeping bees. In most instances, violation of an ordinance or keeping bees in a negligent manner usually means moving the bees to another location.

Rules of thumb for urban beekeeping:

- *Keep only gentle colonies and employ good swarm management techniques.*
- *Keep no more than four hives on a property of 1/4 acre or less.*
- *All hives within 20 feet of a property line should have a solid fence or vegetative barrier 5 feet or more in height between the hives and the property line.*
- *All hives within 30 feet of a public sidewalk or roadway should have a solid fence or dense vegetative barrier or be elevated so as to direct the flight path of the bees well above traffic and pedestrians.*
- *An adequate supply of water should be provided by the property owner or beekeeper from March 1 to October 31.*

No related posts.

This entry was posted in [Beekeeping](#) and tagged [city beekeeping](#), [suburban beekeeping](#), [urban beekeeping](#). Bookmark the [permalink](#).

1ST DRAFT – RETREAT CENTERS AS CONDITIONAL USES IN THE LDR

17.08 – Definitions

17.08.169 – *Retreat center.*

“Retreat center” means a facility used for workshops, seminars, and conferences with accommodations for sleeping, food preparation and eating, recreation, entertainment, and meeting rooms to be used only by participants in the center’s activities. It shall not mean centers devoted to substance abuse rehabilitation.

17.16.040 - Conditional uses—Hearing examiner.

The following uses in the low density residential district (LDR-6) require conditional use permit approval from the hearing examiner per Chapter 17.72:

- A. Adult day care home facilities serving more than six adults;
- B. Bed and breakfast inns;
- C. Cellular communication facilities;
- D. Child day care centers;
- E. Churches, convents, monasteries and other religious institutions and associated accessory structures;
- F. Display Garden;
- G. Duplex on an individual lot;
- H. Major utility facilities;
- I. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park-and-ride lots;
- J. Museums;
- K. Public facilities;
- L. Public and private educational institutions, including preschools, schools, religious schools, colleges and universities;
- M. Public parks and public recreation facilities;
- N. Retirement homes assisted living facilities, continuing care communities, board and care homes, hospices, or nursing home;
- O. Utility yard;
- P. Water towers and water supply plants;
- Q. Little theater.

R. *Retreat center.*

17.72.050 - Permit—Criteria to grant.

The director or hearing examiner as the case may be shall be guided by the following criteria in granting a conditional use permit:

- A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;

1ST DRAFT – RETREAT CENTERS AS CONDITIONAL USES IN THE LDR

- B. The proposed use shall meet or exceed the performance standards that are required in the district in which the subject property is situated;
 - C. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - D. The proposed use shall be in keeping with the goals and policies of the Woodland comprehensive plan;
 - E. All measures have been taken to minimize the possible adverse impacts, which the proposed use may have on the area in which it is located.
- (Ord. 981 § 6, 2003: Ord. 939 § 20 (part), 2000)

17.72.060 - Conditions of approval.

The director or hearing examiner as the case may be may impose conditions on his/her approval of a conditional use, which he/she finds are necessary to ensure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to, the following:

- A. Limiting the hours, days, place, and manner of operation;
- B. Requiring design features, which minimize environmental impacts such as, noise, vibration, air pollution, glare, odor, and dust;
- C. Requiring additional setback areas, lot area, or lot depth or width;
- D. Limiting the building height, size or lot coverage, or location on the site;
- E. Designating the size, number, location, and design of vehicle access points;
- F. Requiring street right-of-way to be dedicated and the street to be improved;
- G. Requiring landscaping, screening, drainage and surfacing of parking and loading areas;
- H. Limiting the number, site location, height, and lighting of signs;
- I. Limiting or setting standards for the location and intensity of outdoor lighting;
- J. Requiring berming, screening or landscaping and the establishment of standards for their installation and maintenance;
- K. Requiring and designating the size, height, location, and materials for fences;
- L. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.

17.72.100 - Criteria and standards for specific conditional uses.

J. Retreat Center

1. Food and beverage service shall be for registered and invited individuals and groups only. The owner/operator shall acquire the applicable permits and licenses related to preparing, storing and serving food from the Cowlitz County Health Department.
2. Retreat centers shall have immediate and direct ingress and egress access to no less than one publicly dedicated road. Patron, delivery and service access to the site shall be from such ingress and egress access.
3. The retreat center shall be located on a single lot or multiple lots under single ownership of no less than three (3) acres.

1ST DRAFT – RETREAT CENTERS AS CONDITIONAL USES IN THE LDR

4. *A maximum of six (6) guest bedrooms shall be allowed for a retreat center situated on three (3) acres. For every additional acre of land, one (1) additional guest bedroom is allowed.*
5. *The owner or proprietor of the retreat center must reside on the premises.*
6. *Signage shall be that allowed to a home occupation business as regulated under WMC 17.52.*

17.56.050 - Off-street parking—Requirements for designated uses.

<i>Retreat center</i>	<i>One parking space for every guest bedroom plus one parking space per employee including the owner/proprietor.</i>
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JURISDICTIONAL COMPARISON – RETREAT CENTERS

	Larkin, MI	Catawba County, NC	Clinton County, MI	Langley, WA
Permit needed	Special Use Permit	Special Use Permit	Special Use Permit	Conditional Use Criteria to be met: A. The proposed use, at the proposed location, is consistent with the purposes of the comprehensive plan, the zoning code and the zone district in which it is to be Langley Municipal Code located, and that the proposed use will meet all applicable requirements of this title. B. The use, as conditioned, will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; or disturb persons in the use of property unless the conditional use is a public necessity.
Definition	No Definition	Conference/retreat center means a facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms.	No Definition	Retreat center means a facility similar to “Conference Center” but providing overnight accommodations only for participants in the center’s activities. Conference center means a facility accommodating groups of persons for short periods for the purposes of seminars, workshops and related activities. No overnight accommodations are provided.
Access	Retreat centers shall have immediate and direct ingress and egress access to no less than one publicly dedicated road. Patron, delivery and service access to the site shall be from such ingress and egress access.	The site shall have direct access to an arterial or collector street.	Not addressed	Not addressed
Minimum parcel size	40 or more acres owned by the same entity or individual. For each additional acre over 40 in the parcel or group of contiguous parcels, one additional guest unit is allowed.	Minimum of 5 acres	15,000 sf minimum	15,000 sf minimum

JURISDICTIONAL COMPARISON – RETREAT CENTERS

Ownership and Management	At least the owner or one full time staff member must reside on the Retreat Center premises.	Does not address ownership	Does not address ownership	Does not address ownership
Number of Guest Rooms	The residence may include family quarters and up to 8 guest room units. The Retreat Center premises may also include housing facilities for additional Retreat Center staff members.	No limit set	Maximum of 6 bedrooms Sleeping quarters within the retreat shall be a minimum 120 sf of space for the first two occupants and 50 sf per additional occupant. Any single guest/occupant shall be permitted to stay no longer than four consecutive days or three nights per week. Within one calendar year, a single guest may utilize the business' services a maximum of 30 days.	No limit set
Lighting	Lighting shall be shielded and directed away from all adjoining properties.	Outdoor lighting cannot be directly visible from other properties.	The principle structure's means of ingress/egress shall be illuminated at all non-daylight times during the permitted hours of operation.	Not addressed
Parking	Parking areas shall be located at least 100 feet from all property lines and road rights of way.	One space for every five seats or for every five persons of maximum occupancy of building or assembly place, whichever is greater	1 per employee, plus 1 per guest bedroom, plus 65 percent of the amount required for accessory uses (e.g. if part of the retreat was a sit down restaurant, you would look to the parking requirements specific to that use.	No specific requirement for retreat centers. For bed and breakfast inns, the code calls for one space per room or unit.
Setbacks	Any structure or meeting site within the retreat center property shall be located at least 100 feet from any property line.	All required yard setbacks shall be 100 feet.	All parking larger than 5 spaces shall be set back from residentially zoned, planned or occupied parcels by no less than 15 feet of the rear and side yard property lines.	
Food and Retail	Food and beverage service shall be for registered and invited individuals and groups only. Retail sales shall be limited to items or services typical of Retreat Center facilities.	Not addressed	No retail sale of goods or commodities. There shall be no cooking facilities separate from the principal kitchen within the structure to be utilized for or by guests/occupants of the retreat.	Not addressed

Carolyn Johnson

From: Carolyn Johnson
Sent: Wednesday, November 09, 2011 8:34 AM
To: 'Life's A Hodgepodge Thrift Store'
Cc: JoAnn Heinrichs; David Simpson
Subject: RE: re. planning commission meeting

Hello Mr. Wessinger,

In reading the code, the planning commission can only consider adding a new use as part of a public hearing. The city must advertise public hearings in The Reflector at least 10 days before the meeting will take place. Long story short, there isn't enough time before our next meeting to do the required public notification (the notification would have had to be published in the November 2nd edition of the Reflector).

You are still welcome to attend next Thursday's meeting and explain your interest to the Commission. However, a public hearing at our December meeting would be required. Please let me know still plan on attending.

It appears that the part of your proposed use that is inconsistent with the code is the direct commercial sales component.

Thank You,

Carolyn

Carolyn Johnson MCP
Community Development Planner
City of Woodland
(360) 225-1048 Office
(360) 225-7336 Fax

From: Life's A Hodgepodge Thrift Store [<mailto:hodgepodgethriftstore@gmail.com>]
Sent: Tuesday, November 08, 2011 9:43 PM
To: Carolyn Johnson
Subject: re. planning commission meeting

We are writing in regards of being added to the docket for next Thursday's planning commission meeting. We would like to be able to use the building at 1400 Down River Dr. Woodland, WA. We would like to use the building for product restoration, warehousing, office space for online selling on Craigslist and e-bay, and selling of product inventory.

Thank you,

Noah Wessinger (Noahs

and

April Wessinger (Just A

Ark Buses)

Hodgepodge LLC)

17.44.010 - Purpose.

The light industrial use district (I-1) is a zoning classification providing for light manufacturing and fabrication, warehousing and storage, construction and contracting operations, wholesale distribution operations, and related activities which normally require ready access by various transportation modes for the movement of materials, goods, and the area work force. This classification is intended to minimize any undesirable impacts of these uses on other nearby uses and zoning districts.

(Ord. 490 § 11.01 (part), 1979)

17.44.020 - Permitted uses.

All of the following and any additional uses shall meet the performance standard requirements of [Chapter 17.48](#).

1. Auto and truck salvage and wrecking operations; provided, that all outdoor storage shall be enclosed by a sight obscuring fence not less than eight feet in height which shall be uniform in color and not be used for outdoor advertising display purposes;
2. Bakeries producing for the wholesale market with retail sales limited to items produced on the premises;
3. Buildings, yards, and developments necessary for the operation of a public utility, but not including thermal power generating facilities;
4. Commercial dispatch and maintenance facilities;
5. Commercial sales including wineries, breweries, distilleries, and associated uses, enclosed or unenclosed, of product being manufactured on the site or warehoused for distribution provided the retail sales are a secondary activity to the production and wholesaling of the products and materials. Such commercial sales areas shall not exceed twenty percent of the gross floor area of the building;
6. Construction and contracting offices and equipment and material storage yards;
7. Construction and logging equipment manufacture, sales, repair, and service;
8. Dwelling units for a resident watchman or custodian only;
9. Employee cafeterias as part of the permitted use;
10. Farm materials, supplies, and machinery sales and service;
11. Farm product processing, canning, packaging, and distributing, excluding large animal (sheep, goats, cattle) feedlots and slaughter facilities;
12. Farming and other agricultural uses including community gardens, equestrian fields, and nurseries, and greenhouses;
13. Feed and seed stores;
14. Heavy equipment sales, rental, storage and repair;
15. Laboratories and research organizations;
16. Light manufacturing and fabrication of raw or previously processed metals and materials, the process or end product of which conforms with applicable restrictions regarding noise, smoke, dust, odors, toxic gases, vibration, glare, and heat, and which does not create physical hazards, such as fire or explosion, to adjacent buildings and uses;
17. Major automobile and truck repair, as defined in [Chapter 17.08](#)
18. Manufacture, wholesale and retail sales of lumber and building materials; provided the retail sales are a secondary activity to the production and wholesaling of the products and materials;
19. Petroleum, propane, liquefied gas, coal, and wood storage and distribution facilities;
20. Police and fire stations and facilities;
21. Processing, packaging, and distribution of goods and services;
22. Recreational uses requiring extensive covered facilities such as for indoor tennis, roller or ice skating, or swimming;
23. Rental and leasing services requiring extensive outdoor storage and warehousing and primarily serving other permitted uses within this zoning district;
24. Signs pursuant to [Chapter 17.52](#)
25. Storage buildings for household goods and property, i.e. mini-storage;
26. Veterinary offices and clinics with outside animal runs; dog grooming facilities;
27. Warehousing, storage, and distribution centers, including freight handling terminals; provided that docking and loading activities do not use any public street, alley or sidewalk;
- 28.

On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully permitted in this zone, provided that such facilities must meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210 as now or hereafter amended;

- 29.** Other uses not listed but having similar performance standards and site requirements may be permitted pursuant to the procedures of this chapter as presented in Section [17.44.030](#)

(Ord. 671 § 5, 1988; Ord. 501 § 3, 1980; Ord. 497 §§ 2, 3, 1980; Ord. 490 § 11.01(A), 1979)
(Ord. No. 1186, § 1, 6-7-2010)

17.44.023 - Conditional uses—Administrative.

Vending stands or kiosk (e.g. espresso stands) to be situated in the light industrial district (I-1) require administrative conditional use permit approval from the director per [Chapter 17.72](#).

(Ord. 982 § 6, 2003)
(Ord. No. 1186, § 1, 6-7-2010)

17.44.024 - Administrative temporary uses.

The following uses in the light industrial district (I-1) require administrative temporary use permit approval from the director per [Chapter 17.70](#):

- A. Roadside produce stand;
- B. Farmer's market.

(Ord. 982 § 6, 2003)
(Ord. No. 1186, § 1, 6-7-2010)

17.44.025 - Conditional uses—Hearing examiner.

The following uses in the light industrial (1-1) district and the heavy industrial (1-2) district require conditional use permit approval from the Hearing Examiner per [Chapter 17.72](#):

- A. Sexually-oriented business as defined in Section [17.08.702](#)
- B. Churches;
- C. Kennels/animal shelters;
- D. Cellular communication facilities;
- E. Day care centers.

(Ord. 1102 § 1 (part), 2007; Ord. 982 § 6, 2003; Ord. 905 § 2, 1998)
(Ord. No. 1186, § 1, 6-7-2010)

17.44.030 - Unlisted uses—Interpretation by the planning commission.

- A. Uses proposing to locate in the I-1 district but which are not listed in this chapter shall make application to the planning commission for consideration of the compatibility of the use in the I-1 district. The planning commission shall consider such applications at a public hearing after appropriate notice has been published and posted.
- B. Upon review of the proposed use and after the public hearing, the planning commission shall determine whether the proposed use is in accord with the goals and policies of the comprehensive plan, complies with requirements of the I-1 district, whether the effect of the proposed use on the immediate vicinity will be materially detrimental and whether the proposed use can be constructed and/or maintained so as to be harmonious and appropriate in design, character and appearance with the existing or intended uses of the district.
- C. Based upon the determinations outlined in subsection B, the commission may conclude that the proposed use should be added to the permitted uses in the I-1 district and recommend the same to the city council, or it may conclude that the proposed use is included under an existing category of permitted use and approve the proposed use with or without conditions, or it may conclude that the proposed use is inappropriate in the I-1 district and deny the application.

(Ord. 490 § 11.01(B), 1979)
(Ord. No. 1186, § 1, 6-7-2010)