

**STAFF REPORT TO THE PLANNING COMMISSION**  
**PUBLIC HEARING MAY 12, 2011**  
**PROPOSED ZONING CODE AMENDMENT**

SPOKANE COUNTY  
BUILDING AND PLANNING DEPARTMENT

**Summary of Proposal**

The proposal is a text amendment to the Spokane County Zoning Code, Chapters 14.300 (Definitions), 14.606 (Urban Residential Zones), 14.612 (Commercial Zones), 14.614 (Industrial Zones), 14.616 (Resource Lands), and 14.618 (Rural Zones), providing for a comprehensive set of regulations relating to Beekeeping within Spokane County. In summary, the proposal:

- 1) Sets forth a new set of Limited Use standards for beekeeping in the Rural and Resource Lands;
- 2) Allows Beekeeping for educational or research purposes in Commercial and Industrial Zones;
- 3) Allows Beekeeping as a Limited Use within the Urban Residential zones, where it is currently prohibited; and,
- 4) Creates several new definitions necessary to effectively administer the new code language.

**Background**

Early in 2010, planning staff initiated a “housekeeping” zoning text amendment in response to a complaint received regarding proximity of hives to property lines in Rural Zones. It appeared to staff that an oversight during the 2004 zoning code overhaul resulted in standards having not been applied the same in Rural Zones as were required in Resource Lands. An amendment was drafted by staff and envisioned to be a simple code cleanup effort to create uniform rules for beekeeping in both the Rural Zones and Resource Lands. At a well-attended Planning Commission Public Hearing on April 15, 2010, many citizens testified to voice opposition to the amendment, voicing support for looking at beekeeping rules in the County in a more comprehensive manner and to consider lesser restrictions. The Planning Commission tabled the proposed zoning code text amendment at that time and requested that staff work with those in the beekeeping community to develop a comprehensive set of rules for all zones. The consensus from the Commission was that staff would bring the matter back to the Planning Commission at a later date for consideration.

Due to unexpected planning staff cuts in May, 2010, staff was unable to tackle the beekeeping code amendment process immediately. In late 2010 members of the Inland Empire Beekeepers Association (IEBA) met with director John Pederson to initiate the amendment process with a goal of having a public hearing prior to spring, 2011, to avoid the busy season for beekeepers. Staffing and other departmental priorities have resulted in a later schedule than desired.

Staff has met with members of IEBA three additional times since March 2011 to review and discuss proposed amendment language. The current proposal could be roughly summed up as middle ground between the initial draft submitted by IEBA and the City of Spokane’s beekeeping ordinance which was utilized by staff as a starting point for discussion regarding regulations to consider for the Urban Residential zones. The rules proposed are in many ways very similar to those that were in place in the pre-2004 version of the Spokane County zoning code.

**Process**

***Public Notice***

Notice of the proposed amendment was published in the Legal Notice section of the Spokesman Review on April 27, 2011. The proposal was mailed to agencies of jurisdiction on April 27, 2011. State agencies were notified in accordance with RCW 36.70A.106 on April 27, 2011 by Spokane County and the Washington State Department of Commerce. The Public Hearing Notice, SEPA Environmental documents, and proposed amendments were posted to the County website and available for viewing/download on April 27, 2011. Additionally, all parties of record from the April 15, 2010 Planning Commission Public Hearing before the Planning Commission on Beekeeping code amendments were notified of this Public Hearing on April 27, 2011. The public hearing is scheduled for May 12, 2011, at 9:00 am or as soon as possible thereafter in the Public Works Hearing Room, located at 1026 West Broadway Avenue, Spokane, WA, 99260.

***Environmental Review***

A non-project environmental checklist was reviewed by Building and Planning Staff and a Determination of Non-Significance (DNS) was issued on April 27, 2011, with a comment and appeal period ending on May 11, 2011 as required by the Washington State Environmental Policy Act (SEPA). The DNS was circulated to agencies of jurisdiction and published in the Spokesman Review on April 27, 2011. The SEPA appeal period ends on the day prior to the Planning Commission's Public Hearing. SEPA appeals for Code Amendments are heard by the Spokane County Hearing Examiner.

***Public/Agency Comments***

No formal written comments had been received from the general public or any agencies in response to the proposal at the time this report was prepared.

**Current Beekeeping Regulations in Spokane County**

Beekeeping is currently defined in the Spokane County Zoning Code (Definitions – Chapter 14.300.100) as follows:

***Beekeeping: A private or commercial activity where hives are kept on a lot or parcel.***

The following table summarizes all of the zoning categories in Spokane County and indicates whether Beekeeping is an allowed use.

<b><u>Zoning Category</u></b>	<b><u>Beekeeping Allowed?</u></b>
Urban Residential Zones (All)	Not Listed (Not Permitted)
Industrial Zones (All)	Not Listed (Not Permitted)
Resource Lands:	
Large Tract Agricultural	Limited Use
Small Tract Agricultural	Limited Use
Forest Land	Limited Use
Mineral Lands	Not Listed (Not Permitted)
Rural Zones:	
Rural Traditional (RT)	Permitted
Rural-5 (R-5)	Permitted
Rural Activity Center (RAC)	Not Permitted
Rural Conservation (RCV)	Permitted
Urban Reserve (UR)	Permitted
Commercial Zones (All)	Not Listed (Not Permitted)

As the code currently stands, Beekeeping is listed as a “Permitted” use within the Rural Zones, which allows the use outright, with no limitations. In Resource Lands, Beekeeping is listed as a “Limited Use”, which means the use is allowed only if it can comply with specific performance standards listed in the Zoning Code for that specifically-named use. Currently, the following “Limited Use” standards for Beekeeping in Resource Lands apply:

***Beekeeping***

- a. The number of beehives is limited to 1 per 4,356 square feet of lot area (10 per acre).***
- b. The beehives shall maintain a 50-foot setback from all property lines and be enclosed by a security fence.***
- c. The keeping of bees shall be consistent with the requirements of the Washington State Department of Agriculture and chapter 15.60 RCW or as hereby amended.***

**Beekeeping Regulations in Other Local Jurisdictions**

Both the City of Spokane and the City of Spokane Valley currently allow Beekeeping and have urban residential zones and neighborhoods of a similar nature and design as those found in unincorporated Spokane County. A summary of each jurisdiction’s primary rules are as follows:

***City of Spokane***

- Beekeeping is allowed as an accessory use on lots occupied by a single-family residence in most residential zones.
- Beekeeping for educational or research purposes by an institution is allowed by conditional use permit.
- Number of hives is limited to 1 colony per 4,350 sq ft of lot size.
- Colonies must be setback 25 feet from property lines, OR can be set back 10 feet to a side or rear lot line IF hives are isolated by security fence AND 6-foot high “flyway barrier” is established.
- Colonies must be maintained in movable-frame hives.
- Beekeeper is responsible for controlling aggressive or swarming behavior of the colony if it occurs.
- Beekeeper must maintain adequate supply of water for bees, close to each hive.
- All colonies must be registered with the State Department of Agriculture pursuant to RCW 15.60.021.
- Beekeepers must complete apprenticeship level of Washington State Beekeeper’s Association master beekeeper certification program.

***Spokane Valley***

- Hobby Beekeeping is allowed up to 25 hives per lot (regardless of lot size) in most low-density single-family zones.
- Commercial Beekeeping (greater than 25 hives per lot) is allowed only in the Heavy Industrial Zone.

***Pre-2004 Version of Spokane County Zoning Code***

Prior to May 25, 2004 when the Zoning Code was overhauled and adopted, Commercial Beekeeping (for-profit / more than 25 hives per lot) was permitted in most agricultural and rural zones. Hobby Beekeeping (personal use / less than 25 hives per lot) was also allowed in some larger lot low-density/rural residential zones, with a basic set of standards summarized as follows:

- Hobby beekeeping allowed as Accessory Use only (Primary Use of lot is for single-family home).
- Limit of 1 hive per 4,356 sq feet, up to a maximum cap of 25 hives per lot, regardless of lot size.
- Hives must meet 5’ side/rear yard setbacks AND completely enclosed within a 6’ barrier (fence, hedge, landscaping) that necessitates bees flying over; OR hives meet minimum 25-foot/50-foot

setback (depending on zone) AND isolated from public access by a security fence; OR hive is minimum of 10' above grade AND meets 5' side/rear yard setbacks.

### **Other Washington State Jurisdictions**

Staff has examined examples of Beekeeping regulations from jurisdictions throughout Washington State and elsewhere, particularly regulations related to beekeeping in Urban Areas. The following is a general summarization of commonly applied types of regulations regarding Urban Beekeeping:

- Minimum required setbacks of hives from property lines
- Enclosures of beehives or “flyway barriers” required to force bees up at the property line.
- Limits on the number of beehives, often times related to the size of the lot or parcel.
- Responsibilities of beekeepers to properly maintain beehives and water supplies, and abate problems or nuisance issues if they arise.
- Compliance with Washington State Law regarding Beekeeping (RCW 15.60).

### **Proposed Beekeeping Regulations for Spokane County**

#### **Rural Zones and Resource Lands**

Recognizing that the Rural and Resource Lands are the appropriate locations for commercial honey production as well as necessary for pollination of crops, the rules in these zones are proposed to be less restrictive and simplified than the current code. The regulations have also been made uniform in all Rural Zones and Resource Lands, which encompass most of the County’s lands located outside of the Urban Growth Area. The proposed regulations are listed below **in red**, followed by a brief staff response to the reasoning behind each standard in **bold italics**.

- a. **Beekeeping is allowed as a primary or accessory use on any lot or parcel.**  
***Beekeeping in these zones can occur with or without a person living in a single family residence on the same parcel as where the beekeeping activity occurs. In Urban Residential zones beekeeping is only permitted as an accessory use where an existing single family dwelling exists on the parcel.***
- b. **The keeping of bees shall meet the requirements of the Washington State Department of Agriculture RCW 15.60 or as hereafter amended.**  
***RCW 15.60 (Apiaries) requires beekeepers to register their hives with Washington State prior to April 1<sup>st</sup> each year.***
- c. **There is no limit to the number of beehives, colonies, or nucs allowed per lot.**  
***Regardless of the size of the lot, there is not a maximum limit on the total number of hives or “nucs” allowed on each lot. (See proposed Definitions).***
- d. **Beehives shall be setback a minimum of twenty-five (25) feet from any public right-of-way, private road, or improved shared access easement.**  
***This requirement is to ensure that beehives are not placed in close proximity to public or private roads or other areas where the general public or other passers-by are likely to come into direct contact with beekeeping activity.***
- e. **Beehives shall be setback a minimum of five (5) feet from any side or rear property lines and a minimum of fifty (50) feet from any adjacent residence.**  
***This requirement ensures a minimum separation between beehives and the property line as well as a minimum separation between beehives and adjacent residential structures.***

- f. In cases where, due to lot size, a fifty (50) foot setback from an adjacent residence is not possible, beehives shall be centrally located on the lot to the greatest extent possible.  
*While current regulations require parcels in Rural and Resource Lands to be 5, 10, 20, or 40 acres in size, depending on the specific zone, there are many nonconforming lots that are much smaller. For example, many lakes in the Rural zones are developed with urban-level densities around their perimeter. Likewise, there are several areas throughout the county in both Rural Zones and Resource Lands that were previously platted and have traits similar to those in the Urban Residential zones where people live on smaller lots in close proximity to each other. Recognizing this fact, this requirement increases the distance between beehives and adjacent residents to the greatest extent possible without denying or further restricting beekeeping activities in Rural/Resource areas.*
- g. The requirements of section (d) and (e) above are waived in regard to any side of the property adjacent to a parcel not used for residential purposes.  
*In cases where the adjacent property is vacant and the potential for land use impacts is greatly reduced, beehives may be located closer to the property line, so long as the adjacent property is vacant.*

(See Attachment A)

### **Commercial and Industrial Zones**

As part of the discussion between Staff and the IEBA, it was recognized that the current zoning code technically prohibits beekeeping for educational or research purposes in several zones where educational/research institutions exist and are permitted. As such, beekeeping for educational and research purposes has been included as a Limited Use in all Commercial and Industrial zones (where these educational/research institutions are normally located), so long as conducted as an accessory use to the institution. The proposed code language is as follows:

- a. Beekeeping for educational or research purposes as an accessory use to an existing institution such as a college, high school or agricultural extension office shall be allowed.

(See Attachment A)

### **Urban Residential Zones**

Perhaps the most significant proposed change in the zoning code relevant to Beekeeping is the introduction of beekeeping as a Limited Use within the county's Urban Residential zones, where beekeeping is currently prohibited, and has not been permitted since prior to May 25, 2004 when the new Zoning Code was adopted.

At the April, 2010 Planning Commission public hearing on proposed zoning text amendments to beekeeping in Rural Zones and Resource Lands, several testified on the issue that beekeeping was permitted within the cities of Spokane and Spokane Valley, yet prohibited in the Urban Residential areas within Spokane County. The IEBA furthered this cause by proposing that beekeeping be listed as a Limited Use in the Urban Residential zones as part of this comprehensive code amendment process. Staff took the initial proposal by IEBA and added land use controls for beekeeping similar to those of the City of Spokane. Discussions between staff and members of IEBA resulted in the current proposal, which was drafted by Planning Staff. The proposed regulations are listed below in red, followed by a brief staff response to the reasoning behind each standard in **bold italics**.

- a. Beekeeping is allowed as an accessory use on any lot or parcel occupied by a single-family residence.

***This requirement is to ensure that beekeeping in urban areas is conducted for personal use or as a hobby primarily by the owners of the property, whom will be on the premises to care for the colony. This requirement prohibits the use of vacant property for commercial beekeeping.***

- b. The keeping of bees shall meet the requirements of the Washington State Department of Agriculture RCW 15.60 or as hereafter amended.  
***This requirement ensures that the beekeeper complies with Washington State requirements for beehive registration. It also provides Spokane County the ability to turn to Washington State to remedy any situations where a beekeeper may not be in compliance with Washington State Law regarding beekeeping.***
- c. The number of colonies allowed is limited to two (2) for the first 4,356 square feet of lot area, and one (1) for every 4,356 square feet of lot area thereafter. There is no limit on the number of Nucs/Nuclei.  
***In response to comments provided by IEBA, the minimum 2 hives and no limit on “nucs” provides a beekeeper the ability to better manage colonies, keeping bees healthy, and preventing overcrowding and swarming. A “nuc” is a smaller beehive often used temporarily. The purpose of creating a density requirement in Residential Zones is because there can be quite a range of lot sizes from about 4000 sq ft upwards of several acres. It is a reasonable and common approach used by other jurisdictions to allow more hives as the lot size increases so as to not create a nuisance situation on smaller lots.***
- d. Beehives shall be setback a minimum of twenty-five (25) feet from any abutting side or rear property line or public right-of-way, except that beehives may be setback up to five (5) feet from any abutting side or rear property line when the beekeeper establishes and maintains a flyway barrier as provided in section (e) below.  
***This requirement ensure that beehives are not placed in close proximity to public roads or other areas where the general public or other passers-by are likely to come into direct contact with beekeeping activity. It also creates separation between beekeeping and adjacent residential uses on private property that may be incompatible without the separation. This requirement gives a beekeeper options in how to create the separation while still protecting neighboring uses.***
- e. A flyway barrier shall be at least six (6) feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to such side and/or rear property line(s) and extends beyond the beehive(s) in each direction so that bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.  
***The 6-foot flyway barrier is a method that is taught in local beekeeping courses as a way to force bees to fly above head-level as they pass from the beekeeper’s property onto adjacent property. This type of barrier is required in many urban beekeeping ordinances in Washington State and elsewhere, and appears regularly in educational material related to urban beekeeping. In addition to creating a physical barrier for the bees to fly over, it also creates a visual screen from adjacent uses.***

(See Attachment A)

**Definitions**

Several new definitions have been created to define terms used in the proposed code language. As noted, these definitions may differ from those in Washington State Law and are intended to be written in a less technical/plain language format to clearly administer the code.

*(See Attachment A)*

**“Limited Uses” and Enforcement of Specific Standards**

When a use is defined in the zoning matrix as a “Limited Use”, there is no official application process or staff review of those uses. Upon inquiry, the Building and Planning Department provides a copy of the standards that apply to the particular use and zone to the party requesting the information. Following-through with meeting the Specific Standards is the responsibility of the property owner. Should Spokane County receive a formal complaint that results in a finding that the Specific Standards are not met, the County has the authority to follow-up through its Code Enforcement Division to attempt to resolve the matter by gaining compliance with the code provisions. In short, staff’s position for uses with Specific Standards is to inform the people of the standards, hope they are followed, and respond to complaints if they arise.

**Comprehensive Plan**

The proposal must be reviewed for consistency with the Spokane County Comprehensive Plan goals and policies. There are no specific policies for beekeeping in the Comprehensive Plan. General policies related to rural and resource uses are found in Chapter 3 (Rural Land Use) and Chapter 4 (Natural Resource Lands) of the Comprehensive Plan. The proposed zoning code amendments would be in compliance with the existing policies of the Comprehensive Plan.

**Review Criteria for Zoning Text Amendments**

The Zoning Code provides the following criteria regarding Zoning Code Text Amendments that must be considered:

**14.402.040 Criteria for Amendment**

The County may amend the Zoning Code when one of the following is found to apply.

1. The amendment is consistent with or implements the Comprehensive Plan and is not detrimental to the public welfare.
2. A change in economic, technological, or land use conditions has occurred to warrant modification of the Zoning Code.
3. An amendment is necessary to correct an error in the Zoning Code.
4. An amendment is necessary to clarify the meaning or intent of the Zoning Code.
5. An amendment is necessary to provide for a use(s) that was not previously addressed by the Zoning Code.
6. An amendment is deemed necessary by the Commission and/or Board as being in the public interest.

**Staff Analysis**

The “Criteria for Amendment”, above, are the minimum necessary that must be found in order to approve a Zoning Text Amendment. The Building and Planning Department initiated this amendment at the direction of the Planning Commission and would appear to be consistent with Criteria #1 and #6, above.

**Attachments**

- A. Proposed Amendments to Spokane County Zoning Code Chapters 14.300 (Definitions), 14.606 (Urban Residential Zones), 14.612 (Commercial Zones), 14.614 (Industrial Zones), 14.616 (Resource Lands), and 14.618 (Rural Zones). *Changes in Red*
- B. Completed SEPA Environmental Checklist - Non-Project Supplemental form

# ATTACHMENT A

## Proposed Beekeeping Definitions (to be inserted alphabetically into Chapter 14.300 Definitions)

**Note:** These definitions are the minimum necessary to clearly administer the beekeeping regulations from a zoning code perspective. They may not match the state definitions.

Bee(s): Adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis Mellifera*.

Beehive: A structure with movable-frames intended for the housing of one (1) honey bee colony.

Beekeeper: A person owning, possessing or controlling one (1) or more beehives.

Beekeeping: A private or commercial activity where beehives are kept on a lot or parcel.

Colony: A natural group of bees having a queen or queens.

Nuc or Nucleus: A queen mating box or receptacle for expansion or split of a new hive or colony.

**14.606.220 Residential Lands Matrix****Table 606-1, Residential Zones Matrix**

<b>Residential Uses</b>	<b>LDR</b>	<b>LDR-P</b>	<b>MDR</b>	<b>HDR</b>
Accessory dwelling unit, attached	L	L	L	L
Accessory dwelling unit, detached	CU	CU	CU	CU
Animal raising and/or keeping	N	L	N	N
<b>Beekeeping</b>	<b><u>L</u></b>	<b><u>L</u></b>	<b><u>L</u></b>	<b><u>L</u></b>
Community residential facility (8 or fewer residents) (EPF)	P	P	N	N
Community residential facility (greater than 8 residents, no more than 25 residents) (EPF)	N	N	P	P
Community treatment facility (8 or fewer residents) (EPF)	CU	CU	N	N
Community treatment facility (greater than 8 residents, no more than 20 residents) (EPF)	N	N	CU	CU
Crisis residential center (8 or fewer residents) (EPF)	CU	CU	N	N
Crisis residential center (greater than 8 residents, no more than 20 residents) (EPF)	N	N	CU	CU
Dangerous animal keeping	N	N	N	N
Dependent relative manufactured home	L	L	L	L
Dwelling, multi-family	N	N	P	L
Dwelling, multi-family, greater than 30 units per acre	N	N	N	CU
Dwelling, single-family	P	P	P	P
Dwelling, row housing	L	N	P	P
Dwelling, two-family duplex	P	N	P	P
Family day-care provider	P	P	P	P
Halfway house (8 or fewer residents) (EPF)	CU	CU	N	N
Halfway house (greater than 8 residents, no more than 20 residents) (EPF)	N	N	CU	CU
Manufactured home park	L	L	L	L
Nursing home, convalescent home	N	N	P	P
Planned unit development	L	L	L	L
<b>Commercial Uses</b>	<b>LDR</b>	<b>LDR-P</b>	<b>MDR</b>	<b>HDR</b>
Adult entertainment establishment	N	N	N	N
Adult retail use establishment	N	N	N	N
Agricultural product sales stand/area	N	N	N	N
Animal health services – small animals	N	N	N	L
Auto wrecking/recycling, junk and salvage yards	N	N	N	N
Billboard/videoboard	N	N	N	N
Child day-care center	CU	CU	P	P
Child day-care center (in a church or school)	L	L	L	L
Garden sales	L	L	L	L
Golf course	P	P	N	N
General commercial uses, not elsewhere classified	N	N	N	N
High impact use	N	N	N	N
Home industry	CU	CU	CU	CU
Home profession	L	L	L	L

X. *Beekeeping (LDR, LDR-P, MDR, HDR zones)*

- a. *Beekeeping is allowed as an accessory use on any lot or parcel occupied by a single-family residence.*
- b. *The keeping of bees shall meet the requirements of the Washington State Department of Agriculture RCW 15.60 or as hereafter amended.*
- c. *The number of colonies allowed is limited to two (2) for the first 4,356 square feet of lot area, and one (1) for every 4,356 square feet of lot area thereafter. There is no limit on the number of Nucs/Nuclei.*
- d. *Beehives shall be setback a minimum of twenty-five (25) feet from any abutting side or rear property line or public right-of-way, except that beehives may be setback up to five (5) feet from any abutting side or rear property line when the beekeeper establishes and maintains a flyway barrier as provided in section (e) below.*
- e. *A flyway barrier shall be at least six (6) feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to such side and/or rear property line(s) and extends beyond the beehive(s) in each direction so that bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the colony.*

4. *Child day-care center (in or on a church or a public or private school site) (LDR, LDR-P, MDR, HDR zones)*

- a. Any outdoor play area shall be completely enclosed with a solid wall or fully sight obscuring fence to a minimum height of 6 feet.
- b. The facility shall meet Washington State childcare licensing requirements.

5. *Dependent relative manufactured home (LDR, LDR-P, MDR and HDR zones)*

- a. The property owner shall obtain an administrative permit from the Division pursuant to chapter 14.506 of the Zoning Code.
- b. The manufactured home shall be as defined in chapter 14.300.100.
- c. The manufactured home shall not be considered as a dwelling unit when calculating density.
- d. Only 1 dependent relative manufactured home is allowed on the property.
- e. The manufactured home shall be occupied by either a dependent relative(s) and family, or the person providing care to the dependent relative(s) and family.
- f. On forms provided by the Division, a statement by both a licensed physician and the care-provider stating that the person(s) in question is physically or mentally incapable of caring for themselves and/or their property is submitted with the application.
- g. A statement shall be recorded in the County Auditor's office by the Division stating that the manufactured (mobile) home is temporary and is for use by the named dependent relative(s) or that person(s)' care provider for whom the temporary use permit is approved and that it is neither to be considered a permanent residential structure nor to be transferred with the property if it should be sold or leased.
- h. The care provider may be administratively changed upon written application to and approval by the Division. A dependent relative manufactured home shall not be granted nonconforming status and any change in dependent relative(s) requires processing of a new permit, consistent with current standards. This provision does not apply to adding a spouse as a new dependent relative, as provided in this chapter.
- i. A spouse of the dependent relative may administratively become qualified as 'dependent' upon written request and submission of the forms to qualify him/her as dependent. This request must be submitted during the period in which the temporary manufactured (mobile) home is legitimately located on-site.
- j. Upon termination of the need for care of the dependent relative(s), the manufactured home shall be removed within 180 days. The Division may exercise discretion on the

**Table 612-1, Commercial Zones Matrix - continued**

Top soil removal	CU	CU	CU	CU
Warehouse	N	N	P	N
<b>Residential</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
Dwelling, multi-family	L	L	L	N
Dwelling, single-family	P	P	P	P
Dwelling, two-family duplex	P	P	P	P
Family day-care provider	P	P	P	P
<b>Utilities and Facilities</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
Fire station	P	P	P	P
Incinerator (EPF)	N	N	N	N
Landfill (EPF)	N	N	N	N
Power plant (EPF)	N	N	N	N
Public utility local distribution facility	P	P	P	P
Public utility transmission facility (EPF)	L	L	L	L
Recycle collection center	N	P	P	P
Sewage treatment plant (EPF)	N	N	N	N
Solid waste recycling/transfer site (EPF)	N	N	CU	CU
Stormwater treatment/disposal	P	P	P	P
Tower	L	L	L	L
Tower, private	L	L	L	L
Transit facilities (EPF)	P	P	P	P
Wireless communication antenna array	L	L	L	L
Wireless communication support tower	CU	L	L	L
<b>Institutional</b>	<b>Neighborhood Commercial</b>	<b>Community Commercial</b>	<b>Regional Commercial</b>	<b>LDA Commercial</b>
<b>Beekeeping</b>	<b>L</b>	<b>L</b>	<b>L</b>	<b>L</b>
Child day-care center	P	P	P	P
Church	P	P	P	P
Community hall, club or lodge	P	P	P	P
Cultural center/museum	L	P	P	P
Detention facility (EPF)	N	N	N	N
Government offices/maintenance facilities (EPF)	P	P	P	P
Hospital	N	N	P	P
Law enforcement facility (EPF)	L	L	L	L
Library	P	P	P	P
Park, public	P	P	P	P
Secure community transition facility (3 or fewer residents) (EPF)	CU	CU	CU	CU
Schools, public/private				
Elementary or secondary	P	P	P	P
College or university (EPF)	N	P	P	P
Specialized school/studio	L	L	P	L
Vocational or fine arts school	L	L	P	L

Zoological park	N	N	P	N
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**14.612.230 Uses with Specific Standards**

Uses that are categorized with an “L” in table 612-1, Commercial Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.612.220 (Commercial Zones Matrix) and section 14.612.230, section 14.612.230 shall govern.

1. *Adult entertainment establishment or adult retail use establishment (CC, RC zones)*
  - a. There shall be 5 existing acres of contiguous (includes across streets) zoning classified Community Commercial or Regional Commercial.
  - b. The use shall be located or maintained at least 1,000 feet from the nearest property line. Distance shall be measured from the nearest property line of the adult retail use establishment or adult entertainment establishment(s) to the nearest property line of the following pre-existing uses:
    - i. Public library.
    - ii. Public playground or park.
    - iii. Public or private school and its grounds of kindergarten to 12<sup>th</sup> grade.
    - iv. Nursery school, mini-day care center or day care center.
    - v. Church, convent, monastery, synagogue or other place of religious worship.
    - vi. Another adult use subject to the provisions of this section.
  - c. An adult retail use establishment or adult entertainment establishment(s) shall not be located within 1,000 feet of an urban growth area boundary or within 1,000 feet of any of the following zones:
    - i. Low Density Residential
    - ii. Medium Density Residential
    - iii. High Density Residential
  
2. *Animal health services (CC, RC, LDAC zones)*
  - a. There shall be no outside runs or areas.
  - b. The structure(s) housing animals is adequately soundproofed to meet WAC 173-60.
  - c. The operation of the clinic shall be conducted in such a way as to produce no objectionable odors or other nuisance or health hazard.
  - d. Boarding of animals not under treatment shall be prohibited.
  
- X. *Beekeeping (NC, CC, RC, LDAC zones)*
  - a. Beekeeping for educational or research purposes as an accessory use to an existing institution such as a college, high school or agricultural extension office shall be allowed.
  
3. *Convenience store/gas station (NC, CC, RC, LDAC zones)*
  - a. Pump islands shall be located at least 15 feet from the right-of-way line(s).
  - b. Convenience stores/gas stations within the Neighborhood Commercial zone shall not exceed 6 pump sites and the building floor area shall not exceed 5,000 square feet per lot.
  
4. *Cultural center/museum (NC zone)*
  - a. The maximum building floor area within the Neighborhood Commercial zone shall be 5,000 square feet per lot.
  
5. *General retail sales and services, not elsewhere classified (NC, CC, LDAC zones)*
  - a. The maximum building floor area in the Neighborhood Commercial zone shall be 15,000 square feet per lot.

Table 614-1, Industrial Zones Matrix – continued

<b>Commercial Business</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Participant sports and recreation (outdoor only)	L	N
Printing, reprographics, bookbinding and graphic services	P	P
Restaurant, including drive-through	P	P
Recreational vehicle/trailer sales	P	N
Self-service storage facility (mini-storage)	P	P
Service and repair of motorized vehicles/boats	P	P
Service station, automobile/truck	P	P
Spectator sports facility (EPF)	P	P
Top soil removal	CU	CU
<b>Residential</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Family day-care provider	P	P
Residential use	L	N
<b>Institutional</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Animal shelter	P	P
Animal, wildlife rehabilitation or scientific research facility	P	P
<u>Beekeeping</u>	<u>L</u>	<u>L</u>
College or university (EPF)	P	N
Detention facility (EPF)	CU	P
Fire station	P	P
Government offices/maintenance facilities (EPF)	P	P
Law enforcement facility (EPF)	L	P
Park, public	P	P
Secure community transitional facility (EPF)	CU	CU
Trade/technical school	P	N
Transit facilities (EPF)	P	P
<b>Utilities/Facilities</b>	<b>Light Industrial</b>	<b>Heavy Industrial</b>
Critical materials tank storage	L	L
Hazardous waste treatment and storage facilities, off-site	N	L
Hazardous waste treatment and storage facilities, on-site	L	L
Incinerator (EPF)	CU	CU
Landfill (EPF)	N	CU
Landfill, inert waste disposal facility	N	CU
Power plant (EPF)	N	CU
Public utility local distribution facility	P	P
Public utility transmission facility (EPF)	L	L
Sewage treatment plant (EPF)	CU	CU
Solid waste hauler	CU	P
Solid waste recycling/transfer site (EPF)	L	L
Stormwater treatment/disposal	P	P
Tower	L	L
Wireless communication antenna array	L	L

Wireless communication support tower	L	L
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**14.614.230 Uses with Specific Standards**

Uses that are categorized with an “L” in table 614-1, Industrial Zones Matrix, are subject to the corresponding standards of this section. In the case of inconsistencies between section 14.614.220 (Industrial Zones Matrix) and section 14.614.230, section 14.614.230 shall govern.

1. *Accessory retail sales (LI, HI zones)*
  - a. The retail sales shall be directly related to and accessory to an allowed use.
  - b. The product must be produced or processed on the site and the retail use must be clearly incidental to the primary industrial use.
2. *Auto wrecking/recycling, junk and/or salvage yards (HI zone)*
  - a. A sight-obscuring fence of single color and material, a minimum of 6 feet in height, must be constructed, and approved, prior to the issuance of a certificate of occupancy.
  - b. All materials or parts shall be located within the fenced area.
  - c. The minimum lot area shall be 1 acre.
  - d. A performance bond, or other financial guarantee acceptable to the Division of Building and Planning, shall be required to assure compliance with the provisions of this permit.
  - e. All conditions must be met prior to commencing business activity.

X. *Beekeeping (LI, HI zones)*

- a. *Beekeeping for educational or research purposes as an accessory use to an existing institution such as a college, high school or agricultural extension office shall be allowed.*

3. *Caretaker’s residence (LI, HI zones)*
  - a. The residence is limited to the duration of need associated with the custodial, maintenance or overseeing of the owner’s property, building and/or use.
4. *Commercial uses, general, not elsewhere classified (LI zone)*
  - a. Permitted uses in Light Industrial zones located within the West Plains, West Plains/Thorpe UGAs shall also include all uses permitted in the commercial zone matrix in the Regional Commercial zone not elsewhere classified, except for adult retail use establishment and adult entertainment establishment and except for single family, duplex, and multifamily residential uses. Provided further, those uses listed under Regional Commercial as an accessory or conditional use shall also be permitted as accessory or conditional uses in the Light Industrial zone. Provided further, Regional Commercial uses allowed in the Light Industrial zone shall meet all the Regional Commercial development standards as set forth in Section 14.612.300.
  - b. Permitted uses in Light Industrial zones which are not located within the West Plains, West Plains/Thorpe UGAs shall also include all uses permitted in the commercial zone matrix in the Regional Commercial zone not elsewhere classified, except for adult retail use establishment and adult entertainment establishment. Provided further, those uses listed under Regional Commercial as an accessory or conditional use shall also be permitted as accessory or conditional uses in the Light Industrial zone. Provided further, Regional Commercial uses allowed in the Light Industrial zone shall meet all the Regional Commercial development standards as set forth in Section 14.612.300.
5. *Critical material tank storage (LI, HI zones)*
  - a. The tank storage shall comply with all local, state and federal standards for critical materials.
  - b. Exposed tanks (those not completely below ground and covered over at grade) shall maintain primary use setbacks.

2. **Limited Uses:** Limited uses are designated in table 616-1 with the letter “L”. These uses are allowed if they comply with the development standards of the zone and specific performance standards in section 14.616.230
3. **Conditional Uses:** Conditional Uses are designated in table 616-1 with the letters “CU”. These uses require approval of a conditional use permit as set forth in Chapter 14.404, Conditional Use Permits. Conditional uses are also subject to standards and criteria as may be required under Section 14.616.240, Conditional Use Permits. Conditional use permits require a public hearing before the Hearing Examiner.
4. **Not Permitted:** Uses designated in table 616-1 with the letter “N” are not permitted. All uses not specifically authorized by this Code are prohibited.
5. **Essential Public Facilities (EPF):** Facilities that may have statewide or regional/countywide significance are designated in table 616-1 with the letters “EPF”. These uses shall be evaluated to determine applicability with the “Essential Public Facility Siting Process”, as amended.
6. **Use Determinations:** It is recognized that all possible uses and variations of uses cannot be reasonably listed in a use matrix. The Director may classify uses not specifically addressed in the matrix consistent with section 14.604.160. Classifications shall be consistent with Comprehensive Plan policies.

**14.616.220 Resource Lands Matrix**

**Table 616-1, Resource Lands Matrix**

<i><b>Agricultural Uses</b></i>	<i><b>Large Tract Agricultural</b></i>	<i><b>Small Tract Agricultural</b></i>	<i><b>Forest Lands</b></i>
Agricultural direct marketing activities	N	L	N
Agricultural processing plant, warehouse	L	L	L
Agricultural product sales stand/area	L	L	N
Airstrip or heliport for crop dusting and spraying	CU	CU	CU
Airstrip or heliport, personal	L	L	L
Airstrip or heliport, private	CU	CU	CU
Animal raising and/or keeping	L	L	L
Beekeeping	L	L	L
Expanded seasonal harvest festivities	N	CU	N
Feed lot	CU	CU	N
Feed mill	P	P	N
Forestry	P	P	P
General agriculture/grazing/crops, not elsewhere classified	P	P	P
Greenhouse, commercial	P	P	P
Grain elevator	P	P	N
Sawmill/lumber mill	L	L	L
Seasonal harvest festivities	N	L	N
Sewage sludge land application	L	L	N
Storage structure, detached, private	P	P	P

- i. Large animals: Three livestock units per gross acre.
  - ii. Small Animals: One small animal or fowl per 2,000 square feet.
7. *Beekeeping (LTA, STA, F zones)*
- ~~a. The number of beehives is limited to 1 per 4,356 square feet of lot area (10 per acre).~~
  - ~~b. The beehives shall maintain a 50-foot setback from all property lines and be enclosed by a security fence.~~
  - ~~b. The keeping of bees shall be consistent with the requirements of the Washington State Department of Agriculture and chapter 15.60 RCW or as hereby amended.~~
  - a. Beekeeping is allowed as a primary or accessory use on any lot or parcel.
  - b. The keeping of bees shall meet the requirements of the Washington State Department of Agriculture RCW 15.60 or as hereafter amended.
  - c. There is no limit to the number of beehives, colonies, or nucs allowed per lot.
  - d. Beehives shall be setback a minimum of twenty-five (25) feet from any public right-of-way, private road, or improved shared access easement.
  - e. Beehives shall be setback a minimum of five (5) feet from any side or rear property lines and a minimum of fifty (50) feet from any adjacent residence.
  - f. In cases where, due to lot size, a fifty (50) foot setback from an adjacent residence is not possible, beehives shall be centrally located on the lot to the greatest extent possible.
  - g. The requirements of section (d) and (e) above are waived in regard to any side of the property adjacent to a parcel not used for residential purposes.
8. *Cemetery (LTA, STA, F zones)*
- a. The minimum lot area is 20 acres.
  - b. The cemetery shall not prevent the extension of streets important to circulation within the area.
  - c. The property shall be at least 500 feet from any existing dwelling, except a dwelling of the cemetery owner or employee.
  - d. No building shall be erected in the cemetery within 200 feet of any property line of the cemetery.
  - e. Grave plots shall not be located closer to any non-cemetery property line than the required front yard and/or flanking street yard setback of the zone in which the property is located.
  - f. Points of ingress and egress shall be approved by the Division and the County Engineer, or if on a state highway, the Washington State Department of Transportation.
  - g. A plat of the cemetery shall be filed with the County Auditor, in accordance with the laws of the State of Washington.
  - h. Cemetery lots shall not be offered for sale until a water supply for irrigation has been developed and approved by the Spokane Regional Health District and the Department of Health.
  - i. All cemeteries shall comply with chapter 68 RCW.
9. *Child day-care center, 30 children or less (LTA, STA, F zones)*
- a. The center shall be located on a paved road or bus route.
  - b. The center shall serve 30 or fewer children. A center providing care for more than 30 children shall require a conditional use permit.
10. *Critical materials tank storage (LTA, STA, F zones)*
- a. The tank storage shall comply with all local, state and federal standards for critical materials.
  - b. Exposed tanks (those not completely below ground and covered over at grade), shall maintain primary use setbacks.

**14.618.220 Rural Zones Matrix****Table 618-1, Rural Zones Matrix**

<b>Agricultural Uses</b>	<b>Rural-5</b>	<b>Rural Traditional</b>	<b>Rural Activity Center</b>	<b>Urban Reserve</b>	<b>Rural Conservation</b>
Agricultural direct marketing activities	N	L	N	N	N
Agricultural processing plant, warehouse	L	L	N	L	L
Agricultural product sales stand/area	L	L	N	L	L
Airstrip or heliport for crop dusting and spraying	N	CU	N	N	CU
Airstrip or heliport, personal	L	L	N	N	L
Airstrip or heliport, private	CU	CU	N	N	CU
Animal raising and/or keeping	L	L	N	L	L
Beekeeping	<u>PL</u>	<u>PL</u>	<u>NL</u>	<u>PL</u>	<u>PL</u>
Dairy	N	P	N	N	P
Feed lot	N	CU	N	N	CU
Feed mill	P	P	P	P	P
Fertilizer application facility	N	L	N	L	L
General agriculture/grazing/crops, not elsewhere classified	P	P	N	P	P
Greenhouse, commercial	P	P	P	P	P
Landscape material sales lot	N	L	N	N	N
Sawmill/lumber mill	N	CU	N	N	N
Seasonal harvest festivities	N	L	N	N	N
Seasonal harvest festivities, expanded	N	CU	N	N	N
Sewage sludge land application	N	L	N	N	N
Storage structure, detached, private	P	P	P	P	P
Winery	P	P	P	P	P
<b>Residential Uses</b>	<b>Rural-5</b>	<b>Rural Traditional</b>	<b>Rural Activity Center</b>	<b>Urban Reserve</b>	<b>Rural Conservation</b>
Accessory dwelling unit, attached	L	L	L	L	L
Accessory dwelling unit, detached	L	L	L	L	N
Community residential facility (8 or fewer residents) (EPF)	N	N	P	N	N
Community treatment facility (8 or fewer residents) (EPF)	N	N	CU	N	N
Dangerous animal keeping	L	L	N	L	L
Dependent relative manufactured home	L	L	L	L	L
Dwelling, single-family	P	P	P	P	P
Dwelling, two-family duplex	P	P	P	P	P
Family day care provider	P	P	P	P	P
Home industry	CU	CU	CU	CU	CU
Home profession	L	L	L	L	L
Manufactured home park	N	N	L	N	N
Planned unit development	N	N	L	N	N
Rural cluster development	L	L	N	L	L

- c. For a single-engine airplane, a minimum unobstructed runway area of 200 feet in width by 1,500 feet in length is required.
  - d. For a multi-engine airplane, a minimum unobstructed runway area of 200 feet in width by 2,000 feet in length is required.
7. *Animal raising and keeping (RT, R-5, RCV, UR zones)*
- a. Any building and/or structure housing large and/or small animals and any yard, runway, pen or manure pile shall be no closer than 50 feet, in the case of swine 200 feet, from any occupied structure other than the dwelling unit of the occupant of the premises. Manure piles shall not be located within 100 feet of a water well.
  - b. Structures, pens, yards, and grazing areas of large and small animals shall be kept in a clean and sanitary condition as determined and enforced by the Spokane Regional Health District.
  - c. Equivalency Units:  
A livestock unit equals one horse, mule, donkey, burro, llama, bovine or swine. A goat or sheep equals ½ of a livestock unit.
  - d. Density Requirements:
    - i. Large animals: Three livestock units per gross acre.
    - ii. Small Animals: One small animal or fowl per 2,000 square feet.
- X. *Beekeeping (Rural-5, Rural Traditional, Rural Activity Center, Urban Reserve, and Rural Conservation zones)*
- a. Beekeeping is allowed as a primary or accessory use on any lot or parcel.
  - b. The keeping of bees shall meet the requirements of the Washington State Department of Agriculture RCW 15.60 or as hereafter amended.
  - c. There is no limit to the number of beehives, colonies, or nucs allowed per lot.
  - d. Beehives shall be setback a minimum of twenty-five (25) feet from any public right-of-way, private road, or improved shared access easement.
  - e. Beehives shall be setback a minimum of five (5) feet from any side or rear property lines and a minimum of fifty (50) feet from any adjacent residence.
  - f. In cases where, due to lot size, a fifty (50) foot setback from an adjacent residence is not possible, beehives shall be centrally located on the lot to the greatest extent possible.
  - g. The requirements of section (d) and (e) above are waived in regard to any side of the property adjacent to a parcel not used for residential purposes.
8. *Child day-care center (30 or fewer children) (RT, R-5, RCV, UR zones)*
- a. The center shall be located on a paved road or bus route.
  - b. The center shall serve 30 or fewer children. A center providing care for more than 30 children shall require a conditional use permit.
9. *Critical materials tank storage (RT, R-5, RAC, RCV, UR zones)*
- a. Tank storage shall be allowed only as accessory use to an allowed use.
  - b. Tank storage shall comply with the Critical Areas Ordinance, building standards and any other applicable regulation.
  - c. Above ground critical material tank storage shall not be allowed in the Rural Activity Center zone.
10. *Dangerous animal keeping (RT, R-5, RCV, UR zones)*
- a. No more than 4 inherently dangerous mammals and/or inherently dangerous reptiles shall be allowed.
  - b. The inherently dangerous mammal and/or inherently dangerous reptile keeper and the animal-keeping facility shall be authorized, licensed and maintained in accordance with the requirements of the Spokane County Animal Control Authority.
  - c. The animal-keeping facility shall not be located closer than ½ mile from any existing school, day-care center, church, or public park.

# ATTACHMENT B ORDINANCE

## D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (Do not use this sheet for project actions)

EVALUATION FOR  
AGENCY USE ONLY

Because these questions are very general, it may be helpful to read them in conjunction with the list of elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

**Beekeeping involves the placement of manmade structures on a lot for the housing and harvesting of honey from potentially tens of thousands of flying insects. Bees can defend themselves by stinging humans or animals. It is possible that some of the population may have allergies to stings or to honey. It is also possible that the sounds produced by a beehive or beehives on a lot may be detectable from a neighboring property. Bee excrement can occur on or offsite of property where beehives are located.**

Proposed measures to avoid or reduce such increases are: **Standards have been proposed to limit the density and proximity of beehives to residential uses.**

2. How would the proposal be likely to affect plants, animals, fish or marine life? **Bees are natural pollinators and can aid pollination of plant species in Urban areas where beekeeping is not currently permitted. Bees can defend themselves by stinging. Humans and animals in Urban areas will likely be exposed to more honey bees where beekeeping is not currently permitted.**

Proposed measures to protect or conserve plants, animals, fish or marine life are: **Standards have been proposed to limit the density and proximity of beehives to residential uses.**

3. How would the proposal be likely to deplete energy or natural resources?  
N/A

Proposed measures to protect or conserve energy and natural resources are:  
N/A

SPOKANE ENVIRONMENTAL ORDINANCE

(WAC 197-11-960) Section 11.10.230(1)

EVALUATION FOR AGENCY USE ONLY

- 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, flood plains or prime farmlands? N/A

Proposed measures to protect such resources or to avoid or reduce impacts are: None

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The introduction of beekeeping in Urban areas, where not previously permitted, could create some land-use conflicts. Bees, while welcomed by some urban residents because of their contribution towards pollination of plants/garden crops, can be considered a nuisance by others. Bees cannot be contained on a beekeeper's property and can fly onto property owned by others in the vicinity in search of food and water.

Proposed measures to avoid or reduce shoreline and land use impacts are: The proposed Text Amendment would impose density limitations and setback/screening rules for beekeeping to help reduce land-use conflicts between beekeeping and residential uses where applicable. Where beekeeping has the least potential for conflict with residential use - in Rural Zones and Resource Lands - beekeeping standards are proposed to be less restrictive.

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities? N/A

Proposed measures to reduce or respond to such demand(s) are: N/A

- 7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment. No conflicts are anticipated.

C. SIGNATURE

I, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. I also understand that, should there be any willful misrepresentation or willful lack of full disclosure on my part, the agency may withdraw any Determination of Nonsignificance that it might issue in reliance upon this checklist.

Date: 4/25/11

Signature: [Handwritten Signature]

Please Print or Type:

Corey Smith, Associate Planner

Proponent: Spokane County Building and Planning

Address: 1026 W. Broadway Avenue Spokane, WA 99260-0050

**SPOKANE ENVIRONMENTAL ORDINANCE**

(WAC 197-11-960) Section 11.10.230(1)

Phone: **(509) 477-7234**

Person completing  
form (if different  
from proponent): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**FOR STAFF USE ONLY**

Staff member(s) reviewing checklist: John Pederson

Based on this staff review of the environmental checklist and other pertinent information, the staff concludes that:

- A. there are no probable significant adverse impacts and recommends a Determination of Nonsignificance.
- B. probable significant adverse environmental impacts do exist for the current proposal and recommends a Mitigated Determination of Nonsignificance with conditions.
- C. there are probable significant adverse environmental impacts and recommends a Determination of Significance.