



PLANNING COMMISSION

May 17, 2016
MINUTES

I. CALL TO ORDER

Chair Judi Roland called the meeting to order at 7:00 p.m. in the Council Chambers located on the first floor of Auburn City Hall, 25 West Main Street, Auburn, WA.

a.) ROLL CALL/ESTABLISHMENT OF QUORUM

Planning Commission Members present were: Chair Judi Roland, Vice-Chair Copple, Commissioner Mason, Commissioner Lee, Commissioner Stephens, Commissioner Shin, and Commissioner Moutzouris. Commissioner Smith is excused.

Staff present included: City Attorney Dan Heid, Planning Services Manager Jeff Dixon, Valley Regional Fire Authority (VRFA) Deputy Fire Marshal Karen Stewart, Development Services Manager Jason Krum, Senior Planner Thaniel Gouk, and Community Development Administrative Assistant Tina Kriss.

Members of the public present: Shirley Chittenden, Gary Hopkins

b.) PLEDGE OF ALLEGEANCE

II. APPROVAL OF MINUTES

A. May 3, 2016

Commissioner Copple moved and Commissioner Lee seconded to approve the minutes from the May 3, 2016 meeting as written.

MOTION CARRIED. 4-0 (Commissioners Stephens, Commissioner Shin, and Commissioner Moutzouris abstained from voting).

III. PUBLIC COMMENT

There were no public comments on any item not listed on the agenda for discussion or public hearing.

IV. PUBLIC HEARING

A. ACC Title 15 Revisions, Building Code Update

Development Services Manager Jason Krum provided the staff report on ACC Title 15 Revisions, Building Code Update. Mr. Krum reported that the Washington State Building Code Council will be adopting updated building code and related standards as well as updating associated amendments, effective July 1, 2016. This is a regular update that occurs every three (3) years in response to code updates published by the International Code Council. The City, in turn then may adopt or adopt with modifications the revised code.

Staff reviewed additional changes as discussed and recommended by the Planning Commission at the May 3, 2016 meeting. Since the last meeting, Staff added language to indicate the International Green Construction Code adopted, is adopted

by reference, as an optional reference for developers who choose to utilize elements of the code for guidance.

Staff also reviewed the language added to Section 105.6 of ACC 15.36A.025 Operational Permits, Requiring Operational Permits, A. Commercial Kitchens – “All commercial kitchens with a Type I or Type II hood requires an operational permit” This language will assist in clarifying that an operational permit for food carts or those who may be selling prepackaged food items is not required. The previous language referred to “food trucks” and was not clear

Chair Roland opened the public hearing on the proposed amendments to ACC Title 15 Revisions, Building Code at 7 10 p.m.

Chair Roland invited anyone for or against the proposed code amendments regarding the ACC Title 15 Revisions, Building Code Update to come forward for testimony

Karen Stewart, Valley Regional Fire Authority (VRFA) Deputy Fire Marshal. Stewart explained that VRFA works closely with the City to regulate the Fire Code under ACC 15. VRFA is in support of the updated code, ACC Chapter 15.36A.

With no other public present for public testimony, Chair Roland closed the public hearing at 7 12 p.m. on ACC Title 15 Revisions, Building Code updates. The Commission deliberated.

Commissioner Copple moved and Commissioner Mason seconded to recommend moving ACC Title 15 Revisions, Building Code update forward to City Council for approval.

MOTION APPROVED 4-0

(Commissioners Stephens, Commissioner Shin, and Commissioner Moutzouris abstained from voting).

B. Proposed Amendments Related to the Keeping of Animals

Chair Roland opened the public hearing on the proposed amendments related to the Keeping of Animals at 7 13 p.m.

Senior Planner Thaniel Gouk provide background information on the proposed amendment related to the keeping of animals. Staff reviewed the updates based on the Planning Commission's direction from the May 3, 2016 Planning Commission regular meeting and other staff recommendations:

- A New definition and regulations for beekeeping was added.
- New definitions for chicken coops and runs were added along with updating the regulations for keeping domestic fowl.
- Modifications were made to the definition of household pets, specifically to “small domestic animals” Animals such as fish, birds, hamsters and gerbils

- (smaller animals kept indoors) were removed from the definition in order to avoid limiting the number of animals allowed at a residence.
- A new definition for "Medium domestic animals" included pot belly pigs, miniature goats, miniature horses and other similar sized animals. Verbiage was added to further clarify that medium sized animals are those that are larger than small animals but smaller than large animals.
 - A new definition for "large domestic animals" includes horses, cows, etc. along with other similar sized animals.
 - Section 9 (Pages 3/4/5): this section combines the two existing Code sections pertaining to the keeping of animals. Proposed changes from the previous presentation include:
 - Offspring of dogs, cats, etc. of less than 6 months of age are not counted,
 - Removing the licensing requirements for miniature goats and potbelly pigs as City Code does not require them, nor King/Pierce County,
 - Language added for large animal areas such as corrals, arenas, etc. need to meet applicable setbacks.
 - Section 11 (Page 6): add a section that requires existing areas or structures housing animals to meet the new Code provisions for setbacks within 30 days of enforcement notification from the City. The proposed language allows for someone to request an extension beyond the 30 days with justification. Note that this will be complaint driven, which is typical for the City's Code Enforcement.
 - Section 12 (Pages 6/7): revise the residential land use table to have the wording consistent with the proposed amendments.
 - Section 13 (Page 7): revise the residential development standards table (which relates to building height, setbacks, lot coverage, etc.) to have wording consistent with the proposed amendments.

The Commission and staff discussed the ACC Section 11, 18.31.220 A.2. "Small Permitted Animals", specifically the number allowed under the amended code, four (4). Commissioner Lee expressed a concern that the number four (4) seems arbitrary and could be unfair or restrictive. A discussion followed regarding the Code Enforcement actions relating to the number of animals (dogs, cats) allowed for a dwelling unit (house, apartment, etc.). Specific records on the number of enforcement actions related to exceeding the number of small animals is not easily available.

The Commission deliberated the option of expanding to four (4) the number of small animals allowed, providing increased latitude to the homeowner so he can manage animals without being restrictive. City Attorney Heid explained that it is up to the Commission to make their recommendations but without a clear numeric standard, it may create an unenforceable provision. Code Enforcement would have a difficult time enforcing a violation that is based on a range or "up to" recommendation rather than a clear standard. Commissioner Mason stated she would like to see five (5) as the allowable number of small permitted animals allowed at a dwelling.

Chair Roland invited anyone for or against the proposed code amendments related to The Keeping of Animals forward for testimony.

Shirley Chittenden, 1440 22nd Street SE, Auburn

Ms. Chittenden stated that she has owned her home for approximately 26 years. She is grateful that folks have the opportunity to own animals within city limits but expressed her concern that if multiple animals are living next to you without proper care and oversight that property owner is imposing on the party living next door to the animals. Ms. Chittenden played audio recording for the Commission whereby the "bwok" or "bwok" of the chickens was observed, she stated she hears this on a regular basis which is very disruptive and disturbing.

She stated the chickens scratch within their own feces and the dust covers her front porch, blinds, and porch furniture. This creates an offensive smell which radiates into the house. The coop is poorly maintained, when the neighbor dumps large amount of feed on the ground and in the coop it attracts rodents and other animals looking for food. She believes the smaller lot size would not be an issues if the chickens were kept in an enclosed area, in her case they are 10 feet from her living room window. These issues create an offensive atmosphere for a neighbor living next door.

She emphasized that if the Commission were to consider allowing a higher number of permitted animals to a dwelling it may open the door for additional issues for the folks living next door to those who do not maintain the animals or the environment and the City. Ms. Chittenden respectfully requested that the Planning Commission require further setback for the small animal enclosures so that the animals do not impose on those living next door.

Greg Hoffman, 1435 22nd Street SE, Auburn

Mr. Hoffman stated he has had issues with a neighbor's dog (barking and charging the fence in an aggressive manor). He encourages folks to work with Police to resolve these issues as they were able to work with him to assist in resolving the issues with the neighbor's dog. He feels dog owners need to be responsible.

With no other public testimony, Chair Roland closed the public hearing at 7:42 p.m. With no comments from the public, the Commission deliberated.

The Commission and staff discussed complaints from both Police and Code Enforcement regarding the keeping of animals.

Commissioner Lee moved and Commissioner Copple seconded to recommend the number of small animals under ACC Section 11, 18.31.220 A.2. Small Permitted Animals, be increased from four (4) to five (5).

After City Attorney Heid clarified, asking if the motion was an amendment to move the proposed amendments for the Keeping of Animals as drafted by staff forward to City Council for approval, Commissioner Copple withdrew his recommendation to increase the number of Small Permitted Animals from four (4) to five (5) under ACC

Section 11, 18.31.220 A.2. Commissioner Lee also withdrew his recommendation to move forward a proposed amendment.

No vote was taken and the motion was withdrawn.

Commissioner Lee moved and Commissioner Copple seconded to move forward the proposed amendments related to the Keeping of Animals to City Council for approval, subject to increasing Small Permitted Animals from four (4) to five (5) under ACC Section 11, 18.31.220 A.2. Small Permitted Animals.

Motion approved. 4-0

(Commissioner Stephens, Commissioner Shin, and Commissioner Moutzouris abstained from voting).

V OTHER BUSINESS

No items were brought forward under V Other Business.

VI. COMMUNITY DEVELOPMENT REPORT

Planning Services Manager Jeff Dixon stated he has no updates to report since the meeting two weeks earlier but explained that the requirements for incorporation of stormwater Low Impact Development (LID) techniques as required by the state and federal government will be moving through the Planning Commission for review and Public Hearing. Staff expects the first review to be ready for the Commission June 21, 2016. Since this is the 3rd Tuesday, and the Planning Commission's alternative 2nd meeting that the Commission holds on their calendar each month, the 1st meeting of the month will be cancelled. Staff would like to meet for the second alternate meetings in July and August also. The first meeting of the month would likely be cancelled.

VII. ADJOURNMENT

There being no further business to come before the Planning Commission, Chair Roland adjourned the meeting at 8:00 p.m.