

Planning Commission Report

To: City Council

From: Planning Commission

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Title and File Number: 2010-2011 Periodic Update of Redmond's Comprehensive Plan (L100259)

Planning Commission Recommendation: Adopt amendments to Small Animal Husbandry Policies and Codes, a Component of the 2010-2011 Periodic Update of Redmond's Comprehensive Plan (*Attachment A, B, and C*)

Summary: Key amendments to Small Animal Husbandry policies and codes are as follows:

- Zone-Based Allowance of Chicken Husbandry. The amendments set forth a zone-based allowance, connected to the average minimum lot size within single-family zones. One chicken would be allowed for each 1,000 square feet of the underlying average minimum lot size of each respective single-family zone. No more than eight chickens would be allowed per lot at any time.

- Chicken. The allowance for chickens would be specific to female chickens and includes pullets and hens. Roosters would continue to be addressed as small domestic animals and would be allowed on lots no less than one-half acre, as currently provided for in the Municipal Code.
- Shelter and Run. Chicken shelters and associated runs would be located no less than 15 feet from any property line. Screening and siting of the shelter and associated run would be required to prohibit visibility from adjoining streets and access corridors.
- Animal Waste. Animal waste and spent bedding from chickens would be prohibited within the required 15-foot animal shelter setback.
- Food Storage. Food storage would be required to be secured so that it does not attract rodents.
- Animal Slaughter. In recognition of incidental need for slaughtering an animal and for ownership of chickens as a meat source, slaughter would be permitted at no greater than one chicken within a twenty-four period. Any additional need for animal slaughter would be addressed outside of residential zones.
- Advance Review Process. Require an administrative process through which property owners would indicate their interest in chicken husbandry activities, acknowledge the City's code provisions, and agree to maintain their property in compliance with RMC Chapter 7.04 Animal Control.

Reasons the Proposal should be Adopted:

The recommended amendments should be adopted because:

- They respond to community interest in small animal husbandry by revising the City's policies and codes to establish a reduced lot size minimum for ownership of backyard chickens.
- They implement City Council direction for addressing community interest in small animal husbandry during the 2010-2011 Periodic Update to Redmond's Comprehensive Plan.
- They address aspects of Redmond's Sustainability Principles including equitable access to goods and choices that help minimize impacts to the environment.

Recommended Findings of Fact

1. *Public Hearing and Notice*

a. **Public Hearing Date**

The Redmond Planning Commission held a public hearing on the proposed amendments to Small Animal Husbandry policies and codes on October 12, 2011. Six individuals provided oral testimony. The written comment period was held open until the following study session on October 19, 2011. During that time, four additional people submitted written testimony. Written and oral comments are summarized below and are included as *Attachment D*.

Oral Comments

The following describes testimony provided during the Planning Commission's October 12, 2011 public hearing:

- **Howard Harrison**

Representing Sustainable Redmond, Mr. Harrison noted support for the proposed amendments including the tiered, zone-based provision. However, he described the setback provision as large. In addition, Mr. Harrison offered future education opportunities, sponsored by Sustainable Redmond to help inform the community regarding chicken husbandry activities.

- **Richard Grubb**

Mr. Grubb shared his concern regarding animal welfare particularly noting possible increased cruelty and diminishing enthusiasm. He recalled previous community interests in rabbit ownership and subsequent disposing of animals in locations such as on Microsoft properties near SR-520. He then suggested a required permit and possible bond process to address adequate housing, containment, and protection from predators and weather. Mr. Grubb also expressed his concern regarding the proposed allowance for limited slaughter and requested the City to address humane slaughter techniques.

- **Gitit Banai**

Ms. Banai noted her support for the amendments and added that chickens provide a solution for pet ownership for those allergic to cats and dogs.

- **Carolyn Anderson**

Ms. Anderson requested an outright allowance for eight chickens, regardless of zoning designation. She also described how her property would not provide suitable conditions for siting a coop and run in compliance with the proposed 15' setback from all property lines. Ms. Anderson suggested lessening the setback provision.

- **Karin Duval**

Ms. Duval noted her support for the policy and code amendment, describing chickens as a sustainable and organic approach to providing a food product and offering an educational tool for children. She added that the tiered, zone-based provision was unnecessary and echoed Ms. Anderson's concern regarding the proposed 15' setback. Ms. Duval described a suitable location on her property that provides greater distance from neighboring dwellings, offers vegetated screening and shade, and is at the corner of her personal property, but wouldn't meet the proposed 15' setback. She also supported Mr. Grubb's suggestion regarding a required permit.

- **Anja Mancano**

Ms. Mancano also noted concern regarding the proposed 15' setback provisions due to the sloped nature of her personal property. She also favored a required permit process. Ms. Mancano noted her interest in owning more than three chickens, as proposed to be allowed in the respective zone where she resides.

Written Comments

The following describes written testimony provided between October 12 and October 19, 2011:

- **Virginia Day and Tom Clayton**

Ms. Day and Mr. Clayton noted their support for the proposed amendments, describing their previous experience in chicken husbandry. They suggested that enforcement be managed by animal control officers in the same manner as dogs. In addition to other aspects, they also suggested that the Redmond community's interest in chicken husbandry may not be as widespread as anticipated.

- **Anja Mancano**

Ms. Mancano also provided written comment in which she reiterated her concern regarding the proposed 15' setback provision and the resulting required siting of coops and run adjacent to the respective residential dwelling. She also described her previous experience in chicken husbandry while reflecting on several of the Planning Commission's concerns including coyotes and avian flu.

- **Kathy and Scott Dennis**

Mr. and Mrs. Dennis wrote regarding their support for the proposed amendments, particularly the tiered, zone-based approach. They favored a "start small" approach in comparison to Seattle's current allowance of eight chickens (*Ord. 123378, 8/16/2010*).

- **Richard Grubb**

Mr. Grubb provided additional written comment concerning animal welfare. He cited portions of RCW and WAC specific to humane techniques for the slaughter of animals and how these sections of code address the larger-scale, commercial nature of livestock management, distribution, and sales. Mr. Grubb also noted rodent control and Regional Animal Services of King County staffing.

b. Notice

The public hearing was published in the Seattle Times. Public notices were posted in City Hall, at the Redmond Library and on the City's web site. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas mailed to various members of the public and various agencies. The quarterly newsletter for the Comprehensive Plan update also included information about the hearing. Staff provided additional notice regarding the hearing through e-mail outreach to the moderator for the Chickens in Redmond Facebook, through the Redmond Reporter and Redmond Patch, and to interested parties including participants of the August 3, 2011 community meeting and September 8, 2011 focus group.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

Attachment E includes a summary of the Planning Commission's discussion issues and staff responses related to proposed changes to the Small Animal Husbandry policies and codes. Key issues concerning the amendments are summarized below.

➤ **Structure, Coop, and Containment**

The Commission wanted the code provisions regarding chicken structures, associated run, and on-site containment to provide adequate provisions to ensure proper animal control thereby minimizing possible impacts on adjacent or nearby property owners. In particular, several expressed concern with respect to property owner expectations for single-family areas and subsequent changes due to an interest in chicken husbandry. Ultimately, the Commission supported staff's recommendation to address protection from weather, predators, and rodents within the shelter and run portions of RMC Chapter 7.04. In addition, the Commission supported the addition of size and height restrictions concerning chicken shelters.

➤ **Advance Review Process**

The Commission unanimously supported a mandatory advance review process whereby property owners would indicate their intent to engage in chicken husbandry activities, confirm their understanding of RMC Chapter 7.04 Animal Control, and agree to maintain their site in a manner that is compliant with this section of Redmond's code. At the October 19, 2011 meeting, a majority of the Commission supported a mandatory permit process in association with the advance review process. One of their primary concerns was the ability to address site- and condition-related issues through an inspection process in advance of the husbandry activities occurring onsite.

The Commission agreed that advance review would include chicken structure, run, and containment provisions as recommended for amendment to RMC Chapter 7.04 Animal Control and would include review to determine if:

- The shelter provides accommodation, environment, and security of animals at a standard to ensure their safety and wellbeing.
- The shelter and coop is outside of the 15' setback from all property lines.
- The shelter protects the chicken from:

- Weather
- Predators
- Rodents
- Structures, run, and associated storage are not located in the front yard and screened from adjoining streets and access corridors.
- Structures are no greater than 200 square feet in gross floor area and no greater than eight feet in height.
- The run protects the chicken from:
 - Straying
 - Weather
 - Predators
 - Rodents.

Commissioner's Gregory and Flynn requested additional detail regarding permit processing for inclusion in the Planning Commission's report:

- A Type I permit involves administrative review and generally does not include public notice or public hearing.
- An appropriate City of Redmond department director or designee serves as the decision maker.
- The City's Hearing Examiner handles appeals involving this type of permit. In addition, the City Council handles appeals to the Hearing Examiner's decision. Thereafter, appeals are handled by the Superior Court.
- Type I permits include boundary line adjustments, electrical permits, home businesses, tree removal permits, and others.
- A Type I permit is categorically exempt from review under the State Environmental Policy Act (SEPA).
- The Type I permit process includes:
 - Application submittal (scheduled with a staff member)
 - Review (time varies based on material and nature of permit)
 - Department decision
 - 14-day appeal period
 - Possible appeal process to Hearing Examiner
 - Possible appeal process to City Council
 - Possible appeal process to Superior Court
- A Type I permit process of a nature similar to reviewing and inspecting onsite chicken structures would entail a cost of approximately \$220 and require 2 hours staff time.

➤ **Predators, Rodents, and Avian Influenza**

The Commission expressed several concerns regarding chickens and the potential for an increase in predators such as coyotes, and rodents, and contracting avian flu. Several noted existing predator and rodent activity and suggested that the chicken and its associated food would increase the likelihood of the coyote and rat visiting the subject property and causing impacts on neighboring properties and pets. Following their deliberation of the issues listed above, the Commission completed their discussion regarding predators and rodents in favor of a required advance review process.

The Commission recognized the programs managed by WSDA/USDA concerning avian influenza surveillance and reporting. As well, Commissioner Flynn worked with staff to ensure that WSDA/USDA provides local area surveillance and noted that future Redmond chicken flocks would be below the threshold for participating in WSDA's voluntary backyard flock surveillance program.

2. Recommended Conclusions of the Technical Committee

The recommended conclusions in the Technical Committee Report (*Attachment F*) should be adopted as conclusions.

3. Planning Commission Recommendation

The Planning Commission adopted a motion to recommend approval of amendments to Small Animal Husbandry policies and codes by a vote of 5-0 at its October 19, 2011 meeting. The Planning Commission approved their report to City Council on October 26, 2011.

4. Staff Recommendation

In reference to the Planning Commission's recommendation regarding a mandatory permit review process, staff recommends an alternate mandatory, no-cost registration process. Similar to a Type I permit process; the property owner would utilize a checklist to confirm their understanding and commitment to RMC 7.04 Animal Control. In addition, the applicant would provide a sketch of their property and structures associated with chicken husbandry as well as photographs of all associated structures. During a meeting with the property owner, through e-mail, or by telephone, staff would review the material with the property owner to ensure their compliance with the RMC. As well, staff would use this time to offer guidance

regarding best management practices and provide a recommended chicken husbandry manual as an additional educational resource. After confirming the property owner understands and signs the registration demonstrating agreement to maintain compliance with the RMC, staff would include the registration in a database and provide a permit number indicating that the owner could proceed with chicken husbandry.

The primary difference between the Planning Commission’s recommended mandatory permit and staff’s recommended mandatory registration is the onsite inspection which would not be included in the registration process. However, for both processes the response to a chicken-related complaint would involve Code Enforcement action including an onsite visit, warning, notice, fines, and the Hearing Examiner. The registration process achieves similar review, saves staff time and resources, and could save funds on behalf the property owner. The table below compares milestones for each mandatory advance review process:

Comparison of Chicken Husbandry Mandatory Advance Review Process		
Process	Mandatory Permit (Type I)	Mandatory Registration
Promotion and Education	Chicken Husbandry Manual, www.redmond.gov , Code Enforcement staff, other organizations	Chicken Husbandry Manual, www.redmond.gov , Code Enforcement staff, other organizations
Application and Intake	Online, e-mail, or permit counter, and schedule meeting with staff	Online, e-mail, or permit counter, optional meeting with staff
SEPA	Not applicable	Not applicable
Review and Cost	By staff with onsite inspection (applicant/representative must be onsite): 2 hours or greater at \$110 per hour	By staff and applicant: 1 hour or less at no cost
Onsite Inspection	Yes	No
Remedy	Additional Information (process)	By applicant as necessary
Decision	By appropriate department director or designee; if yes, able to obtain chickens	By staff; if yes, able to obtain chickens
Appeal	Available; includes public hearing, Hearing Examiner decision, additional appeal to City Council, additional appeal to Superior Court	No; applicant remedies conditions prior to obtaining chickens

Record Keeping	Permit Tracking System (future EnerGov)	Permit Tracking System (future EnerGov)
Complaints	Code Enforcement	Code Enforcement

List of Attachments

Attachment A: Recommended Amendments to the Comprehensive Plan regarding Small Animal Husbandry Policies

Attachment B: Recommended Amendments to the Redmond Zoning Code regarding Small Animal Husbandry Codes

Attachment C: Recommended Amendments to the Redmond Municipal Code regarding Small Animal Husbandry Codes

Attachment D: Public Comment Testimony

Attachment E: Planning Commission Final Issues Matrix

Attachment F: Technical Committee Report with Exhibits

Robert G. Odle, Planning Director

Date

Thomas T. Hinman, Planning Commission Chairperson

Date

Approved for Council Agenda _____
John Marchione, Mayor

Date