

<p>City of Lynnwood PLANNING COMMISSION MINUTES July 28, 2011 Meeting</p>
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Commissioners Present:	Staff Present:
Richard Wright, Chair	Kevin Garrett, Planning Manager
Bob Larsen, Vice Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Gloria Rivera, Senior Planner
Van AuBuchon	
Chad Braithwaite	
Doug Jones	
Michael Wojack, Second Vice-chair	
	Other:
Commissioners Absent: None	Councilmember Loren Simmonds

Call to Order

The meeting was called to order by Chair Wright at 7:00 p.m.

Approval of Minutes

1. Meeting of July 14, 2011

Motion made by Commissioner Larsen, seconded by Commissioner Braithwaite, to approve the July 14, 2011 minutes as presented. Motion passed unanimously (7-0).

Public Comments

None.

Public Hearings

None.

Work Session

1. **Keeping of Chickens Code Amendment (2011CAM0003).**
 Amendments to Lynnwood Municipal Code Chapter 21.42 (Residential Zones) regarding the keeping of chickens at properties zoned for single family residential use.

Senior Planner Gloria Rivera explained that this topic had been raised by a citizen at a City Council meeting several months ago. She explained that right now you are allowed one animal per 20,000 square feet and for every

additional 20,000 square feet you may have one additional animal. Under the code there is no differential between having a chicken or a cow or a horse. Staff has researched regulations for raising or keeping of chickens in other cities; this is becoming a very popular topic. She reviewed the proposed code amendment which would allow a maximum of three chickens on a lot with a single-family residence. Pens should be 15 feet from the side and rear property lines and in the back yard only. The enclosure should be less than 120 square feet in area and the chickens have to be kept within the enclosure and cannot run loose in the yard. Roosters are prohibited. This code would be enforced through code enforcement officers. A matrix showing other cities' regulations was also reviewed.

Staff asked for input on the following questions:

- Should the raising of chickens be allowed?
- What is the number of chickens that should be allowed?
- Are the proposed setbacks sufficient with just 15 feet from the property lines?

Commissioner Comments and Questions:

Commissioner Ambalada said she would like to allow one turkey plus three chickens.

Commissioner Jones asked if people are required to get a building permit for the pen and if the chickens need to be registered. Senior Planner Rivera stated that the pen/coop does not need to be permitted and neither the coop nor the chickens need to be registered. Planning Manager Kevin Garrett added that buildings less than 120 square feet do not need a building permit. He stated that they have not seen a purpose for registering either the chickens or the coop.

Chair Wright asked if there are standards for the humane keeping of chickens. Senior Planner Rivera replied that she has not seen any codes that brought up that type of standards. Chair Wright recommended that the ordinance should clearly state that the on-site rendering of these animals would not be allowed. He then stated that he wanted to be sure that the coops are both humane and sturdy enough to withstand weather. He spoke in support of sustainability, but wondered if they are sure they want to add this to the responsibilities of code enforcement.

Commissioner Braithwaite expressed the following concerns:

- Predators – Coyotes are becoming more aggressive in the area; raccoons are a problem too. He stated that the coops should be made predator-proof.

- Code Enforcement – There is already not enough money for enforcement of the things that need to be enforced.
- Noise and Smell – Small lots, close neighbors.
- It's very difficult to tell the roosters from the hens at a young age. What will happen to the ones that that end up accidentally in Lynnwood?
- Permitting – In order for the chickens to be raised humanely, with amenities such as heat and light, it might require some electrical equipment. Would this require a permit?
- Would animal cruelty laws apply to chickens as they apply to dogs and cats?

Commissioner Ambalada spoke in support of requiring the humane keeping of chickens in order to keep them healthy. She commented that chickens catch cold easily and can transfer disease, especially to children. She recommended finding a brochure about keeping healthy and safe chickens.

Commissioner Larsen asked about the justification for the 3-chicken limit. Senior Planner Rivera replied that it was a recommendation by a staff member. Commissioner Larsen stated that the chickens are already among us and just saying we don't want them probably isn't going to be enough. He commented that a sight obscuring fence was more important to him than a setback. He suggested that this be an option in lieu of a setback. He also hoped that any complaints about chickens or roosters would be handled as a priority by code enforcement and that the resulting feedback would help to refine the ordinance and make it better.

Commissioner Wojack had the following questions and comments:

- He asked if there is any option for multi-family residences. Senior Planner Rivera stated that it would only apply to single-family residences.
- He spoke against allowing turkeys, noting that when they get big they get to be 50 or 60 pounds which is too big for a 120-foot enclosure.
- He stated that the code enforcement officer would need to be given enough tools for enforcement. Regarding the tools, he suggested looking at some of the requirements from the Humane Society.
- He agreed that coyotes and raccoons are definitely a problem without a sturdy enclosure.
- Another issue he raised is what to do with chicken bedding since pet waste is not supposed to go in with grass recycling.

Commissioner Ambalada stated that they do not have to allow the turkeys to grow so big if they get it about two or three months before

Thanksgiving. Maybe if the Commission doesn't want to allow turkeys they can allow ducks.

Commissioner AuBuchon stated that he would like to have some wording in the ordinance that says that these chickens are for personal use only. He asked about the sizes for pens versus coops. Senior Planner Rivera stated that they did not differentiate in the code between pens and coops. The total enclosure could be up to 120 square feet. Commissioner AuBuchon recommended checking the state Extension Office and 4-H to see what they recommend. Senior Planner Rivera indicated she would look into that. He concurred with Commissioner Ambalada's concerns about spreading disease. He stated that there should be some provision that infected birds would need to be destroyed. He asked Councilmember Simmonds to thank Douglas Kerley for his suggestions when this comes back to the Council. Councilmember Simmonds commented that Councilmember Jim Smith was the spokesperson on the Council for this issue.

Commissioner Wojack asked if there was a minimum size for the enclosures. Staff replied that there was not.

Senior Planner Rivera stated that the City of Seattle has a flier that they put out for citizens with questions and answers about raising chickens. The City of Lynnwood could put together something like that for citizens too. She indicated that she would do some more research and would come back with revisions and answers to questions at a later date.

2. Outdoor Business Activities Code Amendment (2011CAM0009).
Amendments to Lynnwood Municipal Code Title 21 (Zoning Code) regarding primary and accessory uses of property that are conducted outside of a building or structure.

Planning Manager Garrett stated that staff is at the initial stage of identifying questions and issues and seeking suggestions from the Planning Commission. He explained that there are some issues with the original code, noting that under the current code outdoor dining is not allowed. They are looking at the topic broadly in case there are other outdoor activities that they want to prohibit or allow. This would only apply to non-residential areas. He referred to the listing of all the regulations on outdoor activities in all the different zones in the City. He solicited feedback from the Commission. He remarked that outdoor activities in the City Center are being handled separately through the City Center Code Amendments that will be coming back to the Planning Commission in September.

Commissioner Comments and Questions:

Chair Wright clarified that currently outdoor dining and outdoor sales are not covered by the code. Planning Manager Garrett stated that outdoor dining is not covered and they treat it more or less as an accessory use. Outdoor sales are covered to an extent, but only minimally. It is vague and staff wants to clarify what their expectations are. Chair Wright asked about sidewalk sales. Planning Manager Garrett replied that they have a separate code for temporary special events. Tonight the topic is ongoing activities.

Commissioner Wojack asked if Fred Meyer's outdoor sale on their sidewalk next to their building would require a special permit. Planning Manager Garrett explained that it could be handled as a sidewalk sale which is handled as a temporary special event. There is also provision for incidental outdoor displays on page 2, number 2. Commissioner Wojack asked for an explanation of item 4 under the Analysis and Comment. Planning Manager Garrett stated that they get requests from businesses on a regular basis to store things in a shipping container. This has not been allowed because it is not listed as *permitted* in the code. Staff's recommendation would be to leave it this way or make the language stronger to not allow them other than as part of construction. Commissioner Wojack spoke in support of allowing outdoor dining.

Commissioner Braithwaite had the following comments and questions:

- He concurred with encouraging outside dining. He asked how parking codes apply to restaurants. He did not think applying current parking standards to outside dining would not be appropriate since they aren't used as often and is not likely to really increase the parking demands.
- He asked if the outdoor storage at the lumber yard is covered in a different part of the code. Planning Manager Garrett stated that it is covered under *Commodities Requiring Outdoor Storage*.
- He asked about the outdoor garden areas at Wight's and Fred Meyer. Planning Manager Garrett indicated that this was also covered under *Commodities Requiring Outdoor Storage*. There was discussion about adjusting the code to reflect the reality of those places selling some other items that don't need to be outside like pots and containers.
- Regarding shipping containers, Commissioner Braithwaite spoke in support of continuing not to allow them.

Commissioner Larsen asked about the definition of incidental outdoor display as compared to the definition of a sign and asked if they had had any issues with these. Planning Manager Garrett stated that they have not had any issues with these.

Commissioner Larsen referred to the College District Development Standards and asked if that list of standards would be expanded to commercial areas. Planning Manager Garrett replied that it would not be as part of this code amendment.

Commissioner Wojack asked where the boundary for outside dining would be. Planning Manager Garrett stated that you may not encroach on a public right-of-way. Other cities have a permit process to allow that and staff could look into that if requested by the Planning Commission. He commented that outside of City Center they have not seen any interest in doing that.

Staff indicated they would bring back some language for the Commission to review.

Other Business

1. Meeting Schedule for Remainder of 2011

- August 11 Self-Storage Code Amendment (tentative).
- August 25 Possibly no meeting.
- September 8 Continuation of Public Hearing on the City Center Regulations. Will need to meet in the fire station meeting room since Lynnwood University will be in Council Chambers.
- September 22 Possibly the Keeping of Chickens Code. Amendment and/or the Outdoor Activities Code. Amendment; also the City Center Code Amendments if needed. Will be at the fire station again.
- October Scheduling conflicts with Lynnwood University so would need to meet in another spot. Staff suggested meeting only on the third Thursday (October 20).
- November 17 One meeting only for November.
- December 8 One meeting only for December.

Council Liaison Report

Councilmember Simmonds:

- He stated that the Council scheduled a Special Business Meeting on Monday, August 15 to hold a Public Hearing and take a vote on the

extension of Interim Ordinance No. 2885 regarding Streets and Parks in the City Center which expires mid-September.

- He stated that he enjoyed the discussion during the work session this evening.

Director's Report

Planning Manager Garrett:

- He commented on the importance and value of Lynnwood University.
- Council held a Special Work Session to discuss the status of the city budget. He encouraged the Planning Commissioners to listen to the recording and/or view the materials. The city is facing a serious revenue shortfall of about \$5.5 million for the two-year budget.
- Staff will be sending out pamphlets to the members of the Planning Commission from MRSC (Municipal Research and Service Center) on the Open Public Meetings Act and how it applies to Washington cities, counties and special purpose districts.
- Staff will also be sending out books entitled, Now That You're On Board, which is a guide to being on the Planning Commission which is put out by the American Planning Association.
- IT has committed to help the Planning Commission if they are having any problems with their email.
- The Council will be discussing the Highway 99 Project and the budget at the next Work Session.

Commissioners' Comments

Commissioner AuBuchon referred to the contentious area of the Highway 99 Project that was discussed at the last business meeting of the Council. He suggested to Councilmember Simmonds that they just leave that node out since that is a secondary node. Planning Manager Garrett pointed out that it would not be appropriate to discuss the Highway 99 proposals since they were not on the agenda and the matter is currently before Council. Chair Wright concurred.

Commissioner Ambalada cautioned against hiring a consultant for the 36th Avenue project since the federal government has discontinued the funding for those projects. Planning Manager Garrett indicated they would look into the status of that.

Senior Planner Rivera announced that American Girl store has opened and is a huge success. Several other commercial projects have been progressing through the building department right now such as Whole Foods.

Adjournment

The meeting was adjourned at 8:15 p.m.

Richard Wright, Chair