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The City of Covington is a destination community where citizens, businesses and civic leaders collaborate to preserve and foster a strong sense of unity.

PLANNING COMMISSION AGENDA
May 21, 2015
6:30 PM

CALL TO ORDER

ROLL CALL
Chair Bill Judd, Vice Chair Paul Max, Jennifer Gilbert-Smith, Ed Holmes, Alex White, Jim Langehough, & Krista Bates.

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Planning Commission Minutes for May 7, 2015 (Attachment A)

CITIZEN COMMENTS - *Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate, in advance, your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so that your item may be placed on the next available agenda.*

UNFINISHED BUSINESS – None

NEW BUSINESS – No Action Required

2. Discussion of Proposed Animal Control Regulations (Attachment B)
3. Discussion of Timeline for Comprehensive Plan Update (Attachment C)

ATTENDANCE VOTE

PUBLIC COMMENT: (Same rules apply as stated in the 1st CITIZEN COMMENTS)

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

Any person requiring a disability accommodation should contact the City at least 24 hours in advance.
For TDD relay service please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 480-2400
Web Page: www.covingtonwa.gov

CITY OF COVINGTON
Planning Commission Minutes

May 7, 2015 **City Hall Council Chambers**

CALL TO ORDER
Chair Judd called the regular meeting of the Planning Commission to order at 6:33 p.m.

MEMBERS PRESENT
Krista Bates, Ed Holmes, Jennifer Gilbert-Smith, Bill Judd, Jim Langehough, Paul Max and Alex White

MEMBERS ABSENT – None

STAFF PRESENT
Richard Hart, Community Development Director
Brian Bykonen, Associate Planner and Code Enforcement Officer
Kelly Thompson, Planning Commission Secretary

APPROVAL OF CONSENT AGENDA

- **1. Commissioner Bates moved and Commissioner White seconded to approve the April 2, 2015 minutes and consent agenda. Motion carried 6-0.**

CITIZEN COMMENTS – None

PUBLIC HEARING - None

UNFINISHED BUSINESS - None

NEW BUSINESS
2. Discussion of Proposed Changes to the Animal Control Regulations
Community Development Director, Richard Hart, introduced a memo providing background on the City's current animal control regulations. He explained the need to clarify the regulations and summarized the proposed amendments.

The attorney will be consulted about issues that are difficult to enforce including definitions of "continuous, unreasonable, excessive, untimely and odor".

Commissioner White asked about bat colonies. Code Enforcement Officer, Brian Bykonen, responded that the newly proposed regulations pertain specifically to domesticated animals. The city has also adopted by reference the King County Title 11, King County Animal Services.

Chair Judd suggested looking at language from other cities (ex. Renton) that that is more defined and less vague. Chair Judd also asked if there was a component of these regulations that could make an offense criminal, and he would like to see that explored and defined. Commissioner Holmes concurs.

Mr. Bykonen suggested that the Planning Commission discuss the number of fowl to be allowed. Chair Judd shared that the Planning Commission generally supports staff's recommendation which met with several nods from the commission. Mr. Bykonen shared that there are other cities similar in size to Covington who allow more than the current three fowl allowed. The Council is primarily concerned with noise, odor and the distance from property line.

ATTENDANCE VOTE - None

PUBLIC COMMENT – None

COMMENTS AND COMMUNICATIONS FROM STAFF
Mr. Hart shared that he had recently met with the City's new consultant on Comprehensive Plan Update. At next meeting Planning Commission meeting, staff will provide an updated schedule.

Commissioner Bates and Vice Chair Max will be attending Land Use Boot Camp on May 8, 2015.

ADJOURN
The May 7, 2015 Planning Commission Meeting adjourned at 7:15 p.m.

Respectfully submitted,

_____
Kelly Thompson, Planning Commission Secretary

City of Covington
16720 SE 271st St. Suite 100
Covington, WA 98042

City Hall – 253.480.2400
www.covingtonwa.gov

Memo

To: **Planning Commission**

From: **Brian Bykonen, Associate Planner**
Richard Hart, Community Development Director
Salina Lyons, Principal Planner
Ann Mueller, Senior Planner

Date: **05/21/2015**

Re: **Proposed Animal Control Ordinance Amendments**

Background

At the last Planning Commission meeting the Commission asked staff to research two items relating to vagueness in several provisions and also whether the city should also have detailed provisions for classification of code enforcement as a criminal provision as well as a civil issue. In addition, after speaking with the King County Conservation District, staff determined that one other addition was needed to clarify the responsibility for preparing Farm Conservations Plans for animal use within critical areas. Staff discussed all of these items with the city attorney, and our city staff response is below.

Issues for Discussion by the Commission on the Proposed Animal Control Regulations

A. Word choices in CMC 18.80.017(2) (C) and (E) being vague and difficult to enforce.

Word choices such as: "Unreasonable, detectable, excessive, continuous, & untimely".

Several Commissioners raised the issue of word choices in two different sections of the code describing nuisances from the keeping of animals. Staff discussed these words with the city attorney and whether they should present problems with enforcement. The wording we used, or any words we might chose to replace them, could be considered as a "gray area" and may or may not present problems with enforcement. Other than noise levels measured with a decibel meter, there is little to no quantitative way to measure many nuisances. The city attorney mentioned that there were both good "gray area" words and others that might present problems. The City attorney indicated these words were often used in animal control ordinances relating to noise. She is OK with the choice of words we currently are using in the proposed regulations.

There would be two ways to go further into some analysis of trying to find improved word choice. (1) We could review previous case law dealing with animal issues to try to identify improved wording. This would be very time consuming, and in the end, we would still be replacing "gray area" words with other "gray area" words. We would still not be sure they would be preferable in our enforcement when a case actually went to court. (2) We can just use the proposed words and if we ever end up in court, we respond to a court's decision and interpretation when we issue a civil infraction with the new code and that decision is appealed to a court. Based upon our past experience in court with two different judges, deference is given to local governments, and the burden of proof that a civil infraction was not committed is placed on the defendant. Both judges took

a common sense view when wording was challenged, and they ruled that the court should use the intent of the law, even though a provision might not be clearly stated or otherwise defined in code.

B. Enforcement options (having both criminal and civil).

The Civil Code Enforcement chapter, CMC 1.30, contains a provision that makes all civil code violations a misdemeanor, which allows the city to proceed with criminal enforcement, if it so chooses. We were aware of this provision, but to our knowledge the city has never used criminal enforcement for civil code violations. These provisions would cover animal regulations within the zoning code.

While the city has the ability to enforce criminally, the currently adopted regulations may not be the best from a language standpoint, but they are adequate. The city attorney believes that the city currently has regulations to enforce civil violations through criminal means. Therefore she does not recommend adding any additional language at this time. We have identified several areas of the code enforcement chapter that require updating, and revising the current language of criminal prosecution will likely be on the list when it tasks happens

C. Additional change for Farm Conservation Plans from the last PC meeting.

Both the existing and proposed code regulations require a farm conservation plan (FCP) for the keeping of livestock under certain conditions. Farm conservation plans are prepared by environmental planners that work for the King Conservation District. The draft animal control regulations plans that were provided to the Planning Commission at the last meeting kept it simple by saying a FCP shall use best available science. After speaking with one of the environmental planners that prepare FCPs, it was agreed that it may be easier to prepare such FCP's if our code language had specific buffer and setback language. As King Conservation District planners mostly prepare FCPs for unincorporated King County, we recommend that the city adopt portions of the King County Code Section 21A.30 by reference regarding allowed uses in critical area buffers and setbacks to read as follows:

(6) No portion of a livestock facility, structure housing fowl, confinement area, and/or grazing area shall be located within a critical area and or critical area buffer unless permitted pursuant to Chapter 18.65 CMC:

(a) A Farm Conservation Plan prepared by the King Conservation District shall be submitted to the city for any livestock facilities, structures housing fowl, confinement areas, and/or grazing areas located on properties with critical areas and critical area buffers. The Farm Conservation Plan shall be prepared in accordance with Chapter 18.65 CMC; Section 21A.30.045 (A), (B), (C), and (D) King County Code; and Section 21.30.060 King County Code.

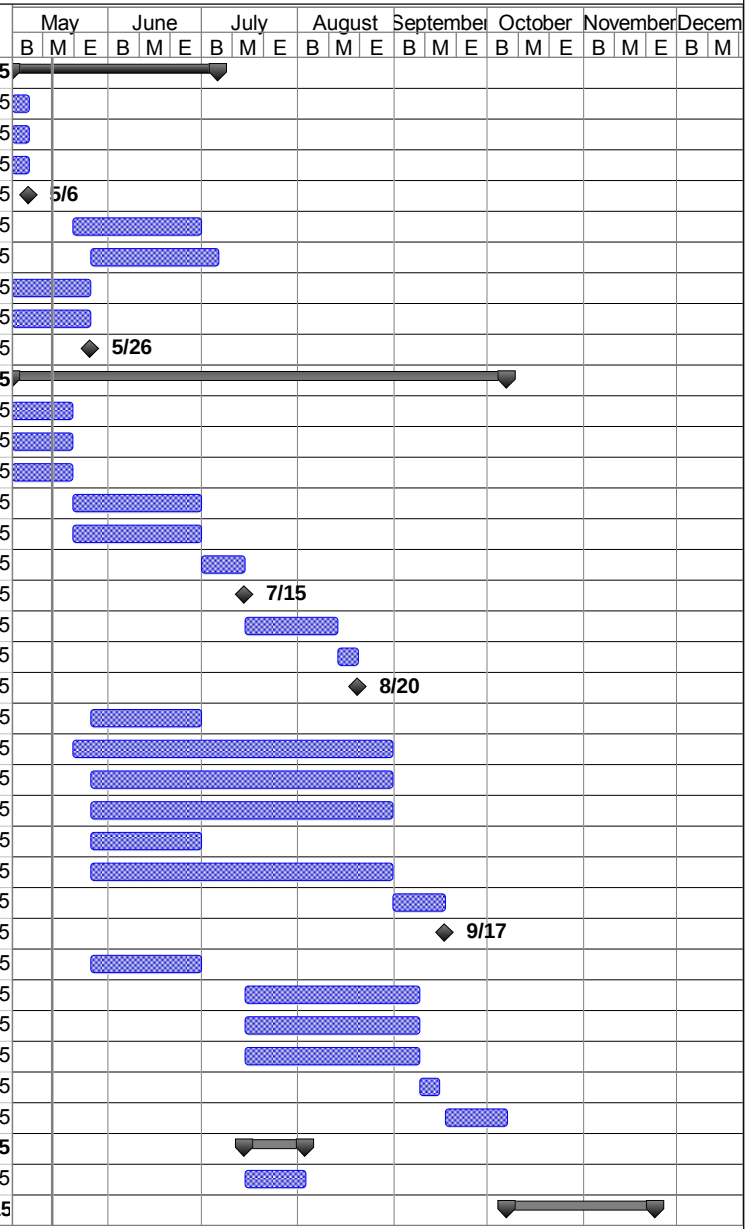
(b) All existing livestock facilities, structures housing fowl, confinement areas, and grazing areas located within critical areas or critical area buffers shall provide a Farm Conservation Plan to the city within two (2) years of the adoption of this chapter.

Next Steps

The staff has advertised for and set a public hearing on June 4, 2015 for the proposed animal control regulations. After Planning Commission discussion and decision, the recommendation will be forwarded to the city council for final action.

City of Covington Comprehensive Plan Update
Project Schedule

ID	Task Name	Duration	Predeces	Start	Finish
1	**Phase 1 Situation Assessment and Plan Basics**	**71 days**		**Fri 5/1/15**	**Mon 7/6/15**
2	Sequence and Schedule draft	6 days		Fri 5/1/15	Wed 5/6/15
3	Cross-cutting framework policies/guiding principles	6 days		Fri 5/1/15	Wed 5/6/15
4	Establsh template	6 days		Fri 5/1/15	Wed 5/6/15
5	Meeting 1	0 days	4	Wed 5/6/15	Wed 5/6/15
6	Complete Commerce checklist	44 days	12,13	Wed 5/20/15	Tue 6/30/15
7	Complete Existing Conditions Assessment	44 days	10	Tue 5/26/15	Mon 7/6/15
8	SEPA strategies	27 days		Fri 5/1/15	Tue 5/26/15
9	Public Participation Strategy	27 days		Fri 5/1/15	Tue 5/26/15
10	Meeting 2	0 days	8	Tue 5/26/15	Tue 5/26/15
11	**Phase 2 Completion of Draft Plan**	**170 days**		**Fri 5/1/15**	**Wed 10/7/15**
12	Land use element gaps	21 days		Fri 5/1/15	Wed 5/20/15
13	Housing element gaps	21 days		Fri 5/1/15	Wed 5/20/15
14	Transportation element gaps	21 days		Fri 5/1/15	Wed 5/20/15
15	Land use element draft	44 days	12	Wed 5/20/15	Tue 6/30/15
16	Housing element draft	44 days	13	Wed 5/20/15	Tue 6/30/15
17	Staff review	15 days	16	Wed 7/1/15	Wed 7/15/15
18	Meeting 3	0 days	17	Wed 7/15/15	Wed 7/15/15
19	Prepare revisions	32 days	18	Wed 7/15/15	Fri 8/14/15
20	Planning Commission review	7 days	19	Fri 8/14/15	Thu 8/20/15
21	Planning Commission mtg	0 days	20	Thu 8/20/15	Thu 8/20/15
22	Parks, Rec, Open Space element update	38 days	10	Tue 5/26/15	Tue 6/30/15
23	Transportation element revisions	110 days	14	Wed 5/20/15	Mon 8/31/15
24	Natural Environment element completion	104 days	10	Tue 5/26/15	Mon 8/31/15
25	CFP element completion	104 days	10	Tue 5/26/15	Mon 8/31/15
26	Utilities element completion	38 days	10	Tue 5/26/15	Tue 6/30/15
27	Economic development element completion	104 days	10	Tue 5/26/15	Mon 8/31/15
28	Staff review	18 days	27	Mon 8/31/15	Thu 9/17/15
29	Meeting 4	0 days	28	Thu 9/17/15	Thu 9/17/15
30	Sustainability principles integration	38 days	10	Tue 5/26/15	Tue 6/30/15
31	SMP integration	60 days	18	Wed 7/15/15	Wed 9/9/15
32	Introduction	60 days	18	Wed 7/15/15	Wed 9/9/15
33	Implementation strategy	60 days	18	Wed 7/15/15	Wed 9/9/15
34	Staff review	7 days	33	Wed 9/9/15	Tue 9/15/15
35	Prepare final revisions	21 days	29	Thu 9/17/15	Wed 10/7/15
36	**Phase 3 SEPA Review**	**21 days**		**Wed 7/15/15**	**Mon 8/3/15**
37	Review city-prepared Checklist of Addendum	21 days	18	Wed 7/15/15	Mon 8/3/15
38	**Phase 4 Adoption Process**	**51 days**		**Wed 10/7/15**	**Tue 11/24/15**



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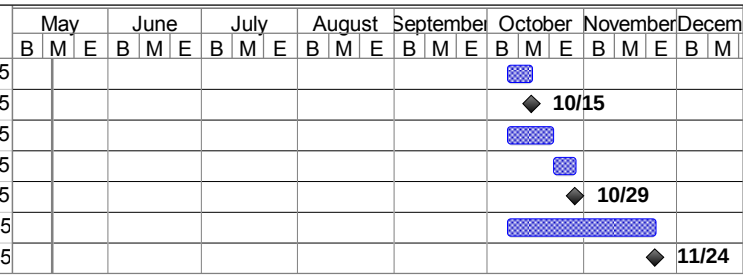
City of Covington Comprehensive Plan Update
Project Schedule

ID	Task Name	Duration	Predeces	Start	Finish
39	Planning Commission review	9 days	35	Wed 10/7/15	Thu 10/15/15
40	Planning Commission meeting	0 days	39	Thu 10/15/15	Thu 10/15/15
41	Prepare documents for planning commission review	16 days	35	Wed 10/7/15	Thu 10/22/15
42	Planning Commission review	8 days	41	Thu 10/22/15	Thu 10/29/15
43	Planning Commission meeting	0 days	42	Thu 10/29/15	Thu 10/29/15
44	Assist in responding to comments	51 days	35	Wed 10/7/15	Tue 11/24/15
45	City council meeting	0 days	44	Tue 11/24/15	Tue 11/24/15



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