

D#55 ANIMAL PROVISIONS FOR ANNEXED AREAS

General Description

The East Renton Plateau Citizens Task Force recommended that residents in areas that annex to the City be allowed to continue to keep animals that would be considered non-conforming in Renton, but were legal in King County, after the area annexes. Additionally, the Task Force recommended that those non-conforming animals be allowed to be replaced in perpetuity for that parcel. In 2007, Council affirmed the position of the Task Force on both of these issues. Since then, implementation of these two policies has proven challenging for staff. It is recommended that the code be amended to provide clarity for staff and residents that animals may continue to be kept. However, it is further recommended that the provision allowing animal replacement in perpetuity for parcels not be included.

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

Not applicable. There are no anticipated effects on the rate of growth, development, and the conversion of land created by the proposed changes.

Effect on the City's capacity to provide adequate public facilities

Not applicable. There are no anticipated effects on the City's capacity to provide adequate public facilities created by the proposed changes.

Effect on the rate of population and employment growth

Not applicable. There are no anticipated effects on the rate of population and employment growth created by the proposed changes.

Whether Plan objectives are being met as specified or remain valid and desirable

The proposed changes do not have direct bearing on Comprehensive Plan objectives. However, Objective LU-HH in the Residential Low Density Land Use section states, in part, that the designation is to "provide for a range of lifestyles and appropriate uses adjacent to and compatible with urban development". Land Use Element goal 7a calls for the promotion of neighborhoods that "contribute to a strong sense of community and neighborhood identity". The proposed amendments strike a balance between these two goals. The strong sense of community and neighborhood identity goal is supported in the proposal to allow property owners to continue to keep animals legal in King County if they annex to the City. The proposal to not allow the continued keeping of those animals to "run with the land" is supported by the objective to provide for a range of lifestyles that are compatible with urban development in accordance with the City's location inside the Urban Growth Boundary. The City has adopted regulations regarding animals that are appropriate for an urban environment.

Effect on general land values or housing costs

Not applicable. There are no anticipated effects on general land values or housing costs created by the proposed changes.

Whether capital improvements or expenditures are being made or completed as expected
Not applicable.

Consistency with GMA, the Plan, and Countywide Planning Policies

The proposed changes have no bearing on growth management. They are consistent with the Comprehensive Plan and Countywide Planning Policies.

Effect on critical areas and natural resource lands

The effects of this proposal are anticipated to have no impact on critical areas and natural resource lands. However, over time as properties come into compliance with City code, if it causes a reduction in the number of animals on a property, it may decrease the amount of fecal matter that runs off of a property.

Effect on other considerations

Establishing a clear standard will make the code easier to administer and to understand for staff and residents.

Background

In 2010, staff sought to clarify the code regarding this portion of the Animal Regulations through a code interpretation (as shown in Attachment A). There were a number of comments received from the public (grouped together as Attachment B), so this item was brought forward as a docket item for the consideration and policy recommendation of the Planning Commission and Council. The comments received were supportive of the proposed code amendments in regards to adding code language that provides a very clear statement about the permissibility of annexed areas keeping animals that were legal in King County, but are not legal in Renton. However, there were some who expressed two concerns.

First, there was concern expressed about the classification of the allowance being considered as non-conforming. Second, the proposed amendment did not allow animals to be replaced in perpetuity for the parcel on which the keeping of the animals was established. It was the desire of the East Renton Plateau Citizens Task Force to allow this, however it has proven especially difficult to administer. When the initial code amendments regarding this were made the City's Code Compliance group was not consulted. The group is challenged by the inherent difficulty in applying code conditions that are first, unique and second, transferable. They have been able to accommodate the uniqueness. However, the transferability remains challenging. It could place Code Compliance in a situation where they may not be able to adequately remedy an illegal and unhealthy situation because a property owner claims that the previous owner had been doing something that had been allowed in King County. Issues such as: how the use is established, how far back a property owner is allowed to go back to establish the use, and what effect amendments made by King County to their animal regulations have on these property owners remain unresolved. It does not seem beneficial to work towards resolving these issues, when the City's current adopted animal regulations are reasonable and provide for flexibility, unlike the animal regulations that were in place at the time the Task Force made their recommendations.

Staff Recommendation

In response to the concern about classification as non-conforming, staff believes that non-conforming is the most appropriate classification. The animals that would be allowed for residents who annexed after November 1, 2007 creates a circumstance that is not allowed anywhere else in the City. By its nature, the circumstance does not conform to City code. Additionally, the desired outcome of something being considered non-conforming is that over time it will come into conformity. This leads to the response to the second concern regarding being allowed to keep the animals in perpetuity on the land.

The current City of Renton standards for keeping animals are reasonable and appropriate for properties in a city. When the recommendation from the Task Force was made and the related ordinance passed, the regulations regarding the keeping of animals were fairly restrictive and did not provide for flexibility. Since then, the City has revised its animal regulations so that they are far more liberal and flexible than they were at the time the Task Force sought changes. For example, at that time the City did not allow the keeping of chickens or rabbits on a lot smaller than one acre. Now chickens and rabbits can be kept on lots as small as 6,000 square feet in size. Additionally, there is now a provision that provides flexibility for keeping animals in numbers greater than what is allowed outright. This flexibility is allowed through the Additional Animals Permit. The permit requires notification of surrounding property owners with a comment period and an inspection by an Animal Control officer. If the officer finds that the additional animals could be kept in a humane and sanitary manner that will not interfere with neighboring property owners enjoyment of their property, and the other conditions of the permit are met, a person would be allowed to keep more animals.

The regulations established by King County are for areas that are both within the Urban Growth Boundary (urban) and outside the Urban Growth Boundary (rural). In part, because of this there are circumstances that would be allowed in King County that are not appropriate in an area that is urbanized like Renton. For example, King County allows up to six horses per acre if covered confinement areas are used or three without covered confinement areas; in a rural context this may be appropriate. The existing standard in Renton allows two horses per acre. Past policy decisions have been that this is the standard that the City finds is appropriate for its urban context. It is reasonable for a property owner who annexes to the City to be allowed to keep the animals that they are accustomed to keeping. However, it is also reasonable that the circumstance not be allowed for a future purchaser of the property. There would be nothing that would preclude a future owner from keeping two horses on an acre in accordance with City code; they simply would not be allowed to keep six or three horses on an acre merely because the previous owner had done so. However, there is also a path in adopted City code, through the Additional Animals Permit, for residents to follow if they wish to keep more animals than what is allowed outright. Additionally, current code includes provisions to allow property owners more animals if their parcels are larger than the minimum standard. For example, if the property is 20,000 square feet larger than an acre, a third horse would be allowed outright by City code.

Staff recommends code changes as indicated in the attached code interpretation. Given the current allowances in City code and the established flexibility, staff finds that it is reasonable to allow a person to keep animals after annexing to the City that would not otherwise be allowed. Staff also believes however, that it is also reasonable for properties, over time, to be expected to meet the code established by the City.

Implementation Requirements

Amend 4-4-010.M as shown in Attachment A.



**Department of Community and Economic Development
 Planning Division
 ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

Section 4-4-010, Standards for Animal Keeping Accessory to Residential/Commercial Uses, and Section 4-10-070 Nonconforming Animals of the Renton Municipal Code.

REFERENCE:

N/A

SUBJECT:

Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

BACKGROUND:

Prior to October 2007, subsection L reads as follows:

"L. NONCONFORMING USES:

In cases where the keeping of animals does not comply with these regulations, the situation shall be classified as a nonconforming use. The owner/tenant shall be allowed to keep the number of animals existing at the time the Section became effective (7-15-1985).

1. Animal Replacement: Property owners/tenants who lose an animal after the effective date of this Section shall not be allowed to replace the animal with a similar type of animal.

2. Transferability: Furthermore, for the purposes of this Code, nonconforming use rights belong to a property owner and are not attached to the property and therefore are not transferable from one property owner to another with the sale of the property. RMC Section 4-4-100A, Purpose of Sign Regulations, reads as follows: It is the purpose of these regulations to provide a means of regulating signs so as to promote the health, safety, morals, general welfare, social and economic welfare and esthetics of the City of Renton."

As part of the work that was done with the East Renton Plateau Citizens Task Force, the language of Subsection L was amended to include only the first sentence. The later text was deleted in an effort to discontinue the City's regulations that did not allow the grandfathering of animals, as well as replacement of those animals. The intent of the code

amendment was to allow residents to continue to keep the number and type of animals that they had prior to annexing to the City of Renton.

Prior to March 2008, RMC Section 4-4-010, Standards for Animal Keeping Accessory to Residential/Commercial Uses, had a subsection L titled Non-conforming uses. This subsection was deleted and the language was folded into subsection M titled Violations and Penalties.

In application this portion of the code has been unclear and difficult to administer. The deletion of the text and the later amendment moving the remaining language to a different subsection has not adequately codified the intent of the City to allow residents in annexed areas to continue to keep the animals that they had prior to annexation.

JUSTIFICATION: The desire of the East Renton Plateau Citizens Task Force was to allow residents who annex to the City of Renton to keep the animals that they had in King County prior to annexation. Ambiguity in code should not negate this intent and efforts should be made to implement their intentions and expectations.

DECISION: Residents of areas that are annexed by the City of Renton should be allowed to keep the number and type of animals that they had in King County prior to being annexed by the City provided that the number, type, and manner of keeping complied with King County regulations in place prior to annexation. Residents should also be allowed to replace animals that are lost provided that the number and use remain compliant with the King County regulations that are applicable to the resident.

PLANNING DIRECTOR APPROVAL:

C. E. "Chip" Vincent

DATE:

APPEAL PROCESS:

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

CODE AMENDMENTS NEEDED TO IMPLEMENT

DETERMINATIONS: RMC 4-4-010 shall be amended to replace the old text as amended below as subsection M and create a new subsection N as shown.

M. NONCONFORMING USES:

In cases where the keeping of animals does not comply with these regulations, the situation shall be classified as a nonconforming use. Except that if the owner is the resident of an area annexed by the City of Renton after January 1, 2007 -~~The~~ owner/tenant shall be allowed to keep the ~~number~~ number and type of animals existing at the time ~~the~~ annexation was effective, provided that the number of animals, type of animals, and the manner in which the animals are kept was a legal and conforming use in King County prior to the effective date of the annexation. ~~Section became effective (7-15-1985).~~

1. Animal Replacement: Property owners/tenants of areas annexed after January 1, 2007 who lose an animal after the effective date of ~~this Section~~ the annexation shall ~~not~~ be allowed to replace the animal with a similar type of animal.

2. Transferability: ~~Furthermore, for the purposes of this Code,~~ ~~Non~~conforming use rights belong to a property owner and are not attached to the property and therefore are not transferable from one property owner to another with the sale of the property.

N. VIOLATIONS AND PENALTIES:

1. Compliance with Current Code Regulations: If the keeping of animals does not comply with these regulations and is not classified as a nonconforming use, the owner shall have to comply with the Code regulations.

2. Fines: Violation of land use permits granted is subject to fines established in this Code. All other violations of police regulations shall be administered in accordance with Chapter 6-6 RMC, Animals and Fowl at Large.

Angie Mathias

From: Ann and Nelson Collin [collinfamily@msn.com]
Sent: Monday, June 21, 2010 7:41 PM
To: Angie Mathias
Subject: CI-10 clarification

Ms. Mathias,

I received an email from the East Renton Plateau Citizen's Task Force regarding CI-10 (see below). I live just outside of the Liberty annexation area. If you're still accepting public comments, please add me to those who approve of the recent code clarification.

CI-10, Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

Code Section: RMC Sections 4-4-010 and 4-10-070

For more information, please contact Angie Mathias at 425.430.6576

Review period ends at 5:00 p.m. on Tuesday, July 6, 2010

Regards,
Ann Collin

Angie Mathias

From: Chandra Stachowiak [chandras@TridentSeafoods.com]
Sent: Tuesday, July 06, 2010 12:58 PM
To: Angie Mathias
Subject: Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas

As an annexed citizen living on 3 acres.. I hope that we will be grandfather and allowed to have and kept the animals we have .. Homes with Animals they had before being Annexed should be allowed to kept and replace any animals.

I also believe that if we sell our 3 areas that the new owner should also be allowed to keep animals beyond what the city allows as well. If they so desire. .. that is way we have acres to farm animals . not turn into to more houses.

Thanks

CI-10, Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.
Code Section: RMC Sections 4-4-010 and 4-10-070
For more information, please contact Angie Mathias at 425.430.6576
Review period ends at 5:00 p.m. on Tuesday, July 6, 2010



Chandra Stachowiak
Office Manager • Distribution Center Pier 91
chandras@tridentseafoods.com • 206-298-3216
2001 W. Garfield St • Seattle, Wa 98119

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Angie Mathias

From: Claude Stachowiak [claude.stachowiak@comcast.net]
Sent: Tuesday, July 06, 2010 12:43 PM
To: Angie Mathias
Subject: Comments: CI-10 , Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

Dear Ms. Mathias,

Regarding the code interpretation for the grandfathering of the keeping of animals in the Liberty Annexation Area.

We are pleased that the City of Renton is standing behind their promises in this regard as so much of the quality of life in the area has already been compromised by all the new developments that utilized the King County's Transfer of Development Rights Program to increase the density of home sites.

We were, however, also told that the animal use rights would belong to the properties, not the owners.

Thank you,
Claude & Eloise Stachowiak

Angie Mathias

From: Michael/Claudia Donnelly [thedonnelys@oo.net]
Sent: Wednesday, July 07, 2010 8:47 AM
Cc: pvincent@rentonwa.gov; Angie Mathias; Council
Subject: Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

I have been on vacation and got back yesterday afternoon. This was from CARE about Renton's Animal ordinances.

When CARE was trying to encourage everyone to "annex" to Renton, supporters of staying in KC told you that Renton says one thing and then "changes its mind". It looks like that is coming true in regards to having animals that those of us who live on the Plateau like to have -- horses, goats, chickens, etc. We told you that Renton officials couldn't be trusted. It looks like the proof is in the pudding.

And the city wonders why those of us who've lived here for years don't want to join Renton?

Have a good day -- try to keep cool.

Claudia

Begin forwarded message:

From: Highlands Neighbors <highlands_neighbors@hotmail.com>
Date: July 2, 2010 5:49:50 AM PDT
Subject: Comments: CI-10 , Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

Dear Neighbors,

Please remember to submit your comments regarding the rules that should apply to residents' ability to keep animals after annexation. The deadline for comment submission is next Tuesday July 6th. I have included the comments I submitted below. Send yours to:

amathias@rentonwa.gov

Have a Safe & Happy 4th of July!
Gwendolyn

C.A.R.E. - Community Alliance to Reach Out & Engage
...doing what we can, with our neighbors, for our community...
206.888.7152

From: highlands_neighbors@hotmail.com
To: amathias@rentonwa.gov
CC: cvincent@rentonwa.gov
Subject: Comments: CI-10 , Clarification of the City's regulation of animals regarding nonconforming uses

and grandfathered uses in annexed areas.

Date: Fri, 2 Jul 2010 05:46:06 -0700

Dear Ms. Mathias,

With this email I would like to submit comments on the subject Code Interpretation.

In general, I believe this represents an improvement over the implementation we have seen recently, but that this proposal does not yet match what the community requested through the Citizens' Task Force that originally developed the grandfathering recommendations, that the Planning Commission endorsed and that we had assumed since 2007 were already in place.

Specifically, the Transferability section is still very wrong.

1) After conversations with several of the Task Force members, my recollection has been confirmed - the right to keep animals is to be connected to the land and will transfer with the property.

2) Nobody remembers any discussion of this as a non-conforming use. Even if this may be technically considered a non-conforming use in the larger context of the adopted Zoning Code overall, the proposed text appears to be inconsistent with treatment of non-conforming uses elsewhere in the city. The investment of our neighbors in structures and improvements to their properties (barns, arenas, hen houses, water lines, etc.) that provide the amenities and infrastructure necessary to the enjoyment of their properties and contribute to the character of our community and quality of life should be respected in the same degree and manor as nonconforming structures and uses in other parts of Renton (docks, boats houses, dredging, etc. on Lake Washington). The requirement to discontinue the allowance for animals that was allowed at annexation at the time the property is transferred to new ownership needs to be corrected.

Thank you for the efforts to correct the errors in this code and for the opportunity to submit comments.

Respectfully submitted,
Gwendolyn

Angie Mathias

From: ddmbfisher@aol.com
Sent: Saturday, July 03, 2010 11:46 AM
To: Angie Mathias
Subject: animals in annexed areas

We moved to our home in unincorporated King County 14 years ago. We have nearly an acre of property. On our left side is a 4 acre property that had turkeys, dozens of geese and ducks. On the right is a property that had sheep and now goats and ducks. Other neighbors had cows too. Neighbors in our area have had chickens and we got some too. A few chickens multiply and we now have 21 chickens. Our neighbors have no problem with the rooster and enjoy our eggs. We compost the manure to fertilize the gardens. We would like to preserve this lifestyle to continue to have chickens with a rooster.

Dale Fisher

Angie Mathias

From: highlands_neighbors@hotmail.com
Sent: Friday, July 02, 2010 5:46 AM
To: Angie Mathias
Cc: Chip Vincent
Subject: Comments: CI-10 , Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

Dear Ms. Mathias,

With this email I would like to submit comments on the subject Code Interpretation.

In general, I believe this represents an improvement over the implementation we have seen recently, but that this proposal does not yet match what the community requested through the Citizens' Task Force that originally developed the grandfathering recommendations, that the Planning Commission endorsed and that we had assumed since 2007 were already in place.

Specifically, the Transferability section is still very wrong.

- 1) After conversations with several of the Task Force members, my recollection has been confirmed - the right to keep animals is to be connected to the land and will transfer with the property.
- 2) Nobody remembers any discussion of this as a non-conforming use. Even if this may be technically considered a non-conforming use in the larger context of the adopted Zoning Code overall, the proposed text appears to be inconsistent with treatment of non-conforming uses elsewhere in the city. The investment of our neighbors in structures and improvements to their properties (barns, arenas, hen houses, water lines, etc.) that provide the amenities and infrastructure necessary to the enjoyment of their properties and contribute to the character of our community and quality of life should be respected in the same degree and manor as nonconforming structures and uses in other parts of Renton (docks, boats houses, dredging, etc. on Lake Washington). The requirement to discontinue the allowance for animals that was allowed at annexation at the time the property is transferred to new ownership needs to be corrected.

Thank you for the efforts to correct the errors in this code and for the opportunity to submit comments.

Respectfully submitted,
Gwendolyn

Angie Mathias

From: Jennifer Stachowiak [Jennifer.Stachowiak@grange.com]
Sent: Tuesday, July 06, 2010 2:41 PM
To: Angie Mathias
Subject: Standards for Animal Keeping

Hi Angie,

MUNICIPAL

CODE SECTIONS: Section 4-4-010, Standards for Animal Keeping Accessory to Residential/Commercial Uses, and Section 4-10-070 Nonconforming Animals of the Renton Municipal Code.

REFERENCE: N/A

SUBJECT: Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

I understand that the review period for CI-10 ends today 7/6/10.

I feel it is important for those annexed into the City of Renton to be able to keep the animals that they had prior to the annexation. People should not lose out when annexed into a city, so I think it is wonderful that they will be able to keep their animals.

I agree with the CI-10 clarification draft and I hope that the proposed edits for the annexed part of Renton go through as written in the draft.

Thank you for your time and if you have any questions, please let me know.

If this should have gone to someone else, please forward it on.

Jennifer Stachowiak
2641 NE 20th Street
Renton, WA 98056
425-227-4197

Angie Mathias

From: Marsha Rollinger [m.rollinger@comcast.net]
Sent: Tuesday, July 06, 2010 10:08 AM
To: Angie Mathias
Subject: Comments: CI-10 , Clarification of the City's regulation of animals regarding nonconforming uses and grandfathered uses in annexed areas.

Good morning Ms. Mathias!

I was annexed into Renton with the East Renton Highlands Plateau Liberty Annexation and our ongoing collective want to preserve the character of this area compels me to send you my comments about the animal regulations interpretation shown in *CI-10.pdf*...

The right to keep animals should be attached to the PROPERTY, and *should be* transferable. The neighborhoods on the ER Plateau are sought by folks wanting to be close in to city amenities *along* with having large lots where they can keep various types of animals and large gardens. This is personally why I and many other neighbors moved here.

The right to have animals here for generations to come, especially after annexing, was a key point of concern we residents expressed through the ERP Citizen's Task Force. The Renton Planning Commission endorsed our views and this was what was believed to be in place since the annexation. I am somewhat surprised to see how it is written into the code interpretation as shown on the .pdf. There wasn't any discussion of this being a "nonconforming use" and again, this was a key point of discussion before we decided to annex into Renton.

I feel, along with many fellow neighbors I have spoken with, that this point definitely needs to be corrected.

Thank you for the opportunity to submit comments.

Sincerely,
=Marsha Rollinger=

Angie Mathias

From: Tom [TDCarp@comcast.net]
Sent: Wednesday, June 30, 2010 9:57 AM
To: Angie Mathias
Subject: Testimony on the Renton Animal Ordinance
Attachments: Animal Ordinance.pdf

Attached is my testimony on the Renton Animal Ordinance.

Tom Carpenter

Renton Animal Ordinance

Public Testimony: Tom Carpenter, President, Four Creeks Unincorporated Area Council and long-time resident of the unincorporated urban area on the Plateau.

Background

I was a member of the Citizen's Task Force (CTF) from the plateau east of Renton that worked with the city from September 2006 until the annexation vote was certified in February 2007. The CTF made recommendations for the plateau's Potential Annexation Area including pre-zoning and a number of ordinances including an update to the city's animal codes.

In addition, for the last four years I've been the president of the Four Creeks Unincorporated Area Council (UAC) whose area includes the entire plateau. The UACs are part of the county's citizen participation initiative.

I've included comments on the CTF's work and some on the current situation regarding Renton's animal ordinance.

The CTF

The CTF's work on the animal codes focused on these key changes:

- To recognize that large animals (horses, cows) and smaller farm-type animals (chickens, ducks) were a reality on the plateau and part of its historic and special character;
- To link animals to the property meaning the right to have them survives the owner;
- To allow animals to be replaced;
- To establish criteria for the number of animals allowed.

The Plateau's special character

The plateau still has large parcels, some with large and farm-type animals and/or the capability to house such animals. It's proximity to May Valley, an area with a large equine population, continues to show in its character. There are large portions of the plateau outside the Urban Growth Boundary (UGB) which puts it on the urban/rural fringe: an area with unique character and protection requirements.

Perhaps the biggest force on the plateau is the core experience of residents regarding the nature of their community and how that experience has influenced their feelings regarding urbanization. Those feelings were an important context influencing the CTF's work.

It appears Renton has recognized the mosaic of unique areas within the city and its PAAs. Renton's intended subarea planning takes an appropriate step away from "one size fits all" to a model that not only recognizes but actually values diversity.

This means the plateau, unique in Renton because of its history and its proximity to the rural area, would be acknowledged for its special character and its uniqueness encouraged and supported into the future.

I've added some additional comments about the plateau at the end of the testimony.

Link animals to property

It was clear in the CTF work that the right for animal care should be linked to the property and not to the owner or set to correspond with the remaining lifespan of existing animals. To link it otherwise was the equivalent of setting it as non-conforming use, something the CTF did not have agreed with.

I don't recall how much the CTF discussed whether the animal ordinance should be a permitted, conditional, or non-conforming use however I do recall my feeling was it should be a permitted use or at least a conditional use and to focus the deciding factor on appropriate animal care. Not unlike "cottage" or "home-based" businesses in the rural area, some of the parcels, for example, were actually being used for (or had the capability to be used for) horse boarding. Non-conforming use sets a context that sooner or later the use will no longer be permitted. That seemed presumptuous particularly because it disrespects the plateau's special character, the attitude of the residents, and continues the "one size fits all" attitude: very unpopular on the plateau.

If Renton is choosing to implement the animal ordinance as non-conforming use, it's my belief that the CTF would have disagreed.

I'd also add that the CTF would not have supported a set of animal codes unique to the plateau. That's because they were sensitive to efficiency impacts of location-dependent codes. The vision was the animal ordinance changes would apply throughout Renton and that other mechanisms, like conditional use or, as will be discussed below, focusing on the adequacy of a parcel to the needs of the animals.

Replacing animals

As with the recognition that large and farm-type animals should be allowed on the plateau and that they should be linked to the property, the CTF also recommended they be allowed to continue even if an animal died or the number of animals was reduced simply because of boarding fluctuations.

Number of animals allowed

The CTF briefly discussed whether the number of animals allowed should be based on the capacity of the land vs. the number of animals currently on the property. The context of that discussion was focused on questions like "how many horses can be appropriately cared for on a particular parcel"? One example was a property along 156th Ave SE that had the capacity to board three horses but currently only had one.

I don't recall where that conversation ended up but I do recall it made more sense to me to permit based on capacity. It seemed arbitrary to "snap" the line on a certain date rather than look at the property's capability to support the type of animals being housed there. As in the example on 156th, the owner would have been allowed only one horse simply because of how many animals were on the property at some arbitrary date even though the capacity existed to house more. This seemed unfair.

The current situation with the animal ordinance

It appears that what's brought this issue up for comment is a misinterpretation of the CTF's intent and Animal Control's push-back centered on "cost" impacts.

Misinterpretation of the CTF's intent

First, the CTF did not intend to add a qualifier to the animal ordinance by providing a geographic boundary departments needed to be aware of. As mentioned, the CTF's intent was permitted or conditional use applicable across the city. The managing factor to keep large animals out of the downtown area was the ability of the land to support the animals. Most, if not all, urban center and surrounding parcels would not qualify the condition.

Renton may also want to consider removing barriers to such use in the remaining large parcels in the city along with future changes in actual land use that opens the possibility of more rural-type uses. The move toward urban agriculture could be expanded to include large animals on a conditional basis.

The cost of valuing diversity

Second, it's been my experience that the culture in jurisdictions believes that diversity is more costly than commonality and, until that erroneous belief system is put into balance through innovation, as it has been in private enterprise, decision makers will continue to be unable to resolve the complaints being expressed on the plateau.

What policy makers and planning commissions can do is challenge this cultural "immune system" that allows line managers to divert efforts to strike a balance between diversity and commonality through a "punishment list". This is particularly challenging today because of the financial realities all jurisdictions face. However, as unintuitive as it may sound, history has shown that challenging times are often the best times to deal with these engrained forces.

It's very understandable why permitting and code enforcement departments see diversity as a "real pain". What we need to do is make it safe for them to get beyond their "paradigm blindness" and see a different way.

Summary

The CTF's general thinking behind the animal ordinance and its relationship to the plateau was one that resisted the paradigm of one-size-fits-all while recognizing the unique character of the area.

The thinking of the CTF regarding large and farm-related animals was they pre-existed the Growth Management Act and the 1994 establishment of the Urban Growth Boundary which placed roughly 5 square miles of the plateau in the urban area. The CTF also recognized large and farm animals as part of the plateau's character and the experience of the residents.

Recommendation

I'd strongly recommend that 1) Renton Animal Control "back off" on relevant code enforcement on the plateau, 2) the code interpretation be fixed and aligned to what the CTF and the Planning

Commission envisioned, and 3) that Renton's Mayor, Council and Planning Commission work the issue of subarea diversity, including the plateau.

The Plateau

History

In 1994 when the Urban Growth Boundary was initially set the profile of the plateau was considerably different than it is even today. It was a mere 25 years prior to that point that the first paved roads out to the eastern ends of the plateau were constructed.

The UGB decision that the rural fringe character of the plateau was to become urban has not surprisingly clashed significantly with the community identity felt by the plateau residents.

It wasn't until 1999, concurrent with the completion of development on the Sammamish Plateau that any serious urbanization began. That year 60-acres of forest were cleared to the ground at what was then the intersection of SE 128th Ave and Duvall Ave SE to make room for what became the Orchards housing development.

The feeling of being put upon by a 16-year old decision that most don't remember or understand permeates the attitude that exists in the plateau community. As that decision manifests, a growing number of examples fan local resistance to urbanization. The sound defeat of the 2007 annexation vote was, at least in part, a manifestation of the plateau's frustration. Regardless of how GMA defines the plateau, people see their community's history and future as more rural than urban.

The Four Creeks UAC routinely sees the tragedy of a population that feels they have little or no control over the destiny of their neighborhoods and communities. Unfortunately, in almost all jurisdictions in King County including the county itself, decisions are based more on growth targets than on valuing diversity.

The CTF attempted to find a way to preserve local character in the reality of GMA.

Past efforts

Recently, a portion of the unincorporated urban area on the plateau was a King County pilot area for something called "Form-Based Codes". FBC recognizes the unique "visuals" in a community and is designed to provide code focus on things like streetscapes and building designs. The CTF broached the general topic when it pushed for design standards; something resisted by the Master Builders Association whose lobby stopped the effort.

Just before the County Executive's Comprehensive Plan transmittal, plateau community leaders decided to pull out as an FBC pilot area, although very reluctantly. FBC continues to offer great promise of advancing community visioning: a critical part of subarea, community and neighborhood planning.

The fact that FBC was a county response to the plateau situation in the PAA residents were forced to be concerned about whether the efforts would be lost after annexation.

Interlocal Agreement

I'll conclude my comments with a description of the general issue of PAAs as transition areas and a plea for support for an inter-local agreement between King County, Renton, and the residents of the plateau.

Common to all PAAs are the differences between the county's and the city's "vision" for the area's future. The UAC has worked aggressively with the county over the last half decade to require a stronger "voice" and accountability from the PAA cities regarding areas it's assumed they will eventually inherit.

PAAs are transition areas and in some cases, certainly including the plateau, that transition can be extremely impactful. The closer an area's "built" condition is to that of the PAA city, the less annexation decisions are influenced by transitional issues.

Of all the remaining PAAs in the county, the plateau has by far the greatest difference between its current state and that envisioned by GMA. These differences certainly had a major impact on the soundly defeated annexation vote in 2007. This also means there is a greater opportunity to make that transition more aligned to the vision of the residents of the area. Once an area is developed changes are far more difficult.

For close to a decade now, residents and community groups, including the Four Creeks UAC, have fought to influence the future of their plateau neighborhoods. This certainly is reflected in all the work of the CTF including the animal ordinance, design standards (akin to Form-Based Codes), and pre-zoning.

The lack of an inter-local agreement (ILA) between the county, Renton, and the residents has made this work unnecessarily far more difficult. In addition, the existence of such an ILA may have made the discussion with the CTF even more effective because Renton's "voice" regarding an area they would eventually inherit would have brought more alignment between King County's and Renton's vision for the plateau. It certainly would have made discussions about projects like Form-Based Codes more efficient.

This difference has manifest as development and re-zoning has occurred. The county has approved actions that are contrary to what Renton would have allowed.

On the plateau, differences in zoning designations, how density is calculated, permitted and conditional uses, and whether the area would qualify as a receiving site for transfer development rights (TDR)¹ mean Renton's vision is not influencing outcomes.

Related to the animal ordinance is the difference between the county's zoning and Renton's pre-zoning. A small area at the intersection of 164th Ave SE and SE 128th St and a large area east of that point are pre-zoned as R-1. This zoning reflects the topography of the eastern portion of the plateau which will not allow R-4 development but could support large animals.

I'd strongly recommend that Renton move aggressively to support the efforts of the UAC and unincorporated urban residents on the plateau to create an Inter-local Agreement with King County for community planning in the PAA.

¹ Note that the plateau has been the receiving site for far more than its fair share of development right transfers. Residents have testified on numerous occasions about the flaws in the TDR program and the situation on the plateau.

Angie Mathias

From: Tom [TDCarp@comcast.net]
Sent: Thursday, July 01, 2010 10:24 PM
To: Angie Mathias
Subject: FW: Testimony on the Renton Animal Ordinance
Attachments: AnReg.pdf

I'd like to add to the animal ordinance testimony a document created by Renton during the Citizen Task Force work. It provides another insight into the thinking of Renton and the CTF as they addressed large animals. Note the document does not imply non-conforming use.

From: Tom [mailto:TDCarp@comcast.net]
Sent: Wednesday, June 30, 2010 9:57 AM
To: 'amathias@rentonwa.gov'
Subject: Testimony on the Renton Animal Ordinance

Attached is my testimony on the Renton Animal Ordinance.

Tom Carpenter

Attachment 3: Animal Regulations

ISSUE

- Should the City change the maximum allowable number of large animals per acre under the animal husbandry land use?
- Should the determination for the conditional use of greater than the maximum number of allowed animals be changed from the Hearing Examiner to an Administrative Conditional Use?
- Should the City strike the language regarding animal replacement and transferability, effectively allowing residents to replace animals and allow the use of property for animal husbandry to run with the land?

RECOMMENDATION

Staff recommends adopting code amendments that would allow two large animals per acre and the conditional use of greater number of animals to be determined by administrative decision to allow animal replacement and allow animal husbandry land use to remain an accepted use upon sale of the property. These changes reflect recommendations of the East Renton Plateau Citizens Task Force and better reflect the current animal husbandry practices that are occurring in the East Renton area.

BACKGROUND SUMMARY

Through the East Renton Plateau Citizens Task Force and comments at public meetings regarding the East Renton Plateau, an issue with City of Renton policy and standards for the number of animals allowable for animal husbandry with large animals was brought forward. Current City policy limits the number of large animals to one animal per acre. A point of concern regarding the welfare of large animals, which tend to be herd animals, was made. Additionally, it was expressed that the current City policy simply encourages residents to be non-compliant until such time that they are notified that they are not in compliance with City code.

Currently, City code requires a Hearing Examiner public hearing in order to seek permission to keep greater than the allowable number of animals for animal husbandry. It was expressed that this adds a layer of inconvenience and cost to animal owners as they seek to comply with City Code and obtain a conditional use permit if they have more animals than the stated maximum animals. Further, the costs associated with appealing to the Hearing Examiner may discourage residents from following City code. The process and costs related to obtaining an Administrative Conditional Use is simplified and costs less for citizens.

The section of code regarding non-conforming uses for the keeping of animals has a clause that does not allow animal replacement for grandfathered animals. It was expressed that this policy simply encourages animal owners to circumvent City policy by claiming that replacement animals are in fact the original animal. Elimination of this

clause better accommodates animal owners and the historical use of their land for animal husbandry. The non-conforming use section also has a clause that does not allow a non-conforming use to remain with the property on which the use is occurring if the property is sold. This policy is not necessarily appropriate for lower density areas that have a history of land use with animal husbandry; it may unduly place higher density land use standards on such an area.

CONCLUSION

City of Renton code regarding animal husbandry is perceived as unfair. Amending code to allow two large animals per acre would demonstrate a better understanding of the nature of herd animals and the keeping of such animals. The East Renton Plateau is a Potential Annexation Area with a significant amount of lower density, R-4 and R-1, land use. If the area votes in favor of annexation, it is likely that many residents would not wish to be required to change their lifestyle and the historical use of their property for the purposes of animal husbandry. Amending the code to better accommodate this type of lower density land use is appropriate.