

**Minutes of the Joint Work Session of the
Veneta City Council and Veneta Planning Commission
February 24, 2014**

City Council Present: Sandra Larson, Brittany Boothe, Thomas Cotter, Victoria Hedenstrom, and Thomas Laing

Planning Commission Present: James Eagle Eye, Kevin Conlin, Calvin Kenney, and Lily Rees

Others: Ric Ingham, City Administrator; Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Kyle Schauer, Public Works Director; Chris Workman, City Recorder/Human Resources and Risk Management Administrator; Darci Henneman, Assistant City Recorder, Veronica Miller; Johnathan Russell; Sarah Peterson; and Mr. Miller (young boy)

1. CALL TO ORDER

Mayor Sandra Larson called the Veneta City Council Work Session to order at 6:01 p.m.

2. POLICY DISCUSSION & RECOMMENDATIONS ALLOWING BACKYARD CHICKENS IN ADDITIONAL RESIDENTIAL ZONING DISTRICTS

a. Public Comment

Veronica Miller, 87889 8th St., Veneta, OR

Ms. Miller said she has a problem with laws not being enforced and the general lawlessness about chickens in Veneta. She is strongly opposed to having chickens in the City which seems like common sense and a good idea because they can be noisy, smelly, attract flies and predators. She said animal shelters are seeing an increase in surrendered chickens and not all chickens are hens. She said shelters don't take roosters so there's really no recourse. She said chickens are being killed six feet from her house and she has a problem with that. Also, because some people work an off shift, they sleep during the day and a crowing rooster is a problem. She said there are many issues to having chickens in close proximity. She felt the ordinance should stay the way it is. Also since October there has been a sticker across the street from Veneta Elementary that says "area patrolled by armed citizens association". She finds it very troubling that it's still there and no one has done anything about it. She wanted to bring it to someone's attention.

Johnathan Russell, 24784 Terra Ln., Veneta, OR

Mr. Russell said he doesn't see chickens in City limits as being quite the issue Ms. Miller makes it to be. He said he does not have flies, rats, or predator issues and said that can happen with any animals that are not properly cared for. He doesn't see it as being much of a problem with his four hens as he hasn't heard any complaints from any of his neighbors. He said he can hear dogs barking but none of his neighbors have dogs. He said most small towns don't have an ordinance allowing or banning chickens but he agreed that a permit for a rooster or wanting more than 25 hens is a good idea. As far as the sticker goes, with all the recent thefts, maybe armed citizens isn't a bad idea.

Sarah Peterson, 87960 Ninth St., Veneta, OR

Ms. Peterson asked Councilors and Commissioners to take two things into consideration. She said the Backyard Farmer is a chicken forum website where people can put chickens up for adoption. She said every time a posting is made for a chicken needing a home, it usually finds one that day. Also there are people asking to adopt chickens. She said she is a member of half a dozen other Facebook pages all on poultry. She said there is always a quick response to homing a chicken. She said First Avenue Animal Shelter doesn't take in chickens because there isn't a need. She said farmers will go on the forum and adopt them out as pets throughout Lane County. She said she doesn't see that as being a problem. She said the chicken tractor is sold at local feed stores for hatcheries and home

use. She said it's a portable chicken coop that measures four ft. by eight ft. and can accommodate four hens. She said that's a very small space but that's the minimum guidelines. She brought her pet chicken, Mary Kate, with her. She said Mary Kate and Cowboy, a rooster, do not go outside and live inside her home. She said this breed is very small and quiet. She said she is a responsible pet owner and all of her pets' needs are met.

In response to a question from Mayor Larson, Ms. Peterson said she has 12 chickens that provide barely enough eggs to feed her family. She said, some lay every day, or every other day so she gets about 10 eggs a day. She said 10 months out of the year she gets enough eggs for her family.

Mr. Russell said he gets three and four eggs a day and currently he's getting three every other day.

In response to a question from Victoria Hedenstrom, Mr. Russell and Ms. Peterson said they both have approximately a quarter acre of land.

Ms. Peterson said her chickens have a large run and at times are free range to keep the slugs out of her yard.

Ms. Miller said her lot is less than a 1/5 of an acre. She said not all chicken owners will be like Ms. Peterson and most will be less responsible chicken owners.

Ms. Peterson said she felt there's a happy medium. She said she's been so successful because her neighbors participate too. She said in her neighborhood the problem is a sick feral cat that urinates on their doorstep.

In response to a question from Mayor Larson, Ms. Peterson said the cat was left in her neighborhood two years ago. She said it's neutered but very sick.

Mr. Miller, 87889 8th St., Veneta, OR

Mr. Miller said an armed citizens association is not cool because we have a sheriff. He suggested a permit be required to own chickens with a limit of four or six per household. He said that number of chickens won't make that much noise.

b. Staff Report

Garbett said staff is proposing potential code amendments to allow keeping chickens on smaller lot sizes, more specifically Single Family Residential (SFR) and General Residential (GR) zones within City limits. Currently chicken keeping is allowed in rural residential lots, Single Family Residential (SFR) and General Residential (GF) of one acre or more.

In response to a question from James Eagle Eye, Garbett reviewed the three options allowing chickens on smaller lots in SRF and GR zoned districts: 1) Allow chickens based on a maximum number of chickens per lot; 2) Allow chickens based on lot size; 3) Allow chickens based on lot size and maximum number of chickens; or 4) Continue with the current code which only allows chickens on one acre lots. Garbett said only one formal complaint has been filed in the last three years.

Garbett suggested the code be amended to include a definition of "fowl". Staff provided three options for defining "fowl".

c. City Council and Planning Commission Discussion

In response to a question from Kevin Conlin, Ingham said City intern presented the background information to the Council and Planning Commission, based on a request in 2010 from a local property owner to have the zoning changed to allow chickens. He said it was not self-initiated.

Garbett said the complaint was in reference to information received from our code enforcement officer as an actual public complaint.

In response to a question from Len Goodwin, Workman said he's not sure what the resolution of that complaint was nor has he identified that specific complaint. He said we've received several complaints about roosters.

In response to a question from Kevin Conlin, Workman said we receive two to three complaints about chickens per year.

In response to a question from Victoria Hedenstrom, Bork said there are two ways to figure where to place a coop. A coop could be setback from a property line or setback from the nearest neighboring house or both.

Len Goodwin said the size restrictions trouble him and he understands the concern about proximity but to him the presumption that chickens are fowl smelling, obnoxious animals is not true and in fact is a brilliant move to educate children. He said the code should be amended to include a definition of "fowl" and any amendment language should be simple with a minimum requirement.

Thomas Cotter said regardless of what the final decision is, a permit should be required to own chickens.

Kevin Conlin said the sq. footage is problematic. He felt there are two things to consider, the frequency of the benefit or harm is likely to occur and the gravity or depth of the harm or good. He felt it's not necessary to change the existing law because he's not hearing sufficient public input to change the code.

In response to a question from Kevin Conlin, Ingham said there are dozens of residents that have chickens but don't realize it's not legal. He said there are likely many code violations happening throughout the City but because we're complaint driven many of the violations go unchecked.

Victoria Hedenstrom suggested the code should address how chickens are cared for and protected. She said not all pet owners are exceptional and she felt any code amendment should not be based on lot size.

Kevin Conlin said we know we have a number of residents that do have chickens but he'd like to know how many. He doesn't feel there is sufficient information to change the code.

Len Goodwin agreed with Victoria Hedenstrom that the amendment should address care and handling of chickens and how the City will enforce the lack of care.

Brittany Boothe said since she's been on the Council she's only heard one complaint. She would be interested in seeing the complaints that have come in.

Ingham said one complaint was received for a one acre lot and one on less than a quarter acre lot.

Thomas Cotter said he felt we're heading off a problem before it gets bigger. He felt it's better to adopt a strategy that's more progressive and get organized before things get worse. He said if we wait for citizens to come to us, he's sure it will be in a negative way and not a positive way.

Kevin Conlin felt there isn't enough information to change the law.

Len Goodwin said we have clear indications of noncompliance of our current law. He said citizens don't intentionally violate the law, they either are unaware and if they were aware, they wouldn't be happy with it. He suggested we don't get paralyzed by the absence of data and move forward.

James Eagle Eye said we don't want to put staff through any more work than they already have done but we need to be proactive and get as much input from the community. He said we need to find a way to allow it and then come back to enforcement.

Workman said the resident that shot and killed her neighbor's dogs because they entered her backyard and killed her chickens lived on one acre and zoned RR.

d. Policy Recommendations

Bork said either the Planning Commission, City Council or a citizen can initiate a code amendment.

Kevin Conlin said everyone can agree that we need a definition of fowl. If we can demonstrate sufficient need to amend the code, he's willing to take the next steps but absent of further data he's not in favor of changing the existing code.

Len Goodwin suggested the Planning Commission explore what the perceived problem is and agree on a definition of "fowl".

Calvin Kenney agreed with Len Goodwin and said overall most people he's talked to, say they're not opposed to backyard chickens if you have the right size lot.

Ingham said the Council directed staff to draft the ordinance back in 2011 but that didn't happen because of several reasons but we still have direction from the Council.

Mayor Larson suggested the Council can ask staff to draft the ordinance and present it to the Planning Commission for review.

After a thorough discussion, Mayor Larson directed staff to draft the ordinance for review by the Planning Commission.

In response to a question from James Eagle Eye, Bork said staff has enough information to draft the ordinance, focused on defining fowl, chicken keeping addressing care and maintenance.

In response to a question from Brittany Boothe, James Eagle Eye said the Planning Commission will be provided with similar options to base a decision on.

Bork said the details will be worked out.

In response to a question from Victoria Hedenstrom, Bork said rabbits are allowed in Rural Residential zones.

Kevin Conlin said if we do decide to make changes, once the issue matrix begins to take shape, let's move through the process and once the desired outcome becomes clearer then we start tweaking.

Bork said there will be multiple choices presented to the Planning Commission for a recommendation to the Council.

Ingham clarified Planning Commission Chairman James Eagle Eye directed staff to draft the ordinance for review at the March Planning Commission meeting. Then direct planning staff to make any changes and plan the public hearing for the April Planning Commission meeting. At that time a set ordinance will go to the City Council for approval.

In response to a question from Mayor Larson, Bork said the options will be presented to the Planning Commission for approval and recommendation to the City Council.

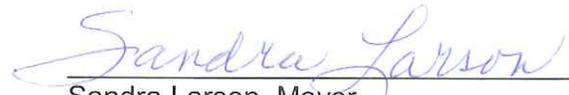
Ingham said before the Council approves it, the Council can ask staff to vet out other options to be included.

3. OTHER

None

4. ADJOURN

Mayor Larson adjourned the Veneta City Council Work Session at 7:25 p.m.

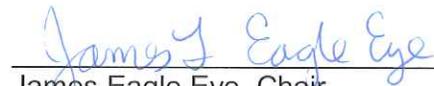


Sandra Larson, Mayor

ATTEST:



Darci Henneman, Assistant City Recorder



James Eagle Eye, Chair
Veneta Planning Commission

ATTEST:



Darci Henneman, Assistant City Recorder
(Minutes prepared by Dhenneman)