

# Minutes of the Veneta Planning Commission

## March 11, 2014

Present: James Eagle Eye, Len Goodwin, Kevin Conlin, Calvin Kenney, and Lily Rees

Others: Kay Bork, Community Development Director; Lisa Garbett, Associate Planner; Darci Henneman, Assistant City Recorder, Judy Stetzler, Janie Mogensen, Brian Vollmer-Buhl, Jonathan Russell, Sarah Petersen, Lida Kersenbrock, Devon Trottier, Priscilla Clemons, Anthony Clemons, and Clifford Thorne

### I. Review Agenda

Chair James Eagle Eye called the Veneta Planning Commission to order at 7:01 p.m. He reviewed the agenda and asked for public comment. Chair Eagle Eye said the public hearing has been postponed until Tuesday, April 1, 2014, at 7:00 p.m.

In response to a question from Len Goodwin, Bork said all written comments and oral testimony from tonight's meeting will be included in the Planning Commission packet for the April 1, 2014 Public Hearing.

James Eagle Eye asked if anyone wanting to make a public comment and has a written version please submit it to staff to be included in the April 1<sup>st</sup> Public Hearing packet. He said everyone is welcome to also attend the April 1<sup>st</sup> Public Hearing.

### II. Public Comment

#### **Judy Stetzler, 25230 E. Bolton Rd., Veneta, OR**

Ms. Stetzler said she would like to keep her three hens in the backyard of her 9000 sq. ft lot. She said she enjoys the very fresh eggs and the control she has over what she eats. She said her chickens are very healthy and she feeds them well. She realizes some of the concerns residents have but with the proper ordinance she felt chickens are a good thing. She agreed roosters should be banned because they're noisy but also dogs make a lot of noise. She said the average neighborhood dog is much more noisy than chickens. She said if there are too many hens in a small area, odor can be an issue so no more than six hens should be allowed per household. She said six hens produce about the same manure load as a 40 lb. dog but chicken manure makes good fertilizer. She said the lot size should be no smaller than 7000 sq. ft. which would be sufficient for a hen house and a nice run. She said it's best if hens are kept in a fully fenced yard, if not, a homeowner could set up a fenced area which will keep hens from wandering. She said as far as enforcing the ordinance there should be a three strikes you're out policy. Meaning after two warnings about wandering hens, noise, etc. a owner can no longer keep hens. She said for nuisance complaints a fine could be imposed. She said hens can be fostered out. She said the right ordinance can solve the problem.

#### **Janie Mogensen, 88943 Territorial Rd., Elmira, OR**

Ms. Mogensen attended tonight's meeting to speak on behalf of her grandmother, Alice Gunnip. She said she has seen many complaints on the internet about smells, noise and pests that having chickens create. She said if all her grandmother's neighbors have chickens the noise would be terrible. She said her grandmother has never had a rat problem until her neighbors got chickens and now she has rats. She used to enjoy feeding the birds in her backyard but she can't do that anymore because of the rats. She said most people are very responsible, but we live in an area where there are a lot of people who won't take care of the chickens. She said residents are going to get tired of the smell, rats, chickens running at large, dogs killing chickens and will be at each other's throats. She asked who will police the chickens and where will the money come from? She said the City can't even police petty crimes. She can't see a City employee checking on all the coops to make sure everyone is in compliance and chasing down escaped hens. She said she doesn't feel that's where tax dollars should be spent. She suggested the City look into setting up a public chicken co-op where residents can rent space for chickens.

**Brian Vollmer-Buhl, 87553 Esprit Ct., Veneta, OR**

Mr. Vollmer-Buhl said he moved to Veneta about eight years ago and he and his wife has been looking into getting chickens. He was surprised that horses can walk down the street but chickens are not allowed. He said they have chosen to live here and would really like to be chicken owners. He said if you walk through the neighborhood, you can tell chickens are here. He said it's not a problem that's going away but if a set of rules are in place, it will help with enforcement. He's asking the Planning Commission to provide some guidelines to move forward with allowing chickens.

**Jonathan Russell, 24784 Terra Ln., Veneta, OR**

Mr. Russell said yes, we live in a rural area, there are rats here already and feeding birds will likely attract rats. He said the City is enforcing the chicken ordinance and a public works employee told him he had 30 days to remove his chickens. He said the complaint came from outside a three house radius from him and it was not one of his neighbors. He said chickens are no more noisy than someone mowing the lawn, a neighbor fixing his motorcycle, or a dog or cat. He said his family follows the noise ordinance and as far as the manure, he too uses it for fertilizer. He said chickens need less room than a dog and all pet food can attract rats and other pests. Mr. Russell thanked the Planning Commission for allowing public comment. He said his nine year old daughter can explain what a pet is. He said his chickens are not just backyard animals they are his family's pets.

**Sarah Peterson, 87960 9<sup>th</sup> St., Veneta, OR**

Ms. Peterson said this is the third time she has provided public comment. She said her daughter is tutored by an Elmira High School senior and her mother is on the City Council. She said she realizes there have been number of complaints. She said whatever solutions the Planning Commission comes up with, it can always be modified. She said there are valid concerns but there are ways to address all of them. She said we haven't had a lot of time to look at how the different problems have been set up around Oregon. She said even if it's temporary, it would be better than no ordinance. She understands that Commissioners don't want to make a hasty decision. She said she would try to answer any questions Commissioners may have and suggested the City let the community and residents do the homework and/or research to provide information to the Planning Commission. She said she is willing to volunteer her time.

**Lida Kersenbrock, 88039 8<sup>th</sup> St., Veneta, OR**

Ms. Kersenbrock said she is in favor of the chickens. She said she hates to see some freedom being taken away from residents. She said she has had four chickens for about a year and her next door neighbor has had chickens for four years. She does not have a rat problem or any other problem with her chickens including escaped chickens. She said she is in favor of residents being able to choose whether or not they want chickens.

**Devon Trottier, 24733 Dogwood Ln., Veneta, OR**

Ms. Trottier said the City should allow chickens for the following reasons: they make less noise than dogs, residents should be able to supplement their diet and make a little extra cash by selling the eggs; chickens are a great way to control slugs when allowed to free range in backyards. She said if chickens are well cared for they will do fine in a small pen that can be moved around a yard. She said this will also minimize the smell and the manure (which is less than a dog's) can be composted. She said all food sources must be put away because any kind of pet food attracts rats - not just chicken food. She suggested a permit should be required for a resident wanting more than 10 chickens and for the correct type of coop depending on the number of chickens. She said chickens will lay more than two years and when they're done laying they can provide a food source harvested in a humane way. She said it's not distressful to the chicken if its done correctly. She said she is also willing to offer her time to volunteer.

**Priscilla Clemons, 25156 Cherry Ln., Veneta, OR**

Ms. Clemons said she has lived within Veneta City limits for 28 years. She said she has enough problems dealing with other neighbors and animals without having to deal with chickens. She said chickens make noise when they lay eggs. She said if the City allows chickens it will force her out of the City. She said she finds it strange that residents have been allowed to have chickens all this time

which is against the law but they continue to do it. She said she's had problems with dogs and it takes forever to get rid of noisy dogs and she doesn't want to deal with the predators in her yard, coyotes, cougars, foxes, and other predators. She said she can't shoot the predators in her yard but someone can have chickens and break the law.

**Anthony Clemons, 25156 Cherry Ln., Veneta, OR**

Mr. Clemons said he is against backyard chickens. He said the current ordinance does not allow chickens. He said fresh organic eggs aren't that expensive and neither is fertilizer. He said he doesn't feel people are getting that much benefit from backyard chickens. He felt backyard chickens don't have a positive effect on the majority of the community. He said his corner lot is 5545 sq. ft. and sits a block or two from a wetland area. He said he wouldn't think about having chickens on that small of a lot. He said one acre developed into similar sized lots could potentially house 84 chickens per sq. acre. He suggested a site plan review be required for people wanting chickens or a test project on a half acre lot. He said there needs to be a way to find a compromise or at least not allow chickens on lots at or below 6000 sq. ft.

**Clifford Thorne, 88045 8<sup>th</sup> St., Veneta, OR**

Mr. Thorne said several of his neighbors have chickens and he hasn't had problems with any of them. He said one of his neighbors has several dogs which make a lot more noise and odor than the chickens. He said the flock of 27 wild turkeys are more of a nuisance. He said he has no problem with his neighbors chickens in the City as long as its taken care of.

James Eagle Eye said the Planning Commission should wait until after the Public Hearing on April 1<sup>st</sup> to make any recommendations.

Len Goodwin said the Public Hearing will offer another opportunity for further public testimony from all sides.

**III. Approval of Minutes**

**MOTION: Len Goodwin made a motion to approve the January 7, 2014 minutes. Kevin Conlin seconded the motion which passed with a vote of 5-0.**

**MOTION: Kevin Conlin made a motion to approve the February 4, 2014 minutes. Lily Rees seconded the motion which passed with a vote of 5-0.**

**MOTION: Kevin Conlin made a motion to approve the February 24, 2014 minutes of the Joint Work Session of the Planning Commission and City Council. Calvin Kenney seconded the motion which passed with a vote of 5-0.**

**IV. Proposed Code Amendments Allowing Backyard Chickens on Smaller lot sizes in Single Family Residential and General Residential zones**

James Eagle Eye suggested staff run through quickly the staff report and suggested the Planning Commission discuss each item and do a vote call on each option.

Len Goodwin asked the Planning Commission if it would be appropriate to withhold discussion until after the Commissioners have heard all the public testimony at the Public Hearing on April 1<sup>st</sup>.

Kevin Conlin said that would be the safest play.

James Eagle Eye said the Planning Commission can't make a decision until after the Public Hearing.

Kevin Conlin said he is very supportive and said the Commissioners need to have the discussion but it should wait until the loop on the public testimony is closed.

Bork said waiting to have the discussion could help inform the discussion with the additional testimony.

She asked the Commissioners if they would like information to be included that staff hasn't already covered. She said one comment about fenced or penned areas could be touched on.

James Eagle Eye said he sees the advantage of waiting until after the Public Hearing to have the discussion and also give staff the opportunity to include any questions they may have for Commissioners.

Bork said there currently is nothing in the code about fenced or penned areas. She said that can be added and if the ordinance passes, staff could touch on how code enforcement violations would be addressed on a day to day basis. Bork also suggested if passed, the Council could review the ordinance after one year of tracking to bring any issues forward. She said not that the ordinance would be temporary but a one year review would provide Councilors and Commissioners with a summary of how the ordinance is or is not working.

Kevin Conlin said the suggestion of a co-op could also be reviewed. He said he just wanted to make sure that didn't get missed.

Bork said if a resident wanted to provide a co-op on their property that might be something to look into but the City will not provide a co-op on City property.

Lily Rees thought the "three strikes you're out" approach was interesting. She said we need to look into a way to address habitual offenders.

Bork said we could research that to see what the implications were.

Kevin Conlin said in a situation like that, all we can do is present the facts based on the research.

Bork said staff can report on how that impacts the City.

Len Goodwin said it depends on how much of a work load staff has but he suggested staff track down the communities that have ordinances allowing chickens and get feedback on what they have experienced.

Bork said staff can report on that. She said Garbett has reached out to a few communities and she can provide the Commissioners with a summary of that information.

Garbett said she can report on other code complaints from other cities.

Bork said the Public Hearing will be published in the Fern Ridge Review and she will mail out notices to residents who spoke tonight.

Calvin Kenney is concerned that, if down the road, the ordinance requires amending, how we will do that.

Kevin Conlin said he knows the land use issues are coming up, he said from his perspective he wants to work on staff's schedule. He doesn't feel the pressure to come up with an answer or a vote in a month if there are other issues that the City deems more pressing or if we're not done, then he's okay with that. He said he's not trying to put it off but he doesn't want to railroad anyone. He wants a process that is sound enough that everyone understands it. He said not everyone will be happy with the results but if it takes more than a month, then that's what needs to be done.

Bork said she will check with the City Administrator on the schedule. She said it was clear that the Council asked the Planning Commission to look at the code and provide a recommendation but if the Planning Commission wants to take more time to make sure it is comfortable with the recommendation she thinks staff can work with the schedule.

James Eagle Eye said just because the Public Hearing is next month, there isn't pressure to make a decision. He said at the end of the meeting the Planning Commission is either comfortable or not. He said personally, he felt there's enough interest in wanting chickens that it does warrant going through the process. He said once the policies are in line, then it goes into education and enforcement, etc. It just works better for the City if we have a process and follow it.

Bork said staff will scan and email to all Commissioners the handouts provided at tonight's meeting.

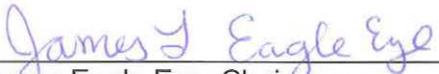
James Eagle Eye confirmed staff has direction to move forward for the April 1<sup>st</sup> Public Hearing.

**V. Other**

None

**VI. Adjourn**

Chair James Eagle Eye adjourned the Veneta Planning Commission to order at 7:59 p.m.

  
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James Eagle Eye, Chairman

ATTEST:

  
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Darci Henneman, Assistant City Recorder