



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

11/18/2014

City Council Ordinance Committee

Tuesday, November 18, 2014

BPD Community Room

DRAFT MINUTES

Attendance

Committee: Councilor Karen Paul (KP) (called in at 5:39 PM), Councilor Sharon Bushor (SB), Chip Mason (CM) (chair).

Other City personnel: Bill Ward (Code Dir.) (BW), Scott Gustin (PZ Sr. Planner) (SG)

Staff: Sr. Asst. City Attorney Gene Bergman (GB)

Public: See list in file

CM convened the meeting at 5:37 pm

1. Agenda & Minutes of 11/13/14

SB moved approval of the agenda with deferral of minutes until after KP calls in, KP 2d, and the adoption as amended was unanimous (2-0). At 7:04, after consideration of Urban Agriculture, KP moved and SB 2d the 11/13/14 minutes as drafted, which unanimously were adopted.

1. Public Forum:

No one choose to speak at this time.

1. Urban Agriculture: Ordinances related to Livestock Husbandry, Slaughtering, and Related Zoning Amendments



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CM called KP. CM opened with the Husbandry (Humane Treatment) ordinance. CM noted that the registration, fee and impoundment sections' language has not been finalized. He asked for public comment on the draft.

Livestock Husbandry:

Elisa Nelson of W5 is concerned with definition of poultry pen and the requirement for an impermeable to rodent pen since rodents can't be totally kept out and it doesn't allow the temporary letting them out of chickens after tilling a garden. It only allows 20 gallons of manure and bedding on site and she believes that is too little; if you are composting it yourself, then you'll have more than 20 gallons. This encourages sending manure off site and then you don't know what you get back. 20 gallons seems to be a really small quantity. As to keeping chickens in part of a home, which the draft prohibits, she asked what is that includes. A crawl space?

Gretchen Verplanck seconded these remarks, saying one of the joys is watching the chickens run in the yard. She raises them on Front St. and on occasion lets them out. As to topping the pen, the problem is that the top catches leaves. Also, the 10 foot setback is problematic in the ONE since the lots are so small and things are built to the lot line. She also sees no need to heat coops. Most coops are not heated.

CM noted his concern is primarily chickens, which are what he sees in his neighborhood. He has heard similar comments individually and at the council. He questions if the requirements are a solution seeking a problem and questions how to address his concerns. He sees a distinction for commercial operations, wonders if there is a numerical threshold and asked the task force members present if the standards are addressing a problem or are just best practices.

David Casey acknowledged the concerns. He suggests distinguishing mice from other rodents, i.e. weasels. The goal is to protect animals. He acknowledges the regulatory attempt may have been imperfect but he knows that wildlife (fox) have gotten into people's coops from the stories told to him. Currently this problem may not exist widely but Councilor Bushor did say she's seen chickens running across the road. He acknowledges that it would be good to let chickens out of the coop but if have an ordinance with more than one type of poultry, then we want an ordinance to be specific.

Megan Stearns acknowledged that the ordinance was drafted from scratch and it could be modified based on needs.

SB said it looks like an owner's manual with a wealth of information and while she had wondered about the need for it, she's heard since that it is from an enforcement standpoint. She understood that in the NNE there were other than chickens kept. She had experience raising chickens growing up and was aware of the predator issue. She's had interactions with an owner who lost her chickens to another animal; she's looking to balance protection of the animals with a reasonable requirement. She is looking at compatibility with an essentially rural activity in an urban environment, for something that works which also protects people who don't raise these animals. She's interested in the coop requirements. She wonders about the space requirements for the animals and is interested in the cover on the run requirement being complained about. Safety, impact on neighbors, while allowing it to happen are the things she's concerned about. Also, she



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would like people to let the city clerk know if they are raising these animals. She sees the law as self-enforcing based on problems.

Gretchen suggests focusing on the coop for safety. The run is not as important as the coop. The cost would be mitigated if the focus is on the coop and not the run. The run is the concern.

CM also noted that the gender of the poultry is an issue and he's not comfortable leaving the rooster problem to a complaint driven system. He suggests not allowing roosters.

Gretchen said no one wants a rooster. Lisa agrees.

CM suggests working with CA to make changes. He said he'd work on this.

KP said SB well stated her position. On the question of enforcement, she acknowledges that we won't be sending the police into back yards but she also notes that there have been complaints on non-enforcement for other ordinances. She questions if the regulations are too onerous.

Bill Ward, CE director, said he is looking at other states and cities for examples and originally was thinking of a fee based on a threshold number of animals but sees that other communities have a range for registration and fees, some with a one time fee, others with a one time fee plus a smaller renewal fee, etc.. As to enforcement, he said it will be complaint based and registration would be over a threshold while raising enough money to administer a program. He recalled his suggestion at the last meeting to make the language regarding the pen "rodent resistant" instead of rodent proof. On the "inside the house" question, he is looking at the definition of inside the house as inside a habitable space—he would look at it with the CA. As to amount of manure, if owners are composting it, it would be looked at as compost instead of manure. This interpretation is based on his view as the health officer.

David agreed with Bill's view.

SB's issue with the amount of manure is odor control. She has basic questions or points: are pigs being allowed? GB recalled his comment on this last meeting. SB, on the 10' from the lot line, would consider grandfathering. CM agrees if this is limited to enclosures. SB said yes, she is limiting the idea to enclosures. On the §17-26, questions the expert requirement, she asked for more clarity because the language makes it seem the city has more expertise than it has. On §17-30, she is not sure the city has the person called for. She has a general question on how we are going to enforce the requirements and asked that if we are looking at it still, she wants to look at that.



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CM questioned if we need standards for swine. GB mentioned the change again. SB asked that the accepted agricultural practices be part of the ordinance. CM said he'll work with GB on changes.

Zoning:

Next, CM brought up the zoning urban agriculture ordinances. He noted that SG, Corcoran, & Jess Hyman provided emails and memos. CM noted Jess Hyman asked that the zoning ordinance not be held up for the bonus issue (sec. 4.4.5(7)(e), table 4.4.5(urban ag bonus), 4.4.2(d)(3)(C) (urban agriculture)) and he proposes that the committee delete those amendments and ask Parks to look at impact fees as a way to incentivize community gardens and report back, along with SG reporting back. SG said he is meeting with Parks next week.

SB agreed that a density bonus is an odd way to incentivize community gardens. SG said that he's spoken with the community garden people at Parks about creating an incentive through the impact fees. The intent is to have a development include a space in the development in exchange for a lower impact fee. CM suggests separating the pieces. SB agrees.

Tom Corcoran agrees and said it would address his concern; he sounded a cautionary note that gardens are temporary and seasonal and enforcement would be difficult. He raised a concern about requiring annual payment. SB noted impact fees are one time payments.

CM moved that the proposed amendments to ZA 14-08, as amended be sent to the City Council for 2nd reading. Seconded by Councilor Paul. It passed unanimously.

Slaughter:

Next, CM brought up the proposed ordinance relating to regulation of the slaughter of livestock and poultry. CM asked whether slaughtering was currently permitted within City limits. BW said yes and noted it is unregulated.

CM noted that by his reading, the proposed ordinance does not impose any regulations other than state and federal laws. David noted the slaughtering had to be out of sight. SB suggested not allowing it. Megan said she agreed at first but the task force felt that it would be best to allow it and regulate first. SB said she preferred to prohibit it and then have people come and ask for the right. SB thinks the standard will not be able to be met. David said we tried to deal with what exists now and have heard people are slaughtering their chickens now and haven't heard there are problems and don't want to create problems by sending this activity underground. SB said that if it is limited to chickens she could support it.



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BW said now you have an open door and if it is happening Code can't enforce against it because there are no rules. David agrees, although he too is somewhat reluctant.

KP said that it is not a simple issue, and it needs thought and considering, either requiring best practices or prohibiting

CM tabled the issue until next meeting.

1. Any other business: Next Meetings & Items to Review

CM will set up the next meeting. SB is available Dec. 2, 3, 9, and 11 and KP believes 2, 3, 11

1. Adjourned: 7:05 pm

