

A regular meeting of the Planning Commission was held at City Hall, 200 S. Main Street, on Monday, June 6, 2011, at 7:00 p.m.

Chair Malewski called the meeting to order. Present were Chair Malewski and Commissioners Kapff, Wegner, DeGrow, Letarte, Vanek and Skinner. Commissioner Kunkel and Ostrom were absent and excused.

Also in attendance at the meeting was Mayor Steven Platte, Councilwoman Claudia Brown, Building Inspector Jon Hill and City Clerk Kristy Reinecke.

Commissioner DeGrow moved the Planning Commission approve the Agenda as printed; seconded by Commissioner Skinner, passed unanimously.

Commissioner Skinner moved the minutes of the May 2, 2011, meeting be approved with the following corrections: Page 2, Paragraph 1, should be changed from "Inspector Letarte" to read "Inspector Hill"; and Page 3, Paragraph 3, should be changed from "letter from the Police Chief" to read "letter from the Building Inspector"; seconded by Commissioner Kapff, passed unanimously.

Chair Malewski asked the Committee of Commissioner Wegner and Commissioner Skinner to give their findings on Urban Chickens.

Commissioner Wegner reviewed with the Commission the packet of information that had been distributed regarding his findings on how other entities had dealt with the issue of Urban Chickens.

Commissioner Skinner stated that she had talked with several cities regarding their Ordinances on Urban Chickens and shared the information that she had found. Commissioner Skinner stated that all of the communities had positive input, and that no community had regretted having this Ordinance. Commissioner Skinner stated that the City of Ann Arbor had 21 licensed coops and East Lansing had six.

The Commission thanked Commissioner Wegner and Commissioner Skinner for all of their hard work and the very informative packet that they had presented.

Chair Malewski asked if any of the Ordinances had dealt with rental properties wanting to have coops. Commissioner Letarte stated that this information had been included in the packet and that the other cities had made it a requirement to get prior approval from the landlord/property owner.

Commissioner Vanek thanked Commissioner Wegner and Commissioner Skinner for all of their work. Commissioner Vanek stated that he had first hand experience with this as his son-in-law lives in Lansing and has a coop. Commissioner Vanek stated that his concerns were that his son-in-law's coop had followed all of the guidelines as stated in the information that Commissioner Wegner had presented, but in his opinion was still an eyesore, as it was not painted, sided, or looked finished in anyway. Commissioner Vanek stated that he also had concerns that there was no requirement to have privacy fencing

installed if you were having a coop, so that the coop could be visible to all of the surrounding neighbors. Commissioner Vanek stated that there is odor associated with the addition of a coop, and that this was also a concern. Commissioner Vanek stated that the coop was relatively quiet, and that it did not appear to be a noise issue in any way. Commissioner Vanek stated that the coop in Lansing also gave him concerns regarding that the area in which the coop was located, there was no grass, and that the chickens had scratched it down to bare dirt. Commissioner Vanek stated that the further research that he had done that he would like to see the owners have the availability of butchering the chicken as well as just laying eggs; that the unit cost per bird was around \$7.50 per bird so that this was not a financial money saving issue. Commissioner Vanek stated that the City of Petoskey had passed an Ordinance to allow coops in their community in February, and then on April 25th of this year had rescinded the chicken ordinance due to citizens gaining signatures to have a referendum petition and to have this placed on a ballot, so the City had decided to just rescind the ordinance themselves. Commissioner Vanek stated that if the Commission wanted to look at this, then he felt a Public Hearing would be needed for the citizens to voice their opinions. Commissioner Vanek also stated that he felt there should be a cap on the amount of chickens that a resident could have, and that the City of Lansing only allowed 4 chickens. Commissioner Vanek stated that he felt there could also be problems with enforcement of this ordinance.

Commissioner Kapff asked what the City Code stated as far as the size of an accessory building, and if the recommendation on the size of the coop would make this an accessory building issue. Building Inspector Hill stated that the largest accessory building is 768 square feet, and that a coop less than 100 feet would not be considered an accessory building.

Building Inspector Hill stated that he used to raise chickens and that within two to three months all of the grass in the pen area would be down to bare dirt.

Commissioner Wegner stated that he had pictures of coops and that some of them had been placed on wheels so that they could be moved from area to area so that bare dirt was not an issue.

Commissioner Wegner wondered if the Planning Commission should hold a public hearing on this. Building Inspector Hill stated that the Planning Commission was an advisory roll to the City Council and that it would be up to the City Council to write the ordinance and hold the public hearing if a quorum was in agreement with this.

Commissioner Wegner wondered if there could be some restriction as to require a 4 foot privacy fence along the back of a yard if the resident was interested in having a coop and that if this could be part of the permit process.

Commissioner Skinner stated that some of the licensing requirements were to renew the license yearly, and that she felt this was steep, so she would be for having an inspection in 1 year and a renewal fee of around \$50.00 for the next 3 to 5 years.

Commissioner Letarte stated that she felt that six chickens were too many, but that four were reasonable; she felt that a one year permit was too short, but to have an inspection after the first year was fine, but then have the license fee go for the 3 to 5 year time frame. Commissioner Letarte stated that this type of ordinance was huge in the State of Washington.

Commissioner DeGrow stated that it would be ideal to see if this would work to have a temporary permit; that she feels this is a good fit for the community with the Farmer's Market being downtown in the summer months; and that the concerns will be highlighted in the minutes so that Council can properly address the concerns in the drafting of the ordinance.

Commissioner Vanek stated that the City of Petoskey felt this was a good idea as well, but quickly rescinded the ordinance. Commissioner DeGrow stated that she could see how this would not work in Petoskey as you had properties that were over 2 million dollars and that for residents to initiate a petition drive and have ballot language approved took big money backing this and did not feel that there would be this type of problem in Eaton Rapids.

Commissioner Vanek read the article from the Petoskey newspaper regarding the ballot initiative.

Commissioner DeGrow stated that it would be good to know how local Realtors felt about this and that maybe the Commission could network with local agencies to find out.

Commissioner Vanek stated that he had no problem with 3/4 of the coops that he saw in the presentation that Commissioner Wegner presented, but just felt that the coops should be painted or stained so they appeared as a more finished product.

Commissioner Wegner stated that this could be incorporated into part of the permit process so that a sketch could be submitted with the placement of the coop on the lot so that it would meet set-back requirements. Commissioner Vanek stated that there was still a problem with this as a coop could be highly functional but could still not look good.

Commissioner Kapff stated that he had concerns on how to address odor offenders as well as the complaint process and what the standard action would be for fines and fees.

Commissioner Vanek stated that he did not agree with the proposals that had been put together regarding the appeal process, that he felt if a resident wanted this, then they should have to get consent from all of their neighbors. Commissioner Kapff stated that this did not seem reasonable as you had neighbors who did not get along and would never sign off on something like this.

Chair Malewski asked if there were any other comments or concerns.

Commissioner DeGrow asked the Stohrs what the season was for starting a coop. Mr. Stohr stated that a coop could be started at anytime, just if it was started in the Fall or Winter you needed to get bigger chickens.

Chair Malewski asked if the Stohr had any concerns with the number of chickens allowed. Mr. Stohr stated that four was a good number.

Commissioner Wegner asked how the enforcement would be done concerning the odor issue. Building Inspector Hill stated that there are testing agencies who test the air for these types of issues. Commissioner Letarte asked who would have to pay for this. Building Inspector Hill stated that it would be paid for by the complainant.

Commissioner DeGrow asked how the fines would be set for violations. Building Inspector Hill stated that this was covered under the Nuisance Ordinance and would be set by Council by Resolution.

Commissioner DeGrow asked if certain neighborhoods could opt into this, much liking setting a district for this type of use. Commissioner Wegner stated that it would probably be easier to opt out than to opt in, and that he lived in Riverwood Subdivision and this was a condominium development, so it had its own use rules and something like this was not allowed in his neighborhood.

Commissioner Vanek stated that there are some areas in the City where the lots are bigger and that this type of use would better fit in these areas than where the lots are smaller.

Chair Malewski stated that as part of the licensing process she would like to see a brochure made up with the rules and regulations.

Commissioner Letarte moved that the Planning Commission forward the proposal to the City Council for their consideration to draft an Ordinance to allow chickens in the City; seconded by Commission DeGrow, passed 6 yeas, 1 nay (Vanek).

There were no reports by the Zoning Boards or Staff.

Commissioner Kapff moved the meeting be adjourned; seconded by Commissioner DeGrow, passed unanimously. The meeting was adjourned at 7:50 p.m.