**MINUTES**
**May 26, 2020 – 5:30 p.m.**
**Planning and Zoning Commission**
**Special Meeting**
**Online GoToMeeting**

**Present:** Andrew Anderson, Kayla Bendorf, Rochelle Conway, Jodi Hansen, Wendi Ingram, Robert McFadden and Steve Nienhaus

**Excused:**

**Staff:** Andrew Fangman, Assistant Community Development Director, Community Development
Christa Bailey, Office Coordinator, Community Development

Chairperson Jodi Hansen opened the meeting at 5:30 p.m. and read the mission statement.

**Zoning Ordinance:**

**Discuss the issue of keeping chickens in residential zoned areas.**

Andrew Fangman explained that at the May 7, 2020 City Council meeting the Council members made a request to have the Planning and Zoning Commission review the City Ordinances pertaining to the keeping of chickens in residential zoned area and make a recommendation of any changes to the Ordinances, if any. Mr. Fangman reviewed the current regulations for the Commission members which establishes chickens are classified as a "small farm animal" and as such residentially zoned parcels that are less than 2 acres in size are not allowed to keep chickens. Mr. Fangman explained that a pilot program for keeping chickens on smaller parcels was done previously but at the time it was decided not to alter any of the regulations. Mr. Fangman requested if the Commission does recommend a change to the current regulations that they provide recommendations on the following questions:

Minimum parcel size, if any, upon which the keeping of chickens is permitted?
Maximum number, if any, of chickens allowed?
Required setbacks for structures, coops, enclosures, etc. related to the keeping of chickens?
Are roosters to be allowed?
Are other types of poultry allowed?
Is a permit required to keep chickens, or is keeping chickens allowed by right?
If a permit is required, should the taking of chicken rearing class be required to get said permit?
Should staff's recommended language detailed in the memo related to health, sanitation, and public welfare be included?

Lupe Estrada, 3413 Mulberry Ave, stated she is in favor of allowing chickens to be kept on parcels less than 2 acres in size. She currently lives on 0.63 acres but it is completely fenced off so if she were to keep chickens, she does not believe it would cause issues with her neighbors. Ms. Estrada stated that roosters should not be allowed though because they are loud.

Megan Koehler, 1512 Bidwell Rd, also voiced her support for allowing chickens stating it is a way to create a self-sufficient food supply for residents but she thinks the number of people getting chickens would remain fairly low based on a previous number of people interested in changing the regulations. Ms. Koehler shared that keeping the chicken enclosures sanitary is extremely important and should be regulated but she could go either way on whether roosters should be allowed. Ms. Koehler stated that the regulation requiring at least 2 acres is discriminating against people who cannot afford the acreage so she doesn't believe there should be a limit on the acreage required to have chickens. Ms. Koehler recommended for the setback requirements to consider the distance between the residence location versus the property line. Jodi Hansen asked Mr. Fangman if setback requirements between the residences would be feasible instead of the property line to which Mr. Fangman replied that it is possible, other cities have that type of setback requirement and that he provided examples in the memo showing how this type of setback would work for properties in Muscatine.

Angel Nguyen, 3206 Mulberry Ave, declared she is in support of allowing chickens as it is a healthy option for eggs and would provide an opportunity to teach children responsibility but she does not favor allowing roosters. Ms. Nguyen stated that other cities are being more progressive with allowing chickens and she would like to see Muscatine follow their example.

Jennifer DeVosse, manager of the Muscatine Farmer's Market, shared her support for allowing chickens because as the Farmer's Market manager it is her job to promote local food and there is nothing more local than your own backyard.

Dennis Taylor, 3204 Mulberry Ave, stated that he is opposed to allowing chickens on smaller parcels because he grew up on a farm so he knows chickens and all the potential issues they could cause including diseases, offensive smells, attractant for coyotes, foxes, rats and mice, excessive noise, and visual blight of poorly constructed chicken coops. Mr. Taylor shared that he believes if a person wants chickens, they should move outside City limits and that there is plenty of meat and eggs in the stores so the reasoning of keeping chickens for food is not necessary. Mr. Taylor also expressed concern about the enforcement burden that could potentially be placed on the City and specifically of health concerns for the City employees who have to enforce any unsanitary conditions.

Casey Koehler, 1512 Bidwell Rd, declared that as a long-term resident of Muscatine and active member of the Navy his paramount concern is being able to provide for his family and chickens would allow him to better accomplish that. It would also present an opportunity for lessons on responsibility. Mr. Koehler stated that the concerns raised by Mr. Taylor could be caused by a number of things, any animal can be a nuisance, besides just chickens. Mr. Koehler suggested that the acreage limit be changed to half an acre as many people cannot afford 2 acres and that certain standards for keeping chickens should be put in place but not to over regulate it.

Robert McFadden commented that neighbors do not want chickens or roosters and if the City allows those then the next thing residents will want is goats. Andrew Anderson asked if Mr. Fangman could provide insight as to why the pilot program did not succeed and Mr. Fangman responded he did not specifics as he was not the staff person involved in the pilot program but he would find out the answer. Jodi Hansen questioned what type of setbacks the pilot program used and Mr. Fangman answered that is was 15 feet from the property lines and was not a dual setback to include distances between residences. Steve Neinhaus commented that he is torn on the issue as he does not want to see every house in Muscatine have chickens but it does teach children responsibility. Mr. Nienhaus suggested changing the parcel size limit to either a third or half of an acre, enforcing the rules with a 3-strike system and that there should not be a fee required to have chickens. Wendi Ingram questioned how long the chicken rearing class is and added that if the class is not a good enough quality then people will not respect it. Mr. Fangman stated that he could not recall how long the class is but he would look into finding an answer. Mr. Fangman supplied that while he understands that residents do not want to be regulated to death the City does need to clearly define rules and regulations otherwise it is open to interpretation which could cause issues. Ms. Ingram stated she respects the comments from the people who spoke but she is concerned about the citizens who did not call in. Mr. McFadden echoed Ms. Ingram adding that he does not believe this to be an urgent issue right now, that staff time can be better used elsewhere and the regulations should be left as is for now. Ms. Hansen commented that she does not see an urgency either and would like more information and questions answered before making a final recommendation. Mr. Anderson reiterated Ms. Hansen and added that the Commission should avoid making changes too fast and need look into the issue further as other communities have seen success with their chicken regulations. Mr. McFadden stated that a lot of people do not know how to take care of chickens and that during bad weather people will not want to take of the chickens. Mr. McFadden stated that many people will not even mow their grass so he does not believe that they will take proper care of chickens.

Robert McFadden motioned to keep the regulations as is; Rochelle Conway seconded. Robert McFadden, Rochelle Conway and Wendi Ingram voted aye. Jodi Hansen, Kayla Bendorf, Andrew Anderson and Steve Nienhaus voted nay. Motion denied.

The Commission members who voted against the motion to keep the regulations as is declared they want to keep the conversation open and want to get more information on the previous pilot program, the chicken rearing class, duel setbacks and enforcement of any regulation changes before making a final decision.

Robert McFadden motioned to table the discussion to the next meeting when the requested information could be presented; Rochelle Conway seconded. All ayes, motion carried.

Ms. Koehler asked Mr. Fangman for a copy of the recorded meeting because she thought Robert McFadden's remarks were defamatory. Mr. Fangman asked her to contact him directly by email or phone and he would get her the recording.

Mr. Nienhaus questioned if there is a staff recommendation for this issue and Mr. Fangman explained that staff does not have a specific recommendation on whether the regulations should change but staff does recommend that if the regulations do change that health and sanitary regulations be included. Mr. Anderson asked Mr. Fangman to layout the process if the Commission does decide to recommend regulation changes. Mr. Fangman explained that the Commission would establish a recommendation of what the regulations should be changed to, which would be presented to City Council by a staff member and City Council would make the final decision on accepting or denying the Commission's recommendation.

Meeting adjourned at 6:35pm.

ATTEST:

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Jodi Hansen, Chairperson
Planning & Zoning Commission

Respectfully Submitted,

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Andrew Fangman, Secretary
Assistant Community Development Director