

Christiansburg Planning Commission
Minutes of October 19, 2015

Present: Matthew J. Beasley
Ann Carter
Harry Collins
David Franusich
Hil Johnson
Craig Moore, Chairperson
T.L. Newell
Virginia Peeples
Joe Powers
Nichole Hair, Secretary ^{Non-Voting}

Absent: Steve Huppert
Jennifer D. Sowers, Vice-Chairperson

Staff/Visitors: Sara Morgan, staff
Will Drake, staff
Cindy Wells-Disney, Montgomery County Planning Commission
Tawanna Blassingame, 465 Cherokee Drive

Chairperson Moore called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

Public Comment.

Chairperson Moore opened the floor for public comment. With no comments, Chairperson Moore closed the floor for public comment.

Approval of meeting minutes for September 14, 2015.

Chairperson Moore introduced the discussion. Commissioner Beasley made a motion to approve the September 14, 2015 Planning Commission meeting minutes. Commissioner Carter seconded the motion. Chairperson Moore opened the floor for discussion. Commissioner Collins noted on page 5 of the meeting minutes, the parking garages should be \$10,000-12,000 per space instead of \$10,000-12,000 overall. Commissioner Beasley made a motion to approve the Planning Commission meeting minutes as amended. Commissioner Collins seconded the motion, which passed 8-0. Commissioner Johnson abstained, as he was not present for the meeting.

Discussion by Planning Commission regarding urban chickens.

Chairperson Moore asked staff to explain the interest in urban chickens.

Discussion by Planning Commission regarding urban chickens (continued).

Ms. Hair noted that staff has had issues with citizens bringing chickens and rooster into residential areas.

Staff has been handling those complaints and having those animals removed. There have been a few requests from private property owners to allow chickens in residential areas. One property owner asked Town Council to revisit this idea. Town Council has directed Planning Commission and staff to revisit the urban chicken topic. Ms. Hair turned it over to Planner, Will Drake, who gathered research regarding surrounding localities allowing urban chickens.

Will Drake detailed the document provided to the Planning Commission including the benefits, concerns, and best practices of allowing urban chickens.

Benefits

- Sustainable source of chicken eggs.

Concerns

- Noise/odor from improperly maintained chicken coops.
- Coops may attract rodents (e.g., rats and mice) or other animals, including common carriers of rabies (e.g., raccoons, skunks, groundhogs, foxes, dogs, and cats).
- Chickens can carry several infectious diseases, including Salmonella, Histoplasmosis, avian influenza (bird flu), E. coli, and Campylobacter. Improper handling of chickens, eggs and bedding/waste – especially among children – can lead to illness and the spread of disease.
- Improper disposal of chicken waste, carcasses, or their slaughter can produce unsanitary conditions.

Best Practices

- Limit the number of chickens (six is a common limit) a resident may possess. Comments from the Montgomery County Health Department indicated that six chickens can easily meet the needs of a family.
- Do not allow residents to keep roosters (males). Roosters are prone to make loud noise throughout the day. Hens (females) do not need a rooster to produce eggs.
- Do not allow chickens to roam free (free-range).
- Require chickens be kept in a fully-enclosed pen and/or coop. The pen and coop should be of sufficient construction to deter animals that may be attracted to the birds and the eggs. The coop should have a roof to keep the living space dry and be well ventilated.
- Require that exterior feed be kept in sealable containers that are insect and rodent-proof.

Discussion by Planning Commission regarding urban chickens (continued).

- Promote safe handling/disposal of the birds, eggs and waste, especially among children. Chicken waste should be composted on-site or deposited at the appropriate solid waste facility. It should not be placed into trash containers for street pick-up.
- If necessary, implement a fee-based inspection/permit program to ensure compliance.

Mr. Drake detailed the localities in the surrounding area that allow urban chickens. The zoning requirements included allowance of urban chickens, bird limit, setbacks, minimum lot size, enclosure (pen and coop), sanitation standards, and administration. Some localities have an annual permit/inspection process which is detailed in Mr. Drake's research. The appendix includes the code sections that were referenced for his research. There is a lot of repetition within the zoning code in regards to the sanitation standards. Vinton's ordinance was used as a model by Salem, Roanoke County, and Narrows.

When Mr. Drake contacted the localities, he specifically asked how their urban chicken program was going. Salem mentioned a single complaint that dealt with chicken odor or noise. If localities have had trouble, they have seen an issue with dogs trying to get into the pens. Most of the complaints are for roosters which are against the code.

Participation is noted on the second page of the document. Salem has 21 permits while the other localities have had single digit participants. Roanoke County had 15 permits in the first year but have since only had three permits. Overall the localities have had a small number of participants.

Commissioner Collins asked about the number of complaints. Mr. Drake indicated that the complaints were in the single digits. Salem had one related to noise while Roanoke County had two-three complaints where dogs were involved.

Commissioner Carter noted there are few complaints and few participants. Commissioner Powers noted Salem had the most participants. Mr. Drake reiterated, Roanoke County had 15 permits in the first year but have since only had three permits.

Commissioner Johnson thanked Mr. Drake for his research. Commissioner Johnson went on to note the closer localities (i.e. Blacksburg, Radford, Dublin and Montgomery County) do not have urban chicken ordinances. Mr. Drake added Roanoke County is now allowing more chickens with a sliding scale. Mr. Drake stated if a property has over an acre of land, 12 chickens are allowed. Commissioner Power stated the majority of Montgomery County is zoned Agriculture; therefore there is not a need for an urban chicken ordinance.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Collins asked about the Town of Christiansburg's Agriculture zoned properties. Ms. Hair stated any Agriculture properties are allowed to have chickens by right but not roosters.

Commissioner Powers referenced Salem stating the pen sizes to be too small. Mr. Drake confirmed the pen size gets into the welfare of the bird. From Mr. Drake's research of articles from the Virginia Extension office, two square feet per bird is an acceptable size.

Commissioner Johnson asked if Mr. Drake knew of any localities expanding the ordinance to include more than chickens. Mr. Drake stated he discussed this with many planning staff members and this was the initial but there are few citizens interested in keeping chickens.

Commissioner Powers noted covenants may restrict newer subdivisions.

Commissioner Carter noted the average life expectancy of a chicken is ten years and they lay only two-three years. Commissioner Carter stated this is a lot of work if only allowed a few chickens.

Commissioner Powers asked Mr. Drake to detail the application for Salem. Mr. Drake noted many localities do not monitor the chickens and enforcement is complaint driven. Mr. Drake noted when applying for the urban chicken permit a sketch required would be required to show the location of the chicken coup on the property. Mr. Drake stated the planning staff would verify the setbacks are met. Commissioner Powers discussed the renewal process and fee.

Commissioner Newell wondered if citizens still have chickens and chose not to renew in Roanoke County. Commissioner Newell would like to know the number of dogs properly registered in Montgomery County.

Commissioner Collins discussed the health concerns associated with chickens. Commissioner Collins spoke to the respiratory issues discussed by Mr. Coggins. Commissioner Collins stated it is not in his best interest to vote in favor of urban chickens. Commissioner Collins added while respiratory issues can be caused by birds flying overhead, those birds are not in one concentrated area. Commissioner Franusich noted many of those diseases can be mitigated through proper care of the chickens and coop. Commissioner Carter noted the planning departments are only monitoring the participants on a complaint basis. Commissioner Powers stated the health impacts can be mitigated through setback requirements. Commissioner Collins stated wind could spread the diseases. Commissioner Powers stated the same could happen with gardens. Commissioner Franusich stated one would have to be actively involved in the chicken operation to be exposed to the diseases. Commissioner Collins stated he does not want to take that risk.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Newell stated she thinks there is an allure with urban agriculture. Commissioner Newell stated she would like to add more benefits to the list such as chickens are known for eating fleas and ticks and can be an educational asset for children. Commissioner Newell added she would not take urban chickens on due to medical concerns within her family but she knows where to get the free range eggs. Commissioner Collins added that there is an issue with flies associated with chickens. Commissioner Newell stated she does not think chicken would create more of a nuisance than dogs.

Chairperson Moore stated the Planning Commission could address dogs another time; right now the issue is chickens. Commissioner Franusich noted dogs were brought up for comparison sake. Chairperson Moore would like to stay focused on the pros and cons of the urban chickens.

Commissioner Powers recalled the previous draft ordinance for urban chickens had a split vote from Planning Commission and Town Council voted the draft ordinance down.

Commissioner Johnson asked how big of an issue is the urban chickens. Ms. Hair provided a history of violations and citizen discussions from staff's perspective. Ms. Hair added most of the violators remove the chickens but staff did have to pursue court in one instance. Ms. Hair stated she has been informed citizens who have asked to be updated with any discussions regarding urban chickens.

Commissioner Newell inquired about the number of residents requesting urban chickens in Town. Ms. Hair noted there were only a few. Ms. Hair added the original study took around 9 months to complete.

Commissioner Carter stated she attended the Town Council meeting where the gentleman asked Town Council to revisit urban chickens. Commissioner Carter noted there was not an outcry from the community but from a single man. Commissioner Carter stated she believes the research done four years ago by the Planning Commission went in depth and there was a lot of work that went in the draft ordinance. Commissioner Carter added it would not be beneficial to the Planning Commission's time to redo the draft ordinance.

Ms. Hair reviewed the ordinance that was denied by Town Council. Commissioner Franusich asked if there were any lot size restrictions in the denied ordinance. Commissioner Powers stated the Planning Commission chose to regulate through setbacks rather than lot size. Commissioner Newell asked if any language was included regarding covenants or home owners associations. Ms. Hair stated that language was not included as the Town does not regulate covenants.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Carter noted the Health Department may help us. Ms. Hair added it is her understanding any help would require compensation and she does not what that fee would be. Ms. Hair stated she felt staff would perform the inspections.

Commissioner Powers stated he supports having a fee associated with the permit as it shows the seriousness of the applicant. Ms. Hair stated she would like to see an annual renewal with fee.

Commissioner Franusich noted Salem's program seems to be successful. Mr. Drake stated Salem has a minimum and maximum coop size.

Chairperson Moore provided an overview of the recent discussion, noting the Planning Commission would like to see a renewable application and fee. Commissioners Powers and Franusich would also like to see a coop size regulation.

Chairperson Moore and Commissioner Franusich would like educational information regarding chickens to be included in the application process.

Commissioner Collins asked Mr. Drake if Blacksburg provided a reason for not adopting an urban chicken ordinance. Mr. Drake did not contact Blacksburg and only contacted localities that had urban chicken ordinances. Commissioner Powers asked Ms. Wells-Disney where the Montgomery County Planning Commission stood on urban chickens. Ms. Wells-Disney stated their Planning Commission is still researching urban chickens.

Chairperson Moore noted that the Vinton ordinance states "no cat or dog that kills a chicken, would not be considered a vicious animal." He would like to include hen and chicks.

Commissioner Powers stated Ms. Hair would be able to deny a permit if the sketch and permit does not look like a lot of thought has gone into it. Ms. Hair confirmed this would be within her powers as the Zoning Administrator.

Chairperson Moore brought up the idea of a portable coop. Ms. Hair would be willing to work with applicants who would like to have a portable coop while still meeting the requirements of the ordinance. Commissioner Carter expressed concern with regulating coops that are moving all over the yard. Ms. Hair stated she would receive a complaint from neighbors if the coop is no longer meeting the requirements.

Commissioner Collins discussed the aesthetics of the coop and its relation to property values. Ms. Hair stated the Town cannot regulate the aesthetics. Ms. Hair stated she also receives complaints about metal storage buildings and carports; however those structures serve a need.

Discussion by Planning Commission regarding urban chickens (continued).

Commissioner Powers noted that some Home Owners Associations regulate this. Commissioner Johnson stated some of the nicer subdivisions have a limit on the number of structures a property can have and this might regulate the chicken coops.

Ms. Hair asked the Planning Commission if they would like to keep the regulations regarding the beehives in the proposed ordinance. Commissioner Powers stated the original intent was to include the beehives so they were not left to interpretation. Chairperson Moore stated adequate shelter was addressed by another locality's ordinance and he would like to see this addressed in the proposed ordinance. Commissioner Carter stated she would like the proposed ordinance to require covered coops so the chickens do not become free roaming. Commissioner Carter added she would like "adequate" to be defined. Commissioner Powers stated these regulations would aid staff in approving permits and inspecting the properties.

Commissioner Franusich asked if the slaughter of chickens is addressed in the draft ordinance. Ms. Hair replied the slaughter of chickens is addressed.

Commissioner Powers stated the Planning Commission can go further in depth in issues much easier than Town Council can and this has been noted by Commissioner Huppert many times in the past.

Chairperson Moore explained any concern from a citizen is important to the Planning Commission. Ms. Hair stated a public hearing would be held if Town Council wished to pursue the ordinance. Chairperson Moore thanked citizens attending the meeting.

Ms. Hair stated a 2015 draft ordinance will be created with a draft application. Ms. Hair stated the Planning Commission will review the documents and make a recommendation to Town Council. Ms. Hair stated the Town Council will make the decision to hold public hearings.

Chairperson Moore closed the discussion.

Other Business.

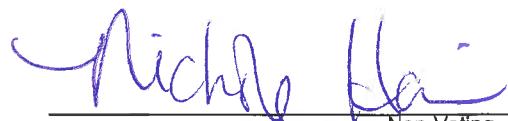
Mr. Collins expressed concerns over the length of the median at N. Franklin St and Patrick's Way. Ms. Hair indicated the Town has applied for funding to improve that intersection.

There will not be a Development Subcommittee meeting this month. The UDA consultant will present for the Planning Commission meeting on November 2nd. Commissioner Collins thanked the Planning Department for their work on obtaining the UDA Grant.

There being no more business, Chairperson Moore adjourned the meeting at 8:01 p.m.



Craig Moore, Chairperson



Nichole Hair, Secretary

Non-Voting