

Meeting Agenda of the
City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, April 26, 2017
Community Development Department, Large Conference Room
3:15 p.m. to 4:30 p.m.

Members Present:

Dan Miller, Carl Greene, Paul Voelckers, Dan Hickok (Alternate)

Members Absent:

Kirsten Shelton-Walker

Staff Present:

Laura Boyce (CDD), Jill Maclean (CDD), Tim Feldstead (CDD & JCOS)

Public Present:

Laura Baker, Stefanie Jones, Crystal Schmitz, Erich Schaal, Darren Snyder (UAS Cooperative Extension), Darrell Wetherall, submitted letter from Madi Nolan Grimes

I) Call to Order

Meeting called to order at 3:15 pm.

II) New Business

a) Livestock Ordinance

The Juneau Commission on Sustainability's Livestock Committee came before the Title 49 Committee looking for feedback on the following topics:

- Is proposed categorization of animals appropriate (i.e. poultry, small livestock and large livestock)? The weight separation between small and large livestock and rabbits warrant discussion.
- Should roosters be allowed in all zoning districts if the lot size is big enough (is 10,000 sq. ft. a big enough minimum for roosters to be kept)? Why should potentially acceptable roosters be banned from zones where noisy female poultry such as guinea fowl, ducks etc. are currently allowed?
- Are the suggested minimum lot sizes, buffers and number of animals per square foot appropriate? The allowance for the same number of juvenile poultry under a certain 4 months could result in 20 adult sized chickens on a lot.
- Are the zoning districts in which each livestock category can be kept appropriate?

Paul Voelckers invited the members of the public in attendance to speak and share their comments on the points listed above. He said the committee was especially interested to hear about rooster issues.

Public Comment:

Erich Schaal raises chickens and started chicken group on Facebook. Now he is involved with JCOS around this issue of poultry. Juneau is unique, he said, because the city and borough is both urban and rural. Places such as Swampy Acres is considered a "farm" but is zoned D10. He thinks Juneau can handle higher numbers of chickens than is currently allowed on properties. Also, he noted, this would not be an experiment, people

already have these animals on their properties. We already know about the complaints, which are low he said. He feels there is no reason to not make them legitimate. Current code has a buffer related to the nearest neighbor's house. He thinks this is a wrong approach and instead buffers should relate to current property boundaries. For example, if a neighbor subdivides their property and builds a new dwelling closer to the property line, this will affect livestock activity on the neighboring lot since now a house is closer to the chicken coop.

Laura Baker stated she is interested in large livestock – horses particularly. She said she is happy with the work that has been done on the draft Table of Permissible Uses.

Crystal Schmitz pointed out that roosters' crows vary in volume depending on the animal. She had one rooster for a time that was quite loud and has since been relocated to a less densely zoned area of the borough. Now she has a new rooster whose crow is significantly quieter. Yet she has a continuing issue with one of her neighbors who is bothered by the crowing, whereas other neighbors who are closer to her home are not bothered or have chickens themselves. She wants to propose that enforcement be about decibels, not about all roosters. She thinks that would be easy to use a phone to measure decibels and decide if it complies or not. She also is concerned about the inequity of requiring a zoning category of D3 or higher for the keeping of chickens – only certain socio-economic segments of the population will be able to raise livestock. Also Crystal shared with the committee a letter from a neighbor who couldn't be in attendance, Madi Nolan Grimes.

Stefanie Jones is in favor of the recommendations now before the committee. She also is particularly interested in large livestock.

Darren Snyder from the UAS Cooperative Extension stated he was in attendance in support of the work that has been done drafting the new ordinance. He said that the extension service and the university is at the ready to provide mediation and other assistance to the city when there are concerns from neighbors and to assist folks with best practices in the keeping of livestock. He is in favor of permitting roosters on any lot and then addressing problems as they arise, on a case-by-case basis.

Paul Voelkers asked about the advantages of keeping roosters. Darren said that roosters help reduce pecking order problems within a flock. Food security issues are addressed with good healthy populations, and roosters help keep populations healthy. Roosters are also good "watch dogs" for homes. Darren also encourages more rabbit production for food purposes but said they shouldn't be considered with same limitations as small livestock as they are quite different creatures, for example they make virtually no noise.

Darrel Wetherall is a member of the board of the Juneau Commission on Sustainability. He has learned of the strong interest from the public for food sustainability and thinks the city needs to take a good look and support the keeping of chickens and livestock. He believes there needs to be more leniency in zoning and rules because parcels are not getting bigger, and we are locked into tight proximity here in Juneau.

Paul Voelkers asked if the Cooperative Extension could play a role in enforcement. Darren said he couldn't see taking over that role, but they could help with a process of conflict resolution.

Dan Hickok asked if there were bear issues involved with keeping livestock. Not if things are done right, said Darren, especially with electric fences. No more issues than there might be with trash or dogs.

Dan Miller said we accept the ambient noise of the community, be it ravens or roosters. But he can sympathize with people who are disturbed by noise.

Discussion on the Table of Permissible Uses:

Tim Felstead gave committee members an overview of how the table has been organized.

Does the bird count include juveniles, asked Dan Miller? This is not fully determined and needs feedback, said Tim. How do you measure age, asked Carl Greene? Tim said it was determined by plumage but would be difficult to enforce.

Dan Miller asked how the keeping of rabbits is currently being managed. It is not, said Tim. Likely this is because there are less noise concerns than chickens. Dan Miller asked why they are lumped together with small livestock if they are a different type of critter. Tim said it could be appropriate to move them into the same category as poultry. Do we have similar restrictions for pets asked Dan Hickok? Somewhat, Tim replied. The Table of Permissible Uses only kicks in if there are 6 or more dogs being kept. There is no limitation for the keeping of cats.

Carl Greene asked about where decibel level might be measured. Tim thinks Gastineau Humane Society (GHS, Animal Control) does not do assessments like that. They may have an informal policy, he said, but will make individual assessments when there is a complaint. Dan Miller said that some years ago the Assembly brought up the idea of developing a noise ordinance, and the Planning Commission was charged with doing a study about that. In the end the commission threw up their hands and determined it an impossible task, he said.

Tim Felstead said speaking from his traffic noise analysis background there has to be standards of work to take such measurements such as distance from the animal when collecting data. It may be possible to do this, but what is the threshold? People have different tolerances for noise.

Paul Voelkers asked about animal control and the Gastineau Humane Society. Tim said animal control is covered under objectionable animal ordinances related to domesticated animals and also disturbing the peace. Is there draft language in the table under specified uses, asked Paul? The question of enforcement needs to be cleared up before the ordinance moves forward, said Tim. This is still something the JCOS Livestock Committee needs to work on.

Paul Voelkers asked for thoughts from the public about types of enclosures and having that level of specificity for the ordinance. Erich Schaal commented that there are natural controls like wild predatory birds if people let chickens go free range. There will be outliers always, he said, just as there are with dog owners. For chickens, following best management practices would keep flocks intact and healthy. It is recommended that anyone keeping livestock have a shelter with 3 sides. And even if the poultry are allowed free range, there needs to be a way to confine the animals to the property.

Is there a category concerning slaughter, asked Paul Voelkers? In Alaska people do all sorts of things with the animals they hunt or fish. Maybe domesticated animals are no different. He wondered if it would be appropriate to go as far as saying slaughter should not take place in full view of the neighbors. A number of the public in attendance responded saying that they didn't think it fair in this environment which includes many hunters and fisher folk that the treatment of domestic animals be different regarding the preparation of the animal for consumption.

Dan Hickok commented that he thinks this is over analyzing the situation.

Staff requested suggestions from the committee as they continue work on the draft ordinance:

Carl Green doesn't see how regulating the number of feet from neighbors will work for placing livestock enclosures. He thinks the regulation has to be about annoyance to the neighbors. Paul Voelkers asked how the reasonableness of a complaint might be assessed. Carl suggested considering a certain percentage of the neighbors as an assessment of reasonableness. Jill Maclean said that setbacks are more about best management practices in the hopes of avoiding complaints. Tim Felstead said that buffers can be required for odor issues and some noise mitigation. There are other parts of the CBJ code that already deal with noise complaints, he said.

Dan Miller likes the table and the diagram. However, he has concerns about roosters and their locations. He suggested that there should be a large area requirement, such as 20,000 feet.

Carl Green said that if there are problems with roosters then the committee should hone in on that topic. He also wonders why the ordinance talks about ducks. Dan Hickok thinks roosters should be a separate category.

Touch points:

- Are there opinions about weight separation? The committee members did not have strong feelings in this regard.
- Rabbits should be moved into the same category as poultry.
- Roosters should have their own category. Darren Snyder said there are ways to keep roosters in control, like putting them in the garage during certain hours of the night.
- Lot size should determine the numbers of animals allowed.
- There are questions about selling eggs or other animal products. There should be a distinction between commercial and non-commercial operations.
- What about waste? Composting is a good way to take care of this. People pay for the waste to use on their gardens. Odor can be mitigated.
- Enforcement and complaints needs more work.
- GHS has limited resources to respond to noise and does not respond to other complaints like odor. JPD has ultimate responsibility for enforcement.

VI. Next Meeting

Wednesday, May 17, 3:15 pm

VII. Adjournment

The meeting adjourned at 4:47 pm.