

CITY OF LEADVILLE
PLANNING AND ZONING COMMISSION
REGULAR MEETING
MAY 27, 2009

Several Comments/
Concerns
to prepare for.

COMMISSIONERS PRESENT:

Duffy Counsell
Erin Duggin
Cooper Mallozzi
Colin McFee
Jamie Stuever

CITY COUNCIL:

Mayor Bud Elliott
Rhonda Huggins

Also Present:

Joe Swyers, City Clerk
Padraic Smith, Dir. of Admin. Services
Brian Stack
Tom Martin

The Planning and Zoning Commission met at a public meeting in the Council Chambers of City Hall. Chair Counsell called the meeting to order at 5:32.

Roll call was taken with all present. There were no agenda revisions. The minutes for the May 19th Joint Meeting were approved.

Chair Counsell began the discussion by referencing the memorandum written by Ryan Mahoney and Padraic Smith outlining remedies to clarify the code regarding accessory buildings. The commissioners agreed they had read the memorandum. Mayor Elliott suggested one more option as he thought the memorandum was more complicated than it needed to be.

- Eliminate all reference to the term "caretaker facilities"
- Replace that term with the term "accessory dwelling units"
- Use the items for consideration that Ryan referenced in remedy #3

Chair Counsell questioned if "caretaker facilities" was referenced in more than the couple places in Chapter 17. Smith said there were a couple more references in the chapter. It was agreed that accessory dwelling unit (ADU) could replace those references.

The question of which zoning districts could accessory dwelling units be allowed. It was determined that they should not be excluded from any zoning district.

The discussion turned to the items to consider in Remedy #3.

Long term vs. short term rentals. Long term rentals would be allowed
Maximum and minimum sq. ft.
Off street parking

Exterior treatments to mesh and compliment the main structure
Each shall have a bathroom with a sink, toilet and shower/bath
Each shall have a kitchen with an oven, stove (2 burner), refrigerator and sink at a minimum
A maximum of two bedrooms with an additional off-street parking space per bedroom
Notification to and compliance with the regulations of the water and sanitation districts

Mayor Elliott made a motion to recommend to City Council that in Chapter 17 every reference to caretaker facility should be deleted. That accessory dwelling units shall be included as a use by right in all zones. Accessory Dwelling Unit is defined as one that is subordinate to the primary structure. That is no larger than 50 percent of the existing structure and no smaller than 400 square feet. Shall be used for long term rentals only. Any exterior treatments are to mesh and compliment the main structure. Each shall have a bathroom with a sink, toilet and shower/bath at a minimum. Each shall have a kitchen with an oven, stove (2 burner), refrigerator and sink at a minimum. A maximum of two bedrooms with an additional off-street parking space per bedroom. Notification to and compliance with the regulations of the water and sanitation districts. Location of the ADU on the lot.

Upon further discussion, Mayor Elliott referenced the City's Comprehensive Plan and felt that the motion was in adherence with the plan.

The motion was approved unanimously.

Old Business

Discussion of Chicken and Rabbit Ordinance

Chair Counsell asked if all had read the material provided on this subject and who would like to begin. The Mayor asked Mr. Stack to begin the discussion.

Brian Stack started by saying he had come to City Council about a month ago to ask Council if he could have chickens. It was discovered that the code had some contradictory language so Council suggested that P&Z clarify the language.

Brian would like to have six chickens in his backyard so his family can have fresh eggs, and possibly fresh meat. Mr. Stack appreciates the freshness of the eggs and also the experience his family would enjoy in learning how to raise and care for the chickens. He also has enjoyed the research he has done in collecting information to share with the City.

Chair Counsell questioned Brian on where his property was located. Brian lives at 308 West 6th across the street from Pitts.

Commissioner McFee began by stating he thought he may have a conflict of interest as he owns chickens and thought that he may have to recuse himself from the discussion.

Colin mentioned that he has more than six chickens and gave the reasons why he likes having chickens:

Fresh eggs

Sense of community, interaction with the neighbors sharing eggs, request for manure.

It was determined that Comm. McFee would be able to participate in the discussion and that he would not have to recuse himself.

Issues discussed in the ensuing discussion were:

Heated water source for hen house

Four square feet per bird

Enclosed hen house in the winter months

Egg production, fate of unproductive egg layers

Tom Martin, Game Warden, spoke of the following concerns with chickens in the city:

Large game destruction of property and livestock

Recent claim of bear vs. chicken

Bear behavior, predator of habit, if they find chickens once they will return until the chickens are gone or relocated

County has reported bear disturbances this spring, Safeway, Kum & Go and Dump

Concern not with one person owning six chickens, but if allowed how many people will be owning chickens... potential for hundreds of chickens and more predators

Can't spend enough money to build a bear proof chicken coop

Attraction of other predators such as fox, coyote, skunk, raccoon, pine marten, weasel, badgers and dogs and cats

Bear's fear of dogs??? Bears are smart and don't let much bother them

Are there any chickens in town at this time?

Mayor Elliott brought up the benefits that a chicken population could have on the local 4-H chapter. Commissioner Stuever expressed how important 4-H was in his growth. Mayor Elliott then spoke to the quality of the chicken owner. Is that person going to take the time to invest in the right equipment that would allow for proper storage, removal of waste, and cleanliness of the operation? Healthy eating, self sufficiency and cost effective healthy eating were mentioned.

Chair Counsell discussed his apprehensions:

Irresponsible chicken owners who won't cross all the "t's"

How will that affect the neighbors?

The density of some sections of the City wouldn't allow for chickens

Bear visits could prove hazardous

Councilmember Huggins mentioned that a CUP is necessary for the allowing of the chickens and that one of the conditions could be that if a bear did show up that the chicken owner would have to cease and desist. She didn't feel that there would be a big issue with the smells and odors.

Chair Counsell was concerned that from the information Mr. Stack provided there were many "shoulds" and "mays" attached to conducting a harmonious chicken raising operation.

More discussion followed:

- Enforcement of ordinance.
- How much work is going to be involved?
- Should there be a chicken density quotient?
- There is no local food source in Leadville.
- Bear issues.
- Conditions with CUP applications
- CUP Fee, expenditure of City time
- CUP fee reduction
- Cost associated with having chickens
- \$40 CUP fee was suggested by Mr. Stack
- Average number of six allowed
- Chicken tractor... moveable hen house
- Heated water source in the winter
- Slaughter of the chicken, humane methods, discreet measures
- Review of operation annually
- Roosters should not be allowed (determined after one year of age)

The Mayor suggested that at the next meeting the Board will be better informed to make some decisions such as:

- Bear situation
- Limit number of chickens
- Definition of square footage per bird
- Food storage
- Fees associated with CUP and annual fees
- Chicken density

Chair Counsell suggested that the Board reread all the documents provided and be ready to vote on actionable items.

The meeting was adjourned at 7:06 p.m.