

ITEM NO. 4 TEXT AMENDMENT TO DEVELOPMENT CODE; URBAN AGRICULTURE (MKM)

TA-15-00346: Consider a Text Amendment to the *City of Lawrence Land Development Code*, to add *Urban Agriculture* as a permitted use and establish standards. *Initiated by City Commission on 6/23/15. Deferred by Planning Commission on 12/14/15.*

STAFF PRESENTATION

Ms. Mary Miller presented the item.

PUBLIC HEARING

Ms. Helen Schnose, Food Policy Council, supported the text amendment.

Ms. Lyn Walther, Strawberry Hill Christmas Tree Farm, wondered how far the urban agricultural went and if it applied to her. She said her business was in the Urban Growth Area.

Ms. Jeannie Pees expressed concerns with parts of the text amendment and was not sure that neighbors knew about this. She felt more outreach was needed and that many people did not complete the Lawrence Listens survey because an email was requested.

Mr. Eric Walther, Strawberry Hill Christmas Tree Farm, wondered how far the Urban Growth Area went. He said his business fell under the state agritourism. He expressed concern about a change of ownership triggering a Special Use Permit.

COMMISSION DISCUSSION

Commissioner Britton asked what would happen when an existing farm was annexed.

Ms. Miller said it would be allowed in Urban Reserve or RS zoning with a Special Use Permit. She said it did not apply to the Urban Growth Area.

Commissioner Denney said this text amendment would not apply to the Urban Growth Area.

Ms. Miller said that was correct.

Commissioner Denney wondered how many employees crop agriculture allowed.

Ms. Miller said more employees allowed than a Home Occupation.

Commissioner Butler asked what the penalty was for violating a standard. She also wondered about the disposal of waste for small animal slaughter and more public awareness.

Mr. McCullough said it would be a Code violation.

Ms. Miller said disposal would be the same as someone bringing home fish or game from hunting. She said the Health Department and Solid Waste advised to put it in the trash. She said staff did talk to the Lawrence Association of Neighborhoods to spread the word about this text amendment.

Commissioner Liese said he was surprised that there were limited responses from the public survey.

Commissioner Britton said there would never be 100% involvement and that they are at the end of the road with the text amendment. He said City Commission would see this and that it may have to be tweaked later. He said the process was ready to go to the next step, just needed to evaluate the content.

Commissioner Kelly said comments were usually received when it was nearby to someone. He said a Special Use Permit would help with providing notice.

Commissioner von Achen said many people were concerned about animal slaughter but that it was a part of agriculture. She wondered if training could be provided for people who haven't had experience with slaughtering.

Ms. Miller said it was a good idea but wasn't sure how it would be tracked. She said possibly through a permit.

The Food Policy Council said that training could be required before slaughtering.

Commissioner Denney asked if would permit commercial slaughtering.

Ms. Miller said no.

Commissioner Carpenter wondered if they could sell at the site.

Ms. Miller said no, only unprocessed products.

Commissioner Liese asked if the slaughtering would be allowed outside or inside.

Ms. Miller said it could be inside an enclosed structure or outside.

Commissioner Struckhoff liked the training idea for slaughtering. He felt the availability of training would be helpful.

Commissioner Britton wondered if the training could remain voluntary.

Mr. McCullough said outreach efforts would be more valuable to the consumer.

Commissioner Liese asked if there was a way to separate out the slaughtering in the text amendment and revisit it. He said he was in favor of the text amendment, minus the slaughtering part. He felt they needed more public feedback. He was uncomfortable voting for something not knowing what the public thought.

Mr. McCullough said it was included in the monthly newsletter to the Lawrence Association of Neighborhoods. He said it was part of the City's website as well as published in the legal notice in the newspaper.

Commissioner Liese said nobody would think "animal slaughter" when reading "Urban Agriculture."

Commissioner Denney said commercial slaughtering was not permitted but doesn't distinguish between slaughtering versus butchering. He said it may be self-limiting with what a family can eat.

Commissioner Britton said the slaughtering allowed was limited and limiting.

Commissioner Sands was an opponent of slaughter but thought this was a good compromise with its limited scope.

Commissioner Carpenter said the issue of slaughter had been a central component of the text amendment all along. He said the topic had been discussed by many groups with lots of comments.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Butler, to approve the Urban Agriculture text amendment with the exception of animal slaughter, which he would like to be furthered considered after the public had heard more about it.

Mr. McCullough asked what Planning Commission wanted in terms of more input.

Commissioner Denney said he would like to see an online outreach that states "slaughtering."

Commissioner Sands wondered about small animals as defined and possible nuisance animals like lab rats.

Mr. McCullough said the definition was in the context of agriculture with the raising, producing, keeping of animals to provide food, wool, and other products.

Commissioner Britton said he would oppose the motion. He felt that separating the slaughter convoluted the process.

Commissioner von Achen inquired about slaughtering done to USDA standards.

Ms. Miller said that was the commercial slaughtering.

Commissioner Kelly wondered about limiting the sales and small storefronts in neighborhoods.

Commissioner von Achen thought the hours were a little excessive.

Motion failed 3-7, with Commissioners Butler, Liese, and Sands voting in favor of the motion. Commissioners Britton, Carpenter, Culver, Denney, Kelly, Struckhoff, and von Achen voted against the motion.

Motioned by Commissioner Struckhoff, seconded by Commissioner Carpenter, to approve the Urban Agriculture text amendment as outlined in the staff report.

Commissioner Sands said he would vote for this motion to show support.

Commissioner Kelly asked if five friends could also sell on someone's site.

Mr. McCullough said no. He said it was limited by what was produced.

Commissioner Liese did not think they had adequate information for slaughtering but did not want to stop the text amendment from proceeding.

Commissioner von Achen encouraged Food Policy Council to seek out training for slaughtering.

Motion approved 10-0.