

**ITEM NO. 5 TEXT AMENDMENT FOR URBAN AGRICULTURAL (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.*

**STAFF PRESENTATION**

Ms. Mary Miller presented the item.

**PUBLIC HEARING**

Ms. Eileen Horn, Douglas County Food Policy Council, said that they supported the majority of the content. She discussed revising the standard for Urban Farm because they felt it imposed a burden and barrier that wasn't there previously.

Ms. Helen Schnoes, Douglas County Food Policy Council, said the standard for Urban Farm implies an assumed level of intensity in the action of the sales that may not actually reflect what that urban farm may be conducting. She recommended allowing the slaughter for home use of chickens, and clarifying weed regulations and on-site sales. She said the Food Policy Council supported the text amendment.

Mr. Derek Tufty was in favor of reducing regulatory hurdles.

Ms. Jill Elmers, Moon Over the Meadows Farm, said her property was zoned RS10 but was in a rural area. She felt the Urban Farm standards went farther than needed.

Mr. Michael Almon, Sustainability Action Network, requested the discussions continue. He provided additional standards in a letter included in the packet. He said the property maintenance code precipitated this text amendment. He felt they should define implements in the terminology to clarify that they aren't debris. He felt they should reinforce the Food Policy Council's comments. He said excess produce sales can't wait until three times per year sales.

Mr. Quentin Cole wondered if permanent on-site sales would be allowed in CN1 zoning. He also wondered about having a food outlet next to a garden.

Mr. Travis Weller felt the Urban Farm Special Use Permit would be an additional barrier to new farmers from starting a business. He said most of North Lawrence was zoned RS7.

Mr. Skyler Adamson, Fruit Tree Project, said animal slaughter would be much more humane than large operation production. He felt animal slaughter would take down barriers to access to healthy food. He felt it would strengthen the food system. He felt they needed to get the weed issues resolved. He also felt the Code was not ready yet and there was much work to be done.

**COMMISSION DISCUSSION**

Mr. McCullough said staff was looking for comments from Planning Commission regarding what level of process they would want for the industry.

Commissioner von Achen asked if on-site sales would be permitted by right.

Ms. Schnoes said they looked at other communities and the City of Minneapolis removed the temporary sales permit.

Ms. Horn said on-site sales could allow someone to start to build a business. She said having a simpler process for people to streamline the process would be helpful.

Ms. Miller said a temporary seasonal sales permit was an option.

Mr. McCullough said land use impacts of sales on the property would include such things as scale and traffic.

Commissioner von Achen wondered if three times a year would be problematic for farmers and doesn't address the reality of gardening.

Commissioner Britton inquired about CN1 zoning and that many retail sales would be allowed with a site plan.

Ms. Miller said CN1 would allow retail sales.

Commissioner Denney said the areas used for farming were different, such as out in the country versus imbedded in a neighborhood. He was bothered by them both being held to the same standard. He felt there was a difference between crop agriculture and small animal agriculture and wondered when it became an Urban Farm.

Ms. Miller said it would become an Urban Farm that an individual is no longer able to do it and employees/volunteers need to be brought in.

Commissioner Denney felt they needed to strengthen the distinction of what made it an Urban Farm.

Commissioner Kelly said on-site sales would primarily be in residential neighborhoods. He had a hard time figuring out where they shift from the trend of Home Occupation to Urban Farm. He said he wanted to be supportive of the entrepreneurial spirit but at some point it flows into running a business, which was different.

Ms. Schnoes said there would be ranges of spaces used for sales. She said a permit could be issued for more permanent structures. She said the frequency of sales could flip it from Home Occupation to real commerce.

Commissioner Kelly said the Special Use Permit would not be a barrier to entrepreneurship but to provide protections for farmer and neighbor.

Commissioner Liese inquired about shearing sheep to make wool or building a bird house.

Ms. Miller said processing would be a Home Occupation.

Commissioner Denney asked if a Home Owners Association would restrict it.

Ms. Miller said she did not know about an HOA.

Mr. McCullough said covenants/restrictions would be a civil matter.

Commissioner Sands wondered how the City would enforce vaccinations of animals.

Ms. Miller said that was one of the things they were looking into. She said the Department of Agriculture gives out tags for animals that have been vaccinated so that could be an option.

Commissioner Denney wondered why they would allow slaughtering for small animals, but not sheep or goats.

Ms. Miller said those were options. She said it may be easier to contain a chicken if something goes wrong, versus a goat or sheep.

Commissioner Liese wondered about people who don't slaughter correctly.

Commissioner Sands said it was not unreasonable to expect people to take the meat they raised to a professional butcher, just as a hunter would do.

Commissioner Liese felt there could be potential problems with slaughtering depending on who was doing it. He expressed concern about kids hearing or seeing the impacts.

Commissioner Britton was in favor of slaughtering inside or in a screened area. He hated to inhibit a potential sector because of the "what ifs." He said if they didn't require a Special Use Permit now it may be harder to regulate down the road.

Mr. McCullough said that was a fair option to pursue.

Commissioner von Achen said they were two generations from when everyone slaughtered chickens in town. She said the humane handling of animals was important but that they were trying to shield people from the reality of where food comes from.

Commissioner Liese said most states have pretty strict rules about the slaughtering of animals. He wondered how they would make sure they were followed.

Commissioner Britton they needed to bring it back to the land use impacts, such as impacts to a neighbor of seeing, smelling, and hearing slaughtering.

Commissioner Culver said they needed to let the experts in the room work with staff to keep in mind that changing conditions of urban agriculture will be on-going. He said they may have to revisit the issue in the future as they learn how it impacts the community.

Commissioner Denney felt that the slaughtering of small animal agriculture should be clarified whether it's for sale or just for personal use. He was concerned about 1 residence out of 1000 that impact on the community is different if they are slaughtering 20 chickens and 10 rabbits. He said if 1 in every 100 residents may become a community hazard. He wanted it to be limited to personal consumption and not see hanging racks of rabbits in the street for sale.

Commissioner Kelly expressed concern about starting loose and then tightening later. He wondered if existing farms were grandfathered.

Ms. Miller said that was an option. If it was permitted and we pass a rule saying a Special Use Permit was needed then they could receive a Special Use Permit automatically.

Commissioner Struckhoff said on-site doesn't work for every neighborhood. He said he was not sure which way to start, with loose or tight restrictions. He said there were a self-selected sample of people who raise animals for food supply.

#### **ACTION TAKEN**

Motioned by Commissioner Britton, seconded by Commissioner Culver, to defer the text amendment to the February Planning Commission meeting for additional language development.

Motion carried to defer 8-0.

They took straw votes on the following:

Special Use Permit required for Urban Farms in RS7 and up; Crops only:

Straw vote 3-5, with Commissioners Kelly, Liese, and Sands in favor. Commissioners Britton, Culver, Denney, Struckhoff, and von Achen were not in favor.

Special Use Permit required for Urban Farms in RS7 and up; Small animals:

Straw vote 5-3, with Commissioners Britton, Denney, Kelly, Liese, and Sands in favor. Commissioners Culver, Struckhoff, and von Achen were not in favor.

On-site sales; No restrictions:

Straw vote 0-8.

On-site sales; Moderate/not high restrictions on sales:

Straw vote 8-0.

Slaughter for sale; allowed with restrictions:

Straw vote 6-2, with Commissioners Britton, Culver, Denney, Kelly, Struckhoff, and von Achen in favor. Commissioners Sands and Liese were not in favor.

Slaughter for sale; personal consumption:

Straw vote 6-2, with Commissioners Britton, Culver, Denney, Kelly, Struckhoff, and von Achen in favor. Commissioners Sands and Liese were not in favor.

Commissioner Denney said they should concentrate on what type of stand/display they could have, which could become self-limiting.