

MINUTES

Cascade Charter Township Planning Commission
Monday, July 18, 2011
7:00 P.M.

ARTICLE 1. Chairman Waalkes called the meeting to order at 7:00 p.m.
Members Present: Hammond, Lewis, Logue, Pennington, Sperla, Waalkes, Williams
Members Absent: McCarthy, Robinson; excused
Others Present: Planning Director Steve Peterson

ARTICLE 2. Chairman Waalkes led the Pledge of Allegiance to the Flag.

ARTICLE 3. Approve the Agenda.

Motion was made by Member Lewis. Support by Member Sperla to approve the Agenda. Motion carried.

ARTICLE 4. Approve the Minutes of the June 20, 2011 Meeting.

Motion was made by Member Lewis supported by Member Pennington to approve the Minutes as written. Motion carried.

**ARTICLE 5. Case #11-3033 Cascade Charter Township
(Public Hearing)**

Requested Action: To consider amending section 4.11 of the Zoning Ordinance. This section of the Zoning Ordinance regulates the number of farm animals permitted in the residential zoning districts.

Chairman Waalkes presented the case and in review stated that the Township Board had asked the Planning Commission to take a look at the Ordinance. There was a previous work session by the Planning Commission and now this is the Public Hearing.

Planning Director Steve Peterson opened by stating that because this is only a Public Hearing there is no recommendation at this time. In review of the Ordinance, we do regulate the number of farm animals in the residential zoning districts; R-1 and R-2. The Ordinance only mentions R-1. Even if we decide to do nothing, I would suggest that we at least make a small amendment to include R-2 and the PUD's that have underlying zoning of R-1 and R-2.

For those areas that we regulate a person must have three acres in order to have a farm animal, which is anything other than a cat or dog. If the pet is kept inside, it doesn't count. You have to have three acres to have one and then it's an additional acre for every animal after that. There are some provisions in the

Ordinance that talk about confined feeding areas; keeping those away 100 feet from any adjoining property or street line.

Included in the packets are copies of Ordinances from surrounding communities in regards to the same subject. The three-acre rule seems to be common, however the practices are mixed. The East Grand Rapids model basically says nothing is allowed without approval from a staff person, and then there is an appeal process. There are many ways this can be explored.

Staff received a few calls from residents. No one really gave a strong opinion one way or the other, they were just interested in the subject. Staff received an e-mail which was distributed to the board members prior to the meeting.

Chairman Waalkes asked if a person has a chicken coop, would that be counted as an accessory building. Staff replied that anything with a roof is counted as a building.

Member Lewis made a Motion to move into Public Hearing. Support by Member Sperla. Motion carried.

Chairman Waalkes invited anyone from the public who wished to address the Planning Commission to speak.

Joni Wordhouse of 3851 Oak Tree was present. She was appreciative for the Public Hearing. She is new to the Township. She mentioned that she had called the Township in regards to this issue and had been directed to the Township Website. After reading the Website she was of the understanding that chickens were ok because chickens are in a dwelling and because it says per three acres. She has not yet gotten chickens, but would like to have a few. She would like for her children to have the same experience and education about chickens she had as a child. She stated that chickens can be trained to stay in a small area. Many cities in the U S allow urban chickens. She believes there are ways to insure that they do not become a public nuisance by limiting the number of animals and which specific farm animals are or are not allowed, such as roosters. Ms. Wordhouse concluded by saying that there are a whole lot of annoying dogs out there that bark, but we allow dogs in the neighborhoods. She does not feel that chickens would be any noisier than that. As long as people take care of their property, as with any responsibility of having pets, chickens should be allowed.

Member Lewis asked Ms. Wordhouse how large her homestead is. She replied that it is just under 1 ½ acres. Member Logue asked her how many chickens she wished to have. She replied, 3-5. She would like to have a few eggs. She would also like her children to have the experience of hatching the chickens and taking care of them. Member Lewis asked if she had talked with any of her neighbors for their opinion and how close were her neighbors. She replied that she is in a

residential area however there are a lot of trees which separate her from her neighbors. She has talked to one neighbor, but not the other; however she is willing to talk to the other if necessary. Member Williams said that she has never had chickens or been around them but some of her neighbors do, as she lives in an agricultural area. Member Williams stated that her neighbors' chickens go wherever they want to go. Sometimes they are out in the road or down the street. She asked Ms. Wordhouse if she would have them confined in any way. Ms. Wordhouse replied that they would be confined and again stated that chickens can be trained to stay pretty close to the area in which they are fed. She added that chickens are wonderful for pest management such as little bugs and mosquitoes.

Planner Peterson said that Ms. Wordhouse brought up a good point about dogs. He stated that you can have up to four dogs.

Brad Janowiak of 6084 Cascade Road stated that he was present to support those who wish to have chickens. He feels that if you have 3-6 and keep them caged that it would not be a nuisance. He does not have dogs, but hears dogs all day long and occasionally has to clean up after someone else's dog in his own yard.

Stacy Scutch of 3271 Behler Drive said it was her daughters who wrote a letter stating that they are interested in owning backyard chickens. Ms. Scutch grew up having chickens and eggs and has fond memories. Their property is just shy of three acres so under the current Ordinance do not qualify for even 1 chicken. They would like to have 3 or 4 chickens, hens but no roosters. They live at the end of a cul-de-sac which is secluded/wooded, and in their situation no one would even see the chickens, as they would be in the back. She is in favor of changing the Ordinance to allow urban chickens in Cascade.

Member Sperla made a Motion to close Public Hearing. Support by Member Hammond. Motion Carried.

Planner Peterson mentioned that one complaint he gets about the chickens that are out in the Township is about wandering chickens.

Chairman Waalkes stated he would be favorable to allowing chickens and other smaller type farm animals, but with limits.

Member Lewis stated that he was not aware that chickens could be trained. As observation he is a little disappointed that there was not a larger turn-out from the public. Because of a small turn-out, he presumed that most people would like the Ordinance to stay the same as it is. Member Lewis would be in favor of softening the current Ordinance.

Member Sperla said that this all comes down to property rights. He believes people should be able to use their property as they would like to as long as it doesn't negatively affect the neighbors. People make choices to live in certain areas, be it residential or agricultural, for a reason. If he chooses to live in a residential area, he would assume that he would not have to live next to people with farm animals. Chickens tend to wander, it's hard to control or contain them; and even when you do there are some aspects that are unsightly.

Member Sperla supposes that the two ladies present at the meeting who want chickens in a residential area lived in a different type of community or environment than residential. He would like to relax the Ordinance a little, but feels there are issues regarding adjoining neighbors and their rights. A neighbor would have to deal with the sight issues, potential noise issues, and smell issues. He deals with wild ducks on his property and knows that they make a mess. There are sanitary and health issues to think about. You can choose to assume that risk for yourself and your family, but Member Sperla is not sure that it's right to inflict that same risk on people who haven't made the choice (or are looking for that experience) and consciously decided to live in a residential area. He would like to see the Ordinance relaxed but would like to see setbacks and controls.

Member Williams remembered a letter that resident Charlotte Steigenga had submitted to Staff earlier in the year. In her situation, she had a little less than 1 acre, however her land bordered several acres of wetlands and no homes. She had requested a personal exemption to house and care for six chickens. Member Williams said it would be nice to have some discretion based on specific "applications" for it. She said that in Ms. Steigengas' situation, no one would be bothered by the chickens if she had them. She added that it would be nice to be able to make exceptions to the existing Ordinance for specific situations that people bring to the Township.

Chairman Waalkes said it sounds like some are leaning toward a Special Use Permit.

Member Pennington pointed out that if approving chickens, then accessory buildings would come into play.

Planner Peterson said that it comes back to choices. If it's that important to you, your chicken coop would be your accessory building if you don't have a big enough piece of property to have additional accessory buildings.

Member Pennington said that he came with no strong feelings one way or the other. He feels that loosening the Ordinance up a little sound's appropriate and two acres minimum of land sounds reasonable. Better definitions would be helpful, but not getting too detailed with every single type of animal or every circumstance. Keep it relatively general.

Member Lewis said that if we change any part of this Ordinance, he would agree with Member Sperla and would like to see a condition where the "applicant" has first talked to their neighbors and got approval from them. Member Pennington thought that getting approvals from neighbors could become burdensome. He would be more in favor of either it's permitted or it's not.

Member Williams said if the acreage were reduced could we clarify it as being in regards to small animals. If a resident owns large animals, the Ordinance, as currently written is justified.

Member Logue asked what they would do in the case where all the neighbors were in favor of someone having farm animals, the farm animals are brought into the neighborhood, and then someone finds out they have allergies.

The conversation then led to the possibility that the permitted animals could become a nuisance in the neighborhood; what could be done then? The Planner reminded them that any time someone's dog is a nuisance or is trespassing it can be taken care of.

Peterson concluded by saying that he wanted to take these ideas, draft something and have it ready for a late August meeting where we can reconvene and talk about it.

ARTICLE 6: Any other business:

Meetings in August will be on the 8th and on the 15th.

ARTICLE 7: Adjournment

Motion was made by Member Lewis and supported by Member Pennington to adjourn. Motion carried. The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Al Pennington, Secretary

Carol M. Meyer, Planning Administrative Assistant