



## MEMORANDUM

TO: Planning Commission  
FROM: Stacy Clauson, Lane Council of Governments  
DATE: September 11, 2012  
RE: Allowance for Chickens and Other Fowl and Bees on Residential Properties

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### ISSUE:

- Discuss possibility of allowing poultry Chickens and Other Fowl and bees on residential properties

### BACKGROUND

At the June 12, 2012 City Council meeting, the City Administrator brought forward an item concerning allowances for chickens and ducks on residential properties within the City. The City Administrator's materials presented to the City Council are included as Attachment 1. These materials included proposed draft regulations that would address this issue. The City Council heard public testimony (see meeting minutes contained in Attachment 2) and discussed the item. The City Council, by a 3-2 vote, passed a motion that they take the idea of chickens, bees, and ducks to the Planning Commission for a public hearing and decide whether or not the City should have these in the City limits. This item appears on the agenda tonight to provide background materials to the Planning Commission, collect initial direction from the Planning Commission, and establish a schedule for Planning Commission consideration of this item.

#### Background Information

The keeping of farm animals is generally regulated under zoning, including the number and kinds allowed in urban areas. The underlying premise of most of the restrictions on keeping of animals within urban areas relates to keeping them off public property, controlling noise and smell, and providing for adequate living conditions.

Recently some cities have begun to look at urban agricultural policies which address the production of food and keeping of animals. Keeping chickens is allowed in many cities, and some cities allow for livestock and bees to be kept as well. The regulations regarding the keeping of animals typically establish setbacks for chicken coops or animal housing and restrictions on the number of animals that may be kept are nearly always established.

Attachments 3 and 4 contain information that has been gathered about how other jurisdictions are addressing the keeping of chickens and other fowl, and the keeping of bees, respectively.

In addition, in 2011 the City conducted an informal survey on the City's website about this issue. The results are included in Attachment 5.

Attachment 6 contains some existing Oregon Revised Statutes addressing beekeeping. These provisions require registration if five or more colonies are kept.

### Planning Commission Analysis

The information noted above provides a brief overview of the issues. Staff would like input from the Planning Commission on what type of additional information would assist with your review of these provisions. Potential additional items that may assist in your review would include:

- Sample model bee keeping ordinances – Several advocacy groups and other organizations have prepared sample regulations that could be evaluated
- Information on best management practices that may exist for keeping of animals – Several advocacy groups and other organizations have prepared materials

### Schedule for Planning Commission Consideration

Staff is suggesting that there be at minimum one additional study session for the Planning Commission to review and provide input on potential regulations addressing these items. Due to the upcoming holidays, I would suggest that the Hearing be conducted before or after December. The following details a potential schedule for review of this issue before the Planning Commission:

- October 16<sup>th</sup> meeting – Study Session
- November 20<sup>th</sup> meeting – Review of Draft Regulations
- December 18<sup>th</sup> meeting – Review of Amendment(s) (if needed)
- January 15<sup>th</sup> meeting – Public hearing

Staff is seeking input on this proposed schedule.

### **ACTION REQUESTED**

Provide direction for staff to collect additional information and establish a schedule for review of these issues.

### **ATTACHMENTS**

1. June 12, 2012 City Council memo and attachments
2. June 12, 2012 City Council minutes
3. Chicken Survey Responses and Comparative Ordinances - Other Jurisdictions
4. Bee Survey Responses and Comparative Ordinances - Other Jurisdictions
5. Junction City Chicken and Bee Survey Results – 2011
6. ORS 602

# JUNCTION CITY COUNCIL AGENDA ITEM SUMMARY



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## Allowance for Chickens and Ducks on residential properties

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Meeting Date: June 12, 2012  
Department: Administration  
[www.junctioncityoregon.gov](http://www.junctioncityoregon.gov)

Agenda Item Number: 9  
Staff Contact: Kevin Watson  
Contact Telephone Number: 541-998-2153

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### ISSUE STATEMENT

*This is an opportunity for the council and community to give comment on the possibility of allowing chickens and ducks on residential property within the City limits.*

### BACKGROUND

The discussion of urban chickens has been bounced around multiple committees for over a year now with no final direction on how to proceed. Currently chickens and ducks are not permitted within City limits. That said, many communities around the State have recently amended their rules to allow the keeping of chickens and ducks on residential properties. Presented to the Council is a list of suggested rules if it's ultimately determined to move forward with the code amendment.

The suggested rules are a combination of guidelines used by a variety of communities around the State. One significant omission is not requiring a permit or fee. The City does not have the capacity to manage a permitting process. It's believed, it is not necessary for property owners to fulfill this requirement for the program to be successful. Chicken nuisance issues will be handled on the enforcement end. Ideally, we will coordinate with the proponents of urban chickens to provide education opportunities to the nuisance properties in hopes of self-policing the situation. If resolution isn't successful, staff will provide enforcement. However, research with other communities revealed that the number of chicken/duck nuisance calls is minimal and a non-issue.

Council does have the option to enact a sunset clause on this rule in the event the chicken/ducks do become a nuisance. We can revisit the issue a year from when the rules are being approved.

### RELATED CITY POLICIES

- *Currently section 6.05.030 of the Junction City Code prevents the keeping of livestock, poultry, or bees within the City limits. Ordinance 591.*

### COMMITTEE REVIEW

- *Finance and Public Safety Committee have reviewed.*

### COUNCIL OPTIONS

- *Tentatively agree to the rules as stated and direct staff to integrate these rules into the zoning code and present to the Planning Commission.*

- *Amend the rules as stated and direct staff to bring back to Planning Commission to integrate into the zoning code.*
- *Do nothing and maintain the current code of not allowing chickens/ducks within City limits.*

#### **CITY ADMINISTRATOR'S RECOMMENDATION**

- *Tentatively agree to the rules as stated and direct staff to integrate these rules into the zoning code and present to the Planning Commission.*

#### **SUGGESTED MOTION**

- *Please provide staff direction on how to proceed from the listed options.*

#### **ATTACHMENTS**

- A. Potential Chicken/Ducks rules

#### **FOR MORE INFORMATION**

Staff Contact: *Kevin Watson, City Administrator*  
Telephone: *541-998-3125*  
Staff E-Mail: *kwatson@ci.junction-city.or.us*

### *Draft guidelines for allowance of chickens and ducks:*

Notwithstanding any conflicting provisions within the Junction City Development Code, no person shall keep chickens or ducks within the city, except under all of the following conditions:

1. A resident of a single-family dwelling in a residential zone may keep five (5) or fewer chickens/ducks on the lot or parcel on which the resident resides, in conformance with these guidelines.
2. Roosters are prohibited.
3. Except when under the personal control of the owner, chickens/ducks shall be confined at all times within a chicken coop or facility.
4. No chicken coop or facility, either temporarily or permanently, shall be located within 15 feet of any adjacent residence, or within ten feet of the owner's residence
5. A chicken coop or facility shall be located in the side or rear yard of the owner's residence, and shall comply with setback and accessory dwelling requirements of the Development Code in which it is located.
6. A chicken coop or facility shall be clean, dry, free of noticeable odors and in good repair
7. Waste matter shall be removed from the chicken coop or facility as often as necessary to prevent contamination, reduce disease hazards and minimize odors.
8. All food for chickens and ducks shall be stored in suitable, rodent-proof containers.
9. Fencing the chicken/duck run shall be designed and constructed to confine all chickens and ducks to the owner's property.
10. Chickens and Ducks must be kept in a covered, enclosed coop from dusk to dawn.

#### Prohibitions:

1. Chickens and ducks shall be kept for personal, non-commercial use. Retail sale of eggs from the residence is prohibited. Fertilizer production or Breeding of chickens/ducks is prohibited.
2. No chickens or ducks may be permitted to run at large.
3. Chickens or ducks may not be slaughtered or killed in the City or as otherwise expressly permitted by law.



The City Council for the City of Junction City, met in regular session at 6:30 p.m. on Tuesday, June 12, 2012, in the Council Chambers of City Hall, 680 Greenwood Street, Junction City, Oregon.

**PRESENT:** Mayor, David Brunscheon; Councilors Jack Sumner, Jim Leach, Randy Nelson, and Herb Christensen; (Excused Absence: Councilors Laurel Crenshaw and Bill DiMarco); City Attorney, Lauren Sommers; City Administrator, Kevin Watson; Public Works Director, Jason Knope; Finance Director, Mike Crocker; Community Services Director, Melissa Bowers; and City Recorder, Kitty Vodrup.

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Brunscheon called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**II. BUDGET COMMITTEE CONSIDERATION TO APPROVE MAY 16, 2012 BUDGET COMMITTEE MINUTES**

The Budget Committee briefly convened and members included Mayor Brunscheon, Councilors Sumner, Leach, Nelson, and Christensen and Citizen Members Dr. Dale Rowe and Mr. Steven Hitchcock.

**MOTION:** Committee Member Rowe made a motion to approve the May 16, 2012 Budget Committee minutes. The motion was seconded by Councilor Sumner and passed by unanimous vote of the Budget Committee.

**III. CHANGES TO THE AGENDA**

None.

**IV. CONSENT AGENDA**

**MOTION:** Councilor Sumner made a motion to approve the consent agenda, consisting of the bills from May and the May 22, 2012 Council minutes. The motion was seconded by Councilor Nelson and passed by unanimous vote of the Council.

**V. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA**

Mr. Phil Moffitt, 899 W. 17<sup>th</sup> Avenue, Junction City, stated that he and his wife had been the ones who initially brought up the discussion on having chickens and bees within the City limits and he asked when discussions might occur on bees. Administrator Watson responded that the Council could include the discussion of allowing bees at the time the discussion occurs on chickens.

Mr. Dean Skiller, 93710 River Rd., Junction City, referred to crimes that had occurred against a few of his family members in Junction City and commented that things would only get worse after the mental hospital and prison were built. He stated that he had observed a lack of police presence on Ivy Street and encouraged better enforcement of regulations such as running red lights and not having mud flaps on pickups.

**VI. PUBLIC HEARING – FISCAL YEAR 2012-2013 BUDGET**

**A. PUBLIC HEARING**

Mayor Brunscheon opened the public hearing.

**Staff Report**

Director Crocker stated that each year prior to June 30<sup>th</sup>, the City is required to hold a public hearing on the approved budget to allow an opportunity for citizens to comment. After the hearing, Council can consider a resolution to adopt the budget. Staff members consider goals, objectives, and all previous Council direction as they prepare their department budgets. Careful consideration is given to expected revenue streams and expenditures that will be required to maintain the current level of service. The proposed budget was presented to the Budget Committee on April 19<sup>th</sup>. The Budget Committee approved the budget on May 16<sup>th</sup> and it is presented on Schedule A following the resolution in the Council packet. The entire approved budget document was available on the City's website, at City Hall and the Library, and at the Council meeting. The Council, after conducting the hearing, has the power to increase appropriations in the approved budget by 10% per fund before adoption.

**Public Testimony**

Dr. Dale Rowe, 1824 W. 10<sup>th</sup>, Junction City, stated that he has been a Budget Committee member for four years and was proud to say that he was able to serve this year. As a member of the Budget Committee and as a citizen of this community, he wanted to apologize to the City Council and apologize to the citizens of Junction City for failing them. He noted that they were charged with the task of presenting a fiscally responsible, balanced, non-deficit budget and that was not what this budget represented. He continued that the document was full of over expenditures, wasteful spending, and hopeful promises of increased revenue and would lead the City of Junction City down the road to financial ruin.

Dr. Rowe continued that the City could not afford this budget, and he referred to Administrator Watson's Budget Message and that the difficult task of balancing current levels of service versus the current sentiment of a balanced, non-deficit budget had been clearly pointed out. Dr. Rowe quoted from the Budget Message, "All budget actions must serve to enhance citizen's level of trust in City government" and noted that he did not feel that accepting a budget with a huge deficit increase enhanced citizen trust. He encouraged the Council to reject the budget and reconvene the Budget Committee with the clear message to return a fiscally responsible, balanced, non-deficit budget to the Council. He added that the citizens of Junction City deserved that.

**Questions/Comments from City Council**

Councilor Sumner referred to a General Fund 10 year summary document and stated the City only had one year where a balanced budget was adopted within the last eight years, and they had been told by staff that the City always had left over money in the General Fund at the end of the year. He noted that they had a deficit last year, but the Council elected not to address that, yet they say every year that they want to have a balanced budget. He stated that this budget was not balanced and he agreed with Dr. Rowe that the citizens of Junction City deserved better.

Councilor Christensen noted that over a period of eight years there had been times where the City has had deficits a lot deeper than the one being proposed and that was corrected within a year or so. He continued that for this year, they had a \$170,000 deficit, and rather than reduce staff at this time, he believed that the economy would turn around in the next year or two and the right thing to do was to adopt the budget as presented to the Council.

Councilor Leach stated that he would like to see the budget passed as presented and would like staff to closely monitor the numbers, alert the Council if revenues fall short, and to have a Plan B in place to quickly address any needed adjustments to the budget.

Administrator Watson responded that he and the Department Heads would be monitoring the budget, and if revenues did not come in as expected, they would notify the Council and reconvene the Budget Committee, if needed. He continued that history has shown that revenues will equal expenditures as the budget plays out throughout the year. He noted that the presented budget included conservative budget estimates and there was flexibility to allow staff to manage expenses and conduct business.

Mayor Brunscheon noted that he did not like the idea of passing a budget with a \$170,000 deficit and felt that this amount could have been addressed by not filling vacant positions and without having to cut current staff. He continued that he had heard Council concerns about transferring State Shared Revenue Funds to the General Fund and about hiring additional City employees. He added that he felt more education was needed on definitions of "balanced budget" and understanding of the budget, and he suggested that they do a three month budget review, instead of waiting until November or December.

Councilor Sumner noted that over the past six years, the Police Department had only had two years at full staffing, which consequently provided considerable savings to the General Fund at the end of the year and made the budget look better than it really was. He noted that the Police Department needed an 11<sup>th</sup> officer to keep up with growth, but that was not in the budget. He added that the budget included using Enterprise Funds to pay for employees in the General Fund and used State Revenue Sharing Funds to balance the General Fund. He stated that he felt that some of the funds were not used

properly and they should send the budget back to the Budget Committee to make adjustments.

Councilor Christensen asked if they would have enough information for budget review at the three month mark. Administrator Watson responded that the City receives property taxes in November and December, so that was why he had suggested reviewing the budget in six months.

Mayor Brunscheon expressed concerns that waiting until December and working around holiday schedules would put the budget discussion most likely in late January or February and that would be the time to begin discussions on next year's budget. Administrator Watson responded that they would need to meet in early January. Mayor Brunscheon noted that he would defer to the wishes of the Council on this.

Administrator Watson stated that as a point of clarification on what Councilor Sumner mentioned about the interpretation that Enterprise Funds were being spent on General Fund employees, City Hall staff provide Enterprise Fund related services; thus, Enterprise Funds were strictly spent on Enterprise related processes and projects.

Councilor Nelson asked what the vote was from the Budget Committee on approving the budget. Recorder Vodrup responded it was 7 to 1 in favor, with two abstentions.

Councilor Nelson pointed out that the budget was approved by a majority of the Budget Committee and questioned why they were allowing so much time on negative discussion. He noted that he felt the glass was half full and not half empty and they needed to adopt the budget, trust the professional staff to do what they were hired to do, and move forward.

Mayor Brunscheon closed the public hearing.

***B. RESOLUTION NO. 1 – A RESOLUTION ADOPTING THE BUDGET; MAKING APPROPRIATIONS; IMPOSING THE TAXES; AND CATEGORIZING THE TAXES FOR FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2012.***

***MOTION:*** Councilor Christensen made a motion to approve Resolution No. 1, adopting the Fiscal Year 2012-13 approved budget, making appropriations as shown on Schedule A of Resolution No. 1, imposing a tax rate of \$6.0445 per \$1,000 of assessed value, and allocating all the property tax money collected into the General Fund. The motion was seconded by Councilor Nelson and passed by a vote of 3 to 1 with Councilors Leach, Nelson, and Christensen voting in favor and Councilor Sumner voting against.

**VII. STATE SHARED REVENUE RESOLUTIONS**

***A. RESOLUTION NO. 2 – A RESOLUTION CERTIFYING THE CITY OF JUNCTION CITY'S ELIGIBILITY TO RECEIVE STATE SHARED REVENUES UNDER ORS 221.760***

***MOTION:*** Councilor Sumner made a motion to approve Resolution No. 2. The motion was seconded by Councilor Christensen and passed by unanimous vote of the Council.

***B. RESOLUTION NO. 3 – A RESOLUTION DECLARING THE CITY OF JUNCTION CITY'S ELECTION TO RECEIVE STATE SHARED REVENUES.***

***MOTION:*** Councilor Nelson made a motion to approve Resolution No. 3. The motion was seconded by Councilor Sumner and passed by unanimous vote of the Council.

**VIII. CAPITAL IMPROVEMENT PLAN**

Director Crocker stated that before the Council was the Capital Improvement Plan (CIP) for Fiscal Year 2012-2013, which covers the period 2012 through 2017. The Budget Committee reviewed the CIP as part of the budget process. The CIP is used to improve the City's ability to forecast future funding needs and allocate its resources accordingly and is based on various long range plans, goals, and policies of the City. The document has been enhanced to more effectively align with the budget document.

**MOTION:** Councilor Nelson made a motion to approve the Fiscal Year 2012-13 Capital Improvement Plan as presented. The motion was seconded by Councilor Christensen and passed by unanimous vote of the Council.

**IX. PUBLIC COMMENTS/DISCUSSION – CHICKENS IN THE CITY LIMITS**

**A. STAFF REVIEW**

Administrator Watson stated that this was an informal opportunity for the Council and community to provide comments on the possibility of allowing chickens, ducks, and bees on residential properties within the City limits. At a past meeting, the Council gave direction for a set of rules to be prepared and after researching, it was realized that this should probably go through the Planning Commission and be related to zoning of residential properties.

Administrator Watson reviewed a potential set of rules that would govern chickens and ducks, which included: Not having more than five; no roosters; must be confined to a covered coup or fenced area; would need to be 15 feet away from adjacent building and 10 feet from owner residence; keep area clean and smell free; meet current setbacks within code; pick up waste regularly; could not sell chickens or eggs; and no breeding or slaughtering on property. There would be no permit or fee and this would be enforced by the City's nuisance code and be complaint driven. He added that this was a policy decision for the Council and staff was looking for Council direction.

**B. PUBLIC COMMENTS**

Mayor Brunscheon opened the floor for public comments.

Mr. Phil Moffitt, 899 W. 17<sup>th</sup> Avenue, Junction City, stated that if the Council would be considering bees, he had a printout that provided guidelines. He noted that he had provided a copy to Administrator Watson.

Mayor Brunscheon responded that he would want the Planning Commission to have a copy of that guideline, if it is decided that they should review this topic.

Mr. Jamie Hooper, 449 Laurel Street, Junction City, stated that he felt it was wise to handle bees separately from the discussion on chickens and ducks. He shared that he had a neighbor who has kept chickens and did not even know that he had them until this issue came up. He reviewed that chickens and ducks were not only good for eggs, but were good for the garden as they were quite, ate pests, bugs and snails without having to use pesticides, and provided manure that could be composted and used as fertilizer. He continued that there were so many benefits from allowing this and he did not know of any incorporated city in Oregon that did not allow chickens or ducks. Mr. Hooper continued that the suggested rules made sense and he felt this would be a benefit to the citizens. He asked if the Council had any questions or concerns that citizens could address.

Councilor Christensen shared that he recently found out that his neighbor has had chickens for quite some time, and he, like Mr. Hooper, had been unaware of this. He stated that he would like to allow having chickens and ducks and then review in six months to see if there were any problems or questions that surfaced.

Ms. Patricia Phelan, 920 W. 1<sup>st</sup> Avenue, Junction City, stated that the only thing she would object to would be allowing roosters in the City limits.

Dr. Dale Rowe, 1824 W. 10<sup>th</sup>, Junction City, asked who would enforce this. Administrator Watson responded that enforcement would be a combination of working with Chief Chase and code enforcement in the Planning Department.

Mr. Moffitt noted that he did not want to have chickens, but if he did, he would not be able to have the coup be 15 feet from his neighbor or 10 feet from his house, due to his lot size. He asked if someone in this situation could be allowed to receive a waiver, if their neighbors were in agreement.

Administrator Watson responded that it would be difficult to manage from an administrative point of view, and the idea in setting up these parameters was to eliminate a majority of the potential issues that could come up. He continued that many properties

would be restricted because of having a small back yard and he recommended that the Council have strict rules in place that would allow for better enforcement capabilities. He added that a problem with allowing a waiver from a consenting neighbor would be having new neighbors move in who were not in agreement.

Mr. Moffitt responded that in that case you would have to get rid of them or put them in a different place if you had room. He noted that there were many chickens already in town, and he did not know of any complaints.

Mr. Tom Rogers, 890 W. 17<sup>th</sup>, Junction City, suggested that instead of establishing limits or criteria for having chickens, they could base the ordinance on the nuisance factor and if there was a complaint, provide the time and method for resolution. He continued that the ordinance should address the health and noise factors and there should not be a limit on the number of chickens or ducks you could raise.

Mr. Dean Skiller, 93710 River Rd., Junction City, provided the example of raccoons attacking chickens or ducks and brought up the possibility of citizens using BB guns or .22 rifles within the city limits.

Mr. Dudley Clark, 464 Laurel Street, Junction City, stated that he had received a \$500 fine for keeping ducks on his property and in the six years that he had them, he never saw a raccoon or other predacious creature. He noted that people would continue to have chickens and ducks and since this would be a complaint driven process, he thought it would be beneficial to have rules in place that would provide enforcement guidance instead of just having to get rid of the chickens or ducks. He expressed his agreement with not having licensing requirements and that there were many benefits, as noted by Mr. Hooper.

Councilor Leach noted that when this issue came before the Public Safety Committee, he went to the Prairie Meadows subdivision and talked to a number of residents on if they would like chickens and ducks within the City limits and most of them were against it. He and another Councilor also canvassed their home neighborhoods and those residents also did not want chickens. He stated that he had a problem with passing something, if the majority of the citizens were against it. He noted that the City of Veneta allows chickens, but only if the lot size is one acre or more. He added that there was a reason why this had not allowed in this City, even if other cities were allowing it.

Councilor Nelson stated that he asked some people in town about this as well and 5 to 1 were against. He added that chickens and ducks do make noise, as well as bees.

Councilor Leach provided the example of his tenant who had an irresponsible neighbor with chickens that cause tremendous damage to flower beds and sidewalks.

Mr. Phelan suggested that the Council conduct a poll to see how many people are in favor or opposed to allowing chickens and ducks and to present this information to the Planning Commission.

Mr. Clark responded that a poll had already been conducted and a majority of people had said that they wanted chickens, but the poll had been disregarded by the Council. He asked what sort of poll or canvassing process would be of an acceptable means that would not be thrown out.

Ms. Karen Leach, 385 Timothy Street, Junction City, stated that she would be more than happy to volunteer and take a petition around to her neighborhood or any other neighborhood in town.

Mr. Mike Bonner, 1467 W. 12<sup>th</sup>, Junction City, stated that he and other people choose to live in a city to have certain rules and regulations and if someone wanted to raise chickens they could get some property outside the city limits.

Ms. Kristan Welsh, 1455 W. 12<sup>th</sup>, Junction City, stated that she agreed with Mr. Bonner and had conducted a poll with a dozen of her neighbors and all of them were opposed. She added that they had one neighbor who had chickens that got out, which created a large problem.

Mr. Moffitt stated that he chooses to live in the city because he could not afford to move out to the country, in response a comment made by Mr. Bonner.

Mr. Clark stated that you could argue that dogs are messy and have caused more complaints than chickens would ever cause. He continued that people were going to do this anyway, whether people like it or not and whether the majority or minority rules, so the question was how to address it. He noted that if this is pushed back under the surface, it would still be complaint driven. He suggested that as long as it is complaint driven, that a set of rules and guidelines be put in place to deal with each particular instance.

Mr. Tristan Clark, 494 Laurel Street, Junction City, stated that a year ago they had ducks and the police came and talked to his dad. He added that the police were very nice and said that they had to get rid of their ducks.

Mayor Brunscheon asked what the Council would like to do and reviewed options.

Councilor Nelson stated that he would like to see the input from everyone at tonight's meeting forwarded to the Planning Commission.

Councilor Sumner expressed his concurrence with Councilor Nelson. He noted that the Planning Commission could go through the public hearing process and make a recommendation to the Council and then the Council would make the final decision.

Mayor Brunscheon asked if there was a consensus to take Councilor Nelson and Councilor Sumner's recommendation.

Councilor Leach responded that there was not.

Chief Chase noted that the Planning Department had used Survey Monkey to conduct the last survey, and it was not validated as the only people who knew about it were the ones who wanted the chickens.

Mr. Steven Hitchcock, 635 W. 14<sup>th</sup> Avenue, Junction City, asked what it would take to get a legitimate petition.

Ms. Leach and Mr. Moffitt indicated they would be happy to circulate petitions.

Administrator Watson responded that they could submit that to the Planning Commission during the public hearing process.

Chief Chase added that this issue had been discussed on many occasions by the Public Safety Committee, beginning in January 2011, and the final vote of the Committee was 2 to 1 against allowing chickens in the City limits.

**MOTION:** Councilor Sumner made a motion that they take the idea of chickens, bees, and ducks to the Planning Commission for a public hearing and decide whether or not the City should have these in the City limits. The motion was seconded by Councilor Nelson and passed by a vote of 3 to 2, with Councilors Nelson and Sumner in favor, Councilors Leach and Christensen against and Mayor Brunscheon voting in favor to break the tie.

**X. SCANDINAVIAN FESTIVAL ASSOCIATION REQUEST FOR 2012 FESTIVAL**

Director Bowers reviewed that Administrator Watson would be the staff point of contact prior to and during the festival and that staff had completed follow up with business owners who had expressed concerns on set up. The Community Development Committee reviewed the request and conditions and recommended approval.

**MOTION:** Councilor Nelson made a motion to approve the street closure conditions for the 52<sup>nd</sup> Annual Scandinavian Festival with the additions, as recommended by staff. The motion was seconded by Councilor Christensen and passed by unanimous vote of the Council.

**XI. INTERGOVERNMENTAL AGREEMENT WITH LANE COUNCIL OF GOVERNMENTS FOR SENIOR MEALS**

Director Bowers stated that this was an annual agreement that the Senior Center enters into for the administration of the Dining Room and Meals on Wheels Programs. Community Services Committee reviewed and recommended approval.

**MOTION:** Councilor Sumner made a motion to approve the Intergovernmental Agreement with Lane Council of Governments for the Senior Meals Program, as presented, and to authorize the Mayor to sign the agreement. The motion was seconded by Councilor Leach and passed by unanimous vote of the Council.

## **XII. PLANNING UPDATES**

### **A. TRANSPORTATION SYSTEM PLAN**

Administrator Watson stated that the Citizen Advisory Committee (CAC) recently met to discuss moving forward with the Transportation System Plan (TSP) update, as had been requested by the Council. The question was whether to move forward with the current status of the Customized Periodic Review or not. After discussion, the CAC recommended continuing with the TSP update.

**MOTION:** Councilor Nelson made a motion to continue with the TSP update. The motion was seconded by Councilor Sumner and passed by unanimous vote of the Council.

### **B. CUSTOMIZED PERIODIC REVIEW**

Administrator Watson noted that the Planning Commission reviewed the results of an updated Residential Buildable Lands Inventory and Housing Needs Analysis and next week would review the revised ESEE Analysis that incorporates the recent wetland protection standards.

Councilor Sumner added that the Customized Periodic Review Subcommittee would be meeting on June 19, 2012 at 9:00 a.m. to review updated Economic Opportunities Analysis and Findings and would provide recommendations to the Council.

Mayor Brunscheon expressed appreciation to all involved and encouraged everyone to continue working diligently on the process.

## **XIII. DEPARTMENT OF ENVIRONMENTAL QUALITY TIMELINE ON CITY'S MUTUAL AGREEMENT AND ORDER (MAO) FOR SEWER TREATMENT**

Director Knope stated that before the Council was a timeline that was requested by the Department of Environmental Quality (DEQ) to address the City's Mutual Agreement and Order (MAO), which was originally drafted in 1995. The last renewal expired as of January 1, 2012, and Westech drafted a timeline for the Sewer Treatment Plant project. The Treatment Stakeholder Subcommittee reviewed and recommended adding an additional year to the construction timeframe, which now shows completion of the Treatment Plant in eight years.

**MOTION:** Councilor Nelson made a motion to direct staff to draft the response letter to the DEQ with the draft timeline, as recommended by the Treatment Stakeholder Subcommittee. The motion was seconded by Councilor Christensen and passed by unanimous vote of the Council.

## **XIV. LANE COUNCIL OF LIBRARIANS INTERGOVERNMENTAL AGREEMENT**

Director Bowers stated that this agreement allows reciprocal lending throughout the county amongst eight libraries. Community Services Committee recommended approval.

**MOTION:** Councilor Nelson made a motion to approve the Intergovernmental Agreement for Lane Council of Librarians as presented and to authorize the Mayor to sign the agreement. The motion was seconded by Councilor Sumner and passed by unanimous vote of the Council.

## **XV. INTERGOVERNMENTAL AGREEMENT & ENGINEERING SERVICES**

Director Knope stated that this agreement would allow Westech Engineering to begin the design and bidding work. Funds are allocated in the Department of Corrections (DOC) Intergovernmental Agreement (IGA) Fund for the state to pay for this work.

**MOTION:** Councilor Christensen made a motion to approve the engineering services proposal for the Water Main from the Spine Road to the South Elevated Tank from Westech Engineering in the amount of \$12,000 and authorize the City Administrator to sign the necessary documents. The motion was seconded by Councilor Nelson and passed by unanimous vote of the Council.

**XVI. THE AUTOMATION GROUP PAY REQUEST 15**

**MOTION:** Councilor Nelson made a motion to approve Pay Request #15 to The Automation Group in the amount of \$36,331.68. The motion was seconded by Councilor Sumner and passed by unanimous vote of the Council.

**XVII. STAFF REPORTS**

Chief Chase referred to a gentleman who had committed 50 crimes in the community and had been arrested and put in the City's jail. In response to Mr. Skiller's public comments on police visibility, Chief Chase stated that one of the consequences of being short on officers is that officers could not often be on Ivy Street or enforcing traffic because they were handling other calls or working on serious criminal investigations. He noted that cut backs to county funding and not being able to hold people on felony crimes would make these matters worse going forward.

Director Knope reported that Public Works had completed pouring the foundation work for the Skatepark structures and would soon begin work on the waterline replacement project.

Director Crocker reported that in reviewing recent reports, it appeared that revenue would likely equal expenditures for the current budget year.

Director Bowers reported that the Summer Activity Guides had been distributed and Parks Lead, Rick McClintock, had done a great job with crime prevention through environmental design at Tequendama. Community Services and Parks Committees reviewed the survey responses from Raintree Meadows residents (50% response rate) on their choices for playground equipment, which will come before the Council in July.

**XVIII. COUNCILOR COMMENTS/QUESTIONS**

Councilor Sumner thanked the Parks Committee for their hard work and for all the responses on playground equipment from the Raintree Meadows residents. He noted that they were getting a lot of things done that in the past they had just talked about. He stated that there were some directors and staff members that were coming to the forefront to help the City out and he and the citizens appreciated that.

Councilor Nelson thanked staff for all they do.

Councilor Christensen stated that the City had good staff and he thanked them for their work. He added that he was glad they got the budget passed.

**XIX. MAYOR'S COMMENTS**

None.

**XX. OTHER CITY COUNCIL BUSINESS**

Mr. Mark Crenshaw, 1280 Oak Street, Junction City, stated that the Scandinavian Festival Association (SFA) had already erected their bleachers and amphitheater at the Main Festival Park. SFA is trying to create more opportunities for the public to be able to hold events in the downtown area, and interested parties could contact SFA to get on the schedule.

**XXI. ADJOURNMENT**

As there was no further business, the meeting was adjourned at 8:28 p.m.

ATTEST:

APPROVED:

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Kitty Vodrup, City Recorder

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David S. Brunscheon, Mayor

## Chicken Survey Responses and Comparative Ordinances - Other Jurisdictions

Junction City Survey Results		City of Bend	City of Salem	City of Stayton	City of Creswell	City of Milwaukie WI	City of Austin TX	
Topic	Survey Question	Response						
					Information gathered by			
<b>Ordinance allows Chickens</b>	Ordinance that allows residents to keep chickens on their property	71% of respondents said yes	By City Ordinance	By City Ordinance as of September 27, 2010	By City Ordinance	By City Ordinance	Proposed Ordinance	By City Ordinance
<b>Maximum number of Chickens</b>	The maximum number of chickens allowed to be kept on private property	The most common answer was 5	up to 4 hens on lots 5,000 sq ft or larger	In the city (excludes county islands w/in the urban growth boundary) 3 hens (no roosters) in rear yards.	Does not specify	1-3 hens/5,000 sq ft	The maximum number of chickens allowed is four (4) per lot.	Does not specify
<b>Where Allowed</b>	People who live in apartment complexes allowed to keep chickens	69.1% said no	Residential lots	Chicken coop & run (combined): at least 20' from <u>dwellings</u> on adjacent properties & 10' from owner's house. No minimum lot size .	fenced area not located w/in 10' of a property line	Chicken allowed for single family dwellings only. No multi-family or manufactured home parks	Chickens kept fenced. Henhouse provide safe & healthy conditions while minimizing adverse impacts to the neighborhood	ENCLOSURE: an enclosure used to house a bird, fowl, livestock, or other animal.
<b>Other Restrictions</b>	City restrictions on chicken	50%+/- response: no roosters.	must be fenced in	liscense and insurance required to keep chickens	Cannot run at-large	lot size determines # of hens; 4-6 hens = 10,000 sq ft	Permit required	Animals at-large will be impounded
<b>Enforcement</b>			Code Enforcement Officer	Compliance Officer (Compliance Services)\$50.00 permit fee. Inspections by outside vendor	Police Chief or other officer, person designated or appointed by the Police Chief	Complaint Driven (had a grant-funded Code Enforcement Officer)	Code Enforcement Officer issues permits: compliance w/ criteria (chicken keeper class)	Except as provided the health authority shall enforce this title.
	Would you keep chickens on your property if	80 of 81 answered. 52.5% said yes						
	Would you keep honey bees on your property if	80 of 81 answered. 90% said no	Bee ordinance information available on next tab					
	Do you live in Junction City city	80 of 81 answered.						
	Do you own or rent	80 of 81 answered.						

## Bee Survey Responses and Comparative Ordinances - Other Jurisdictions

Junction City Survey Results			City of Bend	City of Ashland	City of Milwaukie OR
<b>Topic</b>	<b>Survey Question</b>	<b>Response</b>	541.383.4885		
<b>Number Allowed</b>	Maximum bee hives allowed to be kept on private property	50% +/- responded. 2 hives was the most common	1 colony/ legal lot up to 5,000 sq. ft. of lot area, 1 add'l colony/ each add'l 5,000 sq. ft. lot area, up to 8 colonies		
<b>Other Provisions</b>	City restrictions on beekeeping	50%+/- response: Keepers take responsibility		No person shall keep a bee container of any kind w/in one 150 ft of another dwelling, street or sidewalk.	
<b>Enforcement</b>			Enforcement Officer		Code Enforcement Officer issues permits: compliance w/ criteria (chicken keeper class)

Chapter 602 — Bees

2011 EDITION

BEES

ANIMALS

602.010 Definitions

602.020 Chief Apiary Inspector

602.090 Registration of bee colonies; fees

602.180 Disposition of fees

602.190 Designation of diseases; eradication and control programs; regulation of commercial use of diseased wax; rules

602.990 Penalties

**602.010 Definitions.** As used in this chapter, the term:

(1) “Apiary” and “apiary property” includes bees, honey, beeswax, bee comb, hives, frames and other equipment, appliances and material used in connection with an apiary.

(2) “Appliances” means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary.

(3) “Bees” means honey-producing insects of the genus *Apis* and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form.

(4) “Colony” or “colonies of bees” refers to any hive occupied by bees.

(5) “Department” means the State Department of Agriculture.

(6) “Disease” means pests, disease or any condition affecting bees or their brood.

(7) “Hive” means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(8) “Location” means the premises upon which an apiary is located.

(9) “Person” includes any individual, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities which are the subject of this chapter, in the regular course of business. [Amended by 1961 c.177 §1; 1963 c.65 §1; 1989 c.738 §5; 1993 c.350 §1]

**602.020 Chief Apiary Inspector.** The State Department of Agriculture is authorized to appoint a Chief Apiary Inspector and such deputy apiary inspectors as may be necessary to conduct service work requested by the apiary industry. The administration of the program shall be under the direction and control of the Director of Agriculture. The apiary industry shall pay service fees in amounts established by the department by rule to cover all expenses incurred in the conduct of the program. [Amended by 1961 c.177 §2; 1993 c.350 §2]

**602.030** [Amended by 1953 c.400 §7; 1981 c.164 §1; 1989 c.738 §6; repealed by 1993 c.350 §6]

**602.040** [Amended by 1953 c.400 §7; 1989 c.738 §7; repealed by 1993 c.350 §6]

**602.050** [Amended by 1989 c.738 §8; repealed by 1993 c.350 §6]

**602.060** [Amended by 1953 c.400 §7; 1961 c.177 §3; repealed by 1993 c.350 §6]

**602.070** [Amended by 1953 c.400 §7; repealed by 1993 c.350 §6]

**602.080** [Repealed by 1953 c.400 §7]

**602.081** [1961 c.177 §5; repealed by 1993 c.350 §6]

**602.083** [1967 c.123 §2; 1989 c.738 §9; repealed by 1993 c.350 §6]

**602.085** [1967 c.123 §4; 1989 c.738 §10; repealed by 1993 c.350 §6]

**602.087** [1967 c.123 §3; 1989 c.738 §11; repealed by 1993 c.350 §6]

**602.090 Registration of bee colonies; fees.** (1) Every person who owns or is in charge of five or more colonies of bees located within this state, shall cause the colonies to be registered with the State Department of Agriculture as in this section provided.

(2) Application for registration shall be made on a form furnished by the department. The registration shall cover each colony of bees owned by the applicant, and shall give the locations of such colonies and the name, address and telephone number of the owner and the name, address and telephone number of the person in charge if the person in charge is not the owner. The registration shall be made before June 1 of each year for all colonies. Each registrant shall furnish an address to which any notice required by this chapter to be given may be sent, and shall agree that any notice sent by the department to such address shall be deemed to be notice in fact.

(3) The application for registration shall be accompanied by a fee not to exceed \$10. For each registration after July 1, the fee shall not exceed \$20. The department, by rule, shall establish the fees subject to be the maximum limits prescribed in this subsection.

(4) When the ownership of bees which have been subject to the charge provided in this section is changed, the department shall transfer the registration to the new owner without charges. However, if the bees have not been previously registered, the new owner shall pay the registration fee without penalty.

(5) The department shall maintain records of registered beekeepers and the number of colonies registered. [Amended by 1953 c.400 §7; 1961 c.177 §6; 1963 c.65 §2; 1989 c.354 §1; 1991 c.633 §1; 1993 c.350 §3]

**602.100** [Repealed by 1993 c.350 §6]

**602.110** [Repealed by 1993 c.350 §6]

**602.120** [Repealed by 1993 c.350 §6]

**602.130** [Repealed by 1993 c.350 §6]

**602.140** [Amended by 1991 c.249 §60; repealed by 1993 c.350 §6]

**602.150** [Repealed by 1993 c.350 §6]

**602.160** [Repealed by 1993 c.350 §6]

**602.170** [Repealed by 1993 c.350 §6]

**602.180 Disposition of fees.** The State Department of Agriculture shall deposit all fees paid to it under this chapter into the Department of Agriculture Service Fund. Such fees are continuously appropriated to the department for the purpose of administering and enforcing this chapter, including release and publication of information and material to better acquaint the bee industry with the law and regulations promulgated thereunder. [Amended by 1961 c.177 §7; 1979 c.499 §16]

**602.190 Designation of diseases; eradication and control programs; regulation of commercial use of diseased wax; rules.** In order to prevent and control apiary diseases, the State Department of Agriculture:

- (1) May designate diseases and conditions which threaten the honey bee population in this state.
- (2) May establish by rule treatment programs designed to eradicate or control the disease or condition.
- (3) May establish rules regulating commercial facilities which render diseased wax. [1989 c.738 §2; 1993 c.350 §4; 1993 c.742 §63]

**602.200** [1989 c.738 §3; repealed by 1993 c.350 §6]

**602.210** [1963 c.65 §4; 1989 c.738 §12; repealed by 1993 c.350 §6]

**602.220** [1963 c.65 §5; 1989 c.738 §13; repealed by 1993 c.350 §6]

**602.230** [1963 c.65 §6; 1989 c.738 §14; repealed by 1993 c.350 §6]

**602.240** [1963 c.65 §7; repealed by 1993 c.350 §6]

**602.250** [1963 c.65 §8; repealed by 1993 c.350 §6]

**602.260** [1963 c.65 §9; repealed by 1993 c.350 §6]

**602.270** [1963 c.65 §10; repealed by 1993 c.350 §6]

**602.280** [1963 c.65 §11; 1967 c.637 §20; repealed by 1993 c.350 §6]

**602.300** [1989 c.61 §2; repealed by 1993 c.350 §6 and 1993 c.742 §62]

**602.900** [1989 c.738 §§4,17; 1991 c.734 §53; repealed by 1993 c.350 §6]

**602.990 Penalties.** Subject to ORS 153.022, violation of any of the provisions of ORS 602.090 or 602.190, or any rule adopted pursuant thereto, is a Class B misdemeanor. [Amended by 1993 c.350 §5; 1999 c.1051 §320; 2011 c.597 §245]

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