

Summary Minutes
City of Sedona
Planning & Zoning Commission Work Session
Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, April 3, 2018 - 3:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chair Losoff called the work session to order at 3:30 p.m.

Roll Call:

Planning & Zoning Commissioners Present: Chair Losoff, Vice Chair Kathy Levin and Commissioners Randy Barcus, Eric Brandt, Kathy Kinsella, Larry Klein and Gerhard Mayer.

Staff Present: Warren Campbell, Audree Juhlin, Robert Pickels Jr., Mike Raber and Donna Puckett.

Councilor(s) Present: Mayor Sandy Moriarty

2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF

Warren Campbell indicated that on April 10th, the Council will discuss the P&Z Rules and Procedures, and we are bringing forward a Sign Code amendment to allow signs in the ADOT right-of-way if permission is given by ADOT. Additionally, we do have two candidates for the position that Commissioner Barcus will be vacating when his replacement is selected. Those two individuals are Bill Chisholm and George Braam. Interviews will be scheduled in the next couple of weeks.

3. Discussion on navigating the City's website, accessing emails and online Commission packets and information

Warren Campbell explained that with the change in software, there have been some challenges with email. He showed the Commissioners how to access their meeting materials and email from the City's website. Commissioner Kinsella and Commissioner Mayer discussed their problems, and the Chair suggested getting with IT. Commissioner Klein stated that he is also having problems and asked that emails also be sent to his personal email. Audree Juhlin agreed that until the issues are resolved, we will send emails to both email addresses. Commissioner Barcus, Vice Chair Levin and Chair Losoff indicated that they were not having problems.

4. Discussion/possible direction regarding the update of the Land Development Code.

Mike Raber stated that this item is a continuation of the Commission's March 20th work session when the final segment of the draft was introduced as Part Three on Administration and Procedures. This is an opportunity to continue that discussion, and the other two Parts of the Land Development Code were Part One, Zoning Districts and Use Regulations, that was last discussed on September 5th, and Part Two, Development and Subdivision Standards, that was last discussed on March 20th. This work session allows the opportunity for discussion on those Parts prior to putting them all together in the consolidated draft.

Chair Losoff stated that normally we haven't allowed public comment during work sessions; however, Audree has talked with some people and, given the nature of this topic, since it is not a project that is going to be approved, etc., we will allow an exception and allow public comment on this subject using our rule of three minutes.

Mike indicated that in Part One, the Use Regulations allowed for urban agriculture in all zoning districts and that included poultry and bees. Staff wants the Commission's input on that topic, because we are still working with Clarion on how to apply those standards to the Land Development Code. We introduced urban agriculture into the Code, but most related specific standards are

typically found in the animal sections of City Codes, so we need to work on what we want to retain in our Code versus having something in the City Code.

Mike pointed out that we have received numerous comments, mostly about allowing chickens and a couple regarding bees. Most of the comments about chickens were received before we even started the Land Development Code update, when we were looking into the issues that we needed to address, although some of the comments about chickens were received more recently, so staff is suggesting that we start with that topic of urban agriculture, since we also have some public that wish to address the Commission tonight.

Mike stated that Attachment 3 of the packet has numerous comments that were in favor of keeping chickens and at least one that was not favorable. There were also a couple of comments about bees; one of those outlined several concerns they have about beekeeping. Since the packet was distributed, we received a petition and several other comments that are favorable to allowing chickens, and there is at least one comment against keeping chickens because of a concern about attracting predators. Those petitions and comments received have been handed out tonight.

Mike explained that while some provisions might be included in the Land Development Code many others might be more appropriate in the City Code, particularly items such as licensing and specifics for things like enclosures, bee flyways, etc. The City of Flagstaff allows for the keeping of poultry and bees in all zones, but all of their standards are in their City Code. Others that might not have that many standards in their Code included them in their Zoning Ordinance, but there are not a lot of additional standards involved.

Mike indicated that the current draft of the Land Development Code allows urban agriculture within all zones, but the Multi-family, Commercial and Industrial zones would require urban agriculture to be an accessory to an occupied dwelling unit onsite. The intent is to prevent vacant properties from being used solely for that purpose and to have some onsite monitoring by the resident, but that is a question that can be addressed in the Land Development Code, because we currently have a provision that deals with that. The question is whether we would want to extend that requirement as an accessory use in all districts and require an onsite residential use. Flagstaff requires that the principle use of the property be residential, even in a nonresidential zone, or educational in their City Code. Other considerations might include minimal acreage for the use. Should larger lots be required for either bees or chickens? Should setbacks or some separation be spelled out in the Land Development Code for requirements for operations in the rear yard for instance? Many communities might provide that kind of standard in their City Codes. Some regulate the distance between a neighboring dwelling unit and the yard where the activity occurs. Should the number of chickens or hives on the property be part of the Land Development Code? That is a number that can vary greatly among communities, but it may be something you want to discuss. The Commission already weighed in on the rooster question in a previous discussion, and there was a consensus that roosters would not be allowed.

Mike stated that there are other standards that probably do not belong in the Land Development Code, such as for chickens that could include standards for chicken coops and ranging on a lot, and for bees, it could include size limits on hives and flyways, which force bees to fly up so they fly higher than people walk; water sources; how to deal with aggressive bees, and maintenance. Those standards are more appropriate in the City Code.

Chair Losoff asked if staff had any specific recommendations, and Mike stated not at this point, other than when we talk about accessory use, it would be a good idea to focus on maybe making that accessory in all districts, so there is a primary use on the property. The Chair then asked what the consultants would say about what they see around the country, and Mike indicated that is typical; it was seen in Flagstaff's code and it is not unusual.

Vice Chair Levin asked if he said accessory in all zones that had a dwelling unit on it, and Mike explained it would be an accessory use, so on one hand, you have the issue of having a primary use

there first and this being accessory to that. The other issue is in your nonresidential zones, do you want to see the primary use be residential, so you are assured that someone is living onsite.

Commissioner Brandt asked if this could be handled with Conditional Use Permits, and Mike Raber indicated that he could talk with the consultants about that to see if that is something they have seen. A lot of communities deal with a lot of specifics in their City Codes, so a lot of their Zoning Ordinances tend to be basic about the allowances. Audree Juhlin noted that could be a recommendation from the Commission. If we are considering a Minor and Major Conditional Use Permit, perhaps this could be a Minor if it is in a nonresidential area. Commissioner Brandt then asked what the current codes are, and Mike Raber stated that our current Zoning Ordinance only allows farm-type animals in larger lot zoning districts and does not address allowances for chickens. Commissioner Brandt then pointed out that horses and things like that, but nothing specific. He then asked if there is anything to say you can't have them, and Audree indicated that she thinks it says pigs and chickens are not allowed.

Commissioner Klein asked if we are proposing that anyone who owns a house can have chickens or are we going to limit it to a certain lot size? Mike Raber stated that is one of the questions, and he thinks what we heard from Clarion was that typically they might be allowed in all zones, but they have a limit on the number that is on a sliding scale with the size of the lot or type of zoning. For instance, a ceiling of six has been cited by Clarion as being fairly typical, but it ranges throughout different communities. In Flagstaff, lots of 20,000 sq. ft. or less are limited to five and over that it is on a sliding scale. Commissioner Klein asked if there is a concern about attracting predators, and Mike indicated that we received one comment about that, but he couldn't answer that as far as the likelihood. The Commissioner stated that he means are you going to get coyotes jumping fences to get to the chickens? Chair Losoff indicated those are issues on the table to discuss, and Mike Raber added that you might have standards for how you keep the chickens on your property, particularly at night, but that might be more than what the Land Development Code is geared toward, but you might want standards like that put in place. Typically, they will regulate the size of the chicken coop and its location, etc. Commissioner Klein then asked if a snake will eat a chicken, and Commissioner Mayer stated no, the eggs. Commissioner Klein then indicated that snakes could easily come over fences and get into a chicken coop

Commissioner Kinsella referenced Commissioner Brandt's idea of a Conditional Use Permit, but as opposed to a Conditional Use Permit, is there consideration of licensing? Would the Land Development Code be able to provide for a licensing feature? If people were allowed to keep chickens, would we be able to require a licensing? Mike Raber stated that Clarion noted that it is typical to provide a permitting, licensing process, but that is not something you would see in the Land Development Code; it would be something in the City Code. Commissioner Kinsella asked if it would be cross-referenced in the Land Development Code, and Mike indicated yes.

Chair Losoff asked about cattle, other poultry, etc., if we open it up for chickens, and Mike Raber explained that larger animals would not be part of this urban agriculture definition; it is pretty much limited to chickens, bees, small garden-type farming. Chair Losoff asked if that is legal, and Robert Pickels Jr. stated that at this point we are just having a discussion and whatever is recommended we'll look at, so that is perfectly within your capacity. Chair Losoff asked Mike Raber if the public was aware that this was happening, other than the people we will hear from today. Mike stated no, we would circle back with this discussion, when we get the consolidated draft. Today, we are looking for the Commission's feedback mainly. The Chair then indicated that there isn't a huge awareness among others in the community that this is being discussed, and Mike Raber agreed that perhaps not on this day, but there is certainly an awareness that the Code is addressing it, because we've gotten so much feedback.

Vice Chair Levin noted that a number of the comments came from July of 2015 and asked if there was a working group talking about this. Audree Juhlin stated no and explained that when we first started talking about the Land Development Code update and getting a consultant, we also had some code enforcement issues regarding chickens on a residential property, and those folks asked how to

get the Code changed, so she told them that we're moving this update forward, and we received a lot of comments at that time.

Commissioner Mayer stated that he supposes you have chickens in your backyard to have fresh eggs in the morning; he is not a biologist, but how can you have fresh eggs when you don't have a rooster and roosters are not allowed?

Chair Losoff opened the public comment period at this time.

Kurt Gehlbach, Sedona, AZ: Mr. Gehlbach stated that he is with the Historical Preservation Commission, but he is not here today representing them, but himself as a resident. He is going to take this from a different angle, because we are in a town that has demographics of 65 years and older with immune deficiencies that could be affected through Salmonella outbreaks. When you are looking at keeping hens, Salmonella can be contracted through any contact by touching the hen, it's beak; getting onto the feed and dishes used; tracking it in and out of the house on shoes, and it is going to be a problem. He has an article from the CDC saying 70 outbreaks linked to backyard poultry, and when you look at outbreaks, then you have to look at who else was affected. There were 10 in the United States in 2010 and 450 people were affected by those 10 people. When you look at the feces and think about the breakdown of the feces on the ground or in the cages, you think of the wind elements here and the air inhalation, then you have to think of the nasal passages and lungs involved of those with immune deficiencies and the additional problems we could have with Salmonella outbreaks. That seems to be the real problem other than the fact that we have predators – bobcats and coyotes, snakes, and they will go for the chickens under any circumstances, because they are hungry, and this is the wilderness. We also have to think about young children and the elderly, so there it is for the chickens. Going to the bees, the entire State of Arizona has been affected by the African bees. The feral bee and the African bees have been comingling long enough that the aggressive behaviors of the feral bees are now at a place that younger children and elderly-aged are or can be in danger, so that is something else that we don't want in Northern Arizona and in greater quantities among City residents and the homes here. He hopes he gave you some other things to think about from a public health and safety standpoint. He agrees with maybe having hens, but he also agrees with keeping them where they are on the larger properties and maybe creating a co-op, so people could buy from their neighbors. Same thing with self-sustainability with gardens; he wishes people would create more gardens.

Arlene Gold, Sedona, AZ: Ms. Gold stated that she is one of those residents that had chickens many years ago and loved them -- enjoyed the eggs tremendously. They loved the health benefits of having nutritious fresh eggs, and they gave all of their scraps and compost to the chickens, and in return, the chickens gave them back wonderful fertilizer in the form of their poop, so they were able to fertilize their garden and get beautiful vegetables. With the beautiful cycle of life, it was a very sustainable life; they lived it, and she was thrilled that this is coming up now in Sedona, which should be a progressive community, and it would be fabulous to allow people to have the chickens under certain guidelines of course.

Jessica Sierra, Sedona, AZ: Ms. Sierra indicated that she will explain about the ovaries that we all have; women have menses each month, and Chickens have eggs each day; they don't have to be fertilized. She is speaking not just for herself, but for a lot of people who were afraid to come forth, because they don't want to be shut down from having their chickens like she and Arlene were, so they did not write letters; they did not sign the petition and they are not showing up here today. It speaks for itself that there were so many people underground with chickens. In the community survey, 53% of respondents said they strongly support recycling and zero waste, and 37% somewhat supported it. Chickens are the ultimate recyclers; they eat bugs, kitchen waste and give us fertilizer, and the only time they make noise is to announce they have laid an egg. They don't do that at night; they go to sleep with the nightfall. She has had chickens all her life and she lived in Pacific Palisades, which is a pretty urban community, and as a suggestion, the chickens were 35 ft. from the nearest neighbor. They allowed roosters, although she doesn't agree that we should have roosters, but the roosters were 50 ft. away, and that is how they regulated how far from the nearest neighbor and how

many chickens you would have. They never got sick, never had Salmonella; they loved the eggs, and her children learned that eggs don't come in a box from the store behind a glass case; they come from a living, breathing wonderful member of the family – pets, and they are not alienated from their food sources, because they used the poop to create gardens, and they saw how beautiful the natural circle of life is and occurs. Thank you for having this come up.

Bill Chisholm, Sedona, AZ: Mr. Chisholm indicated that he has his wife with him as well, but he doesn't have an opinion personally, because he hasn't done enough research yet on this subject, but he read the packet and asked his wife what she thought about it. He is going to read this verbatim, because she told him to and he must follow orders – she must be obeyed. From his wife to Mike Raber – “I am against having chickens in City limits. After some research about bobcats, it is clear that having chickens will lure them into housing developments even more than usual. They are attracted to the smell and the easy prey. This will put both people and pets in more danger from bobcats, mountain lions, foxes (possibly rabies) and coyotes -- Kim Chisholm. He added that they like chickens and eggs; they like recycling and zero waste. They are totally cool with all of that; not really cool about bobcats jumping over their fencing because their neighbor has a chicken.

Dan Hester, Sedona, AZ: Mr. Hester stated that it probably isn't a problem, but noise, odors; he is definitely for chickens, because he has had them for 10 years at different times in his life, but for 10 years, he has had them for the purpose of having eggs from four to six chickens, and he has never had a problem with smell or odors, because typically, everybody cleans up after their animals or pets, and that is what you do with chickens. There is no noise, not from hens; you get that from the rooster, but hens are up in the daytime and very quiet. You don't have that problem like you do with dogs that bark during the day or night, so it is not a problem with noise. The main thing he sees with the concern about predators, he has never had, except his own Husky, which was a puppy that attacked a chicken; it didn't kill it, but he drug it until he could catch him, and the chicken was okay. They were all penned. If a chicken escaped when he went into the pen or someone left it open is how his dog got it, but they are penned. He doesn't want them to get hurt; it's an investment and also pets, and you don't want the neighbor's dog or someone getting them; if they fly over a fence, they are gone. As far as predators, fencing is the only way to take care of that. He doesn't see attracting bobcats, mountain lions or any other animal could get them, like the racoons probably. Snakes, he doesn't know that he would worry about snakes, because he has seen small roadrunners kill rattlesnakes, so he isn't worried about snakes. They wouldn't be coming in small chicken wire, unless they are a small snake, and those wouldn't probably last in there. He has had a lot of rattlesnakes around his house, and he doesn't like them, but they don't bother the chickens. He could see that part where you have predators, and fencing is the only way to handle that, and he wouldn't see a problem then.

Iona Altman, Sedona, AZ: Ms. Altman indicated that most of the things that she was going to say have already been said, so she will start with she lives off Rodeo and they have six coyotes living in that area, and they worry about predators when they have little dogs going for walks. These predators are living with all of this. If we were liking city life where everything is covered with concrete, then we could have that clean environment, but people in Sedona like nature, and nature includes the mountain lions and the predators. There are ways of dealing with this; we shouldn't shut down; maybe if we feel that way, maybe we shouldn't allow little dogs, because she could see that interested these coyotes in her neighborhood. She took the CER training in San Diego, Community Emergency Response, and the firemen who taught the course impressed upon them the importance of emergency preparedness like water and food storage. They explained that it isn't if we will have an event that cuts us off from food supplies and emergency services, but rather when such events happen. In addition to enriching our lives now, eggs and gardens could be live-saving. These skills need to be practiced before emergency times to be able to do it right. Let us make wise decisions.

Haejung Jung, Sedona, AZ: Ms. Jung indicated that she has lived in Sedona for 6½ years now and most of her friends who came here together or other friends who could not come are from the big City. She is from New York and some of their friends are from New York, San Francisco and San Diego. They choose to live in Sedona because of nature, and nature including sustainable living, and the chickens and beehives are something we can achieve only in Sedona or this area; not

something we can achieve from the big City. City of Sedona must become the example to the whole world on how to pursue sustainable living and chickens are part of it. She did some of the research about (audio unclear), and they allow chickens in the residential area for 6 hens and a rooster, they have to pay \$100, and for more than six hens they have to pay a certain amount of money and, in order to protect the chickens from the coyotes and other animals, they have a regulation. The chicken coop should be very strong, and the City will come to the house and do the regulation check-up once a year or every 6 months, so we could have a chicken once we have a really good regulation, and that is the reason why we are living in Sedona. Chickens are very quiet; some of their neighbors' dogs are louder than their little hens, when they walk. This is very important to have a chicken, and some chickens can kill the snakes too. If you have some experience, snakes are not the problem. She grew up in the City, but her friend's father did the beekeeping in the countryside, and of course, he had a chicken, a big farm. Whenever she visited the big farm, she touched the chicken and ate the eggs. Bees never bothered her, and when she was six years old, all of the bees were around her, but they were not interested in her; she was not sweet, she was not the flower. They go to the flower and never bother her, so they can have a beehive; it really doesn't bother the people. When they scream or take some action maybe, but usually the bee doesn't bother people at all. That way we can protect the Earth as one step farther to go to the closure of sustainable living. Sedona is a symbol of sustainable living. The whole world must come to Sedona to learn how we are central to all the systems in Sedona. She is so proud to live in Sedona.

Peter Yammine, Sedona, AZ: Mr. Yammine stated that he has lived in Sedona for three years. On the topic of chickens and bees, he heard a lot of points presented of some of the negative stuff that might happen, but in reality, a lot of the more negative points presented are equally applicable to our current small pets, such as small dogs. A fear is if predators are going to be attracted to your home, and really any small animal can attract those predators. Regarding noise, smells, it is easy to take care of that, especially if you have a group organizing regulations, such as fences and maximum number of chickens you can have, and roosters aren't needed to lay eggs. Regarding bees, they are harmless as long as you don't agitate them, and their flight paths are pretty predictable, so as long as you do a little research, and the more bees we have in Sedona, the more plants we have. At a time like this when Sedona is like a staple for nature and healthy living, Sedona should be easily one of the representatives of how to do this, which is learning how to have chickens and bees and being responsible for them as well. It is really an easy decision; many people are doing it. Many cities have rules for it and it is pretty straightforward and naturally human to have easy stuff like this that is good for nature, good for our surroundings and good for our children, our education and our community and way of living, which should be natural and healthy

John Patton, Sedona, AZ: Mr. Patton indicated that he is here to talk about the bees. He wrote a letter and it sounds like the letter is in your packet, so just a couple of comments. These are not your grandfather's bees that we have in Arizona. He got involved in bees only because he looked out one day two months ago, and his neighbor had bees, so he called the City and asked if it was legal, and they said no. They are gone now, and they were removed by force, but when he did more research into Africanized bees, they are very aggressive defenders of their hive, and they have a 100 ft. perimeter. We don't live on big lots here in Sedona, so given that they are almost likely to be Africanized and that Africanized bees reproduce 10 times greater than other bees, and then they create other hives, to introduce beekeeping in a tourist destination seems crazy to him. Furthermore, with the heat in the summer, they need water not only to drink, but to keep their hives cool, so where do they get water – mostly from swimming pools, so if you allow beekeeping and your neighbor has bees and you have a pool, you now are going to have a lot of bees trying to get water. Also, in his neighborhood, because of the Airbnb zoning, he sees people with more desert landscape, not really trying to keep flowers, because they are renting out their homes and don't want to maintain them, so it doesn't fly that we need bees to pollinate flowers in Sedona, plus there are very few fruit trees and we do have bees. Anyway, he is against beekeeping.

Chair Losoff closed the public comment period at this time.

Summary Discussion:

Commissioner Kinsella indicated that regarding the subject of bees, she noticed that there was not as much support in the comments received, so it seems that is an issue that doesn't have quite as much attention to it. She is concerned about the cross-breeding with Africanized populations; that is a real concern. The fact that bees are attracted to water sources, so you may have children or activity that is agitating to bees as well, so that is an issue of concern. For the chickens, there seems to be broad support with caveats, even those who came forward with some comments in opposition did say but under certain circumstances. There are some points to consider, although we all would be better on a completely plant-based diet, many people do have eggs in their diet. Allowing egg-laying hens in our backyard environment would give people easier access to higher-quality, healthier eggs over the eggs that are either factory-farm produced or subject to forced antibiotics and other secondary chemicals, which then tend to harm our immune systems. Some people like chickens as pets; they are not large or aggressive or loud, except roosters, or more intrusive than other backyard pets like cats and dogs, turtles. We have zoned areas that allow for other non-household pets, so it seems that this is something certainly for consideration. Chickens provide soil fertilization, natural pest control, and we are aware of other communities that do allow chickens. To ensure everybody's health and safety and minimal impact on neighbors, we need to have regulations that need to be enforceable if we go this route. First, no roosters due to the noise and we don't want breeding, so basically, hens only for unfertilized eggs. We should require low-cost licensing; it is not to discourage people from having it, but rather so the City knows where populations are and can tract them and make sure the rules are enforceable. There also should be sizable fines for people who keep them without licensing. There should be a limit on the number of chickens per lot size and an overall cap as well. There also should be a reasonable distance from neighboring properties, and we need regulations for the care of hens; we need to require enclosures, coops, runs to protect hens from predators and to keep from attracting predators, because that is a legitimate concern. We also need to require, for the quality of life for the chickens, natural ground and earth; they have to have access to that and access to daylight. They have to be allowed to root in daytime hours in order to live a natural life, and there have to be requirements for food, water and care. Regulations for cleanliness and odor control – all of that can be addressed through regulations in the City Code and cross-referenced in the Land Development Code. She also wants it to be strongly worded that eggs are for personal use only and not to be sold. This should not be for commercial activity; it should be for personal use, and we need to ensure it is clear that we recognize that any neighborhood CC&Rs or Rules and Regulations would supersede this.

Commissioner Klein asked if bees are allowed and someone has bees on their property and there is a pool next door and the bees go to get water, and they are Africanized bees and sting someone and the person dies, is there a potential liability on the City for that. Robert Pickels Jr. indicated that he can't answer that definitively, other than to say that the City would likely be brought into litigation for something like that, because we always are, but whether there is ultimate liability, he can't answer that hypothetically. You know as well as he does that we would get sued. The Commissioner then asked if the same would be true if the predator was after some chickens and went in a neighbor's yard and injured someone, the City could potentially have liability. Robert Pickels stated that as long as we're allowing the condition to exist, there is potential liability exposure there. Commissioner Klein then stated that he opposes the chickens and the bees.

Vice Chair Levin indicated that she would like to hear more from the public or staff about bees. We have one letter and she knows there is a lot of local beekeeping, so she wants to know more about bees. She sees it at the Farmer's Markets and it is in the greater Verde Valley area. She sees hives and we only have one perspective with a legitimate concern in the packet, so she would appreciate a little more education on what that means, and if there are local beekeepers, she would encourage them to also come to one of the next meetings. She seconds everything that Commissioner Kinsella said. She is not quite as strongly advocating for a licensing, but she thinks the Conditional Use Permit might be a good thing to pursue, because it puts in place the community's expectations about how these chickens will be kept, and if you violate that bye, bye chickens. She kind of likes the idea of the Conditional Use Permit that Commissioner Brandt brought up. She also likes the idea period of being able to grow and raise chickens in our community, and she would like more information about

what is appropriate in terms of size, because Commissioner Kinsella mentioned establishing regulations about distance, but she doesn't know if that is distance from the property line to the next dwelling unit, so could you have a very small lot and still meet the distance to the other dwelling unit? We need to be clear about what those parameters or regulations should be, and it may be a combination of all of those.

Commissioner Brandt stated that he is in favor of chickens for the same reasons we have just heard. The enclosure must be very enclosed, to the point that you can't get a racoon hand in a chicken coop. He is against roosters for the reasons we've heard and the reason that they kept him up when he lived in Hawaii. As far as bees, they are not controllable as you can control chickens, and since it is a relatively dense City, even though a lot of people think it is rural; it is fairly dense. There are a lot of smaller lots and considering that it is impossible to control where bees go, and that is the whole point of them having bees to be able to gather the pollen to make honey, that should not be allowed in the City of Sedona for that reason, because they are not controllable, so that is his take on the birds and the bees.

Commissioner Mayer recalled talking about community gardens during the Community Plan update, and he can see something like this happening within community gardens, except that we haven't created any community gardens, and it was just talk, so the chickens and the bees don't belong in a neighborhood. They are health hazards; they attract predators, and they are probably a legal issue as well, and then who is going to regulate that and police that stuff; it would require extra staff. He doesn't see the purpose of having this here in this area. He can see it outside on a farm or somewhere else, in a community garden or co-op, but he is against everything else.

Commissioner Barcus stated that chickens and bees are a de minimis problem for the City; he had chickens and a neighbor had bees. He figured out that it cost him a dollar an egg to have chickens at his house; they had 18 chickens for 15 years, and the cost per egg did not decline, so if people want chickens and go through a process with it clearly defined in the City Code, that is fine. This is not going to be a big problem; there are not going to be a lot of people who live here year around and are going to want to have chickens. In conversations with his neighbor who kept beehives, that was a hobby, and the front-end cost for beekeeping is more expensive than it is for chickens, so he doesn't see how restricting chickens and beekeeping in the City is going to be anything but a very negligible situation. He heard what the public and other Commissioners had to say, and on balance, we have bigger problems with bigger things in our community than worrying about bees and chickens causing issues in the City. One of the biggest problems they had with chickens is you go to the farm and ranch store to buy your chickens, and the sex-typing error rate is about 10%. When you have little children, the chickens get named and become pets, and then later you find out this hen is a rooster, and it can cause some problems that most people who live in an urban lifestyle don't want to deal with, so through appropriate regulations related to roosters with a 10% sex-typing error rate means that through no fault of your own, you are going to end up with a rooster and it may need to be dealt with if the chicken keeper doesn't deal with it. None of that is intended to be humorous, although he was trying to look on the Red Rock News to see the last chicken article; he remembers reading about chickens, so this could be a headline. Chair Losoff referenced an article in the Arizona Republic about a chicken farm near Phoenix and a problem down there.

Commissioner Barcus then commented that Salmonella is also a de minimus problem. The chances of getting Salmonella from chicken eggs is just as great as it is when you buy them at the grocery store or from some roadside stand in the rural area here in the Verde Valley; it's a very, very low rate. Sure, the consequences are substantial, but it is not something that we need to be concerned about.

Chair Losoff agreed that we need more information from the public; we didn't make it aware enough to the public, because he suspects there are a lot of people who would be on the opposite side of this than we heard today. This morning, he was accosted by two people who had just heard about this, and they rang his ears for about 10 minutes, until he said call staff. They were totally against chickens, so we have to get the word out that this is being seriously considered, and the pros and cons. Secondly, he agrees that Commissioner Kinsella. She laid out a great blueprint, and if we do

this, all the things Commissioner Kinsella stipulated should be in there, and he would add a big red-typed “public health issues”. His concern and the reason he would be against chickens is that the issue of Salmonella is important and the predator issue is important. He is not that concerned about bees, but it is an issue. The whole public health concern is legitimate, and the public needs to be assured that if there are chickens nearby, public health and safety is not going to be an issue. Even though we might have good strict criteria; he would still be concerned about public health. If we do approve it, we cannot approve it without the strict criteria that Commissioner Kinsella mentioned. A compromise, if the public would like chickens, could be some co-ops in town; that could solve some of the issues by having an organized co-op where individuals could raise their chickens and maybe that could control it in a much better manner.

The Chair pointed out that we are not making any decisions tonight; you are just hearing feedback. Mike Raber agreed and indicated that he is hearing some clear messages on the chickens, and we will look at the possibility of a Conditional Use Permit and standards that are scaled according to the size of lots or zones. He is also guessing that there was some consensus regarding the accessory use and having somebody onsite in these cases as well as the licensing, requirements for coops and setbacks, etc. We will still need to sort out what we do as for as the Land Development Code versus something that would be considered as a City Code issue.

Chair Losoff stated there were four in favor and three not in favor, and there were some concerns. We have to be mindful, because this is Sedona and there are two sides to an issue, sometimes three or four, but the concerns he heard loud and clear this morning were that the whole City is going to have to be careful, because unless you live in an area with CC&Rs, you can’t prevent some of this stuff. We now have short-term rentals and other issues, so is this going to be another one that causes a concern and what are we doing to the City? We are going to have to listen to all of these comments and balance them out. It may be a small issue, but it causes some consternation within the City limits among a lot of residents; however, Vice Chair Levin stated two.

Mike Raber indicated that he is not too clear on the bee issue as to where we go from here, other than we may want to make it clear that is something we would consider allowing and make sure the public is aware, to see if we get more people to speak on that. Commissioner Klein stated that after the gentleman spoke about Salmonella, he googled backyard chickens causing Salmonella, and there is an article in the New York Times, September 2017, and it says, “Pet chicks and ducklings were responsible for infecting 961 people through September of last year -- the most ever. Two hundred had to be hospitalized, one died”, so you read this article and again, he doesn’t know how significant those numbers are, but someone is quoted as saying, “Over the years, we have accumulated a pretty serious health issue, said this doctor who is a vet at the CDC who tracks outbreaks”, so that is something to think about. Chair Losoff added that he wouldn’t underestimate that issue of the whole public health concern.

Mike Raber pointed out that this isn’t new; it came up in Part One, which was advertised and on the website. It is not like it hasn’t been out there, but we hadn’t really flagged it as a specific issue; there are so many issues in the Code so that may be something we want to highlight as the consolidated draft comes back, to make sure the community is aware of it. Mike then stated that on March 20th, we introduced Part 3 and received good feedback in a couple of areas but didn’t know if the Commission had additional items to consider. We received a lot of feedback on the Development Review process, and we are going to bring back a more definitive Minor Conditional Use Permit process with the consolidated draft, but if there is anything else that we should focus on, please provide that feedback.

Commissioner Brandt stated that in part of the Subdivision codes, it is trying to define a subdivision, and it says more than two individuals or corporations or firms. He then asked why it has to be two entities involved; it is on page 58. Audree Juhlin indicated that she believes that is based on how subdivision is defined in the Arizona statutes, but we can verify that. The Commissioner indicated that it was good to include a preliminary zoning review and some people already do that, but to have it written in there, although he didn’t necessarily come across it as he was going through it. He then

asked if there is a certain place to look for that preliminary Development Review, so if you have a proposal, you don't have to take it through a permit review to get a zoning interpretation on a proposal. It was talked about in the overview. He was curious as to where the language for that allowance is within the Land Development Code. You didn't have to go through a full permit submission with an engineered set of plans to the Building Department. It was suggesting that could be a step within the process. Mike indicated that he didn't remember that in conjunction with the zoning; however, Commissioner Brandt indicated it was to obtain a building permit, and Mike then stated that it might have been the Development Review process where we had a minor and major review.

Commissioner Brandt noted that he can look for that, but the big thing that is needed within the update is there are a lot of subdivisions that were created before he moved here 20 years ago, such as Casa Contenta, Thunder Mountain and Crimson View, and they all have building envelopes. Ten to fifteen years later, we get a proposal for the Mormon Church area subdivision, and that did not have building envelopes, so he was surprised and thought that was something within the Code, but he was told no, that was actually done voluntarily by the folks doing those subdivisions. In the late 80s and early 90s, there was a lot of enlightened development going on within the City of Sedona, and that should be codified. There should be language within the Code, and he wrote down, "Subdivisions of 10 or more", because that takes it from a minor to a major or it creates more steps, so if you are going to have a subdivision that large, there should be encouragement or a mandate or whatever the mechanism is to encourage this or require the model of most of the subdivisions in Sedona that created building envelopes, and then outside of the building envelopes was natural open space and that should be something within the Land Development Code.

Mike Raber stated that it is in Article 2 and the difference is what is being proposed as a change in this update is a Zone Change, because if they are going to do building envelopes as a subdivision, they need to go through a Zone Change to PRD currently, and we are trying to eliminate that with the update. In Article 2, we have the cluster subdivision provision and that is where we are trying to allow for that clustering or those building envelopes to take place without going through a Zone Change process, and that is part of the reason that some have been discouraged from doing that – maybe not in the earlier days of the City, but it is one more obstacle or hurdle, so we are trying to do away with that to encourage it. Commissioner Brandt questioned "as a hurdle", and Mike stated yes, trying to define the lots when you are trying to preserve open space in a particular area is encouraged now. We are allowing a lot of latitude with things like setbacks, lot size, etc.; that was the feedback we got from the Commission -- allowing a lot more flexibility for that within each zone, so if they come in with a cluster subdivision proposal within any zoning classification, we have the ability to be flexible.

Commissioner Brandt stated that Crimson View is not clustered; it is pretty evenly distributed across that property, but there are still envelopes within that to protect the trees. He supposes that the subdivision by the medical center does not have envelopes. He is not aware of how that was created, but it appears as though if there are envelopes, they are fairly large because the amount of destruction to the natural landscape is big compared to the houses they are building. Casa Contenta was clustered on the tops of the ridges on the flatter areas. He doesn't know what all of that means, but he wishes that there was a way to have this be, and he would find in the Community Plan, if need be, the reason why this should exist; it is just to preserve the natural beauty of Sedona. So, if that subdivision by the Mormon Church was evenly distributed and did not have any envelopes, people could just do what they wanted on those extremely difficult, steep lots. He doesn't see anything happening there and he is not surprised, so if we could look into that, there is obviously no direction; it is more of a philosophical overview.

Mike Raber explained that the intent is to encourage that, and all of those subdivisions cited went through PRD rezoning, and we are trying to eliminate that step, so that in each one of the zones, you could do a cluster subdivision or building envelopes without having to stick to all of the lot size standards in that zone as long as you didn't exceed the density for the site. Chair Losoff stated that he thinks the Commission would support Commissioner Brandt's recommendations, and Mike stated that staff will look at that further.

Vice Chair Levin asked if staff or the consultant will be coming back with the thresholds for a Minor CUP. Mike Raber stated yes; we talked with them about that on the 20th. Chair Losoff stated that the Design Review development standards is a major topic in and of itself, and Mike noted that we spent the most time on that, and on Part One, Zoning Districts and Use Regulations, we highlighted the urban agriculture issue tonight, so unless you had any other comments on that, we will. . . Chair Losoff interrupted to say that he can't speak for the other Commissioners, but we are at the point that we have a lot of information and are now looking for your recommendations, so we can react to them as opposed to reiterating what we have discussed. Staff has done a great job, and like the building envelopes, there are things we don't recall, because it is too much, but you are doing a great job.

Mike Raber pointed out that next, the Commission will see everything together and that meeting will be on June 5th. The Commission will probably get that a week ahead of the meeting, and then we will start work sessions. Chair Losoff asked about staff's plans to get more community feedback on the poultry issue, and Mike Raber explained that when the consultants return around the 5th, we may do another open house and highlight some areas that we are still working through. Audree Juhlin added that before that meeting we will get with Yavapai and Coconino County Health Departments and look for local beekeepers to get with them, plus talk to any NAU professors who are specialists in those areas, to get more information as we draft regulations for you. The Chair then complimented the Commissioners for a great job of studying, commenting and understanding the complexities.

4. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

No Executive Session was held.

5. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, April 17, 2018; 3:30 pm (Work Session)
- b. Tuesday, April 17, 2018; 5:30 pm (Public Hearing)
- c. Tuesday, May 1, 2018; 3:30 pm (Work Session)
- d. Tuesday, May 1, 2018; 5:30 pm (Public Hearing)

Warren Campbell stated that we have nothing on the April 17th work session, but we do have the Marriott Residence Inn for the public hearing on the 17th. On Tuesday, May 1st we have nothing for the work session and public hearing at this time. Audree added that we are not canceling May 1st yet, in case we need to continue the Residence Inn, and Chair Losoff also noted in case more LDC issues come up.

Commissioner Klein indicated that he will not be available on May 1st, and Chair Losoff stated that he is not available on the 17th.

6. ADJOURNMENT

Chair Losoff called for adjournment at 4:50 p.m., without objection.

I certify that the above is a true and correct summary of the work session of the Planning & Zoning Commission held on April 3, 2018.

Donna A. S. Puckett, *Administrative Assistant*

Date