



Legislation Details (With Text)

File #: AR-17-156 **Version:** 1 **Name:**
Type: Agenda Reports **Status:** Failed
File created: 3/1/2017 **In control:** City Council
On agenda: 4/24/2017 **Final action:** 4/24/2017
Title: Backyard Hens Pilot Project Update on Participation & Request to Change the Radius Notification
Presented by: Lenore Mitchell, Senior Planner

Sponsors:

Indexes:

Code sections:

Attachments: 1. Terms of Reference, 2. Terms of Reference Redline, 3. Table 1 Households by Area, 4. Table 2 Summary of Responses to Questions, 5. Table 3 Non-Participants Comments

Date	Ver.	Action By	Action	Result
4/24/2017	1	City Council	denied	Fail

TAMRMS#: B06

Backyard Hens Pilot Project Update on Participation & Request to Change the Radius Notification

Presented by: Lenore Mitchell, Senior Planner

RECOMMENDATION(S)

1. That the amended St. Albert Backyard Hen Pilot Project Terms of Reference dated April 24, 2017, provided as an attachment to the April 24, 2017 agenda report entitled "Backyard Hens Pilot Project Update on Participation & Request to Change the Radius Notification", be approved.
2. That Administration provide Council an update through a Council Advisory regarding the number of participants in the Pilot Program in July 2017. This update would be based on the reduced radius and additional time for residents to apply.
3. That Administration report back to Council in February 2019, to provide the outcome of the Backyard Hen Pilot Project and recommendations for future actions.

PURPOSE OF REPORT

The agenda report will provide Council with an update on the Backyard Hen Pilot Project. Administration is recommending changes to the Terms of Reference for the St. Albert Backyard Hen Pilot Project; specifically, to reduce the radius unanimous consent notification area and to adjust the timeline. The adjustment to the timeline accounts for the delay in the process and to give residents the chance to participate.

COUNCIL DIRECTION

On September 26, 2016 Council approved the following motions:

(AR-16-077)

That Administration implement a backyard hen pilot project with the following guidelines:

1. No more than 3-4 hens per residential property
2. All hens must be 4 months or older
3. The keeping of roosters is prohibited
4. Hens must be in their coops from 9 pm - 6 am
5. Hens must be in an enclosed hen run when not in their coop
6. Hen coops must be maintained in a clean condition, free of noxious odors, substances etc. and conform to the Community Standards Bylaw
7. Home slaughter of hens is prohibited
8. Keeping of hens will be for non-commercial purposes
9. A limit of 20 participants for the duration of the pilot
10. Require a 60 metre radius notification with unanimous consent by the affected property owners.

That Administration conduct a Backyard Hen Pilot Project as outlined in "St. Albert Backyard Hen Pilot Project Terms of Reference" provided as Attachment 1 to the September 26, 2016 agenda report entitled "St. Albert Backyard Hen Pilot Project", as amended to consider condition 10, with funding of \$15,000 provided from the Council Contingency Fund.

That Administration provide Council three updates through Council Advisories including: When courses are offered, when the details on the guidelines for having hens are finalized, and when the selection of participants to partake in the Pilot Program will occur.

That Administration report back to Council in October 2018, to provide the outcome of the Backyard Hen Pilot Project and recommendations for future actions.

BACKGROUND AND DISCUSSION

Launch

A memorandum dated February 1, 2017, was provided to Council advising that the Pilot Project launch opened on February 6, 2017, with residents having until March 6, 2017, to submit an application with unanimous consent from properties within a 60-metre from the subject site. Individuals who had been on the interest list were contacted about the launch, a newspaper article was written by the St. Albert Gazette newspaper, and Corporate Communications managed the City's webpage, and social media (Facebook and Twitter) for backyard hens.

Map Requests and Downloads

Staff received 47 requests for the 60-metre radius maps, which were prepared and provided to the interested residents. Information packages for the Pilot Project were available at the Development office and on the City's webpage with the forms available for download. There were 11 people that came to the Development office to pick up a package, and the webpage had the following download statistics:

- Participant Selection and Agreement Application Form **(131 downloads)**

- Owner Authorization Form for Renters **(27 downloads)**
- Neighbour Consent Form **(88 downloads)**
- Neighbour Notification Letter **(104 downloads)**
- Regulations for Keeping Backyard Hens **(198 downloads)**

Corporate Communications advised that through social media, information was shared between Facebook contacts and Twitter having tweets retweeted.

The document titled Table 1: Households by Neighbourhood, shows there was interest from most neighbourhoods, which is based on the 47 households that requested a 60-metre radius map.

Number of Applications Received

The deadline for applications to be considered in the Pilot was March 6, 2017; seven (7) applications were submitted, of which three (3) were deemed to be complete applications. The applications of the three (3) complete applications have been advised that they were selected and they will be attending a hen keeping course on April 6, 2017. Two (2) of the successful applications are located in Grandin and one (1) in Akinsdale.

Of the four (4) unsuccessful applications, three (3) received consent from adjoining neighbours, but not unanimous consent within the 60-metre radius, or people were not home and could not get the form signed. The other application had received consent within the 60-metre radius, but an adjoining property would not sign the form as consent or non-consent.

The three (3) complete applications represent 6% of the 47 maps issued. Based on the download of documents from the City's webpage, there was greater interest than the number of maps requested. It is possible maps were not requested once residents read the requirements of the Pilot Project.

To determine if the 17 remaining spots could be filled, Administration made 17 phone calls and sent 31 emails to those on the interest list and to those who requested the 60-metre radius map as a follow-up about their participation.

The following questions were asked of residents between March 2 and March 7, 2017:

1. What, if any, challenges arose in the application process that caused you not to apply?
2. What recommendations do you have to improve the application process?
3. If the radius of 60-metres was changed to consent from adjoining properties, would you get 100% consent?

In the attachment titled Table 2: Summary of Responses to Questions, are the comments received via phone calls and emails from the residents interested in participating in the Pilot Project.

Administration Recommendation

Based on the feedback from residents about the Pilot Project launch, the main issue for not participating, or not being able to participate, was the 60-metre radius unanimous consent requirement.

Administration looked at what some other cities do for consulting neighbours regarding backyard hens.

- Edmonton requires the participant to have the neighbour sign a form to say they have been

notified. The neighbour is not required to consent. Neighbours that must be notified include adjoining, and across the lane, but not across the street.

- Red Deer has no notification requirements.
- Whitehorse requires that at least 60% of neighbours within three metres of the subject property line do not object with the keeping of hens on the subject property. Municipal Enforcement does the notification, which is about a two week process.
- Vancouver, Victoria, Esquimalt, Burnaby, Richmond, Surrey, and New Westminster do not require notification.

Based on the 47 maps provided to interested residents, the 60-metre radius had an average of 24 lots that required consent, with the highest needing consent of 40 properties and the lowest needing consent of eight (8) properties. Some residents required consent from schools and condominium boards as well. If the radius for consent was changed to adjoining properties, based on the same 47 maps, the average number of consents from adjoining properties would be three (3), the most consent needed would be from six (6) adjoining properties, and the lowest number of adjoining properties requiring consent would be one (1).

Administration is recommending that the requirement of a 60-metre radius notification with unanimous consent by the affected property owners be changed to a smaller area of consent.

The proposed change is: require unanimous consent from adjoining site(s) along a common property line. The meaning of “adjoining site” is per the Land Use Bylaw:

“a site that is contiguous to another site along a common property line. In the Established Neighbourhood Overlay District, if the subject site is located on a corner, an adjoining site also includes a site that is adjacent across a rear lane, but not across a street.”

An adjoining site could include:

- A residential lot - need property owner consent.
- Apartment - provide notification letter to building or property manager and get consent.
- Religious Assembly - provide to their office and get consent.
- School - provide to the principal and get consent.
- Seniors Housing complex - provided to their office and get consent.
- Housing complex - provide to the condominium association board and get consent.
- Commercial development (such as shopping malls and strip malls) - provide to the mall manager and get consent.
- Other developments not identified, contact 780-418-6618 to determine how to contact the owner.

The recommendation is specific to properties adjoining each other. Consent is still being recommended as part of the Pilot Project, which enables the adjoining neighbours to have a say. Obtaining written consent does not address the interest of some individuals who want to be anonymous. Some participants will not get consent as they know their adjoining neighbour will not agree. Administration acknowledges that some participants feel this process is unfair, because this requirement is not necessary for pets, such as, cats and dogs. However, at this time this is a Pilot Project, and the Proposed Land Use Bylaw and Animal Bylaw Changes Survey dated July 2016, showed a 50% split between those who support allowing hens and those who do not.

The second recommendation is to revise the timelines so potential participants can receive consent

from adjoining properties.

Timeline Revised for Second Batch of Applications

- March 23, 2017, hen course for staff.
- April 6, 2017, hen course for the first group of selected households.
- April 24, 2017, return to Council with update on participation in the Pilot and to request an amendment to the Terms of Reference for the Pilot Project.
- May/June 2017 - Staff update forms and webpage. Participant selection application re-opens.
- July 2017 - City reviews applications, holds lottery to select participants if more than 17 applications are received to fill the remaining spots. Advises selected households they are part of the Pilot Project. Selected participants to complete City sponsored hen keeping course, obtain coop, and fulfill other requirements.
- August 2017 - Pilot Project begins as participants will hopefully have obtained hens.
- October 2017 - Fall Heritage event, see if the Hen Pilot Project can participate at this event.
- November 2017 - City Inspection #1.
- March 2018 - City Inspection #2.
- July 2018 - City Inspection #3.
- August/October 2018 - One year anniversary that participants may have had hens.
- October 2018 - Public open house to discuss findings of Pilot Project.
- December/January 2019 - Administration prepares report about the Pilot Project and presents to Council.
- February 2019 - Participants learn the future of the keeping of hens in St. Albert.

Attachment titled St. Albert Backyard Hen Pilot Project Terms of Reference, April 24, 2017 Updated redline, shows the proposed changes to the Term of Reference. The attachment entitled St. Albert Backyard Hen Pilot Project Terms of Reference, April 24, 2017 Updated is the document with the redline changes accepted.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Staff received suggestions from a resident approached by a neighbour wanting consent to participate in the Pilot Project, and one (1) email of non-support for the Pilot Project. These comments are found in attachment titled Table 3: Non-Participants Comments.

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

- Staff has used some of the \$15,000 allotted for the Pilot by hosting one course for staff and one course for selected households. Additional courses will be offered to newly selected households.

Legal / Risk: None at this time.

Program or Service: None at this time.

Organizational: None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

1. Do not fill the 20 spots and run the Pilot Project with the three participants that have met the requirements.

STRATEGIC CONNECTIONS

City of St. Albert Strategic Plan (Policy C-CG-02) - Pillars of Sustainability

SOCIAL - We are a friendly and inclusive community of passionate equals, where everyone feels a sense of belonging. We believe that community starts with the person next door.

Governance Strategy

Council is committed to ensuring that the City of St. Albert is a responsive, accountable government that delivers value to the community.

Service Delivery Strategy

Council is committed to ensuring that the City of St. Albert is engaging residents to identify opportunities to improve delivery of services to the community.

Long Term Plans

"N/A".

Corporate Objectives

"N/A".

Council Policies, Bylaws or Federal/Provincial statutes

"N/A".

Other Plans or Initiatives (Business Plans, Implementation Strategies, etc.)

"N/A".

Report Date: April 24, 2017

Author(s): Lenore Mitchell

Committee/Department: Development Services

General Manager: Gilles Prefontaine

City Manager: Kevin Scoble