BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
May 26, 2021

The Bismarck Planning & Zoning Commission met on May 26, 2021, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Due to ongoing public health concerns related to COVID-19, many of the Planning and Zoning Commissioners and staff participated in the meeting remotely via Zoom. Chair Schwartz presided and was present in the Tom Baker Meeting Room.

Commissioners present were Steve Bakken, Cole Johnson, Vernon Laning, Paul Levchak, Gabe Schell, Mike Schwartz, Trent Wangen and Paul Zent. Hay Creek Township Board of Supervisors member Shelly Hagel was also present.

Commissioners Brian Bitner, Kevin Martin and Wendy Van Duyne were absent.

Staff members present were Hilary Balzum – Community Development Senior Administrative Assistant, Jannelle Combs – City Attorney, Ben Ehreth – Community Development Director, Will Hutchings – Planner, Kim Lee – Planning Manager, Daniel Nairn – Senior Planner and Jenny Wollmuth – Senior Planner.

INTRODUCTION OF NEW PLANNING AND ZONING COMMISSIONER COLE JOHNSON

Chair Schwartz introduced Cole Johnson as a new Planning and Zoning Commissioner. Commissioner Johnson said he has lived in Bismarck since 2015 and currently works for Sanford Health in their Planning and Construction Department. He said he has previous experience as an architect and is excited to serve on this Commission.

MINUTES

Chair Schwartz called for consideration of the minutes of the April 28, 2021 meeting.

Commissioner Levchak said a correction is needed to the motion for the J & L Addition zoning change as he opposed approval of that request. Staff said they would check the motion and make the needed correction prior to publication of the minutes.

MOTION: Commissioner Bakken made a motion to approve the minutes of the April 28, 2021 meeting, with the indicated correction. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the annexation of Lot 4-14, Block 2, Lot 1, Block 3, and Lots 1-9 and Lots 23-29, Block 4, Boulder Ridge Seventh Addition First Replat. Commissioner Zent seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT
RBK VENTURES SECOND SUBDIVISION

Chair Schwartz called for the public hearing on the final plat and the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district for RBK Ventures Second Subdivision. The proposed plat is one lot in one block on 19.2 acres and is located northeast of Bismarck, east of US Highway 83 and south of 71st Avenue NE, along the east side of North 19th Street (Auditor's Lot B in the NE¼ less RBK Ventures Subdivision, Section 10, T139N-R80W/Hay Creek Township).

Ms. Wollmuth gave an overview of the requests, including the following findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change.

5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a major subdivision final plat have been met.

2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.

4. The City Engineer has conditionally approved the Post-Construction Stormwater Management Permit (PCSMP) with written concurrence from the County Engineer.

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.

6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat.

7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.

8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.

10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district, as outlined in the draft ordinance attached to the staff report, and approval of the major subdivision plat for RBK Ventures Second Subdivision.

Commissioner Laning asked what the plans are for the turning lanes from 71st Avenue NE in this location, as he has witnessed traffic issues in the area firsthand.

Ms. Wollmuth said there are two existing access points along the north side of RBK Ventures Subdivision, the subdivision to the north of this one. She stated that these access points are planned to be removed in the future which may remedy some of those issues.

Commissioner Levchak said a construction site nearby recently allowed a turning lane for trucks which caused issues and he continues to have concerns regarding traffic and he is reluctant to approve these requests.

Chair Schwartz opened the public hearing.

Landon Niemiller said the two access points on 71st Avenue NE would be removed and the intended use of the proposed plat would be similar to the original RBK Ventures Subdivision to the north although for cold storage only. He said it would likely generate less traffic than anticipated.

Commissioner Laning asked if there would be trailers being pulled in or that type of activity, as towing and heavy trucks could increase hazards.

Mr. Niemiller said the area or access within this plat would be paved north up to 71st Avenue NE to better accommodate that type of access.

Commissioner Levchak asked if there is a buffer proposed to screen for the houses on the other side of the railroad tracks. Mr. Niemiller said that is the plan and the ordinance requires intensive landscaping for that type of adjacent use adjacent to residential housing in order to appropriately screen.

Shelly Hagel, Hay Creek Township, said Hay Creek Township did recommend approval of the requests but they are wondering about fencing with the landscape to act as a windbreak from construction and other garbage.

Mr. Niemiller said the ordinance allows for various screening options and a fence would be one possibility that can be explored.

Ms. Hagel asked what the hours of operation might be and how noise would be controlled.

Mr. Niemiller said there would not be set hours but they can keep that open for discussion. He said this use is not typically active at night as the use is more recreation-type storage.

Ms. Hagel said she is concerned about those hazards next to a residential area.

Commissioner Bakken asked if this would be a secured facility such as fenced with limited access. He said he would like to see some light pollution mitigation efforts as well.

Mr. Niemiller said it is not likely that the site would be completely enclosed but he can work with the developer as the site plan develops, including various lighting options to minimize light pollution.
Commissioner Levchak asked if the Northstar Acres residents were notified and if any questions were raised by them.

Ms. Wollmuth said the owners along North Star Acres Road and along the west side of Selland Loop are located in the notification boundary and staff did receive one email comment which was shared prior to the meeting.

Additional written comments are attached as Exhibit A.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Wangen made a motion to recommend approval of the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district, as outlined in the draft ordinance, and approval of the major subdivision plat for RBK Ventures Second Subdivision. Commissioner Johnson seconded the motion and the motion was approved with Commissioners Bakken, Johnson, Schell, Schwartz, Wangen, Zent and Ms. Hagel voting in favor of the motion. Commissioners Laning and Levchak opposed the motion.

PUBLIC HEARING – ZONING CHANGE
LOTS 2-4, BLOCK 1, NORTHRIDGE ESTATES COMMERCIAL PARK

Chair Schwartz called for the public hearing on a zoning change from the CA – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way. The property is located north of Bismarck, along the east side of North Washington Street and the north side of ND Highway 1804.

Mr. Hutchings gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is not necessarily compatible with adjacent land uses and zoning, however additional landscape and design standards will alleviate most incompatibilities.

3. The City of Bismarck and/or other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.

4. The Hay Creek Township Board of Supervisors has recommended denial of the proposed zoning change.

5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.

7. The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located.

8. The proposed planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways.

9. The internal roadway circulation system within the planned unit development has been adequately designed for the type of traffic that would be generated.

10. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.

11. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.

12. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

13. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Hutchings said based on these findings, staff recommends approval of the zoning change from the CA – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way, as outlined in the PUD ordinance attached to the staff report.

Commissioner Levchak said septic tanks are indicated on the supporting documents but there does not appear to be a drain field and asked where that would be placed.

Mr. Hutchings said that would be analyzed further at the site plan review stage to ensure the placement of the drain field complies with any requirements.

Chair Schwartz opened the public hearing.

Jake Hendricks, Five Star Storage, said staff has articulated their request well and added that the needed drain fields are the two circular areas that are mistakenly identified as septic tanks on the site plan. He added that he can answer any other questions related to the request.
Ms. Hagel said a perimeter fence was referenced but is not indicated on the site plan and asked what kind of fence is planned. She asked if there would be limited business hours because of the adjacent residential areas and what the allowable activities might be. She said there are some concerns related to the crime rate associated with storage facilities.
Mr. Hendricks said the general development is to be upscale self-storage with some of the buildings to be used as perimeter fencing with decorative fencing in between, depending on what the landscape ordinance allows.

Ms. Hagel said there are also concerns regarding the proximity of the storage units to the houses as far as noise goes, and given there are abilities for fences to be climbed, asked if there would be an on-site manager or security guards.

Ben Hendricks, Chief Operating Officer, Five Star Storage, said their facilities have set access of 5AM to 10PM, seven days a week. She said there would be a high security gate access for customers only which allows entry of information into a software system in order to track activity. He said this has helped a lot to reduce crime at their other locations and they make access by those not allowed as difficult as possible. He said they love state of the art technology and have excellent surveillance equipment, making their product worthwhile for both their business and the community. He said it is in their rental agreements that the units are not to be used for mechanical shops, hazardous storage and that diligence sets them apart. He said self-storage can have a reputation, but this concept is very different, adding that their clients like the atmosphere as opposed to an industrial-type location. He said they notified the surrounding neighborhood and a few people did show up to their offered meeting to discuss their concerns. He said he feels those who participated were supportive of their request and the immediately adjacent property owners have submitted their support of the request in writing as well.

Commissioner Levchak said there is water detention area to the east and asked if there is an outlet for stormwater as well.

Ben Hendricks said that area is for water retention rather than detention so the stormwater should flow naturally into the ditches. He said he will double check with their engineer.

Chair Schwartz asked if they have had any issues at their other locations.

Ben Hendricks said their issues have been minimal and mostly related to technical issues, such as a gate not opening when it is supposed to, and there is assistance for those types of needs. He said as security options improve crime goes down. He said the sites stay generally quiet with approximately 20-30 people per day.

Commissioner Zent asked if security would be on-site full-time. Ben Hendricks said that is correct.

Commissioner Levchak asked where their other locations are. Ben Hendricks said they have one location south of Legacy High School, which is their home office, and one south of Airport Road, both with improved security measures.

Commissioner Levchak asked if they are 100% utilized. Ben Hendricks said they have almost 1,000 units total and have approximately 20 units vacant. He said these allow a great opportunity for residents to move items off their properties which can help neighborhoods appear cleaner.

Mr. Niemiller said he represents Mr. Ron Knutson who wanted to share his desire for this request to be denied. He said the use is industrial in nature and the Future Land Use Plan identifies the location to be mixed use commercial and residential.

Lindsey Kostelecky, 401 Crestridge Lane, said she saved for her dream home in Northridge Estates and understands the reality that eventually this area will be annexed, but asked that it be done so intelligently. She said she does not see a need for storage like this in this location as it does not benefit the adjacent owners along Highway 1804 and North Washington Street. She said traffic will be a problem with trucks and trailers needing access in a dangerous location. She said instead of self-storage units the growth should be more common sense by adding more residential uses instead. She said this is not wanted and Hay Creek Township opposes the request and that should be respected as well.

Jake Hendricks said Mr. Knutson is a competitor so his opposition to the request goes without saying. He said he cannot speak to the annexation concern and added that traffic would be minimal and not of the tractor-trailer or semi-trailer kind. He said other existing uses allowed now would be heavier industrial uses allowing large truck traffic. He said they were not aware of the Hay Creek Township meeting, but they would have attended it and are unsure who participates in them. He said those owners directly adjacent to this location have not expressed those concerns and added that many of the currently-allowed uses under the current zoning would not highly benefit the surrounding area.

Ben Hendricks said they are often asked who their clients are and mostly they are people who have had a life event such as a birth, death in the family, a new job or lost job, college students and those who need estate storage, so it is not only those who live directly near the site who need this service. He said ninety percent of the traffic is family vehicles, minivans and small trucks.

Ms. Kostelecky said she is not against storage but she shares the same feelings as Mr. Knutson as a respected property owner and developer. She said the point is to deny the storage use as outlined in the PUD ordinance because it is not appropriate as an adjacent use. She said she does not want light industrial placed right next to residential just because they are the first ones to ask for it. She also asked what the recourse is if what is proposed is not exactly how it turns out or what the guarantee is that the crime will be less and the aesthetics will be exactly what has been shared.

Jake Hendricks said he cannot speak to any conversations had between Ms. Kostelecky and Mr. Knutson, but he wants to ensure the letter of support from the adjacent owners was shared. He added that because of the PUD ordinance they will have to abide by the requirements of that very particularly written ordinance.

Commissioner Bakken asked if there are concerns related to the access to the site.

Commissioner Schell said sight distances can be improved with roadway construction measures and, there being low traffic volumes in that area now, it is not concerning with a potential storage use.

Commissioner Bakken asked if there are emergency access concerns. Commissioner Schell said not as it relates to the zoning change, but it is more an issue of whether it is the best use for that location and weighing timelines of the future development of the other three corners of the intersection.

Commissioner Johnson said the staff report indicates that this request aligns with the Growth Management Plan and the intent and purpose of the zoning ordinance but it seems to not if it was to be a commercial land use and if another self-storage request was denied. He also inquired about what limits another commercial development at this time.

Mr. Hutchings said they have had requests for commercial development but the hinderance has been the lack of municipal services being available. He said this use would only require internal fire suppression via a storage tank. He said the Future Land Use Plan does not delineate the specific use type, only the classification, and staff determined this could also be considered a commercial use, as many peer communities classify it as such.

Commissioner Bakken said he is uncomfortable approving this request until there is a better handle on what else could be developed here and asked if there is a timeframe for when the comprehensive plan being worked on now might be complete.

Mr. Ehreth said the update is scheduled to be complete around December 2022, so the potential development options for the rest of that area would not be immediately determined at this time.

Additional written comments both in favor and opposition to the request are attached as exhibits B-H.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Commissioner Bakken made a motion to deny the zoning change from the CA – Commercial zoning district to the PUD – Planned Unit Development zoning district for Lots 2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way, as outlined in the draft PUD ordinance. Commissioner Levchak seconded the motion and with Commissioners Bakken, Johnson, Levchak, Schell, Wangen and Zent voting in favor of the

motion and Commissioners Laning, Schwartz and Ms. Hagel opposing the motion, the motion was approved.

Commissioner Bakken said he has concerns regarding what the future of what that area holds, and until the comprehensive plan is complete he is hesitant to change any of the zoning.

Commissioner Laning said he feels storage would be suited for the area considering the low amount of traffic, but considering the neighborhood and township concerns maybe the timing is not appropriate for this use.

Chair Schwartz asked what the overall opinion of Hay Creek Township is. Ms. Hagel said if a presentation had been offered to them they could have had more information to consider. She said she feels the need to keep the recommendation as it is on the resolution. She said this has the potential to be a nice development, but she feels a lot of questions could have been offered sooner but she has to stand by the concerns presented by the Township Board. She said be it timing or other issues the developer is still welcome to visit with the township and the adjacent residents.

Commissioner Schell said the PUD ordinance would lock in the design aesthetics, but maybe not other business practices especially if the business ownership changes.

Chair Schwartz said these would be nice facilities and the other two corners are likely to be developed but the struggle is of the amount of opposition to the request, so it is difficult to support it.

Commissioner Bakken said the comprehensive plan is in a period of change and changing a high growth area now when the future is uncertain is concerning.

PUBLIC HEARING - SPECIAL USE PERMIT (AUTO-LAUNDRY/CAR WASH) LOT 4D OF LOT 4, BLOCK 1, MEADOWLARK COMMERCIAL SIXTH ADDITION

Chair Schwartz called for the public hearing on a special use permit to allow the operation of an auto-laundry/carwash on Lot 4D of Lot 4, Block 1, Meadowlark Commercial Sixth Addition. The property is located in north Bismarck, north of 43rd Avenue NE, between North 15th Street and North 19th Street, along the north side of Skyline Boulevard (1720 Skyline Boulevard).

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.

2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.

4. Adequate public facilities and services are in place or would be provided at the time of development.

5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.

6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.

7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice.

8. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on these findings, staff recommends approval of the special use permit to allow the operation of an auto-laundry/carwash on Lot 4D of Lot 4, Block 1, Meadowlark Commercial Sixth Addition.

Commissioner Levchak asked if there is a stormwater pond of some kind to the south and east of this location. Ms. Wollmuth said there is an apartment complex as well as an Anytime Fitness and some other commercial uses to the north and explained that there are existing stormwater ponds to the east across North 19th Street.

Commissioner Levchak asked if the wash bays are automatic or a different design. Ms. Wollmuth said that one bay would self-service and the others would be automatic

Chair Schwartz opened the public hearing.

Commissioner Levchak said the project area is a rectangle but the site design is a square and asked how the site would be laid out.

Ms. Wollmuth said the proposed auto laundry/carwash would be on the north side of the property closer to the existing fitness facility.

Commissioner Levchak said he always has concerns with car washes in the winter dragging water out of the site and creating safety issues.

Commissioner Bakken asked, given the high volume of water this facility would go through, if there is proper infrastructure in place to support this type of use.
Ms. Wollmuth said the water meter size would be obtained with the building permit after the site plan is reviewed to ensure it is substantial enough to support a car wash.

Commissioner Levchak asked if there are any plans to recycle the water that is used. Mr. Rhoden said that is an option, but there are not any plans for it yet. He said it can be done in many forms and the Mandan location has a two-inch water line which is more than sufficient.

Commissioner Levchak asked if there would be drying facilities for the self-service bays.

Mr. Rhoden said there would be, which would alleviate the ice concern and they have had minimal issues with ice at their Mandan location.

There being no further comments, Chair Schwartz closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to recommend approval of the special use permit to allow the operation of an auto-laundry/carwash on Lot 4D of Lot 4, Block 1, Meadowlark Commercial Sixth Addition. Commissioner Laning seconded the motion and the motion was unanimously approved with Commissioners Bakken, Johnson, Laning, Levchak, Schell, Schwartz, Wangen and Zent voting in favor of the motion.

PUBLIC HEARING- ZONING ORDINANCE TEXT AMENDMENT KEEPING OF CHICKENS

Chair Schwartz called for the public hearing on a zoning ordinance text amendment relating to the keeping of chickens within rural and urban residential zoning districts.

Mr. Hutchings gave an overview of the amendment, then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.

2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.

4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Hutchings said based on these findings, staff recommends approval of the zoning ordinance text amendment of 14-02-03 (Definitions), 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), and 14-04-01.1 (RR5 Residential District), as presented in the draft ordinance attached to the staff report.

Commissioner Laning said if there is a permit required that would be on file to identify in a neighborhood who owns a chicken.

Mr. Hutchings said there would be and tracking would be one benefit of the permitting process.

Commissioner Zent asked if there would be an annual renewal process. Mr. Hutchings said there would be a proposed annual permit renewal fee, along with a picture of the coop and run being required at the time of renewal.

Commissioner Zent asked if they would be allowed during the winter. Mr. Hutchings said it would be difficult but it can be done.

Commissioner Zent said Apple Creek Township had a few issues with chickens, but it was mostly related to roosters so he was glad to see those would not be allowed.

Commissioner Levchak said the staff report indicated chickens are personal property so what would have to be done to prove ownership of one. Also, because the ETA boundary can change, what would happen if a property changes from ETA to corporate limits and would a property already having chickens be required to follow this regulation.

Mr. Hutchings said Animal Control could speak to what would need to be done to prove ownership.

Mr. Ehreth added that if the ETA boundary changes the impacted properties would have to comply based on the ETA or City requirement.

Commissioner Levchak asked why the limitation to domestic chickens only. Mr. Hutchings said that was based on the guidance given when staff was first directed to draft the ordinance.

Commissioner Bakken asked how the setbacks in this ordinance compare to regular setback requirements. Mr. Hutchings said this would require the coop and run to be 20 feet away from any stormwater conveyance and also ten feet from the side yards, so it is more restrictive.

Commissioner Johnson asked how a rural residential property in City limits would follow this ordinance. Mr. Hutchings said that does not happen very often but is a possibility and they would have to adhere to this ordinance.

Commissioner Schell said non-conforming properties would not allow chickens based on this ordinance and asked if that applies to all non-conformities. Mr. Hutchings said t any properties that are non-conforming based on use or lot size would not be able to participate.

Chair Schwartz opened the public hearing.

Nick Dobrzelecki, 1875 South Grandview Lane, said he is very supportive of this new ordinance and said chickens can be easily concealed so as to be non-disruptive. He said he wants to be able to teach chicken-keeping skills to his kids and, having other animals, already feels this would be a perfect addition. He said their back yard is I-94 so the ten-foot setback would require placement further into the property and he would prefer it be able to be closer to the fence so it is easier to get to.

Sergeant Tim Bleth, Bismarck Police Department, said they have concerns related to the documents he shared earlier in the day which address a lot of concerns and reasons why urban chickens are not successful. He said Grand Forks and Jamestown require permission from neighbors and animal control already has a lot of animal complaints. He said chickens are loud and messy and the CDC advises against them. He said guinea hens are extremely noisy and if they allow this then what about goats or pigs. He said this would be opening that next door and being only 20 feet away from water sources is not far enough. He added that there is a unique predator demographic here such as coyotes and predatory birds and chickens will increase that activity. He said a new storage space would have to be built for impounded chickens and they already have issues with trying to corral and capture loose chickens and roosters. He said if they are not clipped properly they will get away and the operating costs are quite high so it is not often that money ends up being saved. He closed by saying he understands wanting to provide for one's self and he personally keeps rabbits for educational purposes, but animals like that belong in rural areas.

Commissioner Bakken said neighborhood dogs are concerning, as well as the extra animal control storage need, coyotes, noise and smell, and thanked Mr. Bleth for addressing the items that he did.

Commissioner Laning asked how someone would prove ownership of a confiscated chicken and if they can be removed from the qualifying list of personal property.

Sergeant Bleth said it is very difficult to detain a chicken and there is concern for officer safety. He said animals in general are considered personal property by State statutue.

Commissioner Bakken asked if a chicken is not claimed how would it be disposed of.

Missy Hilzendeger, Bismarck Animal Control, said they would be humanely euthanized. She added that what will happen is people will go out and buy chicks and not know if they are male or female and when it is discovered they are male they will either try to hide them or turn them loose because they are not allowed.

Avery Dobrzelecki, 1879 South Grandview Lane, said predatory animals with the requirement of a coop and run should be a non-issue. She said coyotes are already drawn by existing animals and there would not be a smell if the chickens are maintained properly and with only four chickens allowed would not be considerable anyways. She said many methods can be taken to remedy smells, hens are quiet, and not all breeds are the same. She said people need to do their research and only allowing one breed is helpful. She added that proper handling and management would relieve detainment issues as well.

Elisha Mueller, 1501 Michigan Avenue, said she has lived in North Dakota for four years and she recently bought a small home and would like to have chickens. She said she does not have a strong argument, but she appreciates the work put in to potentially making this possible.

Written comments in support of the zoning ordinance text amendment are attached as Exhibits I-R. Written comments in opposition of the zoning ordinance text amendment are attached as Exhibits S-X

There being no further comments, Chair Schwartz closed the public hearing.

Commissioner Johnson asked if public health staff raised any concerns. Mr. Hutchings said they were on the stakeholder committee and did not express any.

Commissioner Levchak asked if this zoning ordinance text amendment is turned down, nothing in the ETA would change. Mr. Hutchings said that is correct.

Chair Schwartz said he is a little torn as he can appreciate the concerns of the Police Department and thanked staff for all of their hard work. He said if permission from the neighbors were required it could limit people having chickens further.

MOTION: Based on the findings contained in the staff report, Commissioner Bakken made a motion to deny the zoning ordinance text amendment of Section 14-02-03 (Definitions), 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), And 14-04-01.1 (RR5 Residential District) relating to the keeping of chickens. Commissioner Levchak seconded the motion and with Commissioners Bakken, Levchak and Schwartz voting in favor of the motion and Commissioners Johnson, Laning, Schell, Wangen and Zent opposing the motion, the motion failed.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the zoning ordinance text amendment of Section 14-02-03 (Definitions), 14-03-06 (Incidental Uses), 14-04-01 (RR Residential District), And 14-04-01.1 (RR5 Residential District) relating to the keeping of chickens. Commissioner Zent seconded the motion and the motion was approved with Commissioners Johnson, Laning, Schell, Wangen and Zent voting in favor of the motion. Commissioners Bakken, Levchak and Schwartz opposed the motion.

OTHER BUSINESS

Mr. Ehreth said it is now being included in the notifications sent to adjacent property owners that public hearing comments need to be provided by 8AM the day of the meeting in order to allow time for staff to review them, compile them and distribute them to the Planning and Zoning Commissioners earlier in the day.

He said it also seems agenda packets are not being mailed in a timely fashion and to please notify staff if issues are noticed so they can consider other delivery options.

Commissioners Levchak, Zent and Laning said they received their packets the day before the meeting. Commissioner Levchak shared that his was postmarked Monday.

Mr. Ehreth said those are the issues staff is noticing as well and they will continue to monitor this as well as the need to potentially explore other options.

ADJOURNMENT

There being no further business, Chair Schwartz declared the Bismarck Planning & Zoning Commission adjourned at 7:29 p.m. to meet again on June 23, 2021.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Mike Schwartz
Chair

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Rezoning for RBK Ventures
Date: Wednesday, May 26, 2021 8:20:43 AM

From: 246dgh < >
Sent: Tuesday, May 25, 2021 9:31 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Rezoning for RBK Ventures

External Email - Use caution clicking links or opening attachments

My name is Douglas Hoopman and I reside at 6707 N Star Acres Rd, Bismarck, 58503. I am not against RBK Ventures so much as I am not in favor of any additional projects that will bring more traffic to 71st Ave. 71st Ave is already heavy with traffic to include many trucks. Without turn lanes this road has become very dangerous. I go out of my way coming home just so I don't have to make a left hand turn due to several close calls of being rear ended. I have lived here for 31 years and have seen the traffic grow way beyond the roads capacity to move it safely. Being a former State Trooper in this area for 22 years. I have seen, covered, assisted or heard of many crashes on 71st Ave. So until Burleigh County improves 71st Ave, I'm against any further project that will increase traffic.

Thank you
Douglas Hoopman

Sent from my Verizon, Samsung Galaxy smartphone

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Proposed storage units
Date: Monday, May 24, 2021 3:52:04 PM

From: Jeni Grunseth, Trademark Realty < >
Sent: Monday, May 24, 2021 2:31 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Proposed storage units

External Email - Use caution clicking links or opening attachments

Good afternoon,

It is my understanding that you will be voting on a proposed zoning change from Commercial to Industrial on the corner of North Washington and 1804. I would like to express my concern not only for my property value, (I live at 7626 Northwood Drive) but on the zoning change itself. That is setting such a very dangerous precedent for all future projects. Where is the buffer between Industrial and residential? Do we really want to open that up? That whole section is essentially new, why have such a mix? That goes against all zoning policies. In that case, why even have zoning? In my opinion this would be a horrible mistake. Again, not only for individual property value but for zoning as a whole.

Thank you.

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From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: 1804 and Washington storage unit proposal
Date: Monday, May 24, 2021 3:54:00 PM

From: steve kelsch < >
Sent: Monday, May 24, 2021 2:38 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: 1804 and Washington storage unit proposal

External Email - Use caution clicking links or opening attachments
I live in the subdivision that this will impact. I strongly oppose letting this land be used for storage units. This land is in a prime location and should be reserved for much more valuable endeavors. Not to mention that some clientele that these units can attract may not be the type of people we want roaming the neighborhood.

Get Outlook for Android

May 25, 2021

Planning Commission

RE: Zoning Change Northridge Estates Commercial Park

This is a letter is in opposition of the proposed zoning change of North Ridge Estates Commercial Park from CA to a PUD, Storage Units. The Future Land Use Plan indicated this property to have a commercial use for providing services to the surrounding area. The PUD will not provide any benefit to the surrounding area.

In Northridge Estates, Subdivisions I and II, over 50% of the property owners have constructed additional storage on their properties. This is an indicator that this PUD will not provide a benefit to the surrounding area or meet the origin intention of providing the opportunity for services for local residents.

Storage units in the past have only been allowed in industrial zoned areas. There is for a reason. My concern is that not all activities that take place in these storage developments are within the law. We don't need criminal activity in our neighborhood.

There are many properties zoned for this type of development provide more convenience and better access to the citizens of Bismarck than having to drive out of the city a mile. There is industrially zone land within the city limits along the railroad behind COSTCO which would be more convenient and closer proximity to the users of storage units.

This will be the first business to break ground at this location and will set the character for adjacent development in the future. Typically, businesses are attracted to compatible uses. This raises the question, what is a compatible use to storage facilities beside more storage facilities. The city of Bismarck in the past has done a very good zoning for compatible uses.

In the draft PUD ordinances, it only specifies the physical attributes of the constructed facility. The information provided to the residents talks about operations and hour of business. This was not part of the PUD, so the day they facility opens it can be a 7/24 business. They will operate their business as their customers dictate.

PUDs are an effective tool to modify existing zoning slightly to accommodate a similar land use. This is not the case, here the request is for a zoning to accommodate an industrial use in a residential area.

Allowing this PUD will open up opportunities for future PUDs in other areas to have inappropriate land uses in residential areas. This shows that if you check all the boxes that makes it is ok. I think you have to go further and look at the usage both short and long term for impacts. In the future will other commercial uses that would meeting the CA zoning want to develop next to this industrial facility? Take a look at the big picture. In my opinion, this PUD does not meet short or long term needs of the area.

Adding some architecture features and landscaping does not change the industrial usage. Therefore, the idiom: "No matter how much lipstick you put on a pig, you still have a pig".

My request is that the Planning Commission deny the PUD to allow storage units in Northridge Estates Commercial Park.

Thank you, your time,

Respectfully,

Mark and Sunny Berg
7501 Northwood Drive
Bismarck, ND

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Northridge Estates Commercial Park
Date: Wednesday, May 26, 2021 8:34:42 AM

From: Rick Olson < >
Sent: Tuesday, May 25, 2021 6:28 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Northridge Estates Commercial Park

External Email - Use caution clicking links or opening attachments

5/24/2021

To Planning Board

I am writing this letter because I am a resident of Northridge Estates (311 Crestridge Lane).

I do not believe that the Planning Committee should give approval of the storage unit that is trying to move into our neighborhood.

1. **I feel that it will only decrease the value of our property, as in most of these styles of facilities they start out clean and well-kept only to turn into a local scrap yard, items being stored outside and debris blowing about the development.**

2. **It is a known fact that these kinds of facilities breed theft and drug activity, and I do not want this in my neighborhood!**

Rick and Tammy Olson

Concerned residents.

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Ritz Carlton
Date: Wednesday, May 26, 2021 8:22:22 AM

-----Original Message-----
From: Ron Knutson < >
Sent: Tuesday, May 25, 2021 7:26 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Ritz Carlton

External Email - Use caution clicking links or opening attachments

Sorry but this is not a location to place an industrial storage complex. Please vote no and follow the county recommendation. We are trying to set a standard and keep it and I never dreamt this would get a positive vote from planning. After 20 years do not step back from doing things right. This site has been denied many many times for storage. An industrial use! We do not need to turn the entry to our city industrial and forever change Dow zoning from commercial to industrial. Despite the Ritz Carlton not showing the church office or a residential neighborhood this is exactly the kind of out of town BS spread. We welcome the expansion but not at the detriment of future correct zoning. Please vote no so us super 8 guys who do it right and our neighborhood are heard. Thank you. Ron Knutson.

Sent from my iPhone

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Storage units
Date: Wednesday, May 26, 2021 8:37:10 AM

-----Original Message-----
From: Kathy Howe < >
Sent: Tuesday, May 25, 2021 5:37 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Storage units

External Email - Use caution clicking links or opening attachments

We live at 7725 Ridgeland Dr and we r opposed to the building of storage units on Highway 1804 near our development. The land as we understand it is zoned commercial and no commercial land in the past has Ever been changed to Industrial . This land is surrounded by residential homes and this is the main reason it should not be zoned industrial. Scott and Kathy Howe. 5-25-2021

Sent from my iPhone

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Five Star Storage
Date: Wednesday, May 26, 2021 9:25:36 AM

From: John <[redacted]>
Sent: Tuesday, May 25, 2021 9:49 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Five Star Storage

External Email - Use caution clicking links or opening attachments

Dear Commissioners:

Regarding:

Five Star Storage is requesting approval of a zoning change from the CA – Commercial zoning district to a PUD – Planned Unit Development zoning district for Lots2-4, Block 1, Northridge Estates Commercial Park, less the portion taken for right-of-way.

I am concerned with the change in zoning listed above. I am a current resident of the Northridge Estate subdivision located in northwest Bismarck, east of North Washington Street.

I am strongly against the zoning change from CA – Commercial to a PUD – Planned Unit Development for this property. The current City of Bismarck strategy for North Washington Street is a nice commercial corridor that was established many years ago starting north of 43rd street. As you travel north on Washington north of 43rd, you pass by a commercial building near the Boulder Ridge area, then past Liberty School, Horizon Market, the future Missouri Slope Long Term Care facility, Bismarck Surgical Associates and Area 57. All these buildings are well built and have good curb appeal.

The drive north on Washington Street shows what the City of Bismarck has to offer. The nice residential neighborhoods, upscale commercial and office buildings, and modern elementary schools. You have to ask yourself, what will you see at the end of your drive when you come upon a self-storage facility.

The existing Beltway Self-storage facility on the east side of Highway 83 started as a premier self-storage. Within a few short years, all you see is lots of campers and old junky cars. The cars are not limited to the outside storage area, they are sitting in front of individual storage units. These cars are very unsightly when driving on 71st Ave.

Across the State of North Dakota and the United States, facilities like the proposed are a magnet for drug activity and other crimes. The Northridge Estates development is a quiet and safe development with very few people traveling through to site see. The added traffic to the storage facility will increase the number of people site seeing and potentially increase the number of break-ins and other crimes within the area.

Self-storage buildings are a necessary part of our society, and I am not opposed to the project. I am again strongly opposed to the location of this facility; it needs to be relocated to an established area that is zoned as industrial. I ask you to do your part to keep the City of Bismarck moving in the right direction by maintaining and upholding the zoning ordinances that are currently in place. The drive through the city should be visually enjoyable and not a mish mash of building types and businesses.

Sincerely,

John Klein
312 Crestridge Lane
Bismarck, ND 58503

May 17, 2021

Bismarck Planning & Zoning
Attn: Kim Lee
klee@bismarcknd.gov

RE: Proposed PUD for Five Star Storage

Dear Ms. Lee and the Bismarck Planning & Zoning Commission,

We are writing about the proposed PUD zoning application submitted by Five Star Storage for the parcels located at the intersection of 71st Avenue/Highway 1804 and Washington in North Bismarck. Several of us live directly next to the proposed development site.

The Hendricks family which runs Five Star Storage reached out to us over a month ago as potential neighbors to discuss the project. Since then, they hosted a town hall meeting to which the entire surrounding neighborhood was invited at their existing Bismarck rental office conference room near Legacy High School on May 11th at 5:30PM. Several of us attended in person or via Zoom, and Five Star's team discussed the project and answered our questions.

In our discussions, we discovered that they come from a small North Dakota town and have strong roots in the State. What Five Star Storage is proposing is a low traffic use that will fit well with the long-term plans of the community. Five Star is not proposing an unattractive storage property like we have typically seen in Bismarck that would belong in an industrial park. Instead, they are proposing an upscale facility that will benefit the neighborhood unlike any in the community-- similar to a Ritz Carlton rather than a Motel 6. In fact, Five Star's proposed use is more attractive than many commercial uses and will generate much less traffic and light pollution to the area. Five Star has also taken measures to address safety and security which puts our minds, as neighbors, at ease.

We strongly support the rezoning of this parcel to allow the development of Five Star's high-end self-storage facility, and in fact prefer this use to many other uses that could be approved in the current zoning for the parcel. Collectively, we do not want a gas station, supermarket, retail, etc. right next door to us for a variety of reasons. Those uses belong closer to higher density residential neighborhoods rather than our more rural community that has been here for years.

Additionally, along the eastern property boundary of the parcel is a grove of trees that we all want to remain, including Five Star Storage. We hope that the City does not require removal of the existing natural mature landscape that provides a great buffer for the Fligingers/Kerzmann residence to the east.

We thank you for hearing our true neighborhood voice and supporting this project.

- Darold & Lisa Burch
227 Ridgeland Loop
Darold Burch

-Nicole & Corey Kerzmann
301 Ridgeland Loop
Nicole Kerzmann

- Timothy & Kristi Fliginger
10410 Lilly Dr.
Timothy A. Fliginger
Kristi J. Fliginger

- Marlin Peterson
7500 Northwood Drive
Marlin R. Peterson

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Chickens
Date: Tuesday, May 25, 2021 12:04:01 PM

From: Brittany < >
Sent: Tuesday, May 25, 2021 9:19 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Re: Chickens

External Email - Use caution clicking links or opening attachments
Please make sure you read the previous email. I had one more thought. The requirements are 10 sq ft per chicken, with 10 chickens which is a low number to begin with, that is a 10 x 10 out space. That is not only very expensive around $500 dollars but it is also nearly impossible to cover. Free range would eliminate the hideous construction to begin with. Sometimes city rules make things impossible. You can have them but really you can't, if you get my drift.

On Tue, May 25, 2021, 9:08 AM Brittany < > wrote:

> Hello I am providing my approval for chickens. A few areas I do not agree with. Chickens are made to free range and eat bugs, of course our gov wants everyone to believe they should be veggi fed. Chickens that eat bugs are healthier to eat. So not only is it healthier for the chicken but it is healthier for the people. It inhuman to keep them locked up. Now if you want to make it that they are bound to property lines that would be fair. This would even allow people to spray pesticide less.
>
> Second concern is the restrictions on coops and placement as I'd they are all an eyesore it can be difficult for some to come up with places that it can not be soon. Also some of the requirements are very expensive.
>
> I hope their are not permits involved owning chickens should not be more expensive then purchasing from big box stores such as Costco.
>
> We should be allowing people to have their own food supply and encouraging. Especially, considering Bill Gates is buying up a lot of farm land in North Dakota and owns majority in USA there is a prediction on food scarceness. They also want to eliminate CO2 completely and in order to do that elimination of cattle needs to occur. People who turn a blind eye and say it won't happen are just lying to themselves a lot has happened and we no longer live in a free society. I mean look we even have to beg to own chickens and are bound to the rules that others restrict us to.
>
> Lastly, roosters how can we make chickens when no one wants to allow roosters. We purchase the chicken but what happens when more and more places restrict having a rooster. I mean extinction has occured throughout history, and extinction often occures from human choices.

I already know me writing you won't change your mind, because our society no longer believes in freedom.

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Chickens in Bismarck, YES!
Date: Tuesday, May 25, 2021 2:54:03 PM

-----Original Message-----
From: >
Sent: Tuesday, May 25, 2021 2:26 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chickens in Bismarck, YES!

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As a resident of bismarck I support having a limited amount of chickens within city limits, I support no roosters. I think what people do on their property as long as they don't disturb other should be allowed.

Please consider allowing residents to keeps Hens in their backyard with a small coop.

Stephen Elkins

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Chickens in Bismarck ZOTA2021-002
Date: Tuesday, May 25, 2021 2:56:26 PM

From: Rick Acker < >
Sent: Tuesday, May 25, 2021 2:48 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chickens in Bismarck ZOTA2021-002

External Email - Use caution clicking links or opening attachments
Mayor Bakken is off in his assessment of chickens in the city of Bismarck. I live south of town in a development, and I went several months before I even noticed that my next-door neighbor had chickens. Allow chickens or he'll have "egg" on his face. Thank you.

Rick Acker

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: ZOTA2021-002 , proposed changes to chicken ordinance
Date: Wednesday, May 26, 2021 8:23:50 AM

From: < >
Sent: Tuesday, May 25, 2021 6:30 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002 , proposed changes to chicken ordinance

External Email - Use caution clicking links or opening attachments
Dear City of Bismarck Planning and Zoning Commission,

Re. ZOTA2021-002, proposed amendment to zoning ordinance (permitting chickens).

My name is Steve Fischer; I have been a Bismarck resident for eight years, a local business owner for six years, and a homeowner for four years. I wish to express my support for the proposed changes to the city's zoning ordinance to permit the keeping of chickens. I'll try to keep my argument brief:

1. The primary arguments *against* the proposed change (noise, odors, attracting rodents and predators, etc.) are addressed by the provisions of the proposed amendment (no roosters, no more than four hens, rodent-proof and predator-proof enclosures required, minimum distance to neighboring properties, etc.)
2. If I understand correctly, North Dakota is one of a handful of states with no significant commercial egg production. Virtually every carton of eggs we buy at the store must be trucked in long distances, and we pay more for our eggs than most states.
3. Anti-chicken ordinances are a relic of a time when urban Americans disdained all things "rural," and city planners sought "modernity" as the height of urban sophistication. Such attitudes are, ironically, old-fashioned. 21st Century Americans tend to see the value in shrinking the gap between themselves and their food sources, and there's a national trend toward permitting the responsible, limited keeping of hens. Most parents would probably agree that it would be good to show their kids that food doesn't just "come from the store." With all due respect to Mayor Bakken, his stated support for maintaining a blanket ban on chickens makes me question his right to proudly wear the "redneck" label Representative Jim Kasper gave him a few years back.
4. Eggs from "backyard hens" tend to be of a higher quality than commercially produced eggs, both in terms of nutritional content and (in my opinion) flavor.

I'll confess, all of the above arguments are motivated by my lifelong desire to raise a few Plymouth Rock hens, and involve my kids in their care. Thank you for your consideration.

-Steve Fischer

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: ZOTA2021-002.
Date: Wednesday, May 26, 2021 8:46:42 AM

From: helen gonzalez < >
Sent: Tuesday, May 25, 2021 5:27 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002.

External Email - Use caution clicking links or opening attachments
I wish to add my YES to chickens allowed in Bismarck. I don't believe they would be a nuisance. I am sure that if they are allowed under specific circumstances it will benefit those who grew up having chickens and can no longer live on a farm. They would also teach and encourage children on other animals that are not dogs or cats
Also there is the plus for businesses that sell feed, etc.

From: Planning - General Mailbox
To: Hilary Balzum
Subject: FW: Public Comment - Backyard Chickens
Date: Wednesday, May 26, 2021 10:54:38 AM
Attachments: Boeshans Public Comment.pdf

Hilary Balzum
Senior Administrative Assistant
City of Bismarck – Community Development
221 N. 5th Street
PO Box 5503
Bismarck ND 58506-5503
Office: 701-355-1843
Fax 701-222-6450
Website: www.bismarcknd.gov
Facebook: www.facebook.com/bismarcknd.gov | Twitter: www.twitter.com/BismarckNDGov

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From: Amber Boeshans <amberboeshans@gmail.com>
Sent: Tuesday, May 25, 2021 11:38 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: William Hutchings <whutchings@bismarcknd.gov>
Subject: Public Comment - Backyard Chickens

External Email - Use caution clicking links or opening attachments
Please see my attached public comments regarding the proposed ordinance for the keeping of backyard chickens. I am very excited for this positive opportunity and I look forward to your response. Have a great meeting!
Best Wishes
Amber Boeshans

Grant and Amber Boeshans
1737 Bonn Blvd
Bismarck, ND 58504

Dear Bismarck Planning and Zoning,

First, I would like to commend the Bismarck City staff for their months of diligent research and communications on this topic. As a lifelong resident of Bismarck and an animal agriculture enthusiast, I believe that the proposed ordinance is very well written and will provide an enriching opportunity for residents.

I believe the ordinance's well-thought-out language secures the well-being of our community and animal health, while allowing residents to embrace home food production and the joy of caring for chickens. After reviewing the housing requirements, run space, feed storage and manure handling requirements in the permit application, I am confident that the animals will be properly cared for. I urge for the permit application to be accompanied by further information resources such as NDSU Extension Service brochures, to ensure applicants have the tools and knowledge needed to raise a healthy flock. I am relieved that in the rare occurrence of a permit holder not abiding by the rules, there are corrective actions in the ordinance that allow for reasonable enforcement.

I also agree that the keeping of 4 hens and no roosters is satisfactory. From my extensive experience with poultry, hens do not produce any more noise than other domestic animals or wildlife in town, such as dogs and wild birds. I believe that they will not result in negative impacts on neighbor relationships. The setbacks from neighboring residences and consideration for visibility from the street, will lead to amicable interactions with neighbors. As with any other action in a community setting, being a good neighbor is paramount!

The last few thoughts I would like to include are in reference to the value of adding chickens to a home gardening system. Eggs and meat are not the only benefits of chicken ownership. Chickens will reduce garden waste by consuming damaged vegetables and plant scraps, all while helping control insects such as slugs and grubs. As you know, slugs and grubs are extremely hard to control and often require pesticides. Chickens are a natural and safe way to control pests.

In conclusion, animal agriculture has been my life's passion since childhood. Being actively involved in animal production not only brings financial value, it provides an indescribable sense of pride. By allowing for backyard chicken production, Bismarck's citizens can feel the pride of producing their own food and experience the satisfaction of caring for animals. Thank you for taking the time to review my comments. I am open to questions via email or phone.

Respectfully Submitted,

Amber E Boeshans

Amber Boeshans
Bismarck Resident

From: Planning - General Mailbox
To: Hilary Balzum
Subject: FW: Chickens - Zoning ordinance
Date: Wednesday, May 26, 2021 10:54:43 AM
Attachments: Marty.pdf

Hilary Balzum
Senior Administrative Assistant
City of Bismarck – Community Development
221 N. 5th Street
PO Box 5503
Bismarck ND 58506-5503
Office: 701-355-1843
Fax 701-222-6450
Website: www.bismarcknd.gov
Facebook: www.facebook.com/bismarcknd.gov | Twitter: www.twitter.com/BismarckNDGov

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From: Amber Boeshans < >
Sent: Tuesday, May 25, 2021 10:03 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Cc: Martin Piorkowski < >
Subject: Fwd: Chickens - Zoning ordinance

External Email - Use caution clicking links or opening attachments
Dear Bismarck P&Z Commission,
Please see the attached public comment from Martin and Tara Piorkowski. They sent this to me in September 2020 when discussions first began with Bismarck City staff regarding the raising of chickens. If you have any questions for them, Martin's email is or their phone number is available upon request. They are also being cc'd on this email.
Thanks,
Amber Boeshans
Bismarck Resident
1737 Bonn Blvd

> On Sep 23, 2020, at 2:37 PM, Martin Piorkowski < > wrote:
>
>
> Hello Amber,
>
> Please see the attached document for support of chickens in Bismarck.
>
> Thanks,
> Marty and Tara
> <Chicken Ordinance.pdf>

Martin and Tara Piorkowski
1749 Bonn Blvd.
Bismarck, ND 58504

September 23, 2020

Dear Commission,

We are recent transplants to the greater Bismarck community and have enjoyed many of the benefits of our North Dakota culture. It has been brought forth that the ordinance barring chickens within the city limits should be reconsidered. We moved here from Cheyenne, WY which is of similar size to Bismarck. We lived within the city limits which allowed for up to six hens.

Although we were allowed to have chickens, we contacted each of our neighbors prior to getting our chickens. All of our neighbors appreciated the gesture and were happy to hear that we were getting chickens. One neighbor did as that we wouldn't keep any roosters if by chance we got one from the flocks being sold at the local stores. As circumstance would have it, we did wind up with a rooster, but donated him to a local ranch outside of town to live out his days. Most of our neighbors never heard the chickens with only the adjacent neighbor mentioning that they would go out on the deck to listen to them just before sunset when they typically made a purring sound before they would go into their coop to roost for the night. Because we had dogs, we did have a fenced in run for them during the day and a heated coop for them to roost in for the nights.

There are many benefits of having chickens. For us the primary benefits included fresh eggs, entertainment (watching them), and teaching our children where food comes from. This also provided us a learning opportunity for our children on caretaking and responsibility. With just a handful of chickens they are pretty easy to care for and they provide a great learning opportunity on raising your own food without having to own a farm or ranch. This was and is important to us. Unfortunately, we were not able to bring our chickens with us when we moved to Bismarck, but many towns and cities have found that residential chickens work well within local communities. Often people will speak about the benefits of chickens in relation to providing fresh eggs, bug control, soil aeration, and fertilization. Though these are also great benefits, we think that there are many more benefits out there that are often not considered.

In a growing and urbanizing world, it is important to maintain connection with our natural environment. Though Bismarck is not the biggest city in the state, it is continuing to grow and urbanize. Allowing chickens to be raised and kept within the city limits of Bismarck may allow us to maintaining the connections with our rural ranching and farming communities which define North Dakota.

We hope that you consider this petition and overturn the current rule for Bismarck. Setting guidance and allowing chickens to be kept in residential communities can provide yet another great opportunity for those who live in Bismarck. We thank you for your time and consideration in this matter.

Sincerely,

Martin and Tara Piorkowski

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: ZOTA2021-002
Date: Wednesday, May 26, 2021 11:03:15 AM

From: kndobrze < >
Sent: Wednesday, May 26, 2021 7:09 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002

External Email - Use caution clicking links or opening attachments

Dear Commisoners-

Our family is in support of chickens within city limits. Raising four hens provides a great learning experience for our four children. It teaches them responsibility and animal husbandry.

Our property backs up to I-94. The noise of the Interstate would be louder than any hens. In fact the noise from the Dacotah Speedway is much more of a nuisance.

The coop would not be visible unless an individual was on our property. The hen house would be appropriate size for four hens.

We would ensure oder would be minimized by proper cleaning and maintenance.

They would be less of a hederance to the community than any other allowed pet/animal.

Karl & Shawna Dobrzelecki
City Residents
1879 S. Grandview Ln

From: William Hutchings
To: Kim Lee; Jenny Wollmuth; Hilary Balzum; Sandra Bogaczyk; Daniel Nairn
Subject: FW: ETA Resident, Steering Committee Member Comments
Date: Wednesday, May 26, 2021 8:12:01 AM

From: Scott Harmstead < >
Sent: Wednesday, May 26, 2021 1:25 AM
To: William Hutchings <whutchings@bismarcknd.gov>
Subject: ETA Resident, Steering Committee Member Comments

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Hello Will,

Thank you and your department for pushing the issue of the residential keeping of chickens over the years and working to be responsive to the public interest. I appreciate staff making the effort to assemble and gan input from a steering committee on the issue--I appreciate the opportunity to take part on that. I have reviewed the staff report and proposed regulations and offer the following questions and concerns.

It is not stated in the report--is there any existing City policy (i.e. comprehensive plan language) related to this issue? I understand staff are undertaking an update of the city's comprehensive plan. I suggest this issue be given focus as part of that process. It will be important to gauge public opinion of those within the city limits towards the keeping of chickens. This might give city leadership impetus to invest the noted funds to support these regulations within city limits. This issue can be included in the larger drive for locally-sourced food and healthy communities.

More needs to be understood about the original intent of pushing for these regulations in RR districts alone. Some questions I have:
- In particular, are these proposed regulations driven by citizen interest from within the city limits or in the ETA?
- Also, is there enough of a problem in the RR districts to warrant this significant addition of regulations? Some regulations do exist for RR districts, why are they not enough? Comparisons are made to other city regulations. It is my understanding that these regulations from other cities are for keeping chickens in urban resident districts, not rural residential districts.

Did staff work with NDSU extension to prepare a flyer or guide on how to keep chickens as a hobby/non commercially? I recommend this be provided rather than a list of additional regulations for RR District residents. From my perspective I don't see the need for additional regulations in the RR Districts and how existing regulations have harmed neighborhoods in the ETA. The level and type of regulations proposed make sense for urban residential zoning districts--this is supported by existing urban residential chicken keep regulations from cities such as Fargo and Mandan.

As a former resident of the City (lived at 219 E Calgary), I see the need for chicken-keeping regulations for some residential districts inside city limits. The stated reasons against this in my

opinion are overblown and very minor--other cities in ND and across the nation can do this. Get out of the way of progress and the freedom of residents to raise their own food.

Thank you for your consideration of these comments.

Scott Harmstead
2840 Keith Drive

ETA/ETJ Resident

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Chicken ordinance testimony
Date: Tuesday, May 25, 2021 2:45:16 PM

From: Richard Muffler < >
Sent: Tuesday, May 25, 2021 2:08 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chicken ordinance testimony

External Email - Use caution clicking links or opening attachments
Hi,

I would like to enter the following as testimony for tomorrow's meeting about chicken rules.

As someone who grew up with chickens and wants to teach my children the same responsibility of caring for animals and respecting what they provide to us, it is important that any rules or ordinance does not prevent me from sharing this with my kids.

Cost plays a big part in raising and caring for animals. We plan on raising hens as dual purpose, meaning we will use their eggs and later use them for meat. Restrictions against free range hens and requiring specific run sizes for them adds a cost prevention to raising hens. This serves our own personal use, we won't make money from having up to 10 hens. This means that buying and/or building additional structures makes this more costly. Raising chickens should not cost me more than what it costs to buy eggs and meat from a grocery store. I expect to save money by doing this and provide my family with healthier food.

This leads me to health as a concern. Unhealthy hens produce lower quality eggs and meat. Most importantly, these animals are being raised to benefit us which means we should be providing them with the best possible life while in our care. The best possible life and health is giving them the freedom to roam. I understand the concern for keeping hens in your own lot and not wandering off to the neighbor's property or roadways. Again though, a thoughtful and caring owner needs to be good at keeping up with their hens. They shouldn't be left on their own for predators or to roam off. If issues arise, then a neighbor should be able to take action to remediate the issue with their neighbor or take a legal action to solve it. The hens shouldn't be hampered because of a bad owner. Lastly, people with sizeable lots could use the space for the hens without there being concern of them wandering off.

Thank you,
Richard

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: Chickens
Date: Tuesday, May 25, 2021 2:49:28 PM

-----Original Message-----
From: Sharon Fisher < >
Sent: Tuesday, May 25, 2021 2:13 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Chickens

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Please - NO chickens! People can't/don't even clean up after their dogs when walking them or even in their own yards. Nobody waters their lawn anymore. The yards in the city are starting to look horrible without adding chickens. We keep our yard very nice but most of the other yards on our block look terrible to the point that I wish I could move.

Sent from my iPhone

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: ZOTA2021-002
Date: Wednesday, May 26, 2021 8:36:26 AM

From: Gerlynn Gabel < >
Sent: Tuesday, May 25, 2021 6:02 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: ZOTA2021-002

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We are not in favor of allowing chickens in the Bismarck city limits. If people want chickens they need to live in the country. Chickens can and will attract rodents and other critters, not to mention the smell and noise. This is something that can and will get out of hand very quickly. Instead you need to work on getting more teeth in ordinances for yards, it is terrible the way people in Bismarck are allowed to let their yards go. We have a beautiful city and we need to keep it that way. Our neighborhood has called and complained for years about a home in our area. And nothing ever happens, and those are the people who will bring in chickens. Please do not consider chickens in the city limits.

Bill and Gerlynn Gabel
1422 S 3rd St
Bismark

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: No chickens
Date: Wednesday, May 26, 2021 10:53:15 AM

From: <

>

Sent: Tuesday, May 25, 2021 8:18 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: No chickens

External Email - Use caution clicking links or opening attachments
We do not need chickens in Bismarck!

From: Planning - General Mailbox
To: Hilary Balzum; Daniel Nairn; Jenny Wollmuth; Kim Lee; William Hutchings
Subject: FW: No chickens
Date: Wednesday, May 26, 2021 10:53:31 AM

-----Original Message-----
From: Becky Selzler < >
Sent: Tuesday, May 25, 2021 8:22 PM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: No chickens

External Email - Use caution clicking links or opening attachments

We do not need any chickens in Bismarck

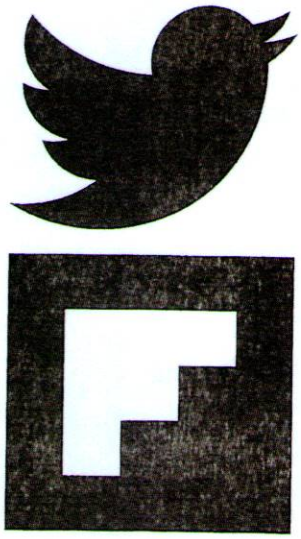
Sent from my iPad

Hilary Balzum

From: Timothy Bleth
Sent: Wednesday, May 26, 2021 1:04 PM
To: Planning - General Mailbox
Subject: Backyard Chickens
Attachments: doc01684320210526125451.pdf; doc01684420210526125527.pdf; doc01684520210526125620.pdf; doc01684620210526130200.pdf

Attached are stories which cover concerns of the Bismarck Police Department reference Backyard Chickens.

Keeping backyard chickens comes with a human health risk, CDC warns



By Mary Brophy Marcus

June 2, 2017 / 4:05 PM / CBS News

Keeping chickens in the backyard has become more popular in recent years, but there's a downside. Many states are reporting salmonella outbreaks linked to backyard flocks, health officials said this week, and they're calling for owners to take steps to reduce infection risk.

So far this year, 47 states have reported cases of human salmonella connected with backyard flocks, the Centers for Disease Control (CDC) said this week, including 372 people infected. A little over a third of those who became ill were children under age 5. Seventy-one people have been hospitalized.

The symptoms of salmonella infection include nausea and vomiting, blood in the stool, fever, chills and abdominal pain.

Questions over dog flu vaccine 03:13

Antibiotics can help treat the infection, but people with more severe symptoms may need to go to the hospital for intravenous medication.

Infection doesn't necessarily come from eating raw or under-cooked eggs, warn experts, though both carry the risk of infection.

"A lot what is going on is not related to the eggs," Dr. Sherrill Davison, associate professor of Avian Medicine and Pathology at Penn Vet, told CBS News. "People need to handle poultry safely."

While some salmonella can get into eggs, most infections happen when someone is handling their chickens and the birds' fecal matter gets on their hands. They then accidentally ingest it when they touch their mouth, she explained.

Trending News

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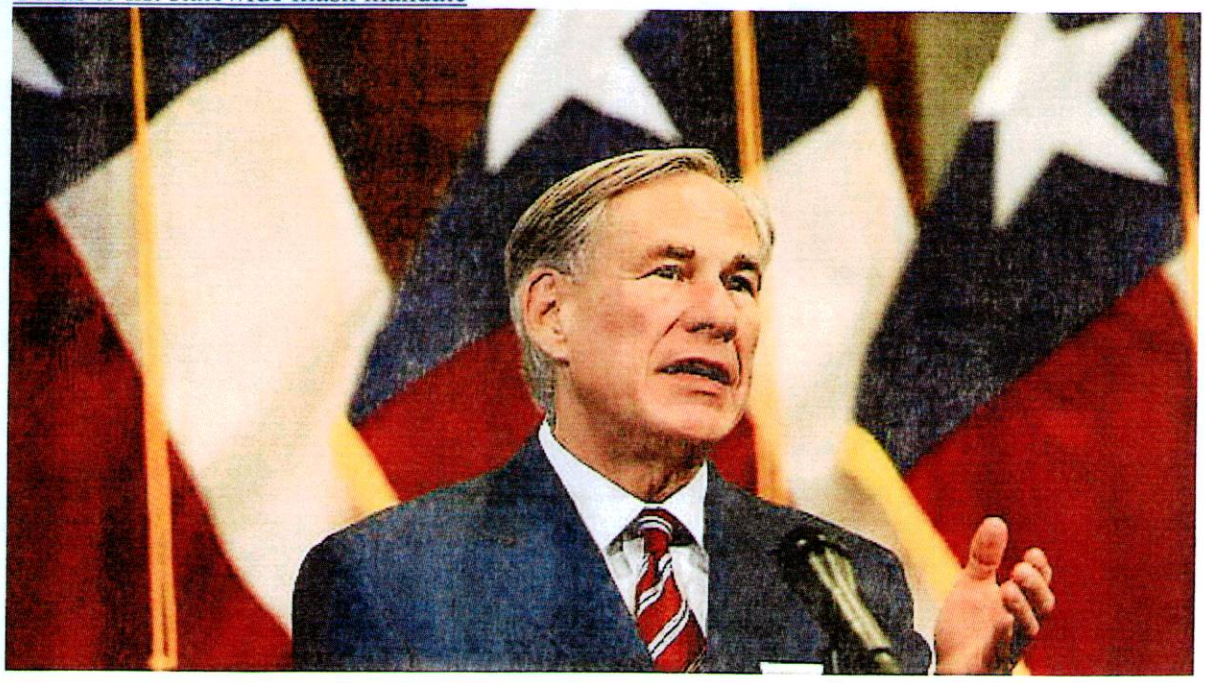

It may also be tempting for kids and adults to cuddle and kiss their chicks, but keep a distance.

"It may be in the chicken's mouth area because they peck around on the ground. Infection may occur when you're handling live poultry, too, when you are cleaning out your coop area," said Davison, who gets calls everyday from backyard bird owners.

Chicks and ducks may appear clean to the human eye, but they can still carry salmonella. Here are other ways flock owners can avoid getting sick:

- Always wash hands well with soap and water after handling feathered pets, and keep hands away from the face.
- Don't let live poultry inside the house, especially in areas where food is served.
- Don't let kids under 5 handle or touch chicks, ducklings or other live poultry without adult supervision.
- Toss eggs that look dirty or cracked. Don't rinse them with cold water.
- Refrigerate the eggs after you take them from the coop.
- Cook eggs well.

The CDC has more tips for flock owners on its web site, and is working with public health, veterinary, and agriculture officials in many states and with the U.S. Department of Agriculture's Animal and Plant Health Inspection Service to investigate outbreaks linked to backyard flocks, a statement issued this week by the health agency said.

People who became ill told the CDC they had purchased baby chicks from a variety of locations including feed supply stores, websites, hatcheries and relatives.

Families who keep backyard chickens and ducks should also be sure to give their feathered pets regular veterinarian check-ups, just like they would a family dog or cat, said Davison. More and more veterinarians are becoming aware of flock problems, so, depending on where you live, you may not need a bird specialist. Your dog's doctor might be able to help with your chickens, too.

First published on June 2, 2017 / 4:05 PM

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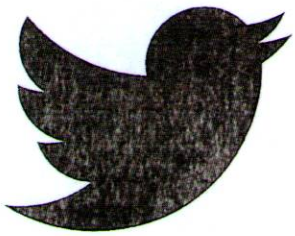
Mary Brophy Marcus

Mary Brophy Marcus covers health and wellness for CBSNews.com



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Nov 21, 2013, 08:40am EST

Five Reasons Why Owning Backyard Chickens Is For The Birds

James McWilliams Contributor ⊙
Food & Drink
I write about food, agriculture and animals.

Somehow or other, it has become the mark of twenty-first century urban hipness to keep a bunch of birds out back. We're mostly talking hens. Exact numbers are unavailable, but the trend has become popular enough for dozens of major cities to revise their animal ordinances, thereby opening the legal floodgates for the emergence of urban animal agriculture, an endeavor that most American cities legislated out of existence (primarily for health reasons) back in the nineteenth century.

top-5-reasons-forbes-V2

This renaissance of foodie affection for the uber-local egg has also inspired its share of outlandish rhetoric. Says the mayor of Madison, Wisconsin: "Chickens are really bringing us together as a community." Says my Austin neighbor and co-owner of Boggy Creek Farm, Carol-Ann Sayle: "Everyone should have their own henhouse in their own backyard."

It's doubtful that the incoming mayor of New York City will agree with either of these sentiments. But no matter. Thousands of other

urbanites nationwide—many of them so committed to keeping chickens that they do so surreptitiously—are suddenly giving a major cluck about backyard eggs.

Lost in all the enthusiasm are the drawbacks. According to Ian Elwood, of Animal Legal Defense Fund, "the solutions backyard chicken farming seeks to create—food security, local foodsheds, healthful eating—are all better served by encouraging more plant based farming." His bottom line regarding urban agriculture is simple: "Let's leave animals out of it."

What follows are five reasons why, when it comes to chickens, Elwood is onto something.

1) **Diminishing Production.** Hens start laying eggs after about five months. Production, however, wanes at the age of two. Hens can live for well over a decade. Many backyard hen owners are as reluctant to keep a non-productive hen as they are to turn her into chicken soup. The upshot has been a sharp rise in abandoned birds. In 2001, according to the Associated Press, Minneapolis' Chicken Run Rescue fielded six calls from individuals looking to find homes for forsaken chickens. By 2012, that number reached almost 500.

2) **Commercial Hatcheries.** Raising hens in the backyard seems like an obviously humane alternative to factory farming. In some ways, it is. However, on this point, two closely related facts should be considered. First, the majority of hens fortunate enough to escape the factory's battery cage hail from the same industrial hatcheries that supply factory farms with millions of birds. This commonality not only undermines any pretense of thinking that backyard birds challenge the industrialized status quo, but it leads to a second

problem, namely the fact that the male chicks born in those industrial hatcheries were likely either tossed alive into a grinder or gassed. Male birds are worthless to a hatchery supplying egg farms. Household hens might be glorified, but their cute chicken brothers are treated like trash.

3) **Predation.** Backyard hens are especially vulnerable to predation. Try this experiment: when you learn that a friend gets backyard hens, check in two months later and ask how things are going. Chances are good that the answer will go something like, "great, but . . ." Dogs, cats, snakes, coyotes, possum, hawks, raccoons, raccoons, raccoons. These predators are prevalent and persistent and your poor hens, the ones you have come to love as pets, cannot indulge their natural defense mechanisms (such as finding a low tree limb hidden in dense foliage). They often find themselves trapped in some Ritz-Carleton of a coop that turned out to be less secure than advertised and, in their plush safe havens, are killed in a way that makes the slaughterhouse seem like a day spa by comparison. "What killed my chickens?" It's an all too common question. And there are currently 23,900 answers being offered on Google .

4) **Roosters.** There's about a 5 percent chance that your hen will turn out to be a rooster. There are a couple of reasons for this mistake. For one, the sex of a chicken is hard to identify upon birth, even for experts. Many roosters are accidentally identified as hens and shipped to feed stores, the place where urban farmer/hipsters flock to buy their stock. Less innocently, many male birds are tossed into shipping containers as a form of packing material, deployed to prevent the hens from banging into the side of the crate and having their retail value lowered. In any case, urban ordinances that do

allow hens are markedly less accepting of roosters, who are more often than not considered poultry non-grata in urban settings.

5) **Cost.** First-time backyard hen owners are enchanted by the idea of free eggs. Don't be fooled. Build the coop, buy the feed, pay the vet, count the hours spent maintaining the coop and administering care, compensate the neighbor's kid for feeding the hens when you go to the Hamptons for the weekend, and then grab a calculator. The results? As one backyard farmer from Merced, California told an online chicken forum: "Don't tell my wife, but I think my eggs are costing about $40 a dozen."

Follow me on twitter @the_pitchfork and visit my website at james-mcwilliams.com

James McWilliams

I'm the author of several books about food and agriculture, including A Revolution in Eating: How the Quest for Food Shaped America, American Pests: Our Losing War on...

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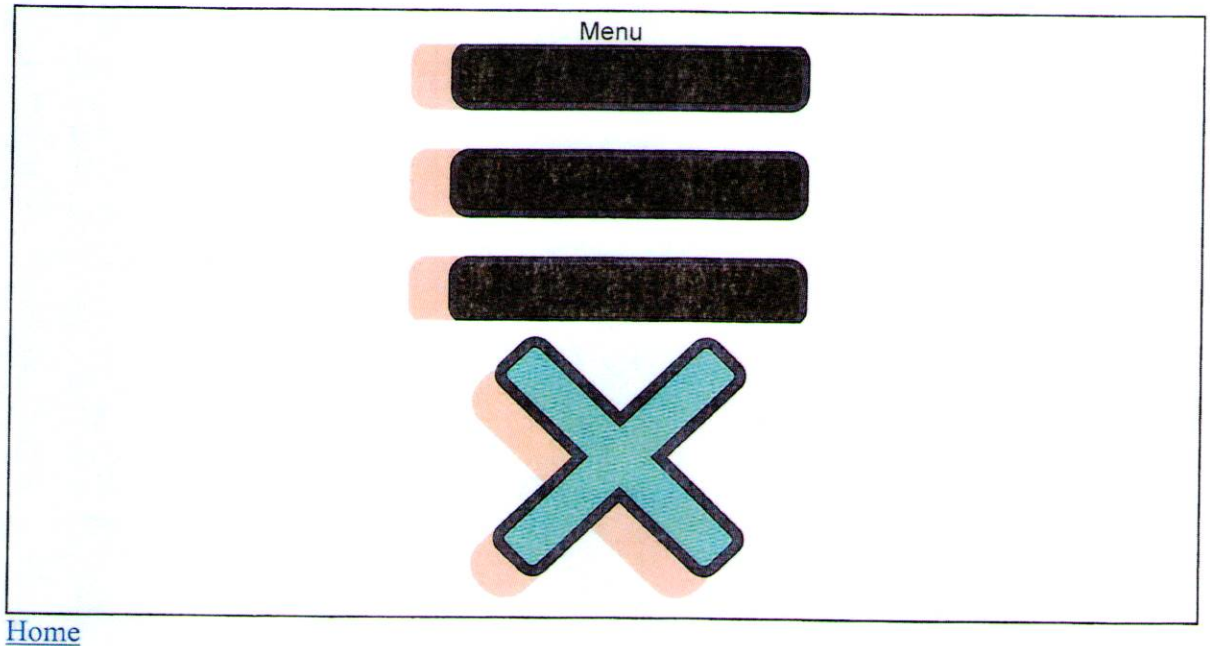

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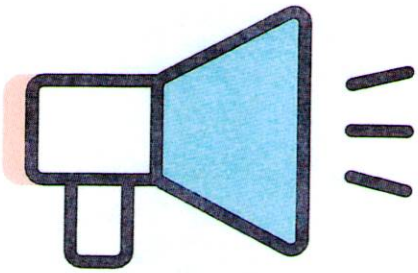

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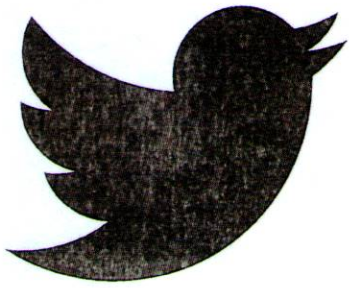

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Treehugger Voices

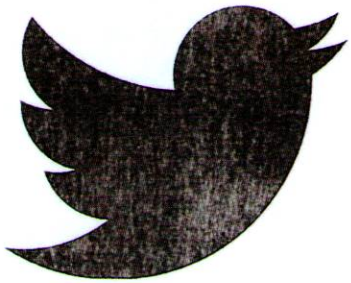
Why I No Longer Have Backyard Chickens

By

Katherine Martinko
Senior Writer

- University of Toronto

Katherine Martinko is a writer and expert in sustainable living. She holds a degree in English Literature and History from the University of Toronto.
our editorial process



- Twitter Twitter

Katherine Martinko
Updated May 07, 2020

- Current Events

- Treehugger Voices

It seemed like a good idea at the time...

Yesterday was a sad day at my house. I went outside after work to dismantle the chicken coop where my five beautiful hens lived up until several weeks ago. After being an outspoken advocate for urban chickens and lobbying town council to let me keep hens in the backyard, it was a tough and humbling realization that chicken-keeping just isn't my thing.

There were many wonderful things about having those birds. I loved the soft clucking sounds they made. It gave soothing background music to my day that, once gone, made the property sound eerily quiet. The girls, as we called them, would always run to the fence to greet us when we came outside. (They probably just wanted compost scraps, but still, it was cute.)

And their eggs! Oh, they were the biggest, best, and most beautiful eggs I've ever eaten. Despite knowing how it works, seeing it happen in real life is another thing altogether. It was like magic, giving them food and water and having our breakfast materialize in their nesting box.

What Went Wrong?

chickens in a small back yard chicken

Katherine Martinko / Treehugger

Nothing specific. We never had a single issue with predators or rodents, nor any noise complaints from neighbors (except when we got two roosters by accident at the very beginning). Instead, I began to struggle with two issues: the poop and the confinement. A friend had warned me that chickens are filthy, but I didn't take it seriously. After several months, though, I understood. Chickens might be egg machines, but they are poop tornadoes. It was an endless battle, possibly made worse by the fact that they had to live within a fenced area (bylaw rule); it kept the poop contained, but it also led to accumulation, compaction, and problems with odor, despite my regular efforts to clean and shovel. When the kids were doing chores, chicken poop got tracked onto the walkway to our house and into our mudroom and became a source of tension. Maybe someone else would do a better job at staying on top of the mess, but I found it overwhelming. Then there was Drumstick, our favorite bird, who always flew the coop. Every day I'd find her rustling in the leaves in neighboring flowerbeds and she'd always look up in alarm, hightailing it back to the coop as if she knew she was in trouble. This made me sad because I didn't want to keep her fenced in, but I had to according to the bylaw. I started to feel terrible about the hens having limited space to roam, despite having done my research and confirming with their breeder that the space was sufficient. It felt unnaturally cramped and almost cruel to keep them in there.

Another lesser issue was having to rely on friends to check on the chickens twice a day whenever we went away. This was difficult to arrange since I quickly learned that other people aren't as enamored with backyard hens as I am.

Where are the Hens Now?

With colder weather approaching, I made a decision that was supposed to be for both the hens' benefit and my own. It was time to move them somewhere else. Butchering was not an option, though it was the original plan. After 16 months of cohabitation and interaction, there was no way I wanted to eat Drumstick, Jemima, Hannah, Snow, or Speck. I found a woman who was eager to take them on, add

them to her small flock, and give them a much bigger space to roam. They've been there for nearly a month and are doing well.

Are Urban Chickens a Bad Idea?

As I worked yesterday, ripping out the fence and shoveling residual straw and manure, I had time to mull over the experience. I don't quite know how I feel about urban chickens anymore. While I love the idea of enhancing one's food security, taking control over some aspects of food production, and shortening the distance from farm to table, I also think that keeping livestock on small urban lots is not ideal. It is dirty and noisy, no matter how much I tried to tell myself otherwise, and the confinement wasn't terribly fair to the birds themselves. Was it better than the lives of battery hens? Absolutely, but is that good enough? Just because something is better than the worst that exists doesn't make it good.At the very least, the experience has intensified my aversion to factory-farmed chicken meat and eggs. I simply cannot eat those products from the grocery store anymore (not that I did much before) because I know too much about the birds themselves, their quirky personalities, and how dirty they get. My point of reference has shifted through personal experience and that's why I will only buy eggs from local rural farmers whose birds roam freely, even if means paying more and eating less.

I still miss those hens, their eggs, and their gentle clucking. Every time I walk out of the house, I glance in the direction of where they used to be. When I made a pie last night, I thought about how much they would've loved the apple peels and cores. But I know that they have a better life elsewhere and that is consolation.

- Blob, an African clawed

  How We Ended Up With an Invasive Species as a Pet
- Chickens in a

  The 9 Best Chicken Coops of 2021
- chic

  My Life With Backyard Chickens
- Close up of a hen in a back

  My Year With Chickens: What You Should Know Before Getting Chickens
- backyard chickens environmental impact

  The Environmental Impact of Backyard Chickens: No Impact Is Not an Option
- Our Chicken Just Laid a $7,000 Egg

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The Pros and Cons of Raising Chickens in the

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CHICKENS · THE BARNYARD

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While there is a lot to love about keeping backyard chickens, there are also quite a few things before owning chickens when you live in the city. Here are our pros and cons of raising chick

After almost two years of raising chickens in the city, I would say we know the ins and outs p

I've spent months putting together this list of the pros and cons of raising chickens in the city who's considering it. For the record, we highly recommend everyone get themselves some ch you to go into as chock-full-of-knowledge as you can be.

Over the years we've lost and gained birds. We've taken in birds from our friends, hatched ch incubator, hatched chicks with a broody hen, given away birds, and butchered birds.

All that experience has enabled me to amass quite the list when it comes to city chickens. So, seats, cause away we go!

[sc name="AFFILIATE"]

PROS OF KEEPING CHICKENS IN THE CITY

Keeping backyard chickens allows you to become a food producer and not just a consumer. I
fresh eggs, there are a lot of benefits to keeping chickens in an urban setting.

VERY FEW CHICKEN PREDATORS IN THE CITY Bismarck is full of Predators

We've heard horror stories from other chicken keepers about troubles with foxes, weasels, ca
We have had minimal problem here in the city. Not to say that predators don't exist in the cit
do, we just haven't had many.

Our yard is full of giant trees that tend to protect it from predators in the sky. It's surrounded
fence, which protects our girls from predators on the ground. Our run and coop are covered ir
every which way.

The only predators I've seen in our yard are cats. We had one sitting on the top of the run, wa
nervous hens below, but it took off as soon as our dog was let out and never came back. Anot
looked outside to see the ever-curious Rosie in the neighbors yard, desperately trying to get b
fence. Not 15 feet from her was a little black cat, just relaxing in the sun, watching her witho
world.

We did have problems with rats for a while. Here is how we dealt with rats in our chicken co

THE CHICKENS ENJOY AN ENCLOSED FREE-RANGE SPACE

Since most backyards are fenced, or easy to fence in. The chickens can enjoy a protected, fre
Our hens are let out to free range every day in our backyard. They pick through for bugs and
baths in dirt piles, and run and squawk to their heart's content.

Although it would be great for them to have more space, I'm glad that they have a designated them from getting lost or eaten by predators, and I can keep an eye on them from the back po

A CHANCE TO EDUCATE THE NEIGHBORHOOD ABOUT CHICKEN

Since bringing home our hens, we've had a LOT of questions and talks with our neighbors ab chickens. You'd be surprised how little people know about the food they eat. You can read m talk with one of our neighbors who didn't know that the eggs at the grocery store come from

Although it's sometimes mind boggling and frustrating to talk with neighbors about our missi always jump at the chance to explain why we're doing this, and of course share some of our e

The more people know about the current state of our industrial food system, the better, and th chance to educate people who may never ask these questions otherwise.

BACKYARD CHICKENS ARE A GREAT CONVERSATION STARTEF

Whenever I tell someone that we have ten chickens living in our yard, they say, "*Oh, you mu country!*" And I say, no, we live in the city, and then explain our whole setup.

Strangers are always shocked that you can raise chickens in the city, and it's always a great c point. If we did live in the country, I think our stories would be much more boring.

KEEPING CHICKENS PROVIDES AN EASY ACCESS TO FRESH E(MEAT

Here in the city, we don't have easy access to fresh, quality food. We have easy access to che Eggs are sold at the convenience store across the street, but they no doubt come from a factor been sitting around for weeks.

Chicken is sold there too, pre-fried in partially hydrogenated oils, coated in salt and preserva up so it can sit in the freezer for months and months.

We're very lucky to have eggs and meat that came from happy birds that live a life more won humans in third world countries, and it all comes from our backyard!

THE CONS OF RAISING CHICKENS IN THE CITY

Living in the city means you live in closer to your neighbors than you would in the country. I in the city is becoming easier, but here are some problems raising chickens in the city.

ROOSTERS ARE NOT ALLOWED

When we first got our birds, I was fine with the fact that we're not allowed to keep roosters i was because I'd never had a rooster.

When we unknowingly ended up with a rooster, I discovered just how wonderful they are. Ro the hens from predators. They spend their time standing on the highest pillar in the yard, scar and the skies and warning their harem of ladies if they spot something... even if that somethi pigeon flying by. Roosters are also immensely beautiful creatures.

We've had a few here on our urban farm, and I thoroughly enjoyed watching them strut their but in the end they always must find a new home or go to freezer camp because they are not a ordnance.

ONLY PERMITTED A LIMITED NUMBER OF CHICKENS

We're only allowed to keep a certain number of hens here in the city. We can keep up to 25, l needs to have at least 3 cubic feet of space in their enclosure. Our coop is big enough for abo If we could keep a hundred chickens, I probably would.

NO GOOD PLACE TO BUTCHER BIRDS

In the country, folks have an array of locations for butchering their chickens that allows them ease of use. Here in the city, we struggle to come up with any space that's free from prying e enough room for a table. We don't butcher often, but when we do, it's a mighty big issue.

URBAN CHICKEN KEEPING LAWS

Some cities allow backyard chickens, while others do not. Raising chickens in your city may prohibited in many cities and suburbs across the United States. If you choose to ignore the la chicken rearing rebel, you have to be aware that it could come back to bite you in the ass.

Friends of ours got caught with chickens in their yard and were forced to find a new home fo that day. Other cities may charge you a hefty fine for breaking the law, or your birds being c to the wise: Don't go rogue and hide your chickens. You will always be worried about getting on changing the laws instead.

REQUIRED LICENSING, FEES, AND REGULATIONS FOR CITY CH

Even if your city does allow backyard chickens, chances are that liberty comes along with so permits and fees.

In our city the charge to keep chickens is $40 every year. You are also required to have housi that meets their standards, and are subjected to inspections, both announced and unannounce damn well feel like it. If your operation isn't up to code, BAM! There's a fine at the very lea make you re-home your flock. Is it a pain? Yes. Is it worth it? Absolutely. Just do your home setting up your flock.

CHICKEN FREE RANGE SPACE IS LIMITED

Oh, what I would give for a big old barn to house our flock. Our ladies have plenty of space t seasons out of the year, with the backyard and run available to them.

Come wintertime, however, they are confined to the coop most days. Here in Upstate New Y MIGHTY cold and blustery in the winter, and with several feet of snow on the ground, there way to free range our flock. If we lived in the country and had a barn for our ladies, they wo some extra space in the colder months.

YOUR NEIGHBORS MAY HATE CHICKENS

Complaints will be high!

In an ideal world, everyone would love chickens but the truth is some people hate chickens. S some friendly conversation with your neighbors can calm things down.

We're very lucky to have understanding neighbors that enjoy watching our chickens rather th authorities on us. Of course, the egg bribery helps a bit.

Although I usually enjoy educating our neighbors about urban farm life, it still can get annoy Sometimes I want to be able to sit in my backyard and talk to my chickens without knowing t

is sitting in their house ten feet away, listening to our conversation. Of course, I suppose I co an insane chicken lady, but I'm not so sure I have control over that.

YOU'LL WORRY ABOUT NOISE COMPLAINTS

There have been several times where we've temporarily housed a rooster, and I would cringe would hear a crow coming from the yard, waiting in fear for the next sound to be pounding o

Even hens can be a rowdy bunch, when one lays an egg, the rest have to sing out in praise of our immediate neighbors are wonderful, it doesn't stop me from worrying that the existence c will bother someone enough to call the authorities.

So, there you have it. Although raising chickens in the city can be tough at times, I wouldn't anything. Our chickens make me incredibly happy, and despite the challenges, they live a wo

DO YOU KEEP BACKYARD CHICKENS IN THE CITY? WHAT CHAL HAVE YOU FACED? PLEASE LET US KNOW IN THE COMMENTS.

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[sc name="Meredith"]

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Comments

solange sevigny says
NOVEMBER 14, 2013 AT 1:02 PM

As always, I love reading your stories and hearing about your birds...they are a wonderfi cute too. Keep on writing and taking pictures...you're awesome.

Hugs,

Reply

MEREDITH *says*
NOVEMBER 20, 2013 AT 2:57 AM

Thanks so much! I love taking pictures of those little buggers. They don't love it so cant tell because they run away yelling every time I walk up to them with a camera.

Reply

susan foster says
NOVEMBER 14, 2013 AT 2:59 PM

my daughter is interested in raising chickens. She lives in florida. I will pass this info alc Thanks for sharing.

Sue

Reply

MEREDITH *says*
NOVEMBER 17, 2013 AT 1:08 AM

Sounds great, Sue! Please let me know if she decides to get some chickens, I'd be gl her about it!

Reply

heather says
NOVEMBER 20, 2013 AT 8:05 PM

Thanks for linking up with Independence Days Challenge! This is this week's featured p to check it out on Saturday and grab your badge for your site!

Reply

MEREDITH *says*
NOVEMBER 28, 2013 AT 1:58 PM

Thank you so much for choosing my post, what an honor!

Reply

patrick @ survival at home says
NOVEMBER 21, 2013 AT 8:08 PM

Love the pics, Meredith! Kudos for your homesteading spirit! 😀

Reply

MEREDITH *says*
NOVEMBER 28, 2013 AT 1:58 PM

Thanks Patrick! 🙂

Reply

LITTLE MOUNTAIN HAVEN *says*
NOVEMBER 21, 2013 AT 10:44 PM

This is a great post! I will share it on my page tomorrow.

We keep chickens just outside city limits, but our town is working hard to get chickens l right now they aren't 😕

Reply

MEREDITH *says*
NOVEMBER 28, 2013 AT 2:01 PM

That's amazing that they are trying to change the law. It's just ridiculous that urban homesteaders can't have chickens in most cities. The types of people that would wa livestock would treat them well, and the types of people that would raise roosters fo would would do it whether it were legal or not.

Reply

varenikje says
FEBRUARY 3, 2014 AT 1:48 AM

I have 3 chickens in my little town (not a city by any stretch, pop about 1200). It is illeg I have heard a rooster crow outside (and I don't have a rooster) I don't think I am the on Without the rooster, they are fairly quiet. I am thinking sometime soon I would like to p fence around my garden so they can go in there and scratch up the soil and eat bugs and

good little chickens. Right now there is snow on the ground, so I will have to wait. But y interesting. I actually have a cat and I think she is a little afraid of the chickens.

Reply

MEREDITH *says*
FEBRUARY 22, 2015 AT 4:13 PM

Chickens are great in the garden! We let ours roam the garden before planting and a They clean up pests, weed seeds, and till the garden all in one day!

Reply

noda says
FEBRUARY 4, 2015 AT 9:20 AM

My neighbors started growing chickens and now there is pop all over and they are growi chickens all over i am ar miami florida, can you p,ease tell who i can reach in city . Thar

Reply

stacey says

JULY 4, 2015 AT 11:36 AM

I hail from New Bedford, Massachusetts (think Moby Dick) and have 4 chickens that are laying age yet. I am happy and love them very much. I have ONE neighbor that said if I rooster,they have a bb gun and I believe they'd use it, I have a bb hole through one of my due to him peggin squirrels 😕

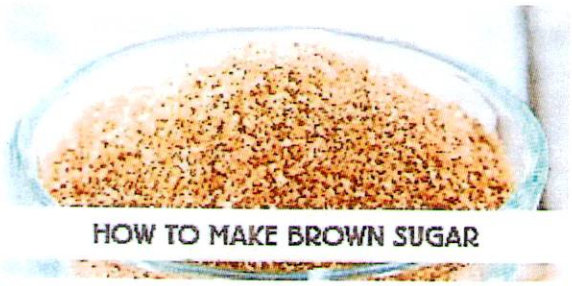
Reply

rachel says
OCTOBER 24, 2016 AT 7:15 PM

I can relate to so many of these! Our city of 230,000 was a small farm town of around 6, few decades ago though, so there's still a lot of agricultural stuff going on and we thankf have to worry about legal issues or neighbor complaints. 6 of our flock of around 30 are not intentional, but we tend to collect strays!

We've had trouble with predators in the past-owls, cats, even coyotes! I also wish we ha room for them. But life with chickens, overall, is pretty great.

Reply



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