

Olympia Planning Commission (OPC) Recommendations on Urban Agriculture Code Amendments

OPC's deliberations and recommendations dealt with four parts of the code:

1. Chapter 5.24: dealing with garage sales
2. Chapter 18.02.180: definitions, in this case of agriculture
3. Chapter 18.04.060: dealing with animals and pets (and the very similarly numbered)
4. Chapter 18.40.060: dealing with fences

Respectively, OPC recommendations are as follows:

1. **Chapter 5.24: The Commission recommends adoption of the staff proposal**, which essentially exempts agricultural sales from restrictions placed upon garage sales.
2. **Chapter 18.02.180: Again, the Commission recommends adoption of the staff proposal**, which adds onsite sales of agricultural products to the definition of Agriculture in the code.
3. **Chapter 18.04.060: Commission recommendations differed the staff proposal significantly:**
 - **We did not feel it necessary to limit this section of the code to residential areas.** In specific, since Quixote Village is sited on industrially zoned land, the code would prevent its residents from increasing their own food security the way other citizens are allowed to. Sections of this amended code as well as the nuisance code provide protection for adjacent uses, just as they do for neighbors in residentially zoned areas. **Again, our recommendation is to make this code apply citywide.**
 - We concur with staff about increasing the allowable number of female chickens, **but also recommend that both sexes of ducks be allowed as well.** Portland and Seattle regulate ducks the same as female chickens; male ducks are allowed, whereas roosters, which are noisy, are consistently prohibited. For clarity, our recommendations on the limitations to the quantity of fowl is a total number regardless of type; for example, five ducks or female chickens, or a mix, but not five ducks and five female chickens.
 - **The Commission feels that fowl should be confined to a fenced in area, and that coops should provide protection from predators in addition to preventing rodent infestation.** These animals are largely defenseless and need protection.
 - **We concurred with allowing rabbits as part of the code amendments, but, based on testimony of experienced rabbit breeders, we favored allowing more than the staff proposed.** We also suggest that rabbit enclosures specifically protect them from predators and prevent infestation of other, unintended rodents. We specified “rabbits of breeding age” being permitted under specific circumstances to address the infamous issue of rabbit population increases; young rabbits are essentially exempt. At maturity, which occurs at approximately 6 months, give or take, depending on the breed, they would be subject to the population limits in the code. Without this exception, one litter could immediately violate the code, and some allowance needed to be made.
 - **The Commission proposes allowing miniature goats, with a smaller setback from side and back yards than some other animals (e.g. horses, cows) due to their size.**

- **A minority of commissioners were concerned about the potential cumulative visual effect of these proposed code changes** (e.g. several animal enclosures in a front yard). **However, no specific limitations were supported by the majority regarding this.** Perhaps education and outreach by the City as well as community partners regarding best practices can help address such concerns.
4. **Chapter 18.40.060:** The Commission had significant discussion about the fence code, and eventually recommended that the staff proposal be accepted, with the following notes we wanted to convey to Council:
- **We suggest that low voltage solar electric fences at 6-8 feet in height be allowed.** For clarity, we mean that on an eight foot high agricultural fence, that the top two-foot band could be low voltage solar electric fencing. The idea is that it is too high for a child to touch, yet too wide for an animal such as a raccoon to avoid touching. This could be accomplished by exempting low voltage solar electric fences at 6-8 feet in height from the prohibition on electric fencing in 18.40.060 Section C, sub 10. An illustration could be included to help clarify the intent. The Commission did not include such an allowance in their final motion, but opted to communicate the issue to you so that Building Official Tom Hill could be included in the discussion.
 - **The Commission suggests that the Council consider waiving the fee for agricultural fencing.** Low income families should not be burdened with fees for wanting to protect the food they are growing from deer.
 - **Lastly, a minority of the Commission were concerned about the visual aesthetics of allowing 8-foot high deer fencing in front yards, close to sidewalks. A majority disagreed, for the following reasons:** aesthetics are subjective and shouldn't be regulated by the code, deer fencing is visually permeable, not all dwellings have side or back yards (i.e. front yard gardens might be the only option for some), and social justice issues relating to food security should prevail over potential limits to location of deer fencing. Additionally, any fence height limitations for front yards only pertain to the first ten feet of yard, so a setback wouldn't have much effect on potential sidewalk proximity of such fences.

[This report was prepared by OPC Vice Chair Leveen, as Chair Tousley was reporting to the City Council during our deliberations on these code amendments.]