

## **Purpose**

On August 14, 2018, a motion was passed directing staff to prepare a report for Council's consideration to provide options/recommendations with regard to allowing back yard hens across Greater Sudbury. Resolution CC2018-239, as presented by Councillor McIntosh and Councillor Kirwan, and carried by Council read as follows;

WHEREAS in 2004, the City of Greater Sudbury and the Sudbury and District Board of Health adopted the Greater Sudbury Food Charter which specifically endorses programs that relate to population health and wellness, community development, investment in the regional food system and the development of a sustainable food system;

AND WHEREAS Council, as part of the Phase 1 amendment of the Official Plan review, approved Local Food System policy objectives at Section 6.1 c. which includes strengthening and expanding the local food system, including removing barriers to local food systems where feasible; AND WHEREAS Council has directed staff to assist with the implementation of the Greater Sudbury Food Strategy, which outlines the actions required to make our community's food system more equitable, vibrant and sustainable, through existing resources allocated to the Earth Care Sudbury Program;

AND WHEREAS one of the Greater Sudbury Food Strategy Recommendations' goals is to increase household food production within Greater Sudbury by evaluating options for updating city by-laws to reduce barriers for home-based food raising (homesteading) activities;

AND WHEREAS current by-laws only permit domestic fowl/poultry on lands situated within agricultural and rural zones;

AND WHEREAS at the June 26th, 2018 Council meeting, a petition was submitted with a significant number of signatures, requesting an update of existing by-laws in order to allow back yard hens in Greater Sudbury;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury direct staff to prepare a report for Council's consideration at its September 25th, 2018 meeting, to include options/recommendations with regard to allowing back yard hens across Greater Sudbury, beyond the agricultural and rural zones.

## **Background**

On June 26, 2018, Council received a petition signed by approximately 500 residents. Signatures confirmed support to have "Council update the existing bylaws to allow backyard hens in the City of Greater Sudbury". Council has directed staff to prepare a report for Council's consideration regarding options/recommendations to allow backyard hens across Greater Sudbury, beyond the agricultural and rural zones.

Restrictions for the keeping of backyard hens currently reside within the Zoning Bylaw 2010-100Z. Further, the Animal Care and Control Bylaw 2017-22 points to zoning for the keeping of a number of animals that fall within what is defined as "livestock". The zoning restrictions for livestock have resided in Zoning Bylaws since 1983.

## **Analysis**

Owning urban hens has become commonplace across a number of Ontario municipalities. Some communities have expanded municipal bylaws and licensing process in order to permit residents to

possess backyard hens in residential zones. These municipalities work to address the nuisance on neighboring properties for issues such as noise, odour and nuisance/predator animals through regulation within their zoning and animal control bylaws. In these cases, limits on the number and type of bird have been implemented, while also setting requirements for set backs and control over the type and size of housing and food storage.

Providing the opportunity for residents to rear egg-laying hens allows community members to participate in a sustainable and equitable food system. Residents that participate will have access to fresh and healthy food and will have more control over what they consume, resulting in increases for household food production and food skills within our community. The Earth Care Action Plan, the Greater Sudbury Food Charter and the Official Plan illustrate the City of Greater Sudbury’s active support for a more sustainable and equitable food system.

A Zoning Bylaw protects residents “from conflicting and possibly dangerous land uses in your community”. The City of Greater Sudbury Zoning Bylaw, 2010-100Z defines poultry (domestic fowl) as “livestock”. “Livestock”, the keeping of poultry (and other farm animals) is not be permitted on any lot less than 1.0 hectare in area. Further, Livestock is only permitted in zones where Agricultural Uses are permitted as the keeping of Livestock is specifically listed in the definition of an Agricultural Use. Agricultural Uses are permitted in the "A", Agricultural, "RU", Rural, "M4", Mining Industrial and "M5", Extractive Industrial zones.

**Definition of “Livestock”- Zoning Bylaw 2010-100Z:**

175.	Livestock	Includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other animals identified in Table 1 of the Minimum Distance Separation Implementation Guidelines, as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time.
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Currently, within the City of Greater Sudbury, there are 3,924 parcels of land that are larger than 1 hectare and are zoned appropriately (see attached zoning map) where residents are permitted to have livestock on their property.

Previous to the current zoning bylaw, the same regulations were included in previous zoning bylaws for the City of Sudbury and former towns of Nickel Centre, Walden, Rayside Balfour, Capreol, Valley East and the Town of Onaping Falls. This approach to regulation through zoning and the scope of zoning regulations is consistent with the practices in other northern Ontario cities, including North Bay, Timmins and Sault Ste. Marie.

**Vermin and Predators**

The Ontario Ministry of Agriculture, Food and Rural Affairs educates potential small flock owners on the risks associated with owning backyard hens. An educational presentation titled “Northern Poultry Tour Presentation 2018” identifies risks associated with vermin/rodents, predatory animals, the proper disposal of deceased birds and biosecurity.

Predatory/Nuisance Animals	Raccoons, wild bird, skunks, dogs, fox, coyote, wolf, bear, wild big cats, fisher, weasel, martin, mink
Vermin/Rodents	Flies, rats, mice

Further, OMAFRA states that hen owners should be aware of the risk to their birds, and to commercial poultry, from diseases such as avian influenza virus. Preventive measures taken to minimize the introduction and spread of diseases and other hazards are referred to as "biosecurity". Within the fact sheet, OMAFRA suggests to "restrict visitors and observe proper hygiene, prevent contact with wild birds, practice proper rodent control, don't bring disease home and to recognize and report any illnesses".

### **Public Health**

In consultation with representatives from Public Health, Sudbury and Districts, the Manager of Environmental Health pointed Staff toward a December 2017 evidence brief titled "Reducing health risks associated with backyard chickens". The six (6)-page document provides key messages to readers that "owners' awareness of risk of illness (e.g., salmonellosis) and biosecurity is limited, illness and outbreaks are linked to exposure to backyard chickens, and owners can reduced risk of illness through a variety of measures". In conclusion, the paper confirms, "close contact with backyard chickens may contribute to infectious disease transmission from birds to humans, even in the absence of illness in poultry".

### **Bears**

In 2015, the City of Greater Sudbury formed a Bear Committee to support in the management of the issue of bears coming into the community for food. In addition to City Staff and members of Council, the committee is comprised of members of the Ministry of Natural Resources and Forestry (MNRF) and Greater Sudbury Police Services. Although reported bear sightings peaked in 2015 and 2016, they were still relatively high in the community in 2018. For the period ending May 31, 2018 compared to 2016 and 2017 totals of 224 and 244, there were 153 reported sightings of bears in the community for 2018.

The MNRF confirmed that residents should be aware that backyard chickens might be an attractant to bears (or other wildlife). A suggestion by the MNRF to minimize potential conflicts was to install electric fencing around any chicken enclosures/coops. MNRF confirmed that chicken feed should be stored indoors or in a secure building. When constructing or placing a chicken enclosure on a property, MNRF cautioned that residents should try to keep them away from woodlots or potential travel corridors for wildlife. Finally, to dispose of any deadstock properly.

### **Concerns for Nuisance and Impact on Lakes and Drinking Water**

One of the reasons for zoning restrictions concerning livestock is to protect against possible nuisance associated with the use. As referenced both by OMAFRA and MNRF, the presence of a small flock hens on a property increases the possible presence of rodents, predatory animals and houseflies. Both agencies work to educate owners on required practices to minimize the impact of these nuisances.

One hen will produce approximately 1lb of manure per week. Further, OMAFRA reported that, because of its composition, the concentration of the manure to be strong enough to disrupt the normal composting activity of a backyard composter.

Considering current zoning requirements, the allowance of livestock in additional zones may have an impact on drinking water. According to Ontario Regulation 287/07 if the property in question is situated within a Source Protection Zone (SP), "livestock" is recognized as a "significant threat" Depending on the size of the property, the type of livestock and the number of livestock (hens/ chickens) the Source Protection threat is calculated according to "nutrient units". Too many nutrient units and the negative impact on our drinking water source would result in the removal of said livestock. Each property within a SP zone must be assessed through a Section 59 review, along with a nutrient study approved by OMAFRA.

### **Impact on Bylaw/Licensing**

A review of other municipalities has confirmed models of service that allow for the licensing of backyard flocks within residential zones. A petition received by the City of Greater Sudbury proposes the creation of a permitting process for hens and suggests that there are currently over 250 backyard flocks within the City of Greater Sudbury. A model of service that requires the licensing, inspection and oversight for the conditions of a licensed coop, would be a service level increase from the current level.

It is proposed that the administrative process would require 1-2 hours for Licensing Staff to allow for receipt of an application, review of zoning and site plan, Once the application is processed, an on site inspection and follow up would require 2-3 hours of Bylaw Officer time. Anticipating growth in the ownership of backyard hens, the estimated impact of expanding bylaw regulations to Residential zones with further municipal oversight is forecasted to be one (1) FTE annually divided over Licensing and Bylaw enforcement. This does not take into account time associated with required public consultation and education for changes and associated bylaw creation/amendments.

An expansion of the current zoning requirements for backyard hens may further impact the department specific to Animal Control services. Where hens are loose in the community, there would be a requirement for animal control staff to respond to these concerns. Currently, staff are not trained in the handling, capture, transportation and housing of fowl. The animal shelter is not equipped to house animals other than domestic dogs or cats.

OMAFRA raises that aging hens and deadstock may be an issue. Depending on a number of variables, a hen will not lay eggs generally beyond 3-5 years. Where a family may opt to then keep the animal as a family pet after this point, it's been noted that other municipalities such as Toronto have seen an increase in hens "at large" where residents simply let their animal loose from their property, thus presenting an additional impact on animal control services. OMAFRA cautions owners to consider the management of their deadstock, referencing limited options for residential properties where it's recommended that the disposal in municipal garbage is not an option and where there would be concerns with burial or incineration.

### **Municipal Comparisons**

A review of other municipalities has confirmed that municipalities such as Kitchener, Guelph, Kingston and Orillia have made recommendations to allow for backyard hens in additional zones. Where some

have brought forward suggested changes, others such as Barrie, Peterborough, London have opted to maintain restrictions on zoning to rural or agricultural.

Neighbouring Northern municipalities of Timmins, Sault Ste. Marie and North Bay have opted to permit the keeping of livestock in rural or agricultural zones. The City of North Bay heard from a local resident at their April 24, 2018 Council meeting, where a presentation was made to recommend a motion to change bylaws and allow for the raising of backyard hens in additional zones. Council did not bring forward a motion, thus maintaining the restrictions.

### **Conclusion and Options**

City of Greater Sudbury Council received a petition signed by approximately 500 residents to request an update to existing bylaws to allow backyard hens. This report informs Council and provides options/recommendations whether to allow backyard hens across Greater Sudbury, beyond the agricultural and rural zones.

OMAFRA, MNRF and Public Health Sudbury and District has indicated there are risks associated with the keeping of backyard hens.

The City of Greater Sudbury offers the community a blend of urban and rural communities. Where the makeup of our community differs from others in Southern Ontario, residents have options to reside within rural area, still being close to town centers where they access services. The City of Greater Sudbury has 3,924 parcels of land that are larger than 1 hectare and are zoned appropriately where residents are permitted to have livestock on their property.

Extending the allowance for back yard hens to residential areas and offering a licensing process, will require additional resources from the Bylaw and Licensing Department. An expansion of hens in the community creates an additional service level requirement not contemplated by Animal Control where currently staff are not trained to handle foul and facilities are not in place to house or transport the animals.

This report does not recommend expanding the zones which backyard hens (livestock) are permitted. Staff recommend maintaining the current zoning restrictions that allow for livestock to be kept on those properties where there would be limited impact on the community.

If there is a desire to expand zoning bylaw and animal control bylaw to permit hens on any lot other than the currently permitted "A", Agricultural, "RU", Rural, "M4", Mining Industrial and "M5", Extractive Industrial zones, Staff recommend public consultation in the community.

**Option #1-** Allow backyard hens is select low and medium density residential properties. Staff have identified 352 parcels of land in the City of Greater Sudbury that are low and medium density, zoned R1 (258), R2 (9), R3 (85) and are larger than 1 hectare. As many are near bodies of water and within an intake protection zone, each property may require further specific review by W/WW and OMAFRA in order to determine whether the keeping of hens would be permitted. If Council selects this option, in addition to

public consultation, Staff would recommend doing so through amendments to the Zoning and Animal Control bylaws and in absence of any associated permitting process with the municipality.

**Option #2-** Allow backyard hens generally in residential zones, subject to a permitting process. Staff have identified approximately 4088 properties that are zoned R1-1 and R1-2. If Council selects this option, directing staff to amend Zoning and Animal Control Bylaws to allow hens in these residential zones, while implementing a permitting process; this additional service level will result in an annual increase of approximately \$100,000 to the departmental operating budget. If option 2 is selected, Staff will be directed to prepare a business case for consideration in the 2019 budget.

### **References**

Drinking Water Source Protection-

<http://www.sourcewatersudbury.ca/en/maps.html>

Ministry of Municipal Affairs and Housing- Zoning Bylaw Information-

<http://www.mah.gov.on.ca/Page1758.aspx>

Biosecurity Recommendations- OMAFRA-

<http://www.omafra.gov.on.ca/english/livestock/poultry/facts/12-039.htm>

Cuddling live chickens can make you sick- Public Health Ontario

<https://www.publichealthontario.ca/en/About/Newsroom/Pages/Cuddling-live-chickens-can-make-you-sick.aspx>