



TUALATIN CITY COUNCIL

Tuesday, November 12, 2013

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik

Councilor Joelle Davis Councilor Nancy Grimes

Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Announcements, at which time citizens may address the Council concerning any item not on the agenda with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 12, 2013

A. **CALL TO ORDER**

Pledge of Allegiance

B. **ANNOUNCEMENTS**

1. Tualatin Youth Advisory Council Report for November 2013
2. New Employee Introductions: Nancy Beall, Office Assistant II- Library and Emily Antonelli , Library Assistant

C. **CITIZEN COMMENTS**

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. **CONSENT AGENDA**

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the City Council Meeting of October 28, 2013

E. **SPECIAL REPORTS**

1. Vision Action Network Update
2. Quarterly Financial Update

F. **PUBLIC HEARINGS – Quasi-Judicial**

1. Consideration of a Petition Requesting Annexation of Property at 22120 SW Grahams Ferry Road (Tax Map 2S1 35BA, Tax Lot 5300) and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-13-02)

G. **PUBLIC HEARINGS – Legislative or Other**

1. Consideration of Plan Text Amendment (PTA) 13-02 Amending the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to Include Chicken Keeping as a Permitted Use in Single-Family Residential Areas of the City. Amending TDC 40.020(2).

H. GENERAL BUSINESS

1. Consideration of **Resolution No. 5172-13** Authorizing Execution of an Annexation Agreement With Patricia A. Bither, Trustee of the Patricia A. Bither Revocable Living Trust, to Govern Annexation of 2.59 Acres of Land Located at 22120 SW Grahams Ferry Road (Tax Map 2S1 35BA Tax Lot Lot 5300)
2. Consideration of **Ordinance 1362-13** relating to keeping of backyard chickens; and Adding Chapter 6-15 to the Tualatin Municipal Code.
3. Consideration of **Ordinance No. 1364-13** Relating to Business Licenses; Amending Tualatin Municipal Code 9-1-020 and 9-1-090; and Declaring an Emergency.

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

K. ADJOURNMENT

City Council Meeting

B. 1.

Meeting Date: 11/12/2013

ANNOUNCEMENTS: Tualatin Youth Advisory Council Report, November 2013

ANNOUNCEMENTS

Tualatin Youth Advisory Council Report for November 2013

SUMMARY

n/a

Attachments

A. YAC Report



November 12, 2013

TUALATIN YOUTH ADVISORY COUNCIL

Welcome New Members!

■ 8th Grade:

- Morgan Darby
- Ashlyn Melvin
- Lucas Parrish



■ 11th Grade

- Brian Alexander
- Malachi Seib
- Morgan Terhune



West Coast Giant Pumpkin Regatta



Tualatin YAC – Youth Participating in Governance



Haunted House 2013

- Theme: Fear Factory
- Over 300 people attended (last year 250)
- Thank you to Facilities crew for helping build!



Tualatin YAC – Youth Participating in Governance

National League of Cities Congress of Cities

- November 13 –16, 2013
- Seattle, WA
- Thank you Mayor Ogden for your fundraising efforts!
- Thank you to PGE, Comcast, and Republic Services



NLC NATIONAL LEAGUE OF CITIES
SEATTLE CONGRESS OF CITIES
2013 AND EXPOSITION



Tualatin YAC – Youth Participating in Governance

Starry Nights and Holiday Lights

- Friday, December 6
- Choir performances
- Holiday tree lighting
- Visit from Santa
- Facepainting
- Crafts
- Holiday cards to soldiers





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 11/12/2013

SUBJECT: Consideration of Approval of the Minutes for the City Council Meeting of October 28, 2013

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Meeting of October 28, 2013

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Minutes of October 28, 2013](#)



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR OCTOBER 28, 2013

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes

Absent: Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Parks and Recreation Manager Carl Switzer; Pohl Center Coordinator Matt Saviello; Public Works Director Jerry Postema

A. CALL TO ORDER Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:03 p.m.

B. ANNOUNCEMENTS

1. Juanita Pohl Center Program Update

Parks and Recreation Manager Carl Switzer, Pohl Center Supervisor Matt Saviello, and Chair of the Meals on Wheels Advisory Committee Stephen Ricker presented the Juanita Pohl Center update. Supervisor Saviello covered center highlights including becoming a certified age friendly facility, ongoing fitness classes, and over 37,000 visits in the last fiscal year. Some of the special events held this last year included Oktoberfest, social dances, Veteran's Recognition Breakfast, and rock n' roll and jazz parties. Upcoming programs and events include adding additional fitness classes, seminars, dances and concerts. Supervisor Saviello thanked the many Juanita Pohl Center partners for their contributions. Mr. Ricker briefed the Council on the growing Meals on Wheels program. Noting the program serves an average of 750 on-site meals per month, 525 via home delivery per month, and have had 8,400 volunteer hours in the past year.

2. Proclamation Declaring October 23-31, 2013 Red Ribbon Week in the City of Tualatin

Cindy Hillier, Community Coalition Coordinator for Tualatin Together along with a Hazelbrook Middle School representative explained the purpose of Red Ribbon Week and the activities that will be occurring in celebration.

Councilor Davis read the proclamation declaring October 23-21, 2013 as Red Ribbon Week in the City of Tualatin.

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Dardie Robinson representing the Tigard Tualatin Compassion Clinic presented information from their October 12 clinic. She thanked the Council for the \$1500 Outside Agency Grant they received. With this grant they were able to serve over 340 dental patients.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, I) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Monique Beikman, SECONDED by Councilor Frank Bubenik to approve the consent agenda as presented.

Vote: 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Meeting of October 14, 2013
2. Recommendations from the Council Committee on Advisory Appointments
3. Consideration of **Resolution No. 5174-13** Authorizing Changes to the Adopted 2013-2014 Budget

E. SPECIAL REPORTS

1. Metro Projects Update by Metro Councilor Craig Dirksen

Metro Councilor Craig Dirksen presented an update on Metro's latest activities. He updated the Council on the transportation planning projects including the Southwest Corridor Plan and shared investment strategy, regional flexible funds allocation, the draft Active Transportation Plan, and the Regional Transportation Plan update to occur in 2014. The Urban Growth Management Process technical analysis is underway and approval of the Urban Growth Report will be completed by the end of 2014 with a Growth Management decision to be made the end of 2015. He explained the Climate Smart Communities as a state requirement for the region to reduce carbon emissions from cars and small trucks by 20% by 2035. Metro's approach is to build on existing local and regional plans. The Community Investment Initiative was formed as a group of business, community, and public sector leaders who have come together to discuss the region's infrastructure needs. They have developed a strategic plan and recommended that a Regional Infrastructure Enterprise be formed. A five year levy for Natural Areas Programs was approved by voters in May 2013 and allows for needed improvements in natural areas across the region. Metro is seeking applications for conservation education and restoration grants. Metro is working on the Willamette Falls Legacy Project and is helping to define the future of this historic site. It is Metro's hope to turn the area into a public space with access to the falls.

Mayor Ogden thanked Councilor Dirksen for updating the Council on Metro's activities. He spoke to the Active Transportation Plan and appreciates Metro allowing the partner cities more time to review the plan.

F. GENERAL BUSINESS

1. Consideration of **Ordinance No. 1356-13** Relating to the Towing of Vehicles from Private Property; And Adding Chapter 8-5 to the Tualatin Municipal Code

City Attorney Sean Brady presented an ordinance relating to the towing of vehicles from private property. This ordinance was drafted in response to a series of work sessions held by the City Council. The draft ordinance returned for consideration at the June 10, 2013 City Council meeting. At that meeting the City Council did not take action on the tow ordinance and asked staff to monitor the State legislation and make any adjustments to the draft ordinance. Oregon State Legislature passed additional towing laws during the legislative session. Staff has modified the proposed ordinance to correspond to the two main changes in the legislation. The first change requires tow companies who conduct tows without a vehicle owner's permission to obtain a license from the City. The other significant change is the maximum amount a tow company may charge a vehicle is based on the size of the vehicle. The prior draft ordinance included a flat rate maximum charge.

PUBLIC COMMENT

None

COUNCIL QUESTIONS

Councilor Davis asked if payment types for release at scene had been addressed. City Attorney Brady noted that cash and credit card are the two payment options.

COUNCIL DELIBERATIONS

None

MOTION by Councilor Nancy Grimes, SECONDED by Council President Monique Beikman for first reading by title only.

Vote: 6 - 0 MOTION CARRIED

MOTION by Councilor Nancy Grimes, SECONDED by Council President Monique Beikman for second reading by title only.

Vote: 6 - 0 MOTION CARRIED

MOTION by Councilor Nancy Grimes, SECONDED by Council President Monique Beikman to adopt Ordinance No. 1356-13 relating to the towing of vehicles from private property; and adding Chapter 8-5 to the Tualatin Municipal Code.

Vote: 6 - 0 MOTION CARRIED

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

Mayor Ogden adjourned the meeting at 7:54 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 11/12/2013

SUBJECT: Quarterly Financial Update

ISSUE BEFORE THE COUNCIL:

An update on the first quarter financial activities for fiscal year 2013-14.

RECOMMENDATION:

No action is required by the Council.

EXECUTIVE SUMMARY:

Tonight's report will provide the Council with an update of financial activities during the first quarter of fiscal year 2013-14.

This presentation will provide updates on departmental goals, information on items or projects that have been accomplished during the first quarter, a status of revenues and expenditures in the three operating funds (General Fund, Building Fund and Operations Fund), and an updated Fiscal Health model projection.

Staff will also provide an update of the certified property taxes for this fiscal year and the impact of PERS reforms passed during the recent special legislative session.

Attachments: [PowerPoint](#)



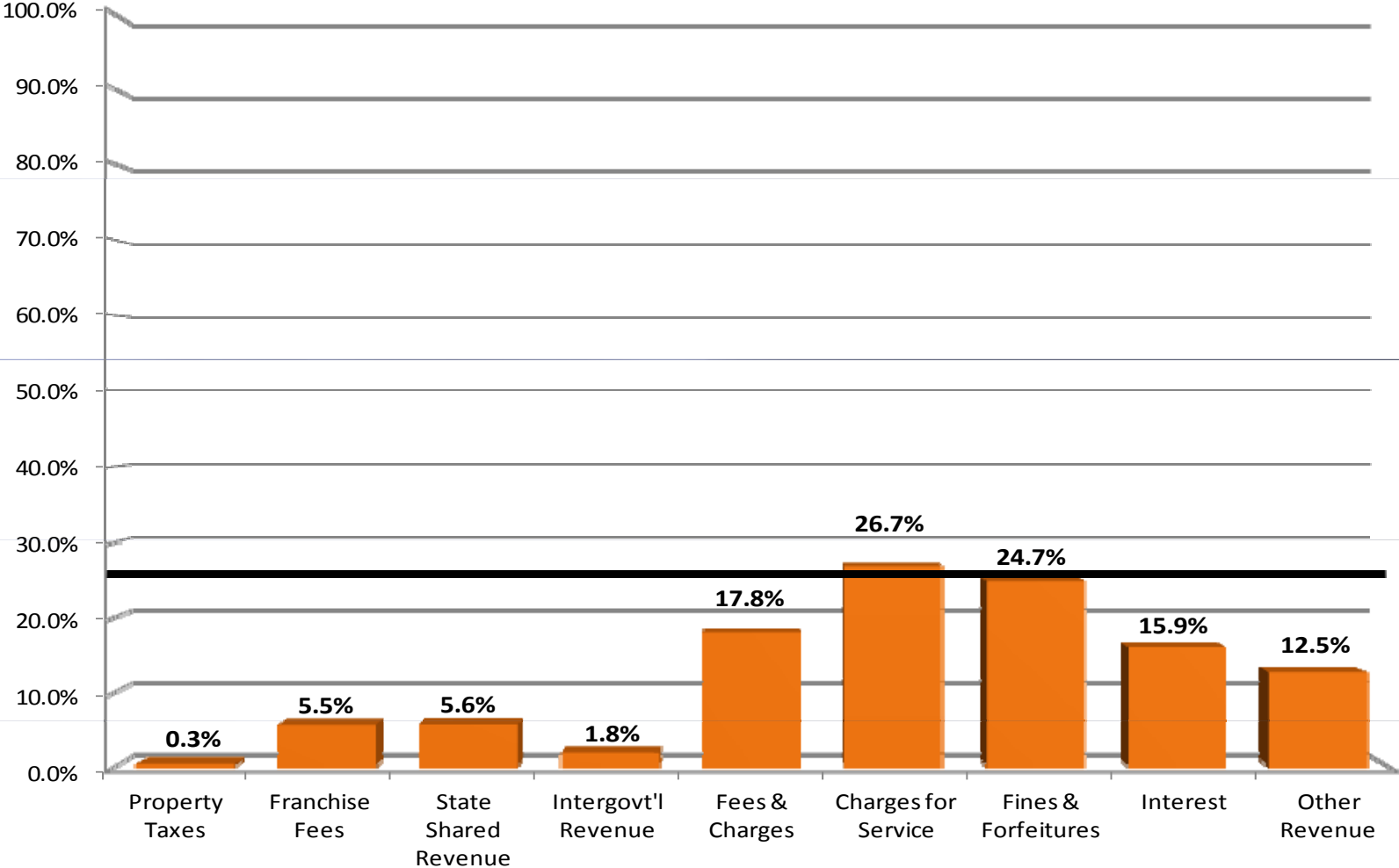
City of Tualatin

QUARTERLY FINANCIAL UPDATE

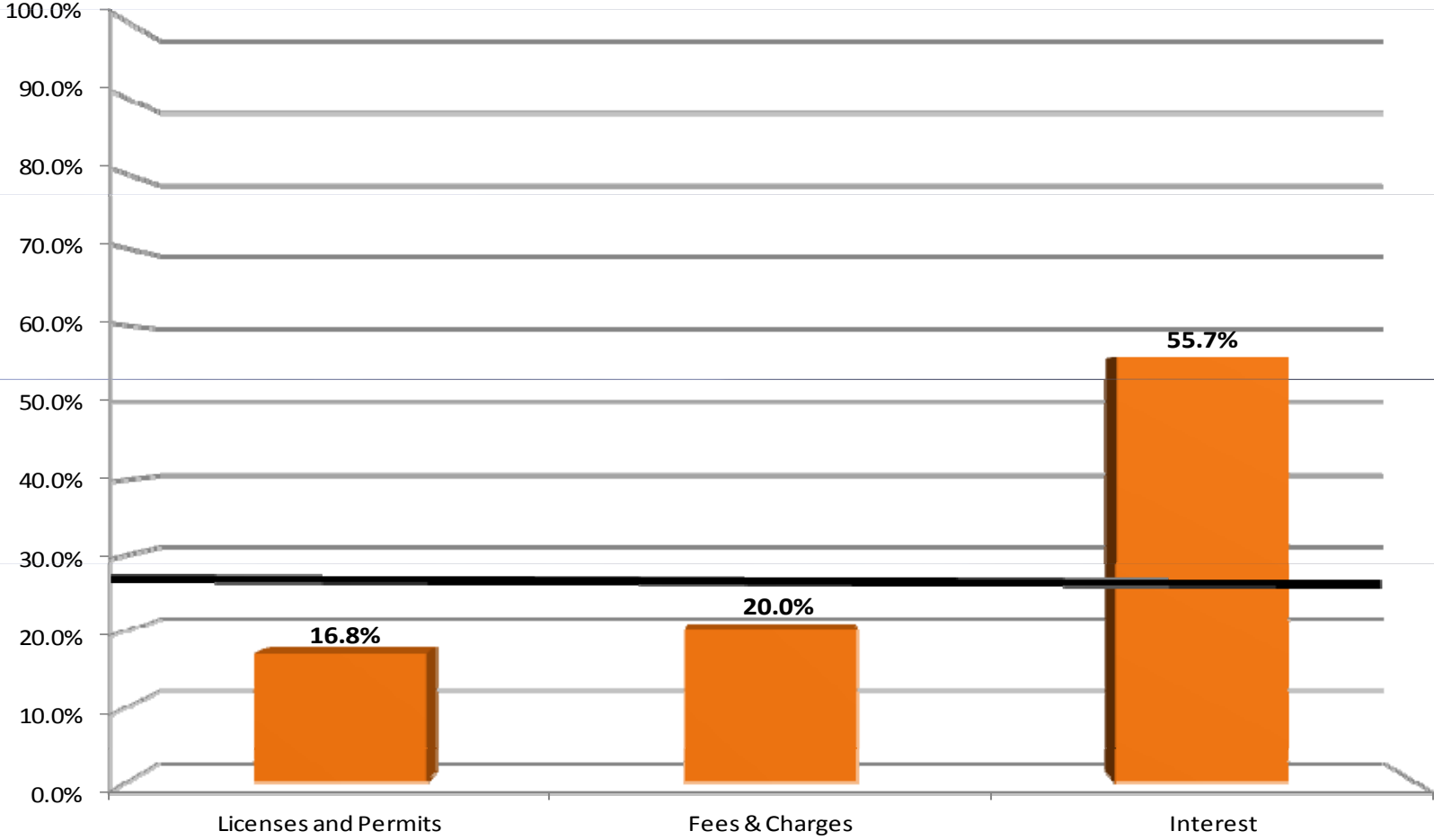
Fiscal Year 2013 – 2014

First Quarter, ending September 30, 2014

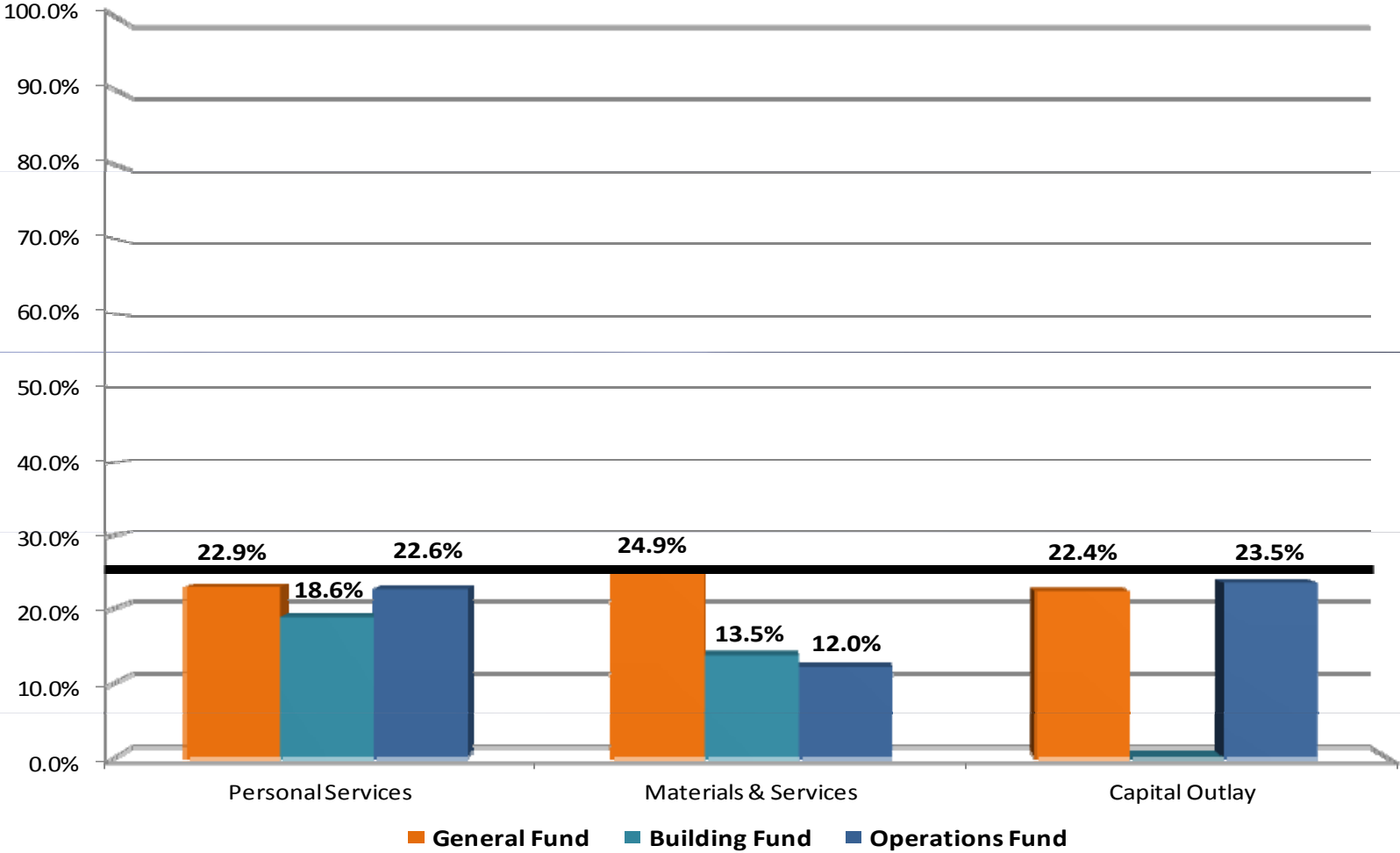
General Fund Revenue



Building Fund Revenue



Operating Expenditures



Lafky Park Playground Equipment

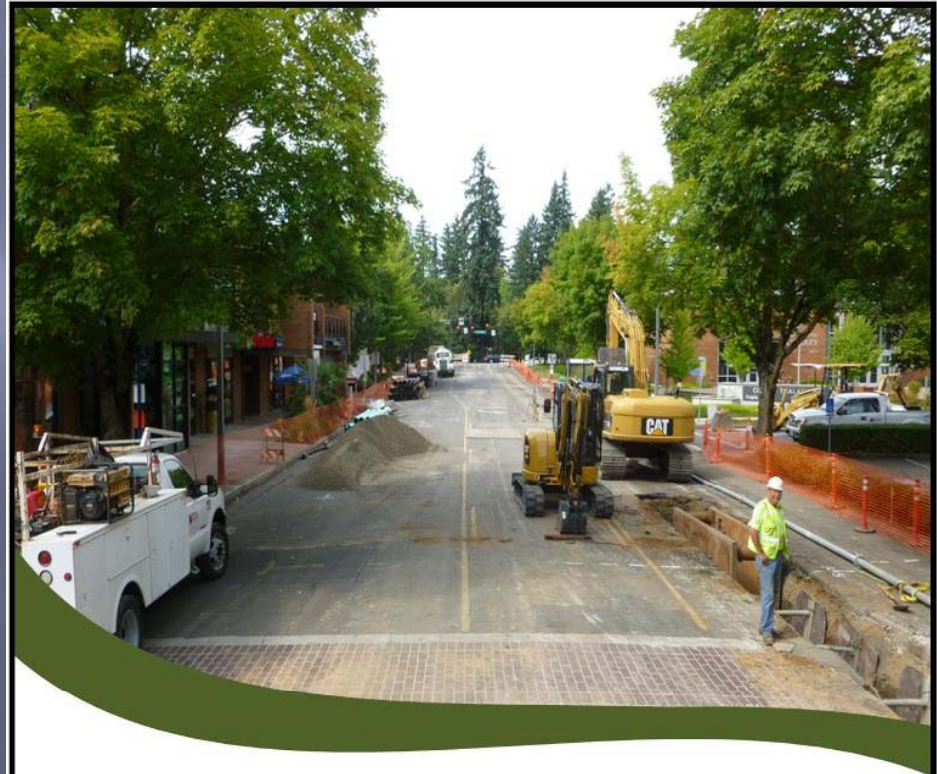


Martinazzi Avenue Project

- ▣ PICTURES TO BE INCLUDED

Five-Year CIP

- ▣ To be discussed at
December 9th
Council Work
Session



**2015 - 2019
Capital Improvement Plan**

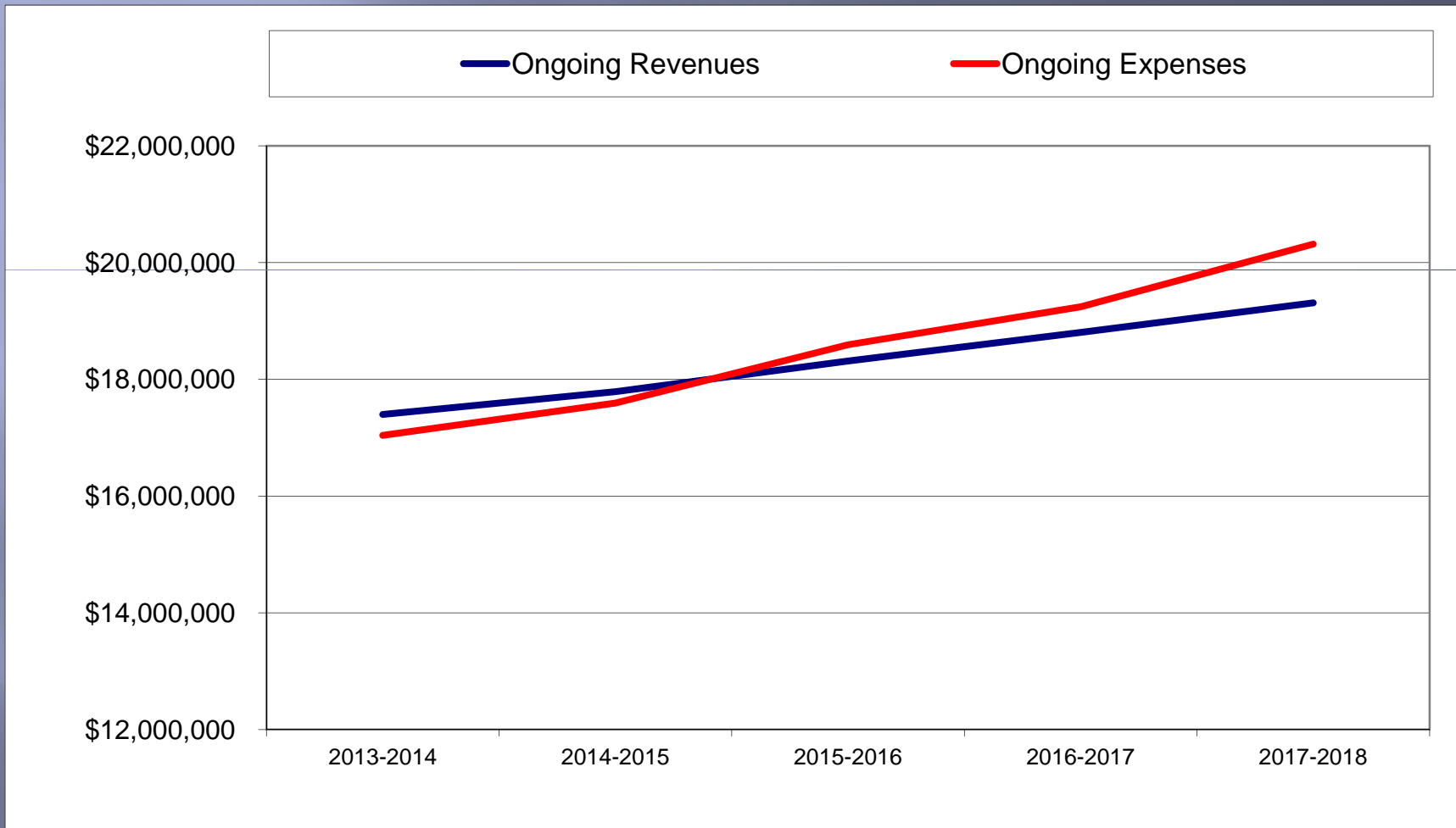
PERS

- ▣ SB 822 reduced employer contribution rate 2.5%
 - Deferred additional 1.9% of scheduled rate increase
- ▣ Special Session changes had no effect on 13-15 rates
- ▣ Rate increases for 15-17 projected to be less than anticipated
 - Unfunded Actuarial Liability decreased by \$3.1 billion as a result of SB 822 and higher investment earnings in 2012
 - Estimated increase in contribution rate of approx. 2.75%

Property Tax Revenue History



Fiscal Health Update



Questions?



City of Tualatin



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Aquilla Hurd-Ravich, Planning Manager

DATE: 11/12/2013

SUBJECT: Consideration of a Petition Requesting Annexation of Property at 22120 SW Grahams Ferry Road (Tax Map 2S1 35BA, Tax Lot 5300) and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-13-02)

ISSUE BEFORE THE COUNCIL:

Consideration of a petition for annexation of a property known as the Bither Property and as Tax Lot 5300 on Washington County Assessor's Map 2S1 35BA located at 22120 SW Grahams Ferry Road and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and direct staff to prepare an ordinance granting ANN-13-02 and removing the property from the Washington County Enhanced Sheriff Patrol and Washington County Urban Road Maintenance District.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing, and it is a petition for an Expedited Annexation.

The applicant is Gertz Fine Homes, represented by Christy Wiegel, which represents Patricia A. Bither, trustee of the Patricia A. Bither Revocable Living Trust and owner of the 2.59-acre Tax Lot 5300 (Map 2S1 35BA) 22120 SW Grahams Ferry Road. A Vicinity Map is included as Attachment 101A. The applicant's materials are included as Attachment 101C.

The applicant conducted a neighborhood/developer meeting on July 10, 2013 to explain the proposal to neighboring property owners and to receive comments. Besides the applicant, seventeen (17) residents of nearby residential areas attended and marked the sign-in sheets. Questions regarding development plans for the property were answered.

The property is occupied by three existing structures and the listed uses and improvements (Attachment 101B):

- One house (A)
- One storage shed (B)
- One multi-vehicle garage (C)
- Existing use is single-family residential
- Existing access point is paved ingress and egress from SW Grahams Ferry Road.

When annexed, the property will be in the Low Density Residential (RL) Planning District. The Tualatin Development Code (TDC) chapters that will apply to existing structures, signs, uses, access, and facilities on the subject property upon annexation are as follows:

- Chapter 31 General Provisions
- Chapter 36 Subdividing, Partitioning and Property Line Adjustments
- Chapter 40 Low Density Residential Planning District (RL)
- Chapter 73 Community Design Standards
- Chapter 74 Public Improvement Requirements
- Chapter 75 Access Management.

The Applicant has prepared material that addresses the Annexation approval criteria (Attachment 101C). The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045. Staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment 101D).

The property owner worked with City staff to prepare an Annexation Agreement that addresses the adequacy and suitability of existing improvements on the subject property for existing and future development on the property. The Bither Property Annexation Agreement will be considered by the City Council as a General Business item on the November 12, 2013 Meeting Agenda. If approved by the Council and signed by the property owner, the stated terms of Annexation Agreement will apply to the subject property when the proposed annexation becomes effective.

The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The property is not within the service district boundary of Clean Water Services (CWS), the Washington County stormwater management and sewage treatment agency, but will be annexed into Clean Water Services upon annexation into the City of Tualatin.

The applicable policies and regulations that apply to the annexation of a property in the RL Planning District include: TDC 4.050 General Growth Objectives; TDC 5.030 Residential General Objectives; TDC 31.067 Procedure for Annexing Territory to the City Limits; and TDC 40.010 RL Planning District Purpose. The Analysis and Findings (Attachment 101D) considers the applicable policies and regulations.

Before granting the proposed annexation, the City Council must find that the annexation

conforms to TDC Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (TDC 31.067[5]). The Analysis and Findings (Attachment 101D) examines the application in respect to the requirements for granting an annexation. Staff finds that the annexation meets the applicable criteria.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The property is annexed to the City of Tualatin and designated in the Low Density Residential (RL) Planning District.
2. The territory is concurrently withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District.
3. The November 12, 2013 Bither Annexation Agreement between the City and the Property Owner is implemented by Resolution No. 5172-13.
4. The City Council directs staff to bring back Ordinance No. 1360-13 for the annexation.

Denial of the Annexation petition will result in the following:

1. The property remains outside the City of Tualatin and within unincorporated Washington County.

ALTERNATIVES TO RECOMMENDATION:

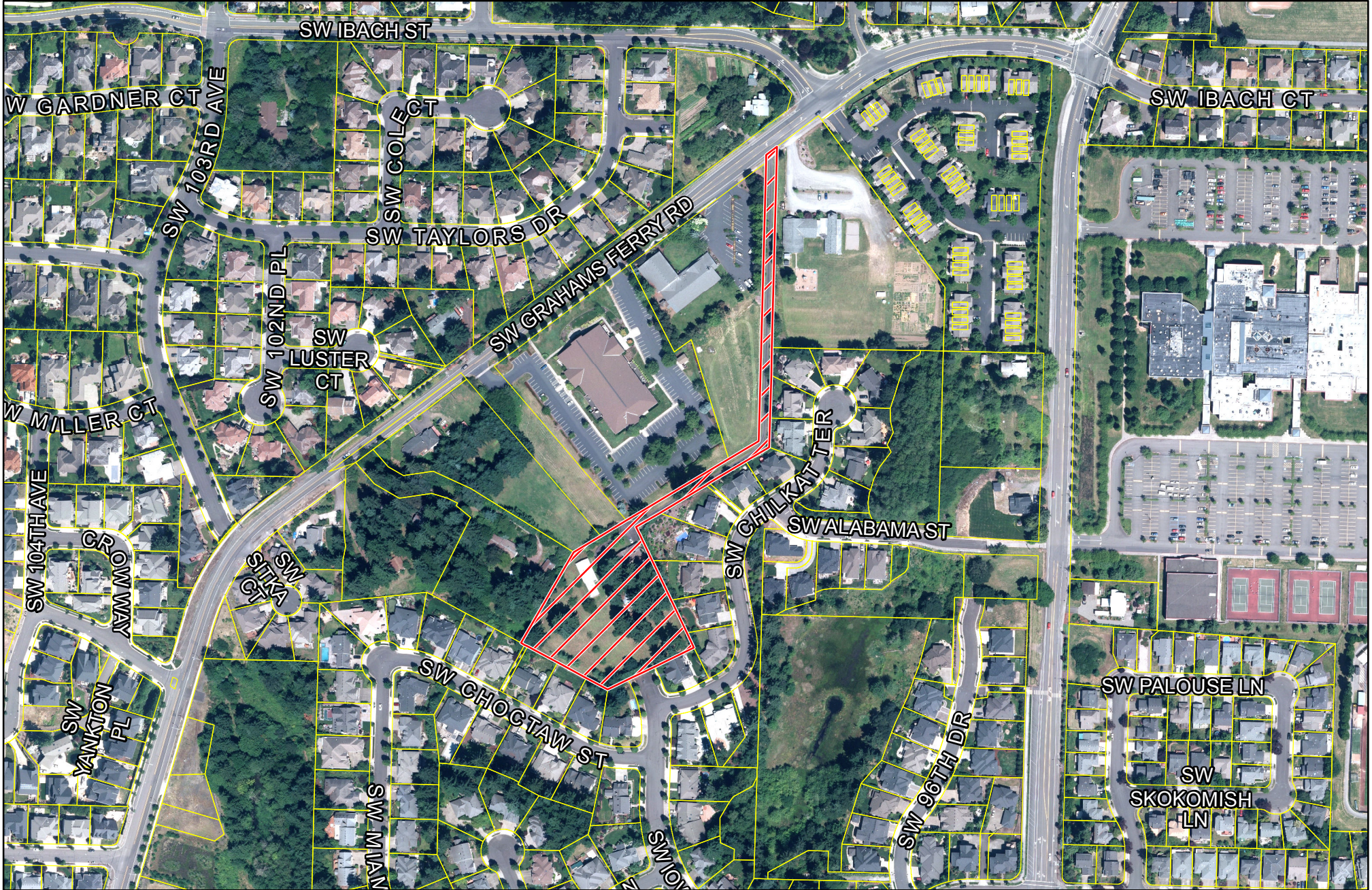
The alternatives to the staff recommendation for the Council are:


- Deny the petition for the annexation.
- Continue the discussion of the annexation and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

If this application is approved, the City will provide services to the property and the property owner will begin paying City property taxes for those services. The applicant paid the required application fee of \$1,425.00.

Attachments: [101A - Vicinity Map](#)
 [101B - Existing Site Improvements Map](#)
 [101C - Application Materials](#)
 [101D - Analysis and Findings](#)
 [101E - Slide Presentation](#)



 TLID 2S135BA05300

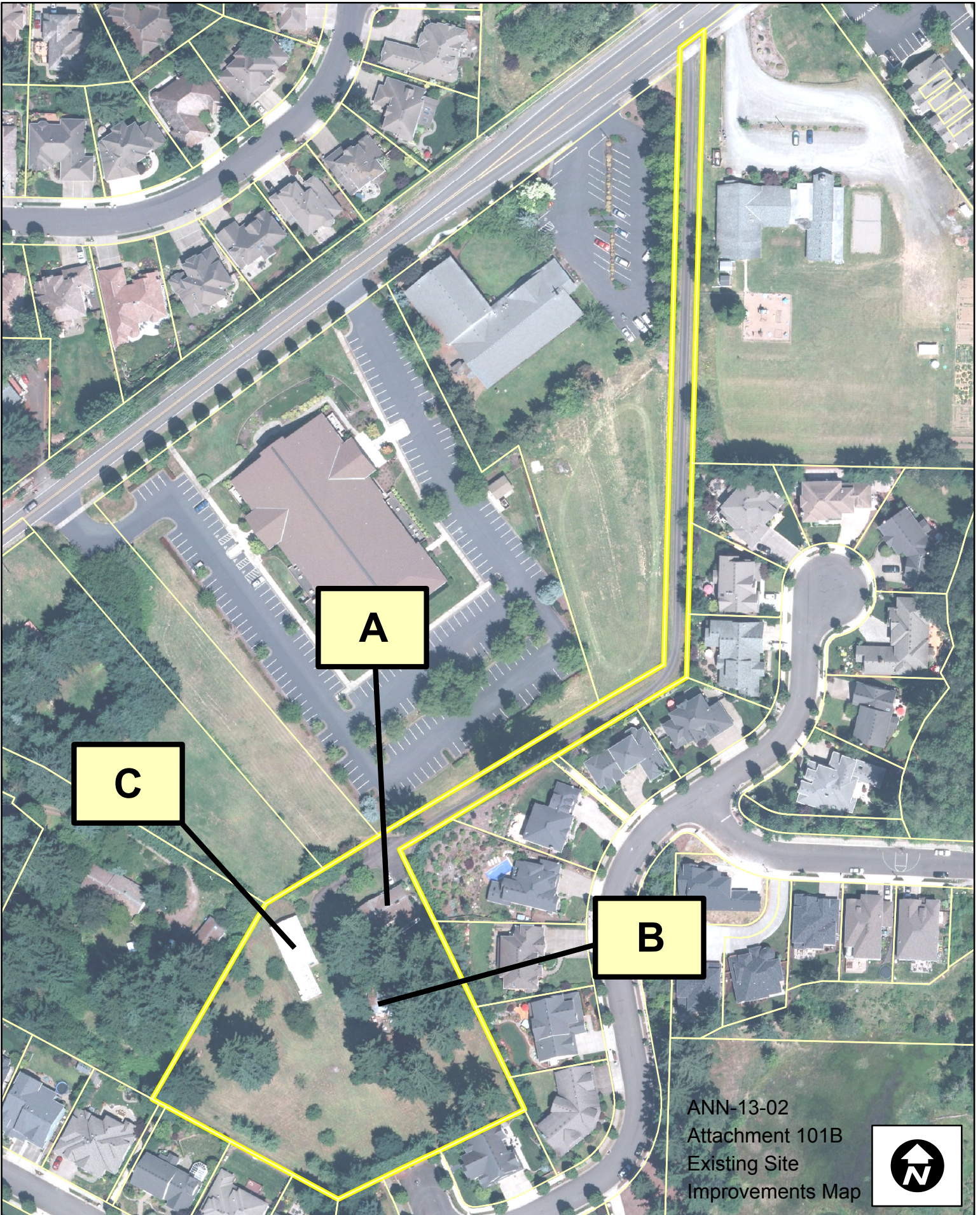
 Taxlots

ANN-13-02
Attachment 101A
Vicinity Map

RF 1:3,600



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -TualGIS
Printed 8/16/2013



ANN-13-02
Attachment 101B
Existing Site
Improvements Map



Application for Annexation Annexation Property Information	1
Request for Expedited Procedure	2
Consent to Annex/Petition to Annex	3
Certification of Property Ownership Certification of Registered Voters	4
Legal Description	5
Washington County Assessor Maps GIS Area Map (within 1,000 Ft)	6
Certification of Legal Description And Map	7
Property Owner Information Sheet	8
Neighborhood Meeting Notice Notarized Affidavit of Mailing Neighborhood Mailing Map/List	9
Neighborhood Meeting Sign Copy Certification of Posting	10
Neighborhood Meeting Sign-in Sheet Neighborhood Meeting Pre-plat	11
Neighborhood Meeting Notes	12
Noticing List of Owners (1,000 FT)	13
Measure 37 Waiver of Rights Signed and Notarized by Petitioner	14
Certification of Sign Posting	15



City of Tualatin

www.tualatinoregon.gov

**"NECESSARY PARTIES"
MARKED BELOW**

NOTICE OF APPLICATION SUBMITTAL

- ANNEXATION CONDITIONAL USE PERMIT PLAN TEXT AMENDMENT
 ARCHITECTURAL REVIEW PLAN MAP AMENDMENT OTHER:

CASE/FILE: ANN-13-02

(Community Development Dept.: Planning Division)

PROPOSAL	To annex the Bither Property of 2.59 acres. Upon annexation, the property would assume Low Density Residential (RL) Planning District and would likely be the subject of a Subdivision (SB) application.
-----------------	--

PROPERTY	Street Address	22120 SW Grahams Ferry Rd
	<input checked="" type="checkbox"/> n/a Tax Map and Lot No(s).	2S1 35BA 05300
	Planning District	Low Density Residential (RL)
	Related Applications	n/a

DATES	Receipt of application	7/21/2013	CONTACT	Name: Colin Cortes
	Notice of application submittal	8/20/2013		Title: Assistant Planner
	Project Status / Development Review meeting	9/12/2013		E-mail: ccortes@ci.tualatin.or.us
	Comments due for staff report	9/16/2013		Phone: 503-691-3024
	Public meeting: <input type="checkbox"/> ARB <input type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a			Notes:
	City Council (CC)	<input type="checkbox"/> n/a 10/14/2013		

City Staff

- City Manager
- Building Official
- Chief of Police
- City Attorney
- City Engineer
- Community Dev. Director
- Community Services Director
- Economic Dev. liaison
- Engineering Associate
- Finance Director
- GIS technician(s)
- IS Manager
- Operations Director
- Parks and Recreation Coordinator
- Planning Manager
- Street/Sewer Supervisor
- Water Supervisor

Neighboring Cities

- Durham
- King City Planning Commission
- Lake Oswego
- Rivergrove PC
- Sherwood Planning Dept.
- Tigard Community Dev. Dept.

- Wilsonville Planning Div.

Counties

- Clackamas County Dept. of Transportation and Dev.
- Washington County Dept. of Land Use and Transportation

Regional Government

- Metro

School Districts

- Lake Oswego School Dist. 7J
- Sherwood SD 88J
- Tigard-Tualatin SD 23J (TTSD)
- West Linn-Wilsonville SD 3J

State Agencies

- Oregon Dept. of Aviation
- Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice)
- Oregon Dept. of State Lands: Wetlands Program
- Oregon Dept. of Transportation (ODOT) Region 1
- ODOT Maintenance Dist. 2A
- ODOT Rail Div.

Utilities

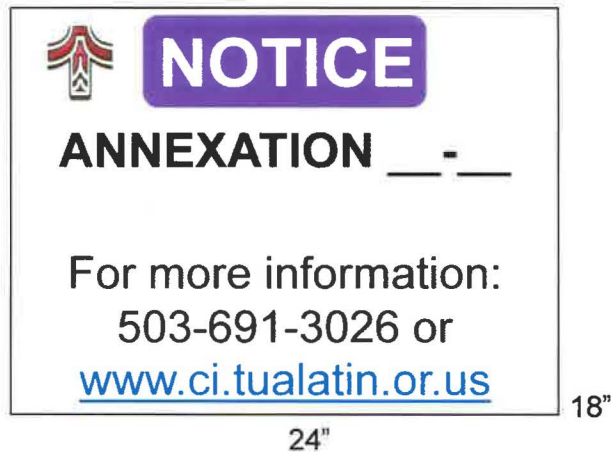
- Allied Waste Services

- Clean Water Services (CWS)
- Comcast [cable]
- Frontier Communications[phone]
- Northwest Natural [gas]
- Portland General Electric (PGE)
- TriMet
- Tualatin Valley Fire & Rescue (TVF&R)
- United States Postal Service (USPS) (Washington; 18850 SW Teton Ave)
- USPS (Clackamas)
- Washington County Consolidated Communications Agency (WCCCA)

Additional Parties

- Tualatin Citizen Involvement Organization (CIO)
-

ANNEXATION CERTIFICATION OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>.

NOTE: For larger areas, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the BITHER ANNEXATION project, I hereby certify that on this day, JULY 17, 2013 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: CHRISTY WIEGEL
(PLEASE PRINT)

Applicant's Signature: Christy Wiegels

Date: July 17, 2013

APPLICATION FOR ANNEXATION

Applicant's Name: Gertz Fine Homes (Attn: Christy Wiegel)

Applicant's Address: 19200 SW 46th Avenue, Tualatin, OR 97062

Applicant is: Owner ___ Contract Purchaser ___ Developer X Agent ___ Other

Applicant Phone Number: 503-692-3390 or 503-680-0334

Applicant Fax Number: 503-692-5483

Applicant Signature:  Date: 7/15/2013

Owner's Name: Patricia A. Bither, Trustee of the Patricia A. Bither Revocable Living Trust

Owner's Address: 22120 SW Grahams Ferry Road, Tualatin, OR 97062

Owner Phone Number: (Agent) Jeffry D. Wiren 503-869-3513

Owner Fax Number: (Agent) Jeffry D. Wiren 503-626-8994

Owner recognition of application: See Petition

 Patricia A. Bither, Trustee 7/15/2013
Signature of owner(s) (original required) Date

Assessor's Map Number 2S135BA Tax Lot Number(s) 5300

Address of Property 22120 SW Grahams Ferry Road, Tualatin, OR 97062 Lot Area 2.59 acres

Current County Zone FD 10 Proposed City Planning District RL (14)

Current Use Residential Proposed Use SF Residential RL

Rights-of-Way to be Included: Possibly GFR ROW

City Services Understanding: Owner shall not be required to hook-up to City of Tualatin services until such time as development occurs. This shall be documented in the Annexation Agreement.

As the person responsible for this application, I, the undersigned hereby acknowledge that I have read the above application and its attachments, understand the requirements described herein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Name Christy Wiegel Date 7/15/2013 Phone 503-680-0334

Address 19200 SW 46th Avenue, Tualatin, OR 97062

FOR STAFF USE ONLY:

Case # ANN- Received By

City Filing Fee Receipt #

Date Received Complete Date

ANNEXATION PROPERTY INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: 2.59 Acres

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

The Property is immediately adjacent to the North terminus of SW Iowa Street in the Victoria Woods subdivision. Access to the Property is from a flag driveway on SW Grahams Ferry Road which ends at the currently utilized single-family home in the NE corner of the Property (not including the flag). The property rises gradually from SW Iowa Street and crests at the home. The topography starts to fall at the north and northwest portions of the Property. Much of the Property is covered in grass and is well maintained in keeping with its current residential use. Some mature trees exist throughout the Property, but no significant stands of trees are known to exist. A CWS prescreen indicates that no sensitive lands exist on the Property (See attached CWS Pre-screen # 13-001720).

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

Northwest : Adjacent properties to the north and west are undeveloped SF Residential and are indicated on 2S135BA T/L 5200 annexed to the City of Tualatin and 2S135BB T/L 10100 currently within the unincorporated limits of Washington County.

North and Northeast: The Church of Jesus Christ of Latter-Day Saints Church occupies a parcel at 2S135BA100 and has dedicated a portion of its property for the future extension of SW Iowa to Graham Ferry Road, although connection is not proposed under the anticipated development of this Property.

South and Southeast : Single family residential properties platted as Victoria Woods No. 3

West: Single family residential properties platted as Victoria Woods No. 3

D. EXISTING LAND USE:

No. of single-family units 1 No. of multi-family units 0

No. of commercial structures 0 No. of industrial structures 0

Public facilities or other uses None

What is the current use of the land proposed to be annexed: SF Residential

E. Total current year Assessed Valuation – Land \$ \$556,200 Structures \$91,740

F. Total existing population 2

G. Is the territory contiguous to the City Limits? Yes

H. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary?

Inside

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

The following are the criteria used in making a decision to annex property to the City of Tualatin. **Please address each of these in narrative form.** Be as thorough and complete with your answers as possible. Please see the attached "Criteria Guidelines" sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

Response: At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider

2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

Response: The subject property is within the established Urban Boundary and is consistent with Tualatin's Urban Planning Area Agreement with Washington County

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

Response: Because the area to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services are available. This is consistent with Tualatin's Community Plan (Comprehensive Plan).

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

Response: The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

Response: Sanitary Sewer, storm and water are available at the intersection of SW Choctaw and SW Iowa Streets (See attached services Maps from TUALGIS and CWS) Access to the site is available via extension of SW Iowa Street which currently terminates on the south side of the Property.

6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;

Response: Not applicable because the Property is already within the UGB.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

Response: No other criteria have been determined to be applicable.

B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City [Not within any City](#)

County [Washington](#)

Highway Lighting District [Not within a Lighting District](#)

Rural Fire District [Not within a rural district, but within TVF&R](#)

Sanitary District [Not within CWS](#)

Water District [Not within a water district](#)

Grade School District [Tigard-Tualatin School District](#)

High School District [Tigard-Tualatin School District](#)

Library District [Not within a Library District](#)

Drainage District [Not within CWS](#)

Parks & Recreation District [Not within a Park and Recreation District](#)

Other: [Assessors Information does not indicate that the Property is within the Washington County Enhanced Sherriff's Patrol or Road Maintenance District.](#)

C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please describe.

The Property is not currently hooked up to a public sewer or water system. The existing residence is served by an on-site septic system and private well.

APPLICANT'S NAME Christy Wiegel

MAILING ADDRESS 19200 SW 46th Avenue, Tualatin, OR 97062

WORK TELEPHONE 503-692-3390

CELL TELEPHONE 503-680-0334

REPRESENTING Gertz Fine Homes

DATE 7-15-2013



Clean Water Services File Number

13-001720

Sensitive Area Pre-Screening Site Assessment

1. Jurisdiction: City of Tualatin

2. Property Information (example 1S234AB01400)
Tax lot ID(s): 2S135BA05300

Site Address: 22120 SW Grahams Ferry Road
City, State, Zip: Tualatin, OR 97062
Nearest Cross Street: SW Boones Ferry Road

3. Owner Information
Name: Patricia Bither
Company: _____
Address: 22120 SW Grahams Ferry Road
City, State, Zip: Tualatin, OR 97062
Phone/Fax: 503-869-3513 (Owner Agent)
E-Mail: pwiren@remax.net (Owner Agent)

4. Development Activity (check all that apply)
 Addition to Single Family Residence (rooms, deck, garage)
 Lot Line Adjustment Minor Land Partition
 Residential Condominium Commercial Condominium
 Residential Subdivision Commercial Subdivision
 Single Lot Commercial Multi Lot Commercial
Other _____

5. Applicant Information
Name: Christy Wiegel
Company: Gertz Const. Co., d/b/a/ Gertz Fine Homes
Address: 19200 SW 46th Avenue
City, State, Zip: Tualatin, Oregon 97062
Phone/Fax: 503-680-0334
E-Mail: cwiegel@pcez.com

6. Will the project involve any off-site work? Yes No Unknown
Location and description of off-site work _____

7. Additional comments or information that may be needed to understand your project _____

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name _____ Print/Type Title _____
Signature _____ Date _____

FOR DISTRICT USE ONLY

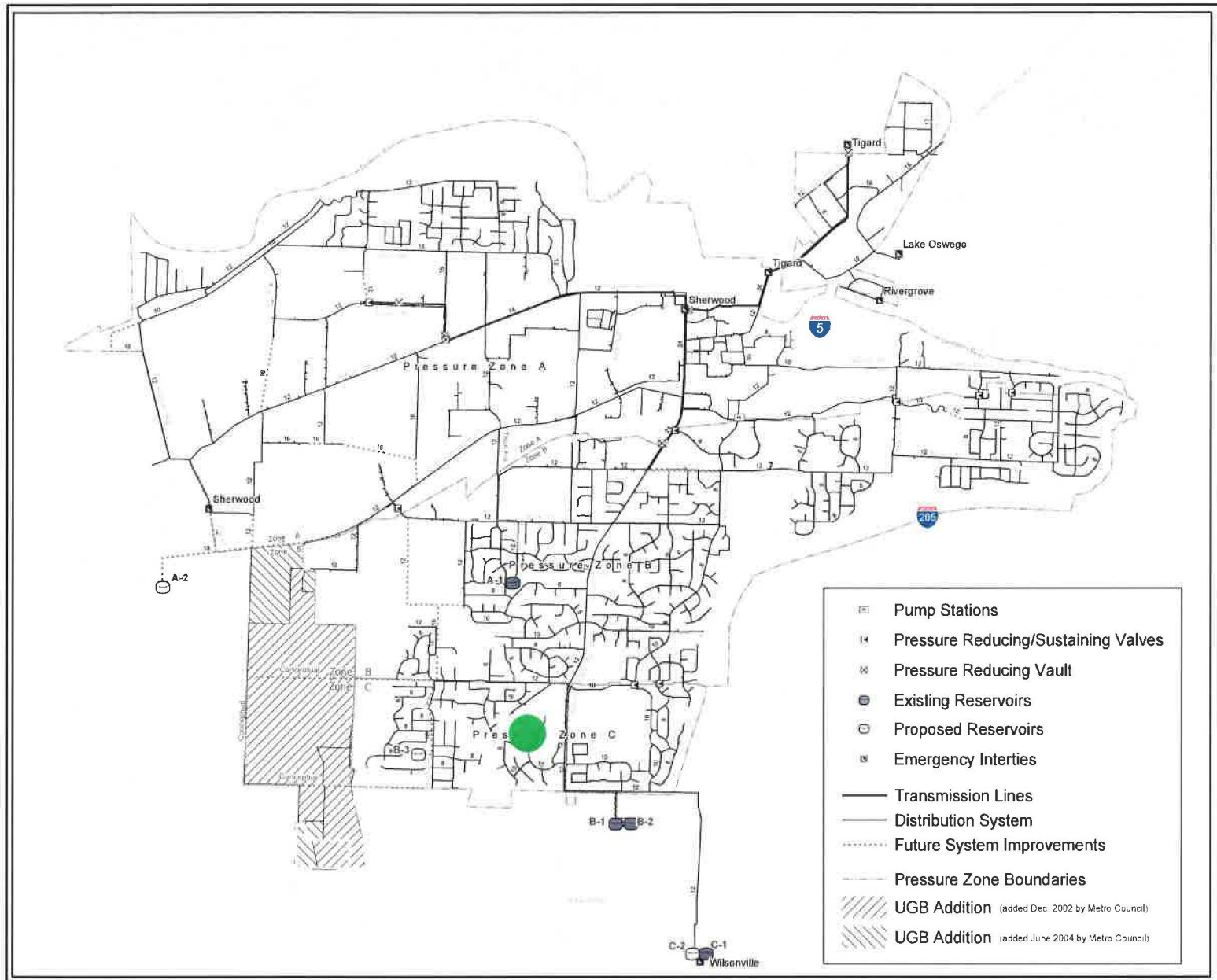
- Sensitive areas potentially exist on site or within 200' of the site. THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER. If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.
- Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.
- Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.
- This Service Provider Letter is not valid unless _____ CWS approved site plan(s) are attached.
- The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewed by Jaune Harris Date 06/26/13

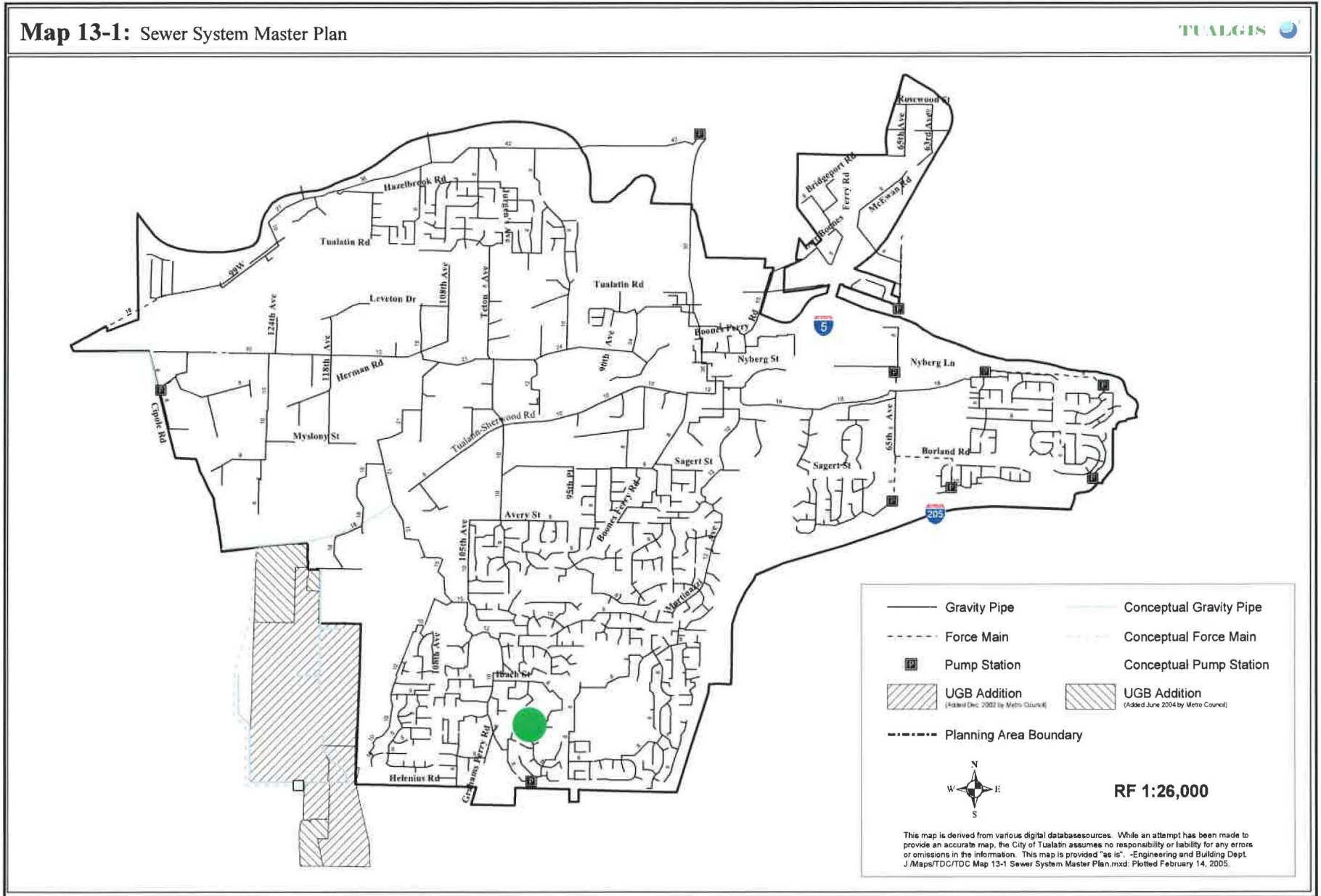


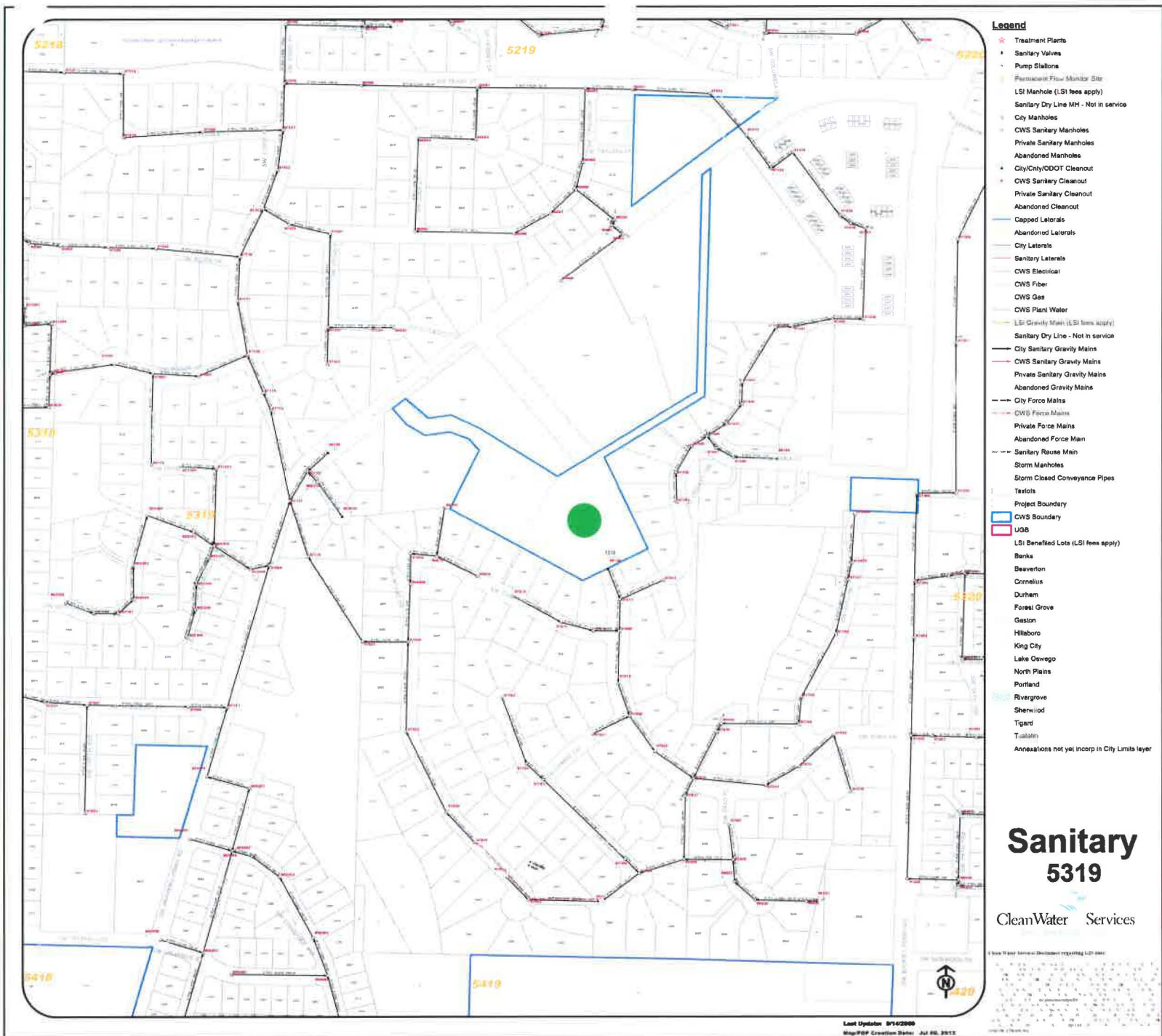
RF 1:28,000

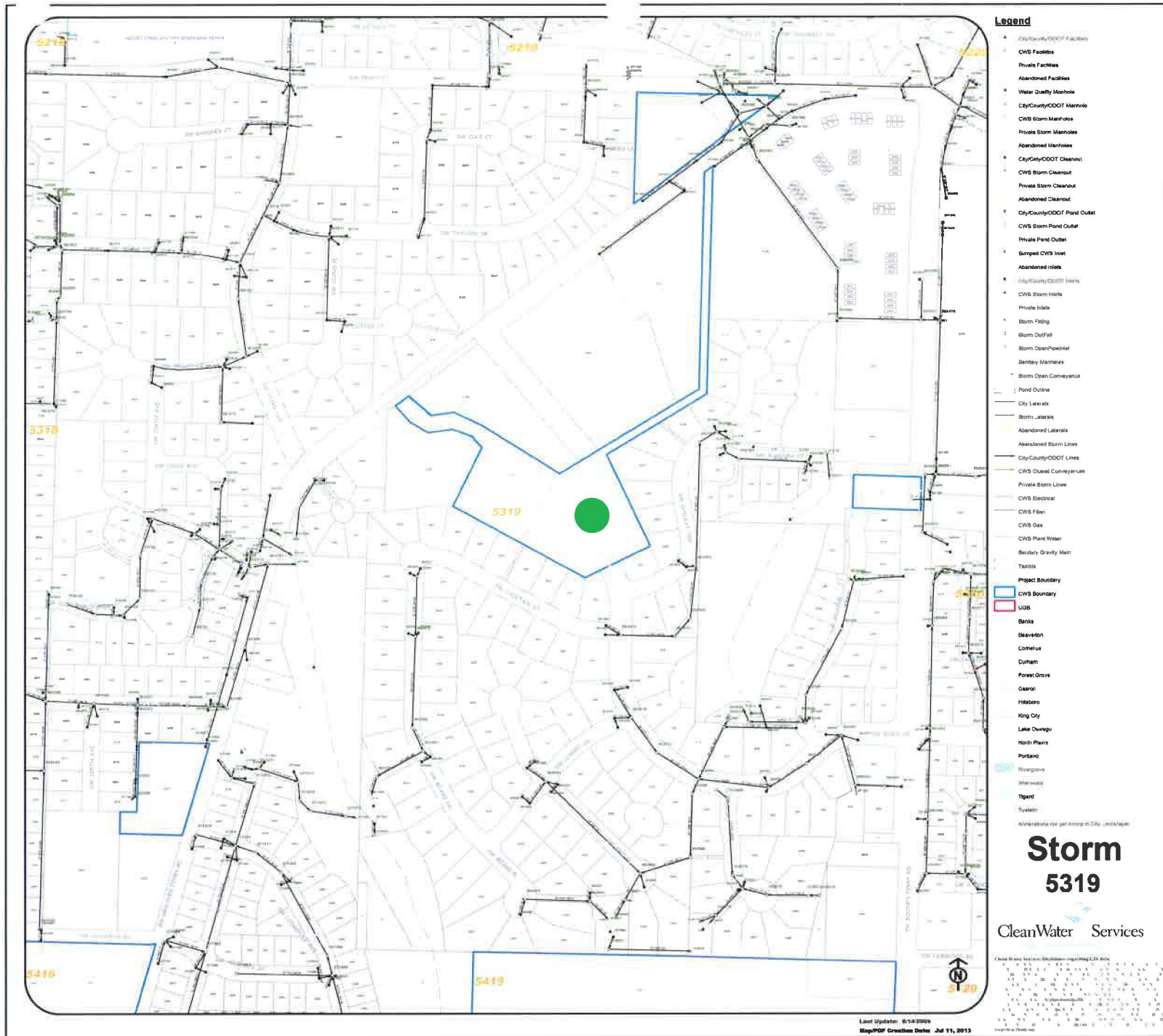
This map is derived from various digital database sources. While an attempt has been made to ensure an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. The map is provided as a reference only. Engineering and Building Department Effective July 24, 2005 Printed July 28, 2005



Map 13-1: Sewer System Master Plan










City of Tualatin

www.ci.tualatin.or.us

REQUEST FOR EXPEDITED PROCEDURE FOR ANNEXATION TO THE CITY OF TUALATIN

I (We), the undersigned Principle Petitioners, request this Annexation Proposal be approved in an expedited fashion. This request is made pursuant to ORS 222.125 and Metro Code 3.09.045.

This request is made in addition to and supplements all other requirements for filing an annexation petition.

Signature of Principal Petitioners	Address	Map and Tax Lot Number
1.  Patricia A. Lohrey Trustee	22120 SW GFR TUALATIN, OR 97062	2S135 BA 5300
2.		
3.		
4.		
5.		
6.		
7.		

This form is NOT a petition for annexation. It is only a request to expedite the process. This form must be accompanied by a regular petition and the other forms normally submitted to initiate a proposal.

PETITION TO ANNEX TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:	
<u>22120 SW GRAHAM'S FERRY ROAD, TUALATIN, OR 97062</u>	
Street Address of Property (If address has been assigned)	
<u>DNA</u>	
Subdivision Name, Lot Number(s), Block Number(s)	
<u>2S135 BA-5300</u>	
Map & Tax Lot Number(s)	County _____

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

<u><i>Patricia B. Baker</i></u>	<u>B</u>	<u>B</u>	<u>7-15-13</u>
Signature	Owner initial	Voter initial	Date

<u><i>Patricia B. Baker</i></u>	<u>B</u>	<u>B</u>	<u>7-15-13</u>
Owner Authorized Signature	Owner initial	Voter initial	Date

Street Address _____ Phone _____ Alt Phone _____

Mailing Address _____ City, State, Zip _____

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective indefinitely [] until _____.

Office Use Only	
Date Received _____	
Ownership Checked _____	
By _____	

<u><i>Patricia B. Baker</i></u>	<u>7-15-13</u>
Signature	Date

If you have questions, call 503-691-3026.

Signature _____ Date _____



City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

COUNTY OF WASHINGTON

DATE 7/17/13

ANNEXATION CERTIFIED

BY TF

JUL 17 2013

WASHINGTON COUNTY A & T
CARTOGRAPHY

*Owner means the owner of the title to real property or the contract purchaser of the real property.

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME Yissem Diaz

TITLE Admin. Specialist II

DEPARTMENT Elections A&T

COUNTY OF Washington

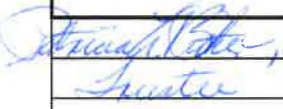

DATE 07-17-2013



2062 Ann 100%
251355A-030
JLM 7/22/13

To the Council of the City of Tualatin, Oregon:

We, the undersigned Owner(s) of the property described below and/or elector(s) residing at the referenced location, hereby petition for, and give consent to, annexation of said property to the City of Tualatin. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	I am a			Address	Property Description				Date
		PO	RV	OV		T/S	Map	Tax Lot	Precinct #	
	PATRICIA A. BITHER, TRUSTEE OF THE FOREST L BITHER REVOCABLE LIVING TRUST AND THE PATRICIA A BITHER REVOCABLE LIVING TRUST		✓	X	22120 SW GRAHAMS FERRY RD TUALATIN, OR 97062	2S1	35BA	5300	309	7-15-13
	EDWIN CHAMROS		✓		22120 SW GRAHAMS FERRY RD TUALATIN, OR 97062	2S1	35BA	5300	309	7-19-2013

PO: Property Owner OV: Property Owner & Registered Voter
 RV: Registered Voter T/S: Township & Section

Page 1 of 1



**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

- 2 Number of signatures of individuals on petition.
- 2 Number of active **registered voters** within the territory to be annexed.
- 2 Number of **VALID signatures of active registered voters** within the territory to be annexed, on the petition.

Tax lot number(s): 2S135BA-5300 _____

DIVISION: ELECTIONS
COUNTY: WASHINGTON
DATE: July 22, 2013
NAME: John Montoya
TITLE: Administrative Specialist II

(Signature of Election Official)



*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009

Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

Beginning at a 5/8" rod on the southerly right-of-way of Mulloy Road as per survey 8208, said point being the most northeasterly corner of that property described in Book 460 page 19 of Washington County deeds & records, in the Northwest 1/4, of Section 35 T 2 S., R 1 W, of the W.M.; thence S 0°21'27" E 684.45 feet more or less to a 5/8" rod as per survey 8208; thence S 57°33' 43" W 349.77 feet; thence S 27°00'E 306.79 feet to a 5/8" rod; thence S 63° W 220.54 feet to a 5/8" rod; thence N 63°06'29" W 225.12 feet to a 5/8" rod and cap; thence N 28°47'29" E 240.87 feet to a 5/8" rod and cap set in the survey of July 1975; thence N 57°33'43" E 495.23 feet to a 5/8" rod; thence N 0°21'27" W 651.54 feet to a 5/8" rod on the southerly N/W of Mulloy Road (Graham's Ferry Road) and at the Northeast corner of that property described in Book 691 page 69 W.C.D.1-1.; thence N 31°43" E 31.93 feet to the point of beginning as per Survey 18,389 of August 1979.

NOTE: This legal description was created prior to January 1, 2008.

ANNEXATION CERTIFIED

BY VF

JUL 17 2013

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That We, FOSTER O. BITHER and GERTRUDE B. BITHER, Husband and wife, grantors, in consideration of Ten and no/100 Dollars, and other valuable consideration, to us paid by FOREST CARY BITHER and PATRICIA ANN BITHER, Husband and wife, grantees, do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Washington and State of Oregon, bounded and described as follows, to-wit:

Beginning at the Northwest corner of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence East 120 rods to a point more particularly described as being North 89° 49' East 661.7 feet from the Northeast corner of the Northwest 1/4 Northwest 1/4 Section 35, Township 2 South, Range 1 West; thence South 0° 08' West 223.77 feet to the Northwesterly corner of the tract described in deed to Hillar J. Ibach, et ux, recorded in Book 285, page 674, Deed Records, Washington County, Oregon; thence continuing South 0° 08' West along the West line of said tract and along the West line of the tract described in deed to Merrill W. Pennington recorded in Book 345, page 75, said Deed Records; 680.81 feet; thence South 57° 33 1/2' West 363.33 feet to an iron rod, being the true point of beginning of the tract of land herein described; thence South 57° 33 1/2' West 125.56 feet to an iron rod; thence South 27° 00' East 320.0 feet to an iron rod; thence North 63° 00' East 125.0 feet to an iron rod; thence North 27° 00' West 331.90 feet to the true point of beginning of the tract herein described;

TOGETHER WITH a 25 ft. wide easement for road and utility purposes more particularly described as follows: Beginning at the Northeast corner of the tract herein described; thence North 57° 53 1/2' East 333.68 feet; thence North 0° 08' East 650.03 feet to the Southerly boundary of Mulloy Road (County Road No. 844); thence North 51° 43' East along the Southerly boundary of Mulloy Road, 31.91 feet to an iron rod; thence South 0° 08' West along the Easterly boundary of that tract of land conveyed to Foster O. Bither and Gertrude B. Bither by Deed Book 253, page 479, Washington County Deed Records, a distance of 684.45 feet to an iron rod; thence South 57° 33 1/2' West 349.77 feet to the Easterly boundary of the tract herein conveyed; thence North 27° 00' West 25.11 feet to the Northeast corner of the tract herein described.

For Correction. Deed, see Book 473 page 115-10-3-62 U.S.

BOOK 480 PAGE 19

KNOW ALL MEN BY THESE PRESENTS, That ALPINE INVESTMENT CO., INC., an Oregon corporation, in consideration of Eighteen Thousand Dollars (\$18,000.00), to it paid by ARTHUR N. TORLAND and BESSIE M. TORLAND, husband and wife, grantee, does hereby grant, bargain, sell and convey to said grantee, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Washington, and State of Oregon, bounded and described as follows, to-wit:

The following described portion of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

Beginning at a point on the South line of Mulloy Road, in said Section 35, that is located 25.0 feet West of and at right angles to the East line of the second parcel of land described in deed to Forest Cary Bither, and wife, recorded October 3, 1962, in Book 473, page 115, Deed Records; thence South 0° 08' West parallel to and 25 feet distant from the East line of said Forest Bither tract 650.03 feet, more or less, to the Northerly line of said Forest Bither tract; thence South 57° 53 1/2' West 489.24 feet, more or less, to a point on the Southwesterly extension of the Northerly line of the first parcel described in said deed to Forest Bither located thereon 30.0 feet Southwesterly from the Northwest corner thereof; thence Northwesterly 278 feet, more or less, to a point that is Easterly and 50.0 feet distant from, when measured along a line parallel to the Southerly line of Mulloy Road, the most Easterly Northeast corner of the Norman W. Scott, and wife, tract as described in deed recorded July 26, 1963, in Book 492, page 92, Deed Records; thence Westerly a distance of 30 feet, more or less, to a point on the Northeasterly extension of the Southeasterly line of said Scott tract located thereon a distance of 25.0 feet, when measured at right angles, from the Northeasterly line of said Scott tract extended Southeasterly; thence Northwesterly along a line measured 25.0 feet and parallel to the Northeasterly line of said Scott tract to the South line of Mulloy Road; thence Northeasterly along the South line of Mulloy Road to the point of beginning, EXCEPT that portion described in deed to Foster O. Bither, et ux, recorded October 21, 1965, in Book 574, page 102, Records of Washington County.

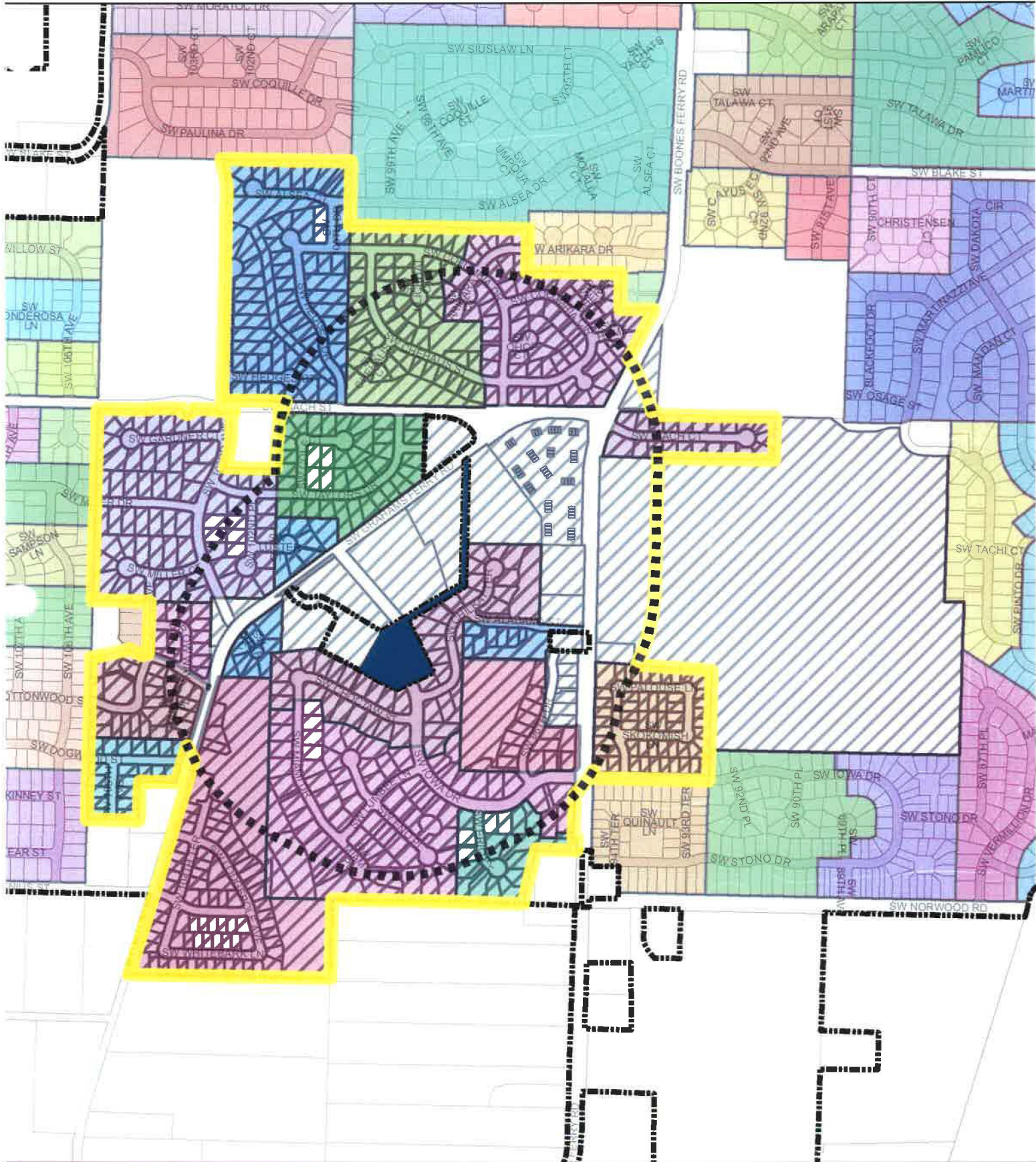
SUBJECT TO rights of the public in and to any roads, streets and highways; easements, restrictions of public record and zoning and use restrictions.

The true and actual consideration for this transfer is \$18,000.00.

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, their heirs and assigns forever.

And the grantor does covenant that it is lawfully seized in fee simple of the above granted premises free from all encumbrances, except as above stated, and that it will and its successors shall

49773
251-358-803



1000' Buffer

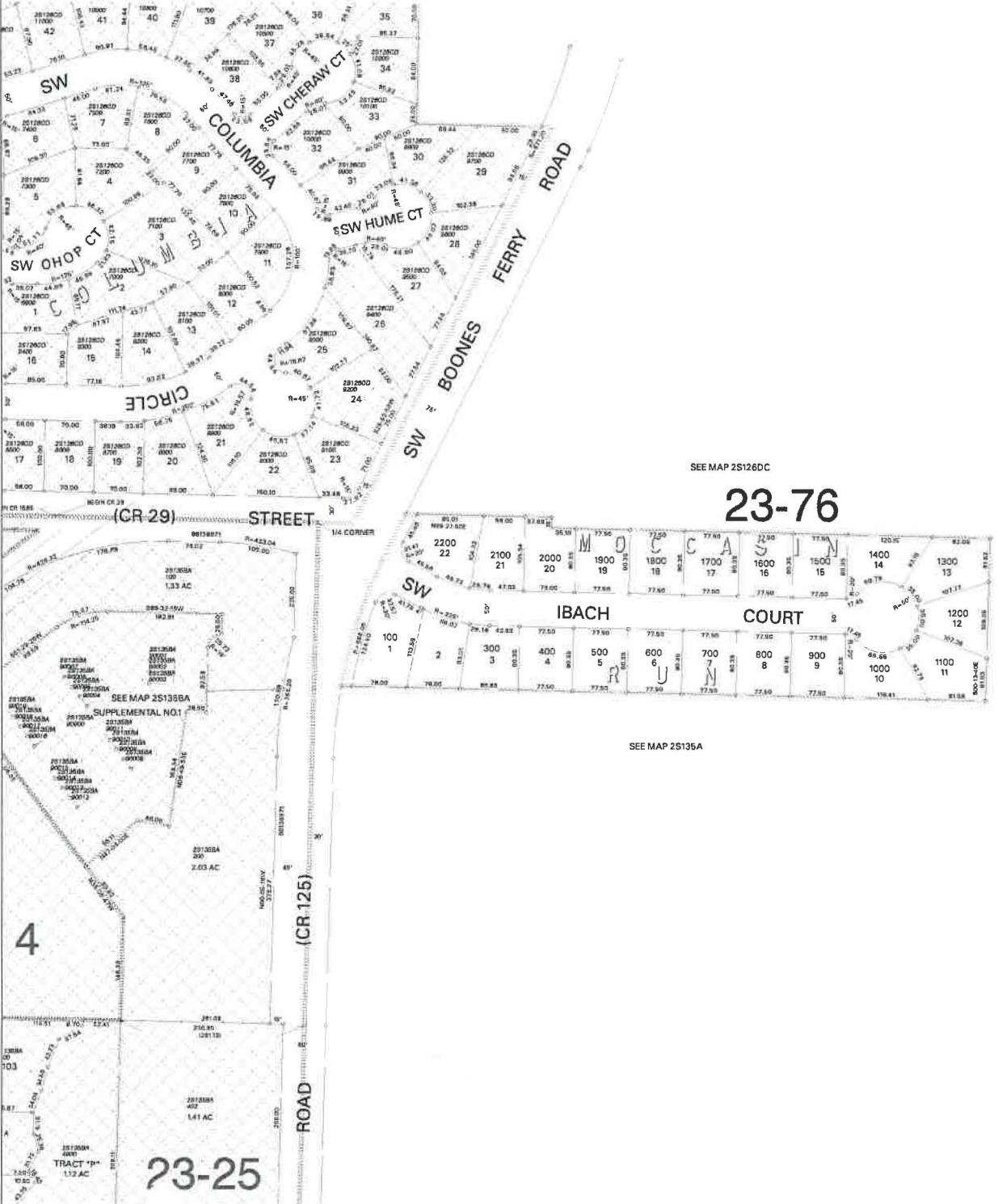


1000' Buffer with Subdivisions



Selected Taxlots





WASHINGTON COUNTY OREGON
NW1/4 NE1/4 SECTION 35 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6



Cancelled Taxlots For: 2S135AB
200,



PLOT DATE
April 06, 1999
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

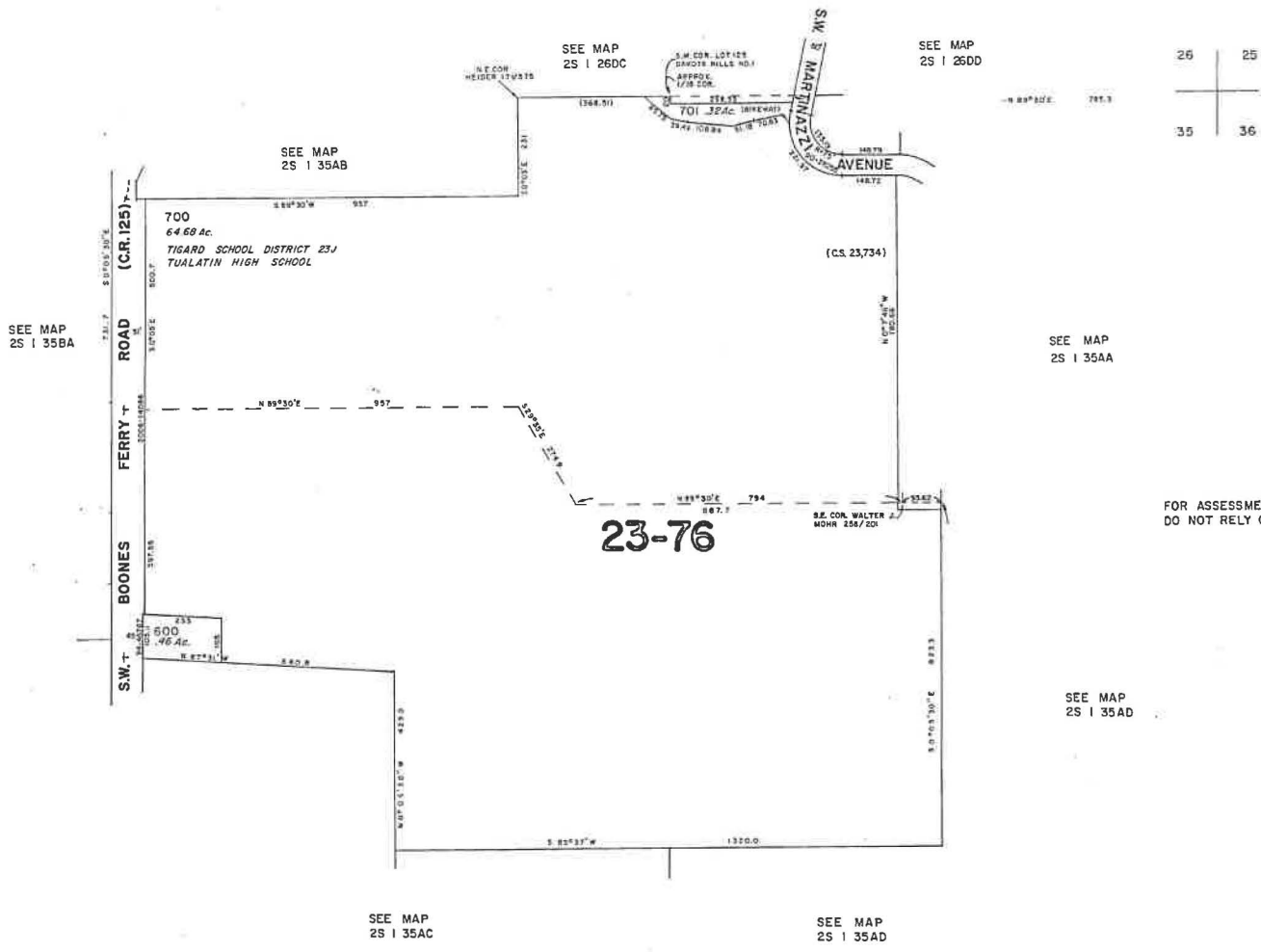
NE 1/4 SECTION 35 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=200'

2S 1 35A
TUALATIN

CANCELLED TAX LOTS
101,102,796,100,800,103,
800,801,601,500,501,
302,400,401,500,501,



Handwritten note: *Handwritten note*

Handwritten note: *Handwritten note*

Handwritten note: *Handwritten note*

TUALATIN
2S 1 35A



WASHINGTON COUNTY OREGON
SE 1/4 SW 1/4 SECTION 26 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

BB	BA	AB	AA
B			A
BC	BD	AC	AD
SECTION 26			
CB	CA	DB	DA
C			D
CC	CD	DC	DD

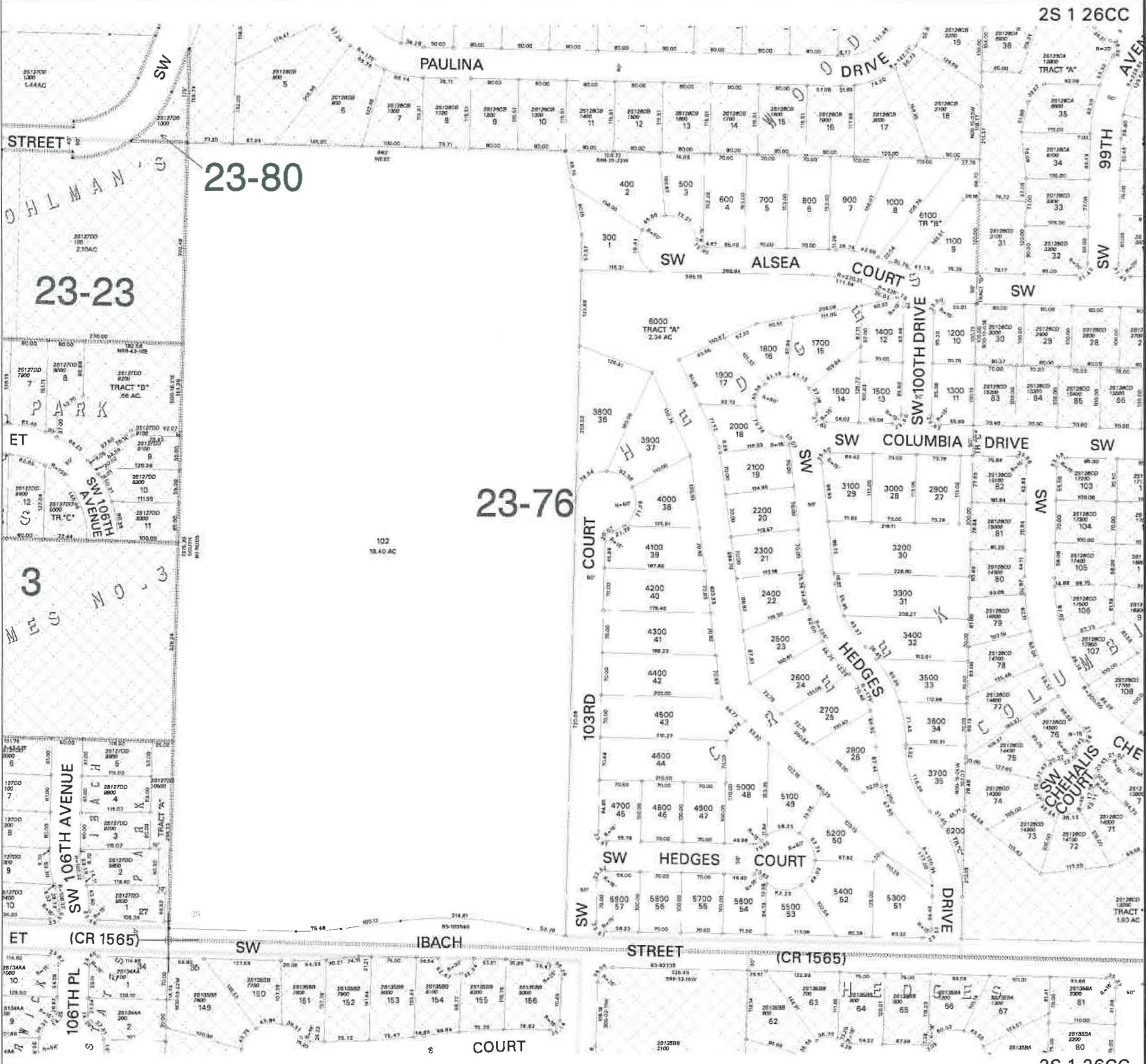
Cancelled Taxlots For: 2S126CD
4400,4300,4500,4301,4500,11200,



PLOT DATE: September 02, 2003
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

UALATIN
2S 1 26CD



23-80
23-23

23-76

2S 1 26CC

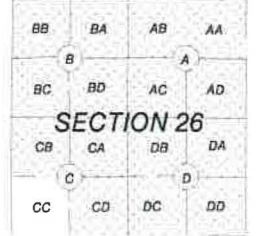
2S 1 26CC



WASHINGTON COUNTY OREGON
SW1/4 SW1/4 SECTION 26 T2S R1W W.M.
SCALE 1" = 100'

38	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
T	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

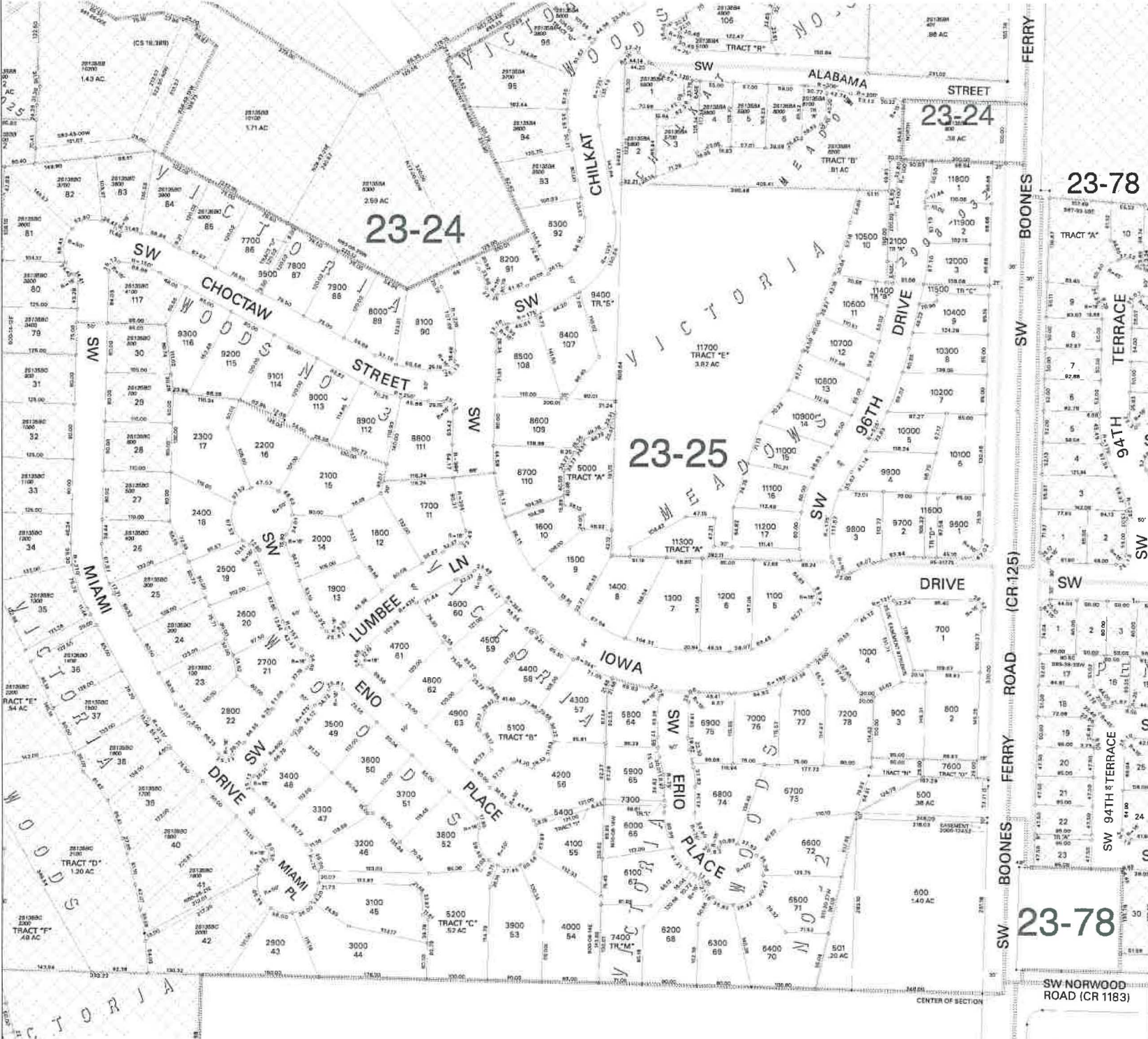


Cancelled Taxlots For: 2S126CC
101,100,103,200,800,1



PLOT DATE: August 20, 2002
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

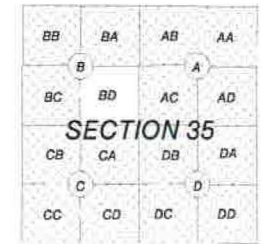
Map areas delineated by either gray shading or a cross hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



WASHINGTON COUNTY OREGON
 SE1/4 NW1/4 SECTION 35 T2S R1W W.M.
 SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



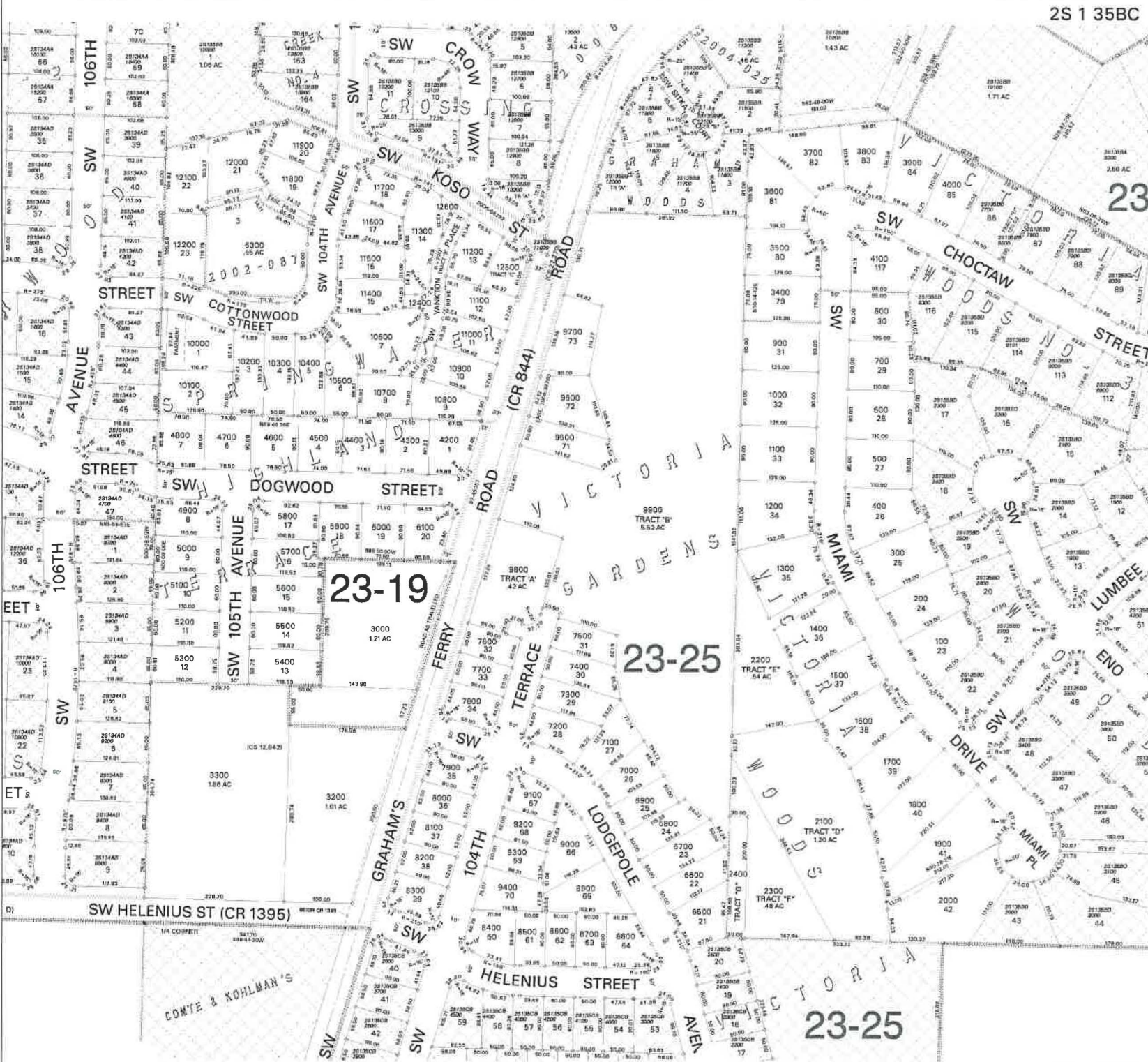
Cancelled Taxlots For: 2S135BD
 5500,5600,9100,200,300,400,5300,7500,5700,100,



PLOT DATE: June 27, 2008
 FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE
 Map areas delineated by either gray shading or a cross hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

23-78

SW NORWOOD ROAD (CR 1183)



2S 1 35BC

2S 1 35BC



23

23-19

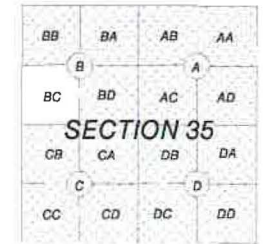
23-25

23-25

WASHINGTON COUNTY OREGON
SW1/4 NW1/4 SECTION 35 T2S R1W W.M.
SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



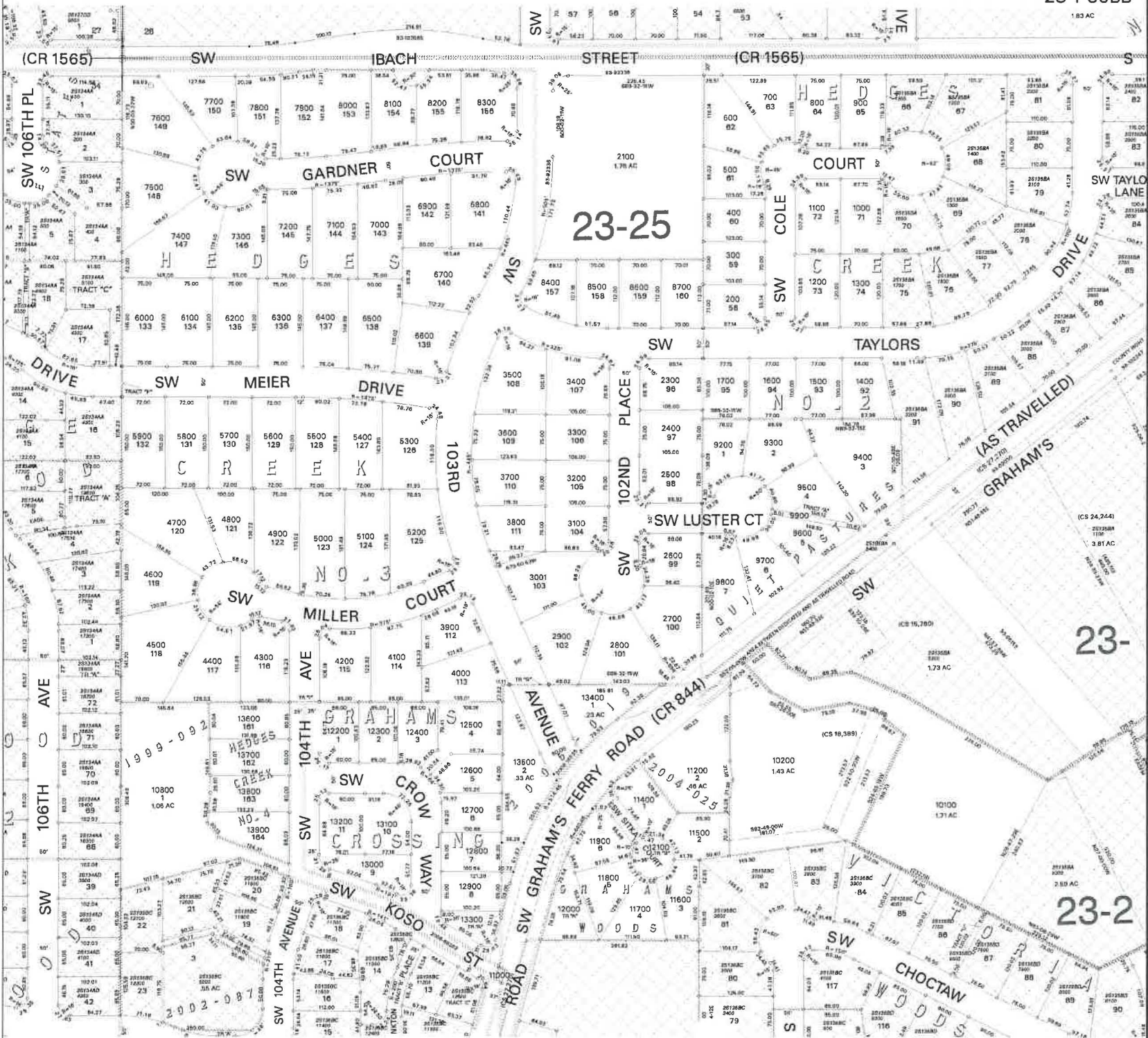
Cancelled Taxlots For: 2S135BC
2900,3100,2500,2600,2700,2800,6200,6400,12300,



PLOT DATE: August 07, 2007
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

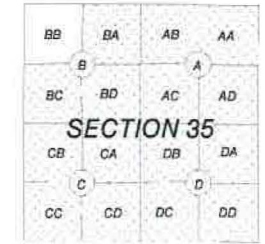
UALATIN
2S 1 35BC



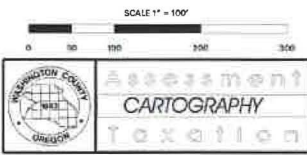
WASHINGTON COUNTY OREGON
 NW1/4 NW1/4 SECTION 35 T2S R1W W.M.
 SCALE 1" = 100'

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us



Cancelled Taxlots For: 2S135BB
 1900,2000,2200,1600,100,9000,3000,8800,
 10000,10300,10400,10500,11100,8600,9100,
 10900,11300,10900,



PLOT DATE: June 13, 2011
 FOR ASSESSMENT PURPOSES
 ONLY - DO NOT RELY ON
 FOR OTHER USE

Map areas delineated by either shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.



City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 25135 BA) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

COUNTY OF WASHINGTON

DATE 7/17/13

ANNEXATION CERTIFIED

BY TF

JUL 17 2013

WASHINGTON COUNTY A & T
CARTOGRAPHY

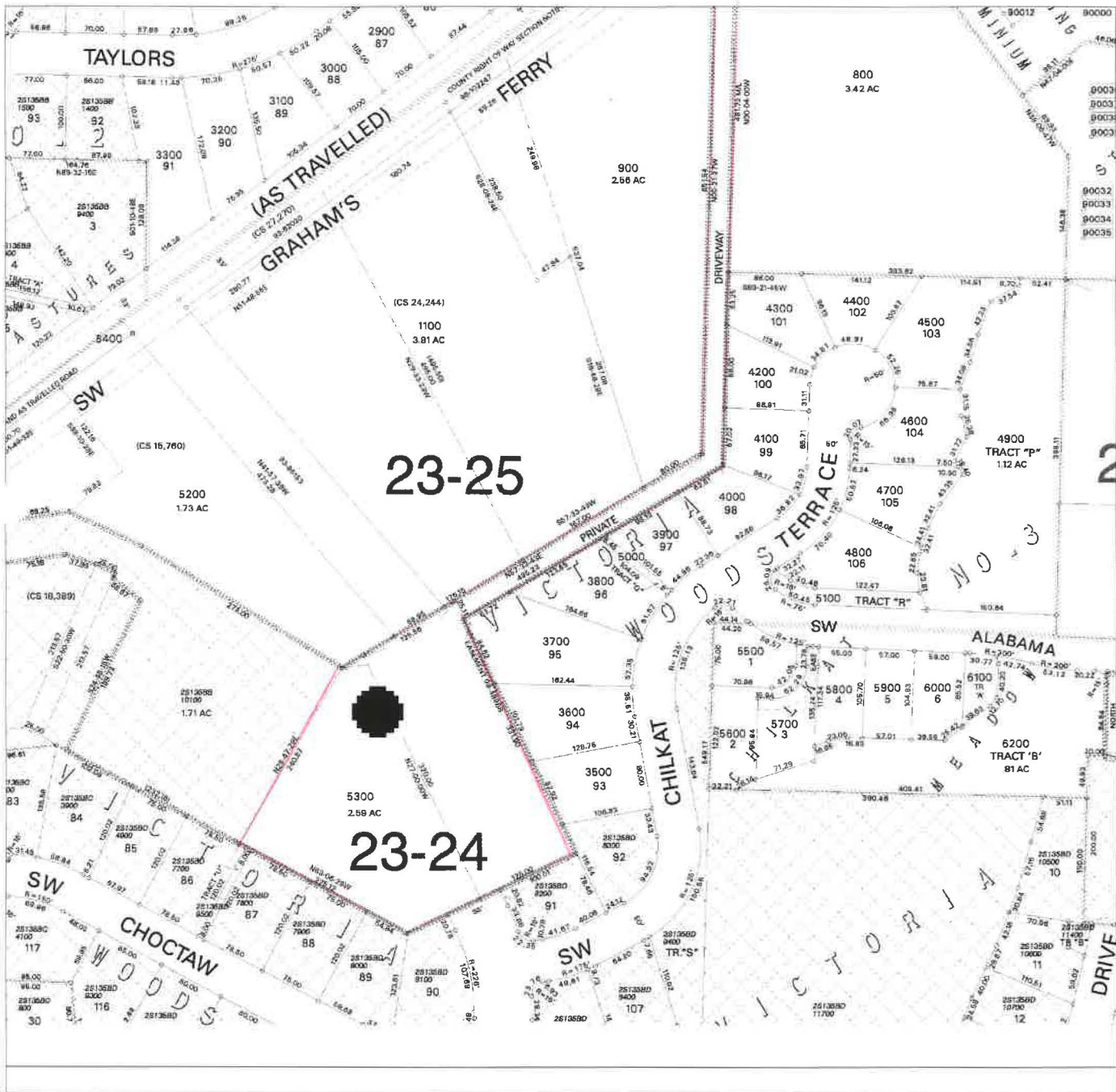


First American Title Insurance Company of Oregon

An assumed business name of TITTLE INSURANCE COMPANY OF OREGON

This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 2S135BA 05300





City of Tualatin

www.ci.tualatin.or.us

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTORS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township & Range)
---------------------	---------	--

Patricia A. Bither Trustee

(1) PATRICIA A. BITHER, 22120 SW 25135 BA 5300

TRUSTEE GRAHAMSFERRY

(2) EDWIN CHAMBERS RD TUALATIN, OR

EDWIN CHAMBERS 22120 SW GRAHAMSFERRY RD
TUALATIN, OR 25135 BA 5300

(3)

(4)

(5)

(6)

ANN-13-02

To lessen the bulk of the notice of application and to address privacy concerns, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.



June 25, 2013

RE: Annexation and 8-Lot Single Family Residential Subdivision
22120 SW Grahams Ferry Road, Tualatin, OR 9062

Dear Property Owner:

You are cordially invited to attend a meeting on July 10, 2013 at 6:00 PM at Juanita Pohl Center, located at 8513 SW Tualatin Road, Tualatin, OR . This meeting shall be held to discuss a proposed project at 22120 SW Grahams Ferry Road. The proposal is to annex 2.59 acres to the City of Tualatin and subdivide the property into an 8-lot Single-Family residential subdivision.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Regards,

Christy Wiegel

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

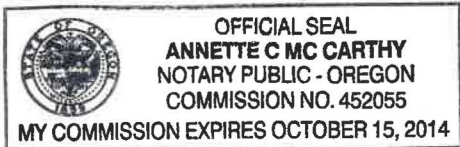
STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, CHRISTY WIEGEL, being first duly sworn, depose and say:

That on the 25TH day of JUNE, 2013, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

Christy Wiegel
Signature

SUBSCRIBED AND SWORN to before me this 16th day of July, 2013.



Annette C Mc Carthy
Notary Public for Oregon
My commission expires: 10/15/14

RE: _____

Christy Wiegel

From: Christy Wiegel <cwiegel@pcez.com>
Sent: Monday, June 24, 2013 2:29 PM
To: jan.giunta@gmail.com; cmdarby@comcast.net; cphil9@comcast.net; tntanderson@reachone.com; rtdoglover@yahoo.com; doug_ulmer@comcast.net; cjben5915@hotmail.com; sander5389@comcast.net; john.howorth@3j-consulting.com; alex.simshaw@gmail.com; stefan@feuerherdtlaw.com; jimandkaren@frontier.com; tmpgarden@comcast.net; AfamHouse@gmail.com; debmaryanov@gmail.com; kaydix@comcast.net; Alan.jo@frontier.com; lloop@klcorp.com; flolyn@frontier.com; robertekellogg@yahoo.com; erik@johannesfamily.com; npherriges@gmail.com; jmakarowsky@comcast.net; jon@tualatinlife.com; willie.fisher@gmail.com; s.caporale@comcast.net; cbchrisphiladelphia@gmail.com; pdxpeggyssue@gmail.com; jon@tualatinlife.com; raudette@CenterCal.com; DormanC@wcb.com; tualatincommercialcio@gmail.com; famtunstall1@frontier.com; scottm@capacitycommercial.com; tualatinindustrialcio@gmail.com; kenn@qbfinc.com
Cc: Christy Wiegel
Subject: Notice of Neighborhood Meeting for Annexation and 8-Lot SF Subdivision
Attachments: Neighborhood Meeting Letter.docx; Neighborhood Meeting Tax Map.pdf

To all City of Tualatin CIO Members:

Attached is the Neighborhood Meeting Notice for an annexation request and a proposed 8-Lt SF Subdivision on a 2.59 acre property off SW Grahams Ferry Road. The meeting will be held on July 10th at 6:00 PM at Juanita Pohl Center.

Please contact the undersigned regarding any questions you might have regarding the project.

Christy Wiegel
Gertz Fine Homes
cwiegel@pcez.com
503-680-0334

E-MAIL ARTWORK PROOF

NOTICE

**NEIGHBORHOOD / DEVELOPER
MEETING FOR
ANNEXATION / SUBDIVISION**

July 10, 2013 at 6:00 PM

Juanita Pohl Center

8513 SW Tualatin Road, Tualatin, OR 97062

503-680-0334

18"x24" Black & Orange on White Corrugated Plastic

~ PLEASE PROOF EVERYTHING CAREFULLY! ~

WE CAN NOT PROCEED WITH YOUR ORDER WITHOUT YOUR RESPONSE

DISCLAIMER: Please examine the following proof carefully. Mark all changes and or typographical errors you find. If you approve errors on this proof, we can not be held responsible. Please check for spelling, size, and position. If an additional proof is required, examine the entire proof once again to make sure everything is correct. We will correct our errors at no charge if they are noted on the proof. The cost of the first proof is included in the cost of your sign order. Any additional proofs may result in an additional charge.

BuzWhite
SCREENPRINT, INC.

• Signs • Design • Decals • Vinyl Graphics •
• Full Color Digital Imaging •

503-244-2403

www.BuzWhite.com • Portland, OR

Please
E-MAIL RESPONSE TO
art@buzwhite.com

Or
FAX BACK TO
503-245-3268

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

<p>NOTICE</p> <p>NEIGHBORHOOD / DEVELOPER MEETING</p> <p>___/___/2010 __:__.m.</p> <p>___ SW ___</p> <p>503-___-___</p>

24"

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

BITHER 2.59 ACRE ANNOTATION/SF SUBDIVISION project, I

hereby certify that on this day, JUNE 25, 2013 sign(s) was/were posted on the

subject property in accordance with the requirements of the Tualatin Development Code

and the Community Development Department - Planning Division.

Applicant's Name: CHRISTY WIEGEL
(PLEASE PRINT)

Applicant's Signature: Christy Wiegels


Date: JUNE 25, 2013

NEIGHBORHOOD MEETING ATTENDANCE ROSTER

PROJECT: _____

MEETING DATE: _____

PLEASE PRINT LEGIBLY!

NAME	FULL MAILING ADDRESS & E-MAIL ADDRESS	CITY, STATE	ZIP CODE	PHONE #
Jeani Divine				
ERIC SCHODLER				
Dan Taylor				
Julie Popma				
Erik Van Kleeck				
Colin Cortes				
Tony Doran				
Tony Weller				
Jeff Wira				

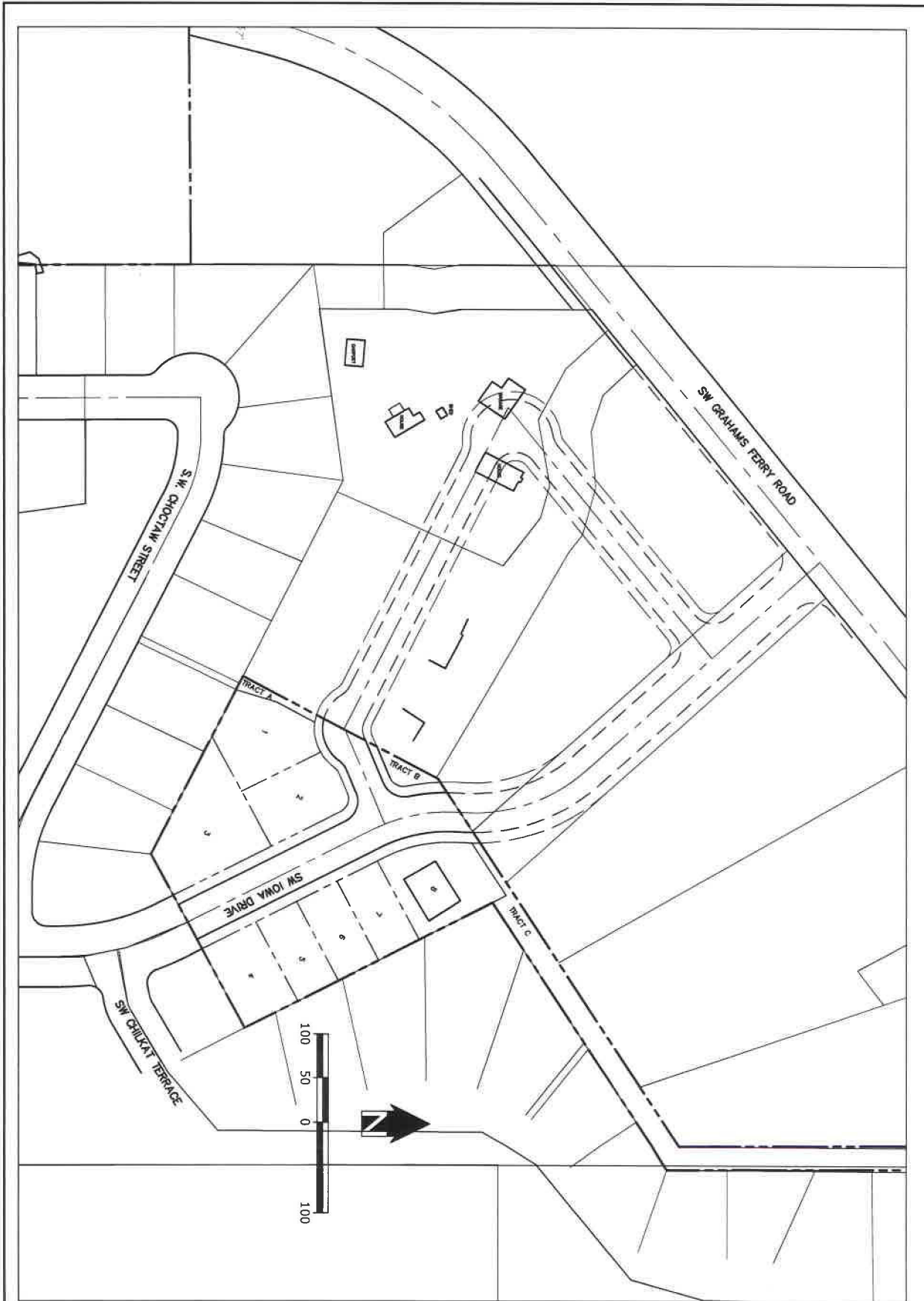
NEIGHBORHOOD MEETING ATTENDANCE ROSTER

PROJECT: Bither ANN & SB

MEETING DATE: 7/10/2013

PLEASE PRINT LEGIBLY!

NAME	FULL MAILING ADDRESS & E-MAIL ADDRESS	CITY, STATE	ZIP CODE	PHONE #
Vicki Werkunt				
ROBERT KELLOGG				
ALAN AGLIN				
Scott Mitton				
Emily Loen				
William Battilega				
MaryLyn Westehr				
Dana Westenhau				
Craig Lyndskog				
Jodi Brooksby				
Karen Hatterle				



1	SHEET	PROJECT NO.: 2894	DATE: 07/08/13	REVISIONS	1
	DESIGNED BY: ARW	DRAWN BY: ARW			
PRELIMINARY SITE PLAN				2894-PRE.DWG	
		CES NW 13190 SW 60th Parkway, Suite 150 Tigard, Oregon 97223 503.968.6655 www.cesnw.com		GRAHAMS FERRY ROAD CASE FILE NO. XX-XX GERTZ FINE HOMES 19200 SW 46TH AVE TUALATIN, OR 97062	

Neighborhood Meeting Notes – Bither Property – Wednesday, July 10, 2013, 7PM

19 citizens present; (3) City Staff; Project Engineer; Builder and (2) Builder representatives

Christy Wiegel, Builder representative conducted the meeting and began with a presentation:

Ken Gertz and Jeff Wiegel introduced as Builder and a builder representative. Christy stated she lives in a Gertz Fine Home.

She went over the planned layout of future lots for the anticipated subdivision on the Bither property using an enlarged plot plan displayed on an easel in front of the room. Stated she had sent all of them a map of the proposed layout as well.

The property is approximately 2.59 acres; it has a long driveway / the proposed project will not connect to Grahams Ferry Road when completed / it will connect and extend Iowa but the extension of Iowa shown on the plan is there only because we are required to show 'connectivity'.

The City has expressed an interest in a path utilizing the existing driveway – she pointed it out on the plot plan. It would be 8ft wide minimum, paved with asphalt and they want it extended all the way to Graham's Ferry Road.

Our lot sizes can have an allowed minimum size of 6500 SQFT / our minimum is 7200 SQFT

Christy exchanged the plot plan on her easel for a blowup (diagram) of a minor collector street per city code. She stated Iowa street is a 'minor collector'. The allowed width is minimum 62ft to a max of 76ft and its current width is 68ft.

She changed the 'blowup' for one showing a Local street. She indicated the single small road on the previous plot plan is a local street and went over its dimensions as well. It's road name is not yet determined but she said it will be either an Indian, pioneer or tree name (or one other category).

She opened the meeting to questions and general discussion.

Question: "the city connection to Graham's Ferry, what is it? What is its requirement? Traffic trying to avoid the school on Boones Ferry is our biggest concern."

Tony, City Engineer answered: It is on their adopted plan.

"Is there a way to prevent 35mph or more coming through there (on Iowa)?"

Tony, "yes, traffic conditioners can be used...but people don't want them in their neighborhood"

Q: "who designs the plot as we see it?"

Christy: we do – we must show connectivity. If you did a cul-de-sac, the City would have to tell you to.

Citizen: "A lot of us want to keep one entrance, one exit. Can the Community provide a gate with (for example) garage door access to Iowa? We want to talk about it not being a through road."

Tony (City engineer): "Our current plan calls for Iowa to go through. This is not the forum to discuss this." Submit questions on paper during the comment period after this meeting.

City planner: the annexation will be done at a City Council meeting.

Citizen: We want to talk now to prevent future through street.

Ken Gertz: talked of his Tualatin home location where at first it used to be one access in and out.

Suggested the citizen really should think about if he really only wants one road in and out.

Citizen: "but we do have the school there. My proposal for an electronic gate gives us this one in and one out."

Gertz: "You'll have over 200 lots there eventually and will have to have the city go along with it."

Christy: we will include this idea in our application.

Another citizen: "I support his gate recommendation wholeheartedly. I don't see a lot of traffic at the entrance (to Victoria Woods right now), I'd like to hear from those living close to the entry. I disagree that another entrance is desirable."

Christy: This is a meeting for both the subdivision and the annexation unless we are delayed...we might need to have another.

Citizen: "how are you going to end this Iowa extension?"

Christy: same as it is now – she pointed out the existing turn around on the plot plan.

Citizen: "Will the current owner (she named Pat Bither) stay? Will the house stay?"

Christy: the owner will 'go' / the house will 'stay' It will probably be up for sale sometime.

Citizen: "What are the set backs?"

Christy: for single family. Our houses are currently between \$450K to \$610K.

City Planner: setbacks are 15 to the house front/20ft to the garage front/ 5 to side yard/ 15 rear

A neighbor: "where does the house sit on lots 5,6 and 7?"

Christy: probably 25 – 30 feet off the line

Citizen: "have you marked trees to remove?"

Christy: not yet

Citizen: "We've been here from the start (behind future lot 7), when trees are cleared...the remaining ones fall...concerned those remaining will wind fall."

Christy: we hire an arborist who makes recommendations of trees to be removed – the City dictates

Citizen: "I just don't want them to fall (on our house). I'm indifferent if they go or stay."

Ken Gertz: I've been 10-1/2 years on the Tigard tree code (committee). Your points are valid. I'm not in favor of taking them out. We plant 10's of times more... I never would leave a hazard tree or one I might worry about. I want the same as you – I'd rather take out existing and plant others... we plant required street trees but we plant many more than required.

Citizen: There are a lot of trees behind my lot too. "We'd like notification of when they are about to be removed.

Christy: we are required to submit a grading plan with all trees marked

Citizen: "where is your community in Tigard?" Christy answered.

Citizen: "What is your website?"

Christy: GertzFineHomes.com ...'doubt anything under \$500K will be built here, probably all over \$600K

Citizen: "Do you replace fences?"

Christy: we put in good neighbor fences in back of all houses. Not saying we will do so here, but it is our modus operandi.

Ken Gertz: we listen to neighbors; try to please.

Citizen: "Will our CCR's regulate you?"

Christy: No

Citizen: "ours have a standard fence in them. There are CCR's that apply to all I think."

Citizen: "If the Annexation goes through, when will you break ground?"

Christy: our goal is to complete annexation by middle of September/ by October 15 to submit our land use application/ that should normally be accepted by about January or February/ then it takes about 60 days for engineering/ 90 days for the City so I would expect road construction to begin next July. That takes about 6 months so house construction could begin in Jan-Feb 2015

Citizen: "I polled 93 people and 92 do NOT want Iowa to go through." We will take this to the City.

Citizen: "The Chilkat owners do not want a path through. I want to talk to you..about buying that road...don't want the City to build a path."

Christy: I believe the City will require this path to be extended. She pointed to his map in his hand. The City has to work on that...make your comments known.

Ken Gertz: we are a long way from "jelling" anything about this yet.

Citizen: "We don't want the city to crystallize a plan without us.."

Citizen: What square footage on your houses?

Christy: On our website we show lots of cute single story houses – ignore them. I expect our minimum square footage will be 2570 SQFT. (Because of) economies of scale (due to building larger homes) our average will probably be 3000 SQFT or 2832 SQFT. (she discussed 6 different sized homes built as standards by Gertz fine Home.) Our lot size average will be 7200 SQFT / the minimum allowed is 6500 SQFT

Ken Gertz: ..."won't say we're not doing single level homes / I like to (build them)/ if the demand is there we might change plans and build one. We're not building cookie cutter homes. We will probably start with 3000 SQFT and up.

Citizen: "You're not a spec builder then?"

Ken Gertz: From the response to our letter (the notice for this neighborhood meeting) I won't be surprised if we build all custom homes. I will do specs if the opportunity arises, yes.

Citizen: questioned if Victoria Woods CCR's has a lot size requirement

Ken Gertz: " I can't tell you, it's way too early in the process."

Christy: Victoria Woods did their own CCR's and then annexed the next two phases (meaning those phases did not create their own).

Citizen: "Bluntly (addressing the room) Eight nice homes in there is a big plus over what was proposed years ago by the City." (a discussion about denser housing plans by the City in the past ensued)

Christy: We're not asking for any code changes or waivers to existing standards.

Christy: "Any more questions?" (there were none) "Ok, we're adjourned."

Name of Document For Recording: Waiver Of Rights And Remedies Grantor: (Petitioner(s)) Grantee: City of Tualatin Consideration: None. Tax Statement to be mailed to: No change. <u>After Recording, Return To:</u> City of Tualatin, Attn: City Recorder, 18880 SW Martinazzi, Tualatin, OR 97062	(For County Recording Use Only)
--	---------------------------------

Measure 37 Waiver Of Rights And Remedies

Whereas, PATRICIA A. BITHER (“Petitioner”, including collectively all petitioners) has petitioned to the City of Tualatin (“City”) to commence certain proceedings, i.e., annexation, planning district change, and/or plan text amendment for the following described real property,

See attached legal description

Whereas, under Ballot Measure 37 (effective December 2, 2004), a property owner may seek just compensation or waiver of certain land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property; and

Whereas, Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances; and

Whereas, City does not wish to approve the Petitioner’s requested proceedings if such approval could result in the owner or the owner’s successors or assigns filing a claim for compensation for the land use regulations in effect upon the effective date of the proceedings or a claim seeking to require the City to waive its land use regulations, which are being newly imposed upon the property as a result of the Petitioner’s requested proceedings; and

Whereas, Petitioner wishes to obtain the City’s approval of Petitioner’s requested proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City’s land use regulations existing as of the effective date of the proceedings.

Now, therefore, Petitioner warrants that the Petitioner executing this Waiver Agreement holds the full and complete present ownership or any interest therein in the property, and agrees as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, planning district change, and/or plan text amendment which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Mixed Use Commercial

Overlay District, Industrial Business Park Overlay District, Flood Plain District, Wetlands Protection District, Greenway Protection Overlay District and Natural Areas, and/or design districts (“proceedings”), the undersigned Petitioner, on behalf of Petitioner, Petitioner’s heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Tualatin, its officers, agents, employees and assigns that the Petitioner hereby waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from city land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This Waiver and release shall bind the undersigned’s heirs, devisees, executors and administrators, successors in interests, and assigns. This waiver, release and discharge shall run with the land, and this instrument or a memorandum of it may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Waiver filed by the City of Tualatin.

3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Tualatin at any time in the discretion of the City and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.

4. This document is executed of my own free will and without duress. I/we respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

DATED this 15th day of July, 2013

(signature)	(signature)
Petitioner Name: <u>Michael L. Peltz, Trustee</u>	Petitioner Name:
Date Signed: <u>7-15-13</u>	Date Signed:

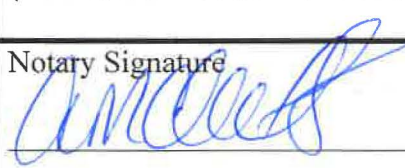
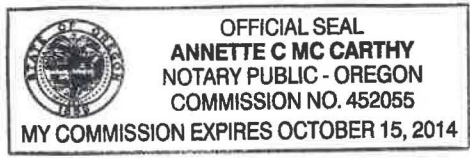
Petitioner (corporation, etc.) Name: _____
 By: _____
 Name of Signor: _____
 Office/Title of Signor: _____

State of Oregon _____)
 County of Clackamas)

On this 15th day of July, 2013, before me the undersigned
 Notary Public, personally appeared
Patricia A. Bither

 (Name of Petitioners signing; not Notary name)

- Personally known to me
 - Proved to me on the basis of satisfactory evidence
- To be the person who executed the within instrument**
- As Trustee or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature  _____ Notary name (legible): <u>Annette C. McCarthy</u> _____	

This document is accepted pursuant to authority and approved for recording.

City of Tualatin, Oregon

 City Manager

State of Oregon)
County of Clackamas)

On this _____ day of _____, _____, before me the undersigned Notary Public, personally appeared _____,

- personally known to me
- proved to me on the basis of satisfactory evidence

To be the person who executed the within instrument as City Manager or on behalf of the entity therein named, pursuant to authority, and acknowledged to me the execution hereof.

WITNESS my hand and official seal Do not write outside of the box	Place Notary Seal Below (Do not place seal over any portion of text or signature)
Notary Signature _____ Notary name (legible): _____	

E-MAIL ARTWORK PROOF



NOTICE

ANNEXATION ANN-2013-2

For more information call
503-691-3026 or visit
www.tualatinoregon.gov

18"x24" Full Color Logo, Black & Purple on White Corrugated Plastic

~ PLEASE PROOF EVERYTHING CAREFULLY! ~

WE CAN NOT PROCEED WITH YOUR ORDER WITHOUT YOUR RESPONSE

DISCLAIMER: Please examine the following proof carefully. Mark all changes and or typographical errors you find. If you approve errors on this proof, we can not be held responsible. Please check for spelling, size, and position. If an additional proof is required, examine the entire proof once again to make sure everything is correct. We will correct our errors at no charge if they are noted on the proof. The cost of the first proof is included in the cost of your sign order. Any additional proofs may result in an additional charge.

BuzWhite
SCREENPRINT, INC.

• Signs • Design • Decals • Vinyl Graphics •
• Full Color Digital Imaging •

503-244-2403

www.BuzWhite.com • Portland, OR

Please
E-MAIL RESPONSE TO
art@buzwhite.com

Or
FAX BACK TO
503-245-3268

ATTACHMENT 101D

ANN-13-02: ANALYSIS AND FINDINGS

The subject is a petition for annexation of a property known as the Bither Property and as Tax Lot 5300 on Washington County Assessor's Map 2S1 35BA located at 22120 SW Grahams Ferry Road and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District. The applicant is Gertz Fine Homes, represented by Christy Wiegel, which represents Patricia A. Bither, trustee of the Patricia A. Bither Revocable Living Trust and owner of the 2.59-acre Lot 5300.

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS), if the annexation is to be granted (TDC 31.067[5]). The Applicant has prepared application materials that address the annexation requirements (Attachment 101C) and staff has reviewed the Applicant's material and included pertinent excerpts below.

A. Metro Code, 3.09.050(d) states that an approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

The application states: "At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider" (Attachment 101C). This is an accurate statement. There is not an urban service provider agreement that applies to this property. The application and proposed annexation agreement between the City and the property owner are not an annexation plan per ORS 195.065.

Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

The criterion does not apply.

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

The application states: "The subject property is within the established Urban Boundary and is consistent with Tualatin's Urban Planning Area Agreement with Washington County". Staff concurs with the applicant's statement.

As required in the Urban Planning Area Agreement (UPAA) between the City of Tualatin and Washington County, the County was notified of this proceeding by first class mail. In accordance with the Tualatin Development Code (TDC) 1.030(6) and the UPAA, Section III (I), the Low Density Residential (RL) Planning District will be automatically applied to this property on the effective date of the annexation. Per Section III (G) of the UPAA, the County does not oppose this annexation.

The criterion has been met.

3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

The applicable standards or criteria in the Tualatin Development Code for boundary changes are 4.050(20) and 4.050(21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated “islands” of property surrounded by land annexed previously.

The property will be in the Low Density Residential (RL) Planning District upon annexation. The property owner initiated the annexation application. The requirement is met.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The property is currently within the existing Metro Urban Growth Boundary. The requirement has been met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City’s intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City’s intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. As the annexation territory falls within Tualatin’s Planning Area which

accounts for future growth so considered a long-range growth boundary, the annexation is in support of the statement contained in TDC 4.060(1).

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

The application states: “The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.” Staff concurs with this statement.

The criterion has been met.

5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.

Sanitary sewer service and water services are available in existing lines located at the intersection of SW Iowa Drive and SW Choctaw Street. Access to the site is available via SW Grahams Ferry Road and SW Iowa Street, which currently terminates on the south side of the subject property.

Currently, there are no public stormwater services in the vicinity of the property and upon development, adequate stormwater treatment, detention and conveyance improvements to serve the property will need to be provided. The applicant was informed of the availability of public facilities at the Annexation pre-application meeting with City staff.

Future street rights-of-way, including their functional classifications and prospective alignments, were established as part of Tualatin’s Transportation System Plan, which is incorporated into Chapter 11 of the Tualatin Development Code. State of Oregon planning rules stipulate the Transportation System Plan must be based on the current Comprehensive Plan land use map and must also provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan. Although actual alignment of roadways may be negotiated during the development process, the general capacity needs and the associated alignments of the transportation system in Tualatin have been established and planned for in the Tualatin Development Code. Existing and future arterials, collectors, and expressways that are in the general vicinity of the subject property have been established as part of the Transportation System Plan.

The general alignment and potential functional classification of these roads can be found in Figure 11-1 Tualatin Functional Classification Plan, in Chapter 11 of the TDC. The annexation itself will not have any effect on roadway needs. However, it is determined that because the roadway network and capacity planning has already been established as part of Tualatin's Transportation planning process, future development will not interfere with the provision of this type of service in the area. The ability of the transportation facilities, including SW Iowa Drive, to serve development on the subject property and the need for street improvements to serve the property will be determined in a land use process when development is proposed.

A proposed annexation agreement between the City and the property owner addresses the orderly provision of services and the adequacy and suitability of existing improvements on the subject property for existing and future development on the property. The orderly provision of services is ensured. The proposed Bither Annexation Agreement will establish the uses and property improvements that upon redevelopment will be in conformance with the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC).

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion has been met.

6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.

This criterion is not applicable. The subject site is already within the Metro Service District Boundary and within the Urban Growth Boundary. The criterion does not apply.

7) Consistency with other applicable criteria for the boundary change in question under state and local law.

One item in the TDC and two items in ORS Chapter 222 apply to annexations.

TDC 4.050(21) states, "Territories to be annexed shall be in the Metro Urban Growth Boundary."

The territory to be annexed is currently within the existing Metro Urban Growth Boundary. The criterion has been met.

ORS 222.111(1) states, "When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS

222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

The subject property is not currently within a city. The property proposed for annexation is contiguous to Tualatin on all sides except the northwest.

This criterion has been met.

ORS 222.520(1) states, “Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.”

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The City of Tualatin will provide police services. Because the proposed boundary change is consistent with state and local law, this criterion is met.

B. Metro 3.09.050(g) states that, “Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city.”

The subject property (2S1 15C Tax Lot 2200 and adjoining SW Pacific Highway ROW) is currently within Metro’s Urban Growth Boundary at the time the petition for annexation was filed on July 22, 2013.

The criterion has been met.

C. Conclusion

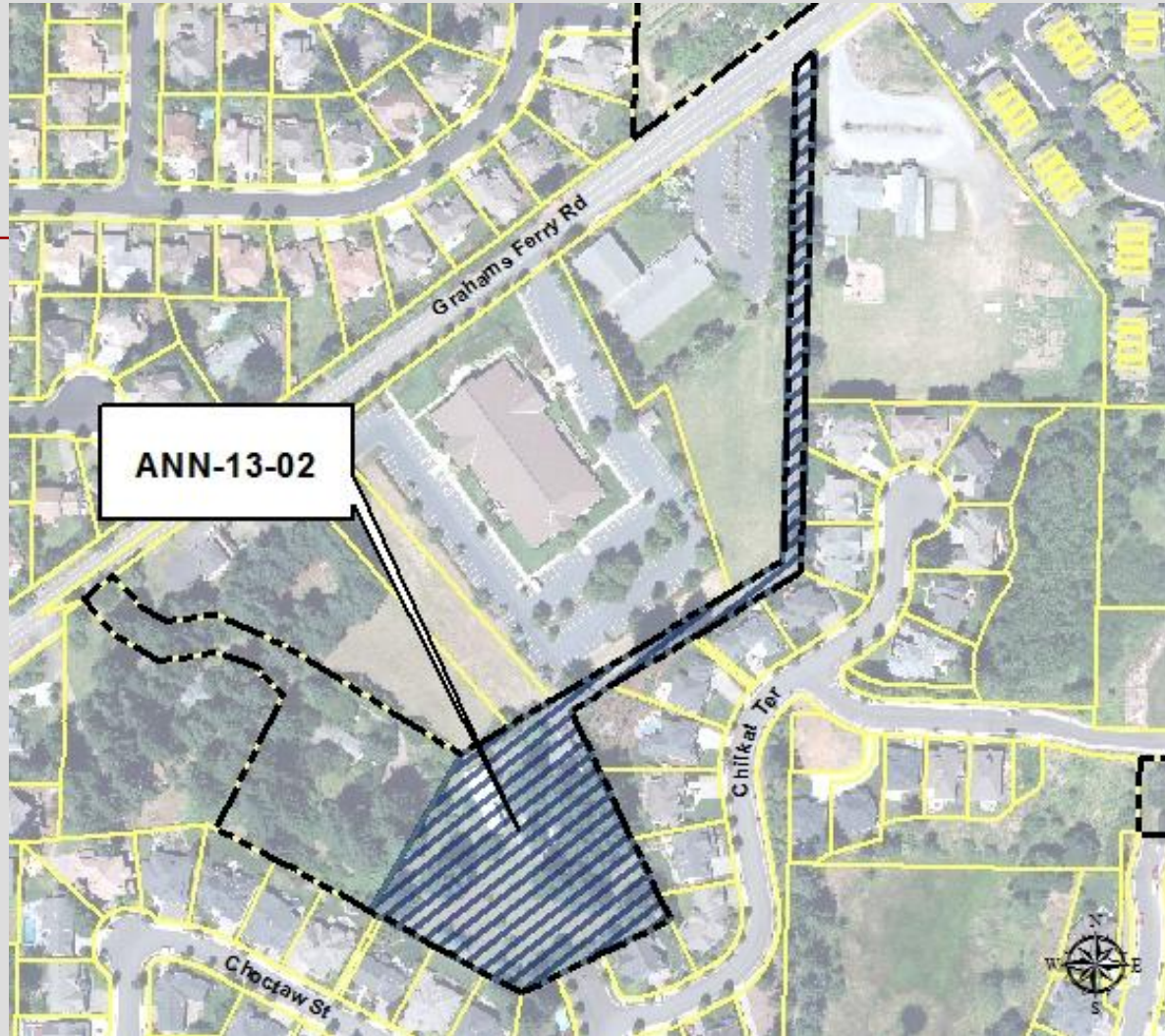
Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes have been met.

**Annexation
ANN-13-02**

Bither Property

November 12, 2013

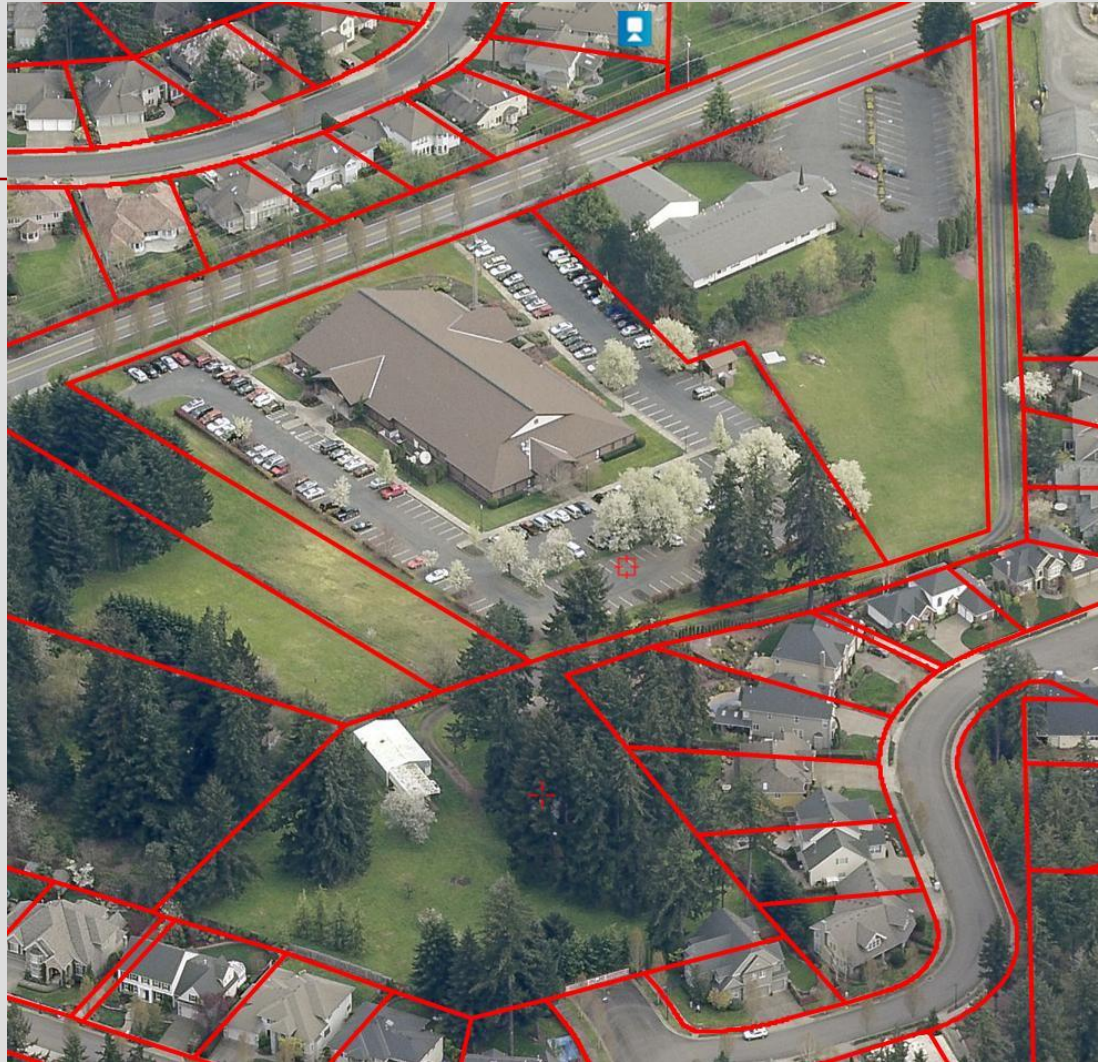






Oblique Aerial View

North is up.





Annexation Request

- Petition by property owner to annex the 2.59-acre subject property
- Property will be designated in the Low Density (RL) Planning District.
- Proposed Annexation Agreement between the City and Owner to address existing and future development on the property

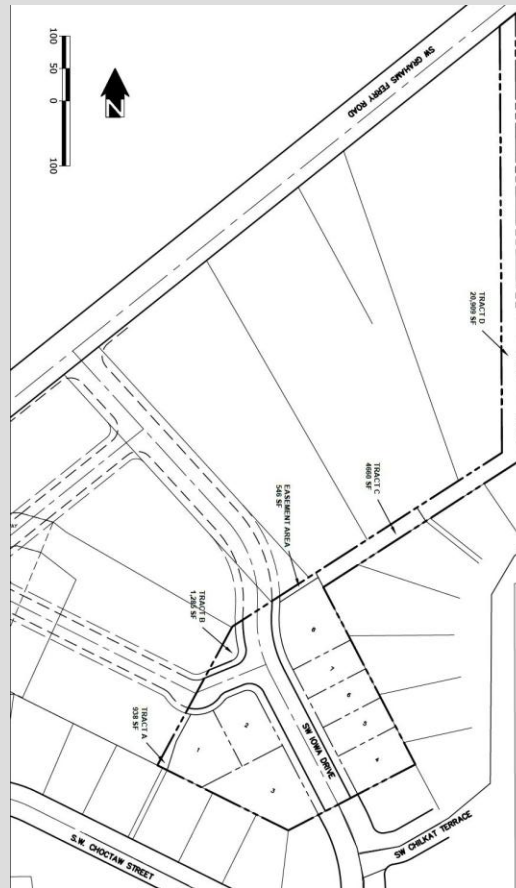


Annexation Agreement

- Identify existing uses, buildings, and other property improvements
- Identify the standards and requirements from the TDC and TMC applicable to the property upon annexation and at time of redevelopment
- Address existing and future property development



Preliminary Subdivision Plan





Subdivision Improvements Addressed

The agreement addresses these parts of future subdivision:

- SW Iowa Drive extension northward
- Preservation of future extension of SW Iowa Drive northward to intersect with SW Grahams Ferry Road
- Establishment of a new local street for the preliminary subdivision
- Preparation for street connectivity within the preliminary subdivision and for future street connections within adjacent undeveloped property
- Provision of two pedestrian accessways, one to SW Chilkat Terrace and one to SW Choctaw Street

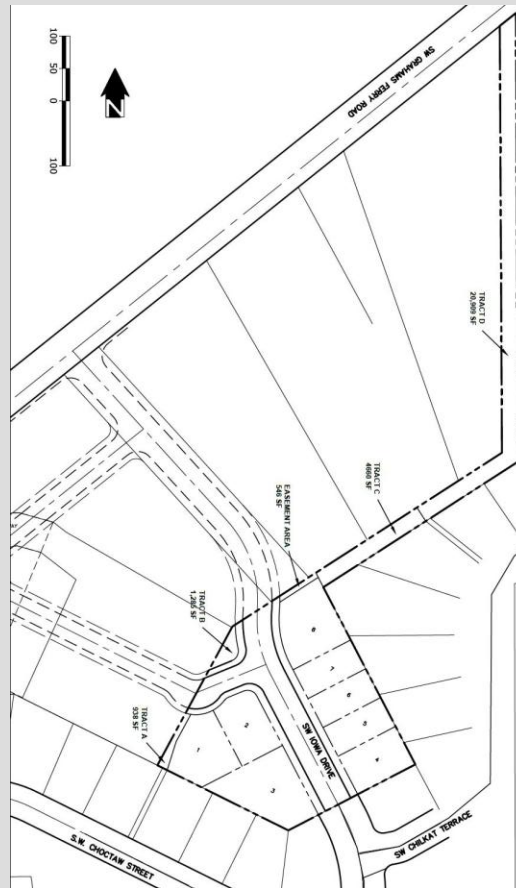


Conclusion

- Separate and parallel Bither Annexation Agreement sets framework identifying expected attributes of a preliminary subdivision plan and addresses existing and future development
- Analysis and Findings show the Bither Petition meets annexation requirements of TDC 31.067



Questions?





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Aquilla Hurd-Ravich

FROM: Aquilla Hurd-Ravich, Planning Manager
Alice Rouyer, Assistant City Manager

DATE: 11/12/2013

SUBJECT: Consideration of Plan Text Amendment (PTA) 13-02 Amending the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to Include Chicken Keeping as a Permitted Use in Single-Family Residential Areas of the City. Amending TDC 40.020(2).

ISSUE BEFORE THE COUNCIL:

Council consideration of a Plan Text Amendment to allow Chicken Keeping on single family lots by amending the Permitted Uses section in the Low Density Residential Planning District (RL) of the Tualatin Development Code (40.020). The proposed amendment and action on this item is limited to a change of permitted uses in the RL Planning District. Regulations of chickens will be considered separately as a General Business item to add Section 6-14 to the Tualatin Municipal Code.

RECOMMENDATION:

At their meeting on October 17, 2013 the Tualatin Planning Commission (TPC) reviewed the proposed Text Amendment and made the following recommendation: Recommend Council approve the amendment with changes to the draft language to include a reference to the Tualatin Municipal Code and regulations of chickens. Yes 3, No-1 (Riley, Aplin, Beers absent).

Staff recommends the Council consider the staff report, draft language and analysis and findings and provide direction to staff.

EXECUTIVE SUMMARY:

This is a legislative matter for Council consideration of a text amendment to the Tualatin Development Code. The Tualatin Planning Commission only made a formal recommendation on the Plan Text Amendment and the draft language included for your review as Attachment A. Additionally, they reviewed and discussed the draft Ordinance and prepared comments for the Council's consideration. The meeting minutes contain the Planning Commission's recommendation and comments as Attachment C.

The amendment was originally initiated in 2010 in response to issues and questions raised by

the City Council about the keeping of poultry in residential areas. The City Council reconsidered chicken keeping in December 2012 and directed staff to work with the Citizen Involvement Organizations to solicit feedback. Since then, staff has returned to Council and Planning Commission with updates and discussion topics. Before granting a plan text amendment, the Council must determine if the proposed change meets the criteria as established in TDC 1.032.

Staff prepared an analysis and findings, included as Attachment B, to examine the proposed amendment against the criteria. Staff found the proposed amendment to TDC Section 40.020 Low Density Residential Planning District meets the criteria. The Council can use this analysis and findings in consideration of the amendment.

Existing code requirements in the Tualatin Development Code do not allow the keeping of chickens in single-family residential areas and specifically the Low Density Residential Planning District (RL) (TDC 40). The RL Planning District allows as a permitted use "agricultural uses of land, such as truck gardening, horticulture...", but excludes "the raising of animals other than normal household pets" (TDC 40.020). Further, the RL Planning District allows as a conditional use "agricultural animals" but limits these to include "cattle, horses and sheep" (TDC 40.030 (4)(m)) to some limited areas of the City. Small animals are defined as a "a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet" (TDC 31.060), and thus does not include chickens. The Tualatin Development Code does not allow "agricultural uses" in any other Planning District.

As a companion piece, staff prepared an Ordinance for Council consideration that would add a section to the Tualatin Municipal Code to regulate various aspects of Chicken Keeping.

The draft TMC ordinance prepared in 2010 provided a solid starting point for the proposed Chicken Keeping Ordinance. Based on input from Council at the August and September work sessions and best practices contained in recently adopted ordinances from other cities, staff suggested modifications to the 2010 ordinance. The proposed TMC ordinance, is under separate consideration, and will include the following components:

- **Location of Chicken Keeping:** Single-family residential areas.
- **Type of Birds:** Chickens only and excluding other fowl such as quail, pheasants, turkeys, or ducks.
- **Secure Enclosure:** Located outdoors and separate from dwelling. In the rear yard. Not to exceed a floor area of 200 square feet and a height of eight feet. Portions of the enclosure that face neighboring properties will be of solid material in other words no coop fencing. Allow chickens to range free under direct supervision within a fenced yard.
- **Number of Chickens:** Up to four adult birds over four months of age.
- **Rooster:** No roosters.
- **Feed Container:** Poultry feed kept in metal or other vermin-proof containers or receptacles.
- **Permit and Fees:** Application required on forms provided by the Community Development Director. Fee required as established by City Council Resolution.
- **Complaint Process:** Written complaint required. Investigation and enforcement by Community Services Officer.
- **Harvesting or butchering:** Not permitted.

- **Setbacks:** 25 feet from all property lines.

- **Notice:** Send notice to directly adjacent neighbors informing them of a permit to allow chickens and providing information about how neighbors can register concerns.

Staff has received comments from the public and they are summarized for your review in Attachment D.

OUTCOMES OF DECISION:

Approval of the Plan Text Amendment would result in the following:

- Tualatin Development Code Chapter 40 will be revised to allow chicken keeping as a permitted use in TDC Section 40.020. Chickens will be a permitted use in the Low Density Residential Planning District.

Denial of the Plan Text Amendment would result in the following:

- The Development Code will not be revised to allow chicken keeping as a permitted use.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the Planning Commission recommendation are:

1. Approved the proposed Plan Text Amendment with alterations to the draft language.
2. Deny the proposed Plan Text Amendment.
3. Continue the discussion of the proposed Plan Text Amendment and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The FY 2013/ 2014 budget accounts for the costs of City Initiated code amendments.

Attachments: A - Draft Code Language
 B - Draft Analysis and Findings
 C - Unofficial Tualatin Planning Commission Minutes
 D - Comment Log
 E - Affidavits of Posting and Publication
 F - Presentation

Draft Ordinance

Added text is Underline

Section 1. TDC 40.020 is amended to read as follows:

- (1) Single-family dwellings, including manufactured homes.
- (2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than the following:
 - (a) Normal household pets
 - (b) Chickens as otherwise allowed by the Tualatin Municipal Code.
- (3) Home occupations as provided in TDC 34.030 to 34.050.
- (4) Public transit shelters.
- (5) Greenways and Natural Areas, including but not limited to bike and pedestrian paths and interpretive stations.
- (6) Residential homes.
- (7) Residential facilities for up to 15 residents, not including staff.
- (8) Family day care provider, provided that all exterior walls and outdoor play areas shall be a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.
- (9) Sewer and water pump stations and pressure reading stations.
- (10) Wireless communication facility attached, provided it is not on a single-family dwelling or its accessory structures.
- (11) Accessory dwelling units as provided in TDC 34.300 to 34.310.
- (12) Transportation facilities and improvements.
- (13) Public park, public playground, and public recreation building.

PTA-13-02: ANALYSIS AND FINDINGS

ATTACHMENT B

Amending the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to Include Chicken Keeping as a Permitted Use and amending TDC 40.020(2). The proposed amendment to the Tualatin Development Code (TDC) Chapter 40 is an application by the Community Development Department to allow chicken keeping as a permitted use in the Low Density Residential Planning District (RL).

Background

Existing City regulations contained in the Tualatin Development Code (TDC) do not allow chicken keeping in single-family or other residential areas. Specifically, the Low Density Residential (RL) Planning District allows as a permitted use “agricultural uses of land, such as truck gardening, horticulture...”, but excludes “the raising of animals other than normal household pets” (TDC Section 40.020). Further, the RL Planning District allows as a conditional use “agricultural animals” but regulates these to include “cattle, horses and sheep” (TDC Section 40.030(4)(m)) in some limited areas of the city. Small animals are defined as “a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet” (TDC Section 31.060 Animal, Small), and thus does not include chickens. The TDC does not allow “agricultural uses” in any other Planning District. The TMC also has regulations on nuisance issues addressing odor and animals, however, these regulations do not specifically address chicken keeping. A companion to the proposed amendment to the TDC is proposed Ordinance 1362-13 to regulate chicken keeping in the RL Planning District.

In 2010, City Council directed staff to present information on chicken keeping in residential areas to the Tualatin Planning Commission (TPC) for their consideration. The TPC asked staff to review the City of Portland’s regulations and to determine whether a “model ordinance” exists for keeping chickens in residential areas. Staff subsequently reviewed the City of Portland’s regulations and incorporated some of the definitions and criteria in the regulations into the draft code language contained in proposed TMC Ordinance 1362-13. Staff also located an analysis prepared by K.T. LaBadie, a student at the University of New Mexico, entitled Residential Urban Chicken Keeping: An Examination of 25 Cities, which includes an example or “model” ordinance for chicken keeping in residential areas. This paper provided the basis for the majority of definitions and standards in the draft code language contained in the proposed TMC Ordinance.

At the August 2010 TPC meeting, the draft code language was discussed and several changes were suggested. The overall consensus was that a proposed TMC

Ordinance should be adopted with the limitation that it pertain only to chickens and not other types of domesticated fowl, and necessary amendments made to Sections 40.020 of the TDC to allow chicken keeping in the Low Density Single-Family Residential Planning District in the City.

Staff presented the draft Municipal Code language to City Council for consideration in October 2010, and was directed to vet the issue through the Citizen Involvement Organizations (CIOs) once they were established.

The City Council reconsidered chicken keeping in December 2012 and staff was directed to work with the CIO presidents to determine a timeline for their input. Council further directed staff to put the issue on a future agenda for further review. An information packet was prepared and presented to the CIO officers at their January 2013 CIO Officer Meeting. This packet contained a comment form for CIOs to use as a guide in submitting the results of their neighborhood's input for City Council review. In addition, the packet contained background information about the issue.

At the May 28, 2013 work session, staff presented input from the CIOs as well as individual community members about backyard chickens. Staff returned to City Council at a June 2013 work session with a timeline for preparing a Municipal Code ordinance regulating chickens in residential areas. At the August and September 2013 work sessions staff presented results of research on complaints about chickens and best practices in other cities as well as sought policy direction from City Council on components of the potential chicken ordinance.

The Analysis and Findings presented here pertain only to the Plan Text Amendment Proposed to amend language in the Tualatin Development Code.

Plan Amendment Criteria (TDC Section 1.032)

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be granted. The plan amendment criteria are addressed below.

1. Granting the amendment is in the public interest.

The public interest as identified by staff:

- 1) The community has expressed support of allowing chicken keeping in single-family residential areas (RL).

Public Interest #1. On May 28, 2013 staff presented community feedback to Council regarding chicken keeping in single-family areas. Five Citizen Involvement Organizations commented four of which supported chicken keeping in residential areas. Seventy-one (71) individual residents provided comment, a petition with 14

signatures and accompanying emails, 11 petitions sheets with a total of 179 signatures and another 26 signatures were submitted in favor of allowing chickens in residential areas. The comments made also considered the proposed Municipal Code Ordinance to regulate chicken keeping in residential areas. Members of the public have expressed a desire to keep chickens for purposes of local food production and raising small animals.

As discussed in the Background section, above, Tualatin does not allow chicken keeping in single-family residential areas. However, the Community Services Officer has issued 11 notices about illegal chicken keeping since 2009, and numerous individuals have commented in City Council work session and meetings about the positive and negative aspects of keeping chickens in urban areas. The public interest is best served by allowing chickens in the Low Density Single- Family Residential Planning District.

Public Interest #1 is satisfied.

Granting the amendment is in the public interest. Criterion “A” is met.

2. The public interest is best protected by granting the amendment at this time.

Over the past three years, citizens have approached the City Council to reconsider the existing prohibition on chicken keeping, citing benefits associated with sustainability, finances, and health, and because their keeping of chickens had been subject to code enforcement actions since they were not allowed to raise chickens under existing regulations. Citizens also have come forward in opposition to keeping chickens in the City pointing out the negative aspects of the practice, particularly if the chickens are not well cared for and maintained. Granting the PTA to allow chicken keeping in single-family residential areas would satisfy the request of citizens who desire to raise chickens in their backyard.

Granting the amendment at this time best protects the public interest. Criterion “B” is met.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The applicable objectives of the Tualatin Community Plan relating to the amendment to Tualatin Development Code (TDC) Chapter 40 are discussed below:

Chapter 5. Residential Planning

Section 5.030 General Objectives.

(10) Provide for the raising of agricultural animals and agricultural structures in areas that are presently used for this purpose and that are not buildable due to their location in the 100-year flood plain.

The Development Code currently complies with section 5.030(10) by making the raising of agricultural animal in the Low-Density Residential Planning District a Conditional Use as allowed in TDC Section 40.030(4)(i). Therefore, if a property owner wishes to raise agricultural animals and their property is in the 100-year flood plain and was once used for purposes of raising agricultural animals as indicated on Map 9-6 in the Tualatin Development Code, then the property owner can apply for a Conditional Use Permit. TDC Section 40.030(4)(i) defines agricultural animals as cattle, horses and sheep.

The proposed amendment is not limited to areas of the City that were previously used for the raising of agricultural animals and it is not limited to locations in the 100-year flood plain. The proposed amendment would permit chicken keeping in the Low-Density Residential (RL) Planning District regardless of flood plain status or previous use for raising agricultural animals. Chicken keeping in the RL Planning District is not in conflict with Objective 10 because it is not being defined as an agricultural use. Currently Permitted Uses in RL, TDC Section 40.020 (2), exclude the raising of animals with one exception and that is normal household pets as defined in TDC 31.060 Animal, Small. Chickens are proposed to be an additional exception to the prohibition, and if this proposed amendment is granted keeping chickens will also be a permitted use.

Section 5.040 Planning District Objectives.

(1) Low Density Residential Planning District (RL). ...The raising of agricultural animals and the construction of agricultural structures may be allowed by conditional use permit in those portions of the District designated on the Plan Map.

As discussed in the Background, above, existing City regulations contained in the Tualatin Development Code (TDC) do not allow chicken keeping in single-family or other residential areas. Specifically, the Low-Density Residential (RL) Planning District allows as a permitted use “agricultural uses of land, such as truck gardening, horticulture...”, but excludes “the raising of animals other than normal household pets” (TDC Section 40.020). Further, the RL Planning District allows as a conditional use “agricultural animals” but regulates these to include “cattle, horses and sheep” (TDC Section 40.030(4)(m)) in some limited areas of the city. Small animals are defined as “a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet” (TDC Section 31.060 Animal, Small), and thus does not include chickens. The TDC does not allow “agricultural uses” in any other Planning District. The TMC also has regulations on nuisance issues addressing odor and animals, however, these regulations do not specifically address keeping chickens.

Granting the PTA to allow chicken keeping in single-family residential areas would not affect the provisions permitting the raising of agricultural animals in some limited areas of the City. Rather it would add chicken keeping as a permitted use in the Low Density Residential (RL) Planning District under TDC Section 40.020(2). This would be consistent with Sections 5.030 and 5.040 of the Tualatin Community Plan.

Chapter 10. Community Design
Section 10.020 Design Objectives.

(8) Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment; and thus promote and protect the peace, health and welfare of the City.

Granting the PTA to allow chicken keeping in single-family residential areas would satisfy the request of citizens who desire to raise chickens in their backyard and the proposed companion TMC Ordinance will regulate the care of chickens and maintenance of their surroundings. Community members who have expressed interest in keeping chickens cite reasons of wanting to grow or raise their own food and have fresh eggs and they also cite the desire to teach children about raising animals.

Criterion "C" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The characteristics of single-family residential areas of the City and inside the UGB were considered in preparation of the PTA. In particular, extensive consideration was given to the size and dimension of individual lots and dwellings throughout the City and how minimum lot size and/or setback requirements in the potential Chicken Ordinance would either enable or prohibit citizens from keeping chickens in their backyard.

The suitability of the area for particular land uses and improvements.

The suitability of single-family residential areas for chicken keeping was given consideration in preparation of the PTA. Citizens have cited benefits associated with the practice such as sustainability, finances, and health, as well as negative aspects, such as noise, odor and waste, and vermin, particularly if the chickens are not well cared for and maintained. Staff inquired with 14 cities about complaints they had received related to chickens in their jurisdiction and presented this information to City Council, along with a summary of best practices gleaned from recently-adopted chicken ordinances.

Trends in land improvement and development.

There has been a resurgence in recent years in keeping chickens in urban areas both locally and nationally. Benefits cited focus on food, sustainability, and size. A chicken produces about four to five eggs a week and the surplus may be stored or shared, contributing to food security. Hens provide a fresh, locally produced, and inexpensive source of food for families at a time when food prices are increasing in relation to increases in fuel, shipping and packaging costs. Hens eat food scraps, dandelions, mice, and insects and may contribute to reductions in the waste stream, and hen droppings may be used as a natural fertilizer in backyard gardens. Hens are small, have minimal space requirements, and make good pets.

Negative aspects of chicken keeping also must be considered including roosters that tend to make noises that can be heard beyond the property on which they are kept and odors and waste that may be offending to surrounding residents. Chicken feed can attract rodents and other pests, there is uncertainty about the causes of avian flu and concerns about chickens attracting wildlife predators, and they might go onto another lot or into the street if not properly contained.

Property Values.

There have been no definitive studies showing that chicken keeping in single-family residential areas in an urban setting affect, either negatively or positively, the property value of locations where the chickens are kept or that of the surrounding area.

The needs of economic enterprises and the future development of the area.

As mentioned earlier, hens provide a fresh, locally produced, and inexpensive source of food for families at a time when food prices are increasing in relation to increases in fuel, shipping and packaging costs. Hens may contribute to reductions in the waste stream while providing natural fertilizer in backyard gardens. Thus, chickens may provide added food security and contribute to sustainable economic practices.

Needed right-of-way and access for and to particular sites in the area.

Not applicable.

Natural resources of the City and the protection and conservation of said resources.

Not applicable.

Prospective requirements for the development of natural resources in the City.

Not applicable.

And the public need for healthful, safe, aesthetic surroundings and conditions.

Granting the PTA to allow chicken keeping in Low-Density Residential (RL) Planning District would satisfy the request of citizens who desire to raise chickens in their backyard and the proposed TMC Ordinance will regulate the care of chickens and maintenance of their surroundings

Proof of change in a neighborhood or area.

Staff does not assert proof of change in a neighborhood or area.

Mistake in the Plan Text or Plan Map.

There is no mistake in the Plan Text or Plan Map.

Criterion "D" is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Because the PTA does not result in a change to plans or development regulations that would impact school facility capacity, Criterion "E" is not applicable.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Of the 19 statewide planning goals, staff determined two Goals are applicable.

Goal 1, "Citizen Involvement," states, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Over the past three years, citizens have approached the City Council to reconsider the existing prohibition on chicken keeping, citing benefits associated with sustainability, finances, and health, and because their keeping of chickens had been subject to code enforcement actions since they were not allowed to raise chickens under existing regulations. Citizens also have come forward in opposition to keeping chickens in the City pointing out the negative aspects of the practice, particularly if the chickens are not well cared for and maintained. The City's Citizen Involvement Organizations (CIOs) as well as individual citizens have been actively and repeatedly involved in soliciting and submitting comments about the positive and negative aspects of keeping chickens in the City and have presented these to the

City Council.

Granting the PTA to allow chicken keeping in the Low-Density Residential Planning District (RL) would satisfy the request of citizens who desire to raise chickens in their backyard and adopting an ordinance regulating the care of chickens and maintenance of their surroundings would ensure that chickens are kept and managed in a healthy, safe and sanitary manner.

Goal 2, “Land Use Planning”, states, “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

Beginning in 2010 and continuing through to the present, the Tualatin Planning Commission (TPC) and City Council, City staff, the Citizen Involvement Organizations (CIOs) and citizens have been involved in consideration of possible regulations for keeping chickens in Tualatin. Staff has conducted extensive research on the subject and citizens have contributed additional information to assure an adequate factual base for a decision and action on this issue.

The PTA complies with Goals 1 and 2. Criterion “F” is met.

7. Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

The Metro Urban Growth Management Functional Plan (MUGMFP) does not address keeping chickens in residential areas. Criterion “G” does not apply.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Because the PTA does not relate to vehicle trip generation, Criterion “H” is not applicable.

TPC MEMBERS PRESENT:

Nic Herriges
Jeff DeHaan
Cameron Grile
Steve Klingerman

STAFF PRESENT:

Aquilla Hurd-Ravich
Lynette Sanford
Ben Bryant

TPAC MEMBER ABSENT: Alan Aplin, Mike Riley, Bill Beers

GUESTS: Tom Mills, TriMet; Kathy Newcomb; Diane Yates; Cindy Phillips

1. CALL TO ORDER AND ROLL CALL:

Nic Herriges, Acting Chair, called the meeting to order at 6:34 pm. and reviewed the agenda. Roll call was taken.

2. APPROVAL OF MINUTES:

Mr. Herriges asked for review and approval of the September 19, 2013 TPC minutes. MOTION by DeHaan SECONDED by Grile to approve the September 19, 2013 minutes. MOTION PASSED 4-0

3. COMMUNICATION FROM THE PUBLIC (NOT ON THE AGENDA):

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin. Ms. Newcomb brought up the concern that she was turned down for membership on the Planning Commission two-three years ago. She stated that it is not the fault of the Planning Commission but the responsibility of the City Council to select a good representation of the community for Planning Commission membership. She's concerned about the fact that there are no women or minority members on the Commission. Ms. Newcomb is writing a letter to the City Council regarding this issue. Mr. Klingerman asked Ms. Newcomb if she thought they were prejudiced against women. Ms. Newcomb stated that she thought they had a different viewpoint than a woman would have, but they are doing a good job. Mr. Dehaan agreed that he would like to see women, minorities, and youth represented on all committees. Mr. Herriges added that the Council Committee on Advisory Appointments is comprised of two women and one man and they have the capability of making decisions of who is chosen for the committees, but added that he would like to see a broader cross section of members. Mr. Grile stated that these are valid concerns and advised her to bring these up to the City Council members.

4. COMMUNICATION FROM CITY STAFF

A. TriMet's Southwest Service Enhancement Plan

Ben Bryant, Management Analyst, introduced Tom Mills, Senior Planner with TriMet. Mr. Bryant stated that in June, the SW Corridor Plan was discussed. The number one recommendation to give to City Council was to focus on improvements with local service. TriMet will be meeting with community members to discuss making improvements to local service.

Mr. Mills stated that he is in attendance to discuss the Southwest Service Enhancement Plan. The Southwest Service Enhancement Plan is a recommendation from the SW Corridor process for TriMet to look at local service and determine ways to make improvements. Mr. Mills stated that as we talk about high capacity transit, communities want to learn about how they are going to connect, and if they will gain frequency in service. Mr. Mills displayed a map which showed existing service in our area and that most of the existing service is on the eastern side of Pacific Hwy. The Industrial area currently has no service.

Mr. Mills continued that they have just completed the Westside Service Enhancement Plan, which incorporates the Hillsboro, Beaverton, Cornelius, and Forest Grove areas. They are looking at other areas as well, including the East side. They are looking at near term and long term improvements, as well as partnerships with the jurisdictions. The SW Study area includes all the cities from Scholls Ferry Rd to the Willamette River, including Wilsonville.

The ongoing process in fall, 2013 includes conducting public outreach and the research of existing plans. The outreach phase included meeting with the Citizen Involvement Organizations, Chamber of Commerce, and CIO Land Use Officers. There will be a Corridor Forum Meeting in Tigard on November 6th at the Public Works Auditorium. Metro is anticipating having another meeting in Tualatin in the winter focusing on the SW Corridor process and the Service Enhancement Plan.

Mr. Klingerman asked if they were seeking input from the people who were actually taking public transportation. Mr. Mills replied that they track the ridership by using an automatic passenger counter. They also obtain input directly from riders by talking to them on board, phone surveys, and on-line surveys. Mr Mills added that it's important to also poll non-riders to obtain input on how TriMet can get them to use public transit. Mr. Klingerman asked how often they change a route based on public input and felt that it should be looked at every year to see what's working and what isn't. Mr. Mills responded that they look at their lines every quarter, looking at ridership gains and losses and make adjustments accordingly. He added that most of the lines that serve Tualatin meet the minimum threshold for ridership productivity. Mr. Grile asked how the Linking Tualatin plan fit into this process. Mr. Mills responded that it was very helpful as was the Transportation System Plan. Mr. Herriges asked about the I-205 Corridor and

if their outreach methods incorporate this. Mr. Mills responded that Tualatin-Sherwood Road does come up a lot and Metro's long term high capacity transit plan shows a line from Clackamas Town Center along I- 205. Mr. Herriges added that when he uses public transportation in other cities, and he looks at frequency of service as a determining factor. Mr. DeHaan commented that he favors the 96 express bus between Tualatin and Portland and added that many people may be unaware of this service.

Ms. Newcomb stated that she is concerned about the lack of park and rides on the west side and she submitted a map with her comments. The east side has four park and rides and many bus lines. At the end of the west side, it's difficult to get to the 93 or the 94 bus lines. Ms. Newcomb acknowledged that many people come into Tualatin to work and expressed her concern over not purchasing land for park and ride locations. Mr. Mills responded that most of the park and rides they own are related to light rail, due to the help of federal money. They are very expensive to build and maintain. With the SW Corridor Plan, there may be additional opportunities for park and ride locations.

5. **ACTION ITEMS:**

A. **Consideration to Amend the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to include Chicken Keeping as a Permitted Use in Single-Family Residential Areas of the City. Amending TDC 40.020(2). PTA 13-02 is a legislative matter.**

Ms. Hurd-Ravich, Planning Manager, presented the Recommended Chicken Ordinance, PTA-13-02, which included a PowerPoint presentation. The action is for the Planning Commission to consider the staff report, draft language and analysis and findings and make a recommendation to the City Council. Typically, the Planning Commission will give their recommendation in person to the City Council and Ms. Hurd-Ravich asked if Mr. Herriges would be willing to present on November 12th. Mr. Herriges said he is available, but will give the TPC Chair, Mr. Riley, the option first.

Ms. Hurd-Ravich stated this is a legislative matter and the Planning Commission is tasked only with making a formal recommendation on the proposed Plan Text Amendment to change the Tualatin Development Code to allow the keeping of chickens in the Low Density Residential Planning District (RL). The proposed amendment will change the Permitted Uses only in the RL Planning District. The City Council will consider the ordinance in the Municipal Code. The proposed development code language will add the words "and chickens".

Ms. Hurd-Ravich stated that the proposed ordinance will include the following components:

- Location - Single-family residential area
- Type of birds – chickens only
- Secure enclosure – outdoors; rear yard; not to exceed 200 square feet and height of 8 feet; no coop fencing facing neighboring properties; free range under supervision

- Number – up to four over four months of age
- Roosters - not permitted
- Feed containers – metal or other vermin proof containers
- Permit and Fees – permit and fee through Community Development
- Complaints – written complaints; investigation by Community Services Officer
- Harvesting/butchering – not permitted
- Setbacks – 25 feet from all property lines
- Notice – Sent directly to adjacent neighbors

Ms. Hurd-Ravich reiterated that the Planning Commission's action is to make a formal recommendation to Council about the proposed Amendment to change the Development Code. Council will take action on proposed Chicken Ordinance for the Municipal Code. The public hearing will take place on November 12th.

Mr. Klingerman asked if you can have both a shed and a chicken coop. Mr. Herriges responded that you can have both, but you cannot turn a shed into a chicken coop. Mr. Grile asked if the Municipal Code only applied to the RL zoning and brought up the question of why we don't do the Municipal and Development code at the same time. The Development code language has no mention of setbacks and it can be a little misleading. Mr. Herriges added that a cross reference would be beneficial. Mr. Grile agreed. Ms. Hurd-Ravich stated that she would have to confer with the City Attorney about why that statement was crossed out. Mr. Klingerman stated that the majority of homes in Tualatin will not meet the minimum setback. Ms. Hurd-Ravich said that they looked at a small area of Tualatin about half met the requirement.

Diane Yates, 19217 SW Chesapeake. Ms. Yates had concerns about allowing chickens in Tualatin and is concerned that citizens will not follow the rules outlined. She grew up in Iowa and was raised around chickens, but she believes they do not belong in a residential neighborhood. Ms. Yates stated that chickens have to be looked after on a daily basis, or the nuisance complaints will come in. She believes that the 25 foot setback is in too close proximity and if the chickens aren't looked after properly, they will attract parasites, mice, feral cats, and raccoons. Ms. Yates passed out articles that support her view. She also stated that it's important that when the City receives an application for a permit, they visit the site and verify that it conforms to the requirements. Mr. Herriges stated that there is a nuisance law in place that will help with enforcement. Ms. Yates submitted materials with her comments.

Cindy Phillips, 11220 SW Apalache, seconded Ms. Yates' view. Ms. Phillips urged the Commission members to not pass this ordinance. Ms. Phillips stated that there are already chickens in Tualatin, so this ordinance is already being violated. Ms. Phillips brought up the issue of making this a Conditional Use. If it was a Conditional Use, you have more control over the requirements and if you are in violation, you lose your permit. Ms. Phillips is also concerned about the coyote problem here and that the chickens will attract them. Mr. Herriges stated there is an opportunity on November 12 to give feedback to the City Council.

Mr. Grile suggested a motion to add the language “and chickens” with the addition to a reference to the ordinance going before the Council referencing the Municipal Code, bringing back what was stricken by the City Attorney.

MOTION by Grile, SECONDED by DeHaan to Amend the TDC Chapter 40 Low Density Residential Planning District (RL) to include Chicken Keeping as a Permitted use with a reference to the Municipal Code ordinance for chickens. MOTION PASSED 3-1 (with Klingerman against).

Mr. Klingerman stated that he is opposed to chickens in Tualatin. He feels that it will be an enforcement problem and it is a bad idea unless it’s on a farm. He would rather see this go to a public vote, because it impacts everyone. He also believes that chickens should be kept in one large place where the owners would be charged to house them. Mr. Klingerman agrees with the audience members and doesn’t believe it will be enforced properly with one enforcement officer on staff. Mr. Herriges believes that the regulations are too restrictive and did not see the need for a permit fee up front. He also stated that the 25 foot setback and height requirement is too restrictive. Mr. Grile commented that he doesn’t believe that the setback is too restrictive with a lot size of 6500 square feet. Mr. Klingerman was curious about how many citizens were interested in raising chickens. Ms. Hurd-Ravich responded that in one of the Council Work Sessions, approximately twelve people were in favor of chickens, two were against. Discussion followed regarding Portland’s permit process and regulations.

MOTION by Herriges to recommend the City Council carefully examine the 25 foot setback and making it less restrictive if that can balance the needs of neighbors versus the ability of people to actually have a chicken coop and to make restrictions consistent with other out buildings. SECONDED by DeHaan. MOTION 2-2 with Klingerman against and Grile abstained.

6. FUTURE ACTION ITEMS

Mr. Hurd-Ravich commented that in November, there is no action items scheduled. There will be two communication items; an update on the Capital Improvement Plan and a preview of a Plan Text Amendment to implement Linking Tualatin.

7. ANNOUNCEMENTS/PLANNING COMMISSION COMMUNICATION

None

8. ADJOURNMENT

MOTION by Klingerman SECONDED by Herriges to adjourn the meeting at 8:28 pm. MOTION PASSED 4-0.

_____ Lynette Sanford, Office Coordinator

Updated: 1:08 p.m. Wednesday, Sept. 7, 2011 | Posted: 9:59 p.m. Tuesday, Sept. 6, 2011

City agrees that neighbors' chicken house too close to woman's home

By [Ricardo Gandara](#)

AMERICAN-STATESMAN STAFF

For a year, Shirley West says, she's tried to get her next-door neighbors to keep their chickens cooped and away from her home in Central Austin. Citing health problems she says came from mites from the chickens, West has complained to police, code enforcement, the health department and a City Council member all of whom eventually helped in one way or another.

"What I couldn't get anyone to understand, however, is that the chicken coop is in violation of a city ordinance that it can't be closer than 50 feet from my house," said West, who lives on West 391/2 Street.

Until now. After Statesman Watch called on her behalf, city health officials determined that the coop belonging to Patrick and Perri Beathard violates a city ordinance. "The coop is 43 feet away, so we've issued a notice of violation," said Robert Wright with the Austin/Travis County Health and Human Services Department.

The Beathards have until Friday to comply.

"We are going to move the coop because we're law-abiding citizens, and we don't want trouble with our neighbor," Perri Beathard said. The Beathards, however, said they are determined to keep their five chickens because they're good to have and provide eggs to the family of seven.

Here is the sequence of events in West's recent complaints to officials and Statesman Watch:

- She called 311 on June 30 to complain about the chickens and the Beathards' trailer parked on the street in front of her house.
- On July 12, a health inspector visited the Beathards' property and issued a notice of violation for loose chickens. On a subsequent visit, the inspector found that the Beathards had housed the chickens.
- Not satisfied, West complained about the chicken coop's proximity to her house via a form on the city's website. An aide to Council Member Laura Morrison forwarded the complaint to the city's Code Compliance Department. Carl Smart, director of code compliance, wrote West on Aug. 2 to tell her that the coop was found to meet city codes relating to the required 50-foot distance from her house.
- The city's health department again got involved after Statesman Watch called to inquire about West's complaint .
- A health inspector revisited the Beathards on Friday and determined that the coop was indeed in violation.

There is more to this story than chickens. **"It's evolved into a neighbor feud because of the chickens," Patrick Beathard acknowledged.**

West said she's also called the city's nonemergency number to report the Beathards for parking a large trailer in front of her house.

But the chickens bother West the most. She said mites are embedded in her carpet and natural fibers around her home. She said she may have to replace the carpet to get rid of them. She has also relocated her teenage daughter's blue-crowned conure, a type of small parrot, to a relative's house.

"The poor bird was being tortured by getting bit," she said.

West showed proof of her doctor's visit that diagnosed mite infestation. The doctor prescribed a steroid cream for the red bites on her arms.

West is OK with the city's latest action but is frustrated it took as much time and energy as it did to convince everyone she was right about the 50-foot rule. She said the best-case scenario would be for the Beathards to get rid of the chickens and the coop altogether.

"I want my health back, she said.

rgandara@statesman.com; 445-3632

Let Statesman Watch work for you

Have you called, written or e-mailed complaints and received no help from local officials? Tell us what isn't working in your area that government should fix.

Email **statesmanwatch@statesman.com** or call 445-3751 with details, and tell us how we can contact you. Follow us on Twitter at **www.twitter.com/statesmanwatch**.

Some City Folk Are Mad as Wet Hens When Chickens Come Home to Roost

In Salem, Ore., the Claws Have Come Out Over Backyard Coops; 'Get a Farm'

By NICK TIMIRAOS

SALEM, Ore. -- For three hours at a City Council meeting, residents clucked over the latest debate ruffling feathers here: Should homeowners be allowed to keep chickens in their backyards?

The chicken fight began last summer, when a neighbor snitched on Barbara Palermo to city authorities for keeping four pet hens in a backyard coop. Chickens and other livestock aren't allowed in Salem backyards where land isn't zoned for agricultural use. A city compliance officer knocked on Ms. Palermo's door to tell her she had to get rid of her pet birds.

City dwellers across the country are running afoul of ordinances that prohibit raising chickens in backyards.

But she has decided not to give up without a fight. Ms. Palermo put her chickens in "foster care" with a friend outside town as she rallies residents and presses city councilors to pass an ordinance legalizing backyard coops. She's asking the city to allow homeowners to have three hens -- no roosters, which are much noisier -- that would have to be kept in enclosed coops at all times.

Ms. Palermo is part of a debate that's playing out in several cities across the country. The 51-year-old veterinarian's assistant says she's stunned by the opposition. It's hypocritical that Salem residents can keep potbellied pigs weighing under 100 pounds, she says. "They generate a lot of poo and don't give you eggs...so it's ridiculous when you ask for a hen and people panic."

Enthusiasts say chickens make great pets, especially for young children, and that their eggs taste much better than the store-bought kind. Ms. Palermo also uses chicken waste as fertilizer for her vegetable garden and composter and feeds grass clippings, carrot tops, and other green waste to her birds. "In 24 hours, it will be an egg and fertilizer," she says.

Advocates, who also tout the economic benefits of having free eggs, say the recession is driving an interest in backyard gardens that increasingly include chicken coops.

But critics of the backyard coops say chickens attract raccoons, coyotes, and other pests and that they create unsanitary conditions. And the foes say the cited economic benefits are nonsense. Just building a coop can cost hundreds of dollars and raising hens is time-consuming.

"It's silliness," says Terri Frohnmayer, a commercial real-estate broker who is co-chairwoman of one of Salem's 19 neighborhood associations and lives outside town next to a farm that has chickens. "Eggs aren't even that expensive anyway. What's next? Goats? Llamas?" Her advice to hen-loving neighbors: "Get a farm."

There are no official statistics on how many city folk keep chickens, and it isn't clear whether urban coops are on the rise. Randall Burkey Co., a Boerne, Texas, hatchery, credits a doubling of small orders for chickens and supplies in urban and suburban areas for boosting profit at a time when traditional sales to commercial farmers have been flat or down. "We're experiencing some pretty nice growth, which, considering the economy, has been quite a blessing," says Clark Burkey, vice president for marketing.

Barbara Palermo has been pressing a fight to make backyard chicken coops legal in Salem, Ore.

One online network, BackyardChickens.com, has 35,000 members, up from about 10,000 a year ago. Members there solicit tips on how to keep illegal coops hidden from nosy neighbors and on how to persuade local politicians to allow backyard chickens.

During the two world wars, many cities encouraged residents to grow their own food and to keep chickens. But restrictions have cropped up in the past 50 years as urbanization reached deeper into the countryside. **Salem allowed residents to keep livestock, including chickens, until the 1970s, when it decided "to be a city and not a rural community," says Chuck Bennett, a City Council member who opposes allowing backyard chickens.**

Madison, Wis., in 2004 was one of the first cities to reverse a chicken ban, and other cities have followed suit, including Portland, Maine, and Vancouver, British Columbia.

In other cities, chickens have become a nuisance as they roam city streets. In 2003, Miami formed a "Chicken Busters" squad with a firefighter and code enforcement bureaucrat armed with big nets and small cages to patrol neighborhoods once a month. The team captured more than 6,600 chickens, and raised more than \$11,000 selling them to local farms.

In Salem, city compliance officers inspect homes only when there are complaints, and owners usually are told to get rid of the birds or face fines. The city got around 30 complaints last year and has received about one a week since the debate heated up this year.

Nancy Baker-Krofft unsuccessfully lobbied the city in 2006 to change the law and brought her birds out of hiding earlier this year when it appeared that Salem might allow them. When city officials come to inspect, she says, she'll hide the birds in her son's room or check them into a neighbor's contraband coop, which she calls the "chicken hotel."

Last month, a chicken got loose when an officer inspected Ms. Baker-Krofft's home, resulting in her third citation. "I cannot afford another \$250 ticket," says the 54-year-old substitute teacher. She has already racked up \$350 in fines for repeated chicken-related citations, which she is challenging in city court.

Her behavior has alienated her from some neighbors, and her neighborhood association opposes keeping chickens. "It's like she has some underground railroad for chickens," says Alan Scott, the head of the association.

Mr. Scott and others worry that neighbors who don't take care of their coops will lower property values. The biggest concern, however, is that chickens will just lead to more conflicts between chicken owners and neighbors who own more traditional pets, like dogs. "You can just see the conflict associated with the addition of another animal into this kind of [close] environment," says Mr. Bennett, the council member.

Ms. Frohnmayer, who lives outside Salem, often finds her own springer spaniel sizing up chickens on her neighbor's farm. It's only natural, she says, for her dog to want to eat her neighbor's birds. "Are they going to put my dog down when it eats one of their chickens?" she says.

That issue has already come up. Salem resident Jason Caldwell replaced his neighbor's chicken after his Labrador retriever mauled a bird that had wandered onto his property. "I was just being a good neighbor," he says.

But when the dog ate the replacement, Mr. Caldwell bought yet another chicken for his neighbors and offered the following warning: "If there are any more chickens that are in my yard, I'm going to let the dog do whatever he wants."

He says he offered to build a better coop for his neighbor and spent \$100 to replace the birds, which were a specialty breed. "That's a terrible way of having to have a conversation with your neighbor, but at some point I've got to put my foot down," he says.

Salem's City Council remains divided over the issue. Salem Mayor Janet Taylor is guardedly supportive of the measure and ready to vote after months of debate. "I know chickens are important, but we need to move on," she says.

Write to Nick Timiraos at nick.timiraos@wsj.com

City Girl Chickens: The Urban Guide to Raising a Backyard Flock

Build a Coop

Would you like to build a coop for your backyard flock? Here's some things to consider along the way

If you've already read the basics of what needs to be included in a [chicken coop](#), you've got a great start on understanding what you need to include as you consider a proper home for your chickens.

Additional things to consider before you build a coop (or buy or convert something into one):

Location (according to local city regulations):

Most cities should have their rules about keeping chickens posted on their website. Look there first. Written in the ordinances and codes of the city will most often be regulations about how far away (from human housing) your chicken coop must be placed. **For example, where I live, the coop has to be at least 70 feet from the front property line and 100 feet away from neighbor's houses.**

Location (what's best for the chickens):

If you live in a place where it's extremely hot in the summer, placing your coop where there's at least partial shade (under a big tree, for instance) will help protect them from overheating. If you live where there's nasty winter wind, think about where you can build your coop that will provide protection from that wind.

Elevation (of the chicken coop):

Some people swear by having their hen house off the ground, others like it touching earth. There are potential benefits and drawbacks to each method. Think about them before you build your coop.

Manure Cleanup:

Easy coop clean up is essential for the health of your birds. It's even more important if you have chickens in the city! **A way to quickly get your neighbors unhappy is to have the smell of a dirty chicken coop wafting over to their backyard during their BBQ dinner!** Think about ease of manure removal and cleanliness as you design and build your coop.

Once you've given thought to all of these issues, you're ready to dive in. There are many companies that offer chicken coop kits and pre-built coops. You can also find [free plans to build a chicken coop](#) here. Or, see [how I built my chicken coop](#) from a used play structure and a bunch of recycled wood.

RESIDENTS CRY FOWL Complaints prompt CT board to ban raising of chickens

By Eric Scicchitano (Staff Writer eric_s@newsitem.com)
Published: March 9, 2012

COAL TOWNSHIP - **The right to raise chickens in the township has been spoiled by a few rotten eggs.**

Coal Township commissioners Thursday amended an ordinance to prohibit possession of farm and wild animals within township limits.

The move was made as a result of persistent complaints on a handful of chicken owners for foul stench, loud noises and dirty coops, Commissioner Gene Welsh said.

Anyone possessing newly prohibited animals outside a agricultural zone - of which there are few on the outskirts of Coal Township - have 90 days to find new homes for pigs, goats, fowl and more.

Monkeys, opossums, skunks and other animals deemed "wild" are also prohibited.

The ordinance is not subject to a grandfather clause, which only applies to zoning ordinances.

Of all the animals cited in the ordinance, it was chickens that sparked the commissioners' decision.

There are approximately 12 township residents living in residential zones who raise chickens, commissioners said, about half of whom have been subject to nuisance complaints of not cleaning up after their fowl.

Those complaints made by neighbors had persisted despite the township code officer's attempts to remedy the grievances, Commissioner George Zalar said.

In turn, commissioners updated the existing ordinance for a total ban on ownership of the bird as a pet or as a commodity.

That the ban is absolute and allows for no exceptions didn't sit well with a pair of township chicken owners who spoke out at the meeting - both of whom were said to have no complaints made against them.

Barbara Tanner, of 1210 Nelson St., said she owns two birds, both of them hens.

"I'm wondering what the problem is with having chickens. I don't see the point or reasoning with restricting chickens," she said.

Her birds are quiet and don't run at large, she said. On top of that, she just bought a new chicken coop.

Tanner said commissioners should have reconsidered a total ban on the fowl; instead creating a warning system and punishing irresponsible owners.

Vince Rovito, township solicitor, insisted a total ban was the best decision for the township. When previous citations had been taken to local magisterial court, Commissioner Craig Fetterman said the judge had thrown the cases out, saying the township "didn't have a leg to stand on."

Carol Dimmick, of 979 Bear Valley Road, said the chickens she keeps are not pets. Rather, she raises them as a source for eggs and meat.

Dimmick referenced language of the amended ordinance banning deer, then pointed to comments made earlier by Commissioner Gerard Waugh III when he commended street department employees for working to complete a new deer pen at the Tharptown playground.

The comparison was wrong, Waugh said. The township houses a deer for about a month for a Christmas holiday display. It isn't raising the deer year-round and isn't subject to the ordinance, he said.

Raising chickens in urban areas is not at all uncommon.

Backyard chickens are championed by their proponents as producing far healthier eggs than those purchased in grocery stores. They also say chickens make for chemical-free pest and weed control, and the by-product of the fowl's feces is that it makes an effective fertilizer.

There's a large online community of backyard chicken owners, offering on various websites tips for raising the fowl and advice on animal law.



Council says 'no' to chickens in neighborhoods

Source: [The Hastings Star-Gazette](#)

Date: August 5, 2009

Byline: Keith Grauman

The Hastings City Council Monday night unanimously defeated an ordinance that would have allowed people in residential neighborhoods to keep chickens in their backyards.

Hesitant, cautious, uncertain ... chicken.

The Hastings City Council Monday night unanimously defeated an ordinance that would have allowed people in residential neighborhoods to keep chickens in their backyards.

The council did, however, decide chickens should be allowed at the LeDuc Historic Estate and on land zoned as public institutions, and directed city staff to come up with a revised ordinance change that would allow for that.

The public institution zone in Hastings includes Hastings High School, the Pleasant Hill Library, Christa McAuliffe Elementary School, the Minnesota Veterans Home Hastings and Regina Medical Center. Most other schools in Hastings are in residential zones.

The LeDuc submitted the original request to the city to keep chickens as a living exhibit meant to interpret the agricultural side of the LeDuc family's life. As that request was making its way through the city, a Hastings resident asked about keeping chickens at her home.

On a 5-2 vote last month, the Hastings Planning Commission approved an ordinance that would have allowed chickens in both residential areas and public institutions. The two commission members who voted against it were in favor of allowing chickens on public institution land, but against allowing them in residential areas. The way the ordinance change was written, however, it was all or nothing, which is why city staff will have to rework the proposed change and bring it back to the council for approval.

The council cited several reasons for its opposition to chickens being allowed in residential areas, including the additional time that'd be spent by the city's code enforcement officer and Planning Department policing chicken coops and chickens, the possibility of nuisances and complaints arising, budgetary concerns, aesthetics and the possibility of negatively effecting property values.

Council Member Tony Alongi said whenever you add another job for a governmental body to do, it means more money needs to be spent. With the city's budget already strained, he and other council members questioned if this is the right time for the city to take on more costs and responsibilities.

"I honestly believe this is not the time to make government more complicated," he said.

Council Member Mike Slavik said the LeDuc came to the city with a solid proposal of why they wanted to keep chickens, and plans for what they want to do with them.

"That was a good place to start," he said. "Then it got bigger."

Slavik commended the democratic process and said in this case it worked like it's supposed to, with residents providing input and altering the proposed ordinance change. Still, he sided with the rest of the council in his opposition to the ordinance.

Mayor Paul Hicks said residents in Hastings have certain expectations of what they will and won't see in their neighborhoods. He said when he's sitting on his deck, he doesn't want to see chicken coops in his neighbors' backyards. Alongi questioned what would happen to the chicken coops when houses change hands.

At Monday's public hearing, three people spoke in favor of the ordinance, and three people spoke against it. Those in favor said they wanted chickens for the added economic and health benefits that come from getting fresh eggs, and thought keeping chickens would teach their kids about responsibility and their agricultural roots.

Those in favor said anyone who is going to invest in building a chicken coop and buying chickens would take care of them and not allow them to become a nuisance.

Alongi commended the people in attendance at the meeting who came to support the ordinance change, but said not everyone would be as responsible as they would.

"You wouldn't need a police department if everybody was responsible," he said.

The council directed city staff to draft a new ordinance change that keeps chickens out of residential neighborhoods, but allows them in public institution zones. Since it's a new ordinance, it has to go back before the Hastings Planning Commission before going to the council. The earliest it could be back before the council is Sept. 21.

As urban agriculture blossoms, backyard chicken battles brew

July 7, 2013 |

By [Ann Zaniewski](#)

Detroit Free Press Staff Writer

To Randy Zeilinger, the 11 chickens that roamed in a fenced-off section of his backyard in Garden City were a source of nutrition and income.

But city officials and some of his neighbors saw them as an unsightly and smelly nuisance.

Zeilinger, 53, is on probation after a jury decided in April that he violated a city ordinance against keeping chickens. His punishment also included a suspended jail sentence.

As Zeilinger fights to keep his fowl, the case illustrates an increasingly common debate over some types of farming in urban areas. With rising food prices and an increased interest in organic food sources, more people are wanting to raise chickens — and sometimes facing pushback from their communities.

At the state level, agriculture officials are wrestling with whether to set clearer guidelines to address small-scale chicken farming.

“It can be controversial,” said Brad Deacon, administrative law coordinator for the Michigan Department of Agriculture and Rural Development. “There are plenty of people who live in towns and don’t want livestock around. And there are plenty of people who want to own livestock.”

Residents in cities from Madison Heights to Ann Arbor have successfully lobbied in recent years to keep poultry in residential areas not zoned for farming.

In Ferndale, Laura Mikulski, 32, pushed for months for the city to change its rules about chickens. City officials agreed in 2012 to allow people to build backyard coops that are at least 10 feet away from houses on adjacent properties, down from the previous rule of 150 feet from a home. Residents can keep up to three hens.

“It’s definitely a trend over the past five years,” said Mikulski, who runs the website www.ferndalechickens.com. “People are trying to get more in touch with their local food sources all around, whether it’s gardening in their backyards or having chickens in their backyards.”

Does Right to Farm Act apply?

Regardless of what local ordinances say, Mikulski, Zeilinger and others believe their right to raise chickens is protected by the Michigan Right to Farm Act. Enacted in 1981 and most recently amended in 1999, the act was originally designed to protect farmers in rural areas from nuisance litigation.

There are different interpretations of how the Right to Farm Act applies to small-scale farms in urban areas.

Broadly speaking, the act says local zoning ordinances can't restrict commercial farms that operate in accordance with what are known as Generally Accepted Agricultural and Management Practices or GAAMPs. It also provides nuisance protection to farms that follow those guidelines.

No minimum threshold was set for how much a farmer must sell to be considered a commercial farm under the act, said Aaron Phelps, a Grand Rapids attorney who specializes in agriculture law.

At the same time, the GAAMPs related to site selection for livestock facilities apply only to places with a minimum of 5,000 chickens. Facilities that do not comply with the site selection GAAMPs are not entitled to defense from nuisance complaints under the act, Deacon said.

“The question becomes, ‘Who is subject to the GAAMPs?’ ” said attorney David G. Cox, general counsel for the Farm-to-Consumer Legal Defense Fund. “My argument is if there’s no GAAMP that applies to you, you just need to be a farm that sells farm products to be commercial and you are afforded nuisance protection.”

Cox is defending the owners of Sweet Peas Farm in Williamstown Township from an ordinance violation lawsuit brought by the township. The farm sells various products and has four rabbits, three pigs, 22 chickens, three goats, 14 quail and nine ducks on 1.37 acres.

Last year, the Michigan Commission of Agriculture and Rural Development considered changing the site selection GAAMP so it would apply “in areas where local zoning allows for agricultural uses.” The proposal also would have reduced the number of animals covered by the guideline.

But after Zeilinger and others spoke out against the changes, the proposal was tabled.

In an effort to encourage commercial farming in places like Detroit, the GAAMPs were recently amended so cities with more than 100,000 people can develop their own ordinances for agriculture.

Neighbors' complaints

In Garden City, some who live near Zeilinger's house on Helen Avenue say he doesn't maintain his property. It has chicken feed and feces, piles of wood and other debris attracting mice and rats, and a foul stench that wafts into their yards, they say.

“Last summer, when we had those days in the 90s, you could not walk out my side door without smelling it,” said next-door neighbor Craig Swarthout, 53, who testified at Zeilinger’s trial.

Swarthout said he has never complained to the city about Zeilinger’s chickens. But at least one person has.

An ordinance officer visited Zeilinger’s home in March 2012 and issued him a ticket for an ordinance violation. That ticket led to the jury trial in April.

Mayor Randy Walker said residents have come to City Council meetings to speak out against backyard chicken farming.

“We’re a city, we’re not a farming community,” he said. “When you have chickens on city lots that are 50, 60 feet wide by 120, 150 feet deep, the neighbors don’t want to smell the chicken feces and the mice and the rats that come with chickens.”

Zeilinger said he always cleaned up after his chickens.

As a condition of his probation, Zeilinger was ordered to follow all city ordinances — so he had to get rid of his birds. He divided them up among three farms as he awaits his case to be heard on appeal.

Zeilinger said the money he made from selling eggs was an important source of income.

“A couple of chickens in the backyard is certainly not harming anybody,” he said. “The benefit is fresh, healthy eggs that have been enjoyed by a lot of people.”



American Poultry Association



Helping Poultry Breeders Raise Birds in an Urban Area By Bart Pals

Raising poultry within the city limits can be a fun and rewarding experience for everyone involved, but much planning is required. Many people are very successful in raising poultry in a residential area. All types of poultry are being bred successfully and without problems in urban settings.

This article is designed to be an aid in helping people protect their right to raise poultry within city limits. Please remember that it is not the birds that you keep but how you keep them that is important. Check local ordinances to know what is allowed.

The first thing that must be considered are the rights of your neighbors. Your birds must fit in with the neighborhood and the city. Cleanliness is the most important requirement for raising poultry in town. **Your birds must be kept clean.** Keeping the area neat and tidy will help with the general feeling towards your birds. It doesn't matter what you raise or what type of facilities you have, keep everything clean. Keeping pens fresh, keeping things picked up, and keeping the area swept will all aid in the general feeling of your neighbors towards your birds.

Insect control goes hand in hand with cleanliness. Backyard poultry breeders must control insects. Parasites must be kept off the birds and flies must be controlled around the poultry house. **Keeping pens clean will aid in insect control but spraying or other measures may also be needed.** Secure a place to dispose of waste and have a backup place secured in case the first one fails. Feed should be stored in containers that will help prevent rodents.

The type of building you use must fit in with the neighborhood. Take into consideration the type of siding, roofing, fencing, size, and the height of the building. This structure should blend in with the existing buildings. When designing the building, you must make sure that your birds are not going to wake the neighborhood at 5:00 A.M. Individual doors for each pen, that can be opened and shut at reasonable times, should be built into the structure to help minimize noise problems. The type and size of pens that you will be able to use may determine what type or types of poultry you will be able to raise. **Your birds will have to be confined.**

Very few people will appreciate birds running around the neighborhood. Security measures may also have to be taken. Stray dogs, varmints, and vandals should be guarded against. Security lights, gates, fences, and strong wire will all help to protect your birds. Included in your building should be an area designed for show boxes, extra feeders and waterers, etc.

Plant shrubs or build a fence that will help deaden the sounds that the birds will make. Shrubs and fences also help the building blend in with the neighborhood. Planting flowers around the building also helps make the structure—and your birds—look more attractive to the neighbors.

Starting small and setting goals are essential. Start out with a pair or trio of birds and know how many birds you can easily handle. A trio of birds can produce a lot of chicks and these chicks will grow into adults. Know exactly how many birds your facility can handle and always remember not to overcrowd your birds. **One must realize that not every chick hatched will be a “winner,” so if you plan on hatching many chicks be prepared to cull and have an outlet for the culls.** When raising birds in town, you cannot keep the culls. Realizing this fact before hatching will help keep things under control.

You must consider what species of poultry to raise. It is pretty difficult to raise Toulouse geese in a residential area. Standard birds can be raised but in a limited area. Remember that you cannot keep as many as you might like because of limited space.

Remember that noise is a factor and that large fowl have a lower-pitched crow that travels farther than the sharp, high-pitched crow of a bantam.

Ducks can be raised in town, but they are messy and rather noisy. Ducks can be raised in town but remember that there will be extra work involved in keeping the area clean.

Extra precautions may have to be implemented to help control the extra sound from water fowl as well.

What particular breed of poultry you raise should be considered. Docile breeds should be considered. **Many breeds are known for their wild or tenacious behavior. These should be steered away from. Breeds that are not “flighty” and are not aggressive are the breeds that should be considered.** Some breeds mature much faster and can be culled much sooner than others. Japanese bantams can be culled for long legs from the incubator. Slower maturing breeds mean that the young birds must be kept that much longer before you can cull, which means that fewer chicks can be hatched. Faster maturing breeds mean that you can cull sooner and hatch a few more chicks. It is very easy to get wrapped up in setting eggs and hatching chicks and in a few months you're out of room and don't know what to do with all of the young birds. You must always remember that you are dealing with limited space and manage your birds accordingly.

What variety of poultry you raise is yet another aspect that should be considered. Solid colored birds will give you a higher percentage of adults birds to pick from. Laced birds will provide more culls due to color problems. Some varieties will produce multiple colors of offspring. The blue variety will produce blue, black, and splash offspring.

Choosing the particular species, breed, and variety are very important aspects to consider before you begin raising poultry within the city limits. It doesn't matter what kind of poultry you raise. Be sure you understand everything that may be involved in raising that breed or variety of birds.

Investigate the breed that you are going to raise. Read and talk with other breeders about the breed and the variety that you have chosen. Many of these breeders have seen and dealt with some of the problems involved with a particular breed or variety. Learn from their experiences and

perhaps you will have an easier time.

Educate your neighbors about the birds you are raising. Frequently people think of poultry as either broilers or layers. They have no idea that there is such a wide variety of poultry. Educating your neighbors can have a very positive effect on your venture.

You can help educate your community by becoming involved with your local 4-H group. You can be involved in several areas of 4-H—by being a leader, a poultry project leader, or through the Extension Office as an Extension Council member. Being involved with your poultry club can help educate your city. Many clubs sponsor shows, set up displays at malls, print educational material, and do whatever they can to help promote exhibition poultry. Getting involved can help the local club, community—and you. Many people give talks in elementary schools and take live birds with them. All of these things help educate the community about poultry.

Things To Consider Before You Begin

Know the laws and ordinances pertaining to birds. Know the restrictions the city may have. Many cities have restrictions requiring poultry to be a certain distance from the property line, house, street, and alley. They also may restrict the number of birds you can have.

Know the laws and ordinances pertaining to other pets. Compare their restrictions with those for poultry.

Consider your birds as pets, not livestock, and treat them the same way a pet would be treated.

Follow the enclosed guidelines and remember that keeping poultry in a city is a privilege.

If You Have A Problem

If things go wrong, isolate the problem as soon as possible and correct it if possible. Make sure the problem is yours. One individual was accused of having a bad odor coming from his chickens. In fact, the odor problem was caused by a neighbor who had spread cow manure on his garden. It was mistakenly thought that the chickens were the cause of the odor.

Always remain calm, cool, and collected. When you become upset is when you are the most likely to make mistakes. Never accuse a city official of being wrong. Rather, suggest they “consider” your idea. One city official’s idea of being “grandfathered in” was that the city leg band all the birds. As the birds die, then the individual would turn in the leg band and would not be able to replace that bird. When all of the birds were dead then the grandfathered-in individual would no longer be able to raise poultry. The official was asked to listen, compare, and consider the following. If the individual were a business and the chickens were the inventory, the business would have to close when the inventory was depleted. Usually a business is grandfathered in until that person dies, moves, or the business is sold—not until the inventory is gone. The officials saw their error and accepted the individual’s idea.

Invite the city’s health inspector to come to your place and see first hand your operation. Without the support of the city’s health inspector, you will have a very difficult time trying to pursue the matter any further. Show the health inspector your pens and explain to him/her how often the pens are cleaned and how you dispose of waste. Explain your insect and rodent control methods. Show the health inspector how clean your operation really is.

Make your birds a benefit to the neighborhood. Offer extra eggs to the neighbors. Most people find the fresh eggs to be a treat. If the neighborhood children want to see your birds, take the time

to go with them and let them see and touch the birds. Let them feel that they are part of your poultry program. If the neighborhood children don't like your birds, their parents probably won't either.

If a petition is filed against you please remember that most people will sign anything. You can get a copy of the petition from city hall and carefully go through it. Check names and addresses to make sure that they are actual and not invented. Check to make sure the addresses are within your area. One petition had the forged signature on it of the sister of one of the city officials.

Come up with your own petition. It is simply a matter of writing your point of view on a piece of paper and having people sign below it. Take your petition to all of your neighbors within a two-block radius of your place. If a neighbor will not sign it, then perhaps you have located the person making the complaint. If so, ask him/her what the problem is and correct it as soon as possible.

Try to secure as much local support as possible. If there is a council meeting scheduled, then make sure to attend it, along with as many other people as you can muster up. Sometimes there is strength in numbers.

Just because you have raised poultry in a particular area for many years does not guarantee that you will always be able to enjoy that privilege. Simply because you are "grandfathered in" does not mean that the privilege cannot be taken away.

Invite city officials and council members to your house. Show them your facilities and explain to them how your birds are cared for.

Explain to the city officials what you are trying to accomplish. If you raise birds to be exhibited, then show them your awards. Explain the achievements that you have made through your hobby.

If the city officials and/or council members cannot or will not come to your place, then send them a packet of information. Include pictures of your building, your birds, and an explanation of what you are trying to accomplish. Include a brief summary of how the birds are judged. Explain that you are trying to follow a standard of perfection. Include in this packet written support statements from city leaders and other people who are aware of your accomplishments, your petition, and any other information that you may feel important for them to know about.

Hints

Consider your birds as pets, not livestock. When a bird lives for ten or more years and is cared for the way many people care for their birds, then they are more than simply farm livestock; they are pets.

Most larger cities allow poultry.

Most cities have no ordinances against crowing roosters. Most noise ordinances refer to barking dogs and loud vehicles.

Petitions do not generally hold much weight with city officials but they do usually thoroughly go over them to see if the people who have signed them are legitimate. City officials also realize that some people will sign anything. If a petition is signed by a limited number of people, all of whom live in the neighborhood, then the city officials will take them more seriously.

Make sure the complaint has come from within the neighborhood. Most cities will not consider a complaint except from a neighbor. A neighbor is usually within a two-block radius of your home.

Raising poultry is a hobby not a business. If you call it a business, you may be opening up a whole new can of worms.

Most elections are decided by a very small percent of the people so the more support you can show at a council meeting or public meeting the more influence you will have with the city officials.

If city officials receive more than four letters regarding a particular problem, they will take it seriously.

If your city allows dogs, cats, and other small pets, then they should allow bantams as pets. Some city governments have been challenged on this discrimination and have lost. Restrictions may apply, but they should be allowed.

Some cities have tried to include poultry with wolves, alligators, and other animals that may be dangerous to other people. If you are raising exhibition birds, you are not raising dangerous animals.

Remember: All states and cities have different laws and ordinances. Simply because one state does something one way does not mean that another state will do it that way.



Backyard chickens dumped at shelters when hipsters can't cope, critics say

JoNel Aleccia NBC News

July 7, 2013 at 12:19 PM ET

Susie Coston, national shelter director at the Farm Sanctuary based in Watkins Glen, N.Y., is holding Becky, a pet hen, as former backyard birds wander nearby. About 250 abandoned backyard birds are waiting for homes at the shelter's three sites on both coasts.

Despite visions of quaint coops, happy birds and cheap eggs, the growing trend of raising backyard chickens in urban settings is backfiring, critics say, as disillusioned city dwellers dump unwanted fowl on animal shelters and sanctuaries.

Hundreds of chickens, sometimes dozens at a time, are being abandoned each year at the nation's shelters from California to New York as some hipster farmers discover that hens lay eggs for two years, but can live for a good decade longer, and that actually raising the birds can be noisy, messy, labor-intensive and expensive.

"Many areas with legalized hen-keeping are experiencing more and more of these birds coming in when they're no longer wanted," said Paul Shapiro, spokesman for the Humane Society of the United States. "You get some chicks and they're very cute, but it's not as though you can throw them out in the yard and not care for them."

That accusation is disputed by advocates of home-grown chickens, who say that a few negative incidents shouldn't give a bad name to a practice that encourages both self-sufficiency and the consumption of sustainable food grown in a humane manner.

"We've experienced smell, noise, pests, etc., way more from improperly cared for dogs and cats than we have from backyard chickens," said Rob Ludlow, owner of the fast-growing website, BackYardChickens.com, which started with 50 members in 2007 and now boasts 200,000 members. He is the author of three books, including "Raising Chickens for Dummies."

"Hundreds of thousands of people are realizing the wonderful benefits of raising a small flock of backyard chickens, the pets that make you breakfast," he said, noting that cities nationwide have agreed, passing ordinances making it legal to keep small flocks of urban chickens.

However, at the [Farm Sanctuary](http://FarmSanctuary.org) headquartered in Watkins Glen, N.Y. -- which operates three shelters on two coasts -- some 225 former backyard chickens are waiting now for new homes, said National Shelter Director Susie Coston. **They're among at least 400 to 500 abandoned chickens that show up every year, including many suffering from maltreatment or illness.**

"They're put on Craigslist all the time when they don't lay any more," said Coston, 48. "They're dumped all the time."

It's the same scenario at the [Chicken Run Rescue](http://ChickenRunRescue.org) in Minneapolis, Minn., where owner Mary Britton Clouse has tracked a steady climb in surrendered birds from fewer than 50 in 2001 to nearly 500 in 2012.

She traces that rise to the so-called “locavore” movement, which spiked in popularity in 2008 as advocates urged people to eat more food grown and processed close to home.

“It’s the stupid foodies,” said Britton Clouse, 60, who admits she speaks frankly. “We’re just sick to death of it.”

People entranced by a “misplaced rural nostalgia” are buying chickens from the same hatcheries that supply the nation’s largest poultry producers and rearing them without proper space, food or veterinary care, she said.

The most commonly available hens have been bred to be good egg layers. At the same time, backyard farmers often use enhanced feed, light or other tools to prompt hens to lay constantly. After keeping up that pace for 18 months to two years, however, hens often develop reproductive problems including oviduct diseases that can kill them, veterinarians say. However, healthy hens can live for years longer, up to a decade after they stop laying.

Many people would be surprised to know that chickens are smart, with funny, quirky personalities, Coston said.

Because chickens are notoriously hard to sex, some backyard farmers wind up with roosters, which are often culled and killed because they can be noisy, aggressive and illegal, and, of course, they don’t lay eggs at all.

In addition to the noise, many urban farmers are surprised that chickens attract pests like rats, and predators including foxes, raccoons, hawks, and even neighborhood dogs.

When they get sick or hurt, they need care that can run into the hundreds of dollars, boosting the price of that home-grown egg far beyond even the most expensive grocery store brand.

Enthusiasts who start out with good intentions frequently wind up posting messages like this one delivered to Britton-Clouse last month:

“One of our hens grew up into a rooster and our neighbors are starting to complain. Do you know someone who might take him?”

“People don’t know what they’re doing,” Britton Clouse said. “And you’ve got this whole culture of people who don’t know what the hell they’re doing teaching every other idiot out there.”

But Ludlow, the backyard chicken enthusiast, said that “it’s very rare” that people make such mistakes or underestimate how difficult it is to raise chickens.

“While we definitely want to see more education around the lifespan and laying lifespan of chickens, we find that most people become so attached to their hens as pets, that even though they planned to eat or cull their hens at the end of their laying life, they decide to keep their girls around even without laying eggs,” he said.

Coston, the Farm Sanctuary shelter director, said she wished that were true. Most people don’t realize that chickens are funny, with quirky habits and affectionate personalities as distinct as any other pet’s.

“Oh, my god, they’re amazing,” said Coston, who frequently cuddles her chickens. “We have some of the sweetest ones here. They just sit beside you and they let you pet them. And they’re big and dumpy.”

She hopes the enthusiasm for raising backyard chickens will fade and that consumers will take a second look at their appetite for eggs and poultry.

“To go back in time sounds wonderful,” she said. “But there is not enough land on this earth to sustain the amount of meat, dairy and milk that people want.”

You Absolutely Should Not Get Backyard Chickens

May 14, 2013 by [Erica](#) · [401 Comments](#)

I was talking to a friend the other day. She's a gentle soul, a kind-hearted person who says, "I could never kill an animal" with wide, pained eyes that let you know she's not talking in hyperbole.

She wants chickens. She wants them *bad*. She wants the experience of fluffy little chicks and she wants hens to weed for her and she wants her daughter to have that mini-backyard-petting-zoo experience.

She has, up until now, not given into her chicken-keeping desires. For this I am so proud of her.

You see, there's a reality to chicken keeping that doesn't show up when you are scanning Pinterest for gorgeous coops. (I maintain a [Pinterest](#) board of [chicken keeping and coop inspiration](#), by the way, if you are into that kind of thing.)

A continuous supply of plentiful eggs requires a continuous supply of hens at laying age. For us non-commercial chicken-keepers, a good rule of thumb is that hens will lay pretty consistently (with periods off for molting, reduced day length and broodiness) from about 6 months old until about 3 years old. Although you will hear a lot of anecdotes about individual hens that keep pumping out eggs until they are 5 or 6 years old, the general consensus is that three years old is usually the beginning of the end for *consistent* egg laying.

Call it Henopause.

A well-kept backyard hen, protected from hawks, raccoons and Fido, can easily live to be 8 or 10 years old, and ages of *twice* that are not unheard of.

Bear with me here as I do some Urban Homesteader math. One layer hen eats about 1.5 pounds of layer feed per week. (Pastured birds will eat less purchased feed – yet another good reason to [buy this book](#) and study it before you design your coop and run.)

If a chicken starts laying at 6 months old (this is a bit later than average but it makes my numbers easy) and has essentially stopped laying by 4 years old, and lives naturally to be 8, a backyard chicken keeper is looking at 3.5 years of egg production time, and 4.5 years of *Pets Without Benefits* time. That'd be 351 pounds of feed going to a hen that isn't making eggs!

Current, local prices for the layer rations I feed my hens is \$28 per 40 pound bag, or \$.70 a pound. Admittedly, this is a bit spendy, but I get the [locally produced, happy-hippie, GMO-free feed](#) from the lovely folks at [Scratch & Peck](#). At those prices, it costs \$245.70 to maintain a hen into theoretical old age and natural demise while you aren't getting any eggs.

Which means those half-dozen cute peeping balls of fluff you take home from the feed store in spring could cost you \$1474 during the time when they are *not* giving you eggs. And of course I'm not including the cost of bedding, a fractional share of the coop, potential vet bills, etc.

Meanwhile, if you live in a city or suburb, you have an even bigger problem: your now non-laying hens are taking up your legal urban chicken quota which could be filled with younger, laying hens, and you are stuck.

You can't just keep adding to your flock indefinitely when you live on 1/12th of an acre in Seattle. So now you are a Backyard Chicken Keeper without any Backyard Eggs.

If your hens are pure pets, this is all totally fine. These are very reasonable amounts of money to spend on a pet, and if you are not resentful in the least at having to buy both chicken feed *and* grocery store or farmer's market eggs, then *Chickens As Pets* is a wonderful path to take.

There is another option, of course. This is the option you won't tend to run into on Pinterest. It's not the solution of a soft heart so much as a calculating head.

You can make the decision to cull your birds when they are past prime lay. This is what all commercial egg operations do, and what "real" (as opposed to "urban") farmers do, and what everyone who makes a living and not just a hobby from animal husbandry does.

Culled laying hens aren't good for roasting or frying but they make unbeatable stock and stewing birds.

So basically those are your two choices: you continue to pay and care for chickens that barely give you eggs or you cowboy up and you deal with the slaughter of no longer profitable hens.

Back to my friend who really, really wants chickens.

Could she kill her chickens?

Oh no. Absolutely not.

We both agree, she doesn't have that in her. Fine, I've no problem with that, and I'm glad she knows herself.

Does she want to pay for chickens even if she gets no eggs?

Well, not really.

Fine, I wouldn't either – I totally understand.

I told her quite bluntly (as is my way) that she should not get chickens.

Can I give them to a chicken sanctuary when they get too old to lay? Some place that has a no kill policy?

No. *No.* You cannot do that.

She can't, and no one reading this can. You know why? Personal responsibility. Your chickens, your adoption, your decision, your responsibility to see it through to the end. You do not get to embrace the idea of a more intimate relationship with your food chain and then make that food chain – the food chain you *specifically* set up – someone else's problem when shit gets real.

There is a local urban farming message board that is filled – *filled* – with people trying to give away their three year old chicken to a "good home." Are you kidding me? You own the chicken. Your home is a good home. And once it's not, your soup pot is a good soup pot. I once joked to a good friend that I could stock my freezer for the entire year off no-longer-laying hens being given away free "to a good home."

This pisses me off, as you can probably tell. There is absolutely nothing ethically superior – and quite a bit that is ethically dubious, if you ask me – about enjoying the benefits of a young laying hen and then turning over the care or slaughter of that hen to someone else once it stops laying.

That is not how animal husbandry works and it's not how pet ownership works, and those are your two choices. I don't care which path you take with your chickens, but pick one. Playing Little Suzy Farm Girl until it's time to get the axe and *then* deciding you aren't up for chicken ownership just doesn't fly with me.

Normally I am a Rah-Rah Cheerleader for this quirky way of life, and I think any fair assessment would deem me particularly encouraging to beginners. But a chicken is not a seed packet, it's an animal and a responsibility. If you can't cull your own birds *or* can't provide for them all the way into their Chicken Social Security, then please, do not get chickens.

When the Problems Come Home to Roost

By [KIM SEVERSON](#)

Published: October 22, 2009

THE Bay Area is unmatched in its embrace of the urban backyard chicken trend. But raising chickens, which promises delicious, untainted eggs and instant membership in the [local food](#) movement, isn't all it's cracked up to be.

Chickens, it turns out, have issues.

They get diseases with odd names, like pasty butt and the fowl plague. Rats and raccoons appear out of nowhere. Hens suddenly stop laying eggs or never produce them at all. Crowing roosters disturb neighbors.

The problems get worse. Unwanted urban chickens are showing up at local animal shelters. Even in the best of circumstances, chickens die at alarming rates.

“At first I named them but now I’ve stopped because it’s just too hard,” said Sharon Jones, who started with eight chickens in a coop fashioned from plywood and chicken wire in the front yard of her north Berkeley home. She’s down to three.

Ms. Jones, who is close friends with the restaurateur [Alice Waters](#), wanted exceptional eggs, plain and simple. But her little flock has been plagued with mysterious diseases.

She has not taken them to the vet because of the high cost, but she goes to workshops and searches out cures on the Internet. She has even put garlic down their throats in hopes that the antibacterial qualities of the cloves might help.

“I’m discouraged but I’m determined to figure this out,” Ms. Jones said. “I still get more than I give.”

Most Bay Area communities allow at least a few hens, and sometimes even permit roosters. Some elementary schools and restaurants keep flocks. The Web site [backyardchickens.com](#), which calls itself the largest community of chicken enthusiasts in the world, started here. Seminars on the proper and humane way to kill chickens are becoming popular.

But with increased chicken popularity comes a downside: abandonment. In one week earlier this month, eight were available for adoption at the Oakland shelter and five were awaiting homes at the San Francisco shelter. In Berkeley, someone dropped four chickens in the animal control night box with a note from their apologetic owner, said Kate O’Connor, the manager.

For some animal rights workers, the backyard chicken trend is as bad as the pot-bellied pig craze in the 1980s or puppy fever set off by the movie “101 Dalmatians.” In both cases, the pets proved more difficult to care for than many owners suspected.

“It’s a fad,” said Susie Coston, national shelter director for Farm Sanctuary, which rescues animals and sends them to live on farms in New York and California. “People are going to want it for a while and then not be so interested.”

She said that farm animal rescue groups field about 150 calls a month for birds, most of them involving chickens — especially roosters.

“We’re all inundated right now with roosters,” she said. “They dump them because they think they are getting hens and they’re not.”

Some chicken owners buy from large hatcheries, which determine the sex of the birds and kill large numbers of baby roosters, because most people want laying hens. But sexing a chicken is an inexact science. Sometimes backyard farmers end up with a rooster, which are illegal in most cities.

In Berkeley, which does allow roosters, Steve Frye is in the middle of a cockfight with Ace Dodsworth, who lives about four houses away and tends a flock of hens and roosters that his community household uses for eggs and meat.

“I’m not an antichickens guy whatsoever,” Mr. Frye said. “It’s a noise issue.”

During the worst of it, Mr. Frye said, the roosters woke him up 13 times in one month. He recently filed a complaint with the city.

Mr. Dodsworth believes a crowing rooster is a happy rooster, but he says he does his best to keep his roosters cooped to minimize noise. He has offered Mr. Frye eggs and dinner and said other neighbors don’t seem to mind the chickens. Down the street at Kate Klaire’s house, there are no roosters. But the elementary school teacher has other problems. She has been through three different flocks in four years.

She ticks through a list of all the ways her chickens have died. There was the breakout of Marek’s disease. Her dog got to one chicken before some rules of the roost were laid down. She suspects a fox or a coyote carried off several when she was away.

More upsetting were the two she found with their necks broken.

“I believe they were murdered,” she said, pointing to a chain link fence that appeared to have been bent by a human foot.

Like many of her fellow Bay Area backyard chicken owners, Ms. Klaire remains determined. The eggs are local, the composting contributions to the garden are significant and the chickens themselves are fascinating.

And for her, there has been one more benefit.

“Having chickens is a really great way of dealing with loss and death,” she said.

Kitty Bennett contributed research.

A previous version of this article mis-stated the surname of one chicken owner. She is Sharon Jones, not Lane.

[More Articles in Dining & Wine »](#) A version of this article appeared in print on October 23, 2009, on page A29B of the New York edition.

Reynoldsburg backyard chicken issue flies the coop

By [DAVID S. OWEN](#)

ThisWeek Community Newspapers Wednesday June 8, 2011 9:25 PM

Discussions during Reynoldsburg City Council's safety committee meeting Monday apparently ended the issue of whether residents will be allowed to raise chickens in their backyards.

Concerns were raised about whether allowing chickens in the city could draw unwanted predators into neighborhoods, such as raccoons, vicious dogs or coyotes, and whether the fowl would become a health hazard.

Committee chair Mel Clemens pointed out that allowing residents to raise chickens in their backyards might also jeopardize homes and property values.

"When I was on the village council some 50 years ago, people here had pigs and chickens and cows. There were only 600 people here then. Then we become a city," he said.

Clemens said when he was growing up on a farm as a young boy, the family had animals, including chickens, but he said that was in the country, not in the city.

"We're a city and I'm proud of our city. People do have homes and we have to protect our homes and our property with what we do," he said.

"There are chickens in Reynoldsburg, but they're on menus, and there are a lot of those in the restaurants, so you can't say they're not here.

"I grew up with them. They stink, they've got bugs it is a problem for your neighbor, I don't care how you put it, and I don't see any reason to jeopardize the health and the homes of residents who live here," Clemens said.

Councilman Fred Deskins agreed and said he is against allowing city residents to raise chickens in their backyards.

"I don't like this whole idea," Deskins said. "If you want to raise chickens - and I was raised on a farm - buy a house out in the country."

The issue of raising backyard chickens was first brought up during a May 9 city council meeting by resident Richard Boone, who said he and his family wanted to raise chickens in their backyard but had found city code is unclear on the subject.

He said the city's ordinance on "keeping wild or exotic animals" does not specifically mention chickens and asked if city officials would consider the issue and amend the ordinance to include chickens or domestic poultry.

Councilwoman Leslie Kelly said she supports the idea of allowing residents to raise chickens. She reiterated that her research has found it is a hobby for some people and could provide some health and economic benefits.

"I would love the opportunity to move forward with this and have this be a part of our community for those who want to participate," Kelly said.

Boone, who attended Monday's safety committee meeting, said his research has shown that the city of Bexley allows backyard chickens if the owners obtain a permit. He asked if something similar could be considered in Reynoldsburg.

Resident Jane Klein told the safety committee she is against having an ordinance allowing chickens to be raised in Reynoldsburg backyards. She said she was raised on a 40-acre farm in upstate New York along Lake Ontario.

"My family raised sheep, pigs, chickens, rabbits and two beef cows. These animals were raised for food for our large family," Klein said. "We worked very hard to keep all of our animals clean, fed and happy and we lived in the country, so we could do that.

"Each spring, we had to clean the chicken coop because each hen had been cooped inside most of the winter, and chicken poop stinks bad," she said.

Klein said chickens are very susceptible to lice and to other bugs also. In addition, she said, chickens can be loud, especially when a mother hen announces she has just laid an egg.

"Reynoldsburg is a city, folks, and farm animals are farm animals and not city animals," Klein said. "We live in close quarters here and for my neighbor to have chickens along with a chicken coop with their smell, their noise, their bugs, and to say nothing of the resale value of my home going down the drain, I'm concerned," she said.

City auditor Richard Harris said he contacted the Licking County commissioners because some Reynoldsburg residents live in that county's Etna Township. Harris said zoning there allows some farm animals.

He said a Licking County resident who wants to keep any farm animals must have at least two acres of land. Insects, the smell, and the chicken chatter make up a big part of the complaints county officials receive from residents, Harris said.

"They also said when you put chickens out, there are natural predators for chickens - dogs, raccoons, possums and coyotes - all of which are in western Licking County," Harris said.

"When you look at these things, there are some inherent problems with bringing poultry into the city, especially when you have natural predators to these animals already in the neighborhood, and you'd like to keep from around your house," he said.

Council president William Hills said he hopes there could be more internal discussion on the issue.

"This is a bigger issue than just having two chickens in the backyard," Hills said. "There are people who want it, people who are opposed to it and if it were to come back, there would be more details available."

Seattle's Experience with Backyard Chickens

April 26, 2011



Backyard livestock supporters often tout the success of other cities who have allowed backyard chickens or goats. Seattle is often held up as just such a

success. But is it?

If you just talked to city officials, that might be the impression you get. So I talked to Tiffany Young, a member of the [Duck Rescue Network](#) and backyard fowl rescuer. She alerted me to several things about Seattle that you won't get from the backyard chicken people.

1. Owners are often ignorant of how to protect their chickens. Seattle Tilth sponsors a "city chickens" coop tour. Tiffany took the tour and reports that "seven out of the ten chicken coops I saw during a Seattle Tilth coop tour were not fully predator-proof." She added, "Two of those ten homes mentioned losing ducks or chickens to predators and having a hard time keeping them safe."

The biggest problems, evidently, are doors that don't fit tightly to their frames, chicken wire used instead of hardware cloth-wire, and no

tops on chicken runs. "Chicken wire is bad because raccoons work in groups and scare birds up against one side of the coop," says Tiffany. "Then they grab them through the wire and chew off the heads through the wire."

Seattle has a long way to go in educating backyard chicken owners about chicken coops.

2. Chickens will suffer from disease due to the ignorance of owners. If you look at the Yahoo group "Seattle Farm Co-op," you will find many owners dealing with the numerous health problems that chickens will get.

One chicken had an upper respiratory infection; the owner debated which vet to consult while treating them with an internet remedy. After finally visiting the vet, the chicken was given antibiotics and the vet said that the chicken had nematodes, and the whole flock was infected. Another owner reported a chicken, one year old, which had previously had no problems, suddenly become listless. Thinking she was egg-bound (the hen is unable to pass a formed egg), the owner soaked her bottom end for 20 minutes in warm water, tried to locate the egg, and inserted mineral oil via her vent. Unfortunately, it didn't work and the chicken died a while later. A third owner dealing with another apparently egg-bound chicken tried various home remedies; another more knowledgeable person on the list advises the owner to consider consulting a vet, or slaughtering the chicken (killing chickens in Seattle is legal).

One thing that chicken owners are often oblivious to is that "natural" chickens do not just spontaneously lay eggs every day. They are descended from tropical jungle fowl who lay a clutch of eggs perhaps *every six months*. They have been hybridized so that they ovulate constantly. Naturally health problems can easily result from forcing the chicken to churn out eggs constantly, which causes suffering for

the chickens. "Egg binding" and a prolapsed uterus are two of the more common problems. "Uterine prolapse" means that the uterus pushes out through the vent area, which can lead to painful infection and a slow, agonizing death. As this forum demonstrates, many chicken owners are unaware of these kinds of issues when they get chickens.

So here is my question: if the current Denver "food producing animals" ordinance passes, is there any kind of cruelty to chickens in our backyards that will be illegal? If an owner willfully refuses to treat a diseased chicken, is that a problem? If an owner leaves the chickens out in the cold to freeze, is that a problem? Inquiring minds want to know.

3. Unwanted animals will proliferate. It is common sense that a lot of chickens are going to wind up unwanted due to age or disease. "[Vegan biker](#)" from Seattle has this to say:

Seattle Animal Shelter already takes in 20-30 unwanted roosters and some hens per year, and local area veterinarians are dealing with an increase in surrendered, sick urban hens from people who don't want to pay vet bills for "food animals." Approximately 80% of coop owners are already above the current limit [which at that time was 3 chickens per household].

When I called the Seattle Animal Shelter, the person answering the phone said that they "wouldn't have any idea" how many chickens came into the shelter each year. Mary Britton Clouse told me recently that many shelters don't have good records even of dogs and cats that come in, much less statistics on "exotic" animals.

But this doesn't mean that the Seattle Animal Shelter will be the preferred method for dealing with unwanted chickens. Tiffany adds:

I have personally rescued two chickens this week and an additional 4 ducks for a total of 6 domestic fowl this year, so far. Easter is when it gets really insane, so it's just getting started. So far this year for me, one chicken was found caked with feces, another was found wandering loose in North Seattle. One duck had an infected, untreated dog bite which left him crippled. Two ducks were dumped at a park and one ended up with septic arthritis – both had serious respiratory infections. Actually THREE ducks were dumped but one died/disappeared before anyone called for help for them.

And this reflects only the chickens and ducks that we can account for. How many others have been lost without the benefit of being rescued? The Animal Shelter is likely not seeing the main brunt of the problem.

So this is Seattle's glowing success with backyard chickens. There appear to be a growing number of problems with unwanted animals, animals that may (out of ignorance) be neither euthanized nor treated, animals that are abandoned, animals that *are as a rule* not protected from predators, and owners that have no idea of the suffering they are causing. The city (doubtless with plenty of other issues) has no way of tracking the problems. They would not even know about predators or inadequate shelter or veterinary care.

This is not just a problem for vegetarians. I drive a car and I need my car to be maintained and repaired. But that doesn't mean I want to live next door to an auto repair shop. The same thing goes for food producing animals. If predators, cruelty, and disease are part of the process of getting eggs and dairy, then that's one thing; but to have predators, cruelty, and disease next door is another matter entirely.

Deseret News

The downside of raising backyard chickens

By Flint Stephens

Published: Friday, June 8 2012 2:00 p.m. MDT

With the growing popularity of raising urban chickens, no one really talks about the challenges and problems. They can be messy, noisy, they create extra work, they tear up gardens and more.

With growing interest in [keeping backyard chickens](#), there are plenty of advocates to extol the benefits of having a home flock. **No one really mentions the negatives of keeping chickens, yet there are many challenges.**

An Internet search for information on the cons of raising backyard chickens doesn't yield much useful information. A few articles refer to one or two negatives after listing numerous positives. Many results appear to come from people with limited or no actual experience.

When communities are debating the legalization of urban chickens at public meetings, worried residents often voice concerns over things like noise and smell. But many challenges are learned only after one undertakes chicken ownership.

Here are some of them:

Noise

Noisy roosters top the list of problems, and in many areas ordinances prohibit keeping adult male birds. While roosters crow early, loudly and often, hens also make a racket. **Chickens squabble all day long, and plenty of cackling usually accompanies the activity. Admittedly, hens are not as noisy as roosters, but understanding neighbors are a plus for anyone who hopes to harvest home-raised eggs.**

Expense

Store-bought eggs are a bargain when compared to the cost of keeping a backyard flock. Setting up a coop with all the equipment can easily cost a few hundred dollars. Then an aspiring chicken rancher must feed and maintain the chicks for five or six months. Only then will he be able to start collecting eggs.

According to www.poultrykeeper.com, in the first 18 months of its life, an exceptional hen could lay up to 250 eggs. At a price of \$2 a dozen, that is \$42 worth. Multiplied by five chickens, that amounts to about \$210. **That means it could take three or four years to break even on the initial investment, and that doesn't count labor or continuing costs for feed.**

Garden damage

Chickens are living cultivators and rototillers. That can be a good thing when they are eating bugs and weeds. Unfortunately, chickens can't distinguish between weeds and newly emerging garden vegetables. And if you are lucky enough to raise vegetables or fruit to maturity, chickens believe you have done so for them to consume. If

you want to raise chickens and have a nice garden, you'll need to devise a method of protecting the young plants or of keeping the chickens contained.

Smell and mess

Anyone who has been near a commercial chicken operation has undoubtedly experienced some unpleasant scents. Fortunately, keeping a few chickens at home is not comparable. One benefit of Utah's dry climate is that there is little smell or mess with properly maintained backyard chickens. Six chickens produce about the same waste as a medium-sized dog.

(Readers comment: the above is not true if the owner is not extremely fastidious in maintaining bird and coop conditions; or if the owner does not live in a climate or weather conditions that minimize the odors.)

Culling

This is a reality every chicken owner must confront. Even when maintaining hens for eggs, there will eventually be old and unproductive hens. Sometimes chickens become injured or sick, and it makes little sense to spend lots of money taking them to a veterinarian. And when one buys baby chicks from a farm store, some turn out to be roosters — even when the signs on the cages promise they are pullets (young females).

Killing chickens is not fun. One can give them away, but that just forces someone else to deal with the problem.

Another reality is that chickens allowed to roam or range are not very good to eat. Unlike the grocery store birds, free-range chickens have little or no fat. They are also tough — as in chewy. **If one hopes to raise birds for the table, they need to be confined and eaten at a young age; otherwise, plan on chicken soup instead of fried chicken.**

Predators

Even in urban areas, chickens attract predators. In Utah, the list includes raccoons, foxes, skunks, mink, weasels, hawks, magpies, dogs and cats. Some are primarily interested in eggs or young chickens. The prospect of eggs or a chicken dinner draws them all. If successful, they will return repeatedly. A sturdy enclosure and regular maintenance are necessary.

Constant care

Chickens need daily attention. They must have food and fresh water. They need to be let out in the mornings and put away at night. Eggs must be collected daily. Coops must be cleaned regularly (at least a couple times each month). Nesting and bedding materials must be provided and changed. Ignoring any of these tasks for even a day or two is irresponsible.

There are many benefits to raising chickens and harvesting one's own eggs. Good places to find information include www.poultrykeeper.com, www.backyardpoultry.com or a local farm supply store. But just be aware that avid urban chicken fans tend to understate many of the accompanying challenges.

Flint Stephens has raised backyard chickens for more than 10 years.

[Planning board says no to backyard chickens](#)

Published Date Thursday, 05 September 2013 22:52

Written by Barbara Tetreault

BERLIN – The planning board is recommending the city council not allow backyard chickens in the urban area of the city.

The board cited concerns over the city's ability to enforce and regulate backyard chickens at a time when the city budget and code enforcement department are both stretched thin. Some members also felt allowing chickens was not fair to abutters who purchased their properties based on an ordinance that did not allow chickens. The fact the typical lot in the city is 50 by 100 foot factored into the board's decision.

"It's not so much the idea I'm opposed to – it's the nuts and bolts," said board member Tom McCue.

The board made its decision Wednesday night after taking public input for about 45 minutes. While a majority of those who testified at the public input session were supporters of raising chickens, board members were not persuaded it was a good idea. Only board member Mark Evans expressed support for allowing chickens to be raised throughout the city.

Board members pointed out that chickens are currently allowed by special exception in rural residential zones of the city. But chickens are not allowed in single family and two family residential zones and the board is recommending that restriction remain.

The board's decision came after several months of discussion on the issue. Backyard chicken advocate Lynn Lipari made a detailed presentation to the board at its July meeting. Lipari proposed the city allow residents to raise a limited number of chickens. Roosters would be banned and a minimum setback of 15 feet would be required between the chicken coop and property line. Eggs could not be sold and there would be no on-site slaughtering of chickens allowed.

Many of those speaking in favor of backyard chickens Wednesday said they would support a permit system and inspections with an annual fee to help offset the city's cost.

Several talked about the value of locally produced food and said the eggs are superior to those purchased in a store.

Martha Roberts of Western Avenue said chickens eat all kinds of bugs and said her family has raised chickens in the past without any problems. Don Benski, of Pleasant Street, said before moving to Berlin he had three hens he raised in a residential setting. He said the waste produced was small and he composted it.

"It's not a huge farming operation," he said.

Other speakers noted concerns were raised about chickens attracting bears and other animals. One said the problem exists now with bird feeders and trash and chicken coops properly managed should not be a problem. But others opposed allowing chickens throughout the city. In a letter to the board, Robert Usherson of Twelfth Street said he purchased his home after reviewing the zoning ordinance about activities allowed on surrounding properties.

"With regard to the raising or keeping of chickens, I believe that such activities are not compatible with the density, lot coverage, setbacks, and other standards of development permitted in Berlin's urban residential zoning districts," he wrote.

Yvonne Thomas of Norway Street said she believed the value of her property would be reduced if an abutter chose to raise chickens.

The planning board's recommendation will now go to the city council for its review. The council sought the planning board's input after several residents approached the council earlier this year about raising chickens.

Animal smell irritates some city residents

Thursday, August 1, 2013

By BRIAN MOSELY ~ bmosely@t-g.com

Shelbyville officials will look into how other communities handle farm animals kept in residential areas following a series of complaints.

About 100 residents signed off on a petition asking the city to cancel an ordinance allowing farm animals such as chicken, horses, and sheep inside the city unless there is enough acreage to support them.

But despite a woman's claim on a Nashville TV station that the backyard birds are no louder than dogs, neighbors say noise isn't the issue -- it's the smell.

"Chickens are especially offensive to neighbors when kept in small confined areas and city officials should see that such an ordinance is changed to prohibit this nuisance," the petition read.

City manager Jay Johnson said the city will consult with the University of Tennessee's Municipal Technical Advisory Service, and also sample ordinances in other neighboring towns.

Dogs also

Johnson stated the birds are getting out into other properties, and the other issue is the size of the lots where some are kept -- a little over 10,000 square feet, pointing out problems with noise and the stench.

"If the activities of your neighbor prevents you from using your own back yard, that becomes a quality of life issue," Johnson said.

While the petition did not mention dogs, the topic has also been brought up due to complaints about some residents keeping a large number. Three or four addresses in the city have 10 or more dogs, which the neighbors consider a nuisance.

Johnson pointed out one address where the house is abandoned and dilapidated, but four pens full of dogs are being kept. No one lives there, but the pets are being fed and watered. He added that is the case at other homes, but the dogs are not running at large.

The city manager also explained that the city code has no limit on animals that can be kept at a home -- a topic that was debated in 2007, with no results. Limitations were discussed at the time, but never made it into the final ordinance.

Laws limits

The animal control officer decides if there is a nuisance situation, Johnson explained, and city attorney Ginger Shofner said that the matter would be a simple municipal violation calling for a \$50 fine. But she reminded the council that the person with the animals has property rights as well.

Shofner also pointed out a Tennessee law dealing with agricultural protection, saying "we can't regulate by zoning anything that has to do with an agricultural use."

The attorney also said she was not unaware of other cities having limits on pets, saying it was "a difficult situation for a city to step into." If a resident is causing such a problem for the neighbors, they could file a civil action, Shofner suggested.

Johnson said he knew of two incidents where residents were cited for either the odor or unclean conditions, with one that has been in city court "at least twice."

The city manager added that considering Shelbyville has about 22,000 residents, "it's not that common of a problem," pointing out it was only three addresses being called to their attention.

Fowl odor

Christine Carlton of the Shelbyville/Bedford County Humane Association said she believes that pet ownership falls under Tennessee personal property laws, and that the numbers of dog or cats cannot be limited on that basis. She claimed those limits were struck down by state courts as unconstitutional.

Carlton said the basis of the problem is that Shelbyville does not enforce the licensing of dogs and cats, hence, there is no legal basis to enforce laws dealing with pet ownership.

But one resident said the petition was not about neighbors or personalities, but over proper acreage for keeping farm animals.

"Horses, chickens and cows don't belong on 100-foot lots in a subdivision," one said. "And they do have an odor in the summertime. If you want farm animals, live on a farm."

© Copyright 2013 Shelbyville Times-Gazette. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Chapter 13.05 Specified Animal Regulations

Table of Contents ([Printable Version](#))

[- Note](#)

[13.05.005 Definitions.](#)

[13.05.010 Administration and Enforcement: Powers and Duties of Director.](#)

[13.05.015 Permit Required for Specified Animal Facility.](#)

[13.05.020 Permit Fees.](#)

[13.05.025 Unsanitary Facilities and revocation of permit.](#)

[13.05.030 Seamless Banded Pigeon Permits.](#)

[13.05.035 Livestock within Fifty Feet of Residence.](#)

[13.05.040 Diseased Animals to be Confined.](#)

[13.05.045 Civil Penalties and Additional Restrictions.](#)

[13.05.050 Appeals.](#)

[- Note](#)

(New Chapter substituted by Ordinance No. 166281, effective Feb. 24, 1993.)

[13.05.005 Definitions.](#)

(Amended by Ordinance Nos. 172635 and 181539, effective February 15, 2008.) As used in this Chapter, unless the context requires otherwise:

A. "Director" means the Director of the Multnomah County Health Department Vector and Nuisance Control, or the director's designee.

B. "Keeper" means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for purposes of safe keeping.

C. "Livestock" means animals including, but not limited to, fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.

D. "Person" means any natural person, association, partnership, firm, or corporation.

Title 13 Animals

Chapter 13.05 Specified Animal Regulations

[Chapter 13.08 \(Repealed\)](#)

[Chapter 13.09 \(Repealed\)](#)

[Chapter 13.10 General Animal Regulations](#)

[Chapter 13.11 \(Repealed\)](#)

[Chapter 13.12 \(Repealed\)](#)

[Chapter 13.13 \(Repealed\)](#)

[Chapter 13.15 \(Repealed\)](#)

[Chapter 13.16 \(Repealed\)](#)

E. "A Secure Enclosure" shall be:

1. A fully fenced pen, kennel or structure that shall remain locked with a padlock or a combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code.

2. A house or garage. Where a house or garage is used as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the specified animal. A house, garage, patio, porch, or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the specified animal to exit the structure of its own volition; or

F. "Specified Animals" means bees or livestock.

G. "Specified Animal Facility" means a permitted site for the keeping of one or more specified animals, including but not limited to a stable, structure, or other form of enclosure.

H. "Stable" means any place used for housing one or more domesticated animals or livestock, whether such stable is vacant or in actual use.

I. "Sufficient liability insurance" means, at a minimum, insurance in a single incident amount of not less than \$50,000 for personal injury and property damages, covering all claims per occurrence, plus costs of defense.

[13.05.010 Administration and Enforcement; Powers and Duties of Director.](#)

A. It shall be the responsibility of the Director, and such other persons as the Director may designate, to enforce the provisions of this Chapter.

B. Persons designated by the Director to enforce this Chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

C. The Director may adopt procedures and forms necessary for

administering and exercising the authority under this Chapter.

13.05.015 Permit Required for Specified Animal Facility.

(Amended by Ordinance Nos. 167649, 168900 and 181539, effective February 15, 2008.)

A. No person shall operate or maintain any specified animal facility unless a permit has first been obtained from the Director.

B. Applications for specified animal facility permits shall be made upon forms furnished by the Director, and shall be accompanied by payment of the required fee. Specified animal facility permits shall be valid from the date of issuance until such time as the Director determines by inspection that the facility is not being maintained in compliance with the issuance criteria. Applications for a specified animal facility permit shall be accompanied by adequate evidence, as determined by the Director, that the applicant has notified all of the property owners and residents within 150 feet of the property lines of the property on which the specified animal facility will be located.

C. The Director shall issue a specified animal facility permit to the applicant, only after the Director has reviewed a completed and signed application which grants the Director permission to enter and inspect the facility at any reasonable time, and assuring the Director that the issuance criteria have been met. If the Director has reasonable grounds to believe that an inspection is necessary, the Director shall inspect the facility in order to determine whether the issuance criteria have been met. The criteria for issuing a specified animal facility permit are as follows:

- 1.** The facility is in good repair, capable of being maintained in a clean and in a sanitary condition, free of vermin, obnoxious smells and substances;
- 2.** The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;
- 3.** The facility will reasonably prevent the specified animal from roaming at large. When necessary for the protection of the public health

and safety, the Director may require the specified animal be kept or confined in a secure enclosure so that the animal will not constitute a danger to human life or property;

4. Adequate safeguards are made to prevent unauthorized access to the specified animal by general members of the public;

5. The health or well being of the animal will not be in any way endangered by the manner of keeping or confinement;

6. The facility will be adequately lighted and ventilated;

7. The facility is located on the applicant's property so as to be at least 15 feet from any building used or capable of being used for human habitation, not including the applicant's own dwelling. Facilities for keeping bees, such as beehives or apiaries, shall be at least 15 feet from any public walkway, street or road, or any public building, park or recreation area, or any residential dwelling. Any public walkway, street, or road or any public building, park or recreation area, or any residential dwelling, other than that occupied by the applicant, that is less than 150 feet from the applicant beehives or apiaries shall be protected by a six foot hedgerow, partition, fence or similar enclosure around the beehive or apiary, installed on the applicant's property.

8. If applicable, the structure must comply with the City's building code and must be consistent with the requirements of any applicable zoning code, condition of approval of a land use decision or other land use regulation; and

9. The applicant shall demonstrate, to the Director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by any specified animal kept at the facility.

a. The Director may require the applicant to provide proof of sufficient liability Insurance to respond to damages for any personal or property damages caused by any specified animal kept at the facility. The insurance shall provide that the insurance shall not be canceled or materially altered so as to be out of compliance with the requirements of

this Chapter without thirty (30) days written notice first being given to the Director. The applicant shall provide a certificate of insurance to the Director within ten (10) days of the issuance of the permit. The Director shall revoke the permit upon any failure to maintain sufficient liability insurance as required under this subsection.

D. Each specified animal facility permit issued by the Director shall be conditioned on the applicant maintaining the facility in compliance with each of the issuance criteria. If the Director determines by inspection that the specified animal facility is not being maintained in compliance with the issuance criteria, the specified animal facility permit shall no longer be valid and shall be revoked. Before operation of the facility resumes, submission of a new application for a specified animal facility permit accompanied by payment of the permit fees shall be required, and the facility shall not be allowed to operate until such time as the Director has inspected the facility and determined that all issuance criteria have been met. The Director may impose other conditions on the permit, including but not limited to, a bond or security deposit necessary to protect the public health or safety.

E. A person keeping a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits shall not be required to obtain a specified animal facility permit. If the Director determines that the keeper is allowing such animals to roam at large, or is not keeping such animals in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such animals at the site.

F. These provisions for specified animal control are intended to provide city-wide regulations for keeping specified animals within the City. However, due to the variety of animals covered by these regulations and the circumstances under which they may be kept, these regulations should be applied with flexibility. Variances provide flexibility for unusual situations, while maintaining control of specified animals in an urban setting. The Director should grant variances if the proposal meets the intended purpose of the regulation, while not complying with the strict literal requirements.

1. Applicants for a specified animal permit may request a variance from the requirements set forth in Section 13.05.015 C. In determining whether to grant a variance request, the Director shall consider the following criteria:

a. Impacts resulting from the proposed variance will be mitigated as much as possible;

b. If more than one variance is proposed, the cumulative impact would still be consistent with the overall purpose of the regulations; and,

c. If in a residential area, the proposed variance will not significantly detract from the public health or safety in the area.

2. The Director may impose conditions on any variance, as may be appropriate to protect the public health or safety or the health or safety of the animals.

a. The Director may, at any time, revoke any variance, or amend the conditions thereof, as may be appropriate to protect the public health or safety or the health or safety of the animals.

b. Failure to comply with the conditions of any variance issued under Section 13.05.015 F is a violation of this Chapter.

13.05.020 Permit Fees.

(Amended by Ordinance Nos. 168900 and 181539, effective February 15, 2008.)

A. The application for a specified animal facility permit shall be accompanied by a nonrefundable fee.

B. The Director may establish application fees at amounts reasonably calculated to cover the costs of administration and enforcement of the specified animal facility program. Before such fees may become effective, the Director shall submit the fee schedule to the Portland City Council for review and approval by ordinance.

13.05.025 Unsanitary Facilities and revocation of permit.

A. All specified animal facilities shall be open at all times for inspection by the Director. If an inspection reveals that any provision in this Chapter is violated, the Director shall give written notice to the keeper or other responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected

within the period specified, the Director may revoke the specified animal facility permit.

B. The Director may revoke any specified animal facility permit upon determining that the facility no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the provisions of this Chapter.

13.05.030 Seamless Banded Pigeon Permits.

Any keeper of pigeons generally known as “seamless” banded pigeons, recognized by the National Association of Pigeon Fanciers, such as flying tippers, tumblers, homing pigeons or rollers, may, after obtaining the signed consent of two-thirds of the total number of property owners and occupants residing within property 200 feet from the property lines of the property where such pigeons are kept, obtain from the Director a permit to release such pigeons for exercise or performance at stated times or intervals. The Director may impose such other conditions on the permit as are necessary to maintain the public safety and health.

13.05.035 Livestock within Fifty Feet of Residence.

It is unlawful to picket any livestock, or allow any livestock to roam, so that it may approach within 50 feet of any building used as a residence, or any commercial building in which foodstuff is prepared, kept or sold.

13.05.040 Diseased Animals to be Confined.

A. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with mange, eczema or other disease contagious to animals, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

B. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with ringworm, hepatitis, rabies or other disease contagious to humans, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

C. If the Director finds, after investigation, that there is a preponderance of evidence indicating that any specified animal is infected with a contagious disease, the Director shall issue written notice to the keeper of such animal, requiring the keeper to confine such animal until it is examined and declared free of disease by a licensed veterinarian or the Director.

D. The Director may initiate an investigation under Subsection C hereof upon receipt of a signed statement by any person indicating that a certain animal is infected with a contagious disease.

13.05.045 Civil Penalties and Additional Restrictions.

(Amended by Ordinance No. 181539, effective February 15, 2008.) All enforcement of this Chapter by the Director shall follow the procedures set forth in Multnomah County Code Chapters 15.225 - 15.236

13.05.050 Appeals.

(Repealed by Ordinance No. 181539, effective February 15, 2008.)

[City of Portland,](#)

[Policy](#) - [Accessibility](#)

[Auditor LaVonne Griffin-Valade](#) - [Services](#) - [Calendar](#) - [Publications](#) - [Charter Code & Po](#)
[Di](#)

Proposed Tualatin Chicken Ordinance

The proposed ordinance assumes that whoever is applying for a permit will be a ‘conscientious caretaker.’ Taking care of chickens is something that must be done daily without fail, and great responsibility and care must be taken in keeping chickens to avoid a negative impact in a residential neighborhood. Most people certainly start out conscientiously, but slack off over a period of time as they tire of the daily grind. Tualatin has an obligation to all of its citizens to protect against any potential abuses of any approved ordinance. The following issues need to be addressed when determining the specifics of this ordinance:

1. No provisions made for ensuring/documenting that the proposed coop will be in either prior to or during the application process. The applicants should be able to demonstrate in some way that they have the requisite knowledge for keeping chickens in a residential setting. There is no provision for city inspection of the property prior to obtaining a permit or subsequent periodic unannounced visits to confirm code compliance.
2. No provision for the city code enforcement officer to enter the applicant’s lot at any time to investigate any chicken-related complaints. A written complaint is too restrictive. In fairness to impacted neighbors, the city owes a more timely response and method of response (a city contact phone number) in terms of ordinance compliance and complaint resolution. You need to define very specifically what constitutes a “nuisance”, so that ordinance compliance can be monitored and enforced consistently.
3. You have allowed for neighbors to be notified when an application has been made, but no mechanism is defined for appeal prior to any permit approval. **Approval by all of the applicant’s closest neighbors is a must if you are allowing a change in the law that has the potential to negatively impact the use and enjoyment of a neighbor’s property.** The applicant should have to convince any dissenting neighbors that this will not negatively impact them prior to permit approval.
4. You state that only 4 adult hens may be kept. Does that mean that the applicant can have 4 adults and an infinite number of chicks?
5. Applicants should be made to prove that they have an adequate plan in place for cull chickens and accidental roosters. They should not be allowed to just dump them on animal shelters.
6. You have made provision for vermin-proof food storage, but no provision for mandatory daily cleanup of any excess food left on the ground that will also attract vermin.
7. There are no provisions made for the aesthetics of an urban chicken coop. Applicants should be made to keep the coop and birds as inconspicuous as possible in a residential neighborhood. You have made no provision for a minimum property size and **25’ from the property line is way too close to be certain that neighbors will not be negatively impacted.** No provision has been made to ensure the coop is sufficient to protect the chickens.
8. You have allowed free range with supervision. Chickens need to have a “run” much like a dog run that is enclosed. **Supervision will not ensure that the animals do not cross over into a neighbors yard where they can cause damage or defecate on fencing.** For the health of the chicken, a dirt run is essential for the chickens to cover themselves with dirt to keep insects and parasites under control. *Beaverton lists a prohibition: Allowing chickens to enter adjoining properties is prohibited.*
9. You have not specified how the coop is to be maintained (clean, dry, free of any noticeable odors and in good repair) or mandated any winter protection for the chickens. No provision for maintaining the health of the animals. Since a veterinary visit can cost upwards of \$100.00 per visit, and they are prone to quite a number of medical conditions, the city needs to make sure that the applicant has the resources to keep the animals disease, insect and parasite free –again, making sure that animals are not just abandoned at veterinary clinics and animal shelters.

DRAFT

Possible loop road with alternatives east & west

Slanted line = industrial (Leveton URO is north of Herman)

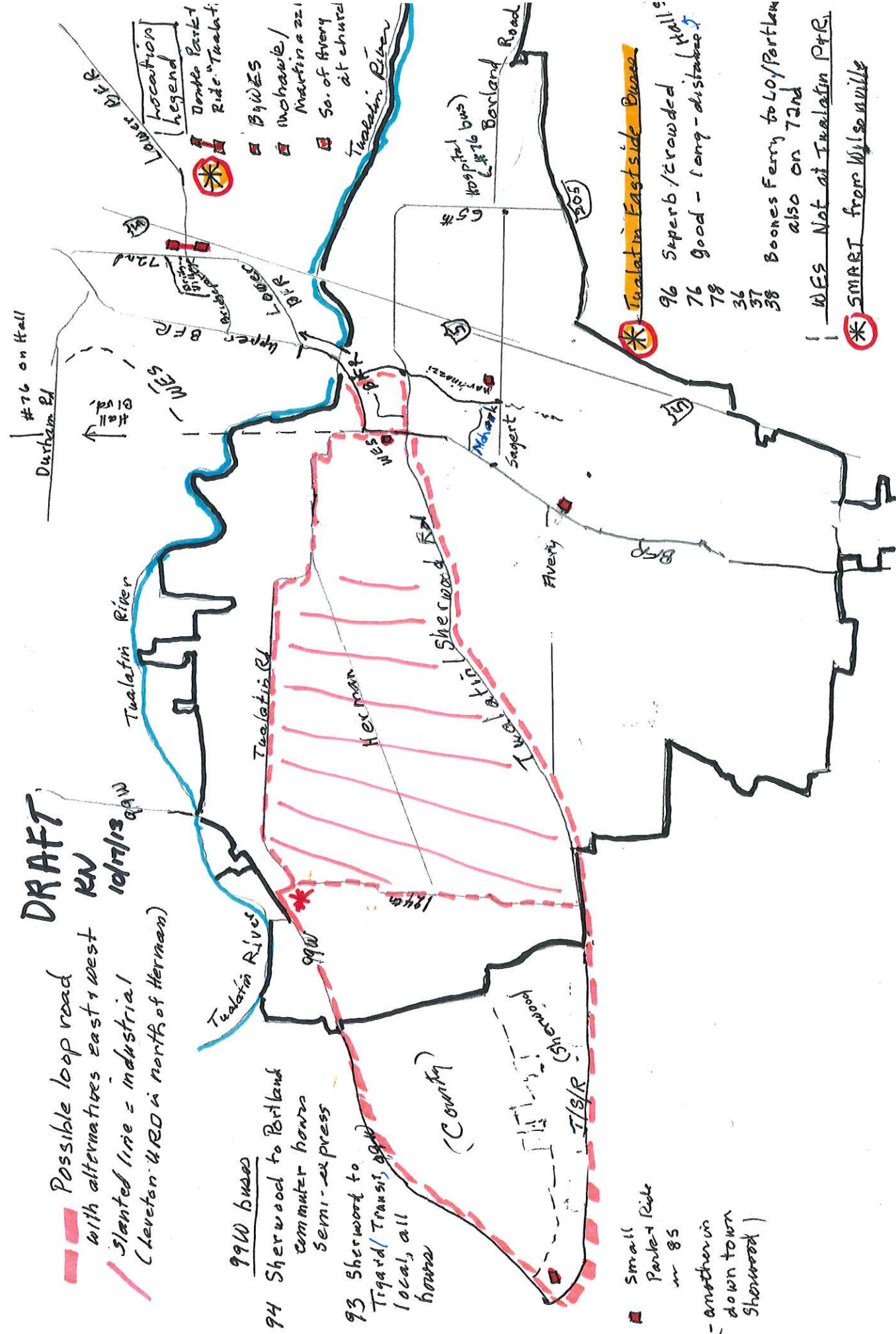
94 Sherwood to Portland commuter hours Semi-express

93 Sherwood to Tigard/Transit, all local, all hours

Small Parker Ride m 85

- another in down town Sherwood

#76 on Hall Durham Bl



Tualatin Eastside Buses

- 96 Superb/crowded
- 76 Good - long - distance
- 78
- 36
- 37
- 38

Boones Ferry to LO/Partlem also on 72nd

WES Not at Tualatin P&R SMART from Wilsonville

Submitted at TPC on 10/17/13 by Kathy Newcomb

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
1.	9/27/13 Do allow Chicken Farming within City Limits	Bryan and Dianne Yates	<p>Chickens belong on farms, period. As someone who comes from farm country in the Midwest, chickens are smelly and noisy - - yes, even the hens. Our backyards are too close together for this kind of activity. You would wreck housing values, especially in our neighborhood – maybe even making it impossible for us to sell our home. Even if all of us agreed that having chickens is okay, potential home buyers looking in Tualatin would never go for it.</p> <p>This is an insane idea, especially since you would be catering to such a small portion of Tualatin’s population. If people want to raise chickens, let them relocate to appropriate sites outside of the city limits. Chickens do not belong in residential neighborhoods.</p> <p>We already have noise and pet issues that we are dealing with in our neighborhood. This would absolutely tip the balance for us.</p> <p>All of my neighbors feel exactly the same way.</p>
2.	9/27/13 Backyard Chickens - No, No, No, No , No!!!!	Dianne and Bryan Yates	<p>I come from the Midwest, from farm country... What are you people thinking?!!! Chickens do not belong within residential neighborhoods, period. I don’t care how far away they are from the property line – Chickens stink – badly. And contrary to popular opinion, they are noisy – even the hens. We already have noise issues with our neighbors. We do not need farm animals to top it off. We live in the Fox Hills neighborhood, and we live too closely together to make your plan work.</p> <p>This will affect our home values, and they have gone down enough already in the housing bust. We are just getting to the point where we could sell our home and break even. We don’t need this to cause complications if we choose to sell.</p> <p>This is the dumbest thing I have ever heard, and that’s saying something. If people want to raise chickens, more power to them... But, let them do it properly on property outside of the city limits.</p> <p>What can we do to stop this?</p>
3.	9/29/13	Elaine O’Neil	*Please* don’t allow backyard chickens in Tualatin. This

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
	Backyard Chickens		isn't the Beverly Hillbillies... we have way more class in Tualatin. If people want chickens, let them move to Gresham or Hillsboro or some other hick town.
4.	9/29/13 Backyard Chickens	Jim and Marion Ohrtman	Is Tualatin really considering allowing chickens in residential areas? REALLY????? We feel that would be a BIG mistake! Would residents at least get a chance to vote on this? I hope you get lots of responses from people opposing this, enough hopefully to prevent this from actually being approved!
5.	9/30/13 Backyard Chickens	Laurie Jarmer	<p>I spoke with you almost a year ago now about backyard chickens and you were able to send me the proposed backyard chicken ordinance from several years previous (thank you again). I know you are probably very busy so I decided not to take up your time with a phone call but just to write a short email about the proposed ordinance that is currently before the city.</p> <p>There is a group of about 40 of us who have been actively working on getting some kind of ordinance passed in the city to allow for backyard chickens. (Though our email group numbers 40 we believe we have a large support base for backyard chickens as we talk to neighbors in the community). We have been happy and excited to see that the city is moving ahead on this. Thank you for all the work you have put into this.</p> <p>Our concern now is primarily over the 25 foot setback that is included in the ordinance. In the last couple days our group has gone out to measure their backyards and except for a couple people, the 25 foot setback eliminates all of us from having chickens. It seems to our group that since most residents have somewhere around a 6,000 - 7,000sq foot lot that having a 25 foot setback from any property line eliminates all those residents from having chickens.</p> <p>Our home is fortunate to have a 13,000 foot lot but because of the odd shape, we also would not be able to have chickens in our backyard unless we wanted their coop in the middle of the yard.</p> <p>As our group has researched other city ordinances, we have found that most cities have between 5 to 15 feet</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>setbacks from property lines. This seems reasonable to our group.</p> <p>So our question is, how did the city arrive at the 25 foot setback? Is that setback already set in stone and unable to be changed? Is there some way we can ask the city and the council to revisit the setback issue?</p> <p>We hope that we can all work together to make this a win, win issue for everyone involved.</p> <p>Thanks again for taking the time for my email. I'd be glad to talk to you by phone if you wish</p>
6.	10/8/13 No Chickens in Tualatin	Sue Fleener	<p>Hello,</p> <p>I sent this email to Cindy Hahn, as was requested in the October Tualatin today. She however is out of the office now, until Oct. 28th. Please forward this to whomever is taking public input and opinions on this subject.</p> <p>My husband and I would like to state our opinion on the chicken issue. We are both definitely opposed to changing the current regulation. I lived in the country for 12 years, and was glad to move to the city and away from farm animals. Chickens are messy, stinky, noisy, and can carry diseases. They also attract predators such as raccoons, opossums, foxes, coyotes, etc. They don't belong in an urban or suburban area where houses are on small lots right next to each other. I understand the "25 feet away from property line" element, but that isn't enough. Plus if this passes, who is going to enforce the regulations? That would be just another added cost to the city.....if it were to be done right. There are other city regulations which go unchecked, because someone has to turn in their neighbor first, which can cause hard feelings and feuds. Let's just stay away from another potential problem.</p>
7.	10/16/13 Backyard Chickens	Mike and Kathy Furman	<p>The setback requirements of 25 feet is a reasonable when it comes to smells that could be unpleasant or allergy causing, noise, and keeping peace with the neighbors. Having a chicken coop just outside your bedroom window may take some adjusting to, but the 25 foot space would make it easier. A permit fee with an initial inspection to make sure that the requirements have been followed will also help keep peace in the neighborhood.</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>The fee should be enough to pay for the inspection. I suggest that the permit be renewable every two years after, but at a lower fee, to help pay for animal control in Tualatin. We may see an increase in complaint due to the chickens or increase in vermin attracted to the birds.</p> <p>Thank you for the opportunity to comment on this.</p> <p>K. Furman</p>



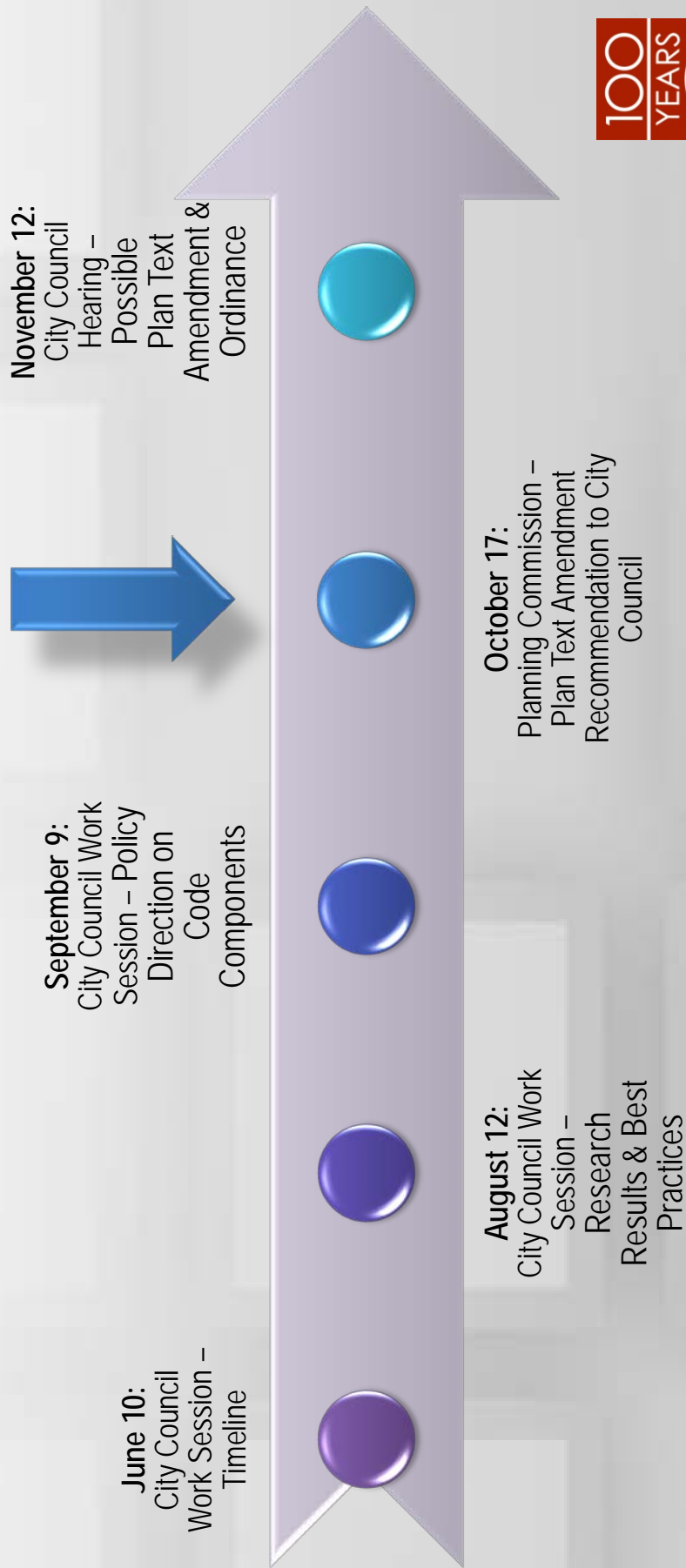
Recommended Chicken Ordinance (PTA 13-02)

Planning Commission Meeting

October 17, 2013



2013 Timeline - Chicken Ordinance



Issue before Planning Commission

- Consider proposed **Amendment** to the Single Family Residential District to add chicken keeping as a Permitted Use.
- Change will apply to the Low Density Residential Planning District (RL) only.
- Proposed amendment will not allow chickens in other residential planning districts.
- City Council will consider a separate ordinance to change the Municipal Code

Proposed Development Code Language

- TDC 40.020 Permitted Uses
 - (2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than normal household pets and chickens.



Requires Planning Commission Action

Proposed Municipal Code Language

- **Location-** Low Density residential lots with single family dwelling units
- **Type of birds-** chickens only
- **Secure enclosure-** outdoors; rear yard; not to exceed 200 square feet and height of 8 feet; no coop fencing facing neighboring properties; free range under direct supervision
- **Number-** Up to four over four months of age

Proposed Municipal Code Language

- **Roosters-** not permitted
- **Feed containers-** metal or other vermin proof containers
- **Permit and Fees-** permit and fee through Community Development
- **Complaints-** written complaints; investigation by Community Services Officer
- **Harvesting/ butchering-** not permitted

Proposed Municipal Code Language

- **Setbacks-** 25 feet from all property lines
- **Notice-** Send to directly adjacent neighbors informing them of a permit to allow chickens and providing information about how neighbors can register concerns.

Planning Commission Action

Development Code Changes

- Make a formal recommendation to Council about the proposed **Amendment**
- **Amendment** will change the Development Code

Municipal Code Changes

- Council will take action on proposed Chicken **Ordinance**
- The **Ordinance** is proposed to change the Municipal Code

Next Steps

- City Council:
- November 12 – Public Hearing

Discussion & Questions



**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
1.	9/27/13 Do allow Chicken Farming within City Limits	Bryan and Dianne Yates	<p>Chickens belong on farms, period. As someone who comes from farm country in the Midwest, chickens are smelly and noisy - - yes, even the hens. Our backyards are too close together for this kind of activity. You would wreck housing values, especially in our neighborhood – maybe even making it impossible for us to sell our home. Even if all of us agreed that having chickens is okay, potential home buyers looking in Tualatin would never go for it.</p> <p>This is an insane idea, especially since you would be catering to such a small portion of Tualatin’s population. If people want to raise chickens, let them relocate to appropriate sites outside of the city limits. Chickens do not belong in residential neighborhoods.</p> <p>We already have noise and pet issues that we are dealing with in our neighborhood. This would absolutely tip the balance for us.</p> <p>All of my neighbors feel exactly the same way.</p>
2.	9/27/13 Backyard Chickens - No, No, No, No , No!!!!	Dianne and Bryan Yates	<p>I come from the Midwest, from farm country... What are you people thinking?!!! Chickens do not belong within residential neighborhoods, period. I don’t care how far away they are from the property line – Chickens stink – badly. And contrary to popular opinion, they are noisy – even the hens. We already have noise issues with our neighbors. We do not need farm animals to top it off. We live in the Fox Hills neighborhood, and we live too closely together to make your plan work.</p> <p>This will affect our home values, and they have gone down enough already in the housing bust. We are just getting to the point where we could sell our home and break even. We don’t need this to cause complications if we choose to sell.</p> <p>This is the dumbest thing I have ever heard, and that’s saying something. If people want to raise chickens, more power to them... But, let them do it properly on property outside of the city limits.</p> <p>What can we do to stop this?</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
3.	9/29/13 Backyard Chickens	Elaine O'Neil	*Please* don't allow backyard chickens in Tualatin. This isn't the Beverly Hillbillies... we have way more class in Tualatin. If people want chickens, let them move to Gresham or Hillsboro or some other hick town.
4.	9/29/13 Backyard Chickens	Jim and Marion Ohrtman	Is Tualatin really considering allowing chickens in residential areas? REALLY?????? We feel that would be a BIG mistake! Would residents at least get a chance to vote on this? I hope you get lots of responses from people opposing this, enough hopefully to prevent this from actually being approved!
5.	9/30/13 Backyard Chickens	Laurie Jarmer	<p>I spoke with you almost a year ago now about backyard chickens and you were able to send me the proposed backyard chicken ordinance from several years previous (thank you again). I know you are probably very busy so I decided not to take up your time with a phone call but just to write a short email about the proposed ordinance that is currently before the city.</p> <p>There is a group of about 40 of us who have been actively working on getting some kind of ordinance passed in the city to allow for backyard chickens. (Though our email group numbers 40 we believe we have a large support base for backyard chickens as we talk to neighbors in the community). We have been happy and excited to see that the city is moving ahead on this. Thank you for all the work you have put into this.</p> <p>Our concern now is primarily over the 25 foot setback that is included in the ordinance. In the last couple days our group has gone out to measure their backyards and except for a couple people, the 25 foot setback eliminates all of us from having chickens. It seems to our group that since most residents have somewhere around a 6,000 - 7,000sq foot lot that having a 25 foot setback from any property line eliminates all those residents from having chickens.</p> <p>Our home is fortunate to have a 13,000 foot lot but because of the odd shape, we also would not be able to have chickens in our backyard unless we wanted their coop in the middle of the yard.</p> <p>As our group has researched other city ordinances, we</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>have found that most cities have between 5 to 15 feet setbacks from property lines. This seems reasonable to our group.</p> <p>So our question is, how did the city arrive at the 25 foot setback? Is that setback already set in stone and unable to be changed? Is there some way we can ask the city and the council to revisit the setback issue?</p> <p>We hope that we can all work together to make this a win, win issue for everyone involved.</p> <p>Thanks again for taking the time for my email. I'd be glad to talk to you by phone if you wish</p>
6.	10/08/13 No Chickens in Tualatin	Sue Fleener	<p>Hello,</p> <p>I sent this email to Cindy Hahn, as was requested in the October Tualatin today. She however is out of the office now, until Oct. 28th. Please forward this to whomever is taking public input and opinions on this subject.</p> <p>My husband and I would like to state our opinion on the chicken issue. We are both definitely opposed to changing the current regulation. I lived in the country for 12 years, and was glad to move to the city and away from farm animals. Chickens are messy, stinky, noisy, and can carry diseases. They also attract predators such as raccoons, opossums, foxes, coyotes, etc. They don't belong in an urban or suburban area where houses are on small lots right next to each other. I understand the "25 feet away from property line" element, but that isn't enough. Plus if this passes, who is going to enforce the regulations? That would be just another added cost to the city.....if it were to be done right. There are other city regulations which go unchecked, because someone has to turn in their neighbor first, which can cause hard feelings and feuds. Let's just stay away from another potential problem.</p>
7.	10/08/13 Backyard Chicken Ordinance	Endre Richards	<p>To Whom It May Concern,</p> <p>As a resident of Tualatin, I would like to thank the city council for moving forward in crafting an ordinance legalizing the keeping of backyard chickens. The current items under consideration for inclusion are largely</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>reasonable and appropriate. Although I have concerns regarding the amount and usage of the licensure fees associated with this ordinance, it is understandable that revenue is needed to fund related code enforcement efforts, etc. I would urge the council to show restraint when assigning such fees so as to avoid making owning a small backyard flock prohibitively expensive, especially for our citizens with modest incomes.</p> <p>I am dismayed however, at what the council is considering including as a guideline for the placement of backyard coops. If the current recommendation of a 25 foot setback from all property lines is adopted, it will make compliance with the ordinance impossible for a large portion of Tualatin’s residents based upon average lot size and shape. Surely, the purpose of the ordinance process is to craft guidelines that enjoy support from the majority of the community and allow for the inclusion of the greatest possible number of citizens. The proposed setback measurement is far greater than any of our neighboring municipalities require and seems an extreme reaction to nuisance concerns for neighboring properties. To pass an ordinance which includes this setback would allow the council to simultaneously lend support to backyard chickens, while preventing the majority of residents from actually owning such pets. I am confident that our council does not want to work toward the appearance of allowing for backyard flocks while actually banning them in practice. Rather, the goal should be creating guidelines which encourage safe and healthy pet ownership.</p> <p>I urge the city council and city planners to abandon the 25 foot setback guideline in favor of a more reasonable setback of 10 feet. Doing so would bring the Tualatin ordinance on par with neighboring communities and provide a reasonable ordinance for the legalization of small backyard flocks.</p> <p>Sincerely,</p> <p>Endre Ecker Richard</p>
8.	10/15/13 Backyard Chicken Ordinance	Michele Warther	Cindy - Morning! You and I had corresponded earlier this year about having chickens in Tualatin. Thank again for passing along the timeline to me, it was very helpful

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>I appreciate there is another milestone coming over this week and in November, wanted to thank you again for moving forward with the ordinance. There is one aspect of the proposal I would like to voice my opposition to, it's the the inclusion of an enclosure setback of 25 feet from all property lines.</p> <p>Adoption of such a restriction would be eliminating a large portion of our citizens from taking advantage of the ability to own a backyard flock, myself included. I live on a flag lot and 25 feet from any point of my yard would be in my house. If you'd consider a ten foot setback, that has shown to be sufficient to address nuisance concerns for surrounding properties and is comparable to the ordinances found in surrounding municipalities</p> <p>I urge you to pass an ordinance that legalizes backyard chickens and also allows for ease of compliance by a majority of the residents of Tualatin.</p> <p>Thank you so much for your time and consideration.</p> <p>Cheers, Michele Warther 20550 SW 104th Ave Tualatin OR</p>
9.	10/16/13 Backyard Chickens	Mike and Kathy Furman	<p>The setback requirements of 25 feet is a reasonable when it comes to smells that could be unpleasant or allergy causing, noise, and keeping peace with the neighbors. Having a chicken coop just outside your bedroom window may take some adjusting to, but the 25 foot space would make it easier. A permit fee with an initial inspection to make sure that the requirements have been followed will also help keep peace in the neighborhood. The fee should be enough to pay for the inspection. I suggest that the permit be renewable every two years after, but at a lower fee, to help pay for animal control in Tualatin. We may see an increase in complaint due to the chickens or increase in vermin attracted to the birds.</p> <p>Thank you for the opportunity to comment on this.</p> <p>K. Furman</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
10.	10/16/13 Chicken Ordinance Concern	Kip & Anna Christensen	<p>Good morning! :)</p> <p>We are writing to voice our concern over one of the components in the proposed chicken ordinance the city council has been working on. First off, we want to say that we have been happy and excited to see that the city is moving ahead on this. Thank you for all the work you have put into this ordinance.</p> <p>Our concern now is primarily over the 25-foot setback from all property lines that is included in the proposed ordinance. We, along with other families we know who are interested in having chickens, have measured our yards to see where this would put a coop. We personally have a 7,000+ sq. ft. yard, and yet the coop would be located right in the middle of our backyard. No one wants a coop in the middle of their yard! Would you want a shed in the middle of your backyard? Even a friend of ours, who has a 13,000 sq. ft. yard would have to put it in the middle of her yard, because of the layout of the lot.</p> <p>We're finding that since most residents have somewhere around a 6,000 - 7,000 sq. ft. lot, having a 25-foot setback from any property line eliminates all those residents from having chickens.</p> <p>In researching other city ordinances, we have found that most cities have between 5- to 15-foot setbacks from property lines. The 25-foot setback in other cities' ordinances refers to the <i>distance from adjacent dwellings</i>, not to the property lines. We feel that this would be more reasonable.</p> <p>We are asking you to reconsider this component of the ordinance before passing it. With the ordinance written the way it is, the majority of people who would like to have chickens will still not be able to. We think you'll find that no one will even apply for a permit and inspection, because they will not be able to submit to this component of the ordinance.</p> <p>Thank you for taking the time to read our email.</p> <p>Sincerely, Kip and Anna Christensen</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
11.	<p>10/21/013 Requested Files Regarding Proposed Chicken Ordinance</p> <p>(Email included attachments they are included as attachments to this comment log Attachment 1-17)</p>	Dianne Yates	<p>Dear Lou,</p> <p>Thank you for your phone call. I was discouraged after the Planning Commission meeting the other night. They were wanting to make the ordinance strictures even less than currently proposed. I still think keeping chickens in residential backyards is nuts, but I would be less averse to the proposal if the ordinance incorporated the proper protections, monitoring and enforcement. I have included the City of Portland’s law as an example of <u>exactly</u> how the ordinance needs to be worded and enforced. I would add that <u>all of the neighbors of abutting properties</u> need to sign off before approval of any permit application. The applicant is going to have to convince neighbors at some point in the process anyway – it may as well be right up front. I have included other issues I believe need to be addressed in a document I submitted to the Planning Commission on October 17th. Some of these issues can be addressed by the permit application; e.g., asking who the veterinarian will be, how the applicant proposes to dispose of the cull chickens and accidental roosters, etc.</p> <p>The city should not pit citizen against citizen in monitoring and enforcement. This has the potential to create really volatile situations within neighborhoods already stressed by living too closely together. My husband and I lived on a 1 acre property outside of Sherwood when we first came to Oregon. We <u>knew</u> we were surrounded by agricultural activity prior to purchasing our property and that we would have to deal with issues resulting from that activity. We moved to Tualatin, in an upscale residential community, because we no longer wished to deal with these issues. We thought we were safe... The Planning Commission obviously thought that this was a matter of principle in regards to property rights - - that the city cannot tell people what they can or cannot do on private property. I can think of any number of ways the city tells us how we can or cannot use our private property - - street trees being one of them. Cities were originally created because some rules regarding property rights were needed when people started living so close to one another.</p> <p>If the supporters of this ordinance are so certain that this is a good thing for <u>all</u> of Tualatin’s citizens, they should not be afraid to put the matter to a public vote. At the very</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			least, I believe the proposed ordinance must go back to the Planning Department to incorporate the proper protections for the chickens and the neighbors. Sincerely, Dianne Yates

City agrees that neighbors' chicken house too close to woman's home

By [Ricardo Gandara](#)

AMERICAN-STATESMAN STAFF

For a year, Shirley West says, she's tried to get her next-door neighbors to keep their chickens cooped and away from her home in Central Austin. Citing health problems she says came from mites from the chickens, West has complained to police, code enforcement, the health department and a City Council member all of whom eventually helped in one way or another.

"What I couldn't get anyone to understand, however, is that the chicken coop is in violation of a city ordinance that it can't be closer than 50 feet from my house," said West, who lives on West 391/2 Street.

Until now. After Statesman Watch called on her behalf, city health officials determined that the coop belonging to Patrick and Perri Beathard violates a city ordinance. "The coop is 43 feet away, so we've issued a notice of violation," said Robert Wright with the Austin/Travis County Health and Human Services Department.

The Beathards have until Friday to comply.

"We are going to move the coop because we're law-abiding citizens, and we don't want trouble with our neighbor," Perri Beathard said. The Beathards, however, said they are determined to keep their five chickens because they're good to have and provide eggs to the family of seven.

Here is the sequence of events in West's recent complaints to officials and Statesman Watch:

- She called 311 on June 30 to complain about the chickens and the Beathards' trailer parked on the street in front of her house.
- On July 12, a health inspector visited the Beathards' property and issued a notice of violation for loose chickens. On a subsequent visit, the inspector found that the Beathards had housed the chickens.
- Not satisfied, West complained about the chicken coop's proximity to her house via a form on the city's website. An aide to Council Member Laura Morrison forwarded the complaint to the city's Code Compliance Department. Carl Smart, director of code compliance, wrote West on Aug. 2 to tell her that the coop was found to meet city codes relating to the required 50-foot distance from her house.
- The city's health department again got involved after Statesman Watch called to inquire about West's complaint .
- A health inspector revisited the Beathards on Friday and determined that the coop was indeed in violation.

There is more to this story than chickens. **"It's evolved into a neighbor feud because of the chickens," Patrick Beathard acknowledged.**

West said she's also called the city's nonemergency number to report the Beathards for parking a large trailer in front of her house.

But the chickens bother West the most. She said mites are embedded in her carpet and natural fibers around her home. She said she may have to replace the carpet to get rid of them. She has also relocated her teenage daughter's blue-crowned conure, a type of small parrot, to a relative's house.

"The poor bird was being tortured by getting bit," she said.

West showed proof of her doctor's visit that diagnosed mite infestation. The doctor prescribed a steroid cream for the red bites on her arms.

West is OK with the city's latest action but is frustrated it took as much time and energy as it did to convince everyone she was right about the 50-foot rule. She said the best-case scenario would be for the Beathards to get rid of the chickens and the coop altogether.

"I want my health back, she said.

rgandara@statesman.com; 445-3632

Let Statesman Watch work for you

Have you called, written or e-mailed complaints and received no help from local officials? Tell us what isn't working in your area that government should fix.

Email **statesmanwatch@statesman.com** or call 445-3751 with details, and tell us how we can contact you. Follow us on Twitter at **www.twitter.com/statesmanwatch**.

Backyard chickens dumped at shelters when hipsters can't cope, critics say

JoNel Aleccia NBC News

July 7, 2013 at 12:19 PM ET

Susie Coston, national shelter director at the Farm Sanctuary based in Watkins Glen, N.Y., is holding Becky, a pet hen, as former backyard birds wander nearby. About 250 abandoned backyard birds are waiting for homes at the shelter's three sites on both coasts.

Despite visions of quaint coops, happy birds and cheap eggs, the growing trend of raising backyard chickens in urban settings is backfiring, critics say, as disillusioned city dwellers dump unwanted fowl on animal shelters and sanctuaries.

Hundreds of chickens, sometimes dozens at a time, are being abandoned each year at the nation's shelters from California to New York as some hipster farmers discover that hens lay eggs for two years, but can live for a good decade longer, and that actually raising the birds can be noisy, messy, labor-intensive and expensive.

"Many areas with legalized hen-keeping are experiencing more and more of these birds coming in when they're no longer wanted," said Paul Shapiro, spokesman for the Humane Society of the United States. "You get some chicks and they're very cute, but it's not as though you can throw them out in the yard and not care for them."

That accusation is disputed by advocates of home-grown chickens, who say that a few negative incidents shouldn't give a bad name to a practice that encourages both self-sufficiency and the consumption of sustainable food grown in a humane manner.

"We've experienced smell, noise, pests, etc., way more from improperly cared for dogs and cats than we have from backyard chickens," said Rob Ludlow, owner of the fast-growing website, BackYardChickens.com, which started with 50 members in 2007 and now boasts 200,000 members. He is the author of three books, including "Raising Chickens for Dummies."

"Hundreds of thousands of people are realizing the wonderful benefits of raising a small flock of backyard chickens, the pets that make you breakfast," he said, noting that cities nationwide have agreed, passing ordinances making it legal to keep small flocks of urban chickens.

However, at the [Farm Sanctuary](http://FarmSanctuary.org) headquartered in Watkins Glen, N.Y. -- which operates three shelters on two coasts -- some 225 former backyard chickens are waiting now for new homes, said National Shelter Director Susie Coston. **They're among at least 400 to 500 abandoned chickens that show up every year, including many suffering from maltreatment or illness.**

"They're put on Craigslist all the time when they don't lay any more," said Coston, 48. "They're dumped all the time."

It's the same scenario at the [Chicken Run Rescue](http://ChickenRunRescue.org) in Minneapolis, Minn., where owner Mary Britton Clouse has tracked a steady climb in surrendered birds from fewer than 50 in 2001 to nearly 500 in 2012.

She traces that rise to the so-called “locavore” movement, which spiked in popularity in 2008 as advocates urged people to eat more food grown and processed close to home.

“It’s the stupid foodies,” said Britton Clouse, 60, who admits she speaks frankly. “We’re just sick to death of it.”

People entranced by a “misplaced rural nostalgia” are buying chickens from the same hatcheries that supply the nation’s largest poultry producers and rearing them without proper space, food or veterinary care, she said.

The most commonly available hens have been bred to be good egg layers. At the same time, backyard farmers often use enhanced feed, light or other tools to prompt hens to lay constantly. After keeping up that pace for 18 months to two years, however, hens often develop reproductive problems including oviduct diseases that can kill them, veterinarians say. However, healthy hens can live for years longer, up to a decade after they stop laying.

Many people would be surprised to know that chickens are smart, with funny, quirky personalities, Coston said.

Because chickens are notoriously hard to sex, some backyard farmers wind up with roosters, which are often culled and killed because they can be noisy, aggressive and illegal, and, of course, they don’t lay eggs at all.

In addition to the noise, many urban farmers are surprised that chickens attract pests like rats, and predators including foxes, raccoons, hawks, and even neighborhood dogs.

When they get sick or hurt, they need care that can run into the hundreds of dollars, boosting the price of that home-grown egg far beyond even the most expensive grocery store brand.

Enthusiasts who start out with good intentions frequently wind up posting messages like this one delivered to Britton-Clouse last month:

“One of our hens grew up into a rooster and our neighbors are starting to complain. Do you know someone who might take him?”

“People don’t know what they’re doing,” Britton Clouse said. “And you’ve got this whole culture of people who don’t know what the hell they’re doing teaching every other idiot out there.”

But Ludlow, the backyard chicken enthusiast, said that “it’s very rare” that people make such mistakes or underestimate how difficult it is to raise chickens.

“While we definitely want to see more education around the lifespan and laying lifespan of chickens, we find that most people become so attached to their hens as pets, that even though they planned to eat or cull their hens at the end of their laying life, they decide to keep their girls around even without laying eggs,” he said.

Coston, the Farm Sanctuary shelter director, said she wished that were true. Most people don’t realize that chickens are funny, with quirky habits and affectionate personalities as distinct as any other pet’s.

“Oh, my god, they’re amazing,” said Coston, who frequently cuddles her chickens. “We have some of the sweetest ones here. They just sit beside you and they let you pet them. And they’re big and dumpy.”

She hopes the enthusiasm for raising backyard chickens will fade and that consumers will take a second look at their appetite for eggs and poultry.

“To go back in time sounds wonderful,” she said. “But there is not enough land on this earth to sustain the amount of meat, dairy and milk that people want.”

You Absolutely Should Not Get Backyard Chickens

May 14, 2013 by [Erica](#) · [401 Comments](#)

I was talking to a friend the other day. She's a gentle soul, a kind-hearted person who says, "I could never kill an animal" with wide, pained eyes that let you know she's not talking in hyperbole.

She wants chickens. She wants them *bad*. She wants the experience of fluffy little chicks and she wants hens to weed for her and she wants her daughter to have that mini-backyard-petting-zoo experience.

She has, up until now, not given into her chicken-keeping desires. For this I am so proud of her.

You see, there's a reality to chicken keeping that doesn't show up when you are scanning Pinterest for gorgeous coops. (I maintain a [Pinterest](#) board of [chicken keeping and coop inspiration](#), by the way, if you are into that kind of thing.)

A continuous supply of plentiful eggs requires a continuous supply of hens at laying age. For us non-commercial chicken-keepers, a good rule of thumb is that hens will lay pretty consistently (with periods off for molting, reduced day length and broodiness) from about 6 months old until about 3 years old. Although you will hear a lot of anecdotes about individual hens that keep pumping out eggs until they are 5 or 6 years old, the general consensus is that three years old is usually the beginning of the end for *consistent* egg laying.

Call it Henopause.

A well-kept backyard hen, protected from hawks, raccoons and Fido, can easily live to be 8 or 10 years old, and ages of *twice* that are not unheard of.

Bear with me here as I do some Urban Homesteader math. One layer hen eats about 1.5 pounds of layer feed per week. (Pastured birds will eat less purchased feed – yet another good reason to [buy this book](#) and study it before you design your coop and run.)

If a chicken starts laying at 6 months old (this is a bit later than average but it makes my numbers easy) and has essentially stopped laying by 4 years old, and lives naturally to be 8, a backyard chicken keeper is looking at 3.5 years of egg production time, and 4.5 years of *Pets Without Benefits* time. That'd be 351 pounds of feed going to a hen that isn't making eggs!

Current, local prices for the layer rations I feed my hens is \$28 per 40 pound bag, or \$.70 a pound. Admittedly, this is a bit spendy, but I get the [locally produced, happy-hippie, GMO-free feed](#) from the lovely folks at [Scratch & Peck](#). At those prices, it costs \$245.70 to maintain a hen into theoretical old age and natural demise while you aren't getting any eggs.

Which means those half-dozen cute peeping balls of fluff you take home from the feed store in spring could cost you \$1474 during the time when they are *not* giving you eggs. And of course I'm not including the cost of bedding, a fractional share of the coop, potential vet bills, etc.

Meanwhile, if you live in a city or suburb, you have an even bigger problem: your now non-laying hens are taking up your legal urban chicken quota which could be filled with younger, laying hens, and you are stuck.

You can't just keep adding to your flock indefinitely when you live on 1/12th of an acre in Seattle. So now you are a Backyard Chicken Keeper without any Backyard Eggs.

If your hens are pure pets, this is all totally fine. These are very reasonable amounts of money to spend on a pet, and if you are not resentful in the least at having to buy both chicken feed *and* grocery store or farmer's market eggs, then *Chickens As Pets* is a wonderful path to take.

There is another option, of course. This is the option you won't tend to run into on Pinterest. It's not the solution of a soft heart so much as a calculating head.

You can make the decision to cull your birds when they are past prime lay. This is what all commercial egg operations do, and what "real" (as opposed to "urban") farmers do, and what everyone who makes a living and not just a hobby from animal husbandry does.

Culled laying hens aren't good for roasting or frying but they make unbeatable stock and stewing birds.

So basically those are your two choices: you continue to pay and care for chickens that barely give you eggs or you cowboy up and you deal with the slaughter of no longer profitable hens.

Back to my friend who really, really wants chickens.

Could she kill her chickens?

Oh no. Absolutely not.

We both agree, she doesn't have that in her. Fine, I've no problem with that, and I'm glad she knows herself.

Does she want to pay for chickens even if she gets no eggs?

Well, not really.

Fine, I wouldn't either – I totally understand.

I told her quite bluntly (as is my way) that she should not get chickens.

Can I give them to a chicken sanctuary when they get too old to lay? Some place that has a no kill policy?

No. *No.* You cannot do that.

She can't, and no one reading this can. You know why? Personal responsibility. Your chickens, your adoption, your decision, your responsibility to see it through to the end. You do not get to embrace the idea of a more intimate relationship with your food chain and then make that food chain – the food chain you *specifically* set up – someone else's problem when shit gets real.

There is a local urban farming message board that is filled – *filled* – with people trying to give away their three year old chicken to a "good home." Are you kidding me? You own the chicken. Your home is a good home. And once it's not, your soup pot is a good soup pot. I once joked to a good friend that I could stock my freezer for the entire year off no-longer-laying hens being given away free "to a good home."

This pisses me off, as you can probably tell. There is absolutely nothing ethically superior – and quite a bit that is ethically dubious, if you ask me – about enjoying the benefits of a young laying hen and then turning over the care or slaughter of that hen to someone else once it stops laying.

That is not how animal husbandry works and it's not how pet ownership works, and those are your two choices. I don't care which path you take with your chickens, but pick one. Playing Little Suzy Farm Girl until it's time to get the axe and *then* deciding you aren't up for chicken ownership just doesn't fly with me.

Normally I am a Rah-Rah Cheerleader for this quirky way of life, and I think any fair assessment would deem me particularly encouraging to beginners. But a chicken is not a seed packet, it's an animal and a responsibility. If you can't cull your own birds *or* can't provide for them all the way into their Chicken Social Security, then please, do not get chickens.

When the Problems Come Home to Roost

By [KIM SEVERSON](#)

Published: October 22, 2009

THE Bay Area is unmatched in its embrace of the urban backyard chicken trend. But raising chickens, which promises delicious, untainted eggs and instant membership in the [local food](#) movement, isn't all it's cracked up to be.

Chickens, it turns out, have issues.

They get diseases with odd names, like pasty butt and the fowl plague. Rats and raccoons appear out of nowhere. Hens suddenly stop laying eggs or never produce them at all. Crowing roosters disturb neighbors.

The problems get worse. Unwanted urban chickens are showing up at local animal shelters. Even in the best of circumstances, chickens die at alarming rates.

“At first I named them but now I’ve stopped because it’s just too hard,” said Sharon Jones, who started with eight chickens in a coop fashioned from plywood and chicken wire in the front yard of her north Berkeley home. She’s down to three.

Ms. Jones, who is close friends with the restaurateur [Alice Waters](#), wanted exceptional eggs, plain and simple. But her little flock has been plagued with mysterious diseases.

She has not taken them to the vet because of the high cost, but she goes to workshops and searches out cures on the Internet. She has even put garlic down their throats in hopes that the antibacterial qualities of the cloves might help.

“I’m discouraged but I’m determined to figure this out,” Ms. Jones said. “I still get more than I give.”

Most Bay Area communities allow at least a few hens, and sometimes even permit roosters. Some elementary schools and restaurants keep flocks. The Web site [backyardchickens.com](#), which calls itself the largest community of chicken enthusiasts in the world, started here. Seminars on the proper and humane way to kill chickens are becoming popular.

But with increased chicken popularity comes a downside: abandonment. In one week earlier this month, eight were available for adoption at the Oakland shelter and five were awaiting homes at the San Francisco shelter. In Berkeley, someone dropped four chickens in the animal control night box with a note from their apologetic owner, said Kate O’Connor, the manager.

For some animal rights workers, the backyard chicken trend is as bad as the pot-bellied pig craze in the 1980s or puppy fever set off by the movie “101 Dalmatians.” In both cases, the pets proved more difficult to care for than many owners suspected.

“It’s a fad,” said Susie Coston, national shelter director for Farm Sanctuary, which rescues animals and sends them to live on farms in New York and California. “People are going to want it for a while and then not be so interested.”

She said that farm animal rescue groups field about 150 calls a month for birds, most of them involving chickens — especially roosters.

“We’re all inundated right now with roosters,” she said. “They dump them because they think they are getting hens and they’re not.”

Some chicken owners buy from large hatcheries, which determine the sex of the birds and kill large numbers of baby roosters, because most people want laying hens. But sexing a chicken is an inexact science. Sometimes backyard farmers end up with a rooster, which are illegal in most cities.

In Berkeley, which does allow roosters, Steve Frye is in the middle of a cockfight with Ace Dodsworth, who lives about four houses away and tends a flock of hens and roosters that his community household uses for eggs and meat.

“I’m not an antichickens guy whatsoever,” Mr. Frye said. “It’s a noise issue.”

During the worst of it, Mr. Frye said, the roosters woke him up 13 times in one month. He recently filed a complaint with the city.

Mr. Dodsworth believes a crowing rooster is a happy rooster, but he says he does his best to keep his roosters cooped to minimize noise. He has offered Mr. Frye eggs and dinner and said other neighbors don’t seem to mind the chickens. Down the street at Kate Klaire’s house, there are no roosters. But the elementary school teacher has other problems. She has been through three different flocks in four years.

She ticks through a list of all the ways her chickens have died. There was the breakout of Marek’s disease. Her dog got to one chicken before some rules of the roost were laid down. She suspects a fox or a coyote carried off several when she was away.

More upsetting were the two she found with their necks broken.

“I believe they were murdered,” she said, pointing to a chain link fence that appeared to have been bent by a human foot.

Like many of her fellow Bay Area backyard chicken owners, Ms. Klaire remains determined. The eggs are local, the composting contributions to the garden are significant and the chickens themselves are fascinating.

And for her, there has been one more benefit.

“Having chickens is a really great way of dealing with loss and death,” she said.

Kitty Bennett contributed research.

A previous version of this article mis-stated the surname of one chicken owner. She is Sharon Jones, not Lane.

[More Articles in Dining & Wine »](#) A version of this article appeared in print on October 23, 2009, on page A29B of the New York edition.

Reynoldsburg backyard chicken issue flies the coop

By [DAVID S. OWEN](#)

ThisWeek Community Newspapers Wednesday June 8, 2011 9:25 PM

Discussions during Reynoldsburg City Council's safety committee meeting Monday apparently ended the issue of whether residents will be allowed to raise chickens in their backyards.

Concerns were raised about whether allowing chickens in the city could draw unwanted predators into neighborhoods, such as raccoons, vicious dogs or coyotes, and whether the fowl would become a health hazard.

Committee chair Mel Clemens pointed out that allowing residents to raise chickens in their backyards might also jeopardize homes and property values.

"When I was on the village council some 50 years ago, people here had pigs and chickens and cows. There were only 600 people here then. Then we become a city," he said.

Clemens said when he was growing up on a farm as a young boy, the family had animals, including chickens, but he said that was in the country, not in the city.

"We're a city and I'm proud of our city. People do have homes and we have to protect our homes and our property with what we do," he said.

"There are chickens in Reynoldsburg, but they're on menus, and there are a lot of those in the restaurants, so you can't say they're not here.

"I grew up with them. They stink, they've got bugs it is a problem for your neighbor, I don't care how you put it, and I don't see any reason to jeopardize the health and the homes of residents who live here," Clemens said.

Councilman Fred Deskins agreed and said he is against allowing city residents to raise chickens in their backyards.

"I don't like this whole idea," Deskins said. "If you want to raise chickens - and I was raised on a farm - buy a house out in the country."

The issue of raising backyard chickens was first brought up during a May 9 city council meeting by resident Richard Boone, who said he and his family wanted to raise chickens in their backyard but had found city code is unclear on the subject.

He said the city's ordinance on "keeping wild or exotic animals" does not specifically mention chickens and asked if city officials would consider the issue and amend the ordinance to include chickens or domestic poultry.

Councilwoman Leslie Kelly said she supports the idea of allowing residents to raise chickens. She reiterated that her research has found it is a hobby for some people and could provide some health and economic benefits.

"I would love the opportunity to move forward with this and have this be a part of our community for those who want to participate," Kelly said.

Boone, who attended Monday's safety committee meeting, said his research has shown that the city of Bexley allows backyard chickens if the owners obtain a permit. He asked if something similar could be considered in Reynoldsburg.

Resident Jane Klein told the safety committee she is against having an ordinance allowing chickens to be raised in Reynoldsburg backyards. She said she was raised on a 40-acre farm in upstate New York along Lake Ontario.

"My family raised sheep, pigs, chickens, rabbits and two beef cows. These animals were raised for food for our large family," Klein said. "We worked very hard to keep all of our animals clean, fed and happy and we lived in the country, so we could do that.

"Each spring, we had to clean the chicken coop because each hen had been cooped inside most of the winter, and chicken poop stinks bad," she said.

Klein said chickens are very susceptible to lice and to other bugs also. In addition, she said, chickens can be loud, especially when a mother hen announces she has just laid an egg.

"Reynoldsburg is a city, folks, and farm animals are farm animals and not city animals," Klein said. "We live in close quarters here and for my neighbor to have chickens along with a chicken coop with their smell, their noise, their bugs, and to say nothing of the resale value of my home going down the drain, I'm concerned," she said.

City auditor Richard Harris said he contacted the Licking County commissioners because some Reynoldsburg residents live in that county's Etna Township. Harris said zoning there allows some farm animals.

He said a Licking County resident who wants to keep any farm animals must have at least two acres of land. Insects, the smell, and the chicken chatter make up a big part of the complaints county officials receive from residents, Harris said.

"They also said when you put chickens out, there are natural predators for chickens - dogs, raccoons, possums and coyotes - all of which are in western Licking County," Harris said.

"When you look at these things, there are some inherent problems with bringing poultry into the city, especially when you have natural predators to these animals already in the neighborhood, and you'd like to keep from around your house," he said.

Council president William Hills said he hopes there could be more internal discussion on the issue.

"This is a bigger issue than just having two chickens in the backyard," Hills said. "There are people who want it, people who are opposed to it and if it were to come back, there would be more details available."

Seattle's Experience with Backyard Chickens

April 26, 2011



Backyard livestock supporters often tout the success of other cities who have allowed backyard chickens or goats. Seattle is often held up as just such a

success. But is it?

If you just talked to city officials, that might be the impression you get. So I talked to Tiffany Young, a member of the [Duck Rescue Network](#) and backyard fowl rescuer. She alerted me to several things about Seattle that you won't get from the backyard chicken people.

1. Owners are often ignorant of how to protect their chickens. Seattle Tilth sponsors a "city chickens" coop tour. Tiffany took the tour and reports that "seven out of the ten chicken coops I saw during a Seattle Tilth coop tour were not fully predator-proof." She added, "Two of those ten homes mentioned losing ducks or chickens to predators and having a hard time keeping them safe."

The biggest problems, evidently, are doors that don't fit tightly to their frames, chicken wire used instead of hardware cloth-wire, and no

tops on chicken runs. "Chicken wire is bad because raccoons work in groups and scare birds up against one side of the coop," says Tiffany. "Then they grab them through the wire and chew off the heads through the wire."

Seattle has a long way to go in educating backyard chicken owners about chicken coops.

2. Chickens will suffer from disease due to the ignorance of owners. If you look at the Yahoo group "Seattle Farm Co-op," you will find many owners dealing with the numerous health problems that chickens will get.

One chicken had an upper respiratory infection; the owner debated which vet to consult while treating them with an internet remedy. After finally visiting the vet, the chicken was given antibiotics and the vet said that the chicken had nematodes, and the whole flock was infected. Another owner reported a chicken, one year old, which had previously had no problems, suddenly become listless. Thinking she was egg-bound (the hen is unable to pass a formed egg), the owner soaked her bottom end for 20 minutes in warm water, tried to locate the egg, and inserted mineral oil via her vent. Unfortunately, it didn't work and the chicken died a while later. A third owner dealing with another apparently egg-bound chicken tried various home remedies; another more knowledgeable person on the list advises the owner to consider consulting a vet, or slaughtering the chicken (killing chickens in Seattle is legal).

One thing that chicken owners are often oblivious to is that "natural" chickens do not just spontaneously lay eggs every day. They are descended from tropical jungle fowl who lay a clutch of eggs perhaps *every six months*. They have been hybridized so that they ovulate constantly. Naturally health problems can easily result from forcing the chicken to churn out eggs constantly, which causes suffering for

the chickens. "Egg binding" and a prolapsed uterus are two of the more common problems. "Uterine prolapse" means that the uterus pushes out through the vent area, which can lead to painful infection and a slow, agonizing death. As this forum demonstrates, many chicken owners are unaware of these kinds of issues when they get chickens.

So here is my question: if the current Denver "food producing animals" ordinance passes, is there any kind of cruelty to chickens in our backyards that will be illegal? If an owner willfully refuses to treat a diseased chicken, is that a problem? If an owner leaves the chickens out in the cold to freeze, is that a problem? Inquiring minds want to know.

3. Unwanted animals will proliferate. It is common sense that a lot of chickens are going to wind up unwanted due to age or disease. "[Vegan biker](#)" from Seattle has this to say:

Seattle Animal Shelter already takes in 20-30 unwanted roosters and some hens per year, and local area veterinarians are dealing with an increase in surrendered, sick urban hens from people who don't want to pay vet bills for "food animals." Approximately 80% of coop owners are already above the current limit [which at that time was 3 chickens per household].

When I called the Seattle Animal Shelter, the person answering the phone said that they "wouldn't have any idea" how many chickens came into the shelter each year. Mary Britton Clouse told me recently that many shelters don't have good records even of dogs and cats that come in, much less statistics on "exotic" animals.

But this doesn't mean that the Seattle Animal Shelter will be the preferred method for dealing with unwanted chickens. Tiffany adds:

I have personally rescued two chickens this week and an additional 4 ducks for a total of 6 domestic fowl this year, so far. Easter is when it gets really insane, so it's just getting started. So far this year for me, one chicken was found caked with feces, another was found wandering loose in North Seattle. One duck had an infected, untreated dog bite which left him crippled. Two ducks were dumped at a park and one ended up with septic arthritis – both had serious respiratory infections. Actually THREE ducks were dumped but one died/disappeared before anyone called for help for them.

And this reflects only the chickens and ducks that we can account for. How many others have been lost without the benefit of being rescued? The Animal Shelter is likely not seeing the main brunt of the problem.

So this is Seattle's glowing success with backyard chickens. There appear to be a growing number of problems with unwanted animals, animals that may (out of ignorance) be neither euthanized nor treated, animals that are abandoned, animals that *are as a rule* not protected from predators, and owners that have no idea of the suffering they are causing. The city (doubtless with plenty of other issues) has no way of tracking the problems. They would not even know about predators or inadequate shelter or veterinary care.

This is not just a problem for vegetarians. I drive a car and I need my car to be maintained and repaired. But that doesn't mean I want to live next door to an auto repair shop. The same thing goes for food producing animals. If predators, cruelty, and disease are part of the process of getting eggs and dairy, then that's one thing; but to have predators, cruelty, and disease next door is another matter entirely.

Deseret News

The downside of raising backyard chickens

By Flint Stephens

Published: Friday, June 8 2012 2:00 p.m. MDT

With the growing popularity of raising urban chickens, no one really talks about the challenges and problems. They can be messy, noisy, they create extra work, they tear up gardens and more.

With growing interest in [keeping backyard chickens](#), there are plenty of advocates to extol the benefits of having a home flock. **No one really mentions the negatives of keeping chickens, yet there are many challenges.**

An Internet search for information on the cons of raising backyard chickens doesn't yield much useful information. A few articles refer to one or two negatives after listing numerous positives. Many results appear to come from people with limited or no actual experience.

When communities are debating the legalization of urban chickens at public meetings, worried residents often voice concerns over things like noise and smell. But many challenges are learned only after one undertakes chicken ownership.

Here are some of them:

Noise

Noisy roosters top the list of problems, and in many areas ordinances prohibit keeping adult male birds. While roosters crow early, loudly and often, hens also make a racket. **Chickens squabble all day long, and plenty of cackling usually accompanies the activity. Admittedly, hens are not as noisy as roosters, but understanding neighbors are a plus for anyone who hopes to harvest home-raised eggs.**

Expense

Store-bought eggs are a bargain when compared to the cost of keeping a backyard flock. Setting up a coop with all the equipment can easily cost a few hundred dollars. Then an aspiring chicken rancher must feed and maintain the chicks for five or six months. Only then will he be able to start collecting eggs.

According to www.poultrykeeper.com, in the first 18 months of its life, an exceptional hen could lay up to 250 eggs. At a price of \$2 a dozen, that is \$42 worth. Multiplied by five chickens, that amounts to about \$210. **That means it could take three or four years to break even on the initial investment, and that doesn't count labor or continuing costs for feed.**

Garden damage

Chickens are living cultivators and rototillers. That can be a good thing when they are eating bugs and weeds. Unfortunately, chickens can't distinguish between weeds and newly emerging garden vegetables. And if you are lucky enough to raise vegetables or fruit to maturity, chickens believe you have done so for them to consume. If

you want to raise chickens and have a nice garden, you'll need to devise a method of protecting the young plants or of keeping the chickens contained.

Smell and mess

Anyone who has been near a commercial chicken operation has undoubtedly experienced some unpleasant scents. Fortunately, keeping a few chickens at home is not comparable. One benefit of Utah's dry climate is that there is little smell or mess with properly maintained backyard chickens. Six chickens produce about the same waste as a medium-sized dog.

(Readers comment: the above is not true if the owner is not extremely fastidious in maintaining bird and coop conditions; or if the owner does not live in a climate or weather conditions that minimize the odors.)

Culling

This is a reality every chicken owner must confront. Even when maintaining hens for eggs, there will eventually be old and unproductive hens. Sometimes chickens become injured or sick, and it makes little sense to spend lots of money taking them to a veterinarian. And when one buys baby chicks from a farm store, some turn out to be roosters — even when the signs on the cages promise they are pullets (young females).

Killing chickens is not fun. One can give them away, but that just forces someone else to deal with the problem.

Another reality is that chickens allowed to roam or range are not very good to eat. Unlike the grocery store birds, free-range chickens have little or no fat. They are also tough — as in chewy. **If one hopes to raise birds for the table, they need to be confined and eaten at a young age; otherwise, plan on chicken soup instead of fried chicken.**

Predators

Even in urban areas, chickens attract predators. In Utah, the list includes raccoons, foxes, skunks, mink, weasels, hawks, magpies, dogs and cats. Some are primarily interested in eggs or young chickens. The prospect of eggs or a chicken dinner draws them all. If successful, they will return repeatedly. A sturdy enclosure and regular maintenance are necessary.

Constant care

Chickens need daily attention. They must have food and fresh water. They need to be let out in the mornings and put away at night. Eggs must be collected daily. Coops must be cleaned regularly (at least a couple times each month). Nesting and bedding materials must be provided and changed. Ignoring any of these tasks for even a day or two is irresponsible.

There are many benefits to raising chickens and harvesting one's own eggs. Good places to find information include www.poultrykeeper.com, www.backyardpoultry.com or a local farm supply store. But just be aware that avid urban chicken fans tend to understate many of the accompanying challenges.

Flint Stephens has raised backyard chickens for more than 10 years.

[Planning board says no to backyard chickens](#)

Published Date Thursday, 05 September 2013 22:52

Written by Barbara Tetreault

BERLIN – The planning board is recommending the city council not allow backyard chickens in the urban area of the city.

The board cited concerns over the city's ability to enforce and regulate backyard chickens at a time when the city budget and code enforcement department are both stretched thin. Some members also felt allowing chickens was not fair to abutters who purchased their properties based on an ordinance that did not allow chickens. The fact the typical lot in the city is 50 by 100 foot factored into the board's decision.

"It's not so much the idea I'm opposed to – it's the nuts and bolts," said board member Tom McCue.

The board made its decision Wednesday night after taking public input for about 45 minutes. While a majority of those who testified at the public input session were supporters of raising chickens, board members were not persuaded it was a good idea. Only board member Mark Evans expressed support for allowing chickens to be raised throughout the city.

Board members pointed out that chickens are currently allowed by special exception in rural residential zones of the city. But chickens are not allowed in single family and two family residential zones and the board is recommending that restriction remain.

The board's decision came after several months of discussion on the issue. Backyard chicken advocate Lynn Lipari made a detailed presentation to the board at its July meeting. Lipari proposed the city allow residents to raise a limited number of chickens. Roosters would be banned and a minimum setback of 15 feet would be required between the chicken coop and property line. Eggs could not be sold and there would be no on-site slaughtering of chickens allowed.

Many of those speaking in favor of backyard chickens Wednesday said they would support a permit system and inspections with an annual fee to help offset the city's cost.

Several talked about the value of locally produced food and said the eggs are superior to those purchased in a store.

Martha Roberts of Western Avenue said chickens eat all kinds of bugs and said her family has raised chickens in the past without any problems. Don Benski, of Pleasant Street, said before moving to Berlin he had three hens he raised in a residential setting. He said the waste produced was small and he composted it.

"It's not a huge farming operation," he said.

Other speakers noted concerns were raised about chickens attracting bears and other animals. One said the problem exists now with bird feeders and trash and chicken coops properly managed should not be a problem. But others opposed allowing chickens throughout the city. In a letter to the board, Robert Usherson of Twelfth Street said he purchased his home after reviewing the zoning ordinance about activities allowed on surrounding properties.

"With regard to the raising or keeping of chickens, I believe that such activities are not compatible with the density, lot coverage, setbacks, and other standards of development permitted in Berlin's urban residential zoning districts," he wrote.

Yvonne Thomas of Norway Street said she believed the value of her property would be reduced if an abutter chose to raise chickens.

The planning board's recommendation will now go to the city council for its review. The council sought the planning board's input after several residents approached the council earlier this year about raising chickens.

Animal smell irritates some city residents

Thursday, August 1, 2013

By BRIAN MOSELY ~ bmosely@t-g.com

Shelbyville officials will look into how other communities handle farm animals kept in residential areas following a series of complaints.

About 100 residents signed off on a petition asking the city to cancel an ordinance allowing farm animals such as chicken, horses, and sheep inside the city unless there is enough acreage to support them.

But despite a woman's claim on a Nashville TV station that the backyard birds are no louder than dogs, neighbors say noise isn't the issue -- it's the smell.

"Chickens are especially offensive to neighbors when kept in small confined areas and city officials should see that such an ordinance is changed to prohibit this nuisance," the petition read.

City manager Jay Johnson said the city will consult with the University of Tennessee's Municipal Technical Advisory Service, and also sample ordinances in other neighboring towns.

Dogs also

Johnson stated the birds are getting out into other properties, and the other issue is the size of the lots where some are kept -- a little over 10,000 square feet, pointing out problems with noise and the stench.

"If the activities of your neighbor prevents you from using your own back yard, that becomes a quality of life issue," Johnson said.

While the petition did not mention dogs, the topic has also been brought up due to complaints about some residents keeping a large number. Three or four addresses in the city have 10 or more dogs, which the neighbors consider a nuisance.

Johnson pointed out one address where the house is abandoned and dilapidated, but four pens full of dogs are being kept. No one lives there, but the pets are being fed and watered. He added that is the case at other homes, but the dogs are not running at large.

The city manager also explained that the city code has no limit on animals that can be kept at a home -- a topic that was debated in 2007, with no results. Limitations were discussed at the time, but never made it into the final ordinance.

Laws limits

The animal control officer decides if there is a nuisance situation, Johnson explained, and city attorney Ginger Shofner said that the matter would be a simple municipal violation calling for a \$50 fine. But she reminded the council that the person with the animals has property rights as well.

Shofner also pointed out a Tennessee law dealing with agricultural protection, saying "we can't regulate by zoning anything that has to do with an agricultural use."

The attorney also said she was not unaware of other cities having limits on pets, saying it was "a difficult situation for a city to step into." If a resident is causing such a problem for the neighbors, they could file a civil action, Shofner suggested.

Johnson said he knew of two incidents where residents were cited for either the odor or unclean conditions, with one that has been in city court "at least twice."

The city manager added that considering Shelbyville has about 22,000 residents, "it's not that common of a problem," pointing out it was only three addresses being called to their attention.

Fowl odor

Christine Carlton of the Shelbyville/Bedford County Humane Association said she believes that pet ownership falls under Tennessee personal property laws, and that the numbers of dog or cats cannot be limited on that basis. She claimed those limits were struck down by state courts as unconstitutional.

Carlton said the basis of the problem is that Shelbyville does not enforce the licensing of dogs and cats, hence, there is no legal basis to enforce laws dealing with pet ownership.

But one resident said the petition was not about neighbors or personalities, but over proper acreage for keeping farm animals.

"Horses, chickens and cows don't belong on 100-foot lots in a subdivision," one said. "And they do have an odor in the summertime. If you want farm animals, live on a farm."

© Copyright 2013 Shelbyville Times-Gazette. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Some City Folk Are Mad as Wet Hens When Chickens Come Home to Roost

In Salem, Ore., the Claws Have Come Out Over Backyard Coops; 'Get a Farm'

By NICK TIMIRAOS

SALEM, Ore. -- For three hours at a City Council meeting, residents clucked over the latest debate ruffling feathers here: Should homeowners be allowed to keep chickens in their backyards?

The chicken fight began last summer, when a neighbor snitched on Barbara Palermo to city authorities for keeping four pet hens in a backyard coop. Chickens and other livestock aren't allowed in Salem backyards where land isn't zoned for agricultural use. A city compliance officer knocked on Ms. Palermo's door to tell her she had to get rid of her pet birds.

City dwellers across the country are running afoul of ordinances that prohibit raising chickens in backyards.

But she has decided not to give up without a fight. Ms. Palermo put her chickens in "foster care" with a friend outside town as she rallies residents and presses city councilors to pass an ordinance legalizing backyard coops. She's asking the city to allow homeowners to have three hens -- no roosters, which are much noisier -- that would have to be kept in enclosed coops at all times.

Ms. Palermo is part of a debate that's playing out in several cities across the country. The 51-year-old veterinarian's assistant says she's stunned by the opposition. It's hypocritical that Salem residents can keep potbellied pigs weighing under 100 pounds, she says. "They generate a lot of poo and don't give you eggs...so it's ridiculous when you ask for a hen and people panic."

Enthusiasts say chickens make great pets, especially for young children, and that their eggs taste much better than the store-bought kind. Ms. Palermo also uses chicken waste as fertilizer for her vegetable garden and composter and feeds grass clippings, carrot tops, and other green waste to her birds. "In 24 hours, it will be an egg and fertilizer," she says.

Advocates, who also tout the economic benefits of having free eggs, say the recession is driving an interest in backyard gardens that increasingly include chicken coops.

But critics of the backyard coops say chickens attract raccoons, coyotes, and other pests and that they create unsanitary conditions. And the foes say the cited economic benefits are nonsense. Just building a coop can cost hundreds of dollars and raising hens is time-consuming.

"It's silliness," says Terri Frohnmayer, a commercial real-estate broker who is co-chairwoman of one of Salem's 19 neighborhood associations and lives outside town next to a farm that has chickens. "Eggs aren't even that expensive anyway. What's next? Goats? Llamas?" Her advice to hen-loving neighbors: "Get a farm."

There are no official statistics on how many city folk keep chickens, and it isn't clear whether urban coops are on the rise. Randall Burkey Co., a Boerne, Texas, hatchery, credits a doubling of small orders for chickens and supplies in urban and suburban areas for boosting profit at a time when traditional sales to commercial farmers have been flat or down. "We're experiencing some pretty nice growth, which, considering the economy, has been quite a blessing," says Clark Burkey, vice president for marketing.

Barbara Palermo has been pressing a fight to make backyard chicken coops legal in Salem, Ore.

One online network, BackyardChickens.com, has 35,000 members, up from about 10,000 a year ago. Members there solicit tips on how to keep illegal coops hidden from nosy neighbors and on how to persuade local politicians to allow backyard chickens.

During the two world wars, many cities encouraged residents to grow their own food and to keep chickens. But restrictions have cropped up in the past 50 years as urbanization reached deeper into the countryside. **Salem allowed residents to keep livestock, including chickens, until the 1970s, when it decided "to be a city and not a rural community," says Chuck Bennett, a City Council member who opposes allowing backyard chickens.**

Madison, Wis., in 2004 was one of the first cities to reverse a chicken ban, and other cities have followed suit, including Portland, Maine, and Vancouver, British Columbia.

In other cities, chickens have become a nuisance as they roam city streets. In 2003, Miami formed a "Chicken Busters" squad with a firefighter and code enforcement bureaucrat armed with big nets and small cages to patrol neighborhoods once a month. The team captured more than 6,600 chickens, and raised more than \$11,000 selling them to local farms.

In Salem, city compliance officers inspect homes only when there are complaints, and owners usually are told to get rid of the birds or face fines. The city got around 30 complaints last year and has received about one a week since the debate heated up this year.

Nancy Baker-Krofft unsuccessfully lobbied the city in 2006 to change the law and brought her birds out of hiding earlier this year when it appeared that Salem might allow them. When city officials come to inspect, she says, she'll hide the birds in her son's room or check them into a neighbor's contraband coop, which she calls the "chicken hotel."

Last month, a chicken got loose when an officer inspected Ms. Baker-Krofft's home, resulting in her third citation. "I cannot afford another \$250 ticket," says the 54-year-old substitute teacher. She has already racked up \$350 in fines for repeated chicken-related citations, which she is challenging in city court.

Her behavior has alienated her from some neighbors, and her neighborhood association opposes keeping chickens. "It's like she has some underground railroad for chickens," says Alan Scott, the head of the association.

Mr. Scott and others worry that neighbors who don't take care of their coops will lower property values. The biggest concern, however, is that chickens will just lead to more conflicts between chicken owners and neighbors who own more traditional pets, like dogs. "You can just see the conflict associated with the addition of another animal into this kind of [close] environment," says Mr. Bennett, the council member.

Ms. Frohnmayer, who lives outside Salem, often finds her own springer spaniel sizing up chickens on her neighbor's farm. It's only natural, she says, for her dog to want to eat her neighbor's birds. "Are they going to put my dog down when it eats one of their chickens?" she says.

That issue has already come up. Salem resident Jason Caldwell replaced his neighbor's chicken after his Labrador retriever mauled a bird that had wandered onto his property. "I was just being a good neighbor," he says.

But when the dog ate the replacement, Mr. Caldwell bought yet another chicken for his neighbors and offered the following warning: "If there are any more chickens that are in my yard, I'm going to let the dog do whatever he wants."

He says he offered to build a better coop for his neighbor and spent \$100 to replace the birds, which were a specialty breed. "That's a terrible way of having to have a conversation with your neighbor, but at some point I've got to put my foot down," he says.

Salem's City Council remains divided over the issue. Salem Mayor Janet Taylor is guardedly supportive of the measure and ready to vote after months of debate. "I know chickens are important, but we need to move on," she says.

Write to Nick Timiraos at nick.timiraos@wsj.com

City Girl Chickens: The Urban Guide to Raising a Backyard Flock

Build a Coop

Would you like to build a coop for your backyard flock? Here's some things to consider along the way

If you've already read the basics of what needs to be included in a [chicken coop](#), you've got a great start on understanding what you need to include as you consider a proper home for your chickens.

Additional things to consider before you build a coop (or buy or convert something into one):

Location (according to local city regulations):

Most cities should have their rules about keeping chickens posted on their website. Look there first. Written in the ordinances and codes of the city will most often be regulations about how far away (from human housing) your chicken coop must be placed. **For example, where I live, the coop has to be at least 70 feet from the front property line and 100 feet away from neighbor's houses.**

Location (what's best for the chickens):

If you live in a place where it's extremely hot in the summer, placing your coop where there's at least partial shade (under a big tree, for instance) will help protect them from overheating. If you live where there's nasty winter wind, think about where you can build your coop that will provide protection from that wind.

Elevation (of the chicken coop):

Some people swear by having their hen house off the ground, others like it touching earth. There are potential benefits and drawbacks to each method. Think about them before you build your coop.

Manure Cleanup:

Easy coop clean up is essential for the health of your birds. It's even more important if you have chickens in the city! **A way to quickly get your neighbors unhappy is to have the smell of a dirty chicken coop wafting over to their backyard during their BBQ dinner!** Think about ease of manure removal and cleanliness as you design and build your coop.

Once you've given thought to all of these issues, you're ready to dive in. There are many companies that offer chicken coop kits and pre-built coops. You can also find [free plans to build a chicken coop](#) here. Or, see [how I built my chicken coop](#) from a used play structure and a bunch of recycled wood.

RESIDENTS CRY FOWL Complaints prompt CT board to ban raising of chickens

By Eric Scicchitano (Staff Writer eric_s@newsitem.com)
Published: March 9, 2012

COAL TOWNSHIP - **The right to raise chickens in the township has been spoiled by a few rotten eggs.**

Coal Township commissioners Thursday amended an ordinance to prohibit possession of farm and wild animals within township limits.

The move was made as a result of persistent complaints on a handful of chicken owners for foul stench, loud noises and dirty coops, Commissioner Gene Welsh said.

Anyone possessing newly prohibited animals outside a agricultural zone - of which there are few on the outskirts of Coal Township - have 90 days to find new homes for pigs, goats, fowl and more.

Monkeys, opossums, skunks and other animals deemed "wild" are also prohibited.

The ordinance is not subject to a grandfather clause, which only applies to zoning ordinances.

Of all the animals cited in the ordinance, it was chickens that sparked the commissioners' decision.

There are approximately 12 township residents living in residential zones who raise chickens, commissioners said, about half of whom have been subject to nuisance complaints of not cleaning up after their fowl.

Those complaints made by neighbors had persisted despite the township code officer's attempts to remedy the grievances, Commissioner George Zalar said.

In turn, commissioners updated the existing ordinance for a total ban on ownership of the bird as a pet or as a commodity.

That the ban is absolute and allows for no exceptions didn't sit well with a pair of township chicken owners who spoke out at the meeting - both of whom were said to have no complaints made against them.

Barbara Tanner, of 1210 Nelson St., said she owns two birds, both of them hens.

"I'm wondering what the problem is with having chickens. I don't see the point or reasoning with restricting chickens," she said.

Her birds are quiet and don't run at large, she said. On top of that, she just bought a new chicken coop.

Tanner said commissioners should have reconsidered a total ban on the fowl; instead creating a warning system and punishing irresponsible owners.

Vince Rovito, township solicitor, insisted a total ban was the best decision for the township. When previous citations had been taken to local magisterial court, Commissioner Craig Fetterman said the judge had thrown the cases out, saying the township "didn't have a leg to stand on."

Carol Dimmick, of 979 Bear Valley Road, said the chickens she keeps are not pets. Rather, she raises them as a source for eggs and meat.

Dimmick referenced language of the amended ordinance banning deer, then pointed to comments made earlier by Commissioner Gerard Waugh III when he commended street department employees for working to complete a new deer pen at the Tharptown playground.

The comparison was wrong, Waugh said. The township houses a deer for about a month for a Christmas holiday display. It isn't raising the deer year-round and isn't subject to the ordinance, he said.

Raising chickens in urban areas is not at all uncommon.

Backyard chickens are championed by their proponents as producing far healthier eggs than those purchased in grocery stores. They also say chickens make for chemical-free pest and weed control, and the by-product of the fowl's feces is that it makes an effective fertilizer.

There's a large online community of backyard chicken owners, offering on various websites tips for raising the fowl and advice on animal law.



Council says 'no' to chickens in neighborhoods

Source: [The Hastings Star-Gazette](#)

Date: August 5, 2009

Byline: Keith Grauman

The Hastings City Council Monday night unanimously defeated an ordinance that would have allowed people in residential neighborhoods to keep chickens in their backyards.

Hesitant, cautious, uncertain ... chicken.

The Hastings City Council Monday night unanimously defeated an ordinance that would have allowed people in residential neighborhoods to keep chickens in their backyards.

The council did, however, decide chickens should be allowed at the LeDuc Historic Estate and on land zoned as public institutions, and directed city staff to come up with a revised ordinance change that would allow for that.

The public institution zone in Hastings includes Hastings High School, the Pleasant Hill Library, Christa McAuliffe Elementary School, the Minnesota Veterans Home Hastings and Regina Medical Center. Most other schools in Hastings are in residential zones.

The LeDuc submitted the original request to the city to keep chickens as a living exhibit meant to interpret the agricultural side of the LeDuc family's life. As that request was making its way through the city, a Hastings resident asked about keeping chickens at her home.

On a 5-2 vote last month, the Hastings Planning Commission approved an ordinance that would have allowed chickens in both residential areas and public institutions. The two commission members who voted against it were in favor of allowing chickens on public institution land, but against allowing them in residential areas. The way the ordinance change was written, however, it was all or nothing, which is why city staff will have to rework the proposed change and bring it back to the council for approval.

The council cited several reasons for its opposition to chickens being allowed in residential areas, including the additional time that'd be spent by the city's code enforcement officer and Planning Department policing chicken coops and chickens, the possibility of nuisances and complaints arising, budgetary concerns, aesthetics and the possibility of negatively effecting property values.

Council Member Tony Alongi said whenever you add another job for a governmental body to do, it means more money needs to be spent. With the city's budget already strained, he and other council members questioned if this is the right time for the city to take on more costs and responsibilities.

"I honestly believe this is not the time to make government more complicated," he said.

Council Member Mike Slavik said the LeDuc came to the city with a solid proposal of why they wanted to keep chickens, and plans for what they want to do with them.

"That was a good place to start," he said. "Then it got bigger."

Slavik commended the democratic process and said in this case it worked like it's supposed to, with residents providing input and altering the proposed ordinance change. Still, he sided with the rest of the council in his opposition to the ordinance.

Mayor Paul Hicks said residents in Hastings have certain expectations of what they will and won't see in their neighborhoods. He said when he's sitting on his deck, he doesn't want to see chicken coops in his neighbors' backyards. Alongi questioned what would happen to the chicken coops when houses change hands.

At Monday's public hearing, three people spoke in favor of the ordinance, and three people spoke against it. Those in favor said they wanted chickens for the added economic and health benefits that come from getting fresh eggs, and thought keeping chickens would teach their kids about responsibility and their agricultural roots.

Those in favor said anyone who is going to invest in building a chicken coop and buying chickens would take care of them and not allow them to become a nuisance.

Alongi commended the people in attendance at the meeting who came to support the ordinance change, but said not everyone would be as responsible as they would.

"You wouldn't need a police department if everybody was responsible," he said.

The council directed city staff to draft a new ordinance change that keeps chickens out of residential neighborhoods, but allows them in public institution zones. Since it's a new ordinance, it has to go back before the Hastings Planning Commission before going to the council. The earliest it could be back before the council is Sept. 21.

As urban agriculture blossoms, backyard chicken battles brew

July 7, 2013 |

By [Ann Zaniewski](#)

Detroit Free Press Staff Writer

To Randy Zeilinger, the 11 chickens that roamed in a fenced-off section of his backyard in Garden City were a source of nutrition and income.

But city officials and some of his neighbors saw them as an unsightly and smelly nuisance.

Zeilinger, 53, is on probation after a jury decided in April that he violated a city ordinance against keeping chickens. His punishment also included a suspended jail sentence.

As Zeilinger fights to keep his fowl, the case illustrates an increasingly common debate over some types of farming in urban areas. With rising food prices and an increased interest in organic food sources, more people are wanting to raise chickens — and sometimes facing pushback from their communities.

At the state level, agriculture officials are wrestling with whether to set clearer guidelines to address small-scale chicken farming.

“It can be controversial,” said Brad Deacon, administrative law coordinator for the Michigan Department of Agriculture and Rural Development. “There are plenty of people who live in towns and don’t want livestock around. And there are plenty of people who want to own livestock.”

Residents in cities from Madison Heights to Ann Arbor have successfully lobbied in recent years to keep poultry in residential areas not zoned for farming.

In Ferndale, Laura Mikulski, 32, pushed for months for the city to change its rules about chickens. City officials agreed in 2012 to allow people to build backyard coops that are at least 10 feet away from houses on adjacent properties, down from the previous rule of 150 feet from a home. Residents can keep up to three hens.

“It’s definitely a trend over the past five years,” said Mikulski, who runs the website www.ferndalechickens.com. “People are trying to get more in touch with their local food sources all around, whether it’s gardening in their backyards or having chickens in their backyards.”

Does Right to Farm Act apply?

Regardless of what local ordinances say, Mikulski, Zeilinger and others believe their right to raise chickens is protected by the Michigan Right to Farm Act. Enacted in 1981 and most recently amended in 1999, the act was originally designed to protect farmers in rural areas from nuisance litigation.

There are different interpretations of how the Right to Farm Act applies to small-scale farms in urban areas.

Broadly speaking, the act says local zoning ordinances can't restrict commercial farms that operate in accordance with what are known as Generally Accepted Agricultural and Management Practices or GAAMPs. It also provides nuisance protection to farms that follow those guidelines.

No minimum threshold was set for how much a farmer must sell to be considered a commercial farm under the act, said Aaron Phelps, a Grand Rapids attorney who specializes in agriculture law.

At the same time, the GAAMPs related to site selection for livestock facilities apply only to places with a minimum of 5,000 chickens. Facilities that do not comply with the site selection GAAMPs are not entitled to defense from nuisance complaints under the act, Deacon said.

“The question becomes, ‘Who is subject to the GAAMPs?’ ” said attorney David G. Cox, general counsel for the Farm-to-Consumer Legal Defense Fund. “My argument is if there’s no GAAMP that applies to you, you just need to be a farm that sells farm products to be commercial and you are afforded nuisance protection.”

Cox is defending the owners of Sweet Peas Farm in Williamstown Township from an ordinance violation lawsuit brought by the township. The farm sells various products and has four rabbits, three pigs, 22 chickens, three goats, 14 quail and nine ducks on 1.37 acres.

Last year, the Michigan Commission of Agriculture and Rural Development considered changing the site selection GAAMP so it would apply “in areas where local zoning allows for agricultural uses.” The proposal also would have reduced the number of animals covered by the guideline.

But after Zeilinger and others spoke out against the changes, the proposal was tabled.

In an effort to encourage commercial farming in places like Detroit, the GAAMPs were recently amended so cities with more than 100,000 people can develop their own ordinances for agriculture.

Neighbors' complaints

In Garden City, some who live near Zeilinger's house on Helen Avenue say he doesn't maintain his property. It has chicken feed and feces, piles of wood and other debris attracting mice and rats, and a foul stench that wafts into their yards, they say.

“Last summer, when we had those days in the 90s, you could not walk out my side door without smelling it,” said next-door neighbor Craig Swarthout, 53, who testified at Zeilinger’s trial.

Swarthout said he has never complained to the city about Zeilinger’s chickens. But at least one person has.

An ordinance officer visited Zeilinger’s home in March 2012 and issued him a ticket for an ordinance violation. That ticket led to the jury trial in April.

Mayor Randy Walker said residents have come to City Council meetings to speak out against backyard chicken farming.

“We’re a city, we’re not a farming community,” he said. “When you have chickens on city lots that are 50, 60 feet wide by 120, 150 feet deep, the neighbors don’t want to smell the chicken feces and the mice and the rats that come with chickens.”

Zeilinger said he always cleaned up after his chickens.

As a condition of his probation, Zeilinger was ordered to follow all city ordinances — so he had to get rid of his birds. He divided them up among three farms as he awaits his case to be heard on appeal.

Zeilinger said the money he made from selling eggs was an important source of income.

“A couple of chickens in the backyard is certainly not harming anybody,” he said. “The benefit is fresh, healthy eggs that have been enjoyed by a lot of people.”



American Poultry Association



Helping Poultry Breeders Raise Birds in an Urban Area By Bart Pals

Raising poultry within the city limits can be a fun and rewarding experience for everyone involved, but much planning is required. Many people are very successful in raising poultry in a residential area. All types of poultry are being bred successfully and without problems in urban settings.

This article is designed to be an aid in helping people protect their right to raise poultry within city limits. Please remember that it is not the birds that you keep but how you keep them that is important. Check local ordinances to know what is allowed.

The first thing that must be considered are the rights of your neighbors. Your birds must fit in with the neighborhood and the city. Cleanliness is the most important requirement for raising poultry in town. **Your birds must be kept clean.** Keeping the area neat and tidy will help with the general feeling towards your birds. It doesn't matter what you raise or what type of facilities you have, keep everything clean. Keeping pens fresh, keeping things picked up, and keeping the area swept will all aid in the general feeling of your neighbors towards your birds.

Insect control goes hand in hand with cleanliness. Backyard poultry breeders must control insects. Parasites must be kept off the birds and flies must be controlled around the poultry house. Keeping pens clean will aid in insect control but spraying or other measures may also be needed. Secure a place to dispose of waste and have a backup place secured in case the first one fails. Feed should be stored in containers that will help prevent rodents.

The type of building you use must fit in with the neighborhood. Take into consideration the type of siding, roofing, fencing, size, and the height of the building. **This structure should blend in with the existing buildings. When designing the building, you must make sure that your birds are not going to wake the neighborhood at 5:00 A.M. Individual doors for each pen, that can be opened and shut at reasonable times, should be built into the structure to help minimize noise problems.** The type and size of pens that you will be able to use may determine what type or types of poultry you will be able to raise. **Your birds will have to be confined.**

Very few people will appreciate birds running around the neighborhood. Security measures may also have to be taken. Stray dogs, varmints, and vandals should be guarded against. Security lights, gates, fences, and strong wire will all help to protect your birds. Included in your building should be an area designed for show boxes, extra feeders and waterers, etc.

Plant shrubs or build a fence that will help deaden the sounds that the birds will make. Shrubs and fences also help the building blend in with the neighborhood. Planting flowers around the building also helps make the structure—and your birds—look more attractive to the neighbors.

Starting small and setting goals are essential. Start out with a pair or trio of birds and know how many birds you can easily handle. A trio of birds can produce a lot of chicks and these chicks will grow into adults. Know exactly how many birds your facility can handle and always remember not to overcrowd your birds. **One must realize that not every chick hatched will be a “winner,” so if you plan on hatching many chicks be prepared to cull and have an outlet for the culls.** When raising birds in town, you cannot keep the culls. Realizing this fact before hatching will help keep things under control.

You must consider what species of poultry to raise. It is pretty difficult to raise Toulouse geese in a residential area. Standard birds can be raised but in a limited area. Remember that you cannot keep as many as you might like because of limited space.

Remember that noise is a factor and that large fowl have a lower-pitched crow that travels farther than the sharp, high-pitched crow of a bantam.

Ducks can be raised in town, but they are messy and rather noisy. Ducks can be raised in town but remember that there will be extra work involved in keeping the area clean.

Extra precautions may have to be implemented to help control the extra sound from water fowl as well.

What particular breed of poultry you raise should be considered. Docile breeds should be considered. **Many breeds are known for their wild or tenacious behavior. These should be steered away from. Breeds that are not “flighty” and are not aggressive are the breeds that should be considered.** Some breeds mature much faster and can be culled much sooner than others. Japanese bantams can be culled for long legs from the incubator. Slower maturing breeds mean that the young birds must be kept that much longer before you can cull, which means that fewer chicks can be hatched. Faster maturing breeds mean that you can cull sooner and hatch a few more chicks. It is very easy to get wrapped up in setting eggs and hatching chicks and in a few months you're out of room and don't know what to do with all of the young birds. You must always remember that you are dealing with limited space and manage your birds accordingly.

What variety of poultry you raise is yet another aspect that should be considered. Solid colored birds will give you a higher percentage of adults birds to pick from. Laced birds will provide more culls due to color problems. Some varieties will produce multiple colors of offspring. The blue variety will produce blue, black, and splash offspring.

Choosing the particular species, breed, and variety are very important aspects to consider before you begin raising poultry within the city limits. It doesn't matter what kind of poultry you raise. Be sure you understand everything that may be involved in raising that breed or variety of birds.

Investigate the breed that you are going to raise. Read and talk with other breeders about the breed and the variety that you have chosen. Many of these breeders have seen and dealt with some of the problems involved with a particular breed or variety. Learn from their experiences and

perhaps you will have an easier time.

Educate your neighbors about the birds you are raising. Frequently people think of poultry as either broilers or layers. They have no idea that there is such a wide variety of poultry. Educating your neighbors can have a very positive effect on your venture.

You can help educate your community by becoming involved with your local 4-H group. You can be involved in several areas of 4-H—by being a leader, a poultry project leader, or through the Extension Office as an Extension Council member. Being involved with your poultry club can help educate your city. Many clubs sponsor shows, set up displays at malls, print educational material, and do whatever they can to help promote exhibition poultry. Getting involved can help the local club, community—and you. Many people give talks in elementary schools and take live birds with them. All of these things help educate the community about poultry.

Things To Consider Before You Begin

Know the laws and ordinances pertaining to birds. Know the restrictions the city may have. Many cities have restrictions requiring poultry to be a certain distance from the property line, house, street, and alley. They also may restrict the number of birds you can have.

Know the laws and ordinances pertaining to other pets. Compare their restrictions with those for poultry.

Consider your birds as pets, not livestock, and treat them the same way a pet would be treated.

Follow the enclosed guidelines and remember that keeping poultry in a city is a privilege.

If You Have A Problem

If things go wrong, isolate the problem as soon as possible and correct it if possible. Make sure the problem is yours. One individual was accused of having a bad odor coming from his chickens. In fact, the odor problem was caused by a neighbor who had spread cow manure on his garden. It was mistakenly thought that the chickens were the cause of the odor.

Always remain calm, cool, and collected. When you become upset is when you are the most likely to make mistakes. Never accuse a city official of being wrong. Rather, suggest they “consider” your idea. One city official’s idea of being “grandfathered in” was that the city leg band all the birds. As the birds die, then the individual would turn in the leg band and would not be able to replace that bird. When all of the birds were dead then the grandfathered-in individual would no longer be able to raise poultry. The official was asked to listen, compare, and consider the following. If the individual were a business and the chickens were the inventory, the business would have to close when the inventory was depleted. Usually a business is grandfathered in until that person dies, moves, or the business is sold—not until the inventory is gone. The officials saw their error and accepted the individual’s idea.

Invite the city’s health inspector to come to your place and see first hand your operation. Without the support of the city’s health inspector, you will have a very difficult time trying to pursue the matter any further. Show the health inspector your pens and explain to him/her how often the pens are cleaned and how you dispose of waste. Explain your insect and rodent control methods. Show the health inspector how clean your operation really is.

Make your birds a benefit to the neighborhood. Offer extra eggs to the neighbors. Most people find the fresh eggs to be a treat. If the neighborhood children want to see your birds, take the time

to go with them and let them see and touch the birds. Let them feel that they are part of your poultry program. If the neighborhood children don't like your birds, their parents probably won't either.

If a petition is filed against you please remember that most people will sign anything. You can get a copy of the petition from city hall and carefully go through it. Check names and addresses to make sure that they are actual and not invented. Check to make sure the addresses are within your area. One petition had the forged signature on it of the sister of one of the city officials.

Come up with your own petition. It is simply a matter of writing your point of view on a piece of paper and having people sign below it. Take your petition to all of your neighbors within a two-block radius of your place. If a neighbor will not sign it, then perhaps you have located the person making the complaint. If so, ask him/her what the problem is and correct it as soon as possible.

Try to secure as much local support as possible. If there is a council meeting scheduled, then make sure to attend it, along with as many other people as you can muster up. Sometimes there is strength in numbers.

Just because you have raised poultry in a particular area for many years does not guarantee that you will always be able to enjoy that privilege. Simply because you are "grandfathered in" does not mean that the privilege cannot be taken away.

Invite city officials and council members to your house. Show them your facilities and explain to them how your birds are cared for.

Explain to the city officials what you are trying to accomplish. If you raise birds to be exhibited, then show them your awards. Explain the achievements that you have made through your hobby.

If the city officials and/or council members cannot or will not come to your place, then send them a packet of information. Include pictures of your building, your birds, and an explanation of what you are trying to accomplish. Include a brief summary of how the birds are judged. Explain that you are trying to follow a standard of perfection. Include in this packet written support statements from city leaders and other people who are aware of your accomplishments, your petition, and any other information that you may feel important for them to know about.

Hints

Consider your birds as pets, not livestock. When a bird lives for ten or more years and is cared for the way many people care for their birds, then they are more than simply farm livestock; they are pets.

Most larger cities allow poultry.

Most cities have no ordinances against crowing roosters. Most noise ordinances refer to barking dogs and loud vehicles.

Petitions do not generally hold much weight with city officials but they do usually thoroughly go over them to see if the people who have signed them are legitimate. City officials also realize that some people will sign anything. If a petition is signed by a limited number of people, all of whom live in the neighborhood, then the city officials will take them more seriously.

Make sure the complaint has come from within the neighborhood. Most cities will not consider a complaint except from a neighbor. A neighbor is usually within a two-block radius of your home.

Raising poultry is a hobby not a business. If you call it a business, you may be opening up a whole new can of worms.

Most elections are decided by a very small percent of the people so the more support you can show at a council meeting or public meeting the more influence you will have with the city officials.

If city officials receive more than four letters regarding a particular problem, they will take it seriously.

If your city allows dogs, cats, and other small pets, then they should allow bantams as pets. Some city governments have been challenged on this discrimination and have lost. Restrictions may apply, but they should be allowed.

Some cities have tried to include poultry with wolves, alligators, and other animals that may be dangerous to other people. If you are raising exhibition birds, you are not raising dangerous animals.

Remember: All states and cities have different laws and ordinances. Simply because one state does something one way does not mean that another state will do it that way.



Chapter 13.05 Specified Animal Regulations

Table of Contents ([Printable Version](#))

[- Note](#)

[13.05.005 Definitions.](#)

[13.05.010 Administration and Enforcement: Powers and Duties of Director.](#)

[13.05.015 Permit Required for Specified Animal Facility.](#)

[13.05.020 Permit Fees.](#)

[13.05.025 Unsanitary Facilities and revocation of permit.](#)

[13.05.030 Seamless Banded Pigeon Permits.](#)

[13.05.035 Livestock within Fifty Feet of Residence.](#)

[13.05.040 Diseased Animals to be Confined.](#)

[13.05.045 Civil Penalties and Additional Restrictions.](#)

[13.05.050 Appeals.](#)

[- Note](#)

(New Chapter substituted by Ordinance No. 166281, effective Feb. 24, 1993.)

[13.05.005 Definitions.](#)

(Amended by Ordinance Nos. 172635 and 181539, effective February 15, 2008.) As used in this Chapter, unless the context requires otherwise:

A. "Director" means the Director of the Multnomah County Health Department Vector and Nuisance Control, or the director's designee.

B. "Keeper" means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for purposes of safe keeping.

C. "Livestock" means animals including, but not limited to, fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.

D. "Person" means any natural person, association, partnership, firm, or corporation.

Title 13 Animals

Chapter 13.05 Specified Animal Regulations

[Chapter 13.08 \(Repealed\)](#)

[Chapter 13.09 \(Repealed\)](#)

[Chapter 13.10 General Animal Regulations](#)

[Chapter 13.11 \(Repealed\)](#)

[Chapter 13.12 \(Repealed\)](#)

[Chapter 13.13 \(Repealed\)](#)

[Chapter 13.15 \(Repealed\)](#)

[Chapter 13.16 \(Repealed\)](#)

E. "A Secure Enclosure" shall be:

1. A fully fenced pen, kennel or structure that shall remain locked with a padlock or a combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code.

2. A house or garage. Where a house or garage is used as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the specified animal. A house, garage, patio, porch, or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the specified animal to exit the structure of its own volition; or

F. "Specified Animals" means bees or livestock.

G. "Specified Animal Facility" means a permitted site for the keeping of one or more specified animals, including but not limited to a stable, structure, or other form of enclosure.

H. "Stable" means any place used for housing one or more domesticated animals or livestock, whether such stable is vacant or in actual use.

I. "Sufficient liability insurance" means, at a minimum, insurance in a single incident amount of not less than \$50,000 for personal injury and property damages, covering all claims per occurrence, plus costs of defense.

[13.05.010 Administration and Enforcement; Powers and Duties of Director.](#)

A. It shall be the responsibility of the Director, and such other persons as the Director may designate, to enforce the provisions of this Chapter.

B. Persons designated by the Director to enforce this Chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

C. The Director may adopt procedures and forms necessary for

administering and exercising the authority under this Chapter.

13.05.015 Permit Required for Specified Animal Facility.

(Amended by Ordinance Nos. 167649, 168900 and 181539, effective February 15, 2008.)

A. No person shall operate or maintain any specified animal facility unless a permit has first been obtained from the Director.

B. Applications for specified animal facility permits shall be made upon forms furnished by the Director, and shall be accompanied by payment of the required fee. Specified animal facility permits shall be valid from the date of issuance until such time as the Director determines by inspection that the facility is not being maintained in compliance with the issuance criteria. Applications for a specified animal facility permit shall be accompanied by adequate evidence, as determined by the Director, that the applicant has notified all of the property owners and residents within 150 feet of the property lines of the property on which the specified animal facility will be located.

C. The Director shall issue a specified animal facility permit to the applicant, only after the Director has reviewed a completed and signed application which grants the Director permission to enter and inspect the facility at any reasonable time, and assuring the Director that the issuance criteria have been met. If the Director has reasonable grounds to believe that an inspection is necessary, the Director shall inspect the facility in order to determine whether the issuance criteria have been met. The criteria for issuing a specified animal facility permit are as follows:

- 1.** The facility is in good repair, capable of being maintained in a clean and in a sanitary condition, free of vermin, obnoxious smells and substances;
- 2.** The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;
- 3.** The facility will reasonably prevent the specified animal from roaming at large. When necessary for the protection of the public health

and safety, the Director may require the specified animal be kept or confined in a secure enclosure so that the animal will not constitute a danger to human life or property;

4. Adequate safeguards are made to prevent unauthorized access to the specified animal by general members of the public;

5. The health or well being of the animal will not be in any way endangered by the manner of keeping or confinement;

6. The facility will be adequately lighted and ventilated;

7. The facility is located on the applicant's property so as to be at least 15 feet from any building used or capable of being used for human habitation, not including the applicant's own dwelling. Facilities for keeping bees, such as beehives or apiaries, shall be at least 15 feet from any public walkway, street or road, or any public building, park or recreation area, or any residential dwelling. Any public walkway, street, or road or any public building, park or recreation area, or any residential dwelling, other than that occupied by the applicant, that is less than 150 feet from the applicant beehives or apiaries shall be protected by a six foot hedgerow, partition, fence or similar enclosure around the beehive or apiary, installed on the applicant's property.

8. If applicable, the structure must comply with the City's building code and must be consistent with the requirements of any applicable zoning code, condition of approval of a land use decision or other land use regulation; and

9. The applicant shall demonstrate, to the Director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by any specified animal kept at the facility.

a. The Director may require the applicant to provide proof of sufficient liability Insurance to respond to damages for any personal or property damages caused by any specified animal kept at the facility. The insurance shall provide that the insurance shall not be canceled or materially altered so as to be out of compliance with the requirements of

this Chapter without thirty (30) days written notice first being given to the Director. The applicant shall provide a certificate of insurance to the Director within ten (10) days of the issuance of the permit. The Director shall revoke the permit upon any failure to maintain sufficient liability insurance as required under this subsection.

D. Each specified animal facility permit issued by the Director shall be conditioned on the applicant maintaining the facility in compliance with each of the issuance criteria. If the Director determines by inspection that the specified animal facility is not being maintained in compliance with the issuance criteria, the specified animal facility permit shall no longer be valid and shall be revoked. Before operation of the facility resumes, submission of a new application for a specified animal facility permit accompanied by payment of the permit fees shall be required, and the facility shall not be allowed to operate until such time as the Director has inspected the facility and determined that all issuance criteria have been met. The Director may impose other conditions on the permit, including but not limited to, a bond or security deposit necessary to protect the public health or safety.

E. A person keeping a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits shall not be required to obtain a specified animal facility permit. If the Director determines that the keeper is allowing such animals to roam at large, or is not keeping such animals in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such animals at the site.

F. These provisions for specified animal control are intended to provide city-wide regulations for keeping specified animals within the City. However, due to the variety of animals covered by these regulations and the circumstances under which they may be kept, these regulations should be applied with flexibility. Variances provide flexibility for unusual situations, while maintaining control of specified animals in an urban setting. The Director should grant variances if the proposal meets the intended purpose of the regulation, while not complying with the strict literal requirements.

1. Applicants for a specified animal permit may request a variance from the requirements set forth in Section 13.05.015 C. In determining whether to grant a variance request, the Director shall consider the following criteria:

a. Impacts resulting from the proposed variance will be mitigated as much as possible;

b. If more than one variance is proposed, the cumulative impact would still be consistent with the overall purpose of the regulations; and,

c. If in a residential area, the proposed variance will not significantly detract from the public health or safety in the area.

2. The Director may impose conditions on any variance, as may be appropriate to protect the public health or safety or the health or safety of the animals.

a. The Director may, at any time, revoke any variance, or amend the conditions thereof, as may be appropriate to protect the public health or safety or the health or safety of the animals.

b. Failure to comply with the conditions of any variance issued under Section 13.05.015 F is a violation of this Chapter.

13.05.020 Permit Fees.

(Amended by Ordinance Nos. 168900 and 181539, effective February 15, 2008.)

A. The application for a specified animal facility permit shall be accompanied by a nonrefundable fee.

B. The Director may establish application fees at amounts reasonably calculated to cover the costs of administration and enforcement of the specified animal facility program. Before such fees may become effective, the Director shall submit the fee schedule to the Portland City Council for review and approval by ordinance.

13.05.025 Unsanitary Facilities and revocation of permit.

A. All specified animal facilities shall be open at all times for inspection by the Director. If an inspection reveals that any provision in this Chapter is violated, the Director shall give written notice to the keeper or other responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected

within the period specified, the Director may revoke the specified animal facility permit.

B. The Director may revoke any specified animal facility permit upon determining that the facility no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the provisions of this Chapter.

13.05.030 Seamless Banded Pigeon Permits.

Any keeper of pigeons generally known as “seamless” banded pigeons, recognized by the National Association of Pigeon Fanciers, such as flying tippers, tumblers, homing pigeons or rollers, may, after obtaining the signed consent of two-thirds of the total number of property owners and occupants residing within property 200 feet from the property lines of the property where such pigeons are kept, obtain from the Director a permit to release such pigeons for exercise or performance at stated times or intervals. The Director may impose such other conditions on the permit as are necessary to maintain the public safety and health.

13.05.035 Livestock within Fifty Feet of Residence.

It is unlawful to picket any livestock, or allow any livestock to roam, so that it may approach within 50 feet of any building used as a residence, or any commercial building in which foodstuff is prepared, kept or sold.

13.05.040 Diseased Animals to be Confined.

A. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with mange, eczema or other disease contagious to animals, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

B. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with ringworm, hepatitis, rabies or other disease contagious to humans, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

C. If the Director finds, after investigation, that there is a preponderance of evidence indicating that any specified animal is infected with a contagious disease, the Director shall issue written notice to the keeper of such animal, requiring the keeper to confine such animal until it is examined and declared free of disease by a licensed veterinarian or the Director.

D. The Director may initiate an investigation under Subsection C hereof upon receipt of a signed statement by any person indicating that a certain animal is infected with a contagious disease.

13.05.045 Civil Penalties and Additional Restrictions.

(Amended by Ordinance No. 181539, effective February 15, 2008.) All enforcement of this Chapter by the Director shall follow the procedures set forth in Multnomah County Code Chapters 15.225 - 15.236

13.05.050 Appeals.

(Repealed by Ordinance No. 181539, effective February 15, 2008.)

[City of Portland,](#)

[Policy](#) - [Accessibility](#)

[Auditor LaVonne Griffin-Valade](#) - [Services](#) - [Calendar](#) - [Publications](#) - [Charter Code & Po](#)
[Di](#)

Proposed Tualatin Chicken Ordinance

The proposed ordinance assumes that whoever is applying for a permit will be a ‘conscientious caretaker.’ Taking care of chickens is something that must be done daily without fail, and great responsibility and care must be taken in keeping chickens to avoid a negative impact in a residential neighborhood. Most people certainly start out conscientiously, but slack off over a period of time as they tire of the daily grind. Tualatin has an obligation to all of its citizens to protect against any potential abuses of any approved ordinance. The following issues need to be addressed when determining the specifics of this ordinance:

1. No provisions made for ensuring/documenting that the proposed coop will be in either prior to or during the application process. The applicants should be able to demonstrate in some way that they have the requisite knowledge for keeping chickens in a residential setting. There is no provision for city inspection of the property prior to obtaining a permit or subsequent periodic unannounced visits to confirm code compliance.
2. No provision for the city code enforcement officer to enter the applicant’s lot at any time to investigate any chicken-related complaints. A written complaint is too restrictive. In fairness to impacted neighbors, the city owes a more timely response and method of response (a city contact phone number) in terms of ordinance compliance and complaint resolution. You need to define very specifically what constitutes a “nuisance”, so that ordinance compliance can be monitored and enforced consistently.
3. You have allowed for neighbors to be notified when an application has been made, but no mechanism is defined for appeal prior to any permit approval. **Approval by all of the applicant’s closest neighbors is a must if you are allowing a change in the law that has the potential to negatively impact the use and enjoyment of a neighbor’s property.** The applicant should have to convince any dissenting neighbors that this will not negatively impact them prior to permit approval.
4. You state that only 4 adult hens may be kept. Does that mean that the applicant can have 4 adults and an infinite number of chicks?
5. Applicants should be made to prove that they have an adequate plan in place for cull chickens and accidental roosters. They should not be allowed to just dump them on animal shelters.
6. You have made provision for vermin-proof food storage, but no provision for mandatory daily cleanup of any excess food left on the ground that will also attract vermin.
7. There are no provisions made for the aesthetics of an urban chicken coop. Applicants should be made to keep the coop and birds as inconspicuous as possible in a residential neighborhood. You have made no provision for a minimum property size and **25’ from the property line is way too close to be certain that neighbors will not be negatively impacted.** No provision has been made to ensure the coop is sufficient to protect the chickens.
8. You have allowed free range with supervision. Chickens need to have a “run” much like a dog run that is enclosed. **Supervision will not ensure that the animals do not cross over into a neighbors yard where they can cause damage or defecate on fencing.** For the health of the chicken, a dirt run is essential for the chickens to cover themselves with dirt to keep insects and parasites under control. *Beaverton lists a prohibition: Allowing chickens to enter adjoining properties is prohibited.*
9. You have not specified how the coop is to be maintained (clean, dry, free of any noticeable odors and in good repair) or mandated any winter protection for the chickens. No provision for maintaining the health of the animals. Since a veterinary visit can cost upwards of \$100.00 per visit, and they are prone to quite a number of medical conditions, the city needs to make sure that the applicant has the resources to keep the animals disease, insect and parasite free –again, making sure that animals are not just abandoned at veterinary clinics and animal shelters.



AFFIDAVIT OF POSTING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Lynette Sanford, being first duly sworn, depose and say:

That at the request of Sherilyn Lombos, City Recorder for the City of Tualatin, Oregon; that I posted three copies of the Notice of Hearing on the 21 day of October 2013, a copy of which Notice is attached hereto; and that I posted said copies in three public and conspicuous places within the City, to wit:

1. City of Tualatin – Council Building
2. City of Tualatin – Development Services Building
3. City of Tualatin - Library

Dated this 21 day of October, 2013

Lynette Sanford
Lynette Sanford

Subscribed and sworn to before me this 23rd day of October, 2013.

Linda K Odermott
Notary Public for Oregon

My Commission expires: March 30, 2017



RE: PLAN TEXT AMENDMENT (PTA) 13-02. AMENDING THE TUALATIN DEVELOPMENT CODE (TDC) CHAPTER 40 LOW DENSITY RESIDENTIAL PLANNING DISTRICT (RL) TO INCLUDE CHICKEN KEEPING AS A PERMITTED USE IN SINGLE FAMILY RESIDENTIAL AREAS OF THE CITY. AMENDING TDC 40.020(2)



City of Tualatin

www.ci.tualatin.or.us

NOTICE OF HEARING CITY OF TUALATIN, OREGON

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, November 12, 2013 at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

Plan Text Amendment (PTA) 13-02 Amending the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to Include Chicken Keeping as a Permitted Use in Single-Family Residential Areas of the City. Amending TDC 40.020(2).

To grant the amendment, Council must find the proposal meets the criteria of Tualatin Development Code 1.032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

You are invited to attend and participate in the public hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at no cost prior to the hearing.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing or present written or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited.

To view the application materials visit www.ci.tualatin.or.us/landusenotices. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Cindy Hahn at 503-691-3029 or chahn@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON

NOTICE TO THE TUALATIN TIMES: Please publish on October 25, 2013



6605 SE Lake Road, Portland, OR 97222
 PO Box 22109 Portland OR 97269-2109
 Phone: 503-684-0360 Fax: 503-620-3433
 E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Times* (serving Tigard, Tualatin & Sherwood), a newspaper of general circulation, published at Beaverton, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Tualatin
 Notice of Public Hearing/PTA 13-02
 TT11862**

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 week in the following issue: October 24, 2013

Charlotte Allsop

Charlotte Allsop (Accounting Manager)
 Subscribed and sworn to before me this October 24, 2013.

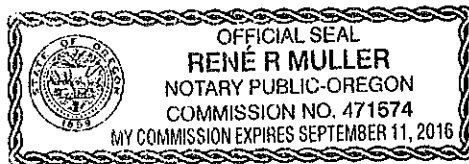
René R. Muller

NOTARY PUBLIC FOR OREGON

My commission expires *Sept. 11, 2016*

Acct #108462
 Attn: Lynette Sanford
 City of Tualatin, Planning Department
 18880 SW Martinazzi Ave
 Tualatin, OR 97062

Size: 2 x 4.5"
 Amount Due: \$81.45*
 *Please remit to the address above.



City of Tualatin
www.ci.tualatin.or.us

**NOTICE OF HEARING
 CITY OF TUALATIN, OREGON**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City of Tualatin City Council at 7:00 p.m., Tuesday, November 12, 2013 at the Council Building, Tualatin City Center, at 18880 SW Martinazzi Avenue, to consider:

Plan Text Amendment (PTA) 13-02 Amending the Tualatin Development Code (TDC) Chapter 40 Low Density Residential Planning District (RL) to include Chicken Keeping as a Permitted Use in Single-Family Residential Areas of the City. Amending TDC 40.020(2).

To grant the amendment, Council must find the proposal meets the criteria of Tualatin Development Code .032(1-10) relating to the public interest; timeliness; conformity with objectives of the Tualatin Community Plan; consideration of the factors listed in Section 1.032(4); the Tigard-Tualatin School District Facility Plan; the Statewide Planning Goals; the Metro Urban Growth Management Functional Plan; and impact on the transportation system.

You are invited to attend and participate in the public hearing. Failure to raise an issue at the hearing or in writing or to provide sufficient specificity to afford the Council an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA). Copies of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. A copy of the staff report will be available at no cost prior to the hearing.

Individuals wishing to comment may do so in writing to the Planning Division prior to the hearing or present written or verbal testimony to the City Council at the hearing. Hearings begin with a staff presentation, followed by testimony by proponents, testimony by opponents, and rebuttal. The time of individual testimony may be limited.

To view the application materials visit www.ci.tualatin.or.us/landusenotices. This meeting and any materials being considered can be made accessible upon request. For additional information, contact Cindy Hahn at 503-691-3029 or chahn@ci.tualatin.or.us.

CITY OF TUALATIN, OREGON

Public 10/24/2013.

TT11862



Chickens in Low Density Residential Planning District

Plan Text Amendment 13-02
Proposed Ordinance 1362-13

City Council

November 12, 2013



2013 Timeline - Chicken Ordinance

June 10:
City Council
Work Session –
Timeline

September 9:
City Council Work
Session – Policy
Direction on
Code
Components

November 12:
City Council
Hearing –
Plan Text
Amendment &
Ordinance

August 12:
City Council Work
Session –
Research
Results & Best
Practices

October 17:
Planning Commission –
Plan Text Amendment
Recommendation to City
Council



Issue before City Council

- Consider proposed **Amendment** to the Single Family Residential District to add chicken keeping as a Permitted Use.
- Change will apply to the Low Density Residential Planning District (RL) only.
- Proposed amendment will not allow chickens in other residential planning districts.
- Separately consider an **Ordinance** to change the Municipal Code to regulate chickens.



Proposed Development Code Language

- TDC 40.020 Permitted Uses
 - (2) Agricultural uses of land, such as truck gardening, horticulture, but excluding commercial buildings or structures and excluding the raising of animals other than the following:
 - (a) normal household pets
 - (b) Chickens as otherwise allowed by the Tualatin Municipal Code



Proposed Municipal Code Regulations

- **Location-** Low Density residential lots with single family dwelling units
- **Type of birds-** Chickens only
- **Secure enclosure-** Outdoors; rear yard; not to exceed 200 square feet and height of 8 feet; no coop fencing facing neighboring properties; free range under direct supervision
- **Number-** Up to four over four months of age



Proposed Municipal Code Language

- **Roosters-** Not permitted
- **Feed containers-** Metal or other vermin proof containers
- **Permit and Fees-** Permit and fee through Community Development
- **Complaints-** Written complaints; investigation by Community Services Officer
- **Harvesting/ butchering-** Not permitted



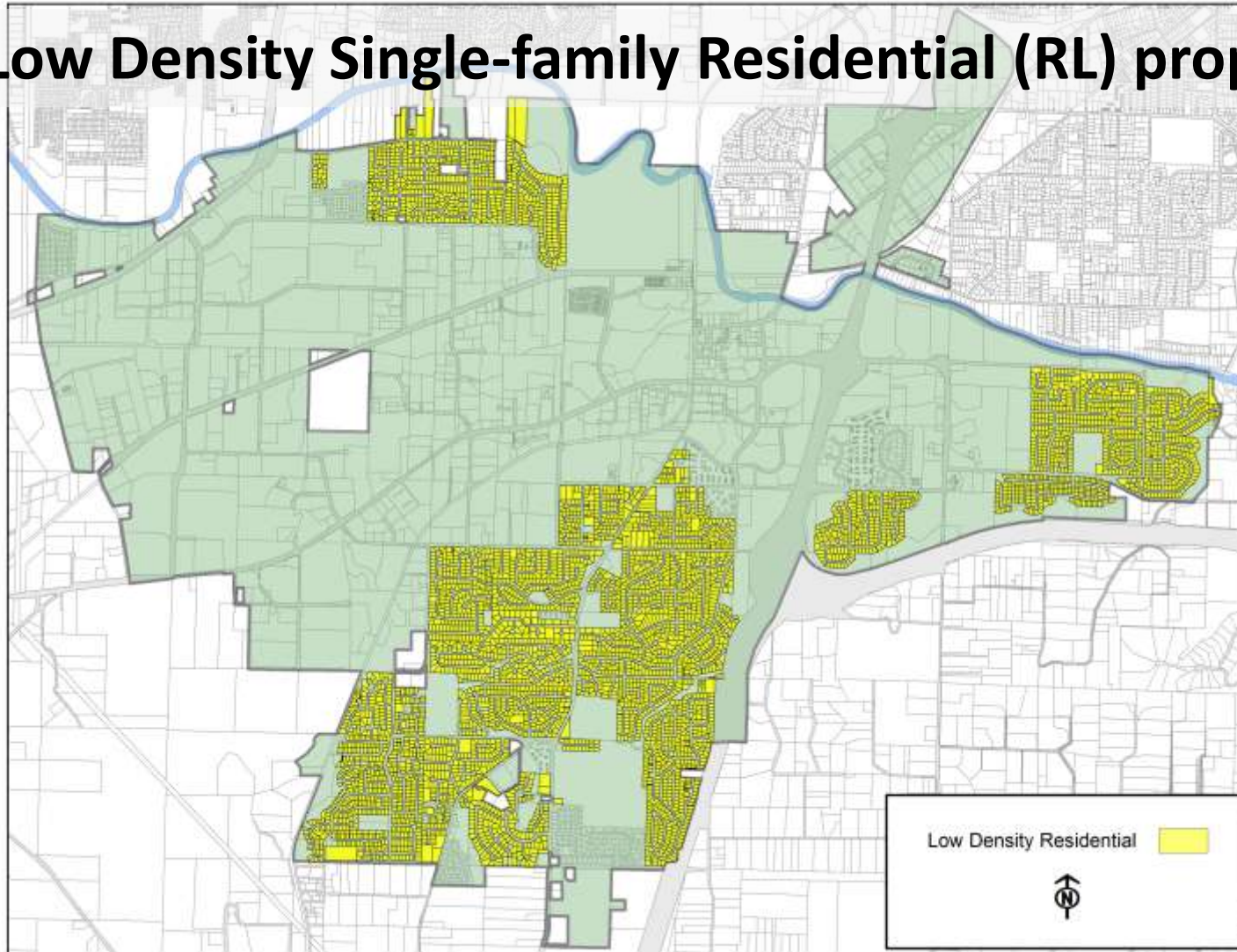
Proposed Municipal Code Language

- **Setbacks-** 25 feet from all property lines
- **Notice-** Send to directly adjacent neighbors informing them of a permit to allow chickens and providing information about how neighbors can register concerns.



Supplemental Information

- Low Density Single-family Residential (RL) properties

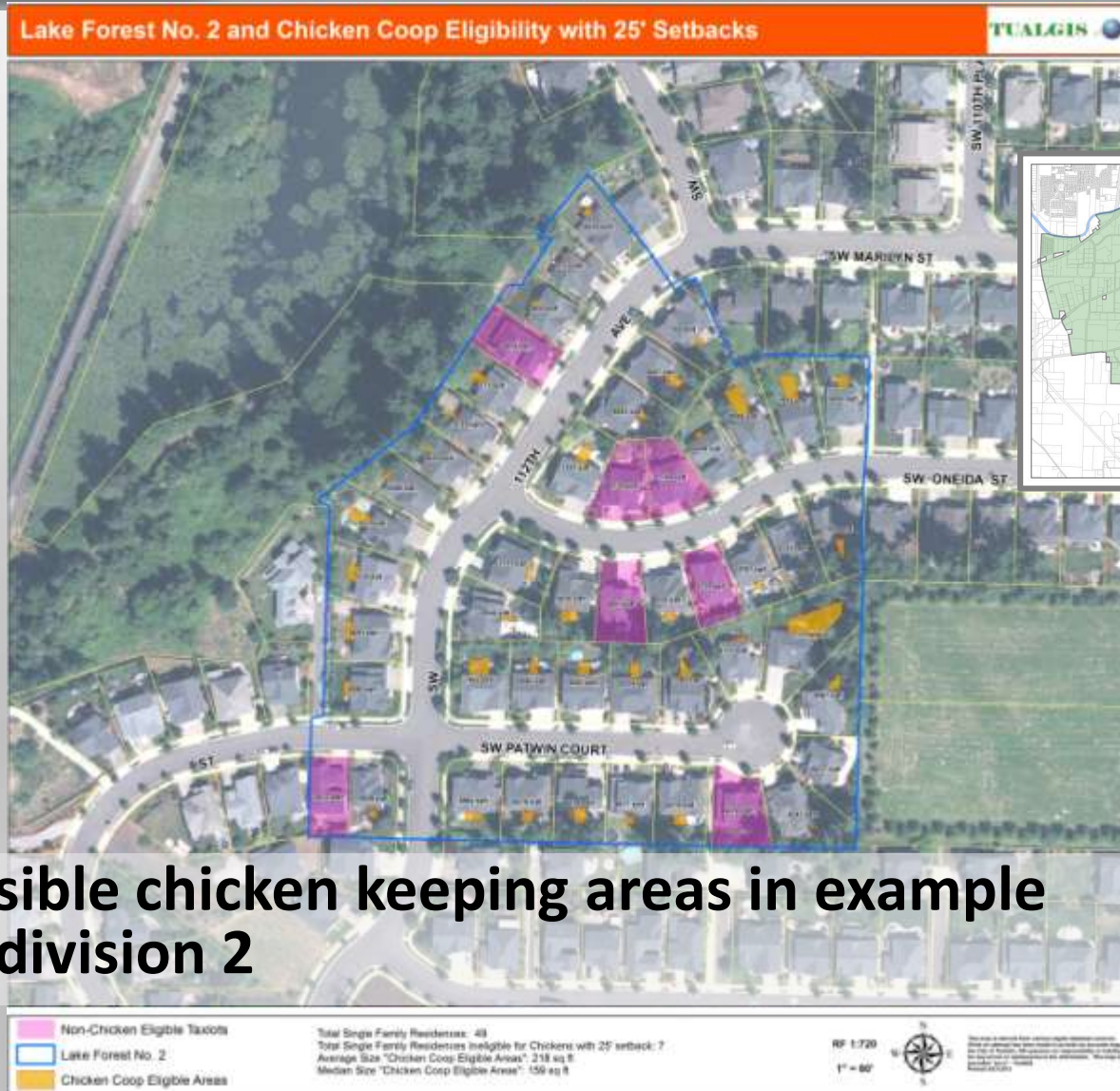


Supplemental Information



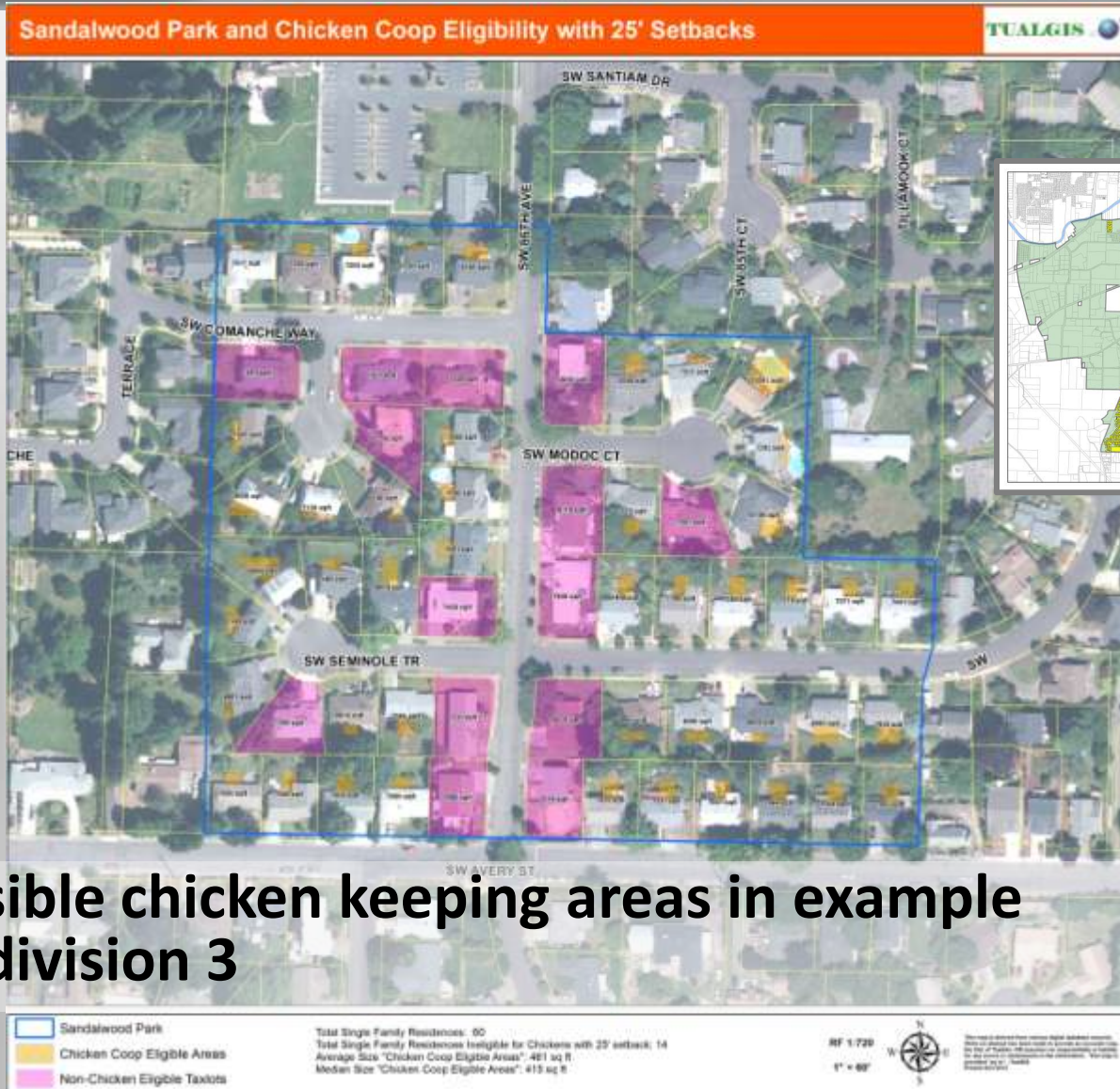
- Possible chicken keeping areas in example subdivision 1

Supplemental Information



- Possible chicken keeping areas in example subdivision 2

Supplemental Information



Council Actions

Development Code Changes (PTA 13-02)

- Vote on the proposed **Amendment** to change the Development Code
- To allow chickens in the RL Planning District

Municipal Code Changes (ORD 1362-13)

- Vote on the proposed Chicken **Ordinance** to change the Municipal Code
- To allow and regulate chicken keeping



Next Steps

- City Council:
 - If approved the Ordinance adopting PTA 13-02 will come back to Council on November 25.



Discussion & Questions





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Aquilla Hurd-Ravich, Planning Manager

DATE: 11/12/2013

SUBJECT: Consideration of **Resolution No. 5172-13** Authorizing Execution of an Annexation Agreement With Patricia A. Bither, Trustee of the Patricia A. Bither Revocable Living Trust, to Govern Annexation of 2.59 Acres of Land Located at 22120 SW Grahams Ferry Road (Tax Map 2S1 35BA Tax Lot Lot 5300)

ISSUE BEFORE THE COUNCIL:

Consideration of a resolution to authorize execution of an Annexation Agreement with Patricia A. Bither, Trustee of the Patricia A. Bither Revocable Living Trust, to govern the annexation of land located at 22120 SW Grahams Ferry Road (Tax Map 2S1 35BA Tax Lot Lot 5300).

RECOMMENDATION:

Staff recommends that the Council consider the attached resolution (Attachment 201), authorizing the Annexation Agreement (Attachment 201A).

EXECUTIVE SUMMARY:

Patricia A. Bither, trustee of the Patricia A. Bither Revocable Living Trust, owns 2.59 acres of land located outside the City on the southeast side of SW Grahams Ferry Road (the "Subject Property"). Currently, the property is occupied by three existing structures including a house (A), a storage shed (B), and a multi-vehicle garage (C) (Attachment 201A, Exhibit B).

On behalf of the Owner, Gertz Fine Homes has applied to the City for annexation of the Subject Property (ANN-13-02). When annexed, the property will be designated in the Low Density Residential (RL) Planning District. The applicant indicates future subdivision of the Subject Property to develop single-family houses as illustrated in a preliminary subdivision plan or "shadow plat" (Attachment 201A, Exhibit C). A public hearing for the Annexation is scheduled for November 12, 2013. A homeowner adjacent to the subject property had submitted written comment (Attachment 202).

The annexation process does not provide opportunity to address non-conforming use, structure or sign issues and conformance with public facility standards that would arise following annexation into the City and with development or redevelopment, so the Community

Development Department requested that the applicant participate in an Annexation Agreement. The proposed annexation agreement is a product of work by the applicant and City staff over the past several months and it is included as Attachment 201A for your review.

The purpose of this annexation agreement is to:

- Identify existing uses, buildings, structures, signs, access, paving, landscaping and other improvements on the property;
- Identify the standards and requirements from the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC) that will apply to the Subject Property upon annexation and at the time of redevelopment;
- Address the following issues:
 - Extension northward of SW Iowa Drive
 - Preservation of ability to further extend SW Iowa Drive northward to intersect with SW Grahams Ferry Road in compliance with the City Transportation System Plan (TSP)
 - Establishment of a new local street for the preliminary subdivision
 - Preparation of street connectivity within the preliminary subdivision and preservation of ability for street connections within adjacent undeveloped property to the northwest
 - Provision of two pedestrian and cyclist accessways as defined by TDC 31.060, the existing one to SW Chilkat Terrace and a required one to SW Choctaw Street

The terms of the proposed Annexation Agreement are as follows:

- Identification of existing uses, access, and structures on Subject Property.
- Setting of a framework identifying expected attributes of a preliminary subdivision and future phases of subdivision on adjacent property.
- Owner agrees that if prior to development on the Subject Property an existing septic tank, sanitary sewer utility, or potable water utility fails such that it would require replacement, the Owner shall connect to public facilities as required by the City through applicable permitting processes.
- The agreement is binding on the Subject Property owner of record and on the heirs, successors and assigns.

OUTCOMES OF DECISION:

Approval of Resolution No. 5172-13 authorizing the proposed Annexation Agreement between the City and the Property Owner will result in the following:

1. Authorizes the City to execute the proposed Annexation Agreement.
2. When signed by the Property Owner and the City, the Agreement will apply to the property upon annexation.

Denial of the Resolution will result in the following:

1. The City will not execute the proposed Annexation Agreement.
2. The Agreement will not be in effect when the property is annexed.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

- Approve the Resolution with revisions to the proposed Annexation Agreement that the Council deems necessary.
- Do not approve the Resolution authorizing the proposed Annexation Agreement.
- Continue the discussion of the proposed Annexation Agreement and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Approving the annexation agreement will not result in financial outlays by the City.

Attachments: [201-Bither Annex Agreement Resolution](#)
 [201A - Bither Annexation Agreement](#)
 [202 - Public Comment](#)
 [203 - Slide Presentation](#)

RESOLUTION NO. 5172-13

RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH PATRICIA A. BITHER, AS TRUSTEE OF THE PATRICIA A. BITHER REVOCABLE LIVING TRUST, FOR 2.59 ACRES OF LAND LOCATED AT 22120 SW GRAHAMS FERRY ROAD AND INCLUDING TAX LOT 2S135BA 05300 LOT 5300.

WHEREAS Patricia A. Bither, as Trustee of the Patricia A. Bither Revocable Living Trust, UAD 9/27/02, has applied to the City for annexation of approximately 2.59 acres of land located outside of the City at 22120 SW Grahams Ferry Road and including Tax Lot 2S135BA 05300 (Lot 5300); hereafter called the "Subject Property"; and

WHEREAS the applicant indicates she is preparing to offer the property for sale for redevelopment; and

WHEREAS the Annexation Process does not provide an opportunity to address nonconforming uses and other issues; and

WHEREAS the Annexation Agreement is meant to provide an avenue to address the existing issues, identify the standards and requirements from the TDC and TMC that will apply to the Subject Property upon annexation and redevelopment, and establish the uses and property improvements that upon redevelopment shall be brought into conformance with the TDC and TMC; and

WHEREAS it is in the public's best interest for the City Council to authorize the Annexation Agreement before the Public Hearing on the Annexation of the Subject Property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council authorizes the Mayor to sign annexation agreement, which is attached as Attachment A and incorporated by reference.

Section 2. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 12th day of November, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

ANNEXATION AGREEMENT
Bither Property

WHEREAS, Patricia A. Bither, as Trustee of the Patricia A. Bither Revocable Living Trust, UAD 9/27/02, (Owner) has applied to the City for annexation of property comprising 2.59 acres of land immediately adjacent to the Tualatin City limits generally located southwest of SW Grahams Ferry Road approximately ¼ mile west of SW Boones Ferry Road and more commonly known as 22120 SW Grahams Ferry Road and including Tax Lot 2S135BA 05300 (Lot 5300), AND LEGALLY DESCRIBED IN Exhibit 201AA attached hereto (the “Subject Property”); and

WHEREAS the Subject Property is located with the Tualatin Urban Planning Area on land designated on Tualatin Development Code (TDC) Map 9-1 as the Low Density Residential (RL) Planning District and on TDC Map 9-2 as Neighborhood Planning Area No. 14. The Subject Property is accessed from SW Grahams Ferry Road on the northeast via a flag drive approximately 1,000 feet in length. Immediately to the northeast and southwest of the flag drive are properties within the City boundary and developed property to the south is within the City boundary. Property to the northwest is outside the City boundary and undeveloped; and

WHEREAS, the Owner submitted a petition for annexation (ANN-13-02) to the City and has indicated a desire to subdivide the property into a single-family detached subdivision at a future date; and

WHEREAS, the City and the Owner seek to identify existing uses, buildings, access, paving and other improvements on the Subject Property; and

WHEREAS, the City and the Owner seek to identify the standards and requirements from the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC) that will apply to the Subject Property upon annexation and at the time of development; and

WHEREAS the City and the Owner will establish the uses and property improvements that upon development shall be in conformance with the TDC; and

WHEREAS, it is in the best interests of the public health and safety to determine the adequacy and suitability of improvements on the Subject Property for existing and future development on the Subject Property; and

NOW, THEREFORE, in consideration of the mutual promises contained below, the City and the Owner agree as follows:

1. The Owner and City agree the following structures and access on the Subject Property exist at the time of this Agreement and as depicted on Exhibit 201AB:
 - a. Three existing structures:
 - i. One Residential Building (A)
 - ii. One storage shed (B)
 - iii. One multi-vehicle garage (C)

- b. Existing access including paved ingress and egress from SW Grahams Ferry Road.
 - c. There are no non-conforming uses on the Subject Property at the time of this Agreement
2. The Owner and City agree that the current residential use and access shall remain unchanged upon annexation until such time as a single-family (SF) residential subdivision is platted per Tualatin Development Code (TDC) 75.090 (4) Interim Access
3. The City identifies the minimum TDC chapters that will apply to any future residential subdivision(s) proposed following annexation:
 - a. Chapter 31 General Provisions
 - b. Chapter 36 Subdividing, Partitioning and Property Line Adjustments
 - c. Chapter 40 Low Density Residential Planning District (RL)
 - d. Chapter 73 Community Design Standards
 - e. Chapter 74 Public Improvement Requirements
 - f. Chapter 75 Access Management
4. In addition to the above referenced applicable TDC chapters, the City and Owner agrees to the following general framework in conjunction with any proposed Single Family subdivision of the Subject Property:
 - a. Shadow Plat: Provide a shadow plat of adjacent properties that does not limit their future development. For purposes of this agreement, a shadow plat is a preliminary subdivision plan of Tax Lots 2S135BA05200 (Lot 5200), 2S135BB10100 (Lot 10100), and 2S135BB10200 (Lot 10200) that illustrates alignments, widths, and extents of future rights-of-way (ROWs) (Exhibit 201AC).
 - b. Accessways: Provide a pedestrian connection to the existing pedestrian accessways in the Victoria Woods No. 3 Subdivision terminating at SW Choctaw Street and SW Chilkat Terrace, respectively.
 - c. Street System Connectivity: On-site connectivity shall preclude both dead-ends (except for any future street extension) and cul-de-sacs per TDC Figure 11-3 Local Street Plan.
 - d. SW Iowa Drive Extension: The extension of SW Iowa Drive shall be built to continue the local street 68 feet right-of-way (ROW) cross section and with an alignment as shown on TDC Figure 11-1 Functional Classification and Traffic Signal Plan.
 - e. New Local Street: The new street to serve Tax Lot 2S135BB10100 (Lot 10100) shall be built to local street 50 feet ROW cross section per TDC Figure 74-2F.
5. When the Annexation is effective
 - a. The Subject Property will assume the designation of the Low Density Residential (RL) Planning District per TDC Map 9-1 Community Plan Map
 - b. The Owner or its heirs, successors and assigns may choose prior to development of the Subject Property to connect to City potable water and sanitary sewer lines through applicable City permitting processes. If on the Subject Property an existing septic tank, sanitary sewer utility, or potable water utility fails such that it would require replacement, the Owner or its

heirs, successors and assigns shall connect to public facilities as required by the City through applicable permitting processes.

6. The Owner or its heirs, successors and assigns shall pay any fees required with building permits and public works permits at the time of development on the Subject Property.
7. The agreement is binding on the property owner of record and on the Owner's heirs, successors and assigns.

INTRODUCED AND ADOPTED this ____ day of _____, 2013.

OWNER:

BY _____
Patricia A. Bither

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM ATTEST:

BY _____ BY _____
City Attorney City Recorder

Exhibit "A"

Real property in the County of Washington, State of Oregon, described as follows:

Beginning at a 5/8" rod on the southerly right-of-way of Mulloy Road as per survey 8208, said point being the most northeasterly corner of that property described in Book 460 page 19 of Washington County deeds & records, in the Northwest 1/4, of Section 35 T 2 S., R 1 W, of the W.M.; thence S 0°21'27" E 684.45 feet more or less to a 5/8" rod as per survey 8208; thence S 57°33' 43" W 349.77 feet; thence S 27°00'E 306.79 feet to a 5/8" rod; thence S 63° W 220.54 feet to a 5/8" rod; thence N 63°06'29" W 225.12 feet to a 5/8" rod and cap; thence N 28°47'29" E 240.87 feet to a 5/8" rod and cap set in the survey of July 1975; thence N 57°33'43" E 495.23 feet to a 5/8" rod; thence N 0°21'27" W 651.54 feet to a 5/8" rod on the southerly N/W of Mulloy Road (Graham's Ferry Road) and at the Northeast corner of that property described in Book 691 page 69 W.C.D.1-1.; thence N 31°43" E 31.93 feet to the point of beginning as per Survey 18,389 of August 1979.

NOTE: This legal description was created prior to January 1, 2008.

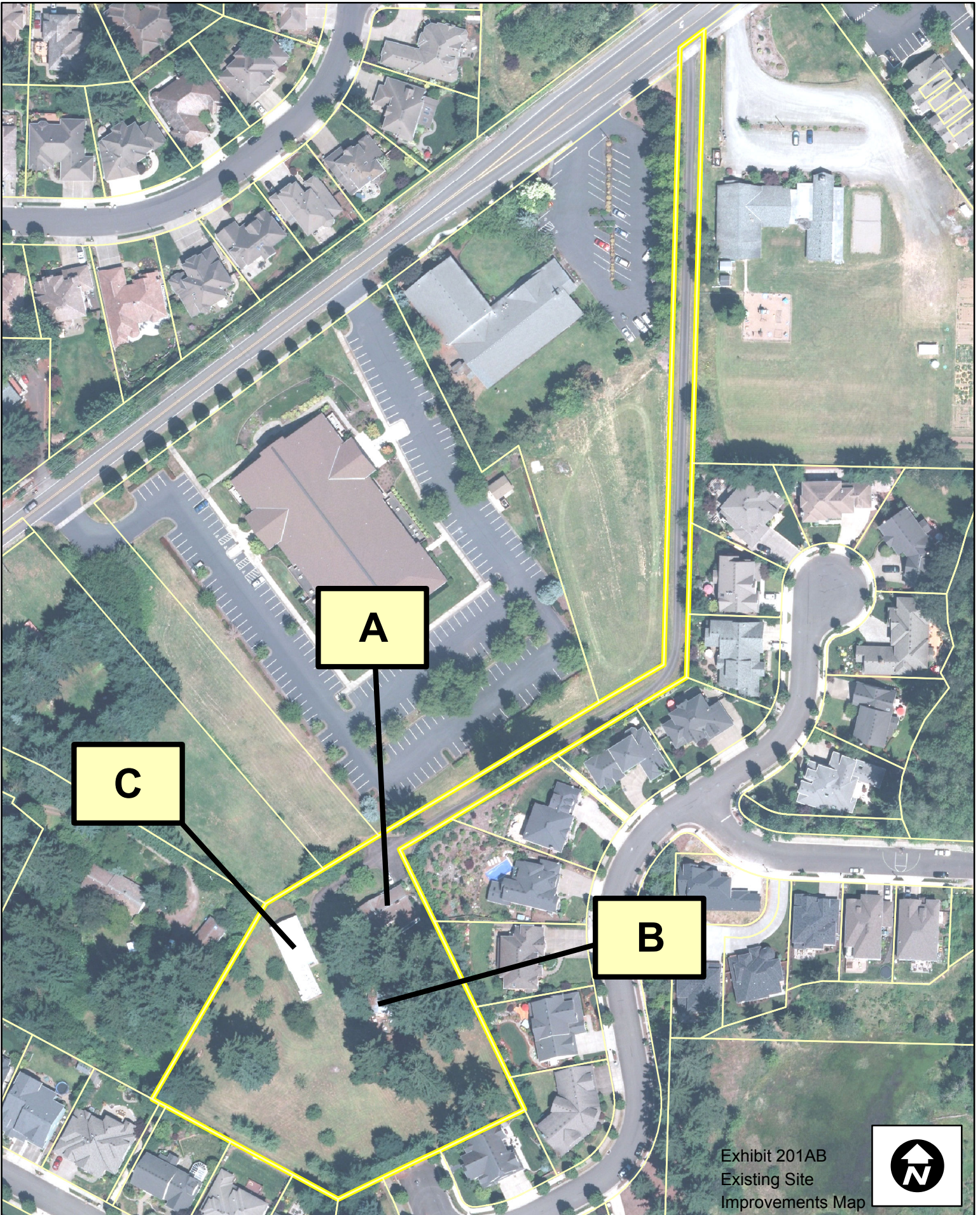
ANNEXATION CERTIFIED

BY VF

JUL 17 2013

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

Exhibit 201AA
Legal Description



A

C

B



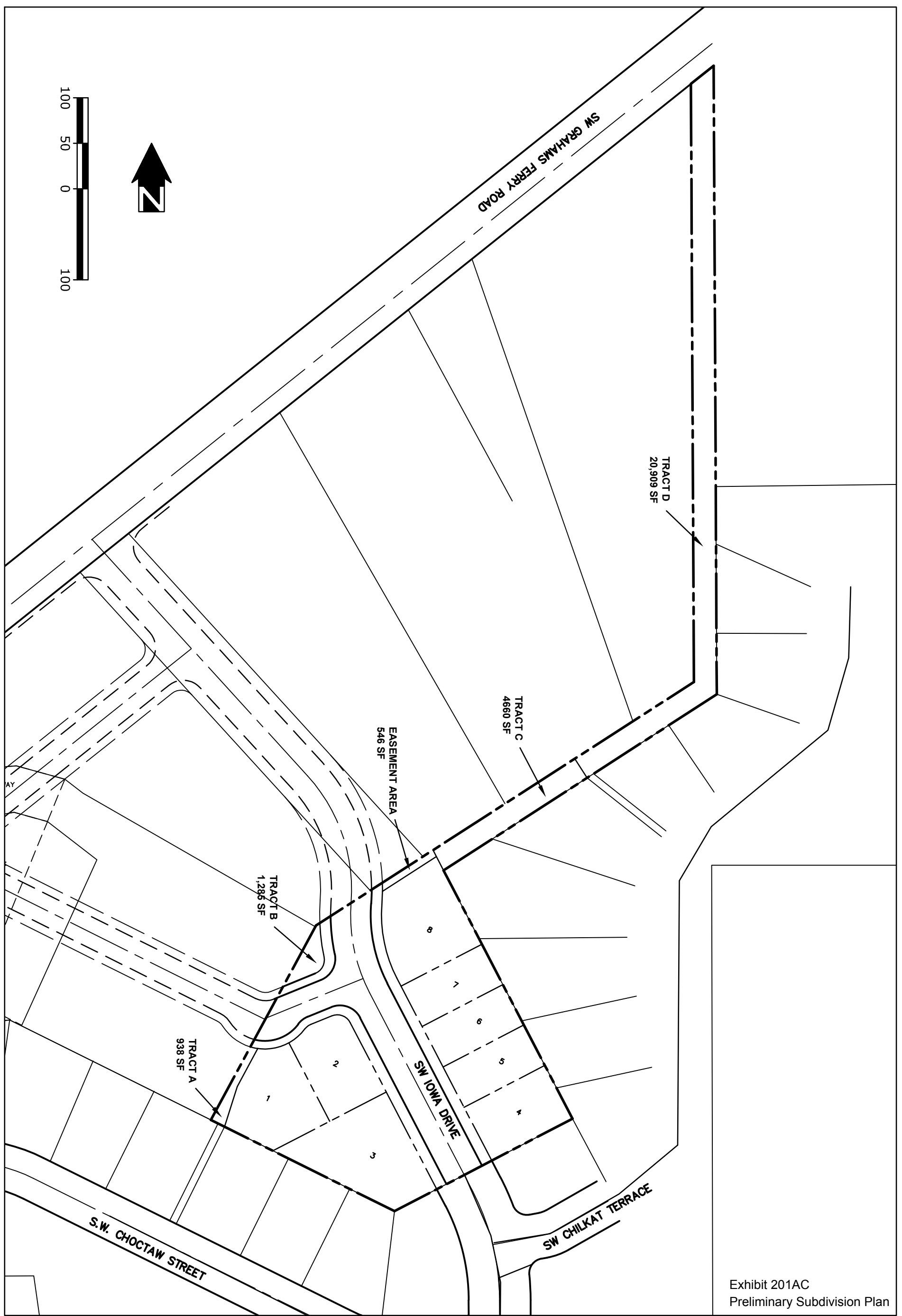


Exhibit 201AC
Preliminary Subdivision Plan

OF
1
1

PROJECT NO.:	2894	DATE:	08/19/13	REVISIONS
DESIGNED BY:	ARW	DRAWN BY:	ARW	
PRELIMINARY SITE PLAN				
22120 SW GRAHAMS FERRY RD				
2894-PRE.DWG				

CES|NW
13190 SW 68th Parkway, Suite 150
Tigard, Oregon 97223
503.968.6655 www.cesnw.com

GRAHAMS FERRY ROAD
CASE FILE NO. ANN-13-02
GERTZ FINE HOMES
19200 SW 46TH AVE.
TUALATIN, OR 97062

Colin Cortes

From: hulsman5997@comcast.net
Sent: Sunday, September 15, 2013 9:29 AM
To: AQUILLA HURD-RAVICH
Cc: Colin Cortes
Subject: Pedestrian Pathway / Bithers' Driveway

Mayor Ogden and Tualatin City Council,

I am writing in regards to the property directly my home and the homes of 6 of my neighbors. In past years it has served primarily as the driveway for the Bithers family. We understand that the future of this property is currently being considered by the Council.

This summer I wrote to Gertz Fine Homes and spoke directly with Christy Wiegel, a representative from Gertz, considering the future of this property. I proposed that this long driveway be subdivided and sold to the 7 neighbors who back to this property. This would be a desire of ours for three reasons.

1) This would increase our backyards by 25 feet; increasing the yard, improving the livability of our homes and increasing our property value. In the case of my home, this would more than double our backyard.

2) A pedestrian pathway would bring back the problems that we faced in the early years of this portion of our neighborhood. I moved into my home in March of 2000. Though the Bithers' driveway and the property belonging to surrounding churches is private property, it was never treated in that manner by many. It was used as a pedestrian pathway throughout the day and much of the night on weekends. Some of the problems we experienced were:

Loud groups coming through late at night and the very early hours of the morning.

Alcohol and beer bottles littered, indicating under age drinking.

Litter in general.

Some fences kicked in from the Bithers' side.

Trespassers going into our yards, including damage to plants and whole plants pulled up.

A top to a hot tub was flipped up on several occasions. Use was not determined.

Gates opened to back yards, allowing dogs to be released.

Homes' doors pressed in far enough to set off internal alarms and summon police. Whether these were potential break-ins or pranks to set off the alarms is not known.

Much of this, though not all, stopped when the 6 foot cedar fence was installed at the end of the easement on Chilkat Terrace. The fence received a conditional use permit from City Council. Some of the nuisances continue still, though drastically reduced.

3) A pedestrian pathway in this location would not only be a nuisance, it would be unsafe. Though by city regulations it might be off limits after the sun sets, past practices indicate this would be ignored. It would be a very long and unlit path. Police would have difficulty being a presence down it without walking. Neighbors' views would be very limited. It would once again be a very private place for underaged kids to gather and go unchecked.

My concern is not that the path would be used at night by runners and walkers. My concern is for the safety of these people down a very long, unlit path and that will be very hard to have under any kind of surveillance.

Attachment 202
Public Comment

I appreciate connectivity and the efforts of the city of Tualatin to make this happen. In this particular case it is not wise and not safe. I urge you to encourage the sale of this property to the neighbors who back to this driveway and not allow it to become a pedestrian pathway.

Further, I request that my neighbors and I be notified in the future if this topic comes before you again.

Appreciatively,

Michael Hulsman

22395 SW Chilkat Terrace

Tualatin, Oregon

503-691-9988

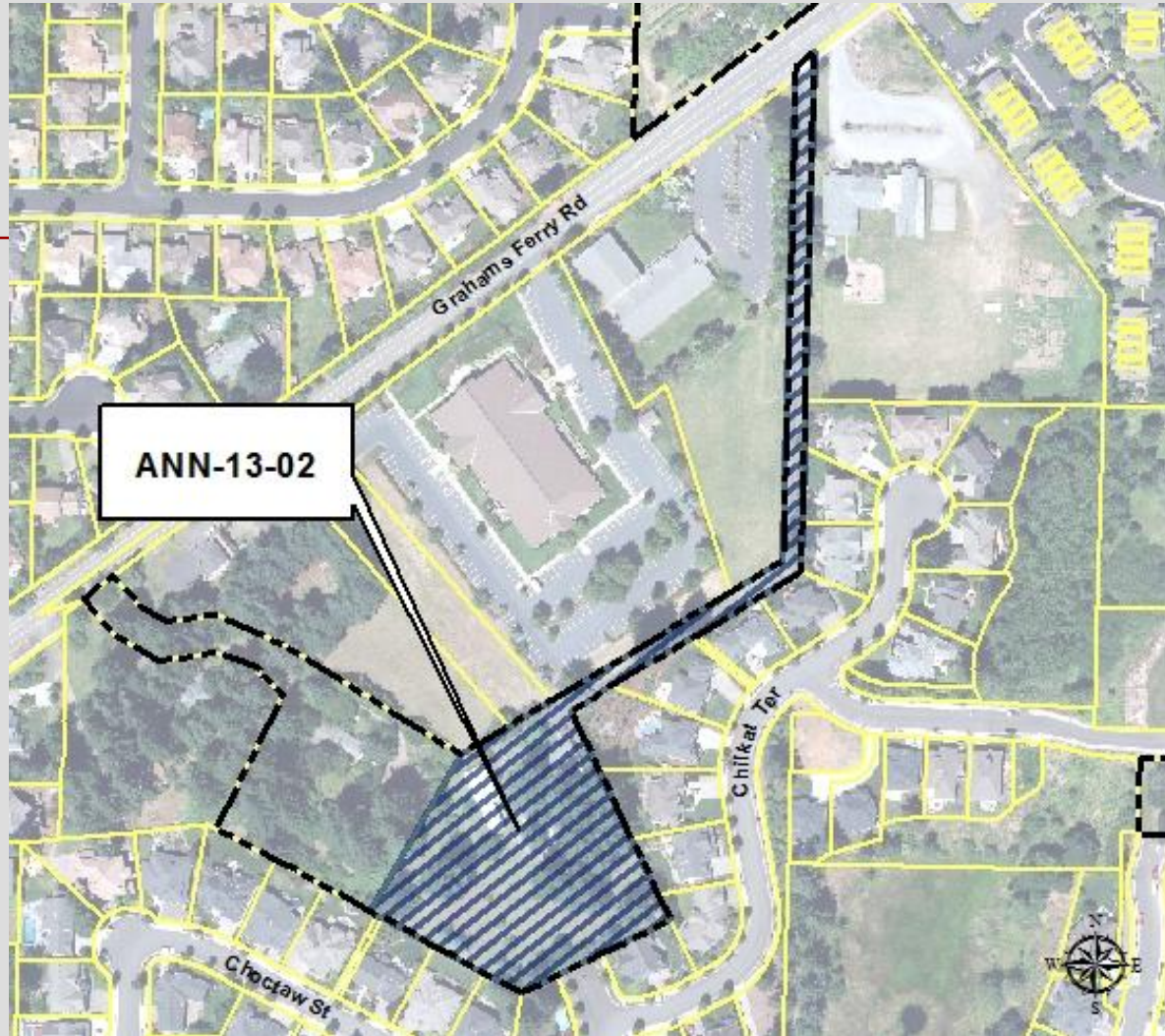
Citizen of Tualatin for 13 years.

**Annexation
ANN-13-02**

Bither Property

November 12, 2013

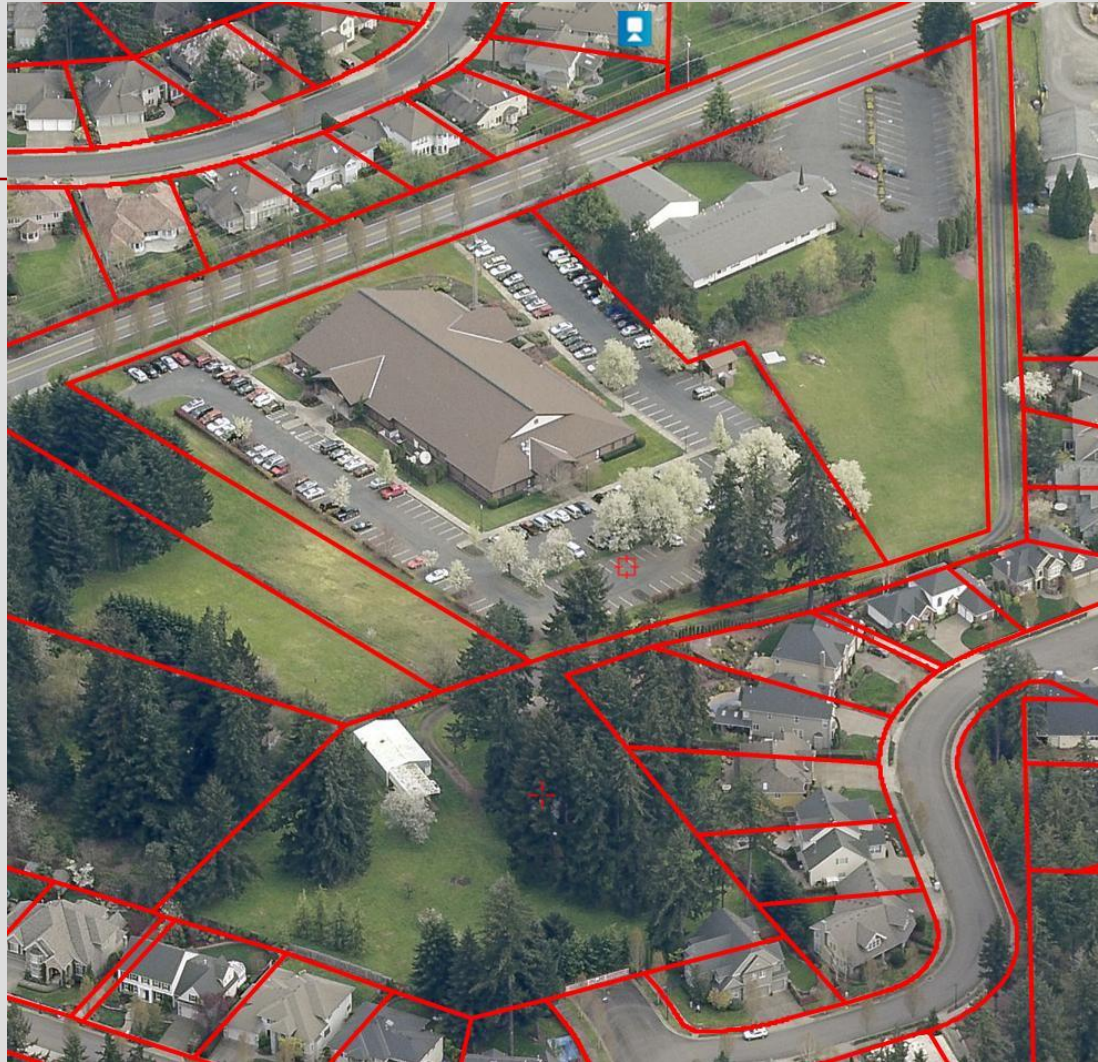






Oblique Aerial View

North is up.





Annexation Request

- Petition by property owner to annex the 2.59-acre subject property
- Property will be designated in the Low Density (RL) Planning District.
- Proposed Annexation Agreement between the City and Owner to address existing and future development on the property

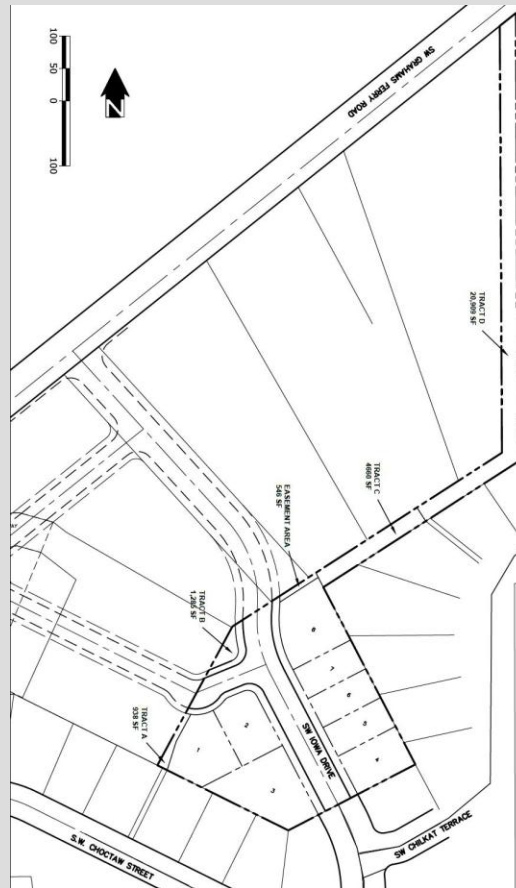


Annexation Agreement

- Identify existing uses, buildings, and other property improvements
- Identify the standards and requirements from the TDC and TMC applicable to the property upon annexation and at time of redevelopment
- Address existing and future property development



Preliminary Subdivision Plan





Subdivision Improvements Addressed

The agreement addresses these parts of future subdivision:

- SW Iowa Drive extension northward
- Preservation of future extension of SW Iowa Drive northward to intersect with SW Grahams Ferry Road
- Establishment of a new local street for the preliminary subdivision
- Preparation for street connectivity within the preliminary subdivision and for future street connections within adjacent undeveloped property
- Provision of two pedestrian accessways, one to SW Chilkat Terrace and one to SW Choctaw Street

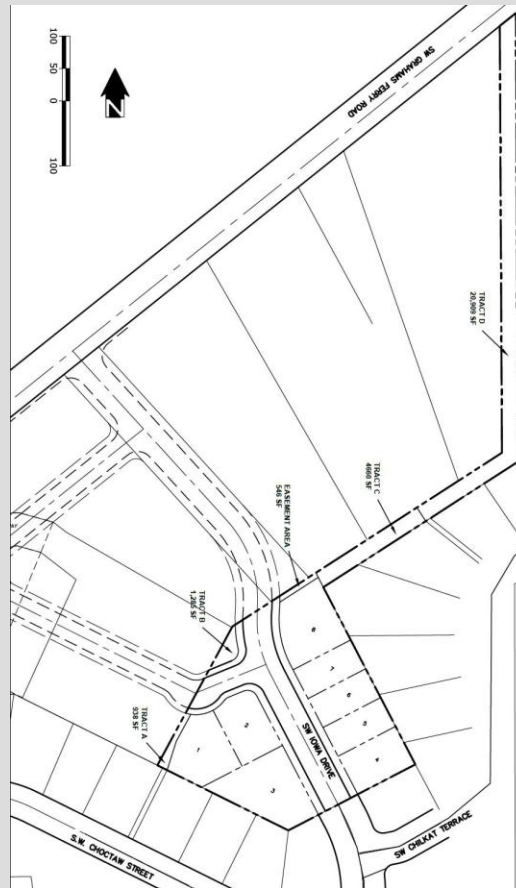


Conclusion

- Separate and parallel Bither Annexation Agreement sets framework identifying expected attributes of a preliminary subdivision plan and addresses existing and future development
- Analysis and Findings show the Bither Petition meets annexation requirements of TDC 31.067



Questions?





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Aquilla Hurd-Ravich

FROM: Aquilla Hurd-Ravich, Planning Manager
Alice Rouyer, Assistant City Manager

DATE: 11/12/2013

SUBJECT: Consideration of **Ordinance 1362-13** relating to keeping of backyard chickens; and Adding Chapter 6-15 to the Tualatin Municipal Code.

ISSUE BEFORE THE COUNCIL:

Consideration of an ordinance relating to keeping backyard chickens and adding a new chapter 6-15 to the Tualatin Municipal Code.

RECOMMENDATION:

Staff recommends Council consider the staff report and proposed ordinance when deciding whether or not to allow chickens.

EXECUTIVE SUMMARY:

A requested change to the Tualatin Municipal Code originated in 2010 by the Community Development Department in response to issues and questions raised by the City Council about the keeping of poultry in residential areas. The City Council reconsidered chicken keeping in December 2012 and directed staff to work with the Citizen Involvement Organizations (CIOs) to solicit feedback.

In May 2013 staff returned to Council with feedback from the CIOs and a work plan if Council directed staff to bring back an Ordinance. Staff received direction from Council and presented research and best practices from other cities at a work session in July, and at a September work session staff presented on possible code components. A companion piece to the proposed TMC Ordinance is an amendment to the Tualatin Development Code to change the Low Density Residential Permitted Uses to include chicken keeping. On October 17, 2013 the Tualatin Planning Commission reviewed and discussed the proposed TDC amendment and made a recommendation to Council to approve the change with modified language. The full recommendation and discussion of the Plan Text Amendment is a legislative Public Hearing before the Council on November 12, 2013 (this agenda).

Existing code requirements in the Tualatin Development Code do not allow the keeping of chickens in single-family residential areas and specifically the Low Density Residential Planning

District (RL) (TDC 40). The RL Planning District allows as a permitted use "agricultural uses of land, such as truck gardening, horticulture...", but excludes "the raising of animals other than normal household pets" (TDC 40.020). Further, the RL Planning District allows as a conditional use "agricultural animals" but limits these to include "cattle, horses and sheep" (TDC 40.030 (4)(m)) to some limited areas of the City. Small animals are defined as "a domestic animal, such as a dog, cat, rabbit or guinea pig, accepted by the American Veterinary Medical Association as a household pet" (TDC 31.060), and thus does not include chickens. The Tualatin Development Code does not allow "agricultural uses" in any other Planning District.

The draft ordinance prepared in 2010 provided a solid starting point for the proposed Chicken Keeping Ordinance. Based on input from Council at the August and September 2013 work sessions and best practices contained in the recently adopted ordinances from other cities, staff suggested modifications to the 2010 ordinances.

The proposed ordinance includes the following components:

- **Type of Birds:** Chickens only.
- **Secure Enclosure:** Located outdoors and separate from dwelling. In the rear yard. Not to exceed a floor area of 200 square feet and a height of eight feet. Portions of the enclosure that face neighboring properties will be of solid material in other words no coop fencing. Allow chickens to range free under direct supervision within a fenced yard.
- **Number of Chickens:** Up to four adult birds over four months of age.
- **Roosters:** No roosters.
- **Feed containers:** Poultry feed kept in metal or other vermin-proof containers or receptacles.
- **Permit and Fees:** Application required. Fee required as established by City Council Resolutions.
- **Complaint Process:** Written complaint required. Investigation and enforcement by City.
- **Harvesting or butchering:** Not permitted.
- **Setbacks:** 25 feet from all property lines.
- **Notice:** Send notice to directly adjacent neighbors informing them of a permit to allow chickens and providing information about how neighbors can register concerns.

The complete Ordinance 1362-13 is attached for your review as Attachment A. Staff has received comments from the public and these are summarized for your review in Attachment B. (These are the same comments as provided in the Plan Text Amendment Staff Report.)

OUTCOMES OF DECISION:

Approval of the Ordinance would result in the following:

- Tualatin Municipal Code will be revised with a new Chapter 6-15 to allow and regulate the Keeping of Chickens in single-family residential areas.

Denial of the Ordinance would result in the following:

- The Tualatin Municipal Code will not be revised and Keeping Chickens will continue to be

prohibited in the City.

ALTERNATIVES TO RECOMMENDATION:

Alternative outcomes include:

- Direct staff to make changes to the Ordinance language.
- Deny the proposed Ordinance.
- Continue the discussion and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The FY 2013/ 2013 budget accounts for the cost of City initiated Ordinance changes.

Attachments: A-Chicken Ordinance Final
 B - Comment Log

ORDINANCE NO. 1362-13

AN ORDINANCE RELATING TO KEEPING OF BACKYARD CHICKENS; AND
ADDING CHAPTER 6-15 TO THE TUALATIN MUNICIPAL CODE

WHEREAS, many City of Tualatin residents have expressed interest in urban farming relating to the keeping of backyard chickens; and

WHEREAS, many residents wish to preserve the longstanding traditions of Oregon agriculture; and

WHEREAS, fostering sustainable efforts and green, environmentally-friendly living in the City of Tualatin is important to the quality of life of our citizens; and

WHEREAS, providing appropriate guidelines for backyard chickens is important to ensure the health, safety, and welfare of the citizens of Tualatin; to prevent nuisances; maintain sanitary conditions of property; and prevent impairment on the enjoyment of surrounding properties.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Chapter 6-15 is added to the Tualatin Municipal Code to read as follows:

TMC 6-15-005 Purpose.

The purpose of this code is to provide minimum standards for keeping backyard chickens for domestic purposes and to safeguard the health, safety and welfare of the citizens of Tualatin.

TMC 6-15-010 Definitions.

As used in this chapter, the following definitions apply:

(1) "Chicken" means *Gallus gallus domesticus*, a domestic fowl believed to be descended from the red jungle fowl of southeastern Asia and developed in a number of breeds.

(2) "City Manager" means the City Manager or the City Manager's designee.

(3) "Chicken Facility" means a coop, a run, or a combination of a coop and a run.

(4) "Coop" means a structure that provides roofed shelter for chickens.

(5) "Hen" means an adult female chicken.

(6) "Licensee" means the person granted a license to keep chickens.

(7) "Run" means an enclosed or fenced area either surrounding or separate from the coop in which poultry are kept and allowed to walk, run about, peck and otherwise move freely.

(8) "Rodent" means a mouse or rat.

(9) "Rooster" means a male chicken over four months of age.

(10) "Vector" means any insect organism, including but not limited to flies, fleas, lice, ticks, fly maggots and mosquito larvae capable of bearing or carrying a disease transmittable to human beings.

(11) "Vermin" means any rodent or vector.

TMC 6-15-020 License to Keep Chickens Required.

(1) A person must not keep chickens within the City of Tualatin, unless the person has a valid license issued by the City of Tualatin for such purpose.

(2) The license to keep chickens is valid for a period of five years, and may be renewed for additional five-year terms. The process for renewal shall be the same as for acquiring a license.

TMC 6-15-030 Conditions of License.

Every licensee must comply with the following conditions at all times:

(1) The place where the chickens are to be kept must be within a planning district that allows the keeping of chickens as a use;

(2) A maximum of four hens are permitted on any one lot.

(3) Roosters are prohibited.

(4) Harvesting or butchering of a chicken is prohibited.

(5) Chickens must be confined at all times within a chicken facility; unless, within a fenced yard and under the direct supervision of the licensee.

(6) The chicken facility must be located in the rear yard of a lot and be at least 25 feet from all property lines.

(7) The chicken facility must not exceed 200 square feet in floor space.

(8) The chicken facility must not exceed a height of eight feet measured from the tallest part of the roof surface to the ground.

(9) The coop must have at least three enclosed sides. The fourth side may be open with the open side facing away from all neighboring property lines.

(10) The chicken facility and the place where the chickens are located must be maintained in good repair, in a clean and sanitary condition, and free of vermin, and obnoxious smells and substances that create a nuisance for adjoining property.

(11) Chicken feed must be properly stored in a vermin-proof container or receptacle.

TMC 6-15-040 License Application.

(1) An application for a license to keep chickens must include the following:

(a) The name and mailing address of the person seeking the license;

(b) The address where the chickens will be kept;

(c) A description of the chicken facility to be utilized, its dimensions, a description of the site, including notation of setbacks;

(d) The names and addresses of all owners of property adjoining the location where the chickens are proposed to be kept;

(e) A certification by the person seeking a license that the person agrees to abide by the license provisions of this Chapter for the duration of the license term; and

(f) The payment of the licensing fee, as established by resolution of the City Council.

(2) The City must grant a license within 30 days of receipt of a complete and valid application.

(3) An application for a license to keep chickens, or a renewal of a license, may be denied for any of the following reasons:

(a) The application materials contain any inaccurate, misleading, or incomplete statements;

(b) The applicant previously failed to comply with the conditions of the license issued; or

(c) Other activity by the person seeking the license that presents reasonable doubt about the person's ability to comply with the license conditions or otherwise endanger the health, safety, or welfare of the public.

TMC 6-15-050 Notice of License to Neighboring Properties.

Within ten business days following approval of a license application, the City shall provide written notice by first class mail to all property owners immediately adjacent to the licensee's property. The notice must list the name and address of the licensee and the City's contact information for persons to seek information or file complaints.

TMC 6-15-060 Complaint Processes.

(1) Any person may file a complaint alleging a violation of this Chapter by submitting a written complaint to the City of Tualatin. The complaint must contain the following information:

- (a) The name of the person filing the complaint;
- (b) The address of the alleged violation; and
- (c) A complete description of the alleged violation.

(2) Upon receipt of the complaint, the City Manager must determine if the complaint alleges a violation of this Chapter, and if so, conduct an investigation of the complaint. If the City Manager determines that the complaint is not valid, the case will be closed and all parties will be notified of the closure.

(3) If after investigating the complaint, the City Manager determines a violation has occurred, the City Manager may issue a warning or citation.

TMC 6-15-070 Inspection of Premises; Administrative Warrant.

When it is necessary to inspect the premises to investigate or enforce the provisions of this Chapter, the City Manager may, with the owner's permission, enter the premises at reasonable times to inspect or perform the duties imposed by this Chapter, or must seek an administrative warrant. The process for seeking inspection of a premise is as follows:

(1) If the single-family dwelling or premises are occupied, the City Manager must present credentials to the occupant and request permission to enter.

(2) If the single-family dwelling or premises are unoccupied, the City Manager must make a reasonable effort to locate the owner/keeper or other person having

charge or control of the single-family dwelling or premises and request permission to enter.

(3) If entry is refused or the dwelling unit or premises are unoccupied, the City Manager must obtain an administrative warrant before entry or inspection of the premises.

TMC 6-15-080 Abatement of Violations.

In addition to any other remedy provided by law, the City may cause any violation of this Chapter to be abated as provided by the abatement proceedings in TMC 6-04-170 through 6-04-240.

TMC 6-15-090 Violation is Civil Infraction.

(1) A person who violates or refuses to comply with this Chapter commits a civil infraction and shall be subject to a fine of up to \$500. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

(2) In addition to any other remedy provided by law, a person that commits more than two violations of this Chapter within any six-month period may have their license revoked for up to one year.

(3) The civil infraction procedures in TMC 7-01 apply to the prosecution of any violation of this Chapter.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction the remainder of this ordinance shall remain in full force and effect.

INTRODUCED AND ADOPTED this 12th Day of November, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
1.	9/27/13 Do allow Chicken Farming within City Limits	Bryan and Dianne Yates	<p>Chickens belong on farms, period. As someone who comes from farm country in the Midwest, chickens are smelly and noisy - - yes, even the hens. Our backyards are too close together for this kind of activity. You would wreck housing values, especially in our neighborhood – maybe even making it impossible for us to sell our home. Even if all of us agreed that having chickens is okay, potential home buyers looking in Tualatin would never go for it.</p> <p>This is an insane idea, especially since you would be catering to such a small portion of Tualatin’s population. If people want to raise chickens, let them relocate to appropriate sites outside of the city limits. Chickens do not belong in residential neighborhoods.</p> <p>We already have noise and pet issues that we are dealing with in our neighborhood. This would absolutely tip the balance for us.</p> <p>All of my neighbors feel exactly the same way.</p>
2.	9/27/13 Backyard Chickens - No, No, No, No , No!!!!	Dianne and Bryan Yates	<p>I come from the Midwest, from farm country... What are you people thinking?!!! Chickens do not belong within residential neighborhoods, period. I don’t care how far away they are from the property line – Chickens stink – badly. And contrary to popular opinion, they are noisy – even the hens. We already have noise issues with our neighbors. We do not need farm animals to top it off. We live in the Fox Hills neighborhood, and we live too closely together to make your plan work.</p> <p>This will affect our home values, and they have gone down enough already in the housing bust. We are just getting to the point where we could sell our home and break even. We don’t need this to cause complications if we choose to sell.</p> <p>This is the dumbest thing I have ever heard, and that’s saying something. If people want to raise chickens, more power to them... But, let them do it properly on property outside of the city limits.</p> <p>What can we do to stop this?</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
3.	9/29/13 Backyard Chickens	Elaine O'Neil	<u>*Please*</u> don't allow backyard chickens in Tualatin. This isn't the Beverly Hillbillies... we have way more class in Tualatin. If people want chickens, let them move to Gresham or Hillsboro or some other hick town.
4.	9/29/13 Backyard Chickens	Jim and Marion Ohrtman	Is Tualatin really considering allowing chickens in residential areas? REALLY?????? We feel that would be a BIG mistake! Would residents at least get a chance to vote on this? I hope you get lots of responses from people opposing this, enough hopefully to prevent this from actually being approved!
5.	9/30/13 Backyard Chickens	Laurie Jarmer	<p>I spoke with you almost a year ago now about backyard chickens and you were able to send me the proposed backyard chicken ordinance from several years previous (thank you again). I know you are probably very busy so I decided not to take up your time with a phone call but just to write a short email about the proposed ordinance that is currently before the city.</p> <p>There is a group of about 40 of us who have been actively working on getting some kind of ordinance passed in the city to allow for backyard chickens. (Though our email group numbers 40 we believe we have a large support base for backyard chickens as we talk to neighbors in the community). We have been happy and excited to see that the city is moving ahead on this. Thank you for all the work you have put into this.</p> <p>Our concern now is primarily over the 25 foot setback that is included in the ordinance. In the last couple days our group has gone out to measure their backyards and except for a couple people, the 25 foot setback eliminates all of us from having chickens. It seems to our group that since most residents have somewhere around a 6,000 - 7,000sq foot lot that having a 25 foot setback from any property line eliminates all those residents from having chickens.</p> <p>Our home is fortunate to have a 13,000 foot lot but because of the odd shape, we also would not be able to have chickens in our backyard unless we wanted their coop in the middle of the yard.</p> <p>As our group has researched other city ordinances, we</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>have found that most cities have between 5 to 15 feet setbacks from property lines. This seems reasonable to our group.</p> <p>So our question is, how did the city arrive at the 25 foot setback? Is that setback already set in stone and unable to be changed? Is there some way we can ask the city and the council to revisit the setback issue?</p> <p>We hope that we can all work together to make this a win, win issue for everyone involved.</p> <p>Thanks again for taking the time for my email. I'd be glad to talk to you by phone if you wish</p>
6.	10/08/13 No Chickens in Tualatin	Sue Fleener	<p>Hello,</p> <p>I sent this email to Cindy Hahn, as was requested in the October Tualatin today. She however is out of the office now, until Oct. 28th. Please forward this to whomever is taking public input and opinions on this subject.</p> <p>My husband and I would like to state our opinion on the chicken issue. We are both definitely opposed to changing the current regulation. I lived in the country for 12 years, and was glad to move to the city and away from farm animals. Chickens are messy, stinky, noisy, and can carry diseases. They also attract predators such as raccoons, opossums, foxes, coyotes, etc. They don't belong in an urban or suburban area where houses are on small lots right next to each other. I understand the "25 feet away from property line" element, but that isn't enough. Plus if this passes, who is going to enforce the regulations? That would be just another added cost to the city.....if it were to be done right. There are other city regulations which go unchecked, because someone has to turn in their neighbor first, which can cause hard feelings and feuds. Let's just stay away from another potential problem.</p>
7.	10/08/13 Backyard Chicken Ordinance	Endre Richards	<p>To Whom It May Concern,</p> <p>As a resident of Tualatin, I would like to thank the city council for moving forward in crafting an ordinance legalizing the keeping of backyard chickens. The current items under consideration for inclusion are largely</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>reasonable and appropriate. Although I have concerns regarding the amount and usage of the licensure fees associated with this ordinance, it is understandable that revenue is needed to fund related code enforcement efforts, etc. I would urge the council to show restraint when assigning such fees so as to avoid making owning a small backyard flock prohibitively expensive, especially for our citizens with modest incomes.</p> <p>I am dismayed however, at what the council is considering including as a guideline for the placement of backyard coops. If the current recommendation of a 25 foot setback from all property lines is adopted, it will make compliance with the ordinance impossible for a large portion of Tualatin’s residents based upon average lot size and shape. Surely, the purpose of the ordinance process is to craft guidelines that enjoy support from the majority of the community and allow for the inclusion of the greatest possible number of citizens. The proposed setback measurement is far greater than any of our neighboring municipalities require and seems an extreme reaction to nuisance concerns for neighboring properties. To pass an ordinance which includes this setback would allow the council to simultaneously lend support to backyard chickens, while preventing the majority of residents from actually owning such pets. I am confident that our council does not want to work toward the appearance of allowing for backyard flocks while actually banning them in practice. Rather, the goal should be creating guidelines which encourage safe and healthy pet ownership.</p> <p>I urge the city council and city planners to abandon the 25 foot setback guideline in favor of a more reasonable setback of 10 feet. Doing so would bring the Tualatin ordinance on par with neighboring communities and provide a reasonable ordinance for the legalization of small backyard flocks.</p> <p>Sincerely,</p> <p>Endre Ecker Richard</p>
8.	10/15/13 Backyard Chicken Ordinance	Michele Warther	Cindy - Morning! You and I had corresponded earlier this year about having chickens in Tualatin. Thank again for passing along the timeline to me, it was very helpful

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			<p>I appreciate there is another milestone coming over this week and in November, wanted to thank you again for moving forward with the ordinance. There is one aspect of the proposal I would like to voice my opposition to, it's the the inclusion of an enclosure setback of 25 feet from all property lines.</p> <p>Adoption of such a restriction would be eliminating a large portion of our citizens from taking advantage of the ability to own a backyard flock, myself included. I live on a flag lot and 25 feet from any point of my yard would be in my house. If you'd consider a ten foot setback, that has shown to be sufficient to address nuisance concerns for surrounding properties and is comparable to the ordinances found in surrounding municipalities</p> <p>I urge you to pass an ordinance that legalizes backyard chickens and also allows for ease of compliance by a majority of the residents of Tualatin.</p> <p>Thank you so much for your time and consideration.</p> <p>Cheers, Michele Warther 20550 SW 104th Ave Tualatin OR</p>
9.	10/16/13 Backyard Chickens	Mike and Kathy Furman	<p>The setback requirements of 25 feet is a reasonable when it comes to smells that could be unpleasant or allergy causing, noise, and keeping peace with the neighbors. Having a chicken coop just outside your bedroom window may take some adjusting to, but the 25 foot space would make it easier. A permit fee with an initial inspection to make sure that the requirements have been followed will also help keep peace in the neighborhood. The fee should be enough to pay for the inspection. I suggest that the permit be renewable every two years after, but at a lower fee, to help pay for animal control in Tualatin. We may see an increase in complaint due to the chickens or increase in vermin attracted to the birds.</p> <p>Thank you for the opportunity to comment on this.</p> <p>K. Furman</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
10.	10/16/13 Chicken Ordinance Concern	Kip & Anna Christensen	<p>Good morning! :)</p> <p>We are writing to voice our concern over one of the components in the proposed chicken ordinance the city council has been working on. First off, we want to say that we have been happy and excited to see that the city is moving ahead on this. Thank you for all the work you have put into this ordinance.</p> <p>Our concern now is primarily over the 25-foot setback from all property lines that is included in the proposed ordinance. We, along with other families we know who are interested in having chickens, have measured our yards to see where this would put a coop. We personally have a 7,000+ sq. ft. yard, and yet the coop would be located right in the middle of our backyard. No one wants a coop in the middle of their yard! Would you want a shed in the middle of your backyard? Even a friend of ours, who has a 13,000 sq. ft. yard would have to put it in the middle of her yard, because of the layout of the lot.</p> <p>We're finding that since most residents have somewhere around a 6,000 - 7,000 sq. ft. lot, having a 25-foot setback from any property line eliminates all those residents from having chickens.</p> <p>In researching other city ordinances, we have found that most cities have between 5- to 15-foot setbacks from property lines. The 25-foot setback in other cities' ordinances refers to the <i>distance from adjacent dwellings</i>, not to the property lines. We feel that this would be more reasonable.</p> <p>We are asking you to reconsider this component of the ordinance before passing it. With the ordinance written the way it is, the majority of people who would like to have chickens will still not be able to. We think you'll find that no one will even apply for a permit and inspection, because they will not be able to submit to this component of the ordinance.</p> <p>Thank you for taking the time to read our email.</p> <p>Sincerely, Kip and Anna Christensen</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
11.	<p>10/21/013 Requested Files Regarding Proposed Chicken Ordinance</p> <p>(Email included attachments they are included as attachments to this comment log Attachment 1-17)</p>	Dianne Yates	<p>Dear Lou,</p> <p>Thank you for your phone call. I was discouraged after the Planning Commission meeting the other night. They were wanting to make the ordinance strictures even less than currently proposed. I still think keeping chickens in residential backyards is nuts, but I would be less averse to the proposal if the ordinance incorporated the proper protections, monitoring and enforcement. I have included the City of Portland's law as an example of <u>exactly</u> how the ordinance needs to be worded and enforced. I would add that <u>all of the neighbors of abutting properties</u> need to sign off before approval of any permit application. The applicant is going to have to convince neighbors at some point in the process anyway – it may as well be right up front. I have included other issues I believe need to be addressed in a document I submitted to the Planning Commission on October 17th. Some of these issues can be addressed by the permit application; e.g., asking who the veterinarian will be, how the applicant proposes to dispose of the cull chickens and accidental roosters, etc.</p> <p>The city should not pit citizen against citizen in monitoring and enforcement. This has the potential to create really volatile situations within neighborhoods already stressed by living too closely together. My husband and I lived on a 1 acre property outside of Sherwood when we first came to Oregon. We <u>knew</u> we were surrounded by agricultural activity prior to purchasing our property and that we would have to deal with issues resulting from that activity. We moved to Tualatin, in an upscale residential community, because we no longer wished to deal with these issues. We thought we were safe... The Planning Commission obviously thought that this was a matter of principle in regards to property rights - - that the city cannot tell people what they can or cannot do on private property. I can think of any number of ways the city tells us how we can or cannot use our private property - - street trees being one of them. Cities were originally created because some rules regarding property rights were needed when people started living so close to one another.</p> <p>If the supporters of this ordinance are so certain that this is a good thing for <u>all</u> of Tualatin's citizens, they should not be afraid to put the matter to a public vote. At the very</p>

**Chicken Keeping Ordinance and Plan Text Amendment Comment Log
Received Since September 2013**

	Date and Subject	Name	Comment
			least, I believe the proposed ordinance must go back to the Planning Department to incorporate the proper protections for the chickens and the neighbors. Sincerely, Dianne Yates

Updated: 1:08 p.m. Wednesday, Sept. 7, 2011 | Posted: 9:59 p.m. Tuesday, Sept. 6, 2011

City agrees that neighbors' chicken house too close to woman's home

By [Ricardo Gandara](#)

AMERICAN-STATESMAN STAFF

For a year, Shirley West says, she's tried to get her next-door neighbors to keep their chickens cooped and away from her home in Central Austin. Citing health problems she says came from mites from the chickens, West has complained to police, code enforcement, the health department and a City Council member all of whom eventually helped in one way or another.

"What I couldn't get anyone to understand, however, is that the chicken coop is in violation of a city ordinance that it can't be closer than 50 feet from my house," said West, who lives on West 391/2 Street.

Until now. After Statesman Watch called on her behalf, city health officials determined that the coop belonging to Patrick and Perri Beathard violates a city ordinance. "The coop is 43 feet away, so we've issued a notice of violation," said Robert Wright with the Austin/Travis County Health and Human Services Department.

The Beathards have until Friday to comply.

"We are going to move the coop because we're law-abiding citizens, and we don't want trouble with our neighbor," Perri Beathard said. The Beathards, however, said they are determined to keep their five chickens because they're good to have and provide eggs to the family of seven.

Here is the sequence of events in West's recent complaints to officials and Statesman Watch:

- She called 311 on June 30 to complain about the chickens and the Beathards' trailer parked on the street in front of her house.
- On July 12, a health inspector visited the Beathards' property and issued a notice of violation for loose chickens. On a subsequent visit, the inspector found that the Beathards had housed the chickens.
- Not satisfied, West complained about the chicken coop's proximity to her house via a form on the city's website. An aide to Council Member Laura Morrison forwarded the complaint to the city's Code Compliance Department. Carl Smart, director of code compliance, wrote West on Aug. 2 to tell her that the coop was found to meet city codes relating to the required 50-foot distance from her house.
- The city's health department again got involved after Statesman Watch called to inquire about West's complaint .
- A health inspector revisited the Beathards on Friday and determined that the coop was indeed in violation.

There is more to this story than chickens. **"It's evolved into a neighbor feud because of the chickens," Patrick Beathard acknowledged.**

West said she's also called the city's nonemergency number to report the Beathards for parking a large trailer in front of her house.

But the chickens bother West the most. She said mites are embedded in her carpet and natural fibers around her home. She said she may have to replace the carpet to get rid of them. She has also relocated her teenage daughter's blue-crowned conure, a type of small parrot, to a relative's house.

"The poor bird was being tortured by getting bit," she said.

West showed proof of her doctor's visit that diagnosed mite infestation. The doctor prescribed a steroid cream for the red bites on her arms.

West is OK with the city's latest action but is frustrated it took as much time and energy as it did to convince everyone she was right about the 50-foot rule. She said the best-case scenario would be for the Beathards to get rid of the chickens and the coop altogether.

"I want my health back, she said.

rgandara@statesman.com; 445-3632

Let Statesman Watch work for you

Have you called, written or e-mailed complaints and received no help from local officials? Tell us what isn't working in your area that government should fix.

Email **statesmanwatch@statesman.com** or call 445-3751 with details, and tell us how we can contact you. Follow us on Twitter at **www.twitter.com/statesmanwatch**.

Backyard chickens dumped at shelters when hipsters can't cope, critics say

JoNel Aleccia NBC News

July 7, 2013 at 12:19 PM ET

Susie Coston, national shelter director at the Farm Sanctuary based in Watkins Glen, N.Y., is holding Becky, a pet hen, as former backyard birds wander nearby. About 250 abandoned backyard birds are waiting for homes at the shelter's three sites on both coasts.

Despite visions of quaint coops, happy birds and cheap eggs, the growing trend of raising backyard chickens in urban settings is backfiring, critics say, as disillusioned city dwellers dump unwanted fowl on animal shelters and sanctuaries.

Hundreds of chickens, sometimes dozens at a time, are being abandoned each year at the nation's shelters from California to New York as some hipster farmers discover that hens lay eggs for two years, but can live for a good decade longer, and that actually raising the birds can be noisy, messy, labor-intensive and expensive.

"Many areas with legalized hen-keeping are experiencing more and more of these birds coming in when they're no longer wanted," said Paul Shapiro, spokesman for the Humane Society of the United States. "You get some chicks and they're very cute, but it's not as though you can throw them out in the yard and not care for them."

That accusation is disputed by advocates of home-grown chickens, who say that a few negative incidents shouldn't give a bad name to a practice that encourages both self-sufficiency and the consumption of sustainable food grown in a humane manner.

"We've experienced smell, noise, pests, etc., way more from improperly cared for dogs and cats than we have from backyard chickens," said Rob Ludlow, owner of the fast-growing website, BackYardChickens.com, which started with 50 members in 2007 and now boasts 200,000 members. He is the author of three books, including "Raising Chickens for Dummies."

"Hundreds of thousands of people are realizing the wonderful benefits of raising a small flock of backyard chickens, the pets that make you breakfast," he said, noting that cities nationwide have agreed, passing ordinances making it legal to keep small flocks of urban chickens.

However, at the [Farm Sanctuary](http://FarmSanctuary.org) headquartered in Watkins Glen, N.Y. -- which operates three shelters on two coasts -- some 225 former backyard chickens are waiting now for new homes, said National Shelter Director Susie Coston. **They're among at least 400 to 500 abandoned chickens that show up every year, including many suffering from maltreatment or illness.**

"They're put on Craigslist all the time when they don't lay any more," said Coston, 48. "They're dumped all the time."

It's the same scenario at the [Chicken Run Rescue](http://ChickenRunRescue.org) in Minneapolis, Minn., where owner Mary Britton Clouse has tracked a steady climb in surrendered birds from fewer than 50 in 2001 to nearly 500 in 2012.

She traces that rise to the so-called “locavore” movement, which spiked in popularity in 2008 as advocates urged people to eat more food grown and processed close to home.

“It’s the stupid foodies,” said Britton Clouse, 60, who admits she speaks frankly. “We’re just sick to death of it.”

People entranced by a “misplaced rural nostalgia” are buying chickens from the same hatcheries that supply the nation’s largest poultry producers and rearing them without proper space, food or veterinary care, she said.

The most commonly available hens have been bred to be good egg layers. At the same time, backyard farmers often use enhanced feed, light or other tools to prompt hens to lay constantly. After keeping up that pace for 18 months to two years, however, hens often develop reproductive problems including oviduct diseases that can kill them, veterinarians say. However, healthy hens can live for years longer, up to a decade after they stop laying.

Many people would be surprised to know that chickens are smart, with funny, quirky personalities, Coston said.

Because chickens are notoriously hard to sex, some backyard farmers wind up with roosters, which are often culled and killed because they can be noisy, aggressive and illegal, and, of course, they don’t lay eggs at all.

In addition to the noise, many urban farmers are surprised that chickens attract pests like rats, and predators including foxes, raccoons, hawks, and even neighborhood dogs.

When they get sick or hurt, they need care that can run into the hundreds of dollars, boosting the price of that home-grown egg far beyond even the most expensive grocery store brand.

Enthusiasts who start out with good intentions frequently wind up posting messages like this one delivered to Britton-Clouse last month:

“One of our hens grew up into a rooster and our neighbors are starting to complain. Do you know someone who might take him?”

“People don’t know what they’re doing,” Britton Clouse said. “And you’ve got this whole culture of people who don’t know what the hell they’re doing teaching every other idiot out there.”

But Ludlow, the backyard chicken enthusiast, said that “it’s very rare” that people make such mistakes or underestimate how difficult it is to raise chickens.

“While we definitely want to see more education around the lifespan and laying lifespan of chickens, we find that most people become so attached to their hens as pets, that even though they planned to eat or cull their hens at the end of their laying life, they decide to keep their girls around even without laying eggs,” he said.

Coston, the Farm Sanctuary shelter director, said she wished that were true. Most people don’t realize that chickens are funny, with quirky habits and affectionate personalities as distinct as any other pet’s.

“Oh, my god, they’re amazing,” said Coston, who frequently cuddles her chickens. “We have some of the sweetest ones here. They just sit beside you and they let you pet them. And they’re big and dumpy.”

She hopes the enthusiasm for raising backyard chickens will fade and that consumers will take a second look at their appetite for eggs and poultry.

“To go back in time sounds wonderful,” she said. “But there is not enough land on this earth to sustain the amount of meat, dairy and milk that people want.”

You Absolutely Should Not Get Backyard Chickens

May 14, 2013 by [Erica](#) · [401 Comments](#)

I was talking to a friend the other day. She's a gentle soul, a kind-hearted person who says, "I could never kill an animal" with wide, pained eyes that let you know she's not talking in hyperbole.

She wants chickens. She wants them *bad*. She wants the experience of fluffy little chicks and she wants hens to weed for her and she wants her daughter to have that mini-backyard-petting-zoo experience.

She has, up until now, not given into her chicken-keeping desires. For this I am so proud of her.

You see, there's a reality to chicken keeping that doesn't show up when you are scanning Pinterest for gorgeous coops. (I maintain a [Pinterest](#) board of [chicken keeping and coop inspiration](#), by the way, if you are into that kind of thing.)

A continuous supply of plentiful eggs requires a continuous supply of hens at laying age. For us non-commercial chicken-keepers, a good rule of thumb is that hens will lay pretty consistently (with periods off for molting, reduced day length and broodiness) from about 6 months old until about 3 years old. Although you will hear a lot of anecdotes about individual hens that keep pumping out eggs until they are 5 or 6 years old, the general consensus is that three years old is usually the beginning of the end for *consistent* egg laying.

Call it Henopause.

A well-kept backyard hen, protected from hawks, raccoons and Fido, can easily live to be 8 or 10 years old, and ages of *twice* that are not unheard of.

Bear with me here as I do some Urban Homesteader math. One layer hen eats about 1.5 pounds of layer feed per week. (Pastured birds will eat less purchased feed – yet another good reason to [buy this book](#) and study it before you design your coop and run.)

If a chicken starts laying at 6 months old (this is a bit later than average but it makes my numbers easy) and has essentially stopped laying by 4 years old, and lives naturally to be 8, a backyard chicken keeper is looking at 3.5 years of egg production time, and 4.5 years of *Pets Without Benefits* time. That'd be 351 pounds of feed going to a hen that isn't making eggs!

Current, local prices for the layer rations I feed my hens is \$28 per 40 pound bag, or \$.70 a pound. Admittedly, this is a bit spendy, but I get the [locally produced, happy-hippie, GMO-free feed](#) from the lovely folks at [Scratch & Peck](#). At those prices, it costs \$245.70 to maintain a hen into theoretical old age and natural demise while you aren't getting any eggs.

Which means those half-dozen cute peeping balls of fluff you take home from the feed store in spring could cost you \$1474 during the time when they are *not* giving you eggs. And of course I'm not including the cost of bedding, a fractional share of the coop, potential vet bills, etc.

Meanwhile, if you live in a city or suburb, you have an even bigger problem: your now non-laying hens are taking up your legal urban chicken quota which could be filled with younger, laying hens, and you are stuck.

You can't just keep adding to your flock indefinitely when you live on 1/12th of an acre in Seattle. So now you are a Backyard Chicken Keeper without any Backyard Eggs.

If your hens are pure pets, this is all totally fine. These are very reasonable amounts of money to spend on a pet, and if you are not resentful in the least at having to buy both chicken feed *and* grocery store or farmer's market eggs, then *Chickens As Pets* is a wonderful path to take.

There is another option, of course. This is the option you won't tend to run into on Pinterest. It's not the solution of a soft heart so much as a calculating head.

You can make the decision to cull your birds when they are past prime lay. This is what all commercial egg operations do, and what "real" (as opposed to "urban") farmers do, and what everyone who makes a living and not just a hobby from animal husbandry does.

Culled laying hens aren't good for roasting or frying but they make unbeatable stock and stewing birds.

So basically those are your two choices: you continue to pay and care for chickens that barely give you eggs or you cowboy up and you deal with the slaughter of no longer profitable hens.

Back to my friend who really, really wants chickens.

Could she kill her chickens?

Oh no. Absolutely not.

We both agree, she doesn't have that in her. Fine, I've no problem with that, and I'm glad she knows herself.

Does she want to pay for chickens even if she gets no eggs?

Well, not really.

Fine, I wouldn't either – I totally understand.

I told her quite bluntly (as is my way) that she should not get chickens.

Can I give them to a chicken sanctuary when they get too old to lay? Some place that has a no kill policy?

No. *No.* You cannot do that.

She can't, and no one reading this can. You know why? Personal responsibility. Your chickens, your adoption, your decision, your responsibility to see it through to the end. You do not get to embrace the idea of a more intimate relationship with your food chain and then make that food chain – the food chain you *specifically* set up – someone else's problem when shit gets real.

There is a local urban farming message board that is filled – *filled* – with people trying to give away their three year old chicken to a "good home." Are you kidding me? You own the chicken. Your home is a good home. And once it's not, your soup pot is a good soup pot. I once joked to a good friend that I could stock my freezer for the entire year off no-longer-laying hens being given away free "to a good home."

This pisses me off, as you can probably tell. There is absolutely nothing ethically superior – and quite a bit that is ethically dubious, if you ask me – about enjoying the benefits of a young laying hen and then turning over the care or slaughter of that hen to someone else once it stops laying.

That is not how animal husbandry works and it's not how pet ownership works, and those are your two choices. I don't care which path you take with your chickens, but pick one. Playing Little Suzy Farm Girl until it's time to get the axe and *then* deciding you aren't up for chicken ownership just doesn't fly with me.

Normally I am a Rah-Rah Cheerleader for this quirky way of life, and I think any fair assessment would deem me particularly encouraging to beginners. But a chicken is not a seed packet, it's an animal and a responsibility. If you can't cull your own birds *or* can't provide for them all the way into their Chicken Social Security, then please, do not get chickens.

When the Problems Come Home to Roost

By [KIM SEVERSON](#)

Published: October 22, 2009

THE Bay Area is unmatched in its embrace of the urban backyard chicken trend. But raising chickens, which promises delicious, untainted eggs and instant membership in the [local food](#) movement, isn't all it's cracked up to be.

Chickens, it turns out, have issues.

They get diseases with odd names, like pasty butt and the fowl plague. Rats and raccoons appear out of nowhere. Hens suddenly stop laying eggs or never produce them at all. Crowing roosters disturb neighbors.

The problems get worse. Unwanted urban chickens are showing up at local animal shelters. Even in the best of circumstances, chickens die at alarming rates.

“At first I named them but now I’ve stopped because it’s just too hard,” said Sharon Jones, who started with eight chickens in a coop fashioned from plywood and chicken wire in the front yard of her north Berkeley home. She’s down to three.

Ms. Jones, who is close friends with the restaurateur [Alice Waters](#), wanted exceptional eggs, plain and simple. But her little flock has been plagued with mysterious diseases.

She has not taken them to the vet because of the high cost, but she goes to workshops and searches out cures on the Internet. She has even put garlic down their throats in hopes that the antibacterial qualities of the cloves might help.

“I’m discouraged but I’m determined to figure this out,” Ms. Jones said. “I still get more than I give.”

Most Bay Area communities allow at least a few hens, and sometimes even permit roosters. Some elementary schools and restaurants keep flocks. The Web site [backyardchickens.com](#), which calls itself the largest community of chicken enthusiasts in the world, started here. Seminars on the proper and humane way to kill chickens are becoming popular.

But with increased chicken popularity comes a downside: abandonment. In one week earlier this month, eight were available for adoption at the Oakland shelter and five were awaiting homes at the San Francisco shelter. In Berkeley, someone dropped four chickens in the animal control night box with a note from their apologetic owner, said Kate O’Connor, the manager.

For some animal rights workers, the backyard chicken trend is as bad as the pot-bellied pig craze in the 1980s or puppy fever set off by the movie “101 Dalmatians.” In both cases, the pets proved more difficult to care for than many owners suspected.

“It’s a fad,” said Susie Coston, national shelter director for Farm Sanctuary, which rescues animals and sends them to live on farms in New York and California. “People are going to want it for a while and then not be so interested.”

She said that farm animal rescue groups field about 150 calls a month for birds, most of them involving chickens — especially roosters.

“We’re all inundated right now with roosters,” she said. “They dump them because they think they are getting hens and they’re not.”

Some chicken owners buy from large hatcheries, which determine the sex of the birds and kill large numbers of baby roosters, because most people want laying hens. But sexing a chicken is an inexact science. Sometimes backyard farmers end up with a rooster, which are illegal in most cities.

In Berkeley, which does allow roosters, Steve Frye is in the middle of a cockfight with Ace Dodsworth, who lives about four houses away and tends a flock of hens and roosters that his community household uses for eggs and meat.

“I’m not an antichickens guy whatsoever,” Mr. Frye said. “It’s a noise issue.”

During the worst of it, Mr. Frye said, the roosters woke him up 13 times in one month. He recently filed a complaint with the city.

Mr. Dodsworth believes a crowing rooster is a happy rooster, but he says he does his best to keep his roosters cooped to minimize noise. He has offered Mr. Frye eggs and dinner and said other neighbors don’t seem to mind the chickens. Down the street at Kate Klaire’s house, there are no roosters. But the elementary school teacher has other problems. She has been through three different flocks in four years.

She ticks through a list of all the ways her chickens have died. There was the breakout of Marek’s disease. Her dog got to one chicken before some rules of the roost were laid down. She suspects a fox or a coyote carried off several when she was away.

More upsetting were the two she found with their necks broken.

“I believe they were murdered,” she said, pointing to a chain link fence that appeared to have been bent by a human foot.

Like many of her fellow Bay Area backyard chicken owners, Ms. Klaire remains determined. The eggs are local, the composting contributions to the garden are significant and the chickens themselves are fascinating.

And for her, there has been one more benefit.

“Having chickens is a really great way of dealing with loss and death,” she said.

Kitty Bennett contributed research.

A previous version of this article mis-stated the surname of one chicken owner. She is Sharon Jones, not Lane.

[More Articles in Dining & Wine »](#) A version of this article appeared in print on October 23, 2009, on page A29B of the New York edition.

Reynoldsburg backyard chicken issue flies the coop

By [DAVID S. OWEN](#)

ThisWeek Community Newspapers Wednesday June 8, 2011 9:25 PM

Discussions during Reynoldsburg City Council's safety committee meeting Monday apparently ended the issue of whether residents will be allowed to raise chickens in their backyards.

Concerns were raised about whether allowing chickens in the city could draw unwanted predators into neighborhoods, such as raccoons, vicious dogs or coyotes, and whether the fowl would become a health hazard.

Committee chair Mel Clemens pointed out that allowing residents to raise chickens in their backyards might also jeopardize homes and property values.

"When I was on the village council some 50 years ago, people here had pigs and chickens and cows. There were only 600 people here then. Then we become a city," he said.

Clemens said when he was growing up on a farm as a young boy, the family had animals, including chickens, but he said that was in the country, not in the city.

"We're a city and I'm proud of our city. People do have homes and we have to protect our homes and our property with what we do," he said.

"There are chickens in Reynoldsburg, but they're on menus, and there are a lot of those in the restaurants, so you can't say they're not here.

"I grew up with them. They stink, they've got bugs it is a problem for your neighbor, I don't care how you put it, and I don't see any reason to jeopardize the health and the homes of residents who live here," Clemens said.

Councilman Fred Deskins agreed and said he is against allowing city residents to raise chickens in their backyards.

"I don't like this whole idea," Deskins said. "If you want to raise chickens - and I was raised on a farm - buy a house out in the country."

The issue of raising backyard chickens was first brought up during a May 9 city council meeting by resident Richard Boone, who said he and his family wanted to raise chickens in their backyard but had found city code is unclear on the subject.

He said the city's ordinance on "keeping wild or exotic animals" does not specifically mention chickens and asked if city officials would consider the issue and amend the ordinance to include chickens or domestic poultry.

Councilwoman Leslie Kelly said she supports the idea of allowing residents to raise chickens. She reiterated that her research has found it is a hobby for some people and could provide some health and economic benefits.

"I would love the opportunity to move forward with this and have this be a part of our community for those who want to participate," Kelly said.

Boone, who attended Monday's safety committee meeting, said his research has shown that the city of Bexley allows backyard chickens if the owners obtain a permit. He asked if something similar could be considered in Reynoldsburg.

Resident Jane Klein told the safety committee she is against having an ordinance allowing chickens to be raised in Reynoldsburg backyards. She said she was raised on a 40-acre farm in upstate New York along Lake Ontario.

"My family raised sheep, pigs, chickens, rabbits and two beef cows. These animals were raised for food for our large family," Klein said. "We worked very hard to keep all of our animals clean, fed and happy and we lived in the country, so we could do that.

"Each spring, we had to clean the chicken coop because each hen had been cooped inside most of the winter, and chicken poop stinks bad," she said.

Klein said chickens are very susceptible to lice and to other bugs also. In addition, she said, chickens can be loud, especially when a mother hen announces she has just laid an egg.

"Reynoldsburg is a city, folks, and farm animals are farm animals and not city animals," Klein said. "We live in close quarters here and for my neighbor to have chickens along with a chicken coop with their smell, their noise, their bugs, and to say nothing of the resale value of my home going down the drain, I'm concerned," she said.

City auditor Richard Harris said he contacted the Licking County commissioners because some Reynoldsburg residents live in that county's Etna Township. Harris said zoning there allows some farm animals.

He said a Licking County resident who wants to keep any farm animals must have at least two acres of land. Insects, the smell, and the chicken chatter make up a big part of the complaints county officials receive from residents, Harris said.

"They also said when you put chickens out, there are natural predators for chickens - dogs, raccoons, possums and coyotes - all of which are in western Licking County," Harris said.

"When you look at these things, there are some inherent problems with bringing poultry into the city, especially when you have natural predators to these animals already in the neighborhood, and you'd like to keep from around your house," he said.

Council president William Hills said he hopes there could be more internal discussion on the issue.

"This is a bigger issue than just having two chickens in the backyard," Hills said. "There are people who want it, people who are opposed to it and if it were to come back, there would be more details available."

Seattle's Experience with Backyard Chickens

April 26, 2011



Backyard livestock supporters often tout the success of other cities who have allowed backyard chickens or goats. Seattle is often held up as just such a

success. But is it?

If you just talked to city officials, that might be the impression you get. So I talked to Tiffany Young, a member of the [Duck Rescue Network](#) and backyard fowl rescuer. She alerted me to several things about Seattle that you won't get from the backyard chicken people.

1. Owners are often ignorant of how to protect their chickens. Seattle Tilth sponsors a "city chickens" coop tour. Tiffany took the tour and reports that "seven out of the ten chicken coops I saw during a Seattle Tilth coop tour were not fully predator-proof." She added, "Two of those ten homes mentioned losing ducks or chickens to predators and having a hard time keeping them safe."

The biggest problems, evidently, are doors that don't fit tightly to their frames, chicken wire used instead of hardware cloth-wire, and no

tops on chicken runs. "Chicken wire is bad because raccoons work in groups and scare birds up against one side of the coop," says Tiffany. "Then they grab them through the wire and chew off the heads through the wire."

Seattle has a long way to go in educating backyard chicken owners about chicken coops.

2. Chickens will suffer from disease due to the ignorance of owners. If you look at the Yahoo group "Seattle Farm Co-op," you will find many owners dealing with the numerous health problems that chickens will get.

One chicken had an upper respiratory infection; the owner debated which vet to consult while treating them with an internet remedy. After finally visiting the vet, the chicken was given antibiotics and the vet said that the chicken had nematodes, and the whole flock was infected. Another owner reported a chicken, one year old, which had previously had no problems, suddenly become listless. Thinking she was egg-bound (the hen is unable to pass a formed egg), the owner soaked her bottom end for 20 minutes in warm water, tried to locate the egg, and inserted mineral oil via her vent. Unfortunately, it didn't work and the chicken died a while later. A third owner dealing with another apparently egg-bound chicken tried various home remedies; another more knowledgeable person on the list advises the owner to consider consulting a vet, or slaughtering the chicken (killing chickens in Seattle is legal).

One thing that chicken owners are often oblivious to is that "natural" chickens do not just spontaneously lay eggs every day. They are descended from tropical jungle fowl who lay a clutch of eggs perhaps *every six months*. They have been hybridized so that they ovulate constantly. Naturally health problems can easily result from forcing the chicken to churn out eggs constantly, which causes suffering for

the chickens. "Egg binding" and a prolapsed uterus are two of the more common problems. "Uterine prolapse" means that the uterus pushes out through the vent area, which can lead to painful infection and a slow, agonizing death. As this forum demonstrates, many chicken owners are unaware of these kinds of issues when they get chickens.

So here is my question: if the current Denver "food producing animals" ordinance passes, is there any kind of cruelty to chickens in our backyards that will be illegal? If an owner willfully refuses to treat a diseased chicken, is that a problem? If an owner leaves the chickens out in the cold to freeze, is that a problem? Inquiring minds want to know.

3. Unwanted animals will proliferate. It is common sense that a lot of chickens are going to wind up unwanted due to age or disease. "[Vegan biker](#)" from Seattle has this to say:

Seattle Animal Shelter already takes in 20-30 unwanted roosters and some hens per year, and local area veterinarians are dealing with an increase in surrendered, sick urban hens from people who don't want to pay vet bills for "food animals." Approximately 80% of coop owners are already above the current limit [which at that time was 3 chickens per household].

When I called the Seattle Animal Shelter, the person answering the phone said that they "wouldn't have any idea" how many chickens came into the shelter each year. Mary Britton Clouse told me recently that many shelters don't have good records even of dogs and cats that come in, much less statistics on "exotic" animals.

But this doesn't mean that the Seattle Animal Shelter will be the preferred method for dealing with unwanted chickens. Tiffany adds:

I have personally rescued two chickens this week and an additional 4 ducks for a total of 6 domestic fowl this year, so far. Easter is when it gets really insane, so it's just getting started. So far this year for me, one chicken was found caked with feces, another was found wandering loose in North Seattle. One duck had an infected, untreated dog bite which left him crippled. Two ducks were dumped at a park and one ended up with septic arthritis – both had serious respiratory infections. Actually THREE ducks were dumped but one died/disappeared before anyone called for help for them.

And this reflects only the chickens and ducks that we can account for. How many others have been lost without the benefit of being rescued? The Animal Shelter is likely not seeing the main brunt of the problem.

So this is Seattle's glowing success with backyard chickens. There appear to be a growing number of problems with unwanted animals, animals that may (out of ignorance) be neither euthanized nor treated, animals that are abandoned, animals that *are as a rule* not protected from predators, and owners that have no idea of the suffering they are causing. The city (doubtless with plenty of other issues) has no way of tracking the problems. They would not even know about predators or inadequate shelter or veterinary care.

This is not just a problem for vegetarians. I drive a car and I need my car to be maintained and repaired. But that doesn't mean I want to live next door to an auto repair shop. The same thing goes for food producing animals. If predators, cruelty, and disease are part of the process of getting eggs and dairy, then that's one thing; but to have predators, cruelty, and disease next door is another matter entirely.

Deseret News

The downside of raising backyard chickens

By Flint Stephens

Published: Friday, June 8 2012 2:00 p.m. MDT

With the growing popularity of raising urban chickens, no one really talks about the challenges and problems. They can be messy, noisy, they create extra work, they tear up gardens and more.

With growing interest in [keeping backyard chickens](#), there are plenty of advocates to extol the benefits of having a home flock. **No one really mentions the negatives of keeping chickens, yet there are many challenges.**

An Internet search for information on the cons of raising backyard chickens doesn't yield much useful information. A few articles refer to one or two negatives after listing numerous positives. Many results appear to come from people with limited or no actual experience.

When communities are debating the legalization of urban chickens at public meetings, worried residents often voice concerns over things like noise and smell. But many challenges are learned only after one undertakes chicken ownership.

Here are some of them:

Noise

Noisy roosters top the list of problems, and in many areas ordinances prohibit keeping adult male birds. While roosters crow early, loudly and often, hens also make a racket. **Chickens squabble all day long, and plenty of cackling usually accompanies the activity. Admittedly, hens are not as noisy as roosters, but understanding neighbors are a plus for anyone who hopes to harvest home-raised eggs.**

Expense

Store-bought eggs are a bargain when compared to the cost of keeping a backyard flock. Setting up a coop with all the equipment can easily cost a few hundred dollars. Then an aspiring chicken rancher must feed and maintain the chicks for five or six months. Only then will he be able to start collecting eggs.

According to www.poultrykeeper.com, in the first 18 months of its life, an exceptional hen could lay up to 250 eggs. At a price of \$2 a dozen, that is \$42 worth. Multiplied by five chickens, that amounts to about \$210. **That means it could take three or four years to break even on the initial investment, and that doesn't count labor or continuing costs for feed.**

Garden damage

Chickens are living cultivators and rototillers. That can be a good thing when they are eating bugs and weeds. Unfortunately, chickens can't distinguish between weeds and newly emerging garden vegetables. And if you are lucky enough to raise vegetables or fruit to maturity, chickens believe you have done so for them to consume. If

you want to raise chickens and have a nice garden, you'll need to devise a method of protecting the young plants or of keeping the chickens contained.

Smell and mess

Anyone who has been near a commercial chicken operation has undoubtedly experienced some unpleasant scents. Fortunately, keeping a few chickens at home is not comparable. One benefit of Utah's dry climate is that there is little smell or mess with properly maintained backyard chickens. Six chickens produce about the same *waste as a medium-sized dog*.

(Readers comment: the above is not true if the owner is not extremely fastidious in maintaining bird and coop conditions; or if the owner does not live in a climate or weather conditions that minimize the odors.)

Culling

This is a reality every chicken owner must confront. Even when maintaining hens for eggs, there will eventually be old and unproductive hens. Sometimes chickens become injured or sick, and it makes little sense to spend lots of money taking them to a veterinarian. And when one buys baby chicks from a farm store, some turn out to be roosters — even when the signs on the cages promise they are pullets (young females).

Killing chickens is not fun. One can give them away, but that just forces someone else to deal with the problem.

Another reality is that chickens allowed to roam or range are not very good to eat. Unlike the grocery store birds, free-range chickens have little or no fat. They are also tough — as in chewy. **If one hopes to raise birds for the table, they need to be confined and eaten at a young age; otherwise, plan on chicken soup instead of fried chicken.**

Predators

Even in urban areas, chickens attract predators. In Utah, the list includes raccoons, foxes, skunks, mink, weasels, hawks, magpies, dogs and cats. Some are primarily interested in eggs or young chickens. The prospect of eggs or a chicken dinner draws them all. If successful, they will return repeatedly. A sturdy enclosure and regular maintenance are necessary.

Constant care

Chickens need daily attention. They must have food and fresh water. They need to be let out in the mornings and put away at night. Eggs must be collected daily. Coops must be cleaned regularly (at least a couple times each month). Nesting and bedding materials must be provided and changed. Ignoring any of these tasks for even a day or two is irresponsible.

There are many benefits to raising chickens and harvesting one's own eggs. Good places to find information include www.poultrykeeper.com, www.backyardpoultry.com or a local farm supply store. But just be aware that avid urban chicken fans tend to understate many of the accompanying challenges.

Flint Stephens has raised backyard chickens for more than 10 years.

[Planning board says no to backyard chickens](#)

Published Date Thursday, 05 September 2013 22:52

Written by Barbara Tetreault

BERLIN – The planning board is recommending the city council not allow backyard chickens in the urban area of the city.

The board cited concerns over the city's ability to enforce and regulate backyard chickens at a time when the city budget and code enforcement department are both stretched thin. Some members also felt allowing chickens was not fair to abutters who purchased their properties based on an ordinance that did not allow chickens. The fact the typical lot in the city is 50 by 100 foot factored into the board's decision.

"It's not so much the idea I'm opposed to – it's the nuts and bolts," said board member Tom McCue.

The board made its decision Wednesday night after taking public input for about 45 minutes. While a majority of those who testified at the public input session were supporters of raising chickens, board members were not persuaded it was a good idea. Only board member Mark Evans expressed support for allowing chickens to be raised throughout the city.

Board members pointed out that chickens are currently allowed by special exception in rural residential zones of the city. But chickens are not allowed in single family and two family residential zones and the board is recommending that restriction remain.

The board's decision came after several months of discussion on the issue. Backyard chicken advocate Lynn Lipari made a detailed presentation to the board at its July meeting. Lipari proposed the city allow residents to raise a limited number of chickens. Roosters would be banned and a minimum setback of 15 feet would be required between the chicken coop and property line. Eggs could not be sold and there would be no on-site slaughtering of chickens allowed.

Many of those speaking in favor of backyard chickens Wednesday said they would support a permit system and inspections with an annual fee to help offset the city's cost.

Several talked about the value of locally produced food and said the eggs are superior to those purchased in a store.

Martha Roberts of Western Avenue said chickens eat all kinds of bugs and said her family has raised chickens in the past without any problems. Don Benski, of Pleasant Street, said before moving to Berlin he had three hens he raised in a residential setting. He said the waste produced was small and he composted it.

"It's not a huge farming operation," he said.

Other speakers noted concerns were raised about chickens attracting bears and other animals. One said the problem exists now with bird feeders and trash and chicken coops properly managed should not be a problem. But others opposed allowing chickens throughout the city. In a letter to the board, Robert Usherson of Twelfth Street said he purchased his home after reviewing the zoning ordinance about activities allowed on surrounding properties.

"With regard to the raising or keeping of chickens, I believe that such activities are not compatible with the density, lot coverage, setbacks, and other standards of development permitted in Berlin's urban residential zoning districts," he wrote.

Yvonne Thomas of Norway Street said she believed the value of her property would be reduced if an abutter chose to raise chickens.

The planning board's recommendation will now go to the city council for its review. The council sought the planning board's input after several residents approached the council earlier this year about raising chickens.

Animal smell irritates some city residents

Thursday, August 1, 2013

By BRIAN MOSELY ~ bmosely@t-g.com

Shelbyville officials will look into how other communities handle farm animals kept in residential areas following a series of complaints.

About 100 residents signed off on a petition asking the city to cancel an ordinance allowing farm animals such as chicken, horses, and sheep inside the city unless there is enough acreage to support them.

But despite a woman's claim on a Nashville TV station that the backyard birds are no louder than dogs, neighbors say noise isn't the issue -- it's the smell.

"Chickens are especially offensive to neighbors when kept in small confined areas and city officials should see that such an ordinance is changed to prohibit this nuisance," the petition read.

City manager Jay Johnson said the city will consult with the University of Tennessee's Municipal Technical Advisory Service, and also sample ordinances in other neighboring towns.

Dogs also

Johnson stated the birds are getting out into other properties, and the other issue is the size of the lots where some are kept -- a little over 10,000 square feet, pointing out problems with noise and the stench.

"If the activities of your neighbor prevents you from using your own back yard, that becomes a quality of life issue," Johnson said.

While the petition did not mention dogs, the topic has also been brought up due to complaints about some residents keeping a large number. Three or four addresses in the city have 10 or more dogs, which the neighbors consider a nuisance.

Johnson pointed out one address where the house is abandoned and dilapidated, but four pens full of dogs are being kept. No one lives there, but the pets are being fed and watered. He added that is the case at other homes, but the dogs are not running at large.

The city manager also explained that the city code has no limit on animals that can be kept at a home -- a topic that was debated in 2007, with no results. Limitations were discussed at the time, but never made it into the final ordinance.

Laws limits

The animal control officer decides if there is a nuisance situation, Johnson explained, and city attorney Ginger Shofner said that the matter would be a simple municipal violation calling for a \$50 fine. But she reminded the council that the person with the animals has property rights as well.

Shofner also pointed out a Tennessee law dealing with agricultural protection, saying "we can't regulate by zoning anything that has to do with an agricultural use."

The attorney also said she was not unaware of other cities having limits on pets, saying it was "a difficult situation for a city to step into." If a resident is causing such a problem for the neighbors, they could file a civil action, Shofner suggested.

Johnson said he knew of two incidents where residents were cited for either the odor or unclean conditions, with one that has been in city court "at least twice."

The city manager added that considering Shelbyville has about 22,000 residents, "it's not that common of a problem," pointing out it was only three addresses being called to their attention.

Fowl odor

Christine Carlton of the Shelbyville/Bedford County Humane Association said she believes that pet ownership falls under Tennessee personal property laws, and that the numbers of dog or cats cannot be limited on that basis. She claimed those limits were struck down by state courts as unconstitutional.

Carlton said the basis of the problem is that Shelbyville does not enforce the licensing of dogs and cats, hence, there is no legal basis to enforce laws dealing with pet ownership.

But one resident said the petition was not about neighbors or personalities, but over proper acreage for keeping farm animals.

"Horses, chickens and cows don't belong on 100-foot lots in a subdivision," one said. "And they do have an odor in the summertime. If you want farm animals, live on a farm."

© Copyright 2013 Shelbyville Times-Gazette. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Some City Folk Are Mad as Wet Hens When Chickens Come Home to Roost

In Salem, Ore., the Claws Have Come Out Over Backyard Coops; 'Get a Farm'

By NICK TIMIRAOS

SALEM, Ore. -- For three hours at a City Council meeting, residents clucked over the latest debate ruffling feathers here: Should homeowners be allowed to keep chickens in their backyards?

The chicken fight began last summer, when a neighbor snitched on Barbara Palermo to city authorities for keeping four pet hens in a backyard coop. Chickens and other livestock aren't allowed in Salem backyards where land isn't zoned for agricultural use. A city compliance officer knocked on Ms. Palermo's door to tell her she had to get rid of her pet birds.

City dwellers across the country are running afoul of ordinances that prohibit raising chickens in backyards.

But she has decided not to give up without a fight. Ms. Palermo put her chickens in "foster care" with a friend outside town as she rallies residents and presses city councilors to pass an ordinance legalizing backyard coops. She's asking the city to allow homeowners to have three hens -- no roosters, which are much noisier -- that would have to be kept in enclosed coops at all times.

Ms. Palermo is part of a debate that's playing out in several cities across the country. The 51-year-old veterinarian's assistant says she's stunned by the opposition. It's hypocritical that Salem residents can keep potbellied pigs weighing under 100 pounds, she says. "They generate a lot of poo and don't give you eggs...so it's ridiculous when you ask for a hen and people panic."

Enthusiasts say chickens make great pets, especially for young children, and that their eggs taste much better than the store-bought kind. Ms. Palermo also uses chicken waste as fertilizer for her vegetable garden and composter and feeds grass clippings, carrot tops, and other green waste to her birds. "In 24 hours, it will be an egg and fertilizer," she says.

Advocates, who also tout the economic benefits of having free eggs, say the recession is driving an interest in backyard gardens that increasingly include chicken coops.

But critics of the backyard coops say chickens attract raccoons, coyotes, and other pests and that they create unsanitary conditions. And the foes say the cited economic benefits are nonsense. Just building a coop can cost hundreds of dollars and raising hens is time-consuming.

"It's silliness," says Terri Frohnmayer, a commercial real-estate broker who is co-chairwoman of one of Salem's 19 neighborhood associations and lives outside town next to a farm that has chickens. "Eggs aren't even that expensive anyway. What's next? Goats? Llamas?" Her advice to hen-loving neighbors: "Get a farm."

There are no official statistics on how many city folk keep chickens, and it isn't clear whether urban coops are on the rise. Randall Burkey Co., a Boerne, Texas, hatchery, credits a doubling of small orders for chickens and supplies in urban and suburban areas for boosting profit at a time when traditional sales to commercial farmers have been flat or down. "We're experiencing some pretty nice growth, which, considering the economy, has been quite a blessing," says Clark Burkey, vice president for marketing.

Barbara Palermo has been pressing a fight to make backyard chicken coops legal in Salem, Ore.

One online network, BackyardChickens.com, has 35,000 members, up from about 10,000 a year ago. Members there solicit tips on how to keep illegal coops hidden from nosy neighbors and on how to persuade local politicians to allow backyard chickens.

During the two world wars, many cities encouraged residents to grow their own food and to keep chickens. But restrictions have cropped up in the past 50 years as urbanization reached deeper into the countryside. **Salem allowed residents to keep livestock, including chickens, until the 1970s, when it decided "to be a city and not a rural community," says Chuck Bennett, a City Council member who opposes allowing backyard chickens.**

Madison, Wis., in 2004 was one of the first cities to reverse a chicken ban, and other cities have followed suit, including Portland, Maine, and Vancouver, British Columbia.

In other cities, chickens have become a nuisance as they roam city streets. In 2003, Miami formed a "Chicken Busters" squad with a firefighter and code enforcement bureaucrat armed with big nets and small cages to patrol neighborhoods once a month. The team captured more than 6,600 chickens, and raised more than \$11,000 selling them to local farms.

In Salem, city compliance officers inspect homes only when there are complaints, and owners usually are told to get rid of the birds or face fines. The city got around 30 complaints last year and has received about one a week since the debate heated up this year.

Nancy Baker-Krofft unsuccessfully lobbied the city in 2006 to change the law and brought her birds out of hiding earlier this year when it appeared that Salem might allow them. When city officials come to inspect, she says, she'll hide the birds in her son's room or check them into a neighbor's contraband coop, which she calls the "chicken hotel."

Last month, a chicken got loose when an officer inspected Ms. Baker-Krofft's home, resulting in her third citation. "I cannot afford another \$250 ticket," says the 54-year-old substitute teacher. She has already racked up \$350 in fines for repeated chicken-related citations, which she is challenging in city court.

Her behavior has alienated her from some neighbors, and her neighborhood association opposes keeping chickens. "It's like she has some underground railroad for chickens," says Alan Scott, the head of the association.

Mr. Scott and others worry that neighbors who don't take care of their coops will lower property values. The biggest concern, however, is that chickens will just lead to more conflicts between chicken owners and neighbors who own more traditional pets, like dogs. "You can just see the conflict associated with the addition of another animal into this kind of [close] environment," says Mr. Bennett, the council member.

Ms. Frohmayer, who lives outside Salem, often finds her own springer spaniel sizing up chickens on her neighbor's farm. It's only natural, she says, for her dog to want to eat her neighbor's birds. "Are they going to put my dog down when it eats one of their chickens?" she says.

That issue has already come up. Salem resident Jason Caldwell replaced his neighbor's chicken after his Labrador retriever mauled a bird that had wandered onto his property. "I was just being a good neighbor," he says.

But when the dog ate the replacement, Mr. Caldwell bought yet another chicken for his neighbors and offered the following warning: "If there are any more chickens that are in my yard, I'm going to let the dog do whatever he wants."

He says he offered to build a better coop for his neighbor and spent \$100 to replace the birds, which were a specialty breed. "That's a terrible way of having to have a conversation with your neighbor, but at some point I've got to put my foot down," he says.

Salem's City Council remains divided over the issue. Salem Mayor Janet Taylor is guardedly supportive of the measure and ready to vote after months of debate. "I know chickens are important, but we need to move on," she says.

Write to Nick Timiraos at nick.timiraos@wsj.com

City Girl Chickens: The Urban Guide to Raising a Backyard Flock

Build a Coop

Would you like to build a coop for your backyard flock? Here's some things to consider along the way

If you've already read the basics of what needs to be included in a [chicken coop](#), you've got a great start on understanding what you need to include as you consider a proper home for your chickens.

Additional things to consider before you build a coop (or buy or convert something into one):

Location (according to local city regulations):

Most cities should have their rules about keeping chickens posted on their website. Look there first. Written in the ordinances and codes of the city will most often be regulations about how far away (from human housing) your chicken coop must be placed. **For example, where I live, the coop has to be at least 70 feet from the front property line and 100 feet away from neighbor's houses.**

Location (what's best for the chickens):

If you live in a place where it's extremely hot in the summer, placing your coop where there's at least partial shade (under a big tree, for instance) will help protect them from overheating. If you live where there's nasty winter wind, think about where you can build your coop that will provide protection from that wind.

Elevation (of the chicken coop):

Some people swear by having their hen house off the ground, others like it touching earth. There are potential benefits and drawbacks to each method. Think about them before you build your coop.

Manure Cleanup:

Easy coop clean up is essential for the health of your birds. It's even more important if you have chickens in the city! **A way to quickly get your neighbors unhappy is to have the smell of a dirty chicken coop wafting over to their backyard during their BBQ dinner!** Think about ease of manure removal and cleanliness as you design and build your coop.

Once you've given thought to all of these issues, you're ready to dive in. There are many companies that offer chicken coop kits and pre-built coops. You can also find [free plans to build a chicken coop](#) here. Or, see [how I built my chicken coop](#) from a used play structure and a bunch of recycled wood.

RESIDENTS CRY FOWL Complaints prompt CT board to ban raising of chickens

By Eric Scicchitano (Staff Writer eric_s@newsitem.com)
Published: March 9, 2012

COAL TOWNSHIP - **The right to raise chickens in the township has been spoiled by a few rotten eggs.**

Coal Township commissioners Thursday amended an ordinance to prohibit possession of farm and wild animals within township limits.

The move was made as a result of persistent complaints on a handful of chicken owners for foul stench, loud noises and dirty coops, Commissioner Gene Welsh said.

Anyone possessing newly prohibited animals outside a agricultural zone - of which there are few on the outskirts of Coal Township - have 90 days to find new homes for pigs, goats, fowl and more.

Monkeys, opossums, skunks and other animals deemed "wild" are also prohibited.

The ordinance is not subject to a grandfather clause, which only applies to zoning ordinances.

Of all the animals cited in the ordinance, it was chickens that sparked the commissioners' decision.

There are approximately 12 township residents living in residential zones who raise chickens, commissioners said, about half of whom have been subject to nuisance complaints of not cleaning up after their fowl.

Those complaints made by neighbors had persisted despite the township code officer's attempts to remedy the grievances, Commissioner George Zalar said.

In turn, commissioners updated the existing ordinance for a total ban on ownership of the bird as a pet or as a commodity.

That the ban is absolute and allows for no exceptions didn't sit well with a pair of township chicken owners who spoke out at the meeting - both of whom were said to have no complaints made against them.

Barbara Tanner, of 1210 Nelson St., said she owns two birds, both of them hens.

"I'm wondering what the problem is with having chickens. I don't see the point or reasoning with restricting chickens," she said.

Her birds are quiet and don't run at large, she said. On top of that, she just bought a new chicken coop.

Tanner said commissioners should have reconsidered a total ban on the fowl; instead creating a warning system and punishing irresponsible owners.

Vince Rovito, township solicitor, insisted a total ban was the best decision for the township. When previous citations had been taken to local magisterial court, Commissioner Craig Fetterman said the judge had thrown the cases out, saying the township "didn't have a leg to stand on."

Carol Dimmick, of 979 Bear Valley Road, said the chickens she keeps are not pets. Rather, she raises them as a source for eggs and meat.

Dimmick referenced language of the amended ordinance banning deer, then pointed to comments made earlier by Commissioner Gerard Waugh III when he commended street department employees for working to complete a new deer pen at the Tharptown playground.

The comparison was wrong, Waugh said. The township houses a deer for about a month for a Christmas holiday display. It isn't raising the deer year-round and isn't subject to the ordinance, he said.

Raising chickens in urban areas is not at all uncommon.

Backyard chickens are championed by their proponents as producing far healthier eggs than those purchased in grocery stores. They also say chickens make for chemical-free pest and weed control, and the by-product of the fowl's feces is that it makes an effective fertilizer.

There's a large online community of backyard chicken owners, offering on various websites tips for raising the fowl and advice on animal law.



Council says 'no' to chickens in neighborhoods

Source: [The Hastings Star-Gazette](#)

Date: August 5, 2009

Byline: Keith Grauman

The Hastings City Council Monday night unanimously defeated an ordinance that would have allowed people in residential neighborhoods to keep chickens in their backyards.

Hesitant, cautious, uncertain ... chicken.

The Hastings City Council Monday night unanimously defeated an ordinance that would have allowed people in residential neighborhoods to keep chickens in their backyards.

The council did, however, decide chickens should be allowed at the LeDuc Historic Estate and on land zoned as public institutions, and directed city staff to come up with a revised ordinance change that would allow for that.

The public institution zone in Hastings includes Hastings High School, the Pleasant Hill Library, Christa McAuliffe Elementary School, the Minnesota Veterans Home Hastings and Regina Medical Center. Most other schools in Hastings are in residential zones.

The LeDuc submitted the original request to the city to keep chickens as a living exhibit meant to interpret the agricultural side of the LeDuc family's life. As that request was making its way through the city, a Hastings resident asked about keeping chickens at her home.

On a 5-2 vote last month, the Hastings Planning Commission approved an ordinance that would have allowed chickens in both residential areas and public institutions. The two commission members who voted against it were in favor of allowing chickens on public institution land, but against allowing them in residential areas. The way the ordinance change was written, however, it was all or nothing, which is why city staff will have to rework the proposed change and bring it back to the council for approval.

The council cited several reasons for its opposition to chickens being allowed in residential areas, including the additional time that'd be spent by the city's code enforcement officer and Planning Department policing chicken coops and chickens, the possibility of nuisances and complaints arising, budgetary concerns, aesthetics and the possibility of negatively effecting property values.

Council Member Tony Alongi said whenever you add another job for a governmental body to do, it means more money needs to be spent. With the city's budget already strained, he and other council members questioned if this is the right time for the city to take on more costs and responsibilities.

"I honestly believe this is not the time to make government more complicated," he said.

Council Member Mike Slavik said the LeDuc came to the city with a solid proposal of why they wanted to keep chickens, and plans for what they want to do with them.

"That was a good place to start," he said. "Then it got bigger."

Slavik commended the democratic process and said in this case it worked like it's supposed to, with residents providing input and altering the proposed ordinance change. Still, he sided with the rest of the council in his opposition to the ordinance.

Mayor Paul Hicks said residents in Hastings have certain expectations of what they will and won't see in their neighborhoods. He said when he's sitting on his deck, he doesn't want to see chicken coops in his neighbors' backyards. Alongi questioned what would happen to the chicken coops when houses change hands.

At Monday's public hearing, three people spoke in favor of the ordinance, and three people spoke against it. Those in favor said they wanted chickens for the added economic and health benefits that come from getting fresh eggs, and thought keeping chickens would teach their kids about responsibility and their agricultural roots.

Those in favor said anyone who is going to invest in building a chicken coop and buying chickens would take care of them and not allow them to become a nuisance.

Alongi commended the people in attendance at the meeting who came to support the ordinance change, but said not everyone would be as responsible as they would.

"You wouldn't need a police department if everybody was responsible," he said.

The council directed city staff to draft a new ordinance change that keeps chickens out of residential neighborhoods, but allows them in public institution zones. Since it's a new ordinance, it has to go back before the Hastings Planning Commission before going to the council. The earliest it could be back before the council is Sept. 21.

As urban agriculture blossoms, backyard chicken battles brew

July 7, 2013 |

By [Ann Zaniewski](#)

Detroit Free Press Staff Writer

To Randy Zeilinger, the 11 chickens that roamed in a fenced-off section of his backyard in Garden City were a source of nutrition and income.

But city officials and some of his neighbors saw them as an unsightly and smelly nuisance.

Zeilinger, 53, is on probation after a jury decided in April that he violated a city ordinance against keeping chickens. His punishment also included a suspended jail sentence.

As Zeilinger fights to keep his fowl, the case illustrates an increasingly common debate over some types of farming in urban areas. With rising food prices and an increased interest in organic food sources, more people are wanting to raise chickens — and sometimes facing pushback from their communities.

At the state level, agriculture officials are wrestling with whether to set clearer guidelines to address small-scale chicken farming.

“It can be controversial,” said Brad Deacon, administrative law coordinator for the Michigan Department of Agriculture and Rural Development. “There are plenty of people who live in towns and don’t want livestock around. And there are plenty of people who want to own livestock.”

Residents in cities from Madison Heights to Ann Arbor have successfully lobbied in recent years to keep poultry in residential areas not zoned for farming.

In Ferndale, Laura Mikulski, 32, pushed for months for the city to change its rules about chickens. City officials agreed in 2012 to allow people to build backyard coops that are at least 10 feet away from houses on adjacent properties, down from the previous rule of 150 feet from a home. Residents can keep up to three hens.

“It’s definitely a trend over the past five years,” said Mikulski, who runs the website www.ferndalechickens.com. “People are trying to get more in touch with their local food sources all around, whether it’s gardening in their backyards or having chickens in their backyards.”

Does Right to Farm Act apply?

Regardless of what local ordinances say, Mikulski, Zeilinger and others believe their right to raise chickens is protected by the Michigan Right to Farm Act. Enacted in 1981 and most recently amended in 1999, the act was originally designed to protect farmers in rural areas from nuisance litigation.

There are different interpretations of how the Right to Farm Act applies to small-scale farms in urban areas.

Broadly speaking, the act says local zoning ordinances can't restrict commercial farms that operate in accordance with what are known as Generally Accepted Agricultural and Management Practices or GAAMPs. It also provides nuisance protection to farms that follow those guidelines.

No minimum threshold was set for how much a farmer must sell to be considered a commercial farm under the act, said Aaron Phelps, a Grand Rapids attorney who specializes in agriculture law.

At the same time, the GAAMPs related to site selection for livestock facilities apply only to places with a minimum of 5,000 chickens. Facilities that do not comply with the site selection GAAMPs are not entitled to defense from nuisance complaints under the act, Deacon said.

“The question becomes, ‘Who is subject to the GAAMPs?’ ” said attorney David G. Cox, general counsel for the Farm-to-Consumer Legal Defense Fund. “My argument is if there’s no GAAMP that applies to you, you just need to be a farm that sells farm products to be commercial and you are afforded nuisance protection.”

Cox is defending the owners of Sweet Peas Farm in Williamstown Township from an ordinance violation lawsuit brought by the township. The farm sells various products and has four rabbits, three pigs, 22 chickens, three goats, 14 quail and nine ducks on 1.37 acres.

Last year, the Michigan Commission of Agriculture and Rural Development considered changing the site selection GAAMP so it would apply “in areas where local zoning allows for agricultural uses.” The proposal also would have reduced the number of animals covered by the guideline.

But after Zeilinger and others spoke out against the changes, the proposal was tabled.

In an effort to encourage commercial farming in places like Detroit, the GAAMPs were recently amended so cities with more than 100,000 people can develop their own ordinances for agriculture.

Neighbors' complaints

In Garden City, some who live near Zeilinger's house on Helen Avenue say he doesn't maintain his property. It has chicken feed and feces, piles of wood and other debris attracting mice and rats, and a foul stench that wafts into their yards, they say.

“Last summer, when we had those days in the 90s, you could not walk out my side door without smelling it,” said next-door neighbor Craig Swarthout, 53, who testified at Zeilinger’s trial.

Swarthout said he has never complained to the city about Zeilinger’s chickens. But at least one person has.

An ordinance officer visited Zeilinger’s home in March 2012 and issued him a ticket for an ordinance violation. That ticket led to the jury trial in April.

Mayor Randy Walker said residents have come to City Council meetings to speak out against backyard chicken farming.

“We’re a city, we’re not a farming community,” he said. “When you have chickens on city lots that are 50, 60 feet wide by 120, 150 feet deep, the neighbors don’t want to smell the chicken feces and the mice and the rats that come with chickens.”

Zeilinger said he always cleaned up after his chickens.

As a condition of his probation, Zeilinger was ordered to follow all city ordinances — so he had to get rid of his birds. He divided them up among three farms as he awaits his case to be heard on appeal.

Zeilinger said the money he made from selling eggs was an important source of income.

“A couple of chickens in the backyard is certainly not harming anybody,” he said. “The benefit is fresh, healthy eggs that have been enjoyed by a lot of people.”



American Poultry Association



Helping Poultry Breeders Raise Birds in an Urban Area By Bart Pals

Raising poultry within the city limits can be a fun and rewarding experience for everyone involved, but much planning is required. Many people are very successful in raising poultry in a residential area. All types of poultry are being bred successfully and without problems in urban settings.

This article is designed to be an aid in helping people protect their right to raise poultry within city limits. Please remember that it is not the birds that you keep but how you keep them that is important. Check local ordinances to know what is allowed.

The first thing that must be considered are the rights of your neighbors. Your birds must fit in with the neighborhood and the city. Cleanliness is the most important requirement for raising poultry in town. **Your birds must be kept clean.** Keeping the area neat and tidy will help with the general feeling towards your birds. It doesn't matter what you raise or what type of facilities you have, keep everything clean. Keeping pens fresh, keeping things picked up, and keeping the area swept will all aid in the general feeling of your neighbors towards your birds.

Insect control goes hand in hand with cleanliness. Backyard poultry breeders must control insects. Parasites must be kept off the birds and flies must be controlled around the poultry house. **Keeping pens clean will aid in insect control but spraying or other measures may also be needed.** Secure a place to dispose of waste and have a backup place secured in case the first one fails. Feed should be stored in containers that will help prevent rodents.

The type of building you use must fit in with the neighborhood. Take into consideration the type of siding, roofing, fencing, size, and the height of the building. This structure should blend in with the existing buildings. When designing the building, you must make sure that your birds are not going to wake the neighborhood at 5:00 A.M. Individual doors for each pen, that can be opened and shut at reasonable times, should be built into the structure to help minimize noise problems. The type and size of pens that you will be able to use may determine what type or types of poultry you will be able to raise. **Your birds will have to be confined.**

Very few people will appreciate birds running around the neighborhood. Security measures may also have to be taken. Stray dogs, varmints, and vandals should be guarded against. Security lights, gates, fences, and strong wire will all help to protect your birds. Included in your building should be an area designed for show boxes, extra feeders and waterers, etc.

Plant shrubs or build a fence that will help deaden the sounds that the birds will make. Shrubs and fences also help the building blend in with the neighborhood. Planting flowers around the building also helps make the structure—and your birds—look more attractive to the neighbors.

Starting small and setting goals are essential. Start out with a pair or trio of birds and know how many birds you can easily handle. A trio of birds can produce a lot of chicks and these chicks will grow into adults. Know exactly how many birds your facility can handle and always remember not to overcrowd your birds. **One must realize that not every chick hatched will be a “winner,” so if you plan on hatching many chicks be prepared to cull and have an outlet for the culls.** When raising birds in town, you cannot keep the culls. Realizing this fact before hatching will help keep things under control.

You must consider what species of poultry to raise. It is pretty difficult to raise Toulouse geese in a residential area. Standard birds can be raised but in a limited area. Remember that you cannot keep as many as you might like because of limited space.

Remember that noise is a factor and that large fowl have a lower-pitched crow that travels farther than the sharp, high-pitched crow of a bantam.

Ducks can be raised in town, but they are messy and rather noisy. Ducks can be raised in town but remember that there will be extra work involved in keeping the area clean.

Extra precautions may have to be implemented to help control the extra sound from water fowl as well.

What particular breed of poultry you raise should be considered. Docile breeds should be considered. **Many breeds are known for their wild or tenacious behavior. These should be steered away from. Breeds that are not “flighty” and are not aggressive are the breeds that should be considered.** Some breeds mature much faster and can be culled much sooner than others. Japanese bantams can be culled for long legs from the incubator. Slower maturing breeds mean that the young birds must be kept that much longer before you can cull, which means that fewer chicks can be hatched. Faster maturing breeds mean that you can cull sooner and hatch a few more chicks. It is very easy to get wrapped up in setting eggs and hatching chicks and in a few months you're out of room and don't know what to do with all of the young birds. You must always remember that you are dealing with limited space and manage your birds accordingly.

What variety of poultry you raise is yet another aspect that should be considered. Solid colored birds will give you a higher percentage of adults birds to pick from. Laced birds will provide more culls due to color problems. Some varieties will produce multiple colors of offspring. The blue variety will produce blue, black, and splash offspring.

Choosing the particular species, breed, and variety are very important aspects to consider before you begin raising poultry within the city limits. It doesn't matter what kind of poultry you raise. Be sure you understand everything that may be involved in raising that breed or variety of birds.

Investigate the breed that you are going to raise. Read and talk with other breeders about the breed and the variety that you have chosen. Many of these breeders have seen and dealt with some of the problems involved with a particular breed or variety. Learn from their experiences and

perhaps you will have an easier time.

Educate your neighbors about the birds you are raising. Frequently people think of poultry as either broilers or layers. They have no idea that there is such a wide variety of poultry. Educating your neighbors can have a very positive effect on your venture.

You can help educate your community by becoming involved with your local 4-H group. You can be involved in several areas of 4-H—by being a leader, a poultry project leader, or through the Extension Office as an Extension Council member. Being involved with your poultry club can help educate your city. Many clubs sponsor shows, set up displays at malls, print educational material, and do whatever they can to help promote exhibition poultry. Getting involved can help the local club, community—and you. Many people give talks in elementary schools and take live birds with them. All of these things help educate the community about poultry.

Things To Consider Before You Begin

Know the laws and ordinances pertaining to birds. Know the restrictions the city may have. Many cities have restrictions requiring poultry to be a certain distance from the property line, house, street, and alley. They also may restrict the number of birds you can have.

Know the laws and ordinances pertaining to other pets. Compare their restrictions with those for poultry.

Consider your birds as pets, not livestock, and treat them the same way a pet would be treated.

Follow the enclosed guidelines and remember that keeping poultry in a city is a privilege.

If You Have A Problem

If things go wrong, isolate the problem as soon as possible and correct it if possible. Make sure the problem is yours. One individual was accused of having a bad odor coming from his chickens. In fact, the odor problem was caused by a neighbor who had spread cow manure on his garden. It was mistakenly thought that the chickens were the cause of the odor.

Always remain calm, cool, and collected. When you become upset is when you are the most likely to make mistakes. Never accuse a city official of being wrong. Rather, suggest they “consider” your idea. One city official’s idea of being “grandfathered in” was that the city leg band all the birds. As the birds die, then the individual would turn in the leg band and would not be able to replace that bird. When all of the birds were dead then the grandfathered-in individual would no longer be able to raise poultry. The official was asked to listen, compare, and consider the following. If the individual were a business and the chickens were the inventory, the business would have to close when the inventory was depleted. Usually a business is grandfathered in until that person dies, moves, or the business is sold—not until the inventory is gone. The officials saw their error and accepted the individual’s idea.

Invite the city’s health inspector to come to your place and see first hand your operation. Without the support of the city’s health inspector, you will have a very difficult time trying to pursue the matter any further. Show the health inspector your pens and explain to him/her how often the pens are cleaned and how you dispose of waste. Explain your insect and rodent control methods. Show the health inspector how clean your operation really is.

Make your birds a benefit to the neighborhood. Offer extra eggs to the neighbors. Most people find the fresh eggs to be a treat. If the neighborhood children want to see your birds, take the time

to go with them and let them see and touch the birds. Let them feel that they are part of your poultry program. If the neighborhood children don't like your birds, their parents probably won't either.

If a petition is filed against you please remember that most people will sign anything. You can get a copy of the petition from city hall and carefully go through it. Check names and addresses to make sure that they are actual and not invented. Check to make sure the addresses are within your area. One petition had the forged signature on it of the sister of one of the city officials.

Come up with your own petition. It is simply a matter of writing your point of view on a piece of paper and having people sign below it. Take your petition to all of your neighbors within a two-block radius of your place. If a neighbor will not sign it, then perhaps you have located the person making the complaint. If so, ask him/her what the problem is and correct it as soon as possible.

Try to secure as much local support as possible. If there is a council meeting scheduled, then make sure to attend it, along with as many other people as you can muster up. Sometimes there is strength in numbers.

Just because you have raised poultry in a particular area for many years does not guarantee that you will always be able to enjoy that privilege. Simply because you are "grandfathered in" does not mean that the privilege cannot be taken away.

Invite city officials and council members to your house. Show them your facilities and explain to them how your birds are cared for.

Explain to the city officials what you are trying to accomplish. If you raise birds to be exhibited, then show them your awards. Explain the achievements that you have made through your hobby.

If the city officials and/or council members cannot or will not come to your place, then send them a packet of information. Include pictures of your building, your birds, and an explanation of what you are trying to accomplish. Include a brief summary of how the birds are judged. Explain that you are trying to follow a standard of perfection. Include in this packet written support statements from city leaders and other people who are aware of your accomplishments, your petition, and any other information that you may feel important for them to know about.

Hints

Consider your birds as pets, not livestock. When a bird lives for ten or more years and is cared for the way many people care for their birds, then they are more than simply farm livestock; they are pets.

Most larger cities allow poultry.

Most cities have no ordinances against crowing roosters. Most noise ordinances refer to barking dogs and loud vehicles.

Petitions do not generally hold much weight with city officials but they do usually thoroughly go over them to see if the people who have signed them are legitimate. City officials also realize that some people will sign anything. If a petition is signed by a limited number of people, all of whom live in the neighborhood, then the city officials will take them more seriously.

Make sure the complaint has come from within the neighborhood. Most cities will not consider a complaint except from a neighbor. A neighbor is usually within a two-block radius of your home.

Raising poultry is a hobby not a business. If you call it a business, you may be opening up a whole new can of worms.

Most elections are decided by a very small percent of the people so the more support you can show at a council meeting or public meeting the more influence you will have with the city officials.

If city officials receive more than four letters regarding a particular problem, they will take it seriously.

If your city allows dogs, cats, and other small pets, then they should allow bantams as pets. Some city governments have been challenged on this discrimination and have lost. Restrictions may apply, but they should be allowed.

Some cities have tried to include poultry with wolves, alligators, and other animals that may be dangerous to other people. If you are raising exhibition birds, you are not raising dangerous animals.

Remember: All states and cities have different laws and ordinances. Simply because one state does something one way does not mean that another state will do it that way.



Chapter 13.05 Specified Animal Regulations

Table of Contents ([Printable Version](#))

[- Note](#)

[13.05.005 Definitions.](#)

[13.05.010 Administration and Enforcement: Powers and Duties of Director.](#)

[13.05.015 Permit Required for Specified Animal Facility.](#)

[13.05.020 Permit Fees.](#)

[13.05.025 Unsanitary Facilities and revocation of permit.](#)

[13.05.030 Seamless Banded Pigeon Permits.](#)

[13.05.035 Livestock within Fifty Feet of Residence.](#)

[13.05.040 Diseased Animals to be Confined.](#)

[13.05.045 Civil Penalties and Additional Restrictions.](#)

[13.05.050 Appeals.](#)

[- Note](#)

(New Chapter substituted by Ordinance No. 166281, effective Feb. 24, 1993.)

[13.05.005 Definitions.](#)

(Amended by Ordinance Nos. 172635 and 181539, effective February 15, 2008.) As used in this Chapter, unless the context requires otherwise:

A. "Director" means the Director of the Multnomah County Health Department Vector and Nuisance Control, or the director's designee.

B. "Keeper" means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for purposes of safe keeping.

C. "Livestock" means animals including, but not limited to, fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine, or other farm animals excluding dogs and cats.

D. "Person" means any natural person, association, partnership, firm, or corporation.

Title 13 Animals

Chapter 13.05 Specified Animal Regulations

[Chapter 13.08 \(Repealed\)](#)

[Chapter 13.09 \(Repealed\)](#)

[Chapter 13.10 General Animal Regulations](#)

[Chapter 13.11 \(Repealed\)](#)

[Chapter 13.12 \(Repealed\)](#)

[Chapter 13.13 \(Repealed\)](#)

[Chapter 13.15 \(Repealed\)](#)

[Chapter 13.16 \(Repealed\)](#)

E. "A Secure Enclosure" shall be:

1. A fully fenced pen, kennel or structure that shall remain locked with a padlock or a combination lock. Such pen, kennel or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code.

2. A house or garage. Where a house or garage is used as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the specified animal. A house, garage, patio, porch, or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the specified animal to exit the structure of its own volition; or

F. "Specified Animals" means bees or livestock.

G. "Specified Animal Facility" means a permitted site for the keeping of one or more specified animals, including but not limited to a stable, structure, or other form of enclosure.

H. "Stable" means any place used for housing one or more domesticated animals or livestock, whether such stable is vacant or in actual use.

I. "Sufficient liability insurance" means, at a minimum, insurance in a single incident amount of not less than \$50,000 for personal injury and property damages, covering all claims per occurrence, plus costs of defense.

[13.05.010 Administration and Enforcement; Powers and Duties of Director.](#)

A. It shall be the responsibility of the Director, and such other persons as the Director may designate, to enforce the provisions of this Chapter.

B. Persons designated by the Director to enforce this Chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

C. The Director may adopt procedures and forms necessary for

administering and exercising the authority under this Chapter.

13.05.015 Permit Required for Specified Animal Facility.

(Amended by Ordinance Nos. 167649, 168900 and 181539, effective February 15, 2008.)

A. No person shall operate or maintain any specified animal facility unless a permit has first been obtained from the Director.

B. Applications for specified animal facility permits shall be made upon forms furnished by the Director, and shall be accompanied by payment of the required fee. Specified animal facility permits shall be valid from the date of issuance until such time as the Director determines by inspection that the facility is not being maintained in compliance with the issuance criteria. Applications for a specified animal facility permit shall be accompanied by adequate evidence, as determined by the Director, that the applicant has notified all of the property owners and residents within 150 feet of the property lines of the property on which the specified animal facility will be located.

C. The Director shall issue a specified animal facility permit to the applicant, only after the Director has reviewed a completed and signed application which grants the Director permission to enter and inspect the facility at any reasonable time, and assuring the Director that the issuance criteria have been met. If the Director has reasonable grounds to believe that an inspection is necessary, the Director shall inspect the facility in order to determine whether the issuance criteria have been met. The criteria for issuing a specified animal facility permit are as follows:

- 1.** The facility is in good repair, capable of being maintained in a clean and in a sanitary condition, free of vermin, obnoxious smells and substances;
- 2.** The facility will not create a nuisance or disturb neighboring residents due to noise, odor, damage or threats to public health;
- 3.** The facility will reasonably prevent the specified animal from roaming at large. When necessary for the protection of the public health

and safety, the Director may require the specified animal be kept or confined in a secure enclosure so that the animal will not constitute a danger to human life or property;

4. Adequate safeguards are made to prevent unauthorized access to the specified animal by general members of the public;

5. The health or well being of the animal will not be in any way endangered by the manner of keeping or confinement;

6. The facility will be adequately lighted and ventilated;

7. The facility is located on the applicant's property so as to be at least 15 feet from any building used or capable of being used for human habitation, not including the applicant's own dwelling. Facilities for keeping bees, such as beehives or apiaries, shall be at least 15 feet from any public walkway, street or road, or any public building, park or recreation area, or any residential dwelling. Any public walkway, street, or road or any public building, park or recreation area, or any residential dwelling, other than that occupied by the applicant, that is less than 150 feet from the applicant beehives or apiaries shall be protected by a six foot hedgerow, partition, fence or similar enclosure around the beehive or apiary, installed on the applicant's property.

8. If applicable, the structure must comply with the City's building code and must be consistent with the requirements of any applicable zoning code, condition of approval of a land use decision or other land use regulation; and

9. The applicant shall demonstrate, to the Director's satisfaction, sufficient ability to respond to any claims for damages for personal injury or property damage which may be caused by any specified animal kept at the facility.

a. The Director may require the applicant to provide proof of sufficient liability Insurance to respond to damages for any personal or property damages caused by any specified animal kept at the facility. The insurance shall provide that the insurance shall not be canceled or materially altered so as to be out of compliance with the requirements of

this Chapter without thirty (30) days written notice first being given to the Director. The applicant shall provide a certificate of insurance to the Director within ten (10) days of the issuance of the permit. The Director shall revoke the permit upon any failure to maintain sufficient liability insurance as required under this subsection.

D. Each specified animal facility permit issued by the Director shall be conditioned on the applicant maintaining the facility in compliance with each of the issuance criteria. If the Director determines by inspection that the specified animal facility is not being maintained in compliance with the issuance criteria, the specified animal facility permit shall no longer be valid and shall be revoked. Before operation of the facility resumes, submission of a new application for a specified animal facility permit accompanied by payment of the permit fees shall be required, and the facility shall not be allowed to operate until such time as the Director has inspected the facility and determined that all issuance criteria have been met. The Director may impose other conditions on the permit, including but not limited to, a bond or security deposit necessary to protect the public health or safety.

E. A person keeping a total of three or fewer chickens, ducks, doves, pigeons, pygmy goats or rabbits shall not be required to obtain a specified animal facility permit. If the Director determines that the keeper is allowing such animals to roam at large, or is not keeping such animals in a clean and sanitary condition, free of vermin, obnoxious smells and substances, then the person shall be required to apply for a facility permit to keep such animals at the site.

F. These provisions for specified animal control are intended to provide city-wide regulations for keeping specified animals within the City. However, due to the variety of animals covered by these regulations and the circumstances under which they may be kept, these regulations should be applied with flexibility. Variances provide flexibility for unusual situations, while maintaining control of specified animals in an urban setting. The Director should grant variances if the proposal meets the intended purpose of the regulation, while not complying with the strict literal requirements.

1. Applicants for a specified animal permit may request a variance from the requirements set forth in Section 13.05.015 C. In determining whether to grant a variance request, the Director shall consider the following criteria:

a. Impacts resulting from the proposed variance will be mitigated as much as possible;

b. If more than one variance is proposed, the cumulative impact would still be consistent with the overall purpose of the regulations; and,

c. If in a residential area, the proposed variance will not significantly detract from the public health or safety in the area.

2. The Director may impose conditions on any variance, as may be appropriate to protect the public health or safety or the health or safety of the animals.

a. The Director may, at any time, revoke any variance, or amend the conditions thereof, as may be appropriate to protect the public health or safety or the health or safety of the animals.

b. Failure to comply with the conditions of any variance issued under Section 13.05.015 F is a violation of this Chapter.

13.05.020 Permit Fees.

(Amended by Ordinance Nos. 168900 and 181539, effective February 15, 2008.)

A. The application for a specified animal facility permit shall be accompanied by a nonrefundable fee.

B. The Director may establish application fees at amounts reasonably calculated to cover the costs of administration and enforcement of the specified animal facility program. Before such fees may become effective, the Director shall submit the fee schedule to the Portland City Council for review and approval by ordinance.

13.05.025 Unsanitary Facilities and revocation of permit.

A. All specified animal facilities shall be open at all times for inspection by the Director. If an inspection reveals that any provision in this Chapter is violated, the Director shall give written notice to the keeper or other responsible person, specifying the violation and requiring that the violation be corrected within 48 hours. If the violation is not corrected

within the period specified, the Director may revoke the specified animal facility permit.

B. The Director may revoke any specified animal facility permit upon determining that the facility no longer meets the conditions required for the issuance of a permit or that the permit was issued upon fraudulent or untrue representations or that the person holding the permit has violated any of the provisions of this Chapter.

13.05.030 Seamless Banded Pigeon Permits.

Any keeper of pigeons generally known as “seamless” banded pigeons, recognized by the National Association of Pigeon Fanciers, such as flying tippers, tumblers, homing pigeons or rollers, may, after obtaining the signed consent of two-thirds of the total number of property owners and occupants residing within property 200 feet from the property lines of the property where such pigeons are kept, obtain from the Director a permit to release such pigeons for exercise or performance at stated times or intervals. The Director may impose such other conditions on the permit as are necessary to maintain the public safety and health.

13.05.035 Livestock within Fifty Feet of Residence.

It is unlawful to picket any livestock, or allow any livestock to roam, so that it may approach within 50 feet of any building used as a residence, or any commercial building in which foodstuff is prepared, kept or sold.

13.05.040 Diseased Animals to be Confined.

A. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with mange, eczema or other disease contagious to animals, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

B. It is unlawful for any specified animal keeper who has reason to believe that the animal is infected with ringworm, hepatitis, rabies or other disease contagious to humans, or who has been notified as provided in Subsection C hereof, not to confine such animal until the animal is examined and declared free of disease by a licensed veterinarian or by the Director.

C. If the Director finds, after investigation, that there is a preponderance of evidence indicating that any specified animal is infected with a contagious disease, the Director shall issue written notice to the keeper of such animal, requiring the keeper to confine such animal until it is examined and declared free of disease by a licensed veterinarian or the Director.

D. The Director may initiate an investigation under Subsection C hereof upon receipt of a signed statement by any person indicating that a certain animal is infected with a contagious disease.

13.05.045 Civil Penalties and Additional Restrictions.

(Amended by Ordinance No. 181539, effective February 15, 2008.) All enforcement of this Chapter by the Director shall follow the procedures set forth in Multnomah County Code Chapters 15.225 - 15.236

13.05.050 Appeals.

(Repealed by Ordinance No. 181539, effective February 15, 2008.)

[City of Portland,](#)

[Auditor LaVonne Griffin-Valade](#) - [Services](#) - [Calendar](#) - [Publications](#) - [Charter Code & Po](#)

[y Policy](#) - [Accessibility](#)

[Di](#)

Proposed Tualatin Chicken Ordinance

The proposed ordinance assumes that whoever is applying for a permit will be a ‘conscientious caretaker.’ Taking care of chickens is something that must be done daily without fail, and great responsibility and care must be taken in keeping chickens to avoid a negative impact in a residential neighborhood. Most people certainly start out conscientiously, but slack off over a period of time as they tire of the daily grind. Tualatin has an obligation to all of its citizens to protect against any potential abuses of any approved ordinance. The following issues need to be addressed when determining the specifics of this ordinance:

1. No provisions made for ensuring/documenting that the proposed coop will be in either prior to or during the application process. The applicants should be able to demonstrate in some way that they have the requisite knowledge for keeping chickens in a residential setting. There is no provision for city inspection of the property prior to obtaining a permit or subsequent periodic unannounced visits to confirm code compliance.
2. No provision for the city code enforcement officer to enter the applicant’s lot at any time to investigate any chicken-related complaints. A written complaint is too restrictive. In fairness to impacted neighbors, the city owes a more timely response and method of response (a city contact phone number) in terms of ordinance compliance and complaint resolution. You need to define very specifically what constitutes a “nuisance”, so that ordinance compliance can be monitored and enforced consistently.
3. You have allowed for neighbors to be notified when an application has been made, but no mechanism is defined for appeal prior to any permit approval. **Approval by all of the applicant’s closest neighbors is a must if you are allowing a change in the law that has the potential to negatively impact the use and enjoyment of a neighbor’s property.** The applicant should have to convince any dissenting neighbors that this will not negatively impact them prior to permit approval.
4. You state that only 4 adult hens may be kept. Does that mean that the applicant can have 4 adults and an infinite number of chicks?
5. Applicants should be made to prove that they have an adequate plan in place for cull chickens and accidental roosters. They should not be allowed to just dump them on animal shelters.
6. You have made provision for vermin-proof food storage, but no provision for mandatory daily cleanup of any excess food left on the ground that will also attract vermin.
7. There are no provisions made for the aesthetics of an urban chicken coop. Applicants should be made to keep the coop and birds as inconspicuous as possible in a residential neighborhood. You have made no provision for a minimum property size and **25’ from the property line is way too close to be certain that neighbors will not be negatively impacted.** No provision has been made to ensure the coop is sufficient to protect the chickens.
8. You have allowed free range with supervision. Chickens need to have a “run” much like a dog run that is enclosed. **Supervision will not ensure that the animals do not cross over into a neighbors yard where they can cause damage or defecate on fencing.** For the health of the chicken, a dirt run is essential for the chickens to cover themselves with dirt to keep insects and parasites under control. *Beaverton lists a prohibition: Allowing chickens to enter adjoining properties is prohibited.*
9. You have not specified how the coop is to be maintained (clean, dry, free of any noticeable odors and in good repair) or mandated any winter protection for the chickens. No provision for maintaining the health of the animals. Since a veterinary visit can cost upwards of \$100.00 per visit, and they are prone to quite a number of medical conditions, the city needs to make sure that the applicant has the resources to keep the animals disease, insect and parasite free –again, making sure that animals are not just abandoned at veterinary clinics and animal shelters.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 11/12/2013

SUBJECT: Consideration of **Ordinance No. 1364-13** Relating to Business Licenses; Amending Tualatin Municipal Code 9-1-020 and 9-1-090; and Declaring an Emergency.

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1364-13 Relating to Business Licenses; Amending Tualatin Municipal Code 9-1-020 and 9-1-090; and Declaring an Emergency.

RECOMMENDATION:

Staff recommends City Council consider adopting this ordinance.

EXECUTIVE SUMMARY:

Staff recently reviewed the current business license ordinance and proposes a few minor administrative clarifications to the ordinance. There are two changes to Tualatin Municipal Code (TMC) Chapter 9-1-020 and two changes to TMC Chapter 9-1-090.

TMC 9-1-020(2)(a) is being revised to remove the reference to gross receipts related to a contractor eligible for a Metro Business License. This reference is being removed in our code because the gross receipts limit is a Metro requirement and a Metro Business License is not issued unless the contractor meets Metro's requirement. Including it in our code is redundant, as well as our code does not reflect the current limit. Removing it from the TMC will prevent us from having to update the ordinance anytime Metro changes their limits. TMC 9-1-020(3) is being added to prohibit the issuance of a license to any person that engages in a business activity that violates City, state, or federal law. This new section will make it unlawful for any business that operates in violation of City, state, or federal law to conduct business in the City.

Under TMC 9-1-090, it is proposed to add the ability of the City Manager or the City Manager's designee to waive any late fees, charges or penalties as determined to be reasonable. Occasionally, there are circumstances where a waiver is warranted, but current code does not allow staff to handle the situation without Council approval. The other change is the addition of clarifying language allowing the City Manager to delegate authority to prescribe administrative rules or policies to implement the requirements of the Business License

ordinance.

Attachments: [Business License Ord](#)

ORDINANCE NO. 1364-13

AN ORDINANCE RELATING TO BUSINESS LICENSES; AMENDING TUALATIN MUNICIPAL CODE 9-1-020 AND 9-1-090; AND DECLARING AN EMERGENCY

WHEREAS, the City of Tualatin requires businesses to acquire a business license prior to conducting business within the City; and

WHEREAS, the City Council wishes to amend its business license to prohibit businesses within the City from engaging in activities that violate City, state, or federal law; and

WHEREAS, the City Council wishes to amend its business license to grant the City Manager additional administrative responsibilities; and

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code 9-1-020 is amended to read as follows:

9-1-020 License Required.

(1) Unless exempt under the provisions of subsection (2), it is unlawful for a person to carry on or engage in any business within the City without first having obtained a business license from the City.

(2) The following businesses are exempt from the business license requirements:

(a) A contractor or landscape contractor whose principal place of business is not within the City, ~~who derives gross receipts of less than \$125,000 from business conducted within the boundaries of the City during the calendar year for which the business license is obtained~~ and who has obtained a current business license from the Metropolitan Service District.

(b) Independent Contractors who are sole proprietors and who furnish instructional services only to the City or on behalf of City-sponsored programs.

(3) A person that carries on or engages in a business that does not comply with City, state, or federal law is prohibited from being issued a business license.

Section 2. Tualatin Municipal Code 9-1-090 is amended to read as follows:

9-1-090 Administration.

(1) The City Manager or City Manager's designee is authorized to waive any late fees, charges, or penalties as determined to be reasonable in the sole discretion of the City Manager or City Manager's designee.

(2) The City Manager or the City Manager's designee is authorized to prescribe administrative rules and policies to implement the requirements of this Chapter. ~~may establish such other rules for the administration of this ordinance, not inconsistent herewith as may be necessary and expedient.~~

Section 3. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 4. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, and safety; an emergency is declared to exist and this ordinance shall be in full force and effect on the date of its passage.

INTRODUCED AND ADOPTED this 12th Day of November, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder