



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: December 10, 2012

SUBJECT: Work Session for December 10, 2012

- 1) **5:00 p.m. (45 min) – Chickens.** At the November 13th City Council meeting, a request was made during the public comment period for the Council to reconsider the issue of allowing the keeping of chickens in residential areas. Council directed that the item be placed on tonight's agenda. Attached is information from 2010 when this issue was discussed.
- 2) **5:45 p.m. (45 min) – Basalt Creek Transportation Refinement Plan.** At the November 26th Council meeting, Council discussed this issue and requested that information be brought back to tonight's meeting addressing issues that the Citizen Involvement Organization raised, as well as some other concerns raised.
- 3) **6:30 p.m. (15 min) – Update on Stafford Area Framework Planning.** Attached is a memo with information regarding recent activity having to do with future planning in the Stafford area.
- 4) **6:45 p.m. (10 min) – Council Meeting Agenda Review, Communications & Roundtable:** This is the opportunity for the Council to review the agenda for the December 10th City Council meeting and take the opportunity to brief the rest of the Council on any issues of mutual interest.

From: [Willie Fisher](#)
To: [BEN BRYANT](#); [Sara Singer](#)
Cc: [Steve Caporale](#); [Peggy Fisher](#); [Chris Burchill](#); willie.fisher@pcc.edu
Subject: Follow on narrative and references for Livability and Health/Safety concerns with East-West Concept
Date: Tuesday, December 04, 2012 10:21:16 PM

Hello Ben and Sara,

Can you please pass this information on to Mayor Ogden and City Council members as a follow up to the 11/26 City Council meeting. This research/information was provided to the CIO6 Board by a concerned citizen. While there is a lot of information to digest, it is important that these issues be evaluated when selecting the final location for the new roadway development.

Thanks for your help,

Willie Fisher President CIO6

At the Tualatin City Council Meeting on November 26, 2012, there appeared to be a question about the concerns presented by the Tualatin CIO6 Board and why these concerns would be more problematic with the location of the East-West Concept over any of the other Tonquin to Boones Ferry Road concepts presented.

- **Unique only to this concept plan- The location of the East West Concept creates a new major 5 lane signaled 3-way Highway intersection within approximately 1000 feet of the fields of a K-12 school at the proposed intersection of Boones Ferry Road and near Greenhill Lane**
 - The intent of this new 5 lane highway is meant to draw large volumes of regional freight traffic to this intersection, which is close proximity to an existing grade school
 - The design of this specific intersection will require a 3-way full signal stop light- with the potential to become a 4 way intersection with the Frobase Overcrossing.
 - The design of the intersection will require 90 degree turns for all vehicles- including freight trucks – slowing their speed, and requiring additional stops and starts.
- **Unique only to this concept plan- due to the local topography, and the slope of the grade at one side of the intersection** –there will be an increase in pollutant production as trucks idle and accelerate on the steep grade- Local traffic from the neighborhoods will have to merge into this intersection
- **The design of the East West Concept creates the longest stretch of a major 5 lane Highway along SW Boones Ferry Road--- than any of the other proposed concepts.**
 - This same road is utilized by local Tualatin residents as one of two southern accesses to the city and their neighborhoods.
 - There are efforts locally and regionally to encourage increased use of this same road by pedestrians and bicyclist of all ages.

Due to the route location of the East-West Concept Plan, design, close proximity to schools and greatest length of 5 lane highway on a road which is also utilized by local residents of

all ages- there is a greater likelihood for health and safety issues for local residents than any other of the Basalt Creek concepts plans presented.

This statement is supported by the following articles and publications:

- **“Metro safety report highlights risk on arterial streets” 2012**

<http://news.oregonmetro.gov/1/post.cfm/crashes-cost-more-than-congestion>

- “Arterial streets have the highest rate of fatal and severe injury crashes, for all road users: motorists, bicyclists and pedestrians. Crash rates rise on surface (non-freeway) streets with more lanes, and are significantly higher on those with six lanes or more.
- Surface (non-freeway) streets with four lanes or more have particularly high fatal and severe injury crash rates for pedestrians.
- Excessive speed and aggressive driving are the leading contributing factors in severe injury crashes”

- **Metro State of Safety Report --April 2012**

<http://news.oregonmetro.gov/1/post.cfm/crashes-cost-more-than-congestionMetroRegionalTransportation>

- **Metro Safety Plan-- May 2012 (Excerpts attached)**

- **Metro [2010 Air Quality Conformity Report ro the 2035 RTP and 2010-13 MTIP](#)**

- Specifically identifies this project among others which will need to be evaluated for air quality
- Identifies various air pollutants which have to be monitored both federally and locally- including CO2

“How a motor vehicle is operated has an effect on the amount of CO emitted. In stop-and-go driving conditions, CO emissions are high. Emissions are also increased when the outside temperature is low. Oregon’s most serious CO problems occur during the winter in urban areas when CO emitted by slow-moving traffic is trapped near the ground where people can inhale them.”

- **American Lung Association 2012 State of the Air- “Highways May Be Especially Dangerous for Breathing”**

“Being in heavy traffic, or living near a road, may be even more dangerous than being in other places in a community. Growing evidence shows that the vehicle emissions coming directly from those highways may be higher than in the community as a whole, increasing the risk of harm to people who live or work near busy roads.”

- **AMERICAN JOURNAL OF RESPIRATORY AND CRITICAL CARE MEDICINE VOL 170 2004-“Traffic-related Air Pollution near Busy Roads-The East Bay Children’s Respiratory Health Study”**

“Recently, a number of epidemiologic studies have reported associations between residential proximity to busy roads and a variety of adverse respiratory health outcomes in children, including respiratory symptoms, asthma exacerbations, and decrements in lung function ...In some reports, truck traffic has been more strongly associated with these adverse outcomes than total vehicular traffic “

Health and Safety Concerns for local residents are exacerbated due to the location, topography, and design of the East-West Concept Plan.

From this information, it seems appropriate to consider locating a five lane highway away from neighborhoods, schools or other areas in close proximity to where children and adults conduct their daily living--- when one has other options where to locate a large portion of a major regional freight transportation network.



**Metro Regional
Transportation Safety
Plan May 2012
Excerpts.docx**
146K [View](#) [Download](#)



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Cindy Hahn, Associate Planner
Alice Rouyer, Community Development Director

DATE: 12/10/2012

SUBJECT: Chickens in Residential Areas

ISSUE BEFORE THE COUNCIL:

Discuss whether City Council is interested in considering enacting an ordinance to allow the keeping of chickens in residential areas and, if so, to outline the process for public input. This discussion responds to a request made during public comment at the November 13, 2012 City Council meeting.

EXECUTIVE SUMMARY:

Background

On June 14, 2010, City Council asked that the Tualatin Planning Commission (TPC) discuss the issue of keeping chickens in residential areas. On July 6, 2010, staff presented information to TPC for discussion and returned on August 3, 2010 with draft code language, specifically a new proposed Chapter 12-2 Keeping of Chickens in Residential Areas to the Tualatin Municipal Code (TMC), for review and discussion. A positive recommendation was received from TPC, and staff subsequently presented the draft code language to City Council at the work session on October 25, 2010, for consideration. Following discussion, the City Council decided not to take any action on chickens.

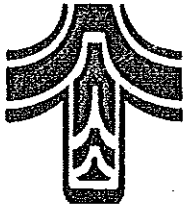
Since the October 25, 2010 work session, staff has received periodic inquiries and comments about chickens. The majority of inquiries (9 of 15) were in favor of keeping chickens and checking on whether they were allowed in Tualatin. The remainder either were opposed (3 of 15) or neutral (3 of 15) on the subject.

At the November 13, 2012 meeting, City Council directed staff to return to the December 10, 2012 work session to discuss the issue.

Attachments: A. Council Staff Report from 10-25-2010

B. TPC Minutes from 08-03-2010


C. City Council Work Session Minutes 10-25-2010


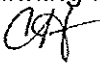


MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Aquilla Hurd-Ravich, Acting Planning Manager 
Cindy Hahn, Assistant Planner 

DATE: October 25, 2010

SUBJECT: KEEPING OF CHICKENS IN RESIDENTIAL AREAS

ISSUE BEFORE THE COUNCIL:

On June 14, Council asked that the Tualatin Planning Advisory Committee (TPAC) discuss the issue of keeping chickens in residential areas. On July 6, 2010, staff presented information to TPAC for discussion and returned on August 3, 2010, with draft code language, specifically a new proposed Chapter 12-2 Keeping of Chickens in Residential Areas to the Tualatin Municipal Code (TMC), for review and discussion (Attachment A). A positive recommendation was received from TPAC, and staff is now presenting the draft code language to City Council for consideration.

POLICY CONSIDERATIONS:

- Given the increasing interest in keeping chickens in residential areas, should the City amend the City Codes to allow this to occur?
- If this is desirable, what new regulations should be adopted?
- If this is not desirable, should the City Codes be strengthened to prohibit the keeping of chickens in residential areas?

BACKGROUND:

Existing City regulations contained in the Tualatin Development Code (TDC) do not allow the keeping of chickens 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 limits these to include "cattle, horses and sheep" (TDC Section 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 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

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addressing odor and animals, however, these regulations do not specifically address the keeping of chickens.

Chickens are included in the broader category of poultry, which includes domestic fowls such as chickens, turkeys, ducks, or geese, raised for meat or eggs. Cities in the Portland metropolitan area address the keeping of poultry in residential areas in a variety of ways. Staff gathered information about regulations in nine cities, which is summarized in Attachment B and was presented to TPAC at the July 6, 2010 meeting.

At the July 6, 2010 meeting, TPAC asked staff to review the City of Portland's regulations and to determine whether a "model ordinance" exists for the keeping of chickens in residential areas. Staff subsequently reviewed the City of Portland's regulations (Attachment C) and incorporated some of the definitions and criteria in the regulations into the draft code language contained in proposed TMC Chapter 12-2 (Attachment A). 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 the keeping of chickens in residential areas (Attachment D). This paper, along with the City of Gresham's Chicken Code (Attachment E) provided the basis for the majority of definitions and standards in the draft code language contained in proposed TMC Chapter 12-2.

At the August 3, 2010 TPAC meeting, the committee discussed the draft code language and made several suggested changes. The overall consensus was that proposed TMC Chapter 12-2 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 and 40.030(4)(m) of the TDC, to allow the keeping of chickens in single-family residential areas of the City.

DISCUSSION:

As directed by City Council, staff has presented information on the keeping of chickens in residential areas to TPAC for their consideration. TPAC has recommended that proposed TMC Chapter 12-2 should be adopted and necessary amendments be made to Sections 40.020 and 40.030(4)(m) of the TDC, to allow the keeping of chickens in single-family residential areas of the City. The draft code language includes the following:

- The single-family residential lot or parcel must have a minimum area of 5,000 square feet to keep up to four (4) adult chickens (individual birds).
- One additional adult bird is permitted for each 2,000 square feet of additional lot area up to a maximum lot area of 9,000 square feet or greater, or a maximum of six (6) adults birds.
- No roosters are allowed.
- Chickens are not allowed to be kept in any residential areas other than single-family, and the keeper must reside in the single-family dwelling on the lot or parcel where the chickens are kept.
- No other farm animals or livestock, such as goats, sheep or small pigs, are addressed by the draft code language.
- No permit is required and there are no fees.

MEMORANDUM: Keeping of Chickens in Residential Areas

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- Enforcement is on a complaint basis, and complaints are subject to investigation by the City Code Enforcement Officer or designee.

Sections 40.020 and 40.030(4)(m) of the TDC address small animals and household pets, but do not specifically address the keeping of poultry in residential areas. Minor amendments to these sections of the TDC, as shown in Attachment F, will be necessary concurrent with adoption of the new proposed Chapter 12-2 of the TMC.

Public Comment: Since the August 3, 2010 TPAC meeting, the City has received four (4) public comments – three (3) emails and one (1) letter – regarding the keeping of chickens in residential areas:

- The first, an email dated August 17 from Paul Sivley, strongly opposes the keeping of chickens.
- The second and third, an email dated September 8 from Jennie Willis and a letter dated September 27 from Marianik Le Gal, support allowing chickens in residential areas.
- The fourth, an email dated September 28 from Steve Titus, neither supports nor opposes the keeping of chickens, but references the \$50 license fee adopted in Salem and states: "I hope we have some fee included... to cover the cost of a basic 'Dos and Don'ts' of keeping chickens in the city".

The comment letter and emails are included as Attachment G to this staff memorandum.

RECOMMENDATION:

Staff recommends that Council consider the information presented and provide direction to staff.

- Attachment:**
- A. Draft Code Language – Keeping of Chickens in Residential Areas
 - B. City Regulations for Keeping of Poultry in Residential Areas
 - C. City of Portland – Chapter 13.05 Specified Animal Regulations
 - D. Residential Urban Chicken Keeping: An Examination of 25 Cities
 - E. Gresham Revised Code – Article 7.17 Keeping of Chickens
 - F. Draft Amendments to Sections 40.020 and 40.030(4)(m) of the Tualatin Development Code to Allow the Keeping of Chickens in the Low Density Residential (RL) Planning District
 - G. Comment Letter and Emails

**Tualatin Municipal Code
Chapter 12-2
Keeping of Chickens in Residential Areas**

Sections:

12-2-010 Purpose.

12-2-020 Definitions.

12-2-030 Applicability and Exceptions.

12-2-040 Standards.

12-2-050 Complaint Processes.

12-2-055 Investigations and Notices.

12-2-060 Fees.

12-2-070 Effective Dates.

12-2-010 Purpose.

The purpose of this code is to provide minimum standards for the keeping of chicken(s) in single-family residential areas to safeguard the health, safety and welfare of the owners, occupants and users of single-family dwellings and premises; and to protect the health, safety and welfare of neighbors to these properties.

12-2-020 Definitions.

As used in this chapter, the following definitions apply:

(1) **"Chicken"** means *Gallus gallus* or *Gallus domesticus*, a domestic fowl believed to be descended from the red jungle fowl of southeastern Asia and developed in a number of breeds for its flesh, eggs, and feathers.

(2) **"Code Enforcement Officer or Designee"** means the person designated by the City Manager to enforce the provisions of this chapter.

(3) **"Coop"** means a building or similar structure where chickens are kept, the interior of which usually has nest boxes for egg laying and perches for the birds to sleep on.

(4) **"Dwelling Unit"** means a habitable structure containing one or more rooms designed for occupancy by one individual or family and not having more than one cooking facility.

(5) **"Keeper"** means any person or legal entity who harbors, cares for, exercises control over or knowingly permits any chicken(s) to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the chicken(s) for purposes of safe keeping.

(6) **"Run"** means an enclosed or fenced area in which poultry are kept and allowed to walk, run about, peck and otherwise move freely.

(7) **"Poultry"** means domesticated fowl, limited to chickens raised for their flesh, eggs, and/or feathers, and excluding other fowl such as quail, pheasants, turkeys, or ducks..

(8) **"Secure Enclosure"** means an enclosure that both contains the chicken(s) and protects them from predators. When located outdoors and

separate from the single-family dwelling unit, the secure enclosure must include a covered, enclosed area (part not exposed to the elements), secure sides, 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. Alternatively, the secure enclosure may be any part of a house, garage, porch, or patio that must include a latched door or doors kept in good repair to prevent the accidental escape of chicken(s) or exit by chicken(s) of their own volition.

(9) **“Single-Family Dwelling”** means a single dwelling unit detached or separate from other dwelling units. A dwelling unit not having common walls with another dwelling unit.

(10) **“Vermin”** means various insects, bugs, or small animals, such as flies, cockroaches, mice, and rats, regarded as pests because they are annoying, obnoxious, destructive, or disease-carrying.

12-2-030 Applicability and Exceptions.

Chickens are allowed in single-family residential areas for personal use subject to the following conditions:

(1) Up to four (4) adult chickens (individual birds) over four (4) months of age shall be permitted on any one (1) single-family residential lot or parcel with a minimum area of 5,000 square feet. One (1) additional adult bird shall be permitted for each 2,000 square feet of additional lot area, up to a maximum of six (6) adult chickens (individual birds). For clarity, chickens four (4) months of age or younger shall not be counted toward this number. The keeper shall reside in a single-family dwelling on the lot or parcel where the chicken(s) are kept.

(2) No roosters shall be permitted.

12-2-040 Standards.

A keeper of chicken(s) shall adhere to the following standards:

(1) Chicken(s) shall be kept on the dwelling unit premises at all times.

(2) Chicken(s) shall be kept in a secure enclosure between 10 PM and 7 AM. If the secure enclosure is a fully fenced pen, coop or similar structure, then it shall be located in the rear yard of the lot or parcel.

(3) The secure enclosure shall have at least two (2) square feet of floor space per grown (adult) bird, shall be adequately lighted and ventilated, and shall be kept in a clean, dry, and sanitary condition at all times.

(4) Any outdoor run shall be cleaned on a regular basis and as frequently as is necessary to prevent the accumulation of poultry waste or droppings (feces, feather dander, dust, uneaten food, etc.).

(5) The secure enclosure shall be located at least twenty (20) feet from any dwelling unit on an adjacent lot or parcel and at least ten (10) feet from all property lines.

(6) The secure enclosure shall be kept in good repair, capable of being maintained in a clean and sanitary condition, and free of vermin, obnoxious smells and substances.

(7) The secure enclosure, any run and any chicken(s) shall not create a nuisance or unduly disturb neighboring residents due to noise, odor, damage or threats to public health.

(8) All poultry feed shall be kept in metal garbage cans with secure lids or similar vermin-resistant containers or enclosures.

12-2-050 Complaint Processes.

(1) Any person may file complaints for suspected violation of the standards contained in this chapter.

(2) A complaint must be in writing and may be filed in person, by mail, by email, or fax. The complaint shall contain at least the following information:

(a) The name of the person filing the complaint. No complaints may be submitted anonymously;

(b) The address of the alleged violation; and

(c) A complete description of the alleged violation.

(3) The Code Enforcement Officer or designee shall process complaints using the following procedure:

(a) Confirm that the complaint alleges a violation of a standard of this chapter;

(b) Confirm that the allegation in the complaint, if proven to be true, would be a violation of this chapter; and

(c) Once the requirements of (a) and (b) are confirmed, notify the owner/keeper that the complaint has been submitted.

12-2-055 Investigations and Notices.

(1) Investigations. Upon confirmation that the requirements in TMC 12-2-050 have been met, the Code Enforcement Officer or designee will conduct an investigation to confirm the validity of the complaint.

(a) If the Code Enforcement Officer or designee determines that the complaint is not valid, the case will be closed and all parties will be notified of the closure.

(b) If the Code Enforcement Officer or designee determines that the complaint is valid, the owner/keeper will be issued a notice of the violation and request that the required maintenance, repairs and/or modifications be completed by a date certain.

(2) Inspection and Right of Entry. When it may be necessary to inspect to enforce the provisions of this chapter, the Code Enforcement Officer or designee may enter the single-family dwelling or premises at reasonable times to inspect or perform the duties imposed by this chapter as follows:

(a) If the single-family dwelling or premises are occupied, the Code Enforcement Officer or designee shall present credentials to the occupant and request entry.

(b) If the single-family dwelling or premises are unoccupied, the Code Enforcement Officer or designee shall first 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 entry.

(c) If entry is refused or the dwelling unit or premises are unoccupied, the Code Enforcement Officer or designee may follow the procedures to obtain an administrative (non-criminal) warrant to inspect the premises.

(3) Failure to comply. If the owner/keeper does not comply with the notice by the specified date, the Code Enforcement Officer or designee will issue a citation to the owner/keeper to appear in Municipal Court.

(4) Penalties. A person who is found guilty by the Municipal Court of violating a provision of this chapter shall be punished by a fine not to exceed \$500.00 per day per violation. Each day that a violation exists constitutes a separate violation.

(5) Appeals. The Municipal Court decision may be appealed to the Circuit Court.

12-2-060 Fees.

There shall be no fees for the keeping of chicken(s) that is in compliance with the standards of this chapter.

12-2-070 Effective Dates.

This ordinance shall take effect thirty (30) days after the ordinance is approved.

TABLE 1: CITY REGULATIONS FOR KEEPING OF POULTRY IN RESIDENTIAL AREAS

City	Status of Regulation	Type of Regulation	Number Allowed	Permit	Enclosure	Inspection
Beaverton	Planning Commission Public Hearing, 06-30-10, to consider draft ordinance. City Council first hearing on 08-09-10	Urban Poultry Ordinance	Unspecified at this time. Chickens and ducks only. No roosters.	Unknown	Unknown	Unknown
Forest Grove	Adopted 07-13-09; Effective 08-13-09	Ordinance Amending Forest Grove Development Code to Allow Domesticated Fowl (Ordinance No. 2009-08) Allowed in Residential Zones: SR, R-10, R-7, R-5, RML, RMH and Commercial Zones: NC, CC as a Limited Use Gresham Chicken Code (GRC Article 7.17)	Domesticated fowl = chickens, quail, pheasants and ducks. Up to 4 adult fowl over 6 mos of age; lot with minimum area of 5,000 sf. One additional adult fowl permitted for each 2,000 sf additional lot area, up to maximum of 12 fowl. No roosters. Must be in conjunction with single-family residence and primarily for personal use. 3 or fewer adult hens on any one lot or parcel; must have a single family dwelling on same lot or parcel. No roosters. Only chickens greater than 4 mos old count toward the total of 3.	Not required.	Fencing designed and constructed to confine all animals to owner's property. All structures that house fowl located at least 20 ft from all residences except owner's, 5 ft from any side or rear property line.	Not required. Complaint based.
Gresham	Enacted 02-04-10			Required. Valid for 2 yrs. \$50.	Birds must be in enclosed coop or run at all times; in covered, enclosed coop, 10 PM to 7 AM. Must be in rear yard of residence. Coop at least 25 ft from residences on a different lot or parcel, at least 10 ft from all property lines. Run at least 10 ft from all property lines.	Authorized. Complaint based.
Lake Oswego	In place since 1980s	Chapter 31 Animals and Fowl, Article 31.02, Lake Oswego City Code.	Defines "Animal" = "Any mammal, bird or reptile." and "Livestock" = "Bovine species, horses, mules, burrow, asses, sheep, goats, swine and domestic fowl." Unlimited number allowed as long as they do not become an annoyance, alarm or noise disturbance at any time of the day or night.	Not required.	Shelter must include a structure or other means of protection from the weather and injury. No other specifications.	Not required. Complaint based.
Oregon City	In place since 1990s	Title 8 - Health and Safety, Chapter 8.08 Nuisances, Oregon City Code of Ordinances	Unlimited number allowed as long as they do not become a nuisance and/or no complaints are received.	Not required.		Not required. Complaint based.

City	Status of Regulation	Type of Regulation	Number Allowed	Permit	Enclosure	Inspection
Salem	Drafting Regulations in response to request by City Councilor. First presentation to City Council on 06-28-10. Goal = Regulation in place by end of 2010.	Chicken Rules (Ordinance), currently in rough draft form	Maximum 3 hens. No roosters. Applies to chickens only, no other fowl.	Required. Valid for 1 yr. \$50 + \$17.50 processing fee.	Hens must be contained in coop at all times and are not allowed to roam free. Coops located in side or rear yards of residential structures, at least 20 ft from any residential dwelling, min 3 ft from property lines. Maximum coop size = 120 sq ft. Electrical permit required if coop has power.	Coop inspection prior to licensing. Inspection Certificate required. Re-inspection on 3 rd yr of licensing.
Sherwood	In place since 1980s	Sherwood Municipal Code, Title 16 Zoning and Community Development Code, Division II Land Use and Development, Chapters 16.12 - 16.20 Residential Zones (VLDR, LDR, MDR, MDRH, HDR)	Unspecified. "Raising of animals other than household pets" allowed as a Conditional Use in residential zones. Chickens are considered "other than household pets" by interpretation. Type III review before Hearings Officer is required for a Conditional Use.	Not required.	Not required.	Not required.
Tigard	Uncertain	Tigard Municipal Code, Title 18: Community Development Code, Chapter 18.510 Residential Zoning Districts; Also Tigard Municipal Code, Title 7: Public Peace, Safety and Morals, Chapter 7.40 Nuisances	Unspecified. "Poultry or livestock, other than normal household pets" are permitted as "Agriculture/Horticulture" use in some Residential zones (R-1, R-2, R-3.5, R-4.5, R-7) subject to provisions related to coop/run location (see "Enclosure"). Also limited by nuisance regulations, including noise.	Not required.	When an agricultural use is adjacent to a residential use, poultry or livestock may not be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.	Not required.
Wilsonville	Current regulations in place since 1969. Drafting revisions, but had not been seen by Planning Commission as of 06-21-10. May be seen by Planning Commission within next few months.	Sherwood General Development Regulations, Chapter 4: Planning and Land Development, Section 4.162: General Regulations - Livestock and Farm Animals.	"Livestock and farm animals" permitted as accessory use to single-family and multiple family dwellings. Unspecified number of "poultry and fowl" allowed per Section 4.162 under current regulations. Draft revisions likely will limit to 3 chickens, no roosters; may have permit process for more than 3 chickens.	Not required under existing Section 4.162. Permit may be required for more than 3 chickens under revised regulations.	Under existing Section 4.162, pens may not be located closer than 100 ft from any residence other than that of the owner. Chickens and/or fowl must be properly caged or housed, proper sanitation must be maintained, food must be stored in metal or other rodent-proof receptacles. Revised regulations will reduce separation distance from 100 ft to 20 ft, with permit process required if a greater distance (+50 ft) is requested due to complaints.	Under existing Section 4.162, complaint-based process before Development Review Board. Conditions or restrictions may be imposed, including prohibition of raising livestock and farm animals on the subject site.

City of Portland

13.05.005 Definitions.

"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.

"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.

"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.

"Specified Animals" means bees or livestock.

"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.

"Stable" means any place used for housing one or more domesticated animals or livestock, whether such stable is vacant or in actual use.

"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.

13.05.015 Permit Required for Specified Animal Facility.

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 a 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.

13.05.025 Unsanitary Facilities and revocation of permit. - Printable Version

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.

13.05.035 Livestock within Fifty Feet of Residence. - Printable Version

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.

13.10.010 Roosters Prohibited. - Printable Version

It is unlawful for any person to harbor, keep, possess, breed, or deal in roosters in the City of Portland. The provisions of this Section shall not be construed to prohibit the possession of roosters for commercial purposes.

13.10.020 Swine Not Allowed in City; Exceptions. - Printable Version

A. It is unlawful to have or to keep within the limits of the City any live pigs or swine for a longer period than 3 days.

B. Notwithstanding the above, or the terms of Chapter 13.05, the having or keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pigs (*sus scrofa vittatus*) is allowed, subject to the following:

1. Any pig or swine shall be considered to fall within this exception if its maximum height is no greater than 18 inches at the shoulder and it weighs no more than 95 pounds.

2. No more than three Miniature Vietnamese, Chinese or Oriental pot-bellied pigs shall be kept at any one address for any period in excess of 3 days.

For 4 hens, a 3'x4' Coop plus a "run" (a place for them to scratch around) that is roughly 3'x8' is more than adequate.

"Chicken Tractors" are another option. They are portable coops that can be moved over the yard or garden plots, to give birds fresh bugs and greens--this also is a great way to mow the lawn!

They will eat just about anything! There are commercial poultry foods available at local feed stores, or you can make your own mix. People feed chickens corn, oats, wheat, rye, soy, fresh greens from the garden (weeds as well), table scraps (they love spaghetti!), worms and other bugs. The local grocery stores and markets often have vegetable scraps available. Variety is the key to good health, just like us!

Make sure the structure is secure (enclosed top, fencing buried below ground under the sides, secure latches on doors or other entryways), keep all birds locked in at night, letting them out into the run or "tractor" only during the day.

It is food that attracts rodents, not the birds. Keep all feed in metal garbage cans, with secure lids. Feed birds in small doses, so as not to have a large amount of food left over. If you feed your birds scraps/ protein, make sure it is eaten and not left in the bedding.

The proposed language was crafted based on a review of existing ordinances in Rogers, Arkansas; Madison, Wisconsin; Missoula, Montana; Portland, Oregon; Fort Collins, Colorado; and a draft proposal in Milwaukee, Wisconsin. Many other communities have adopted ordinances allowing the raising of chickens in urban areas.

Article E: Zoning Districts

Sec. 13-1-80 Single Family Residence District.

(c) District Performance Standards.

(2) Permitted Uses.

NEW:

g. Keeping of up to five (5) chickens, provided that:

1. The principal use is a single-family dwelling.
 2. No person shall keep any rooster.
 3. No person shall slaughter any chickens outdoors.
 4. a. The chickens shall be provided with both a hen house and a fenced outdoor enclosure.
 - b. The chickens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to run free.
 - c. The hen house shall be a covered, predator-resistant, well-ventilated structure providing a minimum of 2 square feet per chicken.
 - d. The outdoor enclosure shall be adequately fenced to contain the chickens and to protect the chickens from predators.
 - e. The hen house must be kept in a clean, dry, and sanitary condition at all times.
 - f. The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
5. No hen house or outdoor enclosure shall be located closer than twenty (20) feet to any dwelling unit on an adjacent lot. The enclosure shall also comply with the setback requirements for accessory buildings and structures set forth in 13-1-80 (d) (7).

Article E: Zoning Districts

Sec. 13-1-81 Two Family Residence District.

(c) District Performance Standards.

(2) Permitted Uses.

NEW:

- h. Keeping of up to five (5) chickens, provided that:
 1. The principal use is a single-family or two-family dwelling.
 2. No person shall keep any rooster.
 3. No person shall slaughter any chickens outdoors.
 4. a. The chickens shall be provided with both a hen house and a fenced outdoor enclosure.
 - b. The chickens must be kept in the hen house or fenced outdoor enclosure at all times and shall not be allowed to run free.
 - c. The hen house shall be a covered, predator-resistant, well-ventilated structure providing a minimum of 2 square feet per chicken.
 - d. The outdoor enclosure shall be adequately fenced to contain the chickens and to protect the chickens from predators.
 - e. The hen house must be kept in a clean, dry, and sanitary condition at all times.
 - f. The outdoor enclosure shall be cleaned on a regular basis to prevent the accumulation of animal waste.
5. No hen house or enclosure shall be located closer than twenty (20) feet to any dwelling unit on an adjacent lot. The enclosure shall also comply with the setback requirements for

accessory buildings and structures set forth in 13-1-81 (d) (7).

Sec. 7-15-1 Fee Schedule.

The following fees shall be applicable for licenses and permits under this Code of Ordinances:

13-1-80 (c)(2)g Keeping chickens \$10.00

13-1-81 (c)(2)h Keeping chickens \$10.00

Residential Urban Chicken Keeping: An Examination of 25 Cities



Missoula Residents with their backyard chickens.

Source: <http://www.missoula.com/news/node/226>

KT LaBadie

CRP 580 Spring 2008
University of New Mexico
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Abstract

City councils across the United States and Canada are increasingly being faced with the task of deciding whether or not to allow chicken keeping in residential backyards. In many cases this issue has two opposing sides: those citizens who want to keep chickens for egg production and those citizens who are concerned about the effects of chickens on their communities. This paper provides an analysis of pro-chicken ordinances from 25 cities in an effort to define the components of a just and well functioning chicken ordinance. Of the 25 ordinances, no two were identical but a variety of common regulatory themes were found across cities. Based on these findings, some considerations are suggested when forming an urban chicken keeping ordinance.

Introduction

*"I can't say that I would have envisioned chickens as an issue, but I've heard from a lot of people about them, and it seems like it's something maybe we ought to pay a little attention to."*¹

- Stacy Rye, Missoula City Councilwoman

It's happening right now in cities across the United States and Canada. Community members are organizing themselves into groups and approaching their city councils about an important urban planning issue: chicken keeping in the city.

This question of whether or not cities should allow backyard chicken keeping has increased substantially over the past 5 years as citizens become more interested in participating in their own food production. The issue has appeared recently before city councils in Missoula², Halifax³, and Madison⁴, and a case is currently pending in Ann Arbor, Michigan⁵. In many cases this interest in backyard chicken keeping has been met with much opposition and city councils often do not know how to begin approaching the issue.

The recent increase in urban backyard chicken keeping has come about for three main reasons. First, the local food movement itself has become very popular which has sparked a new interest for many in backyard food production. Since chickens are one of the smaller protein producers, they fit well into a backyard food production model. Second, rising energy and transportation costs have caused concern over increases in food costs, and backyard eggs offer a cheaper solution as they do not have to travel far to reach the plate. Lastly, many citizens are becoming increasingly concerned about food safety, and with meat recalls and other animal industry issues in the news, backyard chickens offer many a safer solution. For these reasons, backyard chickens have become

¹ Moore, Michael. Urban Chickens Scratching up a Controversy in Missoula. . Available online at <http://www.missoula.com/news/node/226>

² Medley, Ann and Jonathan Stumph. Video: Missoula Squabbles Over Urban Chickens. Available online at http://www.newwest.net/city/article/missoulas_urban_chicken_squabble/C8/L8/

³ CBC News. Halifax to Study Chickens in Cities. Available online at <http://www.cbc.ca/consumer/story/2008/02/12/chicken-report.html>

⁴ Harrison-Noonan, Dennis. Urban chicken keeper, Madison, Wisconsin. Interviewed on April 8, 2008.

⁵ Kunselman, Steve. City Councilor (ward 3) Ann Arbor, Michigan. Interviewed on April 29, 2008.

increasingly popular, but not everyone likes the idea of chickens living in their neighborhood.

There are generally two sides to the chicken keeping issue: those who are for allowing *Gallus domesticus* in residential backyards, and those who are opposed. There are a variety of reasons why people want to keep chickens, ranging from having a safe source of protein to gaining a closer relationship to the food they consume. Those who are opposed to backyard chickens however, often express concerns about noise, smells, diseases, or the potential for chickens running loose. There is also debate between the two sides as to the appropriateness of chickens in a city environment and if chickens qualify as pets or livestock.

Chicken keeping in urban environments is nothing new, but it is now something that needs to be planned for in all major cities and small towns across the United States. As the interest in the local food movement continues to increase, and as citizens become more interested in growing their own food, municipalities will eventually be faced with the issue of regulating backyard chicken keeping within their city limits. Planning for chickens can either be pro-active on the part of the city council and planning staff, or reactionary as citizens will eventually bring the issue to city hall. Municipalities often do not know how to approach the chicken keeping issue, and this paper serves to provide some insight through an analysis of urban chicken ordinances from across the United States.

Research Methods

The main goal of this paper was to analyze how residential backyard chicken keeping is regulated through the examination of chicken ordinances from a variety of cities. To achieve this, data was gathered through the examination of residential chicken ordinances, as well as through a variety of interviews, newspaper articles, video footage, and other resources.

Residential chicken ordinances from over 30 cities were gathered, however only 25 of the cities allowed the keeping of chickens, so only those were used in the analysis (see

Appendix A). The ordinances were sourced from city web sites, online web ordinance databases, and other online sources (see Appendix B). In a few instances calls were made to city planning departments to verify language in the ordinances.

Interviews were conducted with the following city officials, urban chicken keepers, and urban food/gardening community organizations:

- Steve Kunselman, City Councilor (ward 3) Ann Arbor, Michigan. He proposed pro-chicken ordinances for Ann Arbor, which are being voted on in May of 2008.
- Thomas Kriese: An urban chicken keeper in Redwood, CA and writer about urban chickens at <http://myurbanchickens.blogspot.com/>
- Dennis Harrison-Noonan, urban chicken keeper, Madison, Wisconsin. He was involved in the adoption of pro-chicken ordinances for Madison.
- Debra Lippoldt, Executive Director of Growing Gardens, Portland, OR

These interviews served to provide personal insights into urban chicken keeping, stakeholder positions, and the urban chicken movement. The interviews were also crucial in receiving feedback about chicken ordinances and the process involved in legalizing chicken keeping.

Analysis

Of the 25 cities evaluated, no two were identical in their restrictions and allowances (see chart of detailed findings in Appendix A). There were, however, common regulatory themes that emerged from the set evaluated. These common themes are as follows:

- The number of birds permitted per household
- The regulation of roosters
- Permits and fees required for keeping chickens
- Chicken enclosure/containment restrictions
- Nuisance clauses related to chickens
- Slaughtering restrictions
- Coop distance restrictions in relation to homes or property lines

The findings of the above commonalities, as well as unique regulations that emerged, are discussed in detail below. The ease and accessibility of finding the ordinances is also discussed.

Number of Birds Permitted

Of the 25 cities evaluated, only 6 had unclear (or not specifically stated) regulations on the numbers of birds permitted, while 13 stated a specific number of birds. Of the remaining, 3 cities used lot size to determine the number of chickens permitted, 2 cities used distance from property lines as a determining factor, and 1 city placed no limit on the number of chickens allowed. Over half of the cities evaluated stated a specific number of allowable chickens, which ranged from 2 to 25 birds. The most common number of birds permitted was either 3 or 4 birds, which occurred in 8 cities.

The most common number of birds permitted was 3 or 4, which will supply on average between 1 and 2 dozen eggs per week. Depending on the size of the family in the household, this may be sufficient. In some cases however, 3 to 4 birds may not be enough for larger family sizes or allow for giving away eggs to neighbors. In cities where it is legal to sell your eggs at farmers markets, 3 or 4 birds would not be sufficient. So what is a good number of chickens to allow in residential backyards for home consumption? Thomas Kriese, an urban chicken keeper who writes online about chicken keeping and ordinances, feels that no more than 6 birds should be permitted. "That's approximately 3 dozen eggs a week which is a LOT of eggs to consume, plus that's a lot of food to go through, and excrement to clean up," he stated in a personal correspondence.⁶

The answer of how many birds to allow is not an easy one, as other factors such as average property sizes and controlling for nuisances should be considered. A good example of how to address the issue surrounding the number of birds is Portland, Oregon's chicken ordinance. Portland allows the keeping of 3 birds per household; however you are allowed to apply for a permit to keep more (See Appendix A). In this case the ordinance is flexible, as a sufficient number of birds are permitted outright, and those wishing to keep more can apply to do so.

⁶ Kriese, Thomans. Urban chicken keeper, Redwood City, CA. Personal correspondence on April 28, 2008. His coverage of urban chicken ordinances is available online at <http://myurbanchickens.blogspot.com/>

Regulation of Roosters

The regulations regarding roosters were unclear in 14 cities and in 7 cities the keeping of roosters was not permitted. Of the remaining 4 in which the keeping of roosters was permitted, 1 city allowed roosters if kept a certain distance from neighbors residences, 1 allowed roosters only under 4 months of age, 1 allowed a single rooster per household, and 1 placed no restrictions.

Many cities choose to not allow the keeping of roosters, as neighbors often complain about the crowing which can occur at any hour of the day. Since one of the main reasons people choose to keep chickens is for the eggs, which roosters do not provide, it is generally accepted to only allow hens. In the case of Albuquerque, New Mexico, 1 rooster is allowed per household but it is still subject to noise ordinances (see Appendix A). So in this case, you can keep your rooster if your neighbors do not mind the crowing. This does allow people to have more choice, however it can also increase the costs associated with enforcing noise complaints.

Permits and Fees

The regulation of chickens through city permits and fees was unclear in 11 of the cities evaluated, while 4 required no permits or associated fees, and 10 required permits, fees, or both. The fees ranged from \$5.00 to \$40.00, and were either 1 time fees or annual fees. Of the 10 that required permits/fees, 3 required permits *only if* the number of birds exceeded a set amount which ranged from 3 to 6 birds. In two instances, it is also required that the birds be registered with the state department of agriculture.

Requiring a permit for chickens is no different than requiring one for dogs and cats, which is the case in most cities. From the perspective of affordable egg production however, attaching a large fee to the permit undermines that purpose. If a fee is too steep in price, it can exclude lower income populations from keeping chickens by increasing the costs of egg production. Fees may be necessary however to cover the associated costs for the municipality to regulate chickens. Another option, which was the approach of 3 cities, was to allow a certain number of birds with no permit/fee required, and anything

above that required a permit/fee. This allows equal participation and lowered costs, while still providing revenue for the regulation of larger bird populations.

Enclosure Requirements

In 9 cities the ordinances were unclear in regards to enclosure requirements or the allowance of free roaming chickens. Of the remaining, 2 had no restrictions and 14 required that chickens be enclosed and were not permitted to "run at large". In one case, the approval of a coop building plan and use of certain materials was required.

Over half of the cities evaluated required that chickens be enclosed, and this regulation can help to alleviate the concerns of neighbors. Many chicken keepers want to keep their chickens confined in a coop and outdoor run, as this helps to protect them from predators. However, it is very restrictive to require confinement of chickens at all times, as many keepers enjoy watching their chickens free range about the yard. Just as there are regulations for leashing your dog, so too could there be regulation for only allowing chickens to roam in their own yard.

Requiring a building permit with specific material requirements, is also restrictive to lower income populations, and takes away from the sustainability of keeping chickens for eggs. In many cases, chicken coops are built with scrap materials and suit the design needs of the owner. Requiring a specific design or materials takes those choices away from the chicken keeper. Coops should be treated similar to dog houses, which are generally not subject to this type of regulation.

Nuisance Clauses

There were a variety of nuisance regulations stated in 17 of the cities evaluated, while the remaining 8 cities had unclear nuisance regulations. The nuisances that were stated in the 17 ordinances included one or more of the following: noise, smells, public health concerns, attracting flies and rodents, and cleanliness of coops/disposal of manure. Chicken keeping alone does not cause the nuisances listed above, but rather they result from improper care and maintenance which can sometimes occur.

A properly shaped ordinance can prevent potential nuisances by establishing clear guidelines for chicken care and maintenance, such as only allowing smaller sized flocks and not permitting roosters. An active community led education campaign, such as chicken keeping classes and coop tours, is another way in which to educate the public to ensure proper care and reduce the potential for nuisances. In many cities, chicken keeping community organizations have helped to educate the public on how to properly keep chickens within the limits of the law, thereby reducing nuisances and complaints.

Slaughtering Restrictions

Regulations regarding the slaughtering of chickens in residential areas were unclear in 19 of the cities evaluated. Of the remaining, 4 allowed slaughtering of chickens while 2 stated it was illegal to do so. This regulatory theme had the highest level of unknowns, most likely due to the issue not being included in the ordinance, or it being stated in another section of the general animal ordinances, and not referring specifically to chickens.

Although slaughtering chickens within city limits seems gruesome to some, others may wish to slaughter their birds for meat. Rogers, Arkansas for example, only allows the slaughtering to take place inside (Appendix C), which could help prevent neighbor complaints about the process. Allowing for slaughtering however, may also have its benefits, such as being a solution to aging urban chickens that no longer produce eggs.

Distance Restrictions

Distance restrictions between the location of the chicken coop and property lines, or coop and nearby residences, were stated in 16 of the ordinances evaluated. There were no restrictions in 3 of the ordinances and 5 were unclear. Of the 16 with distance restrictions, 12 were distances required from residences, while 3 were distances required from property lines. The distance required from property lines ranged from 10 to 90 feet, while the distances from residences ranged from 20 to 50 feet.

If a city chooses to have distance restrictions, the average lot sizes need to be taken into consideration. For example, Spokane, WA has a property line distance restriction of 90

feet (see Appendix A), which may be impossible to achieve in many residential yards. This large of a requirement would prevent many people from keeping chickens. The lower distance requirements, such as 10 or 20 feet are more feasible to achieve for those with smaller lot sizes. Distance requirements to neighboring homes (vs. property lines) are also easier to achieve as the distance considers part of the neighbors property in addition to the chicken keepers property.

Unique Regulations

All 25 ordinances evaluated had some combination of the above common themes, but there were also some unique regulations that one (or a few) cities had related to residential chicken keeping. These unique regulations are as follows:

- Chicken feed must be stored in rat proof containers
- Pro-chicken regulations are on a 1-year trial basis with only a set number of permits issued until the yearly re-evaluation.
- For every additional 1,000 sq. feet of property above a set minimum, 1 additional chicken may be added to the property.
- The allowance of chickens in multi-family zoned areas (allowance in single family zoning is most common)
- Coops must be mobile to protect turf and prevent the build up of pathogens and waste.
- Chickens must be provided with veterinary care if ill or injured
- Minimum square footage requirements per bird for coop/enclosure

The unique regulations listed offer some innovative solutions to possible issues such as pests and waste, as well as defining minimum space and health care standards for chickens. Some of these regulations also allow for more flexibility, such as extending the right to keep chickens to those living in multi-family dwelling units or allowing more birds on larger property sizes. In the case of Portland, ME, the permitting of chickens is on a trial basis, which may be a good option if a city wants to reevaluate residential chicken keeping after a certain time frame.

Locating and Understanding the Ordinances

Of the 25 pro-chicken ordinances, very few were actually easy to locate. In most cases, pages of code had to be searched in order to find the regulation and even then the chicken ordinances were often vague, incomplete, or regulations were spread throughout multiple sections of the code. This is an issue that should be considered, as unclear or hard to find ordinances can only lead to increased non-compliance.

The most easily accessible chicken ordinances were those specifically stated on city web pages, and those found through websites and literature from urban gardening organizations or community groups. One example of easily accessible ordinances is that of Rogers, Arkansas (Appendix C). Their chicken ordinance is not only easily accessible directly from the city website, but it is also clear and comprehensive. A clearly stated and easily accessible ordinance allows resident to know how they can keep chickens within the limits of the law, which can reduce complaints and other issues related to non-compliance.

Findings and Recommendations

"Issues such as rodent control are a real concern and the ordinance can have a positive influence on keeping an already urban issue from being exacerbated any more than it already is".

- Debra Lippoldt, Executive Director of Growing Gardens, Portland, OR⁷

The original question for this paper was "What is a good urban chicken ordinance?" This was based on the idea of examining a variety of ordinances and then singling out those that were better than most and could serve as an example. After having conducted the analysis however, the question was changed to "What are the good components and considerations that make up a just and functional urban chicken ordinance?" There is no superior "one size fits all" ordinance to regulate urban chickens, as each city has different physical, environmental, social, and political needs.

Although each ordinance will be different from one city to the next, a pro-chicken ordinance should be built upon the following considerations:

⁷ Lippoldt, Debra. Executive Director of Growing Gardens, Portland, OR. Personal Correspondence on April 8, 2008.

- It satisfies the needs of most stakeholder groups and acknowledges that some stakeholders on both sides of the issue will be unwilling to compromise
- It does not discriminate against certain populations, such as those of lower incomes who can not afford high permitting fees, or those with smaller property sizes
- It allows for flexibility and provides choice, such as giving chicken keepers the right to choose their own coop design and building materials
- It allows for citizen input and participation in the ordinance forming process to assure that the ordinance fits the needs of , and is supported by the community
- It recognizes the role chickens can play in developing a more sustainable urban environment
- It recognizes the importance of the ordinance being clearly stated and easily accessible to the public, which will help ensure compliance and reduce violations.

The general considerations above are a good compliment to the specific allowances that each municipality chooses to fit its needs and that of its citizens. These specifics however can be more difficult to choose and looking to other cities as examples can provide insight into the best possible choices.

The evaluation of 25 different chicken ordinances showed a wide spectrum of choices that municipalities have made in the regulating of chickens. Looking at the number of chickens permitted, for example, cities ranged anywhere from 2 chickens to unlimited chickens. Only allowing for 2 chickens may not be an ideal choice, as they are social creatures and if one were to become ill and die, only one chicken would be left. Two chickens also do not produce enough eggs for a larger sized family. On the other hand, allowing for unlimited chickens may mean increased nuisance enforcement, or allowing for that many chickens may be met with increased public opposition. Often the average allowances found (not the most extremes) are the best choices of an example regulation for other cities to look to when considering the formation of their own chicken ordinance. In the case of the cities evaluated, the most common allowance was 4 to 6 birds, which can provide enough eggs for a family and does not highly increase the potential for nuisances. It also allows for a more sustained population if a bird becomes ill and dies.

Another example of the middle ground being a good option would be permitting and fees for keeping chickens. In some cities there were high fees for permitting, while in others no fee or permit was required. A few cities, which only required permits and fees if you have over a certain number of birds, show a good middle ground for how to permit chickens. That model allows for citizens to keep a certain number of chickens without added costs, while also creating revenue for enforcement and regulation when people choose to exceed that amount. Many cities are concerned over increased costs if chicken keeping is legalized, and this is one way to alleviate those concerns while still allowing citizens to keep chickens.

In some of the regulatory themes, such as in the examples above, the middle ground does provide a choice which can alleviate concerns while still allowing for the keeping of chickens. Other regulatory themes, such as the slaughtering of chickens, may come down to more of a yes or no answer, as was seen in many of the cities. In either case, if a city is going to adopt a pro-chicken ordinance, the most important part is to first allow for the keeping of chickens, with the understanding that the ordinance can be revisited and changed at a future time. Allowing for the keeping of chickens is the best way to see if the concerns surrounding chicken keeping ever come to fruition, and the ordinance can then be adjusted accordingly. In many cases, cities adopt a more restrictive ordinance as that is what will pass public approval and city council. Then as time passes with few complaints or nuisances, those regulations become more relaxed and tailored specifically to the needs of the city and its residents.

Conclusions

"It seems that if we want to be a town that does its part for sustainability, this is something we ought to consider. I think we want to allow folks to use their good judgment and move toward more sustainable food practices."
- Mayor John Engen, Missoula, MT⁸

Many cities and towns are now looking at how they can be more sustainable, and allowing urban chickens is one step towards that goal of increased sustainability. Not

⁸ Moore, Michael. Urban Chickens Scratching up a Controversy in Missoula. Available online at <http://www.missoula.com/news/node/226>

only can backyard chickens provide residents with a fresh and important food source, but they also bring about an increased awareness of our relationship to the food cycle. By forming a just and well thought out pro-chicken ordinance, cities can allow citizens the right to keep chickens while also addressing the concerns of other stakeholder groups. With that said, city councils should approach the issue of urban chicken keeping with a "how" rather than a "yes" or "no", as a growing list of pro-chicken cities across the nation shows that it can be done successfully.

References

(References for 25 City Ordinances: See Appendix B)

CBC News. Halifax to Study Chickens in Cities. Available online at <http://www.cbc.ca/consumer/story/2008/02/12/chicken-report.html>

Harrison-Noonan, Dennis. Urban chicken keeper, Madison, Wisconsin. Interviewed on April 8, 2008.

Just Food. City Chicken Project. City Chicken Guide. Information available online at <http://www.justfood.org/cityfarms/chickens/>

Kunselman, Steve. City Councilor (ward 3) Ann Arbor, Michigan. Interviewed on April 29, 2008.

Kriese, Thomans. Urban chicken keeper, Redwood City, CA. Personal correspondence on April 28, 2008. His coverage of urban chicken ordinances is available online at <http://myurbanchickens.blogspot.com/>

Lippoldt, Debra. Executive Director of Growing Gardens, Portland, OR. Personal Correspondence on April 8, 2008.

Medley, Ann and Jonathan Stumph. Video: Missoula Squabbles Over Urban Chickens. Available online at http://www.newwest.net/city/article/missoulas_urban_chicken_squabble/C8/L8/

Moore, Michael. Urban Chickens Scratching up a Controversy in Missoula. Available online at <http://www.missoula.com/news/node/226>

Appendix A
25 Ordinances Analyzed

City/State	# of birds permitted	Roosters allowed	Permit/ permit cost	Enclosure required	Nuisance clause	Slaughter permitted	Property line restrictions	Details or unique regulations
Los Angeles, CA	unclear	only if 100 ft from neighbors	unclear	unclear	Yes	unclear	20 ft from owners home, 35 ft from neighbors	
Rogers, AK	4	No	\$5/yr	Yes	Yes	inside only	25 ft from neighbors house	
Keywest, FL	unclear	Yes	None	Yes	Yes	No	No	Can't use droppings as fertilizer, feed must be stored in rat proof containers
Topeka, KS	unclear	unclear	unclear	Yes	Yes	unclear	50 ft from neighbors house	
South Portland, ME	6	No	\$25/yr	Yes, building permit required	Yes	unclear	Yes	On trial basis till November 2008, only 20 permits issued till yearly evaluation
Madison, WI	4	No	\$6/yr	Yes	Yes	No	25 ft from neighbors house	
New York, NY	No limit	No	Yes	No	Yes	unclear	No	
Albuquerque, NM	15	1 per household	None	No	Yes	Yes	No	
Portland, OR	3 without permit	unclear	\$31 one time fee for 4 +	Yes	Yes	unclear	unclear	
Seattle, WA	3	unclear	unclear	unclear	Yes	unclear	10 ft from property line	1 additional chicken per 1,000 sq ft of property above minimum
Spokane, WA	1 per 2,000 sq ft of land	unclear	unclear	unclear	unclear	unclear	80 ft from property line	Chickens allowed in multi-family zoned areas
San Antonio, TX	property line dependent	unclear	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	5 birds allowed 20 ft from home, 12 birds at 50 ft, 50 birds at 150 ft
Honolulu, HI	2	unclear	unclear	unclear	unclear	unclear	unclear	
Oakland, CA	unclear	No	unclear	unclear	unclear	unclear	20 ft minimum from another dwelling	
St. Louis, MO	4 max. without permit	unclear	\$40 permit for more than 4 birds	unclear	unclear	unclear	unclear	
San Diego, CA	25	unclear	unclear	unclear	Yes	unclear	50 ft from neighbors house	Feed must be stored in rat proof container
San Jose, CA	dependent on coop to property line	only roosters < 4 months old	permit needed for 6 or more birds	Yes	unclear	unclear	Ranges from 0 to 50 ft, determines # of birds	<15 ft = 0 birds allowed, 15 to 20 ft = 4 birds, etc, up to 50 ft = 25 birds
Austin, TX	unclear	unclear	unclear	unclear	unclear	Yes	50 ft from neighbors house	
Memphis, TN	unclear	unclear	unclear	Yes	Yes	Yes	unclear	Feed must be stored in rat proof container
Ft. Worth, TX	based on lot size	unclear	No	Yes	Yes	unclear	50 ft from neighbors house	<1/2 acre = 12 birds, >1/2 acre = 25 birds
Baltimore, MD	4	unclear	Must register with animal control and Dept of Ag.	Yes	Yes	unclear	25 ft from neighbors house	Coops must be mobile to prevent waste build up, minimum 2 sq ft/bird,
Charlotte, NC	based on lot size	unclear	\$40/yr	Yes	Yes	unclear	25 ft from property line	minimum 4 sq. ft/bird, no more than 20/acre
Missoula, MT	6	No	\$15 permit	Yes	Yes	unclear	20 ft from neighbors house	Feed must be stored in rat proof container
Boise, ID	3	No	unclear	Yes	unclear	unclear	unclear	
San Francisco, CA	4	Unclear	No	Yes	Yes	unclear	20 feet from door or window of residence	

Appendix B
Sources for 25 Ordinances

City/State	Source for Ordinance
Los Angeles, CA	Los Angeles Animal Services. http://www.laanimalservices.org/permitbook.pdf
Rogers, AK	Ordinance No. 06-100 http://www.rogersarkansas.com/clerk/chkordinance.asp
Keywest, FL	Part 2, Title 5 Section 62 www.keywestchickens.com/city
Topeka, KS	Section 18-291 www.municode.com
South Portland, ME	Chapter 3 Article 2 Section 3 http://www.southportland.org/index.asp?Type=B_LIST&SEC={93286E1E-9FF8-40D2-AC30-8840DEB23A29}
Madison, WI	http://www.madcitychickens.com/ and www.municode.com
New York, NY	Just Food's City Chicken Project. City Chicken Guide. Information available online at http://www.justfood.org/cityfarms/chickens/
Albuquerque, NM	City ordinance chapter 9, article 2, part 4, § 9-2-4-3, c-3 http://www.amlegal.com/albuquerque_nm/
Portland, OR	Ordinance 13.05.015 http://www.portlandonline.com/Auditor/index.cfm?c=28228#cid_13497
Seattle, WA	Ordinance 122311 section 23 www.seattleurbanfarmco.com/chickens
Spokane, WA	Title 17 Chapter 17C.310 Section 17C.310.100 http://www.spokanecity.org/services/documents/smc/?Section=17C.310.100
San Antonio, TX	Municipal code 10-112, Keeping of farm animals www.sanantonio.gov/animalcare/healthcode.asp
Honolulu, HI	Chapter 7 Section 7-2.5 www.honolulu.gov/refs/roh
Oakland, CA	Ordinance 6.04.320 www.oaklandanimalservices.org
St. Louis, MO	Ordinance 62853-7 www.spl.lib.mo.us/cco/code/data/t102001.htm
San Diego, CA	Ordinance 42.0709 http://docs.sandiego.gov/municode/municodechapter04/ch04art02division07.pdf
San Jose, CA	Ordinance 7.04.030, 140, & 150 www.sanjoseanimals.com/ordinances/sjmc7.04.htm
Austin, TX	Title 3 Chapter 3-2 www.amlegal.com/Austin-nxt/gateway.dll/Texas/austin
Memphis, TN	Title 9 Chapter 9-80-2, 9-68-7 http://municipalcodes.lexisnexis.com
Ft. Worth, TX	Section 11A-22a www.municode.com
Baltimore, MD	Baltimore City Health Code Title 2-106; Title 10, Subtitles 1 and 3 www.baltimorehealth.org/press/2007_02_02_AnimalRegs.pdf
Charlotte, NC	Section 3-102 http://www.charmeck.org/departments/animal+control/local+ordinances/permits/htm and municode.com
Missoula, MT	Ordinance Chapter 6 Section 6-12 ftp://www.ci.missoula.mt.us/Packets/Council/2007/2007-12-17/Chicken_Ordinance.pdf
Boise, ID	Chapter 6 Section 14 http://www.cityofboise.org/city_clerk/citycode/0614.pdf and http://home.centurytel.net/thecitychicken/chickenlaws.html
San Francisco, CA	San Francisco Municipal Health Code Section 37 http://stfgov.org/site/acc_page.asp?id=5476

Appendix C
Example ordinance
Rogers, AK

ORDINANCE NO. 06- 100

AN ORDINANCE REGULATING THE CONTAINMENT OF FOWL AND OTHER ANIMALS WITHIN THE CORPORATE LIMITS OF THE CITY OF ROGERS; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: It shall be unlawful for any person to permit or allow any domesticated fowl to run at large within the corporate limits of the city. It shall be lawful to keep poultry flocks of any size in A-I zones of the city, so long as they are confined.

Section 2: It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all other zones, except A-I, under the following terms and conditions:

- a. No more than four (4) hens shall be allowed for each single-family dwelling. No birds shall be allowed in multi-family complexes, including duplexes.
- b. No roosters shall be allowed.
- c. There shall be no outside slaughtering of birds.
- d. All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
- e. Enclosures must be situated at least 25 feet from the nearest neighbor's residence.
- f. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
- g. Persons wishing to keep fowl within the city must obtain a permit from the Office of the City Clerk, after an inspection and approval by the Office of Animal Control, and must pay a \$5.00 annual fee.

Section 3: The above Section 2 is not intended to apply to the 'ducks and geese in Lake Atalanta Park, nor to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to poultry kept in areas of the City which are zoned A-I.

Section 4: Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance; however, owners of the poultry will have 90 days from the effective date to come into compliance with this ordinance.

Source: <http://www.rogersarkansas.com/clerk/chkordinance.asp>

Article 7.17

KEEPING OF CHICKENS

Sections:

- 7.17.010 Short Title.
- 7.17.020 Definitions.
- 7.17.030 Keeping of Chickens.
- 7.17.040 Enclosures.
- 7.17.050 Inspection.
- 7.17.060 Permit Requirements.
- 7.17.070 Violation.

7.17.010 Short Title.

GRC Article 7.17 may be cited as the Gresham Chicken Code.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.020 Definitions.

For purposes of the Gresham Chicken Code, the following definitions apply:

Chicken: The common domestic fowl (Species: *gallus gallus*).

Coop: A small enclosure for housing chickens.

Dwelling: One or more rooms designed for residential occupancy by one family and having only one cooking facility.

Family: An individual, or two or more persons living together in a dwelling.

Rear Yard: A space extending the full width of the lot or parcel between the primary residence building and the rear lot or parcel line.

Run: An enclosed area where chickens may feed or exercise.

Single Family Dwelling: A detached building on a single lot or parcel designed for occupancy by one family.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.030 Keeping of Chickens.

(1) A person may keep three or fewer chickens with a permit on any one lot or parcel. On the lot or parcel where the three or fewer chickens are kept the person must have a single family dwelling in which the person resides.

(2) Only chickens greater than four months old count towards the total of three.

(3) No person may keep roosters.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.040 Enclosures.

(1) Chickens must be kept in an enclosed coop or run at all times. The coop and run shall be located in the rear yard of the lot or parcel.

(2) The coop and run must be kept in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, and obnoxious smells and substances.

(3) Chickens must be kept in a covered, enclosed coop between 10 PM and 7 AM.

(4) The coop shall have at least two (2) square feet of floor space per grown chicken.

(5) The coop and run and chickens therein shall not violate the nuisance code or disturb neighboring residents due to noise, odor, damage, or threats to public health.

(6) The coop shall be located at least 25 feet from residences on a different lot or parcel and at least 10 feet from all property lines.

(7) The run shall be located at least 10 feet from all property lines.
(Ord. No. 1683, Enacted, 02/04/2010)

7.17.050 Inspection.

The manager is authorized to make inspection of property to effectuate the purposes and public benefits of the Gresham Revised Code and enforce GRC Article 7.17. Authorization to

Additions are underlined
~~Deletions are struckthrough~~

**Tualatin Development Code
Chapter 40
Low Density Residential Planning District (RL)**

Sections:

40.020 Permitted Uses.

40.030 Conditional Uses.

Section 40.020 Permitted Uses.

- (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 normal household pets and chickens as provided in Tualatin Municipal Code Chapter 12-2 Keeping of Chickens in Residential Areas.
- (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.

Section 40.030 Conditional Uses Permitted.

The following uses and their accessory uses are permitted as conditional uses when authorized in accordance with TDC Chapter 32:

- (1) Common-wall dwellings.
- (2) Condominium dwelling units provided they meet the following standards, notwithstanding other provisions of this Code, and meet the requirements of ORS 91.500.
 - (a) All units shall be on a primary lot with frontage on a public street or in accordance with TDC 36.470.

ATTACHMENT F: PTA10-03 DRAFT CODE LANGUAGE – KEEPING OF CHICKENS

August 23, 2010

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(b) Access to secondary lots and to all buildings on the primary lot from public streets shall be guaranteed physically and legally by restrictive covenants and homeowners' association bylaws prior to issuance of building permits for the project and after approval of the state pursuant to state statutes, or in accordance with TDC 36.470.

(3) Small-lot subdivisions conforming to the following standards:

(a) No small lot subdivision shall have less than ten lots.

(b) All subdivision improvements shall conform to TDC Chapter 36.

(c) All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin.

(d) A tree survey shall be prepared and submitted as part of the conditional use application. This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions. As used in this section, the word "tree" means a usually tall, woody plant, distinguished from a shrub by having comparatively greater height and characteristically, a single trunk rather than stems.

(e) The small lots:

(i) Shall be no less than 5,000 and no more than 6,499 square feet.

(ii) When a small lot abuts an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the size of the abutting lot. For example, a new small lot shall be no less than 5,500 square feet if it abuts an existing lot of 6,000 square feet; 5,600 square feet if it abuts an existing lot of 6,100 square feet; 5,700 square feet if it abuts an existing lot of 6,200 square feet; and so on, up to 5,999 square feet if it abuts an existing lot of 6,499 square feet.

(iii) When a small lot is directly across a local street from an existing lot in a City approved and recorded subdivision or partition the small lot shall be no more than 500 square feet smaller than the lot directly across the street.

(iv) When a Tract or easement is between a small lot and an existing lot in a City approved and recorded subdivision or partition the small lot shall be separated from the existing lot by at least 50 feet.

(v) For purposes of this subsection, a small lot is directly across the street if one or more of its lot lines, when extended in a straight line across the local street, intersect the property line of the lot across the street.

(vi) When a subdivision is constructed in phases, a small lot in a later phase may abut or be directly across a local street from an existing lot in an earlier phase.

(f) The small lots shall be part of a development that contains lots of at least 7,000 square feet that are necessitated by trees, steep terrain or other topographic constraints.

ATTACHMENT F: PTA10-03 DRAFT CODE LANGUAGE – KEEPING OF CHICKENS

August 23, 2010

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(g) The small lots shall not exceed 35 percent of the lots in the total subdivision.

(h) The number of lots having a minimum area of 7,000 square feet shall equal or be greater than the number of small lots in the subdivision.

(i) The average lot width shall be at least 30 feet.

(j) When a lot has frontage on a public street, the minimum lot width shall be 50 feet on a street and 30 feet around a cul-de-sac bulb.

(k) The maximum building coverage for lots 5,000 to 6,499 square feet shall be 45 percent and for lots greater than 6,499 square feet shall be 35 percent.

(l) For flag lots, the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(7) - (12).

(4) Other uses as specified below:

(a) Cemeteries.

(b) Churches and accessory uses.

(c) Colleges.

(d) Community buildings (public).

(e) Child day care center, if all exterior walls and outdoor play areas are a minimum distance of 400 feet from the exterior walls and pump islands of any automobile service station, irrespective of any structures in between.

(f) Governmental structure or land use including public park, playground, recreation building, fire station, library or museum.

(g) Retail nursery.

(h) Hospital or sanitarium.

(i) School.

(j) Water reservoir.

(k) Any business, service, processing, storage or display essential or incidental to any permitted use in this zone and not conducted entirely within an enclosed building.

(l) Golf course, country club, private club.

(m) Agricultural animals, limited to cattle, horses and sheep, and agricultural structures such as barns, stables, sheds, but excluding feed lots, in areas designated on the Tualatin Community Plan Map. The City Council may limit the number of animals to be allowed on a specific parcel of property. Keeping of chickens is a permitted use as provided in TDC 40.020 and Tualatin Municipal Code Chapter 12-2 Keeping of Chickens in Residential Areas.

(n) Increased building height to a maximum of 75 feet, if all yards adjoining said building are not less than a distance equal to 1 1/2 times the height of the building.

(o) Nursing or convalescent home.

(p) Retirement housing conforming to the standards in TDC 34.160 - 34.170.

(q) Electrical substation and above ground natural gas pump station.

CINDY HAHN

From: CINDY HAHN
Sent: Monday, October 04, 2010 2:26 PM
To: 'Steve Titus'
Cc: Sherilyn Lombos; AQUILLA HURD-RAVICH; ERIC UNDERWOOD
Subject: RE: Chickens in Salem

Steve,

Thank you for forwarding this article about the recently passed chicken regulations in Salem. I have been following these as part of my research on allowing the keeping of chickens in residential areas of Tualatin.

Council will be considering the keeping of chickens at the October 25 Work Session. The draft code language that staff will be presenting does not, at this time, propose requiring any permits or fees. However, this is the first time Council will have seen the proposed code language and they may decide that permits or fees should be required or that other changes are needed to the draft code language.

Your comments will be included in an attachment to the staff memo to Council, which will be available online one week before the October 25 Work Session. If you have any questions or concerns, please let me know.

Best regards,

Cindy

Cindy L. Hahn, AICP

Assistant Planner
City of Tualatin | Community Development Department
Phone: 503.691.3029 | Fax: 503.692.0147
chahn@ci.tualatin.or.us

From: Steve Titus [mailto:sntitus@gmail.com]
Sent: Tuesday, September 28, 2010 10:03 AM
To: CINDY HAHN
Subject: Chickens in Salem

<http://www.statesmanjournal.com/article/20100928/NEWS/9280341/1001>

Cindy,

I see they will be charging a \$50 license fee to keep chickens. I hope we have some fee included as well to cover the cost of a basic "Dos and Don'ts" of keeping chickens in the city.

Thanks,

Steve Titus

Sep 27 - 2010

To whom it may concern,

This note is to request a change in Tualatin laws regarding chicken ownership in private homes. The greater Portland area allows added to it

I am interested in getting 1 to 5 chickens - No Rooster! - nothing better than fresh eggs!!

Thank you for your interest!

503-885-9285

Mariank Le Gal

* Email escargot46@gmail.com

Ms. Mariank Le Gal
21953 SW Mandana Ct
Tualatin, OR 97062



REC'D
CITY OF TUALATIN

SEP 29 2010

CITY COUNCIL

MAYOR COUNCIL
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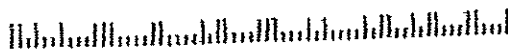
W. MARTINAZZI AV

TUALATIN

ORE 97062-7092

Attn: DOMESTIC ANIMALS

23



CINDY HAHN

From: Sherilyn Lombos
Sent: Wednesday, September 08, 2010 1:48 PM
To: lou.ogden@juno.com; Chris Barhyte; Jay Harris; Ed Truax; Donna Maddux; Monique Beikman (monique.beikman@gmail.com); Joelle Davis
Cc: willisj@pdx.edu; Doug Rux; CINDY HAHN
Subject: FW: chickens

Council,

See the email below. I will follow-up regarding the website to find out why the emails aren't going through.

Sherilyn

Jennie,
The work session has not occurred yet; it is currently scheduled for the work session of October 25th.

Thanks!
Sherilyn

From: Jennie Willis [mailto:willisj@pdx.edu]
Sent: Wednesday, September 08, 2010 1:34 PM
To: Sherilyn Lombos
Subject: chickens

Hi Sherilyn,

Would you be able to forward this to the city council members? I used the link in the website to e-mail all of the members but it kept sending it back with an error message??
Thanks for your help.

Jennie

Hello all,

I read recently in the Tualatin newsletter that there was going to be some discussion around allowing homeowners to raise chickens. The work session may have already happened, but as a resident here in Tualatin I would like to request Tualatin to allow homeowners to have chickens. As a mother with young children, I work hard to provide my family with healthy food choices. Allowing chickens would be another way I could do that for me and my family. Allowing chickens would allow me to provide fresh eggs for my family. What I know of chickens is that they are not noisy animals (unless you have a rooster, perhaps Tualatin should not allow those??) They stay within their established boundaries, and go to sleep when the sun goes down.

I am sure there are varying opinions about this. I wanted to make sure I communicated with all of you about how one family here in Tualatin feels about the issue.

Thank you for all your time and the hard work that you do.

Sincerely,

Jennie Willis

CINDY HAHN

From: Doug Rux
Sent: Tuesday, August 17, 2010 1:41 PM
To: CINDY HAHN
Subject: FW: What is Tualatin's brand?

See below. Would should have an answer available on Monday on who bans chickens.

From: Paul Sivley [mailto:psfoto@comcast.net]
Sent: Tuesday, August 17, 2010 1:35 PM
To: Doug Rux; Sherilyn Lombos
Subject: Fwd: What Is Tualatin's brand?

Just so you aren't caught by surprise by a request for data on cities banning chicken raising.

Paul Sivley, Photographer

Artistic Portrait, Architectural, Product and Food, Travel, Event, and Wedding Imagery
503 502 3385

There is no higher praise than to have someone recommend me to their friends, family, or business contacts

www.paulsivley.com

All images by Paul Sivley Photography are registered and protected against use without Paul's written approval under U.S. copyright laws

----- Forwarded Message -----

From: "Paul Sivley" <psfoto@comcast.net>
To: "lou ogden" <lou.ogden@juno.com>, Jay@H-Mc.com, smbelkman@verizon.net, maddux01@verizon.net, etruax@royalaa.com, chris@mustardpeople.com, "joelle d davis" <joelle.d.davis@gmail.com>, slombos@ci.tualatin.or.us
Sent: Tuesday, August 17, 2010 1:33:51 PM
Subject: What is Tualatin's brand?

Mayor and Councilmembers

I'm writing to strongly oppose the draft ordinance governing maintenance of chickens in Tualatin's residential areas that will be on your 8/23 work session agenda.

My main concerns with this proposal are as follows:

- 1) there is no public demand for such an ordinance at this time. Staff gets calls from people inquiring if chickens are legal, but that's it. No one has asked for this ordinance.
- 2) an increase in housing chickens in residential areas will result in increased disputes between neighbors over noise, smell, sanitation, compliance with ordinance coop distance requirements and so on. This is not the highest and best use of our already taxed staff's time or the city's financial resources. I frankly don't see the value in asking a CSO or Planning staff member to investigate disputes given the higher priorities we

face in terms of ordinance enforcement, development and public safety. Why create work for staff when no one is really asking for this ordinance? Why ask staff to undertake a task that is rather demoralizing based on their training and skill sets?

3) Some will say hens are quiet and harmless. I believe in a residential neighborhood they are unsanitary - look at the flu epidemics in Asia over the past few years which originated with poultry.

4) Finally, it took the city years to get rid of a dog food factory, and now we are talking about increasing the keeping of chickens in our neighborhoods. Is this the brand and image we want to convey as a modern suburb that is moving forward to people and businesses considering locating here? Is our brand one of the past or the future? Do we want to add a reputation of chicken farming to one of a strip club haven? I hope we can look for positive growth opportunities to counter those who label us thus.

Staff put together a good presentation before TPAC on cities who have these ordinances or are considering them. What I realized after the TPAC review was that we should have asked staff for an analysis of what cities have completely banned the keeping of chickens in residential areas. I hope you'll ask for this.

I believe the answer is a solid ban on chicken raising in residential areas, for the reasons noted above. Failing that, I urge you to consider an option Lou and I discussed - putting off action until we have citizen input via the community involvement initiative Jan and others are leading.

Thanks for listening. This may seem a minor issue, but I think it's the most misguided initiative I've seen in years of public service - and it's the little things that build our city's reputation and brand.

Paul Sivley, Photographer

Artistic Portrait, Architectural, Product and Food, Travel, Event, and Wedding Imagery
503 502 3385

There is no higher praise than to have someone recommend me to their friends, family, or business contacts

www.paulsivley.com

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City of Tualatin

www.ci.tualatin.or.us

Approved
11/2/2010

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF August 3, 2010

TPAC MEMBERS PRESENT:

Alan Aplin
Nic Herriges
Mike Riley
Jeff DeHaan
Paul Sivley
Gunnar Olson

STAFF PRESENT:

Doug Rux
Stacy Crawford
Aquilla Hurd-Ravich
Cindy Hahn
Will Harper

TPAC MEMBER ABSENT: Charlie Tumelty (excused)

GUESTS: see list

1. CALL TO ORDER AND ROLL CALL:

Mr. Sivley called the meeting to order at 7:04 pm. Ms. Crawford took roll call.

2. APPROVAL OF MINUTES:

Mr. Sivley asked for review and approval of the June 10 and July 6, 2010 TPAC meeting minutes. MOTION by Riley SECONDED by DeHaan to approve the June 10 and July 6, 2010 meeting minutes. MOTION PASSED 5-0

3. COMMUNICATION FROM THE PUBLIC:

Kathy Newcomb provided the members a handout (Attachment A) and asked to have an agenda item on traffic reduction and transit in Tualatin for the September meeting.

Nic Herriges arrived at 7:06 pm

Mr. Herriges asked about what Ms. Newcomb found to be a reasonable cost of the land in that area. Ms. Newcomb stated that it wasn't her that found it, but it was around \$300,000.00 and would get more information about this land for the next meeting.

4. ANNOUNCEMENTS:

None

5. UPCOMING AGENDA ITEMS:

None

These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of one year from the date of the meeting and are available upon request.

Neil Fernando, Emerio Design Group. 6900 SW 105th Street, Beaverton, OR 97008

Mr. Fernando answered the concern of the possibility of apartments being built on the western portion of property. There is a drainage that comes down the western property line and during Phase 1 a sewer and storm line will get extended, with that, it will be impossible to have apartments built in that area.

MOTION by Riley SECONDED by Herriges to recommend to Council to approve PMA-10-01, PTA-10-02 and the Development Agreement. MOTION UNANIMOUS 5-0.

6.3 PTA-09-08—Mitigation Impacts Sewer, Water and Storm

Mr. Cortes stated the issue before TPAC is a possible Plan Text Amendment (PTA) with the purpose of making more explicit that developers are required to mitigate the effects of site development or redevelopment on public sanitary sewer, stormwater, and potable water lines when proposed development would generate demand at or in excess of their capacity. The amendment would also require development agreements to ensure mitigation. The next step is the Council work session that is scheduled in September.

The members asked questions about why this change is occurring and wondered if there was a lawsuit that initiated this change. Mr. Riley asked about the implications on offsite utilities, "would those implications have to be engineered so they know the extent of them prior to the development agreement being executed?" Mr. Rux stated that there would have to be analysis done and it's the burden of the developer, not the City, to do it. They must show the City their development will not negatively impact the infrastructure. Discussions continued and the members agreed to add language to the motion to allow staff to determine if a development agreement is needed if there are no impacts.

MOTION by Riley SECONDED Herriges to recommend the City Council approve PTA-09-08 with an adjustment for staff when the trigger would be needed to require a development agreement for plan map and plan text amendments. MOTION PASSED 5-0

6.4 TMC – Allowing Chickens in Residential

Ms. Hahn noted that TPAC discussed this subject at the July meeting and there was a consensus to enable people to have chickens in their yards. Ms. Hahn did more research and looked at the City of Portland's code. Staff is now returning to TPAC with draft code language, specifically a new Chapter 12-2 Keeping of Poultry in Residential Areas to the Tualatin Municipal Code (TMC), for review and discussion. If a positive recommendation is received from TPAC, staff will present the draft code language to City Council at a work session on August 23, 2010.

Ms. Hahn provided a handout to the members of comments from the City Attorney. Her comments were to do with the "notice and the filing" section of code titled, "Complaint Process, Notices and Investigations".

Mr. Sivley doesn't see this as a staff priority for enforcement. He doesn't want to see the police force or planning commission enforcing this. The police force could lose its

code enforcement officer if we get into a budget issue, then it goes back to the planning staff. He wants the planning staff to do more important things than going into people's backyards. Just because people made inquiries about having chickens doesn't mean there is enough ground swell of support to do this. He just thinks it's the worst use of staff time that he has heard in decades of public service.

TPAC discussed the draft code language and made several suggested changes. The overall consensus was that proposed TMC 12-2 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 and 40.030(4)(m) of the TDC, to allow the keeping of chickens in single-family residential areas of the City.

6.5 Transportation Advisory Committee

Mr. Rux stated that TPAC asked him to come back with the material that was done on Tualatin Tomorrow's selection process to identify people to be on the TPAC/TSP Committee. Mr. Rux gave some background on that process and asked if this is the appropriate process to do outreach. What does TPAC perceive as the role for the TPAC/TSP Committee?

Mr. Riley commented that parallel to this committee there is recruiting activity for the Citizen Involvement Ad-Hoc Committee (CIAHC). He feels that the process should be part of the CIAHC and does not want to follow the Tualatin Tomorrow model. Mr. Riley wants to discuss this with the CIAHC first. Mr. Sivley suggested approaching the CIAHC and asking them to be proactive and not wait for people to just apply. He wants to ask other committees to participate as well.

TPAC discussed the Tualatin Tomorrow process and several alternative solicitation and selection processes.

TPAC thought it would be beneficial to reach out to the CIAHC and have a representative attend the 9/7/2010 TPAC meeting to discuss what that group is engaged in and how it might provide assistance or value in structuring a solicitation and selection process for the TPAC/TSP Ad Hoc Committee.

TPAC feels that at least three TPAC members should be involved in the selection process. The process of solicitation was left undefined.

6.6 For Sale/Lease Sign Update

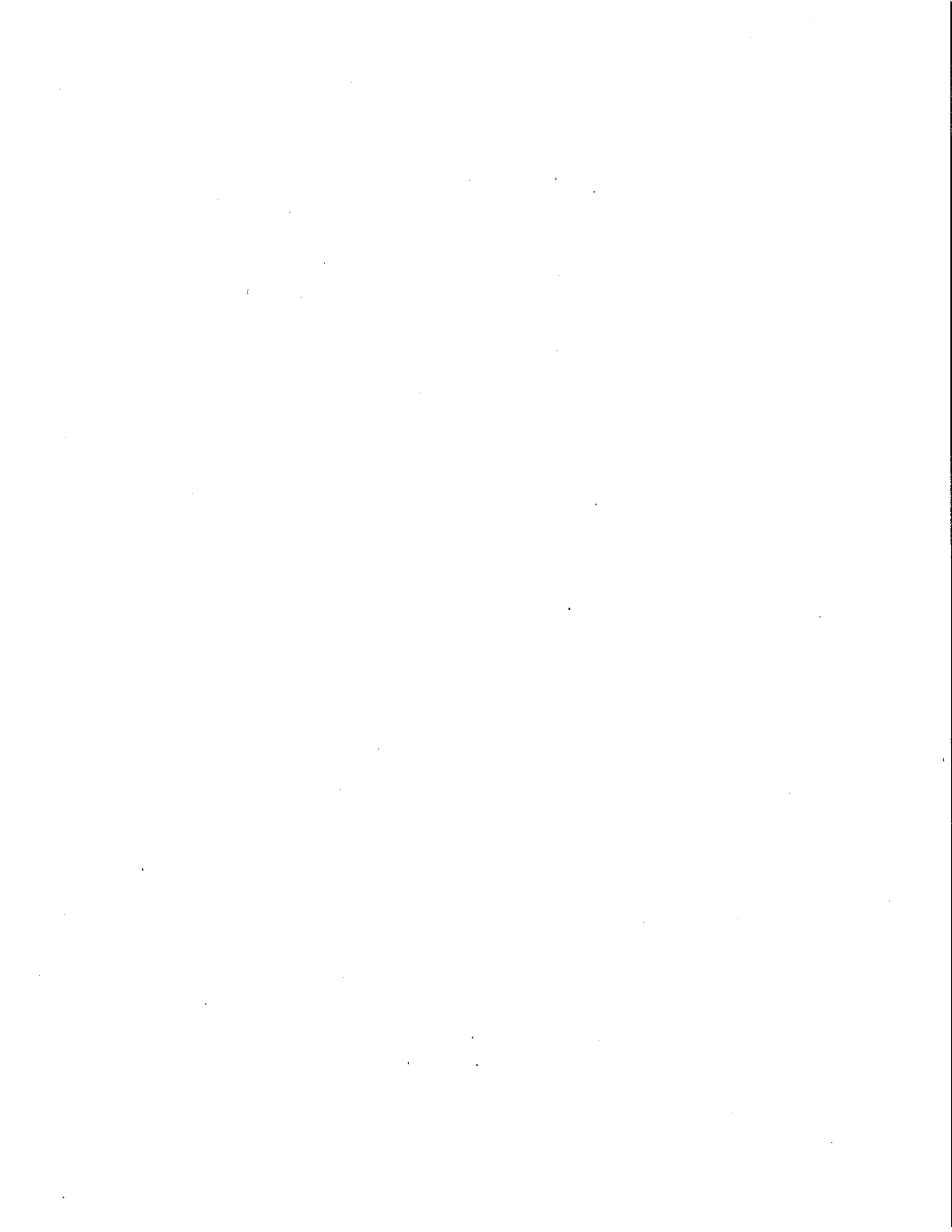
Mr. Rux referred to the memorandum that was in the packet as the update. TPAC had no questions or discussion regarding the memo.

6.7 Urban/Rural Reserves Update

Mr. Rux stated that the Oregon D LCD staff and County staff are looking at the 46 objections submitted. There will be a staff report that comes out in September. There is no resolution yet. The hearing is scheduled for October 19-22.

6.8 Metro UGB Expansion Update

Mr. Rux stated that on August 10th the Chief Operating Officer at Metro will be issuing





TUALATIN CITY COUNCIL WORK SESSION MINUTES OF OCTOBER 25, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman [5:09 p.m.], Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Mike McKillip, City Engineer; Mark Gardner, Police Captain; Paul Hennon, Community Services Director; Dan Boss, Operations Director; Aquilla Hurd-Ravich, Acting Planning Manager; Cindy Hahn, Assistant Planner; Ben Bryant; Maureen Smith, Recording Secretary

ABSENT: None.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Update on Vacation of Blake Street Right-of-Way*

City Engineer Mike McKillip presented a PowerPoint on the Blake Street Right-of-Way (ROW). Council's has expressed the desire to be able to prohibit vehicle traffic on Blake from 108th Avenue, preserving the ROW for greenway purposes and to preserve and protect all existing future utilities.

City Engineer McKillip explained to accomplish this would be to proceed with a vacation process. City Engineer McKillip reviewed maps of the area and noted since it was platted, a number of utilities have accessed the ROW. City Attorney Brenda Braden clarified the utilities located in the ROW process. City Engineer McKillip continued to explain how the vacation process would work, and reviewed the next steps that will need to be done to get to the vacation process. If proceeded right away and all went accordingly, staff could be back before Council in December for a public hearing. City Attorney Braden explained about the process for proceeding forward, whether all property owners would agree, and continued to explain about the ownership of the ROW, etc.

Discussion followed on the vacation process and if there would be a process that could be done easier and less costly. It was asked and discussed how much it would cost to do this. City Manager Lombos said another option is to pass an ordinance/resolution to say there will be nothing built on this property as an alternative to spending the funds to vacate the ROW. Discussion followed. Issues of granting the easement continued to be discussed and explained by City Attorney Braden.

After discussion, it was decided by Council to have staff bring back an ordinance at a future meeting.

2. *Chickens in Residential Areas*

City Manager Lombos noted Council's request of the Planning Advisory Committee (TPAC) respond on the issue of chickens in residential areas. TPAC has looked at the issue several times and has provided a recommendation to allow chickens in residential areas with some modifications.

Assistant Planner Cindy Hahn presented information on the issue, including background information, policy considerations, and discussion points, along with proposed Development Code language. It was mentioned that other cities are allowing this in one form or another. Discussion followed, with only Councilor Harris in favor of advancing the issue. It was suggested this is an issue the new Citizen Involvement Committee (CIC) can review when they are up and going,

City Manager Lombos said staff will discuss with the CIC about reviewing the issue of chickens in neighborhoods.

3. *Dogs at the Commons*

Parks and Recreation Manager Carl Switzer presented information about allowing dogs at the Commons. Councilor Harris said he initially raised the issue and believes there wouldn't be a problem allowing dogs. Brief discussion followed and consensus of all Council present was to go ahead and move forward to change the ordinance to allow dogs at the Commons.

4. *Utility Undergrounding*

Councilor Harris said he initially brought this issue forward about undergrounding utility lines, and suggested when there is a new development of requiring utilities to be put underground.

Discussion followed on the aesthetics of above ground utilities, and also the significant costs associated with undergrounding. Also discussed was future development and the value of undergrounding, more for aesthetics and reliability.

It was asked of staff to provide differential costs of when there are existing poles that only have to be relocated, and areas where there are no poles. It was asked and answered that currently new subdivisions are required to underground. Also asked of staff to look at redevelopment within the city and what would be the associated costs of undergrounding.

Discussion followed. Staff will bring back data at a future meeting, including benefits analysis of undergrounding.

5. *Poole Quarry*

City Manager Lombos began by explaining that Tualatin cannot ask for a continuance of the quarry hearing, only the applicant. Assistant Planner Cindy Hahn distributed a revised letter to Clackamas County and a memorandum from Matt Wellner of Tonquin Holdings.

City Manager Lombos reviewed what has been done, looked at water quality, and the hiring of consultant, which hasn't been done since can't ask for continuance, and then ask for any comments on the changes that were made in the letter to the County. Discussion followed on Council's position on the proposed quarry and associated noise from blasting.

Staff will finalize the letter and send on to Clackamas County.

C. CITIZEN COMMENTS

N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with no changes.

E. PUBLIC HEARINGS – Legislative or Other

N/A

F. PUBLIC HEARINGS – Quasi-Judicial

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(i) to discuss employee performance will be held after the work session.

K. ADJOURNMENT

The work session adjourned at 6:45 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





TUALATIN CITY COUNCIL MEETING MINUTES OF OCTOBER 25, 2010

PRESENT: Mayor Lou Ogden, Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Mike McKillip, City Engineer; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Maureen Smith, Recording Secretary

ABSENT: None.

*[Unless otherwise noted, **MOTION CARRIED** indicates all in favor.]*

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was led by Council President Barhyte.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Measure 34-180 Washington County Cooperative Library Services Levy Renewal Information*
Library Manager Abigail Elder displayed a PowerPoint and gave an overview of the renewal of the Washington County Cooperative Library Services five year local option levy.
- ~~2. Tualatin Tomorrow Presentation – Health, Safety & Social Services - not at this meeting.~~
2. *Update on Council Meetings Live Streaming*
Operations Director Dan Boss briefly explained the live streaming now in place for the City Council meetings.

C. CITIZEN COMMENTS

None.

D. CONSENT CALENDAR

MOTION by Councilor Barhyte, SECONDED by Councilor Truax to adopt the Consent Agenda as read:

1. Approval of the Minutes of the Work Sessions and Meetings of September 27, 2010 and October 11, 2010
2. Resolution No. 5008-10 Authorizing a Revocable Permit to Allow Construction Staging on SW Seneca Street and a Temporary Covered Pedestrian Walkway with Scaffolding on SW Boones Ferry Road Sidewalk

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS
None.

H. 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.

I. EXECUTIVE SESSION
Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(i) to discuss employee performance was held at the work session.

J. COMMUNICATIONS FROM COUNCILORS
It was noted the Special Work Session is on Thursday, October 28, 2010 at 6:00 p.m. at the Police Facility.

K. ADJOURNMENT
MOTION by Councilor Truax, SECONDED by Councilor Barhyte to adjourn the meeting at 7:16 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith





MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Ben Bryant, Management Analyst

DATE: 12/10/2012

SUBJECT:

ISSUE BEFORE THE COUNCIL:

1. Address questions and concerns regarding the Basalt Creek Transportation Refinement Plan raised during the November 26, 2012 City Council meeting.
2. Provide guidance to the Tualatin representatives on the Basalt Creek Policy Advisory Committee in preparation for the December 11, 2012 meeting. Mayor Ogden and Council President Beikman serve as Tualatin's representatives.

EXECUTIVE SUMMARY:

During the November 26, 2012 City Council meeting, several questions and concerns were raised by Citizen Involvement Organization 6 and members of the City Council regarding the multi-jurisdictional Basalt Creek technical recommendation. Shortly before the meeting, the City Council also received an e-mail from a Washington County citizen who expressed additional concerns. Specifically, the questions and concerns revolved around the following topics:

1. Traffic in neighborhoods;
2. Livability;
3. Safety and bridge grade; and,
4. Environment.

In an effort to highlight how the multi-jurisdictional project team intends to address the concerns, please see the presentation (Attachment A). At the City Council Work Session on December 10, 2012, City staff members, as well as Washington County staff will elaborate in more detail and answer questions. In addition, a staff member from Metro will be present to address the questions regarding environmental impacts.

Lastly, there are two attachments from CIO 5 and 6.

Attachments: [Attachment A: Presentation](#)
[Attachment B: Ibach CIO Comments](#)
[Attachment C: CIO 6 Follow-up](#)



Basalt Creek Transportation Refinement Plan

Tualatin City Council Work Session

December 10, 2012



City of Tualatin

Presentation Outline

1. Provide Overview of Basalt Creek Concepts

2. Respond to Concerns

- a) Traffic in Neighborhoods
- b) Livability
- c) Safety & Bridge Grade
- d) Environment

3. Answer Additional Questions

4. Discuss

Basalt Creek Concepts



Traffic in Neighborhoods

Concerns

1. Cut through traffic
2. Backup on Boones Ferry

Similar Tualatin TSP Feedback

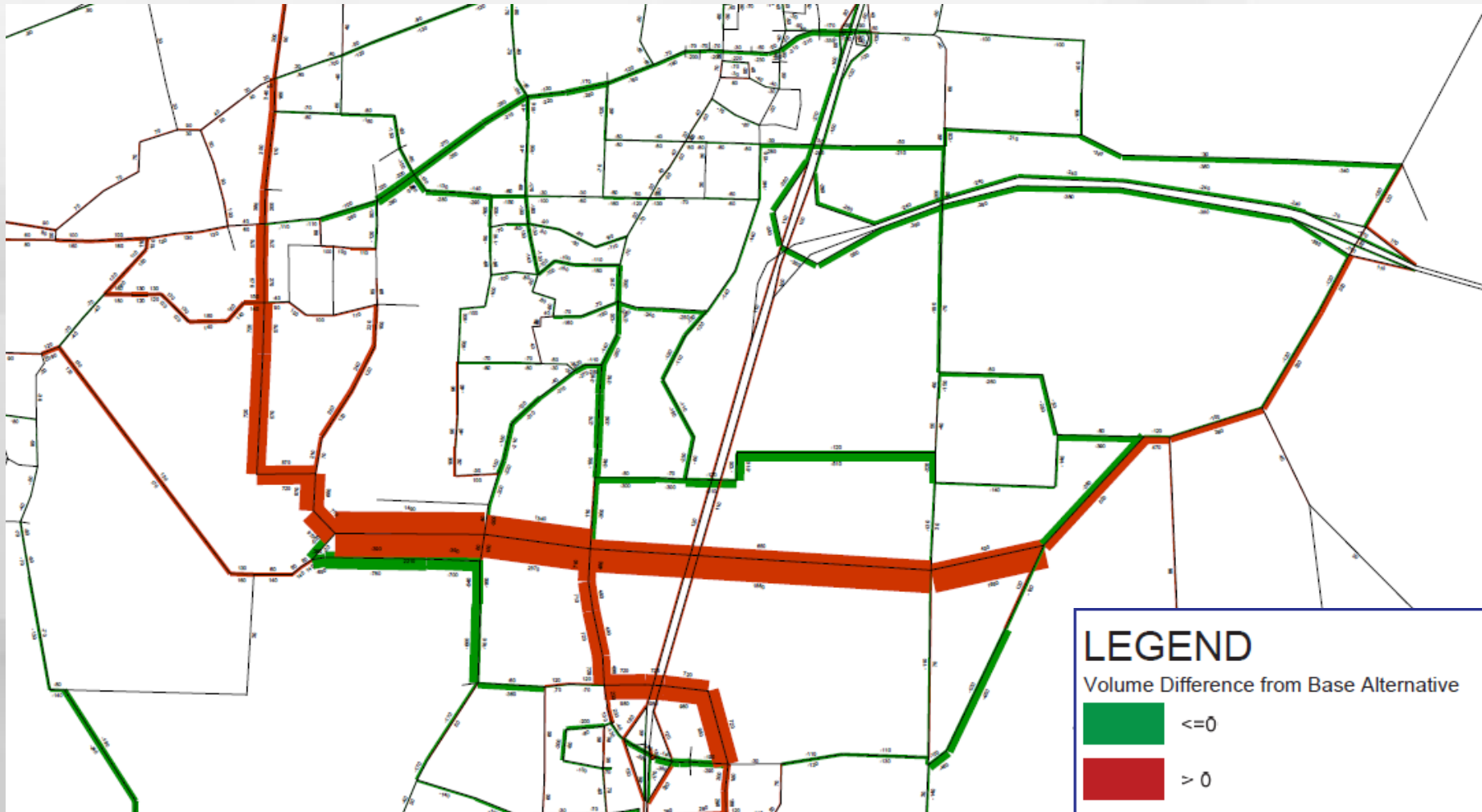
3. Limit traffic in neighborhoods
4. Discourage freight cut-through
5. Route traffic around Tualatin
6. Decrease travel times

Approach to Address Concern

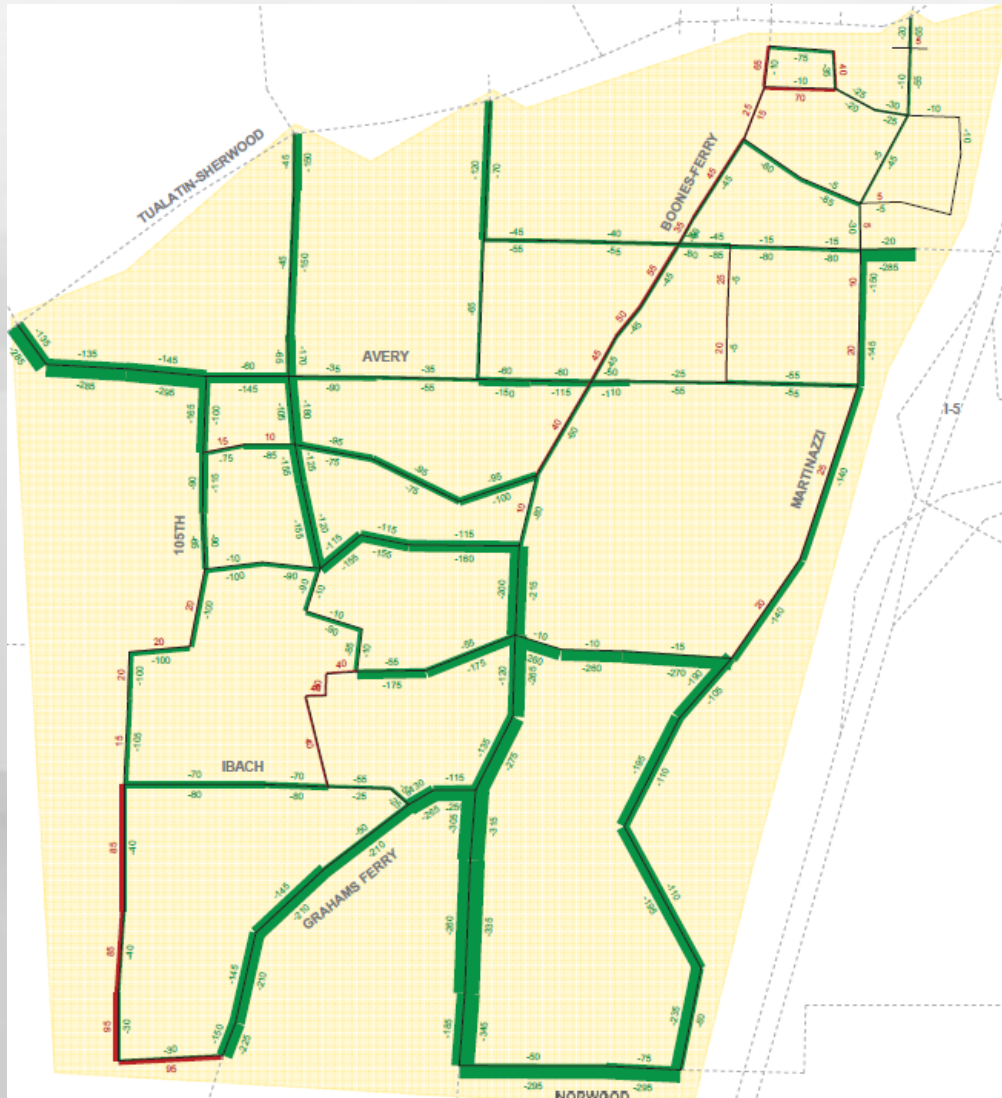
See maps on next slides



Traffic in Neighborhoods



Traffic in Neighborhoods



2035 PM Peak Hour Traffic Impact

Scenario	Vehicle Miles Travelled	Vehicle Hours of Delay
No Build	15,580	539
Recommended Improvements	13,093	354
% Change	-16%	-34%

- VMT in Tualatin decreases with East-West Concept
- VHD (travel time) along existing Tualatin roads decrease with East-West Concept

Livability

Concerns

1. Proximity of Roadway to Neighborhoods



Approach to Address Concern

Include language in an intergovernmental agreement (IGA) that Cities must explore **buffering** the roadway from existing neighborhoods.

2. Future Land Uses Adjacent to Roadway



Gather public input during land use concept planning process

Safety & Bridge Grade

Concerns

1. Boones Ferry Road Intersection



Approach to Address Concern

Mitigate impacts during design.

2. Safety Report on Arterials throughout Region



East-West Concept includes urban upgrades to existing local roads to improve safety.

3. Potential grade of bridge

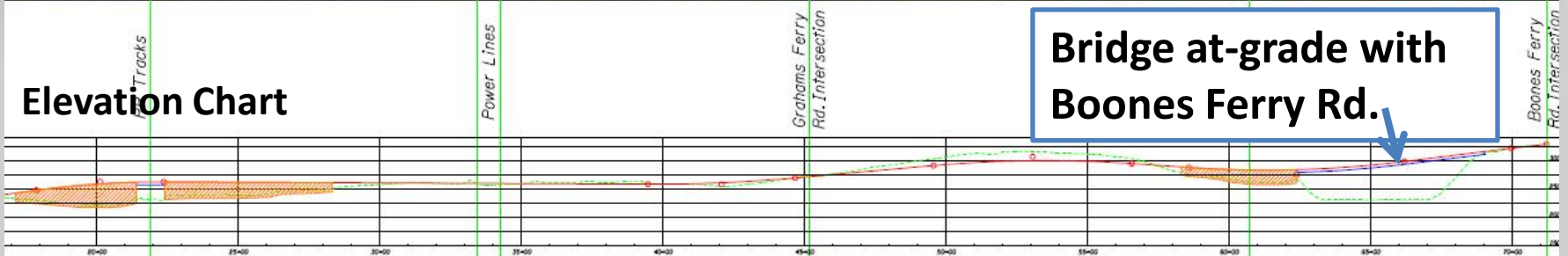


Bridge is at-grade with Boones Ferry Road (see map next slide).

Safety & Bridge Grade



Elevation Chart



Bridge at-grade with Boones Ferry Rd.

Environmental

Concerns

1. Air Quality Concerns



Approach to Address Concern

Reduction in vehicle miles travelled and vehicle hours of delay reduces idling vehicles and air pollution.

2. Need to Protect Wetlands & Riparian Areas



Least impactful location between Wilsonville & Tualatin.

Span to cross wetland for the East-West is 600 ft., compared to 1500 ft. for the Diagonal option.

Region needs to protect over 1,000 acres of employment lands between Tualatin, Sherwood, and Wilsonville.

Additional Questions & Next Steps

Additional Questions?

Next Steps

December 11: Policy Advisory Group Recommendation

January/February: If concept approved, Intergovernmental Agreement between Cities, County, & Metro

Spring – Summer 2013: Begin Land Use Concept Planning

The Ibach CIO strongly supports the efforts to extend SW 124th Avenue from Tualatin-Sherwood Road to the vicinity of Tonquin Loop, as well as the East-West concept option for the "connector" to Boones Ferry Road. The CIO's support, however, is qualified by the following conditions:

(1) despite historical resistance to the extension of Blake Street westward to the proposed SW 124th infrastructure, the Council's commitment to the exploration of some form of connection between the SW 124th extension and the far Southwest neighborhoods of the Ibach CIO over the existing railroad tracks. Presently, there is no westward egress from the Ibach CIO between Tonquin Loop to the south and Avery Road to the north - a continuous "wall" of over four miles insurmountable by any safe means of travel due to the presence of the freight/WES tracks. A westward vehicular egress from the CIO would connect the neighborhoods to the new SW 124th extension and, consequently, reduce traffic congestion at the Garden Corner - by far the most dangerous, congested and ill-designed set of intersections in the entire Ibach CIO.

(2) the opportunity for the Ibach CIO to provide input on zoning in the new areas of the City (if and when annexed into Tualatin) abutting the CIO such that we will have the ability to (a) propose "buffer zones" that will combat any noise or air pollution generated by the new infrastructure that might affect the CIO, and (b) advocate for the inclusion of commercial areas along either SW 124th Avenue or the East-West arterial to provide a retail shopping alternative for those in the CIO.

(3) the Council's consideration and resolution of concerns expressed by CIO 6 and residents of the unincorporated areas to its south relating to (a) perceived design flaws for the grade connection for the East-West connector at Boones Ferry Road, and (b) minimizing the amount of air pollution generated by traffic stalled at the new intersections created by the East-West connector at Grahams Ferry and Boones Ferry. While these are issues of first impression for the Ibach CIO and we admittedly lack the engineering or scientific knowledge to know if these concerns are legitimate, we feel it is necessary for the Council to consider and resolve these issues as part of a complete public process that satisfies the members of CIO 6 and the residents of the unincorporated areas to its south, especially considering that the latter group may ultimately be asked to consider annexation into the boundaries of the City of Tualatin.

In all instances, these positions are influenced by the CIO's commitment to (1) an open and complete public process that values the input of all CIOs, and (2) continued and improved quality of life in the Ibach CIO by reducing or better managing traffic flow through both the Garden Corner area and that portion of Boones Ferry Road that lies within the boundaries of the CIO.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Aquilla Hurd-Ravich, Planning Manager
Alice Rouyer, Community Development Director

DATE: 12/10/2012

SUBJECT: An Update on Proposed Framework Planning in the Stafford Area

ISSUE BEFORE THE COUNCIL:

Clackamas County and the City of Lake Oswego agreed to participate in framework planning of the Stafford area as a condition of approval in order for Lake Oswego to add land to the Urban Growth Boundary. Mayors and staff from the Cities of Lake Oswego, Tualatin and West Linn met in September to discuss this idea. The purpose of this memo is to update the Tualatin City Council about this discussion and recent activity.

EXECUTIVE SUMMARY:

When the Mayors and staff of the Cities of Lake Oswego, Tualatin and West Linn met in September, the group reached a general agreement about what issues to address prior to the start of framework planning. These issues were communicated to Clackamas County via a letter sent on September 20, 2012 on behalf of Mayor Ogden addressed to Chair Lehan. The letter communicated general support for working together to address future planning in the Stafford area and requested that the following points get addressed prior to the start of any work:

- The framework planning process should not begin until the Urban Reserves appeal is completely resolved and not before January 2013.
- The scope and scale of the framework planning process needs clarification.
- The process needs to establish that the Cities will take a lead role in partnership with the County and the Hamlet. Metro Title 11 establishes that cities take a lead role in concept planning.

The Mayors of Lake Oswego and West Linn sent similar letters expressing their concerns with framework planning.

On September 22, 2012 Clackamas County held a forum to discuss Conservation Options in the Stafford Area. At that meeting Chair Lehan gave a brief update on the framework planning process. The scope and scale of framework planning still needs to be addressed but generally it

is high level planning that precedes concept planning work of new urban areas. Concept planning typically identifies land uses, infrastructure needs, service providers and governance of new urban areas. The following issues could affect framework planning:

- When Metro adopted the reserves, they signed intergovernmental agreements (IGA) that governed urban reserves with all three counties. Metro's IGA with Clackamas County includes Principles for Concept Planning of Urban Reserves which states "concept planning for 4A, 4C and 4D must be coordinated so that Area 4C (Borland Road) is planned and developed as the town center serving the vast majority of Area 4A (North Stafford) and Area 4D (South Stafford)."
- Metro's IGA with Clackamas County could have implications on the memorandum of understanding (MOU) between Clackamas County and Lake Oswego which establishes the two jurisdictions willingness to participate in future planning for the Stafford Basin.
- Finally, Title 11 in the Metro Code governs planning of new urban areas and now requires that concept planning be completed prior to annexation to the UGB.

Regarding time frame, the direction from the three Cities is that framework planning should not begin until the Urban and Rural Reserves appeal is decided by the Court of Appeals. Oral arguments are scheduled for January 6, 2013 and a decision could be issued 60 days later. There are several possible outcomes of the Court of Appeals decision:

- The court of appeals could order LCDC to remand part or all of the decision to Metro. At which point Metro would have to draft new rules and go through the public comment period again.
- The UGB expansion process could possibly revert back to the old way of identifying new urban land which discourages urban expansion onto high value farmland.
- If the reserves decision is remanded, Metro should address the implications of Senate Bill 1011 and if they are required to implement a reserves process.

Clackamas County has since requested our participation in framework planning; however, the Urban and Rural Reserves appeal is still outstanding and such discussions are premature. Staff also anticipates the County requesting our participation in an application to Metro for a Construction Excise Tax Grant to fund framework planning. Again, this request is premature given the status of the appeal and secondly, any request for funding to pursue planning should be initiated by a City and therefore we anticipate declining to participate in a joint grant application.

Attachments: