

TO: TOWN COUNCIL

FROM: TOWN MANAGER 

RE: ANIMAL KEEPING CODE REVISIONS

ISSUE

Council is requested to give specific direction to the Planning Commission as to what is desired to be done with the animal keeping regulations in the Town Zoning Code or simply indicate to Staff what changes Council wants made and a draft ordinance can be brought forward in October.

RECOMMENDATION

Give direction to the Planning Commission as to what Council wishes to have done with the animal keeping regulations

Or better yet:

indicate what Council would like to see changed in the animal keeping regulations and Staff can bring a draft ordinance to the October meeting.

MONEY

Cost to the Town at this point consists of innumerable staff reviews, legal analysis and preparing materials for Council and Planning Commission meetings and other meetings to respond to the Walton vs Giel neighbor to neighbor spat and then to the theory that this dispute was somehow an animal keeping issue necessitating a change in the Town codes, and most recently the theory that the Town fee structure is skewed to unfairly charge people for their extraordinary property use requests. Requests that could not be enjoyed by the majority of Loomis citizens but never the less have to be paid for by the majority. It is likely that Council meetings, Commission meetings, staff, legal analysis, legal noticing and materials have run between \$10,000 and \$15,000 to date.

CEQA

CEQA hasn't been considered yet but may be necessary if spot zoning regulations are going to be advocated. Figure about \$20,000 if that becomes necessary.

DISCUSSION

It is instructive to review why Council is agonizing over changes in Town Animal Keeping Codes and why it may be time for Council to shut off debates, studies and hand wringing, and make a decision so the Town can move on to more profitable and useful things.

This all started over a year ago when neighboring property owners Cynthia Walden (3467 Humphrey Rd) and Kathleen Giel (3455 Humphrey Rd) got into a spat about code infractions occurring on their respective properties (building a

bridge in a flood plain in the case of Giel and excessive animals and accessory building setback issues in the case of Walden). After Ms Giel removed a non-engineered bridge from a flood plain (the bridge connected one part of her property with another part for her maintenance needs) the Town then started enforcing animal keeping and setback regulations on Ms Walden and determined that she needed a use permit if something other than the regulations was being sought. The Council agreed with the latter point, saying at the January 2011 meeting: "A motion was made that this should go through a minor use permit (which will provide levels for appeal) with the town waiving the fees." [Council minutes 1/11/11] She did file, however a decision has been on hold pending an outcome on Code changes that might affect the number and type of animals kept and set back distances.

In summary, Ms. Walden had

5 dogs 0 cats 20 chickens 2 pygmy goats

And per Code (augmented by an Administrative Decision suggested by Ms Walden whereby time be allowed to bring the numbers of animals into conformance with the Code) she should only have had:

4 total dogs and/or cats 0 chickens 0 pygmy goats

On reflection however, Ms. Walden apparently didn't like her solution to her problem and appealed: *"I am appealing the citation issued to me. As far as an outcome: I want to retain my property rights, as quoted to me for over two decades by multiple Town of Loomis employees."* [10/20/10 email]

At the January 11, 2011 appeal hearing Council said:

Council discussed the following:

- these kind of lots need to be dealt with on a case by case basis
- we are rural but there needs to be something that protects the environment
- there should be standards to protect the quality of life
- this issue is not about the animals it is about the feud
- this has hi-lighted that there is a hole in our ordinance and suggested having the Planning Commission review our ordinances regarding animals
- suggest the neighbors go through some kind of mediation to resolve their issues
- the animals should be allowed to live out their lives
- suggest Ms. Walden apply for a use permit with the fees waived

Following further discussion on the matter, Councilmember Scherer stated the following: "because there seems to be some questions as to the grandfathering issue, the historic nature of animals in Loomis, the rights to

maintain animals in Loomis, and the issue of oversized lots in zoning districts, this warrants a motion.” A motion was made that this should go through a minor use permit (which will provide levels for appeal) with the Town waiving the fees. Also, to direct the Planning Commission to review the conditional use permit and the zoning ordinance that relate to the “keeping of animals” in all zoning districts. On motion by Councilmember Scherer, seconded by Councilmember Liss and passed by the following roll call vote:

Ayes: Calvert, Liss, Morillas, Scherer, Ucovich

Noes: None

The Planning Commission reviewed changes to the animal keeping ordinance. That is the only thing they focused on. Regulations concerning vicious dogs were not their charge. That is something Placer County is grappling with in redefining their code sections dealing with vicious dogs. It has absolutely nothing to do with Loomis because Loomis already addresses this matter for Loomis in Chapter 4.04.170 of the Loomis Municipal Code concerning Animal **Control**. That is very different than the zoning section of the Code that addresses “Animal **Keeping**.” The issue at hand deals with **Keeping** and there is absolutely no need to discuss or consider **Control** because Ms Walden does not have vicious or dangerous animals.

So the Planning Commission wrangled with animal keeping issues over the course of two meetings. Their minutes follow:

JUNE 7, 2011 PLANNING COMMISSION MEETING MINUTES

POSSIBLE REVISIONS TO THE TOWN’S ANIMAL KEEPING ORDINANCE

The Planning Commission, as directed by the Town Council, will be evaluating the Town Animal Keeping Ordinance and the permit requirements and standards as related thereto and recommend ordinance revisions to the Council, if such changes are in fact needed.

RECOMMENDATION: Discuss and give recommendations to staff to forward to Council.

PUBLIC COMMENT:

Jo Carol Arisman (6160 Rachel Lane) – The Town needs to look into recording project conditions of approval (equine facilities, dog kennels/boarding facilities, etc) to make sure the conditions legally “run with the land”.

Christine Alston (3566 Silver Ranch Avenue) – Glad the Commission is reviewing the Animal Keeping Ordinance to possible allow chickens in residential areas without needing 0.5 acres. Thinks 4 is a good number. People want organic gardens, they should be allowed to have organic eggs.

Nancy Beck (6304 David Avenue) – Agrees with Christine, 4 chickens is a good number.

Cindy Walden (3467 Humphrey Road) – Fresh/organic eggs is a plus; Loomis' current ordinance doesn't differentiate between big & small goats; goats are great for vegetation control (fire protection); Commission should look into grouping other animals into the "household pets" category.

Steve Alston (3566 Silver Ranch Avenue) – People live in Loomis because it has the rural and agricultural feel. Please use common sense.

Kathleen Giel (3455 Humphrey Road) – In support of people having animals in Loomis, animal keeping is part of our community. Also supports responsible animal keeping. Loomis's current ordinance is consistent with surrounding jurisdictions. Animal advocate and any revisions to the ordinance need to protect neighbors from effects of animals keeping. A Minor Use Permit is expensive and the Town Council should look into only requiring a minimum deposit.

The Commission discussed the current animal keeping ordinance, comparing it with surrounding jurisdictions and using recommendation comments solicited from the Humane Society. The following recommendations were discussed:

- *Fowl/Poultry in the RS zoning districts*
 - *Remove Minor Use Permit requirement and make it a Permitted use (hens only).*
 - *Allow up to 4 hens on a property in the RS zone. A property that has sufficient land to have more hens based on the 12 per acre standard is allowed. Should we look at acreage standard for all types of animals?*
 - *Prohibit guinea hens, peacocks, roosters, turkeys, and geese.*
 - **Staff to research and recommend possible changes to the setback requirements for cages, pens, coops, etc.*

- *"Other household pets and small animals" category (Table 4-2)*
 - *Add Pygmy Goats. Commissioner Thew said there are other species of small goats.*
 - *Remove the "less than 80 pounds" for pot belly pigs.*

- *Remove pot belly pigs from the "Large animals" category (Table 4-2).*

- *Make "Worm Farming" a Permitted use in the RS zoning districts. Do we need definitions including – say, of "aviary"?*

- *Add Curt Ransom's (Humane Society of the Sierra Foothills) following recommendation to section 13.42.060 D. of the Zoning Ordinance: "Animals must be kept according to local and state animal control and welfare laws."*

- *Reduce costs of a Minor Use Permit for animal keeping (accept a minimum deposit and have staff track time spent on processing the Minor Use Permit.*
 - *Another option: Review Placer County's Administrative Review Permit application and process and determine if this would be a good option for the Town instead of requiring Minor Use Permits for animal keeping (see Table 4-1).*
- *The Town should look into recording project conditions of approval (equine facilities, dog kennels/boarding facilities, etc) to make sure the conditions legally "run with the land".*
- *Direct Town Attorney to review the recommendations by Curt Ransom pertaining to the Town's Animal Control chapter of the Municipal Code (§4.04). Commission said that all of his comments should go somewhere into the municipal code (might be zoning ordinance, if appropriate)*
- *Add a note next to the "Kennel, Animal Boarding" land use on Table 2-9 (§13.28.030) that would prohibit such a land use in the ILT (Limited Industrial) zoning district if the site abuts a residential zone. (Aunt Cynthia's Bed & Biscuit would be grand-fathered in).*
- *Look at using "Minimum Lot Size" instead of "Zoning District" for allowed animal types and numbers.*
- *Look into "exotic animals"*

By way of consensus, this item was continued to the July 5, 2011 Planning Commission meeting.

JULY 5, 2011 PLANNING COMMISSION MEETING MINUTES

POSSIBLE REVISIONS TO THE TOWN ANIMAL KEEPING ORDINANCE

The Planning Commission, as directed by the Town Council, will be evaluating the Town Animal Keeping Ordinance and the permit requirements and standards as related thereto and recommend ordinance revisions to the Council, if such changes are in fact needed.

RECOMMENDATION: Discuss and give recommendations to staff to forward to Council.

PUBLIC COMMENT:

The Commission asked Town staff a few questions regarding to the current contract with Animal Control and their annual reports and if there are limits to how much they can charge the Town for services. Staff indicated that Anima Control is similar to Police Service (no limits, you pay for

what you need at the time). Curt Ransom of the Humane Society addressed the Commission and gave comments on the Counties current Animal Control standards and the proposed language within the standards currently being reviewed by the County. There was more discussion on Animal Control before leading into the item at hand (Animal Keeping Ordinance).

Cindy Walden (3467 Humphrey Road) – Fowl/Poultry should be allowed on small lots without a \$1,400 Minor Use Permit. Would like reduced setbacks for structures that abut a vacant or non-buildable piece of land.

- *Commissioner Miller would like to see section 13.42.060 E.1 changed to 0.5 acres. Commissioner Bordelon agreed, stating that it would help reduce restrictions if the Town wants to promote Animal Husbandry. Commissioner Hogan stated that the current ordinance is fine and that it should be left as-is.*
- *A motion to forward the Commission recommendations to the Town Council was made by Commissioner Hogan and seconded by Commissioner Bordelon and passed by a unanimous voice vote. Recommendations are below:*
 - Fowl/Poultry in the RS zoning districts
 - Remove Minor Use Permit requirement and make it a Permitted use (hens only).
 - Allow up to 4 hens on a property in the RS zone. A property that has sufficient land to have more hens based on the 12 per acre standard is allowed. Should we look at acreage standard for all types of animals?
 - Prohibit guinea hens, peacocks, roosters, turkeys, and geese.
 - “Other household pets and small animals” category (Table 4-2)
 - Add Pygmy Goats. Commissioner Thew said there are other species of small goats.
 - Remove the “less than 80 pounds” for pot belly pigs.
- Remove pot belly pigs from the “Large animals” category (Table 4-2).
- Make “Worm Farming” a Permitted use in the RS zoning districts. Do we need definitions including – say, of “aviary”?
- Reduce costs of a Minor Use Permit for animal keeping (accept a minimum deposit and have staff track time spent on processing the Minor Use Permit.
- The Town should look into recording project conditions of approval (equine facilities, dog kennels/boarding facilities, etc) to make sure the conditions legally “run with the land”.

- Add a note next to the “Kennel, Animal Boarding” land use on Table 2-9 (§13.28.030) that would prohibit such a land use in the ILT (Limited Industrial) zoning district if the site abuts a residential zone. (Aunt Cynthia’s Bed & Biscuit would be grand-fathered in).

Look at using “Minimum Lot Size” instead of “Zoning District” for allowed animal types and numbers

-----END PLANNING COMMISSION MINUTES-----

The changes that the Planning Commission finally decided to recommend are noted in the attached draft ordinance. The Commission reviewed animal keeping without deference to factors in the particular code cases (infractions by Giel and Walden) and made changes they thought should be recommended to the Council. The Commission cannot read the Council’s mind however, so if Council wishes them to make some specific changes then Council should spell the changes out. Better yet, if Council knows the answer it wants then simply advise Staff and the draft ordinance will be changed accordingly and thus save a lot of time and money.

So where is Ms Walden at this point? Ms Walden’s needs are being belabored because that is the only reason that a discussion of the animal keeping code is taking place and it appears that debate will not cease until either Ms Walden follows the law or the law is changed to something Ms Walden can follow. Where matters stand now with the code changes being recommended by the Planning Commission is:

Ms. Walden had:

5 dogs	0 cats	20 chickens	2 pygmy goats
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Current Code allows:

4 total dogs and/or cats	0 chickens	0 pygmy goats
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Planning Commission recommended Code revisions allow:

4 total dogs and/or cats	7 chickens	4 pygmy goats
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What Ms Walden has as of 7/17/11 (per C. Walden email dated 7/17/2011):

5 dogs	15 hens	2 goats (pygmy)
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What Ms Walden needs to do (in no particular order) to abide by the new code if the Council adopts it, is:

1. Get rid of 1 dog
2. Get rid of 8 hens
3. Add 2 pygmy goats

At the January 2011 meeting Council directed that the Planning Commission "...review the conditional use permit and the zoning ordinance that relate to the "keeping of animals" in all zoning districts." The Commission did that and Council has their recommendations attached. At the August Council meeting the following questions came up most of which the Commission dealt with:

1. Planning Commission didn't consider property sizes.

ANSWER: Planning Commission did consider which is the reason Ms Walden could have 7 chickens rather than 4 that would be allowed for the typical lot in the RS-10,000 Zone if the recommendations are accepted by the Council. As Commissioner Wilson noted at the Council meeting, there were only three larger lots in the zone and the Commission thought the changes recommended would adequately address the larger lot issue.

2. Planning Commission didn't make recommendations on setbacks.

ANSWER: Setbacks for the structures associated with animal keeping (coops, cages, pens, shelters etc) were discussed however the Commission saw no need to change setbacks requirements. Loomis requirements were found consistent with those of surrounding jurisdictions. Ms Walden would have to meet the setbacks of the RS-10,000 Zone which are 25 feet from side and rear lot lines, and 50 feet from Streets and dwellings (Sacramento Council recently considered an ordinance requiring chicken enclosures to be at least 20 feet from any dwelling on an adjacent parcel). Ms Walden currently does not meet setbacks requirements. In the course of Commission discussions it was noted that setbacks would also be needed at a stream that runs through the property. Some might ask why, since the lot is bigger, wouldn't there be different setbacks? The answer is because the Zone isn't any bigger. If anything the setbacks on bigger lots in a smaller lot size zone should probably be larger because the bigger lots could house more critters. Also, a bigger lot could abut more neighboring properties thereby impacting more people with the sometimes less desirable aspects of animal keeping.

3. Dangerous dogs.

ANSWER: This was discussed above (see page 3). It is not an issue for Loomis because vicious animals are already defined in the Municipal Code and no change has been requested or is being considered to that section. The Planning Commission did not get into dangerous dogs because Ms Walden does not have dangerous animals. If vicious and dangerous animals need to be discussed that should be done separately from the issues at hand.

4. Cost of a minor use permit.

ANSWER: The conditional use permit and minor use permit costs were last set in May 2009 at \$3,800 and \$1,383 respectively. The fee amount was originally set in 2005 based on a study by Sinclair & Associates (also did the Town

development fees). In the case of the minor use permit it was found that the average permit took about 3 hours of Planning Director time, 15 hours of Assistant Planner time, and 10 hours of the Public Works Director's time. The fee was set to be a deposit. If less money was used then the remainder would be returned to the applicant. If the process cost more the applicant would be charged accordingly. If the current pay rates of the positions were used today the amount would be \$2,002. Again, this is based on the average minor use permit. The amount can easily be used up on the more complicated and/or complex projects. Yes, the Walden permit tends toward the complicated and complex. It shouldn't, but it does.

One thing that was not discussed at the Council or Planning Commission meetings was the slaughtering of animals. This issue was taken up recently by the Sacramento City Council. They determined to not allow slaughter "...on any developed lot used exclusively for residential purposes." Parcels used for agricultural uses and certain rural estate parcels were exempt from the ordinance provisions. Sacramento's report and ordinance is attached. Note the fees and permit requirements and what appears to be a lot of work for animal control and/or code enforcement personnel. Loomis couldn't afford this elaborate ordinance.

Note that the Loomis ordinance recommended by the Planning Commission allows 4 hens versus the 3 allowed by Sacramento. Where did the numbers come from? There is no standard formula, suffice to say the numbers appeared in both cases through policy development conjuring.

There is a letter attached from Kathleen Giel who penned the letter for the benefit of the Planning Commission in case the animal keeping issue was to be returned to them.

**PLANNING COMMISSION RECOMMENDED
ORDINANCE CHANGES**

TOWN OF LOOMIS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF LOOMIS AMENDING SECTIONS 13.42.060, 13.28.030 OF THE MUNICIPAL CODE RELATING TO ANIMAL KEEPING STANDARDS AND PERMIT REQUIREMENTS.

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RECITALS

WHEREAS, the Town Council directed the Planning Commission to evaluate the Town's Animal Keeping Ordinance and the permit requirements and process as related thereto;

WHEREAS, the Planning Commission held public meetings on June 7th and July 5th, 2011, and took testimony from those in attendance;

NOW, THEREFORE, the Loomis Town Council does ordain as follows:

SECTION 1. Authority. The Town Council enacts this Ordinance in accordance with the authority granted to cities and towns by state law.

SECTION 2. Amendment to Section 13.42.060. Section 13.42.060 (Table 4-1) of the Loomis Municipal Code is hereby amended as follows:

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FROM: TABLE 4-1 - ALLOWABLE ANIMAL-KEEPING AND PERMIT REQUIREMENTS

Type of Animal	Permit Requirement by Zoning District				
	RA	RE	RR	RS	RM/RH
Aviary, fewer than 20 birds confined	P	P	P	P	—
Aviary, 20 or more birds confined	P	P	P	—	—
Beekeeping	P	P	P	—	—
Dog boarding kennels	UP	UP	—	—	—
Dog or cat breeding kennels	P	P	P	—	—
Fish farming	P	P	P	—	—
Fowl and poultry	P	P	P	MUP	—
Hogs and swine	P	P	—	—	—
Horses and cows	P	P	MUP	—	—
Household pets	P	P	P	P	P
Large animals ⁽¹⁾	P	P	P	MUP	—
Rabbit breeding	P	P	P	P	—
Small animals ⁽¹⁾	P	P	P	P	P
Worm farming	P	P	P	—	—

Notes:

(1) See Table 4-2 for definitions of small and large animals.

TO: TABLE 4-1 - ALLOWABLE ANIMAL-KEEPING AND PERMIT REQUIREMENTS

Type of Animal	Permit Requirement by Zoning District				
	RA	RE	RR	RS	RM/RH

1

Type of Animal	Permit Requirement by Zoning District				
	RA	RE	RR	RS	RM/RH
Aviary, fewer than 20 birds confined	P	P	P	P	—
Aviary, 20 or more birds confined	P	P	P	—	—
Beekeeping	P	P	P	—	—
Dog boarding kennels	UP	UP	—	—	—
Dog or cat breeding kennels	P	P	P	—	—
Fish farming	P	P	P	—	—
Fowl and poultry	P	P	P	P(2)	—
Hogs and swine	P	P	—	—	—
Horses and cows	P	P	MUP	—	—
Household pets	P	P	P	P	P
Large animals ⁽¹⁾	P	P	P	MUP	—
Rabbit breeding	P	P	P	P	—
Small animals ⁽¹⁾	P	P	P	P	P
Worm farming	P	P	P	P	

Notes:

(1) See Table 4-2 for definitions of small and large animals.

(2) Maximum of 4 hens allowed if property is under one-half (0.5) acre in size.

SECTION 2. Amendment to Section 13.42.060. Section 13.42.060 (Table 4-2) of the Loomis Municipal Code is hereby amended as follows:

FROM: TABLE 4-2 - ANIMAL-KEEPING STANDARDS

Type of Animal or Facility	Max. No. of Animals per Site ⁽¹⁾	Minimum Lot Area ⁽²⁾	Minimum Setbacks ⁽³⁾	
			From Side/ Rear Property Lines	From Streets and Dwellings
Aviary for 20 or more birds other than fowl and poultry	20 per acre	1/2 acre	25 ft	50 ft
Dogs and cats	4 animals total on a site less than 1 acre; 4 of each species on a site of 1 acre or more	None required	None required	None required
Fowl and poultry	12 per acre	1/2 acre	25 ft	50 ft
Hogs and swine	1 per acre	2 acres	50 ft	100 feet
Horses and cows	2 per acre	1 acre	25 ft	50 ft
Other household pets and small animals - Including birds, chinchillas, guinea pigs, hamsters, pot belly pigs (less than 80 pounds), rabbits, rodents, and other non-poisonous small animals, not raised for commercial purposes.	4 animals total on a site less than 1 acre; 4 of each species on a site of 1 acre or more, where allowed by Table 4-1.	None for 4 or fewer animals; 1 acre for 5 or more animals	None on a site of less than 1 acre; 10 ft on a site of 1 acre or more.	None on a site of less than 1 acre; 25 ft on a site of 1 acre or more.

Type of Animal or Facility	Max. No. of Animals per Site ⁽¹⁾	Minimum Lot Area ⁽²⁾	Minimum Setbacks ⁽³⁾	
			From Side/Rear Property Lines	From Streets and Dwellings
Large animals - Emus, goats, llamas, miniature horses and donkeys, ostriches, pot belly pigs of 80 pounds or more, sheep, and similar sized animals.	6 per acre	1/2 acre	25 ft	50 feet for accessory structure, none for pasture

Notes:

- (1) Offspring allowed in addition to maximum number until weaned.
- (2) Minimum lot area required for the keeping of animals.
- (3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front yard setback except in pasture areas.

TO: TABLE 4-2 - ANIMAL-KEEPING STANDARDS

Type of Animal or Facility	Max. No. of Animals per Site ⁽¹⁾	Minimum Lot Area ⁽²⁾	Minimum Setbacks ⁽³⁾	
			From Side/Rear Property Lines	From Streets and Dwellings
Aviary for 20 or more birds other than fowl and poultry	20 per acre	1/2 acre	25 ft	50 ft
Dogs and cats	4 animals total on a site less than 1 acre; 4 of each species on a site of 1 acre or more	None required	None required	None required
Fowl and poultry (4) (5)	12 per acre	1/2 acre (5)	25 ft	50 ft
Hogs and swine	1 per acre	2 acres	50 ft	100 feet
Horses and cows	2 per acre	1 acre	25 ft	50 ft
Other household pets and small animals - Including pygmy goats (and other similar, small breeds), birds, chinchillas, guinea pigs, hamsters, pot belly pigs, rabbits, rodents, and other non-poisonous small animals, not raised for commercial purposes.	4 animals total on a site less than 1 acre; 4 of each species on a site of 1 acre or more, where allowed by Table 4-1.	None for 4 or fewer animals; 1 acre for 5 or more animals	None on a site of less than 1 acre; 10 ft on a site of 1 acre or more.	None on a site of less than 1 acre; 25 ft on a site of 1 acre or more.
Large animals - Emus, goats, llamas, miniature horses and donkeys, ostriches, sheep, and similar sized animals.	6 per acre	1/2 acre	25 ft	50 feet for accessory structure, none for pasture

Notes:

- (1) Offspring allowed in addition to maximum number until weaned.
- (2) Minimum lot area required for the keeping of animals.
- (3) Minimum setbacks from all property lines for barns, shelters, pens, coops, cages, and other areas and

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structures where animals are kept in concentrated confinement; but not including areas continuously maintained as pasture. Animals shall not be kept in any required front yard setback except in pasture areas.

- (4) **Guinea hens, peacocks, roosters, swans and geese are prohibited in the RS zoning district,**
- (5) **Maximum of 4 hens allowed if property is under one-half (0.5) acre in size.**

Deleted: .

SECTION 3. Amendment to Section 13.42.060. Section 13.42.060 D of the Loomis Municipal Code is hereby amended to read as follows:

FROM:

Maintenance and Operational Standards. All animal keeping shall comply with all of the following maintenance and operational standards.

1. **Odor and Vector Control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Each site shall be maintained in a neat and sanitary manner, and in compliance with Placer County Environmental Health Department and Animal Control standards.
2. **Containment.** All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.
3. **Waterway Protection.** The keeping of horses or cattle within fifty feet of any waterway shall first require director approval of a good housekeeping plan to protect the waterway from the polluting effects of runoff from the animal keeping area.
4. **Erosion and Sedimentation Control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.
5. **Noise Control.** Animal keeping shall comply with the noise standards established by Section 13.30.070.

TO:

Maintenance and Operational Standards. All animal keeping shall comply with all of the following maintenance and operational standards.

1. **Odor and Vector Control.** All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Each site shall be maintained in a neat and sanitary manner, and in compliance with Placer County Environmental Health Department and Animal Control standards.
2. **Containment.** All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.
3. **Waterway Protection.** The keeping of horses or cattle within fifty feet of any waterway shall first require director approval of a good housekeeping plan to protect the waterway from the polluting effects of runoff from the animal keeping area.
4. **Erosion and Sedimentation Control.** In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement.
5. **Noise Control.** Animal keeping shall comply with the noise standards established by Section 13.30.070.
6. **Animals must be kept according to local and State animal control welfare laws.**

SECTION 4. Amendment to Section 13.42.060. Section 13.42.060 E of the Loomis Municipal Code is hereby amended to read as follows:

FROM:

E. Animal Husbandry Project Exception. The keeping or raising of a calf, horse, goat, sheep, hog, chickens, rabbits, birds or other animals as a 4-H or Future Farmers of America (FFA) project is not subject to the requirements of this section, provided that:

1. A minimum of one acre of site area shall be required for each large animal, hog or swine;
2. The project animals shall be confined in a pen or fenced area that is located not closer than twenty-five feet to any dwelling other than on the project site; except that a hog or swine shall not be located closer than one hundred feet from any dwelling other than on the project site;
3. The number of animals complies with the limitations in subsection C; and
4. The animal keeping complies with the maintenance and operational standards in subsection D.

TO:

E. Animal Husbandry Project Exception. The keeping or raising of a calf, horse, goat, sheep, hog, chickens, rabbits, birds or other animals as a 4-H or Future Farmers of America (FFA) project is not subject to the requirements of this section, provided that:

1. A minimum of one-half acre of site area shall be required for each large animal, hog or swine;
2. The project animals shall be confined in a pen or fenced area that is located not closer than twenty-five feet to any dwelling other than on the project site; except that a hog or swine shall not be located closer than one hundred feet from any dwelling other than on the project site;
3. The number of animals complies with the limitations in subsection C; and
4. The animal keeping complies with the maintenance and operational standards in subsection D.

SECTION 5. Amendment to Section 13.28.030. Section 13.28.030 Table 2-9 of the Loomis Municipal Code is hereby amended as follows:

FROM:

TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	—	Use not allowed			
	S	Permit requirement set by Specific Use Regulations			
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
AGRICULTURE AND OPEN SPACE USES					
Plant nursery	—	P	P	—	
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING					

Agricultural product processing	—	—	P	—	
Artisan/craft product manufacturing	MUP	P	P	—	
Construction contractors	—	MUP	P	—	
Furniture and fixtures manufacturing, cabinet shop	—	MUP ⁽³⁾	P	—	
Industrial research and development	P	—	P	—	
Laboratory - Medical, analytical, research and development	UP	P	P	—	
Laundry, dry cleaning plant	—	—	P	—	
Manufacturing/processing - Heavy	—	—	—	—	
Manufacturing/processing - Intensive	—	—	MUP	—	
Manufacturing/processing - Light	MUP	MUP	P	—	
Media production	P	MUP	P	—	
Printing and publishing	P	MUP	P	—	
Recycling - Scrap and dismantling yards	—	—	MUP	—	13,42,210
Recycling - Small collection facility	MUP	MUP	MUP	MUP	13,42,210
Storage - Outdoor	—	MUP ⁽³⁾	P	—	13,42,190
Storage - Personal storage facility (mini-storage)	—	P	P	—	
Storage - Warehouse, indoor storage	P	P	P	—	
Wholesaling and distribution	P	P	P	—	
Winery	—	—	MUP	—	13,42,290
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES					
Adult oriented business	—	—	S	—	13,40
Club, lodge, private meeting hall	—	UP	UP	UP	
Commercial recreation facility - Indoor	—	—	UP	—	
Community center	—	UP	UP	MUP	
Fitness/health facility	P	P	P	MUP	
Library, museum	—	—	—	MUP	
Religious facility	—	—	—	P	13,42,230
Religious facility - Incidental, not during business hours	—	—	P	P	13,42,230
School - Elementary, middle, secondary	—	—	—	UP	
School - Specialized education/training	MUP	MUP	MUP	UP	
Sports and active recreation facility	—	—	—	UP	
Studio - Art, dance, martial arts, music, etc.	—	P	P	MUP	
RESIDENTIAL USES					
Caretaker/employee unit	MUP	MUP	MUP	MUP	
Emergency shelter	—	—	—	UP	

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.
- (3) The review authority shall ensure that proposed outdoor storage activities are compatible with any adjacent residential use.

**Table 2-9 is continued on the next page (format error)

TABLE 2-9 Allowed Uses and Permit Requirements for Industrial and Public Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required				
	UP	Use Permit required				
—	Use not allowed					
S	Permit requirement set by Specific Use Regulations					
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations	
	BP	ILT	IL	PI		
RETAIL TRADE						
Accessory retail uses	P	P	P	P	13.42.030	
Alcoholic beverage sales	—	—	P	—	13.42.050	
Auto and vehicle sales and rental	—	MUP	p ⁽²⁾	—		
Auto parts sales	—	P	P	—		
Building and landscape material sales - Indoor	—	P	P	—		
Building and landscape material sales - Outdoor	—	MUP	P	—	13.42.180	
Construction and heavy equipment sales and rental	—	—	P	—		
Farm supply and feed store	—	—	P	—		
Mobile home, boat, or RV sales	—	—	MUP	—		
Office-supporting retail	P	P	P	—		
Restaurant	P	P	P	—		
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL						
Accessory service uses	P	P	P	P	13.42.030	
ATM	P	—	—	—		
Business support service	P	—	P	—		
Medical services - Clinic, urgent care	—	—	—	P		
Medical services - Extended care	—	—	—	P		
Medical services - Hospital	—	—	—	P		
Medical services - Laboratory	P	P	P	P		
Office - Accessory	P	P	P	P		
Office - Government	P	P	P	P		
Office - Processing	P	P	—	—		
SERVICES - GENERAL						
Adult day care	P	P	P	P		
Catering service	P	P	P	—		
Child day care center	P	MUP	MUP	P	13.42.080	
Equipment rental	—	p ⁽²⁾	P	—	13.42.180	
Kennel, animal boarding	—	p ⁽²⁾	P	p ⁽²⁾	13.42.060	
Maintenance service - Client site services	—	MUP	P	—		
Personal services - Restricted	—	—	MUP	—		
Public safety facility	UP	UP	UP	P		
Repair service - Equipment, large appliances, etc.	—	MUP	P	—		
Vehicle services - Major repair/body work	—	MUP ⁽²⁾	MUP	—		
Vehicle services - Minor maintenance/repair	—	MUP ⁽²⁾	P	—		
Veterinary clinic, animal hospital	P	P	P	P		
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE						
Ambulance, taxi, or limousine dispatch facility	—	—	P	—		
Broadcasting studio	P	P	P	—		
Pipeline, utility transmission or distribution line	UP	UP	UP	UP		
Telecommunications facility	S	S	S	S	13.44	
Transit station or terminal	UP	UP	UP	UP		

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
Truck or freight terminal	—	—	MUP	—	
Utility facility	MUP	MUP	MUP	MUP	
Utility infrastructure	P	P	P	P	
Vehicle storage	—	MUP ⁽²⁾	MUP	—	

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.

TO:

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
AGRICULTURE AND OPEN SPACE USES					
Plant nursery	—	P	P	—	
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING					
Agricultural product processing	—	—	P	—	
Artisan/craft product manufacturing	MUP	P	P	—	
Construction contractors	—	MUP	P	—	
Furniture and fixtures manufacturing, cabinet shop	—	MUP ⁽³⁾	P	—	
Industrial research and development	P	—	P	—	
Laboratory - Medical, analytical, research and development	UP	P	P	—	
Laundry, dry cleaning plant	—	—	P	—	
Manufacturing/processing - Heavy	—	—	—	—	
Manufacturing/processing - Intensive	—	—	MUP	—	
Manufacturing/processing - Light	MUP	MUP	P	—	
Media production	P	MUP	P	—	
Printing and publishing	P	MUP	P	—	
Recycling - Scrap and dismantling yards	—	—	MUP	—	13.42.210
Recycling - Small collection facility	MUP	MUP	MUP	MUP	13.42.210
Storage - Outdoor	—	MUP ⁽⁵⁾	P	—	13.42.190
Storage - Personal storage facility (mini-storage)	—	P	P	—	
Storage - Warehouse, indoor storage	P	P	P	—	
Wholesaling and distribution	P	P	P	—	
Winery	—	—	MUP	—	13.42.290
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES					
Adult oriented business	—	—	S	—	13.40

Club, lodge, private meeting hall	—	UP	UP	UP	
Commercial recreation facility - Indoor	—	—	UP	—	
Community center	—	UP	UP	MUP	
Fitness/health facility	P	P	P	MUP	
Library, museum	—	—	—	MUP	
Religious facility	—	—	—	P	13.42.230
Religious facility - Incidental, not during business hours	—	—	P	P	13.42.230
School - Elementary, middle, secondary	—	—	—	UP	
School - Specialized education/training	MUP	MUP	MUP	UP	
Sports and active recreation facility	—	—	—	UP	
Studio - Art, dance, martial arts, music, etc.	—	P	P	MUP	
RESIDENTIAL USES					
Caretaker/employee unit	MUP	MUP	MUP	MUP	
Emergency shelter	—	—	—	UP	

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.
- (3) The review authority shall ensure that proposed outdoor storage activities are compatible with any adjacent residential use.

**Table 2-9 is continued on the next page (format error)

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	S	Permit requirement set by Specific Use Regulations			
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
RETAIL TRADE					
Accessory retail uses	P	P	P	P	13.42.030
Alcoholic beverage sales	—	—	P	—	13.42.050
Auto and vehicle sales and rental	—	MUP	p ⁽²⁾	—	
Auto parts sales	—	P	P	—	
Building and landscape material sales - Indoor	—	P	P	—	
Building and landscape material sales - Outdoor	—	MUP	P	—	13.42.180
Construction and heavy equipment sales and rental	—	—	P	—	
Farm supply and feed store	—	—	P	—	
Mobile home, boat, or RV sales	—	—	MUP	—	
Office-supporting retail	P	P	P	—	
Restaurant	P	P	P	—	
SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL					
Accessory service uses	P	P	P	P	13.42.030
ATM	P	—	—	—	
Business support service	P	—	P	—	
Medical services - Clinic, urgent care	—	—	—	P	
Medical services - Extended care	—	—	—	P	
Medical services - Hospital	—	—	—	P	
Medical services - Laboratory	P	P	P	P	
Office - Accessory	P	P	P	P	
Office - Government	P	P	P	P	
Office - Processing	P	P	—	—	
SERVICES - GENERAL					
Adult day care	P	P	P	P	
Catering service	P	P	P	—	
Child day care center	P	MUP	MUP	P	13.42.080
Equipment rental	—	p ⁽²⁾	P	—	13.42.180
Kennel, animal boarding	—	(3) P	P	p ⁽²⁾	13.42.060
Maintenance service - Client site services	—	MUP	P	—	
Personal services - Restricted	—	—	MUP	—	
Public safety facility	UP	UP	UP	P	
Repair service - Equipment, large appliances, etc.	—	MUP	P	—	
Vehicle services - Major repair/body work	—	MUP ⁽²⁾	MUP	—	
Vehicle services - Minor maintenance/repair	—	MUP ⁽²⁾	P	—	
Veterinary clinic, animal hospital	P	P	P	P	
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE					
Ambulance, taxi, or limousine dispatch facility	—	—	P	—	
Broadcasting studio	P	P	P	—	
Pipeline, utility transmission or distribution line	UP	UP	UP	UP	
Telecommunications facility	S	S	S	S	13.44
Transit station or terminal	UP	UP	UP	UP	
Truck or freight terminal	—	—	MUP	—	
Utility facility	MUP	MUP	MUP	MUP	

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	BP	ILT	IL	PI	
Utility infrastructure	P	P	P	P	
Vehicle storage	—	MUP ⁽²⁾	MUP	—	

Notes:

- (1) See Division 8 for land use definitions.
- (2) Use permit required when site abuts a residential zone.
- (3) Use not allowed if site abuts a residential zone.**

SECTION 6. Severability. If any provision of this chapter, or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this chapter, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this chapter are severable.

SECTION 7. Effective Date and Publication. This Ordinance shall take effect 30 days after its adoption. The Town Clerk shall cause this Ordinance to be published as required by law in the Loomis News, a newspaper of general circulation and posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this ordinance; and shall cause this ordinance and its certification to be entered in the Book of Ordinances of this Town.

Deleted: 6
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The foregoing ordinance was introduced as a regular meeting of the Council of the Town of Loomis held on the 9th day of August and was adopted and ordered published and posted at a meeting of the Council held on the ___ day of ___, 2011, by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

ATTEST:

Town Clerk

//

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SACRAMENTO CITY COUNCIL
STAFF REPORT AND ORDINANCE CHANGES
FOR THE KEEPING OF CHICKENS



City of Sacramento City Council

11

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 8/30/2011

Report Type: Staff/Discussion

Title: Ordinance: Keeping of Hen Chickens (Passed for Publication on 8-23-11; Published on 8-26-11)

Report ID: 2011-00690

Location: Citywide

Recommendation: 1) Adopt an Ordinance amending Section 9.44.340 and adding Article XI to Chapter 9.44 of the Sacramento City Code, relating to the keeping of chickens, and to take effect on November 1, 2011; and 2) adopt a Resolution: a) adopting a permit fee of \$15 per household keeping hen chickens and an annual license fee of \$10 per hen chicken, to take effect on November 1, 2011; and b) approving Rules and Regulations (Exhibit A of the Resolution), to take effect on November 1, 2011.

Contact: Reina Schwartz, Director of General Services, (916-) 808-7195, General Services Department

Presenter: Reina Schwartz, Director of General Services, (916-) 808-7195, General Services Department

Department: General Services Dept

Division: Animal Care Administration

Dept ID: 13001141

Attachments:

- 1-Description/Analysis
- 2-Redline Version
- 3-Clean Version
- 4-Resoluion
- 5-Exhibit A

City Attorney Review

Approved as to Form
Lan Wang
8/25/2011 10:45:11 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
8/16/2011 10:07:16 AM

Approvals/Acknowledgements

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk
William H. Edgar, Interim City Manager

Russell Fehr, City Treasurer

1 of 12

Department Director or Designee: Reina Schwartz - 8/24/2011 9:13:58 AM

Assistant City Manager: Michelle Heppner - 8/25/2011 9:50:11 AM



Description/Analysis

Issue: On August 23, 2011 City Council passed for publication an ordinance that would allow for the keeping of hen chickens on residential property within City limits.

The proposed ordinance includes provisions:

- Allowing for the keeping of up to three hen chickens per parcel of residential property with a permit (renewable annually).
- Requiring hen chickens to be confined and properly caged in a pen, coop, or cage at all times.
- Requiring hen chickens to be kept within an enclosure at least twenty feet from any neighboring dwelling unit.
- Prohibiting hen chickens from being allowed to be a noise disturbance across real property lines.
- Prohibiting the slaughter of hen chickens in any residential zone.
- Prohibiting the keeping of roosters on residential parcels.
- Giving the Animal Care Manager the authority to promulgate regulations to protect the health, safety, and welfare of the public and to ensure proper and humane treatment of all hen chickens kept within City limits.

The proposed Rules and Regulations include provisions:

- Requiring the tagging of all hen chickens for identification.
- Requiring that all enclosures for hen chickens be well maintained and clean.
- Requiring that feed for hen chickens is stored properly.
- Specifying the minimum and maximum size allowed for enclosures and the location of chicken coops as well as the requirement of nest boxes.

Policy Considerations: The recommendations in this report are consistent with the direction given by the L&L Committee. The recommended ordinance and rules and regulations will allow for safely keeping hen chickens within residential property. The ordinance's effective date of November 1, 2011 will allow staff the needed time to make the necessary software changes, develop procedures for the chicken banding process and conduct training for 311 and enforcement staff. Also, pursuant to the L&L Committee's direction, staff will return to Council with reports back on the program after six and twelve months.

Environmental Considerations:

California Environmental Quality Act (CEQA): Under CEQA guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability: Allowing for hen chickens on residential property will give citizens the option to provide a local sustainable food source for themselves and their families.

Commission/Committee Action: On October 5, 2010, the discussion of egg-laying chickens went before the L&L Committee. Staff was directed to return with more information to determine policy direction. On November 16, 2010, the L&L Committee heard a report back on this item; however, no action was taken at the time. On February 15, 2011, the L&L Committee directed staff to draft an ordinance that would allow for the keeping of hen chickens.

on residential property within City limits. On August 23, 2011, this item was passed for publication.

Rationale for Recommendation: The proposed ordinance and rules and regulations provide clear and reasonable requirements for keeping of hen chickens on residential property. In addition, these requirements provide for the safety and health of both the hen chickens and residents.

Financial Considerations: Enforcement of this ordinance will be complaint-based. Staff proposes a \$15 permit fee per household keeping hen chickens to cover the estimated cost of printing permits and other materials outlining the rules and regulations, as well as staff time to process the permits, and a \$10 annual license fee per hen chicken, which is consistent with the current license fee per cat.

On February 15, 2011, Councilmember Sheedy requested staff provide information on making the ordinance cost neutral. Based on the proposed fees noted above, administration of the program should be cost neutral, however, the proposed license fee would have to be increased to approximately \$100 per hen chicken for enforcement to be cost neutral.

The following tables provide information on estimated program costs and revenue:

Administration	
Estimated permit fee revenue (\$15 x 100 households)	\$1,500
Estimated administrative cost	\$1,500
Cost Differential	\$0

Enforcement	
Estimated license revenue (\$10 x 300 chickens)	\$3,000
Estimated enforcement cost (550 calls x 1 hour x \$55 per hour)*	\$30,250
Cost Differential	(\$27,250)

*Based on the current estimated annual cost to respond to calls related to chickens

It should be noted, however, that not all calls regarding nuisances associated with chickens will come from households that have complied with the ordinance and as such, full cost recovery is difficult to establish at this time. During research on this matter, other jurisdictions reported to staff that they have not seen an increase in calls or problems associated with residents owning hen chickens. At the 12-month report back, staff will provide information based on the first six to nine months of implementation and recommend fee adjustments, if warranted.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.



ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 9.44.340 AND ADDING ARTICLE XI TO CHAPTER 9.44 OF THE SACRAMENTO CITY CODE, RELATING TO THE KEEPING OF CHICKENS, AND TO TAKE EFFECT ON NOVEMBER 1, 2011

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Subsection A of Section 9.44.340 of the Sacramento City Code is amended to read as follows:

A. Except as provided in subsection B of this section, and in Section 9.44.350 of this chapter, it is unlawful to keep, harbor, or maintain any bovine animal, horse, mule, burro, sheep, goat, duck, turkey, goose or other domestic livestock or poultry on any parcel of property located in the city.

B. Except as modified above, Section 9.44.340 of the Sacramento City Code shall remain unchanged and in full force and effect.

SECTION 2.

Article XI is added to Chapter 9.44 of Title 9 of the Sacramento City Code to read as follows:

Article XI. Keeping of Chickens

9.44.860 Keeping of chickens—Unlawful; Restrictions.

A. It is unlawful to keep, possess, or maintain chickens on any parcel of property located in the city, except in accordance with the following restrictions:

1. A maximum of three hen chickens may be kept on a developed lot used exclusively for residential purposes, but only if authorized under a permit issued pursuant to this article.

2. All hen chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.

3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of "dwelling unit" in section 17.16.010 of this code shall apply to this section. Enclosures shall be situated in the

rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

4. No hen chickens shall be kept in the front yard on any developed lot used exclusively for residential purposes.

5. No hen chickens kept on a lot shall be allowed to create a noise disturbance audible on any adjoining lot.

6. No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes.

B. Roosters are not permitted on any developed lot used exclusively for residential purposes.

9.44.870 Permit Required.

It is unlawful for any person to keep, possess, or maintain any hen chicken on any lot used exclusively for residential purposes without first obtaining a permit from the animal care services manager. Permits are the property of the city and are not transferable.

9.44.880 Permit Requirements.

A. Application—Permit fee.

An application for a permit for keeping hen chickens shall be made on a form provided by the animal care services manager, shall be accompanied by payment of a nonrefundable annual permit fee in an amount set by resolution of the city council, and shall include, but not be limited to, the following information: the number of hen chickens; a description of all pens, coops, cages, and enclosures constructed for housing and confining hen chickens; the distance of the location of all pens, coops, cages, and enclosures from all dwelling units on adjacent parcels; and such other information as the animal care services manager reasonably deems necessary to carry out the purpose and intent of this article. The annual nonrefundable permit fee shall recover the cost of activities associated with the administration, regulation, and issuance of permits. If at any time any of the information submitted under this section becomes false or inaccurate, the permittee shall within five days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

B. Permit issuance—Term.

Upon submission of a completed application and payment of the nonrefundable annual permit fee specified in subsection A above, and if the animal care services manager finds that the proposed keeping of hen chicken(s) complies with the requirements of article, the animal care services manager shall issue a permit. The permit shall be valid

for a period of one year from the date of issuance.

C. Permit renewal.

Permits for keeping hen chickens shall be renewable annually upon the filing and approval of a new application and payment of the nonrefundable annual permit fee specified in subsection A above.

9.44.890 Regulations.

The animal care services manager may promulgate regulations pursuant to this article to protect the health, safety, and welfare of the public and to insure the proper and humane treatment of all hen chickens kept in the city. The regulations shall be effective upon approval by city council resolution. Violation of the regulations promulgated pursuant to this section shall constitute a violation of this chapter.

9.44.900 Exceptions to restrictions.

This article XI shall not apply:

A. To any parcel of property zoned for agricultural uses by applicable provisions of the zoning ordinance of the city or to any property zoned rural estates and located within the area bounded by Solnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the zoning ordinance of the city.

SECTION 3.

Pursuant to Sacramento City Charter section 32(f), this ordinance shall be effective on November 1, 2011.



ORDINANCE NO. 2011-

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 9.44.340 AND ADDING ARTICLE XI TO CHAPTER 9.44 OF THE SACRAMENTO CITY CODE, RELATING TO THE KEEPING OF CHICKENS, AND TO TAKE EFFECT ON NOVEMBER 1, 2011

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Subsection A of Section 9.44.340 of the Sacramento City Code is amended to read as follows:

A. Except as provided in subsection B of this section, and in Section 9.44.350 of this chapter, it is unlawful to keep, harbor, or maintain any bovine animal, horse, mule, burro, sheep, goat, duck, turkey, goose or other domestic livestock or poultry on any parcel of property located in the city.

B. Except as modified above, Section 9.44.340 of the Sacramento City Code shall remain unchanged and in full force and effect.

SECTION 2.

Article XI is added to Chapter 9.44 of Title 9 of the Sacramento City Code to read as follows:

Article XI. Keeping of Chickens

9.44.860 Keeping of chickens—Unlawful; Restrictions.

A. It is unlawful to keep, possess, or maintain chickens on any parcel of property located in the city, except in accordance with the following restrictions:

1. A maximum of three hen chickens may be kept on a developed lot used exclusively for residential purposes, but only if authorized under a permit issued pursuant to this article.
2. All hen chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.
3. All hen chickens shall be kept within an enclosure that is at least 20 feet distant from any dwelling unit on an adjacent parcel. The definition of "dwelling unit" in section

17.16.010 of this code shall apply to this section. Enclosures shall be situated in the rear yard. Enclosures shall not obstruct or partially obstruct any required exits from any dwelling unit.

4. No hen chickens shall be kept in the front yard on any developed lot used exclusively for residential purposes.

5. No hen chickens kept on a lot shall be allowed to create a noise disturbance audible on any adjoining lot.

6. No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes.

B. Roosters are not permitted on any developed lot used exclusively for residential purposes.

9.44.870 Permit Required.

It is unlawful for any person to keep, possess, or maintain any hen chicken on any lot used exclusively for residential purposes without first obtaining a permit from the animal care services manager. Permits are the property of the city and are not transferable.

9.44.880 Permit Requirements.

A. Application—Permit fee.

An application for a permit for keeping hen chickens shall be made on a form provided by the animal care services manager, shall be accompanied by payment of a nonrefundable annual permit fee in an amount set by resolution of the city council, and shall include, but not be limited to, the following information: the number of hen chickens; a description of all pens, coops, cages, and enclosures constructed for housing and confining hen chickens; the distance of the location of all pens, coops, cages, and enclosures from all dwelling units on adjacent parcels; and such other information as the animal care services manager reasonably deems necessary to carry out the purpose and intent of this article. The annual nonrefundable permit fee shall recover the cost of activities associated with the administration, regulation, and issuance of permits. If at any time any of the information submitted under this section becomes false or inaccurate, the permittee shall within five days of that time file an amendment to the application setting forth the currently accurate information. No additional fee shall be required for such an amendment.

B. Permit issuance—Term.

Upon submission of a completed application and payment of the nonrefundable annual permit fee specified in subsection A above, and if the animal care services manager finds that the proposed keeping of hen chicken(s) complies with the requirements of

article, the animal care services manager shall issue a permit. The permit shall be valid for a period of one year from the date of issuance.

C. Permit renewal.

Permits for keeping hen chickens shall be renewable annually upon the filing and approval of a new application and payment of the nonrefundable annual permit fee specified in subsection A above.

9.44.890 Regulations.

The animal care services manager may promulgate regulations pursuant to this article to protect the health, safety, and welfare of the public and to insure the proper and humane treatment of all hen chickens kept in the city. The regulations shall be effective upon approval by city council resolution. Violation of the regulations promulgated pursuant to this section shall constitute a violation of this chapter.

9.44.900 Exceptions to restrictions.

This article XI shall not apply:

A. To any parcel of property zoned for agricultural uses by applicable provisions of the zoning ordinance of the city or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and located with the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Boulevard on the east (and generally known as the Ascot Avenue overlay zone).

B. Where keeping, harboring, or maintaining hen chickens would constitute a valid nonconforming use under the applicable provisions of the zoning ordinance of the city.

SECTION 3.

Pursuant to Sacramento City Charter section 32(f), this ordinance shall be effective on November 1, 2011.



RESOLUTION NO. 2011-XXXX

Adopted by the Sacramento City Council

August 30, 2011

APPROVING PERMIT AND LICENSE FEES AND RULES AND REGULATIONS FOR THE KEEPING OF HEN CHICKENS

BACKGROUND

- A. On February 15, 2011, the Law and Legislation Committee directed staff to draft an ordinance that would allow for the keeping of hen chickens on residential property within City limits. Staff was also given direction to provide information on making the ordinance cost neutral.
- B. Administration of the program is estimated to be cost neutral based on the recommended permit fee; however, the recommended license fee would have to be increased to approximately \$100 per hen chicken for enforcement to be cost neutral. Therefore, the recommended license fee has been established at a level which is consistent with the current license fee per cat. Staff will report back to City Council after twelve months with information based on the first six to nine months of implementation and recommend fee adjustments, if warranted.
- C. The recommended rules and regulations provide clear and reasonable requirements for keeping of hen chickens on residential property. In addition, these requirements provide for the safety and health of both the hen chickens and residents.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. A permit fee of \$15 per household keeping hen chickens and an annual license fee of \$10 per hen chicken are hereby adopted, to take effect on November 1, 2011.
- Section 2. The recommended Rules and Regulations (Exhibit A) for the keeping of hen chickens are hereby approved, to take effect on November 1, 2011.
- Section 3. Exhibit A is a part of this Resolution.



CITY OF SACRAMENTO
ANIMAL CARE SERVICES
RULES AND REGULATIONS FOR KEEPING OF HEN CHICKENS

Pursuant to Sacramento City Code section 9.44.890, these regulations are adopted relating to the keeping of hen chickens. These regulations are in addition to the requirements imposed under the Sacramento City Code.

1. All hen chickens shall be tagged for identification. All tag identification information shall be provided to Animal Care Services.
2. All pens, coops, cages, and other enclosures for hen chickens shall at all times be maintained in a clean, sanitary condition, free from offensive odors. An odor is offensive if it can be detected at the adjoining property line.
3. Chicken feed for hen chickens shall be stored properly to prevent spoilage and to prevent other animals, including rodents, from gaining access to the feed.
4. All hen chicken manure, feces, feathers, skins, and related detritus shall be removed and disposed of in a sanitary manner within 24 hours of occurrence. Pending disposal, the materials shall be stored in air-tight containers.
5. All chicken pens, coops, cages, and other enclosures shall be situated in the rear yard and shall meet all of the following requirements:
 - a. A minimum size of 15 square feet.
 - b. A maximum size of 42 square feet.
 - c. The exterior perimeter of the enclosure shall consist of a fence or suitable fencing material on all sides, including a top or ceiling to keep the hen chickens contained and confined within the enclosure.
 - d. The interior of all chicken enclosures shall include nest boxes, chicken roost(s), feeder(s), and water containers for use by the hen chickens.
 - e. All chicken enclosures shall have adequate ventilation.

KATHLEEN GIEL LETTER

TO

PLANNING COMMISSION

RECEIVED BY TOWN 8/24/11

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RECEIVED

AUG 24 2011

TOWN OF LOOMIS

Planning Commission
Town of Loomis
Loomis, CA 95650

Dear Planning Commissioners:

I wanted to send a brief letter to you as a follow up from comments at the Loomis Town Council meeting on August 9, 2011 regarding the Animal Keeping Ordinance.

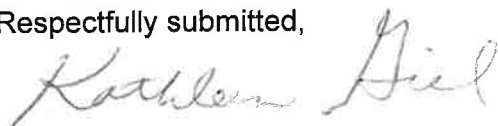
As you may know, Councilman Gary Liss resurfaced the issue of animal keeping on the three larger parcels in the residential zoned Humphrey Estates area and the possibility for special consideration for these lots. I recall that the Planning Commission considered this issue and decided to recommend keeping the current ordinance setback requirements in the proposed changes to the Animal Keeping Ordinance which I fully support. I wanted to provide some additional background in support of the setback issue.

While there was discussion regarding having unique ordinances for the three properties that are larger than a half acre but less than an acre, the maps of the properties show that these three larger properties border on six or eight neighboring properties of less than a quarter acre so, in fact, these large properties share property lines with small residential properties. If the current or proposed animal keeping ordinance were to be revised regarding setbacks, the Town would then allow large chicken coops and animals or animal enclosures from these larger properties to be located directly on neighboring property lines of these small residential homes. Many residential homeowners who border these larger properties have patios, pools, animals, and outdoor areas adjacent to the property lines of these three larger properties; some of us owning the larger residential lots also have outdoor relaxation areas that border the larger properties. Due to the larger number of animals allowed on the larger properties, the potential smell, sight, vermin and other noxious elements of animal keeping would infringe on the enjoyment of homeowners of residential properties.

In summary, I encourage the Planning Commission to continue to support the old and new ordinance language of requiring properties larger than a half acre to adhere to the minimum 25 foot setbacks from the side and rear property lines for fowl, poultry, aviary, horses, cows, and large animals. The three larger properties have adequate land area to meet the current and recommended ordinance setback requirements of a 25 foot setback from the property line. The proposed ordinance continues to ensure that there is a rural feel to our community but not a safety hazard, nuisance, or infringement of the right to enjoy one's property.

I believe that the review of the Animal Keeping Ordinance created some new opportunities for Loomis homeowners to be responsible animal keepers. Adopting the changes to the new ordinance at presented in August is fair and prevents time-intensive exceptions to an ordinance that is consistent with other adjacent communities.

Respectfully submitted,



Kathleen Giel