



## FINDINGS AND ANALYSIS

### Domestic Fowl Regulations

January 14, 2026

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Case #:	PTA 26-0001
Project:	Domestic Fowl Regulations
Procedure:	Type IV-B, Legislative

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## I. INTRODUCTION

### A. Applicable Criteria

Tualatin Development Code Chapters 32 and 33.

### B. Project Description

The City of Tualatin proposes legislative amendments to the Tualatin Municipal Code (TMC) and Tualatin Development Code (TDC) to expand “backyard chicken” regulations to include “domestic fowl”. On November 12, 2013, the Council approved Plan Text Amendment (PTA) 13-02, amending the TDC to allow chicken keeping as a permitted use in the single-family residential area Low Density Residential Planning Zone (RL). At that same meeting, the Council adopted Ordinance 1362-13, which set forth minimum standards applicable for the keeping of backyard chickens in the RL zone (codified at TMC Chapter 6-15). The adoption of PTA 13-02 and Ordinance 1362-13 did not include the keeping of any other types of fowl within the City.

On June 26, 2025, a City code compliance officer received a complaint regarding “strange animals” being kept at a single-family residence in the RL zone. On June 30, the officer met with the property owner, who explained that his family was keeping ducks at the residence. After being informed that the keeping of ducks was prohibited in the City, the property owner requested (both at the Public Comment portion of July 14, 2025 meeting and via email) that the Council review the matter and amend City law to allow for the keeping of ducks in single family residential areas.

At the August 11, 2025 work session, staff sought direction on whether to commence a Plan Text Amendment to allow for duck keeping as a permitted use in the RL zone. Staff was then directed to expand the existing backyard chicken regulations to include domestic fowl.

**Table 1—Summary of proposed code amendments**

CHAPTER	TITLE	PROPOSED AMENDMENT
<b>TMC 6-15</b>	Keeping of Domestic Fowl	<ul style="list-style-type: none"><li>• Expands regulations for the keeping of backyard chickens to include domestic fowl.</li></ul>
<b>TDC 39.300</b>	Agriculture Use Category	<ul style="list-style-type: none"><li>• Updates agricultural uses characteristics to include domestic fowl.</li></ul>
<b>TDC 40.210</b>	Low Density Residential Zone (RL)	<ul style="list-style-type: none"><li>• Updates permitted uses to include domestic fowl.</li></ul>

### C. Attachments

- Exhibit 2. PTA 26-0001 Domestic Fowl Regulation Text Amendments (Clean)
- Exhibit 3. PTA 26-0001 Domestic Fowl Regulation Text Amendments (Formatted)
- Exhibit 4. Public Notice (*Future Exhibit for Council*)

## II. PLANNING FINDINGS

### A. Tualatin Development Code

#### Chapter 32: Procedures

##### TDC 32.010. - Purpose and Applicability.

(2) **Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below.

Table 32-1 lists the City's land use and development applications and corresponding review procedure(s).

(e) **Type IV-B Procedure (Legislative Review).** The Type IV-B procedure is used to review proposals to amend the Tualatin Comprehensive Plan, the City's land use regulations, and large-scale changes to the Comprehensive Plan or Plan Maps, and involve the creation, revision, or implementation of broad public policy. Type IV-B reviews are first considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Appeals of Type IV-B decisions are heard by the Land Use Board of Appeals (LUBA).

(3) **Determination of Review Type.** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1—Applications Types and Review Procedures

Application/Action	Procedure Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood/Developer Mtg Required	Applicable Code Chapter
<b>Plan Amendments</b>						
• Legislative Map or Text Amendments	IV-B	CC	LUBA	No	No	<a href="#">TDC 33.070</a>

\* City Council (CC); Planning Commission (PC); Architectural Review Board (ARB); City Manager or designee (CM); Land Use Board of Appeals (LUBA).

#### Finding:

*The proposed application is a text amendment to the Tualatin Municipal Code and Development Code. The proposed amendments are legislative in nature as they apply to broad areas of the City, as opposed to specific properties. The proposed application is being processed in accordance with the Type IV-B procedures. These criteria are met.*

**TDC 32.250. - Type IV-B (Legislative Decisions).**

Type IV-B decisions are legislative land use decisions made by the City Council. Legislative land use proceedings include proposals to amend the Tualatin Comprehensive Plan and zoning maps, and involve the creation, revision, or implementation of broad public policy generally impacting more than one property owner or a large number of individual properties. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178. In most cases a public hearing is required. However, no public hearing is required in a legislative land use proceeding if the purpose of the amendment is to conform to new requirements in state land use statutes, Statewide Land Use Planning Goals, or administrative rules of the Oregon Land Conservation and Development Commission implementing state land use statutes or Statewide Land Use Planning Goals, if the Oregon Department of Land Conservation and Development confirms in writing that the only effect of the proposed change is to conform the City's Comprehensive Plan or land use regulations to the new state requirements. The Council may, in its discretion, hold a public hearing although one is not required.

(1) *Submittal Requirements—Type IV-B.* Legislative land use proceedings may be initiated by the City Council or City staff.

(2) *Notice of Public Hearing—Type IV-B.* Hearings on Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

(a) *DLCD Pre-Adoption Notice.* The City Manager will notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) in accordance with the minimum number of days required by ORS Chapter 197.

[...]

(c) *Other Public Notice.* In addition to any other notice required, at least 14 calendar days before the scheduled City Council public hearing date, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies.

(i) Any affected governmental agency;

(ii) Any person who requests notice in writing;

(iii) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

(iv) Designated representatives of recognized Citizen Involvement Organizations;

(v) For an amendment which affects the transportation system, ODOT and Metro; and

(vi) For a plan amendment or land use regulation amendment that significantly impacts school capacity, the Tigard-Tualatin School District.

(d) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be provided by publication in a newspaper of general circulation in the city.

(e) At least 14 calendar days before the scheduled City Council public hearing date, public notice must be posted in two public and conspicuous places within the City.

[...]

**Finding:**

*As discussed in response to the previous criterion, the proposed amendments are legislative in nature and have been processed consistent with the Type IV-B requirements. The amendments will satisfy Council direction to expand the existing backyard chicken regulations to include domestic fowl. These criteria are met.*

**(4) Conduct of the Hearing—Type IV-B.** A Type IV-B land use hearing will follow the City's legislative hearing procedures. There can be pre-hearing contact between citizens and the decision makers on legislative matters. "Ex parte contact" is not a concern.

**(5) Notice of Adoption and Effective Date of a Type IV-B Decision.**

(a) Notice of Adoption must be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Manager. The City must also provide notice to all persons as required by other applicable laws.

(b) A Legislative Land Use decision, if approved, takes effect and becomes final as specified in the enacting ordinance or, if not approved, upon mailing of the Notice of Adoption to the applicant.

**Finding:**

*The City Council public hearing is scheduled for March 9, 2026 and will be conducted following legislative hearing procedures. If adopted, a notice of adoption will be mailed and effective consistent with the above provisions. These criteria can be met.*

**Chapter 33: Applications and Approval Criteria**

**Section 33.070 Plan Amendments**

[...]

(2) **Applicability.** [...] Legislative amendments may only be initiated by the City Council.

(3) **Procedure Type.**

(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.

**Finding:**

*The proposed amendments are legislative in nature, in that they apply broadly across the city. The application will be processed consistent with the Type IV-B Review requirements in accordance with Chapter 32, which include publishing a newspaper notice at least 14 days prior to the City Council hearing, sending notice to the state DLCD. These criteria will be satisfied.*

**(5) Approval Criteria.**

(a) **Granting the amendment is in the public interest.**

**Finding:**

*The amendment will satisfy a citizen request that the Council consider expanding the backyard chicken regulations to include ducks. Council then directed staff to commence a Plan Text Amendment that would broadly allow domestic fowl keeping as a permitted use in the Low-Density Residential Zone. As part of this project, staff reviewed similar domestic fowl ordinances in the state to understand the various regulatory methods that allow for domestic fowl keeping in urban residential areas, while also including limitations or restrictions that protect the public interest.*

*This criterion is met.*

**(b) The public interest is best protected by granting the amendment at this time.**

**Finding:**

*The amendment protects the public interest by including regulatory methods that allow for domestic fowl keeping in urban residential areas, while also including limitations or restrictions that protect the public interest. For example, the keeping of chickens has been expanded to include domestic fowl. Domestic fowl means chickens, ducks, pheasants, pigeons, quail, partridges, doves, and similar birds for personal use. These birds are known to provide a sustainable source of eggs, natural pest control, are relatively low maintenance, and are adaptive to human environments. The amendments also prohibit the raising of roosters, geese, guinea fowl, peacocks, and turkeys. These birds can be problematic in that they produce noise, cause property damage, produce large amounts of droppings, and can be aggressive.*

*This criterion is met.*

**(c) The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.**

**Finding:**

*The proposed amendments are in conformity with the following applicable objectives of the Tualatin Comprehensive Plan:*

- *POLICY 3.1.3. [...]. Provide for compatible agricultural uses in areas where significant development barriers are present, or where compatible with permitted residential uses.*

*The amendment will help implement Policies 3.1.3 by expanding the variety of domestic fowl that are permitted in the low-density residential area. This criterion is met.*

**(d) The following factors were consciously considered:**

- (i) The various characteristics of the areas in the City;**
- (ii) The suitability of the areas for particular land uses and improvements in the areas;**

**Finding:**

*The characteristics of single-family residential areas in Tualatin's jurisdiction were considered under the amendments. The keeping of chickens has been expanded to include domestic fowl. Domestic fowl means chickens, ducks, pheasants, pigeons, quail, partridges, doves, and similar birds for personal use. These birds are known to provide a sustainable source of eggs, natural pest control, are relatively low maintenance, and are adaptive to human environments. Existing regulations are in place that require a roofed shelter to protect domestic fowl from the elements and predators. These criteria are met.*

**(iii) Trends in land improvement and development;**

**Finding:**

*The keeping of domestic fowl has become more common in urban areas both locally and nationally. Domestic fowl are known to provide a sustainable source of eggs, natural pest control, are relatively low maintenance, and are adaptive to human environments. This criterion is met.*

**(iv) Property values;**

**Finding:**

*There have been no definitive studies showing that domestic fowl keeping in single-family residential areas in an urban setting either negatively or positively affect the property value of locations where the fowl are kept or that of the surrounding area. This criterion does not apply.*

**(v) The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;**

**Finding:**

*The proposal to expand the existing backyard chicken regulations to include domestic fowl as a permitted use that is secondary to residential use and will have no effect on the economic enterprise or future development of the area, including needed right-of-way or access to a particular site. This criterion does not apply.*

**(vi) Natural resources of the City and the protection and conservation of said resources;**

**(vii) Prospective requirements for the development of natural resources in the City;**

**Finding:**

*The proposed amendments do not impact natural resource protection nor application of requirements to future development. These criteria do not apply.*

**(viii) The public need for healthful, safe, esthetic surroundings and conditions;**

**Finding:**

*The proposal includes existing regulations that require a roofed shelter that is maintained in a clean and sanitary condition to protect domestic fowl from the elements and predators. The existing regulations also require that a maximum of four domestic fowl are permitted on any one lot, and that feed must be properly stored in vermin-proof containers. This criterion is met.*

**(ix) Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.**

**Finding:**

*The proposed amendments do not apply to a specific property or neighborhood. Therefore, this criterion is not applicable.*

**(e) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.**

**Finding:**

*The proposed amendments do not create a direct impact to residential capacity for school districts, and therefore this criterion is not applicable.*

**(f) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).**

**Finding:**

*The proposal does not relate to nor affect transportation planning. This criterion is not applicable.*

**(g) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.**

**Finding:**

*The Metro Urban Growth Management Functional Plan (MUGMFP) does not address keeping domestic fowl in residential areas. Therefore, this criterion does not apply.*

**(h) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 10-4), and E/E for the rest of the 2040 Design Types in the City's planning area.**

**Finding:**

*The proposed amendments do not relate to vehicle trip generation. This criterion is not applicable.*

**(i) Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

[...]

**Finding:**

*The proposed changes do not impact objectives and policies regarding the above referenced utilities. This criterion is not applicable.*