



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Aquilla Hurd-Ravich

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

DATE: 11/12/2013

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

ISSUE BEFORE THE COUNCIL:

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

RECOMMENDATION:

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

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

EXECUTIVE SUMMARY:

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

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

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

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

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

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

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

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

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

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

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

OUTCOMES OF DECISION:

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

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

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

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

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the Planning Commission recommendation are:

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

FINANCIAL IMPLICATIONS:

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

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