

City of Isleton

Planning Commission Staff Report

DATE: April 4, 2023

ITEM#: 8-A

CATEGORY: Old Business

REGULATIONS FOR KEEPING CHICKENS IN ISLETON

BACKGROUND: During their February 28, 2023, meeting the City Council discussed the need to amend the Zoning Code to allow the keeping of animals in residential zones. Although there was no clear consensus on the matter, it seemed that the priority was to allow chickens (no roosters) be allowed to provide eggs for a family. Although, a more extensive evaluation should be conducted for keeping other animals, such as goats, pigs, horses, and bovine, the concern seemed to be to address chickens more immediately. The Council referred this matter to the Planning Commission for suggested approaches.

At your last meeting of March 7, 2023, the Planning Commission discussed the matter and again, there was no clear consensus of how the City should proceed. When this item was discussed by Commissioner Burke passed out an outline of a possible ordinance on animal regulations that covered the fully spectrum of animal regulations (see Attachment 3). Staff nor the Commission had time, at that meeting to fully consume Commissioner's Burke's approach of re-creating a new animal control ordinance.

There seems to be three, and possibly more, options the Commission might consider regarding this matter:

1. Interpret the Zoning Code to allow chickens in residential zones in accordance with Section 1301 of the Code. This would require the Commission to adopt a resolution and make findings that chickens are a compatible use in residential zones.
2. Assemble a new code on animal regulations that could take the form of Commissioner Burke's recommendation (see Attachment 3). This would require further examination of how the new ordinance fits in with other sections of the Code and how to approach administration and enforcement of the new regulations.
3. Hold off to address allowing animals by zoning district to the comprehensive zoning code update to be conducted later in 2023 (by other consultants). When the Zoning Code is developed it should also be evaluated to insure consistency with other sections of the Municipal Code and to assure consistency and compatibility of how the new zoning code regarding animal control is administered and enforced.

CURRENT CODE EVALUATION: Chapter 5.12, Animals, of the Municipal Code defines animals as any bovine animal, horse, mule, burro, sheep, goat, swine, chicken, duck, turkey or other domestic animal or poultry with the exception of domestic dog or cat. These regulations also restrict keeping of animals within the City as determined by the Zoning Code unless within an agricultural zone. And, within an agricultural zone, structures/pens for keeping animals cannot be located nearer than 100 feet of any building on adjoining property used for dwelling purposes (see Attachment 2).

The only agricultural related zone district in the City is the RCO, Resource Conservation and Open Space District. Although the RCO District regulations don't reference keeping of animals, it does indicate raising fruit and nut trees, vines, vegetables, and horticultural specialties as allowed by right.

Other residential zoning districts in the City are R, One Family and RM, Multiple Family districts, which also indicate that, the raising of fruit and nut trees, vegetables and horticultural specialties on a non-commercial basis is a use allowed by right. No other reference is made in the Zoning Code regarding keeping of animals.

Administrative Compatibility with County Animal Control: Any change to the City's Code, should consider compatibility with Sacramento County Animal Control regulations and how the County administers animal control in Isleton (see Attachment Section 25.12.050 of the City Municipal Code concerning the Sacramento County animal control agreement). Certainly, it would be appropriate to reach out to Sacramento County to see how any new regulations fit within the administrative and operative requirements of the County's Animal Control programs.

OPTION 1-INTERPRETATION OF THE ZONING CODE: This option allows the Commission to interpret the Zoning Code to allow chickens in residential zones in accordance with Section 1301 of the Zoning Code with some restrictions as follows (edited after some previous discussion by the Commission):

In RCO, UR, R, and RM Zoning Districts:

Raising of adult animals over six (6) months of age. (offspring are not counted up until this point), including, but is not limited to small animals, such as rabbits, poultry (including, ducks, chickens-excluding roosters and no more than 6 animals per animal category per house).

Section 1301 of the Zoning Code provides for Planning Commission interpretation of permitted uses by zoning district. In this case the Planning Commission should evaluate the current code and may, by resolution of the Planning Commission makes findings add a use to the lists of permitted uses and conditional uses, as applicable:

REQUIRED FINDINGS DETERMINING USES FOR ZONING CONSISTENCY:

- A. That the addition of the use to the list of permitted uses will be in accordance with the purposes of the district in which the use is proposed.
- B. That the use has the same basic characteristics as the uses permitted in the district.
- C. That the use reasonably can be expected to conform with the required conditions for the district.
- D. That the use will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which it would be located.
- E. That the use will not create more vehicular traffic than the volume normally created by the uses permitted in the district.

- F. That the use will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence than the amount normally created by any of the other uses permitted in the district
- G. That the use will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the district.

This approach may address the Council's apparent more immediate main objective of allowing chickens in residential zones. Bigger picture approaches to addressing larger animals could be addressed when the Zoning Code is updated later this year.

OPTION 2-ASSEMBLE NEW ANIMAL CONTROL REGULATIONS

Attachment 3 is a possible, more comprehensive animal ordinance presented by Commissioner Burke. The proposed regulations certainly address a rural character type community that may fit well for the City. However, since these new regulations appear to be quite different from the City's current Animal Control regulations, they should be designed to fit consistently with other related regulations, such as the Zoning Code. They should also be reviewed for compatibility with Sacramento County's animal control regulations and how they are enforced. For example, animal control officers may need to be trained in measuring weight and wing span of certain animals under these new regulations.

OPTION 3-WAIT FOR A NEW UPDATE OF THE ZONING CODE

Not knowing the extent of enforcing the current animal control regulations it is hard to tell how much of a problem it has been to the City to address complaints from folks who are raising chickens in town and how many complaints the City receives to try to address this problem. Should the Commission consider holding off on addressing raising chickens and potentially other animals in town to when the City conducts an update to the Zoning Code, it might be more cost effective to the City to do so.

Status of the Zoning Code Update: The City is currently seeking consultant proposals to update the Zoning Code, so it may seem pre-mature to start developing new regulations on animal control without considering how the new regulations might fit within the format and function of a new Zoning Code and without having an assigned consultant on board. On the other hand, it certainly makes sense for the Commission to start reviewing the Zoning Code to identify other problems with it, beyond the keeping of animals in residential zones. Further discussion on this bigger picture could be tabled to a future meeting.

ATTACHMENTS

1. City of Isleton Excerpts from Animal Regulations
2. Sacramento County Zoning Excerpts regarding Chickens and animals
3. Michelle Burke, Outline of Animal Regulations Submitted to the Planning Commission and the City Council

ATTACHMENT 1-EXCERPTS FROM CITY MUNICIPAL CODE

City of Isleton Municipal Code (excerpts):

5.12.020 - Keeping of animals

It is unlawful to keep, harbor or maintain any animal on any parcel of real property within the city, unless such property is zoned for agricultural uses and the keeping, harboring and maintaining of an animal thereon is authorized pursuant to the zoning ordinance of the city. Where the keeping, harboring and maintaining of an animal is authorized herein, such animal shall not be located nor shall any structure, pen or enclosure used for the keeping thereof be located nearer than 100 feet of any building on adjoining property used for dwelling purposes, food preparation, food service, a school, a hotel or motel or place of public assembly.

5.12.050 - Sacramento County animal control agreement

The board of supervisors of the County of Sacramento has heretofore adopted an ordinance providing for the control of animals, licensing of dogs, providing for the collection of fees, impounding of animals, and similar matters, and that said Ordinance 906 is hereby incorporated and adopted by reference, three certified copies of the same being on file in the office of the city clerk.

Under the provisions of section 439.90 of the California Food and Agriculture Code, the provisions of said Ordinance 906 shall apply throughout any city located in Sacramento County whenever the governing body of the city by ordinance requests the application thereof within the confines of the city, and it is deemed to be to the best interests of the city that it request the application of the provisions of said ordinance sections within the confines of the city.

It is hereby requested of the board of supervisors of the county that the provisions of said Ordinance 906 and the provisions of the section of the California Food and Agriculture Code therein adopted as set forth in section 439.90, apply throughout the city that the city clerk forward a certified copy of this ordinance to the board of supervisors of the county; and that the mayor and the city clerk be authorized and instructed to execute an animal control agreement setting forth the terms and conditions for the enforcement of said ordinance.

d. On lots less than 10,000 square feet, the keeping of egg-laying chickens and ducks is allowed subject to the following restrictions:

(i) Animals must be kept in rear yard areas only.

(ii) Residentially zoned parcels may have one of these animals for every 1,000 square feet of parcel area or one for every 200 square feet of rear yard area, whichever is less.

(iii) Non-residentially zoned parcels may have one of these animals for every 400 square feet of parcel area or one for every 200 square feet of rear yard area, whichever is less.

(iv) A covered coop with a roof and four sides must be provided for chickens to voluntarily retreat to and roost at night.

(v) These animals must be kept in a structure or fenced area at least 20 feet from all neighboring residential dwellings at all times.

(vi) 10 square feet of space shall be available for each animal for foraging and roaming.

e. The keeping of goats, sheep, steer, and similar animals may be temporarily allowed on parcels less than 20,000 square feet, and hogs on lots greater than two acres, with a Minor Use Permit if part of a Future Farmers of America or, 4-H Club educational program or, if kept by independent exhibitors as defined by the California Department of Food and Agriculture.

- (i) Only animals kept as part of a market program are allowed.
- (ii) Structures utilized for the keeping of animals is subject to the development standards

ATTACHMENT 3-PROPOSAL FROM MICHELLE BURKE

**Submittal at March 7, 2023, Planning Commission Meeting
Animal Control Ordinance Example**

Purpose of the ordinance.

1. The keeping of animals is consistent with the rural lifestyle emphasized in low-density residential districts and can enhance the rural charm of these districts and areas. To permit the keeping of animals and ensure that their presence does not create an undue burden on neighboring residents, the following standards shall apply

Definitions.

- 1. Animal shall mean any creature kept for personal enjoyment or use that is legal to keep in California. Animal includes mammals, birds, reptiles, amphibians, fish or insects.
- 2. Bird refers to any bird including livestock type poultry, legal wild game, or common avian pets.
- 3. Livestock refers to animals that can be legally raised in the US for human consumption of milk, meat, eggs, or honey.

Keeping of animals.

- 1. Minimum distance requirements from neighbors plus minimum animal welfare space requirements shall significantly limit the quantity and size of animals permitted on any lot.
- 2. Indoors there shall be no more than 5 uncaged animals and no more than 300# of animals collectively indoors including juvenile animals.
- 3. Shelter and exercise space for animals must be designed and constructed so that they are structurally sound. They must protect the animals from injury, contain the animals securely, and restrict other animals from entering. See animal welfare section below for minimum size requirements.
- 4. Minimum Distance. No animal be allowed within 20 feet of any air exchange (in use door, operable window, air intake vent) of a neighboring residence, public gathering space, retail space, or any commercial kitchen.
- 5. Birds and bees shall be kept an additional distance away from the above air exchanges. Birds must be kept the standard 20' minimum distance from neighbors plus an additional distance equaling the cumulative wingspan of all birds on site (ie. 20' plus approximately 2' per chicken). Bee hives must be the standard minimum 20' from neighbors if there is a solid fence at least 6' tall separating the properties, or an additional 15' from a property line if the fence is shorter than 6' or not solid and where there is human activity more than just mowing within 20' of the property line.
- 6. Loud animals or unaltered male goats, sheep, equines, and cattle must be over 100' from pre-existing neighbor's bedroom windows. Loud birds, dogs, or cats may alternately be kept in a sound insulated space such as indoors with no open or single pane windows or doors within 35' of neighbor's bedrooms.
- 7. Unaltered animals found roaming may be altered before being returned without penalty.
- 8. Minimum distance to a residence may be reduced if the affected neighbors give written permission to reduce or eliminate the minimum distances. Pre-existing uses and noises that reasonably could have been known cannot be denied use.
- 9. Animals may be permitted unattended next to a public right of way if they pose no threat of biting, pecking, or entering the public right of way. Primary animal shelter not permitted in front yard setback unless it is under 3' tall, less than 100sf per 50 linear feet of frontage, and resembles or is better than the surrounding built environment.
- 10. Any non-aggressive animals may be walked, ridden, or herded along public rights of way where the posted speed is less than 30mph. Grazing of public property that is not-landscaped is permitted.

11. Whichever is less, number of animals meeting the welfare minimums below OR a collective weight of all animals that is less than the square root of the number of square feet available to the animals outside of their primary shelter times 10 (ie. a 30'x30' space is 900sf, the square root of 900 x10= 300# limit on the collective weight of animals in that 30'x30' space).
12. Non-profit activities like FFA and 4H that include sales are permitted but subject to all other size and location restrictions. Minor sales, less than 50% of total annual number of livestock on site, shall be permitted. Non-livestock produced primarily for show or sale require a home occupation permit and are constrained by the same animal size and location restrictions.
13. Wild game or livestock slaughter and processing for consumption on site permitted so long as no slaughter can be heard, seen, or smelled by neighbors or passersby. Nor is any such activity within 50' of a public right of way.
14. All animals at rental properties require written permission of the property owner.

Animal welfare.

All animals can at least:

1. turn around, lay down with ease and stretch, and stand upright and toss their head upward without obstruction inside a sheltered area where they are shielded from sun, wind, and rain. Each animal has this amount of sheltered dry space for themselves available
2. walking space at least twice their body length (nose to rump) in any direction outside the minimum shelter area.
3. for each animal in addition to the largest animal on site, the walking space is its additional body length in two perpendicular directions or two additional body lengths in one direction (ie. largest animal is a 4' long dog that therefore has 8' minimum in any direction outside the minimum shelter area, then the addition of two goats that are 3' long each means an exercise pen of 14'x14' or 8'x20').

Enforcement.

1. For enforcement purposes, veterinary standards for estimating weights based on measurements can be used instead of actual weight though actual weight is the final determinator if the city's estimate is challenged.