



## MEMORANDUM

TO: Planning Commission  
FROM: Stacy Clauson, Lane Council of Governments  
DATE: October 9, 2012  
RE: Allowance for Chickens and Other Fowl and Bees on Residential Properties

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### ISSUE:

- Discuss possibility of allowing Chickens and Other Fowl and bees on residential properties

### BACKGROUND

At the September 18, 2012 Planning Commission meeting, the Planning Commission discussed this issue and confirmed the following schedule for review:

- October 16<sup>th</sup> meeting – Study Session
- November 20<sup>th</sup> meeting – Review of Draft Regulations
- December 18<sup>th</sup> meeting – Review of Amendment(s) (if needed)
- January 15<sup>th</sup> meeting – Public hearing

The Planning Commission requested the following additional information:

- Information on how other jurisdictions dealt with these issues in regard to rental units. (Note: Staff has not identified any jurisdiction that addresses this issue differently by ownership. Staff cautions the Planning Commission that there may be fair housing policies that may limit your ability to address this differently based upon ownership status).
- Contact other Oregon jurisdictions that have bee and/or chicken keeping ordinances to see what their experience had been.

### Background Information

The keeping of farm animals is generally regulated under zoning, including the number and kinds allowed in urban areas. The underlying premise of most of the restrictions on keeping of animals within urban areas relates to keeping them off public property, controlling noise and smell, and providing for adequate living conditions.

Recently some cities have begun to look at urban agricultural policies which address the production of food and keeping of animals. Keeping chickens is allowed in many cities, and some cities allow for livestock and bees to be kept as well. The regulations regarding the keeping of animals typically establish setbacks for chicken coops or animal housing and restrictions on the number of animals that may be kept are nearly always established.

## Beekeeping

Tere Andrews, Planning/Building Technician, contacted Ramesh Sagili, an Apiculturist at the Oregon State University Extension Service, who provided the following general information about beekeeping:

- Queen bees purchased in this area come from HI, CA, TX
- Queens are generally not aggressive
- Preferable location for hive – facing east
- Limit neighbors exposure to hive – face away from them and have tall hedges that put the bees flight path above people’s heads

Ms. Andrews also contacted Harry Vanderpool, Oregon State Beekeepers’ Association, based in Corvallis. Mr. Vanderpool worked with the cities of Salem, McMinnville, Albany, Keizer, and Molalla. Mr. Vanderpool indicated that the majority of those cities decided to handle bee issues through their nuisance ordinance rather than a separate ordinance. This was primarily done because of difficulty with interpretation and in enforcing the ordinance. He also noted that the more complex the ordinance the more unenforceable it is. Mr. Vanderpool did recommend a 5 hive limit.

Finally, Ms. Andrews contacted Mr. Rodia from the Oregon Beekeepers Association, who provided the materials in Attachments 1, 2, and 3 which provide some background information on beekeeping and the drafting of beekeeping regulations.

The following are some issues to consider when evaluating potential rules for keeping bees on residential properties:

- Do you want to allow this?
- If so, where (what zones)?
- How many colonies should be permitted?
- Should a permit be required?
- If a permit is required, who should be responsible for issuing the permit, what public notice should be required, and what should the criteria for issuance be?
- Should there be standards for location of the hives? (e.g. separation from property lines, requirements for a flyway barrier, etc.)?
- Should there be liability insurance provisions?
- Should there be training/education requirements?

Attachment 4 contains a summary of some of the existing provisions that other cities have incorporated into their regulations addressing these items.

Prior to our meeting, staff will attempt to compile feedback from some of the jurisdictions that allow bee keeping to see if there have been any issues with implementation.

## Chickens and other Fowl

As noted in our last meeting, there is a website that provides information on ordinances addressing the keeping of chickens: <http://thecitychicken.com/chickenlaws.html> .

This information is included in Attachment 5.

Attachment 6 contains information that was prepared by advocates for allowing backyard chickens in Salem, when this issue was considered in 2010. Attachment 7 contains a summary of chicken-keeping policies in Oregon, as compiled by the Salem advocates. Their website is available at <http://www.salemchickens.com/index.html>

Based on the information gathered, the following are issues to consider when evaluating potential rules for keeping chickens on residential properties:

- Do you want to allow this?
- If so, where (what zones)?
- How many chickens should be permitted? Should roosters be allowed? Should there be a minimum lot size?
- Should a permit be required?
- If a permit is required, who should be responsible for issuing the permit, what public notice should be required, and what should the criteria for issuance be?
- Should there be standards for location of the chicken coops? (e.g. separation from property lines, dwellings, etc.)?

Attachment 8 provides some additional detailed information on some cities policies.

Attachment 9 contains draft regulations that were provided by the City Administrator for review by the City Council.

This issue has been discussed by City planners participating in the planning listserv. Here are a couple of comments that addressed implementation:

Stayton: In past two years or so as news reports have circulated about Salem and other nearby cities considering allowing small backyard flocks, there have a number of inquiries about keeping laying hens. I have received only one complaint about a neighbor's hens. She was in compliance with our code.

Prineville: I can only think of one time we had to enforce and that was due to a person having far too many chickens running loose in their yard. The neighbor actually started shooting them after the chicken owner harassed his dogs.

Bend: I think we have had fewer complaints about chickens since the code was amended to specify that only hens are allowed (no roosters).

## **ACTION REQUESTED**

Provide direction for staff to draft regulations to bring back to the next Planning Commission meeting.

## **ATTACHMENTS**

1. Backyard Beekeeping
2. Best Management Practices for Beekeeping
3. Model Beekeeping Ordinance
4. Bee Comparative Ordinances - Other Jurisdictions
5. The City Chicken summary of Chicken Ordinances in Oregon
6. A Case for Backyard Chickens in Salem
7. Summary of Chicken-Keeping Policies in Oregon
8. Chicken Comparative Ordinances - Other Jurisdictions
9. DRAFT Chicken Regulations Concept