



**MEMORANDUM**  
**City of Beaverton**  
**Community Development**  
**Department**

**To:** Planning Commissioners  
**From:** Kenneth Rencher, Associate Planner  
**Date:** October 26, 2009  
**Subject:** *Urban Poultry Ordinance*

The purpose of this memo is to present the proposed changes to the City of Beaverton Municipal Code that comprise the Urban Poultry Ordinance. Attachment A shows the proposed new text. Where existing text will be deleted, it is shown in ~~striketrough~~.

*Summary*

The proposed changes would allow residents to keep up to 4 chickens or ducks in an enclosed area that is at least 20 feet from the nearest property line. No roosters would be allowed. The current prohibitions against noise and odor would be strengthened. All coops and enclosures would be required to meet the Accessory Use and Structures provisions of the Development Code.

*Hearing Process*

At the City Council/Planning Commission joint session held August 26, 2009, the decision was made to bring a proposal to amend the City Municipal Code to the Planning Commission for a public hearing. As this proposal will not alter the text of the Development Code or the Comprehensive Plan, the land use approval criteria and processes normally used by the Planning Commission do not fully apply. There are no approval criteria against which the proposal should be judged. Instead, the Planning Commissioners are asked to use their best judgement in deciding if the proposed changes are in the best interest of the City of Beaverton. At the conclusion of the public hearing, the Planning Commission will be asked to vote on a resolution recommending action by the City Council on the proposed Urban Poultry Ordinance. A work session for City Council has been tentatively scheduled for December 14, 2009, with a potential first and second reading on subsequent weeks.

*Background*

At the direction of the City Council, staff began exploring the possibility of modifying the City's Municipal Code to allow urban poultry. In August, 2009, the Planning Commission and the City Council held a joint worksession and discussed the issues associated with urban poultry. The general concensus was that the time had come for the City to re-assess the prohibition on urban poultry.

At the September meeting of the Beaverton Committee for Citizen Involvement (BCCI), staff discussed the issues and potential concerns and benefits of allowing urban poultry with the committee members. The BCCI representatives collected feedback and responses from the Neighborhood Associations (NACs) and reported at the October BCCI meeting. Staff has incorporated those comments into the draft of the Urban Poultry Ordinance prepared for this meeting.

### *Discussion Points*

\*Type of birds allowed—The current version of the draft ordinance would allow chickens and ducks. Other jurisdictions limit urban or backyard poultry to only chickens. At the BCCI meetings, some neighborhood representatives expressed concern that ducks would be louder than chickens.

\*Applicability—The current version of the draft ordinance restricts chicken-raising to single family homes on lots larger than 5,000 square feet. However, some jurisdictions allow residents in all zones to raise poultry. If we decide to allow all residents, we could modify Section 5.10.015 to read

A. Residents of all zoning districts shall be allowed to keep poultry, subject to the requirements of this Chapter.

B. Poultry may only be kept upon property which is the principle residence of the owner of the birds. Tenants and renters of property may keep poultry with the written permission of the homeowner. Residents of multifamily or attached residential units must have the permission of the land owners and/or property managers.

\*On-Site Butchering—The current draft is silent on the subject of butchering. Although many residents are only interested in raising chickens for eggs and not meat, the issue of disposing of chickens would still arise. Some jurisdictions prohibit the on-site slaughter and butchering of chickens. Others allow it, provided the odor and sanitation standards are met. A few jurisdictions only allow indoor butchering.

## **Chapter 5.09 URBAN POULTRY**

### Sections:

- 5.09.010 Definitions.
- 5.09.015 Applicability.
- 5.09.020 Locational Requirements.
- 5.09.025 Number of Poultry Permitted.
- 5.09.030 Enclosures.
- 5.09.035 Prohibitions.
- 5.09.040 Interpretation.
- 5.09.045 Consent to Inspect.
- 5.09.050 Nuisance Abatement and Other Remedies.
- 5.09.055 Penalties.

### **5.09.010 Definitions.**

For the purposes of BC 5.09.010 through 5.09.055, the following mean:

City Representative – The mayor or the mayor’s designee responsible for representing the City’s interests in nuisance abatement proceedings.

Enclosure – A coop, pen, building, or any other structure designed or modified to house or contain poultry including movable enclosures such as “chicken tractors” or “chicken runs”.

Owner – A person who owns, keeps, has custody of, possesses, harbors or exercises control over poultry.

Poultry – Any of a variety of domesticated ducks or female chickens.

Rear Yard – The area between the rear of the dwelling and the rear property line. The area includes the applicable rear yard setback of the subject zoning district.

Rooster – A male chicken of more than 12 weeks in age.

### **5.10.015 Applicability.**

Residents of the City shall be allowed to keep poultry, subject to the requirements of this Chapter.

### **5.10.20 Locational Requirements.**

A. Poultry may only be kept upon property which is no less than 5,000 square feet and occupied by a single family dwelling or duplex. B. Poultry may only be kept upon property which is the principle residence of the owner of the birds. Tenants and renters of property may keep poultry with the written permission of the homeowner. C. Poultry may only be kept in the rear yard of a property.

### **5.10.025 Number of Poultry Permitted.**

No more than four birds may be kept on any one lot within the City of Beaverton.

### **5.10.030 Enclosures.**

A. Poultry shall be kept within a secure enclosure at all times.

- B. Enclosures shall be kept clean, dry, free of noticeable odors, and in good repair.
- C. Enclosures shall prevent the entry of rodents and predators.
- D. Enclosures shall not be located closer than 20 feet from the nearest property line.
- E. Enclosures are permitted within rear yards only.
- F. All enclosures shall comply with the Accessory Structures standards of Section 60.50 of the Development Code.

#### **5.10.35 Prohibitions.**

- A. The keeping and raising of roosters is prohibited.
- B. Poultry shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes.

#### **5.10.040 Interpretation.**

The provisions of BC 5.09.010 through 5.09.045 are in addition to and not in lieu of any other requirements imposed under another Code provision, city ordinance, law or regulation having application in the city.

#### **5.10.045 Consent to Inspect.**

- A. City representatives are authorized to make inspection of property to ensure compliance with the regulations contained within this Chapter.

#### **5.10.050 Nuisance Abatement and Other Remedies.**

- A. City representatives are authorized to make inspection of property to ensure compliance with the regulations contained within this Chapter.
- B. City representatives are authorized to make inspection of property to ensure compliance with the regulations contained within this Chapter.
- C. In addition to the penalties provided for in BC 5.09.040, any condition caused or permitted to exist in violation of BC 5.09.010 through 5.09.045 is considered a public nuisance and may be abated summarily, or in accordance with the abatement procedures set forth in this code, or by any other legal means available to the city.

#### **5.10.055 Penalties.**

- A. Violation of BC 5.09.010 through 5.09.055 constitutes a Class 3 Civil Infraction and shall be processed according to the procedures set forth in BC 2.10.010 through 2.10.050.
- B. Each violation of a separate provision of BC 5.09.010 through 5.09.055 shall constitute a separate infraction, and each day that a violation of BC 5.09.010 through 5.09.055 is committed or permitted to continue constitutes a separate infraction.
- C. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the city under BC 5.09.055.