

REVISED Agenda
City of Shady Cove Planning Commission Workshop
Thursday, July 28, 2022
6:00 p.m.

Zoom Information:

<https://us02web.zoom.us/j/83211561672?pwd=cGlxM0MzanJ4d2h5WXpZS0N2ck9CZz09>

Meeting ID: 832 1156 1672

Passcode: 556457

One tap mobile

+12532158782,,83211561672#,,,,*556457# US (Tacoma)

+13462487799,,83211561672#,,,,*556457# US (Houston)

I. Call to Order

A. Roll call.

B. Announcements by Presiding Officer.

1. This meeting is being digitally recorded.
2. The next regularly scheduled meeting of the Planning Commission will be August 11, 2022 at 6:00pm held both in Council Chambers and via Zoom.
3. The meeting date is subject to change.

II. Public Comment

III. Subject of Workshop

- A. Discussion item – Request to interpret code related to Animal Husbandry vs Pets
- B. Discussion item – Language related to keeping of chickens

IV. Department Reports

- A. Planning Technician Report

V. Commissioner Comments

VI. Adjournment

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).



Mayor
Shari Tarvin

Councilors
Tim Evert
Tanda Murders
Jay Taylor
Paige Winfrey

May 25, 2022

Melisa Bond
55 Birch
Shady Cove, OR 97539

Animal Husbandry Violation Notice

Dear Melisa,

Our Code Enforcement has noted a pig located on the property at 55 Birch. Action is required on your part to address the Animal Husbandry violation of keeping a farm animal in a Residential Zone.

Animal Husbandry is defined in the Shady Cove Ordinances as –

ANIMAL HUSBANDRY. *The keeping or raising of farm animals including, but not limited to horses, cattle, sheep, goats and pigs, except as approved as a conditional use permit, defined in [Chapter 154](#) of this code.*

Shady Cove Municipal Code 154.036 Permitted Uses in R1 (Residential) Zone -

The following uses are permitted outright in the R-1 District, subject to development standards, or other ordinance requirements:

- (A) Single-family conventional or modular (UBC) home, minimum 1,000 square feet;*
- (B) Single-family "manufactured" or "factory-built" (HUD Code) home (see §§ [154.215](#) through [154.219](#));*
- (C) Existing agricultural uses with no increase in intensity of operation or addition or expansion of farm-related structures;*
- (D) Guest house, consistent with the definition in § [154.006](#);*
- (E) Accessory uses; such as carports, garages, sheds, swimming pools and other uses or structures customarily accessory to residential development, subject to interpretation by the Planning Commission if questionable;*
- (F) Home occupation, consistent with standards in § [154.292](#); and*
- (G) Planned unit development, in accordance with §§ [154.170](#) through [154.187](#), except in R1-00*



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The only conditional uses are for short term projects such as a 4-H event and requires a Conditional Use Permit from the Planning Commission.

As per Shady Cove Municipal Code, you have 14 days to abate the nuisance. The Code Enforcement Officer can contact you directly to answer questions, or assist with an abatement plan. Should abatement measures not be completed as required by law, a violation may be issued to you per Shady Cove Municipal Code which could result in a civil penalty, and/or costs being assessed against you. Thank you for your prompt attention to this matter, we look forward to working with you to avoid penalty action.

Shady Cove's Regulations can be found on the city website, www.shadycove.org, under Municipal Code. If you have any questions, please contact Shady Cove City Hall at (541) 878-2225.

Sincerely,

Code Enforcement
City of Shady Cove

Joe Sells
55 Birch St
6-8-22



Shady Cove City Counsel,

I am writing in response to the notice of a potential code violation I received concerning two of my pets, miniature pigs. The violation notice was for Animal Husbandry and keeping Livestock in city limits. My pets do not fit within the violation definitions. Livestock or "living inventory" are defined as animals intended for sale in one capacity or another as the "stock" directly denotes an item intended for sale. Animal Husbandry is the caring, raising and breeding of livestock animals. As established by the previous definition, I cannot be said to be raising or breeding livestock as my pets are not livestock. They will never be bred, sold or slaughtered, they are pets. Their breed are specifically raised and sold as companion animals. Their size reflects their breeding and status as pets. Full grown, the pigs are between 60-120 pounds. For reference, livestock pigs are considered ready for sale by breeders at approximately 285 pounds. My pigs are the same size as my dogs and produce a similar amount of excrement. Their manure is collected weekly and added into our compost bins for use in our raised garden beds. My pigs have never gotten out or caused a nuisance of any kind. My pigs pose no more risk, hazard or concern than a dog does and multiple cities and counties in Oregon have already changed their ordinances to directly reflect that miniature pigs do not qualify as Livestock. Portland for example, allows for the keeping of up to three miniature pigs within city limits. I am only asking for the same recognition for my pets here as they have already received in other places across the state. I ask you first to recognize my miniature pigs as full pets, requiring no special permits or requirement as is the case in Portland. Failing that, I would ask secondarily that you issue a special permit for us to legally keep our animals here for whatever fees or requirements you deem necessary. Failing both of those options I would ask at least for a temporary permit, between 90 and 730 days to find either a suitable placement for our pets or to relocate ourselves. We ask for such a period of time due to the unavailability of resources. Our

beliefs do not allow for us to consume animals or participate in the killing of animals in any way, meaning we cannot give them to anyone we suspect may kill them. Therefore, our only option is a sanctuary. After receiving the notice we began reaching out to rescues, starting with one in Trail. They have closed permanently. Then we tried one near Cottage Grove, they are at capacity and unable to accept new animals. We continued this search all the way to Seattle, getting similar responses from all of them. All the sanctuaries were flooded with animals after the fires and covid resulted in so many people and their animals being displaced. For those reasons, finding a suitable placement will be incredibly difficult and take an extended amount of time.

Thank You for Your consideration

A handwritten signature in blue ink, appearing to be 'JRF', is written below the text 'Thank You for Your consideration'.







ROGUE VALLEY
Council of Governments

155 N. First St.
P.O. Box 3275
Central Point, OR 97502
(541) 664-6674
FAX (541) 664-7927

MEMORANDUM

Date: July 25, 2022
To: Shady Cove Planning Commission
From: Ryan Nolan, Principal Planner, and James Schireman, Assistant Planner
Subject: Animal Husbandry vs Pet Definition Examination

It has come to the attention of staff that the definitions present within §154.060 do not explicitly state what animals qualify as pets versus agricultural assets for animal husbandry. The purpose of this memo is to determine what language would better delineate the two, protecting citizen rights of pet ownership while also ensuring animals intended for industry don't occupy residential areas.

Currently, the city's **definition of pet** is stated as "Those animals, fowl, insects or fish which are normally and reasonably kept as household pets, not including any animals that are considered wild or vicious, or other creatures which, if not contained, would be considered dangerous to the public health or safety".

Agriculture on the other hand, which contains Animal Husbandry, is listed as "The **"agricultural use"** of the land shall include farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries and **animal and poultry husbandry**, along with any necessary accessory uses for the processing, storing or distribution of related products. Temporary or short-term activities, such as 4-H projects, are not included in the definition of AGRICULTURE".

Currently, two codified uses would allow the raising of pigs on a property within the City limits of Shady Cove. All residential zones are privy to the permitted use of maintenance and operation of **existing agricultural uses**, provided no increase in intensity (§ 154.036(C), § 154,051(B), and (154.066(B)). Additionally, § 154.037(I) permits 4-H projects as a **conditional use within R-1**, while § 154.052(I) and § 154.067(K) explicitly exclude animal husbandry for 4-H projects within the R-2 and R-3 zones, respectively. It is important to note however, that a definition of "Agriculture" provided in § 154.006 differentiates 4-H projects as intended to be "Temporary or short term" and therefore doesn't warrant the continued presence of

fowl.

If the Planning Commission determines that the pigs on the subject property are part of agricultural use then the property owner would be in violation of City Zoning Ordinances related to permitted uses of property. The owner could apply for a Conditional Use Permit, which would come before the Planning Commission and include opportunity for public comment from surrounding property owners.

The property owner is asking that the Planning Commission consider the animals "pets" and not part of an agricultural use.

If the Planning Commission is interested in more clearly defining pets versus agricultural use animals, staff could provide additional information for a potential code amendment. Initial research reveals many cities throughout the nation define animal husbandry as a primarily economic endeavor. Seattle for example defines animal husbandry as "a use in which animals are reared or kept in order to sell the animals or their products, such as meat, fur, eggs," (§23.84A.002). The inclusion of an exact definition of animal husbandry could help eliminate confusion regarding the keeping of animals for business rather than pleasure.

Conversely, a clarifying caveat in the definition of Pet could take the form of a maximum height and or weight limit. This clause would prevent citizens from claiming large livestock they refuse to butcher as household pet. In Ashland municipal code §9.08.040(B), certain species of pigs are classified as miniature so long as they do not "exceed a maximum height of 18 inches at the shoulder or weigh more than 95 pounds". Pygmy goats are also required to 95 pounds or less. Furthermore, the city directly limits the quantity of these animals per parcel, allowing only 1 pig and no more than 2 miniature goats per parcel.

Overall, the proliferation of social media has popularized exotic and alternative animals as pets, while agricultural advancements allow new forms of animal husbandry. Staff recommends that the city redefine these terms of their own accord to eliminate potential problems later on.



MEMORANDUM

Date: July 26, 2022
To: Shady Cove Planning Commission
From: Ryan Nolan, Planner, and James Schireman, Assistant Planner
Subject: Chickens in Residential Zoning Districts

It has come to the attention of staff that the existing code of Shady Cove does not explicitly state the current allotments regarding the ownership of chickens within R-1 zoned parcels. The purpose of this memo is to determine in what capacity chickens should be allowed and what parameters deem the use a nuisance.

Currently, two codified uses would allow the raising of chickens on a property. All residential zones are privy to the permitted use of maintenance and operation of existing agricultural uses, provided no increase in intensity (§ 154.036(C), § 154.051(B), and (154.066(B)). Additionally, § 154.037(I) permits 4-H projects as a conditional use within R-1, while § 154.052(I) and § 154.067(K) explicitly exclude animal husbandry for 4-H projects within the R-2 and R-3 zones, respectively. It is important to note however, that a definition of "Agriculture" provided in § 154.006 differentiates 4-H projects as intended to be "Temporary or short term" and therefore doesn't warrant the continued presence of fowl.

Staff have reviewed codes for documents to determine how other jurisdictions treat chickens. Here is a list of how several other cities in Jackson County address chickens:

Ashland - The keeping of "Micro-Livestock" which includes chickens, domestic fowl, turkeys, rabbits, and miniature goats, are accepted in all residential zones according to a special use standard defined in §18.2.3.160(E). The following provisions apply to chickens specifically:

- a. No more than five adult chickens or domestic fowl and five juvenile chickens or domestic fowl shall be kept or maintained on properties of 5,000 square feet or less.

- b. No more than one adult chicken or domestic fowl and one juvenile chicken or domestic fowl for each 1,000 square feet of lot area shall be kept or maintained on properties greater than 5,000 square feet.
- c. No more than two adult turkeys and two juvenile turkeys shall be kept or maintained on properties less than one acre.
- d. Rooster, geese, and peacocks are prohibited.

Additionally, Ashland provides robust specifications on Micro-Livestock enclosures in §18.2.5.040(E) as an accessory building, detailing setbacks and dimensions in proportion to animal quantity.

Central Point – The “keeping of small animals other than pets” is a conditional use in the Low Density residential zone. § 6.06.010 details which animals are prohibited in city limits for commercial purposes, which lists roosters but not chickens. The keeping of roosters is further prohibited by being included under 8.04.080(B)(1) which deems, “The keeping of any animal which by frequent or loud continued noise disturbs the comfort and repose of any person in the vicinity” as a nuisance. Offensive odors emanating from unsanitary conditions are deemed a nuisance as well.

Eagle Point – Allows “poultry operations . . . [and] the keeping of birds or fowl” under § 17.18.030(B) as a conditional use within their Residential Farm zone. The most related nuisance listed regarding chickens is § 8.08.020 (D) which cites noxious or disagreeable odors.

Medford – Agricultural buildings which aid in the feeding or raising of poultry are permitted in residential zones, provided they also fall within the Exclusive Agriculture overlay district. § 5.555 outlines the provisions regarding the keeping of Poultry.

(1) No person shall keep poultry on residential property, or on property legally developed as residential property, except in compliance with all of the following regulations and limitations and all other applicable provisions of the Medford Municipal Code:

- (a) Any keeping of poultry shall be for personal use, and any related commercial activity is prohibited.
- (b) Roosters are prohibited.
- (c) All allowed poultry must be confined to the property at all times, and no enclosure or structure associated with the poultry shall be located within 4 feet of the property lines of any abutting parcel.
- (d) No enclosure, compound, pen, run, shed, or fenced area of confinement shall be located within the required front yard setback.
- (e) The owner of the allowed poultry shall maintain the property in a safe condition (including but not limited to keeping heat lamps the minimum manufacturer-specified distance from flammable materials, and using electrical systems appropriate for an

outdoor use). The construction and/or use of any compound, pen, run, shed, or fenced area of confinement shall comply with any applicable building and/or fire codes.

(f) Any harvesting of allowed poultry that is carried out on the property must be done in a humane manner, and any remains shall be properly disposed of in a sanitary manner.

(2) As used in this section, “allowed poultry” means chickens, ducks, geese, swans, and all other domesticated fowls or birds of comparable size.

(3) No person shall keep ostriches, emus, peacocks, turkeys, or similar birds on a residential property, or on property legally developed as residential property.

(4) Any violation of this section shall be declared a public nuisance, and may be abated in the manner provided for in Sections 5.520 through 5.535.

(5) Violation of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.

Phoenix – Agriculture, whose definition is based off ORS 215.203(2)(a), is permitted in all residential zones. Title 6 however states that all other livestock except bees, chickens, rabbits, or goats are prohibited within city limits. Furthermore § 6.04.050 specifically excludes roosters from this allotment, and states all livestock must be compatible with an urban setting.

Rogue River – The raising of poultry is explicitly excluded from permitted agriculture occurring within the R-1 zone.

Talent – The raising of poultry is a permitted use under type I review in both the low and medium residential zones. Code specifically states that the number of adult chickens shall not exceed 1 per 1,000 square feet of property, while chickens under 6 months old may be allowed in as 3 per 1,000 square foot ratio.

Clearly, there are a wide array of methods in permitting how chickens should be permitted in city limits, ranging from the intensely regimented to the more informal. In accordance with the context and goals for the city of Shady Cove, staff believes the creation of an ordinance with clear and objective standards which does not require permitting or staff review when followed is the best solution. To maximize Shady Cove resources, the permitting chickens as well as identification and prevention of potential nuisances should be defined by hard-set and easy to identify standards.

For example, Ashland, Central Point, Medford, and Phoenix all specifically refuse the keeping of roosters. Not only does this eliminate a potential source of noise pollution, but can also prevent chicken populations from growing of their own accord. Staff recommends a similar clause be included in a potential ordinance.

Furthermore, while some cities implement a proportional flock to parcel size ratio, the

permitting process and enforcement may provide excess burden on the city. Staff proposes that a possible ordinance opt for a “greater or less than” methodology. For example, parcels less than or equal to 5000 feet may own up to 5 adult chickens and 15 chickens under 6 months old, while parcels greater than 5000 feet may own up to 10 chickens and 30 under 6 months of age. In doing so, the ordinance provides a definite limit on flock size without complex calculations in relation to parcel area.

Other caveats of the ordinance may include setbacks for chicken enclosures, although these regulations should avoid a proportional methodology as well. Allocation of the accessory structure to the rear yard only and a universal 15 foot setback may provide an adequate catch-all solution.

Staff suggest that the Planning Commission provide guidance to staff so that if desired a draft Ordinance could be provided with language addressing chickens in a manner deemed appropriate by the Planning Commission.

07/11/22 Through 07/22/22 Planning and Building Activities

YEAR Permit No.	DATE	NAME	BUILDING PERMITS		ADDRESS	MAP	TAX LOT	
			TYPE					
22-19	7/18/22	McKenzie	Deck		1060 Anglers Place	15BD	305	
			PLANNING APPLICATIONS					
Paid	Property Action Log	Name	Address	Notices Mailed	Comments due back	Staff report due back	Section/TL	
	7/14/2022 PLA 22-03	Berto / Grimes	22175/22195 Hwy 62	NA			15BA 4300/44C	
	7/21/2022 DR 22-01	Berto	22175 Hwy 62				15BA 4300	

FLOODPLAIN CLEARANCE FOR PERMIT