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STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
WORK SESSION ON NOVEMBER 3, 2014

**PROVIDING REVIEW THRESHOLDS FOR RASING FOWL IN MUA-20, RR, OCL,
BRC, SRC, PH-RC, OR, AND RC ZONES**
CASE FILE: PC-2013-3094

PART I. INTRODUCTION

This staff report serves as a follow up from a previous work session, addressing the addition of specific code provisions for the keeping of fowl, fowl husbandry, as well as limited sales of fowl and fowl related non-value added products (i.e. eggs, feathers, etc.) as an allowed, review or conditional use. The focus of the original work session held in 2013 centered largely on proposed fowl standards within Non Resource lands of Multnomah County, and dealt only with the Multiple Use Agriculture – 20 (MUA-20) zone, Rural Residential (RR) zone, and the Rural Center (RC) zones¹. As this project evolved following the original work session, staff determined that it may be appropriate to also include the Orient Commercial-Industrial zone feeling confident that the inclusion does not alter the original intent of the project, instead allowing for continuity throughout the code. It should also be noted that this report does not include an analysis or any new provisions pertaining to the Columbia River Gorge National Scenic Area.

Staff hopes to accomplish five objectives with the creation of these provisions. These objectives are:

- 1. Provide continuity between ORS and County Code by clearly defining livestock as presented in MCC Chapter 13 – Animal Services.*
- 2. Promote awareness of proper sanitary conditions through Best Management Practices.*
- 3. Standardize species, sex, and specific flock sizes permitted within specific zones as to prevent nuisances.*
- 4. Ensure proper setbacks are maintained between livestock areas and adjacent dwellings.*
- 5. Provide guidance to individuals looking to dispose of excess eggs through small-scale or large-scale commercial activities.*

¹ RC zones include Rural Center (RC) Burlington Rural Center (BRC), Springdale Rural Center (SRC), Pleasant Home Rural Center (PH-RC), and Orient Rural Center (OR).

A question to consider for this work session is:

What are the appropriate allowances that should be given to residents who want to raise a small number of fowl and sell eggs on a limited basis without having to go through a land use permitting process?

PART II. BACKGROUND

This topic was first introduced by planning staff in 2011, revisited during a 2013 work session, and thereafter added to the 2014 Work Program in order to be finalized and brought to a public hearing before the commission. The main objective is clarification of language inconsistencies between the Oregon Revised Statutes code (ORS) and the Multnomah County Code (MCC), providing better cohesion between these two documents. Current code language and definitions introduce confusion and inconsistencies when residents inquire about raising chickens for eggs, and managing flocks for personal meat consumption. Additionally, there appears to be a growing interest in the ability for a land owner to sell their excess eggs and fowl at limited scale. Staff would like the Commission to contemplate the addition of standards to specific chapters of the MCC allowing small scale sales of fowl as well as their associated non-value added products, as an allowed, review, or conditional use – depending on the intensity of the use.

Reasons for increased interest may include:

- *Increasing desire for locally raised food products*
- *Improved food security and economics*
- *Food chain sustainability*
- *Increasing organic food interests and profitability*
- *Awareness of Best Management Practices minimizing nuisance occurrences (See exhibit 1)*

The Commission asserted during the initial 2013 work session that, because of the character and rural nature of Multnomah County, raising fowl was a common occurrence and seemed to be culturally accepted within those zones. With this acceptance, it was argued that there should be a common-sense approach that takes into account the intent of raising various sized flocks and bird types, making the regulatory process easier for residents in some circumstances, while bolstering the review and conditional use process requirements for larger scale fowl farming, slaughtering, and sales. Staff believes that the conditional use permit remains an appropriate vehicle for the consideration of more intensive large scale fowl operations, but would like the Commissioners to consider a less intensive Allowed use option (See Table 2) or Review use (See Table 3) for those who would like to raise a small flock for personal consumption or limited sales. Staff has also included a “pet” provision, specifying language that would allow for a limited number of fowl (3) that are considered pets (See Table 1). Staff feels that this number aligns with the current Multnomah County Animal Service Department’s standards pertaining to urban and suburban backyard fowl.

Staff maintains the findings from the previous work session; Multnomah County Code provides that farm uses within MUA-20, RR, OCI, and RC zones in unincorporated county areas, as defined in State statute ORS 215.203, are allowed uses - with some limitations.

Although it has been determined that raising fowl in the aforementioned zones is allowed with some limitations, staff feels that it is necessary to include new language separating non-farm use backyard fowl or pets from the ORS 215.203 definition of farm use (for profit requirement). The goal is not to add regulations, but is focused instead on reducing restrictions from the Allowed, Review, and Conditional Use processes – streamlining the process for the average resident to raise fowl and dispose of excess eggs, meat, feathers, as well as promoting best management practices. It should also be noted that the MUA-20, RR, OCI, and RC zones currently allow wholesale and retail sales of products raised or grown on the premises subject to approval of a land use application (Review Use). It is important to note that the type of retail sales allowed in MUA-20, RR, OCI, and RC zones is different from the type allowed in the EFU zone in that they do not allow for promotional activities or the sale of incidental items. The following text is included as a review use in the MUA-20, RR, OCI, and RC zones:

MCC 33.2825 (C)

“Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand, or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority pursuant to MCC 37.0640.”

Acting on direction from the Commission, staff has worked to amend the Allowed Use section of code to include an allowed use of raising and selling fowl, subject to some prescriptive standards such as limiting the allowed number of fowl and including setbacks from adjacent dwellings for pens, coops, roosts, and the other associated fowl enclosures or runs. (See Table 2, pg 16) Staff has also, with direction from the Commission, worked to eliminate the outright prohibition on raising fowl in the OCI and RC zones, yet has maintained more appropriate standards tailored to those zones such as large scale commercial prohibitions. Finally, a change to the trigger for a Conditional Use Permit was created that specified that the Conditional Use Permit is only required for large scale fowl farming operations that would exceed the limitations of the retail sales that would be an Allowed or Review use.

PART III. PROPOSED AMENDMENTS

Please note the following formatting styles used within this section:

Bold = Existing Code Language

Double Underline = Proposed new language

~~Strikethrough~~ – Language proposed for removal

Staff Note:

1. The new section called “Animal Keeping – Fowl” will be added to PART 6 - STANDARDS FOR COMMUNITY SERVICES; CONDITIONAL USES - Community Service - CS of the affected plan areas for Chapter 33, 34, 35, and 36. This includes making changes to the table of contents as well as the chapters, reflecting these additions. The purpose of this addition is to put all specific fowl provisions in a central location following the framework and existing design of the code.

PART 6 - STANDARDS FOR COMMUNITY SERVICES; CONDITIONAL USES
- Community Service – CS (*)**

LARGE FILLS

33.6700 - Purposes

(***)

ANIMAL KEEPING – FOWL

<u>33.6800-</u>	<u>Purpose</u>
<u>33.6805</u>	<u>Area Affected</u>
<u>33.6810</u>	<u>Conformance</u>
<u>33.6815</u>	<u>Allowed Uses</u>
<u>33.6820</u>	<u>Review Uses</u>
<u>33.6825</u>	<u>Conditional Uses</u>
<u>33.6830</u>	<u>Setback Requirements</u>
<u>33.6835</u>	<u>Prohibitions</u>
<u>33.6840</u>	<u>Criteria for Approval</u>

PART 7 - DESIGN REVIEW; NONCONFORMING USES; SIGNS; VARIANCES;
LAND DIVISIONS – Design(*)**

Staff Note:

2. “Livestock” will be added to the list of definitions for the affected plan areas of Chapter 33, 34, 35, and 36. Within MCC Chapter 13 – Animal Services, the definition of livestock reads as follows, *MCC §13.002: “Animals, including but not limited to fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emus, ostriches, swine or other farm animals, excluding dogs and cats” (See Exhibit 2).*

The purpose of this change is to create continuity between synonymous definitions of Livestock by including this specific language of MCC §13.0002 where needed. Staff feels that the code and definition of Livestock within Chapter 13 of the MCC Code accurately portray the intention of the ORS 215 definition of livestock.

This project also includes adding “Animal Husbandry”, “Domesticated Fowl”, “Fowl Husbandry”, and “Pet” to the list of definitions. The definition of “Riding Academy” has also been included as a housekeeping addition.

Staff Note:

Include changes within the following code sections: 33.0005, 34.0005, 35.0005, and 36.0005.

§ 35.0005 DEFINITIONS:

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Animal Husbandry – Controlled cultivation, management, and production of domestic animals, including improvement of the qualities considered desirable by humans by means of breeding. Animals are bred and raised for utility (e.g. food, fur), sport, pleasure, and research.

Domesticate - to adapt (an animal or plant) to life in intimate association with and to the advantage of humans.

Fowl Husbandry - A branch of animal husbandry that focuses on raising domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).

Livestock - Animals, including but not limited to fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emus, ostriches, swine or other farm animals, excluding dogs and cats.

Pet – A domesticated or tamed animal or bird kept for companionship or pleasure and treated with care and affection.

Riding Academy – See Equine Facility.

Staff Note:

3. Raising fowl as a farm use is currently an Allowed Use in the Multiple Use Agriculture – 20 (MUA-20) zone. Farm use means “the current employment of land for the primary purpose of **obtaining a profit in money** by raising, harvestings, and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees”.

This project works to amend 33.2820 to provide allowances for non-farm use fowl husbandry (small scale farming and pets), reflecting the new language within Part 6 – Animal Keeping – Fowl. Also, this project will make changes to 33.2820 (G)(1)(h) to reflect the addition of “coops” as an allowable accessory structure.

Include changes within the following code sections: 33.2820, 34.2820, 35.2820, and 36.2820.

§ 33.2820 ALLOWED USES

(A) Farm uses, as defined in ORS 215.203 (2) (a) for the following purposes only:

- (1) Raising and harvesting of crops;**
- (2) Raising of livestock, and honeybees; or,**
- (3) Any other agricultural or horticultural purpose, ~~or~~, animal husbandry purpose or combination thereof, except as provided in MCC 33.2825, or 33.2830 (B).**

(B) Raising of animals for pet purposes which includes raising fowl pursuant to MCC 33.6800 – 33.6840.

(C) The propagation or harvesting of forest products.

(D) Residential use consisting of a single family dwelling constructed on a Lot of Record.

(E) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

(F) Type A home occupations pursuant to MCC 33.0540.

(G) Accessory Structures:

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

- (a) Garages or carports;**
- (b) Pump houses;**
- (c) Garden sheds;**
- (d) Workshops;**
- (e) Storage sheds;**
- (f) Greenhouses;**
- (g) Woodsheds;**

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, coops, tack storage, and indoor exercise area;

(i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Similar structures.

Staff Note:

4. Raising fowl as a farm use is already an Allowed Use in the Rural Residential (RR) zone. Farm use means “the current employment of land for the primary purpose of **obtaining a profit in money** by raising, harvestings, and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees”.

This project works to amend 33.3120 to provide allowances for non-farm use fowl husbandry (small scale farming and pets), reflecting the new language within Part 6 – Animal Keeping – Fowl. Also, this project will make changes to 33.3120 (H)(1)(h) to reflect the addition of “coops” as an allowable accessory structure.

Include changes within the following code sections: 33.3120, 34.3120, 35.2120, and 36.3120.

§ 33.3120 ALLOWED USES.

(A) ****

(B) Farm use, as defined in ORS 215.203 (2) (a) for the following purposes only:

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or

(3) Any other agricultural or horticultural purpose, ~~or~~, animal husbandry purpose or combination thereof, except as provided in MCC 33.3125 and 33.3130 (B).

(C) Raising of animals for pet purposes, which includes the hobby of raising fowl pursuant to MCC 33.6800 – 33.6840 and MCC 33.3320.

(D) The propagation or harvesting of forest products.

(E) Residential use consisting of a single family dwelling constructed on a Lot of Record.

(F) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

(G) Type A home occupations pursuant to MCC 33.0540.

(H) Accessory Structures:

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

(a) Garages or carports;

(b) Pump houses;

(c) Garden sheds;

(d) Workshops;

(e) Storage sheds;

(f) Greenhouses;

(g) Woodsheds;

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, coops, tack storage, and indoor exercise area;

(i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Similar structures.

Staff Note:

5. Raising livestock as a farm use is already an Allowed Use in the Orient Commercial-Industrial (OCI) zone. Farm use means “the current employment of land for the primary purpose of **obtaining a profit in money** by raising, harvestings, and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees”.

This project works to amend 36.3520 to provide allowances for non-farm use fowl husbandry (small scale farming and pets), reflecting the new language within Part 6 – Animal Keeping – Fowl. Also, This project will make changes to 36.3520 (G)(1)(h) to reflect the addition of “coops” as an allowable accessory structure.

Changes to the OCI are specific to chapter 36.3520 (B), (C), and (G).

§ 36.3520 ALLOWED USES

(A) ****

(B) Farm Use, as defined in ORS 215.203 (2)(a) for the following purposes only:

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or

(3) Any other agricultural or horticultural purpose, or, animal husbandry purpose or combination thereof, except as provided in MCC 36.3525 and 36.3530. This subsection does not permit the commercial raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.

(C) Raising of animals for pet purposes, which includes the hobby of raising fowl pursuant to MCC 33.6800 – 33.6840 and MCC 36.3520 (A) (3) (a).

(D) Propagation or harvesting of forest products.

(E) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

(F) Type A home occupations pursuant to MCC 36.0540.

(G) Accessory Structures:

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

(a) Garages or carports;

- (b) Pump houses;
- (c) Garden sheds;
- (d) Workshops;
- (e) Storage sheds;
- (f) Greenhouses;
- (g) Woodsheds;
- (h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, coops, tack storage, and indoor exercise area;
- (i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;
- (j) Sport courts;
- (k) Gazebos, pergolas, and detached decks;
- (l) Fences, gates, or gate support structures; and
- (m) Similar structures.

Staff Note:

6. Raising livestock as a farm use is already an Allowed Use in the all rural center zones. Farm use means “the current employment of land for the primary purpose of **obtaining a profit in money** by raising, harvestings, and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur bearing animals or honeybees”.

Staff Note 6 will provide updates for all Rural Center Zones including Rural Center (RC) Burlington Rural Center (BRC), Springdale Rural Center (SRC), Pleasant Home Rural Center (PH-RC), and Orient Rural Center (OR). This project works to amend 33.3320, 34.3320, 35.3320, 36.3125, 36.3420 (RC Zones Allowed Uses), to provide allowances for non-farm use fowl husbandry (small scale farming and pets), reflecting the new language within Part 6 – Animal Keeping – Fowl.

Also, these changes will also add language within all RC zones allowed use sections reflecting the addition of “coops” as an allowable accessory structure.

§ 33.3320 ALLOWED USES

(A) Farm use, as defined in ORS 215.203(2)(a), for the following purposes only:

- (1) Raising and harvesting of crops;**
- (2) Raising of livestock and honeybees; or**
- (3) Any other agricultural or horticultural purpose, ~~or~~, animal husbandry purpose or combination thereof, except as provided in MCC 33.3325 and MCC 33.3330. This subsection does not permit ~~the~~ commercial raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.**

(B) Raising of animals for pet purposes, which includes the hobby of raising fowl pursuant to MCC 33.6800 – 33.6840 and MCC 33.3320 (A) (3) (a).

(C) The propagation or harvesting of forest products.

(D) Residential use consisting of a single family dwelling constructed on a Lot of Record.

(E) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

(F) Type A home occupations pursuant to MCC 33.0540.

(G) Accessory Structures:

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

- (a) Garages or carports;**
- (b) Pump houses;**
- (c) Garden sheds;**
- (d) Workshops;**
- (e) Storage sheds;**
- (f) Greenhouses;**
- (g) Woodsheds;**

(h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, coops, tack storage, and indoor exercise area;

(i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;

(j) Sport courts;

(k) Gazebos, pergolas, and detached decks;

(l) Fences, gates, or gate support structures; and

(m) Similar structures.

Staff Note:

7. Small scale farming will be added to the list of Review Uses in MUA-20, RR, OCI, RC, SRC, BRC, PH-RC, and OR Zones.

This project works to amend MCC Sections 33.2825, 34.2825, 35.2825, and 36.2825; 33.3125, 34.3125, 35.3125, and 36.3125; 33.3325, 34.3325, 35.3325, and 36.3325; as well as 36.3425.

§ 33.2825 REVIEW USES²

(A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

(1) Construction shall comply with the standards of the Building Code or as pre-scribed in ORS 446.002 through 446.200, relating to mobile homes.

(2) The dwelling shall be attached to a foundation for which a building permit has been obtained.

(3) The dwelling shall have a minimum floor area of 600 square feet.

(B) Temporary uses when approved pursuant to MCC 33.0510 and 33.0515.

(C) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that

² MCC 33.2825 as shown serves as the example for all zones and sections described in Staff Note 7.

the decision of the Planning Director may be appealed to the approval authority, pursuant to MCC 33.0785 and 33.0790.

(D) Off-street parking and loading.

(E) Property Line Adjustment pursuant to the provisions of MCC 33.2860.

(F) Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(G) Lots of Exception pursuant to the provisions of MCC 33.2860.

(H) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

(I) Consolidation of Parcels and Lots pursuant to MCC 33.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 33.7797.

(J) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2820 Allowed Uses.

(K) A Type B home occupation when approved by MCC 33.0550.

(L) Small scale farming of fowl pursuant to the provisions of MCC 33.6800 - 33.6840 and MCC 33.2825(C).

Staff Note:

8. MCC 33.2830(B)(3) – “Raising of any type of fowl” will be changed to “large scale farming” within the list of Conditional Uses in MUA-20, RR zones. The changes to this section will focus on the term commercial and scale of use, clarifying the difference between allowed use of a small personal flock versus a commercial farming and processing operation.

OCI, SRC, BRC, PH-RC, OR, and RC will see no change to their Conditional Use sections, maintaining large scale fowl farming prohibitions.

This project works to amend MCC Sections 33.2830, 34.2830, 35.2830, and 36.2830; 33.3130, 34.3130, 35.3130, and 36.3130

§ 33.2830 CONDITIONAL USES³

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Community Service Uses pursuant to the provisions of MCC 33.6000 through 33.6230;

(B) The following Conditional Uses pursuant to the provisions of MCC 33.6300 through 33.6660:

- (1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005; or exploration, mining and processing of aggregate and other mineral or subsurface resources;
- (2) Commercial processing of agricultural products primarily raised or grown in the region;
- (3) Large scale farming ~~raising~~ of any type of fowl or processing the by-products thereof for sale at wholesale or retail pursuant to the provisions of MCC 33.6800 - 33.6840;
- (4) Feed lots;
- (5) Raising of four or more swine over four months of age;
- (6) Raising of fur bearing animals for sale at wholesale or retail;
- (7) Commercial dog kennels; and
- (8) Commercial processing of forest products primarily grown in the region.

Staff Note:

9. Fowl Regulations will be added to Section 6 consisting of MCC 33.6800 -33.6840. This addition provides concise standards for individuals engaging in managing flocks for personal consumption and or sales, as well as providing descriptive tables for each use (Table 1, 2, and 3).

FOWL REGULATIONS

33.6800 – PURPOSE

³ MCC 33.2830 Conditional Uses as shown serves as the example for all zones and sections described in Staff Note
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This Chapter regulates fowl husbandry within lands zoned Mixed Use Agriculture 20 (MUA 20), Rural Residential (RR), Oriental Commercial-Industrial (OCI), Rural Center (RC), Burlington Rural Center (BRC), Springdale Rural Center (SRC), Pleasant Home Rural Center (PH-RC), and Orient Rural Center (OR). These regulations balance the need to reduce nuisances while promoting healthy sustainable rural communities. The regulations for fowl have the following specific objectives.

- (A) To promote awareness of sanitary conditions through accepted Best Management Practices.
- (B) To standardize species and specific flock sizes permitted within specific zones.
- (C) To ensure proper setbacks are maintained between livestock areas and adjacent residential dwellings.
- (D) To provide guidance for the allowance of limited sales of fowl products.
- (E) To provide continuity between ORS and County Code by clearly defining livestock.

33.6805 – AREA AFFECTED

MCC 33.6800 – 33.6840 shall apply to all lands designated as MUA-20, RR, OCI, BRC, SRC, PH-RC, OR, and RC.

33.6810 – CONFORMANCE

Mature fowl raised for personal consumption, farming, or sales must conform with all regulations of this Chapter. A mature fowl is classified as any approved species of fowl over the age of 5 months. Coops must be approved, prior to erection, in accordance with MCC. 33.2820 (Accessory Structures).

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33.6815 – Allowed Uses

Table 1: Fowl as Pets in MUA-20, RR, OCI, BRC, SRC, PH-RC, OR, and RC zones.

<u>Outright Allowed Uses – Pets as provided in MCC .2820, .3120, .3320, and .3520.</u>		
<u>MUA-20, RR, OCI, RC, SRC, BRC, PH-RC, and OR ZONES:</u>	<u>Up to Three Fowl are considered “Pets”.</u>	<u>Raising of three fowl or less is considered an outright allowed use. No approval required for pets.</u> <u>Any structures or facilities associated with flocks must be approved, prior to erection, in accordance with MCC. 33.2820 (Accessory Structures).</u>

Table 2: Proposed Allowed Uses within the MUA-20, RR, OCI, BRC, SRC, PH-RC, OR, and RC zones.

<u>Zone</u>	<u>(A) Species/Sex Allowances</u>	<u>(B) Setback Requirements</u>	<u>(C) Vending Standards</u>	<u>(D) Flock Size</u>
<u>MUA-20</u>	<u>Any domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).</u> <u>1 Mature Rooster per 25 Hens.</u>	<u>All Base Zone Dimensional Standards must be satisfied.</u> <u>All permanent structures related to operation shall be located a minimum of 50 feet away from any dwellings on adjacent lots.</u>	<u>Limited disposal of excess fowl, eggs, feathers, or meat in exchange for monetary support permitted.</u> <u>Promotional activities or vending stands are prohibited.</u>	<u>10 Mature fowl per 1 acre,</u> <u>OR</u> <u>MAX 50 Mature fowl;</u> <u>Whichever is greater.</u>

<u>RR</u>	<p><u>Any domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).</u></p> <p><u>1 Mature Rooster per 25 Hens.</u></p>	<p><u>All Base Zone Dimensional Standards must be satisfied.</u></p> <p><u>All permanent structures related to operation shall be located a minimum of 50 feet away from any dwellings on adjacent lots.</u></p>	<p><u>Limited disposal of excess fowl, eggs, feathers, or meat in exchange for monetary support permitted.</u></p> <p><u>Promotional activities or vending stands are prohibited.</u></p>	<p><u>10 Mature fowl per 1 acre,</u></p> <p><u>OR</u></p> <p><u>Max 50 Mature fowl;</u></p> <p><u>Whichever is greater.</u></p>
<u>OCI</u>	<p><u>Any domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).</u></p> <p><u>1 Mature Rooster.</u></p>	<p><u>All Base Zone Dimensional Standards must be satisfied.</u></p> <p><u>All permanent structures related to operation shall be located a minimum of 50 feet away from any dwellings on adjacent lots.</u></p>	<p><u>Limited disposal of excess fowl, eggs, feathers, or meat in exchange for monetary support permitted.</u></p> <p><u>Promotional activities or vending stands are prohibited.</u></p>	<p><u>MAX Flock size 10 Mature fowl.</u></p>

<u>RC,</u> <u>BRC,</u> <u>SRC,</u> <u>PH-RC</u> <u>OR</u>	<u>Any</u> <u>domesticated</u> <u>fowl belonging</u> <u>to one of two</u> <u>biological</u> <u>orders, namely</u> <u>the game fowl</u> <u>or land fowl</u> <u>(Galliformes)</u> <u>and the</u> <u>waterfowl</u> <u>(Anseriformes).</u> <u>1 Mature</u> <u>Rooster.</u>	<u>All Base Zone</u> <u>Dimensional</u> <u>Standards must</u> <u>be satisfied.</u> <u>All permanent</u> <u>structures</u> <u>related to</u> <u>operation shall</u> <u>be located a</u> <u>minimum of 50</u> <u>feet away from</u> <u>any dwellings</u> <u>on adjacent</u> <u>lots.</u>	<u>Limited</u> <u>disposal of</u> <u>excess fowl,</u> <u>eggs, feathers,</u> <u>or meat in</u> <u>exchange for</u> <u>monetary</u> <u>support</u> <u>permitted.</u> <u>Promotional</u> <u>activities or</u> <u>vending stands</u> <u>are prohibited.</u>	<u>MAX Flock</u> <u>size 10</u> <u>Mature</u> <u>fowl.</u>
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All other uses that do not meet the specifications as described in Table 2 would require a more intensive Review Use or Conditional Use, depending on the conditions. Any domestic fowl husbandry located in the MUA – 20, RR, OCI, and RC Zones wishing to exceed the allowed use limitations – flock size, setbacks, etc – would be subject to a Review or Conditional Use Process.

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Staff Contact: John Miller
Staff Report Date: 11/03/2014

33.6820 – Review Uses

Table 3: Proposed Review Uses within the MUA-20, RR, OCI, BRC, SRC, PH-RC, OR, and RC zones.

<u>REVIEW USE – MUA-20, RR, OCI, and RC Zones</u>					
<u>Zone</u>	<u>(A) Species – Sex Requirements</u>	<u>(B) Setback Requirements</u>	<u>(C) Slaughter Requirements</u>	<u>(D) Vending Requirements</u>	<u>(E) Flock Size</u>
<u>MUA-20</u>	<p><u>Any domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).</u></p> <p><u>More than 1 Mature Rooster per 25 Hens.</u></p>	<p><u>All Base Zone Dimensional Standards must be satisfied.</u></p> <p><u>Any permanent structures related to operation proposed to be located less than 50 feet away from any dwellings on adjacent lots.</u></p>	<p><u>OAR 603-028-0710 thru 603-028-0740 provides exemptions to the slaughter of fowl, provided the offal and feathers are disposed of offsite at a Metro approved garbage facility or rendering facility.</u></p>	<p><u>Sale of fowl, eggs, meat, or other products pursuant to MCC 33.2825(C).</u></p>	<p><u>Any flock sizes between 50-150 Mature fowl.</u></p>
<u>RR</u>	<p><u>Any domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).</u></p> <p><u>More than 1 Mature Rooster per 25 Hens.</u></p>	<p><u>All Base Zone Dimensional Standards must be satisfied.</u></p> <p><u>Any permanent structures related to operation proposed to be located less than 50 feet away from any dwellings on adjacent lots.</u></p>	<p><u>OAR 603-028-0710 thru 603-028-0740 provides exemptions to the slaughter of fowl, provided the offal and feathers are disposed of offsite at a Metro approved garbage facility or rendering facility.</u></p>	<p><u>Sale of fowl, eggs, meat, or other products pursuant to MCC 33.2825(C).</u></p>	<p><u>Any flock sizes between 50-150 Mature fowl.</u></p>

OCI	<p><u>Any domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).</u></p> <p><u>More than 1 Mature Rooster per 25 Hens.</u></p>	<p><u>All Base Zone Dimensional Standards must be satisfied.</u></p> <p><u>Any permanent structures related to operation proposed to be located less than 50 feet away from any dwellings on adjacent lots.</u></p>	<p><u>OAR 603-028-0710 thru 603-028-0740 provides exemptions to the slaughter of fowl, provided the offal and feathers are disposed of offsite at a Metro approved garbage facility or rendering facility.</u></p>	<p><u>Sale of fowl, eggs, meat, or other products pursuant to MCC 33.2825(C).</u></p>	<p><u>Any flock sizes greater than 10 Mature fowl per acre.</u></p>
RC, BRC, SRC, PH-RC OR	<p><u>Any domesticated fowl belonging to one of two biological orders, namely the game fowl or land fowl (Galliformes) and the waterfowl (Anseriformes).</u></p> <p><u>More than 1 Mature Rooster per 25 Hens.</u></p>	<p><u>All Base Zone Dimensional Standards must be satisfied.</u></p> <p><u>Any permanent structures related to operation proposed to be located less than 50 feet away from any dwellings on adjacent lots.</u></p>	<p><u>OAR 603-028-0710 thru 603-028-0740 provides exemptions to the slaughter of fowl, provided the offal and feathers are disposed of offsite at a Metro approved garbage facility or rendering facility.</u></p>	<p><u>Sale of fowl, eggs, meat, or other products pursuant to MCC 33.2825(C).</u></p>	<p><u>Any flock sizes greater than 10 Mature fowl per acre.</u></p>

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33.6825 – Conditional Uses

Table 3: Proposed Conditional Uses within the MUA-20, RR, OCI, BRC, SRC, PH-RC, OR, and RC zones.

<u>CONDITIONAL Use – MUA-20, RR, OCI, and RC Zones – Fowl</u>	
<u>Any domestic fowl husbandry located in the MUA – 20, RR, OCI, and RC proposing an operation that exceeds Review Use Regulations of MCC 33.6820 would be considered a Large Scale Fowl Farming commercial operation and would be subject to the Conditional Use Process as written in MCC 33.2830 and MCC 33.6800 – 33.6840.</u>	
(A) <u>Species – Sex Requirements</u>	
<u>Any operation proposing a greater density or ratio of Mature Roosters to Hens (Male – Female) would be subject to a Conditional Use Permit.</u>	
<u>Any operation proposing an alternative species not included in the orders Galliformes or Anseriformes such as Ostrich or Emu, or any other type of poultry known for their wild nature will be subject to a Conditional Use permit.</u>	
(B) <u>Setback Requirements</u>	
<u>Any operation that cannot meet the setback requirements of MCC 33.6815 (B) or MCC 33.6820 (B) will be subject to a Conditional Use Permit.</u>	
(C) <u>Slaughter Requirements</u>	
<u>Any operation proposing a large scale commercial fowl farming operation must comply with all federal and state provisions regarding licensing packaging, and inspections pursuant to OAR 603-028.</u>	
(D) <u>Vending Requirements</u>	
<u>Sale of fowl, eggs, meat, or other products pursuant to MCC 33.2830 (B) (3) and MCC 33.6800 – 33.6840.</u>	
(E) <u>Flock Size</u>	
<u>Any operation with flock sizes exceeding allowed and review use provisions for specific base zoning would be subject to a Conditional Use Permit.</u>	

33.6830 – Setback Requirements

- (A) The setback requirements for all base zoning dimensional standards shall apply, in addition to setback requirements listed in MCC 33.6830 (B), for all permanent structures used in fowl operation.
- (B) The setback requirements for chicken/fowl coops shall adhere to the requirements established pursuant to MCC 33.6800 – 33.6840, establishing a 50' setback from all adjacent dwellings.

33.6835 – Prohibitions

- (A) It is unlawful for any person to maintain or keep any ostrich, emu, or other fowl characterized by a wild nature, without review or conditional use approval. The keeping of such animals not specifically excepted within MCC 33.6815 – 33.6825 is declared to be a nuisance.
- (B) It is unlawful for any person to maintain or keep female or male fowl that exceed approved flock sizes. Keeping more flock sizes larger than excepted herein is declared a nuisance.
 - (1) Fowl which have yet to reach maturity (5 months), shall not be included in these provisions.
 - (2) Calculations for immature fowl shall be based off a 3:1(Immature:Mature) ratio calculated from allowances for mature fowl.

33.6840 – CRITERIA FOR APPROVAL

The approval authority shall find that:

- (A) The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the commencing fowl operations.
- (B) The applicant shall submit the following information with related supporting evidence to demonstrate compliance with the following requirements. Allowed uses are subject to the provisions listed in MCC 33.6840 (B) (1) – (2). Review Uses are subject to the provisions listed in MCC 33.6840 (B) (1) – (3). Conditional Uses are subject to the provisions listed in MCC 33.6840 (B) (1) – (8) and the Conditional Use Criteria listed in the MCC 33.6315 Conditional Use Approval Criteria.
- (C) The applicant has shown that prior to approval, the following criteria can or will be met by a specified date:

- (1) Site Plan
- (2) Accessory Structure (coop) Placement and Design Plan, as applicable.
- (3) Sanitation – Manure management Plan, as applicable.
- (4) Operation Description and Employee Numbers, as applicable.
- (5) Commercial Slaughter/Processing Plan, as applicable.
- (6) CAFO (Concentrated Animal Feeding Operations) License, as applicable.
- (7) Truck traffic plan for feed delivery, as applicable.
- (8) Proof of water rights availability to sustain proposed intensity of use, as applicable.

PART IV. CONCLUSION

Based off the information compiled since the November 2013 Work Session, staff feels comfortable presenting these code changes and additions - confident that the provisions will result in a more effective policy for residents looking to raise a small number of fowl and provide those individuals direction on their ability to sell excess eggs. This project works to redefine the idea of modern urban farming practices within the context of Land Use Review and Planning in Multnomah County, while simultaneously working to identify the associated existing cultural acceptance of backyard chicken and fowl farming, ultimately providing a common sense method for citizens interested in raising a small number of chickens or other types of fowl.

With that process in mind, it should be reiterated that this code update was not designed to create additional levels of regulations, and instead has worked to incorporate the five objectives presented above in order to provide the desired result in a way that will not add any additional nuisances or disturbances.

Staff feels that this project and the addition of 33.6800- 33.6840 reflect the true intention of ORS 215 as well as the MCC Code Chapters.

Recommendation: Staff recommends review of the work session item and a hearing to finalize the provisions.

PART V. REFERENCES & EXHIBITS
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Havens, H. (2012). *Keeping Backyard Hens - The Basics, Portland Oregon Edition*. Portland Oregon. *heather@concentratesnw.com*

Sibley, C.G.; Ahlquist, J.E. & Monroe, B.L. (1988): *A classification of the living birds of the world based on DNA-DNA hybridization studies*. Auk 105: 409-423.

Von Lunen, J. (2009, April 14). Chicks flying out the coops as Portlanders flock to suppliers. *Chicks Flying out the Coops as Portlanders Flock to Suppliers*. Retrieved July 29, 2014, from http://www.oregonlive.com/pets/index.ssf/2009/04/chicks_flying_out_the_coops_as.html

Exhibits:

1. *Draft Multnomah County Planning Department Fowl Handout*
2. *Multnomah County MCC Chapter 13 - Animal Services*