

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

**APPLICANT:** Trinity County

**AGENT:** Trinity County Planning Department      **REPORT BY:** Frank Lynch

**Area:** County Wide

**PROJECT DESCRIPTION:** Amendment to County's Zoning Ordinance to provide for small, backyard keeping of chickens for personal use on parcels in residential zones

**LOCATION:** This amendment would be applicable County wide

**PROJECT BACKGROUND:** In response to continual community inquiry, concern and candidly being responsive to a circumstance that is already quite common throughout the area, staff is proposing to amend provisions of the Zoning Ordinance to allow for the keeping of a small number of "backyard" chickens if done in association with an on-site residence. The feasibility of the keeping of chickens is a frequent inquiry regarding accessory uses that may be allowed, and is also occasionally the subject of a neighborhood complaint. The reality is that many people keep chickens "illegally" and provided that there are no roosters continually making noise, most neighborhood issues area addressed. Further, with recent amendment to State law regarding the "humane treatment" of chickens, requiring them to have some more space in commercial operations, many are concerned with the anticipated rise in the costs of eggs. There have been many reports in the general media as well as professional journals in recent years about the increased interest in maintaining backyard chickens.

**PROJECT DESCRIPTION:** Currently, the keeping of "chickens, ducks, geese, pigeons, pheasants, pre-fowl, guinea fowl, rabbits, mink, chinchilla, and similar livestock" are permitted in the Unclassified, RR, AG and other resource zones at a maximum of 25 individuals per every 20,000 square feet (approximately ½ acre). The only means for smaller properties, typically zoned Single Family Residential (R-1) is under the following General Provision of the Zoning Ordinance, Section 30(D)(2):

2. Temporary Keeping of Livestock in Residential Zoning Districts

The Planning Director shall establish a waiver process in conjunction with 4H, FFA or student livestock projects in residential zoning districts where animal rearing is prohibited. Such waivers shall include but not be limited to the notification of neighbors, annual renewal and provide for adequate

setbacks to reasonably protect neighboring uses. An approved waiver shall be for less than one year and will terminate at the completion of the Trinity County Fair. The Planning Director shall consult with the County Agriculture Commissioner, high school agricultural advisors and the county 4H advisor in developing standards for the waiver process.

The proposed amendment to facilitate this concept would add to this section the following language:

Personal Keeping of Chickens: Up to six chickens (hens only, no roosters) may be kept in a rear yard (in the rear of the house) within a fully contained coop meeting the following minimum standards:

- The “coop” would be considered to both the solid material shelter as well as the outdoor yard area within which the chickens are kept.
- The coop must be completely secured within walls and roof.
- The coop shall be maintained to prevent wildlife or other outside predators from gaining entry.
- The coop must be less than 100 square feet in size.
- The coop shall be located to be a minimum of 20 feet from any off-site residence and 10 feet from any property line. (See Section 15 L 6)
- The coop shall be regularly cleaned and maintained.

The standards provided particularly the size and setback limitations are open to debate, but are offered as a starting point. A search of the internet reveals that there are literally hundreds of communities around the State and country that have revised ordinances pertaining to the keeping of small numbers of chickens in recent years. Standards vary, e.g. commonly five or six chickens for higher density areas, setbacks from property lines (varying from none to 50 feet) and setbacks from neighboring residences (none to 50 feet). The above limitations seem to bring in common concepts that would be applicable to settings similar to those found in Trinity County.

**ENVIRONMENTAL CONSIDERATIONS:** In reviewing the project for compliance with CEQA staff considered what potential effects the project could have. Again, reviewing internet sources, impacts mentioned are varied however staff did find the attached Exhibit A, which we believe provides a fairly balanced discussion of issues to consider and an assessment of potential impacts. The reader should keep in mind that this article is also likely focused on communities far more urban in nature than any of Trinity County.

Concluding our review of issues, staff believes that as limited by the proposed limitations of the project description/amendment as described above, that the project is benign and does not by, in essence, common sense, impact the environment in any significant

manner. CEQA Section 15061(b)(3), commonly called the “general rule” provision, would apply:

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Hence, staff recommends that the Commission consider the standards and the whole of the record that may be presented, and find that the project be concluded to be exempt from CEQA per the above.

**STAFF RECOMMENDATION:** Staff recommends the following:

1. Recommend to the Board of Supervisors that per CEQA Guidelines Section 15061(b)(3), that the project should be found exempt from CEQA; and
2. Recommend to the Board of Supervisors approval of the zoning text amendment finding the action to be consistent with the overall goals and policies of the Trinity County General Plan.

# EXHIBIT A

## Developing Regulations for Keeping Urban Chickens

[Small and Backyard Flocks](#) July 15, 2014|[Print](#)

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There is growing interest in keeping chickens in urban areas in North America. Whether a family can keep poultry in the backyard depends on state, county, and city ordinances. Community regulations might also come into play—current regulations vary from city to city. The main benefit of a backyard flock stems from the human-animal bond, as well as the production of a food item, primarily eggs. However, many individuals have concerns related to public health and community well-being. These include the spread of disease, waste management, poultry pests, predators, noise, and odor. The validity of the proposed benefits and negative effects are not currently supported by any published research. Pollock et al. (2012) suggest that the issue be approached much like concerns over keeping dogs.

### Proposed Benefits

Raising chickens in an urban backyard is not much different from having a companion animal such as a cat or dog. In a recent USDA survey, Garber et al. (2007) note that the most common reason for having backyard flocks was for fun or as a hobby. Additional reasons included family tradition, lifestyle, and food production, as well as the desire to expose children to food production, general affection for birds, and insect control.

There is research to support the idea that improved emotional well-being results from keeping companion animals (Wells, 2009). Emotional benefits include increased social interaction and reduced feelings of loneliness, isolation, and depression. If backyard chickens are considered companion animals, keeping them will likely have the same positive effects.

Eggs are the main food item produced in backyard flocks. The local production allows families to have some control over their food production. Given the economies of scale, however, it is rarely possible for the keeper of a backyard flock to produce eggs at a lower cost than those available in the grocery store. Chickens can eat some kitchen scraps, but it is still necessary to feed them a complete feed in order to sustain egg production. When chickens are fed household waste, there is an environmental benefit to raising backyard chickens. An additional environmental effect is the supply of chicken manure, which, when properly handled, is a good garden fertilizer, reducing the need for commercial fertilizers.

When the chickens are allowed to roam in the yard, they may eat garden pests and weeds, serving as a biological control. Unfortunately, chicken foraging behavior can have negative impacts on the plants themselves.

Some believe that eggs produced at home are more nutritious than store-bought eggs, but the research does not support this belief (Anderson, 2011; Kasrten et al., 2010). Eggs, whatever the source, are an excellent source of protein.

## **Fact or Fiction**

### **Source of Disease Transmission to Commercial Poultry Operations**

Smith and Dunipace (2011) reviewed the literature on the role of backyard poultry flocks in past **avian influenza** outbreaks and concluded that the role is very small. They indicate that the small flock size and limited contact with commercial operations reduced the likelihood that backyard flocks are a risk to transmit disease to commercial poultry operations. They back up this opinion with several case studies. For example, in the 2004 outbreak of avian influenza (H7N3) in British Columbia, Canada, the odds of infection were 5.6 greater for commercial flocks (>1,000 birds) than for backyard flocks. In addition, backyard flocks were always discovered by surveillance of nearby backyard flocks after nearby commercial flocks had been infected. Similarly, in the 2002 avian influenza (H7N2) outbreak in Virginia, not a single backyard flock was reported to be infected.

## Public Health Issues

The public health issues of concern are the spread of infectious diseases from the birds to humans and food poisoning from consumption of food items produced (meat or eggs). There are a number of hypothetical means through which people can be exposed to poultry disease from backyard flocks. These include direct contact, waste handling, and egg consumption. There are a number of avian diseases that are zoonotic. The spread of these diseases, however, is primarily associated with other poultry and wild birds rather than with chickens. Avian influenza and salmonellosis are two exceptions. Avian influenza has received a lot of attention because of the outbreaks of avian influenza among humans in Asia, but the concerns are restricted to Asian backyard flocks. There has not been a single case of H5N1 (the strain of Asian avian influenza) anywhere in the the United States.

Salmonellosis and campylobacteriosis can pose an ongoing threat to human health in North America. A New Zealand study (Anderson et al., 2012) reported that campylobacter is common in backyard chicken flocks. However, because backyard poultry had campylobacter genotypes for the strains found in commercially produced poultry, it is not possible to distinguish the source of infection in human cases. As a result, backyard poultry, or their fecal material, are a potential source of campylobacter exposure in people. When dogs are kept in the same area as chickens, the dog may eat the fecal material and could hypothetically transmit salmonellosis to household members. While there have been a few [cases of salmonellosis in humans keeping backyard flocks](#), salmonellosis is not typically a problem in properly maintained flocks.

On August 15, 2013, the [Centers for Disease Control \(CDC\)](#) reported [316 people from 37 states](#) were infected with *Salmonella typhimurium*, believed to be related to backyard poultry flocks. Of the 119 people with available information, 51% had been hospitalized. The majority of the sick were children 10 years of age or younger. Of those that got ill, 97% reported contact with live poultry in the week before their illness began. The majority purchased live poultry from agricultural feed stores. The CDC stressed the importance of hand washing after handling poultry. Again, salmonellosis is not a concern in well-maintained flocks. If

bringing in a new flock of hens, it is best to raise the chicks yourself, after having purchased them from a clean flock.

## **Waste Management**

Proper manure management is essential in controlling disease risk, odors, and flies. Most concerns regarding poultry waste are related to the quantities produced on large-scale farms. Small-scale operations, as well as backyard flocks, can also contribute to environmental pollution if they have high bird density and poor manure management. Most city ordinances restrict the number of birds allowed in a backyard flock. It is also rare for urban centers to be situated near important water reservoirs. This dramatically reduces the risk of environmental pollution from backyard flocks. The weight of fresh manure output is about 115% of the total dry feed intake. So, to estimate the amount of manure a flock will produce, you can multiply the flock's total feed consumption and multiply by 1.15. (A hen typically eats a quarter pound of feed a day.) Fresh manure is 75% water, and some of the moisture will evaporate from manure accumulating in a poultry house. It is important to keep the manure dry. By keeping the litter dry, only about one-third of the calculated weight of the fresh manure will remain. Composting the used bedding produces an excellent fertilizer for vegetable or flower gardens.

## **Pest Populations**

The main pests of concern for poultry include external parasites such as mites, lice, bedbugs, fleas, and soft ticks. Additional pests of concern include darkling beetles, flies, moths, cockroaches, and rodents. There is very little research to reach any conclusions about the effects of pests on backyard flocks. Rodents, especially mice, will eat feed and contaminate it with salmonella. In addition to transmitting disease, rodents can also spread lice, fleas, and mites. Health risks from backyard flocks depend on the cleanliness and security of the chicken coop, as well as the nature of waste management and feed storage.

## **Predators**

Some areas have problems with raptors. The main land predators of concern include raccoons and coyotes, although neighborhood dogs can be a problem in some areas. If birds are housed in a coop, this will usually protect them from predators. Raccoons can be a problem, however, because they can reach into pens.

## **Noise**

Most city ordinances do not allow roosters because of the crowing. It is not feasible to prevent a rooster from crowing, and roosters will crow throughout the day. Some city ordinances allow for temporary keeping of roosters for breeding purposes, but that is rare.

Hens have also been accused of being a noise nuisance. A hen will squawk during egg-laying. The squawking can continue for up to five minutes, but varies considerably. The city of Pleasanton, California, recorded the noises from a squawking hen at a distance of two feet and obtained a 63 dBA. By comparison, dogs are considered a noise disturbance when barking exceeds 100 dBA (Coopala et al., 2006). Minimizing the number of hens allowed in a backyard flock will minimize the nuisance.

## **Odor**

Keeping chicken coops clean and properly disposing of waste will minimize any odors from a backyard poultry flock. Composting of used poultry bedding dramatically reduces any risks of odors. For more information on composting, view the University of Wyoming article "Backyard Composting: Simple, Small-Scale Methods".

## **Points to Consider**

A large portion of the urban population has very little contact with food animals, purchasing their meat, eggs, and milk from the grocery store. This disconnection results in limited knowledge about how to care for livestock such as poultry. A survey by Madsen et al. (2013) identifies gaps in the disease prevention and biosecurity practices of backyard flocks.



Per a review of some of the current city ordinances related to backyard poultry flocks, the following questions need to be addressed in the establishment of new city ordinances.

- **What species of poultry will be allowed?** Most urban areas allow only chickens, though some do not restrict the kind of poultry that can be raised. Waterfowl can produce a lot of wet manure and tend to be more of an odor problem.
- **What is the maximum number of adult birds that a backyard can have?** Most ordinances allow between five and six.
  - What factors should you consider to limit the number of birds?  
Factors could include land size, for example.
  - Will there be exceptions for community flocks?
- **Are roosters allowed?** Most urban areas do not allow roosters because of the noise. Some city ordinances do allow roosters because roosters are required for breeding a poultry flock. Some allow roosters to be kept temporarily for breeding purposes.
- **Will a permit be required?** Several cities require flock owners to get a permit in order to keep chickens in the backyard, but permit requirements are rare. In communities that do require a permit, requirements differ on several key points.
  - Will there be a fee for a permit?
  - What does the application involve?
  - Do prospective flock owners have to get neighbor approval?
  - Will prospective owners be required to take a course before they can get a permit?
  - Will there be inspections of the facilities to verify correct application of the rules? And, if so, what are the consequences of violations?
  - How often does the permit need to be renewed?
- **Will there be coop restrictions?** These could include requirements that a coop be set back from neighboring properties. "Setback" regulations are very common, but not universal.
- **Will the chickens have to be tagged for identification?** This is rare, and in some places strongly opposed.

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## Sources

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**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY**  
Zoning Ordinance No. 315 – Keeping of Chickens

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

**Section I:** Section 30 (D) (2) of the Trinity County Zoning Ordinance is hereby amended as follows:

2. ~~Temporary~~ Keeping of Livestock in Residential Zoning Districts.

- a. The Planning Director shall establish a waiver process in conjunction with 4H, FFA or student livestock projects in residential zoning districts where animal rearing is prohibited. Such waivers shall include but not be limited to the notification of neighbors, annual renewal and provide for adequate setbacks to reasonably protect neighboring uses. An approved waiver shall be for less than one year and will terminate at the completion of the Trinity County Fair. The Planning Director shall consult with the County Agriculture Commissioner, high school agricultural advisors and the county 4H advisor in developing standards for the waiver process.
- b. Personal Keeping of Chickens: Up to six chickens (hens only, no roosters) may be kept in a rear yard (in the rear of the house) within a fully contained coop meeting the following minimum standards:
  1. The “coop” would be considered to both the solid material shelter as well as the outdoor yard area within which the chickens are kept.
  2. The coop must be completely secured within walls and roof.
  3. The coop shall be maintained to prevent wildlife or other outside predators from gaining entry.
  4. The coop must be less than 100 square feet in size.
  5. The coop shall be located to be a minimum of 20 feet from any off-site residence and 10 feet from any property line.
  6. The coop shall be regularly cleaned and maintained.

**Section II:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and passed and enacted this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Board of Supervisors of the County of Trinity by motion, second (✓), and the following vote:

AYES: Supervisors

NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: None

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JUDY MORRIS, CHAIR  
Board of Supervisors  
County of Trinity  
State of California

ATTEST:

WENDY G. TYLER  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

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Margaret Long, County Counsel