

**CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT**

ITEM #6

DATE: SEPTEMBER 22, 2014

TO: DANA POINT PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: KEEPING OF CHICKENS IN RESIDENTIAL AREAS

RECOMMENDATION: That the Planning Commission receive and file the report.

BACKGROUND

On July 1, 2014 the City Council received and filed a staff report concerning the keeping of chickens in residential areas. The Council requested this staff report in response to public comments at City Council meetings earlier this year. Some residents had expressed interest in code revisions to allow chickens in residential neighborhoods. The July 1, 2014 staff report and attachments are attached to this staff report as Supporting Document 1.

Different city codes address keeping of chickens in different ways; many cities that allow chickens require conditions such as fencing/coop requirements, minimum distances from adjacent dwellings or the requirement of an animal permit. A summary of other city regulations was provided in the July 1, 2014 staff report.

Currently the Dana Point Zoning and Municipal Code sections pertaining to chickens, defined as "poultry," prohibit them in residential districts. Applicable code sections are included in the July 1, 2014 staff report as Supporting Document C.

At the July 1, 2014 City Council meeting the City Council directed staff to explore revisions to the Dana Point Municipal Code (DPMC) to allow the keeping of chickens in residential neighborhoods. The minutes of the July 1, 2014 City Council meeting are attached as Supporting Document 2.

The purpose of this staff report is to outline the process necessary to make such revisions to the DPMC.

DISCUSSION

There are multiple sections of the DPMC that would need to be amended to allow the keeping of chickens within residential neighborhoods. Those sections include, but may not be limited to, the following;

- Section 9.07.190 - Keeping of Animals in Residential Districts
- Multiple sections in Title 10 – Animal Control, Welfare and Licensing Requirements

Zone Text Amendments of the above-referenced sections would be city-wide in nature and therefore would affect areas within the Coastal Zone and necessitate amendments to Local Coastal Programs and the Dana Point Specific Plan. It should be noted that the other two Specific Plans in the City, the Monarch Beach Resort Specific Plan, and the Headlands Planned Development District have provisions in the plans that state that if a specific standard or procedure is not contained within these plans, then the provisions, standards or procedures contained within the Municipal Code or Zoning Code shall be utilized. Staff will need to determine that the two specific plans do not need to be amended for the allowance of the chickens within residential neighborhoods.

The following tasks and critical milestones are necessary steps to complete this process:

1. Comprehensive research of other cities' codes relative to keeping of chickens within residential neighborhoods.
2. Because the Code Text Amendment process is such a tedious task, evaluation of whether the sections being amended need any additional revisions (beyond amendments related to the keeping of chickens in residential neighborhoods).
3. Preparation of a presentation to take to the community in a study session to get input on various standards related to the keeping of chickens within residential neighborhoods (e.g., number of chickens, distance of coop from property line, etc.).
4. Critical Milestone – PC Study Session
5. Conduct research to determine if the Monarch Beach Specific Plan and/or the Headlands Planned Development District need to be amended
6. Draft ordinance language, Local Coastal Program Amendment, Specific Plan Amendment(s) and staff report, based on input from the Planning Commission and the community that was received at the Study Session.
7. Critical Milestone – PC Public Hearing
8. Prepare staff report for City Council
9. Critical Milestone – CC Public Hearing (First Reading of Ordinance)
10. Critical Milestone – CC Public Hearing (Second Reading of Ordinance)
11. After 15-day appeal period is over, submit a request to the California Coastal Commission (CCC) to consider amendment to multiple Local Coastal Programs.
12. Critical Milestone – CCC Public Hearing
13. The ordinance and related Local Coastal Program Amendments would be effective upon Coastal Commission approval.

CONCLUSION

It is difficult to project any timeframe associated with this effort. The Permit Streamlining Act legally requires the City to respond to applicant's submittals within 30 days. Due to the high volume of applications, the majority of staff resources are spent on current planning efforts to meet this timeframe. Staff's ability to dedicated resources to this effort, at this time, is limited. However, a staff member will be assigned to this effort and will commence with the above-references steps as time permits.



Ursula Luna-Reynosa, Director
Community Development Department

ATTACHMENTS:

Action Documents

None

Supporting Documents

1. July 1, 2014 City Council Staff Report
2. July 1, 2014 City Council Minutes

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	<u>X</u>
CM	<u>X</u>
CA	<u>X</u>

DATE: JULY 1, 2014

TO: CITY MANAGER/CITY COUNCIL

FROM: URSULA LUNA-REYNOSA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: KEEPING OF CHICKENS IN RESIDENTIAL AREAS

RECOMMENDED ACTION:

That the City Council receive, discuss and provide direction to staff.

ISSUE:

The City Council has received public comments on the topic of allowing the keeping of chickens in residential areas.

DISCUSSION:

During public comments at recent City Council meetings, some residents have expressed interest in code revisions to allow chickens in residential neighborhoods. An information packet with suggested revisions has been submitted to the City and is attached as Supporting Document A.

Different cities have codes that address keeping of chickens in different ways; many cities that allow chickens require conditions such as fencing/coop requirements, allowing hens while prohibiting roosters, minimum distances from adjacent dwellings or the requirement of an animal permit. A summary of other city's regulations is provided as Supporting Document B.

Currently the Dana Point Zoning and Municipal Code sections pertaining to chickens, referred to as "poultry," prohibit them in residential districts. Applicable City code sections are included in this report as Supporting Document C.

Changes to City of Dana Point codes to allow chickens would require changes to City Zoning regulations. In addition, such changes to zoning in the coastal zone may require Coastal Commission approval.

FISCAL IMPACT:

None.

ALTERNATIVE ACTIONS:

Alternatives as deemed appropriate and directed by the City Council.

ACTION DOCUMENTS:

None.

SUPPORTING DOCUMENTS:

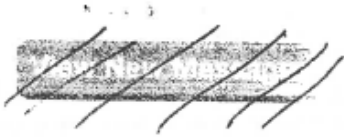
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SUPPORTING DOCUMENT A

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

Why Raise Chickens In Your Backyard? The Many Reasons & Benefits - BackYard Chic... Page 1 of 2



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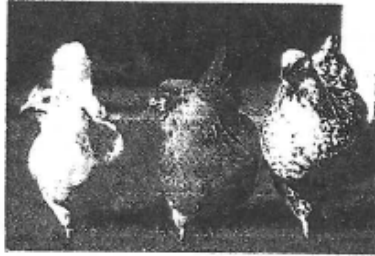
Why Raise Chickens in Your Backyard? The Many Reasons & Benefits

By Nifty-Chicken, BYC Project Manager, support, and Kevin566

Posted 1/10/12 • Last updated 3/6/14 • 33,262 views • 12 comments

Are Chickens the new "dog"?

Having a small backyard flock of chickens is a growing trend in countries around the world. And it is not just country folks who enjoy raising chickens, more and more cities are relaxing their laws and ordinances and allowing chickens, so city dwellers can enjoy this pleasant hobby too. Many celebrities such as Jennifer Aniston, Barbra Streisand, Miley Cyrus, Chevy Chase, Reese Witherspoon and Martha Stewart raise backyard chickens. So why are pet chickens so popular? Let's have a look at some of the benefits of raising backyard chickens.



Chickens are easy, inexpensive pets with benefits

- Starting with and keeping chickens is relatively inexpensive. See here for a breakdown of start up and ongoing costs.
- Meat birds (Cornish Cross) are usually processed around the age of 7 – 8 weeks. So after feeding them for only 2 months, you can stock your freezer with your own wonderful, fresh, home-grown meat.
- When you raise your own chickens, you know what went into the meat and eggs. It's a safer and healthier alternative to factory farmed poultry and eggs.
- The meat of farm-raised chicken has significantly less fat (and fewer calories) than typical store-bought chicken.
- Backyard and free ranged hens produce eggs that are very nutritious and great tasting. Not to mention they are always fresh! Free ranged and backyard hens' eggs are also much healthier than battery hens' eggs. Here is a comparison between the nutrient content of free range vs battery eggs:

Nutrient Content - Battery Eggs	Nutrient Content - Free Range Eggs
Vitamin A - 0.97mg	Vitamin A - 7.37mb
Vitamin E - 487IU	Vitamin E - 763IU
Beta Carotene - 10mg	Beta Carotene - 76.2mg
Folate - 47mcg	Folate - 0.71g
Omega 3 - 0.033mg	Omega 3 - 292mg
Cholesterol - 423mg	Cholesterol - 231mg
Saturated Fat - 3.1	Saturated Fat - 2.31g

LIVESTOCK Chickens

Looking For Livestock Chickens? Find It By Location With Local.com!

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- Chicken Coops - Cheap
- Chicken Coops: Bargains
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Feed, supplements, treats, pest control, even toys! Manna Pro has everything you need to nurture your flock.

Learn more!

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z (All)

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

Raise Chickens In Your Backyard? The Many Reasons & Benefits - BackYard Chic... Page 2 of 4

- Chickens make great pets for children and great 4H projects.
- They are friendly, easy to manage, low maintenance and can be kept as house pets as well.
- Chickens are a food source. Hens will provide you with wonderful fresh eggs and cockerels (and retired hens) can be processed and eaten.
- Chickens are entertaining and keeping and spending time with your feathered friends, or just "watching chicken TV", can be rewarding and at times very funny, as this member discovered.

Free range chickens are excellent, hard working gardeners

- Once you've harvested everything you want from your vegetable garden, your chickens will happily clear the beds, scratching out and eating unwanted weeds, slugs and seeds and fertilizing the soil while they're at it.
- Own an orchard or a few fruit trees? Chickens will devour the fallen fruit before it can attract insects.
- Chicken manure contains high levels of nitrogen, phosphorus and potassium.
- Chicken manure is more economically valuable than synthetic fertilizers.
- Chicken manure can be used to make fertilizer tea.
- Chickens love digging and scratching around in compost heaps and composting with chickens can be very beneficial for your compost heaps too.
- Chickens will happily take care of crickets, grass hoppers, snails and other pests in the garden.

Want even more excellent reasons to add chickens to your life?

See what our members say here: <http://www.backyardchickens.com/t/614991/what-are-the-top-10-reasons-you-have-chickens>



Vickery
SITTING and watching them brings your blood pressure WAY DOWN!!!



Hiterbumer
Hens are much lower maintenance than conventional pets and are great for people like me, who need to be occasionally away from home for business.

EMERQUEE
They make great pets—they are some of the least expensive (as long as you don't get carried away), and they are so funny and cute! Chickens are just...perfect for me... :)



signstchgirl
Agreed. I never knew how much joy they could bring. I even don't mind them digging in my garden, and I am a major control freak over how my yard looks.



colbees
Agreed. I don't regret one bit getting my hens, they're so much fun to watch



chickenbusiness
Love raising, hatching chickens. Love the fresh eggs. Love it when the chickens see the grandchildren coming and they run to them for snacks. Grandchildren love the chickens and you would be amazed of the creative writing and communication this helps in school. I have yet to meet someone who does not like fresh eggs. I am actually shocked at all the information that my grandchildren give out to others about their chickens and the how to do this and that etc. Wonderful egg/baby chicken sellers also may I add. Raising chickens is educational!!



chickenbusiness
Chickens: if you click on my avatar you will see hay bales, dogs, and a real live deer to the far right, the chickens were to the left out of focus of camera but real close to the dog and the deer in the background is just looking at it all. Chickens are friendly they will eat with and out of the dog food bowl if allowed to. They will come to your door peck and knock to receive your attention and treats. They will fertilize your garden, eat your bugs, mosquitos, cluck and cheer you along your way all during the day. They will put themselves up at night and only ask for you to close and lock their house door.

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

SUGGESTED ADDITION TO SECTION 9.07.190:

(e) Poultry – (Definition: found in 9.75.120 “P”)

- (1) Residents may own up to six (6) hens.
- (2) Roosters are prohibited.
- (3) Coops must be a minimum of twenty-five (25) from any adjoining residences.
- (4) Coops may not be within any required front yard set-back.
- (5) Hens cannot be free range, but must be contained in a Coop and a fenced runway.
- (6) In accordance with the provisions of Section 9.05.020, the Coop and runway shall, at all times, be maintained in a clean and sanitary condition.
- (7) Chickens are not allowed on land with multiunit structures.
- (8) Commercial sale of eggs is prohibited.
- (9) Ownership of chickens does not require a permit or licensing; compliance with items (1) through (8) of this Section (e) is required.

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

9.05.020 Maintenance of Properties. Untitled

All properties within the City, shall be kept and maintained in a clean, neat, orderly, operable, and usable condition. This section applies to buildings, paving, fences, walls, landscaping, water, earth, and any other structures or natural features. (Added by Ord. 93-16, 11/23/93; amended by Ord. 94-21, 12/13/94)

The above is referenced in (e) (b) of suggested addition.



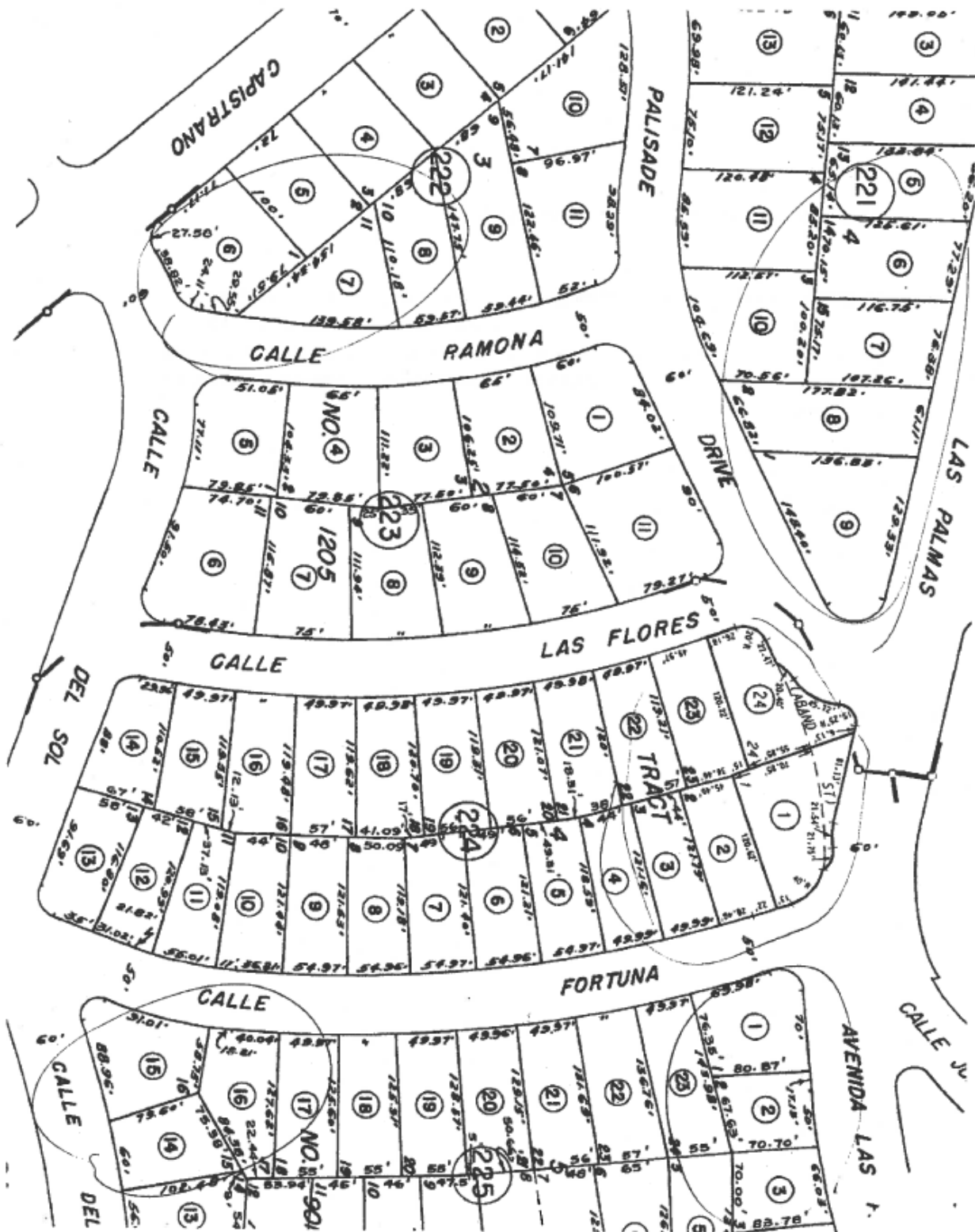
INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

REASONING FOR SUGGESTED ITEM (e) (3)

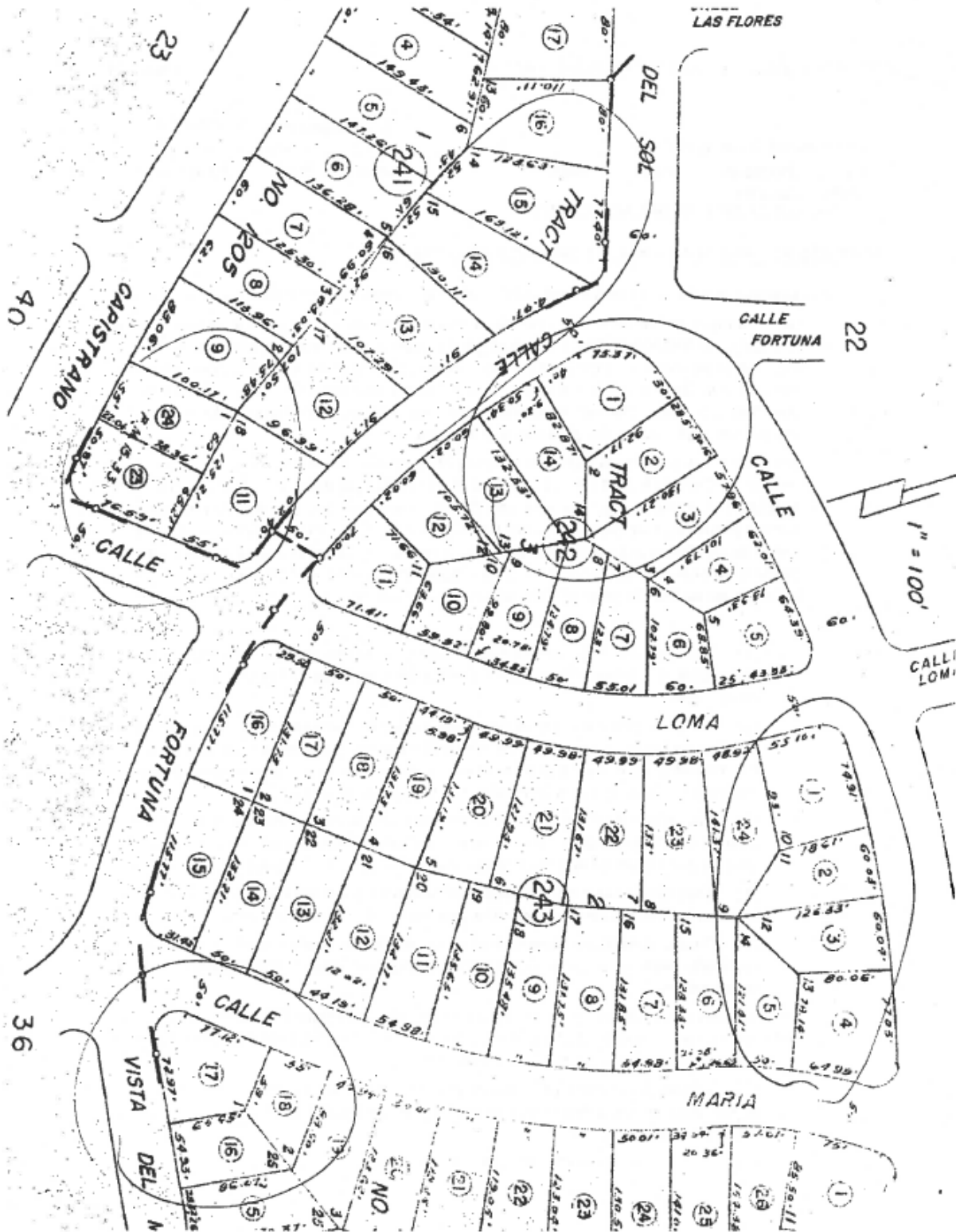
Because of the large variety of lot shapes and sizes in Dana Point, and the large variety of structure configurations on said lots, I believe it is unreasonable to designate a minimum lot size that would allow hens. In my opinion, it is more feasible to require Coops be a minimum of twenty-five (25) feet from surrounding residences.

Examples attached

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY



INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY



INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

9.07.190 Keeping of Animals in Residential Districts.

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Dana Point Municipal Code

Up Previous Next Main

Title 9 ZONING

Chapter 9.07 SPECIAL USE STANDARDS

Existing Code

Search Print No Frames

9.07.190 Keeping of Animals in Residential Districts.

The keeping of animals in residential districts shall be subject to the following provisions:

(a) **Number of Animals.** The keeping of three (3) or fewer dogs, cats, or other small animals over the age of four (4) months, is permitted in all residential districts. The keeping of between four (4) and six (6) domesticated animals over the age of four (4) months shall be in compliance with the applicable provisions of Section 10.03.190 of the Municipal Code. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of this Section.

(b) **Domesticated Livestock.** The keeping of up to two (2) domesticated livestock defined in Section 9.75.120, is permitted in all residential districts subject to the execution of a use agreement with the City of Dana Point and the issuance of an animal permit by the Orange County Health Care Agency. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of the Section. Approval of the permit shall be subject to the following findings as determined by the Director of Community Development:

- (1) That the domesticated livestock animal(s) at the proposed location will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety; and
 - (2) That the proposed site is adequate in size and shape to accommodate the number and type of animal(s) for which the permit is requested without harm to the animal(s) or material detriment to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.
 - (3) That there shall be no more than one (1) animal on lots less than fifteen thousand (15,000) square feet in size and that a maximum of two (2) animals may be permitted on lots over fifteen thousand (15,000) square feet in size.
 - (4) That lots containing domesticated livestock shall have a solid, impenetrable fence or wall in accordance with the provisions of Section 9.05.120.
 - (5) That domesticated livestock shall be spayed or neutered and continuously registered with an applicable, nationally recognized animal association or organization.
- (c) **Location.** Structures for the keeping of animals overnight (i.e. pens, cages, aviaries, corrals, stables, etc.) excepting dog houses or rabbit hutches, other than inside the subject residence are not permitted:
- (1) Within twenty-five (25) feet of any adjoining existing residential structure or any area where a residential structure may be legally located if no residential structure exists; or
 - (2) Within any required front yard setback area.

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

07.190 Keeping of Animals in Residential Districts.

Page 2 of 2

(d) Prohibited Uses. The following animal related uses are prohibited in residential districts:

- (1) The keeping of livestock (as defined in Section 9.75.120), ~~poultry or bees~~ *chickens*
- (2) The keeping of more than six (6) animals over the age of four (4) months.
- (3) Kennels, unless approved in accordance with a use agreement and animal permit pursuant to subsection (a) above;
- (4) Grooming parlors; or
- (5) Commercial breeding and sales of animals.

(Added by Ord. 94-09, 5/24/94; amended by Ord. 94-21, 12/13/94; Ord. 96-10, 8/13/96.)

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY*Note*

Untitled

10.03.190 Animal Permit Required.

Any person owning or having custody of four (4) or more licensed dogs and/or four (4) or more cats that are four (4) months of age or older, for any purpose other than a commercial purpose shall file an application for a private kennel/cattery/animal refuge permit with the Authority or any city served by the Authority. The General Manager or authorized agent shall issue a permit for the keeping of such animals under the following conditions: (a) upon receipt of the fee established by the Authority; and (b) when, in the opinion of the General Manager, such animals may be kept or maintained without endangering the safety and comfort of such animals and the inhabitants of the neighborhood; and (c) the owner or custodian has complied with any other applicable laws, including zoning regulations. Each such animal shall be individually licensed. The permit shall specify the number and types of animals authorized to be kept thereunder and may contain any conditions regarding the keeping of animals thereunder deemed necessary by the General Manager or authorized agent. Animal permits shall be nontransferrable and must be renewed annually. Failure to comply with the aforementioned requirements or any conditions imposed by the General Manager shall constitute cause for denial or revocation of such permit. (Ord. 96-01, 1/9/96)

The above is referenced in:
9.07.190 (a) — Does not apply to chickens

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

Suggested changes needed to have the Municipal Code consistent throughout:

1. 10.01.010 - Definitions

The term "poultry" should be deleted from the definition of Livestock. Poultry are defined separately.

2. 9.07.190

The term "poultry" should be deleted in section (d) (1).

(Done on page 2 of existing code.)

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

Untitled

9.75.120 "L" Definitions and Illustrations.

Land Use Decision – a discretionary decision of the City, including the issuance of a land use permit or a conditional use permit, the granting of a variance, the subdivision of property, and the modification of existing property lines pursuant to the Government Code. A land use decision also means a discretionary decision of the City concerning hazardous waste facility project pursuant to the Health and Safety Code.

Land Use Plan, Coastal – the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the City of Dana Point General Plan. (Coastal Act/30108.5).

Landscape Coverage – the percentage of the net lot area, excluding the area of the parking lot, which is covered by landscaping as seen from a plan view.

Landscaping Plan – a plan which indicates the type, size and location of vegetative and accent material proposed for the covering of all areas of a site not covered by a building, including all irrigation and other devices necessary to maintain such landscaping.

Landscaping – areas devoted to or developed and maintained primarily with native or exotic plant materials including lawn, ground cover, trees, shrubs, and other plant materials. Landscaping may also include small amounts of accessory decorative outdoor landscape elements such as ponds, fountains, and paved or decorated surfaces, (excluding driveways, parking, loading, or storage areas), and sculptural elements, all of which are suitably designed, selected, installed, and maintained to enhance a site.

Lateral Access – (See "Coastal Access, Lateral"). (Coastal).

Level of Service (LOS) – a measure of the operational quality of a road or intersection ranging from LOS A (best) to LOS F (worst).

Livestock – any animal in the bovine (cow), caprine, (goat), equine, (horse), ovine (sheep), or porcine (pig) families.

Livestock, Domesticated – any animal that requires an animal permit from the applicable animal control agency and can be reasonably kept in a residential environment without damage to the health, safety or welfare of adjacent property owners. Domesticated livestock require continuous registration with a nationally recognized association or organization. A list of approved domesticated livestock shall be kept by the Director of Community Development.

Loading Space – an off-street space or berth which is on the same lot as the building(s) it services, abuts a street, alley, or other appropriate means of access, and is used for the temporary parking of a commercial vehicle which is being loaded or unloaded with merchandise, materials or people.

Local Coastal Program (LCP) – a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of the California Coastal Act of 1976 (as amended) at the local level. The Local Coastal Program for the City of Dana Point is comprised of the Land Use Element, Urban Design Element, and Conservation/Open Space Element of the General Plan, the Zoning Code, the Dana Point Specific Plan/Local Coastal Program, and the Capistrano Beach Specific Plan/Local Coastal Program. (Coastal Act/30108.6).

Locker Facilities – an area containing enclosures that can be locked for storage of clothing and valuables in conjunction with shower facilities.

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

9.75.160 "P" Definitions and Illustrations.

Page 2 of 3

Permit — written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use — a use listed by the provisions of any particular district as a permitted use within that district and permitted therein as a matter of right when conducted in accordance with the regulations established by the Code.

Person — any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, company, joint stock association, corporation, estate, trust, organization, business, business trust, public agency, school district, State of California, and its political subdivisions or instrumentalities, receiver, syndicate or any group or combination thereof acting as a unit, including any trustee, receiver or assignee.

Phase — any independent and contiguous part or portion of a project which is developed as a unit in the same time period.

Pilaster — an upright architectural member that is structurally a pier, but architecturally treated as a column.

Plat — a map representing a tract of land, showing the boundaries and location of individual properties and streets.

Police Power — the authority of government to exercise controls to protect the public health, safety, morals, and general welfare.

Porch — a covered pedestrian entrance to a building which is located on the first floor level.

Porte Cochere — a roofed structure open on at least two sides, through which a motor vehicle may be driven and which is attached to a principal building by a continuous roof line to the principal entrance.

Poultry — any domesticated bird which can be kept or raised for eggs or meat.

Premises — a lot or building site, or a specified portion of a lot or building site, that meets the requirements needed for the location, maintenance and operation of a use on the property.

Principal Use — a use that constitutes the primary function of a household, building, structure, establishment, or property.

Property Owner — The legal owner of a parcel of real property.

Public Access Structures — structures, including but not limited to, stairways, ramps, and bike paths, which provide the general public access to the coast.

Public Lifeguard Towers — structures owned and operated by a public agency and used as an observation platform/shelter by a certified lifeguard employed to safeguard swimmers at a beach or pool.

Public Piers — a platform available for use by the general public, extending from a shore into water and supported by piles or pillars, which may be used to secure, protect and provide access to ships, boats, fishing opportunity, or commercial activities.

Public/Private Local Telecommunication Systems — local wireless telecommunication systems that are utilized only by local businesses, public agencies, utility services and emergency services, not including licensed commercial wireless telecommunication services.

Public Restrooms — a lavatory available for use by the general public.

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

May 21, 2014

CITY OF DANA POINT
2014 JUN -9 P 2:14

To: Dana Point City Council:

The undersigned respectfully request that Dana Point City Council make a change to the Municipal Code, Section 9.07.190 Keeping of Animals in Residential Districts, to give residents the right to own up to six (6) hens (excluding roosters) on their private property as long as they are kept a minimum of 25 feet from neighboring buildings. We know that Dana Point is the one of the few cities that has not updated their code to allow chickens and ask that this be addressed as soon as possible.

- ~~Mary Silton~~
- ~~John Mulholland~~
- ~~Jana Louvion~~
- ~~Walter A.~~
- ~~Widjo de la Cruz~~
- ~~Alan Fannell~~
- ~~Lauren Fannell~~
- ~~Celeste Swanson~~
- ~~Arthur R. Curtis~~
- ~~Paulette Quate~~
- ~~Margaret Breeley~~
- ~~Beverly St. Clair~~
- ~~Robert Bart~~
- ~~Hal St. Clair~~
- ~~Jodi Gonzalez~~
- ~~Maria Gonzalez~~
- ~~John D. Brown~~
- ~~John D. Brown~~
- ~~John D. Brown~~
- ~~John D. Brown~~
- ~~John D. Brown~~
- ~~John D. Brown~~

- DISTRIBUTION:
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 - ~~M. KILBREW~~
 - ~~U. LUNA-REYNOSA~~

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

2

May 21, 2014

To: Dana Point City Council:

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- ~~Karen Primack~~
- ~~Franklin Brown~~
- ~~Samuel K. Specht~~
- ~~Debra Lee~~
- ~~Becky Bardwell~~
- ~~Theresa Roth~~
- ~~Steve Roth~~
- ~~P.J. Albuquerque~~
- ~~John~~
- ~~Patrick Guilhaus~~
- ~~Jimmy W. Just~~
- ~~Kayla Mignogre~~
- ~~Angie~~
- ~~Tim Ryan~~
- ~~Jeff Fangman~~ JEFF FANGMAN.
- ~~Mark~~
- ~~Patricia~~
- ~~Ted & Dale Rosenfeldt~~
- ~~Davis & Susan Dinkelman~~
- ~~Christie Beach~~
- ~~James Christy~~
- ~~Frank~~
- ~~Angie~~
- ~~Angie~~
- ~~Peggy Richardson~~

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

3

May 21, 2014

To: Dana Point City Council:

The undersigned respectfully request that Dana Point City Council make a change to the Municipal Code, Section 9.07.190 Keeping of Animals in Residential Districts, to give residents the right to own up to six (6) hens (excluding roosters) on their private property as long as they are kept a minimum of 25 feet from neighboring buildings. We know that Dana Point is the one of the few cities that has not updated their code to allow chickens and ask that this be addressed as soon as possible.

John Pierini
 John Pierini
 John Pierini
 Marc Bennett
 Sandra Winietski
 Lawrence Reed
 Melissa Reed
 Patricia E. Lyon (40 yr. Resident of Dana Point)
 Don Russell
 Deborah Lynn Buhk
 Edward Beaussier
 Karen Filger
 John Pierini
 John Pierini
 John Pierini
 Deborah Lynn Buhk
 Deborah Lynn Buhk
 Deborah Lynn Buhk
 Margaret Pearce
 Margaret Pearce

INFORMATION AND SUGGESTED CODE REVISIONS FROM RESIDENT NANCY WEAGLEY

4

May 21, 2014

CITY OF DANA POINT

To: Dana Point City Council:

2014 JUN 16 A 11:19

The undersigned respectfully request that Dana Point ^{RECEIVED} make a change to the ^{CITY CLERK'S DEPARTMENT} Municipal Code, Section 9.07.190 Keeping of Animals in Residential Districts, to give residents the right to own up to six (6) hens (excluding roosters) on their private property as long as they are kept a minimum of 25 feet from neighboring buildings. We know that Dana Point is the one of the few cities that has not updated their code to allow chickens and ask that this be addressed as soon as possible.

MICHELLE HUTCHINSON	<i>M. Hutchinson</i>
MONICA ANDERSON	<i>Monica</i>
PATRIK BRENNAN	<i>Pat Brennan</i>
Pamela Vanderlice	<i>Pam Vanderlice</i>
Megan Cherry	<i>Megan Cherry</i>
James Cherry	<i>James Cherry</i>
Robert L. Noffan	<i>Robert L. Noffan</i>
Emma Jensen	<i>Emma Jensen</i>
Bruce Dailey	<i>Bruce Dailey</i>
Steve Valder	<i>Steve Valder</i>
Mary O'Donnell	<i>Mary O'Donnell</i>
Laura Maimone	<i>Laura Maimone</i>
Denise R. Johnson	<i>Denise R. Johnson</i>
Peter Tresselt	<i>Peter Tresselt</i>
PUNKIN TRESSSETT	<i>PUNKIN TRESSSETT</i>
Ronda Mulligan	<i>Ronda Mulligan</i>
Christy Posey	<i>Christy Posey</i>
Craig Cosby	<i>Craig Cosby</i>
Jenna Smith	<i>Jenna Smith</i>
John Tilton	<i>John Tilton</i>

DISTRIBUTION: 6/16/14

L. BARTLETT	<input type="checkbox"/>
B. BROUGH	<input type="checkbox"/>
C. OLVERA	<input type="checkbox"/>
S. SCHOEFFEL	<input type="checkbox"/>
S. WEINBERG	<input type="checkbox"/>
D. GHOTKEYS	<input type="checkbox"/>
M. KILLEBREW	<input type="checkbox"/>
U. LUNA-REYNOSA	<input type="checkbox"/>
JOHN TILTON	<input checked="" type="checkbox"/>

SUPPORTING DOCUMENT B**Regulations of Chickens in Other Cities**

City	No. of Chickens Allowed in Residential District	Regulations Imposed
Orange County Cities		
Aliso Viejo	N/A	<ul style="list-style-type: none"> • Not permitted
Costa Mesa	Five over four months of age	<ul style="list-style-type: none"> • Must be kept on own property. • Subject to noise compliance and must be kept in enclosure.
Dana Point	N/A	<ul style="list-style-type: none"> • Not permitted
Huntington Beach	Six to twenty four under eight weeks of age	<ul style="list-style-type: none"> • Must be kept on own property. • Must be kept 25 feet from any other dwelling unit, church, school, or hospital. • No roosters over four months old may be kept in City limits. • Residential animal permit required.
Irvine	Two over four months	<ul style="list-style-type: none"> • Must be confined in suitable house or coop with enclosed runway (under such conditions, the maximum number shall not exceed a total of four poultry and/or rabbits). • House or coop shall be maintained in a clean and sanitary condition, be protected from weather, and be free from offensive odors. • No person shall maintain any house or coop within 30 feet of any dwelling unit other than that of the owner of the poultry and/or rabbits.
Laguna Beach	Determined by Permit	<ul style="list-style-type: none"> • Must be confined within a suitable house or coop with enclosed runway • Coop and Runway shall be maintained in a clean and sanitary condition at all times

Mission Viejo	N/A	<ul style="list-style-type: none"> • Only household pets (animals and birds ordinarily permitted in residential zones) shall be kept for the company and pleasure provided to the occupants. <ul style="list-style-type: none"> ○ Household pets shall not include animals which normally constitute agricultural uses such as pigs, cows, goat, sheep, chickens, ducks, geese game birds or other fowl. • Allowed in agricultural districts
Newport Beach	Determined by Permit	<ul style="list-style-type: none"> • No wild fowl or game birds except parakeets, canaries or similar size domesticated birds can be kept out doors without obtaining a Newport Beach Wild Animal Permit
San Clemente	Determined by Permit	<ul style="list-style-type: none"> • It shall be unlawful for a person in a residential structure to maintain any fowl within 100 feet of any other residential structure occupied by a person other than the animals owner and/or keeper unless expressly allowed by the zoning code.
San Juan Capistrano	No Limitation	<ul style="list-style-type: none"> • Must be in conjunction with the residential use of a lot, wherein the lot size is greater than 15,000 square feet. Permitted species shall include rabbits, chickens, and animals of similar size.
Seal Beach	N/A	<ul style="list-style-type: none"> • Not permitted
Other Cities		
Beverly Hills	N/A	<ul style="list-style-type: none"> • Not permitted.
Cerritos	N/A	<ul style="list-style-type: none"> • Not permitted.
Long Beach	20	<ul style="list-style-type: none"> • Must be kept 50 feet from any single or two family dwelling or 100 feet from any hotel or dwelling designed for occupancy of 3 or more families. • One live fowl may be kept on any lot or parcel provided its pen, coop, or other such enclosure is 20 feet away from any habitable structure.

Oceanside	No Limitation	<ul style="list-style-type: none"> • Not allowed within 35 feet of any other dwelling unit. • Only allowed temporarily for the purpose of sale at any shop or place of business where the same are bought, sold, or dealt in.
Riverside	Five or Fifty	<ul style="list-style-type: none"> • Minimum lot size of 20,000 net square feet. • Must be housed, kept or penned at least 50 feet from any other dwelling. • Where poultry are housed, kept or penned at least 100 feet from any other dwelling, 50 are permitted.
San Diego	25	<ul style="list-style-type: none"> • Must be kept 50 feet away from any other dwelling. • All food for fowl shall be stored in containers which offer protection against rodents. • Site shall be maintained in a sanitary condition.

SUPPORTING DOCUMENT C**Excerpts of Dana Point Zoning and Municipal Codes Regarding Chickens****DANA POINT ZONING CODE****9.07.190 Keeping of Animals in Residential Districts.**

The keeping of animals in residential districts shall be subject to the following provisions:

(a) Number of Animals. The keeping of three (3) or fewer dogs, cats, or other small animals over the age of four (4) months is permitted in all residential districts. The keeping of between four (4) and six (6) domesticated animals over the age of four (4) months shall be in compliance with the applicable provisions of Section 10.03.190 of the Municipal Code. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of this Section.

(b) Domesticated Livestock. The keeping of up to two (2) domesticated livestock, as defined in Section 9.75.120, is permitted in all residential districts subject to the execution of a use agreement with the City of Dana Point and the issuance of an animal permit by the Orange County Health Care Agency. The use agreement shall serve as an official acknowledgement by the permit applicant of the provisions of this Section. Approval of the permit shall be subject to the following findings as determined by the Director of Community Development:

(1) That the domesticated livestock animal(s) at the proposed location will not jeopardize, endanger, or otherwise constitute a menace to the public health or safety; and

(2) That the proposed site is adequate in size and shape to accommodate the number and type of animal(s) for which the permit is requested without harm to the animal(s) or material detriment to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

(3) That there shall be no more than one (1) animal on lots less than fifteen thousand (15,000) square feet in size and that a maximum of two (2) animals may be permitted on lots over fifteen thousand (15,000) square feet in size.

(4) That lots containing domesticated livestock shall have a solid, impenetrable fence or wall in accordance with the provisions of Section 9.05.120.

(5) That domesticated livestock shall be spayed or neutered and continuously registered with an applicable, nationally recognized animal association or organization.

(c) Location. Structures for the keeping of animals overnight (i.e. pens, cages, aviaries, corrals, stables, etc.) excepting dog houses or rabbit hutches, other than inside the subject residence are not permitted:

- (1) Within twenty-five (25) feet of any adjoining existing residential structure, or any area where a residential structure may be legally located if no residential structure exists; or
- (2) Within any required front yard setback area.

(d) Prohibited Uses. The following animal related uses are prohibited in residential districts:

- (1) The keeping of livestock (as defined in Section 9.75.120), **poultry** or bees;
- (2) The keeping of more than six (6) animals over the age of four (4) months;
- (3) Kennels, unless approved in accordance with a use agreement and animal permit pursuant to subsection (a) above;
- (4) Grooming parlors; or
- (5) Commercial breeding and sales of animals.

9.75.160 "P" Definitions and Illustrations.

Poultry — any domesticated bird which can be kept or raised for eggs or meat.

DANA POINT MUNICIPAL CODE

10.01.010 Definitions.

"Livestock" means any domesticated animals including cattle, horses, ponies, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, confined and domesticated hares and rabbits, **poultry**, and equines which are kept in captivity or under the control or ownership of any person for any purpose.

"**Poultry**" means all domesticated fowl and all game bird which are held in captivity.

TITLE V HEALTH AND SANITATION

6.14.002 Public Nuisances Designated.

It shall be unlawful and a misdemeanor subject to punishment in accordance with Section 1.01.200 of this Code, and it is hereby declared to be a public nuisance, from any person owning, leasing, occupying, or having charge of any residential, agricultural, commercial, industrial, business park, office, educational, religious, vacant, or other property within the City of Dana Point, to maintain such property in such a manner that any of the following conditions are found to exist thereon:

- (v) Animals, livestock, **poultry** or bees kept, bred or maintained for any purpose and in violation of any provision of the City Municipal Code.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

PROVIDING FOR THE COLLECTION ON THE REGULAR TAX BILL.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera,
Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and
Mayor Lisa Bartlett

NOES: None

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

14. KEEPING OF CHICKENS IN RESIDENTIAL AREAS

City Manager Chotkevys provided a staff report.

Mayor Bartlett opened the Public Comments.

Phillip Duke, Capistrano Beach, stated that he supports allowing chickens in Dana Point.

Janell Cushman, Capistrano Beach, stated that she supports the Code change to allow chickens in Dana Point.

Joel Maclean, Capistrano Beach, stated that he supports amending the Ordinance to allow chickens.

Christine McClean, Capistrano Beach, stated that she supports allowing chickens in Dana Point.

Nancy Weagley, Capistrano Beach, felt that people should be able to have chickens if they choose. She asked the Council to send her submission to the Planning Commission for approval. She stated that she had turned in over 300 signatures of people who support the Code change.

John Tomlinson, Capistrano Beach, stated that he looks forward to helping staff craft an Ordinance to allow chickens.

**CITY OF DANA POINT, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
JULY 1, 2014**

Brad Mercer, Dana Point, stated that the City would need to limit the number of hens but that they make little to no noise. He asked the Council to consider allowing chickens.

Mayor Bartlett closed public comments.

Council Member Schoeffel thanked those who have shown up for having respect for the process. He stated that he was inclined to send this item to the Planning Commission.

IT WAS MOVED BY COUNCIL MEMBER SCOTT SCHOEFFEL, SECONDED BY MAYOR PRO TEM STEVEN WEINBERG TO DIRECT THE PLANNING COMMISSION TO ADDRESS THE ISSUE.

The motion carried by the following vote:

AYES: Council Member William Brough, Council Member Carlos N. Olvera, Council Member Scott Schoeffel, Mayor Pro Tem Steven Weinberg and Mayor Lisa Bartlett

NOES: None

PUBLIC COMMENTS

There were no additional Public Comments received.

STAFF REPORTS

There were no Staff Reports.

COUNCIL REPORTS, INCLUDING CITY RELATED MEETINGS ATTENDED

Council Member Olvera stated that he will turn in his list of meetings attended to the City Clerk.

Council Member Brough reported that he attended the monthly American Legion meeting last night held at the Aventura Sailing Club. He wished everyone a happy Fourth of July.

Council Member Schoeffel reported that on June 20th he presented his "Excellence is Elementary" scholarships at Palisades, RH Dana and RH Dana ENF. He wished everyone a great summer.