



## **Item No. 14 Town of Atherton**

### **CITY COUNCIL STAFF REPORT – PUBLIC HEARING**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: LISA COSTA SANDERS, TOWN PLANNER**

**DATE: FEBRUARY 17, 2016**

**SUBJECT: CONSIDER AN ORDINANCE AMENDING ATHERTON MUNICIPAL  
CODE CHAPTER 6.04; ANIMAL AND FOWL**

#### **RECOMMENDATION**

The Planning Commission and staff recommend that the City Council adopt an Ordinance amending Atherton Municipal Code Chapter 6.04 regulating the keeping of fowl in Atherton.

#### **INTRODUCTION**

At the request of an Atherton resident, the Planning Commission reviewed the current regulations relating to the keeping of chickens on private property. Notification of the Planning Commission discussion was provided via a Town wide mailing as well as posting the topic on the Town's website for input. The Commission found that the current ordinance prevents many residents from legally keeping chickens on their property.

The Planning Commission formed an Ad Hoc Committee to work with staff on proposed regulations. The Planning Commission, at its December 2, 2015 meeting, recommended the City Council adopt the attached Ordinance.

#### **ANALYSIS**

The current regulations requires that all fowl must be maintained and kept in an enclosure within an accessory structure and only allows animals other than domestic household pets on lots larger than 80,000 square feet. These code requirements prohibit the keeping of chickens on properties less than 80,000 square feet. Based on resident input at several meeting and research of other regulations, the Planning Commission recommend the City Council consider amending the current regulations to allow residents to keep chickens on properties with a minimum lot size of 0.5 acre with requirements outlined below.

**ANIMAL ORDINANCE AMENDMENT**

**FEBRUARY 17, 2016**

**Page 2 of 4**

The attached Ordinance amends Atherton Municipal Code section 6.04.250 as follows:

Lot Size/Number of Chickens:

- Allow up to 5 chickens on properties between 0.5 acre and 1 acre
- Allow up to 10 chickens on properties between 1 acre and 2 acres
- Allow up to 20 chickens on properties greater than two acres in area
- Allow up to 40 chickens on properties greater than 2 acres if associated with an educational/instructional purpose
- Prohibit Roosters

Chicken Enclosure Requirements:

- Require that all chickens be maintained within a fenced area at all times. The fenced area must comply with main building setback requirements with a 20% encroachment.
- The enclosure shall not be closer than 50' to any building on an adjoining lot.
- Maximum height of 6' and maximum area of 120 square feet.

Sanitary and Health Requirements:

- Require enclosures be maintained in a clean, sanitary and sightly condition.
- Require runoff from the cleaning of coops and enclosures be retained on the same property.
- Must be well ventilated, and free from odor.
- Require compliance with current biosecurity practices as listed by California Department of Food and Agriculture.

Permit Requirements:

- Require a Chicken Permit from the Planning Department.
- Require compliance with the Town's Noise Ordinance.

## ANIMAL ORDINANCE AMENDMENT

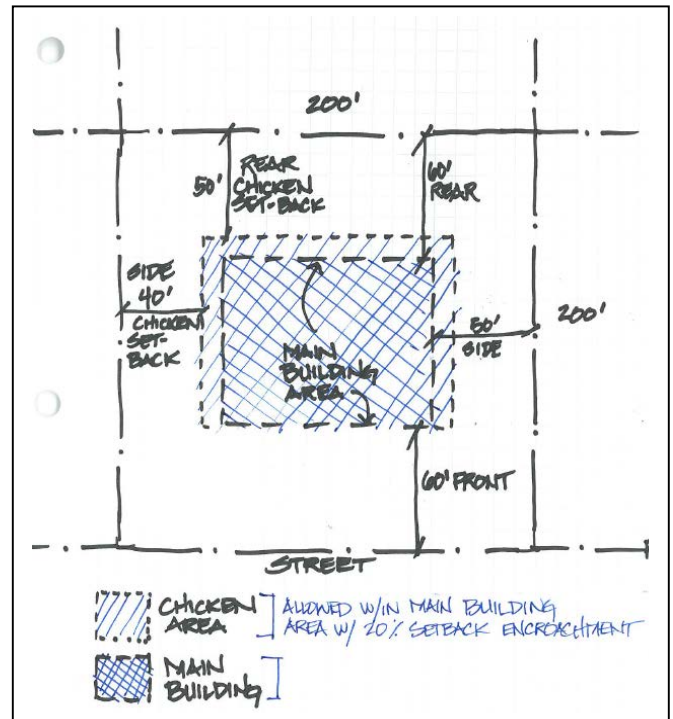
FEBRUARY 17, 2016

Page 3 of 4

As noted above, the minimum lot size to maintain chickens is 0.5 acres. This will limit the ability of some residents with smaller lots to have chickens. The regulations were also drafted to maintain setback from other properties responding to noise and odor concerns.

The proposed setback regulations require the chicken enclosures to be generally within the main building area for the lot. Using the example of a 40,000 square foot lot with dimensions of 200' by 200', the chicken enclosures may be located 40' from the side yard, 50' from the rear yard and 8' from the main residence on the same lot. The enclosure must also be at least 50' from any building on an adjoining lot.

The topic was posted on the Town's website under the Open Town Hall forum to gather public input. The topic received 64 responses. Responses to the question of how many chickens should be allowed per property ranged from none to 30, resulting in an average response of 6 chickens. Of the responses, 65% preferred the same setback for the chicken coop as accessory buildings and 35% preferred the same setback as the main dwelling.



### POLICY FOCUS

Amendment of the ordinance is a significant policy issue for the City Council. While the Town seeks to maintain a rural character and the Town's General Plan is the foundation for preservation of that character, developed properties often tell a different story. While residential in character, many properties are large, expansive, and in many cases, decidedly non-rural. In discussing whether to amend the ordinance to allow the keeping of fowl on smaller lots, the Council will have to balance the General Plan philosophy of "...scenic, rural, thickly wooded residential..." with the desire for a more suburban residential community.

### FISCAL IMPACT

The cost associated with the preparation of the draft ordinance amendment is included within the annual Planning Department budget. The cost to implement the ordinance will be paid for by the applicants for construction of chicken coops.

### ENVIRONMENTAL IMPACT

The proposal has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Section 15305, minor alterations in land use limitations.

**FORMAL MOTION**

I move that the City Council introduce and waive further reading the ordinance entitled “An Ordinance of the City Council of the Town of Atherton Amending Chapter 6.04 of the Atherton Municipal Code”.

**PUBLIC NOTICE**

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town’s electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town’s electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials. In addition, the project’s information is updated frequently on the Town’s Website, and an open forum is noticed and offered prior to the beginning of each CCAC Regular meeting.

**ATTACHMENT**

1. Ordinance Amending Chapter 6.04 of the Atherton Municipal Code
2. Summary of Open Town Hall Data
3. Other Correspondence

ORDINANCE \_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
AMENDING CHAPTER 6.04 OF THE ATHERTON MUNICIPAL CODE

The City Council of the Town of Atherton does hereby ordain as follows: **SECTION 1:**  
Section 06.04.250 is hereby amended to read as follows

**6.04.250 Zoning provisions—Animals and fowl.**

A. *With the exception of domestic household pets and chickens, no* building or structure for the housing or maintenance of animals shall be constructed, reconstructed, altered or enlarged:

1. On any lot or parcel of land containing less than eighty thousand square feet;
2. On any lot or parcel of land which is less than one hundred ninety feet in width;
3. In front of the rear line projection of the dwelling or buildings or structure so housing or maintaining animals is set back at least one hundred fifty feet from the front property line, or in the event the lot is a corner lot, it must be set back at least one hundred fifty feet from each property line facing the street, and in all respects such structure must conform to the provisions of the zoning title;
4. Less than one hundred fifteen feet from the building area of any adjoining lot or parcel of land;
5. Less than seventy-five feet from the property line of the lot on which such building or structure is situated.

*6. The keeping, housing, and maintenance of chickens is subject to subsection J of this section.*

B. *With the exception of domestic household pets and chickens, no* horse, colt, cow, calf, goat, pig, sheep or other animal or animals, may be kept or maintained on any lot or parcel of land except as expressly permitted herein; on a lot or parcel of land containing more than eighty thousand square feet and which is not less than one hundred ninety feet in width two horses and their colts may be kept and maintained and each acre of such lot or parcel of land in excess of eighty thousand square feet an additional horse and its colts may be kept and maintained.

C. Any person desiring to keep or maintain on his property a larger number of horses or colts than is permissible under subsection B of this section, or any fowl or rabbits or animals similar in

type or nature to rabbits, for which a license is required pursuant to the provisions of this section, may file written application with the planning commission for a conditional use permit to do so.

The planning commission shall set a date for hearing such application and cause a notice of such hearing to be mailed to all owners of record of real property any portion of which lies within five hundred feet of boundary line of the property on which such animal or animals are sought to be kept, not less than ten days prior to such hearing.

At the hearing, the planning commission shall hear the applicant as well as all protests against granting of such permit, and may either recommend against the issuance of such permit or may recommend in favor of the issuance of the same if, in its opinion, the real property is of sufficient size and nature to maintain such animals, and the public health, safety and welfare will not be endangered thereby, all upon such terms and conditions as the city council may determine and specify in such permit.

#### D. Licenses.

1. Animals. Each person keeping or maintaining an animal with the exception of domestic household pets, and rabbits, *chickens*, or similar type of animals, for an aggregate of thirty days or more must obtain a license for each animal so kept or maintained. The license fee for animals shall be in an amount as shall be fixed from time to time by ordinance and such license must be renewed on the first day of each year, with a thirty-day grace period.

2. Fowl or Rabbits. Each person keeping or maintaining fowl (*with the exception of chickens*) or rabbits, or animals similar in type or nature to rabbits, for an aggregate of thirty days or more must obtain a license to so keep or maintain such fowl or rabbits, or such similar animals. No license fee shall be required for forty fowl or less or forty rabbits or such similar animals or less. The license fee shall be in an amount as shall be fixed from time to time by ordinance for over forty fowl or for over forty rabbits or such similar animals, and such licenses must be renewed on the first day of each year, with a thirty-day grace period.

3. The city council may by resolution prescribe such rules and regulations with respect to the maintenance of animals and fowl in the town, as will be consistent with the purpose and spirit of this chapter, and such rules and regulations shall be printed on every license or permit issued or granted under this chapter.

4. The police department is charged with responsibility under subsection D of this section to issue licenses, collect license fees and in all other respects to enforce the same, and may decline to issue licenses for more than forty fowl or forty rabbits or animals, *if*, the type, *quantity or* and nature of *the* rabbits *and/or animal (s) is*, in the discretion of the chief of police, the effects of such license would endanger the public health, safety or welfare.

E. All piled manure shall be kept in a closed bin or compost pile, which bin or compost pile can only be located within the area permitted for barns or cowsheds.

F. Pigeons must be confined in an entirely enclosed area. All fowl and rabbits, and other such similar animals as rabbits, must be maintained and kept in an enclosure within the area within an accessory structure which may be erected, as provided in this chapter.

G. No horse shall be permitted to graze unattended off private property.

H. No animal or fowl shall be maintained even in accordance with the regulations and requirements set out in subsections A through G of this section, if the maintenance of such animal or fowl shall constitute a nuisance by reason of noise, smell, annoyance or endangering of public health caused by such maintenance. In the event it appears that the maintenance of any animal or fowl constitutes a nuisance by reason of the noise, smell, annoyance or endangering public health caused by such maintenance, any license theretofore issued for the maintenance of such animal or fowl may be revoked by the city council. Such revocation will be effective thirty days following the mailing of a notice of revocation to the holder of such license.

I. It is unlawful for the owner or person having control or custody of any wild animal to keep, maintain or permit the animal to be kept or maintained within the town. For the purpose of this chapter, "animal" includes mammals, birds, amphibians and reptiles; "wild animal" means any exotic, venomous, nondomestic, or untrained animal which because of its size, nature, disposition, or other characteristic constitutes a hazard or menace to persons or animals, or is likely to damage property.

#### ***J. Chicken Regulations.***

***1. Lot Size Requirements. No legal lot less than 0.5 acre (21,780 square feet) in area shall be permitted to maintain chickens.***

#### ***2. Number of Chickens***

- i. Up to 5 chickens are permitted on lots between 0.5 and 1 acre in area.***
- ii. Up to 10 chickens are permitted on lots greater than 1 acre and 2.0 acres or less in area.***
- iii. Up to 20 chickens are permitted on lots greater than 2.0 acres in area.***
- iv. No more than 40 chickens may be permitted on any lot 2.0 acres or greater in area if associated with educational/instructional purposes upon discretion of the Town Planner.***

***3. Roosters are prohibited on any property in Town.***

#### ***4. Chicken Enclosure Requirements***

- i. *A chicken enclosure is defined as an outdoor area inside a fence where chickens are kept and allowed to walk around. A chicken enclosure shall also contain within its allowable buildable area, a chicken coop. A chicken coop is defined as an enclosed building where female chickens are kept which also provides protection from the elements and predators.*
- ii. *All chickens must be maintained and kept at all times within the chicken enclosure to ensure against trespass onto neighboring or public property.*
- iii. *Not more than one chicken enclosure is allowed per property.*
- iv. *The chicken enclosure shall comply with the following development standards:*
  - a. *Setbacks and Location. The chicken enclosure shall be located in the main building area. In addition, the chicken enclosure may encroach into the side and rear yard setbacks by not more than twenty percent of the required setback. In any case, the chicken enclosure shall not be located closer than 50 feet to any building on an adjoining lot. The chicken enclosure shall be located a minimum of 8 feet from any other building or structure on the property.*
  - b. *Height. The chicken enclosure shall not exceed six feet in height.*
  - c. *Square Footage. The maximum allowable square footage for chicken enclosures, which shall contain a chicken coop as defined by this section, is 120 square feet.*

## ***5. Sanitary and Health Requirements***

- i. *All chicken enclosures shall at all times be kept and maintained in a clean, sanitary and sightly condition; any enclosure found to be in an unclean, unsanitary or unsightly condition is hereby declared to be a public nuisance and subject to summary abatement as authorized by law.*
- ii. *Any water runoff from the cleaning and maintenance of the chicken enclosure shall be retained on the same property and shall not run onto adjacent properties or the public right of way.*
- iii. *All chicken enclosures shall be maintained to be well-ventilated, free from odor, prevent a breeding place for flies, pests or vermin, and secure from predators.*
- iv. *Chicken feed shall be stored in a rodent and predator proof container.*
- v. *All permits shall be subject to conditions of current biosecurity practices as listed by the California Department of Food and Agriculture (CDFA) to reduce the risk of introducing disease.*

## ***6. Permit Requirements***

- i. *Any person wishing to keep chicken(s) on any property within the town shall first obtain a Chicken Permit from the Town Planner or Town Planner's designee. The Chicken Permit application shall include the property owners of record, legal lot size of the parcel, the number of chickens to be maintained on*



*the property, a site plan with details of the chicken enclosure, including setbacks and height calculations as outlined by this section. The Town Planner may revoke a Chicken Permit if the chicken(s) becomes an annoyance to surrounding residents or property owners, the chicken enclosure is not maintained in a sanitary condition, or the keeping of the chickens is not in compliance with the provisions of this chapter or other applicable law. The Chicken Permit is not transferable to successor owners of the property upon which the Chicken Permit is issued.*

- ii. A Chicken Permit is subject to Chapter 8.16 Noise Control of the Town ' s Municipal Code.*

*7. It shall be the duty of the city manager, the chief of police and the city attorney to enforce this chapter. No oversight or dereliction on the part of any official or employee of the town vested with the duty or authority to issue permits or licenses shall legalize, authorize, waive or excuse the violation of any provisions of this chapter.*

**SECTION 2:** That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provision in the Ordinance severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

**SECTION 3:** this Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced on the \_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted as an ordinance of the City Council of the Town of Atherton at a regular meeting thereof held on the \_\_\_ day of \_\_\_\_\_, 2016 by the following vote:

AYES COUNCILMEMBERS: NOES COUNCILMEMBERS: ABSENT  
COUNCILMEMBERS: ABSTAIN COUNCILMEMBERS:

ATTEST: CTY CLERK

MAYOR

# Atherton's Animal Regulations

*Should the Town modify its animal regulations to allow for backyard chickens?*

All On Forum Responses sorted chronologically

As of February 10, 2016, 3:38 PM



*As with any public comment process, participation in Atherton Open Town Hall is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.*

# Atherton's Animal Regulations

*Should the Town modify its animal regulations to allow for backyard chickens?*

## Introduction

The Planning Commission is currently considering modifications to the Town's animal regulations to allow backyard chickens. The current regulations allow chickens on properties that are at least 80,000 square feet in area (almost two acres). Chickens are not currently allowed on properties smaller than 80,000 square feet. The Planning Commission is considering changing the regulations to allow backyard chickens regardless of property size. Roosters are still not allowed.

City Council is interested in hearing from you. Please take the survey by clicking on the [Take the Survey](#) link below.

# Atherton's Animal Regulations

*Should the Town modify its animal regulations to allow for backyard chickens?*

As of February 10, 2016, 3:38 PM, this forum had:

Attendees: 130

On Forum Responses: 64

Hours of Public Comment: 5.1

This topic started on October 16, 2015, 1:49 PM.

# Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

## Responses

### How many chickens should be allowed per property?

Average	6.06
Total	382.00
Count	63
Skipped	1

### What should the setback regulations be for the chicken coop from the neighboring property line?

		%	Count
Same setback as other accessory buildings (10' from property line)		65.5%	38
Same setback regulations as main residence		34.5%	20

### Should the Town establish regulations to require regular maintenance of the chicken coop?

		%	Count
Yes		61.0%	36
No		39.0%	23

### Are there any other regulations the Town should consider for the keeping of chickens on residential properties?

Answered	47
Skipped	17

**10 acre** all allowed also **any** atherton chicken  
**chickens coop** coops disease dogs don fence **from** keep

# Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

keeping large less like line lot m make more neighborhood neighbors noise  
other property roosters S setback size so t they town very

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**How many chickens should be allowed per property?**

Mike Farmwald inside Atherton  
October 16, 2015, 4:37 PM

10

Name not shown inside Atherton  
October 16, 2015, 4:47 PM

10

Peter Carpenter inside Atherton  
October 16, 2015, 5:14 PM

6

Name not shown inside Atherton  
October 16, 2015, 5:29 PM

6

Name not shown inside Atherton  
October 16, 2015, 5:58 PM

10

Name not shown inside Atherton  
October 16, 2015, 6:03 PM

6

Name not shown inside Atherton  
October 16, 2015, 6:10 PM

12

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 16, 2015, 6:39 PM

12

Name not shown inside Atherton  
October 16, 2015, 6:49 PM

0

Ellen Bakan inside Atherton  
October 16, 2015, 9:26 PM

6

Margaret Winters inside Atherton  
October 17, 2015, 12:28 AM

5

Anne McNertney inside Atherton  
October 17, 2015, 5:49 AM

12

Name not shown inside Atherton  
October 17, 2015, 7:17 AM

0

Name not shown inside Atherton  
October 17, 2015, 7:54 AM

0

Name not shown inside Atherton  
October 17, 2015, 8:01 AM

10

Name not shown inside Atherton  
October 17, 2015, 8:06 AM

0

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 17, 2015, 8:21 AM

8

Name not shown inside Atherton  
October 17, 2015, 9:06 AM

0

Name not shown inside Atherton  
October 17, 2015, 9:47 AM

0

Laurent Mayer inside Atherton  
October 17, 2015, 10:40 AM

12

Name not shown inside Atherton  
October 17, 2015, 11:43 AM

6

Bob MacLean inside Atherton  
October 17, 2015, 11:48 AM

6

Name not shown inside Atherton  
October 17, 2015, 11:58 AM

0

Jeff Cunningham inside Atherton  
October 17, 2015, 1:44 PM

6

Name not shown inside Atherton  
October 17, 2015, 2:48 PM

0



## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Alan Miller inside Atherton  
October 17, 2015, 3:05 PM

3

Name not shown inside Atherton  
October 17, 2015, 5:20 PM

10

Name not shown inside Atherton  
October 17, 2015, 6:45 PM

5

Ernest Goitein inside Atherton  
October 17, 2015, 7:05 PM

9

Name not shown inside Atherton  
October 17, 2015, 8:17 PM

10

Name not shown inside Atherton  
October 18, 2015, 12:08 PM

0

Name not shown inside Atherton  
October 18, 2015, 5:09 PM

0

Name not shown inside Atherton  
October 18, 2015, 10:27 PM

0

Name not shown inside Atherton  
October 19, 2015, 9:18 AM

8

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 19, 2015, 12:43 PM

10

Name not shown inside Atherton  
October 19, 2015, 6:08 PM

30

Name not shown inside Atherton  
October 20, 2015, 10:12 AM

0

Name not shown inside Atherton  
October 23, 2015, 11:26 AM

0

Name not shown inside Atherton  
October 25, 2015, 5:15 PM

0

Name not shown inside Atherton  
October 26, 2015, 12:54 PM

0

Caroline Alton inside Atherton  
October 26, 2015, 12:57 PM

4

Tricia Young inside Atherton  
October 26, 2015, 12:59 PM

25

Name not shown inside Atherton  
October 26, 2015, 1:00 PM

0

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 26, 2015, 1:04 PM

0

Name not shown inside Atherton  
October 26, 2015, 1:14 PM

12

Name not shown outside Atherton  
October 26, 2015, 1:19 PM

0

Name not shown inside Atherton  
October 26, 2015, 1:23 PM

6

Name not shown inside Atherton  
October 26, 2015, 1:37 PM

0

Don Young inside Atherton  
October 26, 2015, 1:45 PM

6

Name not shown inside Atherton  
October 26, 2015, 1:56 PM

1

Name not shown inside Atherton  
October 26, 2015, 2:38 PM

6

Valerie Gardner inside Atherton  
October 26, 2015, 2:53 PM

12

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 26, 2015, 2:59 PM

0

Name not shown inside Atherton  
October 26, 2015, 4:24 PM

12

Name not shown inside Atherton  
October 26, 2015, 7:10 PM

10

Name not shown inside Atherton  
October 26, 2015, 7:39 PM

12

Name not shown inside Atherton  
October 26, 2015, 8:22 PM

12

Name not shown inside Atherton  
October 26, 2015, 8:37 PM

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Name not shown inside Atherton  
October 26, 2015, 8:41 PM

12

Name not shown inside Atherton  
October 27, 2015, 8:12 AM

12

Name not shown inside Atherton  
October 27, 2015, 3:20 PM

0

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 27, 2015, 10:08 PM

0

Name not shown inside Atherton  
October 28, 2015, 10:01 AM

12

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

### What should the setback regulations be for the chicken coop from the neighboring property line?

Mike Farmwald inside Atherton  
October 16, 2015, 4:37 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 16, 2015, 4:47 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
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October 16, 2015, 5:29 PM

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Name not shown inside Atherton  
October 16, 2015, 5:58 PM

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Name not shown inside Atherton  
October 16, 2015, 6:03 PM

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Name not shown inside Atherton  
October 16, 2015, 6:10 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton

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Should the Town modify its animal regulations to allow for backyard chickens?

October 16, 2015, 6:39 PM

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Name not shown inside Atherton

October 16, 2015, 6:49 PM

Same setback regulations as main residence

Ellen Bakan inside Atherton

October 16, 2015, 9:26 PM

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Margaret Winters inside Atherton

October 17, 2015, 12:28 AM

Same setback as other accessory buildings (10' from property line)

Anne McNertney inside Atherton

October 17, 2015, 5:49 AM

Same setback regulations as main residence

Name not shown inside Atherton

October 17, 2015, 7:17 AM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton

October 17, 2015, 7:54 AM

Same setback regulations as main residence

Name not shown inside Atherton

October 17, 2015, 8:01 AM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton

October 17, 2015, 8:21 AM

Same setback regulations as main residence

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 17, 2015, 9:06 AM

Same setback regulations as main residence

Name not shown inside Atherton  
October 17, 2015, 9:47 AM

Same setback regulations as main residence

Laurent Mayer inside Atherton  
October 17, 2015, 10:40 AM

Same setback regulations as main residence

Name not shown inside Atherton  
October 17, 2015, 11:43 AM

Same setback as other accessory buildings (10' from property line)

Bob MacLean inside Atherton  
October 17, 2015, 11:48 AM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 17, 2015, 11:58 AM

Same setback regulations as main residence

Jeff Cunningham inside Atherton  
October 17, 2015, 1:44 PM

Same setback as other accessory buildings (10' from property line)

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October 17, 2015, 2:48 PM

Same setback regulations as main residence

Alan Miller inside Atherton  
October 17, 2015, 3:05 PM

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Should the Town modify its animal regulations to allow for backyard chickens?

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October 17, 2015, 5:20 PM

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October 17, 2015, 6:45 PM

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October 17, 2015, 7:05 PM

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Same setback regulations as main residence

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October 19, 2015, 12:43 PM

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October 19, 2015, 6:08 PM

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October 20, 2015, 10:12 AM

Same setback regulations as main residence

Name not shown inside Atherton  
October 23, 2015, 11:26 AM

Same setback regulations as main residence

Name not shown inside Atherton  
October 25, 2015, 5:15 PM

Same setback regulations as main residence

Name not shown inside Atherton  
October 26, 2015, 12:54 PM

Same setback regulations as main residence

Caroline Alton inside Atherton  
October 26, 2015, 12:57 PM

Same setback as other accessory buildings (10' from property line)

Tricia Young inside Atherton  
October 26, 2015, 12:59 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 1:14 PM

Same setback as other accessory buildings (10' from property line)

Name not shown outside Atherton  
October 26, 2015, 1:19 PM

Same setback regulations as main residence

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 26, 2015, 1:23 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 1:37 PM

Same setback as other accessory buildings (10' from property line)

Don Young inside Atherton  
October 26, 2015, 1:45 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 1:56 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 2:38 PM

Same setback as other accessory buildings (10' from property line)

Valerie Gardner inside Atherton  
October 26, 2015, 2:53 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 4:24 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 7:10 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 8:22 PM

Same setback as other accessory buildings (10' from property line)

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 26, 2015, 8:37 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 26, 2015, 8:41 PM

Same setback as other accessory buildings (10' from property line)

Name not shown inside Atherton  
October 27, 2015, 8:12 AM

Same setback regulations as main residence

Name not shown inside Atherton  
October 27, 2015, 10:08 PM

Same setback regulations as main residence

Name not shown inside Atherton  
October 28, 2015, 10:01 AM

Same setback as other accessory buildings (10' from property line)

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

### Should the Town establish regulations to require regular maintenance of the chicken coop?

Mike Farmwald inside Atherton  
October 16, 2015, 4:37 PM

No

Name not shown inside Atherton  
October 16, 2015, 4:47 PM

Yes

Name not shown inside Atherton  
October 16, 2015, 4:56 PM

Yes

Peter Carpenter inside Atherton  
October 16, 2015, 5:14 PM

No

Name not shown inside Atherton  
October 16, 2015, 5:29 PM

No

Name not shown inside Atherton  
October 16, 2015, 5:58 PM

No

Name not shown inside Atherton  
October 16, 2015, 6:03 PM

No

Name not shown inside Atherton  
October 16, 2015, 6:10 PM

No

Name not shown inside Atherton

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

October 16, 2015, 6:39 PM

No

Name not shown inside Atherton

October 16, 2015, 6:49 PM

Yes

Ellen Bakan inside Atherton

October 16, 2015, 9:26 PM

No

Margaret Winters inside Atherton

October 17, 2015, 12:28 AM

No

Anne McNertney inside Atherton

October 17, 2015, 5:49 AM

Yes

Name not shown inside Atherton

October 17, 2015, 7:17 AM

Yes

Name not shown inside Atherton

October 17, 2015, 7:54 AM

Yes

Name not shown inside Atherton

October 17, 2015, 8:01 AM

Yes

Name not shown inside Atherton

October 17, 2015, 8:21 AM

Yes

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 17, 2015, 9:06 AM

Yes

Name not shown inside Atherton  
October 17, 2015, 9:47 AM

Yes

Laurent Mayer inside Atherton  
October 17, 2015, 10:40 AM

Yes

Name not shown inside Atherton  
October 17, 2015, 11:43 AM

No

Bob MacLean inside Atherton  
October 17, 2015, 11:48 AM

No

Name not shown inside Atherton  
October 17, 2015, 11:58 AM

Yes

Jeff Cunningham inside Atherton  
October 17, 2015, 1:44 PM

Yes

Name not shown inside Atherton  
October 17, 2015, 2:48 PM

Yes

Alan Miller inside Atherton  
October 17, 2015, 3:05 PM

No

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 17, 2015, 5:20 PM

No

Name not shown inside Atherton  
October 17, 2015, 6:45 PM

No

Ernest Goitein inside Atherton  
October 17, 2015, 7:05 PM

Yes

Name not shown inside Atherton  
October 17, 2015, 8:17 PM

Yes

Name not shown inside Atherton  
October 18, 2015, 12:08 PM

Yes

Name not shown inside Atherton  
October 18, 2015, 5:09 PM

Yes

Name not shown inside Atherton  
October 18, 2015, 10:27 PM

Yes

Name not shown inside Atherton  
October 19, 2015, 9:18 AM

No

Name not shown inside Atherton  
October 19, 2015, 12:43 PM

No



## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 19, 2015, 6:08 PM

No

Name not shown inside Atherton  
October 20, 2015, 10:12 AM

Yes

Name not shown inside Atherton  
October 23, 2015, 11:26 AM

Yes

Name not shown inside Atherton  
October 25, 2015, 5:15 PM

Yes

Name not shown inside Atherton  
October 26, 2015, 12:54 PM

Yes

Caroline Alton inside Atherton  
October 26, 2015, 12:57 PM

Yes

Tricia Young inside Atherton  
October 26, 2015, 12:59 PM

No

Name not shown inside Atherton  
October 26, 2015, 1:14 PM

Yes

Name not shown outside Atherton  
October 26, 2015, 1:19 PM

Yes

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 26, 2015, 1:23 PM

No

Name not shown inside Atherton  
October 26, 2015, 1:37 PM

Yes

Don Young inside Atherton  
October 26, 2015, 1:45 PM

Yes

Name not shown inside Atherton  
October 26, 2015, 1:56 PM

Yes

Name not shown inside Atherton  
October 26, 2015, 2:38 PM

No

Valerie Gardner inside Atherton  
October 26, 2015, 2:53 PM

No

Name not shown inside Atherton  
October 26, 2015, 4:24 PM

No

Name not shown inside Atherton  
October 26, 2015, 7:10 PM

No

Name not shown inside Atherton  
October 26, 2015, 7:39 PM

Yes

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 26, 2015, 8:22 PM

Yes

Name not shown inside Atherton  
October 26, 2015, 8:37 PM

Yes

Name not shown inside Atherton  
October 26, 2015, 8:41 PM

Yes

Name not shown inside Atherton  
October 27, 2015, 8:12 AM

Yes

Name not shown inside Atherton  
October 27, 2015, 10:08 PM

Yes

Name not shown inside Atherton  
October 28, 2015, 10:01 AM

Yes

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

**Are there any other regulations the Town should consider for the keeping of chickens on residential properties?**

Mike Farmwald inside Atherton  
October 16, 2015, 4:37 PM

I agree with no roosters.  
I'm ok with any reasonable limit on the number, probably should be less than 15 or so.

Name not shown inside Atherton  
October 16, 2015, 4:56 PM

yes, our neighbors have a large lot and when a new batch of chickens come in, there's usually a few roosters & they make a lot of noise. So the town needs to have an enforceable regulation to get homeowners to remove roosters from hen houses. Also how much time and \$\$\$ will town officials have to invest to make sure neighbors promptly remove the roosters from their hen houses? Also the number of chickens per residence should be limited as hen houses are magnets for flies

Name not shown inside Atherton  
October 16, 2015, 5:29 PM

No.

Name not shown inside Atherton  
October 16, 2015, 6:03 PM

no. keep it simple

Name not shown inside Atherton  
October 16, 2015, 6:10 PM

no

Name not shown inside Atherton  
October 16, 2015, 6:39 PM

no

Name not shown inside Atherton  
October 16, 2015, 6:49 PM

Yes! The chicken coop and chickens should be sound isolated so there is no noise at the property line at any time, and so there is no smell at the property line. A chicken coop should not annoy the neighbors in any way.

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Ellen Bakan inside Atherton  
October 16, 2015, 9:26 PM

Let's consider our citizenry intelligent enough to regulate themselves as regards cleanliness, consideration of neighbors, etc.

Margaret Winters inside Atherton  
October 17, 2015, 12:28 AM

Just as with any animal, the chickens should be cared for kindly with attention to their health and well being.

Anne McNertney inside Atherton  
October 17, 2015, 5:49 AM

Yes, they should be penned in so they don't peck or claw curious children. If there is a fear of Avian Flu or similar bird-borne diseases, the town regulations should allow inspection of specific sites and be empowered to force a remedy to any health threat to the general population. Also if the abundance of chicken coops draws the attention of too many predators, the town should be able to limit or prohibit keeping chickens. I believe people should be allowed to have quail as well; their eggs are a delicacy.

Name not shown inside Atherton  
October 17, 2015, 7:54 AM

Keep the 2 acre minimum

Name not shown inside Atherton  
October 17, 2015, 8:01 AM

Do the chickens need to be caged at all times or can they roam in the yard? Can predators be caught and removed? Can old hens be slaughtered and eaten at home?

Name not shown inside Atherton  
October 17, 2015, 8:06 AM

No chickens!!

Name not shown inside Atherton  
October 17, 2015, 8:21 AM

A simple mechanism to resolve noise or odor conflicts with neighbors.

Name not shown inside Atherton  
October 17, 2015, 9:06 AM

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

One acre lots are not sufficient to accommodate keeping of chickens, particularly when the tendency is to put them close to a fence or property line. Neighboring dogs can create disturbances related to the nearby presence of chickens (it is, after all, their nature) and neighbors may be unaware of the impact that chickens cause. Lights necessary to keep the coops temperature correct are often fire hazards (one of my friends lit their own roof on fire with a misplaced warming light). This is a culinary trend. Keeping chickens requires significant knowledge of poultry (diseases, ways to prevent attack from raccoons, cats, dogs, etc.). It also requires vigilant attention to the coop and knowledge of the hazards of having electrical sources near animals, fences and buildings. Keeping chickens is not a hobby, it is a profession.

Laurent Mayer inside Atherton  
October 17, 2015, 10:40 AM

Owners to maintain good sanitary conditions.  
Chicken coops to be regularly cleaned.

Bob MacLean inside Atherton  
October 17, 2015, 11:48 AM

No. We have dogs, cats, children who all make noise and have the run of the yard and, in some cases, the neighborhood.  
Chicken ownership produce good, wholesome food, a learning opportunity for parents and kids, and are non-vicious.  
We don't have any rules for other pet habitat or maintenance, why chickens?

Name not shown inside Atherton  
October 17, 2015, 11:58 AM

No chickens on residential property.

Alan Miller inside Atherton  
October 17, 2015, 3:05 PM

is there a practical way to enforce a "smell" ordinance?  
Chicken coop impact on neighbors can be very different depending on the actual implementation... it seems like a very difficult thing to spell out in an ordinance that would be fair to all parties. Good luck!  
Separately, are there regulations for outdoor doves, pigeons, "quackless" ducks (Muscovys) ...?  
The number of chickens per property should depend on the property size. Larger properties should be allowed more chickens.

Ernest Goitein inside Atherton  
October 17, 2015, 7:05 PM

Require consent from adjacent neighbors

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 18, 2015, 5:09 PM

No chicken allowed is the best policy. If chicken were allowed it should be (a) with a positive consent from all neighbors, (b) with a large setback.

Name not shown inside Atherton  
October 18, 2015, 10:27 PM

Keep at current regulation which is only 2 acre properties. Atherton is no longer a rural area.

There is odor, noise, and potential disease issue with live animals like chickens. If allowed on smaller lots should only be allowed with positive consent of neighbors.

Allowing chickens can be a slippery slope... What's next..

Name not shown inside Atherton  
October 19, 2015, 9:18 AM

Hens are no different than cats or dogs and have the added benefit of providing food. Plus, once the sun goes down they are practically comatose and make no noise- as opposed to a dog left out barking.

Name not shown inside Atherton  
October 20, 2015, 10:12 AM

Disease control, noise to neighbors and increased draw for coyotes and lions.

Name not shown inside Atherton  
October 23, 2015, 11:26 AM

I prefer no chickens, but please keep at least a one-acre minimum with existing setbacks. Any chickens allowed should be limited to the less noisy type and kept in a dark pen until 8 AM to minimize noise. Require consent of adjoining lot neighbors. Coops should all be inspected every year. Just because we have other noises, like dogs, doesn't mean we need more noise - so noise problems from chicken must be enforced to minimize neighbor problems. And problems with raccoons and other unexpected wildlife consequences should lead to removal of any permits. Does our town have the budget to take on this?

Name not shown inside Atherton  
October 25, 2015, 5:15 PM

Yes, the town will need to develop a plan to regulate the location, noise production and cleanliness of each chicken owner. Property size should be one acre or more. Chicken coops should not be right by anyone's property line. I would rather not hear the noise of the chickens. There are varieties of chickens that produce

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

less noise that should be recommended. There should be permission by neighbors if the chickens are in close proximity.

Name not shown inside Atherton  
October 26, 2015, 12:54 PM

My neighbors have illegal chickens in their backyard. The coop is 10' or less from the side of our property. I can assure you the chickens are very noisy. No chickens on less than an acre & coops should be same setback as residence.

Caroline Alton inside Atherton  
October 26, 2015, 12:57 PM

There should be at least 4 chickens allowed, more depending on property size. There should be a max since any number above approx 10 would produce more than would be typical for even a large family's personal use.

Tricia Young inside Atherton  
October 26, 2015, 12:59 PM

It is a wonderful idea for folks to raise chickens here in Atherton. I have been doing it with 12 chickens for many years and never knew there was an ordinance against it on 1 acre. It is a very healthy way to have organic fresh eggs every day

Name not shown inside Atherton  
October 26, 2015, 1:00 PM

For people like ourselves living in Lloyd Park w/ lot sizes of approximately 1/3 of an acre, allowing chicken would be intrusive to your neighbors.

Name not shown inside Atherton  
October 26, 2015, 1:04 PM

I am against allowing chickens on the property

Name not shown inside Atherton  
October 26, 2015, 1:14 PM

Chickens should be housed in a coop at night, safe from predators. Some consideration should be given to timing of release of chickens in a.m. (i.e. not before 7am?) they cluck when laying eggs.

Name not shown outside Atherton  
October 26, 2015, 1:19 PM

Chickens? Seriously? We have aircraft noise, train noise, traffic issues and we are dealing with chickens? I'm



## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

totally opposed to this. We don't live in a country/farm neighborhood. I'm very concerned with sanitation and animal noise. In addition, this type of allowance would require strict inspection and controls in order to be feasible. I'm strongly against using tax payer money to manage and inspect chickens. We have better things to do with tax money.

Name not shown inside Atherton  
October 26, 2015, 1:23 PM

Keeping chickens should be OK as long as they don't bother neighbors (e.g., noise, odor, entering neighbors' yards). Chickens should only be kept for personal use--eggs and meat produced should not be sold, bartered, or otherwise used for business purposes.

Name not shown inside Atherton  
October 26, 2015, 1:37 PM

Please keep the current regulations. If you change them, please require a minimum 1 acre lot size to keep chickens. I believe it could be an issue to have many chickens near the lot line on smaller parcels such as on my street. Also chickens can be stinky if the coops are not cleaned frequently. Chickens may also cause dogs to bark at them if they are just on the other side of a fence. I don't see the need for a residential area to allow chickens and believe it could cause town officials to spend time on regulation of chickens and complaints. Atherton is no longer a rural community. . Thank you for reading my feedback.

Don Young inside Atherton  
October 26, 2015, 1:45 PM

Neighbors should be protected from liability if their dog/cat kills a chicken that has wandered into the neighbor's yard. In other words, the risk should reside with the chicken owner.

Name not shown inside Atherton  
October 26, 2015, 1:56 PM

Annual inspection report from licensed inspector the town to mitigate disease. Should include the coop conditions and a vet report on the animal(s).

Name not shown inside Atherton  
October 26, 2015, 2:38 PM

They should allow ducks and geese

Name not shown inside Atherton  
October 26, 2015, 4:24 PM

No, why create more work for the town? Most people are considerate with their chickens (and I am not a chicken owner so I am not biased).

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

Name not shown inside Atherton  
October 26, 2015, 7:10 PM

For some properties, the 10' setback is prohibitive given the shape, size and configuration of each property. Our property is a narrow 1/3 of an acre with our house setback very deep on the lot, leaving us with a 30' deep backyard. If we have our coop 10' off the back fence it becomes a main feature of our backyard instead of a practically placed coop. Also, 10' off the fence will not mitigate the noise of the chickens just like a dog who runs along the fence to bark at its neighbor's dog isn't regulate to stop 10' before the fence. Thank you for holding this forum.

Name not shown inside Atherton  
October 26, 2015, 7:39 PM

Chickens should be likened to dogs, as they do not occupy a large space within the residence and I would argue they do not make as much noise (as dogs tend to bark incessantly at one another across fences and for prolonged periods of time). The 10' setback is also restrictive.

Name not shown inside Atherton  
October 26, 2015, 8:22 PM

set back should be 3-5 ft

Name not shown inside Atherton  
October 26, 2015, 8:37 PM

Atherton is not a farming community. We had neighbors who had chickens and the chickens were loud and a real nuisance to our street. I strongly vote against having any chickens in the neighborhood.

Name not shown inside Atherton  
October 27, 2015, 8:12 AM

Permit and/or license requirement to generate fees to help cover town's costs (e.g. code enforcement).

Name not shown inside Atherton  
October 27, 2015, 3:20 PM

Properties under 80,000 sf should not allow chickens at all. They are extremely noisy, even without roosters, and disrupt the peace.

Name not shown inside Atherton  
October 27, 2015, 10:08 PM

Atherton is not farm land but a high-end residential neighborhood. If I wanted to live with farm animals I would have purchased a home in wood side, I didn't for exactly this reason. Chickens bring with them disease, attack unwanted predators such as raccoons, possums, skunks or even wild cats, exposing household pets to these

## Atherton's Animal Regulations

Should the Town modify its animal regulations to allow for backyard chickens?

unnecessary risks and dangers. Lastly, you can buy organic eggs at Draegers, it's more cost effective and better for the environment.

Name not shown inside Atherton

October 28, 2015, 10:01 AM

No rooster should be allowed.

If chickens are attacked by someone's pet they would not be held responsible.

June 2, 2015

George Rodericks  
Atherton City Manager  
91 Ashfield Road  
Atherton, CA 94027

Dear Mr. Rodericks:

This letter follows conversations I have had with Mayor Rick DeGolia about our request that a review of the Atherton zoning provision #6.04.250 that deals with the keeping of animals other than domestic pets on properties under 80,000 square feet of land be scheduled. Our specific interest is in keeping 5 or 6 laying hens on our 1-plus acre of land here.

We have learned that we need to ask you to kindly bring the issue before the Atherton Planning Commission, who will consider a change in our ordinance to reflect that of the County of San Mateo's ordinance that does allow a small number of hens, no roosters, on properties smaller than our 80,000 square feet (<http://www.backyardchickens.com/a/san-mateo-california-chicken-ordinance>), and thus submit a favorable recommendation to the City Council.

Thank you for your attention to this matter.

Sincerely,



Lloyd Bakan, Jr.  
1 Flood Circle  
Atherton, California  
650-847-1449

cc- Rick DeGolia, Mayor

Hi Lisa,

Thanks for the quick response. My husband and I support allowing chickens on smaller properties. Chickens provide fertilizer for gardens, eat table scraps (and reduce waste), provide healthy eggs and quite honestly are enjoyable creatures.

Thanks for your consideration.

Michelle Dillabough

Sent from my iPhone

On Sep 15, 2015, at 5:37 PM, Lisa Costa Sanders <[lcostasanders@ci.atherton.ca.us](mailto:lcostasanders@ci.atherton.ca.us)> wrote:

Hello - Atherton's current code requires chickens be kept in a coop and requires the property to be at least 80,000 square feet. A property owner requested the Planning Commission consider changing the regulations to allow chickens on properties less than 80,000 square feet. At a previous meeting, the Planning Commission requested staff provide information on regulations from other jurisdictions.

Feel free to email me any comments you have. I will provide your comments to the Planning Commission.

thank you, Lisa

Lisa Costa Sanders, Town Planner  
Town of Atherton  
91 Ashfield Road  
Atherton, CA 94070  
[lcostasanders@ci.atherton.ca.us](mailto:lcostasanders@ci.atherton.ca.us)  
650-333-0248

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**From:** Michelle Dillabough [[Michelle@hsproperties.com](mailto:Michelle@hsproperties.com)]  
**Sent:** Tuesday, September 15, 2015 9:58 AM  
**To:** Lisa Costa Sanders  
**Cc:** [gary@westlygroup.com](mailto:gary@westlygroup.com)  
**Subject:** Meeting regarding chickens

Hi Ms. Costa Sanders,

I received the notice regarding the discussion on keeping of chickens in Atherton. I live on Stockbridge Avenue but I am not sure I am going to be able to make the meeting on the 23<sup>rd</sup>. I was wondering if you could share what prompted the discussion... is there discussion of banning or limiting chickens??

Thanks!

Michelle Dillabough  
Vice President, Huettig & Schromm, Inc.  
431 Burgess Drive, Suite 200  
Menlo Park, CA 94025  
(650) 322-2121 x 125 Office  
(650) 888-6230 Cell

## Sept. 23 Planning Commission Meeting

Tony Arata -- Menlo Atherton Consulting [Tony@menloathertonconsulting.com]

Sent: Tuesday, September 15, 2015 12:50 PM

To: Lisa Costa Sanders

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Hello Lisa,

My name is Tony Arata and I live in Lindenwood at 151 Heather along my my wife Paige and my two sons, August and Johnny. We recently received the notice regarding the September 23rd Planning Commission Meeting and, while I wish I could attend, my wife has plans that night so I am on child-care duty.

I understand that the purpose of the meeting is to discuss potential changes to the ordinances surrounding keeping chickens on the property. I would like to state that I am in favor of the continuation of allowing residents to keep chicken on their property as pets. The limit of 40 chickens without a permit is more than enough. I grew up in Lindenwood and we had chickens in the 80's and 90's, and while we do not currently have any chickens, I would like to opportunity to have some here on our property to augment our vegetable garden in the future so that I can show my sons how to be self-sustainable.

Please put my wife and I down as a vote to continue the allowance of fowl in Atherton.

Please feel free to contact me with any questions. Thank you for your service to the Town of Atherton. This is a very special place to live and we could not be happier.

Cheers,

Tony Arata

Menlo Atherton Consulting  
tony@menloathertonconsulting.com  
415.203.8669

Sent via email to:  
[mdiaz@ci.atherton.ca.us](mailto:mdiaz@ci.atherton.ca.us)

Subject: Section 6.04.250 zoning provisions regarding animals and fowl

Thursday, August 13, 2015

Dear Officer Diaz:

I appreciate your assistance with a code enforcement issue regarding chickens we first discussed by phone around the 7<sup>th</sup> of July and several times since then.

I initially called you because the loud sounds of chickens were waking my elderly mother (almost 90) and my sister who were guests in my house. During the subsequent weeks my wife and I also woke up to these noises. Once it sounded like a small child screaming which is a disturbing noise to misinterpret when you are aroused from a deep sleep.

You directed me to the town code and I learned that our code does restrict the conditions where chickens are permitted. Referring to section 6.04.250 zoning provisions, the following is written regarding animals and fowl.

A. No building or structure for the housing or maintenance of animals other than domestic household pets, shall be constructed, reconstructed, altered or enlarged:

1. On any lot or parcel of land containing less than eighty thousand square feet;
2. On any lot or parcel of land which is less than one hundred ninety feet in width;
3. In front of the rear line projection of the dwelling or buildings or structure so housing or maintaining animals is set back at least one hundred fifty feet from the front property line, or in the event the lot is a corner lot, it must be set back at least one hundred fifty feet from each property line facing the street, and in all respects such structure must conform to the provisions of the zoning title;
4. Less than one hundred fifteen feet from the building area of any adjoining lot or parcel of land;
5. Less than seventy-five feet from the property line of the lot on which such building or structure is situated.

I believe there are violations based on items 1 and 5.

Our neighbors seem to be very pleasant people. We did meet them briefly after they moved in this year and were building a new common fence. We have been assuming all of their other construction has received permits and has been done by code. We

would very much like to have a positive relationship with them and only request that they follow the rules.

When we spoke several weeks ago you were investigating this matter. You acknowledged the lot did not come close to the minimum eighty thousand square foot requirement as it is actually a much smaller lot – well below ½ acre. I have been hoping you would be able to correct this situation by now.

Presently you have told me you are still waiting from your superiors for direction as to whether to immediately enforce or not because there has been a recent request to modify the code. This is very disappointing. By way of this letter, my wife and I wish to strongly object to any consideration of changing the code and allowing chickens on small lots and in close proximity to neighbors. We have been residents of Atherton and have owned our home for eighteen years. If people want to raise chickens there are larger lots and other more appropriate places in the bay area to do this. The close proximity of these chickens to our house has created some anxiety, sleep loss and a growing concern about the potential negative economic impact to our property value.

I would respectfully request you please enforce the current code and do not entertain the possibility of changing the code. If you believe there is any chance of the code being relaxed, I would also request that I be informed in advance, so that I may consider all of my legal options to protect our rights and property value.

Thank you,

Ed Cluss  
345 Selby Lane  
Atherton, CA 94027  
[eclus@kaunaventures.com](mailto:eclus@kaunaventures.com)  
(M) 650-245-8650



Dear Planning Commissioners,

I attended the planning commission meeting on Wednesday, July 25, 2015, as I had a personal and vested interest in one of several topics addressed that night. The topic of interest concerned a proposed amendment to the current fowl ordinance, which would allow the keeping of backyard chickens on properties smaller than 2-acre parcels. While at the meeting, I spoke to the commission about my experience as an Atherton resident who has been raising backyard chickens for the past 7+ years. I would like to recap what I said that night, and add supplementary information so the commission can review this ordinance from a more contemporary perspective.

I would venture to guess that the original ordinance was enforced when Atherton was primarily a town of summer residences for wealthy San Franciscans. As such, I propose that this ordinance be revised to accommodate the current suburban community that Atherton is today. I am also hoping this discussion focuses on amending the fowl ordinance, and does not include other animals such as goats, horses, pigs, etc.

I am appealing to the commission to allow chickens in Atherton to inhabit smaller parcels of land, since the current ordinance requiring a 2-acre parcel for chickens is narrow in its consideration, and prevents the majority of residents from enjoying the hobby of raising chickens. It was unbeknownst to me that Atherton's fowl keeping ordinance only permitted chickens to be housed on a 2-acre parcel. I kept chickens at our previous home (1-acre parcel) for 7 years without 1 complaint. In fact, my neighbor, John Kolozsi, was as excited as I about my flock, and happily fed my hens when I was away.

My understanding is that most of the homes in Atherton are 1-acre parcels with intermittent homes like mine sprinkled throughout our community at 1/2-1/3 of an acre. While there are 2-acre parcels, they do not comprise the majority of Atherton lots, and shouldn't be the standard by which chicken keeping is allowed. Currently, the town of Atherton under section 6.04.07 (Number of Allowable Dogs) of the planning code allows for no more than 3 adult dogs on any size property. There is no consideration of property size to determine dog ownership, only a limit on the amount of dogs one household can have.

As this is the case, I then wonder: why are chickens only allowed on a 2-acre parcel when dog ownership has no property size imitations? What is the reason for this? Is it the concern for noise? Is it the concern that the coops will smell? Living within the Atherton community, we are all surrounded by neighbors' noises on a daily basis. While fences delineate our individual property lines, noises from our neighbors' yards and houses permeate these boundaries; dogs bark, babies cry, children scream, yet hens are the species that require special permits for disrupting a neighbor's solitude. This does not seem fitting, as I will soon demonstrate.

Unsolicited noise from a neighbor's property is part of living in a community. For instance, three days a week for two hours each time, our neighbors play tennis up against our fence, and the grunting noises they make while playing is a noise nuisance to us. I have no recourse to object to their playing tennis and grunting. My only purpose of exemplifying such habitual occurrences is to demonstrate that such noises are acknowledged as one of many conditions we concede to

when living in a community with neighbors. For the purpose of this discussion, I propose to draw a comparison of dog ownership with chicken keeping, as this will make for a more even collation. My hopes in doing so will be to demonstrate how similar the two pets are, and how in fact chickens are a more practical pet.

### **Care**

To begin with, chickens are easy to care for. They need fresh water and food daily, and require the coop to be cleaned only once a month; hens will cluck just before they lay an egg to announce to roosters that they will be unavailable for mating. [I, of course, do not have a rooster, but this instinct to cluck is inherent in the hens whether there are roosters present or not.] They normally cluck for a few minutes before they go into their nesting box to lay their egg. Since hens only lay one egg a day, their individual clucking time is short and on the average 2 minutes in length. The clucking before laying their egg is essentially the only time a hen makes noise.

Dogs, on the other hand, will bark for many reasons, and some dogs bark incessantly. My neighbors' dogs bark through their fences at each other every day for a solid 10-20 minutes. Indeed, I would call that a noise nuisance. The sound of the hens about to lay eggs, in comparison, is a natural condition of nature taking its course. To give more profound insight into each animal's perspective noise range, the loudest rooster has been recorded at 70 decibels, while the loudest dog has been recorded at 100. Needless to say, as roosters are noticeably much louder than hens, hens stand in further contrast to that of dogs, and as a result, are demonstrated to be much less vocal and boisterous than their tail-wagging counterparts.

### **Odor**

The issue of odor is not as quantifiable, but from my own opinion and that of my friends, guests, and family members, the smell of a chicken coop has never been an issue - especially living in Atherton. Just like a responsible dog owner cleans up the dog poop around a home, a responsible chicken keeper will maintain a clean coop. As my eldest daughter, Erika, pointed out during the meeting, "our English bulldogs smell worse than our chickens." In addition to a dog's barking, her statement also attests to the poor odor we are willing to endure to keep dogs as pets - if hens lack this issue almost entirely, shouldn't there then be less prejudice to housing hens?

### **Pets**

Chickens are wonderful pets. They are friendly, easy to care for and quite entertaining. They are known to lower blood pressure because caring for them requires us to leave our hectic "digital" lives, prompts us to step outdoors, and grounds us in the "moment". Whether I'm feeding them, collecting eggs, or cleaning the coop, I'm engaged in the activity with them curiously watching all that I do. Just like getting out to walk a dog benefits us, going out to the coop is an interactive and relaxing task. In this regard, I believe both dogs and chickens to be lovely pets that benefit our daily lives immensely; in my own home, both animals are considered to be stress relievers and wonderful additions to our family.

## Sustainability

In addition to the happiness and joy they bring as pets, chickens are both productive and sustainable. In this age of living green and sustainably, having chickens connects our family to our food source, and allows us a measure of control over what we eat. Our family admittedly consumes a large number of eggs, so having chickens induces us to be cognizant of where our food comes from, and moreover demonstrates how simple it is to raise and care for a food source. While our children aren't as attached to our chickens as they are to our English Bulldogs, they care for them and appreciate them as viable animals deserving of care and attention.

## Tradition

Chicken keeping has been a historic tradition for centuries past. Unfortunately, today's technological advancements have dissuaded such traditions, which have been replaced by mass produced chicken farms that are not only inhumane for the chickens, but further produce poor quality eggs for consumption. I know that we—along with much of the Atherton community—are conscientious about what we eat, and are eating more organically to avoid such ill-processed food sources.

Our backyard chickens produce organic, nutritious eggs for our family. Because I care for the chickens myself and feed them organic chicken feed and our table scraps, I know *exactly* what they are eating and therefore have some control over our food source. Furthermore, by eating our table scraps, our hens are reducing our solid food waste—they are natural composters. In these ways, chickens are truly sustainable, and even their poop is used in our garden as fertilizer. I cannot think of one way in which our dogs provide such sustainability (and even their feces is tossed in the garbage).

Sustainability is the current rage, and keeping chickens is becoming more and more popular. Atherton's restriction on keeping chickens is interfering with my ability to practice sustainability in my own backyard. Our neighboring towns—Menlo Park, Redwood City and Palo Alto—all allow their residents to keep chickens. Since Menlo Park is our closest neighbor, I have attached their chicken keeping ordinance here:

**9.26.040 No more than fifty allowed per quarter acre or within one hundred feet of dwelling without permit.**

It is unlawful to keep on any premises within the city more than fifty in all of any such poultry or animals for each one-quarter acre of such premises, or more than the same proportionate number on premises having a greater or lesser area, or to keep more than fifty in all of any such poultry or animals within one hundred feet of any dwelling, unless a permit to do so shall first be obtained from the City Council. (Ord. 758 § 2 (part), 1987; Prior code § 3.54).

Redwood City allows for 3 chickens per household. Its specifics are as follows:

## **Sec. 5.26. - KEEPING IN VIOLATION OF ARTICLE DEEMED**

### **NUISANCE:**

It is hereby declared to be a nuisance for any person or persons other than a licensed veterinarian and except as specifically provided in this Article, and it shall be unlawful to keep, maintain or feed within confined or unconfined areas live chickens, roosters over four (4) months of age, geese, ducks, turkeys, or similar fowl or rabbits; provided that a maximum of three (3) chickens or three (3) rabbits, or a combination thereof not exceeding three (3), may be kept, maintained or fed as pets within confined clean coops or cages.

Similarly, Palo Alto's fowl ordinance permits a practical usage of such animals:

### **6.20.090 Birds, goats, pigs and rabbits.**

(a) No person or persons, firm or corporation shall keep or maintain or cause to be kept or maintained within the city any bird, goat, pig, or rabbit except under the following conditions:

(1) Such animals shall under no circumstances be permitted to run at large off of the owner's property and shall be confined within a suitable house or coop after sundown.

(2) Such house or coop, any runway and any other area where such animals roam shall at all times be maintained in a clean and sanitary condition, shall be cleaned once a week or more often if necessary and shall at all times be free from offensive odors and flies.

(3) Such house or coop shall be well lime-washed or painted once a year, or more often if necessary.

(4) No part of any such house, coop or runway shall be less than twenty-five feet from any dwelling or place of business occupied by human beings for dwelling or business purposes without written consent of the occupant of such dwelling or place of business.

(5) No person shall keep or maintain any house, coop or runway within twenty-five feet of any property line of the lot or parcel of land upon which it is situated without the unanimous written consent of the adjacent neighbors who reside there, whether owners or tenants.

(6) No person shall keep or maintain in the city, except in the agricultural zone or open space declared area, more than six mature birds or rabbits without the unanimous written consent of the adjacent neighbors who reside there, whether owners or tenants.

(7) No person shall raise, keep or have in his possession in the city, except in the agricultural zone or open space declared area, any live rooster, goose, peacock or guinea hen over the age of a baby chick or gosling, or any other bird which because of its size, natural disposition, or any other characteristic constitutes a hazard or menace to persons or disturbs the peace.

(8) No person shall keep or maintain in the city, except in the agricultural zone or open space declared area, more than two adult goats or pigs. However, no adult male goat shall be kept or maintained unless neutered.

(Ord. 3983 § 17, 1990: Ord. 3257 § 5 (part), 1981: prior code § 18.55)

With the information I have provided, I ask that you please consider amending Atherton's fowl ordinance. In my comparison of chickens and dogs, I hope to establish that chickens are just as lovely of pets, and supersede dogs in their natural scent, their quiet behavior, and furthermore in their sustainability measures. I value my chickens as much as my two English bulldogs, and would be deeply saddened to see them leave if this ordinance is not amended.

Thank you very much for your time and consideration.

Sincerely,

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