



# City of Nevada City

---

TO: Planning Commissioners  
FROM: Cindy Siegfried, City Planner  
RE: Discussion and Consideration of Backyard Chickens in Residential zones  
DATE: November 10, 2010

**STAFF RECOMMENDATION:** Hold a public workshop to obtain comments on raising backyard chickens in the “R1” Single-family Residential zone. The Commission can provide recommendations as to standards that should be included in the draft ordinance. Staff will then bring back a draft ordinance for the Commission’s review at an early 2011 meeting and the Commission will provide a recommendation to the City Council.

## **CITY COUNCIL DIRECTION**

The topic of allowing backyard chickens in residential zones in Nevada City and other California cities has been raised several times. The City Council, at their meeting of September 8, 2010 stated they are open to considering backyard chickens in Nevada City and directed staff to prepare considerations and procedures for the Council’s review. (Minutes of that meeting are attached).

The City Council, at their meeting of October 27, 2010 considered information provided by staff and after hearing from the public, directed staff to prepare a draft ordinance to allow raising of backyard chickens in residential areas. The staff report is enclosed and the Council recommended excerpts from the Town of Truckee adopted ordinance and the proposed ordinance from the City of Grass Valley.

Listed below are recommended standards to be included in a draft ordinance to permit raising of backyard chickens in the “R1” Single-Family Residential zones of Nevada City. The standards include:

1. Number of chickens based on lot size (taken from Town of Truckee Ord.)
2. No roosters permitted.
3. No slaughtering of chickens permitted.
4. Coop to be predator proof.
5. Location of coop to be closer to the owners’ home rather than adjacent residence.
6. Permit would be required, issued at staff level, and permit would include information on:
  - a. Site Plan indicating location of coop and distances from property lines.
  - b. Coop Construction
  - c. Pest Control

- d. Manure Management
- e. Drainage and erosion control measures

The permit would be similar to a dog license and the Council recommended the fee be nominal. The permit would be issued at staff level.

**ATTACHMENTS**

Attached for your review is the City Council staff report, dated October 14, 2010. This report will give you background information from the City's ordinance and discusses what other cities are considering regarding backyard chickens.

Also attached are the Council minutes for their meeting of October 27, 2010.

TO: Honorable City Council Members  
FROM: Cindy Siegfried, City Planner  
RE: Discussion and Consideration of Backyard Chickens in Residential zones  
DATE: October 14, 2010

**RECOMMENDATION:** After review and discussion, direct staff on proposed draft ordinance to allow backyard chickens in "R1" Single-family Residential zone.

### **BACKGROUND**

The topic of allowing backyard chickens in residential zones in Nevada City and other California cities has been raised several times. The City Council, at their meeting of September 8, 2010 stated they are open to considering backyard chickens in Nevada City and directed staff to prepare considerations and procedures for the Council's review. (Minutes of that meeting are attached).

Below are some various topics related to backyard chickens taken from the City's ordinance and what other cities are considering regarding chickens.

#### Nevada City's Zoning Ordinance

The City's Municipal Code (zoning ordinance) currently allows chickens in the "RR" Rural Residential Zone and in the "AF" Agricultural/Forestry Zone. These areas are basically outside the concentrated residential areas. The "RR" zones are located along Gold Flat Road, between Jordan Street and Monroe Street, and a portion along Nevada City Highway. The "AF" zone is the zoning of the Nevada City Airport property and the Horse Carriage Barn along Uren Street (Map attached indicating the RR and AF zones.)

Municipal Code Section 17.20.030 of the "RR" zone permits farming, grazing and animal raising but not more than one horse, two goats, mule, cow, etc. shall be kept for each one acre of area in the lot. It further states *"not more than twelve fowl or other small animals shall be kept on each one acre of area in the lot or parcel. All animals shall be cared for in a manner that does not create a public health problem, or interfere with the public welfare of surrounding properties."*

The "AF" zone provides for agricultural uses including livestock ranges, animal husbandry, field and tree crops and nurseries. One of the conditional uses in this zone allows for roadside sale of agricultural products grown on the premises.

Municipal Code Section 17.24.010 provides standards for the "R1" Single-family Residential Zoning District. The "R1" zone is "intended to be used only for single-family homes and service appurtenant thereto." Permitted uses include household pets, not to exceed two cats and two dogs over 10 weeks of age. (R1 zone standards attached).

#### Accessory Buildings and Lot Coverage

Other standards relative to these residential zoning districts permit accessory buildings, including the following:

1. Less than or equal to 160 square feet in size;
2. Located on the rear half of the lot
3. Provides setbacks however in no case shall such accessory building be less than 5 feet from any property line
4. Shall not exceed 30% of the area of the required rear yard.

Lot or ground coverage shall not exceed 50% in the residential zones.

#### Other Cities Review of Backyard Chickens

Staff has been watching what other cities have done with the backyard chicken topic, and a summary follows.

City of Grass Valley. The Grass Valley Planning Commission recommended a draft ordinance to the City Council at their September, 2010 meeting. The Council will consider the draft ordinance on October 26, 2010, and is attached for your review. The draft ordinance allows for:

1. Not more than 4 chickens shall be permitted on any property zoned for such use. Roosters are not permitted.
2. Shall be allowed only on properties containing a single-family dwelling with a fenced rear yard area.
3. Backyard chickens and their eggs are to be used for domestic uses only; no commercial sales are permitted.
4. The backyard chickens shall be kept in a secured coop or pen to protect them from predators (raccoons, dogs, etc.). The coop must be located closer to the owner's residence than any surrounding residences and not less than 30 feet from the nearest abutting residence.
5. Feed shall be stored within an enclosed container to prevent the attraction of vermin.
6. All chicken manure shall be managed in a manner that prevents odors, flies and pests.
7. Registration of the chickens shall be signed by the property owner through staff issuance of a ministerial permit.
8. The draft ordinance is valid for one year and contains a 6-month review date to report any concerns or proposed modifications to the ordinance.

Town of Truckee. The Town of Truckee states their backyard chicken ordinance was well received by the public. The ordinance restricts the number of chickens based on lot

size, prohibits roosters, requires predator-proof coops, requires that coops be placed a minimum of 5 feet from any property line and 20 feet to any adjacent residence, and requires the property owner to obtain a permit prior to keeping chickens. The ordinance is a 'pilot program' for one year to allow tracking of any complaints received and to re-evaluate the need for permitting in the following years (copy attached).

The numbers of chickens in the Town are based on lot size as follows:

- |    |                                |   |                             |
|----|--------------------------------|---|-----------------------------|
| 1. | 2500 sq ft                     | = | 2 chickens maximum          |
| 2. | 5000 sq ft (approx 1/8 acre)   | = | 4                           |
| 3. | 10,000 sq ft (approx 1/4 acre) | = | 6                           |
| 4. | 0.5 acres                      | = | subject to minor use permit |

NOTE: City Engineer William Falconi states the average Nevada City lot size in the "R1" residential areas is approximately 5,000 to 8,000 square feet which is just under 1/4 acre in size.

City of Sacramento The City of Sacramento is considering backyard chickens however is seeking further information on possible health risks and the cost of enforcing regulations such as a fair distance between chickens and neighbors, slaughter, care and maintenance.

### **BACKYARD CHICKEN MAIN CONCERNS**

With the topic of backyard chickens, there are several concerns that are typically raised, including:

1. Number of chickens
2. Increase of Predators
3. Location of coop and distance from adjacent homes
4. Shall a permit be required?
5. Enforcement costs and procedures

**Number of Chickens.** The appropriate number of backyard chickens in residential zones seems to be four chickens per parcel/lot. Staff has discussed the number of chickens with Mr. Roger Ingram, Nevada County Farm Advisor, and it was his thoughts that a small number of chickens (3 to 4) would be manageable on smaller lots. Smaller numbers of chickens allow for better management of manure and coop sizes would be smaller.

**Increase of Predators.** There is concern of an increase in predators (skunks, raccoons, bears) by introducing chickens into the residential areas. Mr. Ingram states that chickens will entice skunks, but more potentially raccoons. However, a well-enclosed, secure coop will offset this concern as will a well-maintained and clean coop. Manure management will be key to successful backyard chicken raising.

**Location of Coop and distance from adjacent homes.** This was a topic of concern to the Grass Valley Planning Commissioners who increased the recommended distance of a

chicken coop to the nearest home from 20 feet to 30 feet so as to be less of an impact on small lots.

**Permitting.** Both the Town of Truckee and Grass Valley recommended that a minor, ministerial permit be required so as to track the properties that have backyard chickens and to create a record. Both agencies recommended a nominal permit fee to cover staff costs and to have the property owner sign the permit. This process also enables the property owner to be aware of and agree to the standards associated with backyard chickens.

Nevada City currently has a Minor Architectural application that could be issued for the keeping of chickens and the fee is \$50. The permit would provide an area for the owner to sketch the location of the coop, sign the permit and also receive valuable information from APPLE (further discussed below).

**Enforcement Costs and Procedures** Both the Town of Truckee and Grass Valley have a code enforcement division. Nevada City has a small staff and has been 'complaint driven,' meaning a written complaint is received and appropriate staff follows up on the complaint.

It is interesting to note that staff has to date relocated two roosters: one from Nevada Street and one from Long Street. Both were the results of written complaints due to the noise of the roosters. No complaints have been submitted regarding chickens. Any ordinance would not allow any roosters.

## **SUMMARY**

The Farm Advisor stated that raising chickens can be very successful, although also noting this is a new and popular concept for cities, and there is no real model to follow. Thus, the desire to implement a pilot program or include a sunset clause will enable the agency to refine any ordinance based on any complaints or successes, as has been done in Grass Valley and the Town of Truckee.

The Farm Advisor also notes that desirable elements would be to permit a small number of chickens, a well-secured coop, fenced yard, fly control program, and manure management. APPLE would be valuable in providing extensive information on how to manage backyard chickens.

A permit would be advisable and the Minor Architectural application can be utilized (sample attached). The form would allow the property owner to sign and state they are aware of the ordinance standards, and to draw a site plan indicating the location of the coop and the setbacks from the property lines and the adjacent homes. A key element of the application would be the distribution with each permit of the information provided by APPLE would be used as guidelines by the property owner.

Code enforcement issues would be handled by staff as has been done in the past with the relocation of roosters.

## **PROCEDURE / ENVIRONMENTAL REVIEW**

Staff is seeking direction from the City Council as to a possible draft ordinance that would permit backyard chickens in the residential zones. Specifically, the Council can direct staff as to what it would like to see in a draft ordinance such as number of chickens, permitting, location and distance of chicken coops, etc., and if a sunset clause is desired.

Staff would prepare a draft ordinance based on your direction, and schedule a public hearing before the Planning Commission. The Commission would hear the matter and make a recommendation to the Council. Staff could inform the public of the matter through the City's November newsletter and notifying them of any public hearing dates.

The draft ordinance would amend the following sections of the Municipal Code, Chapter 17.24 "R1" Single-family Residential Zone:

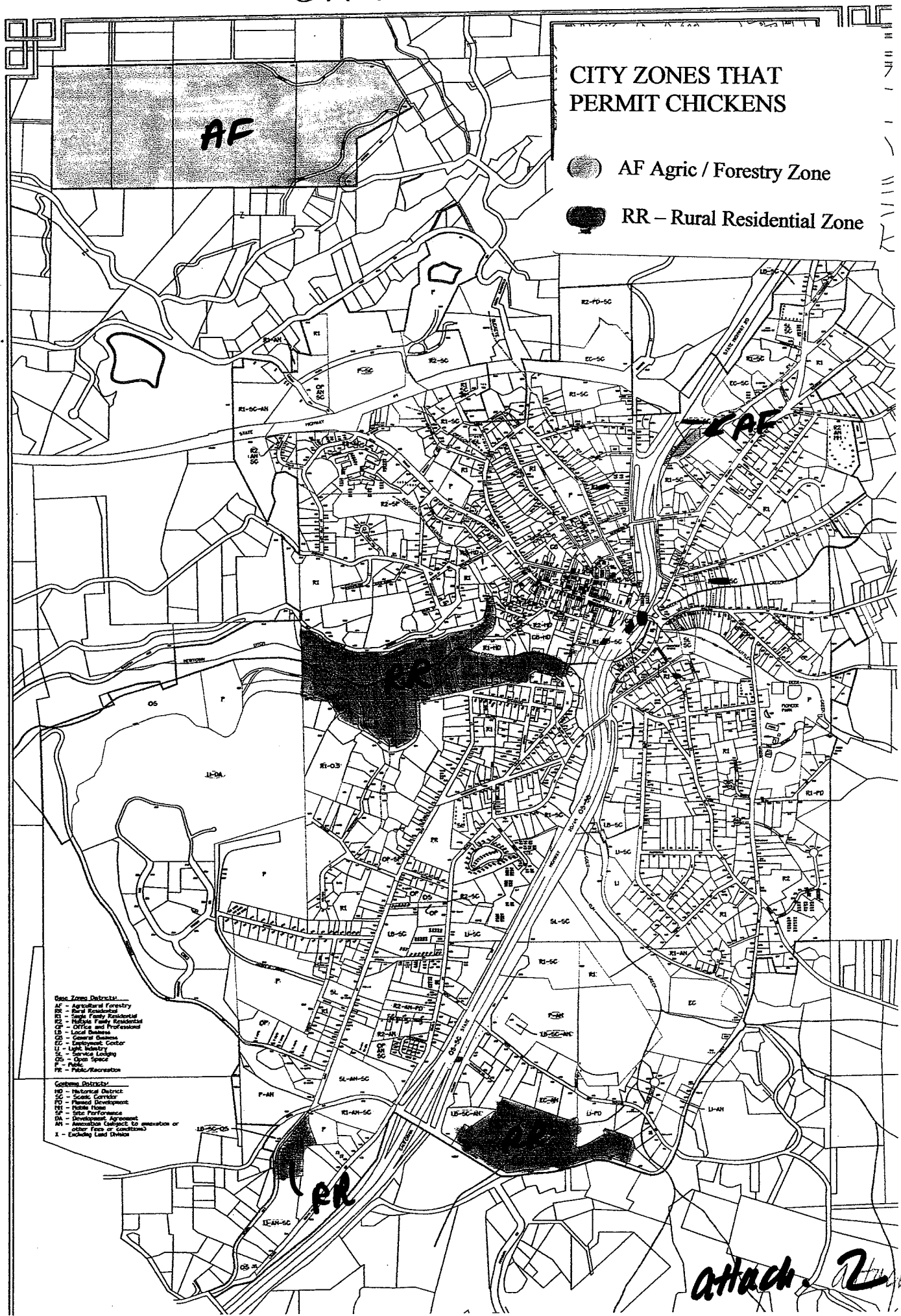
1. Section 17.24.030 – Accessory Uses. Would add "keeping of up to (insert number) of backyard chickens" to the list of household pets of two dogs and two cats.
2. Add a new Section 17.24.080 – titled "Backyard Chickens" and include new standards.

Environmental Review: The project would be exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA). This exemption applies to activities covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. With the proposed standards for the keeping of backyard chickens, staff believes this code amendment will not cause an impact on the environment.

### **ATTACHMENTS:**

1. ~~Council meeting minutes excerpt from September 8, 2010~~
2. Nevada City zoning map indicating the RR and AF zones
3. Nevada City "R1" Single-family Residential Zone standards
4. Grass Valley Draft Ordinance
5. Town of Truckee Draft Ordinance
6. Minor Architectural Application (sample)
7. APPLE Information and Guidelines

# - CITY ZONING -



## CITY ZONES THAT PERMIT CHICKENS

- AF Agric / Forestry Zone
- RR - Rural Residential Zone

- Base Zoning Districts:**
- AF - Agricultural Forestry
  - RR - Rural Residential
  - RI - Single Family Residential
  - RF - Medium Density Residential
  - OP - Office and Professional
  - LC - Local Business
  - CS - Central Business
  - LC - Local Center
  - LI - Light Industry
  - SI - Service Industry
  - OS - Open Space
  - PR - Public/Recreation

- Geometric Districts:**
- HD - Historical District
  - SC - Scenic Corridor
  - PD - Planned Development
  - HH - Hobby Home
  - SP - Site Performance
  - DA - Development Agreement
  - AT - Association Contract to purchase or other form of Contract
  - X - Excluding Land Division

*attach 2*

# Nevada City Municipal Code 17.24.010

## Chapter 17.24

### R1 SINGLE-FAMILY RESIDENTIAL ZONE

#### Sections:

- 17.24.010 Purpose.
- 17.24.020 Principal permitted uses.
- 17.24.030 Accessory uses.
- 17.24.040 Conditional uses.
- 17.24.050 Height regulations.
- 17.24.060 Development standards.
- 17.24.070 Other required conditions.

#### 17.24.010 Purpose.

The purpose of the R1 zone is to stabilize and protect the residential characteristics of district and to promote and encourage a suitable environment for family. The R1 zone is intended to be used only for single-family homes and service appurtenant thereto. This zoning district is consistent with the single-family and mixed residential General Plan designations. (Ord. 87-2 § 4.03-01, 1987)

#### 17.24.020 Principal permitted uses.

In the R1 zone, the following uses are permitted.

- A. Single-family dwelling. (Ord. 87-2 § 4.03-02, 1987)

#### 17.24.030 Accessory uses.

A. There may be kept miscellaneous household pets and not to exceed two cats and two dogs over ten weeks of age.

B. One announcement or nameplate not over two square feet in area, and attached flat against the building;

C. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of Section 17.80.010 of this chapter. (Ord. 87-2 § 4.03-03, 1987)

#### 17.24.040 Conditional uses.

In the R1 zone, the following are conditional uses:

- A. Same as permitted in the RR rural residential zone;
- B. Clustered single-family dwellings when approved as a part of a planned development zoned project or a planned development use permit, with densities not to exceed four units per acre. (Ord. 87-2 § 4.03-04, 1987)

# CITY OF GRASS VALLEY

DRAFT

## Proposed Amendment to the Development Code

1. **Under Article 2, Table 2-10:** Add "Backyard Chickens" to the table as a permitted use in the RE and R-1 Zones under the Agricultural & Resource Use category. Add a cross reference to section 17.44.230.
2. **Under Article 4:** Add a new section (17.44.230), titled "Backyard Chickens", with the following text:

### 17.44.230 – Backyard Chickens

The Section provides requirements and performance standards for the raising and keeping of backyard chickens, where allowed by Article 2 (Zones, Allowable Land Uses and Zone Standards):

- A. **Limitation on Number of Chickens.** No more than four (4) chickens shall be kept on any property zoned for such use. Roosters are not permitted.
- B. **Use Requirements.** The raising of backyard chickens shall only be allowed on properties containing a single family dwelling with a fenced rear yard area. Backyard chickens and their eggs are to be used for domestic uses only; no commercial sales are allowed at the property.
- C. **Shelter Requirement.** *The backyard chickens shall be kept in a secured coop or pen to protect the backyard chickens from predators (raccoons, dogs, bears, etc.). The coop must be located closer to the owner's residence than any surrounding residences and not less than 20 feet from the nearest abutting residence.*   
30
- D. **Feed Storage.** *All feed for the chickens shall be stored within an enclosed container to prevent the attraction of vermin.*
- E. **Manure Management.** *All chicken manure produced from the backyard chickens shall be managed in a manner that prevents odors, flies and pests.*
- F. *Registration of chickens through permit.*

3. **Under Article 10:** Modify the definition of Animal Keeping as follows:

**Animal Keeping.** The keeping of farm animals (cows, horses, goats, sheep, hogs and swine, etc. as determined by the Director), fowl or poultry, *excluding backyard chickens*. Does not include the keeping of common household pets (birds, cats, dogs, fish, etc. as determined by the Director).

*Ordinance valid for one year with a 6-month review date to report concerns or modifications.*

*Attachment 4*

Cindy Siegfried

# TOWN OF TRUCKEE

**From:** Denyelle Nishimori [DNishimori@townoftruckee.com]  
**Sent:** Thursday, September 16, 2010 9:56 AM  
**To:** Cindy Siegfried  
**Subject:** FW: Truckee Draft Chicken Ordinance Language

Hi Cindy-

Here is our current and proposed zoning ordinance language for chickens. The proposed new language is underlined and italicized. Propose deletions are shown with strikethroughs. The full staff report with attachments including the ordinance can be found at: <http://www.townoftruckee.com/index.aspx?page=936>.

## 18.58.060 - Animal Raising and Keeping

**A. Applicability.** The standards of this Section shall apply to the raising and keeping of:

1. Household pets — Includes cats, canaries, dogs, parrots, and other varieties of birds and animals, ordinarily kept as household pets;
2. Exotic or wild animals — Includes foxes, monkeys, raccoons, snakes, etc;
3. Fowl and other small animals and birds — Includes chickens, ducks, geese, pigeons, turkeys; and other fowl *excluding backyard chickens*, and chinchillas, guinea pigs, hamsters, and all types of similar rodents; and
4. Livestock and other large animals — Includes cows, donkeys, goats, horses, mules or ponies, ostriches, sheep, steers, and swine.
5. *Backyard Chickens — Includes chicks and hens kept as household pets.*

**B. Maximum number of animals.** Table 3-14 identifies the maximum number of animals allowed on a single residential parcel or dwelling unit.

**TABLE 3-14  
 MAXIMUM ALLOWABLE ANIMALS**

| Type of Animal                       | Maximum Number/<br>Minimum Site Area   | Special Standards  |
|--------------------------------------|--|--|
| Household pets                       | Shall not exceed four dogs and/or four cats, over four months of age, per single family residential parcel and shall not exceed two dogs and/or two cats, over four months of age, per multi-family residential unit | Allowed in all dwelling units (1)  |
| Exotic or wild animals               | Subject to Minor Use Permit  | Keeping of exotic or wild animals that require a permit from the Department of Fish Game may be permissible subject to the issuance of a Minor Use Permit, in compliance with Chapter 18.76. |
| Livestock, other large animals, fowl | Minimum site area shall equal 0.5 acres for  | A maximum of 10 animal units, subject  |

subject to the approval of the Nevada County Health Officer.

**D. Backyard chicken raising and keeping standards. The requirements of this Subsection shall apply to the raising and keeping of backyard chickens on residential parcels as follows:**

- 1. **Permit Requirement.** *A permit shall be required for the raising or keeping of backyard chickens on any RS, DRM, or DRS zoned parcel. The keeping of backyard chickens may be permissible in the RM or DRH zoning districts subject to the issuance of a Minor Use Permit in compliance with Chapter 18.76.*
- 2. **Lot size requirement.** *Table 3-15 identifies the maximum number of backyard chickens allowed on a single residential parcel.*

**TABLE 3-15  
MAXIMUM ALLOWABLE BACKYARD CHICKENS**

| <u>Zoning District</u>  | <u>Minimum Lot Size</u>            | <u>Maximum Number</u>              |
|-------------------------|------------------------------------|------------------------------------|
| <u>RS, DRS, DRM (1)</u> | <u>2,500 sq. ft.</u>               | <u>2</u>                           |
|                         | <u>5,000 sq. ft.</u>               | <u>4</u>                           |
|                         | <u>10,000 sq. ft.</u>              | <u>6</u>                           |
|                         | <u>0.5 acres</u>                   | <u>Subject to Minor Use Permit</u> |
| <u>RM, DRH</u>          | <u>Subject to Minor Use Permit</u> | <u>Subject to Minor Use Permit</u> |

- 4. **Shelter requirement.** *A coop shall be provided that meets the following minimum standards:*
  - a) *Be predator-proof from the sides, the top, and from below.*
  - b) *Be located a minimum of 20 feet to the nearest abutting residence and five feet to any property line.*
  - c) *Movable chicken coops are allowed in compliance with Table 3-3 for Residential Accessory Uses and Structures, and shall be considered temporary structures.*

We also are proposing to include the following definition:

***Backyard Chicken.*** *A domestic chick or hen kept on a residential lot as a household pet. Does not include roosters.*

Hope this helps,

*Denyelle Nishimori, AICP*  
Associate Planner, Town of Truckee  
10183 Truckee Airport Road, Truckee, CA 96162  
Ph: 530-582-2934 (direct)/ Fx: 530-582-7710



SAMPLE

| OFFICE USE ONLY |      |
|-----------------|------|
| Filing Fees     | \$50 |
| Chk             | Cash |
| Bus. Lic.       |      |

### CITY OF NEVADA CITY

317 Broad Street • Nevada City, California 95959 • (530) 265-2496

## MINOR ARCHITECTURAL APPROVAL for Backyard Chickens

Applicant/Property Owner

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State \_\_\_\_\_

Phone \_\_\_\_\_

Check all that apply:

- Roof Replacement
- Color Change
- Like for Like Replacement

Backyard Chicken Permit

Supporting data must be attached:

- Color chips
- Material specs, i.e. roofing, windows, etc.
- Photos of existing structure photos must be submitted
- Site plan drawn to scale

Address and Assessor's parcel number of property where work is proposed:

Street Address \_\_\_\_\_

Assessor's Parcel Number \_\_\_\_\_

**Description of work:** Please provide site plan showing dwelling, proposed chicken coop and distance of coop from home, adjacent homes and from property lines.

owner acknowledges receipt of information provided by APPLE re manure management, coops, fly control, etc.

OWNER'S  
Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

**NOTICE TO APPLICANT:** Attached is ord. 2010-xv, providing standards for chickens.

This architectural approval by the City Staff is authorized by Planning Commission resolution. The approval is strictly limited to the above work. Any other work may require Planning Commission approval. Please call City Hall if you have any questions regarding the extent of this approval. By owners signature, owner is aware of these standards and deviation from these standards will revoke this permit.

This approval does not exempt the work from a building permit. Contact the Nevada County Building Department (265-1222) to check whether a building permit is required. This form may be presented as evidence of City architectural approval for the above work.

Contractors must have a current Business License on file with the City of Nevada City.

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

cc: Apple -

Attachment #6



## Draft Outline: Backyard Chicken Information and Guidelines

Prepared by the APPLE Center, for Nevada City  
Contact: Mali Dyck, executive director at 478-1700 or [info@applecenter.org](mailto:info@applecenter.org)

### Background

This complete document will be prepared by the APPLE Center for distribution by the City of Nevada City to Nevada City residents who inquire about keeping chickens upon the approval of backyard chickens in Nevada City.

### Proposed Outline

- I. What to consider BEFORE you decide to get backyard chickens
  - Who will make the time/work commitment to care for the hens?
  - How many eggs does your family eat per week?
  - Neighbor relations/where will your coop go? (smell, predators, dogs, pests, etc)
  - What predators are likely to be attracted to your property?
  - Do you already have a compost system for waste? How will you dispose of manure?
  - How much will it cost to set up and maintain your chickens?
  - What will you feed them?
  - Preparing a site plan and management plan for your Nevada City use permit. (if applicable)
- II. What to know when setting up your backyard chicken coop
  - Secure feed storage
  - Manure management logistics for odor, fly, and pest prevention
  - Coop style and security from predators
- III. What to do when you chickens get too old to produce eggs
  - List of local resources to give chickens away or have them processed for meat
- IV. List of additional resources for successful chicken keeping
  - Creative Coops
  - Classes at the APPLE Center and other places
  - Recommended books, websites, etc
  - Local Food Coalition listserv
  - Local feed/supply stores

Attachment 7

# CITY COUNCIL MTG MINUTES EXCERPT

Regular Meeting of the City Council of Nevada City  
October 27, 2010  
Page 3 of 5

OCT 27 2010

## 5. OLD BUSINESS:

**A. Subject:** Review and Consider Draft Letter to the Nevada City School District Regarding Potential Use of the Nevada City Elementary School Site – Mayor Bergman

**Action:** Item 5.A. pulled from the agenda

**B. Subject:** Report on Plans for Future Measure S Paving Work – Bill Falconi

City Engineer Falconi referred to the staff report included in the packet; he indicated that the Measure S Program is looking to be aggressive next year; includes grant money for water lines; streets to be paved are upper Nevada Street, Martin Street, Searls Avenue (including sidewalk), and Clark Street to start the project; cost \$500,000; also looking at scheduling some slurry seals to maintain the streets that were paved in 2006.

- Councilmember Harris indicated that the slurry seals are maintenance but could be misconstrued as new pavement; suggests educating the public on the difference; indicated there were quite a few potholes in need of repair (upper Spring Street, lower Nevada Street, Clark Street); would like to see more sidewalks.
- Councilmember's agree with Councilmember Harris.
- City Engineer Falconi stated that he would include an announcement in the upcoming newsletter regarding the difference between slurry seals and new pavement.
- Councilmember Harris asked if the reporting of Measure S could be changed to the standard accounting method.

## Public Comment

**Andy Howard**, 528 E. Broad Street – Asked what the long term plans were in regards to the camelback in the road at East and West Broad Streets; also stated this is a potential liability to the City with the sidewalk/curb having an approximate 30" drop to the street (on Broad Street just before the 'Y') and asked if a railing could be put there.

- City Engineer Falconi stated that the camelback is built into Measure S funding.
- Vice Mayor Strawser identified another steep curb by the Flumes End on S. Pine Street and the potential of someone falling off.

**Gail Damskey**, 310 Nile Street – Stated that she loves the pavement on Nile Street but some veneer has popped off at the ditch and is creating a pothole.

Public Comment – Closed

## 6. NEW BUSINESS:

**A. Subject:** Consider Resolution No. 2010-51 Approving a Green Communities Participation Agreement Between the Sierra Business Council and the City and Authorizing the Mayor to Sign

City Manager Albaugh indicated this would be a part time interim person; no cost to the City.

**Action:** Motion by Harris, seconded by Senum to approve Resolution 2010-51 of the City Council of Nevada City Authorizing the Mayor to Sign the Green Communities Participation Agreement.  
**(Approved 5 – 0)**

**B. Subject:** Discussion and Consideration of Allowing Backyard Chickens Within the City Limits – C. Siegfried, City Planner

City Planner Siegfried referred to the staff report including detailed information provided in the packet in regards to what other cities are doing; the City Council at their meeting of September 8<sup>th</sup> stated they were open to considering backyard chickens in "R1" Single Family Residence zoning and directed staff to prepare considerations and procedures for the Council's review to discuss drafting an ordinance allowing backyard chickens in Nevada City.

- Councilmember McKay stated he liked the Town of Truckee's outline; would like to see having a process that is not too difficult for the public; suggested providing a brochure that is user friendly that offers education and the bureaucratic process.

- Councilmember Harris stated she like the ruling of keeping the chicken coop near the owner's residence and away from the neighboring residence.
- City Planner Siegfried indicated that other cities are looking at backyard chickens as a pilot program.
- Mayor Bergman stated that a corollary to predator problems are, if my neighbor has chickens and they become a skunk magnet for example, and the chickens aren't getting hurt but I am; what would happen in that type of a setting, does that situation become a nuisance.
- Councilmember McKay stated that the ordinance should have parameters and guidelines for safe coops.
- Vice Mayor Strawser would like to keep ordinance flexible due to lot sizes in Nevada City; concerned with the watershed contamination; stated that he feels that the recommended permit fee of \$50.00 is too expensive; suggested looking at Truckee's fee structure.
- City Manager Albaugh stated that this discussion is broad; stated that he had chickens as a kid and they contract maggots on the chickens and in manure; attract mice and predators.

#### Public Comment

**Gail Damskey**, 310 Nile Street – Didn't see anything in the information about free range chickens; agrees with Mayor Bergman about skunk issues; chicken owners really need to be educated.

**Tania Carlone**, 544 E. Broad Street – Thanked the Council for their time and consideration of backyard chickens; stated that a pilot program would not work if raising chicks because it's six months before they begin laying eggs; would like to ask the Council to consider up to 12 chickens for a quarter acre.

**Niel Locke**, 800 Lindley Avenue – Stated there is a provision in the Municipal Code under Nuisances which is very general (he read the provision). He indicated that a cougar took away his 10 chickens; he had mice and rats; there's nothing in the information about slaughtering chickens and he would like this addressed; \$10 - \$15 for a license.

Public Comment – Closed

**Direction:** Motion by Harris, seconded by Senum to direct staff to draft an ordinance to include the following:  
1) On page 2, using Grass Valley's recommended items 1-8; 2) On page 3, using Truckee's guidelines, the number of chickens allowed to be based on lot size; 3) Coop locations to be kept closest to the owner's residence or at least 20 feet from the abutting residence; 4) Watershed contamination and odor controls put in place; 5) No roosters; 6) No Slaughtering; 7) Council can revisit but no sunset clause; 8) Permit registration to be a minimal charge. City Planner Siegfried to come back to Council with staff costs for processing and issuance of a permit.

**C. Subject:** Review of Map Indicating City Council and Planning Commissioner Ownership in Relation to Requirements of 500' and 300' Conflict of Interest Zones and Requirement for Notice. City Map also Indicates Past and Current Bed and Breakfast Locations – C. Siegfried and B. Falconi

City Planner Siegfried and City Engineer Falconi provided a staff report along with very detailed information included in the packet regarding Conflict of Interest as it relates to current and past Bed & Breakfasts (B&B).

Mayor Bergman stated there are maps on the wall that identified Councilmember's residences in conjunction with former or current B&B's; there are pending issues around modifying or creating a new B&B ordinance or resurrecting the previously abandoned ones which raised the question of a Councilmember being within 500' of B&B's – Is there a conflict of interest that would prevent that Councilmember from voting on the issue?

Councilmember Harris added that it would also be anything that is operating under the ordinance, open or closed.

- Mayor Bergman indicated that he called the Fair Political Practices Commission (FPPC) and posed the conflict of interest question; the person he spoke with stated that a definitive opinion could be given provided they are sent information on the subject; it would take 21 days for a response; it was also suggested to speak to our own City Attorney. Since this is a controversial and heated issue, does the Council want to get the opinion of the FPPC; he offered to put an informational packet together to submit for their review.

- Councilmember Harris stated that she met with City Attorney DeGraw – She indicted that he was reticent when she asked for his input; he said it was specifically general and did not present a conflict of interest; she asked if he would put that in writing and he was not comfortable to do so.
- Councilmember McKay agrees to get the opinion of the FPPC.

**Direction:** City Council agrees they are open to considering backyard chickens in Nevada City and directs the City Manager, City Attorney and City Planner to prepare considerations and procedures utilizing the information provided by A.P.P.L.E. and bring back to Council. City Attorney DeGraw added that because it requires a zoning change, staff has to look at CEQA and identify impacts and mitigation measures.

**The Council briefly addressed the lateness of the meeting and discussed the time and items still to hear on the agenda and decided to hear Item G before F.**

**G. Subject:** Consider Submittal of a Pre-application for Grant Funding from Proposition 84 – "The Blue Water Bank at Nevada City" – Elizabeth Soderstrom  
- Tania Carlone indicated that this item is premature at this time for discussion tonight; pushing too hard against the deadlines. Asks Council to allow meeting with staff over time and come back to Council with a proposal and pursue funding in 2011.

**Direction:** Tania to contact the City Manager and set time frames to work with staff.

**F. Subject:** Request Approval to Bring to Nevada City Scientists and Educators as Part of a Series of Lectures on Non-Partisan Subjects (No financial Commitment by the City) – Robert Bergman, Mayor  
- Mayor Bergman asks the Council to invite Mary Nichols to come to Nevada City and speak on AB32; referred to the document included in the packet. Stated that she's a terrific speaker; a program the City should support.  
- Councilmember McKay stated that he attended a conference in which Mary Nichols spoke and encouraged to invite her to speak in Nevada City.  
- Councilmember Harris shared concern that the City would be getting involved in something too political; it may appear the City is sponsoring something that is broader than the citizens of Nevada City.  
- Mayor Bergman stated that it's educational and Nevada City should support it; Gil Matthew's supports it.  
- Vice Mayor Strawser agrees with Councilmember Harris.  
- Councilmember Senum suggested to having another group sponsor the invitation to Mary Nichols.  
- City Manager Albaugh suggested the League of Women Voters.

**Public Comment**  
None

**Direction:** None

## 7. CORRESPONDENCE:

- A. Letter from Nevada City Chamber of Commerce Supporting Retaining the Nevada County Courthouse Within Downtown Nevada City
- B. Letter from Elizabeth "Izzy" Martin Requesting Nevada City Sponsorship of the Historic Event "Reclaiming the Sierra: A Gold Country Summit on Mining Impacts" on November 8 & 9, 2010 in the Miner's Foundry
- C. Letter from the Nevada City Lion's Club Donating 116 Street Barriers to the City of Nevada City.
- D. Note from Robert Wyckoff, Historic Preservation Officer, "Mom, there's a revisionist hiding in our garden!" Strongly Encouraging the City to Leave Calanan Park as it is.
- E. Letter from the U.S. Department of Commerce Thanking the City for its Contributions to the 2010 Census Effort Along with a Certificate of Appreciation
- F. Letter from Nevada City Chamber of Commerce Seeking Information Only Related to Role and Work Schedules of Community Service Officers

**8. ANNOUNCEMENTS**  
None

## 9. CITY MANAGER'S REPORT

**Action:** Received and filed.

**Action:** Motion by McKay, seconded by Senum to approve Resolution 2010-47 of the City Council of the City of Nevada City Adopting a Motion of Intent to Abandon a Portion of Main Street Between Washington Street and Court Street as modified with the City Attorney's recommendations.  
**(Approved 5 – 0)**

**D. Subject:** Consider Resolution No. 2010-48 Abandoning Public Utility Easement on Lots 9 and 10 of Gold Flat Park – Bill Falconi

**Action:** Motion by Senum, seconded by Harris to approve Resolution No. 2010-48 of the City of Nevada City Approving Summary Vacation of a Public Utility Easement on Lots 9 & 10 of Gold Flat Park as Shown on the Map Recorded in Book 7 of Subdivisions at Page 9 Assessor's Parcel Nos. 37-060-52 and 37-060-53.  
**(Approved 5 – 0)**

**E. Subject:** Discussion and Consideration of Backyard Chickens

- Councilmember Senum indicated she and Mali Dyck attended a meeting with the County and Grass Valley and reported some of the parameters discussed regarding raising backyard chickens: 1) Not for commercial use; 2) two chickens per person; 3) no boilers (no butchering); 4) no roosters; 5) make neighborhood friendly. Indicated there is a big demand in Nevada City and recommends Council support and direct staff to create a resolution for Council approval of backyard chickens.
- Councilmember McKay stated that the discussion item is the first step and over the next couple of Council meetings staff could bring more information back to the table.
- Councilmember Harris stated there was nothing included in the packet for review on a few of the agenda items including backyard chickens and recommends staff to provide staff reports on every item when possible; it assists the Council by offering information ahead of time and to expedite items on the agenda. In regards to the chickens, she indicated that she is open to the idea and suggested to Council that tonight we go forward and direct staff to pull information together that Council can make a decision and hear public comment.

#### Public Comment

**Mali Dyck**, 412 Commercial St (A.P.P.L.E. Center) – Distributed to each of the Councilmember's a list compiled by A.P.P.L.E. after the meeting Councilmember Senum referred to that was attended in July; asking the Council to consider these recommendations in hopes of forming an Urban Chicken ordinance for Nevada City. It is language that could be put into the City's pet ordinance to allow backyard hens. The main concerns for residences are noise and smell and these recommendations on the list address those concerns; Mali offers support to staff in providing further research.

**Dan Reinhardt**, 345 Nimrod St – Stated he is the spokesperson for his granddaughter's that want to raise chickens in there backyard. Noted that chickens eat garbage (recycle benefits); composting the straw and chicken waste together controls odor; advocate for backyard chickens.

**Mark Hall**, 115 Idaho-Maryland Rd – In favor of backyard chickens; there are existing ordinances for noise and sanitation but there is no need for discrimination against chickens, dogs have noise and sanitation issues; chickens provide a waste stream by eating kitchen scraps; things do attack chickens so they must be protected.

**Gail Damskey**, 310 Nile St – Stated she thinks this is a delightful idea; chickens do attract critters; very important for people to education themselves to protect the chickens and beware of the elements; she purchases her eggs from someone who raises chickens.

**Kim Aslani**, 10814 Genasci Rd – Works with 4-H kids and Nevada City and Grass Valley kids can't do poultry projects because they live in town and chickens are not permitted; they can hatch eggs in the classrooms but not take the chicks home and it's too bad because it's a great project for kids; doesn't live in town so her daughter can have poultry projects; supports the idea.

**Barbara Romer**, currently in escrow on 325 American Hill Rd – Coming at this from a historic perspective; Nevada City represents historic preservation and chickens are historic. Urges having chickens in the City and would like to see the number of chickens per household increased. Doesn't see why it would be up to the City Council to not allow butchering for our own use.

**Tania Carlone**, 544 E Broad St – Support an ordinance for backyard chickens and hope to see one expedited; she indicated that she is part of the sustainability team and was part of the meeting that developed the list; offered to provide resources and support to take burden off staff and work closely with the City to draft an ordinance.

Public Comment - Closed

*Attachment 1*