

**TO PROVIDE TESTIMONY  
AT THIS PUBLIC HEARING  
(SPEAK TO THE BOARD OF COMMISSIONERS)**

**YOU MUST COMPLETE THIS TESTIMONY SHEET:**

**UMATILLA COUNTY BOARD OF COMMISSIONERS – LAND USE  
PUBLIC HEARING**  
Request to Provide Testimony or Comments  
Wednesday, June 5, 2024  
Ven. Ashlianna Pendleton, Oregon

TEXT AMENDMENT #T 094 15, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, CHANGING THE LIMITATIONS ON USE AND DIMENSIONAL STANDARDS IN ZONES MUF, FR, MR, UC, C RG, RR-2, RR-4, RR-10 AND FU 10 AND MODIFYING THE LANGUAGE REGARDING USES PERMITTED WITH A ZONING PERMIT TO CLARIFY THE TYPE AND NUMBER OF DWELLINGS ALLOWED IN ZONES MUF, FR, MR, RR-2, RR-4, RR-10  
Umatilla County is proposing an amendment to the Umatilla County Development Code (UCDC), modifying the limitations on use and dimensional standards regarding animal density and setbacks for animal sheltering structures.

PLEASE PRINT

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Email: \_\_\_\_\_

I wish to testify in support of the proposal  
 I wish to testify in opposition of the proposal  
 I wish to provide neutral comments

**RETURN FORM TO COUNTY STAFF**

**THANK YOU**

# Text Amendment #T-094-23

Changes to the *Limitations on Use & Dimensional Standards* in regards  
to Animal Density and Animal Sheltering Structures

# What Zones will this affect?

- Multiple Use Forest (MUF)
- Forest Residential (FR)
- Mountain Residential (MR)
- Unincorporated Community (UC)
- Commercial Rural Center (CRC)
- Future Urban 10-acre minimum (FU-10)
- Rural Residential 2-acre minimum (RR-2)
- Rural Residential 4-acre minimum (RR-4)
- Rural Residential 10-acre minimum (RR-10)

# Why change this language?

County Code Enforcement has received numerous complaints from various property owners about roosters and other loud fowl creating a nuisance for rural residential neighborhoods to the extent that people can not enjoy their own backyards.

Complaints were also voiced to Umatilla County Commissioners who then asked the Planning Department to revise the Animal Density Language in the non-resource zones.





Current Language  
of the Limitations on Use Section

Proposed Language  
of the Limitations on Use Section

(A) Cows, horses, goats or sheep, or similar sized animals shall not be kept on lots having an area less than 20,000 square feet. The total number of all such animals over the age of six months allowed on a lot shall be limited to the square footage of the lot divided by the minimum area required for each animal. The minimum area required for horses, cows, goats and sheep is two per acre. For the purposes of this section, the two per acre requirement shall be cumulative. In other words, on two acres only four animals listed above could be kept.

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(B) The number of chickens, fowl, rabbits or similar sized fowl shall be confined on not more than 25% of the total lot area;

(B) The number of poultry, fur-bearing animals or similarly sized domestic birds shall **be limited to 40 per lot or parcel. For purposes of this section, the limitation of 40 animals is cumulative. For example, only 20 chickens and 20 rabbits could be kept per lot or parcel. Roosters and other fowl known for loud calls over the age of six-months are limited to two per lot or parcel.**

(C) Adequate fences and corrals shall be required of the animal owner to keep animals off adjacent lands;

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(D) Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;

Moved to *Dimensional Standards* section under (B) *Setback requirements*. No change to the language is proposed.

(E) All structures and enclosures designed for animals shall be kept reasonably free and clean of flies, and accumulated animal waste materials and shall be subject to health regulations (county, state or federal) as may be hereafter established.

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# What is changing? What is new?

This proposed text amendment does:

- Restrict the number of roosters and other fowl with loud calls in the non-resource zones shown on the previous slide.
- Increase the number of small livestock animals (such as sheep, goats, etc.) from 2 animals to 4 per acre.
- Adds the same animal density standards to other non-resource zones such as FR and MR, whereas formerly there were no standards pertaining to animal density in the code for those zones.



# What is not changing?

This proposed text amendment does not:

- Change the number of cows and horses allowed in non-resource zones such as rural residential.
- Affect resource zoned land such as Exclusive Farm Use (EFU) and Grazing/Farm (GF).
- Affect Farm Deferral Tax Status.
- Change your property's zoning.

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## Eastern Oregon Counties that also have Animal Density Regulations for Rural Residential Zones

## Animal Density Language in County Code

### Baker County

- Horses = 1 per acre, Cows = 1 per acre, Goats & Sheep = 5 per acre, Chickens, other fowl, and/or rabbits = no more than 50 mature animals per acre, Pigs = 2 per acre.
- Animal runs or barns & chicken/fowl pens shall be located on the rear half of the property, 75 ft. from front property line and 50 ft. from any residence.
- Proper sanitation should be maintained at all times.
- All animal food except hay shall be stored in metal or other rodent-proof receptacle.

### Gilliam County

- 1 horse, cow or swine per 10,000 sq ft.
- 1 goat/sheep per 1,250 sq ft.
- Minimum of 250 sq ft per each chicken, other fowl or rabbit.

### Grant County

- No interference with other property owner's enjoyment.
- All livestock must be confined.
- Animal pens must be 35 ft. from property lines.
- No commercial hog or mink farms.
- No commercial use.
- 100 ft. setbacks from Class 1 & 2 Streams.

### Morrow County

- Cattle = 2 per acre, Horses/Mules/Donkeys/Llamas = 2 per acre, Sheep/Goats = 6 per acre, Emu = 8 per acre, Ostrich = 4 per acre, Miniature Cows/Horses/Mules/Donkeys = 4 per acre, Swine = 4 per acre, Fowl/Fur-bearing animals = 20 per acre.
- Suburban Residential Zones have the same density limits except swine are only permitted for 4-H/FFA projects and are limited to 2 per acre.

### Union County

- Horse, Cow, or Pig = 1 per 10,000 sq ft, Sheep/Goats = 5 per 10,000 sq ft, Chickens & Rabbits = 25 per 10,000 sq ft.
- A nursing horse or cow up to 200 days of age or a sheep or goat up to 100 days of age shall not be considered in calculating the number of allowable animals.



# Staff Research on Backyard Chicken Operations

- Planning Staff conducted research on standard animal husbandry practices for backyard chicken operations/hobby farms, as well as cockfighting operations. Exhibits N, O and P within the hearing packet were sourced through this staff research.

## SOURCES:

1. *“Raising Chickens in Urban Environments” from Oregon State University Extension Service (Exhibit N)*
2. *“Backyard Poultry in Clinical Avian Practice” published in Journal of Avian Medicine and Surgery Volume 30, No. 4 (Published 2016) (Exhibit O)*
3. *“4-H Poultry Showmanship Questions” from University of Idaho Extension (Exhibit P)*

# Urban Poultry Considerations

Regulations vary:

- No livestock (including poultry)

- Specific number of chickens ( 3 to 6)

  - Number may vary based on lot size

- No Roosters

- Etc.



# Urban Poultry Considerations

## Space Requirements:

1 sq. foot per pound of body weight  
for permanent indoor confinement areas

3 cubic feet of air (total enclosed space)  
per pound of body weight for permanent  
indoor confinement quarters.





# Urban Poultry Considerations

## Set Backs



Check your city regulations  
Property line setbacks vary

No matter what:  
Be a good neighbor.

# Urban Poultry Considerations

Be careful when allowing chickens to roam free. Check ordinances.



Keep them on your property

Store feed in rodent proof containers.



# Urban Poultry Considerations

Clean litter and animal waste on a regular basis and dispose of promptly and properly.



**Appearance and Property Values**

**Noise, Flies and Odors**



Excerpts from *“Backyard Poultry in Clinical Avian Practice”* from *Journal of Avian Medicine and Surgery Volume 30, No. 4 (Published 2016)*

**Intro:** The backyard poultry craze has blossomed from eccentric pet status to its current, widespread popularity. Poultry, predominately laying hens, are now kept in urban and suburban communities as away to directly control food production and teach children where food comes from. The knowledgebase of backyard poultry owners can vary greatly, and important topics such as biosecurity and food safety are often overlooked. How does your approach to this clinical challenge compare with your colleagues? I have invited 7 veterinarians to share their thoughts and experiences. These individuals are from academia as well as different forms of private practice, from general practice to specialty hospitals.



**Question:** Cockfighting is a phenomenon quite separate from the backyard poultry craze, but obviously the species involved overlap. What tips can you offer for recognizing roosters and facilities used for cockfighting?

Response from Dr. Lynne Luna, DVM, Dipl ACPV, MAM, Poultry Vet, LLC, Salem, OR, USA:

*“The roosters are kept separate to prevent fighting, typically tethered to a post with their own private house, just out of reach of the next bird. The roosters are not huge - they have to be able to fight, and they look more like the natural jungle fowl with red and black feathering as the primary colors. They may or may not have spurs. Sometimes the spurs are cut down so that knives or other weapons can be attached over the spur site. Owners often claim the birds are very expensive.”*

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Response from Dr. Teresa Morishita, DVM, PhD, Dipl. ACPV, Western University, Pomona, CA, USA.

*“Most backyard poultry people own hens. The major reason one would have a rooster is if you want fertilized eggs for hatching chicks. The ratio might be 1 rooster to 6 or 7 hens, so it would be rare to see a rooster. Most backyard flocks may just keep hens to get eggs and to avoid having an overly aggressive rooster. In a cockfighting facility, the birds are tethered individually outside and they have a little teepee or blue barrel house so you will suspect a cockfighting facility if you are doing field calls. “*

*“4-H Poultry Showmanship Questions” by Lance T. Ellis and David D.  
Frame from University of Idaho Extension Service*

**Intro:** This publication lists general poultry knowledge questions and their answers. Senior Showman within the 4-H Organization should be able to answer all the questions on the list by a Poultry Showmanship Competition when asked by a judge.

**Question:** What is the ratio of males to females that will provide the best fertility for a laying flock?

**Answer:** About 1 male to every 10 females.

## Summary of **Public Testimony** with corresponding **Staff Rebuttal**

**Testimony:** Multiple residents expressed they felt the language referring to other fowl with loud calls is too ambiguous and does not clearly define what species would be included in this definition.

**Rebuttal:** Ms. Hotchkiss, Planner I, for Umatilla County stated the decision to exclude specific breeds from the proposed language and instead use terms such as “similar sized livestock,” “similarly sized domestic birds” and “other fowl known for loud calls,” was done in order to avoid having the development code be overly complicated and hyper specific. Instead Planning Staff and residents should use common sense when interpreting and applying the code.

**Testimony:** A few residents questioned why County Code Enforcement couldn’t just deal with the properties we’ve received rooster complaints about instead of proposing changes that affect the majority.

**Rebuttal:** Mrs. Davchevski stated we must have something in the code in order to respond to a complaint. Code Enforcement cannot do anything with a complaint unless it can be tied to our Development Code. They can not enforce something that is not within the code. Currently, if someone has three-hundred chickens contained in one-quarter of an of an acre on a one-acre property they’re in compliance, regardless of how much a nuisance those chickens may be.



## Summary of **Public Testimony** with corresponding **Staff Rebuttal**

**Testimony:** Several people also asked why if the rooster complaints stem from Milton-Freewater why make a change that affects the whole county.

**Rebuttal:** Mrs. Davchevski stated the problem the roosters is county-wide, not exclusive to Milton-Freewater. She added the video shown was an example of a really extreme situation.

**Testimony:** Multiple residents expressed concerns that this would prevent their children from participating in raising animals for programs such a 4-H and FFA.

**Rebuttal:** Ms. Hotchkiss stated that 4-H and FFA projects would not be affected by these changes, they would still be permitted. The language that notes the special allowance for 4-H and FFA animal projects is included in each rural residential zone in the current development code, but not included in this application due to the fact we are not proposing to change any of that language.

## Summary of **Public Testimony** with corresponding **Staff Rebuttal**

**Testimony:** Multiple attendees asked about how Code Enforcement would work to enforce the new animal density standards. Some people expressed concerns that the county would force them to cull their livestock if they were in violation of the code or take their animals away. Others asked what course of action they could take if this amendment is adopted and their properties are now in non-compliance.

**Rebuttal:** Ms. Davchevski explained that the county has one part-time Code Enforcement field officer and he doesn't drive around the county counting livestock in a pasture and calculating confinement standards in place. Code Enforcement is mostly complaint driven and typically those complaints are environmental issues. If a complaint was received regarding the number of chickens, cows or other livestock on a property, Code Enforcement takes circumstances into account and may give conditions or a warning period to allow property owners to come into compliance. She stated as long as the property owner is working with Code Enforcement and keeping in good communication with that's as far as it would go, just a warning. If the proposed amendment passed and affected county residents did not want to make the changes to adhere to the new standards an application for a verification of non-conforming use could be applied for through the County Planning Office. The cost of this application would be \$500.

# How the Planning Commission voted:

(At the May 2, 2024 PC Hearing)

- A motion to recommend **approval** of UCDC 152.118A, 152.133A, 152.158A, 152.163A, 152.173A, 152.218A, 152.233A, 152.263A, and 152.338A was made. (All of which address the issue of the number of goats and livestock of similar size and expand the numbers of animals from 2 per acre to 4 per acre.) Motion carried with a vote of 5-3 to recommend **approval** to the Board of County Commissioners.
- A motion to recommend **denial** of UCDC 152.118B, 152.133B, 152.158B, 152.163B, 152.173B, 152.218B, 152.233B, 152.263B and 152.3388 was made. (All of which outline the new animal density standards for chickens, roosters and other fowl). Motion carried with a vote of 7-1 to recommend **denial** to the Board of County Commissioners.
- A motion to recommend **denial** of UCDC 152.118C, 152.133C, 152.158C, 152.163C, 152.173C, 152.218C, 152.233C, 152.263C, and 152.338C was made. (All of which address proper sanitation in animal shelters, corrals, etc., and keeping animal feed in metal or other rodent-proof receptacles). Motion carried with a vote of 7-1 to recommend **denial** to the Board of County Commissioners.
- A motion was made to alter the text under Uses Permitted with the RR-2, RR-4, RR-10, MUF, FR and MR zones under Uses Permitted (B)(1)(a) “Manufactured dwelling, as provided 152.013” to state manufactured dwelling/mobile home and to recommend **approval** to the Board of County Commissioners under Uses Permitted, subsection (B)(1), (B)(1)(a), (B)(1)(b) and (B)(1)(c), strike-through subsection (B)(3) and renumbering (B)(4) through (B)(8) to (B)(3) through (B)(7). The Planning Commission unanimously recommended **approval** with a vote of 8-0.

## Things to consider:

- Even if a restriction on roosters isn't adopted. The language around fowl needs to be quantifiable within the Umatilla County Development Code.
- A majority of the zones that would be affected are residential zones with their primary use being for residential purposes. Using the land to farm or keep livestock is a secondary use in these zones and should not take precedence over other's abilities to enjoy their residential property where they reside and have a good quality of life.