

MEASURE "M"

Impartial Analysis by City Attorney of the City of Yreka for City of Yreka's Measure "M" – Amending the Yreka Municipal Code to Allow the Keeping of Backyard Chickens

The City Council of the City of Yreka proposes Measure "M" to be submitted to the voters in the City of Yreka. The ballot measure is to adopt an ordinance for the re-establishment of the use of chickens in the City of Yreka which modifies Title 8 – Animals: to permit the use and define the use and modifies Title 16 – Zoning: to identify the zones in the city where the use can occur. The ordinance would become effective upon certification of the election results.

Currently, pursuant to ordinance 573, adopted by the City Council in 1982, chicken keeping is barred in the City limits. This ballot measure, if adopted, will allow the keeping of up to six (6) female chickens in R-1 and RA zones. "Keeping" means to own or maintain. The keeping of roosters would be prohibited. The R-1 and R-A zones are the least dense residential zones in the City. The ordinance prohibits the keeping of hens in more densely populated residential zones, commercial or industrial zones. The R-1 zone is "Single Family Residential"; the R-A zone is "Residential Agriculture". The current minimum R-1 parcel size is 7,000 square feet; the minimum R-A parcel size is 43,560 square feet.

The ordinance has specifications for setbacks or structures relating to hen-keeping, however, current law prohibits any structures within any setback. Owners/keepers of chickens would be required to keep the birds in a pen or structure, which shall not be installed in any front yard or in any rear or side yard setback. There are a wide variety of lot sizes in the R-1 zone based upon changes which have occurred to the zoning ordinances over the years, and some R-1 lots are as small as 4,000 square feet, however the setbacks from the property line are uniform. Creating an "allowed" use in the entire R-1 and R-A zones would make this use a permitted one, even for the smaller R-1 parcels, and no conditional use permit would be required. The ordinance has a no-fee permit process to register the use with the City Clerk, which permit is to be non-transferrable and indefinite, except that it may be revoked upon violation. A violation would be an infraction. No roaming of hens is allowed beyond the pen or structure upon the owner's premises. Compliance with the ordinance can be enforced under the Administrative Code, Title 1. Existing ordinances which permit the keeping of animals in R-A zones are also modified to allow the keeping of backyard hens up to the number specified in the ordinance. Currently the keeping of hens in R-A zones is subject to a use permit, keeping of more hens than specified in the ordinance in R-A zones would remain the subject of a use permit.

A "Yes" vote favors passage of this Measure, allowing hens within the City. A "No" vote is against passage of this Measure, maintaining the current status.

s/Mary Frances McHugh
City Attorney, City of Yreka

The above statement is an impartial analysis of Measure "M". If you desire a copy of the Resolution Of The City Council Of The City Of Yreka, California, Ordering That A Measure Amending the Yreka Municipal Code To Allow The Keeping Of Backyard Chickens Be Submitted To The Voters At The General Municipal Election To Be Held On Tuesday, June 5, 2012, please call the Siskiyou County Clerk's Office at 1-800-854-2000, extension 8086, and a copy will be mailed to you at no cost.