

MEETING DATE: September 28, 2020

DEPARTMENT: Animal Services Department

CONTACT: Jamey Cantrell, Animal Services Director

AGENDA ITEM: POM – Continuance of Backyard Chicken Presentation

RECOMMENDED ACTION: No change to current ordinances or procedures without providing necessary resources.

ITEM SUMMARY

On June 22, 2020, an informational presentation was given to Council regarding backyard chickens. This is a continuance of that presentation so that additional information can be provided for Council to decide direction and give guidance to ensure future efforts towards this matter are handled efficiently.

PREVIOUS ACTION / PRESENTATION

At the June 22, 2020, Preliminary Open Meeting, Council was presented with facts regarding backyard chickens, current regulations of livestock, ordinance changes that would have to be made to allow them to be kept in residential areas, the benefits and concerns with making those changes, and staff recommendation not to make changes at this time. After an extended discussion period, Council requested an additional presentation to consider at a later date.

There were three questions asked by Council at this presentation:

- 1) Will the County handle chickens and calls related to chickens for Plano?
- 2) Can the Specific Use Permit process be used to regulate backyard chickens?
- 3) Can neighbors' approval be considered during the permitting process?

SECOND PRESENTATION INFORMATION

- 1) Will the County handle chickens and calls related to chickens for Plano?

No. According to Misty Brown, Development Services Manager for Collin County, the County will help "network any owner surrendered chickens received at Plano but we would not be able to take them in at the County shelter." (see attached email dated 8/21/2020) Placing owner surrendered animals is typically the least labor-intensive aspect of handling animals in an animal shelter since they immediately become the shelter's property and can be dispositioned without any hold period. The County's willingness to network chickens to help find homes is appreciated, but will do nothing to impact staff's previous evaluation of the necessary resources to respond to service requests, provide daily care for impounded birds, and provide humane housing areas that will be needed to address chicken issues if Council would like to move forward with this proposal.

2) Can the Specific Use Permit (SUP) process be used to regulate backyard chickens?

Plano's Planning Director does not recommend this action. This route is time intensive for applicants and could take over two months to complete. It is also expensive and by the time the process fee is paid and legal exhibit prepared, an applicant could end up having to spend over \$1,000. Additionally, it could often put the Council in the middle of these decisions since a Council vote would be required if opposition is received from 20% of the neighbors within 200 feet of the applicant. The SUP also stays with the property so should the applicant move within the city, they would then have to go through the SUP process again. Those in favor of the backyard chickens would likely object to this being the method used to regulate chicken ownership.

2) Can neighbors' approval be considered during the permitting process?

This is not advisable due to the conflict it would likely generate among neighbors. Neighborhood disputes can be started and/or be exacerbated anytime that one neighbor has to gain approval of another to do something with their own property. These conflicts can fester and escalate over years as each party uses city resources to address even the slightest perceived infraction by the other. The Police Department, Animal Services, and Code Enforcement are all commonly used in this way and over time, this can create a massive drain on city resources.

To help provide a scope of need for services, staff was able to obtain chicken intake numbers over the last five fiscal years. This information was not available at the previous meeting due to Animal Services staff being unable to access it without the assistance of Technology Services. The data shows that with very few properties being able to legally possess chickens, Animal Services still has to handle these birds on a regular basis as intake ranged from eight to seventeen with an average of thirteen per year. This is already more than many neighboring jurisdictions that do allow backyard chickens. If they are allowed in Plano, it is expected that chicken intake will increase proportionally with the number of residents possessing chickens. While the exact figures cannot be predicted, backyard chickens proponents have stated their belief that there is widespread support for these changes which suggests there is a large number of people who will start keeping them. These figures do not represent the complaint calls, emails, and in-person visits to the shelter, hours spent trying to capture at-large chickens, and staff time inspecting and enforcing any ordinance requirements, especially with those owners who do not want to voluntarily comply with the city's ordinances. All of those resource utilizations will also go up substantially with any change to allow chickens in residential areas. The notion that there is considerable backing for backyard chickens but that it won't impact Animal Services operations cannot be supported.

If Council would like to make these changes while also greatly reducing the additional need for additional resources that will accompany those modifications, there are some options available. First, the city could make it policy not to respond to complaints of at-large chickens. This will lead to complaints from residents who do not want the birds on their property and could even upset some owners as many people expect help in catching their at-large pets. It could also lead to the development of feral chicken flocks which will be discussed below. Another way to reduce the department's need for additional resources is to not accept owner

surrendered birds. Citizens will also complain about this policy since they will be responsible for finding homes for their own birds, and it could also result in unwanted birds being dumped which has resulted in the establishment of feral chicken flocks all over the world.

Feral animals are those that are traditionally considered domesticated but have reverted to a wild state due to their lack of socialization with humans early in their lives. Typically, a domesticated animal is dumped or escapes from its owner's property and gets pregnant before being taken in by another person. Although the mother may be friendly to people, her offspring will become wild animals again if they are not introduced to people early in their development. Chickens are no different and any chicks that are raised away from human interaction by an at-large hen will essentially become wildlife. These birds will begin freely reproducing and a small population will explode into a large number within a very short period of time as unlike most wild animals, domesticated chickens can reproduce year-round. The problem with feral animals is that there are no owners to hold responsible for their actions. If an owned pet is creating a nuisance, the owner can be educated or enforcement actions can be taken against them to help prevent that nuisance from continuing. Feral animals have no owners so they create nuisances that cannot be resolved. The roosters will crow all day long (not just in the morning as some believe), their droppings will create an unpleasant mess for property owners to deal with, and backyard gardens can be destroyed as it is very difficult to keep chickens out unless the entire garden is enclosed. Once these flocks are established, it is next to impossible to completely eliminate them and any actions taken by the city will have its fair share of detractors. Those who want the chickens gone will say not enough is being done while those who don't mind them will call control measures cruel and unnecessary. Trapping at-large chickens is especially difficult and time-consuming so efforts to capture them alive will be very expensive. Culling the birds with lethal measures will be much more cost effective but will also be met with widespread condemnation due to the killing of otherwise healthy animals. The city will be in a no-win situation at that point as many have found first hand.

Some of the jurisdictions struggling with feral chickens are listed in the presentation. Of particular note, Bastrop, TX, has spent a great deal of money to trap the birds alive but despite catching and relocating over 130 birds, these efforts have had "little impact" on the overall feral chicken population. Some communities, such as Fitzgerald, GA, and Fair Oaks, CA, have feral chicken festivals to celebrate the birds but most others find it difficult to navigate between the nuisance complaints they cause and the chickens' defenders. In 2012, after working to address the issue since the 1980s, the government of Bermuda instituted a plan that aimed to eliminate feral chickens by 2015. That program was unsuccessful and they still have a page on their website that allows people to report feral birds on their property. Another jurisdiction struggling with the effects of feral chickens is Titirangi, New Zealand, where residents there are reporting "cat-sized" rats that travel in large groups and appear to not be afraid of humans. Many are pointing to left-over chicken feed being the reason for the large rats. In all communities, there will always be people who mistakenly believe that wildlife and feral animals need assistance to survive when the truth is that resources in an urban environment are far more plentiful than in a rural one. If feral chickens establish flocks in Plano, they would undoubtedly have people routinely feeding them. This could be especially concerning for the city since rat problems are already a common complaint from residents.

For these reasons and for the reasons presented in the first presentation, staff still does not recommend changing the ordinance to allow for livestock in residential areas. However, if Council would like to proceed in this direction, some guidance is needed to ensure that efforts to draft an ordinance are efficient.

- 1) Would the Council want a permit requirement to keep backyard chickens? If so, should the permit be per bird or per property? Will it be an annual fee to help offset on-going costs of providing these services? Council has expressed a desire to make this a revenue neutral service but without knowing how many people would want to keep these birds and without knowing the exact cost of providing all the additional services related to backyard chickens, it's impossible to know how much a permit should cost to achieve that goal. It is important to remember that looser regulations will reduce resources needed for enforcement but will also raise the likelihood that nuisances will occur that will be difficult to address. More strict regulations will reduce the probability of nuisances but will require more departmental resources to enforce and address.
- 2) How many chickens would be allowable? Plano already has a generous pet limit for properties zoned single family residential as ten (10) animals can be possessed. There is also a multi-pet permit that is available for those who wish to have more than that number provided they can demonstrate the ability to do so without creating a nuisance for their neighborhood. It is recommended that chickens be subject to this limit so if an owner already has five other pets, they could have up to five chickens and be in compliance with the ordinance. It is not recommended to allow backyard chickens in any duplex or multi-family residential properties.
- 3) What coop requirements would the Council like to have put in place? Minimum size requirements discussed in the presentation on 06/22/20 based on the number of birds kept are necessary to ensure humane conditions but materials, location, and other questions need to be addressed. The coop can be required to be behind a fence or otherwise out of public view but this would preclude anyone without a wooden fence from owning chickens. Section 4-29 of the city's ordinances requires coops be at least twenty feet (20') from any adjacent building not owned by the animals' owner if it house fewer than five (5) birds and at least fifty feet (50') from any adjacent building not owned by animals' owner if it houses five (5) or more birds. It is recommended that this minimum distance be kept and not lowered.
- 4) Will inspections need to be done to ensure compliance with any coop standards? Standards can be written but without inspections it is more likely that non-conforming coops will be built. If the coop is over one hundred and twenty square feet (120 sf), a permit from Building Inspections would also be required. It would be inefficient for Building Inspections to inspect for compliance with Accessory Building standards while then also having Animal Services Officers inspect for routine compliance with backyard chicken requirements.
- 5) Would the Council like to require the completion of a basic chicken care course as a condition of permitting? For many people, this would be the first time in their lives that they have ever raised livestock. An educational requirement

could help improve the lives of the birds while also teaching about basic sanitation that could help prevent zoonotic outbreaks. It could also help reduce the number of people who get chickens as a fad and quickly change their mind after realizing how much work is involved. An education component is recommended as a best practice and many courses can be found online at no cost so it would not be prohibitive for potential chicken owners.

- 6) Would the chickens need to be identified to be permitted? One way to help address the issues of at-large chickens is to require the birds to be identified at all times so that owners can be held accountable for escaped birds that are impounded. This can be done a variety of ways: wing banding, leg banding, and/or microchip implantation. The best of these choices would be microchipping as it is permanent and could not be removed by an owner who chooses to abandon a bird. Having a microchip requirement could help prevent chickens from being dumped when an owner changes their mind about raising the birds. However, those who want to butcher their birds may object to having a permanent implant that they would have to find before cooking the meat.

FINANCIAL SUMMARY

As stated previously, this item will require additional resources in both equipment and personnel as Animal Services staff are already working at capacity and expected economic pressures due to the pandemic will likely result in higher demand for departmental services in years to come. It is not recommended that the policies described above to reduce resource needs are adopted due to the negative consequences that will accompany them. With the known increase in calls for service, possible inspections and educational presentations, staff time spent on nuisance abatement, responding to citizens' concerns in person, on the phone and via email, and attempting to capture at-large chickens that will accompany such a change, an additional Animal Services Officer position is necessary. Additionally, the shelter is designed to house primarily dogs and cats. Chickens do not do well in a shelter environment so having safe, humane housing is needed for the higher number of birds the city will inevitably have to take in. The expected resource costs are below:

Need	Cost	One-time or Ongoing
Commercial Coop	\$7,500	One-time
Additional Animal Services Officer	\$68,087	Ongoing

ATTACHMENTS:

Email from Collin County Development Services Manager
Presentations given on 06/22/20 and 09/28/20