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**DORADO COUNTY**  
**CODE ENFORCEMENT UNIT**  
**Administrative Hearing**

Hearing Date: November 25, 2009 1:00 pm

CE Case # 192902

**Owners / Appellants:**

Sten K Seemann and Elizabeth A Muckerman

Owner's Address: 2309 Sutter Trail  
South Lake Tahoe, CA 96150

Situs address: 2309 Sutter Trail  
South Lake Tahoe, CA 96150  
APN: 025-743-10

Witnesses Names: 1. Jim Wassner, Senior Code Enforcement Officer

**Summary of Violations:**

The owners are keeping chickens (hens) on their parcel of less than one acre in size.

**Ordinances / Codes:**

- 1). *County Code Section 17.14.060 requires a parcel of at least one acre to keep a stable.*
- 2). *Policy Determination 94-02 by Planning staff finds that "no domestic farm animal may be kept on a parcel less than one acre".*

**Summary of Events:**

<u>Date</u>	<u>Action</u>
04/27/09	Courtesy Notice mailed to owners regarding a complaint of chickens kept on their property of less than 1 acre.
05/22/09	Interpretation received from Principal Planner Peter Mauer upholding the prohibition of keeping domestic fowl on less than 1 acre. Interpretation refers to Policy Determination 94-02 which states "no domestic farm animal may be kept on a parcel less than one acre".
06/04/09	Site visit made with owner Sten Seeman present. Chickens photographed.
06/10/09	Notice to Correct is sent to the owners.
07/09/09	Received letter from owner requesting we dismiss the Notice to Correct.
09/16/09	Administrative Citation is mailed to the owners for keeping chickens on less than an acre.
09/25/09	Owner Sten Seeman in the office to pay \$100.00 fee to request hearing.
10/07/09	Received second check for \$100.00 for Administrative Citation fine. Hearing scheduled for 11/25/09 at 1:00 pm.

**Recommendations:** Affirm Planning staff's interpretation disallowing the keeping of domestic fowl on less than 1 acre. Require owners to remove the chickens.

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Sr Code Enforcement Officer  
Code Enforcement Unit

# DEVELOPMENT SERVICES DEPARTMENT

COUNTY OF EL DORADO

<http://www.co.el-dorado.ca.us/devservices>



**PLACERVILLE OFFICE:**  
2880 FAIRLANE COURT PLACERVILLE, CA 95667  
BUILDING (530) 621-8315 / (530) 622-1708 FAX  
[plddept@co.el-dorado.ca.us](mailto:plddept@co.el-dorado.ca.us)  
PLANNING (530) 621-8356 / (530) 642-0508 FAX  
[planning@co.el-dorado.ca.us](mailto:planning@co.el-dorado.ca.us)  
Counter Hours: 8:00 AM to 4:00 PM

**LAKE TAHOE OFFICE:**  
3368 LAKE TAHOE BLVD. SUITE 302  
SOUTH LAKE TAHOE, CA 96150  
(530) 673-3330  
(530) 642-6082 FAX  
[tahoebuild@co.el-dorado.ca.us](mailto:tahoebuild@co.el-dorado.ca.us)  
Counter Hours: 8:00 AM to 4:00 PM

TO: Jim Wassner, Code Compliance  
FROM: Peter N. Maurer, Principal Planner *P. Maurer*  
DATE: May 22, 2009  
RE: Keeping of Chickens on Residential Property

## Zoning Ordinance Interpretation

**The keeping of chickens, turkeys and other similar domestic fowl is permitted in residential zone districts that allow a stable, as an accessory use, provided that the parcel contains a minimum of one acre.**

## Discussion

The El Dorado County Code, Title 17, permits a stable as an accessory structure in most residential zone districts, including R1, One-family Residential. Prior policy and ordinance interpretations determined that stables may house any domestic animal, but that the one-acre minimum parcel size limitation applying to horses (§17.14.060) applies equally to other domestic farm animals. Policy Determination 94-02 states "no domestic farm animal may be kept on a parcel less than one acre." Chickens, turkeys and other similar birds are clearly domestic farm animals and under the current interpretation of the County Code the keeping of such is not permitted on parcels less than an acre.

Cc: Planning Division staff



## EL DORADO COUNTY PLANNING DEPARTMENT

**Subject:****Stables in R1A Zone (Section 17.28.060(E))****Policy Determination No.: 94-02****Revision:****Date Approved: September 29, 1994****Prepared By: Thomas A. Parilo  
Planning Director****Interpretation:**

The use of a stable in the R1A zone district is not limited to horses.

**Discussion:**

Section 17.28.060(E) permits by right one stable to be constructed and used in the R1A zone district. There is no definition contained within the Zoning Code for a stable, so one must turn to common usage of the term. Webster's defines a stable as follows:

"A building in which domestic animals are sheltered and fed."

There is no specific reference to horses, or exclusions of other animals.

While Section 17.14.060 discusses stables, and further states that "No horse shall be kept on a building site of less than one acre in any district," the practical effect of keeping a horse versus any other domestic farm animal is minimal. This interpretation infers that no domestic farm animal may be kept on a parcel less than one acre.

Complaints regarding animals kept on parcels less than one acre will be referred to Code Enforcement, as a violation of the Zoning Code. Complaints regarding animals on parcels larger than one acre will be referred to Animal Control.



