

January 7, 2010

Dear Supervisor Santiago,

I am writing to you to appeal a decision against me that was made at an administrative hearing regarding case # CE 192902 with the El Dorado County Code Enforcement Unit. The case is concerned with the legality of keeping of backyard chickens at my home in El Dorado County area of South Lake Tahoe which is on a lot of less than one acre in size.

I was told that the next step in our process was to request an appeal with the Board of Supervisors within 30 days of our hearing decision, as described in Ordinance 09.02.470 (a). If that appeal is also decided against me then I am next to appeal to the county Superior Court as described in Ordinance 09.02.470 (b). I realize this is a very difficult time for the County and the State and I do not wish to add to your workload or that of any other official. I believe that this is not one of the more critically important issues that the county must urgently address. However, it is important to me and if I am told I cannot keep my chickens then I must trouble your office with this concern. I will briefly explain our situation and why I disagree with the decision of the Code Enforcement Unit and of the administrative hearing officer. I also ask that I may have a brief meeting with you to discuss this before it is considered by the Board of Supervisors.

Here are the relevant details of the case. The initial complaint was that we could not keep chickens as pets at our home. Our county lets any household keep up to 4 dogs of any size as pets. The dog breed is not specified so a resident could keep over 1,000 pounds of dogs if a very large breed was chosen (and at least one household in our area of the county does keep more than one St. Bernard dog). We were told we could not keep any chickens as pets because they were not really pets. Our hens weigh less than 60 pounds total. They create less noise, odor or nuisance than dogs. To some, they also are less offensive than the large number of motorized recreational vehicles which are condoned. They do not run free and we clean up after them daily, in contrast with the way many local dog owners impact our area. The hens are not a wildlife attractant, nor do they create any health hazard. We cannot keep indoor dogs and cats due to our allergies. We enjoy caring for hens as pets and we also enjoy using and sharing the eggs they lay. We are in our third year of caring for them in our backyard. We have visited local schools to teach children about real chickens and how eggs are made. We do not believe the County should encourage keeping multiple dogs while taking such a restrictive stance toward chickens. We also do not believe that our area needs to be "sanitized" so that dogs, cars and plastic wrapped foods are plentiful but all signs of the sources and production of food are absent.

Second, I believe the zoning language regarding chickens and other animals is not clear. The hearing officer decided that we could not keep chickens because our lot is less than one acre and because the zoning for our lot size does not specifically allow farm animals. We believe that chickens are not specifically prohibited if kept as pets rather than farm animals. We do not believe that having a small number of chickens makes our activity a farm any more than keeping a few shepherd dogs would. We believe that this land requirement is unnecessary for raising chickens and is unnecessarily restrictive in our area of the county as very few lots would be large enough for this interpretation. Perhaps it was written with other areas of the county in mind but we do not believe it is necessary elsewhere either. Here is a summary of the current lot sizes and allowed animal language in El Dorado County.

Less than one acre – allowed are 4 dogs, cats, sheep and pig. (The last 2 are not included in the county's defined list of livestock animals. The omission may be an oversight but they are not included.)
not allowed – horse, chickens, rabbits, gerbils, hamsters, guinea pigs. (The last 4 are included as

rodents in the county's list of livestock animals. I do not know of any enforcement of this prohibition.)

One acre – a stable is allowed. It is not clear whether a horse may be kept in the stable.

Two acres – farm animals are allowed.

Three acres – farm animals are not specifically allowed. (According to the argument of the administrative hearing officer, this means that they cannot be kept on a property of this size.)

Five acres – five animals are allowed.

I do not know whether you are aware of the local food production and urban farming movements that are gaining support and increasing in practice throughout our state, county and world. This is especially important as more large areas of land are lost to dense development and as families have greater difficulty buying food. Many Northern California towns and counties have recently updated restrictive laws to allow and encourage these activities as local food production is recognized to be critically important. Currently near our county, the city of Sacramento and county of Contra Costa are working to write new ordinances that specifically allow backyard chicken raising on small lots. We do not expect El Dorado County to put its limited resources into this effort at this time. However, we ask that you do as Contra Costa County is doing which is to recognize the important of local food production and allow backyard chickens until the ordinances can be updated. (This information is from a December, 2009 conversation by chicken enthusiast and advocate, Linda Schneider in El Cerrito with her Contra Costa County Supervisor, John Gioia.)

We know that many households with less than an acre of land are currently keeping backyard chickens and that at least 20 in the Tahoe Basin (District 5) part of El Dorado County are. We know that many others in the more populous areas of the district are also. None are currently being or have recently been pursued by Code Enforcement. Our case was brought to their attention by a difficult vindictive neighbor who has criticized many things about us including my choice of career (emergency physician at Barton Hospital), the name my daughter calls me (Liz, rather than the more traditional mom, mommy, etc.), the way we weed our yard and grow grass, flowers and trees and many other incidents of harassment and vandalism too numerous to list here. The neighbor is trying to punish us possibly because she has many personal problems for which we are not responsible or involved. We finally had to get a restraining order against her after my husband saw her vandalizing our property. Although informed, she did not attend the administrative hearing concerning the complaint about our backyard chickens. We feel unfairly targeted by a selective enforcement of the County Code which ignores backyard chicken raising in all of the homes which have reasonable and friendly neighbors. We believe that the Code Enforcement Unit should not require us to get rid of our chickens when it does not take the same position toward every other household in the same situation as ours.

We wish to continue raising backyard chickens at our home in the Tahoe Basin portion of El Dorado County. We know that one option is to leave our County for one with a more progressive and green/sustainable approach. We hope that we can find a mutually agreeable solution with El Dorado County before that becomes our only choice.

We look forward to your response and to setting up a brief meeting with you before our appeal is heard by the Board. I will be calling your office soon to try to schedule this.

Thank you,

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