

March 2, 2010

Dear El Dorado County Supervisors,

Good afternoon, I am Liz Muckerman, resident of El Dorado County in the South Lake Tahoe area and an emergency physician at Barton Hospital in South Lake Tahoe. I am also a volunteer at Bijou Community School in South Lake Tahoe and with the Children's Oral Health Initiative in El Dorado County. I am instructor for Barton Hospital's education department and El Dorado County Emergency Medical Services and I am member of Barton Healthcare's Community Advisory Committee which provides grant funding to projects that support the health care of needy residents of our community.

This is my husband Sten Seemann who is a project manager and green building professional at Yonker Construction in South Lake Tahoe and is a year-round volunteer with El Dorado County Search and Rescue.

And this is my daughter Nina Seemann who is in 1st grade at Bijou Community School in the Spanish Immersion Program.

We brought her with us today because we are talking about her chickens and also because we want to teach her about democracy and our power to participate in it.

I will briefly review the case against us, why I do not believe we are in violation, why our chickens are pets and not farm animals and why the benefits they bring to us and our community support us being able to continue keeping them at our home.

We're sorry to take your time with this matter today as we know you have many more pressing issues which affect more people or affect them in perhaps greater ways. We also know that you are challenged with providing a high level of services with an ever shrinking budget and staff. We know that our issue is not one of the higher priorities on your agenda. However, it is

Submitted by Liz Muckerman
#17
at Board Hearing of 3/2/10

important to us and we are committed to working to resolve it in a way that is positive for us and for our community.

We have had an ongoing neighbor issue for the entire 5-1/2 years we have lived in our home. She does not approve of our citizenship (US), support of local public schools, especially Bijou school, my choice of a career, the name my daughter calls me, our choice of plants in our yard and many other issues too numerous to mention, including threatening to call the hospital to complain about my behavior at home, CPS and the local newspaper to complain about my fitness to be a parent. We have also had a long history of vandalism and theft (including letting our chickens out to be killed by loose dogs in May, 2009) which we know or believe has been done by her. Unfortunately we finally had to get a restraining order against her in September, 2009 after my husband saw and heard her attacking our fence with an axe. He called the sheriff but ultimately the case was dropped by the district attorney. We have tried to be good neighbors who share and help. But we are just one of many problems she has for a long time with her career, finances, her own children and multiple other neighbors.

We are here to appeal an administrative citation and notice to correct regarding keeping pet chickens at our home.

Our property is less than one acre of land in a residential R1 property (17.28.020). We were initially told we needed one acre to have a stable and a horse. "The practical effect of keeping a horse versus any other domestic farm animal is minimal" was the interpretation used (1994). We had an administrative hearing with the El Dorado County Code Enforcement Unit and an administrative order was sent to us. This stated that the horse and stable interpretation did not apply but that our chickens were not specifically allowed by right on a property with our zoning. They were specially allowed under the category of domestic farm animals on properties with other zoning and that to allow them on ours would render the sections where it is allowed

meaningless.

We believe that the code has some unclear areas and inconsistencies that do not make us in violation. Chickens are not specifically excluded from our property; only horses are. As currently written in Animal Code 6.04.020, domestic animals is defined as dogs, cats, horses, donkeys, mules, burros, cattle, sheep, goats, swine, rabbits, domestic avian and fowl commonly kept as farm animals. We agree that chickens are domestic animals. Neither chicken, dogs nor cats are included in the definition of large animals. Livestock does include all domesticated bovine, equine, caprine, bovine (mentioned twice), avian and rodent species. It does not include pigs or sheep but does include mice, gerbils, guinea pigs, hamsters, rats and rabbits. We are not sure whether the county intends to prohibit a pet hamster from any property under two acres while allowing a pig or sheep. We are not aware of any code enforcement investigations regarding the keeping of a small rodent in a home or yard

The code enforcement language is also not clear regarding the keeping of domestic farm animals on larger properties. Single family 2 acre properties (17.28.320) allow a farm or domestic animal shelter (E) and the keeping of domestic farm animals for noncommercial purposes (F) but single family 3 acre residential (R3A) properties (17.28.420) only allow the raising and grazing of domestic farm animals (D) so continuing the logic of our hearing decision, these properties would not allow a stable, barn, chicken coop or dog house.

Although our pets are domestic, we do not believe they are ~~not~~ farm animals. We do not farm them in any way that any type of chicken is commonly farmed. We do not raise them for production, do not sell their eggs, do not kill them when they stop producing, do not stimulate them with artificial lights to keep laying through the winter and do not track the economics of keeping chickens, all of which are commonly done even by those who farm

organic free range pastured chickens. They are pets with names and personalities who we care for without any regard for economic benefit. We do not have a farm, engage in farming or keep farm animals. We agree that we do not have enough land for even a small farm such as my friend's 2-1/2 acre farm which raises 50 free range organic turkeys each year.

We chose this pet because we have allergies to cat and dog hair so cannot keep either of these pets. We wanted an interactive social pet which was safe for our daughter and an enjoyable part of our family life. We also liked that chickens are a more "green" and sustainable type of pet because they recycle food wastes and lay eggs in season. We are very interested in local sustainability initiatives and want to contribute with our own lifestyle choice. We feed our pet chickens the dandelions from our yard, our food leftovers and discarded food from local restaurants. We get used patches of wheat grass and stale corn chips from one restaurant and used boiled grains from a local micro brewery whose owner wanted to reduce his landfill bound trash and was disappointed that no animal owner was taking his beer making by product. We like being able to use the chicken excrement to make raised beds for gardening and plan to grow our first salad greens in our backyard garden this year. We also like the cultural connection this pet provides. Our daughter knows that chickens are cared for and kept as pets by children her age throughout the world including both modern European and North American cities and rural third world villages. She enjoys this common bond when she meets residents of other countries and cultures. And of course she loves eating their eggs and knows that this is why this pet can be kept by so many people worldwide, of all socioeconomic levels.

She has learned what locally and humanely produced, fresh natural food is and that food does not need to be driven or flown more than a thousand miles, stored for weeks or months before being eaten, packaged in a plastic wrapped container, nor does it need to be treated with pesticides, inorganic fertilizers or antibiotics to make it fit for healthy consumption. She is learning about the movement toward more natural, less factory-style production of food which is especially relevant in our state with the recent

passage of Proposition 2 Prevention of Farm Cruelty or Standard of Confining Animals Act, 2008, which outlaws the use of battery cages for chickens and which makes very large scale farms less viable. The importance of local food and sustainable practices is increasing as we realize the negative impacts of many previously accepted practices. And we reuse egg boxes given to us by our friends. We are conscientious responsible pet owners. We wish to continue keeping pets and not be discriminated against because our type of pet is considered less typical.

We believe our pets have no more negative impact on our community than any other type of commonly allowed pet and have many positive contributions. We believe it is fair and reasonable for us to be allowed pets whose total weight is the same as that of an average retriever, whose excrement is less than that of 2 large dogs (at an average dog waste production of 265 lbs/year vs. 50 lbs/ year for a chicken) and whose benefits to the community and sustainability are many. We are at least as responsible as other pet owners, do not allow our pets to run free off of our property and protect them in a shelter at night that is latched shut.

(2 photos)

We enjoy the local community building that our chickens help us create. I have brought our chickens to elementary classrooms to show children what real chickens look like and that real eggs are made in a variety of colors, shapes and sizes. I have shared hard boiled eggs with the children so that they could taste fresh eggs. As field trip money is less available, I plan to continue offsetting this loss by bringing my hens and eggs into the classroom (when the kindergarten and 1st grade students learn the differences between mammals and egg laying animals) and inviting children at nearby schools to walk up the hill to my house to see our hens and taste our eggs. Our local high school culinary teacher brings our eggs to his classes to teach the students how fresh eggs look and taste, because they are so different from mass produced eggs. He also teaches his students that good healthy food does not need to be wrapped in plastic and purchased at a large supermarket.

We like sharing our extra eggs with friends, teachers, our school principal and others in the community, some who have been hurt by recent economic misfortunes, decreased work hours and furloughs. The recipients are always very excited to be given our eggs because local, fresh, natural eggs cannot be bought in our community. Recently I gave them to a teacher in appreciation for lending me extra books to help my daughter's best friend successfully catch up to her grade level in reading, to a medic who drove my patients out of the basin all night long when the medical helicopter could not fly due to weather and used them to make brownies for our school board in appreciation for restoring school bus service after it was eliminated due to budget problems. I have a wait list of gardeners who want our chicken manure because they have had to pay for it in the past. And when we went out of town on vacation last fall, we moved the chickens to a nearby friend's house in town where 3 families with 5 children shared their care and enjoyed it so much that they want to form their own neighborhood chicken keeping cooperative. Before our neighbor problems became so severe, we were able to pay a teenage neighbor to care for our chickens when we were away and he enjoyed this. My daughter is learning how community is built by sharing, giving and connecting, and also how many people have special stories connected with chickens. She is learning what a nest egg and egg money are and we all enjoyed the story of our Supervisor's mother as a young woman who sold eggs to earn enough money to buy the material for her prom dress.

(show newspaper article)

We are not trying to do anything dangerous, destructive or harmful to our community such as trying to make methamphetamine in our back yard and distribute it to our friends. We believe that code enforcement should know what is happening in all areas of the county so that we can avoid tragedies such as our former resident who was held in a backyard in Contra Costa County for 18 years (and who incidentally, also raised chickens on her less than one acre lot in El Dorado County when she lived here).

7

We are aware that many urban and densely built communities in our country and internationally allow backyard hens with successful outcomes. Many cities have always allowed chickens or have recently begun to allow them again in the interest of sustainability and local food production within city limits after a few decades of illegal status (since cars replaced horses and cities tried to clean up by removing all local food production, encouraging driving instead of walking and promoting modern food sold in plastic wrapping at supermarkets rather than fresh from the tree, field, coop or farm). Some of these cities include San Francisco, Oakland, San Jose, Richmond, El Cerrito, Redwood City, Santa Rosa, Los Angeles, Chicago, New York City, Pittsburgh, St. Louis, Portland (both), Seattle and many others large and small and too numerous to list. Other cities have many citizens working on advocacy to re-legalize chickens, including Sacramento which is expected to pass this spring, Contra Costa County which includes it in its Green Contra Costa Together sustainability initiatives and the State of Georgia which hopes to supercede all local laws. None of the cities has had excessive problems of any type although some such as Longmont, Colorado have chosen to initially limit the number of legal chicken owners (to 50) to address the concern for the situation of "what if everyone decided to do this?" Allowing chickens does not make a city look like it is backward or in a 3rd world country.

Noise made by hens is less than that of a barking dog or leaf blower. (We do not keep roosters and do not advocate this due also to the potential for involvement with a local cockfighting ring.) The odor of a small flock is less than that of a dog. Chickens do not poop on other people's lawns as my neighbor's dogs do almost daily or use neighbor's gardens or sandboxes as cat litter boxes. Some urban areas are starting to encourage and even provide hens to homeowners to reduce the amount of food waste that is transported to landfills. Although, chickens are birds, it is not common to have any complaints about a neighbor keeping bird feeders, houses or baths although the animal behavior is the same. Backyard chickens do not spread diseases as cats and dogs do (parasites, rabies, swine flu, toxoplasmosis, tick borne diseases and fleas). There is no bird flu in this country and backyard flocks are considered by the CDC to be protective rather than vectors. Hens do not

bite or have other aggressive behavior problems (as do the many biting dogs listed in the El Dorado County website's news). They do not kill fledgling songbirds.

Our chickens are not a wildlife attractant in an area which has a large number of foraging wild mammals. Last spring we did have multiple incidents of apparent break-ins however nailing our gate shut and getting a restraining order stopped all of these human-caused incidents and no bear or other animal has attempted to open our shed door which is held closed by only a small 1-1/2 inch latch. Our 60 year old neighbor cannot climb over our fence quickly and easily enough to do her bear imitation undetected. The presence of a bear at a nearby elementary school and other locations is not related to the chickens in our backyard. Chickens have never been shown to lower real estate prices. Many of a neighbor's activities may be annoying but part of living in a community is finding ways to accept differences, share friendship and celebrate what we do have in common.

We know we live a densely populated neighborhood in a sensitive environment even though some would consider all of the earth a sensitive environment. We would understand if our human community needed to live with a very light impact including no pets, no ornamental or non-native plants, no turf on lawns and golf courses and the geese and ducks it attracts, no weed killing chemicals, fertilizer or compost, no watering of plants and no bird feeders. But in our small neighborhood of just over 320 houses, current animal rules allow approximately 1000 dogs at 3-4 per housing unit of any size, which would produce 130 tons of solid excrement per year for dogs of average size. Chickens are definitely not more of an environmental or social hazard than these other allowed uses.

(show magazine, berry label, newspaper article)

In an area which allows pets and has at least 10 square feet of yard per animal, chickens are a very appropriate pet. They are especially worth keeping in an area such as ours which is a food desert, unlike the more

western and rural areas of El Dorado County which are promoted in this publication about the farmland and food products made and sold there. Lake Tahoe News. Net recently featured an article about the enthusiasm of our community for local produce from subscription farms. We have enjoyed our subscription to a community supported agriculture farm in Camino and plan to continue it this year. But even those areas are losing open farmland, making it even more important to use small pieces of land to produce local affordable food. With our local and national economic problems, food insecurity is significant and increasing. Our local newspaper recently reported that El Dorado County ranked well statewide in health but had less than desired access to healthy foods (and a greater number of air-pollution ozone days) than 43 of the other 55 California counties. Our climate makes it difficult to grow many types of vegetables and fruits but backyard chickens thrive here. And any food produced locally reduces the fossil fuels used and air pollution created by driving food into the area and then out to a landfill.

~~We believe in the democratic process, that our laws are created by and for~~ the people and we are here today not only to ask you to rule favorably in our case but also to make our county laws work for our people and our community. We know that in the past our laws have not always been perfect the first time but have been changed with the advocacy of citizens just like us once we have become aware of the limitations. My grandparents remembered when women were not allowed to vote and my parents remember when voting and using bathrooms and other public facilities were not allowed by citizens with African-American heritage. Although the issue of backyard chickens is certainly not as significant and wide ranging as these, it is important to us and affects the lifestyle we are able to have at our home. We also feel that this ability to not only keep our choice of pets but raise some of our own food and contribute to sustainability is important to many others in our county. If you find that our current laws do not allow this, we ask you to

suspend the order to remove them while the issue can be studied and not take away our pets, our healthy local food source or contributions to our community as we do not believe any harm is caused by allowing us to keep them. We do not want to divert your attention from the more pressing needs of our county such as economic hardships, job creation, maintaining our infrastructure and control of dangerous activities such as was recently featured in our local newspaper. We are not scofflaws and responsibly obey all usual laws including speed limits, traffic regulations, watering regulations and so on. We do intend to continue working to try to keep our pets as we have done since this complaint was first made, not only for ourselves but for everyone else who wants to contribute to local sustainability and greater local food self-reliance. We have devoted an enormous amount of time to learning about chicken keeping issues, advocacy, laws in other communities, zoning ordinances and the challenges other similarly minded people are having in less progressive and sustainability minded areas of our country. We regret that because of this, we have had to cut back or stop our other volunteer activities in the County. I have been unable to devote time to the Children's Oral Health Initiative which has recently started having a dental van through First Five for children up to 5 years old. Previously, I helped under served children mostly over age 5 to receive dental care. My husband has curtailed his Search and Rescue activities to work on this.

~~We realize we may not succeed in being able to keep our pet chickens at our~~
home although we certainly are trying. We have explored moving to another property in our area of the county but have not been able to find one that was suitable or affordable. We are looking at properties in Douglas County, Nevada where we could keep our chickens and have a more sustainable lifestyle. We know that since officials are not actively looking for chickens but must respond to complaints, that we could try to move our chickens to other places in our county or city on similar properties for as long as no complaints were made. We currently know of at least 20 properties of less than one acre in our area of the county alone on which chickens, other domestic fowl and larger animals such as goats, llamas and horses are kept, most suitable and some not such as the small closet on Ski Run Boulevard where a resident was keeping two until she decided to give them to us. But ultimately we would like to have the same legal status as dog and cat owners

11

while enjoying our pets, raising some of our food, building community and contributing to sustainability in our county. And we would really like to return our time and energy to our volunteer commitments in health care for the under served and county search and rescue which we were able to contribute to enthusiastically before we faced the loss of our lifestyle at home.

Thank you,

Liz Muckerman, Sten Seemann and Nina Seemann