



Development Services Department
Code Enforcement Unit

2850 Fairlane Court
Placerville CA 95667

(530) 621-5999 FAX (530) 622-2921
www.co.el-dorado.ca.us/building

11-19-11P03:17 RCV0

Request for Administrative Hearing

PLEASE PRINT

Pursuant to Section 09.02.380 and .670 of the County Code, a party who has been issued an Administrative Citation or a Notice to Correct for a Vacant Building may request a hearing to contest the action.
SEE BACK OF FORM FOR APPLICABLE ORDINANCE SECTIONS.

CITATION NUMBER: 202530 NOTICE / CITATION DATE: 11/1/11
SITE OF VIOLATION: 2040 OLD OUTWBSALE RD APN: 093-200-05
NAME: LINDA J. OLINSTEAD Owner Tenant / Occupant
MAILING ADDRESS: 813 Harbor Blvd #208
CITY, STATE, ZIP: West Sacramento, CA 95691
PHONE NUMBER: 831-578-5968

Reason for requesting a hearing:

Justification for keeping PET CHICKENS (POULTRY)
on my property which is .62 ACRE in size.
SEE ATTACHED
Administrative Notice cites code applicable to "STABLES" which
is NOT applicable in this case.
= (add additional sheets if needed)

In order for your request to be considered, you must submit this form to the address above along with the full amount of the citation fine or vacant building penalty and a hearing fee of \$200.00 on or before 10 calendar days from the date of the citation. These amounts may be refundable -

[Signature]
Appellant's signature:
Date: 11/14/11

LINDA OLINSTEAD
Name Printed:

(Office use only)
Case # Date received: Amt. paid: Receipt #: Fine Amount: Initials:

Request for Administrative Hearing, re: Citation 202530
2040 Old Outingdale Rd., Somerset, CA 95684

Background:

When I began my search for a home and property in El Dorado County in April, 2011, I specifically looked for a location where I would be able to keep my poultry, which are all beloved, named pets. They are not just a bunch of barnyard chickens. My written offer on this specific piece of property was specifically contingent upon “no restrictions against chickens.”

The real estate broker and agent (Ginger Murphy and Leedy D’Agostini, respectively) from Keller & D’Agostini, Inc. assured me the land use zone district was appropriate and they made additional inquiries from the listing agent regarding the CC & R notice on the listing, which turned out to be incorrect (no CC&R). There is no HOA. They also called the El Dorado Planning Department to inquire about restrictions against chickens/poultry and were advised there were none.

Incidentals:

The real estate agent and broker advised me there were no restrictions against poultry, due to their good faith efforts to ascertain same. The property owners adjacent to my address keep poultry in a pen located right against our shared property line. Both parcels are well within the district designated as Residential – Agricultural, specifically “RE-5.” Neither parcel encompasses an acre or more.

I purchased this property on May 27, 2011, as foreclosed property on an “as is” basis, owned by the Bank of America. The house had been vacant more than a year, needed repairs, as did the very dilapidated “garage” which the house inspection agent recommended removal due to its poor condition. Additionally, the well was inadequate as a water source and its pump was not working correctly even if the well had been sufficient to supply more than 2 gallons flow per minute.

Repairs have been made to the house and the open, 3-sided garage, which has been fully enclosed, reinforced and outfitted with features suitable as more than adequate for housing poultry. The property has been fully fenced. A second well, capped some years earlier, was determined to be sufficient as a water supply and a new pump was installed with new pipe to the house, completed on July 20, 2011. The property value has increased significantly and is owner occupied.

I inhabited the house on July 13 and moved my pets there on July 23, 2011 – the weekend after running water was available for their care.

I find it interesting that a complaint was filed with the Code Enforcement Unit prior to there being any chickens on the property. The notification of violation was dated July 13, 2011, (the first night I spent there, sleeping on the floor and long before my furniture and other belongings were delivered).

After personal receipt of a copy of the violation notification letter on August 3rd, and discussion with the Code Enforcement Officer, I unsuccessfully searched the on-line El Dorado County Ordinance information to determine which ordinance prohibited my pet chickens.

The only specific code listed referred to “Stables” and I have no horses, cows, alpacas, llamas, goats, sheep or other four footed livestock. I am housing pet birds in what used to be an open garage in severe disrepair, but which is now a secure coop.