

# Department of Conservation and Development

## County Planning Commission

**Wednesday, November 8, 2017 – 7:00 P.M.**

**(continued from October 25, 2017)**

### **STAFF REPORT**

**Agenda Item # \_\_\_\_\_**

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<b>Project Title:</b>	Urban Farm Animals Ordinance
<b>County File(s):</b>	ZT17-0003 (UM14-0002)
<b>Applicant/Owner:</b>	Contra Costa County
<b>Zoning/General Plan:</b>	Countywide
<b>Site Address/Location:</b>	Countywide
<b>California Environmental Quality Act (CEQA) Status:</b>	Categorical Exemption – CEQA Guidelines Sections 15303 and 15304
<b>Project Planner:</b>	Stan Muraoka, AICP, Senior Planner (925) 674-7781
<b>Staff Recommendation:</b>	Adopt a motion recommending Board of Supervisors approval (See Section II for Full Recommendation)

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### **I. PROJECT SUMMARY**

This is a County initiated proposal to adopt an amendment to the County Ordinance Code to add Chapter 82-50 that sets forth regulations for the raising and keeping of farm animals in residential zoning districts. The amendment includes other modifications of Title 8 and Title 4 of the County Code, for consistency with Chapter 82-50 and/or to set forth regulations for rooster keeping in agricultural zoning districts.

### **II. RECOMMENDATION**

Staff recommends that the County Planning Commission adopt a motion

recommending that the Board of Supervisors:

- A. FIND, for the purposes of compliance with the California Environmental Act (CEQA) and the State and County CEQA Guidelines, that the proposed amendment to the County Ordinance Code for the raising and keeping of farm animals and rooster keeping is exempt from CEQA per CEQA Guidelines Sections 15303 (new construction or conversion of small structures) and 15304 (minor alterations to land);
- B. FIND that the proposed County Code amendment is consistent with the County General Plan;
- C. ADOPT the proposed amendment that adds Chapter 82-50 to the County Ordinance Code that sets forth regulations for the raising and keeping of farm animals in residential zoning districts, and includes other modifications of Title 8 and Title 4 of the County Code, for consistency with Chapter 82-50 and/or to set forth regulations for rooster keeping in agricultural zoning districts; and
- D. Direct staff to file a Notice of Exemption with the County Clerk.

### **III. BACKGROUND**

- A. September 2014 Board of Supervisors Authorization. Over the past few years, persons residing on smaller residential properties in unincorporated areas of the County have expressed a desire to be allowed to raise and keep chickens and other small farm animals. (Presently, keeping of small farm animals is permitted in the R-20, R-40, R-65, and R-100 Single-Family Residential Districts.) At the request of the District I Supervisor, Department staff conducted a survey of farm animals generally kept on residential lots in California and elsewhere in the U.S, and determined that small farm animals commonly found on such lots include chickens, goats, and honeybees. Accordingly, on September 16, 2014, the Board of Supervisors authorized the Department to initiate a study for the raising and keeping of small farm animals for non-commercial purposes on smaller residential properties in unincorporated areas of the County.
- B. Review of City Ordinances. Pursuant to the Board's direction, staff conducted a review of ordinances of the 19 cities (incorporated communities) in the County, including Richmond, El Cerrito, San Pablo, Pinole, Walnut Creek, Lafayette, Orinda, Moraga, Danville, San Ramon, Brentwood, Oakley, Antioch, Pleasant Hill,

Concord, Clayton, Hercules, Martinez, and Pittsburg. Staff focused its review on the regulations of the local jurisdictions pertaining to urban farm animals.

For each ordinance reviewed, staff assessed whether (1) a particular urban farm animal was allowed on a lot smaller than 20,000 square feet, (2) the type of lot (single-family, multiple-family), (3) whether a use permit was required, (4) the minimum lot size required, (5) the rate (number of animals per 1,000 square feet), (6) minimum setbacks, and (7) minimum distance from residences. The results of this review are compiled in Attachment 2, and include the following:

Animal allowed on a lot smaller than 20,000 square feet:

Chicken	12 of 19 cities	63%
Rooster	0 of 19	0%
Goat	3 of 19	16%
Honeybees	7 of 19	37%

Lot type (where at least one type of urban farm animal is allowed):

Single-family	11 of 19 cities	92%
Single-family and Multiple-family	4 of 19	33%

Use permit required (for any urban farm animal):

Yes	3 of 19 cities	25%
Maybe	4 of 19	33%

Predominant minimum lot size for those jurisdictions that do allow:

Chicken	6,000 square feet
Goat	7,500 square feet (mean)
Honeybees	6,000 square feet

Predominant maximum rate:

Chicken	0.84/1,000 square feet
Honeybee hives	0.37/1,000 square feet

Predominant minimum setbacks:

Chicken	20 feet front/5 feet side/15 feet rear
Honeybees	25 feet front/25 feet side/25 feet rear

Predominant minimum distance from residences:

Chicken	20 feet
Honeybees	20 feet

- C. Survey of Community Preferences. Staff also conducted a survey of community preferences related to farm animals on smaller residential lots that included responses from the 13 citizens advisory bodies in the County (the Municipal Advisory Councils (MACs), the Knightsen Town Advisory Council (TAC), and the Town of Discovery Bay), and the Saranap Community Association. Staff sent an Urban Farm Animal Questionnaire to the El Sobrante MAC, Kensington MAC, North Richmond MAC, Alamo MAC, Bethel Island MAC, Byron MAC, Diablo MAC, Town of Discovery Bay, Knightsen TAC, Contra Costa Centre MAC, Bay Point MAC, Pacheco MAC, and Rodeo MAC. The Urban Farm Animal Questionnaire is included as Attachment 3. Questionnaire responses were received from all citizens advisory bodies. The Kensington MAC deferred to its community and submitted the responses from an online survey it had conducted. In addition, the Saranap Community Association requested and completed a questionnaire.

Following are the results of this survey. Some MACs provided a proportional response (e.g. 50% of members support/50% oppose). These proportionate responses were tallied as fractions. The detailed results are provided in Attachment 4.

Allow on a small lot (less than 1/2 acre):

Chickens	5.75 of 14 responses	41%
Goats	3.75 of 14	27%
Honeybees	5.75 of 14	41%

The general preference of the communities of El Sobrante, Kensington, Saranap, Byron (1/4 acre lot), Knightsen (1/3 acre lot), and Pacheco was to be allowed to keep urban farm animals on lots of less than 1/2 acre.

The communities of North Richmond, Alamo, Bethel Island, Diablo, Discovery Bay, Contra Costa Centre, Bay Point, and Rodeo generally did not support allowing urban farm animals on small lots.

Require a minimum lot size:

Yes	5.95 of 14 responses	43%
Predominant Size 6,000 square feet		
No	4.3 of 14	31%

Appropriate lot type: (including responses from communities that did not support allowing urban farm animals in a small lot)

Single-family	8.75 of 14 responses	63%
Duplexes	1.5 of 14	11%
Multiple-family	0.5 of 14	4%
Mobile homes	1.5 of 14	11%

What type of limit should there be on the number of animals:

Limit on total number	3.4 of 14 responses	24%
Limit per square foot	4.4 of 14	31%
No limit	0.0 of 14	0%

D. Staff Findings from the City Ordinance Review and Community Preferences Survey. Following are relevant findings derived from the review of ordinances in Contra Costa County cities and the community responses to the Urban Farm Animal Questionnaire:

1. Allowing the Keeping of Chickens (Hens)

- A majority of cities in the County (63%) allow the keeping of chickens on a lot smaller than 20,000 square feet.
- Less than half of the unincorporated communities (41%) would like to allow the keeping of chickens on smaller lots.

2. Not Allowing Other Urban Farm Animals

- No jurisdiction allows the keeping of roosters.
- Only three cities in the County (16%) allow the keeping of goats on a lot smaller than 20,000 square feet
- Less than a third of the unincorporated communities (27%) would like to allow the keeping of goats on smaller lots.
- Approximately a third of the cities in the County (37%) allow the keeping of honeybees on a lot smaller than 20,000 square feet
- Less than half of the unincorporated communities (41%) would like to

allow the keeping of honeybees on smaller lots.

3. Use Permit

Most cities in the County do not require a use permit for urban farm animals; only three cities required a use permit and an additional four cities required a use permit in certain circumstances.

4. Residential Lot Types

- Single-family residential lots are appropriate for keeping urban farm animals in 92% of cities in the County that allow keeping chickens on a lot smaller than 20,000 square foot
- 63% of the unincorporated communities surveyed think urban farm animals are more appropriate for single-family residential lots (includes responses from communities that did not favor urban farm animals in a small lot).
- 33% of cities in the County that allow keeping chickens on a lot smaller than 20,000 square foot, allow the keeping of urban farm animals is appropriate on multiple-family residential lots
- 4% of the unincorporated communities surveyed think the keeping of urban farm animals on multiple-family residential lots and 11% of the unincorporated communities think the keeping of urban farm animals is appropriate on duplex and mobile home lots.

5. Predominant Lot Size

The predominant minimum lot size for keeping urban farm animals in cities and preferred by survey respondents is 6,000 square feet.

6. Animals per 1,000 Square Feet

- Cities in the County that allow urban farm animals allow an average rate of 0.84 chicken (hen) per 1,000 square feet, and 0.37 honeybee hives, per 1,000 square feet. There is no rate in the cities for goats.
- 31% of the unincorporated communities would like to limit the number of urban farm animals on a per square foot basis
- 24% of the unincorporated communities prefer limiting the total number of animals; all unincorporated communities were in favor of limiting the number of animals.

7. Setbacks for Enclosures and Minimum Distance From Residences

Cities in the County that allow urban farm animals generally set minimum setbacks for enclosures for chickens of 20 feet for the front setback, five feet for the side yard, and 15 feet for the rear yard, and a minimum distance of 20 feet from all residences. The minimum setbacks for beehives are generally 25 feet for the front setback, 25 feet for the side yard, and 25 feet for the rear yard. Two cities do not allow animal enclosures in the front yard. Two cities specify that animal enclosures must be in the rear yard.

- E. May 2017 Board of Supervisors Guidance. On May 9, 2017, Department staff presented the city ordinance review, the community preferences survey, and staff findings to the Board. The Board provided guidance to the Department on the preparation of a countywide amendment to the County Ordinance Code to allow the raising and keeping of certain farm animals such as chickens, goats, and honeybees for non-commercial purposes within applicable residential land use districts. Given this direction, Department staff has prepared the draft amendment of the County Code that allows farm animals in all single-family and two-family residential areas.
- F. June 2017 Board of Supervisors Direction on Rooster Keeping. On December 6, 2016, the Board referred to the Internal Operations Committee (IOC) the review of an ordinance prepared by the Animal Services Department to address barking dogs and other noisy animals, and to limit the number of roosters on private property. Animal Services proposes the rooster limitation in order to control rooster fighting in Contra Costa County, particularly in light of the fact that the County is one of the few counties without any regulations for roosters in agricultural districts.

The IOC decided to separate the animal noise portion of the ordinance from the keeping of roosters, and recommended that the Board adopt the animal noise ordinance and defer rooster keeping to the urban farm animals ordinance. The Board adopted Ordinance No. 2017-12 (Animal Noise Ordinance) on consent on June 6, 2017. In adopting the Animal Noise Ordinance, the Board deferred regulations on the keeping of roosters in agricultural districts to the urban farm animals ordinance. Pursuant to this Board action, the draft Urban Farm Animals Ordinance includes rooster keeping provisions in agricultural districts.

- G. Meetings with District III Citizens Advisory Bodies. At the request of the District III Supervisor in August 2017, staff made presentations of the draft Ordinance to the five citizen advisory groups in District III. Notably, the Byron MAC, the Town

of Discovery Bay, and the Bethel Island MAC passed motions stating a preference that the community not be included in the Ordinance. A summary of the actions of the District III advisory groups is included as Attachment 5. Two individual members of the Knightsen TAC submitted comments, which are attached as exhibits to Attachment 5. Knightsen TAC member Gregory Williams prefers that Knightsen not be included in the Ordinance. Knightsen TAC member Al Simas prefers that roosters be allowed on agricultural lots of one or more acres.

- H. October 2017 County Planning Commission Meeting. On October 25, 2017, the County Planning Commission conducted a public hearing on the draft Urban Farm Animals Ordinance. Four letters and emails, which are included in Attachment 6 and discussed in Section VII, were submitted prior to the hearing. Following a brief staff presentation, the Commission took testimony from eight persons, including six El Sobrante residents, one El Sobrante business (feed store) owner, and an Animal Services Department staff person. The El Sobrante residents and business owner supported the Ordinance, and wanted to increase the number of bee hives allowed. Other changes to the draft Ordinance mentioned by the speakers include allowing smaller animal structure setbacks on larger lots, decreasing the minimum lot size for animals, and increasing the aggregate number of animals. The Animal Services staff person stated that Contra Costa County was one of the few counties in the state with no rooster ordinance, and stated that the Ordinance would provide a way for Animal Services to control rooster fighting in the County. Following the testimony, the Commission continued this item to the November 8, 2017 meeting.

#### **IV. CURRENT STATUS**

Keeping of small farm animals primarily for home consumption, including fowl, rabbits, and other grain-fed rodents, is allowed in unincorporated areas of the County on any lot in the R-20, R-40, R-65, and R-100 Single-Family Residential Districts. In these Districts, a property owner is also allowed to keep two head of livestock such as horses, cows, sheep, and goats per 40,000 square feet of land.

The County Code requires animal structures for small farm animals in the R-20, R-40, R-65, and R-100 Districts to be set back at least 60 feet from the front property line or any street line, and at least 40 feet from any side or rear property line. The Code also requires livestock structures to be set back at least 100 feet from the front property line or any street line, and at least 50 feet from any side or rear property line. In addition, the Code requires livestock enclosures (e.g., fenced pastures) to be set back at least 10 feet from any property line.

Honeybees are not permitted on any residentially zoned lot.

On agriculturally zoned property, all farm animals, including roosters, are permitted with no restriction on the size of the lot or number of animals.

## **V. DRAFT URBAN FARM ANIMALS ORDINANCE**

The draft Urban Farm Animals Ordinance, included as Attachment 1, would amend the County Ordinance Code. The draft amendment to the County Code includes (a) changes and additions to definitions, (b) addition of regulations for the raising and keeping of urban farm animals on single-family and two-family residential lots, (c) changes to regulations for animal structures and special requirements for keeping honeybees, and (d) addition of regulations for rooster keeping on agricultural lots. Most of the changes would be in County Code Title 8 – Zoning, including the addition of Chapter 82-50 that sets forth regulations for the raising and keeping of farm animals in residential zoning districts, and other modifications of Title 8, as needed for consistency with Chapter 82-50. There would also be changes to County Code Title 8 and Title 4 – Health and Safety to address rooster keeping on agricultural lots.

A. Definitions: Definitions for “apiary”, “bird enclosure”, “farm animals”, “fowl”, “urban farm animal raising and keeping”, “poultry”, and “roosters” would be added.

- “Apiary” would be defined per the California Food and Agricultural Code and would include bees and colonies (bee hives).
- “Bird enclosure” would replace “aviary” and would be an enclosure to house birds other than fowl, poultry, roosters, peacocks, or guinea fowl.
- “Farm animals” would be fowl, rabbits or other grain-fed rodents, bees, or livestock.
- “Fowl” would be domesticated birds kept for eggs or meat, but would not include roosters, peacocks, or guinea fowl.
- “Urban farm animal raising and keeping” would be raising and keeping farm animals in residential zones for non-commercial purposes.
- “Poultry” would be domesticated birds or roosters kept for eggs or meat for commercial purposes.
- “Rooster” would be a male chicken six months or older, or has full adult plumage, or is capable of crowing.

B. Raising and Keeping of Urban Farm Animals: Urban farm animal raising and keeping would be allowed on any lot in any single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100 Districts), a single-family residential lot in a planned unit (P-1) district, and on a lot in the two-family residential (D-1) district. On these lots, the following would be allowed:

1. Keeping domesticated female chickens (hens) a rate of one hen per 1,000 square feet of lot area.
2. Keeping other fowl and rabbits or other grain-fed rodents on lots that are 20,000 square feet or greater.
3. Keeping up to an aggregate total of 20 fowl and rabbits or other grain-fed rodents on a lot.
4. Keeping bees on lots that are 5,000 square feet or greater.
5. Keeping bees at a rate of one beehive per 5,000 square feet of lot area, up to a total of two beehives on a lot.
6. Keeping livestock on lots that are 40,000 square feet or greater.
7. Keeping livestock at a rate of two head of livestock per 40,000 square feet of lot area.

C. Animal Structures: At present, regulations for animal structures apply to lots in the R-20, R-40, R-65, and R-100 Districts. The following changes to the County Code would apply to all single-family and two-family residential lots.

1. Structures for Smaller Animals: In order to provide separation between animal structures and adjacent residences, chicken coops, rabbit hutches, and similar accessory structures provided for the housing of smaller animals would be required to be set back from the property lines by the following distances:

Average Lot Width	Minimum Distance From:		
	Front Property Line	Side Property Line	Rear Property Line
Less than 80 feet	50 feet	10 feet	10 feet
80 feet or more but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

In addition to setbacks, there would also be a height limit of 12 feet for these structures.

2. Structures for Honeybees: Bee hives, would be required to be set back from the property lines by the following distances:

Average Lot Width	Minimum Distance From:		
	Front Property Line	Side Property Line	Rear Property Line
Less than 80 feet	50 feet	15 feet	15 feet
80 feet or more but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

3. Special Requirements for Keeping Honeybees: Honeybees have special requirements that are necessary in order to minimize bee-related nuisances, such as unwanted contact with human, including the following requirements:

- A. If a bee hive is located less than 25 feet from a property line, a six-foot tall solid barrier would be required to be placed ten feet from the bee hive in all directions such that the bees must fly at an elevation of at least six feet above the ground to access the hive.

Honeybees tend to fly in a straight line to and from the hive, and therefore, many local jurisdictions have required six-foot tall flyway barriers to force the bees to fly at that elevation to access the hive, if the hive is located within a certain distance from the property line.

- B. A fresh water source for bees would be required to be provided at all times on the lot in proximity to the hives.

Honeybees require fresh water, and therefore many jurisdictions have required a convenient source of water available to the bees on the property.

4. Structures for Livestock: Barns, stables and other buildings or structures used to shelter livestock would be required to be set back by at least 100 feet from the front property line or any street line, and at least 50 feet from any side or rear property line. In addition, a fenced pasture, paddock, or other enclosed livestock area would be required to be located at least ten feet from any property line.

- D. Rooster Keeping: Keeping of up to two roosters would be allowed on lots of five or more acres in any agricultural district (A-2, A-3, A-4, A-20, A-40-and A-80 Districts). The minimum lot size for keeping roosters would be five acres.

Keeping of more than two roosters would be allowed for:

1. Commercial poultry ranches registered with the California Department of Food and Agriculture.
2. Public or private schools registered with the California Department of Education.
3. FFA or 4-H sponsored projects.
4. Legitimate poultry hobbyists as approved in writing by the Animal Services Director.

The draft Ordinance would also add Article 416-12.10 to County Code Title 4, Division 416 - Animals. This Article would specify that no rooster shall be kept on a tether, and that roosters shall be provided at all times with access to water, shelter, sufficient room, and clean and sanitary premises. These provisions would be enforced by the Animal Services Department.

## **VI. COMMENTS SUBMITTED FOR OCTOBER 25, 2017 MEETING**

Two letter and two emails were received prior to the October 25, 2017 meeting. The letters and emails are discussed below.

- A. Comment email from Alice Rosenthal. On October 18, 2017, Alice Rosenthal submitted an email, commenting that the Ordinance should be revised to allow a minimum of two to three bee hives per property, to allow more bee hives per property, and to reduce the minimum lot size for honeybees to 500 square feet.

Staff Response: The Commission can recommend changes to the draft Ordinance including specifying a minimum of two or three bee hives, allowing more bee hives on a property, and/or reducing the minimum lot size for honeybees.

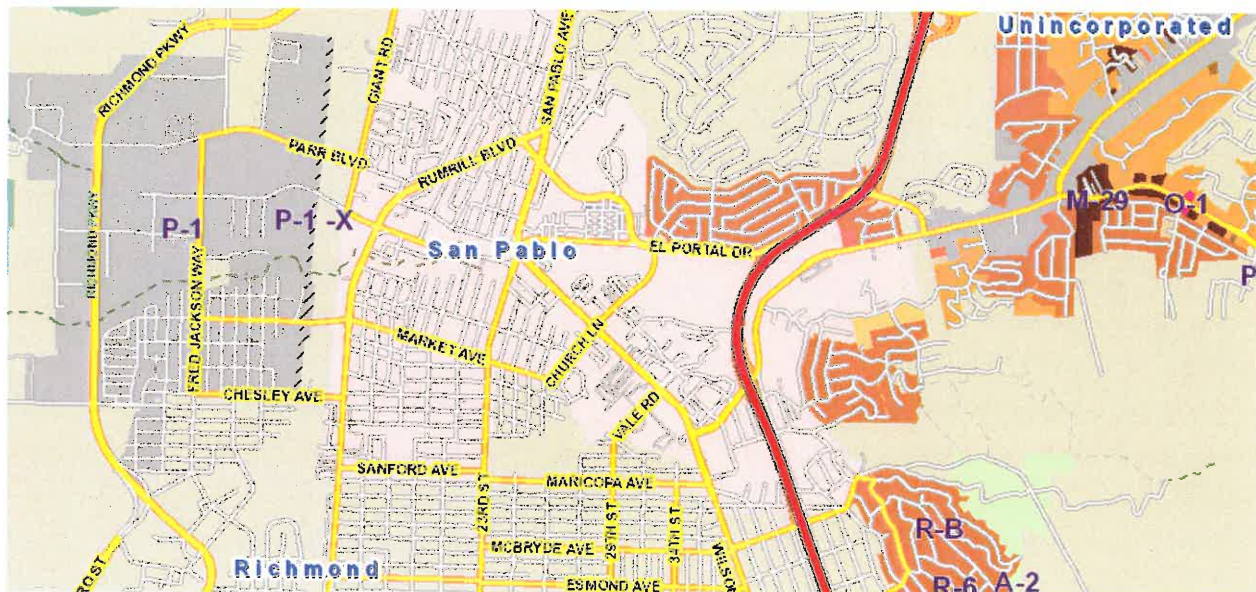
- B. Comment letter from the Town of Discovery Bay. On October 25, 2017, staff received a letter from the Town of Discovery Bay Board President Robert Leete, dated October 18, 2017, in which Mr. Leete states that the Town Board requests that the Ordinance specifically exclude Discovery Bay.

Staff Response: The Commission can recommend that the Town of Discovery Bay, which is primarily a P-1 Planned Unit District, be excluded from the draft Ordinance.

- C. Comment letter from City of San Pablo. On October 25, 2017, staff received a letter via email from Michele Rodriguez, Director of the Development Services Department of the City of San Pablo, dated October 23, 2017. Ms. Rodriguez states in the letter that (1) there is a concern about the proximity of small residential lots in the City of San Pablo to residential areas in the unincorporated County that would be affected by the Ordinance. Ms. Rodriguez also states potential problems related to (2) noise, (3) odors, (4) swarming and stinging bees, (5) contamination in local streams, and (6) erosion. In addition, Ms. Rodriguez notes that (7) exotic birds and reptiles, and (8) pot belly pigs are not addressed in the Ordinance.

Staff Responses:

1. Proximity to Small Residential Lots in San Pablo. As shown in the figure below, areas of unincorporated County near San Pablo include: (a) a P-1 District west of San Pablo; (b) a R-6 District north of El Portal Dr. and Saint Joseph Cemetery and east of Contra Costa College, and a portion of this District between El Portal Dr. and San Pablo Dam Rd.; (c) a R-6 District and a R-10 District east and south of Hillcrest Rd.; and (d) a R-6 District east of McBryde Ave.



**Zoning around City of San Pablo**

Source: Accela, 10/24/17

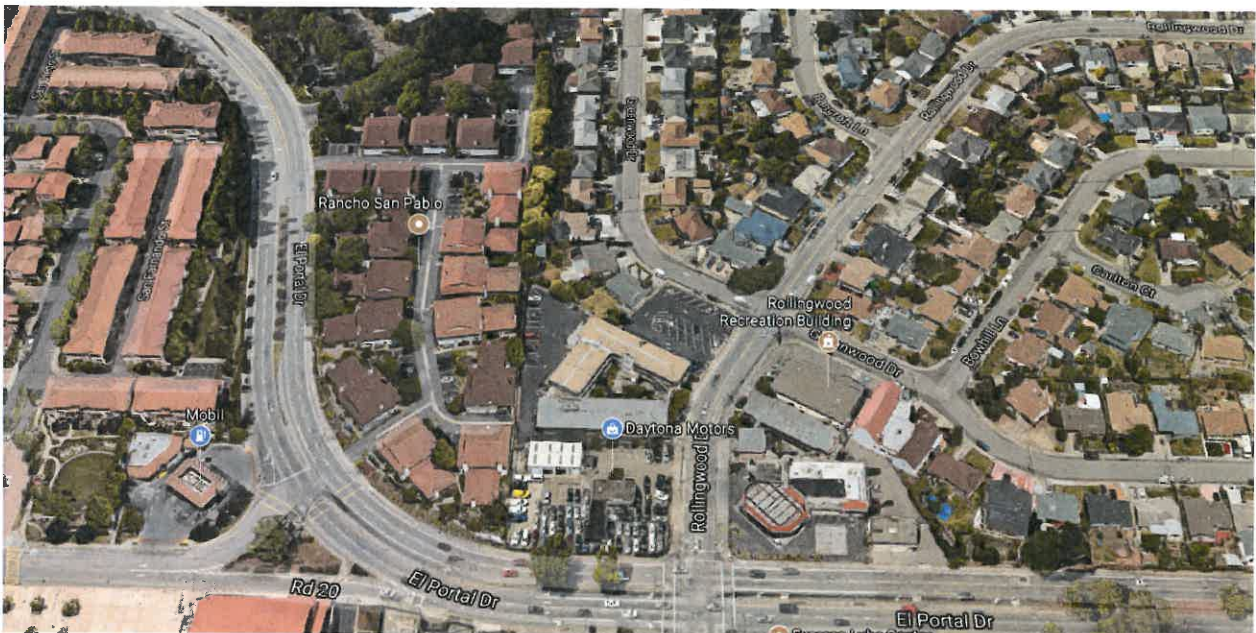
- (a) As illustrated below, the single-family residential areas in the P-1 District west of Rumrill Blvd. in San Pablo are not contiguous to the city and are at least 1,066 feet from the city boundary.



**P-1 District west of Rumrill Blvd. in San Pablo; single-family residential uses west of 7<sup>th</sup> St.**

Source: Google Maps, 10/25/17

- (b) As illustrated below, in the R-6 District north of El Portal Dr. and east of Contra Costa College there are 10 lots adjacent to the Rancho San Pablo condominiums in the San Pablo R-2 Two-Family District.



**R-6 District north of El Portal Dr, east of the Rancho San Pablo condominiums in San Pablo**

Source: Google Maps, 10/25/17

- (c) As illustrated below, in the area east and south of Hillcrest Rd., there are 46 lots adjacent to San Pablo, including 40 lots in the R-6 District that are next to 30 lots in the San Pablo R-1 Single-family Residential District and five lots in the R-10 District that are next to four lots in the San Pablo R-1 District. Twenty three (23) of the 30 San Pablo lots range from 6,000 sq. ft. to 10,000 sq. ft. The remaining San Pablo lots are much larger.



**R-6 District east of Hillcrest Rd.; San Pablo is west of Hillcrest Rd.**

Source: Google Maps, 10/25/17



**R-6 District/R-10 District south of Hillcrest Rd.; San Pablo is north of Hillcrest Rd. and along Wyman St.**

Source: Google Maps, 10/25/17

- (d) In the R-6 District east of McBryde Ave. there are seven lots adjacent residential lots in the City of San Pablo, as illustrated below. The San Pablo lots vary from 5,000 sq. ft. to over 10,000 sq. ft.



**R-6 District east of McBryde Ave.; San Pablo is west of McBryde Ave. and north of Glenn Ave.**

Source: Google Maps, 10/25/17

Overall, there are 30 small single-family residential lots in San Pablo between 5,000 sq. ft. and 10,000 sq. ft. adjacent to single-family residential lots in the unincorporated County.

The residential lots in unincorporated County range in size from 4,000 to 6,000 sq. ft., as noted by the City of San Pablo. Pursuant to the Ordinance, property owners of the lots in the unincorporated County may keep four to six female chickens, depending upon the size of the lot, and one bee hive, if the lot is at least 5,000 sq. ft. No other farm animals would be allowed on these lots.

2. Noise. The Animal Noise Ordinance at County Code Section 416-12.202 addresses animal noise. This Ordinance is administered by the Animal Services Department.

3. Odors. County Code Chapter 416-14, the Rat Control and Refuse Ordinance, addresses animal-related odors. This Ordinance is administered by the Health Services Department.
  4. Swarming and Stinging Bees. Bee Keeping is regulated by the State of California in its Food and Agriculture Code, and persons with bee hives must comply with State apiary regulations.
  5. Contamination in Local Streams. There are 11 parcels in the R-6 District between El Portal Dr. and San Pablo Dam Rd. that have San Pablo Creek running through the back yards. There are no other properties in the unincorporated County near San Pablo in a flood zone. These lots would have restrictions on where animal structures could be located. The structures would need to be outside of Flood Zone A and the creek structure setbacks. Accordingly, contamination in local streams is not a likely area of concern.
  6. Erosion. Erosion is not likely, because animal structures that may be constructed would be structures for smaller animals, such as chicken coops. There would be no barns or stables, as there are no single-family residential lots in the unincorporated County near the City of San Pablo large enough to be able to have livestock.
  7. Exotic Birds and Reptiles. Exotic birds and reptiles are not farm animals, as defined in the draft Ordinance, and therefore, are not covered by this Ordinance.
  8. Pot Belly Pigs. Pot belly pigs are livestock, and would be allowed on single-family residential lots that are 40,000 sq. ft. or more in size. There are no such lots near the City of San Pablo.
- D. Comment email from Nicole Voracka. On October 25, 2017, Nicole Voracka submitted an email, commenting that the setbacks were too restrictive, that the limit of two bee hives on a property should be removed.

Staff Response: The draft Ordinance includes a process to modify setbacks through Variance permits. Staff would evaluate Variance applications on a case-by-case basis.

Regarding the number of bee hives, the Commission can recommend changes to the draft Ordinance including allowing more bee hives on a property.

## **VII. STAFF ANALYSIS**

A. Consistency with General Plan: The draft Urban Farm Animals Ordinance allows the raising and keeping of farm animals in residential zoning districts and regulates rooster keeping in agricultural zoning. The Ordinance implements General Plan goals and policies such as the following:

- ***Land Use Goal 3-A: To coordinate land use with circulation, development of other infrastructure facilities, and protection of agriculture and open space, and to allow growth and the maintenance of the County's quality of life. In such an environment, all residential, commercial, industrial, recreational and agricultural activities may take place in safety, harmony, and to mutual advantage.***
- ***Land Use Goal 3-C: To encourage aesthetically and functionally compatible development which reinforces the physical character and desired images of the County.***

The proposed Ordinance would not adversely affect the physical character and quality of life in single-family and two-family residential districts. The proposed Ordinance would assist in the implementation of land use goals and policies for single-family and two-family residential areas by providing for the raising and keeping of urban farm animals in a uniform manner on all single-family and two-family residential lots, but would not otherwise affect the single-family and two-family residential areas.

The proposed Ordinance would facilitate the maintenance of the physical character and quality of life in agricultural districts. The limitation on the number of roosters on lots in agricultural districts and regulations for rooster keeping on such lots would allow Agricultural Services staff to control rooster fighting in the County, but would not affect agricultural activities.

B. Consistency with Zoning: The draft Urban Farm Animals Ordinance would expand allowable uses on lots in single-family residential districts (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100 Districts), on a single-family residential lot in a planned unit (P-1) district, and on a lot in the two-family residential (D-1) district. The proposed Ordinance would also establish standards for animal structures and livestock enclosures that would apply in these districts. The proposed Ordinance would not conflict in any manner with applicable zoning regulations.

The proposed Ordinance would reduce the number of code enforcement actions for unpermitted uses by making the raising and keeping of urban farm animals a permitted use. The zoning aspects of these uses (e.g., number of animals, animal structure setbacks) would be regulated by the Ordinance. Animal noise and animal odors would continue to be addressed by existing regulations in Title 4 of the County Code.

With respect to rooster keeping, the limitation on the number of roosters that can be kept on a lot in an agricultural district would allow for the control of rooster fighting, but would not otherwise affect agricultural activities.

### **VIII. CONCLUSION**

As discussed above, the proposed Ordinance allows for the raising and keeping of urban farm animals on single-family and two-family residential lots and regulates the keeping of roosters on agricultural lots, in a manner consistent with the physical character and quality of life in the County. The proposed Ordinance would provide clear parameters for the raising and keeping of urban farm animals and for rooster keeping, as necessary, to ensure the health, safety, and general welfare of the community. Staff recommends adoption of a motion to the Board of Supervisors for approval of the Ordinance.

### **ATTACHMENTS**

1. October 2017 Draft Urban Farm Animals Ordinance
2. City Zoning Comparison – Regulations on Urban Farm Animals
3. Urban Farm Animal Questionnaire
4. Community Responses to Urban Farm Animal Questionnaire
5. Summary of Meetings with District III Advisory Bodies
6. Letters and Emails Submitted for October 25, 2017 County Planning Commission Meeting

**October 2017 Draft Urban Farm Animals Ordinance**

ORDINANCE NO. 2017-XXX **DRAFT**

URBAN FARM ANIMALS

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

**SECTION I. SUMMARY.** This ordinance adds Chapter 82-50 to the County Ordinance Code to regulate the raising and keeping of farm animals in residential zoning districts. This ordinance also amends the County Ordinance Code to provide regulations for the keeping of roosters in agricultural zoning districts.

**SECTION II.** Chapter 82-50 is added to the County Ordinance Code, to read:

**Chapter 82-50**  
**URBAN FARM ANIMALS**

**Article 82-50.2**  
**General**

**82-50.202 Purpose.** The primary purpose of this chapter is to establish regulations for the raising and keeping of farm animals in residential zoning districts. The provisions of this chapter have no effect in any agricultural zoning district. (Ord. 2017-XXX § 2).

**82-50.204 Definitions.** For the purposes of this chapter, the following words and phrases have the following meanings:

- (a) “Apiary” has the meaning set forth in Food and Agricultural Code section 29002.
- (b) “Bird enclosure” means one or more coops, cotes, pens, cages, or other similar enclosures, used to house one or more birds, including pigeons, but not including poultry, fowl, roosters, peacocks, or guinea fowl.
- (c) “Farm animals” means one or more fowl, rabbits or other grain-fed rodents, bees, or livestock.
- (d) “Fowl” means one or more domesticated chickens, ducks, geese, turkeys, or similar birds customarily kept for eggs or meat. “Fowl” does not include roosters, peacocks, or guinea fowl.
- (e) “Urban farm animal raising and keeping” means the raising or keeping of farm animals in

residential zoning districts for non-commercial purposes. (Ord. 2017-XXX § 2).

**Article 82-50.4**  
**Urban Farm Animal Raising and Keeping**

**82-50.402 Location requirements.** Urban farm animal raising and keeping is allowed on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a planned unit district for which single-family residential uses are approved (P-1), or a two-family residential district (D-1). (Ord. 2017-XXX § 2).

**82-50.404 Standards - Small animals.**

- (a) The minimum size of a lot on which to raise or keep fowl (except for hens), or rabbits or other grain-fed rodents, is 20,000 square feet.
- (b) The maximum number of domesticated female chickens (hens) allowed on a single lot is one hen per 1,000 square feet of lot area.
- (c) No more than an aggregate total of 20 fowl and rabbits or other grain-fed rodents may be kept on a single lot.
- (d) The maximum height of a chicken coop, rabbit hutch, or similar accessory structure for the housing of small animals is 12 feet.
- (e) Chicken coops, rabbit hutches, and similar accessory structures for the housing of small animals must be set back from property lines by the following distances:

Average Lot Width	Minimum Distance From		
	Front Property Line	Side Property Line	Rear Property Line
Less than 80 feet	50 feet	10 feet	10 feet
80 feet or more, but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

- (f) Bird enclosures are governed by Article 82-50.6. (Ord. 2017-XXX § 2).

**82-50.406 Standards - Apiaries.**

- (a) The minimum size of a lot on which to keep an apiary is 5,000 square feet.

- (b) The maximum number of bee hives allowed on a single lot is one hive per 5,000 square feet of lot area. No more than two hives may be located on a single lot.
- (c) Apiaries must be kept in compliance with the California Bee Management and Honey Production regulations in Division 13, California Food and Agricultural Code, sections 29000 through 29812.
- (d) A fresh water source for bees must be provided at all times on lots on which a hive is located.
- (e) The maximum height of an accessory structure for the housing of bee hives is 12 feet.
- (f) Accessory structures for the housing of bee hives must be set back from property lines by the following distances:

Average Lot Width	Minimum Distance From		
	Front Property Line	Side Property Line	Rear Property Line
Less than 80 feet	50 feet	15 feet	15 feet
80 feet or more, but less than 120 feet	50 feet	25 feet	25 feet
120 feet or more	60 feet	40 feet	40 feet

- (g) If an accessory structure for the housing of bee hives is located less than 25 feet from any property line, the structure must be enclosed by a six-foot tall solid barrier located 10 feet or less from the structure in all directions. (Ord. 2017-XXX § 2).

#### **82-50.408 Standards - Livestock.**

- (a) The minimum size of a lot on which to raise or keep livestock is 40,000 square feet. The lot must be contiguous.
- (b) The maximum number of livestock on a single lot is two head of livestock per 40,000 square feet of lot area.
- (c) Barns, stables, and other buildings or structures used to shelter livestock must be set back at least 100 feet from the front property line and all streets, and must be set back at least 50 feet from all side and rear property lines. Fenced pasture, paddocks, or other enclosed livestock areas must be located at least 10 feet from all property lines. (Ord. 2017-XXX

§ 2).

**Article 82-50.6  
Bird Enclosures**

**82-50.602 Location requirements.** A bird enclosure is allowed on any lot in a single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100), a planned unit district for which single-family residential uses are approved (P-1), or a two-family residential district (D-1). (Ord. 2017-XXX § 2).

**82-50.604 Standards.**

- (a) The maximum size of a bird enclosure is one square foot per 50 square feet of lot area. A bird enclosure may not exceed 1,600 square feet.
- (b) The maximum height of a bird enclosure is 12 feet.
- (c) A bird enclosure must be set back at least 25 feet from the front property line and all streets, and must be set back at least 10 feet from all side and rear property lines.
- (d) A bird enclosure must be maintained in a sanitary manner as determined by the county health department. (Ord. 2017-XXX § 2).

**Article 82-50.8  
Variance Permits**

**82-50.802 Variance permit - Granting.** Variance permits to modify the height or setback provisions in Article 82-50.4 and Article 82-50.6 may be granted in accordance with Chapter 26-2. (Ord. 2017-XXX § 2).

**SECTION III.** Section 82-4.238 of the County Ordinance Code is deleted in its entirety.

**SECTION IV.** Section 84-4.402 of the County Ordinance Code is amended to read:

**84-4.402 Uses–Permitted.** The following uses are allowed in an R-6 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
- (2) Crop and tree farming;
- (3) Publicly owned parks and playgrounds;

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- (4) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where no more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff;
- (5) A family day care home where care, protection and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away;
- (6) Bird enclosures in compliance with the provisions of Chapter 82-50.
- (7) Accessory dwelling units complying with the provisions of Chapter 82-24.
- (8) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50. (Ords. 2017-XXX § 4, 2003-17 § 4, 86-43 § 2, 78-83 § 1, 77-51 § 2, 68-25 § 2: prior code § 8142(a): Ords. 1269 § 1, 1179 § 3, 1039, 1028, 382 § 4A).

**SECTION V.** Section 84-14.402 of the County Ordinance Code is amended to read:

**84-14.402 Uses–Allowed.** The following uses are allowed in the R-20 district:

- (1) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
- (2) Crop and tree farming, and horticulture;
- (3) A temporary stand for the sale of agricultural products grown on the premises, with two and one-half acres per stand, set back at least thirty-five feet from the front property line, and operated not more than three months in any calendar year;
- (4) Urban farm animal raising and keeping in compliance with the provisions of Chapter 82-50;
- (5) Publicly owned parks and playgrounds;
- (6) A residential care facility for the elderly, operated by a person with all required state and local agency approvals or licenses, where not more than six persons reside or receive care, not including the licensee or members of the licensee's family or persons employed as facility staff;

- (7) A family day care home where care, protection, and supervision of twelve or fewer children in the provider's own home are provided for periods of less than twenty-four hours per day, while the parents or guardians are away;
- (8) Bird enclosures in compliance with the provisions of Chapter 82-50;
- (9) Accessory dwelling units complying with the provisions of Chapter 82-24. (Ords. 2017-XXX § 5, 2017-11 § 4, 86-43 § 4, 78-83 § 2, 77-51 § 8, 68-25 § 2, 2033, 2032, 1768 § 2: prior code § 8146(a): Ords. 1269, 1179 § 8, 382 § 4V).

**SECTION VI.** Section 84-14.404 of the County Ordinance Code is amended to read:

**84-14.404 Uses—Requiring land use permit.** In the R-20 district the following uses are permitted on the issuance of a land use permit:

- (1) Same as in the R-6 district (Section 84-4.404) except for the deletion of “Greenhouses, over three hundred square feet”;
- (2) Horse riding academies and horse riding instruction, provided that the standards in Section 82-50.408 are complied with. (Ords. 2017-XXX § 6, 86-43 § 5, 1768, 1569: prior code § 8146(b): Ord. 1269: Ord. 1179).

**SECTION VII.** Article 84-14.14 of the County Ordinance Code is deleted in its entirety.

**SECTION VIII.** Section 84-14.1602 of the County Ordinance Code is amended to read:

**84-14.1602 Land use and variance permit - Granting.** Land use permits for the special uses enumerated in Section 84-14.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-14.602 through 84-14.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2017-XXX § 8, 77-51 § 9, 1768 § 4: prior code § 8146(l): Ords. 1179 § 8 [382 § 4V]).

**SECTION IX.** Article 84-16.14 of the County Ordinance Code is deleted in its entirety.

**SECTION X.** Section 84-16.1602 of the County Ordinance Code is amended to read:

**84-16.1602 Land use and variance permit - Granting.** Land use permits for the special uses enumerated in Section 84-16.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-16.602 through 84-16.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2017-XXX § 10, 77-51 § 10, 1768 § 4: prior code § 8148(l): Ords. 1179 § 9, 420 § 6 [382 § 46]).

**SECTION XI.** Section 84-18.404 of the County Ordinance Code is amended to read:

**84-18.404 Uses—Requiring land use permit.** In the R-65 district the following uses are permitted after the issuance of a land use permit:

- (1) All the uses designated for the R-6 district in Section 84-4.404 except for the deletion of:
  - (A) Greenhouses, over three hundred square feet;
  - (B) Hospitals, eleemosynary and philanthropic institutions and convalescent homes;
- (2) Horse riding academies and horse riding instruction, provided that the standards in Section 82-50.408 are complied with. (Ords. 2017-XXX § 11, 1768, 1569: prior code § 8148.5(b): Ord. 1405).

**SECTION XII.** Article 84-18.14 of the County Ordinance Code is deleted in its entirety.

**SECTION XIII.** Section 84-18.1602 of the County Ordinance Code is amended to read:

**84-18.1602 Land use and variance permit - Granting.** Land use permits for the special uses enumerated in Section 84-18.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-18.602 through 84-18.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2017-XXX § 13, 77-51 § 11, 1768 § 4: prior code § 8148.5(l): Ord. 1405).

**SECTION XIV.** Article 84-20.14 of the County Ordinance Code is deleted in its entirety.

**SECTION XV.** Section 84-20.1602 of the County Ordinance Code is amended to read:

**84-20.1602 Land use and variance permit - Granting.** Land use permits for the special uses enumerated in Section 84-20.404, and variance permits to modify the provisions in Sections 84-14.402(7) and 84-20.602 through 84-20.1202, may be granted in accordance with Chapters 26-2 and 82-6. (Ords. 2017-XXX § 15, 77-51 § 12, 1768 § 4, 1549: prior code § 8148.7(l)).

**SECTION XVI.** Section 82-4.320 is added to the County Ordinance Code, to read:

**82-4.320 Poultry.** “Poultry” means one or more domesticated birds or roosters customarily kept for the production of eggs or meat for commercial use. (Ord. 2017-XXX § 16).

**SECTION XVII.** Section 82-4.322 is added to the County Ordinance Code, to read:

**82-4.322 Rooster.** “Rooster” means any male chicken that: (1) is six months or older, (2) has full adult plumage, or (3) is capable of crowing. (Ord. 2017-XXX § 17).

**SECTION XVIII.** Article 84-38.14 is added to the County Ordinance Code, to read:

**Article 84-38.14  
Rooster Keeping**

**84-38.1402 Standards.**

- (a) The minimum lot size on which to keep a rooster is five acres.
- (b) No person may keep, maintain, or harbor more than two roosters on a lot except as part of, or in connection with, any of the following:
  - (1) Commercial poultry ranches registered with the California Department of Food and Agriculture and which primarily produce eggs or meat for commercial sale.
  - (2) Public or private schools registered with the California Department of Education.
  - (3) Projects sponsored by Future Farmers of America or other similar programs focused on youth agricultural education.
  - (4) Legitimate poultry hobbyists as approved in writing by the animal services director.
- (c) In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article. (Ord. 2017-XXX § 18).

**SECTION XIX.** Article 84-40.14 is added to the County Ordinance Code, to read:

**Article 84-40.14  
Rooster Keeping**

**84-40.1402 Standards.** Rooster keeping standards for the A-3 district shall be the same as those for the A-2 district (Section 84-38.1402). (Ord. 2017-XXX § 19).

**SECTION XX.** Article 84-42.16 is added to the County Ordinance Code, to read:

**Article 84-42.16  
Rooster Keeping**

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**84-42.1602 Standards.** Rooster keeping standards for the A-4 district shall be the same as those for the A-2 district (Section 84-38.1402). (Ord. 2017-XXX § 20).

**SECTION XXI.** Article 84-80.14 is added to the County Ordinance Code, to read:

**Article 84-80.14  
Rooster Keeping**

**84-80.1402 Standards.** Rooster keeping standards for the A-20 district shall be the same as those for the A-2 district (Section 84-38.1402). (Ord. 2017-XXX § 21).

**SECTION XXII.** Article 416-12.10 is added to the County Ordinance Code, to read:

**Article 416-12.10  
Roosters**

**416-12.1002 Definition.** For the purposes of this article, “rooster” means any male chicken that: (1) is six months or older, (2) has full adult plumage, or (3) is capable of crowing. (Ord. 2017-XXX § 22).

**416-12.1004 Rooster keeping.**

- (a) Notwithstanding any other provisions of law, no person may maintain any rooster by means of a tether attached to an object.
- (b) At all times, roosters must be provided all of the following:
  - (1) Access to water.
  - (2) Shelter from the elements, including rain, wind, and direct sun.
  - (3) Sufficient room to spread both wings fully and to be able to turn in a complete circle without any impediment and without touching the side of an enclosure.
  - (4) Clean and sanitary premises that are maintained in good repair. (Ord. 2017-XXX § 22).

**416-12.1006 Enforcement** In addition to any other remedy allowed by this code or applicable law, the animal services director may issue an administrative penalty under Article 416-4.8 to any responsible person for a violation of this article. (Ord. 2017-XXX § 22).

**SECTION XXIII. EFFECTIVE DATE.** This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: DAVID J. TWA,  
Clerk of the Board of Supervisors  
and County Administrator

\_\_\_\_\_  
Board Chair

By:

\_\_\_\_\_  
Deputy

[SEAL]

KCK:

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ORDINANCE NO. 2017-XXX **DRAFT**

ATTACHMENT 2

May 4, 2017

City Zoning Comparison - Regulations on Urban Farm Animals

	Urban Farm Animal Allowed on Lot Smaller Than																			
	20,000		20,000	20,000	Lot Type			Minimum Lot Size			Maximum Rate			Setbacks for Enclosures			Distance from Residences			
City	Chicken	Rooster	Goat	Honeybees	Single-Family	Multiple-Family	Zoning Use Permit	Chicken	Goat	Honeybees	Chicken	Goat	Honeybee Hives	Chicken	Goat	Honeybees	Chicken	Goat	Honeybees	Enclosure Restrictions
Richmond	Yes		Yes	Yes	Yes	No	Yes	5,000	5,000	5,000							20			
El Cerrito	Yes	No	Yes	Yes	Yes		If standard number of animals or minimum setbacks are exceeded	4,000	10,000	5,000	1/1000		.2/1000				20		20	
San Pablo	No		No	No																
Pinole	Yes		No	No	Yes	Yes	In certain land use districts	1,500			1.5/1000			20		25	20			
Walnut Creek	Yes	No	No		Yes		In certain land use districts	8,000			.37/1000			100/15/15			50			Not in front setback
Lafayette	Yes	No	No	Yes	Yes		In certain land use districts	6,000		6,000	.67/1000		.33/1000	20/5/15		20/5/15				In rear yard
Orinda	No		No																	
Moraga	Yes		No	Yes				6,000		6,000	.67/1000		.67/1000	20/10		25				Not in front setback
Danville	No		No																	
San Ramon	Yes	No			Yes	No		6,000			.83/1000			20/5/15						In rear yard
Brentwood	No		No																	
Oakley	Yes	No		Yes	Yes	No		6,000		6,000	.5/1000		.33/1000	20/3/3		25/25/25	25			
Antioch	Yes				Yes	Yes	Yes	7,260			1.38/1000						20			
Pleasant Hill	Yes	No			Yes	Yes		6,000			.83/1000									
Concord	Yes	No	No	Yes	Yes	No	Yes	6,000		6,000	.6/1000		.33/1000	25/25/25		25/25/25				
Clayton	No		No																	
Hercules	No			No																
Martinez	No																			
Pittsburg	(Yes)		(Yes)	(Yes)	Yes - HPD	Yes - HPD								25/25/25	25/25/25	25/25/25	50			
Total Number	12	0	3	7	11	4	3													
Percent (%)	63	0	16	37	92	33	25 / 33													
Mean								5,615	7,500	5,667	.84/1000		.37/1000							
Mode								6,000		6,000	.83/1000		.33/1000	20/5/15		25/25/25	20		20	

Note: Blank cells indicate that the topic/subject is not included in the city zoning ordinance.

## ATTACHMENT 3

### Department of Conservation and Development

30 Muir Road  
Martinez, CA 94553

Phone: 1-855-323-2626

### Contra Costa County



John Kopchik  
Interim Director

Aruna Bhat  
Deputy Director

Jason Crapo  
Deputy Director

Robert T. Calkins  
Interim Deputy Director

December 11, 2014

## Urban Farm Animal Questionnaire

The purpose of this survey is to receive suggestions on the keeping and maintenance of certain urban farm animals on smaller residential lots located in Contra Costa County.

Urban farm animals are those animals that have become increasingly accepted across the country as suitable to keep on smaller residential lots, and most commonly include chickens, goats, and honeybees. The animals are kept for enjoyment by their owners and for products such as eggs, milk, and honey. Currently, livestock is allowed on lots that are about an acre or greater (40,000 square feet) in size. "Small farming" is allowed on lots that are about a half-acre or greater (20,000 square feet) in size in the R-20, R-40, R-65, and R-100 zoning districts. "Small farming" is defined in the County Code as the raising and keeping of no more than twenty-four (24) fowl, rabbits, other grain-fed rodents, or livestock. County staff is studying whether to allow the keeping of chickens, goats, and honeybees on smaller single-family residential lots, (20,000 square foot or less) including lots with duplexes, condominiums, apartments, and mobile homes.

1. Would you support allowing the following urban farm animals on residential lots smaller than a half-acre? [Check all that apply.]

- ☐ Chickens
- ☐ Goats
- ☐ Honeybees

(Continued on other side)

2. Would you support a minimum size for lots on which urban farm animals are kept?

☐ Yes

☐ No

If yes, what would be an appropriate minimum size?

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3. Which of the following types of lots are more appropriate for keeping an urban farm animal? [Check all that apply.]

☐ Single-Family

☐ Duplexes

☐ Multifamily dwellings (Apartments & Condominiums)

☐ Mobile Homes

4. What is your preference for limiting the number of urban farm animals that can be kept on one lot?

☐ Allow a total of ?? chickens, goats, or bee hives

☐ Allow one chicken or goat or bee hive per ?? square feet

☐ No limit

5. Do you have any concern or other comments related to the keeping of urban farm animals in your neighborhood or community?

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# ATTACHMENT 4

May 4, 2017

## Community Responses to Urban Farm Animal Questionnaire

Community / Advisory Body	Question 1 - Allow on Small Lots (Less Than 1/2 Acre)*			Question 2 - Require a Minimum Lot Size*			Question 3 - Allow Urban Farm Animals on These Types of Lots*				Question 4 - Limit Number of Animals*		
	Chickens	Goats	Honeybees	Yes	Size	No	Single-Family	Duplexes	Multifamily	Mobile homes	Total number	Per sq. ft.	No limit
<b>District I</b>													
El Sobrante MAC	1	1	1	1	6,000 sq. ft.	0	1	0	0	0	1	1	0
Kensington <sup>1</sup>	0.75	0.75	0.75	0.45	3,000 sq. ft.	0.3	0.75	0	0	0	0.375	0.375	0
North Richmond MAC	0	0	0	0		1	0	0	0	0	0	0	0
<b>District II</b>													
Alamo MAC	0.5	0	0.5	0.5	1 acre	0.5	1	0.5	0.5	0.5	1	0	0
Saranap <sup>2</sup>	1	1	1	1	6,000 sq. ft.		1	1		1		1	
<b>District III</b>													
Bethel Island MAC	0	0	0	0.5	1 acre	0.5	0.5	0	0	0	0	0.5	0
Byron MAC	1	0.5	1	1	1/4 acre (10,890 sq. ft.)	0	1	0	0	0	0.5	0.5	0
Diablo MAC	0	0	0	0		0	0	0	0	0	0	0	0
Town of Discovery Bay	0	0	0	0		0	0	0	0	0	0	0	0
Knightsen TAC	0.5	0.5	0.5	0.5	1/3 acre (14,520 sq. ft.)	0	0.5	0	0	0	0.5	0	0
<b>District IV</b>													
Contra Costa Centre MAC	0	0	0	1	1 acre	0	1	0	0	0	0	0	0
<b>District V</b>													
Bay Point MAC	0	0	0	0		0	0	0	0	0	0	0	0
Pacheco MAC	1	0	1	0		1	1	0	0	0	0	1	0
Rodeo MAC	0	0	0	0		1	1	0	0	0	0	0	0
<b>Total Number</b>	<b>5.75</b>	<b>3.75</b>	<b>5.75</b>	<b>5.95</b>		<b>4.3</b>	<b>8.75</b>	<b>1.5</b>	<b>0.5</b>	<b>1.5</b>	<b>3.375</b>	<b>4.375</b>	<b>0</b>
<b>Percent (%)</b>	<b>41</b>	<b>27</b>	<b>41</b>	<b>43</b>		<b>31</b>	<b>63</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>24</b>	<b>31</b>	<b>0</b>

Kensington<sup>1</sup> - The Kensington MAC deferred to the community and conducted an online survey of community residents. The compiled survey results are presented in this table.

Saranap<sup>2</sup> - The Saranap Community Association contacted staff, requested a Questionnaire, and returned a completed Questionnaire. The responses are included in this table.

\* Data shown are the number of communities in favor. If a community reported it was in favor, that was counted as one (1) community. If a community reported in a proportionate manner, the equivalent fraction is shown (e.g., if a community reported that 50% of its members were in support and 50% were opposed, that community would be counted as 0.5 in favor). A zero (0) indicates that the community was not in favor.

## ATTACHMENT 5

October 30, 2017

### Summary of Meetings with District III Advisory Bodies

Advisory Body	*Meeting	Advisory Body Action
Byron MAC	August 22, 2017 at 6:00 pm	Passed a motion to recommend that Byron not be included in Ordinance.
Knightesen TAC	August 22, 2017 at 7:30 pm	Passed a motion for individual TAC members to submit comments to the Supervisor or DCD staff. **One TAC member responded on October 20, stating a preference for Knightesen to not be included in the Ordinance. **Another TAC member responded on October 25, stating a preference for allowing roosters on agricultural lots of 1 acre or more.
Diablo MAC/CSD	September 12, 2017 at 7:30 pm	No comments.
Discovery Bay CSD	October 4, 2017 at 7:00 pm	Stated a preference to not have chickens and bees permitted on their P-1 single-family lots.
Bethel Island MAC	October 10, 2017 at 6:00 pm	Passed a motion to recommend that Bethel Island not be included in the Ordinance, except for the provisions on rooster keeping.

\*Meeting scheduled per request of District III Supervisor on August 8, 2017

\*\*The following Knightesen TAC member comments are included as exhibits to Attachment 5:

October 20, 2017 email from TAC member Gregory Williams

October 25, 2017 email from TAC member Al Simas

# Re: Draft Urban Farm Animal Ordinance - NEED RESPONSE!

2717-0003

Tuesday, October 24, 2017 1:27 PM

Subject	<b>Re: Draft Urban Farm Animal Ordinance - NEED RESPONSE!</b>
From	<a href="mailto:gwms2@comcast.net">gwms2@comcast.net</a>
To	Lea Castleberry
Cc	Stanley Muraoka
Sent	Friday, October 20, 2017 10:33 AM

Lea,

I would vote to deny. There are reasons why laws and ordinances were passed in the past. It might have been disease or rodents. I am interested about the bees, I'm pretty sure bees are inoffensive but there numbers might be something along the lines of 4 hives per acre unless it's a commercial bee operation.

Thanks,  
Greg

**From:** "Lea Castleberry" <Lea.Castleberry@bos.cccounty.us>  
**To:** "Lea Castleberry" <Lea.Castleberry@bos.cccounty.us>  
**Cc:** "Stanley Muraoka" <Stanley.Muraoka@dcd.cccounty.us>  
**Sent:** Monday, October 16, 2017 9:56:21 AM  
**Subject:** Draft Urban Farm Animal Ordinance - NEED RESPONSE!

Hello KTAC!

Attached is the revised Urban Farm Animal Ordinance. Please review and let me know your feedback ASAP! Your response should be ACCEPT, DENY or ACCEPT with these conditions.

Just so you're aware....

– Bethel Island MAC denied the ordinance but wants to be included in Article 84-38.14 – Rooster Keeping

- \* Byron MAC denied
- \* Discovery Bay CSD denied

Let me know if you have any questions.

Best,  
Lea

Lea Castleberry  
Deputy Chief of Staff

Supervisor Diane Burgis  
Contra Costa County, District III  
3361 Walnut Boulevard, Suite 140  
Brentwood, CA 94513  
Phone (925) 252-4500  
Fax (925) 240-7261

"This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act."

# FW: Draft Urban Farm Animal Ordinance - NEED RESPONSE!

2717-0003

Wednesday, October 25, 2017 6:37 PM

Subject	<b>FW: Draft Urban Farm Animal Ordinance - NEED RESPONSE!</b>
From	Lea Castleberry
To	Stanley Muraoka
Sent	Wednesday, October 25, 2017 2:51 PM

FYI – from Al Simas, Knightsen TAC

Lea Castleberry  
Deputy Chief of Staff  
Supervisor Diane Burgis  
Contra Costa County, District III  
3361 Walnut Boulevard, Suite 140  
Brentwood, CA 94513  
Phone (925) 252-4500  
Fax (925) 240-7261

"This message is being sent on a public e-mail system and may be subject to disclosure under the California Public Records Act."

**From:** Roxanna Simas <rocketsimas@gmail.com>  
**Date:** Monday, October 16, 2017 at 10:42 AM  
**To:** Lea Castleberry <Lea.Castleberry@bos.cccounty.us>  
**Subject:** Re: Draft Urban Farm Animal Ordinance - NEED RESPONSE!

Hi Lea, Overall the only thing that would effect our Community is the rooster ordinance. I think the limitations on the amount of roosters is fine, however the 5 acre requirement could be a problem in our area. We have a number of 1,2,and 3 acre parcels that are nestled in between parcels of larger acreage. In our Community, a 1 acre requirement would be more acceptable to me. My response is ACCEPT with the change to 1 acre.  
Thanks, Al Simas

Virus-free. [www.avg.com](http://www.avg.com)

On Mon, Oct 16, 2017 at 9:56 AM, Lea Castleberry <[Lea.Castleberry@bos.cccounty.us](mailto:Lea.Castleberry@bos.cccounty.us)> wrote:  
Hello KTAC!

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Rooster Keeping

- \* Byron MAC denied
- \* Discovery Bay CSD denied

Let me know if you have any questions.

Best,

Lea

Lea Castleberry

Deputy Chief of Staff

Supervisor Diane Burgis

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**Letters and Emails Submitted for October 25, 2017 County Planning Commission Meeting**

The following letters and emails received by the Department of Conservation and Development are included in Attachment 6:

Comment email from Alice Rosenthal; dated October 18, 2017

Comment letter from the Town of Discovery Bay; dated October 18, 2017

Comment letter from City of San Pablo; dated October 23, 2017

Comment email from Nicole Voracka; dated October 25, 2017

# Honey Bee Ordinance

Wednesday, October 18, 2017 5:29 PM

2717-0003

Subject	<b>Honey Bee Ordinance</b>
From	<a href="#">beehappysolutions</a>
To	Stanley Muraoka
Sent	Wednesday, October 18, 2017 2:30 PM

Dear Mr. S Muraoka,

I am writing in regard to the info sent to me below. As a professional beekeeper I must tell you that a good and contentious beekeeper must always keep a minimum of two (2) to three (3) hives in one location (on one property or one parcel). Honey bees are too fragile and novice beekeepers need to have an alternative source for genetic material if one hive has reproductive failure. The life cycle of the honey bee is too short to wait for genetic material to be obtained off site to prevent a single colony from crashing.

Beehives in California tend to be half the size of the colonies in the mid-west and other cold climates, therefore it is not unreasonable for a hobbyist to keep 3 hives and have the same amount of bee traffic as one midwest hive. Also it is much easier to manage 3 smaller hives than it is to manage one large hive.

Perhaps a good visual image you might consider: one dog owner has three (3) Maltese (10 lb each) on three leashes, another dog owner has one Neapolitan Mastiff (200 lbs) on a single leash. If one of the Maltese gets sick, it can get a blood transfusion from the other dogs. If a single dog gets sick - there is no hope. Correspondingly, if the dog owner with 3 dogs has one dog that gets sick; the dog owner could cull out the sick dog and breed the two well dogs to create one more healthy dog. (or just consider why one dog is doing so much better than the other dogs). The other dog owner, with the giant Mastiff will have to find someone with knowledge and chemicals to help his single dog. This same scenario is the same for bees if they have a bad disposition. The beekeeper can compare the hive's temperament and choose to modify an aggressive hive by taking genetics from a gentle hive and introducing it to an aggressive hive. You can't do that if you only have one hive

You should seriously change your ordinance so that anyone keeping bees can keep a minimum of 2 hives per property (3 is better) and a property can be as small as 500 square feet. My garden is 500 square feet, I house 6 hives and I am directly across the street from a BART station. No one has been bothered by the bees in 10 years - since I started keeping bees here on my property.

The San Mateo Ordinance on Honey Bees is at the bottom of this email

Feel free to call if you'd like any further input.

Alice Rosenthal

[BeeHappySolutions@gmail.com](mailto:BeeHappySolutions@gmail.com)

**Subject: Urban Farm Animal Ordinance change CC County**

Date: October 17, 2017 at 12:25:27 PM PDT

FYI Homesteaders in Contra Costa County,

CC County has been working on changing ordinances on keeping urban farm animals for a few years now and they have a draft of the new ordinances that they will be presenting soon. The previous ordinance basically did not allow any. Here are the details from an email I received from the county:

The Department will be presenting the draft Urban Farm Animals Ordinance to the County Planning Commission on October 25, 2017. The meeting will start at 7:00 p.m. and will be held at 30 Muir Road, Martinez. You are encouraged to attend the meeting if you support or oppose the proposed Ordinance.

Under the Urban Farm Animals Ordinance, raising and keeping of certain farm animals would be allowed on any lot in any single-family residential district (R-6, R-7, R-10, R-12, R-15, R-20, R-40, R-65, and R-100 Districts), a planned unit (P-1) district that includes single-family residences, or the two-family residential (D-1) district. The Ordinance also would regulate setbacks and heights for animal structures, and fencing and fresh water requirements for honeybees. The following would be permitted uses in these zoning districts.

1. Keeping domesticated female chickens (hens) a rate of one hen per 1,000 square feet of lot area.
2. Keeping other fowl and rabbits or other grain-fed rodents would be allowed on lots that are 20,000 square feet or greater.
3. Keeping up to an aggregate total of 20 fowl and rabbits or other grain-fed rodents on a lot.
4. Keeping bees on lots that are 5,000 square feet or greater.
5. Keeping bees at a rate of one bee hive per 5,000 square feet of lot area, up to a total of two bee hives on a lot.
6. Keeping livestock on lots that are 40,000 square feet or greater.

7. Keeping livestock at a rate of two head of livestock per 40,000 square feet of lot area. At the direction of the Board of Supervisors, the Ordinance would also regulate rooster keeping in agricultural districts. Keeping of up to two roosters would be allowed on lots of five or more acres in any agricultural district (A-2, A-3, A-4, A-20, A-40 and A-80 Districts). Keeping of more than two roosters would be allowed for:

1. Commercial poultry ranches registered with the California Department of Food and Agriculture.
2. Public or private schools registered with the California Department of Education.
3. FFA or 4-H sponsored projects.
4. Legitimate poultry hobbyists as approved in writing by the Animal Services Director.

Other provisions for rooster keeping would be created in the Animal Services Code, including a prohibition on using a tether on a rooster, and requirements for the provision of water, shelter, sufficient room, and clean and sanitary premises.

[stanley.muraoka@dcd.cccounty.us](mailto:stanley.muraoka@dcd.cccounty.us)

Here is the San Mateo Ordinance

Less is better. The San Mateo City Council approved a very open beekeeping ordinance. Basically you can have as many hives for which you have water, manage your flyway, and are not bugging your neighbors.

## **Title 8 Animals and Fowls**

### **Chapter 8.28 Bees**

#### **8.28.010 KEEPING OF BEES – CONDITIONS.**

All properties on which beehives are kept must provide for adequate water sources on the property at all times of year and must ensure that they do not become a mosquito-breeding site. Adequate sources are ones that provide both an amount of fresh water necessary for the amount of bees or beehives and a method for the bees to be able to gain a good footing to obtain the water.

Beekeepers shall manage the direction and angle of the bee flyway from the entrance of the hive by properly siting and orienting the hives and by using flyway barriers as needed to modify the angle in order to keep the flyway over the beekeeper's property until the bees are flying 8 or more feet above the ground.

**8.28.020 NUISANCE WHEN.**

No person shall manage bee under such conditions as to create a source of constant annoyance or discomfort to any person.



# TOWN OF DISCOVERY BAY

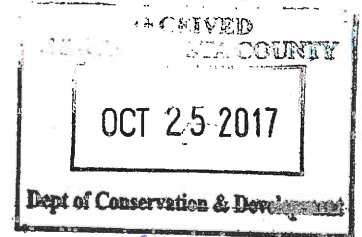
A COMMUNITY SERVICES DISTRICT



President – Bob Leete • Vice-President – Kevin Graves • Director – Bill Mayer • Director – Bill Pease • Director – Chris Steele

October 18, 2017

Contra Costa County Department of Conservation & Development  
Attn: Stan Muraoka  
30 Muir Road, Community Development Division  
Martinez, CA 94553



RE: Objection to Urban Farm Animal Ordinance Allowing Small Farm Animals in Discovery Bay

Dear Mr. Muraoka:

At the Town of Discovery Bay Board Meeting held on October 4, 2017 you gave a presentation on a Draft Urban Farm Animals Ordinance. If you recall, the Town of Discovery Bay sent you a letter dated January 26, 2015, that detailed the Board's strong objection to any efforts to allow small farm animals within the Town of Discovery Bay's sphere of influence.

The Board again took this matter under consideration at their regular meeting of October 18, 2017.

The Board of Directors was unanimous (5-0) in their opposition to any efforts to allow small farm animals, including but not limited to honeybees, chickens and goats in the Town of Discovery Bay's sphere of influence. The community is dense and residential lots are primarily 5,000-10,000 square feet in size.

The Board determined that the introduction of urban farm animals into Discovery Bay would be a nuisance and would conflict with the integrity of the community as water based and not a farm based community of single family residential neighborhoods. Lot sizes and proximity to neighbors would undoubtedly foster conflict between neighbors if this action was approved and permitted in Discovery Bay.

The Board requests the County's Draft Urban Farm Animal Ordinance specifically exclude Discovery Bay and prohibit urban farm animals within the boundaries of the Town of Discovery Bay.

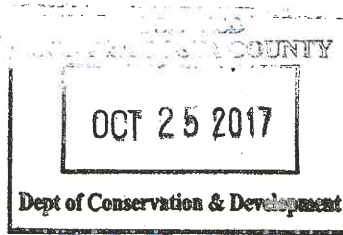
If you have any questions please feel free to contact the District directly.

Sincerely,

Robert Leete  
Board President

cc: Supervisor Diane Burgess, District III, Contra Costa County

October 23, 2017



CITY OF SAN PABLO  
City of New Directions



Duane Steele, Chairman  
Contra Costa County Planning Commission  
Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553

**Re: Comment Letter to County File #ZT17-0003: Proposed Amendment to the County Ordinance Code to Add Chapter 82-50, Urban Farm Animals**

Chairman Steele and Planning Commission:

During the update to the City of San Pablo Municipal Code in August of 2012, the community gave feedback to City staff that urban farm animals on small residential parcels was inappropriate use for a built-out, urbanized community like San Pablo. In particular, the complaints were related to rooster noise, chicken coop, and horse boarding smell which resulted in a high number of code enforcement complaints in impacted residential zones.

In May 2015, the City of San Pablo City Council approved amendments to the municipal code to permit domestic animals (dogs/cats), require conditional use permits for exotic animals and insect keeping (bees), and prohibit poultry (chickens and roosters). Attached is the applicable Zoning Code section for your reference, as well as a comparison of the City code to the proposed County code.

The City of San Pablo is bordered on three (3) sides by County unincorporated islands and lands; please see attached Zoning Map. In the County unincorporated areas of El Portal Drive, Alpine and North Arlington, City staff have noted that these County unincorporated areas are low-density residential zones, and a spot check of lot sizes are between 4,000-6,000 square feet; not rural, large-lot parcels.

A note of concern is based on the proposed amendment to the County Ordinance is the close proximity of small residential lots in San Pablo where certain restrictions on the keeping of domestic animals, permits for exotic animals, and insect keeping, etc. may be potentially incompatible with the proposed County Ordinance amendments being considered, especially with regard to insect (bee) keeping, and hens.

Additionally, there may be a preponderance for particular nuisances that may impact small residential zones adjacent to County areas should the proposed County Ordinance

13831 San Pablo Avenue, Building 3 • San Pablo, CA 94806

Main: 510-215-3030 • Fax: 510-215-3014

[www.SanPabloCA.gov](http://www.SanPabloCA.gov)

move forward for consideration and amendment included, but not limited to, the following: noise, smell, swarming, stinging and allergic reactions, erosion control, and the potential for increased bacteria contamination in local streams and possible erosion on highly unstable slopes due to increased domestic animal keeping uses in County unincorporated areas adjacent to City boundaries. The City is 2.6 square miles in area. Furthermore, the proposed County ordinance does not seem to address any impacts of exotic birds, reptiles, or pot belly pigs being addressed in these County areas.

This concludes the City's general comments and initial concerns on the County's proposed Ordinance amendments. In closing, an initial County Planning staff outreach to City Planning staff would have been useful in understanding the proposed overall impacts of these proposed Ordinance changes and considerations by Contra Costa County.

Thank you for your time and consideration.

Sincerely,



Michele Rodriguez, Director  
Development Services Department

**Attachments:**

- Chapter 17.32 Residential Districts
- Chapter 17.60.010 Special Residential Uses
- Comparison City of San Pablo and proposed County Ordinance
- Contra Costa County Zoning Maps, City of San Pablo Area

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**Excerpts from City of San Pablo Municipal Code:**

**17.32.010 Purpose.**

The purpose of this chapter is to define allowable land uses and property development standards, including intensity of development, for the residential zoning districts in order to produce healthy, safe, and attractive neighborhoods in San Pablo, consistent with the policy direction in the San Pablo general plan. The intent of each of the residential zoning districts is described below. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

### **17.32.020 Intent of individual districts.**

- A. R-1 District. The R-1 single-family residential district is intended to implement the single-family residential land use designation in the general plan by providing opportunities for single-family homes on individual parcels. The maximum density ordinarily allowable in this district is twelve dwelling units per acre. Secondary residential units and accessory uses are also allowed.
- B. R-2 District. The R-2 two-family residential district is intended to implement the medium-density multifamily residential land use designation in the general plan by providing opportunities for single-family and two-family homes (duplexes). The maximum density allowable in this district is eighteen dwelling units per acre. Accessory uses are also allowed.
- C. R-3 District. The R-3 multifamily residential district is intended to implement the medium-density multifamily residential land use designation in the general plan by providing opportunities for residential development characterized by a mix of housing types, including townhouses, apartments, and condominiums. The maximum density allowable in this district is twenty-four dwelling units per acre. Accessory uses are also allowed.
- D. R-4 District. The R-4 high-density multifamily residential district is intended to implement the high-density multifamily residential land use designation in the general plan by providing opportunities in select locations, such as near transit stops or neighborhood retail centers, for residential development characterized by a mix of housing types, including single-family homes, two-family homes, townhouses, apartments, and condominiums. The maximum density allowable in this district is forty-eight dwelling units per acre. Accessory uses are also allowed.
- E. RMU District. The RMU residential mixed-use district is intended to implement the residential mixed-use land use designation in the general plan by providing opportunities for mixed-use development that includes residential, office, and retail uses. The maximum floor area ratio (FAR) is 1.5 and the maximum residential density (included within the overall FAR limits) is fifty units per gross acre. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

### **17.32.030 Uses allowed.**

- A. Matrix of Uses. Table 17.32-A—Residential Districts: Use Regulations contains the use regulations for the residential zoning districts, listed by class of uses as defined in Division VI, Glossary. The allowable uses in Table 17.32-A for each district are established by letter designations as follows:

1. "R" designates classes of uses permitted by right.
2. "A" designates classes of uses that require an administrative review pursuant to Section [17.18.020](#), Plan check/zoning clearance.
3. "U" designates classes of uses permitted with a use permit pursuant to Section [17.20.040](#), Conditional use permit.
4. "-" designates classes of uses that are prohibited.
5. Any class of use not listed in Table 17.32-A is prohibited.

**B. Exceptions.** Notwithstanding the provisions of Table 17.32-A, the following provisions apply:

1. **Railroad Lines.** Any development within three hundred feet of a railroad line that is used at least once daily shall require a use permit to ensure that the development adequately mitigates noise and vibration from the rail operations, pursuant to the relevant policies and actions under the general plan.
2. **Streams.** In the absence of any other permit requirement, any development, including land disturbance, that is within fifty feet of any stream shall require an administrative use permit to ensure that the development adequately avoids impacts to wetland features or woodlands, reduces impacts to the creek, and prevents degradation of riparian and wetland features from potential urban pollutants, pursuant to the relevant policies and actions related to creeks within the general plan.
3. **Specific Plans.** Development on specific plan areas follow their provisions.

**C. Design Review.** Certain uses also require design review. A list of those uses is contained in Section [17.18.090](#), Minor design review, and Section [17.20.030](#), Major design review.

**D. Principal Uses Only.** Only principal uses are listed in Table 17.32-A—Residential Districts: Use Regulations. Accessory uses are addressed in Section [17.32.080](#), Accessory uses.

**E. Other Regulations.** Some uses are also subject to other titles of the San Pablo Municipal Code. Those provisions are in addition to the provisions in this chapter

F. Special Provisions. Special provisions related to a use are referenced in the special provisions column of Table 17.32-A—Residential Districts: Use Regulations.

**Table 17.32-A—Residential Districts: Use Regulations**

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
<b>Residential Uses</b>						
Accessory Units	R	R	R	R	R	
Animal Keeping	R	R	R	R	R	Section <u>17.60.010</u>

**17.32.080 Accessory uses.**

A. General. Accessory uses normally incidental to the type of principal use located on the parcel are allowed, but any commercial use is not allowed except as may be authorized as a home occupation. In case of dispute, the zoning administrator shall determine if a use is an accessory or a principal use.

B. Gardens. Private flower and vegetable gardens, greenhouses, and horticultural collections are allowed.

C. Animals. The keeping of household pets is allowed, but not kennels, stables, or the commercial raising of animals.

D. Home Occupations. Home occupations are allowed, provided they comply with the provisions of Section 17.60.030, Home occupations.

E. Accessory Structures. See Chapter 17.42, Accessory Structures. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

**17.32.090 Residential design guidelines.**

Compliance with the residential design guidelines in Appendix A is not a mandatory requirement of the zoning ordinance. The guidelines may, however, be imposed as conditions of approval, provided the applicable review process allows for conditions to be imposed. Their primary purpose is to serve as a guide during the review, including design review, of a proposed development. (Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

**17.60.010 Animal keeping.**

**A. Purpose.** The purpose of this chapter is to establish reasonable limits related to animal keeping within residential areas. Animal keeping is considered accessory to residential use and is limited according to the provisions within this chapter. This chapter makes a distinction between household pets, exotic animals and typical livestock and larger animals.

**B. Definitions.** Animal keeping means the care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in Table 17.60-A—Limits on Animals Within Residential Areas. Animal care and boarding uses are listed separately in Division III, Zoning Districts, Allowed Uses, and Development Standards, as commercial uses and are regulated in corresponding allowed use tables and are not allowed in residential districts.

1. **Domestic Pets.** Small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry).
2. **Exotic Animals.** Wild animals not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including wolf-dog hybrids, potbelly pigs, non-poisonous snakes, reptiles, and large tropical birds (including peacocks).
3. **Insects.** Small arthropod animals confined or cultivated by man for domestic purposes including but not limited to flies, crickets, mosquitoes, beetles, and butterflies.
4. **Livestock Animals.** Domesticated animals that may be kept or raised in pens, barns, houses, and pastures for private use. Livestock includes, but is not limited to, cattle, sheep, swine, and equine.
5. **Poultry.** Domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens.

**C. Number of Animals.** The number of animals kept on any site shall not exceed the maximum number of animals allowable as set forth in Table 17.60-A—Limits on Animals Within Residential Areas.

D. Location of Animals. Consistent with Title 6, no person shall keep or permit to range any animal, fowl or bird, wild or domestic, other than cats, two dogs, aviaries or birds of the psittacinae family, within thirty-five feet of any residence or dwelling house or other building used for the habitation of human beings, or within one hundred feet from any school, hospital or similar institution.

E. Sanitation of Coops, Pens, Kennels, or Other Animal Enclosures. Consistent with Title 6, no person shall keep or maintain or cause or permit to be kept or maintained for the use, restraint or confinement of any animal or fowl any yard, coop, building, structure, pasture, pen, hutch, kennel or enclosure which is in an unsanitary condition.

F. Offspring. Young animals born to a permitted animal kept on the site may be kept until such animals are weaned (cats and dogs—four months; large animals—six months; horses—twelve months).

**Table 17.60-A—Limits on Animals Within Residential Areas**

Type of Animal	Minimum Site Area (per animal)	Maximum Number
<b>Domestic Pets</b>		
— Cat(s) and Dog(s)	None	3
— Other household pets (fish, small birds)	None	No Maximum
<b>Exotic Animals</b>	Requires use permit approval with special findings <sup>1</sup>	
<b>Insects</b>	Requires use permit approval with special findings <sup>1</sup>	
<b>Livestock Animals</b>	Requires use permit approval with special findings <sup>1</sup>	
	1 acre	3
<b>Poultry</b>	Not permitted	Not permitted

**Table Notes:**

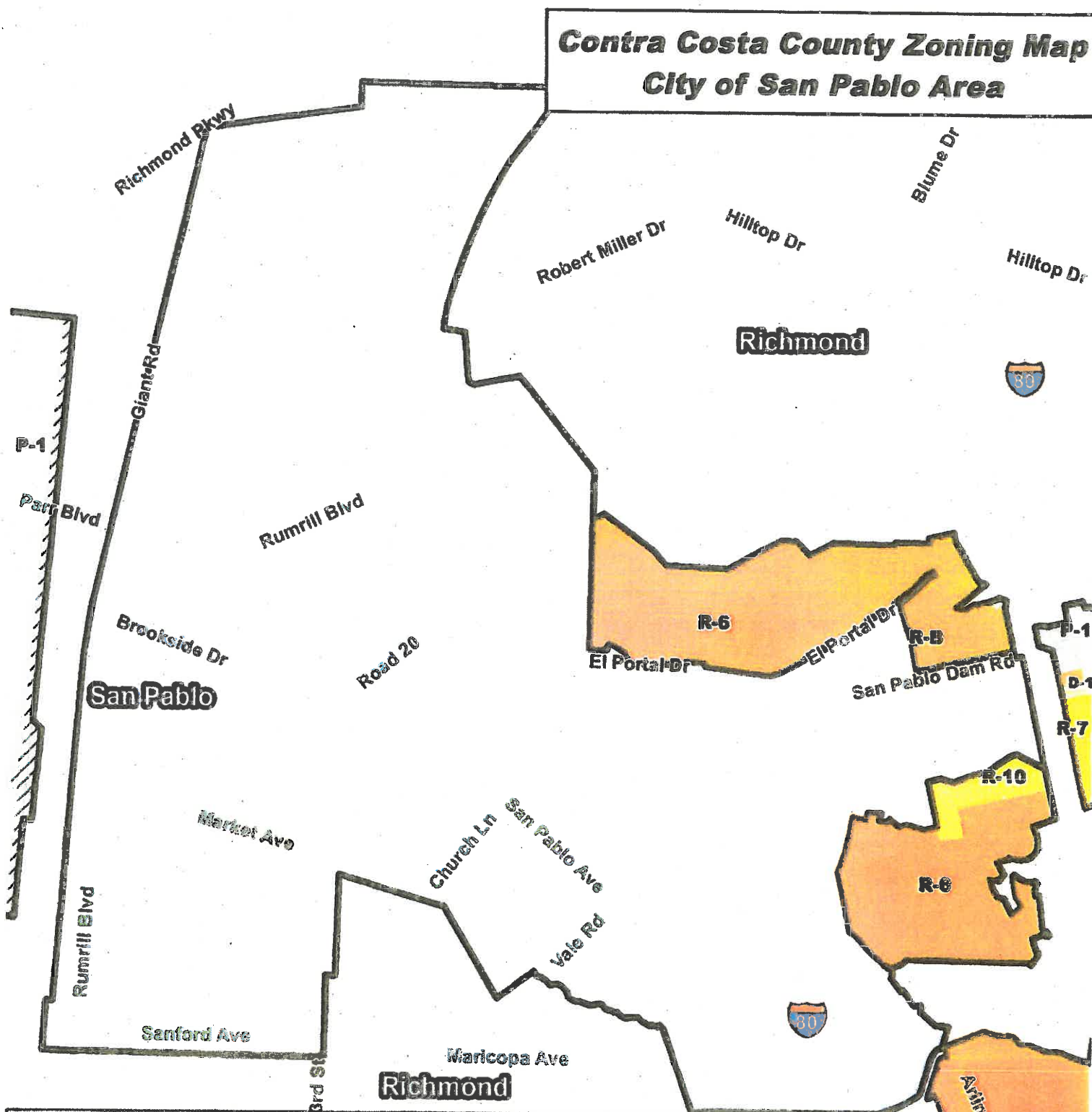
1. Prior to approval of a use permit, the planning commission shall make all of the following findings:
  - a. The keeping of the animal at the location specified in the application will not violate any federal, state, or local law.

b. Odor, noise, dust, and drainage from the keeping and maintenance of the animal will not contribute a nuisance or hazard to the public. Consistent with Section 17.50.050, no person shall keep or maintain any animal, crowing rooster or fowl which by any sound or cry annoys or disturbs persons owning, using or occupying property in the neighborhood.

(Ord. 2015-002 § 3 (Exh. 1)(part), 2015)

<b>Comparison of City of San Pablo Animal Keeping Ordinance and the County Draft Urban Farm Animals Ordinance</b>					
<b>Jurisdiction</b>	<i>Domesticated (cats, dogs, fish and small birds)</i>	<i>Exotic (tropical birds, reptiles, non- venomous snakes, pot- belly pigs, wolf-dog hybrids)</i>	<i>Insects</i>	<i>Livestock (equine, sheep, swine, cattle)</i>	<i>Poultry</i>
<b>San Pablo Zoning Code (17.60.010)</b>	Allowed. Maximum 3 cats or dogs. No maximum for small birds or fish.	Conditional use permit	Conditional use permit	Conditional Use Permit. Maximum 3 per 1 acre parcel	Prohibited
<b>Contra Costa County Proposed Ordinance (Draft Oct 2017)</b>	Not addressed in ordinance.	Not addressed in ordinance.	One beehive per 5,000 square feet lot area. Two hives maximum. Subject to provisions and setbacks	Maximum 20 rabbits per 20,000 square feet lot area and 2 head of livestock per 40,000 square feet lot area.	Keeping of female chickens (hens), 1 per 1,000 square feet of lot area. Maximum of 20 fowl for every 20,000 square feet of lot area.

# Contra Costa County Zoning Map City of San Pablo Area



## Legend

Parcels  
City Limits

## Zoning

R-6 (Single Family Residential)  
R-7 (Single Family Residential)  
R-10 (Single Family Residential)  
R-B (Retail Business)  
D-1 (Two Family Residential)  
P-1 (Planned Unit)  
P-1 -X (Planned Unit - Railroad Corridor Combining District)



0 600 1,200 2,400 Feet

Map Created 10/23/2017  
by Contra Costa County Department of  
Conservation and Development GIS Group  
30 River Road, Martinez, CA 94553  
37 59 41 791N 122 07 03 759W

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization for tax purposes. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



Hiliana Li

27 17 2003

**From:** Nicole Voracka <nicole.voracka@gmail.com>  
**Sent:** Wednesday, October 25, 2017 2:24 PM  
**To:** Hiliana Li  
**Subject:** Planning Commission meeting Oct 25th Comments on Urban Farm Animals Ordinance

To the Planning Commission:

I have read the staff report by Stanley Muraoka at the Department of Conservation and Development about the draft for the Urban Farm Animals ordinance change that will be presented to the Planning Commission tonight. As a resident of El Sobrante in unincorporated Contra Costa County, I support the changes allowing the keeping of urban farm animals and livestock.

Keeping urban farm animals in addition to growing vegetables and fruit provides us with healthy, local, and nutritious food. In a world where traces of pesticides and chemicals are in almost everything we eat, it is more important than ever to be able to legally provide ourselves and our families with a clean, fresh, and unadulterated food supply.

When we can produce it ourselves in our backyards, we have a 100% choice in how our food is raised and a better selection in the types of food we have available to us. For example, we can already grow many varieties of fruits and vegetables that you can't find at the supermarket, but now with this important change to the ordinance, we can also raise animals that provide us with food that can't be found at the supermarket either.

Last time I checked the local grocery store, I couldn't find local El Sobrante Honey, local organic eggs, lean and delicious chicken, turkey or rabbit meat, or even goat or cow milk that hasn't traveled hundreds of miles in a gas guzzling refrigerated truck from a giant farm far far away. But now I don't have to worry about food miles, questionable animal welfare standards, etc. because I can raise just about all the food I like to eat in my own backyard.

The draft ordinance is thorough and provides rules to both allow farm animals while also protecting neighbors from unnecessary contact with them (like bees for example) by establishing set backs. However, some of these set backs are too restrictive. For example, the draft appears to extend the livestock structure set backs that are currently allowed in the R-20 zoning to smaller residential lots. The current set back allows livestock structures to be no less than one hundred feet from the front property line or any street line, and shall not be less than fifty feet from any side OR rear property line. However, in the actual draft that was in the report, there is a slight change in the wording where it says the set back shall be no less than one hundred feet from the front property line or any street line, and shall not be less than fifty feet from any side AND rear property line.

This small change in wording, which I sincerely hope was just an oversight, means that due to the unusual shape of my lot it is big enough that I would be allowed to have 2 head of livestock, but I would not be allowed to provide them a structure for shelter and shade because of the set back requirements. My lot is 90ft wide and about 450ft long. If the side and rear set back is 50 ft, and my lot is only 90ft wide, it would be impossible to comply with the set back. If the wording for livestock structures is extended from the R-20 zoning into the new ordinance without the change, then I would be able to comply with the set back requirements and could then provide the livestock with a shelter.

Moreover, I am thrilled to see that the draft allows us to keep bees. Bees are still disappearing all over the country, including the Bay Area. The 2016 bee colony census by the Bee Informed Partnership (BIP) recorded 44% losses nationally. The Beekeepers' Guild of San Mateo County, a beekeeper's club in the Bay Area, also conducts an annual hive census and documented 2016 losses of 43% in San Mateo County. These are considered unsustainable losses.

The draft ordinance only allows a maximum of 2 beehives per lot with a rate of 1 beehive per 5,000 sq ft of lot area. Putting a cap on the amount of beehives is unnecessary, and does not do enough to mitigate the effects of honey bee losses that beekeepers experience each year. With the current decline in bee numbers, chances are that a person with just 2 beehives will lose at least one by the next year. If the remaining colony does not survive either, or is too weak, the beekeeper would be forced to import more bees from outside of the local area to replace them. More hives equals more chances that a beekeeper will have some beehives survive the winter healthy enough to split. Those splits can then replace the ones that died and in so doing, enhance the local genetics of the bee population in favor of bees that can survive local winter conditions each year.

In addition, the set backs for small animal structures and beehives are more restrictive on wide lots than for lots that are less wide. Understandably, there is less room to play with when establishing set backs for smaller lots, however, if a 10ft side yard set back for a chicken coop is enough for a lot less than 80ft wide, then it should certainly be enough for a wider lot as well. When choosing a site to put a small animal structure like a beehive or rabbit hutch, it is difficult to satisfy both the set backs and the unique requirements for the creature it

will house. For example, rabbits do not tolerate heat, so the more you restrict the set back, the more difficult it is to find a cool shady spot for the rabbits to live, like under a shade tree perhaps.

Thank you for taking the time to read my comments. Please don't hesitate to contact me if you have any questions. My husband and I will be at the planning commission meeting tonight in support of the ordinance changes.

Thank You,

Nicole Voracka  
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