



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: May 9, 2017

Subject: Provide guidance to Conservation and Development on the Preparation of an Amendment to the County Code to Allow Certain Urban Farm Animals

RECOMMENDATION(S):

PROVIDE guidance to the Department of Conservation and Development to work with the County Counsel's Office on the preparation of an amendment to the Contra Costa County Code to allow the raising and keeping of certain urban farm animals for non-commercial purposes within applicable residential land use districts.

FISCAL IMPACT:

The cost of completing an Amendment to the County Code is estimated to be \$60,000 to \$80,000 and will be assumed by the Department of Conservation and Development (Land Development Fund).

BACKGROUND:

Current Status of Keeping Farm Animals on Residential Lots

In unincorporated areas of the County, farm animals (up to 24 poultry) can be kept for non-commercial purposes in the R-20 (20,000 square foot minimum lot size), R-40 (40,000 square foot minimum lot size), R-65 (65,000 square foot minimum lot size), and R-100 (100,000 square foot minimum lot size) Single-Family Residential Districts. On a lot of at

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/09/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

See adeendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 9, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Stan Muraoka;
925-674-7781

cc:

least 40,000 square feet in the R-20, R-40, R-65 or R-100 District, a property owner is permitted to keep 2 head of livestock such as horses, cows, sheep, and goats. Honeybees are not permitted on any residentially-zoned lot. In an agriculturally zoned property, all such farm animals are permitted.

BACKGROUND: (CONT'D)

Study of Small Farm Animals

On September 16, 2014, the Board authorized the Department of Conservation and Development to initiate a study for the raising and keeping of small farm animals for non-commercial purposes on smaller residential properties as a basis for considering modifications to the Contra Costa County Code to allow such use within applicable residential land use districts. Department staff conducted a review of small farm animals generally kept on smaller residential lots in California and elsewhere in the United States. Staff found that the farm animals commonly raised and kept on smaller lots include chickens, goats, and honeybees. These species are referred to as "urban farm animals". With the Board's 2014 authorization, the Department proceeded with the study of raising and keeping urban farm animals on smaller residential lots.

Regulations on Urban Farm Animals in the County

The Department conducted a review of ordinances of the 19 incorporated communities (cities) 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. Following are the results of this assessment:

- 1. 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%
- 1. 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%
- 1. Use permit required: (for any urban farm animal)

Yes.....	3 of 19 cities.....	25%
Maybe.....	4 of 19.....	33%
- 1. 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

1. Predominant maximum rate:

Chicken..... 0.84/1,000 square feet

Honeybee hives..... 0.37/1,000 square feet

1. Predominant minimum setbacks:

Chicken..... 20 feet front/5 feet side/15 feet rear

Honeybees..... 25 feet front/25 feet side/25 feet rear

1. Predominant minimum distance from residences:

Chicken..... 20 feet

Honeybees..... 20 feet

Community Responses to Urban Farm Animal Questionnaire

The Department conducted a survey of community preferences related to urban farm animals on smaller residential lots. The survey included the following questions (1) whether urban farm animals should be allowed on small lots, less than ½ acre in size, (2) whether a minimum lot size should be required, (3) the types of lots that would be appropriate for urban farm animals, and (4) what type of limit there should be on the number of animals.

Staff sent an Urban Farm Animal Questionnaire to the 13 citizen advisory bodies in the unincorporated County, including the El Sobrante Municipal Advisory Council (MAC), Kensington MAC, North Richmond MAC, Alamo MAC, Bethel Island MAC, Byron MAC, Diablo MAC, Town of Discovery Bay, Knightsen Town Advisory Council, Contra Costa Centre MAC, Bay Point MAC, Pacheco MAC, and Rodeo MAC. 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 (e.g. if one MAC supported and another MAC was split 50/50, the result would be summarized as 1.5 of the 2 MACs supported). The detailed results are provided in Attachment 4.

1. Allow on a small lot (less than ½ 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 (including communities that reported their

preference proportionately in support).

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 (including communities that reported proportionately as opposed).

1. Require a minimum lot size:

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

1. 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%

1. 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%

Findings

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

- 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.

1. 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.

1. 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.

1. 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.

1. 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.

1. 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.

1. 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, 5 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.

ALTERNATIVES FOR THE COUNTY CODE AMENDMENT BASED ON FINDINGS ABOVE

The Department seeks direction from the Board on the Amendment to the County Code, related to:

(1) Proceeding with a Countywide or a community-specific Amendment.

The Board could direct staff to proceed with an Amendment on a Countywide basis. Alternatively, an Amendment could be prepared that corresponds to the unique characteristics of certain communities. For example, residential areas of Kensington are zoned R-6 Single-Family Residential, while residential areas of El Sobrante and Pacheco are zoned R-6 or R-7 Single-Family Residential. To implement such an approach staff will need to develop, and the Board would need to approve, findings for a community-specific Amendment, including a finding that establishment of the Amendment is based on an actual need in these communities, and a finding that the proposed Amendment will not substantially alter the single-family residential use of properties in the subject zoning districts.

Of the 14 communities in the Urban Farm Animal Questionnaire, six communities responded that they would like to allow urban farm animals on lots less than 1/2 acre, including El Sobrante, Kensington, Saranap, Byron, Knightsen, and Pacheco.

(2) Allowing on single-family residential lots only

Given the lack of support for allowing urban farm animals on multiple-family, duplex, and mobile home lots, staff recommends that any Amendment allow such animals only on single-family residential lots.

(3) Allowing chickens only

The Board could direct staff to proceed with developing an Amendment allowing only chickens (in certain areas/under certain conditions). Or it could direct staff to also allow goats and/or honey bees (in certain areas/under certain conditions).

There is more community support to allow chickens than goats or honeybees on smaller residential lots. 63% of the cities in the County allow chickens on smaller residential lots, and 41% of the surveyed communities would like to have chickens allowed on smaller residential lots. However, 16% of cities allow goats, and 27% of the surveyed communities would like to allow goats, while 37% of the cities allow honeybees, and 41% of the communities would like to allow honeybees.

The existing regulations allow the keeping of poultry only in the R-20, R-40, R-65, and R-100 Single-Family Residential Districts. Staff also recommends revising the existing regulations to allow "small farming", including the keeping of poultry on lots of at least

20,000 square feet and the keeping of livestock on lots of at least 40,000 square feet, in any single-family district.

(4) Setting a maximum rate for chickens per 1,000 square feet and a minimum lot size of 6,000 square feet

If the Board wishes to proceed with allowing urban farm animals in smaller residential lots, guidance is requested on limiting the number of animals and on a minimum lot size.

31% of the surveyed communities wished to limit the number of animals on a per square foot basis, while 24% wished to limit the total number of animals. The average maximum rate for chickens in the cities is 0.84 animal per 1,000 square feet, whereas the maximum rate for keeping poultry in the R-20 Single-Family Residential District is one animal per 1,000 square feet on a 20,000 square foot lot. Accordingly, setting a maximum rate per 1,000 square feet for unincorporated communities is appropriate. 6,000 square feet is the predominant minimum lot size for keeping chickens in cities and preferred by two of the six unincorporated communities that wished to keep chickens on smaller residential lots. Other lot sizes preferred by the communities are 3,000 square feet (one community), 1/4 acre or 10,890 square feet (one community), and 1/3 acre or 14,520 square feet (one community). The initial staff suggestion is for a maximum rate of 1 animal per 1,000 square feet and a minimum lot size of 6,000 square feet.

(5) Setting minimum setbacks for animal enclosures

Seven of the 12 cities in the County that allow chickens on smaller residential lots also set minimum distances for animal enclosures from all residences, which is generally 20 feet. In the R-6 Single-Family District, the minimum side yard setback is five feet. Staff does not recommend setting minimum distances from adjacent residences, since this is extremely difficult to implement and enforce. Hence, staff recommends only setting minimum setbacks from property lines and suggests 15 feet be used if allowed at all in smaller residential lots, as an animal enclosure setback.

CONSEQUENCE OF NEGATIVE ACTION:

Keeping certain urban farm animals will only be allowed on R-20-, R-40, R-65, and R-100 Single-family Residential Districts.

CLERK'S ADDENDUM

Speakers: Rebecca Suzanne, resident of Richmond. The Board indicated it's preference for: a countywide ordinance; that ducks and rabbits be included in the ordinance; the size of the lot be stated as 'single family residential lot'; agreement with staff recommendations for minimum setbacks. The Supervisors will reach out to their communities to inform them of the upcoming Planning Commission meeting on a proposed urban farm animal ordinance. Conservation and Development staff will seek out information on limitations that may be set by Home Owners Associations.

ATTACHMENTS

Attachment 1 - CCC Zoning Districts

Attachment 2- City Zoning Comparisons

Attachment 3 -Urban Farm Animal Questionnaire

Attachment 4- Questionnaire Responses