



Contra  
Costa  
County

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: February 6, 2018

Subject: Hearing to consider the adoption of Urban Farm Animals Ordinance

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**RECOMMENDATION(S):**

1. OPEN the public hearing on Ordinance No. 2018-06, RECEIVE testimony, and CLOSE the public hearing;
2. DETERMINE that adoption of Ordinance No. 2018-06 is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15061(b)(3) ("General Rule" exemption);
3. ADOPT Ordinance No. 2018-06, regulating the raising and keeping of farm animals in residential zoning districts and the keeping of roosters in agricultural zoning districts; and
4. DIRECT the Department of Conservation and Development to file a CEQA Notice of Exemption with the County Clerk.

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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD  
COMMITTEE

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Action of Board On: **02/06/2018** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

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: February 6, 2018

Contact: Stanley Muraoka,  
925-674-7781

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

By: , Deputy

cc:

## FISCAL IMPACT:

The cost of preparing this ordinance has been funded by the Department of Conservation and Development.

## BACKGROUND:

On September 16, 2014, the Board of Supervisors directed the Department of Conservation and Development (DCD) to study the raising and keeping of small farm animals for non-commercial purposes on small residential lots in unincorporated areas of the County. DCD staff reviewed the ordinances of the 19 cities in the County and surveyed the community preferences of the 13 citizen advisory bodies in the County.

On May 9, 2017, staff presented its findings and the Board directed staff to prepare a countywide amendment of the County Ordinance Code to allow the raising and keeping of certain farm animals including chickens, goats, and honeybees for non-commercial purposes within residential land use districts (the Urban Farm Animals Ordinance). Subsequently, on June 6, 2017, the Board directed staff to include regulations on the keeping of roosters in agricultural districts in the Urban Farm Animals Ordinance.

## Current Status

The keeping of small farm animals, including fowl, rabbits, and other grain-fed rodents, and up to two head of livestock is allowed on any lot in the R-20, R-40, R-65, and R-100 Single-Family Residential Districts. The County Ordinance Code also regulates animal structures and livestock enclosures. Honeybees are not permitted on any residentially zoned lot. On agriculturally zoned property, all farm animals are permitted with no restriction on the size of the lot or the number of animals.

## Proposed Urban Farm Animals Ordinance

### *Urban Farm Animal Raising and Keeping*

The proposed Urban Farm Animals Ordinance would regulate the raising and keeping of farm animals, including fowl, rabbits, grain-fed rodents, honeybees, and livestock, on a lot in any single-family residential (R- ) district or two-family residential (D-1) district, or a single-family residential lot in a planned unit (P-1) district. These regulations would not apply in any agricultural district. The following summarizes the regulations contained in the Urban Farm Animals Ordinance related to urban farm animal raising and keeping:

1. The minimum area of a lot on which fowl (except for hens), rabbits, or grain-fed rodents may be raised or kept is 20,000 square feet.
2. The maximum number of domesticated female chickens (hens) allowed on a single lot is one hen per 1,000 square feet of lot area.
3. No more than an aggregate total of 20 fowl (including hens), rabbits, and grain-fed rodents may be kept on a single lot.
4. The minimum area of a lot on which an apiary (honeybees) may be kept is 6,000 square feet.

5. The maximum number of beehives allowed on a single lot is determined by lot area, as follows:

<b>Lot Area</b>	<b>Maximum Number of Beehives</b>
<b>6,000 square feet or more, but less than 20,000 square feet</b>	<b>4</b>
<b>20,000 square feet or more, but less than 40,000 square feet</b>	<b>6</b>
<b>40,000 square feet or more</b>	<b>8</b>

6. The minimum area of a lot on which livestock may be raised or kept is 40,000 square feet. The lot must be contiguous.
7. The maximum number of livestock on a single lot is two head of livestock per 40,000 square feet of lot area.

The ordinance also includes specific location and design requirements for animal structures, such as minimum distances from the front, side, and rear property lines, height limits, and honeybee flyway barriers.

#### *Rooster Keeping*

The proposed Ordinance would also revise the County Ordinance Code to allow the keeping of up to two roosters on lots of five or more acres in any agricultural district, unless expressly exempted from the limitation (e.g., commercial poultry ranches registered with the California Department of Food and Agriculture and which primarily produce eggs or meat for commercial sale). The proposed Ordinance would also revise County Ordinance Code Chapter 416-12 to regulate rooster keeping to ensure rooster health, safety, and well-being. The proposed Ordinance would authorize the Animal Services Director to enforce the rooster keeping regulations in Title 4 and Title 8 of the County Ordinance Code.

#### District III Citizen Advisory Bodies.

At the request of the District III Supervisor in August 2017, DCD staff made presentations of the draft Ordinance to the five citizen advisory groups in District III. 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 proposed Ordinance. The Town of Discovery Bay subsequently submitted a letter to the County Planning Commission. Two members of the Knightsen TAC submitted emails stating a preference for not including Knightsen in the proposed Ordinance, and for allowing roosters on agricultural lots of one or more acres.

#### County Planning Commission Hearing

The County Planning Commission held a public hearing on the draft Urban Farm

Animals Ordinance on October 25, 2017, and November 8, 2017. The Commission received written comments, including those from the advisory bodies mentioned above, and oral testimony both in favor of and in opposition to the proposed ordinance.

At the conclusion of testimony on November 8, 2017, the County Planning Commission voted to recommend that the Board approve the proposed ordinance with changes to the beekeeping provisions consistent with the beekeeping ordinance of the Town of Moraga. Those recommended changes have been incorporated in the Urban Farm Animals Ordinance before the Board.

### California Environmental Quality Act

The proposed Urban Farm Animals Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). The proposed Ordinance would authorize only minor alterations to land and new construction or conversion of small structures. Therefore, it can be seen with certainty that there is no possibility that the project could have a significant effect on the environment.

### Conclusion and Recommendation

The proposed Urban Farm Animals Ordinance is consistent with the General Plan by allowing raising and keeping of urban farm animals on residential lots and regulating the keeping of roosters in a manner consistent with the physical character and quality of life in the County. The proposed Ordinance would implement Land Use Element goals and policies by providing for the raising and keeping of urban farm animal in a uniform manner on all single-family and two-family residential lots. Issues of animal noise and animal odors would continue to be addressed by existing health regulations in Title 4 of the County Code. The proposed Ordinance would enable the County more effectively combat illegal rooster fighting by limiting the number of roosters that can normally be kept on a lot without affecting agricultural activities. Staff recommends that the Board of Supervisors adopt Ordinance No. 2018-06.

### CONSEQUENCE OF NEGATIVE ACTION:

The County will continue to allow the keeping of urban farm animals, but not including honeybees, on lots in the R-20, R-40, R-65, and R-100 Single-Family Residential Districts. Property owners in the R-6, R-7, R-10, R-12, R-15, D-1, and P-1 districts will not be allowed to keep urban farm animals. The keeping of honeybees would not be permitted on a residentially zoned lot. The number of roosters allowed on an agriculturally zoned property would not be restricted.

### CHILDREN'S IMPACT STATEMENT:

N.A.

## CLERK'S ADDENDUM

*Speakers: Jan Pinkerton Spieth, Mt. Diablo Beekeepers Association; Norman Lott, Mt. Diablo Beekeepers Association; Nikki Kratt, resident of El Sobrante. REFERRED Ordinance 2018-06 back to the Planning Commission for amendments, to specifically include nucleus colonies in the definition of a hive and the exemption of the areas of Diablo, Bethel Island, Byron, Discovery Bay, and Knightsen.*

## ATTACHMENTS

County Planning Commission Resolution No. 4-2018 Urban Farm Animal

Ordinance No. 2018-06 Urban Farm Animal

Planning Commission Staff Report

Change in draft Urban Farm Animals Ordinance at CPC