

DRAFT URBAN FARM ANIMALS ORDINANCE

Revised October 4, 2017

DIRECTION FROM THE BOARD OF SUPERVISORS

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 in unincorporated areas of the County. Subsequently, Department staff:

- Conducted a survey of farm animals generally kept on smaller lots in California and elsewhere in the U.S. and found that the animals commonly found include chickens, goats, and honeybees, which are referred to as the urban farm animals;
- Reviewed the relevant ordinances of the 19 cities in the County, and compiled the leading regulations pertaining to chickens, goats, and honeybees;
- Conducted a survey of community preferences related to urban farm animals on smaller residential lots that included the 13 advisory bodies (MACs, Knightsen TAC, and Town of Discovery Bay), and the Saranap Community Association.

On May 9, 2017, the Board gave staff the following direction on the proposed urban farm animals ordinance to allow the keeping of urban farm animals on smaller residential lots:

- (1) Proceed with a Countywide amendment.
- (2) Allow chickens, goats, and honeybees on single-family residential lots.
- (3) Set a maximum rate for chickens per 1,000 square feet and a minimum lot size of 6,000 square feet.
- (4) Set minimum setbacks for animal enclosures.

On December 6, 2016, the Board referred to the Internal Operations Committee (IOC) the development of an ordinance prepared by the Animal Services Department for barking dogs and other noisy animals, and to limit the number of roosters on private property. The IOC decided to separate the barking dog portion of the ordinance from the keeping of roosters, recommended that the Board adopt the barking dog ordinance, and deferred rooster keeping to the urban farm animals ordinance. The Board adopted the barking dog ordinance on June 6, 2017.

CURRENT STATUS OF KEEPING FARM ANIMALS

Small Farming: In unincorporated areas of the County, small farming is allowed on any lot in the R-20, R-40, R-65, and R-100 Single-Family Residential Districts, including keeping up to 24 fowl, rabbits, or other grain-fed rodents, primarily for home consumption.

Livestock: On a lot of at least 40,000 square feet in the R-20, R-40, R-65 or R-100 District, a property owner is permitted to keep two head of livestock such as horses, cows, sheep, and goats.

Honeybees: Honeybees are not permitted on any residentially-zoned lot.

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

PROPOSED ADDITION OF URBAN FARM ANIMALS TO THE COUNTY CODE

Changes and Additions to 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 defined as a male chicken six months or older, or has full adult plumage, or is capable of crowing.

Addition of Urban Farm Animal Raising and Keeping: 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 planned unit (P-1) district that includes single-family residences, or the two-family residential (D-1) district.

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.

Changes to the County Code for Animal Structures

1. Structures for smaller animals: Chicken coops, rabbit hutches, and similar accessory structures provided for the housing of the animals, and bee hives, would 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 |

These setbacks are consistent with average lot widths and minimum distances for primary structures (residences) from property lines in the R- districts. Setbacks in single-family residential P-1 districts and the two-family residential D-1 district conform to setbacks in the R-districts.

| R-District | Average Lot Width | Minimum Distance of the Primary Structure From | | |
|------------|-------------------|--|--------------------|--------------------|
| | | Front Property Line | Side Property Line | Rear Property Line |
| R-6 | 60 feet | 20 feet | 5 feet | 15 feet |
| R-7 | 70 feet | 20 feet | 5 feet | 15 feet |
| R-10 | 80 feet | 20 feet | 10 feet | 15 feet |
| R-12 | 100 feet | 20 feet | 10 feet | 15 feet |
| R-15 | 100 feet | 20 feet | 10 feet | 15 feet |
| R-20 | 120 feet | 25 feet | 15 feet | 15 feet |
| R-40 | 140 feet | 25 feet | 20 feet | 15 feet |
| R-65 | 140 feet | 25 feet | 20 feet | 15 feet |
| R-100 | 200 feet | 30 feet | 30 feet | 30 feet |

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

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

(1) 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, including the cities of Lafayette and Oakley, 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.

(2) 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, including Lafayette and Oakley, have required a convenient source of water available to the bees on the property.

PROPOSED ADDITIONS TO THE COUNTY CODE FOR ROOSTER KEEPING

Keeping of up to three 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 three 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 provision of water, shelter, sufficient room, and clean and sanitary premises.

Questions on the draft urban farm animals ordinance can be directed to:
Stan Muraoka: 925-674-7781 (phone), stanley.muraoka@dcd.cccounty.us (email).