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Agenda Date: 11/19/2008

Agenda Placement: 9D

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Mary M Doyle, Principal Planner - 299-1350
SUBJECT: Small Lot Animal Husbandry Use and Vehicle Storage Ordinance

RECOMMENDATION

SMALL LOT ANIMAL HUSBANDRY AND VEHICAL STORAGE ORDINANCE - PROPOSED ORDINANCE #P08-00612-ORD

Request: The County is considering an ordinance to establish animal keeping and vehicle densities on small parcels to reduce the impact on animals and neighboring properties due to excessive animal keeping, storage and unsanitary practices. Proposed amendments to the Zoning Code would: 1) Enable limited animal husbandry uses on any parcel less than 5 acres in size in unincorporated Napa County; 2) establish standards for animal husbandry uses on parcels less than 5 acres in size, including setting limits on the number of animals per acre and requiring setbacks from property lines for animal pens and enclosures located on small lots; 3) establish use permit procedures to allow animal concentrations greater than the proposed animals-per-acre standard on parcels less than 5 acres in size; 4) prohibit raising of roosters for exhibition or blood sport including establishment of an amortization schedule to cease any existing operations; and 5) establish limits on the number of vehicles stored on properties outside of enclosed structures, including establishment of an amortization schedule to cease any existing operations.

Ordinance Title: An Ordinance of the Board of Supervisors of the County of Napa, State of California, Amending Napa County Code Sections 18.08.040 (Include Certain Small Lot Animal Husbandry Uses Within the Definition of Agriculture and Exclude from the Definition of Agriculture the Raising of Roosters for Exhibition or Blood Sports), 18.52.020 (Provide for Agriculture as a Use Allowed Without a Use Permit in the Residential Single Zoning District) and 18.104.190 (Establish Restrictions on Outdoor Vehicle Storage); and Adding New Sections 18.08.424 (Defining Outdoor Vehicle Storage), 18.104.410 (Establishing Standards for Small Lot Animal Husbandry) and 18.132.062 (Establishing an Amortization Schedule to Terminate Outdoor Vehicle Storage, Small Lot Animal Husbandry Uses not in Conformance with Established Standards and the Raising of Roosters for Exhibition or Blood Sports)

CEQA Status: The project is Categorically Exempt from the provisions of California Environmental Quality Act pursuant to Section 14 CCR 15061(b)(3) - General Rule; Section 15305 - Class 5, Minor Alteration to a Land Use

Limitation; and Section 15308 - Class 8, Action by Regulatory Agencies for the Protection of the Environment.

Staff Recommendation: That the Planning Commission conduct a public hearing and consider forwarding a recommendation to the Board of Supervisors.

Staff Contact: Hillary Gitelman 253-4805

EXECUTIVE SUMMARY

Proposed Action:

1. That the Planning Commission recommends to the Board of Supervisors, adoption of Proposed Ordinance #P08-00612-ORD.

Discussion:

The County Code enforcement division has received numerous complaints concerning the intensity of use on small lots. The intensity of use has resulted in odors/fumes, noise, visual blight among other adverse effects on adjacent properties. Currently, County's regulations regarding the intensity of uses on small lots are limited. At a joint session of the Board of Supervisors and Planning Commission (May 20, 2008), staff was directed to prepare an ordinance to address these enforcement issues. Specifically the issues concern the number of animals and vehicles that may be housed or stored on small lot. At the same time, staff is interested in addressing potentially unsafe and inhumane rooster farming operations, which raise roosters for fighting or "blood sports."

The proposed ordinance would establish parameters for small lots concerning the number of animals or vehicles allowed without a use permit and when exceptions may be granted. Specifically the proposed ordinance would: 1) Include a definition of small lot animal husbandry, thereby allowing property owners of lots less than five acres in size to raise farm animals with certain restrictions; 2) Clarify the definition of agriculture to exclude the raising/keeping of roosters used for fighting; 3) Include a definition of outdoor vehicle storage, thereby prohibiting excessive unenclosed vehicle storage; and 4) Establish an amortization schedule, phasing-out small lot animal husbandry, rooster farms, and outdoor vehicle storage operations that do not meet the new standards.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The project is Categorically Exempt from the provisions of California Environmental Quality Act pursuant to Section 14 CCR 15061(b)(3) - General Rule; Section 15305 - Class 5, Minor Alteration to a Land Use Limitation; and Section 15308 - Class 8, Action by Regulatory Agencies for the Protection of the Environment. The Class 8 exemption applies because the ordinance is to provide additional environmental protection to small lots in the County by restricting the number of vehicles that may be stored outdoors, imposing minimum lot size for raising certain animals, establishing a maximum number of large animals and poultry that may be raised on small parcels and require that animal pens and cages be located outside stream setbacks and property line setbacks. The ordinance further prohibits the raising of roosters for blood sport or exhibition.

BACKGROUND AND DISCUSSION

County staff was directed at the joint session of the Board of Supervisors and the Planning Commission on May 20, 2008, to develop changes to County regulations that would assist staff in addressing neighbor concerns about the numbers of animals or vehicles that may be reasonably housed or stored on small lots. Accordingly, staff investigated similar ordinances in effect in Sonoma and other counties, and developed proposed revisions to various sections of the Code. Staff also investigated ordinances related to raising or keeping of roosters for fighting or "blood sports," and developed proposed Code revisions to prohibit that activity. (Please see the attached redlined copy for the specific Code changes proposed.)

Summary of the Proposal

The proposed ordinance would: 1) Include a definition of small lot animal husbandry, thereby allowing property owners of lots less than five acres in size to raise farm animals with certain restrictions; 2) Clarify the definition of agriculture to exclude the raising/keeping of roosters used for fighting; 3) Include a definition of outdoor vehicle storage, thereby prohibiting excessive unenclosed vehicle storage on small parcels; and 5) Establish an amortization schedule, phasing-out small lot animal husbandry, rooster farms, and outdoor vehicle storage operations that do not meet the new standards. These changes can be further summarized as follows:

Proposed Regulations Affecting Parcels Less than Five Acres

- | Outdoor storage of six or more vehicles would be prohibited without a use permit
- | Raising of more than one horse or other large farm animal per 20,000 square feet of lot area would be prohibited without a use permit
- | Raising of more than six hens per 20,000 square feet of lot area would be prohibited without a use permit
- | Raising of more than one rooster per 40,000 square feet of lot area would be prohibited without a use permit
- | Pens, coops, and fenced areas must be set back from property lines

(exceptions to standards related to raising of farm animals, hens and roosters would be available for 4H and FFA projects)

Other Proposed Regulations

- | Raising or keeping of roosters for exhibition of blood sports would be prohibited anywhere in Napa County
- | Raising of farm animals would be permitted in Residential Single (RS) zoning districts, subject to the standards presented above for small lots (agricultural activities are currently prohibited in the RS district)

The proposed revisions and additions is anticipated to result in minimal changes to the physical setting of Napa County. The changes are anticipated to be beneficial to the physical environment by providing regulations where there were none as to the intensity of use by animals or vehicles on small lots, providing a property line setback in addition to the existing Conservation Regulations setbacks for streams and/or other sensitive habitat areas. As a result, the proposed ordinance has been determined to be exempt/excluded from review under CEQA. The limited nature of potential changes to Napa County also means that the proposed ordinance would be consistent with the Napa County General Plan. General Plan policies are aimed at preserving agricultural lands for agricultural use, and call for maintaining the quality of life in Napa County through enforcing regulations (Policy AG/LU-118).

Public Interest & Next Steps

The proposed ordinance has been disseminated to the Farm Bureau, Agricultural Commissioner, and other

interested parties over the past several weeks, and the Planning Commission's hearing was noticed in the Napa Register as required by the California Government Code. As might be anticipated, neighbors who have been involved on both sides of disputes related to horse boarding on small lots have expressed an interest in the proposed ordinance. Some object to the standards proposed and fear that it will undermine the agricultural character of the County. Others believe that the limitations on farm animals would be acceptable because they would apply only to small rural residential parcels, would provide exemptions for 4H and FFA projects, and would allow property owners to exceed the stated number of animals with a use permit (which requires notice to the neighbors and a public hearing).

Staff has also received comments from the Humane Society and others that suggest changes to the proposed ordinance. Specifically, commenters have suggested that the proposed ordinance be amended:

1. to include a maximum ratio of roosters to hens in Section 18.08.040(F) instead of simply referencing roosters raised "for exhibition or blood sports" in order to improve the effectiveness of enforcement;
2. to include the phrase "subject to limitations provided in Section 18.104.410, Small Lot Animal Husbandry" in the definition of "Public stable" contained in Code Section 18.08.490 in order to reduce confusion;
3. to increase the lot area required for roosters from 40,000 square feet (in proposed Section 18.104.410 (A)(2)) to five acres in order to address noise concerns;
4. to divide the standards for keeping of animals on small lots (in proposed Section 18.104.410(A)(1)) into two categories, one for large animals such as horses, cows, or llamas, and one for small animals such as goats, sheep, or pigs, in order to acknowledge that smaller animals may have lesser impacts; and
5. to adjust the amortization periods proposed in Section 18.132.062(A) from three years to one year for outdoor vehicle storage.

Planning staff is seeking Commission direction on these and other comments/suggestions, and requests that the Planning Commission hold a public hearing and then adopt a motion either (i) recommending the proposed ordinance to the Board as drafted; (ii) recommending the proposed ordinance to the Board with limited amendments as specified in the motion; or (iii) continuing the Commission's public hearing to a later date, and providing direction to staff regarding desired changes to the proposed ordinance for dissemination in advance of the hearing.

If the Commission chooses option (i) or (ii), the ordinance would be noticed for consideration and possible adoption by the Board of Supervisors on December 9, 2008. If the Commission wishes to make substantial revisions and/or take a completely different approach to any of the issues addressed in the proposed ordinance, none of the three options presented would be appropriate, and staff would need to re-notice a substantially revised ordinance for hearing by the Commission at a future date.

SUPPORTING DOCUMENTS

- A . Ordinance (red-lined copy)
- B . Ordinance (clean)

Napa County Planning Commission: Approve

Reviewed By: John McDowell