



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 7/21/2010

Agenda Placement: 9C

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: John McDowell for Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Hillary Gitelman, Director - 253-4805
SUBJECT: Roosters Ordinance

RECOMMENDATION

ROOSTER ORDINANCE - ZONING ORDINANCE TEXT AMENDMENT P10-00237-ORD

CEQA Status: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

Request: County-sponsored ordinance to limit the number of roosters permitted per parcel in agricultural areas.

Ordinance Title: AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING CERTAIN SECTIONS OF TITLE 18 OF THE NAPA COUNTY CODE REGULATING THE KEEPING OF ROOSTERS

Staff Recommendation: That the Planning Commission conduct a public hearing and forward a recommendation of approval to the Board of Supervisors

Staff Contact: Hillary Gitelman, Director of Planning 253-4805, hillary.gitelman@countyofnapa.org

EXECUTIVE SUMMARY

Proposed Action:

That the Planning Commission:

1. Recommend to the Board of Supervisors that they find the proposed ordinance exempt from review under the California Environmental Quality Act (CEQA) pursuant to the General Rule (CEQA Guidelines Section

15061(b)(3)) that CEQA does not apply where it can be seen with certainty that there is no possibility of a significant environmental impact.

2. Recommend to the Board of Supervisors that they find the proposed ordinance consistent with the Napa County General Plan for the reasons articulated in this staff report and adopt the proposed ordinance.

Discussion:

Presently there is no restriction on the number of roosters that can be raised on agricultural parcels within the County. There are a number of large rooster farms outside of American Canyon which have raised concerns because of building and safety-related code violations, and because of the potential that they could lead to violations of State law related to the raising of roosters for cock fighting purposes. After consultation with members of the volunteer Livestock Council and others, the proposed ordinance was developed to set a limit on the number of roosters that can be raised per parcel and per acre, and to require nonconforming uses to be removed within approximately one year of the effective date of the ordinance. The limit of 25 roosters per acre and 100 per parcel is suggested in order to allow breeders who raise roosters for show or for other legal purposes to continue their operations.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

The Napa County General Plan and Napa County Code encourage agricultural uses and designate the vast majority of unincorporated Napa County for agriculture. In these areas, the General Plan and County Code also promulgate the "right to farm," which means that the County is unsympathetic to complaints or conflicts arising from legitimate, legal farming operations. For this reason, the County has an interest in explicitly defining and restricting those unusual agricultural uses which may become a public nuisance.

The definition of "agriculture" contained in Napa County Code Section 18.08.040 includes the breeding and raising of poultry, and therefore allows any number of roosters to be raised on a single parcel. This has become an issue just outside the City of American Canyon, where there are several properties being used to raise a substantial number of roosters. The operations have been cited for building and safety-related code violations and County property maintenance violations, consuming considerable staff time and resources, and have raised concerns because of the potential that roosters could be raised for cock fighting, in violation of State law.

For these reasons, planning staff would like to amend the zoning ordinance so as to limit the number of roosters allowed per acre and per parcel. The proposed limit has been deliberately set so as to avoid precluding legitimate breeding operations. For this reason, the ordinance would not conflict with the County's General Plan, which defines agriculture as:

- | "Agriculture" is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing." (Policy AG/LU-2)

The General Plan further states:

- | "The County is committed to maintaining the quality of life in Napa County through enforcing regulations and codes. The County shall uniformly and fairly enforce codes and regulations, and shall assign high priority to abatement of violations that may constitute potential threats to public health or safety or that may cause significant environmental damage." (Policy AG/LU-118)

The ordinance does not require in depth CEQA analysis because it is inherently restrictive and would limit or reduce the impacts of existing operations rather than allow the existing operations to expand or increase. As a result, it can be seen with certainty that there is no possibility that the ordinance will have a significant impact, and no further review is required.

SUPPORTING DOCUMENTS

A . Proposed Ordinance

Napa County Planning Commission: Approve

Reviewed By: John McDowell