



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 8/18/2010

Agenda Placement: 9A

## Napa County Planning Commission Board Agenda Letter

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

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### **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](mailto:hillary.gitelman@countyofnapa.org)

(CONTINUED FROM JULY 21, 2010)

### **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:**

The Commission began consideration of this item on July 21, 2010. At the conclusion of that hearing, the Commission continued the item to August 18, 2010 and directed staff to provide additional information including methodology for determining rooster maturity, reporting on zoning practices in other jurisdictions, and augmenting the proposed ordinance to allow a permitting process for rooster keeping in excess of the per parcel limit. Use of the word "mature" would ensure there is no constraint on local food production or on legitimate breeding activities, since chickens (including roosters) that are raised for meat are slaughtered before they are a year old, and breeders can generally identify desirable characteristics in male birds before that age. Attached to this report is additional information on determining rooster maturity and on keeping practices. The attached revised ordinance contains a provision for a staff-issued administrative permit to authorize rooster keeping in excess of the limit. Property owner's seeking an administrative permit will need to demonstrate that the operation complies with a set of ordinance-specified standard measures.

### **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**

This staff report augments the staff report for the July 21, 2010. Please refer to the July 21st report for general background information.

At the Planning Commission meeting on July 21, 2010, the Commission heard from multiple breeders, including breeders from Napa County, Hayward, San Pablo, and elsewhere, who were opposed to the proposed limit because it would constrain their existing activities in unincorporated Napa County. Representatives of a poultry breeders association also spoke, and the Commission requested that the proposed ordinance provide a process by which a legitimate breeder could apply to exceed the proposed limit on the number of mature roosters. As a result, the proposed ordinance (attached) has been revised to provide for an administrative permit in instances where a breeder proposes to exceed the quantitative limit on mature roosters. Administrative permits are less expensive to obtain than use permits, and do not involve a public hearing by the Planning Commission. Public notice is required, however, and decisions by the Planning Director to grant or deny an administrative permit are appealable to the Board of Supervisors.

Additionally, the proposed ordinance includes the added text of "mature" rooster to address concerns that property owners would be in violation of the code if they had a temporary number of in-mature roosters. Staff has attached an email discussion regarding identifying mature roosters.

The Planning Commission also questioned how other agricultural counties have grappled with rooster farming from a land use perspective. The following table is a sample survey of 14 California county jurisdictions. The table provides a brief description of relevant regulations as they relate to rooster keeping.

### Survey - Rooster Regulations Sample Counties

<b>Jurisdiction</b>	<b>Description</b>	<b>Relevant Code Section</b>
Alameda	Animal Fancier Permit - More than 75 poultry on ag zones requires a permit. No specific limit.	Title 5.12.090
Colusa	Twenty five or more poultry requires a use permit. One additional animal may be kept for each one thousand square feet of area by which such parcel exceeds one-half acre. Temporary club projects exempt (4-H, FFA, etc.).	Article 6.04
Contra Costa	Specific structure setback requirements.	Article 84-14.1402
Lake County	Animal Density Standards for rural residential- 24 chicken per 20,000 sqft. No density requirements for Ag zones.	
Marin	No limits on fowl. Use permit for exotics, not native animals.	Title 22.32.030
Riverside	No male crowing fowl on less than 20,000 sqft. No more than 10 male crowing fowl on 20,000 to 40,000 sqft. 20 mature males allowed in excess of 40,000 sqft.. Must be enclosed and meet setback standards. Crowing rooster permit for 7 or more roosters. 4-H and FFA exceptions.	Chapter 6.05 and 17.206
Sacramento	Only allowed on a 10,000 square foot lot or greater. Conditional use permit to keep rooster as a hobby in residential zones.	NA
Santa Clara	Specific ordinance on rooster keeping. Permit required for 5 or more roosters.	Chapter X
Solano	Watershed and Conservation Districts use permit required. Otherwise no restrictions on Agricultural lands.	Article 28

Sonoma	2 acres or less 50 chickens, greater than 2 acres unlimited. When such farming involves animals which are continuously confined, such as poultry which may result in concentrations of animal waste, the use shall be subject to issuance of a zoning permit.	Chapter 26
Sutter	Specific setback requirements. No limit.	Chapter 15, 1500-6114
Yolo	No limit and no other requirements for roosters.	NA, County website info.
Yuba	Specific setback requirements. No limit.	Title 12

**Note: - Nearly all Counties surveyed limit roosters in residential zones**

### **SUPPORTING DOCUMENTS**

- A . Proposed Ordinance
- B . Poultry Fact Sheet - UC Davis
- C . Animal Welfare "Five Freedoms" Summary
- D . Mature Rooster Email
- E . Rooster Keeping Site Photographs

Napa County Planning Commission: Approve

Reviewed By: John McDowell