



## COUNTY OF NEVADA

### COMMUNITY DEVELOPMENT AGENCY

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**Brian Foss, Planning Director**

Agricultural Commissioner

Building Department

Environmental Health

Planning Department

Dept. of Public Works

## NEVADA COUNTY BOARD OF SUPERVISORS

### Board Agenda Memo

**MEETING DATE:** June 9, 2020

**TO:** Board of Supervisors

**FROM:** **Brian Foss, Planning Director**

**SUBJECT:** Ordinance Amending Section L-II 3.4 of Chapter II Zoning Regulations and adding Section L-II 3.4.1 to Chapter II Zoning Regulations of the Land Use and Development Code to allow a limited number of backyard chickens in R1 and RA zoning districts.

**RECOMMENDATION:** Introduce/Waive further reading and adopt the Ordinance.

**FUNDING:** Not applicable.

**ATTACHMENTS:**

1. Ordinance to amend Section L-II 3.4 of Chapter II Zoning Regulations
2. Draft Backyard Chicken Ordinance with proposed additions underlined
3. April 23, 2020 Planning Commission meeting minutes

**BACKGROUND:**

The current zoning ordinance prohibits backyard chickens in R1 zones and RA properties of less than 0.5 acres but allows chickens on all other rural zone districts. In 2014 an effort began to draft an ordinance to allow a limited number of chickens in R1. However, that effort was put on hold due to additional changes that were being considered at the time involving other animal keeping standards. The effort has now been streamlined to only address backyard chickens based on Board of Supervisors direction at the January, 2020 workshop. The proposed draft ordinance would allow a limited number of chickens, based on parcel size, in the R1 zones and on RA zoned property of less than 0.5 acres as shown on the table below:

PROPERTY SIZE/MAXIMUM NUMBER OF CHICKENS

<b>Base Zoning District</b>	<b>Minimum Lot Size</b>	<b>Maximum Number of Chickens</b>
R1 & RA*	<u>6,000 sq. ft</u>	<u>4</u>
	<u>10,000 sq. ft</u>	<u>8</u>
	<u>20,000 sq. ft</u>	<u>14</u>

\* RA parcels of less than 0.5 acres in size

The allowance of backyard chickens has many benefits. The following summarizes the positives and negatives of backyard chickens.

Benefits of backyard chickens include:

- Eggs- A typical chicken begins laying eggs between four and six months of age. While chickens do not lay eggs every day, on average 3 chickens would lay two eggs per day. It should be noted that production will decrease as the age of the chicken increases. The ability to produce eggs, especially in a time of food shortages as seen during the coronavirus outbreak, is an added benefit.
- Fertilizer- Chicken manure makes excellent fertilizer. Chicken manure is often marketed to backyard gardeners.
- Insect Control- Chickens provide excellent insect control. Chickens commonly consume insects such as beetles, ticks, fleas, and grubs.
- Good Pets- Chicken often makes for good pets. Anecdotal evidence suggests that chickens have their own personality. It is also said that chickens have lower maintenance than dogs or cats.

Negative aspects of backyard chickens are the same as many other pets and include:

- Odor- Fresh chicken manure may have odor. While odor is more significant with commercial chicken operations, the proposed draft ordinance does require that all chicken manure produced be managed in a manner that prevents odors, flies and pests
- Noise- Roosters and other exotic species can be quite noisy. The proposed draft ordinance will prohibit the keeping of roosters, guinea hens or other loud exotic species.

It should also be noted that all other jurisdictions within Nevada County allow the keeping of backyard chickens in one form or another. In Nevada City and Truckee, the allowance of backyard chickens is done on a tiered approach with a minimum parcel size of 2,500 square feet for the allowance of two (2) chickens. Parcel sizes equal or greater than 5,000 square feet are allowed 4 chickens, and those parcels equal or greater than 10,000 square feet are allowed 6 chickens. In Grass Valley, a simplified one size fits all approach is taken, which allows those parcels 5,000 square feet or greater 4 chickens.

The ordinance has been drafted to include protections and standards so that potential nuisances to neighboring properties would be minimized. The standards include a limited number of chickens based on the size of the parcel to ensure there is room on the parcel to accommodate the chickens and to ensure there are larger distances between land uses. The standards also prohibit roosters,

guinea hens and loud breeds of chickens. Manure control standards are required to avoid odors and contamination of offsite properties by run-off or inappropriate stockpiling. Setbacks are required for chicken coops so that there is 10 feet of distance to a property line and at least 30 feet to an adjacent residence. Any feed storage is required to be enclosed to control the attraction of vermin. With the standards in place the allowance of limited number of hens in R1 and RA parcels of less than 0.5 acres is anticipated to be compatible with residential land uses in those zones.

**PUBLIC NOTICE AND PLANNING COMMISSION RECOMMENDATION:**

The draft ordinance with the proposed amendments was circulated for a period of 30 days between March 1<sup>st</sup> and March 31<sup>st</sup>. The draft ordinance was sent to over 250 individuals, homeowner’s associations, public agencies and was noticed in The Union and Sierra Sun newspapers in addition to a posting on the County’s website. No comments were received regarding the proposed Ordinance amendments.

The draft ordinance was discussed at a noticed public hearing before the Planning Commission on April 23, 2020. After some discussion the Planning Commission recommended that the allowed numbers of backyard chickens on the larger parcels be increased. Staff had recommended a maximum of 4 chickens for parcels up to 6,000 square feet, 6 chickens for parcels between 6,001 and 10,000 square feet and 12 chickens for parcels between 10,001 and 20,000 square feet. The Planning Commission recommended increasing the numbers to 8 chickens for parcels between 6,001 square feet and 10,000 square feet and 14 chickens for parcels between 10,001 square feet and 20,000 square feet in size. The draft ordinance has been amended based on this recommendation.

The draft ordinance was discussed at the Agricultural Advisory Commission meeting on May 20, 2020. The AAC supported the Planning Commission’s recommendation to approve the ordinance.

**SUMMARY:**

In summary, the proposed Zoning Ordinance Amendments were prepared on behalf of the Nevada County Agricultural Commissioner and Agricultural Advisory Commission at the direction of the County Board of Supervisors. The draft Ordinance intends to allow limited numbers of backyard chickens in R1 and RA zones where previously the zoning ordinance prohibits the keeping of any chickens. Staff recommends that the Board of Supervisors approve the draft ordinance based on the Planning Commission’s recommendation.

This action requires a public hearing and the ordinance will become effective on July 9, 2020 if approved.

**Approved by:** Brian Foss

**Submittal Date:** May 22, 2020