



## **ORDINANCE NO. 2479**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

#### **AN ORDINANCE AMENDING SECTION L-II 3.4, AND ADDING SECTION L-II 3.4.1 REGARDING BACKYARD CHICKEN KEEPING, TO THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

#### SECTION I:

Pursuant to land Use and Development Code Section L-II 5.9.G, the Board of Supervisors hereby finds and determines as follows:

1. That the zoning text amendments are intended to allow limited keeping of chickens in residential zones for food production and other benefits; and
2. That the proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, and supports personal food production on residential properties; and
3. The County finds that this Article is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

#### SECTION II:

Section L-II 3.4 of Chapter II of the Nevada County Land Use and Development Code is hereby amended to read as shown in Exhibit A attached hereto and incorporated herein by this reference.

SECTION III:

Section L-II 3.4.1 of Chapter II of the Nevada County Land Use and Development Code is hereby added as shown in Exhibit B attached hereto and incorporated herein by this reference.

SECTION IV:

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and adopted this ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION V:

This Ordinance shall take effect and be in full force thirty (30) days from and after introduction and adoption, and it shall become operative on the 9th day of July, 2020, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of June, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Heidi Hall, Chair

6/9/2020 cc: GIS\*  
Union\*  
COB\*  
CoCo\*  
QC\*  
Planning\*

Exhibit "A"

## Section L-II 3.4 Animal Keeping and Raising

- A. Purpose.** The purpose of this Section is to provide standards for the keeping and raising of animals. It is the intent of this Section to encourage the use and protection of agricultural lands, maintain and enhance the County's pastoral character and rural lifestyle, and minimize potential adverse effects on adjoining property from the establishment of incompatible uses related to the keeping and raising of animals.
- B. Definitions.**
1. **Animals, Large** - Horses, mules, donkeys, cattle, goats, sheep, swine, llamas, alpacas, and/or similar livestock.
  2. **Animals, Small** - Common household domestic pets readily classifiable as being customarily incidental and accessory to a permitted residential use when no commercial activity is involved, including, but not limited to, rabbits, guinea pigs, hamsters, fish, snakes, lizards, and small amphibians and reptiles.
  3. **Poultry** - Domesticated birds kept for eggs or meat.
- C. Standards.** The keeping and raising of animals shall meet the standards as provided in Table 3.4. All animals shall be cared for in a manner that does not create a public health problem or a public nuisance, or interfere with the public welfare of surrounding properties. All animal enclosures, pens, and cages shall be maintained so as to discourage the proliferation of flies, other disease vectors, and offensive odors. (Ord. #2223)

**Table L-II 3.4.A**

**Animal Keeping And Raising Standards**

<b>Animal Type</b>	<b>AG, AE, FR, REC, IDR, PD, TPZ, P &amp; OS</b>	<b>RA</b>	<b>R1, R2, R3</b>	<b>Commercial <sup>(1)</sup> &amp; Industrial Districts</b>
Large Animals	No Limit	(2)	Not Allowed	
Small Animals	No Limit			
Dogs and/or Cats <sup>(3)</sup>	No Limit		Not more than 3	
Game fowl, Poultry, and Rabbits	No Limit	(4)	Not Allowed	
Backyard Chickens	No Limit	Allowed on parcels less than 0.5-acre per Section L-II 3.4.1. Parcels larger than 0.5-acre see footnote <sup>(4)</sup>	Allowed in R1 per Section L-II 3.4.1. Not Allowed in R2 and R3	Not Allowed
Aviaries	No Limit <sup>(5)</sup>			
Apiaries <sup>(6)</sup>	No Limit	Not more than 20 colonies per acre		Not Allowed
Chinchillas, Minks, & animals of a similar size	No Limit	(7)	Not Allowed	
Wild, exotic, or non-domestic animals <sup>(8)</sup>	Use Permit		Not Allowed	
Wildlife Rehabilitation Facilities	Administrative Permit <sup>(9)</sup>		Not Allowed	

- (1) Applies to residential uses associated with a mixed-use project within commercial and industrial districts. Does not apply to commercial and industrial uses within these districts.
- (2) The keeping of large animals is not allowed on parcels of less than 0.5 acres in size. On parcels of 0.5 acres to 3 acres, not more than one mature large animal shall be kept for each 0.5 acres of land. This standard may be exceeded subject to approval of a Use Permit. On parcels of more than 3 acres, there is no limit on the number of large animals. There is no limit for occasional mob or rotation grazing where a large number of livestock are confined to a small area for a short period time and moved regularly to keep weeds out and grass down. This table does not apply to commercial stables which require a use permit in rural districts, as allowed by the land use tables.
- (3) Where a maximum number of dogs and cats is listed, any combination of these animals is permitted but may not exceed the total as shown in the Table. On parcels of 0.5 acres or less in size, the maximum is not more than 6 animals, not to exceed 3 dogs, regardless of zoning. Maximums apply to dogs and cats over 6 months of age. This table does not apply to commercial kennels which require a use permit as allowed in rural, commercial, and industrial districts, as required by the land use tables. In addition to the provisions of this Chapter, commercial and private kennels as defined in the Nevada County General Code, Chapter IV, Article 1, section 1.37 require a kennel license from the Nevada County Department of Animal Control.
- (4) The keeping of game fowl, poultry and rabbits is not allowed on parcels of less than 0.5 acres in size. These animals shall be limited to 50 mature animals (over the age of 6 months) per 0.5 acre, except that

1,500 square feet per mature animal (over the age of 12 months) is required for emus, ostriches, peacocks, or other large fowl.

- (5) Aviaries shall not create odor, noise, or any type of public nuisance noticeable to neighbors.
- (6) No apiary shall be located within 100' of any other property boundary without the consent of the adjacent parcel's owner. Apiary locations are further defined in LUDC Chapter XIV, Section 2.3
- (7) The following standards shall apply within the RA District:
  - a. All chinchillas, minks and similar-sized animals shall be maintained in cages or pens and shall not be allowed to run free on-site.
- (8) Wild, exotic, or non-domestic animals are subject to special authorization from the Department of Animal Control. See Nevada County General Code Section G-IV 1.55 for details. Such animals may also be subject to special authorization from the California Department of Fish and Game. Specific wild or non-domestic animals may be kept for rehabilitation purposes as shown in Note 9 and further defined in LUDC Section 3.26.
- (9) Wildlife rehabilitation facilities are allowed subject to an administrative permit if it meets the standards shown in LUDC Section 3.26.



## Section L-II 3.4.1 Backyard Chicken Keeping

- A. Purpose.** To provide opportunities for the onsite raising of domestic chickens in single-family residential (R1) neighborhoods and residential agricultural (RA) zoned properties with lot size less than 0.5 acres.
- B. Definitions.** For purposes of this ordinance, Backyard Chicken shall mean a domestic chick or hen kept on a property and does not include roosters, guinea hens or loud exotic varieties.
- C. Standards.** The keeping of backyard chickens shall be allowed in the RA and R1 Zoning Districts based on compliance with the following requirements and standards:
1. The raising of backyard chickens shall be allowed only on properties containing a single-family dwelling with a fenced rear yard area. Backyard chickens and their eggs are for domestic purposes only with no commercial sales allowed at the property.
  2. All backyard chicken coops shall maintain the following setbacks:
    - a. Property line: 10 feet
    - b. Adjacent Residence: 30 feet
  3. All chicken feed shall be kept within an enclosed container to prevent the attraction of vermin.
  4. All chicken manure produced from backyard chickens shall be managed in a manner that prevents odors, flies and pests.
  5. The following minimum lot size and corresponding maximum number of chickens shall apply:

TABLE 3.4.1.A

PROPERTY SIZE/MAXIMUM NUMBER OF CHICKENS

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

\* RA parcels of less than 0.5 acres in size