

ORDINANCE NO. 684 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE TO ESTABLISH REGULATIONS
FOR THE AGRICULTURAL DISTRICT

WHEREAS, the Land Use Element of the General Plan has established an Agricultural Land Use Category and calls for the creation of a zoning district to permit the types and intensities of land uses applicable to the Agricultural Land Use Category, and

WHEREAS, the City of Paso Robles has initiated Code Amendment 94005 to establish regulations for an Agricultural Zoning District including a "Right to Farm Ordinance" as called for by the General Plan, and

WHEREAS, this code amendment does not conflict with the land use policies of the General Plan and will provide for development within the City that is consistent with the General Plan, and

WHEREAS, public hearings were conducted by the Planning Commission on December 12, 1994 and by the City Council on January 17, 1995, to consider facts as presented in the staff report and to accept public testimony regarding this proposed code amendment, and

WHEREAS, a Negative Declaration has been adopted for this code amendment in accordance with the California Environmental Quality Act, and

WHEREAS, at its meeting of January 17, 1995, the City Council gave first reading to this ordinance, and

WHEREAS, at its meeting of February 7, 1995, the City Council gave second reading to this ordinance, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso de Robles, California, that the Paso Robles Municipal Code is hereby amended as follows:

SECTION I: Section 21.12.010 of Chapter 21.12 is hereby amended to add the words "Agricultural District or AG District" to the list of zoning districts.

SECTION II: Chapter 21.16 is hereby amended to add section 21.16.005 to read as follows:

21.16.005 AG district. Subject to the provisions of Chapter 21.16J, the uses set out in Chapter 21.16J will be allowed and the regulations set out therein shall apply in the AG district.

SECTION III: Section 8.04.150 of Chapter 8 is hereby amended to read as follows:

8.04.150 Limitations. This section shall apply to all zoning districts, except the Agricultural District.

R. Multiple animal types. More than one species of the animals listed in subsections G - Q may be kept on a single site provided the requirements of each subsection and all other applicable provisions of the AG District are complied with for each species, except as following:

1. Where subsection G - Q of this section establishes a minimum site area for specific species, the largest minimum site area applicable to any of the proposed animals shall apply.
2. Where multiple proposed animal species have equivalent animal density requirements established by subsection G - Q, the total number of animals shall not exceed the density requirement.

21.16J.200 Sales of Agricultural Products - Temporary. Temporary retail sales of agricultural products, except hay, grain and feed sales, in the AG District requires Site Plan approval subject to the following:

- A. At least 50% of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other agricultural parcels in the county owned or leased by the owner of the site on which the stand is located. The sale of other than agricultural products is limited to handcrafted items, packaged food and tobacco products, which shall not exceed 10% of all product sales.
- B. Retail sales are conducted for a period not to exceed 120 days in a calendar year. A temporary stand vacated or unused for a period exceeding 60 days is to be entirely removed from the site. Re-establishment of a temporary stand previously authorized by a Site Plan approval does not require re-approval provided that all structures and parking areas are exactly as originally approved, and a building permit is issued, if required.
- C. A minimum of three off-street parking spaces shall be provided.

21.16J.210 Specific Development Standards for Conditionally Permitted Uses.

- A. **Composting/Green Waste Recycling.** Requires Conditional Use Permit approval subject to the following:
 1. Minimum site area: 20 acres.
 2. Setback: Minimum 1000 feet from any school or dwelling other than those on site and no closer than one mile from any residential zone.
 3. Additional notice. The public notice required for a hearing on a Development Plan by Section 21.23A.030 shall include additional mailed notice to all owners of property located within 1,500 feet of the exterior boundaries of the site.
- B. **Livestock Auction/Sales.** Requires Conditional Use Permit approval subject to the following:
 1. Minimum site area: 20 acres.
 2. Setback: Minimum 1000 feet from any school or dwelling other than those on site and no closer than one mile from any residential zone.

3. Additional notice. The public notice required for a hearing on a Development Plan by Section 21.23A.030 shall include additional mailed notice to all owners of property located within 1,500 feet of the exterior boundaries of the site.

C. Packaging and Processing Plants. Requires Conditional Use Permit approval subject to the following:

1. Setbacks: 200 feet from all property lines.
2. Location: 400 feet from all dwelling units other than those on site.
3. The application shall include a description of all processes and equipment proposed for use on the site, and a description of measures proposed to minimize the off-site effects of dust, odor or noise generated by the proposed operation.

D. Sales of Agricultural Products - Year round. Retail sales of agricultural products year round except hay, grain and feed, in the AG District requires Conditional Use Permit approval subject to the following:

1. At least 50% of all products for sale must be grown on the site of the stand, on adjacent contiguous parcels, or on other agricultural parcels in the county owned or leased by the owner of the site on which the stand is located. The sale of other than agricultural products is limited to handcrafted items, packaged food and tobacco products, which are not to exceed 10% of all products for sale.
2. Minimum front setback: 50 feet.
3. Minimum side and rear setbacks: 25 feet, but no closer than 100 feet to any dwelling unit other than those on site.
4. A minimum of five off-street parking spaces shall be provided, accessed by a minimum 24-foot wide driveway. The parking area shall be surfaced with crushed rock or better.

21.16J.220 Right to Farm Ordinance.

A. Definitions

1. "Agricultural Land" shall mean all real property located within the Agricultural District of the City of El Paso de Robles currently used for Agricultural Operations, or upon which Agricultural Operations may in the future be established.
2. "Agricultural Operations" shall mean any agricultural activity, operation, facility, or appurtenances thereof, and shall include, but not be limited to, the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural commodity including, viticulture, apiculture, or horticulture, the raising of livestock, fur bearing animals, fish, or poultry, and any practices performed by a farmer or on a farm as incident to or in conjunction with those farming operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.

3. "Nuisance" shall have the meaning ascribed to that term in California Civil Code Section 3479. California Civil Code Section 3479 reads, in part, as follows: "Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the use of property, so as to interfere with the comfortable enjoyment of life or property is a nuisance."

B. Findings and Policy:

1. It is the declared policy of this City to enhance and encourage Agricultural Operations within the City. It is the further intent of this City to provide to the residents of this City, living within 300 feet of property in the Agricultural District, notification of the City's recognition and support through this ordinance of those persons and/or entities right to farm.
2. Where non-agriculture land uses occur near agricultural areas, Agricultural Operations frequently become the subjects of nuisance complaints due to lack of information about such operations. As a result, agricultural operators may be forced to cease or curtail their operations. Such actions discourage investments in farm improvements to the detriment of agricultural uses and the viability of the City's agricultural industry as a whole. It is the purpose and intent of this ordinance to reduce the loss to the City of its agricultural resources by clarifying the circumstances under which Agricultural Operations may be considered a nuisance. This ordinance is not to be construed as in any way modifying or abridging state law as set out in the California Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of State law relative to nuisances. Instead, it is to be utilized only in the interpretation and enforcement of the provisions of this code and City regulations.
3. An additional purpose of this ordinance is to promote a good neighbor policy by advising purchasers of residential property, and owners of other property in the City, of the inherent potential problems associated with the purchase of such property. Such concerns may include, but are not limited to, the noises, odors, dust, chemicals, smoke and hours of operation that may accompany Agricultural Operations. It is intended that, through mandatory disclosures, purchasers and users will better understand the impact of living near Agricultural Operations and be prepared to accept attendant conditions as the natural results of living in or near agricultural areas.

C. Pre-existing Agricultural Uses Not a Nuisance:

1. No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with property and accepted customs and standards, as established and followed by similar Agricultural Operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it

was not a nuisance at the time it began.

2. Subsection 21.16J.220.C.1 shall not apply if the agricultural activity, operation, or facility, or appurtenances thereof, obstruct the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street or highway.

D. Disclosure

1. The City of El Paso de Robles has determined that the use of real property for Agricultural Operations is a high priority and favored use to the City, and those inconveniences or discomforts arising from legally established agricultural activities or operations, as defined in Chapter 21.16J of the City of El Paso de Robles' Municipal Code, or State law, shall not be or become a nuisance.
2. Disclosure Statement: "The City of El Paso de Robles declares it a policy to protect and encourage Agricultural Operations as defined in Chapter 21.16J of the City of El Paso de Robles' Municipal Code. If your property is located in the incorporated area of the City, in or near the Agricultural District, you may at sometimes be subject to inconvenience or discomfort arising from Agricultural Operations. If conducted in a manner consistent with State law and City Code, said inconveniences and discomforts shall not be or become a nuisance."
3. The Disclosure Statement is given for informational purposes only and nothing in this Ordinance, or in the Disclosure, shall prevent anyone from complaining to any appropriate agency, or taking any other available remedy, concerning any unlawful or improper agricultural practice.
4. The Disclosure Statement set forth above shall be used as described in sections 21.16J.220.E, 21.16J.220.F and 21.16J.220.G.

E. Property Tax Bill Disclosure.

1. The City of El Paso de Robles may mail a copy of the Disclosure Statement to all owners of real property in the City of El Paso de Robles within 300 feet of the Agricultural District with the annual tax bill.

F. Disclosure Upon Transfer of Residential Property.

1. Upon any transfer of real property located in the incorporated area of the City within 300 feet of the Agricultural District by sale, exchange, installment land sale contract (as defined in Civil Code Section 2985), lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units, the transferor shall deliver to the prospective transferee the written Disclosure Statement required by this ordinance. The Disclosure Statement shall be delivered in the manner set forth in Civil Code Sections 1102.2 and 1102.10. Exceptions to the applicability of this

section are set forth in Civil Code Section 1102.1. The written disclosure shall be set forth in, and shall be made on a copy of, the disclosure form attached on file with the City's Community Development Department.

- G. Discretionary Land Use Permit Disclosure.
1. The City of El Paso de Robles shall include the Disclosure Statement described in Section 21.16J.220.C to all discretionary land use permit applications (e.g. conditional use permits, planned developments, tract maps, etc.) administered by the Community Development Department.
- H. Penalty for Violation.
1. Any violation of any of the requirements of this chapter shall be handled as a civil matter between the parties affected and shall not be a misdemeanor or infraction.
- I. Resolution of Disputes. Should any controversy arise regarding any inconvenience or discomfort occasioned by Agricultural Operations conducted in accordance with existing laws, ordinances and regulations, then the parties may notify the Community Development Director or his designee as set forth below in an attempt to resolve the matter:
1. The aggrieved party may notify the Community Development Director or his designee within 30 days of the occurrence of the Agricultural Operation giving rise to the controversy.
 2. Within 15 days after receiving the complaint, the Community Development Director or his designee shall set a meeting with affected parties and shall attempt to mediate the dispute.
 3. If the dispute cannot be successfully mediated by the Community Development Director or his designee, then both parties may agree to present the controversy to a professional mediator. The expense of such mediation shall be the responsibility of the effected parties.
- J. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or the constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, 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.

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LOCAL OPTION REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE INCORPORATED AREA OF THE CITY OF EL PASO DE ROBLES, STATE OF CALIFORNIA, DESCRIBED AS _____. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE DESCRIBED PROPERTY IN COMPLIANCE WITH CHAPTER 21.16J OF THE CITY MUNICIPAL CODE AS OF _____, 19____.

I
SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase this subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE CITY OF EL PASO DE ROBLES, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

"The City of El Paso de Robles declares it a policy to protect and encourage Agricultural Operations as defined in Chapter 21.16J of the City of El Paso de Robles' Municipal Code. If your property is located in the incorporated area of the City, in or near the Agricultural District, you may at sometimes be subject to inconvenience or discomfort arising from Agricultural Operations. If conducted in a manner consistent with State law and City Code, said inconveniences and discomforts shall not be or become a nuisance."

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Seller _____ Date _____

II

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVISE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT

Seller _____ Date _____ Buyer _____ Date _____

Seller _____ Date _____ Buyer _____ Date _____

Agent (Broker Representing Seller) _____ By _____
(Associate Licensee or Broker-Signature)

Date _____ Agent (Broker obtaining the Offer) _____ By _____
(Associate Licensee or Broker-Signature)

Date _____
A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

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SECTION IV: Section 9.04.030 of Chapter 9 is hereby amended to read as follows:

9.04.030 Discharging firearms - Permit. It is unlawful for any person to discharge any firearm of any nature whatsoever within the limits of the city, without first procuring a written permit to do so from the chief of police, except for the following:

- A. The discharge of shotguns for pest control purposes only is allowed on all lots 20 acres or greater within the Agricultural District.

SECTION V: Section 21.15.230 of Chapter 21 is hereby amended to read as follows:

21.15.230 Use permit required. Bed and breakfast rooms serving tourists and visitors may be provided in existing residential structures of historic or architectural significance except in the AG District where new or existing structures may be used.

SECTION VI: Section 21.15.230.c of Chapter 21 is hereby established to read as follows:

21.15.230.c. In the AG District, Section 21.15.240 (conditions for Bed and Breakfast) shall not apply unless conditions are required by building and fire codes.

SECTION VII: Chapter 21.16J Agricultural (AG) District is hereby established to read as illustrated in the attached Exhibit A.

PASSED AND ADOPTED THIS 7th day of February, 1995 by the following roll call vote:

AYES: IVERSEN, HEGGARTY, PICANCO, MARTIN, MACKLIN

NOES: NONE

ABSENT: NONE

COMPLETE DOCUMENT
ON FILE WITH
CITY CLERK

Walter J. Macklin

MAYOR WALTER MACKLIN

ATTEST:

Candace Aschle

CANDACE ASCHLE, DEPUTY CITY CLERK

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CHAPTER 21.16J

AGRICULTURAL DISTRICT

21.16J.010 Purpose. The purpose of the Agricultural or AG District is to allow and protect the operation of agricultural uses, maintain open space and provide viable land uses in areas impacted by airport operations consistent with the Land Use Element of the General Plan.

21.16J.020 Permitted Uses. The following list of permitted uses are subject to development review and performance standards.

A. Permitted Uses

1. Agricultural & Animal Keeping:
 - a. Animal keeping and raising.
 - b. Crop production (dry and irrigated farming, orchards, vineyards).
 - c. Grazing (cattle, sheep).
 - d. Wineries.
2. Residential Uses:
 - a. Single family residential.
3. Institutional, Public & Quasi-Public Uses:
 - a. Day care centers (six or fewer children).
 - b. Public utility facilities: minor facilities only (e.g. wells, pump stations, switching and relay boxes, etc.).
 - c. Transmission & receiving stations (not including ham operators, private microwave and radio dispatch).
4. Retail and Service Commercial:
 - a. Animal hospitals, veterinary clinics (includes overnight boarding as an accessory use).
 - b. Kennels.
 - c. Nurseries - wholesale (not open to the public).
 - d. Sales of agricultural products - Temporary.
 - e. Trailer/temporary building as a construction office or temporary place of business (less than 90 days).
 - f. Wine tasting rooms and ancillary uses.
5. Other Uses:
 - a. Caretaker dwelling units (appurtenant to a commercial business).

B. Uses Subject to Conditional Use Permit: The following uses are subject to approval of a conditional use permit (additional development standards are provided for in section 21.16J.210):

1. Bed and Breakfast.
2. Composting, green waste recycling.
3. Equestrian facilities.
4. Livestock auction/sales yard.
5. Mining for sand, gravel, and/or fill dirt.
6. Packaging and processing plants.
7. Sales of agricultural products (year round).
8. Temporary farm labor housing.
9. Trailer/temporary building as a permanent place of business (more than 90 days).

C. Uses Similar to any of the Above-Listed Uses: Any use not specifically listed above is not permitted unless the Planning Commission or City Council makes a determination that a particular land use is similar to a use which is specifically listed as permitted by right or subject to approval of a conditional use permit.

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21.16J.030 Definitions.

"Accessory Structure" shall mean all buildings or structures that are detached from the main building, such as garages, workshops, and auxiliary structures that are not related to agricultural activities.

"Agricultural Accessory Structure" shall mean all buildings or structures that are detached from the main building, such as barns, animal enclosures, and auxiliary structures that are related to agricultural activities.

"Development project" shall mean all projects requiring Development Plan, Site Plan or Plot Plan review, but specifically excluding grazing, animal keeping and similar activities and accessory structures and agricultural accessory structures, unless the use of the structure significantly increases the intensity of the existing use.

21.16J.040 Development Review. All permitted uses require either a Development Plan, Site Plan or Plot Plan approval as outlined in Chapter 21.23B, except that any level of review specifically called for in this chapter, including no permit required, shall supersede the established thresholds as stated in Chapter 21.23B. In addition, section 21.23B.030.B.3 (regarding all necessary infrastructure has been installed) shall not apply to development within the AG District.

21.16J.050 Dedication of Public Right-of-Ways. All development projects subject to Development Plan or Site Plan approval shall offer to dedicate for public street purposes one-half of the planned street or as otherwise determined by the City Engineer, consistent with the General Plan.

21.16J.060 Street Improvements. All development projects within the AG District shall install street improvements unless exempted by the Public Works Director, Development Review Committee, or Planning Commission, depending on the level of review.

21.16J.070 Water Wells.

- A. All new wells established exclusively for agricultural uses within the AG District are permitted in accordance with Chapter 14 of the Municipal Code.
- B. All new wells established exclusively for domestic uses within the AG District are permitted in accordance with Chapter 14 of the Municipal Code.
- C. Commercial uses within the AG District shall not be permitted to establish water wells unless approved by the Public Works Director or City Council.

21.16J.080 Septic Systems. All development projects within the AG District may be permitted to have septic systems in accordance with Chapter 14 of the Municipal Code subject to City Council approval, in accordance with the California Regional Water Quality Control Board standards.

21.16J.090 Development Standards. The development standards set forth in this section apply to the development of all lots in the AG-District.

- A. Minimum Lot Size: Twenty acres (may include half of the adjacent street right-of-way).
- B. Height Limit: 32 feet for habitable buildings and structures; 50 feet for non-habitable buildings and structures.

- C. **Minimum Setbacks:** The minimum setbacks from City street right-of-ways for all buildings and structures shall be as follows:
1. Front setback: 50 feet.
 2. Street side setback: 50 feet.
 3. Side setback: 25 feet.
 4. Rear Setback: 25 feet.
- D. **Maximum Density Allowed:** For all lots 20 acres or greater, a maximum of two dwelling units per lot are permitted.
- E. **Agricultural Buffers:** The buffer distances established in Table LU-2 of the General Plan may be used as guidelines when considering establishment of a non-agricultural use adjacent to an existing AG zoned parcel.
- F. **Highway 46 Corridor:** Highway 46 is a main entrance into the City and therefore a sensitive viewshed area whose appearance contributes to the perception of the City. All buildings, structures and outdoor activities visible from the Highway 46 corridor shall be reviewed for consistency with General Plan policies. Project review should consider landscaping, scale of development, signage, relationship to natural setting, circulation, and architecture.

21.16J.100 Residential Development. All residential development and related activities shall comply with Chapter 21.16E R-1 District Regulations unless otherwise stated in this chapter.

21.16J.110 Accessory Structures. Accessory structures require a Plot Plan approval prior to issuance of building permits. Development standards for accessory structures shall be the same as those listed in Section 21.16J.090. All accessory structures shall require building permits as necessary to comply with the City's adopted Building Codes.

21.16J.120 Agricultural Accessory Structures. Agricultural Accessory structures require a Plot Plan approval prior to issuance of building permits. Development standards for agricultural accessory structures shall be the same as those listed in Section 21.16J.090. In addition, all agricultural accessory structures shall be setback a minimum of 100 feet from any dwelling units other than those on site, except for existing lots of three acres or less. All accessory structures shall require building permits as necessary to comply with the City's adopted Building Codes.

21.16J.130 Airport Compatibility. All development within the Airport Land Use Area shall comply with the adopted Airport Land Use Plan.

21.16J.140 Agricultural Preserves. All legal lots of record in the Agricultural District are eligible for agricultural preserve contracts under the Williamson Act (California Land Conservation Act of 1965).

21.16J.150 Pest Control. The discharge of shotguns for pest control purposes only is allowed on all lots 20 acres or greater within the AG District. No other types of firearms shall be discharged whatsoever.

21.16J.160 Grading for Agricultural Purposes. All earth moving activities subject to a grading permit for terracing, roads, or other agricultural purposes, not associated with the construction of buildings or structures, requires Plot Plan approval.

21.16J.170 Private Driveways. All driveways shall comply with the standards in section 21.22.060.C except that driveways may be

surfaced with an all-weather surface, as approved by the Fire Chief, in lieu of an asphalt surface.

21.16J.180 Agricultural Overlay Zone. An AG Overlay may be established for existing properties not within the AG District in order to allow agricultural uses for an interim time period to be established by the City Council.

21.16J.190 Animal Raising and Keeping. The raising or keeping of animals as either a primary or accessory use within the AG District shall comply with the requirements of this section.

- A. Purpose. It is the purpose of these regulations to limit under specified circumstances the number of animals allowed and the methods by which domestic, farm and exotic animals are kept on private property. It is the intent of this section to minimize potential adverse effects on adjoining properties, the neighborhood and persons in the vicinity, from the improper management of such animals. Such adverse effects include but are not limited to the propagation of flies and other disease vectors, dust, noise, offensive odors, soil erosion and sedimentation.
- B. Development Review Required: All animal raising activities listed in subsections G through Q require development review as specifically stated, except where no permit required is indicated. In cases where no permit is required, all animal raising activities are still subject to the requirements of this chapter.
- C. Application Content. All animal raising activities listed in subsections G through Q which require Development Plan, Site Plan or Plot Plan approval shall provide the following information as part of the application:
1. Site drainage patterns and a statement of measures proposed by the applicant to avoid soil erosion and sedimentation caused by the keeping of animals.
 2. The applicant's plans for animal waste disposal.
 3. Where the site is located adjacent to a Residential or Parks and Open Space District, a statement of other measures proposed by the applicant for the management of the site and proposed animals to insure that the animals will not become a nuisance to other residents in the vicinity of the site.
- D. Animal Enclosure Setbacks. All outdoor animal enclosures such as corrals, paddocks, and pens shall be setback from adjoining residential uses at least 50 feet from any existing dwelling, swimming pool, patio or other living area on property other than the site, unless a greater setback is required by this chapter.
- E. Maintenance and Operational standards. In addition to the general performance standards for all uses in Chapter 21.21.040, the following shall apply to all uses within the Ag District:
1. Odor and vector control. All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.

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2. Erosion and sedimentation control. In no case shall an animal keeping operation be managed or maintained so as to produce sedimentation on any public road, adjoining property, or in any drainage channel. In the event such sedimentation occurs, the keeping of animals outdoors on the site shall be deemed a nuisance and may be subject to abatement as set forth in Chapter 21.40.

F. Specific animal standards. The following requirements (subsections G through Q) apply to the keeping or raising of specific types of animals, in addition to the applicable standards of this section. More than one type of animal may be kept on a single site, subject also to the provisions of subsection R of this section. Where this subsection limits the number of animals allowed on a site, such limitations shall not apply to unweaned offspring.

G. Bee Raising. Bee raising is permitted subject to regulations established by the County Agricultural Commissioners Office.

H. Birds. The provisions of this subsection apply to the keeping of domestic or exotic birds other than fowl and poultry.

1. Animal density - Fewer than 20 birds: No permit required, unless birds are being kept for commercial purposes which requires Plot Plan approval.

2. Animal density - 20 birds or more: Requires Plot Plan approval.

3. Applicants should be advised that the keeping of imported birds may also require approval by the U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game, and/or California Department of Food and Agriculture, in addition to any approval required by this chapter.

I. Cattle. The provisions of this subsection apply to the keeping of domestic cattle and other similar animals.

1. Animal Density - Maximum of three cattle per acre on any size lot: No permit required.

2. Animal Density - Four or more cattle per acre for a period greater than 45 days is considered a Beef or Dairy Feedlot and requires Development Plan approval subject to the following standards:

a. Minimum site size: 20 acres.

b. All animal enclosures shall be no closer than 400 feet from any dwelling unit other than those on the site and no closer than one mile from any residential district.

c. Additional notice. The public notice required for a hearing on a Development Plan by Section 21.23A.030 shall include additional mailed notice to all owners of property located within 1,500 feet of the exterior boundaries of the site.

J. Fowl and poultry. The provisions of this subsection apply to the keeping of chickens, turkeys or other

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similar animals. Enclosures such as coops and pens are required for all mature fowl and poultry and not allowed free run of a site.

1. Animal density - all sites: Except where greater numbers are authorized through Site Plan or Development Plan approval, the number of fowl or poultry allowed on a site shall be limited to a ratio of one mature animal for each 500 square feet of site area, except that 3,000 square feet per mature animal is required for turkeys.
 2. Animal Density - 20 or less fowl and poultry: No permit required if animal density is not exceeded.
 3. Animal Density - 21 to 99 fowl and poultry: Requires Site Plan approval.
 4. Animal Density - More than 100 fowl or poultry constitutes a poultry ranch and requires Development Plan approval subject to the following:
 - a. Minimum site size: Five acres.
 - b. Additional notice. The public notice required for a hearing on a Development Plan by Section 21.23A.030 shall include additional mailed notice to all owners of property located within 1,500 feet of the exterior boundaries of the site.
- K. Fur-bearing animals. The provisions of this subsection apply to the raising of mink, chinchilla or other animals of similar size. There are no limits to the number of animals or site area required subject to the following:
1. Setback: Minimum 200 feet from any dwelling unit other than those on site.
 2. Enclosure required: All carnivorous animals shall be contained in cages or pens and not be allowed free run of the site.
- L. Goats and Sheep. The provisions of this subsection apply to the keeping of sheep, goats or other animals of similar size at maturity. There are no limits to the number of animals or site area required for the keeping of goats or sheep.
- M. Hogs and Swine. The provisions of this subsection apply to the keeping of any member of the swine family, including but not limited to pigs, hogs and boar.
1. Animal Density:
 - a. Maximum of four (4) swine (three sows and one boar): No permit required subject to the following:
 - i. Setback: Minimum 100 feet from any dwelling other than those on site.
 - b. Five (5) swine or more constitutes a hog ranch and requires Site Plan approval subject to the following:
 - i. Minimum site area: 20 acres.
 - ii. Setback: Minimum 1000 feet from any school or dwelling other than those on

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site and no closer than one mile from any residential zone.

N. Horses and Equestrian Facilities. The provisions of this subsection apply to the keeping of any member of the horse family, including but not limited to donkeys and mules, and the establishment of equestrian facilities.

1. Animal Density - less than 30 horses:
 - a. For sites greater than 8 acres: No permit required.
 - b. For sites less than 8 acres with a maximum of four (4) horses per acre: No permit required.
 - c. For sites less than 8 acres where densities exceed four (4) horses per acre: Requires Plot Plan approval.
2. Animal Density - 30 horses or greater: The keeping of 30 or more animals constitutes a horse ranch which requires Site Plan approval.
3. Equestrian Facilities. The establishment of equestrian facilities including boarding stables (where more than ten horses are boarded), riding schools and academies and horse exhibition facilities (for shows or other competitive events), requires Conditional Use Permit approval.

N. Household Pets. All regulations for household pets in Chapter 8 of the Municipal Code shall apply except that the maximum number of dogs shall be increased from three (3) to six (6). Greater than six dogs constitutes a kennel in the AG District.

O. Rabbit & rabbit farms. The provisions of this subsection apply to the keeping of rabbits or other animals of similar size. There are no limits to the number of animals or site area required for the keeping of rabbits.

P. Worm Farms. The raising of worms is allowed on all lots within the AG District.

Q. Zoo animals. With the exception of animals specified in subsections G through Q of this section, the raising or keeping of animals for private use that are common to zoos, including animals that are carnivores, poisonous or which are not native to North America, requires Plot Plan approval subject to the following:

1. Where the subject animals have satisfied all applicable requirements of the U.S. Department of Agriculture, Fish and Wildlife Service, U.S. Department of Public Health, California Department of Fish and Game and the California Department of Food and Agriculture, the Community Development Director may determine after consultation with appropriate zoological experts that a particular non-carnivorous, non-poisonous animal is substantially similar in its physical characteristics and/or potential effects on a site and persons in the vicinity to one of the animals listed in subsections G through Q of this section.
2. Specific provisions identified by the Community Development Director are necessary to protect the health, safety and welfare of surrounding neighbors.