

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Sunday, October 04, 2009 11:08 AM  
**To:** Planning  
**Cc:** NVLSA member list  
**Subject:** more on regulating chickens

On further reflection, I think your proposed change regarding regulating the number of hens we can have is based on an invalid and unsupportable assumption. You state that to allow us to have any chickens at all in the RS zone you must "change the rules governing the Residential Single (RS) zoning district, which currently prohibit all forms of agriculture". Your implicit assumption seems to be that raising chickens for household use is "agriculture".

Well if it is, then your ordinance must also address all the other agricultural products currently grown for household use, including the apple tree in the back yard, the grapes on the arbor, the roses in the front yard, and the arugula, corn, and tomatoes in the vegetable garden. Surely you are not claiming that your zoning ordinance currently prohibits people from having fruit trees, flower gardens, or vegetable gardens, are you? Or that it somehow entitles you to tell us how many tomato plants we can have? What, exactly, is your definition of agriculture? Does it pretend to violate our inalienable right to grow our own food? If so, then you need a new definition. And if your definition does not prohibit us from growing our own food, then it does not prohibit raising chickens, and you don't need to change the zoning rules.

Your letter asks if recipients would support the proposed changes in the zoning rules. My answer is no, I would not. But I would like you to define agriculture in a way that makes sense and ends this nonsense about telling people how many hens they can keep. Either that, or remove the prohibition against agriculture from the RS zoning rules.

If you are devoting valuable County resources to regulating how many hens we can have, then I would suggest that you have too much time on your hands and that the County could save a good deal of money and be no worse off by significantly reducing the number of people who work in the Planning Department.

George:

Thank you for these comments and your earlier ones. Currently our regulations allow gardening in RS districts, but do not allow chickens or commercial agriculture. I hope we can get an ordinance before the Board that will allow property owners in these districts to raise chickens without fearing that County code enforcement will be called by neighbors, etc. (It happens all the time.) I would appreciate your support, and any suggestions you have as we draft the ordinance.

Hillary

---

**From:** Planning  
**Sent:** Monday, October 05, 2009 7:41 AM  
**To:** Gitelman, Hillary; Giudice, David  
**Subject:** FW: more on regulating chickens

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Monday, October 05, 2009 8:51 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: more on regulating chickens

Hillary:

Can you please point out the place in the RS zoning district regulations where you claim gardening is allowed? I checked 18.52.020 (uses permitted without a use permit) and 18.52.030 (uses permitted upon grant of a use permit) and I could not find it in either place. Here is the link, in case you need it.

<http://www.co.napa.ca.us/FileFrame.asp?Title=Document&Section=gov&ExtURL=/code/2000/ DATA/TITLE18/index.html>

While you are at it, please point out where some other common residential accessory uses are allowed, including wood sheds, propane tanks, retaining walls, perimeter fencing, lawns and irrigation systems, fruit trees, garages, carports, driveways, parking areas, garden sheds, patios, grape arbors, outdoor dining areas, tree swings, lawn chairs, brick barbeques, croquet courts, tennis courts, swimming pools, tree houses, slides and sand boxes, solar panels, dog houses, etc. I couldn't find any of those uses listed, either. And I don't find it credible that any of those uses would be prohibited merely because they are not specifically allowed. If you can't find those uses listed either, then perhaps your contention that a use is prohibited simply because it is not specifically allowed may not be valid and may not be sufficient grounds for claiming that chickens are prohibited.

I think it is more likely that all those uses have always been universally considered accessory uses, as are gardening and raising chickens for household use. And all those unlisted uses, including gardening and raising chickens were not listed as "allowed" simply because whoever wrote that ordinance could not imagine in their wildest dreams that you would some day read this ordinance and conclude that a single family dwelling does not include those uses. If you persist in this interpretation, then your code enforcement officer is going to be very busy writing up violations for each and every one of those 2513 parcels in the RS zone. Chickens will be the least of his problems.

George Bachich

George:

Thanks for this additional message. Gardening is explicitly permitted by the Code (see Section 18.120(A)(6)). Other uses and structures can be considered "accessory" (see Section 18.08.020), but raising chickens is part of "Agriculture" (See Section 18.08.040(C)). I didn't write these rules, but they exist.

My colleagues and I would like to adjust the Code so that property owners in residential districts can legally raise chickens and so that my code enforcement people won't have to respond to calls when one neighbor is fighting with another about their chickens. I'm surprised that you are not supportive, since it

seems like no one's rights are respected if these issues are left to the interpretation of whoever's running the code enforcement program, or whoever is sitting in my chair. Largely at your suggestion, we included a policy in our General Plan saying that we would provide "clear, consistent, timely and predictable" processes. The ordinance that we're proposing to craft would do just that, and would make it clear that raising chickens is permitted. What's the harm in that?

Again, if you have some suggestions about how the ordinance should be crafted, we'd be happy to consider them.

Hillary

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Tuesday, October 06, 2009 10:12 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: more on regulating chickens

Hillary:

Thank you for pointing out that "gardening" is allowed in all zones under "Exceptions" in 18.120 (A)(6). However, I still cannot find any of the other uses I listed below. Are they accessory uses to a single family dwelling, or are they prohibited? If they are prohibited, then I'm not too worried about your code enforcement officer, because his job will have been reduced to the absurd task of investigating, ticketing, and fining anyone with a neighbor who does not like any one of those prohibited uses, which should keep him sufficiently busy that he won't need to worry much about chickens. However, if they are accessory uses, then so is raising chickens for household egg consumption.

**I have two suggestions:**

**1. Treat chicken coops as an accessory use, just like wood sheds, garages, carports, garden sheds, swimming pools, pets, fruit trees, solar panels, and all the other things I listed in the previous message.**

**2. Define "agriculture" to be the "commercial production" of animals and crops, etc.**

As for your twisted logic about protecting everyone's rights, just how does enumerating a very short list of very specific approved uses and flatly stating that all other uses are prohibited protect anyone's rights? Quite to the contrary, each and every rule you make in that form negates our rights to do anything you don't happen to think of when you are writing the ordinance. You "magnanimously" offer to let us have six chickens, and you think we should be eager to go along with you, thereby giving up our right to the seventh and all subsequent chickens, as well as to any turkeys, ducks, geese, guinea fowl, quail, pheasants and anything else you don't specifically list? And you call that protecting our rights? No thanks. You can best protect our rights by not making any more rules of that nature.

If you have any interest in protecting our rights You will structure your ordinances around "prohibited uses", with the understanding that anything not listed is automatically approved. Under the current system we find ourselves in the absurd position of having to imagine and list all the possible uses that we might ever want to make of our property and get them written into the ordinance, or else have them deemed "prohibited". I notice that in your department's (miserably failed) effort to include all possible permitted uses you have even included talking on a cell phone as an acceptable use of property in any zone (see 18.120 "Exceptions"). Well, what about my land line? Am I prohibited from using that? I don't see it listed there. How about using my computer on a DSL line? That's not listed, either. Is that prohibited? How about watching television, using the microwave, turning on the lights, parking my car, or listening to a cd? When our laws are so oppressive that we must have government's permission specifically written into an ordinance in order to legally use a cell phone on our own property, then we have gone beyond the absurd, and it calls into serious question the legitimacy of that whole type of law. I find the idea that using a cell phone would be prohibited if it were not specifically listed highly offensive. I find the idea of having chickens for my own egg consumption prohibited because it is not listed equally offensive.

I still would like an answer to the question posed in the first paragraph. Are all those uses I mentioned prohibited, or are they legitimate accessory uses? This whole issue hinges on that question.

George Bachich

George:

As I indicated in my earlier message, "Agriculture" is already defined by the code (18.08.040) and includes "raising of cattle, sheep, horses, goats, pigs, rabbits and poultry." Thus, while chicken coops and similar small structures can be viewed as accessory *structures*, raising chickens is not currently a legal use in a residential district. Go figure.

If we want raising chickens to be accepted as a legal accessory use in a residential district (we both agree on that, don't we?), we will need to amend the code. We can do this in a variety of ways, but messing with the definition of "agriculture" would not be the easiest. My preference would be to put hens in the same category as gardening. What do you think?

Hillary

PS. I find it quite rude that every email you send me is copied to a list of friends, but I have no ability to send my responses to the same list. In the future, please do not copy your e-mails to me unless you extend me the courtesy of being able to send my responses to the same email list.

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Wednesday, October 07, 2009 1:12 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: more on regulating chickens

Hillary:

I'm sorry that you have felt insulted, but you needn't have. Please rest assured, I forwarded ALL of your responses to the entire landstewards member list, and promise to keep doing so. I really want them to see your responses, and they really enjoy reading them.

However, you still have not answered my question, which is critical to this whole issue.

**Are any of the following uses (which I do not find listed anywhere as approved) allowed as accessory uses to a single family dwelling in the RS zone, or are they prohibited because they are not specifically listed?**

Wood sheds  
Propane tanks  
Retaining walls  
Perimeter fencing  
Lawns and irrigation systems  
Fruit trees  
Garages  
Carports  
Driveways  
Parking areas  
Garden sheds  
Patios  
Grape arbors  
Outdoor dining areas  
Tree swings  
Lawn chairs  
Built-in brick barbeques  
Croquet courts  
Tennis courts  
Swimming pools  
Tree houses  
Slides and sand boxes  
Solar panels  
Dogs  
Dog houses  
Cats  
Hamsters

Canaries  
Chickens  
Chicken Coops  
Ducks  
Talking on a land line  
Using a computer on a DSL line  
Watching television  
Using a microwave oven  
Turning on the lights in the living room  
Parking a car  
Listening to a cd

I admit, some of these sound a little silly, but since you have gone to considerable trouble to write "using a cell phone" into the list of approved uses, presumably based on the premise that it would be prohibited if you had not listed it, we all have to wonder where, exactly, do you draw the line? Are all the above uses prohibited because they are not specifically listed as approved? Or are some of them understood to be a normal part of occupying a single family dwelling? If some are approved because they are generally understood to be accessory uses, then which ones are they, and why?

Please send this list back to me (and I promise to forward it to the entire landstewards member list), indicating which of the uses are accessory uses allowed without a use permit in the RS zone, and which ones are prohibited, and an explanation of your legal reasoning for each.

Once that question is answered, we can continue the dialog about what to do with the ordinance.

George Bachich

George:

Thanks for the continued dialog. Unfortunately, annotating the list provided below would take a lot of time that I can't spend today. I hope you can be satisfied with the explanation that some of these things clearly fall within the definition of "accessory" uses, and some are explicitly included within another definition provided in the code and are therefore not subsumed w/in the category of "accessory" uses. I would put chickens and fences in this later category.

Hillary

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Wednesday, October 07, 2009 10:25 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: more on regulating chickens

Thank you, Hillary.

Now let me make sure I understand correctly. Are you saying an unlisted use IS NOT PROHIBITED unless it is "explicitly included within another definition provided in the code"? If so, that would be a very important piece of good news, so I would like to have you confirm that.

And are you also saying that if a use is included in another definition elsewhere in the code, then it IS PROHIBITED in zones where it is not specifically listed as an approved use? I would like to have you clarify whether that is actually true. You stated that "fence" is in this "prohibited" category. However, if that were to be true, it would be very surprising to me, and especially surprising to all the owners of RS parcels who have perimeter fences, which I think must be the vast majority of them. So I would like to have you set the record straight on that, too. Are perimeter fences prohibited in the RS zone?

You stated that "agriculture" is defined elsewhere, so is prohibited in the RS zone. As you know, the definition of agriculture includes "A. Growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops". Of course, you also pointed out that gardening is specifically approved in all zones, but I don't find a definition for gardening, so my question is: Does gardening include "raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain and similar food crops and fiber crops"? If some are not included, which ones are they and what is your basis for deciding?

While you are at it, I would like to know if some other things are actually prohibited in the RS zone, including, "compost", "composting", "political sign", "recreational vehicle", "non-commercial wind energy system", and "satellite dish", none of which can I find listed as approved uses in the RS zone, and all of which are defined elsewhere in the code. Are you saying that all of these things are prohibited if they are not specifically listed as approved uses in the RS zone?

I also find it curious that "agriculture", which you claim is so broadly defined as to include hens for personal egg consumption, is prohibited in this residential zone, when one of the explicit purposes of revising the zoning ordinance was to "provide for agricultural use in predominantly residential areas". See

18.04.010 Findings.

F. Further, this board deems it necessary, for the purpose of promoting the health, safety and general welfare of the county, to revise the existing zoning ordinance, ..... in accordance with the general plan and the following objectives (emphasis added):

17. To provide for agricultural use in predominantly residential areas where agriculture is and should continue to be a compatible use;

Can you comment on how your interpretation that hens are prohibited everywhere in the RS zone is consistent with this goal ?

Thank you for the continuing dialog.

George Bachich

George:

I think our dialog is getting wildly off course. Perhaps we should get together over a cup of coffee sometime to discuss these issues face to face?

The bottom line is that many of the things you've listed (e.g. tree swings) would fall within the definition of "accessory uses" because they seem to be "subordinate to the main use and customarily a part thereof... clearly incidental... reasonably compatible with the other principal uses in the zoning district, etc. etc." (18.08.020).

Unfortunately, raising of chickens cannot be considered an accessory use (even though it seems like it should), since the code's definition of Agriculture includes "raising of cattle, sheep, horses, goats, pigs, rabbits and poultry." (18.08.040).

My staff and I would like to change the code to allow raising of chickens to be considered either an accessory use (like tree swings) or exempt from these distinctions (like gardening). It seems like that's something you would support.

I suppose another option would be to change the definition of "agriculture," as implied in one of your earlier emails, or to change the uses permitted in the RS district, as implied below. Either of these options sound more complicated and time consuming to me, than the ones that I've suggested, but if there is support out there for either, I'd be happy to head in that direction.

Hillary

George:

See my comments in red (below). I'm heading out of town for a long weekend, so further dialog and our coffee date will have to wait until next week.

HG

---

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Thursday, October 08, 2009 1:52 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: more on regulating chickens

**Hillary:** My comments are in green below. - GB

----- Original Message -----

**From:** [Gitelman, Hillary](#)  
**To:** [George Bachich](#)  
**Sent:** Thursday, October 08, 2009 8:49 AM  
**Subject:** RE: more on regulating chickens

George:

I think our dialog is getting wildly off course. Perhaps we should get together over a cup of coffee sometime to discuss these issues face to face? I don't think we are off course at all. In fact I think we are getting much closer to a solution. I see that we are in agreement on some important things, including that chickens should be allowed. However, I prefer to continue this discussion by email rather than over coffee, so the NVLSA membership can participate without having to crowd 500 people around the coffee table. This is a property rights issue important to all of us. – GB Your 500 friends might feel different about coffee – I've found it always helps when discussing land use regulations. HG

The bottom line is that many of the things you've listed (e.g. tree swings) would fall within the definition of "accessory uses" because they seem to be "subordinate to the main use and customarily a part thereof... clearly incidental... reasonably compatible with the other principal uses in the zoning district, etc. etc." (18.08.020). Good. I'm glad to hear that. - GB

Unfortunately, raising of chickens cannot be considered an accessory use (even though it seems like it should), since the code's definition of Agriculture includes "raising of cattle, sheep, horses, goats, pigs, rabbits and poultry." (18.08.040). By the same logic, then, "fences", "compost", "composting", "political sign", "recreational vehicle", "non-commercial wind energy system", and "satellite dish", cannot be considered accessory uses, either, because they are defined elsewhere in the code. Is that correct? I asked you this question previously, but you did not answer. By the way, I can't find the rule that says something cannot be an accessory use if it is defined elsewhere in the code? Where does it say that in the code? – GB I understand your point about my logic, but in this case, the RS district does not permit Agriculture – in comparison to all of the other County's zoning districts – and the definition of agriculture explicitly includes raising poultry. This gives us no support when citizens call us about their neighbor's chicken coop. A simple code amendment would make it clear to all of us (you, me, the neighbor) that raising chickens is allowed as an accessory (or exempt) use. HG

My staff and I would like to change the code to allow raising of chickens to be considered either an accessory use (like tree swings) or exempt from these distinctions (like gardening). It seems like that's something you would support. I think raising chickens for personal egg consumption is clearly an accessory use, and the people who wrote the definition of agriculture did not have in mind prohibiting

raising a few chickens from being an accessory use, or if some kind of an exclusion was intended, it must have only been for large scale or commercial operations, not for producing eggs for personal consumption. However, even if we continue to disagree on this, your proposal to specifically name chickens as an accessory use in the RS zone would, if carried out, eliminate all other accessory uses not specifically named for the zone, which would be disastrous for property owners in that zone and for the County. As you know, the definition of accessory use includes the following: "Where the zoning regulations applicable to a zoning district specifically identify the accessory uses which are permitted in conjunction with a primary use in that zoning district, no other accessory uses in conjunction with the primary use will be permitted in that zoning district." So specifically naming chickens as an accessory use is not an acceptable solution. The best solution is to simply admit that they are an accessory use and that it would be ludicrous to try interpret the code to mean they are not. – GB I disagree that this can be solved by "interpretation" and I'm surprised that you would suggest this solution given your concern about transparency in government and protecting citizen's rights. If we don't include chickens as an accessory use (which has the disadvantages you mention), then we should go the route of including chickens in the same category as gardening. (I know that's where my chickens live.)

I suspect the underlying problem here is that the County wants to regulate chickens, No we don't! We want to get out of the business of regulating chickens at the same time that we want to find a way to discourage or prohibit large scale rooster farms that are raising roosters for cockfighting. but does not want to go through the legitimate public hearing process to expose this new idea to public scrutiny before writing a new regulation. We are, in fact proposing to go through a public hearing process after we get some citizen input and prepare a draft ordinance. Therefore, it has chosen to reinterpret an old regulation in an entirely new way to achieve the same objective without doing the work (highly reminiscent of the new restrictions on helicopter operations enacted a couple of years ago). I think this approach was taken also to spin this issue in a way that might not arouse too much public opposition. Claiming that chickens are already prohibited and saying we want to liberalize the rules to allow six chickens per parcel has an entirely different spin than the truth, which is that we never thought of regulating chickens before, but since we recently got some complaints we now want to impose a limit of six chickens. I think you should take a more honest approach and admit that limits on chickens have never been considered before, if chickens had never been considered before, they wouldn't be listed in the definition of agriculture and we wouldn't have a long history of getting mired in neighbor disputes about them. could not possibly have been intended when the definition of agriculture was written, and that you want to propose this new restriction we are not proposing new restrictions – we are proposing to eliminate a restriction for public consideration. Then we could have a meaningful public discussion of the merits of this idea and arrive at the decision that is best for everyone. - GB

I suppose another option would be to change the definition of "agriculture," as implied in one of your earlier emails, or to change the uses permitted in the RS district, as implied below. Either of these options sound more complicated and time consuming to me, than the ones that I've suggested, but if there is support out there for either, I'd be happy to head in that direction.

You see, I knew we could reach agreement. Simply redefine agriculture to mean large scale or commercial operations. That way no one can misinterpret it to mean people can't have chickens for personal egg consumption, and the zoning ordinance remains in conformance with objective number 17. Point taken – one option is to amend the definition of agriculture. If you recall, we agreed to do that as an Action Item in the General Plan in order to address something related to wine-food-pairings too. But it won't be as easy as using the "gardening" approach... HG. - GB

Hillary

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Monday, October 12, 2009 11:33 AM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: more on regulating chickens

Hillary:

Our dialog has been somewhat helpful, and I am especially glad to know that you think chickens should be allowed, and that you even have chickens yourself. However, you still have failed to answer some important questions.

1. **Where does it say** that if a use is defined elsewhere in the code, then no form of it can be an accessory use, clearly subordinate to the primary use? Your whole approach hangs on this dubious claim. I can't find it written in the code, and I believe it is untrue, so I challenge it. I think once you recognize that at least some limited forms of agriculture (at an absolute minimum including producing eggs for personal consumption!) can be an accessory use, you will take a different approach to the chicken issue. After all, home winemaking is not prohibited just because wineries are defined in the code. Repairing your own car in your own garage is not prohibited just because auto repair garages are defined in the code. Garage sales or privately selling your car or furniture are not prohibited just because retail sales are defined in the code. Artists are not prohibited from having a studio at home just because art studios and galleries are listed under Commercial Zoning. Repairing your own shoes is not prohibited just because "shoe repair" is listed under Commercial zoning. Hobby wood shops are not prohibited just because "custom cabinet and other similar shops when less than 2500 square feet in size" are listed under Commercial zoning. So why do you say that raising chickens is prohibited just because it is listed under agriculture? Please justify your claim.

2. If you are able to justify your claim that a defined use cannot be an accessory use, then please explain whether "fences", "compost", composting", "political sign", "recreational vehicle", "non-commercial wind energy system", and "satellite dish" can be accessory uses, or whether they are, by omission, prohibited in the RS zone. And if your answer is not clearly consistent with the answer to #1, please explain why.

3. How is your interpretation that "agriculture is prohibited everywhere in the RS zone" consistent with zoning ordinance objective #17? "To provide for agricultural use in predominantly residential areas where agriculture is and should continue to be a compatible use"

4. Please explain how and why chicken coops can be an accessory use, but they are not allowed to have any chickens in them (Implied in your 10/7/09 8:14 am email).

5. Please explain why you think the chicken problem cannot be better solved by any one of the following methods, rather than by limiting the number of chickens we can have.

- A. Using existing nuisance regulations, or modifying them so they can be effective.
  - B. Using the livestock council as mediator
  - C. Enacting the “Wandering Chickens Are Fair Game for the Stewpot” ordinance
6. Please explain how your proposed limit on the number of hens allowed will be fair to:
- A. The 219 families who have the larger parcels in the RS zone.
  - B. The people in the RS zone who would keep their chickens on their own property or whose neighbors have no objection to their chickens.
  - C. People who have lost their jobs in the recession and need to grow their own food.
  - D. People who want to reduce their carbon footprint by producing their own eggs.
  - E. People who firmly believe that the Napa County Planning Department should not be micromanaging their lives unless they are causing someone else a problem.

Take all the time you need, but we consider the answers to all these questions essential to deciding what position we should take on your chicken ordinance proposal.

Thank you for soliciting our input.

George:

The following responses correspond to your numbered questions above:

1. The code does not say that a use that is defined in the code cannot be considered an accessory use. However the County has consistently considered raising chickens to be an agricultural use that is not allowed, either as a principal or accessory use in the RS district.
2. See above.
3. The objectives of the ordinance describe the Board’s regulatory intent, but Section 18.52 et seq. defines permitted uses in the RS district.
4. No one said our code was perfect; that’s why we’re trying to amend it.
5. We currently use suggestions A and B, and would also like to allow hens as an accessory use or as a use that is exempt (like gardening).
6. As I’ve tried to explain, the way the Code currently reads, the County has restricted the number of chickens allowed in the RS district to zero. We are proposing to eliminate this restriction to allow hens and the suggestion on the table is to use six as the maximum number because this is what the City of Napa does, and many parcels in the RS district abut the city boundaries. If you have another suggestion (unlimited chickens?), let’s hear it.

I hope you will reserve judgment on our “chicken ordinance proposal” until you actually see an ordinance. At this point we are seeking general input and have not put pen to paper on ordinance language.

Hillary

**From:** George Bachich [mailto:gbachich@sbcglobal.net]  
**Sent:** Wednesday, October 14, 2009 9:07 PM  
**To:** Gitelman, Hillary  
**Cc:** NVLSA member list  
**Subject:** Re: more on regulating chickens

Hillary:

My responses are also numbered to correspond to your numbered questions above. -  
GB

1) "The County has consistently considered ....." - Does this mean the Board of Supervisors has consistently ruled...., or does it mean that staff has consistently misinterpreted or misapplied the code? It does not make sense that all those other uses can be considered accessory uses while chickens are singled out for special treatment.

6) My suggestion is that the number of chickens not be limited by ordinance, that any limitations be considered or applied only in specific cases where the chickens constitute a nuisance under the nuisance ordinance and the matter cannot be settled between the property owners and the Livestock Council.

George Bachich

George: Thanks for your suggestion and the lengthy back and forth. I think I understand your position and will look forward to another exchange when we have actual ordinance language to consider. Hillary