

PLN24-039

February 29, 2024

Zoning Administrator
County of Santa Clara
70 W. Hedding, East Wing, 7th Floor
San Jose, CA 95110

Re: Zoning Interpretation – Poultry and Egg Farming

The neighbors on Dougherty Avenue are submitting a request for a formal interpretation of the County's Zoning Ordinance provisions relative to the farming of poultry and eggs. The neighbors believe that the Zoning Ordinance establishes provisions to allow residents to raise and/or farm poultry (excluding noise generating fowl) as a matter of right. Please refer to the following Ordinance section:

§2.10.030 Residential Use Classifications (Agriculture Zone District)

Domestic Animals. The keeping of domesticated animals for use or enjoyment within the home or premises by the resident occupants, including non-commercial equestrian activities. All uses within this classification shall fit within one of the following subcategories:

1. Dogs & Cats. The keeping of dogs and cats.
2. Small Animals –Limited. Includes the following small animals: rabbits, guinea pigs, chicken and fowl (but excluding roosters, peafowl, guinea fowl, geese or quacking ducks), and similar species as approved by the Zoning Administrator.
3. Horses. The keeping of horses.

The neighbors also believe that the Zoning Ordinance establishes provisions to permit the deliberate and focused farming of poultry and eggs (including noise generating fowl) through the Conditional Use Permit process assuming the operational standards can be satisfied. Please refer to the following Ordinance sections:

§2.10.040 Non-Residential Use Classifications (Agriculture Zone District)

Agriculture. (Agricultural) Raising of animals, crops, or crop trees, including horticulture, crops grown within greenhouses, vineyards, crop harvesting, livestock farming, apiaries, aviaries, worm farms, fish farms, fur farms, 4-H projects, Future Farmers of America projects, or those of similar groups, grazing, and ranching. This classification excludes uses that have the potential to result in significant off-site impacts (see Dairies, Feed Lots, Industrial Hemp, Livestock Auction

Yards, Mushroom Farms, Poultry & Egg Farms – Commercial). All uses within this classification shall fit within one of the following subcategories:

1. General. The raising of agricultural commodities other than livestock.
2. Livestock. The raising of livestock.
3. Urban. Agricultural activity within an urban setting, scaled and operated to be compatible with adjacent urban land uses. Includes growing of agricultural products and limited raising of livestock. Also includes community supported agriculture, communal gardens, and educational demonstration gardens. Livestock shall be limited to no more than 12 small animals as provided in Note 6 of Table 2.30-1. [Criteria/Findings § 4.10.025].

§2.10.040 Non-Residential Use Classifications (Agriculture Zone District)

Poultry & Egg Farms –Commercial. (Agricultural) Establishments where fowl are raised or kept in confined areas or facilities for the primary purpose of commercial distribution or sale of birds or eggs. [Criteria/Findings § 4.10.240]

We have had numerous conversations with staff, and they disagree with the neighbors' assessment. In fact, they equate poultry farming with livestock farming and believe that Poultry & Egg Farms – Commercial is a separate use type that needs to have greater commercial characteristics to classify it as such. Once again, the neighbors believe that such characteristics are unnecessary given the ordinance is objectively written such that the commercial aspect of poultry farming is inherent to the use. In other words, if the raising or farming of poultry is not a residential use classification, then it must be a non-residential use classification requiring a Conditional Use Permit. We respectfully request an interpretation of the County's Zoning Ordinance provisions. Thank you.



Paul Kermoyan