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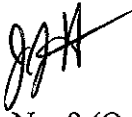
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**MEMO**

**DATE:** October 5, 2010

**TO:** Natural Resources Advisory Committee (NRAC)

**FROM:** Joshua Hart, AICP, Planning Director 

**RE:** NRAC October 14, 2010 Agenda Item No. 9 (Open Space Zoning and Wilderness)

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It has been noted that Wilderness is a permitted use in the Open Space zoning district (refer to attached). Note that Wilderness is not defined in the in the Zoning Ordinance definitions [refer to Inyo County Code (ICC) Chapter 18.06]. In order to amend the Zoning Ordinance, the Planning Commission and the Board of Supervisors must hold public hearings and adopt an ordinance pursuant to ICC Section 18.81.310 et seq. (refer to attached) and relevant State law (California Environmental Quality Act, Planning and Zoning law, etc.).

If the NRAC wishes to recommend changes to the Zoning Ordinance in regards to Wilderness in the Open Space zoning district, staff recommends that the NRAC consider (1) eliminating Wilderness as a permitted use in the Open Space zoning district, (2) conditionally permitting Wilderness in the Open Space zoning district, and/or (3) crafting a definition of Wilderness in ICC Chapter 18.06. Staff plans to present any recommendation to the Board for initiation of a Zoning Reclassification pursuant to ICC Section 18.81.320. The proposed changes may also be incorporated into the Zoning Code update currently in progress.

Thank you. If you have any questions, please call me at (760) 878-0268 or email me at [jhart@inyocounty.us](mailto:jhart@inyocounty.us).

## Chapter 18.12

### OS (OPEN SPACE) ZONE

#### Sections:

- 18.12.010** Purpose.
- 18.12.020** Principal permitted uses.
- 18.12.030** Accessory uses.
- 18.12.040** Conditional uses.
- 18.12.050** Development standards.

#### **18.12.010 Purpose.**

A. The purpose of this chapter is to provide a zone classification for those areas designated as open space by the county general plan so as to encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities.

B. It is the intent of this chapter to establish standards for land uses that will protect and preserve the environmental resources, scenic, natural features, and open space character of the county, while also providing for agricultural development and protection of existing agricultural areas from urban development or residential subdivision.

C. It is also the intent of this chapter to preserve agricultural areas open space around the more intensive urban areas of the county, while providing for compatible multiple use of nonagricultural lands which are principally held by federal and other public agencies. (Ord. 943 § 4 (part), 1994.)

#### **18.12.020 Principal permitted uses.**

The following are the principal permitted uses of the OS zone:

- A. Single-family dwelling, including the use of a mobilehome;
- B. Farms and ranches for orchards, vineyards, field and truck crops, nurseries, greenhouses, vegetables, flower gardening and other enterprises carried on in the general field of agriculture, including agricultural activities directly related to the farm or such as the repair and maintenance of farm and ranch equipment operated on the property; farm and ranch vehicles used on the property; and vehicles used to haul farm and ranch products produced on the property;
- C. Livestock ranches for raising, grazing, breeding, boarding or small animals except as otherwise provided for under Section 18.12.040;
- D. Animal hospitals or kennels, except when the property is adjacent or abuts residential zoned property;
- E. Wildlife refuges; hunting and fishing preserves;
- F. Wilderness areas and wilderness uses. (Ord. 943 § 4 (part), 1994.)

#### **18.12.030 Accessory uses.**

The following are accessory uses permitted in the OS zone:

- A. Dwellings of persons regularly employed on the premises for agricultural or domestic duties; mobile homes; subject to the provisions of state law, may be used for this purpose;
- B. Private garages, parking areas and other structures used for the storage of equipment appurtenant to a permitted use;

C. Home occupations, guest house, signs and advertising, subject to the provisions under Chapters 18.06 and 18.78;

D. Roadside stands, not exceeding four hundred square feet in floor area, for the sale of agricultural produce grown on the premises;

E. Signs and advertising for permitted, accessory or conditional uses in compliance with the provisions of Chapter 18.75 and subject to the provisions of Section 18.12.050;

F. Other uses and accessory buildings customarily appurtenant and clearly incidental to a permitted use including noncommercial agriculture. (Ord. 1007 § 5, 1998; Ord. 943 § 4 (part), 1994.)

**18.12.040 Conditional uses.**

The following are the conditional uses of the OS zone:

A. Public stables, roping arenas, riding academies, parks, campgrounds, private recreational clubs, pack stations, lodges, resorts, and other recreational activities involving development or large assemblages of people;

B. Feed lot, dairies or commercial ranches for the raising of poultry, pigs, goats or rabbits when any of the foregoing are located on property adjacent to residential zoned property;

C. Public and quasi-public buildings and uses of recreational, religious, cultural or public service nature, excluding exterior storage, repair yards and warehouses;

D. Golf course;

E. Farm labor or camp;

F. Cemeteries, crematories, mausoleums and columbariums;

G. Airports, landing fields and airstrips;

H. Public and commercial refuse disposal sites;

I. Mining and processing of natural resources, including borrow pits, subject to the provisions of the California Surface Mining Act;

J. Kennel and animal hospital (when parcel is adjacent to residential zoned property);

K. Agriculturally oriented services, including those uses of land devoted to the provision of buying, selling, processing, storing, packaging and otherwise directly serving functions associated with the production of local agricultural products, and including the operation, storage and maintenance of equipment and implements, and motor vehicles and trailers primarily used to transport local agricultural products and livestock. Manufacturing other than the primary cleaning, sorting, packaging or conversion of local agricultural products is prohibited;

L. Second dwelling units, subject to the requirements and procedures set forth or referred to in Section 18.78.340;

M. Informational kiosks and off-site directional signs complying with the provisions of Chapter 18.75 and subject to the provisions of Section 18.12.050. (Ord. 1007 § 6, 1998; Ord. 997 § 7, 1998; Ord. 943 § 4 (part), 1994.)

**18.12.050 Development standards.**

The following are minimum standards established for development in the OS zone, except as otherwise provided in this title or as modified for conditional uses:

A. Maximum height of buildings:

1. Principal buildings, two and one-half stories or thirty feet,

2. Accessory buildings, two stories or twenty-five feet, except sixty feet for farm buildings or ranch buildings;

B. Minimum parcel size, forty acres, except when a greater minimum area is established pursuant to Section 18.78.055;

- C. Parcel width, five hundred feet;
- D. Front yard, fifty feet;
- E. Rear yard, fifty feet;
- F. Side yard, fifty feet;
- G. Distance between buildings on same parcel, ten feet;
- H. Off-street parking spaces per dwelling unit, two spaces. (Ord. 943 § 4 (part), 1994.)

member of the county supervisors may within the same period call for a review of any such action by notice to the county clerk and such notice shall have the same effect as an appeal, but shall require no fee. Filing of an appeal shall stay all proceedings in furtherance of the action appealed. (Ord. 943 § 4 (part), 1994.)

**18.81.280 Appeals—Transmittal of record.**

Upon notice by the county clerk that an appeal has been filed, the planning commission shall make available for the board of supervisors all documents constituting the record upon which the action appealed was taken. The commission shall be represented at the hearing on the appeal, in order to make known the reasons for its decision. (Ord. 943 § 4 (part), 1994.)

**18.81.290 Appeals—Notice of hearing.**

The county planning commission or board of supervisors shall give notice of the time and place at which the hearing will be held on any appeal filed pursuant to this title to the applicant, to the appellant, to the planning commission and to any other person requesting such notice and depositing with the county clerk a self-addressed, stamped envelope for that purpose, in addition to the requirements of state law. Any such public hearing will be subject to public notification as defined by Sections 18.81.230 through 18.81.260, inclusive, of this chapter. (Ord. 943 § 4 (part), 1994.)

**18.81.300 Appeals—Action of the planning commission or board of supervisors.**

The planning commission or board of supervisors, at the conclusion of the hearing on any appeal filed pursuant to this title, may sustain, modify or overrule the action of the planning director or planning commission in the matter, or may refer any such matter back to the planning director or planning commission. The final order of the board of supervisors on any such appeal shall be effective forthwith. (Ord. 943 § 4 (part), 1994.)

**18.81.310 Amendments—Generally.**

Whenever the county board of supervisors deems it to be for the public interest, this title may be amended by changing the boundaries of the districts or by changing any of its provisions. (Ord. 943 § 4 (part), 1994.)

**18.81.320 Amendments—Initiation.**

An amendment may be initiated by a resolution of the county board of supervisors or of the planning commission, or, in the case of a change in the district boundaries, by an application of one or more property owners. (Ord. 943 § 4 (part), 1994.)

**18.81.330 Amendments—Notice of hearing.**

Upon passage of a resolution or upon receipt of an application in proper form for a change in district boundaries, the proposal shall be set for public hearing before the planning commission. Notice of the time and place of the hearing shall be given as required by the law of the state. The notice shall make known the nature and the extent of the proposed amendment. (Ord. 943 § 4 (part), 1994.)

**18.81.340 Amendments—Action of planning commission.**

After the conclusion of the hearing on a proposed amendment, the planning commission shall make a report and recommendation to the county board of supervisors with respect to the same. (Ord. 943 § 4 (part), 1994.)

**18.81.350 Amendments—Action of board of supervisors.**

Upon receipt of the report of the planning commission on a proposed amendment, the board shall set the matter for public hearing after notice thereof is given as required by law. After the conclusion of the hearing, the board may adopt the amendment proposed, or any part thereof, in such form as the board may deem to be in the public interest. (Ord. 943 § 4 (part), 1994.)

**18.81.360 Duty of planning commission.**

It is the duty of the county planning commission to assure the proper administration of this title, and the commission shall have the power to establish such policies, rules and regulations not in conflict with the state law as are necessary for that purpose. (Ord. 943 § 4 (part), 1994.)

**18.81.370 Violations—Planning department action.**

The planning department shall investigate the matter, and if it is of the opinion that a violation does exist, shall notify the owner of the property involved to show cause why the violation should not cease. If the violation should continue beyond a reasonable period of time required for abatement, the violation shall then be forwarded to the county district attorney for further action. (Ord. 943 § 4 (part), 1994.)

**18.81.380 Violations—Declared nuisance.**

Any building or structure or any use of property contrary to or in violation of this title is unlawful and is a public nuisance. The district attorney may commence proceedings for the abatement and enjoinder thereof in the manner provided by law. (Ord. 943 § 4 (part), 1994.)

**18.81.390 Zoning map of the county.**

The "Zoning Map of the County of Inyo" referred to in Section 18.03.070 is adopted and is incorporated by reference in this title and it assumes full force and effect on May 20, 1970. (Ord. 1128 § 9, 2007; Ord. 943 § 4 (part), 1994.)