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AGENDA ITEM NO.: 8 (Action)

**PLANNING COMMISSION
MEETING DATE:** January 28, 2015

SUBJECT: Zoning Code Update – Animal Maintenance

EXECUTIVE SUMMARY

A member of the public raised concerns regarding the Zoning Code Update's approach to animal maintenance in late 2014, and issue that has been discussed extensively in the past. The Commission will receive a presentation from staff regarding development of the changes proposed to the County's animal maintenance procedures in the Zoning Code Update and potentially provide input.

PROJECT INFORMATION

Supervisory District: County-wide

Recommended Action: Receive a presentation from staff and potentially provide input

Project Planner: Joshua Hart, AICP, Planning Director

BACKGROUND

The County has been working on updating the Zoning Code since 2010. One of the issues discussed extensively through the process has been animal maintenance. Inyo County Code (ICC) Section 18.78.310 regulates such activities. Several iterations of animal maintenance procedures have been considered. A member of the public raised the issue at the Commission's November 5, 2014 meeting.

ANALYSIS

ICC Section 18.78.310 indicates as follows:

A. The maintenance of animals in the residential and mobilehome combined (RMH), one family residential (R-1), two family residential (R-2), and multiple residential (R-3) zones on lots of less than one-half acre are permitted as an accessory use subject to the following conditions:

1. Domestic pets such as dogs and cats are permitted.
2. No animals of any kind shall be bred, raised, maintained or slaughtered for any commercial purpose.
3. No large livestock or large farm animals, such as horses, mules, donkeys, cattle, shall be bred, raised, maintained or slaughtered for any purpose.
4. Small livestock or small farm animals such as pigs, goats, sheep, pigeons, poultry and rabbits may be bred, raised or maintained for domestic or educational purposes subject to the following restrictions:
 - a. Pigs, goats, sheep and similar animals shall not exceed two in number;
 - b. Pigeons, poultry, rabbits and similar animals shall not exceed twenty-five in number;
 - c. No structure or shelter for animals shall be located closer than five feet to any property line;
 - d. Maximum height of any structure or shelter for animals shall be fifteen feet.
5. The breeding, raising, maintenance of animals allowed by subsection A of this section shall comply with all other state and county requirements and ordinances.

B. The maintenance of animals in the residential and mobilehome combined (RMH), one family residential (R-1), two family residential (R-2), and multiple residential (R-3) zones on lots of one-half acre or more, and in all other zones regardless of lot size, shall be permitted as an accessory use so long as such use complies with all other state and county requirements and ordinances.

During preliminary review of the Zoning Code update in 2011, County staff recommended leaving the regulations unchanged. During the Planning Commission's review of the regulations on July 6, 2011, a member of the public raised concerns about a neighbor's animal keeping on a large nearby property. In response, the Planning Commission recommended investigating further options. The Board considered the issues on August 9, 2011, and directed staff to bring it before the Inyo County Agricultural Resources Advisory Board (ARAB) for additional input. On August 22, 2011, the ARAB reviewed the existing code and various approaches to addressing the public concern, and recommended that the standards remain unchanged. The Board and the Planning Commission conducted a joint workshop regarding the entire Zoning Code update on July 10, 2012, and in regards to animal maintenance, directed staff to include a distance requirement between animal maintenance and neighboring residences. The currently proposed regulations are as follows:

1. The maintenance of animals in R-1, R-2, and R-3 zone districts on lots of one-half (½) acre or more, and in all other zone districts regardless of lot size, shall be permitted as an accessory use so long as such use complies with all other State and County requirements and ordinances.
2. The maintenance of animals in R-1, R-2, and R-3 zone district less than one-half (½) acre is permitted as an accessory use subject to the following conditions:
 - a. Breeding, training, and keeping of up to four (4) adult domestic pets such as dogs and cats is permitted.
 - b. Except as specified in Section [REDACTED], no animals of any kind shall be bred, raised, maintained or slaughtered for any commercial purpose.
 - c. No large livestock or large farm animals, such as horses, mules, donkeys, or cattle, shall be bred, raised, maintained or slaughtered for any purpose.
 - d. Small livestock or small farm animals such as pigs, goats, llamas, alpacas, sheep, pigeons, poultry and rabbits may be bred, raised or maintained for domestic or educational purposes subject to the following restrictions:
 - i. Pigs, goats, sheep, llamas, alpacas and similar animals shall not exceed two (2) in number;
 - ii. Pigeons, poultry, rabbits, and similar animals, including breeding and egg production from such animals, shall not exceed twenty-five (25) in number;
 - iii. No structure or shelter for animals shall be located closer than five (5) feet to any property line;
 - iv. No structure or shelter for animals shall be closer than two-hundred (200) feet or one-half (½) the distance between the primary on-site structure and any primary structure(s) on (a) nearby parcel(s), whichever is less, provided that this distance requirement may be reduced through issuance of a Conditional Use Permit;
 - v. Maximum height of any structure or shelter for animals shall be fifteen (15) feet.
 - e. In the R-3 zone district where there are more than one (1) dwelling unit on a property, only domestic pets such as cats and dogs shall be permitted unless otherwise specified by a conditional use permit.
 - f. The breeding, raising, maintenance of animals allowed by this subsection shall comply with all other State and County requirements and ordinances.

Staff understands that the issue raised by the public relates to animal keeping on a lot greater than one-half acre in size, and that therefore, the proposed change would not be effective in addressing the issue. Staff agrees and plans to identify this as an issue to be resolved as the County moves forward in the Zoning Code update.

Prepared and Approved By:

A handwritten signature in black ink, appearing to read "Joshua Hart", with a long horizontal flourish extending to the right.

Joshua Hart, AICP
Director, Inyo County Planning Department