

ITEM No. 13: Discussion and action concerning a possible text amendment to the Yuma County Zoning Ordinance to limit the number of farm animals on parcels of less than five (5) contiguous commercial acres that are zoned RA and that don't meet the minimum parcel size requirements of the zoning district.

Planning Director Maggie Castro, AICP, presented discussion concerning a possible text amendment to the Yuma County Zoning Ordinance to limit the number of farm animals on parcels of less than five (5) contiguous commercial acres that are zoned RA and that don't meet the minimum parcel size requirements of the zoning district.

The purpose of this text amendment is to amend the Yuma County Zoning Ordinance, Section 601.02(D). Currently, if a parcel is zoned Rural Area (RA) and does not meet the minimum parcel size requirement for the zoning district, they can have an unlimited number of animals if the parcel is five (5) or more contiguous commercial acres since they are exempt from zoning. Because the RA district allows the raising of animals by right, the same applies to pre-ordinance nonconforming parcels that are zoned RA and are less than the acreage required by the district. By adding the proposed wording to the Zoning Ordinance, a parcel that is less than five (5) acres and is zoned RA will be able to have a limited number of farm animals.

The proposed changes to the Zoning Ordinance are below. Text that is in bold font is proposed new wording.

Section 601.00--Rural Area Zoning District (RA)

601.01--Purpose

The purpose of this district is to conserve and preserve farms, agricultural related re-sources, continued agricultural use and other open space land uses fostering orderly growth in rural areas, preventing urban and agricultural land use conflicts, and allowing rural lot development with emphasis on preserving the character of farming communities. Principle uses permitted in this zoning district include residential uses on large parcel sizes, farms, agricultural-related land uses, and open space or recreational uses. These regulations apply to all four (4) of the Rural Area districts: Rural Area-40 Acre Minimum (RA-40), Rural Area-20 Acre Minimum (RA-20), Rural Area-10 Acre Minimum (RA-10), and Rural Area-5 Acre Minimum (RA-5).

601.02--Permitted Uses

The following are allowed uses on properties in any of the four Rural Area (RA) zoning districts subject to compliance with the development standards listed below.

- A. One (1) single-family dwelling unit, site-built, factory-built or manufactured home.
- B. Ranch/Farm headquarters office to conduct business related to farming and ranching operations.
- C. Farm Labor housing.
- D. Farms and ranches for the production of crops and/or raising of animals. **On parcels of less than five (5) contiguous commercial acres, the raising of farm animals shall be limited to one (1) animal per ten**

thousand (10,000) square feet of side and rear yard area. Commercial feedlots are only permitted in Heavy Industrial and Intensive Industrial districts.

E. Lakes, ponds, lagoons, irrigation and storm water retention facilities.

F. Home occupations.

G. Plant nurseries, nursery stock, and greenhouses for propagation, cultivation and whole-sale distribution of plants produced on the premises, provided such uses do not include retail sales. Open storage is limited to plants or packaged fertilizer and the buildings and structures used in connection with the operation.

H. Kennels. *32

I. Seasonal roadside stands offering farm products for sale such as vegetables, fruits, pumpkins, flowers, and Christmas trees.

J. Storage of agricultural related equipment. Agricultural related equipment is defined as: mechanical equipment used primarily, but not solely for the production of crops and/or raising of animals, or custom farming services.

K. Warehouse and storage of agricultural products such as bales of alfalfa hay, bales of cotton, citrus, lettuce, fruit cartons and grain silos.

L. Accessory buildings and uses customarily incidental to the above uses such as ga rages and carports, patios, storage sheds, barns, corrals and arenas, private swimming pools, pool house, tennis courts, fish ponds, walls and fences, signs and parking.

STAFF RECOMMENDATION:

Staff recommended forwarding this item to the Board of Supervisors for comments and input

Planning Director Maggie Castro, AICP, explained that staff was asked to review a potential amendment to the zoning ordinance that would limit the number of farm animals on properties that are less than five contiguous commercial acres. Under state statute, properties that are five or more contiguous commercial acres and used for general agricultural purposes are exempt from zoning regulations for agricultural uses. Currently, RA-zoned properties that do not meet minimum acreage requirements may have an unlimited number of farm animals because farm animals are allowed by right in the RA zoning district. Ms. Castro stated if the Board chooses to proceed, the proposed amendment would apply only to RA-zoned properties under five acres and would impose the same farm animal limits that currently exist in the Suburban Ranch and Suburban Site zoning districts.

Vice-Chairman Bryant asked if staff if they had an idea how many parcels this could affect, meaning are there a lot of parcels out there that are zoned RA that are less than five acres.

Planning Director Maggie Castro, AICP, noted that while the exact number has not been calculated, there are many nonconforming properties that do not meet the minimum parcel size requirements and are zoned Rural Area (RA).

Board member Rice asked staff what was the limit.

Planning Director Maggie Castro, AICP, pointed out item D on the staff report, it stated that on parcels that are less than five contiguous commercial acres, the raising of farm animals shall be limited to one animal per 10,000 square feet of side and rear yard area.

Board member Rice asked if it was just one animal.

Planning Director Maggie Castro, AICP, stated that one animal per 10,000 square feet would allow four animals per acre.

Board member Mosqueda asked if it was necessary to define farm animals on a farm.

Planning Director Maggie Castro, AICP, noted that the zoning ordinance currently has a definition of what a small farm animal is versus a large farm animal.

Board member Garcia asked if you're allowed to have four horses and what about if you have a dog, would that make it five.

Planning Director Maggie Castro, AICP, stated a dog is not a farm animal and not livestock.

Board member Garcia asked if a sheep was a pet.

Board member Rosales questioned the reason for requesting the proposed amendment, asking whether there is a significant number of properties under five acres with more than 20 animals that are creating nuisances or generating complaints. They noted that under the proposal, a four-and-a-half-acre parcel could still have up to 19 livestock and questioned whether that amount is truly problematic, especially given that some residents keep animals such as pet pigs or chickens. Mr. Rosales asked whether the request was driven by documented complaints or nuisance issues, or if it was simply a policy decision, and requested clarification on the underlying reasoning for bringing the matter forward.

Board member Rice asked who was going to enforce the change.

Planning Director Maggie Castro, AICP, stated if a complaint was filed and the amendment to the zoning ordinance went through it, then it would go through the zoning violation process and deputy zoning inspector would go out and investigate whether there is a violation.

Vice-Chairman Bryant commented staff has done their part and we can run it up the line to the Board of Supervisors. They will decide that they don't think it should move forward. But if they send it back to us and tell us to work on it, then we can go deeper, so then, the staff needs just direction or motion to send this forward your recommendation.

MOTION (MCDERMOTT/ VAN WHY): Approve as presented.

VOICE VOTE: VOICE VOTE: Mosqueda-AYE; Rice-AYE; Bowers-AYE; Bryant-AYE; Van Why-AYE; Rosales-AYE; McDermott- AYE; Garcia-AYE

The motion carried 8-0.

DRAFT