

AMENDED *Agenda*

County of Inyo Planning Commission

Board of Supervisors Room
Inyo County Administrative Center
Independence, California

INYO COUNTY PLANNING COMMISSION

**Howard Lehwald
Caitlin (Kate) J. Morley
Todd Vogel
Callie Peek
Scott Kemp**

**First District
Second District
Third District (Chair)
Fourth District (Vice Chair)
Fifth District**

Inyo County Planning Commission
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STAFF

Cathreen Richards
Ryan Standridge
Danielle Visuano
Cynthia Draper
Michael Errante
Nate Greenberg
Christian Milovic

Planning Director
Associate Planner
Associate Planner
Assistant Planner
Public Works Director
County Administrator
Assistant County Counsel

This meeting will be held in the Board of Supervisors Room located at 224 N. Edwards Street, in Independence California, beginning at 10:00 a.m.

- Items will be heard in the order listed on the agenda unless the Planning Commission rearranges the order, or the items are continued. Estimated start times are indicated for each item. The times are approximate, and no item will be discussed before its listed time.
- Lunch Break will be given at the Planning Commission's convenience.
- The Planning Commission Chairperson will announce when public testimony can be given for items on the Agenda. The Commission will consider testimony on both the project and related environmental documents.
- The applicant or any interested person may appeal all final decisions of the Planning Commission to the Board of Supervisors. Appeals must be filed in writing to the Inyo County Board of Supervisors within 15 calendar days per ICC Chapter 15 [California Environmental Quality Act (CEQA) Procedures] and Chapter 18 (Zoning), and 10 calendar days per ICC Chapter 16 (Subdivisions), of the action by the Planning Commission. If an appeal is filed, there is a fee of \$300.00. Appeals and accompanying fees must be delivered to the Clerk of the Board Office at County Administrative Center Independence, California. If you challenge in court any finding, determination or decision made pursuant to a public hearing on a matter contained in this agenda, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence delivered to the Inyo County Planning Commission at, or prior to, the public hearing.

Public Notice: In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 878-0263 (28 CFR 35.102-3.104 ADA Title II). Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting. Should you because of a disability require appropriate alternative formatting of this agenda, please notify the Planning Department 2 hours prior to the meeting to enable the County to make the agenda available in a reasonable alternative format (Government Code Section 54954.2).

July 24, 2024

10:00 A.M.

- 1. PLEDGE OF ALLEGIANCE.**
- 2. ROLL CALL – Roll Call to be taken by staff.**

3. **PUBLIC COMMENT PERIOD** – This is the opportunity for anyone in the audience to address the Planning Commission on any planning subject that is not scheduled on the agenda.

4. **APPROVAL OF MINUTES** – Approval of minutes from the June 26, 2024, Planning Commission Meeting.

Action Item 5. **REQUEST FROM INYO COUNTY PURSUANT TO GOVERNMENT CODE SECTION 65402(a) TO REPORT ON INYO COUNTY’S INTENDED ACQUISITION OF THE BISHOP, INDEPENDENCE, AND LONE PINE LANDFILLS, FOR PURPOSE OF CONTINUING LANDFILL OPERATIONS.**

Action Item / Public Hearing 6. **ZONE TEXT AMENDMENT 2024-03/INYO COUNTY-ANIMAL MAINTENANCE**
Staff has drafted a proposed ordinance to update Section 18.78.310 – Animal Maintenance; and Subsections 18.12.020 (D) and 18.12.040 (J) Open Space, of the Inyo County Code to: update and make clear the limitations of the number of animals allowed, by zoning and lot size, and setting forth appropriate conditions for animals to be kept; identify prohibited nuisances; and include a requirement for all kennels to obtain a conditional use permit and kennel license to operate. The project is Exempt from the California Environmental Quality Act by the Common Sense Rule 15061(b)(3). Subsequent conditional use permits for kennels will require additional site specific CEQA evaluations.

7. **COMMISSIONERS’ REPORTS/COMMENTS**

8. **PLANNING DIRECTOR’S REPORT**

9. **ADJORN**

COUNTY OF INYO PLANNING COMMISSION

MINUTES OF JUNE 26, 2024 MEETING

COMMISSIONERS:

HOWARD LEHWALD
CAITLIN (KATE) J. MORLEY
TODD VOGEL
CALLIE PEEK
SCOTT KEMP

FIRST DISTRICT
SECOND DISTRICT
THIRD DISTRICT (CHAIR)
FOURTH DISTRICT (VICE)
FIFTH DISTRICT

Inyo County Planning Commission
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CATHREEN RICHARDS
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RYAN STANDRIDGE
DANIELLE VISUAÑO
CYNTHIA DRAPER
SALLY FAIRCLOTH
NATE GREENBERG
MIKE ERRANTE

PLANNING DIRECTOR
ASSISTANT COUNTY COUNSEL
ASSOCIATE PLANNER
ASSOCIATE PLANNER
ASSISTANT PLANNER
PROJECT COORDINATOR
COUNTY ADMINISTRATOR
PUBLIC WORKS DIRECTOR

The Inyo County Planning Commission met in regular session on Wednesday, June 26, 2024. Commissioner Vogel opened the meeting at 10:01 a.m. These minutes are to be considered for approval by the Planning Commission at their next scheduled meeting.

ITEM 1: **PLEDGE OF ALLEGIANCE** – All recited the Pledge of Allegiance at 10:01 a.m.

ITEM 2: **ROLL CALL** - Commissioners, Todd Vogel, Kate Morley, Scott Kemp, and Howard Lehwald were present.

Staff present: Cathreen Richards, Planning Director, Ryan Standridge, Associate Planner, Sally Faircloth, Project Coordinator and Christian Milovich, Assistant County Counsel.

Staff absent: Nate Greenberg, County Administrator; Michael Errante, Public Works Director.

ITEM 3: **PUBLIC COMMENT PERIOD** – This item provides the opportunity for the public to address the Planning Commission on any planning subject that is not scheduled on the agenda.

Chair Vogel opened and closed the Public Comment Period at 10:03 a.m.
No comments were made.

ITEM 4: **APPROVAL OF MINUTES** – Approval of minutes from April 24, 2024, Planning Commission Meeting.

Commissioner Morley made note of a couple of type errors that were acknowledged and addressed.

MOTION: Commissioner Kemp made the motion to approve the minutes with changes. The motion was seconded by Commissioner Morley.

Minutes were approved unanimously by general consent with Commissioner Peek Absent.

ITEM 5: **STIPULATED ORDER - AMERICAN PERLITE MINE** - The American Perlite Mine is in violation of Reclamation Plan 1990-02 due to unauthorized mining activities. A Stipulation Agreement outlining corrective actions has been drafted, necessitating a hearing for approval. The proposed Stipulated Order mandates compliance with approval conditions, mitigation measures, the reclamation plan, and the Surface Mining and Reclamation Act. Approval of this order is exempt from the California Environmental Quality Act (CEQA) under section 15321, Enforcement Action by Regulatory Agencies.

Ryan Standridge, Associate Planner, presented the staff report along with presenting a slide show.

Commissioners Morley and Lehwald had questions regarding the presentation.

Ms. Standridge addressed the Commission's questions and answered each question to their satisfaction.

Public Comment- Chair Vogel opened Public Hearing at 10:16 a.m.

Mr. John Held was in the audience along with his brother Scott Held. Mr. John Held stated he had the ranch adjacent to the mine and did not have a problem with it, but just wanted to point out some of the issues he has encountered as of recent. Chair Vogel asked Mr. Held if he has attempted any communication with the Mine to resolve his concerns. Mr. Held stated communication was made although not with much success.

Chair Vogel closed the public hearing and opened discussion with the Commissioners at 10:20 a.m.

Commissioner Lehwald asked Ms. Standridge a question that was answered to his satisfaction and thanked Ms. Standridge for her presentation.

MOTION: Chair Vogel moved to approve the Stipulated Order between Inyo County and American Perlite subject to orders one through four and make all necessary findings outlined as A-E as exempt from the California Environmental Quality Act (CEQA) under section 15321.

Commissioner Morley seconded the motion.

The Motion passed 4-0 at 10:27 a.m. with Commissioner Peek absent.

ITEM 6:

ZONE TEXT AMENDMENT 2024-02/INYO COUNTY – MOBILE FOOD

FACILITIES - Staff has prepared a Draft Ordinance to include Mobile Food Facilities as a principal permitted use on private property in the Central Business, Highway Services and Tourist Commercial and Commercial Recreation Zones. The draft also includes regulations to address possible nuisances that may be created by them. The project is Exempt from the California Environmental Quality Act by the Common Sense Rule 15061(b)(3) and 15268 – Ministerial Projects.

Cathreen Richards, Planning Director, presented the staff report. Upon completion of Ms. Richards' presentation, she also introduced Mr. Jerry Oser, the Director of Environmental Health. Mr. Oser was in attendance should there be any questions pertaining to his department's requirements.

All Commissioners had questions and comments regarding the presentation.

Ms. Richards addressed the Commission's comments and answered each question. Mr. Oser also commented that food trucks must prepare food and store it at a commissary.

Chair Vogel asked a question to Mr. Oser regarding proper disposal of fats, oils, and grease from a mobile food truck. Mr. Oser stated that ideally fats, oils and grease would have to go through a grease interceptor. Mr. Oser also stated a food truck should be working with a food facility with a grease interceptor to catch those items.

Commissioner Lehwald expressed his concern about nuisances and hypothetical issues as well as regulating private properties and the possibility of having to police the mobile food trucks.

Ms. Richards addressed Commissioner Lehwald's comment and answered the question.

Public Comment- Chair Vogel opened and closed Public Hearing at 10:48 a.m.

MOTION: Commissioner Morley moved to adopt the resolution recommending that the Board of Supervisors find the proposed project exempt from the requirements of the California Environmental Quality Act (CEQA) and to make findings with respect to and approve Zone Text Amendment ZTA-2024-02/Mobile Food Facilities.

Chair Vogel seconded the motion.

The Motion passed 3-1 at 10:51 a.m. with Commissioner Peek absent.

COMMISSIONER'S REPORT/COMMENTS –

No comments made at this time.

DIRECTOR'S REPORT –

Planning Director, Cathreen Richards, stated there will need to be a Planning Commission meeting on July 24, 2024. Ms. Richards also stated at some point late summer, early fall there will be a residential info project starting which will be focused in Lone Pine, Independence and Big Pine areas for any interested constituents. Lastly, Ms. Richards informed the commission that the Barker Solar project has had a lawsuit filed under CEQA.

ADJOURNMENT:

Chair Vogel motioned to adjourn the meeting at 10:52 a.m.

Seconded by Commissioner Kemp.

Motion passed unanimously.

Prepared by:
Sally Faircloth
Project Coordinator



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AGENDA ITEM NO.:

5 (Action Item – Public Hearing)

**PLANNING COMMISSION
MEETING DATE:**

July 24, 2024

SUBJECT: Inyo County’s intended acquisition of the Bishop, Independence, and Lone Pine landfills, for purpose of continuing landfill operations.

Staff Recommended Action:

1.) Find that the location, purpose and extent of such acquisitions conform with Inyo County’s adopted general plan and issue a report accordingly.

Project Proponent:

County Counsel

STAFF ANALYSIS

Inyo County intends to acquire from LADWP the land underlying the Inyo County landfill operations at Bishop, Independence and Lone Pine. Parcel 1 (on which the Bishop Sunland Landfill is located): located at 110 Sunland Reservation Road, Bishop in the County of Inyo, State of California, identified as a portion of Assessor’s Parcel Number 013-020-07; Parcel 2 (on which the Independence Landfill is located): located at 500 Dump Road, Independence in the County of Inyo, State of California, identified as a portion of Assessor’s Parcel Number 022-140-07; and Parcel 3 (on which the Lone Pine Landfill is located): located at 450 Substation Road, Lone Pine in the County of Inyo, State of California, identified as portions of Assessor’s Parcel Numbers 26-060-05 and 26-060-12. The County intends to continue to use said lands for landfill operations.

Pursuant to Government Code Section 65402(a), “if a general plan or part thereof has been adopted, no real property shall be ...if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition...have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.” As such, the proposed acquisition of the lands underlying the landfill operations by the County is submitted to the Planning Commission for your report on the conformity of that acquisition with the County’s General Plan.

General Plan Consistency

The current General Plan designations for these parcels conform with the current and proposed continued use of landfills. The Bishop Parcel has a Public Facility General Plan

designation; Independence and Lone Pine's are Natural Resources. The Public Facility designation directly allows for solid waste facilities and Natural Resources allows for the use as preservation and production of natural resources by the appropriate handling and burial of solid waste with local soil and at a low profile. The landfills were also established prior to the General Plan adoption by the County.



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AGENDA ITEM NO

6 5 (Action Item – Public Hearing)

PLANNING COMMISSION

MEETING DATE:

July 24, 2024

SUBJECT:

Zone Text Amendment (ZTA) No. 2024-03/Inyo County-Animal Maintenance

EXECUTIVE SUMMARY

Staff has drafted a proposed ordinance to update Section 18.78.310 – Animal Maintenance; and Subsections 18.12.020 (D) and 18.12.040 (J) Open Space, of the Inyo County Code to:

- update and make clear the limitations of the number of animals allowed, by zoning and lot size;
- set forth appropriate conditions for animals to be kept;
- identify prohibited nuisances; and
- include a requirement for all kennels to obtain a Conditional Use Permit (CUP) and kennel license to operate.

The project is Exempt from the California Environmental Quality Act by the Common Sense Rule 15061(b)(3). Subsequent CUPs for kennels will require project specific CEQA evaluations.

PROJECT INFORMATION

Supervisory District: County-wide

Applicants: Inyo County

Landowners: Multiple
Address/

Community: County-wide

A.P.N.: County-wide

Existing General Plan:	N/A
Existing Zoning:	N/A
Surrounding Land Use:	N/A
Recommended Action:	<p>Adopt the attached Resolution, recommending that the Board of Supervisors:</p> <ol style="list-style-type: none"> 1.) Find the proposed project exempt from the requirements of the California Environmental Quality Act. 2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA-2024-03/ Animal Maintenance.
Alternatives:	<ol style="list-style-type: none"> 1.) Recommend modifications to the proposal. 2.) Recommend denial. 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.
Project Planner:	Cathreen Richards

BACKGROUND

Recent code enforcement cases have experienced an increase in those that relate to the keeping of animals in the County. Staff have had a difficult time addressing these cases due to the lack of specific regulations in the current Animal Maintenance section of Title 18 of the County Code. This is especially prevalent regarding the number of animals allowed on a property and the unspecified nuisances they can cause. The lack of specific regulation has also negatively impacted the animals. Many of the complaints that county staff has received do not rise to the level of criminal animal abuse, which would allow Animal Control to seize the animals, but do contain information suggesting that animals are being kept irresponsibly and in substandard conditions. These nuisances include animal hoarding, unclean and unsanitary conditions, and a proliferation of barking. All of these situations can produce, at the very least, unpleasant conditions for both surrounding neighbors and the animals themselves.

ANALYSIS

In reaction to the uptick in animal keeping complaints, staff from the Sheriff's office representing Animal Control, County Counsel, Code Enforcement, Building and Safety, Environmental Health and Planning met on several occasions and discussed the various

cases of unsatisfactory animal keeping in the County and came to the conclusion that some updates to the County code addressing animal maintenance are needed. Planning staff then held meetings with Animal Control staff, the Farm Advisor, County Counsel and Planning Commissioner Peek to work on various ideas to improve animal maintenance in the County while preserving the ability to keep animals for youth agriculture programs, commercial raising for sale, large agriculture operations and personal enjoyment.

Staffs review of the County's Animal Maintenance Section of the Zoning Code found that it is insufficient regarding possible nuisances produced by incompatible animal/people interface, lacks language that supports safe and healthy conditions for animals and does not provide language prohibiting specific nuisances. Code enforcement staff is experiencing more complaints with respect to the nuisances caused by poor animal keeping as well as complaints related animals living in egregious conditions. For example, there have recently been a cases involving: over seventy goats on a one-acre parcel; a house located on a two-thirds-acre lot with fifteen cats being kept inside the house in filthy conditions (caked layers of urine and feces); and, a two-and a-half-acre parcel with fifteen dogs kept in make-shift outdoor cages with no shade or water for cooling, bags of feces surrounding them, that bark incessantly according to the neighbors and some of these dogs were obviously pregnant and others had recently had puppies.

Inyo County is rural and has had a resource-based economy throughout its history. With this is a proud tradition of ranching and equestrian activities as well as an openness to allowing people to keep animals on their property with little interference. Staff is not attempting to change this time-honored tradition, however, feels there needs to be a better balance in animal keeping with a more careful stance on animal welfare. To achieve this, staff has prepared a draft ordinance, to include:

Residential Areas (primarily found in towns)

A. In the one family residential (R-1), two family residential (R-2), and multiple residential (R-3) zones on lots of less than one-half acre animals are permitted as an accessory use subject to the following conditions (there are very few changes to this section):

1. Regardless of age, dogs and cats in any combination shall not exceed five in total. Kennels are not allowed on any lot in these zones.
2. No large livestock or large farm animals, such as horses, mules, donkeys, cattle, shall be bred, raised, maintained or slaughtered for any purpose.
3. Small livestock or small farm animals such as goats, sheep, pigeons, poultry, rabbits, emus, ostriches and other ratites may be bred, raised or maintained for domestic purposes, educational purposes, or as part of a youth agricultural program such as Future Farmers of America, subject to the following restrictions:
 - a. Goats, sheep, alpacas and similar animals, and emus, ostriches and other ratites in any combination shall not exceed two in total.
 - b. Chickens, pigeons, other poultry, rabbits and similar animals in any combination shall not exceed twenty-five in total.

One-half to Five Acre Parcels

The following section that addresses parcels in any zone from one-half to five-acres is new. This is proposed because parcels of this size are frequently found either near other more densely developed areas or within rural subdivisions and are currently not addressed. In fact, after the under-one-half-acre limitation there is no restriction on the number of animals on any lot in the County. Animal/people conflict in these areas has been trending higher, more so than in areas of either larger or smaller lot sizes. These are proposed to be regulated as follows:

B. The maintenance of animals in all zones on lots from one-half acre to five-acres is permitted as an accessory use, subject to the following conditions:

1. Dogs and cats:
 - a. Without a kennel license and conditional use permit, dogs and cats in any combination shall not exceed ten.
 - b. With a kennel license and a conditional use permit, dogs and cats over four months, ten each. Additional animals may be allowed pursuant to the conditional use permit.
2. Large livestock such as horses, mules, donkeys, cattle, one per half acre, in total.
3. Goats, sheep, alpacas and similar animals, four per half acre, in total.
4. Chickens, pigeons, other poultry, rabbits and similar animals, and emus, ostriches and other ratites in any combination shall not exceed twenty-five per half acre, in total.
5. Hogs and pigs, one per acre, in total.
6. For the purpose of determining the applicable limits as stated in subsection (B)(1) to (B)(5), lot size shall be rounded up to the nearest half-acre.

Parcels Greater than Five Acres

This section, related to parcels greater than five acres, has primarily been updated to put limits on dogs and cats and a requirement for conditional use permits for kennels. It basically corresponds to what is allowed currently on lots over one-half-acre, with the exception of dogs and cats.

C. The maintenance of animals on lots greater than five acres are allowed as an accessory use subject to the following conditions:

1. Dogs and cats:
 - a. Without a kennel license and conditional use permit, dogs and cats in any combination shall not exceed ten.
 - b. With a kennel license and a conditional use permit, dogs and cats over four months, twenty each. Addition animals may be allowed pursuant to the conditional use permit.
2. All other animals shall be permitted as an accessory use so long as such use complies with all other state and county requirements.

Currently, the zoning code is completely silent on nuisances that can be produced by animals and poor animal maintenance. Staff is proposing the following language to identify these potential nuisances and provide language to prevent them.

Regulation Directed at Potential Nuisances

D. No structure or shelter including cages, pens and corrals for animals shall be located closer than five feet to any property line, or within ten feet of a stream if the area is vegetated, or thirty feet of a stream if the area is not vegetated.

The new language addressing streams has been added as required by the State Water Board to help remedy water quality issues in the Bishop area.

E. The maximum height of any structure or shelter for animals shall be fifteen feet. This has not changed.

F. The maintenance of animals allowed by subsection A, B and C of this section shall comply with all other state and county requirements and ordinances.

G. No owner of any animal shall do any of the following:

1. Allow an animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, biting, barking, howling or making other noises.
2. Allow an animal to damage or trespass on public or private property.
3. Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons.
4. Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety and welfare.

Enforcing these regulations would be pursuant to Inyo County Code Title 22 and be treated like any other code violation.

FINDINGS

General Plan Consistency

The approval of ZTA 2024-03 is consistent with the Inyo County General Plan as it limits the intensity of animal maintenance in zoning designations that correspond with General Plan designations that support higher housing densities and allows for more intensive animal maintenance in areas with zoning that corresponds with General Plan designations with lower housing densities. This will help to keep the level of possible nuisance conflicts between animals and people to a minimum by limiting the possible interactions.

Zoning Ordinance Consistency

ZTA 2024-03 is consistent with the Inyo County Zoning code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify the limitation on the number of animals allowed and provides regulation to keep possible nuisance conflicts between animals and people to a minimum.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the Common Sense Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since this is a proposal to update Section 18.78.310 of the Inyo County Code pertaining to Animal Maintenance to provide clarity and additional nuisance regulations for an already allowed use, it will not cause a significant effect on the environment. Subsequent CUPs for kennels will require project specific CEQA review.

NOTICING

This project was noticed in the Inyo Register on July 13, 2024 meeting the ten-day requirement.

RECOMMENDATIONS

Staff recommends the Planning Commission adopt the attached resolution recommending the Board of Supervisors consider ZTA 2024-03, make certain findings, and adopt the proposed ordinance updating Section 18.78.310 – Animal Maintenance; and Subsections 18.12.020 (D) and 18.12.040(J) Open Space, of the Inyo County Code.

Recommended Findings

1. The proposed ordinance is covered by the Common Sense Rule 15061(b)(3)
[Evidence: ZTA 2024-03 is consistent with the Inyo County General Plan as it limits the intensity of animal maintenance in zoning designations that correspond with General Plan designations that support higher housing densities and allows for more intensive animal maintenance in areas with zoning that corresponds with General Plan designations with lower housing densities. This will help to keep the level of possible nuisance conflicts between animals and people to a minimum by limiting the possible interactions. Subsequent CUPs for kennels will require project specific CEQA review.]
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
[Evidence: of ZTA 2024-03 is consistent with the Inyo County General Plan as it limits the intensity of animal maintenance in zoning designations that correspond with General Plan designations that support higher housing densities and allows for more intensive animal maintenance in areas with zoning that corresponds with General Plan designations with lower housing densities. This will help to

keep the level of possible nuisance conflicts between animals and people to a minimum by limiting possible interactions.]

3. Based on substantial evidence in the record, the proposed Zoning Ordinance to amend 18.78.310 – Animal Maintenance; and Subsections 18.12.020 (D) and 18.12.040(J) Open Space, of the Inyo County Code is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code.

[Evidence: ZTA 2024-03 is consistent with the Inyo County Zoning code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify the limitation on the number of animals allowed and provides regulation to keep possible nuisance conflicts between animals and people to a minimum.]

ATTACHMENTS

- A. Resolution
- B. Draft proposed ordinance

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF INYO, STATE OF CALIFORNIA, RECOMMENDING THAT THE BOARD OF SUPERVISORS FIND THE PROPOSED PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, MAKE CERTAIN FINDINGS WITH RESPECT TO AND APPROVE ZONE TEXT AMENDMENT NO. 2024-03 INYO COUNTY

WHEREAS, the Inyo County Board of Supervisors, through Inyo County Code (ICC) Section 15.12.040, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance is covered by the Common Sense Rule 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Since this is a proposal to update Section 18.78.310 of the Inyo County Code pertaining to Animal Maintenance to provide clarity and additional nuisance regulations for an already allowed use, it will not cause a significant effect on the environment; and

WHEREAS, the Inyo County Planning Commission held a duly noticed public hearing on July 24, 2024, to review and consider a request for approval of Zone Text Amendment No. 2024-03, and considered the staff report for the project and all oral and written comments regarding the proposal; and

WHEREAS, ICC Section 18.03.020 states in part that it is necessary for the zoning ordinance to be consistent with the General Plan; and

WHEREAS, the approval of ZTA 2024-03 is consistent with the Inyo County General Plan as it limits the intensity of animal maintenance in zoning designations that correspond with General Plan designations that support higher housing densities and allows for more intensive animal maintenance in areas with zoning that corresponds with General Plan designations with lower housing densities. This will help to keep the level of possible nuisance conflicts between animals and people to a minimum by limiting the possible interactions; and

WHEREAS, ZTA 2024-03 is consistent with the Inyo County Zoning code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify the limitation on the number of animals allowed and provides regulation to keep possible nuisance conflicts between animals and people to a minimum.

THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at the July 24, 2024, hearing, including the Planning Department Staff Report, the Planning Commission makes the following findings regarding the proposal and hereby recommends that the Board of Supervisors adopt the following findings for the proposed project:

RECOMMENDED FINDINGS

1. The proposed ordinance is covered by the Common Sense Rule 15061(b)(3) Pursuant to the California Environmental Quality Act (CEQA), that states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This is a proposal to update Section 18.78.310 of the Inyo County Code pertaining to Animal Maintenance to provide clarity and additional nuisance regulations for an already allowed use, which will not produce significant effects to the environment.
2. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment consistent with the Inyo County General Plan as it limits the intensity of animal maintenance in zoning designations that correspond with General Plan designations that support higher housing densities and allows for more intensive animal maintenance in areas with zoning that corresponds with General Plan designations with lower housing densities. This will help to keep the level of possible nuisance conflicts between animals and people to a minimum by limiting the possible interactions.
3. Based on substantial evidence in the record, the proposed Zoning Ordinance Amendment is consistent with Title 18 (Zoning Ordinance) of the Inyo County Code as it does not allow for an expansion of current animal keeping in the County as a use, but instead helps to clarify the limitation on the number of animals allowed and provides regulation to keep possible nuisance conflicts between animals and people to a minimum.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors take the following actions:

RECOMMENDED ACTIONS

1. Approve the Amendments to Title 18 related to Animal Maintenance based on all the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 24th day of July, 2024, by the following vote of the Inyo County Planning Commission:

AYES:

NOES:

ABSTAIN:

ABSENT:

Todd Vogel, Chair
Inyo County Planning Commission

ATTEST:

Cathreen Richards, Planning Director

By _____
Sally Faircloth, Secretary of the Commission

**AN ORDINANCE OF THE INYO COUNTY BOARD OF SUPERVISORS RECINDING
SECTION 18.78.310 REGARDING THE MAINTENANCE OF ANIMALS AND
AMENDING SUBSECTIONS 18.12.020(D) AND 18.12.040(J) OF THE INYO COUNTY
CODE PERTAINING TO ZONING REQUIREMENTS FOR ANIMAL MAINTENANCE**

WHEREAS, Title 18 of the Inyo County Code (ICC) sets forth zoning requirements within the unincorporated area of the County; and

WHEREAS, recent code enforcement cases have shown an increase in nuisances and reports of maltreatment with respect to the keeping of animals on private property throughout the County; and

WHEREAS, county staff has had a difficult time addressing these nuisances due to the lack of specific regulations in the current Animal Maintenance section of the code; and

WHEREAS, the lack of specific regulation negatively impacts the animals. Many of the complaints that county staff has received do not rise to the level of criminal animal abuse, which would allow Animal Control to seize the animals, but do contain information suggesting that animals are being kept in irresponsible, substandard conditions; and

WHEREAS, these nuisances have manifested due to animal hoarding, unclean and unsanitary conditions, and a proliferation of barking. These nuisances can produce, at the very least, unpleasant conditions for both surrounding neighbors and the animals themselves; and

WHEREAS, staff from the Sheriff's office representing Animal Control, County Counsel, Code Enforcement, Building and Safety, Environmental Health and Planning met on several occasions and discussed the various cases of unsatisfactory animal keeping in the county; and

WHEREAS, staff from the Sheriff's office representing animal control, County Counsel, Planning, the Farm Advisor, and a Planning Commissioner worked on various ideas to update the code to address these issues; and

WHEREAS, staff now proposes to amend Section 18.78.310 Animal Maintenance of the Inyo County Code and Subsections 18.12.020 (D), 18.12.040 (J) of the Open Space Zone to provide additional regulation regarding the keeping of animals in the county; and

WHEREAS, the Inyo County Planning Commission held a duly noticed public hearing to consider the proposal to update the Animal Maintenance Section and the Open Space District of the County Zoning Code with regard to consistency with the Inyo County Zoning Code, General Plan, and the California Environmental Quality Act, and concurred with staff recommendations, and approved a resolution recommending approval by the Board of Supervisors; and

WHEREAS, the adoption of this ordinance is Exempt pursuant to CEQA Guidelines 15061(b)(3) the General Rule.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO
ORDAINS AS FOLLOWS:**

SECTION I. All recitals above are incorporated herein as findings.

SECTION II. Section 18.78.310 is amended in its entirety to read as follows:

18.78.310 – ANIMAL MAINTENANCE

- A. The maintenance of animals in the 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. Regardless of age, dogs and cats in any combination shall not exceed five in total. Kennels are not allowed on any lot in these zones.
 2. No large livestock or large farm animals, such as horses, mules, donkeys, cattle, shall be bred, raised, maintained or slaughtered for any purpose.
 3. Small livestock or small farm animals such as goats, sheep, pigeons, poultry, rabbits, emus, ostriches and other ratites may be bred, raised or maintained for domestic purposes, educational purposes, or as part of a youth agricultural program such as Future Farmers of America, subject to the following restrictions:
 - a. Goats, sheep, alpacas and similar animals, and emus, ostriches and other ratites in any combination shall not exceed two in total.
 - b. Chickens, pigeons, other poultry, rabbits and similar animals in any combination shall not exceed twenty-five in total.
- B. The maintenance of animals in all zones on lots from one-half acre to five-acres are permitted as an accessory use, subject to the following conditions:
1. Dogs and cats:
 - a. Without a kennel license and conditional use permit, dogs and cats in any combination shall not exceed ten.
 - b. With a kennel license and a conditional use permit, dogs and cats over four months, ten each. Additional animals may be allowed pursuant to the conditional use permit.
 2. Large livestock such as horses, mules, donkeys, cattle, one per half acre, in total.
 3. Goats, sheep, alpacas and similar animals, four per half acre, in total.
 4. Chickens, pigeons, other poultry, rabbits and similar animals, and emus, ostriches and other ratites in any combination shall not exceed twenty-five per half acre, in total.
 5. Hogs and pigs, one per acre, in total.
 6. For the purpose of determining the applicable limits as stated in subsection (B)(1) to (B)(5), lot size shall be rounded up to the nearest half-acre.
- C. The maintenance of animals on lots greater than five acres are allowed as an accessory use subject to the following conditions:
1. Dogs and cats:

- a. Without a kennel license and conditional use permit, dogs and cats in any combination shall not exceed ten.
 - b. With a kennel license and a conditional use permit, dogs and cats over four months, twenty each. Addition animals may be allowed pursuant to the conditional use permit.
- 2. All other animals shall be permitted as an accessory use so long as such use complies with all other state and county requirements.
- D. No structure or shelter including cages, pens and corrals for animals shall be located closer than five feet to any property line, or within ten feet of a stream if the area is vegetated, or thirty feet of a stream if it is not vegetated.
- E. Maximum height of any structure or shelter for animals shall be fifteen feet.
- F. The maintenance of animals allowed by subsection A, B and C of this section shall comply with all other state and county requirements and ordinances.
- G. No owner of any animal shall do any of the following:
 - 1. Allow an animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, biting, barking, howling or making other noises.
 - 2. Allow an animal to damage or trespass on public or private property.
 - 3. Permit unsanitary conditions to exist on the premises where such animal is kept which would cause odors, attract flies or vermin, or which would be otherwise injurious to the public health, offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood or community or any considerable number of other persons.
 - 4. Maintain a dangerous animal in a manner that creates a significant threat to the public health, safety and welfare.
- H. It shall be unlawful to maintain animals on any property in violation of this chapter. Any person violating any provisions of this chapter may be subject to the provisions of the Inyo County Code Title 22. In addition, animal maintenance contrary to the provisions of this chapter may be declared to be a public nuisance subject to the procedures set forth in Title 22. Such remedies are in addition to and may be sought or imposed concurrently with any other remedy provided by law, regulation, or ordinance.

SECTION III. Section 18.12.020 D is amended in its entirety to read as follows:

Animal Hospitals except when the property is adjacent to or abuts residential zoned property.

SECTION IV. Section 18.12.040 J is amended in its entirety to read as follows:

All Kennels and Animal Hospitals if adjacent to residential property.

SECTION V. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of this ordinance would be subsequently declared invalid or unconstitutional.

SECTION VI. Effective date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption thereof, a summary of this Ordinance shall be published once in a newspaper of general circulation printed and published in the County of Inyo, State of California in accordance with Government Code Section 25124(b). The Clerk of the Board is hereby instructed and ordered to so publish a summary of this Ordinance together with the names of the Board voting for and against same.

PASSED AND ADOPTED this XXXX by the following vote of the Inyo County Board of Supervisors:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson

ATTEST: Nate Greenberg
 Clerk to the Board

By: _____
 Darcy Ellis, Assistant