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AGENDA ITEM NO 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: **Adopt the attached Resolution, recommending that the Board of Supervisors:**

- 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:**
- 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. Additional 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