



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 24, 2015

TO: Pat Modugno, Chair
Stephanie Pincetl, Vice Chair
Esther L. Valadez, Commissioner
David W. Louie, Commissioner
Curt Pedersen, Commissioner

FROM: Bruce Durbin, Supervising Regional Planner *ABD*
Ordinance Studies Section

**SUBJECT: SUPPLEMENTAL INFORMATION
ANIMAL FACILITY ORDINANCE
PROJECT NO. R2015-00319-(1-5)
ADVANCE PLANNING CASE NO. 201500002
September 30, 2015 – AGENDA ITEM #7**

The staff memo dated September 17, 2015, states that no comments were received regarding the Initial Study at the time of the report. The statement is incorrect and it has been brought to staff's attention that a comment letter dated August 25, 2015 was submitted prior to the Commission Hearing Package being mailed out. A copy of this letter is included with this memo for your review.

Six additional comment letters regarding the proposed Animal Facility Ordinance are attached.

Also, please note that the suggested motion has been revised to read as follows:

SUGGESTED MOTION:

"I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND RECOMMEND ADOPTION OF THE NEGATIVE DECLARATION TO THE BOARD OF SUPERVISORS PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I ALSO MOVE THAT THE REGIONAL PLANNING COMMISSION ADOPT THE ATTACHED RESOLUTION AND FORWARD PROJECT NO. R2015-00319-(1-5) TO THE BOARD OF SUPERVISORS FOR CONSIDERATION IN A PUBLIC HEARING."

If you need further information, please contact Larry L. Jaramillo by phone at (213) 974-6432, or by email at ljaramillo@planning.lacounty.gov.

ABD:lj



Three Points-Liebre Mountain Town Council
P. O. Box 76
Lake Hughes, CA 93532
www.threepointstowncouncil.com
3pointsliebremountain@gmail.com
661.724.2043

25 August 2015

Mr. Bruce Durbin, Supervising Planner, Ordinance Studies Section
Mr. Larry Jaramillo, Senior Regional Planning Assistant
County of Los Angeles Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012

Dear Mr. Durbin and Mr. Jaramillo,

Subject: Animal Facility Ordinance, Project No. R2015-00319, Case No(s) RADV T201500002

Our town council has reviewed the proposed changes to Title 22 as it pertains to "Animal Facilities" (Revised Draft 5/7/2015). We are concerned that the recent change to the Antelope Valley Area Plan in the name of "zoning consistency" that converts nearly all A-1, Light Agriculture to A-2, Heavy Agriculture in Northern Los Angeles County will adversely affect our residents as it pertains to this ordinance. Current zoning allows "kennels" in A-2, but the zone changes will allow dog and cat/animal facilities in nearly all rural communities of the Antelope Valley without discretionary permit. Research shows several aspects of these types of businesses to be particularly contentious in spite of proper licensing when they are allowed near residences. We have listed our concerns below:

- Noise levels unacceptable to adjacent residences, essentially twenty-four hours a day, and noise from daytime traffic to and from businesses.
- Disposal of animal waste—offensive odors and pollution. Water run-off to neighboring properties, effects to blue-line streams, Special Management Areas, and Significant Ecological Areas.
- Insects and flies; poisons and insecticides used to control them.
- Traffic issues, including possible dust control (Valley Fever, $Pm_{2.5}$, Pm_{10}) issues on dirt roads with regard to kennels, training facilities, and shelters in rural areas of typically low traffic volume.
- Ineffective enforcement of barking dog or noise ordinances, and further lack of enforcement procedures for repeated violations.

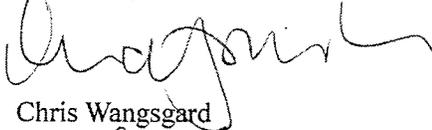
Kennels are a "by right" use in A-2, subject to Regional Planning permits, licensing by Animal Care and Control, and Department of Public Health. Consultation and application of desires of those in dog and cat breeding/training/kennel businesses and insertion of rather large numbers of animals, by right, in 22.24.120 Permitted Uses is unacceptable, especially when considering the proximity of such housing of animals to neighboring properties, as indicated in Section 2, Part 3, B.--which allows placement within fifty feet of habitable structures. Section B, items i, ii, and iii list allowable numbers of cats and dogs: "A maximum of 20 cats and dogs, cumulative, for parcels less than one net acre; a maximum of 50 cats and dogs, cumulative, for parcels one net acre or more, but less than 2.5 net acres; and a maximum of 100 cats and dogs, cumulative, for parcels 2.5 net acres or more" (Page 2/4). This is untenable for neighboring property owners, who, because of

by right use, will not receive notification of the intent to place animal facilities near their homes in A-2 zoned areas. Inexplicably, conditional use permits are required for these facilities in commercial zones and it appears the rights of businesses which may be affected are more important than the rights of individual property owners in A-2 zones.

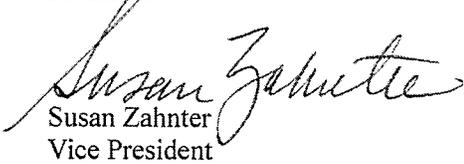
The findings of the initial study for animal facilities as having no significant impacts, we believe, were insufficiently evaluated. The checklist for determining further review or mitigation indicates no biological impacts, and none for effects to local communities with respect to objectionable odors, traffic, etc. Since A-2 facilities that do not exceed the previously described acreage-numbers limits will be ministerially approved, the only projects that will be subject to California Environmental Quality Act review, and public notice, would be those exceeding maximums. We argue that quality of life impacts to nearby residents have been swept aside. Substantial and significant effects related to previously mentioned issues and the numbers of animals allowed under the ordinance meant to "facilitate" the permit process do so at our rural community's expense.

As a town council, it is our stated mission to ensure and enhance the well being of our residents, and to preserve and protect our lifestyle and our property. We believe any proposed animal facility in the A-2 zone be given the same consideration commercial zones receive. A discretionary permit with commensurate public noticing and hearing requirements should be indicated for any such activities that have the propensity to disturb neighboring residents with regard to the concerns listed above, in addition to the possible decline in value or decreased desirability of homes near animal facilities.

Yours truly,



Chris Wangsgard
President



Susan Zahnter
Vice President



Karen Plemmons
Secretary



Diane Phillips
Treasurer



Richard Zahnter
Member-at-Large

CC: Supervisor Michael D. Antonovich, Assistant Deputy Christine Borzaga, Planning Deputy Edel Vizcarra

September 22, 2015

Mr. Larry Jaramillo
LA county Dept. of Regional Planning
Hall of Records
320 West Temple Street
Los Angeles, CA 90012

Re: Draft Animal Facility Ordinance

Dear Mr. Jaramillo

L.A. Animal Care has licensed, inspected and overseen facilities, along with the various regulatory agencies in L.A. County since approximately 1959. Almost since that time, there has been a disparity or inconsistency between the Zoning, Title 22 and Animal Care, Title 10, creating confusion and lack of uniformity for all. This proposed Title 22 Animal Facilities amendment would resolve inconsistency between Title 10 (Animal Care) and Title 22 (Zoning). Kennel owners, over the years, found they were continually being given conflicting and confusing information from various agencies and were grateful that DRP stepped forward to resolve this divergence.

After Title 10 was amended on September 22, 2009, (Section 10.08.065; Section 10.08.070) defining Boarding and Breeding facilities, DRP recommended that Zoning Code adopt the new definitions to avoid conflict with Title 10s licensing provisions. To clarify again, this recommendation was initiated by DRP in 2009, and it was through DRP that this recent proposed amendment was introduced.

There seems to be a misunderstanding regarding the DACC license approval requirements, which has resulted in speculation that there would be a rush of animal owners setting up large kennels. As noted above, there have been boarding and breeding kennels in the area since 1959, before much of the recent development. Prospective kennel owners must now go through a lengthy licensing period, receive permissions or permits to operate from multiple agencies and no facility receives permission to operate without complete approval from every Health, Fire, Zoning, Planning, Environmental and other agencies. Not every license is approved and even after approval, there are unannounced inspections to make sure those restrictions and requirements are met and satisfied. LA DACC has clear, specific guidelines, updated in 2009 with the participation and input from excellent breeders who not only produce wonderful healthy purebred puppies, but who thoroughly health test, show and exhibit to the highest standards in shows and sporting events around the country.

Regarding neighborhood disturbances, whether it is horses creating dust, mucky malodorous corrals, flies, midnight crowing roosters, or neighbors with loud music, that can and should be reported to appropriate local authorities. We who live in rural area expect those noises that are usual and expected, but not din or racket is continual or unsettling to anybody. Kennel owners want to be good neighbors and want good neighbors.

I have been an L.A. County resident and property owner since 1974. I am neither a kennel owner nor an animal breeder, but have been involved with animals in L.A. County through various organizations for many years. I believe that keeping the rural atmosphere of those areas now deemed rural is very important. Horse, cow, goat, chickens and dog breeding are part of the rural family life and needs to be encouraged, with respect and good will for different undertakings.

Stormy Hope
PO Box 500143
Palmdale, CA

cc: Bruce Durbin Supervising Regional Planner, Ordinance Studies Section

AGUA DULCE TOWN COUNCIL

33201 Agua Dulce Canyon Road * Box Number 8 * Agua Dulce, CA 91390

Website: www.adtowncouncil.com

September 17, 2015

Mr. Larry Jaramillo
LA County Dept. of Regional Planning
Hall of Records
320 West Temple Street
Los Angeles, CA 90012

Via Email to: LJaramillo@panning.lacounty.gov

RE: Draft Animal Facility Ordinance

Dear Mr. Jaramillo:

The Agua Dulce Town Council appreciates the opportunity to comment on the Proposed Ordinance relating to Animal Facilities (AFO).

As a Council, we have discussed the proposed ordinance at numerous meetings. The Council appreciates your efforts of additional community outreach regarding the ordinance and your participation in our June and July meetings. Additionally, we acknowledge your willingness to make revisions to the ordinance and are pleased the numbers of animals have been removed. However, the revised ordinance dated August 13, 2015 is still flawed.

While this proposed ordinance was intended to improve the quality and care of animals and ensure responsible and safe dog breeding, we fail to see how that is achieved in the ordinance. As stated in the Initial Study "the goal of the ordinance is to make the Department of Regional Planning's requirements consistent with the existing requirements of the Department of Animal Care and Control. As written, there are still inconsistencies, but the biggest mistake in the ordinance is amending Title 22 to allow dog breeding on any zones other than M-1. Currently, Los Angeles County Code allows for dog breeding only on M-1 zoned property. The inconsistencies are listed below:

- **Animal Facility Definition:** The AFO adds the definition of Animal Facility. That definition is, "*Animal facility means a boarding and/or breeding facility for cats and dogs as licensed and regulated in Title 10 (Animals).*" Title 10 defines Animal Facility with additional uses. "*10.08.031 Animal facility means a lot, building, structure, enclosure or premises for any animal related business or organization, including but not limited to, a non-profit humane organization animal facility (as defined in Section 10.08.175), a grooming shop, a pet shop, a boarding facility, and a breeding facility, which is required to be licensed under Section 10.28.060.*" Title 10 includes additional uses beyond boarding and breeding. Those additional uses are included in Title 22. Pet grooming, excluding boarding are permitted uses in Zones C-M, C-3, MXD-RU, and C-RU. Pet stores are permitted uses in Zones C-M and C-3. There are additional Zones where pet grooming and pet stores are allowed with conditional use permits. For consistency and clarity, Title 22 should define ALL the uses permitted as an Animal Facility and indicate exclusions where necessary in the zoning code.

- Don Henry, President
(661) 268-1731
BH33605@aol.com
- Mary Johnson, Secretary
(661) 492-5999
maryjohnson767@gmail.com
- Troy Fosberg, Treasurer
(818) 854-0031
[damages22@gmail.com](mailto:damage22@gmail.com)
- Steve Cummings, Clerk
(661) 433-3234
hasaranch1@yahoo.com
- Scott Keller, Member
(661) 317-5355
scottwilliamkeller@aol.com
- Ed Porter, Member
(661) 992-3692
porteredward@msn.com
- Lou Vince, Member
(310) 597-7154
Lou@LouVince.com

- **Determination of where Animal Facilities are permitted or conditionally permitted:** Currently, dog breeding is ONLY permitted in Zone M-1. Dog kennels, considered to be boarding facilities are a permitted use in Zone A-2 and conditionally permitted in Zone C-M. Regional Planning staff has incorrectly stated that “Dog kennels are currently allowed in these zones, so by definition, a breeding facility will also be allowed in these zones with the same type of review that is currently required of dog kennels.” This is where the land use issue takes a seriously wrong turn. Just because a definition was added to the Code, the existing land use does not automatically get changed to allow additional uses. While Zone A-2 would allow a boarding facility, a breeding facility needs to be **excluded** along with pet grooming and pet shops. The same reasoning would apply for Zone C-M conditional permits; breeding facilities need to be **excluded**. The language needs to be corrected to state “Zone A-2 permitted uses: Animal facility, excluding breeding, pet grooming, and pet shops.” Animal facility-breeding would only be allowed in Zone M-1.
- **Changes to existing Land Uses:** The proposed ordinance would effectively ADD dog breeding as a permitted use for Zone A-2 and ADD dog breeding as a conditional use for Zone C-M. Land use changes of that magnitude require further study and may require an Environmental Impact Report.
- **Initial Study: Land Use and Planning:** The preparer of the Initial Study incorrectly states “the proposed project is consistent with the County zoning ordinance and there would be no impact.” As stated above, the AFO would add dog breeding as a permitted use for Zone A-2 and add dog breeding as a conditional use for Zone C-M. Adding those land uses is *inconsistent* with County zoning and that factor becomes a “Potentially Significant Impact.”
- **Initial Study: Noise:** The preparer of the Initial Study states “Animal facilities have the potential to create noise from sources such as vehicles visiting the facility, barking and howling from animals kept at the facility, and daily operational activities conducted at the facility.” He then incorrectly states, “While these sources of noise may have some impact, they will not be greater than what is currently permitted and conditionally permitted in the A-2, C-M, and M-1 zones...Therefore, impacts are expected to be less than significant.” In reality, a breeding facility that has 100 permitted dogs may have over 500 dogs on the property including puppies under the age of 4 months. 500 barking dogs becomes a “Potentially Significant Impact.”

By adding a new land use (dog breeding) to Zone A-2 property, compatibility with adjacent properties is compromised. The determination of the Initial Study indicates the proposed project could not have a significant effect on the environment and a Negative Declaration was prepared. The inconsistencies with Land Use and Planning and Noise will have potential significant impacts. The AFO needs mitigation to eliminate the significant impacts or an Environmental Impact Report will be required.

Regional Planning staff has repeatedly stated that Animal Care and Control are the experts in the field. While we do agree, we must limit their expertise to Animal Welfare. Regional Planning is the expert in Land Use and needs to follow County Code as adopted by the Board of Supervisors.

As written, the Agua Dulce Town Council and community are opposed to the proposed revised 2015 Draft Animal Facility Ordinance Edited August 13, 2015. It does not achieve the goals of safe dog breeding and consistency between Title 10 and Title 22. We request the Regional Planning Commission instruct Regional Planning staff to revise and re-examine the AFO to correct the inconsistencies outlined above. Please include these comments as part of the public record and forward our comments on to the Regional Planning Commissioners.

Sincerely,

Don Henry

Don Henry, President
Agua Dulce Town Council – 2015

Cc: Mr. Bruce Durbin, Supervising Regional Planner, Ordinance Studies Section
bdurbin@planning.lacounty.gov
Mr. Edel Viscarra, 5th District Land Use Deputy evizcarra@lacbos.org
Ms. Rosalind Wayman, 5th District Senior Deputy rwayman@lacbos.org

Larry Jaramillo

From: Bernadette [articluv@earthlink.net]
Sent: Tuesday, September 22, 2015 10:59 AM
To: Larry Jaramillo; Bruce Durbin
Subject: ANIMAL FACILITIES DRAFT

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Subject Animal Facilities Draft/ Title 22 amendment, Animal Facility Ordinance.

I am in support of this new Animal Facility Ordinance. This will bring revenue to the areas in which it will affect and also bring the property value up.

Thank you for all your hard work

Bernadette Quercio

P. O. Box 735
Acton, CA 93510
August 17, 2015

Chuck Bostwick, Editor, *Antelope Valley Press*

To the Community:

After having followed the “Proposed Animal Facilities Ordinance” discussion about how it would affect local A-2 property owners, I have two questions for the people who think 50 dogs on one acre is a good idea. (Having 20 dogs on less than a full acre is an even worse idea. Having 100 dogs on 2.5 acres is a disaster.) I agree whole-heartedly that so many dogs crammed into a relatively small space will have a negative impact on adjacent property owners, specifically regarding the noise and the smell. But I question something else. How about the health and welfare of the dogs forced to live in such close proximity to one another? In other words, who benefits from this new ordinance, and who loses?

These questions are particularly relevant since the new ordinance was presented to the Los Angeles County of Regional Planning by the Department of Animal Care and Control with “input” from the Department of Public Works, Public Health, and—the only private sector organization involved—California Responsible Pet Owners Coalition (CARPOC) on March 15, 2011. This coalition seems to promote breeding and very little else. Since I had never heard of them, I looked them up. I suggest you do too: carpoc.org. Their logo includes the words, “Preserving our constitutional rights,” although I couldn’t find anything that explains what those “constitutional rights” *are*. The closest thing they have to a mission statement is that the coalition fights “oppressive anti-animal legislation in the State of California.” But after a brief look at their website, you might conclude, as I did, that they appear to be a group of dog and cat breeders, and that “responsible” exists in their name only, not their goals.

I hope Animal Care and Control is aware of one particular article on CARPOC’s website: “Busted? What to Do When Animal Control Comes Knocking,” by George Eigenhauser, a cat breeder. “Do not let them in, no matter how much they ask.” (carpoc.org/data/busted.pdf) “If you let them in, anything they find ‘in plain sight’ can be used against you. In some circumstances, Animal Control officers, unable to find a legitimate reason to make an arrest, have reported building or zoning violations. This may include caging you attached to a wall without a building permit, that extra outlet in the kitten room, having more pets than allowed by zoning, even extension chords [sic] in violation of fire codes!” Mr. Eigenhauser’s advice (he’s allegedly an attorney) gets even more extreme: “If you are physically injured by the officer, you should photograph the injuries immediately, but do not forego proper medical treatment first.” Does this bizarre article make you wonder why CARPOC is providing Animal Care and Control with “input,” and why Animal Care and Control is accepting it?

And then there’s the March 15, 2011 letter I found on CARPOC’s website from Marcia Mayeda, the director of Animal Care and Control, to the Board of

Supervisors regarding the proposed ordinance. “Crates and other mobile enclosures must be secured so there is no danger to the animals, and enclosures with wire bottoms may only be used temporarily. . . . Dog breeding facilities will be generally limited to housing no more than fifty (50) sexually intact dogs more than 1 (one) year of age.” This number includes adult dogs only. It does not include the number of puppies (they bark and defecate too) on the property, and in the section about crates with wire bottoms, the word “temporarily” is never defined. In addition, “All breeders will be required to separate pregnant females from other adult dogs at least three days before giving birth [and] provide nesting boxes for mothers and litters.” Animal Control is already understaffed. When does Ms. Mayeda think employees will have time to check whether all those pregnant females are three days from giving birth? (<http://file.lacounty.gov/bos/supdocs/59577.pdf>).

Nothing that I could find in the ordinance describes how animals kept in these “facilities” live their day to day lives. **How big are these crates? How long does each dog spend in a cage? Is he or she ever allowed outside? How big are the nesting boxes? At what age are the puppies separated from their mothers? And how long before the female is rebred?**

Under “Local Alerts,” an anonymous CARPOC author writes that she (or he) contacted a County Supervisor’s office, “and the word is that meetings are ongoing about these proposed ordinance changes right now, so letters and phone calls are appropriate.” (<http://carpoc.org/alerts.html>). She adds that the American Kennel Club (AKC) “is aware of this.” Are representatives of America’s only dog breeders’ association going to start showing up at local town council meetings?

CARPOC members have apparently have never considered the possibility that they are infringing on the rights of individual A-2 property owners who have the misfortune to live next to a kennel that can house up to 100 dogs *plus* multiple puppies. But they are organized, and they will show up at the September 30 Board of Supervisors meeting regarding the proposed ordinance. Concerned animal lovers need to organize and show up too, and make their concerns known as clearly and unemotionally as possible. The only facility that could conceivably need to house that many dogs and cats would be a boarding kennel.

Who loses if this ordinance is allowed to stand? The answer is obvious: the dogs, whose health and welfare are jeopardized when they are forced to live in close confinement in breeding facilities like these. Especially vulnerable are individual dogs the breeder can’t sell—and the females that never stop being pregnant.

Who wins? This answer is pretty obvious too: any dog breeding operation “that places profit over the well-being of its dogs—who are often severely neglected—and acts without regard to responsible breeding.” That is how the American Society for the Prevention of Cruelty to Animals (ASPCA) defines a puppy mill.

Joan Fry

cc:

Marcia Mayeda, Director, County of Los Angeles Department of Animal Care and Control
Michael Antonovich et al., Board of Supervisors, County of Los Angeles

(Continued on following page)

Christine Borzaga, Senior Field Deputy for Supervisor Michael Antonovich

Larry Jaramillo, Los Angeles County Department of Regional Planning,

Lillian Smith, Editor, *Agua Dulce/Acton Country Journal*

Chuck Bostwick, Editor, *Antelope Valley Press*

Steve Lopez, Columnist, *Los Angeles Times*

Acton Town Council, President Chris Croisdale

Agua Dulce Town Council, President Don Henry

The Association of Rural Town Councils, Susan Zahnter

Larry Jaramillo

From: Jacki Ayer [airspecial@aol.com]
Sent: Monday, May 04, 2015 1:19 PM
To: Larry Jaramillo
Subject: Re: Animal Facility Ordinance Questions

Hello Larry!

Thank you very much for your considered and quick response. One clarification however; I did not ask about animal shelters; I asked about dog rescue operations, and whether they would be regulated by this draft ordinance. You asked me if they were "personal use" facilities, and I replied that I have no idea how the County classifies them, since many keep the dogs in perpetuity and do not adopt them out or sell them, so they are not really a boarding facility, a pet shop, a breeding facility, an animal shelter a vet operation or even a dog kennel as that term is used in Title 10. I was just trying to understand what part of the A2 zoning code addresses them....

For the purposes of the Acton Town Council meeting tonight, I would really like to confirm that I have the following facts correct:

Currently, the zoning code allows animal hospitals, animal shelters and pounds, dog kennels, dog training schools and veterinary uses as a permitted use on A2 lands. None of these terms are defined in 22.08 however "Small animal veterinary clinic" is defined. The current code does not allow any of these uses as "accessory uses", but as I understand from your email, a 100 dog animal facility and a residence could be co-located because both are allowable "principal uses" because the county deems they are not in conflict with each other.

According to Title 10, "Animal Facility" is defined as: " a lot, building, structure, enclosure or premises for any animal related business or organization, including, but not limited to, a non-profit humane organization animal facility (as defined in Section 10.08.175), a grooming shop, a pet shop, a boarding facility, and a breeding facility, which is required to be licensed under Section 10.28.060. Section 10.08.175 merely requires that the facility be a bona fide charity under 501(c)(3) regulations, and 10.28.060 merely clarifies that animal facilities must be permitted. According to the Department of Animal Control, noise issues are not taken into consideration in making the decision on whether to issue an animal facility permit.

As I understand it, under the new ordinance, any existing residence on a 2.5 acre (net) parcel on A2 land will be allowed to start a 100 dog "Animal Facility" by simply obtaining an "animal facility license" issued by the County Animal Control Department. It is only when the homeowner wishes to have 101 dogs on the property that a CUP will be required, and it is at that point (and only that point) where the county will consider whether the facility could adversely affect the peace of persons residing in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property in the vicinity of the site.

Would it be possible for you to please let me know whether I have any of these facts wrong?

Thank you very much

Jacki Ayer

-----Original Message-----

From: Larry Jaramillo <ljaramillo@planning.lacounty.gov>
To: 'airspecial@aol.com' <airspecial@aol.com>
Cc: Bruce Durbin <bdurbin@planning.lacounty.gov>
Sent: Thu, Apr 30, 2015 3:52 pm
Subject: Animal Facility Ordinance Questions

Hi Jacki,

I called you to follow-up regarding your questions on the Animal Facility Ordinance. As I mentioned in the voicemail, I am providing a written response to your questions regarding the Animal Facility Ordinance.

You asked if more than one primary use may be established on a lot. Per Section 22.12.070.A.2 (Administration of use classifications) of the Zoning Code, it states that more than one principal use may be placed on a single lot or parcel of land where not in conflict with other provisions of Title 22.

Related to the above question, you stated that you have seen Animal Shelters on the same lot as a single family residence. You asked if the two uses may be allowed. As mentioned in the response above, two primary uses may be allowed on a lot if they are not in conflict with any provisions of Title 22. The development must also comply with the applicable requirements of all other county agencies.

To clarify, an Animal Shelter is a separate use from an Animal Facility. An Animal Shelter, as defined in Section 10.08.050 of the Animals Code, means a place where animals impounded by the department of Animal Care and Control are placed for their humane care and keeping. In Title 22, an Animal Shelter is listed as a permitted use in the A-2 zone. Animal Facilities, which are similar to a dog kennel use, will also be listed as a permitted use in the A-2 zone.

You asked if the Animal Facility Ordinance had been noticed for public hearing. On April 1, 2015 I email Susan Zahnter from ARTC to inform her of the Animal Facility Ordinance and provide a brief explanation. In the email I requested that she share the information on the Animal Facility Ordinance with the members of the ARTC. I also indicated that a public hearing was scheduled before the Regional Planning Commission on May 27, 2015.

Larry L. Jaramillo
Senior Regional Planning Assistant

Ordinance Studies
Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012
Phone: (213) 974-6432



Larry Jaramillo

From: Hickling, Norm [NHickling@lacbos.org]
Sent: Monday, June 29, 2015 11:19 AM
To: Larry Jaramillo; Bruce Durbin
Subject: FW: Animal facilities and the ARTC discussion on Wednesday

FYI – email chain

Norm Hickling
Supervisor Antonovich Antelope Valley Field Office
1113 Ave M-4, Suite A
Palmdale, Ca 93551
661-726-3600

From: Jacki Ayer [mailto:airspecial@aol.com]
Sent: Friday, June 26, 2015 10:43 AM
To: 3pointsliebremountain@gmail.com
Cc: maryjohnson767@gmail.com; atc@actontowncouncil.org; Hickling, Norm
Subject: Animal facilities and the ARTC discussion on Wednesday

The CUP requirement for animal facilities in residential areas on CM zones implicitly affirms by argument that animal facility licenses are discretionary and, (more importantly) it acknowledges the potentially significant impacts created by such facilities.

We need to be very careful with Bruce's proposal to take out the numbers though. I would agree to such a change **ONLY IF** it is accompanied by changes to Title 10 which impose concrete noise standards and strengthen noise protections, licensing conditions, and revision/revocation provisions. If title 10 is not changed, then I would not support Bruce's recommendation and I would go much further and argue in favor of requiring CUPs (or minor CUPs) for every animal facility on A2.

I am also disturbed by the direction that the discussion took on Wednesday night.

Bruce stated that the number of animals for a given animal facility that is proposed in the new ordinance (20, 50, 100) is written into Title 10 in at least 2 places. That is simply not true. Title 10 establishes licensing fees based on these numbers (see 10.90) and it also establishes inspection schedules for **breeding facilities** based on whether they have 50, 75, 100, 125 or 150 dogs (see 10.40). A breeding facility is a separate and distinct type of animal facility and it does not include hobby breeders. I searched the entire title 10 ordinance, and these are the only instances in which animals numbering 50 or 100 are ever considered.

Simply put the animal numbers proposed for the ordinance (20, 50, 100) are not established or codified **anywhere** in Title 10, and Bruce's statements to the contrary are in error.

I also stand by the statement I made on Wednesday that it appears no animal facility permit has ever been revoked, modified or denied based on noise issues. Various attendees disagreed with me and said licenses had been revoked in the past. I have investigated all of these claims, and found that the revocations stemmed from health and sanitation concerns, not noise.

The only place where I could find any reference to noise concerns in all of title 10 is 10.12.170 (which obligates the department of animal control to investigate noise complaints) and 10.45.065 (which just says that anyone who permits a public nuisance after being noticed by the Dept. of Animal control regarding such nuisance is guilty of a misdemeanor). These provisions are provided below. There is nothing about reconsidering the Animal Facility license, reducing the number of animals, or even removing the animals at all. It is merely a misdemeanor and if the DA chooses not to pursue it, your only choices are to just endure the nuisance or try take some sort of legal action on your own (what that might be. I have no idea).

NOTE: my research indicates that the DA has never pursued any noise nuisance claims to the point where a misdemeanor violation is issued; the DA's concerns appear limited to sanitary and health violations.

At the next ATC meeting, I will be asking the council to request a copy of the written policies and procedures that the Department of Animal Control uses when investigating animal facility complaints of any kind (noise, health, etc.) so that we can really get a handle on what system is in place today which will hopefully put us in a better position to recommend changes.

Anything received will of course be shared.

BTW: CEQA attached to EVERY SINGLE DISCRETIONARY DECISION and it seems to me that animal licensing is indeed a discretionary action. That (in my opinion) is the point that we have to drive home. Animal facilities may not be required to get an EIR, but the potential noise and odor impacts demand that they don't get a neg dec either. An MND is appropriate, and the mitigations imposed must address noise impacts. I would never insist on a standard for silence or no barking at all, BUT there have to be some conditions that impose permit modification/revocation requirements if a reasonable noise standard is not met. you could even use a 24 hour fenceline standard.

here are the Title 10 provisions cited above:

10.12.170 Complaint investigation authority.

The director shall receive, investigate and report to other county officers and county departments complaints concerning disturbing or offensive **noises** or conduct of animals or fowl kept or maintained in the unincorporated territory of the county of Los Angeles.

10.40.065 Public nuisance.

A.....

B.

Every person who maintains, permits or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another and who maintains, permits or allows a public nuisance as described above to exist thereon, after reasonable notice in writing from the department of animal care and control has been served upon such person to cease such nuisance, is guilty of a misdemeanor. The existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense.

Thanks

Jacki

-----Original Message-----

From: Three Points-Liebre Mountain Town Council <3pointsliebremountain@gmail.com>

To: Jacki Ayer <airspecial@aol.com>

Sent: Fri, Jun 26, 2015 7:42 am

Subject: Re: dog kennel license revoked in Acton

If the license is "discretionary" why can't it be required to notice the public when an application is filed? The enforcement of noise complaints is, as you indicated, a large part of the problem. It seems contradictory to allow kennels and have a noise ordinance that goes unenforced. Precisely why kennels are unpopular.

Did you notice Bruce's explanation of why CM zones require a CUP? In other parts of the county, they back up to Residential zones where more people are affected!

SZ

SZ

On Thu, Jun 25, 2015 at 9:50 AM, Jacki Ayer <airspecial@aol.com> wrote:
Hey Norm;

I wanted to clarify something, and hope you can help. I went over the permit information I had collected, and I still don't see any kennels/animal facilities/breeding facilities/puppy mills that have ever had their licenses revoked or even modified because of noise complaints. I have info on the Acton kennel shut down in 2002 for unsanitary conditions, animal cruelty, and because the dogs (Chihuahuas) were packed in too tightly. Is that the kennel to which you referred last night? If so, I don't believe noise was ever part of the action that cause the permit to be revoked. Or was it a different kennel operation that you referred to last night?

If you are aware of any kennel that has ever had its license modified or revoked because of noise, I would like to hear about it because my research says that such a thing has not happened. In fact, as far as I can tell, noise issues are not factored into the license review and approval process at all (which I suppose, is the issue that lies at the heart of the problem)

Thank you very much

Jacki

