



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

**Phone: (760) 878-0263
(760) 872-2706
FAX: (760) 873-2712
E-Mail: inyoplanning@inyocounty.us**

AGENDA ITEM NO.

6 (Action Item and Public Hearing)

**PLANNING COMMISSION
MEETING DATE:**

December 7, 2022

SUBJECT:

Zone Text Amendment (ZTA) No. 2022-02/Inyo County – Updates Housing.

EXECUTIVE SUMMARY

Staff has drafted a proposed ordinance to update the Inyo County Zoning Code's Title 18, to meet state housing regulations and requirements from the Department of Housing and Community Development for the 6th Cycle Housing Element approval. Staff is asking the Planning Commission for a recommendation by resolution for the Board of Supervisors to adopt.

PROJECT INFORMATION

Supervisory District: County-wide

Applicants: Inyo County

**Landowners:
Address/** Multiple

Community: County-wide

A.P.N.: County-wide

Surrounding Land Use: Various

Recommended Action:

Recommend that the Board of Supervisors:

1.) Find the proposed project exempt from the requirements of the California Environmental Quality.

2.) Make certain Findings with respect to, and approve, Zone Text Amendment ZTA/2022-02

Alternatives:

- 1.) Recommend modifications to the proposal.
- 2.) Recommend denial. This is not recommended as the ordinance is necessary for the county to be in compliance with new state housing regulations
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

BACKGROUND

All jurisdictions in the state of California are required to have a General Plan. These General Plans must have seven mandatory elements, including a Housing Element pursuant to California Government Code Section 65580 et seq. Housing Element law is the most complicated of the General Plan Elements and Housing Elements must be regularly updated and approved by the State. For Inyo County this is to be done every eight years. The latest update was approved by the state on August 17, 2022.

Staff began the update process in the summer of 2020. The update work consisted of replacing the outdated demographics included in the element; a review of the policies already in place and where the county was with regard to them; identifying sites to meet the Regional Housing Needs Allocation; and, revisions to the current policies and programs based on new state regulations for housing elements and comments received through public, stakeholders and Department of Housing and Community Development (HCD) staff.

It took two years and many iterations of back and forth with drafts to HCD to obtain approval. Since the last Housing Element update in 2014, there has been an abundance of new housing laws adopted by the State. There were quite a bit of changes that had to be made to the Housing Element for it to be compliant with state law. Along with this, the County's zoning code must also be updated to be compliant with the General Plan, as well as, with new state housing law. Staff has prepared a draft ordinance updating Title 18 of the County Code to reflect: the General Plan update; state housing law where it was non-compliant; and/or where HCD required specific policies in the Housing Element. These changes include:

Removal of the Mobile Home Overlay Zone – the One-family Residential (RMH) zone. This overlay has been out of compliance with state law for several years as local jurisdictions cannot “zone out” mobile homes. Having a mobile home overall essentially zones them out of other residential designations. Staff has not applied the overlay for many years. Removing this overlay will result in properties being zoned one-family residential mobile home combined (RMH) to revert to one-family residential (R1), no overlay.

Removal of the Mobile Home Overlay Zone Design Standards. The state prohibits local jurisdictions from having zoning standards that make it difficult for people to site mobile

homes. Recently the requirement for foundations for mobile homes was removed from the County Building Code. This along with the fact that building and health and safety codes address mobile home standards including roof pitch and siding, which is what Title 18 requirements address, makes the zoning code standards redundant and there will be no overlay to apply them to.

Adding Definitions:

- *Emergency Shelter* - means housing with minimal supportive services for homeless people that is limited to occupancy of six months or less by a homeless person.
- *Employee housing* - means premises used for residential purposes for temporary or seasonal persons employed to perform agricultural or industrial labor. The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, or the area set aside and provided for parking of mobile homes or camping of five or more employees by the employer. Concurrent with the previous definition, employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer or recreational vehicle.
- *Junior Accessory Dwelling Unit* - means a unit that is no more than 500-square-feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- *Low Barrier Navigation Center* - means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.
- *Reasonable Accommodation* - means a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.
- *Residential Facility* - means any family home, group care facility, or similar facility determined by the State Department of Social Services, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.
- *Single Room Occupancy* - means a residential facility where living accommodations are individual secure rooms, with or without separate kitchen or bathroom facilities for each room, rented to one or two-person households on a weekly or monthly basis.
- *Supportive Housing* - means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

- *Tiny home* - means a dwelling that is 400-sq-feet or less, excluding lofts, and meets the requirements of the California Building Code.

These definitions were added to correspond with required added uses or to update current definitions to match state definitions.

Remove second homes and the requirement for conditional use permits for them. The County has already added code language addressing accessory dwelling units (ADU), which is the current terminology. Local jurisdictions must allow ADUs to be built with ministerial approval, meaning - with a building permit only. The county's requirement for a conditional use permit is not compliant with state law and staff has not applied it for years.

Remove requirement for a conditional use permit for multiple residential projects of 15-units or more in the R3 and CB zones. This requirement in the zoning code is completely non-compliant with the County's General Plan. The allowed density, per the General Plan for the zoning designations that allow for multiple residential is 15.1-24-units per acre. When the General Plan was adopted in 2002 it was evaluated under CEQA for 15.1-24-units per acre. HCD comments included that the County must remove this requirement.

Include multiple-family dwellings as a principal permitted use and take away the requirement for a conditional use permit in the CB zone. Requiring a conditional use permit for multiple family dwellings in commercial areas is in direct conflict with new state law for certain types of residential development and the County identified parcels for its RHNA sites on CB zoned parcels; therefore, multiple-family dwellings must be a principal permitted use.

Adding:

- Single Room Occupancy Units as principal permitted uses to the Heavy Commercial (C4) zone;
- Residential Care Facility, Single Room Occupancy, Transitional Supportive Housing, Group Homes, and Low Barrier Navigation Centers as principal permitted uses and, removing Residential Care Facility from conditional uses in the R3 zone;
- Transitional and Supportive Housing and Group Homes to the Rural Residential (RR), Rural Residential Starlite (RR0.5 Starlite), R1 and Multiple Residential, 2 units (R2) zones.

These uses must be added to the specified zoning districts for the County to be compliant with current state housing law.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the General 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. These changes affect where in specified residential zoning districts certain uses can occur. These uses are not

new, and do not increase already established densities set forth in the County's General Plan. The changes are also required for the County's zoning code to be compliant with the County's General Plan.

RECOMMENDATIONS

Staff recommends the Planning Commission make certain findings and send a recommendation to the the Board of Supervisors to consider the Zone Text Amendment, make certain findings, and adopt the proposed ordinance, amending the County's zoning code.

Recommended Findings

1. This proposed ordinance is covered by the General Rule 15061(b)(3) [*Evidence: Pursuant to the California Environmental Quality Act (CEQA), the proposal is covered by the General 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; these changes affect where in specified residential zoning districts certain uses can occur. These uses are not new, and do not increase already established densities as set forth in the County's General Plan. The changes are also required for the County's zoning code to be compliant with the County's General Plan.*]
2. Based on substantial evidence in the record, the proposed Zoning text Amendment is consistent with the Goals and Policies of the Inyo County General Plan.
[*Evidence: these changes are being proposed primarily to cause the County code to be consistent with the County General Plan as the changes are requirements of the County's 6th Cycle Housing Element Update approval.*]
3. Based on substantial evidence in the record, the proposed Zoning text Amendment is consistent with Title 18 (Zoning Ordinance of Inyo County Code).
[*Evidence: none of the changes are in conflict with other sections of the County's zoning code and each was added to bring the code into compliance with current state housing law and the changes required to the County's General Plan per the 6th Cycle Housing Element Update with regard to housing uses and opportunities; and therefore, the amendments will not affect the intent of Title 18 to direct certain types of residential land uses to specific areas within the County.*]

ATTACHMENTS

- Draft Ordinance
- Draft Resolution

Attachment
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, AMENDING INYO COUNTY CODE SECTIONS 18.03.060; 18.06.220; 18.06.225; 18.06.291; 18.06.356; 18.06.456; 18.06.466; 18.06.746; 18.06.776; 18.06.777; 18.73.030; 18.06.495; 18.78.350; 18.21.020; 18.21.040; 18.22.020; 18.22.040; 18.30.030; 18.30.040; 18.33.020; 18.34.020; 18.34.040; 18.44.020; 18.44.030; 18.45.020; 18.48.020; 18.49.020; 18.51.020; 18.54.020; 18.75.090 D; 18.75.110 A; 18.75.060 E; 18.75.100 B; 18.78.310 A; 18.78.310 B; 18.78.150 E; 18.76.060 A; AND, AMENDING CHAPTERS 18.36 AND 18.61 OF THE INYO COUNTY CODE.

WHEREAS, on August 16, 2022 the Inyo County Board of Supervisors adopted the 6th Cycle Housing Element Update; and

WHEREAS, on August 17, 2022 the California Department of Housing and Community Development (HCD) approved the County's 6th Cycle Housing Element Update and sent a letter of compliance to the County; and

WHEREAS, HCD's approval of the 6th Cycle Housing Element included required changes to the County's Zoning Code to be in compliance with the requisite changes to the General Plan per the updated Housing Element; and

WHEREAS, staff reviewed the Zoning Code for other inconsistencies with current State Housing Law and found additional places where the Zoning Code needed to be updated to be in compliance; and

WHEREAS, these combined changes include: removing the mobile home overlay effectively eliminating the Single Residence and Mobile Home Combined (RMH) zone and reverting all properties with this designation to the One Family Residential (R1) zone and removing all references to (RMH), the Mobile Home Overlay and Mobile Home Design Standards; adding or amending definitions for Emergency Shelter, Employee Housing, Junior Accessory Dwelling Unit, Low Barrier Navigation Center, Reasonable Accommodation, Single Room Occupancy, Supportive Housing, and Tiny Home; removal of 'second homes' and conditional use permit requirements for them; removal of requirement for a conditional use permit for 15-units and above in the Multiple Residential zone 3-units and above (R3) and in the Central Business District (CB); including Mixed Use in the CB zone to require 50% residential use; adding Multiple-Family Dwellings as a principal permitted use in the CB zone and removing the requirement for a conditional use permit; adding Single Room Occupancy, Transitional Supportive housing, Group Homes and Low Barrier Navigation Centers as principal permitted uses in the CB, General Commercial and Retail (C1), and the Administrative and Professional Offices (C3) zones; adding Single Room Occupancy Units as principal permitted uses to the Heavy Commercial (C4) zone; adding Residential Care Facility, Single Room Occupancy, Transitional Supportive Housing, Group Homes, and Low Barrier Navigation Centers as principal permitted uses and, removing Residential Care Facility from conditional uses in the R3 zone; and, adding Transitional and Supportive Housing and Group Homes to the Rural

Residential (RR), Rural Residential Starlite (RR0.5 Starlite), R1 and Multiple Residential, 2 units (R2) zones; and

WHEREAS, the Inyo County Planning Commission met to discuss the proposed changes to the zoning ordinance with regard to consistency with state law, the General Plan and the California Environmental Quality Act and concurred with staff recommendations.

NOW, THEREFORE, the Board of Supervisors, County of Inyo, ordains as follows:

SECTION I. Section 18.03.060 of the Inyo County Code is amended in its entirety to read as follows:

“18.03.060 Districts Enumerated

There are the following districts, designated by the symbol shown opposite each in the listing contained in this section:

- OS, open space;
- R1, one family residential;
- R2, multifamily residential;
- R3, multiple residential;
- RR, rural residential;
- RR-0.5 - Starlite zone;
- CB, central business;
- C1, general commercial-retail;
- C2, highway services and tourist commercial;
- C3, administrative—professional offices;
- C4, heavy commercial;
- C5, commercial recreation;
- M1, general industrial and extractive;
- M2, light industrial;
- PP, precise plan;
- PUD, planned unit development;
- D, architectural design review board;
- P, public;
- SAHO, snow avalanche hazard overlay.

SECTION II. Section 18.06.220 of the Inyo County Code is amended in its entirety to read as follows:

“18.06.220 – Emergency Shelter. “Emergency Shelter” means housing with minimal supportive services for homeless people that is limited to occupancy of six months or less by a homeless person.

SECTION III. Section 18.06.225 of the Inyo County Code is amended in its entirety to read as follows:

“18.06.225 – Employee Housing. “Employee housing” means premises used for residential purposes for temporary or seasonal persons employed to perform agricultural or industrial labor. The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, or the area set aside and provided for parking of mobile homes or camping of five or more employees by the employer. Concurrent with the previous definition, employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer or recreational vehicle.

SECTION IV. Section 18.06.291 of the Inyo County Code is amended to add as follows:

“18.06.291 – Junior Accessory Dwelling Unit. “Junior Accessory Dwelling Unit” means a unit that is no more than 500-square-feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

SECTION V. Section 18.06.356 of the Inyo County Code is amended to add as follows:

“18.06.356 – Low Barrier Navigation Center. “Low Barrier Navigation Center” means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

SECTION VI. Section 18.06.456 of the Inyo County Code is amended to add as follows:

“18.06.456 – Reasonable Accommodation. “Reasonable Accommodation” means a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

SECTION VII. Section 18.06.466 of the Inyo County Code is amended to add as follows:

“18.06.466 – Residential Facility. “Residential Facility” means any family home, group care facility, or similar facility determined by the State Department of Social Services, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

SECTION VIII. Section 18.06.746 of the Inyo County Code is amended to add as follows:

“18.06.746 – Single Room Occupancy. “Single Room Occupancy” means a residential facility where living accommodations are individual secure rooms, with or without separate kitchen or

bathroom facilities for each room, rented to one or two-person households on a weekly or monthly basis.

SECTION IX. Section 18.06.776 of the Inyo County Code is amended to add as follows:

“18.06.776 – Supportive Housing. “Supportive Housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

SECTION X. Section 18.06.777 of the Inyo County Code is amended in its entirety to read as follows:

“18.06.777 – Tiny Home. “Tiny home” means a dwelling that is 400-sq-foot or less, excluding lofts, and meets the requirements of the California Building Code.

SECTION XI. Chapter 18.36 of the Inyo County Code is amended in its entirety to read as follows:

“RESERVED.

SECTION XII. Section 18.75.090 D of the Inyo County Code is amended in its entirety to read as follows:

“Only signs displaying a property address may be illuminated in any residential zone district (RR, RR-Starlite, R-1, R-2 and R-3).

SECTION XIII. Section 18.75.110 A is amended in its entirety to read as follows:

“In the RR, RR-Starlite Estates, R-1, R-2 and R-3 zones, no sign shall exceed six feet in height.

SECTION XIV. Section 18.75.060 E is amended in its entirety to read as follows:

“No off-premises sign need be removed or altered to conform to this chapter if said sign was lawfully erected in compliance with state laws and local ordinances and was in existence on January 7, 1999, or was lawfully erected after January 7, 1999, the county requires such removal, in which case the county shall pay just compensation to the owner of the sign and the owner of the parcel upon which the sign is located. However, nonconforming off-premises advertising signs and billboards located within residential zone districts (RR, RR-Starlite, R-1, R-2 and R-3) shall be removed or altered to conform to this chapter within the time period set forth in Sections 5412.1 and 5412.3 of the California Business and Professions Code

SECTION XV. Section 18.75.100 B is amended in its entirety to read as follows:

“The amount of signage on any residentially zoned lot (RR, RR-Starlite, R-1, R-2 and R-3) is permitted as follows:

1. In any residential zone, no nameplate shall have a sign area in excess of four inches by sixteen inches.
2. No real estate and/or rider sign shall have a sign area in excess of nine square feet. No more than two such signs shall be placed on any lot.

3. In the R-3 zone, no channel letter or internally illuminated wall sign shall have a sign area in excess of twenty-five square feet. No directory sign shall have a sign area in excess of twelve square feet.

SECTION XVI. Section 18.78.310 A is amended in its entirety to read as follows:
“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:.

SECTION XVII. Section 18.78.310 B is amended in its entirety to read as follows:
“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 one-half acre or more, and in all other zones regardless of lot size, shall be permitted as an accessory use so long as such use complies with all other state and county requirements and ordinances.

SECTION XVIII. Section 18.78.150 E is amended in its entirety to read as follows:
“On a comer lot which is not within a R1 district and abuts a key lot, no accessory building shall be nearer the street than a distance equal to one-half the depth of front yard required on the key lot;.

SECTION XIX. Section 18.76.060 A is amended in its entirety to read as follows:
“Located within, or within three hundred feet of, any residential zoning district, i.e., R-1, R-2, R-3, RR or RR-0.5: or.

SECTION XX. Section 18.73.030 is amended in its entirety to read as follows:
“18.73.030 Short-term rentals—General requirements.
Short-term rentals may be permitted on properties zoned open space (OS); rural residential (RR); rural residential Starlite; one-family residential (R1); and, multiple residential two-units (R2) subject to the following requirements and limitations:.

SECTION XXI. Chapter 18.61 is amended in its entirety to read as follows:
“RESERVED.

SECTION XXII. Section 18.06.495 is amended in its entirety to read as follows:
“RESERVED.

SECTION XXIII. Section 18.78.350 is amended in its entirety to read as follows:
“RESERVED.

SECTION XXIV. Section 18.21.020 is amended in its entirety to read as follows:
“The following are the principal permitted uses of the RR (rural residential) zone:

- A. One single-family dwelling on a lot, including single-family mobilehomes;
- B. Orchards, vegetable and field crops, nurseries and gardens;

C. Transitional, Supportive and Group Homes.

SECTION XXV. Section 18.21.040 is amended in its entirety to read as follows:
“The following are the conditional uses of the RR (rural residential) zone:

A. Social halls, lodges, fraternal organizations and community clubs except those operated for profit;

B. Private noncommercial recreational facilities including country clubs, swimming pools and golf courses;

C. Public and quasi-public buildings and uses of recreational, educational, religious, cultural and public service nature, excluding corporation yards, exterior storage, repair yards and warehouses;

D. Residential care facilities, rest homes and sanitariums;

E. Nursery schools and day care centers;

F. Kennels;

G. Commercial cannabis cultivation on parcels greater than twelve acres; such cultivation shall be at least three hundred feet from all parcel lot lines.

H. Commercial cannabis cultivation on parcels greater than 2.5 acres shall be allowed only in the areas commonly known as Stewart Valley and Charleston View and subject to any design guidelines and other conditions and regulations, including setbacks that may be promulgated or required by the county.

SECTION XXVI. Section 18.22.020 is amended in its entirety to read as follows:
“The following are the principal permitted uses of the RR (rural residential) 0.5 acre-Starlite Estates zone:

A. One single-family dwelling on a lot, including single-family mobilehomes;

B. Orchards, vegetable and field crops, nurseries and gardens;

C. Transitional, Supportive and Group Homes.

SECTION XXVII. Section 18.22.040 is amended in its entirety to read as follows:
“The following are the conditional uses of the RR (rural residential) 0.5 acre-Starlite Estates zone:

A. Social halls, lodges, fraternal organizations and community clubs except those operated for profit;

B. Private noncommercial recreational facilities including country clubs, swimming pools and golf courses;

C. Public and quasi-public buildings and uses of recreational, educational, religious, cultural and public service nature; excluding corporation yards, exterior storage, repair yards and warehouses;

D. Nursery schools and day care centers;

E. Kennels.

SECTION XXVIII. Section 18.30.030 is amended in its entirety to read as follows:
“The following principal uses are permitted in an R-1 district:

A. One single-family dwelling on a lot, including single-family mobilehomes;

B. Garden, orchard field crop, where no building is involved;

C. Transitional, Supportive and Group Homes.

SECTION XXIX. Section 18.30.040 is amended in its entirety to read as follows:

“The following are conditional uses in an R-1 district, permitted only when authorized by the planning commission:

A. Church;

B. School, attendance at which satisfies the requirements of the state;

C. Utility, or public service facility, when operating requirements necessitate its location within the district, but not including a storage garage, machine shop or corporation yard;

D. Recreation facility owned and maintained by an agency of any city, the county, the state or federal agencies;

E. Community clubhouse and recreation area;

F. Parking lot, when established to fulfill the parking space requirements of a use occupying abutting property;

G. Child care facility, in compliance with Section 18.06.223, as determined by the planning commission.

SECTION XXX. Section 18.33.020 is amended in its entirety to read as follows:
“The following principal uses are permitted in an R-2 district:

- A. One single-family dwelling on a lot; two separate single-family dwellings, including single-family mobile homes;
- B. Duplex, including two-family mobile homes;
- C. Garden, orchard, field crop, where no building is involved;
- D. Transitional, Supportive and Group Homes.

SECTION XXXI. Section 18.34.020 is amended in its entirety to read as follows:
 “The following are the principal permitted uses in the R-3 zone:

- A. One single-family dwelling on a lot; two separate single-family dwellings, including single-family mobile homes;
- B. Duplexes, including two-family mobile homes;
- C. Multiple-family dwelling(s). Number of dwelling units to be determined by the general plan;
- D. Garden, orchard, field crop, grazing;
- E. Residential Care Facility;
- F. Single Room Occupancy Units;
- G. Transitional, Supportive and Group Homes;
- H. Low Barrier Navigation Centers (in compliance with CA Government Code 65660-65668).

SECTION XXXII. Section 18.34.040 is amended in its entirety to read as follows:
 “The following are conditional uses in the R-3 zone:

- A. Mobile home parks;
- B. Public and quasi-public buildings and uses of a recreational, educational, religious, cultural or public service nature, excluding corporation yards, exterior storage repair yards and warehouses;
- C. Churches;
- D. Sanitariums;
- E. Nursery schools and day care centers;

F. Parking lot;

G. Child care facility, in compliance with Section 18.06.223, as determined by the planning commission;

H. Informational kiosk in compliance with the provisions of Chapter 18.75 and subject to the provisions of Section 18.34.050.

SECTION XXXIII. Section 18.44.020 is amended in its entirety to read as follows:

“The following principle uses are permitted in the CB district, plus such other uses as the planning director may deem to be similar and not detrimental to other uses permitted in this zone, subject to Section 18.81.020:

A. Auto repair business;

B. Church/community assembly;

C. General hospital/medical services;

D. Libraries and museums;

E. Banks and financial services;

F. Business support services;

G. Indoor entertainment;

H. Eating/drinking establishments;

I. Food and beverage sales, including liquor;

J. Hotels and motels (including bed and breakfasts);

K. Office—Business, professional, and medical;

L. Personal services;

M. Retail sales/rentals;

N. Specialized education and training;

O. Bus and transit shelters;

P. Parking lots/park and ride lots;

Q. Gas stations;

- R. Public and quasi-public buildings;
- S. Mixed use (requires 50% residential use);
- T. Multiple-family housing;
- U. Single Room Occupancy Units;
- V. Transitional, Supportive and Group Homes;
- W. Low Barrier Navigation Centers (in compliance with CA Government Code 65660-65668).

SECTION XXXIV. Section 18.44.030 is amended in its entirety to read as follows:

“The following are conditional uses in the CB district, and shall be permitted only if approved by the planning commission:

- A. Public utility facility or substation, not including any service yard or repair shop;
- B. Mortuary;
- C. Combination signs, electronic signs, informational kiosks and directory boards, off-site directional signs, off-site advertising signs not exceeding fifty square feet in sign area, tall wall signs, and three-dimensional signs in compliance with the provisions of Chapter 18.75 and subject to the requirements of Section 18.44.050;
- D. A detached residential dwelling unit, if it is for occupancy by the owner or lessee of the business premises on the same parcel, or by a caretaker or watchman;
- E. Child care;
- F. Any permitted use when combined with or involving any outdoor display of goods or outdoor business activity;
- G. Commercial cannabis retailer and delivery, pursuant to commercial cannabis license classification 10;
- H. Commercial cannabis distributor pursuant to commercial cannabis license classification 11;
- I. Commercial cannabis microbusiness pursuant to commercial cannabis license classification 12 combining only some or all of those uses otherwise permitted by this section;
- J. Mini-storage facilities.

SECTION XXXV. Section 18.45.020 is amended in its entirety to read as follows:
“The following principal uses are permitted in the C-1 district, when entirely conducted within an enclosed building:

- A. Retail stores, including:
 - 1. Bakery,
 - 2. Book or stationery store,
 - 3. Confectionery store,
 - 4. Drugstore, pharmacy,
 - 5. Dry goods or notions store,
 - 6. Florist or gift shop,
 - 7. Grocery, fruit or vegetable stores,
 - 8. Hardware, plumbing or electrical appliance store,
 - 9. Jewelry store,
 - 10. Meat market or delicatessen store,
 - 11. Apparel and department stores,
 - 12. Amusement enterprises,
 - 13. Antiques stores,
 - 14. Automobile and trailer sales, provided that repair work be conducted wholly within a building,
 - 15. Furniture stores,
 - 16. Secondhand stores if conducted wholly within completely enclosed building,
 - 17. Bar, cocktail lounge, and eating and drinking establishments,
 - 18. Liquor store,
 - 19. Sporting goods store;
- B. Office or ground space:

1. Automobile parking lot,
2. Offices, business or professional, including financial and insurance;
- C. Services:
 1. Bank,
 2. Barbershop and beauty parlor,
 3. Cafe or restaurant (including dancing or entertainment),
 4. Church,
 5. Clothes cleaning agency and/or pressing establishment,
 6. Club or lodge (nonprofit), fraternal or religious association,
 7. Community center,
 8. Dressmaker or millinery shop,
 9. Clinic,
 10. Laundry agency,
 11. Library,
 12. Photographer,
 13. Post office,
 14. Shoe store and repair,
 15. Tailor,
 16. Motion picture theater,
 17. Blueprinting or photostatting,
 18. Cleaning and pressing establishment,
 19. Carpenter shop, if conducted wholly within a completely enclosed building and no more than five persons are employed on the premises,

20. Conservatory of music,
 21. Drive-in business,
 22. Fortunetelling, clairvoyance or astrology,
 23. Interior decorating store,
 24. Locksmith shop,
 25. Massage parlor,
 26. Medical and dental laboratories,
 27. Mortuary,
 28. Newspaper plants,
 29. Public garage, including automobile repairing, and incidental body work, painting or upholstering, if all operations are conducted wholly within a completely enclosed building; provided, however, that where a public garage is located on a lot which does not abut an alley and is within sixty-five feet of a lot in any R district, the garage wall which parallels the nearest line of such district shall have no opening other than stationary windows,
 30. Public services, including electric distributing substation, fire or police station, telephone exchange, and similar uses,
 31. Theater,
 32. Wedding chapel,
 33. Automobile service station, including facilities for general repair or mechanical washing;
- D. Housing:
1. Single Room Occupancy Units,
 2. Transitional, Supportive and Group Homes,
 3. Low Barrier Navigation Centers (in compliance with CA Government Code 65660-65668);
- E. Other uses similar to above if approved by the planning commission.

SECTION XXXVI. Section 18.48.020 is amended in its entirety to read as follows:

“The following principal uses are permitted in a C-2 district, when conducted entirely within a completely enclosed building:

- A. Store for the sale at retail of books, confectionery, dairy products, drugs, flowers, food, gifts, stationery, toys or variety household goods, excluding secondhand stores;
- B. Barbershop, beauty parlor;
- C. Tailor, dressmaking or shoe repair shop;
- D. Office, bank, rental agency;
- E. Laundry, or dry-cleaning pick-up agency, self-service automatic laundry;
- F. Eating establishment, including liquor;
- G. Commercial recreation facility;
- H. Social, cultural, religious or philanthropic institution;
- I. Liquor stores;
- J. Motel, motor hotel;
- K. Automobile service station, including facilities for general repair or mechanical washing;
- L. Parking lot, as determined by the planning department;
- M. Sale at retail of new or used automotive vehicles, recreational vehicles or boats;
- N. Single Room Occupancy Units;
- O. Transitional, Supportive and Group Homes;
- P. Low Barrier Navigation Centers (in compliance with CA Government Code 65660-65668).

SECTION XXXVII. Section 18.49.020 is amended in its entirety to read as follows:

“The following are the principal permitted uses of the C-4 zone:

- A. Wholesale business, storage buildings, warehouses and vehicle storage areas;
- B. Bakery;
- C. Building material storage yard;

- D. Lumber yard;
- E. Contractor's storage yard;
- F. Cabinet shop;
- G. Plumbing shop;
- H. Machine shop;
- I. Sheet metal shop;
- J. Welding shop;
- K. Truck repairing or overhauling, excluding a truck terminal;
- L. Animal hospitals, kennels and veterinaries;
- M. Assay business, excluding commercial processing of ores;
- N. Auto body repair and painting;
- O. Public and quasi-public buildings and uses of administrative, recreational, educational, religious, cultural, or public utility or service nature;
- P. Single Room Occupancy Units;
- Q. Any other use or service establishment determined by the planning commission to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties.

SECTION XXXVIII. Section 18.51.020 is amended in its entirety to read as follows:
 "The following uses shall be permitted in the C-3 district, plus such other uses as the planning commission may deem to be similar and not detrimental to other uses permitted in this zone subject to Section 18.81.020 of this title:

- A. Office or office building for the conduct of business, professional or administrative services;
- B. Bank or loan agency;
- C. Church;
- D. Medical or dental offices;

E. Medical, dental and optical clinics or laboratories (not including the manufacture of pharmaceuticals or other products);

F. Public and quasi-public buildings and uses of an administrative, recreational, educational, religious nature, but not including corporation yards, storage or repair yards, and warehouses;

G. Photographic studio (excluding retail sales of equipment or supplies);

N. Single Room Occupancy Units;

O. Transitional, Supportive and Group Homes;

P. Low Barrier Navigation Centers (in compliance with CA Government Code 65660-65668).

SECTION XXXIX. Section 18.54.020 is amended in its entirety to read as follows:
“The following are the principal permitted uses of the C-5 zone:

A. Hotel, lodge or motel;

B. Dude/fishing ranch;

C. Spa;

D. Restaurant and bar;

E. Riding stable and pack station;

F. General store;

G. Service station;

H. Agriculture and grazing;

I. Single Room Occupancy Units;

J. Any other use or service establishment determined by the planning commission to be of the same general character as the foregoing uses, and which will not impair the present or potential use of adjacent properties.

SECTION XL. 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 XLI. 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 ____ day of December, 2022 by the following vote of the Inyo County Board of Supervisors:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairperson

ATTEST: Nathan Greenberg
Clerk to the Board

By: _____
Darcy Ellis, Assistant

Attachment
Draft Resolution

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. 2022-02 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; and

WHEREAS, the Inyo County Planning Commission held a public hearing on December 7 2022, to review and consider a request for approval of Zone Text Amendment No. 2022-02, 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 2022-02 will result in updates to certain allowed principal permitted uses related to residential use and density, which does not, create higher densities or uses than what is already allowed by corresponding General Plan designations and will cause the zoning code to be compliant with the General Plan with regard to certain residential densities; and

WHEREAS, ZTA 2022-02 is consistent with the Inyo County Zoning code as it will result in updates to certain allowed principal permitted uses related to residential use and density, which does not, create higher densities or uses than what is established in the Inyo County Zoning Code and General Plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that based on all of the written and oral comment and input received at the December 7, 2022, 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) that states 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 project is a proposal to amend parts of the County Code to comply with current State housing laws and the requirements set forth by the California Department of Housing and Community Development, per the County's 6th cycle Housing Element Update, and does not add residential densities or uses that have not previously been evaluated under CEQA or are currently not allowed by the zoning code.
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.
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.

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

RECOMMENDED ACTIONS

1. Approve ZTA 2022-02 based on all of the information in the public record and on the recommendation of the Planning Commission.

PASSED AND ADOPTED this 7th day of December 2022, by the following vote of the Inyo County Planning Commission:

AYES:
NOES:
ABSTAIN:
ABSENT:

Caitlin Morley, Chair
Inyo County Planning Commission

ATTEST:
Cathreen Richards, Planning Director

By _____
Paula Riesen, Secretary of the Commission